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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, September 4, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

I will sing of Thy steadfast love, O Lord, for ever; with my mouth I will proclaim Thy faithfulness to all generations. For Thy steadfast love was established for ever, Thy faithfulness is firm as the heavens.—Psalm 89:1, 2.

We are grateful, O God, that Your love for us is from generation to generation and Your faithfulness is to the ends of the Earth. Protect us, we pray, from all adversaries and keep us always in Your gracious love. May Your mighty gifts protect, support, and heal Your people. That Your will may be done on Earth as it is in Heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 12, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Myra McDaniel, Secretary of State, State of Texas, and the Honorable Mark White, Governor of Texas, indicating that the Honorable Jim Chapman was elected to the Office of Representative in Congress from the First District of Texas in the Special Election held on August 3, 1985.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

THE STATE OF TEXAS

This is to certify, that at a special election held on August 3, 1985, Jim Chapman was duly elected U.S. Representative, District 1, unexpired term

In testimony whereof, I have hereunto signed my name and caused the Seal of State to be affixed at the City of Austin, this the 8th day of August A.D., 1985.

MARK WHITE,
Governor of Texas.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 2, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:20 p.m. on Friday, August 2, 1985, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.J. Res. 251; and

(2) That the Senate agreed to the Conference Report and agreed to a further amendment of the House to S. Con. Res. 32.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to rule 49, as a result of the adoption of the House and Senate of Senate Concurrent Resolution 32, as amended, the Chair announces that House Joint Resolution 372, increasing the statutory limit on the public debt, has been engrossed and is deemed to have been

NOTICE TO HOUSE MEMBERS

Beginning with the September 4, 1985 edition of the Congressional Record, and continuing through the end of the 1st session of the 99th Congress, a new rule will be implemented for the publication of the House proceedings. The new rule is being tested by the Joint Committee on Printing in response to the will of the House as expressed in the passage of H. Res. 230. That resolution, the "Accuracy in House Proceedings Resolution", recommended the elimination of the use of the "bullet" symbol that has heretofore indicated statements or insertions which were not spoken on the House floor. In place of the "bullet", such non-spoken matter will appear in a different typeface from spoken matter.

Members are urged to familiarize themselves with the Policy Guidelines that have been developed to implement the new rule. Copies of the Policy Guidelines and information regarding the intent of the change are available to Members from the Joint Committee on Printing, upon request.

By order of the Joint Committee on Printing.

FRANK ANNUNZIO, *Vice Chairman.*

passed by the House on August 1, 1985.

SWEARING IN OF THE HONORABLE JIM CHAPMAN OF TEXAS AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentleman from Texas [Mr. CHAPMAN] kindly step into the well of the House. He may be accompanied by the senior member of the Texas delegation, Mr. BROOKS, and the delegation.

It is our understanding that the distinguished Senator from Texas, Senator LLOYD BENTSEN, is here also.

Mr. CHAPMAN appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is now a Member of the Congress of the United States. Congratulations.

PRESENTATION OF NEW MEMBER FROM FIRST DISTRICT OF EAST TEXAS

(Mr. BROOKS asked and was given permission to address the House for 1 minute).

Mr. BROOKS. Mr. Speaker, we are all very pleased to have a new Democratic Member from the First District of Texas, and the people in deep, east Texas are honored to have a man of his stature and ability. I know that we in the Congress will enjoy his contributions to our legislative efforts.

The gentleman from Texas [Mr. CHAPMAN] is accompanied here by his wife and his daughter, and I think I speak in behalf of all of the Texas delegation when I say, and the Congress on both sides, that we welcome you here, and I want to point out the unusual welcome in that you are accompanied here today by the very distinguished and able senior Senator from Texas, LLOYD BENTSEN, who is here with you, and we are glad to have you. Congratulations.

Mr. CHAPMAN. Thank you, Mr. BROOKS.

RESPONSE BY NEW MEMBER OF FIRST CONGRESSIONAL DISTRICT OF EAST TEXAS

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute.)

Mr. CHAPMAN. Mr. Speaker, Congressman BROOKS, to my colleagues now that are here gathered, to my dear friend, Senator BENTSEN, the ladies and gentlemen that are here, and particularly those who are on my right, so many good friends from east Texas, I am pleased to be here. I pledge to my colleagues, to the Members of this body and to my constituents hard work, and an honest effort to represent the First Congressional District of Texas and America in this body.

Thank you for your vote of confidence, and I look forward to being a part of this great institution. Mr. Speaker, thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills and joint resolutions on Tuesday, August 6, 1985:

H.R. 2068. An act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes.

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education.

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

H.R. 2908. An act to amend title XI of the Education Amendments of 1978, relating to Indian education programs.

H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Leonore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

S. 960. An act to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

S. 1147. An act to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws.

S.J. Res. 98. Joint resolution condemning the passage of Resolution 3379, in the U.N. General Assembly on November 10, 1975, and urging the U.S. Ambassador and U.S. delegation to take all appropriate actions necessary to erase this shameful resolution from the record of the United Nations.

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week", and

S.J. Res. 168. Joint resolution designating August 13, 1985, as "National Neighborhood Crime Watch Day."

□ 1210

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 4, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 4:00 p.m. on Thursday, August 8, 1985 and said to contain a message from the President and a copy of a publication on the Regulatory Program of the U.S. Government; and

(2) At 3:10 p.m. on Wednesday, August 28, 1985 and said to contain a message from the President on nonrubber footwear trade decision transmitted pursuant to 19 U.S.C. 2253(b)(2); and

(3) At 3:20 p.m. on Thursday, August 29, 1985 and said to contain a message from the President under the Federal Pay Comparability Act of 1970.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

PUBLICATION OF REGULATORY PROGRAM OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations:

(For message, see proceedings of the Senate of Wednesday, August 14, 1985, at page 22821.)

NONRUBBER FOOTWEAR TRADE DECISION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-100)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

In accordance with Section 203(b)(2) of the Trade Act of 1974 (19 U.S.C. 2253(b)(2)), I am writing to inform you of my decision today to direct the Secretary of Labor to develop a plan to utilize the Job Training and Partnership Act of 1982 to aid dislocated workers in the nonrubber footwear industry. At the request of the Senate Finance Committee, the United States International Trade Commission (ITC) instituted an investigation to determine whether increasing imports of

domestic nonrubber footwear industry. The ITC found that nonrubber footwear imports are a substantial cause of serious injury, or threat thereof, to the domestic footwear industry.

While the escape clause provisions of the Trade Act of 1974 require the ITC to determine the question of whether a domestic industry has been seriously injured as a result of increased imports, I am charged with the responsibility of determining whether the provision of import relief to the domestic industry is in the national economic interest. After considering all relevant aspects of the case, including those set forth in Section 202(c) of the Trade Act of 1974, I have determined that granting import relief would not be in the national economic interest. I believe my decision today will promote our national economic interest by encouraging an open, nondiscriminatory and fair world economic system, a system in which jobs are created and prosperity grows through increased productivity and competitiveness in an open market. As my determination does not provide import relief to the industry, I am setting forth the reasons for my decision.

First, import relief would place a costly and unjustifiable burden on U.S. consumers and the U.S. economy. The Council of Economic Advisers estimates that the global quota remedy recommended by the ITC would create between 13,000 to 22,000 jobs with an average annual wage of $14,000. However, the cost to consumers to create these jobs would be $26,300 per job, amounting to a total consumer cost which could be as high as $2.9 billion over the next 5 years. Moreover, these jobs would not provide permanent employment and would be likely only to last during the 5-year relief period.

Second, import relief would result in serious damage to U.S. trade in two ways. If the ITC global remedy were imposed, U.S. trade would stand to suffer as much as $2.1 billion in trade damage either through compensatory tariff reductions or retaliatory actions by foreign suppliers. This would mean a loss of U.S. jobs and a reduction in U.S. exports. U.S. trade would also suffer because of the adverse impact import relief would have on major foreign suppliers, such as Brazil, who are heavily indebted and highly dependent on footwear exports. Import relief would lessen the ability of these foreign footwear suppliers to import goods from the United States and thus cause an additional decline in U.S. exports.

Third, I do not believe that providing relief in this case would promote industry adjustment to increased import competition. While imports of nonrubber footwear have increased rapidly over the last 12 months, I believe that the industry has been and is in the process of successfully adjusting to increased import competition. An industry that was once characterized by many small firms with limited manufacturing capability, has now emerged as an industry led by larger, more efficient producers who have invested in state of the art manufacturing equipment, diversified into profitable retail operations, and filled out their product lines with imports to respond to rapidly changing consumer taste.

In order to address the difficult problems faced by workers in the industry, I have directed the Secretary of Labor to work with State and local officials to develop a retraining and relocation assistance program specifically designed to aid workers in the nonrubber footwear industry. Appropriate programs of the Job Training Partnership Act are to be used to the fullest extent possible under U.S. law.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1985.*

DECISION ON PAY ADJUSTMENT FOR FEDERAL EMPLOYEES UNDER FEDERAL PAY COMPARABILITY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-101)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, the President is required to make a decision each year on what, if any, pay adjustment should be provided for Federal employees under the General Schedule and the related statutory pay systems.

My pay advisors have reported to me that an increase in pay rates averaging 19.15 percent, to be effective in October 1985, would be required under existing procedures to raise Federal pay rates to comparability with private sector pay rates for the same levels of work. However, the law also empowers me to prepare and transmit to the Congress an alternative plan for the pay adjustment if I consider such an alternative plan appropriate because of "national emergency or economic conditions affecting the general welfare."

Accordingly, after reviewing the reports of my Pay Agent and the Advisory Committee on Federal Pay, and after considering the adverse effect that a 19.15 percent increase in Federal pay rates might have on our continuing national economic recovery, I have determined that economic conditions affecting the general welfare require the following alternative plan for this pay adjustment:

In accordance with section 5305(c)(1) of title 5, United States Code, the pay rates of the General Schedule and the related statutory pay schedules as adjusted by Section 1 of Executive Order No. 12496 of December 28, 1984, shall remain in effect without change.

Accompanying this report and made a part hereof are the pay schedules that will remain in effect under this alternative plan, including, as required by section 5382(c) of title 5, United States Code, the rates of basic pay for the Senior Executive Service.

RONALD REAGAN.

THE WHITE HOUSE, *August 29, 1985.*

PERMISSION TO MODIFY COMMITTEE AMENDMENT TO CONFORM TO FUNDING CEILINGS REPRESENTED BY SENATE CONCURRENT RESOLUTION 32

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the committee amendment at the desk which was printed in the CONGRESSIONAL RECORD on July 11, 1985, and which the rule, House Resolution 223, passed by the House on July 24 makes in order during the consideration of H.R. 10, be modified to conform to funding ceilings represented by Senate Concurrent Resolution 32, passed by the Congress August 1, 1985, setting forth the congressional budget for the United States.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. CLINGER. Reserving the right to object, Mr. Speaker, I do so only for purposes of permitting the chairman to explain the purpose of this unanimous-consent request.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, this request is to permit the change of authorized funding levels in the committee amendment to be offered later today to bring it into conformity with the congressional budget resolution passed August 1.

The committee amendment published in the CONGRESSIONAL RECORD of July 22, 1985, reduced the funding levels authorized by the bill for fiscal year 1986 to those represented by the budget resolution as passed by the House. It was the only guidance we had at the time the amendment was printed in the RECORD.

We now have the budget resolution as passed, and would like to bring authorized levels of funding into conformity with it.

Mr. CLINGER. I thank the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1128, CLEAN WATER ACT AMENDMENTS OF 1985

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1128) to amend the Clean Water Act, and for other purposes, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and appoints the following conferees: Messrs. ROE, ANDERSON, MINETA, OBERSTAR, EDGAR, TOWNS, SNYDER, HAMMERSCHMIDT, STANGELAND, and CLINGER;

And additional conferees as follows:

Mr. NOWAK, solely for sections 59 and 73 of the House amendment and modifications committed to conference; and

Mr. ROWLAND of Georgia, solely for sections 5; 16(b)(1)(b); 16(h)(3)(a); 24(e)(7); 26(b)(3); and 51(a)(2) of the House amendment and modifications committed to conference.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 281

Mr. REID. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 281.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

INTRODUCTION OF LEGISLATION TO EXEMPT STATE AND LOCAL GOVERNMENT EMPLOYEES FROM COSTLY OVERTIME PAY REQUIREMENTS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I am introducing legislation today that will exempt State and local government employees from overtime wage coverage under the Fair Labor Standards Act of 1938 [FLSA] and will clarify the application of that act to volunteers. My bill is nearly identical to legislation introduced in the other body as S. 1570 by my good friend, the gentleman from Oklahoma [Mr. NICKLES]. Our bills address potentially costly fiscal problems of our local governments stemming from a February 19, 1985, ruling by the U.S. Supreme Court. The Court's decision in Garcia versus San Antonio Metropolitan Transit Authority extended the FLSA to nearly all State and local government employees.

The Garcia decision requires that State and local governments pay their employees overtime for any hours worked over 40 per week, except police and firefighters, who may work longer before accruing overtime.

Prior to the Court's ruling, employees frequently took compensatory time off in lieu of overtime pay. This arrangement was satisfactory to many employees, reflected the seasonal nature of several local jobs, and greatly aided financially strapped local governments.

The overtime pay mandate of the Garcia decision now threatens local governments and our citizens with tax increases, reduced services, and even layoffs.

My bill will fend off the adverse consequences of this unwarranted Federal intrusion by allowing more flexible "comp time" arrangements in lieu of overtime pay.

It also would allow volunteer workers to be paid incidental expenses without jeopardizing their volunteer status.

My legislation would not repeal those provisions of the FLSA regarding minimum wage standards and protection against exploitative child labor practices. The effective date of this bill would be retroactive to February 19, 1985, the date of the Court's decision.

Please join me in restoring the prerogatives of States and local governments to manage their own affairs by cosponsoring this urgently-needed legislation.

The text of my bill follows:

H.R. —

A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime requirements of that Act employees of States and local public agencies and to clarify the application of that Act to volunteers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OVERTIME REQUIREMENT.

(a) AMENDMENT.—Section 13(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)) is amended by striking out the period at the end of paragraph (29) and inserting in lieu thereof "; or" and by adding after that paragraph the following:

"(30) any employee of a public agency that is a State, a political subdivision of a State, or an interstate governmental agency.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to workweeks beginning after February 19, 1985.

SEC. 2. VOLUNTEERS.

Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

(1) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), and (4)", and

(2) by adding at the end the following:

"(4) The term 'employee' does not include any individual who volunteers to perform services for a public agency that is a State, a political subdivision of a State, or an interstate governmental agency and volunteers to perform such services without compensation or for expenses or a nominal fee.".

SEC. 3. CONFORMING AMENDMENTS.

(a) SECTION 7.—Subsection (k) of section 7 of such Act (29 U.S.C. 207(k)) is repealed.

(b) SECTION 13.—Paragraph (20) of section 13(b) of such Act (29 U.S.C. 213(b)(20)) is repealed.

A WELCOME TO THE HONORABLE JIM CHAPMAN AS A MEMBER OF THE HOUSE

(Mr. LELAND asked and was given permission to address the House for 1 minute.)

Mr. LELAND. Mr. Speaker, first of all, I would like to welcome all of my colleagues back. It is good to be back in the midst of all of them so we can engage ourselves in our very arduous work ahead of us.

Let me take a few minutes to just say that a few months ago we lost one of our great Members of the U.S. Congress to the Federal judiciary. I was happy for Sam Hall when he took his assignment, but I was also concerned that the residents of the First Congressional District of Texas would continue to receive effective leadership. Well, today I am proud to stand here in the People's House and state that a certain young man from Sulphur Springs, TX has allayed my concern for the welfare of the people in the First Congressional District.

As chairman of the Texas Democratic delegation, it is with great pleasure that I welcome the newest Member of the U.S. Congress and, of course, of the Democratic delegation, Congressman JIM CHAPMAN. I am impressed with JIM because he chose to make the personal sacrifice to serve the people of the First Congressional District as their Representative in Washington. Yet no one should be surprised that he would undertake the task to serve the people. JIM was a public servant long before he came to Washington.

As of today, JIM CHAPMAN will represent a congressional district with one of the most colorful histories in the U.S. Congress. The First District was represented for many years by the Honorable Wright Patman and most recently, of course, by Sam Hall. I am confident that before JIM CHAPMAN leaves this House, he will have a few pages of history to write on his own.

AMERICA'S No. 1 PROBLEM—DEFICITS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, Mr. President, let me say to my col-

leagues that the word from the people of western Wisconsin, after a 75-city tour during the past month, is deficit, deficit, deficit—the budget deficit, the trade deficit, and farm-income deficit. And they plead with all of us to set aside our partisanship and our ideology and respond to the needs facing this country with these deficits at the present time.

It did not take the weekend following the passage of that budget resolution for the American people to recognize that it was an inadequate response to the national debt. Even in a rural district such as mine they are absolutely alarmed at the staggering trade deficit facing this country and continuing to grow. And let me tell the Members that the present farm-income deficit is causing the removal and the destruction of the family farm across the country.

Deficit, deficit, deficit—budget deficit, trade deficit, farm-income deficit. Our work is cut out for us in the next few months.

HURRICANE ELENA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, as you know, Hurricane Elena slammed into the Mississippi gulf coast on Labor Day, bringing winds in excess of 120 miles an hour.

The home of our colleague and minority whip, TRENT LOTT, sustained some damage in the hurricane. The veterans hospital in Gulfport reports $1 to $2 million in damage, and hundreds of homes and businesses were destroyed. It is certain that property damage costs will run into the hundreds of millions, but we can all be thankful that no one was killed in Mississippi but there were some deaths in Florida.

This storm proved that even with the best equipment, we cannot predict where a hurricane will hit. But the storm watchers and volunteers who manned the shelters and evacuation operations deserve praise. Their work surely helped save people.

Mississippi gulf coast residents survived Camille in 1969 and Frederic in 1979. If I know my fellow Mississippians, I can say with confidence that they will bounce back from this hurricane and those Federal Government agencies certainly help.

INTRODUCTION OF LEGISLATION TO CORRECT BUDGETARY PROBLEMS STEMMING FROM GARCIA DECISION

(Mr. DAUB asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. DAUB. Mr. Speaker, today I am introducing legislation in response to the Supreme Court's decision in Garcia versus San Antonio Metropolitan Transit Authority—a decision that subjects employees of State and local governments to the Fair Labor Standards Act [FLSA].

The National League of Cities and the International City Managers' Association estimate that compliance with Garcia will cost $1 billion for this coming year. For fire-protection service alone, the city of Omaha, NE, projects the additional cost of overtime will be $370,000 for the coming year.

Flexible and innovative employment practices, many of which are negotiated between local governments and municipal workers' unions, will no longer be possible under this court decision. The Garcia decision has also created problems with regard to individuals providing voluntary services to State and local governments.

The legislation that I have introduced will rectify these impending effects but still preserve important minimum-wage standards. My bill will exempt State and local governments from the overtime provisions of FSLA retroactive to February 19 and will also exempt individuals providing volunteer services to State and local governments from the minimum wage and overtime provisions of the FSLA.

Mr. Speaker, I circulated a "Dear Colleague" letter on August 27 and would appreciate Members' attention.

GOP IN DISARRAY, DEMOCRATS GAIN IN AUGUST

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, the President said yesterday, "we're in power," meaning the Republicans. I'm glad he finally admitted that after 4½ years—maybe he realizes that this fall is the Republicans' last opportunity to face reality before the Democrats step in and pick up the pieces.

In any event, it was a great August for the Democrats: JIM CHAPMAN defeated the national GOP machine and won a key House race. The Senate Republicans suffered a key retirement, and their control looks even more temporary. And the grassroots Democrats slammed an open door in the Republican National Committee's face.

Contrast this with President Reagan's warning yesterday to fellow Republicans to toe the line or else.

Why such disarray in the GOP? Because events now clearly control the White House agenda, not the other way around anymore, as their mismanagement of the economy and 1984 happy talk campaign have finally caught up with them.

Take any issue: Agriculture, trade, the national debt, and more, the situation is getting worse, and the Republicans don't have a policy to deal with any of them.

THE DEATH PENALTY FOR TREASON AND ESPIONAGE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, now we have the tragic stories of espionage and treason and betrayal coming out of West Germany to add to the stories that we have learned about American disloyalty in the Walker conspiracies. It is time for this Congress to act and to act responsibly to restore to the laws of the Nation a death penalty to apply for treason and espionage.

We have talked about this, and we have taken action bit by bit, but there is lodged in the Judiciary Committee a comprehensive death-penalty bill that will apply to this kind of betrayal. I urge the chairman of the Subcommittee on Criminal Justice on which I serve in that Committee on the Judiciary to take action and will consult with him in order to bring that up to the floor.

But in the meantime I urge my colleagues to sign Discharge Resolution No. 2 to add pressure on that momentum so that we can act responsibly and bring about this much-needed deterrent to betrayal of our country.

NEW YORK TIMES CRITICIZED FOR FIRING COLUMNIST

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I was exteremely disappointed by the action of the people who run the New York Times when they fired a columnist named Sydney Schanberg because he had been controversial, outspoken, and on occasion willing to criticize the New York Times itself. I have generally been supportive of the major media institutions in this country when they fought for the right for free and open and untrammeled debate, and obvioulsy they have the right as the owners of that paper to run it as they wish. But I am disappointed in their unwillingness to commit themselves internally to the kind of standards of free and open debate that they understandably argue for publicly.

The New York Times ought to be ashamed of itself for that act of self-censorship, and I hope they will reconsider what they have done.

THE BUDGET: IT'S A PHONY

(Mr. PORTER asked and was givern permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, let me be very blunt.

That budget resolution we passed 5 weeks ago is a sham. It's a phony. We have the audacity to tell the American people that we cut $55 billion from the deficit. You know, I know, all the Members of both Houses know this so-called compromise pales next to the $56 billion in cuts the Senate budget originally proposed. Those were honest numbers. Ours aren't.

Sure, some numbers were concocted to make it sound good. Sure, some token cuts were made. Amtrak cut 15 percent. EDA cut 20 percent. But if we can't muster the nerve to entirely eliminate EDA, we'll never eliminate any program from the budget. We cut farm programs barely half as much as the Senate proposed, and no one thinks even these modest cuts will actually occur.

And, yes, a nice increase for defense—camouflaged by low outlay estimates, which are not binding. And yet another Social Security increase at a time even we can't afford it.

All of this is worse than phony. It's not fair. Not fair to our children. Throughout their lifetimes, they'll be footing the bill for this folly.

ASAT TEST

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I call the attention of my colleagues to the fact that the President has authorized the testing of an antisatellite weapon against an object in space, which test may take place at any time, perhaps even as we speak. In accordance with provisions of existing law, the President has certified that he is negotiating in good faith with the Soviet Union for an ASAT arms control treaty, that the test is essential to the security of the United States, that it will not do irreparable harm to the prospects for an arms control treaty for space weapons, and that it does not violate the ABM or other arms control treaties. He made this certification on August 20, 1985, while the Congress was in recess, and the required 15 days waiting time expires today, September 4, 1985, while the Congress is still unable to take any action.

The certification made by the President can only be described as fiction, devoid of any resemblance to reality. We could probably have expected something of this sort, since most of the President's policies seem to originate in fantasyland. However, this action constitutes the most bare-faced definance of a specific congressional mandate I have experienced during my tenure in the Congress. I presume that the President takes the position that while he is required to make a certification, there is no requirement that the certification be true, and no congressional sanction for a false certification.

Mr. Speaker, I propose to take additional time in a special order today to discuss the action of the President in more detail. I invite other Members concerned about arms control to join with me, as well as those Members supporting the President on ASAT testing and deployment, so that they may correct any errors or excess of language which may inadvertently enter my remarks.

COURTS FAIL IN THEIR RESPONSIBILITY TO PUNISH VIOLATORS OF LAWS ON HIGH-TECHNOLOGY DIVERSION

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, it never stops—that is, the diversion of high technology. Whenever you open the paper, for example, in August, you see that an illegal exporter gets a suspended sentence or a high-tech exporter gets a reduced jail term.

We in this body spent endless hours to enact legislation designed to prevent the diversion of high technology. We stiffened the penalties, we increased surveillance, but all to no avail if the courts will allow the violators to violate our laws and do this with impunity.

The judges, in my opinion, are totally irresponsible in carrying out their obligations to enforce the laws that this Congress passed, and in my opinion the judges bear an onus for the additional defense spending that is required to insure that the capabilities that are obtained by the Soviets because of the diversion are countered by us, and I think they have to share much of the blame for the high defense spending that takes place many times when they do not enforce the laws that we pass against diversion of high technology here in this body.

THE PEOPLE SEE JOBS, NOT TAX REFORM, AS NO. 1 ISSUE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I spent the month of August back in my district in Louisiana listening to and talking to people about what was on their minds. Let me give the Members a quick 1-minute report.

They ask of the Congress three things. First they ask us to do something about the deficit. They figured out that a $200 billion deficit leads to an overvalued dollar and high real interest rates. It is costing them jobs, and jobs are on their minds. They say that we can start with defense. Surely we can defend America with $292 billion.

Second, they talk about the trade deficit and jobs. In the 1 hour that we will spend today doing 1-minute speeches, we will lose 400 manufacturing jobs overseas while the President spouts slogans on free trade and we just spout. My district said that America is Uncle Sam, not Uncle Sucker. Lead, Mr. President, or get out of the way.

Finally, in last place they put tax reform. They are all for it, but they said the President's plan is not simple, not fair, and they ask the question: What does the President's plan do for jobs? Is this another contemporaneous recordkeeping ploy?

Mr. Speaker, tax reform is not the issue. Jobs is. A bill uncertain on employment, a bill adding to the deficit is death to jobs, and it ought to be dead in the House. The tax bill needs to be improved or removed.

REMOVAL OF SOVIET CITIZENS FROM JOBS IN AMERICAN EMBASSIES

(Mr. COURTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, the State Department employs about 200 Soviet citizens in our two diplomatic missions, some in our Embassy in Moscow and some in our consulate in Leningrad. Last May the House of Representatives passed an amendment proffered by myself which would have prohibited the further hiring of Soviet personnel in our Embassies because of the security problems they have caused in the past. Some of our typewriters, as a matter of fact, were bugged.

In view of the fact that we have been reading about the "spy dust" imbroglio whereby a possible carcinogenic agent was placed on our mission personnel there so their whereabouts and who they met could be traced by the Soviet Union, it becomes that much more important to make sure that Soviet personnel do not have access inside our Embassy. Because the conference report watered down the House amendment making this voluntary, I will be introducing this week a bill which requires that the State Department remove Soviet personnel from our Embassy, and I urge my colleagues to cosponsor the legislation.

WESTERN KENTUCKIANS SAY NO TO INDIVIDUAL TAX RAISES

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, as we welcome today the new Member of Congress form the First District of Texas, I take this 1 minute to comment that in the First District of Kentucky, which I'm privileged to represent, the people are very much aware of the issues before this 99th Congress.

During the recess I kept listening to my constituents.

Yes, they mentioned economic sanctions for South Africa.

Yes, they are anxious about the 1985 farm bill.

They are concerned about Federal deficit spending and trade deficits.

However, the single most talked about issue by western Kentuckians during the August recess involved our present income tax system. They were dismayed at the thought of having to individually pay higher taxes, while many big corporations pay no taxes at all.

Only last week major U.S. newspapers published stories with headlines such as "No U.S. Income Taxes Were Paid in '84 By 40 Big, Profitable Firms, Study says" and "50 Major Firms Paid No Income Tax '81-'84."

I am finding it increasingly difficult to explain to my constituents why the Federal Government continues to tolerate this inequitable situation. It is unfair to ask individuals to pay higher taxes, while allowing big corporations to pay no taxes at all or, indeed, to receive huge tax refunds and credits.

□ 1240

THE 40TH ANNIVERSARY OF END OF WORLD WAR II

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, sometimes the anniversaries of great events in world history and U.S. history pass when we are on one of our district breaks. The 40th anniversary of the end of the greatest killing in all history, World War II just passed. Those anniversaries were celebrated while we were on our break and we did not have the advantage of those of us who are the elected Representatives of the people to comment upon that great moment in history. The 40th anniversary is important because that is when most of the survivors are still alive to look back with some historical perspective.

I have not yet recovered from the disgusting, obnoxious, television coverage of the fall of Saigon last April on the 10th anniversary, but I certainly was not ready for the 40th anniversary, including one Congressman of this House, on Hiroshima and Nagasaki, expressing shame about the end of World War II and using atomic weapons.

I would recommend to that distinguished Member that he reread, as I did, "Death March," the story of Bataan and what happened to over 60 percent of our prisoners of war in the Pacific Theater, the torture and death that they went through. Only a handful of Americans, several hundred of our POW's in Hanoi, including a distinguished Member of this body, have ever suffered as much as the men taken prisoner in the Pacific. Only 1 percent of our POW's died in Nazi Germany in spite of all the horror of the concentration camps against civilians, but over 60 percent of our men died in the Pacific.

Read this book and you will never again express shame or whimper about the end of the Second World War, using atomic weapons.

HOPE FOR THE FUTURE OF PAKISTAN

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, several months ago a young bright woman came to visit me in my office and she talked about her hopes for the future of her country. She spoke about her deeply felt desire that freedom return to the land of her birth. Her name was Benazir Bhutto and the country of her birth is Pakistan.

Several days ago she was rewarded for her beliefs in democracy and liberty for her country by being placed under house arrest. Despite the death of her father by the Zia government, Miss Bhutto spoke not a word in retribution. Despite 8 years of military rule by the Zia government, she spoke of peaceful change. Indeed, shortly before her arrest she told her supporters that the government must have a chance to live up to its promise to end martial law and restore constitutional civilian rule.

Her sole crime, Mr. Speaker, was her popularity. Let the Zia government understand today that Miss Bhutto has friends in America, as she has popular support in Pakistan.

Let him understand as well that we are watching that she is safe and secure and let that Government understand that as we have extended the hand of friendship, so, too, it can be withdrawn.

SOUL OF AMERICA AT STAKE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the President's decision not to support the ITC finding that the American shoe industry should be protected against a flood of foreign imports highlights a growing problem of constitutional separation of powers.

The Constitution grants to the Congress the power over "interstate and foreign commerce"—a power which over the last 20 years has been given over by this body to the executive branch in a series of trade laws.

The distinguished chairman of the Commerce, Science, and Transportation Committee of the Senate suggested this past weekend that it is time for the Congress to take back some of the power it has ceded away. I think he is right.

Weekly we hear of yet another industry being destroyed by rising imports—petrochemicals being the newest to be added to the list which ranges from the smallest ball bearings and shoes to automobiles and trucks. What is at stake here is not an ideal of free trade in a perfect world, what is at stake right now is the very soul of America—our industrial base.

As Members of Congress we are sworn to uphold the Constitution. If we are charged by that document with the responsibility for interstate and foreign commerce, then I think we are bound to go about our duty to take back that responsibility.

TRIBUTE TO THE LATE HONORABLE CHARLES W. SANDMAN, JR.

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, regretfully I rise today to note in the RECORD the great loss of a friend, and a distinguished fomer Member of Congress, the Honorable Charles W. Sandman, Jr.

"Charlie," as he was affectionately known to his many friends and supporters in southern New Jersey, died on August 26 after suffering a stroke at his home in Cape May County.

His passing has left a void in the hearts of those who knew, respected, and loved this fine man.

Charlie Sandman was a devoted public servant, who served in the State legislature for 10 years, the U.S. House of Representatives for 8 years, and most recently was chief judge of the Cape May County Family Court.

While he was perhaps best known for his impassioned defense of President Nixon during the impeachment hearings in 1974, Charlie's record of accomplishments goes well beyond that one moment in history, when he

was called upon to cast one of the most difficult votes to ever confront a Member of Congress.

In fact, he was a tireless worker who loved his country, his community, and his family. He dedicated himself for more than two decades to improving the quality of life for the people he served.

Charlie Sandman is survived by his wife Marion and his six children: daughters Carol and Marion, and sons William, Robert, Charles, and Richard. I wish to extend my deepest sympathy toward the entire Sandman family. Charlie was a remarkable man, and we will all miss him greatly.

PRAISE FOR PAKISTAN'S HUMANITARIAN EFFORTS

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I recently had occasion to visit the country of Pakistan as part of my duties as a member of the Subcommittee on Immigration and Refugees and the Subcommittee on Crime of the Judiciary Committee. I would like to take this opportunity to commend the Government of Pakistan on their outstanding humanitarian efforts in providing for the almost 3 million refugees from Afghanistan who have flooded their country, and their program to eliminate poppy cultivation in Pakistan.

The Government of Pakistan has done a remarkable job in caring for and supporting the largest refugee population in the world. One-fifth of the entire Afghan population now is residing in 308 refugee camps inside Pakistan. The refugees in Pakistan are about one-third of the total number of refugees in the world from all countries.

Support of the refugees costs over $1 million a day of which the Government of Pakistan pays about half. Obviously, the drain on their budget and GNP have been enormous. In addition, 3 million sheep and goats have come with the Afghan refugees which have created added pressure on the water and pastures of the country.

The Government of Pakistan has also made great strides in eliminating one of the world's major sources of heroin by taking major steps to reduce poppy cultivation. The number of acres of poppies in Pakistan which have been a primary source of opium and heroin have been dramatically reduced since 1980. In addition, Pakistan is proceeding with a beefed-up, tough program against narcotics trafficking.

The Government of Pakistan deserves recognition and praise for these heroic efforts.

BRING BEN WEIR AND THE OTHER HOSTAGES HOME

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, as we return from our district work period, a great many problems and challenges are before us. I hope that as we confront these issues, we do not forget the seven Americans who are still held hostage in Lebanon.

For the families of these hostages, the days, weeks, and months of waiting go on. Can any of us begin to imagine the pain, the agony, and the loneliness of their solitary vigil waiting for news of their loved ones?

We must not let this human drama go on without our attention and help. We must not let this problem slip out of our minds, and we must insist that this administration do everything in its power to bring these hostages home, and bring them home soon.

Rev. Ben Weir, whose family lives in my district, has been held for more than 1 year. That is too long. Bring Ben Weir and the others home.

STATEMENT ON SEMYONOV HUNGER STRIKE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, yesterday, two blocks from the Soviet Embassy, I met and talked with Alexei Semyonov, stepson of Nobel Peace Prize Laureate Andrei Sakharov and son of Elena Bonner. Five days ago, he began a hunger strike to protest Soviet mistreatment of his parents from whom he has not heard in more than 4 months. Dr. Sakharov, a champion of intellectual freedom, has been in internal exile in the closed city of Gorky since 1980. His wife was sentenced to exile in 1984. Such exile is to live as those already dead.

As cochairman of the U.S. Helsinki Commission, I join in the eloquent remarks of Secretary of State Shultz, who, at the recent 10th anniversary of the Helsinki accords, characterized Sakharov as "the man who, more than any other, represents the ideals enshrined in the Final Act."

The freedoms Dr. Sakharov and Elena Bonner extol are those which are guaranteed by the Helsinki Final Act. Their plight is not an isolated example. It epitomizes the Soviet Union's disregard for the human freedoms and moral standards which guide relations among the states set forth at Helsinki.

If the leaders of the Soviet Union truly wish to improve the atmosphere for the November summit in Geneva, then let them observe the human rights accords they signed 10 years ago and permit the International Red Cross to visit and report on the Sakharovs' condition. In addition, I urge you to join me in requesting the Soviet leaders, as a confidence-building measure, to release Andrei Sakharov and Elena Bonner before the November summit.

VOTE FOR H.R. 1460, ANTI-APARTHEID ACT OF 1985

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, now that we're back from recess, one of the first orders of business Congress must take up is to complete passage of H.R. 1460, the Anti-Apartheid Act of 1985.

While we have spent much of this year debating whether economic sanctions should be imposed by the United States against South Africa, it is clear that the apartheid regime has done more to destroy its own economy than any sanctions we have contemplated to date.

Perhaps now, in the wake of a rapidly deteriorating situation in South Africa, we can send a decisive message to that government and halt its blind march to tragedy, bloodshed, and violence and spark a serious attempt at national reconciliation and dialog with all of the people.

As chairman of the Subcommittee on Domestic Monetary Policy of the Banking Committee, I have written to Federal Reserve Board Chairman Paul Volcker and to certain American financial institutions encouraging them to give serious thought before extending credit or refinancing debt for South Africa, unless new political dispensation and negotiations with all groups in South Africa occurs.

It seems to me that now is the time for all people of conscience to join together and urge the Senate of the United States to vote favorably on the House/Senate conference report on H.R. 1460, and for all of us in the Congress to be prepared to override a veto which our President may use in defense of South Africa's President Botha, and the dying apartheid regime.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, July 29, 1985.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects July 18, 1985:

A succeeding lease at the Railway Labor Building; 400 First Street, NW; Washington, District of Columbia.

A succeeding lease at the Shoreham Building; 15th and H Streets, NW; Washington, District of Columbia.

A succeeding lease at the Tamol Building; 4228 Wisconsin Avenue; Washington, District of Columbia.

A succeeding lease at 1310 L Street, NW; Washington, District of Columbia.

A succeeding lease for multiple agencies at the Matomic Building; 1717 H Street, NW; Washington, District of Columbia.

A succeeding lease at the Century XXI Building; Germantown, Maryland.

A succeeding lease at the Rosslyn Plaza East Building; 1621 North Kent Street; Arlington, Virginia.

Acquisition of space by lease for the Patent and Trademark Office; Department of Commerce; Arlington, Virginia.

A new lease for multiple agencies at the Plaza West Building; Arlington, Virginia.

A succeeding lease at the Ballston Center Tower #1; 800 North Quincy Street; Arlington, Virginia.

A succeeding lease at the Ballston Center Tower #3; 4015 Wilson Boulevard; Arlington, Virginia.

A succeeding lease at the Columbia Pike Office Building; 5600 Columbia Pike; Falls Church, Virginia.

A succeeding lease at III Skyline Place; Falls Church, Virginia.

A succeeding lease at the Fullerton Industrial Park; 7943-59 Cluny Court; Springfield, Virginia.

A new lease at the Northrop-Page Building; 801 Follin Lane; Vienna, Virginia.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Armed Services:

COMMITTEE ON ARMED SERVICES,
Washington, DC, August 21, 1985.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L(50) of the rules of the House that Warren Nelson of the Committee staff has been served with a subpoena duces tecum issued by the United States Claims Court. In consultation with the General Counsel to the Clerk of the House, I will make the required determinations and will notify you of those determinations.

Sincerely,

LES ASPIN, *Chairman.*

NATIONAL DEVELOPMENT INVESTMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 223 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, with Mr. HOYER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York [Mr. NOWAK] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Chairman, I yield 3 minutes to the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I rise to express my strong commitment to and support for H.R. 10. This bill provides a vastly improved legislative vehicle for the Federal Government to invest in our Nation's most economically distressed communities.

The National Development Investment Act, title I of H.R. 10, amends the existing Public Works and Economic Development Act and completely revises the approach for providing assistance to encourage economic diversification, adjustment and development in regional and subregional areas.

Title II of H.R. 10 extends the Appalachian Regional Development Act by authorizing the finish-up program endorsed by the Appalachian Governors and under which the Commission has been operating since 1982.

For the third time, this legislation comes before the House. In the 97th Congress, H.R. 6100 passed overwhelmingly by a vote of 281 to 95; in the 98th Congress, H.R. 10 passed 306 to 113. The bill before us today has been cosponsored by 173 Members and has strong bipartisan support.

This is a pretty good indication that a majority of present and former Members of the House know firsthand the benefits that have been derived in their own areas from successful economic development programs and realize the value of these regional and subregional programs to our overall national economy.

In many years of experience with regional and local economies, we have clearly seen that policies which address economic problems solely at the national level have not sufficiently helped many of our Nation's economically distressed areas. Despite periods of national economic expansion, many areas are bypassed for any number of reasons. There is a continuing urgency to retain targeted economic programs to help as many as possible of our most distressed areas. A strong national economy depends on self-sufficient and productive local and regional economies, economies that have some stability yet sufficient flexibility to weather the technological and structural changes which accompany and facilitate national growth.

The drafting and refining of this legislation has involved extensive oversight and legislative hearings, an in-depth evaluation of existing economic development programs and many long hours of hard work over a period of several years. A number of people have had a role in shaping this bill, however, at this time I want to commend and express special thanks and appreciation:

To HENRY NOWAK, chairman and long-time member of our Subcommittee on Economic Development, who has guided the bill through committee and to the floor in this Congress, and who has worked hard to garner support to continue financing the existing programs until we can enact H.R. 10.

To JIM OBERSTAR, whose dedicated leadership of the subcommittee in the 97th and 98th Congresses was so instrumental in bringing about this carefully constructed economic development initiative;

To BILL CLINGER, ranking minority member of the subcommittee, whose contributions to the legislation and whose bipartisan support and effort helped make the bill possible; and

To GENE SNYDER, ranking member of the Public Works and Transportation Committee for his cooperation in reporting this bill out of committee with a unanimous vote.

I want to take this opportunity also to give special thanks to the members of the Banking, Finance and Urban Affairs Committee, especially to Chairman ST GERMAIN and to Chairman LAFALCE of the Economic Stabilization Subcommittee, for their fine work in amending the legislation in the last Congress and for their support in moving this bill forward.

The National Development Investment Act provides for up to 50 percent Federal grants for construction, repair, rehabilitation, and improvement of public facilities; for locally administered revolving loan funds to assist small business, retain existing business, and for projects that will promote development and create jobs;

and for planning, assistance with preparation of development investment strategies, and technical assistance.

There is a new focus in this legislation not found in existing law. It emphasizes a local leadership role, more private sector involvement, and intergovernmental cooperation and coordination. It encourages long-range investment in mutually supporting projects and activity that will harness existing resources and build on a sound economic basis.

It limits eligibility to areas with an unemployment rate of 1 percent or more over the national level for the previous 2 years or with a per capita income of 80 percent or less of the national average, and targets funds to areas of need and where there is the greatest potential for success and self-sufficiency. It retains eligibility for areas where a major employer has closed or is about to close, which would result in a sudden and severe economic dislocation.

The long-term designation for eligibility, as in current law, is eliminated. Now, an applicant must demonstrate distress, using most recent data, with each application.

It sets a limit of $2 million for a grant in any fiscal year to an applicant to implement a development investment strategy and limits to $1 million, a revolving loan grant. This is to provide a wider distribution of limited Federal funds, to avoid giving one area unfair advantage over another, and to promote a balance of economic development programs in both urban and rural areas.

Title II of H.R. 10 provides for continuation of construction of the remaining 380 miles included in the finish up program for the Appalachian highway system and for the gradual completion, rather than abrupt termination, of the area development projects in progress or ready to go. We cannot turn our backs on the Appalachian region at this point in time without seriously jeopardizing much of the value of the large investments made to date. This would drastically impair the region's efforts and opportunities to move closer to national averages for employment and income and overall standard of living, and would be a waste of both the region's and the Nation's resources.

This bill is a realistic approach for developing long-term economic strategies and addressing regional and local disparities. It retains a measure of Federal help by providing seed capital to stimulate and encourage areas undergoing severe economic shock to tackle their own unique problems, but it calls for States, local communities, and the private sector to assume a greater share of the planning, implementing, and financing to achieve these goals.

The bill also reduces the authorizations for both titles to levels appropriate to our national fiscal problems and reflects the deep concern of us all about the size of our Federal deficit.

I urge passage of H.R. 10.

Mr. NOWAK. Mr. Chairman, I will yield myself such time as I may consume.

It is a great pleasure for me, as chairman of the Subcommittee on Economic Development, to join with my colleagues—Mr. SNYDER, Mr. CLINGER, Mr. OBERSTAR, and Chairman HOWARD—in bringing H.R. 10 to the floor.

This bill is intended to provide badly needed assistance to our Nation's most severely distressed areas in their efforts to solve their own economic problems, promote economic growth and diversification, create or retain permanent jobs in the private sector, and move closer to the Nation's economic mainstream.

H.R. 10 completely revises the programs provided by the Public Works and Economic Development Act and extends the Appalachian Regional Development Act. Title I, the revision of the Economic Development Act, draws upon the positive elements of past economic development activities, yet it provides a new look for a private/public partnership to address the needs of the 1980's. At the same time, it responds to the criticisms of existing programs.

This bill follows the guiding principle that economic development should be initiated at the local level. The bill retains a grant program providing 50 percent Federal grants to States, economic development districts, Indians and local governments, to construct public facilities and improve the basic infrastructure necessary to support development. It also retains grants for business development loans. However, the funds will now go to communities to establish and administer their own revolving loans funds to aid small business with startup capital and expand existing operations to create jobs. Funding is also available for economic development planning, including preparation of development investment strategies, and for technical assistance.

A central feature of the bill is the locally developed, long-range development investment strategy. Communities will prepare their own strategies, setting their own priorities and directing their own destinies, requiring considerable private sector and intergovernmental cooperation and coordination.

Eligibility is determined by any one of three distress criteria: an unemployment rate of 1 percent over the national average for the previous 2-year period; or a per capita income that is 80 percent of the national average. The bill also retains eligibility for areas which have experienced, or are about to experience, sudden economic distress through loss of a major employer.

I want to emphasize that H.R. 10 is a great improvement over existing legislation, and it addresses many of the criticisms and shortcomings of current programs.

The Federal financial responsibility is reduced to a 50-percent funding match, which is less than current law that can go up to 80 percent. This is intended to give local government and the private sector a greater stake in a program's success and to foster even greater leveraging of the Federal dollars.

Under the committee amendment, we are further reducing the amounts to bring the figures in line with the budget resolution passed August 1. H.R. 10 funding for EDA would provide a total fiscal year 1986 authorization of $182.8 million. This is 20 percent less than appropriations for fiscal year 1985 for EDA.

There is a limit of $2 million on the total funds an applicant may receive in a given year to implement a development investment strategy. This is to stretch limited Federal funds and to avoid giving one or a few areas an unfair advantage of revolving disproportionately large amounts. A limit of $1 million is set for each revolving fund grant.

Eligibility criteria is scaled down and only areas with the greatest need will receive assistance. Also, an area, once it is determined as eligible, will no longer remain so indefinitely and must demonstrate it meets distress criteria with each application.

Title II of H.R. 10 covers the Appalachian Regional Commission which has proven to be one of the most successful examples of a Federal/State partnership. The Appalachian region is, in a sense, at a crossroads right now in its efforts to achieve parity with national economic levels. While there has been considerable improvement since 1965, the region is still substantially behind most other areas of the Nation in economic opportunity and quality of life.

This bill provides the legislation to put into effect the finish-up programs the Appalachian Governors agreed to in 1982. It represents a great compromise from original plans, especially to the highway system. The 13 States and localities have assumed greater financial responsibility and private sector involvement has increased, but, according to testimony we received at our hearings, their finances are stretched to the limit. Without Federal assistance, the gaps remaining in the highway system may not be completed, at least in the near future, and some on-going and recently completed projects that are dependent on those

highways will not achieve their planned potential.

The committee amendment reduces Appalachian funds to $121 million—down 20 percent from the fiscal year 1985 appropriation.

The help the Federal Government provides under this bill is not excessive, and it requires a substantial contribution by the local community. However, it represents an investment by the Federal Government that can act as a stimulus to economically distressed areas.

Mr. Chairman, this legislation has been overwhelmingly supported by this body twice before. Four years ago, in the 97th Congress, it passed by a vote of 281 to 95; and 2 years ago, in the 98th Congress by 306 to 113.

Two weeks ago, an amendment designed to terminate EDA by striking funding from the fiscal year 1986 appropriations bill, was soundly defeated 315 to 98. The strength of that vote is a clear indication of the high value placed on this subregional economic development program by the Members of the House.

The bill we bring to the floor today, for the third time, would vastly improve the existing programs, gearing them to meet current economic conditions and needs in local areas. I urge continued overwhelming support for H.R. 10 as a strong signal to the other body that we believe these programs are important and should continue to play a role as a catalyst for economic development in our Nation.

□ 1300

The CHAIRMAN. The gentleman from New York [Mr. NOWAK] has consumed 10 minutes of his allotted time.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the subcommittee.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Emporium, PA, is a small town of 2,800 people nestled in a valley in the Allegheny Mountains and near the New York State line. It is part of Appalachia. It is struggling. The unemployment rate has been in double digits for a number of years; coming down, but not fast enough. Emporium was the birthplace of the Sylvania Electric Products Corp. which, until the late 1970's, was the principal employer, at one time employing over 3,000 people. When, in the late 1970's, a Dutch company, Philips, bought the plant and within months began to phase out all operations. Today, there are only about 80 people employed there. Most of the buildings in the complex are either idle or empty.

But Emporium and its people have not been idle. They have embarked on an ambitious program of economic development. An access road was built to a previously inaccessible site which allowed a local pressed metal plant to expand, creating desperately needed new jobs in the area. The county hired a dynamic young economic development specialist who has been aggressively pursuing ways to attract new jobs and preserve existing ones. Working with the local regional development and planning commission, the community leaders have developed an ambitious but realistic plan for turning their town around. They have already had success with their tourist promotion program.

It is great hunting and fishing country. They are planning to target small to medium companies involved in timber production and the manufacture of wood products. They are surrounded by a lot of timber, forests, very good timber prospects. Most exciting is their plan to take over most of an abandoned Sylvania-Philips plant and convert it into an industrial incubator. They already have five firms committed to move into this complex when it is completed and inquiries from a dozen more. They are raising industrial development money locally. The local banks are involved. A retraining program for workers is underway. Things are definitely looking up in Emporium, PA.

My point is that none of this would have been possible without EDA and ARC. It was the expertise which is available at the North Central Regional Development and Planning Commission funded, in part, by EDA and ARC that enabled them to develop a workable plan, and EDA helped build the access road, which created jobs at the pressed metal plant. EDA is also going to be a partner in developing the industrial incubator which I mentioned.

Mr. Chairman, a small town like Emporium cannot do it alone, but with modest, and I do mean modest, commitments on the part of the Federal Government through the Economic Development Administration and the Appalachian Regional Commission, this assistance, this very modest assistance, coupled with the town's own considerable human resources and its modest financial resources, Emporium is going to make it. It is going to come back. The alternative, Mr. Chairman, was to continue the slow process of withering and dying.

Emporium is not unique. There are countless small towns and cities across the land which have been helped to survive and literally survive and prosper through minimum support from EDA and ARC. They are doing productive work, and that is important, they are creating meaningful jobs, and these are not make-work jobs they are creating, they are not propping up failing industries. The money is going to industries which have a real potential for growth, a real potential for competitiveness, not only domestically but internationally. And that is why, Mr. Chairman, I rise in such strong support of H.R. 10, the National Development Investment Act. I would first like to commend my chairman, Mr. NOWAK, for his outstanding leadership of the Economic Development Subcommittee and for his bipartisan stewardship of the legislation that is before us today.

Mr. Chairman, I also want to commend Chairman JIM HOWARD and the ranking member, Mr. SNYDER, for their leadership and cooperation as well. I feel genuinely fortunate to serve on a committee that has such a long tradition of bipartisan cooperation.

Mr. Chairman, as our chairman indicated, H.R. 10 significantly reforms two Federal assistance programs, the Economic Development Administration and the Appalachian Regional Commission. In the first instance, H.R. 10 completely rewrites the current eligibility and assistance criteria under the EDA, an area under present legislation which in my view has been rightly criticized.

It eliminates the troublesome loan and loan guarantee programs, another sensitive area for these agencies which has not been as effective as others and instead relies solely on grants as a means of assisting local economies. In addition, Federal participation in local development projects would be limited to more than 50 percent. This legislation also imposes a new set of eligibility standards for EDA applicants. Under current guidelines, once a community has attained eligibility as a distressed area, it can use that designation for future applications without regard to changes in the local economy. As many critics of the EDA well know, and as stated on this floor, at present more than 80 percent of our country is deemed distressed and is consequently eligible for EDA assistance and this is clearly not an acceptable situation, which is why H.R. 10 addresses this very critical point.

H.R. 10 indeed changes all that. It abolishes reliance on historic designations and requires the community to establish eligibility with each and every application submitted. To qualify, a community must meet one of three very simple criteria based on unemployment, per capita income, or the prospect of sudden and severe economic dislocation such as a plant closing.

I think it can be safely said that the economic recovery has not been felt in all areas of this country. I am sure most every Member has a few communities that suffer, a community or two that has suffered from persistent and still suffers from persistent high unemployment in spite of the general national improvement in our economy. In view of this situation, it is my firm belief that we need to retain a pro-

gram such as EDA in place to those areas who, for reasons beyond their own control, cannot keep pace with the rest of the country.

With regard to the Appalachian Regional Commission, H.R. 10 adopts the 5-year close-out program endorsed by the Governors of the 13 States, bipartisan support, of the Governors of the 13 States participating in the ARC. It also transfers the ARC Highway Program to the Department of Transportation.

Mr. Chairman, legislation, as has been indicated, very similar to H.R. 10 has passed the House by overwhelming margins in the two previous Congresses. The bill before us today was reported by unanimous voice vote of the full Committee on Public Works and earlier this month, the House demonstrated its support for EDA defeating an amendment by a 3-to-1 margin to the State, Justice, Commerce appropriations bill to eliminate program funding.

Over the past 4 years, Mr. Chairman, we have seen a number of federally funded local assistance programs slated for reduction or elimination. The community development block grant, urban development action grant, and revenue sharing are three examples.

It is my belief that we in the Congress should maintain a Federal assistance program aimed at helping communities who are genuinely distressed and who have nowhere to turn for assistance and who are willing to make a significant contribution on their own part to turn around their own fortunes. The EDA is such a program, a program dedicated to creating private-sector jobs which are going to aid and enhance the overall economy and it is my hope that we will continue to support it again today.

I urge my colleagues to support H.R. 10.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has consumed 7 minutes of his 30 minutes.

Mr. NOWAK. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from New York [Mr. LAFALCE], the chairman of the Subcommittee on Economic Stabilization.

Mr. LAFALCE. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 10, the National Development Investment Act. This bill would authorize the continuation of economic development programs initiated under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, while making some needed changes designed to make both programs more efficient and effective.

Since 1981 these programs have been under direct assault from the Reagan administration, and on September 30, 1982, their authorizing legislation was allowed to expire. Although the House, by substantial margins, passed new authorizing legislation in both 1982 and 1983, the Senate failed to join in these actions. This scenario will likely be repeated again this year, as we have reason to expect that the Senate or the White House will drop their objections to this bill.

Despite this legislative stalemate, the programs have continued through the appropriations process. This has been, at best, a stopgap solution which has created uncertainty among potential grant recipients and prevented the implementation of the meaningful reforms contained in H.R. 10. Several regions of the country have been left largely untouched by the overall economic recovery, which now appears to have stalled. The time is ripe to pass authorizing legislation which addresses this situation.

Notwithstanding the existence of serious economic problems throughout the country which require our attention, the administration has called for termination of both the EDA and the ARC. In explaining its opposition, the administration has argued that the EDA, in recent years, strayed too far from its original mission, and was not effectively targeted to assist those areas experiencing the greatest need.

Some of these criticisms are well taken, and I, myself, have had some past misgivings regarding the untargeted nature of these programs and the sometimes political nature of the decisionmaking process. But the administration has conveniently chosen to ignore the EDA's and ARC's substantial record of achievement. These programs have leveraged billions of dollars in private capital, saved or created approximately 2 million private sector jobs, returned billions in tax receipts to the Treasury, and improved the economic situation of some of the Nation's most distressed regions. We are not resting solely on this record of success, however. H.R. 10 also attempts to address and correct the very weaknesses which have provided ammunition to the programs' critics.

While retaining many of the same tools available under the old act, H.R. 10 establishes tightened eligibility criteria which are designed to ensure that Federal development funds reach only those most deserving of assistance. No longer, as under current law, will distressed areas be automatically eligible for grants, but applicants must demonstrate distress criteria for each application. But need is not the only factor to be considered. Grants are to be made only to those applicants which offer a genuine prospect of achieving long-term economic growth. The ad hoc project-by-project approach prevalent under existing law will be replaced by strategic planning, which emphasizes mutually supporting projects that offer the promise of harnessing existing resources and the development of a sound economic base.

H.R. 10 also recognizes that economic development cannot be promoted from above, but requires intense local involvement in the planning and decisionmaking process. It also requires substantial coordination and cooperation between all levels of government and the private sector. Private sector linkage is a principal characteristic of this legislation. Priority is to be given to those projects which promise significant private sector involvement. Indeed, Federal funds cannot account for more than 50 percent of project costs, which ensures that the project has the support and commitment of all interested parties. Stringent monitoring provisions provide the necessary degree of accountability to guarantee that the programs do not stray from these goals.

These changes meet the stated concerns of EDA's and ARC's critics. Yet, the administration opposition actually extends far beyond the specifics to the very nature of the program itself. The administration has argued that these programs are anachronistic given today's fiscal situation, and that they reflect outdated regional targeting economic policies which serve no national economic purpose.

Nothing could be further from the truth. Rather than being anachronistic, programs of this type are particularly relevant in these times of stagnant and uneven economic growth. They can, if well managed, play a critical role in enhancing the competitive position of our industries and those distressed regions and localities which bear the brunt of structural change.

A strong national economy depends on the cooperation of self-sufficient and productive local and regional economies—economies that have both stability and sufficient flexibility to deal with the technological and structural changes which accompany and facilitate national growth. Increased competitive pressure has made it particularly essential that we adopt institutional mechanisms to overcome and adapt to economic dislocations so as to maintain the competitive position of our economy. There is, therefore, a continuing urgency to retain targeted economic programs to assist some of our most distressed areas in their efforts to diversify their economies, to adjust to necessary changes, and to rejoin the Nation's economic mainstream.

Although I am concerned about EDA's failure to address the adverse impact of increasing international competition on large segments of our economy, these programs symbolize the concept of the public-private en-

trepreneurship which must be kept alive if we are to eventually restore the Nation's international competitiveness.

While H.R. 10 goes a long way in remedying the past problems associated with these programs, alone they will be insufficient to the task. The Subcommittee on Economic Stabilization, which I chair, has proposed several complementary initiatives necessary to revitalize the economy. These proposals include the creation of a Council on Industrial Competitiveness, a Bank for Industrial Competitiveness, a secondary mortgage market for industrial loans, and an advanced technology foundation. If passed, these measures would facilitate public-private cooperation, provide necessary seed capital to potentially viable businesses, and ensure the enhancement of our industrial competitiveness. These proposals, along with those contained in H.R. 10, as well as sound fiscal and monetary policies, constitute the elements of a well-rounded policy which can successfully promote the international competitiveness of our economy.

I am particularly pleased that H.R. 10 incorporates several amendments advanced by the Subcommittee on Economic Stabilization. These amendments, among other things, ensure that the funds granted under this program could not be used to assist plants and business establishments merely to shut down in one area and move to another, and would require the Secretary of Commerce, working with the Secretary of the Treasury, to conduct a study during the first year of this program to determine what it would cost to construct and repair certain public works facilities to bring them up to present service level needs.

Because H.R. 10 incorporates these changes, and in order to expedite consideration of this important legislation, the subcommittee chose not to exercise its jurisdiction over EDA to conduct further hearings during this session of Congress. If, however, H.R. 10 meets the same fate as its predecessor versions have in the Senate, as I regrettably anticipate, the subcommittee will work actively to ensure that EDA does not totally ignore the thrust of these proposed reforms, and to develop, as part of an overall industrial competitiveness strategy, legislation which addresses these vital concerns.

This legislation will harness both public and private resources in such a way as to promote economic growth in those regions of our country most in need of assistance. I urge the House to adopt H.R. 10 as a necessary part of a larger program to revitalize our economy.

Mr. Chairman, I urge support of the bill.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. WYLIE], the ranking member of the Committee on Banking, Finance and Urban Affairs, which has joint jurisdiction over H.R. 10.

Mr. WYLIE. I thank the gentleman from Pennsylvania for yielding this time.

Mr. Chairman, who can disagree with the objectives and intentions of H.R. 10, the promotion of economic development in distressed areas of our Nation? And I hate to disagree with my respected colleagues, Messrs. NOWAK, CLINGER, HOWARD, and SNYDER, but the best intentions cannot and should not be the basis of legislation. At best, such legislation is illusory and through short-term popup development projects fails to recognize long-term marketplace realities.

At worst, it flings wide open the door to pork-barrel abuse and increases our ever-worsening Federal budget deficit. H.R. 10 is the primary example of well-intentioned, yet badly flawed, legislation.

The EDA's original mandate was to save jobs by lending to hard-pressed businesses in poor rural areas. In 20 short years, however, that mandate has been knocked out of kilter. Eligibility requirements have been broadened to the point that all but 19 of 435 congressional districts are now deemed to be "economically distressed" and eligible for loans. Even New York's Westchester County, one of the wealthiest areas in the country with a median family income of over $27,278 a year, makes the hit parade of distressed areas.

Moreover, EDA's lending program has not left a legacy of new jobs or economic activity. Instead, its track record reflects a plethora of problems, including mushrooming loan losses costing an estimated $400 million and imprudent agency underwriting and management of loans, which themselves are thinly veiled—yet classic—pork-barrel projects. According to a 1984 report by the Commerce Department's inspector general, many of EDA's loans never achieved their intended economic impact, many of the loans should never have been made, and, in fact, at least one-third of those loans examined were "manifestly imprudent" and made with the prospects of repayment that were "dim to nonexistent."

I must question why we would continue a program which, in essence, has failed so miserably and now provides outright subsidies for inefficient borrowers. Is this any way to run a program? I think not.

The Federal Government does not have the knowledge or expertise to conduct successful economic development programs, such as that envisioned in this bill. Unlike State and local governments, the Federal Government cannot fully comprehend how to stimulate local economies or fill voids resulting from regional disparities and transitional economies. Federally created programs also carry with them the baggage of extraordinary overhead costs which, when combined with State and local government costs, outweigh any benefits of these programs.

Finally, and most importantly, we cannot ignore the fact that with mounting Federal deficit, we simply cannot afford the luxury of programs such as the EDA that have little, if any, record of success. I am convinced that the only really way to improve local and regional economies is through control of Federal spending and continued economic growth.

A broad-based economic recovery is well within our realm. Indeed, the economy has been expanding, reducing unemployment and increasing economic activity across the Nation.

The single greatest threat to this, however, is the specter of the monstrous Federal budget deficit. Born of our profligacy at home, the deficit has produced real high interest rates, an overvalued dollar, and an ever-increasing trade deficit. All of these results adversely impact our economy and particularly the distressed sectors.

We, the Members, must resolve the budget deficit issue first. We cannot substitute it with other remedial measures which, however laudable they may be, will contribute to—indeed, exacerbate—the very problems which are largely responsible for our current economic difficulties.

I understand that an amendment will be offered by the gentleman from Pennsylvania, Mr. CLINGER, to reduce the funding in H.R. 10 as reported from the Public Works Committee and I applaud that effort. The more crucial vote, however, will occur when we vote on final passage, for it is there that the Members will have a clear opportunity to vote decisively to reduce the Federal budget deficit on our first day back from the August district work period.

Mr. Chairman, our former colleague, Clarence "Bud" Brown, now the Deputy Secretary of Commerce, has urged that we eliminate the EDA and begin "the painful effort to eliminate nonessential Government spending." Bud Brown is right, in my opinion: The EDA at this time represents nonessential Government spending. For this reason, I urge my colleagues to vote "no" on final passage of H.R. 10.

□ 1320

Mr. NOWAK. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia [Mr. WISE], who is a great contributing member of this committee.

Mr. WISE. Mr. Chairman, I rise in support of H.R. 10, to reauthorize the Economic Development Administra-

tion and the Appalachian Regional Commission. As my colleague from New York, Mr. NOWAK, knows, I am an original cosponsor of this legislation.

One project in West Virginia that is funded by the ARC highway program deserves special note—Corridor G in central and southern West Virginia. So far, 51 miles of the highway have been completed, and 5 miles are currently under construction, which leaves a balance of 24 miles to finish the whole project. Without this authorization, the $429 million needed to complete Corridor G would not be forthcoming. Corridor G is vital if my State is to have the transportation system necessary to open up the entire southern section of the State for continued economic development.

This bill is important for a number of reasons. Yes, it creates some primary jobs for the unemployed; yes, it actually saves Federal and State Governments money because of the reduced need for unemployment and welfare programs; but most importantly, the assistance that ARC and EDA provides the States will help us help ourselves. It provides tools to build permanent structures. In my view, a job opportunity is a moral imperative, and this bill will provide the opportunities to create thousands of meaningful jobs for our unemployed citizens.

Is the job done?

An editorial in the Charleston, Gazette, August 25, pointed out that there has been much said and printed about the advances that Appalachia has made in the past 25 years since the ARC was begun. There have been gains, but the work is not completed. Hardship, low income, and low education still are widespread in some regions of Appalachia. For instance, 40 percent of the residents of one county do not have drinking water in their homes. Two months ago, Standard and Poor lowered the rating on $773 million worth of outstanding bonds in West Virginia from AA+ to AA— citing "lingering hard times." Seven million net jobs have been created in the country since 1980, but Appalachia has lost 26,000. Per capita income is 75 percent of the national average in Appalachia.

Both the ARC and EDA have touched almost every county in my State. The funding has helped communities like Elizabeth, Summersville, Charleston, Sutton, Clay, Spencer, Gassaway, and almost every town in my district with such things as highways, vocational schools, clinics, libraries, ambulances, sewer systems, road repaving, airport expansion, technical development and planning, hospital construction, and basic community development.

Mr. Chairman, the ARC is a commitment that is not yet fulfilled. There has been improvement; there is even more to do. No one in Appalachia wants a handout. We aren't looking for a great Federal hand to wipe away our problems. We'll do it ourselves. What the ARC does is put some of the tools in our hands to improve greatly the hardest-hit regions of Appalachia. We're not talking about frills, Mr. Chairman. We're talking about safe water in rural areas, health care and roads. The cost—$121 million next year—more than $20 million less than was spent last year. We're determined to bring to Appalachia the same standard of living, the same opportunities enjoyed by so much of the country. We're asking that the ARC be permitted to continue that important work.

Mr. Chairman, every 1 percent in the national unemployment rate adds $30 billion to our Federal deficit. I view this legislation as deficit reducing, and killing two birds with one stone. Sure, just like every other Government agency that I know of, and many private businesses and corporations, ARC and EDA have had some "flops" in investment—but let's not throw out the baby with the bathwater.

I urge my colleagues to maintain the funding levels in this legislation for ARC and EDA, and to vote in favor of the bill.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the senior member of the Committee on Public Works and Transportation and a long-time member of the Economic Development Subcommittee.

Mr. HAMMERSCHMIDT. Mr. Chairman, I thank the gentleman for yielding time to me, and I also thank him for the expertise and the long-time effort he has made on H.R. 10 and the economic development of our Nation.

I also want to recognize the leadership of the gentleman from New York [Mr. NOWAK] and the fine product that he and the gentleman from Pennsylvania [Mr. CLINGER] brought to the floor.

I also want to commend our distinguished chairman, the gentleman from New Jersey [Mr. HOWARD] and the ranking member of the full committee, the gentleman from Kentucky [Mr. SNYDER], for their cooperation.

Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act, which would reauthorize programs of the Economic Development Administration and the Appalachian Regional Commission.

Communities throughout this Nation, and especially in rural America, have benefited enormously from the assistance provided through these programs. The financial investment in Federal economic development assistance has actually been quite modest, but the return on that investment has been outstanding when measured in terms of job creation and retention.

The Federal role in assisting distressed communities in their efforts to rebuild their public infrastructure and provide basic public services is an altogether proper one, in my judgment, and should be continued. It would be a terrible mistake to assume that all areas of the country have been able to participate fully in our national economic recovery. Pockets of poverty still exist. The needs are still there in so many of our rural communities.

While I firmly believe that we need a Federal program to help distressed communities and while I recognize the outstanding record of the Economic Development Administration, I am mindful of the legitimate criticisms of how the program has been structured. H.R. 10 seeks to address those criticisms with some significant reforms in the EDA Program and its application.

One of the major problems confronting the EDA grant program has been its overly broad eligibility criteria, which literally allowed some 80 percent of the country to be eligible for a limited amount of Federal funds. That had to be changed, and H.R. 10 does just that, and in the process, reduces the portion eligible for assistance nationwide to about 44 percent.

By limiting eligibility, the bill targets the limited number of Federal dollars to those areas with the greatest need. The new eligibility criteria would also ensure that such areas would receive the money, provided their programs are success oriented.

Applicants would no longer submit requests for funding for specific projects, as is the current practice. This project-by-project approach would be replaced by a requirement that applicants present an investment strategy, for which the Federal Government would provide 75 percent of the cost.

The strategy required would be comprehensive, covering a broad range of information, including a cost-benefit analysis of projects envisioned and the identification of past, present, and projected investments by private and public sector participants.

This legislation places great emphasis on private sector involvement. The private sector is the mainstay of our economy and the proper place for the vast majority of permanent meaningful jobs—and that, of course, is what we want Federal economic development assistance to produce.

H.R. 10 will also bring some order to chaos where the EDA loan program has been concerned. This legislation provides only grants. It takes the Federal Government out of the loan business, which has been a source of criticism because of the large number of loans in default and on the brink of default.

The bill authorizes the establishment of a revolving loan fund at the State level for use by small business. Placing the administration of the loan program in local hands makes much more sense, since a better assessment of who should receive loans and a better monitoring program can be carried out at the local level.

H.R. 10 also provides for a gradual phaseout of Appalachian regional development programs, consistent with the recommendations of the Appalachian Governors. We authorize ARC's nonhighway programs through 1990 and finish-up funding for its priority highway program through 1992, when completion of construction is expected.

Finally, Mr. Chairman, this bill is not a budget-buster. The amendment to be offered by the Public Works and Transportation Committee, on which I serve, will lower the authorization levels to those assumed in the first concurrent resolution on the budget for fiscal year 1986 adopted by this body in August.

I believe that the bill before this House is a good bill, carrying a reasonable and modest authorization level, consistent with budgetary restraints, and one that should not satisfy many of the objections to program as it is currently administered.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I first want to commend the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Pennsylvania [Mr. CLINGER] for bringing this particular legislation forward, of which I am a cosponsor, and also to Mr. NOWAK for the specific leadership he showed.

Mr. Chairman, I want to address another area of the legislation. This proposal assists local governments in developing a strong and viable economic case to support growth and expansion, while at the same time, giving our local officials the necessary flexibility needed to choose the course of action best suited to their local economic needs.

Ladies and gentleman, that is a very important part of this particular project.

While some Members keep saying that the economic growth of our country will ultimately reverse our economic woes, ladies and gentleman, that is not working. H.R. 10 addresses itself specifically to problems of depressed communities such as mine, the 17th District of Ohio, that lost all its steel mills and has one of the highest unemployment rates in all of America.

One thing this will do is it will develop jobs to address infrastructure needs. I am very strongly in support of this. I am hoping that there would not be any cuts in the money that is made available to it. We would go forward with it because our major problem right now is jobs and trying to spur that economic growth.

The programs we have talked about have not worked, and I commend our chairman and EDA for its efforts.

The CHAIRMAN. The Chair would advise the gentleman from Pennsylvania [Mr. CLINGER] that he has 17 minutes remaining and the gentleman from New York [Mr. NOWAK] that he has 13½ minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, today I urge my colleagues of the U.S. House of Representatives to continue in their fight to control the deficit by supporting legislation that fosters economic development, creates jobs, and promotes a strong national economy. A vote for H.R. 10, the National Development Investment Act of 1985, is a vote to invest in the economic development of America and help reduce the Federal deficit.

As has been pointed out already today by the able chairman of the Economic Development Subcommittee, Mr. NOWAK, the able ranking minority member of the subcommittee, Mr. CLINGER, and the outstanding chairman of the House Public Works and Transportation Committee, Mr. HOWARD, H.R. 10 is designed to provide vital direction and necessary incentives to areas of a depressed economy to create and retain jobs in the United States. Economic self-sufficiency through the private sector is the objective of the National Development Investment Act of 1985. With the current trend of an eroding industrial base in America as a result of foreign competition and an increase of imports, we need legislation to support jobs for Americans.

A section of my home district, adjacent to the city of Baltimore, MD, has been severely affected by the closing of several industries. Unemployment is at an all time high. Unfortunately, this is not a unique problem. Areas throughout our Nation are suffering from industries being forced to close down and the result is unemployment and a depressed economy. With the passage and enactment of the National Development Investment Act of 1985, the Economic Development Administration will continue to provide direction and incentives for economic growth and self-sufficiency through private sector jobs to economically depressed areas.

Enactment of H.R. 10 will establish locally administered revolving loan funds to assist small businesses or retain existing businesses which promote development and create jobs. An effective implementation of the National Development Investment Act will be instrumental in achieving a more competitive U.S. market in international trade. Passage of H.R. 10 is a step closer to a balanced trade.

When this Congress votes to appropriate the National Development Investment Act of 1985, it will be voting to do just that, make a wise investment in our Nation for economic development. Again I urge my colleagues to vote for H.R. 10, the National Development Investment Act of 1985.

□ 1330

Mr. NOWAK. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. YOUNG].

Mr. YOUNG of Missouri. Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act. I wish to commend the gentleman from Minnesota [Mr. OBERSTAR] and the ranking minority member, the gentleman from Pennsylvania [Mr. CLINGER], for their leadership and perseverance in introducing this bill. I would also like to thank the chairman of the full committee [Mr. HOWARD] for his crucial role in determining the swift consideration of this urgently needed legislation.

H.R. 10 recognizes that economic assistance should be directed to distressed communities. The current economic crisis cannot be addressed solely at the national level. Each local community is unique, with different resources and different needs. Any program of national economic recovery must depend on the interdependence and cooperation of regional and local economies. I believe that now, more than ever, there is a great need for targeted economic programs to assist some of the most economically distressed areas in our Nation.

Mr. Chairman, in Missouri an urgent need exists for infrastructure repair. Many of our public facilities—our bridges, our roads, and our sewer systems—await the physical improvements necessary to make them viable for the long term. Unemployment and a sustained period of high interest rates have placed financial constraints on all communities. The creation of new jobs, assistance in the growth of local businesses, and the construction and maintenance of infrastructure systems have been deferred for too long. But money spent now in conjunction with the private sector is an investment in our future. In my own district, whether the funds are directed toward street improvements in Kinloch or St. Louis County, or the construction of a new community center in Wellston, or support for local shoe manufacturing

companies, these funds will invigorate the local economies which in turn will contribute to national recovery.

Mr. Chairman, if local economies continue to deteriorate, our national economy can only continue to falter. This bill provides funds for distressed communities; these funds are for those who cannot help themselves. Surely there is no more important role for the Federal Government to play and no role which has as great a potential for our Nation as this.

I urge my colleagues to support this bill.

Mr. NOWAK. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I rise in strong support of H.R. 10, especially title II which reauthorizes the programs of the Appalachian Regional Commission [ARC].

When the ARC was established in 1965, the people of Appalachia lagged far behind the Nation in nearly every important socioeconomic measurement.

Average per capita income in the region was a third below the national average.

One in every three families lived below the poverty level.

Unemployment was 40 percent higher than the national norm.

More than a quarter of the housing in the region was in need of major repair with many posing serious health hazards.

The incidences of infectious disease were a third higher than for the rest of the Nation.

Most communities had rudimentary sewer and water facilities with outdoor plumbing all too common.

Indeed, conditions deviated so far from the national norm, that some sections of Appalachia more nearly resembled life in a developing country than in the United States. The seriousness and pervasiveness of the problems clearly justified a strong coordinated effort. Thus, the ARC was established.

The Appalachian Regional Commission through a wide variety of programs has played an indispensable role in narrowing the huge gap that existed between life for many in Appalachia and life in the rest of the country. The Commission has funded health planning agencies and innumerable health demonstration projects. It has helped establish a network of vocational education programs and job training centers. The Commission has helped improve the quality of housing in the region as well as, help assure its affordability.

Just as important as the Commission's investment in the human potential of the region, has been its efforts in improving the infrastructure of the region. As a result of the Commission's foresight, an assorted collection of nearly impassable dirt roads and inaccessible mountain terrain has given way to a system of modern highways and connecting roads.

The progress of the last two decades is easily measured. Nearly half a million new jobs grew up around the new highway system and more than 2 million jobs overall have been created through both public and private investment. There have been dramatic increases in educational attainment at every level. The infant mortality rate has declined steadily in line with the rest of the Nation. And, primary health care is now available in most counties.

Yet as impressive as the Commission's efforts have been thus far, its successes have only been partial. Far more must be done.

Nearly 60 of the region's counties are still without any form of primary health care. More than 1,000 miles of the planned highway system remains unbuilt. While showing significant improvement, infant mortality, educational achievement, and the quality of housing still lag noticeably behind the rest of the Nation.

In short, Appalachia is still far poorer than any other region of the country.

Perhaps more importantly, the 1980's have exposed the overall vulnerability of the region's economy. That economy is anchored by durable manufactured products like footwear, textiles, and apparels. These industries have proven to be highly vulnerable to foreign competition. In fact, a great number of plants in these industries have already closed down throwing thousands of people out of work.

And, coal, still an important part of the region's economy, has experienced a steep fall in demand due to energy conservation and falling world oil prices. Some areas of the region heavily reliant on coal, still have unemployment rates at recession levels. The competitiveness of coal which depends in large part on the development of new technologies to increase productivity, carries a bleak prospect for future employment.

Indeed the relative decline of the industries which form the backbone of the region's economy during the 1980's, threaten to undo many of the advances made over the last two decades. Today, Appalachia is still a region at risk and still in need of the Nation's help.

However, the people and leaders of the region are not blind to the exigencies of the day. We know that our pressing budgetary crisis demands resolution. The people of Appalachia are more than willing to share in the national effort required to bring discipline to our fiscal affairs.

As a demonstration of this willingness, all 13 Governors who comprise the ARC voted unanimously to phase out all ARC programs. The plan adopted called for scaling back previous plans in almost every area. The unfinished portion of the highway system would be cut in half. The delivery of needed health care to those counties still unreached would be limited to the most basic care, while upgrading of sewer and water systems would be provided only to the most distressed areas.

Mr. Chairman, we think that this phaseout plan constitutes a substantial sacrifice. We think that Congress should not ask more of the people of this region. We think that Congress should incorporate this plan which was agreed to on a bipartisan basis by the Governors of the region, into any authorizing legislation on the ARC.

Mr. Chairman, H.R. 10 does indeed embody the essentials of the Governors' phaseout plan. For that, I commend the gentleman from Minnesota [Mr. OBERSTAR] as well as the gentleman from New York [Mr. LAFALCE].

This House has, in fact, passed nearly identical authorization bills in each of the last 2 years only to see matters come undone in the other body. Since 1980, ARC, and EDA, have been legislated only through the appropriations process.

I am hopeful that this year we will see the actual enactment of H.R. 10. I believe that a strong vote of support by this House will help bring this about.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, today, I would like to rise in strong support of H.R. 10, the National Development Investment Act. Included in H.R. 10 is authorization for the Appalachian Regional Commission, a program which has been instrumental in attempting to alleviate the devastating effects of poverty in Appalachia.

The role of the Federal Government in the economic development of rural areas, particularly Appalachia, was nonexistent before the commitment of President John F. Kennedy to revitalize these regions of the Nation. Since 1965, the ARC has continuously promoted much needed economic progress in Appalachia, decreasing the poverty level, boosting the level of income, slashing infant mortality rates, and increasing the number of doctors. Furthermore, private sector jobs have shown a marked increase and the level of education now approaches the national average. Progress has been made.

This progress could not have been made without the cooperative effort of government—on the local, State, and Federal levels—working in conjunction with the private sector, which includes many businesses and individuals who

are willing to invest in the future of their communities.

The father of the Appalachian Regional Commission in the other body, the former Senator Jennings Randolph, always termed these expenditures of money as investments in the future of America. And, indeed, that is truly what we are doing today, Mr. Chairman. I salute and thank Jennings Randolph for his staunch defense, and, indeed, offense, on behalf of ARC from its very inception when Jennings Randolph led many a fight for ARC in the White House itself.

While dramatic improvements have been made, Appalachia still suffers disproportionate socioeconomic hardships. My home State of West Virginia continues to be burdened with the highest unemployment rate in our Nation. The people of Appalachia struggle not only for jobs but for the daily necessities others take for granted. Many people in Appalachia are still poor today. There is much that remains to be done.

The contribution of government to the economic development of rural areas is to be commended. But we cannot stop now. The problems still exist. The phaseout funding provided for the ARC in H.R. 10 is imperative for the continued improvement in the quality of Appalachian life. Without these funds, not only will improvements cease, but the positive effects of past progress will be lost to inevitable regression. I urge you support of H.R. 10.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a member of the subcommittee.

Mrs. JOHNSON. I thank the gentleman for yielding.

Mr. Chairman, as a strong supporter and cosponsor of H.R. 10, both in the last Congress and in this, I want to congratulate the subcommittee chairman, the gentleman from New York [Mr. NOWAK]; the former subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR]; and my colleague, the gentleman from Pennsylvania [Mr. CLINGER], on again coming forward with a very fine and responsible rewrite of an important program whose purpose it is to provide employment in the areas of high unemployment throughout this Nation.

We often talk about structural change. All of us deal day in and day out with industries in America that are having to reduce dramatically their levels of employment, whether it is for technological reasons, foreign competition, or whatever. Industry in America is changing, and what we call structural change is affecting the lives of the people that we represent.

What is so outstanding about this program is that it provides the material support for communities to make that change from one employment base to another employment base.

In my district, it is machine tools, it is bearings, it is brass that are no longer what they used to be, and EDA grants have helped my communities create industrial parks, do the site work, in other words, create the circumstances through which that community can attract those employers of the future to employ the old brass workers, the old machine tool workers, the bearing factory workers, so that their skills can be utilized in creating a dynamic economy in this Nation for the decades ahead.

This is the guts of structural change, the Government's role in the lives of the people of this Nation creating job opportunities, job security and economic vitality in the decades ahead.

I commend my colleagues on a very fine piece of legislation, and I would like to note that the amendment will bring the spending down to conform with our first budget resolution. I hope this bill pass by the same resounding majority that it passed by in the 98th Congress.

Mr. NOWAK. Mr. Chairman, I yield such time as he may consume to the Delegate from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act, which would authorize $500 million in each of fiscal years 1986 through 1988 for a new Economic Development Program which would replace the present Public Works Grant Program.

I also understand that an amendment will be offered on behalf of the Public Works and Transportation Committee to bring the authorization levels provided under this legislation for the Economic Development Administration and the Appalachian Regional Commission into compliance with the assumptions contained in the first budget resolution for fiscal year 1986 (S. Con. Res. 32), and to provide such sums as are necessary for the programs of both agencies in the additional fiscal years.

Mr. Chairman, it is vital that we pass this legislation which would continue and improve upon Federal programs that have created jobs, provided targeted assistance to areas of our country that have suffered from long-term levels of high unemployment.

While it is true that some in our Nation have benefited from the economic recovery in recent years, there are many regions and many people that have been bypassed and have not been beneficiaries in the recent economic resurgence.

These still depressed regions lack the capital and the financial institutions to participate in the economic recovery. What is and has been needed is a stimulating mechanism such as the Economic Development Administration. The EDA has been a stimulating force providing an incentive to investment, creating jobs and returning tax dollars to our Federal Treasury.

Within the District of Columbia, the Economic Development Administration has been of great benefit. The first revolving loan fund for small and disadvantaged business was provided by the EDA. The District of Columbia's only municipal industrial park is being funded by the EDA. These two projects are providing much needed assistance and employment opportunities for the all too many unemployed and underemployed citizens of the Nation's Capital. The District of Columbia is also looking for the EDA to assist with the development of import and export enterprise.

Mr. Chairman, I am also pleased that H.R. 10 addresses the two substantive criticisms that have been made of the EDA. Under H.R. 10, assistance would be targeted only to the most depressed areas of our country. For example, States, local governments, economic development districts, native American tribes, nonprofit organizations inside cities or counties in areas of economic distress, would be eligible for Government assistance if the area met one of the following three criteria:

A per capita income of 80 percent or less of the national average;

An unemployment rate 1 percentage point above the national average for the previous 2-year period; or

A sudden or anticipated increase in unemployment due to plant closings, or other major economic dislocation.

H.R. 10 also corrects a problem identified in the Loan Program by putting the direction of that program at the local level, where administration of that program can be better executed.

The National Development Investment Act serves the national interest and I urge my colleagues to support its passage.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOLTER], a member of the subcommittee.

Mr. KOLTER. Mr. Chairman, I rise in support today for H.R. 10, the reauthorization of the Appalachian Regional Commission and the Economic Development Administration.

Since enactment of the law creating the ARC and the EDA, all of Appalachia—including my district, the Fourth Congressional District of Pennsylvania—has experienced a steady climb from the dark Appalachian days of the 1960's toward a more fair share of our Nation's prosperity.

Through the years, both the ARC and the EDA have proved themselves as viable programs that are capable of giving assistance to distressed areas, stimulating economies, improving overall health, and creating jobs for

countless thousands throughout the region.

With very restrictive funding, both the ARC and the EDA have achieved amazing results and their list of accomplishments are indeed impressive.

But beyond the facts and figures, statistics and rhetoric, lies the real reason to pass H.R. 10. In a word, that reason is—people. These programs have enriched their lives more than ever expected. And while the task is not yet done, the entire region has felt a ray of hope where none existed before.

We must continue our work to help the aged, infirm, illiterate, and unemployed. To do that, we cannot close the door of opportunity in the faces of those so desperately in need.

Mr. Chairman, I humbly ask that each of my colleagues support the National Development Investment Act and vote in favor of H.R. 10.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], a member of the Committee on Banking, Finance and Urban Affairs, with joint jurisdiction.

Mr. RIDGE. Mr. Chairman, I thank the gentleman for yielding time to me, and I congratulate the gentleman on his leadership with this particular initiative. I know that economic development has been a high priority for my friend and colleague from northwestern Pennsylvania, and I do appreciate his leadership on this issue as well.

Mr. Chairman, there remain congressional districts with communities that haven't seen single-digit unemployment since the mid-1970's, where local officials struggle with dwindling tax bases and greater economic and social pressure to provide more services, where plant closings are still a frequent reminder that the national recovery announced and praised in Washington has yet to be experienced and enjoyed everywhere.

The goal of a complete economic recovery encompassing the entire country, and not just portions of it, will not and cannot be realized if we ignore the plight of these communities. The need to address regional pockets of distress demands our attention and our response. The language of the committee report best describes the economic and legislative imperative to support the National Development Investment Act.

The hope and the potential of H.R. 10 can be seen in the successes of previous EDA and ARC programs in northwestern Pennsylvania. We are a Nation of regions, each with different resources. We are interdependent parts and each part has a cumulative effect on our overall national economy. A strong national economy depends on the cooperation of self-sufficient and productive local and regional economies—economies that have some stability yet sufficient flexibility to deal with the technological and structural changes which accompany and facilitate national growth. The committee believes there is a continuing urgency to retain targeted economic programs to assist some of our most distressed areas in their efforts to diversify their economies, to adjust to these changes, and to rejoin the Nation's economic mainstream.

In 1982, a small community, Girard, PA, with unemployment at a miserable 20 percent, decided to turn the liability of a vacant, industrial building into a productive community asset. With the untiring commitment of several retired businessmen and community leaders, local economic development specialists, private capital, and the catalyst of ARC and EDA funding, a small business incubator project was started. With approximately 1 million in Federal dollars generating $4.5 million in private investment, there are now several small businesses employing 140 people.

The Industrial Development Commission of another community, Meadville, PA, with 14 percent unemployment took a vacant and outdated industrial facility of nearly 250,000 square feet and, with an ARC planning grant and an EDA renovation grant, attracted 13 businesses to provide 450 jobs.

One final achievement. With an EDA grant of $500,000, the Northwest Pennsylvania Regional Planning and Development Commission set up a revolving loan fund similar in scope to that provided with this legislation. Eleven communities, all of which provide a local match, participate in this fund. To date, this money has leveraged five times as much private investment, which, in turn, preserved hundreds of jobs while helping to create another 200; 1 job for every $1,500 invested by EDA.

The past infusion of Federal money through EDA/ARC served as the primary economic stimulus to these communities, enabling them to assess and to attract public and private resources, as well as to achieve new growth. This will be especially true under the new requirement that localities provide a comprehensive development program for their communities. The development investment strategy required by H.R. 10 will force local governing bodies to evaluate their long-term resources and needs to develop mutually supportive projects and to invest in only the most productive projects. The development investment strategy will help to promote economic stability and will create regional and local economies capable of supporting investment and job creation in both urban and rural areas.

I commend my colleagues for including stricter eligibility requirements for assistance from the EDA. New requirements terminate the long-term designation of distressed areas. Localities must prove current economic distress so that areas that have successfully used Federal assistance to promote economic growth will not continue to receive these funds when they are no longer in need. The bill defines economic distress as unemployment 1 percent above the national average over the most recent 24-month period of per capita income 80 percent or less than the national average. Additionally, the assistance granted is confined to the distressed areas and cannot be used outside of those areas. This legislation provides an excellent targeting device which assures that the money will be used in communities that have not yet shared in the economic recovery we hear so much about on Washington, but have yet to experience in northwestern Pennsylvania.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I am pleased to once again lend my support to the National Development Investment Act which would reauthorize the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC] programs.

I voted for a similar bill in the last Congress, I intend to vote for H.R. 10 today, and I encourage my colleagues to join me in supporting these programs which can make a difference in creating jobs, bolstering our economy, and meeting community priorities.

Both EDA and ARC have made significant contributions to my district and to the State of West Virginia over the years. These programs have enabled cities and counties to develop essential public facilities—county courthouses, city buildings, water and sewer facilities, industrial parks and recreation areas.

Further, ARC's area development assistance to community health centers, hospitals, vocational education facilities, libraries, and housing complexes are responsible for major social and health gains throughout West Virginia. EDA's revolving loan fund has paved the way for new and existing businesses to create and retain jobs as well as to stimulate local economies.

Building interstate-grade highways in mountainous West Virginia is not easy, but ARC's highway development aid has been instrumental in furthering State transportation goals.

Let's get to the heart of the matter as far as ARC is concerned. ARC was conceived and is still necessary as an equalizer for West Virginia and other Appalachian areas. It is common knowledge that it costs more to build a highway, water or sewer facility, or other public project in a mountainous area.

Historically, it has cost $5.5 million to build a mile of interstate highway in West Virginia as opposed to $2.2 million nationwide. Currently, remaining ARC interstate highway planned in West Virginia will cost $12 million per mile and $9.5 million per mile for other interstate highway development throughout West Virginia. This simple comparison illustrates the overwhelming need to retain ARC assistance.

Therefore, I fervently support reauthorization, and I encourage my colleagues to join me in support of H.R. 10.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, let me commend, first, the authors of this bill for putting together this important legislation and working to get it to the floor. The EDA and the ARC programs have provided enormous assistance to an area that cannot get by without it, to this moment, at least, in the Appalachian area of our country.

This bill is now without some of the troublesome features which have led many to criticize these programs in the past.

Mr. Chairman, there are so many areas of our country that are right now enjoying the benefits of a solid economic expansion, in fact, the most vigorous expansion since World War II—lower interest rates, declining unemployment, fewer poverty-stricken families, general prosperity. And then there are some parts of the country, regions of our country, which know not of America's economic rebound. The people in those areas are still straddled with endemic unemployment, in pockets of poverty far beyond the national average, trailing in nearly every index of economic well-being and health. A good number of these are many of the people of my own district where unemployment reigns at over twice the national average and where in some countries the percentage of families in poverty rises up to 60 percent. They want economic growth. They have the private-sector resolve for economic growth, but they do not have the tax base that draws from the fortunes of industrial development that allows the local governments the revenues with which to build highways, with which to build water districts, with which to recruit industry, and so on. These areas desperately need highway access, the lifeblood, like the veins in the body, that brings nourishment to those areas, so essential to their development. And that comes by way of help from this National Government now through the ARC.

Surely, we owe these people the modest helping hand that comes from the EDA and the ARC. The object of these communities and these areas is private employment, not Government jobs, not Government handouts. They look for the time when they will be self-sustaining, with private jobs and private initiative. And those areas have made some progress in the last few years, thanks to the help of the National Government through the EDA and ARC. But both these programs also tie right in with private support, which pays for the badly needed infrastructure in our afflicted localities throughout Appalachia. Their effects are positive, long lasting, and vital. EDA funds in my district have helped build desperately needed water lines and, most recently, a rail spur which will permit the expansion of a factory, adding desperately needed new jobs. And this is one of the most important, I think, features of these programs, and that is to encourage and lend a helping hand to those communities who are attempting on their own to secure employment for their people.

ARC money has supplied the financial trigger for hospitals, sewer lines, highways, and the like—some of the most basic human services which would not exist in my district, certainly, without this kind of funding.

Yes, in the last few years, Appalachia has made some progress, thanks to Appalachian regional highways that brought life-blood to those areas and access for factories and other economic encouragement, such as coal, and others, and, yes, we have secured water lines to allow us to develop those living places that otherwise would be uninhabitable without life-feeding water, and we have been able to recruit some industry into the area other than our natural resource, coal.

But the job, as has been said here before, is only beginning. We simply must not cut off the aid that we have been giving to those areas to encourage them to spend their own money and to invest their own initiatives into the building of their own areas. They realize that if the answer is to come to their area, it has to come basically from them, but they need our help. I urge this body to approve this bill to reauthorize the EDA and the ARC programs providing enormous assistance to a people who cannot get by without it.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 10, and I commend my colleagues on the Public Works Committee for bringing this very valuable legislation to the floor. I just wish that half of the programs that this body authorizes could have the track record of the ARC and the EDA programs that really strike at the heart of a great American philosophy of helping Americans to help themselves.

To fully appreciate what EDA and ARC have meant to Appalachia you really have to have seen the region over the past 20 years. It is an area rich in natural resources but for generations, it was a region isolated by the very mountains that provided so much of its wealth. During the 1950's, steel and coal production were down. Argiculture had become marginal, and the textile industry had been weakened by imports. The region was plunged into a prolonged economic decline and the lack of transportation discouraged new development. The States were hardly in a position to undertake the massive road construction which was needed.

But in 1965, the ARC was created and while the returns were not immediate, they have been invaluable to the people who have made this difficult land their home. The progress and advancement these people have realized in only 15 short years is remarkable. The percentage of Appalachians living in poverty was cut in half, as was their rate of infant mortality. More than 57 percent of the Appalachian population had completed 4 years of high school compared with the only 33 percent in 1960; 2 million new private-sector jobs had been created and a per capita income rose from 78 percent of the national average to 85 percent. We have literally improved the lives of these people through our funding of ARC. Let us not bring this progress to a sudden halt, but instead continue to aid those Americans who still need our support.

H.R. 10 extends the Appalachian Regional Development Act to provide a finish up of the Redevelopment Program by 1990 and of the Highway System Program by 1992. Of course, private involvement is necessary if economic stability is to be realized. This bill stresses private support and investment and encourages the establishment of a development foundation for the region. It disturbs me that this administration has been so opposed to the programs of the ARC and the other development programs. While foreign aid under President Reagan has increased, these programs have been targeted for elimination. My record is one of fiscal conservatism. I agree that we must reduce Federal spending but I fail to see why it must be at the expense of these programs which have provided a decent life for our own people. This administration has supported development programs overseas while seeking to eliminate the very same types of programs in this country. The figures alone are deplorable. The Reagan administration in its 5 years has requested over $60 billion for foreign aid. That figure compared to the less than $3 billion appropriated for UDAG and the less than $2 billion for EDA prove only to

show where the administration's priorities lie. Not only has the administration failed to request any moneys for development programs such as UDAG and EDA, but they have repeatedly called for total elimination of those very same programs which have served to eliminate the extreme hardships of many Americans. It is not fiscally irresponsible to sue Federal resources to help Americans.

Mr. Chairman, we have all benefited from programs funded through ARC, UDAG, CDBG as well as the Economic Development Administration. I ask you to think about your individual districts and over the past 2 years or, in my case, 10 years, the number of industrial parks, roads into the industrial parks, sewer and water projects, libraries and civil centers that might not be there today had it not been for the availability of the programs that I have just mentioned, especially programs under EDA.

I know that in my district, a county of some 7,000 which had tried for 6 years to gain funding for a $9 million sewer project could not have supported such an expenditure had it not been for the help of the Economic Development Administration in providing some funding for a badly needed wastewater treatment facility.

My district is not atypical. You have all had the same kinds of problems in your districts and such agencies as I have mentioned have come to be relied upon to provide the necessary assistance that will enhance economic development. I urge you, ladies and gentlemen, to support the Public Works Committee's efforts.

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The CHAIRMAN. The Chair would advise that the gentleman from New York [Mr. NOWAK] has 9½ minutes remaining and the gentleman from Pennsylvania [Mr. CLINGER] has 3 minutes remaining.

Mr. NOWAK. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, the Economic Development Administration is clearly one of the most extraordinary success stories in the Federal Government's panoply of programs to help communities, distressed areas; people who have lost their jobs through no fault of their own, who simply want to return to work and lead creative, productive lives. EDA has met its mark; has carried out its mission; has been an extraordinarily effective program.

In the hearings conducted in the Subcommittee on Economic Development over 4 years ago in which the gentleman from Pennsylvania was an active participant, the gentleman from New York, now the chairman of that subcommittee, was an active participant, we demonstrated that over the now 20-year history of that program the Federal Government's investment of $4.5 billion in distressed areas of this country, leveraged additional investments of $9 billion from private, State, and local sources, created over 1.5 million jobs, and that every year those jobs are returning to Federal, State, and local treasuries $6.5 billion in taxes.

Every year the jobs EDA created are paying for that cumulative 20-year Federal investment. That is a record that few Federal Government program investments can match if any can match it.

Nonetheless 4 years ago, when we started out to review this very successful program, the gentleman from Pennsylvania and I vowed that we would rewrite, and reshape, and refocus the EDA Program to narrow its application; to make it a more highly targeted program, and we have done so. This was without regard to partisan considerations because the views of the gentleman from Pennsylvania [Mr. CLINGER], the views of the gentleman from Arkansas [Mr. HAMMERSCHMIDT], of our former colleague, the ranking member on the full Public Works Committee, Mr. Don Clausen, contributed heavily to the thought process that went into reshaping the EDA Program. The gentleman from New York [Mr. NOWAK], who contributed an enormous amount of time; our colleagues throughout the Appalachian region, together we rewrote this program which is a claim that few committees in this body can make. That is, to take a very favored Federal Government program and narrow it down, trim its sails, and focus its resources, which we did, and the result is H.R. 10, the National Development Investment Act, which has twice passed this body by overwhelming votes. Those votes are testimony in themselves to the bipartisan nature of this bill, to the intermingling of ideas, to produce a result that will benefit, even more effectively than before, the distressed areas of this country.

People who are out of work, communities that have lost economic base, do not look for a handout; they want a hand up. That is what this legislation will do. I urge your support for the National Development Investment Act. The National Development Investment Act would reauthorize in modified and improved form the programs now administered by the Economic Development Administration. It would also authorize the finish-up program proposed by the Appalachian Governors for the Appalachian Regional Commission.

Mr. Chairman, this bill has twice before passed this body, by overwhelming bipartisan margins: by 281 to 95 in the 97th Congress, and by 306 to 113 in the 98th Congress. I have complete confidence that it will receive equal support this year. I hope also that the other body will this year appreciate the value of and need for this program, and act favorably on it.

H.R. 10 emphasizes the concern on the part of the Public Works and Transportation Subcommittee on Economic Development, and the full committee, for those areas of the country, such as my own district in northeastern Minnesota, which have not benefited from the current economic recovery, and will need continued assistance as they try to diversify their economies and rejoin the Nation's economic mainstream.

This is not a quick-fix jobs bill. It is not a short-term or miracle cure for economically distressed areas. It is a program for stable, long-term, sustained economic growth and permanent, private sector job creation in the Nation's most depressed areas.

It will lay the groundwork for economic recovery at the local level. Our country's economic strength has always been measured by the soundness of the sum of its parts. This bill addresses the most distressed of those parts, our hardest pressed communities, those which do not have the minimum resources, the critical mass, needed to begin the ascent to economic self-sufficiency.

Title I of this bill, the National Development Investment Act, would establish a successor agency to the Economic Development Administration [EDA]. The programs are similar to those under EDA: grants for public capital facilities, loans to small businesses, and technical assistance and planning grants.

But we have modernized and updated these programs to conform to the very positive changes that have been wrought at the State and local levels. States, multicounty agencies, and local communities have, over the years, in large part thanks to EDA's planning assistance, developed substantial economic development capacity, and are ready and willing to take over this role from the Federal Government. H.R. 10 recognizes this capacity, and provides its grantees with the funds, on a 50/50 matching basis, to chart and pursue their own courses toward economic growth and development.

It sharply curtails the percentage of our country's population which would be eligible for assistance: down to 40 percent of the country, plus those communities which are suddenly faced with the loss of a major employer, either a military base or other Federal facility, or a company which has or is about to close its doors.

Title II would put into legislative language the finish-up program proposed for the Appalachian Regional Commission by its member Governors. This is a modest and pragmatic plan of

action to sustain economic recovery in a major region of America which, like my northeastern Minnesota district, has not been able to keep pace with the progress of other parts of this country.

Mr. Chairman, this legislation focuses on the economic development needs of the 1980's: on private sector jobs; on small business, which studies have shown to be the major source of jobs; and on repair and rehabilitation of the Nation's deteriorating infrastructure, as well as on construction of new buildings, facilities, and on the public capital that may be required.

It is a good bill, a sound bill, and a needed bill that concentrates assistance on the economic problems of those remaining distressed areas of the country which genuinely need outside assistance.

I urge my colleagues to support this important legislation.

Mr. NOWAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to thank you for this opportunity to speak in support of H.R. 10, the National Development Investment Act. The two categorical programs in this act, the Economic Development Administration and the Appalachian Regional Commission, are vitally important to the continued economic development of our Nation's depressed urban and rural areas.

The Appalachian Regional Commission, which this year celebrated its 20th anniversary, is an example of a program whose benefits cannot only be measured in dollars and cents but also in personal success stories. I represent a seven county area in north-central and northeastern Pennsylvania that is part of Appalachia and as a result I have personally witnessed the progress made through the ARC's industrial development projects, the health and social service programs, and the much needed infrastructure projects.

Over the last 20 years, the $58 million allocated by the ARC to my seven-county area has leveraged almost $150 million in additional direct project funds. This $205 million has been a major factor in creating thousands of new employment opportunities, thereby raising the region's overall economic stability, standard of living, education levels, transportation system and health-care facilities. In addition to the $205 million in direct project funds, these moneys have help to generate tens of millions of new investment dollars throughout Appalachia.

The Economic Development Administration has been an integral part of the revitalization of numerous distressed communities. The EDA was a major factor in the redevelopment of downtown Wilkes-Barre after the devastation caused by Hurricane Agnes in 1972. The EDA through its public works, direct loans and technical assistance programs continues to provide the necessary capital for new business startups, company expansion projects, infrastructure development and the creation and retention of thousands of jobs each year. Earlier this year, the EDA committed $1 million to complete a secondary sewage treatment facility in Berwick, PA, which will result in the creation of 950 new jobs.

Mr. Chairman, unemployment in my district is averaging some 13 percent which no significant reduction expected. Programs such as the Appalachian Regional Commission and the Economic Development Administration are two of the few tools available to us to maintain and improve our industrial and employment situation. Those that would eliminate these vital programs demonstrate a callous disregard for the well-being of millions of American citizens now living in depressed urban and rural communities throughout this Nation.

These programs are so important to the present and future economic development of not only my district but numerous other depressed communities, that I support the full funding of H.R. 10. In good conscience I cannot ask my constituents, the local business community and the local governments to accept additional budgetary reductions in programs that have spurred jobs, new business opportunities, better health and medical facilities, improved transportation systems and raised the overall standard of living, while being cost efficient to the Federal Government.

Mr. Chairman, I would like to commend the committee for their diligent work on H.R. 10 and would urge my colleagues to join with me in support of this important industrial development and job creating legislation.

Mr. NOWAK. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of H.R. 10. Like so many rural States across the Nation, my State of South Carolina has not enjoyed the economic recovery realized by other areas. The need for economic development assistance is real.

The Federal Government is in a unique position to foster long-term economic growth in every part of the United States. This legislation relies on the private sector to create the jobs, but calls on the public sector to help rebuild local infrastructure and assist development.

Assistance is directed only to those areas not sharing in the benefits of our expanding economy. Furthermore, all grants under this act must be part of a comprehensive development strategy with specific economic objectives.

All 10 counties in the Sixth District of South Carolina, which I represent, would qualify for assistance. In the past year, over $350,000 in Federal grants were made available to my district for economic development.

Mr. Chairman, I know that the program we authorize today will make a difference. I urge my colleagues' support of H.R. 10 to help bring each community into the mainstream of economic life.

I thank the gentleman for his leadership and fine work.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time, 3 minutes, to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Chairman, I take my turn now in supporting the legislation that is in front of us. It seems to me, Members of the committee and colleagues, that for all purposes we are really confirming what the Congress has already said with regard to the issues in this particular piece of legislation. We ought to be supporting this legislation by a unanimous vote for a historical set of reasons. No. 1, more recently in the history of this legislation, the budget resolution itself which reestablished the theme of what we are about, and albeit it reduced funding by 20 percent, said in effect that we want to continue the program with a pruned down and modernization effort that was put into the new bill that is in front of us. That is why I am a little bit in disagreement with the gentleman from Ohio [Mr. WYLIE], who spoke previously on the floor, who is worried about, as I am, about renewed efforts that we must take to reduce the deficit.

□ 1350

For the time being, we have spoken on that subject. The budget resolution was supposed to be, and for our purposes today, was broad based fair application of reduction of funding for programs across the board for which this Congress is responsible. We acknowledge that. We take our lumps, as we say in the vernacular, with respect to this program and we come to the floor today to confirm that budget resolution.

In my remaining time, I would ask the gentleman from Pennsylvania [Mr. CLINGER] if he would consult with me for a moment of dialog just so I can get some of my thinking straight, and I would yield to him for that purpose.

If we did nothing today and withdrew this legislation from the floor, God forbid we want it to pass, the programs would continue, albeit in their

similar themes as already propounded on the books today. Is that correct?

Mr. CLINGER. The gentleman is absolutely correct, and I would like to respond just for a moment to the gentleman from Ohio [Mr. WYLIE], who had some legitimate criticisms of the existing programs. He talked about the loan program. He talked about other aspects.

The point is, if we do nothing today, the program would continue because the appropriations process is entrained. We would still be dealing with the old legislation, which means that the very parts that he was attacking would still be in existence.

What this bill does is to address those concerns, get rid of the abuses that have been in assistance, targets it more directly, and therefore makes a better program. The money is going to be there. Let us make sure we spend it efficiently.

Mr. GEKAS. That is exactly what I wanted to bring out; that we are supporting a modernization of a program. We are also supporting its part in the deficit reduction program, and we ask for unanimous vote in support of H.R. 10.

Mr. NOWAK. Mr. Chairman, to close out the debate on our side, I yield the remaining time to the gentleman from Arkansas [Mr. ALEXANDER], a great contributor to this program in the past.

The CHAIRMAN. The gentleman from Arkansas [Mr. ALEXANDER] is recognized for 4 minutes.

Mr. ALEXANDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act, and urge its passage. This bill is identical to the bill of the same name and number which passed with an overwhelming majority in the House last year. It is similar to a bill the House passed with nearly a 3-to-1 margin in 1982.

My support of this bill is rooted in my personal knowledge that the economic development program is a valuable contribution to our Nation. The provisions in this bill have been carefully formulated on the information the Committee on Public Works and Transportation and its Subcommittee on Economic Development have gathered during extensive hearings and study conducted in the past 5 years.

And, I am convinced that this proposal before us is a worthwhile successor to the Public Works and Economic Development Act. Federal seed money invested through the programs provided for under that act, as amended, have created or saved more than 2 million private sector jobs since these programs began in 1965. They have leveraged billions of dollars in private sector investment in job creation. The workers who hold those more than 2 million jobs pay enough in taxes every 18 months to repay the total Economic Development Administration Program investment made since 1965.

The partnership created through these programs, between the Federal, State, and local governments has meant the difference between real job opportunities and joblessness for millions of Americans.

It has been particularly vital to the efforts of rural communities, small towns and mid-sized cities to generate private sector work for their residents.

Just this last week I was privileged to take part in the groundbreaking for an industry that will bring 400 jobs to an industrial park in the small town of Trumann, AR. EDA through its economic development programs invested $576,000 in that industrial park. Holders of the jobs Parker-Hannifin will bring to that park will earn an estimated annual payroll of $3,328,000. In 1 year the estimated tax payments they will make will be $655,600—more than enough to repay EDA's investment.

In order words, EDA investments are moneymakers for the Federal Government.

Trumann is just one of the communities throughout Arkansas which have benefited from EDA seed money investments. Between 1965 and 1984, EDA invested $165,386,249 job-producing dollars into 447 Arkansas projects. These investments generated 79,630 private sector jobs, with an annual payroll of $645,546,340, and annual tax payments of $129,605,012.

The share of these EDA investments and results in Arkansas' First District, which I represent, was—$44.1 million EDA dollars; 16,270 private sector jobs; $135.4 million in annual payroll; and, $27.1 million in annual individual income tax payments.

In other words, the 16,270 holders of the EDA seed money investment, private sector jobs pay more than enough in taxes every 2 years to more than repay the total investment EDA has made in the last 20 years.

Critics claim that economic development programs do not spur private sector job generation. Rarely, though, do the critics support their negative rhetoric with data such as I have provided today, and that my colleagues can provide.

In addition to such data, I believe it is worthwhile to consider the results of a 2-year General Accounting Office econometric study of EDA Programs. This study was titled "Estimated Employment Effects of Federal Economic Development Programs." It was released 1 year ago. The study covered the period of 1974 through 1978. In it GAO states:

> The estimates from this (econometric) model suggest that these programs did create jobs between the mid and late 1970s. Our results also show evidence that:
>
> Most jobs were created in the manufacturing sector of the economy * * *. Among the various grant categories, public works grants were the most effective in creating jobs; grants were most effective in creating jobs in states with low employment growth.

The GAO study also found that:

> A $500,000 increase in economic development grants would initially be associated with 216 additional jobs at an estimated cost of $2,315 per job per year * * *.

And that—

> In the long run, the number of new jobs would be reduced to 171, at a estimated cost of $2,924 per job * * *.

The bill before us today tightens eligibility criteria to emphasize assistance where it is most needed, can do the most good, and where local governments and private enterprise are most strongly committed to the economic development goals. These are reasonable and rational requirements.

EDA Programs have always emphasized a strong Federal-local partnership with the economic development project decisions being generated at the local level.

This bill provides strong encouragement to local and State governments to pursue and encourage diversification of their economies. This, too, is important as insurance against the fatal shocks which can come from distress and depression in a single sector of the economy.

This bill promotes a commitment on the part of State and local governments to a continuing, long-term practice of pursuing economic development. This is vital to creating, maintaining, and increasing private sector job opportunities across the Nation.

I have some concerns about some portions of this bill.

In the past two decades, the local governments and community leaders have used the Federal-local partnership to develop and maintain a vital, healthy, strong system of substate economic development districts. I hope that the committee would bring us a bill which would ensure that this system continues its essential and invaluable service. Having reviewed the provisions of the bill and committee report, I believe its intention that these districts continue their work is unequivocal, although I would have liked stronger provision on this. It is my hope that the implementation of the bill's provisions will follow the intent of the bill.

A vitally important element in the success of EDA programs has been the agency's hardworking, committed, knowledgeable field staff. They are known as economic development representatives—EDR's for short. While I would prefer bill language on this, I am encouraged that the committee's intent that the field structure remain in place is clearly stated—more than once—in the report. It is my hope that the implementation of the administra-

tive provisions ensures that the EDR system remains in place and working.

Our Government system is, as it should be, one of consensus making, of compromising to build the best programs possible to serve the interests of the greatest number of our people as possible. Thus, rarely is everyone of the 435 Members of this House going to be satisfied with every one of the provisions in any bill before us. H.R. 10, the National Development Investment Act, is that kind of bill. It serves the interests of every American who is interested in strengthening our economy through private sector job generation. It is a bill worthy of the support of every Member of this House, I urge its passage.

Mr. DE LUGO. Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act. This legislation was unanimously reported out of the Public Works Committee on May 15, and I am proud to have participated in this action which salvaged economic development programs from the administration's budget ax.

I can think of no more shortsighted idea than to phase out a program of proven success that has been effective in creating jobs in economically distressed areas. The Economic Development Administration has such a track record throughout the country and in the U.S. Virgin Islands. In my district, EDA has funded a wide variety of projects ranging from industrial parks to schools, to vocational training centers, to planning assistance and targeting studies on our key industry of tourism. In every case EDA's financial and technical assistance was invaluable, if not in fact the determining factor in the success of each project. In a small, isolated district such as mine, our economic future depends on diversification and training, and EDA is helping us to achieve that goal.

Given the difficulty that any isolated district, particularly one like the Virgin Islands, has in attracting industry and investment, and availability of EDA assistance is critical. There are few Federal agencies capable of taking the broad, long range economic view so necessary to sound development, and few that have been given the tools and the authority broad enough to accomplish that goal.

In this legislation before us today, Congress is reaffirming its belief in the EDA philosophy. For several years now the administration has tried to phase or wipe out EDA Programs. In this legislation, Congress will say: No, that is not in the best interest of the country. I wholeheartedly concur and the people of the U.S. Virgin Islands agree. On their behalf, I would like to commend the chairman of the Subcommittee on Economic Development, Mr. NOWAK, and my distinguished colleague and chairman, Mr. HOWARD, for their commitment and all their effort in preserving these important economic development programs. I urge my colleagues to support this legislation.

Mr. MCEWEN. Mr. Chairman, it is a pleasure to express my strong support for H.R. 10, the National Development Investment Act. Four years ago, as a member of the Economic Development Subcommittee, I had the opportunity to work on this vital measure which addresses critical development and job needs in the areas of our Nation most in need of our help. The House approved the legislation in the 97th Congress and again in the 98th. Now the bill is before the House once more and I am hopeful that this will be the year it is passed and signed into law.

As an original cosponsor of H.R. 10, and as member of the Public Works and Transportation Committee, it has been my privilege to work on framing this legislation to meet two important goals: Extension and modification of programs under the Economic Development Administration and the implementation of a finish-up program for the Appalachian Regional Commission.

It should be noted at the outset that both the Economic Development Administration and the Appalachian Regional Commission have been helping communities in distressed regions of our Nation for a long time, and they have established fine records in that regard.

Both agencies have filled a great need, and that need in some areas of the country continues. Those areas will need continued help as they seek to diversify their economies in order to join mainstream America.

Their problems vary. For some, their local public facility infrastructure is falling apart, making economic expansion virtually impossible. Some communities have suffered the shock of losing major industries and hundreds of jobs. For them, economic adjustments and diversification is essential but financially beyond their reach without some measure of Federal help.

H.R. 10 incorporates the finish-up program proposed by the Appalachian Governors for the Appalachian Regional Commission. That proposal calls for phaseout of the ARC by 1990 and the completion of its priority highway program by 1992. States served by the Commission are in agreement with the phaseout schedule for both ARC highway and nonhighway programs.

The ARC was created to help turn around the impoverished Appalachian area by establishing programs to improve literacy, health care, income, and the basic infrastructure upon which all development is based.

Certainly the programs of the ARC have breathed new life in the economically deprived areas of Appalachia, and we are making certain in the legislation that the phaseout of this program is a gradual one.

Programs under EDA would be reauthorized through fiscal year 1988. However, H.R. 10 is more than an EDA reauthorization bill. The committee has been concerned with widespread complaints over the grant program's broad eligibility requirements and the excessive number of defaults in the Agency's loan program.

Those concerns are reflected in major changes provided in the bill for both problem areas. New eligibility criteria in the legislation would reduce from 80 percent to about 44 percent that portion of the country now qualified for assistance as a distressed area.

The loan program would be restructured so that grants would be made for the establishment of locally administered revolving loan funds to provide seed capital for small businesses or to retain existing businesses. I believe that this program can best be administered and monitored at the local level.

In the past, EDA has been called a sacred cow. This is not without some justification. Over the past 20 years, the original purpose of the EDA has been lost. When EDA was established, its purpose was to help promote long-term economic development to areas with severe unemployment. However, as the EDA Program grew, its scope grew as well. Soon, the requirements to be considered a "distressed area" were broadened so as to include 80 percent of the entire Nation. It quickly became apparent that EDA had outgrown its original intent and therefore lost much of its effectiveness and support.

The legislation before us today streamlines EDA to allow the original intent of the program to be realized once again. Under this new program, only areas with chronic unemployment, or especially low incomes would be eligible for assistance. In addition, an area could qualify temporarily if there was a dramatic loss in jobs such as the closing of a major plant.

H.R. 10's overall purpose is to provide a program for stable, long-term sustained economic growth and permanent, private sector job creation in the Nation's economically distressed areas.

If enacted into law, it will, in my judgment, lay the groundwork for providing effective economic revitalization at the local level, where lasting recovery must begin.

Mr. MONTGOMERY. Mr. Chairman, today I rise in support of H.R. 10, the National Development Investment Act.

Contained in this legislation is funding for the Appalachian Regional Commission [ARC], which has proved to be a productive partner to the States, local governments, and the private sector in my State of Mississippi and throughout the entire Appalachian region. That partnership has helped our people help themselves.

We have seen the development of roads, water, and sewage systems, education and health facilities and other projects that have helped improve the quality of life for the people served by the ARC.

Jobs have been created, poverty and illiteracy have been reduced, better housing and better highways have been built as a result of the efforts and opportunities made available through the Appalachian Regional Commission. This work has helped bring the Appalachian region more into the mainstream of our national economy.

Mr. EDGAR. Mr. Chairman, I rise today in strong support of the National Development Investment Act, H.R. 10. This bill reauthorizes the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC], which were established to provide aid to economically

distressed areas of the country through the development of industrial facilities and the improvement of basic infrastructure—the real key to economic development in this Nation.

No one can deny, Mr. Chairman, that for many areas of the country, there has been no economic recovery: recession and joblessness continue. In my own State of Pennsylvania, for example, unemployment is still above the national average. In May, 31,000 Pennsylvanians lost their jobs.

The Northeast and Midwest region of the country was particularly hard-hit by the recent recessions, and it is this region that is also the oldest in the Nation. Consequently, its cities and public works are aging as well and the deterioration of its infrastructure is strangling our economy, costing us jobs as industries move to foreign countries.

Unless we take action soon, many more jobs will be lost, communities will be further devastated, and hopes for long-term economic recovery will be dashed forever. Economic growth, and the resulting job creation, is simply not possible unless we have the basic infrastructure to support such growth.

Yet while there is increasing awareness in this country of the importance of sound infrastructure to jobs and a strong economy, we have seen under attack over the past 5 years the very tools that are vital in rebuilding our Nation. With the President's proposed elimination of the deduction for State and local taxes and with Federal support for Amtrak, mass transit, UDAG's and general revenue sharing under attack, it is difficult to imagine how we will be able to meet the clear needs that are before us.

And in fact, the administration has repeatedly proposed to eliminate another tool for infrastructure improvement that we are discussing today; namely, the Economic Development Administration. I think that the reauthorization of the EDA is absolutely vital not only to Pennsylvania and the Northeast and Midwest, but for distressed areas throughout the Nation.

This bill represents a balanced, fair attempt to help distressed communities leverage private capital and plan development strategies. The Public Works and Transportation Committee, on which I am proud to serve, has tightened up the program to address some of the criticisms that have been levelled at the EDA. In addition, the committee will offer a floor amendment to limit spending in the bill to the fiscal year 1985 level, which balances our economic development needs with a responsible approach to the crisis posed by the Federal budget deficit.

H.R. 10 will reauthorize the EDA for 3 years and the ARC for 5 years. The bill provides that EDA grants must be matched by a 50-percent contribution by local interests, meaning that projects will be backed by the communities in which they are located. In addition, this aid will be contingent on the adoption by localities of a comprehensive community development plan. Finally, H.R. 10 eliminates long-term eligibility for EDA grants. In the future, communities will be required to include the most recent data on distress in each application; this will guarantee that economic development aid goes to communities that need it most.

The community development plan, known as development investment strategies, are the heart of the new legislation. Applicant communities must analyze their economic problems; inventory other available Federal, State, local and private resources and past investments; and present a long-term schedule for approaching economic self-sufficiency.

The Secretary of Commerce is directed to evaluate the strategies and base his or her project selection on the basis of greatest potential for success as well as on a basis of need. The priority is to spend these scarce dollars where they will have the most impact.

Mr. Chairman, the Economic Development Administration has been of particular importance in my State of Pennsylvania. Since it was created in 1965, the EDA has obligated over $94 million in vital development funds in my State. In distressed areas, EDA funding is available to help redevelopment efforts. Over the past several years, the EDA has helped communities across Pennsylvania. To note a few examples, EDA funding has been used:

In Philadelphia, to build port facilities, develop export programs, and rehabilitate the Frankford Arsenal; in Altoona, to develop an industrial park and help the local redevelopment authority with road construction; in Scranton, to replace a bridge; in Luzerne, for new sewage construction; in Hazelton, for improvements to the water system; in Jeanette, for sewer reconstruction; in Johnstown, for general infrastructure improvements; in Pittsburgh, a variety of planning grants to the city of Pittsburgh and the Allegheny County Development Department; in Allentown, for bridge improvement; in Lewisburg, for a planning grant for export develpment; in Williamsport, for storm sewers; in Uniontown, for a feasibility study for a foreign trade zone; in Erie, for a grant to Girard Borough for water system improvements.

This is a good bill, Mr. Chairman, it helps us keep the tools we need in our economic development tool chest. It allows us to continue to aid economically distressed communities in a fiscally responsible manner. I urge the passage of H.R. 10.

Mr. MINETA. Mr. Chairman, I would first like to thank Mr. HOWARD and Mr. OBERSTAR for their commitment to H.R. 10, the National Development Investment Act. This worthwhile and necessary bill was unanimously reported out of the Public Works and Transportation Committee for good reason.

This House attempted in the 97th and the 98th Congresses to enact this measure, but both times our efforts were thwarted by the other body, which took no action after the House bills were passed. This legislation, if enacted, will provide aid to economically depressed and distressed areas for necessary community projects and facilities. For example, in my area, funds were made available through the Economic Development Administration for much needed work on fire stations, jails, schools, and many other community projects.

Since fiscal year 1982, neither the Economic Development Administration nor the Appalachian Regional Commission has been authorized, although both have continued to operate.

The need for assistance to economically depressed areas is clear and indisputable; this House has several times shown its support for regional development programs. I urge my colleagues now to support this bill, which authorizes funds in fiscal years 1986 through 1988 for an economic development program to replace the public grant program now being used. This authorization bill is necessary to ensure the continuation of economic aid to areas in need of development assistance.

H.R. 10 represents the third attempt to authorize the National Development Investment Act. We must act swiftly and with resolve to pass this bill and to finally persuade the other body to do so also. Congress can no longer afford to act in an ad hoc manner when it comes to authorizing funds for development assistance. This legislation must be passed to facilitate the timely allocation of needed funds for projects such as water and sewage systems, education and health facilities, ports, roads, and grants for private economic development projects.

To ensure that only the most distressed areas receive aid, stringent eligibility requirements are included in H.R. 10. Also, a detailed development strategy must be submitted to demonstrate that the area's particular economic problems have been analyzed with other available resources in mind. Thus, one can be reassured that priority for development aid will be given to those areas that are most needy and that exhibit a realistic improvement plan.

The National Development Investment Act is a sound piece of legislation that will facilitate the authorization and appropriation of funds to areas in need of development assistance. I wholeheartedly support H.R. 10 and I strongly urge my colleagues also to support this worthwhile bill.

Mr. TOWNS. Mr. Chairman, I am pleased to rise in support of the National Development Investment Act, H.R. 10. We should not forget the purpose of this legislation. The Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC] were established to provide aid to economically distressed areas of the country through the development of public facilities such as roads, ports, community water and sewage systems, and education and health facilities, and through grants for private economic development projects. Despite the valuable nature of the programs, the administration has continually opposed the continuation of both EDA and ARC. Throughout the extensive hearings on this legislation, State and local government organizations have stressed the necessity for continued Federal support to promote economic development. It is clear

from the committee's witnesses that whether one is concerned about health care in rural Appalachia or the retention of small businesses in Liberty City in Dade County, FL, that the Federal Government has a responsibility to aid localities in preserving and/or enhancing the economic life of these communities.

The committee has addressed critics' charges of overlapping resources with a targeting approach to areas of economic distress which are clearly defined by three distinct criteria. In addition, funding priority will be given to applicants showing a high ratio of private investment to public funding would receive the highest priority. The bill's requirement that an extensive development investment strategy be submitted for grant awards is a further inducement for maximizing economic resources. I am particularly pleased that the committee's bill again included my amendment requiring minority business enterprise participation in the development investment strategy.

Mr. Chairman, the cities and towns of America continue to need their Federal Government's support to ensure economic self-sufficiency. We have an obligation to respond to this need. I urge my colleagues to support H.R. 10 to retain two agencies, EDA and ARC, who have more than proven their effectiveness in assisting local governments with their economic problems.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act. I would first like to take this opportunity to commend Mr. NOWAK and his subcommittee for their commitment to creating a thoughtful, comprehensive piece of legislation. Additionally, I wish to commend the gentleman from Minnesota [Mr. OBERSTAR] for his leadership and dedication to this bill, which addresses a difficult subject with vision and innovation. Finally, I would like to congratulate the full committee for its rallying, in a truly bipartisan manner, to present a viable solution to a national problem.

I am pleased to be a cosponsor of a bill that recognizes both our responsibility to assist the Nation's economically depressed areas, and our responsibility to spend the Nation's money wisely. Let us keep those parts of the Economic Development Administration that have provided valuable support to needy communities in the past and refine those parts that do not meet the initial goals. By redefining eligibility requirements and spending limits, H.R. 10 allows us to do just that.

During its years of existence, EDA has helped the Second District of West Virginia in many ways. By providing operating funds to the regional planning and development councils in the State, EDA ensures coordinated economic development planning, as well as the evolution of long-term development strategies. By providing funding for the construction of infrastructure to industrial parks in both Berkeley and Greenbrier Counties, EDA has helped to attract the investment of the private sector which, in turn, will create much needed jobs. For this reason, I support title I of H.R. 10.

The Second District of West Virginia has been the beneficiary of many Appalachian Regional Commission programs; from the construction of major roadways to the support of an infant mortality reduction program. There are four counties in my district that fall into the distressed county category. In these counties basic services, such as clean drinking water and sanitary sewage disposal, could be considered as luxuries; yet they are now slowly being provided as a result of ARC funding. For example, in Pendleton County, a water system is just now ready to go to construction—the result of combining local and Federal dollars in the spirit of cooperation that this bill wishes to expand.

There is no question that Appalachia still lags behind the rest of the Nation in recovery. Although great strides have been made toward correcting this situation, we have not achieved complete socio-economic parity for Appalachia. Our job is not yet done. For this reason, I support title II of H.R. 10.

This bill befits the philosophies and needs of the 1980's. By offering seed money for revolving loan funds, it acknowledges the role of the Federal Government in helping its neediest communities achieve economic self-sufficiency. By giving top priority to those applications with a high ratio of private investment to public funding, it encourages the participation of the private sector. By setting aside money for technical assistance and feasibility studies, it rewards those communities that seek to help themselves through thoughtful planning and wise investment strategies. By requiring a master economic development plan with each application, it correctly identifies the need for and the desirability of long-range planning. By setting strict eligibility criteria, it assures that only the communities most in need receive funding.

I want the people of the Second District of West Virginia to be able to remain in the communities that they so love. I want them to have jobs in their communities. I want them to have access to good medical care in their communities. I want them to have basic water and sewer services in their communities. Most of all, I want them to be able to share in the economic revival and unique partnership that the National Development Investment Act would create. For this reason, I strongly support H.R. 10 and urge my fellow members to vote for passage of this innovative measure.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 223 and the order of the House today, immediately after the enacting clause is read it shall be in order to consider the amendments printed in the CONGRESSIONAL RECORD of July 11, 1985, as modified, by and if offered by Representative HOWARD or his designee, which shall be considered en bloc and shall be in order, although amending portions of the bill not yet read for amendment shall not be subject to amendment but shall be debatable for 20 minutes, to be equally divided and controlled by the proponent of the amendments and a Member opposed thereto.

The Clerk will read the enacting clause.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. HOWARD:

Page 18, strike out line 8 and all that follows through "1986," on line 9 and insert in lieu thereof the following:

$125,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending

Page 25, strike out line 4 and all that follows through "1986," on line 5 and insert in lieu thereof the following:

$35,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending

Page 35, line 14, strike out "$30,000,000" and all that follows through the period of line 17 and insert in lieu thereof the following:

$22,800,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, and September 30, 1988.

Page 36, line 14, strike out "$5,800,000" and all that follows through the second period on line 25 and insert in lieu thereof the following:

$2,300,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990. Of amounts appropriated pursuant to the preceding sentence for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, not to exceed $450,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff.".

Page 37, line 7, strike out "$234,000,000" and all that follows through the second period on line 12 and insert in lieu thereof the following:

$79,500,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, September 30, 1991, and September 30, 1992.".

Page 39, line 16, strike out "$166,000,000" and all that follows through the second period on line 20 and insert in lieu thereof the following:

$39,200,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990.".

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from New Jersey [Mr. HOWARD] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, these amendments would reduce authorized funding levels to bring them into conformity with the budget resolution as passed on August 1.

This is a below-the-freeze amendment. It is an amendment which was agreed upon in principle by our committee at the time of our committee markup on this bill.

Very simply, as we have done in all other authorizing bills considered by the House in this session with the exception of the Water Quality Renewal Act of 1985, the committee amendment would reduce the funding levels in H.R. 10 by bringing the fiscal year 1986 funding authorized by the bill, as introduced, in line with the funding levels proposed by the budget resolution for the EDA and ARC programs. It actually reduces authorized funding levels 20 percent below the total funds appropriated for each of these programs for fiscal year 1985.

Total authorizations for title I, the National Development Investment Act, would drop from $530 million authorized in the bill to $182.8 million for fiscal year 1986 and would be as follows: $125 million for development investment grants; $35 million for investment strategy, planning, evaluation, and demonstration grants; and $22.8 million for administrative expenses.

Authorizations for the Appalachian finish up programs would be reduced from a total of $319.9 million to $136.17 million for fiscal year 1986. This is allocated as follows: $79.5 million for the highway program, $39.2 million for nonhighway programs and $2.3 million for salaries and expenses.

The total fiscal year 1986 cost of the bill would be $303.8 million.

Authorizations for subsequent fiscal years—through fiscal year 1988 for the National Development Investment Act, through fiscal year 1990 for the Appalachian Nonhighway Program and through fiscal year 1992 for the Appalachian Highway Program—are authorized for "such sums as necessary."

Mr. Chairman, the committee remains convinced there is a continuing need for the basic development tools contained in this bill and for the Federal Government as a partner in promoting economic growth in distressed communities of the Nation.

The decision to propose this committee amendment reducing funding for these important programs reflects the deep concern of our members over the size of the Federal deficit and its negative impact upon the overall economy. We believe this amendment is appropriate in view of the need to reduce Federal spending to achieve a sound fiscal position for our country.

Mr. Chairman, I urge support for the committee's amendment.

Mr. DE LA GARZA. Mr. Chairman, as an unwavering supporter of the Economic Development Administration since its inception and as an original supporter of H.R. 10 to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, I rise in support of the measure.

This program has been of more consistent assistance to my area than any other federally sponsored program of its kind.

Over the years as a result of the EDA programs, we have been successful in developing the Port of Brownsville, in locating the largest and finest foreign trade zone in the United States in McAllen, TX, and in bringing water to thousands of deprived migrant workers who had been accustomed to nothing but outdoor plumbing before the Military Highway Water Supply Corporation was established. This is to mention but just a few of the contributions the EDA has made to my area. There are many, many more.

The EDA has been around for 20 years, and I hope it will continue functioning as the mainstay of economic development in this country for a long time to come. This one Government agency more than any other has helped to revitalize rural America, and it has done so without scandal and with a well-administered budget. It has been my experience that moneys injected into the EDA programs have been tax dollars well-spent.

There are Members still serving on the Committee on Public Works and Transportation who will remember that in the past I have gone before the committee to plead for the retention of the Economic Development Administration. The committee always responded sympathetically to my overtures. I would urge my colleagues to show the same consistent assistance in preserving an agency as invaluable as the Economic Development Administration.

Mr. FORD of Tennessee. Mr. Chairman, I rise today in support of H.R. 10, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

Many communities across the Nation are confronted with high unempolyment, financial instability and a shortage of available capital. Some of our regions, counties and communities are in such poor economic condition that even at times when government spending for social insurance programs has increased, the level of poverty has sharply risen.

We are a nation of regions, interdependent on one another for a strong national economy. A strong national economy depends on the cooperation of self-sufficient and productive local and regional economies—economies that have some stability yet sufficient flexibility to deal with the technological and structural changes which accompany and facilitate national growth.

H.R. 10 is designed to permit the Federal Government, in cooperation with the States to assist distressed local and regional communities to take actions to achieve lasting economic improvement and prosperity. Under the act, new local employment opportunities would be created by developing and expanding public works projects and other facilities and resources. The bill specifically assists distressed communities by helping them to construct public facilities and improve the basic framework necessary to support development. Assistance is continued by facilitating economic adjustment, by promoting economic diversification, by effectively responding to sudden and severe local economic dislocations and by encouraging and supporting local economic planning. This legislation will attempt to provide some relief by making funds available for business expansion and retention through locally administered revolving loan funds.

Economic progress is likely to occur where all levels of government and the private sector are firmly and actively united in a long-term commitment to achieve economic self-sufficiency. What particularly appeals to me about this legislation is that it encourages cooperation among communities in different States and urges, where such communities desire, their respective governments to bring their own resources to bear in support of these local interstate efforts. It also encourages the cooperation of various jurisdictions, such as associations of counties and/or of communities, where various units of local government agree to pool their resources to the mutual benefit of all. This attempts to coordinate all available funding sources to promote economic development.

Mr. Chairman, while I am aware of our need to reduce the Federal budget and to reduce the growth of Federal spending I feel that legislation of this nature will lead to reduction of the national debt. It has been reported that the Federal money provided by these programs has generated billions of dollars in private capital and returned billions more in taxes annually to Federal, State and local treasuries.

I therefore ask my colleagues to join in support of H.R. 10, a bill that is beneficial to the economic development of this Nation.

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The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. HOWARD].

The amendments were agreed to.

The CHAIRMAN. Pursuant to the rule, the bill, as modified by amendments offered by the gentleman from New Jersey [Mr. HOWARD] which have just been adopted, shall be considered as an original bill for the purpose of amendment under the 5-minute rule

by titles, and each title shall be considered as having been read.

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL DEVELOPMENT INVESTMENT

SEC. 101. The Public Works and Economic Development Act of 1965 is amended to read as follows: "That this Act may be cited as the 'National Development Investment Act'.

"TITLE I—DEVELOPMENT INVESTMENT ASSISTANCE

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress reaffirms the proposition that this Nation's economic strength is derived from the health of its regions, States, and local communities, both rural and urban, and that national interest dictates the maintenance and enhancement of economic vitality at the subnational level.

"(b) Congress also recognizes that economic conditions and political relationships change and that legislation must address these changes.

"(c) Congress further affirms that this legislation is designed to make government more efficient and responsive by supporting the following principles: leave to private initiative all the functions that citizens can perform privately; use the level of government closest to the community for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where State and local governments are not fully adequate and for the continuing responsibilities that only the National Government can undertake, such as monitoring the manner in which Federal funds are used in order to ensure the carrying out of the activities for which assistance is given.

"(d) The private sector remains the ultimate generator of employment and economic growth, but the public sector must reverse decades of infrastructure neglect as a necessary concomitant to private business stability and expansion. State and local governments now have a greater capacity than in previous decades to direct their own destiny, in part because of past Federal efforts; this new capacity must be incorporated in any new legislation at the national level. America's increased involvement in international trade has brought both challenges to some industries, and opportunities for others; these challenges and opportunities must be addressed. Capital shortages will for the foreseeable future curtail the Nation's ability to meet public and private investment needs; it is therefore imperative to marshal the resources of all levels of government and the private sector to create the critical mass of capital and other assets needed to generate growth. Finally, there is a continued need to assist in adjustment of change, which is the only permanent feature of our national, regional, and local economies.

"(e) In recognition of these constants and changes, Congress finds it an appropriate role for the Federal Government to foster the coordination of investments between the public and private sectors and to promote long-term economic development partnerships at the State and local levels, in both rural and urban areas.

"(f) The purposes of this Act are therefore—

"(1) to establish a framework within which Federal, State, and local governments, and the private sectors, in urban and rural areas, can combine their resources to achieve economic development in all parts of the Nation;

"(2) to help create a strong investment climate which promotes the expansion and retention of job opportunities for local residents; and removes economic barriers in local areas which impede the free market forces;

"(3) to build, rehabilitate, and repair public infrastructure where it is inadequate to support and encourage private investment in the area;

"(4) to recognize and rely upon improved State and local governments' capacity to direct their own destinies;

"(5) to link public and private funds to foster coordination of resources between these sectors, in order to leverage the maximum investment in the long-term economic vitality of all areas;

"(6) to facilitate local and regional economic adjustment and economic development diversification in a changing national economy, by assisting State and local efforts to foresee adverse economic changes; to prevent their consequences where possible; to respond as necessary; and to achieve economic self-sufficiency;

"(7) to assist in relieving capital shortages and fill local credit gaps which impede private business startups and expansion;

"(8) to assist communities and industries to respond to the opportunities and challenges of a world increasingly knit together by international trade; and

"(9) to enhance the economic development of Indian reservations, pursuant to the Federal Government's trust responsibilities to Indian tribes.

"ELIGIBLE ACTIVITIES

"SEC. 102. (a) Upon application of a State, economic development district, unit of local government, Indian tribe, or private or public nonprofit organization established for economic development purposes which meets the eligibility criteria established by this Act, the Secretary is authorized to make a grant for a portion of the cost, as provided in section 108, of projects submitted in a development investment strategy. Development investment assistance may be for the following purposes—

"(1) the construction, repair, rehabilitation and improvement of public facilities, including the acquisition of land and other public works improvements to encourage and support private development;

"(2) revolving loan funds to promote the establishment and growth of small businesses and to retain indigenous firms and entrepreneurs which contribute to the creation, retention, and expansion of private sector jobs;

"(3) to conduct feasibility studies, site preparation, and other technical assistance to prepare for development and to enhance the investment climate; and

"(4) development activities which address and prevent economic dislocation and facilitate economic adjustment including assistance to promote qualified employee ownership organizations and which contribute to economic diversification and long-term economic vitality of the area.

"(b) The Secretary shall provide technical assistance and conduct feasibility studies to assist any person to establish a qualified employee ownership organization for purposes of subsection (a)(4).

"APPLICANTS

"SEC. 103. (a) A State may apply for a grant under this title for an eligible project within any unit of local government within the State, other than a unit of local government with a population of fifty thousand or more, if such unit meets the requirements of section 105 and is not within the boundaries of an economic development district.

"(b) A unit of local government within a State, other than a unit of local government with a population of fifty thousand or more, which meets the requirements of section 105 and is not within the boundaries of an economic development district may apply for a grant under this title for an eligible project within such unit, but only if such unit consults the State in the preparation of the grant application.

"(c) An economic development district may apply for a grant under this title for an eligible project within any unit of local government within such district if such unit meets the requirements of section 105.

"(d) A unit of local government within an economic development district may apply for a grant under this title for an eligible project within such unit if such unit meets the requirements of section 105, but only if such unit consults the economic development district in the preparation of the grant application.

"(e) An Indian tribe may apply for a grant under this title.

"(f) A unit of local government with a population of fifty thousand or more which meets the requirements of section 105 and is located outside an economic development district may apply for a grant under this title for an eligible project within such unit and a private or public nonprofit development organization representing an area within such unit may apply for a grant under this title for an eligible project within such area, but only if such grant application is approved by such unit before its submission.

"(g) In the case of a unit of local government which has a population of fifty thousand or more and does not meet the requirements of section 105—

"(1) such unit may, for an area which meet the requirements of section 105 and is within such unit, apply for a grant under this title for an eligible project within such area, but, in the case of a unit of local government which is located within an economic development district, only if such unit consults the economic development district in the preparation of the grant application; and

"(2) a private or public nonprofit development organization representing an area which meets the requirements of section 105 and is within such unit may apply for a grant under this title for an eligible project within such area, but only if such grant application is approved by such unit before its submission.

"APPLICATION FOR GRANT

"SEC. 104. (a) An application for a grant under this title shall include, but need not be limited to—

"(1) a certification that the area for which the grant is to be made meets the distress requirements set forth in section 105;

"(2) a certification relative to the performance of any responsibilities which the Secretary has agreed to accept under section 306; and

"(3) a development investment strategy prepared in accordance with section 106.

"(b) In approving applications for grants under this title, the Secretary shall consider the purposes of this Act as set forth in sec-

tion 101 of this Act, including but not limited to the following:

"(1) the severity of distress in the area for which the grant is to be made;

"(2) the ratio of private sector investments committed in such area to the amount of the grant applied for;

"(3) the extent to which the appropriate State and local governments have undertaken or agree to undertake other related actions to encourage economic development and the expansion of employment opportunities;

"(4) the effectiveness of the development investment strategy and the degree to which the proposed project contributes to its implementation (including the strategy's relationship to economic problems identified in the strategy), expands employment opportunities in the existing labor market, provides incentives to retain indigenous private businesses, expands or improves public facilities, and encourages private investment;

"(5) the extent to which the strategy and activities are consistent with State and local goals and contribute to long-term economic growth and private sector employment opportunities and establish an overall strengthened economic and business environment which will be self-sustaining; and

"(6) the extent to which assistance under section 102(a)(4) will assist a qualified employee ownership organization to obtain majority ownership of a business.

"(c) No assistance may be provided under this title for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation would not significantly and adversely affect unemployment in, or the economic base of, the area from which the industrial or commercial plant or facility would be leaving.

"DISTRESS REQUIREMENTS

"SEC. 105. (a) In order to be eligible for a grant under this title, the applicant must certify that any activity or project to be funded under such grant will be carried out or located in an area which meets any one of the following criteria:

"(1) the area has a per capita income of 80 percent or less of the national average;

"(2) the area has an unemployment rate 1 percent above the national average percentage for the most recent twenty-four-month period for which statistics are available; or

"(3) the area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(b) Documentation of distress shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Secretary unless it is determined to be inaccurate. The most recent statistics available must be used.

"DEVELOPMENT INVESTMENT STRATEGY

"SEC. 106. (a) Except as provided in subsection (b), an applicant for a grant under this title shall prepare a development investment strategy for the area for which the grant is sought which—

"(1) identifies the economic development problems sought to be addressed by the grant;

"(2) identifies past, present, and projected future economic development investments in such area and public and private participants and sources of funding for such investments;

"(3) identifies the extent to which the development investment strategy takes into account—

"(A) availability of developable land and space in the area;

"(B) public works, public service, and development facilities in the area;

"(C) availability of low-cost capital;

"(D) tax policy on investments in the area;

"(E) level of skill of the labor force; and

"(F) ability of State and units of local government to provide financial assistance in the management and implementation of the strategy;

"(4) sets forth a strategy for addressing the economic problems identified in paragraph (1) and discusses the manner in which the strategy will solve such problems;

"(5) provides a general discussion of the projects necessary to implement the strategy, an estimate and analysis of the costs and anticipated benefits of implementing the strategy, and an estimate of the timetables for completion of such projects;

"(6) provides a summary of public and private resources which are expected to be available for such projects; and

"(7) provides a comprehensive plan to demonstrate a representative percentage of participation by small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto, in all phases of the development and implementation of the development investment strategy.

"(b) In any case in which a unit of local government is the eligible applicant under subsection (b) or (d) of section 103, the unit of local government shall consult the State or economic development district, respectively, in the preparation of a development investment strategy. In any case in which a private or public nonprofit development organization within a unit of local government is the eligible applicant under subsection (g) of section 103, the unit of local government shall approve the organization's development investment strategy.

"PRIVATE SECTOR INCENTIVES

"SEC. 107. (a) To stimulate small business development and to promote internal economic growth which contributes to an improved local tax base and the creation of permanent employment opportunities, the Secretary is authorized to make grants to an applicant and to a State to establish a revolving loan fund to be used for making loans or guaranteeing loans to small businesses for initial or working capital, or the purchase, rehabilitation or expansion of facilities or equipment. In addition, loans or guarantees may be made to businesses where a relatively small amount of capital is needed to complete financing necessary to retain the business in the area. A grant made to a State under this section shall be made on the condition that the revolving loan fund established by such State shall be available only in areas in such State which meet the requirements of section 105.

"(b) No grant for the establishment or recapitalization of a revolving loan fund shall be made for more than $1,000,000.

"(c) No loan or guarantee shall be made from a revolving loan fund which has received a grant under this title unless the financial assistance applied for is not otherwise available from private lenders on terms which in the opinion of the administrator of the revolving loan fund will permit the accomplishment of the project.

"(d) Any applicant for a grant for a revolving loan fund shall give assurances that amounts of any loan which are repaid to the revolving loan fund will be available only for the purposes set forth in subsection (a).

"(e) No loan or guarantee may be made from a revolving loan fund which has received a grant under this title unless the applicant for such loan or guarantee provides reasonable assurance of repayment of the loan.

"(f) The Secretary may make additional grants for a portion of the cost, as provided in section 108(b), of recapitalization of a revolving loan fund, taking into consideration the past performance of such fund.

"(g) The grantee of any grant for a revolving loan fund shall administer the fund.

"FEDERAL SHARE

"SEC. 108. (a) The amount of any grant for a project for any eligible activity described in paragraph (1) of section 102 shall be that amount which when added to amounts available from all other sources is sufficient to complete such project, except that in no event shall the amount of any grant under this title exceed 50 percent of such cost of completing the project as determined at the time of the grant application. No additional funds shall be granted or otherwise made available under this Act for any such project for which a grant has been made under this Act.

"(b) The amount of any grant for the establishment of a revolving loan fund under paragraph (2) of section 102(a) shall not exceed an amount which is equal to the amount of funds available from all other sources for the establishment of such revolving loan fund. The amount of any additional grant for the recapitalization of a revolving loan fund previously established with a grant under this Act shall not exceed an amount which is equal to one-third of the amount of funds available from all other sources for such recapitalization.

"(c) In the case of a grant to an Indian tribe, the Secretary may reduce or waive the non-Federal share.

"LIMITATIONS

"SEC. 109. (a) Except for expenditures to Indian tribes, not more than 15 percent of the appropriations made pursuant to this title may be expended in any one State.

"(b) The Secretary shall not obligate more than $2,000,000 in any fiscal year to any person (including any State or local government or public organization) for grants under this title, other than grants which promote qualified employee ownership organizations.

"OBLIGATION OF FUNDS

"SEC. 110. (a) Not later than May 31 of each fiscal year, the Secretary shall obligate for grants under this title not less than 50 percent and not more than 60 percent of the funds appropriated for such fiscal year pursuant to this title.

"(b) Not later than September 30 of each fiscal year, the Secretary shall obligate for grants under this title the remaining funds appropriated for such fiscal year pursuant to this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 111. There is authorized to be appropriated to carry out this title, to be available until expended, $425,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Not more than 25 percent

of the amount appropriated pursuant to this section for any fiscal year shall be expended to carry out section 107.

"TITLE II—INVESTMENT STRATEGY, PLANNING, EVALUATION, AND DEMONSTRATION

"INVESTMENT STRATEGY AND PLANNING

"SEC. 201. (a)(1) The Secretary is authorized to make grants for economic development planning, including the preparation of development investment strategies under section 106 and the payment of administrative expenses, to States, economic development districts, Indian tribes, counties which meet the distress requirements of section 105 and which are located outside of economic development districts, and those other units of local government having populations of fifty thousand or more which meet such distress requirements and which are located outside of economic development districts. Such planning shall be a part of a comprehensive planning process and shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program. The Secretary is authorized to make grants for preparation of a development investment strategy under section 106 to any unit of local government having a population of 100,000 or more which meets the distress requirements of section 105 on condition that such unit consult with any economic development district of which it is a part in the preparation of such development investment strategy.

"(2) Any State economic development plan prepared with assistance under this section shall be prepared by the State with the active participation of units of local government and economic development districts located in whole or in part within such State and shall set goals for economic development within such State. Each State receiving assistance under this subsection shall submit to the Secretary an annual report on the planning process assisted under this section.

"(3) Any economic development planning by an economic development district or a unit of local government for which a grant is made under this section shall be consistent with the State economic development plan for the State in which such district or unit is located.

"(b) Grants under this section shall be used, to the maximum extent possible, to provide logical coordination of investment for community facilities, economic development, manpower training, and transportation services.

"(c) Any applicant for assistance under this section is encouraged to provide project planning, financial analysis, marketing, management, feasibility studies, and other technical and financial assistance to communities and neighborhoods within its boundaries.

"EVALUATION AND DEMONSTRATION

"SEC. 202. (a) The Secretary is authorized to conduct a program of evaluation of Federal, State, and local development investment efforts in order to—

"(1) assist in determining the causes of unemployment, underemployment, severe economic adjustment problems, and chronic distress in areas and regions of the United States; and

"(2) assist in formulating, implementing, or improving programs at the National, State, or local levels which are designed to increase employment in private firms, assist depressed industry sectors, or otherwise promote economic development or adjustment.

"(b) The Secretary is authorized to conduct any demonstration program to test the feasibility of new ways to increase productivity and growth and the understanding of regional and local economies, to foster innovative technology and research in the field of economic development, to match the labor force with projected labor markets, to improve United States competitiveness, or to encourage economic diversity and regional balance.

"(c) Programs authorized under subsections (a) and (b) of this section may be carried out by the Secretary acting through the staff of the Department of Commerce, in cooperation with or by the provision of funding to other departments or agencies of the Federal Government, or by contract.

"(d) The Secretary is authorized to make grants to colleges, universities, and other nonprofit educational and research organizations to establish and support ongoing programs which provide to businesses and units of local government management and technical assistance for the purposes of promoting productivity, economic development, and employment opportunity.

"(e)(1) The Secretary, in consultation with the Secretary of the Treasury and such other departments and agencies as the Secretary considers appropriate, shall conduct a study—

"(A) regarding the financing needs for the construction, repair, and rehabilitation of public facilities in order to improve the condition of such facilities so that such facilities can adequately meet present levels of service;

"(B) regarding the ability of State and local governments, including special public authorities which own or operate public facilities, to meet such financing needs;

"(C) to determine—

"(i) the present level of financing for public facilities;

"(ii) the types of financing used to meet such financing needs;

"(iii) those obstacles which affect the ability of State and local governments to meet such financing needs;

"(iv) the access, or lack of access, of State and local governments to the private credit market;

"(v) the ability of the private credit market to absorb such financing needs on a taxable or tax-exempt basis;

"(vi) the extent to which debt limitations affect the ability of State and local governments to meet such financing needs, including a survey of such debt limitation factors with respect to each State; and

"(vii) the ability of State and local governments to increase taxes, or impose or increase user fees, in order to meet such financing needs; and

"(D) regarding such other factors as the Secretary deems appropriate in order to assist the Congress in determining the total financing needs necessary to improve such public facilities.

"(2)(A) The Secretary shall transmit to each House of the Congress an interim report not later than June 30, 1986, and shall transmit a final report to each House of the Congress not later than December 31, 1986.

"(B) The final report shall contain a detailed statement of the findings and conclusions of the Secretary, together with the Secretary's recommendations for such legislative or administrative actions as the Secretary considers appropriate.

"(3) For purposes of this subsection, the term 'public facilities' shall only include the following: non-Federal-aid roads and bridges; water supply and distribution systems; sewer systems; solid waste disposal systems; and transportation facilities which represent an element of local, State, area, or regional economic development, such as airports, ports, waterways, and docks.

"FEDERAL SHARE

"SEC. 203. The amount of any grant under section 201 shall not exceed 75 percent of the cost of economic development planning or of the preparation of a development investment strategy. The amount of any grant under section 202(d) shall not exceed 75 percent of the cost of establishing and supporting the ongoing management and technical assistance program. In determining the amount of the non-Federal share of costs under this section, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. In the case of a grant to an Indian tribe under section 201, the Secretary may reduce or waive the non-Federal share.

"OBLIGATION OF FUNDS

"SEC. 204. Not later than December 31 of each fiscal year, the Secretary shall obligate for grants under section 201, 90 percent of the funds appropriated for such fiscal year pursuant to this title (other than those funds available for purposes of section 202). The remainder of such funds shall be obligated during such fiscal year only for making grants under section 201 in areas meeting the criteria set forth in section 105(a)(3).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 205. (a) There is authorized to be appropriated to carry out this title, to be available until expended, $75,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988.

"(b) Of sums authorized to be appropriated under subsection (a) of this section—

"(1) not to exceed $13,000,000 in the fiscal year ending September 30, 1986, and not to exceed $15,000,000 in each of the fiscal years ending September 30, 1987, and September 30, 1988, shall be available for purposes of subsections (a) through (d) of section 202; and

"(2) not to exceed $2,000,000 in the fiscal year ending September 30, 1986, shall be available until expended for purposes of section 202(e).

"TITLE III—ADMINISTRATION

"DEFINITIONS

"SEC. 301. For purposes of this Act—

"(1) the term 'economic development district' means—

"(A) an economic development district designated on or before January 1, 1985, under section 403(a)(1) of the Public Works and Economic Development Act of 1965; and

"(B) any district within a State which is designated by the Secretary, which district is of sufficient size or population and contains sufficient resources to foster economic development on a scale involving more than one county and does not contain within its boundaries any part of another economic development district designated under subparagraph (A) or under this subparagraph;

"(2) the term 'qualified employee ownership organizations' include—

"(A) a qualified employee trust as defined in section 3(c)(2) of the Small Business Act, except that—

"(i) such term shall not be limited to plans maintained by small business concerns or to loans guaranteed under such Act;

"(ii) in the case of any form of financial assistance, the principles of section 3(c)(2)(B) of such Act shall apply under regulations prescribed by the Secretary; and

"(iii) there shall be periodic reviews of the role, in the management of the concern involved, of employees to whose account stock is allocated; and

"(B) any business organized on a cooperative basis;

"(3) the term 'Indian tribe' means the governing body of a tribe, an Indian authority or tribal organization or entity, an Alaskan Native village, or any Indian group which is recognized as an Indian tribe by the Secretary of the Interior, except that the term 'Indian tribe' shall also include those bodies, authorities, organizations, entities, or groups not recognized by the Secretary of the Interior, if—

"(A) such body, authority, organization, entity, or group is recognized, as of May 5, 1985, as a tribe or other similar appropriate entity by the State in which it is located and such State, as of May 5, 1985, holds land in trust on behalf of such tribe or other similar appropriate entity; and

"(B) the project or assistance involved will be located on such land held in trust or on tribal land;

"(4) the term 'unit of local government' means any city, county, town, parish, village, or other general purpose political subdivision of a State;

"(5) the term 'small business' means a business that is independently owned and operated, is not dominant in its field of operations, and meets such other criteria as the Secretary, after consultation with the Administrator of the Small Business Administration, may by regulation establish, including but not limited to, numbers of employees and dollar volume of business by industrial classes;

"(6) the term 'Secretary' means the Secretary of Commerce; and

"(7) the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

"APPOINTMENT OF ASSISTANT SECRETARY

"SEC. 302. The Secretary shall administer this Act with the assistance of an Assistant Secretary of Commerce, created by section 601 of the Public Works and Economic Development Act of 1965. Such Assistant Secretary shall perform such functions as the Secretary may prescribe.

"CONSULTATION WITH OTHER PERSONS AND AGENCIES

"SEC. 303. (a) The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) The Secretary may make provisions for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this Act.

"ADMINISTRATION OF ASSISTANCE

"SEC. 304. No grant shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"POWERS OF THE SECRETARY

"SEC. 305. In performing his duties under this Act, the Secretary is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

"(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

"(4) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this Act;

"(5) procure by contract the temporary or intermittent services of experts and consultants or organizations therefor as authorized by section 3109(b) of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) in accordance with section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

"(6) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne, or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this Act from the application of sections 517, 547, and 2679 of title 28, United States Code; and

"(7) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

"CERTIFICATION

"SEC. 306. (a) The Secretary may discharge any of his responsibilities relative to a project for which a grant may be made under title I of this Act by accepting a certification by the applicant of the applicant's performance of such responsibilities. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(b) Acceptance by the Secretary of an applicant's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"SAVINGS PROVISIONS

"SEC. 307. (a) No suit, action, or other proceedings lawfully commenced by or against the Secretary or Assistant Secretary or any other officer in his official capacity or in relation to the discharge of his official duties under the Public Works and Economic Development Act of 1965, shall abate by reason of the taking effect of the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such taking effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the Secretary or Assistant Secretary or such other officer of the Department of Commerce as may be appropriate.

"(b) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act, by any agency, officer, or office pertaining to any functions, powers, and duties under the Public Works and Economic Development Act of 1965 shall continue in full force and effect after the effective date of this Act until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

"ANNUAL REPORT

"SEC. 308. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1986. Such report shall be printed and shall be transmitted to the Congress not later than February 1 of the year following the fiscal year with respect to which such report is made.

"PREVAILING RATE OF WAGE

"SEC. 309. All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary shall not extend any financial assistance under this Act for such project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this provision, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. App.), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"RECORD OF APPLICATIONS

"SEC. 310. The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of applications approved for a grant under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved: (1) the name of the applicant, (2) the amount and duration of the grant for which application is made, and (3) the purposes for which the proceeds of the grant are to be used.

"RECORDS AND AUDIT

"SEC. 311. (a)(1) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which (A) fully disclose the amount and the disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount and nature of that portion of the

cost of the project or undertaking supplied by other sources, and (B) review the efficiency, economy, and effectiveness of the project carried out under this Act.

"(2) Not later than ten days after January 1 and July 1 of each year, each recipient shall transmit a report to the Secretary containing all information prescribed under paragraph (1) which relates to all activities carried out during the preceding period relating to grants made to it under this Act. Each report submitted in January of each year shall include an audited statement of all funds spent on the project or undertaking during the preceding fiscal year prepared by an independent certified public accountant in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

"(b) For the purpose of reviewing the efficiency, economy, and effectiveness of programs carried out under the provisions of the Act, including audit and examination, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of any recipient, subrecipient, contractor, or subcontractor that are pertinent to assistance received under this Act.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 312. There is hereby authorized to be appropriated for salaries and administrative expenses to carry out the provisions of this Act $30,000,000 for the fiscal year ending September 30, 1986, $35,000,000 for the fiscal year ending September 30, 1987, and $40,000,000 for the fiscal year ending September 30, 1988. Appropriations authorized under this Act shall remain available until expended unless otherwise provided by appropriations Acts. Any contract entered into pursuant to this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.".

Mr. LUNDINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 10, the National Development Investment Act. I am a cosponsor of this important legislation and I supported similar bills in the 98th and 97th Congress. I am hopeful that this year H.R. 10 will be enacted into law.

Funding for the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC] is provided for in this legislation. The EDA and ARC were established to provide various types of assistance to economically distressed areas of the country. Aid for the development of public facilities, such as roads, ports, community water and sewage systems, and education and health facilities, as well as grants for private economic development projects are provided for by EDA and ARC.

It is important to national economic revitalization that we approve this legislation without further delay. Solutions to many of our economic problems can only be found at the local level. I believe, therefore, that State and Federal governments must continue to provide support to facilitate the development of innovative local efforts to address economic problems.

This bill before us today is particularly suited to assist in this effort. It authorizes $500 million in the next 3 fiscal years for a new economic development program to replace the existing Public Works Grant Program. In addition, it authorizes funding for 50-percent Federal matching grants to eligible localities for the development of public infrastructure, for the creation of local revolving funds, and for the establishment of employee stock ownership organizations.

Great care has been taken in this legislation to address the past criticisms of administration of EDA programs. The Business Loan Program is eliminated and to insure that projects funded under this legislation are part of an overall development strategy, the preparation of a development strategy by local concerns interested in assistance is required. Furthermore, to insure that assistance goes to the most distressed communities, eligibility for assistance under the legislation will be determined by a combination of need, as defined by high unemployment or per capita income below the national average, and the ability to prepare an adequate development strategy which provides maximum private sector leveraging for Federal dollars. Finally, the Federal share for capital projects is reduced to 50 percent to assure local commitment.

I am particularly pleased that this legislation contains a provision which allows funding for matching grants for both technical assistance and capital funds to promote employee stock ownership. Such assistance is particularly important in cases where employees seek to purchase plants or firms which otherwise would be shut down.

Employee stock ownership plans [ESOP's] have grown significantly in recent years. There are approximately 5,000 to 6,000 ESOP's in this country today. Most hold only a small percentage of a company's stock. Such stock plans can facilitate the capital expansion of a business, broaden the base of ownership, and provide an incentive for improved productivity.

Most often, access to technical assistance and help in leveraging private credit for potential employee-owned firms is crucial to their success. The employee-ownership provisions of this bill build on the limited, but important, past involvement of EDA under their title IX program.

The advantages of such assistance is no more vividly illustrated than in a case which enabled the employee purchase of specialty steel firm in my congressional district in Dunkirk, NY. In 1976, EDA granted $10 million to the State of New York which was, in turn, loaned to 35 management employees to purchase the Al Tech Specialty Steel Corp. Since then, the record of Al Tech has been very successful. Perhaps the most impressive fact is that within the first 2 years alone, Al Tech employees paid more than $10 million in Federal income taxes.

I also want to express my strong support for title II of this legislation which extends the Appalachian Regional Development Act by adopting a finish-up program for the Appalachian Highway System by 1991 and the area redevelopment program by 1988.

The Appalachian Highway Program, in particular, has been critically important to the upstate New York area and has been instrumental in the construction of the Southern Tier Expressway, the only four-lane, limited-access highway linking our economically depressed rural region with the Interstate System. Traveltime from certain points in upstate New York to New York City has already been reduced from 10 hours to 7 hours, and the Southern Tier Expressway has not yet been completed. I am sure that my colleagues can appreciate the importance of this development and the need to complete this highway project.

In addition to contributing to highway development, much progress has been made in the areas of vocational training, health care delivery, child development, community development, energy and enterprise development, and housing in my district, and in the rest of the Appalachian region. For example, the James Prendergast Library in Jamestown and the Steele Memorial Library in Elmira, two of the most important information centers in my district, were built with ARC library funds. In Steuben County, the regional business development center, sponsored by the Corning Community College, whose graduates have made significant contributions to the economy of the region, was started with ARC vocational education funds. In the field of health, the burn and rehabilitation unit at St. Joseph's Hospital in Elmira was started with $200,000 in ARC funds, and the development of rural ambulatory care at the Salamanca Hospital in Cattaraugus County was assisted with over $300,000 in these funds. I could go on and on with examples of how my congressional district has benefited from ARC funding, but I think that my point is clear. The ARC's contribution to the 14 New York counties has been invaluable and the future of the ARC is of great concern to me.

The 13 Appalachian Governors' 1986 budget request for ARC is $311 million. This is consistent with the Governors' finish-up proposal submitted to Congress in 1981 and with the authorization passed by the House last session. Also, it is consistent with a resolution adopted by the National Governors' Association at its recent meeting. That resolution, in endorsing the con-

cept of multistate regional development strategies and programs, states specifically: "The Administration and Congress should give full financial support to the Governors' plan to provide for phase-out funding for the Appalachian Regional Commission." Consistent with the Governors' request, H.R. 10 includes $234 million for the Appalachian Highway and Access Road Program so that the task of completing the most essential segments of the revised highway plan, such as the Southern Tier Expressway can be completed. I believe that the Governors' 1983-to-1985 record in managing the ARC finish-up program which was worked out with Congress justifies this request for funds in 1986.

If we are to address the serious economic problems we face, this legislation must go forward. I urge my colleagues in the Senate not to permit this bill to die in that body as they did during the last two Congresses. Instead, the Senate should join with the House to design an effective program for local economic development.

I am convinced that we can utilize both our public and private resources more effectively to improve productivity and foster economic growth. The House of Representatives, with my support, took an important first step toward this goal when it approved funding for fiscal year 1986 for the Economic Development Administration on July 17. The passage of H.R. 10 is the next step which must be taken if we wish to see progress in future economic development in this country. I urge my colleagues to join me in supporting this measure.

Mr. APPLEGATE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the legislation.

At this time, I would like to add my support for H.R. 10. This bill was unanimously reported out of Public Works and Transportation, with very good reason.

This legislation directs valuable resources to a part of this country that has long been distressed and unable to attract necessary capital. The Economic Development Administration and the Appalachian Regional Commission have proven effective in the development of public facilities, community water and sewage systems, and education and health facilities. One must agree in the importance of these facilities for improving the standard of living for many Americans. This legislation is very important in my area of the country. The State of Ohio has had to deal with the closing or phasing out of many industries including steel, coal, pottery, and glass. It is an area that has, in several cases lost the fight against imports and faces high unemployment. I am sure that many of my colleagues can well appreciate this situation and can see the value in this kind of legislation.

The bill is not simply another Government expenditure. It provides economic development grants which have proven to be a much needed boost for the local economies. It also would provide for a revolving loan program that would be administered locally. The community must demonstrate that it can provide the necessary loan management capability before they can even qualify. These two provisions are important due to the nature of this area. In the past, it has been extremely difficult for these communities to attract new business, as well as, necessary investment for capital improvements. This bill would give communities and individuals the tools to compete and increase the prospects for raising revenues. We have the opportunity to stimulate the economies of distressed communities, which in the long run will ease the dependency that they now are forced to have on the Federal Government and the taxpayer.

I urge my colleagues to support this legislation in the name of fiscal responsibility and management.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. McCOLLUM:. Page 11, strike out line 23 and all that follows through page 12, line 13, and insert in lieu thereof the following:

"SEC. 105. (a) In order to be eligible for a grant under this title, the applicant must certify that any activity or project to be funded under such grant will be carried out or located—

"(1) in an area which—

"(A) has a per capita income of 80 percent or less of the national average, and

"(B) has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available; or

"(2) in an area which has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I would like to take this opportunity to commend the Committee on Public Works and Transportation for tightening the eligibility requirements that are in this bill over what the law presently reads. However, I am a member of the Banking Committee, which would have potentially the opportunity to review and offer amendments to this legislation, but we did not take it up and I am at this time taking an opportunity on the floor to offer an amendment that I would have in committee that would further tighten the eligibility requirements for grants under the Economic Development Administration portion of this legislation.

The present law allows over 80 percent of the communities in the country to be eligible for consideration under this program. In H.R. 10 the Public Works Committee recognized the problem and tightened the eligibility requirements, but in looking at the provision and its effects, I am not convinced that the standards in section 105 go far enough.

There are three standards set forth in section 105. In order for an applicant to be considered, it must meet one of these three standards. The standards are that the community must have a per capita income of less than 80 percent of the national per capita income, or have an unemployment rate that is 1 percent greater than the national unemployment rate for the preceding 24 months, or has experienced or is about to experience a sudden economic dislocation.

While these changes are a definite improvement over current law, there will still be about 45 to 50 percent of the country eligible under these provisions.

My amendment would simply require that an area have both a per capita income of less than 80 percent of the national level and have an unemployment rate that is 1 percent greater than the national rate. The third test will remain unchanged as an alternative for communities that do not meet the employment and income standards. The effect of this amendment is to reduce the eligible communities while targeting the funds available for the truly needy.

At a time when we have limited funds available for economic development, defining the truly needy and getting the funding to them takes on an even greater emphasis. An area that has a per capita income of 80 percent of the national average is not necessarily distressed. This could be an area where the cost of living is below the national average or have a significant retired population. An area with high unemployment, while being distressed, may not be a good candidate for Federal help because there is enough wealth and income to support economic development locally.

In any case, by reducing eligible communities, we allow for better administration of the funds because of a reduced workload on the EDA itself. This hopefully will provide greater resources to work with viable and needed projects in the most distressed areas.

Who should vote for my amendment? Well, first of all, I would suggest that those who have severely distressed areas in which an EDA project would have great impact should vote for it because there would be less competition for the grants and there would be more administrative help for the communities involved. Second are those who want to see the limited resources of this Government spent in areas of greatest impact. And third are those who do not believe that nearly 50 percent of this country is economically distressed. And I certainly do not believe that 50 percent is economically distressed.

But we do have limited resources. As has been pointed out, the appropriations process has already been undertaken, we have now conformed this particular bill to numbers and figures in the budget, and so on, but they are only limited resources, and it seems to me that above all else we ought to target those limited resources to those few communities in this country who are truly distressed, who have the high unemployment, and who also have the below the national average of per capita income, as indicated—both, rather than just one. And there is that escape valve that remains, even with my amendment, for the truly distressed area where you do have a dislocation that is occurring. So there could be an exception if in fact that were necessary.

Mr. Chairman, I hope that the majority of my colleagues will support the efficient use of resources of the Federal Government in this area and will vote in favor of my amendment.

Mr. CLINGER. Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, the gentleman from Florida [Mr. MCCOLLUM].

I say "reluctant" in that I believe the gentleman is attempting to address this whole question of eligibility, but I think there are some misconceptions really about what we are doing here and also about what is really necessary for economic development to take place.

There really is another factor. We have established certain eligibility standards—per capita income and unemployment rates. But beyond that we need to have the prospects for economic development to take place. You cannot have it without having certain factors present in any given community. I would posit the situation where you would have two communities under the amendment offered by the gentleman from Florida, one of which would meet his more stringent eligibility requirements and one of which would not, but the one that would meet those requirements would not have an available work force, would not have the available land, and would not have sufficient local capital to get a synergistic effect with the use of Federal funds to really have a critical mass of economic development take place. The other community which would meet either the per capita requirement or the unemployment-rate requirement would have those very essential elements—an eligible work force, a trained work force, land, local capital, training, et cetera, which are absolutely essential for us to really have the prospects of success in any investment we make.

Under that scenario we would be funding a situation in a community which really would have no prospect of success. It would be in effect putting an investment in an area as a pure subsidy to in effect buy them a little time, but that is about all, because the prospects of really having anything happen there would be really remote.

I think the Members have to keep in mind that the area of eligibility which we address in this bill only means that a community can apply for funds. It does not mean that they are going to get any funds. It does not mean that they are going to be selected for a project. It merely means that they have the eligibility to apply.

As a matter of fact, under the Reagan administration, where the funds have been targeted, even under the very generous eligibility requirements that presently exist, where we have not redesignated an area in 15 years and 80 percent of the country is eligible, actually only about 28 percent of the country has been in receipt of EDA funding over that period of time.

The point is that these applications are considered on a competitive basis, and I believe that EDA needs to have the flexibility which is provided in H.R. 10 to make that kind of selection process, to be able to look at competing communities and say, "Yes, this community may be worse off in terms of what is there and per capita income and unemployment, but the potential for reviving that with EDA assistance just does not exist."

What the McCollum amendment, it seems to me, does is to carry out what we used to call the worst first philosophy, and when I served at EDA as chief counsel, this was a concept that was debated and considered at great length. It was rejected, and I think that the reason it was rejected was the very reason that I have been citing, that there was a feeling very strongly that we could be wasting an awful lot of money if we just went to a worst first situation, and we would be missing a tremendous number of opportunities in adjacent or nearby areas where the potential or the very real potential for improvement and rejuvenation existed.

So, Mr. Chairman, I commend the gentleman for attempting to tighten our bill. I would only state that in my view at least it might have the counterproductive effect of having us end up wasting more money.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am glad to yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I certainly do not like being on the other side of the issue from my good friend, the gentleman from Pennsylvania. I have the utmost respect for him and for his experience, but it seems to me that with the eligibility we are talking about, we are particularly now faced with this terribly tight limitation on resources, and while what the gentleman is concerned about was undoubtedly true in EDA before, I believe frankly it needs to be reexamined. That is what I am attempting to do here.

It seems to me that this Congress ought to speak its word and really get tight with it because there are too many opportunities for someone down at EDA right now to pass out moneys to communities that might not be so deserving. While there may be a much more limited number that would have the resources to compete under my amendment, I am quite confident, based on my conversations with EDA officials, that we would have many more applications, even under my amendment, than we could possibly fulfill.

Mr. Chairman, I believe that that merits our acceptance of the amendment.

Mr. GRAY of Illinois. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I first want to commend the full committee chairman, the gentleman from New Jersey [Mr. HOWARD], and the subcommittee chairman, the gentleman from New York, and the gentleman from Pennsylvania for their outstanding work on H.R. 10.

As I rise in opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM], I would like to recite a little poem that I think will tell why we must defeat this amendment and allow this bill to have a broad base so we can induce industry to locate wherever we can find industry that wants to locate:

I watched them tear a building down—
A gang of men in a busy town.
With ho-heave-ho and a lusty yell,
They swung a beam and a sidewall fell.
I asked the foreman,
"Are these men as skilled
As the men you would hire if you had to build?"
He just laughed and said,
"No, indeed,
Just common labor is all you need."
So I said to myself,
As I turned and walked away,
Which of these roles have I tried to play?
Have I been a builder,
Who works with care,
Measuring life by the rule and square,

Making my deeds to a well made plan,
And doing the very best I can?
Or have I been a wrecker,
Who walks the town,
Content with the job of tearing down?

Mr. Chairman, inaction is just as destructive as someone taking a sledge hammer and knocking a building down. Grass will literally grow up in the cracks of a sidewalk if you do not have people active and interested. When you narrow this bill down—and the gentleman from Pennsylvania put his finger right on the problem—to where a contiguous district may have the opportunity of attracting industry, people from a very high-unemployment area can then go over and find a job. That is what this bill tries to do in its present form.

I had the great privilege in 1965 of helping to write the first EDA Act, and that program in the last 20 years has brought 1½ million new jobs to this country at a pittance of a cost of $4.7 billion. And as the distinguished gentleman from Minnesota said earlier, we are now bringing back to local, State, and Federal tax coffers more than $6.5 billion annually. Every year we are getting back more than the initial investment, over the past 20 years.

Take my congressional district in southern Illinois, as an example. We have coal, and when the coal mines go down, there is not a lot you can do to sell coal. But across the Mississippi River is St. Louis, and 300 miles to the north is Chicago. They may have an opportunity of bringing in new industry. And just south of us now is the Saturn plant which is going into Tennessee, and people can migrate from one area to the other in an emergency, until things get better at home. But if you limit the jurisdiction of eligibility, you take away that opportunity.

Let me say parenthetically that this committee bill is a pittance of $300 million. Mr. Chairman, let me say that we gave more money to Egypt last year in foreign aid than the entire authorization in this EDA bill. We should be ashamed of ourselves. We give more money to one country than we are providing for the American unemployed worker. This $300 million includes loans, grants, and money to make surveys and planning, and here we want to tighten it down just a little tighter so if it falls just 1 percentage point below the national average and some industry wants to locate, we have to say, "Well, I'm sorry, but we can't help you."

So, I ask my colleagues, vote down this amendment and let us vote the bill up and let us begin to think about increasing the amount of authorization and appropriations for the development of our own country.

We had one plant in my district, the Mark Twain boat plant. We gave them an EDA loan of $2 million. Think of this. They have already paid back that loan down to $300,000, and the company has paid $85 million in local payroll since the inception of that plant. I could go on and on and on and tell you about projects in my district—over 2,000 new jobs funded by EDA.

Let us vote down the amendment. I can understand my friend, the gentleman from Florida, because they are all moving out of these industrial areas right into the Sun Belt. They are going down where they can enjoy the gentleman's district. It is a beautiful area, and I like to visit it. But why do we want to siphon off what chance we have got of keeping jobs in these industrial areas and allow them to go to the Sun Belt and other places?

So, Mr. Chairman, I ask for a no vote on the gentleman's amendment. Let us pass this bill and get on with the job of providing jobs in this great country. Thank you.

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Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Florida just in what way he changes the criteria for eligibility. I yield to the gentleman.

Mr. McCOLLUM. Mr. Chairman, I would just respond to the gentleman from Minnesota by saying that at the present time, there are three standards that are required; a standard dealing with the unemployment rate having to be over 1 percent. If in fact it is over 1 percent of the national average, then indeed you are eligible. If in fact under the particular law as it now exists in this bill, the per capita income of the community is 80 percent or less than the national average, the community is eligible, or if there is a situation in which a community or an area is experiencing or is about to experience a sudden economic distress or dislocation, under my amendment I simply combine the first two and that way you have got to have both a high unemployment rate of 1 percent above the national average and you also have to have a per capita income of 80 percent or less than the national average.

It is my understanding, if I might take the time to say this, that right now about 80 percent of the communities in America are eligible for EDA moneys. Under this legislation that is pending, without my amendment, about half the communities in the country are, and the best estimate out of the EDA is, if my amendment passed, about 25 percent or a quarter of all the communities in the country, would still be eligible for EDA moneys, which seems to me to be extraordinarily high, but nevertheless, that is where it would be under my amendment.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his explanation.

It does seem to me if the program is to be reduced, that it ought to have some sense of priority about it. We have always been told that this program was going to relieve distress. My personal opinion of it is that it has been relatively unsuccessful in meeting that purpose.

It seems unbelievable to me that half the United States would be eligible. We have a lot of distress, that is true, but that is quite a lot, half the United States.

I think the gentleman's amendment is rather important. I think it is one in which the House ought to be casting a vote. I cannot imagine that we would spread the taxpayers' bread that broadly on the waters so that half the American communities would be eligible for what most people believe is a particular aid to communities of relatively intense distress.

Mr. Chairman, I did not want to interrupt the love feast that took place in the scheduled debate, but it is my intention to vote against this bill anyway, because I think this program is not one of the essential ones that the Republic requires for growth and property.

I do not deny that federally stimulated investment is always the best way for growth, but I do think if we are to have a program, it makes an awful lot of sense to have our people have some confidence that they direct not toward areas where you can do pretty well or which are not doing badly by themselves, but areas where there is some genuine distress.

I do not know if the criteria of the gentleman from Florida are the best or the worst. At least they are tighter and seem to focus the bill better.

I therefore support the gentleman's amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I think that is the very point. I am trying to target it to a very narrow range of realism. While we might have great debate over whether we ought to have a program or not, it seems apparent that the majority is going to vote for the program, or already has, the vast majority; but while we are going to spend $300 million, that is a very small amount of money overall, and as the gentleman says, we ought to narrow it down, target it down.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman.

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to my distinguished colleague, the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Chairman, I thank my friend for yielding, and although I do not agree with his position on this bill, I wanted to rise and compliment the gentleman on the outstanding job he did this morning on C-SPAN.

Mr. FRENZEL. I thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, let us get the facts straight. The bill as drafted, with the criteria written in the legislation, apply to roughly 40 percent, probably a little bit less than that, of the population of the country. That is not an abstract number. That is not almost 50 percent—that is 40 percent. If the economy gets worse, the number could go higher because the distress would be reflected in the total economy of this country and be spread wider across the United States.

The previous criteria, those that are in current law, if applied as written in the law, would cover 80 percent of the population. We recognize that was not terribly well focused. There are a number of counties and labor market areas in the United States that are grandfathered in, I would say to the gentleman from Minnesota, grandfathered in under current law. We have stricken grandfathering. That would no longer be applicable under H.R. 10. Areas that are not eligible under any criteria will no longer be eligible under this legislation.

Further, as the program is administered currently, roughly 28 percent of the country is receiving—that is population-wise—is receiving assistance from EDA.

The gentleman's criteria, those in the pending amendment, combining the two essential features of our criteria in this bill, would narrow the application of EDA to roughly 25 percent of the population. This would not be a worst-first criteria, but a worst-only criteria and would strike at cities. This is aimed principally, whether the gentleman intends it that way or not, its thrust is principally at urbanized areas and would largely disqualify such areas from ever receiving consideration under this EDA program, and I think that is entirely wrong.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding.

We do have criteria in the bill for less than 80 percent of the average national income, I believe, and/or over 1 percent above the national unemployment level; is that correct?

Mr. OBERSTAR. Yes.

Mr. HOWARD. If we combine the two, then we must have both, and is it not true that an area that may have 5 or 10 or 15 percent unemployment above the national average might not be eligible under this program?

Mr. OBERSTAR. That is entirely possible. The gentleman is correct.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I appreciate the gentleman yielding to me.

I rise to oppose the McCollum amendment at well. It seems to me that the amendment ties the hands of the agency administering this program. The track record of this agency, of the EDA, has been overwhelmingly successful over the last 15 or 20 or so years of its administration.

I would not think that we could improve the capacity of the agency to administer this program by severely restricting it as this amendment would attempt to do.

I thank the gentleman for yielding.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for his comment. He is absolutely right.

Mr. Chairman, I want to make one further point, and that is that there is another element of targeting in this legislation which was the specific contribution of our former colleague and former ranking member of the House Public Works and Transportation Committee, the gentleman from California, Mr. DON CLAUSEN. Under his recommendation, we have limited the dollar amount to $1 million per project. That assures that the funds will go to the relatively smaller population areas and to only those that have the greatest need. That is the way this program is now being administered and that is the way it would be administered under the provisions of the pending bill.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

I certainly agree with the gentleman that this bill as it has come out of the committee is far better than existing law. But I disagree strongly that we should not narrow it even further. It seems to me that we are not going to be hurting the truly economically distressed areas, because if you have got dislocation regardless whether it is urban or rural or wherever it is, you have got an escape valve for that, and Lord knows we have a number of those right now that need to be taken care of, and in addition to that, with the criteria that I have established in my amendment, you really and truly are getting those people who are in need, and that is the objective.

I mean, everybody here today said $300 million does not go very far when you spread it across the waters. It just seems to me that we have no business keeping eligible 40, 45, or 50 percent, whatever it is; EDA told me 45 to 50 percent; the gentleman says 40, but whatever, 25 percent that it would be under my amendment seems to me to be perfectly adequate.

I understand the gentleman's point.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. First from the budgetary standpoint, Mr. Chairman, we have looked at the total dollar amount committed in this legislation. That dollar amount has already been reduced substantially by the chairman's amendment. The Howard amendment cuts 20 percent, so our funding universe is already relatively small.

Second, with the criteria that we have written into the bill, we have narrowed the focus of the existing EDA Program to those most distressed areas that have 80 percent per capita income or 1 percent above national average unemployment for 24 months. That is a long period of time to require an area to be distressed in order to qualify for assistance.

Third, we limit the amount of money that can go to any individual project.

If $300 million were appropriated, which it has not been in several years, you would have 300 projects for the whole country if the maximum of $1 million per project were approved. That is not spreading it over 40 or 50 percent of the United States; so we have already a very limited program.

I urge the Committee to defeat the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I will not take all the time that is allowed.

I just would like to say that the words of the gentleman from Illinois [Mr. GRAY] and the gentleman from Minnesota [Mr. OBERSTAR] make a lot of sense.

I look back at my first term. I remember the debate on the foreign aid bill. This House passed by a voice vote $13 billion plus without even calling for a recorded vote. Now we are here discussing America's infrastructure needs, economically distressed communities, areas which have been targeted by blight and rust bowls and now all the national debt defenders are out talking about breaking the bank with this type of legislation.

I would like to talk about, with the gentleman's amendment and I believe the gentleman means well, the gentleman probably knows much more about

it than I do from his past experience; but I represent a district that has one of the highest unemployment levels in all America, having lost all its steel mills. If we pass the gentleman's amendment I probably would not qualify in my district because of the 80 percent per capita provision.

Our unemployment was 29.3 percent last summer in the city of Youngstown, which was 5 percentage points higher than the Great Depression years.

Now, I think this type of legislation is targeted toward communities certainly that must be like mine, because if it is not, it makes no sense at all. If we would take this type of action, we would emasculate and cut the pins out from under the legislation. It will absolutely have no effect and no bearing on a district such as mine and that in my opinion would be really a tragedy.

In my particular town, the city of Youngstown has created low interest subsidy loan programs and with $1 million made available to small businesses, they have created $12.5 million worth of economic development alone, on their own level, and created in excess of 200 jobs.

Now, this is an area that lost over 50,000 jobs in the last 7 or 8 years and for every job that is being created at $4 and $5 an hour, we are losing two jobs at $10 to $12 an hour with the continuing industrial manufacturing blight.

All I have to say is that I cannot fathom the thought that we would continue to assume a posture that is going to negate and wreck the American industrial and manufacturing base and economic development.

All I want to say is that I am strongly opposed to the gentleman's amendment and I hope everybody that is listening to what I say, you might be in a position such as mine where you have tough economic times and with this amendment you would not even qualify for the benefits that are being planned.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield.

Mr. McCOLLUM. Mr. Chairman, I wanted to point out to the gentleman that his community would qualify even with my amendment, because the gentleman has just described a severely dislocated area from the standpoint of unemployment. It seems to me that clearly is there, still an alternative method of qualification and eligibility under this legislation, regardless of my amendment.

I wanted to make sure the gentleman recognizes that fact and in fact this would target the efforts of this legislation to areas where there has been dislocation and distress.

Mr. TRAFICANT. I appreciate that. I want to say this. I am not quite so sure that I would qualify, I am really not. I would have to really investigate and not be rolling the dice here whether or not I would accept the gentleman's amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield further?

Mr. TRAFICANT. Go right ahead.

Mr. McCOLLUM. I want to point out also to the gentleman that what we are attempting to do here is to take some of the appearance of pork barrel out of this bill, which has always been around the EDA is the past. The idea the public has is the idea that we are spreading this to 80 percent of the people.

Mr. TRAFICANT. Mr. Chairman, I will reclaim my time.

I think when we talk about infrastructure in American jobs, we seem to talk about pork barrel.

I agree with what the chairman of the Appropriations Subcommittee, the gentleman from Mississippi, Mr. JAMIE WHITTEN, said down at the Tom Bigbee inaugural. He said, "You may call it pork barrel, but we are leaving jobs for our children." I think we had better start looking at that, so I really do not want to hear much more about pork barrel.

I really appreciate the efforts of this committee and I think everybody should be very careful before they vote for the gentleman's amendment.

Mr. NOWAK. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this amendment.

I would like to advise the House that this is really one of the questions that this committee looked at very carefully over a long period of time. This eligibility criteria was put together and it meant a great deal to the committee during the legislative markup and also before that during the hearing process where we tried to really balance this kind of criteria that would best serve and implement really the tenets of the bill.

I feel that the gentleman has put forth a thoughtful amendment, but it is something that we have looked at and tried to really bring about that delicate balance that makes success.

We have struck from the eligible population of the country 80 percent from the previous legislation to where H.R. 10 brings that down to practically 40 to 42 percent of the population.

I want to mention that the statistics as we look at this bill and what has happened in the past, we find that for the 5-year period, and we have taken a 5-year period, fiscal years 1980 to 1984, the average of the actual recipients of grants was only 30 percent; so if 30 percent received under the 80 percent that was eligible, we felt by bringing the eligibility down to 40 percent, we could narrow it; so the gentleman and the committee have really done the same thing. We have done it in the bill.

Really, I believe the gentleman's amendment bringing it down to 25 percent would be a little bit too stringent. I would rather have the House take a look at the experience of 1 year or possibly the next session when if this bill is enacted and we could operate under the 40 percent, we would be targeting then in my opinion much closer to what the gentleman wants to mandate through the discretionary administrative priorities that this administration would set for these types of grants in the future.

So I would hope that the House does not upset that balance. It is a thoughtful amendment, but I think we will be able to work with it.

One other point, this committee has requested and received from the administration now monthly reports as to the progress they are making in looking at and implementing all the program money, so our oversight has improved.

We would hope that we can work with the gentleman to improve that oversight and extend it into the future so that we can get a handle on whether or not this 40 percent that we have now is sufficiently targeting this money. I think it will. I would hate to disturb the balance at this late date without the Members knowing what portions of their cities or their counties would become eligible or would not become eligible.

I think we have got the best possible world with the present legislation as amended and I hope we can defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 247, not voting 78, as follows:

[Roll No. 291]

AYES—109

Archer	Crane	Huckaby
Armey	Daniel	Ireland
Badham	Daub	Jacobs
Bartlett	DeLay	Kanjorski
Barton	DeWine	Kasich
Bates	Dickinson	Kemp
Bennett	DioGuardi	Kindness
Bereuter	Dorgan (ND)	Kolbe
Bliley	Dornan (CA)	Kramer
Boucher	Duncan	Lagomarsino
Boulter	Eckert (NY)	Lewis (FL)
Broomfield	Fawell	Livingston
Brown (CO)	Fiedler	Lujan
Broyhill	Franklin	Lundine
Burton (IN)	Frenzel	Lungren
Callahan	Gingrich	Mack
Carper	Gradison	Marlenee
Chandler	Grotberg	McCandless
Cheney	Gunderson	McCollum
Cobey	Hansen	McMillan
Coble	Hiler	Meyers
Combest	Holt	Mica
Craig	Hopkins	Miller (OH)

Miller (WA)	Roberts	Stump
Monson	Roemer	Sundquist
Moore	Rowland (CT)	Swindall
Moorhead	Rudd	Tauzin
Morrison (WA)	Sensenbrenner	Vucanovich
Myers	Shumway	Walker
Nielson	Skeen	Weber
Olin	Slaughter	Whitehurst
Oxley	Smith (NE)	Whittaker
Packard	Smith (NH)	Wolf
Parris	Smith, Denny	Wylie
Penny	Stallings	Zschau
Petri	Stenholm	
Regula	Strang	

NOES—247

Ackerman	Fuqua	Morrison (CT)
Alexander	Gallo	Mrazek
Anderson	Garcia	Murphy
Andrews	Gaydos	Murtha
Annunzio	Gejdenson	Natcher
Anthony	Gekas	Neal
Applegate	Gephardt	Nowak
Aspin	Gilman	Oakar
Atkins	Glickman	Oberstar
Barnard	Gonzalez	Obey
Barnes	Goodling	Ortiz
Bateman	Gordon	Panetta
Bedell	Gray (IL)	Pease
Beilenson	Green	Perkins
Bentley	Guarini	Porter
Boehlert	Hall (OH)	Price
Boland	Hall, Ralph	Pursell
Boner (TN)	Hamilton	Quillen
Bonior (MI)	Hammerschmidt	Rahall
Bonker	Hatcher	Rangel
Borski	Hefner	Ray
Bosco	Hendon	Reid
Boxer	Henry	Ridge
Brooks	Hertel	Rinaldo
Brown (CA)	Horton	Ritter
Bruce	Howard	Robinson
Bryant	Hoyer	Rogers
Burton (CA)	Hubbard	Rose
Bustamante	Hughes	Rostenkowski
Byron	Hutto	Roukema
Carney	Jeffords	Rowland (GA)
Carr	Jenkins	Roybal
Chapman	Johnson	Russo
Clay	Jones (OK)	Sabo
Clinger	Jones (TN)	Savage
Coats	Kastenmeier	Saxton
Coelho	Kennelly	Schneider
Coleman (MO)	Kildee	Schroeder
Coleman (TX)	Kleczka	Schuette
Conte	Kolter	Schulze
Cooper	Kostmayer	Schumer
Coughlin	LaFalce	Sharp
Courter	Latta	Shuster
Coyne	Leath (TX)	Sikorski
Darden	Lehman (FL)	Siljander
Daschle	Leland	Sisisky
Davis	Lent	Slattery
de la Garza	Levin (MI)	Smith (FL)
Dellums	Lewis (CA)	Smith (NJ)
Derrick	Lightfoot	Snowe
Dingell	Lipinski	Spence
Dixon	Lloyd	Spratt
Donnelly	Lowry (WA)	Staggers
Dowdy	Luken	Stark
Downey	Madigan	Stokes
Durbin	Manton	Stratton
Dwyer	Markey	Studds
Dyson	Martin (IL)	Sweeney
Early	Martin (NY)	Swift
Eckart (OH)	Matsui	Synar
Edgar	Mavroules	Tallon
Edwards (CA)	Mazzoli	Tauke
Edwards (OK)	McCloskey	Thomas (GA)
Emerson	McCurdy	Torres
English	McDade	Torricelli
Erdreich	McEwen	Towns
Evans (IA)	McGrath	Traficant
Evans (IL)	McHugh	Traxler
Fascell	McKernan	Valentine
Feighan	McKinney	Vander Jagt
Flippo	Michel	Vento
Florio	Mikulski	Visclosky
Foglietta	Miller (CA)	Volkmer
Foley	Mineta	Walgren
Ford (MI)	Mitchell	Weaver
Ford (TN)	Molinari	Weiss
Fowler	Mollohan	Wheat
Frank	Montgomery	Whitley
Frost	Moody	Whitten
Williams	Wright	Young (FL)
Wilson	Wyden	Young (MO)
Wise	Yates	
Wolpe	Yatron	

NOT VOTING—78

Addabbo	Hawkins	Pickle
Akaka	Hayes	Richardson
AuCoin	Heftel	Rodino
Berman	Hillis	Roe
Bevill	Hunter	Roth
Biaggi	Hyde	Schaefer
Bilirakis	Jones (NC)	Scheuer
Boggs	Kaptur	Seiberling
Breaux	Lantos	Shaw
Campbell	Leach (IA)	Shelby
Chappell	Lehman (CA)	Skelton
Chappie	Levine (CA)	Smith (IA)
Collins	Loeffler	Smith, Robert
Conyers	Long	Snyder
Crockett	Lott	Solarz
Dannemeyer	Lowery (CA)	Solomon
Dicks	MacKay	St Germain
Dreier	Martinez	Stangeland
Dymally	McCain	Taylor
Fazio	Moakley	Thomas (CA)
Fields	Nelson	Udall
Fish	Nichols	Watkins
Gibbons	O'Brien	Waxman
Gray (PA)	Owens	Wirth
Gregg	Pashayan	Wortley
Hartnett	Pepper	Young (AK)

□ 1450

The Clerk announced the following pairs:

On this vote:

Mr. McKay for, with Mr. Owens against.

Mr. Nelson of Florida for, with Ms. Kaptur against.

Mr. Shaw for, with Mr. Long against.

Mr. Thomas of California for, with Mrs. Collins against.

Messrs. WHEAT, VENTO, MOODY, JONES of Tennessee, MADIGAN, and CARR changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I of the bill?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. This title may be cited as the "Appalachian Regional Development Act Amendments of 1985".

SEC. 202. The sixth sentence of subsection (a) of section 2 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and in severely distressed and underdeveloped counties lacking resources for basic services.".

SEC. 203. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and not to exceed $5,800,000 for the two-fiscal-year period ending September 30, 1987 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $5,800,000 for the two-fiscal-year period ending September 30, 1989 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $2,900,000 for the fiscal year ending September 30, 1990 (of such amount not to exceed $450,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

SEC. 204. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1990".

SEC. 205. (a) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$234,000,000 for fiscal year 1986; $250,000,000 for fiscal year 1987; $270,000,000 for fiscal year 1988; $289,000,000 for fiscal year 1989; $312,000,000 for fiscal year 1990; $337,000,000 for fiscal year 1991; and $364,000,000 for fiscal year 1992.".

(b) Subsection (h)(1) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum". The amendment made by the preceding sentence shall apply to projects approved after March 31, 1979.

SEC. 206. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 is amended by striking out "December 31, 1980" and inserting in lieu thereof "October 1, 1990" in the first sentence, and by inserting "authorized by title 23, United States Code" after "road construction" in the second sentence.

SEC. 207. Part B of title II of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following new section:

"ECONOMIC ENHANCEMENT GRANTS

"SEC. 215. The Commission is authorized to make grants to States and public and nonprofit entities for projects, approved pursuant to section 303 of this Act, which will—

"(1) assist in the creation or retention of permanent private sector jobs, the upgrading of the region's manpower, or the attraction of private investment;

"(2) provide special assistance to severely distressed and underdeveloped counties which lack financial resources for improving basic services;

"(3) assist in achieving the goal of making primary health care accessible in the region; or

"(4) otherwise serve the purposes of this Act.".

SEC. 208. Clause (2) of subsection (b) of section 224 of the Appalachian Regional Development Act of 1965 is amended to read as follows: "(2) to enable plant subcontractors to undertake work theretofore performed in another area by other subcontractors or contractors;".

SEC. 209. Section 224 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this Act, grants with funds authorized under this Act shall not, after October 1, 1985, exceed 50 per centum of the costs of any project approved under this Act (except projects under section 201); but such grants may increase the Federal contribution to any project, notwithstanding limitations in other Federal laws, to such percentage as the Commission determines within the limitations in this Act.".

SEC. 210. Section 401 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the

following: "In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act, $166,000,000 for the two-fiscal-year period ending September 30, 1987; $158,000,000 for the two-fiscal-year period ending September 30, 1989; and $75,000,000 for the fiscal year period ending September 30, 1990.".

SEC. 211. Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1990".

The CHAIRMAN. Are there any amendments to title II?

Are there any further amendments to the bill?

Under the rule, the Committee rises.

□ 1510

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. HOYER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, pursuant to House Resolution 223, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SUNDQUIST

Mr. SUNDQUIST. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SUNDQUIST. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SUNDQUIST moves to recommit the bill, H.R. 10, to the Committee on Public Works and Transportation.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 96, not voting 78, as follows:

[Roll No. 292]

AYES—260

Ackerman	Frank	Mollohan
Alexander	Frost	Montgomery
Anderson	Fuqua	Moody
Andrews	Gallo	Moore
Annunzio	Garcia	Morrison (CT)
Anthony	Gaydos	Morrison (WA)
Applegate	Gejdenson	Mrazek
Aspin	Gekas	Murphy
Atkins	Gephardt	Murtha
Barnard	Gilman	Natcher
Barnes	Gingrich	Neal
Bateman	Glickman	Nowak
Bedell	Gonzalez	Oakar
Beilenson	Goodling	Oberstar
Bennett	Gordon	Obey
Bentley	Gray (IL)	Ortiz
Boehlert	Green	Panetta
Boland	Guarini	Pease
Boner (TN)	Hall (OH)	Penny
Bonior (MI)	Hamilton	Perkins
Bonker	Hammerschmidt	Price
Borski	Hatcher	Pursell
Bosco	Hefner	Quillen
Boucher	Hendon	Rahall
Boxer	Henry	Rangel
Brooks	Hertel	Ray
Broomfield	Horton	Reid
Brown (CA)	Howard	Ridge
Bruce	Hoyer	Rinaldo
Bryant	Huckaby	Ritter
Burton (CA)	Hughes	Robinson
Bustamante	Hutto	Rogers
Byron	Jeffords	Rose
Carney	Jenkins	Rostenkowski
Carper	Johnson	Roukema
Carr	Jones (OK)	Rowland (GA)
Chandler	Jones (TN)	Roybal
Chappell	Kanjorski	Russo
Clay	Kastenmeier	Sabo
Clinger	Kennelly	Savage
Coats	Kildee	Saxton
Coelho	Kindness	Schneider
Coleman (MO)	Kleczka	Schroeder
Coleman (TX)	Kolter	Schuette
Conte	Kostmayer	Schulze
Cooper	LaFalce	Schumer
Coughlin	Leath (TX)	Sharp
Courter	Lehman (FL)	Shuster
Coyne	Leland	Sikorski
Darden	Lent	Sisisky
Daschle	Levin (MI)	Smith (FL)
Davis	Lewis (CA)	Smith (NJ)
de la Garza	Lewis (FL)	Snowe
Dellums	Lightfoot	Spence
Derrick	Lipinski	Spratt
Dingell	Lloyd	Staggers
Dixon	Lowry (WA)	Stallings
Donnelly	Lujan	Stark
Dowdy	Luken	Stokes
Downey	Lundine	Stratton
Duncan	Madigan	Studds
Durbin	Manton	Swift
Dwyer	Markey	Synar
Dyson	Martin (IL)	Tallon
Early	Martin (NY)	Tauzin
Eckart (OH)	Matsui	Thomas (GA)
Edgar	Mavroules	Torricelli
Edwards (CA)	Mazzoli	Towns
Emerson	McCloskey	Traficant
English	McCurdy	Traxler
Erdreich	McDade	Valentine
Evans (IA)	McEwen	Vander Jagt
Evans (IL)	McHugh	Vento
Fascell	McKernan	Visclosky
Feighan	McKinney	Volkmer
Fiedler	Mica	Vucanovich
Flippo	Michel	Walgren
Florio	Mikulski	Waxman
Foglietta	Miller (CA)	Weaver
Foley	Miller (OH)	Weiss
Ford (MI)	Mineta	Wheat
Ford (TN)	Mitchell	Whitehurst
Fowler	Molinari	Whitley
Whitten	Wolpe	Yatron
Williams	Wright	Young (FL)
Wilson	Wyden	Young (MO)
Wise	Yates	

NOES—96

Archer	Frenzel	Olin
Armey	Gradison	Oxley
Badham	Grotberg	Packard
Bartlett	Gunderson	Parris
Barton	Hall, Ralph	Petri
Bates	Hansen	Porter
Bereuter	Hiler	Regula
Bliley	Holt	Roberts
Boulter	Hopkins	Roemer
Brown (CO)	Hubbard	Rowland (CT)
Broyhill	Ireland	Rudd
Burton (IN)	Jacobs	Sensenbrenner
Callahan	Kasich	Shumway
Chapman	Kemp	Siljander
Cheney	Kolbe	Skeen
Cobey	Kramer	Slattery
Coble	Lagomarsino	Slaughter
Combest	Latta	Smith (NE)
Craig	Livingston	Smith (NH)
Crane	Lungren	Smith, Denny
Daniel	Mack	Stenholm
Daub	Marlenee	Strang
DeLay	McCandless	Stump
DeWine	McCollum	Sundquist
Dickinson	McGrath	Sweeney
DioGuardi	McMillan	Tauke
Dorgan (ND)	Meyers	Walker
Dornan (CA)	Miller (WA)	Weber
Eckert (NY)	Monson	Whittaker
Edwards (OK)	Moorhead	Wolf
Fawell	Myers	Wylie
Franklin	Nielson	Zschau

NOT VOTING—78

Addabbo	Hayes	Richardson
Akaka	Heftel	Rodino
AuCoin	Hillis	Roe
Berman	Hunter	Roth
Bevill	Hyde	Schaefer
Biaggi	Jones (NC)	Scheuer
Bilirakis	Kaptur	Seiberling
Boggs	Lantos	Shaw
Breaux	Leach (IA)	Shelby
Campbell	Lehman (CA)	Skelton
Chappie	Levine (CA)	Smith (IA)
Collins	Loeffler	Smith, Robert
Conyers	Long	Snyder
Crockett	Lott	Solarz
Dannemeyer	Lowery (CA)	Solomon
Dicks	MacKay	St Germain
Dreier	Martinez	Stangeland
Dymally	McCain	Swindall
Fazio	Moakley	Taylor
Fields	Nelson	Thomas (CA)
Fish	Nichols	Torres
Gibbons	O'Brien	Udall
Gray (PA)	Owens	Watkins
Gregg	Pashayan	Wirth
Hartnett	Pepper	Wortley
Hawkins	Pickle	Young (AK)

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. Breaux for, with Mr. Nelson of Florida against.

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NOWAK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 77

Mr. WHITEHURST. Mr. Speaker, I ask unanimous consent that my name be withdrawn as cosponsor of H.R. 77.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Virginia?

There was no objection.

OPERATION LIAPP: SAVING MICHIGAN'S BLACK HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

Mr. CROCKETT. Mr. Speaker, I am very proud today to share with my colleagues the important work being done in Detroit by the Museum of African-American History, under the direction of Dr. Charles Wright, to document and make available the historical records of black accomplishments in Michigan.

Seventy years ago, in 1915, the "Michigan Manual of Freedmen's Progress" was published in Detroit, chronicling the contributions of blacks to the professional and cultural life of our community. Today, under the able direction of editor and publisher John Green, "Operation LIAPP" has been initiated. This project, designed to assist in the location, identification, and authentication of descendants of those mentioned in the "Michigan Manual," and the preservation and dissemination of that information to a wider audience, also calls attention to the anniversary of the first publication of the manual. Operation LIAPP also has taken on the awesome task of updating the material in the "Michigan Manual." Mr. Green and his staff will republish the "Michigan Manual," under the title "Negroes in Michigan History," with supplementary volumes with the updated research as they become available.

I salute the Museum of African-American History for this important undertaking, and especially editor John Green, whose exhaustive efforts over many years have led to the reality of publication.

I would like, for the benefit of my colleagues, to include in today's CONGRESSIONAL RECORD, and tomorrow's, excerpts from the "Michigan Manual of Freedmen's Progress," and commend to them the entire work:

MICHIGAN MANUAL OF FREEDMEN'S PROGRESS

(Compiled by Francis H. Warren, Secretary of Freedmen's Progress Commission)

(Authorized By Act 47, Public Acts 1915, Detroit, Michigan, 1915)

(John M. Green, Editor, Publisher)

OFFICERS OF FREEDMEN'S PROGRESS COMMISSION, ORGANIZED APRIL 21, 1915

Members of Commission

Oscar W. Baker, President, Shearer Bros. Bldg., Bay City.
Wm. R. Roberts, Vice-President.
Wilmot A. Johnson.
Mary E. McCoy, Field Agent Eastern Michigan.
Charles A. Warren.
L. Margaret Williams.
Ellsworth L. Curtis, Field Agent Western Michigan.
S. Henri Browne.
Francis H. Warren, Secretary, 325 Broadway Market Bldg., Detroit, Michigan.

Executive Committee

Wilmot A. Johnson, Chairman, Box 405, Lansing, Mich.
Wm. R. Roberts, Vice-President.
L. Margaret Williams.
Chas. A. Warren.
S. Henri Browne.
Oscar W. Baker, President.
Francis H. Warren, Secretary.

Honorary Members

Woodbridge N. Ferris, Governor.
Edgar A. Planck, Senator.
Fred B. Wells, Representative.
James D. Jerome, Chairman House Committee, State Affairs.
Fred L. Woodworth, Chairman Senate Committee, State Affairs.
Dana H. Hinkley, Chairman House Committee on Ways and Means.

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Campbell, Charles A., Lansing.
Carr, Rev. Geroge W., Lansing.
Chappee, Birnee, Detroit.
Cleage, Dr. A. B., Kalamazoo.
Cole, Daniel, Detroit.
Cole, Mrs. Maggie Porter, Detroit.
Cole, Mrs. Mary, Detroit.
Cole, William E., Detroit.
Collins, Walter G., Lansing.
Craig, Horace E., Lansing.
Cross, William, Bay City.
Dalton, Jerome, Detroit.
Davis, Gabriel, Detroit.
Dungey, Andrew W., Lansing.
Edwards, Rev. W., Kalamazoo.
Edwoods, Cornelius, Bay City.
Ernest, F. William, Detroit.
Evans, Mr. Charles, Kalamazoo.
Evans, Rev. Joseph M., Detroit.
Everett, Rev. Peter, Lansing.
Fairfax, Daniel, Bay City.
Goodrich, Wallace L., Saginaw.
Green, Mrs. Annie Glover, Detroit.
Harris, Emerson, Kalamazoo.
Harris, James E., Detroit.
Harrison, Charles, Bay City.
Henderson, Rev. J. M., Detroit.
Henry, George, Saginaw.
Howard, Mrs. Carrie, Detroit.
Hawkins, Miss E. Fannie, Detroit.
Jackson, John B., Bay City.
Jarvis, Joseph W., D.D., Lansing.
Jeffrey, Romain, Detroit.
Johnson, Dr. A. H., Detroit.
Johnson, Dr. H. Peyton, Detroit.
Johnson, Rev. T. C., Kalamazoo.
Jones, Preston, Detroit.
Kemp, William P., Detroit.
Kersey, John, Bay City.
Lester, Benj., Detroit.
Miller, William, Bay City.
Miller, W. S., Lansing.
Nelson, Mrs. Sallie B., Detroit.
Owens, Miss Lucile, Detroit.
Page, William T., Detroit.
Parks, Harry, Kalamazoo.
Parks, Taylor, Bay City.
Pelham, Benjamin B., Detroit.
Phillips, Mr. Joseph, Kalamazoo.
Pierce, Lewellyn S., Lansing.
Powell, William A., Bay City.
Preston, Madame Frances E., Detroit.
Proctor, Mrs. Mary E., Detroit.
Richards, Miss Fannie, Detroit.
Robbins, Henry B. Wade, Ann Arbor.
Robbins, John, Kalamazoo.
Roman, James F., Bay City.
Roxborough, Charles A., Detroit.
Salpaugh, James B., Lansing.
Shelton, Dr. William P., Detroit.
Small, Mrs. Eppie, Kalamazoo.
Smedley, George E., Detroit.
Smith, Birney, Detroit.
Stafford, Wallace, Kalamazoo.
Stafford, Mrs. Della, Kalamazoo.
Stowers, Walter H., Detroit.
Tate, William, Lansing.
Taylor, Miss B. Bernice, Detroit.
Thompson, E., Kalamazoo.
Thompson, James G., Lansing.
Thompson, Leonard C., Detroit.
Thompson, William O., Lansing.
Tomlinson, William J., Detroit.
Walker, George C., Bay City.
Warsaw, T. D., Detroit.
Washington, Foster, Bay City.
Webb, Charles R., Detroit.
White, Charles T., Bay City.
Williams, Charles E., Detroit.
Williams, Henry A., Kalamazoo.
Willis, Elijah, Detroit.
Willis, Robert J., Detroit.

DELEGATES TO LINCOLN JUBILEE

The following persons were appointed Delegates by Gov. Woodbridge N. Ferris to the National Half Century Anniversary of Negro Freedom and Lincoln Jubilee at Chicago, Ill., August 22nd to Sept. 16th, 1915:

Allen, John W., 1220 W. Allegan, Lansing.
Allen, William, Union, R.F.D.
Ames, Dr. J.W., 331 Frederick Ave., Detroit.
Archer, Henry L., Cassopolis, R.F.D. 1.
Artis, Mathew T., Cassopolis, R.F.D. 3.
Baker, Oscar W., 305 Shearer Bros., Bay City.
Bagnall, Rev. R.W., 329 St. Antoine St., Detroit.
Bradby, Rev. R.L., 163 Mullet St., Detroit.
Brown, Charles, 514 East Frank St., Kalamazoo.
Browne, Rev. S. Henri, 614 Franklin St. S.E., Grand Rapids.
Buckingham, Josie, Cassopolis, R.F.D. 2.
Byrd, Abner, Cassopolis.
Case, Herbert, 412 Webb St., Jackson.
Clark, Rev. Frank E., Whittaker.
Collier, Charles, 167 Baird St., Benton Harbor.
Curtis, E.L., 704 Cass St., Niles.

Decker, Joseph.
Dickerson, Dr. John H., 307 Washington St., Ypsilanti.
Dungill, Rev. J.A., 523 Walbridge St., Kalamazoo.
Evans, John.
Evans, John J., 403 Maple St., Battle Creek.
Evans, Rev. Jos. M., 166 Napoleon St., Detroit.
Ford, J.C., 550 Jefferson Ave., Grand Rapids.
Foster, Carrie, 271 Fox St., Battle Creek.
Gaskin, Wm. W., Jackson.
Haley, Paul, 140 Clay St., Battle Creek.
Harris, W.Q., Cassopolis, R.F.D. 2.
Hayes, Mrs. Carrie, 221 Harriet St., Ypsilanti.
Henderson, Rev. Jas M., 140 Euclid Ave., Detroit.
Houston, Mrs. George W., 341 Maple St., Detroit.
Jefferson, Thos., 1029 Sigsbee St., Grand Rapids.
Johnson, Wilmot A., Box 405, Lansing.
Kemp, Wm. P., Editor of "The Leader," Detroit.
Lawson, Cornelius, Cassopolis, R.F.D. 2.
McCoy, Mrs. Mary E., 180 Rowena St., Detroit.
Mahony, George, Decatur.
Morgan, E. Y., Boyne City.
Morgan, Mrs. Minnie B., 209 S. Chestnut, Lansing.
Marshall, Mrs. Mayme, 415 Ransom St., Kalamazoo.
Outland, Samuel, Three Rivers.
Patterson, John W., 94 Clay St., Battle Creek.
Pendlton, Mrs. Adela, 575 Jefferson Ave., Grand Rapids.
Pettiford, Rev. Lewis, 137 East Frank St., Kalamazoo.
Poole, Alphaeus R., 337 Wesson Ave., Detroit.
Ray, Sergeant A. W., 308 Ridge St., Sault Ste. Marie.
Rider, Wm., 509 Church St., St. Joseph.
Roberts, W. R., 1214 Allegan St., Lansing.
Simpson, Eli, Decatur.
Sims, Mrs. Grace, 649 Jackson St., Grand Rapids.
Smith, Mrs. C. S., 35 Alexandrine Ave., Detroit.
Stewart, Thomas, Kalamazoo.
Thompson, Wm. O., 1025 Allegan, Lansing.
Van Dyke, Fred, Three Rivers.
Warren, C. A., Cassopolis.
Warren, Francis H., 325 Broadway Market Bldg., Detroit.
Williams, Mrs. Henry, 720 Parker St., Kalamazoo.
Wilson, M. Ormie, St. John.

PREFACE

When Thomas Wallace Swan, Secretary of the Illinois Freedmen's Progress Commission, induced the friends of Afro-Americans in that great state to secure the passage of a bill with a sufficient appropriation to hold a jubilee and Half Century Anniversary in commemoration of the great work accomplished by the world's greatest humanitarian, Abraham Lincoln, a peculiarly fitting accomplishment was effected.

The celebration of fifty years of freedom for the former Negro slaves of this nation marks an epoch in the history of our country that holds much for the future good of our nation. True it is that on the surface there appears to have been a growth of hostility to Negro Freedom, not so much because giving the Negro his freedom was an economic failure, nor yet because there remains in the minds of the people at large, any idea that slavery for black men was preferable to the freedom, or rather the partial freedom that they now enjoy, but this apparent growth of hostility to the Negro that has been emphasized in recent years by numerous measures of legislation proposed against him, is more the result of the fact that the daily press, when chronicling crimes of colored men almost uniformly set up the racial character in large type of Negro criminals, and it has come to pass that in a great majority of instances when the term "Negro" is used in news matter, it refers to the criminal Negro and not to that vast bulk of black people who are making good and pursuing the even tenure of their way. Ordinarily, on the other hand, when many of the newspapers mention anything commendable about a black man, his racial character is not mentioned, and in at least one instance where a black woman was assaulted and robbed by a white man in Michigan, no mention was made of the fact that the woman was a Negro while in the same article a colored robber who had assaulted and robbed a white woman was referred to in bold face type as a "Negro."

Another instance illustrating how the press emphasizes the racial character of black criminals and suppresses the racial character of black persons performing good deeds was shown in the campaign of the Old News Boys of the City of Detroit last December, for funds to aid the Good Fellows Club in buying Christmas presents for the poor and needy. Out of a list of some thirty Old News Boys, who had become prominent and wealthy citizens, there were included six Negroes who stood on the busy street corners of the city on an appointed day and sold newspapers for the benefit of the Good Fellows Fund. Some twenty articles appeared in the daily press of the City of Detroit mentioning some, or all of those Old Newsboys. The names of these Negroes were there, but no one could tell from reading the article that any negro had any part in raising those funds for charity, but in the same edition of these papers or in nearly all of them, appeared the "Negro" in headlines over some news item of a criminal act. The racial character of the bad Negro was fully expressed; the racial character of the good Negro was fully suppressed; therefore the effect and result has been a seemingly growing hostility to colored people because of the fact that in reading the daily press the average white man will conclude that there are no good Negroes, that all are bad and should be shunned.

While this has been almost a universal rule with the daily papers, there are a few notable exceptions to the rule. The ratio is shown by the following table which is compiled from clippings from the English-Speaking daily papers of the City of Detroit, from December 1st, 1914, to June 1st, 1915.

Newspaper references taken from four English-speaking daily papers in Detroit from Dec. 1, 1914, to June 1, 1915

Total number of articles mentioning "Negro"	232
Number of articles referring to Negro criminals	139
Number of articles referring to prejudice and discrimination	35
Number of articles referring to Ex-champion Jack Johnson	22
Number of articles commendatory of Negroes	36

It will be seen by this table that out of a total of 232 articles in which the Negro racial character of the persons is mentioned, 139 articles refer to Negro criminals; 35 articles refer to discrimination in various forms against Negroes; 22 articles refer to Jack Johnson, the defeated champion pugilist, and 36 articles were commendable to the Negro. In other words, out of 232 articles where the term "Negro" was mentioned, nearly 200 of them referred to the Negro in a manner that was not commendable, unless those referring to Jack Johnson could be so regarded. In 29 published articles referring to commendable acts in which Negroes took part, the racial character of the Negro was wholly suppressed. What has occurred in Detroit during the six months above referred to is an index to the treatment accorded the black people of this country by the daily press, especially in the large cities from one end of the nation to the other, and while it is not true in a large measure of the country newspapers, and there are some notable exceptions in the large cities, this constant bombardment of the moral character of the black people has produced an apparent growth of hostility to the Freedmen in recent years. So I say again that it is peculiarly fitting that an opportunity has been presented to us by the great State of Illinois, the home of the mighty Lincoln, to present to the world the other side of the story of the black man, to note his progress during the fifty years of freedom he has enjoyed, from total ignorance to an educated race, from abject poverty to a condition of healthful self-sustenance, and from vicious ignorance to a wholesome christian civilization, doggedly and determinedly working out his destiny with the means at hand, assisted and encouraged by those noble, God-fearing white men who can look beneath the surface and see some good in their black brother.

In January, 1915, Governor Woodbridge N. Ferris called me into his office for a conference regarding the accomplishments of the colored people of the State of Michigan. The invitation to the conference was sent through Mr. Charles A. Warren, an attachee of the Governor's office. When we had presented to the governor our statement of Negro accomplishments in this state, he declared that Michigan ought to install an exhibit at the National Half Century Exposition, and it was decided to encourage some member of the Legislature to introduce a bill I was asked to prepare. In February I again went to Lansing with the bill prepared to present to Senator Edgar A. Planck and Representative Frederick B. Wells, with an explanatory statement requesting them to introduce it into the Legislature and seek to have it adopted. The bill was introduced simultaneously in the Senate by Senator Planck and in the House of Representatives by Representative Wells, both of Cass County.

THE COMMISSION

In July, 1914, Governor Woodbridge N. Ferris appointed a number of Michigan Afro-Americans to be delegates to the Lincoln Jubilee and the celebration of the Half Century Anniversary of Negro Freedom to be held in the City of Chicago, State of Illinois, during August and September, 1915.

At the suggestion of Governor Woodbridge N. Ferris, Mr. Chas. A. Warren, one of the delegates so appointed, who is attached to the office of the Governor, sent an invitation to each of the delegates to meet in the City of Lansing in February,

1915, for the purpose of petitioning the Legislature for an appropriation to provide for a Michigan exhibit to be installed in the Chicago Exposition of Freedmen's Progress to be held in connection with the said Lincoln Jubilee.

A meeting was held at the A.M.E. Church in Lansing on the 23rd day of February, 1915. Those present were Chas. A. Warren, Wilmot A. Johnson, Wm. R. Roberts, Ellsworth L. Curtis, Mary E. McCoy and Francis H. Warren. Responses had been received from L. Margaret Williams, of Kalamazoo, Rev. S. Henri Browne, of Grand Rapids and Oscar W. Baker, of Bay City. All of these were named in the proposed bill drafted by Attorney Francis H. Warren, which was submitted to Senator Planck, Representative Wells and Governor Ferris and the delegates effected a temporary organization for the purpose of pushing the bill and securing petitions from the people interested, to obtain favorable action by the Legislature. Several members of the Commission addressed the Legislature Committees from time to time in favor of the bill and it was duly passed by the Legislature and signed by the Governor on the 14th day of April, 1915.

The persons named in the bill as Commissioners from the State of Michigan met at the A.M.E. Church in the City of Lansing, April 21st, and effected a permanent organization by electing Oscar W. Baker, of Bay County, as President, and Francis H. Warren, of Wayne County, as Secretary. Wm. Ross Roberts was elected Vice-President, Mary E. McCoy, Field Agent for Eastern Michigan, Ellsworth L. Curtis, Field Agent for Western Michigan and Wilmot A. Johnson, Chairman of the Executive Committee. Thus equipped, the Commission started in its labors of collecting and preparing exhibits of Afro-American progress from the State of Michigan and also to prepare and publish a Michigan Manual, showing the progress of the Afro-American people of this state. Following is a brief sketch of the personnel of the Commission:

Baker, Oscar W., is a native of Bay City, Mich., and a product of the public schools of that city, completing his education as an attorney-at-law in the University of Michigan. He enjoys an enviable reputation for both ability and integrity, not only in his home city, but throughout the state. He is still a young man and it is expected he will be called upon as time passes, to fill more and more of the responsible positions of trust, within both the gift of the people and of individual clients. He enjoys a lucrative practice at the Bay County Bar and the confidence of all who know him, without regard to race or color. (See sketch under Attorneys-at-Law.)

Roberts, Wm. Ross, is a native of Michigan, being born in Van Buren County 46 years ago and now living in Lansing, Ingham County, at 1214 Allegan St. Mr. Roberts has received a high school education and became exceedingly proficient in writing. He is also a portrait artist of high ability. The fine quality of his penmanship is frequently called into service in many ways and for several years past, he has engrossed the diplomas issued by the Michigan Agricultural College. From 1901 to 1905, Mr. Roberts was a clerk in the office of the Secretary of State. For four years succeeding 1905, he was a clerk in Gov. Warner's office, after which he accepted the position as clerk in the office of the Board of State Auditors. He resigned this position in September, 1913, to accept a clerkship with the State Board of Corrections and Charities and the Michigan State Penology Commission. One of the exhibits listed with the Michigan Commission is a portrait of Gov. Ferris' drawn by Commissioner Roberts.

Johnson, Wilmot A., is a native of Richmond, Va., the date of his birth being Feb. 17, 1852. He removed to Chatham, Ont., with his parents, where he was partially educated. Came to Michigan in 1864, and has lived in the City of Detroit since that year. He graduated from Prof. Dowell's Business College, Mr. Johnson has always been active in politics and was appointed clerk in the office of the Wayne County Treasurer under the Hon. Alex. I. McLeod. Subsequently became a deputy sheriff and served under both Sheriff Littlefield and Collins, after which he was appointed to a clerkship in the office of the Board of Assessors. For the past 16 years Mr. Johnson has been a clerk in the Auditor General's Department at Lansing, where he is still employed. He is still a bachelor.

McCoy, Mary Eleanora Delaney, born at Lawrenceburg, Ind., Jan. 7, 1846, in an underground railroad station. She was the daughter of Jacob C. and Eliza Ann Delaney. Mrs. McCoy did not have the benefit of a school education, though she did attend for a time a Freedmen's school at St. Louis, Mo. She is the wife of the noted invetor, Elijah McCoy, to whom she was married on Feb. 25, 1873. She is a charter member of the noted 20th Century Club of Detroit, which is composed of the best known women of Michigan's metropolis. The public spirited character of Mrs. McCoy may be shown by the numerous organizations in which she has been most active. She was one of the organizers of the Phyllis Wheatley Home for aged colored women and is now Vice-President of that corporation. She has maintained the McCoy Home for colored children and state organizer and Vice-President of the Federated Colored Women's Clubs of Michigan, is Vice-president of the Lydian Association of Detroit, and member of the National Association for the Advancement of Colored people, Guiding Star Chapter O.E.S.; of the Willing Workers; of the King's Daughters, besides which she is an active church worker, being a member of the A.M.E. Church. She also has been identified with the Women's Suffrage Movement and was a flagbearer in the great parade at Washington in 1913, preceding the inauguration of President Wilson.

Williams, Lula Margaret Roberts, is a native of St. Joe County, Michigan. Now resides with her husband at 720 Parker St., Kalamazoo. Mrs. Williams is a high school graduate and also a graduate of the Indiana State Normal College. She taught in the public schools of Lafayette and Columbus, Ind., for several years and in Haines Industrial and Normal School at Augusta, Ga. In June, 1906, she was married to Henry A. Williams, of Kalamazoo, where they now live and whose home is cheered by two children. Mrs. Williams has been active in women's club work in her home city and chiefly through her efforts the Dorcas Club and Let Us Be Friends Club were organized.

Warren, Chas, Augustus. Born in Saginaw 1872, and at the age of three, removed to Windsor, Ont., with his parents, where he received his earlier school training. In 1882 he removed to Port Huron, where he continued school for a time and then lived with his parents in Grand Rapids. While living in this city, he entered the Michigan Agricultural College at Lansing and became a professor in horticulture. Was engaged as Professor of Horticulture at Tuskegee, Ala. In 1902, Mr. Warren returned to Michigan and settled in Cass County, where he engaged in farming. When Governor Ferris assumed office in 1913, he appointed Mr. Warren to a clerkship in his office, where he is still engaged, and from whence he directed his efforts in organizing the delegates to the Lincoln Jubilee at Chicago to become active in securing Legislative aid for a Michigan exhibit, in which he was fully successful. In 1902 he married Miss Edna Harris, of Cass County.

Curtis, Ellsworth L., is a native of Berrien County and was educated in the public schools of that county and of Niles. Mr. Curtis is one of the most enthusiastic of the Commissioners. In private business he is a dealer in nursery stock and supplies the farmers of southwestern Michigan with fruit trees and shrubs. He has always been active in politics in his part of the state, although never holding any public offices of consequence. When made a delegate to the Lincoln Jubilee, he was one of the first to become active in organizing the delegates for the purpose of boosting a Michigan exhibit. His efforts have been rewarded by being made Chief Field Agent in collecting and forwarding the exhibits from the State of Michigan.

Browne, Rev. S. Henri. Shortly after the organization of the Freedmen's Progress Commission in which Rev. Browne gave material assistance, he accepted a call to a Baptist Charge near Cincinnati, Ohio, and left the state permanently to assume his new charge. Rev. Browne has declined to furnish any information regarding himself and it is not available to the compiler of this manual.

Warren, Francis H., was born at Sarnia, Ont., Sept. 3, 1864. At the age of four, he removed to Saginaw with his parents, where he received his early education in the public schools. Later attended school at Reading, Mich., where he went to live with Dr. Thomas, with a view to studying medicine. Graduated from the 8th grade to the high school 9th grade, but was called from school to aid in supporting the family before completing his high school course. He became a newboy in Saginaw and learned the trade of plastering with his father. Later took up painting with John J. Prest in Detroit, and this occupation not agreeing with his health, he accepted work as a waiter in the old Russell House, which has recently been displaced by the Pontchartrain. During the time he worked as a waiter and later as a pullman porter, he traveled all over the United States and Canada, finally settling in Mackinac Island, where he took up the barber business and became quite successful in that line. In 1894 he branched out into a laundry and restaurant business at Mackinac Island and later in St. Ignace, and while thus engaged, he took up the study of law with a correspondence school. Becoming more and more interested in the legal profession, he came to Detroit in the fall of 1899 and entered the Detroit College of Law at the age of 35. He was admitted to the Michigan Bar in 1903 with his law class and immediately accepted a position in the County Treasurer's office under the late Fred S. Snow. Mr. Warren has been quite active in politics for many years, his efforts being chiefly for public ownership of public utilities and other economic reforms. As attorney for the Detroit branch of the National Association for the Advancement of Colored People, he has prosecuted many cases of race discrimination. He was for nine years the editor and publisher of the De-

troit Informer, in which work he was ably assisted by Margaret E., his wife. Mr. Warren is one of the few of Michigan Afro-Americans who braved the criticism of his people and became affiliated with the Democratic party, with the hope of securing more favor from that organization for the colored people and of stifling the opposition of such men as Tillman, Vardaman et al. He entered the active practice of law in 1904 and occupied a suite of offices at 325 Broadway Market Building at Detroit.

FRANK LEDESMA—OUTSTANDING CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, at this time it is my pleasure to rise and pay tribute to Frank Ledesma in recognition of 11 years of service to the city of Soledad, CA. I join the residents of Soledad in wishing him all the best in his retirement from the city council, effective June 24 of this year; however, we will sorely miss his dedication and commitment to serving the public interest in this community.

Mr. Ledesma's lifelong contribution to public service has been distinguished in a number of areas. As council member, 1974–78; then mayor, 1979–85; he has demonstrated his leadership through the implementation of a number of community projects. These include the organization and formation of the Soledad Redevelopment Agency and the Soledad Redevelopment Project, construction of a new sewer treatment facility for the city, and construction and renovation of the city's drinking water system. Furthermore, he has contributed substantially to the improvement and expansion of the city's affordable housing facilities through the initiation of rehabilitation loans through the Soledad Housing Assistance Program, annexation of unincorporated land to expand the city's housing base, and the creation of the Soledad Local Development Corp. Not least among his accomplishments during his years of public service to the city, are the improvements in the professionalism and training of the city's protection forces.

His accomplishments have extended beyond the city's borders. He has served the broader community through membership on the Monterey County Transportation Commission and the Monterey County Local Agency Formation Commission.

Outside of his official roles, Mr. Ledesma has been a moving force in the community through a number of additional clubs and organizations. He is a member of the Veterans of Foreign Wars, Knights of Columbus, Soledad Rotary, and American Legion, holding leadership offices in the latter two. He has been involved with sports programs for the young people of the city as well, including president and team manager for 12 years of the Soledad Little League and director for 2 years of Pop Warner. Additionally, he served as the Mayors' Select Committee of Monterey County. Mr. Ledesma is especially concerned with the welfare of children, as recognized through the appreciation award he received for serving 12 years as a member of the board of the Soledad Union Elementary School District.

A major portion of Mr. Ledesma's career was spent in the employ of the U.S. Postal Service, holding the position of Postmaster in both Soledad and Carmel. He is married to Dominga Torres Ledesma, with whom he has been blessed with six children and five grandchildren.

Mr. Speaker, the key to effective public service is action. It is said that it is better to light one candle than to curse the darkness. Mr. Ledesma has lit an important candle in this community that sends an important message to the public—"if you care, do something about it."

I am honored to bring the outstanding achievements and accomplishments of this distinguished individual to the attention of my colleagues here today. His honesty, integrity, leadership and motivation are to be admired and will be remembered long after his day. On behalf of the citizens of Soledad, I would like to express our deep appreciation to Frank for his dedicated service.

A GREAT VICTORY IN THE ELECTION OF JIM CHAPMAN IN THE FIRST DISTRICT OF TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today to make note to my colleagues of a great victory that we celebrated in Texas in the election of Representative CHAPMAN in the First District of Texas recently, because of the factors involved.

In my case, I would like to point out for the record that, when I was in the State senate, in the second session of the senate that I served, young CHAPMAN was a page, and his father was a member of the Texas House of Representatives. I recall vividly today at the end of that session when he came up with that very boyish, eager look, and the little brochure that contained the pictures of all the members of the senate, and he said, "You have got to sign this because you are the 31st. I have all 30, but I need yours." That was the last time I saw him until today, when he was taking the oath of office as a Member of this great body.

I think the most significant thing about it is the quality of the victory. This particular election had been targeted and several millions of dollars were poured, mostly because the junior U.S. Senator had made it an issue on a State basis, for what reason, of course, nobody that I know can fully say, but injected into the issue as a result of this heavy play of interest and the outpouring of external monetary financing into the purely local district race, issues were raised about which the American people anywhere, whether it is up in that northeast Texas area or whether it is anyplace else that I know of, are vitally concerned with. The American people, by far and by large, have been always and still are pragmatic, practical, realistic. Of course, we are all human, and we can be swayed. None of us is foolproof, and we can be swayed by issues that are intense in emotionalism, intense in passion. But I think the highest thing to be done under those circumstances by any American citizen seeking the approval of his citizens to an elective trust in this great democracy is how you stand up under that pressure. Do you try to imitate and postulate a position that would seem to be in consonance with their apparent supreme ideological thrust of the passion of the moment? Or do you discern that issue and realize that you cannot afford to fly under false flags under any circumstances because the people are entitled to know?

If you do not have the trust, if the people know the truth, that they will not vote for you, then what kind of a hollow victory is it to win a race?

I had the very similar experience when I started out. There was a lot of similarity here. In my first congressional race, the opposition party on a national basis—nobody knew me nationally then—decided to make it a national campaign to show that President Kennedy's New Frontier was not taking root. It was the first congressional race in the first year of President Kennedy's administration. They sent General Eisenhower down there for 3 days. Both of my newspapers were not for me. And they outspent me. In this case, the same thing thing happened. And yet the people came through, in the sense that they disgarded what they knew was an appeal to rank bias, and appeal to the exacerbation of passion and emotion rather than clear and limpid thinking on those issues.

□ 1540

So I take this opportunity to include in the RECORD at this point a recital or report of the election in a brilliant way by a young Texas author by the name of Jim Presley that appears in this month's issue of the Texas Observer.

I salute Mr. CHAPMAN and wish him well. God speed in his endeavors, and I wish to congratulate the great-minded citizens of the First District of Texas.

[From the Texas Observer, Aug. 30, 1985]

EAST TEXANS THWART GRAMM PUTSCH

(By James Presley)

TEXARKANA.—For those in the First Congressional District who had grown used to having Wright Patman there in Washington from 1929 till 1976 to defend them against a variety of Republican mischief (he, after all, had not blown the whistle on Watergate), the tenure of his successor, Rep. Sam B. Hall, Jr., following Patman's death in 1976,

must have come as a shock. When Ronald Reagan assumed the Presidency in 1981, Hall soon became one of the boll-weevil Southern Democrats who gave aid and comfort to the Republicans in the House.

Now comes 1985, with this scenario: Senator Phil Gramm, flushed with a November victory on Reagan's coat-tails, nominates Hall as federal judge, to create a vacancy. Hall passes the Republican litmus test on enough issues to make him acceptable, even desirable, for the beefed-up Republican judiciary. The plan then was to elect a bona fide Republican, no matter how much the cost, and use that result as evidence of realignment of the political parties. It would be a major publicity coup, particularly for Gramm.

The result was the most expensive race in First District history. The outcome would scarcely change the Democratic control of the House but would convey symbolic power wherever the news went.

To set things in motion, U.S. Sen. Phil Gramm pulled Edd Hargett from obscurity in tiny Linden, Texas, for an appearance in nearby Texarkana. Hargett, once a student of Gramm's, would make a fine Congressman, said Gramm, thereby telegraphing the next punch, which soon came when Hargett announced for the seat as a Republican.

In some ways, Hargett was the political packager's dream. Young (37) and handsome, a former Texas A&M quarterback who had played pro ball, he seemed to have a great many things going for him. The First District has traditionally been an incumbent's district. Wright Patman, known widely as a populist and a scourge of the banking industry, served here for more than 47 years, through all kinds of political permutations on the national scene. Undoubtedly Republican strategists realized that if Hargett got in, he'd probably stay in—maybe for 30 years.

The money gushed forth. Hargett attended the Republicans' candidates school. Top consultants like Roger Ailes, Lee Atwater, and Lance Tarrance were signed on.

In the first election on June 29, Hargett gained 42 percent of the vote, former DA Jim Chapman of Sulphur Springs, 30 percent, and State Rep. Sam Russell of Mt. Pleasant, 18 percent, with the other five candidates dividing the remainder.

Among the Democrats, Jim Chapman, 40, enjoyed an advantage—and in some ways, a disadvantage. Having run for state senator against state Sen. Ed Howard last year in virtually the same district except for one county, he was acquainted with the district, had some name recognition, and had supporters at the outset. The disadvantage he faced was that his race against Howard had also left him with political enemies. Howard had charged Chapman was backed by labor and liberals, and now the Republicans took up the same charges.

Chapman, however, had assets of his own. He was willing to put a great deal of his own money into the campaign, and he was able to use his highly-honed skills as a trial lawyer to distinct advantage, showing himself to be agile-witted and articulate in the forums, the one debate (held in Kilgore outside the district and viewed on Tyler TV), and speeches.

Chapman's early theme was that the Big Bad Ol' Republicans Are Gonna Try to Cut Social Security. He said he'd fight any cut, down to the last COLA. But Hargett said he, too, would fight any attempt to cut Social Security. Chapman matched Hargett's stand on so-called "family" issues such as abortion, school prayer, and gay rights. (The *Texarkana Gazette* chided Chapman for making such an issue over his championing of school prayer, which, the newspaper noted, was advocating something everyone had—the right to pray any time he or she wanted to.) On the other hand, Hargett embraced what might be seen as traditional Democratic values, such as support for Medicare (and Social Security), more jobs for depressed East Texas, and a simplified tax system. There was no calling attention to Hargett's party affiliation by name. His billboards identified him only as being "In the Tradition of East Texas."

All the thunder and lightning from the conservative heavens showered down upon Northeast Texas before the summer was over. About the only thing lacking, really, was a personal visit from The Great Communicator Himself, though that was accomplished electronically.

Jobs turned out to be the hot issue by early July. By then Texarkana plants had laid off 400 workers, AT&T had shut down its Shreveport plant, another Texarkana plant had announced layoffs, while Lone Star Steel's problems continued to fester with employment at only 60 percent of its full force. With this as background, Chapman took up the issue of a trade policy to help American exports and to keep American jobs from going overseas. At this point Hargett told a reporter, "I don't know what trade policies have to do with bringing jobs to East Texas." Chapman pounced upon the sentence. Hargett claimed he was misquoted. When a reporter disproved his claim, Hargett said it was taken out of context. In a July 24 editorial, the *Texarkana Gazette* had the final say: "Hargett has said that the statement was taken out of context and was a misquote. Neither claim is true. The context is accurate—a reporter asked a question about foreign trade policy and Hargett answered it very simply. The quote is the same quote that was videotaped by KTAL-TV and aired on the 6 p.m. news on July 9."

Jobs for the depressed First District, where the unemployment rate passed the national level, and protection of Social Security became the leading "solid" issues of the campaign. Senator Bentsen hammered away at the Reagan administration's having no trade policy. Whether East Texans are conservative or liberal or in between (which they probably are, for the most part), like people everywhere else, they like to have jobs.

In the beginning, much of Hargett's advertising and personal football career at Texas A&M and later professionally. The Aggie maroon color graced his signs, billboards, and campaign materials. (One wonders how many votes he lost from alumni of other Southwest Conference schools.) His television commercials featured football game excerpts. But weeks before the first election, the *Texarkana Gazette* in an editorial, "Hang up the cleats, Edd," chastised him for talking football instead of issues. The commercial was dropped.

The Republican tactic was to hang the image of "dirty campaigner" on Chapman. In the process of this effort, negative mailing and advertising went out until images of a "dirty campaign," ironically, began to form about the Hargett headquarters. In another irony, Chapman began to emerge from the dust of battle as something of a gentlemanly campaigner, though aggressive, but articulate and seemingly undisturbed by the stream of allegations his foes poured forth. At forums and radio interviews, Chapman responded vigorously, decisively, and with good manners. His confidence seemed to grow as the campaign aged.

The negative mailings by the Hargett campaign, from the early days to the last week, kept hammering away with the charge that Chapman was a liberal, that he had run a dirty campaign against Ed Howard (never documented), that he was running a dirty campaign now (never substantiated), and that he supported unpopular planks (gay rights, etc.) of the 1984 Democratic platform and would be controlled by Tip O'Neill and the Northern liberals (which he had denied).

One mailing, handwritten from "Mrs. Shirley Hargett," the candidate's wife, extolled her husband as "a good Christian man" and added: "It is unfortunate that Edd's opponent chose to lie. When he could not find a flaw to attack he resorted to lies . . . It makes me mad when Jim Chapman doesn't tell the truth, especially concerning Edd's views on Social Security." The letter then segued into how Hargett's parents died of cancer while on Social Security and Medicare and how that left the candidate a strong friend on the legislation. Then the scene shifted back to Chapman: "Edd says he understands why Chapman is always throwing mud. It's because Chapman is a Liberal whose support is from the Labor Unions, the Liberal Special Interests and the National Democrats like Tip O'Neill and Walter Mondale."

Though Chapman was "right"—to the conservative way of thinking—on the emotional, often contrived, "family issues," as were every one of the original candidates, being "right" wasn't enough. Moral Majority honcho Jerry Falwell signed a letter that charged:

"Jim Chapman, who supported the Mondale/Ferraro ticket in '84 and Mark White's tax increase has yet to disavow the National Democratic platform. That's the platform that calls for gay rights and the E.R.A.

"Jim Chapman remains silent on school prayer and a pro-life amendment. Jim Chapman's silence on these issues proves one point: he can't stand up to the liberal national Democrats."

Falwell either wasn't listening, didn't care, or knowingly misrepresented the facts. Anyone who ever attended any of the candidate's forums would have heard Chapman, who repeatedly called himself a conservative particularly in the early days of the campaign, state he was against affirmative action for gays, he was against abortion (except in the case of incest, rape, and danger to the mother), and he favored prayer in the schools.

A slick anti-abortion handbill, featuring photographs of Edd and Shirley Hargett and of a winsome small child ("This Little Gal Wants YOU to Vote Saturday, August 3"), was placed on automobiles parked at the Highland Park Baptist Church in Texarkana and, one might well presume, at other churches over the district, during services on the Sunday before election.

Mailboxes were filled by both sides. Senator Lloyd Bentsen sent a letter urging voters to *"finish the job"* and pushing Chapman's candidacy for its support of "old-fashioned family values," "a strong defense," defending "the sacred contract of social security," and protecting American jobs.

The biggest Republican gun came in a mailing during the last week before election, from Ronald Reagan—"we need Edd Hargett in Congress." He continued, "If Edd Hargett wins, it will be strong evidence that

the principles of this Administration have the support of the American people—regardless of party label." (Seemingly an appeal for help, not realignment.) Then the postscript clincher: "I was proud to nominate Sam B. Hall, Jr., to be a Federal judge, but sorry to lose the advice and support of this able conservative Congressman. The election of Edd Hargett would mean East Texas continues its tradition of independent conservative representation in the U.S. House of Representatives." Like Wright Patman, one presumes.

By the time voters received Reagan's letter, the television channels had been saturated with his spot commercials pleading with East Texans to vote for "my friend Edd Hargett." Over and over and over. Though Reagan had not appeared in person, he had risked his prestige almost as much with the commercials.

In reviewing campaign ads and "literature" on both sides, it becomes clear that negative charges were a particularly strong thrust of the Hargett campaign.

What made the rampant negativism even more apparent was that, as the Republicans piled accusation upon innuendo, Chapman studiously grew more and more "clean." Hargett's campaign became so negative that in the final week the *Texarkana Gazette* specifically chided him for it. The newspaper never endorsed anyone in the election and, in fact, appeared to take an even-handed approach to the race. But three times it came down editorially on Hargett, for discussing football instead of issues, for denying a statement he had made on jobs and trade policies, and for heading up such a negative campaign.

Chapman ads countered claims that he was tied to the "Northern Liberals" by suggesting the Republicans were trying to buy the election. A large ad during election week headlined, WHO IS THE REAL INDEPENDENT?, focused upon Hargett's spending four times what Chapman had and that more than 40 percent of Hargett's money came from conservative political action committees, with only 12 percent identified as coming from within the district. On the other hand, the ad noted that 42 percent of Chapman's money came from within the district, not including his own $135,000 personal contribution, with only $10,450 coming from political action committees.

In an editorial the same day, the *Gazette* noted that of Hargett's $825,000 war chest, he had received approximately as much money from outside the district—$229,603—as the entire Chapman campaign had raised—$236,819.

The *Gazette* editorialized: "The lopsided total donations—$822,589 for Hargett and $333,042 for Chapman, including the First Committee—seem to lend some credibility to the charge that the election is being bought. . . . Can a Congressman really represent East Texas when he owes his political soul to a PAC, a party organization or a group of wealthy donors?"

Chapman won the runoff over Hargett, 52,665 to 50,741—a margin of 1,924 votes out of 103,406 votes cast, almost one-third of those registered. Chapman's margin was 50.9 percent to Hargett's 49.1 percent. The turnout was 30 percent of the registered voters, 10 percent more than for the first election, with a significant increase in black and older voters.

One of the major factors in Chapman's victory was a significant improvement in his showing in Bowie County (the most populous county, and the location of Texarkana) over his performance in June. An intensive organizational effort led to a jump in Chapman's vote totals from 20 percent in June to 44 percent in August in the city of Texarkana. He more than doubled his percentage of the absentee votes, resulting in the Democrat defeating the Republican at the absentee box by a margin of 3 to 2.

In the end, Hargett, with a million-dollar effort behind him (he spent none of his own money, according to his reports) probably gained more name recognition than his football playing had accomplished. Gramm experienced a deep disappointment, if not frustration. President Reagan, after appearing in TV ads over and over, failed to push Hargett over the goal line and probably suffered some tarnishing of his reputation as a winner. The Texarkana Gazette, often criticized over the years as either establishmentarian or as bland, came out of it as a vigorous, impartial recorder and referee. And Chapman, so frequently accused of "dirty" politics, came off a gentleman, if one will pardon the expression—and the winner.

It is too soon to report whether the flood tide of Reaganism has crested and is receding, based on the First District, but one thing is certain—a carefully engineered test case has backfired, despite everything that could be done. And the reason it did is that the Democrats by and large got together and got their votes out. In a post-election interview, Chapman said he would probably take his own path in Congress, different from either Sam Hall or Wright Patman, but from what he said and did in the special election, it is probable that his record will wind up closer to Wright Patman's than to Sam Hall's.

Gramm, the main loser, was quoted shortly before the election as saying, "Win or lose this race, this is only my first involvement. We're going to keep on building the party until we're hunting Democrats with dogs."

A memorable statement and something to think about by those putative Democrats who edged into Hargett's camp. Stay in line, boys, or here come the dogs! After a campaign like this one, many voters may start thinking, not of realignment, but of reassessment. The First District, of course, is a continuing story, Chapman, now the incumbent, will be up for reelection in 1986, and that campaign is not far off. Stay tuned.

SOME PEOPLE BELIEVE THAT THERE STILL IS SUCH A THING AS FREE TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I took this time and caught a lot of my colleagues by surprise, and therefore this will be an ongoing process for days to come, I am sure. But I took this time to see whether we might be able to flush out just who those one, two or three people are in the United States who still believe in the tooth fairy, and still believe that there is such a thing as free trade.

Is it Mr. Regan? Is is Mr. Buchanan? I hope it is not the President of the United States. There is no such thing as free trade. We all advocate it; we all wish it were true, but we all know that the Japanese do not know what the word means. We also know that the Common Market nations do not know what the word means. Yet, when we try to get a little bit of relief, temporarily, for a shoe industry that employs so many rural people particularly, we find that the White House turns a deaf ear.

You know, there are two ends to Pennsylvania Avenue, and I would remind the President that when he calls here and asks our help, we expect a little consideration when we call in the other direction.

We are told that no action was taken, even though ITC, who 1 year ago ruled 5 to 0 that there was not enough serious damage to the industry for them to act or to recommend action, turned right around 1 year later and recommended, 5 to 0, as a matter of fact, that there is that kind of damage. They voted 4 to 1 to make the kind of recommendations that they did for the President to consider to give some kind of temporary relief to this shoe industry.

In spite of that effort, the President decided that we should not have or grant temporary relief to that industry at this time. He indicated or reports are that he made the decision because he was protecting the economy. Well, let me tell the American people something they already know and something the President already knows. There is nothing more damaging to the economy of the United States or any other country, but particularly the United States, than unemployment. So that better be the first consideration when we are thinking about the economy. What is going to happen to our economy because of the number who have been laid off in just this one industry, not to mention 6 or 8 or 9 or 10 others that I will tick off later. So, we better think about the damage we are doing to the economy by not considering the domestic shoe industry.

Then we heard those who said, "A great move, Mr. President, you protected the consumer." Who is the consumer, I might ask? The consumers, of course, are those people out there who are lucky enough to have jobs in the United States that can make purchases. But if I were those who have a job at the present time, I would not rest on this decision the President has made, because tomorrow it may be

your business or your industry that goes under because of foreign invasion.

Not competition; we welcome competition. The Japanese do not know what that word means either. Neither does the Common Market when we try to get our agricultural products, particularly, into those nations. When you talk about protecting the consumer, you better think about protecting that consumer's job.

Then we hear that old word over and over and over, year after year after year, "retaliation." There are several million Cambodians who are no longer living because we use that word and that fear of retaliation over and over again. We were worried if we did what was right in Southeast Asia and tried to protect the freedom and give those people an opportunity to make their own decisions there would be retaliation from China or from the Soviet Union.

Hundreds of thousands of Vietnamese who are in "education camps"; that is another name for concentration camp. Or the hundreds of thousands who have fled because of course, rather than do what we had to do, we talked about retaliation.

The Laotians, who were looking for some help and got none because of the fear of retaliation. Then I was surprised to hear that this administration used, in defense of their decision, the word "depression." "That is how the Depression started." Well, you know, for 4½ years any time anybody talked about any significance between what is happening now and what happened in the thirties, we were told by the administration that, as a matter of fact, it is a totally different time we are operating in. As a matter of fact, the economy is different, the banking system is different. So do not relate to depression or the depression years. They chose to use that as an excuse or an alibi.

Then, of course, that thing we have heard from administration after administration: "We will take care of the situation with existing laws. We are going to be really forceful." I have heard Mr. Yeutter say that a dozen times. I also heard him say a heck of a lot of different things before the President made the decision than after the President made the decision. You know and I know no matter what enforcement we think about we are not going to protect some of our industrial base.

I would like to relate to a couple "Falwellian" statements I heard made. I do not know how you spell that. You take "Falwell" and you put "ian" on the end and you have a "Falwellian" statement. Well, I heard Secretary Brock, before the President made his decision, make one of those great "Falwellian" statements.

He said, as a matter of fact, or was quoted as having said, I did not hear him directly say it. He was quoted as having said that, "Well, he imagines the shoe industry does need some temporary relief." But he would recommend to those people in that industry that they find other jobs. If that is not a "Falwellian" statement, Mr. Secretary, I do not know what is.

Where do you suggest the people in the Northeast and the Midwest go? Should they go to the machine tool business to find those other jobs? Or to the bearing business, or to the coal business, or the steel business, or the garment business, or the printing press business? I could go on and on and on. Those are the businesses we had in our areas and we do not have any more. Therefore, I do not know where, Mr. Secretary, they should go.

The second "Falwellian" statement that I would refer to is one made, and this one I heard by Ambassador Yeutter, who, as I said, must wear different stripes on different occasions, because having met with him on two occasions prior to the decision that was made by the President, he did not sound very much like the same Ambassador who was making statements in defense of what the President did on television afterward.

He was asked by the young lady who was doing the interview, "Well, what happens to all of these unemployed? What are you going to do?" Well, he said, we will have to take our JTPA system, the Job Training Program, and we will have to retrain them, and then we will get them jobs." I understood the Labor Department really was not asking for any more money along those lines.

But even beyond that, Mr. Ambassador, you went on then in response to the young lady who said, "Well, will that take care of all of them?" and you said, "No, it probably will not, and some probably will not go to the Silicon Valley for jobs, will not leave their home areas."

I have news for you, Mr. Ambassador. I think I read since that statement you were going to visit that area, but everything I understand is, because of the pressures they are receiving from imports in the Silicon Valley, they are laying off people, they are reducing their pay, they are reducing their hours of work.

So I would hope for many reasons, Mr. Ambassador, that, no, they do not all leave the Northeast and the Midwest and go to the Silicon Valley.

I would also call to the attention of this administration, one who believes so strongly in the importance of our national defense effort, how do we have, I would ask the question, a national defense effort if we have no industrial base? I do not understand it. If we become a service economy, what do we service? In World War II, if we were only a service economy, we would never have gotten through that war on the victorious side because we not only had to service, we had to produce those things that were needed to put those who would destroy freedom in this world back where they belonged.

So a service economy will not do, Mr. President, and as our industrial base is eradicated day after day, and eroded day after day, I only ask, how do we protect our freedoms and how do we provide the protection that is needed to protect the free world?

I can only say, Mr. President, we are not asking to close markets, as they do in the Common Market countries, we are not asking to close markets, as the Japanese do with all cute things, and do not tell me that the Prime Minister has now come up with some new ideas which will really open up. I visited there not too long ago. That Prime Minister will not have a snowball's chance in Hades of doing anything about opening markets. Only the good old boys' network makes those decisions in Japan, and they are the leading industrialists.

So, Mr. President, we are not asking you to close markets; we are asking for some temporary relief. We are not saying do not allow shoes to come into this country; we are just saying, Mr. President, in the last 4 years the number has doubled. We are now up to 80 percent. We do not care if the Italians send all of theirs in. They are so expensive they will not harm our shoe industry.

But let me tell you, if you cannot help us get back to about 60 percent until we can make some of the changes, and until that dollar goes down, we are in very serious difficulty in this country.

Again, Mr. President, we need that industrial base. We need some temporary relief, and we are counting on you to find some way to bring that about, and not with smoke and mirrors, as was suggested that is the way we are going to do it.

Mr. McKERNAN. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Maine, who has problems very similar to mine in relationship to this very important issue.

Mr. McKERNAN. I thank the gentleman for yielding and commend him for taking this special order. As one of the two Representatives from the largest footwear producing State in this Nation, fully 12 percent of the shoes that are produced in this country, I wanted to come over and participate in this special order because the things the gentleman is saying are absolutely correct.

We sometimes have blinders on in this country when we realize some of the importance of our historical industries. We look at the shoe industry es-

pecially and realize in what terrible straits we now find ourselves, really oftentimes through no fault of our own.

As the gentleman has mentioned, we have had imports of shoes double over the last 4 years. That is 726 million pairs of shoes that came into this country in 1984. How many pairs of shoes do we export? Nine million pairs.

That is the problem. There is no equity in our international trade. What we ask for, representing the shoe industry, what the ITC recommended to the President, was to give the industry some time, give the industry some time to modernize, to retool, to be able to move into the technological age in order to compete internationally, and also, and I think as importantly, to give us time to open up some new markets.

We in this country can compete internationally, but we cannot compete if the countries that are flooding our markets with imports will not allow us to export into their countries, and that is what the ITC recommended, a 5-year program, a program for us to have the opportunity to work with our trading partners to say free trade is the answer, but free trade by only one trading partner is not the answer. That is not the way we have to go.

Maybe in this day and age a whiff of protectionism is necessary, especially here in this country, to demonstrate to our trading partners that protectionism is not the way of the future. We need to have more open trade, but it has to be a two-way street.

In Maine, we have had 32 footwear plants close since 1984. We have had over 6,400 people lose their jobs. We have to think about those issues in human terms, what that means to those people, to their families, to their ability to educate their children, and to feed their families.

We oftentimes do not think about it in terms of the people in places like Biddeford and Saco who lose their jobs. We think about it in general economic terms, about percentages of markets, about total numbers, the macroeconomics of the situation. We ought to bring it right home to those shoe plants in our districts and realize what the human result is of these policies, and realize that we need to be looking at ways to approach the trade issue in the 1980's and the 1990's. The rubrics of the past, free trade for example, are no longer a reality. We need to say, "Where do we go from here?" so we can have an equitable trade policy.

All we ask for, all the ITC recommended, was temporary relief, relief to allow the industry to work out its problems, to modernize, to be competitive. It is not as though the people in the shoe industry are receiving an exorbitant wage. You talk to people in shoe shops in Maine, and I can tell you that they have not only their hourly wage cut, but they have also had the number of hours they are working cut. In Freeport, ME, there is one shoe industry where people are working part time, they are working half days in order to keep the doors open.

That cannot continue. They need some temporary relief, and we are not asking, as I said, for relief for a number of years. We are asking for relief over a short period of time.

I just hope, as the gentleman from Pennsylvania has indicated, that the President will approach this. If he is not going to give us the kind of relief we need on an industrywide basis, that he will take other steps that he can take under our trade laws to make sure that we get at the specific trading partners who are violating this breach of free trade and make sure that we try to approach this on a country-by-country basis if we cannot approach it on an industry basis.

I, for one, am not willing, at this point, to give up on the industrywide approach. I hope that my colleagues will continue to push for relief here in this Chamber to make sure that we take the steps that we can take as a legislature to make the difference for jobs in this country. We can do it by passing the right kinds of laws, by instituting those quotas that were in effect until 1981, by phasing them out over a period of time so we give that window of opportunity, if you will, to the industry to make sure that we have the kind of jobs that we can all be proud of and which, as the gentleman from Pennsylvania has pointed out, could in fact make a difference to our national security at a time of crisis.

So I again just want to commend the gentleman, and associate myself with his remarks.

Mr. GOODLING. I thank the gentleman very much for participating.

I, too, am a freetrader, as I indicated earlier in my remarks, but we have to have both together, free trade and fair trade. At the present time we have nothing that resembles fair trade, and we only have one country participating in free trade.

Back to the whole issue of defense, when I spoke in Lafayette Park at the shoe industry rally, as soon as I was finished I had reporters from Brazil and Taiwan and Korea come charging forth saying, "Boy, do you know what that would do to our industry? Do you know what that would do to us?"

I said, "You know, if I were you and I were as dependent on this country for your defense, as you are, I sure would do everything I possibly could to make sure, as a matter of fact, we continue to have an industrial base. You should be doing this voluntarily. It should not have to be something that ITC had to recommend and the President had to do, because it is your defense that you should be concerned about."

If I lived in Japan, I sure as thunder would be very much concerned about who in the world it is who is going to protect my freedom, as a matter of fact, if either side makes a move, be it the Soviet Union or be it China. So they better be very, very concerned that we have an industrial base so that we can produce whatever it is to deter war, first of all, and if somebody insists on war, so that we can, as a matter of fact, be victorious.

Again, Mr. President, I only fear that you have now lost your opportunity to lead this trade battle. I now fear that there will be many of us who normally would not join in this movement in the Congress of the United States who will join, and as I heard a few Senators say, they will be introducing legislation in order to give the kind of relief ITC recommended, and many in the House who have said the same. I just fear that we will move too rapidly, but it is not our fault, Mr. President. They all waited until after you made that decision. You have now made that decision. My hope is that you can lead the way in this trade battle, but I fear that you have lost that opportunity.

Mr. EMERSON. Mr. Speaker, I want to take this opportunity to express my dismay at the President's decision to reject the ITC's recommendation to temporarily limit foreign shoe imports.

The economic damage caused by the penetration of imported nonrubber footwear is clearly evident in Missouri and is one of the most severe single blows felt by the Eighth Congressional District. Missouri alone has lost nearly half of its footwear manufacturing plants since 1968, causing a loss of almost 10,000 jobs. While seven plants ceased operation during 1978 to 1982, five factories were forced to close their doors just last year.

Footwear is the major manufacturing employer in 20 Missouri counties, each with a population under 50,000, and is a significant industry in 13 additional counties. Plant closings in 1984 left thousands without work. In small, rural communities, job opportunities are limited—and every employed person makes a difference. Such areas simply cannot withstand another year in which unrelenting imports control over three-fourths of the U.S. shoe market.

I am perhaps one of Congress' staunchest supporters of a general policy of free trade. Representing one of the Nation's most productive agricultural areas, I am well aware of the need to maintain and promote our own access to foreign markets—and equally aware of the risks to that access that can result from import restrictions. Nevertheless, I have watched too many small communities suffer too much at the hands of imported footwear, and have become increasingly convinced that this is an industry that needs—and deserves—temporary protection.

From my observations of the industry nationwide, as well as personal knowledge of the nonrubber footwear manufacturers in the Eighth District, I am confident that the industry has not brought this problem on itself. It has made every effort to compete with foreign imports, and done so despite serious obstacles presented by the overall economic conditions of recent years. In Missouri, as well as across the Nation, footwear employees earn wages far below average in comparison to other industries, and considerable resources have been devoted to modernization of facilities and research. Yet, the industry still finds itself unable to cope with the flood of imports—a flood that has reached over 75 percent of the U.S. market.

In short, the damage that has been done is so extensive that the industry cannot "get back on its feet", even with the admirable effort it is making to become fully competitive with foreign producers. Thus, I believe the nonrubber footwear industry's request for a temporary program of market share quotas is a reasonable one. Given short-term protection, the industry will have the opportunity it needs to regain a fair share of the market, and will be able to become fully competitive.

Mr. Speaker, the nonrubber footwear industry is vital to the interests of many of America's rural communities and to the Eighth District of Missouri. Import relief for our shoe industry must now become a major priority for congressional attention. I strongly encourage my colleagues in the House to support a legislative remedy to limiting footwear imports by cosponsoring the American Footwear Industry Recovery Act—and give this important industry, its employees, and small communities throughout rural America a chance to regain the ground they have lost to a relentless flood of imports.

Mr. ALEXANDER. Mr. Speaker, last week the President announced, as his Labor Day present to the American worker, a body blow to the domestic nonrubber footwear industry.

Imported shoes account for 80 percent of the domestic market, and that share is growing daily. Thousands upon thousands of American workers, including 2,000 in my own State of Arkansas since 1983, have lost their jobs. The 200,000 other workers still employed by American shoe manufacturers are economic hostages, each living in fear that his or her plant will be the next to close. Indeed, in Arkansas, footwear employment has not been so low since 1961. Across the Nation, countless communities have seen their economic bases destroyed when shoe plants have closed.

And yet the President blithely holds to an incredibly naive and simplistic view of international economics in which the market is allowed to work its will under any and all circumstances, no matter what the consequences are.

His trade policies, or lack thereof, are bringing the economic recovery he's so proud of to a screeching halt, but the President doesn't seem to realize it. As he has done so many times before, when the facts about footwear didn't support his view of the world, he didn't worry—he simply dismissed the facts as irrelevant.

What is the practical effect of the President's footwear decision?

For one thing, the President has made a mockery of section 201 of the Trade Act. When we passed the Trade Act in 1974, we included section 201 for a reason—and the reason was not pure protectionism. We simply wanted the President to have a mechanism he could use to provide temporary import relief to a severely impacted industry while the industry got back on its feet.

The footwear industry's case was a classic one under section 201. With import penetration nearing 80 percent, the industry came up with a 5-year plan of action for modernization and requested temporary, limited import relief in order to give the plan time to work.

But the industry couldn't even get that far. President Reagan apparently did not feel that footwear manufacturers and workers had suffered enough with imports holding only 80 percent of the market. What would it take to compel the President to act? Would he do nothing if imports rose to 90 percent? Would he do nothing if the American shoe industry were destroyed?

The President can not expect us to believe he is opposed to all section 201 actions on philosophical grounds. He's already granted 201 relief to both basic and specialty steelmakers, and in one case he granted 201 relief to just one firm—Harley-Davidson, the Nation's only motorcycle manufacturer. Why, then, would he not help the footwear industry?

Second, the President's decision was not a wise one in terms of national defense. Armies, after all, move on their feet. If the American shoe industry goes under, who will shoe our soldiers, sailors, and airmen? What happens if we become embroiled in a conventional conflict and our sources of footwear become hostile or lie behind overextended, easily interrupted supply lines? What do we do then?

Finally, however, the decision's major impact will of course be felt by footwear workers. The President, insulated by his prosperous advisors who don't understand the suffering of unemployment, is totally oblivious to the pleas of American workers who want their President to protect their jobs by using American law.

I wonder if the President has ever met a shoeworker? Indeed, I wonder if the President even owns a pair of American-made shoes?

I wish the President would come to Arkansas and meet with the shoe workers I represent. He'd find out how scared they are of losing their jobs and how much they want to continue to be productive members of the American economy.

Labor Secretary Brock did promise the other day to provide Job Training Partnership Act funds for job search, retraining, and relocation—I stress again, relocation—assistance for displaced footwear workers.

But these workers want to be footwear workers. They shouldn't have to endure the hardship of learning new trades, pulling up roots, and moving to remote locales. We oppose forced relocation in South Africa; why should we accept it here?

Through it all, the President remains hypnotized by his 18th century view of world trade. He is a firm believer in the theories of Adam Smith. His trade policy is not to have a trade policy. He carries laissez-faire doctrine to the extreme.

The problem is, the invisible hand has the American worker by the throat.

Some say America's trade problems are caused by unfair practices on the part of our trading partners. Certainly, these contribute to our problems. The President said in announcing his footwear decision that free trade should be fair trade, and I certainly agree with that. But the decision to do nothing for the American footwear industry does nothing for fair trade. Even worse, it is an open invitation for other nations to continue flooding our market with imports.

The sad irony is that the biggest cause of America's record trade deficit is Ronald Reagan's record budget deficit. The budget deficit lures foreign capital, drives up the dollar, makes imports cheaper, and costs Americans their jobs.

In other words, Ronald Reagan helped create the situation that threatened the footwear industry in the first place, and now he refuses to help it in its hour of need.

My colleagues, the President has forced our hand. The only solution left to us is legislative relief. We must swiftly pass H.R. 1973, the bill introduced by the gentlewoman from Maine [Ms. SNOWE]. I am proud to be a cosponsor of this important legislation.

It is up to us in Congress to save the American footwear industry.

Ms. SNOWE. Mr. Speaker, I would like to express my extreme disappointment at the President's denial last week of import relief for the American shoe industry. In one action, the administration shot down more than a year of efforts by the footwear industry to work through the established administrative relief process. The statistics of surging imports, massive plant closing, and severe worker dislocations made an overwhelmingly persuasive case for import relief, and in June the International Trade Commission voted for temporary quotas to give the industry the chance it has earned to get back on its feet. The existing relief process, however, provided discretion to the President on whether to implement the relief proposed by the ITC, which the President refused to do.

As the President's first major trade decision of the year, the callous and shortsighted action to deny import relief for the domestic shoe industry drives home two points. First is that the administration has forfeited its role in providing import relief for an industry whose very existence is threatened. We cannot leave this industry to die, as the administration has chosen to do. The footwear industry does not have another year to waste banging its head into

the unyielding wall of the administrative relief process.

Congress must act swiftly to provide that relief, and the vehicle for that action already exists in legislation I introduced last March: H.R. 1973, the American Footwear Industry Recovery Act. This legislation, which now has more than 90 cosponsors, would temporarily restrict imported footwear to 50 percent of the U.S. market. This is the level of import penetration which existed just 4 years ago. Today, imports have captured more than 75 percent of the domestic market, and are continuing to increase at an appalling rate.

The second point is that no industry can put credence any longer in established import relief procedures. The administration has proven its blindness to trade problems in its refusal to implement relief for the footwear industry, which suffers from precisely the kind of import problems for which the administrative relif process was originally created. Clearly, something is fundamentally wrong with existing relief procedures, and Congress must now reassert its constitutional authority on trade.

In the short term, we must ourselves take action on serious trade cases, such as footwear, that cannot wait for the creation of a new administrative relief process that can work. At the same time, we must move to reform U.S. trade laws, so that the United States will cease to be the designated dumping ground of all the predatory trading nations of the world.

Ms. MIKULSKI. Mr. Speaker, I rise today to extend thanks to the distinguished gentleman from Pennsylvania for reserving this special order on the issue of import relief for the domestic footwear industry. I strongly believe that the President's decision not to place import restrictions on nonrubber footwear products is both wrong and unrealistic.

Clearly, there is ample justification for import relief. Shoe imports now account for approximately 72 percent of the U.S. market. The ramifications of this import level are substantial and far reaching. First, unemployment in the domestic footwear industry reached 17 percent last year. By any measure, this is a deplorable level of joblessness. Second, domestic footwear production fell almost 11 percent last year, reaching its lowest level since the Depression. Last, well over 100 shoe manufacturing plants have closed since 1979 with many more likely to follow in the wake of the President's decision. All of these statistics present a miserable picture not only for the shoewear industry but also for the dozens of other, associated industries which will doubtless be affected by continuing high levels of imports.

Mr. Speaker, from my cosponsorship of the American Footwear Industry Recovery Act, H.R. 1973, to my cosigning of a letter to the President urging the adoption of the USITC recommended import restrictions, I have been a solid supporter of relief for the footwear industry. I urge the President to reconsider his decision and begin to address the vital needs of American industry and American workers.

Mr. HAYES. Mr. Speaker, as imports have grown, American jobs have decreased. This is a simple statistical fact that President Reagan somehow finds easy to ignore. In a decision that is nothing less than economic surrender, President Reagan has decided not to grant import relief to the nonrubber domestic footwear industry. In May of this year, the International Trade Commission found 5 to 0 that imports were seriously injuring the domestic industry and voted 4 to 1 to recommend to the President that he implement 5 years of quotas on imported shoes. The President could have either accepted this proposal, modified it, or rejected it. On August 28, President Reagan rejected the proposed industry relief, following his policy of not interfering in the free market. This is also consistent with his trade policy, which is nonexistent.

This is a clear example of an industry in need of import relief. In June of 1985, footwear imports increased 34.5 percent over June 1984. Also, June 1985 imports increased 19 percent over May 1985. Meanwhile, the domestic industry has taken great strides in order to become competitive with low-priced imports. They have reorganized and made commitments to put into place the technological and marketing improvements that are necessary. All that they asked for was the 5-year period of relief which would not only serve the domestic industry, but would save 200,000 American jobs.

The lack of any kind of trade policy is destructive to our Nation in many ways. According to research done by Data Resources, Inc., if import growth is not controlled, by 1990, joblessness will grow to 1.9 million, the trade deficit will increase by $21 billion, and $40 billion will be lost from the gross national product. Also, the incredible budget deficit that already threatens the economic security of the Nation will be increased an additional $24 billion.

President Reagan had an opportunity to stand up to the rising tide of imports but chose instead to support his "free trade" philosophy as opposed to the fair trade policies that temporary quotas would have provided. The lack of a coherent trading policy is but another example of the way that this administration has approached the economy. It has consistently chosen philosophy over people, free trade over fair trade, and symbolism over substance. In the face of fleeing American jobs and incredible budget and trade deficits, the President has made the wrong decision. He has, in effect, given domestic shoemakers the boot.

ASAT TESTING AND ARMS CONTROL

The SPEAKER pro tempore Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the subject which I propose to discuss this afternoon in my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There is no objection.

Mr. BROWN of California. Mr. Speaker, earlier today I called to the attention of the House the fact that the President has authorized the testing of an anti-satellite weapon, the F-15 launched miniature homing vehicle, against an object in space. In his haste to have such a test conducted prior to his summit meeting with the Soviet leader Gorbachev, thus presumably demonstrating our resolve and our refusal to be bamboozled by Gorbachev's offer of an Asat test moratorium and comprehensive treaty prohibiting the deployment of any weapons in space, the President has ordered the test conducted against a defunct Air Force satellite now in orbit. He did this rather than wait for the already-scheduled test against an instrumented satellite, which could provide for a more complete analysis of the test results, apparently because the test would not occur until after the summit meeting in November.

In order to comply with the law, the President was required to certify to the Congress that he is negotiating in good faith with the Soviet Union for an Asat arms control treaty, that the test is essential to the security of the United States, that it will not do irreparable harm to the prospects for an arms control treaty for space weapons, and that it does not violate the ABM or other arms control treaties. I include the full text of the language in question at this point:

Public Law 98-473—October 12, 1984—Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 8100. (a) Nothwithstanding any other provision of law, none of the funds appropriated or made available in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interest of the United States;

(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

(3) that such testing would not constitute an irreversible step that would gravely

impair prospects for negotiations on anti-satellite weapons; and

(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

(b) During fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warhead may not be used to conduct more than three tests of that warhead against objects in space.

(c) The limitation on the expenditure of funds provided by subsection (a) of this section shall cease to apply fifteen calendar days after the date of the receipt by Congress of the certification referred to in subsection (a) or March 1, 1985, whichever occurs later.

The President made his certification on August 20, 1985, while the Congress was in recess. The required 15-day waiting period expires today, and the test may occur at any time thereafter. There is no provision in the law by which the Congress may reject the certification, but the timing could not have been better calculated to minimize congressional awareness and discussion of the President's action.

In these remarks today, I intend to discuss each of the required four certifications in some detail, and to elaborate on the implications of this action for the future of arms control with the Soviet Union with regard to any weapons system and under any circumstances. I do this because, for many of us in the House, Asat arms control represents a case study, a test of the proposition that arms control is a reasonable option for this country in its relations with the Soviets. If we cannot control the current generation of technologically immature Asats, the likelihood is that we cannot control any arms system, particularly nuclear weapons, and that we are launched upon an infinitely more expensive arms race in space. The result will be an increased military instability; decreased national security; continued budgetary pressure on the Nation's social programs; decreasingly available funds, as well as scientific and engineering manpower, for civilian purposes; continued decline in the civilian economy's capacity for innovation and productivity improvement; and the likely decline in our ability to meet world economic competition.

The language of the law, as set forth above, requires that the President make four separate certifications to the Congress at least 15 days before an Asat test against an object in space may be conducted. I would like to include the full text of the President's response of August 20 to the certification requirements at this point in my remarks as follows:

MV ASAT TESTING CERTIFICATION

[Par. 1]

On March 31, 1984 I submitted a Report to the Congress, in classified and unclassified forms, which detailed many of the considerations involved in analyzing possible limitations on anti-satellite weapons. As that report notes, any realistic and balanced consideration of this topic must take into account a number of problems. These problems include: the need for effective verification; the potential for breakout; the risks of space weapons; the vulnerability of satellite support systems; and Soviet military space activity. In particular, it should be noted that definitional and monitoring difficulties plus the need to counter such satellites as the space-based targeting elements of Soviet weapons systems contribute to the conclusion that a comprehensive ban that would seek to eliminate development, testing, deployment, and use of all means of countering satellites is not verifiable and not in our national security interest. Moreover, no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its Allies and that meet the Congressionally-mandated requirement of verifiability and consistency with the national security.

[Par. 2]

The United States is presently involved in negotiations at Geneva on a whole range of nuclear and space issues. At these negotiations, Ambassador Kampelman is, among other things, seeking to explore with the Soviet Union the merits of a strategic relationship characterized by a greater reliance on defenses.

[Par. 3]

We have been unable, to date, to identify a specific ASAT proposal which meets the requirements identified by the Congress in 1984. We are seriously exploring with the USSR arms control arrangements intended to prevent an arms race in space while—we hope—easing a possible transition to a more reliable and effective deterrent posture for both sides. We will continue to study possible ASAT limitations in good faith to see whether such limitations are consistent with the national security interests of the United States. We are, therefore, acting on conformity with the first certification requirement.

[Par. 4]

The primary purposes of a United States ASAT capability are to deter threats to space systems of the United States and its Allies and, within such limits imposed by international law, to deny any adversary advantages arising from the offensive use of space-based systems which could undermine deterrence.

[Par. 5]

The USSR has the world's only operational ASAT system with an effective capability to seek and destroy critical U.S. space systems in near-earth orbit. In 1982, a test of this system was integrated into an exercise of Soviet strategic offensive and defensive forces. Moreover, the USSR maintains a very large directed energy research program, including ground based lasers assessed to be capable of performing some ASAT functions. This program could also result in the launch of the first prototype of a space-based laser ASAR in the late 1980s or very early 1990s. In addition, since space systems are vulnerable to a broad range of threats from direct attack to electronic warfare to nuclear effects, the Soviet Union could have developed—without our knowledge—a variety of other means to attack our satellites.

[Par. 6]

There is also a growing threat posed by present and prospective Soviet satellites which, while not weapons themselves, are designed to support directly the USSR's terrestrial forces in the event of conflict. These include ocean reconnaissance satellites which use radar and electronic intelligence in efforts to provide targeting data for use in attacking U.S. and allied surface fleets. They also include photographic and electronic intelligence satellites which provide targeting data and other information useful in supporting Soviet land forces. These Soviet space assets constitute a clear threat to our national security and that of our allies.

[Par. 7]

The United States must take the steps necessary to avert a situation in which the Soviet Union has full freedom to conduct effective attacks on our space systems knowing that their space objects, including those that provide targeting data, are not vulnerable to U.S. attack. The resultant instability from this asymmetry creates a risk of irrevocable harm to the United States. U.S. development of a credible anti-satellite system is a necessary, integral part of the steps needed to avert this situation. Therefore, testing of the MV against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security of the United States and its allies.

[Par. 8]

The ASAT testing which we intend to undertake follows by twelve years the initiation by the USSR of its testing of a coorbital ASAT system which has for some time been the world's only operational ASAT system. The Soviets, moreover, as noted above, have tested and, in some cases deployed, systems which have inherent ASAT capabilities. The existence of such Soviet capabilities and their testing effectively preclude the possibility that testing by the United States of its MV ASAT will constitute an irreversible step.

[Par. 9]

In addition, we believe that testing can constitute an incentive to the Soviet Union to reach agreements on a wide range of issues and thus would not impair prospects for a successful conclusion to the negotiations now underway.

[Par. 10]

The testing against objects in space of the U.S. F-15 MV ASAT system will not give the system the capability to counter strategic ballistic missiles of their elements in flight trajectory and will not constitute a test in an ABM mode. Therefore, such testing is not prohibited by the ABM Treaty.

RONALD REAGAN.

The first of these certifications is; and I repeat it here:

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States.

The President deals with this in paragraphs 1, 2, and 3 of his statement. In response to this first requirement of the law, the President restates his previous position, expressed over the last several years, that:

A comprehensive ban that would seek to eliminate development, testing, deployment, and use of all means of countering satellites is not verifiable and not in our national security interest. Moreover, no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States.

The President goes on to restate his conclusion in slightly different words, as follows:

We have been unable, to date, to identify a specific ASAT proposal which meets the requirements identified by the Congress in 1984 . . . We will continue to study possible ASAT limitations in good faith to see whether such limitations are consistent with the national security interests of the United States. We are, therefore, acting in conformity with the first certification requirement.

Put in the simplest possible terms, the President's position is that no Asat arms control agreement is in the national interest, and therefore he is under no obligation to attempt to negotiate one, of whatever kind, regardless of the language of the law. However, to avoid undue affront to the Congress, he will "continue to study possible Asat limitations in good faith * * *."

It would be hard to imagine as more stark confrontation between the President and the Congress over a matter of high politicle principal vital to the security of this Nation than the confrontation represented by this certification.

The vital issue, however, is not the Asat, an overpriced and overrated military system of marginal strategic value. In fact, it may well be cancelld by the Pentagon in the near future, as was the similarly marginal Divad system.

The vital issue of high political principal is whether or not this administration, under even the most favorable of circumstances and conditions, will act to restrain the arms race with the Soviets by "* * * endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interest of the United States," as required by the clear language enacted by the Congress. The President's statement that "* * * we will continue to study possible Asat limitations in good faith * * *" is absolutely nonresponsive to the language of the law.

Past administrations, of both parties, have sought in good faith, and frequently achieved, satisfactory and mutually beneficial arms control agreements with the Soviets. This President has taken the view, and expressed it frequently, that arms control agreements of any kind with the Soviets are not in the national interest, that the ones we have should be abrogated, and that no new ones should be entered into.

In accordance with that view, the President's first certification is a pious fraud, a not-very-clever effort to avoid the intent of the Congress by deliberate obfuscation and manipulation of reality. It was probably written by Kenneth Adelman, the President's loyal and subservient Director of the U.S. Arms Control and Disarmament Agency, [ACDA] whose attitude is well expressed in a speech he made before the Boston World Affairs Council—reported in the Boston Globe on June 5, 1985. Mr. Adelman is quoted as follows:

That [ASAT testing] certification is bull. Is Congress a bunch of Lilliputians trying to tie strings around the executive's hands?

Obviously at least this spokesman for the administration thinks the congressional certification requirement is bull, and that it can therefore be responded to with more bull, and that is what has been done.

It would have been far better, and much easier, for the President to have complied with the law by announcing that he would suspend further Asat testing, as the Soviets have done; or suspend testing after three tests and before the system could be declared operational; and table a proposal at Geneva to end all miniature homing vehicles tests if the Soviets would not further test their coorbital satellite interceptor. That minimum position would satisfy the first congressional certification requirement at no loss to the United States, and would save the taxpayers $4 billion if agreed to by the Soviets. We would not even probe into the issue of whether it was made in good faith.

Such a position would also be much more in our national security interests, which is the subject of the second certification, than would continue testing and deployment of the NHV Asat. It would allow both the United States and the Soviets to continue research on more advanced Asat systems, which we are both doing. This research, already far advanced, will undoubtedly give the United States the potential for a system far more superior to the Soviets than the MHV Asat would be. It would also release DOD funds for an even larger program of satellite survivability, a program on which we have spent billions, and which has already made all but a very small fraction of our military satellites invulnerable to the Soviet coorbital interceptor system. The remainder will be invulnerable to that system in the near future.

□ 1610

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to my colleague, the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I want to congratulate my friend and colleague, the gentleman from California, for his leaderhip in the area of Asat testing. I could not agree with him more and I want to associate myself with the gentleman's remarks.

Just today I inserted into the RECORD an editorial from the Philadelphia Inquirer which suggested that certainly it does not make sense to engage in a testing of an Asat system at this time. This is our one real hope for a breakthrough in the area of arms control, because it is the first step toward an arms race in space that could be avoided and could be avoided in a way that is totally verifiable to the United States at no risk to our country because the Soviet antisatellite system, as the gentleman has pointed out, is a very primitive system and not a threat to our security.

Once we test an antisatellite system and have an operational system, heaven only knows where the process goes from there in terms of their wanting to have a system to equal ours and then our wanting to have a better system than theirs.

Here is a chance today. Now it is with us to stop the arms race in space right now by an absolutely verifiable process where we do not test and they do not test.

I just want to congratulate my colleague for his leadership in this for many years. I have appreciated the chance to work together with the gentleman.

Mr. BROWN of California. Well, I certainly want to thank my colleague for his kind remarks and I would be remiss if I did not point out that it is only through the gentleman's own very strong interest in this issue and the work that he has done that we have been able now for the last 2 years to convince the whole House of Representatives that an Asat moratorium and a negotiated Asat treaty is in the best interest of the United States. I hope that the gentleman and I can continue to work together to achieve that goal.

Mr. COUGHLIN. Mr. Speaker, if my colleague will yield further, I certainly look forward to doing that.

I understand that perhaps there has been another delay in the Asat testing. I hope there has, because I think that would enable us to at least keep that before the negotiations that are going on in Geneva and for the talks between the President and the leaders of the Soviet Union.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman again. I think he might be interested in the next paragraph in my remarks, because our position is not an isolated and lonely position. It is in fact a position advanced in a report from this administration which they have disre-

garded. The position that Mr. Adelman expressed earlier that I mentioned is not the position represented by a report last December from the Arms Control and Disarmament Agency.

Oddly enough, despite the position taken by Mr. Adelman in support of the President's position on Asat arms control, the agency which he heads issued a report last December which supports an Asat treaty. The report states:

It is the conclusion of this study that arms control measures for anti-satellite weapons can support United States security interests. It must be emphasized that arms control measures are not panaceas and are no substitute for programs to enhance satellite survivability and to monitor Soviet activities with respect to space. Yet survivability measures backed up by an arms control regime will, other things being equal, afford better protection to U.S. satellites than the same measures taken in the context of an unconstrained weapons competition.

Clearly a proposal such as I have suggested, which conforms to congressional intent, and is supported by the ACDA study would likewise strengthen the prospect for further arms control agreements on space weapons, instead of fatally wounding such prospects, and would signal our renewed commitment to the ABM Treaty. Further testing, and eventual deployment, of the MHV Asat goes in the opposite direction, and clearly that is the direction the President has chosen.

Having made these assertions, let me criticize in more detail the language of the President's first certification. The President stated, as I quoted earlier, that:

. . . a comprehensive ban that would seek to eliminate development, testing, deployment and use of all means of countering satellites is not verifiable and not in our national security interest.

That statement is completely true. A ban on research and development in any field, military as well as civilian, is inherently impossible to verify, and not in the national interest of either the United States or the U.S.S.R. Rhetoric to the contrary is purely rhetoric and should not be considered seriously.

The statement is likewise irrelevant, since the Congress expressed no intent that the President seek a comprehensive ban on research and development. If it had attempted to, I would not have supported it. The President has therefore set up a strawman and demolished it. This may be considered clever by some, but is unbefitting a serious discussion of a vitally important issue.

What is verifiable and in our national security interest is a ban on testing of the current Asat systems on both sides, without which there is no credible possibility of deployment of an effective system. Such verification can be obtained by national technical means—reconnaissance satellites. Such capability for verification is attested to by every knowledgeable observer, and by the fact that we have observed every test of the Soviet coorbital satellite, and the results of each test. The last six tests, incidentally, were all failures, which may be one of the reasons the Soviets are eager to reach agreement banning such systems.

The deployment of the Soviet Asat system can also be verified by the United States through national technical means. We have photographed the missile which launches the system while on the launch pad. Constant observation of the launch pad, or launch pads, is not currently possible, but may be shortly. It is, however, not possible for the Soviets to verify the deployment of our F-15 system because of its small size, the large number of potential F-15 launchers, and the ease of concealing an F-15. If we were to seek a ban on deployment, as well as testing, it would be reasonable to propose onsite inspection in both countries. There is a good possibility the Soviets would accept such a proposal, since in this case they would benefit as much or more than we would. There would be no adverse results for us, and an important principal of onsite inspection and verification would be established, having benefits going far beyond an Asat test ban treaty.

A ban on the use of the current generation of Asat's is, of course, just as easily verifiable as a ban on tests. However, the use of an Asat which has not been thoroughly tested is inconceivable, an act without credible benefit to either side. Nor can an Asat be used if it is not deployed. A ban on testing would provide important advantage to both sides, and its purpose would be to prevent the credible deployment and use of the system. A ban on deployment and use, while somewhat redundant, could contribute to the overall effectiveness of a treaty, particularly if coupled with an onsite verification provision for deployment.

The President, having set up a strawman and demolished it, as a justification for not carrying out the expressed will of the Congress, goes on to the express the more fundamental reason for his failure to negotiate in good faith. He says:

Moreover, no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States . . .

That is the consistent position of the President throughout his life in politics, not only relating to military activities in space, but to all military activities of the United States. His reasons are simple and easily understandable. He feels that arms control treaties hold back U.S. military progress more than the Soviets, that economically and technologically we are superior to them, and as a consequence we should seek to exploit that superiority without restraint. In addition, he feels that the Soviets will seek to cheat on arms control agreements, while we will observe their provisions. Such cheating therefore renders any agreement a nullity, and will give the United States a false sense of security. Within this framework of reality, his position is understandable, even though it may be considered tragically short sighted and mistaken within a different framework of reality.

Within his framework of reality, the President is likewise quite consistent in proceeding apace with the SDI, which if tested or deployed would violate the ABM Treaty. He has no hesitation in making clear that when the day comes that SDI shows signs of bearing fruit, he will give notice of U.S. abrogation of the treaty and proceed at full speed to deploy it in space. In the meantime, he will maintain in all seriousness that the SDI is only a research program. He will avoid the ABM Treaty ban on testing ABM components in space by calling such tests Asat tests, or tests of subcomponents, rather than what they really are.

The President is an able, dedicated, patriotic leader. He is convinced that he is right, and that he must wage a war for the understanding and support of the American people in opposition to those obstructionists in the scientific community, the press, and Congress who seek to thwart him.

Those of us in the Congress who have a different framework of reality must not underestimate the President or the views which he espouses. We must confront them rationally and effectively; and since we are all politicians, we must wage the fight, as he is, for the ultimate purpose of gaining the understanding and support of the American people. We cannot afford to equivocate, compromise or retreat in the face of this confrontation. The American people expect more of their elected leaders.

Thus, the struggle in Congress for a moratorium and then a ban on Asat testing, deployment and use is more than a minor debate over a new military technology. It is, instead, a major battle in a war to establish a new framework of reality for our relations with the Soviets, and a new approach to the problems of nuclear war and human survival on this planet.

The second certification required of the president is—

(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

The President's response to this requirement is contained in paragraphs

4, 5, 6 and 7 of his statement, as set forth previously.

Prior to making a detailed analysis of this language, three general observations need to be made. First, the President has already said that no Asat agreement is in the interest of the United States and, therefore, he is not proposing one for negotiation with the Soviets. This obviously implies that the time pending before such an agreement with the Soviets could be reached stretches out to eternity, or at least to the end of his administration, which may seem like an eternity to some. The intent of the Congress was that the next Asat test would only be delayed until the President made a good faith effort to negotiate an Asat treaty with the Soviets, which could have occurred within weeks or months. If then no prospects for a treaty were in sight, and the national security would sustain clear and irrevocable harm, the testing could proceed. As a result of the President's position on the first certification we are dealing with two inconsistent timeframes in considering the question of testing. Obviously the congressional requirement that the President certify clear and irrevocable harm to the national security as a result of a relatively short pause in testing has been circumvented by the President's determination not to seek an agreement. His certification on the second point then deals generally with the need for the MHV Asat in the long run, not with harm to security of a short delay in testing, which the Congress sought. In this sense, the President's second certification is irrelevant to the mandate of the Congress, just as his first was.

The second general point is that the Asat test schedule has already been delayed over a year for technical reasons. Either the security of the country has been clearly and irrevocably harmed by this delay, in which case the President should have taken stronger action than he has, or the delay of another few months, or even another year, will be no more of a threat than the existing delay. The Soviets are obviously in no more threatening a position with regard to their co-orbital satellite interceptor than they were 3 years ago, since they have made no further tests in the last 3 years, and their last six tests were all failures.

The third general point has to do with the nature and timing of the next test. The MHV Asat will be tested against a defunct Air Force scientific satellite, not against the instrumented target satellite carefully designed over a period of years, and at a cost of tens of million of dollars, to provide the fullest possible data on the performance of the Asat warhead. The test will obviously be degraded and will provide considerably less than optimum data. A test against the instrumented target, which would provide optimum data, is already scheduled for November, probably after the President's summit meeting with Gorbachev. I would not be able to assert that the timing of the test was planned for its impact on the summit meeting, since I am not privy to the President's inner council. Nor could I say that the intended effect of the test was to further the President's longstanding position that we should reach no agreements on space arms, or any arms, with the Soviets. Conceivably, the President feels that for us to test, in spite of the Soviet's invitation to join in their unilateral test moratorium, will further the cause of arms control. Reasonable people might doubt that this will be the result. However, I think that I can assert that the test makes no major or essential contribution to the success of the Asat program, and certainly is not required to prevent clear and irrevocable harm to the national security.

Now with regard to the specifics of the President's certification that the United States will suffer clear and irrevocable harm to its national security unless the test is conducted: as I said earlier, the President does not even deal with the case that testing today, or next week, is necessary, but with the general need for the MHV Asat. And the first reason we need it is to "deter threats to space systems of the United States * * *." So we reasonably ask, does the Soviet co-orbital satellite interceptor pose a threat to our space systems?

This requires some description of the Soviet system. The first version of the Soviet Asat was equipped with a radar homing device and was tested extensively in space. It achieved no more than 60 percent success in its tests. Gen. Lew Allen, the Air Force Chief of Staff, testified that the system has "a very questionable operational capability." He further stated that "they have not had a test program that would cause us to believe it is a very credible threat." After General Allen's testimony, the Soviets conducted four more tests of the radar-equipped system. Three of the tests were failures, the fourth a partial success. Because even an effective radar guidance system can be frustrated by relatively simple electronic countermeasures, the Soviets then switched to an infrared [IR] homing device, which they tested six times up until 1982. All six of those tests were failures. Leslie Dirks, a former high-ranking CIA official, said "* * * It doesn't work. Anyone who has followed it closely would have to agree." Even absent the incorporation of effective countermeasures in our own satellites, which we are rapidly establishing, it is dubious that the Soviet Union could successfully attack one of our low-orbit reconnaissance satellites, and incur the risk of nuclear war, with such an unproven weapons system. That does not constitute a serious threat to U.S. security interests.

At the time that the Soviets began the development and testing of their Asat, in 1968, the United States had already tested an Asat system in the Pacific, using Thor rockets with nuclear warheads. That system was subsequently deployed and was in place until 1975. The most likely explanation of the Soviet efforts to develop a system is that they were trying to match the effort which we had already made. Our system was, of course, dismantled after we learned that a nuclear explosion in space would knock out our own satellites, as well as the Soviets, and after we signed a treaty prohibiting any nuclear weapons in space. The Soviets continued with testing of their system, using nonnuclear warheads, hoping to get as good a system as we had in 1975.

There are relatively few Members of Congress who were here in the 1960's and 1970's when we had an operating Asat, and even fewer who knew about our Asat system. That system was, incidentally, the fourth system we had tested, but the first that was actually deployed. Today's MHV Asat is the fifth generation of Asat's which the United States has tested over the past 25 years, but the sixth and seventh generation and possibly more, are undergoing laboratory development today and will soon be ready for testing.

You will hear from the Pentagon, or the President, about the 25 years of Asat research, development, testing, and deployment in which the United States has engaged. Nor will you hear about the next two generations of Asat's which are currently in R&D, when DOD officials come to Congress for the $4 to $5 billion they need for the MHV Asat. Instead, they tell you how far ahead the Soviets are, what a great threat their system poses to our space assets, how we must deter them from using theirs by having a better one, et cetera, et cetera. And they will tell you how vital to the national security the system is, right up to the day they cancel it, as was the case with Divad. The next day, of course, they will come in for $8 billion or $10 billion for the next generation system, and will give you the identical story over again.

The reason, quite simply, why we have such a bloated military budget is that the President and the Secretary of Defense feel quite free to use terms like "avert clear and irrevocable harm to the national security," and then define the meaning of that term in any way they see fit. Gullible Congressmen, who have a real and serious concern for the national security, generally will accept the administration's

line without serious analysis of their own. We must learn to do better.

The laughable aspect of the President's use of the deterrence argument in his certification is that the Soviets probably have given up on making a workable system out of their present generation Asat, and have seriously offered a treaty to ban Asat's because they know we are so far ahead of them in sophisticated space technology. That is self-serving and devious on their part, as we might expect, but it is also very much in our interest to accept such a proposal as long as it doesn't constrain further research and development on our part. We are on the verge of perfecting highly accurate and extremely powerful laser and other beam weapons and electromagnetic rail guns, to name two promising technologies which would have infinitely superior Asat capability compared to the MHV Asat.

We believe we can, within the next few years, develop a liquid-hydrogen-fueled hypersonic plane with the capability of flying from Earth into space, departing and landing from almost any airport, and having an efficiency which will reduce the cost of transporting cargo into space to 1 percent of present costs. Such a vehicle has great implications for the deployment of in-orbit Asat's. Our scarce budget dollars should go to the perfection of these multiuse technologies, to giving us world leadership in every promising research area which can contribute both to our economic and military security. To spend huge sums on deploying interim technologies that provide security only to the defense contractors who manufacture them is a waste of money and weakens, rather than strengthens, the United States. Yet that has been the general course we have followed in defense procurement.

The very concept of deterring an attack on one of our satellites by being able to knock one of theirs is a fiction, incapable of rational substantiation. There is no plausible scenarios under which an isolated attack on one of our reconnaisance satellites could take place, except as an integral part of a nuclear exchange with the Soviets. Destroying a reconnaisance satellite vital to maintaining military stability on both sides—but much more important to us—is an act of war, only justified in the event one side is planning to launch a nuclear war. A scenario in which each side destroys the other's reconnaissance satellites, one by one, in a "tit-for-tat" manner is so ridiculous as not to merit serious discussion. This is best evidenced by the fact that we would end up the loser in the exchange. Assuming perfect Asat's on both side's that could, one-by-one, knock out all the other sides satellites, our loss is far grater than the Soviet's because of our greater dependence on satellites. Why play a game you can only lose?

Perhaps it would be useful to elaborate on this point by describing the nature of the Asat-vulnerable satellites on both sides. The most important of such satellites are the photo-reconnaissance and electronic intelligence-gathering satellites. Both sides have them, but ours are at least two generations ahead of the Soviets. Weather satellites in low-polar orbits and a few others are also vulnerable, but none of our nuclear-burst detection, missile-firing detection or communication satellites are vulnerable.

The photo-reconnaissance satellites can take extremely accurate pictures of such important military targets as missile silos, air bases, seaports, communications centers, et cetera. Elint satellites, depending on their sophistication, can identify and collect data from radar emitters, and other electronic signals, including telephone conversations from automobile telephones. The United States earlier generation photo-reconnaissance satellites depend on physical recovery of the exposed film, which would be periodically parachuted to Earth. The Soviets only recently achieved that capability. Previously they had to return the satellite to Earth in order to retrieve the film. As the U.S. satellite exhausted all of its film spools, it would be necessary to send up another satellite, and the one in orbit would be commanded to destruct. We lost a lot of good satellites and cameras that way.

We assume that by now the Soviets have carefully targeted every significant military installation in the United States, just as we have in the U.S.S.R. The most significant difference between the current capabilities of our two systems is that we can now return the satellite photo and electronic data in real time by electronic means using relay satellites in geosynchronous orbit. We do not have to wait for physical recovery of film a week or a month after an event has occurred, as we believe the Soviets do. Nor do we even have to wait for the satellite to come in range of a U.S. ground station. Our station is in geostationary orbit. We do know that the Soviets understand our capabilities, since the manual for the KH-11 satellite was one of the items which they bought from an entrepreneurial U.S. citizen. Only U.S. citizens are deprived of this highly classified information about our satellite capabilities.

Our photo-reconnaissance satellites can sense earth data in a wide range of visible and invisible portions of the spectrum, including infrared and ultraviolet. We can thus determine in real time the existence of tank and troop movements, evacuation of cities, movement of air and naval forces. It has been said by some intelligence sources that we can identify Dolly Parton or Jimmy Durante among a crowd in Red Square. Infrared sensors can detect, by day or night, if factories are operating, barracks are occupied, equipment is moving. The results of such observations can be transmitted within minutes to command centers for evaluation and response.

Obviously this capability, concerning which I have only scratched the surface in this description, gives the United States vitally important, up-to-the-minute intelligence regarding Soviet military activities, and to some degree their intentions, as reflected in both military actions and communications. U.S. command authority has every reason to feel that the Nation is more secure as a result of our technical intelligence collection capabilities, and that the possibility of a sudden, preemptive Soviet military attack is minimal.

The Soviets, as I have mentioned, have no capability of comparable sophistication, but they do not really need it. U.S. newspapers provide the Soviets with the kind of information which we only obtain by technical means or by stealth and subterfuge in the U.S.S.R. Our technical and scientific publications provide the kind of data—pictures and operating characteristics of the MHV Asat, for example—not available about similar Soviet systems. We cannot keep secret even the existence of a small-scale military operation in our neighborhood, such as Cuba or Nicaragua. It would be impossible for us to initiate in secret the activities required for any major military activity on a global scale, and this should provide the kind of security to the Soviets which we get from our superior satellite reconnaissance capability.

Under these circumstances, as I have said before, a successful Soviet attack on our low-orbit reconnaissance satellites would be a serious blow to our national security. A similarly successful attack by the United States on their system would be a minor inconvenience to the Soviets. This turns upside down the conventional concept of deterrence, which demands that we be able to retaliate against any level of attack in such a way as to accomplish unacceptable damage to the aggressor. To achieve a level of damage substantially less than that accomplished by the aggressor provides no deterrence. The Soviet Union would consider it a great victory if they could trade all of their satellites for just a small part of ours. It would be like trading New York City or Washington, DC, for Minsk or Pinsk. How can military planners in good conscience suggest a strategy, such as that represented by the MHV Asat, in which we claim that we might deter the Soviet destruction of a key element in our national secu-

rity by threatening the Soviets with a minor inconvenience?

The answer, of course, is that military planners are not that stupid. They, or more probably, some less well-informed Presidential speechwriter will put these kinds of arguments into the President's statement, hoping to influence a few gullible Members of Congress. But the real strategy of the military is better disclosed by their plans for insuring the survivability of our satellites, despite any presently conceivable threat from the Soviets. These plans—most of them already being implemented—provide for making our satellites safe from electromagnetic pulse [EMP], lasers, and other radiation; maneuverable so as to avoid kinetic weapons; equipped with threat-warning sensors; capable of being replaced quickly with on-orbit spares, or by immediate launch of replacements from Earth, and other similar survivability programs, including a fight-back capability. Military expenditures on these vitally important measures exceed by a factor of 10 what we have spent on Asat's, and are a rough indication of military priorities. If deterrence is really desirable and important, it will come not from our Asat, but from our ability to destroy their Asat launch centers, or Asat command, control, and communication centers, in the event our satellites are attacked.

This is not to say that some elements of the military do not have a great desire for the MHV Asat. That desire is fundamentally premised on the theory that the United States will ultimately require a war-fighting capability in space, and some kind of Asat is essential to that war-fighting capability. The Navy's desire to knock out the Soviet Rorsat, which I will discuss shortly, is one of the first examples of the military desire to extend into space all of the capabilities they have, or would like to have, on Earth, such as the ability to knock out forward observation posts or warning radars, which are Earth-based counterparts of a Rorsat. This military desire for a war-fighting capability in space will not go away and must ultimately be faced. The Asat fight is a rather trivial side show, but to the military it is the entering wedge for their larger and infinitely more expensive goal.

If one is interested in playing war games, as the deterrence argument would seem to suggest, then we should discuss the most effective way to destroy all at once all the Soviet satellites, including their nuclear blast detection, missile firing detection and communications satellites. This feat is impossible with either of the two Asat systems in existence, but not beyond the reach of current technology. The most effective way would be to launch two shuttles, one in a polar orbit, the other in an equatorial orbit. Each shuttle would be loaded with the necessary number of small nuclear space mines, each space mine equipped with suitable guidance and propulsion systems, much as a communication satellite has today, and with a radio-activated detonator, such as the Soviets probably use on their co-orbital satellite. Each space mine would be launched toward the general vicinity of the target Soviet satellite, those aimed at geostationary and intermediate orbit targets being launched first, since they have the farthest to go. It is not necessary that they hit the target, or even come close, since a nuclear explosion within a few hundred miles will probably disable the satellite.

When all of the mines are in position they could then be exploded simultaneously by radio command from Earth. The two shuttles should be brought back to Earth before the explosions or we lose them also, and our own satellites should be maneuvered to orbits remote from Soviet satellites, or we should be prepared to launch replacements as soon as possible. As soon as all the Soviet's satellites are destroyed, we should plan to launch all of our ground-based missiles at their Soviet targets, and deploy all of our air and sea forces, away from their bases so that they will not be destroyed by the Soviet retaliatory attack. If the Soviets wait for 30 minutes after we knock out all their satellites and launch our missiles, we can then destroy most of their ground-based missiles in their silos, as well as many of their other vital military targets.

To achieve this minimum half-hour wait, we should probably have the President call Gorbachev on the hotline and tell him that the satellite strike was a mistake, and we will replace them all for free. If that ploy is successful, and if we destroy their command, control, and communication modes, they may not be able to order their submarine-based missiles and ground-based mobile missiles that survive to fire. On the other hand, they may not be able to order them not to fire either, and individual commanders, in accordance with previous orders, will automatically target every major population center in the United States. Or they may, of course, fire all their ground-based missiles upon warning of attack, which they would assume an attack on their satellites to be. In which case, we hope to God the SDI works perfectly, because Washington, DC, will be the first target.

Now this is a very plausible scenario, at least compared to a scenario in which each side knocks out the other's satellites one at a time. It is also probably being played over and over again at the Pentagon and at SAC headquarters in Omaha. It is likewise probably being played in Moscow, since they have the same technological capability that we do to make this scenario work. They would be somewhat more restrained than we would, because a larger percentage of our nuclear missiles are on submarines and invulnerable to preemptive attack. However, development and testing of space mine systems to accomplish this scenario can probably take place under a cover of peaceful satellite activity. In the event of an Asat arms race, it is relatively certain that space mines would be next on the agenda for development.

So much for our discussion of the deterrence theory as it relates to the MHV Asat.

The President next discusses the progress of the Soviet laser program and other programs and their potential application as Asat weapons. This is interesting, but irrelevant to the question of how our national security is threatened by not testing the MHV Asat. We have the same research programs, and are at least equal to and probably far ahead of the Soviets. We should continue with our programs, and they undoubtedly will continue with theirs. As I indicated previously, it is probably because they understand the potential of advanced technologies to the Asat mission, and our superiority in developing them, that they have quit testing their co-orbital satellite and are seeking a treaty to ban deployment of all space weapons. We have surpassed the Soviets in every aspect of high technology military uses of space. It is only natural that they would want to restrain the most expensive elements of the race, the deployment of successive generations of space hardware. But our own interests should be identical. We have demonstrated repeatedly our capability to far outpace the Soviets in research and development of advanced systems. We should devote our resources to continuing that lead, rather than wasting resources on unnecessary deployment of intermediate stages of hardware, which are made obsolete in a few years by new R&D.

The underlying fact which should cause us to refrain from making a battlefield out of space is the inherent fragility of all human infrastructures in space. The huge investments we are making, or planning to make, in peaceful civilian development, as well as the vitally important military systems now used to provide stability and enhance peacekeeping, can all be destroyed in an instant by either side. Right now the Soviets would obtain a very one sided benefit from that destruction. Our best strategy would be to encourage and assist them to commit the same level of resources to peaceful space development as we have, so that our losses would at least be equal in space war. But more importantly, we should both insist on preserving space

from becoming a battleground, keep the Asat's, the space mines, the laser battle stations in the science fiction magazines where they belong. And having set that example in space, try to apply it on Earth. We are moving in the opposite direction.

The next reason given by the President in justification of the MHV Asat, if not for the need for immediate testing, really gets down to the meat and potatoes of the issue. The Pentagon is not really worried about deterrence, and I have discussed above some of the reasons. If we can't deter the Soviets with our nuclear missile arsenal, then certainly a minor Asat superiority won't deter them, when we lose if we play the game.

But like all good warriors, the Navy wants to be able to take out the Soviet radar-equipped, nuclear-powered, ocean-observing satellites, Rorsats, which some Navy admirals believe threaten our carrier task forces at sea with their targeting capability. Many other naval experts, in and out of service, discount this argument, for good reasons.

Soviet Rorsats are in position to observe and target U.S. fleets only intermittently. Other location and targeting means are available to the Soviets, such as aircraft, submarines, trawlers, and over-the-horizon radars on land. Satellite radar capability is unreliable and can be seriously degraded by a variety of electronic countermeasures. If systems like the Soviet Rorsat were really useful, the U.S. Navy would have included similar capabilities in their own arsenal, and they have not done so, even though we have technology to do so equal or better than the Soviets. Vice Adm. Gordon Nagler, Director of Command and Control, Office of the Chief of Naval Operations, expressed a common view before the House Appropriations Committee in March 1983, when he said:

> I do not agree with the statement that it is very, very easy to target an aircraft carrier by Rorsat or Elint * * *. We can avoid that. We can really avoid that.

What it boils down to is that the Navy wants anything it can get in the way of marginally useful new technology, just as the Army wanted Divad, and considerations of cost, effectiveness, or strategic necessity and priority are not all that important. The Navy also probably worries a little bit about the high cost and marginal utility of carrier task forces in a central nuclear exchange and thinks that Asat's could play a small role in their survivability. We will probably have more important things to think about when nuclear war finally comes.

I repeat what I said earlier. The Navy, as well as the Air Force and the Army, and probably the Marines before long, want a warfighting capability in space. Navy force can now detect, attack, and destroy enemy submarine and surface forces, aircraft, and land radar installation that can track and locate them. They do not describe these Navy forces as deterrents, but as what they really are, superior warfighting capability, to be used only in case of war. The capability to make an Asat attack on the Soviet Rorsat is precisely the same, and has nothing to do with deterrence. And when war comes the Rorsat will be an absolutely useless piece of junk, either knocked out by nuclear explosions in space, or made useless by the destruction of its ground terminals in the U.S.S.R.

The President does not seem to be really worried with regard to the third certification, that our Asat test and deployment would not gravely impair prospects for negotiations, which he discusses in paragraphs eight and nine of his certification. Since he has already said that he didn't intend to negotiate, his optimism is understandable. Obviously, testing and deployment of our Asat is not going to interfere with negotiations nearly as much as a Presidential refusal to negotiate. He again justifies the testing by reference to the Soviet test of their co-orbital system. Yet, nowhere in his certification does he mention that the Soviets began the development and testing of their system only after the United States had developed and tested its own Asat system, and then had that system fully deployed for a number of years.

This one-sided view taken by the President is, of course, what fuels the never-ending spiral of the arms race. We point to what the other side is doing, yet never acknowledge that the other side justifies its action by pointing to what we have already done. This spiral must end. The President is not contributing to that goal by asserting, as he does, that "we believe that testing can constitute an incentive to the Soviet Union to reach agreement on a wide range of issues and would not impair prospects for a successful conclusion to the negotiations now underway." Such touching faith is admirable if sincere. But such an approach has never worked with the Soviets in the past, and probably will not in the future. And, of course, it does not work when the Soviets try similar tactics on us. We will know for sure when we see the results of the summit meeting in November.

We should comment briefly here on the relevance and purpose of the strategic arms limitation talks [SALT] process over the past generation, for it was aimed at curtailing this senseless spiral. Both sides recognized the difficulties of this process and the results might be marginal. Both sides felt that the primary value of the process was in the opportunities it presented to test the good faith of the other and to move incrementally and by stages toward a stable arms regime which protected the security of each side. Since neither side trusted the other's sincerity completely, and always recognized that some on the other side would never give up the goal of achieving decisive military superiority and eventual military victory over the other, such caution is both understandable and desirable.

Mechanisms, probably inadequate, but certainly capable of improvements, were included to resolve ambiguities and misunderstandings. Some understandings were reached as to certain key sensitivities on each side, such as the onsite inspection sensitivity of the Soviets. SALT was a noble experiment in attempting to achieve bilateral security arrangements, just as the League of Nations and the United Nations were noble experiments in trying to achieve multilateral political and security arrangements. All of these required that, on both sides, there be statesmen with a vision of a future peaceful world, who could help maintain the vigor and the momentum of the institutional processes.

What we have seen is the opposite. Those of little vision have usurped the processes and seek to use them for the old and discredited goals of achieving national military superiority, rather than joint or collective security. The minimum levels of confidence required to make the processes work are being steadily eroded. The goals on both sides are now more how to appear to support the goals of negotiations toward mutual security, rather than to support them in reality. Neither side wishes to forgo the political support of the masses in their own country and around the globe who desire peace and fear the nuclear holocaust to come.

Asat tests and deployment, negotiations in Geneva on nuclear and space arms, the SDI and the November summit must all be seen in this framework. The perceptual engineers on both sides are working diligently to win a war of illusions.

The last certification required of the President is that the test will not violate the ABM Treaty. The President responds in the two sentences of paragraph 10 of his certification.

> The testing against objects in space of the U.S. F-15 MHV Asat system will not give the system the capability to counter strategic ballistic missiles or their elements in flight trajectory and will not constitute a test in an ABM mode. Therefore, such testing is not prohibited by the ABM Treaty.

His statement is partially true, but neglects the real impact of the test. Development of the MHV was initiated many years ago as a part of research on ABM systems. It was magically transformed into an antisatellite weapon and mated with the F-15 as a launch vehicle as Asat research and development funding became more generous and ABM funding languished after the ABM Treaty. In the

eyes of those supporting a space-based ABM system, which is the anticipated end result of SDI, the MHV is a key ingredient in at least one tier of a four-tiered space and ground-based ABM system. In its new ABM resurrection, the MHV would be modified to be launched from a satellite, and thousands would be stationed aboard a fleet of satellites, to be launched during the midcourse trajectory of incoming enemy missiles. Perfection of the MHV through testing in an Asat mode serves perfectly the goal of the President to seek prompt deployment of a space-based ABM system. Assertions to the contrary merely indicate the cleverness of the administration in circumventing the well-known position of the Congress to maintain and strengthen the ABM Treaty.

We have now discussed the President's certification with regard to Asat tests in some detail, but by no means exhaustively. The underlying issue remains, should we negotiate with the Soviets on issues of arms control?

The subject of arms control agreements with the Soviets will always be complex and difficult. There are many Members of Congress who agree with the President that no Asat arms control agreement is in the national interest. Many of these members also agree with the President that SALT I, SALT II, the ABM Treaty, and all other arms control agreements with the Soviets do not serve the national interest.

There is a strong and legitimate case to be made for this position. As a practical, fact past and present arms control treaties have not constrained the arms race or increased national security. The most that can be said for them is that they may have temporarily restrained certain categories of arms expenditures, ABM systems for example, while other more mature systems proceeded at an accelerated pace. Arms control negotiations in the past, and today, take up enormous amounts of the resources and skilled manpower of our country, and presumably of the Soviets, for reasons not really related to a desire for arms control. Many in both nations, unfortunately, look upon arms control negotiations and arms control agreements, when reached, as merely another aspect of the mortal struggle in which they are engaged. Their purpose is to gain relative advantage over the other. There is little concept of mutual benefit, benefit to the community of nations, or benefit to future generations of mankind. Or rather, perhaps I should say that the view of many on each side is that the community of mankind and future generations will benefit most if the right side—their side—prevails completely over the other.

Then why do we engage in this charade? Probably because on both sides it is recognized that there is a great hunger among the masses of its citizens for a world free from war. That hunger runs through all of humanity as it contemplates the tragedy of past wars, the wastefulness of the preparation for war, and the potential destruction of the human race in a future war. The political power of this great hunger can be seen and measured in every society. The leaders of the superpowers must make obeisance to this hunger, even as they maneuver to undermine, subvert and defeat the other. The success of our leaders in coopting the desire of the masses for peace into support for the military posture of each country becomes an element in the struggle for global superiority.

Mutually beneficial arms control agreements under these circumstances are highly unlikely. Even the process of attempting such agreements may lead to bitterness, cynicism, and a feeling of hopelessness among the idealists in Congress and throughout the world; a rejection of politics and politicians; possibly a retreat into mysticism or quietism; or, for some, a decision to engage in terrorism and senseless destruction to compensate for the failure of hope.

I venture briefly into the complexities of this discussion of arms control in general because the posture of the President on Asat arms control presents the problem in all of its starkness. If we cannot face it here, then arms control as a means to security and peace is doomed, and the Congress must face that fact. The gradual development of a climate of mutual trust and confidence, a major goal of the supporters of the SALT process, becomes an illusion.

Those who have supported arms control over the years are not all naive idealists. Some are quite pragmatic politicians and, on occasion, even statesmen. They have not sought arms control as a way to gain military superiority or to maneuver the peaceful sentiments of humanity for their own ends. They believe with all their hearts that unrestrained arms competition will, as it has throughout history, result in war. In today's world that war may be our last.

Nor do these supporters of arms control see these agreements as panaceas or an end to superpower rivalry and competition, or an acceptance of the superiority or even the desirability of the other side's political, economic, or social system. Most expect the competition to continue, and believe firmly in the superiority of their own system, and that that superiority will result in the continued strengthening of their systems and the eventual elimination or radical transformation of all competing systems. They believe so strongly in the superiority of their own systems that they are willing to compete in every arena of human activity, not merely in the arena of war. The reason is simple. Of all the arenas of competition, military confrontation and war hold the least promise for the survival of our system or for humanity.

From a pragmatic standpoint of national security, engaging in an arms race, or a military confrontation with the Soviets plays to their strength and to our weakness. As a totalitarian society under military threat, they are more able to devote the best of their limited economic resources to the continued development of their military power. As a democratic nation with noncredible aggressors on our boundaries, or even in our hemisphere, we have greater difficulty in maintaining the posture of a beleaguered nation under threat—a posture essential to the continued public sacrifice required in a militarized nation. We are experiencing these difficulties now, in connection with the fiscal year 1986 military budget. The Soviets experience no similar difficulties.

We are a technologically complex, highly specialized and highly centralized society. We have sacrificed simplicity and survivability for the presumed advantages of complexity. As a comparatively less developed and more dispersed society, the Soviets have an advantage in survivability and recuperation in the event of an all-out nuclear war. A totalitarian political and economic system would be required for the regeneration of all societies after a nuclear exchange. They have it. We do not.

As a self-contained and relatively self-sufficient continental land mass with interior lines of transportation and communication, they have an advantage in defense in depth which they have used effectively for centuries. For the United States to maintain a credible offensive military posture, it must control the global oceans and be able to move troops and supplies over global distances. U.S. command, control, and communication require satellite capability to a far greater extent than does the Soviet situation.

Our strength is in our ability to appeal to the highest aspirations of humanity, as it has been for centuries, and to contribute to the achievement of those aspirations throughout the world. Those who would attempt to defeat the Soviets by emulating them in their crude strategies of repression, secrecy, brutality, subversions, deception, control of political and social ideologies, and restrictions on scientific and technological exchange, are betraying the promise of American democracy and are doomed to failure. Our example of individual freedom, opportunity, respect for human rights, concern for the welfare of all citizens and commitment to growth and change, constitute our greatest

weapon in humanity's perpetual struggle against tyranny and injustice. Instead of using that weapon to the fullest, we are presumptuous enough to think that we can fight evil with evil, destruction with destruction. As a consequence, more and more of the world's population are rejecting both of the superpowers, seeing only tragedy and futility from becoming aligned with either.

In conclusion, we in the Congress must deal with both the broad question of how we reverse the deterioration in the SALT process, and with the erosion of the principles of collective security, and how we deal with the narrow question of the flagrant and insulting confrontation of the Congress by the President, as represented by his response to the certification requirement for an Asat test. I will leave the broad question for later discussion by those better qualified than I am, and deal here only with the congressional response to the President's Asat certification.

There are two actions that we could take that probably would be fruitless. A minimum-level response would be a joint resolution expressing the sense of the Congress that the President's certification was a fraud and nullity, nonresponsive to the congressional mandate. Even if passed, it would be of no legal effect and the President would disregard it. It might be a vehicle for some impassioned speeches in both the House and the Senate, but little else.

At the opposite end of the spectrum, articles of impeachment could be introduced in the House, and acted on by the Judiciary Committee. These articles would recite the failure of the President to well and faithfully execute the law, as required by his oath of office. Specific citations are numerous, going well beyond the Asat certification and including failure to prosecute violations of the Neutrality Act, the Boland amendment, the U.N. Charter, and the Charter of the Organization of American States [OAS]. The successful prosecution of an impeachment proceeding is highly unlikely at the present time, but the possibility must not be neglected.

More practical alternatives exist. The first of these would be to reject the conference report on the defense authorization bill, sending it back to conference with a demand that the position of the House on Asat tests be upheld. The House provided for a 1-year moratorium on tests if the Soviets refrained from testing. It was the Senate language which contained the now-discredited certification requirement. Since such language is an obvious nullity, it is mandatory that it be removed.

A second alternative is to use the vehicle of the military appropriations bill to work the will of the Congress on the executive branch. This can be done in either of two ways. First, repeat the House language calling for a moratorium on Asat testing. Second, strike all funds for the MHV Asat and cancel the program. A more reasonable use of the funds, if desired, would be to enhance R&D funds for next-generation Asat's and for satellite survivability options.

I would personally recommend that we do all of the above. That is, reject the conference report on defense authorizations; include Asat test moratorium language in the appropriations bill, or continuing resolution if that should develop; and kill the Asat Program. I invite my colleagues to give their serious consideration to all of these alternatives, so that in the days ahead, we may evolve a workable strategy for responding to the President, as he continues to flaunt the will of Congress.

□ 1710

A FACTFINDING MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 30 minutes.

Mr. RAY. Mr. Speaker, I've just returned from a factfinding mission during the August recess, at taxpayers expense, in the 21 counties of my congressional district in Georgia.

The Third Congressional District has 4 percent of its population engaged in agriculture and the production of food. This compares to 1.4 percent of the total population nationwide.

I held a series of sessions with the beef and dairy cattle farmers and with those who are engaged in general farming.

I'm very concerned with the dispirited and discouraging frame of mind that I found among these groups. Their average age, nationwide, is 50 years old and many are not encouraging the younger generation to enter into an agricultural career.

I was unable to offer them assurance that things would be greatly improved upon the passage of the 4-year farm bill which is now being considered by the House and Senate Agriculture Committees.

However, Mr. Speaker, I do support the Glickman amendment to the farm bill. This amendment would establish a national commission on agricutural policy to review and examine the current farm situation in this country and make recommendations for consistent, long-term farm policy.

This is an idea which I have advocated many times in speeches before this House. In fact, I introduced House Concurrent Resolution 131 urging that a national commission be established, and 91 of my colleagues have joined me in cosponsoring this resolution. This resolution is still bottled up in the Agriculture Committee and Congressman GLICKMAN is a cosponsor.

I am genuinely concerned that American agriculture as we know it is rapidly deteriorating and the vigorous farm economy that we once enjoyed is disappearing. To handle this growing crisis, I believe that a united effort is needed.

I believe that agricultural experts from around the country should be called together to address the long-range concerns of the American agricultural industry.

Therefore, Mr. Speaker, I support Congressman GLICKMAN's proposal for a National Agriculture Commission and urge my colleagues to support it, too, because we must give our farmers as much hope as is possible.

Another serious concern in the Third Congressional District is the textile industry.

Until recently, this industry which founded the "industrial revolution" was the largest producer of manufactured goods in my district.

For the last 3 years, basic textile manufacturing plants, as well as apparel plants, have been closing their doors at an alarming rate. I'm told that nationwide, we have lost 50 percent of our manufacturing capacity which endangers national security.

The small community of Manchester, GA, just a short distance from Roosevelt's little white house at Warm Springs, lost its major textile plant several months ago, wiping out 750 jobs. The plant had opened in 1910.

During the August recess, while I was at home, one of the remaining plants in operation for 30 years, announced that it was closing its doors because of foreign imports of foundation wearing apparel and garments.

I'm told that many of the workers, mostly women, who had spent the majority of their lives in this plant were openly weeping.

Mr. Speaker, it grieves me to see these two vital American industries—agriculture, and the textile industry, going down the drain.

I would submit that countries such as Japan, France and Germany Denmark, Sweden and others would act to save themselves, and this Congress and this administration seems to simply fiddle while Rome burns.

As serious as these concerns are, there is a situation which is of more concern to my constituents and I would believe that it applies nationwide.

I refer to the ever increasing Federal debt and the deficit.

This matter seems to be on every groups mind, and they were extremely frustrated with the inability of the Congress to address this issue in the last budget resolution passed August 1.

There were accusations from my constituents that the Congress is not serious about cutting Federal spending.

That Congress is accepting deficit financing as a way of life.

Questions, such as: When is the Congress going to take action?

And just tell me, Congressman, why you and your colleagues can't get your act together on this serious matter?

One of my constituents told me that he thought I was doing a good job, but that unfortunately, in his opinion, I would have to be put out of office along with all of the rest of the rascals, in order to send a message to Congress. The rascals being Member's of Congress.

Several weeks ago, I mailed a questionnaire to 204,000 households in my district.

I want to share a representative sampling of the results. As follows—those who wanted to: Protect senior citizens were 5 percent, reduce unemployment were 5 percent, strengthen our defense were 8 percent, reduce the Federal deficit were 77 percent.

I think this points out the mood of the people, which the national polls also confirm.

Mr. Speaker, I recently cosponsored the Leath, MacKay, Slattery amendment, which I thought clearly addressed the deficit more seriously than the recent House/Senate Budget Committee resolution did.

I want to make the following observations.

This amendment would have cut the 1986 deficit by more than $70 billion, instead of the $55 billion, which the House/Senate conferees have cut. Some smoke and mirrors were allegedly used in the process, as some see it.

In my opinion, the 1986 budget resolution is merely better than no budget at all—but it is not a good budget.

It does not take advantage of the supportive mood of America which shouts out in no uncertain terms—"Congress, get our house in order."

It will not make a deep impact on the deficit and unfortunately, it means that for 1986, we will continue the policy of spending $5 for each $4 of revenue.

An extremely disturbing paragraph in the budget document predicts that the Congress will once again raise the debt limit from its already record breaking limit of $1.8 trillion to $2.5 trillion by 1988. Mr. Speaker, I will find it difficult to vote for this measure along with many of my colleagues.

The American people are bound to be frustrated and at their wits end, at the seeming inability of Congress to cope with this disastrous situation which is feeding the trade deficit, mortgaging the future of generations and developing a new entitlement program in the interest due on the national debt which will soon consume 20 cents of each tax payers dollar.

What is the problem? Why can't we cope with this serious concern—when we examine the attitudes of the administration and the Congress we find that the President wants to curb Federal spending and blames the Speaker of the House, Mr. O'NEILL and the Democratic Congress for runaway spending.

The Speaker of the House points out that the national debt has doubled under President Reagan from $925 billion to a debt limit of $1 trillion, $800 billion.

The liberals, are pointing fingers at conservatives and saying, "Its all your fault."

The conservatives are pointing fingers at the liberals and saying, "Its all your fault."

As near as I can tell, all 535 Members of the House and Senate, me included, want the budget balanced. So what is the trouble?

I believe that we can get a hint at the problem when we examine the results of the Leath, Slattery, MacKay amendment.

It would have stopped the indiscriminate growth of the Pentagon budget, yet, it would not have harmed an adequate defense.

It would have addressed the entitlement trap that we find ourselves in, but it would not have violated the basic commitments that we have to Social Security, veterans benefits, and civilian retirees.

It would have protected the poor and would have supported education in an appropriate manner.

It would have closed the loopholes on companies and people who make millions and billions and pay no taxes.

It would have probably prevented increasing the debt limit to $2½ trillion in 1988 because it would have cut the deficit by $350 billion in 3 years.

Finally, among other things, it would have addressed head-on forthrightly, and fairly, the real problem—our massive Federal deficit!

The amendment gave the Congress what we say we've been looking for—an opportunity to stand up and to be counted—to tighten our belts and to do what the people of America are demanding that we do—to slow down this irresponsible deficit and bring it to a halt.

It had every reason to be considered—it was well thought out and double checked by the Budget Committee and the Congressional Budget Office. Yet, it received only 56 votes—(41 Democrats and 15 Republicans) with a total of 372 voting against the amendment.

Now why didn't we support the amendment?

Perhaps a lack of intestinal fortitude, or——

Did it cut too deep into national defense, for some?

Were some concerned because it temporarily froze the cost of living for retirees?

Did the references to revenue enhancement or a tax increase scare some away?

No doubt, some Members voted with the majority, believing that you can't go wrong politically, voting for a lopsided measure.

The answer is—all of the above.

And also perhaps many faced up to the real problem: It might be politically risky.

Well, I'm proud to say that I voted for it, because in the words of Congressman MARVIN LEATH in the final debate of the amendment, he said, "the number one problem is so big, so dangerous, so threatening, that we, as a Congress are going to have to take some risks.

He went on to say that "I have never found an ounce of risk in being responsible."

My friends, there is another group to blame—"the American people" and their special interest groups who are in favor of a balanced budget and fiscal responsibility, and tax reform, as long as we do not cut into their special interest.

Its my opinion that as long as we look to the next election, and try to walk the narrow lines of pleasing and voting to suit these various groups—we will not make progress in our desires to return our country to a sound fiscal and trade policy.

I sense that the voters of America are getting fed up! That they don't care whose fault it is—they just want Congress to carry out our responsibilities and to solve the problem.

I believe that the checks and balance system built into our Constitution by our Founding Fathers, does work and will eventually work in this case.

I firmly believe also, that eventually there will be such an uprising and outcry by the American people against the fiscal policy we are practicing, that the Congress will respond.

It is possible that many of us will be replaced by the voters in the process, and its true that some of us who are "voices crying in the wilderness" will be carried out with the flood!

But until the pendulum begins to swing the other way, we should, as a body, resolve to vote in a consistent manner and to carry out a commonsense policy against fiscal irresponsibility, ignoring partisan policies when necessary.

We should never forget the freedom and advantages which we have as Americans and that is now being undermined and threatened by a massive debt that has now forced America into the category of a debtor nation. Never-

theless, we must be upbeat and proud to stand up for our country.

America, right or wrong, is our country, with the freedom to say what we believe, the freedom to condemn the government, the freedom to make these comments on the floor of the House of Representatives which we could never do in the Soviet Union and other Eastern bloc countries, and the freedom to put into or out of office, elected officials that we do not agree with, which is a tool that our constituents may choose to use, if we don't address the deficit problem.

We have a right to be a proud Nation and we do indeed have a lot to be proud of. So let us as Members of Congress decide now to put our shoulders to the wheel, as we know Americans can do, and resolve these troubling problems.

Mr. Speaker, this concludes my report on my August factfinding trip.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 20, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On July 25, 1985, I informed you that I had been served with a subpoena issued by the United States District Court for the District of Columbia.

In consultation with my General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for this week, on account of official business.

Mr. BEVILL (at the request of Mr. WRIGHT), for this week, on account of medical reasons.

Mrs. BOGGS (at the request of Mr. WRIGHT), for this week, on account of serving as a delegate to the meeting of the Inter-Parliamentary Union.

Mr. HYDE (at the request of Mr. MICHEL), for today and balance of week, on account of serving as a delegate to the meeting of the Inter-Parliamentary Union.

Mr. HUNTER (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. GOODLING, for 60 minutes, today.

Mr. GILMAN, for 60 minutes, on October 16.

Mr. CRAIG, for 60 minutes, on September 10.

Mr. CRAIG, for 60 minutes, on September 11.

Mr. CRAIG, for 60 minutes, on September 12.

Mr. MOLINARI, for 60 minutes, on September 11.

(The following Members (at the request of Mr. CHAPMAN) to revise and extend their remarks and include extraneous material:)

Mr. CROCKETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

Mr. BROWN of California, for 60 minutes, today.

Mr. RAY, for 30 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. CROCKETT, for 5 minutes, on September 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. GREEN.

Mr. GROTBERG.

Mr. COUGHLIN.

Mr. COURTER in two instances.

Mr. GUNDERSON in two instances.

Mr. MCKERNAN in two instances.

Mr. DAUB in two instances.

Mr. BROOMFIELD in five instances.

Mr. FAWELL.

Mr. SWINDALL.

(The following Members (at the request of Mr. CHAPMAN) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DE LA GARZA in 10 instances.

Mr. STARK in six instances.

Mr. LEHMAN of Florida.

Mr. DYSON in four instances.

Mrs. BOXER.

Mr. TRAFICANT.

Mr. FUSTER.

Mr. MARKEY.

Mr. FRANK in two instances.

Mr. RAHALL.

Mr. MCHUGH in two instances.

Mr. PANETTA.

Mr. GAYDOS.

Mr. YATRON.

Mr. COELHO.

Mr. COLEMAN of Texas.

Mr. HALL of Ohio.

Mr. FAUNTROY.

Mr. SCHUMER.

Mr. LELAND.

Mr. VENTO.

Mr. BERMAN.

Mr. HUBBARD.

Mr. STUDDS.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2068. An act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes;

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education;

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 2908. An act to amend title XI of the Education Amendments of 1978, relating to Indian education programs; and

H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Leonore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 960. An act to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes;

S. 1147. An act to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws;

S.J. Res. 98. Joint resolution condemning the passage of Resolution 3379, in the United Nations General Assembly on November 10, 1975, and urging the U.S. Ambassador and U.S. delegation to take all appropriate actions necessary to erase this shameful resoluton from the record of the United Nations;

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week"; and

S.J. Res. 168. Joint resolution designating August 13, 1985, as "National Neighborhood Crime Watch Day."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 2, 1985:

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day."

On August 8, 1985:

H.R. 2058. An act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board of International Broadcasting, and for other purposes;

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education;

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 2908. An act to amend title XI of the Education Amendments of 1976, relating to Indian education program; and

H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Leonore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

ADJOURNMENT

Mr. RAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, September 5, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1816. A letter from the Secretary of Agriculture, transmitting a report on agricultural research, extension, and teaching activities, pursuant to Public Law 95-113, section 1410 (95 Stat. 1302); to the Committee on Agriculture.

1817. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act to increase the authority of the Secretary of Agriculture to refuse to provide, or withdraw, inspection service, and to authorize the Secretary to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture.

1818. A letter from the Acting Director, Office of Management and Budget, transmitting the supplementary summary of the budget for the ensuing fiscal year, pursuant to 31 U.S.C. 1106(a)(1) (H. Doc. No. 99-99); to the Committee on Appropriations and ordered to be printed.

1819. A letter from the Acting Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-96); to the Committee on Appropriations and ordered to be printed.

1820. A communication from the President of the United States, transmitting a fiscal year 1985 budget supplemental of the District of Columbia budget, pursuant to Public Law 93-198, section 446 (87 Stat. 806); Public Law 98-473, section 101(b) (98 Stat. 1837) (H. Doc. No. 99-97); to the Committee on Appropriations and ordered to be printed.

1821. A letter from the Acting Comptroller General, General Accounting Office, transmitting a review of a deferral of budget authority from the U.S. Information Agency as contained in the President's July message (H Doc. 99-90), pursuant to 2 U.S.C. 685 (H. Doc. No. 99-98); to the Committee on Appropriations and ordered to be printed.

1822. A letter from the Acting Director, U.S. Information Agency, transmitting a report on the over-expenditure of funds allotted to the U.S. Information Service in Pretoria, South Africa, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1823. A letter from the Secretary, Railroad Retirement Board, transmitting a report of a violation in the fiscal year 1985 "Railroad Social Security Equivalent Benefit Account," pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1824. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a supplemental report of development and procurement schedules for each weapon system for which authorization is required for the period between September 1 to October 31, 1985, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1825. A letter from the Acting Deputy Assistant Secretary of Defense for Logistics and Communications, transmitting notice of decision to convert to contractor performance the source data entry function at Kelly Air Force Base, TX, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1826. A letter from the Acting Secretary of the Navy, transmitting notification that the increase in the fiscal year 1985 procurement unit cost of the Phoenix missile is due to a reprogramming action associated with a second source of production, pursuant to 10 U.S.C. 139(b)(3)(A); to the Committee on Armed Services.

1827. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice that the Department of the Navy plans to study the conversion from in-house operation to commercial contract various functions in California, Florida, Illinois, and Virginia, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1828. A letter from the Assistant Secretary of Defense, transmitting a review of special pay for health professionals, pursuant to 37 U.S.C. 303a(c); to the Committee on Armed Services.

1829. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period September 1, 1985 to October 31, 1985, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1830. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports [SAR] and SAR summary tables for the quarter ending June 30, 1985, pursuant to 10 U.S.C. 139a(b)(1) and (f) (96 Stat. 740); to the Committee on Armed Services.

1831. A letter from the Deputy Assistant Secretary of Defense for Logistics and Communications, transmitting notice that the telephone switchboard at Tinker Air Force Base will be converted to contractor performance, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1832. A letter from the Deputy Chief, Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting a report on research and development contracts over $50,000 for the Air Force, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1833. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the Council's annual report, pursuant to 22 U.S.C. 284b, 285(b), 286b(b)(5), (6), 286b-1, 290i-3; to the Committee on Banking, Finance and Urban Affairs.

1834. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1984, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

1835. A letter from the Treasurer of the United States, transmitting a report on activities relating to the minting of 1984 Los Angeles Olympic Games' coins, pursuant to Public Law 97-220, section 11; to the Committee on Banking, Finance and Urban Affairs.

1836. A letter from the Auditor, District of Columbia, transmitting a report entitled, "University of the District of Columbia President's Representation Fund Fiscal Year 1984 Annual Report," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1837. A letter from the Auditor, District of Columbia, transmitting the annual audit of the D.C. Lottery Charitable Games Control Board for fiscal year 1984, pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1838. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Revenue Report for May 1985," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1839. A letter from the Auditor, District of Columbia, transmitting a report entitled, "University of the District of Columbia President's Transition Account Expenditures," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1840. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 6-72. "Youth Rehabilitation Amendment Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1841. A letter from the National Advisory Council on Indian Education, transmitting the annual report of activities, pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

1842. A letter from the Secretary, Department of Education, transmitting final regulations for the Research in Education of the Handicapped Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1843. A letter from the Secretary, Department of Education, transmitting final funding priorities for research fellowships, pur-

suant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1844. A letter from the Secretary, Department of Education, transmitting final regulations for the Emergency Immigrant Education Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1845. A letter from the Secretary, Department of Education, transmitting final regulations for Training of Interpreters for Deaf Individuals Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1846. A letter from the Secretary, Department of Education, transmitting final regulations for the Library Services and Construction Act—State-Administered Program and direct grant programs for Indian tribes and Hawaiian natives, foreign language materials acquisition, and literacy, pursuant to GEPA, section 431 (d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1847. A letter from the Secretary, Department of Education, transmitting final regulations for Bilingual Education: State Educational Agency Program, pursuant to GEPA, section 431 (d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1848. A letter from the Secretary, Department of Education, transmitting final regulations for Bilingual Education: Fellowship Program, pursuant to GEPA, section 431 (d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1849. A letter from the Secretary, Department of Education, transmitting final regulations for Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Education Agencies Cannot Provide Suitable Free Public Education, pursuant to GEPA, section 431 (d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1850. A letter from the Secretary, Department of Education, transmitting final regulations for the National Graduate Fellows Program, pursuant to GEPA, section 431 (d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1851. A letter from the Secretary of Education, transmitting final amendments for the State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1852. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1984 of the Administration on Aging of the Department of Health and Human Services, pursuant to Public Law 89-73, sections 206(d) and 423(c) (92 Stat. 1515; 95 Stat. 1596); to the Committee on Education and Labor.

1853. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report, pursuant to Public Law 91-540, section 11 (90 Stat. 920); to the Committee on Energy and Commerce.

1854. A letter from the Department of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve for the period of April through June 1985, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

1855. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1984, pursuant to EPCA, section 365(c); to the Committee on Energy and Commerce.

1856. A letter from the Secretary of Health and Human Services, transmitting the twelfth report of the National Heart, Lung, and Blood Advisory Council, pursuant to PHSA, section 418(b)(2) (90 Stat. 404); to the Committee on Energy and Commerce.

1857. A letter from the Secretary, Securities and Exchange Commission, transmitting the fourteenth annual report of the Securities Investor Protection Corporation for the year 1985, pursuant to Public Law 91-598, section 7(c)(2); to the Committee on Energy and Commerce.

1858. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50 million or more to Egypt, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1859. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50 million or more to British Aerospace, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1860. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue commercial export license for the sale of certain defense equipment to the Government of Canada, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1861. A letter from the Acting Director, Agency for International Development, transmitting justification of an increase in the funding level of the proposed fiscal year 1985 program in Rwanda, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

1862. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting justification of an increase in assistance in Zambia, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

1863. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting justification for an increase in assistance in Malawi, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

1864. A letter from the Director, Defense Security Assistance Agency, transmitting a report on a proposed lease of defense articles to Turkey (Transmittal No. 8-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1865. A letter from the Director, Defense Security Assistance Agency, transmitting a report on a proposed lease of defense articles to Turkey (Transmittal No. 10-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1866. A letter from the Director, Defense Security Assistance Agency, transmitting a report on proposed lease of defense articles to Turkey (Transmittal No. 11-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1867. A letter from the Director, Defense Security Assistance Agency, transmitting a report on a proposed lease of defense articles to Turkey (Transmittal No. 9-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1868. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a justification for the proposed modification in the assistance proposed for Mozambique for fiscal year 1985, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

1869. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a justification of an increase in the funding level in Ghana for fiscal year 1985, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

1870. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on amounts obligated and expended in Nicaragua for international security and development assistance, pursuant to Public Law 97-113, section 724(e) (95 Stat. 1553); to the Committee on Foreign Affairs.

1871. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1872. A letter from the Secretary of State, transmitting the semi-annual reports for the period October 1984-March 1985 listing voluntary contributions by the U.S. to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

1873. A letter from the Secretary of State, transmitting determination that it is in the national interest in grant assistance to the Republic of the Philippines, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

1874. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1875. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1876. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1877. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for Hugh Montgomery of Virginia, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with rank of Ambassador, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1878. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for Herbert S. Okun,

Deputy Representative to be of the United States of America to the United Nations, with rank and status of Ambassador Extraordinary and Plenipotentiary, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1879. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice that the Government of Turkey has requested that the U.S. Government permit the use of Foreign Military Sales financing for the purpose of co-assembly of aircraft in Turkey, pursuant to 22 U.S.C. 2791(b); to the Committee on Foreign Affairs.

1880. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO during July 1985, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1881. A letter from the Comptroller General, General Accounting Office, transmitting an examination of the Senate Building Beauty Shop Financial Statements for the fiscal years ended February 28, 1985 and February 29, 1984 (GAO/AFMD-85-64), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

1882. A letter from the Acting Administrator, Office and Management and Budget, transmitting notification regarding recommendations for achieving full and open competition on the basis of technical qualifications and quality in procurement of professional, technical, and management services, pursuant to 41 U.S.C. 407 note; to the Committee on Government Operations.

1883. A letter from the Acting Assistant Secretary for Health, Department of Health and Human Services, transmitting a report on a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1884. A letter from the Acting Director, Office of Management and Budget, transmitting a draft of proposed legislation to eliminate or change statutory requirements preventing the reduction of paperwork burdens and regulatory simplification; to the Committee on Government Operations.

1885. A letter from the Acting Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the Office of Federal Procurement Policy Act to provide authority to test innovative procurement methods and procedures; to the Committee on Government Operations.

1886. A letter from the Acting Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Government Operations.

1887. A letter from the Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting notice of the deletion of a records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1888. A letter from the Assistant Secretary for Administration, Smithsonian Institution, transmitting the annual pension reports for the Smithsonian Institute and the Woodrow Wilson International Center for Scholars; to the Committee on Government Operations.

1889. A letter from the Chief, Army and Air Force Exchange Service, Departments of the Army and the Air Force, transmitting the report of the Army and Air Force Exchange Service on the financial condition of its pension plans for the year ended December 31, 1984, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1890. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the implementation of a records system, pursuant to U.S.C. 552a(o); to the Committee on Government Operations.

1891. A letter from the Director, Office of Financial Management, General Accounting Office, transmitting the annual report of the Comptrollers General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1892. A letter from the Secretary of Agriculture, transmitting a notice of tow computer matching programs relating to unemployment compensation, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1893. A letter from the Clerk of the U.S. House of Representatives, transmitting a quarterly report on the expenditure of appropriated funds, pursuant to 2 U.S.C. 104a (H. Doc. No. 99-102); to the Committee on House Administration and ordered to be printed.

1894. A letter from the Secretary of Energy, transmitting a report on the Colorado River Storage Project power resources and the financial support of authorized projects in the Upper Colorado River Basin States, pursuant to Public Law 98-381, section 108 (98 Stat. 1340); to the Committee on Interior and Insular Affairs.

1895. A letter from the Acting Deputy Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting a proposed plan for the use and distribution of the funds for the Cherokee Nation of Oklahoma in Docket 262-831, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

1896. A letter from the Chair and Commissioner, Commission on Federal Laws (Northern Mariana Islands), transmitting the second interim report of the Northern Mariana Islands Commission on Federal Laws, pursuant to 90 Stat. 268 (sec. 504 of Covenant); to the Committee on Interior and Insular Affairs.

1897. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1898. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1899. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting defector status in the case of Alan John Lightfoot, pursuant to INA, section 212(a)(28)(1)(ii)(b) (66 Stat. 182); to the Committee on the Judiciary.

1900. A letter from the Commissioner of Examinations, Immigration and Naturalization Service, transmitting the order granting defector status in the case of Margaret Beatrice Thomson Alexiou, pursuant to INA, section 212(a)(28)(1)(ii)(b) (66 Stat. 182); to the Committee on the Judiciary.

1901. A letter from the Acting Executive Director, National Advisory Committee on Oceans and Atmosphere, Department of Commerce, transmitting the annual report of the National Advisory Committee on Oceans and Atmosphere, pursuant to Public Law 95-63, section 4(b); to the Committee on Merchant Marine and Fisheries.

1902. A letter from the Secretary of Commerce, transmitting the second biennial report regarding bluefin tuna for the period covering 1983 and 1984, pursuant to Public Law 96-339, section 3; to the Committee on Merchant Marine and Fisheries.

1903. A letter from the Vice Chairman, Federal Martime Commission, transmitting a draft of proposed legislation to revise, consolidate, codify, and enact without substantive change certain general and permanent laws, related to the regulation of waterborne commerce by the Federal Maritime Commission, as chapter 5 of subtitle IV, of title 46, United States Code, "Shipping," pursuant to Public Law 98-89, section 2(j); to the Committee on Merchant Marine and Fisheries.

1904. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend section 1103(a) of title 5, United States Code, which enumerates functions of the Director of the Office of Personnel Management; to the Committee on Post Office and Civil Service.

1905. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to restructure the Federal Employees Health Benefits Program to strengthen financial control over the program and enhance competition among participating health plans, and for other purposes; to the Committee on Post Office and Civil Service.

1906. A letter from the Acting Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the West Fork and Big Creek Watershed, Missouri and Iowa, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1907. A letter from the Director, Office of Management and Budget, transmitting the Soil Conservation Service plan for English Coulee Watershed, North Dakota, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1908. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the Economic Development Administration, pursuant to Public Law 89-436, section 707, section 204(b)(2) (90 Stat. 2333; 94 Stat. 2241), and section 904(b) (88 Stat. 1165; 94 Stat. 2241); to the Committee on Public Works and Transportation.

1909. A letter from the Secretary of Transportation, transmitting the National Plan of Integrated Airport Systems, 1984-93, pursuant to Public Law 97-248, section 504(b)(1); to the Committee on Public Works and Transportation.

1910. A letter from the Administrator, Environmental Protection Agency, transmitting the National Quality Inventory Report for 1984, pursuant to FWPCA, section 305(b)(2) (86 Stat. 854; 91 Stat. 1589); to the Committee on Public Works and Transportation.

1911. A letter from the Executive Secretary, Department of Defense, transmitting a report on Department of Defense procurement from small business firms from October 1984 through May 1985, pursuant to 15

U.S.C. 639(d); to the Committee on Small Business.

1912. A letter from the Secretary of Health and Human Services, transmitting the ninth annual report on the Child Support Enforcement Program, pursuant to SSA, section 452(a)(10) (88 Stat. 2352; 91 Stat. 163; 95 Stat. 861); to the Committee on Ways and Means.

1913. A letter from the Secretary of Labor, transmitting a report on the impact of the Caribbean Basin Economic Recovery Act on U.S. labor, pursuant to 19 U.S.C. 2705 (Public Law 98-67 section 216); to the Committee on Ways and Means.

1914. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting an aide memoire from the Commission of the European Communities expressing concerns about the Comprehensive Environmental Response, Compensation and Liability Act; to the Committee on Ways and Means.

1915. A letter from the General Council of the Treasury, transmitting a draft of proposed legislation to amend title 26 of the United States Code relating to the collection of the special (occupational) tax from retail dealers in distilled spirits, wines, and beer; to the Committee on Ways and Means.

1916. A letter from the General Counsel of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide for the collection of fees for certain services; to the Committee on Ways and Means.

1917. A letter from the Deputy Secretary of Defense, transmitting certification that testing of explosive or inert antisatellite warheads against objects in space is necessary to the national interest and that the United States is endeavoring to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite weapons, pursuant to Public Law 98-94, section 1235 (97 Stat. 695) Public Law 98-525, section 205 (98 Stat. 2509); jointly, to the Committees on Armed Services and Foreign Affairs.

1918. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 138 of title 10, United States Code, to authorize the Secretary of Defense to enter into certain agreements to further the readiness of the military forces of the United States and other North Atlantic Treaty Organization countries and the Republic of Korea; jointly, to the Committees on Armed Services and Foreign Affairs.

1919. A letter from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to issue regulations to require that wages and salaries of Federal employees be paid by electronic funds transfer or any other method determined by the Secretary to be in the interest of economy or effectiveness, with sufficient safeguards over the control of, and accounting for, public funds; jointly, to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

1920. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1921. A letter from the Comptroller General of the United States, transmitting a report entitled: "The Role of Marketing Orders in Establishing and Maintaining Orderly Marketing Conditions" (GAO/RCED-85-57, July 31, 1985); jointly, to the Committees on Government Operations and Agriculture.

1922. A letter from the Comptroller General of the United States, transmitting a report entitled "Effects and Administration of the 1984 Milk Diversion Program" (GAO/RCED-85-126, July 29, 1985); jointly, to the Committees on Government Operations and Agriculture.

1923. A letter from the Comptroller General of the United States, transmitting a report entitled, "Federal Price Support For Honey Should Be Phased Out" (GAO/RCED-85-107); jointly, to the Committees on Government Operations and Agriculture.

1924. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at or associated with any facility licensed or regulated under the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974 for the first calendar quarter of 1985, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

1925. A letter from the Acting Assistant Attorney General Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice, transmitting the views of the Department of Justice on H.R. 1957, a bill to amend title I of the Marine Protection, Research and Sanctuaries Act of 1972; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

1926. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a letter setting forth the views of the State Department on the Ocean Dumping Amendments Act of 1985 (H.R. 1957); jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

1927. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 8 of the Eastern Pacific Tuna Licensing Act of 1984; jointly, to the Committees on Merchant Marine and Fisheries and the Judiciary.

1928. A letter from the Secretary of Health and Human Services, transmitting a report on the operation of utilization and quality control peer review organizations, pursuant to SSA section 1161 (96 Stat. 392); jointly, to the Committees on Ways and Means and Energy and Commerce.

1929. A letter from the Secretary of Energy, transmitting a report on biomass energy and alcohol fuels programs for the period of April 1 through June 30, 1985, pursuant to Public Law 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX, the following joint resolution was engrossed and deemed passed on August 1, 1985.

H.J. Res. 372. Joint resolution increasing the statutory limit on the public debt.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. Supplemental report on H.R. 1 (Rept. 99-230, Pt. 2). Order to be printed.

Mr. GARCIA: Committee on Post Office and Civil Service. H.R. 2722. A bill to amend title 13, United States Code, to eliminate the requirement relating to decennial censuses of drainage (Rept. 99-254). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 3065. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize a program of research, development and demonstration for innovative or experimental treatment technologies for use in remedial actions; with amendments (Rept. 99-255, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 3229. A bill to amend title 23, United States Code, to extend until December 31, 1985, the deadline for withdrawal of approval of the Westway project in New York and for approval of highway and transit projects substituted for such project; to the Committee on Public Works and Transportation.

By Mr. DAUB:

H.R. 3230. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime requirements of that act employees of State and local public agencies and to clarify the application of that act to volunteers; to the Committee on Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. GUNDERSON, Mr. ROBERTS, Mr. EMERSON, Mr. MADIGAN, Mr. MORRISON of Washington, and Mr. SCHUETTE):

H.R. 3231. A bill to amend the Farm Credit Act of 1971 to provide for U.S. Government guarantees for certain obligations of the Farm Credit System; to the Committee on Agriculture.

By Mr. GARCIA (for himself, Mr. KEMP, Mr. SCHULZE, Mr. FRANKLIN, Mr. MOORE, Mr. HOPKINS, Mr. DE LA GARZA, Mr. LUNGREN, AND Mr. ROWLAND of Connecticut):

H.R. 3232. A bill entitled the "Enterprise Zone Jobs Creation Act"; jointly, to the Committees on Ways and Means; the Judiciary; and Banking, Finance and Urban Affairs.

By Mr. HOWARD:

H.R. 3233. A bill to amend section 103(e)(4) of title 23, United States Code, to extend the deadline for withdrawal of approval of the Westway project in New York and for approval of highway and transit projects substituted for such project until December 30, 1985; to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER:

H.R. 3234. A bill to permit the deferral of repayment of Federal insured, guaranteed, and direct student loans for not more than 6 months of maternity leave; to the Committee on Education and Labor.

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By Mr. LOTT (for himself and Mr. WALKER):

H.R. 3235. A bill to authorize the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, MS; to the Committee on Science and Technology.

By Mr. SCHUMER:

H.R. 3236. A bill to amend the Immigration and Nationality Act to provide for the temporary admission to the United States of the operators of motor common carriers of passengers; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 3237. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime requirements of that act employees of State and local public agencies and to clarify the application of that act to volunteers; to the Committee on Education and Labor.

By Mr. DANIEL (for himself, Mr. BATEMAN, Mr. WHITEHURST, Mr. BLILEY, Mr. SISISKY, Mr. OLIN, Mr. SLAUGHTER, Mr. PARRIS, Mr. BOUCHER, and Mr. WOLF):

H.J. Res. 373. Joint resolution designating Patrick Henry's last home and burial place, known as Red Hill, in the Commonwealth of Virginia, as a National Memorial to Patrick Henry; to the Committee on Interior and Insular Affairs.

By Mr. NEAL:

H.J. Res. 374. Joint resolution to express the sense of the Congress that the President should immediately resume negotiations with the Soviet Union and Great Britain on a comprehensive treaty to end the testing of nuclear weapons, including a mutual and verifiable ban on the testing of antisatellite (ASAT) weapons, and that the President should seek to include in the negotiations all other nuclear and nonnuclear weapons nations; to the Committee on Foreign Affairs.

By Mr. HALL of Ohio:

H. Con. Res. 183. Concurrent resolution expressing the sense of the Congress that food producers who permit gleaning of their fields and nonprofit organizations which glean fields and distribute the resulting harvest to help alleviate hunger should be commented for their efforts, and for other purposes; to the Committee on Agriculture.

By Mr. HEFTEL of Hawaii (for himself and Mr. FRENZEL):

H. Res. 259. Resolution to request that the President establish a bipartisan commission on the budget deficit; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

234. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to the control and eradication of imported fire ants; to the Committee on Agriculture.

235. Also, memorial of the Legislature of Guam, relative to appropriations for education; to the Committee on Education and Labor.

236. Also, memorial of the Legislature of Guam, relative to education; to the Committee on Interior and Insular Affairs.

237. Also, memorial of the Legislature of the State of Oklahoma, relative to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

238. Also, memorial of the Legislature of the State of Oklahoma, relative to compensation of U.S. Senators, and Representatives; to the Committee on the Judiciary.

239. Also, memorial of the Legislature of the State of California, relative to Federal estate tax treatment of agricultural land; to the Committee on Ways and Means.

240. Also, memorial of the Legislature of the State of Oklahoma, relative to import fees on foreign oil and refined petroleum products; to the Committee on Ways and Means.

241. Also, memorial of the House of Representatives of the State of Oklahoma, relative to enactment of an import fee on foreign oil; to the Committee on Ways and Means.

242. Also, memorial of the Legislature of the State of Colorado, relative to the AFDC-U Program; to the Committee on Ways and Means.

243. Also, memorial of the Legislature of Guam, relative to the SSI Program; to the Committee on Ways and Means.

244. Also, memorial of the Senate of the State of Louisiana, relative to ocean incineration of hazardous waste; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

245. Also, memorial of the Fourth Congress of the Federated States of the Marshall Islands, relative to the Compact of Free Association; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Ways and Means.

246. Also, memorial of the Legislature of the State of California, relative to health care; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, and Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINGRICH:

H.R. 3238. A bill for the relief of Jaclyn Hart; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 3239. A bill to waive certain time limitations with respect to awarding the Medal of Honor to Rudolph Salais Vela; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DURBIN and Mr. DASCHLE.

H.R. 6: Mr. GALLO.

H.R. 161: Mr. ROYBAL and Mr. RINALDO.

H.R. 235: Mr. DE LA GARZA, Mr. LELAND, Mr. FAUNTROY, Mr. PEPPER, Mr. FROST, Mr. BIAGGI, Mrs. BURTON of California, and Mr. WEISS.

H.R. 237: Mrs. MARTIN of Illinois.

H.R. 287: Mr. EMERSON.

H.R. 362: Mr. HAYES, Mr. RODINO, Mr. DELLUMS, Mr. ROE, Mrs. COLLINS, Mr. SAVAGE, Mr. LELAND, Mr. GUNDERSON, Mr. TORRES, Mrs. BOXER, Mr. CHANDLER, Mr. PANETTA, Mr. KLECZKA, Mr. NEAL, Mr. KOLBE, Mr. SUNIA, Mr. DURBIN, Mr. DASCHLE, and Mr. SENSENBRENNER.

H.R. 580: Mr. WILSON, Mr. BONIOR of Michigan, and Mr. CARR.

H.R. 604: Mr. CHANDLER and Mr. SUNIA.

H.R. 816: Mr. BURTON of Indiana and Mr. GINGRICH.

H.R. 831: Mr. BRYANT and Mr. BATES.

H.R. 864: Mr. MCEWEN, Mr. SPRATT, Mr. KANJORSKI, Mr. BRYANT, Mr. DEWINE, Mr. DE LA GARZA, Mr. ORTIZ, Mr. GUNDERSON, Mr. JACOBS, and Mr. VALENTINE.

H.R. 947: Mrs. BOXER.

H.R. 979: Mr. FAZIO, Mr. TAUKE, Mr. BATEMAN, and Mr. DARDEN.

H.R. 1021: Mr. GARCIA and Mr. DIO-GUARDI.

H.R. 1031: Mr. MATSUI.

H.R. 1032: Mr. MATSUI.

H.R. 1059: Mr. DORNAN of California, Mr. BARNARD, Mr. DORGAN of North Dakota, Mr. MICHEL, Mr. VALENTINE, Mr. HAMILTON, Mr. SAVAGE, and Mr. DOWDY of Mississippi.

H.R. 1068: Mr. WEISS, Mr. MITCHELL, and Mr. WAXMAN.

H.R. 1138: Mr. ECKART of Ohio and Mr. CRANE.

H.R. 1145: Mr. RAHALL and Mr. RICHARDSON.

H.R. 1207: Mr. AKAKA, Mr. ALEXANDER, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BONKER, Mr. HAMILTON, Mr. MICA, Mr. MURTHA, Mr. OBEY, Mr. SOLARZ, Mr. STOKES, Mr. YATRON, and Mr. MCCLOSKEY.

H.R. 1219: Mr. CHAPPIE.

H.R. 1294: Mr. MATSUI, Mr. SAVAGE, Mr. EDGAR, Mr. WISE, and Mr. SUNIA.

H.R. 1316: Mr. DICKS.

H.R. 1523: Mr. FEIGHAN, Mr. GONZALEZ, Mr. MANTON, Mr. TORRICELLI, Mr. GEJDENSON, Mr. CARPER, Mr. CRANE, Mr. FLORIO, and Mr. FROST.

H.R. 1524: Mr. LEACH of Iowa, Mr. VISCLOSKY, Mr. GALLO, Mr. DURBIN, Mr. LEVIN of Michigan, Mr. LIGHTFOOT, Mr. BROOKS, and Mr. GRAY of Illinois.

H.R. 1563: Mr. HENRY.

H.R. 1607: Mr. MATSUI.

H.R. 1616: Mr. BEILENSON, Mr. LOWRY of Washington, Mrs. KENNELLY, Mr. LAFALCE, and Ms. MIKULSKI.

H.R. 1627: Mr. HOPKINS and Mr. HUBBARD.

H.R. 1666: Mr. MOORE, Mr. APPLEGATE, Mr. JEFFORDS, and Ms. SNOWE.

H.R. 1715: Mr. HOWARD, Mr. BENNETT, and Mr. BILIRAKIS.

H.R. 1809: Mr. TORRES, Mr. CARPER, Mr. ATKINS, and Mr. ROSE.

H.R. 1853: Mr. FLIPPO.

H.R. 1856: Mrs. BOGGS, Mr. GONZALEZ, Mr. ROE, Mr. WAXMAN, Mr. MANTON, Mr. SOLARZ, Mr. MATSUI, Mr. MOLLOHAN, Mr. FOLEY, Mr. RANGEL, Mr. VENTO, Mr. OWENS, Mr. FAUNTROY, Mr. OBERSTAR, Mr. TOWNS, Mr. BONKER, and Mr. CROCKETT.

H.R. 1875: Mr. DYSON, Mr. BIAGGI, Mr. HOYER, Mr. ROE, Mr. FAUNTROY, Mr. COELHO, Mr. GINGRICH, Mr. WISE, Mr. DANIEL, Mr. DE LA GARZA, Mr. FISH, and Mr. ARMEY.

H.R. 1892: Mr. DYMALLY, Mr. PERKINS, Mr. SHELBY, Mrs. COLLINS, Mr. HERTEL of Michigan, Mr. MURPHY, and Mr. LEVIN of Michigan.

H.R. 1908: Mr. DELAY.

H.R. 1914: Mr. GRAY of Illinois, Mr. DASCHLE, Ms. KAPTUR, Mr. EVANS of Illinois, Mr. MITCHELL, Mr. WILSON, Mr. CROCKETT, Mr. CONYERS, Mr. WEAVER, and Mr. MOODY.

H.R. 1927: Mr. OBERSTAR.

H.R. 1973: Mr. COLEMAN of Missouri, Mr. DWYER of New Jersey, Mr. NICHOLS, Mr. EDGAR, Mr. SHUSTER, Mr. KOLTER, Mr. PERKINS, Mr. TRAFICANT, and Mr. HENRY.

H.R. 2001: Mr. WILLIAMS, Mr. FLORIO, Mr. BORSKI, Mr. SAVAGE, and Mr. HOWARD.

H.R. 2020: Mr. FISH and Mr. CROCKETT.

H.R. 2058: Mr. COELHO and Mrs. COLLINS.

H.R. 2116: Mr. TOWNS, Mr. SUNIA, and Mr. TAUKE.

H.R. 2119: Mr. EDGAR.

H.R. 2164: Mr. MITCHELL, Mr. WEAVER, Mr. LAGOMARSINO, Mrs. BOXER, Mr. SMITH of New Jersey, Mr. GLICKMAN, and Ms. OAKAR.

H.R. 2235: Mrs. BURTON of California, Mr. SAVAGE, Mrs. SCHROEDER, and Mr. MATSUI.

H.R. 2303: Ms. SNOWE.

H.R. 2422: Mr. HALL of Texas and Mr. MATSUI.

H.R. 2440: Mr. ASPIN, Mr. BADHAM, Mr. BATEMAN, Mrs. BYRON, Mr. CARR, Mr. CHAPPIE, Mr. DARDEN, Mr. FOWLER, Mr. GONZALEZ, Mr. GRADISON, Mr. HENDON, Mr. HORTON, Mr. HUNTER, Mr. HUTTO, Mr. JENKINS, Mr. LAGOMARSINO, Mr. MATSUI, Mr. MONTGOMERY, Mr. NICHOLS, Mr. ROE, Mr. ROSE, Mr. THOMAS of California, Mr. WEBER, and Mr. WORTLEY.

H.R. 2472: Mr. SAVAGE.

H.R. 2502: Mr. OXLEY.

H.R. 2504: Mrs. COLLINS.

H.R. 2578: Mr. BATEMAN, Mr. BONER of Tennessee, Mr. CHANDLER, Mr. CRANE, Mr. EMERSON, Mr. FRENZEL, Mr. MATSUI, Mr. TOWNS, and Mr. WOLF.

H.R. 2644: Mr. MOODY.

H.R. 2685: Mr. SMITH of Florida, Mrs. BURTON of California, Mr. WEISS, and Mr. HOWARD.

H.R. 2695: Mrs. BURTON of California, Mr. OBERSTAR, and Mr. STOKES.

H.R. 2696: Mrs. BURTON of California, and Mr. OBERSTAR.

H.R. 2700: Mr. RANGEL, Mr. BERMAN, Mr. SEIBERLING, and Mr. SAVAGE.

H.R. 2701: Mr. ROE, Mrs. BOXER, and Mr. SAVAGE.

H.R. 2768: Mr. BORSKI.

H.R. 2781: Mr. DASCHLE, Mr. HILER, and Mr. DYSON.

H.R. 2814: Mr. ARMEY, and Ms. MIKULSKI.

H.R. 2854: Ms. MIKULSKI, Mr. TAYLOR, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. SAVAGE, Mr. GARCIA, Mr. HORTON, and Mr. GILMAN.

H.R. 2866: Mr. GINGRICH, Mr. FRENZEL, and Mr. FUQUA.

H.R. 2902: Mr. ATKINS, Mr. BERMAN, Mrs. BURTON of California, Mr. CONYERS, Mr. CROCKETT, Mr. FAZIO, Mr. HALL of Ohio, Mr. HAWKINS, Mr. HORTON, Mr. HUGHES, Mr. JEFFORDS, Mr. MARTINEZ, Mr. MITCHELL, Mr. MRAZEK, Mr. RAHALL, Mr. ROE, Mr. SAVAGE, Mr. SMITH of Florida, Ms. SNOWE, Mr. STANGELAND, Mr. SUNIA, Mr. TOWNS, and Mr. WOLPE.

H.R. 2971: Mr. CLINGER, Mr. WALGREN, and Mr. DIOGUARDI.

H.R. 3006: Mr. TORRES, Mr. DASCHLE, Mr. FISH, Mr. LAFALCE, Mr. BEDELL, Mr. KOSTMAYER, Mr. HATCHER, Mr. JEFFORDS, Mr. STALLINGS, Mr. BEVILL, and Mr. DYSON.

H.R. 3032: Mr. AUCOIN and Mr. BATES.

H.R. 3040: Mr. MARTINEZ, Mr. YATRON, Mr. MRAZEK, Mr. FAZIO, Mr. HAWKINS, Mr. DASCHLE, Mr. FUSTER, Mr. MITCHELL, Mr. SAVAGE, and Mr. ST GERMAIN.

H.R. 3078: Mr. OWENS, Mr. CONYERS, and Mr. HANSEN.

H.R. 3090: Mr. HAWKINS, Mr. CLAY, Mr. FORD of Michigan, Mr. ATKINS, Mr. DONNELLY, Mr. KILDEE, Mr. MARTINEZ, Mr. LOWRY of Washington, Mrs. COLLINS, and Mr. RANGEL.

H.R. 3109: Mr. COBEY, Mr. DORNAN of California, Mr. SMITH of New Jersey, Mrs. BENTLEY, Mr. DANIEL, Mr. BRYANT, Mr. EDWARDS of Oklahoma, and Mr. MONSON.

H.R 3121: Mr. ROE, Mr. KLECZKA, Mr. TOWNS, Mr. SABO, Mr. SKELTON, Mr. MRAZEK, Mr. WOLPE, Mrs. BOXER, Mr. SAVAGE, and Mr. BIAGGI.

H.R. 3173: Mr. TAUKE, Mr. STENHOLM, Mr. MICHEL, Mr. STALLINGS, Mr. LAGOMARSINO, Mr. BATEMAN, Mr. KINDNESS, Mrs. HOLT, Mr. OXLEY, Mr. BARNARD, Mr. SILJANDER, and Mr. PETRI.

H.R. 3174: Mrs. BENTLEY, Mr. BIAGGI, Mr. FASCELL, Mr. FROST, Mr. HOWARD, Mr. HUNTER, Ms. KAPTUR, Mr. SAVAGE, Mr. SUNIA, and Mr. WOLPE.

H.R. 3202: Mr. COBEY, Mr. MINETA, Mr. ROE, Mrs. JOHNSON, Mr. LELAND, Mr. ECKART of Ohio, Mr. HOWARD, Mr. ROWLAND of Georgia, Mr. ACKERMAN, Mr. TORRICELLI, Mr. SAXTON, Mr. FUSTER, Mr. EDWARDS of California, Ms. KAPTUR, Mr. BEVILL, Mr. THOMAS of Georgia, Mr. ROSE, Mrs. BURTON of California, Mr. YATES, Mr. FAWELL, AND MR. BIAGGI.

H.J. Res. 12: Mr. DELAY, Mr. WILSON, Mr. DORNAN of California, Mr. ARMEY, Mr. SMITH of New Hampshire, Mrs. VUCANOVICH, Mr. COBLE, Mr. LIGHTFOOT, and Mr. CRAIG.

H.J. Res. 27: Mr. BARTON of Texas.

H.J. Res. 127: Mr. SMITH of Florida.

H.J. Res. 151: Mr. EDGAR, Mr. CARPER, Mr. ROBERT F. SMITH, Mr. GORDON, Mr. DENNY SMITH, Mrs. VUCANOVICH, Mr. MCDADE, and Mr. WYLIE.

H.J. Res. 154: Mr. WHITTAKER, Mr. BRUCE, Mr. WOLF, Mr. FUQUA, Mr. VENTO, Mr. COLEMAN of Missouri, Mr. BILIRAKIS, Mr. PORTER, Mrs. KENNELLY, Mr. RALPH M. HALL, and Mr. PURSELL.

H.J. Res. 175: Mr. SUNIA, Mr. HAWKINS, Mr. LOWERY of California, Mrs. MEYERS of Kansas, Mr. LEHMAN of Florida, Mr. HERTEL of Michigan, Mr. WORTLEY, Mr. LUKEN, Mr. SWINDALL, Mr. NELSON of Florida, and Mr. FOGLIETTA.

H.J. Res. 178: Mr. HAMMERSCHMIDT, Mr. FLIPPO, Mr. BEREUTER, Mr. HUTTO, Mr. BONIOR of Michigan, Mr. BATEMAN, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. PANETTA, Mr. KILDEE, Mr. BIAGGI, Mr. JONES of Tennessee, Mr. SAXTON, Mr. RODINO, Mr. HANSEN, Mr. ANNUNZIO, Mr. LUNDINE, Mr. TAUZIN, Mr. BEDELL, Mr. ROBINSON, Mr. PRICE, Mr. BEVILL, Mr. COATS, Mr. JONES of North Carolina, Mr. COUGHLIN, Mr. MATSUI, Mr. YATRON, Mr. ST GERMAIN, Mr. FOGLIETTA, Mr. OBEY, Mr. WOLPE, Mr. STUDDS, Mr. CHAPPELL, Mr. MCHUGH, Mrs. BOGGS, Mr. WHEAT, Mr. PURSELL, Mr. PORTER, and Mr. WOLF.

H.J. Res. 179: Mr. APPLEGATE, Mr. ASPIN, Mr. BENNETT, Mr. BOSCO, Mr. DYSON, Mr. EDGAR, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. GALLO, Mr. GORDON, Mr. GRAY of Illinois, Mr. HILER, Mr. HORTON, Mr. KOLTER, Mr. LEWIS of California, Mr. MCKERNAN, Mr. MILLER of California, Mr. NELSON of Florida, Mr. OLIN, Mr. ROSTENKOWSKI, Mr. SHAW, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mr. SOLOMON, Mr. TAUKE, Mr. TAUZIN, Mr. WEBER, Mr. WORTLEY, and Mr. YATES.

H.J. Res. 223: Mr. FISH, Mr. FASCELL, Mr. SAVAGE, and Mr. GONZALEZ.

H.J. Res. 279: Mr. DICKINSON.

H.J. Res. 296: Mr. RIDGE, Mr. SISISKY, Mr. MOLINARI, Mr. FOWLER, Mr. CONTE, Mr. ROBINSON, Mr. ANTHONY, Mr. CALLAHAN, Mr. FRANKLIN, Mr. HARTNETT, Mr. HEFTEL of Hawaii, Mr. PERKINS, Mr. BLAZ, Mr. MOODY, Mr. ROBERT F. SMITH, Mr. LOEFFLER, Mr. BREAUX, Mr. BARTLETT, Mr. GARCIA, and Mr. FRANK.

H.J. Res. 297: Mr. DWYER of New Jersey, Mr. HAMMERSCHMIDT, Mr. BEVILL, Mr. ST GERMAIN, Mr. MURPHY, Mr. DE LA GARZA, Mr. HUGHES, Mr. DAUB, Mr. ROBINSON, Mr. FOLEY, Mr. MILLER of Washington, Mr. BARNARD, Mr. HARTNETT, Mr. HEFTEL of Hawaii, Mr. TALLON, Mr. WYLIE, Mr. TORRICELLI, Mr. LAGOMARSINO, Mr. LOWRY of Washington, Mr. FRENZEL, Mr. MOAKLEY, and Mr. RANGEL.

H.J. Res. 351: Mr. KRAMER, Mr. OXLEY, Mr. SMITH of Florida, Ms. MIKULSKI, Mr. GINGRICH, and Mr. ECKART of Ohio.

H.J. Res. 357: Mr. BARNES, Mr. BILIRAKIS, Mrs. BOXER, Mr. CONTE, Mr. COUGHLIN, Mr. COURTER, Mr. DELAY, Mr. ECKART of Ohio, Mr. ECKERT of New York, Mr. FAZIO, Mr. FAUNTROY, Mr. FROST, Mr. GILMAN, Mr. GREEN, Mr. LELAND, Mr. LEVINE of California, Mr. MCGRATH, Mr. MILLER of Washington, Mr. MITCHELL, Mr. SCHEUER, Mr. STUDDS, Mr. SYNAR, and Mr. WEISS.

H.J. Res. 363: Mr. LEVIN of Michigan, Ms. KAPTUR Mr. JEFFORDS, Mr. GREEN, Mr. FEIGHAN, Mr. SEIBERLING, Mr. MRAZEK, Mr. FISH, Mrs. BOXER, Mr. DORGAN of North Dakota, Mr. GUNDERSON, Mr. ACKERMAN, Mr. COUGHLIN, Mr. WORTLEY, Mr. BRYANT, Mr. LEVINE of California, Mr. SCHEUER, Mr. FROST, Mr. CONTE, Mr. ARCHER, and Mr. RANGEL.

H. Con. Res. 63: Mr. SMITH of Florida.

H. Con. Res. 69: Mr. STRANG, Mr. GILMAN, and Mr. SCHUETTE.

H. Con. Res. 74: Mr. WAXMAN.

H. Con. Res. 90: Mr. ADDABBO, Mr. DREIER of California, and Mr. SISISKY.

H. Res. 152: Mr. MATSUI.

H. Res. 194: Mr. AUCOIN and Mr. FISH.

H. Res. 202: Mr. FRANK, Mr. HUBBARD, and Mr. HORTON.

H. Res. 256: Mr. LELAND, Mr. RANGEL, Mr. SUNIA, M. MRAZEK, Mr. DONNELLY, Mr. SCHEUER, Mr. SAVAGE, Mr. HAWKINS, Mr. KILDEE, Mr. COLEMAN of Texas, and Mrs. BOXER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 77: Mr. WHITEHURST.

H.R. 281: Mr. REID.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

186. By the SPEAKER: Petition of the city of Denton, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

187. Also, petition of the city council, Jacksonville, FL, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

188. Also, petition of American Coalition of Citizens with Disabilities Inc., Washington, DC, relative to apartheid in South Africa; to the Committee on Foreign Affairs.

189, Also, petition of the city of Denton, TX, relative to revenue sharing; to the Committee on Government Operations.

190. Also, petition of the Central Southeast Ohio Association, United Church of Christ, Columbus, OH, relative to Central America; to the Committee on the Judiciary.

191. Also, petition of Glen H. Harris, Albany, NY, relative to lumber trade; to the Committee on Ways and Means.

192. Also, petition of the city of Arvada, CO, relative to Social Security; to the Committee on Ways and Means.

193. Also, petition of the Democrat Party of Thailand, Bangkok, Thailand, relative to textile and apparel trade; to the Committee on Ways and Means.

194. Also, petition of the Speaker of the House of Representatives, Bangkok, Thailand, relative to textiles; to the Committee on Ways and Means.

195. Also, petition of the Dutchess County Legislature, New York, relative to taxes; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

WHAT'S YOUR DEGREE WORTH? WHOM DO YOU OWE? THE COMMENCEMENT ADDRESS OF DR. GEORGE R. FIELD

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GUNDERSON. Mr. Speaker, after 17 years of distinguished service as chancellor of the University of Wisconsin-River Falls, one of five University of Wisconsin campuses in my district, Dr. George R. Field is retiring.

On May 25, 1985, Dr. Field delivered his final commencement address as chancellor. I am pleased to include that address entitled "What's Your Degree Worth? Whom Do You Owe?" in the Record for the benefit of my colleagues and their constituents.

COMMENCEMENT ADDRESS SPRING, 1985

At this point in the program, I usually introduce our commencement speaker. But since this is my last year as Chancellor, the Public Relations Committee asked me to give the commencement address. I also heard by the grapevine that they knew it wouldn't cost the university a cent, so I get to introduce myself. I have been President or Chancellor of this University since 1968, 17 years. I have attended 32 out of 34 graduations during this time. I missed one due to illness and one to attend my son's graduation at the University of Colorado. But instead of telling you more about me, let me tell you about this University.

My talk may be more sentimental and emotional than "world wise" because this University means much to those of us who work here. My mother and father were graduated from the University of Wisconsin-River Falls in 1923. I had uncles who graduated before 1920. I have aunts and cousins who attended here. My three sons and two daughters have been at this university and my wife received her degree a few years back. Many faculty and staff can take the podium and say much the same thing. This place is more than a University to most of us, it's family. Now as a family, like all families, we have our good points and bad. We're not perfect but we try to be human. We work within a large system of higher education and we work for the State of Wisconsin. We are not an island to do what we want. We have system rules and state and federal regulations. But within this bureaucracy we try to be flexible and responsive. I've listened to 31 commencement addresses. It will be 32 if I listen to this one. Most were good, especially those at the fall graduation exercises when the faculty member who has been selected as the distinguished teacher gives the address. Most commencement speeches have a theme, a message and, of course, a charge to you as you leave. I will do that too.

WHAT'S YOUR DEGREE WORTH?

All research indicates that you will make more money than those who don't obtain a college degree. And I'm sure you know that the odds for your making more money and being more economically independent are in your favor. But I want to talk about more than just money. You might be interested to know that during this graduation season, starting a few weeks ago and ending mid-June, there will be approximately one million BA degrees conferred, 300,000 MAs and 35,000 PhDs throughout the United States. There will be 15,000 degrees conferred throughout the University of Wisconsin System, and we will confer approximately 550 at UW-River Falls. There will be at least 2,000 four-year public or private universities granting degrees during this period. Approximately 600 are public, state supported universities. Around 75 of these public state supported state universities are very well known. The balance are relatively unknown. A book was written in 1962 called "Colleges of the Forgotten America." We were the colleges of the forgotten America. Almost a quarter of a century later, since that book was written, we no longer are in that category, forgotten, but we are gaining prestige, distinction, and we do have academic quality.

An interesting question might be, "How does your degree stack up against the one million or, for those of you receiving the Masters Degree, the 300,000? Is the degree you're receiving as good as those from Harvard, the University of Michigan, the University of Wisconsin-Madison, the University of California-Berkeley, Stanford, etc.? Is it better or worse? My answer is that it may be worse for a year or two and then equal for a lifetime. Why worse? Many people lcok upon the prestigious as being better. Consciously or unconsciously employers will look at vitae, resumes, and say, "Oh, someone from Harvard—must be good." Comparing Harvard to the University of Wisconsin-River Falls, one might ask, "Where is the University of Wisconsin-River Falls?" Until you get that first job, you may have to be more patient and a better fighter to get your foot in the door. Initially, you may be at a disadvantage, but after that first job, everything is equal.

Now you will be compared to another individual, not to where he or she received a degree and where you received your degree. In five and certainly by ten years, no one will ask, "Where did you get your degree?" They will ask what kind of person you are, how you work, how you think, how you communicate and what you've accomplished so far in your particular assignment. Lee Iacocca, in his autobiography, made a statement that formal learning can teach you a great deal, but many of the essential skills in life are the ones you develop on your own. This university has given you the basics, the start. Now it's up to you.

Let me prove my point that your degree is as good as any in the United States by mentioning a few of our graduates. Look at the wall as you walk into the Student Center Ballroom. You will see pictures of men and women. These are our distinguished alumni. You will find doctors, lawyers, professors, vice chancellors, businessmen, an astronaut, researchers, distinguished politicians and, of course, today you've just met Verne Palmburg, Vice President of sales for a large agribusiness corporation and Neal Jorgensen, a distinguished professor at the University of Wisconsin-Madison. There have even been a couple of university presidents among our graduates but, somehow, they have not been selected as distinguished alumni. Our graduates have achieved success and recognition in all walks of life, just like those graduates from the East, the West and the South. Cardinal Newman once said, "No one was ever honored for what they received, honor has been a reward for what one gave." Those pictures on the wall are of men and women from this University who have given much to their profession and to the communities in which they live.

Let me give you some examples from institutions like the University of Wisconsin-River Falls—institutions that aren't in the upper elite, colleges of the forgotten America. In fact, institutions like us but with different names, perhaps some names you've never heard. Former President Lyndon Johnson was graduated from Southwest Texas State University; Julian Goodman, President of the National Broadcasting Company, Western Kentucky University; James A. Michener, author and Pulitzer prize winner, University of Northern Colorado; the honorable Val Peterson, former governor of Nebraska and former Ambassador to Denmark and Finland, Wayne State College in Nebraska; Marvin Stone, editor of U.S. News and World Report, Marshall University in West Virginia; Val Fitch, a physicist, winner of the 1980 Nobel Prize for Science, Chadron State College in Nebraska; Barbara Jordan, former congresswoman from Texas, holder of the LBJ Centennial Chair on National Policy at the University of Texas, is an alumna of Texas Southern University in Houston, a black college; Mike Mansfield, former Senator and U.S. Ambassador to Japan, Montana College of Mineral Science and Technology; Dan Rather, you've all heard of him, the CBS anchorman, from Sam Houston State University in Texas; Thurgood Marshall, Justice of the United States Supreme Court, from Lincoln University in Pennsylvania; Leontyne Price, the famous opera singer, from Central University in Ohio; and Robert Dole, United States Senator from Kansas, Washburn University in Topeka, Kansas. I mention these names to make my point, that the degree you are receiving today is as good as any degree conferred in the United States. You can go far with the basics that you've obtained during your time at this University. So the good news and my theme—you can be proud of the degree that you will receive today. The bad news or good news depending upon your perspective, is that now you have to prove it. It's not where you get your degree but what you do with it.

WHY WERE OUR KIND OF UNIVERSITIES ESTABLISHED?

Gunnar Myrdal, the Swedish Nobel prize winner in economics, stated that, "Education has in America's whole history been the major hope for improving the individual and society." This University was a Normal

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

School, a teachers' college, a state college, and now it's a University. We were established for the people, for those not able to go to Harvard or to travel far from home—for those, not affluent, who needed a chance to better themselves and to improve society. Many of our forefathers, especially Thomas Jefferson and Abraham Lincoln, believed that to have a strong democracy you need to educate the masses. So we're in existence to educate ordinary people. And all of the schools that I mentioned previously were established for the same reason. We're to give you, the individual, the opportunity to improve, to improve society, and to strengthen democracy. There is no question but that the hopes and dreams of the human race still lie in the power of educated men and women. State colleges and universities like UW-River Falls educate about one-quarter of all the people attending institutions of higher education in the United States and most of our clientele are from small towns (we are fortunate to have reciprocity and our friends from the Twin Cities enrolled at this University), not wealthy, who need a chance to improve their lot in life and to contribute to society. Back to our distinguished alumni for a moment—Neal Jorgensen is from Luck and LaVerne Palmberg is from Clayton. Those are small towns and there aren't many millionaires in Luck or Clayton—just ordinary, hard working Americans!

WHAT DO WE DO WITH OUR DEGREES?

You remember I said that we were established to improve the individual and to improve society. But often what we do with our degrees tends to emphasize only the first part of that purpose. We want to get a job and, of course, it is natural for us to start thinking about how we can have the better things in life—get rid of that klunker car and get a new one, buy our first house, plan for that vacation that might take us to Canada fishing. After we've achieved the basics we want to buy the bigger car, the VCR, the self focusing camera and the list goes on and on. We become consumers, credit card carriers and, of course, the new trend in the United States is that we strive to be Yuppies, those urban professionals that make money and spend money. Now I'm not knocking "improve thyself" but it becomes such a habit that we forget the other part—to improve society. As we strive to make more money, we tend to take on the attitude, let someone else do it. Our zealous pursuit of material comforts leaves us little time to get involved. But the question is "If you don't get involved, who will?" It's my feeling that you have and that I have and everyone in this audience has a moral obligation to think about the purpose—to improve society and strengthen democracy. "A cynic," said Oscar Wilde, "is a person who knows the price of everything and the value of nothing." All of us are at fault because most of us know the price of everything and we tend to forget other values. If we are to have a life that is fulfilled, we need to know more than price. We need to know the value of what's important.

WHOM DO YOU OWE?

George Peabody said, "Education is a debt owed from present to future generations." Yes, you owe your family, taxpayers, government and yourself, since many of you are taxpayers. You owe past generations who fought the battles to keep a University at River Falls, for the first residence hall, for a new Centennial Science building, a new Food Science addition and so on. We owe many. If, as I hand you your diploma today, I were to hand you a bill for the full cost of instruction of your education, I would hand you your diploma and a bill for $20,000 and that's a fairly conservative estimate. If I include the cost of depreciation of buildings, it would be $40,000 and that's certainly a rough guess. And if I add the cost of land, it would be $50,000. So you owe plenty. What should you do about this debt? Well, for the first few years, you better not complain about taxes. Then, after you take that first job and you save and struggle for economic security, and you become reasonably comfortable, it's time for you to take on the other jobs that we all shy away from—jobs with no glory and many headaches. For example, run for the school board or the police commission, volunteer to be on the park and recreation board or seek election to the city council or the county board. It's interesting to note that even in River Falls, most people say, "I hope they solve this problem". Very few of us are willing to take on the responsibilities of local government. Why? Very little glory and lots of grief and responsibility. It's kind of a no-win situation so we all fall into the habit of saying there's a problem and I hope they do something about it. We're always saying I hope they, they do something about it. To pay off your debt, it seems to me that you have to be part of the "they." Whether it's running for the school board, coaching Saturday morning soccer, being a part of the Big Brother program, helping out with senior citizens, anything to make your community a little better. Some of you may even want to be politicians and isn't that a tarnished profession? The only problem is, it's one of the most important jobs that needs to be done in this country. We need to have honest, hardworking, and dedicated people willing to sacrifice for our society. But if you don't take on these tasks, who will? I have often thought that we should all tithe our time. If all of us gave just ten per cent to politics, to community affairs, to children, to youth, to our high schools, to senior citizens, to our churches, or our synagogue, how much better this country would be.

The Kennedy family said, "We have so much more, we have to give more." Well, we're not the Kennedys but, as we live in this country with its freedoms and its wealth of goods and services, we must realize that we too have much more and that we need to give more. Only 12 per cent of Americans have college degrees. So, although ours is not an elitist institution, you are an elite and have an obligation to serve.

Dr. Charles Kao, professor of economics here, gave our commencement address about ten years ago. As a Chinese, he naturally had to quote Confucius. He said, "Confucius told us 2000 years ago, a hundred mile journey begins with a single step."

While you may not feel that you have asnwers to some of our major problems, you can take the first step by giving part of your time to service, to improve society and the lot of your fellow human beings.

Abe Lincoln said, "You cannot escape the responsibility of tomorrow by evading it today." If not you, who?

CONCLUSION

I mentioned I would have a theme, a message and a charge. My theme was that this is a good university—a very good university. You can be proud of having made this choice and of having been successful. My message is that we were established to benefit you and society. My charge is for you to serve. Don't be a Yuppie. Serve your community, give back some of your time and effort to activities where you live. Let me end by giving you a few quotes—quotes that I've heard over the years and that I cannot improve upon. Woodrow Wilson before he was President of the United States was President of Princeton University, and he said to students, "Don't forget as you walk these classic places, that you are here to enrich the world and you impoverish yourselves if you forget the errands." You too will have a less satisfying life if you forget the errand. Another one, Dr. Jonas Salk on the recent 30th anniversary of the development of polio vaccine, when asked what his greatest reward was, did not stress the elimination of the disease along with the misery and hurt that accompanies the disease. Rather, he quoted Ralph Waldo Emerson who said, "The greatest reward is the opportunity to do something more." You will short change yourself if you don't do something more. Beverly Sills, who retired from a highly successful career as an opera singer five years ago to become director of the New York City Opera, said, "Instead of expecting everything to come to you, there comes a moment when you have to give. I found that the gain is in giving. I think that is one of the greatest privileges, to be able to give."

I don't want to be morbid at a happy time like this but let me give you two other quotes. When Ernest Boyer, our visiting professor, was on campus last month he made a speech in which he said, "I think it is not sentimental to suggest that students should understand that the tragedy of life is not death, the tragedy is to die with commitments undefined and with convictions undeclared and with service unfulfilled." There is satisfaction in knowing what William James called the greatest use of one's life. To spend it for something that outlasts us. Woody Allen, of course, had another view. He said, "I don't want to be immortal through my works. I want to be immortal through not dying." One can be sympathetic with that goal, too. But those people that I mentioned earlier who are distinguished alumni and who are distinguished alumni from other universities like ours, have spent part of their lives doing work that will outlast them. So I urge you to remember our purpose. We're here to improve the individual and society. And you can have a fulfilled life in contributing a small portion of your time to serving others. We do have more; we need to give. I hope that you undertake tasks and seize opportunities and gain achievements that will outlast you.

I'm proud to confer upon you today the appropriate degree. It's been an honor for me to have been President and Chancellor for these 17 years and it is a special privilege that I will have today to shake your hand. I will end by saying, "Yes, you can make a difference and you will short-change yourself if you don't serve your community and neighbor." Thank you.

GEORGE R. FIELD,
Chancellor, UW-River Falls.

LET US TALK BEFORE WE LEAP

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. CRANE. Mr. Speaker, to preface my statement, let me say that I firmly believe

that the administration should be employing all the pressures that can be brought to bear to insure that the Japanese are abiding by the trading agreements to which they are party. I also support U.S. negotiations to gain greater and easier access to Japanese markets. On the other hand, punitive measures against the Japanese for reasons other than current trade law violations would not only be unjustified, but would also be unwise since it would almost assuredly invite retaliation. Based solely on the $37 billion trade deficit with Japan, one might conclude that sanctions against the Japanese would prove more harmful to them than to us. Nothing could be farther from the truth.

From an analytical standpoint, studies have repeatedly shown that protectionism is inevitably self-defeating. The studies reveal that protectionism invites retaliation, increases prices worldwide, inhibits growth and investment by heightening uncertainty, and prevents debtor countries from earning their way back to solvency. Further, there is little evidence that protected industries can or do use the breathing space provided to restructure. Thus, while domestic industries are hiding behind protectionism, foreign producers are increasing their competitive edge.

In addition to disrupting global trade through protectionism, many people either do not realize or discount the fact that Japan is second only to Canada as an overseas importer of American goods. Exports of U.S. manufactured goods to Japan have steadily increased since 1982, while our exports to the remainder of the world have stagnated. There has even been a 4-year surge of high-technology sales to Japan—including an export rise of 48 percent in computers, 38 percent in telecommunications gear, 51 percent in analytical instruments, 41 percent in pharmaceuticals, and 63 percent in electronic parts. Japan is also by far the largest importer of U.S food products, buying some $6 billion worth of American corn, soybeans, fruit, and beef last year. Finally, Japan's direct investment in the United States has more than doubled since 1980. By the end of 1983, this direct investment totaled $11.1 billion and accounted for 90,000 American jobs.

Before we take punitive steps against the Japanese, I think we have to review our own trading practices to determine if they are consistent with a free market philosophy. For example, in testimony before the Trade Subcommittee earlier this year, it came out that we have the highest import duties on trucks of any industrialized country in the world. In talking with a bakers association, they informed me that it costs them 22 cents a pound for imported sugar here in the United States, whereas their competitors in Canada pay only 5 to 6 cents per pound for the same sugar. The list of examples goes on and on. Thus, when talking about comparative advantage, it should be clear that the United States is not playing entirely by the free market rules either.

The U.S. trade deficit is much more likely a direct result of the U.S. recovery and the strong dollar overseas. A massive Federal deficit drives up interests rates and increases the value of the dollar, making our products less competitive and foreign goods much more attractive to American consumers. The dollar's real value in comparison to other currencies has risen more than 70 percent since 1980. And with American prices up 70 percent in comparison to our overseas competition, it's not surprising that our trade deficit has exploded. For this reason, it is the responsibility of the Congress to take immediate action to reduce the budget deficit and bring interest rates down. Only then will the high level of the dollar come down and the trade imbalance cease to exist.

The following article by James J. Kilpatrick points out the danger in overreacting to the current trade situation. As Mr. Kilpatrick suggests, before we take punitive steps against the Japanese, perhaps it would be in the best interest of the United States to carefully consider all the possible consequences. The article follows.

[From Nation's Business, May 1985]

LET US TALK BEFORE WE LEAP

(By James J. Kilpatrick)

On a Thursday afternoon late in March, the U.S. Senate did an unusual thing: It gave vent to honest emotion. On Capitol Hill, honest emotion is not unknown—it is like rain in Phoenix in May—but this display was something special. The Senate was genuinely angry. Before the afternoon ended, that anger exploded in an astonishing vote of 92-0 for a resolution denouncing Japan for its trade barriers and demanding that the President take "all appropriate and feasible action" to obtain the elimination of the objectionable practices.

Resolutions, to be sure, are toothless tigers; they have none of the bite of statutory law. Nevertheless, the Senate's resolution of March 28 is a portent of legislation yet to come. Congress has played bluffing games before with the Japanese, but unless I am sorely mistaken, this time the Hill means business.

Most controversial stories have at least two sides, and this story is no exception. This is the case for the prosecution:

In the 40 years since World War II ended, Japan has become an economic power second only to the United States. By some estimates, Japan's gross national product soon will exceed that of the Soviet Union. Relieved of the need to spend any significant sums on national defense, Japan has been free to devote its resources to domestic development.

Japan is a giant—but it is a tightfisted giant. It loves to export its own goods, but it erects almost insuperable barriers to imports. Some of these barriers are overt: Japan's tariff on imported beef amounts to 35 cents a pound, compared with our 2 cents a pound; Japan's tariff on oranges ranges from 8½ to 17 cents a pound, compared with our 1 cent a pound.

The most serious obstacles are more subtle. Japan's bureaucracy is even more infuriating than our own. An American exporter can expect nothing but delay, frustration, duplicative paper work, costly "inspections" and mysterious and varying interpretations of the thousands of regulations by which imports ostensibly are permitted but actually are discouraged.

These practices are not new. Japan's unwillingness to follow a Golden Rule as to automobiles led to the domestic content bill that passed the House back in November, 1983.

That bill was a bad bill; it would have reversed the feeble currents of free trade and swept us back toward protectionism, yet it roared to passage on a vote of 219-199. Then the bill went to the Senate, where Oregon's Bob Packwood bottled it up in committee. There the bill died.

It provides a measure of change in sentiment to note that Packwood, flushed with anger, was among the 19 senators who spoke in favor of the March resolution.

"I have reached the limits of my patience," he said. "As chairman of the Finance Committee, I am going to do everything I can to retaliate in kind to any of their products that come to this country."

Very well. To these charges the defense responds in this fashion:

The 1984 trade balance of $37 billion cannot be blamed entirely upon Japan's barriers to international trade. At least half of that sum is a consequence of the strong American dollar. The dollar would not be as strong against the yen if it were not for the inability of the U.S. government to get its own fiscal house in order. Japan has in fact been reducing both its official and its subtle obstacles to U.S. imports. The problem is that many American products are not of the high quality that Japanese consumers have grown to expect. American manufacturers have failed to market their products aggressively. How many American companies have sales directors who speak Japanese? Even with the best of products, it takes time to change purchasing patterns.

The Yanks, in brief, should practice patience and try harder.

The Reagan administration is a free trade administration. President Reagan demonstrated that conviction in his refusal to renew quotas on Japanese cars. The Japanese gave him no quid for that quo, but the President remains committed, to quote the Republican platform of 1984, "to a free and open international trading system." Reagan's patience, unlike the Senate's, is not quite yet exhausted.

The Hill's exploding animosity is understandable. The Japanese have indeed behaved selfishly, even arrogantly; their bland insouciance is insufferable. Yet we ought to remember Congreve's maxim that those who act in haste will repent at leisure. Debate on the Senate's March resolution consumed 63 minutes. Before we enact retaliatory laws, let us talk a little longer.

MEMORIES OF CAMP KAUFMAN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DYSON. Mr. Speaker, I wish to call to the attention of my colleagues the end of a Calvert County, MD, institution: Camp Kaufman. Established in 1953 by Cecil and Joel Kaufman, the camp provided a generation of Washington area youngsters with a welcome respite from life in the big city.

Since shortly after its inception, Camp Kaufman had the good fortune of being run by the late Phil Cox and his wife, Sis.

Phil and Sis were truly devoted to their 9- to 14-year-old charges, blending just the right mix of compassion and discipline.

Earlier this month, Anne Groer, a proud alumnus of Camp Kaufman who is now a White House correspondent, wrote of her summer sojourns to this peaceful spot along the Chesapeake Bay. Anne artfully recalls pleasures as diverse as roaming the beach between Breezy Point and Scientists Cliff in search of sharks' teeth and mastering lanyardmaking in a trice.

With the closing of Camp Kaufman, there is of course a sense of sadness, but also fond memories for the dedicated group of former counselors and campers who gave special meaning to being a Kaufmannite. I believe I speak for many of my fellow Marylanders in offering these few words of praise to those who contributed to making Camp Kaufman a wellspring of growth and knowledge for so many.

QUESTIONS ON U.S. NICARAGUA POLICY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. WEISS. Mr. Speaker, as the debate continues on the expanding American role in the war against the Government and people of Nicaragua, I suggest that we consider some of its implications, as explored by the editors of the New Yorker in the issue of June 17, 1985.

[From the New Yorker, June 17, 1985]

On Tuesday of last week, in the first of two articles on American military policy in Nicaragua, the *Times* quoted "an intelligence official whose opinions have been solicited by members of the National Security Council" as saying that an American invasion of Nicaragua would be as easy as "falling off a log." The story described a new airfield at Palmerola, in the Honduran highlands west of Tegucigalpa, which was dedicated in February. The field, one of eight in the country, has an eight-thousand-foot, lighted, all-weather runway, which "shimmers like a mirage in the midst of a sprawling military town of wood huts, camouflaged anti-aircraft emplacements and repair shops." The story also noted that this year the United States Army's Southern Command is scheduled to receive a detachment of C-7 Caribou planes, which are capable of "landing troops or matériel" on any of nine hundred "tiny, undeveloped airstrips" in the region. According to the *Times*, "United States intelligence sources in the region have told their superiors in Washington that major Nicaraguan installations are lightly defended"—that thirteen potential targets in the Managua area are guarded only by 57-millimetre and 37-millimetre anti-aircraft guns—and therefore, one intelligence officer has said, "if proper tatics and proper ordnance were applied to those sites, they'd never know what hit them." Another "political military officer in the region" outlined for the *Times* the most plausible scenario in the event of a full-scale conflict: "The U.S. would come in heavily for a month or so, mostly with air strikes against major facilities. Then a new government would be put into place, and it would come with its own army."

According to "several military analysts," the new government would have to deal with the Sandinistas, who might retreat to the hills and keep fighting, but this new government would probably benefit from "a program like El Salvador, advisers and assistance." The Sandinistas might not be much of a problem anyway, because, "one United States military officer who has briefed members of the National Security Council" said, the people who live in the mountains in Nicaragua don't like the Sandinistas and would chop their heads off. Military analysts said that another problem for the Sandinistas was that "Nicaragua has no counterpart to Vietnam's Ho Chi Minh Trail."

In the second article, the *Times* concentrated on the political, not the military, aspects of an American invasion, stating that "interviews with almost fifty" government experts in Washington, Panama, Costa Rica, Nicaragua, and Honduras "indicate that discussion of the issue has become commonplace in official circles," and that in the United States "the mood on Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista government." General Paul F. Gorman told Congress this winter that even if military aid for the Contras fighting the Sandinistas were renewed the rebels could not be expected to change the Nicaraguan government "in the foreseeable future." Therefore, the next step the Administration is most likely to take, said "several officials," is to end diplomatic relations. Senator Richard Lugar, the chairman of the Senate Foreign Relations Committee, told the *Times* that he thought this would happen soon, and "then we might recognize a government in exile." As for how the war to install that government might begin, "American officials say they have not dropped the threat to destroy" any MIG jets that the Nicaraguans might get from the Soviet Union; in fact, "they have broadened it to include Czech-built L-39 jet training planes." The *Times* explained, "The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end.

But a senior Administration official said: 'I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill eighty or ninety people, they could come at the embassy,'" If they didn't come at the embassy, the official added, they might do something else to provoke an attack. "It is difficult to find anyone, friend or foe of the Nicaraguan government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States," the *Times* reported. "Many American military and diplomatic officials" have told their "superiors in Washington" that when a confrontation comes neighboring countries would welcome it. If the United States invaded Nicaragua, a Costa Rican official said, his government would issue a statement "saying something like 'it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it.'" An American intelligence officer who has interviewed dozens of people in Nicaragua and has been called upon to "brief numerous senior Administration officials on his views—including Mr. Weinberger, Mr. McFarlane, and Gen. John W. Vessey Jr., the Chairman of the Joint Chiefs of Staff" said, "What the people tells me is, 'we'd get out of your way and let you take care of the Sandinistas" if the Americans landed. The biggest problem that United States Forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

Now that the invitations have gone out and the notice has appeared in the newspapers, it's probably too late to break off the engagement. Far be it from us to stand up in the back of the church and voice objections. But we do have a few questions. Real questions, not rhetorical ones. The answers to them are not, we think obvious, and that is the point. What, exactly, is a Czech-built L-39 jet training plane? Have we as a nation finally decided the debate about our right to topple governments we don't like? Do we really dislike the Nicarguan government so much more than, say, the government of Guatemala? (If so, what, exactly, does the phrase "human rights" refer to?) What about those eighty or ninety people who are going to be killed when we bomb the Czech L-39 jet trainers? What if a lot more people are killed—say, eight thousand, or maybe nine thousand? Once we have fallen off the log, what, exactly, are we thinking of doing in Nicaragua? That is, are we going to insure a democratic, non-repressive government? Or will we be satisfied as long as the government is anti-Communist? Are we completely convinced that the agent who did the man-in-the-street interviews was a good reporter, and that other Latin-American countries will welcome this invasion? What if some of them get angry and repudiate their debts to American banks? What about the difficulties in distinguishing between farmer and figher which led to, say, the trouble at My Lai—have we figured out how to prevent them? Will our allies in the free world support us, and should we care? Maybe some Americans—college students and such—will get angry and alienated: how much damage will that do to our country? Is there any way, short of our removing its government, for us to live in peace with Nicaragua? How much money will all this cost, and are there better things to spend that money on?

How much should we rely on experts and officials in this matter? Is there anyone else to rely on? Will falling off the log involve defoliating parts of Nicaragua, and, if so, will there be food shortages and the like? The ex-Somocistas in the Contra camps—what will their role be in the new Nicaragua? If the Russians are so deeply involved in Nicaragua, is there any danger that an American invasion of Nicaragua will escalate into something larger? Will an invasion hamper efforts to, say, reach arms-control agreements? Will the land that that has been given to peasants under the Sandinistas be returned to its former owners? Will an invasion undercut international law? Is international law a useful idea? What, exactly, will we feel when we watch the bodies of soldiers being returned to the United States—will our determination waver or will it increase? Have we citizens of the United States collectively given this whole business as much study as any one of us would give, say, the purchase of a new car?

HAPPY HAROLD THAXTON

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. LEHMAN of Florida. Mr. Speaker, my friend, Happy Harold Thaxton, is gone. His loss, for all of his literally thousands of friends in south Florida, will make our world a less joyous place. Our community, without Happy, will no longer have so zestful a personality.

Happy was not known by that name solely because of his own buoyant personality. He was called "Happy" because that is the way that he made others feel.

He had a great gift and a rare quality. No one encountered Harold Thaxton without feeling better. His calling in life was to make others happy, and this he accomplished with such success that never did a nickname fit a man better.

I would like to share the following article about this outstanding man with my colleagues.

[From the Miami Herald, Aug. 16, 1985]

HAROLD THAXTON, CABLEVISION EXECUTIVE

(By Belinda Brockman)

The nameplate on the Dynamic Cablevision executive's desk read "Happy" Harold Thaxton. It was more than just a nickname, it was a way of life.

"That's Happy in quotes," said Ken Fuchs, general manager of Dynamic, "because that's the kind of person he was."

Mr. Thaxton, a former local radio and television country music performer and vice president of Dynamic, died Wednesday of cancer in Griffin, Ga., where he had a second home. He was 66.

He was known as "Happy Harold" to all.

"A lot of people thought Mrs. Harold was my last name," his wife, Anna said.

Country music disk jockey "Uncle Martin" Whales gave Mr. Thaxton the title.

"I knew Uncle Whales when I worked in radio," Mr. Thaxton said in a 1980 interview. "He called me that name because I was always happy. And I am still that way."

A Miami area resident since 1946, Mr. Thaxton ran unsuccessfully for the Hialeah City Council in 1961. Before the election, he was considered a shoe-in for the seat. But the ballot read James H. Thaxton, his legal name. He always claimed he lost the election because no one recognized his name without the "Happy."

He never entered city politics again.

Mr. Thaxton came to Miami to play professional baseball, which he did, for four years. Then, "he ended up in country music," Anna said.

But country music was nothing new to him. Raised in Georgia, Mr. Thaxton was surrounded by the musical style since childhood. He learned to play the bass fiddle at the age of 15.

In 1951, Mr. Thaxton made his television debut on Channel 4's "Uncle Martin Show" with Whales and Molly Turner. The half-hour program aired Saturday afternoons.

Dressed in a porkpie hat and suspenders, with freckles painted on his face and a tooth blackened out, Mr. Thaxton provided the show's comic relief, as well as being the band leader.

"I thought we were Hee Haw before its time," said Turner, who is now Channel 10's consumer reporter. "He helped me get started in television, so I owe him a lot."

The show's first on-screen sponsor was "Alabama Bill" Lehman, a used car salesman who is now a congressman.

The program later moved to Channel 17 and the name was changed to "Sunset Ranch." Still later, it aired on Channel 10.

With his engaging grin and gravelly voice, Mr. Thaxton continued to charm radio and TV audiences until 1965.

But he was never totally absent from the small screen. From 1969 to 1978, he hosted public television station WPBT's yearly auctions, and was the local host for the Cerebral Palsy telethons from 1972 to 1978.

In 1972, Mr. Thaxton joined Dynamic because he saw cable television "as the coming thing," he said five years ago. He remained with the company until his death.

"He was the kind of person who had a real impact on you when you met," Fuchs said. "He was the epitome of life."

In a semi-conscious state the day before he died, Mr. Thaxton's wife asked him "to give me that "Happy Harold" smile," she said. "And he gave it to me."

In addition to his wife, survivors include his mother, Susie; four sisters, Annetta Eubanks, Sara Proctor, Joyce Thaxton and Mabel Peters, and a brother, A.L.

Visitation will be from 5 to 9 p.m. today at the Lowe-Hanks Palm Avenue Chapel, with services at 1 p.m. Saturday.

Memorial donations may be made to the American Cancer Society.

CONTRIBUTING TO DEVELOPMENT IN PARAGUAY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. MAVROULES. Mr. Speaker, I want to call my colleagues' attention to the generous donation of two Massachusetts organizations toward promoting education in Paraguay.

Through the Peace Corps Partnership Program, the Bilingual Club of Haverhill High School and the Boston Area Returned Peace Corps Volunteers have funded the expansion of a local primary school in a small community in Paraguay to accommodate secondary students as well.

The Peace Corps Partnership Program ought to be applauded for providing the channel for private sector donations to developing nations. In the last 20 years, the Partnership Program has helped the American private sector provide more than $3 million for 2,000 self-help projects in 90 developing nations. I would like to especially commend the Bilingual Club of Haverhill High School for being a partner of such a worthwhile endeavor.

OWING 1 CENT TO THE IRS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. CRANE. Mr. Speaker, I would like to share with you a letter I recently received from a constituent about the penalty he had to pay for miscalculating his income tax liability. While I understand the importance the Internal Revenue Service places on ensuring that everyone pays his or her fair share of taxes in order to reduce the deficit, this letter illustrates what incredible lengths the IRS has gone to in carrying out its task. Should we really be squeezing pennies out of taxpayers to reduce the deficit?

FRITZSCHE INDUSTRIAL PARK INC.,
484 WEGNER ROAD,
McHenry, IL.

U.S. Representative PHIL CRANE,
56 N. Williams Street,
Crystal Lake, IL.

DEAR PHIL: I thought that you would be interested in how efficient "The" Internal Revenue System is. As you will note the bill had to be made out and sent, costing a minimum of 23 cents (postage alone). This of course is 2,300 percent of the unpaid amount, 1 cent. The 1 cent is 1/23,866th of the total bill presumably owed.

The penalty is supposed to be 50 percent of the unpaid balance and the interest is supposed to be 13 percent per annum compounded daily. Now it is possible that 1 cent compounded daily could reach $1.33 in 100 days, but this seems quite unlikely since 13 percent of 1 cent is $0.00136 per year or $0.00000356 per day. Of course compounding does have a great effect but even after 100 days the normal interests only comes up to $0.000356 which would then be a total debt of $0.010356 to which we then add the penalty of 5 percent on the unpaid tax, plus 50 percent of the interest charges which then totals:

Interest	$0.010356
Penalty	.000500
Penalty on interest	.0605178
Total payment due	.0113738

As you can see there is a very large discrepancy between these two.

Maybe you should turn over the problem of the National Debt to the IRS. They would bankrupt the country in nothing flat.—No business.

Sincerely yours,

HERBERT W. FRITZSCHE,
President.

FRITZSCHE INDUSTRIAL PARK INC.,
184 WEGNER RD.,
McHenry, IL.

Requests for payment—Federal unemployment tax:

Our records show you owe $13.27 on your return for the tax and tax period shown above. If you believe our records are not correct, please see the information about the amount you owe on the back of this notice. Make your check or money order payable to the Internal Revenue Service. Please write your taxpayer identifying number on your payment and mail it with the bottom part of this notice. An envelope is enclosed for your convenience. You should allow enough

mailing time to be sure we receive your payment by April 18, 1985.

Thank you for your cooperation.

Tax statement:

Tax on return	$238.66
Total credits	238.65
Unpaid tax	.01
Penalty	11.93
Interest	1.33
Amount you owe	13.27

ELEVEN HEADS OF STATE SUPPORT PUERTO RICO'S PLAN FOR DEVELOPMENT OF THE CARIBBEAN BASIN INITIATIVE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. FUSTER. Mr. Speaker, the July 31, 1985, edition of Caribbean Business reported the contents of a joint letter which 11 heads of state from Caribbean nations recently sent to President Reagan. In general the letter expressed their concern about the future of the CBI.

One of the points highlighted in the letter was the heads of state backing of Puerto Rico's plan to finance economic development of the Caribbean region with funds generated under section 936 of the U.S. Internal Revenue Code. I feel it is important for the Congress to learn how these leaders feel about this important issue and thus I quote from their letter to President Reagan:

As you are aware, consultations have also been taking place between several of our countries and the government of Puerto Rico concerning the use of funds available to Puerto Rico under the provisions of Section 936 of the Internal Revenue Code to finance a number of projects.

These projects could have a positive effect on developmental efforts jointly in Puerto Rico and in the countries of Caricom. We clearly perceive these as being not only to the mutual benefit of Puerto Rico and our countries but also very much in line with the objectives of the CBI.

In a few days the Ways and Means Committee will be dealing with the fate of section 936 of the IRS Code. That section is not only vital to Puerto Rico's economic development but to the Caribbean Basin Initiative as well.

I trust you will take these important considerations and the views of the following heads of state into account when you participate in the approaching deliberations:

Vere C. Bird, Prime Minister, Antigua and Barbuda; Bernard St. John, Prime Minister, Barbados; Lynden Pindling, Prime Minister, Bahamas; Manuel Esquivel, Prime Minister, Belize; Herbert Blaize, Prime Minister, Grenada; Edward Seaga, Prime Minister, Jamaica; John Osborne, Chief Minister; Montserrat; Kennedy Simmonds, Prime Minister, St. Kitts-Nevis; William George Mallet, Deputy Prime Minister, and Minister of Trade Industry and Tourism, St. Lucia; James Mitchell, Prime Minister, St. Vincent and the Grenadines; Erol Mahabir, Minister of External Affairs, Trinidad and Tobago.

TRIBUTE OF CONGRESSWOMAN BARBARA BOXER TO THE CALIFORNIA VETERANS HOME AT YOUNTVILLE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mrs. BOXER. Mr. Speaker, I would like to take this opportunity to pay special tribute to the California Veterans Home at Yountville, which is celebrating its 101st anniversary this year.

This historic home at Yountville is the largest of its kind in the country. It houses more than 1,400 men and women who served the United States with courage during the First and Second World Wars and our Wars in Korea and Vietnam. The home provides these veterans with medical care to meet their needs, the opportunity to work and to relax as they please, and an environment where they may live with the dignity and respect they have earned many times over.

What makes the home so special is that it is based on caring—the caring of staff members and volunteers, and of the veterans for one another. Sometimes this care can blossom into love as it did for one couple in their eighties who met and married at the home. There are presently 18 married couples residing at the home. The California Veterans Home at Yountville indeed deserves the highest tribute, for it has been much more than a place to live over the last 101 years. It has been a home.

PAY EQUITY STUDY LEGISLATION—LAUDABLE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GUNDERSON. Mr. Speaker, prior to the August recess, the House of Representatives debated H.R. 3008, the Federal Equitable Pay Practices Act of 1985. In light of the fact that this important legislation will be returning to the House floor this month, I wanted to express my wholehearted support of this measure to study the Federal Government's job classification and pay systems.

H.R. 3008 was reported out of the House Post Office and Civil Service Committee, with bipartisan support, on July 24, and since that time a barrage of information has flooded our offices opposing the intent of this legislation and the study. These red flags of caution and warning I contend are unwarranted. Are those in opposition to a study of the Federal work force afraid of what may be discovered?

Pay equity concept is evolving into an important issue of the 1980's. As an issue of this decade, pay equity is not a new or innovative idea of our times. At an International Labor Organization Conference held in Rome in 1951, 80 nations passed a resolution supporting comparable worth. Additionally, more than 100 comparable worth/pay equity initiatives now exist at various governmental levels around the country. Six States have implemented comparable worth/pay equity policies, and other States are in the process of studying their State's pay classification and compensation systems. I contend now is the appropriate time for the Federal Government to review it's classification and wage systems to determine if ethnic origin, gender, or race are elements used in setting pay scales in the Federal work force.

H.R. 3008 establishes a bipartisan "Commission on Equitable Pay Practices" to oversee a study conducted by an independent, private consultant on the Federal classification and wages. The study will take into consideration positions of classified employees of the Federal Government, it will not affect local or State public sector employees or the private sector work force.

H.R. 3008 offers important technical revisions that were not included in H.R. 5680, which was passed by the House last year. The revisions include a March 1985 GAO recommendation on how to conduct a pay equity study by expanding the study to determine if economic variables such as education, locality, merit, productivity, seniority, veterans status, and work experience are associated with occupational pay differentials. Economic analysis joined with job content analysis will provide for a well rounded approach to the study.

The questions asked by this legislation, and determined by a careful study are legitimate. An undertaking of this nature will essentially provide the administration and Congress with information and recommendations to determine if Federal pay practices are consistent with section 6(d) of the Fair Labor Standards Act of 1938 and title VII of the Civil Rights Act of 1964.

The Federal classification and pay systems were established by the Classification Act of 1923, and since that time there has not been a general review of the system. I believe now is an appropriate time to address this matter. It would be rather naive to think that some Federal positions have not become institutionalized, over the years, by a particular gender or race. Let's not push aside a fact finding study of the classification and wage systems and an opportunity to improve the Federal Government as a responsible and fair employer.

The Federal Equitable Pay Practices Act of 1985 is a laudable piece of legislation to assist the administration and Congress in identifying, and if need be address, any forms of discrimination that may exist within the Federal pay system. I strongly urge my colleagues to seriously consider favorably H.R. 3008.

PROMOTING DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for August 1985 into the CONGRESSIONAL RECORD:

PROMOTING DEMOCRACY

The American people believe the U.S. should promote the growth of democracy. That belief is shaped by the nation's history and is reinforced by a confrontation with modern ideologies that reject the principles and practices of democracy.

Today democracy is challenged as rarely before. Social and economic ills are its enemies. Indeed, some argue democracy is suitable only for wealthy post-industrial nations and not for improverished societies with severe socio-economic imbalances. Democracy's foremost political challenge comes from the Soviet Union, which regards its system as an international model of government and vigorously promotes its cause worldwide through the communist party and the force of arms.

Despite the challenge, democracy's position is not hopeless. Freedom House, a private group that monitors political and civil liberties around the world, found ten years ago that one person in five lived in full freedom under a democratic government. Today, the figure is one in three. Of the present 167 nations and 52 dependent territories, 53 nations and 32 territories are fully free, and 55 nations and 3 territories are without any freedom at all.

The status of democracy varies. The most encouraging trends have been in Europe and Latin America. Spain, Portugal, and Greece reestablished democratic governments in the mid 1970's. In Latin America, Brazil, Argentina, and Uruguay recently joined the democratic fold. The situation remains poorest in the Middle East and Africa. Israel is considered the only true democracy in the Middle East, and Freedom House finds only two democracies in Africa, Mauritius and Botswana.

Democracy's survival depends on its ability to overcome economic, social, and political challenges. Because of these challenges, President Reagan in 1982 told the British Parliament that a "global campaign" was necessary for democracy's survival and growth. He urged a coordinated effort by the major Western democracies, not only to foster democracy elsewhere but to rejuvenate the commitment to democracy within Western societies.

The promotion of democracy poses risks. Democracy reflects a specific historical experience and no one should expect all democracies to develop the same way. The promotion of democracy may look to some like interference in another country's domestic affairs. Also, proponents of democracy sometimes attempt to establish democratic institutions in countries that lack the social and economic structure to support them. Democracies function best where there is a pluralistc structure of private enterprise, educational institutions, labor unions, and other professional and interest groups. Furthermore, there is need for caution in supporting individuals who claim to back democracy. Sometimes these same leaders later adopt anti-democratic methods.

The U.S. already has taken significant steps to promote the spread of democratic values. In 1983, Congress established the National Endowment for Democracy, which seeks to promote and support initiatives from the two major U.S. political parties, labor organizations, business groups, and university foundations. It also assists the work of other government-supported offices like the U.S. Information Agency, the Voice of America, and Radio Free Europe.

Political party foundations in several Western countries have also assisted the growth of democracy through their support of counterpart political parties in southern Europe and Latin America. U.S. political parties are not as ideological as their European counterparts, but they are also beginning to promote and assist the development of political parties in countries struggling to strengthen their democratic systems. Coordinated policies supported by several countries will have a greater chance of success, and can give support to all democratic parties in a nation rather than just one.

U.S. development assistance can also help strengthen democratic institutions. Many democracies now face serious debt problems and their survival will depend in part on how we can help them through this period. Several other democratic countries have significant development assistance programs. These programs help address social and economic deprivation and help nurture political and cultural institutions that enhance democracy. To realize these goals, the U.S. needs to reassess the present imbalance in its aid program favoring military assistance, which does little to foster the emergence of domestic conditions favoring democracy.

Another step the U.S. and its sister democracies can take is to respect the political independence and territorial integrity of sovereign states. Promoting the overthrow of governments because their principles and system do not conform to democratic ideals will not aid the cause of democracy. Democratic governments will help their cause most by following accepted international rules and using the tools of diplomacy.

Finally, the most important step we can take to assist democracy is to live up to our own ideals. Democratic societies are on trial before the world as they address equal opportunity in education and employment, and such issues as drugs, crime and other less attractive aspects of free and individualistic societies. They are rightly judged not just by the freedoms and opportunities they provide for the most capable, but also by the compassion they show to those least able. Each step taken by democracies to make their societies a better place to live will serve as proof of the value of democratic government.

THE SHOE TAX BECKONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. CRANE. Mr. Speaker, by September 1, President Reagan has to make a decision in regards to the International Trade Commission's [ITC] recommendation to impose quotas on imported footwear. I recently cosigned a bipartisan congressional letter to President Reagan urging him to take into consideration the interests of the American public as a whole and reject the footwear quotas.

The effect that the quotas would have on American families, especially the elderly and the low-income consumers, must be weighed into this decision. Quotas would slap a hidden tax on consumers that would drive up shoe prices, costing consumers billions of extra dollars and they would restrict the freedom that Americans enjoy of purchasing whatever shoes they want and can afford. Over half the shoes sold in America retail for under $15 and they are virtually all imported. Quotas cost money—and the people who would pay the price of protectionism would be those least able to afford it.

The ITC estimates that the shoe quota would cost the U.S. consumer $50,000 per year for each $14,000 a year job that is saved. In terms of overall dollars, it would result in at least a $1.5 billion per year extra burden on the American consumer. Mr. Speaker, in this case, the cost of restraints is too high and the benefits to the domestic shoe manufacturing industry too negligible to warrant any such action.

I am submitting the following article from the New York Times, appropriately titled, "The Shoe Tax Beckons." Although the quotas would be aimed at protecting the domestic shoe industry, they would be doing so by in effect adding an extra tax to the current price of shoes. The article follows.

THE SHOE TAX BECKONS

The U.S. International Trade Commission, yielding to pressure, recommends quotas that would reduce imports of shoes sharply and drive up their price. President Reagan must now decide whether consumers should finance this remedy, saving American jobs at an annual cost of $50,000 each.

Shoes offer a model study in what's wrong with protectionism, and why it's so hard to stop.

Manufacturing inexpensive shoes requires only simple machinery and abundant low-cost labor. That is why Brazil, South Korea, Taiwan and other low-wage countries produce most of the shoes sold in the United States. Their competition has forced American manufacturers to retrench, closing two-thirds of their plants in the last 15 years. Many of the remaining plants are profitable only because they produce high-quality shoes, whose style is more important than price and whose main competition comes from high-cost factories in Europe.

Competition ought to determine the future of the industry, allowing smarter, more flexible domestic producers to find their niche in a market dominated by low-cost third-world producers. Indeed, the growth of the American economy depends on its gradual shift from low-wage, labor-intensive to high-wage, high productivity industries that can sustain rising living standards.

What's good for most Americans, of course, isn't necessarily good for those who own or work in shoe factories. Of the remaining U.S. producers, the most marginal couldn't possibly survive open world competition. Even the most productive would benefit from protection. From the Carter Administration they got temporary quotas on imports from Taiwan and Korea, briefly

halting the industry's decline. To the shoe makers' dismay, President Reagan chose to interpret "temporary" to mean just that; quotas were allowed to lapse in 1981.

Last year the International Trade Commission, an independent Federal agency, denied the shoe makers' petition for import relief, citing the high profitability of the more modern shoe companies. So the industry went back to work the new-fashioned way: lobbying Congress. That changed the commission's mind, and for an obvious reason. The shoe makers speak with a single voice and can point to job losses in 48 states. Thus their influence in politics far exceeds their importance to the economy. The Senate Finance Committee insisted that the Trade Commission reconsider.

This time around the commissioners voted 4 to 1 for a plan that would limit imports to 60 percent of the market saving an estimated 26,000 jobs. By the reckoning of the one dissenting commissioner, that would cost consumers $1.28 billion a year, three times the wages of those 26,000 workers.

To resist, President Reagan may need more than arguments. Though plainly devoted to free trade, he has already yielded expensive import relief to the clothing, steel and motorcycle industries. A nation benefiting from open trade needs to offer something better than protectionism to workers and communities caught in the tides of industrial change. But that is a policy problem that Washington has never taken seriously.

LET'S IMPROVE OUR COUNTERINTELLIGENCE CAPABILITY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BROOMFIELD. Mr. Speaker, our Government must do more to expand and professionalize our Nation's counterintelligence programs. Congress has been supportive of this effort and has made additional resources available. Given the dramatic rise in espionage directed against our Government and the private sector, much more needs to be done to counter this growing threat to America's security. I want to share some views on this important issue from the Washington Post with my colleagues in the House.

While all Americans are both worried and disturbed about the recent Walker spy case, it is important to realize that our Government can do more to limit the spying activities of foreign intelligence services in this country. It is incredulous that the Federal Bureau of Investigation, the agency responsible for counterintelligence operations in the United States, is undermanned in the counterintelligence area. I understand that the counterespionage capabilities of other agencies in our Government could be upgraded with the introduction of more resources to include additional personnel specializing in this important area.

A key element of this question is limiting the number of foreign intelligence operatives in the United States. While it is possible for the FBI to monitor the movements of some Soviet intelligence personnel assigned to their Embassy in Washington, hundreds of Soviet personnel assigned to the United Nation's Secretariat in New York have free access to all States and cities in the United States. Among United Nations employees, the large Soviet delegation has the reputation of not doing much official United Nations work. They apparently spend a lot of time, however, traveling around the United States literally siphoning up valuable intelligence information. It is understood that the Soviets collect so much information that they have real difficulties in sorting, processing and collating much of it. Fortunately, Congress is moving ahead and passing legislation designed to limit the number of Soviets who are assigned to their Embassy and to their U.N. delegation.

With those concerns in mind, I commend the following article to my colleagues in the House. Obviously, we cannot do enough to protect America's security. The time for action is now.

CONGRESS, AGENCIES CLASH OVER COUNTERINTELLIGENCE

LAWMAKERS CALL ADMINISTRATION EFFORTS WEAK

(By Charles R. Babcock)

In the spring of 1984, Sen. Malcolm Wallop (R-Wyo.) received a certificate naming him an "honorary counterintelligence specialist" in the Central Intelligence Agency. The award was said to be in recognition of his efforts to establish a semiautonomous core of career counterintelligence (CI) specialists in the agency.

Wallop, then chairman of the Senate Intelligence budget subcommittee, was neither honored nor amused.

"The CIA ridiculed the career specialist by giving me the award," he said in an interview. "It was designed in total cynicism, with little boys laughing behind doors."

So he wrote, and Congress approved, language in the classified intelligence agencies' authorization bill report for fiscal 1985 requiring the CIA to reestablish CI as a career service. It still has not been done, he and other intelligence sources say.

Doing something about counterintelligence has been a hot topic since accusations in May that alleged spy John A. Walker, Jr. and others for years had passed U.S. Navy secrets to the Soviets. To Wallop and other critics, the Reagan administration's inaction on the "CI specialist" mandate reflects a broader lack of commitment to improving the nation's ability to protect secrets from foreign agents.

"This country," Wallop said, "has virtually zero counterintelligence capability."

He argued that the CIA's counterintelligence system is inadequate because the officers now working in it will someday rotate out to work for other officers whom they may have investigated or whose operations they may have challenged. The result, Wallop said, is a too casual effort, in which the tough questions are not asked about the credibility of agents, operations or even technical systems.

Although few others are so critical, interviews with current and former intelligence officials suggest that the Reagan administration's strong words about counterintelligence have often been matched only by half-steps.

President Reagan said in a radio speech in June that "we've developed a list of things to be accomplished in the counterintelligence and security areas." He has signed two secret directives to study and act on the counterintelligence problem, but little of substance has been accomplished because of bureaucratic resistance, several sources said. A separate directive to revamp personnel security policies has been languishing without action for more than a year.

Funding for more FBI counterintelligence agents—who are responsible for counterespionage operations in the United States—has been added to recent budgets, but only over the objections of administration budget officers. There are now about 1,200 CI agents in the FBI, sources said. But they are still outnumbered, and squads of inexperienced clerks have been used for years to help keep track of potential foreign agents in at least four major cities.

Administration spokesmen declined to speak on the record about the counterintelligence issue. But several members of Congress did. Rep. Lee Hamilton (D-Ind.), chairman of the Permanent Select Committee on Intelligence, said "sometimes it takes a strong blow across the snout," such as the Walker case, to get the administration and Congress to focus on a problem. "Politicians, including myself, are responding to it," he said.

The broad definition of counterintelligence means protecting the nation's documents, communications and secret facilities from penetration. To most people, however, counterintelligence means the stuff of spy novels, the American agent trying to stop the KGB from recruiting a U.S. spy or catching a spy in place.

The main responsibility is split between the CIA, which keeps track of foreign intelligence agents overseas, and the FBI, which does the same in the United States.

Hamilton and Sen. Patrick J. Leahy (D-Vt.), vice chairman of the Select Committee on Intelligence, said long-term solutions are required, in addition to the increased use of polygraphs and imposing the death penalty on military personnel for peacetime espionage, the two measures passed by Congress so far.

Hamilton said the least expensive and most important step to protect national secrets would be enforcing the "need to know" policy. "A security clearance shouldn't entitle anyone to see anything. Someone should have access only if he needs it for his job."

A theme in much of the criticism is that counterintelligence is not viewed as a path to career promotion at the CIA or FBI, or the State Department, where security has long been a low priority.

Rep. Dave McCurdy (D-Okla.), chairman of the House intelligence oversight subcommittee that has been holding closed hearings on counterintelligence, said he feels the biggest security problem is at the State Department. He said CIA Director William J. Casey had accepted a recommendation by an internal CIA commission to give more independence to the CI staff there. "It's fine-tuning at CIA," McCurdy said. "It's trying to stop a flood at State."

He cited recent reports of bugged typewriters in the U.S. Embassy in Moscow and the hiring of foreign personnel in the embassy. "The Soviets [employes] have the run of the first five floors of our embassy in Moscow," he said. "It's ridiculous."

Hamilton said, "The Soviets do have extraordinary technical skills to penetrate our embassies and secure buildings and a Pin-

kerton guard from the local plant just isn't aware of what he's up against. Training and skills are critical. People have to be schooled in the techniques of modern espionage."

The Senate intelligence committee, for example, reported earlier this year that a Soviet facility at Glen Cove, N.Y., is believed to be intercepting so many U.S. telephone and telex messages that it requires the shipment of tons of material to Moscow each year. The National Security Agency has embarked on a major program to provide more scrambler phones for the nation's military and intelligence communications systems.

Rep. Andy Ireland (R-Fla.), also a member of the House committee, blamed the lack of concerted action on "bureaucratic inertia. Sometimes there are so many facets of a problem people are mesmerized into doing nothing."

The administration's uneven record on counterintelligence seems, at least in part, the result of longstanding and deeply felt differences about the best way to counter foreign spying here and abroad.

Melvin Beck, a CIA agent who shadowed KGB agents in Havana and Mexico City in the 1960s and has written a book about it, said he thought the experience was unglamorous and silly. Installing a microphone in a KGB officer's apartment resulted only in hours of tapes about his family life, not his spying, he said. "It's all a big game for both sides."

Counterintelligence is also an emotional issue because it amounts at times to spying on colleagues in a secret world where relationships must be based on trust. Mention of the name James J. Angleton, deposed a decade ago as chief of the CIA's counterintelligence staff, still generates controversy because of accusations that he unfairly wrecked the careers of some CIA officers he suspected of being Soviet moles.

In 1980, then-Director Stansfield Turner convinced Congress to approve a special fund to compensate CIA officers considered victimized by Angleton. Angleton supporters argue that any steps he recommended were approved by his superiors.

Wallop and others say an environment must be created in which intelligence information can be challenged and all potential security risks assessed. "There's an inherent dislike on the part of intelligence professionals to be second-guessed," Wallop said, adding that the CIA needs "the skeptical guy on the block."

Wallop said his ideas for changing counterintelligence at the CIA weren't easy to sell to the Senate intelligence committee because of the Angleton legacy. "It was so easy for [Deputy CIA Director] John McMahon to talk Bill Casey out of my idea of multidisciplinary analysis on the basis of Jim Angleton, which was totally irrelevant. To Bill's credit he later came around to the argument I was making. But when it was first presented Angleton was thrown up."

The first Reagan presidential directive to take action on the CI front was drafted by the National Security Council staff in 1981. But some senior career intelligence officials lobbied to change the order to a study, sources said.

NSA, which intercepts foreign communications and attempts to break the coded messages of other nations, opposed suggestions that it had not rigorously addressed the possibility the Soviets were passing false information through its technical collection systems. NSA's reluctance may come about because billions of dollars and careers are invested in U.S. technical systems, Wallop said.

When the study was completed, a new action order was drafted. As a result, a new national intelligence officer for deception was created in late 1983. A former head of the CIA's overhead photo interpretation center, R.P. (Hap) Hazzard, was picked for the job. But executive branch and congressional sources said that little else was done.

When the directives failed to get much action, Wallop led the fight to write part of the counterintelligence agenda into the fiscal 1985 intelligence authorization bill. Besides the CIA career specialty, he got the votes to order the agencies to set up units to conduct "multidisciplinary counterintelligence analysis."

Usually in intelligence work, an intercepted communication or agent report that tends to confirm something in satellite photography would be taken as corroboration and, the more varied the sources, the more credence the conclusion would be given. The multidisciplinary counterintelligence approach would look at the same material for signs that it had been intentionally planted.

One intelligence official familiar with the idea said the CIA does make a good-faith effort to look for deception but often can't find the evidence. "Some things you just have to believe or you will put a caveat on everything you say and then you might as well go out of business," he said.

Wallop said, "The two things in the '85 budget, the career slot and the multidisciplinary analysis are still not effective creations . . . To date the effort has been accommodation rather than commitment. It simply cannot succeed as an accommodation."

Wallop added that recent congressional attempts to strengthen counterintelligence "are literally cosmetic, absent a more serious effort. The death penalty is not a counterintelligence policy. It can clearly be useful as a deterrent and it satisfies the national mood to be outraged . . . But it still isn't at the core of the problem."

The best way to aid the FBI is not simply to increase the number of counterintelligence agents, several experts agreed, but to try to shrink the problem by cutting the number of Soviets in this country or putting greater restrictions on their travel.

An amendment sponsored by Leahy and Sen. William S. Cohen (R-Maine) to make Soviet and U.S. diplomatic missions more equal in size was passed by Congress late last week. So was a proposal by Sen. William V. Roth Jr. (R-Del.) to limit the travel of Soviet nationals who work for the U.N. secretariat in New York.

Roth, a member of the intelligence committee, said that with 4.3 million Americans with security clearances "the best choke point is on the other side—better control of those on the Soviet side." He noted that the committee issued a report in May charging that 200 of the 800 Soviet U.N. employees were intelligence officers.

"The good news," Leahy said, "is that as a result of the Walker case and others, people are actually focusing on this and the administration and Congress will look for long-term solutions."

IT COULD COST, NOT PAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DYSON. Mr. Speaker, the following article appeared in the News American on Monday, July 29, 1985. I feel it is worth repeating.

At first blush the Senate's proposal to impose a $5 per barrel tax on imported oil sounds like a great revenue raiser—and a way to reduce the national deficit. It's estimated that the fee and the resultant increased costs on refined products would yield about $20 billion over the next three years.

Right away there is a problem with the White House, because President Reagan still is insisting that the way to cut the deficits is not to raise taxes but to reduce federal spending. The president hasn't reacted to the Senate's proposal so far, but a senior White House official said it would take "a big horse pill to get him to swallow this."

But the Senate's proposal has a number of economists concerned about the overall negative impact on the economy.

For one thing, some economists claim, the higher tax on energy would affect industry as well as motorists and homeowners, and there would be a resultant slower growth in the gross national product, offsetting much of the gain from the increased taxes. Also, oil prices have come down, and if they come down further inflation likely would fall and real economic growth would increase. Faster growth would in turn increase Federal revenues.

There is a further concern that with the $5 fee increasing the price of crude oil and natural gas in the United States but not in other countries the domestic oil industry would be placed in an unfavorable competitive position with other parts of the world.

Other economists have found these arguments, debatable, but the point is that the Senate, in what appeared to be an easy way to raise revenues, has opened an economic Pandora's Box.

It may be President Reagan will reject the proposal outright. But if he doesn't it would behoove the Senate to take a far deeper look into the possible results before going ahead.

HIGH TECHNOLOGY ACTIVE BUSINESS ACT OF 1985

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STARK. Mr. Speaker, on Wednesday, July 31, 1985, I introduced the High Technology Active Business Act of 1985, which was designed to eliminate problems associated with the imposition of personal holding company tax on small software companies. Because of the interest that this legislation has generated, I am printing in the

RECORD a detailed description of that legislation.

DETAILED DESCRIPTION OF THE "HIGH TECHNOLOGY ACTIVE BUSINESS ACT OF 1985"

I. Treatment for Personal Holding Company Tax Purposes of Computer Software Royalties Derived by Active Businesses (Sec. 2 of the Act).

A. Basic Problem: Imposition of the Personal Holding Company Penalty Tax on Closely-Held Software Companies.

The basic problem is that small software development companies often possess the characteristics that can trigger application of the personal holding company penalty tax provisions:

(i) The stock of the company is generally held by relatively few shareholders who participate directly in the software development; and

(ii) Once developed, the corporation's software product is transferred to others by means of a license to a particular computer manufacturer or other customer or via a so-called "box-top" license to the public (under which the retail customer agrees to the license merely by opening the wrapper of the software package). The use of a license is necessary to protect the developer's proprietary interest in the software. This form of transfer has been viewed by the I.R.S. as giving rise, at least in many cases, to passive royalty income deemed to be personal holding company income. See Private Letter Ruling 8450025 (September 7, 1984). However, these companies clearly are engaging in active, ongoing business activities, including the development of new and improved software and maintenance activities with respect to existing software products.

The personal holding company penalty tax provisions were adopted to prevent the incorporation of passive investment activities at a time when corporate tax rates were significantly lower than the top individual rates. Accordingly, the application of the personal holding company provisions to software development companies conducting substantial active, ongoing business operations produces an unintended and extremely harsh result.

B. Exclusion for Computer Software Royalties Derived by an Active Business.

The Act adds a new exclusion from the definition of personal holding company income for computer software royalties that are derived by the corporation from the active conduct of a trade or business.

C. Standard for Computer Software Royalties from an Active Business.

For purposes of the new exclusion, computer software royalties will be treated as derived from the active conduct of a trade or business if the corporation satisfied the following *objective tests:*

(1) The royalties must be attributable to computer software that has been:

(a) Developed, manufactured, or produced (in whole or substantial part) by the corporation in connection with a trade or business; or

"Developed, manufactured, or produced" is intended to include software that has been created by the corporation and software that has been purchased from another person for inclusion in a software or combined hardware-software product of the corporation.

"In connection with a trade or business" is intended to mean software that the corporation has developed or acquired for use in a present or *future* business, so as to include software that has been developed during the corporation's start-up phase.

"Corporation (or its predecessor)" is intended to reach the case in which the software is developed by a partnership that converts into a corporation once development has been completed and marketing is to begin or by one or more individuals who transfer the software to the corporation in a transaction qualifying under Code section 351.

(b) Distributed by the corporation in carrying on a trade or business, but only if the corporation otherwise is carrying on the trade or business of developing, manufacturing, or producing computer software.

This provision is intended to extend the exclusion to a software company that, as part of its active, ongoing business operations of developing, manufacturing, or producing software, also distributes software that has been produced by others.

(2) The computer software royalties must constitute 50 percent or more of the ordinary gross income of the corporation.

This requirement ensures that the computer software royalties arise from the primary business activities of the corporation.

(3) The sum of expenses properly allocable to the same trade or business as the computer software royalty income and (i) deductible as ordinary and necessary business expenses (Code section 162), (ii) deductible as research and development costs (Code section 174), and (iii) which would be deductible as ordinary and necessary business expenses if the corporation had been beyond the start-up phase must equal or exceed 25 percent of the corporation's ordinary gross income. Qualifying expenses for purposes of this test are defined to exclude compensation for personal services of major shareholders.

By requiring that R&D and ordinary business expenses be significant as a percentage of the corporation's income, this test distinguishes active business operations from the passive investment repository of the "incorporated pocketbook" situation. In the "incorporated pocketbook" situation, it is unlikely that the corporation could generate significant amounts of proper business expenses other than compensation of the major shareholder(s). Such compensation is not treated as a qualifying expense for purposes of this test.

In addition, by so excluding the compensation of major shareholders, the test addresses the "incorporated talent" concern by in effect requiring that the corporation's operations extend beyond merely the efforts of such major shareholders.

For purposes of the test, any software development costs that are not properly treated as R&D costs under Code section 174 are treated as ordinary and necessary business expenses under Code section 162 (or as amounts that would be deductible under section 162 if the corporation were beyond its start-up phase).

The major shareholders whose salaries are excluded from the category of qualified expenses are defined as the fewest number of shareholders (among those 5 or fewer individuals holding more than 50 percent of the stock for purposes of the personal holding company stock ownership test) whose combined ownership interest exceeds 50 percent in value of the outstanding stock of the corporation.

In essence, this definition of major shareholder results in exclusion of the compensation of those shareholders, beginning with the largest holders, who cause the corporation to exceed the 50 percent stock ownership ceiling for personal holding company characterization purposes.

Solely for purposes of this exclusion of major shareholder compensation from the category of qualifying business expenses, the determination as to who is a major shareholder is to be made without regard to stock that is deemed to be owned by the shareholder solely by reason of attribution from a partner. This provision is intended to address the situation in which an employee with a relatively small stock interest also is a partner in a venture capital fund owning shares in the corporation. If the partnership rules were to be applicable here, this small shareholder-employee would be treated as owning all of the stock held by the venture capital fund when such employee was not truly a major shareholder of the corporation. Accordingly, the partnership attribution rules are made inapplicable for this very limited purpose of determining excluded major shareholder compensation.

A special rule is included to address the situation in which a software company develops a product that proves extremely successful in the market, generating a very substantial amount of cash that the company is reluctant to wholly reinvest in expansion of business operations because of prudent growth concerns. In such a case in which growth income outstrips growth in business expenses, difficulty may arise in meeting the 25-percent-of-income threshold for business expenses, even though the company clearly is engaged in active, ongoing business operations. Accordingly, the special rule permits a company to apply the 25 percent test on the basis of the annual average (in dollars) of business expenses and income over a period consisting of the taxable year in question and the immediately preceding 4 taxable years (or, in the case of a company that has been in existence for less than 4 years, the period consisting of the taxable year, any of the 4 prior years during which the corporation has been in existence, and any immediately succeeding taxable years that are necessary to complete the 5-year computation period).

(4) The corporation must not have other types of personal holding company income that total more than 10 percent of its ordinary gross income.

This requirement is included to prevent a corporation receiving the benefit of the computer software royalties exclusion from sheltering significant amounts of other types of personal holding company income.

Computer software royalties, interest earned on working capital balances during the corporation's start-up phase, and dividends from a (50 percent or more) subsidiary that qualifies as an active software business are not considered to be personal holding company income for this purpose.

Rents and mineral, oil and gas royalties are considered to be personal holding company income for this purpose.

The corporation may avoid running afoul of the 10 percent ceiling on other forms of personal holding company income by paying, to the extent of the excess over the 10 percent ceiling, a dividend during the taxable year, a dividend that is considered to be paid on the last day of the taxable year under Code Section 563, or a consent dividend. A similar provision is included in the present law exclusion of rents (under Code section 543(a)(2)) from personal holding company income.

D. Miscellaneous.

A U.S. software developer's foreign subsidiary that licenses software directly to customers abroad is subject to personal holding company characterization under the foreign

personal holding company provisions for the same reasons as its U.S. parent. To address this problem, an exclusion is added to the definition of foreign personal holding company income for computer software royalties that are received by a foreign subsidiary that otherwise satisfies the requirements of the computer software royalties exception as applied for domestic personal holding company purposes, except that the foreign subsidiary need not "develop, manufacture, or produce" the software giving rise to the royalties so long as the U.S. parent or other member of the same affiliated group satisfies the "develop, manufacture, or produce" test with respect to the software. This provision effects no change in the Subpart F rules.

E. Effective Date.

The new computer software royalties exclusion is applicable to all taxable years ending after date of enactment. However, the Act is intended to clarify the proper treatment of computer software royalties under present law for purposes of the personal holding company provisions.

II. Elimination of R&D Expenditures as a Minimum Tax Preference Item for Personal Holding Companies (Sec. 3).

A. Basic Problem: Application of the Minimum Tax to Start-Up High Technology Companies.

Although R&D expenditures are not treated as a preference item for minimum tax purposes for corporations generally under present law, such costs are made a preference item (under Code section 57(a)(6)) for personal holding companies. During the typical start-up phase, the high technology company will incur substantial R&D expenditures which greatly exceed the company's income, thereby generating net operating losses which may be carried forward to offset profits in future years. The company's only source of income during this start-up phase often will be the interest earned on its working capital balances. If the high technology company constitutes a personal holding company because of this passive interest income, its loss carryforwards will be "tainted" such that, in future years when loss carryforwards are offset against operating profits, the company will be subject to a minimum tax liability on 90 percent of the R&D that had been expensed in the taxable years in which the loss carryforwards were generated.

B. Elimination of R&D Expenses as a Preference Item for Personal Holding Companies.

The Act would eliminate Code section 174 R&D expenses as a preference item for minimum tax purposes for personal holding companies (as well as corporations generally, as under present law).

This is a technical correction of an unintended result. Section 174 R&D expenses were added as a preference item by the 1982 Tax Act essentially in response to the emergence of the R&D limited partnership device, which passes through R&D deductions to individual investors to shelter their unrelated income. By contrast, since a personal holding company is a corporation and not a pass-through entity, no potential exists for using R&D deductions to shelter unrelated income directly received by the individual. In addition, it is difficult to envision a personal holding company undertaking research activities merely to shelter unrelated income of the corporation.

C. Effective Date.

This provision of the Act would be effective for taxable years beginning after December 31, 1982.

AGRICULTURE 1985

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 28, 1985, into the CONGRESSIONAL RECORD:

AGRICULTURE 1985

American farmers will probably have huge harvests this year, prompting fears of further distress in rural areas. Congress is seeking new approaches to increasing farm problems. The dilemma is how to improve farm income and provide sufficient credit while reducing government spending for agriculture. Legislation now before Congress could have greater impact on farmers than in any recent year.

CREDIT

Congress is studying options for reforming the financially troubled Farm Credit System (FCS). The system of 37 banks is federally sponsored, privately owned, and cooperatively organized. It is regulated by a quasi-federal agency, but is financed independently through the sale of farm credit bonds. For generations it has been a reliable source of funds for farmers, and its bonds have been highly rated.

Problems in the system raise concern about its long-term survival. Bad loans and fleeing borrowers, the need to rescue the Spokane district, and trouble in the Omaha district—all caused by current farm problems—show that changes are needed to improve the system's effectiveness. The FCS's unique funding sources and lending practices also cause borrowers problems. Interest rates at FCS banks are not linked to those at commercial banks; they usually change more slowly than commercial rates. Hoosier farmers were dismayed recently to see FLB and PCA interest rates go up while the prime rate fell at commerical banks.

Proposals addressing these financial problems include more credit, debt restructuring, interest buy-down, and purchase of farm assets. Some have proposed more centralized control of the FCS to help it move reserves more quickly to troubled districts. Others have suggested direct federal aid. Most of these proposals require substantial federal funds. Lawmakers will insist that the system use its own considerable resources to deal with problems, but a system providing over $80 billion in loans must remain a major component in agricultural lending.

TAX REFORM

Tax reform could have greater long-term impact on agriculture than farm programs. Agriculture has been a tax haven for many investors. Current policies encourage excessive land and equipment investment, and add to productive capacity, causing overproduction and lower farm prices. Federal revenue lost from agricultural shelters is estimated to be double the taxes paid by farmers.

The President's tax plan tries to discourage nonfarm investors from getting involved in tax loss farming by removing various tax preferences. The plan eliminates income averaging and the investment tax credit. It slows down the depreciation of most farm equipment from 5 to 7 years, and restricts cash accounting. It ends capital gains treatment for timber, livestock, and unharvested crops. It removes the deductibility of preproduction and development costs for some livestock producers, and orchard and vineyard farms. Write-offs for fertilizer and soil reconditioning, soil and water conservation, and some reforestation credits are also eliminated.

Many family farmers have benefited from these procedures. The Department of Agriculture claims, however, that for most farmers lower tax rates and the increase in the personal exemption will offset the loss of these provisions. According to them, 75% of farmers will fall into the lowest—15%—tax bracket, and their overall taxable income will drop by 17%. Farmers will have to follow tax reform as it progresses through Congress to see how different changes will affect them. Several proposals under consideration could increase the current tax burden on farmers.

FARM BILL

The omnibus farm bill, authorized every four years, provides for many agricultural programs: commodity price and income supports; export and trade; domestic and foreign food assistance; research and extension; conservation and credit; and others. Congress faces hard choices this year. Members are aware of the depressed farm economy, declining farm income, and the poor farm export record. But proposed farm subsidies will cost more than budget restraints allow. Members are having trouble developing programs that restore our export competitiveness, assure a decent income for farmers, and meet the overriding need to cut the budget deficit.

Since the House and Senate Agriculture Committees have not completed drafts of the farm bill, it is difficult to guess what the final bill will contain. Some judgments can be made. A move toward market orientation in farm commodity programs, probably in the form of loan rates based on a moving average of market prices in recent years, is likely, although this change will be weakened by eliminating the extreme years, by setting minimum loan levels, or by high target prices. Deficiency payments and a freeze on target prices will probably be approved, as a trade-off for lower loan rates. Payment limits to producers are not likely to change much from the current level of $50,000. Production controls through acreage set-asides and payments to farmers to divert land from production, a long-term conservation reserve, penalties on "sodbuster" farmers who cultivate highly erodible land, and research programs are likely to be approved. Mandatory acreage controls, which would require farmer referendums, seem to be losing support. Export credits and promotions will be bolstered. Few changes are likely in farm credit programs.

Each time Congress writes a new farm bill we are told that American agriculture is at a crossroads. The year is no different. Times are hard in agriculture, with farm assets declining, exports slumping, and farm income stagnating at unacceptably low levels. Congress is wrestling with the farm bill at a time when the governmental role in agriculture is in question and as agriculture reacts to changed international conditions. Under such circumstances, Congress must make every effort to help, but expectations of what it can accomplish should not be exaggerated.

UNITED STATES-ISRAELI STRATEGIC COOPERATION

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. CRANE. Mr. Speaker, while it is true that each year we give large amounts of economic and military assistance to the State of Israel, I happen to believe that it is in the best interests of the United States to continue this assistance to Israel. In addition to Israel's important geostrategic position in the world and its political stability, there is also another very important reason for fostering good relations with Israel, one that is often ignored. Israel has been an excellent, indeed unparalleled, testing ground for U.S. weapons and technologies. No other country in the world has been more helpful to the United States in analyzing the efficacy of its weapon systems as well as the deficiencies of Soviet weapons systems.

Take, for example, the 1981 Israeli operation known as Peace for Galilee. In the space of several days, the Israelis destroyed more than 90 Syrian Mig's, more than 20 SAM sites, and more than 500 Soviet-made tanks, including the new T-72. New U.S. technology, relatively untested in combat conditions prior to Operation Peace for Galilee, was literally baptised by fire, and came through with flying colors. Not only did this enhance the U.S. position as an exporter of arms, it also provided much needed intelligence as to the relative capabilities of our systems vis a vis those of the Soviets.

Mr. Emanual A. Winston, a board member of the Jaffee Center for Strategic Studies at Tel Aviv University, details some of these positive aspects of our strategic relationship with Israel in his article entitled: "Theatre for American Technology." I highly recommend his article to my colleagues.

JINSA—THEATRE FOR AMERICAN TECHNOLOGY

(By Emanual A. Winston)

(Ed Note: Mr. Winston is a Chicago businessman, Board Member of the Jaffee Center for Strategic Studies at Tel Aviv University, and contributing Editor to Israel Today)

The importance of American and Israeli strategic cooperation cannot be overstated in terms of national security interests. Yet, there is nother aspect of the allied relationship that is often overlooked; the micro-economics of Israel as a theatre for American technology.

America's armament industry has immensely benefited from the successful utilization by the Israel Defense Forces of sophisticated weaponry. The magnificent fighting skill and showcasing of American equipment increased the export sales potential of that weaponry by billions of dollars in the world market. The effect of Israel's military reputation established by 35 years of combat experience serves as the best testament to the selection and capability of weapon systems, most of which are of American design. In a highly competitive export market, being able to refer to the Israeli example is a very strong advantage over other merchants. Since foreign military sales are almost 2.5 times as profitable as military sales to the U.S. government, this "selling" factor reaps big dividends. The capital accumulated from these sales in turn reduces research and development costs for our government, hence the American taxpayer. The economic ramifications are evident in that each billion dollars worth of foreign arms sales translates into jobs for American industry, (the claim often made is approx. 42,000-52,000 jobs). Based on 1980 data, defense firms such as General Dynamics, Northrop, Raytheon, FMC and Harsco had 25 percent of their contracts in foreign sales. (Defense & Foreign Affairs, March 1983). Thus, the employment benefit of defense and export sales are substantial and the reduced costs to the American government by extending production runs and spreading development outlays has strong positive economic ramifications.

The direct effect of Israeli battle perfomance for American sales was best evidenced by the Operation Peace For Galilee. In a span of a short time, the Israelis demolished more than 20 SAM missiles sites, over 90 Syrian MIGs were shot down (including MIG-23s) and over 500 enemy tanks were destroyed (including the new T-72, backbone of the Soviet arsenal). American-made planes played a vital role in the Israeli effort. Most notably, the F15 and F16 saw extensive action. One Israeli F15 was claimed to have shot down more than 20 Soviet-made MIGs in Lebanon.

In addition, the Hughs 5000MD Defender combat helicopter proved a great asset for the Israelis in mountain warfare, destroying large numbers of Syrian tanks, as did a second anti-tank helicopter, the Bell AH-1S Huey Cobra. After the Israelis purchased advanced helicopter gunships, several other countries immediately followed suit (the Jordanians, South Koreans, Kenyans decided to go with the American gunship rather than the British, French and German models). This trend was also evidenced with the Japanese purchase of the Gruman E2C Hawkeye early warning plane which followed Israels suit. Moreover, after the Israeli display of EC mastery in the skies, several other countries have placed orders with the American manufacturer.

James Philbin, the E-2C program director at Gruman Aerospace corporation said Israeli air victories generated prospects from China, Korea, Singapore, Spain, Australia and others. He commented in the September 20, 1982 Business Week that because of the Israelis, "The foreign sales potential looks like 30 to 40 airplanes over the next five years." The Chairman of Loral Corporation also confirmed the importance for American manufacturers of Israeli "combat provern" technology when he stated that: "The fact that Israel has selected our Rapport III (EW protection system) for their F-16s is probably the best sales tool we have." The showcase of the F16 in combat no doubt will also prove highly beneficial in selling the plane to foreign countries over the French Mirage 2000. It should be noted that tour powers, the United States, Great Britain, France and the Soviet Union account for approximately 80% of total arms sales.

The failure of Russian weaponry to thwart the IDF disappointed several Soviet arms clients. Since arms sales are a means of promoting political influence and provide a steady flow of hard currency, the implications of American weapons superiority may have a direct impact on American power projection capabilities, ergo national security interests. The Israeli contribution to this aspect of American active defense is perhaps the most important and overlooked development of bilateral strategic cooperation. Israeli destruction of Soviet-built anti-aircraft missiles, their ease in destroying the Soviet T-72 tank and the downing of a MIG-25 Foxbat has caused the Soviets and the entire Warsaw Pact to question the viability of their own military hardware, tactics and strategy.

The Israelis not only confronted Soviet weaponry, but were forced to engage Western technologies; the lessons of their successful combat will provide invaluable intelligence data to U.S. defense planners and save billions research and development costs, a major advantage for the U.S. that her Soviet adversary cannot claim. Professor Steven L. Spiegel sums up the Israeli asset in real terms: "The facts speak for themselves. Israel is a unique and impressive ally. It influences political developments in its own area, causes the Soviets embarrassment and military lessons which can be learned only from combat experience, provides intelligence in the region, and saves U.S. defense costs through innovations and modifications of U.S. weaponary . . . if Israeli experiences were worth only 2 percent of the annual U.S. defense budget, that would amount to over $4 billion." (Commentary, June 1983)

The relationship between the American and Israeli defense industries is becoming increasingly developed in almost every area. Almost every Israeli corporation utilizes parts and equipment that were manufactured in the United States. Moreover, Israel has made extensive renovations on American technologies by adapting the lessons of combat experience. Thus, millions are saved in testing time and the development of armaments are galvanized through Israeli innovation passed on to America. Many of the licenses for weapon features are in turn sold to American corporations for mass production. The bottom line is that Israeli modifications coupled with cedible experience in destroying the best in Soviet technologies has enhanced the performance of American weaponry, reduced development time and taxpayer costs, thereby contributing to the readiness of U.S. Armed Forces in a period when budget cuts have severely reduced their functional capabilities.

For military planners, Israeli intervention in Lebanon conveyed that the American ally has approached mastering the overall electronic battlefield capability that will dictate the strategem for all future conflicts. The prospects of future American-Israeli strategic cooperation will significantly strengthen the defense industrial base of both nations. Joint development projects employing Israeli battlefield innovation and American production capabilities should be the trend of the future. Teamwork between trusted allies will serve as a catalyst for upgrading the Western world's power projection ability reducing the intimidation factor of the Soviet threat. Indeed, Israel has been a theatre for American weapons technology and defense industrial growth. The microeconomic elements of the relationship, should not be treated lightly. No other ally has contributed so greatly to American defense in so many different modes: intelligence, research and development, combat readiness, expansion of defense industrial base, export competitiveness and strategic deterrence.

A reliable democratic partner is more than an asset in a Western alliance plagued often by apathy, isolationism and laziness. America should be thankful for the "Israel advantage."

A TRIBUTE TO WADE H. INSLEY, JR.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DYSON. Mr. Speaker, I rise today to honor the memory of a fellow Marylander, Wade H. Insley, Jr. A native of Wicomico County, Wade greatly contributed to the quality of life in his community.

I knew Wade to be a good and kind man whose involvement in community affairs was both broad and deep. A graduate of the University of Maryland at College Park, Wade was owner of Eastern Food Distributors, Inc., in Salisbury which he operated for about 24 years. He was on the Wicomico County Council for 24 years and president for 12. In addition, Wade was city treasurer for 8 years, a former president of the Maryland State County Commissioners Association, and was instrumental in establishing Pine Bluff Village, serving as its first chairman and for several years as director. As a member of the Bethesda Church he had formerly served on the administrative board and was chairman of the finance committee, as well as a member of the Democratic Club of Wicomico County.

For his untiring and unselfish service to the people of his community, Wade received three distinguished awards. In 1965 he received the Wicomico County Teachers' Association Award in recognition of "inspired and unselfish support to education in Wicomico County," and in 1974 was presented a special Certificate of Recognition from the National Conference of Christians and Jews for "outstanding contributions promoting the cause of goodwill and understanding among all people of our Nation." Wade also received a Certificate of Distinguished Citizenship from Maryland Gov. Marvin Mandel for his "distinguished contribution to the cause of strong efficient county government in Maryland."

It is an honor to pay tribute to a man who did so much to strengthen our democratic traditions. And it is with pride that I share Wade's many accomplishments with you today.

PITTSBURGH SOCCER CHAMP RECOGNIZED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. WALGREN. Mr. Speaker, a constituent of mine, Peter J. Smith III, is the first western Pennsylvania soccer player to be invited to the National Sports Festival by the U.S. Olympic Committee. The National Sports Festival, a pre-Olympic event, was held in Baton Rouge, LA, from July 22 through August 4.

Peter Smith is an outstanding young man with a promising future in soccer. In the fall he will be a senior at the University of Tampa, where he has just received an achievement award for academics for the fourth consecutive year.

I would like to share with my colleagues an article about Peter which was published in the Pittsburgh Post Gazette South on July 25, 1985.

The article follows:

[From the Pittsburgh Post Gazette South, July 25, 1985]

USC's SMITH AIMS FOR PRO SOCCER JOB

[By Paul Dangelo]

The only thing that Pete Smith has ever wanted is a chance to prove himself on the soccer field. Next month at the National Sports Festival, he'll get that chance.

Smith, a graduate of Upper St. Clair High School, was recently selected to play for the South Region soccer squad at the Sports Festival, an American mini-Olympics pitting the top American athletes against each other in Olympic events.

For Smith, it's an opportunity to prove that he belongs on the field with this country's top soccer players.

"I felt it was really important for me to make this team if I want to continue to pursue a career in soccer," said Smith. "There will be a lot of important people at the Sports Festival, coaches and scouts from professional teams and the national federation, evaluating players. The Sports Festival is like a stepping stone to the next level, to playing for the national team or with a professional team. Just being there and being seen by these people will help me."

Smith was drafted by the Spirit of the Major Indoor Soccer League when he was a senior in high school, but was not ready as a 17 year old to step into the play-for-pay grade. The Spirit advised Smith to enroll in a top-notch college program and work at improving his skills.

So Smith headed for the University of Tampa, one of the top soccer programs in the country. At Upper St. Clair, Smith had always been an attacking player, a playmaker and a goal scorer. But Tampa Coach Jay Miller changed Smith's position, moving him to defensive midfielder. Smith will be entering his senior season this fall, the third season that he will be a fixture in Tampa's starting line-up.

"We're looking for all of the things from Pete that we always look for from a senior player," said Miller. "He's been in the big battles, the crucial games; we want him to be a leader, to demonstrate coolness and determination on the field. He made the transition to playing with more defensive responsibilities without any problems. Last year, we used him to mark the opponent's top playmaker and he handled the job very well."

Miller is the coach of Smith's South squad in the National Sports Festival and agrees that the games can help make—or break—a career in professional soccer.

"The idea of the games is to get the best athletes together and compete under Olympic conditions," said Miller. "In soccer, the United States Soccer Federation oversees the soccer competition and uses the games as part of the selection process for the national team.

"I know that Pete wants to play pro soccer and playing at the Sports Festival will give him the opportunity to prove that he can play at such a high level of competition. He tried out for the games two years ago but didn't make it, though he was one of the last cuts. Now is his chance. I think he certainly merits a look. He's been around the game a lot and he has good instincts for the game instead of just reacting to a situation in a game. He's always thinking on the field. And he's one of the hardest working players I've ever seen. He's a 90-minute player."

Smith didn't think he had any special advantage in making the Sports Festival because Miller is the South coach.

"He may have known me better than some of the other players, but there were as many disadvantages as there were advantages," Smith said. "It's kind of like playing for your father. He didn't cut me any breaks just because he knew me. I think I made the team because I deserved to. I've worked hard to accomplish this sort of thing in soccer."

Smith has not only set lofty goals for himself, but for his team as well.

"This is my last year at Tampa, and the last year for the school as a Division II school. Next year we'll move up to Division I, which is fine because Tampa has been playing a Division I kind of schedule all along. But I'd really like to win the Division II national championship this season. It would be nice to go out as the champs."

And when that's over, Smith will have the MISL draft to look forward to. One team that will not be drafting Smith is the Spirit, because they failed to sign him after drafting him out of high school. MISL rules state that the Spirit may only sign Smith now if he passes through the draft unclaimed.

"I really want to play for the Spirit but that may be difficult to do now," said Smith. "But as long as I get a chance to play with someone, I'll be satisfied. I'll have to prove this year that I deserve to be drafted, that I'm one of the top players in the country. And I'm ready to do the work that it will take to prove exactly that.

"Maybe down the road something could be worked out that I could come back here and play for the Spirit. Right now there's a lot of talk that the Spirit will move to another city. I hope not. The Pittsburgh soccer community needs the Spirit. Having a professional team in town gives young players a goal to aim for. Plus, the Spirit has reached out and touched the community in a very unique way and I think that would be missed if they were to leave."

"We've watched Pete carefully over the last few years and his development is really coming along," said Spirit General Manager Chris Wright. "We're very pleased that he was selected to participate in the Sports Festival. He's on the right track to accomplish his goal. This is one event where all of the coaches and scouts get to. It's the showcase of young soccer talent in this country."

And it's an opportunity for Pete Smith to guarantee that soccer will be in his future.

HIROSHIMA AND NAGASAKI: TRAGIC BUT NECESSARY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BROOMFIELD. Mr. Speaker, while many in recent weeks have criticized the decision to drop nuclear weapons on Japan, it was, in fact, the right thing to do.

We in a peaceful and secure America find it easy to play Monday morning quarterback by denouncing the decisions of the brave Americans who guided our country through some of the darkest hours of World War II.

In recent days, the media has been filled with an orgy of stories about the bombings of Hiroshima and Nagasaki and the ensuing loss of so many lives. Surviving Japanese Government officials have recounted the gruesome details of the nuclear attacks and have questioned the U.S. Government decision to use those weapons of mass destruction.

The general impression created by the media was that America was the villain and that Japan was, in those days, a peace-loving little island nation that was attacked for no reason. Let's be honest, however, and talk about why the bombs were dropped.

As part of a massive effort to project its power into the Pacific, Japan invaded many of the countries in that area and quickly established a brutal reputation for itself among those who suffered under Japanese occupation. While talking peace with the United States, Japan attacked Pearl Harbor.

After a long and hard war that the United States neither started nor wanted to fight, President Truman wisely chose to quickly end the war. Other options had been carefully studied. A land invasion would have taken at least a million lives. The fanatical Japanese military had taken control of the Japanese Government and would not let reason prevail. Surrender for the generals was unthinkable. A fight to the last man was their final option.

While plagued with problems, the Japanese military had a large scale nuclear weapons program underway. After the war, senior Japanese scientists admitted that their Government officials would have used the bomb against America if it had been available.

When faced with these sobering realities, is there any wonder that President Truman did what he did? Even after the first bomb was dropped, Japan still hesitated to give up. Finally, however, the second atomic weapon convinced them, and peace came.

Yes, the decision to use those terrible weapons was a sound one. I want to share an insightful Washington Post editorial on this subject with my colleagues in the House. I also want to pay a special tribute to those who served, fought and died, so all of us can enjoy the fruits of freedom.

WE ENDED A TERRIBLE WAR—RATHER THAN ACT GUILTY, WE SHOULD HOLD A GRAND V-J DAY PARADE

(By Richard Harwood)

I am tempted to imagine myself this week as Shakespeare's old King Lear, stumbling across the heath and howling futilely into the storm: "Thou art not more unkind than man's ingratitude."

We are in the process of observing the anniversary of one of the great events in the history of our country and in the history of the world—the conclusion of World War II and the victory of the democracies over the fascists of Germany and Italy and the militarists of Japan. I cannot imagine what our world would be like if we had lost that war. But, at the minimum, one can fairly say that it is unlikely it would be a better or happier place.

This ought to be, therefore, a joyous and satisfying anniversary. We brought to an end 40 years ago a terrible war—terrible beyond contemporary comprehension. No one knows precisely how many people died; 100 million is probably as good an estimate as any. This carnage all stopped on Aug. 14 and the human race was given a fresh opportunity to restore itself and the planet we inhabit. It was a glorious day.

But instead of celebrating, this month, we have been engaging—at least through the popular media—in endless self-flagellation, a kind of psychological hara-kiri. A child or a visitor from another planet would assume from what has been printed and shown to us by television that World War II consisted of a single event: the dropping, for no earthly reason, of two nuclear weapons on the innocent people of Japan.

It is as if little or nothing had gone before, as if a million of our comrades and many millions of our allies had not fallen in battle in fields and oceans all across the globe in order to bring us peace. The expressions of "bomb guilt" have not reached the stage of on-camera immolations at the White House gate but there have been a funeral tolling of church bells, symbolic acts and demonstrations of contrition and endless footage of Hiroshima and Nagasaki.

It is appropriate to mourn the war dead, whether they died at Hiroshima or Bataan or Stalingrad or Auschwitz or Pearl Harbor. But it is also appropriate to remember and to give thanks for the victory that was won.

What we should be doing this week, all over America, is staging the last, grand parade. There will not be another chance. When the 50th anniversary comes along all but a few of the veterans will be infirm or dead. So we should have assembled the old regiments, brigades and divisions, the crews from the ships of the line, the aviators and submariners.

We should have stuffed ourselves into those old uniforms, pinned on the ribbons and medals, hoisted the battle streamers and stepped out down Pennsylvania Avenue, struggling to keep pace with the bands. We would salute absent friends. We would savor the victory and the peace that it won. We would embrace one another and say our goodbyes. And we would say to our sons and daughters: "For all our defects, the world survives. Now it is yours. Take care of it."

That is the way to celebrate this magnificent anniversary—not with a whimper but a bang.

A TRIBUTE TO JAMES A. McNAIR

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DYSON. Mr. Speaker, I would like to take this opportunity to salute James A. NcNair for his 30 years of distinguished service in the U.S. Army. Having held the position of command sergeant major of the Test and Evaluation Command at the Aberdeen Proving Grounds since 1981, James returns to civilian life this month.

For James McNair, military service has been both challenging and gratifying. McNair's assignments included duty in Alaska, Europe, and Korea. Among James' many awards and decorations are the Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with three Oak Leaf Clusters, Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, and the Expert Rifleman Badge.

On the occasion of James McNair's retirement, I extend my congratulations to him on his many accomplishments and wish him well in his future endeavors. His outstanding service to his country will long be remembered by his fellow soldiers and is greatly appreciated by his fellow Americans.

NUTTY BUSINESS AT THE ICC

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. CRANE. Mr. Speaker, as you know, Government regulations are very difficult things to eliminate. Once they are on the books, they take on lives of their own. Federal regulation almost always benefits some select group at the expense of the general public, and these special interest groups become very aggressive in protecting their advantageous status. President Reagan is committed to limiting regulation, but progress on reform has been mixed. Consequently, where there have been notable victories, we do well to note the ingredients necessary for success and to acknowledge the contribution of those who made it possible.

Perhaps the most conspicuous victory of the last 5 years has been the deregulation of surface transportation. In 1980 Congress wisely passed two laws—the Motor Carrier Act of 1980 and the Staggers Rail Act—that created the potential for meaningful reform of the strangulating bureaucracy that the Interstate Commerce Commission had become. But the reform laws inevitably committed important areas of implementation to the discretion of the Commission, and a failure of will on the part of the Commissioners could have stymied real progress toward a competitive and efficient market. Fortunately for the Nation, there

has been a majority on the Commission since 1982 that has fought willingly for reform. This majority has produced enormously beneficial results, despite intense criticism, constant foot-dragging, and not infrequent arm-twisting from colleagues special pleaders, and even a few discomfited legislators.

Let me take just a moment to mention a few of the many reform achievements that are the product of this reform-minded majority. The railroad industry is back from the edge of nationalization, serving its customers with speed and innovation. Tens of thousands of new trucking companies have been licensed, leading to a competitive rate level and the end of the take-it-or-leave-it attitudes that characterized the service of monopoly preserves. Intermodal transportation has been freed from restraints on pricing and multimodal ownership in ways that have brought new capital into the field and fostered new enterprise. Shippers and carriers, rail and motor alike, are turning increasingly to the use of contracts rather than rate lists, with the result of mutually exempting their business from regulatory interference. The tariff regulations in the Federal code have been reduced from over 300 pages to under 60, and a whole sector of the trucking industry has been excused from filing altogether. The ICC staff has been cut in half.

The benefits of these and the many other accomplishments of the Commission's majority have been enormous. One observer, an executive of an established trucking firm and a student of transportation logistics, estimates that deregulation of transportation cut $40 to $50 billion from the cost of doing business in 1985. While not everyone will agree to any particular figure, the recognition of the gains from deregulation is widespread, and President Reagan indicated his strong support for further transportation deregulation in his recent State of the Union address. What is not so widely understood, however, is that not all the gains from deregulation came automatically from the laws passed in 1980. What was also needed was farsighted and determined interpretation of those laws.

Consequently, I rise to acknowledge three members of the Interstate Commerce Commission, Frederic N. Andre, Heather J. Gradison, and Malcolm M.B. Sterrett for their consistent, energetic, and courageous efforts on behalf of the cause of free enterprise and responsible, limited government. President Reagan is to be commended for appointing these individuals, and the Commissioners deserve an expression of gratitude for the job they have done. I urge them, and their colleagues, to continue to pursue the congressional mandate for reform. I also urge my colleagues here in the House to read the following editorial by columnist Donald Lambro that appeared in the Washington Times.

[From the Washington Times, Mar. 21, 1985]

NUTTY BUSINESS AT THE ICC

(By Donald Lambro)

The cash crunch at the overstaffed Interstate Commerce Commission has renewed a perennial question that Congress must soon answer: Why, in the midst of $200 billion deficits, is this regulatory anachronism being kept alive?

After deliberately spending more than Congress appropriated for its fiscal 1985 operations, the ICC is now pleading for an emergency $4.5 million supplement. If Congress refuses, ICC Chairman Reese H. Taylor Jr. warns, nearly 1,000 employees will find themselves being furloughed one day a week, without pay, beginning April 1.

That prospect sent shudders through South Dakota Sen. Larry Pressler, an ICC supporter who in a "Dear Colleague" letter said denial of the added funding "would destroy the ICC. By putting them out of business one day a week, you might as well close them down."

That would not only bring cheers from deregulators in and out of Congress—like Wisconsin's Sen. William Proxmire and Budget Director David Stockman—but from liberal crusader Ralph Nader, who has long opposed the ICC's corporate welfare for the big trucking industry.

Unfortunately, the truth that many lawmakers can't bring themselves to face is that if Congress closed down the ICC, few people outside of Washington would notice. Not only would its elimination save taxpayers $48 million a year, it would put an end to a host of Rube Goldberg rail and trucking regulations that prevent competition, inflate shipping costs, and contribute to higher consumer prices.

At a time when the benefits of deregulation in the airline and energy industries are manifestly apparent, it is ludicrous for trucking entrepreneurs to have to seek approval from Washington to haul frozen pizzas from Massachusetts to Arkansas.

The degree to which this agency involves itself in the commerce of our nation is stunningly illustrated in a recent ICC booklet, titled *Can They Do That?* It details which commodities are exempt from ICC regulation and which are not.

For example, take manure. In its natural state, dehydrated, or bagged, the ICC says it is exempt, which means it can be shipped without an ICC certificate. But try trucking manure that is "fermented, with additives such as yeast and molds, producing a rich liquor which in water solution is used for soil enrichment" and you'll have some ICC agents on your case.

Similarly, grass sod, plants, vegetables, and flowers are exempt, but maple syrup, frozen beef dinners, and french-fried potatoes are not exempt.

Dried fruits such as figs and dates are exempt, but grind them up into a paste or mix them up with other substances and they are not.

Or consider, appropriately enough, nuts. Cashews, roasted or cooked, or peanuts, roasted and salted in the shell, are not exempt, but macadamias and pistachios are exempt.

The ICC has hundreds of highly paid people working full time on such things. Indeed, there are 50 ICC field offices scattered around the country that are authorized to crack down on anyone foolish enough to haul the hundreds of unexempted products that cannot be shipped without explicit ICC authority.

"There are about 250 people out there in our field offices," ICC Commissioner Fred Andre told me, "but their work is largely anachronistic. Some of them are doing little more than sending us newspaper clips."

In order to transport ICC-regulated commodities legally, shippers must first enter a closed, incestuous world. They must hire an ICC-approved lawyer to apply for certificate authority to haul goods, maintain insurance with the ICC, keep their rates on file with the commission, and meet a number of other requirements.

Because of partial ICC deregulation begun in 1980, "America's transportation industry is infinitely better off today than it was four years ago," says Mr. Andre.

Now Congress must take the next step and eliminate this useless and counterproductive agency.

TAX REFORM UPDATE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 4, 1985, into the CONGRESSIONAL RECORD:

TAX REFORM UPDATE

As Congress returns from the August recess, one of the major items on its agenda is tax reform. Hundreds of witnesses have testified on aspects of the President's plan, and dozens of analyses have been released. Contrary to some pronouncements that tax reform is dead, chances for passage of a tax reform package this year seem to be improving, at least in the House. The plan the President submitted in May will be the starting point, but some reworking by Congress is expected. The central theme of his proposal to make the tax code fairer and simpler—trimming tax provisions that benefit special groups in order to reduce overall tax rates—is expected to remain intact, but specific provisions might be altered by Congress. Many of the likely changes seem to me to be improvements.

One change, endorsed by both the President and the congressional tax-writing committees, is to make the plan more revenue neutral. The Joint Committee on Taxation recently estimated that the President's plan would result in a $25 billion revenue loss over the next 5 years. Although this loss is less than 1% of anticipated revenues, there is broad agreement that the plan should not increase the federal deficit at all. The President is submitting additional proposals to make up for this projected shortfall.

Of the scores of changes proposed in the President's original package, the main ones are: elimination of the state and local tax deduction for individuals; termination of the business investment tax credit; and the recapture of windfall profits from businesses that deferred past taxes and now could repay them at the new lower tax rates. Together these three provisions would raise $363 billion of the $442 billion needed over the next 5 years to finance the proposed corporate and individual tax rate cuts. The large sums make it unlikely Congress will simply drop these provisions, but some changes are possible, especially in the recapture provision and in the state and local tax deduction. Only 2% of families earning less than $20,000 take the state and local tax deduction, compared to 80% of families with incomes exceeding $50,000. But critics argue that eliminating the deduction will cause state and local governments to lose needed revenue. Alternatives under discussion include excluding only some of the state and

local taxes from the preference, or trimming the deduction for richer taxpayers. Concern that the President's recapture provision is a retroactive tax might lead to replacing it with less generous depreciation schedules for business.

Other changes being considered by Congress involve much less revenue than these three parts of the plan. Some changes are proposed to improve the plan's fairness or economic efficiency. Such changes will not be easy to make, as the Chairman of the House tax-writing committee insists that all amendments be revenue neutral: anyone proposing to restore one tax break must find a way to make up for lost revenue by trimming another. Nonetheless, several changes are expected to be seriously considered in committee.

The most likely change on the House side is a reduction in the difference of the tax cuts between middle and upper-income taxpayers. Critics point out that under the President's plan, one-earner families with more than $200,000 in income will receive an 11% tax cut while those earning between $30,000 and $50,000 receive on the average only a 6.5% cut. Possible changes are: adding a fourth tax bracket for the wealthiest taxpayers; or dropping the President's proposal to cut the top capital gains tax rate for investors.

Another "fairness" issue is to reduce the tax plan's burdens on families in which both spouses work, perhaps by retaining the child care credit or offsetting the repeal of the "marriage penalty" deduction. Support is also increasing for strengthening the minimum tax. Despite closing many tax loopholes, the President's plan retains many incentives that could permit some high income individuals and corporations to pay little or no tax. A stronger minimum tax would help ensure that all pay a fairer share.

Other changes receiving serious consideration by Congress include: achieving more balance in the energy tax provisions (the President would eliminate incentives for renewable energy and restore $30 billion in tax breaks over 5 years for oil and gas producers); revising the President's tax on the first few dollars of health-insurance premiums, possibly by replacing it with a generous ceiling on the amount of tax-free benefits; revising the proposed investment interest limitation, which higher income taxpayers with investment income can avoid, according to critics; phasing in the doubling of the personal exemption; and revising the proposed capital cost recovery system for business. Another tricky issue will be the effective dates and transition rules for the various changes. If the changes are phased in to lessen their impact, rate reductions may also have to be phased in.

Action on the package is expected in the House first. Most key changes may be worked out in the Ways and Means Committee rather than on the House floor. To prevent the package from being gutted, the full House may have the opportunity to vote only on the entire committee package, with few or no amendments allowed. Passage is considered less likely in the Senate, where the President's plan has met with more opposition and where procedures are more open.

Even in the House, tax reform faces several hurdles. In addition to concerns about specific provisions, some members are worried about the impact of tax reform on the economy. Others feel that Congress should focus on the budget deficit instead of on tax reform. The key factor in passage is presidential leadership; If the President pushes hard for tax reform, he might get it; if he doesn't push hard, he won't. Those of us who support the goal of tax reform are hopeful that real progress will be made in upcoming weeks on one of the most significant tax reform efforts in decades.

AGRICULTURAL EDUCATION IS CRITICAL

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DAUB. Mr. Speaker, earlier this summer, I had the privilege and opportunity to attend the 1985 State Presidents Conference of Future Farmers of America [FFA].

Mike Barrett, FFA's national vice president from Mead, NE, spoke to us about the challenge of American agriculture and the importance of quality in agricultural education and in our high schools' vocational agriculture departments.

Mike's remarks are enlightening and instructive, and I take this opportunity to share them with our colleagues:

PRESENTATION AT THE 1985 CONGRESSIONAL LUNCHEON, STATE FFA PRESIDENTS' CONFERENCE, WASHINGTON, DC

Today is a very special day for the young people in attendance. It isn't often that we have an opportunity to share a meal and conversation with those whose wisdom, authority, and expertise affect the lives of all Americans daily. We are honored to have you with us.

This group of FFA members in attendance has been selected by their peers to lead our organization. Here this week at the FFA State Presidents' Washington Conference Program are the top leaders from all 50 states and Puerto Rico. They represent over 430,000 Future Farmers of America in 8,300 secondary schools across the country.

Their peer group is comprised of young people, ranging in age from 14-21, who are the products of a very complete vocational education program. This program is composed of three basic divisions that not only overlap with one another but are actually bonded together. They include: vocational agriculture or classroom instruction, Supervised Occupational Experience Program and the Future Farmers of America organization. This total vocational agricultural program branches off into many fields of agriculture.

Perhaps never before has there been a greater awareness of the need for vocational agriculture/FFA than now when American agriculture faces a multitude of seemingly unsurpassable challenges. This awareness has been conceived from the realization that quality in agricultural education is a duty and not a luxury. A duty brought about by the need to prepare students for the diversity of our country's proudest and most vital industry, American agriculture. We accomplish this by developing applicable and employable competencies and preparing students for higher educational aspirations.

The demand for quality in agricultural education is merging head on with the strides that are currently being taken by the 8,300 vocational agriculture departments in our high schools across the country. This group, composed of energetic young Americans, is rising to the occasion and challenging the adversities that our current agriculture crisis imposes.

It is a quest for success that backs basic academic skills, such as mathematics, English, biology and chemistry, reinforced in the vocational agriculture classroom, with a proven system of realistic application in an actual agricultural occupational setting.

This setting is supported by the philosophy that entrepreneurship is not something that can be acquired through a number of lectures and readings. It is learned through observation and participation and by being exposed to the risk-taking that agriculture requires. We call this 68-year-old innovation a Supervised Occupational Experience Program.

The strategy behind vocational agriculture is based on a well-established principle in which students make independent decisions and are encouraged to take initiative. While this form of vocational education is seldom mentioned by policy analysts, it may very well be the principle that rises above the opponents of vocational education and points the way for implementation of essential educational reforms.

Much of the success of the vocational agriculture/FFA program can be directly attributed to the efforts that have been made to keep abreast of technological advancement. The use of computers, through realistic application of acquired competencies, is one example of our determination to maintain quality in agricultural education.

The need for this determination becomes even more apparent when we consider that today vocational agriculture is often criticized for training farmers when the demand for farmers is definitely declining. Our response to this lies in the fact that today's vocational instruction is comprised of many classes; which may include horticulture, ag mechanics, marketing, processing, and agribusiness.

These classes and others build the competencies needed to meet the diversity of a vast agriculture industry.

Finally, our quest for success matches an educational program that has been proven over the years through past experience and accomplishments (vocational agriculture courses were established in 1917) with a flexibility that allows innovation and foresight to guide the way to infinite possibilities in the future. We realize that true economic and political power of a nation depends vastly on the education of its people. By virtue of the standards that have been set with our three components of the vocational agriculture program, we prepare young people for life, building character and creating productive and useful citizens while at the same time preparing Leaders for the New Fields of Agriculture.

THE 50TH ANNIVERSARY OF RAILROAD RETIREMENT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the anniversary of a progressive retirement system that has served

millions of Americans in its 50Yyear lifetime—the Railroad Retirement System.

On August 29, 1935, President Roosevelt signed the Railroad Retirement Act. This legislation, enacted only 2 weeks after the landmark Social Security Act, was unique in a number of respects. The railroad industry had already instituted retirement programs which had been operating successfully for 50 years or more. The benefits which had been accrued by railroad workers up to that point had to be added on their new Social Security benefits, so a separate system was devised which would honor these private service credits.

Administered by the Federal Government through the Railroad Retirement Board, the program operates on a two-tiered system. Tier I is identical to Social Security; payroll taxes are deducted from the paychecks of railroad employees, and their benefits are computed according to the same formula as for those on the Social Security system. Tier II is a private pension program providing additional benefits above and beyond the Social Security level.

The success of this retirement system can be seen by looking at the numbers of individuals served. Since its inception, $77 billion in benefits have been paid out to 4 million railroad workers and their family members. Currently 460,000 employees are paying taxes into the fund, and 1 million are receiving benefits. The Railroad Retirement Solvency Act of 1983, along with recent increases in the number of railroad workers, has secured the financial stability of the system.

The guarantees this system has provided railroad employees has served to reassure millions of families over the years. The system embodies the kind of protection that all retired Americans deserve, so that they may enjoy the fruits of years of hard labor and dedication. I ask my colleagues to join me in celebrating this historic and significant anniversary.

IN PRAISE OF NATICK LABS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. FRANK. Mr. Speaker, the U.S. Army Research and Development Laboratories in Natick, MA, has, over the years, been quietly doing excellent work researching materials and equipment that provide for the comfort and safety of the American soldier. Unlike the sophisticated weaponry that draws so much attention, both when it works and when it fails, Natick Labs concentrates on the mundane, but equally necessary items such as field rations, boots, all-weather gear and other equipment without which army cannot function.

Recently, however, Natick Labs has received some well-deserved attention over a development that provides both comfort and safety to our soldiers—the Kevlar helmet. As the following article from the Washington Post explains, this helmet has become, among soldiers, the most popular new piece of equipment ever provided. I am proud to have Natick Labs in my district. I am proud of the work they have done on this helmet and the work they do on a continuing basis providing for the needs of American soldiers. And I am glad they are receiving some well-earned recognition for their efforts.

I commend to my colleagues the Washington Post story that follows:

PASGT, MON ARMOR: FORM FOLLOWS FUNCTION IN NEW ARMY HELMET

(By Benjamin Forgery)

Although you don't see much of it on those upbeat "Be all that you can be" television commercials, the U.S. Army is fast acquiring a new image.

American combat-ready soldiers massed in review at Fort Ord, Calif., or spread in squad formations across fields in West Germany, or preparing to hurtle from aircraft in parachute maneuvers at Fort Bragg, N.C., no longer look like cartoonist Bill Mauldin's prototypical "Willie" and "Joe" of World War II, or the GI footsloggers in Korea or the kids afflicted with the thousand-mile stare in Vietnam.

What they do look like is a matter of some dispute, but the reason for the change is not: The troops of the volunteer Army, and the U.S. Marines, and Army Reserve and National Guard units across the land are being equipped with what researchers and bureaucrats call PASGT (pronounced pass-get), an acronym for Personnel Armor System for Ground Troops, the key elements of which are a ballistics protective vest and, above all, a new, molded, laminated Kevlar helmet.

The old M1 helmet, the "steel pot" born of necessity in the early days of World War II, is going, going and, quite soon, will be gone.

"This is absolutely the best helmet in the world today," engineer Philip Durand states unequivocally. "I guarantee if we show anybody what we did and why we did it, he will say, 'What a beautiful helmet.' "

Durand is half of the team largely responsible for the new design. Lawrence McManus is the other half. They work at the Army and Special Projects Branch of the Individual Protection Laboratory at the U.S. Army Research and Development Center in Natick, Mass., and between them, they estimate, they have accumulated more than 50 years of helmet research.

"We thought it out without any preconceived ideas," Durand adds. "It wasn't an artist's concept. It wasn't just something a general or two happened to like. It was a very logical, sequential, step-by-step, cause-and-effect development."

"Hey, we thought it looked like a Little League baseball cap," quips McManus.

Like Little League baseball caps and more potently, like German helmets from World War II, the silhouette of the new American combat headgear shows a pronounced dip from the edge of the visor to the line to the ear and neck. To many Americans inside and outside the Army this image conjures old hostilities and fears. It is the "Nazi helmet," the essence of Evil and Enemy. By contrast, the steel pot represents God and Country. And, as the new foot soldiers know all too well, you can't cook in the new helmet, and you can't shave out of it, either.

These factors, and the cost—$87 per unit compared with about $30 for the M1 helmet and liner—explain the lengthy delay in getting the PASGT helmet to the troops. Voluminous, painstaking research, initially intended simply to improve the steel pot, began in 1968. The design of the new helmet was fundamentally complete by 1974. Worldwide testing of the product was finished by 1977. Approval from the Joint Chiefs of Staff was granted in 1978. Yet procurement and distribution just inched along.

"I had difficulty getting it into the system because of the visual perception of it," recalls Vivian McKenzie, acting project manager for the Clothing and Individual Equipment Command of the Army Material Command in Alexandria, who was in charge of the initial distributions. But, she says, "the Grenada incident did it."

As part of the Army's Rapid Deployment Force, troops of the 82nd Airborne Division at Fort Bragg were the first to receive the PASGT helmets. Consequently, they were the first to wear the new issue on a combat mission, when President Reagan dispatched U.S. units to Grenada in the fall of 1983. Many Americans got their first view of the helmet in television and newspaper images of that operation, and the response perhaps prompted the Pentagon's low-key approach to any further publicity.

But the performance of the new equipment surpassed expectations. In two well-documented examples, the helmets stopped a vicious bevy of fragments from a 20 mm missile and a round fired from a Russian AK47 rifle. Although even the new helmet is not designed to protect its wearer from direct rifle rounds—"stopping that AK47 bullet was luck, like a Doug Flutie Hail Mary pass," McManus says—response was alacritous throughout the armed forces. Shortly thereafter, the Marine Corps, which until then had disdained the new helmet, put in its order.

Today, McKenzie says, distribution is proceeding rapidly, and by 1988, nearly 2 million PASGT helmets will be in use.

So the next time you see massed troops wearing steel pots on television or in the papers, they probably won't be Americans. They very well could be Germans, though. Soldiers in the Bundeswehr have been wearing a version of the M1 helmet ever since the West German army was reconstituted in 1956.

The question is, did the Germans know something we didn't back in World War II? Was their helmet intrinsically superior to the steel pot?

"No, their design just came about from an artist's concept," Durand says derisively. "In fact, in terms of ballistics it wasn't nearly as good as the M1. It was too close to the head and it had a terrible suspension system with a lot of metal components inside that became secondary missiles."

What about the broad, angled "skirt" around the German helmet? Didn't it offer more protection than the steel pot, with its narrow rim?

"No," Durand says. "That was a leftover from World War I, from trench warfare, when the soldier was in danger from being hit by falling rocks and debris from explosions. That's why the British 'pie plate,' the one we were using in Bataan, had the skirt."

Well, if the old German helmet was so bad, why does the new American helmet look so much like it?

"Actually, it doesn't, if you look closely," McManus says, and he's right, up to a point. The American helmet seems to fit the head better, it has a molded protrusion for the ears, and it lacks the distinguishing flare of

the "skirt." Even so, anyone with strong memories of World War II isn't likely to be so analytical.

The only positive aspects McManus and Durand see in the old German helmet are that "it was stable, because it sat lower on the head, and it provided peripheral vision." Those are but two of the many advantages that the pair see in the new American helmet.

"The philosophy of this program began with the obvious assumption that to attain maximum protection to the head one should cover the entire head," states a 1976 Army report, "Development of a New Infantry Helmet."

Common sense dictated that this medieval ideal was not suitable for the 20th-century infantryman. But McManus, Durand and their colleagues in various Army research organizations, setting out to design the first new U.S. helmet since World War II, were leaving nothing to chance.

"Every design aspect reducing the ideal coverage was documented by a corresponding study recommending such a cut or standoff," states the 1976 report. Thirty-two studies were conducted, involving everything from the sizes and shapes of human heads to ballistic material evaluation. The tests produced three U.S. patents, praise from the National Academy of Sciences and, not exactly presto, the PASGT helmet.

Sizing was a particularly nettlesome issue. The problem, say McManus and Durand, was that conventional data on the human head, including information the Army acquired by measuring the heads of 6,600 soldiers, does not take into consideration the vagaries of individuals head shapes. "Sizes just don't go up from 7½ to 7⅝ and so on," Durand says, "It's like a Miss America contest where the perfect measurements are 36-24-35—not one of those women will have all three of those measurements."

After several laborious false starts, McManus and Durand devised a "3-D numerical surface descriptor," a transparent hemisphere fitting over the head and equipped with needlelike probes to measure distance from the head at 27 points. The thing looks like an instrument of torture, but it provided the researchers with the information they needed—that is, it gave them three-dimensional data concerning head shapes corresponding to the voluminous two-dimensional measurements.

"In our eyes the heads actually were more important than the helmet," Durand recalls. "They became the basis from which we designed. The ideal helmet from the ballistic point of view would be a bathing cap, because it moves with the head and thus gives the greatest possible stability, and it presents the smallest target."

The sizing effort was characterized as "the most comprehensive anthropomorphic data-gathering program ever established for the head" by the National Academy of Sciences, and the awful-looking apparatus won McManus and Durand one of those three patents. As a result of this work, the new helmet, which comes in four sizes, fits much better than did the steel pot, and thereby helps to answer the three primary complaints from the field regarding the old helmet—stability, fit and comfort.

Concurrent tests were conducted on ventilation, one of them using a full-scale "copper man" to measure insulation values and "vapor transmission coefficients of clothing systems," and on "transient deformation"—"the distance a given material will momentarily deflect when impacted by a missile of known mass fired at non-penetrating velocity," or what a soldier might call a helmet's headache potential.

In other words, a hard bathing cap would be hot, uncomfortable, and would transmit an awful headache to its wearer when hit by anything larger than a small pebble. These tests proved that one-half-inch standoff for the head was adequate for ventilation and transient deformation in a helmet using Kevlar, the tough new polymer developed by Du Pont originally to replace steel belts in radial tires but whose chemical properties make it ideal for ballistics protection. (Kevlar is also used in the PASGT vest.)

At this point the researchers basically had the inside of the helmet designed. The information was passed on to a sculptor who prepared working molds, and tests continued concerning the exterior properties of the helmet—what shape would provide the optimum mix of visibility, hearing, weapons compatibility and protection—and on the suspension system.

When a prototype based on criteria established in these tests was first field-tested in 1974 at Aberdeen, Md., it received, according to Durand and McManus, the "highest level of troop acceptability of any item of clothing in Army history."

A surprising result of these tests, in view of the fact that a prime complaint about the steel pot was its heaviness, was that the new helmet was perceived as being lighter than the M1, even though its actual weight was about the same.

Why? "The center of gravity is lower, it's closer to the head and it just fits better all around," McManus says.

The result is a helmet with a built-in, adjustable suspension band and an outer shell made of 19 laminated layers of Kevlar. It covers 11 percent more of the head than the M1, provides better visibility and greatly increases stability and comfort. Most importantly, it increases protection. "It takes 2½ times the energy to penetrate this helmet as it does the M1," Durand states. "We can expect head casualties to be reduced by 25 to 30 percent in a given scenario" with the new helmet.

In addition, there are intangible advantages. In the first field tests, 11 years ago, soldiers equipped with the M1 and PASGT helmets ran parallel lines along obstacle courses. "The soldiers invariably took off the steel pot when they were done with the course," Durand recalls, "but many would just leave the PASGT helmet on. We knew we had a comfortable helmet then." In Vietnam quite a few casualties resulted from hits taken on helmetless heads. This is not likely to happen with the new helmet.

Of course, a trooper can't cook in it or use it as an instant early morning wash basin. "You can't cook in it, but you won't bleed in it either, is what we tell the soldiers," concludes McManus.

The new helmet is, in short, a classic example of the design dictum that form follows function. Its great beauty is that it saves lives.

PROTECTING SECRETS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 7, 1985, into the CONGRESSIONAL RECORD:

PROTECTING SECRETS

The Walker spy case and other recent cases of espionage against the U.S. have focused attention on how to improve protection of our secrets.

We now protect vital government secrets through a system of classifying information according to sensitivity, and limiting access to it. Not instituted or regulated by Congress, the system controls information only in the Executive Branch. The system's three categories—Top Secret, Secret, and Confidential—are based on the harm disclosure would cause to national security: exceptionally grave damage, serious damage, or damage. Information is classified only if it is important to national security, and applies to military plans, weapons, or operations; foreign government information, intelligence activities, sources and methods; foreign relations; safeguarding nuclear materials or facilities; cryptology; or a confidential source.

Specific agencies and officials have authority to classify information. Other officials use "derivative authority" to classify documents based on information taken from other classified documents. Last year, 6,900 federal officials with original classification authority classified 881,943 documents. Another 18,725,793 documents were classified by derivative authority.

Only trustworthy people who need the information to do their jobs are allowed access to classified documents. The "determination of trustworthiness" is commonly called a security clearance. The condition that access is necessary is the "need-to-know requirement". To obtain access to classified information, an individual must have both the necessary security clearance (Confidential, Secret, or Top Secret) and the need to know the information to perform his duties.

Recent events show the system is not working well. Several steps can be taken to improve it:

1. Reduce the amount of classified information. Some estimates of the number of classified documents reach into the trillions. The Pentagon alone classifies 16 million new items each year. Needlessly stamping information "secret" breeds a lack of regard for material that is properly classified, and overloads our capacity to protect truly sensitive information. We classify so much materials that officials need clearances for routine work. When everything is classified, then nothing is classified, and officials become careless in handling classified information. If we classified only what is valuable, we could focus our resources to protect that information. An effective security system would have maximum disclosure, recognizing that secrecy can best be preserved when credibility is strictly maintained.

2. Reduce the number of people with access to classified information. About 4.5 million people have security clearances, 40% more than five years ago. Leaks are inevitable when so many people handle secrets. If we reduced the number of people with clearances we could examine their backgrounds and activity more closely.

3. Strengthen the clearance process. We devote too few resources to background clearances. Many investigators are overworked, underpaid and undertrained. Background checks are often sketchy, usually only a perfunctory check for convictions

and firings. Only about 1% of 200,000 top secret clearances requested last year were denied. Re-clearance checks, mandated every five years for access to top-secret data, are at least ten years behind schedule. We should regularly recheck and cancel unnecessary clearances. Since spies are apparently motivated more by money than by ideology, clearance reviews, as well as initial checks, should include financial examinations. Another step to consider is the careful use of lie detectors on those with special clearances. Polygraphs, though not infallible, are already used by the CIA and the National Security Agency.

4. Enforce the "need-to-know" principle. The need-to-know principle—the key to the system of classified information—is often violated. A clearance should not entitle an individual to see anything; it is only one condition for access to classified information. Once an individual has met this condition he should be permitted access only if he needs the information to do his job.

5. Improve security at private contractors. 1.5 million private sector employees with clearances are monitored by about 200 government agents. About 200 companies have 95% of the classified documents, but investigators must inspect all 14,000 contractors regularly. Companies request more clearances than they need, often for employees hired to paint and do other maintenance jobs. Many government contractors are lax in reporting clues of espionage—unexplained affluence, unusual interest in classified material, excessive foreign travel. Private companies are also not required to train security guards. Security is often the responsibility of secretaries and file clerks. Federal regulations prohibiting removal of classified documents from the premises are not strictly enforced.

6. Encourage respect for security. The recent upsurge in spying may be due in part to a change in official attitudes. Government officials, including Members of Congress, sometimes leak classified information, usually to influence policy or gain bureaucratic advantage. Public respect for security has declined, and many officials do not, for whatever reason, follow the simple rules that assure good security.

These precautions alone will not eliminate the hemorrhaging of secrets. We will have to take other steps as well, such as stepping up efforts against the real culprits in espionage: thousands of enemy agents operating under diplomatic cover, to do so will require expanding our undermanned counterintelligence units. But if we reduce the amount of information we classify, reduce the number of people with access to that material, and improve investigations of those getting the clearances, we will make those counterintelligence efforts easier, and the nation's secrets will be more secure.

BRZEZINSKI TALKS ABOUT SDI

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BROOMFIELD. Mr. Speaker, the Soviets are master negotiators and have used their finely tuned skills in the Geneva negotiations on arms control. They try to win major concessions from American negotiators while giving nothing. They promise progress in arms control only if the United States abandons new weapons programs. They leave the negotiating table if they fail to get their way. All too often, it is the United States which gets blamed for the failure of the talks. When agreements are arrived at, the Soviets often break those solemn accords with great disdain. Who can forget about Helsinki?

At the current talks, the Soviets are insisting that the United States abandon the strategic defense initiative. To nobody's surprise, they want our negotiators to say that America will terminate that stabilizing program without requiring that the Soviets cut back on any of their offensive systems.

I am encouraged by a recent article on this subject written by Zbigniew Brzezinski. He is to be commended for saying, "enough is enough." If the Soviets continue to play hard ball at the negotiating table, our Government should quickly move ahead with the strategic defense initiative.

While many opponents of the President's strategic defense initiative have made their views known, I want to share the refreshing views of former Assistant to the President for National Security, Zbigniew Brzezinski, with my colleagues in the House.

[From the New Republic, July 8, 1985]

HOW TO BREAK ARMS CONTROL IMPASSE—A STAR WARS SOLUTION

(By Zbigniew Brzezinski)

The usual danse macabre of American-Soviet arms control negotiations is about to begin. The process is typically initiated by a Soviet announcement to leaders of the U.S. government, and to the myriad self-appointed American accommodationists trooping to Moscow to seek on their own a "fair" solution, that the ongoing stalemate is due entirely to American rigidity. The Soviets insist that they cannot give an inch, and that only a massive display of American good faith—translated into unilateral concessions—can revive the negotiations.

In the late 1970s the Soviets made it clear that progress in negotiations would be contingent upon U.S. abandonment of its cruise missile program. In 1984 they premised even the beginning of arms control talks on the dismantling of the U.S. Pershing and cruise missiles already deployed in Europe. Then the MX missile came to be designated as the impediment to any compromise. And now the Strategic Defense Initiative, Reagan's so-called Star Wars proposal, has been identified as the mortal enemy of arms control.

These arguments are then faithfully reproduced on the Op-Ed pages of U.S. and West European papers. Renowned professors, former ambassadors, various politicized scientists, and leaders of the arms control lobby plead for a demonstration of American good faith—which happens to coincide with the acceptance of what the Soviets have been demanding. The process of negotiation thus begins in earnest—but among us Americans! The Russians, meanwhile, sit at the table in Geneva and wait for the eventual U.S. concessions.

It is a normal procedure for the United States to prepare for serious negotiations with the Soviet Union by defining a tough opening gambit, to be followed by a more flexible position that would be exercised in conjunction with some demonstrated Soviet willingness to compromise. But it is usually only a matter of time before some disgruntled official leaks the substance of the fallback position to one of the ex-ambassadors, peace-loving professors, or any one of the 535 representatives and senators who have lately become our surrogate secretaries of defense and state. Any one of them then feels free to publicize the fallback position as his constructive suggestion. Indeed, the latest fashion is to compose a joint letter published under three or four prestigious signatures, strongly urging the U.S. to make further unilateral concessions in order to convince the Soviets that we are negotiating in earnest. After we prove our good intentions, the Russians may be prepared to accept our third—or fourth—fallback position as a proper match for their own unyielding position.

The Soviet argument against SDI and the domestic critics' case against SDI are politically complementary. The Soviets say that SDI threatens the militarization of space, and that there will be no arms control agreement unless it is abandoned. The American critics say SDI will not work, that it will cost too much, that the Soviets can very easily overcome it, and that the Soviets are dreadfully fearful of it. The logical inconsistency of these arguments is less important than the political symmetry of their intended effect—namely that the U.S. should unilaterally forgo the SDI program.

In fact, nothing could be more damaging to the prospects for real arms control than the jettisoning of SDI. Indeed, the time has come for the United States to bite the bullet on the SDI question. Only if a strategic defense system is deployable within the next decade or so, and only if our will to deploy it is proven credible, can the United States trade it for a genuine and comprehensive arms control agreement with the Soviets. It is essential that this system be capable of disrupting and rendering militarily useless a Soviet first strike by intercepting missiles early in flight or by knocking them out as they descend toward the United States. Anything less than that virtually guarantees that there will be no comprehensive arms control agreement.

The reason for this proposition, unpalatable though it may be to the arms control lobby, is rooted both in the changing character of nuclear weaponry and in the nature of Soviet strategic deployments. In the 1970s both sides enjoyed large strategic forces whose primary function was to pose the threat of annihilation to the other country. These systems were not susceptible to preemptive destruction. The emerging reality of the 1980s, and 1990s is that both sides are deploying far more accurate weapons. These weapons are capable of a preemptive first strike that could eliminate the opponent's strategic forces—and prevent effective retaliation. For the first time it is possible to contemplate the possibility of an attack that destroys an overwhelming majority of the other side's forces while also disrupting its command and communications structures to such an extent that any response would be marginal, spasmodic, and conceivably not totally destructive. In short, as accuracy increases so does the benefit of striking first.

This is not to argue that the Soviets (or the United States) are likely or certain to launch a first strike. It is simply to say that the nuclear relationship is growing ever more precarious. This is the current danger in the American-Soviet military situation. It needs to be addressed and resolved by the arms control process, if possible; or unilaterally, if arms control remains stalemated.

But there is another problem raised by the advent of the highly accurate weaponry.

The Soviet Union is now deploying such forces in large numbers; the United States is not. How can we negotiate effectively in this situation? We somehow have to convince the Soviets to limit the further deployment of their new SS-24 and SS-25 missiles, and to limit significantly the deployment of existing SS-18s and SS-19s, all of which have counterforce capability. Without such limitations, by the early 1990s the Soviets—even by conservative estimates—will have enough missiles to place the entire U.S. arsenal in jeopardy. Only our Trident and Poseidon submarines already out at sea might escape destruction from a Soviet first strike. And with the confusion and resulting disintegration of communications systems, the submarines forces might not be in a position to retaliate effectively.

In contrast, the United States is not likely to be able to threaten the Soviet Union in a comparable way. No ongoing or likely deployment program will enable us to launch a disarming attack. Even if the U.S. had some form of strategic defense in order to protect its missile forces, we would still have far too few MX missiles, D-5 missiles on Trident submarines, and Midgetmen to even permit contemplation of such a disarming first-strike attack at any point between now and the end of the century.

In these circumstances, the decision to go ahead with the SDI makes eminent sense. But is also means reformulating it politically and strategically. The U.S. should drop or at least de-emphasize President Reagan's idealistic hope for total nuclear defense for all our population. We should also abandon our unwillingness to consider SDI in the bargaining process. If we implement that part of the SDI program which by the mid-1990s would enable us to disrupt a Soviet first strike, we would reinforce deterrence and promote nuclear stability. That means concentrating on terminal defense and boost-phase interception.

Once we establish our determination to act on the SDI, we are in a better position to strike a bargain. We can say to the Soviets that we both face essentially two choices, one mutually beneficial, the other especially costly to them, but both stabilizing. The first choice is to renegotiate the 1972 ABM treaty to permit deployment of strategic missile defense, but without either side improving its ability to carry out a first strike. Then, in return for significant reductions in SS-24s, SS-25s, SS-18s, and SS-19s, the United States would not deploy its strategic defense system. The second option would be pursued if Soviets were unwilling to accept such a bargain. The United States would unilaterally terminate the ABM treaty and proceed with the SDI. This would render the Soviets' new generation of accurate missiles useless and wipe out their multibillion ruble investment in them.

Some critics of the SDI argue that the Soviets could respond by vastly increasing their offensive deployments. There are two problems with this line of thinking. First, if the Soviets do respond by building up, they will confirm the ominous suspicion that they are intent on preserving a first-strike capability against the United States; if so, the urgency of negating that threat is all the greater.

Second, if the Soviets expand their offensive forces, the strategic defense could be expanded proportionally. Remember that such a system would not need to be foolproof since it would not be designed to defend populations; it would only need to be capable of significantly disrupting an attack on U.S. strategic forces. In such a competition we would have the advantage. It would be far cheaper for us to add defensive missiles than for them to add highly accurate offensive missiles. (Those who make the most ambitious claims for the SDI should bear in mind that we could not compete so well if we were seeking to build a foolproof defense of our cities. If our defense had to be 100 percent effective, it would cost us far more to expand it than it would cost the Soviets to expand their offensive forces.)

To shape such an effective U.S. defense strategy and a meaningful negotiating posture, President Reagan's SDI needs to be redefined. We must show the Soviets both that we can deploy a strategic defense system soon and that we will negotiate over its deployment if they are willing to make stabilizing reductions in their offensive missile forces. In the event of Soviet unwillingness to accept such an arrangement, we would be in position unilaterally to achieve strategic security for ourselves. And because the SDI would not be accompanied by a massive deployment of disarming first-strike offensive U.S. systems, we would in no way increase our strategic threat to the Soviets. Either way SDI promises a genuinely stabilized nuclear equilibrium between the United States and the Soviet Union. It is time to act.

WHAT THE STATUE OF LIBERTY MEANS TO ME

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DYSON. Mr. Speaker, I wish to share with my colleagues the four winning essays read at the Jewish War Veterans Ladies Auxiliary of the United States Liebman-Berger Memorial Post No. 7's Fourth of July celebration. Established in 1896, the Jewish War Veterans Ladies Auxiliary is our Nation's oldest veterans organization.

The essays submitted for this competition are entitled, "What the Statue of Liberty Means to Me." The winners—all of whom hail from Maryland's lower shore—are Heather L. Kimmel, Kathy Shenesky, Lisa Ann Hoffman, and Hartley Saunders. I extend my congratulations to these fine young Americans and wish them well in their future endeavors.

The four essays follow:

WHAT THE STATUE OF LIBERTY MEANS TO ME

(By Heather L. Kimmel, Wicomico Senior High School)

In 1865, the French had the idea of giving a monument to the United States to mark the friendship between the two nations. Frederic Auguste Bartholdi was sent to America to investigate the possibilities of such a monument. He conceived of building a colossal statue at the gateway to the New World, the entrance to the New York Harbor. Liberty Enlightening the World was then created by Bartholdi, engineer Alexander Gustave Eiffel, and architect Richard Morris Hunt. In 1886, the statue and pedestal were erected on top of Fort Wood on Bedloe's Island, now Liberty Island.

The idea of the creation of the statue and the finished work itself represent a close friendship between France and the United States. This illustrates the fact that countries of our world can work together and remain allies. An Old World country created the statue for a New World country. The Old World has come to respect the ideas of the New World and no longer tried to take over and destroy the newer principles.

The tablet held by the Statue of Liberty is inscribed "July 4, 1776," the date that the Declaration of Independence was signed. To me, this statue represents the freedom that our forefathers envisioned for the United States. It also symbolizes opportunity for our country's citizens and foreigners that have come and will come here.

The torch in Liberty's upraised right hand symbolizes a ray of hope for all mankind, since the flame in the torch never flickers. Despite wars, conflicts, corruptions, or natural disasters, Americans will have a hope that peace and prosperity will be available to all.

At Liberty's feet is a broken chain, seldom seen. This symbolizes the bonds that link people struggling for their liberty. People of different religions, cultures, nationalities, and races can live and work together in harmony.

Liberty, as a whole, represents the American dream of individual freedom and hope for living a meaningful and rewarding life. Even though the statue is almost 100 years old, it continues to be an important symbol to the American people.

WHAT THE STATUE OF LIBERTY MEANS TO ME

(By Kathy Shenesky, Bennett Senior High School)

The Statue of Liberty is a symbol of pride for all Americans. Seeing it reminds us of the freedom, hope, and courage that all Americans share. Each American has a story to tell about their first viewing of Lady Liberty. They all feel some sort of patriotism, which is a part of being a citizen of the United States. The Statue itself has become a symbol of our country.

All Americans take pride in having freedom. We fought for it during the Revolutionary War, and shared our victory with France the donor of this statue. Immigrants see a life in our country as a chance to be free; either to have freedom from oppression or freedom to be a more independent individual. I feel that there is no country in the world that allows me more freedom to achieve my potential as a citizen of the United States.

Hope is also a characteristic that all Americans share. One hundred years after the Revolutionary War, France gave us the Statue of Liberty to commemorate the one hundredth anniversary of the signing of the treaty to end the war. It was given as a symbol of hope that our alliance would continue. Hope is also felt by United States immigrants. They want to be successful in their new country, and hope for a more prosperous future. The Statue of Liberty makes me hope that our country will spread peace throughout the world.

The Statue of Liberty represents courage. In the Revolutionary War, it took courage for a group of people to fight for freedom and risk defeat. It also takes courage for United States immigrants to move to the United States and risk failure. When I look at Lady Liberty, I feel courage to stand up for what I believe in.

The restoration of the Statue of Liberty has enkindled great enthusiasm among all Americans. To everyone, young, old, rich, and poor, this monument stands for the best qualities of being American.

WHAT THE STATUE OF LIBERTY MEANS TO ME

(By Hartley Saunders, Wicomico Senior High School

Ever since its construction in 1876, the Statue of Liberty has been a symbol of peace and prosperity for imigrants as well as to patriotic Americans. Her magnificent lines and adornments symbolize many of the liberties that native-born Americans have exclusively.

The Statue's parts symbolize different things to me, while projecting a unified feeling of patriotism. The pedestal on which she stands symbolizes how high America has made itself through hard solid work, just as the solid bricks and beams that make up the pedestal. Proceeding upward, I see that Lady Liberty carries a great book. That great book is the symbol of the education that is promised to each and every American. Rising up even further, I pass her majestic head and crown. They symbolize to me the beauty of the land I call America. And finally, after following that colossal arm upward, I reach the torch. Its flame symbolizes America as a bright star over a black sea.

After closely examining the statue in individual parts, I look at her as a whole. And while I am gazing at her supreme beauty, I see another symbol; the green coating. The coating represents to me the riches to be found here, both monetary and personal.

The Statue of Liberty with all her splendor is only as beautiful as the people of America think her. I'm afraid not every one thinks as I do. But as long as a few patriotic people still believe in America, the torch will shine as brightly as the sun.

WHAT THE STATUE OF LIBERTY MEANS TO ME

(By Lisa Ann Hoffman, Wicomico Senior High School)

The Statue of Liberty on Bedloe Island, New York Harbor represents the freedom that America cherishes, and to me it serves as a symbol of what our country stands for. All through the course of history, America has fought for its freedom. When the first settlers from Europe began to colonize the New World, they expressed a desire to be liberated and govern themselves. They battled for that right, and won.

As you enter the New York Harbor, you can't help but see Lady Liberty and the torch that she holds aloft in her right hand. The flame it produces illuminates the world and radiates to everyone the feeling of independence that all Americans should have within them. It also represents the energy and fire that come from the spark of patriotism. In her left hand, Liberty holds the book of law, depicting to me the American idea of equal opportunity for all.

The amiability and gratitude that the French felt towards America must have been overwhelming to be cause for such a gift. The Statue of Liberty also, therefore, exemplifies the respect that America deserves and rightfully receives. She is a constant reminder of all these things and installs in us new partriotism whenever we see her. I am glad that the Statue of Liberty's condition is being kept up, and I hope that the restoration is not only one of her appearance, but also one of the faith and pride of the American people.

INTRODUCTION OF GLEANING RESOLUTION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HALL of Ohio. Mr. Speaker, on July 30 I made a statement to accompany the introduction of a resolution to encourage gleaning. As the statement indicated, my resolution commends gleaning groups throughout the country and those food producers—individuals and organizations—who permit gleaners to collect unharvested crops from their fields to help feed the poor of this Nation.

However, due to a printing error, the actual resolution was not formally introduced and assigned a number. For that reason I am resubmitting my resolution on gleaning with the request that the error be corrected.

H. CON. RES. 183

Concurrent resolution expressing the sense of the Congress that food producers who permit gleaning of their fields and nonprofit organizations which glean fields and distribute the resulting harvest to help alleviate hunger should be commended for their efforts, and for other purposes

Whereas a large number of people in this country are not able to regularly supply themselves and their families with food;

Whereas food banks, soup kitchens, and other emergency food providers are witnessing a substantial increase in the number of persons seeking food assistance;

Whereas gleaning is a partnership between food producers and nonprofit organizations through which food producers permit members of such organizations to collect grain, vegetables, and fruit which have not been harvested and distribute such food items to programs which provide food to needy individuals;

Whereas support of gleaning to supply food to the poor is part of the Judeo-Christian heritage as set out in the Book of Leviticus, "When you reap the harvests of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien.";

Whereas a 1977 General Accounting Office analysis estimated that during the 1974 harvest 60,000,000 tons of grain, vegetables, and fruit, valued at $5,000,000,000 were unharvested;

Whereas the diets of millions of hungry people in the United States could have been supplemented with such lost grain, vegetables, and fruit;

Whereas a number of State and local governments have enacted Good Samaritan laws which limit the liability of food donors and provide an incentive for food contributions; and

Whereas numerous civic, religious, charitable, and other nonprofit organizations throughout the country have begun gleaning programs to harvest such food items and channel them to the hungry in the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) food producers who permit gleaning of their fields and civic, religious, charitable, and other nonprofit organizations which glean fields and distribute the resulting harvest to help alleviate hunger should be commended for their efforts; and

(2) State and local governments should be encouraged to enact tax and other incentives designed to increase the number of food producers who permit gleaning of their fields and the number of shippers who donate, or charge reduced rates for, transportation of gleaned produce.

TERRORISM IN THE UNITED STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 14, 1985, into the CONGRESSIONAL RECORD:

TERRORISM IN THE UNITED STATES

Terrorist attacks on Americans abroad have increased fears of violence spreading to the U.S. The resurgence of religious fanaticism, the increased willingness of foreign governments to export terrorism, the development of new terrorist technology that makes detection more difficult, the enormous publicity terrorists get in the U.S., and the number and diversity of people within our borders are all reasons for concern.

Terrorism is indiscriminate violence used against innocent bystanders for political effect. Terrorists attempt to create fear and to get widespread attention, exaggerating their strength and the importance of their cause. Most recent terrorist actions in the U.S. have been committed less to alter U.S. government policies than to alter policies in other countries. For example, the FBI recently foiled a plot against the Prime Minister of India during his visit to the U.S. In recent years, the number of terrorist incidents in the U.S. has dropped from 51 in 1982, when 7 people were killed and 26 injured, to 13 in 1984, with no injuries or fatalities. However, the 1984 figures do not count the two dozen abortion clinic bombings, which some say should have been included in the tally. The dominant form of recent terrorist actions in the U.S. has been planting bombs, and most were in New York City. Terrorists usually plan actions that will call attention to their cause without resulting in deaths.

While the State Department heads up our efforts against international terrorism, the FBI is the lead agency in our domestic efforts, with more than 500 full-time counter-terrorism agents. In recent years, FBI capabilities have been strengthened, through, for example, an increase in the number of agents, hostage rescue training and expanded computerization. Moreover, domestic surveillance guidelines for the FBI were recently loosened. Fortunately, the trend in the U.S. has been to fewer terrorist acts and more convictions.

Although examples of terrorist acts are found throughout U.S. history, they have not been as widespread here as in other countries, for several reasons. Terrorism

from domestic groups has been relatively rare because ideology has traditionally not been a major force in U.S. history, and because we have had few recent separationist struggles. Moreover, our political system has an enormous capacity to bring those with grievances into the democratic process.

Thus, the main threat of terrorism in the U.S. may come from abroad. Yet certain factors reduce the influx of terrorism. Foreign terrorists generally attack Americans abroad rather than come to the U.S. because of America's geographical remoteness and our tighter airport security. Many terrorists have been trained in Europe and find it easier to get around there. Also, terrorist acts in the U.S. by foreigners would inflame public opinion against their cause and would likely trigger widespread calls for strong retaliation. The view of most experts is that in the near future most terrorist actions against the U.S. will continue to take place abroad. Yet, as the FBI has noted, there is the potential for an increase of terrorism in the U.S.

We must take several steps to deal with the threat of domestic terrorism. Although we must improve our capabilities for handling terrorist incidents once they occur, the most important steps we can take are preventive—heading off terrorist actions before they take place. Such steps include, first, trying to address the kinds of fundamental grievances that give rise to terrorism. We should also continue to institute security practices that make the task of the terrorist more difficult, such as barriers around public buildings and electronic screening of crowds. Nearly all terrorism can be foiled with currently available security devices and procedures if they are applied sufficiently. We must continue to give wide publicity to our anti-terrorist efforts and our resolve to respond firmly to terrorists. For example, our well-publicized $100 million security effort at the Los Angeles Olympics is credited with discouraging terrorism. In addition, we should tighten our domestic anti-terrorist laws by increasing fines and prison terms, and by providing rewards for informants. Moreover, although the FBI has improved its capacity to deal with conventional terrorists, we should boost our ability to deal with large-scale, heavily-armed terrorist groups and to counter different kinds of attacks, such as against power or water systems. We should also improve our information-gathering efforts against suspected terrorist groups. If U.S. terrorism increases, we should consider carefully proscribed infiltration of suspected terrorist groups and steps to disrupt their planning. Finally, the U.S. should stop supporting actions elsewhere in the world—such as mining harbors and publishing assassination manuals—that appear to give our blessing to the notion of terrorism.

The fight against terrorism in the U.S. does not rest entirely with the federal government. Others must become more involved, including cities that are prime targets, high-profile international companies, and even individual citizens. One major terrorist group was captured because a housewife called officials after becoming suspicious of several men in jogging suits milling around a van. Her suspicion was aroused because the "joggers" were all heavy smokers.

Although our efforts against domestic terrorism must be firm, we must not overreact and trample civil liberties, disrupt normal commerce, and sharply restrict citizen access to our public buildings and to our government. A government that responds with oppressive measures loses the confidence of its people and plays into the hands of terrorists. Moreover, we should remember that terrorist acts in the U.S., though a major source of concern, are much less frequent than other violent acts. For example, last year there were 13 official acts of terrorism in the U.S., compared to 18,600 reported murders, 84,000 forcible rapes, 485,000 robberies, and 2,984,000 burglaries. Our efforts against terrorism in the U.S. must be forceful, but not panicked.

THAT IMPORT SURCHARGE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COURTER. Mr. Speaker, the following editorial by Congressman JACK KEMP which recently appeared in the Washington Post contributes a great deal to the debate over how we will conquer our trade deficit. JACK reminds us that we must avoid at all cost the kinds of trade policies which dragged this country down earlier in this century and which would reduce our opportunities for economic expansion. I urge my colleagues to read these words carefully:

THAT IMPORT SURCHARGE: WHY WOULD THE DEMOCRATS REPEAT A REPUBLICAN MISTAKE?

Reps. Dan Rostenkowski and Richard Gephardt and Sen. Lloyd Bentsen say that their proposal for a 25 percent import surcharge is a shot across the bow of our trading partners. Like every shot across someone's bow, this one would miss its target. But it would score a direct hit on American businesses, workers and families.

The Rostenkowski-Gephardt-Bentsen bill is no different in principle from the Smoot-Hawley tariff, which helped precipitate the Great Depression. Even some of the circumstances are uncomfortably similar: a growing debt burden in the developing nations; a progressive decline in American agriculture because of the rise of the dollar against other currencies in real terms; a failure to establish a stable international monetary system. In 1929-30, instead of correcting these problems, Congress enacted and President Hoover signed the Smoot-Hawley tariff, which hiked duties across the board. It was the last straw for world trade. The debtor nations could not repay their debts if they could not export to us. They sought to ease the pressure by devaluing their currencies and imposing retaliatory tariffs. The dollar rose even farther. The world economy imploded.

The Democratic sponsors of the new protectionist bill seem to want to repeat the same mistake. The main provision is a 25 percent tariff on any country whose exports to the United States are 50 percent higher than imports and whose world exports exceed world imports by 65 percent. (Why the difference? There's almost a $100 billion statistical discrepancy between total world exports and world imports, even though the two are obviously identical; yet these statistics are supposed to decide whether or not we trigger an all-out trade war!) It turns to that this would selectively target four countries: Japan, South Korea, Taiwan and Brazil.

It's easy to see who this bill would not help: American farmers. Japan, South Korea and Taiwan all make a living by importing raw materials and food and exporting manufactured goods. Japan, for example, is our single biggest agricultural customer. And to the degree that American farmers compete with Brazilian farmers, it is mostly abroad, not in U.S. markets. The 25 percent tariff would hike the prices paid by American farmers for equipment, though the world prices they received would be no higher. And U.S. farmers would be the first victims of any retaliation by other countries.

Would the bill at least reduce our competitive disadvantage in manufacturing? No: Since the tariff is selective, the main result of a 25 percent tariff on Japan would be to shift Japanese goods to Europe and European goods to the United States. This wouldn't help our trade balance at all.

To the degree that any American businesses could gain, it could only be at the expense of other American businesses—and, of course, American households. Both would be hit with price markups from foreign and domestic suppliers. American goods would cost more at home and abroad. Productivity and our standard of living would fall, and we would lose jobs. Any reduction in our imports would be more than matched by a loss of exports. And how can Brazil repay its debts to us if it cannot export to us? How can Japan invest its savings in our country if it cannot transfer the resources to us through trade?

In solving a problem, it helps to know what the problem is. Part of our trade deficit is not a problem. Countries that grow faster than the rest of the world, as we have done, generally import capital seeking a higher return, in the form of a trade deficit. This part of the trade deficit will automatically disappear if other countries pursue growth-oriented policies; if not, we don't need to slow down our economy to reduce the gap, as long as the goods are used to increase our economic capacity. The United States ran a trade deficit for its first 100 years.

But part of our trade deficit is a problem. As in the 1920s, American farmers, manufacturers and mineral producers—industries that export or compete with imports—have been priced out of world markets by the dollar's rise. Just as the fall of the dollar in the 1970s provoked protectionism abroad, the rise of the dollar in the 1980s has led to calls for protection in the United States. The instability of exchange rates has cost many jobs in both the United States and the Third World.

The obvious answer to a monetary policy that permits a rising dollar or a falling dollar is a monetary policy that preserves a stable dollar. We need a domestic monetary policy geared to the value rather than the quantity of money. And we need to return to an international system of stable exchange rates that is neither inflationary nor deflationary. (The Rostenkowski/Gephardt/Bentsen bill does have a section calling for movement toward stable exchange rates.) At the same time, we need a Reagan Round of talks on trade liberalization, patterned on the successful Kennedy Round of the 1960s. This was the goal of the statesman who designed the postwar Bretton Woods monetary system: to dismantle the beggar-thy-neighbor protectionism and competitive currency devaluations of the 1930s.

The Democratic Party is now going through a well-publicized identity crisis. The protectionist bill shows the difficulty the Democrats are having in hammering out

a consistent philosophy. The tariff would hurt the farmers for whom the Democrats want larger federal subsidies. In the field of tax reform, many Democrats propose new disincentives for investment that would worsen the competitiveness of precisely the same industries they are trying to "protect."

Politically, the Democrats might do well to consider the kind of luck we Republicans had with the ideas they are now thinking of adopting. The Smoot-Hawley tariff was the prelude not only to national economic but also Republican political disaster. As E. E. Schattschneider remarked about the soon-to-be-minority Hoover Republicans in his classic study of the Smoot-Hawley tariff: "To manage pressure is to govern; to let pressures run wild is to abdicate."

The Republicans used to be the high-tariff party and the Democrats the party of free trade. The switch underlines a larger role reversal of the two parties: Republicans have become the party of growth and opportunity, and the Democrats the party of tax increases and protectionism. As a rule, I don't mind it when the Democrats act like a minority party—confused, contradictory, narrow in scope. But when the future of our economy is at stake, I wish they would stick to ideas, such as tax reform, that make better economic and political sense.

THE TRAGEDY OF NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BROOMFIELD. Mr. Speaker, there are many tragedies in today's Nicaragua. After stealing what was originally a democratic revolution, the Sandinista Marxist-Leninists have also destroyed the economy of that country. Their brand of unworkable Communist economics has essentially brought the economy of Nicaragua to its knees. I want to share an interesting editorial on the economy of Nicaragua with my colleagues in the House.

Much has been said about human rights violations by the Sandinistas and their efforts to destroy the church in that country. Much has been written about the police state nature of that society and the growing role of Cuban and Eastern bloc advisers. Many Americans, however, fail to notice that much of the damage to the Nicaraguan economy was inflicted upon that poor country by the Sandinistas themselves.

Around the world, the Marxist-Leninist approach to economics has failed. The economy of the Soviet Union is a classic example of what massive damage is done when the so-called masters of economics take over.

Many countries in Eastern Europe are also economic disasters along with many Third World nations which modeled their economies on the Marxist model.

Given the many problems in that country, is there any wonder that the democratically oriented freedom fighters are winning the support of an increasing number of Nicaraguans? The common people in that country know that the road down which the Sandinistas are forcing that nation is the wrong one. In 1979, that nation obviously took the wrong turn. Let's hope we can help to get Nicaragua back on the right track.

With these concerns in mind, I commend the following insightful article from the Arizona Republic to my colleagues in the House.

The article follows:

[From the Arizona Republic, July 15, 1985]

NICARAGUA: THE FUTURE IS HERE

It was six years ago this month that a popular uprising of the Nicaraguan people drove dictator Anastasio Somoza out of the country his family had controlled virtually as a private fief since 1934.

So abhorrent was the corrupt military dictatorship that the Nicaraguan opposition and North American critics thought almost anything would be preferable.

Well, the future is here in Nicaragua.

According to Mark Falcoff of the American Enterprise Institute on an article in the current issue of Commentary magazine, the euphoria of the immediate post-Somoza era is wearing off and the hard realities of what Sandinista Marxism means are beginning to dawn.

Except among all but the most inflexible apologists for the Sandinistas, there is the growing recognition that quality of life under the regime has steadily declined.

Although never a wealthy country, Nicaragua was reasonably self-sufficient in food production.

Over the past 30 years, the standard of living in Nicaragua, like that for Central America in general, steadily increased.

Under the Sandinistas, that standard has dropped considerably.

Using 1978 as a base year, by 1982, agricultural production had declined 17 percent; industry had dropped 18 percent; and commerce had shown a 27 percent decrease.

The only sector of Nicaraguan society that gained in the first four years of the revolution was the size of the government, which increased three-fold.

By 1983, private consumption of goods had dropped by 12 percent.

Offical sources admit to 20 percent unemployment, and inflation is running at an annual rate of 25 percent.

Amid this economic slump, however, the Sandinistas have managed to build a heavily armed military larger than all others in the region combined.

Since 1979, Nicaragua has been the recipient of $3 billion in foreign loans and $250 million in outright donations, $118 million of that coming from the United States during the Carter administration.

If Nicaragua has economic problems, it is not the fault of the outside world.

Its problems, like those of the Third World generally, are not strictly economic, but are fundamentally political.

The Nicaraguan uprising was, by virtue of their greater armed strength, stolen by Marxists convinced they alone possess the sole repository of historical and economic truth, and are authorized to impose that "truth" on the population generally.

The scenario in Nicaragua is the same one that was played out in Cuba.

For the sake of Marxist patterns of social control, economic growth is willingly sacrificed to the need for the instruments of force and violence.

Nicaraguans understand what is happening, even if many North Americans do not.

That is why in just three years, *contra* forces has grown from a mere 300 to more than 16,000, or three times the number of armed Sandinistas who fought against Somoza.

WOMEN'S EQUALITY DAY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DAUB. Mr. Speaker, last week, the Nation marked Women's Equality Day when we recognized the contributions and achievements of American women.

As in past years, this year was one of both accomplishments and continued challenges.

The challenge for us, as we consider legislation that affects women, is to assure that our laws allow full and equal opportunity for women to advance in every sector of American society.

Having become a member of the Ways and Means Committee earlier this year, I am particularly concerned about the impact of major tax reform on women. I am pleased that the proposal before us includes a number of positive provisions in this regard.

Two areas of special concern are the spousal IRA provision and the child care credit. The spousal IRA is a long overdue recognition of the economic value of the homemaker. Additionally, the spousal IRA addresses the problem of disproportionate poverty among elderly women by providing an incentive for retirement savings.

The child care credit recognizes a legitimate cost to America's working parents. The opportunity for a mother to return to her career should not be diminished by our tax laws, and the child care credit assures that this cost of working is treated fairly in the Tax Code.

Tax reform will affect each American family differently; however, if we are to achieve our goal of fairness, we must recognize the role of women in our economy whether they work as a homemaker or in a career outside the home.

Tax reform and a fair tax code are fundamental to women's equality.

CONGRESS AT MIDYEAR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 21, 1985 into the CONGRESSIONAL RECORD:

CONGRESS AT MIDYEAR

As Congress breaks for its August recess, it is an appropriate time to review its record for the first seven months of 1985. There is only a modest list of legislative accomplishments.

The session began contentiously with the partisan fight over Indiana's Eighth Congressional District seat, and continued with skirmishes over party ratios on committee

slots. As consideration of the budget progressed, however, institutional divisions took over with House Democrats and Republicans siding with the President against Senate Republicans. After a slow and bitterly partisan start, Congress managed to reach bipartisan agreement on major budget, defense, and foreign policy issues.

The budget dominated the first six months of the 99th Congress. Differences over Social Security COLAs and defense spending brought budget talks to a halt. But at the last hour before the recess began—ten weeks behind schedule—Congress passed a budget resolution that sets targets for government spending.

The measure's sponsors claim it will trim $55 billion dollars from the deficit for the fiscal year beginning October 1, 1985. But within hours after it was passed, congressional leaders said that overly optimistic economic projections and the budget's measurement for defense cutbacks inflated the savings, and doubts were expressed over whether Congress will enact all the savings called for. Savings will probably be closer to $30-$40 billion next year.

With the President ruling out tax increases and Social Security cutbacks, reductions will come from squeezing domestic programs for a fifth year in a row and by restraining military spending. The balance between defense and domestic cutbacks is vastly different from what the President proposed in February. More savings came from defense, largely because of congressional resistance to continuing the military buildup at the expense of domestic programs. About one half of the savings are from defense.

The budget imposed no new benefit cuts in programs for the poor and elderly, such as food stamps, child nutrition and welfare. Medicare and Medicaid were cut, but by freezing payments to health care providers rathers than by cutting benefits. Farm programs will also be cut, and federal workers' pay will be frozen for one year. Most other domestic programs will be cut by 10-30%. General revenue sharing will end after 1986, the only major program to be eliminated. The plan contains no new taxes.

The budget resolution will keep the deficit from getting worse, but it is little more than a staying effort. Even so, savings are real, and amount to the single largest reductions in history. It sets spending and deficit levels lower than the President proposed. But the budget also leaves deficits of historic proportions. With predictions that, despite these cuts, the deficit will top $200 billion again this year, Congress and the President face an even tougher task next year.

I am concerned about the failure of the President and Congress to address the long-term budget problem. The disappointment for me is that we had the chance while the economy was doing fairly well to act in a non-crisis atmosphere. If we are unwilling to consider reductions in spending in major entitlement programs and defense, then cuts in other domestic areas will have little impact.

The passage of the budget resolution does not complete the budget process. The bill is only a guide for spending bills still to be enacted. My hope is that Congress will make cuts even greater than those proposed by the resolution when it considers spending bills this fall.

Congress also completed action on other items. It released highway funds from last year held up by a dispute over demonstration projects, and repealed the contemporaneous record-keeping requirement enacted last year. In foreign policy and defense, it settled the controversial MX missile and Nicaraguan Contra aid issues, at least for now. It passed the first foreign aid bill since 1981. It provided emergency famine relief and recovery aid for Africa. In response to the TWA hijacking, both Houses passed bills to improve security standards for international air transportation. It has nearly completed action on the defense bill for next year and is likely to give final approval to sanctions against South Africa when it returns in September. Congress has also been pushing the President to take action to reduce the growing trade deficit and to respond to unfair trading practices by other countries, notably Japan.

The President has been less effective at the beginning of his second term. Because of staff changes and the President's illness, the White House has been unable to focus its resources. In both foreign and domestic policy, the President was forced to settle for less than he wanted. The MX was saved but the program was cut in half. Humanitarian aid for the anti-government rebels in Nicaragua was approved, but not the military aid the President wanted. Domestic programs were cut but not eliminated. Senate leaders were forced to abandon efforts to give the President a line item veto. And in the case of sanctions against South Africa, Congress simply repudiated the administration's policy of "constructive engagement" with the Pretoria government.

The big work for the Congress when it returns in September will be to implement the budget resolution. A wide range of additional issues will be on the agenda including immigration, international trade, civil rights, farm programs, clean water reauthorization and the Superfund for toxic waste cleanup. Tax reform is not dead. Virtually all members of the key House tax-writing committees favor tax reforms and the President continues to support it strongly. House action on tax reform this year remains a strong possibility, but Senate action is much more uncertain.

JAPAN EVEN HAS TROUBLE BUYING FOREIGN WINE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STARK. Mr. Speaker, the Journal of Commerce, August 19, 1985, carried an article entitled "Trade Tensions Mount Over Japanese Wine."

For a people who are so smart, it is hard to understand why they insist on a domestic wine production industry—why 130 million people living in a mountainous area about the size of Montana would want to plant land in vineyards.

But the concluding quote in the article explains why Americans are at the end of their rope over our trade relationship. The Japanese Treasury official says, "We intend to protect first these small, weak wine makers."

Excuse me, Japan, but if you won't buy more of the wine of my district's Livermore Valley, then I intend to protect first my small weak semiconductor and computer firms against Hitachi, Fujitsu, NEC, and the other industrial/bank conglomerates of Japan.

TRADE TENSIONS MOUNT OVER JAPANESE WINE

TOKYO.—In 1983, Herve Gueymard gave up his career as an architect to take over a family business, a 20-acre vineyard that produces about 7,000 cases of select Japanese wine a year.

Japan might seem an unlikely place for a Frenchman to cultivate grapes, but Mr. Gueymard shares the conviction of producers worldwide that the wine market in Japan will ripen in the next decade.

"It will be one of the biggest markets in the world (behind France, the United States and the United Kingdom) within 10 years, maybe before that," the 39-year-old Mr. Gueymard predicted in an interview. "Things are changing and we can feel it."

Growing interest in the beverage, however, has raised tensions in the market, uncorking an oft-bitter brew of trade problems.

Lacking land, climate and a tradition of wine, Japan's wine producers have cultivated their market using foreign flair, a chauvinistic preference for the domestic product and cheap foreign wine blended with locally grown grapes.

Foreign vendors, sensing a coming market boom, voice complaints that are familiar to would-be importers of many other types of products, namely, that the Japanese government has unnecessarily protected Japan's wine makers with a web of tariffs and duties and a dearth of labeling regulations.

"Imported wines have roughly a 23 percent share of the market, but pay 57 percent of the taxes and duties on all wines," said French Embassy Agriculture Attache Jacques Torregrossa.

"Imported wines cannot compete at the moment," said Mr. Gueymard. "The local market is so well-structured."

The import market recently suffered another, unexpected blow—the discovery in Japan of 35 bottles of Austrian and West German wine tainted with a potentially lethal anti-freeze called diethylene glycol.

No deaths or injuries have been reported in Japan or any of 10 other countries where the tainted wine has been found, but the effect has been nothing short of devastating, according to some sources familiar with the market.

At least two department stores in Tokyo halted sales of all Austrian and West German wines, and an American importer, asking not to be named, said he learned that one import firm that does not even handle German or Austrian wines had seen sales plummet from 3,000 cases a week to less than 100 cases.

Once regarded solely as an herbal medicine, wine still enjoys only a single-digit share of the Japanese liquor market, although its growth is double-digit.

In the first quarter of 1985, beer held 60 percent of alcohol sales, whiskey 6.3 percent and wine just over 1 percent, according to the trading house Jardine, Matheson and Co. (Japan) Ltd.

Yet, "Japanese per capita wine consumption doubled during the past 10 years, reaching 0.8 liters in 1983," a U.S. Embassy report said: In Tokyo, consumption reached 1.6 liters per person.

With a drop in whiskey sales of 8 million cases in 1984, an increase in women drinkers, Western meals and travel abroad, and a global trend toward low-alcohol liquor,

market watchers say wine will continue to climb.

"Everything is in its favor," said Willie Purcell of Jardine, while at the same time complaining that importers won't easily be able to share in the market.

Japan's climate is so humid and land so scarce that the few wine grapes produced are 500 percent to 900 percent more costly and 8 percent lower in alcohol than U.S. or European Community varieties; according to the French Embassy.

Japanese producers depend on bulk wine from countries such as Spain and Bulgaria, or grape must—the fermenting juice of grapes—for blending with Japanese wine.

Only 20 percent of wine consumed in Japan is purely domestic, and a bottle needs only 5 percent Japanese grapes to be labeled "Product of Japan."

"We don't think it is an important matter," said Masahide Kanzaki of Suntory Ltd., one of three companies that control 60 percent of the market. "Consumers don't want to know where the grapes come from."

In addition to a lack of laws regulating wine labels by origin and variety, importers say duties and taxes are 40 percent higher than those paid by domestic producers.

Japanese officials defend the system as necessary to protect domestic producers. "It is very difficult for us to reduce our tariffs," said Yoshiro Okamoto, deputy director of planning for the Finance Ministry's Custom and Tariffs Bureau. "We intend to protect first these small, weak wine makers."

IN SUPPORT OF H.R. 10

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. RAHALL. Mr. Speaker, today the House passed H.R. 10, the National Development Investment Act which amends the Economic and the Appalachian Regional Development Acts of 1965. The programs developed under these acts have been highly successful in the fight to eliminate poverty and its devastating effects in Appalachia and to educate and enlighten the people of this area.

I would like to share one of the many successful endeavors of the Economic Development Administration in my home district in West Virginia. The following details Marshall University's Center for Regional Progress and its Economic Development Administration University Center Program. The center for regional progress was one of only three new University centers created by EDA nationwide last year. The support provided by EDA has enabled Marshall University to extend a wide variety of technical assistance and research activities to business, industry and government which otherwise would have been unavailable.

MARSHALL UNIVERSITY CENTER FOR REGIONAL PROGRESS, EDA UNIVERSITY CENTER PROGRAM

In August, 1984 Assistant Secretary of Commerce, Ms. J. Bonnie Newman, awarded a $77,000 grant to the Center for Regional Progress to establish an Economic Development Administration University Center. The purpose of the University Center is to provide economic development assistance to 21 southern West Virginia counties hard hit by unemployment.

The EDA University Center program enables the considerable faculty and staff resources of Marshall University to be directed to the region's economic development needs. Four types of assistance are made available to business and industry, government and community organizations: (1) Technical and research assistance, (2) Counseling and referral, (3) Continuing education through workshops, seminars and lectures, (4) Graduate assistantships, cooperative education and internships.

To date 20 faculty members representing various disciplines and 45 students have participated in projects sponsored by the Economic Development Administration Program.

A summary of some of those projects follows.

The client requested assistance in developing a business plan for a pizza/entertainment center, with which bankers and prospective investors could be approached to finance his project. The Center recommended that we undertake a feasibility study along with the development of a business plan to further enhance the business proposal package. Staff is currently researching the feasibility of the project and developing a business plan for the pizza/entertainment center.

The owners of a successful sheet metal fabrication corporation acquired the exclusive manufacturing patent to an innovative solar hearing system and began proto-type production. They test marketed the product and due to the demand for their product the owners decided to set-up a separate corporation to manufacture the solar heater. They approached the Center about advice concerning a national promotional campaign package for their new product. As a result of several meetings with the owners, the Center put together a faculty team to research market data and determine a competitive product price. Upon completion of the market study the team will develop promotional strategies and materials for the new corporation. Market research is underway.

The owner of two local pharmacies asked for research assistance. The research would determine if it is feasible to offer retail goods at a wholesale price, charge a fee for this service and maintain an expected fixed overhead for the two pharmacies. The Center is arranging for a faculty team to study the feasibility of the proposed service and develop a fee schedule as it relates to expected markets.

The client needed market information for downtown Charleston, WV to help pre-lease space in a proposed retail facility. The Center was able to readily assist the client providing the necessary, previously compiled, current market data.

A group of area Chamber of Commerce presidents and local economic development directors requested the Center to research and compile a tri-state regional profile to be used for recruitment purposes. The Center has completed the text of the profile and is working with the group on the design and printing of the document. It is felt, by the group, that the profile will be an asset in the recruitment of business and industry into the area.

The client requested market and demographic information for the Huntington and Charleston, WV areas. Average land, building, and lease cost were also required to conduct a preliminary study concerning the location of a proposed fast food restaurant into the two areas. The Center was able to quickly respond to the client's needs with minimal research and providing previously compiled data.

The client requested both technical and financial assistance to establish a non-profit textile processing plant to provide employment opportunities for the chronically unemployed, the handicapped, and the veterans. The client had approached a number of agencies and entities for assistance. The Center is working with these various groups to assess their level of participation and to package the proposals as a total project. A total proposed project encompassing all groups will better leverage funds and avoid duplication of efforts.

The City of Huntington, WV has asked that Marshall University through the Center for Regional Progress assist in the research and data collection for the development of a city Business Plan. The Business Plan will establish an economic development strategy and help facilitate economic growth within the City. Faculty and staff have become involved in various aspects of the plan development. The University is currently assisting which the arrangement of meetings with local business and community leaders to solicitate their input into the plan, along with ongoing compilation and research of required data.

The client is interested in establishing a consulting business. The business would offer exercise programs and instruction to local businesses for their employees. The Center is studying the aspects of meshing this project with a fitness evaluation and prescription program currently intact at Marshall University.

The Charleston Renaissance Corporation, a non-profit organization working in cooperation with the City of Charleston, WV and the area business community requested assistance with the development of re-development plans for the three Urban Renewal areas of the city. The Center conducted a preliminary marketing survey of Capitol Street between Virginia and Lee Streets and gathered the information necessary, and developed a long term marketing strategy for the area. The non-profit is charged with the implementation of the re-development plan.

Marshall University's College of Business, in conjunction with EDA and the Center for Regional Progress presented the first annual Global Trade Conference and Exposition. The GTC assisted participants in increasing their individual and collective share of the global market for their own businesses' and the region's economy. New opportunities in exporting were discussed and how to develop strategies, promotions, and techniques of capturing these markets. The conference was composed of ten seminars on a wide range of subjects. The exposition provided regional firms the opportunity to display and promote their export products. In addition to exporters, export intermediaries were present to explain their many services that facilitate exporting. The GTC was a great success and the Center looks forward to sponsoring next years conference.

A small manufacturing company has requested assistance from the Center for Regional Progress. They have a patent to manufacture a ceramic self-watering flower pot. The company has run into some problems and currently needs production space to further develop molds and manufacture additional sample pots. These proto-type pots will be used to market the product to dis-

tributors. Without commitments from distributors the company cannot secure a loan which is necessary to re-establish their own production facilities. To address their immediate needs the Center is currently researching the possibility of utilizing university space and equipment for production.

The client requested assistance in preparing a feasibility report for a total care retirement center. The feasibility report is providing the necessary documentation for a Certificate of Need from the State Health Department. If constructed, the retirement center will create an estimated 200 new service jobs in the Huntington/Cabell County area.

The Interim Commission on Employment Opportunities and Economic Development of the West Virginia State Legislature requested research assistance. Through the EDA University Center program, research was provided the Interim Commission in the following areas: Financial Incentives to Business, Free Enterprise Zones, State Image and Promotion, Export Marketing, and Taxation.

The McDowell County Development Authority contracted with the Center for Regional Progress to prepare an Economic Development Plan for McDowell County. The plan includes a resource inventory, needs assessment, project recommendations and funding alternatives, and an industrial diversification program to offset high unemployment in the coal fields.

The City of Pt. Pleasant contracted with the Center for Regional Progress to prepare a comprehensive Economic Development Strategy/Marketing Plan to promote industrial development, stabilize employment opportunities, and identify employee training needs in Mason County.

As a result of the EDA program, the Center for Regional Progress has been able to assist the Governor's Office of Economic and Community Development in the recruitment of new industry for West Virginia. The most notable example is the information provided in support of West Virginia's bid to become the site of the new General Motors Saturn factory.

The EDA University Center program, in cooperation with the International Trade Commission and the Regent's Center for Education and Research with Industry, has made possible the publication of a WV Export Products Directory. As a result, WV businessmen will have their products represented in foreign trade missions worldwide.

FINN CASPERSEN STATEMENT ON TAX REFORM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COURTER. Mr. Speaker, if my colleagues' mail has been anything like mine lately, they are probably receiving hundreds of letters from individuals and businesses who, though supportive of the concept of tax reform, are opposed to specific aspects of the President's proposal which might hurt them.

In view of this common response, I was greatly impressed to learn that Beneficial Corp., one of the largest financial institutions in the country, is behind President Reagan's plan in spite of the fact that Beneficial's tax liability would increase by about $100 million over 5 years under the proposal. Beneficial's reasons for supporting this tax reform are simple, yet dynamic and farsighted. In the word of Chairman Finn Caspersen:

This adverse impact (of higher Beneficial taxes) would be far outweighed by the positive consequences of tax reform on our customers and thus on the economy and our own business.

Beneficial Corporation and Finn Caspersen should be applauded for having the foresight to remember what so many others seem to have forgotten: Short-term losses through the elimination of one tax break or another should not color our understanding of the larger benefits resulting from a fairer, simpler tax code, which stimulates long-term economic growth and job creation through lower marginal rates.

It is well worth reading Finn Caspersen's statement on tax reform before the House Ways and Means Committee. I commend this testimony to the attention of my colleagues.

The material follows:

FINN CASPERSEN STATEMENT ON TAX REFORM

Mr. Chairman and members of the Committee, my name is Finn Caspersen. I am Chairman of the Board and Chief Executive Officer of Beneficial Corporation and I appreciate your invitation to appear before this Committee to express Beneficial Corporation's strong support of your efforts to reform our tax system.

The President's tax proposals, which Secretary of the Treasury Baker delivered to you almost two months ago, launched what many taxpayers, both individuals and businesses alike, hope will be an historic and successful effort to reform the system of taxation in this country. The yardstick upon which the success or failure of the effort will be measured will, no doubt, be the financial health or our country, its citizens and businesses over the next decade and beyond. Will the legislation raise enough revenue to meet our government's needs? Will the taxpayers view the system as "FAIR" and continue to support it on a voluntary basis? Will the system provide a framework that permits strong economic growth? Will it permit our multinational companies to compete profitably abroad?

We believe that the President's tax proposals provide the cornerstone for a tax system that will produce the most positive answers to those questions.

Today, I am here to explain why we at Beneficial believe this to be true. I speak from the perspective of the leading consumer lender in the country. Beneficial, unlike many other financial institutions, is first and foremost a consumer lender. we do not lend to governments or in any significant amounts to large businesses. Our primary mission is to supply credit to the public at a fair and profitable rate. We provide this credit in many forms—through our 1,135 loan offices in 40 states, Canada and the United Kingdom; through the issuance of Visa and MasterCard cards; and through retailers of all kinds throughout the country. We lend both on an unsecured and secured basis. We are the largest second-mortgage lender in the country. At the end of June, we had $5.5 billion of loans outstanding to more than 2.3 million customers. Most of our customers are the American middle class; with household incomes that typically range from $20,000 to $50,000. Beneficial Corporation's stock is traded on the New York Stock Exchange and is owned by more than 26,000 shareholders.

Our reason for supporting tax reform in the form submitted by the President is very simple . . . We believe it will benefit our customers. Most of our customers will pay less taxes and, therefore, have more disposable income to save, spend or invest. This, obviously, will benefit us directly. As Americans become financially healthier, they will be better customers for our services. As Secretary Baker pointed out in his testimony, most taxpayers will pay less taxes and most of our customers, namely those families with between $20,000 and $50,000 of household incomes, will pay 7.2% less taxes.

It will also benefit the general economy. Many economists believe the economic recovery in recent years was led by the willingness of the consumer to spend and invest. If the tax changes result in more disposable income as predicted by Secretary Baker then the scenario could be repeated.

Beneficial supports tax reform even though its corporate income tax payments will increase in the aggregate by $100 million over the next five years, the period being used to measure the revenue impact of the proposal. The reason for this increase in tax payments is twofold: first, the transition rules in the President's proposals moderate the benefit of the rate reduction during the first five years of the changes; and second, Beneficial like many other companies structured its financial affairs and made investments over the past several years with the specific purpose of minimizing its corporate income tax burden. It would probably no longer be prudent or economically viable to make such investments if the tax reform proposals are adopted in their present form.

I would now like to turn to the specific provisions of the President's tax reform proposals upon which we base our support for tax reform for both our customers and the company. Looking first at our customers, the keys words in the Treasury proposal as it applies to individual taxpayers are "fairness and simplicity." The tax system today has become extremely complex and riddled with provisions for special interest groups; it is perceived by the averaged American taxpayer to be unfair. In order for the voluntary nature of our income tax system to survive, it is important that this perception be changed. We believe that fairness will be achieved by adopting the President's proposals that broaden the tax base, lower tax rates, and eliminate special deductions, special tax credits and other preferences.

Simplicity and fairness are inter-related. A tax system that is complicated is perceived as unfair because its interpretation is restricted to those who can afford to employ tax experts. We do not expect Congress to adopt, in total, the President's proposals for tax reform. However, we believe it's important that, when the dust settles, the average American must feel that he is better off as a result of these changes and, specifically, that his tax burden has been reduced. If this objective is accomplished, and only if this objective is accomplished, will tax reform achieve its stated goals of fairness and simplicity.

The President's tax reform proposals address two specific deductions that are very important to our customers. They are the home mortgage interest deduction and deductibility of consumer interest. We applaud the Administration for stating as one

of the tax reform goals "the home mortgage interest deduction should not be jeopardized." This was enumerated by the President in his State of the Union Address and once again by Secretary Baker before this committee. The President's tax reform proposals permit taxpayers to deduct all of the interest on loans secured on their primary residence. This is of paramount importance to our customers if they are to enjoy the benefits of the American dream of home ownership.

Some have advocated that the home mortgage interest deduction should be limited to the mortgage incurred at the time the house was purchased. We strongly disagree. Implicit in the American dream of home ownership is to one day recognize the increased value in the equity in one's home. Refinancings and second mortgages help middle-class Americans unlock that equity without having to sell their family homes. They are able to finance college educations, pay medical bills, make home improvements or, generally, just improve the quality of their lives. Furthermore, to try to condition the deductibility of interest on the basis of the form of the loan or the use of the proceeds would be inconsistent with tax simplification and would be difficult to enforce and administer.

The President's tax reform proposal further provides that interest expense other than that associated with indebtedness on a principal residence will be deductible up to $5,000 plus investment income. We agree with Secretary Baker that the majority of families will never be affected by the latter limitation; it would serve primarily to curtail the economics of the tax shelters that higher income taxpayers currently utilize to reduce their tax liabilities. We would recommend, however, that the $5,000 limitation be indexed for inflation so that legislative changes will not be necessary in the future if inflation causes interest rates to rise to the very high levels of just a few years ago.

Turning to the reform of corporate taxation, we are pleased to join General Motors, IBM, 3M, R.J. Reynolds, J.C. Penney and many other distinguished companies who have appeared before this committee to support corporate tax reform around two common principles: the reduction in the corporate income tax rate from 46% to 33% and the introduction of the deduction for dividends paid. Like Beneficial Corporation many of these companies will incur increases in their tax burden under the President's proposals. Like Beneficial, they have decided to support this type of tax reform despite the increased cost. They understand that the benefit to their customer and the fundamental fairness which follows from eliminating special preferences and creating a "level playing field" will insure that decisions are based on market motivation not tax considerations. Overall, the reduced rate will encourage economic growth that will lead to better long-term profits for their corporations.

I encourage this committee to look very closely and put a high burden of proof on those companies and those trade associations that argue for the maintenance of special provisions which tilt the playing field in their favor.

Beneficial pays relatively high dividends to its shareholders. We are thus concerned with the partial deduction for dividends paid in the President's proposal. The current system taxes corporate earnings twice. Once when they are earned by the corporation and again when they are received in the form of dividends to its shareholders. While we favor a deduction higher than 10% for dividends paid, we applaud the introduction of the concept and would agree that it should be tempered with the overall need for revenue neutrality.

In conclusion, I recommend and challenge other financial institutions not to limit their testimony today to the impact of the tax reform proposals on their special tax preferences in the Internal Revenue Code. Instead, they should take a broader look at the significance of the reform proposal to the overall economy and especially at its impact on their customers. Ultimately, it will be the health and success of their customers that will control their future profitability. Let's not let the tax system continue to dictate economic decision making. Let the market and consumers provide such initiative.

The tax system should be fair. It should collect enough revenue to support our country and its citizens but not favor one industry over another or one form of capital allocation over another. I agree with many that have come before this committee that the tax laws are now a form of industrial policy. This should be eliminated to the greatest extent possible, in order to introduce a perception of fairness and neutrality in the revenue system.

The job of this committee and Congress is a very difficult one. No doubt with such sweeping tax reform changes there are risks. The answers will not be known nor can the economic result be known with any high degree of certainty. However, the time has come for tax reform legislation to be enacted that is founded on fairness and simplification not special interests. The time for tax reform is now. I learned from listening to our customers that a consensus of the American people want tax reform. We, at Beneficial, are prepared to help you in this historic undertaking for fundamental tax reform. Thank you.

PLIGHT OF MIGRANT FARMWORKERS, SEPTEMBER 4, 1985

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. LELAND. Mr. Speaker, migrant farmworkers are among the most vulnerable workers in our Nation. Low and unstable family income, hazardous working conditions, unsanitary living conditions, the transient nature of their lives, and limited health and social services have led to high infant mortality rates and a lower life expectancy among migrant farmworkers.

The most recent statistics show migrant health to be among the worst in the Nation. The latest available health data for migrant farmworkers notes an infant mortality rate that is two and one-half times the national average. Life expectancy for migrants in 1976 was reported to be 49 years—23 years below the national average.

I would like to commend Molly Moore, Washington Post staff writer, for bringing public attention to findings from a recent report by the U.S. Civil Rights Commission on migrant farmworkers. Her excellent article describes the deplorable and unsanitary living conditions of the migrant farmworker families who harvest the crops on the eastern shore of Virginia.

I am submitting Ms. Moore's article below in hopes that it will awaken our concern for the 2.7 million migrant farmworkers whose labor contributes to making ours the greatest agricultural nation in the world.

VIRGINIA WEIGHS MIGRANT WORKERS' PLIGHT: FEDERAL REPORT SAYS DELMARVA CAMPS AMONG NATION'S WORST

(By Molly Moore)

RICHMOND, August 28.—Virginia Gov. Charles S. Robb's administration, spurred by a civil rights report that said conditions for migrant farmworkers in the state are among the worst in the nation, is proposing sweeping changes to improve migrant labor camps and tighten enforcement of laws protecting the workers.

The administration, taking unusual action for a bureaucracy that long has given migrant problems a low priority, has been conducting its own unannounced investigation of conditions in the state's remote Eastern Shore farmlands. Top ranking officials, who say they have found migrant workers living in housing unfit for humans, said today they will submit their final proposals to Robb within the next month.

"Some say that what's in the [Civil Rights] report is mostly horror stories," said Virginia Secretary of Commerce Betty J. Diener, who donned a pair of old trousers and joined migrant workers picking tomatoes during the investigation. "But they're not untrue horror stories."

The study that alarmed Diener and other Robb administration officials came earlier this summer from the Virginia Advisory Committee to the U.S. Commission on Civil Rights. The report, which the Reagan administration withheld for two years, concluded that the plight of migrant farm workers on the Delmarva Peninsula—a poverty-ridden finger of flat marshland between the Chesapeake Bay and the Atlantic Ocean—has improved little since the Great Depression and that conditions in Virginia were "possibly the worst in the nation."

"I was fairly shocked," said Diener, who has earned a reputation as an activist in a conservative state government. "I called all the agency heads together . . . The report was saying the conditions were the worst in the United States. Why didn't I know about this? We went over there in a hurry."

Virginia officials say their own findings point to major weaknesses in the state's enforcement of health, safety and wage standards for migrant workers. They have discovered that many regulations are not being enforced while some state agencies enforce laws that contradict standards imposed by other agencies.

Their recommendations, still being drafted, are expected to be among the most comprehensive ever proposed by state officials. Some of them, presented publicly for the first time today at a meeting of the state Migrant and Seasonal Farmworkers Commission, include:

Proposals that the state, for the first time, provide funds, grants or loans to farmers for improving migrant labor housing.

A policy-making commission made up of cabinet-level administrators that would coordinate regulations governing migrant workers and attempt to untangle the sometimes conflicting mass of state laws.

Stricter enforcement of health, safety and wage standards.

Improved coordination among numerous agencies providing social services such as food stamps, medical care and education. Officials say they found that migrant workers frequently are victimized by bureaucratic red tape and lose valuable services that government should provide.

State officials say that their findings verify the conditions cited in the federal report, which was prepared in 1982. In many instances, that report was scathing:

"Migrant housing on Virginia's Eastern Shore is deplorable with housing structures ranging from chicken houses to barns," it states. "Commonly cited problems include mosquito infestation, overflowing privies and septic tanks, lack of hot water for bathing, rotten ceilings and roofs, and walls with holes."

Three years later there are some improvements, but state officials say major problems remain in both Virginia and Maryland. Communities such as Exmore, a small crossroads town, have become refuges for migrants. What officials call "outlaw" labor camps—unlicensed ones that go undetected by state inspectors—are commonplace.

At one such camp on the edge of town, workers recently were sleeping in the carcass of a rusting old bus and other abandoned vehicles. They shared a single, weatherbeaten outdoor privy. Beer cans and trash were strewn across the bare dirt that surrounds the vans and cars.

To the north and a few miles from Crisfield, Md., a town known for its annual crab festival, is the massive Westover labor camp with its rows of ramshackle dormitories. Once a World War II camp for German prisoners of war, Westover has been taken over by Maryland growers and it serves each summer as a temporary home for hundreds of Haitians, Mexicans, blacks and others who work the nearby fields. Families are squeezed into tiny, one-room cubicles and dozens of toddlers play unattended underneath huge pieces of farm equipment and trucks in the barren yards.

In a shabby two-story clapboard house perched on the marshy edge of a bay inlet is a group of migrants from a homeless shelter in New York City. They sleep on filthy mattresses covered by dirt-encrusted blankets. Their few possessions are stashed in plastic garbage bags under sagging cots. Two outhouses, on the edge of a nearby potato field, provide their only sanitary facilities.

Some of the laborers say they are resigned to such housing. "You're lucky if you can make enough to pay to live in an abandoned house," said Wilbert Riley, a migrant worker. He said he spent two weeks in an old vacant house just off Exmore's main street while he worked the cucumber and tomato fields.

While housing may be the most visible problem of the migrant workers, the civil rights report and migrant worker advocacy groups say that wage and labor abuses are rampant. Crew leaders frequently cheat workers and pocket money from their pay that should be funneled into Social Security and other tax payments.

There is, for example, the 63-year-old migrant laborer who has been working from Florida to the Delmarva Peninsula since 1937. A migrant advocacy group discovered recently that Social Security Administration has recorded his total at only $20,332 for his 46 years as a farmworker.

In other cases, lawyers representing migrant workers say many crew leaders routinely avoid paying workers the federal minimum wage of $3.35 an hour by underreporting the number of hours their crews work. That often makes it appear the workers were in the fields for relatively short periods and earned the required wage when they actually worked longer and earned far less than they should have.

Few of the numerous federal and state laws imposed during the past decade to protect migrant workers are being enforced, some officials say. Virginia officials say agencies that do attempt to enforce them frequently find the regulations so riddled with loopholes that violations often go uncorrected.

"Migrant workers are just falling between the cracks of every jurisdiction where they work," said Wanda Hoffman, Virginia representative to the U.S. Commission on Civil Rights.

Each summer as many as 8,000 laborers and family members migrate to the Eastern Shore, following the harvest seasons into the tomato, potato, watermelon and pepper fields of the Delmarva. While thousands of summer tourists drive U.S. Rte. 13, the Coastal Highway, most remain oblivious to the dozens of labor camps hidden behind the miles of lush groves of hardwood trees.

Although states are required to regulate the camps, Virginia officials concede they don't know how many of the camps exist, much less have an accurate count of the number of migrant workers in the state. Of the camps that are licensed by state governments as migrant housing, officials estimate that at least one-third of the known facilities are substandard.

A "Guide for Serving Migrant Farmworkers" used by Virginia agencies, points to the problem. "With a bit of initiative and inquisitiveness, it should be possible to ferret out many other locations throughout Virginia where migrants are housed," it says.

Officials say they depend on word-of-mouth reports from various farmworker advocacy groups for information about migrants. This summer Virginia officials say they issued permits for only about half of the 130 migrant labor camps on the Eastern Shore that were reported to them by Delmarva Rural Ministries. The group is a private, federally funded organization that provides health care for migrant workers.

Even when camps are located, Virginia officials say laws regulating them are so lax that the most basic health and safety regulations often cannot be enforced. Virginia law requires only camps housing at least 11 workers to be licensed by and subject to state regulations.

"We might get a report that a camp has 15 people and when we go there we find only nine or 10," said Dr. James B. Kenley, Virginia State Health Commissioner. "They play the numbers game on us."

During one year, despite widespread reports of health and safety violations in the camps in Maryland, only one labor camp was refused a permit to operate. Even then, it was allowed to remain open without the required permit, according to the federal report.

State officials in Maryland and Virginia say they have the authority to cite camps for violations, but have no power to shut them if operators refuse to comply with the laws.

Virginia places strict regulations on camps that house farm workers recruited through the Virginia Employment Commission. The result is that very few crew leaders or growers use the state's job service, thus avoiding compliance with the standards.

Farmworker advocacy groups estimate that about one in four of Virginia's migrant labor camps are operating with serious violations of health and safety codes. Gregory Schell, who heads the Legal Aid Bureau that covers the Delmarva Peninsula, calls that an improvement over the past season when he estimated more than 75 percent of the camps were severely deficient.

Virginia state officials credit Legal Aid Services with forcing improvements through a summertime blitz of complaints last year that prompted the Department of Labor to conduct about 100 investigations of migrant camps. The department imposed $67,875 in civil penalties on growers, but a spokesman said it has collected less than a third of that amount.

While many growers upgraded their housing this year, "some still were really not fit for human beings to live in," said Eva S. Teig, Virginia's Commissioner of Labor and Industry. Teig, a Robb appointee and coordinator of Virginia investigation.

Some state officials say that they are hampered because many local governments in the poverty-stricken Delmarva farmlands have no housing codes or health standards. The two Virginia counties on the southern end of the peninsula are among the poorest in the state.

"They say it's hard to enforce the labor camp housing when local housing is sometimes worse," said Mary Ellen Beaver, a Legal Services field worker. "That's no excuse."

Law enforcement problems are compounded by the high visibility of outsiders on the Shore. "As soon as you go across the bridge [from Virginia Beach] with a state seal on your car, things seem to disappear," said Civil Rights representative Hoffman. "Obviously you're going be noticed as an outsider, and in plenty of time."

Until recent years, federal and state laws held crew leaders—migrants themselves who lead the bands of laborers—responsible for complying with housing and wage regulations. Because officials said it was virtually impossible to enforce those laws, new requirements hold both the crew leader and the farm owner responsible as "joint employers."

That has angered farmers who are facing their own economic problems.

"The farmers are very, very bitter about being made corresponsible for crew leaders," said Philip McCaleb, chairman of the Virginia Migrant and Seasonal Farm Workers Commission, a panel appointed by the governor and charged with monitoring the conditions of migrant workers. "The [law] has been put in strictly because the enforcement agencies and bureaucrat have been unable to enforce rules and regulations against the crew leaders. They're being punished because bureaucrats can't do the enforcement jobs against the people that had been responsible."

Schell, who has taken several growers to court over failure to pay their migrant laborers, says the new system has forced many crew leaders to adhere more stringently to federal wage and tax requirements. Still, Schell estimates that as many as 40 percent of all migrant workers on the Shore are being cheated on their wages and tax payments.

"There has been long-standing flaunting of the law," said Schell.

It was the reluctance of federal officials to act on their own report that partially spurred Virginia officials to chart their own plans to deal with some of the breakdowns in the state government that have contributed to the problems facing migrants.

"What you end up with is a terribly complex problem that no one seems to be able to get a handle on in unison," said Labor Commissioner Teig.

RESPONSE FROM AMBASSADOR ON MEXICAN ELECTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. FRANK. Mr. Speaker, before our recess I submitted an editorial from the Washington Post for inclusion in this RECORD which discussed abuses of the democratic process in the recent Mexican election. Shortly thereafter, I received a letter from the Mexican Ambassador, differing with my views, and submitting two other editorials critical of Mexican elections along with his rebuttal to those editorials. He expressed the view that it would be in the interest of free debate for this packet of material also to be added in the RECORD. I agree because I continue to believe that the Mexican Government was untrue to democratic principles in the way in which it allowed the recent elections to be conducted. And I therefore ask that my correspondence with the Mexican Ambassador as well as the editorials from the New York Times and the Wall Street Journal and the Mexican Ambassador's answer to those editorials be printed here.

EMBAJADA DE MEXICO,
Washington, August 5, 1985.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR MR. FRANK: I read with interest your statement at the House of Representatives (July 31, 1985) asking to incorporate in the Congressional Records the editorial article of the Washington Post "Elections, Mexican Style", due to your concerns about the violations of human rights of minorities, wherever they may happen.

As your sources of information on these matters do not limit themselves to just one newspaper, I am enclosing two more editorials (of The Wall Street Journal and The New York Times) related to the same issue, as well as the public answers that I gave to their allegations.

I am sure that your sense of justice and fairness will foster the inclusion in the Congressional Records of these four Documents too.

On the other hand I suppose that you agree with me on the fact that irregularities and violations are part of the price of insisting in a democratic electoral process within a political system of individual freedom. Even in such a developed country like the United States and according to recent front page articles of The New York Times—which I am also enclosing—there are some suspicions and complaints of electoral fraud notwithstanding the highly sophisticated computarized systems at their disposal.

Furthermore, to complain about violations in an electoral process—as I have stated in both my letters to The Wall Street Journal and The New York Times—is an effective way of drawing sympathy from many people not sufficiently informed towards losing parties that did not reach the success they hoped for.

Finally, and due to your interest on the recent Mexican elections, I am also gladly enclosing a copy of our press-release 14/85 from July 24th, which points out their main results and gives a brief explanation of the Mexican Electoral System.

With my best regards, I remain

Cordially yours,

JORGE ESPINOSA DE LOS REYES,
Ambassador.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 13, 1985.

Ambassador JORGE ESPINOSA DE LOS REYES,
Embassy of Mexico,
Washington, DC.

DEAR MR. AMBASSADOR: I appreciate the time you took to respond to my public criticisms of the way in which the recent Mexican elections were conducted. I have read the letters to the editor you sent to the New York Times and Wall Street Journal, as well as your letter to me. Nowhere in any of these documents do I find any rebuttal of the very specific, first-hand reports of electoral abuse which I have read in respected American newspapers of varying political opinions. I continue to believe that the recent elections in Mexico were marred by abuses which are inconsistent with a respect for democracy.

I agree with you that "irregularities and violations" are present in many electoral systems. But there is a critical difference between the Mexican experience, as reported in a number of dispatches which I find credible and well documented, and experiences in other countries, including the United States. Here, the role of the federal government has been to combat these irregularities and to try to abolish them. My sense from what I have read and heard—strengthened by the absence of any rebuttal—is that the Mexican government was unwilling to take any firm action against these abuses, and may indeed have encouraged some of them. The fact that there are possible abuses in computer voting, as reported recently in the New York Times, in no way is analogous to what is reported to have happened in Mexico. Had there been a pattern of such abuses in the recent elections in the United States, or in other democratic nations, it would have been relevant for you to cite those. The fact that there are potentials for abuse in computer voting in no way is comparable to the officially sanctioned abuses that appear to have occurred in Mexico.

At your request, I will be submitting to the Congressional Record when we reconvene the two editorials mentioned, as well as your rebuttals to them, and I believe it would be helpful if I included this correspondence as well.

BARNEY FRANK.

[From the New York Times, July 13, 1985]

STILL ONE-PARTY MEXICO

Mexico's electoral system, as again displayed this week, is an undemocratic anomaly. Citizens may vote for parties of their choice but only one of them, the Institutional Revolutionary Party, is allowed to win. This puts Mexico in the uncomfortable company of Chile, Haiti, Paraguay, Cuba and Nicaragua—the other Latin Governments that permit no significant opposition. That is odd company for a society long associated with the cause of Latin American democracy.

Why Mexicans put up with this anomaly is something of a riddle. They have largely surrendered their political life to the electoral machine of the Institutional Revolutionary Party, or P.R.I. For 56 years they have permitted it to elect every President, every state governor, most mayors and the overwhelming majority of each national Congress.

The party used to boast, with some justice, that it repaid this trust by substituting stability, liberty and economic development for the pre-revolutionary upheaval and decline. But those gains have long since been absorbed. Modern Mexico is an increasingly urban, industrial and complex society that should not have to suffer monopoly rule. The unofficial election results from this week's balloting suggest a desire for change. But they also suggest that the desire will continue to be frustrated.

The National Action Party was thought to have a shot at one or two state governorships in northern Mexico. To beat back the challenge the P.R.I. used all its weapons, from the open flaunting of patronage to instances of apparently outright fraud. Reports accumulate about absent poll watchers, suspicious voter lists, missing ballot boxes, taxis full of uncounted ballots, subtotals reported in implausibly round numbers.

Yet despite these obstacles, the National Action Party may have captured an unprecedented number of congressional seats—it claims 16 of the 300 directly contested seats. In the last Congress the P.R.I. held 299.

The P.R.I.'s component units are theoretically providing indirect representation for groups of workers, peasants and other population sectors. But it has become mainly a permanent bureaucracy, governing through patronage and riddled with corruption clear to the top. Mexico preaches something better, and deserves it.

[From the New York Times, July 27, 1985]

IN DEFENSE OF MEXICO'S MAJORITY

To the Editor:

"Still One-Party Mexico" (editorial, July 13) is biased since, among other not very objective comments, it asserts that although "citizens may vote for parties of their choice, only one of them, the P.R.I., is allowed to win."

In this regard, one may ask: Allowed by whom? Elections in Mexico are supervised by a federal electoral commission and by state electoral commissions, all of which include representatives from all of the nine officially registered parties. In the event of a properly documented complaint, the party that considers that its interests have been negatively affected by the majority vote of the corresponding commission can appeal its case to the Supreme Court of Justice or High State Courts of Justice.

To complain of irregularities in the electoral process is a political artifice frequently used in many countries by the losing parties, whatever their ideology, because it is an effective way of drawing sympathy from many people not sufficiently informed.

The not very objective comments by many journalists, and their obvious interest in reporting sensational events, have fostered publication of articles showing a profound lack of understanding of Mexican political realities, primarily based on rumors and complaints—which were only to be expected—from parties that did not achieve the success they hoped for.

Moreover, the editorial concludes with the patronizing assertion that "Mexico preaches something better, and deserves it." This is a generalization valid for all countries since, in one way or another, all nations seek to

improve within their own scale of values and cultural models.

It is important to point out that new political leaders have been elected by Mexico in each of its electoral proceedings; this has undeniably been the continued decision of the majority of Mexicans and of Mexicans only.

Most of the voters believe that their legitimate popular representatives have gradually promoted the country's development and maintained domestic and international peace for several decades, notwithstanding the crises and hardships that Mexico, like even already industrialized countries, has faced throughout its long process of development.

JORGE ESPINOSA DE LOS REYES,
Ambassador of Mexico.

Washington, July 17, 1985.

[From the Wall Street Journal, July 12, 1985]

MEXICAN DEBACLE

It is time for Mexico's responsible leaders as well as the country's friends outside to sit down and do some serious stock-taking. Mexico is a troubled nation, a fact made plain by last weekend's midterm elections. It is not merely that the ruling Institutional Revolutionary Party (PRI) practiced some ballot-box fraud. As the nearby Americas column by Journal reporter Steve Frazier makes clear, PRI's behavior in many Mexican polling places was so unabashedly brazen and unapologetic as to turn the Mexican elections into a pathetic event.

The days leading up to the elections were full of promise. A serious and historically unprecedented challenge to PRI's hegemony by the National Action Party (PAN) held the prospect of giving birth to a two-party system, or at least some serious political competition, in Mexico. For that reason, observers and friends of Mexico were watching the election with extraordinary interest. President Miguel de la Madrid must be personally embarrassed at being unable to redeem his promise of honest elections. They were instead a travesty. No doubt many officials in Mexico's current government will take offense at the harshness of this assessment. But Mexicans should understand that this criticism is born of concern and interest in their future.

The affairs and relationships of the world's nations are becoming increasingly integrated, and much of this has to do with expanding world trade. Many less developed nations, often in Asia, are exercising their comparative advantage aggressively, driving world markets forward and thereby improving the economic well-being of all actively participating nations. Because of their size or historical importance, certain countries are regarded as natural, potential leaders in this process. A partial list would include India, China, Brazil and most certainly Mexico, which in addition shares a 2,000-mile border with the U.S.

It is not in the interest of the developing world or of the U.S. in particular to have a nation of such enormous potential as Mexico giving strong evidence that when the train of history pulls toward the 21st century, Mexico won't be on it. While its intense nationalism is understandable historically, Mexico's political future is inevitably bound up with the political and economic system of its large northern neighbor. Put precisely, this means that while Mexico will properly develop within the framework of its own national and cultural institutions, there is little chance of prosperity spreading to all Mexicans without the creation of two critical factors—political and economic freedom. We do not see how the Mexican governing institutions can escape from either, as PRI attempted to do in last weekend's elections.

Though it's true that Mexico has been ruled by a single party for most of the century, it is no Cuba. People speak, move and publish freely in Mexico. The country is developing an educated middle class. Mexico's admirable system of personal freedom has, in short, created a large population of smart, opinionated people. This explains why an opposition party like PAN has come into existence; it's hardly surprising that progress and modernization would impinge on PRI's closed system of political and economic rewards.

PRI and the Mexican government can try to adapt to this healthy political development, as President de la Madrid sometimes has. Or they can try to kill it, as PRI did last weekend in Nuevo Leon and Sonora. But efforts to prop up such an increasingly artificial political system have serious economic implications. While many of Mexico's most motivated workers surge into the U.S, Mr. de la Madrid is left with a politically dispirited and cynical population to respond to his government's efforts at economic reform. And when a party system is willing to endure international obloquy to steal elections, it will scarcely be likely to attract needed foreign capital. More important, it will not be able to offer the opportunities to being back the capital its own citizens have moved abroad.

We don't mean to underestimate the difficulty Mr. de la Madrid and his associates face in joining Mexico to the modern world economy. But as part of the process, Mexico has to recognize its own importance. It is far too crucial a nation to escape having its politics scrutinized by the rest of the participants in an increasingly integrated world. We wish the best of luck to Mexico in general and Mr. de la Madrid in particular, but last weekend's elections must be marked down as a victory for the past.

[From the Wall Street Journal, July 25, 1985]

MEXICO'S ELECTION RESULTS

Your July 12 editorial "Mexican Debacle," regarding the recent elections in Mexico, can hardly be considered objective. One gets the impression that you either had a vested interest in the success of the conservative political party PAN or, because of the predictions and information received from observers prior to the election, felt your expectations frustrated and now wish to justify mistakes in evaluation and analysis. These observers seem not to have taken into account that the majority of the independent surveys conducted before the election forecast a general success for the PRI. If this is the case, instead of unleashing bitter criticism against the Mexican system, the editorial should deal with your own sources of information.

It would be interesting to know whether your reaction would have been the same if, instead of the conservative PAN, it had been a socialist party threatening to take the victory from the PRI, and complaining about "flagrant" violations of the electoral process. Complaining of the results of an election is a political tool—perhaps not a very elegant one, but an effective way of drawing sympathy from many people not sufficiently informed.

A country and its political system cannot be judged by one electoral campaign. To be able to understand and to analyze that country's electoral processes in an objective manner, it is necessary to study its history and political movements in depth. Superficial analysis may be the reason why the article suggests that a bi-party system is the only legitimate form of democracy. To deny the Mexican multiparty system is to deny right of expression and political participation to other ideologies and ways of living equally respectable.

On the other hand the editiorial is unfair to the Mexican nation in saying that "many of Mexico's most motivated workers surge into the U.S.," while "Mr. de la Madrid is left with a politically dispirited and cynical population." However, pretending to be balanced, the article contradicts itself in another paragraph, indicating with patronizing attitude that "Mexico's admirable system of personal freedom has, in short, created a large population of smart, opinionated people."

JORGE ESPINOSA DE LOS REYES,
Ambassador of Mexico.

Washington.

PRAYER ON THE DEATH OF APARTHEID

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. FAUNTROY. Mr. Speaker, on August 12, 1985, a march and demonstration was held in protest against the Government of South Africa's practice of apartheid. During the event, Rabbi Andrew Baker, Washington, DC, director of the American Jewish Committee, delivered a moving statement and prayer which illuminated the moral issue involved in the Free South Africa Movement. I present the text of the prayer for the benefit of my colleagues:

YITGADAL V'YITKADASH SHEMAI RABAH . . .

The Kaddish is well-known as the traditional Jewish prayer recited at times of mourning. When word of a death is first heard, when people have assembled for funerals, when the anniversaries of those losses are marked, we say Kaddish.

It is ironic, then, that the Kaddish, this special prayer for the dead, nowhere in its contents mentions death. Ironic, but fitting. For it acknowledges a truth we all know but seldom admit: The dead are at peace; funerals are for those who must continue. They are the ones who now need comforting. They are the ones who now need strength. They are the ones who now need God's blessing. They are the ones who now need our help.

Everyone knows that Apartheid is evil. It requires no special study, no complex analysis. But until recently it has been a problem easy to ignore. After all, it's on a distant part of the globe, complicated by a strategic location, essential minerals, an important anti-Communist ally, and the like. This sort of thing is best left to diplomats and professionals, we are told. We all know there's nothing worse than a few amateurs trying to mix morality and international politics. But Apartheid is evil, and it can no longer be ignored. These coffins arrayed below are here to tell us that.

Ecclesiastes teaches us that, "The dust returns to the earth as it was; and the spirit returns to God who gave it." But the memories are for us, the living.

And we do have memories now. We may never have known any of the lives whose names are stenciled on these boxes. But the evening news and the daily papers are bringing us graphic images of lives very much like theirs, and of deaths very much like theirs. Youngsters at a time in their lives when the future should look brightest, swept up instead by a wave of frustration and hopelessness. Civil rights workers and anti-Apartheid demonstrators, brought down by assassins' bullets or the random firings of uniformed police. And those caught in the middle—Asians and "coloreds" with only a little more priviledge and a little less misery, and homeland officials and informers and collaborators, too—who must also be counted as victims of the state-sponsored evil. These are the memories we now recall, the hundreds of deaths that have already occurred and the hundreds more that we know are still to come.

"I lift up my eyes to the mountains. From where will my help come? My help will come from the Lord, the maker of heaven and earth." All of our religious traditions share the common belief that there is a God of justice, the creator of all, and that, in time and with our help, the peace and order that reigns in the heavens will descend on all of us as well. There is much for us to do, much we will need to accompany our prayers. There is much for us to do, if a system founded on injustice is to be overturned. There is much for us to do, if peace and harmony are to descend on that distant, troubled land. There is much for us to do, if the wickedness of Apartheid is to be erased from this earth.

We are gathered today to mourn the victims of that wickedness, and to insure that their deaths will have meaning. The authors of the Talmud wrote that, "The righteous are called 'living' even when they are dead, and the wicked are called 'dead' even when they are living."

Those coffins below are nothing but cardboard boxes, visible tokens for us who have assembled at this symbolic funeral. But it is the evil of Apartheid and its supporters that today we call dead. True, we are gathered at a funeral, but it is Apartheid and not its victims that we have come to bury. The living God reminds us that our place—the place of America, its government and its leaders—must be with the victims.

Baruch Ata Adonai, Dayan Haemet.

Praised are you, O Lord, the judge of truth."

OPPOSE CONRAIL TAKEOVER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HUBBARD. Mr. Speaker, I received a letter from one of my constituents, B.J. Goodwin of Fulton, KY, which I believe might be of interest to my colleagues. B.J. Goodwin is general foreman of Illinois Central Gulf Railroad at Fulton and is strongly opposed to a Conrail takeover by Norfolk Southern Corp.

I hope my colleagues will take the time to read his comments about smaller, class I railroads—such as Illinois Central—and the need to preserve the railroad industry in the best interests of the Federal Government, shippers and the consumers in our country.

The letter to me from B.J. Goodwin is as follows:

FULTON, KY,
July 9, 1985.

Hon. CARROLL HUBBARD, JR.,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: I am writing to you to solicit your support in opposition to a Conrail takeover by the Norfolk Southern Corporation, House Bill H.R. 1449. I believe a Conrail sale should be a public offering of stock. If this is impossible, I believe a non-railroad buyer would be the only way to preserve competition.

Over the last 10 years increased concentration of the railroad industry into larger rail systems with their ability to divert traffic from smaller, Class I railroads such as my line, the ICG, has been a significant factor requiring us to reduce our size and the number of employees.

Please support my belief and the hopes of other ICG employees and oppose the Conrail sale to the Norfolk Southern. We believe the sale to a non-railroad buyer would be in the best interests of the government, the shippers and the consumers in the northeast, midwest and southeast. I understand the unions also oppose a Norfolk Southern takeover of Conrail.

Sincerely,

ILLINOIS CENTRAL GULF RAILROAD,
B.J. GOODWIN,
General Foreman.

LEGISLATION TO FACILITATE TRADE AND TOURISM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. SCHUMER. Mr. Speaker, today I am introducing legislation to facilitate trade and tourism between the United States and Canada by allowing Canadian bus drivers to enter the United States on appropriate visas. This legislation will correct an unintended inequity in our immigration laws that allows airline and ship crews to stop in the United States in the course of their business but does not allow the same privilege to motor coach drivers. My bill, which has also been introduced by Senators DECONCINI, LEAHY, and D'AMATO in the other body, would bring bus drivers under the same immigration provisions as ship and airplane crews.

Because of the current defect in the immigration laws, travelers in the Northeastern United States, particularly in New York, face the threat of a disruption in bus service. In recent years, Greyhound Bus drivers on routes that service points in both Canada and the United States have had trouble obtaining visas to drive their routes. Indeed, since 1983, these drivers have only been allowed to work under "emergency parole status," which will expire without chance for renewal in 1986.

Without this legislation, Greyhound will be forced to suspend its service between Canada and the Northeastern United States because it will no longer be able to hire Canadian drivers. Moreover, if the company must discontinue international service, it will be forced to discontinue several domestic service routes as well, because they are not profitable without the international component. The company has investigated all other alternatives—such as changing drivers at the border and using U.S. drivers for service from Montreal—but none are economically or logistically feasible.

This change in law will not adversely affect U.S. jobs. Indeed, it will preserve some, since jobs filled by U.S. citizens would be lost if Greyhound were forced to discontinue these routes. The bill has the support of both Greyhound and the drivers' union. I hope my colleagues will join me in support of this effort to preserve jobs and promote commerce between the United States and Canada.

I insert the text of the bill in the RECORD:

H.R. 3236

A bill to amend the Immigration and Nationality Act to provide for the temporary admission to the United States of the operators of motor common carriers of passengers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(10)) is amended by inserting before the period at the end thereof the following: "or, for the purposes of paragraph (15)(D) of this section and sections 245, 252, and 257, a person serving as an operator of a motor common carrier of passengers".

(b) Section 101(a)(15)(D) of such Act (8 U.S.C. 1101(a)(15)(D)) is amended—

(1) by inserting "(i)" after "as such"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (ii) as an operator of a motor common carrier of passengers engaged in regular route transport across an international boundary who intends (I) to travel to his destination in the United States with intermittent stops as prescribed by the schedule established by the carrier, (II) to remain in the United States temporarily and solely in pursuit of his employment as an operator of such a carrier, and (III) to depart from the United States with the carrier on which he arrived or some other motor common carrier of passengers".

(c)(1) Section 252 of such Act (8 U.S.C. 1282) is amended by inserting "or stay" after "to land" each place it appears.

(2) Section 252 of such Act is further amended—

(A) in subsection (a)(1), by inserting after "port" the following: "and the period of time during which the motor common carrier of passengers remains in the United States in accordance with the schedule established by the carrier"; and

(B) in subsection (a)(2) and in subsection (b), by striking out "or aircraft" each place it appears and inserting in lieu thereof ", aircraft or motor common carrier".

(d) Section 257 of such Act (8 U.S.C. 1287) is amended by striking out "or aircraft" each place it appears and inserting in lieu thereof ", aircraft, or motor common carrier".

REV. JERRY FALWELL AND SOUTH AFRICA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STOKES. Mr. Speaker, Rev. Jerry Falwell, leader of the Moral Majority, has let America and the world know just where he stands on the preeminent moral issue of our day—apartheid in South Africa. Jerry Falwell is not on the side of justice. He is not on the side of morality.

Instead, Rev. Jerry Falwell is on the side of the immoral, racist, and repressive South African Government. In effect, he is a supporter of apartheid.

During a recent trip to South Africa, the man regarded as a key religious leader in America, lent his support to one of the most unchristian and immoral governments in the world—South Africa. Jerry Falwell stated that he supported the token reforms the Botha government has announced. Then, this so-called religious leader labeled his religious brother, Nobel Peace Prize winner Bishop Desmond Tutu, a "phony." Finally, Falwell announced his personal crusade to benefit the minority run Pretoria government. He is launching a $1 million public relations campaign to encourage American investments in South Africa.

Mr. Speaker, America and the religious community now know just where Jerry Falwell stands. On the issue of South Africa, he is not on the side of justice and righteousness. Rather, he stands on the side of immorality and injustice.

We now must question how a man of God could take such a warped position in the midst of the shocking facts. In South Africa, 24 million blacks live under the domination of 5 million whites. The majority has been relegated to segregated and undesirable homelands which comprise only 10 percent of the land. Black South Africans are victimized daily by a host of Government-imposed economic, social, and political discriminatory practices. As the impatience of black South Africans to apartheid and the Government's heavy-handed retaliatory actions grow, the death toll and arrests mount.

Through his recent statements, America's Moral Majority leader stands today with the immoral minority Government in South Africa.

Mr. Speaker, at this time, I would like to insert in the RECORD a recent Cleveland Plain Dealer article on Rev. Jerry Falwell and the South African Government.

[From the Cleveland (OH) Plain Dealer, Aug. 24, 1985]

FALWELL TIPS HIS HAND, AND IT'S ALL THUMBS

(By Darrell Holland)

Paint Jerry Falwell black and send him to South Africa to live.

If that were possible, it would be one way that the leader of the so-called Moral Majority in the United States could begin to understand how bad it really is for blacks living under apartheid.

During a visit this week to South African President P. W. Botha, Falwell revealed his insensitivity to the pain and agony of the 24 million blacks who live under the unjust domination of the 5 million whites in South Africa.

At the very time that Anglican Bishop Desmond Tutu, a delegation of leading South African churchmen and a host of other religious leaders from around the world, including Pope John Paul II, condemned South Africa's oppressive racial laws, Falwell said he supported the very limited (but mostly meaningless) racial reforms Botha proposed.

In doing so, Falwell revealed his lack of understanding of the biblical ideal of justice and righteousness.

There is no doubt that the Old Testament prophets, noted for their proclamation of social and economic justice, would roundly condemn legally imposed racial separation such as exists in South Africa.

And, it is indeed difficult to understand how the command of Jesus to love one's enemies, as well as one's neighbors, could be fitted into a system under which blacks are treated as inferior.

"Indeed, how is it that a man of Falwell's supposedly Christian background can support a system that treats his black brothers and sisters as inferior?" asked one American black this week while expressing dismay at Falwell's failure to morally condemn South Africa for its racial policies.

It has been said before that Falwell's brand of Christian fundamentalism is hardly moral and that it does not represent a majority of American Christians, as its name implies.

In regard to his views on South African treatment of blacks, there can be no doubt that his views are not based on Christian morality or ethics.

And in light of the fact that legalized segregation has largely been dismantled in the United States, either by changing laws or by the courts enforcing the Constitution, it seems unlikely that a majority of Americans would support Falwell's misguided views on South Africa.

Support for apartheid from any religious leader, and especially one held in such esteem in the United States as well as in many other nations, is reminiscent of the Christian leaders in Germany who supported the Nazi regime and its murder of Jews, Gypsies and other Europeans.

Morally, it is a disgrace that Falwell endorsed, as news reports said, Botha's analysis that apartheid is only a system of racial and tribal compartmentalization by which South Africa is governed and that apartheid reflects a social reality, not a policy, and that reform is the government's policy.

If apartheid is a mere social policy, then it is one that dictates that most of the blacks remain poor, while whites are wealthier; this forces a majority of blacks to live in so-called black homelands that make up a little more than 10% of the nation's land mass and is the poorest land in the nation.

Apartheid divides families by making it necessary for fathers to leave their homes to seek jobs, forces blacks to carry passbooks wherever they go and makes them liable for jailing if they do not and denies equal education and employment to blacks.

Opposing proposed economic sanctions against South Africa and, in fact, voicing strong support for American companies that continue to do business there, Falwell has revealed a social and moral conscience that operates at somewhere near kindergarten or preschool levels.

Falwell's meddling in South African affairs, especially in such a sensitive area as race relations, poses a danger to the lives of blacks and whites there. Some observers of the South African scene have suggested that the recent attempts by blacks to attain justice and freedom will not be stopped until whites willingly permit blacks full citizenship.

If the white minority does not respond willingly, permitting blacks to become equal participants in the nation's government and social and economic life, then many are predicting a revolution that could turn out to be one of the worst bloodbaths in modern history.

Botha, and most other South African whites, already have displayed a stubborn intransigence against removing or even reforming apartheid.

To have Falwell, to whom South African whites are likely to attribute greater influence than he really has in the United States, appear to endorse Botha's present policies, likely will make South African whites even less willing to remove apartheid.

That could lead to the bloodshed many already believe is inevitable in South Africa. Other church leaders, including Tutu, have pleaded with Botha to attempt to avoid this.

With all the money he collects from his begging for contributions on his religious television broadcasts, it is likely that Falwell's organization could buy a large number of the one-ounce Krugerrand gold coins produced in South Africa.

He said he was going to urge Americans to buy them as a sign of support for South Africa.

"We are going to present our cause," in a million homes through television, Falwell said, to oppose economic sanctions that Congress might enact.

Falwell, who has decried the violation of human rights in Communist nations, apparently believes social injustice is quite correct in South Africa, a nation he described as a friend of the West.

Western friend or not, President Reagan, himself no friend of sanctions, is far more moral in his judgment, made earlier this year, that "apartheid is repugnant."

Falwell is ethically and morally ignorant in his views on South Africa's racial policies.

WESTWAY TRADE-IN DEADLINE SHOULD BE EXTENDED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BIAGGI. Mr. Speaker, today I am introducing an emergency measure that would extend until December 31 the deadline New York has to "trade in" Federal funds already designated for the Westway highway project for an estimated $1.7 billion in Federal mass transit aid. The current deadline for the trade-in is September 30.

This proposed extension should be viewed as an emergency stop gap measure aimed at protecting the best interests of New York City. It is not designed to either save or kill the Westway project, but rather, it will provide city and State officials the necessary time to fully evaluate

whether a trade-in of Federal highway for mass transit dollars is the right course to take.

Last month a Federal judge issued a permanent injunction blocking construction of the proposed 4.2-mile highway that would connect the existing Henry Hudson Parkway with the Brooklyn Battery Tunnel. City and State appeals of that decision, which are now underway, are expected to take the case all the way to the U.S. Supreme Court, a time-consuming process that will certainly extend beyond the current September 30 deadline for trading in the Westway funds for mass transit aid.

The December 31 deadline should be ample time for the Westway trade-in dilemma to be resolved in a fair and thoughtful manner.

Congress approved Federal Interstate Highway assistance for the Westway project in the early 1970's. This authority would allow 90 percent of the cost of highway construction, or about $1.96 billion, to be covered by the Federal Government. Under a 1973 law enacted by Congress, New York could trade in that highway money for about $1.7 billion in Federal mass transit aid.

At this time, Mr. Speaker, I insert a recent New York Post article discussing the Westway dilemma in more detail:

[From the New York Post, Aug. 8, 1985]

WESTWAY BOMBSHELL: U.S. JUDGE KILLS $4B SUPERHIGHWAY PROJECT; CUOMO VOWS TO APPEAL

(By Marvin Smilon, Barbara Ross, George Arzt, and Fredric Dicker)

Westway came to a screeching halt yesterday as a federal judge in Manhattan issued a permanent injunction blocking construction of the controversial $4 billion West Side highway.

In a harshly critical 132-page decision, U.S. District Judge Thomas Griesa said Westway is not a highway but a "redevelopment" project—and thus ineligible for billions of dollars in federal highway funds.

Gov. Cuomo said the state would move immediately to appeal the ruling.

"Judge Griesa's decision to block construction of Westway is unfortunate, and we will seek an expedited appeal of his ruling," the governor said.

"We do not believe Judge Griesa will be sustained on appeal."

Mayor Koch said he backed Cuomo's move "100 percent," adding: "I'm not throwing in any towels."

Griesa also labeled "incredible" an Army Corps of Engineers claim that Westway's impact on the Hudson River's striped bass population would be "minor and inconsequential."

Griesa's permanent injunction bars the Corps from giving Westway a vital permit needed to create 200 acres of landfill on the Hudson shore.

He also barred the Federal Highway Administration from paying 90 percent of Westway's bill—estimated at up to $4 billion.

And he blocked New York State from building the highway.

In a clear attempt to conclude the often-bitter, 11-year legal battle, Griesa insisted "two failures to justify the Westway landfill and federal funding for Westway under the applicable legal standards should bring the matter to an end.

"There is simply no legitimate purpose to be served by further proceedings."

Koch said Griesa's decision was, "extremely important" and "would mean the end of the roadway unless the injunction is reversed by a higher court."

The project has inflamed political passions ever since it was first proposed in 1974.

Critics charged that the four-mile, multilane highway on landfill in the Hudson River from the Battery to 42nd Street was a massive boondoggle.

The project also called for 95 acres of park land and 100 acres for commercial development.

Supporters insisted the highway would be a economic boon for the West side, solving traffic problems and creating thousands of jobs.

The city and state now face a Sept. 30 deadline for trading in Westway funds for $1.7 billion in federal mass transit aid.

City officials are trying to get the deadline extended in Congress, where they got an extension once before.

But Koch, while saying it was up to Cuomo to move on a trade-in, insisted that was not "the best option."

Asked if the city would risk missing the deadline in a lengthy appeal, Koch replied: "I'm never going to do anything that I know is stupid. I'm going to do everything I can to protect this city."

When the deadline approaches, Koch said "he would sit down with the governor and the two of us would decide what is in the best interest of the city and state.

"Neither he nor I would ever take an action that would be irrevocable and lose the city an enormous amount of money," Koch said.

Cuomo conceded he would "have to be mindful of the Sept. 30 date" but maintained "It's too early to say how we'll go about it. That's being looked at and studied."

Yesterday's biting ruling was the second blockbuster decision on Westway from Griesa.

In April 1982, he granted a temporary injunction against construction, overturned an earlier landfill permit issued by the Army Corps and ordered the agency to make a new study of the impact of the landfill on Hudson River fish.

The Corps made that supplemental environmental impact statement (SEIS) and reissued the permit in January.

But Greiesa ruled yesterday that SEIS "should have but did not state" that:

"Westway is not needed for transportation purposes."

"Transportation needs can be satisfied by the existing roadway, improved at a cost of $50 million."

"The reason for the Westway landfill project, estimated to cost $2 billion, is redevelopment."

Griesa emphasized that this was the view not just of Westway opponents, but also of Col. Fletcher Griffis, the Corps' district engineer.

Griffis testified during the two-month trial that neither Westway nor the landfill are needed for transportation purposes.

Lawyers for the state also conceded in a post-trial memorandum that Westway is not necessary for transportation.

However, Griesa noted, the environmental impact statement "characterized the project as primarily related to transportation needs" and did not "apprise the public of the positions" subsequently expressed by Griffis in court.

"These are fundamental differences, not trivial ones," the judge said.

He added that Griffis admitted that, had he characterized Westway as a highway project, he could not have granted the landfill permit.

The distinction is important, Griesa maintained, because under law, the Federal Highway Administration is "essentially limited to highway projects" when issuing funds.

On the issue of the fish, Griesa called the findings by Corps scientists "incredible."

He noted that in a fall 1984 SEIS draft, the Corps' biologist found the landfill would have "a significant adverse impact" on the striped bass.

The Hudson spawning area is believed to account for up to half of the East Coast striped bass population.

But six months later, in the final version of the SEIS, the Corps reversed itself, ruling that the impact on fish would be "minor and inconsequential," thus allowing it to grant the permit.

In an attempt to explain the reversal, witnesses took the position that there was no basic change in their conclusion.

"The court finds this position incredible," Griesa said.

He singled out chief biologist William Dovel, who prepared the SEIS, saying his testimony provided "a collection of assertions so irresponsible that it is shocking that the government ever tendered him as a witness.

"It was difficult to understand how the government relied so heavily on his report in their decision to issue the landfill permit," Griesa said.

The judge also noted that Dovel, while working for the Corps, sought funds from environmentalist Laurence Rockefeller to prepare a report on striped bass.

Rockefeller's brother, former Chase Manhattan chairman David Rockefeller, is a chief proponent of the highway.

REAGAN PLAN TAXES NOW ON MONEY YOU GET LATER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. MARKEY. Mr. Speaker, as we become deeply involved in the discussion of tax reform, I call to the attention of my colleagues this thoughtful and important commentary. The following editorial by Edward Pendergast, printed in the Boston Herald of July 14, accurately depicts the truth behind one aspect of the Reagan administration's proposal: a program which will inevitably increase, not lower or neutralize, taxes. It is always important to consider the local effects of proposals that will significantly alter national policy. I hope my colleagues will give serious consideration to Mr. Pendergast's observations as we continue to debate the timely issue of tax reform and simplification.

[From the Boston Herald, July 14, 1985]

REAGAN PLAN TAXES NOW ON MONEY YOU GET LATER

(By Edward Pendergast)

With all the talk about tax reform and simplication, President Reagan has insisted

that he will not stand for an increase in taxes. At least one of his proposals is in direct contrast to that statement.

The section that relates to cash method of accounting will make any service industry pay increased taxes for its unpaid accounts receivable.

Historically taxes for service companies have been based on their receipt of cash rather than performance of services. This is based on the theory that one is most able to pay taxes when one has received the cash for service rendered. Service companies don't deal in solid, tangible goods, so the income from their services is less assured than wholesalers, retailers or manufacturers.

What a service company does is maintain an inventory, if you could call it that, of the time that has been expended and paid for by the company in the form of payroll for services for which the company has not yet received payment. In other words, you've put the service company in the position of paying out cash for employees to perform a service and paying out taxes for its income before it has collected any cash. Everything is outgo as far as cash is concerned, and no income.

This proposal is unfair and it is only a method of raising additional taxes. If President Reagan can show me that this is not a tax increase for every service company that either has gross receipts in excess of $5 million or needs to show accrual accounting results to creditors in order to obtain credit, then I'll eat my hat. In its usual gibberish there is some statement in the proposed law that says "consideration will be given to taking into account the billing of clients for services in the use of the accrual method." If anybody knows what this means or thinks it is simplification I would be delighted to have them try to explain this to me.

The cash basis of accounting for any company that does not maintain significant inventories has been allowed for 75 years. No one that I have ever heard of has claimed that this is unfair or that is in any way been an abuse as a way to pay taxes. I would like to find out if there is some purpose other than raising taxes.

In fact, even the notion that the proposal might raise additional taxes is somewhat faulty in the long run. The proposal makes the service company that is now reporting on a cash basis accelerate its tax payments so that taxes that might ordinarily be paid next year will have to be paid this year. After the first year or so the federal government will not raise any additional money but the service company will have permanently reduced its operating capital by advancing to Uncle Sam taxes on monies that customers have not yet paid.

To try to make the proposal understandable in a microcosm, think of the young neighborhood child who comes around and mows your lawn. Suppose he comes on Friday and mows your lawn and you promise to pay him his $10 next Friday. What this unfair tax would try to do is to make it so that the young fellow that mows your lawn would have to pay taxes this Friday rather than next Friday when you pay him.

One of the concepts of the tax law has been to tie it into ability to pay. Now the example that I gave you is not of a company large enough to be covered by this law but the principle applies if you wanted to expand this concept, then everybody who is paid in the first week of January for work done in the last week in December, would have to pay a tax as if they had received the money in December. How would you like that and is that fair?

Thanks for the help, Mr. Reagan. You have proposed to make it so that any reasonably sizeable service organization will have to prepare a more complex return, be taxed unfairly and have to slow down its growth so it can pay taxes for income that they have not yet received. This is not so funny for those of us who you bypass completely when you apply your test of simplification, reform and fairness.

TRIBUTE TO JAN AND ALAN SHULMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding couple in our community, Jan and Alan Shulman. I ask my colleagues to join me in honoring these two tremendous individuals. Each year the Pacific Southwest Region of the Federation of Jewish Men's Clubs presents the coveted Red Yarmulke Humanitarian Award to individuals who have given of themselves for the betterment of the Jewish community and the strengthening of the Jewish family. I am happy to tell my colleagues that this year's deserving recipients of this award are the Shulmans. The humanitarian award will be presented to the Shulmans at a gala dinner dance at Sinai Temple on November 10, 1985.

Alan and Jan are truly model members of our community. Throughout their 32 years of marriage they have always given generously of their time and energy for important causes. Jan served in a number of vice presidential posts for Valley Beth Shalom Synagogue as well as working in many capacities for the Women's League for Conservative Judaism and she served as a member of the Congressional Cabinet of the University of Judaism. She managed to donate her time to these worthy causes while also serving as the vice president of Los Angeles Hebrew High School. Alan, an attorney and CPA working as a partner in a law firm in Century City, also managed to find time to give to many worthwhile causes. Alan served as president of Valley Beth Shalom Synagogue and was later honored as their "Man of the Year." In addition, he served as a member of the board of directors of the University of Judaism and as a member of the Jewish Federation Counsel's Adult Education Commission.

It is my pleasure and sincere honor to join with my colleagues and the Pacific Southwest Region of the Federation of Jewish Men's Clubs to pay tribute to the Shulmans, a truly remarkable couple who have made inestimable contributions to their community.

A SCHOOLGIRL'S HOPE FOR PEACE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. McKERNAN. Mr. Speaker, Samantha Smith and her father, Arthur Smith, perished in a plane crash outside Auburn, ME, early last week. This tragic accident ended the life of a simple Maine schoolgirl who had become a symbol of hopes for peace between the United States and the Soviet Union.

Samantha's fame as a goodwill ambassadress stemmed from her 1982 letter to then Soviet leader Yuri Andropov frankly asking, "Why do you want to conquer the world, or at least our country?" Andropov responded by inviting Samantha to tour the Soviet Union to better understand the Soviet people. During the tour that followed, Samantha charmed both the American and Soviet publics with her frank and innocent questioning of why relations between the two superpowers had to be so distrustful. As she said, "God made the world for us to live together in peace and not to fight."

The thing that made Samantha so endearing was that she kept her heart and mind open to all things. She asked, as only a child can, the very basic questions that we, as adults, often overlook. She leapfrogged the sense of mistrust and hostility that has dominated relations between our nations, and appealed to our basic instincts as people. She didn't accept the adult justifications for the way things were, hoping that "with more people thinking about problems of the world, [I hope that] someday soon we will find the way to world peace."

Though her life was but a short 13 years, Samantha Smith did much to further her belief in the need for peace. She fanned the spark that many of us hold for improved relations between the United States and the Soviet Union; she was a youthful bridge between our two countries, succeeding where many diplomats and endless negotiations have fallen short, opening our eyes and ears to the reality of nuclear war by asking simply: "Please tell me how you are going to help to not have a war."

Samantha Smith had a dream, a hope that some day our two nations would live in peace. It is no small feat that, in her life, this simple schoolgirl raised our expectations that that dream can, in fact, become a reality.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Samantha Smith, and in sending sincere condolences to Mrs. Jane Smith in Manchester, ME, on the loss of her husband, Arthur, and her daughter Samantha.

WELCOME TO NEWEST MEMBER OF CONGRESS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COLEMAN of Texas. Mr. Speaker, I am proud to join my colleagues today to welcome the newest Member of the House of Representatives, the Honorable JIM CHAPMAN of the First Congressional District of Texas.

If you had believed all of the other side's predictions before the election, JIM CHAPMAN by all accounts should not be here today. He was outspent by a margin of over 2 to 1 by the national Republicans' handpicked candidate, and you would have thought that the administration had relocated the Cabinet in Texarkana by the time election day arrived. When all the ballots were tallied, however, the multimillion dollar RNC campaign had failed, and the people of east Texas had informed the administration what they thought of the largest deficits in American history and the lack of a national trade policy.

Mr. Speaker, JIM CHAPMAN brings to this House a reputation based on hard work, dedication, and responsiveness to the people of east Texas, and I am proud to welcome him here today.

Thank you very much.

COLLEGE OF ST. THOMAS, ST. PAUL SEMINARY, ST. THOMAS ACADEMY A CENTURY OF LEARNING, FAITH AND SERVICE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. VENTO. Mr. Speaker, on September 7, 1985, an academic institution in my district will be celebrating its centennial. The college of St. Thomas, along with the St. Paul Seminary, and the St. Thomas Academy have grown over these past 100 years to form a standard of academic excellence within our community and the entire Midwestern region.

Founded by Archbishop John Ireland 100 years ago on September 8, 1885, St. Thomas Aquinas Seminary was intended to prepare young men for the priesthood and to provide other young men with a classical education.

Located on the 60-acre Finn family farm, St. Thomas Aquinas Seminary began that September with 62 students and a faculty of 5 priests. Returning to the St. Thomas campus today, they would be overwhelmed by the changes that have occurred in the past 100 years.

From their common roots, the focus of these institutions have grown and flourished. In 1894, the St. Paul Seminary moved its campus and 65 seminarians and became a separate entity. Today, still located on that same new campus the seminary is preparing 85 ordination candidates and about 100 students in evening courses and programs for service to God and their community. St. Thomas Academy, a junior and senior school, relocated its campus to Mendota Heights in 1965 and now has a strong academic and extracurricular program for 750 students in grades 7 to 12.

The most dramatic change, however, has been at the college of St. Thomas. Incorporated in 1894, the college of St. Thomas has grown to an enrollment of more than 6,200 students, making it the largest private liberal arts college in Minnesota.

As the student enrollment has grown, so has the curriculum expanded at St. Thomas. Originally only a classics department, the college has built upon this solid foundation and developed not only a strong liberal arts program, but also a graduate degree program, a nontraditional student program, and new programs in manufacturing, engineering, business, and software design.

During its 100 years of existence, the college of St. Thomas has suffered setbacks and encountered serious hurdles. But the college has been able to overcome these hurdles through its constant search for new ways to serve the community.

The golden years of St. Thomas have come during the tenure of my friend and current president, Msgr. Terrence Murphy. Under his leadership, the college has expanded its services and has moved to fill a void in our educational community. Among the notable achievements of President Murphy is the decision in 1977 to become a coeducational institution. While St. Paul has an excellent Catholic women's college St. Catherine's, there was no local coeducational Catholic facility available. Today, St. Catherine's remains a strong educational institution and 40 percent of last year's undergraduates at St. Thomas were women.

In the early 1970's there were minimal educational opportunities available for nontraditional students to expand or improve their careers. In 1975, St. Thomas sought to fill this void by creating the new college. In areas such as management and education, St. Thomas is now providing continuing educational opportunities for over 1,300 nontraditional students.

President Monsignor Murphy and the college are not resting on these laurels. New, innovative programs are being developed to meet our community's needs—whether it be religious education, business ethics, engineering, or international-management studies.

Mr. Speaker, the final test of any institution is the final product that it produces. St. Thomas passes that test with flying colors. the graduates of St. Thomas have been a positive force in Minnesota and throughout our country. In medicine, government, business and all other fields, the alumni of St. Thomas have and continue to contribute to the well-being of our society. President Murphy has stated that St. Thomas wants to impart a Christian vision and Christian values to community life by educating people for various walks of life. The goal of St. Thomas is to impart a spiritual message relevant to our society and not something that is limited to Sunday morning. St. Thomas' efforts clearly make this spiritual message alive in the lives of people who are leaders of our community and our society. Throughout its history, St. Thomas has strived to meet those goals.

Mr. Speaker, I want to congratulate St. Thomas College, the St. Paul Seminary, and St. Thomas Academy on their 100 years of service, their centennial of service to our community and Nation. They have and will continue to be a vibrant force and a positive asset. At this time, I would like to bring to my colleagues' attention the following commentary on the achievements and developments of St. Thomas College.

[From the Minneapolis Star and Tribune, Sept. 1, 1985]

ST. THOMAS COLLEGE STARTS A NEW CENTURY OF COMMUNITY SERVICE

(By Leonard Inskip)

College presidents sometimes say that after 10 years it's time to move on. At the College of St. Thomas, President Terrence Murphy is in his 20th year, and it's the college that's moving on—to useful new programs for students of varied ages and to valuable new service to the community.

This weekend, for the 101st year, new students are gathering for orientation. Classes start Wednesday. Next Saturday and Sunday, St. Thomas and two related schools will celebrate a shared centennial.

The campus's late-summer serenity, freshly mown lawns and blooming flowers speak of tradition: a Catholic framework for a liberal-arts focus with practical applications.

But tradition is no barrier to change: new graduate programs planned or begun in manufacturing engineering, software design, business communications, international management. Lest those suggest a departure from traditional liberal arts, there will be a new chair in business ethics.

St. Thomas will create new graduate programs to serve St. Paul Seminary students—the result of a partial merger planned by the two institutions. But St. Thomas also will get a Jewish-Christian center this fall headed by a prominent Minneapolis rabbi, Max Shapiro. The college already has several special centers, including business management and religious, economic, community and senior-citizen education.

The college has begun working with Normandale Community College on a program to serve students who complete that school's two-year program. It also has long served nontraditional students—people with full-time careers, for example—by providing graduate business and education programs.

In recent years, St. Thomas has added an Owatonna conference center and a Chaska classroom building; both were gifts. This summer, it opened a Chaska business incubator that has access to St. Thomas programs and faculty. Last year, it discussed with William Mitchell College of Law the possibility of that school joining St. Thomas, but nothing developed. Some St. Thomas trustees have talked of classes in downtown Minneapolis—not likely soon, but a possibility someday.

With about 6,300 students, St. Thomas is Minnesota's largest private college—big enough to start programs like graduate studies in manufacturing engineering, small enough to experiment and move quickly, as

it did in setting up international-management studies after a governor's commission recommended such a program. The college has good rapport with business because it learns business's needs and acts on them.

An example: When Gov. Rudy Perpich began promoting engineering, Murphy met with such chief executives as Lewis Lehr of 3M, Edson Spencer of Honeywell and William Norris of Control Data. Eventually, Perpich recommended the unusual step of state help for a new manufacturing engineering program at St. Thomas. The Senate said yes; the House said no. Murphy expects St. Thomas to decide this month to proceed on its own.

Last year, Murphy described engineering as a "window of opportunity" for St. Thomas. He anticipated that society's future emphasis "will be not so much on social welfare programs, but rather on programs that will increase the productivity of the country and thereby provide employment, increase the standard of living, combat inflation, and put us in a strong competitive position in the international markets."

St. Thomas looks for programs that other—mainly the University of Minnesota—aren't providing. Murphy says manufacturing engineering is such a niche. But St. Thomas went beyond a niche when it pioneered evening-class management studies in the 1970s. Then the university had a few hundred traditional daytime students working for masters degrees, Murphy recalls. Now St. Thomas has nearly 1,300 nontraditional students in evening and week-end management classes and the university has about 1,200 such students. "They really took our program," Murphy says, but the result is that "the whole community is better off."

The centennial year will see a new relationship between St. Thomas and the Saint Paul Seminary. Both schools and St. Thomas Academy trace roots to a common beginning on Sept. 8, 1885. The seminary became independent in 1894 and the academy, a junior-senior high school, moved away in 1965.

The college and seminary are working out final details. St. Thomas will educate the seminarians, but the seminary will foster religious-character development. St. Thomas will acquire most of the seminary's nearby 35 acres, opening up long-range possibilities for an expended St. Thomas campus. New religious education can strengthen St. Thomas' ability to train lay people to work as church counselors and administrators as priests become fewer.

St. Thomas is one of the nation's 225 Catholic colleges and universities. Most were started by religious orders. St. Thomas is one of a few started by a diocese. The relationship continues, with Archbishop John Roach chairman of the college's trustees. Seventeen priests from the diocese are among 380 fulltime and parttime faculty members. Murphy as said that St. Thomas wants to "impart a Christian vision and Christian values" to community life "by educating people for various walks of life. If we truly want the Gospel message to be relevant to our society and not something that is relegated to Sunday morning, then we must make it alive in the lives of people who are leaders . . . of our community and our society."

But that does not mean proselytizing students, Murphy says. Rather it means requiring a few religion courses along with more traditional liberal-arts requirements. It means, he says, teachers' appreciation of Judeo-Christian traditions and "scholarly discussion of religious values." At the graduate level, such concern is reflected in a course that emphasizes values and the impact of policy decisions on a community. The new chair on business ethics established by Barbara and David Koch (Graco head and a leader in Twin Cities corporate-responsibility thinking) will strengthen that emphasis.

Catholics constitute about 85 percent of St. Thomas undergraduates, but only 30 percent of the graduate students. That reflects, Murphy says, the abundance and variety of schools serving undergraduates, but the limited graduate-level opportunities to have both classes and careers.

The college is planning what probably will be a $35 million capital drive for endowment, buildings and scholarships. Among scholarship goals: Seek top-flight students who don't qualify for needs-based help but who potentially are society's leaders and who, while in college, can offer leadership in academic achievement.

A campus visitor leaves with two strong impressions: (1) Through its constant search for new ways to serve the community, St. Thomas is a remarkable community asset. (2) Thank goodness that Terrence Murphy, unlike those college presidents who say 10 years in one place is enough, stayed around. The Twin Cities are better for having the school and the man.

ECONOMIC DEVELOPMENT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GARCIA. Mr. Speaker, this administration has made it very clear that they oppose any funding of the Economic Development Administration, because of its belief that the Federal Government should not be be involved in economic development projects at the local level. According to the administration, the private sector can provide all the funding necessary for community economic development.

In theory this may be sound thinking, but in practice it just will not wash, especially in light of the present economic realities. Mr. Speaker, I represent a poor district, the poorest in the Nation. And I can assure my colleagues that private investors are not standing in line, ready and willing to fund housing projects, businesses, or to offer technical assistance to community groups. There are investors, and the Bronx is experiencing a resurgence in terms of renovations, new construction and new businesses that have seen the opportunities that exist in the Bronx. However, more often than not some sort of incentive is needed for these investors to put their money in distressed areas. The fact that the Federal Government is behind a project is sometimes the only incentive needed.

Distressed areas have been faced with continued disinvestment. Local banks in the 18th district have a very poor record of home mortgage lending, and it would not stretch the imagination to say their commercial lending is probably not much better. I do not believe this is a situation unique to the Bronx. I do believe that communities faced with the problem of disinvestment need some Federal assistance in order to provide an incentive for investors. That is why I am a cosponsor of the National Development Investment Act. It will provide much needed assistance to areas that need it, areas that have not seen a trace of the much vaunted economic recovery.

TAX HAVENS: THE NEED FOR ACTION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STARK. Mr. Speaker, I would like to call to the attention of my colleagues an article on tax havens which appeared in the August 29th issue of the Washington Post entitled, "More Americans using Foreign Tax Havens."

Tax haven countries have long been a source of refuge for organized crime and drug profits. But it appears that more and more individual and tax protestors are copying crooks like Robert Vesco and stashing money in tax haven countries. So much for the new patriotism!

The IRS cannot hope to deal with this development through the traditional audit procedure. The purpose of going to these tax haven countries is to hide an audit trail or create such a maze of accounting nonsense that no one can determine the tax properly.

I think we need some new approaches to this problem. I will work to include in this fall's tax reform bill the denial of various tax privileges for countries considered tax havens—foreign tax credits; deductibility of losses, and so forth. But I think that we should also consider a Federal transfer tax on the movement of assets to these tax haven countries. The tax would be paid by the investor and anyone participating in the transfer—communications companies, banks, transportation companies, couriers, and so forth—would be held liable for any unpaid transfer tax.

Tax havens and the manipulators of them are helping destroy confidence and faith in our Nation's tax system. They should be treated like the enemies that they are.

The article follows:

[From the Washington Post, Aug. 29, 1985]

MORE AMERICANS USING FOREIGN TAX HAVENS

(By Howard Kurtz)

A growing number of Americans are using tax havens in such places as the Bahamas, the Cayman Islands and Panama as an illegal means of hiding about $20 billion a year from the Internal Revenue Service, a Senate subcommittee said yesterday.

The panel's report said that narcotics traffickers, who deal in vast amounts of illicit cash, still provide the bulk of U.S. funds laundered through foreign tax

havens. But it said its "striking conclusion . . . is that offshore banking accounts are being used by people one might regard as 'average American citizens.' "

The Senate permanent subcommittee on investigations, headed by William V. Roth Jr. (R-Del.), urged the Reagan administration to impose tough sanctions—including limits on direct airline flights—against foreign tax havens that refuse to cooperate with U.S. law enforcement officials.

The United States should deny income tax deductions for losses and expenses incurred in any foreign country that will not negotiate access to its financial records by U.S. investigators, the panel said. Many low-tax foreign havens will not provide such records because they do not recognize tax evasion as a crime.

Banking is a booming industry in small Caribbean nations such as Anguilla, Barbados, and the Turks and Caicos Islands, which have joined such traditional havens as Switzerland and Hong Kong in attracting a flood of foreign capital by adopting strict secrecy laws. The number of banks in Anguilla, for example, jumped from two to nearly 100 in two years.

Such offshore banks have provided a repository for drug smugglers, who use private jets to carry millions of U.S. dollars at a time. But the subcommittee found similar patterns among ordinary citizens, such as a North Dakota farmer who deposited large sums in a bank in the Turks and Caicos Islands.

The report said that unscrupulous shelter promoters "exploit the anti-IRS biases of some of their fellow citizens . . . . These con men persuade susceptible individuals that they can legally avoid taxation by placing their assets in an offshore trust."

A senior IRS official said his agency is conducting 300 criminal investigations of tax shelters, half of them located abroad. He said four cases over the last year each involved more than $100 million in sheltered income.

"We're finding an increase in the blue-collar worker, the middle-income person getting into these shelters," the official said. "You can read the ads in the Wall Street Journal."

In a typical scam, he said, an investor will receive a report showing fictitious commodity losses from a brokerage house in the Cayman Islands. "In many of these situations, there are no commodities being traded," he said, "it's just paper being shuffled."

"The auditor will be given very legitimate-looking documentation. We have no way of going over to those foreign countries to find out what was bought and sold. It's an exercise in futility." He said the IRS must rely on informers and undercover agents to penetrate these shelters.

The subcommittee said the Justice Department's approach to foreign tax havens is "too fragmented" and that information is not shared among law-enforcement authorities.

"The Justice Department did not know what it had even in its own files," a subcommittee investigator said. "The Justice Department uses our list because they never compiled one." He called federal regulators "woefully ignorant on this subject," saying that U.S. bank examiners give low priority to tracking the movement of large amounts of cash.

The Treasury Department fined Crocker National Bank of San Francisco $2.25 million Tuesday for failing to report nearly $4 billion in large cash transactions, most of it suspected drug money funneled through Hong Kong banks. Sixty banks have admitted such reporting violations since February, when the Bank of Boston pleaded guilty to violating the Bank Secrecy Act. Banks have since tripled their reports of large currency transactions.

Stricter reporting would make it more difficult to hide narcotics profits, the Senate investigator said. "Drug smugglers deal in an unbelieveable amount of cash, most of it in small bills," he said. "They've got to launder it, and the easiest and best way to launder it is to take it offshore."

Panama has become a burgeoning financial center. In 1982, the report said, more than $1 billion was funneled through a large Panama bank to Federal Reserve banks in New York and Miami, or four times the amount of such transactions in 1980.

A major reason for this boom is a Panama law allowing secret registered companies. "Anyone holding dirty money in Panama usually has a registered company," the report said. ". . . A registered company can be available within hours. One who walks into the right law firm in Panama City will find them already formed and 'on the shelf'. . . .

"There are no requirements of any kind to be met by an applicant for a registered company. Nor do application procedures assure that actual owners of companies are identified," the report said.

PRESIDENT'S DECISION SHOULD BE REVERSED

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. YATRON. Mr. Speaker, I join my colleagues in expressing my concern over President Reagan's August 28 decision to reject the use of quotas or increased tariffs to protect the American shoe industry against imports. The President's decision runs counter to the wishes of hundreds of thousands of concerned citizens as well as the recommendations of the U.S. International Trade Commission.

By making this decision, the President has rejected calls for assistance to this ailing industry which is now dominated by an influx of imports. The situation is now likely to further deteriorate. More factories will close, more workers will be displaced, and we will face an even greater influx of imports.

In response to this inaction, I urge my colleagues and all concerned citizens to step up their efforts to bring about a reversal of the decision. The time to defend this important industry is upon us.

ESTABLISHING A COMMISSION TO BALANCE THE BUDGET

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. HEFTEL of Hawaii. Mr. Speaker, in spite of the best efforts of both the Senate and the House, we have been unable to put more than a dent in the Federal deficit this year.

The political pressures on Congress simply make it too difficult to do more. Therefore, I propose, Mr. Speaker, we remove the problem from the political arena and ask the President to appoint a bipartisan commission to deal with the deficit. I am pleased that my esteemed colleague, Mr. FRENZEL, has joined me as a cosponsor.

This will not be the first time, of course, that we have used this approach. Three years ago, when the Nation's Social Security system was in deep trouble, the President appointed a commission to come up with a solution. When it did, Congress accepted it, recognizing that it represented the best efforts of thoughtful and well-informed men and women above the political fray.

Faced now with a problem even more serious for our Nation's welfare and even more difficult to resolve in a political setting, we should consider using an approach that we know has worked in the past.

Our proposal asks the President to appoint a commission immediately to report back to Congress by March 15, 1986. I know, Mr. Speaker, this is short notice, but the truth is we have very little time left. The situation is urgent.

Each day our deficit remains high, America's business fades a little more and our place in the world's economic hierarchy slips another notch. The deficit is creating such a demand for capital that interest rates remain unusually high. This in turn encourages foreign investors to convert their capital to dollars and ship it over here. The demand keeps the dollar high—40-percent higher than economists believe it should be. The result is that the rest of the world enjoys a 40-percent subsidy shipping goods to the United States and the goods we are trying to sell them carry a 40-percent penalty.

Is it any wonder our markets are being flooded with foreign imports and our manufacturers crying for quotas and tariffs? The runaway deficit is at the root of our trouble and no amount of protectionism will change matters until we come to terms with the fact that we are spending far more than we are taking in.

During the 1970's and early 1980's, the Federal Government absorbed only about 18 percent of total borrowing while business took 38 percent and households, 40 percent. From 1985 to 1988, the Bank of Boston estimates the Federal Government's share will double to 35 percent while business will be squeezed down to 25 percent and households to 32 percent.

Not only are American businesses being forced to compete with imports carrying a 40 percent subsidy from the strong dollar, but they are forced to complete with their own Government to borrow the money they need to modernize.

Time is short. That is why I chose the March deadline. Besides, the subject of the deficit is hardly a new one. Sadly, most

commission members would be more than familiar with its every detail.

March 15 is the date by which the authorizing committees of Congress must report their budget recommendations for the next year to the Budget Committee. This date would therefore allow the commission's recommendations to be incorporated in the next budget.

In 1980, the deficit stood at $73 billion. This year it is pushing $210 billion. If we continue at this pace we will have squandered our inheritance and have little left for our children. As Congressional Budget Director Rudolph Penner said recently:

By running up large Federal deficits, the current generation is lowering the potential living standards of its children and grandchildren.

The time for pointing fingers and casting blame has long passed. We can no longer afford to think of the next election. We must think of the next generation.

ANTI-SATELLITE WEAPON TEST

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COUGHLIN. Mr. Speaker, the recent administration decision to proceed with the first test of an antisatellite weapon against an object in space, while not unexpected, is nonetheless disappointing to those of us in Congress who have been working to lay the foundation for an arms control agreement banning these weapons.

No real purpose is achieved by testing our Asat now but the damage may be great. A recent editorial in the Philadelphia Inquirer expresses precisely my own concern about the Asat test and I commend it to my colleagues.

[From the Philadelphia Inquirer, Aug. 22, 1985]

ANTI-SATELLITE WEAPONS: TO WIN THE RACE IS TO LOSE

The United States must test a satellite-killer weapons for the first time against an object in space and test it now, says White House spokesman Larry Speakes. Soviet objections are discounted as sour grapes. "They [Moscow] have one [an anti-satellite weapon] and they don't want us to have one." National Security Adviser Robert C. McFarlane says the test is needed to maintain the military balance between the superpowers.

Unfortunately the administration left out a few key details:

The Soviet weapon is a clunker. Built in response to early U.S. anti-satellite models in the 1950s and 1960s, it can only hit less important U.S. satellites in low orbit, about a third of the total. The Soviet weapon can't reach the critical U.S. communications satellites in distant orbits.

Rather than stabilizing the space weapons balance, production of the new U.S. anti-satellite weapon will upset it. The U.S. weapon-in-progress is small, swift and far more sophisticated than the Soviets model. If the past is prologue, the Soviets once again will play catch up and develop a weapon to outdo the new U.S. satellite killer.

The United States has the most to lose in a such a race. It is far more dependent on sophisticated satellite communications to coordinate military operations than the Soviet Union.

Why then is the administration flat out opposed to a comprehensive ban on anti-satellite weapons, despite clear Soviet interest? One reason given is the difficulty of ensuring that the Soviets wouldn't cheat. That's a genuine concern that should be addressed carefully in negotiations, but new advances in U.S. satellite technology would make it difficult for Moscow to test a new anti-satellite weapon without detection.

Another issue is whether a treaty could control missiles, space mines or ground-based laser weapons which, though not designed specifically to take out satellites, could attack them. These threats are real. Some can be addressed by additional treaty restraints, others by making satellites more survivable and easier to replace. However, these dangers don't negate the value of banning weapons specifically designed to destroy satellites.

The real reason Washington opposes and Moscow wants a ban on antisatellite weapons may be one that Mr. Speakes never mentioned. Under the loophole of testing anti-satellite weapons the administration can conduct certain tests needed for President Reagan's "Star Wars" missile defense plan, tests that otherwise are forbidden by previous treaty.

If the issue at hand were only the one planned test, it might not be critical. At least several tests will be necessary before the U.S. anti-satellite device can be considered operational. But the administration had made clear that despite the Geneva arms talks and the upcoming superpower summit, it will not press forward for an anti-satellite ban. At best it will discuss "limits" on anti-satellite weapons aimed at those capable of hitting high orbits. But since the United States has more weapons in high orbit, and the Soviets have more in lower orbit, the Soviets are unlikely to buy that offer.

The decision to test, then, marks an administration determination to push ahead with a space race that ultimately will endanger, rather than strengthen American security. It is shortsighted. It is a mistake. In the space-weapons race, there can be no long-term winners.

THIRD ANNUAL CARIBBEAN YOUTH CONFERENCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. DE LUGO. Mr. Speaker, with the focus now on the Caribbean area, and with the added attention of the Caribbean Basin Initiative Program, and what we have learned from the Grenada experience, I would like to apprise my colleagues of a recent event in the U.S. Virgin Islands. Last week, the U.S. Virgin Islands hosted the third annual Caribbean Youth Conference which was very well attended by young people from countries and island nations throughout the Caribbean. Prime Minister Eugenia Charles of Dominica was a most welcome guest and speaker at the 3-day conference. The discussions were lively and gave one a real sense of the wealth of talent, energy, and intelligence of the young people of this vital area.

One of the keynote speakers was Dr. Charles W. Turnbull, the commissioner of education in the U.S. Virgin Islands. He made some very astute observations about the Caribbean identity and the possible future of the area which I would like to share with my colleagues.

KEYNOTE ADDRESS

(By Dr. Charles W. Turnbull)

The theme of this year's conference is "Youth Leadership in the Furtherance of Caribbean Identity."

The theme thus presupposes the existence of an element that can be termed "Caribbean Identity," which youth can provide leadership in furthering, expanding, improving. Is this so? Is it a fact that there is at present a "Caribbean Identity? The question for some is more than just thought-provoking. It is a downright provocation. Among some Caribbean youth it might even generate a fist fight or two. So be it. The question must be asked . . . and then answered.

In endeavoring to answer the question let us begin by defining the term—"Caribbean Identity." What do we mean when we say "Caribbean Identity"? A good dictionary that I consulted defined the term identity as "the condition of being oneself or itself and not another", "state of fact of being same one," "exact likeness in nature or qualities." Therefore, as you can plainly see, identity refers to sameness, in fact the word identity relates to identical meaning the same. We all know how closely identical twins resemble each other. Sometimes even their parents have difficulty telling them apart.

Now that we know that by identity we mean sameness we really only know that we are looking for a Caribbean sameness. But what do we mean by Caribbean? That part of the term too must be defined. And believe it or not, in someways this part of the term is more difficult or perplexing to define. This is because different people, including scholars and historians, mean different things when they use the word Caribbean. The dictionary is not much use here. By Caribbean do we mean all the countries of Central America, the West Indies and South America, the West Indies and South America that border the Caribbean Sea? This would include, in addition to the West Indies, Belize, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Venezuela and Columbia. Are we to inlcude countries that do not border the Caribbean Sea, such as Guyana, French Guiana and Surinam, the Bahamas and Bermuda but that do share to a large measure common historical background and modes of political, constitutional, social and economic and cultural development?

In the final analysis the determination of what is meant by Caribbean lies in the hands of the given exponent relative to his respective purpose, objective or aim. To settle the matter for this keynote address and this speaker, by Caribbean we mean all the countries of the West Indies chain from Cuba to Curacao in the Netherland Antilles, the Bahamas, Bermuda, Belize, Guyana, French Guiana, and Surinam. These we feel meet the test of a broad common historical background and mode of development.

Since we have defined "Caribbean" as well as "Identity and have equated "identity" to sameness, we know that we are looking for a

Caribbean "sameness" in the various countries. We can now reiterate the question. Is there in fact a Caribbean identity or sameness in the various countries we choose to call Caribbean? If so we must identify and describe this sameness. We must pull and show the common threads that make up this cloth or tapestry, if you please, we call Caribbean identity. The answering of the question now becomes our duty. Is there such a thing as "Caribbean Identity"? We are bold enough to say yes there is. We must now endeavor to identify and describe it.

Caribbean identity comprises the common inherited artifacts, goods, technical processes, ideas, beliefs, habits, customs and values of the people of the region. It is that sum of things that gives the people a collective personality that distinguishes them from another.

Examples of these include Amerindian tools, carvings and pottery, the sugar mill, greathouse, sugar technology, belief in a Supreme Being and a spiritual world, love of freedom and hatred of slavery or anything that even faintly resembles it, love of music, dance, festivals and holidays, desire to own at least a small piece of land and a house, lingering adherence to the time-honored rituals relative to birth, marriage and death, allegiance to family ties, etc.

Caribbean identity has grown out of the realities of geography and history. Although separated by water, for the most part, the countries are close to each other in terms of nautical miles. Narrow divides such as the Mona Passage between Puerto Rico and the Dominican Republic and the Anegada passage between the Virgin Islands and the Leeward Islands separate them. As the great Caribbeanist and scholar Gordon K. Lewis points out, this is not Polynesia or Melanesia, where thousands of ocean miles separate the various groups of islands from each other. Lewis notes:

"* * * This geographical closeness has led to a regular movement of people among the islands, by schooner, steamboat, and, today, small interisland aircraft. Intraregional migration has been the order of the day, especially in the Eastern Carribbean where, for example, laborers go south to work in the oil refineries of Aruba and Trinidad and others go north to seek jobs in the tourist industry of the U.S. Virgin Islands. Whole settlements of contract workers, both bonded and illegal, become part of their adopted homes: Grenadians in Trinidad, Antiguans in the Virgin Islands, Jamacians in Panama, and Dominicans in Puerto Rico. Add to this the more recent influx of political immigrants, e.g., Cubans in Puerto Rico, and a general portrait emerges of a regional society marked by the vast cyclical movements of peoples who have been uprooted—sometimes voluntarily, sometimes involuntarily. This, of course, has not yet expressed itself in any form of stable political union. The West Indies Federation collapsed after four brief years in 1962. But, short of that, the peoples of different Caribbean societies know each other as much as Europeans form different countries do. It is in this sense that geography is the mother of regionalism."

It can also be said that geography is a parent of Caribbean identity.

The other parent can be said to be history. Caribbean history can be divided into three or four broad periods. We choose to select four. They are (1) Pre-Columbian, (2) Pre-Emancipation, (3) Post-Emancipation and (4) Post-Independence. The three major episodes of all the countries, with the exception of a certain few, are European discovery, emancipation of the slaves, and political independence.

Out of a common historical background the social, economic, political and cultural institutions of the region has emerged with a high degree of sameness.

Now that we know there is indeed a Caribbean identity of sameness, and one we assume is worthy of preservation, what can youth leaders do to further this identity? First and foremost, youth leaders, all leaders in fact as well as the general populace, should study, know and appreciate Caribbean history and culture. Although far from perfection, there has been in recent years a considerable number of good volumes written, published and available in the region on Caribbean history and culture. These books, in most instances, have been written by native or long-term residents of the Caribbean, many having spent their professional lives studying the region. We recommend the works of Rex. M. Nettleford of Jamaica, Issac Dookhan of Guyana and the Virgin Islands, Walter Rodney of Guyana, Gordon K. Lewis, Carl Stone and others.

Additionally, a comprehensive series of textbooks of superior quality have been produced by publishing houses such as Macmillan and others for students in preparation for the CXC Examinations.

Additionally, in the various countries historical and cultural societies have been formed if they did not exist before. Organizations such as the Jamaica Institute, the Institute of Puerto Rican Culture, Virgin Islands Historical Society and others provide a venture for the furtherance of knowledge of the Caribbean.

Although far from what it must be, various Caribbean governments are improving and expanding the teaching of Caribbean history in their respective educational systems. Here in the U.S. Virgin Islands a cultural education division has been established to promote greater knowledge, awareness and appreciation of the history and culture of the Virgin Islands and the Caribbean.

More, however, needs to be done. I propose that in each country of the Caribbean a month be set aside, similar to Black History Month in the United States, to draw special attention to the history and culture of that particular country as well as to the rest of the Caribbean. What I am proposing is a "Virgin Islands History Month", a "Barbados History Month", a "Jamaica History Month", etc. Although the history, culture and way of life of each particular country and of the total Caribbean should be stressed year-long, a particular month for special observation would go a long way in the development and furtherance of Caribbean identity and awareness for the total population.

Any observance of Caribbean history must not only include the contributions of Caribbean men and women within the region but also their contributions to the larger world society.

Men and women of Caribbean birth and ancestry have contributed disproportionately to the world in a number of fields. Caribbean people, especially the youth, must know of the contributions of Edward Wilmot Blyden, Jose Marti, Marcus Garvey, Eric Williams, Grantly Adams, Shirley Chisholm, V.S. Naipaul, Alexander Bustamante, Norman Manley, Luis Munoz Marin and Terrance Todman to name but just a few.

A second strategy in the furtherance of Caribbean identity is the fostering of Caribbean unity. To do this it is of paramount importance that youth leaders sincerely believe in regional unity of all kinds and on all levels. Educators, doctors, lawyers, scholars, businessmen, service organization members, youth organizations, people of all groups should organize regional associations that meet regularly on different sites in the Caribbean for exchange of ideas, problem-solving and sheer fellowship.

There should be cultural exchanges, student exchanges, teacher exchanges, etc. The existing sports exchanges should be strengthened. Native Virgin Islanders could relearn cricket and Trinidadians could learn baseball.

There should be more personal visits for vacation and holiday among the residents of the various countries. The list of possibilities for furthering Caribbean identity and solidarity is endless.

What could all of this lead to. No none really knows. It might eventually somewhere down the road of destiny lead to renewed hope and aspiration for a Caribbean nation. As the world and by inference the Caribbean region shrink as the result of even faster and more efficient mode of transportation and communication being effected, the primary barrier to a Caribbean nation might well be the Caribbean people themselves.

Whatever the future may hold, the people of the Caribbean can take pride in what they and their forebear have been, are and will continue to be: a strong, resilient, courageous optimistic people with an identity to keep and pass on to generations to come.

The time is ripe for the furtherance of this identity. Youth leaders of the Caribbean who linger on the shore when wind and wave combine to grant you sailing weather to aid you on your way in your quest for furthering Caribbean Identity!

TEXTILE INDUSTRY JOBS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STUDDS. Mr. Speaker, last month Berkshire Hathaway, a textile mill in New Bedford, MA—a city I have the privilege to represent—announced that it would permanently close later this year. Unfortunately, the jobs lost at Berkshire Hathaway are but the latest among some 300,000 textile and apparel jobs lost nationwide in the past 4 years. While the current administration stands idly by, imports of textiles and apparel have been permitted to skyrocket far in excess of the levels established in the multifiber arrangement. Along with a majority of my colleagues, I have cosponsored the Textile and Apparel Trade Enforcement Act, a bill designed to achieve the objectives of multifiber arrangement. It is my hope that the House of Representatives will take up this important legislation this fall.

Edward W. Clark, Jr., of New Bedford, addressed this problem in a recent column appearing in the Standard-Times of New Bedford. I commend Mr. Clark's comments to my colleagues.

BERKSHIRE HATHAWAY CLOSING LINKED TO NATIONAL POLICY

(By Edward W. Clark Jr.)

The tragedy facing Berkshire Hathaway workers, their families, and our community is not an accident of fate. It is not the result of poor local management or an unreasonable union. It is clearly the result of national economic policies that have created depressed prices within the industry, an inflated dollar and a rapidly rising tidal wave of imported textiles and garments. Unless our national government acts swiftly and decisively, the tragedy will be repeated over and over again and will affect many more workers in New Bedford and across the country.

Since 1980 more than 10,000 Massachusetts residents employed in the clothing and textile industries have lost their jobs. These workers have not found jobs as software designers on Route 128. For the most part they have taken lower-paying service industry jobs. Many are still unemployed or underemployed. Their fellow textile and apparel workers are in danger of sharing their fate and the Commonwealth is in danger of losing the more than $770 million dollar annual textile and apparel payroll.

Nationwide 300,000 textile and apparel jobs have been lost in the last four years as imports have grown 19 percent per year. In 1984, 61 textile plants closed in North and South Carolina alone. Clothing and textile imports now comprise almost 50 percent of the American market, a far greater percentage than imported autos or steel. Textile and apparel imports account for 13 percent of our record trade deficit.

To stop the destruction of the U.S. textile and apparel industry more than half of the U.S. House of Representatives and one-third of the U.S. Senate have sponsored the Textile and Apparel Trade Enforcement Act. The Bill seeks to establish a fair trade system that protects the American workers and American industry while allowing for a reasonable level of imports. Our representatives should be commended and supported for recognizing the importance of this bill for Massachusetts.

The current "free" trade system is destroying American jobs by ignoring the unfair advantages other nations give their apparel and textile industries.

Many countries insure wages are kept low by outlawing strikes (South Korea and Poland), using slave labor (South Africa) or tolerating death squads, which kill thousands of trade unionists every year (El Salvador). As long as unions are crushed overseas, foreign wages will remain low. The average American textile worker earns $6.46 per hour or $13,000 per year. He or she will never be able to compete with a textile worker in China who earns 20 cents per hour or a stitcher in Hong Kong who earns $1.46 per hour.

In addition to low wage levels and unfair labor laws, Taiwan, South Korea and Japan give their industries unfair advantage by forbidding the importation of American clothing and textile exports unless their domestic textile and clothing industries approve.

Our government unfortunately often cooperates in eliminating American jobs by subverting the intent of U.S. trade law. Many foreign governments (the Phillipines, China and Mexico) directly subsidize their industries. Under U.S. law, direct subsidies are supposed to trigger import tariffs equal to the subsidy. When it was proven that Brazil subsidized its shoe industry, our government gave Brazil five years to eliminate the subsidies rather than immediately impose a tariff. Five years later Brazil was still subsidizing its shoe industry, and our government gave them a five-year extension. At the same time, Bass Shoe, a division of Chesebrough-Pond's, Inc., closed several plants in Maine and opened a plant in Brazil.

Our government also ignores the trade guidelines established in the international trade agreement on textiles and clothing, the Multi-Fiber Arrangement (MFA). The MFA allows countries to annually increase their exports to the U.S. by six percent. Last year imports of clothing and textiles from Indonesia increased more than 200 percent, while imports from China increased 162 percent. Not wanting to anger the Indonesian or Chinese governments, our government did nothing. China's over-shipment of sheeting material last year could have kept two mills in Massachusetts open for a year.

The American worker is thus laid off to accommodate our government's foreign policy goals. Should we want a military base in the Phillipines, or should we need China's vote at the U.N., her textile and apparel quota is lifted and more Massachusetts workers go to the unemployment office.

Our union is not opposed to trade, especially trade with the Third World. Indeed, in many cases we have encouraged it. What we are opposed to is uncontrolled and unfair trade. Such uncontrolled and unfair trade can only lead to Third World conditions in industrial states like Massachusetts.

These injustices have led Republican Sen. John Danforth, the chairman of the Senate subcommittee on International Trade, to say, "The Administration equates even enforcement of the law as protectionist. They view free trade as "necessitating docile acceptance of the unfair practices of trading partners." The Textile and Apparel Trade Enforcement Act would bring some fairness to an unfair trade system.

Foreign governments and many retailers (who for the most part do not pass on to consumers the savings they make from buying cheap foreign goods) oppose this legislation. The Reagan Administration is also presently opposed to it. If we are to save the textile and garment industries in this country, we must overcome this opposition. Nationally, a majority of our legislators supports the passage of the Textile and Apparel Trade Enforcement Act. We all must work hard to increase that majority to a point where it becomes veto-proof. Failure to do so will most certainly mean the virtual elimination of an industry that affects the employment of one out of eight manufacturing workers in the United States.

Our union will continue to work as hard as possible to make sure that the owners of Berkshire Hathaway live up to their responsibilities and to keep as many Berkshire Hathaway workers as possible employed at decent wages and with decent working conditions. It is clear, however, that in the long run only national legislation can prevent situations similar to the one we now face.

JOE CLOSE, DEAR FRIEND

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. STARK. Mr. Speaker, Joe Close was the most selfless man I've ever known. Altruism is rare in politics, but Joe was a rare person.

Born in Ross, CA, Joe moved to Oakland with his family when he was 10. He graduated from Fremont High School and the University of California, Berkeley, where he earned a degree in economics. After graduating and marrying the former Jan Breschini, he spent 15 years as an advertising executive.

Joe entered politics in the 1950's and became a trusted leader among northern California Democrats. He was a member of the Seventh Congressional District branch of the California Democratic Council [CDC] and held a number of offices in the local, regional, and statewide CDC.

He worked tirelessly to elect representatives he thought would advocate his concepts of good government, and was generally pleased with the quality of officeholders in the east bay. His purpose was to make government work for all the people.

In later years, Joe was employed as administrative assistant to the Emeryville City Council. He resigned for health reasons in 1984, and died a year later. He was 60.

We miss his dry wit. We miss his sound judgment. But most of all, we miss his company. Joe Close was always there when needed. Joe was a friend.

TARENTUM PRESENTS COMMUNITY AWARDS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GAYDOS. Mr. Speaker, the Borough of Tarentum in the 20th Congressional District of Pennsylvania will publicly recognize the civic contributions of several individuals and organizations at a community awards banquet on September 14.

I am always impressed when a community takes the time and effort to publicize residents or groups who give of themselves in order to improve the life of their neighbors. I am pleased to bring to the attention of my colleagues this year's Tarentum honorees.

Helen Mateer: A retired school teacher and treasurer of the Tarentum Parking Authority, Helen is an active volunteer at Allegheny Valley Hospital.

Frank Anderson: Associate Editor of The Valley News Dispatch, Mr. Anderson also authors "The Stroller", a daily column of observations and announcements that make him one of the most widely read writers in the Alle-Kiski Valley.

Eugene Simon: Now semi-retired, Mr. Simon formerly owned The Valley Daily News and built its circulation from 9,000 to 44,000 before selling in 1976. Mr. Simon still writes a weekly column for several newspapers in Pennsylvania and New Mexico.

St. Vince De Paul Society: Chapters at Sacred Heart/St. Peters' Church and St. Clement's Church have been unstinting in their efforts to aid the poor, the unemployed, the distressed and the disabled veteran.

Volunteer Fire Companies: Eureka Hose (organized 1886), Highland Hose (1913), Summit Hose (1907) are commonly united in their unselfish commitment to protect the lives and property of Tarentum's citizens.

Mr. Speaker, on behalf of the Congress of the United States, I congratulate the above mentioned honorees for the example they have set in community responsibility. I also applaud the Borough of Tarentum for its recognition of outstanding citizenship.

COMMEMORATION OF THE ANNIVERSARY OF THE INVASION OF POLAND

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. ANNUNZIO. Mr. Speaker, on September 1, 1939, the peaceful state of Poland was invaded, marking the beginning of one of the most tragic and destructive wars in the history of mankind—World War II.

On this date, 46 years ago, the forces of nazism broke across the Polish borders from the West, and 16 days after this initial attack, the forces of communism began their treacherous assault from the East. Although the Polish people, including over 830,000 soldiers and officers of the Polish Army, fought bravely to preserve their homeland, they were unable to prevent Poland from becoming a nation without a state, a tyrannized and persecuted country, deprived of over half of its territory and millions of its people.

Many thousands of Polish soldiers were forced to flee from the military might of their oppressors, and joined the allied troops. An underground movement was formed, directed by the Polish Government-in-exile, which contributed to the war effort by crippling the enemy with acts of sabotage and subterfuge.

The members of the resistance movement refused to betray their national honor by collaborating with the enemy, and many were forced to survive for months and years in the mountains and forests of their homeland. Millions of Poles suffered deportation and imprisonment in labor camps, and millions more were tortured and killed. The Polish nation lost close to one-quarter of her population, and the capital city of Warsaw was leveled to the ground.

Even after the end of the war, there was no peace for Poland, as the Soviets continued their occupation, and attempted systematically to destroy the culture, religion, and national identity of the Polish people. Nevertheless, the commitment to freedom of the Polish people has remained strong, and their struggle to achieve personal liberty and national integrity continues undiminished.

Five years ago, on August 31, 1980, the historic Gdansk Agreement was signed between the Polish Government and the workers, allowing them to set up an independent trade union. Today this solidarity movement in Poland has grown to hundreds of thousands of people, who are openly and courageously struggling to achieve freedom of speech, self-determination, and human dignity. An article from the August 29, 1985 edition of the Christian Science Monitor, describing the resolve of the Polish people and the solidarity movement to achieve these objectives follows:

POLAND'S SOLIDARITY—THEN AND NOW

(By Nicholas G. Andrews)

Five years ago this week, on Aug. 31, 1980, the workers' Interfactory Strike Committee signed a historic agreement with the Polish government after a 17-day strike in Gdansk. Apart from a series of economic concessions won by the workers, the agreement allowed them to set up an independent trade union, provided for the release of political prisoners, called for the lifting of media censorship, and stipulated that religious faiths should have access to radio broadcast time. The only one of the 21 points of the Gdansk agreement still in force is the Roman Catholic Church's regular radio broadcast of its Sunday Mass.

The Polish authorities stalled, backtracked, and significantly evaded fulfilling the terms of the agreement. Nevertheless, the Independent, Self-Governing Trade Union Solidarity was legally registered in November 1980. In December 1981, however General Jaruzelski proclaimed martial law, suspending the activities of all trade unions. In October 1982, a new law on trade unions was adopted which delegalized Solidarity and provided for the establishment, in stages, of a new officially approved union.

What is the legacy of Solidarity?

The Solidarity experience showed that the workers could unite to defend their interests and compel the authorities to make economic concessions, assuming both sides renounced violence. It proved that workers without higher education understood their country's problems and could develop ideas and solutions for them. Polish workers and intellectuals joined to negotiate issues with the authorities. The Solidarity period revealed a Polish hunger for free speech and democracy. It gave a moral and spiritual boost to Polish society and furnished hope that, under other circumstances (read: the termination of Soviet hegemony over Poland), the Poles could regain their full independence and sovereignty.

Although the Solidarity union is now illegal, it is alive and busy. It still collects dues from 10-20 percent of its members, publishes uncensored weeklies and biweeklies in every major city, and looks out for the welfare of the families of imprisoned members.

This underground Solidarity organization consists of perhaps several thousand activists. The organization's Interim Coordinating Committee meets periodically, issues communiqués, and announces the union's attitude on public affairs. Each regional center has its committee to coordinate activities and issue appropriate bulletins. In major plants nationwide, clandestine factory committees collect dues, distribute the factory's underground paper or other publications, and organize local actions in defense of workers' interests.

Aboveground, active Solidarity members and sympathizers can be numbered in the hundreds of thousands. Besides distributing underground publications, they lend assistance to underground activities in unseen ways. They also organize public appeals, issue statements of principle, and form groups for specific purposes.

The Polish government's policy, so-called normalization, means a return to a strict totalitarian system in which the authorities, through the credible theat of using much-expanded police powers, permit no deviation from the rules they establish. The murder of the Rev. Jerzy Popieluszko by Ministry of Internal Affairs officials last October was no accident. The accident was that they were caught in the act.

After the purge of some officials, police and security services have resumed their previous practices and enjoy the confidence of the prime minister. Finding a solution to Poland's economic woes and debt obligations is no doubt a major task of Poland's government, but maintaining total political control and diminishing the impact of the opposition is the first priority.

Poland, has been pointed out often enough, is divided into two camps: the rulers, which consist of the Army, the Ministry of Internal Affairs, and the Communist party, state, and government bureaucracy; and the ruled, who include most of the nearly 10 million Solidarity members, other opposition opinion, the Catholic Church and private farmers.

Little communication takes place between the two camps. Efforts to stimulate a dialogue between Solidarity and the government have thus far failed. Solidarity leader Lech Walesa periodically repeats his readiness for a dialogue and negotiations, but the government, believing it has the upper hand and need not negotiate as long as it is willing to use force, ignores him.

Such as it is—a far cry from its 1980-81 existence—Solidarity is unlikely to disappear. Young people in their 20's and 30's who were the mainstay of the union, cannot write it off as a failure and forget it. Too much of the promise of 1980-81 remains fresh in their hearts and minds. So the struggle for Solidarity ideals continues because the Communist system has nothing comparable to offer.

Mr. Speaker, as we again observe this anniversary of the invasion of Poland, I am honored to join Americans of Polish descent living in the 11th Congressional District of Illinois which I am honored to represent, and Polish-Americans all over this Nation, in their hopes and prayers for the reentry of Poland into the community of free nations. The long-suffering people of Poland still look to a strong America for moral support in their continuing struggle to achieve their just aspirations of national liberty.

CALIFORNIA FARMS REELING, TOO

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COELHO. Mr. Speaker, as we return from the August recess, the House Agriculture Committee will be completing the markup of the 1985 farm bill. This difficult task has been made even more complicated by the President's recent threats to veto legislation that extends too much assistance to American farmers—at a time when falling prices and decreasing exports paint

an even gloomier picture of the U.S. farm economy in the months and years ahead.

For years, California's farmers have been recognized as the Nation's leading agriculture producers, and have even been considered immune to the financial problems their Midwest colleagues have experienced. Sadly, that is no longer the case, as California farm income and land values continue to decline, particularly impacting the economy of the fertile San Joaquin Valley. Daily, I hear from my farming constituents that they are hurting, and need help—not a handout, but help. If President Reagan could have driven a few hours north of his Santa Barbara ranch to visit with some of the same farmers I talked to, he might have a better understanding of what the House Agriculture Committee is trying to do. But since the President did not talk to any farmers, I would hope that he and others who share his opinion on this subject will read this New York Times article on the dilemma facing California agriculture.

CALIFORNIA FARMS REELING, TOO

(By Thomas C. Hayes)

Los Angeles, July 25.—From grapes and almonds, to cotton and rice, farmers in California have long had more options to make money than farmers in other parts of the country.

But growers here are reeling too, faced by many of the same woes as other American farmers: falling commodity prices, rising imports, dwindling foreign markets and staggering bank debt.

California growers face their fifth consecutive year of declining profits. The Security Pacific National Bank, for example, estimates that the industry will earn $3 billion this year, down from $3.2 billion in 1984 and a peak of $4.2 billion in 1980.

And falling prices for major crops such as cotton, grapes, raisins, corn, almonds and rice have pared cash flows so much that many growers say they face another year of losses. Those growers who borrowed to buy high-priced land a few years ago have few places to turn for help. California farms, although larger, on average, than those in the Middle West, are still mostly family owned.

"It looks like there will be a day of reckoning for a lot of growers by the end of the year," said Walt Cucuk, owner of a 180-acre grape and raisin farm north of Fresno. "They've got their ranches mortgaged to the hilt and have been living off their savings. "This year's crop won't pay their expenses."

The situation is probably not as bleak as in some parts of the American farm belt, because of the greater diversification. Nonetheless, agriculture is one of California's biggest industries, and the continued downturn has sent farmland prices plummeting, and has taken a toll on the banks here, too.

The problems in California agriculture, for example, were among the factors cited by the BankAmerica Corporation last week when it reported a $338 million loss in the second quarter. Its Bank of America unit has its roots in California's small farming communities and remains the state's largest agricultural lender, with a farm loan portfolio of $2.2 billion. It also owns approximately 94,000 acres on foreclosed farmland.

"All of the major California banks" are confronted with growing agricultural loan problems, said Ray Borton, senior agricultural economist for the California Department of Food and Agriculture.

Agriculture here remained relatively healthy during the nation's steep recession of 1981 and 1983.

Even now, some farmers are still thriving. The California citrus industry, for example, which suffered losses in the late 1970's, has benefited from the canker blight and freezes that hurt orange production in Florida. Several vegetables, such as tomatoes, also are doing well.

But many other crops are slumping. The strong dollar has made it much harder for growers to sell abroad, and foreign farmers are picking away at some of California's biggest markets, said Stephen Levy, senior economist at the Center for the Continuing Study of the California Economy, a private research group.

China, which as recently as two years ago imported California cotton, is now a cotton exporter—and a competitor. It may capture 15 percent of the Japanese market, according to the Agriculture Department.

Then too, wine imports, primarily from France and Italy, accounted for 25.7 percent of all wine consumed in the United States last year, according to the Wine Institute, an industry-financed research group in San Francisco. Many grape growers, including Mr. Cucuk, a third-generation farmer who is 52 years old, expect the figure to approach 28 percent this year.

California wine shipments, aided by the popular new wine coolers, are expected to increase about 3 percent, to 373 million gallons this year, according to the Wine Institute. But prices for grapes used for crushing have declined steadily—to $169 a ton last year, from a peak of $248 in 1981. Cotton, at about 60 cents a pound, is down about 10 cents from a year ago.

With less money coming in from crop sales, California growers have little available to make debt payments. "What we've seen the last two years will continue," said James D. Kirk, senior vice president in charge of lending for the Wells Fargo Bank in the San Joaquin Valley. "The people who took on too much debt will probably go out of business."

Mr. Kirk, along with other bankers, said they now review a grower's chances of making a profit on a given crop in deciding whether to make new loans, instead of looking at land values. Most bankers said they try to carry a farmer as long as possible, and if they must repossess the land, try to lease it back to the farmer.

"In a lot of cases, with appropriate management and efficiency enhancements, the farmers will come through" before the land is repossessed, said Duane Paul, senior economist for the southern California operations of the Bank of America. "But in other cases, fortunately the minority, they are simply not going to make it. It's a bitter pill for us to swallow, as well as for the farmer."

Most banks are keeping foreclosed acres off the market in an effort to keep prices from falling further, Mr. Cucuk, the grape grower, said.

Today, however, land values in the arid; irrigated San Joaquin Valley have plummeted in many cases by more than 50 percent in three years. Land with Thompson seedless grapes, a basic crop used primarily for raisins and in wine-making, has fallen to less than $4,000 an acre, down from a peak average of $10,840.

Rather than buying more land, Mr. Cucuk used his profits from boom times to open a machine shop. But that, too, is now "struggling." Mean-while, he expects to lose money in farming for the second consecutive year.

Dick Markarian, a grower with 880 acres south of Fresno, said that land acquired at $4,000 an acre was still too expensive for a grower to make a profit at today's prices.

Mr. Markarian, who is 74, said memories of occasionally going without food so that his father would not lose the family's 20-acre farm during the Depression had led him to refuse his son's desire to buy more land a few years ago. "I'm scared to death of debt," he said.

At the time, their farm was making more than 30 percent in after-tax profits on $600,000 in annual receipts. Today, the farm, which produces cotton, grapes and corn on mortgage-free land, might not make money, he said.

PRESIDENT ALFONSIN'S DETERMINATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GARCIA. Mr. Speaker, the September 1 edition of the Washington Post had an excellent article of the determination of President Alfonsin and the Argentine people to come to grips with their economic problems.

The tone of the article was not completely optimistic, at least as far as the ability of the Argentine leader to solve his nation's economic crisis. But the article went beyond merely assessing Argentina's economic plight. It talked about the willingness of the Argentine people to give their President a chance. The fact that he must concern himself with the political pressures that go hand in hand with taking severe economic measures was in itself a refreshing sign. There was no talk of a coup in the article, only of the kind of political pressures that any democratic elected leader might find if he or she makes difficult, if unpopular, decisions.

That is not to say that the people are always fair or far sighted in their support for their leaders, but that is how a democracy works, and Argentina is very much a democracy. I am hopeful that the Argentine Government will be able to handle its economic problems, but at the same time, I am very glad that the people of that nation have chosen to do so as a democracy.

I submit the Washington Post article for my colleagues' perusal:

ALFONSIN LEADS ARGENTINES INTO WAR AGAINST INFLATION

(By James L. Rowe, Jr.)

BUENOS AIRES.—Two months ago, Argentine President Raul Alfonsin stood Argentine politics on its head. He told the country the truth about its economic policies.

It was not foreign bankers or Argentina's $48 billion in foreign debt that was the root cause of the country's hyperinflation and economic stagnation—a popular political theme during the first 15 months of his administration.

Instead, he said, Argentina itself and decades of its economic policies were the funda-

mental source of the country's economic woes.

It was an amazing change of course for the president, who inherited an economic mess in December 1983 from an eight-year-old military government. But to the surprise of veteran observers, most Argentines rallied around Alfonsin's message and the painful prescriptions he administered, boosting his popularity by 10 percentage points.

Last Thursday, labor unions organized a large, one-day strike to protest the new policy, but the demonstration was at best only partially successful and not an indication of a significant loss of support, Alfonsin's supporters and critics agree.

The clock is running on Alfonsin, however, many of these political figures say. If he fails to find the resources to begin to restore the ravaged Argentine economy, his mandate—and the country's economic future—will be in jeopardy.

The problems begin with the $48 billion Argentina owes to foreign creditors, which is soon to grow to $53 billion. Just to pay the interest on that debt, Argentina will have to drain about $5.5 billion a year from its economy—an amount equal to 8 percent of its total output of $70 billion.

As great a burden as the debt, perhaps, is the memory of how little Argentina got in return. Little of Argentina's borrowings were used to modernize or expand industry or create new businesses aimed at exports. Argentine's military government, which took the country into a disastrous war against Britain, spent heavily for its own needs, and to dampen import prices and inflation, the government kept the peso highly overvalued in the early 1980s. But this fed the demand for dollars, as Argentine investors increasingly moved into the American currency to protect themselves from an inevitable fall in the peso's value.

In 1980, according to economist Jorge Dominguez, Argentina borrowed billions of dollars merely to have enough of them in the central bank to satisfy private citizen's demands. Rather than investing in their own country, Argentines shipped their dollars to safer havens abroad. In 1980 alone, nearly $12 billion was sent out of the country, and today, Argentines hold an estimated $25 billion to $35 billion abroad.

Because it neglected its own development, Argentina will need major financial contributions from abroad for several years if it is to meet its interest payments, create jobs and start new export-oriented industries.

For this help, Argentina is dependent upon its bank lenders, who hold about $25 billion of the total debt. Many Argentines were galled by the willingness of the banks to lend to the former military government because, it is said, the banks knew the government was doing little productive with the borrowings. Now the banks hold the lifeline. In the next several months, they are expected to provide fresh money totaling $4.2 billion, the first new bank loans Argentina has received in more than three years. But the banks are reluctant to make big new loans to Argentina, or any other major debtors, because of the huge amount of loans already outstanding (about $350 billion for all of Latin America).

Argentine officials say they are confident that once the country demonstrates it has inflation under control and has taken other sound steps, foreign funds will become available—not only from banks but from the foreign holdings of Argentine citizens.

"But we have to get our economic house in order" before turning to the outside for more help, according to Treasury Secretary Mario Brodersohn, a key architect of the new plan that Alfonsin announced June 14.

That plan began with a wage-price freeze that Alfonsin imposed to break an entrenched inflationary psychology that was pushing prices upward at a 1,300 percent annual rate in May. He promised to cut the bloated federal deficit and ordered a halt to the printing of new money—the principal means Argentine governments have used for decades to pay for their government. To underscore the break with inflationary practices, he created a new currency—the austral—to replace the vilified peso.

Argentina also made peace with its international lenders and the International Monetary Fund, the lender of last resort.

The attack on inflation was the heart of Alfonsin's program. Spiraling upward and out of control, the price escalation was making normal economic decision-making virtually impossible. "By late May, the economy had ground to a halt," according to one diplomatic source.

"The situation we were living through was a desperate one. Argentines are clinging to this plan as though it were a lifesaver. It has been 40 years since they last had a feeling of stability," said Sen Carlos Gomez Centurion, a member of the tiny Provincialist Party.

And the solution was desperate—following Alfonsin's moves, the Argentine economy spun into an almost immediate recession. But the wage and price freeze is only a first step. Adolfo Canitrot, second in command at the Economy Ministry, said that the freeze will be maintained until society is convinced that inflation will not return.

But at some point, economic policy makers will have to devise a strategy to get Argentina growing without rekindling inflation and inflationary expectations, he said. Exactly how they will do that is not clear, even to them, Canitrot and Treasury Secretary Brodersohn said.

If the next phase of the anti-inflation program is to succeed, the government will have to gain control over the public-sector enterprises; more than 350 in all, which range from oil and electricity to appliance manufacturing. Many of them lose money and are a drain on the government's limited resources.

In direct opposition to the verities of Argentine tradition and, especially, those of his own Radical Party, Alfonsin said he would reduce the role of the state in industry, arguing that the private sector is more efficient than the public for most forms of enterprise.

These enterprises control more money that the president, one diplomatic source said. "The government now is attempting to put the bridle on the public-sector enterprises and to get the bit to fit in the mouths of the directors," the source said. "The government must get them to transmit the money they owe the treasury and get them to follow their own budget."

In the months ahead, the debt situation is manageable. This year, a $4 billion export surplus and the long-awaited money from the IMF and the banks will meet and exceed Argentina's need for foreign assistance. But by 1986, the growing load of foreign debt and anticipated difficulties in maintaining exports will begin to slow Argentina's growth. And by 1987, unless the international facts of life change, Argentina will be hit severely by foreign debt service.

Looking farther ahead, Alfonsin and Argentina face major obstacles in their attempt to restore Argentina to the healthy economic status it enjoyed prior to World War II, when it was one of the most prosperous nations in the world. In the last 10 years, manufacturing employment has declined 35 percent, while output has fallen 20 percent, according to Alberto Sojit, a Peronist economist who has been advising the Alfonsin administration. Workers with relatively high incomes have been forced into low-paying service jobs, reducing demand for such middle-income products as automobiles.

The prices of Argentina's exports—mainly agricultural and other commodities—have fallen sharply. About 80 percent of Argentina's exports are agricultural products, and it faces increasing difficulties in exporting to its historical markets such as Europe because European farm policy has been aimed at fostering and protecting products such as beef. In 1960, Argentina exported 1 million tons of beef a year. Today it exports about 250 thousand tons.

Most troubling, perhaps, is Argentina's lack of diversification. While Brazil, its neighbor and traditional Latin American rival, has built aggressive export industries, Argentina has been content to rely on traditional commodities and raw materials for nearly all of its exports. In the mid-1960s, Brazil and Argentina each exported about $1.5 billion worth of goods a year. Today, Argentina exports about $8 billion worth, while Brazil's exports are worth $27 billion.

Economist Dominguez said that Argentina must quickly look to joint ventures with foreign investors to develop industries to transform raw materials and raw commodities into higher-value intermediate goods. For example, Argentina should export beef products, not merely beef, he said.

Perhaps the key factor in Alfonsin's new economic policy is Alfonsin himself.

"He is a man of charisma who speaks clearly and is perceived to be decent," according to N. Charles Rowe, vice president of the Bank of Boston's large Argentine branch operation.

A rival Peronist politician said that, during the year and a half Alfonsin has been in office, has stature has magnified. "Not since Juan Peron do the Argentine people seem willing to put their trust in one politician," he said.

His prospects are aided by the severe divisions in the Peronist Party, conceded Diego Ramirez Guelar, one of the leading Peronist deputies and ranking minority members of the House Budget Committee.

For the last six months, the Peronist Party, called Justicialist, has been in a massive internal war pitting provincial interests against those of urban Buenos Aires. Many expect Alfonsin's 52 percent House majority to climb to 60 percent or higher after the November congressional elections.

To be sure, Alfonsin's desire to reshape the economy and downplay confrontation with foreign banks and multilateral institutions is not shared by the vast majority of his Radical party, which remains committed to a heavy state involvement in industry.

"But attitudes are changing," insisted Cesar Jaroslavsky, who heads the Radical bloc in the House, the more powerful of the two legislative bodies. "We inherited a monstrous state from the military. More than 50 percent of economic activity is in the hands of the state."

"Alfonsin came into power hoping to duplicate the successes the Radicals felt they were achieving the last time they governed in 1963," according to a top Argentine busi-

nessman, who spoke on condition that he not be identified.

"But Alfonsin, who has been in regular contact with heads of state all over the world, learned that those policies don't work any more. Certain industries, like utilities, will always be in the hands of the state. But others have no business being there, and Alfonsin apparently now believes that, too," the businessman said.

"Alfonsin has control of the government. Don't you doubt it. Things may take time. But if he wants them to get done, they will get done," said an Argentine bank executive, who also spoke on condition that he not be identified.

But Alfonsin well may exhaust all his political appeal if he conquers the inflation problem and comes up empty-handed on investment. "Argentines are grateful today," said an Alfonsin supporter. "Will they be grateful tomorrow?"

Even though declining real wages have been a fact of life in Argentina for a decade, actual unemployment has been low, averaging about 3.5 percent. However, the recession that followed the wage-price freeze has led to almost-unheard-of layoffs and job losses. "More than 5,000 of our 30,000 members have been laid off," said Ricardo Lamanna, a top official of the union of foremen in the metals industry. "It's worse in construction. We're in favor of fighting inflation, but gradually. A country that doesn't produce can't pay its debts."

Brodersohn warns that "making serious economic policy is not enough. There are three players in this game. We need help from the advanced countries. They have to stop subsidizing exports where they have no comparative advantage. The European subsidy on beef exceeds Argentina's cost of production.

"The international banking community not only must reduce the interest it charges on outstanding loans. It also must make available new lines of credit if we are to grow."

His warning is muted in the less-confrontational tones that are now used by the government in referring to the debt. There is a recognition that, no matter how tempting it may be to say "to hell with the debt," in reality, it costs more to confront than to pay. "To be another Nicaragua, isolated from the United States, is not a palatable option," said a former top Argentine diplomat.

Leading Argentine officials are beginning to realize that neither Europe nor Japan is going to open its domestic markets to Argentine exports and that the United States is becoming Argentina's most important ally. But even if the rhetoric about Argentina's foreign obligations has cooled, the debt never disappears from the horizon.

"The people at the IMF, the Federal Reserve and the [United States] Treasury tell us that, if the economic situation stabilizes and our accounts are more or less in order, there will be an increase in foreign investments and the policy of the banks will change. They tell us the banks will be more willing to lend," the Economy Ministry's Canitrot said. "I don't know how long we've got to wait. After one year or two years without results, the political pressures will build up."

JUDGE EDWARD WEINFELD

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GREEN. Mr. Speaker, Judge Edward Weinfeld recently celebrated his 35th anniversary on the U.S. District Court for the Southern District of New York. Judge Weinfeld's scholarship and diligence continue to add luster to a distinguished court, and, I should particularly like to bring to the attention of my colleagues an article on Judge Weinfeld that appeared in the August 18, 1985, New York Times.

A LIFETIME OF LAW AND QUIET DILIGENCE FOR JUDGE WEINFELD

(By David Margolick)

It is very quiet in Foley Square at 4:30 in the morning, when 84-year-old Judge Edward Weinfeld usually arrives. The square is deserted except for the homeless people sleeping in the park across from the United States Court House.

Last week Judge Weinfeld marked his 35th anniversary on the bench in appropriate fashion. He showed up at the Court House five minutes earlier than usual, switched on the lights in his chambers, made a pot of coffee and began doing the job he loves—the lonely, difficult but exhilarating work of a Federal trial judge.

When Judge Weinfeld leaves his apartment on East 66th Street for Room 2204 of the courthouse each day, he merely forsakes one home and family for another. At the courthouse he is married to the law, and his clerks are his sons and daughters.

Friends, colleagues and former law clerks have begged him not to work so hard. But the judge, a stickler for facts, takes issue with not only their sentiments, but also their choice of words.

NOT WORK BUT 'JOY'

"When, at a fairly early hour of the morning, I put the key into the door of my darkened chambers and walk across the room to start the day's activities," he wrote recently, "I do so with the same enthusiasm that was mine the very first day of my judicial career. What one enjoys is not work. It is joy."

Edward Weinfeld is the oldest active Federal judge in the United States. But in a profession known for its dissenters, nearly everyone agrees that he also remains what he has long been: one of the most respected Federal judges in the country.

Two years ago, when Judge Weinfeld's alma mater, the New York University Law School, named a professorship after him, Associate Justice William J. Brennan Jr. of the United States Supreme Court called him "a day-by-day living example of what we want our judges to be." He added: "There is general agreement on bench and bar throughout this nation that there is no better judge on *any* court.

2,108 OPINIONS

Judge Weinfeld has earned his reputation through decades of diligence rather than through the luck of assignments or the eloquence of his writing.

He has presided over his share of famous cases—the libel suit by the author Quentin Reynolds against Westbrook Pegler, the noted Hearst journalist, for instance, and New York City's case against Rockwell International for defective subway cars—but no more than his share.

His opinions—2,108 of them as of last week—are long on facts and short on aphorisms.

In 35 years on the bench, he has granted only one interview: to his granddaughter, who is recording his memoirs.

"In a sense, it would be easier to salute him if he'd been more noisy, if he had laid claim to some innovative legal philosophy or sought attention through 'great' opinions or a monopoly of 'important' cases," Justice Brennan said. What has distinguished his career, he said, has been "the purity of its devotion and its quiet dedication to the business of judging."

Judge Weinfeld, who is routinely showered with such praise, is likened to New York's other noted 20th-century jurists, Benjamin Cardozo and Learned Hand.

But Judge Hand himself might have disputed that assessment, at least judging from a photograph he once inscribed to his friend: "To Edward Weinfeld, who makes the rest of us feel like drones."

NO MORE TENNIS

Age has forced some changes in Judge Weinfeld's daily routine. He rarely takes his ruminative lunchtime walks across the Brooklyn Bridge anymore, and his 6 A.M. tennis game died a while ago, with the only person he could find to play at that hour. Some lawyers say that in recent years the judge has grown more impatient, even peremptory, with them in court.

But as sleep becomes more difficult for him, his workday begins earlier than ever. It starts in his chambers, following a round of pushups, with a verse of the Bible—first in Hebrew, then in English. In the hours before his law clerks arrive, he writes opinions, reviews court records and sentencing reports and reads the latest Supreme Court rulings.

One story, apocryphal perhaps but not implausible, tells of a prosecutor who met the judge on the Court House steps at 8 o'clock one morning.

"Going out for breakfast, judge?" he asked.

"No, for lunch," Judge Weinfeld replied.

MINISTER OF JUSTICE

The judge's work, to many, could seem like drudgery: writing and re-writing opinions, reviewing reams of court documents, cross-examining probation officers before sentencing. But Judge Weinfeld is fond of referring to himself as a "minister of justice" and telling his law clerks that "there is no such thing as an unimportant case."

Such sentiments could seem corny to some—but not to those who have reviewed his decisions on appeal, shared the trial bench with him, worked for him or been litigants in his courtroom.

The United States Supreme Court often mentions Judge Weinfeld by name, a rare tribute for a trial judge. Fellow jurists regularly seek his counsel and use his jury instructions.

The defendants in the Brinks murder cases, who routinely disrupted the proceedings in other courtrooms, stood quietly whenever Judge Weinfeld entered his.

DECISIONS RARELY REVERSED

And appellate courts rarely reverse him—not even in the midst of the McCarthy era, when he ruled that a Senate subcommittee had improperly questioned a Columbia Uni-

versity lecturer, Corliss Lamont, about his political beliefs.

"In my view the Court of Appeals would not have upheld any other judge," said Leonard Boudin, who represented Mr. Lamont. "The weight of his learning, legal analysis and reputation made him virtually irreversible."

Judge Weinfeld has periodically promised his wife of 54 years, Lillian, that he plans to retire from his post, a lifetime appointment. But despite gout, phlebitis and other ailments, there is no evidence that he intends to keep his word. Already, he has hired law clerks both for next year and the year after.

They will presumably develop the same bond with Judge Weinfeld as their predecessors, most of whom have long-since gone on to successful careers of their own. Many, looking back, say nothing could compete with their first job or first boss.

"One of the tragedies of my life is that I peaked at 25," said Mitchell Lowenthal, Judge Weinfeld's 1983 clerk and now an associate at Cleary, Gottlieb, Steen & Hamilton in New York.

Another New York lawyer, Daniel Levitt, wrote of his clerkship in 1964-65: "That was the best year. The rest are only to be used to prove we were worthy of you."

"He will never retire," said Martin Lipton, a New York lawyer and Judge Weinfeld's clerk from 1956 to 1957. "He will spend his last days on the bench."

Judge Weinfeld has said he aspired to serve the rule of law even as the 9-year-old son of immigrant parents on the Lower East Side. He practiced law for 27 years before entering public service, first as a delegate to the 1938 New York State Constitutional Convention, and later, as head of Governor Herbert H. Lehman's pioneering public-housing program.

TRUMAN APPOINTEE

It was Lehman, as a United States Senator, who persuaded President Truman to name him a Federal judge.

Like Judge Hand, Judge Weinfeld was often mentioned for higher judicial office, most notably in 1965, when he was recommended by Senator Robert Kennedy and Emanuel Celler, the chairman of the House Judiciary Committee, and his own colleagues for the United States Court of Appeals. President Lyndon Johnson, however, ignored Senator Kennedy's nomination and chose Judge Wilfred Feinberg.

"There is no question that Feinberg's was a fine appointment," said Nicholas deB. Kastzenbach, who was Attorney General at the time. "But I think Johnson wanted to teach Bobby a lesson in politics, and did."

REJECTION "A WASTE"

"Right now, he would stand mountain high in comparison with any Justice on the Supreme Court," said Louis Nizer, who appeared before him in the Reynolds libel case. "It's a great waste."

But others, like Federal District Court Judge Morris Lasker, a colleague for nearly two decades, disagree. "He was better equipped to work by himself than on a collegial court," he said. "He's an artist of sorts, and artists can't work collegially."

According to his friends, Judge Weinfeld is somewhat baffled by the adulation he has received. His attitude toward his life's work appears akin to his feelings about jurors—to whom, he feels no thanks are ever due.

"I happen to believe that one who faithfully and conscientiously discharges his duty neither is entitled to, nor must he or she expect, thanks," he tells jurors before they are discharged. "Your reward must come from the knowledge that you responded to the call of duty as a citizen, and were privileged to play an important part in the administration of justice."

AMERICAN LEGION VIGIL IN NEW JERSEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. COURTER. Mr. Speaker, a very fine vigil for American MIA's and POW's was organized in July in Franklin, NJ. The ceremony was planned by Mr. Paul Cilurso, chairman of the POW/MIA Vigil Committee of Post 132 of the American Legion. Because Mr. Cilurso and the American Legion have performed distinguished services for American war veterans and their families, I wish the following notice of the vigil to be entered into the RECORD. Mr. Speaker, the American vigil continues for all the good men lost to us in the Southeast Asian war.

[From the Daily Record, Morristown, NJ]

LEGION VIGIL IN FRANKLIN HONORS MIA'S

(By Duane Stoltzfus)

FRANKLIN.—Through the day and through the night American Legionnaires remembered the Americans still missing in Southeast Asia in a vigil that culminated when hundreds of balloons, one for each of the missing soldiers, colored the morning sky yesterday in a symbolic flight to freedom.

The 24-hour vigil, held here at the American Legion Post 132, sought to remind Americans of the 2,464 men who remain missing or unaccounted for since the end of the Vietnam War.

"They are still there," said Paul Cilurso, chairman of the vigil, reflecting on the purpose of the gathering. "There are people over there. They are Americans. We want them home."

"It's not my vigil," he continued. "It's not the committee's vigil. It's an American vigil."

Sponsored by the Sussex County American Legion and the American Legion Department of New Jersey, the event began Saturday noon, with the reading of the 2,464 names of those listed as Prisoners Of War and Missing In Action, a reading that would continue for the length of the watch. The ceremonies included an opening prayer, 21-gun salute, speeches and a parade.

This vigil was the brainchild of Cilurso, who first attended a similar ceremony in Bridgeton last year.

Both Cilurso and Brent Minahane, who also stayed awake for the entire vigil, spoke of symbolic links and an elusive tie that binds those who have served and returned to those who remain missing.

Many of the 428 members of the Franklin post attended the vigil, along with other legionnaires and supporters from elsewhere in the county.

THE FIRST EARTH RUN

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. MCHUGH. Mr. Speaker, all of us remember the spirit of cooperation and patriotism that was generated in 1984 as the Olympic Torch was carried across the United States.

Today, I am inserting into the RECORD an article that recently appeared in the Los Angeles Herald Examiner regarding the first Earth run. This event, which is being organized by David Gershon, the director of the 1980 Winter Olympic torch relay, is designed to take the Olympic torch relay one step further by organizing a worldwide torch relay that will honor our common humanity and ignite the spirit of global cooperation.

The first Earth run is an inspirational concept that deserves our encouragement and support, and thus I hope that all of our colleagues will take a few moments to learn more about this event.

CONCEPT OF FIRST EARTH RUN IS CATCHING FIRE

NEW YORK—An Olympic torch hangs on the office wall of Peter Ueberroth, baseball's new commissioner. It's a reminder of the fever that swept the country last year during the Los Angeles Olympics.

The two-pound torch caught fire in 1984 as it made its way across the United States, carried by thousands of runners in a relay that united the country.

Ueberroth, widely applauded for his organization of the highly profitable 1984 Summer Olympics, says that one of the major reasons for the success of the Games was the torch relay.

"We were able to rekindle pride in our country as evidenced by the millions of people who took part in the torch program as either spectators or participants," Ueberroth said, "I hoped the run would unify the country. People weren't afraid to stand up and cheer for the country, and the rest of the world saw how caring the country could be."

Now, a group headed by David Gershon, the director of the 1980 Winter Olympic Torch Relay, which went from Olympia, Greece, to Lake Placid, is organizing the First Earth Run.

The international event, which Gershon and his compatriots hope will touch millions of people throughout the world, is scheduled to begin in May 1986 at the United Nations in New York and end there four months later.

"The idea of the event is to serve as a powerful catalyst," said Gershon, who also organized and led the American Liberty Torch Bicentennial Relay, a 9,000-mile journey through all 50 states in 1976, and served as associate coordinator for the New York City Marathon for four years. "We hope we can touch a lot of people and inspire them in different ways.

"We are taking the Olympic Torch Relay concept one step further . . . taking it around the world and creating it as an event . . . an event to honor our common human-

ity and ignite the spirit of global cooperation.

"We are calling it the First Earth Run—An Olympics of Cooperation."

Gershon said the run should be viewed as "something positive . . . something to motivate people, an event to inspire hope. We feel that given the state of the world what we need is something catalytic.

"I hope we will touch over two billion people . . . not just those who know of it, but those who will get involved physically. Our goal is to make a significant statement of cooperation."

The First Earth Run has five elements, Gershon said.

"The first is to get all countries in the world involved," he said.

Toward that end, the plan is to have runners from each country join a relay team for about a week between May and September. "A trunk route will go around the world to about 60 countries," said Gershon. "A tributary route will go to about 100 other countries.

"Using a flaming torch as the visual symbol connecting nation to nation, (the idea is to) have light-bearing runners from every country pass the flame from hand to hand across national boundaries touching every nation as they encircle the earth with light."

The second element is to try and have mass participation at candle-lighting ceremonies in many major cities.

"When the torches are returned to the tributary countries, it will be a chance for everyone to carry the torch," said Gershon. "Through light ritual ceremonies in every town, people receive the light from the light-bearing runners onto torches and candles and then spread it from individual to individual, community to community.

"By the end of the Earth Run, over half the population of the world will have received the light in their own personal candles."

The third element will be to award gold, silver and bronze medals on local and national levels "for the best strategies that embody cooperation."

"All along the pathway of the Earth Run, communities, regions and countries create ceremonies in their own unique cultural ways to celebrate the message of the torch of light as it passes," Gershon said.

The ceremonies, in conjunction with the candle-lighting rituals, will be set up as fund-raisers, he said. "We want to give money to hunger and entrepreneurial development of the Third World," he added.

Element No. 4 is to hold major concerts "to use the universal language of music and satellite communications to magnify the experience of our common humanity." The concerts will be held as the torch arrives in seven cities—Moscow, Peking, Tokyo, Rio de Janeiro, Nairobi, London and Los Angeles.

The final element will come back at the UN Building. There, world leaders, including the secretary general of the UN, will receive the torch, Gershon said, "which represents the hope and aspiration of the whole world.

"Hopefully, we will have made a shift, moving the world one step closer to a positive future."

Assisting Gershon in the project are Hal Uplinger, who has worked for CBS in producing Super Bowl games; Doug Cox, a former director of sales for CBS, who will coordinate the concerts; Mike Mitchell, the head of the chief financial group for the 1984 Olympics; Gail Straub, a former Peace Corps member, and Martin Bentz, who works for the UN and will map and plan the torch routes.

Ueberroth is not involved in the Earth Run.

Gershon estimated the total cost for the project at $15 million, with the money to be provided by "corporations, individuals and governments."

"We have a quarter-million dollars committed now," he said. "Within the next six months, we should be nailing down all the financial pieces. We hope to have everything in place by June."

UNFAIR ATTACKS AGAINST AN ADMINISTRATION NOMINEE

HON. PAT SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. SWINDALL. Mr. Speaker, I call your attention to an article written by John Lofton which illustrates some of the unfair attacks and smear campaigns that some of the administration nominees have been subjected to.

I would like to submit the full text of the article into the CONGRESSIONAL RECORD.

PRESSING PAW FOR THE FACTS

"I feel like a lion who was just eaten by Christians," said a smiling Anthony Podesta, president of People for the American Way, a rabidly anti-Christian group founded by TV producer Norman Lear.

And, for once in his life, Mr. Podesta was correct about something. He had just concluded a press conference in which he attacked the prospective nomination of Herbert Ellingwood to be assistant attorney general for legal policy at the Justice Department. And during his session with the press, he was kept on the defensive by representatives of Christian groups or publications, who attempted to pin him down on his charges concerning Mr. Ellingwood, who is currently chairman of the Merit Systems Protection Board.

So, what and where is the beef? How valid is the PAW case against Mr. Ellingwood? Well, as Al Smith used to say, let's look at the record.

Charge one is that Mr. E. has "abused merit hiring practices" by judging a person's qualifications for federal jobs on the basis of "religious beliefs." It is alleged that Mr. E. helped "devise" a "talent bank" to (gasp!) place right-wing fundamentalists in federal civil service and political jobs, a "talent bank" said to be a project of the American Coalition for Traditional Values.

But, in a letter last February to Rep. Pat Schroeder, D-Col., Mr. E. denied, *six times*, that he had done this. He said: "I do not advise or assist any group or representatives of any group on the placement of individuals with the civil service." And Mr. Podesta has produced no evidence to refute this denial. In fact, when I pressed him on this allegation, he said, no, he knows of no specific examples where Mr. E. has shown "religious favoritism," as a PAW press release charges. And he said they have looked for victims of such discrimination by Mr. E., they have found no such persons, and they are "still looking."

The PAW's charges as regards Mr. E's alleged relationship with ACTV are, in part, said Mr. Podesta, based on an article in the *Federal Times* which broke this so-called story. But the *Federal Times* story warned that "key questions" critical to determining the propriety and legality of the alleged Ellingwood-ACTV connection "remain unanswered." And "still unclear is the extent of ACTV's contacts within the government, as well as the nature of the jobs the group is seeking to fill."

Another charge is that Mr. E. has "abused the public trust" by "taking excessive paid leave for personal gain," by taking 87 days of paid leave from December 1981 through February 1984 and by taking $16,000 in speaking fees from "ultra-fundamentalist groups" while "working in a full-time federal position."

But, a June 1984 General Accounting Office report made at the request of Rep. Schroeder, and included in the PAW's own press kit, reveals that these charges are hogwash. The GAO report concluded that "all"—repeat *"all"*—of Mr. E's speeches to these Christian groups "were given during his personal time, or while on a leave of absence." Furthermore, said the GAO, its review did not disclose "any attempts to cover up" the nature of Mr. E's trips. And the GAO said that as a political appointee, Mr. E., as an agency head, is exempt from the Annual and Sick Leave Act, he is on call at all times and works whatever hours are necessary to meet his official responsibilities, and he "enjoys complete freedom to absent himself from duty as he sees fit."

The PAW complaint about Mr. E's speaking to Christian groups while also on official business is kooky. The charge is made that such speeches use tax dollars to subsidize the programs of these religious groups. But this is absurd and economically ignorant. With the federal deficit in the $200 billion range, one would think the PAW would be applauding government officials who make speeches, since the money these officials earn is taxed and, thus, helps reduce the deficit! But then, such reasoning imputes a degree of lucidity to Mr. Podesta and his crew which they obviously lack.

Another charge is that Mr. E. showed "personal favoritism" by "pushing through" for an attorney's job the wife of a man who loaned Ed Meese money, and that he did this without allowing anybody else to compete for this job. This is so wrong that at the press conference, Eric Yoder, a reporter for the *Federal Times* who said he broke this story, said he was compelled to note that "no competition was required" for this job. Mr. Yoder told me later that the PAW press release, as regards this charge, "stretches the truth."

And finally, it is charged that Mr. E. has "abused our system of justice" by "reportedly" sending an "ideological questionnaire" to potential judicial nominees when he worked for Gov. Reagan in the 1970s. And it is alleged the California bar once "indicated" it would oppose Mr. E's nomination to the Court of Appeals in 1974.

"Reportedly?" "Indicated?" These are weasel words. *Who* reported this? Well, Mr. Podesta said this report comes from *The New York Times*, the *New York Law Journal*, and certain unnamed judges. As for what the California bar "indicated," a spokesman for this organization said it has no record of any recommendation concerning Mr. E. and that if one was made, it would have been confidential.

And when asked just exactly which senators are among "a number of senators" Mr. Podesta said are "concerned" about Mr. E's prospective nomination, he said, well, his

group has "asked for appointments" with all Judiciary Committee members, and they have met with about half of these members' staffs. Oh.

When Mr. Podesta was asked directly by Richard Dingman of the *Christian Inquirer* if there's any evidence Mr. E. has shown any undue bias in his present job, if he has tried to subvert the normal civil service process, Mr. Podesta said, "No," there's no such evidence.

Ordinarily, in the real world—which means everything north, south, east, and west of Washington, D.C.—it's probably true that where there's smoke, there's fire. But as likely as not, here in the nation's capital, it's an even bet that where there's smoke, there's some clown or group of clowns with a smoke-making machine. And for People for the American Way, bearing false witness has become a way of life, which is hardly the American way, by any definition.

Footnote: And (surprise!) the guy who has produced radio ads for the PAW against Mr. E's nomination is Tony Schwartz, who produced the smear-job TV spot against Barry Goldwater in 1964 featuring the little girl picking the daisy, the countdown, the nuclear explosion.

KRISTINA MARY KOCEK

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. FAWELL. Mr. Speaker, I want to take a moment to congratulate Kristina Mary Kocek of LaGrange Park, IL, on her recent selection for the Secretary's International Youth Year Awards Program, sponsored by the U.S. Department of Education.

Kristina is 1 of 257 outstanding individuals nationwide and 1 of only 5 from the State of Illinois chosen for this award. She was selected from over 1,000 nominations as displaying exceptional caliber and value to others.

The Secretary's awards project is the Department's chief initiative observing International Youth Year, which was designated for 1985 by the United Nations and reinforced by a Presidential proclamation.

Kristina is deserving of this award to honor outstanding youths because she fits that description in several categories. She has been an outstanding student, maintaining a 4.0 GPA for 4 years in a college preparatory program. She was inducted into the National Honor Society during her junior year, and she has accepted a scholarship at Rice University where she will pursue an engineering degree.

She has been an outstanding student leader, serving as the vice president for 2 years in a school/community service organization, Sharclub. Among other activities, she organized visits to the British Home, a retirement residence, was president of the National Honor Society during her senior year, and was a leader in physical education classes for 2 years. Kristina, inspired and created a "school song" sign which was donated to the school and is now hanging permanently in the gymnasium.

Kristina has been an outstanding volunteer in sharing her talents with peers, serving as a tutor in mathematics and writing.

Athletically she is also talented. She participated in track and volleyball for 4 years. In volleyball, she served as captain in her senior year on a strong team that was a State contender. In track, she participated in shot put, and was a State qualifier for 2 years.

Kristina has been an outstanding recipient of various awards earned by young people recognized for achievements in different fields, including: Senior speaker (commencement, chosen by peers), Bausch & Lomb Science Award, Science Department Honors, Outstanding Senior Science Student 1985, English Department Honors, Mathematics Department Honors, Outstanding Senior Mathematics Student 1985, Physical Education Department Honors, Outstanding Senior Scholar Athlete, DAR Good Citizen Award, Illinois State Scholarship, Illinois Merit Recognition Scholarship, Presidential Academic Fitness Award, National Honor Society $1,000 Scholarship, and Write Place Tutor Award.

I wish to extend my sincere congratulations to Kristina Mary Kocek for her outstanding achievements. I share the pride and hopes for Kristina's continued success with her parents, peers, and school staff.

CONGRESSMAN GROTBERG COMMENDS ST. JOSEPH HOSPITAL FOR COST-CONTAINMENT PROGRAM

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. GROTBERG. Mr. Speaker, St. Joseph Hospital, of Elgin, IL, has implemented an innovative health care cost-containment program which provides free medical care for senior citizens 65 and older.

St. Joseph's is operated by the Franciscan Sisters, who since 1902 have been committed to providing quality health care for the elderly. This unique program, GoldenCare Plus, is in keeping with that commitment, and the sisters and hospital administrators should be commended for being in the forefront of this type of service.

GoldenCare Plus is free and open to anyone age 65 and older who is eligible for both parts A and B of Medicare. Senior citizens enrolled in the program have no deductible or coinsurance charges or any other out-of-pocket expenses for any inpatient or outpatient care provided by the hospital.

GoldenCare Plus picks up all hospital costs not covered by Medicare or supplemental insurance up to the maximum Medicare-covered days. Cardholders pay nothing for their room, meals, tests, x rays, or any other hospital charges. That kind of health care cost containment should be contagious.

Mr. Speaker, there is no catch or gimmick to this program. Hospital Administrator Robert J. Mohalski believes the program will eventually pay for itself through increased hospital census, and ultimately will increase the hospital's effectiveness.

In less than a month, 4,500 already have signed for their GoldenCare Plus cards.

St. Joseph also provides special reserved parking at the hospital, free financial counselors and a 50-percent discount on purchases in the hospital cafeteria for all cardholders.

St. Joseph has met the challenge of providing for the ever-changing health care needs, worries and frustrations of the elderly. This is one example of providing quality health care while keeping costs under control. I hope it's contagious in Illinois and across the country.

H.R. 1914

HON. JAMES A TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1985

Mr. TRAFICANT. Mr. Speaker, earlier this session, I spoke on the House floor concerning AT&T and its plans to invest $30 million to build a plant in Singapore to produce residential telephones. This work is presently done at a plant in Shreveport, LA, and would result in the loss of about 2,000 American jobs.

Recently, AT&T announced that it would be eliminating 24,000 jobs at the communications products unit to make this particular facet of their operation more profitable. Robert E. Allen, chairman of AT&T, said that market conditions had dictated this latest action and that further reductions may be necessary.

Morton Bahr, president of the Communications Workers of America believes these cuts are being made only to achieve increased short-term profits and will result in the loss of AT&T's greatest resource, skilled craft workers. The Communications Workers of America represent about 70 percent of the jobs to be eliminated.

Again, yet another U.S. multinational corporation is making drastic cuts in its U.S. operations while continuing to expand its overseas plans. This type of action will not stimulate economic recovery and provide jobs for the thousands who are unemployed in this country. American jobs are continuing to be sent overseas at an accelerated rate.

I have introduced legislation, the Foreign Subsidiary Tax Equity Act, that would discourage American corporations from moving their operations and American jobs overseas. This legislation would plug an existing loophole in the Tax Code by requiring these U.S. plants to pay tax on the income generated in tax haven countries.

Can we continue to allow American jobs to be shipped overseas? I think American workers need our help, and I believe my legislation, H.R. 1914, is a valuable step in that direction. American jobs and economic stability are at stake in this crisis. I urge you to cosponsor H.R. 1914.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 5, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 6

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for August.
2359 Rayburn Building

10:30 a.m.
Joint Economic
Economic Resources, Competitiveness, and Security Economics Subcommittee
To hold hearings on the causes of excessive defense costs.
2359 Rayburn Building

SEPTEMBER 9

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Motor Carrier Act (P.L. 96-296).
SR-253

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on S. 1265, to provide compensation for workers injured by exposure to asbestos.
SD-215

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Susan M. Phillips, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, Vance L. Clark, of California, to be Administrator of the Farmers Home Administration, and Larry L. DeVuyst, of Michigan, to be a Member of the Federal Farm Credit Board, Farm Credit Administration.
SR-328A

Governmental Affairs
To hold hearings on S. 1527, to establish a new retirement program for all Federal and postal employees and Members of Congress.
SD-106

Judiciary
Security and Terrorism Subcommittee
To hold hearings to explore the effects of terrorism in South Africa on the security of the United States.
SD-226

2:00 p.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on retiree benefits.
SD-215

SEPTEMBER 10

9:00
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed legislation to raise the limit on the public debt.
SD-215

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on reforming Federal deposit insurance for banks and thrift institutions.
SD-538

Commerce, Science, and Transportation
To hold hearings on S. 1310, the Clean Campaign Act of 1985.
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings to examine the cigarette excise tax provisions of the Internal Revenue Code.
SD-215

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of State and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Governmental Affairs
To continue hearings on S. 1527, to establish a new retirement program for all Federal and postal employees and Members of Congress.
SD-342

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1093, the Agricultural Patent Reform Act.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

Joint Economic
Monetary and Fiscal Policy Subcommittee
To hold hearings to explore America's economic challenge in Asia.
SD-562

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Terrence M. Scanlon, of the District of Columbia, to be Chairman of the Consumer Product Safety Commission, and Anne Graham, of Virginia, to be a Commissioner of the Consumer Product Safety Commission.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

Finance
To hold hearings on port and waterway user fees.
SD-215

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings to explore America's economic challenge in Asia.
2203 Rayburn Building

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 11

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on reforming Federal deposit insurance for banks and thrift institutions.
SD-538

Commerce, Science, and Transportation
Business meeting, to consider proposals relating to the future of Washington National Airport and Washington Dulles International Airport
SR-253

Finance
To hold hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

Labor and Human Resources
To hold hearings on United States' relations with the International Labor Organization [ILO].
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Energy and Natural Resources
Business meeting, to resume consideration of S. 426, Electric Consumers Protection Act, S. 403, Hydroelectric Facility Relicensing Amendments, S. 1219, Fair Competition in Hydroelec-

tric Licensing Act, and S. 1260, Hydroelectric Relicensing Reform Act.
SD-366

Foreign Relations
To hold hearings on international narcotics trafficking.
SD-419

Governmental Affairs
To continue hearings on S. 1527, to establish a new retirement program for all Federal and postal employees and Members of Congress.
SD-342

Judiciary
To hold hearings on certain provisions of the Conrail Sale Amendments of 1985.
SD-226

Select on Indian Affairs
To hold hearings on S. 1396, to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation in Minnesota.
SD-628

1:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on competitiveness in the long-distance telephone markets.
SR-253

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 12

9:00 a.m.
Armed Services
To hear and consider the nominations of Robert K. Dawson, of Virginia, to be Assistant Secretary of the Army for Civil Works, Robert B. Sims, of Tennessee, to be Assistant Secretary of Defense for Public Affairs, and routine military nominations.
SR-222

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy's "Mission Plan for the Civilian Radioactive Waste Management Program."
SD-366

Finance
To continue hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1461, to permit for 2 years, any passenger cruise vessel that was built in the United States and subsequently sold foreign to be brought back under the U.S. flag with domestic trading privileges.
SR-253

Foreign Relations
European Affairs Subcommittee
To hold hearings to review the National Alliance Treaty Organization [NATO].
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

2:00 p.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a 1-percent growth rate for exporting countries.
SD-215

Foreign Relations
European Affairs Subcommittee
To hold closed hearings to review the National Alliance Treaty Organization [NATO]
Room to be announced

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to markup S. 501 and S. 616, bills to expand export markets for U.S., agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 13

9:30 a.m.
Finance
To continue hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

10:00 a.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the National Alliance Treaty Organization [NATO].
SD-419

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to examine motor carrier safety and Mexican trucking operations.
SR-253

SEPTEMBER 16

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 376, the Child Health Incentives Reform Plan.
SD-215

SEPTEMBER 17

9:30 a.m.
Rules and Administration
To hold hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1544, to extend and reform the Trade Adjustment Assistance Program, and related measures, including S. 1459, S. 234, and S. 23.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungry.
SD-430

Rules and Administration
To continue hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Foreign Relations

To resume hearings on the Supplementary Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex (Treaty Doc. 99-8), signed at Washington on June 25, 1985.

SD-419

Judiciary

Juvenile Justice Subcommittee

To hold hearings on S. 985, to protect the rights of victims of child abuse.

SR-325

Select on Indian Affairs

To hold hearings on S. 1298, to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth.

SR-485

2:00 p.m.

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold oversight hearings on enumeration of undocumented aliens in the decennial census.

SD-342

SEPTEMBER 19

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all of the Soviet bloc countries.

SD-538

Commerce, Science, and Transportation

To hold hearings on record labeling.

SR-253

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold oversight hearings to review the Federal Energy Regulatory Commission notice of proposed rulemaking on Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol.

SD-366

Finance

To resume hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Foreign Relations

European Affairs Subcommittee

To resume hearings to review the National Alliance Treaty Organization (NATO).

SD-419

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD-430

1:30 p.m.

Foreign Relations

European Affairs Subcommittee

To continue hearings to review the National Alliance Treaty Organization (NATO).

SD-419

SEPTEMBER 20

9:30 a.m.

Labor and Human Resources

To hold hearings on matters relating to private education.

SD-430

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on proposed legislation authorizing funds for wildlife refuge programs.

SD-406

SEPTEMBER 23

9:30 a.m.

Finance

International Trade Subcommittee

To resume hearings on S. 680, to limit imports of textile products into the United States to a 1-percent growth rate for exporting countries.

SD-215

SEPTEMBER 24

9:00 a.m.

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold oversight hearings on innovative approaches in industrial energy efficiency.

SD-366

9:30 a.m.

Finance

To resume hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Foreign Relations

Business meeting, to consider pending calendar business.

SD-419

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings on child fitness and health programs.

SD-562

SEPTEMBER 26

9:30 a.m.

Finance

To hold hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Labor and Human Resources

Aging Subcommittee

To hold hearings on pension accrual and the older worker.

SR-385

2:00 p.m.

Foreign Relations

To hold hearings on financing of foreign military sales.

SD-419

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold hearings on S. 209, the Federal Debt Recovery Act.

SD-342

SEPTEMBER 30

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.

SD-215

10:00 a.m.

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 1440, the Non-Smokers Rights Act.

SD-342

OCTOBER 1

9:30 a.m.

Finance

To resume hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To continue hearings on S. 1440, the Non-Smokers Rights Act.

SD-342

*Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.

2175 Rayburn Building

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings on the exploitation of runaway children.

SD-628

11:00 a.m.

Veterans' Affairs

To hold hearings to review the legislative priorities of the American Legion.

SD-106

OCTOBER 2

9:30 a.m.

Finance

To continue hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.

SR-485

OCTOBER 3

9:30 a.m.

Finance

To continue hearings on the President's tax reform proposal.

SD-215

10:00 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.

2175 Rayburn Building

HOUSE OF REPRESENTATIVES—*Thursday, September 5, 1985*

The House met at 10 a.m.

The Reverend Walter C. Kennedy, associate pastor, First United Methodist Church, Peoria, IL, offered the following prayer:

Eternal God!

As the light of a new day greets us this morning in this House Chamber, grant that the light of Thy divine presence illuminates the mind and warms the heart of each Member as they deliberate the important issues of this hour. Strengthen the hands of our President and all those, who by the will of the people, are privileged, in this day of high destiny, to mold the future of our great country. Create within all a divine discontent that we will not be satisfied with our limited achievement but that we will labor on with vision and valor for the enthronement on Earth of law and love of equity and righteousness, never doubting the final triumph of Thy redeeming purpose, for all children of every race under the sky. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ARMEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ARMEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 100, not voting 103, as follows:

[Roll No. 293]

YEAS—231

Ackerman	Barnes	Bonker
Alexander	Bateman	Borski
Anderson	Bates	Bosco
Andrews	Bedell	Boucher
Annunzio	Bellenson	Boxer
Anthony	Bennett	Breaux
Archer	Bliley	Brooks
Aspin	Boland	Broomfield
Atkins	Boner (TN)	Brown (CA)
Barnard	Bonior (MI)	Bruce
Bryant	Horton	Pursell
Burton (CA)	Howard	Quillen
Bustamante	Hoyer	Rahall
Byron	Hubbard	Ray
Carper	Huckaby	Regula
Chapman	Hughes	Reid
Chappell	Hutto	Richardson
Clinger	Ireland	Ritter
Coelho	Jeffords	Robinson
Coleman (TX)	Johnson	Roe
Cooper	Jones (OK)	Rostenkowski
Coyne	Jones (TN)	Rowland (CT)
Crockett	Kanjorski	Rowland (GA)
Daniel	Kemp	Roybal
Darden	Kennelly	Rudd
Daschle	Kildee	Russo
Davis	Kolter	Sabo
de la Garza	LaFalce	Savage
DeLay	Lantos	Saxton
Derrick	Leath (TX)	Schneider
DioGuardi	Lehman (CA)	Schulze
Dixon	Lehman (FL)	Schumer
Donnelly	Leland	Sharp
Dorgan (ND)	Levin (MI)	Sisisky
Dornan (CA)	Levine (CA)	Slattery
Dowdy	Lipinski	Smith (FL)
Downey	Lowry (WA)	Smith (NE)
Duncan	Lujan	Snowe
Dwyer	Luken	Solarz
Dyson	Lundine	Spratt
Early	Manton	Staggers
Eckart (OH)	Markey	Stark
Edgar	Marlenee	Stenholm
Edwards (CA)	Martin (NY)	Stokes
Erdreich	Martinez	Stratton
Evans (IL)	Matsui	Studds
Fascell	Mazzoli	Sweeney
Feighan	McCloskey	Swift
Flippo	McCollum	Synar
Florio	McCurdy	Tallon
Foglietta	McDade	Tauzin
Foley	McHugh	Thomas (GA)
Fowler	McKinney	Torres
Frost	Mica	Torricelli
Garcia	Mikulski	Traficant
Gaydos	Miller (WA)	Traxler
Gejdenson	Mineta	Valentine
Gephardt	Mollohan	Vento
Gilman	Montgomery	Visclosky
Glickman	Moody	Volkmer
Gonzalez	Moore	Walgren
Gordon	Morrison (WA)	Watkins
Gradison	Mrazek	Waxman
Gray (PA)	Murphy	Weaver
Green	Murtha	Weiss
Guarini	Myers	Wheat
Hall, Ralph	Natcher	Whitehurst
Hamilton	Nowak	Whitley
Hammerschmidt	Oberstar	Wilson
Hansen	Obey	Wise
Hatcher	Olin	Wolpe
Hayes	Ortiz	Wright
Hefner	Panetta	Wyden
Henry	Pease	Wylie
Hertel	Perkins	Yates
Holt	Pickle	Yatron
Hopkins	Price	Young (MO)

NAYS—100

Armey	Coleman (MO)	Gallo
Bartlett	Combest	Gekas
Barton	Conte	Gingrich
Bentley	Coughlin	Goodling
Bereuter	Courter	Grotberg
Boehlert	Crane	Gunderson
Boulter	Daub	Hiler
Brown (CO)	DeWine	Jacobs
Burton (IN)	Dickinson	Kasich
Callahan	Durbin	Kolbe
Campbell	Edwards (OK)	Kramer
Carney	Emerson	Lagomarsino
Chandler	Evans (IA)	Latta
Cheney	Fawell	Lent
Clay	Fiedler	Lewis (CA)
Coats	Frenzel	Lewis (FL)
Lightfoot	Penny	Smith (NH)
Livingston	Petri	Solomon
Lloyd	Porter	Spence
Lungren	Ridge	Stangeland
Mack	Roberts	Strang
Martin (IL)	Roemer	Stump
McCandless	Rogers	Sundquist
McEwen	Roth	Swindall
McGrath	Roukema	Tauke
McKernan	Schaefer	Vucanovich
Meyers	Schuette	Walker
Michel	Sensenbrenner	Weber
Molinari	Shumway	Whittaker
Monson	Shuster	Wolf
Moorhead	Sikorski	Young (FL)
Nielson	Siljander	Zschau
Packard	Skeen	
Parris	Slaughter	

NOT VOTING—103

Addabbo	Gray (IL)	O'Brien
Akaka	Gregg	Oakar
Applegate	Hall (OH)	Owens
AuCoin	Hartnett	Oxley
Badham	Hawkins	Pashayan
Berman	Heftel	Pepper
Bevill	Hendon	Rangel
Biaggi	Hillis	Rinaldo
Billirakis	Hunter	Rodino
Boggs	Hyde	Rose
Broyhill	Jenkins	Scheuer
Carr	Jones (NC)	Schroeder
Chappie	Kaptur	Seiberling
Cobey	Kastenmeier	Shaw
Coble	Kindness	Shelby
Collins	Kleczka	Skelton
Conyers	Kostmayer	Smith (IA)
Craig	Leach (IA)	Smith (NJ)
Dannemeyer	Loeffler	Smith, Denny
Dellums	Long	Smith, Robert
Dicks	Lott	Snyder
Dingell	Lowery (CA)	St Germain
Dreier	MacKay	Stallings
Dymally	Madigan	Taylor
Eckert (NY)	Mavroules	Thomas (CA)
English	McCain	Towns
Fazio	McMillan	Udall
Fields	Miller (CA)	Vander Jagt
Fish	Miller (OH)	Whitten
Ford (MI)	Mitchell	Williams
Ford (TN)	Moakley	Wirth
Frank	Morrison (CT)	Wortley
Franklin	Neal	Young (AK)
Fuqua	Nelson	
Gibbons	Nichols	

□ 1020

Mrs. ROUKEMA changed her vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 444. An act to amend the Alaska Native Claims Settlement Act.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2942) "An act making appropriations for the legislative branch for the fiscal year ending

September 30, 1986, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. HATFIELD, Mr. STEVENS, Mr. BUMPERS, and Mr. HARKIN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2959) "An act making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. DOMENICI, Mr. JOHNSTON, Mr. STENNIS, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, and Mr. DECONCINI to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of the child abuse cases, especially child sexual abuse cases;

S. 249. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

S. 811. An act to clarify the treatment of mineral materials on public lands;

S. 816. An act to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest in the State of Nebraska, and for other purposes;

S. 1027. An act for the relief of Kenneth David Franklin;

S.J. Res. 166. Joint resolution to appeal for the release of D. Yury Orlov and other Helsinki Final Act monitors; and

S.J. Res. 183. Joint resolution to provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week."

REV. WALTER C. KENNEDY

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I say to my colleagues that our opening prayer today was offered by my good friend and constituent, Rev. Walter C. Kennedy, associate pastor, First United Methodist Church, Peoria, IL.

Reverend Kennedy was born in Glasgow, Scotland. After graduating from high school, he worked in the John Brown Shipyards of Glasgow, where he helped to build the great seagoing ships, the *Queen Mary* and the *Queen Elizabeth*. He graduated from the International Training College of the Salvation Army and served as a lieutenant and captain in the Salvation Army, with appointments in England and Scotland.

He then came to the United States in 1949 and served as Salvation Army Corps officer, or pastor, in South Dakota, Nebraska, and Michigan. Eventually he was appointed to central Illinois and eastern Iowa as the Salvation Army divisional commander, with headquarters in Peoria.

I guess I really got to know Reverend Kennedy as a brigadier in the Salvation Army. In July 1980, Reverend Kennedy retired, and in September of the same year he became a pastor of the First United Methodist Church in Peoria.

I think it is notable also that when Reverend Kennedy was a brigadier back in January 1969, he opened one of the sessions of the U.S. Senate on the other side of the Capitol.

He and his wife, Marjorie, herself an ordained minister, have three sons: Gavin, Christopher, and Shawn Douglas.

Mr. Speaker, I am delighted to have this chance to give this brief biography of Reverend Kennedy, whose dedication and devotion to his calling and to his fellow human beings are so well known to all the folks out in central Illinois. We are delighted to have him open this session of the House of Representatives with his opening prayer.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1986

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

Mr. ROGERS reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. LEVIN of Michigan). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MODIFICATION OF APPOINTMENT OF CONFEREES ON S. 1128, CLEAN WATER ACT AMENDMENTS OF 1985

The SPEAKER pro tempore. Without objection, the Chair's appointment on yesterday of Mr. ROWLAND of Georgia as an additional conferee on the Senate bill, S. 1128, is hereby modified to include sections 5, 16, 30(a), 34(b), and 45 of the House amendment to S. 1128 and modifications committed to conference, in lieu of the sections of the House amendment announced yesterday.

There was no objection.

THE ERA OF THE HYBRID IN THE AUTO INDUSTRY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it's the dawn of a new era in the auto industry. The era of the hybrid. These cars look American and have an American label. Some are even assembled by Americans. But don't be fooled my friends, they're foreign cars.

You would be hard pressed to find a car that is made exclusively from American-made parts and assembled by American workers.

Today's auto industry resembles the steel industry of 1960—predinosaur. We can't expect American workers to compete with foreign workers who are making slave wages. It's time for Congress to act and change the trade policies of America. Free trade is a myth and history will record what we are seeing now—the loss of jobs right before our very eyes.

I invite you to come to Youngstown, Pittsburgh, and Cleveland and see the miles of closed steel mills and despair in people's eyes. You may say now: "That's your tough luck, TRAFICANT. The industries in my district are doing OK." Let's face it. Your district is next.

I ask you to review H.R. 2953 that I have introduced. It will help the auto industry and also give consumers an incentive to purchase cars made in America.

BALANCED BUDGET COSPONSORS SOUGHT

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today because I am more convinced than ever of the growing need for a balanced budget amendment.

Never before has there been a stronger voice calling for this body to discipline its spending. And if we don't act, the States may.

Already legal scholars are debating whether or not Congress can control the agenda of a constitutional convention called by the States.

Frankly, I would rather avoid that confrontation.

Earlier this year I introduced a balanced budget amendment which, I believe, approaches our Federal deficit in a responsible, rational way.

Quite simply, it calls for the budget deficit to be reduced by targeted amounts over a 5-year period. At the

end of the 5 years, the budget would be balanced.

I thank those who have already cosponsored the bill, and I urge others to add their names.

I don't think anyone could fully express in 60 seconds the increasing importance the American public places on our deficit.

The point was hammered home during the month of August—in town meetings, in frank discussions, and in newspapers.

Please join me in taking this rational approach to the problem.

FAIR TRADE, NOT FREE TRADE

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, America needs fair trade.

As I traveled throughout my district during the month of August, the men and women who work in the glass, brick, and china plants, as well as the steel and chemical workers and coal miners, all had one message for the President: "Get off the free-trade kick. We need fair trade."

The numbers, Mr. Speaker, tell the story. In 4 short years, textile imports have increased from 13 percent to 25 percent, shoe imports have increased from 50 percent to 77 percent, and steel imports have increased from 16 percent to 25 percent.

But it is the people who feel the pain, with 2 million workers losing their jobs to foreign trade from 1980 to 1985, and for those still working, the flood of foreign goods into this country is undermining labor-management agreements and the process of negotiating those agreements.

Mr. Speaker, American industry is an endangered species. The wolves are at the door. Mr. President, we need fair-trade legislation now.

VUCANOVICH HAILS COURT DECISION ON COMPARABLE WORTH

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, yesterday the Ninth U.S. Circuit Court made a landmark decision regarding the comparable worth theory. It overturned a lower court's decision mandating that Washington State pay their employees based on the comparable worth theory.

Mr. Speaker, this decision clearly shows that comparable worth is not workable. In Judge Kennedy's opinion he stated that "the wage gap by itself did not prove that the State of Washington intentionally discriminated against women." This decision proves that Congress should not take up legislation which would mandate a study of comparable worth in the Federal Government.

Comparable worth is nothing but a costly new form of government intervention in the determination of wages. I do not believe that the Congress should proceed with legislation which implements the comparable worth theory. It is clear that we do not need the costly and extraneous legislation that has been proposed.

The decision has been made. Let's get on with more pressing work.

PERSONAL EXPLANATION

Mr. HAYES. Mr. Speaker, I was unavoidably absent on yesterday due to a previously scheduled field hearing in my congressional district. Had I been present, I would have voted "nay" on rollcall No. 291 and "yea" on rollcall No. 292.

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following these recorded votes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

"COMPARABLE WORTH" AND CAPTAIN AHAB'S OBSESSION

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, as of today, the promoters of H.R. 3008, the so-called comparable worth bill, are like Captain Ahab in pursuit of Moby Dick—they do not have a leg to stand on, and they should drop this dangerous obsession.

All of us in this body want to see equal pay for equal work, but this bill has nothing to do with that concept. Allow me to quote from the three-judge panel which overturned the Washington State case:

The state did not create the market disparity and has not been shown to have been motivated by impermissable sex-based considerations in setting salaries.

They further stated that—

Neither law nor logic deems the free market a suspect enterprise.

Let's face it, H.R. 3008 was an ill-conceived idea in the first place. Anyone who doubted that should realize it now. Without the judicial precedent to justify its existence, the comparable worth bill will have to rely on its own rationale. Given that, I think it would probably be best that this House not even consider the bill.

FAIR TRADE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, in the August break, when I was home in Louisiana, people talked to me constantly about jobs, the ones they have now and the ones they might lose tomorrow. As I said yesterday, they suggested a plan of action for the Congress: first, work on the deficit. They realize that the enormous deficit, the overvalued dollar, and high real interest rates are costing them jobs. Second of all, they ask that we do something about fair trade.

My people do not believe that protectionism is a strategy or a goal because it hurts workers and it hurts consumers, but they do think that selected, targeted action might be necessary to get the attention of our economic neighbors. Protectionism is not a strategy, but it is a tactic. We are Uncle Sam, not Uncle Sucker. Give us a trade policy, Mr. President, or we will give you one.

Finally, Mr. Speaker, tax reform is the lowest priority on my people's list. They tell us to be careful, be thorough, be fair, promote the middle class, help savings and investment, and create jobs. The current tax reform bill does none of those things. Without major changes, tax reform in its current status is dead.

COMPARABLE WORTH

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, yesterday, the Ninth U.S. Circuit Court of Appeals reversed the ill-fated Washington State comparable worth decision. This clearly shows that the idea of government bureaucrats setting wage rates is destined for defeat in this country—and rightly so.

Judge Anthony Kennedy, writing for the court, summed it up quite nicely when he said, "Neither law nor logic deems the free market a suspect enterprise."

It's ironic that just as this decision against comparable worth is being handed down in the Washington State case, supporters are attempting to impose this same idea on the Federal Government, and eventually the private sector. H.R. 3008 will likely be brought up next week with the intention being to regain momentum lost after the resounding defeat in Washington. Mr. Speaker, we have important work to do in these remaining few months of the session. Comparable worth legislation, especially since we now know this concept will not hold up in court, should be removed from consideration in the House.

Mr. Speaker, the market works; Federal courts have reaffirmed this; and it's time the Congress accepted this.

□ 1035

THE AGRICULTURAL CRISIS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I just want to bring to the attention of my colleagues the current seriousness of the agricultural situation. Everybody in this body is aware that farm prices are at the low for many years right now, but I am not sure that everybody is aware that the farm credit system, the largest single bank for farm borrowers in this country, is near the point of bankruptcy because land prices have been falling. These banks have loans which are undercollateralized and we may find that this very large farm credit system is going to burst at the seams. This, in turn, will increase and perhaps be an additional catalyst for more of a farm crisis than we already have and it is affecting the general economy.

Farmers want a farm bill that preserves farm income. Farmers want a trade policy that does not cause the United States to unilaterally disarm throughout the rest of the world and farmers want responsible deficit reduction.

But I would tell my urban colleagues that the economic fate of America is tied to our natural resource base, particularly our agricultural resource base. That base is in serious jeopardy right now and what we do with respect to rural America is going to affect the ability of urban America to remain strong and productive and provide jobs.

TRANSPORTING DANGEROUS CHEMICALS ON OUR ROADS

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend this remarks.)

Mr. WALGREN. Mr. Speaker, August is a month of surprises and this one was not exceptional in western Pennsylvania. The first surprise was that there is a daily shipment of a chemical, methyl isocyanate, which is the chemical which was involved in the Bhopal, India, tragedy, going by truck up Interstate 79, the north-south spine of western Pennsylvania.

The second surprise was that there is essentially no Federal regulation which the public can rely on for assurance that these kinds of shipments are made safely.

It turns our that the Department of Transportation's regulatory efforts in this area have been largely limited to explosives and do not cover inhalable toxics. The Department of Transportation has proposed regulations in this area which were sent to the Office of Management and Budget sometime in February and they have yet to be responsed to, having entered that black hole.

The American public deserves the protection of a regulatory presence in this area. I hope the Office of Management and Budget will issue those regulations or approve them immediately without delay.

THE MESSAGE FROM OUR CONSTITUENTS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, it seems as though every reporter in town in asking Members of Congress: "What did you learn from your constituents during the recess?" As though we hadn't been taking the pulse of those we represent on every other trip home during the year.

First, I can tell you, having taken 5 days to explore the Grand Canyon on a float trip down the Colorado River, the achievements of man pale into insignificance alongside the majesty of God's creation in that canyon. I return from the journey keenly awake that we are but transient passengers on this planet Earth, stewards for generations past and generations yet to come.

On a more mundane level, as one of the stewards for the current generation, I conducted nearly a dozen town halls and scores of other meetings with constituents during the August recess. The message I heard was a consistent and uniform one: cut spending; trim the deficit.

For the first time, I believe the American people not only understand the need to cut spending in the abstract, but are committed to supporting Congressmen who make tough decisions to make those cuts, even when it affects programs that are close to their own interests.

Yesterday's vote on the economic development administration was not an encouraging beginning to our post-August efforts to rein in spending. I am sure that my colleagues heard the same message I did about spending during the recess. I would urge all of us to consider carefully how we are going to translate that message into hard action and tough choices on spending.

COMPARABLE WORTH

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, when a man or a woman or a minority perform the same job, the same factors should be considered in determining the wages they receive. This basic concept of equal pay for equal work is once again being confused with the concept of equal pay for dissimilar jobs or, as we are calling it today, comparable worth. While most people agree with the first concept, many like myself strongly disagree with the assumptions necessary to accept the latter.

The fact that the study may be impossible to conduct is but one of the problems with H.R. 3008. There are other reasons why a study on the feasibility of comparable worth is a bad idea. The Ninth Court of Appeals in San Francisco agreed yesterday. Let us give H.R. 3008 a dignified burial and get along with more important matters facing this Congress.

THE DEATH OF COMPARABLE WORTH

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, advocates of comparable worth were dealt a blow yesterday when the circuit of appeals overturned an earlier court decision giving Washington State employees equal pay for different jobs. In an unanimous decision, the circuit court found that "Neither law nor logic deems the free market a suspect enterprise."

I couldn't agree more. The arguments against comparable worth are simple and straightforward. The most compelling, though, is the idea that Government can determine the worth of an individual's labor. The truth is that the market and not bureaucrats or the courts is the best instrument for determining wages. As history shows, whenever Government attempts to control the economy, all citizens, women and men alike, suffer.

Mr. Speaker, comparable worth legislation is scheduled to come before the House next week. In light of this decision, I would hope the bill's sponsors would pull it from the floor and let this body move on to more important work, things like trade and budget deficits, tax reform and a farm bill.

TAX REFORM, AN ISSUE TO BE ADDRESSED

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I understand your opinion to be that there is little existing sentiment for a Tax Code overhaul. However, after extensive research, I have found the attitude toward tax reform to be exactly the opposite in the 43d District of California.

Two out of every three residents in Orange County and three out of every four residents of north San Diego County are in favor of the Reagan tax reform package as a whole; 78 percent of the people in my district strongly support replacing the current 14-bracket tax system with a 3-bracket system. Other figures look like this: 88 percent in favor of increasing the IRA limit to $4,000 per year for couples, 87 percent in favor of doubling the personal exemption, and 82 percent in favor of cutting personal income tax and raising corporate tax proportionately.

Mr. Speaker, these figures indicate to me that tax reform is indeed an issue to address in this body. I hope that you will have an open ear toward American taxpayers, and make way for consideration of a tax reform package in Congress this year.

NEITHER LAW NOR LOGIC DEEMS THE FREE MARKET A SUSPECT ENTERPRISE

(Mr. MONSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONSON. Mr. Speaker, "Neither law nor logic deems the free market a suspect enterprise."

That was the decision handed down by the Ninth Circuit Court of Appeals yesterday in overturning Judge Jack Tanner's 1983 decision requiring Washington State to, and I quote from yesterday's unanimous decision, "eliminate an economic inequality it did not create."

Finally we can see set this ridiculous issue aside and get on with more important business. Yesterday's decision is a confirmation of every other major court decision on comparable worth, and it is a confirmation of simple common sense. But maybe the most important result of the decision was to acquit the free market from any charges of inherent discrimination. The market will set wages at a rate at which employers value each service performed. There is no conspiracy of the market forces to keep wages of women lower than those of men.

In fact, implementing a comparable-worth plan would only tend to entrench women in traditional roles. Presently, if women don't like the wages in predominantly women's jobs, they will move to a less traditional job. Comparable worth would remove any incentive for women to move away from their traditionally held jobs.

I'm glad that we can now lay this ridiculous idea to rest and get on with our job.

THE BUDGET: LET'S PLAY FAIR

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, President Reagan recently proposed a freeze on pay increases for Federal civilian employees. I can appreciate his rationale. The Federal budget is in crisis. In private industry, a company in crisis must often ask employees to bear some temporary sacrifice.

There's just one thing wrong here. We're not playing fair. To people who work for a living, we're saying: no cost-of-living increase. To people who have retired, or are on other Federal allowances, we say: OK, you get your inflation increase. To military personnel, we say: OK, you get your inflation increase.

Is this a budget crisis, or isn't it? I say it is. I say in the face fo $200 billion deficits we can't afford to pay any cost-of-living increase to anybody this this year. I imagine civil servants could live with that. But I can understand and sympathize with their protests when they are singled out for an extra dose of sacrifice. They have a right to protest. It's not fair.

You, Mr. Speaker, the Congress, and the President should have agreed to an across-the-board freeze in the first place.

WE HAVE LOST CONTROL OF OUR BORDERS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, earlier this week Bill Moyers had an exceptional documentary on the question of immigration and the state of immigration law in this country. I would hope that those of my colleagues who have not had an opportunity to view it thus far will take the opportunity in the not too distant future to see a copy of it, which I will make available to the entire House.

In very real terms, that documentary pointed out that we basically have lost control of our borders. That has been the case for some years. It is getting worse.

I believe there is, as they described it, anarchy on our borders.

Mr. Speaker, there is only one place where that anarchy can be addressed and that is in the House of Representatives and the U.S. Senate. It is my hope that we will move with immigration reform, at least begin that movement later this month, and that before this Congress is over we can achieve something that has not been achieved for about 34 years—a comprehensive reform of our immigration law.

The country needs some leadership on this. The country cries out for a solution to the problem that faces us on a daily basis. It is not just some intellectualizing on some question. It is not just some nebulous thing out there. These are real people, facing real problems on a daily basis.

Mr. Speaker, we must act and act now.

□ 1050

NABIH BERRI, NO FRIEND OF THE UNITED STATES

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, Nabih Berri won himself no small amount of praise for playing the roles of "mediator" and "moderate" in the recent TWA hijacking. But the play was not wholly convincing.

Berri had never disguised his anti-Americanism, and past reports had linked him to other hijackings. In a fiery speech in Beirut last September 9, he claimed to have 50 young suicide commandoes available for action against the Israelis.

As the TWA crime began, Berri publicly supported the hijackers' demands.

He claimed he had control of our hostages, but took much time—and arranged many press conferences—before they were freed.

He holds the title of Lebanese Minister of Justice, but has done nothing to prosecute the killers of Robert Stethem. Indeed, he let the two hold a press conference. And he has apparently done nothing to free the other Americans held in captivity in Lebanon.

I ask my colleagues to consider all this as we weigh three interesting news items from Beirut during August:

Berri's Amal Militia is taking delivery of Soviet-made tanks from Syria, Moscow's closest Middle Eastern ally;

Berri met with a Soviet official to discuss Lebanese security issues; and

Berri received and accepted an official invitation to visit the Soviet Union.

If we are waiting for Nabih Berri to do something about the Americans languishing in Lebanon, we may be waiting for some time to come.

CONGRESS HAS A SPENDING PROBLEM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have got a spending problem in the Congress. We spend too much money. Day after day, we spend too much money; week after week, we spend too much money; year after year, we spend too much money; decade after decade, we spend too much money. The American people know it; only this House seems blissfully unaware of the fact that we

have got a spending problem in this country.

Now, we talk a lot on this floor about a deficit problem. Let me tell you, a sending problem is different than a deficit problem. The deficit problem is the fault of our spending problem, and it is high time that we begin to curtail spending in this Congress if we are going to solve the deficit problem. We ought to begin today with a bill we have coming before us. We have got a bill coming before us in which the first thing we are going to do is, we are going to pass a rule that waives the Budget Act. Once again, we are going to waive the Budget Act so that we can go on blissfully spending more money, and then later on we are going to spend some money with this bill that the administration did not request, that they still do not want. It amounts to about $6 million. Then we are going to turn around and go back to our constitutent, and we will say, "I don't know how all that spending is taking place." I think it is high time we start voting "no" on spending so that we can get deficits under control. If we do not, we are just plain lying to the American people.

COMPARABLE WORTH IS COUNTERPRODUCTIVE TO THE FREEDOM WOMEN ARE NOW SEEKING

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, my wife is a professional woman. She is a registered nurse and has been very successful in her career. She has been following the issue of comparable worth for some time now. I personally respect her opinion as a working woman.

Nancy feels that she is able to compete in the marketplace. The laws passed in the 1960's and certainly with the new changes in social attitude of late, with those she can fight and obtain equal wages for her profession.

She believes women should continue the fight for all professions for equal pay for equal worth. She has been an advocate of this equality for a long time. But she feels that comparable worth is counterproductive to the freedom women are now seeking.

The court case in the Ninth District Circuit Court is indicative of why this Congress should defeat House Resolution 3008 and pursue a more logical course of action that my wife, Nancy, a professional woman, would choose to pursue.

I thank the Speaker.

IT IS TIME WE PAY ATTENTION TO OUR MOST PROFITABLE EXPORT, AGRICULTURE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we hear many of our colleagues decry the trade deficit, and rightly so. But I hope it goes beyond rhetoric. For example, agriculture is our most important and most profitable export, and it is time that we pay attention to it. This month is the 12th anniversary of the Tokyo round of multilateral trade negotiations. It is time we give agriculture an equal billing with manufactured products.

So. Mr. Speaker, I have introduced legislation to do just that. I invite the Members of this House to join with me in that endeavor.

The reason we have these huge trade deficits is because we have the huge fiscal deficits. You can talk to 10 economists here in Washington and get 10 different answers on just about any economic issue. But on one issue they are all agreed; that is, high fiscal deficits will lead to high trade deficits. So I think that the philosophy in this House can no longer be spend, spend, spend, tax, tax, tax; but the philosophy must be: Spend less, tax less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval is in violation of the rules of the House.

CONGRESS MUST ACT NOW ON FARM CREDIT

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, in just a few moments from now, the Governor of the Farm Credit Administration will finally admit what many of us have known for months—the Farm Credit System is in trouble, serious trouble.

He will come to us with his hat in his hand looking for help. And we must help him. Make no mistake about that. We must not let the farmers of America suffer the consequences of blatant mismanagement and abuse of a few.

But we better be sure that we exact our price—that whatever new farm lending system is established has built-in protection. That it provides America's farmers with the lending system they need to operate. Over one-third of all agricultural debt is held by the Farm Credit System. We simply cannot allow the burden of the mismanagement of the Farm Credit System to be borne by America's farmers who, in 1984, completed the second worst agricultural year in the history of America.

And the situation is worsening. With our Nation's farmers doing what they do best—produce food to feed the world at record levels—commodity prices are falling. Land values continue to plummet and the amount of available credit for farmers is shrinking.

Mr. Speaker, the Congress must act now to help America's farmers. They cannot afford to wait any longer.

RAILROAD SAFETY IMPROVEMENT ACT OF 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 250 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 250

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the house resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2372) authorizing appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be read for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 2372, it shall be in order, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to take from the Speaker's table the bill S. 1080 and to consider said bill in the House, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 2372 as passed by the House.

The SPEAKER, pro tempore (Mr. KILDEE). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 250 is the rule providing for the consideration of H.R. 2372, the Railroad Safety Improvement Act of 1985. The

rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The rule also waives points of order under section 402(a) of the Congressional Budget Act against consideration of the bill. Section 402(a) requires authorizations to be reported by May 15 prior to the beginning of the fiscal year. The Committee on Energy and Commerce voted to report this bill on May 15, but delayed filing the report until May 23 to provide time for the submission of minority views on this legislation. Since this legislation authorizes the enactment of new budget authority for fiscal year 1986, a waiver of section 402(a) is necessary.

In addition, the rule provides for consideration of the bill by sections, with each section to be considered as read. The rule also provides for one motion to recommit.

Finally, Mr. Speaker, the rule provides for a Senate hookup. It provides that after the passage of H.R. 2372, it shall be in order to consider the Senate-passed companion bill, S. 1080, in the House and to move to strike after the enacting clause of that bill and insert in lieu thereof the provisions of H.R. 2372 as passed by the House. House Resolution 250 also waives section 402(a) of the Budget Act against consideration of the Senate bill.

Mr. Speaker, the purpose of H.R. 2372, the Railroad Safety Improvement Act of 1985, is to reauthorize and improve the safety programs of the Federal Railroad Administration, and to provide for railroad research and development programs. The bill authorizes $40.9 million for fiscal year 1986, and $42.5 million in fiscal year 1987 for the two programs. The bill contains several provisions dealing with drug and alcohol abuse in the railroad industry. First, H.R. 2372 would require the Secretary of Transportation to issue regulations to ensure the prevention of alcohol and drug use among railroad employees while they are on the job. The bill also would encourage the establishment of a private nonprofit corporation to support and promote greater employee awareness of drug and alcohol problems.

Mr. Speaker, H.R. 2372 would also improve the protections available to railroad employees who report safety violations or refuse to work under conditions that present the danger of death or serious injury. Under current law, an employee who is dismissed or suspended may sue for reinstatement and damages if proof can be shown that the dismissal or suspension was in retaliation for the employee having reported a safety violation to the Federal Railroad Administration. Mr. Speaker, H.R. 2372 would allow workers who are discriminated against but not suspended or dismissed, to take action against employers as well.

Finally, Mr. Speaker, H.R. 2372 reauthorizes the safety functions of the Federal Railroad Administration for 2 years. The bill would also reauthorize the State Safety Participation Program. This program requires the Federal Government to partially reimburse States for any rail safety inspections and investigations which they may carry out. H.R. 2372 appropriates $3.1 million in fiscal year 1986 and $3.2 million for fiscal year 1987 for the program.

Mr. Speaker, the safety of rail operations in this Nation is essential to passenger transportation services and efficient freight transportation. The passage of this bill would guarantee the improvement of these safety programs, and of safe rail operations. I urge my colleagues to adopt House Resolution 250 so that we may proceed to the consideration of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the provisions of the rule have been ably explained by the gentleman from Texas [Mr. FROST]. It would be redundant for me to go into detail on the provisions of the rule.

Mr. Speaker, the purpose of the bill made in order by this rule is to reauthorize and improve the safety program of the Federal Railroad Administration, and we all know that that is most important. Certainly we all agree with the goal of improved safety on our railroads. However, according to testimony presented in the Rules Committee, there are some provisions in this bill which do not contribute to the goal of improved safety and may, in fact, cause other problems.

Some of these are noted in the minority views contained in the report. The administration also takes a position opposing certain parts of the bill.

Mr. Speaker, under this open rule the House will have an opportunity to concentrate on amendments to make necessary improvements in this bill. Therefore, I support the rule and will support the bill on final passage.

The differences between the House and the other body, if any, can be worked out in the conference when the conferees meet.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule. As the gentleman from Tennessee has explained, and the gentleman from Texas has explained, this is an open rule. I think that is fine, very good, except that this is another one of those rules that waives the Budget Act. Now, I am sure that we will hear from all kinds of people who suggest that waiving the Budget Act here is simply waiving the reporting requirements that said that you have got to have this on the books by May 15. The reason why that is there is to assure us that when we are considering the budget, that we consider all of the things that might be authorized pursuant to the spending that the House of Representatives is going to do.

By waiving this provision of the Budget Act, what we are saying is that we do not think that this had to be included in our original budget considerations.

Well, what we are doing is trying to get around the problem that is in this Congress that we spend too much money. We always figure out ways to get around the rules that are aimed at preventing us from spending money.

□ 1105

So this rule is one more way of trying to escape our responsibility for overspending our budgets and overspending the tax dollars of the American people, and I would suggest that those who want to begin to stand up for what I think most of you heard the American people saying was their No. 1 concern is deficit, and do something to end the deficit, one of the ways you could start would be by voting against this rule and saying "We're tired of having bills come on the floor under a rules procedure that waives the Budget Act."

It is high time that we at least obey those things that we have put in law that require us to try to stop spending. If we are not willing to do that, then we ought to take all the heat that the American people can direct at this place for the spending that we do.

I ask for a "no" vote on the rule; it waives the Budget Act; we ought not do that.

Mr. QUILLEN. Mr. Speaker, I urge the adoption of the rule, and I have no further requests for time.

I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I would only point out that the committee in fact reported the bill in a timely manner, by May 15, but it delayed in filing in order to accommodate the minority members of the committee so that they could file minority views, and that if it had not been for that accommodation, that this would have been filed in a timely manner and it would not be a request to waive the filing requirement.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 109, not voting 81, as follows:

[Roll No. 294]

YEAS—244

Ackerman	Fowler	McEwen
Alexander	Frank	McHugh
Anderson	Franklin	Mica
Andrews	Frost	Mikulski
Annunzio	Garcia	Miller (CA)
Anthony	Gaydos	Mineta
Applegate	Gejdenson	Mitchell
Aspin	Gephardt	Mollohan
Atkins	Gibbons	Montgomery
Barnard	Gilman	Moody
Barnes	Glickman	Moore
Bates	Gonzalez	Morrison (CT)
Bedell	Goodling	Mrazek
Beilenson	Gordon	Murphy
Bennett	Gradison	Murtha
Boland	Gray (IL)	Natcher
Boner (TN)	Gray (PA)	Nowak
Bonior (MI)	Green	Oakar
Bonker	Guarini	Oberstar
Borski	Gunderson	Obey
Bosco	Hall, Ralph	Olin
Boucher	Hamilton	Ortiz
Boxer	Hansen	Owens
Brooks	Hatcher	Panetta
Brown (CA)	Hayes	Parris
Bruce	Hefner	Pease
Bryant	Hertel	Penny
Burton (CA)	Horton	Perkins
Bustamante	Howard	Pickle
Byron	Hoyer	Price
Carney	Hubbard	Quillen
Carper	Huckaby	Rahall
Chandler	Hughes	Ray
Chapman	Hutto	Regula
Chappell	Jacobs	Reid
Clay	Jeffords	Richardson
Coelho	Jenkins	Ridge
Coleman (TX)	Johnson	Robinson
Conte	Jones (OK)	Roe
Cooper	Jones (TN)	Roemer
Coughlin	Kanjorski	Rostenkowski
Coyne	Kastenmeier	Roukema
Crockett	Kennelly	Rowland (GA)
Darden	Kildee	Roybal
Daschle	Kleczka	Rudd
Davis	Kolter	Russo
de la Garza	Kostmayer	Sabo
Derrick	LaFalce	Savage
Dickinson	Lantos	Schneider
Dingell	Leath (TX)	Schulze
DioGuardi	Lehman (CA)	Schumer
Dixon	Lehman (FL)	Sharp
Donnelly	Leland	Shumway
Dorgan (ND)	Lent	Shuster
Dowdy	Levin (MI)	Sikorski
Downey	Levine (CA)	Siljander
Durbin	Lipinski	Sisisky
Dwyer	Lloyd	Slattery
Dyson	Lowry (WA)	Smith (FL)
Early	Luken	Smith (NJ)
Eckart (OH)	Lundine	Spratt
Edwards (CA)	Madigan	Staggers
English	Manton	Stallings
Erdreich	Markey	Stangeland
Evans (IL)	Marlenee	Stark
Fascell	Martin (NY)	Stokes
Feighan	Martinez	Studds
Flippo	Matsui	Swift
Florio	Mavroules	Synar
Foglietta	Mazzoli	Tallon
Foley	McCloskey	Tauzin
Ford (MI)	McCurdy	Thomas (GA)
Ford (TN)	McDade	Torres
Torricelli	Waxman	Wolpe
Traficant	Weaver	Wright
Traxler	Weiss	Wyden
Valentine	Wheat	Wylie
Vento	Whitley	Yates
Visclosky	Whitten	Yatron
Volkmer	Wilson	Young (FL)
Walgren	Wise	
Watkins	Wolf	

NAYS—109

Archer	Gekas	Packard
Armey	Gingrich	Petri
Bartlett	Grotberg	Porter
Barton	Hammerschmidt	Pursell
Bateman	Henry	Ritter
Bentley	Hiler	Roberts
Bereuter	Holt	Rogers
Bilirakis	Hopkins	Roth
Blilley	Ireland	Rowland (CT)
Boehlert	Kasich	Saxton
Boulter	Kemp	Schaefer
Broomfield	Kindness	Schuette
Brown (CO)	Kolbe	Sensenbrenner
Burton (IN)	Kramer	Skeen
Callahan	Lagomarsino	Slaughter
Campbell	Latta	Smith (NE)
Cheney	Lewis (CA)	Smith (NH)
Clinger	Lewis (FL)	Smith, Denny
Coats	Lightfoot	Snowe
Coleman (MO)	Livingston	Solomon
Combest	Lujan	Spence
Courter	Lungren	Stenholm
Crane	Mack	Strang
Daniel	Martin (IL)	Stratton
Daub	McCandless	Stump
DeLay	McCollum	Sundquist
DeWine	McGrath	Sweeney
Dornan (CA)	McKernan	Swindall
Duncan	Meyers	Tauke
Eckert (NY)	Michel	Vucanovich
Edwards (OK)	Miller (WA)	Walker
Emerson	Molinari	Weber
Evans (IA)	Monson	Whitehurst
Fawell	Moorhead	Whittaker
Fiedler	Morrison (WA)	Zschau
Frenzel	Myers	
Gallo	Nielson	

NOT VOTING—81

Addabbo	Gregg	Pashayan
Akaka	Hall (OH)	Pepper
AuCoin	Hartnett	Rangel
Badham	Hawkins	Rinaldo
Berman	Heftel	Rodino
Bevill	Hendon	Rose
Biaggi	Hillis	Scheuer
Boggs	Hunter	Schroeder
Breaux	Hyde	Seiberling
Broyhill	Jones (NC)	Shaw
Carr	Kaptur	Shelby
Chappie	Leach (IA)	Skelton
Cobey	Loeffler	Smith (IA)
Coble	Long	Smith, Robert
Collins	Lott	Snyder
Conyers	Lowery (CA)	Solarz
Craig	MacKay	St Germain
Dannemeyer	McCain	Taylor
Dellums	McKinney	Thomas (CA)
Dicks	McMillan	Towns
Dreier	Miller (OH)	Udall
Dymally	Moakley	Vander Jagt
Edgar	Neal	Williams
Fazio	Nelson	Wirth
Fields	Nichols	Wortley
Fish	O'Brien	Young (AK)
Fuqua	Oxley	Young (MO)

□ 1115

Messrs. EVANS of Iowa, COURTER, and SWEENEY changed their votes from "yea" to "nay."

Messrs. FRANKLIN, ENGLISH, and McCURDY changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to House Resolution 250 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2372.

□ 1125

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2372) authorizing appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, with Mr. HUBBARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. FLORIO] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee is now considering the Railroad Safety Improvement Act of 1985. This is an important piece of legislation, which should help improve both the safety of rail operations and the safety protections provided to railroad employees. The bill also reauthorizes the safety functions of the Federal Railroad Administration [FRA].

Let me highlight some of the key provisions of the bill. First, the bill would require the Secretary of Transportation to issue a final rule, within 30 days of enactment, to ensure the prevention of alcohol and drug use in railroad operations. Alcohol and drug use are a major problem adversely affecting the safety of rail operations. A number of recent accidents have been attributed to alcohol or drug use. It is clear that regulatory action is needed.

I am pleased that Secretary Dole finally issued such regulations the end of July. The subcommittee will be reviewing the rules and their implementation carefully.

In the same area, the bill also requires the Secretary to encourage the formation of a private, non-profit corporation to support and promote greater employee awareness of the drug and alcohol problem and to encourage peer intervention. This innovative provision was the result of the initiative of the ranking minority member of the subcommittee, the distinguished gentleman from New York [Mr. LENT].

As I indicated above, the bill will also improve the safety protections available to railroad employees. The current law protects from retaliation

those employees who report safety violations or who refuse to work under certain limited conditions presenting an imminent danger of death or serious injury. However, the usual remedy is backpay and/or reinstatement, if an employee is suspended or discharged in retaliation. Unfortunately, there is no remedy where an employee is harassed, but not suspended or discharged. This bill would allow such an employee to be awarded appropriate compensation of up to 1 year's pay. This remedy is justified because of the need to ensure safe railroad operations and to protect employees who seek to promote safety.

The bill would also provide standing to employees to sue the Department of Transportation where the Secretary has failed to perform a nondiscretionary enforcement related act or duty and such failure results in a danger of serious injury or death to employees. Concern has been expressed that the FRA has failed to properly enforce the rail safety laws and regulations. This provision would provide a remedy, as the court would be able to compel performance of the nondiscretionary act or duty. I want to emphasize that this remedy would only be available where the Secretary has failed to perform a nondiscretionary act—an act the Secretary is required by law to perform.

The bill also requires the FRA to examine three areas of safety concern—the maintenance, inspection and testing of grade crossing devices the need for qualification standards for employees who inspect and test brakes and inspect freight cars and the adequacy of training for train dispatchers. Several of last year's Amtrak accidents occurred at grade crossings. It is crucial that grade crossing warning devices be adequately inspected and maintained.

Finally, the bill reauthorizes the safety functions of the FRA for 2 years. The bill would specifically reauthorize the state safety participation program. Under this program, half the cost of State safety inspectors are paid for by the Federal Government. There are currently about 102 such State inspectors. The administration has recommended eliminating the funding for this program. If that proposal were implemented, most of these inspectors would be eliminated and rail safety would suffer.

This bill is also fiscally responsible. It authorizes a total of $40.9 million for fiscal year 1986, compared to a total appropriation of $41.6 million for rail safety programs in 1985—a reduction of $700,000 from last year's appropriation. While the bill exceeds the administration's budget request of $37.7 million for fiscal year 1986, the difference is primarily due to the administration's proposal to eliminate funding for the State safety participation program—a proposal that has been continually rejected by Congress. The bill also authorizes a total of $42.5 million for fiscal year 1987.

This is an important bill to improve the safety of rail operations, and I urge its passage.

□ 1130

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Illinois.

Mr. GRAY of Illinois. I thank the gentleman for yielding to me.

Mr. Chairman, I want to commend the gentleman for his hard work on this bill and say that in the State of Illinois we have had an increasing number of rail accidents. So I think this legislation is badly needed. I just wanted to commend the gentleman for his outstanding work and ask my colleagues to vote down the pending amendments and vote for safety on our railroads.

Mr. FLORIO. I want to thank the gentleman and just point out that there are already, in my opinion, an inadequate number of rail safety inspectors. To seriously consider reducing the number that we have out there as apparently some would do here today, is the height of folly, and is not good policy.

I thank the gentleman for his contribution.

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. FLORIO. I yield to the gentleman.

Mr. GRAY of Illinois. I agree with the gentleman implicitly. As I said, the accident rate in Illinois has been on the increase and we certainly need more people, not less to provide safety on the rails. Thank you.

Mr. FLORIO. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I yield myself much time as I may consume.

Mr. Chairman, I rise in support of H.R. 2372, the Railroad Safety Improvement Act of 1985.

H.R. 2372 reauthorizes the Federal Railroad Administration's Rail Safety Program for 2 years. The bill also authorizes funds for conducting safety research and development and for the State Rail Safety Participation Program. The State participation program reimburses States for expenses associated with the employment of State safety inspectors.

I strongly support the reauthorization of the Federal Railroad Administration's Rail Safety Program. In recent years, the safety of railroad operations has greatly improved. Train accidents decreased by approximately 1 percent in 1984, compared to 1983. When adjusted for train miles, which increased by 7.1 percent, the decrease in train accidents was 7.4 percent. This improvement can be attributed to the joint efforts of rail labor and management, along with the guidance of the Federal Railroad Administration.

Despite these positive trends, serious safety hazards still exist. We have all become increasingly troubled by the recent rash of head-on collisions which has occurred on our Nation's railroads. I hope that the FRA will continue to work to improve rail safety.

Secretary Dole recently issued a rule addressing the problems which have resulted from drug and alcohol use by rail employees. I commend Secretary Dole for taking such action. The rule prohibits on-duty alcohol and drug use, and authorizes toxicological testing of employees when there is reason to suspect impairment.

Section 11 of H.R. 2372 requires the Secretary of Transportation to encourage the establishment of a non-profit corporation within the rail industry to foster prevention of alcohol and drug abuse. This program would be a private initiative, funded by voluntary contributions from rail employees with matching grants from rail carriers. The FRA will be authorized to provide startup support in an amount not to exceed $100,000 for this initiative. I am hopeful that this program, in conjunction with the rule issued by the Secretary, will be effective in preventing drug and alcohol use by rail employees.

While I am supportive of reauthorizing the rail safety programs, I am, however, troubled by the concerns raised by the administration about this bill, specifically with respect to sections 6 and 7.

Section 6 provides that the Secretary of Transportation shall not disclose the name of any rail employee who provides information to the Secretary with respect to an alleged safety violation. Presently, the Federal Railroad Administration does not disclose an employee's name unless an inspector did not see the safety violation and no other evidence of the violation is present. In such a situation the employee is given the opportunity to submit a statement describing the safety violation. The employee is informed before he submits the statement that the statement will be shown to the rail carrier as the only evidence of violation. The FRA believes that, if section 6 were enacted, it would not have adequate evidence to present a complaint to a rail carrier if no other evidence was available.

Another section the administration objects to is section 7, the so-called standing provision. This provision would give a rail worker standing to bring suit in Federal district court against the Secretary of Transportation for failure to enforce any violation of the Federal safety laws.

The effect of section 7 would be the creation of a dual system of enforcement for Federal railroad safety laws—one, in an administrative forum, and a second in a Federal district court. This dual system would expose the Federal Railroad Administration to enormous time-consuming and expensive litigation.

It would also seriously impair the exercises of discretion by safety inspectors in the field by constantly second guessing their judgment. Currently, the agility of inspectors to threaten imposition of a fine is a strong incentive for carriers to make immediate repairs of safety violations. The threat of litigation would not encourage prompt correction of the discovered safety defect. Instead it could actually increase the potential of injury to workers.

In conclusion, while I support H.R. 2372, I have serious reservations about the wisdom of sections 6 and 7.

□ 1140

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LENT. I am happy to yield to the gentleman from New York.

Mr. BOEHLERT. I thank the gentleman for yielding. I rise in support of the Dowdy amendment to extend the Redeemable Preference Share Program by 2 years. I am very familiar with this program as a regional railroad, headquartered in Cooperstown, NY, which is within my congressional district, is in the process of applying for repayable Federal financing to undertake a major rehabilitation project in New York and New Jersey.

This program is vital and it is cost effective. We well know in Congress, that preserving an essential transportation service is very expensive. The trucking and barge industries have been indirectly subsidized by massive Federal programs of construction on our highways and waterways. In the case of Conrail, a $7-billion subsidy was largely devoted to rebuilding that railroad. Conrail is a success and is about to be transferred into the private sector. With the 505 Program, we have made a small beginning at making financing available to regional railroads for the same kind of rehabilitation projects undertaken by Conrail. These moneys are not a grant as in the case of most other transportation infrastructure programs, but are repayable, equity financing. The funds will be returned to the Government.

John Riley, the Federal Railroad Administrator, has consistently focused attention on the need for regional railroads. Mr. Riley is correct in this matter. These small carriers are acquiring lines that are being abandoned by the larger carriers and are preserving essential service to shippers. However, these lines were often left in a deteriorated condition and there is an urgent need for public financing if these lines are not to be lost.

The Delaware Otsego Railroad [DO] is a prototype of this new breed of carrier. The DO began as a 16-mile shortline—the Cooperstown and Charlotte Valley—which had been abandoned by the Delaware & Hudson Railroad. It has grown into a 500-mile system, competing with Conrail into the New York City area. It has been patched together through lines that Conrail would have abandoned, contracts for haulage over existing Conrail lines, and acquisition of the Susquehanna Railroad in New Jersey, which a Federal judge had ordered liquidated. The DO is an amazing success story. However, many of the lines, especially on the Susquehanna, were left in bad repair by the previous owners. For several months now, the DO has been negotiating 505 repayable financing with the Federal Railroad Administration for critical rehabilitation projects, which will improve the safety and operating standards of the railroad. It is my hope that this application will be approved within the next 45 days. An extension of the program beyond the fiscal year is important to the DO.

The 505 Program is carefully designed for the improvement of facilities where private money is not available at a reasonable cost and there are public benefits. While repayment is required on a set schedule, the interest rate is low and the railroad does not begin repayment for a period of 6 years. This delayed payment schedule is especially important in giving these small carriers the breathing room necessary to revitalize their systems in order to provide superior services to shippers.

Mr. FLORIO. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a very valuable member of the subcommittee.

Mr. RICHARDSON. I thank the chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I first would like to commend the chairman of the subcommittee, the gentleman from New Jersey [Mr. FLORIO], and the ranking minority member, the gentleman from New York [Mr. LENT] for their efforts on this bill.

Mr. Chairman, this is an important piece of legislation. First of all, it is a compromise between labor and management. It is a bill that improves rail safety protection for employees. It reauthorizes the Federal Safety Program. It protects employees against harassment for reporting safety violations. It requires the FRA to address critical safety problems, of ensuring safe grade-crossing devices and adequately trained dispatchers. It provides standing to employees in limited circumstances to go to court to insure that safety laws are enforced.

Once again, this bill has strong labor and management support. I am a strong supporter of this bill. However, I would just like to point out one issue in this bill that disturbs me and many other Members from Western States who both for substantive and sentimental reasons regret the death of an important member of a train, and that is the caboose.

The caboose in Western circles has been a traditional part of any kind of rail program, and regrettably labor and management have concluded that for safety reasons and because of technology, the elimination of the caboose, the brakeman who for many years as part of lore was lionized for maintaining the safety of the train, is now going to become extinct.

I had contemplated offering an amendment requiring the Secretary of Transportation to give reasons as to why this decision, in the long run, is in the best interests of the country. I have been notified that if I had offered this amendment it would jeopardize some sensitive negotiations; it would open a can of worms that, because of the importance of this bill, should not be opened up at this time, so I will not be offering it, regrettably, because I question, as many in New Mexico, many railroad workers in New Mexico and other States, I know, that the caboose is shown to be safe, that technology replacing the brakeman, perhaps, may not be the best course of action.

But I will not be offering this amendment.

Mr. Chairman, I would just like to have the reassurance of both my friends and colleagues, the chairman of the subcommittee and the ranking member, that they will monitor this issue closely to ensure that this has been the proper decision.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague, the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman can rest assured that all aspects of safety are the prime concern of this subcommittee and we will certainly be tracking this item, as we will be tracking all other items involving the safety of railroad operations.

Mr. RICHARDSON. I thank the chairman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I would also like to join with the chairman in reassuring the gentleman from New Mexico that we have not forgotten the caboose. We share the gentleman's nostalgia concerning the end of the use of the caboose by rail carriers. We know that the caboose is an important element of the landscape in New Mexico. We are asking some of the railroads, that traverse the gentleman's State, if they would please paint the last car of their train red so the gentleman will have some simile, at least, of the caboose.

Mr. RICHARDSON. I thank my colleague.

My concerns are addressed, but I will hope that not only my two colleagues, but the Secretary of Transportation and the unions and management that somehow think that this is the right decision, although many of their workers, the people out in the field, question it, whether in fact we have done the right thing and that we will have the opportunity in future years to redress this decision if it has been a bad one.

Mr. Chairman, I will not be offering an amendment to require that the Secretary of Transportation conduct an investigation of whether the caboose provides sufficient enhancements to rail safety to warrant their continued use on freight trains.

Mr. Chairman, the State corporation commission of New Mexico has concluded that the elimination of the caboose would open the State up to liability suits if a railroad accident within the State was traced to the absence of a caboose. The New Mexico Corporation Commission is considering requiring cabooses on all runs by the Santa Fe and Southern Pacific Railroad, which will soon merge. Mr. Chairman, I would quote Mr. Alex Valdez, assistant counsel to the New Mexico Corporation Commission, who believes that, "the caboose is a matter of health and safety." Mr. Joe Bailey, a union official that represents Santa Fe trainmen notes that while the company says their trackside indicators have taken the place of the man on the caboose:

The problem is that no machine can take the place of an experienced brakeman. Some brakemen smell axle grease overheating before any of the trackside scanners picked up the problem.

Mr. Chairman, before we eliminate the caboose, I feel it is incumbent upon us to ensure that we do not compromise the health and safety of our railroad workers. My amendment would simply direct DOT to examine this concern and report back its findings—it is my belief that in some instances the caboose is not only desirable but that it contributes to rail safety.

THE HOMELY CABOOSE BECOMES FOCUS OF NEW MEXICO DISPUTE

(By Iver Peterson)

SANTA FE, NM, April 28.—The homely caboose, subject of nursery stories and the focus of children's waving hands, has become the object of debate about railroad safety here.

The Atchison, Topeka & Santa Fe Railway, like most others, is slowly dropping cabooses from its runs, maintaining that modern electronics have eliminated the need for a brakeman and a conductor to bring up the rear of a freight train.

Under an agreement with its unions, the company has already dropped the familiar little car with the cupola on top from about 25 percent of its trips. But New Mexico, under pressure from railroad unions, is considering regulations that would require cabooses on all runs by the Santa Fe and the Southern Pacific Railroad, which are to merge soon.

Railroad officals say that adding cabooses in New Mexico would eat up the savings realized from eliminating them elsewhere. But some New Mexico officials say the state would be open to liability suits if railroad accidents within the state was traced to the absence of a caboose.

MATTER OF HEALTH AND SAFETY

It is a matter of "health and safety," said Alex Valdez, assistant general counsel to the state Corporation Commission, which regulates transportation within the state. "The question basically comes down to the benefit of the caboose versus the technology that is available to do the same job of monitoring railroad safety."

The commission is expected to issue its regulations soon.

Since brakemen first started using barrels as crude observation posts on the roofs of freight cars, sometime after the Civil War, the caboose has been the post for men monitoring the air pressure in braking systems, watching for dragging equipment, looking out for hazardous load shifts and, most important, checking car axles for overheated bearings that can lead to derailments.

Since those days, said Michael Haverty of the Santa Fe's operations office in Chicago, those functions can be better and more cheaply performed by track-side sensors that scan the trains as they pass.

"I used to belong to the union and my dad was a conductor, so I understand the union's position," Mr. Haverty remarked. "But I look at it from a business standpoint, and that is that if you've got something back there that you don't absolutely need, if you've got the electronics that we've been using for 10 years to do the same thing, then you no longer need to haul a caboose along behind you."

But Joe Bailey, an official of the union that represents the Santa Fe's trainmen, sees it differently.

"The company says their trackside indicators have taken the place of the man on the caboose, which would be well and good if their trackside indicators worked," said Mr. Bailey, vice general chairman of the United Transportation Union in Overland Park, Kansas. "The problem is that no machine can take the place of an experienced brakeman."

Mr. Bailey asserted, for example, that some brakemen had smelled axle bearings overheating before any of the trackside scanners picked up the problem.

The Association of American Railroads estimates that it costs 65 cents a mile to operate a 21-ton caboose, and that railroads could save some $400 million a year if they were dropped.

For many years the caboose also served as the conductor's rolling office and as a bunkhouse for the train crews. The railroads argue that computerized record-keeping and the practice of putting train crews up in motels have eliminated those reasons for retaining the 12,000 cabooses railroad association estimates are still in use.

That view was underscored by a special Presidential commission appointed in 1982 to investigate the prospect of caboose-less trains.

The commission was appointed as a part of a mandatory cooling-off period to forestall a threatened railroad strike. It supported the railroads' contention that new equipment would allow a safe operation of trains without cabooses.

Mr. Haverty of the Santa Fe line said the caboose-less trains run since 1984 have traveled "thousands of miles between Chicago and California without incident."

"There's nothing unsafe about it at all," he said, "but when the unions throw in their scare tactics that you're going to have a derailment and all, it can create these problems.

AMENDMENT TO H.R. 2372 OFFERED BY MR. RICHARDSON

At the end of the bill, add the following new section:

SEC. 12. CABOOSE STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study of whether cabooses provide sufficient enhancements to rail safety to warrant their continued use on freight trains.

(b) REPORT.—The Secretary of Transportation shall transmit a report containing the results of the study conducted under subsection (a) to the Congress within one year after the date of enactment of this Act.

Mr. LENT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. MOORE].

Mr. MOORE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I thank both the gentleman from New York [Mr. LENT] and the chairman of the subcommittee [Mr. FLORIO] for their work on this bill.

Mr. Chairman, I rise in strong support of the reauthorization of this bill because I happen to be one of those unlucky Congressmen who had one of the three most recent and worst train accidents occur in my district. Had this bill been law, that accident might not have happened.

On September 28, 1982, in Livingston, LA, in my congressional district, a 100-car Illinois Central Gulf freight train carrying hazardous chemicals derailed, causing hundreds of thousands of dollars in immediate physical damage to property. This accident was the direct result of alcohol abuse; $13.8 million in property damage occurred, making it the most costly alcohol-related train accident in history.

While, fortunately, there were no fatalities, the accident did produce the release of hazardous materials from the breached tank cars that resulted in evacuation of the entire town of Livingston, LA. The evacuation displaced over 3,000 people for more than 2 weeks. It caused untold economic loss to businesses along the site of the derailment, and Livingston is only now, some 3 years later, recovering from that accident.

Investigations into the derailment revealed that the engineer and the head brakeman were indeed intoxicated and had a history of previous alcohol abuse. A railroad clerk unfamiliar with operating a train was at the controls.

On July 31, 1985, the Secretary of Transportation, Elizabeth Dole, announced new safety rules for the railroad industry to prohibit alcohol and drug abuse on the job. It is my belief

that these rules address the problem in a responsible fashion, as does this legislation.

It is coincidental that I received a letter just a week ago from a constituent in Livingston, LA, still remembering this accident almost 3 years later, talking about these rules and searching for safeguards. As far as I am concerned, this accident was the result of criminal negligence, to have 2 people intoxicated and operating a 100-car-long train carrying hazardous substances.

It happened. I guess the only thing we can do here in Government is to address that complete stupidity and inexcusable negligence by tightening up the rules and operations of the Nation's railroads. I compliment this legislation for doing that, but I cannot help but agree with this lady. Why do we have to have these rules to begin with? How did this even happen? But once it did, let us move on and try to do the best we can to prevent it from happening in the future.

One very important and commendable aspect of the regulations is the provision whereby an employee with a drug or alcohol problem may seek out one-time treatment without penalty through the employee treatment program maintained by his company. This is a signal to the troubled employee that help is available for the asking without the loss of his job. However, the other tough provisions dealing with abuse incidents let the employee know that he faces a serious responsibility in owning up to his problem, as reporting to work under the influence of any kind of abuse substance will no longer be tolerated.

Therefore, I urge the adoption of this authorization bill so that these very necessary programs can get underway and we can avoid the kind of horrendous accident that occurred in my congressional district 3 years ago.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 2372, the Railroad Safety Improvement Act. I would like to commend the distinguished gentleman from New Jersey, the chairman of the Subcommittee on Commerce, Transportation and Tourism [Mr. FLORIO] and for the Congressman from New York [Mr. LENT], the ranking minority member, for bringing this important measure to our attention.

H.R. 2372 presents a comprehensive approach in upgrading rail safety. Improving railroad safety by adoption of this act will help to preserve the railroad as an important option for travelers, shippers, and others for whom automobiles, trucks, and airplanes do not provide a viable means of transportation.

Included in H.R. 2372 is a provision which protects from discrimination those employees who report safety violations. H.R. 2372 provides a remedy in a case where an employee is subjected to a form of discrimination which does not involve pay. In these cases, such as when an employee is subjected to harassment due to his report of a safety violation, an arbitration board may award the employee up to 1 year's pay.

H.R. 2372 further protects employees by prohibiting the FRA from revealing the name of an employee who reports a safety violation, unless the matter is referred to the Attorney General for enforcement. In addition, the bill grants standing to employees to bring civil action against the DOT to perform an enforcement-related act or duty under Federal railroad safety laws.

Employee protection provisions such as these provide a significant incentive for employees to report safety infractions. In this manner, H.R. 2372 is cleverly designed to improve railroad safety by attacking the problem as soon as it occurs. There is no better place to begin with safety improvement than with the employees themselves.

As ranking minority member of the Select Committee on Narcotics Abuse and Control, I am especially pleased with provisions in this bill which address the alcohol and drug problem in railroad operations.

H.R. 2372 requires the Department of Transportation [DOT] to take steps which will ensure the prevention of alcohol and drug abuse among those involved in railroad operations, a problem which has been identified as a major contributing factor in several recent rail accidents. I am pleased to note here that the FRA has already implemented a final regulation which addresses the alcohol and drug abuse problem, a welcome signal that the full magnitude of this problem has finally been recognized.

The bill also requires DOT to encourage the establishment by the private sector of a nonprofit corporation which will support and promote peer intervention, treatment of employees, awareness programs, and improved utilization of employee drug and alcohol assistance programs. If such an organization is established within 90 days after adoption of this bill, DOT is authorized to provide up to $100,000 in support. It is my sincere hope that the private sector will cooperate with this initiative, and I urge other industries to follow suit by establishing similar drug and alcohol programs for their employees.

Accordingly, I urge my colleagues to join me in support of this important measure.

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Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, each section of the bill is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Safety Improvement Act of 1985".

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. PREVENTION OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS.

The Secretary of Transportation shall, within 30 days after the date of enactment of this Act, issue a final rule or regulation to ensure the prevention of alcohol and drug use in railroad operations.

SEC. 3. GRADE CROSSING SIGNAL SYSTEM SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(l) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

SEC. 4. POWER BRAKE AND FREIGHT CAR INSPECTIONS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by section 3 of this Act, is further amended by adding at the end a new subsection as follows:

"(m) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, issue such rules, regulations, orders, and standards as may be necessary to define qualification standards for employees who conduct railroad power brake inspections and tests and railroad freight car inspections required under the Federal railroad safety laws, as such term is defined under section 212(e), or under any regulation issued under such laws.".

SEC. 5. DISPATCHER TRAINING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sections 3 and 4 of this Act, is further amended by adding at the end the following new subsection:

"(n)(1) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching passenger and other trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

SEC. 6. PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION.

(a) EXPEDITED PROCEDURES.—Section 212(c)(1) of the Federal Railroad Safety Act

of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) COMPENSATION.—Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee.".

(c) DISCLOSURE OF NAMES.—Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended by adding at the end a new subsection as follows:

"(f)(1) Except as provided in paragraph (2), the Secretary shall not disclose the name of any employee of a railroad who has provided information with respect to an alleged violation of this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.

"(2) The Secretary shall disclose to the Attorney General the name of any employee described in paragraph (1) who has provided information with respect to a matter being referred to the Attorney General for enforcement under this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.".

SEC. 7. STANDING TO REQUIRE THE PERFORMANCE OF NONDISCRETIONARY ACTS.

The Federal Railroad Safety Act of 1970 is amended by inserting after section 212 the folowing new section:

"SEC. 212A. CIVIL ACTION BY EMPLOYEES.

"(a) Except as provided in subsection (b), any employee of a rail carrier or any authorized representative for collective bargaining of a craft or class of such employees may commence a civil action against the Secretary of Transportation to compel the Secretary to perform any act or duty which is not discretionary and which is related to enforcement under the Federal railroad safety laws, as such term is defined in section 212(e), if the failure to perform such act or duty creates a danger of serious injury or death to such employee or employees.

"(b) No civil action may be commenced under subsection (a) before the expiration of 60 days after the plaintiff has given notice to the Secretary of the alleged failure of the Secretary to perform an act or duty which is the basis for such action, including specific reference to the alleged violation or violations of the Federal railroad safety laws involved. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by rule.

"(c) Any civil action under subsection (a) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district where the alleged violation or violations of the Federal railroad safety laws has occurred or is occurring.

"(d) When two or more civil actions brought under subsection (a) involving the same issues or violations are pending in two or more judicial districts, such pending actions may, upon application of the Secretary to a court in which any such action is brought, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) any district which is selected by the Secretary and in which one of such actions is pending,

"(2) a district which is agreed upon by stipulation between all of the parties to such actions and in which one of such actions is pending, or

"(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 214(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(c)) is amended—

(1) in paragraph (1) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $27,300,000 for the fiscal year ending September 30, 1986, and not to exceed $28,500,000 for the fiscal year ending September 30, 1987" before the period;

(2) in paragraph (2) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $3,100,000 for the fiscal year ending September 30, 1986, and not to exceed $3,200,000 for the fiscal year ending September 30, 1987" before the period;

(3) in paragraph (3) by striking out "and" after "September 30, 1983,", and by inserting "not to exceed $10,400,000 for the fiscal year ending September 30, 1986, and not to exceed $10,800,000 for the fiscal year ending September 30, 1987," after "September 30, 1984,"; and

(4) (b) adding at the end the following new paragraph:

"(4) For the purpose of rail planning for Toledo, Ohio, including planning for improving the safety of rail operations and reducing conflicts between rail and highway traffic, there are authorized to be appropriated not to exceed $100,000 for the fiscal year ending September 30, 1986, and September 30, 1987. The total amount appropriated under this paragraph for both such fiscal years combined shall not exceed $100,000.".

SEC. 9. EMPLOYEE ASSISTANCE PROGRAM EVALUATION.

(a) REPORT.—The Secretary of Transportation shall conduct an evaluation of any employee assistance program with respect to drug and alcohol abuse run by the Consolidated Rail Corporation and shall, after consultation with representatives of the crafts or classes of employees covered by such program and with the Consolidated Rail Corporation, report to the Congress within 180 days after the date of enactment of this Act. Such report shall contain an evaluation of the effectiveness of such program in helping employees with drug and alcohol abuse problems, and shall include any recommendations of the Secretary for the improvement of such program.

(b) SIMULTANEOUS TRANSMITTAL TO CONRAIL.—The report submitted to the Congress under subsection (a) shall be transmitted simultaneously to the Consolidated Rail Corporation.

SEC. 10 ENFORCEMENT OF THE SECRETARY'S ACTIONS.

Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking out "enforce such orders" and inserting in lieu thereof "enforce any orders, directives, and subpoenas of the Secretary under this title".

SEC. 11. ALCOHOL AND DRUG ABUSE ASSISTANCE.

(a) ESTABLISHMENT OF CORPORATION.—To foster the prevention of alcohol and drug abuse within the railroad industry, the Secretary of Transportation shall encourage the establishment of a private, nonprofit corporation, financially supported by individual railroad employees and railroad companies, to support and promote—

(1) vigilant peer intervention to avoid violations among railroad employees of rule G of the Association of American Railroads' Standard Code of Operating Rules;

(2) early identification and treatment of railroad employees addicted to alcohol or drug;

(3) programs to foster awareness and prevention of alcohol or drug abuse within the railroad industry; and

(4) improved utilization of effective Employee Assistance Programs with respect to alcohol and drug abuse.

If such a corporation is established within 90 days after the date of enactment of this Act, the Secretary of Transportation may provide support, including office space, equipment, postage, printing, and the development of educational materials, of a value of not to exceed $100,000.

(b) OTHER REQUIREMENT MAINTAINED.—The requirement set forth in subsection (a) shall not relieve the Secretary of any requirement set forth in section 2 of this Act.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 10, after line 14, add the following new section:

SEC. 12. UNSAFE FACILITIES.

The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SEC. 215. UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger, the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to

any relocation or remedial measures undertaken on or after January 1, 1978.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, I am pleased to offer this amendment on behalf of the distinguished gentleman from Florida, the chairman of the Rules Committee.

This amendment is similar to an amendment the House adopted last year on the rail safety bill. It merely provides a procedure where Amtrak or the owner of a facility may petition the Secretary of Transportation for assistance for the owner of the facility where the Secretary determines the facility presents a danger of death or serious injury to an employee or passenger of Amtrak or a danger of serious damage to Amtrak property and the owner should not be expected to bear the costs of remedial measures, including relocation.

If the Secretary believes assistance is justified, the Secretary must then recommend to Congress authorization for such assistance. Congress could then act on the Secretary's recommendation.

I urge support of this amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding.

This amendment addresses a specific situation in Miami, FL. I believe it is virtually identical to an amendment which was agreed on last year?

Mr. FLORIO. The gentleman is correct.

Mr. LENT. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOWDY OF MISSISSIPPI

Mr. DOWDY of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY of Mississippi: At the end of the bill, add the following new section:

SEC. 12. SAFETY FINANCING.

The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. SAFETY FINANCING.

"For the purpose of improving safe rail operations and improving rail safety, the Secretary shall continue to provide financial assistance for facilities rehabilitation and improvement under sections 505 through 510 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825-830) until September 30, 1987.".

Mr. DOWDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DOWDY of Mississippi. Mr. Chairman, today I am offering an amendment to H.R. 2372, the Federal Railroad Safety Authorization Act of 1985. My amendment will reauthorize sections 505 through 510 of the Railroad Revitalization and Regulatory Reform Act of 1976, commonly known as the 4R Act, through September 30, 1987. This program was designed for the purpose of improving safe rail operations and improving rail safety in our Nation.

In its early stages, funding for this program was used to defer maintenance on large class I railroads. The Boston & Maine and the Illinois Central Gulf are just two of the railroads which undertook critical mainline rehabilitation work with these funds which were loaned to them by the Government. In more recent years some railroads have acquired several divested lines which suffered neglect because they did not carry enough traffic to justify even routine maintenance by the larger carriers. Thus these transferred lines are often in bad shape and in need of rehabilitation.

My amendment is directed toward these regional and feeder light density operations which are the key to preserving our national system of rail service.

Currently, Mr. Chairman, there are several regional railroad 505 applications in process, some of them in Iowa. The Hardland Railroad has an application pending for loans for rehabilitation. In Louisiana there are funds for an acquisition of lines from the Southern Pacific by a small railroad. In Maine, the Bangor & Aroostook has an application for funds to be borrowed for rehabilitation assistance. In Michigan, the Detroit & Mackinaw Railroad is nearing completion of an application for loans under 505 funding. The Ann Arbor Railroad has an application pending. In Missouri, there is a requirement for continued rehabilitation for the Missouri-Kansas-Texas line between Ladue and the Kansas border. This might become involved in a 505 application.

In New Jersey, the Susquehanna Railroad is in the final stages of a 505 application for rehabilitation in New York and New Jersey. In New York, the Susquehanna Railroad application is for 505 assistance and was given priority in last year's appropriation under the language by the junior Member of the other body.

As I said, Mr. Chairman, the importance of the railroad to the communities and shippers it serves cannot be underestimated. We also have to consider our Nation's defense needs and the involvement of the railroads there. Because this vital program is due to expire at the end of this month, I would hope that my colleagues would join me in supporting this extension amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. DOWDY of Mississippi. I am happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I am pleased to support this amendment. The gentleman is correct, rehabilitation of our railroads is a very important part of safety. This is a loan program that needs to be reauthorized. The extension the gentleman seeks is highly desirable, and I am pleased to support it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. DOWDY of Mississippi. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding.

On the subject of this amendment, as I read it, it does not require any authorization for increased spending. Presently, there is, as the gentleman, I am sure, knows, $18 million in unobligated funds in the program which will not be available for the rehabilitation of railroads unless the program is extended through the medium of the gentleman's amendment. Is that correct?

Mr. DOWDY of Mississippi. That is my understanding.

Mr. LENT. I thank the gentleman.

Mr. Chairman, I have no objection to this amendment. I understand that it is going to be very helpful to many of the States in the Northeast, particularly in the event of the sale of Conrail. I understand that there are a number of smaller railroads which might qualify to apply under this program for financial assistance to rehabilitate rail lines.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DOWDY of Mississippi. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I want to commend the gentleman from Mississippi [Mr. DOWDY], and I rise in support of this amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Mississippi, Mr. DOWDY.

Extending the authorization of the section 505 program from September 30, 1985 to September 30, 1987 will provide the opportunity for Gulf & Mississippi Railroad

to secure badly needed funding for a rehabilitation project on its 713-mile rail line. The G&M is such a vital transportation source through the eastern half of Mississippi.

It serves approximately 300 shippers and is expected to haul 80,000 carloads of woodchips, lumber, furniture, chemicals, paper products and other materials each year. It employs 230 people.

Further evidence of its importance is the fact that the area served by G&M has no north-south interstate highway system, nor does it have another rail carrier. For that reason, it is a necessity for the G&M Railroad to secure the funds to improve service by replacing worn rails, ties and ballast that will reduce the likelihood of derailments.

The 3-year program will cost $20 million. G&M already has arranged to borrow $5 million from a private lender. But further funding sources are not available to G&M because lenders are willing to lend only on present traffic levels, not levels projected for the future.

That is where section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 comes in. The redeemable preference share program was set up for the specific purpose of providing rehabilitation funds for railroad lines. It operates much like a loan program. No funding is provided until it is determined that the firm can repay it.

G&M has applied for $8 million under this program, but the problem is that the program's authority expires at the end of this month. That is why we are proposing a two year extension. The extra 2 years will allow G&M a chance to pursue its efforts to secure funding and begin this rehabilitation project.

Mr. Chairman, the G&M Railroad is a very sound operation and is providing a great service to the communities in my district and throughout eastern Mississippi. Its projected rehabilitation program will enable G&M to modernize its operation so that it can continue to serve in an efficient manner. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. DOWDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 7, strike out lines 18 through 23.

Renumber the succeeding paragraphs accordingly.

Mr. WALKER. Mr. Chairman, everyone in the House, of course, is for rail safety and recognizes that there are meritorious sections of this bill and that the overall program does deserve to be reauthorized. The question is whether or not we ought to begin the practice of adding spending that the administration says that it does not want in this program.

I think we have to recognize that this is not an administration that has had a bad record on rail safety; 1984, according to the account I have here, was the best in history for the railroad industry in terms of reported accidents. They were the lowest ever. Yet the administration says that there is about $3 million of spending in this particular bill that it does not need to carry out its program.

It was suggested earlier in this debate that by cutting out some of the spending, as I am suggesting we do, we are going to reduce the number of rail inspectors. That is just not true. What we will end up doing is cutting out the subsidy that we give to the States for rail inspectors. To think that we are going to cut out that number of rail inspectors is to suggest that federalism does not work, the States are irresponsible, and in fact what they are going to do is drop the obligation in this particular case. I do not think that is the case. I think that the States will maintain their ability to conduct rail inspections. They will fund this program, as they should. We are talking about their own people, and they will fund the program.

Look, we are in pretty bad shape economically in this country. We are in bad shape economically because we spend money day after day, week after week, and year after year right here. The States are not in great shape, but they are in a good deal better shape than we are, and we have got to begin to look at what is possible within the limitations that we have.

What my amendment suggests is that we can cut this bill by $3.2 million which the administration says that it does not need. We know that when we brought this bill to the floor, we had to bring it out here under a budget waiver, so we do not know how it impacts on the budget we just passed the other day. By a vote of 244 to 109 we voted to waive the budget here a few minutes ago. Now, these are all the Members in this body who were back home telling their constituents about all their fears about the deficit that is their concern here in Washington. They just voted 2½ to 1 to waive the Budget Act so we could take this bill up.

What I am suggesting is that now that we have brought the bill up under a waiver of the Budget Act, maybe we at least ought to comply with the administration's budget request that suggests there is $3 million in here that we do not need to spend.

Three million dollars does not sound like a lot of money to a lot of people around here. It is a lot of money as far as I am concerned, but in terms of the overall perspective, people say that is not a lot of money. But it is 12½ percent of this bill. It is 12½ percent of the bill that we are considering. That is a good chunk.

That is where we have got to stop. We are not going to stop spending around here incrementally, we are not going to do it piecemeal; we are going to do it by taking out some of the programs that we can no longer justify in terms of their priority. This is the way of doing it without jeopardizing rail safety. We simply hand back to the States that obligation which is theirs, and that is to have rail inspectors that they pay for themselves and who are their own rail inspectors.

That is all my amendment would do. It saves $3 million, and it seems to me to be perfectly in line with what the American people would want us to do. To suggest that this amendment is not something we should do is to suggest that the States are going to be just totally irresponsible. I do not think that is the case. I do not think there is a record of the States being irresponsible on the issue of rail safety. I think the States will maintain their obligation.

The question before us is whether or not we are going to be irresponsible, whether or not we are going to continue to spend money that we do not have in ever bigger chunks, and the message that I think we got across the board from the American people is that they want to stop that spending. They are tired of spending this country into oblivion. They are tired of spending money that we are passing on as bills to our children, our grandchildren, and our great-grandchildren. They are sick and tired of the process in Congress that always finds ways to justify spending.

This program, like every other program that comes up here, sure, it is meritorious. Everything we bring out here is meritorious in someone's eyes. We do not do these things maliciously, but the fact is that everything adds up to an excuse for spending.

Mr. Chairman, this is one more excuse for spending that we have here. We can save $3 million by adopting this amendment, and I would suggest that we ought to save that $3 million.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the gentleman's amendment on a number of grounds, not the least of which is the representation that somehow this legislation is extravagant spending, which is just not sustained by the facts. In fact, as I indicated in my opening remarks, this authorization bill is an absolute reduction from the amount that Congress last year appropriated for these programs.

In 1985 we spent $41.6 million for rail safety programs. This bill authorizes $40.9 million. That is an absolute reduction of $700,000, even discounting the impact of inflation. So to suggest that somehow the bill that we bring to the floor is an increase is just not accurate.

□ 1205

More important than that, as anyone who reads the newspaper knows, there have been a rash of railroad accidents. If anything, we should be providing for an increase in rail safety. A very important part of rail safety are rail safety inspectors. There is no substitute for walking the track. There is no substitute for having people out there with the experience to see how operations are being conducted. We currently have about 400 railroad safety inspectors across the entire country, Federal and State. The gentleman's amendment would have the effect of reducing 25 percent of that railroad safety inspection capability.

I would also suggest that it may very well be that the gentleman's amendment will result in a greater cost to the Federal Government. If the public and responsible officials in DOT see the potential for reducing by 25 percent the number of railroad safety inspectors, it may very well be that they will feel the need, hopefully they will feel the need, to finance the hundred or so safety inspectors that the States are currently paying for at the rate of 50 percent. They will feel the need to adopt all those inspectors into the Federal program whereby the Federal Government will be responsible for paying 100 percent of the cost.

The gentleman has suggested that he hopes that some of the States will pick up the slack and go and hire those inspectors. I would suggest that we have an inadequate number of inspectors right now. I am not prepared to sit here and hope that those inspectors that will be lost will be picked up by someone else.

I think this is a very inappropriate amendment. We cannot be hoping that safety will not be impacted by this amendment.

I would ask the House to reject the gentleman's amendment and go forward with this legislation that provides for an absolute reduction, that some of us are uncomfortable with, by the way, an absolute reduction in the total authorization for rail safety programs, as contrasted with last year's appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 295]

ANSWERED "PRESENT"—356

Ackerman	Dowdy	Kindness
Alexander	Downey	Kleczka
Anderson	Duncan	Kolbe
Andrews	Durbin	Kolter
Annunzio	Dwyer	Kostmayer
Anthony	Dyson	Kramer
Applegate	Early	LaFalce
Archer	Eckart (OH)	Lagomarsino
Armey	Eckert (NY)	Lantos
Atkins	Edgar	Latta
Barnard	Edwards (CA)	Leath (TX)
Barnes	Edwards (OK)	Lehman (CA)
Bartlett	Emerson	Lehman (FL)
Barton	English	Leland
Bateman	Erdreich	Lent
Bates	Evans (IA)	Levin (MI)
Bedell	Evans (IL)	Levine (CA)
Bellenson	Fascell	Lewis (CA)
Bennett	Fawell	Lewis (FL)
Bentley	Feighan	Lightfoot
Bereuter	Fiedler	Lipinski
Bilirakis	Flippo	Livingston
Billey	Florio	Lloyd
Boehlert	Foglietta	Lowry (WA)
Boland	Foley	Lujan
Boner (TN)	Ford (MI)	Luken
Bonior (MI)	Ford (TN)	Lundine
Bonker	Fowler	Lungren
Borski	Frank	Mack
Bosco	Franklin	Madigan
Boulter	Frenzel	Manton
Boxer	Frost	Markey
Breaux	Gallo	Marlenee
Brooks	Garcia	Martin (IL)
Broomfield	Gaydos	Martin (NY)
Brown (CA)	Gejdenson	Martinez
Brown (CO)	Gekas	Matsui
Bruce	Gephardt	Mavroules
Bryant	Gilman	Mazzoli
Burton (CA)	Gingrich	McCandless
Burton (IN)	Glickman	McCloskey
Bustamante	Gonzalez	McCollum
Byron	Goodling	McCurdy
Callahan	Gradison	McDade
Campbell	Gray (IL)	McEwen
Carney	Gray (PA)	McGrath
Carper	Green	McHugh
Carr	Grotberg	McKernan
Chandler	Guarini	Meyers
Chapman	Gunderson	Mica
Chappell	Hall, Ralph	Michel
Cheney	Hamilton	Mikulski
Clay	Hammerschmidt	Miller (CA)
Clinger	Hansen	Miller (WA)
Coats	Hatcher	Mineta
Coelho	Hayes	Mitchell
Coleman (MO)	Hefner	Molinari
Coleman (TX)	Henry	Mollohan
Combest	Hertel	Monson
Conte	Hiler	Montgomery
Cooper	Holt	Moody
Coughlin	Hopkins	Moore
Courter	Horton	Moorhead
Coyne	Howard	Morrison (CT)
Crane	Hoyer	Morrison (WA)
Crockett	Hubbard	Mrazek
Daniel	Huckaby	Murphy
Darden	Hughes	Murtha
Daschle	Hutto	Myers
Daub	Ireland	Natcher
Davis	Jacobs	Neal
de la Garza	Jeffords	Nichols
DeLay	Jenkins	Nielson
Derrick	Johnson	Nowak
DeWine	Jones (OK)	Oakar
Dickinson	Jones (TN)	Oberstar
Dingell	Kanjorski	Obey
DioGuardi	Kasich	Olin
Dixon	Kastenmeier	Ortiz
Donnelly	Kemp	Owens
Dorgan (ND)	Kennelly	Packard
Dornan (CA)	Kildee	Panetta
Parris	Sensenbrenner	Tauzin
Pease	Sharp	Thomas (GA)
Penny	Shumway	Torres
Perkins	Shuster	Torricelli
Petri	Sikorski	Towns
Pickle	Siljander	Traficant
Porter	Sisisky	Traxler
Price	Skeen	Valentine
Pursell	Slattery	Vento
Quillen	Slaughter	Visclosky
Rahall	Smith (FL)	Volkmer
Ray	Smith (NE)	Vucanovich
Regula	Smith (NH)	Walgren
Reid	Smith (NJ)	Walker
Richardson	Smith, Denny	Watkins
Ridge	Snowe	Waxman
Ritter	Solarz	Weaver
Roberts	Solomon	Weber
Robinson	Spence	Weiss
Roe	Spratt	Wheat
Roemer	Staggers	Whitley
Rogers	Stallings	Whittaker
Rostenkowski	Stangeland	Whitten
Roth	Stark	Williams
Roukema	Stenholm	Wilson
Rowland (CT)	Stokes	Wise
Rowland (GA)	Strang	Wolf
Roybal	Stratton	Wolpe
Rudd	Studds	Wright
Russo	Stump	Wyden
Sabo	Sundquist	Wylie
Savage	Sweeney	Yates
Saxton	Swift	Yatron
Schaefer	Swindall	Young (FL)
Schneider	Synar	Young (MO)
Schuette	Tallon	Zschau
Schumer	Tauke	

□ 1220

The CHAIRMAN. Three hundred fifty-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. WALKER] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 254, not voting 74, as follows:

[Roll No. 296]

AYES—106

Archer	Gradison	Morrison (WA)
Armey	Grotberg	Myers
Barnard	Gunderson	Nielson
Bartlett	Hall, Ralph	Packard
Barton	Hammerschmidt	Porter
Bateman	Hansen	Pursell
Bilirakis	Henry	Ray
Billey	Hiler	Roberts
Boulter	Ireland	Roemer
Breaux	Jenkins	Roth
Broomfield	Johnson	Rowland (CT)
Brown (CO)	Kasich	Rudd
Burton (IN)	Kemp	Schaefer
Callahan	Kindness	Schneider
Cheney	Kolbe	Schuette
Coats	Kramer	Sensenbrenner
Coleman (MO)	Lagomarsino	Shumway
Combest	Latta	Siljander
Coughlin	Leath (TX)	Slaughter
Crane	Lewis (CA)	Smith (NH)
Daniel	Lewis (FL)	Snowe
DeLay	Livingston	Solomon
DeWine	Lujan	Stangeland
Dickinson	Lungren	Stenholm
Dornan (CA)	Mack	Strang
Early	Martin (IL)	Stump
Eckert (NY)	McCandless	Sundquist
Edwards (OK)	McCollum	Sweeney
Emerson	McCurdy	Swindall
English	McKernan	Walker
Fawell	Michel	Watkins
Fiedler	Miller (WA)	Weber
Franklin	Molinari	Whitehurst
Frenzel	Monson	Zschau
Gekas	Moore	
Gingrich	Moorhead	

NOES—254

Ackerman	Gejdenson	Ortiz
Alexander	Gephardt	Owens
Anderson	Gilman	Panetta
Andrews	Glickman	Parris
Annunzio	Gonzalez	Pease
Anthony	Goodling	Penny
Applegate	Gordon	Perkins
Aspin	Gray (IL)	Petri
Atkins	Gray (PA)	Pickle
Barnes	Green	Price
Bates	Guarini	Quillen
Bedell	Hamilton	Rahall
Bellenson	Hatcher	Regula
Bennett	Hayes	Reid
Bentley	Hefner	Richardson
Bereuter	Hertel	Ridge
Boehlert	Holt	Ritter
Boland	Hopkins	Robinson
Boner (TN)	Horton	Roe
Bonior (MI)	Howard	Rogers
Bonker	Hoyer	Rostenkowski
Borski	Hubbard	Roukema
Bosco	Huckaby	Rowland (GA)
Boxer	Hughes	Roybal
Brooks	Hutto	Russo
Brown (CA)	Jacobs	Sabo
Bruce	Jeffords	Savage
Bryant	Jones (OK)	Saxton
Burton (CA)	Jones (TN)	Schumer
Bustamante	Kanjorski	Sharp
Byron	Kastenmeier	Shuster
Campbell	Kennelly	Sikorski
Carney	Kildee	Sisisky
Carper	Kleczka	Skeen
Carr	Kolter	Slattery
Chandler	Kostmayer	Smith (FL)
Chapman	LaFalce	Smith (NE)
Chappell	Lantos	Smith (NJ)
Clay	Lehman (CA)	Smith, Denny
Clinger	Lehman (FL)	Solarz
Coelho	Leland	Spence
Coleman (TX)	Lent	Spratt
Conte	Levin (MI)	Staggers
Conyers	Levine (CA)	Stallings
Cooper	Lightfoot	Stark
Courter	Lipinski	Stokes
Coyne	Lloyd	Stratton
Crockett	Lowry (WA)	Studds
Darden	Luken	Swift
Daschle	Lundine	Synar
Daub	Madigan	Tallon
Davis	Manton	Tauke
de la Garza	Markey	Tauzin
Derrick	Marlenee	Thomas (GA)
Dingell	Martin (NY)	Torres
DioGuardi	Martinez	Torricelli
Dixon	Matsui	Towns
Donnelly	Mavroules	Traficant
Dorgan (ND)	Mazzoli	Traxler
Dowdy	McCloskey	Valentine
Downey	McDade	Vento
Duncan	McEwen	Visclosky
Durbin	McGrath	Volkmer
Dwyer	McHugh	Vucanovich
Dyson	Meyers	Walgren
Eckart (OH)	Mica	Waxman
Edgar	Mikulski	Weaver
Edwards (CA)	Miller (CA)	Weiss
Erdreich	Mineta	Wheat
Evans (IA)	Mitchell	Whitley
Evans (IL)	Mollohan	Whittaker
Fascell	Montgomery	Whitten
Feighan	Moody	Williams
Flippo	Morrison (CT)	Wilson
Florio	Mrazek	Wise
Foglietta	Murphy	Wolf
Foley	Murtha	Wolpe
Ford (MI)	Natcher	Wright
Ford (TN)	Neal	Wyden
Fowler	Nichols	Wylie
Frank	Nowak	Yates
Frost	Oakar	Yatron
Gallo	Oberstar	Young (FL)
Garcia	Obey	Young (MO)
Gaydos	Olin	

NOT VOTING—74

Addabbo	Boggs	Craig
Akaka	Boucher	Dannemeyer
AuCoin	Broyhill	Dellums
Badham	Chappie	Dicks
Berman	Cobey	Dreier
Bevill	Coble	Dymally
Biaggi	Collins	Fazio
Fields	Lott	Schroeder
Fish	Lowery (CA)	Schulze
Fuqua	MacKay	Seiberling
Gibbons	McCain	Shaw
Gregg	McKinney	Shelby
Hall (OH)	McMillan	Skelton
Hartnett	Miller (OH)	Smith (IA)
Hawkins	Moakley	Smith, Robert
Heftel	Nelson	Snyder
Hendon	O'Brien	St Germain
Hillis	Oxley	Taylor
Hunter	Pashayan	Thomas (CA)
Hyde	Pepper	Udall
Jones (NC)	Rangel	Vander Jagt
Kaptur	Rinaldo	Wirth
Leach (IA)	Rodino	Wortley
Loeffler	Rose	Young (AK)
Long	Scheuer	

The Clerk announced the following pairs:

On this vote:

Mr. Shaw for, with Mrs. Long against.

Mr. Oxley for, with Mr. Fazio against.

Mr. Thomas of California for, with Mr. Dellums against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1235

Mr. SLATTERY. Mr. Chairman, I rise in support of H.R. 2372, the Railroad Safety Improvement Act of 1975. This legislation authorizes funds for the Federal Railroad Administration Safety Program, the State Safety Participation Program, and rail safety research and development for fiscal years 1986 and 1987. I am pleased that this bill authorizes funding for fiscal year 1986 at a level approximately $700,000 below the amount appropriated for fiscal year 1985. At a time when Federal deficit spending is spiraling out of control, we must be ready to exercise restraint in all areas of the budget.

The bill requires the Secretary of Transportation to expeditiously issue a final rule to ensure the prevention of alcohol and drug abuse in railroad operations. Alcohol and drug use have been implicated in several recent serious rail accidents, and are recognized as major problems in railroad operations. The bill also requires the FRA to examine several other areas of safety concern, such as grade crossing safety, power brake and freight car inspections and dispatcher training.

Finally, Mr. Speaker, this legislation will add important protections for railroad employees against discrimination for reporting safety violations, by prohibiting the Secretary of Transportation from disclosing the name of any railroad employee who reports a potential safety violation, unless the information provided the FRA results in the matter being referred to the Attorney General. Also, the bill allows compensation awards to employees who have been discriminated against or harassed, but who have not been suspended or dismissed. Currently, these employees have no remedy available. This legislation will help to ensure safe railroad operations and protect employees who seek to further safe practices, and I urge my colleagues to join me in supporting it.

The CHAIRMAN. If there are no other amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WRIGHT] having assumed the chair, Mr. HUBBARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2372) authorizing appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, pursuant to House Resolution 250, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FLORIO. Mr. Speaker, pursuant to House Resolution 250, I call up from the Speaker's table the Senate bill (S. 1080), to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. FLORIO

Mr. FLORIO. Mr Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLORIO moves to strike out all after the enacting clause of the Senate bill, S. 1080, and to insert in lieu thereof the text of H.R. 2372, as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Safety Improvement Act of 1985".

SEC. 2. PREVENTION OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS.

The Secretary of Transportation shall, within 30 days after the date of enactment of this Act, issue a final rule or regulation to ensure the prevention of alcohol and drug use in railroad operations.

SEC. 3. GRADE CROSSING SIGNAL SYSTEM SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(l) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

SEC. 4. POWER BRAKE AND FREIGHT CAR INSPECTIONS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by action 3 of this Act, is further

amended by adding at the end a new subsection as follows:

"(m) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, issue such rules, regulations, orders, and standards as may be necessary to define qualification standards for employees who conduct railroad power brake inspections and tests and railroad freight car inspections required under the Federal railroad safety laws, as such term is defined under section 212(e), or under any regulation issued under such laws.".

SEC. 5. DISPATCHER TRAINING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sections 3 and 4 of this Act, is further amended by adding at the end the following new subsection:

"(n)(1) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1985, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching passenger and other trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

SEC. 6. PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION.

(a) EXPEDITED PROCEDURES.—Section 212(c)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) COMPENSATION.—Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end of the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee.".

(c) DISCLOSURE OF NAMES.—Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended by adding at the end a new subsection as follows:

"(f)(1) Except as provided in paragraph (2), the Secretary shall not disclose the name of any employee of a railroad who has provided information with respect to an alleged violation of this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.

"(2) The Secretary shall disclose to the Attorney General the name of any employee described in paragraph (1) who has provided information with respect to a matter being referred to the Attorney General for enforcement under this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.".

SEC. 7. STANDING TO REQUIRE THE PERFORMANCE OF NONDISCRETIONARY ACTS.

The Federal Railroad Safety Act of 1970 is amended by inserting after section 212 the following new section:

"SEC. 212A. CIVIL ACTION BY EMPLOYEES.

"(a) Except as provided in subsection (b), any employee of a rail carrier or any authorized representative for collective bargining of a craft or class of such employees may commence a civil action against the Secretary of Transportation to compel the Secretary to perform any act or duty which is not discretionary and which is related to enforcement under the Federal railroad safety laws, as such term is defined in section 212(e), if the failure to perform such act or duty creates a danger of serious injury or death to such employee or employees.

"(b) No civil action may be commenced under subsection (a) before the expiration of 60 days after the plaintiff has given notice to the Secretary of the alleged failure of the Secretary to perform an act or duty which is the basis for such action, including specific reference to the alleged violation or violations of the Federal railroad safety laws involved. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by rule.

"(c) Any civil action under subsection (a) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district where the alleged violation or violations of the Federal railroad safety laws has occurred or is occurring.

"(d) When two or more civil actions brought under subsection (a) involving the same issues or violations are pending in two or more judicial districts, such pending actions may, upon application of the Secretary to a court in which any such action is brought, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) any district which is selected by the Secretary and in which one of such actions is pending,

"(2) a district which is agreed upon by stipulation between all of the parties to such actions and in which one of such actions is pending, or

"(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 214(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(c)) is amended—

(1) in paragraph (1) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $27,300,000 for the fiscal year ending September 30, 1986, and not to exceed $28,500,000 for the fiscal year ending September 30, 1987" before the period;

(2) in paragraph (2) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $3,100,000 for the fiscal year ending September 30, 1986, and not to exceed $3,200,000 for the fiscal year ending September 30, 1987" before the period;

(3) in paragraph (3) by striking out "and" after "September 30, 1983,", and by inserting "not to exceed $10,400,000 for the fiscal year ending September 30, 1986, and not to exceed $10,800,000 for the fiscal year ending September 30, 1987," after "September 30, 1984,"; and

(4) by adding at the end the following new paragraph:

"(4) For the purpose of rail planning for Toledo, Ohio, including planning for improving the safety of rail operations and reducing conflicts between rail and highway traffic, there are authorized to be appropriated not to exceed $100,000 for the fiscal years ending September 30, 1986, and September 30, 1987. The total amount appropriated under this paragraph for both such fiscal years combined shall not exceed $100,000.".

SEC. 9. EMPLOYEE ASSISTANCE PROGRAM EVALUATION.

(a) REPORT.—The Secretary of Transportation shall conduct an evaluation of any employee assistance program with respect to drug and alcohol abuse run by the Consolidated Rail Corporation and shall, after consultation with representatives of the crafts or classes of employees covered by such program and with the Consolidated Rail Corporation, report to the Congress within 180 days after the date of enactment of this Act. Such report shall contain an evaluation of the effectiveness of such program in helping employees with drug and alcohol abuse problems, and shall include any recommendations of the Secretary for the improvement of such program.

(b) SIMULTANEOUS TRANSMITTAL TO CONRAIL.—The report submitted to the Congress under subsection (a) shall be transmitted simultaneously to the Consolidated Rail Corporation.

SEC. 10. ENFORCEMENT OF THE SECRETARY'S ACTIONS.

Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking out "enforce such orders" and inserting in lieu thereof "enforce any orders, directives, and subpoenas of the Secretary under this title".

SEC. 11. ALCOHOL AND DRUG ABUSE ASSISTANCE.

(a) ESTABLISHMENT OF CORPORATION.—To foster the prevention of alcohol and drug abuse within the railroad industry, the Secretary of Transportation shall encourage the establishment of a private, nonprofit corporation, financially supported by individual railroad employees and railroad companies, to support and promote—

(1) vigilant peer intervention to avoid violations among railroad employees of rule G of the Association of American Railroads' Standard Code of Operating Rules;

(2) early identification and treatment of railroad employees addicted to alcohol or drugs;

(3) programs to foster awareness and prevention of alcohol or drug abuse within the railroad industry; and

(4) improved utilization of effective Employee Assistance Programs with respect to alcohol and drug abuse.

If such a corporation is established within 90 days after the date of enactment of this Act, the Secretary of Transportation may provide support, including office space, equipment, postage, printing, and the development of educational materials, of a value of not to exceed $100,000.

(b) OTHER REQUIREMENT MAINTAINED.—The requirement set forth in subsection (a) shall not relieve the Secretary of any requirement set forth in section 2 of this Act.

SEC. 12. UNSAFE FACILITIES.

The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SEC. 215 UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger, the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to any relocation or remedial measures undertaken on or after January 1, 1978.".

SEC. 13. SAFETY FINANCING.

The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. SAFETY FINANCING.

"For the purpose of improving safe rail operations and improving rail safety, the Secretary shall continue to provide financial assistance for facilities rehabilitation and improvement under sections 505 through 510 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825-830) until September 30, 1987.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act authorizing appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2372) was laid on the table.

REQUEST FOR APPOINTMENT OF CONFEREES ON S.1080

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the House insist on the House amendments and ask for a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. LENT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2372, RAILROAD SAFETY IMPROVEMENT ACT OF 1985

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2372) authorizing appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CHENEY asked and was given permission to address the House.)

Mr. CHENEY. Mr. Speaker, I have taken this time to ask the distinguished majority leader about the program for next week, and will be happy to yield to him at this point.

Mr. WRIGHT. Mr. Speaker, if the gentleman would yield, this completes the business for the day and for the week. That being the case, we would ask that there be no session tomorrow, and that when the House adjourn today, it adjourn to meet on Monday.

On Monday, we expect to have action on at least two motions to suspend the rules; one on the Central Valley project and water project in California; the other on a Michigan wilderness bill, and it would be our purpose to postpone votes on those until the following day, Tuesday.

We would meet at noon on Tuesday and have any recorded votes required from the preceding day and take up the military construction authorizations for fiscal year 1986. That would be under an open rule with 2 hours of general debate. We would expect to finish that on Tuesday.

Now, Wednesday and the balance of the week we have four bills for consideration. The House would meet at noon on Wednesday, but at 10 o'clock the balance of the week.

We would expect to take up the foreign assistance appropriation bill, the Department of Transportation Appropriation bill, the National School Lunch Program and Child Nutrition Act, and the Federal Trade Commission reauthorization. All of those subject to the granting of a rule, and of course, conference reports could be brought up at any time.

Mr. CHENEY. I thank the gentleman. I wonder, can the gentleman give us any guidance at all with respect to the conference report on the Department of Defense authorizations?

Mr. WRIGHT. We expect to have a meeting within a relatively short time to make a determination as to when that conference report would come. I am sorry that I cannot give you that information at this moment. If the gentleman would stay somewhat in contact with the Speaker or the Leader's office, we may be able to give you some further advice. We are going to meet with the chairman, Mr. ASPIN, and with other Members this afternoon and see if we can arrive at an appropriate time to bring that to the House.

Mr. CHENEY. Finally, Mr. Leader, what about next Friday. Can you give us any guidance on whether or not we could expect votes on Friday of next week?

Mr. WRIGHT. I would be very much surprised if there were any votes. I think no votes next Friday. We will try to, we are endeavoring to put together a sheet that will help Members understand just which days the remainder of this month we would expect votes.

As the gentleman is aware, there are two religious holidays that occur during the month of September, and we will want to make as clear a pattern as possible for the guidance of Members, and that will be available for distribution so that all Members may know what we expect to have votes and what days we do not.

Mr. CHENEY. I thank the Leader.

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ADJOURNMENT TO MONDAY, SEPTEMBER 9, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next it adjourn to meet at noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FARM POLICY LEGISLATION

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, with the miracles of modern transportation and technology, most urban dwellers are accustomed to a constant supply of a wide variety of fresh produce, dairy products, and meats. But, they seem to give little thought to those who labor long hours to provide the food on the table.

Farming is a risky business. It requires more speculation than the stock market, more gambling than a weekend in Las Vegas, and more dedication than the quest for an Olympic medal. The job pays no overtime, nor can a farmer allow bad weather to slow him down. Yet farming has persisted as a way of life despite the hard work and economic difficulties. The economic health of America's hard-working farmers and the farm community are vital to our Nation's economy. When there is a farm credit crisis, the bankrupt farmer is only the first in a long line of bankruptcies to follow.

This weekend, I will be holding meetings with farmers in my district to discuss the farm policy bill we will soon be debating here. I believe that many farmers are more concerned about whether my urban colleagues really understand the special problems faced by farmers, than about receiving more Federal dollars. I urge my colleagues to remember the important contribution farmers make to our national economy and the unique problems of rural communities when we consider farm policy legislation later this year.

ROMANIA DOES NOT DESERVE MOST-FAVORED-NATION STATUS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I rise today to call to the attention of my colleagues the column by George Will in today's Washington Post which I would like to insert following my remarks.

Mr. Will addresses the issue of most-favored-nation status for Romania which we will be debating soon and he hits the nail right on the head: Romania, which is considered by the Helsinki Watch Committee as "one of the worst human rights offenders in Eastern Europe," in no way deserves the special trade status of most favored nation unless they improve on human rights.

I recently visited Romania and talked with its citizens who showed clear evidence of the persecution, the human rights violations, the antireligious policies, and the pervasive influence of the Soviet Union. As Mr. Will states, the debate in Congress on most-favored-nation status for Romania should not take long. With the evidence so clear, it should be an open and shut case against allowing any special favors by the United States.

[From the Washington Post, Sept. 5, 1985]

DO ROMANIA NO FAVORS

(By George F. Will)

You cannot toss a brick in Washington without conking someone eager to impose economic sanctions against South Africa. That fact should help Congress keep short its forthcoming debate about whether there should be "most favored nation" status for China, Hungary, Afghanistan and Romania.

MFN status involves access to reduced import duties, credits and other preferences amounting to subsidies. China got MFN status in the 1970s and is considered special because . . . well, it is big and therefore. . . . Besides, the regime is only "so-called communist." President Reagan, on the return trip from China, spoke of the "so-called Communist Chinese."

Some State Department officials consider Hungary, which has MFN status, proof that a therapeutic U.S. policy can move a Soviet satellite toward stealthy independence from Moscow. You say the independence is invisible? Silly you. That just proves how stealthy it is. And never mind the fact that Mikhail Gorbachev's policy toward Eastern Europe is neo-(why should America have all the "noes"?)-Stalinism.

Regarding China and Hungary, Washington is, perhaps, incorrigible. But why do we even need to debate a proposal to strip MFN staus from Afghanistan and Romania?

Afghanistan got MFN status before the Soviet invasion and has kept it through congressional inaction. The administration does not oppose removing Afghanistan's MFN status. The decision regarding Afghanistan is economically unimportant. Afghanistan's only significant export is its population, approximately one-third of which is in refugee camps abroad. Romania is a more interesting case, if only because the argument against Romania is not significantly weaker than the argument against Afghanstan, yet a sizable State Department lobby supports Romania.

Recently Romania produced some toilet paper containing Biblical words such as "Esau," "Israel," "Satan." As many as 20,000 Bibles sent to Romania in the 1970s were seized and recycled into toilet paper. Romania has cited its willingness to permit the shipments of Bibles as evidence of its independence, liberality and eligibility for MFN status.

In his 1983 Christmas homily, the Rev. Geza Palfi, 43, protested a goverment edict making Christmas a "day of labor." He was arrested and died three months later of internal injuries. In spite of severe anti-religious polices, church attendance in Romania is higher than in any Eastern European nation other than Poland. This phenomenon, which is evidence of intense dissatisfaction with the regime, is cited by the regime as evidence of its toleration.

In the United States, we debate the registration of guns. In Romania, typewriters must be registered with the police. Psychiatric "hospitals" are used for the tortue of dissidents. To acquire MFN status, Romania formally ended a confiscatory "education reparation tax" on those who wished to emigrate. The tax is not collected, unofficially, in bribes. Concerned about the low birthrate, the government submits women workers to mandatory gynecological examinations.

The Helsinki Watch Committee considers Romania "one of the worst human rights offenders in Eastern Europe." Romanian actions violate, comprehensively, Romanian law and the nation's international undertakings, including the obligation to allow U.S. citizens to exercise inheritance rights to receive just compensation for property held in Romania.

After 3½ years in Bucharest, the U.S. ambassador, David Funderburk, who speaks Romanian and studied there for two years, resigned to express his exasperation with the State Department's unshakable faith that Romania's President Ceausescu conducts a significantly independent foreign policy. The evidence for this "independence" is an assortment of acts, such as Romania's participation in the 1984 Olympics, acts that are, singly and even cumulatively, small beer.

Ambassador Funderburk says his embassy staff "observed a large Soviet presence in Romania that was not welcome news to some officials in Washington. On our own initiative we looked in registries, checked schools, traced license plates and came up with an ungodly number of resident Soviets, including Soviet agents in factories monitoring Romanian exports to the Soviet Union."

Romania's occasional rudeness may annoy the Kremlin, Romania criticized the invasions of Czechoslovakia and Afghanistan, did not break diplomatic relations with Israel after the 1967 war and does not permit Soviet military maneuvers on Romanian soil. But such gestures hardly consittute independence.

They are dust in those eyes, including State Department eyes, that do not want to see Romania's complete compliance with the Kremlin's two paramount requirements—domestic Stalinism and support in the military-industrial complex that is the Soviet Union. The Romanian regime has harshly criticized Poland's Solidarity movement and has integrated its intelligence service with the Soviet's East-bloc network.

Trees, which only God can make, die so that debates, which Congress makes, can be transcribed on paper. The coming debate on MFN status should not cost many trees.

BLACK LUNG: DELAY UNFAIR

(Mr. RAHALL asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. RAHALL. Mr. Speaker, during the recent congressional district work period, I took the opportunity to visit every one of the eight counties making up the Fourth District of West Virginia. One of the major, if not the major, topics of concern was the unacceptable backlog of black lung cases within the Department of Labor. I held a meeting with miners awaiting a resolution of their cases in McDowell County, and a number of them gave me letters explaining the circumstances of their cases and how long they have been waiting for a decision. I hope to deliver these personally to the President along with the concerns of the people of West Virginia. Some of them have been waiting in excess of 10 years for a decision, due to a massive backlog at the administrative law judge level.

I would like to bring to the attention of my colleagues an editorial from the Register-Herald in my hometown of Beckley, WV. It accurately sums up the feelings of the people of Appalachia as they await their well-deserved black lung compensaton. My district offices or my Washington office receive calls hourly every day from people awaiting a resolution of their case. Black lung compensation is a top priority in my office.

I hope that my colleagues will support efforts to eliminate this crippling backlog and expedite the cases so that these deserving people can receive their just compensation. Justice delayed is, indeed, justice denied.

BLACK LUNG: DELAY UNFAIR

The column by Jack Anderson on the opposite page makes a telling point: Coal miners who suffer from Black Lung or widows of Black Lung victims are not receiving justice from the federal government under its black lung program.

Anderson chose a particular case which illustrates the poignant unfairness of a system which denies compensation due individuals by law because of bureaucratic reluctance to expend funds and because companies can fight the benefit awards in court.

No system is perfect, but it seems ridiculous for there to be a backlog of 21,000 cases which, unless the process is expedited, will take some 35 years to resolve.

Justice delayed is justice denied.

Certainly, justice is denied those black lung retirees who die before the cases are settled. And in many cases, it appears that widows, even though, they live many years longer than their husbands, will also die before cases are adjudicated.

Establishment of the black lung program was fair, because coal miners systematically ruined their health by performing their work.

It could be argued that in the early days of coal mining, the risks to health from coasl dust were not understood or appreciated.

But with the advancement of medical science, the harmful effects of inhaling coal dust were established beyond controversy. Although the coal industry began instituting measures to minimize coal dust, it was too late to help many elderly miners whose last days were filled with pain which accompanied every breath they took.

If there is to be action on black lung, the pressure for action must come from President Reagan or other top officials in the administration.

Yet, as Anderson points out, administration officials are encouraging delays in black lung payments in order to reduce federal expenditures.

This is shameful.

By rights, Robert C. Byrd and Jay Rockefeller should be making speeches on the Senate floor every day until the case backlog has been eliminated.

West Virginia's congressmen should also make black lung their top concern, if it is not already.

True, there may be abuses. Some people who do not suffer the terrible disease may have filed for black lung benefits. Some widows may be seeking benefits to which they are not entitled.

Perhaps, because of this, there is an argument for judicial review of cases in which coal companies contest the award.

But these judicial reviews should be expeditious. The federal government should provide as many judges as it takes to clear the backlog in a reasonable time.

It makes no sense to let these cases drag on until those who needed the benefits are dead and buried.—W.M.

TRIBUTE TO CAROLYN SULLIVAN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I would like to pay tribute to my constituent, Mrs. Carolyn Reddick Sullivan of Milburn, KY.

Indeed, it is a pleasure for me to have the opportunity to recognize Carolyn Reddick Sullivan, who recently retired from teaching, a profession which she proudly served for 35 years—first in the Graves County and Mayfield City school systems and then at Carlisle County Elementary School.

Throughout her career, Mrs. Sullivan has been a valuable asset to the field of education. Her dedication to excellence and demand for maximum effort from students gained her immense respect throughout her teaching career from her students, their parents and her peers alike. In honor of her many years of distinguished service to her State, she was recently commissioned a Kentucky Colonel by Kentucky Gov. Martha Layne Collins.

Although Carolyn Sullivan's commitment to teaching is well known in western Kentucky, she also found time to be a family person. Carolyn and her husband Durwood, a real estate broker and former teacher, have one daughter, Gina Carol Sullivan, who lives and works at Oak Ridge, TN.

Carolyn Sullivan retired with the highest praise and respect from her community—Milburn, KY.

My wife Carol and I attended the 1985 Milburn Homecoming earlier this year with my mother, Mrs. Carroll Hubbard, Sr., of Louisville, KY. My mother was born and raised in Milburn, KY, and graduated from Milburn High School in 1930.

Among the proud residents of Milburn who witnessed the ceremony honoring Carolyn Reddick Sullivan earlier this year were her parents, Alvin and Lorene Reddick, two beloved individuals who are longtime favorites of mine.

As Mrs. Ernie (Polly) Johnson of Milburn said at the Milburn Homecoming, "Thank you, Carolyn Sullivan, for 35 years of teaching western Kentucky young people in such an outstanding manner."

OPERATION LIAPP: MICHIGAN'S BLACK HISTORY COMES ALIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

Mr. CROCKETT. Mr. Speaker, as I did yesterday, I would like to include in today's RECORD excerpts of the "Michigan Manual of Freedmen's Progress," published in Detroit, MI, in 1915 and chronicling the accomplishments of black citizens in the Michigan community. The manual was first published to commemorate the 50th anniversary of the signing of the Emancipation Proclamation. The manual is now being reissued and updated under the guidance of the Museum of African-American History of Detroit. Under Editor John Green, the reissue is designed to enlighten new generations to the historical contributions of blacks to our State's progress, as well as to update and enlarge on the information in the first manual.

I would like at this time to include some further portions of the original manual for the benefit of my colleagues:

EXCERPTS FROM MICHIGAN MANUAL OF FREEDMEN'S PROGRESS

THE NEGRO IN MICHIGAN

Many interesting incidents have been mentioned arising from the presence, first in the territory from which the State of Michigan was formed, and second, as residents and citizens of this great northern commonwealth, of persons of mixed or of full Negro blood.

We find in such records as are available mention of a "black man who was very pious" in the latter part of the 18th century and several instances in the early part of the 19th century where slaves were brought to Michigan territory are mentioned.

Negro immigration to Michigan in appreciable numbers began in the decade between 1830 and 1840 and assumed largest proportions just prior to the Civil War. The Imigrants consisted of "Free" Negroes i.e. manumitted slaves or their children, also the Negro children of white women. The enumeration of home owners has revealed several colored decendants of Southern white women, born free because of the anti bellum Slave State law that the child followed the condition of the mother. These were supplemented by runaway slaves who were aided to freedom by the famous "Underground Railway."

The Negroes became so numerous in the fifties that considerable hostility began to be manifested and we are told by Mr. Geo. Waterfall, one of Detroit's oldest pioneer citizens, that the Negro population of Detroit in 1861 was about 500. Prior to that time, Southern masters in search of run-

away slaves had been mobbed in Detroit and made to leave without their prey, but during the progress of the Civil War the Pro Negro sentiment changed and at least one anti-Negro riot in that city is recorded.

When the Secretary of War authorized Governor Austin Blair to raise one regiment of Negro Volunteers in 1863, Negroes flocked to Detroit from all parts of the State and probably some came from Canada, and soon filled the regiment with 1,500 black volunteers. This regiment acquitted itself in excellent fashion during the remainder of the War and 173 additional black volunteers were mustered in at Detroit and assigned to different regiments during the progress of the War. A complete roster of these black heroes is published in a subsequent chapter of this manual.

Among the early decisions of the Michigan Supreme Court may be found an interesting decision regarding the legal status of the Negro as a voter. The case went up from Detroit where the Negro, a man of very light complexion, had been denied the right to vote. The decision followed the Ohio ruling on the same subject, holding substantially that a Negro followed the condition of his father and where an individual possessed a preponderance of white blood, he was to be regarded as white and therefore a voter. After the war, and especially after the 15th Amendment to the U.S. Constitution was adopted the progress of Michigan's Afro-American citizens has been rapid and certain.

The chapter on Occupations furnished by Mr. Robert A. Pelham, found in another part of this manual together with the chapter devoted to the Michigan Negro in Business clearly shows the rapid rise of the Freedmen during the past fifty years and is full of interest.

The first organization effected to better the condition of Michigan's Afro-Americans occurred on October 8, 9, in 1860, when a convention of colored men met at Battle Creek, Michigan, for the purpose of petitioning the Legislature for the right of suffrage, to consider the intellectual and moral status of the colored people and to devise means to better their condition. This convention elected a permanent committee of the following persons:

James Underwood, Washtenaw county; George W. Lewis, Lenawee; Wm. Casey, Calhoun; George W. Artis, Cass; Josiah Henson, Jackson; Erwin Jeffreys, Van Buren; T. Wilson, Ingham; Mr. Jenkins, Branch; D. Roberts, Kent; T.J. Martin, Cass; E. Owens, Kalamazoo; George De Baptist, Wayne; E.H. Wilson, Kent; John Freeman, Ann Arbor; Walter Duke, White River; Mr. Herod, Ionia.

Mr. T.J. Martin, of Dowagiac, was elected chairman of the convention, and this committee had power to call a convention of Michigan Afro-Americans any time they deemed it necessary to take that step.

Many of this committee had died when in 1884 Mr. Martin consulted the living members and called a convention which was held March 25, 1884, at the same city, at which resolutions were adopted in appreciation of Justice Harlan's dissenting opinion of the United States Supreme Court's decision on "The Civil Rights Act," and also resolutions requesting the Republican party to send a colored delegate at large to the Republican National Convention at Chicago in June. This convention elected a standing committee composed of the following persons, many of whom are still living:

Walter Y. Clark, Walter H. Stowers, of Wayne; R. Wilson, Lenawee; John J. Evans, Calhoun; Joseph C. Ford, Kent; J.H. Baker, Bay; Charles W. Ellis, Saginaw; J. Madry, Cass; J.H. Fox, Washtenaw; Frank M. Thurman, Jackson; George Curtis, Berrien; J.M. Artis, Hillsdale; N. Hamilton, Kalamazoo; L.R. Roberts, Van Buren; W.H. Deigh, Ingham.

In 1876 a Negro of the full blood, John Wilson, was elected to the office of Coroner of Wayne County by the Democratic party. Wilson was a musician and boss barber, operating a ten-chair shop on Griswold street near Jefferson in the City of Detroit, and was probably the first Negro to be elected to public office in the State of Michigan. Closely following Wilson in office was Thomas D. Owens, also elected coroner of Wayne County on the Democratic ticket. Mr. Owens was also a boss barber and one of Detroit's oldest colored citizens, having settled in that city in 1845.

In the early eighties, Negro attorneys appeared before the Detroit courts, Thomas Crisup being the first, quickly followed by D. Augustus Straker, the latter was a University graduate and seemed to become a popular idol of the white people, many commendatory references being made about his court work by the daily papers. He was elected Circuit Court Commissioner for two terms, in the nineties and after the adoption of the primary laws was nominated as a delegate to the State Constitutional Convention in 1908. He was a rock-ribbed Republican of the old school.

In ascertaining the present condition of Michigan's Afro-Americans a question blank was prepared seeking information as follows: Nativity of the person enumerated; length of residence in Michigan; if of mixed blood their nearest white ancestor; occupation; value of real property owned; value of personal property owned; character and value of Exhibits offered; extent of education; whether married or single, and number of children.

Only persons owning real estate, producers of something to exhibit or professional and business persons were enumerated with the following results:

Total number enumerated	1,496
Natives of Michigan	485
Natives of other State or Countries	881
Persons having white ancestry	666
Number of children of mixed blood	1,433
Number of full blooded Negroes	239
Number of children of full blood Negroes	429
Home owners	1,207
Owners of other lands	316
Owners of personal property	979
Number of exhibitors	196
Number of professional persons	98
Number married	1,201
Number educated at common school or better	1,204
Number uneducated	58
Number of occupations in which Afro-Americans are employed	152
Value of real property	$4,219,022
Value of personal property	$1,115,683

A number of lists came in too late for tabulation.

Out of a total of 1496 persons enumerated it will be noted that only 905 answered the question regarding "White Ancestors," probably because of a false modesty regarding the southern manner their white blood was acquired or probably because their dark complexion was so pronounced that they did not think it necessary to answer the question. But the answers given will suffice for the object sought, i.e., whether any inherent physical weakness can be determined as a result of a mixture of blood as claimed by some more or less noted physiologists.

The table discloses 1433 children born to 666 persons of mixed blood and 429 born to 239 of the full blood. Some notable examples of the procreative powers of both classes are recorded in the files of the Commission. Two mixed couples in one township, both farmers, gave birth to 44 children with 30 of them living and healthy, both bodily and morally. While one couple of full Negro blood in Detroit gave birth to 18 children, 11 of whom are living and healthy. All of the farmers were singly born, while the latter couple gave birth to 3 sets of twins.

It will be difficult to reconcile with the figures here given any idea of physical or mental weakness on the part of either mixed or full blood Negroes. One father of 22 children is the descendant of a free born mulatto of Kentucky and is of French, Indian and Negro extraction. This man started as a farmer in 1890 without any capital except a wife and four children and a determination to succeed. Today his estate is valued at $30,000 and he lives in the best house in the township, containing 20 rooms and all modern conveniences including steam heat and he "owes not a dollar to any man," and this particular individual can neither read nor write.

The Allens of Cass County are all of mixed blood. "Uncle Bill," as Wm. Allen is affectionately called, is hale and hearty at 80 odd years and here we find great grandchildren, all healthy, alert, ambitious and industrious citizens who measure up favorably with the best the Nation affords.

Among the mixed blood Afro-Americans in Michigan are found descendants of one former President of the U.S., of U.S. Senators and Congressmen and a leading General of the Confederate Army all from Southern States where inter-marriage of the races has always been prohibited by law, but not by practice, as the complexion of these individuals and the stories told, plainly prove.

The chief object of creating the Commission was to prepare and install a Michigan Exhibit of Freedmen's Progress at the National Half Century Exposition at Chicago, Ill., held in connection with the celebration of the 50th anniversary of Negro Emancipation.

From the number and character of exhibits all expectations have been surpassed. The 196 exhibits listed includes many highly valuable inventions, many beautiful works of art from brush, pen and needle, many articles of handiwork by craftsmen and farm products of all description. True we have been disappointed in listing some of Michigan's best invention, The Dammond R. R. Signal and the Pianola; yet the wisdom of providing for the Michigan Exhibit and this manuel is amply demonstrated.

PARAGRAPHS ABOUT PEOPLE AND THEIR OCCUPATIONS IN DAYS GONE BY

The research for statistical data, for comparative purposes, brought to light a number of interesting facts, relative to Michigan citizens, during the early and succeeding years of the past half century, and are presented here, as occupational data worthy of note.

C. H. Mitchell, graduate of the Law Department at Ann Arbor, was elected Justice of the Peace at Battle Creek in April, 1889.

Dr. S. C. Watson, of Detroit, was born in Charlestown, S.C., in 1832. He received a

common school education, attended Oberlin college one year, spent two years at Ann Arbor as a medical student, and afterwards graduated from the Cleveland College of Medicine. He practiced in Toronto and Chatham, locating in Detroit in 1863. He opened a drug store, which business he was engaged in at his death in 1892. He was a member of the Underground Railroad and a close friend of John Brown, Wendell Phillips, William Lloyd Garrison, and their coworkers. Was a member of Board of Estimates in 1876; was elected a member of City Council in 1882, and served two terms. In 1884 was elected delegate-at-large to National Republican Convention which nominated Blaine and Logan. He was the first colored man so honored in the North. He was a commissioner for Michigan at the New Orleans Exposition and was a member of the Jury Commission through appointment by Governor Winans at time of his death.

John H. Freeny, of the Saginaw Valley and resident of Mt. Pleasant, Mich., was born and reared in Camden, N.J. Came to Michigan in 1868 and engaged in barbering at Clare. Later moved to present home and learned photography with the celebrated Goodridge Brothers of Saginaw, after which he opened a photo gallery and a barber shop in East Saginaw. But his yearnings were towards construction, and through real estate investments he soon found himself a dealer in lumber, and in 1883 owned pine land enough to keep him busy for a number of years; also a mill which sawed eight million shingles in 1882. He had three lumber camps, ten teams, four yoke of oxen and 100 men employed. Mr. Freeny was founder and sole owner of the village of Wise, containing about 400 inhabitants and located on a branch of railroad running from East Saginaw to Mt. Pleasant, with two daily mails and in a flourishing condition.

Prof. C.W. Thompson was born a slave to a brutal master in Richmond, Virginia. Through the Underground Railroad he escaped, landing in Philadelphia in 1852, and in 1854 came to Detroit where he settled. Naturally endowed with musical talent, he soon began organizing choirs and choruses and a school of music, having as high as 125 pupils enrolled. He organized the Detroit Philharmonic Society, and even today his influence is felt in his adopted city.

Capt. Obadiah C. Wood was born in New York state in 1815. His parents moved to Rochester, where he received such education as that state provided for its colored citizens in that day. In 1843 he went to Detroit. Mr. Wood was the first person to organize a colored military organization in the state of Michigan. Long before the election of Mr. Lincoln, he had a well organized, drilled and equipped company, and when the war clouds appeared Capt. Wood and his company were among the first to offer their services to the governor of the state, which offer was rejected because the North at that time did not think it needed the Negro's aid in putting down the rebellion. Through Capt. Wood, legal action against the Board of Education, at his own expense, and discrimination having been declared illegal by the Supreme Court of the state he, practically unaided, except by justice, opened the public schools to all colored children in their respective districts in the fall of 1870.

He was the first colored man in Michigan to hold a position under the Federal government, a position he held for twelve years with satisfaction to the Government and credit to himself, and which he resigned on account of ill health. He was also the first colored man elected to a municipal office in the state, being elected a member of the Board of Estimates for two years and commissioned by Governor Bagley as a Jury Commissioner.

Mr. Charles Peterson, of Saginaw, was born in New Jersey in 1822 He settled in several places in New York and Canada before permanently locating in East Saginaw, where he has acquired considerable real estate and a business in draying through hard work and thrift, and was easily worth $50,000 in 1883. His only daughter married Mr. Fountain Bass, the popular caterer of Bay City.

Walter Y. Clark had the first laundry in Detroit. Lack of capital forced him into political life and he held many places of honor and trust.

J.C. Craig, of Grand Rapids, ran a fine barber shop, equipped with electric light and apparatus, as early as 1883.

Mrs. Lucy Thurman, of Jackson, was the first colored woman to lecture and organize branches for the State W.C.T.U. She is also ex-president of the C.W.N.F.C.

Sojourner Truth, noted lecturer, abolitionist, and woman's rights advocate, coworker of Fred Douglass and Susan B. Anthony, made her home in Battle Creek for a number of years and died there.

George W. Lewis came to Lenawee county in 1835, ran leading barber shop in Adrian till 1882, when he became excursion manager for the Wabash Railroad.

Mrs. M.E. Lambert, of Detroit, was not only a splendid elocutionist and rarely gifted in knowledge of literature, but also a writer, having been especially commended for a "Child's Book of Stories" from her pen.

Goodridge Bros., of Saginaw, were for years the leading photographers of Northern Michigan. Their work was not excelled in the state. One specialty was the taking of noted views all over the country.

Richard Shewcraft was the first colored artist to receive a scholarship at the Detroit Museum of Art, which possesses one of his pictures bought by friends before his death and presented to the Museum.

John H. Fox was one of the first colored attorneys in Michigan. In 1883 he was enjoying a lucrative practice in Ypsilanti.

Mr. J.J. Richardson, of Bay City, was well known and appreciated for his newspaper writings and his historical knowledge of early Michigan, which had attracted wide attention in the early 80s. He settled in Saginaw in 1855, when there was only one other colored family in the valley.

Hon. D. Augustus Straker, after becoming a citizen of Detroit in the latter 80s, was the first colored man elected Circuit Court Commissioner. He enjoyed a lucrative mixed practice and the legal books of which he is author are recognized authorities on their subjects.

Frank C. Bradford, of Detroit, was special pattern man of the Fulton Iron Works of Detroit. He was also an inventor.

William C. Swan, of Detroit, attorney, was the first colored man to be nominated on the Democratic ticket for Circuit Court Commissioner.

Hon. J. Frank Rickards came to Detroit in 1865. Was one of the first colored letter carriers, having been appointed in 1879., He is a high mason and an authority on masonic matters.

Dr. Charles Ellis held an honored professional reputation in Saginaw, Michigan, till cut off by death in his early years.

Mr. William Gaskins, of Jackson, has attracted attention all over the state by his expert penmanship.

Miss Dora Grayson was director of music in Tecumseh public schools from 1890 to 1894. She was the first colored woman in Michigan to fill such position.

Mr. Harry Guy composes and arranges high class music for all the best local soloists and orchestras in Detroit.

Detroit Study Club, founded in 1898, by Mrs. Gay Lewis Pelham, is the principal literary club in the state, belonging for seventeen years to the City Federation of Clubs with representation.

Ypsilanti still has colored schools with colored teachers. The pioneer teacher was Rev. Isaac Burdine, known all over the state as a strong race man of splendid qualities.

Preston's Restaurant at Marquette was the leading place of its kind in Marquette in 1890 and Mr. George Preston, proprietor, was counted one of Marquette's most progressive business men.

Mme. Maggie Porter Cole, one of the original Fisk Jubilee Singers, has made Detroit her home since her marriage some years ago. She has organized several choruses and freely lends her talent to charity.

H.F. Snodgrass, of Battle Creek, was foreman for more than 20 years of the blacksmith shops of Nichols & Shepard, agricultural implement manufacturers in that city, with 25 or more race assistants. Wm. Barton was the engineer of the plant for many years.

Isaac N. Jackson, of Charlotte, was at one time foreman of the news room of the Charlotte Republican. This newspaper spoke in the highest terms of him when he was a candidate on the Republican ticket for Town Recorder. He was defeated by only 11 votes.

Miss Lulu V. Childers, of Howell, Michigan, singer, and at present Director of Music at Howard University, received her common school education at Howell and her voice training at Oberlin Conservatory of Music. Miss Childers is an excellent example of a self-made woman, as her training at Oberlin was made largely possible through her own personal efforts.

Dr. L.H. Johnson was born in Union Town, Fayette County, Pa., and settled permanently in Detroit in 1880 after having graduated from Oberlin in a literary course and receiving his degree in medicine from the Chicago Medical College. He built up a fine, lucrative practice, having both colored and white patients—indeed, about 75 per cent of his practice were the latter.

Miss Fannie M. Richards was born in Fredericksburg, Va. The family coming to Detroit in her early days, she is practically a Michigan product. She was appointed a teacher in the public schools at Detroit in 1868 and has taught continuously till 1915, when she was retired upon pension. She was the first president of the Phyllis Wheatly House and known for her charitable deeds as well as her love for literature and her passion for teaching.

Hon. Henry Lincoln Johnson, of Georgia, ex-Recorder of Deeds for the District of Columbia, received his degree in law from the University of Michigan.

The late lamented Dr. John R. Francis, of Washington, D.C., received his degree in medicine from the University of Michigan.

Joseph H. Stewart, of Washington, D.C., honored member of the bar, received his degree in law from the University of Michigan.

Dr. Thomas Wallace, of Adrian, has a celebrated sanatorium and has made some remarkable cures through his special treatment. His Sanatorium with equipment has a valuation of about $20,000.

John Lewis, born in Livingston Co., N.Y., in 1826, came to Adrian with his parents in the fall of 1837. He was a product of the early public school of Adrian and his natural intelligence together with the use he made of his schooling and experience assisted him greatly in acquiring business methods. Economy was his watchword and through this trait about 1857 he bought out his employer's eating house and set about accumulating a competence. His place, "The Verandah," became and remained a land mark in Adrian till Mr. Lewis' death. He was universally respected by all classes of citizens.

Hon. W. W. Ferguson was born in Detroit in 1857. His father, Dr. Joseph Ferguson, was a pioneer of Detroit and city physician for several terms. He was the first boy of his race to enter the Detroit Public Schools, and he graduated with high honors from the High School. He was the first colored member of the Michigan legislature, having been elected in 1892. He was the plaintiff who won the celebrated Ferguson-Gies civil right case, citation of which is made throughout the entire country.

Madame E. Azalia Hackley, the noted singer and musical lecturer, was educated in Detroit, where she taught for a number of years in the public schools. Upon her marriage to Mr. Edward Hackley, Denver, became her home from which place she went forth after hard study to conquer in musical fields and win a world wide reputation in her profession of music.

Among the early teachers who left for Southern fields of labor were Joseph H. Pelham and George Rice, of Detroit in the 70's. Mr. Rice died some years ago in Missouri, where Mr. Pelham remained and taught for more than 40 years. He has two daughters, Misses Mabel and Gladys, now teaching in the Detroit Public Schools, and a son in the Detroit Post Office.

George Young, for many years steward for the "Yondotega" club of Detroit, by special recommendation is now steward of the Country Club, one of Washington's most aristocratic country clubs.

Rev. John A. Williams, rector of St. Mark's Episcopal Church, Omaha, Nebraska, is a Michigan product, educated in the Public Schools of Detroit and becoming a protege of Bishop Worthington, entered the Episcopal priesthood after graduating from the Divinity School at Fairabault, Minn., and is one of the most prominent of the Episcopal clergy.

Ann Arbor has one colored postman and police officer, appointed by Republican and Democratic officials respectively.

Saginaw is credited with one physician.

Grand Rapids has one public school teacher.

Bay City has one public school teacher—has had three.

In 1883 Mr. C. B. Burton was the leading confectioner and caterer of East Saginaw.

Charles Kelly, of Frederick, Crawford county, general store keeper, township treasurer, was postmaster under Harrison and McKinley.

Lieut. Frank W. Cheek was a gallant lieutenant in the Volunteer service in the Spanish-American war.

There has been two race representatives as teachers in the Detroit Conservatory of Music.

Ypsilanti has one colored physician.

In June, 1883, the Wayne County Jury Commission approved the following named among other jurors for the year:

Wayne County Court: Jas. H. Cole.

Superior Court: Montgomery Bell, Wilmont Johnson, Theodore Finney, Joseph W. Shafer, Thaddeus D. Warsaw, Lomax B. Cook, and Dr. Samuel C. Watson.

Recorder's Court: George Sorrel, Henry C. Clark, Obadiah C. Wood and George B. Crisup.

At one time:

Detroit had John A. Loomis, expert stenographer, one of the first to teach stenography in Detroit.

W.H. Vincent was one of Flint's progressive business men, with a fine grocery store.

At Lansing, Mr. Andrew Dungey and Mr. John W. Allen were young contractors and builders.

Alpheus A. Poole was deputy sheriff for Wayne under Sheriff James D. Burns, democrat.

At Lansing, Mr. William Tate, dealer in merchandise.

Ann Arbor, Mr. White, a contractor.

Grand Rapids, Mr. George Miller, pressman.

Lapeer had the well known attorney, S. Laing Williams, of Washington, D.C., the first graduate from Columbia University returning to vote at election time. Mr. Williams is now a citizen of Chicago, Ill.

In Port Huron, Mr. J.E. Bird, counselor and advisor of leading politicians of his district.

Among the well known:

J.C. Ford, of Grand Rapids, a staunch race man and pioneer in all movements for race uplift.

Albert W. Hill, of Detroit, the first Internal Revenue Gauger in Michigan, and a politician of "high degree."

Mme. Frances E. Preston, Detroit, most famous elocutionist and temperance worker.

C.C. Carter, of Port Huron, an influential member of the convention of 1884 and a political force in his locality.

Mr. and Mrs. William H. Howard, of Detroit, funeral directors, undertakers and embalmers.

Dr. Sylvester S. Smith, first dentist in Detroit.

Prof. William H. Dammond resigned a professorship at Wilberforce in 1911 to take a position with the Michigan Central Railroad as assistant bridge engineer. While holding this position, Prof. Dammond invented an electric cab signal, an improvement over and destined to supplant the block signal.

Mr. Ray Middleton, graduate of the University of Michigan, civil engineer, with American Bridge and Iron Works.

Edward P. Harper, son of Hezikiah Harper, born in Indianapolis, became a citizen of Detroit at the age of 6 weeks, his parents having moved to Detroit when he was that age. He was the first Ladies' Hair Dresser in Detroit, having for years the only and later the leading place of business in that line in the city. He taught several of his white successors their trade.

Rev. Hezikiah Harper, founder of Ebenezer A. M. E. Church, Detroit, Michigan.

SECTION 302(a) ALLOCATIONS REQUIRED BY THE CONGRESSIONAL BUDGET ACT

(Mr. GRAY of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GRAY of Pennsylvania. Mr. Speaker, Congress adopted Senate Concurrent Resolution 32, the first concurrent resolution on the budget for fiscal year 1986, on August 1, 1985. Since negotiations between the House and Senate conferees continued well into that morning, there was insufficient time for the preparation of accurate section 302(a) allocations of budget outlays, new budget authority, and new entitlement authority to House committees. Such allocations are required by the Congressional Budget Act to be part of the statement of managers accompanying a conference report on the budget.

House Resolution 253, which provided for the consideration of the conference agreement on the budget resolution also provided that the section 302(a) allocations, which I am now inserting in the CONGRESSIONAL RECORD, shall be the allocations required under section 302(a) of the Congressional Budget Act of 1974.

Additionally, I would like to briefly note the enforcement procedures which were included in the conference agreement.

Section 2 of the resolution provides reconciliation instructions directing 14 House and 11 Senate committees to report by September 27 legislation reducing the deficit for fiscal years 1986 through 1988.

Section 3 of the resolution provides that if Congress does not adopt a second resolution by October 1, then the spending ceilings and revenue floor set forth in this resolution shall become binding. That section further provides that in the House legislation would not be subject to a point of order for exceeding the aggregate spending ceilings if the legislation would not exceed the committee's section 302(a) allocation of new discretionary budget authority or new entitlement authority for fiscal year 1986. This provision is identical to the procedure which applied in both Houses during fiscal year 1985 except that it is only applicable in the House of Representatives in fiscal year 1986.

The conference agreement revises the concurrent resolution on the budget for fiscal year 1985, thereby establishing a new spending ceiling and revenue floor for purposes of section 311(a) of the Congressional Budget Act.

Finally, sections 5 through 10 of the resolution contain provisions expressing the sense of the House, or Senate, or both on various issues.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1986

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National Defense	1,017	103,726	0
150 International Affairs	165	9,511	0
250 General Science, Space, and Technology	0	2,762	0
270 Energy	15	3,756	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
300 Natural Resources and Environment	26	6,368	0
350 Agriculture	0	598	0
370 Commerce and Housing Credit	0	1,135	0
400 Transportation	406	18,886	0
450 Community and Regional Development	4	5,371	0
500 Education, Training, Employment, and Social Services	8,045	23,785	0
550 Health	25,605	29,906	0
570 Medicare	19,761	19,761	0
600 Income Security	26,768	38,921	0
650 Social Security	497	497	0
700 Veterans Benefits and Services	15,212	17,117	0
750 Administration of Justice	124	1,079	0
800 General Government	5,649	6,320	0
850 General Purpose Fiscal Assistance	4,567	4,568	0
Subtotal	107,861	294,066	0
Discretionary appropriations action (assumed legislation):			
050 National Defense	302,182	164,072	0
150 International Affairs	19,085	9,917	0
250 General Science, Space, and Technology	9,095	6,240	0
270 Energy	5,009	1,818	0
300 Natural Resources and Environment	15,119	8,726	0
350 Agriculture	12,279	794	0
370 Commerce and Housing Credit	5,084	2,241	0
400 Transportation	10,448	9,137	0
450 Community and Regional Development	5,938	1,301	0
500 Education, Training, Employment, and Social Services	22,618	7,243	0
550 Health	10,473	6,051	0
570 Medicare	−1	1,101	0
600 Income Security	28,901	19,523	0
650 Social Security	−18	3,988	0
700 Veterans Benefits and Services	11,140	9,036	0
750 Administration of Justice	6,665	5,659	0
800 General Government	5,323	4,676	0
850 General Purpose Fiscal Assistance	657	656	0
920 Allowances	−1,370	−1,420	0
950 Undistributed Offsetting Receipts	41	41	0
Subtotal	468,667	260,802	0
Discretionary action by other committees (assumed entitlement legislation):			
150 International Affairs	600	50	0
500 Education, Training, Employment, and Social Services	−100	−100	0
550 Health	−80	−80	0
600 Income Security	53	53	0
700 Veterans Benefits and Services	45	11	0
800 General Government	189	189	0
920 Allowances	−730	−230	0
Subtotal	−23	−108	0
Committee total	576,505	554,760	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
270 Energy	2,242	2,012	0
300 Natural Resources and Environment	298	284	0
350 Agriculture	7,365	15,502	11,059
450 Community and Regional Development	644	1,222	0
850 General Purpose Fiscal Assistance	270	270	270
Subtotal	10,818	19,290	11,329
Discretionary action (assumed legislation):			
350 Agriculture	−1,250	−1,250	−1,250
Subtotal	−1,250	−1,250	−1,250
Committee total	9,568	18,040	9,989
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National Defense	10,026	10,026	166
600 Income Security	30,434	18,139	18,139
700 Veterans Benefits and Services	162	3	3
Subtotal	40,622	28,168	18,308
Discretionary action (assumed legislation):			
600 Income Security	0	−100	−100
Subtotal	0	−100	−100
Committee total	40,622	28,068	18,208
HOUSE BANKING, FINANCE, AND URBAN AFFAIRS COMMITTEE			
Current level (enacted law):			
050 National Defense	5	5	5
150 International Affairs	0	−313	0
370 Commerce and Housing Credit	3,015	993	0
450 Community and Regional Development	225	161	0
500 Education, Training, Employment, and Social Services	0	−59	−32
550 Health	0	−1	0
600 Income Security	2,500	2,514	0
700 Veterans' Benefits and Services	0	−21	0
800 General Government	4	4	0
900 Net Interest	20	20	0
Subtotal	5,819	3,303	−32
Discretionary action (assumed legislation):			
370 Commerce and Housing Credit	−1,585	−1,091	0
450 Community and Regional Development	0	−14	0
600 Income Security	−497	−1,567	0
Subtotal	−2,082	−2,672	0
Committee total	3,737	631	−32
DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administation of Justice	11	11	11
Subtotal	11	11	11
Committee total	11	11	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, Training, Employment, and Social Services	12	11	4,431
600 Income Security	68	63	6,525
Subtotal	80	74	10,956
Discretionary action (assumed legislation):			
500 Education, Training, Employment, and Social Services	0	0	−100
600 Income Security	0	−300	−239
Subtotal	0	−300	0
Committee total	80	−226	10,617
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
270 Energy	14	14	0
370 Commerce and Housing Credit	33	33	0
400 Transportation	5	−7	0
550 Health	9	−1	24,013
600 Income Security	13,122	11,319	8,272
850 General Purpose Fiscal Assistance	7	6	7
Subtotal	13,189	11,364	32,292
Discretionary action (assumed legislation):			
270 Energy	−14	−14	0
550 Health	0	0	−80
Subtotal	−14	−14	−80
Committee total	13,175	11,350	32,212
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International Affairs	14,510	12,745	0
600 Income Security	697	254	254
800 General Government	2	2	0
Subtotal	15,209	13,001	254
Committee total	15,209	13,001	254
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General Government	4	4	0
850 General Purpose Fiscal Assistance	4,567	4,567	4,567
Subtotal	4,571	4,570	4,567
Committee total	4,571	4,570	4,567
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, Training, Employment, and Social Services	8	8	0
800 General Government	37	0	47
Subtotal	45	8	47
Committee total	45	8	47
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	264	−100	0
300 Natural Resources and Environment	123	91	11
450 Community and Regional Development	456	454	419
800 General Government	2	2	0
850 General Purpose Fiscal Assistance	706	706	137
Subtotal	1,551	1,153	567
Discretionary action (assumed legislation):			
600 Income Security	0	0	−8
800 General Government	173	141	315
950 Undistributed Offsetting Receipts	−4,000	−4,000	0
Subtotal	−3,827	−3,859	307
Committee total	−2,276	−2,706	874
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and Housing Credit	95	83	0
600 Income Security	16	4	4
750 Administration of Justice	100	51	124
800 General Government	301	301	301
Subtotal	512	440	429
Committee total	512	440	429
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural Resources and Environment	196	200	0
370 Commerce and Housing Credit	43	38	0
400 Transportation	189	−196	352
850 General Purpose Fiscal Assistance	7	7	0
Subtotal	435	49	352

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Discretionary action (assumed legislation):			
400 Transportation	−100	−100	0
Subtotal	−100	−100	0
Committee total	335	−51	352
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and Housing Credit	790	180	0
550 Health	0	−168	1,439
600 Income Security	41,620	23,842	23,842
800 General Government	11,618	11,618	0
Subtotal	54,028	35,472	25,281
Discretionary action (assumed legislation):			
550 Health	0	−800	0
920 Allowances	0	0	−145
Subtotal	0	−800	−145
Committee total	54,028	34,672	25,136
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	491	190	0
300 Natural Resources and Environment	63	56	0
400 Transportation	17,621	−2	54
450 Community and Regional Development	4	4	0
800 General Government	0	−5	0
Subtotal	18,179	244	54
Discretionary action (assumed legislation):			
400 Transportation	0	−200	0
Subtotal	0	−200	0
Committee total	18,179	44	54
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General Science, Space, and Technology	5	−102	0
270 Energy	120	115	0
Subtotal	125	13	0
Committee total	125	13	0
HOUSE SMALL BUSINESS COMMITTEE			
Current level (enacted law):			
370 Commerce and Housing Credit	507	369	0
Subtotal	507	369	0
Discretionary action (assumed legislation):			
370 Commerce and Housing Credit	−216	−216	0
450 Community and Regional Development	0	−129	0
Subtotal	−216	−345	0
Committee total	291	24	0
HOUSE VETERANS AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans Benefits and Services	1,502	1,266	16,618
Subtotal	1,502	1,266	16,618
Discretionary action (assumed legislation):			
700 Veterans Benefits and Services	0	0	45
Subtotal	0	0	45
Committee total	1,502	1,266	16,663

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, Training, Employment, and Social Services	1,005	0	3,250
570 Medicare	88,732	76,942	76,515
600 Income Security	26,742	21,757	41,164
650 Social Security	210,730	200,324	198,559
800 General Government	10	10	0
850 General Purpose Fiscal Assistance	323	323	323
900 Net Interest	201,240	201,240	201,240
Subtotal	528,782	500,596	521,051
Discretionary action (assumed legislation):			
570 Medicare	−842	−2,454	−2,454
800 General Government	−473	−473	0
Subtotal	−1,315	−2,927	−2,454
Committee total	527,467	497,669	518,597
UNASSIGNED			
Current level (enacted law):			
050 National Defense	−10,730	−10,730	0
150 International Affairs	−13,060	−13,060	0
270 Energy	−2,241	−2,241	0
300 Natural Resources and Environment	−2,725	−2,725	0
350 Agriculture	−94	−94	0
370 Commerce and Housing Credit	−65	−65	0
400 Transportation	−1,719	−1,719	0
450 Community and Regional Development	−322	−322	0
500 Education, Training, Employment, and Social Services	−38	−38	0
550 Health	−7	−7	0
570 Medicare	−26,150	−26,150	0
600 Income Security	−15,373	−15,373	0
650 Social Security	−4,009	−4,009	0
700 Veterans Benefits and Services	−611	−611	0
800 General Government	−17,339	−17,339	0
850 General Purpose Fiscal Assistance	−4,603	−4,603	0
900 Net Interest	−58,960	−58,960	−31,612
950 Undistributed Offsetting Receipts	−35,941	−35,941	0
Subtotal	−193,986	−193,986	−31,612
Unassigned total	−193,986	−193,986	−31,612
Total, current level	609,835	719,472	610,471
Total, discretionary action	459,865	248,128	−4,016
Grand total	1,069,700	967,600	606,455

Note.—Totals may not add because of rounding.

FISCAL YEAR 1985 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

House committee	Budget authority	Outlays	New entitlement authority
Appropriations	572,646	531,662	
Agriculture	15,620	24,188	
Armed Services	38,499	26,620	
Banking, Finance, and Urban Affairs	19,549	15,010	
District of Columbia	11	11	
Education and Labor	71	64	
Energy and Commerce	12,270	10,673	
Foreign Affairs	15,466	13,376	
Government Operations	4,573	4,573	
House Administration	44	8	
Interior and Insular Affairs	1,575	957	
Judiciary	570	477	
Merchant Marine and Fisheries	687	482	
Post Office and Civil Service	51,873	33,328	
Public Works and Transportation	17,661	755	
Science and Technology	138	37	
Small Business	485	378	
Veterans' Affairs	1,502	1,091	
Ways and Means	490,927	464,677	
Unassigned to Committee	−182,067	−182,067	
Total	1,062,100	946,300	

FISCAL YEAR 1985 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADDABBO (at the request of Mr. WRIGHT), for an uncertain period of time, on account of medical reasons.

Mr. PEPPER (at the request of Mr. WRIGHT), for September 4 and 5, on account of leading the House delegation to the Inter-Parliamentary Union.

Mr. BADHAM (at the request of Mr. MICHEL) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on September 9.

Mr. LUNGREN, for 60 minutes, on September 12.

Mr. ARMEY, for 60 minutes, on September 17.

(The following Members (at the request of Mr. ECKART of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, on September 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mr. BLILEY.

Mr. WHITEHURST.

Mr. GRADISON.

Mr. COURTER.

Mr. ROTH.

Ms. SNOWE.

Mr. GREEN.

Mr. BROOMFIELD.

Mr. CRANE.

(The following Members (at the request of Mr. ECKART of Ohio) and to include extraneous matter:)

Mr. ACKERMAN.
Mr. HOYER.
Mr. RAY.
Mr. LEHMAN of Florida.
Mr. SIKORSKI.
Mr. KANJORSKI in two instances.
Mr. JACOBS.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 811. An Act to clarify the treatment of mineral materials on public lands; to the Committee on Interior and Insular Affairs.

S. 816. An act to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest in the State of Nebraska, and for other purposes; to the Committees on Interior and Insular Affairs and Agriculture.

S. 1027. An act for the relief of Kenneth David Franklin; to the Committee on the Judiciary.

S.J. Res. 166. Joint resolution to appeal for the release of Dr. Yury Orlov and other Helsinki Final Act monitors; to the Committee on Foreign Affairs.

S.J. Res. 183. Joint resolution to provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. ECKART of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 1985, at 12 o'clock noon.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 99th Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. JIM CHAPMAN, First District, Texas.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1930. A letter from the Auditor, District of Columbia, transmitting a report entitled: "Revenue Report for June 1985," pursuant to the Public Law 93-198 section 455(d); to the Committee on the District of Columbia.

1931. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the addition of three countries to the Anti-Terrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

1932. A letter from the Chief Judge, U.S. Tax Court, transmitting the actuarial reports for the U.S. Tax Court judges' retirement and survivor annunity plans for 1984, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1933. A letter from the Deputy Assistant Secretary-Indain Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting reasons for failure to act prior to September 30, 1985, on recognition of petition of the Little Shell Tribe of Chippewa Indians of Montana, pursuant to Public Law 97-403, section 6(20)(B); to the Committee on Interior and Insular Affairs.

1934. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting a report entitled "An Evaluation of Commercial Repository Capacity for the Disposal of Defense High-Level Waste"; jointly, to the Committee on Armed Services, Interior and Insular Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEHMAN of Florida. Committee on Appropriations. H.R. 3244. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes (Rept. 99-256). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 6 to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries extended for a period ending not later than September 16, 1985.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORNAN of California:

H.R. 3240. A bill to deny farm program benefits to agricultural producers who participate in the illegal production of cannabis or other prohibited drug-producing plants on their farms; to the Committee on Agriculture.

By Mr. MONTGOMERY:

H.R. 3241. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit to employers who employ members of the Ready Reserve or of the National Guard; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. ROE, Mr. RODINO, Mr. RINALDO, Mr. FLORIO, Mr. TORRICELLI, Mr. DWYER of New Jersey, Mr. SMITH of New Jersey, Mr. HUGHES, and Mrs. ROUKEMA):

H.R. 3242. A bill to designate the U.S. Post Office Building in Moorestown, NJ, as the "Edwin B. Forsythe Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. COATS:

H.J. Res. 375. Joint resolution designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H.J. Res. 376. Joint resolution to designate the week beginning September 22, 1985, as "National Needlework Week"; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H. Res. 260. Resolution to call upon the President to negotiate with other parties to the General Agreement on Tariffs and Trade [GATT] to revise its rules so that agricultural export subsidies would be treated the same as tariffs and primary products the same as manufactured products; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to emergency flood insurance; to the Committee on Banking, Finance and Urban Affairs.

248. Also, memorial of the Legislature of the State of Louisiana, relative to the world oil refining industry; to the Committee on Energy and Commerce.

249. Also, memorial of the Legislature of the State of Louisiana, relative to Latin America; to the Committee on Foreign Affairs.

250. Also, memorial of the Legislature of the State of Louisiana, relative to the waterfowl season; to the Committee on Merchant Marine and Fisheries.

251. Also, memorial of the Legislature of the State of Louisiana, relative to flood control; to the Committee on Public Works and Transportation.

252. Also, memorial of the Legislature of the State of Louisiana, relative to the investment tax credit for the renovation of

historic properties; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOEHLERT introduced a bill (H.R. 3243) for the relief of John Brima Charles, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 126: Mr. WISE.

H.R. 386: Mr. MATSUI.

H.R. 469: Mr. DORNAN of California, Mr. SHUMWAY, and Mr. GINGRICH.

H.R. 556: Ms. SNOWE.

H.R. 930: Mr. GONZALEZ.

H.R. 988: Mrs. MEYERS of Kansas.

H.R. 1024: Mr. BEILENSON, Mr. WIRTH, and Mr. ACKERMAN.

H.R. 1031: Mr. SMITH of New Jersey.

H.R. 1032: Mr. SMITH of New Jersey.

H.R. 1427: Mr. ANDERSON and Mr. DENNY SMITH.

H.R. 1835: Mr. APPLEGATE, Mr. FEIGHAN, Mr. MACKAY, and Mr. SAVAGE.

H.R. 1980: Mr. WEISS.

H.R. 2185: Mr. FROST, Mr. ROBERTS, and Mr. TAUKE.

H.R. 2293: Mr. DELLUMS, Mr. SEIBERLING, Mr. GREGG, Mr. WIRTH, Mr. BROYHILL, Mr. COBLE, Mr. ROBERTS, Mr. STOKES, Mr. VALENTINE, Mr. SMITH of Florida, Mr. ATKINS, and Mr. MATSUI.

H.R. 2361: Mr. MINETA.

H.R. 2515: Mr. MOLLOHAN.

H.R. 2582: Mr. SMITH of Florida, Mr. MARTINEZ, Mr. MCCLOSKEY, Ms. KAPTUR, and Mr. LELAND.

H.R. 2631: Mr. STALLINGS, Mr. BRYANT, Mr. JEFFORDS, Mr. OLIN, Mr. SKELTON, Mr. WILSON, Mr. GINGRICH, Mr. REID, Mr. FOLEY, Mr. RICHARDSON, Mr. CHAPPIE, and Mr. FAZIO.

H.R. 2661: Mr. BEILENSON, Mr. HAYES, Mr. WEAVER, Mr. SAVAGE, and Mr. VENTO.

H.R. 2703: Mr. RITTER, Mr. AUCOIN, Mrs. SCHROEDER, and Mr. SYNAR.

H.R. 2863: Mrs. BOGGS.

H.R. 2864: Mr. RAHALL and Mr. BARNES.

H.R. 2951: Mr. LAFALCE, Mr. WATKINS, Mr. SMITH of Florida, Mr. HENRY, Mr. MITCHELL, Mrs. JOHNSON, Mr. STOKES, Mr. GRAY of Illinois, Mr. STAGGERS, Mr. STANGELAND, Mr. BARNES, Mr. SHUMWAY, Mr. HYDE, Mr. CROCKETT, and Mr. VENTO.

H.R. 2954: Mr. SUNIA, Mr. STRANG, and Mr. DANIEL.

H.R. 2969: Mr. SAXTON and Mr. MORRISON of Connecticut.

H.R. 3048: Mr. PEPPER, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. LAFALCE, Mrs. BOXER, Mr. RODINO, Mr. LELAND, Mr. BRUCE, Mr. MRAZEK, Mr. SCHEUER, Mr. TALLON, Ms. KAPTUR, Mr. STOKES, Mr. BERMAN, Mr. CONYERS, Mr. OBERSTAR, Mr. FAZIO, Mr. MORRISON of Connecticut, Mr. BONIOR of Michigan, Mr. MARTINEZ, Mr. BARNES, Mr. RANGEL, Mr. MATSUI, Mr. WILLIAMS, Mr. COLEMAN of Missouri, Mr. FOWLER, Mr. GEJDENSON, Mr. WIRTH, Mr. EDGAR, and Mr. SUNIA.

H.R. 3174: Mr. FISH.

H.R. 3212: Mr. REID.

H.J. Res. 1: Mr. DONNELLY, Mr. SCHUMER, Mr. RUSSO, Mr. DIXON, Mr. CAMPBELL, Mr. BEDELL, Mr. CHANDLER, Mr. BARNES, Mr. CROCKETT, Mr. BONKER, Mr. VALENTINE, Mr. LEHMAN of Florida, and Mr. RAHALL.

H.J. Res. 217: Mr. BROWN of Colorado.

H.J. Res. 313: Mr. COBEY, Mr. MONTGOMERY, Mr. HANSEN, Mr. HILLIS, Mr. DARDEN, Mr. AKAKA, Mr. VOLKMER, Mr. HUTTO, Mr. JENKINS, Mr. EVANS of Iowa, Mrs. BENTLEY, Mr. MOORHEAD, and Mr. RUDD.

H.J. Res. 365: Mr. DAUB, Mr. DE LA GARZA, Mr. MCDADE, Mr. FAZIO, Mr. NELSON of Florida, Mr. LENT, Mr. FRANK, Mr. NOWAK, Mr. ACKERMAN, Mr. HORTON, Mr. WHITTAKER, Mr. KINDNESS, Mr. TAUKE, Mr. SHUMWAY, Mr. SHARP, Mr. HAMILTON, Mr. REID, Mr. SCHEUER, Mr. WORTLEY, Mr. HENRY, Mr. CARPER, Mr. GORDON, Mr. GUARINI, Mr. MARKEY, and Mr. KASICH.

H. Con. Res. 36: Mr. SUNIA and Mr. GONZALEZ.

H. Con. Res. 136: Mr. SMITH of New Hampshire.

H. Con. Res. 169: Mr. MATSUI, Mr. SAVAGE, and Mr. MANTON.

H. Con. Res. 175: Mr. BORSKI, Mr. SAVAGE, and Mr. VENTO.

H. Res. 219: Mr. WEISS, Mr. REID, Mr. SYNAR, Mr. DYSON, Mr. GLICKMAN, Mr. SKELTON, Mr. CROCKETT, Mr. WILLIAMS, Ms. OAKAR, Mr. RIDGE, Mr. EDGAR, Mr. TALLON, Mr. YATRON, Mr. HOYER, Mr. BIAGGI, and Mr. APPLEGATE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

196. The SPEAKER presented a petition of the American Coalition of Citizens with Disabilities Inc., Washington, DC, relative to disabled persons; which was referred to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

A SYMBOL OF HOPE AND DETERMINATION

HON. ROBERT GARCIA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. GARCIA. Mr. Speaker, in today's New York Times, Alan Cowell discusses Nelson Mandela and his importance to South Africa's black community. Mr. Mandela is unyielding with his faith in his people and his cause. Mr. Mandela brings a sense of dignity and incredible strength to the struggle of South Africa's majority community to free itself from the bonds of apartheid.

I hope my colleagues find Mr. Cowell's article as inspiring as I did.

NELSON MANDELA

(By Alan Cowell)

JOHANNESBURG, September 4.—Percy Qoboza remembers the days fondly. One of them goes like this:

In the early 1960's the man was on the run from the police, and Mr. Qoboza, a young black reporter, was following the story.

"He would disappear and then turn up, somewhere, at a public telephone, and call in with a statement. Of course the police would trace the call, but by that time, he was long gone. We had our own pimpernel."

Mr. Qoboza is now a prominent newspaper editor. The man he was talking about is Nelson Mandela, the imprisoned leader of the African National Congress, whose days as the pimpernel ran out in August 1962, when he was arrested for sabotage because of his role in the militant wing of the congress. He has been in prison ever since and has become, through incarceration and steadfast defiance from within the prison walls, South Africa's leading black hero, the man, according to a recent newspaper survey, whom 90 percent of the nation's black people want unconditionally freed.

SYMBOLIZES BLACK DETERMINATION

"I think," Mr. Qoboza said in an interview today, "that he symbolizes black determination to be free."

The symbolism, from a black nationalist point of view, is evident. Pollsmoor prison, outside Cape Town, where Mr. Mandela is held, represents the system against which he rebels. His rebellion, from within, is the ambiguous emblem of defiance in a society where the rulers seem to call the shots.

The enigma, however, seems to be that, invisible and unheard, removed by white authority from black political activism. Mr. Mandela has captured the spirit and devotion not only of those who knew him at the time of his incarceration, but also of those who have, in the last year of upheaval, assumed the custodianship of black resistance—the teen-agers who were not yet born when he was jailed.

If Mr. Mandela, 67 years old, was released tomorrow, said Michael Morake, 18, in an interview in Soweto, Johannesburg's sprawling black satellite, "I will probably pass him by because I would not recognize him."

"But it is his ideas and commitment to the struggle that make even us youths regard him as our leader," he said.

REVOLUTION WILL SET HIM FREE

"Anyhow," he added, "I do not worry about not knowing what Mandela looks like right now, because the day has come closer where I will see him with my own eyes."

"If the system does not free him," he said, "the people's revolution will set him free. And that day is not far away."

Mr. Mandela is seen as an inspiration whose physical presence means less than his message and example.

"He is the symbol of our struggle," said Mzwakhe Kubheka, 19, a high school student. "To me he is like Jesus Christ."

"How many people would rather stay in jail than be free at the cost of their integrity," he said.

"For the struggle to go on," he said, "we do not need Mandela to be around. We, the youths, will do the job the way our leader would have wanted. And he knows that we are carrying on from where he left off 23 years ago."

Mr. Mandela was jailed and was supposed to become, thus, a nonperson, banished, initially to the harshness of Robben Island, off Cape Town. But the myth was stronger than the prison walls and it grew across the generations.

SON OF TEMBU CHIEF

There were other heroes, but many have been detailed or otherwise neutralized. Mr. Mandela filled the emptiness at the heart of blacks yearning for leadership.

Who, then, is he?

Mr. Mandela was born in 1918, the eldest son of a chief of the Tembu people, inheriting a mantle of royal self-confidence that defied white relegation of blacks to second-class status. He studied law at South Africa's Fort Hare University, an academy whose alumni include Robert Mugabe, now Prime Minister of Zimbabwe.

As in Mr. Mugabe's case, the university seems to have honed political views. Mr. Mandela is said to have been expelled from it for organizing a student strike.

In Johannesburg, he and Oliver Tambo, now the exiled leader of the African National Congress, formed a law practice. In 1944 Mr. Mandela joined the congress, then far less demanding of white concessions than it is today, and played a leading role in its nonviolent campaigns against apartheid in the 1950's.

Those actions caused him to be detailed, along with 155 others, in 1957, in a four-year treason trial that ended, in 1961, with all the defendants being acquitted. That was the start of the pimpernel whose credentials were strengthened, Mr. Qoboza said, by the fact that Mr. Mandela never chose self-exile to secure comfortable dissent.

KILLINGS AT SHARPEVILLE

It was at this time, too, that a great change came over black resistance in South Africa. On March 21, 1960, the police shot dead 69 black protesters in Sharpeville, a black township south of Johannesburg, and, in the wake of the massacre, leaders such as Mr. Mandela decided to turn to violence.

Mr. Mandela was a central figure in the formation of Umkhonto we Sizwe—the Spear of the Nation—the military wing of the African National Congress, and he became its first commander. On one of his trips outside South Africa, he was said to have visited Algeria, to organize training bases, and to have undergone training. The name of Umkhonto we Sizwe is feted, still, in the songs that young blacks sing at the gravesides of slain township activists.

In August 1962 the authorities caught up with Mr. Mandela and, after the leadership of Umkhonto we Sizwe was rounded up, put him on trial for sabotage. His final address to the court that jailed him for life is burned into the soul of black resistance.

"There comes a time, as it came in my life," he said, "when a man is denied the right to live a normal life, when he can only live the life of an outlaw because the Government has so decreed to use the law to impose a state of outlawry upon him. I was driven to this situation, and I do not regret having taken the decisions that I did take."

THE CHOICE IS NOT OURS

Earlier, when Mr. Mandela launched violent resistance to white rule, a pamphlet was circulated by his organization saying: "The choice is not ours. It has been made by the nationalist Government which has rejected every peaceable demand by the people for rights and freedom."

At his trial, Mr. Mandela talked of "the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities."

"It is an ideal which I hope to live for and to achieve," he said. "But if need be, an ideal for which I am prepared to die."

Mr. Mandela is visited regularly only by his immediate family. This year, however, the authorities have permitted some outsiders to see him.

He is, said Lord Bethell, a British peer and member of the European Parliament, who saw Mr. Mandela in January, "a six-foot-tall, lean figure with silvering hair, an impeccable olive-green shirt and well-creased navy blue trousers."

"I am in good health," Mr. Mandela said at the time. "It is not true that I have cancer. It is not true that I have had a toe amputated. I get up at 3:30 A.M. every morning, do two hours of physical exercise, work up a good sweat. Then I read and study during the day.

A MEAN LEFT HOOK

The reference to exercise does not surprise Mr. Qoboza. If Mr. Mandela had not become a politican, he said, he would have become a great athlete. "When the world had not discovered jogging, he had," Mr. Qoboza said. "As an amateur boxer, he packed one of the meanest left hooks in the business."

Samuel Dash, Chief counsel to the Senate Watergate Committee and now a professor of law at Georgetown University, saw Mr. Mandela earlier this year and wrote, in The New York Times Magazine, that "he is a tall, slim, handsome man" who appears "vig-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.
Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

orous and healthy, with a calm, confident manner and dignified bearing that seemed incongruous in our prison surroundings."

"Indeed, throughout our meeting, I felt that I was in the presence not of a guerrilla fighter or racial ideologue, but of a head of state," Mr. Dash wrote.

Mr. Mandela, he said, lived in a cell measuring 25 by 40 feet, with access to the roof of the building.

President P. W. Botha has sought to depict the African National Congress, and Mr. Mandela, as Communists. The Congress has long entertained an alliance with the South African Communist Party, but Mr. Tambo, its exiled leader, has denied that it is steered by Moscow.

I AM A SOCIALIST

In his interview with Lord Bethell, Mr. Mandela was quoted as saying: "Personally, I am a Socialist and I believe in a classless society. But I see no reason to belong to any political party at the moment."

Mr. Mandela confronts the authorities with a dilemma, one they have sought to resolve for almost a year in a kind of negotiation conducted through newspapers and public statements.

If he were to accept the authorities' terms for his release—that he renounce violence—then he would be discredited and thus neutralized. But, if he stays in prison, the authorities seem to acknowledge, his aura will grow, as will his stature as a rallying point for black resistance.

Last December, he was offered freedom if he went to live in the so-called homeland called the Transkei. He rejected the offer.

The offer was not publicized, but, in January, after Lord Bethell saw Mr. Mandela, the authorities publicly offered to release him if he gave them an undertaking that he would renounce violence as a means of achieving political goals. That offer, too, was spurned.

His reply, in the strange dialogue between captor and captive, was transmitted by his daughter at a rally in Soweto. "My father says I cannot and will not give any undertaking at a time when I, and you the people, are not free," she said. "Your freedom and mine cannot be separated."

WIFE IS UNDER RESTRICTIONS

Mr. Mandela's messages are often transmitted by family members who see him in prison. His wife, Winnie, is a "banned" person in South Africa, banished to a remote corner of the Orange Free State, forbidden from being quoted in the South African press.

Their relationship is seen by many blacks as a symbol of resistance since both, in their different ways, are damaged by white authority, but both refuse to be cowed.

From the authorities' viewpoint, Mr. Mandela's incarceration presents special problems. While visitors say he is in vigorous health, his death in prison would cause a massive black outcry. To release him might, officials said, strip him of some glamour. But to release him without conditions might be seen by whites as a sign of weakness and, moreover, might result in the unleashing of unpredictable forces.

In the latest statement that he has transmitted through Mrs. Mandela, Mr. Mandela has said the only thing left to the Afrikaner white elite is to discuss a handing over of power to the black majority. But he seems to have left open the door to negotiation.

"If the Government abandons apartheid," Mrs. Mandela said after visiting her husband, "lifts the ban on the A.N.C., releases all political prisoners and allows the exiles to return, then Nelson and other A.N.C. leaders would be prepared to sit down and talk."

What inspires the myth of Mr. Mandela seems to be his refusal to compromise.

"All his life has been dedicated to the struggle," Mr. Qoboza said, "and I bet that the first thing he would do if he was released would be to organize a rally in Soweto and re-dedicate himself to the struggle."

In his interview with Lord Bethell, Mr. Mandela said much the same thing: "If I was released, I would never obey any restriction. If they confined me, for instance, to the Cape area, I would break the order and walk to my home in Soweto to be with my wife and daughter."

SPECIAL PROGRAM GOES TO THE HEART OF DISEASE PREVENTION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. KANJORSKI. Mr. Speaker, I am pleased to bring to your attention a recently completed program in the 11th District of Pennsylvania to help combat our Nation's No. 1 killer—heart disease. Pennsylvania's Wyoming Valley has a 3.7-percent higher death rate than the national average, so this program was of special interest to our area.

During an 8-week intervention period, the OK Heart Program distributed almost 100,000 publications and brochures as part of a massive education program to let people know how to avoid heart disease through changes in diet and exercize, and what to do in case of a heart attack.

The first phase of this program was a scientific survey of almost 22,000 area residents, which revealed that almost half of the survey group was at a high or medium risk of heart disease. The highest-risk group, representing 707 individuals, received by mail a special confidential advisory from Dr. Edward B. Diethrich, medical director of the Arizona Heart Institute and Dr. Patrick DeGennero of the Luzerne County Medical Society, encouraging these high-risk patients to see their physicians for further evaluation. Almost a thousand residents also took part in a special clinical screening program, to help identify individuals with heart-disease, or a high-risk of developing heart disease.

This project was funded and supported by 490 community groups and organizations who contributed products, services, or money. Many participated in test distribution, and other support services, while 26 groups made contributions of over $440,000.

The tremendous outpouring of assistance and cooperation that marked the OK Heart project shows how the people of the 11th District come together to care for each others' needs. As Dr. Diethrich pointed out in a recent newspaper article on the subject, this is a great point in the history of our community, and a valuable turning point in the lives of many in the Wyoming Valley.

Mr. Speaker, it is impossible to tell with certainty how many lives will be saved by this program. But if the OK Heart project saves just one life, or adds a single year of health and happiness, then the hard work and perseverence that went into this program has served its purpose.

IN SUPPORT OF THE NATIONAL AGRICULTURE COMMISSION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. RAY. Mr. Speaker, the House Agriculture Committee recently adopted the Glickman amendment as part of the 1985 farm bill. This amendment would establish a National Commission on Agricultural Policy to review and examine the current farm situation in this country and make recommendations for consistent, long-term farm policy. The Commission would be patterned after a working group which Governor Carlin established in Kansas.

This is an idea which I have advocated many times in speeches before this House. In fact, I introduced House Concurrent Resolution 131 urging that a National Agricultural Commission be established, and 91 of my colleagues have joined me in cosponsoring this resolution.

I am genuinely concerned that American agriculture as we know it is rapidly deteriorating and the vigorous farm economy that we once enjoyed is disappearing. To handle this growing crisis, I believe that a united effort is needed. Agricultural experts from around the country should be called together to address the long-range concerns of the American agricultural industry.

Therefore, Mr. Speaker, I support this proposal for a National Agriculture Commission and urge my colleagues to support it, too.

COMMON SENSE FROM A COUNTRY BANKER

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. MARLENEE. Mr. Speaker, the farm income crisis has caused a farm credit crisis, and despite the recent lack of national media attention, neither the farm income nor the farm credit crisis have disappeared.

In fact, the problems surrounding agriculture are as serious and tragic as ever before. Never have American agriculture producers faced such a challenge as they do now.

The same problems pose threats to the farm credit system. I offer to my colleagues the following article by a banker from Scobey, MT. He sheds some light on certain

farm credit aspects, and shatters other farm credit myths.

Reprinted here is part one of the article. The rest of the story will be reprinted next week, as the House Agriculture Committee settles its conflicts on the 1985 farm bill.

For the edification of my colleagues, here is part one of "A Country Banker Tells How It Is."

A COUNTRY BANKER TELLS HOW IT IS

During the recent ag task force of Congressman Marlenee and federal agency loan heads, John Witte, a country banker, took time out from his daily affairs to travel around with the group, attending the meetings, to get perspective on the agricultural problems around Montana.

The following also is his prepared message to them, collectively. It should be of considerable interest to readers in this area as well as elsewhere:

I have been in agricultural banking for 35 years, and at the present time I am president and Chief Executive Officer of the Citizens State Bank in Scobey and the Traders State Bank in Poplar.

Last year the current governor of this great state declared quite a few of the counties as fire hazard counties, but took Daniels and Roosevelt County off his list because you couldn't start a fire with a flame thrower. What the drought didn't get, the hoppers did.

I charged off more loans last year than I have in the whole 25 previous years in management and ownership.

Our cattle numbers are now down to about 10 percent of normal, and those numbers will shrink more by this fall. The cow man will sell his cattle on a depressed market. I think the average yield on wheat will be about 10 bushels per acre over the past seven years, compared to 25-30 bushels in a year of normal rainfall.

Our farmers are selling the little they have for less than they did forty years ago—not even taking into account the additional ravages of inflation.

In that same period, the price of diesel fuel has gone from a dime to a dollar per gallon, and everything else the farmer and rancher buys has gone up accordingly.

There is an old definition of banking that is as true today in the country banks as it was one hundered years ago: "The purpose of a bank is to gather in the surplus funds of a community, to safeguard and protect them for its customers; to loan them out into the community to help the community grow and prosper, and to make a profit for its stockholders."

We are now sitting in the middle of a fight for survival for rural America . . . not only for the banks, but for the farmers and ranchers and all of the things they support: The main streets, the schools, the hospitals, the local, county, state and federal governments, and on and on.

"It has been accurately stated that before the cities and towns there were farmers and ranchers. When the farmers and ranchers are gone, so will the cities and towns".

But what will happen when American agriculture goes broke? It is rapidly headed in that direction.

To keep up with our demands, farmers and ranchers have borrowed . . . and have also poured many hundreds of thousands of their own dollars back into their operations to make them more productive.

As productivity increases, fewer farmers and ranchers are needed to provide food for the nation, as many young people are no longer staying on the farms . . .

And in years of prolonged drought, the "independent" farmer finds his family gone, his equity gone, his bank closed, and the folks he has been feeding have turned their backs, so that now for him, "independence" means "alone".

I go back to one of my previous questions and one of our problems in today's agriculture. What will happen to the food on the industrial worker's table when the American farmer and rancher go broke?

It is easy to criticize, but if we were not suffering this prolonged drought I wouldn't be here . . . but what is the Answer?

The PCA'S have played an important part in the agricultural economy. They have been good honest competitors, good lenders, and as far as I am concerned, they've done an admirable job. The PCA borrowers now are coming to us.

Good ag lending executives are hard to find and develop and in today's world I think that anybody who wants to get into it should see a psychiatrist.

We have dedicated people in the banks and PCA'S, and I think we know agricultural lending, but we need some help.

Let me review for you my experience over the past 25 years with the FmHA.

It was not created, as often referred to, as the lender of last resort and the bail out for the banks and PCA'S.

It was created to help the young beginning farmer, and the struggling farmer who needed more close supervision and help, and lower interest rates than the country banks and PCA's could afford to give.

In three specific instances in my lifetime, in visiting with the FHA supervisor, I told him about some of my problems. We reviewed the loans and he took the loans over.

Two or three years later after his close supervision he came back and said "John, they're too good for me, take them back". I did, and twenty years later, I still have them.

The FHA got involved in low interest housing, when we already had the Federal Housing Administration and Veterans Administration.

They also got involved in business and industrial loans when we already had the SBA with qualified people. Then there was another change in the thinking of FmHA and to my mind a disastrous change.

It was a change, similar in line to what my argument is today, "the preservation of rural America"—but it went too far. The FmHA did take some of the banks and PCA problem loans, but did more harm than good.

Again in my case, I know of three different borrowers that I was tired of fighting with, and I told them I would not finance them any more . . . that the best thing they could do was sell out before they went broke. They still had good equities.

Rather than listen to me, and I'm not God, none of us are, they went to FmHA and wound up with new equipment, new pickups, and 3 and 4 mortgages on their land.

Today they are flat broke, and the Federal government has taken a big loss. Not all of rural America can be saved and some of them are not entitled to be saved.

But, gentlemen, there are still a lot of good, honest, hard-working people out there. Still keeping their old equipment in good shape, driving old pickups and cars, and hoping and praying that the rains will come, the grasshoppers will die, and they will eventually get a decent price for their product.

These are the people who are going to pay income taxes, personal property taxes, real estate taxes . . . who are going to keep the hospitals, schools, and main streets of our rural towns open.

LAURENZO'S ITALIAN CENTER: NORTH DADE INSTITUTION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. LEHMAN of Florida. Mr. Speaker, at a time when most Americans do business almost daily with big, impersonal multinational corporations, family-run business is alive and well in north Dade County. The best example is the Laurenzo family and Laurenzo's Italian Center in North Miami Beach.

Before I was elected to Congress, our family automobile dealership was right next door to the Laurenzo family grocery and restaurant. We sold many cars to customers over a cappuccino at Laurenzo's. Since that time, the Laurenzo family business expanded and grew. Typically, they shared their success with the entire community.

Laurenzo's means smiles, good will and, to me and my family, a long-time friendship. Not many can combine joy with economic success, but the Laurenzos have done it. The Miami Herald recently ran an article on this remarkable family, and I would like to share it with my colleagues.

To my friends, the Laurenzos, "Buona Fortuna" and congratulations for a job well done.

A FEAST OF FOOD AND FRIENDSHIP

(By John Sherwood)

Abe Rosenbaum has been there almost every day, seven days a week, for the past 12 years, patiently waiting outside for Laurenzo's "Italian Center" to open at 7 a.m. He is there for more than the coffee and rolls hot from the bakery.

"Abe is one of the family. If he doesn't show up, we worry about him and call," says head chef and baker Ralph Perrotta, a highly regarded member of Laurenzo's "family of workers," which can number as high as 120.

There since 5:30 a.m., Perrotta has started the Laurenzo food gears moving by lighting four huge revolving ovens, 12 feet high, that can bake 600 loaves of bread at a time. He also begins supervising the massive fresh and frozen food preparation that pours out of the kitchen, enough to feed 500 people a day in the cafeteria-style cafe in the center of the store.

Perrotta is the first to greet Rosenbaum, 75, who always sits in the cafe under the fake grape arbor at the same table, same chair, facing the steam table. "If I can't make it for the daily opening," Rosenbaum says, "I worry about them worrying about me and I call. I shop here, too, because everything is so fresh and it's nice and quiet early in the morning, which is not true of the afternoon. I come for the employees, too. I come because they make me feel like family."

This feeling of a close community and personalized service pervades the 25,000-square-foot, one-story building at 164th Street and West Dixie Highway, which has become an institution in North Miami Beach. The prevailing mood here is inspired by a long line of cookaholic Italian women who, traditionally and lovingly, have worked at Laurenzo's and slaved away in kitchens at home, celebrating their talents to a pots-and-pans chorus of: Eat! Eat! Eat!

"Our 50-seat cafe evolved from one table and some chairs that we assembled for husbands who waited while their wives shopped," says Ben Laurenzo, 56, who opened the store 21 years ago. His parents had retired to Florida from upstate New York and the rest of the family soon followed. Over the years, many of them have worked at the market including his late mother, Esther; his wife, Millie; and his brother, Achilles, called "Kelly" by the family.

"The cafe just grew and expanded from serving Danish and coffee to serving wine, beer, sandwiches and then hot plates," Laurenzo said. "Now, we have a full line of Italian dishes. Part of the chalkboard menu changes every day, but there are some items like lasagna—cooked by our Antoinette Michicichi for the past 13 years—that we would dare not go without. We have people who come here for breakfast Danish, lunch *and* dinner.

As plain and drab as Laurenzo's looks from the outside, inside it has all the frantic warmth, heady aroma and Old World fresh food offerings of an Italian street festival in an urban Little Italy. Those enamored of specialty foods, who like to be addressed by name, are at home here and many come weekly from other parts of South Florida to eat, shop and fill their coolers.

But a warning is in order: Do not go into Laurenzo's on an empty stomach, or with too much money in your pocket, because there is no turning back. Self-discipline is the key, but surrender usually is the fate.

Fill up your stomach before your food cart by heading immediately to the cafe. A bit tacky it may be, with all the boffo plastic festoonery of fruit dangling overhead, but the food is served in such large portions that two people often are seen sharing one less-than-$4 entree. They feed football players here, as well: ex-Dolphin Jimmy Cefalo, current Dolphins Kim Bokamper, Mike Kozlowski, Bob Baumhower, and equipment manager Bob Monica among others.

At the entrance, onlookers immediately are drawn to an open, fresh pasta assembly line, where eggs delivered fresh three times a week are broken by the tens of dozens, mixed with flour and then placed into a machine where other ingredients are added and pasta comes oozing out in ordered shapes and sizes. Trays full of 15 kinds of fresh pasta are on display near the machine. Opposite, Italian dishes cooked in the kitchen are stacked in tall frozen food cases, packed under the "Laurenzo" label in a staggering array.

As the shopping cart quickly fills, watch out for the next stop, the enticing realm of the bakery, where you are presented with still more judgments to make. Just try to pass up the dozens of hot, crusty loaves of bread and rolls that seem to roll out every hour, along with all sorts of tarts, cakes, pies, puffs and other pastries.

The first food trail dead-ends at the bakery, and a hard right leads to the next pungent aroma identifying the deli, managed by Barbara Lee. Here, one is further bewitched, bewildered and bamboozled by the choices of meats, salads and a hundred kinds of domestic and imported cheeses—four of which are freshly grated three times a day.

The meat counter is next, the first in the long line of refrigerated cases, where they sell three tons of veal a week, three kinds of Italian sausage that are stuffed on the premises, and the regular run of chops, steaks, ribs and standing roasts. Opposite the meat cases are freshly packaged meats for those who prefer not to wait with their take-a-number in hand for the personalized service.

The next stop, at the far end of the building, is the seafood department. It is managed by Robert Laurenzo, 22, son of founder Ben; brother of store manager David, 32; of Carol, 30, who works in the office; and of Danielle, who can handle a cash register at the age of 11.

Robert, always wearing rubber boots because of his damp surroundings, picks up his own seafood about 6 a.m. at Pompano Beach wholesale fish markets. He often has 20 kinds of fish laid out on ice, as well as other delicacies such as fresh conch, sardine, octopus and squid. Cod from New England is one of his best sellers.

Behind these counters, the real action is hidden backstage, where the churning of the food mills is heard almost until closing time at 7:30. This is where the Laurenzo style of "food from scratch" begins its long procession from the blasting heat of the bakery/kitchen, where flour-powered bakers punch, pull and prod, to the arctic climate of the meat rooms, where the bloody-aproned butchers chop, cut and grind.

The middle of this bustling market is filled with shelves of canned, jarred and packaged speciality foods, most of it imported, along with a surprisingly well-stocked selection of wine, also managed by David. Add to this such delicacies as whole frozen heads of lamb, sun dried tomatoes from Italy packed in "extra-virgin olive oil" and even Italian toothpaste.

Heads of lamb, you say? Perrotta, relaxing in the cafe the other day with a glass of white wine, is used to handling special requests because this is the sort of place where one goes for the difficult. Two young men came in needing a 90-pound pig, roasted whole "with the head and all," they said, a bit puzzled.

"That's no problem," said the boss chef in a soft and sweet Italian accent. He has baked as many as 300 turkeys here for Thanksgiving. "I marinate it overnight with spices and seasonings, stuff it with sausage, and cook it for six hours," he explained with a toss of his hand, as if he were talking about grilling a burger." Then you come and take it away and eat it, OK?"

Fast running out of room, Laurenzo's has expanded into a fresh vegetables market across from its parking lot. And in the back of the Italian Center, the family has put up a two-story, Mediterranean-style building that houses a fancy, newly opened Italian restaurant, the 125-seat Cotillion, with an Italian chef from New York, Ernesto Novero.

They also have expanded their catering operation. And every Wednesday evening, they feature ballroom dancing in their 9,000-square-foot ballroom above the restaurant.

Perrotta dreams of the day when Laurenzo's adds a floor for a massive pasta assembly line that would turn out pasta for all of Florida and beyond.

"It can be done," says David, the ambitious store manager. "It can be done."

COX CABLE TIDEWATER, INC.

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. WHITEHURST. Mr. Speaker, in April of this year, the Governor of Virginia, the Honorable Charles S. Robb, presented a Certificate of Recognition to Cox Cable Tidewater for their community service programming. Mr. Irvine B. Hill, director of communications for Cox Cable Tidewater, has provided me with a summary of their public service activities during the past year, and I am pleased to share this information with my colleagues at this point in the RECORD, and to add my own commendations to those expressed by our Governor.

Besides the achievements listed by Mr. Hill, Cox Cable Tidewater has also aired the first of what will be a series of programs to acquaint the citizens of our area with the growth and development of the Virginia Zoological Park in Norfolk, and individual members of the Cox family have actively participated on a personal basis in many of the community projects.

Mr. Hill and Cox Cable Tidewater are indeed to be commended for their continuing active involvement in improving the quality of life in the Hampton Roads area of Virginia.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, April 10, 1985.

Mr. IRVINE B. HILL,
Unit Manager and Director of Communications, Cox Cable Tidewater, Inc., Norfolk, VA.

DEAR MR. HILL: On behalf of Governor Robb, I would like to thank you and your staff for your continued efforts to provide quality public service programming to your viewers in Tidewater, Virginia. In addition to providing valuable public services to your viewers, your efforts have helped support the Governor's initiatives and objectives to improve the quality of life for all Virginians.

In recognition of these outstanding achievements, the Governor is pleased to present Cox Cable Tidewater with the enclosed Certificate of Recognition. Cox Cable has provided an invaluable service to its viewers and all Virginians, and your efforts are to be commended. We are looking forward to more fine public service programming in the future.

Thank you again and congratulations.

Cordially,

BETTY J. DIENER.

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized: Cox Cable Tidewater, Inc.

Whereas, Cox Cable Tidewater, Inc. has been active in providing its viewers with high quality consumer-oriented public affairs programming which provides valuable information on important economic, environmental and social issues; and

Whereas, this programming has offered valuable support and assistance to the goals and objectives of this Administration for improving the quality of life in Virginia; and

Whereas, the outstanding contributions of Cox Cable Tidewater, Inc. are worthy of the attention of all Virginians;

Now, therefore, I Charles S. Robb, Governor, do hereby recognize Cox Cable Tidewater, Inc., and I salute their continuing efforts to provide the citizens of Tidewater Virginia with such high quality community service programming.

CHARLES S. ROBB,
Governor.

MARCH 1985—WCOX IN REVIEW

Over the past twelve months, Cox Cable Tidewater has continued to exert itself in the role of a dynamic and highly respected corporate citizen in the South Hampton Roads community. Again WCOXTV-11 can properly accept much of the credit for successfully positioning and maintaining this positive corporate profile through our affirmative approach to the needs, problems and issues of the communities we serve.

During the past year, WCOXTV-11 has sustained this positive thrust for the company through maintaining a quality reputation of providing unique issue and people-oriented community programming. Our affirmative action approach has, most recently, taken the form of a "swamping strategy" in an effort to step-up our already heavy community involvement, as well as counter some unfortunate negative publicity of which Cox has been the victim of late.

As a brief overview, Cox Cable Tidewater through the operations of WCOXTV-11, has achieved the following community-programming successes:

Cultural.—Any cable company who is seriously seeking to establish itself as an involved and interested corporate neighbor must first actively seek out and produce programming which touches the cultural needs and interests of a community. In addition to the 60-minute special program WCOX produced on the Virginia Opera Association last June, Cox Cable Tidewater has been active on two other cultural fronts in recent months:

(1) *The ODU Dance Company.*—Just prior to the Christmas Season last December, Cox CAble Tidewater produced a special 30-minute program on the ODU Dance Company and their up-coming ballet presentation of "The Nutcracker Suite".

(2) *The Chrysler Museum.*—Cox Cable Tidewater has found it to be very advantageous to regularly tap the individuals and resources connected with the Chrysler Museum. Since last October, there have appeared on WCOXTV-11 special programs on Walter P. Chrysler, the benefactor of the Museum, and his recently deceased wife, Jean Outland Chrysler, who was a mover and influential member of the Tidewater Community as well as founder of their renowned Chrysler Museum Library.

In addition to being actively aware and involved in the community's cultural and artistic interests, Cox Cable has also found that providing programming which celebrates the religious and spiritual life of the community is equally important. With this in mind, WCOXTV-11 highlights each traditional religious season with an appropriate program such as the special "Christmas Pageant" taped and shown of The Church of the Good Shepherd, and the Easter Program we are presently working on with Monumental Methodist Church in Portsmouth.

Educational.—As part of Cox Cable Tidewater's sincere desire to present programming that touches the community in a variety of areas, education and citizen awareness programs are a major part of our programming fare on WCOXTV-11. Some of the most successful and effective use of local programming can be attributed to our efforts in this category.

(1) "Saving America's Bay" was a 30-minute educational documentary, completed last January in cooperation with the prestigious Virginia Institute of Marine Sciences, which dealt with the ongoing efforts to identify and solve the major ecological problems presently threatening the life of the Chesapeake Bay.

(2) "Consumer Guideposts" represents the most indepth consumer programming commitment by any cable system in the country. For the past year our ongoing involvement in consumer affairs programming has been massive. By working in close cooperation with the state and local offices of consumer affairs, Cox Cable has produced eighteen 30-minute programs focusing on a variety of consumer-oriented topics. For our efforts to date, we have been recognized by the Honorable Virginia Knauer, Special Assistant to President Reagan for Consumer Affairs.

(3) The Lynn Fischer health show is a limited series of 10 programs wherein various health topics were discussed with physicians, and health experts. Lynn Fischer, local personality and an expert on health issues in her own right, co-produces the series and helps to direct the discussion.

Cox Cable Tidewater is especially proud of our commitment and involvement in the area of educational and instructional programming. In this category, we are excited to point out that the above educational programming efforts have been nominated as a 1985 NCTA ACE Award candidates.

Minority Affairs.—Certainly any successful attempt at maintaining a balanced local-programming effort must include serious projects concerning minority affairs. In this realm Cox Cable Tidewater has consistently gotten high marks. Recent samples of such programming are:

(1) *Urban league of Tidewater.*—"Building Bridges", a half-hour overview of this socially-conscious organization was produced last November and received a tremendous as well as enthusiastic area reception. The object of the program was to raise the viewer's awareness while de-mystifying the role of the Urban League in the community.

(2) *NAACP.*—The NAACP is an important organization to be associated with in any successful effort toward total community involvement. Last October WCOXTV-11 covered the annual meeting and membership dinner held in Norfork. Cox Cable produced this special program and aired it over Channel 11 as a "Community Special". We presently are working on the ground-work to produce a special documentary on the organization schedule to air in the late summer of 1985.

(3) *The Philippino Community.*—WCOXTV-11 has aired the semi-annual Philippino festivals for the past three years. The special ethnic segment of our community has established itself as an asset to the Tidewater community. In 1983, Roger M. Pierce was recognized by the Philippino Ambassador for Cox Cable Tidewater's involvement in producing this series of special programs.

Public Affairs.—Last, but by no means the least, of the affirmative community programming efforts pursued by Cox Cable Tidewater, centers on our commitment to produce programs dealing with local issues and public affairs. This block of programming which regularly airs on WCOXTV-11 makes up a large bulk of the positive thrust which is or goal. Some of the recent special programs for which Cox Cable has received much positive recognition are programs for and about The United Way, The Sanctuary, (an area home for young and unwed mothers): American Heart Association, Crime-Solvers and Crime Line, Catholic Family Services, Tidewater Council on Alcoholism, The Joy Fund, (a local charity organization benefiting less-fortunate children at Christmas time); "The Tidewater Clean Community Commissions, and last, but not least, our much heralded series highlighting the Great Citizens of Tidewater, to name but a few.

All of the above mentioned locally-produced programs are merely a sample of the work generated by the WCOXTV-11 staff and crew in the past twelve months. This is simply the foundation upon which Cox Cable Tidewater builds its credibility in the community and much more, can be, and is, being done on an ongoing basis. In conclusion, Cox Cable Tidewater is committed to total community involvement. The on-going accomplishment of WCOXTV-11 help to build, maintain and support that goal. As our theme, accurately describes, we are the "station that touches Tidewater", and through these sincere and consistent efforts Cox Cable Tidewater can seriously realize their position as a concerned, involved and highly respected member of the Tidewater community.

Respectfully submitted,

IRVINE B. HILL,
Director of Communications.

PLAN FOR A REPUBLICAN WAR ON POVERTY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. GINGRICH. Mr. Speaker, Frank Gregorsky has outlined some major steps in the right direction for an effective struggle to end poverty. Every Member of the Congress should take note of it.

[From the Washington Post, Sept. 2, 1985]

A PLAN FOR A REPUBLICAN WAR ON POVERTY

(By Frank Gregorsky)

Item: On June 3, a study by the Children's Defense Fund sketched a crisis for black children. The CDF called for more jobs for teens, more subsidized housing, and more birth-control clinics. A CDF staffer priced the desired agenda at $14 billion.

Item: Last week the Commerce Department confirmed the sharpest one-year drop in poverty in 16 years. It was tied to last year's 6.8 percent surge in real GNP growth, which was induced by tax reduction rather than by make-work or social welfare programs.

Is the glass half empty or half full? Those taking the half-full view could cite additional indicators: infant mortality rates below their 1980 levels; stepped-up collections of child support from delinquent fathers; one

of every five new jobs since 1982 going to a black person.

Then again, some of what the CDF said should shake us up: "Only 67% of America's black children have an employed parent, compared to 86% of white children . . . In 1982, over 55% of all births to black women were out of wedlock . . . Among black women under age 20 the proportion was 86% . . . Eight out of every 10 white children live in two-parent families; only 4 out of 10 black children do . . . Black children are . . . four times as likely to be murdered . . ."

High GNP growth will not be enough. To judge from new data on the ineffectiveness of much welfare spending, neither will ambitious federal programs. What we will have is an irresistible force—economic growth—eventually meeting an immovable object—hard-core poverty, and a culture of dependency that Franklin Roosevelt called "a narcotic, a subtle destroyer of the human spirit."

When it comes to poverty, conservatives and administration supporters say the glass is half full, while CDF and its liberal allies blame the president for a glass half empty. What should be discussed is whose agenda is more likely to fill the glass.

The glass could be filled by an agenda that promotes individual enterprise, public safety and traditional values. Indeed, 20 years after the launching of the Great Society, it is surprisingly easy to envision a Republican war on poverty. It might consist of:

Tax Relief: The president's tax-simplification package would drastically reduce the federal tax burden on the under-$15,000 group. For helping low-income working families, it was the only tax plan to earn a perfect rating from the House Select Committee on Children, Youth and Families. It helps to make work more rewarding than welfare.

Enterprise Zones: Owning a small business is one of the greatest work incentives and family-strengtheners in history. Enterprise zones have twice passed the Senate and even won Walter Mondale's blessing. But the House blocks them.

Job Training: The administration, with the Job Training Partnership Act, replaced leaf-raking with skill-making. Over half the trainees find permanent jobs in the private sector. This approach can be expected: Bob Woodson of the National Center for Neighborhood Enterprise suggests making relief payments available in lump sums for training programs or as risk capital for starting a business.

Youth Opportunity Wage: Willing workers age 16-21 should not be subject to regular minimum-wage laws when looking for temporary summer jobs. The National Conference of Black Mayors agrees, recognizing that the chance to begin learning the skills and attitudes of job-holding means more in the early period than how much one gets paid.

Public Housing: The most responsible tenants should get to manage the properties, with the chance to buy them over time. In experimental cases, drugs, vandalism and vacancies have dropped sharply. Look to England: Margaret Thatcher's Tories have a housing strategy that has created anti-property tax and pro-free market political support among lower-income, former Laborite voters.

Stopping Crime: Serious crime was falling even before the effects of the anti-crime legislation pushed through Congress in 1984 were felt. But it will always be worst in poor neighborhoods. No group that speaks out "for the poor" is too credible if it lacks a plan to further cut crime rates. Yet how many Republicans think to market their tough stance on crime as real concern for poor America?

There would be universal support for a crackdown on violent juveniles. Their offenses at present do not count toward a "police record." That means hardened criminals don't technically start their hardening until age 18. But stiff sentences early prevent crimes later. This is called "targeted sentencing," and innocent poor children would be alive today if there were more of it.

When it comes to welfare-state approaches to poverty, the liberals are intellectually bankrupt. The government is just plain bankrupt. Fighting poverty these days means accommodating both fiscal reality and human nature. The new poverty numbers should be the foundation from which Republicans innovate—using approaches they already happen to be comfortable with.

LATIN AMERICAN DEBT CRISIS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. GARCIA. Mr. Speaker, today's New York Times had an insightful article by Mexican writer, Carlos Fuentes. He has succinctly identified the real crisis in Latin America today. I submit Mr. Fuentes article for my colleague's perusal.

The article follows:

THE REAL LATIN THREAT

(By Carlos Fuentes)

The United States should be concentrating its attention on the Latin American debt crisis, not on the arming of contras against Nicaragua. The price riots in the Dominican Republic, the invasion of supermarkets in Rio de Janeiro,, and the waves of strikes everywhere in Latin America poses a far greater threat to United States security than do the politics of three million Nicaraguans.

Over the past 40 years, Latin America has managed to expand economically and extend certain limited benefits of health, housing and education to its people. The present crisis endangers even those modest gains and puts the future of modern Latin America at risk.

Per-capita production fell by nine percent last year, bringing us back to the level of 1977—eight years wiped out in one! Prices rose by 163 percent in 1984. The region's foreign debt is more than $350 billion, yet our export earnings have decreased to $95 billion a year. Latin America is scheduled to pay more than $45 billion in annual interest. That means that we have become a net exporter of capital to industrialized nations exactly at the moment when we need capital most. It also means there is very little capital left for economic development, and even less for basic social programs.

Meanwhile, the middle classes are restlessly undergoing a revolution of lost expectations. The rural areas are growing increasingly poorer as prices for agricultural products decline. Foreign trade continues its downhill ride. Exports from the third world to the industrialized world declined by $42 billion last year. The disruption of trade also hits the industrialized world. United States exports to Latin America fell from $38 billion in 1981 to $20 billion in 1983. This cost the United States economy 300,000 jobs.

Clearly, not only the United States, but also the whole world, and certainly Latin America, face what the economist Eliot Janeway has called "a financial Pearl Harbor." The millions of urban marginals in Latin America's great cities are depoliticized, with nothing to lose, festering in the ciudades perdidas, the lost cities, preparing their assault on the citadels of wealth and privilege.

Latin America could explode with almost medieval resonance. Bereft of political structure, movements would be quickly coopted by messianic demagogues who would seek to exploit our traditions of religion and violence. These traditions are ingrained in the culture of Latin America. They do not have to be taught. And in the end, present trends, if unchecked, will strengthen another Latin American tradition—the authoritarian use of power. Our political institutions run the gravest risk of being wiped out.

We should be listening to men like Mayor Andrew Young of Atlanta, Felix G. Rohatyn of New York, Pedro-Pablo Kuczynski of Peru and Lord Lever of Britain when they argue for a new Bretton Woods—a new set of monetary and trade arrangements that, instead of perpetually rescheduling debt, would seek to change the nature of that debt. In Lord Lever's proposal, this would be done by deferring current interest for the sake of future profit through new zero-interest securities which would transform short-term debt into medium- and long-term instruments to finance productive investment.

We should also be listening to the voices of two men from opposing ends of the political spectrum: Henry A. Kissinger and Fidel Castro. We must listen to Mr. Kissinger when he warns that the Latin democracies might not survive "in the face of dramatically falling standards of living that appear to be imposed from the outside." We must listen to Mr. Castro when he warns that Latin America is "financing the economies and development of the richest industrialized countries in the world with impressive sums of money."

Mr. Kissinger proposes the equivalent of the Marshall Plan—a hemispheric development program that would replace the "financial minuet" of quarterly crisis meetings on overdue interest payments. Mr. Castro flatly asserts that the debt is unpayable. To prevent the immense damage that national defaults would mean for the United States and the international banking system, Mr. Castro proposes that the governments of the industrialized countries assume the debts owed to private banks.

Mr. Castro has said these things dramatically, as is his wont, by capturing the imagination of the housewife, the wage-earner, the pensioners, the bureaucrat, the shopkeeper—the menaced middle class of Latin America. In fact, the debt crisis has permitted Mr. Castro to re-enter Latin American society on his own terms while the United States plays ancient soap operas on Radio Marti.

Democracy and economic progress do not come naturally to a region where the bywords, for centuries, have been political authoritarianism, archaic violence, patrimonialist whim, crumb-lifting from the table of capitalism. The future of Latin

America, and of the United States, depends on economic solutions, not on printing spy booklets on how to neutralize the Sandinistas.

ACID RAIN

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. SIKORSKI. Mr. Speaker, acid rain is potentially the most serious environmental threat facing our Nation in the 1980's and it is an issue which commands the immediate attention of the American public. Through a barrage of studies, we have learned that acid rain is poisoning our Nation's lakes and marine habitat, our drinking water, our crops, and our forests. Recently the Environmental Defense Fund reported for the first time an explicit 1-to-1 relationship between sulfur dioxide and acid rain after observing the effects of smelter emissions in the Western United States.

With a direct causal relationship established, our Canadian friends are drawing attention to the implications of this environmental hazard on our public health. I wish to enter a recent article from the Twin Cities' St. Paul Pioneer Press describing a study undertaken by Canada to examine the health implications of acid rain on the health of schoolchildren. Scientific evidence already indicates that acid rain may be linked to several forms of human brain degeneration, particularly Alzheimer's disease. Other research has uncovered links between sulfur dioxide and premature deaths in up to 50,000 human beings. The Canadian study reemphasizes that acid rain not only strikes at our environment but also our human health.

ACID RAIN AND LUNGS

For the most part, debate over acid rain has centered on the phenomenon's threat to lakes, forests and buildings. A Canadian study, set to begin this fall, will shift the focus to people. Depending on results, the study could confirm growing fears among scientists that the air pollutants that trigger acid rain also damage the lungs of those forced to inhale them.

According to an official of the Department of National Health and Welfare in Ottawa, some 5,000 elementary school students will participate in the study. Students in five southwestern Ontario communities that receive heavy doses of acid precipitation will be compared to students in five Saskatchewan towns that are mostly free of acid pollution.

Like acid rain, the study's impact will drift far beyond national boundaries. If Ontario students show unusual lung damage, the United States must shoulder some responsibility because an unhealthy portion of the sulfur dioxide that causes Ontario's acid rain is produced by smokestack industries in the Ohio Valley.

Moreover, establishing a positive link between acid rain and damaged lung tissue would put increased pressure on the Reagan administration and foot-draggers in the electric utility and coal industries to ease their steadfast opposition to emission-control legislation. That, in turn, could inspire a so-far gutless Congress to take the action it should have taken last year, when acid rain control measures were high on the Capitol Hill agenda.

If—whew—all that happens, those in the United States who fish, love forests, appreciate historical buildings or breathe with lungs will owe Ottawa a note of thanks.

A TRIBUTE TO TOM KEATING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. JACOBS. Mr. Speaker, when we Hoosiers think of the Indianapolis Star Columnist Tom Keating, we think of decency, talent, modesty, pathos, common sense and funny stories. We also get misty because of his untimely death long before his life saw autumn.

Tom Keating's spirit will survive as Ernie Pyle's spirit has survived. One thinks of the profound line in the film "I Never Sang for My Father":

Death ends a life, but it does not end a relationship which continues in the minds of the survivors * * *

The beautiful tributes which follow tell a lot about the goodness of Tom Keating, but they do not and could not tell all of it, which will go on and on as long as people can read the printed word.

[From the Indianapolis Star, Aug. 24, 1985]

TOM KEATING

The death Friday of former *Star* columnist Thomas R. Keating at 45 is a tragic loss, not only for the family and friends who loved him so much, but for Indianapolis and Indiana, whose people and places he so celebrated.

Before leaving *The Star* in January to become director of communications for Lilly Endowment, Mr. Keating had written a daily column which appeared for 14 years in the left hand column of the newspaper's "split page," the first page of the second section.

Many readers had the habit of beginning their day with that column and no wonder. It was the reflection of a remarkable man, one who stepped up to life with uncommon zest and enthusiasm, one who dealt sincerely with others with candor and compassion, one who as a writer never lost the human touch.

He told his stories in the crisp, clear style of such newspaper giants as Red Smith, Ernie Pyle and Damon Runyon. His work was widely reprinted and had been published by a variety of magazines, including *Reader's Digest.*

He won numerous awards but preferred to talk about his other collections—charitable causes and friends—or of his many interests, including sports, books and serious ideas of all kinds.

Throughout his adult life, Mr. Keating, a devoted father, gave unselfishly of his time and talents to help young people, especially in sports, where he coached in church and little leagues, and in journalism, where he taught feature writing at Indiana University, Purdue University at Indianapolis, greeting any discovery of new writing talent with great glee.

Tom Keating was an extraordinary newspaperman and an exceptional human being whose important work at Lilly Endowment has now been cut short by the tragedy of an early death.

It is true that many in Indiana will mourn his loss but it is also true that we are all better off for having known him.

[From the Indianapolis News, Aug. 26, 1985]

THOMAS KEATING

It's often not easy to remain objective about one's competitors, but one didn't have to be objective to respect Tom Keating. Day in and day out, he was one of the best newspaper columnists this city has seen.

Keating died in the early morning last Friday at the age of 45. He died less than nine months after leaving his desk and daily column with The Indianapolis Star behind to become director of communications with the Lilly Endowment.

For 14 years, from 1971 to the beginning of this year, Tom Keating's column was regular reading for much of Indianapolis and Central Indiana. His gift was for searching out the "little" stories in the lives of "everyday" people that were actually bigger than the day's front-page headlines.

His spare and economical style of writing and down-to-earth way of telling a story made a reader feel he or she was chatting with Keating over coffee rather than reading a newspaper. Other writers won readers; Tom Keating made friends.

That's why he will be missed—by his family, his friends, his co-workers and former readers. And, of course, by his competitors.

[From the Indianapolis Star, Aug. 24, 1985]

TRIBUTE TO TOM KEATING: A TREMENDOUS SOURCE OF INSPIRATION

(By John Shaughnessy)

(John Shaughnessy's column regularly appears in The Star Monday, Wednesday and Friday. This special column is a tribute to his friend Tom Keating.)

It was the fourth column I had ever written and, in response, The Star's switchboard was lighting up like a pinball machine. The callers were not pleased; in fact, they were hostile. And their overall opinion of me seemed to be expressed in a message left by one of the callers: "I love The Star and I loved Tom Keating, but this Shaughnessy is terrible!"

I was shaken, so I turned to the writer whom I respected more than anyone. I phoned Tom Keating, who two months earlier had left The Star to accept a job with Lilly Endowment.

"Hey, Tom, do you want your old job back? After today, I know there are a lot of people who want you back." Tom asked what I meant, and after I told him about the calls, he replied, "I thought that was the best column you've written so far. Don't worry about what people say, just keep writing the way you always have and you'll be fine."

That conversation was among the first things I thought of when I was told that Tom died Friday.

There are people who knew Tom better than I. The roots of their friendship extended for years, and their bonds were stronger and deeper. But I'm among those who owe the most to him.

I first met him five years ago when I enrolled in a writing course that he was teaching at IUPUI. He liked some of my work and

asked if he could show it to The Star's city editor. He then arranged an interview for me, and when I was hired, he seemed as happy as I was.

Four years later, he would be in my corner again. When he decided to stop writing his column after 14 years, he recommended that I be chosen to join Dan Carpenter as one of the two people to write a column three days a week.

As much as I appreciated Tom's support and ability, I appreciated him much more when I began to write a column. Writing a column three days a week is the hardest thing I've ever done. When I think that Tom wrote the column skillfully and often beautifully five times a week for 14 years, I am in awe.

But I am even more impressed by the quality that marked his life, a characteristic that was often displayed in subtle ways.

Earlier this year, Tom met Dan and me for lunch to answer any questions we had about writing a column. When Tom arrived 10 minutes late, he apologized, saying that the midday Mass at St. John Catholic Church was longer than usual that day. Attending church was a regular part of Tom's life.

When we went to the 1983 Notre Dame-Purdue football game together, Tom picked me up at my house. Since we were running late, I moved toward his car when he arrived. But Tom wasn't in a hurry. He had been watching his youngest son play football, and now he was taking time to talk with my wife and our two sons.

He also had an Irishman's appreciation of life, combining a willingness to occasionally drink a few beers with the ability to share stories that would leave you in tears from laughing or crying.

In the end, talking about Tom comes down to the impression he left on others. People who neither met him nor talked to him noticed the decency and quality of his life in his columns. And for those of us who knew him, we can only add that we are thankful for having had that opportunity.

As I write this, several letters addressed to Tom are on my desk. They arrived Friday, similar to the many others that have been sent here, even though Tom left this office more than eight months ago. It was obvious that some people still had information they wanted Tom to know, they still had stories they wanted to share with him.

Maybe it was their way of saying that they wanted Tom back, that they wanted to still be able to count on him.

Today, I and a lot of other people share that feeling.

[From the Indianapolis Star, Aug. 25, 1985]

A PUBLIC TRIBUTE TO TOM KEATING, WHO WOULDN'T HAVE STOOD FOR IT

Now it's my turn.

If anyone besides Tom Keating were involved, I doubt I would bother to follow all the elected officials, newspapers executives and other personages who have poured out their tributes during the past couple of days.

People with access to printing presses and microphones have a tendency to abuse their privileges for selfish sentiment, and newspaper columnists (Tom Keating being a notable exception) are the worst offenders.

Besides, when the guy on the street reads and hears all these panegyrics about famous people who have died, he is rightfully skeptical. When Ronald Reagan dies. *The Washington Post* will miraculously find a dozen nice things to say about him.

The difference with Keating is that it's all true. All the eulogies about his feel for the common man, his nose for a tasty story, his devotion to family and friends, are based in hard fact.

A cynic or a charlatan could not have done what Tom did, five days a week for 14 years. He would have blown his cover, or his top, in fairly short order and gone off to something easier or more lucrative.

Tom, of course, did leave newspapering at a shockingly young age, relinquishing a position that is the stuff of dreams for the average kid in journalism school. But he left this business for a new challenge and a line of work that wasn't entirely different for a person of his character. It was logical that Tom Keating and the city's most prominent charitable foundation would find each other.

That's really a major league marriage, isn't it? Keating and Lilly Endowment Inc. Hard to find a more droppable name in these parts. Just being able to say I knew Keating, had lunch with him, was one of my biggest thrills when I joined *The Star* eight years ago.

What I came to like most about Tom was, he hated all that. Being a celebrity, an institution. The picture in the paper, the fact that he was better-known than almost anyone he wrote about—it amounted to a hair shirt he wore as penance for the pleasure of telling other people's stories.

I'm not sure exactly how to say this correctly, but Tom did not make a big deal of what he did. He knew he was at the top of a wonderful craft. Everyone wishes he could write, and Keating made writing look easy. But at the same time, he was achingly aware of the limitations of daily deadline journalism. As long as there were other kinds of writing, other tests of talent and will, he would not rest with *being a columnist*, even a famous one.

By and large, newspaper people I have met are not well-read. We are more likely to know the weekend anchor on Channel 2 than the title of the third book in the Alexandria Quartet. Keating, who was at home with cops and coaches and plumbed the poetry of their lives would sooner chat about good books than almost anything else.

Wise as he was to the hustlers and demagogues who populate the world of the journalist. Tom retained a child's sensitivity to the mystery and heroism of "ordinary" life. He had the great, elusive gift of humility, denied to all but the best of us.

Last year, Tom's friend Bill Kuntz, a revered youth leader in the city, died after a terrible struggle with cancer. One day, as Bill lay in the hospital, Tom remarked to me that we never seem to get around to telling people we love them until it's too late. "So I did," Tom said. "I went to the hospital and I told him." Doing so meant at least as much to Tom as the lovely eulogy he wrote in his column a few days later.

I would not presume to say I had that kind of closeness to Tom. I am proud to say we were friends. I had tried, clumsily, to express my admiration, my affection, and my indebtedness, back when I thought he was going to live forever. The guy would always cut me short. So now, I'll have to do what Tom never would have stood for—tell everybody else.

[From the Indianapolis News, Aug. 26, 1985]

TRIBUTE TO A COMRADE

(By David Mannweiler)

I never gave much thought to mortality until five years ago, when I was 38.

It was five years ago this month, to be exact.

I was rummaging through a file folder in a desk in my home when I found a yellowed clipping of my father's obituary from an August 1949 newspaper.

The opening paragraph said my father was 36 when he died.

"My God," I thought, shocked by the thought. "I have outlived my father."

A similar thought flashed through my mind Friday when I learned Tom Keating had died.

All the cliches applied: At 45, Tom Keating was too young to die. He had too much to live for. He had so much more to give.

But I also remembered how Tom and I occasionally had shared the reckless disregard that all young men harbor toward death.

We had laughingly wondered what the one-paragraph obituary would say about us in newspapers we didn't know in cities we didn't know when we died old and forgotten and retired.

Newspapers in this country have a habit of printing one-paragraph obits on old journalists who die in other cities.

Tom's paragraph, or paragraphs, came too soon.

I can't say I knew Tom as well I would have liked.

We shared some bar time at the Press Club and some lunches and speaking platforms, but we didn't socialize.

We both knew we couldn't. We were colleagues, but we were competitors, too.

Five days a week for more than a decade, Tom in The Star and I in The News went head-to-head challenging each other to come up with the best column. It was fun, and it was frightening.

We traded compliments on columns printed but never discussed columns planned.

On those rare occasions when he stopped by my desk or I at his, we could talk about sports or politics or our families but not our friendly competition.

When my son was born, he was one of the first to offer congratulations.

We both thought it remarkable that, except for the 500-Mile Race, we so rarely crossed paths while searching for a story.

Twice, maybe three times, in all those years, we both showed up at the same event with notebooks in hand.

I envied Tom's talent with words, his inventive mind and his enormous range of contacts. The man was good. One of the best.

Through his columns, Tom became an institution in this city. Through his columns, he became a presence in our lives. I missed his column when he left The Star in January to join Lilly Endowment.

When a collection of Tom's columns was published in 1982, I told Tom I wanted him to autograph my copy, and add an inscription.

It became a running joke between us.

Whenever I ran into Tom, I would ask him when I'd get my book. He always said, with a smile, "I haven't decided yet what to write."

The last time we talked, about three weeks ago on the phone, I wanted some information from Lilly Endowment. Tom cooperated.

But then he held the call. He wanted to talk about newpapering, about changes he had noticed in the papers and how strange it was to read the papers in a different light, now that he was on the outside.

I ended that call by asking Tom where my book was.

He said he hadn't decided what to write.

Tom's columns will have to speak for him now.

[From the Indianapolis Star, Aug. 27, 1985]

KEATING'S PROSE TOUCHED MINDS AND EMOTIONS

(By Bob Collins)

Tom Keating was the best newspaper columnist ever in this state.

He combined a reporter's curiosity with a storyteller's skill. Usually understated, always well-written, his columns touched minds and emotions.

Keating saw things the rest of us didn't or ignored. He mined gold from slag. He elevated the ordinary to the interesting.

He found stories in improbable places. The city was his beat; its citizens his reporters. He had a rare talent for drawing people into conversations, getting quotes a man with a notebook or tape recorder never would hear.

Tom was a shy man, but he wasn't humble. There are no humble people in this business.

Though he was aware of his power, he never was comfortable with it. But he accepted, however reluctantly, the fact that he was a strong force in this community. He used his clout prudently.

He was a man of firm opinions, often voiced forcefully. But they never appeared in his column. His column belonged to the people. So he wrote them, entered their home in the morning and told them interesting stories. He just sort of sat down and had a cup of coffee with us.

You glanced at the headlines, then you turned to Keating. It was a Hoosier habit for 14 years.

The words seemed to flow like a gentle stream. But it wasn't that easy. Tom wore out his share of carpets and water fountains en route to a deadline.

In the last year of his life, diabetes was a constant concern. And the stomach-churning rigors of doing a daily column were not helping his physical condition.

He talked often of leaving. I never believed him. He was a professional newspaperman, married to the job.

But he found another outlet for his considerable talents—the Lilly Endowment. And it must be noted that he simply moved on to a better opportunity to help people in the city he loved.

If this be blasphemy, make the most of it. But I believe God is publishing a much better newspaper today.

[From the Indianapolis Star, Aug. 24, 1985]

IN MEMORY: "LIKE ALL REAL HEROES, HE GAVE MORE THAN HE GOT"

(By Patrick J. Traub)

Robert L. Cotter has a scrapbook of newspaper articles and pictures of his Indianapolis Public School 27 "Masters of Disasters" national championship chess team.

Inside the book is a picture of Cotter, the team and President Reagan.

On the cover is a picture of Cotter and Thomas R. Keating, the former daily columnist for *The Indianapolis Star.*

"That picture means more to me than any other," Cotter said Friday. "It also shows what Tom Keating meant to the team."

That placement captures the public career of the late columnist who told the stories of Indianapolis and Indiana for 14 years through more than 3,500 columns.

The chess team, a group of sixth-grade pupils from an innercity neighborhood, had won the Indiana chess team championship. A trip to the national championship was available, but the money wasn't.

"He wrote one column and the world was opened to us," Cotter recalled. Contributions poured in to pay for the trip to the national championship, which the team won.

The team became national media stars, eventually meeting the president in the White House. Mr. Keating chronicled each step.

It was that type of daily column that caused Lawrence S. Connor, managing editor of *The Star* to remark as Mr. Keating left the paper, "How does he expect us to start the day without his column? It is worse than being taken off coffee."

Robert P. Early, the former managing editor of *The Star* who turned the daily column over to Mr. Keating in 1971, recalled that he was "a man of sterling character who used his many talents wisely and positively, especially as a newspaper columnist. He will be missed but long remembered."

A frequent subject of the daily columns was Center Township Small Claims Court Judge John Hesseldenz. The last regular column written by Mr. Keating was about Hesseldenz's courtroom.

"He would walk in and sit down on the bench for 10 or 15 minutes and leave. I never thought anything happened, but he was so adroit at the human interest story that when I would wake up the next morning, there would be a wonderful story.

"It was an honor to be his last column. I had to leave the bench when I heard about the death," Hesseldenz said.

Another frequent "rainy day" column for Mr. Keating was the Indianapolis Police Department vice squad and its commander, Lt. Mack Crockett.

Crockett said, "He added something to the cosmopolitan nature of the city, being able to spotlight the individuals of the area and allow them, through his column, to let us know them better.

"He would call every so often, and I would keep a list of the things that happened in our work that he had the knack of seeing. Tom saw things we didn't."

Gov. Robert D. Orr said, "Tom Keating's unique insight into people was a treasure to our community. His special gift of moving us to care about other people made Indianapolis a better place to live. Like all real heroes, he gave more than he got."

U.S. Sen. Richard G. Lugar, R.-Ind., who was on the Indianapolis Board of School Commissioners when Mr. Keating started at The Star, described him as "a warm and loyal friend with whom I shared most of public and private goals and experiences. His love for all the people who live in Indiana was reciprocated each morning by thousands of friends who read his column before they started a new day.

"I talked to Tom on Wednesday and he was filled with enthusiasm for a great new project boosting Indiana.

"I cannot believe that he has left us so soon with so many good stories left to be written."

Rep. Andy Jacobs Jr., D.-Ind., recalling that Mr. Keating once recruited a nephew to play football, said, "Tom was talent and decency rolled up into one."

Three times a month, Mr. Keating telephoned Marion County Sheriff James L. Wells, checking for possible column ideas. The two met when Mr. Keating was first assigned to The Star's police beat in 1966.

"I remember when Tom first started as a police reporter. He used to come to the old jail in the late '60s and shoot the breeze. He was a common, down-to-earth guy. This is a loss, not only of his talent but quite a loss to the community. The community will suffer from Tom's death."

Thomas H. Lake, chairman of Lilly Endowment, Inc., said. "Tom Keating made a major contribution to the work and insight of the Lilly Endowment. He enjoyed a special friendship with so many people.

"He was a professional journalist of the highest order. The quality of Tom's life and work has been an inspiration to those who knew him and learned from him. He had an unusual ability to see the best in everyone and to bring the best out of his associates.

"He was a decent and caring person with a strong belief in God."

Mr. Keating had taught a feature writing class at Indiana University-Purdue University at Indianapolis since 1978. Howard B. Schaller, executive dean and dean of faculties, said. "Tom Keating's death is an unbelievable shock to his thousands of friends and colleagues. We here at IUPUI share in the grief, because Tom was an adjunct faculty member in the School of Journalism here. For several years each spring he taught feature writing, sharing his vast knowledge and remarkable talent with those just entering the ranks of journalism."

SAINT MARY'S NATIVITY CHURCH CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. KANJORSKI. Mr. Speaker, it is with great pleasure that I bring to your attention a historic event in the Wyoming Valley. Saint Mary's Nativity Church in Plymouth, PA, will celebrate its centennial on September 8, 1985.

One hundred years ago, the Most Reverend William O'Hara, D.D., first bishop of the Scranton diocese, gave permission for the establishment of the Blessed Virgin Mary Parish in Plymouth. The Reverend Lawrence Spryszinski was chosen as the first pastor.

The original church was a simple wooden structure, which served alone until August 1903, when Bishop Michael J. Hoban set the cornerstone for a new chruch. Fire badly damaged the original church on June 14, 1903. But by May 30, 1905, the new structure was completed and dedicated by Bishop Hoban.

Soon after the new church was completed, Father Smelsz initiated plans to renovate the original wooden church into a modern parochial school. Two years later, the Bernadine Sisters were invited to teach

the children of the parish, and they later were assigned to the parish.

On December 26, 1910, the Reverend Stanislaus A. Drier assumed the pastorate of St. Mary's. In June 1911, a new rectory was completed, and by 1918 the parish church was remodeled; its interior walls and ceilings were beautified, making St. Mary's an archetectural treasure of the Wyoming Valley.

On February 26, 1919, fire again badly damaged the church. It was restored in stages, under the direction of Father Drier. By 1920, mass was being offered in the church basement, and on September 8, 1921, the new alters were blessed. In the following 6 years, additional work was done on the bell towers, the interior of the sister's convent, and the parish rectory.

In the early 1930's, land was purchased in Plymouth Township to serve as the site of a new cemetery. A beautiful grotto was built at the entrance, and services were conducted there several times throughout the year.

Another fire in the St. Mary's School in 1949 led to the construction of a new building on the same site. On September 9, 1951 a new school building opened to accept students.

Father Drier passed away on Ash Wednesday, February 23, 1955, after 44 years as pastor. On October 3, 1955, the Right Reverend Monsignor John J. Podkul was named pastor.

By this time, many parish societies had formed, giving parishoners greater opportunity to publicly practice their devotion to God and their parish. In the 1940's the Junior and Senior Sodalities were organized; St. Stanislaus Auxiliary was founded in 1941, as was the Usher's Club. In 1951, the Confraternity of Christian Mothers was formed, and in 1956, the Holy Name Society held its first meeting.

Rev. Joseph F. Kalinowski began his assignment as pastor in January 1972, just months before the devastation of Hurricane Agnes. Church services were held at the Plymouth Armory until the basement of St. Mary's School was readied for use. Volunteers worked steadily to salvage spiritual objects. The restoration and redecoration resulted in a magnificent church, the pride of St. Mary's parishoners.

St. Mary's welcomed its new pastor, the Right Reverend Monsignor Stanley W. Piorkowski in April 1977. Under his direction, renovations began in 1981, including construction of a new sacristy, confessional rooms, a votive room, a bapistry, the restoration of the pipe organ, and renovation of the sanctuary. The church was further beautified by the construction of a new brick bell tower.

In June 1982, the Right Reverend Monsignor Edmund S. Penkala became pastor. It was during his pastorate that the centennial project was completed. On June 22, 1982, a new marble altar with the relics of St. Stanislaus, bishop and martyr, St. Adalbert, St. Andrew Bobola, and St. Maris Boretti, was blessed and dedicated.

Mr. Speaker, the centennial of this historic parish will be celebrated in a jubilee mass by His Excellency, the Most Reverend James C. Timlin, bishop of Scranton, on September 8, 1985. Following the liturgical and spiritual observance, a banquet will be held at Convention Hall in Pittston. I know I speak for many in the Wyoming Valley in expressing my pride and joy in the passing of this important milestone in the history of St. Mary's Nativity Church.

TOM DIAZ ON CZECH LINK TO NICARAGUA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. COURTER. Mr. Speaker, the Soviet KGB has proven astute at subcontracting out many important foreign operations to its trusted and carefully trained Eastern European subordinates. East German security operatives police the police in Ethiopia, Angola, and Mozambique, and reportedly handle internal security for Fatah, the military arm of the PLO. The Czech services have been no less effective.

Recently a Canadian-headquartered Czech exile organization, the Czechoslovak Federal Council, charged that dozens of Sandinista security personnel have been attending police schools in Czechoslovakia. This can be explained in part, the spokesmen say, by the long associations the Czechs have with Cuba, itself closely involved with Nicaraguan secret police work and covert operations. The statement recalls earlier testimony by Ladislav Bittman, an important defector from the Czech secret service, that Czech agents were working with Fidel Castro as early as 1959, nearly a decade before the Cuban intelligence network was competely subordinated to the KGB.

A fascinating account of the allegations by the Czechoslovak Federal Council has been given by Washington Times reporter Tom Diaz, and I wish it to be entered into the RECORD so that my colleagues have an opportunity to read it:

CZECHS TEACHING SANDINISTAS TERROR

(By Tom Diaz)

Sixty-five Sandinista security officers have been attending a secret police school and participating in interrogation of political prisoners in communist Czechoslovakia over the last eight months, a group of Czech exiles has charged.

The Nicaraguans have been taking advanced training in interrogation techniques from the Faculty of Interrogation at the University of State Security and Forces of Internal Order in Vokovice, a suburb of Prague, according to Jiri Kotas, chairman of the Czechoslovak Federal Council in Exile.

A State Department official said he believes the report is probably true but could not confirm it after checking with intelligence sources.

"We do not have hard intelligence of that training. However, we would not be surprised because it fits a pattern of other Eastern bloc countries training Nicaraguans," he said.

"We've seen it with the Bulgarians and East Germans. The Czechs train everybody else [officers assigned from other client states in the Soviet bloc], so there is no reason to think they are not training the Sandinistas," he said.

A Central Intelligence Agency spokesman said the agency would have no comment on Mr. Kotas' charges.

Mr. Kotas said the Sandinista officials also have helped in interrogation of prisoners in two of "Czechoslovakia's most notorious prisons"—at Ruzyne, near Prague, and Valdice, near Jicin.

Mr. Kotas said the two prisons are reserved for especially dangerous criminals and for "the most dangerous opponents of the communist regime," including human rights activists, clergy and soldiers who have taken or attempted to take weapons.

"Our information comes from a highly placed source within the Czechoslovak power structure," Mr. Kotas said in a telephone interview.

"We know that it is accurate," he said. "It came from an identical source which in several other instances has given us information which has later been confirmed by official U.S. authorities. The source is beyond reproach."

Mr. Kotas said that his group's source "gave us information about the Soviet nuclear deployment in Czechoslovakia" before the Soviet Union first said in 1983 that it had deployed nuclear weapons in Warsaw Pact countries.

The Czechoslovak Federal Council, with headquarters in Canada, is a group of young refugees, 90 percent of whom "escaped from Czechoslovakia in the early 1980s," Mr. Kotas said.

He said he fled Czechoslovakia in 1979 and was formerly employed by the Czechoslovak Academy of Sciences in Prague.

Mr. Kotas described the secret police university to a reporter, saying that "if you looked at it only for the architecture, it looks very nice for a communist country."

He said the school is "highly penetrated" by Russian officials, "as in other [Czech] institutions of that caliber." He specifically emphasized "Russian" as opposed to other Soviet nationalities, and said care is always taken to be sure that the Russian presence never amounts to a majority in such institutions.

The university exists, said Mr. Kotas, specifically to train Czech state police and internal security personnel.

"They [the Sandinistas] are attending this school to learn the method of 'cold terror,'" he said.

Mr. Kotas said the "cold terror" method of interrogation had been developed since the 1960s. He described it as "much more sophisticated" and less directly brutal than the methods used by communist regimes during the 1950s. Earlier methods emphasized beatings and other physical violence. The new "cold terror" method relies more on psychological methods to confuse the subject as to who his enemies and friends are.

"Now you succumb more easily," he said. "The [former method of] beatings built a wall between the prisoner and the interrogator. But now to draw the line [between friends and enemies during interrogation] is very, very difficult."

Mr. Kotas said it was not known for sure from which Nicaraguan agency the trainees have been drawn but they are believed to be from the Ministry of Interior, which is responsible for state police activity under the Marxist Sandinista regime.

There would not necessarily be a language barrier that would hamper Spanish-speaking Nicaraguans involved in the interrogation of Czechoslovakian prisoners, Mr. Kotas said.

He said a number of Nicaraguan exiles studied in Czechoslovakia during the Somoza regime and became fluent in Czech, that many Czech functionaries speak Spanish because of the regime's long association with Cuba, and that Russian is also a fairly common tongue among both Czechs and Nicaraguans.

TAX REFORM BILL SHOULD PUT AMERICAN ASSOCIATION OF FINANCIAL PROFESSIONALS OUT OF BUSINESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. STARK. Mr. Speaker, the following advertisement appears in the latest issue of Eastern Airline magazine.

It is such bad tax advice under current law that I suspect the IRS will be auditing most of the people who attend these vacations. Under my bill, H.R. 1228, a foreign trip for this vacation break that's also a tax break would be denied any tax deductibility. The effective date of the bill is February 21, 1985—the date I intend to urge when this matter is considered in the tax reform markup beginning September 16.

Eastern Airlines should be more careful about accepting ads from con artists.

SOME VERY INTELLIGENT PEOPLE WOULD LIKE THE IRS TO SEND THEM AWAY

This year, take a vacation break that's also a tax break.

Come to Los Angeles, Phoenix, Orlando, San Jose, Costa Rica; Panama City, Panama; Interlaken, Switzerland or London, England, with the American Association of Financial Professionals, and you'll be able to write off the cost of your airfare on Eastern Airlines, your hotel bill and just about everything else but the suntan lotion.

You'll also learn how to write off a lot more than your vacation; because the American Association of Financial Professionals will offer hundreds of hours of intensive tax strategy workshops devoted to the keeping of most of your money.

So plan on attending one of the upcoming AAFP investment and tax strategies conferences this year. Just send in the coupon, and we'll send you a brochure with more information.

After all, you've given the IRS plenty over the years. Isn't it time they gave you something in return?

FINDING A CURE FOR AIDS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. GREEN. Mr. Speaker, I should like to submit for the RECORD an op-ed piece which appeared in the New York Times on August 22, 1985. It was authored by Harry Schwartz, a former member of the New York Times editorial board who is an expert on health issues. As the number of AIDS cases continues to grow, we have put greater resources into Federal activities to combat this tragic disease, with the hope of developing a treatment for AIDS soon, and eventually a cure. The following article raises some noteworthy points regarding research into treatments for AIDS, and I commend it to my colleagues' attention.

FINDING A CURE FOR AIDS

(By Harry Schwartz)

SCARSDALE, NY.—Public awareness of the AIDS epidemic is now greater than even before. The numbers explain why.

More than 12,000 cases have been diagnosed to date and more than 6,000 Americans have died of the disease. The great majority of AIDS victims are young men in the prime of life, not elderly citizens.

In this situation the clamor for a medicine to cure AIDS is naturally mounting. And so is the number of Americans who—like Rock Hudson—are going abroad to try medicines that are unavailable here because of Food and Drug Administration rules. The F.D.A. insists that its rules are intended to protect sick people; the AIDS victims running to Mexico, France and other countries obviously believe the F.D.A. rules are too strict.

What this means, clearly, is that despite the great public uproar over AIDS, we have not yet focused attention on the key questions: How do we discover new medicines to help sick people and what can we do to encourage and speed up such discoveries against AIDS and other killing and crippling ailments?

Recently, an influential member of the House of Representatives sneered publicly when told that the average cost of research and development for a new drug now approaches $100 million. The figure, he said, must surely be grossly inflated to justify the profits of the pharmaceutical industry.

Oddly, this same Congressman has a relatively high number of AIDS victims among his constituents. Would he cavil, one wonders, at appropriating hundreds of millions of dollars to find a cure for AIDS?

The great majority of new and effective medicines are discovered by the private pharmaceutical industry, which is under constant attack. An endless stream of critics complain that drug prices are too high, that medicines have too many side effects, that many drugs permitted on the market are really unsafe, and so on. The fact that therapeutic drugs contribute enormously to the improved health and longevity of our people usually goes unmentioned. So does the fact that these medicines are usually the most cost-effective therapies known.

This climate of discussion hardly encourages pharmaceutical executives to invest tens of millions of dollars looking for a remedy for a disease like AIDS, where much of the basic science required is still unknown.

Neither Congress nor the general public has any idea of what an army of chemists, pharmacologists, toxicologists and other specialists is required in the typical modern hunt for a new drug. Nor is there any understanding of how many years and how many tens of millions of dollars can be—and often are—spent fruitlessly because the desired medicine cannot be found. The harsh realities are suggested by the fact that corporations that spend $300 million or $400 million a year on pharmaceutical research do well if they average even one marketable, newly discovered drug every two years.

Pharmaceutical research is always a gamble, even when there is a far better background of scientific knowledge than we now have about AIDS. The huge financial risks of this research make wildcat oil exploration seem tame by comparison.

This background suggests that the tragic AIDS epidemic could have a positive by-product if it produces a new look at the conventional wisdom in the drug field.

AIDS victims understandably want a cure, not a compound that is guaranteed never to have a harmful side effect on anybody under any circumstances. Shouldn't we take a new look to see whether F.D.A. rules are loaded too heavily in favor of unattainable perfect safety while underemphasizing the needs of the sick and the dying? And shouldn't Congressmen who specialize in attacking the pharmaceutical industry worry about their impact upon discouraging investments in research to try to find new cures for killer diseases?

Perhaps AIDS victims and their families might bring these heretical ideas more forcefully to the attention of the F.D.A. and its Congressional masters. Such pressure might help increase the volume of industrial research on AIDS and thus increase the likelihood of finding the remedies so desperately needed.

TRADE WON'T SOFTEN AN ADVERSARY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. CRANE. Mr. Speaker, the time has come for the United States to cease financing the inhuman and reprehensible activities of the Soviet Union. By permitting direct, bilateral trade between the two countries, and with aid and loans from our official lending institutions and governmental agencies, the United States is in effect party to the atrocities perpetrated by the U.S.S.R.

We should remember the words of Soviet defector Aleksandr Solzhenitsyn, who stated: "I think, gentlemen, that we should at last permit this socialist economy to prove its superiority. Let's allow it to show that it is advanced, that it is omnipotent, that it has defeated you, that it has overtaken you. Let us not interfere with it. Let us stop selling to it and giving it loans." If we do this, Solzhenitsyn counsels, "* * * the Soviet economy will no longer be able to deal with everything, [and] will have to reduce its military preparations * * * to feed and clothe its own people. And the system will be forced to relax." By loaning them money and bailing them out in times of economic crisis, we "are merely helping them to rearm * * * helping the Soviet police state."

If we continue to conduct trade, and finance the Soviets and those countries within their sphere of influence, the consequences may be grave indeed. As Solzhenitsyn concludes, "* * * if, in the frenzied competition of one company with another they [the West] will continue to rush in loans and advanced technology, if they will

present earth-moving equipment to our grave-diggers, then I'm afraid that Lenin will turn out to have been right." He had said: "The bourgeoisie will sell us rope, and then we shall let the bourgeoisie hang itself."

As Joseph Finder argues in his article, "Trade Won't Soften an Adversary," the idea that doing business with the Soviets can lead to improved relations is a frightening misconception. Before we in Congress allow ourselves to fall for this rhetoric, I urge my colleagues to consider the points made in Mr. Finder's article. The article follows:

TRADE WON'T SOFTEN AN ADVERSARY

(By Joseph Finder)

The Reagan administration has embarked upon its most concerted effort yet to improve trade relations with the Soviet Union, and it is based on a serious misconception: that doing business with the Russians can lead to improved relations.

Secretary of Commerce Malcolm Balrige met in Moscow last week with Mikhail Gorbachev to discuss ways of increasing East-West trade. "It is high time," the Soviets declared after the meeting, "to defrost the potential of Soviet-American cooperation and to freeze or—to be more precise—to stop the arms race and the escalation of hostility." Secretary Baldridge said recently, "The President is doing his best with the Soviets to establish a better working relationship. Trade is one of the ways." Both sides are speaking of trade as a means of ameliorating political tensions, but I suspect neither side really believes its own rhetoric.

During the height of the most recent detente one heard much about the "web of interlocking relations" theory, which held that commerce locks nations into a relationship of mutual dependency that can somehow keep peace in the world. The most eloquent advocate of this theory was Norman Angell, who argued in his book "The Great Illusion" (1913) that the "elaborate financial interdependence of the modern world" made war senseless. The book was a best seller in the U.S. and Europe just before the outbreak of World War I—an ample refutation. Soviet-American trade never reached gargantuan proportions—a peak of less than $5 billion in 1979—but even so, it did nothing to stem the rapid deterioration in relations largely brought about by the Soviet invasion of Afghanistan at the end of that year.

In 1969, faced with trade-with-Russia-will-bring-peace arguments, Richard Nixon, according to his memoirs, told a meeting of the National Security Council, "I do not accept the philosophy that increased trade results in improved political relations. In fact, just the converse is true. Better political relations lead to improved trade." (His opinion seems to have changed several times since.)

In one sense alone is there a direct link between trade and politics: emigration. Realizing the importance to the West of heightened emigration of Soviet Jews, the Kremlin has unsubtly offered to permit more Jews to leave if trade with the West improves. The chairman of the State Bank of the Soviet Union, Vladimir S. Alkhimov, recently assured Undersecretary of Commerce Lionel H. Olmer that if the U.S.-Soviet trading relationship improved, 50,000 Jewish emigres a year would be "no problem." Compared with the few hundred emigres the Russians allowed out last year, the figure is remarkable.

Apart from emigration, though, the only real link between East-West trade and East-West political relations is in the realm of symbolism. Our allies seem to perceive commerce with the Russians as a sign of healthy relations, as a portent of less tension to come. In the four years since entering office, President Reagan has come to realize this, and so his administration has, despite an ongoing feud between the Commerce Department and the Pentagon, begun to speak of business links with the communist world as one more peace initiative. An unidentified administration official recently insisted to reporters that there is "an implicit link between the trade and the disarmament talks." This is nothing more than rhetoric, an attempt to achieve the appearance of improved relations in the absence of any substance.

Which is not to say that the White House is alone in making such claims. The Soviets, who desire Western equipment and grain, speak of trade with the West as a great panacea. Their assertions are precisely what a lot of people in the West would like to hear. It has not escaped their attention that many Western political leaders are swayed and mollified by displays of apparent conciliation.

"Men willingly believe what they wish," Julius Caesar remarked. And perhaps a little pretense is not such a bad thing. As long as we bear in mind that our oil-drilling machinery will not buy Soviet docility in Nicaragua, or Geneva, or anywhere else for that matter, let us trade with the Russians without deluding ourselves that we can thereby bring about peace. The expression "business as usual" may signify international comity to us capitalists, but to the communists, who are less convinced of the palliative effects of commerce, the phrase does not mean as much.

IN MEMORY OF PHILLY JOE JONES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. CONYERS. Mr. Speaker, I rise to call my colleagues' attention to the passing of the beloved Philly Joe Jones, who died August 30, 1985, at his home in Philadelphia at the age of 62. He was an extremely talented musician whose warmth and compassion for his fellow men touched everyone. He leaves behind his wife, Eloise, his son, Chris, and many thousands of fans who will cherish his memory always.

Mr. Jones began his musical apprenticeship playing in bands and combos in the Philadelphia jazz clubs. In 1950, he became the house drummer at Birdland on Broadway in Manhattan. These experiences enabled him to meet and play with the likes of outsanding musicians such as Charlie Parker and John Coltrane.

In 1952, he became a member of the Miles Davis Quintet. His hard-hitting style established him as a force within this group which included Paul Chambers, Red Garland, and John Coltrane. Roy Brooks, a good friend and a fine drummer from Detroit, told me recently that perhaps the finest example of percussion rhythms he has heard is found on an album recorded by this group in 1956 called Cookin' with the Miles Davis Quintet.

Jones musical relationship with Davis continued until 1958 when he moved on to become a leader or sideman with Jackie McLean, Lee Morgan, and McCoy Tyner. Jones rejoined Miles Davis in 1962, but the reunion was short lived. He spent much of the mid-1960's freelancing in Los Angeles and San Francisco. From 1967 to 1972 he lived in Europe where he taught drums with percussionist Kenny Clarke who was himself a pioneering jazz drummer.

During the early 1950's, Philly Joe Jones performed periodically with Tadd Dameron, a prolific composer and arranger known for his contributions to the development of bebop. Dameron's work was to have a lasting influence upon Jones, who in the early 1980's formed Dameronia, a repertory group that recreated music of Dameron.

With a grant from the National Endowment for the Arts, Philly Joe Jones was able to see to the reconstruction of many of Tadd Dameron's charts. Most of them had been lost and had to be transcribed instrument-by-instrument from old recordings.

This past June, I had the pleasure of seeing Philly Joe perform with Dameronia at the Capital City Jazz Festival in Washington, DC. With the able assistance of Frank West and Cecil Payne, he led his nine-piece group through the music of Dameron, originally written for a small band but arranged and performed in a manner which filled the hall with the sounds of a full orchestra.

Within the ranks of jazz artists, Philly Joe Jones will long be remembered as an electrifying percussionist who established the drums as a frontline instrument. Not content to keep time and play rhythms, he knew how to make the drum play melodies by creatively using his sticks, brushes, tomtoms, and symbols.

Philly Joe Jones' contributions to the development of jazz have won him recognition around the world. The international jazz community I know is deeply saddened by his loss. I urge the Members of the U.S. House of Representatives to reflect upon his musical legacy, one that this Nation should always treasure.

H.R. 10

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. FORD of Tennessee. Mr. Speaker, yesterday the House passed H.R. 10, the National Development Investment Act which amends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

What particularly appeals to me about this legislation is that it encourages coop-

eration among communities in different States and urges, where such communities desire, their respective governments to bring their own resources to bear in support of local interstate efforts. It also encourages the cooperation of various jurisdictions, such as associations of counties and/or of communities, where various units of local government agree to pool their resources to the mutual benefit of all. This bill attempts to coordinate all available funding sources to promote economic development.

Many communities across the Nation are confronted with high unemployment, financial instability and a shortage of available capital. Some of our regions, counties and communities are in such poor economic condition that even at times when Government spending for social insurance programs has increased the level of poverty has sharply risen.

We are a nation of regions, interdependent on one another for a strong national economy. A strong national economy depends on the cooperation of self-sufficient and productive local and regional economies—economies that have some stability yet sufficient flexibility to deal with the technological and structural changes which accompany and facilitate national growth.

H.R. 10 is designed to permit the Federal Government, in cooperation with the States, to assist distressed local and regional communities to take actions to achieve lasting economic improvement and prosperity. Under the act, new local employment opportunities would be created by developing and expanding public works projects and other facilities and resources. The bill specifically assists distressed communities by helping them to construct public facilities and improve the basic framework necessary to support development. Assistance is continued by facilitating economic adjustment, by promoting economic diversification, by effectively responding to sudden and severe economic dislocations and by encouraging and supporting local economic planning. This legislation will attempt to provide some relief by making funds available for business expansion and retention through locally administered revolving loan funds.

Economic progress is likely to occur where all levels of government and the private sector are firmly and actively united in a long-term commitment to achieve economic self-sufficiency.

Mr. Speaker, while I am aware of our need to reduce the Federal budget and to reduce the growth of Federal spending I feel that legislation of this nature will lead to reduction of the national debt. It has been reported that the Federal money provided by these programs has generated billions of dollars in private capital and returned billions more in taxes annually to Federal, State, and local treasuries.

Therefore, I thank my colleagues for support of this legislation—legislation that is beneficial to the economic development of this Nation.

PINELLAS COUNTY RESIDENTS UNITE TO FIGHT HURRICANE ELENA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. YOUNG of Florida. Mr. Speaker, as Hurricane Elena gained strength last weekend and approached the coast of Florida, local officials and volunteers planned for and executed the evacuation of much of Pinellas County. The evacuation began in the middle of the evening and involved more than 300,000 residents, half of whom spent at least 2 days in public shelters.

Although the eye of the hurricane bypassed Florida, the storm stalled just off of our coast in the Gulf of Mexico and for more than 40 hours pounded Pinellas County with its powerful southwesterly winds and heavy rain. Sea walls were reduced to rubble, the beaches seriously eroded, power lines downed, and homes and other buildings destroyed. Work is continuing to determine the exact extent of the millions of dollars of damage to property and businesses. We were fortunate, however, that the orderly evacuation of local residents prevented a catastrophic loss of life and personal injuries.

The many individuals who gave of their time in official and unofficial roles during the storm attests to the spirit and determination of the people of Pinellas County who were united in their fight to offset the potentially devastating effects of Hurricane Elena. Local and county officials worked around-the-clock to successfully implement their preplanned evacuation program. Red Cross and numerous other volunteers manned public shelters, providing food and bedding for as many as twice the number of expected evacuees.

Police officers, firemen and National Guardsmen braved the weather throughout the weekend and were out in full force to direct traffic and patrol the streets. In the storm's aftermath, they protected unoccupied property from looting and directed the orderly return of residents to their homes.

There were many examples of people helping their neighbors in need throughout the weekend. When the evacuation notice was first given, many residents went through their neighborhoods to make sure the notice was heard and that transportation was available, especially for the elderly and handicapped.

Restaurant owners and store mangers kept their businesses open extra hours to provide food for individuals and shelters. People took the time to provide food and hot drinks for officers patroling the streets. Doctors, nurses and pharmacists worked extra hours to provide medicine and medical care.

These efforts did not end when the storm subsided Sunday. Local officials and volunteers continue to pitch in to help Pinellas County residents clean up in the wake of the storm assess the damage and begin rebuilding severely impacted areas.

The weekend provided a glowing example of Americans once again helping their neighbors in need. It's a characteristic of our Nation emphasized in times of disaster, but no less apparent on a daily basis, especially in Pinellas County. Hurricane Elena not only provided us with new respect for the fury of such a storm, but a deeper understanding for the spirit and compassion of our neighbors.

THE DISTORTED WORLD SUGAR MARKET

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. GRADISON. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial on the international sugar market which appeared in the Economist on August 10, 1985:

ENSLAVED BY SUBSIDIES

Two hundred years after enslaving people to work on sugar plantations, rich countries are enslaving them again by ruining those same plantations and the poor countries that rely on them. The price of sugar on the world market is below four cents a lb—in real terms probably the lowest price ever fetched and a third as much as it costs the best producers to produce it. If cars that cost $6,000 to make had to be sold at $2,000, all the world's motor manufacturers would go bust, starting with the least efficient ones. Unfortunately, so dreadful is the muddle in the sugar market that the only growers going out of business are the most efficient ones, in Australia, Brazil and Fiji.

It is important to end this idiocy, and replace it with a freer market that encourages sugar to be grown where it is produced most efficiently. Many tropical countries depend heavily on sugar for their economic development, and with it for their political stability. They are victims of an extreme example of what is happening in agriculture throughout most of the world: a drive for self-sufficiency that stops short only of growing bananas under glass.

TAXING THE RICH TO RUIN THE POOR

The European common market pays its farmers 20 cents—ie, more than five times the current world market price—to grow each lb of sugar. With such rewards, European farmers have increased annual production from 10.8m to 13.3m tonnes since 1977, when the EEC began to export more sugar than it imported. To avoid adding a sugar lump to its beef, butter and grain mountains, the EEC has "sold" 38m tonnes of sugar in the past eight years. The difference between the 20 cents a lb farmers are paid for it and the four cents or so it fetches on the market is paid for by European taxpayers, who at present lose about $350 on each tonne unfortunately sold.

In the United States, sugar farmers are getting 17¾ cents a lb, or about four-and-a-half times the world price, with similar results. American sugar imports have fallen from 6m tonnes a year a decade ago to less than 3m tonnes now. Though America is at least not dumping sugar on the world market, it foolishly keeps domestic prices very high. This has made every kind of alternative to sugar artificially competitive.

In consequence, a sugar substitute made out of maize, and called high-fructose corn syrup, has captured about half the import market. With ludicrous logic, this has now set grain growers from the cornbelt to lobbying alongside plantation owners from the deep south for continued high rigged prices for sugar.

The problem is compounded because many poor countries are proving nearly as inward-looking as the rich ones. They also pay their own farmers more than the world price for sugar consumed domestically. Colombia, for instance, pays its farmers 21 cents a lb. Some of this subsidised production naturally spills on to the world market and underwrites chronic over-supply.

Market forces do not help much to mitigate this, because the world sugar trade is so cartelised. Around a third of all the sugar traded internationally is not sold at world market prices at all but under fixed contracts—Russia guaranteeing a market for Cuban sugar, America for its third-world friends and the EEC for former British colonies and others. Since the importers pay the same high prices for these captive imports as they pay their own farmers, this might seem a good deal for the favoured exporters. It is not. Cuba and Mauritius apart, none of them sells much more than half its sugar exports under these arrangements. This means that they virtually have to give the rest of the stuff away on a world market that is damaged further by these "good deals". The countries that lack a sugar daddy—Thailand, Australia and the Philippines—are hurt most, but almost everybody suffers. Markets dominated by import quotas, export subsidies and guaranteed prices provide no incentive for efficient production.

Sugar is too important for this to be tolerable, and not only because the value of the world crop is over $11 billion a year. As Professor Sidney Mintz notes in a new book (see page 51), in the seventeenth and eighteenth centuries sugar marked an early stage in Britain's development into a modern economy—a stage now being reached by many countries in the tropics. For sugar is an industrial as well as a farming business. Refining the stuff is more complicated than processing wheat, coffee and other crops, and because it is advantageous to have refineries near to the plantations, sugar often provides a country with its first taste of industrialisation. It also brings with it a main sign of development—changes in diet. Sugar is often the first food to break the pattern of subsistence peasant meals, based on a single staple crop.

Sugar consumption starts to take off when a country's gross domestic product reaches about $400 a head. It keeps on rising until gdp reaches $6,000 a head, by which time sugar is the biggest single source of fat men's calories. If Chinese and Indians ate as much sugar as Britons, world production would have to double. So, hard though this is to credit in the diet-conscious west, world demand for sugar is set to expand.

For it and other agricultural sectors to develop efficiently, Gatt rules against dumping of manufactured goods will have to be extended to agriculture. That will take time, and multilateral trade negotiations, but the EEC has a great chance to begin making sugar a less wildly inefficient market before then. Next year, its sugar regime runs out. Why not replace it with one that increases the market for developing countries? The EEC pretends its dumping has no impact on the price ("we just sell what we can at world prices") and claims the sugar regime is a model for the common agricultural policy because taxes on imported and domestically produced sugar pay for export subsidies. This is a lie. Last year, the regime cost European taxpayers and consumers around $2 billion. The EEC sugar regime is a parasite, damaging the commodity it feeds on. It is a system that deserves no single taxpayers support.

RESPONSE TO ADMINISTRATION'S REFUSAL TO HELP THE AILING FOOTWEAR INDUSTRY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. SUNDQUIST. Mr. Speaker, I was extremely disappointed that President Reagan recently accepted the poor advice of some of his advisers and declined to take action to stop the flood of cheap shoes into the United States.

I was particularly saddened to see this decision come after the members of the President's Cabinet who know the most about trade issues advised him to rule in favor of the domestic footwear industry.

The International Trade Commission, which is a conservative and free-trade oriented agency, had recommended earlier this summer that the President take strong action to give our domestic industry some temporary relief to allow it time to regain its competitiveness.

Unfortunately, however, there are others in the administration who confuse foreign policy with economic policy, and don't appreciate the urgency of our massive trade imbalance. They don't understand the need to take responsible administrative actions to give our industries some breathing room so that they may have at least a chance of survival.

Those advisers won their way with the President on this issue. In light of this negative decision, I have taken two actions in response. First, as chairman of the House Republican Trade Task Force, I will be supporting legislative efforts for an immediate remedy to address the footwear issue.

Second, I support the creation of a Cabinet-level Department of Trade. The negative footwear decision convinced me that trade issues have not received the attention they deserve under the present executive-branch framework. It is time that we treat trade concerns as seriously as our competitors. In fact, in many foreign countries Trade Ministers are a part of the top four or five executives in the administration.

Although the retail industry has argued in opposition to any restrictions, the long-term effects of the President's decision will not be to their advantage. By eliminating the domestic footwear industry, imports will eventually monopolize the market which will result in higher prices.

Further, I deeply regret that the President's decision will trigger a rash of protectionist legislation in the Congress. The footwear issue presented the administration with a golden opportunity to take administrative action to head off this mood of protectionism. I am extremely fearful that this sentiment will only bring about an era of bad trade policy. Protectionism is not a good policy; we are all aware of that. The administration should have been taking action to avoid a new batch of sweeping laws. Instead by ignoring the ITC decision and recommendations in this particular case our trade statutes credibility is seriously questioned.

COLONEL QADHAFI: NORTH AFRICAN MEDDLER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. BROOMFIELD. Mr. Speaker, once again, Col. Mu'ammar el-Qadhafi is threatening the peace and stability of his neighbors in North Africa. The bully of Tripoli is now violating the borders of peace-loving Tunisia while rudely expelling thousands of Tunisian guest workers who have been laboring in Libya. The colonel recently massed his troops on Tunisia's eastern border and threatened to invade. Diplomacy by intimidation and terrorism appears to be his style.

His name has become synonymous with terrorism. Libya watchers in our Government can recount long lists of Libyan plots and operations directed against Tunisia and other pro-Western nations. A few years ago, the colonel engineered an attack on the Tunisian town of Gafsa. Libyan agents have attempted assassinations in Egypt and routinely execute opponents of Colonel Qadhafi in Europe and in other countries around the world. Numerous terrorist training camps are located in Libya and some of the world's most infamous terrorists have been trained there.

Qadhafi has assisted the brutal former ruler of Uganda, Idi Amin, and succeeded in occupying a valuable mineral-rich strip of land along the northern border of Chad. He has assisted marauding bands of Polisario rebels in the Western Sahara and has sprinkled mines throughout the Red Sea in order to disrupt navigation through the Suez Canal. A few years ago, Libyan intelligence agents infiltrated into Saudi Arabia disguised as religious pilgrims while carrying a healthy supply of Soviet-made AS–47 assault rifles. These and other incidents serve to make Qadhafi the "enfant terrible" of the Middle East and a great source of embarrassment to many moderate Arabs who see the insanity of his maneuverings. He is no fool, however, and his actions are clearly designed to attain Libyan foreign policy goals. In this connection, I am deeply disturbed by recent Libyan threats against Tunisia.

With these concerns in mind, I commend the following article on Libya to my colleagues in the Congress.

[From the New York Times, Aug. 27, 1985]

UNITED STATE AFFIRMS SUPPORT FOR TUNISIA AS TENSIONS ON LIBYAN BORDER RISE

(By Bernard Gwertzman)

WASHINGTON, Aug. 26.—The United States today affirmed its support for Tunisia's security, amid a sharp rise in tension between that North African country and neighboring Libya.

Tunisia, which has longstanding ties to the United States, asserted on Sunday that Libyan fighter planes had violated its airspace and that Libya had massed forces along the Tunisian-Libyan frontier, after days of charges and counter-charges. Today, the State Department said Washington stood by a pledge made by President Reagan to President Habib Bourguiba of Tunisia on June 18 at the White House of American backing for Tunisia's security and territorial integrity.

The latest tensions between Libya and-Tunisia arose two weeks ago when Libya suddenly ordered the expulsion of Tunisian workers, many of whom had been there for years. So far, about 23,000 Tunisians have been forced over the border into Tunisia, many of them without their property and documents.

Smaller numbers of Egyptians and other foreign nationals have also been expelled from Libya. The official Libyan explanation was that this was done for economic reasons because of the drop in Libya's oil revenues.

In retaliation, Tunisia has expelled more than 200 Libyans from Tunisia, accusing them of subversion.

SUBVERSION OF TUNISIA CHARGED

But Tunisian officials have said that they regarded the Libyan moves as part of a broader plan by Col. Muammar el-Qaddafi, the Libyan leader, to subvert Tunisia, whose President is an 82 year old and in poor health. On several occasions, Colonel Qaddafi has talked of uniting Tunisia to Libya. Because of previous tensions between the two countries, the United States has in recent years become an arms supplier to Tunisia, selling Tunisia a dozen F-5 fighters, M-60 tanks and C-130 transport planes.

When Mr. Bourguiba was in Washington in June, the main concern of the Tunisian side was what it felt was the threat from Libya. The United States has pledged repeatedly since President Reagan took office that it would help any nation threatened by Libya. American officials said that they do not believe that Libya is actually planning an outright invasion of Tunisia, but that Colonel Qaddafi does seem interested in seeking to cause turmoil there.

They said that Colonel Qaddafi seems to have been heartened by his one-year-old treaty of union with Morocco, despite Morocco's ties to the United States, and by the friendly relations he has struck with the new military Government in the Sudan.

SUPPORT FOR "TERRITORIAL INTEGRITY"

Today, Charles E. Redman, a State Department spokesman, said that he wanted to reiterate "for the record" the American attitude toward Tunisia.

"That position was made clear publicly during the visit of President Bourguiba to the United States," he said. "It remains unchanged. President Reagan said at that time that the United States remains firmly committed to the sanctity of Tunisia's territorial integrity and to the principle of noninterference in its internal affairs."

"He also said that Tunisia can rely on the continuing support and friendship of the United States," Mr. Redman said.

The spokesman said that "we have been in close diplomatic contact with the Tunisisans, as always, an odd friend and ally."

The United States has no formal security pact with Tunisia, but, as with other nations believed to be threatened by Libya, the Administration has offered assistance. Two years ago, the United States and France provided backing to Chad, which had come under attack by Libyan forces and rebels backed by Libya.

In recent days, France has conveyed its support for Tunisia and Morocco and Kuwait have offered to mediate. Algeria, which has a friendship treaty with Tunisia, has conferred with the Tunisians, but has said little publicly, State Department officials said. Relations between Algeria and Libya are strained, in part because of the trip to Washington made earlier this year by President Chadli Benjedid of Algeria.

BELLEROSE COMMONWEALTH CIVIC ASSOCIATION CELEBRATES ITS 50TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. ACKERMAN. Mr. Speaker, I rise today to commend and congratulate the Bellerose Commonwealth Civic Association of Queens County, NY, on the occasion of its 50th anniversary, which will be celebrated on September 8, 1985.

The civic association has dedicated itself to enriching the community life in Bellerose, and all of its residents have reaped the benefits of the organization's hard work and concern.

Mr. Speaker, the association began as a social group that arranged annual picnics and sponsored a Red Cross center during World War II, and has played an active, vibrant role in Bellerose ever since its conception.

Today, the Bellerose Commonwealth Civic Association is integrally involved in programs to promote community awareness and public safety. It reaches out to our young people in Queens through a good-citizenship program that honors the winners at special school assembly meetings. Through this effort, children learn the value and joy of serving others and of achieving their very best.

The association's many successes in alleviating traffic-safety problems have been some of its finest achievements. The community was plagued for years by a small hill at a major intersection in Bellerose that blocked the vision of approaching drivers. The civic association immediately began to work on this serious safety hazard. Through the association's efforts, the hill was leveled, and a traffic light was installed at a nearby intersection. The Bellerose Commonwealth Civic Association, by taking the lead and demanding safe driving conditions for Bellerose residents, has saved lives and prevented countless traffic-related injuries.

The fine officers and members of the association have spearheaded many vital neighborhood programs that enhance the area's safety, stability, and quality of life. The men and women of this organization helped solve a property tax assessment crisis that threatened to displace residents—including elderly homeowners who had lived in the neighborhood for many years. With the strong support of the civic association, another plan was implemented, and residents were able to stay in their homes.

The organization also has worked tirelessly to insure adequate police protection for Bellerose residents.

Mr. Speaker, I take great pride in informing you of the outstanding achievements and accomplishments of the Bellerose Commonwealth Civic Association. I would like to commend its fine officers: Richard Hellenbrecht, president: Peter Condon, vice president; Ross Fertitta, treasurer; Lorraine Anzlone, corresponding secretary; and John Reh, recording secretary. I would also like to acknowledge the distinguished board of directors: James Delaney Bernard Wechsler, Howard Slaney, Robert Costagliola, Sebastian Platania, Melanie Ngai, and George Wolf. These and the other members who have dedicated their time and energy to the safety and betterment of Bellerose deserve our warmest congratulations.

The civic association has many reasons to celebrate this year, and its September 8 gala will be highlighted by a parade, music, food, and a crafts fair.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join with me now in paying tribute to all of the people who have made possible the Bellerose Commonwealth Civic Association's fine work, upon the momentous occasion of its 50th anniversary.

NATIONAL NEEDLEWORK WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Ms. SNOWE. Mr. Speaker, I am introducing a resolution today which would designate the week beginning September 22, 1985 as "National Needlework Week."

Needlework has been a part of American culture since the birth of our Nation, and today still has an impact on our society. Family ties are strengthened and people of diverse backgrounds are brought together through the practice of this art. As an art form, needlework is used to create tapestries, portraits, linens, and to beautify clothing. Needlework in its simplest form is used for the therapy and pleasure of the aged in their homes, churches, and nursing homes. As an industry, needlework has created new jobs in manufacturing, specialty shops, and teaching.

National Needlework Week will create a new awareness of this important aspect of our heritage. It will focus public attention on the need of preserving the beautiful needlework created by our ancestors, as well

as encourage people of all ages to develop their talents in all phases of this art.

I invite my colleagues to join me in showing support for this art form by cosponsoring this resolution.

GIVING AGRICULTURE EQUAL TREATMENT IN MULTILATERAL NEGOTIATIONS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. ROTH. Mr. Speaker, given our overall 1984 trade deficit of $123 billion, we should pay attention to our most profitable export—agricultural products. Last year alone, the United States exported $38 billion in farm goods and imported only $18.9 billion. As the world's largest exporter of agricultural products, the United States as a whole, and farmers in particular, would benefit from freer trade.

Last year I proposed a four-point plan to boost agricultural exports. As the second point of my proposal I urged congressional action to ensure that agriculture be given equal treatment with other export interests in multilateral negotiations. Agriculture should not be treated like the poor stepchild of the American economy.

Since the General Agreement on Tariffs and Trade [GATT] was first negotiated, agricultural interests have been placed on the back burner. The United States can no longer afford to play the role of innocents abroad. It is past time that agriculture be given a position on an equal footing with other products. The present high level of agricultural protectionism contrasts so sharply with trade liberalization in other areas that it behooves the Congress to act promptly.

I have introduced legislation which calls on the President to negotiate with our GATT trading partners to revise current rules which make an artificial distinction between agricultural and manufactured products. Agricultural export subsidies would thus be treated in the same manner as tariffs, and agricultural products would be treated the same as manufactured products. A unified treatment of tariffs and subsidies would clarify trading rules for market participants and simplify trade negotiations. In a market free of distorting influences, the American farmer would fulfill his role as a competitive producer.

The agricultural sector of most countries is highly protected from foreign competition. Tariffs, quotas and export subsidies are all widely used instruments of protection. The case of the European Economic Community is a glaring example. That body of countries should be a net importer, but by using certain tools it has been able to become a net exporter. Import restrictions on dairy products, sugar, meat and other products have led the United States to request a GATT waiver every year since 1955. Japanese trade policy has caused the price of basic food items to be well above the level of the rest of the world.

Because of the high current level of protection, the potential gain from more liberal agricultural trade is substantial. A 1980 study shows that a 50-percent reduction in agricultural protection by 17 Western nations would increase world trade by $8 billion per year. Conversely, the practice of excluding the agricultural sector from multilateral trade negotiations has had a considerable economic cost. Potential benefits from trade liberalization were lost when agricultural trade and nontariff barriers were eliminated from the Tokyo Round negotiations.

In order to avoid an all out agricultural trade war we need to start negotiations to establish an atmosphere of fair trade now. Hard-line bargaining will be necessary to break down the trade barriers of our major trading partners. The purpose of GATT is to promote freer international trade. We can work through this framework to assure fair treatment of the American farmer.

The exclusion of agricultural trade has had a particularly adverse effect on the United States, which has a comparative advantage in agriculture. If we can place agriculture on an equal footing with other multilateral export interests we can both help the American farmer and citizens of a hungry world, and we can reduce the trade deficit to benefit our entire economy.

RULE ON H.R. 3128, DEFICIT REDUCTION AMENDMENTS OF 1985

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means recently favorably reported to the House of Representatives H.R. 3128, a bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvements, consistent with the budget process.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill by the House of Representatives.

POLITICS OF PROTECTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. CRANE. Mr. Speaker, in the wake of President Reagan's decision to deny the domestic shoe manufacturers relief in the form of quotas or tariffs on imported footwear, I am fearful that Congress will retaliate by passing a plethora of protectionist legislation ranging in nature from across-the-board import surcharges to quotas and tariffs on specific goods.

One such bill that would have a devastating impact both domestically and internationally is H.R. 3035, legislation that would impose a 25-percent import surcharge on countries that have a substantial trade surplus with the United States. While Japan is the main target, Korea, Taiwan, and even Brazil would be adversely subjected to this surcharge. As Robert J. Samuelson points out, "Protectionism may satisfy an urge to punish foreigners, but it threatens to reduce economic growth and worsen our economic problems." In his article, "Politics of Protection," he further notes that, "the trade deficit by itself is not the trade problem." Instead, he views the problem as a result of violent swings in our trade balance that harms those industries dependent on exports or vulnerable to imports.

I find Mr. Samuelson's analysis correct, and further believe that it is the strong U.S. dollar in relation to foreign currencies that plays a major role in the disparity in current trade balances between the United States and foreign competition. The U.S. Congress, with its record budget deficits and high interest rates, can be held responsible for this strong dollar. Until the Congress exercises some fiscal responsibility, the overall situation for American businesses forced to compete with lower priced imports is unlikely to improve. Recent legislative action aimed at reducing the Federal deficit and lowering interest rates would contribute greatly to reducing the value of the U.S. dollar. Thus, rather than punishing our foreign competition, we in Congress should be focusing our attention on our Federal deficit and our high interest rates. Until we get our house in order, we should not be taking out our frustrations on our foreign trading partners.

For more insights into the complex trade position that the United States currently finds itself in, I urge my colleagues to read the following article by Robert J. Samuelson. The article follows:

POLITICS OF PROTECTION

(By Robert J. Samuelson)

A remarkable thing about America's huge trade deficit—$107 billion in 1984 and growing—is that it hasn't yet led to demands for across-the-board protection. That may soon change. Three powerful Democratic congressional leaders have proposed legislation requiring the president to slap a 25 percent tariff on countries with "inequitable" trade surpluses. Trade may be about to jump onto political center stage, dangerously jeopardizing America's post-World War II open trade policies.

Normally, new bills are a yawn. They're a congressman's way of saying "I care"—and little more. Less than 5 percent ever become law. But this bill indicates that protectionism has attained a new respectability and that senior Democrats think it can be turned to partisan advantage. More than that, it reflects a growing feeling that our postwar trade policies no longer serve the national interest and need a fundamental overhaul.

Writing in "Public Opinion" magazine, political consultant Kevin Phillips argues that trade could move "to the front rank of political issues for the first time since the great tariff debates" early in this century. The

public has long been sympathetic to protectionism; in one recent poll, 70 percent of respondents supported import limits. What's changing, Phillips contends, is that opinion-making elites—especially business executives are increasingly disaffected with open trade.

He may be right, but if so, we are playing with poison. Protectionism may satisfy an urge to punish foreigners, but it threatens to reduce economic growth and worsen our economic problems. American protectionism might inspire protectionism elsewhere—aimed at the United States and other countries. This would create uncertainty and undermine investment. Lower growth would intensify everyone's trade problems. Until recently, most protectionist measures aimed to help specific industries. The new Democratic proposal and some others hit entire countries—a direct violation of trading rules championed by the United States after World War II. Japan is the main target, but other countries (Korea, Taiwan, Brazil) could be affected. The justification is that these countries have huge surpluses with the United States and need to open their markets.

These proposals rest on a vast misunderstanding of what our trade problem is and how it might be cured. Although other countries' restrictive practices are irritating and hurt some industries, they are not a major source of the trade deficit. Indeed, the trade deficit by itself is not the trade problem. If it were, there would be an easy cure: have a recession. Imports would fall sharply. The last trade surplus occurred in 1975, which was also a recession year of high unemployment.

Actually, permanently large trade deficits, if possible, would be a good thing. They would enable us to consume more than we produce—to raise our living standards. But they aren't possible. Other countries will not indefinitely ship us more than we ship them. Our true trade problem is that the violent swings in our trade balance harm industries dependent on exports or vulnerable to imports. But protectionism cannot cure this instability.

Since 1980, America has had both record postwar trade deficits and record postwar protectionism. Among others, the steel, auto and textile industries have been heavily protected. But these measures have been swamped by other forces. High American economic growth and low growth elsewhere spurred imports and hurt exports. The high dollar has reduced our competitiveness. And the Latin American debt crisis has crimped exports.

In an interdependent world of floating exchange rates and multinational companies, control of a country's trade becomes virtually impossible. The evolution of open world financial markets (which allow countries to borrow to cover trade deficits or to reinvest surplus abroad) perpetuates trade imbalances. Exchange rates do not adjust immediately to eliminate deficits or surpluses.

And multinational firms respond to changing costs in different countries by shifting production. "More and more American multinationals have gone to global product planning," says U.S. trade official Geza Feketekuty. "Each new product is a separate decision as to where it will be designed and produced." The American shoe industry now wants import protection, but U.S. shoe manufacturers themselves account for 30 percent of our imports.

None of these changes was anticipated at the end of World War II when Americans abandoned their traditionally isolationist and protectionist policies. It was assumed that American global economic superiority and relative self-suficiency would continue. Countries' trade would remain relatively balanced, and an open trading system—in contrast to the preferential arrangements that existed before World War II—would promote world peace and a strong anti-communist alliance. Even political consultant Phillips is not certain how the new politics of protection will play out. The worse the economy gets, he argues, the more potent the issue. Its appeals are obvious. The helpful trade actions Congress might take are difficult. High budget deficits prop up interest rates and, therefore, the dollar's exchange rate. So do aspects of the tax code. Both could be changed, but the dividends would be distant and uncertain. By contrast, protectionism offers instant gratification.

Surely that is the message in the Democratic legislation. The main sponsors are all in the party's mainstream: Rep. Dan Rostenkowski of Illinois, chairman of the Ways and Means Committee; Rep. Richard Gephardt of Missouri, head of the House Democratic Caucus; and Sen. Lloyd Bentsen of Texas, ranking Democrat on the trade subcommittee of the Finance Committee. None considers himself a protectionist. Their endorsement of so protectionist a proposal reflects a conviction that it's a respectable and even imaginative economic policy.

But, ironically, the politics of protectionism may be as empty as the economics. The prospect for partisan advantage may be slight. In the Senate, Republican John Danforth of Missouri is already pushing a measure to retaliate against Japan. With rising protectionist sentiment, Republicans and Democrats might compete to see who can be more pro-American. To keep from being isolated, the White House might take its own measures. At home and abroad, protectionism is a game that everyone can play—and lose.

CONGRATULATIONS TO AMERICAN LEGION POST 186 BASEBALL TEAM

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. BLILEY. Mr. Speaker, I would like to take a few moments this morning to offer my hearty congratulations to the baseball team from American Legion Post 186 from Midlothian, VA, for winning the American Legion World Series in Kokomo, IN, on Monday, September 2. With little fanfare and no threats to strike, the American Legion baseball teams met in Indiana for their annual competition. Midlothian Post 186 advanced to the final day of the series by beating Omaha, NE, 3 to 2 and then took on the team from Sacramento, CA, to win the final game of the series 3 to 2 on Monday night. My warmest congratulations to the team from American Legion Post 186. All of Midlothian and the Richmond area are proud of your accomplishments and look forward to seeing you defend your title next year.

CATCHING MUMPS CUTS COSTS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1985

Mr. STARK. Mr. Speaker, I am pleased to announce that MUMPS is spreading throughout the Federal Government and around the world. This disease has proven to be an extremely effective antidote to the fatal ailments big budgetitis and cost overrunus extremus. What's more, this antidote was developed within the walls of an often criticized Federal agency—the Veterans' Administration.

So often we hear of how much the Government wastes; from golden fleeces to $91 screws. Can't the Government be run effectively? Well, I'm glad to report the VA has saved taxpayers millions of dollars and simultaneously improved service to the country's veterans simply by implementing a new, efficient, automated data processing system.

On February 18, 1982, the VA's Department of Medicine and Surgery was given a directive to develop a Decentralized Hospital Computer Program [DHCP]. One of the key provisions of this plan was the choice of softwware systems—the Massachusetts General Hospital Utility Multi-Programming System [MUMPS]. This system was chosen because it is user friendly; needs much less computer space than other language with comparable functions. The cost of implementing this system, including hardware, through fiscal year 1985 is only $100 million, as compared to the $2 billion to $3 billion cost estimated by commercial firms. Not only has the VA implemented the DHCP internally and for much less than expected, but only 2 years after the inception of the DHCP in 1982, the initial MUMPS software was fully operational in 169 VA hospitals.

MUMPS software has also been adapted by hospitals in Japan, Europe—including the largest hospital in the world in Finland—by HHS's Indian Health Service, and the Department of Defense—still immune to MUMPS—is assessing the feasibility of using MUMPS in military hospitals. It is high time that the VA, particularly the Department of Medicine and Surgery, be recognized and commended publicly for its outstanding job in implementing the DHCP and MUMPS software. Implementation of MUMPS in the VA has already saved taxpayers millions of dollars. Imagine the possible savings if MUMPS were to spread to other agencies. I for one am proud of the VA's accomplishments and applaud their fine work.

HOUSE OF REPRESENTATIVES—*Monday, September 9, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Open our eyes, O God, to see the beauty of the world as well as the pain; open our ears to hear the words of joy, as well as the sounds of defeat; open our minds, O God, to understand the mysteries of life and love, and always to be instruments of Your healing and care. We thank You, gracious God, that You have given us responsibility to be Your people in our day and time, and we most earnestly pray for strength to be faithful to that calling. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On August 2, 1985:

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day."

On August 5, 1985:

H.R. 2378. An act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes.

On August 9, 1985:

H.J. Res. 251. An act to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Leonore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

On August 15, 1985:

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; and

H.R. 2908. An act to amend title XI of the Education Amendments of 1978, relating to Indian education programs.

On August 16, 1985:

H.R. 2068. An act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes; and

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education.

WATCH WHAT WE DO, NOT WHAT WE SAY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, in listening to President Reagan's statement this weekend on international trade, I was reminded of an old line from a former President, which said "watch what we do, not what we say." Suddenly, after 4½ years, the President says he is concerned about our Nation's trade crisis. After all of these years of blindly swearing allegiance at the altar of free trade, the President now says he is for fair trade. Mr. President, it's too little, too late. Two weeks ago, you rejected the recommendation of the International Trade Commission to limit the number of shoe imports coming into this country. You slammed the door in the faces of America's footwear workers and manufacturers and left it wide open for their competitors in Korea, Taiwan, and Brazil. Last March, you did much the same to America's automobile industry.

Mr. President, tough talk won't stop the flood of foreign imports—from computer chips to shoes—dumped on our markets. No, only a strong, comprehensive, and far-reaching trade policy for our Nation will help us regain our competitive edge in world trade. We in Congress are ready to move ahead quickly on legislation which puts American workers and American businesses first. We urge you Mr. President, to put aside the press releases, roll up your sleeves, and join us.

AMERICA CAN BE PROUD OF BASSETT ARMY HOSPITAL

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, in recent months the American public has been reading a number of accounts relating to medical problems in our military hospitals.

As chairman of the Investigations Subcommittee of the House Armed Services Committee, we have looked into many of these allegations and, in all honesty, I must report to the Congress that military hospitals are not immune from matters relating to care of patients and the quality of medical attention, but neither are civilian hospitals for that matter.

Over the August recess period, I had occasion to be closely associated with Bassett Army Hospital located at Fort Wainwright, AK. Mr. Speaker, Bassett Army Hospital is a small 40-bed hospital located adjacent to the city of Fairbanks and which, I would suppose, is as remote a military post as we have in the entire continental United States.

During a long-planned vacation to Alaska, my wife developed a rather serious kidney infection necessitating that I locate medical care, which I found after driving some 300 miles from the Valdez area. I cannot speak too highly of the excellent medical care she received in that remote military hospital, and despite the fact this small hospital did not have all the latest equipment found at the Bethesda Naval Hospital or Walter Reed, the personal attention provided by doctors Jake Allen and Frank Floyd, and by nurses Helen Schotz, Marilynn Harasich, and Holly Buchanan more than made up for these deficiencies.

I have never been prouder of military medical care than that which I witnessed during my wife's 5 days at the Bassett Army Hospital from the dedicated doctors and nurses who, much like the television serial MASH, perform their daily duties in combat boots and camouflage olive drab attire.

America can be just as proud of Bassett Army Hospital and of its counterparts throughout the continental United States wherever American military men and women serve.

PRESIDENTIAL SOMERSAULT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, faced with bipartisan repudiation of his "constructive engagement" policy toward South Africa, the President now says that he will take action by Executive order. Unfortunately, the proposals announced this morning are chock full of loopholes.

He said that he will end loans to the Government of South Africa, but exempted any program directed toward the nation's 24 million blacks, even if that program strengthens apartheid. He can use the money to develop and maintain segregated housing or segre-

gated education or segregated nationhood Bantustans.

He suggests that he will end imports of the Kruggerand, and says that he will await the approval of our major trading partners. Since when does the United States need to seek such approval for such steps. Certainly we did not do it in the case of Nicaragua.

Third, the President has eliminated the threat of future sanctions contained in the congressional bill. Those sanctions would have put South Africa on notice that Americans are deadly serious about ending apartheid.

This package may play in Pretoria. It will be seen for what it is worth by the people suffering under the yoke of the Government of South Africa.

□ 1210

AN ATTEMPT BY THE PRESIDENT TO CIRCUMVENT CONGRESSIONAL ACTION ON APARTHEID

(Mr. GRAY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. GRAY of Pennsylvania. Mr. Speaker, I am deeply disturbed this afternoon because of the remarks of the President of the United States with regard to the bipartisan coalition in the House and the Senate on South Africa. Unfortunately, the President has come forward with an ill-disguised, ill-advised attempt to circumvent an overwhelming bipartisan consensus in the Congress.

If the President were truly interested in having our Nation speak with one voice instead of continuing to support the apartheid regime in South Africa, he would sign the legislation that a broad cross-section of Republicans and Democrats have put before him. I fear that the President's tragic refusal to support the compromise legislation will only undermine those moderate forces in South Africa who seek nonviolent reform of apartheid.

In essence, the President has said, "I am going to allow loans by our banks to the apartheid regime as long as they say it is going to help the majority." Second, he is going to go to GATT to ask for permission on a prohibition of Krugerrands. This is the first time we have done our foreign policy by a Gallup poll of other nations rather than acting on what Americans believe in—our values and our interests.

Finally, he has said that there is to be no future sanctions despite the fact that over a thousand of the citizens of the majority have been brutalized and killed in the last few months by the apartheid regime.

Mr. Speaker, it is a sad day for all Americans, and I hope the Members of the other body will have the courage and the strength to continue the bipartisan coalition and approve the compromise legislation in the conference on the Antiapartheid Act.

EXECUTIVE ORDER PROHIBITING TRADE AND CERTAIN OTHER TRANSACTIONS INVOLVING SOUTH AFRICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-103)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, September 9, 1985.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2936

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of the bill, H.R. 2936.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Tuesday, September 10, 1985.

COORDINATED OPERATION OF THE CENTRAL VALLEY PROJECT AND THE STATE WATER PROJECT IN CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) providing for the coordinated operation of the Central Valley project and the State water project in California.

The Clerk read as follows:

H.R. 3113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECT OPERATION POLICY.

Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by—

(a) inserting at the beginning "(a)"; and

(b) inserting the following new subsection:

"(b)(1) The Secretary of the Interior is authorized and directed to operate the Central Valley project, in conjunction with the State of California water project, in conformity with State water quality standards for the San Francisco Bay/Sacramento-San Joaquin Delta and Estuary unless the Secretary determines that operation of the project in conformity with such standards is not consistent with the congressional directives applicable to the project. Should the Secretary of the Interior so determine, then the Secretary shall promptly request the Attorney General to bring an action in the court of proper jurisdiction for the purpose of determining the applicability of such standards to the project.

"(2) The Secretary is further directed to operate the Central Valley project, in conjunction with the State water project, so that water supplied at the intake of the Contra Costa Canal is of a quality equal to or better than the water quality standards contained in the Water Right Decision 1485 of the State of California Water Resources Control Board, dated August 16, 1978, except under drought emergency water conditions pursuant to a declaration by the Governor of California.".

SEC. 2. NONREIMBURSABLE COSTS.

Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by inserting the following new subsection:

"(c)(1) The costs associated with providing Central Valley project water supplies for the purpose of salinity control and for complying with State water quality standards over and above existing water quality objectives identified in the water rights exchange contract dated February 14, 1968, shall be considered nonreimbursable project costs.

"(2) The Secretary of the Interior is authorized and directed to undertake a cost allocation study of the Central Valley project, including the provisions of this Act, and to implement such allocations no later than January 1, 1987.".

SEC. 3. COORDINATED OPERATIONS AGREEMENT.

Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by inserting the following new subsection:

"(d) The Secretary of the Interior is authorized and directed to execute and implement the "Agreement Between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project" dated May 20, 1985: *Provided*, That—

"(1) the contract with the State of California referred to in subarticle 10(h)(1) of the agreement referred to in this subsection for the conveyance and purchase of Central Valley project water shall become final only after an Act of Congress approving the execution of the contract by the Secretary of the Interior;

"(2) if the Secretary determines there is a shortage in the quantity of Central Valley project water available to meet the project's contractual commitments for water and the State water quality standards enacted pursuant to the procedures specified in article 11 of the agreement referred to in this subsection, the Secretary shall apportion available water among the water users capable of receiving water from the project by reducing deliveries to all such water users by the same percentage, unless the Secretary is prohibited by existing contracts, existing law, or has determined that some other method of apportionment is required to prevent undue hardship; and

"(3) the Secretary of the Interior may exercise the termination provisions of the agreement referred to in this subsection

only after the Secretary has submitted a report to the Congress and one hundred and eighty days in which Congress is in session have elapsed. The report must outline the Secretary's reasons for terminating the agreement, and include the views of the Administrator of the Environmental Protection Agency and the Governor of the State of California on the Secretary's decision.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3113 represents the culmination of nearly two decades of negotiations on an agreement to coordinate the operations of the Federal Central Valley project and the California State water project.

I believe that my colleagues from California—Congressman TONY COELHO and Congressman RICHARD LEHMAN—would join me in describing H.R. 3113 as one of the most important bills ever considered in Congress affecting water policy in the State of California.

H.R. 3113 is not simply a piece of legislation. It is a peace treaty which can help to end the water wars which have crippled our State's resource program for over a decade.

In 1960, California prepared to launch its State water project and the Federal Government had just approved a substantial expansion of the Central Valley project. My father, then a State senator, wrote the State Delta Protection Act which clarified the obligation of the State project to provide an adequate water supply for the delta and to operate the State project to prevent the intrusion of ocean salinity which degrades the quality of that water supply.

Today, 25 years later, H.R. 3113 makes it clear that the CVP must be operated so that the water supply and water quality of the San Francisco Bay/Sacramento-San Joaquin Delta and Estuary are protected first, before surplus waters are diverted to users in other areas of the State.

Mr. Speaker, water users in California have been in a state of paralysis for over a decade. We've demonstrated that when we are in disagreement, nothing can happen. Now, a new generation of political leadership intends to demonstrate that when we work together we can make great progress.

I want to publicly say that the compromise embodied in H.R. 3113 would not have been possible without the active involvement and the honest determination of my colleagues and cosponsors, Congressmen TONY COELHO and RICK LEHMAN. They deserve a great deal of credit for this legislation.

H.R. 3113 has the broad support of nearly every group in California, including the Governor, State senators and assemblymen, delta interests, environmentalists, and water contractors from both the State and Federal projects.

Mr. Speaker, the singular goal of this legislation is to resolve, once and for all, the obligation of the Federal Central Valley project to meet State water quality standards for the San Francisco Bay/Sacramento-San Joaquin Delta and Estuary.

This bill clarifies that the Secretary of the Interior, at a minimum, must operate the CVP so as to meet the standards established from time to time for the bay and delta by the State water resources control board, through the board's formal administrative processes.

It is particularly noteworthy that this provision includes the San Francisco Bay, as well as the delta. Protection of the bay has been too long overlooked by the State water resources control board, and we expect that it will be included in the next standards issued by the board. H.R. 3113 makes it clear that the Congress intends for the Federal project to be operated to meet those bay standards should they be promulgated.

It is also important to note that the Federal obligation to meet State water quality standards will exist even if the coordinated operations agreement [COA] becomes inoperative for some reason. Thus, we have for the first time, firm assurances that bay and delta water quality standards will be met regardless of the future of the COA.

Compliance with State water quality standards by the CVP as required by this statute is not intended in any way to prevent or restrict a judicial determination by a court of competent jurisdiction that the CVP has an obligation to maintain water quality standards in the Sacramento-San Joaquin Delta and San Francisco Bay Estuary which exceed and are better that the standards specified in the coordinated operations agreement, and its exhibit A, as directed in this bill.

Mr. Speaker, an important safeguard is provided in H.R. 3113 to the 300,000 customers of the Contra Costa Water District—the first CVP contractor. The bill provides to these customers a guarantee they have never before enjoyed under Federal law: An assurance that specific water quality standards, at least as good as those contained in D-1485, will be maintained at the district's intake at Rock Slough.

Those standards may not be waived unless we confront a catastrophic drought of the sort which affected California in 1976-77, and then, only after complying with California State law and following an emergency drought declaration by the Governor of the State. This waiver of the water quality requirement for Contra Costa will only be invoked on a temporary basis and only in the most extreme conditions where no prudent alternative exists to meeting the State water quality standards.

Mr. Speaker, protecting the delta provides benefits not only for residents of the bay/delta region, but for the customers of the Cental Valley and State water projects. The delta serves as the point of export—the "switching station", if you will—for the State and Federal projects. Maintaining high quality water in the delta is necessary to assure Cental Valley and southern California customers satisfactory water for their crops, their ranches, and their cities.

Maintaining and improving delta water quality benefits a wide variety of other interests as well, including fish and wildlife, salinity control and river and harbor maintenance. It is impossible to enumerate all of the beneficiaries or to send a bill to them for the benefits provided by the project.

Therefore, this legislation makes nonreimbursable all costs associated with providing salinity control and for complying with State water quality standards in excess of the so-called Tracy standards.

It is important to note that making these costs nonreimbursable is not a new idea. The Department of the Interior has been following that same policy since 1978, when the decision was first made voluntarily to comply with State water quality standards.

Mr. Speaker, H.R. 3113 authorizes and directs the Secretary of the Interior to execute and implement the coordinated operations agreement dated May 20, 1985. This agreement, which has been negotiated by representatives of the Bureau of Reclamation and the California Department of Water Resources, provides an additional framework for the management of both water projects and for the benefit of all.

H.R. 3113 authorizes and directs the Secretary to implement the agreement, but only if three statutory conditions are met. We believe these conditions are essential to assure an agreement that permanently resolves the controversies addressed by the COA and H.R. 3113. These provisions are also essential because we do not believe that agreements of this magnitude ought to be entered into or voided without deliberate consideration by the Congress of the United States. There is no better way to protect the Federal investment—which now exceeds $2 billion—in the Central Valley project.

The first statutory provision provides that the contract with the State

of California for the conveyance and purchase of Central Valley project water referred to in article 10(h)(1) of the agreement will become final only after an act of Congress. We believe this contract will be critical to the long-term resolution of the controversies addressed by the agreement and H.R. 3113. It will also fundamentally affect the future of water resource development and management in California for decades. It is for these reasons that H.R. 3113 provides that Congress must approve the contract before its execution.

We want to note specifically and emphatically, that when the Secretary signs contracts for the sale or delivery of CVP water, the full force of Federal reclamation law remains in effect. This bill in no way changes existing law with respect to the contracting and delivery of water.

The second statutory provision provides that when the Secretary determines that there is a shortage in the amount of project water available to meet both the contractual commitments and the State water quality standards, the Secretary shall apportion reductions in deliveries to all users. Exceptions to this rule would be allowed under terms of existing contracts, existing law, or upon a determination that some other method of apportionment is required to prevent undue hardship.

When rare shortages do occur, water diversions and deliveries must inevitably be curtailed, as they were in 1976–77. As was the case during that drought, we anticipate that the first responsibility for enduring reductions will come from agricultural contractors before reductions are imposed on municipal users who lack available alternative sources of water for essential human health and safety needs.

This is not a matter of regionalism or favoritism; it is a recognition that when disaster strikes, plants must suffer before human being. This is the basis upon which the project has been operated in the past, with the cooperation of all parties, and it is a sound priority system for future operations as well.

For we in the delta, who have watched our water quality deteriorate as a result of the export of the two projects, it is essential that this legislation provide us fundamental assurances that a baseline of quality has been established which will not be undermined with the signing of new water delivery contracts, or with the construction of additional units of the CVP.

We intend that section 3(d)(2) provide that long-term assurance by establishing that water sold under future contracts be recallable when necessary to meet State water quality standards. Surplus water will remain available for sale under this law.

But water which is needed to meet lawfully established bay-delta water quality standards is not surplus, and must remain available to meet this fundamental project purpose.

The third and final provision added by H.R. 3113 provides that the Secretary may exercise the termination provisions of the agreement only after the Secretary has submitted a report to the Congress and 180 legislative days have elapsed. The report must outline the Secretary's reasons for terminating the agreement, and include the views of the Administrator of the Environmental Protection Agency and the Governor of California on the Secretary's decision.

There are several issues which we were not able to address in this bill. Among the most important is the lack of a sufficient water supply to adequately protect California waterfowl. It is my sincere hope that the Department of the Interior will make this problem a top priority so that waterfowl populations in the Central Valley are not further jeopardized. This is a critical issue, and we in the Congress will be looking closely at this problem in the coming months.

Mr. Speaker, the time has come to move forward to end the suspicion and the stagnation which has impeded sound water policy in California for too long.

I firmly believe H.R. 3113 provides the framework for accomplishing that goal, and I hope my colleagues will join me in support of my motion to suspend the rules and pass this important bill.

Finally, I want to publicly thank several people who worked very hard to make this legislation possible. We are all indebted to the hard work of Tom Graff, Cressey Nakagawa, Dave Schuster, Stuart Somach, Bob Will, and Dave Kennedy who have worked tirelessly to forge the compromise that is H.R. 3113.

Mr. Speaker, under my unanimous-consent request, I include herewith several editorials and letters in support of H.R. 3113:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, September 5, 1985.

Hon. GEORGE MILLER,
Member of Congress, House Office Building, Washington, DC.

DEAR GEORGE: I support H.R. 3113, which would provide for the coordinated operation of the Central Valley Project and the State Water Project in California, and am writing to request your assistance in obtaining the passage of this legislation when it is considered on the House floor.

H.R. 3113 is the culmination of over 25 years of negotiations between the California Department of Water Resources and the Bureau of Reclamation on the Coordinated Operations Agreement (COA). The COA is essential for orderly and efficient functioning of California's two largest water resources development projects, the Federal Central Valley Project (CVP) and the California State Water Project (SWP). The two projects are operated as separate entities by the Bureau and the Department, but their operations are interrelated, their waters are commingled, and their effects on the environment occur jointly in many instances.

The COA will accomplish several objectives. The Bureau of Reclamation will be required to meet the same Delta protection criteria that the Department of Water Resources meets in operating the State project. The COA will also define the respective quantities of water supply of the two projects and thus provide a basis for the Bureau to resume its contracting program. Finally, the COA will provide the basis for negotiating a wheeling and purchase agreement between the two projects such that the CVP can use extra conveyance capacity in the California Aqueduct and the SWP can use interim water available from the CVP until it is needed in CVP service areas.

H.R. 3113 currently has broad statewide support from water interests, environmentalists, State and Federal water contractors and elected officials. Enactment of this legislation is widely viewed as a significant step in resolving California's longstanding controversy over water development.

Thank you for your consideration of my request.

Most cordially,

GEORGE DEUKMEJIAN.

[Telegram]

SACRAMENTO, CA,
September 6, 1985.

Representative GEORGE MILLER,
Capitol One DC:

California Round Table urges support H.R. 3113 enabling legislation for Federal-State water project coordinated operations agreement. Remaining issues requiring clarification can be resolved through process. COA/HR3113 are major positive steps for California water policy. Urge yes vote on September 9.

CHARLES LYNCH,
Chairman.

LEAGUE OF WOMEN VOTERS
OF CALIFORNIA,
Sacramento, CA, August 19, 1985.

To: California congressional delegation, House of Representatives.
From: Linda Broder, LWVC president.
Re: The coordinated operations agreement and H.R. 3113.

The League of Women Voters of California (LWVC) is pleased to support the proposed Coordinated Operations Agreement (COA) and its reauthorizing legislation, HR 3113, as passed by the House Sub Committee on Water and Power Resources on July 30, 1985. We urge adoption of HR 3113 when it comes before Congress this fall.

Many individuals and organizations in California have expressed great interest in the COA, an agreement to coordinate exports of water through the Delta by the Central Valley Project (CVP) and State Water Project (SWP). LWVC members participated in an Ad Hoc Group that met informally to examine the COA and discuss their differing opinions. The starting point for compromise was the common belief that increased cooperation by the two water projects is essential for improved water quality and management of the Delta. The League commends all participants in this group, which included representatives from state and federal contractors, labor, business, environmental and civic groups, for

their willingness to reach for greater accord on the issues involved. The result was an increased understanding of the scope and complexities of the COA and increased respect for each point of view. We believe this process greatly contributed to the successful passage of HR 3113 from the Sub Committee on Water and Power.

We also applaud the work of the Sub Committee in drafting language in HR 3113 which strengthens the commitment of the federal government to water quality protection. While we recognize that the resolution of federal adherence to future standards is uncertain, we are sure that the reference in the bill to the San Francisco Bay/Sacramento San Joaquin Delta is a vast improvement. This recognizes the necessity to expand water quality protections to an area larger than the Delta. The operation of both the CVP and SWP must recognize this responsiblity. This is—and should be—a statewide and national concern.

HR 3113 addresses and satisfies two League concerns: the termination clause, and the requirement that Congress approve the contract that is provided for in the COA. We accept these provisions as passed out of committee in HR 3113.

Two reservations still exist, however. One concerns the new wheeling contract provided by the COA. We urge that conservation measures and an adequate water supply for fish, wildlife and instream uses be included in the contract. Because of the probable inadequacy of Delta standard, D-1485, these goals are as important as the need to fulfill contractual obligations. Water conservation measures should be required and implementation begun before extra water is made available for agricultural contracts. The LWVC discourages water contracting and marketing policies which build up demand and establish rigid patterns of distribution and use. Instead of increasing reliance on exports, the LWVC would prefer to see the COA emphasize greater cooperation and coordination between the two export projects with increased efficiencies in the use of existing supplies.

We hope the new COA will foster these goals. It seems regrettable that the proposed agreement does not mention water conservation (as meaning the saving of water), or fish and wildlife needs, or the desirability of off-stream storage, conjunctive use of ground and surface supplies and the necessity for groundwater recharge.

Emerging economic trends necessitate that the new contract look at factors other than financial gain from the sale of more CVP water through new contracts. Some experts predict that agricultural irrigation demand in the Central Valley will decline due to higher costs and acute drainage problems. Water trading between districts could become another economical option and a source of additional supply. Because the League wishes to discourage rigid patterns of contracting, we hope the forty year CVP contract will become a thing of the past. It is imperative that Congress recognize economic change when it evaluates the wheeling contract as these factors may significantly impact the amount of water available for export for both projects.

Basically, the LWVC is concerned how the additional CVP water will be used including its allocation between urban and rural users. The League will watch the development of the contract closely. You will receive comments from us again at the appropriate time during the EIS process and Congressional review.

Federal compliance with future state water quality standards is the second major LWVC concern that was not settled in the COA or in its enabling legislation. As stated earlier, the League is pleased with the strengthening language in HR 3113. We are highly gratified also that the COA requires the federal government to accept its share of responsibility for mitigating Delta water quality up to the existing standards, D-1485. This interim standard is under review, however, and has been challenged in courts as inadequate. We had hoped that HR 3113 would show an even greater commitment to water quality as one of the purposes of the Central Valley Project. The League accepts the compromise as written as political reality. We will continue to work for high water quality standards in relation to Delta exports for both public health and environmental reasons. We believe that states may set standards higher than minimum federal standards.

The job before us now is to work for passage of the proposed COA, and for HR 3113 without any weakening amendments. In spite of our concerns we recognize that the COA is an historic accord which has the potential to significantly improve water resource management in California.

LOS ANGELES AREA
CHAMBER OF COMMERCE
Los Angeles, CA, August 28, 1985.

Hon. GEORGE MILLER,
House of Representatives, House Office Building, Washington, DC.

DEAR CONGRESSMAN MILLER: When Congress reconvenes in September, one of the critical issues before the U.S. House of Representatives will be HR 3113 (by Congressmen Miller, Coelho, and Lehman) authorizing implementation of a Coordinated Operations Agreement (COA) between the State of California and the federal government. The Los Angeles Area Chamber of Commerce urges your support of HR 3113.

The COA, which has been in negotiation for nearly three decades, establishes a partnership between the federal Central Valley Project (CVP) and the State Water Project (SWP) for the efficient export of water from the Sacramento-San Joaquin Delta.

Through efficiencies created by this agreement between the state's Department of Water Resources and the Bureau of Reclamation, such a partnership will go a long way toward increasing the supply for those who contract for water from either project. Additionally, the delta itself will benefit through a more certain water supply, especially in dry years, resulting in improved water quality and wildlife conditions.

The Southern California area will grow by more than three million people by the turn of the century. Many of those people will depend on the greater Los Angeles area to provide jobs, housing, and recreational opportunities. All of these things depend on an assured supply of water. Most of this region is heavily dependent on water imported from other areas, including the Sacramento-San Joaquin Delta.

It is this Chamber's policy to actively pursue those activities that both reasonably augment and conserve our water supply and which improve the operation of those importation systems on which we depend. The COA helps accomplish these goals by making the federal government partially responsible for releasing water to maintain delta water quality standards, removing some of that burden from the state. The COA also provides a mechanism for the interim sale of some CVP water to the SWP, as well as transportation of some federal water to its contractors through SWP facilities.

HR 3113 is a nonpartisan issue that blends the strength of two great water projects in order to improve both, at virtually no cost. As the COA legislation moves through the Congress, I hope the Los Angeles Area Chamber of Commerce can count on your support.

Sincerely,

RAY REMY.

CALIFORNIA TROUT,
August 21, 1985.

Hon GEORGE MILLER,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MILLER: Greetings from California Trout, a statewide organization of conservation-minded anglers working to protect, enhance and restore wild trout and native steelhead fisheries around California.

We are happy to throw our support behind your H.R. 3113 to provide for the coordinated operation of the Central Valley Project (CVP) and the State Water Project (SWP) in California. The Coordinated Operation Agreement is an historic document that will have longlasting positive benefits for enlightened water policy throughout the state.

We applaud and fully support your bill and urge you and your colleagues in the House and Senate to pass this measure swiftly. Thank you again for your leadership on this important public policy issue.

Yours truly,

RICHARD H. MAY,
President.

ASSEMBLY, CALIFORNIA LEGISLATURE,
Sacramento, CA, August 20, 1985.

Hon. GEORGE MILLER,
House Office Building, Washington, DC.

DEAR CONGRESSMAN MILLER: I would like to express my support of Senate Bill 1192—Wilson and HR 1331—G. Miller.

As I'm sure you know, the passage of these bills would be beneficial to both the citizens of California and the federal government. They would provide badly needed water to the farming communities of the Central Valley and also allow the federal government to put to good use the excess water in its reservoirs. This coordinated operating agreement will enhance the quality of life in the Delta area and in turn the lives of all Californians.

I urge you to support Senate Bill 1192 and HR 3113 so that the resources of both the state and the federal government can be put to the best and most efficient use possible.

Sincerely,

PAT NOLAN,
Assembly Republican Leader.

RESOLUTION 8070—RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA ON H.R. 3113

Whereas, The Metropolitan Water District of Southern California relies extensively on the California State Water Project (SWP) to provide vital water supplies from the Sacramento-San Joaquin Delta to 13 million residents of the State living in its service area, and;

Whereas, both the SWP and the federal Central Valley Project (CVP) divert surplus

water from the delta under water rights permits administered by the State Water Resources Control Board, and the relative priority of the respective permits of the SWP and the CVP have long been and continue to be the subject of dispute, and;

Whereas, both projects provide major water supplies of statewide importance and can optimize their respective shares of surplus delta water by coordinating their operations, since the SWP has greater diversion capacity while the CVP has greater storage capacity, and;

Whereas, The California Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) formally recognized the need for an agreement to coordinate the SWP and CVP operations in a 1960 agreement, and have spent the intervening 25 years developing a fair and reasonable coordinated operation agreement, and;

Whereas, agreement has been reached on coordinated operations that offer practical solutions to long-standing water disputes centered in the delta, but such agreement cannot be implemented without Congressional authority, and;

Whereas, The Interior and Insular Affairs Committee of the House of Representatives has approved legislation in the form of a House of Representatives' Bill, HR 3113, providing that authority and has referred HR 3113 to the full House for passage, and;

Whereas, enactment of that legislation will significantly benefit Metropolitan as well as California generally, by assuring the delta better water quality, and by providing a mechanism for better managing delta water resources.

Now, therefore, be it resolved that the Board of Directors of the Metropolitan Water District of Southern California does strongly support the swift enactment of HR 3113 and the execution of the Coordinated Operation Agreement between the United States and the California Department of Water Resources.

CONTRA COSTA COUNTY, COMMUNITY DEVELOPMENT DEPARTMENT,
Martinez, CA, August 23, 1985.

Hon. GEORGE MILLER,
Congressman, Seventh District
Pleasant Hill, CA.

DEAR CONGRESSMAN MILLER: On August 13, 1985, The Board of Supervisors endorsed H.R. 3113, sponsored by you, providing for the Coordinated Operation of the Central Valley Project and the State Water Project in California. Attached is a copy of a report from the Board's Water Committee on the bill.

The Board appreciates your efforts in sponsoring H.R. 3113 which is a very important piece of legislation to help insure that the water quality and environmental values of the San Francisco Bay/San Joaquin Delta estuary are protected.

Please let the Board's Water Committee know if the County can be of any other assistance in the passage of this very important bill.

If you have any questions, please contact Dave Okita at 671-4295.

Very truly yours,

ANTHONY A. DEHAESUS,
Director.

PAUL E. KILKENNY,
Assistant Director.

CALIFORNIA WATERFOWL ASSOCIATION,
Sacramento, CA, August 21, 1985.

Hon. GEORGE MILLER,
House Office Building,
Washington, DC.

DEAR GEORGE: This letter is in confirmation of my recent conversation with Dan Beard about the Association's requested amendment to H.R. 3113. As you know, CWA strongly supports the concept of the COA and commends you for introducing H.R. 3113. In particular we support its fine tuning of certain of the COA provisions. However, in our letters to you dated July 10th and Juy 30th we expressed our concern over a major side effect which signing of the COA could have on the water supplies for two-thirds of the remaining wetlands in California's Central Valley. Over the past three weeks we have become aware of the considerations which justify a modification of our July 30th request.

First, this fall the Bureau of Reclamation will start a two year feasibility level study of the duck water problem. This study could be the basis for future Congressional action. The quantity, location, and required time of the year when duck water supplies are needed are already known (see my letter of July 30th) so the study will concentrate on potential water sources and delivery systems. The point is that by the fall of 1987 we will know how much of the 453,800 acre foot duck water requirement would actually have to come from CVP yield as opposed to various other sources. My personal horseback guess is about 150,000 acre feet.

Second, the Sacramento Valley agricultural allocation proposed by the CVP contractors is about 383,000 acre feet. However, we understand that only about 200,000 acre feet could be delivered without Congressional authorization and appropriations to extend the Tehama Colusa Canal and build Oat Reservoir.

Third, the Delta Mendota Canal is currently operating at its capacity (including the annual delivery of 250,000 acre feet of surplus water to Westlands). Therefore, the CVP lacks the conveyance capability which would enable to Bureau to contract for more water without using the California Aquaduct. H.R. 3113 provides for Congressional review and approval of any such agreement between DWR and UBR. Therefore, realistically it appears that no more than 450,000 of the 1,100,000 acre feet of available CVP yield could be contracted for in the next two years.

These two constraints, plus a definite timetable for finalizing a plan to solve the duck water problem leads us to the conclusion that our requested amendment to H.R. 3113 is not needed. In its place we would like the bill's legislative history to show clear Congressional intent that the amount of CVP yield necessary to solve the duck water problem should be reserved until the Congress has had an opportunity to deal with this issue. I understand from Dan that this approach is politically feasible, and we respectfully request that you include it as part of your presentation of H.R. 3113 on the House floor. I have been in touch with Kathy Files of Senator Cranston's staff, and she feels that it might be appropriate for the Senator to take similar action on the Senate side.

We would appreciate it if you would let us know whether this alternative approach is acceptable to you.

Sincerely,

D. CHAPIN,
Chairman, Resources Committee.

[From the Sacramento Bee, June 20, 1985]

WATER BREAKTHROUGH AT LAST

After 25 years of argument, litigation and mutual suspicion, the federal Bureau of Reclamation and the state Department of Water Resources have finally come to an agreement about how to coordinate the operation of their California water projects. That was no small achievement.

Its result should increase efficiency and, therefore, increase water available for use by California farmers and urbanites. Even more important, the new agreement finally commits the federal government to using its own water supplies to help meet the state's current standards for protection of the San Joaquin-Sacramento Delta. In return, the federal government will be able to use the state's facilities to deliver water it used to have no means of transporting. Everyone should benefit.

Before Congress approves the new agreement, however, there is at least one central feature that must be bolstered. The federal and state negotiators left it too easy for the federal government to withdraw from the agreement and renege on its delta protection commitment in five years, after the state has already given up its quid pro quo. The agreement also makes it possible for some future interior secretary to unilaterally decide to ignore any tougher delta protection rules the state might enact in the next few years, even though most experts agree tougher rules are needed. It's left to the interior secretary to decide which delta standards conflict with Congress' intentions.

California Rep. George Miller, chairman of the House Subcommittee on Water and Power Resources, is urging Congress to close these and other potential loopholes. He has proposed, for instance, that any future interior secretary be required to obtain congressional permission before breaking the agreement, just as it takes congressional approval to enter into it. He has also proposed that Congress pass legislation making it perfectly clear that its intention is to have federal water used to help protect the fish and wildlife and the quality of water in the delta, the Suisun marsh and San Francisco Bay. Given the distrust that 25 years of argument have nurtured, such extra assurances would make a great deal of sense.

It's also important for Congress to be clear about what this new agreement has not accomplished. Although it has made it possible to move more water from North to South, this agreement has not removed the last roadblock in the way of new water project development.

Whether the state and federal governments and their water customers' can afford major new construction projects, whether conservation and redistribution of existing water supplies would be more cost-effective and whether any particular new project is environmentally acceptable remain questions to be answered case by case, as they were before this agreement made new water shipments possible. Whether the federal government's stored water should be committed to new contractors or saved for use in maintaining delta and bay water quality during dry years is another question that has not been resolved by this agreement; it remains for state water officials to answer. And arriving at the right answers is no easier than it ever was.

The federal-state agreement provides a new opportunity for rationality in the operation of the California water system, and everyone involved in the negotiations is to be

congratulated for that. But it is an opportunity that can also be badly abused if Californians don't soon come to an agreement among themselves on a rational set of priorities for the use of the water resources the state has.

[From the Los Angeles Times, Aug. 4, 1985]

WATER OUT OF THE ASHES

One of California's most persistent and divisive water problems is nearing solution. In a critical vote last week the House Interior Committee approved legislation to implement a state-federal agreement for joint operation of their giant water systems in the delta of the Sacramento and San Joaquin rivers.

The agreement would permit the pumps of the federal Central Valley Project and the state Water Project to be managed in a fashion that would protect the environment of the estuary and make available a major new supply of water for potential use in the Central Valley and in Southern California. Notably, the pact would require the U.S. Bureau of Reclamation for the first time to help maintain state water-quality standards in the delta.

The state-federal Coordinated Operating Agreement is a complicated technical arrangement that was under negotiation for about three decades between the federal bureau and the state Department of Water Resources.

House Interior approval of the implementing bill was possibly the most rigorous test for the breakthrough pact. It was a major test, as well, of the direction and influence of Democratic Rep. George Miller of Contra Costa County as the new chairman of Interior's water and power subcommittee.

In the past, Miller has been anathema to many Central Valley and Southern California water-development aspirations. But now, working with two Valley Democrats, Reps. Tony Coelho and Richard H. Lehman, Miller has astutely forged a consensus out of the ashes of the 1982 Peripheral Canal battle and related animosities. His legislation serves all California, and may pave the way for creative solutions to other state water problems.

Speedy final approval of the Miller bill should a priority for all California members of Congress when they return to Washington in September.

[From the Sacramento Bee, Aug. 6, 1985]

WATER WAR ARMISTICE

California Congressman George Miller has called the bill the House Interior Committee just passed a historic peace treaty, and he's right. After 25 years of battling between state and federal officials over the extent of the federal government's responsibility for protecting the San Francisco Bay and the Sacramento-San Joaquin Delta, a settlement has finally been negotiated. The committee's bill not only commits the federal government to operating its California water project in a way that meets the state's environmental standards; it also paves the way for coordinated operation of state and federal water projects. The resulting increase in efficiency—and thus in the amount of water available for use—should benefit all Californians.

The first and most important breakthrough in these water-war-peace negotiations came a month ago, when Deukmejian and Reagan administration officials worked out a coordinated operating agreement for the two water projects. Their agreement, however, still left a few too many potential loopholes and thus didn't fully stanch the mutual suspiciousness that 25 years of water warfare has bred. It was under Miller's guidance that his Subcommittee on Water and Power Resources closed enough of those loopholes to produce an acceptable treaty. He deserves to crow.

What the subcommittee added was language requiring a cooling-off period before any future Interior secretary could unilaterally pull out of the agreement and making it clear that not just Delta but also Bay water quality maintenance is a federal responsibility. Those changes should assuage California fears about the original agreement, which would have left it much easier for federal officials to renege on the deal—or alter its meaning—at some future date.

The legislators also added language requiring congressional approval before federal water deliveries from Northern to Southern California could be significantly expanded. The need to reappear before Miller's conservation-minded committee should discourage thoughtless squandering of the water that will be freed for new uses once the two projects are being operated in better coordination.

The Reagan administration apparently is worried about the cost of these firmer environmental commitments; it would prefer to have the freedom to unilaterally limit the amount of water that will have to be devoted to meeting California's environmental standards. The word on Capitol Hill is that the president may yet veto the bill.

But the price of a veto would be high itself—both in renewed warfare and in environmental risk. All the Miller subcommittee has really added to the original agreement is some assurance that it will be carried out as advertised. To veto that assurance would be to confirm the suspicions that have kept the state and federal governments fighting all this time.

Even if this treaty is signed, of course, California's other longstanding, water wars will still be raging. Within the state, consensus has yet to be reached about the best ways to protect and exploit this critical resource. But a first step is a first step. It should be taken.

[From the San Francisco Examiner, Aug. 8, 1985]

"PEACE TREATY" ON WATER

A small but noteworthy step toward ending California's "water wars" was taken in Washington last week when a House committee approved a measure to help protect water standards in the Sacramento-San Joaquin River Delta. The bill, which would require the Interior Department to accept state-set standards for Delta water quality, was hailed as a "peace treaty" that could break the political stalemate over disposition of the state's water riches.

State and federal water officials have been negotiating for years to try to iron out their differences, and this measure is a result of an agreement reached only weeks ago. The Interior Department has until now held that, in operating its huge Central Valley water project, it need not concern itself with Delta standards.

The fate of the environmentally sensitive Delta has been a bone of contention between water-wealthy Northern California and the more populous Southern part of the state, and has hampered the development of an acceptable state water plan.

The problem is that increasing the amount of fresh Delta water shipped south means increasing the amount of salt water that enters the Delta. Several plans offered to meet the growing water needs of Southern California—such as the Peripheral Canal scheme and Gov. Deukmejian's through-Delta channel plan of last year—have come to grief partly because of their failure to provide safeguards for the Delta (and for San Francisco Bay).

Further complicating the "water wars" has been the existence of federal water projects operating under different rules and policies than the state's. The lack of coordination between federal and state projects has been expensive and contrary to the state's best interests. The bill, cosponsored by Reps. George Miller (D-Martinez), Tony Coelho (D-Merced) and Rick Lehman (D-Sanger), seems likely to pass the House, but may face opposition from the White House.

A presidential veto, however, might not only undo years of delicate negotiations but would also deal a serious blow to efforts to develop an environmentally sound water plan acceptable to both Northern and Southern California. We hope the president is made to understand the importance of this bill to his home state, and comes to see it for the "peace treaty" it is.

[Editorial from KBIG, FM 104, July 26, 1985]

WATER WAR DISPATCHES III—THE SACRAMENTO COA

This is Rob Edwards with a KBIG editorial.

This week, the dispatches from California's water wars are generally good news. Looking south, there's the "Imperial Swap," a deal between San Diego's Imperial Irrigation District and our Metropolitan Water District. Up north, something similar has been worked out between the Federal Bureau of Reclamation and California's Department of Water Resources.

The Federal Central Valley Project and the State Water Project both draw on some of the same Northern California rivers, and they both transfer water south through the Sacramento-San Joaquin Delta. The conflict: water contracts to fill on the one hand, and water-quality standards that restrict delta pumping on the other. The solution: an historic "coordinated operating agreement" between the two projects. We help the feds ship their water, and they use some of it to meet state environmental needs.

Such local agreements are worthwhile, and buy us time. But new facilities remain essential for future needs. Until we face that fact, they'll run hot and they'll run cold—but California's water wars will continue. That's KBIG's opinion—and we welcome contrasting views from responsible individuals.

□ 1225

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3113, a bill by the chairman of the subcommittee, the gentleman from California [Mr. MILLER], and others, to implement the coordinated operations agreement, the so-called COA.

Mr. Speaker, as has been said, the underlying COA represents more than 20 years of negotiation to coordinate the operation of two massive water

supply projects, the Federal central valley project, owned and operated by the Bureau of Reclamation, and the State water project, owned and operated by the State of California.

Mr. Speaker, I shall leave to others the technical description of the COA. Suffice it to say, the COA is a very complex document which goes a long way in the direction of satisfying environmental concerns for water quality in the Sacramento-San Joaquin Delta.

This is not to say, however, that I should not prefer a bill that would simply authorize the Secretary of Interior to execute the COA as negotiated. In my view, it is not necessary to amend the 1937 Central Valley Project Act itself; however, it is also fair to say that the form of H.R. 3113 passed by the Interior Committee on July 31 represents a substantial improvement over the earlier versions of the bill. Moreover, I am generally satisfied with the form of the report as it relates to article 10(H) of the COA.

For example, future Federal water contracts originally required the approval of Congress, but now under the bill they do not.

I am compelled to say for the record that my own decision to support this bill was founded upon my earnest hope and expectation that it will lead to prompt and serious consideration by the Water and Power Subcommittee of various worthy proposals of water project development and finance in California generally and in the central valley in particular. I am hopeful that the subcommittee will proceed in an expeditious manner to consider various proposals including, but of course not limited to, solutions to the problems of serious ground water overdraft in the poor quality water drainage from the San Joaquin Valley, the midvalley unit of the central valley project, a relocation of the headworks of the Contra Costa Canal, the Pleasant Valley service area addition, indexing or reauthorization of the San Luis unit to allow completion of distribution facilities at the Auburn Dam, and section 203(b) of the Reclamation Reform Act of 1982.

My support is also founded upon the expectation that the Bureau of Reclamation will expeditiously lift the 1978 Andrus moratorium on further Central Valley Project water supply contracts and will proceed to contract with Federal contractors in the central valley.

Furthermore, I look forward to a new spirit of cooperation within California between the delta and the central valley, between farmers and environmentalists, between northern and southern Californians; in a word, among all Californians.

Mr. Speaker, H.R. 3113 is in the nature of a genuine compromise and, as such, is imperfect. However, I urge my colleagues to support this measure as a reasonable effort for the moment and as a hopeful vehicle for the future.

Mr. Speaker, I should wish for a moment to engage in an exchange with my colleague, who I cannot but notice appears in a slightly different fashion today that in the past. It is a wonderful growth.

Mr. Speaker, a lot of people in the central valley have placed their good faith not only in the agreement, but in the people who have participated in the making of the agreement.

I should like to ask my colleague, who has worked very hard on this for sometime now, and my congratulations to him for the efforts that he and the staff have put in in bringing together a very difficult and very interesting compromise. I should like to ask the gentleman to make a comment or two, please, in expansion of his comments already made on his view of future water development in California and what the gentleman will do to encourage future water developments and what cooperation we in the central valley can expect.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield, I would say to my colleague from California that it clearly is the intent of all parties that have been involved in the drafting and negotiations of the COA and of this legislation that the expectations will be realized that we have speculated on for many years, and that is a coordinated operation of these two very large water projects, one operated by the State of California and the other operated by the Federal Government, that that coordinated operation will provide for an additional yield of water, will free up additional water at various times of the year and in various years, depending on the rainfall in our State and our ability to store that water; but in any event, the freeing up of that water, the exact yield is open to speculation, that that water would then be used to move along with the advancement of water development throughout the State of California, be that for central valley agricultural needs or for municipal water needs; but as the gentleman well knows, all these projects have been stymied over the past decade because of our inability to reach this kind of cooperation.

What the COA does is to provide the residents of the San Francisco and the bay and the delta region the assurance that when we go forward with the development of those projects, and I fully expect to go forward with the development of those projects, there is a threshold which we will now be able to measure, the projection of the bay and the delta region by. If those projects can go forward and we can continue to meet those standards, then I believe it is incumbent upon us to do that.

As the gentleman knows, he has some projects for consideration, other members of the committee have projects for consideration. We now for the first time have the ability to yield water from Federal projects to State projects, back to Federal contractors, so that we now also have the possibility of dramatically reducing the amount of money that we may have to spend and yet be able to put water in the land by the more efficient use of these projects. That is the long answer.

The short answer is that it is expected that the committee will now be free again to start to embark upon the consideration of the various projects that have come before the committee from time to time, but have been lacking in support because of the regional wars that have gone on over water development in the State of California.

I must say, as chairman of that subcommittee, I look forward once again looking for positive and progressive water development in our State.

Mr. PASHAYAN. Then we from the San Joaquin Valley can take it as an assurance that the chairman of the subcommittee will make it the subcommittee's business to expeditiously and thoroughly consider a whole host of projects that we need not decide at this moment the order of or the sequence of.

Mr. MILLER of California. As always, the chairman of the subcommittee will be fair and impartial and would not show any kind of regional bias on the consideration of those projects.

Mr. PASHAYAN. Well, I appreciate that and a lot of people also in the San Joaquin Valley appreciate that.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COELHO], a very valuable member in the construction of this compromise legislation.

Mr. COELHO. Mr. Speaker, I just want to rise and to compliment the chairman of the subcommittee and the other members of the subcommittee for their work on this particular piece of legislation.

I think that as we look back on this particular bill, we will find that this is indeed a very historic piece of legislation and that it will break the log jam that has existed for 25 years in California and that we will be able to get on with the business at hand.

I want to compliment the gentleman from California [Mr. MILLER] for his willingness to put up with all the interfights that take place over California water.

□ 1240

If my colleagues are intrigued with some of the divisions that take place here in the House or between parties

and so forth, they would find it rather intriguing and interesting to participate in California water politics. The fact that the gentleman from California [Mr. MILLER] was able to do this, hold hands and listen, and be tough at difficult times, but to be able to keep this thing going together is a credit to he and his staff, and I want to compliment him for it.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume to just thank my colleague from California [Mr. COELHO] for his remarks. I take them as a compliment from one who has mastered both the politics of the House and the politics of California water.

I would also like to pay tribute to one of our colleagues who could not be here today. That is the gentleman from California [Mr. RICHARD LEHMAN] from the central valley who again participated in every aspect of forging this compromise. Unfortunately, the gentleman from California [Mr. LEHMAN] could not be here. His father is very ill and he simply could not make the trip back for today's session. But I would like to submit for the RECORD his statement on this legislation and to clearly recognize the time and effort the gentleman poured into making this compromise work, again having the difficult chore of representing very, very diverse uses for the water within our State of California. I would like to acknowledge his participation and to thank him publicly for that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume just for one concluding remark, expanding on what my colleague said. This is a historic piece of legislation, but historic only to the extent that those of us involved in water carry forth from this moment on. This legislation is very good for a particular part of California, but I take heart in the words of the chairman as he uttered them a few minutes ago that this will not be the end but the beginning of further water development in California. It is the further water development in California that will make this bill truly historic.

Mr. LEHMAN of California. Mr. Speaker, I would like to join the many other Members of the California delegation who support H.R. 3113, legislation implementing the Coordinated Operations Agreement, and I would like to congratulate my colleague and good friend, Congressman GEORGE MILLER, chairman of the House Interior Water and Power Subcommittee for his role in fashioning this historic legislation.

This agreement will end 25 years of heated discussion and negotiations over the manner in which the Federal Government and State of California will operate their statewide water projects with respect to San Francisco Bay and Sacramento-San Joaquin Delta and Estuary water quality standards.

Not only will this agreement and legislation protect a vital and pivotal natural resource area by ensuring water quality standards, but it will also make available additional water which will benefit the water users in the entire State.

The legislation is historic because it represents a compromise not only between the State and Federal Governments on how to operate the two main water delivery systems in the State, but it reflects a compromise among all water factions in a State where water has historically been the most precious resource and cause of the most devisive and contentious debate. North and south, environmentalist and water developer, and urban and rural interests have all participated in shaping this particular agreement and all agree that this legislation represents the best compromise that could be achieved.

As with all compromises, the legislation is not perfect; however, failure to approve H.R. 3113 would only renew the debate and could cause irreparable damage to both the environment and water development in California. The legislation as drafted contains a number of important safeguards to ensure that the integrity of the Federal Government's interests are preserved without compromising the environmental concerns and water development needs of the State of California.

As one who is intimately aware of the water needs and problems of California and as one active in the center of the debate as a State legislator and now U.S. Representative, I am proud to be associated with this legislation and those who helped fashion it.

I urge my colleagues in the House to join the California delegation and support this important legislation.

Mr. FAZIO. Mr. Speaker, it is important to recognize good things as they occur. The presentation of H.R. 3113 to allow and direct the Bureau of Reclamation to cooperate directly with the State of California on the mutual operations of two vast water projects in the same drainage basin represents the culmination of a peace process that began literally years ago. Congratulations are due to many people for this development, Federal officials in both the Carter and Reagan administrations, State officials in both the Brown and Deukmejian administrations, water developers and wildlife protectors from both northern and southern California, and Members of Congress from both the North and South and from both political parties.

There people represent many different interest, interests which inherently conflict, particularly over a commodity as passion-inducing as water in a State where it is the blood of the economy. Nonetheless, they came together to do something which common sense tells us is in the ultimate interest of all. To the very great extent California's future depends on the allocation of water, this bill lays out the principle upon which California's future will be determined.

We need to know what the rules for water sharing will be in times of drought and surplus, in the North and South, for wildlife, fisheries, cities, and farms, and for repulsion of salt water from the Pacific Ocean. Moreover, the rules must be fair. This Coordinated Operating Agreement, which establishes how much water will be required to maintain quality standards in the Sacramento-San Joaquin Delta, meets both these difficult tests.

Negotiating the agreement was quite an achievement. Developing the political consensus to support it was another achievement. For the first our congratulations go to David Kennedy, current director of the California Department of Water Resources, and to his predecessor, Ron Robie. They also go to David Houston, current director of the Bureau's Mid-Pacific Region, and to his predecessors Mike Catino and Billy Martin. David Shuster at the Bureau and Larry Mullnix at the DWR were the principal staff people who hammered out the concepts and fit them together some years ago. They had support from many others whom I regret not being able to mention here.

None of their work have borne results had it not been for the skill and determination with which the Interior Subcommittee on Water and Power Resources pushed this measure through. Chairman GEORGE MILLER handled the volatile subject with the required blend of firmness and tact. California subcommittee members TONY COELHO, RICK LEHMAN, and CHIP PASHAYAN exercised a similar balance between representing the interests of their constituents and the interests of the State as a whole to their constituents. This is a bill where a sense of the common good had to prevail over the fears and needs of particular regions. For their good faith and for holding firm to their consensus the Water and Power Subcommittee deserves a lot of credit.

This bill is remarkable for what it does not contain, as well as for what it does. We all know that there remain many specific needs which we have agreed to put aside so that we could settle the basic question about the Bureau's authority and obligation to meet water standards in the Delta. As do other Members, I have my own set of priorities: Area of origin protections for the North in future allocations of water, an enlarged Oat Reservoir, and facilities to assure the Susiun Marsh adequate water to sustain it as a key portion of the Pacific flyway. I hope we can negotiate these needs between us in the same spirit of cooperation with which we agreed to this bill for the Coordinated Operating Agreement.

The administration has recently taken the position that the Suisun Marsh facilities must be authorized in this legislation as a condition for the President's signature. As one who began legislating on behalf of the Marsh as a State legislator in 1975, and who has legislated and sought appropriations for it in Congress since, and in whose

district the Marsh lies, I deeply appreciate this interest. I intend on introducing a separate Suisun Marsh bill in the very near future, now that the State and Federal water agencies have agreed upon a final plan for the facilities construction and operation. I welcome the administration's support for the measure. I would of course have no objection should we add the Suisun Marsh authorization to the H.R. 3113.

However, I consider that I am part of the agreement between California water legislators to keep the Coordinated Operating Agreement free of additional issues, and I will adhere to that agreement. I do not think that Marsh legislation should be established as a condition for the President's signature either, partly because of the clean bill principle—to which the administration subscribed—and mostly because the Coordinated Operating Agreement is simply too important.

The immediate objective of this bill is to set standards for the Delta itself. My Delta constituents have long worried about their fate during the tumultuous statewide debates over water supplies. I share their relief that now our obligations to the Delta will be determined and statutorily protected. However, there are many benefits elsewhere to establishing the basic rules for the Delta. Among them is the nearly 1 million acre feet of water which the agreement establishes as firm yield for the Federal water contractors. I hope this new resource will be allocated soon and fairly to the many real needs around the State, and I hope that we can keep our appetites within the limits of the supplies. I have constituents who have been waiting many years for a water supply which was promised to them many years before that, the Yolo-Zamora water district. I have other constituents—the northern Sacramento area and the city of Folsom—which have been developing chronic groundwater quality and pumping cost problems over the past decades, and who are anxious for solutions to them. We anticipate that once the Bureau has its supplies assured it under the provisions of the COA that the it will find itself able to enter into new water supply contracts once again.

There are certain provisions in this bill which are particularly beneficial to my people. For instance, the Bureau is anxious to sell "surplus" water on an "interim" basis to areas in the State which are not now Federal customers. This plan—motivated by a real need for revenue—worries Federal water contractors in the North (and elsewhere) who do not have their contracted supplies assured yet. The contracts under which this interim water will be sold must come back to the Congress for approval.

There is a provision that Federal contractors do not have to finance that quantity of water required to meet the higher standards required under D-1485 than were required to meet the former Tracy standards. Many think that Federal contractors get their water too inexpensively, but it is true that their costs are rising and will continue to rise. The financial consideration in the bill for federal contractors is a genuine benefit to them.

Last, the bill acknowledges that the water cut backs will not be demanded in order to share Delta shortages where existing contracts do not already empower the Secretary of Interior to make such cutbacks. New contracts will provide for such cutbacks, of course, as they have in recent years, and it will be necessary for all contractors to share the burden of the Delta in the future. However, for those water districts who have relied for years on contracts without cutback provisions, this bill recognizes this agreement for the remaining life of the contracts.

These provisions were difficult for some of my colleagues to accept. It is typical of the spirit in which this whole effort has unfolded that they were accepted. We will all benefit if this attitude prevails, and if this bill has a quick and unchanged passage through the Senate. It will be an experience which all water legislators will find refreshing, and hopefully will teach us that harmony need not be so rare in the future.

Congratulations again to Chairman MILLER and the members of the Water and Power Subcommittee.

Mr. PASHAYAN. I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 3113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3113, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE HONORABLE JOSEPH P. ADDABBO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOSEPH P. ADDABBO:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the United States District Court for the Southern District of New York. After consultation with the General Counsel to the Clerk of the House, I will inform you of the determinations required by the House Rule.

Sincerely yours,

JOSEPH P. ADDABBO,
Member of Congress.

COMMUNICATION FROM THE HONORABLE GUY V. MOLINARI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GUY V. MOLINARI:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the United States District Court for the Southern District of New York. After consultation with the General Counsel to the Clerk of the House, I will inform you of the determinations required by the House Rule.

Sincerely yours,

GUY V. MOLINARI,
Member of Congress.

THE GREAT ARKANSAS CLEANUP

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, last weekend, thousands of citizens volunteered to continue the tradition of the great Arkansas cleanup. This is an annual event organized by Carl Garner, Resident Engineer, U.S. Army Corps of Engineers, to clean up the parks, lakes, and waterways after a summer of fun.

The idea began 15 years ago when Carl Garner conceived the idea and organized the first effort. Since that time, thousands of tons of trash have been collected and hauled away. Now the Keep America Beautiful Committee is promoting the Garner idea as a goal to establish a public lands day for the Nation. One day each year would be set aside for citizens throughout our country to come together to clean up our lakes, rivers, and parks.

When this comes to pass, the next thing that remains to be done is to haul these mounds of trash to a nearby processing plant to be converted into ethanol fuel which will then he used as a fuel for our automobiles. Figures show that there is enough trash collected annually which, if converted into ethanol, would be equal to the energy from 5 billion barrels of oil and 3 trillion cubic feet of natural gas.

The following article provides additional information:

[From the Arkansas Gazette, Sept. 6, 1985]

STATEWIDE CLEANUP A TRADITION

(By Dorothy Cox)

One stormy Saturday in late September 1970, about 40 to 50 volunteers showed up at Greers Ferry Lake to clean up an accumulation of six years' worth of trash along 300 miles of shoreline.

Last year thousands of volunteers statewide cleaned up enough trash to fill 70 dump trucks. That was in addition to 15,000 pounds of aluminum cans.

This year, volunteers will be carrying on the tradition by cleaning up trash at 13 lakes and along the Arkansas River, and getting some free food and entertainment in the process.

The one-day event, called the "Great Arkansas Cleanup," is being sponsored by the Army Engineers, Coca-Cola and the Keep Arkansas Beautiful Association.

Carl Garner, a resident engineer with the Army Engineers at Greers Ferry, first thought of using volunteers when he saw a small article in the newspaper about volunteers who cleaned up the shoreline of a little lake in New York state.

The Army Engineers "had been operating Greers Ferry Lake since 1964 and there had been a lot of trash accumulated," Garner said. "We had a budget to clean up the park but not 300 miles of shoreline. Volunteers were what we needed."

It worked so well in 1970 and the years following, that the cleanup campaign was expanded to other Army Engineers-operated lakes seven years ago. The event has gained national recognition, including four first-place awards from Keep America Beautiful, Inc.

About 1,200 volunteers showed up at the Murray Park site last year and Rob Gardner, cleanup chairman for the Little Rock-North Little Rock area, said about 2,000 persons this year are expected to help clean up trash north and south of the Arkansas River.

He said that beneath the I-430 bridge traditionally is the worst area, but that volunteers also will be needed for stations at the Murray Lock and Dam parking lot on Rebsamen Park Road, Cook's Landing in North Little Rock, the Coast Guard Auxiliary post on the Little Rock side of the river, Burns Park, Riverfront Park, Riverview Park in North Little Rock and the area just west of the Main Street Bridge in North Little Rock.

Volunteers should go to any of the above reporting stations or to Murray Park, where they will be assigned a station. Volunteers will be assigned until all the trash is picked up in all the areas, Garner said.

It's recommended that volunteers bring gloves and wear protective clothing.

The Central Arkansas area cleanup will last from 9 to 11:30 a.m. and a free lunch, provided by McDonald's and Coca-Cola, will be served from 11:30 a.m. to 1 p.m.

The entertainment begins in earnest at 1 p.m. and continues into the afternoon.

Entertainers include "River Port Revue," a group of 100 professionals and nonprofessionals who will be presenting "old-time, show boat music," the Joel Ruminer Dancers, the Dixie Outlaws, Dealer's Choice, and *Gazette* editorial cartoonist George Fisher.

As they go through the lunch line, volunteers will be given tickets that will be put into a hopper and drawn for prizes. The grand prize is free air fare for two to any American Airlines destination in Mexico.

Other prizes include a color television set from Radio Shack Computer Center, two bicycles from Kmart, a gas barbecue grill from Wal-Mart, dinner for two at Coy's Restaurant and a $25 gift certificate from the Butcher Shop, to name a few.

"We don't want to take anyone away from the Little Rock cleanup" but anyone who will be in the Greers Ferry area Saturday is invited to that cleanup, which will be held from 8 a.m. to noon at nine commercial marinas in the area, Garner said.

A catfish fry and music show will be held at the Narrows Park from 2:30 to 6:30 p.m. with entertainment provided by such diverse entertainers as Jo Ann Castle, Jimmy Driftwood and a choir from Harding College. Hotair balloons will fly over during the festivities.

Other cleanup programs are being held at Lake Ouachita, Beaver Lake, Bull Shoals, Norfork Lake, Lake Greeson, DeGray Lake, Millwood Lake, Lake Gilham, De Queen Lake, Dierks Lake, Lake Dardanelle and Ozark Lake.

Anyone interested in joining in any of the cleanup campaigns across the state should call or go by the nearest Army Engineers resident office or call Garner at 378-6902 for more information.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent on September 4 and 5, 1985, while attending the Interparliamentary Union Conference in Ottawa, Canada. Had I been present, I would have voted "no" for the McCollum amendment, roll No. 291 and "aye" for roll No. 292, the national development investment bill.

On September 5, 1985, I would have voted "aye" for roll No. 293, approving the Journal of the previous day. I would have voted "aye" as well for roll No. 294, agreeing to House Resolution 250. Had I been present, I would have responded to the quorum call, roll No. 295, of course, and I would have voted "no" for roll No. 296.

STUDENT LOAN MATERNITY DEFERRAL ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 5 minutes.

Mr. WYDEN. Mr. Speaker, I am pleased to introduce the Student Loan Maternity Deferral Act of 1985.

This legislation will make the Higher Education Act of 1965 more flexible for the special needs of new mothers. It amends the Higher Education Act to allow women, during maternity to have a 6-month period of deferment on repayment of Federal student financial aid loans.

Current law mandates that a student must begin repayment of Federal education loans 6 months after the end of a term of study, if the student will not be enrolled full time for the following term. In special hardship cases, such as injury or unemployment, an individual can re-enroll on a part-time basis and maintain their loan deferral as well as be eligible to receive Federal financial aid.

The Student Loan Maternity Deferral Act will make maternity one of these conditions. Hence, new mothers would be able to take a leave from school, return after 6 months, and be eligible to attend school part time for a period of 6 months so that they can spend more time with their newborn.

A recent case in Wisconsin points out an inequity in current law. A woman took a semester off to have a baby and when she returned to school, she wished to continue as a part-time student. She did not want to take on a full course load because she wanted to spend time with her newborn son.

She hoped her situation would allow her to fall into the hardship category so that her loan would be deferred for a period of time. However, under current law, the physical incapacitation of maternity does not qualify a woman for loan deferral under the hardship definition.

By not extending the hardship definition for maternity, the Federal Government is discouraging women from having children while they are in school. If they do have a child, they feel they must return immediately to full-time education. The alternative: begin payback on their Federal student loans.

The law was written to discourage students from unnecessarily prolonging their education and their financial debt to the Federal Government by taking too many leaves from full-time education. However, the law does not allow sufficient flexibility for the special circumstances of new mothers.

This change in the law is essential. It provides a new mother the flexibility needed to continue her education while spending important time with her child during the first months of life.

This change will not cost the Federal Government. It merely defers the student loan repayment for 6 months to allow the new mother additional time to balance her many financial and time commitments.

I ask my colleagues for their support for this simple and sensible adjustment in the law. Thank you.

H.R. 3249

A bill to permit, for not more than 6 months of maternity leave, the deferral of repayment of Federal insured, guaranteed, and direct student loans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Maternity Deferral Act of 1985".

SEC. 2. DEFINITION OF MATERNITY LEAVE.

Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(k) The term 'maternity leave' means a period during which a female borrower is pregnant, caring for a newborn child, or recovering from childbirth and during which such borrower is not carrying one-half or more of the full-time academic workload at

an eligible institution and is not gainfully employed half-time or more.".

SEC. 3. ESTABLISHMENT OF MATERNITY LEAVE DEFERRALS FOR FEDERALLY INSURED STUDENT LOANS.

Section 427(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended—

(1) by striking out "or" at the end of clause (vii); and

(2) by striking out "full-time employment," in clause (viii) and inserting in lieu thereof the following: "full-time employment; or (ix) not in excess of 6 months of maternity leave for female borrowers.".

SEC. 4. ESTABLISHMENT OF MATERNITY LEAVE DEFERRALS FOR FEDERALLY GUARANTEED STUDENT LOANS.

Section 428(b)(1)(M) of such Act is amended—

(1) by striking out "or" at the end of clause (vii); and

(2) by inserting before the semicolon at the end thereof the following: ", or (ix) not in excess of 6 months of maternity leave for female borrowers.".

SEC. 5. ESTABLISHMENT OF MATERNITY LEAVE DEFERRALS FOR NATIONAL DIRECT STUDENT LOANS.

Section 464(c)(2)(A) of such Act is amended—

(1) by striking out "or" at the end of clause (vi);

(2) by striking out the period at the end of clause (vii) and inserting in lieu thereof "; or";

(3) by inserting after clause (vii) the following new clause:

"(viii) is on maternity leave, as defined in section 435(k) of this Act."; and

(4) by adding at the end thereof the following new sentence: "The period during which repayment may be deferred by reason of clause (viii) shall not exceed 6 months.".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to any loan to cover the costs of instruction for periods of enrollment beginning on or after the date of enactment of this Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. MEYERS of Kansas) to revise and extend her remarks and include extraneous material:)

Mrs. JOHNSON, for 60 minutes, on September 11.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WYDEN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GAYDOS, for 30 minutes, on September 10.

Mr. DURBIN, for 60 minutes, on September 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. FRENZEL.

Mr. PORTER.

Mr. CHAPPIE.

Mr. YOUNG of Florida.

Mr. KEMP.

Mr. GALLO.

Mr. DORNAN of California.

Mr. GILMAN.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. MAZZOLI.

Mr. GEPHARDT.

Mr. GORDON.

Mr. CLAY.

Mr. LIPINSKI.

Mr. JACOBS.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MURTHA.

Mr. WALGREN.

Mr. GARCIA.

Ms. KAPTUR.

Mr. FUQUA in five instances.

Mr. FUSTER.

Mr. KASTENMEIER.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 10, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1935. A letter from the Assistant Secretary of Agriculture for Science and Education, transmitting the third progress report on the human nutrition research and information management [HNRIM) system; to the Committee on Agriculture.

1936. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-104); to the Committee on Appropriations and ordered to be printed.

1937. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the administration of the Strategic and Critical Materials Stockpiling Act for October 1984 through March 1985, pursuant to the act of June 7, 1939, chapter 190, section 11(a) (93 Stat. 324; 95 Stat. 382); Executive Order 12155, section 1-105; to the Committee on Armed Services.

1938. A letter from the Auditor, District of Columbia, transmitting a report entitled "Review of University Supported Travel by UDC President's Spouse," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1939. A letter from the Secretary of Education, transmitting final regulations for the Handicapped Special Studies Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1940. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on coordination of Federal equal employment opportunity activities, pursuant to Public Law 88-352, section 715 (86 Stat. 111); Executive Order 12067, section 1-401; to the Committee on Education and Labor.

1941. A letter from the Secretary of Energy, transmitting notification of further delay in submission of the national energy policy plan, pursuant to 42 U.S.C. 7321 (b), (c); to the Committee on Energy and Commerce.

1942. A letter from the Acting Assistant Attorney General, transmitting the Department's views on the Railroad Safety Improvement Act (H.R. 2372); to the Committee on Energy and Commerce.

1943. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Air Force's proposed letter of offer to the Federal Republic of Germany for defense articles, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1944. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting notification of changes in allocations of foreign assistance and authorization of additional military assistance of El Salvador, pursuant to 22 U.S.C. 2413(b) and 2364(a)(1); to the Committee on Foreign Affairs.

1945. A letter from the General Counsel, U.S. Arms Control and Disarmament Agency, transmitting an errant sheet and corrected versions of the Nuclear Proliferation Assessement Statements Relating to the Agreement for Cooperation Between the United States of America and the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, Pursuant to AEA, section 123d (92 Stat. 145); to the Committee on Foreign Affairs.

1946. A letter from the Acting Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of an altered Federal Records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1947. A letter from the Assistant Attorney General for Administration, transmitting notification of a revised Federal Records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1948. A letter from the Benefits Program Manager, NAF Personnel Division, Department of the Army, transmitting a report on the U.S. Army Element, Stars and Stripes, Europe, Elective Annunity Contract for the plan year ending June 30, 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1949. A letter from the Chairman, Federal Communications Commission; transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1950. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1951. A letter from the Administrator, Veterans' Administration, transmitting a supplemental report on independent hiring services and assistance programs, pursuant to 38 U.S.C. 1520 (94 Stat. 2185); to the Committee on Veterans' Affairs.

1952. A letter from the Secretaries of Agriculture and the Air Force, transmitting notice of intention to interchange military and national forest lands, pursuant to the act of July 26, 1956, chapter 736, section 1; jointly, to the Committees on Agriculture and Armed Services.

1953. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the unaudited quarterly report for the quarter ended June 30, 1985, pursuant to Public Law 96-294, section 177(c); jointly, to the Committees on Banking Finance and Urban Affairs and Energy and Commerce.

1954. A letter from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforseen emergencies of a confidential character; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

1955. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the quarterly report on the status of the Alaska Natural Gas Transportation System for April through June 1985, pursuant to Public Law 94-586, section 7(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1956. A letter from the Railroad Retirement Board, transmitting the 1987 budget submission, pursuant to 45 U.S.C. 231f (Public Law 93-445, title I, section 7(f) (97 Stat. 436)); jointly, to the Committees on Energy and Commerce, Ways and Means, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3113. A bill providing for the coordinated operation of the Central Valley project and the State water project in California (Rept. 99-257). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2032. A bill to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes; with an amendment (Rept. 99-258). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDGAR:

H.R. 3245. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. KASTENMEIER:

H.R. 3246. A bill to amend title 35, United States Code, relating to the implementation of the Patent Cooperation Treaty; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 3247. A bill to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1987 through 1990; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, and Mr. FORD of Michigan):

H.R. 3248. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes: to the Committee on Education and Labor.

By Mr. WYDEN:

H.R. 3249. A bill to permit, for not more than 6 months of maternity leave, the deferral of repayment of Federal insured, guaranteed, and direct student loans; to the Committee on Education and Labor.

By Mr. YOUNG of Florida:

H.R. 3250. A bill to amend title XVI of the Social Security Act to provide that certain aliens may not qualify for Supplemental security income benefits unless they not only are permanent residents of the United States but have also continuously resided in the United States for a period of 5 years, and to provide that an alien may not be admitted to the United States unless a citizen of the United States agrees to provide support to such alien for a period of 5 years after admission, and for others purposes; jointly, to the Committees on Ways and Means, and the Judiciary.

By Mr. DORNAN of California:

H.J. Res. 377. Joint resolution to designate December 5, 1985, as "Walt Disney Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H. Con. Res. 184. Concurrent resolution expressing the sense of the Congress that no amnesty should be granted to aliens present illegally in the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Ms. OAKAR.

H.R. 39: Mr. WILLIAMS and Mr. ANDREWS.

H.R. 97: Mr. WEAVER, Mr. SHUMWAY, and Mr. MONSON.

H.R. 695: Mrs. JOHNSON.

H.R. 1021: Mr. LAGOMARSINO.

H.R. 1207: Ms. SNOWE, Mr. BURTON of Indiana, Mr. BOEHLERT, Mr. DIOGUARDI, Mr. EVANS of Iowa, Mr. BEREUTER, Mr. SOLOMON, Mr. PURSELL, Mr. DERRICK, and Mr. GONZALEZ.

H.R. 1345: Mr. SHUMWAY.

H.R. 1458: Mr. FORD of Michigan.

H.R. 1577: Mr. LAGOMARSINO.

H.R. 2001: Mr. DWYER of New Jersey.

H.R. 2078: Mr. FISH.

H.R. 2236: Mr. STRANG.

H.R. 2950: Mr. DURBIN, Mr. VISCLOSKY, Mr. KASTENMEIER, Mr. MARTINEZ, Mr. MCCURDY, Mrs. COLLINS, Mr. CROCKETT, and Mr. MARKEY.

H.R. 3006: Mrs. HOLT, Mr. BUSTAMANTE, and Mr. PETRI.

H.R. 3172: Mr. FOGLIETTA and Mr. GALLO.

H.J. Res. 51: Mr. CHAPMAN.

H.J. Res. 52: Mr. CHAPMAN.

H.J. Res. 218: Mr. CHAPPELL, Mr. ASPIN, Mr. LANTOS, Mr. GRADISON, Mr. THOMAS of California, Mr. SCHUETTE, Mr. WHEAT, Mr. MCKINNEY, Mr. LENT, Mr. FOLEY, Mr. PASHAYAN, Mr. RICHARDSON, Mr. GREEN, Mr. DICKS, Mr. OLIN, Mr. CHANDLER, Mr. PETRI, Mr. MOORE, Mr. GROTBERG, Mr. BENNETT, Mr. COBLE, Mr. ANNUNZIO, Mr. FUQUA, Mr. GREGG, Mr. THOMAS of Georgia, Mr. HENRY, Mr. DORGAN of North Dakota, Mr. PURSELL, Mr. SYNAR, Mr. BARNARD, Mr. LUKEN, Mr. KASICH, Mrs. BURTON of California, Mr. MILLER of Washington, Mr. ROBERTS, Mr. DANNEMEYER, and Mr. LEWIS of California.

H.J. Res. 221: Mr. ADDABBO, Mr. AKAKA, Mr. APPLEGATE, Mr. BADHAM, Mr. BARNES, Mr. BARTLETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOSCO, Mr. BROWN of California, Mr. BRUCE, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARNEY, Mr. CARPER, Mr. CHAPPIE, Mr. COELHO, Mr. CONYERS, Mr. CROCKETT, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAUB, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ERDREICH, Mr. FASCELL, Mr. FAZIO, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. RALPH M. HALL, Mr. HANSEN, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HEFNER, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JONES of North Carolina, Mr. KEMP, Mr. KOLBE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANTOS, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. LUNGREN, Mr. MARTINEZ, Mr. MCDADE, Mr. MCKINNEY, Mr. MITCHELL, Mr. MOLINARI, Mr. ORTIZ, Mr. PEPPER, Mr. PERKINS, Mr. PURSELL, Mr. RODINO, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SOLOMON, Mr. SUNIA, Mr. SWINDALL, Mr. TAUKE, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. WALGREN, Mr. WAXMAN, Mr. WEBER, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. DE LA GARZA, Mr. GALLO, and Mr. RAHALL.

H.J. Res. 222: Mr. COBLE and Mr. HUCKABY.

H.J. Res. 296: Mr. RUDD, Mr. GRADISON, Mr. DOWDY of Mississippi, Mr. CLAY, Mr. LIGHTFOOT, and Mr. STUMP.

H.J. Res. 308: Mr. TOWNS, Mr. WEBER, Mr. WIRTH, Mr. WYLIE, Mr. YOUNG of Alaska, Mr. BARNARD, Mr. BEREUTER, Mr. BONER of Tennessee, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARR, Mr. CHANDLER, Mr. DANIEL, Mr. DAUB, Mr. DE LUGO, Mr. DERRICK, Mr. DIOGUARDI, Mr. EVANS of Iowa, Mr. FOGLIETTA, Mr. FRENZEL, Mr. FUQUA, Mr. GEJDENSON, Mr. HERTEL of Michigan, Mr. KANJORSKI, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MACKAY, Mr. MCKINNEY, Mr. MILLER of Washington, Mr. MOODY, Mr. MOORE, Mr. MOORHEAD, Mr. MURPHY, Mr. MURTHA, Mr. PASHAYAN, Mr. PURSELL, Mr. RAY, Mr. ROBINSON, Mr. ST GERMAIN, Mr. SOLOMON, Mr. STANGELAND, Mr. TAUKE, Mr. BOSCO, Mr. CONYERS, Mr. EDGAR, Mr. KASICH, Mr. MARTIN of New

York, Mr. RAHALL, Mr. RANGEL, Mr. RUDD, and Mr. SILJANDER.

H.J. Res. 351: Mr. SMITH of New Hampshire.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2936: Mr. GRAY of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

197. By the SPEAKER: Petition of the city of College Station, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

198. Also, petition of the Commissioners Court of Morris County, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

199. Also, petition of the city of San Jose, CA, relative to the establishment of United States/Soviet crisis control centers; to the Committee on Foreign Affairs.

200. Also, petition of the city of Eden Prairie, MN, relative to the Baha'i community in Iran; to the Committee on Foreign Affairs.

201. Also, petition of Stefan Pfouner et al, Vienna, Austria, relative to Navajo and Hopi Indians; to the Committee on Interior and Insular Affairs.

SENATE—*Monday, September 9, 1985*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain.—Psalm 127:1.

Blessed is every one that feareth the Lord; that walketh in his ways.—Psalm 128:1.

God of peace and rest, thank Thee for a profitable recess—for work accomplished, for safe travel, for time with families, for rest, relaxation, recreation, and renewal. May the Senate enjoy Thy strength and wisdom in the pressing days ahead.

Gracious Father in Heaven, impress upon the Senators their accountability to Thee as they enter these final days of the 1st session of the 99th Congress. Help them to give their very finest leadership at this desperately critical time for our Nation. Save them from pretention and behavior that is simply cosmetic—which not only will not address the crises, but actually compound them. Give the Senators courage to be committed to truth and justice and the willingness to sacrifice purely political aims for the sake of the people. For Thy glory, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

OPENING REMARKS OF THE MAJORITY LEADER

Mr. DOLE. Mr. President, I thank the distinguished Chaplain for his very timely remarks. I hope that we can follow the advice in the coming weeks and months.

THE MISSION TO MOSCOW

Second, I welcome all of my colleagues back and particularly commend the distinguished minority leader, Senator BYRD, and others who have just returned from a very constructive visit ot the Soviet Union. I wait with interest the report from the distinguished minority leader, the President pro tempore, and others, who were on that mission to Moscow.

SOUTH AFRICA

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Executive order issued this morning by the President concerning South Africa, a fact sheet which outlines in a briefer way, a succint way, the President's actions; also a fact sheet on the difference between the bill, the so-called conference report that is pending, and the President's Executive order along with a letter that Senator LUGAR received from the President concerning South Africa, the apartheid policies in South Africa, and the actions that the President has taken this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, September 9, 1985.

Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR DICK: I am writing to you today to ask for your support on an issue that has touched some of the most sensitive nerves in our body politic but which I feel strongly need not and must not divide us. That issue is South Africa. All of us agree that a system that deprives 73 percent of that country's population of basic political and human rights on the basis of race is an affront to our national values. We all know that such a system is also a threat to the long-term stability of a region that is important to our national interests. The question before us is how we best exercise the influence we have to work for a more just and stable order—without adding fuel to the fire and providing opportunities for greater Soviet influence.

To this end, I am issuing an Executive Order which is consistent with these objectives and provides us with a platform from which we can move forward together. The Executive Order incorporates many of the ideas that have come out of the Congress to disassociate ourselves from the system of apartheid. It also adopts the positive provisions of the legislation now before the Senate which will allow the United States to step up its help for the victims of that system. The Executive Order will allow us to execute these proposals in a responsible and effective manner. It is designed to signal the strong feelings all Americans share about apartheid, but it is clearly aimed against the machinery of apartheid, not the victims of that system.

If we all join together behind a common program, we can have so much more influence for good. Let us go forward with a clear vision and an open heart, working for justice, brotherhood and peace.

Sincerely

RONALD REAGAN.

EXECUTIVE ORDER: PROHIBITING TRADE AND CERTAIN OTHER TRANSACTIONS INVOLVING SOUTH AFRICA

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Foreign Assistance Act (22 U.S.C. 2151 *et seq.*), the United Nations Participation Act (22 U.S.C. 287), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), the Export Administration Act (50 U.S.C. 2401 *et seq.*), the Atomic Energy Act (42 U.S.C. 2011 *et seq.*), the Foreign Service Act (22 U.S.C. 3901 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, and considering the measures which the United Nations Security Council has decided on or recommended in Security Council Resolutions No. 418 of November 4, 1977, No. 558 of December 13, 1984, and No. 569 of July 26, 1985, and considering that the policy and practice of apartheid are repugnant to the moral and political values of democratic and free societies and run counter to United States policies to promote democratic governments throughout the world and respect for human rights, and the policy of the United States to influence peaceful change in that country, as well as the threat posed to United States interests by recent events in South Africa.

I, Ronald Reagan, President of the United States of America, find that the policies and actions of the Government of South Africa constitute an unusual and extraordinary threat to the foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

SECTION 1. Except as otherwise provided in this section, the following transactions are prohibited effective October 11, 1985:

(a) The making or approval of any loans by financial institutions in the United States to the Government of South Africa or to entities owned or controlled by that Government. This prohibition shall enter into force on November 11, 1985. It shall not apply to (i) any loan or extension of credit for any educational, housing, or health facility which is available to all persons on a nondiscriminatory basis and which is located in a geographic area accessible to all population groups without any legal or administrative restriction; or (ii) any loan or extension of credit for which an agreement is entered into before the date of this Order.

The Secretary of the Treasury is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection. The initial rules and regulations shall be issued within sixty days. The Secretary of the Treasury may, in consultation with the Secretary of State, permit exceptions to this prohibition only if the Secretary of the Treasury determines that the loan or extension of credit will improve the welfare or expand the economic opportunities of persons in South Africa disadvantaged by the apartheid system, provided that no exception may be made for any apartheid enforcing entity.

(b) All exports of computers, computer software, or goods or technology intended to service computers to or for use by any of the following entities of the Government of South Africa:

(1) The military;

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(2) The police;
(3) The prison system;
(4) The national security agencies;
(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research;
(6) The administering authorities for the black passbook and similar controls;
(7) Any apartheid enforcing agency;
(8) Any local or regional government or "homeland" entity which performs any function of any entity described in paragraphs (1) through (7).

The Secretary of Commerce is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection and to implement a system of end use verification to ensure that any computers exported directly or indirectly to South Africa will not be used by any entity set forth in this subsection.

(c)(1) Issuance of any license for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility; any authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa; any license for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and any approval of retransfers to South Africa of any goods, technology, special nuclear material, components, items or substances described in this section. The Secretaries of State, Energy, Commerce, and Treasury are hereby authorized to take such actions as may be necessary to carry out this subsection.

(2) Nothing in this section shall preclude assistance for International Atomic Energy Agency safeguards or IAEA programs generally available to its member states, or for technical programs for the purpose of reducing proliferation risks, such as for reducing the use of highly enriched uranium and activities envisaged by section 223 of the Nuclear Waste Policy Act (42 U.S.C. 10101) or for exports which the Secretary of State determines are necessary for humanitarian reasons to protect the public health and safety.

(d) The import into the United States of any arms, ammunition, or military vehicles produced in South Africa or of any manufacturing data for such articles. The Secretaries of State, Treasury, and Defense are hereby authorized to take such actions as may be necessary to carry out this subsection.

SEC. 2. (a) The majority of United States firms in South Africa have voluntarily adhered to fair labor principles which have benefited those in South Africa who have been disadvantaged by the apartheid system. It is the policy of the United States to encourage strongly all United States firms in South Africa to follow this commendable example.

(b) Accordingly, no department or agency of the United States may intercede after December 31, 1985, with any foreign government regarding the export marketing activity in any country of any national of the United States employing more than 25 individuals in South Africa who does not adhere to the principles stated in subsection (c) with respect to that national's operations in South Africa. The Secretary of State shall promulgate regulations to further define the employers that will be subject to the requirements of this subsection and procedures to ensure that such nationals may register that they have adhered to the principles.

(c) The principles referred to in subsection (b) are as follows:
(1) Desegregating the races in each employment facility;
(2) Providing equal employment opportunity for all employees without regard to race or ethnic origin;
(3) Assuring that the pay system is applied to all employees without regard to race or ethnic origin;
(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;
(5) Increasing by appropriate means, the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;
(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health;
(7) Implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinction, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(d) United States nationals referred to in subsection (b) are encouraged to take reasonable measures to extend the scope of their influence on activities outside the workplace, by measures such as supporting the right of all businesses, regardless of the racial character of their owners or employees, to locate in urban areas, by influencing other companies in South Africa to follow the standards specified in subsection (c) and by supporting the freedom of mobility of all workers, regardless of race, to seek employment opportunities wherever they exist, and by making provision for adequate housing for families of employees within the proximity of the employee's place of work.

SEC. 3. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices described in section (2)(c) are applied to their South African employees.

SEC. 4. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable and to the extent permitted by law, in procuring goods or services in South Africa, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by persons in South Africa disadvantaged by the apartheid system.

SEC. 5. (a) The Secretary of State and the United States Trade Representative are directed to consult with other parties to the General Agreement on Tariffs with a view toward adopting a prohibition on the import of Krugerrands.

(b) The Secretary of the Treasury is directed to conduct a study to be completed within sixty days regarding the feasibility of minting and issuing gold coins with a view toward expeditiously seeking legislative authority to accomplish the goal of issuing such coins.

SEC. 6. In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

SEC. 7. The Secretary of State shall establish, pursuant to appropriate legal authority, an Advisory Committee on South Africa to provide recommendations on measures to encourage peaceful change in South Africa. The Advisory Committee shall provide its initial report within twelve months.

SEC. 8. The Secretary of State is directed to take the steps necessary pursuant to the Foreign Assistance Act of 1961 and related legislation to (a) increase the amount of internal scholarships provided to South Africans disadvantaged by the apartheid system up to $8 million from funds made available for Fiscal Year 1986, and (b) increase the amount allocated for South Africa from funds made available for Fiscal Year 1986 in the Human Rights Fund up to $1.5 million. At least one-third of the latter amount shall be used for legal assistance for South Africans. Appropriate increases in the amounts made available for these purposes will be considered in future fiscal years.

SEC. 9. This order is intended to express and implement the foreign policy of the United States. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

FACT SHEET—PRESIDENT'S DECISION ON SOUTH AFRICA MEASURES

President sending a strong signal to South African Government: apartheid must go; time is now for bold action; actions assert his strong leadership on this issue.

U.S. policy has long included measures to disassociate ourselves from apartheid.

Actions are consistent with President's intent to maintain active presence and influence of American companies, churches, teachers, diplomats, in pushing for change in South Africa.

President shares concerns of American people about racism; his action designed to speak for entire Nation and pull American people together on this important issue.

President's measures not designed to damage South African economy and hurt those we are trying to help; targeted on specific elements of government apparatus.

President wants to work wtih Congress, on a bipartisan basis, to achieve positive and productive changes in the policies of the South African Government.

E.O. commits U.S. to maintain strong presence in South Africa, supports fair employment practices of U.S. companies, increases USG funds for scholarships and human rights activities.

E.O. prohibits U.S. banks lending to South African Government, except loans which would promote welfare of all South Africans.

E.O. bans all computer exports to military, police, and other apartheid-enforcing agencies.

E.O. prohibits U.S. nuclear exports to South Africa except for items needed for health and safety or for IAEA safeguard programs.

E.O. requires firms to adhere to principles similar to voluntary Sullivan program; goal

is to maintain voluntarism, but those who do not adhere will be denied USG trade assistance.

E.O. requires USG to consult with GATT partners on Krugerrand ban.

E.O. requires the Secretary of Treasury to study feasibility of minting and issuing gold coins.

E.O. directs the Secretary of State to establish advisory committee of distinguished Americans to provide recommendations on measures to encourage peaceful change in South Africa.

E.O. will implement U.N. resolution, which U.S. supported, banning imports of South African arms.

DIFFERENCES BETWEEN BILL AND E.O.

BANK LOANS

E.O. eliminates an excessive extraterritorial application of U.S. law. Applies to making or approving loans to the SAG by financial institutions in U.S. It prohibits U.S. banks from approving in any way loans to the SAG by any foreign bank or affiliate.

The blanket exceptions (housing, education, health) are identical to those in the bill.

The bill's bank loan provisions would enter into force in 90 days; the E.O.'s in 60.

Treasury and State would be authorized under the E.O. to authorize a loan otherwise prohibited by it which would clearly benefit the victims of apartheid.

COMPUTERS

Essentially the same. The E.O. removes some of the ambiguities in the bill.

NUCLEAR

The E.O. incorporates the bill's prohibition. However, the E.O. includes a reasonable exception for IAEA safeguards and exports which the Secretary of State determines to be necessary for humanitarian reasons for reasons of public health and safety.

KRUGERRANDS

The bill would require an immediate ban on Krugerrand imports. The E.O. requires the Secretary of State and the STR to complete the measures needed pursuant to the GATT prior to a ban.

ARMS

The bill does not contain a provision on arms imports. The E.O. simply implements a Security Council decision of last December.

SCHOLARSHIPS AND HUMAN RIGHTS

Essentially the same. Both contemplate up to $8 million for internal scholarships in FY 86 for those disadvantaged by apartheid and $1.5 million for the Human Rights Fund. Implementing the E.O. will require certain notices to Congress.

DEFINITIONS

The bill contains certain definitions. Most definitions for purposes of the E.O. will be in the Federal agency regulations that will implement the E.O.

EXIM

The bill authorizes certain acts involving South Africa now prohibited by law. The E.O. does not contain such a provision, since an E.O. does not contain such a provision, since an E.O. cannot change a statute.

PROCUREMENT

Both the E.O. and the bill encourage U.S. agencies in South Africa to meet their local needs by procuring goods to the extent practicable from firms of those disadvantaged by the apartheid system.

LABOR PRACTICES

The bill requires U.S. firms in South Africa employing at least 25 persons to implement the Sullivan principles. If they do not, the U.S. Government will not intercede on their behalf with regard to their export marketing activities anywhere in the world. The State Department would also, in effect, be required to establish a new bureaucratic body to regulate the labor practices of such firms.

The E.O. requires U.S firms to adhere to the same fair labor principles stated in the bill. Firms can do so by joining the Sullivan Code and its implementing procedures.

The penalty prescribed for not adhering to the E.O. is the same as that contained in the bill

The main difference is that the bill would in effect end the excellent and efficient system currently in place for monitoring compliance with the Sullivan Code. The E.O. eliminates the need to create a cumbersome new bureaucracy.

STATEMENT OF LABOR PROVISIONS

The E.O. is shorter. It states the actual principles and does not specifically include all the examples provided in the bill. There is no difference in substance.

EMPLOYMENT PRACTICES OF THE U.S. EMBASSY IN SOUTH AFRICA

The E.O. and the bill are essentially the same.

ADVISORY COMMITTEE

The bill's advisory committee deals with labor matters. The E.O.'s advisory committee has a far broader mandate to make recommendations on how to influence peaceful change in South Africa.

FUTURE SANCTIONS

The bill contemplates possible future sanctions based on a Presidential determination on progress in South Africa and a subsequent act of Congress. The E.O. does not have a specific provision on this, but does not rule out this possibility.

REPORTS

The bill contains a requirement for several reports to the Congress (e.g., on progress in South Africa, on how each U.S. firm implements Sullivan). The E.O. does not contain such reporting requirements.

AMENDMENTS TERMINATION

The bill has no real waiver authority, and any change to its terms or terminating the act requires an act of Congress. This is also the case with respect to the so-called waiver provision on Krugerrands. The E.O. can be amended or terminated by the President at any time.

(Mr. COCHRAN assumed the chair.)

Mr. DOLE. Mr. President, the President states in the last paragraph of his letter: "If we all join together behind a common program, we can have so much more influence for good. Let us go forward with a clear vision and an open heart working for justice, brotherhood, and peace."

Mr. President, I make the same point, that we have an opportunity now in Congress, Republicans and Democrats alike, to join—in fact, the President has joined with us. It seems to me that what we should do now is to postpone any final action on the conference report, go forward together, Congress and the President, send the strongest possible signal to the South African Government, which this would do. Then, if for some reason, and I do not know of any, but if for some reason some provisions of the Executive order are not properly complied with or not adhered to as Members of Congress think they should have been, then the conference report would still be available, and it could still be acted upon. I also indicate the only real difference between the Executive order and the conference report is the fact that there are no sanctions in the Executive order but they are not percluded, and the sanctions in the conference report do not take effect until January 1987.

So for all practical purposes, anything that would have taken effect immediately or in the near future is in the Executive order with the exception of the Krugerrand issue, and on that issue the President, as he indicates in his order, will address the other GATT countries before taking that action.

I commend the President for his willingness to move in this direction, and I commend my colleagues, all my colleagues who have been interested in this issue. I hope that we can work out a bipartisan agreement, if not sometime today, then later and that at this time we simply postpone further action on the conference report until some time next year, March, April, some reasonable time in the future.

Mr. President, again I indicate to my colleagues that we will probably have a very busy September and October, possibly November, and someone even indicated December, but I hope to have an opportunity to meet this week with the distinguished Speaker, Congressman O'NEILL; the distinguished minority leader, Senator BYRD; along with the House Republican leader, Congressman MICHEL, so that we can advise our colleagues as clearly as possible when we would adjourn sine die.

I will indicate at a later time our proposed schedule during the Jewish holidays. We will not have votes prior to 6 p.m., and then there is likely to be a proposed recess that would come sometime, I think from the 10th to the 15th of October.

Mr. President, today we will have morning business until 1 p.m., a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, and at the hour of 1 p.m. there will be 3 hours, or there are proposed to be 3 hours of debate on the antiapartheid conference report, to be equally divided, and then at 4 p.m. today, there is scheduled to be a vote on cloture.

It would be my hope that we might be able to alter the debate period because there will be a Republcan conference at 2 p.m. in S. 207 to discuss the antiapartheid conference report, and hopefully we could reach some

agreement where we would not have any debate on the antiapartheid bill until that conference is completed.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

THE MISSION TO MOSCOW

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his references to the trip which I and other Senators on both sides of the aisle made to Moscow during the break. I am delighted that the distinguished President pro tempore, Mr. THURMOND, and the distinguished Senator from Virginia, Mr. WARNER, were also on that trip. It was a very hard-working trip. Our time with Mr. Gorbachev was 3 hours and 35 minutes. We feel that we accomplished some things. We will be going down to see the President at the White House tomorrow at 3 p.m. The President had indicated before we left that he would like to have a report on our return and we will be prepared to talk with the President tomorrow afternoon. We look forward to visiting with him.

THE MAJORITY LEADER'S TRIP TO CHINA

Mr. BYRD. Mr. President, I again thank the distinguished majority leader. I am happy that he was able to visit the People's Republic of China. I have been there on two previous occasions. I know that it takes a lot of time and it is a very important thing that he has done. I think it is well that we keep open these windows to the People's Republic of China. Mr. Deng and others there have always been gracious to American's and particularly to elected public officials, whether they are in the Federal Government or in the State governments. I think that such visits are enlightening and helpful, particularly to Members of this body, a body that has certain foreign relations responsibilities.

So I compliment the distinguished majority leader and I say that I am happy that he returns looking as though he has had some rest and has been rejuvenated, both in spirit and in physical strength. I will be looking forward to talking with him further about this visit to the People's Republic. It is a country that just cannot be overlooked, a country that has a population of a billion people or perhaps more. It is not a country that one can just put out of view.

It is impossible to forget or to overlook—and very unwise to attempt to do so—the fact that the People's Republic of China consists of a billion people; some say 1.2 billion. It is only at the peril of having political glaucoma to fail to recognize that there is this country with a fourth of the world's population which cannot be hidden. It cannot be brushed off the international chessboard, whether we are concerned with trade or the economy or national defense or whatever. It is an increasingly important country.

Mr. Nixon opened up the doors for a normalization with that country. I am glad that Mr. Nixon did that. He is probably the only individual who could have done it.

It is good we do whatever we can to press forward with that normalization. We cannot be blind to all of the potential that this involves. It is in the best interests of our country that we better our relations and that we cooperate where we can with the People's Republic. Vice Premier Den has shown his inclination time and time again.

He visited here on Capitol Hill about 5 or 6 years ago. He spoke in the Russell Building, I believe. He visited my office at that time when I was majority leader.

More and more Members of the Senate ought to go to China, to talk with Chinese Government officials. It can create goodwill toward this country on the part of the People's Republic.

So I commend the majority leader again, express gratitude that he has been able to make this trip—and make it safely back home. I look forward to hearing more about what he has to say about China as a result of the visit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me thank the distinguished minority leader.

We will be filing a report, hopefully tomorrow, on our trip. Again, I know that some times Members of Congress are criticized for going anywhere outside the United States, or anywhere in the United States by some. But it seems to me, as the distinguished minority leader knows, these are working trips. I think we can count about 43 meetings in a 14-day period. But it was worthwhile. We are excited about it.

I share the view expressed by the distinguished minority leader that it is not only worth our time and effort, but I think it is worth whatever costs might be involved to the American taxpayer. We deal with these problems affecting the Soviet Union, the People's Republic of China, and you have just discussed trade. We visited Korea, Japan, the Republic of China, and Hong Kong. We have big trade deficits with our neighbors in the Far East that were certainly the subject of many of our meetings.

So it seems to me it is a good use of Members' time. I agree with the distinguished minority leader that more Members on both sides should be encouraged, notwithstanding some little criticism, to make this extra effort. It is not a vacation. It is certainly an experience.

SCHEDULE

Mr. DOLE. Mr. President, as I indicated earlier, and I have only recently delivered the memo to the distinguished minority leader's office, I have proposed that on the 16th and the 25th of September there be no votes until after 6 p.m. for Rosh Hashanah and Yom Kippur—the 2 Jewish holidays which occur in September. And I have also proposed that from close of business on October 10 until Tuesday, October 15, the Senate would be in recess, and probably there would not be any votes on the 15th because there will be a number of Members on both sides, I understand, involved in a very important conference in San Francisco, among other things.

Mr. President, I also delivered to the distinguished minority leader personally a first cut at matters that I think we must complete before sine die adjournment. There are other items that committee chairmen have called to my attention. I am certain that the distinguished minority leader will also have some priorities. My list was simply one way to start.

Mr. BYRD. I thank the distinguished majority leader. I assume from what the distinguished majority leader has said that it is somewhat likely that the Congress will be in session past the middle of October. Otherwise, the distinguished majority leader would not be laying out a possible recess. Of course, the majority leader is in a position where he has to do this because he cannot foresee what is going to happen with respect to the tax bill.

I welcome the opportunity to visit with the Speaker, and the minority leadership on the other side of the Capitol, as the distinguished majority leader has said to me privately, and just now publicly.

I would assume that whether the Congress is in beyond November 1, will largely be decided by what progress the House makes in getting the tax bill over to the Senate, and when.

Am I correct in that assumption?

Mr. DOLE. That is correct. As to the House bill, my latest information is that they are going to move very quickly on the tax bill in the next couple of weeks—at least have it drafted by then.

I am not certain when it will pass the House. But I am advised by the chairman of the Finance Committee, Senator PACKWOOD, that his deadline

for action this year—at least unofficially the deadline is that at a minimum a bill would arrive here not later than October 15 because he may need additional hearings. Once it arrives, it would still likely take considerable time.

So, yes, I think whether it is Thanksgiving or Christmas will depend on the rate of progress on tax reform.

Mr. BYRD. I thank the distinguished majority leader.

THE TRADE CRISIS: THE COST IS TOO HIGH

Mr. BYRD. Mr. President, I call attention to the President's radio address on Saturday, September 7. He made a major statement on trade policy.

After 5 years of burgeoning trade deficits that have left millions of Americans permanently out of work or underemployed; after at least three nonpartisan reports to the President, several major studies by the Congress—including an excellent project by Senate Democrats—and countless private and university-conducted studies; after nearly every House and Senate leader, both Democrat and Republican, has sharply criticized the inaction, this administration has decided that there is a serious problem in America's trade relations. I have spoken to the Senate well over a dozen times; I have introduced several pieces of broad-ranging legislation; I have supported serious legislative proposals offered by my colleagues on both sides of the aisle; and I have established a Senate Democratic Working Group on Trade Policy. That working group is chaired by the distinguished Senator from Texas, Mr. BENTSEN. I have done these things with a view to filling the void that has thus far existed in this administration in the area of trade.

After 5 years of abdication in the face of the growing international challenge, and 5 years of a big deficit, big dollar policy that shows a total disregard for the fate of American exports and export-related jobs, the administration has announced that it will use the authority it has always had from Congress to take action on a narrow group of products to a few select countries. This decision comes just days after the administration's decision to deny any relief to the American footwear industry, despite the International Trade Commission's finding that the footwear industry deserves such relief because it is suffering serious harm as the result of import penetration that has captured 70 percent of the American market. In a year when the administration's own economists predict that America's trade shortfall will exceed $150 billion, is this the appropriate response? Can we look after a few products in a few countries and call that a trade policy?

In their preliminary report, Senate Democrats called for a comprehensive trade strategy to assure American leadership in the world marketplace and a growing export sector that will provide jobs and support global trade expansion. The President's own Commission on Industrial Competitiveness called for an aggressive and comprehensive approach to the global competition and urged that "The President should pursue initiatives to make trade a permanent national priority." Certainly the steps the President outlined in his Saturday radio statement offer no broad-ranging trade policy. At most, they are an effort to buy time while the administration struggles with the question of how to deal with the growing congressional discontent over its lack of action on trade policy.

We have to be honest with ourselves. The time for a halting symbolic approach to trade policy is over. If the administration is unwilling or unable to fashion a comprehensive trade policy, then Congress is prepared to reassert its constitutional role as the body of Government charged with "authority to regulate Commerce with foreign Nations and among the several states." The administration cannot hope to buy time at this late hour, because we know that such time will be purchased with more American jobs, and further decline in our competitiveness. We have seen what 5 years of inaction have cost, and no one who has thought about the issue is prepared to buy time when the currency is our future. Senate Democrats are on record as being committed to a serious trade strategy, and I invite my Republican colleagues to join with us in our efforts to keep America competitive.

Mr. DOLE. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOLE. I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, would it be in order to ask unanimous consent for an additional 5 minutes? If so, I so ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. Mr. President, I have 4 minutes remaining. I yield to the majority leader for his further use.

Mr. DOLE. Mr. President, I yield that 4 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO THE SOVIET UNION

Mr. THURMOND. Mr. President, I had the pleasure of going on the trip to the Soviet Union which was headed by the distinguished Democratic leader, Senator BYRD. I think it was a very helpful trip. We will be making a report to the Congress within the next few days. I wish to commend the Democratic leader, Mr. BYRD, for the excellent leadership he provided on that trip. I think that some good can come out of it. I feel we laid some groundwork for the summit meeting that is to be attended by our President, Mr. Ronald Reagan, and Mr. Gorbachev, the Soviet leader, in November.

THE GARCIA DECISION

Mr. THURMOND. Mr. President, during the recess, I was informed by the South Carolina Division of Human Resource Management that the financial impact of the recent U.S. Supreme Court decision in Garcia versus San Antonio Metropolitan Transit Authority will exceed $6 million per year to the State government of South Carolina.

I take this opportunity to once again emphasize that Garcia has set the stage for a devastating economic impact on State and local governments. Moreover, that decision is contrary to the principles of federalism set forth in the 10th amendment to our Constitution.

S. 1434 and S. 1570 would exempt State and local governments from the maximum hours provision of the Fair Labor Standards Act. As an original cosponsor of both bills, I urge my colleagues to join Senator NICKLES, Senator WILSON, and me in our efforts to achieve speedy passage of these critically important legislative initiatives.

Mr. President, I ask unanimous consent that the following editorials from the State of Columbia, South Carolina, dated July 30, 1985, the News and Courier of Charleston, SC, dated August 1, 1985, and the Gaffney Ledger of Gaffney, SC, dated August 2, 1985, be printed in the RECORD as further evidence of the necessity of these legislative initiatives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State (Columbia, SC), July 30, 1985]

"SENATE BILL ADDRESSES OVERTIME PAY PROBLEM"

The impact of the U.S. Supreme Court's Feb. 19 ruling requiring state and local governments to pay overtime to their employees is now being felt.

Officials of these lower-level governments have been forced to budget additional amounts to handle the extra personnel costs. Some predict that there will be a reduction of essential services, such as police, fire, and ambulance, in some areas.

On the other hand, many government employees are clearly pleased over the prospect of additional pay. Chief J.P. "Pete" Strom of the State Law Enforcement Division, noting that police officers have always

worked long hours in emergencies without extra pay, thinks the ruling is overdue.

Not content with getting overtime pay at the beginning of the fiscal year, several Calhoun County deputies and a host of North Charleston firemen filed suit to obtain retroactive overtime back to April 15, the effective date of the ruling.

Regardless of what one thinks about the desirability of making state and local governments comply with the Fair Labor Standards Act (FLSA), it is certain that the Supreme Court's 5-4 decision in *Garcia v. San Antonio Metropolitan Transit Authority* raised a serious constitutional question.

In it, the court's thin majority reversed its own eight-year-old ruling in *National League of Cities v. Usery*, which overturned a 1966 congressional act that, relying on the Commerce Clause of the Constitution, extended for the first time FLSA minimum wage and overtime standards to state and local governments.

The *National League of Cities* case was bottomed on the Tenth Amendment, which established the principle of federalism by reserving to the states all power to make decisions on employees pay.

Now the court has done an about-face. Justice Harry Blackmun, writing for the majority, said the states are amply protected by their ability to elect the President and members of Congress. "The political process ensures that laws that unduly burden the states will not be promulgated," he said.

Justice Lewis Powell, speaking for the four-person minority, questioned how "the states' role in the electoral process guarantees" Congress "will not infringe on residual state sovereignty." He also lamented that the majority opinion "effectively reduces that Tenth Amendment to meaningless rhetoric when Congress acts pursuant to the Commerce Clause."

Justice Powell was on the mark with both assertions, but he and his like-minded colleagues did not prevail. *Garcia* stands as the law of the land and must be complied with as long as it stands.

But an effort is underway in the U.S. Senate to overturn the *Garcia* decision. California's Pete Wilson and South Carolina's Strom Thurmond have introduced legislation to exempt state and local govenments from the FLSA and permit, among other things, compensatory time in lieu of overtime pay.

Senator Thurmond noted the decision's "devastating economic impact" on local governments already operating on tight budget, due in part to a reduction of federal aid. He said the ruling might force them to cut other important programs or reduce manpower in vital public safety areas. The bill, he said, "would allow governments to better manage their budgets while giving employees the benefits of "comp time."

If the ruling stands, it will fall particularly hard on smaller units of government that doen't have enough employees to easily adjust work schedules. But it will also hurt bigger units in such ways as interfering with lengthy police investigations. Even voluntary extra work related to the job is not permitted without overtime.

The states, counties and cities need more flexibility than the FLSA permits, particulary in the public safety fields. Congress should give it to them.

[From the News & Courier (Charleston, SC), Aug. 1, 1985]

PAY RULE NOT A FEDERAL ISSUE

Mayor John Bourne's plan to shift the hours and pay schedules of North Charleston's firefighters in response to a recent U.S. Supreme Court ruling went into effect this week. Before debating the merits, or lack thereof, of the plan, the motivating factor—the Supreme Court ruling—was itself unconstitutional.

Historically, federal wage and labor laws have never applied to state and local governments. This is as it should be under the guarantees of the 10th Amendment, which reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." That amendment was the basis for a 1976 Supreme Court decision that exempted states and their political subdivisions from the federal minimum wage law.

But last February, in Garcia v. San Antonio Metropolitan Transit Authority, the Supreme Court, on a 5-4 majority vote, reversed that earlier decision and decreed that state and local governments were, in fact, subject to federal wage laws. By so ruling, the Court invalidated the 10th Amendment and states' rights took another thrashing from the hands of the courts.

But there's more here than just another states' rights issue. This ruling could cost the nation's taxpayers as much as $3 billion as firemen and policemen come under the minimum wage law plus overtime. For years, state and local governments sat down with employees and resolved overtime problems through the use of compensatory time off. That system benefited public employees and taxpayers alike.

If Mayor Bourne had not put the new hours and schedule changes in effect—thereby reducing overtime pay for firemen—the Supreme Court ruling could have cost his city about $1 million a year. But, under the Bourne plan, instead of a full staff of firefighters after 5 p.m. at the city's six fire houses, there will be a skeleton crew ready to be augmented by a centrally based "flying squad" or from firemen on standby at home.

The acid test of the new system will come when the first major fire is called in after 5 p.m. We agree with City Council member Patsy Hughes, who expressed her reservations on response time and her hopes that "we don't lose a house over this idea."

Some firemen are pleased with the plan because they will be working fewer hours. Others aren't too pleased because the new schedule just does not have the latitude of the old system that allowed second jobs during their off-time.

On Capitol Hill, at least four bills have been introduced to overturn portions of the Supreme Court's ruling. One, co-sponsored by Sen. Strom Thurmond and Sen. Pete Wilson of California, would go directly to the heart of the matter by amending the Fair Labor Standards Act to exempt state and local governments from its wage and hour regulations. That's a right reserved to local government by the Constitution and one that deserves to be restored.

"LEAVE IT UP TO THE STATES"

[From the Gaffney Ledger (Gaffney, SC), Aug. 2, 1985]

Taxpayers nationwide should support California Sen. Pete Wilson's effort to amend the federal Fair Labor Standards Act and exempt state and local governments from its wage-and-hour regulations.

Historically, federal labor laws have not applied to state and local governments, which is as it should be in a federal system such as ours. But in February, in Garcia v. San Antonio Metropolitan Transit Authority, the U.S. Supreme Court, by a 5-4 vote, reversed a nine-year-old precedent and decreed that state and local governments indeed were bound by such federal regulations.

The court majority ruled, in effect, that the 10th Amendment to the Constitution is no longer valid. That amendment reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States respectively, or to the people." The 10th Amendment was the basis for a 1976 Supreme Court decision that exempted states and their political subdivisions from the federal wage laws.

But there is considerably more at stake here than the two-centuries-old argument over states' rights under our federal system. There is also the matter of about $3 billion a year in taxpayers' money.

This is how much state and local governments could be forced to pay in additional overtime under the Fair Labor Standards Act as decreed in the Garcia ruling. The alternative, of course, would be to reduce overtime. But because most of that overtime is worked by public safety employees—police and firefighters—that's neither practical nor desirable.

For years, state and local governments and their employees have solved the overtime problem through negotiation and the use of compensatory time to offset overtime. This system has benefited public employees and taxpayers alike and should be continued.

Congress should move quickly to amend the Fair Labor Standards Act and restore the right of state and local governments to determine their own wage-and-hour standards.

THE TEXTILE INDUSTRY

Mr. THURMOND. Mr. President, turning to another subject, I hold in my hand a sheet that says 117 textile workers will lose jobs in Inman. "Several hundred fabric-finishing looms will be removed at Inman Mills and 117 people will lose their jobs this month in the first layoffs of the mill's 83-year history."

It further goes on to say, "Inman Mills is one of the top 10 employers in Spartanburg County. The company has spent nearly $50 million in recent years updating equipment at its four plants, Chapman said.

"Cheaper imported goods have made it unprofitable for Inman to produce unfinished fabric on the looms, Chapman said.

"We originally planned to continue running those 320 looms. It got down below costs so fast, so rapidly, that there was nothing we could do about it, and all was because of imports."

Then the last paragraph says "Mayfair Mills laid off about 35 workers in mid-July and Spartan Mills laid off 250 at its Beaumont Plant in mid-August."

Mr. President, the mills keep closing. Jobs are disappearing.

Mr. President, I hope the American people will wake up and see what is happening. What is happening in my State is happening in other States on account of excessive imports coming into this country.

Mr. President, I have another clipping that came out during the time we were in recess, headlined "250 Jobs Eliminated as Spartan Mills Shuts Weaving Operations."

To quote some paragraphs from this article, it states:

About 250 employees of Spartan Mills will lose their jobs as the company phases out weaving operations at its Beaumont plant, the company chairman said Thursday.

The phaseout, which began Thursday, will leave the plant producing only yarn, chairman and chief executive officer Walter Montgomery Sr. said.

"This is a most difficult time for me," Montgomery said. "It's the first time we've ever had to lay off people since we've been in business, and I've been with Spartan Mills for 63 years."

Mr. President, the last paragraph in the article states:

Montgomery blamed the phaseout on a "flood" of textile imports allowed by Federal trade polices.

Mr. President, this is further evidence that the trade policies being followed by the administration on textiles is not working. We cannot stand much longer. These jobs will all be gone, not only in my State, but in every State in this Nation, unless something is done to preserve these textile jobs. I am so anxious for the proper steps to be taken.

Mr. President, I would like to call to the attention of my colleagues an article printed in the July 10, 1985, issue of the Gaffney Ledger. It plainly tells the way of life in a small textile-mill community. The residents of Bath, SC, which happens to be in my home county of Aiken, recall how their lives have been woven into the operations of the community's major employer, the Bath Mill. One generation after another has entered the mill during their teenage years, and have worked their way up to promotions and satisfactory retirement from a job well done. Families for generations have worked at the Bath Mill. The economic futures of many have been smashed. Bath Mill is closing in September. The flood of textile imports makes it impossible for it to remain competitive in the market. Employees who have spent their lives working at the mill and whose livelihood depends on the textile production now face unemployment.

Mr. President, many of these people have no hopes for retraining for other skills or finding other employment. I am deeply concerned about these people and other textile workers who are facing unemployment due to the flood of textile imports on our markets. We must act to protect American jobs and provide hardworking Americans a livelihood.

Mr. President, passage of S. 680 is crucial to this effort.

Mr. President, the article to which I just referred clearly reminds us that imports are hurting hardworking Americans, Americans who have spent their lives working to provide for others.

Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Gaggney Ledger, July 10, 1985]

NO REGRETS: FAITHFUL EMPLOYEES OF DOOMED BATH MILL HAVE SEEN GOOD, BAD DAYS

BATH, SC.—If you add up the time Junior Reese and members of his family have worked at Bath Mill, it adds up to about 700 years.

Junior Reese could celebrate his 39th year at the mill this year. His wife, Betty Reese, has been there 34 years.

Long stays like that are common. People usually come to work when they're mere children and never work anywhere else.

Not any more. The mill is closing in September.

Reese said he went to work sweeping in the spinning room when he was 15. Mrs. Reese started work as a hand draw-in learner when she was 17.

People assumed Bath Mill was the company they would work for when they get old, Mr. Jones said.

"That was all there was," Jones said and shrugged.

"It was just a way of life," Mrs. Jones added.

The Joneses and Reese are natives of the Bath area. Reese was born in a Bath Mill company house.

The mill closing has left them unsure of their futures. The Reeses have applied for jobs with the Graniteville Company, and Jones plans to retire.

"Textile is all I know," Mrs. Reese said. "And this is the only place I've ever worked. I've never filled out an application for a job."

Reese said he's never even set foot in another mill.

Jones was planning on retiring anyway, but he says he had been hoping to finish out the end of the year, "but it doesn't look like I'll make it."

"There are some working here that just won't get another job because of their ages," Jones added.

Mrs. Jones says she hopes she won't have to try to find another job. Textile jobs are scarce, and she said it's probably hopeless to try to be retrained.

When Jones took his job sweeping the floor, he was making $9 a week. He lived with his uncle, who made $12 a week, and between the two of them, they fed eight people.

Both of them have worked their way up. Reese is now a supervisor and his wife works in the designing area of Bath Mill.

Neither of them ever had any desire to go anywhere else, they said, and two of their friends, Preston and Jessie Mae Jones agreed with them.

Jones has worked at Bath Mill since the 1930's. He said the only days he missed work were the two years he spent in the army during World War II. And Mrs. Jones began work two weeks earlier than Mrs. Reese did.

"There's no need of me trying to be retrained in other areas," she said. "This is all I've ever done."

Plant management has allowed other companies to take applications from Bath Mill workers. If workers have a job interview, they are encouraged to take time off.

Most of them do not know how long they have left because everyone won't be laid off at once. The operation is being phased out department by department.

The mill workers said working your way up from the bottom is part of the Bath Mill tradition.

The Reeses have a son who is doing cleanup work at the mill one day a week.

"He would've taken a job if they'd offered him one," Reese said.

The Joneses have a daughter and a son-in-law who both work at Bath Mill. Mr. Jones said that now he would advise his relatives "not to go into textiles."

"If I had my life to do over again. I'd come back," Reese said. "We've seen the good days and the bad days, and that's why we loved our plant."

Mr. THURMOND. Mr. President, here is one other item entitled "117 Textile Workers to Lose Jobs In Inman." Two hundred fifty jobs are being lost at Spartanburg textile mills, and an entire mill is closing in Bath, SC, involving probably 700 people.

Mr. President, how much longer is this administration going to wait before taking some action? The only action I see to be taken is to pass S. 680. Even if some immediate action is taken now, how do we know next year or 3 years from now the same situation will not come again? I think we need a sound bill, sound legislation, and S. 680 will meet that concern.

I want to say if we will merely keep the imports in line with the domestic growth, that is all we are asking. Why is that not fair? Yet the import growth is 33 percent and domestic growth is 3 percent.

Mr. President, the textile mills will fade out entirely in a few years. Then where will we get uniforms for military men? Where will we get the textile material used in parachutes and other items? According to the Defense Department, textiles rank second to steel in national defense.

Mr. President, it is important that this bill be passed as early as possible.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let me indicate that I had the privilege of meeting with a number of the CEO's of textile plants at the request of the distinguished President pro tempore, Senator THURMOND, and the distinguished Senator from North Carolina, Senator HELMS. We met in Greensboro, NC, about 3 or 4 weeks ago. We had a 2-hour meeting and discussed at length many of the problems that the

distinguished President pro tempore has just informed the Senate about.

Mr. THURMOND. Mr. President, I wish to commend the majority leader for his going to North Carolina and meeting with the textile leaders. I am sure the information that was brought out at that time was very helpful to him as it was to others who attended that meeting. We are deeply indebted to our able majority leader.

SENATE RESOLUTION (S. RES. 217)—HONORING THE 98TH BIRTHDAY OF FORMER GOV. ALFRED MOSSMAN LANDON

Mr. DOLE. Mr. President, on behalf of Senator THURMOND, Senator BYRD, and myself, I send a resolution to the desk and ask for its immediate consideration. I have cleared this with the distinguished minority leader.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 217

To honor Alfred Mossman Landon.

Whereas Alfred Mossman Landon, former Governor of Kansas and 1936 Republican nominee for President, is celebrating his ninety-eighth birthday today, September 9, 1985;

Whereas Alf Landon has a firm foothold in American political history of another period, and is ever ready to comment on current affairs with an expertise and sensibility that reveals his unique position as a grand old man of the GOP;

Whereas his blend of morality, humanity and practical politics, has led politicians, labor leaders, reporters, and academicians to seek advice and counsel at his west Topeka home over the last forty-nine years;

Whereas as early as 1936, Alf Landon was a man ahead of his times, reminding Americans of the evils of inflation and pointing to the dangers of uncontrolled Government spending;

Whereas his record of fiscal integrity and balanced budgets during his tenure as Governor of Kansas would be the envy of any contemporary President;

Whereas Alf Landon has contributed much to the development and education of young people;

Whereas for over fifty years, Alf Landon has been one of our most respected and inspiring citizens, earning a permanent niche in American history; and

Whereas as a statesman, politician, businessman, counselor, sportsman, and friend, Alf Landon is a model for all who know him: Now, therefore, be it

Resolved, That the Senate hereby extends to the Honorable Alf Landon our affectionate greetings and best wishes on the occasion of his ninety-eighth birthday.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, today, September 9, 1985, is the 98th birthday of a great American—who also happens to be a great Kansan and the father of my distinguished colleague from Kansas, NANCY LANDON KASSEBAUM. Alf Landon is one of the most respected public figures in this country. Besides being an outstanding political leader for Kansas and the Nation, he has also been a successful businessman, wise counselor, caring friend, and family man.

It is a pleasure for the Senator from Kansas to introduce this resolution honoring Alfred Mossman Landon, former Governor of Kansas and 1936 Republican nominee for President, on the occasion of his 98th birthday. Alf Landon is one of those figures of American politics who remain timeless—he is as comfortable addressing the issues of today as he was addressing the issues of the 1936 campaign. Over the years, he has become a political institution—the GOP's grand old man, full of wisdom and experience and a lively sense of humor. He continues to represent the best of prairie populism, integrity, and independence. It is fitting that the Senate of the United States pay tribute to this great American today. He has been a personal inspiration to me, and he has certainly left a lasting imprint on the history of American politics.

POLITICAL ACCOMPLISHMENTS

Mr. President, Alf Landon has been present on the American political scene for longer than just about anyone still with us. He caught the political bug back in 1912, when he accompanied his father and William Allen White, the newspaperman, to that year's Republican Convention in Chicago. After a stint of activity with the Bull Moose movement, he established himself in the progressive wing of the GOP and moved up through the ranks of State politics to become Governor of Kansas in 1932, by a margin of 6,000 votes. At a time when Republican candidates nationwide were being swept out of office during the Roosevelt era, he was reelected by an increased plurality of 60,000 votes—the only Republican Governor elected in 1934.

STRONG STATE LEADERSHIP

National party leaders were attracted to Landon in 1936 because of his strong image and solid record in office. During the Depression, while the Federal Government was spending heavily and getting into enormous debt in the process, Governor Landon's antidote was to initiate a shoestring, no-frills budget in Kansas—and balance it. Twice Governor of Kansas, from 1933-37, Landon introduced more sweeping changes in his first term in office than Kansas had seen since the Populists took over in 1890.

One of his memorable first moves was pushing a bank bill through the State legislature in 2 hours. Having heard that a large Kansas City bank was about to collapse, Landon walked into the office of the Speaker of the House and explained the need for an emergency bill to keep Kansas banks from closing. The bill passed unanimously in both houses.

FISCAL AUSTERITY STILL IN VOGUE TODAY

Mr. President, Alf Landon was a man ahead of his times. At the top of the Governor's priority list was balancing the State budget during tough economic times. He began by implementing an across-the-board cut of 24 percent that extended to his own $5,000 a year salary and expenses of the Governor's mansion. However, when the legislature refused to cut the Governor's salary, he mailed back a 25-percent refund from each of his paychecks.

By the end of his first term in 1934, Governor Landon had managed to reduce the State per capita cost of Government from the previous $71 5 years before to $51. This is the kind of fiscal leadership that we see all too little of today. Perhaps what this country needs is a new dose of Alf Landon medicine. The issues that he fought so hard for back then are still with us today, even though the context may have changed.

TIMELESS LEADERSHIP

Mr. President, as Alf Landon describes himself, he is "an oil man who never made a million, a lawyer who never had a case, and a politician who only carried Maine and Vermont." His good natured response to the loss of the 1936 Presidential election has endeared him to the countless people who have sought his advice and wisdom since those times. Above the loss of the moment, he has remained a statesman, contributing to the political life of this country from behind the scenes—an inspiration to those who have walked similar paths in Kansas politics and tried their hand at the national level when the opportunity presented itself.

Those who know the Governor, and listen to his views, realize that, even if he had not been the 1936 Republican nominee for President, he would still attract the attention of those who continue to admire and respect his solid leadership, integrity, and practical political wisdom. He continues to give good, honest advice, and preserves a solid perspective of events, both past and present.

HAPPY BIRTHDAY, GOVERNOR!

Mr. President, Alf Landon's personal qualities are too many to enumerate—they are readily apparent to all those who visit with him. Like Truman of Independence and Eisenhower of Abilene, he presents an image of plain-speaking Midwestern values, decorated by a self-effacing humor that is refreshing today.

Family has always been important to Alf Landon. His loving wife Theo has been a strong, quiet, capable influence in his life. She is celebrating this occasion with him back in Topeka.

Their daughter Nancy contributes her graceousness, intelligence and wisdom to this body on a daily basis—she is their legacy to the national political scene today. It is a pleasure having NANCY LANDON KASSEBAUM as a distinguished Senate colleague. A granddaughter, Mary, is a valuable member of my staff, as well.

Mr. President, we celebrate this occasion with Governor Landon and his wife. This man represents a timeless political influence, and we wish him health and happiness on his 98th birthday. The sincere greetings, affectionate thoughts, and best wishes of the U.S. Senate are with Alf Landon today.

Mr. President, I ask unanimous consent that copies of news articles honoring Governor Landon be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Kansas City Kansan, Sept. 5, 1985]

WITH A TWINKLE, ALF LANDON CELEBRATES 98

(By John C. Braden)

TOPEKA.—On the threshold of his 48th birthday, just 50 years ago, Alfred M. Landon was sitting in the Kansas governor's office, hatching a campaign to keep President Franklin Roosevelt from a second term.

A bunch of Kansas University grads and veterans of the World War were just starting to talk up the "old Budget Balancer"—Landon—as the GOP's hope to unseat Roosevelt.

On the threshold of his 98th birthday, Sept. 9, Alf Landon was sitting on the front porch of his west Topeka mansion. He beams at the memory of those days, making one forget for a moment that, as the 1936 Republican presidential nominee, he got buried in a massive New Deal landslide.

A lot has happened since. Landon came back to Kansas and built a white-columned mansion on a knoll in sight of the current governor's mansion. That's where he's remained to this day with his wife, Theo.

He returned to punching oil wells in the rolling countryside of eastern Kansas, assembled a chain of radio stations and became a confidant, pundit and patriarch to the GOP.

The Landon name has remained valuable in Kansas politics and the former governor's daughter, Nancy Landon Kassebaum, used it and him (in television commercials) to good effect to capture a Senate seat in 1978 and win a second term in 1984.

Age is catching up with Landon, although it took longer than it does for most mortals. His eyesight has weakened and his hearing dimmed, but there's still a sharpness in his eye and a tart answer on his tongue.

Seated between the soaring columns of his front porch, the balding patriarch in blue-and-green plaid flannel shirt says he's not doing too well, but he hasn't seen such nice weather for 150 years.

Then he gives you that grin.

In 1956, the late William Allen White, a famous Kansas newspaperman who knew Landon from his Kansas University days, described Landon's "brown, squinty eyes which opened sometimes like a flash and closed behind the shutters of a grin."

Same grin.

Gone are the horseback rides that were an every-morning ritual well into Landon's 90s, replaced by a walk around the grounds of "about a mile."

Failing eyesight has limited Landon's once-voracious reading, but he has other amusements.

"I watch football, but I haven't had very damn much to cheer and lately," he said, in reference to his alma mater's record.

No big bash is planned for his birthday. Vice President George Bush is expected to pay a courtesy call when he delivers a Landon Lecture Sept. 9 at Kansas State University, in Manhattan. Kansas, then stops in Topeka for a Republican Party fundraiser.

Landon has stopped making the 55-mile trip to K-State for the lectures, but still looks forward to these annual birthday visits from dignitaries. President Reagan came in 1982.

"It's pretty good coverage for an old man," he said.

As for Bush's chances of winning the 1988 GOP presidential nomination, "It's a pretty hard question to answer this far ahead of the convention, but there's no question about his being a strong contender," he said.

Landon also mentions Senate Majority Leader Robert Dole, R-Kan., and "that senator from down South," Sen. Jesse Helms, R-N.C., among the possibles.

Wasn't the populist Landon, in his heyday, considerably more liberal than Helms, and even President Reagan?

"I was. And I am," he said.

Although "a good many people" were frightened by Roosevelt's New Deal back when Landon was stumping against it, the former governor now allows that it didn't turn out to be that bad.

[From the Kansas City Star, Sept. 8, 1985]

ALF LANDON TO OBSERVE 98TH BIRTHDAY MONDAY

(By Lew Ferguson)

TOPEKA.—It was, Alf Landon confessed, one of the hardest things he has had to do in his long and eventful life.

Last July, the former Kansas governor and 1936 Republican presidential nominee gave away Red, the horse he once rode almost daily from his estate in northwest Topeka up the Kaw River and back 10 miles or more.

"It was very hard, my golly, yes," Mr. Landon said in an interview before his 98th birthday. His birthday will be on Monday.

"I hadn't been able to ride the old boy for two years, so I found him a wonderful place to live. I didn't sell him. I gave him away."

Red, owned by Mr. Landon for more than 20 years, was given to a family that has other horses on a farm east of Topeka. It was a relief to find pleasant surroundings for the old horse, Mr. Landon confided.

He spoke about Red as one would a valued friend with whom many memories are shared.

"We used to ride up the Kansas River, and the morning Rock Island train would go by," Mr. Landon recalled. "They'd blow the whistle and wave at us. I'd wave back. Old Red and I really had a reception committee."

Mr. Landon rode the horse well into his 90s but could no longer climb aboard him after he fell and broke his hip in April 1983.

Even after he quit riding, Mr. Landon would feed apples to the old horse.

The hip fracture and a fall last month that jammed a shoulder and caused pain in his tailbone—but broke no bones—have slowed Mr. Landon's physical activity. But he still walks, with the aid of a cane, 100 yards or so down his driveway and back, sometimes twice in a day.

Mr. Landon also has lunch once a week with two longtime friends at Barnett's Restaurant a mile from his home. Some weeks he goes out for lunch an additional time or two with other friends or visiting family members.

"I'm feeling a little better all the time," he said of his recovery from the recent fall, which occurred at his home.

On Monday, Mr. Landon will be the center of attention once more, as Kansas and the nation note his birthday.

Vice President George Bush will be in Topeka to help him celebrate.

When President Reagan came calling three years ago for Mr. Landon's 95th birthday, he promised him a flight to Washington aboard Air Force One for a party observing his 100th.

Mr. Bush will deliver a lecture at Kansas State University in nearby Manhattan Monday morning, then travel to Topeka for a visit in early afternoon at the Landons' big white colonial style home on the northwest outskirts of town.

Mr. Bush also will attend a fund-raising reception staged by the state Republican Party on Monday night.

The vice president will be there when the students and marching band of Landon Middle School come calling on Mr. Landon at his home in midafternoon, a tradition begun about a dozen years ago.

"I'm not going to say anything this year," said Mr. Landon, who in past years had a few words of advice for the students of the school that bears his name. "The vice president will be there, and I hope he'll say something to them for me.

"It impresses me that he will be there on my birthday. That's a real honor, having the president come for my 95th and the vice president this year."

Mr. Landon served as Kansas governor from 1933-37 and retired from candidate politics after losing the presidency in 1936, but nothing has dimmed his interest in state, national and world affairs—especially politics.

Getting caught up on the latest political gossip usually dominates his weekly luncheon sessions with friends.

Some of Mr. Landon's recent observations on the political scene:

Mr. Reagan is the most popular president since Franklin Roosevelt, who crushed Mr. Landon's challenge for the presidency 49 years ago this fall by winning 46 of the 48 states. He also calls Mr. Reagan "a pretty astute politician" who is able to marshal public opinion like no one since FDR.

He sees Mr. Bush, Kansas Sen. Bob Dole, New York Rep. Jack Kemp and Illinois Gov. Jim Thompson as leading contenders for the 1988 GOP nomination. While meticulously avoiding endorsing any of those contenders, Mr. Landon confirmed he likes Mr. Bush's campaign style.

New Russian leader Mikhail Gorbachev holds the key to future U.S.-Soviet relations. "He is the most important individual facing us," Mr. Landon said. "What's he going to do? Does he mean what he says? I hope we know the answers after the summit conference."

ALF LANDON'S WISDOM, BORN IN DEFEAT 40 YEARS AGO

By Michael Satchell

TOPEKA, KANSAS.—Alf Landon was tired. Dead beat. Utterly exhausted. At 8 o'clock on this morning, he had pulled on his jodhpurs, given his handmade English riding boots a lick or two with a polish cloth, had a confidential word with his arthritic old collie Shep, saddled up Red, his Morgan horse, and cantered down to the river for the benefit of CBS television.

The day before, he had done the same thing for ABC. The day before that or NBC. For three days, he had been questioned, filmed, posed, prodded and patronized by the news media from breakfast to suppertime. And now there was more.

Late in the scorching afternoon, he slumped down in an old leather chair in his library looking as frail and wilted as a Kansas sunflower growing in a vacant lot. His eyes closed. His jaw slackened. He wore every one of his 89 years in a single expression. It seemed almost cruel to ask him, quietly, what he thought of President Ford's campaign so far.

For several moments, nothing. Then he stirred. His eyes opened. He sat up. The juices began flowing and the words followed. "Ford is a good man, but dadgummit, he's got to get his campaign organized. Get rid of that Rogers Morton fella. Take the initiative and run Carter into the ground."

Politics, politics. Red meat to Alf Landon. And in a 15-minute discourse on the Ford campaign, he hardly paused, except to allow his interviewer time to catch up writing down the old man's words.

Alf Landon is unique, a living footnote to the American political history. After his crushing defeat in 1936 when he ran against an incumbent, Franklin Roosevelt, Landon never again sought public office, but he didn't retire from politics.

For 40 years, he has sat in his mansion in West Topeka while politicans, labor leaders, reporters and academics have tropped to his study for advice and counsel. He offered his opinions only when asked.

Over the years, he has become something of an institution, respected and admired, not an elder stateman in the sense of, say, Everett Dirksen, but more like the GOP's Grand Old Man, full of years and honors and good sense. It is a role that he loves, and with an old charmer like Alf Landon, it's impossible not to be entranced when he delivers a long lecture on deficit spending and Keynesian economics, then cadges a cigarette, sneaks a few drags and whispers: "Don't tell the missus, now."

Landon's wife is a woman of impeccable beauty named Theo. When she tells you that she is, in retrospect, rather pleased that her Alf didn't win back in '36, you know she means it in the kindest way.

"He wouldn't be here today if he had gone to the White House," she said "Washington would have killed him. He works too hard and he cares to much. It's a blessing really. Perhaps if more people had known him and what he stood for back them, he might have had a chance."

Ironically, in terms of public exposure, Landon is probably going to be seen or read about by more people today than when he stumped in 1936 before the days of mass media. He has been interviewed by major newspapers and the wire services, and the three networks have prepared profiles for use during the Republican convention coverage.

Tonight he is scheduled to make his only appearance at the convention. He will introduce his old friend, Sen. Robert F. Dole, R-Kan., the temporary convention chairman.

Had Landon been able to get his message—and image—across to America better in 1936, he just might have been able to make a race of it with FDR for his record was good and he was an attractive candidate.

He was schooled as a lawyer but never practiced. In 1908, after getting his law degree, be became a bookkeeper in Independence, Kan., and during summer vacations, learned the oil business from his father. In 1912, he started wildcatting in Oklahoma and Kansas, drilling his share of dry holes but hitting enough gushers to put him solidly into the oil business.

He caught the bug for politics in 1912 when he went with his father and William Allen White, the newspaperman, to the 1912 Republican convention in Chicago. After a brief fling with the Bull Moose forces, he settled into the progressive wing of the GOP and moved up through the ranks of state politics to become Kansas governor in 1932.

What attracted national party leaders to Landon in 1936 was his solid image and sound record in office. With the federal government spending heavily and getting into enormous debt in fighting the Depression, Landon put Kansas on a shoestring, no-frills budget and balanced it.

In 1932, he won his first gubernatorial term with 6,000 votes and in 1934, when Republican candidates nationwide were being swept out of office, he increased his plurality to 60,000 votes and was the only Republican governor elected that year. Back in the 1920s, when conventional wisdom dictated that such matters were best undiscussed, Landon was publicly denouncing the Ku Klux Klan and urging improved treatment of blacks.

There were personal qualities, too. Like Harry Truman of Independence, Mo., and Dwight Eisenhower of Abilene, Landon exhibited that reassuring, plain-speaking Midwestern decency.

A large oil painting of Landon hanging in his library and completed during his years as governor shows a man with a gentle smile and friendly eyes peering from behind rimless spectacles.

He looks for all the world like a seed salesman or the man bringing the Sears and Roebuck catalog, riding onto your farm on a buckboard or behind the wheel of a Model T. You would buy anything from Alf Landon. He had electability. But Roosevelt had more.

With a sunflower symbol, an "Oh Susanna" campaign ditty and a bulletproof speaker's lecturn, Landon went campaigning, but he knew he had little chance of becoming president.

"Running against Roosevelt," he recalled, "was like trying to get on a moving express train and stop it. There was no chance for me—but it was a good fight and a fair one and we respected each other."

The tally was 27,476,673 votes to 16,679,583, and FDR carried Kansas by 67,000 votes. Landon took only Maine and Vermont. But it bothered Landon not one whit. He spent election day fishing in the Kaw River and when his wife began weeping as the dimensions of the stunning defeat became apparent, Landon just laughed.

"How can you laugh at a time like this?" asked Theo.

"It's just the completeness of it," Landon replied.

So Landon stayed in Topeka, running his oil and natural gas business, his four radio stations, living with dogs and horses and good port, a comfortable life not unlike an English country squire.

The Landon home is a splendid residence, albeit a curious mixture of styles with eight white Doric columns fronting a three-story brick house ensnarled by climbing ivy. Behind, the fields sweep down to the Kaw River. Most mornings, Landon saddles up Red and rides for five or six miles before driving downtown to spend three or four hours at this office.

Inside, in the main area and library, there is little obvious clue that the man who lives here had a distinguished career in state politics and ran for the nation's highest office. But downstairs, Landon has converted his basement into a small museum, a sort of mini-presidential hopeful's library.

There are posters, neckties, pocket knives, salt and pepper shakers, drinking glasses and coffee mugs bearing the smiling, 1936 visage of Landon. There are political cartoons and plaques, awards and honorary degrees. Hundreds of mementoes are arranged in large display cases with "Please Do Not Lean On The Glass" signs. And there is the steel campaign lectern that takes four men to move it.

All of Landon's political memorabilia are here, and the way they are displayed tells you that the memories are very, very important. It almost makes you forget that Landon was the loser.

In his library ("Mein Kampf," "Khrushchev Remembers," "The Imperial Presidency," "Tom's Town,") Landon settled into his easy chair, on this hot afternoon, sipped a glass of water and chatted about two political campaigns 40 years apart.

"You know, you don't have to say I said this but I think I had a lot of foresight back then," Landon said. "My main messages were reduce inflation by cutting back on deficit spending . . . improved relations with other nations . . . and halt the growth of the federal government. Now look what has happened. Inflation is our worst problem at home . . . detente is a major goal . . . and Watergate showed us what can happen when the government gets so big and presidents start thinking they have the divine right of kings."

"I was advocating recognition of Red China years before Nixon went there. Watergate aside, I think Nixon's foreign policy was excellent."

Landon likes Ford and says he's so confident that the President will be renominated he won't even bother to discuss Reagan's chances. Being a Republican progressive, Landon has little time for the Californian, although he isn't eager to articulate his apparent dislike.

As for the November election, Landon thinks the Washington news media and the pollsters are a bunch of fools. "Everybody's saying it will be a landslide for Carter, but mark my words, it will be close, I'd hate to call it, but it will be close."

Wishful thinking perhaps, from a man who can probably identify better than anyone else with the Republican who will be chosen to run against Carter. Or maybe it's political foresight from a man who has had 40 years to reflect on a wealth of political years to reflect on a wealth of political experience that strangely began in defeat, rather than victory.

[From the Boston Globe, Sept. 9, 1985]

'I WOULD HAVE MADE A GOOD PRESIDENT'

(By L. David Harris)

TOPEKA, KANSAS.—Age requires fit surroundings. The room is baronial; his portrait as governor is above the fireplace. There's a desk, table, dark carpet, lounging chairs, work chairs, large windows that overlook an expanse of green estate, a wall of books. It's a place to read, to study, to work, to confer. And it's immense: there's room to pace.

The old gentleman—Kansas' own Alfred Mossman Landon, Alf to the country and the world—is there waiting, sitting at his desk. He's 95 today: 46 years ago he ran for the President of the United States.

Something like a country squire, Landon still rides his favorite horse, Big Red, around his 24-acre Topeka estate first thing each morning, weather permitting. Then he holds court: His days are filled with visitors who talk the politics of warhorse campaigns of 40 or 50 years ago and the national politics of today. They seek his counsel, but mainly they seek his presence; he is something of a shrine to them.

Later today, Ronald Reagan will court him, visit him, honor him, wish him many more years. The feeling is mutual. At the last election, Landon, known as an independent thinker and usually aligned with Republican moderates, supported Reagan. "I thought he would make a good President," he says. "And now, well, I think he's making an excellent one."

And Landon is feeling generous: "Look," he says, "Reagan put through his last tax legislation with the assistance of House Speaker Thomas P. O'Neill, Jr. and Sen. Edward M. Kennedy, and they should get credit for that. They put their country above their party. They were all able to work together."

There's a certain dignity about Alf Landon. At midmorning, it's already hot, but his shirt is crisp white and his tie is straight. He is almost bald, with wisps of white hair. Behind the framed glasses his eyes can still twinkle, but they can appear tired, too. He seems at one time durable, yet vulnerable.

STILL ACTIVE AT 95

"My health?" he answers a question. "Well, I'm feeling my age—otherwise, I'm all right."

Landon still has his oil wells. He owns radio stations in Topeka, Dodge City, Liberal, Kan., and Fort Collins, Col., and in Liberal and Fort Collins he also owns television outlets. He talks with his broadcasting people every day on the telephone; he phones the supervisor of his Greenwood County, Kan., oil leases every night. And they regularly confer with him in person at his home. He has more than 40 stripper wells in Greenwood County, and, while he keeps in touch by telephone, he likes to be on the scene.

"I was always an old-fashioned oil producer," he says during an interview. "I believed in being on the derrick floor when they were drilling the formations. I drilled one well down there years ago, guess it was. I didn't go down. But the last well I drilled down there, I was up all night. Any oil man will tell you—the biggest thrill is hitting a good one."

His voice is a little raspy, and there are long pauses as he talks. Landon knows interviewers want to know about the past, but he works to weave it into his views of the present. He struggles for correct words, the right phrases; he struggles so that even the nuances of his thoughts are understood.

He has expectations of interviewers. He wants good questions, specific questions; interviewers should be informed. "Do you understand the terms I'm using?" he asks. And again: "Have you read up on that issue? Have you read what Scotty Reston wrote about that? And another time, when asked about the source of his outlook on life, he gently replied, "Why waste time on a very speculative question? You either have it or you don't.

Landon's life is politics. He likes nothing more than a good discussion of national and world issues. He talks faster, his eyes light up, he seems more alive, in love with his subject. And talks with him about politics and government always include a recurring theme—a theme he plays to the hilt and is absolutely, totally sincere about; namely, that today's problems are the same ones, only magnified, that plagued the country 46 years ago when he ran for president against Franklin Delano Roosevelt.

Further, he says FDR's deficit spending and rigid government controls were the beginnings of today's "inflation running wild." He sees bureaucracy as a virtually uncontrollable, "inexorable fourth branch of government" and he is appalled at what he perceives as the "fraud" of a poorly financed social security program. He still rails about the "many governmental regulations and abuses of power" that put the country "only steps behind what we have seen operating in the economic and fiscal and political policies of fascists states."

It's hard for him not to say, "I told you so."

He does say, however, "I would have made a good President. In some things, I would have been aggressive. In other things not so aggressive, But I would have done very well.

REAGAN IS "ON THE RIGHT TRACK"

He adds that he thinks Reagan is doing very well. No, he says, he has no advice for the President. "I think he's on the right track. Reagan's got a start in the right direction in the way of a balanced budget which is essential, not only to good government, but to meeting the problems of the unemployed."

Landon stays informed. He often reads six newspapers a day; he hears from his political and government friends. Issues, politics, are his regular fare. He say he remembers way, way back when he was pondering ideas that are just coming into vogue today.

In the Republican Party, Landon is known as a middle-of-the-roader and independent in his ways. He's been known to describe himself as a populist Republican, although he also says he's wary of labels and mistrusts them.

Landon called for the recognition of China before it was popular; he advocated that Eisenhower get rid of John Foster Dulles for his "negative" approach to US-Soviet relations; he pushed Nelson Rockefeller, then William Scranton, against Goldwater in 1966, fought the Kansas "right to work" amendment, showed concern about Richard Nixon's "capacity to be a good president'" even before Watergate, and enthusiastically endorsed the Panama Canal Treaty.

"I'm my own man," he says flatly.

Landon was born in West Middlesex, Pa., the grandson of a carpenter, and a Methodist minister and the son of an oil man. In 1904, his father brought the family to Independence, Kan., where his father took over the presidency of a gas company and directed the start of a natural gas pipe from Montgomery County to Topeka and Kansas City. "At that time the longest pipeline anywhere in the world," he says

Landon was graduated with a law degree from the University of Kansas, worked the oil fields, picked up his first oil wells and followed the politics of his father. Father and son went to the 1912 Republican Convention, where they watched their hero, Teddy Roosevelt, lose out to William Howard Taft for the presidential nomination.

They came back to Kansas where with their close friend, William Allen White, of Emporia, they formed the bulwarks of the Kansas "Bullmoose" movement, then finally returned to the Republican fold. Later, too, in 1924, they again joined with William Allen White in a crusade against the Ku Klux Klan, which at that time was active in Kansas political parties.

Landon was twice governor of Kansas (from 1933 to 1937). Kansas saw more sweeping changes in Landon's first term in office that it had since the Populists roared into the capital in 1890.

Among the new governor's first moves, and one he particularly remembers, was pushing a bank bill through the legislature in two hours. Motivated by secret news that a large bank in Kansas City was about to fall, Landon broke precedent by walking to the office of the Speaker of the House and explaining the need for a bill to keep Kansas banks from closing. Although one vote in either the House or the Senate could have brought passage of the bill, it passed unanimously in both Houses.

One of Landon's initial acts as governor, and one that later attracted wide attention in his presidential campaign, was his balancing the state budget. He began with an across-the-board cut of 24 percent that extended to his own $5000 salary and the expenses of the governor's mansion. The Legislature refused to cut the governor's pay, so Landon mailed back a 25 percent refund from each of his paychecks.

Near the end of his first term in 1934, he had reduced the state per capita cost of government to $51 from the $71 it had been five years previously. Kansans rewarded him by returning him to the governor's office for a second term with a 6000-vote margin. He was the only Republican governor re-elected in 1935.

Landon was named by acclamation by his party to run against FDR in 1936 and the campaign call was "Life, Liberty and Landon." But he was defeated in landslide. With a sense of humor and a gift for the turn of a phrase, he once told an interviewer. "I'm an oil man who never made a million, a lawyer who never had a case and a politician who only carried Maine and Vermont."

While he still speaks critically of FDR's politics and policies, he adds, "Personally, we were friends."

He once illustrated his morning-after presidential election blues by telling a story that only a Kansan would know. The story told of a Kansas rancher who was wiped out by a tornado—he lost his house, barn, fences, stock, everything. Surveying the destruction, the rancher burst out laughing.

"How can you laugh at a time like this?" asked his weeping wife. "It's just the completeness of it," the man replied.

During the interview, Landon's wife Theo, is in the next room. She doesn't enter the conversation, yet there is a sense that she is near. Landon's supervisor of his oil leases

has arrived and she is quietly conversing with him, maintaining that conversation until her husband is free.

Mrs. Landon is 83. Family friends said she can talk business and politics, too. They say she is warm, gentle, humorous, talented. When her husband was running for President, she was profiled in national publications, complimented for her dedication to social welfare causes and admired for her talent as a harpist and pianist. Now, at their home, harp sits nearby. A few feet from it is an old elegant grand piano.

There are three children. Margaret Landon Mills, who lives in Topeka, is Landon's daughter by his first wife, Margaret Fleming, who died about a year after her daughter was born. Landon was a widower for about 10 years, then he married Theo. Their children are Jack, who lives in Colorado, and Nancy Kassebaum, one of Kansas' Republican senators.

He is known to be proud of his senate daughter, but scoffs when asked if I would like her to someday be the first woman to run for the presidency. "Assuring it would be possible, I wouldn't be around to see it," he says.

In politics, Landon has been called "the man from Kansas." Does that have a particular meaning for him?

"I don't know how the country interprets that," he says, "I think there's been some tendency by the big-city press to underestimate the role that Kansas has made in public affairs. But when you look back and see the legislation that we have sponsored in Kansas that's become national legislation . . .

"I mean the state's regulation of the railroad, direct primaries, the popular election of United States senators instead of the by the House—all those, about the turn of the century. We sent a Populist to Congress. Those Populist platforms, Populist policies, along with the law of the land. Some of the best things this country has going for it got their start in Kansas. And I feel strongly about that . . ."

[From the Wall Street Journal, Apr. 17, 1984]

ALF LANDON AND AMERICAN POLITICS

(By Dennis Farney)

TOPEKA, KANSAS.—"There you are," chuckles Alf Landon, an elfin man in a big armchair, savoring his memories. "My father took me to the 1912 Republican convention. That was my introduction to national politics. Now, my daughter is a U.S. senator.

"There you are."

He is 96 years old. Now, wispy-haired and fragile-looking, but with a sudden, zestful grin that surprises you. Nearly a half-century has passed since this moderate, independent-minded Republican challenged Franklin D. Roosevelt in the 1936 presidential race, and stepped in front of a landslide. The memories of this man from Kansas encompass a lifetime of politics—and of political change.

But change for the better, or the worse? Now there's a question to ponder on this sunny April morning. Alf Landon considers it silently, then smiles a sly smile.

"When I consider some of the things this country has survived, with some of the men who've been president, I guess I'm an optimist."

There remains a playful quality to Alfred Mossman Landon, who likes to describe himself as "An oil man who never made a million, a lawyer who never had a case and a politician who carried only Maine and Vermont." He once said his 1936 defeat reminded him of the rancher who lost everything in a Kansas tornado—house, barn, stock, the works—and burst out laughing.

"How can you laugh at a time like this?" asked his tearful wife.

"It's just the completeness of it," the rancher replied.

And there is an engaged, involved, quality as well. Alf Landon still confers by phone, almost nightly, with the supervisor of his Kansas oil wells. He still tends Big Red, his Morgan horse that, as horses measure time, is about as old as he is. He knows the latest gossip about the governor. He pores over the daily papers. And he studies politics as a professional does, appreciating events on several levels at once.

"Oh, I do admire a smart political move," he told the Salina, Kan., Journal in 1979. Like, for example, the way then-President Jimmy Carter called attention to opponent Edward Kennedy's performance at Chappaquiddick—then wrote Sen. Kennedy to say he hadn't meant Chappaquiddick at all. That was smooth.

"Got it in the paper twice."

ACUTE INSTINCTS

His political instincts remain acute. In 1979, when pundits were debating whether Sen. Kennedy would challenge Mr. Carter, Alf Landon advised his daughter, Kansas Sen. Nancy Landon Kassebaum, to watch for a telltale sign. She could be sure Sen. Kennedy was running if he announced his own energy program. Sure enough, the senator did announce an energy plan and, soon after that, jumped into the race. Later, when many political observers still predicted an easy Kennedy victory, Mr. Landon publicly predicted that "Kennedy will have a tougher time getting Carter out of the White House than may be generally supposed." Right again.

Today, Mr. Landon hasn't any doubt that Ronald Reagan will win reelection this fall. "Regardless of whom the Democrats nominate, they aren't together," he concludes.

But, determinedly going his own way, Alf Landon also persists in views that go against the grain of his own party and Mr. Reagan. He's a man who counted George Meany a personal friend, who fought an anti-union Kansas "right-to-work" amendment in 1966. And so, when asked whether the GOP has erred by being too antagonistic to organized labor, he leaves no doubt of his feelings.

"O, for God's sake, yes," he bursts out.

In 1950, Mr. Landon startled both parties by urging that the U.S. recognize China. "I wanted to work out a deal with them before Russia did," he explains. Today, he wishes President Reagan, who is about to visit China, would move more aggressively to exploit Richard Nixon's China opening. He has little patience with the argument, sometimes used by Mr. Reagan himself, that the U.S. must never "abandon" Taiwan for China.

"Taiwan isn't worth a dime to us," he says bluntly. "Everything they've built up is with our money."

And, in sharp contrast to conservative Republicans, he deplores the transformation of issues once a matter of personal conscience—abortion for example—into political issues. "That's bad," he declares. "What business has it got to be an issue? There are too many other important things."

It is tempting to conclude that politics was somehow simpler, less abrasive, in Alf Landon's day—before the rise of divisive social issues, before the rise of television. "When I ran for the Senate," his daughter recalls. "Dad told me two things to remember. 'When you go into a town, visit the newspaper editor. And if you're in a cafe, go back and talk to the cook.'"

Tempting, but probably wrong.

AN ABRASIVE LIFE

For Alf Landon's message is that political life has always been abrasive, and no less a noble calling for that. Approvingly, he once described the Founding Fathers as "rough, tough cookies with fire in their bellies." And listening to him now, re-fighting old battles, the description seems to fit him, too.

Take his battle during his first term as governor (1933-1935) to enact a state income tax. An industry lobbyist informed him he was going to lose in the state senate—by one vote.

"Well, there was one senator, a very nice man, who'd been elected with the money of a man who had a lot of highway contracts," Mr. Landon relates. "Somehow or other—I don't know how, because I was above such things—that contractor got the idea that unless he got his boy in line, he wasn't going to get any more state highway contracts." The senator got in line, the tax carried and the next day the industry lobbyist stuck his head into the governor's office.

"I said, 'I thought you had me beat,' He said, 'You got to our SOB,'"

"For Alf Landon," the Baltimore Sun noted upon printing an op-ed page piece by him in 1979, "time has confirmed more than it has mellowed." It's true. With fierce conviction, he argues that experience has only validated the arguments he made 48 years ago—that the Social Security system was unsoundly financed, that the New Deal would bring rigid regulations and higher taxes in its train.

Always deficit-conscious—he balanced his state budget with 25% across-the-board cut, from his own salary "to the janitor in the basement"—Mr. Landon is following closely the budget-freeze proposal advocated by his daughter. Sen. Kassebaum generally would hold authorizations for programs, including defense, to current levels through fiscal 1985. But the ever-independent father breaks with the daughter in one area: He wouldn't tamper much with the costly Reagan defense buildup. The Russians worry him.

"What do the Russians have to be afraid of us for?" he demands over roasted chicken and coffee at Tommys, his favorite retaurant. "We're so far behind militarily." He peppers his guest with questions about the huge Soviet naval exercises off the coast of Norway. Why so many ships? Why now?

When the check comes, Mr. Landon gathers it in. But, upon learning that Wall Street Journal reporters have expense accounts, he pushes it across the table just as promptly. "You didn't think I was going to be bighearted did you?" he asks. Then when a solicitous family friend asks him whether he'd like to rest or continue the interview, his reply is immediate: "Keep going!"

And that's what this feisty man from Kansas clearly intends to do—keep going. A year and a half ago, on Mr. Landon's 95th birthday, President Reagan visited him here and promised to fly him to the White House for his 100th birthday celebration. Later, some of Mr. Landon's friends suggested to him that, all things considered, he might be prudent to consider making that trip a bit sooner—say, for example, on his 97th birthday this Sept. 9.

Alf Landon pondered that for a while, then brightened with an inspiration. "I can go both times," he suggested.

Mr. DOLE. Mr. President, I would indicate that the distingusihed chairman of the Judiciary Committee has no objection to taking action on this resolution today.

Mr. THURMOND. Mr. President, I am happy to join with the distinguished majority leader in offering this resolution. I believe it is entirely appropriate. We are pleased to waive the jurisdiction of the Judiciary Committee and have action taken at this time. I commend the majority leader.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 217) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me say that Governor Landon, as he is affectionately known in Kansas, is very actively celebrating his 98th birthday. He has promised on his 100th birthday he will visit Washington, DC. So we are looking forward to having him in the gallery in a couple of years.

I thank the distinguished minority leader and the distinguished chairman of the Judiciary Committee for permitting the Senate to proceed to consider the resolution.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

THE HARVARD AGENDA FOR AVOIDING NUCLEAR WAR

Mr. PROXMIRE. Mr. President, this summer marks the 40th anniversary of the dawn of the nuclear age with the obliteration of Hiroshima from the explosion of a single relatively small atom bomb. For weeks, we were reminded with a steady drumbeat of media reports of the continuing threat of nuclear annihilation. We know of the overwhelming power of the superpower nuclear arsenals, poised and ready to fire—literally at the touch of a button. Our most prestigious scientific body, the National Academy of Sciences, tell us that if the button is touched igniting a superpower nuclear war, there is the clear possibility that it would trigger a nuclear winter throughout the world. That would be the worst environmental disaster in 65 million years. Mankind as a species might vanish. Certainly civilization, as we know it, would disappear. Not only the Soviet Union but the United States, too, would cease to function as an organized society.

Obviously, we need to focus the best intelligence in this country on how we can avoid such a terrible catastrophe. Every other issue pales into significance. Where do we find this intelligence? One of the great institutions of enlightenment in this country is Harvard University. A few years ago, several of Harvard's most distinguished professors collaborated on a book entitled, "Living With Nuclear Weapons." The authors called on Americans to recognize that nuclear weapons are here to stay. We have to learn to live with them. Painful and dangerous as that prospect is, we have no alternative. As Omar Khayyam wrote in his Rubaiyat: "The moving finger writes and having writ moves on; nor all your piety, nor wit shall lure it back to cancel half a line, nor all your tears wash out a word of it." Nuclear weapons are a fact of life and always will be as long as civilized man dwells on this planet.

Now these same Harvard wise men have once again come forward with some very useful advice in this unclear world. Jospeh Nye, Graham Allison, and Albert Carnesale teach at the John F. Kennedy School of Public Administration at Harvard. They have written a short article that appeared in the New York Times on July 31, entitled: "Of Hawks, Doves—and, Now, Owls." In less than a thousand words, this article suggests what we can do to reduce the chances of nuclear war that could come through inadvertence.

Why is this so important? Because the prospect of a superpower nuclear war resulting from the planned premeditated calculations of a sane superpower leadership are, thankfully, just about nil. The enormous deterrent power of 25,000 nuclear weapons on each side, guaranteeing the sure and swift devastation of any superpower involved in a nuclear war, has seen to that. But a nuclear war of inadvertence is a terrible and very real possibility. Here is where the "owls" come in. As the Harvard experts see it in their article:

> Owls believe the greatest risks of such war come from events getting out of control. History is full of cases where rational decision makers were tripped up by nonrational factors, with disastrous results.

Accidents can happen in an infinite variety of ways: Mental stress, missed communications, faulty computer chips or sensors giving false alarms of nuclear attack. The "owls" suggest a series of steps to avoid inadvertent war. Some of those steps would require cooperation with the Soviet Union; some this country can take independently. The "owl" cooperation steps include: Regular bilateral talks with the Soviet Union on crisis prevention; establishment of additional hot lines among all five countries with nuclear arsenals; multinational measures against nuclear terrorists; sanctions against nuclear proliferators; improvement of warning systems by placing unmanned tamper-proof sensors in each other's missile fields.

Here are the independent steps recommended by the "owls" to be taken by this country on its own: Install on nuclear weapons on naval ships electronic safety locks like those on land-based nuclear weapons; pull back from the East German-West German border the short-range nuclear artillery that would be difficult to control from Washington in a crisis; improve procedures for maintaining civilian control over nuclear weapons; prepare top leaders "far better than we do" for dealing with nuclear crises. The "owls" call these steps suggestive. There are many more that can and should be taken.

These Harvard professors concede that both the hawks and the doves have legitimate contributions to a balanced approach to keeping the nuclear peace. The hawks are right in insisting on a strong and conspicuous deterrent capability to make it clear that any nuclear attack on the United States would provoke a devastating nuclear response. The doves are right in urging mutual, verifiable arms control, easing tensions and seeking for improved ways of cooperation. But the owls have been neglected. Their concern may be the most serious and realistic of all. Inadvertent war through human fallibility in this complex technological world certainly constitutes a grave threat, probably the gravest threat to the survival of this country in this nuclear age. Wars have begun repeatedly throughout history because of human fallibility and inadvertence. Today, a war sparked by a simple human or mechanical blunder is far more likely. Technology has become so complex, it has obviously raced ahead of human judgment. And the destructive power is so infinitely more dangerous than ever before. This is why the owls deserve an attentive audience.

And, Mr. President, because the owls do deserve such an audience, I ask unanimous consent that the article to which I have referred in the July 31, 1985, New York Times entitled "Of Hawks, Doves—and, Now, Owls" and written by Nye, Allison, and Carnesale, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 31, 1985]

OF HAWKS, DOVES—AND, NOW, OWLS

(By Joseph S. Nye, Graham T. Allison and Albert Carnesale)

(CAMBRIDGE, Mass.—Forty years ago, one bomb devastated Hiroshima. Today, there are more than 50,000 nuclear weapons, and a nuclear war could destroy civilization. Avoiding war has become a necessity. How? Hawks have had their say; doves, theirs. Now, listen to the owls.

Public debate focuses heavily on the number of weapons. Hawks fear that fewer on our side might raise the risk of war by tempting the Soviet Union to try to exploit what might look like a military advantage. They point to the weakness of the democracies in the 1930's and their failure to deter Hitler. The way to reduce the risk of nuclear war, hawks say, is to strengthen our arsenal. Their motto is "peace through strength," and Munich is their historical metaphor.

Doves believe that overarming increases the risk of war: Even though we might intend to deter the Russians by adding more weapons, we may increase their fear of attack and provoke them into rash action that could lead to war. Doves draw a lesson from 1941, when America cut off oil supplies to Japan in an effort to deter it from attacking Southeast Asia. Instead, this helped provoke the attack on Pearl Harbor.

Hawks and doves have a point. If we want to reduce war risks, we need policies that steer a middle course between the dangers of temptation and provocation. But the hawk-dove battle misses a more important point: If nuclear war breaks out, it may be less because of deliberate decisions than because events get out of control.

A nuclear weapon is like a crystal ball. Any sane leader can foresee the outcome of nuclear war. But a ball can be shattered by inadvertence.

Owls believe the greatest risks of such war come from events getting out of control. History is full of cases where rational decision-makers were tripped up by non-rational factors, with disastrous results. World War I is the owls' historical methaphor: Most leaders expected a short war, a quick return to business-as-usual. Instead, four years of carnage destroyed 20 million people, three empires and Europe's central position in the global balance of power.

Events get out of control various ways. During a crisis, mental stress can produce a breakdown. Stalin went into seclusion for weeks after Hilter's attack on the Soviet Union in 1941. Or in the heat of a crisis, complex organization may be difficult to control, as President John F. Kennedy discovered when a reconnaissance plane strayed over Soviet territory at the height of the Cuban missile crisis in 1962 Communications may be sent to the wrong place or misunderstood, as happened just before Pearl Harbor. Of course, accidents can happen. False alarms of nuclear attack have occurred. When there is time, we can correct the effects of faulty computer chips or sensors, but at the height of a crisis, there may be no time.

Faced with the dangers of inadvertent nuclear war, what is to be done? Some of the owls' steps would require Soviet cooperation—for example, regular bilateral talks on crisis prevention; establishment of additional hot lines among all five countries with nuclear arsenals; multinational measures against nuclear terrorists, and sanctions against nuclear proliferators; improvement of warning systems by placing unmanned tamper-proof sensors in each other's missile fields.

Owls want America to take some independent steps. We could install on nuclear weapons on naval ships electronic safety locks similar to those on land-based weapons; we could pull back from the East German-West German border the short-range nulcear artillery that would be difficult to control from Washington in a crisis; we could improve procedures for maintaining civilian control over nuclear weapons, we would prepare top leaders far better than we do for dealing with nuclear crises.

These are only a few of the owls' recommendations, the list can be expanded. Owls have no monopoly on wisdom. Hawks and doves also posess part of the truth, but their preoccupations have overly dominated national debate. If we are serious about reducing the risks of nuclear war, we should pay attention to owls.

MYTH OF THE DAY

Mr. PROXMIRE. The myth of the day today is that the Reagan administration has aggressively pursued alleged procurement abuses by defense contractors. Of approximately 400 incidents of suspected contract fraud uncovered by Pentagon auditors over the past 5 years, how many has this administration pushed to prosecution? Three hundred? No. Two hundred? No. One hundred? No. Fifty? No. The fact: only 11 of 400 incidents have resulted in prosecutions. This fact consigns to the shadowy realm of myth the President's oft repeated assertion that this administration was pursuing vigorously contractors who overcharged the Pentagon and that the administration should receive praise and not blame for uncovering payments of $600 for a toilet seat and $400 for a claw hammer.

As reported recently in the St. Louis Post-Dispatch, James H. Curry, assistant inspector general at DOD, sent a memorandum to Inspector General Joseph Sherick, lamenting that "the detecting and reporting of fraud is a waste of time" because of the unlikelihood that contractors will be prosecuted.

Mr. President, let me repeat that. An internal memorandum in the inspector general's office from the assistant inspector general to Inspector General Sherick says that the detection and reporting of fraud in the Defense Department is a waste of time because of the unlikelihood that contractors will be prosecuted.

Who is to blame? According to a report issued in April by the Justice Department's Economic Crime Council, the Defense Department is at fault for referring an "alarmingly low" number of contract fraud cases, many of which were of poor quality, to the Justice Department for prosecution. Mr. Curry disputed the Justice Department's criticism, but responded: "What good is it to increase fraud referrals if nothing happens with the current referrals?"

Mr. Curry continued by stating that the failure to prosecute "regardless of blame, is undermining [the Defense Contract Audit Agency's] interest and support of * * * efforts to detect and prosecute procurement fraud."

Mr. President, this Senator does not know where the fault lies—whether with the Defense Department or the Justice Department—but he does know that President Reagan's assertion that his administration is tough on contractor abuses is a myth. It is a whale of a costly myth. It is costing the taxpayers of this Nation vast sums of money. Once again, it appears that the President is coated with impenetrable teflon. If the Defense Department could coat its missiles with that Reagan quality teflon, no defense could ever stop them. As the popular Washington euphemism has it, President Reagan is "detached" from a very real problem that demands his attention. It is time for him to convert myth into reality by directing the Defense Department and the Justice Department to stop pointing fingers at each other and put the finger on crooked defense contractors. Let's have fraudulent defense contractors prosecuted—all of them—not less than 3 percent.

DETROIT'S HOLOCAUST MUSEUM

Mr. PROXMIRE. Mr. President, the Wall Street Journal of July 12 reported the success of the Holocaust Memorial Center in West Bloomfield, MI, in its first 7 months of operation.

Nearly 100,000 people have visited the museum since it opened its doors 7 months ago.

Rabbi Charles H. Rosenzvig, founder of the center, believes its success is due to an unprecedented level of interest in the Holocaust at this time.

Rabbi Rosenzvig, a Holocaust survivor himself, raised the $7 million necessary to build the center from private contributions. He remembers that 20 years ago he couldn't find the support for the project.

The architecture of the museum has been called striking for the feeling of the death camp experience it has given to visitors.

The building has been described as tomblike. The doors through which visitors enter remind many of the rough riding of the cattle cars that carried Jews to the camps.

The heart of the museum is videotaped interviews with Detroit area survivors of the Holocaust. Several years ago it would have been very difficult to get these people to speak openly about their experiences.

Rosenzvig believes survivors are more willing to speak about the death camps because the number of survivors is dwindling and "revisionist" his-

torians have begun to claim that the Holocaust never happened.

The planners of the proposed Holocaust Museum in Washington have visited the Holocaust Memorial Center in Michigan to gather ideas. The two museums have the same objective of educating those who may know little about the Holocaust.

As each new generation is born, the memory of the Holocaust needs to be maintained and its lessons remembered. I applaud Rabbi Rosenzvig's accomplishment.

Mr. President, virtually every day in the major media in this country there are stories remembering the Holocaust or reporting the work of those committed to keeping its memory alive.

In the arts, the influence of the Holocaust is still strong. Think of all the popular books and movies that evidence the interest the American people have in the subject.

Ratification of the Genocide Treaty is a constructive act that we can take to show our determination that a Holocaust never occur again.

Ninety-six nations have already ratified the treaty. They must wonder why a nation that has always made much of its stand in protecting human rights would choose not to ratify this fundamental human rights treaty.

The Genocide Treaty has been reported to the Senate floor, now for the sixth time.

The treaty has enjoyed the support of every President since World War II.

Mr. President, we committed ourselves to taking up the Genocide Treaty early in the 99th Congress.

The International Convention on the Prevention and Punishment of Genocide is now on the calendar.

We have waited 35 years for this.

There are many important issues to resolve this session. The Genocide Treaty must be one of them.

SEPTEMBER GOLDEN FLEECE TO NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

Mr. PROXMIRE. Mr. President, I am awarding my Golden Fleece of the Month for September to the National Institute of Neurological and Communicative Disorders and Stroke, for tossing away $160,000 to study in part whether someone can "hex" an opponent during a strength test by drawing an X in front of his opponent's chest. Look out, Hercules, here comes the 98-pound weakling who is good at drawing X's in the air.

Those bulging biceps and swollen pectorals can be pounded into submission by a hocus-pocus move. That is a thesis the Institute is testing with taxpayers' money. We have had voodoo economics, now we may get voodoo physiology.

The Institute is paying to determine whether a hulking, muscle-bound subject will lose in a strength test, like arm wrestling, to an obviously weaker opponent. That opponent, however, knows a secret—making an X causes those muscles to turn into jelly.

The Institute is sponsoring a series of tests. In one case, the spaghetti arms will be tested against the hulk's without performing the X. Other times, they will use this secret technique and see if they do better.

The X is not the only technique which will be tested. On other occasions, the wimps while gently resisting defeat will concentrate on sapping their opponent's energy as their opponents become weaker, weaker, weaker. This Senator has a different idea of whose strength is being sapped—the taxpayers' by the Institute.

On second thought, maybe the Secretary of Defense should be involved in this study. Think of the money we could save if we bought the X instead of the MX.

This Senator thinks that the only people who will really be pinned as a result of this study are the taxpayers, because the Institute has already put the hex on them. Clearly, taxpayers and vital health research have been double-crossed.

In a memo justifying support for the project the Institute states:

* * * The phenomenon under investigation cannot be understood or explained by information currently available and it is of obvious interest to determine what other heretofore unknown factors or mechanisms significantly influence muscle strength and movement, particularly as they relate to diseases such as cerebral palsy, Parkinsonism, and stroke.

The United States is faced with many serious health problems and a staggering deficit that limits the amount of money we can spend. It is important that limited medical research dollars be spent as wisely as possible.

No one can deny that cerebral palsy, Parkinson disease and stroke are serious health problems which must be addressed through private and Government research. But in this time of severe economic distress, this Senator can only ask: is this particular expenditure the best approach for solving these problems.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. SYMMS). Under the previous order, there will not be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

H.R. 1460, THE ANTI-APARTHEID ACTION ACT OF 1985

INVOLVEMENT OR RETRENCHMENT?

Mr. HATCH. Mr. President, I would like to go on record as a vigorous opponent of this bill for two reasons: First, I believe it would be counterproductive in terms of helping South African blacks, and second, its net effect is not in the best interest of our national security.

There are two basic schools of thought on how the United States can best encourage the South African Government to dismantle the abhorrent and immoral system of apartheid. On the one hand, there are those who believe that sanctions are the answer. Mr. President, the bottom line of those who favor imposing sanctions against South Africa can be summed up in one word: "retrenchment." The retrenchers believe that we can punish South Africa, thereby inducing that country to reform.

A recent 700-page study by Gary Clyde Hufbauer and Jeffrey J. Schott entitled, "Economic Sanctions Reconsidered," indicates that sanctions are not as effective a foreign policy tool as one would think. Hufbauer and Schott conclude that:

Policymakers need to take a close look at the cost and effectiveness of sanctions when designing foreign policy strategy. . . . In most cases, sanctions do not contribute very much to the achievement of foreign policy goals.

The authors contend that economic sanctions may be successful in situations involving small target countries and modest policy goals. Mr. President, ending apartheid is clearly not a modest policy goal but a major undertaking. Let us look at four major limitations on the use of sanctions that Hufbauer and Schott discovered in their study:

First. The sanctions imposed may simply be inadequate to achieve the objectives sought—the goals may be too elusive, the means too gentle, or cooperation from other countries, when needed, too tepid.

Second. Sanctions may create their own antidotes. In particular, economic sanctions may unify the target country both in support of the Government and in search of commercial alternatives.

Third. Sanctions may prompt powerful allies of the target country to lend support, largely offsetting whatever deprivation results from the sanctions themselves.

Fourth. Economic sanctions create their own backlash, abroad and at home. Allies abroad may simply not share the goals of the sender country, the backlash from the sender's allies may be exacerbated if attempts are made to enforce the sanctions on an extraterritorial basis.

After an analysis of 103 cases of sanctions imposed since 1914, including such major episodes as the grain embargo and the Soviet gas pipeline cases, the authors of this monumental study conclude that "sanctions are a decreasingly useful instrument."

Mr. President, I believe the measures outlined in this bill would not only be ineffective; they would actually backfire and harm South African blacks. If we reduce our level of economic involvement with South Africa, blacks and other disadvantaged groups will be the ones who pay the price.

There is a second school of thought which maintains that the most effective means of helping South African blacks is increased involvement in South Africa. Contrary to what some have claimed, this does not mean getting into bed with supporters of apartheid. Just the opposite. Constructive engagement means actively working for fundamental reform at all levels of South African society. In so doing, we need to send a strong, clear and consistent message to all South Africans: apartheid is reprehensible. Our objective is to encourage the acceleration of reform.

Mr. President, a legitimate question that South African moderates have raised during the past year is, why are other countries considering imposing sanctions now—precisely when the South African Government has taken concrete steps to dismantle apartheid? These key changes include:

First, the rise of the black trade union movement. Just 6 years ago, black trade unions were illegal, unrecognized, and had no bargaining status whatsoever. Now they are legal, growing strong, and becoming increasingly sophisticated. All reference to race, color, and sex has been removed from each and every piece of South African labor legislation;

Second, the adoption of a new South African Constitution. In November 1983 a national referendum was conducted in which the then all-white electorate overwhelmingly approved a new South African Constitution which extends the franchise to Asians and coloreds for the first time in the country's history;

Third, the establishment of a multiracial, tricameral Parliament in which whites, coloreds and Asians enjoy equal franchise and participate jointly in the executive and legislative functions of the national government for the first time. So far, blacks have not yet been included at this level, but State President Pieter W. Botha has called for negotiations with black leaders to develop constitutional mechanisms for blacks' political participation;

Fourth, the acceptance by the Government of the permanance of the urban black population;

Fifth, the discontinuation of resettling black communities—the so-called black spot policy;

Sixth, black's increasing share of the country's income. The black share of national income rose from 26 percent in 1970 to 40 percent in 1980. The 1985 black share of national income is nearly 50 percent. By 1982, South African blacks owned 227,000 cars, up 16 percent from 1977, and finally,

Seventh, the reduction of many aspects of so-called petty apartheid. For instance, laws which placed restrictions on interracial sport have been amended. Multiracial sport is now at the discretion of individual clubs. Laws forbidding interracial marriage have also been scrapped.

Mr. President, these changes are not sufficient. But taken collectively, they do indicate a trend toward reform. I believe that white South Africans are more ready for change now than at any time in that nation's history. Admittedly, there is still a group of hardline Afrikaaners who fear sharing power with blacks. Significantly, however, a fundamental shift has taken place in South African internal politics: the debate is no longer over whether or not apartheid should be abolished, but rather how and at what pace reform should be accomplished. Paradoxically, if the United States turns its back on moderate South Africans who are committed to the reform process, we play into the hands of the minority of South Africans who wish to slow the process of change.

I firmly believe that the key to bringing about peaceful, fundamental reform in South Africa is economic growth.

Interestingly, Mr. President, the Washington Post has made this very point. In an editorial dated June 5, 1985; the Post writes:

It is . . . the country's economy (that) is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community, that apartheid would deny them.

For the benefit of my colleagues I ask unanimous consent that this editorial be printed in the RECORD in its entirety.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SOUTH AFRICAN SANCTIONS

Proposals in Congress to vote sanctions against South Africa were lagging until President Reagan imposed sanctions against Nicaragua. As a result of this seeming burden of consistency, the House may approve for the first time, on Thursday, a package of economic restrictions against the practitioners of apartheid. If that happens, it will be a mistake.

The case for sanctions is that white minority rule is at once so odious and so powerful that it must be moved and can only be moved by extraordinary economic pressures applied from the outside. Not to attack apartheid in this fashion, it is asserted, is moral and political appeasement. That the intended beneficiaries may also suffer is set down as a price they are prepared to pay.

But there is a serious, respectable, nonracist case against sanctions. It is that the country's economy is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community, that apartheid would deny them. And South Africa's place in the world economy, and especially the high-tech, democratic, politically responsive parts of the world economy, is a prime spur to this process.

All of this is understood perfectly well by the sponsors of the sanction legislation. That is why they have quietly designed the particulars of their bill to make the minimal impact on black jobs and opportunities consistent with sending South Africa a political message. In short, the best thing about the bill is that its effect will be largely symbolic. But that does not make it wise public policy.

The legislation is widely seen, by Democrats, as a rebuke to the Reagan administration's policy of "constructive engagement." That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind. What deserves to be criticized in the administration's policy but is not attacked by this bill is the bad kind: the kind that lets too many South Africans ask whether the United States is serious about apartheid, the kind that has American diplomats seem more often to be apologizing for apartheid than demanding its abolition.

Mr. HATCH. Mr. President, Chief Gatsha Buthelizi, the leader of South Africa's largest black ethnic group, the Zulu, and the president of a mass political movement known as Inkatha, made this point in his February 1985 meeting with President Reagan. Chief Butheleze told the President:

I speak for millions when I say that we see tactical and strategic advantages in a rapidly growing economy . . . the non-violent transition from apartheid society to a society based on the principles of open democracy will be greatly enhanced by a sustained high rate of economic growth. Disinvest ment and the economic isolation of South Africa will bring about increased immediate hardships and starvation and will increase disease in the short term, without medium-term and long-term gains to balance deprivation and suffering. Finally, Mr. President, a black South African businessman summed up the situation when he said, "The vote and starvation is of absolutely no interest.

This bill is what I call the salami approach to disengagement: We slice off a little bit this year, and then another piece next year, and so forth. If this bill becomes law, a year from now the Members of this body could very well be debating the disinvestment option. A number of surveys canvassing urban South African black opinion on this issue of disinvestment have shown that an overwhelming majority oppose the strategy. Internationally recog-

nised sociologist Prof. Lawrence Schlemmer, director of the Centre for Applied Social Studies at the University of Natal, showed in one report that 75 percent of working blacks oppose disinvestment. The South African economy must grow by 5 to 6 percent each year in order to create 250,000 new jobs for young blacks. Instead of reducing our involvement in South Africa, we should increase our level of involvement.

An example of the type of involvement I am talking about is the positive initiatives of the nearly 300 U.S. businesses which operate in South Africa. These American firms employ approximately 120,000 South African blacks. Mr. President, I think it is fair to say that U.S. companies operating in South Africa have made a significant positive impact in terms of assisting South African blacks in their struggle for equality. The vast majority, over 70 percent, of South Africans who work for American companies in South Africa are employed by firms that voluntarily adhere to a code of employment conduct established by Rev. Leon H. Sullivan in 1977, known as the Sullivan principles. These companies have committed themselves to nondiscrimination in the workplace and to upgrading the working conditions, skills, and earning levels of their nonwhite employees. When the Senate considered an earlier version of this bill, S. 995, I made a detailed statement explaining why I believe the key to the success of the Sullivan signatories' efforts is the spirit of voluntarism at work. The bill before us today would make a code of employment principles mandatory. There are a number of reasons why this would be counterproductive, but I will not detail them at this time. However, I would refer my colleagues to my earlier statement if they have questions on this matter.

I would like to emphasize the positive role that U.S. businesses have played in South Africa. From 1977–84 U.S. firms spent $100 million in South Africa in the fields of housing, education, training, supervisory/managment development, black entrepreneurship, health, and fair labor employment practices. Sullivan signatories have lobbied for changes in discriminatory legislation, increased the proportion of black workers in supervisory positions, provided common medical, pension and insurance plans to all employees, instituted large-scale training programs for black workers, increased average black employee wages faster than for white employees, and supported public interest law firms which defend legal rights for black South Africans.

Specific initiatives by U.S. businesses include the establishment of PACE Commercial College by the American Chamber of Commerce in South Africa. PACE educates blacks in Soweto, the black township outside Johannesburg, for careers in business. The $6 million school includes 28 classrooms, an assembly hall, a library, a kitchen, a canteen, a gymnasium, and a wide variety of sports facilities. According to the American Chamber of Commerce in South Africa, PACE is the first school in Soweto to have a fully equipped theater, the first to introduce physical education into the curriculum, and the first to serve a balanced midday meal to all pupils and staff from its own kitchens. Tuition for students to attend PACE comes from donations from some 200 companies, trusts, and individuals. About half of these are South African and about half are American.

Mr. President, another innovative project funded by U.S. businesses in South Africa is the Build a Better Society Program known as BABS, which is funded in part by Mobil Corp. The objective of BABS is to promote grassroots resident action among the people of South Africa in order to improve the quality of life, to develop leadership for community problem-solving and to further the concept of equality by bringing about structural change. In June 1982 BABS completed a $1.3 million housing project outside of Capetown consisting of 50 housing units and a community center. This $1.3 million project was entirely funded by Mobil.

I understand that another U.S. company, General Motors, spends roughly $4 million a year on training and social programs for blacks, including the Adopt-A-School Program which provides facilities, support for teachers, libraries, and audio-visual aids to schools.

U.S. businesses have also made an impact in the political arena. For example, in 1982 the South African Government put forth an onerous piece of legislation entitled the "Orderly Movement and Settlement of Black Persons" law. The purpose of this measure was to control the movement of blacks to and from urban areas. The U.S. business community strongly and directly criticized this reprehensible piece of legislation and the bill was withdrawn.

A further example of the catalytic effort by U.S. companies occurred in January of this year when six major South African employer groups, including Afrikaaner and black groups, issued a manifesto opposing apartheid, calling on Pretoria to broaden political and economic participation for the black majority.

Finally, Sullivan signatory companies took an important additional step last December. They pledged publicly to work directly for the elimination of apartheid. As a result of such commitments, U.S. companies having operations in South Africa have become agents for social change—a fact acknowledged by both nonwhite South Africans and the South African Government.

Mr. President, some U.S. business leaders have said that, frankly, their operations in South Africa have a 1 percent profit factor and a 10 percent hassle factor. If we increase this hassle factor by, for instance, imposing a mandatory set of employment principles, some U.S. companies active in South Africa may come to the conclusion that it is simply not worth the trouble to operate there. This would undoubtedly impose a hardship on those South African blacks who are employed by U.S. firms—not to mention the rest of the black population which benefits from the spillover effect of U.S. business presence in South Africa.

Let me turn briefly to South Africa's geopolitical significance. The economies of 14 nations in the African subcontinents are critically dependent upon economic relations with the Republic of South Africa. The Republic of South Africa plays the leading commercial and development role in sub-Saharan Africa. The Republic of South Africa accounts for: 77 percent of the region's total of gross national product—1980; 77 percent of all the electricity generated in the region—1980; 97 percent of all the coal mined in the region—1980; 98 percent of the iron ore mined in the region—1980; 70 percent of the corn grown in the region—1980; 87 percent of the wheat grown in the region—1980; and 67 percent of the sugar crop in the region—1979.

The South African economy provides hundreds of thousands of jobs for workers from neighboring black-ruled states. Approximately 350,000 people from black-ruled countries neighboring South Africa work legally in South Africa. Assuming that each of these 350,000 workers supports a family of five, approximately 2,100,000 people in the region are dependent for their livelihoods upon jobs provided by the South African economy.

South Africa's neighbors depend on the South African gold mining industry; 12 percent of the gross national product of Mozambique is earned by Mozambiquans working in South African gold mines; 51 percent of Lesotho's gross national product is earned by the 104,000 Lesotho miners working in South African gold mines.

Again, Mr. President, my basic point is that any step which would retard South Africa's economic growth would have negative repercussions not only for South African blacks, but for the entire region of southern Africa. This would play directly into the hands of the Soviet-backed African National Congress, which seeks to make South Africa "ungovernable." At this point,

Mr. President, I would like to insert into the RECORD an article from Clarion Call, which is published by Chief Buthelezi's Kwa Zulu government. The title of the article is, "The ANC does not consult Blacks in South Africa." In this article Chief Buthelezi makes the point that, "those who favour the armed struggle and those who favour the employment of violence to make South Africa ungovernable are the ones who scream out disinvestment slogans to the West."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Clarion Call, Vol. 3, 1985]

THE ANC DOES NOT CONSULT BLACKS IN SOUTH AFRICA

The congress held in Zambia recently by the ANC Mission-in-Exile—Its second since the 1960's—was not a "people's" congress where South African Blacks were represented.

Chief M. G. Buthelezi told the Inkatha conference delegates—to loud applause—that the ANC congress was a conference "of those who claim to be our representatives . . ."

The ANC Mission-in-Exile's delegates . . . are faceless nobodies we not whom. They do not report to us because they disown us," he said. (The ANC Mission-in-Exile has opted for an armed struggle, Inkatha for nonviolence and peaceful change.)

It was all a "deep Black South African tragedy" because having met in secret about secret agendas, the ANC members in exile would "strut about the capitals of the world puffing out their chests as though they have consulted with Black South Africa."

Chief Buthelezi said he did not deny the Mission-in-Exile's role in the struggle for liberation.

"But we hate White supremacy as much as we would reject Black supremacy if it were to replace White supremacy".

He had never sought confrontation with the Mission-in-Exile . . . but the fact of the matter was that the ANC had now turned to killing those who disagreed with them.

Chief Buthelezi then read to the Inkatha conference messages that the ANC Mission-in-Exile has recently been broadcasting to Black South Africa.

He said the ANC Mission-in-Exile's message to Black South Africa was "no more than a declaration of war on Inkatha . . ."

No matter what media-created leaders proclaimed, Inkatha, with its more than one million paid-up members remained the most authentic voice of the people in South Africa.

In an address immediately following the Inkatha conference, Chief Buthelezi said he believed the United States, "the greatest democracy in the world", looked as though it was heading towards "unforgiveably" mismanaging its influence.

Speaking to a group of influential American visitors at Ulundi he said:

"I fear that the United States is rapidly approaching the point when it will join the South African Government in mismanaging the factors of success."

"It can run rampant over neighbouring States without the permission of the electorate. It does not seek mandates to destroy democracy. It does not need mandates to fly against every accepted norm which Western civilised countries so value."

Americans did not hear him, he added, when he said that there were very real prospects of White South Africans driven to scorched earth policies.

Whites in South Africa should, instead, be steered away from traditional White tolerance of Government action—"which has for so long relied on police brutality".

"This cannot be done by brutalising them in the same way as South African Governments have always brutalised Blacks.

"The escalation of violence, both on the part of the State and by those who oppose the State, can only lead to ever diminishing prospects of salvaging this country from destruction.

"I am not heard in the United States when I say that we must increase White dependency on Blacks. That we must tip the scales even further in favour of the politics of negotiation. That we must increase Black bargaining power and that these things must be done by increasing the rate of industrialisation in South Africa.

"I am not heard in the United States when I say that those who are bent upon destroying democracy with violence; those who are bent upon making political killings every-day events; those who favour the armed struggle and that those who favour the employment of violence to make this country ungovernable, are the ones who scream out disinvestment slogans to the West."

Violence was flaring across the length and breadth of the country. It was what some called "constructive" violence against apartheid.

"The majority of acts of political violence in South Africa today are acts of violence by Blacks against Blacks," Chief Buthelezi emphasised.

"The ANC's Mission-in-Exile is daily broadcasting and exhorting our youth to kill for political purposes. Our youth are daily being exhorted to kill town Councillors and others with whom they disagree politically."

There were fronts in the country committed to making the country ungovernable and that Americans should not be blind to the fact that they were not going to do so by increasing the forces of democracy.

"Scripts are now being written for the destruction of democratic decency in this country," he said.

"There are forces right now driving to destroy the economic growth base of our country and the end product of the undermining of democracy and the destruction of the economy will be ungovernability in the true sense of the word—not ungovernability for the National Party but ungovernability for whoever may seek to govern.

Chief Buthelezi said that he was also not heard in the United States when he said that those who called for disinvestment and the politics of violence did not have membership-based organisations.

Americans did not listen to him when he said he held mass rallies at which tens of thousands of people—the majority of whom were workers—roared their support for his stand against disinvestment and violence.

If democracy was ever to become a reality, if South African society was ever to be normalised, the politics of national reconciliation would have to succeed.

He pointed out that history had shown that in their struggles, Black Americans did not seek to destroy American society, they sought entry into it.

"Black Americans did not seek to destroy civilised values, they sought to implement them. Black South Africans seek the same," he concluded.

He added that he was not heard in the United States when he said that apartheid was far more vulnerable to democratic opposition now than it had ever been before.

Apartheid was certainly far more vulnerable to democratic opposition than it was to the politics of violence.

"I am not heard when I say that the scales are tipping in favour of the politics of negotiation and that America—more than any other time in history—should be strengthening the democratic process.

"The United States should be strengthening the circumstances which favour the continued growth of democratic opposition to apartheid. It should be strengthening those who have made it their task to hold political violence at bay and to employ the forces of democracy to bring about real change. . ."

He was speaking, among others, to: Mr W Keys, Chairman, Black Political Action Committee (BLACKPAC), Mr J Parker, President, Lincoln Institute for Research and Education, Mr J Kendricks, Executive Vice-President Gencore Corporation, Secretary BLACKPAC, Mr J Watkins, Executive Member Ben Franklin Society and Mr E Alexander, Managing Director of the Jet Engine Testing Corporation.

Chief Buthelezi said that in South Africa racial prejudice had authored one of the most rejected forms of society known in the modern world.

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INKATHA TO INVESTIGATE OPENING TO ALL RACES

The decision by the PFP to open its membership to all race groups was applauded by Inkatha, said Chief Buthelezi.

Its parliamentary role demanded that this be done.

Inkatha would now have to think deeply about whether or not to throw open its doors to all races following the scrapping of the Political Interference Act.

"The history of the struggle for liberation has shown the difficulty with which Black organizations open their doors to all races, "Chief Buthelezi told the conference.

"In part the split between the ANC has experienced for so long have roots in this issue. In part the very real difficulties between AZAPO and the UDF have roots in this issue."

Hinting as the possibility of a future alliance he said the PFP, with a new multiracial membership, may yet find that it needed partnerships with Black organizations which elected Black leaders.

The National Party could also find such partnerships necessary "if ever it turns to facing up to the need for fundamental change. . . "

"My own political initiative sense tells me that it would be foolhardly for Inkatha to rush into hasty decisions in this regard. I believe we must feel our way into the future as a Black organization.

"Inkatha is adamantly opposed to any form of racism in government. I have no objection basically to Inkatha opening its doors to all races right now, but I think we need time to make up our minds. There is a role that we have played as Blacks and we will have to decide when it is wise for use to open our doors to all race groups."

The Central Committee of Inkatha was mandated by the delegates to "carefully examine" the difficulties which Black organizations has experienced in the past when they had thrown open their doors to other

race groups and to advise next year's conference of their findings.

The conference called in another resolution for the PFP and Inkathan not only to continue with their dialogue, which had been ongoing for years, but to "deepen it and broaden it." This would include exploring ways and means of increasing constituency contact between the PFP and Inkatha.

Mr. HATCH. Mr. President, I am sure that my colleagues are well aware of South Africa's strategic importance to the West. The Western industrial world depends heavily on South Africa for chrome, manganese, vanadium, and platinum. A major disruption in the supply of these minerials would have a disastrous impact on oil refining and the production of a variety of speciality steels needed in such industries as aerospace and machine tools. If the Soviets were to gain control over South Africa, together with their own resources, they would have available 80 percent of the world's gold production, 76 percent of its chrome production, 90 percent of its production of metals in the platinum group, 80 percent of the production of manganese, and 80 percent of the world's production of vanadium. In addition, the Soviets would control the Cape of Good Hope, which is the world's busiest sea lane. Over half of Western Europe's oil, more than 7 million barrels a day, goes by supertanker past South Africa, while over one-fifth of all U.S. oil imports travel through the Cape.

Mr. President, there are those who say that constructive engagement is not working. I say it is precisely because the United States is having an impact in bringing about peaceful, democratic change that the Soviets would like to see us disengaged from South Africa. Their goal is to isolate South Africa economically, which in turn would result in rising black unemployment and increased unrest. This would provide fertile ground for those who seek violent revolution instead of peaceful reform. If we in the U.S. Senate are serious about helping South African blacks, and at the same time seek to preserve our national security interests, we will promote greater U.S. involvement in South Africa, not retrenchment. In a nutshell, the Salami approach to disengagement would be disastrous. I urge my colleagues to reject this ill-conceived measure.

SOUTH AFRICA

Mr. SIMON. Mr. President, it is encouraging that President Reagan has finally come to see that sanctions against South Africa are appropriate and necessary. However, the set of measures outlined in the Presidential decree are inadequate for a variety of reasons.

The conference committee report that was approved by the House and is now awaiting approval by the Senate was a product of bipartisan compromise.

In spite of the fact that the situation in South Africa has worsened with each passing day, the sanctions proposed by the President are even weaker than those contained in the less stringent Senate bill. Failing to vote on the conference report and allowing the implementation of less stringent sanctions at a time when the South African Government has resorted to unprecedented and brutal repression would send the wrong signal to the South African Government and to the world.

There are a number of problems with the Executive order issued by the President:

First, the provisions relating to Krugerrands are ambiguous. The Executive order provides that the ban on Krugerrand sales is subject to GATT approval but under GATT, the United States could take such an action unilaterally and the South Africans would then be entitled to retaliate. Thus, GATT approval is not necessary to implement the Krugerrand ban. Second, and most important, the Presidential decree abolishes the trigger mechanism contained in the conference report. That bill contained a provision that if no significant progress was made in abolishing apartheid in 1 year, additional sanctions, such as ban on new investment, denial of most-favored-nation status, and a prohibition on coal and uranium imports, would be activated. The threat of those further sanctions is a critical policy tool in continuing to put pressure on South Africa to change. Third, the ban on transfers of nuclear technology contains significant loopholes that are not contained in the conference committee report and were in fact rejected by the Senate Foreign Relations Committee.

During the time since the state of emergency was declared, official figures indicate that 650 people have died, 3,000 have been arrested. Virtually the entire leadership of the multiracial nonviolent organization, the United Democratic Front, has been detained without charges or is on trial for high treason. The South African Government has been called reformist but is a government reformist which arrests young children for boycotting schools that perpetuate the myth of their own inferiority? Is a government reformist which arrests people who protest the prosecution of an 8-year-old boy? Is a government reformist which imprisons black leaders such as the Reverend Allan Boesak and Bishop Trevor Tutu who advocate nonviolent change?

Time is running out. We have a unique opportunity today to take measures that will place the maximum amount of pressure on the South African Government to change. Failure to press for change could have disastrous and divisive consequence not only for South Africa but for our country as well. I urge that we vote on and pass the conference committee report.

THE PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA

Mr. HELMS. Mr. President, I shall vote against cloture today. It is not that the issue of South Africa needs more debate; rather, it is that the real issue needs to be understood, and that it be identified clearly in the minds of the American people. And, Mr. President, this is one issue that has been overtaken by events, namely, by the President's action in signing the Executive order this morning. By voting against cloture, we will demonstrate that there is no necessity to move to a final vote on the conference report.

Why is there no necessity for a final vote? Because the President's action already provides the symbolic stand against apartheid that the sponsors of this legislation say they desire. I would feel better about this action if the United States were not involved at all. The activities of the South African Government are the internal domestic affairs of that country. They do not threaten the peace of the world in any degree whatsoever. They do not threaten the security interests of the United States at all.

What does threaten U.S. security interests is the destabilization of the entire African continent being directed by the Soviet Union and its allies. The Soviets openly seek to destroy the pro-Western Government of South Africa in order to deny the geopolitical advantages of its strategic location and its mineral wealth to the West. They also wish to destroy a free-market oriented economy that stands as an affront to the socialist economies of the rest of Africa. They want to destroy the example of a country which, when compared to the rest of Africa, has far more individual and political freedoms than any country on the continent. Of course, it does not have the range of freedoms which the United States enjoys, but neither does South Africa have the relative degree of population homogeneity which the United States enjoys. Nevertheless there is not another country south of the Sahara which comes close.

The facts about the African National Congress have been well documented. Our distinguished colleague from Alabama [Mr. DENTON] has carefully demonstrated the factual basis of the connection between Moscow and the ANC. It is fashionable to talk of the ANC as though it were an organization fighting for human rights; but we have seen in too many other nations when the Communist definition of human rights prevails.

The success of the current destabilization process being directed at South Africa depends very much upon the adoption of the conference report as reported to this body. In the first place, it is important for the destabilizers to neutralize the United States in the quest to bring down the South African Government. The conference report not only withdraws U.S. policy support from South Africa in sweeping terms; it also attempts to dictate fine points of domestic South African policy in a manner which the United States itself would never accept. It is cast in the iron mold of ideology, and bound in the chains of hostility.

I recognize that the sponsors of the conference report profess no such aims. I am talking about the practical result such a bill must bring. I am speaking from the recent history of such attempts to dictate so-called reform.

Does any one among us want another Iran?

Does any one think that Nicaragua is better off than before we dictated reform?

Is Zimbabwe better off under Mugabe, who has imprisoned and exiled his democratic opponents and slaughtered 40,000 of their followers in the past 2 years?

Is that the kind of reform we want for South Africa?

Mr. President, I am convinced that that is the kind of reform we would get under the conference report.

It seems never to be noticed that the situation in South Africa is not whites killing blacks, but blacks killing blacks.

It is not a case of a repressed populace exploding against their masters, but a campaign of terrorism directed primarily against the majority of blacks who reject violent revolution. It is a planned and organized campaign of terrorism which has as its purpose the disorientation and alienation of the majority of the black people. It is a campaign directed and organized by cruel men without mercy, men who are willing to kill and maim other black people, to see their jobs destroyed, their families destroyed, and their lives destroyed, just in order to achieve an ideological goal.

That is why the President has rejected economic sanctions against South Africa. He has rejected the prospect that he must stop commercial investment within a year if South Africa fails certain political standards. He has rejected the idea that we must stop trading with South Africa on a most-favored-nation basis if South Africa does not meet certain ideological standards of social organization.

The President's plan shows much more flexibility. He forbids commercial bank loans to the South African Government and to its entities. On a practical basis, most U.S. banks have stopped such loans anyway. I would have preferred not to see this action, nevertheless, because of the delicacy of the international financial situation. We have showed much greater concern for the financial condition of many Communist countries whose human rights records are unspeakable. At least, however, he includes an exemption for Government loans that will increase the economic opportunity of those disadvantaged by apartheid. This is as it should be. The cure for apartheid is economic opportunity, which will create—and has created—an irrestible pressure for political reforms.

The President's plan stops computer sales to the military and apartheid-enforcing agencies, just as the conference report does. Of course, computers have long been banned anyway to the military and to the police under the sanctions which have existed for many years. What the President does is to pinpoint the Nation's moral indignation directly at apartheid.

The President's plan also bans the export of nuclear materials to South Africa, but unlike the conference report, it precludes a ban which would undercut the international atomic energy safeguards against nuclear proliferation.

Finally, Mr. President, it should be noted that the President includes full support for the Sullivan Code principles, but without trying to fine-tune them down to the last comma.

Of course, the President also directs the Secretary of State to ensure that all agencies of the United States comply with these principles as well.

Mr. President, the remaining two issues are those of banning the importation of Krugerrands, and minting a U.S. gold coin. The President agrees with those of us who feel that the ban on Krugerrands is contrary to our international trade relations under GATT, and he asks for consultation with GATT on this matter. As for the minting of U.S. gold coins, I have long advocated a gold coinage for the United States; but I believe that it should be done for its own sake, and not as a response to a foreign policy issue. I agree that the Secretary of the Treasury should be consulted, but I would also urge comprehensive legislation, such as I have introduced in the past, with appropriate and extensive hearings on the matter.

In short, then, the President's plan shows much more flexibility, is less likely to destabilize South Africa, and omits the severe economic sanctions that would have resulted in the paralysis of the South African economy, and the loss of jobs and livelihoods for millions of black South Africans. Moreover, it divests the proposal of the politics and ideology which marred the attempt to create a policy which all Americans could support.

What will come out of this is a unified policy approach to South Africa which will urge the South Africans to find a framework for political expression without destroying the nation. It will provide a framework in which South Africa can retain strong ties to the West, and block Communist and Soviet expansionism in Africa.

Mr. President, the leaders of the black peoples in South Africa have said over and over again that they see no necessity to make the black people suffer in order to get political reform.

Mr. President, earlier this year, about 2,000 workers and Inkatha supporters demonstrated at the home of the U.S. Consul-General in Durban. They presented Mr. Harry Geisel, our Consul-General, with a petition signed by 10,000 blacks which protested U.S. disinvestment from South Africa.

The leader of this protest was Mr. Winnington Sabelo, a member of the Central Committee of Inkatha which is headed by the internationally respected Zulu leader, Chief Minister Gatsha Buthelezi, who is the Chief Minister of Kwazulu in South Africa. As Mr. Sabelo presented the petition to Mr. Geisel, he stated that "We want jobs, help us to get them. Disinvestment will kill us."

In a reply to press questions at the demonstration, Mr. Sabelo stated that Bishop Tutu, who was known to have urged disinvestment, did not speak on behalf of millions of black workers. Indeed, several placards carried at the demonstration stated similar themes. For example, one read, "When did the masses call for disinvestment?" In a direct reference to Bishop Tutu another placard declared that, "The clergy are not the workers nor political leaders."

Mr. President, Senators should note Prince Buthelezi's clear position on the role of Bishop Tutu. In mid May of this year, at the "KwaZulu Day of Prayer for Black South Africa," Chief Minister Buthelezi stated that Inkatha had little hope that Bishop Tutu would work effectively for reconciliation between black and black. He stated that:

> We do not have to read about Bishop Tutu's actions or to be told about them. We experience denigration which he has hurled at us so often from public platforms both here and abroad.

Mr. President, another figure to whom the media has given undue attention is Mrs. Winnie Mandela. How often in recent weeks has she been portrayed in the most glowing terms as a leader of black opinion in South Africa. That her husband has encouraged violence in South Africa, in line with orthodox Marxist-Leninist ideology, has not dimmed the mythology about the couple which has been circulated in the press.

It would be well to reflect on Chief Minister Buthelezi's comments on Mrs. Mandela and her political line in the same speech given on the KwaZulu Day of Prayer at Ulundi. Chief Minister Buthelezi stated that he believed the key to Mrs. Mandela's "political destitution and her impoverished view of South Africa" was her statement that,

. . . the culture that made us and the culture that alone can save us is not ours anymore . . .

Chief Minister Buthelezi stressed that:

It is culture that distinguishes man from beast, it is culture that turns us into people with human qualities created by God. It is cultural integrity and cultural values which make us walk tall as human beings and relate to others.

He continued by stating that:

Culture cements human beings into cohesive achievement-oriented communities seeking higher goals than those of the beasts. Culture is not an insular thing which divides one group from another.

Chief Minister Buthelezi stated that:

If Mrs. Winnie Mandela was a true black; if she was an African, she would not despise the people around her like she despises me. I have never met such an African defeatist attitude before as I have met in Mrs. Madela. It is those who have abandoned their blackness and who have abandoned their African stature that crawl in the gutters of politics. . . . Those who work to destroy unity are an alien evil force among us.

Chief Minister Buthelezi condemned outbreaks of violence and those who encouraged black children to go on rampages of violence. He stated:

And when they do so in the name of the struggle for liberation, and when they are lauded as being a new breed of South Africans with iron in their souls and when they are presented as an advance guard of the African National Congress' Mission in Exile, the pain in my being becomes unbearable.

Mr. President, Chief Minister Buthelezi, before the Legislative Assembly in KwaZulu this year, addressed a number of issues in a frank and responsible manner. He stated that:

I am prepared to talk about power-sharing without insisting on one-man, one vote in a unitary state. I ask simply that the South African government declare its intention of talking about an alternative to a one-man, one-vote in a unitary state with Black South Africa.

In terms of the current constitutional arrangement, Chief Minister Buthelezi stressed that:

We must seek an alternative political system in which universal adult sufferage is expressed in constitutional terms acceptible to all the People of South Africa. Power-sharing within the framework of the present constitution is not possible . . . power-sharing will only have meaning for blacks when they share power at central government level.

Mr. President, there can be no question about Chief Minister Buthelezi's credentials as a leader in South Africa. He is the preeminent leader of the Zulus who number between 6 and 7 million and who constitute the largest black national grouping. He is a responsible man with a strong Christian commitment. He is a man who seeks to engage in the process of negotiation and reconciliation in order to achieve a just solution and constructive progress in South Africa.

Mr. President, so that our colleagues may benefit from a careful review of the position of Inkatha on the question of disinvestment, I ask unanimous consent that the petition presented by Inkatha to our Consul-General in Durban be printed in the RECORD.

Mr. President, so that our colleagues may benefit from a careful review of the position of Chief Minister Buthelezi on the matter of negotiations with the South African Government, I ask unanimous consent that the "Declaration of Intent" issued by Chief Minister Buthelezi before the KwaZulu Legislative Assembly on May 27, 1985, be printed in the RECORD.

There being no objection, the petition and the declaration were ordered to be printed in the RECORD, as follows:

ANTI-DISINVESTMENT PETITION TO THE U.S. GOVERNMENT

The following is the text of the petition delivered by workers and Inkatha supporters to the U.S. Government:

We as leaders elected to positions of authority in Inkatha, have a mandate to speak on behalf of Black South Africa.

This is evident because:

1. Inkatha is the largest Black political organisation ever to have emerged in the history to South Africa and has a paid up membership of nearly one million.

2. Inkatha's leaders are elected to office by its Annual General Conference which is attended by members chosen at local Branch and Regional levels.

3. Inkatha leaders are not only elected by the Annual General Conference, but they are held accountable to it for the way they pursue the aims and objectives set by the conference.

4. The vast majority of Inkatha's members are workers and peasants and it is representative of Blacks in urban areas as it is representative of Blacks in rural areas.

5. Inkatha's aims and objectives and the tactics and strategies it pursues are determined by democratic procedure which enable ordinary members to direct the affairs of Inkatha.

We are mandated to tell Western industrial nations that Black South Africans do not support disinvestments as a strategy which will help them in the struggle for liberation which they wage as Blacks here in this country.

This mandate has been repeatedly given to us at:

1. Every Annual General Conference where resolutions rejecting disinvestment as a strategy are passed unanimously after the question is re-opened for debate every year.

2. Central Committee debates and branch and regional debates which take place in the process of giving practical political effect to the expressed wishes of the Conference.

3. Mass open public meetings which draw crowds of tens of thousands who acclaim the President of Inkatha and other leaders of Inkatha as they inform the Black public of Inkatha's intention to ask for increased investment in this country.

Our stand opposing disinvestment has mass support and we challenge any Black leader who disputes this fact to share a platform with us in Soweto, the country's industrial heartland, to test public opinion.

We inform the United States Government that:

1. No mass meeting of Black South Africans has ever approved of disinvestment as a strategy against apartheid.

2. No democratically elected leader in a membership based organisation of any importance has ever been given a mandate to accept disinvestment as a viable Black political option.

On behalf of Black South Africa, we petition President Reagan, the Senators of the United States and its Congressmen to reject all pressures exerted on them to express abhorrence of apartheid through disinvestment in South Africa.

We thus petition because:

1. Disinvestment will minimise positive Western influences which we need in South Africa to speed up the process of change.

2. Disinvestment will further the politics of violence and damage the politics of reason:

3. Disinvestment is advocated by those who can not see that economic progress gives rise to intergroup dependencies which favour the politics of non-violent negotiation:

4. Disinvestment is most vehemently called for by those who favour the employment of violence to bring about change:

5. Whatever happens in this country, massive backlogs in Black housing, education, health and welfare services and all things Americans recognise to be essential to a decent qualities of human life, will only be wiped out at some future time if we do not damage the economic foundations of South Africa in liberating it from the tyranny of racial oppression.

6. Existing Black poverty will be greatly increased if effective disinvestment campaigns deepen already very problematic unemployment levels:

7. The United States, as the world's leading industrial democracy, should do everything in its power to foster the economic development of the whole of Southern Africa. This obligation to Africa and to the Third World will not be served by damaging not only the South African Economy, but also impoverished neighbouring economies.

DECLARATION OF INTENT

We the undersigned hereby declare our commitment to serve God in obedience to His divine will for our country and together: Recognise that:

The history of mankind shows the need for adaptive change among all peoples and all nations.

Nations which have managed to avoid the use of violence in the achievement of national objectives are the nations which have grown in wisdom.

Both mistakes and lessons not yet learned led to errors of judgement in the mainsteam politics in both the Black and White sections of our society.

The South African people are a family of mankind, seeking to live in harmony in the African community of nations and seeking to do so by expressing civilised ideals in the practical social, economic and political affairs of our country.

The South African constitution as it is now written is by force of history and reality a first step in constitutional reform which urgently needs the second step to be taken of enriching the constitution to make it as acceptable to the broad mass of African opinion as it has been made acceptable to the broad mass of White opinion.

The Westminister model of government was not ordained by God to be the only form of good government. We therefore accept:

The need to make the preamble to the South African constitution of equal value to all the groups and peoples of the country by enriching the clause: "To respect, to further and to protect the self-determination of population groups and peoples" to include the notion that this can best be done by sharing power. We need to share power in such a way that no one can dictate to any other group how to express its own self-determination, and we also need to share power in a formula within which the hallowed values of good government are not compromised.

The need to preserve the constitutionality of the adaptive democratic process on which we will jointly rely in being subservient to the divine will for our country. We will therefore together seek:

To negotiate as leaders to amend the South African constitution to make it more acceptable to all groups.

To find an alternative political system to that which the world at large understands by the word 'apartheid' and also to seek an alternative political system in which universal adult suffrage is expressed in constitutional terms acceptable to all the peoples of South Africa.

To give expression to the common citizenship of all South Africa's peoples without qualifying the meaning of citizenship for any group.

To use the opportunities presented in practical politics at first, second and third tier levels of government to fashion national unity by deepening the democratic process, and to use the democratic process in exploration of what needs to be done to get the people to legitimise the instruments of government. We therefore pledge ourselves:

To express national pride and patriotism by insisting that South Africans will decide South Africa's future in the acceptance of each other as individuals and groups and the acceptance of each other's culturual rights to be who they are.

To start where we find ourselves in history and to move from there to build on all that is positive and valuable and to change that which is negative and undesirable.

Each to work in our own constituencies to develop a South African pride in managing our own South African affairs in harmony with internationally accepted standards of civilised decency without being dictated to from without.

Having thus declared we stand together to defend our right even with our lives to take the steps and the time needed to establish consensus between groups and to win support for our joint efforts in the South African family of nations.

And furthermore to stand together to defend South Africa from external onslaughts and to stand together to resist any use of violence which threatens the politics of negotiation aimed at national reconciliation.

I make only one thing totally non-negotiable. South Africa is one country, and there must be one citizenship for one nation.

SOUTH AFRICA

Mr. McCONNELL. Mr. President, as we are all aware, events in South Africa have recently taken a tragic turn for the worse. A day does not pass without one more story of riots, violence, angry demonstrations, and deaths. These difficulties have further strained the South African economy. I have said in the past, South Africa is at a crossroads in her history. I now believe South Africa is on the brink.

Some of my colleagues have been highly critical of legislative initiatives which have tried to address the problems in South Africa. Many claim we should not interfere in another nation's internal troubles. Others argue the situation is not out of control, that the violence is confined to black communities, and that the South African Government can bring quiet to the streets. Essentially, these critics would have you believe that if the United States and Congress would mind their own business, South Africa's problems would disappear. Underlying this argument is a confidence in the South African Government's willingness to exercise whatever security force is necessary to protect and preserve the white population's power and position. I, too, am confident the government will exercise its capable police and military force. We have seen all too many demonstrations of its ability to disperse crowds. But this is not the solution. We will not see peaceful change progress and stability restored with cattle prods, whips, tear gas, and rubber bullets.

While the situation in South Africa is disturbing, other nations are also experiencing internal strife. Many are asking why should Congress and the President break with our policy of constructive engagement? Why target South Africa? Contrary to some critics' beliefs, Congress has not arbitrarily singled South Africa out for punishment. The South African Government's policy and practices have singled it out. We have not weighed the evidence of the Soviet Union's human rights practices against South Africa's. The issue is not one of relativity. South Africa is an important ally. No other U.S. ally has a legislated, legally enforced system of racial segregation. No other ally has brutally enforced the racial repression of the pass laws and homeland's policy. South Africa is unique in the community of Western nations. It is not the threat of Congress or the administration actions which is bringing South Africans into the streets. The U.S. Government is not the political force motivating marches, riots and demonstrations. What is happening in South Africa is a response to apartheid. The grievances are painful and real. The opposition would be acting with or without us.

Today, we have an opportunity to take a position which reflects our interest in change. We have the opportunity to side with voices and forces for reform. There is no doubt peaceful change will benefit all South Africans. We share an interest with South Africans seeking an alternative to the violence and disruption of the past few months. Today, we can make clear the urgency of reform.

When I left for the August recess, I fully intended to return to the Senate and support a motion for cloture on the conference report. The escalation in violence over August convinced me the United States must convey a strong message to the South African Government to carry out meaningful reforms. I am pleased the President recognized the urgency of this concern and chose to issue an Executive order for action on South Africa. Virtually every provision in the legislation Senators ROTH, DODD, and I introduced in April has been included in the President's plan. The administration has responded to congressional concerns with a sound balance of positive and punitive measures. The President has done exactly what Congress asked of him. I am supporting the President's call for a vote against cloture on the conference report because I believe this policy should be given a chance to work. My support is founded on the belief that the administration has recognized the need for a new approach to problems in South Africa. The administration and Congress now share both the goal to end apartheid and the plan to accomplish it. This consensus of opinion of Congress and the President will strengthen our case with the South African Government.

This order is not the end of the issue. It is a beginning. It is an order for action which must be carried out with vigor and dedication if it is to succeed. I am confident the President will assume this responsibility with his customary strong commitment to achievement. Congress should stand by him as he embarks on this critical new course.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. Mr. President, I ask unanimous consent, and let me say that I have cleared this with the distinguished minority leader, that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 3:12 p.m., when called to order by the Presiding Officer (Mr. WILSON).

QUORUM CALL

Mr. DOLE. Mr. President, I suggest the absence of a quorum. Let me indicate there will be a rollcall vote. There will be a live quorum that will go rather quickly.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 15 Leg.]

Cochran	Garn	Pressler
Cranston	Hecht	Trible
Dole	Helms	Wilson
Ford	Matsunaga	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

The legislative clerk resumed the call of the roll.

Mr. DOLE. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas [Mr. DOLE]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. EAST], the Senator from Washington [Mr. EVANS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. LAXALT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. RIEGLE], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 79, nays 3, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—79

Abdnor	Bentsen	Boschwitz
Armstrong	Bingaman	Bradley
Baucus	Boren	Bumpers
Byrd	Heflin	Packwood
Cochran	Heinz	Pell
Cohen	Helms	Pressler
Cranston	Hollings	Proxmire
Danforth	Humphrey	Pryor
Denton	Inouye	Rockefeller
Dixon	Johnston	Roth
Dole	Kasten	Rudman
Domenici	Kennedy	Sarbanes
Durenberger	Kerry	Sasser
Eagleton	Leahy	Simon
Exon	Levin	Simpson
Ford	Lugar	Stafford
Garn	Mathias	Stennis
Glenn	Matsunaga	Stevens
Gore	Mattingly	Symms
Gorton	McClure	Thurmond
Gramm	McConnell	Trible
Grassley	Melcher	Wallop
Harkin	Metzenbaum	Warner
Hatch	Mitchell	Wilson
Hatfield	Moynihan	Zorinsky
Hawkins	Nickles	
Hecht	Nunn	

NAYS—3

Goldwater	Quayle	Weicker

NOT VOTING—18

Andrews	DeConcini	Lautenberg
Biden	Dodd	Laxalt
Burdick	East	Long
Chafee	Evans	Murkowski
Chiles	Hart	Riegle
D'Amato	Kassebaum	Specter

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

CLOTURE MOTION

Mr. KENNEDY. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report on H.R. 1460, the Anti-Apartheid Act of 1985.

Edward M. Kennedy, Lowell Weicker, Charles McC. Mathias, Alan Cranston, Claiborne Pell, Paul Simon, Howard Metzenbaum, Patrick Leahy, Jim Sasser, John D. Rockefeller, Dale Bumpers, Paul Sarbanes, Spark Matsunaga, George J. Mitchell, Albert Gore, Jr., Jeff Bingaman, J. Bennett Johnston, Bill Bradley, John Glenn, Max Baucus, J. James Exon, and Daniel P. Moynihan.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the majority leader hold for a moment to respond to an inquiry?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me also at this time ask if there might be some inclination that we could vitiate the vote on the yeas and nays that is scheduled for 4 o'clock. Would there be objection to that request?

Mr. KENNEDY. Mr. President, reserving the right to object, will the majority indicate what reason the Senate would be denied an opportunity to vote on this extremely important and timely measure which has been debated in the Foreign Relations Committee, the Banking Committee, on the floor of the Senate, and in the conference? Will the majority leader elaborate on the reasons for making such a request of this body at this time?

Mr. DOLE. I beg the pardon of the distinguished Senator from Massachusetts. Was there a question?

Mr. KENNEDY. Yes. I am interested, if the majority leader will tell us, why such a request would be made of this body at this time on this issue.

Mr. DOLE. Mr. President, as I said earlier this morning, it would seem to me that if the President now, as someone indicated, but for whatever reason, in effect adopted the Senate position, it would be in our interest to go forward together, a bipartisan Senate—we have had bipartisan support on the bill—with the President of the United States; it would send a much stronger signal to the South African Government. I think everyone will agree that the original Senate bill, for all practical purposes, has now been made a part of the Executive order. So what I was suggesting this morning, for those of us who feel strongly, as does the Senator from Kansas, the Senator from Massachusetts, and others, is that we ought to postpone consideration of the conference report, make sure the administration lives up to the terms of the Executive order and, if not, we will have the conference report before us. That was the one reason I was hoping we might work that out.

Mr. KENNEDY. Mr. President, further reserving the right to object, it seems to me that these issues have been debated. What we are talking about is a basic and fundamental question upon which this country was built, the equality of all persons. The House of Representatives has responded to this issue; they have voted. As I gather from the majority leader, he is making a request that we vitiate the opportunity for the Senate to fulfill its legislative obligation to speak on this issue at this time and to rely solely upon an Executive order than the benefit of legislation on an issue of fundamental importance and a principle upon which I think this country stands. If we represent anything to ourselves and to the countries of the world, it is equality of individuals. Apartheid runs contrary to that. I think it is imperative we speak to that issue. We have debated it in the Foreign Relations Committee and the Banking Committee. They have done outstanding work. I paid tribute to Senator LUGAR and the members of the Foreign Relations Committee. As the leader has pointed out, we have had a strong bipartisan effort, and I wish we would have that same effort when we pass this legislation, and

hopefully the President will find that he would be able to sign it. My own view is that he was well-intentioned in his actions today, but they are ill-suited on this issue, and therefore I would object to the unanimous-consent-request.

Mr. CRANSTON. The President has changed his tune on South Africa. But he still doesn't know all the words to the freedom song for blacks in South Africa.

All Americans should be pleased that the President is no longer denying the realities of racial injustice in South Africa as he did less than 2 weeks ago. I am pleased that he is no longer saying that racial segregation has ended and implying that apartheid has gone away.

Instead, the President has a new script—and it shows most of all, that he can count. He knows the Senate has been prepared to pass a tough South Africa economic sanctions bill despite his opposition.

Unfortunately, his new script is incomplete. It's less than half a solution to a problem that demands our total commitment.

Therefore, I support the motion to end debate on the South Africa conference report and prepare to send this measure to the President.

I believe it is incumbent upon this body to complete the efforts we have undertaken together with the House the past several months to craft a clear, balanced measure to guide future U.S. relations with the people and Government of South Africa.

It would be a serious mistake for the Senate to duck the fundamental issue before us today. We need to speak clearly and to enact an unambiguous statute to define our policy.

The President's belated action this morning imposing certain export curbs on business with South Africa does not meet this need. The President's effort was seriously flawed in a number of respects.

It did not contain the immediate ban on Krugerrand imports supported by the bipartisan House-Senate conference committee, rather it unnecessarily referred this issue to a multilateral international tribunal where it will doubtless face needless delays.

It did not provide for minting of a U.S. gold coin to compete with the Krugerrand, rather left this to yet another study.

It did not provide for mandatory application of the Sullivan principles to U.S. firms' South African operations, rather made these voluntary with no monitoring and reporting provisions or criminal penalties for noncompliance.

It deleted entirely the key provision of the congressional legislation requiring additional sanctions if progress is not made on ending apartheid in the year ahead.

And it inserted a mischievously broad loophole in the ban on nuclear commerce, a loophole which could permit business as usual under the terms of the Executive order.

Finally, and perhaps most seriously, the President's response provides no guidelines as to when and under what conditions U.S. sanctions will be lifted. In other words, there are no benchmarks for progress in ending apartheid established and we are left essentially with a Presidental insistence on total discretion as he says "trust me."

But the sad fact is that this President is out of step with the American people and with Republicans and Democrats in Congress on this issue. Can we trust a President who just last month was claiming absurdly, that segregation had been "totally eliminated" in South Africa?

Regardless of the personalities and the politics of this issue, I think we would do well to remember that ours is a government of laws not men. We do not set matters of crucial national policy by executive fiat, by 11th-hour, loophole-ridden Executive orders.

Given the 180° reversal in the position of this administration on the issue of imposing South Africa sanctions, there is no reason why completion of congressional action on the measure before us need provoke a confrontation. Let the President sign the measure, for it is consistent with his entirely new rhetorical position. If he still wishes to veto it, let us work our will on an override effort. But let us abandon our important legislative work nine-tenths completed. Let us not impose the limited, sloppy White House sanctions, let us enact a clear law with balanced, carefully crafted compromise provisions, let us avert a partisan breakdown on this issue by sending the measure on to the White House.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the clerk will state the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report on H.R. 1460, the Anti-Apartheid Act of 1985.

Lowell Weicker, Nancy Landon Kassebaum, Arlen Specter, Dave Durenberger, Bill Cohen, Bob Dole, John H. Chafee, John Danforth, Al Simpson, Daniel J. Evans, Rudy Boschwitz, Bob Packwood, John Heinz, Frank Murkowski, Charles McC. Mathias, and Mark Andrews.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 16 Leg.]

Abdnor	Gore	Metzenbaum
Armstrong	Gorton	Mitchell
Baucus	Gramm	Moynihan
Bentsen	Grassley	Nickles
Biden	Harkin	Nunn
Bingaman	Hatch	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Proxmire
Bumpers	Heflin	Pryor
Byrd	Heinz	Quayle
Chiles	Helms	Rockefeller
Cochran	Hollings	Roth
Cohen	Humphrey	Rudman
Cranston	Inouye	Sarbanes
D'Amato	Johnston	Sasser
Danforth	Kasten	Simon
Denton	Kennedy	Simpson
Dixon	Kerry	Stafford
Dole	Lautenberg	Stennis
Domenici	Leahy	Stevens
Durenberger	Levin	Symms
Eagleton	Lugar	Thurmond
Evans	Mathias	Trible
Exon	Matsunaga	Wallop
Ford	Mattingly	Warner
Garn	McClure	Weicker
Glenn	McConnell	Wilson
Goldwater	Melcher	Zorinsky

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report on H.R. 1460 shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. EAST], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. LAXALT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. EAST] would vote "nay."

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI] the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], the Senator from Louisiana [Mr. LONG], and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], and the Senator from Michigan [Mr. RIEGLE] would each vote "yea."

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 34, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—53

Baucus	Grassley	Metzenbaum
Bentsen	Harkin	Mitchell
Biden	Hatfield	Moynihan
Bingaman	Heflin	Nunn
Boren	Heinz	Packwood
Bradley	Hollings	Pell
Bumpers	Inouye	Pressler
Byrd	Johnston	Proxmire
Chiles	Kasten	Pryor
Cohen	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
D'Amato	Lautenberg	Sasser
Dixon	Leahy	Simon
Eagleton	Levin	Stafford
Exon	Mathias	Stennis
Ford	Matsunaga	Weicker
Glenn	Mattingly	Zorinsky
Gore	Melcher	

NAYS—34

Abdnor	Gorton	Roth
Armstrong	Gramm	Rudman
Boschwitz	Hatch	Simpson
Cochran	Hawkins	Stevens
Danforth	Hecht	Symms
Denton	Helms	Thurmond
Dole	Humphrey	Trible
Domenici	Lugar	Wallop
Durenberger	McClure	Warner
Evans	McConnell	Wilson
Garn	Nickles	
Goldwater	Quayle	

NOT VOTING—13

Andrews	East	Murkowski
Burdick	Hart	Riegle
Chafee	Kassebaum	Specter
DeConcini	Laxalt	
Dodd	Long	

The PRESIDING OFFICER. On this vote, the yeas are 53, nays are 34, three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. DOLE. Mr. President, I move that the Senate proceed to Senate Joint Resolution 31.

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. WEICKER. Mr. President, would the Chair indicate as to whether or not this resolution is a privileged or nonprivileged matter?

The PRESIDING OFFICER. It is a privileged resolution.

Mr. WEICKER. And is it correct, Mr. President, that it is possible to ask for the yeas and nays on the motion?

The PRESIDING OFFICER. It is.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I would like to say on the matter of apartheid that while we lost the first cloture vote, it is by no means clear that we would lose——

The PRESIDING OFFICER. There is a nondebatable motion pending at this time.

Mr. CRANSTON. I ask unanimous consent that I be permitted to speak for 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ANTIAPARTHEID ACTION ACT OF 1985

Mr. CRANSTON. Mr. President, although we lost the first vote on cloture on apartheid, it is by no means clear that we would lose the vote if all Senators were present, and it is very clear that we would win by a majority vote were we to have the opportunity to vote up or down on the issue of sanctions applied to South Africa until they dismantle apartheid.

The President is seeking to deal with a political problem in the United States. A Senate majority and the House of Representatives seeks to deal with the moral and human rights issue in South Africa. That majority in the Senate is composed of all Democrats and a significant number of Republicans. Therefore, we will keep this matter before the Senate or get it before the Senate in one way or another where we can have an up or down vote. If we are unable to bring the present legislation to a vote, we will have that opportunity before long on measures that will come before the Senate that cannot be filibustered forever because they have to be dealt with.

All Democrats are firmly for this measure; that is 47. Eleven Republicans voted to end cloture. That gets us up to 58. I know that one Republican, who is absent, would vote for cloture when present. That gets us up to 59. And it is quite possible that another one or two of the Republican absentees today would have voted for cloture were they present.

So we are very close to cloture, and without any question we have a majority and we will win on this issue when we bring this matter to a vote in the Senate. That will occur sooner or later. Those of us who feel so strongly about apartheid are not about to abandon this battle.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it should be noted that severe transportation problems, particularly in the Northeast corridor, prevented some Senators from arriving in Washington, DC, to cast their vote on the motion to invoke cloture on the conference report on H.R. 1460, the South African antiapartheid legislation.

Had Senators DODD, HART, DECONCINI, and RIEGLE been present and voting, they would have voted "aye" in favor of invoking cloture on the conference report on H.R. 1460.

Mr. President, I wish to express appreciation to the distinguished majority leader for being so accommodating in leaving the vote stand open for a good 30, 40, or 50 minutes in order to accommodate one or more of the Senators whose airplanes were unable to land on schedule. I deeply appreciate it and I am sure that the day will come when perhaps we can also be accommodating in circumstances such as these.

Mr. DOLE. Mr. President, I thank the distinguished minority leader. I again regret that the distinguished Senator from Arizona who was scheduled to be here at 4 o'clock and then delayed until 4:30 and now he is caught in the thunderstorm over National Airport and Senator DECONCINI was not able to vote. We did try to accommodate Senator DECONCINI and, indirectly, Senator LAUTENBERG.

I assume there will be another vote on Wednesday. A cloture motion has been filed. We will see what happens on cloture. I think the one important factor is there were 34 votes against cloture, which certainly would be enough to sustain a veto without additional votes, if we went that route. There are additional absentees, so I guess that the vote on Wednesday will be fairly close, as this vote was fairly close.

I regret the distinguished Senator from California now seeks to make this a partisan issue. The issue would not be before the Senate now if it were not for a majority of Republicans, including the majority leader, who supported the efforts of a bipartisan group, and that is still the spirit we hope will be maintained.

In my view, those of us who support this legislation have won a victory and we have not lost a thing. We still have the option, if we can agree to postpone further action on the conference report until a date certain, of testing the administration and determining whether or not the administration will follow everything in the Executive order, plus the Krugerrand action, plus the gold coin action, plus possibly sanctions that could be recommended by the administration.

So it would seem to me that the focus has shifted now from South Africa to playing politics. Can we somehow embarrass the President of the United States who, though belatedly, has gotten on board? The view of this Senator is we send a much stronger signal to those in the South African Government if we have some semblance of bipartisanship, not just in the Congress, but including the executive branch. So it would seem to me we

have made some progress. I hope, after we have another cloture vote, that those of us who have gotten the bill this far can get together and agree that our best strategy for keeping everyone's feet to the fire is to postpone final action. Then, if it does not happen, the majority leader will be, as he has been, on the side of the Senator from Massachusetts, the Senator from Connecticut, and others who have been in the forefront for this legislation.

Mr. President, I hope that we might be able to proceed to Senate Joint Resolution 31 without a rollcall vote. If there is a demand for a rollcall vote, then it would be my hope we can postpone that.

The PRESIDING OFFICER. The Chair would advise the majority leader that the motion is nondebatable now.

Mr. DOLE. That is why I was not debating it.

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. WEICKER. Mr President, I withdraw the inquiry and I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the Senator withhold on that request to permit me to speak briefly on the apartheid issue? I know the motion is not debatable

Mr. DOLE. I have no objection if the Senator does not intend to file an additional cloture motion.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, one of the founding principles on which America was created is the proposition that all persons are created equal. Apartheid is a system of government which denies that fundamental right to millions of people in South Africa. Racism is always wrong. It is wrong in the United States, it is wrong in South Africa, and it is wrong in any nation on Earth—and so long as apartheid exists, the United States must speak clearly and unmistakeably against it.

The best way and the right way for the United States to speak out in opposition to apartheid in South Africa is for Congress and the President to act together to enact our country's policy into law.

The President's announcement today is well intentioned, and it is a step in the right direction. But it is too little and too late.

An Executive order that excludes the participation of Congress is not as effective or as appropriate as a statute in expressing the policy of the United States on an issue as important as our abhorrence of apartheid. Moreover, in a number of key areas, the Executive order is an unfortunate retreat from the provisions of the legislation now awaiting final action by the Senate. And even these inadequate provisions could be further weakened or rescinded by some future Executive order, without the approval of Congress.

As representatives of the people of America, the U.S. Senate has its own responsibility to speak out on the issue of South Africa and to state our position on apartheid. Yet the President is asking us today to abdicate that responsibility by abandoning the pending bill.

The legislative process has worked effectively so far to produce a strong bipartisan measure that is worthy of the principles of our Nation. Instead of accepting an Executive order with a watered-down version of this impressive joint effort, the Senate ought to pass the bill and urge the President to sign it.

By doing so, we will be true to our principles as a nation, true to our responsibilities as Members of the Senate, and true to the aspirations of millions of South Africans who hope for freedom and who look to America for help.

The Congress of the United States has been working on this historic legislation for many months. We have had lengthy hearings—both in the Senate Foreign Relations Committee and in The Senate Banking Committee. We have heard eloquence on this floor in our debates. The legislative process has worked—and worked effectively. And out of this work, we have forged an extraordinary consensus on the issue of South Africa.

Now, at the 11th hour, we are asked to withhold further action, and abdicate our responsibility as legislators to make law. But that consensus was too important and this issue is too profound for Congress now to stay its hand.

I do not believe that the President's Executive order should serve as a substitute for the historic legislation that we have been working on.

There comes a time in the life of a country when it must live up to the principles that made that country special and different in the world and in the history. Now is that time for the United States on this issue on apartheid. Apartheid challenges the most fundamental principles of our society stated in the Declaration of Independence—that all people are created equal and that they are endowed with certain inalienable rights, including life, liberty, and the pursuit of happiness.

Millions of Americans died to make that principle a reality for our own country, and now we are being tested again on the application of that principle to South Africa.

That nation has become associated with an oppressive and racist regime that denies the most basic human rights to 23 million men, women, and children because of the color of their skin.

It is not enough for the United States to speak to the evil of apartheid through an Executive order. On an issue as important as this, America should act by statute.

That is the first reason why I believe that we should enact the Anti-Apartheid Action Act of 1985: we speak on apartheid through law, not through Executive order.

Second, the Executive order is much, much weaker in a number of important respects.

It eliminates a key provision that requires the President to report back to Congress after 1 year on whether substantial progress has been made in dismantling apartheid in South Africa, and which requires him to recommend additional sanctions if no progress has been made. This is a major weakening of our bipartisan legislation.

The Executive order also raises grave doubts about the Krugerrand ban. While the bill would produce an immediate ban on the importation of Krugerrands, the Executive order only calls on the Secretary of the Treasury and the U.S. Trade Representative to consult with our major trading partners and with GATT on the issue of a Krugerrand ban—perhaps to be imposed at some indefinite time in the indefinite future.

The Executive order also opens a substantial loophole in the ban on new bank loans to the Government of South Africa. It allows the Secretary of the Treasury to authorize exceptions to the ban in the case of loans that would enhance the economic well-being of black South Africans. This loophole may well be used to permit American banks to finance the institutions of apartheid—such as the homelands governments, the township councils, and the social programs of apartheid which are so thoroughly segregated—even though they may be related to health or welfare or economic development.

One of the essential features of our pending legislation is to stop the United States from funding apartheid. The Executive order will not do that.

As we take up once again the tragedy that is South Africa today, let us think of those brave South Africans who have been such examples of selfless dedication in the struggle to end apartheid in their community.

Let us think of the Reverend Allan Boesak, the president of the World Alliance of Reformed Churches, who even as we meet today, sits in a prison cell, in solitary confinement, somewhere in South Africa. And what is his crime? To dream of freedom, to deplore injustice, and to lead his people along a nonviolent path in their struggle against apartheid.

And let us think of Bishop Desmond Tutu, a man of God and a symbol and inspiration to all peoples everywhere of South Africa's hope for freedom.

And let us think of Winnie Mandela—a brave woman, a loyal wife, and a dedicated mother—who has been driven into exile and whose tiny house—which she calls her prison cell—was recently razed and looted by the agents of apartheid.

And let us think of the children of Soweto who have disappeared and who have been arrested because they stayed away from school to show their opposition to apartheid.

And let us think of the 670 South Africans who have died in the violence of apartheid as the South African Army keeps apartheid alive with the club, the bullet, and the tank.

These people have looked to the United States for assistance in their struggle. We owe it to them, and we owe it to the founding principles of our Nation, to send the strongest message that we can muster. "The American people are with you—and you shall overcome."

Mr. WEICKER. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I do not intend to ask for the yeas and nays on the motion proposed by the distinguished majority leader. I would like to say that I think it is more important that the Senate address itself to the outrages that occur daily in South Africa rather than to address itself to the potential outrage of a Presidential defeat on this issue if it passes the House and the Senate.

It is absolutely essential on a moral issue such as this that the United States speak out loud and clear. In essence, what we do with the adoption of the Executive order is to weaken that message. It is to allow the advocates of antiapartheid here in the United States to be the administration that has dragged its feet on the issue of being against apartheid. The House and the Senate have both spoken very clearly. There is no mistaking the words or the intent of the statute.

Now we have something less before us. Granted we are not going to go ahead and change the laws of South Africa. This was always the matter of symbol, and a matter of perception. A lot of people either died or put themselves in jeopardy of death waiting for that symbol, and that perception from the United States of America. Now it will come in a watered-down version. That does not speak very well either in terms of what we do today or in terms of the history that we leave behind. I hope that the U.S. Senate will invoke cloture on Wednesday, that we will have that opportunity, and that we will move together—the President and Congress—to tell the world what is said in the Constitution of the United States we both live by and are willing to die for. That is what is important.

I yield the floor.

NATIONAL FAMILY WEEK

Mr. DOLE. Mr. President, is the question on the motion?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to proceed to the consideration of Senate Joint Resolution 31, National Family Week.

The motion was agreed to. The question is on agreeing to the amendments of the House as follows:

Resolved, That the resolution from the Senate (S.J. Res. 31) entitled "Joint resolution to designate the week of November 24 through November 30, 1985, as 'National Family Week' ", do pass with the following amendments:

Line 5, after "1985," the second time it appears, insert: "and the week of November 23, 1986, through November 29, 1986,".

Amend the title so as to read: "Joint resolution to designate the week of November 24 through November 30, 1985, and the week of November 23 through November 29, 1986, as 'National Family Week'.".

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I suggest that there now be a period for the transaction of routine morning business not to extend beyond the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me thank the distinguished Senator from Connecticut because we could have had another rollcall vote, or we could have delayed until tomorrow. I indicated to him that we would not attempt to proceed to the consideration of S. 47 this evening. We will probably do that tomorrow.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate on September 4, 1985, during the adjournment of the Senate, received a message from the President of the United States, transmitting a treaty.

JOB TRAINING FOR DISLOCATED WORKERS IN THE FOOTWEAR INDUSTRY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 74

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 28, 1985, during the adjournment of the Senate, received the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 203(b)(2) of the Trade Act of 1974 (19 U.S.C. 2253(b)(2)), I am writing to inform you of my decision today to direct the Secretary of Labor to develop a plan to utilize the Job Training and Partnership Act of 1982 to aid dislocated workers in the nonrubber footwear industry. At the request of the Senate Finance Committee, the United States International Trade Commission (ITC) instituted an investigation to determine whether increasing imports of nonrubber footwear were injuring the domestic nonrubber footwear industry. The ITC found that nonrubber footwear imports are a substantial cause of serious injury, or threat thereof, to the domestic footwear industry.

While the escape clause provisions of the Trade Act of 1974 require the ITC to determine the question of whether a domestic industry has been seriously injured as a result of increased imports, I am charged with the responsibility of determining whether the provision of import relief to the domestic industry is in the national economic interest. After considering all relevant aspects of the case, including those set forth in section 202(c) of the Trade Act of 1974, I have determined that granting import relief would not be in the national economic interest. I believe my decision today will promote our national economic interest by encouraging an open, nondiscriminatory and fair world economic system, a system in which jobs are created and prosperity grows through increased productivity and competitiveness in an open market. As my determination does not provide import relief to the industry, I am setting forth the reasons for my decision.

First, import relief would place a costly and unjustifiable burden on U.S. consumers and the U.S. economy. The Council of Economic Advisers estimates that the global quota remedy recommended by the ITC would create between 13,000 to 22,000 jobs with an average annual wage of $14,000. However, the cost to consumers to create these jobs would be $26,300 per job, amounting to a total consumer cost which could be as high as $2.9 billion over the next 5 years. Moreover, these jobs would not provide permanent employment and would be likely only to last during the 5-year relief period.

Second, import relief would result in serious damage to U.S. trade in two ways. If the ITC global remedy were imposed, U.S. trade would stand to suffer as much as $2.1 billion in trade damage either through compensatory

tariff reductions or retaliatory actions by foreign suppliers. This would mean a loss of U.S. jobs and a reduction in U.S. exports. U.S. trade would also suffer because of the adverse impact import relief would have on major foreign suppliers, such as Brazil, who are heavily indebted and highly dependent on footwear exports. Import relief would lessen the ability of these foreign footwear suppliers to import goods from the United States and thus cause an additional decline in U.S. exports.

Third, I do not believe that providing relief in this case would promote industry adjustment to increased import competition. While imports of nonrubber footwear have increased rapidly over the last 12 months, I believe that the industry has been and is in the process of successfully adjusting to increased import competition. An industry that was once characterized by many small firms with limited manufacturing capability, has now emerged as an industry led by larger, more efficient producers who have invested in state of the art manufacturing equipment, diversified into profitable retail operations, and filled out their product lines with imports to respond to rapidly changing consumer taste.

In order to address the difficult problems faced by workers in the industry, I have directed the Secretary of Labor to work with State and local officials to develop a retraining and relocation assistance program specifically designed to aid workers in the nonrubber footwear industry. Appropriate programs of the Job Training Partnership Act are to be used to the fullest extent possible under U.S. law.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1985.*

REPORT ON FEDERAL PAY COMPARABILITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 75

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 29, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, the President is required to make a decision each year on what, if any, pay adjustment should be provided for Federal employees under the General Schedule and the related statutory pay systems.

My pay advisors have reported to me that an increase in pay rates averaging 19.15 percent, to be effective in October 1985, would be required under existing procedures to raise Federal pay rates to comparability with private sector pay rates for the same levels of work. However, the law also empowers me to prepare and transmit to the Congress an alternative plan for the pay adjustment if I consider such an alternative plan appropriate because of "national emergency or economic conditions affecting the general welfare."

Accordingly, after reviewing the reports of my Pay Agent and the Advisory Committee on Federal Pay, and after considering the adverse effect that a 19.15 percent increase in Federal pay rates might have on our continuing national economic recovery, I have determined that economic conditions affecting the general welfare require the following alternative plan for this pay adjustment:

In accordance with section 5305(c)(1) of title 5, United States Code, the pay rates of the General Schedule and the related statutory pay schedules as adjusted by Section 1 of Executive Order No. 12496 of December 28, 1984, shall remain in effect without change.

Accompanying this report and made a part hereof are the pay schedules that will remain in effect under this alternative plan, including, as required by section 5382(c) of title 5, United States Code, the rates of basic pay for the Senior Executive Service.

RONALD REAGAN.

THE WHITE HOUSE, *August 29, 1985.*

SCHEDULE 1—GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
General schedule:										
1	$9,339	$9,650	$9,961	$10,271	$10,582	$10,764	$11,071	$11,380	$11,393	$11,686
2	10,501	10,750	11,097	11,393	11,521	11,860	12,199	12,538	12,877	13,216
3	11,458	11,840	12,222	12,604	12,986	13,368	13,750	14,132	14,514	14,896
4	12,862	13,291	13,720	14,149	14,678	15,007	15,436	15,865	16,294	16,723
5	14,390	14,870	15,350	15,830	16,310	16,790	17,270	17,750	18,230	18,710
6	16,040	16,575	17,110	17,645	18,180	18,715	19,250	19,785	20,320	20,855
7	17,824	18,418	19,012	19,606	20,200	20,794	21,388	21,982	22,576	23,170
8	19,740	20,398	21,056	21,714	22,372	23,030	23,688	24,346	25,004	25,662
9	21,804	22,531	23,258	23,985	24,712	25,439	26,166	26,893	27,620	28,347
10	24,011	24,811	25,611	26,411	27,211	28,011	28,811	29,611	30,611	31,211
11	26,381	27,260	28,139	29,018	29,897	30,776	31,655	32,534	33,413	34,292
12	31,619	32,673	33,727	34,781	35,835	36,889	37,943	38,997	40,051	41,105
13	37,599	38,852	40,105	41,358	42,611	43,864	45,117	46,370	47,623	48,876
14	44,430	45,911	47,392	48,873	50,354	51,835	53,316	54,797	56,278	57,759
15	52,262	54,004	55,746	57,488	59,230	60,972	62,714	64,456	66,198	67,940
16	61,296	63,339	65,382	67,425	[1] 69,468	[1] 71,511	[1] 73,554	[1] 75,597	[1] 77,640	
17	[1] 71,804	[1] 74,197	[1] 76,590	[1] 78,983	[1] 81,376					
18	[1] 84,157									

[1] The rate of basic pay payable to employees at these rates is limited to the rate payable for level V of the Executive Schedule, which is $68,700.

SCHEDULE 2—FOREIGN SERVICE SCHEDULE

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$52,262	$42,348	$34,315	$27,806	$22,531	$20,142	$18,006	$16,097	$14,390
2	53,830	43,618	35,344	28,640	23,207	20,746	18,546	16,580	14,822
3	55,445	44,927	36,405	29,499	23,903	21,369	19,103	17,077	15,266
4	57,108	46,275	37,497	30,384	24,620	22,010	19,676	17,590	15,724
5	58,821	47,663	38,622	31,296	25,359	22,670	20,266	18,117	16,196
6	60,586	49,093	39,780	32,235	26,120	23,350	20,874	18,661	16,682
7	62,404	50,566	40,974	33,202	26,903	24,051	21,500	19,221	17,182
8	64,276	52,083	42,203	34,198	27,710	24,772	22,145	19,797	17,698
9	66,204	53,645	43,469	35,224	28,542	25,515	22,809	20,391	18,229
10	67,940	55,255	44,773	36,281	29,398	26,281	23,494	21,003	18,776
11	67,940	56,912	46,116	37,369	30,280	27,069	24,199	21,633	19,339
12	67,940	58,620	47,500	38,490	31,188	27,881	24,925	22,282	19,919
13	67,940	60,378	48,925	39,645	32,124	28,718	25,672	22,950	20,517
14	67,940	62,189	50,393	40,834	33,088	29,579	26,442	23,639	21,132

SCHEDULE 3—DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

	Minimum	Maximum
Section 4103 schedules:		
Chief Medical Director		[3] $94,375
Deputy Chief Medical Director		[2] 90,532
Associate Deputy Chief Medical Director		[1] 86,713
Assistant Chief Medical Director		[1] 84,157
Medical Director	[1] 71,804	[1] 81,376
Director of Nursing Service	[1] 71,804	[1] 81,376
Director of Podiatric Service	61,296	[1] 77,640
Director of Chaplain Service	61,296	[1] 77,640
Director of Pharmacy Service	61,296	[1] 77,640
Director of Dietetic Service	61,296	[1] 77,640
Director of Optometric Service	61,296	[1] 77,640
Physician and dentist schedule:		
Director grade	61,296	[1] 77,640
Executive grade	56,599	[1] 73,582
Chief grade	52,262	67,940
Senior grade	44,430	57,759
Intermediate grade	37,599	48,876
Full grade	31,619	41,105
Associate grade	26,381	34,292
Nurse schedule:		
Director grade	52,262	67,490
Assistant Director grade	44,430	57,759
Chief grade	37,599	48,876
Senior grade	31,619	41,105
Intermediate grade	26,381	34,292
Full grade	21,804	24,347
Associate grade	18,763	24,388
Junior grade	16,040	20,855
Clinical podiatrist and optometrist schedule:		
Chief grade	52,262	67,940
Senior grade	44,430	57,759
Intermediate grade	37,599	48,876
Full grade	31,619	41,105
Associate grade	26,381	34,292

[1] The rate of basic pay is limited to the rate payable for level V of the Executive Schedule, which is $68,700.
[2] The rate of basic pay is limited to the rate payable for level IV of the Executive Schedule, which is $72,300.
[3] The rate of basic pay is limited to the rate payable for level III of the Executive Schedule, which is $73,600.

Schedule 4—Senior executive service schedule

ES-1	$61,296
ES-2	63,764
ES-3	66,232
ES-4	68,700
ES-5	70,500
ES-6	72,300

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ACTIONS REGARDING SOUTH AFRICA—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to declare that the policies and actions of the Government of South Africa constitute an unusual and extraordinary threat to the foreign policy and economy of the United States and to declare a national emergency to deal with the threat.

Pursuant to this and other legal authorities, I have prohibited certain transactions, including the following: (1) the making or approval of bank loans to the South African Government, with certain narrow exceptions; (2) the export of computers and related goods and technology to certain government agencies and any apartheid enforcing entity of the South African Government; (3) all nuclear exports to South Africa and related transactions, with certain narrow exceptions; (4) the import into the United States of arms, ammunition, or military vehicles produced in South Africa; and (5) the extension of export marketing support to U.S. firms employing at least twenty-five persons in South Africa which do not adhere to certain fair labor standards.

In addition, I have directed (6) the Secretary of State and the United States Trade Representative to consult with other parties to the General Agreement on Tariffs and Trade with a view toward adopting a prohibition on the import of Krugerrands; (7) the Secretary of the Treasury to complete a study within 60 days regarding the feasibility of minting U.S. gold coins; and (8) the Secretary of State to take the steps necessary to increase the amounts provided for scholarships in South Africa for those disadvantaged by the system of apartheid and to increase the amounts allocated for South Africa in the Human Rights Fund; and (9) the Secretary of State to establish an Advisory Committee to provide recommendations on measures to encourage peaceful change in South Africa.

Finally, this Order (10) commends the efforts of U.S. firms in South Africa that have voluntarily adhered to fair labor, nondiscrimination principles and encourages all U.S. firms to do likewise.

I am enclosing a copy of the Executive Order that I have issued making this declaration and exercising this authority.

1. I have authorized these steps in response to the current situation in South Africa. It is the foreign policy of the United States to seek peaceful change in South Africa, and in particular an end to the repugnant practice and policy of apartheid and the establishment of a government based on the consent of the governed. Recent developments in South Africa have serious implications for the prospects for peaceful change and the stability of the region as a whole, a region of strategic importance to the United States. The recent declaration of a state of emergency in 36 magisterial districts by the Government of South Africa, the mass arrests and detentions, and the ensuing financial crisis are of direct concern to the foreign policy and economy of the United States. The pace of reform in South Africa has not fulfilled the expectations of the world community nor the people of South Africa. Recent government actions regarding negotiations on the participation of all South Africans in the government of that country have not sufficiently diffused tensions and may have indeed exacerbated the situation.

Under these circumstances, I believe that it is necessary for this Nation to recognize that our foreign policy of seeking change through peaceful means is seriously threatened. In order for this Nation successfully to influence events in that country, it is necessary for the United States to speak with one voice and to demonstrate our opposition to apartheid by taking certain actions directed specifically at key apartheid policies and agencies.

2. The above-described measures, many of which reflect congressional concerns, will immediately demonstrate to the South African Government the seriousness of our concern with the situation in that country. Furthermore, this declaration mobilizes the influence of the private sector to promote an improvement in the economic prosperity, freedom, and political influence of blacks and other nonwhites in South Africa.

RONALD REAGAN.

THE WHITE HOUSE, *September 9, 1985.*

EXECUTIVE ORDER

PROHIBITING TRADE AND CERTAIN OTHER TRANSACTIONS INVOLVING SOUTH AFRICA

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Foreign Assistance Act (22 U.S.C. 2151 *et seq.*), the United Nations Participation Act (22 U.S.C. 287), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), the Export Administration Act (50 U.S.C. App. 2401 *et seq.*), the Atomic Energy Act (42 U.S.C. 2011 *et seq.*), the Foreign Service Act (22 U.S.C. 3901 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, and considering the measures which the United Nations Security Council has decided on or recommended in Securi-

ty Council Resolutions No. 418 of November 4, 1977, No. 558 of December 13, 1984, and No. 569 of July 26, 1985, and considering that the policy and practice of apartheid are repugnant to the moral and political values of democratic and free societies and run counter to United States policies to promote democratic governments throughout the world and respect for human rights, and the policy of the United States to influence peaceful change in South Africa, as well as the threat posed to United States interests by recent events in that country,

I, Ronald Reagan, President of the United States of America, find that the policies and actions of the Government of South Africa constitute an unusual and extraordinary threat to the foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

Section 1. Except as otherwise provided in this section, the following transactions are prohibited effective October 11, 1985:

(a) The making or approval of any loans by financial institutions in the United States to the Government of South Africa or to entities owned or controlled by that Government. This prohibition shall enter into force on November 11, 1985. It shall not apply to (i) any loan or extension of credit for any educational, housing, or health facility which is available to all persons on a nondiscriminatory basis and which is located in a geographic area accessible to all population groups without any legal or administrative restriction; or (ii) any loan or extension of credit for which an agreement is entered into before the date of this Order.

The Secretary of the Treasury is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection. The initial rules and regulations shall be issued within 60 days. The Secretary of the Treasury may, in consultation with the Secretary of State, permit exceptions to this prohibition only if the Secretary of the Treasury determines that the loan or extension of credit will improve the welfare or expand the economic opportunities of persons in South Africa disadvantaged by the apartheid system, provided that no exception may be made for any apartheid enforcing entity.

(b) All exports of computers, computer software, or goods or technology intended to service computers to or for use by any of the following entities of the Government of South Africa:

(1) The military;

(2) The police;

(3) The prison system;

(4) The national security agencies;

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research;

(6) The administering authorities for the black passbook and similar controls;

(7) Any apartheid enforcing agency;

(8) Any local or regional government or "homeland" entity which performs any function of any entity described in paragraphs (1) and (7).

The Secretary of Commerce is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection and to implement a system of end use verification to ensure that any computers exported directly or indirectly to South Africa will not be used by any entity set forth in this subsection.

(c)(1) Issuance of any license for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility; any authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa; any license for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and any approval of retransfers to South Africa of any goods, technology, special nuclear material, components, items, or substances described in this section. The Secretaries of State, Energy, Commerce, and Treasury are hereby authorized to take such actions as may be necessary to carry out this subsection.

(2) Nothing in this section shall preclude assistance for International Atomic Energy Agency safeguards or IAEA programs generally available to its member states, or for technical programs for the purpose of reducing proliferation risks, such as for reducing the use of highly enriched uranium and activities envisaged by section 223 of the Nuclear Waste Policy Act (42 U.S.C. 10203) or for exports which the Secretary of State determines are necessary for humanitarian reasons to protect the public health and safety.

(d) The import into the United States of any arms, ammunition, or military vehicles produced in South Africa or of any manufacturing data for such articles. The Secretaries of State, Treasury, and Defense are hereby authorized to take such actions as may be necessary to carry out this subsection.

Sec. 2. (a) The majority of United States firms in South Africa have voluntarily adhered to fair labor principles which have benefitted those in South Africa who have been disadvantaged by the apartheid system. It is the policy of the United States to encourage strongly all United States firms in South Africa to follow this commendable example.

(b) Accordingly, no department or agency of the United States may intercede after December 31, 1985, with any foreign government regarding the export marketing activity in any country of any national of the United States employing more than 25 individuals in South Africa who does not adhere to the principles stated in subsection (c) with respect to that national's operations in South Africa. The Secretary of State shall promulgate regulations to further define the employers that will be subject to the requirements of this subsection and procedures to ensure that such nationals may register that they have adhered to the principles.

(c) The principles referred to in subsection (b) are as follows:

(1) Desegregating the races in each employment facility;

(2) Providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) Assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) Increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health;

(7) Implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(d) United States nationals referred to in subsection (b) are encouraged to take reasonable measures to extend the scope of their influence on activities outside the workplace, by measures such as supporting the right of all businesses, regardless of the racial character of their owners or employees, to locate in urban areas, by influencing other companies in South Africa to follow the standards specified in subsection (c) and by supporting the freedom of mobility of all workers, regardless of race, to seek employment opportunities wherever they exist, and by making provision for adequate housing for families of employees within the proximity of the employee's place of work.

Sec. 3. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices described in section (2)(c) are applied to their South African employees.

Sec. 4. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable and to the extent permitted by law, in procuring goods or services in South Africa, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by persons in South Africa disadvantaged by the apartheid system.

Sec. 5. (a) The Secretary of State and the United States Trade Representative are directed to consult with other parties to the General Agreement on Tariffs and Trade with a view toward adopting a prohibition on the import of Krugerrands.

(b) The Secretary of the Treasury is directed to conduct a study to be completed within 60 days regarding the feasibility of minting and issuing gold coins with a view toward expeditiously seeking legislative authority to accomplish the goal of issuing such coins.

Sec. 6. In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

Sec. 7. The Secretary of State shall establish, pursuant to appropriate legal authority, an Advisory Committee on South Africa to provide recommendations on measures to encourage peaceful change in South Africa. The Advisory Committee shall provide its initial report within twelve months.

Sec. 8. The Secretary of State is directed to take the steps necessary pursuant to the Foreign Assistance Act and related legislation to (a) increase the amount of internal scholarships provided to South Africans disadvantaged by the apartheid system up to $8 million from funds made available for fiscal year 1986, and (b) increase the amount allocated for South Africa from funds made available for fiscal year 1986 in the Human Rights Fund up to $1.5 million. At least one-third of the latter amount shall be used for legal assistance for South Africans. Appropriate increases in the amounts made available for these purposes will be considered in future fiscal years.

Sec. 9. This Order is intended to express and implement the foreign policy of the United States. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

RONALD REAGAN.

THE WHITE HOUSE, *September 9, 1985.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On August 2, 1985:

S.J. Res. 57. Joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "Lupus Awareness Week."

S.J. Res. 180. Joint resolution commemorating the tenth anniversary of the signing of the Helsinki Final Act.

On August 6, 1985:

S.J. Res. 161. Joint resolution to appeal for the release of Soviet Jewry.

On August 7, 1985:

S.J. Res. 168. Joint resolution designating August 13, 1985, as "National Neighborhood Crime Watch Day."

On August 8, 1985:

S. 960. An act to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

S.J. Res. 108. Joint resolution authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet direct communication link for crisis control.

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awarness Week."

On August 9, 1985:

S. 1195. An act to amend title 3, United States Code, to authorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

On August 15, 1985:

S. 1147. An act to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws.

S.J. Res. 98. Joint resolution condemning the passage of Resolution 3379, in the United Nations General Assembly on November 10, 1975, and urging the United States Ambassador and United States delegation to take all appropriate actions necessary to erase this shameful resolution from the record of the United Nations.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1128) to amend the Clean Water Act, and for other purposes, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROE, Mr. ANDERSON, Mr. MINETA, Mr. OBERSTAR, Mr. EDGAR, Mr. TOWNS, Mr. SNYDER, Mr. HAMMERSCHMIDT, Mr. STANGELAND, and Mr. CLINGER; and Mr. NOWAK, as an additional conferee solely for the consideration of sections 59 and 73 of the House amendments and modifications thereof committed to conference; and Mr. ROWLAND of Georgia, as an additional conferee solely for the consideration of sections 5, 16, 30(a), 34(b), and 45 of the House amendments and modifications thereof committed to conference.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1080. An act to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 10. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965;

H.R. 3011. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, and for other purposes;

H.J. Res. 229. Joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week"; and

H.J. Res. 372. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 10. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

H.R. 3011. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, and for other purposes; to the Committee on Appropriations.

H.J. Res. 229. Joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

H.J. Res. 372. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1522. A bill to amend section 607 of the Merchant Marine Act, 1936, to ensure consistent use of funds made available for capital construction of vessels, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated.

EC-1589. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the National Water Quality Inventory Report for 1984; to the Committee on Environment and Public Works.

EC-1590. A communication from the Chief Immigration, Judge, Executive Office of Immigration Review, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation in the cases of certain aliens, pursuant to section 244(a)(1) and section 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-1591. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Effects and Administration of the 1984 Milk Diversion Program"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1592. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Role of Marketing Orders in Establishing and Maintaining Orderly Marketing Conditions"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1593. A communication from the President of the United States transmitting a supplemental request for funds for the District of Columbia government for fiscal year 1985; to the Committee on Appropriations.

EC-1594. A communication from the General Counsel of the GAO transmitting, pursuant to law, a report on the status of budget authority proposed for rescission but for which Congress did not pass a rescission bill; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-1595. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a proposed foreign military assistance sale to Japan; to the Committee on Armed Services.

EC-1596. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military assistance sale to Norway; to the Committee on Armed Services.

EC-1597. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a list of certain contract award dates for the period September 1 to October 31, 1985; to the Committee on Armed Services.

EC-1598. A communication from the Acting Executive Director of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the annual report of the advisory committee; to the Committee on Commerce, Science, and Transportation.

EC-1599. A communication from the Secretary of Transportation transmitting, pursuant to law, the National Plan of Integrated Airport Systems; to the Committee on Commerce, Science, and Transportation.

EC-1600. A communication from the Chairman of the Northern Mariana Islands Commission on Federal Laws transmitting, pursuant to law, the Commission's 2d interim report; to the Committee on Energy and Natural Resources.

EC-1601. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report of the Economic Development Administration; to the Committee on Environment and Public Works.

EC-1602. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the Soil Conservation Service plan for English Coulee Watershed, ND; to the Committee on Environment and Public Works.

EC-1603. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to reduce costs in the Medicare and Medicaid Programs; to the Committee on Finance.

EC-1604. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the administration, impact, and costs of the Utilization and Quality Control Peer Review Organization Program; to the Committee on Finance.

EC-1605. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on the professional development programs of agencies authorized to use the personnel system of the Foreign Service Act of 1980; to the Committee on Foreign Relations.

EC-1606. A communication from the Director of the Office of Legislative Affairs, AID, transmitting, pursuant to law, justification for increased foreign assistance to Mozambique for fiscal year 1985; to the Committee on Foreign Relations.

EC-1607. A communication from the Director of the Office of Legislative Affairs, AID, transmitting, pursuant to law, justification for an increase in foreign aid to Ghana in fiscal year 1985; to the Committee on Foreign Relations.

EC-1608. A communication from the Director of Legislative Affairs, AID, transmitting, pursuant to law, a justification for an increase in foreign assistance to Zambia for fiscal year 1985; to the Committee on Foreign Relations.

EC-1609. A communication from the Director of Legislative Affairs, AID, transmitting, pursuant to law, a justification for an increase in foreign assistance to Malawi for fiscal year 1985; to the Committee on Foreign Relations.

EC-1610. A communication from the Director of Legislative Affairs, AID, transmitting, pursuant to law, a justification for an increase in foreign assistance to Rwanda for fiscal year 1985; to the Committee on Foreign Relations.

EC-1611. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the fiscal year 1984 annual report of the Council; to the Committee on Foreign Relations.

EC-1612. A communication from the Acting Director of the Office of Management and Budget transmitting a draft of proposed legislation to provide authority to the Director of OMB to test innovative procurement methods and procedures without separate congressional action; to the Committee on Governmental Affairs.

EC-1613. A communication from the Acting Assistant Attorney General transmitting a draft of proposed legislation to provide for reform in compensation of attorneys in civil, criminal, and administrative proceedings in which the United States is a party; to the Committee on the Judiciary.

EC-1614. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priorities for research fellowships; to the Committee on Labor and Human Resources.

EC-1615. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the National Heart, Lung, and Blood Advisory Council; to the Committee on Labor and Human Resources.

EC-1616. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report for 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1617. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of various functions from in-house operation to performance by contract; to the Committee on Armed Services.

EC-1618. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend section 8 of the Eastern Pacific Tuna Licensing Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-1619. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Child Support Enforcement Program for fiscal year 1984; to the Committee on Finance.

EC-1620. A communication from the Chief of the Army and Air Force Exchange Service, transmitting, pursuant to law, a report on the financial condition of the pension plan for the Service for the year ended December 31, 1984; to the Committee on Governmental Affairs.

EC-1621. A communication from the Secretary of Education, transmitting, pursuant to law, a final list of critical foreign languages under title II of the Education for Economic Security Act; to the Committee on Labor and Human Resources.

EC-1622. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated August 1, 1985; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-1623. A communication from the Acting Director of the U.S. Information Agency, transmitting, pursuant to law, a report on a violation involving an overexpenditure of appropriated funds; to the Committee on Appropriations.

EC-1624. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, a report on the unit cost baseline cost of the Phoenix missile program; to the Committee on Armed Services.

EC-1625. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, an addendum to a report of the review of the special pays for military health professionals; to the Committee on Armed Services.

EC-1626. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities Investor Protection Corporation for 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-1627. A communication from the Secretary of Commerce, transmitting, pursuant to law, the second biennial report regarding bluefin tuna for the period covering 1983 and 1984; to the Committee on Commerce, Science, and Transportation.

EC-1628. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the strategic petroleum reserve for the period April 1 through June 30, 1985; to the Committee on Energy and Natural Resources.

EC-1629. A communication from the Secretary of Energy, transmitting, pursuant to

law, the annual report on the State Energy Conservation Program for calendar year 1984; to the Committee on Energy and Natural Resources.

EC-1630. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the Nuclear Regulatory Commission for the quarter ended June 30, 1985; to the Committee on Environment and Public Works.

EC-1631. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a study of the terminally ill in relation to the Social Security Disability Program, to the Committee on Finance.

EC-1632. A communication from the Secretary of State, transmitting, pursuant to law, semiannual reports on voluntary contributions to international organizations for the period October 1984 to March 1985; to the Committee on Foreign Relations.

EC-1633. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a copy of an aide memoire from the Commission of the European Communities expressing concerns about the Environmental Response Compensation and Liability Act and the Department's response to the aid memoire; to the Committee on Foreign Relations.

EC-1634. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to issue regulations to require that wages and salaries of Federal employees be paid by electronic fund transfer to any other method determined by the Secretary to be in the interest of economy or effectiveness, with sufficient safeguards over the control of, and accounting for, public funds; to the Committee on Governmental Affairs.

EC-1635. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to eliminate or change statutory requirements preventing the reduction of paperwork burdens and regulatory simplification; to the Committee on Government Affairs.

EC-1636. A communication from the Acting Deputy Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of funds awarded the Cherokee Nation of Oklahoma; to the Select Committee on Indian Affairs.

EC-1637. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for Training of Interpreters for Deaf Individuals Program; to the Committee on Labor and Human Resources.

EC-1638. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Emergency Immigrant Education Program; to the Committee on Labor and Human Resources.

EC-1639. A communication from the Secretary of Education, transmitting, pursuant to law, a report of the evaluation of the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-1640. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the Senate Building Beauty Shop financial statements for the fiscal years ended February 28, 1985, and February 29, 1984; to the Committee on Rules and Administration.

EC-1641. A communication from the Deputy Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for exclusion of residents and interns from coverage under the Federal Labor-Management Relations Statute; to the Committee on Veterans' Affairs.

EC-1642. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Patient Management Practices Could Reduce Length of Stay in VA Hospitals"; to the Committee on Veterans' Affairs.

EC-1643. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Cost of Care Information to Patients"; to the Committee on Finance.

EC-1644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study of Foot Care Coverage Under Medicare"; to the Committee on Finance.

EC-1645. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, report on the implementation of the representative payee provision of the Social Security Disability Benefits Reform Act of 1984; to the Committee on Finance.

EC-1646. A communication from the Director of the General Government Division, General Accounting Office, transmitting, pursuant to law, the annual report on tax matters for calendar year 1984; to the Committee on Finance.

EC-1647. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on International agreements, other than treaties, entered into by the United States in the 60-day period to August 12, 1985; to the Committee on Foreign Relations.

EC-1648. A communication from the Acting Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1649. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-72 adopted by the Council on July 9, 1985; to the Committee on Governmental Affairs.

EC-1650. A communication from the Secretary of Education, transmitting, pursuant to law, final amendments for the State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education—parts 400, 401, 407, 408, 409, 410, 411, 412, 414, 415, 416, and 417; to the Committee on Labor and Human Resources.

EC-1651. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Bilingual Education: State Educational Agency Program; to the Committee on Labor and Human Resources.

EC-1652. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education; to the Committee on Labor and Human Resources.

EC-1653. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Bilingual Education: Fellowship Program; to the Committee on Labor and Human Resources.

EC-1654. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Library Services and Construction Act—State-Administered Program to direct grant programs for Indian tribes and Hawaiian natives, foreign language materials acquisition, and literacy; to the Committee on Labor and Human Resources.

EC-1655. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the National Graduate Fellows Program; to the Committee on Labor and Human Resources.

EC-1656. A communication from the Administrator of Veterans' Administration transmitting pursuant to law, a biennial report containing recommendations for improvement of programs affecting former prisoners of war; to the Committee on Veterans' Affairs.

EC-1657. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, certain selected acquisition reports and selected acquisition summary tables for the quarter ending June 30, 1985; to the Committee on Armed Services.

EC-1658. A communication from the Acting Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of certain in-house operations to performance by contract; to the Committee on Armed Services.

EC-1659. A communication from the Acting Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of certain in-house operations to performance by contract; to the Committee on Armed Services.

EC-1660. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report on the extension of time for serving a final decision in Soo Line Railroad Co. versus Chicago and North Western Transportation Co.; to the Committee on Commerce, Science, and Transportation.

EC-1661. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation, transmitting, pursuant to law, the unaudited quarterly report for the quarter ended June 30, 1985; to the Committee on Energy and Natural Resources.

EC-1662. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the Colorado River Storage Project Power Resources and the financial support of authorized projects in the Upper Colorado River Basin States; to the Committee on Energy and Natural Resources.

EC-1663. A communication from the Acting Director of the Office of Management and Budget transmitting, pursuant to law, the Conservation Service's Plan for the West Fork of Big Creek Watershed, Missouri, and Iowa; to the Committee on Environment and Public Works.

EC-1664. A communication from the D.C. Auditor transmitting pursuant to law, a report on the annual audit of D.C. Charitable Games Control Board for 1984; to the Committee on Governmental Affairs.

EC-1665. A communication from the D.C. Auditor transmitting pursuant to law, a report on the University of the District of Columbia president's transition account ex-

penditures; to the Committee on Governmental Affairs.

EC-1666. A communication from the D.C. Auditor transmitting, pursuant to law, a report on the University of the District of Columbia president's representation fund; to the Committee on Governmental Affairs.

EC-1667. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Revenue Report for May 1985"; to the Committee on Governmental Affairs.

EC-1668. A communication from the Director of the Office of Personnel Management transmitting a draft of proposed legislation to establish specific authority to incur reception and representation expenses; to the Committee on Governmental Affairs.

EC-1669. A communication from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a report on the reasons for the failure of the Secretary of the Interior to act on the recognition petition of the Little Shell Tribe of Chippewa Indians of Montana by September 30, 1985; to the Select Committee on Indian Affairs.

EC-1670. A communication from the Chairperson of the National Advisory Council on Indian Education transmitting, pursuant to law, the Council's 11th annual report to the Congress; to the Select Committee on Indian Affairs.

EC-1671. A communication from the Chief Justice of the United States transmitting, pursuant to law, a copy of the Report of the Proceedings of the Judicial Conference of the United States, 1985; to the Committee on the Judiciary.

EC-1672. A communication from the Secretary of the National Aviation Hall of Fame, Inc., transmitting, pursuant to law, its 1984 annual audit report; to the Committee on the Judiciary.

EC-1673. A communication from the Acting Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on the conversion of the source data entry function at Kelly Air Force Base, TX, to performance under contract; to the Committee on Armed Services.

EC-1674. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, the Presidential certification that testing in space of the F-15 launched miniature homing vehicle antisatellite warhead by the United States is necessary to avert irrevocable harm to the national security and is consistent with the rights of the United States under the ABM Treaty of 1972; to the Committee on Armed Services.

EC-1675. A communication from the Treasurer of the United States transmitting, pursuant to law, a report on activities under the Olympic Commemorative Coin Act of 1982 for the second quarter of 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-1676. A communication from the Secretary of Energy transmitting, pursuant to law, a report on biomass energy and alcohol fuels programs for April 1 through June 30, 1985; to the Committee on Energy and Natural Resources.

EC-1677. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on GAO reports issued in July 1985; to the Committee on Governmental Affairs.

EC-1678. A communication from the Secretary of Education transmitting pursuant to law, final regulations for the research in education of the handicapped programs; to the Committee on Labor and Human Resources.

EC-1679. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on one new deferral of funds for the USIA; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-1680. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to August 19, 1985; to the Committee on Foreign Relations.

EC-1681. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, notice of Department of State approval of a foreign military assistance sale to Turkey; to the Committee on Foreign Relations.

EC-1682. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report on a new Privacy Act System of records; to the Committee on Governmental Affairs.

EC-1683. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Residential Care Patterns of Child Placement in Three States"; to the Committee on Labor and Human Resources.

EC-1684. A communication from the Secretary of Agriculture transmitting, pursuant to law, the annual report on agricultural research and education activities for 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1685. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Federal Price Support for Honey Should Be Phased Out"; to the Committee on Agriculture.

EC-1686. A communication from the Acting Assistant Secretary of Health and Human Services and the Assistant Secretary of Agriculture transmitting, pursuant to law, the third progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1687. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on a proposed conversion of the storage and warehousing (Ordnance) function at the Navy Magazine, Lualualei, HI to performance under contract; to the Committee on Armed Services.

EC-1688. A communication from the Assistant Secretary of the Air Force transmitting, pursuant to law, notice of the decision to convert the telephone switchboard operations at Tinker AFB, OK to performance under contract; to the Committee on Armed Services.

EC-1689. A communication from the Chief, Center for Transportation Information, Department of Transportation, transmitting, pursuant to law, the Annual National Transportation Statistics Report; to the Committee on Commerce, Science, and Transportation.

EC-1690. A communication from the Vice Chairman of the Federal Maritime Commission transmitting a draft of proposed legislation to codify the laws within the jurisdiction of the Commission related to shipping and maritime matters; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 1, 1985, the following reports of committees were submitted on August 28, 1985:

By Mr. GARN, from the Committee on Appropriations, with amendments:

H.R. 3038: A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes (Rept. No. 99-129).

By Mr. ROTH, from the Committee on Governmental Affairs:

Special report entitled "Crime and Secrecy: The Use of Offshore Banks and Companies" (Rept. No. 99-130).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 801: A bill to authorize appropriations for the National Science Foundation for fiscal year 1986 (Rept. No. 99-131).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1200: A bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes (Rept. No. 99-132).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 216: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 801.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ABDNOR, from the Committee on Appropriations, with amendments:

H.R. 3036. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1986, and for other purposes (Rept. No. 99-133).

By Mr. SPECTER, from the Committee on Appropriations, with amendments:

H.R. 3067: A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1986, and for other purposes (Rept. No. 99-134).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1607. A bill to amend section 103(e)(4) of title 23, United States Code, to extend the deadline for withdrawal of approval of the Westway project in New York and for approval of highway and transit projects substituted for such project until December

30, 1985; to the Committee on Environment and Public Works.

By Mr. STENNIS:

S. 1608. A bill for the relief of Maria Victoria Lizana; to the Committee on the Judiciary.

By Mr. McCLURE (by request):

S. 1609. A bill to provide for an equitable distribution of net receipts associated with the Federal onshore mineral leasing program; to the Committee on Energy and Natural Resources.

By Mr. GARN (by request):

S. 1610. A bill to require the Secretary of the Treasury to impose fees upon obligations of Government-Sponsored Enterprises and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMON (for himself, Mr. STAFFORD, Mr. KENNEDY, and Mr. METZENBAUM.

S. 1611. A bill to provide improved safety and health standards for railroad employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DIXON:

S. 1612. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs credit for 3 years; to the Committee on Finance.

By Mr. KENNEDY:

S. 1613. A bill to amend title XVIII of the Social Security Act to provide for greater equity in the medicare program; to the Committee on Finance.

S. 1614. A bill to amend title XVIII of the Social Security Act with respect to payment reform under that title, and for other purposes; to the Committee on Finance.

S. 1615. A bill to amend the Public Health Service Act to permit continuation of health benefits coverage for certain uninsured individuals, to provide incentives for the establishment of Statewide insurance pools, to prohibit hospitals from refusing to examine or provide appropriate treatment to stabilize patients in medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCLURE (by request):

S.J. Res. 192. Joint resolution to authorize financial assistance for the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated.

By Mr. DOLE (for himself, Mr. BYRD, and Mr. THURMOND):

S. Res. 217. Resolution to honor Alfred Mossman Landon; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1607. A bill to amend section 103(e)(4) of title 23, United States Code, to extend the deadline for withdrawal of approval of the Westway project in New York and for approval of highway and transit projects substituted for such project until December 30, 1985; to the Committee on Environment and Public Works.

APPROVAL OF HIGHWAY AND TRANSIT PROJECTS IN NEW YORK

● Mr. MOYNIHAN. Mr. President, I am introducing today a bill to extend by 90 days the deadline for withdrawal of approval of the Westway project in New York and for approval of highway and transit projects substituted for such project until December 30, 1985.

This matter is currently sub judice. The Court's decision will in no way be affected by this measure; but it will avoid a situation in which New York loses both its present options—which is to say either build the Westway or trade it in—simply because the clock has run out.

My distinguished colleagues and friends in the House, Mr. HOWARD and Mr. BIAGGI have introduced similar bills.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "September 30, 1985" and inserting in lieu thereof "December 30, 1985".●

By Mr. McCLURE (by request):

S. 1609. A bill to provide for an equitable distribution of net receipts associated with the Federal Onshore Mineral Leasing Program; to the Committee on Energy and Natural Resources.

FEDERAL ONSHORE MINERAL LEASING RECEIPTS

● Mr. McCLURE. Mr. President, at the request of the Department of the Interior, I send to the desk for appropriate reference a bill to provide for an equitable distribution of net receipts associated with the Federal Onshore Mineral Leasing Program.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Under Secretary of the Interior, be printed in the RECORD.

Mr. President, as chairman of the Committee on Energy and Natural Resources, I have introduced and will continue to introduce legislation within the jurisdiction of the committee at the request of the administration as a courtesy. This is one of those instances in which the administration has submitted an idea whose time should never come. This idea has surfaced in past administrations and Congress has had the consistent good judgment not to enact it. I see no reason why anything should be different this time around.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law and effective October 1, 1985, there shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the U.S. Treasury, in a manner determined by the Secretary of the Interior, an amount that the Secretary of the Interior determines to be equal to the cost to the U.S. Government of administering Federal onshore mineral leasing programs. Such amount shall not include any costs related to mineral activities on Indian lands.

THE UNDER SECRETARY OF THE INTERIOR,
Washington, DC, July 22, 1985.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is enclosed a draft bill, "To provide for an equitable distribution of net receipts associated with the Federal onshore mineral leasing program."

We recommend that the draft bill be introduced, to the appropriate committee for consideration, and enacted.

The enclosed draft bill would require that a deduction be made from Federal onshore mineral leasing receipts prior to their division and distribution between the States and the U.S. Treasury. The amount of that deduction would be determined by the Secretary of the Interior and would equal the costs of administering the Federal onshore mineral leasing programs.

Under the Mineral Leasing Act, except for Alaska, States receive 50 percent of the revenues from Federal mineral leasing activities conducted on public lands within their borders. Another 40 percent of those revenues is deposited into the Reclamation Fund which is used to construct water projects in the Western States. Alaska receives 90 percent of those revenues with no revenues from Federal mineral leasing activities in Alaska deposited into the Reclamation Fund.

States, or in some instances counties, also receive a share of the revenues from Federal mineral leasing activities on acquired and other lands under a variety of laws. Under current law, however, the costs of issuing and supervising mineral leases, collecting and accounting for mineral revenues, and otherwise managing and administering the mineral leasing programs are not deducted before calculating the monies to be shared with the States and to be deposited to the Reclamation Fund. The Administration believes that States and counties should share the net gains from public land activities rather than gross receipts. Sharing on a gross basis, since it ignores costs, bears on relationship to the actual gain or benefits from the activity and results in a subsidy to the States and counties from Federal taxpayers. Under the enclosed draft bill, receipts would be shared on a basis that is net of costs.

The President's fiscal year 1986 Budget estimates that the amount to be deducted in fiscal year 1986 would be $125.2 million. This includes $33.2 million for the direct costs to the Minerals Management Service of collecting, accounting for, and distributing Federal onshore mineral leasing reve-

nues, and related administrative costs; $77.9 million for the direct costs to the Bureau of Land Management of Federal mineral leasing activities, and related administrative costs; and $14.1 million for the direct costs to the Forest Service of mineral leasing activities. The estimated costs related to mineral activities on Indian lands were excluded in deriving these amounts.

For fiscal year 1986, if this draft bill is enacted, we estimate that payments to the States from receipts under the Mineral Leasing Act would be reduced by $54 million, or about 10 percent of the $532 million they would otherwise receive. Payments to States and counties under other laws from Federal onshore mineral leasing receipts would also be reduced by about 10 percent. Overall, this costsharing proposal, if enacted, would reduce the Federal deficit by about $300 million during the five years from fiscal year 1986 through fiscal year 1990. Therefore, we recommend that this proposal be introduced enacted by the Congress.

The Office of Management and Budget has advised that the submission of this proposed legislation is in accord with the program of the President.

Sincerely,

ANN MCLAUGHLIN.●

By Mr. GARN (by request):

S. 1610. A bill to require the Secretary of the Treasury to impose fees upon obligations of Government-Sponsored Enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

GOVERNMENT-SPONSORED ENTERPRISE USER FEE ACT

● Mr. GARN. Mr. President, I am today introducing the "Government-Sponsored Enterprise User Fee Act of 1985," and I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

GOVERNMENT-SPONSORED ENTERPRISES USER FEE ACT OF 1985—SECTION-BY-SECTION ANALYSIS

Section 1 states the title of the bill, the "Government-Sponsored Enterprises User Fee Act of 1985".

Section 2 sets forth the reasons for the bill. Government sponsorship has pro-vided Government-Sponsored Enterprises ("GSE's") various benefits not otherwise available to private entities in the credit market place. These benefits include in most, but not all cases: exemption of their income from Federal, State and local income taxation; exemption of interest on their debt from State and local taxation; exemption of their securities from SEC regulation; eligibility of securities for special treatment by the Federal Reserve; and lines of credit with the Federal Government. Because of these specific advantages and the overall Federal sponsorship, the GSE's are perceived by the securities market to have a special relationship with the Federal Government. As a result (and despite the absence of Federal guarantees), the GSE's can borrow at interest rates only slightly higher than the interest rates paid by the Treasury on comparable issues of public debt securities. In consequence of these privileges, this Act will impose a fee on all obligations issued by the GSE's after September 30, 1985.

Section 3 provides definitions.

Subsection (1) defines "Government-Sponsored Enterprises". The definition includes both entities set out by name in the section and their subsidiaries, and entities that might be created (or modified) by statute to respond to a specific credit problem by acting as financial intermediaries, and which would not be government owned but which would enjoy some or all of the following advantages: exemption from securities laws and regulation; exemption of their income from Federal, State or local income taxes, and of interest on their debt from such taxes; eligibility of securities for special treatment by the Federal Reserve; and back-up lines of credit with the Federal Government (either direct or indirect).

Subsection (2) defines "obligation(s) outstanding" as an obligation issued by a GSE after September 30, 1985, which remains unpaid in whole or in part. This includes obligations issued for the purposes of refunding previously outstanding obligations.

Subsection (3) defines a "quarter" as a period of time consisting of three consecutive calendar months during each year, beginning October 1, 1985.

Subsection (4) defines "Secretary" as the Secretary of the Treasury.

Subsection (5) defines "secured obligations." Secured obligations are limited to obligations issued by the GSE's after September 30, 1985, which are backed by specific assets of the GSE, including pools of assets or specific income streams. Thus, securities currently issued by GSE's as mortgage-backed pass-through securities and collateralized mortgage obligations would be secured obligations for the purposes of this Act if issued after September 30, 1985.

Subsection (6) defines "subsidiary" to include all entities owned or controlled by one or more GSE's

Subsection (7) defines "unsecured obligations" as all obligations issued by a GSE after September 30, 1985 that are not "secured obligations."

Section 4 established a fee on obligations of the GSE's issued and outstanding after September 30, 1985, and a mechanism for collection of the fee.

Subsection (1) provides that beginning on January 1, 1986, the Secretary will, in consultation with each GSE, retrospectively determine the average principal amount of secured and unsecured obligations of each GSE that were outstanding during the previous quarter. For the quarter starting October 1, 1985, obligations that will be included in the calculation shall be only those obligations issued during that quarter. For subsequent quarters outstanding obligations shall include obligations issued during previous quarters that remain outstanding during all or any part of the quarter plus obligations issued during that quarter. In all cases obligations issued for refunding purposes shall be treated the same as those issued to raise new cash.

Subsection (2) sets forth the fee to be assessed. The fee is to be assessed on all outstanding obligations at an annual base rate of fifty one-thousands of one percent (.00050) of the average principal amount calculated pursuant to subsection (1). For unsecured obligations issued after September 30, 1986, the Secretary will assess an additional fee at an annual rate of thirty-three one-thousandths of one percent (.00033) of the average principal amount calculated pursuant to subsection (1). Therefore, on unsecured obligations issued after September 30, 1986, the annual fee will be eighty-three one-thousandths of one percent (.00083) of the average principal amount. Unsecured obligations issued after September 30, 1985, but before October 1, 1986 will be assessed at the base rate so long as they remain outstanding. As with the calculation of outstanding obligations, refunding obligations are treated the same as obligations issued to raise new cash.

Subsection (3) provides that the fee is due prior to the end of the quarter during which it is assessed, and any fee not paid by the due date is to be assessed a late charge. The amount of the late charge is based on one hundred-fifty percent of the 13-week Treasury Bill rate. The late charge will be added to the fee for the purpose of calculating additional late charges due in the event of a further failure to pay.

Subsection (4) provides that all fees paid under the Act will be deposited in miscellaneous receipts of the United States Treasury.

Subsection (5) states that the Secretary is authorized to prescribe such regulations as are necessary or appropriate to administer the provisions of the Act.●

By Mr. SIMON (for himself, Mr. STAFFORD, Mr. KENNEDY, and Mr. METZENBAUM):

S. 1611. A bill to provide improved safety and health standards for railroad employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RAILROAD EMPLOYEES SAFETY AND HEALTH ACT

● Mr. SIMON. Mr. President, today I am introducing legislation which would transfer the railroad safety jurisdiction of the Department of Transportation to the Department of Labor. There are several advantages to such a transfer. First, safety would be improved; second, in this cost conscious Congress, substantial sums could be saved by consolidating some of the Occupational Health and Safety Administration [OSHA] and rail safety enforcement; third, the agency hopefully would be more responsive to the laws and directions of Congress as well as to the needs of the public.

The Federal Railroad Administration [FRA] was created within the Department of Transportation in 1966. At that time the rail safety functions which had been administered by the Interstate Commerce Commission were transferred to the Department of Transportation. Very little was accomplished in rail safety until the enactment of the Federal Railroad Safety Act of 1970. Since that time the FRA has been subject to much criticism, not only from the workers, but from Congress and independent agencies as well. During the early years after enactment of the 1970 law, the FRA refused to comply with the statutory mandate that regulations be adopted within 1 year from date of enactment. It was in late 1973 before the first regulation under the act went into effect. From the beginning, the FRA refused

to implement the State participation provisions set forth under the act. Only after hearings were scheduled by Congress in 1974 did FRA indicate any willingness to start such a program, even though it was mandated in the law. The next year Congress continued to have concerns with Federal Railroad Administration's failure to do an adequate job. On page 5 of the House Report No. 94-240, 94th Congress, 1st session (1975), the House Committee on Interstate and Foreign Commerce stated:

> The Committee feels that these statistics are telling the story that the Federal Railroad Administration [FRA] is not doing its job adequately. The Committee also feels that a major reason for this problem is that the FRA has consistently failed to avail itself of the safety inspectors and funds authorized by this Committee.

Because of the lack of responsiveness of FRA to safety problems, Congress adopted a number of amendments in 1976 designed to strengthen safety enforcement. For example, evidence produced at the hearings showed that the FRA was compromising penalties at figures substantially below the minimum penalties set forth in the various safety statutes. As a result, Congress required that penalties could not be compromised below the penalty assessed originally. Another matter Congress had to deal with in 1976 required the Secretary to decide any petition filed within 1 year from its receipt. The evidence shows that some petitions would sit at FRA for years without a response from the agency. The continued problems with FRA caused Congress to request that the Office of Technology Assessment [OTA] evaluate the Federal Railroad Safety Program and report the results to Congress. The OTA completed its study in 1978. In general, the study concluded that FRA had failed to set safety goals and had not been able to implement its enforcement authority effectively. In particular, data collection was found to be piecemeal and inadequate; inspections did not correlate with demonstrated needs for a decrease in accidents; regulations did not appropriately set forth performance standards; and penalties were not being assessed in a rational manner. The State Participation Program was not being administered effectively as indicated by the small number of States involved.

In 1978 the Administrator of the FRA, testifying before the Senate Subcommittee on Surface Transportation, admitted that the railroad safety problem had worsened instead of improving since 1970 when the Federal Railroad Safety Act was passed. The situation was so intolerable that it prompted nine members of the House Committee on Interstate and Foreign Commerce to file separate views on FRA's lack of attention to railroad safety. One of those members is the current chairman of the committee, Representative JOHN D. DINGELL.

The members pointed out that FRA's failure to enforce the Federal railroad safety laws has been paralleled by an alarming increase in rail accidents. They also pointed out that FRA recognized that the real answer to the railroad safety crisis lies in enforcing existing laws and regulations against often recalcitrant railroads. They called for definitive action by Congress in three areas. First, Congress should seek ways to force FRA to initiate an aggressive program of enforcing Federal safety statutes and regulations. Second, an appropriation should not be limited to amounts the FRA requests. Third, in view of FRA's failures, the various States should be given greater authority over rail safety. It is interesting to note that this year the Department of Transportation is once again seeking to entirely delete funding for the various States in railroad safety enforcement.

In December 1981, the Department of Transportation submitted a report to Congress entitled "Department of Transportation Systems Safety Plan for Improving the Management of Railroad Safety Programs." The plan sets forth the methodology by which FRA intends to administer its Rail Safety Program. In particular, it shifts away from the imposition of fines for violations to consultation and other types of remedial alternatives. This plan has been criticized by the Comptroller General in a report entitled "The Federal Approach to Rail Safety Inspection and Enforcement: Time For Change." The General Accounting Office's [GAO] report refers to internal legal memoranda from the FRA's chief counsel's office in which the agency lawyers admit that the enforcement policies in the system safety plan exceed the relatively narrow prosecutorial discretion which FRA has. In summarizing the GAO's report, the Comptroller General in a letter dated December 21, 1982, to my colleague in the House, Representative JAMES FLORIO, chairman of the House Subcommittee on Engery and Commerce, stated that the imposition of civil penalties for safety violations is central to the enforcement scheme of the various railroad safety laws, and that the plan is questionable from a legal standpoint. The Comptroller General pointed out that the FRA inspectors may well interpret the plan as a signal to generally avoid citing violations in a wide range of circumstances. In effect, the GAO stated that the plan exceeded FRA's legal authority. Yet the plan is still in full force and effect in 1985.

FRA's enforcement activity to date demonstrates what Congress has complained about for so many years. Even though thousands of defects are discovered annually, only a very small percentage result in citing a railroad for a violation. In only about 5 percent of all cases where defects exist are fines imposed. For example, last year the FRA inspectors discovered 286,771 defects and the Agency sought fines in only 13,000 cases, which is less than 4 percent.

The proof of the pudding is that safety is not getting better, as some suggest, since the adoption of the systems safety plan in 1982. Comparing 1983 with 1984 statistics, every major category appears to be worse. For example, at public and private rail-highway grade crossings, in 1984 there were 648 fatalities and 2,911 injuries. In 1983 there were 575 fatalities and 2,623 injuries. Overall statistics covering accidents and incidents on the railroad show increases as well. Injuries from accidents nearly doubled in 1984. There were 893 injuries which were sustained in accidents during 1984, as compared with 502 injuries in 1983. A "train accident" in railroad terminology is defined as a collision, derailment, or other event involving the operation of railroad on-track equipment resulting in physical property damages that exceed $4,500. That figure has been increased to $4,900 this year. A "train incident" is an event involving the movement of railroad on-track equipment that results in a death, a reportable injury, or a reportable illness but in which railroad property damages do not exceed $4,500. In 1983 there were 432 deaths resulting from train incidents, and 5,182 injuries. In 1984, there were 515 deaths and 5,528 injuries.

I have had personal experiences with the FRA. As a result of a catastrophic accident in my old southern Illinois congressional district approximately 10 years ago, I introduced a bill in 1977 (H.R. 8017), which, if enacted, would have required the Secretary of Transportation to issue regulations requiring locomotives to be equipped with strobe lighting. The regulation would have required that the strobe lights be operated at grade crossings and at other locations where the Secretary finds it is required in the interests of safety. That legislation was not adopted, but Congress required that the Secretary conduct a study to determine whether strobe lights would be more effective than the standard head-light now in use. The FRA concluded that strobe lights should not be placed on locomotives. Frankly, I did not expect anything else from the FRA since they opposed the legislation. I still believe that strobe lights would be an effective deterrent to accidents at rail-highway grade crossings.

In conclusion, I think my recitation of the history of FRA's enforcement activities makes it pretty clear that FRA has done a poor job in its admin-

istration of the Federal railroad safety laws. The time has come for a change, and I submit that the appropriate agency to have jurisdiction over rail safety is the Department of Labor. The Occupational Safety and Health Administration already exercises jurisdiction in the rail industry. In particular their regulations cover railroad shops, offices, and other locations where occupational hazards exist in the rail industry. By transferring the jurisdiction to the Department of Labor, I believe that enforcement would be more evenhanded and there would be a long term cost savings to the Federal Government. I join with three others, my friend and colleague on the committee from Vermont, Senator ROBERT STAFFORD; the distinguished ranking minority member of the Labor and Human Resources Committee, Senator KENNEDY; and my friend from Ohio, the ranking minority member of the Labor Subcommittee, Senator METZENBAUM, to offer this bill.

Mr. President, I ask unanimous consent that a brief summary of the proposed bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF LEGISLATION TO TRANSFER RAIL SAFETY JURISDICTION TO OSHA

TITLE I—TRANSFER OF CERTAIN RAILROAD SAFETY FUNCTIONS

Section 101(a) transfers to the Secretary of Labor the powers presently in the Secretary of Transportation with respect to the following laws:

(1) Federal Railroad Safety Act of 1970.

(2) All of the safety appliance acts (including Locomotive Inspection Act, Power Brake law, Boiler Inspection Act), Accident Reports Act, and Reorganization Plan No. 3 of 1965.

(3) Hours of Service Act.

(4) Signal Inspection Act.

The jurisdiction over Hazardous Materials Transportation Act, will remain in the Department of Transportation.

Section 101(b) makes it clear that the powers of the Secretary of Transportation with respect to research and development (except for training and determination of causes of accidents) will remain with the Secretary of Transportation. This section also requires that DOT promptly forward any recommendations concerning improved safety to the Secretary of Labor.

Section 101(c) makes it clear that Department of Transportation's powers will not be diminished as to the laws that are not transferred, and correspondingly, the Department of Labor will have the same powers as the Secretary of Transportation had in the laws that are being transferred.

Section 101(d). This section provides that the laws that are being transferred will be enforced in accordance with Occupational Safety and Health Administration (OSHA) procedures, except for the cease and desist provisions. Among the differences in the enforcement under the existing railroad safety laws and OSHA in that in OSHA, the inspector may immediately issue a citation for a violation. Under the procedures now used by Federal Railroad Administration (FRA), the safety inspector writes up a notice of a violation which is sent to Washington, and then an official in the Washington Office later determines whether a claim should be processed as a violation.

Also, this section preserves enforcement by the Federal Government (rather than by the states) except where the Federal Government fails to take appropriate action.

TITLE II—ADDITIONAL MEMBERS ON THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Section 201(a) This increases the number of members on the Occupational Safety and Health Review Commission (OSHRC) from three (3) to five (5). With respect to the additional two (2) members, one must be a representative from labor and the other one from management, and both shall be especially qualified in the field of railroad safety and health.

Section 201(b) provides that the terms of the two additional members shall be six (6) years, except that initially one of the members shall serve for a term of two (2) years, and the other for a term of six (6) years.

Section 201(c) provides that three members of the commission shall constitute a quorum. An equally divided vote by the Commission will operate to affirm the order being reviewed.

Section 201(d) permits the creation within the Commission of a special railroad safety and health panel composed of both members who are especially qualified in the field of railroad safety. This panel could decide all of the railroad safety matters.

TITLE III—MISCELLANEOUS PROVISIONS

Section 301 generally establishes with the mechanics of transferring the personnel, appropriations, property, records, etc. 301(c)(1) directs that all of the personnel of the FRA handling enforcement and compliance will be transferred to the Department of Labor. This section also makes it clear that *all* of the personnel of the FRA will be protected for one year without reduction in qualification or compensation.

Section 302(a) establishes in the Department of Labor a "Federal Railroad Safety and Health Administration."

Section 302(b) reduces the status of the Federal Railroad Administrator. At the present, his income is the same as the Chairman of the OSHRC. This change would place him in the same category as the Assistant Secretary of Labor, and the remaining members of the Commission.

Section 303 makes it clear that nothing in this Act shall be construed to authorize the Secretary of Labor to reduce the number of inspectors engaged in enforcing the laws being transferred, or to reduce the number of inspectors engaged in the enforcement of OSHA.

Section 305 abolishes the FRA (the functions relating to research and development, hazardous materials that are retained in the DOT will be carried out by other divisions within the Department of Transportation.)●

By Mr. DIXON:

S. 1612. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs credit for 3 years; to the Committee on Finance.

EXTENSION OF TARGETED JOBS CREDIT

Mr. DIXON. Mr. President, Congress will have to consider a great number of issues this fall. Many of these issues are difficult and complex, and extremely controversial. I'm sure they will take most of our time and attention.

It is vitally important, however, as Congress attempts to resolve the numerous complex and contentious issues before it, that we ensure that agenda items that are not controversial are not lost in the process.

The targeted Jobs Tax Credit Program expires at the end of this year unless Congress acts to renew it. This program has enjoyed broad support in Congress since it was first created in the late seventies. What is more, it has worked efficiently and in a cost-effective manner to create literally hundreds of thousands of jobs for the disadvantaged.

In 1983, for example, the targeted jobs tax credit resulted in the employment of 431,182 persons. Last year, 653,381 people were employed, and this year the total is expected to exceed 650,000.

The program accomplishes objectives with a minimum of redtape. As the figures convincingly demonstrate, it puts people to work—people who have been hard to place in jobs and many of whom would otherwise be drawing welfare checks or other forms of public assistance. Over 60 percent of those assisted are disadvantaged youths, a group with an unemployment rate over 50 percent in many parts of our country.

The targeted jobs tax credit created over 22,000 jobs in my own State of Illinois last year, Mr. President, and this year it could create as many as 35,000 jobs in Illinois. Further, according to Jobs for Youth/Chicago, an organization dealing with economicaliy disadvantaged youths between 16 and 21 in Illinois, this job creation does not cost the Treasury money, but in fact benefits the Federal Government. Over 80 percent of the people Jobs for Youth/Chicago helps are on welfare. Once employed and even after allowing for the direct cost of the tax credit, the Federal Treasury gains $500 for each targeted jobs tax credit participant, as opposed to spending an average of $1,200 on assistance payments for the same individual.

A recent editorial from the Chicago Tribune entitled "Save the Jobs Tax Credit" makes the same point. According to the editorial, the tax credit will be:

> Responsible for the hiring of about 10,500 hard-to-place people here [in Chicago] in fiscal 1985. After the tax credit involved is subtracted, net welfare savings will come to about $7 million this year and former welfare recipients who now hold jobs will pay an estimated $4 million in taxes.

Mr. President, we cannot afford to let a program lapse that creates real private sector jobs while at the same time creating net budget savings for the Federal Government. Allowing the targeted jobs tax credit to expire would not save money, in fact, it would

add to the deficit. We don't have very many Federal programs that work this well in any area. The targeted jobs tax credit should be extended now for a period long enough to give the program more stability.

I'm sure that the great majority of my colleagues in both the Senate and the House of Representatives will support extension of this essential tax credit program. I am today introducing legislation to extend it for 3 years in order to demonstrate my own commitment to this program, and to help ensure that this program receives the attention and prompt extension it deserves.

Congress will debate tax reform, budget issues, and many other issues this year. Many issues will no doubt not be resolved this year, but will be carried over to next year's session. Extension of the targeted jobs tax credit, however, need not wait and should not wait. Prompt and timely extension would take very little time on the floor, and would ensure that this sensible and fiscally responsible job creation measure is able to continue aiding those who most need our help.

I urge my colleagues, therefore, to join me in working to see that congressional action on extension of the targeted jobs tax credit occurs as quickly as possible.

Mr. President, I ask unanimous consent that a copy of the Chicago Tribune editorial and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 51 (c)(3) of the Internal Revenue Code of 1954 (relating to the termination of the targeted jobs credit) is amended by striking out "1985" and inserting in lieu thereof "1988".

[From the Chicago Tribune, Sept. 1, 1985]

SAVE THE JOBS TAX CREDIT

Unless Congress has the good sense to extend it, one of the nation's best strategies for generating private-sector jobs for hard-to-place jobs for hard-to-place people will expire at the end of the year.

At stake is the Targeted Jobs Tax Credit program that gives a federal tax break to employers who hire economically disadvantaged 18- to 24-year-olds, handicapped people, Vietnam veterans, welfare recipients and ex-offenders. It's one of those rare situations in which everyone—including the American taxpayers—wins.

The program lets inexperienced, untrained, disadvantaged applicants give employers a compelling reason to hire them: part of their salary for two years can be deducted from taxes. Once hired, most of these employees gain training and a work record that helps them move up or on to better jobs, as nearly "five years of experience with the program shows. Many community organizations use the tax credit program as a way to persuade employers to take a chance on the jobless people they are trying to help.

The tax break allows many small businesses to hire additional workers they could not otherwise afford; in some instances, these low-cost employees have kept small enterprises from failing. And the tax credit encourages larger employers to take the risk of hiring inexperienced, untrained applicants by reducing the payroll costs of doing so.

Taxpayers benefit, too. The government initially loses revenue from the tax credits. But it saves considerably more in welfare payments that are no longer necessary for the workers and their dependents—savings that many continue for decades as disadvantaged people who might have been stuck on public aid for most of their lives have a chance to become productive taxpayers.

Chicago employers and community organizations have made particularly effective use of the Targeted Jobs Tax Credit. It will be responsible for the hiring of about 10,500 hard-to-place people here in fiscal 1985. After the tax credit involved is subtracted, net welfare savings will come to about $7 million this year and former welfare recipients who now hold jobs will pay an estimated $4 million in taxes. Employers and community organizations who help in job placements say most of these individuals would not have been hired without the incentive of the tax credit.

Nationally, about 565,000 people got jobs last year through the Targeted Jobs Tax Credit program; as many as 750,000 will this year. As in Chicago, savings in welfare and other public assistance payments will be at least twice the cost to the government in tax credits.

There seems to be little opposition in Congress to renewing the tax credit when it expires on Dec. 31. It does not require a congressional appropriation. But supporters fear it could get lost in the debate over major tax reform legislation this fall.

A program that helps create more jobs and fills them with people unlikely to get work on their own does enormous good. When it also saves the government at least twice as much or more in welfare spending as it costs in tax revenues, there should be no question about its renewal. Congress should not only extend the Targeted Jobs Tax Credit program but should also increase the credit and broaden the definition of those who qualify for its help, as its advocates are urging.

By Mr. KENNEDY:

S. 1613. A bill to amend title XVIII of the Social Security Act to provide for greater equity in the medicare program: to the Committee on Finance.

S. 1614. A bill to amend title XVIII of the Social Security Act with respect to payment reform under that title, and for other purposes; to the Committee on Finance.

S. 1615. A bill to amend the Public Health Service Act to permit continuation of health benefits coverage for certain uninsured individuals, to provide incentives for the establishement of statewide insurance pools, to prohibit hospitals from refusing to examine or provide appropriate treatment to stabilize patients in medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH CARE LEGISLATION

● Mr. KENNEDY. Mr. President, I rise to offer three bills designed to begin to deal with the most pressing health needs of the American people. This legislation was developed jointly with Congressman PETE STARK of California, who is introducing companion legislation in the House of Representatives. I would also like to thank Congresswoman KENNELLY for her contribution to this legislation.

Our proposal was divided into three bills for jurisdictional reasons. S. 1613 and S. 1614 propose reforms to the Medicare Program; S. 1615 amends the Public Health Service Act. But all three bills address related problems.

We are introducing this legislation because the crisis in health care the American people confront today demands immediate action.

You do not need an electrocardiogram or even a stethescope to confirm that this crisis exists. Whether the issue is availability of health insurance, denial of needed care, or excessive cost, the condition of the patient is clear: serious, deteriorating, and potentially critical.

I recognize the vital importance of deficit reduction. So the proposals I am advancing today will not mean major new commitments of Federal resources, but they will mean major improvements in health for the American people.

My proposal is directed at several key problems:

The increasing number of Americans without any health insurance;

The decreasing willingness of our Nation's hospitals to provide care to those who cannot pay;

The ever growing burden of health care costs for our Nation's elderly; and

Continued waste in Medicare payments to for profit hospitals and physicians.

Since 1977, the number of Americans without any health insurance coverage has increased a whopping 40 percent, from 25 million people to 35 million people.

At the same time that the number of Americans without health insurance is climbing, the traditional commitment of our country's voluntary hospitals to provide charity care is eroding. According to the American Hospital Association, one in every seven community hospitals adopted explicit limits on charity care in 1982 and 1983 alone.

In every region of the country, public hospitals are reporting four and fivefold increases in economic transfers—a euphemism for turning the needy away. And in Tennessee, in California, in South Carolina, in Alabama, in Arizona, and all across our country emergency patients are being killed or crippled because they cannot find a hospital that will take them in.

Indeed, a recent survey funded by the Robert Woods Johnson Foundation found that 1 million Americans every year are denied medical care because they cannot afford to pay for it. And 5 million Americans do not even seek the health care they need because they know they cannot pay.

We can no longer allow the American people's access to the health care they need to continue to deteriorate.

The elderly are one of the groups that suffer most from the high cost of health care and gaps in health insurance coverage—because they need so much more health care than other members of our population. Reagan benefit cuts and premium increases already enacted will take $11.5 billion from the elderly over the next 5 years. The budget package enacted by the Senate will take another $9.6 billion over the same period if it becomes law. Today, our elderly and disabled Medicare beneficiaries have to pay more than $1 in every $7 of their limited incomes to purchase health care—the same unacceptably high percentage they paid in the dark days before Medicare.

I am pledged to continue to fight the unfair beneficiary cuts proposed by the Republican budget, but it is not enough to try to prevent the Reagan administration from making the elderly's situation even worse. We must take positive steps to address the problems that already exist.

Solving the overall financial problems the high cost of health care poses for the elderly will require more sweeping reforms than are possible in this Congress. But we can make a significant start in this Congress by ensuring that the elderly do not have to pay the price of Medicare reimbursement reforms already enacted. In particular, we can put the calculation of the Medicare hospital deductible and the nursing home copayment on a fairer basis.

Every time a senior citizen enters the hospital, he must pay the deductible. And because the increase in the deductible is calculated based on payment methods Medicare no longer uses, it will increase an outrageous $76 next year, to a staggering $476. And the nursing copayment, which is now $50 a day will increase proportionately.

This 20-percent increase will occur even though the Reagan budget proposes no increase at all in the amount Medicare will pay for a hospital admission.

I say it is unfair for the Government to reap all the savings from prospective payment while Medicare beneficiaries experience only additional costs.

For too long, Medicare has been oriented to providing care only after our senior citizens become sick rather than investing in the preventive care that can keep them well. I believe it is good for beneficiaries and cost-effective for the country to make a modest investment in health to offset the billions we spend on sickness.

At the same time that Medicare beneficiaries are asked to pay far too much for the health care they need and the Reagan administration proposes further draconian cuts in benefits and increases in premiums, the Federal Government still tolerates excessive payments to certain providers. For profit hospitals are still paid an unjustified, $200 million per year bonus called return on equity. Under the administration's budget, Medicare payments to physicians will increase over 12 percent next year, three times as much as the Consumer Price Index, and almost four times as much as payments to hospitals.

The time is now to abolish unjustified bonuses to for-profit hospitals and to lay the groundwork for reforms of physician payments that could save the taxpayers billions of dollars every year.

To respond to these major health problems—the increase in the number of people without health insurance coverage, the decline in charity care, the excessive out of pocket costs faced by Medicare beneficiaries, and the continued wasteful payment by Medicare for some health services—the legislation I am presenting today includes the following steps.

HEALTH INSURANCE COVERAGE

In the area of expanded health insurance coverage, this legislation will require employers to allow laid-off workers to purchase health insurance coverage at lower group rates and to allow open enrollment in family plan health insurance coverage when one member of a family with two workers loses a job and health insurance coverage. Approximately 4 million Americans could potentially benefit from these two provisions.

The legislation will also offer widows, divorcees, and their children the opportunity to continue in employment based health insurance plans for up to 5 years if they are able to pay the premium. There are approximately 5 million Americans who have lost health insurance coverage as a result of divorce or death in the family.

States would be encouraged to set up subsidized group insurance pools for those who do not have access to group health plans and are prevented from purchasing individual health insurance coverage at an affordable price because of preexisting conditions. A few States already have such plans; all States should establish them.

Finally, this legislation will establish a research and demonstration program to develop methods of reducing the cost of health insurance to small employers. Small employers are far less likely to offer health insurance to their employees than larger employers, and even when they do, their employees are unlikely to participate.

The average cost of health insurance in small firms is 40-percent higher than in large firms—an annual premium difference that can add up to a cost of from $950 to $2,400 for family coverage. The bulk of this differential is in higher marketing and administrative costs, and ways to bring this differential down must be developed.

CHARITY CARE

To deal with the problem of charity and emergency care for those without insurance, this legislation will establish a Federal antidumping statute with clear standards for appropriate care and stiff penalties for violation. When one of our citizens arrives at a hospital emergency room with a potentially life-threatening illness or injury he deserves a checkup and treatment, not a credit check and a trip down the road.

This legislation will mandate the Secretary of HHS adjust Medicare payment rates to fairly pay the higher Medicare costs incurred by hospitals that take responsibility for caring for the poor.

And it will require the Secretary of HHS to study and report to the Congress on the adjustments in reimbursements needed to reflect the higher wage costs experienced by inner-city and some rural hospitals that carry heavy charity care loads.

MEDICARE BENEFICIARY COSTS

This legislation will establish a new, fairer basis for calculating the annual increase in the hospital deductible Medicare beneficiaries must pay when they enter the hospital. Under this legislation, the hospital deductible will increase at the same rate as Medicare's payment for a hospital admission and course of treatment, so that our senior citizens share in the economies of prospective payment rather than bearing additional costs. The legislation will lower the nursing home copayment. And it will establish a new demonstration program of prevention centers for our senior citizens to be funded out of the Medicare trust fund.

MEDICARE REIMBURSEMENT REFORMS

To assure that Medicare does not continue to waste money on excessive payments to health care providers, this legislation will abolish the current $200 million per year return on equity subsidy to for-profit hospitals. It will establish a Physician's Payment Commission to study all of the questions surrounding physician reimbursement and to publish, on an expedited basis, a relative value schedule which will provide a basis for a fairer, more cost-effective, reimbursement system of physicians. And it will require the Secretary of HHS to begin to demonstrate a system of paying physicians for inpatient services on the same prospec-

tive basis that has been so effective in reducing Medicare's hospital costs. Were such a program in effect today, the Government could save as much as $3 billion over the next 3 years.

CONCLUSION

The legislation I am offering today is a long way from a solution to these extremely important problems. Rather, it is a first step—and a fairly small first step at that. But first steps are important—particularly when the country has been walking backward for the last 5 years.

For too long, the health agenda of the U.S. Congress has been dominated by the narrow, short-sighted, ideological, and mean-spirited agenda of the Reagan administration. I hope that the Senate, by prompt action on this legislation, will serve notice that it is time for a change.

Deficit reduction is vital, but it is not the only objective of the American people and their Government. This year, we intend to show that it is possible to enact a health program that will cut health spending where it needs to be cut, but will also begin the process of healing the grave illnesses that afflict the American health care system.

I call on my colleagues in Congress and the American people to join us in this urgent task.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Miscellaneous Amendments of 1985".

SEC. 2. CHANGE IN DEDUCTIBLE AND COINSURANCE FOR INPATIENT HOSPITAL SERVICES AND FOR POST-HOSPITAL EXTENDED CARE SERVICES.

(a) CHANGE IN PART A HOSPITAL DEDUCTIBLE.—Section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)) is amended—

(1) by amending the second sentence to read as follows: "Such inpatient hospital deductible shall be equal to the inpatient hospital deductible promulgated for the previous calendar year subject to the same percentage change as the percentage change determined by the Secretary under section 1886(e)(4) (relating to changes in the DRG prospective payment rates) for hospital discharges occurring in the fiscal year that begins in that previous calendar year.", and

(2) by striking out the fourth sentence.

(b) CHANGE IN PART A COINSURANCE FOR POST-HOSPITAL EXTENDED CARE SERVICES.—Section 1813 of such Act is amended—

(1) in subsection (a)(3), by striking out "one-eighth of the inpatient hospital deductible" and inserting in lieu thereof "the extended care coinsurance amount", and

(2) by adding at the end of subsection (b) the following new paragraph:

"(3) The extended care coinsurance amount which shall be applicable for the purposes of subsection (a)(3) for a year is one-twelfth of the inpatient hospital deductible for the year. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1 (or, if it is midway between multiples of $1, to the higher multiple of $1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning with 1986.

SEC. 3. STUDY OF METHODOLOGY FOR AREA WAGE ADJUSTMENT FOR CENTRAL CITIES AND RURAL AREAS.

(a) REQUIREMENT.—The Secretary of Health and Human Services, in consultation with the Prospective Payment Assessment Commission, shall collect information and shall develop one or more methodologies to permit the adjustment of the wage indices used for purposes of section 1886(d)(3)(E) of the Social Security Act, in order to more accurately reflect hospital labor markets, by taking into account variations in wages and wage-related costs—

(1) between the central city portion of urban areas and other parts of urban areas, and

(2) among different rural areas within a State.

(b) REPORT TO CONGRESS.—The Secretary shall report to Congress on the information collected and the methodologies developed under subsection (a) not later than May 1, 1986. The report shall include a recommendation as to the feasibility and desirability of implementing such methodologies.

SEC. 4. DEMONSTRATION PROJECTS FOR PAYMENT FOR INPATIENT SERVICES OF PHYSICIANS ON THE BASIS OF DIAGNOSIS-RELATED GROUPS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Prospective Payment Assessment Commission (established under section 1886(e) of the Social Security Act) shall conduct demonstration projects in accordance with this section on the feasibility of making payments under title XVIII of the Social Security Act for physicians' services furnished to individuals receiving inpatient hospital services from subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act) on the basis of the classification of discharges by diagnosis-related groups established under section 1886(d)(4) of that Act.

(b) CONDUCT OF DEMONSTRATIONS.—(1) The demonstration projects shall be conducted at a variety of types of hospitals, including hospitals located in rural and urban areas, teaching and non-teaching hospitals, and public hospitals, and hospitals with different types of medical staff arrangements.

(2) The demonstration projects shall include projects to demonstrate—

(A) payment under part B of title XVIII of the Social Security Act, and

(B) a combined payment, to a hospital or to appropriate physician group, including both amounts payable under part A as well as amounts payable under part B.

(3) The demonstration projects shall include projects that test the desirability of providing payment based on all the classifications of discharges, as well as only selected classifications.

(4) The demonstration projects shall be designed in a manner to assure that individuals entitled to benefits under title XVIII are not required to pay more for the receipt of health care services than would be the case if the projects were not in operation.

(5) The Secretary shall provide under the demonstration projects for payment of amounts that exceed the amounts otherwise payable under title XVIII of the Social Security Act if the Secretary determines that such increased payments are necessary in order to induce hospital and physician participation in a demonstration project.

(d) TIMETABLE FOR AND REPORT ON PROJECTS.—(1) The Secretary shall first provide for the establishment of demonstration projects not later than July 1, 1986.

(2) The Secretary shall make an interim report to Congress on the demonstration projects conducted under this section not later than January 1, 1988.

(3) The Secretary shall make a final report to Congress on the demonstration projects conducted under this section not later than July 1, 1989.

(e) FUNDING.—There are transferred to the Secretary in appropriate proportions from the Federal Hospital Insurance Trust Fund (established under section 1817 of the Social Security Act) and from the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of that Act) such sums as the Secretary determines to be appropriate to carry out this section. Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of title XVIII of the Social Security Act to the extent consistent with this section and for the period the Secretary finds necessary for the conduct of the demonstration program.

S. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Budget Reconciliation Amendments of 1985".

SEC. 2. COMPUTATION OF ADDITIONAL PAYMENT AMOUNTS FOR HOSPITALS SERVING A DISPROPORTIONATE SHARE OF LOW-INCOME PATIENTS.

(a) REQUIRING ADJUSTMENT.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraph:

"(F)(i) The Secretary shall provide under this subparagraph, for discharges occurring during fiscal years 1986 and 1987, for an additional payment amount, for discharges occurring in a cost reporting period of a hospital, for a subsection (d) hospital that is located in an urban area, that has 100 or more beds, and that—

"(I) serves a significantly disproportionate number of patients who have low income (as defined in clause (iv)(I)), or

"(II) can demonstrate that its net inpatient care revenues (excluding any of such revenues attributable to this title or State plans approved under title (XIX) during the cost reporting period for indigent care from State and local government sources exceed 30 percent of its total of such revenues during the period.

"(ii) The amount of such payment for each discharge shall be the amount determined under paragraph (1)(A)(ii)(II) (or, of applicable, the amount determined under paragraph (1)(A)(iii)) for that discharge multiplied by the disproportionate share ad-

justment percentage established under clause (iii) for the cost reporting period in which the discharge occurs.

"(iii) The disproportionate share adjustment percentage for a cost reporting period—

"(I) for a hospital described in clause (i)(II) is equal to 16 percent, and

"(II) for other hospitals is equal to seven-tenths of the excess low income patient percentage (as defined in clause (iv)(IV)) for that period,

but in no case may the percentage for any hospital for any period exceed 16 percent.

"(iv) In this subparagraph:

"(I) A hospital 'serves a significantly disproportionate number of patients who have low income' for a cost reporting period if the hospital has a low income patient percentage (as defined in subclause (II)) for that period which equals, or exceeds 15 percent.

"(II) The term 'low income patient percentage' means, with respect to a cost reporting period of a hospital, the percentage of its total number of patient days of inpatient hospital services it provided during period which are attributable to low income patients (as defined in subclause (III)).

"(III) The term 'low income patient' means, with respect to inpatient hospital services provided to a patient, a patient who was, or is determined to have been, entitled to medical assistance under title XIX with respect to some or all of such services during the hospital stay, and includes such an individual notwithstanding the fact that some or all of such services were actually paid for under this title.

"(IV) The term 'excess low income patient percentage' means, for a cost reporting of a hospital, the hospital's low income patient percentage (as defined in subclause (II)) for that period minus 15 percent.".

(b) RESTANDARDIZING DRG PAYMENT AMOUNTS TO REFLECT DISPROPORTIONATE SHARE PAYMENTS.—Section 1886(d)(2)(C) of such Act is amended—

(1) by striking out "and" at the end of clause (ii),

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof ", and", and

(3) by adding at the end the following new clause:

"(iv) for discharges occurring during fiscal years 1986 and 1987, excluding an estimate of the additional payments to certain hospitals to be made under paragraph (5)(F).".

SEC. 3. RETURN ON EQUITY CAPITAL FOR INPATIENT HOSPITAL SERVICES AND OTHER SERVICES.

(a) INPATIENT HOSPITAL SERVICES.—(1) Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

"(P) Such regulations may not provide for any payment, with respect to the reasonable costs of inpatient hospital services, for a return on equity capital for hospitals.".

(2) Section 1886(g) of such Act (42 U.S.C. 1395ww(g)) is amended—

(A) by striking out "(1)" after "(g)", and

(B) by striking out paragraph (2).

(b) OTHER SERVICES.—(1) Section 1861(v)(1)(P) of such Act, as added by subsection (a)(1), is amended by inserting "(i)" after "(P)" and by adding at the end the following new clause:

"(ii) If such regulations provide for the payment for a return on equity capital, the rate of return to be recognized, for determining the reasonable cost of services furnished in a cost reporting period, shall be equal to the average of the rates of interest, for each of the months any part of which is included in the period, on obligations issued for purchase by the Federal Hospital Insurance Trust Fund.".

(2) Section 1861(v)(1)(B) of such Act (42 U.S.C. 1395x(v)(1)(B)) is amended—

(A) by striking out "any fiscal period" and "such fiscal period" and inserting in lieu thereof, "any cost reporting period" and "the period", respectively, and

(B) by striking out "not exceed one and one-half times" in the second sentence and inserting in lieu thereof "be equal to".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply to payments made, on the basis of reasonable cost, for hospital cost reporting periods beginning on or after October 1, 1986. Costs attributable to a return on equity capital shall not be included in determining national and regional adjusted DRG prospective payment rates (under section 1886(d) of the Social Security Act) for discharges occurring on or after October 1, 1986.

(2) The amendments made by subsection (b) shall apply to cost reporting periods beginning on or after October 1, 1985.

SEC. 4. EXPANSION OF MEMBERSHIP AND DUTIES OF THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION TO INCLUDE REVIEW OF PAYMENTS FOR PHYSICIANS' SERVICES.

(a) EXPANSION AND ESTABLISHMENT OF SUBCOMMITTEES.—

(1) IN GENERAL.—Section 1886(e)(6) of the Social Security Act (42 U.S.C. 1395ww(e)(6) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A)(i) The Commission shall consist of 23 members. Fifteen members of the Commission shall first be appointed no later than April 1, 1984, and the remaining members shall first be appointed no later than January 1, 1986, for a term of three years, except that the Director may provide for such shorter terms as will insure that (on a continuing basis) the terms of no more than eight members expire in any one year. The Director shall appoint a member to serve as Chairman.

"(ii) The Chairman of the Commission shall provide for two subcommittees of the Commission, one with functions and responsibilities relating primarily to hospital payment issues and the other with functions and responsibilities relating primarily to physician payment issues. The Chairman may assign members of the Commission to serve on either or both subcommittees of the Commission."; and

(B) in subparagraph (B), by inserting "representatives of consumer and elderly groups," after "third party payors,".

(2) INITIAL ASSIGNMENT OF MEMBERS TO SUBCOMMITTEES.—The Chairman of the Commission shall initially assign—

(A) to serve on the hospital payment subcommittee of the Commission—

(i) all the members of the Commission serving in positions established before the date of the enactment of this Act, and

(ii) two of the members appointed to the Commission for additional positions established by the amendment made by paragraph (1), and

(B) to serve on the physician payment subcommittee of the Commission the six remaining members of the Commission who are appointed to serve in the additional positions so established.

(b) ADDITIONAL FUNCTIONS RELATING TO PHYSICIANS' PAYMENTS.—Section 1886(e) of such Act is amended by adding at the end the following new paragraph:

"(7)(A) The Commission shall make recommendations to the Congress, not later than February 1 of each year (beginning with 1987), regarding adjustments to the reasonable charge levels for physicians' services recognized under section 1842(b) and changes in the methodology for determining the rates of payment, and for making payment, for physicians' services under this title and other items and services under part B.

"(B) In making its recommendations, the Commission shall—

"(i) consider, and make recommendations on the feasibility and desirability of reducing, the differences in payment amounts for physicians' services under part B which are based on differences in geographic location or specialty;

"(ii) review the input costs (including time, professional skills, and risks) associated with the provision of different physicians' services;

"(iii) identify those charges recognized as reasonable under section 1842(b) which are significantly out-of-line, based on the considerations of clauses (i) and (ii);

"(iv) assess the likely impact of different adjustments in payment rates, particularly their impact on physician participation in the participation program established under section 1842(h) and on beneficiary access to necessary physicians' services;

"(v) make recommendations on ways to increase physician participation in that participation program and the acceptance of payment under part B on an assignment-related basis;

"(vi) make recommendations respecting the advisability and feasibility of making changes in the payment system for physicians' services under part B based on (I) the Secretary's study under section 603(b)(2) of the Social Security Amendments of 1983 (relating to payments for physicians' services furnished to hospital inpatients on the basis of diagnosis-related groups) and (II) the Offices' report under section 2309 of the Deficit Reduction Act of 1984 (relating to physician reimbursement under part B);

"(vii) identify those procedures, involving the use of assistants at surgery, for which payment for those assistants should not be made under this title; and

"(viii) identify those procedures for which an opinion of a second physician should be required before payment is made under this title.

"(C) The Commission also shall advise and make recommendations to the Secretary respecting the development of the relative value scale under section 1845.".

(c) STUDY OF RELATIVE VALUE SCALE FOR PHYSICIANS' SERVICES.—Part B of title XVIII of such Act is amended by adding at the end the following new section:

"STUDY OF RELATIVE VALUE SCALE FOR PHYSICIANS' SERVICES

"SEC. 1845. (a) The Secretary shall develop a relative value scale that establishes a numerical relationship among the various physicians' services for which payment may be made under this part.

"(b) In developing the scale, the Secretary shall consider among other items—

"(1) the report of the Office of Technology Assessment under section 2309 of the Deficit Reduction Act of 1984,

"(2) the recommendations of the Prospective Payment Assessment Commission under section 1886(e)(7)(C), and

"(3) factors with respect to the input costs for furnishing particular physicians' services, such as—

"(A) the differences in costs of furnishing services in different settings,

"(B) the differences in skill levels and training required to perform the services, and

"(C) the time required, and risk involved, in furnishing different services.

"(c) The Secretary shall complete the development of the relative value scale under this section, and report to Congress on the development, not later than April 1, 1987. The report shall include recommendations for the application of the scale to the payment for physicians' services furnished under this part on or after October 1, 1987.".

(d) MODIFICATION OF FUNDING FORMULA.—Section 1886(e)(6)(I)(ii) of such Act is amended by striking out "Eighty-five" and "15" and inserting in lieu thereof "Fifty" and "50".

(e) STAFFING.—Section 1886(e)(6)(C)(i) of such Act is amended by striking out "25" and inserting in lieu thereof "35".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 5. DEMONSTRATION OF PREVENTIVE HEALTH SERVICES UNDER MEDICARE.

(a) DEMONSTRATION PROGRAM.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall establish a demonstration program designed to reduce disability and dependency through the provision of preventive health services to individuals entitled to benefits under title XVIII of the Social Security Act (hereinafter in this section referred to as "medicare beneficiaries").

(b) PREVENTIVE HEALTH SERVICES UNDER DEMONSTRATION PROGRAM.—The preventive health services to be made available under the demonstration program shall include—

(1) health screenings,

(2) health risk appraisals,

(3) immunizations, and

(4) counseling on and instruction in—

(A) diet and nutrition,

(B) reduction of stress,

(C) exercise and exercise programs,

(D) sleep regulation,

(E) injury prevention,

(F) prevention of alcohol and drug abuse,

(G) prevention of mental health disorders,

(H) self-care, including use of medication, and

(I) reduction of smoking.

(c) CONDUCT OF PROGRAM.—The demonstration program shall—

(1) be conducted under the direction of accredited public or private nonprofit schools of public health;

(2) be conducted in no fewer than five sites, which sites shall be chosen to as to be geographically diverse and shall be readily accessible to a significant number of medicare beneficiaries;

(3) involve community outreach efforts at each site to enroll the maximum number of medicare beneficiaries in the program; and

(4) be designed—

(A) to test alternative methods of payment for preventive health services; including payment on a prepayment basis as well as payment on a fee-for-service basis,

(B) to permit a variety of appropriate health care providers to furnish preventive health services, including physicians, health educators, nurses, allied health personnel, dieticians, and clinical psychologists, and

(C) to facilitate evaluation under subsection (d).

(d) EVALUATION.—The Secretary shall evaluate the demonstration project in order to determine—

(1) the short-term and long-term costs and benefits of providing preventive health services for medicare beneficiaries, including any reduction in inpatient services resulting from providing the services, and

(2) what practical financing mechanisms exist to provide payment for preventive health services under title XVIII of the Social Security Act.

(e) REPORTS TO CONGRESS.—(1) Not later than three years after the date of the enactment of this Act, the Secretary shall submit a preliminary report to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate in the progress made in the demonstration program, including a description of the sites at which the program is being conducted and the preventive health services being provided at the different sites.

(2) Not later than five years after the date of the enactment of this Act, the Secretary shall submit a final report to those Committees on the demonstration program and shall include in the report—

(A) the evaluation described in subsection (d), and

(B) recommendations for appropriate legislative changes to incorporate payment for cost-effective preventive health services into the medicare program.

(f) FUNDING.—Expenditures made for the demonstration program shall be made from the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(g) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of title XVIII of the Social Security Act to the extent and for the period the Secretary finds necessary for the conduct of the demonstration program.

S. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Improved Access Act of 1985".

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TITLE I—CONTINUATION OF HEALTH INSURANCE FOR INDIVIDUALS LOSING EMPLOYMENT-RELATED COVERAGE

SEC. 101. TEMPORARY EXTENSION OF COVERAGE AT GROUP RATES FOR LAID-OFF WORKERS AND FOR FAMILY MEMBERS OF DECEASED OR DIVORCED WORKERS; OPEN ENROLLMENT FOR SPOUSES OF UNEMPLOYED WORKERS.

(a) IN GENERAL.—The Public Health Service Act is amended by adding at the end the following new title:

"TITLE XXII—REQUIREMENTS FOR CERTAIN GROUP HEALTH INSURANCE POLICIES

"REQUIREMENT OF CONTINUATION COVERAGE AND OPEN ENROLLMENT PERIOD

"SEC. 2201. (a) In accordance with regulations which the Secretary shall prescribe—

"(1) each employer—

"(A) which is now or hereafter required during any calendar quarter to pay its employees the minimum wage prescribed by section 6 of the Fair Labor Standards Act of 1938 (or would be required to pay its employees such wage but for section 13(a) of such Act), and

"(B) which during such calendar quarter employed an average number of employees of not less than 25,

shall include in any health benefits plan, and

(2) any State and each political subdivision thereof which during any calendar quarter employed an average number of employees of not less than 25, as a condition of payment to the State of funds under section 314(d), 317, 318, 1002, 1525, or 1613, shall include in any health benefits plan,

offered to such employees in the calendar year beginning after such calendar quarter of the Secretary (i) the option of continuation coverage specified in section 2202, and (ii) the spousal open enrollment period specified in section 2203.

"(b) DEFINITION OF EMPLOYER.—For purposes of this section, the term 'employer' does not include—

"(1) the Government of the United States, the government of the District of Columbia or any territory or possession of the United States or any agency or instrumentality (including the United States Postal Service and Postal Rate Commission) of any of the foregoing, except that such term includes nonappropriated fund instrumentalities of the Government of the United States;

"(2) a church, convention or association or churches, or any organization operated, supervised or controlled by a church, convention or association of churches which organization is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954; or

"(3) a State or any political subdivision thereof, or any agency or instrumentality thereof.

"OPTION OF CONTINUATION COVERAGE

"SEC. 2202. (a) REQUIRED OPTION.—The requirement of continuation coverage referred to in clause (i) of section 2201(a) is that each covered employee or other qualified beneficiary, who would lose coverage under the health benefits plan because of a qualifying event, is given, in accordance with this section, the option of electing continuation coverage under the plan.

"(b) ELECTION.—

"(1) ELECTION PERIOD.—The option of electing continuation coverage must be offered during a period that—

"(A) begins not later than the termination date (as defined in subsection (c)(2)),

"(B) is of at least 60 days duration, and

"(C) ends not earlier than 60 days after the date the qualified beneficiary is notified under subsection (f)(4) or the termination date, whichever date is later.

"(2) EFFECT OF ELECTION ON OTHER BENEFICIARIES.—Unless otherwise specified in the election—

"(A) any such election by a covered employee shall be deemed to include an election with respect to all other qualified beneficiaries of the employee whose coverage would, but for continuation coverage provided in accordance with this section, be affected by the qualifying event; and

"(B) except as provided in subparagraph (A), any such election by an individual who is a qualified beneficiary described in subsection (g)(2)(A) shall be deemed to include an election of continuation coverage on behalf of any other qualified beneficiary (other than the covered employee) whose coverage would, but for continuation coverage provided in accordance with this section, be affected by the qualifying event.

"(c) QUALIFYING EVENT AND TERMINATION DATE.—For purposes of this section—

"(1) A qualifying event under a health benefits plan, with respect to a covered employee, is any of the following events if the coverage of a qualified beneficiary under the plan would, but for continuation coverage provided in compliance with this section, be terminated by the occurrence of the event:

"(A) The termination, or reduction of hours, of the covered employee's employment (other than for cause).

"(B) The death of the covered employee.

"(C) The divorce or separation of the covered employee from his or her spouse.

"(D) The covered employee becoming entitled to benefits under title XVIII of the Social Security Act.

"(2) The term 'termination date' means, with respect to a qualifying event, the date on which coverage of a qualified beneficiary under a group health plan would be terminated under the plan but for continuation coverage provided in compliance with this section.

"(d) TERMS OF CONTINUATION COVERAGE.—Any continuation coverage elected by or on behalf of a qualified beneficiary shall meet the following requirements:

"(1) NO REQUIREMENT OF INSURABILITY.—The coverage may not be conditioned upon, or discriminate on the basis of lack of, evidence of insurability.

"(2) CONTINUED BENEFITS.—The coverage shall consist of coverage which is identical to the coverage provided under the plan to similarly situated beneficaries under the plan with respect to whom a qualifying event has not occurred.

"(3) FAMILY OPTION.—If, at the time of the qualifying event, an individual was covered under the health benefits plan because of the individual's relationship to a covered employee and the individual is a qualified beneficiary, the option must be provided of continuing coverage of the individual.

"(4) PERIOD OF CONTINUED COVERAGE.—The coverage shall be for a period commencing upon the expiration date and ending not earlier than the earliest of the following:

"(A) ONE YEAR FOR UNEMPLOYED.—In the case of a qualifying event described in subsection (c)(1)(A) (relating to unemployment or reduction of employment), one year after the date the continued coverage begins.

"(B) FIVE YEARS FOR OTHERS.—In the case of a qualifying event not described in subsection (c)(1)(A), five years after the date the continued coverage begins.

"(C) END OF PLAN.—The date on which the employer ceases to provide any health benefits plan to employees.

"(D) FAILURE TO PAY PREMIUMS.—The date on which there is a failure in making timely payment of any premium required under the plan with respect to the qualified beneficary.

"(E) REEMPLOYMENT OR MEDICARE ELIGIBILITY.—The date on which the qualified beneficiary first becomes, after the date of the election, a covered employee under any other health benefits plan offered by an employer or becomes entitled to benefits under title XVIII of the Social Security Act.

"(F) REMARRIAGE OF SPOUSE.—In the case of a qualified beneficiary spouse described in subsection (g)(2)(A), the date on which the qualified beneficiary remarries and becomes covered under a health benefits plan as the spouse of a covered employee.

"(G) CHILD TURNING MAJORITY.—In the case of any individual who is a qualified beneficiary by reason of having been a covered dependent child of a covered employee, the date on which the individual ceases to be a covered dependent child of the qualified beneficiary.

"(5) CONVERSION OPTION.—In the case of a qualified beneficiary whose period of continued coverage expires under subparagraph (A) or (B) of paragraph (4), the plan must provide to the beneficiary, during the 180-day period ending on the date of expiration of the period of continued coverage, the option of enrollment under a conversion health plan otherwise generally available to beneficiaries under the plan.

"(e) PREMIUMS FOR CONTINUATION COVERAGE.—

"(1) AMOUNT.—The total premium charged by a health benefits plan with respect to any qualified beneficiary for continuation coverage under the plan shall not exceed the sum of employer premiums and employee premiums generally charged with respect to coverage under the plan of similarly situated beneficiaries with respect to whom a qualifying event has not occurred. The total of all premiums charged by the plan in any plan year may be based upon reasonably anticipated community costs for such plan year of the entire pool of covered employees and other beneficiaries under the plan, including qualified beneficiaries receiving continuation coverage under the plan under this section.

"(2) PAYMENTS.—The plan may provide for payment of the total premium by the qualified beneficiary receiving such coverage, or for payment of all or part of such premium by the employer or other party and payment of the remainder of such premium by such beneficiary. The plan shall provide for payment of any premium by a qualified beneficiary in monthly installments if so elected by the beneficiary. If an election is made during an election period but after the termination date, the plan shall permit payment of any premium for continuation coverage during the preceding period to be made within 45 days of the date of the election.

"(3) PREMIUM DEFINED.—As used in this subsection, the term 'premium' means any amount payable with respect to the provision of coverage under a health benefits plan.

"(f) NOTICE REQUIREMENTS.—In accordance with regulations of the Secretary—

"(1) the health benefits plan must provide, at the time of commencement of coverage under the plan, for written notice to each covered employee and spouse of the employee (if any) of the rights under this section;

"(2) the employer of a covered employee under the plan must notify the health benefits plan administrator if the employee dies;

"(3) each covered employee is responsible for notifying the health benefits plan administrator of the occurrence of any qualifying event (other than that described in subsection (c)(1)(B)) respecting that employee; and

"(4) the health benefits plan administrator must notify each qualified beneficiary, within a period of 14 days after the date the administrator is notified concerning a qualifying event affecting that beneficiary, of—

"(A) the termination date with respect to the beneficiary, and

"(B) the beneficiary's right to elect continuation coverage under this section and the election period established under subsection (b)(1) during which the beneficiary can exercise that right.

"(g) DEFINITIONS.—For purposes of this section—

"(1) COVERED EMPLOYEE.—The term 'covered employee' means an individual who is (or was) provided coverage under a health benefits plan by virtue of the individual's employment or previous employment with an employer.

"(2) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means, with respect to a covered employee under a health benefits plan, the covered individual and any other individual who, on the date before the date of a qualifying event for that employee—

"(A) is a beneficiary under the plan as the spouse of the employee and has been married to the employee for at least the immediately preceding 30-day period, or

"(B) is a beneficiary under the plan as a covered dependent child of the employee.

"(3) COVERED DEPENDENT CHILD.—The term 'covered dependent child' means, with respect to a covered employee, and individual who meets the generally applicable requirements of the plan for treatment as a dependent child covered under the plan by reason of the coverage of the employee under the plan.

"(4) GROUP HEALTH PLAN ADMINISTRATION.—The term 'health benefits plan administrator' means, in connection with a health benefits plan, any person who provides for administrative functions relating to enrollment of individuals under the plan. For purposes of this subparagraph, the term 'person' includes one or more individuals, governments or agencies of the United States or any State or political subdivision thereof, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint ventures, joint stock companies, societies, trusts, unincor-

porated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

"OPEN ENROLLMENT FOR SPOUSES OF UNEMPLOYED WORKERS

"SEC. 2203. (a) REQUIRING OPEN ENROLLMENT PERIOD.—The requirement of a spousal open enrollment period referred to in clause (ii) of section 2201(a) is that for each married employee the plan must provide for an open enrollment period (meeting the requirements of this section) for each married employee—

"(1) who is (or, but for a previous election, would be) covered under the plan, and

"(2) whose spouse loses or will lose coverage under a health benefits plan due to the spouse's separation (other than for cause) from employment.

"(b) OPEN ENROLLMENT PERIOD.—The open enrollment period must—

"(1) be a period of not less than 60 days, and

"(2) begin not earlier than 30 days before the date of the spouse's separation from employment and not later than such date, except, at the option of the employee, the period may be delayed to begin on a date not later than the date the employee's spouse actually loses coverage under a health benefits plan.

"(c) LOSS OF COVERAGE.—For purposes of this section, a spouse shall not be considered to have lost coverage during any period (after the separation from employment) in which the coverage is continued and for which a contribution toward the cost of the coverage is being made by an employer, union, or entity other than the spouse.

"(d) TERMS OF ENROLLMENT OPTION.—

"(1) NO REQUIREMENT OF INSURABILITY.—The terms of such an enrollment may not require, or discriminate on the basis of lack of, evidence of insurability.

"(2) BENEFITS AND ENROLLMENT.—Except as provided in paragraph (3), the coverage and terms of an enrollment during an open enrollment period provided under subsection (a) shall be the same as the terms (including any option for coverage of immediate family members) most recently offered with respect to the enrollment of that employee or (at the employer's option), of newly hired or other employees similarly situated.

"(3) EFFECTIVE DATE OF COVERAGE.—Except as provided in paragraph (4), the coverage provided pursuant to an individual's enrollment during an open enrollment period under this section shall be effective no later than—

"(A) the first day of the first pay period that begins more than 5 days after the date the individual enrolls, or

"(B) 30 days after the date the individual enrolls,

whichever is earlier.

"(4) IMMEDIATE COVERAGE OF ADDED FAMILY MEMBERS.—If an employee was previously covered and only exercises the option to cover immediate family members, the coverage of the immediate family members shall begin not later than the first day of the first pay period that begins after the date the individual exercises the option.".

ENFORCEMENT

"SEC. 2204. (a) CIVIL PENALTY.—Any employer (other than a State or political subdivision thereof, or any agency or instrumentality thereof) who knowingly does not comply with one or more of the requirements of this title shall be subject to a civil penalty of not more than $10,000. If such noncompliance continues, a civil penalty may be assessed and collected under this subsection for each 30-day period such noncompliance continues. Such penalty may be assessed by the Secretary and collected in a civil action brought by the United States in a United States district court.

"(b) NOTICE AND HEARING RIGHTS.—In any proceeding by the Secretary to assess a civil penalty under this section, no penalty shall be assessed until the employer charged shall have been given notice and an opportunity to present its views on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the Secretary shall consider the gravity of the noncompliance and the demonstrated good faith of the employer charged in attempting to achieve rapid compliance after notification by by the Secretary of a noncompliance.

"(c) TRIAL DE NOVO.—In any civil action brought to review the assessment of a civil penalty assessed under this section, the court shall, at the request of any party to such action, hold a trial de novo on the assessment of such civil penalty and in any civil action to collect such a civil penalty, the court shall, at the request of any party to such action, hold a trial de novo on the assessment of such civil penalty unless in a prior civil action to review the assesment of such penalty the court held a trial de novo on such assessment.

"(d) PRIVATE RIGHT OF ACTION.—Any employer (other than a State or political subdivision thereof, or any agency or instrumentality thereof) who knowingly does not comply with one or more of the requirements of this title shall be liable to individuals for damages (including health care costs incurred) resulting from the employer's failure to comply with the requirements.

"(e) ENFORCEMENT AGAINST STATES.—If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that it or any of its political subdivisions has failed to comply with one or more requirements of this title, the Secretary shall terminate payments to such State under section 314(d), 317, 318, 1002, 1525, and 1613 and notify the Governor of such State that further payments under such sections will not be made to the State until the Secretary is satisfied that there will no longer be any such failure to comply.".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 1986.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a health benefits plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 1987.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(c) NOTIFICATION TO COVERED EMPLOYEES.—At the time that the amendments made by this section apply to a health benefits plan described in section 2201 of the Public Health Service Act, the plan shall notifiy each covered employee, and spouse of the employee (if any), who is covered under the plan at that time of the continuation coverage and open enrollment period required under sections 2202 and 2203 of that Act. The notice furnished under this subsection is in lieu of notice that may otherwise be required under section 2202(f)(1) of that Act.

TITLE II—INCENTIVES FOR THE ESTABLISHMENT OF STATEWIDE INSURANCE POOLS

SEC. 201. PROVIDING FOR LARGE EMPLOYERS' PARTICIPATION IN QUALIFIED STATE POOLING ASSOCIATIONS.

(a) ADDITIONAL REQUIREMENT UNDER PUBLIC HEALTH SERVICE ACT.—Title XXII of the Public Health Service Act (as added by part A of this title) is amended as follows:

(1) In section 2201(a)—

(A) redesignate subsection (b) as subsection (c), and

(B) insert after subsection (a) the following new subsection:

"(b) PARTICIPATION IN QUALIFIED STATE POOLING ASSOCIATIONS.—

"(1) REQUIREMENT.—In accordance with regulations which the Secretary shall prescribe, in the case of each employer described in subsection (a)(1) that offers a health benefits plan, either the employer or the entity through which benefits under the plan are offered must be a member of a qualified pooling association (described in paragraph (2)) in each State in which benefits under the plan are offered as a result of employment in that State.

"(2) QUALIFIED POOLING ASSOCIATION.—In paragraph (1), the term 'qualified pooling association' means any organization which—

"(A) is a nonprofit corporation established pursuant to and regulated by State law;

"(B) permits any of the following doing business in the State to be participating members:

"(i) insurers writing expense incurred health insurance,

"(ii) hospital and medical service plan corporations,

"(iii) health maintenance organizations, and

"(iv) employers and other health financing entities;

"(C) makes available (without regard to health conditions) to all residents of the State, who are not eligible for benefits under part A of title XVIII of the Social Security, levels of health insurance typical of the levels of coverage provided through large employer groups;

"(D) charges a pool premium rate expected to be self-supporting based upon a reasonable actuarial determination of anticipated experience and expected expenses, such pool premium rate in no event to exceed 150 percent of average premium rates for individual standard risks in the State for comparable coverage; and

"(E) assesses losses of the pool equitably among all participating members.".

(2) In section 2204(a), insert before the period at the end of the first sentence the following: "(or, in the case of a failure to comply with a requirement of section 2201(b), a civil penalty of not more than 10 percent of the amount of an employer's expenditures for plans which do not comply with that requirement)".

(b) EFFECTIVE DATE.—This amendments made by this section take effect on January 1, 1987.

TITLE III—PROHIBITING REFUSAL OF EXAMINATION OR APPROPRIATE CARE TO STABILIZE PATIENTS IN MEDICAL EMERGENCIES

SEC. 301. RESPONSIBILITIES OF HOSPITALS IN EMERGENCY CASES.

(a) MEDICAL SCREENING REQUIREMENT.—In the case of a hospital (as defined in subsection (e)(3)) that has a hospital emergency department, if any individual comes to the emergency department and a request is made on the individual's behalf for examination or treatment for a medical condition, the hospital must provide for an appropriate medical screening examination to determine whether or not an emergency medical condition (within the meaning of subsection (e)(1)) exists or to determine if the individual is in active labor (within the meaning of subsection (e)(2)).

(b) NECESSARY STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND ACTIVE LABOR.—If any individual comes to the hospital and the individual is determined (through the screening described in subsection (a) or otherwise) by qualified medical personnel to have an emergency medical condition or to be in active labor, the hospital must provide either—

(1) within the staff and facilities available at the hospital, for such further medical examination and such treatment as may be required to stabilize the medical condition or to provide for treatment of the labor, unless the examination or treatment is refused, or

(2) for transfer of the patient to another medical facility in accordance with subsection (c).

(c) RESTRICTING TRANSFERS UNTIL PATIENT STABILIZED.—

(1) RULE.—If a patient at a hospital has an emergency medical condition which has not been stabilized (within the meaning of subsection (e)(4)(B)) or is in active labor, the hospital may not transfer the patient unless—

(A) there has been a written determination by a physician (within the meaning of section 1861(r)(1) of the Social Security Act) that, based upon the reasonable risks and benefits to the patient, and based upon the information available at the time, the benefits obtained from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual's medical condition from effecting the transfer, and

(B) the transfer is an appropriate transfer (within the meaning of paragraph (2)) to that facility.

(2) APPROPRIATE TRANSFER.—An appropriate transfer to a medical facility is a transfer—

(A) in which the receiving facility—

(i) has available space and qualified personnel for the treatment of the patient,

(ii) has agreed to accept transfer of the patient and to provide appropriate medical treatment, and

(iii) is being provided appropriate medical records (or copies thereof) of the examination and treatment effected at the transferring facility;

(B) in which the transfer is effected through qualified personnel and transportation equipment, including the use of medically appropriate life support measures during the transfer; and

(C) which meets such other requirements as the Secretary may find necessary in the interest of the health and safety of patients transferred.

(d) ENFORCEMENT.—

(1) AS CONDITION OF MEDICARE PROVIDER AGREEMENT.—Failure of a hospital to meet the requirements of this section subjects the hospital to termination of its medicare provider agreement under title XVIII of the Social Security Act, in accordance with section 1866(b) of that Act.

(2) CIVIL MONETARY PENALTIES.—In addition to the other grounds for imposition of a civil money penalty under section 1128A(a) of the Social Security Act, a hospital that has entered into a participation agreement under section 1866 of that Act that knowingly violates a requirement of this section is subject, under that section 1128(a) of that Act to a civil money penalty of not more than $25,000 for each such violation.

(3) CIVIL ENFORCEMENT.—Any person that is adversely affected directly by a hospital's violation of a requirement of this section may bring an appropriate action, in an appropriate court of general jurisdiction of the State in which the hospital is located or in the appropriate Federal district court, for damages to the person arising from the violation and for such other equitable relief as may be appropriate to remedy the violation or deter subsequent violations.

(4) CRIMINAL PENALTIES.—

(A) IN GENERAL.—A responsible physician (as defined in subparagraph (B)) who—

(i) has professional responsibilities for the provision of a screening examination of a patient in the hospital's emergency department and either (I) knowingly fails to provide for any screening examination required under subsection (a) if the failure represents a gross deviation from the prevailing local standards of medical practice, or (II) provides for such a screening examination which is conducted in a manner that is so inappropriate as to represent a gross deviation from the prevailing local standards of medical practice, or

(ii) has professional responsibilities for the treatment of a patient, knows (or has reason to know) that the patient has an emergency medical condition or is in active labor, and who, within the staff and facilities available at the hospital, either (I) knowingly fails to carry out the individual's responsibilities to provide for treatment of the patient under subsection (b) if the failure represents a gross deviation from the prevailing local standards of medical practice, or (II) provides for such treatment in a manner that is so inappropriate as to represent a gross deviation from the prevailing local standards of medical practice, or

(iii) has professional responsibilities for the treatment of a patient, knows (or has reason to know) that either the patient has an emergency medical condition which has not been stabilized or the patient is in active labor, and either—

(I) knowingly transfers (or orders the transfer of) the patient other than to another medical facility, or

(II) knowingly transfers (or orders the transfer of) the patient to another medical facility, if the physician knows (or has reason to know) that the other facility does not have space available for the treatment of the patient and has not agreed to accept the patient.

shall be fined not more than $100,000 or imprisoned not more than one year, or both; except that, if, as a direct result of the violation of this paragraph, the patient dies, the physician shall be fined not more than $250,000 or imprisoned not more than five years, or both.

(B) RESPONSIBLE PHYSICIAN DEFINED.—As used in subparagraph (A), the term "responsible physician" means, with respect to a patient, a physician who—

(i) is employed by, or under contract with, a hospital, and

(ii) acting as such an employee or under such a contract, has professional responsibilities for the provision of examinations or treatments for the patient or tranfers of the patient.

(e) DEFINITIONS.—In this section:

(1) The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—

(A) placing the patient's health in serious jeopardy,

(B) serious impairment to bodily functions, or

(C) serious dysfunction of any bodily organ or part.

(2) The term "active labor" means labor at a time at which—

(A) delivery is imminent,

(B) there is inadequate time to effect safe transfer to another hospital, or

(C) a transfer may pose a threat of the health and safety of the patient or the unborn child.

(3) The term "hospital" includes only a hospital that receives Federal financial assistance (including payments under title XVIII of the Social Security Act).

(4)(A) The term "to stabilize" means, with respect to a medical condition, to provide such medical treatment of the condition as may be necesary to assure that no material deterioration of the condition is likely to result from the transfer of the individual from a facility.

(B) The term "stabilized" means, with respect to a medical condition, that no material deterioration of the condition is likely to result from the transfer of the individual from a facility.

(5) The term "transfer" means the movement (including the discharge) of a patient outside a hospital's facilities at the direction of any person employed by (or affiliated or associated, directly or indirectly, with) the hospital, but does not include such a movement of a patient who (A) has been declared dead, or (B) leaves the facility without the permission of any such person.

(f) PREEMPTION.—The provisions of this section do not preempt any State or local law requirement respecting hospitals, except to the extent that the requirement directly conflicts with a requirement of this section.

(g) EFFECTIVE DATE.—This section shall apply to individuals who come to hospitals on or after October 1, 1985.

TITLE IV—DEMONSTRATION PROJECTS ON IMPROVING ACCESS TO HEALTH INSURANCE FOR SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS

SEC. 401. IMPROVING ACCESS TO HEALTH INSURANCE FOR SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS.

(a) STUDIES AND DEMONSTRATION PROJECTS.—The Secretary of Health and Human Services shall provide for the conduct of studies and demonstration projects on ways to reduce the costs for small employers and self-employed individuals in obtaining health insurance. In particular the Secretary shall examine, demonstrate, and evaluate how savings in marketing and administrative costs can be achieved through the use of—

(1) standardized policy packages,
(2) State arrangements for the pooling of health insurance,
(3) State or Federal reinsurance of group health contracts,
(4) contracts with banks to offer such insurance to depositors or other groups,
(5) contracts with medicare carriers,
(6) contracts or grants to Chambers of Commerce or similar groups representing business, and
(7) other innovative means.

(b) REPORT.—The Secretary shall report to Congress on the results of the studies and demonstration projects not later than January 1, 1988.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 1986) such sums as may be appropriate to carry out this section.

By Mr. McCLURE (by request):

S.J. Res. 192. Joint resolution to authorize financial assistance for the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

● Mr. McCLURE. Mr. President, at the request of the Department of the Interior, I send to the desk for appropriate reference a joint resolution to authorize financial assistance for the Northern Mariana Islands, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Assistant Secretary for Territorial and International Affairs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 94-241 (97 Stat. 1461) is amended—

(1) in Section 703, subsection (a), after the words "Section 702" add the words "and Section 705";

(2) in Section 704, subsections (a), (b) and (d), after the words "Section 702" add the words "and Section 705";

(3) in Section 704, delete subsection (c), and redesignate subsection (d) as subsection (c);

(4) after Section 704 add a new Section 705, as follows:

"Section 705. Enactment of this section by the United States Congress and approval by the President shall constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for the appropriation, of $228 million at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in Section 702, which assistance shall be provided according to the Agreement of the Special Representatives on Future United States Financial Assistance for the Government of the Northern Mariana Islands, executed July 19, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than a ⅜ share of annualized capital improvement project funds, which shall be no less than 80% of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the special representatives."; and

(5) In Section 1003, subsection (b), delete "Article VII" and insert in lieu thereof "701-704"; redesignate subsection (c) as subsection (d); and add a new subsection (c) as follows:

"(c) Section 705 will become effective on October 1, 1985.".

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 29, 1985.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed are the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands, and draft joint resolution "To authorize financial assistance for the Northern Mariana Islands."

We recommend that the joint resolution be referred to the appropriate committee for consideration, and that it be enacted.

Section 902 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by the Congress in Public Law 94-241, provides that the President, and Governor of the Northern Mariana Islands shall appoint special representatives for the Northern Mariana Islands. President Ronald W. Reagan and Governor Pedro P. Tenorio, respectively, appointed the special representatives. On July 10, 1985, in Saipan, Northern Mariana Islands, the special representatives signed the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands (hereinafter referred to as "agreement").

At such time as the recommended legislation is enacted by the Congress, the agreement will provide the framework for United States financial assistance for the Northern Mariana Islands for a second seven-year period, fiscal years 1986 through 1992. The United States full faith and credit guarantee would continue to be applicable under the agreement to the negotiated $228 million in United States funding over the seven-year period. This funding includes $126 million for capital development, $100.5 million for government operations, and $1.5 million for hospital start-up costs and pension planning. The government operations portion of the funds is conditioned on the Northern Mariana Islands meeting a series of performance standards.

The agreement in other respects, is a departure from past practice. The first seven-year period saw funding, indexed to 1975 prices, with no strings attached for operations, the economic development loan fund, or construction.

The new agreement provides a schedule of annual financing based on the principles of:

Priority for capital and economic development (with augmenting private bonding) over government operations,

Reduction in government operations by at least $1 million a year,

Continuation of Northern Mariana Islands' independent and autonomous regulatory authorities governing utilities, borrowing and economic development, which will put utilities on a full user-fee/pay-as-you-go basis within three years,

Planning for full funding of the government's pension system by the end of the agreement's seven-year period, and

Privatization.

The agreement includes standards to ensure performance under the above principles in addition to calling for Federal technical assistance, biennial meetings to assess progress under the agreement, and annual reports to the Congress. Should performance be found lacking the Secretary of the Interior would be authorized to propose deferral of the Northern Mariana Islands government operations funds.

Also understood by the special representatives are the facts that indexing would no longer be applicable to Northern Mariana Islands funds, and that legislature expenses would be reduced according to public law enacted by the Northern Mariana Islands legislature.

The agreement does not change the amount requested for fiscal year 1986 for the Northern Mariana Islands by the Department of the Interior—$27,726,000. Appropriations language in current appropriations bills, therefore, is not affected by the agreement. Enactment of the attached joint resolution, however, is vital for fulfillment of the agreement and its requirements. With agreement emphasis on capital development, and reduced and efficient government administration, we strongly urge early action by the Congress.

The Office of Management and Budget has advised that enactment of this draft joint resolution would be in accord with the program of the President.

Sincerely,

RICHARD MONTOYA,
Assistant Secretary.

AGREEMENT OF THE SPECIAL REPRESENTATIVES ON FUTURE UNITED STATES FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

Whereas, under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant) the peoples of the Northern Mariana Islands and the United States of America desire to improve their mutually beneficial relationship, and to develop the economic resources referenced in Section 701 needed to meet the financial responsibilities of local self-government in the Northern Mariana Islands; and

Whereas, the guaranteed annual levels of direct grant assistance will expire at the end of fiscal year 1985; and

Whereas, Section 704(d) of the Covenant provides that the Congress may appropriate different amounts at the end of the seven-year period of guaranteed annual direct grant assistance provided by Section 702 of the Covenant; and

Whereas, the Covenant provides for the appointment of special representatives of the two governments to consider and make recommendations regarding future multi-year financial assistance to the Government of the Northern Mariana Islands; and

Whereas, President Ronald Reagan and Governor Pedro P. Tenorio appointed such special representatives who have considered such United States future financial assistance;

Now, therefore, we, Richard T. Montoya, special representative for the President of the United States, and Pedro A. Tenorio, Benjamin T. Manglona, Gregorio C. Sablan, and Ignacio K. Quichocho, special representatives of the Governor of the Northern Mariana Islands, agree as follows:

PART I. POLICY STATEMENT

The Government of the United States and the Government of the Northern Mariana Islands mutually agree that the people of the Northern Mariana Islands will be best served by promoting economic development, lessening dependence on Federal financial assistance for government operations, and reducing the size of government, including the executive and legislative branches. Priority shall be given to maximizing capital development through the use of public and private financing techniques. The Government of the United States recognizes recent significant efforts and the future commitment on the part of the Government of the Northern Mariana Islands to achieve these objectives.

This document affirms the mutual commitment of the Government of the United States and the Government of the Northern Mariana Islands to these goals.

PART II. FUNDING

1. Full Faith and Credit. After approval of this Agreement by the Congress and the President of the United States, payments under this second multi-year financial assistance agreement shall be accorded the full faith and credit of the United States, except that the full faith and credit for the payment of government operations funds shall be subject to the performance standards (paragraph 4 of this Part) and settlement of disputes provisions (paragraph 2 of Part III) contained in this agreement.

2. Schedule of Payments. The Government of the United States shall provide the Government of the Northern Mariana Islands $228 million over a seven-year period, beginning October 1, 1985, and ending September 30, 1992, to be appropriated according to the following schedule:

	Capital development	Government operations	Special programs	Total
Fiscal year:				
1986	$8,466,000	$17,760,000	$1,500,000	$27,726,000
1987	18,294,000	17,050,000	.....	35,344,000
1988	18,000,000	16,360,000	.....	34,360,000
1989	25,150,000	15,000,000	.....	40,150,000
1990	20,850,000	13,000,000	.....	33,850,000
1991	17,850,000	11,000,000	.....	28,850,000
1992	17,390,000	10,330,000	.....	27,720,000
Totals	126,000,000	100,500,000	1,500,000	228,000,000

When appropriated, funds shall be granted annually by the Department of the Interior according to such regulations as are applicable to such grants. All previous funds granted under Section 702 of the Covenant remain subject to the provisions and restrictions under which they were granted.

3. Capital Development.

(a) The Government of the Northern Mariana Islands shall develop a seven-year strategic plan for capital improvement projects and economic development activities. At a minimum, eighty percent of the annual capital development funds identified in the schedule of payments (paragraph 2 of this Part) shall be obligated and expended in accordance with such plan that shall provide for essential infrastructure through capital improvement projects in the areas of power, water, sewers, roads, schools, ports and harbors, and public facilities. The balance, not to exceed a maximum of twenty percent of such annual capital development funds, shall be obligated and expended in accordance with the provisions of such plan that shall provide for economic development activities. Such plan and amendments thereto shall be submitted in accordance with Northern Mariana Islands law and mutually agreed upon by the Government of the Northern Mariana Islands and the Secretary of the Interior, or his designee. The plan shall be project specific with sufficient detail to perform cost/benefit analyses and develop financing strategies and alternatives. The Government of the Northern Mariana Islands shall establish a revolving fund, into which repayments of principal and interest from revenue-producing projects shall be deposited for financing of additional revenue-producing capital development projects. Interest earned on capital development funds before such funds are expended shall be treated as capital development funds; interest earned on moneys in the revolving fund shall become part of the revolving fund.

(b) The payment of federally appropriated funds, backed by the full faith and credit of the United States, may be applied or directed by the Government of the Northern Mariana Islands but such an application or direction by the Government of the Northern Mariana Islands shall not be a guarantee of payment by the United States, either directly or indirectly) for the repayment of debt instruments issued by the Government of the Northern Mariana Islands for capital development funds.

(c) The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than a ⅝ share of annualized capital improvement project funds which shall be no less than 80% of the capital development funds identified in the Schedule of Payments in paragraph 2 of this Part.

4. Government Operations. The full faith and credit of the United States for the payment of government operations funds shall be subject to fulfillment of the following performance standards during the entire seven-year period:

(a) The Government of the United States shall provide $100.5 million in operations funds over the seven-year period in the annual amounts set forth in the schedule of payments. These annual funds shall be provided according to a separate payment schedule developed by the Government of the Northern Mariana Islands consistent with Federal regulations.

(b) The Government of the United States, through its designee, subject to the availability of funds, and at the request of and in cooperation with the Government of the Northern Mariana Islands, shall provide technical assistance, including but not limited to the following purposes: (i) the development and operation of a financial management system, (ii) the development of a plan for the transfer to the private sector by the Government of the Northern Mariana Islands of those functions that can be privately owned and operated, (iii) the promotion of government efficiency, (iv) the improvement of Northern Mariana Islands business development capability, (v) the promotion of business development and marketing by the Government of the Northern Mariana Islands, and (vi) assistance in bonding and financing techniques to be used in capital development.

(c) Representatives of both governments shall meet at least biennially to evaluate and discuss progress and achievements made under this agreement.

(d) The Government of the Northern Mariana Islands shall demonstrate a decreasing reliance on Federal Covenant financial assistance for government operations by reducing such assistance by an average of $1 million a year during the seven-year period of this agreement, and by reducing the overall size of government. Capital development funds shall not be spent for government operations purposes.

(e) The Government of the Northern Mariana Islands shall ensure continuation of an independent public agency that sets rates and fees for public utilities as described in Northern Mariana Islands Public Law 4-47. These services shall be fully funded, including both current expenses and long-term debt, without government subsidy through such user rates and fees by the end of the third year after this agreement is effective.

(f) The Government of the Northern Mariana Islands shall ensure the continued administration of capital development funds by an autonomous public agency of the Northern Mariana Islands, as described in Northern Mariana Islands Public Law 4-49. Such administration shall include the coordination and approval of all public financing of capital improvement projects and economic development activities.

(g) The Government of the Northern Mariana Islands shall obligate and expend those capital development funds to be devoted to capital improvement projects only according to definitions now contained in Northern Mariana Islands Public Law 4-46.

(h) The Government of the Northern Mariana Islands, within three months after this agreement becomes effective, shall initiate a study and an implementation plan that shall ensure an actuarially sound, locally funded pension system for the Government of the Northern Mariana Islands by the end of the seven years after this agreement becomes effective. Alternative strategies to bring the pension system into actuarial balance and alternative time periods necessary to accomplish this objective shall also be analyzed. The plan shall be fully implemented within the seven years referred to above unless otherwise mutually agreed by representatives of the Government of the United States and the Government of the Northern Mariana Islands based on long-term financial considerations and sound governmental management.

(i) The Government of the Northern Mariana Islands shall, within one year after this agreement becomes effective, develop a comprehensive plan for the transfer to the private sector of selected functions currently operated by the Government of the Northern Mariana Islands, and thereafter to the extent feasible, shall implement such transfers to the private sector.

5. Special Programs. The Government of the United States shall provide a one-time payment of $1 million for the Commonwealth Health Center operational start-up costs, and $500,000 for special technical assistance for developing a plan to fully fund the Government of the Northern Mariana Islands pension system. Should a portion of these pension study funds remain unexpended, the balance may be used for such technical assistance as the Government of the Northern Mariana Islands may determine.

PART III. CONGRESSIONAL OVERSIGHT AND REPORTING

1. Reporting. In addition to other reports and audits required by the Government of the United States, the Government of the Northern Mariana Islands shall furnish to the Congress of the United States, as part of its annual budget justification, a report on the use of the funds made available under the schedule of payments contained in this agreement. Such annual reports shall outline the achievements to date under the categories of funding (including the status of efforts to provide for capital development through the use of revenue and general obligation bonds, like instruments of public debt, and other financing techniques) and the progress of efforts to transfer selected functions to the private sector.

2. Settlement of Disputes. Should the Government of the United States believe that understandings or the performance standards of this agreement are not being met, it shall notify the Government of the Northern Mariana Islands in writing, with the intent to resolve such issue in a mutually agreeable and expeditious manner. Should the issue not be resolved within thirty days after such notification is received, the Secretary of the Interior may propose deferral of Government of the Northern Mariana Islands operations funds pursuant to the Congressional Budget and Impoundment Control Act of 1974, (United States Public Law 93-344, 2 U.S.C. 681, et seq.).

PART IV. AMENDMENT OF THIS AGREEMENT

This agreement may be amended from time-to-time as mutually determined by the Secretary of the Interior, or his designee, and the Government of the Northern Mariana Islands, provided that the full faith and credit authorization and appropriation of the capital development funds, and the minimum shares guaranteed for Rota, Tinian and Saipan as provided in Part II, paragraph 3(c), shall not be subject to such amendment.

PART V. RECOMMENDED STATUTORY AMENDMENTS

In order to give effect to this agreement, the parties recommend that the Covenant (Public Law 94-241, 97 Stat. 1461) be amended as follows:

Be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of Public Law 94-241 (97 Stat. 1461) is amended as follows—

In Section 703, Subsection (a), after the words "Section 702" add the words "and Section 705".

In Section 704, Subsection (a), (b) and (d), after the words "Section 702" add the words "and Section 705".

In Section 704, delete Subsection (c), and redesignate Subsection (d) as Subsection (c).

After Section 704 add a new Section 705, as follows:

"Section 705. Enactment of this section by the United States Congress and approval by the President shall constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for the appropriation, of $228 million at guaranteed annual amounts of direct grant assistance to the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in Section 702, which assistance shall be provided according to the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than a ⅜ share of annualized capital improvement project funds, which shall be no less than 80% of the capital development funds identified in the Schedule of Payments in paragraph 2 of Part II of the Agreement of the Special Representatives."

In Section 1003, Subsection (b), delete "Article VII" and insert in lieu thereof "Section 731-734"; redesignate Subsection (c) as Subsection (d); and add a new Subsection (c) as follows:

(c) Section 705 will become effective on October 1, 1985.

Signed at Saipan, Northern Marina Islands on the tenth day of July, 1985.

For the United States of America:

RICHARD T. MONTOYA,
Special Representative of the President of the United States.

For the Northern Mariana Islands:

PEDRO A. TENORIO,
Special Representative of the Governor of the Northern Mariana Islands.

GREGORIO C. SABLAN,
Special Representative of the Northern Mariana Islands.

BENJAMIN T. MANGLONA,
Special Representative of the Governor of the Northern Mariana Islands.

IGNACIO K. QUICHOCHO,
Special Representative of the Governor of the Northern Mariana Islands.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 44, a bill to grant the consent of the Congress of the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 72

At the request of Mr. INOUYE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 72, a bill to amend titles XVIII and XIX of the Social Security Act to provide that mental health counselor services shall be covered under part B of Medicare and shall be a required service under Medicaid.

S. 231

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 361

At the request of Mr. MOYNIHAN, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 554

At the request of Mr. ROTH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 554, a bill to amend title 18, United States Code, to include the transportation of males under the Mann Act, to eliminate the lewd and commercial requirements in the prosecution of child pornography cases, and for other purposes.

S. 808

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 808, a bill to provide grants for school-based child care and early childhood education demonstration projects.

S. 809

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 809, a bill to provide financial assistance to expand the availability of child care services for college students, particularly low-income students, in order to increase the access of such students to institutions of higher education, and for other purposes.

S. 881

At the request of Mr. KENNEDY, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 881, a bill to extend title X of the Public Health Service Act for 3 years.

S. 887

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. WEICKER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 887, a bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly.

S. 908

At the request of Mr. MCCONNELL, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 908, a bill to provide market expansion and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

S. 980

At the request of Mr. TRIBLE, the name of the Senator from Texas [Mr.

BENTSEN] was added as a cosponsor of S. 980, a bill to amend title I of the Housing and Community Development Act of 1974.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Illinois [Mr. DIXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Hamphire [Mr. RUDMAN], the Senator from Tennessee [Mr. GORE], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1181

At the request of Mr. HATCH, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1181, a bill to establish a program for the provision of home and community based services to elderly individuals.

S. 1209

At the request of Mr. CHILES, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1209, a bill to establish the National Commission to Prevent Infant Mortality.

S. 1223

At the request of Mr. ARMSTRONG, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Nebraska [Mr. EXON], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1223, a bill to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean War.

S. 1233

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. FORD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1259

At the request of Mr. THURMOND, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1259, a bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969.

S. 1298

At the request of Mr. ANDREWS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1298, a bill to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes.

S. 1305

At the request of Mr. TRIBLE, the names of the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S. 1328

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN]. the Senator from Arkansas [Mr. PRYOR], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 1328, a bill to strengthen programs under title III of the Higher Education Act of 1965, relating to institutional aid, and for other purposes.

S. 1362

At the request of Mr. EVANS, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1362, a bill to amend part A of title IV of the Social Security Act to provide for a study of quality control standards and procedures under the Aid to Families with Dependent Children Program, to provide for a moratorium on the imposition of penalties for erroneous payments, and for other purposes.

S. 1393

At the request of Mr. ABDNOR, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1393, a bill to provide for a study of the use of unleaded fuel in agricultural machinery, and for other purposes.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1393, supra.

S. 1399

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1399, a bill to amend the Rehabilitation Act of 1973 to strengthen the Architectural and Transportation Barriers Compliance Board.

S. 1476

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1476, a bill to strengthen the Nation's competitive position in international trade and to improve its ability to respond to unfair and injurious foreign trade practices.

S. 1507

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1507, a bill to increase the tariff on petroleum used for motor fuel.

S. 1537

At the request of Mr. HELMS, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1537, a bill to amend title IV of the Higher Education Act of 1965 to provide standards for students for maintaining satisfactory progress as a condition for assistance under that title.

S. 1570

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Alabama [Mr. DENTON], the Senator from Oklahoma [Mr. BOREN], the Senator from Virginia [Mr. TRIBLE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 1570, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours, to clarify the application of that act to volunteers, and for other purposes.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Kentucky [Mr. FORD], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1578, a bill to amend the Low-Level Radioactive Waste Policy Act to improve procedures for the implementation of compacts providing for the establishment and operation of regional disposal facilities for low-level radioactive waste, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. THURMOND, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution to authorize the Armored Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, the 11th Armored Cavalry Regiment Association, the Tank Destroyer Association, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th,

12th, 13th, 14th, and 16th Armored Division Associations, and the Council of Armored Division Associations, jointly to erect a memorial to the "American Armored Force" on U.S. Government property in Arlington, VA, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. SIMON, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Carolina [Mr. THURMOND], the Senator from Michigan [Mr. RIEGLE], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 165, a joint resolution designating the month of October 1985 as "National High-Tech Month."

SENATE JOINT RESOLUTION 173

At the request of Mr. EAST, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 173, a joint resolution to designate the month of September 1985 as "National Sewing Month."

SENATE JOINT RESOLUTION 174

At the request of Mr. HEINZ, the names of the Senator from Indiana [Mr. LUGAR], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. ANDREWS], the Senator from Maryland [Mr. SARBANES], the Senator from Delaware [Mr. ROTH], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Idaho [Mr. MCCLURE], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. WEICKER], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 174, a joint resolution to designate November 18, 1985, as "Eugene Ormandy Appreciation Day."

SENATE JOINT RESOLUTION 175

At the request of Mr. PROXMIRE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 175, a joint resolution to designate the week of August 25, 1985, through August 31, 1985, as "National CPR Awareness Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. MOYNIHAN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 185, a joint resolution to designate August 18, 1985, as "National Flowers-by-Wire Day."

SENATE JOINT RESOLUTION 186

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. HATCH, the names of the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Oklahoma [Mr. NICKLES], the Senator from Florida [Mrs. HAWKINS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. INOUYE], the Senator from Idaho [Mr. MCCLURE], the Senator from Michigan [Mr. RIEGLE], the Senator from North Carolina [Mr. EAST], the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. NUNN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating the week beginning January 12, 1986 as "National Fetal Alcohol Syndrome Awareness Week."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefit disparity known as the notch problem.

SENATE RESOLUTION 174

At the request of Mr. GORE, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE RESOLUTION 186

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate that the President should call for negotiations with those democratic nations plagued by terrorism for a treaty to prevent and respond to terrorist attacks.

SENATE RESOLUTION 213

At the request of Mr. METZENBAUM, his name was added as a cosponsor of Senate Resolution 213, a resolution to express the sense of the Senate concerning recess appointments.

SENATE RESOLUTION 217—HONORING ALF LANDON

Mr. DOLE (for himself, Mr. BYRD, and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 217

Whereas Alfred Mossman Landon, former Governor of Kansas and 1936 Republican nominee for President, is celebrating his ninety-eighth birthday today, September 9, 1985;

Whereas Alf Landon has a firm foothold in American political history of another period, and is ever ready to comment on current affairs with an expertise and sensibility that reveals his unique position as a grand old man of the GOP;

Whereas his blend of morality, humanity and practical politics, has led politicians, labor leaders, reporters, and academicians to seek advice and counsel at his west Topeka home over the last forty-nine years;

Whereas as early as 1936, Alf Landon was a man ahead of his times, reminding Americans of the evils of inflation and pointing to the dangers of uncontrolled Government spending;

Whereas his record of fiscal integrity and balanced budgets during his tenure as Governor of Kansas would be the envy of any contemporary President;

Whereas Alf Landon has contributed much to the development and education of young people;

Whereas for over fifty years, Alf Landon has been one of our most respected and inspiring citizens, earning a permanent niche in American history; and

Whereas as a statesman, politician, businessman, counselor, sportsman, and friend, Alf Landon is a model for all who know him: Now, therefore, be it

Resolved, That the Senate hereby extends to the Honorable Alf Landon our affectionate greetings and best wishes on the occasion of his ninety-eighth birthday.

AMENDMENTS SUBMITTED

JAPANESE TECHNICAL LITERATURE ACT OF 1985

BAUCUS (AND ROCKEFELLER) AMENDMENT NO. 590

(Order referred to the Committee on Commerce, Science, and Transportation.)

Mr. BAUCUS (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill (S. 1073) to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science

and engineering literature in the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Japanese Technical Literature Act of 1985".

SEC. 2. Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following new subsection:

"(d) JAPANESE TECHNICAL LITERATURE.—(1) In addition to the duties specified in subsection (c), the Secretary shall establish and, through the National Technical Information Service and such other offices within the Department of Commerce as the Secretary considers appropriate, maintain a program (including an office in Japan) which shall, on a continuing basis—

"(A) monitor Japanese technical activities and developments;

"(B) consult with businesses and professional societies in the United States regarding their needs for information on Japanese developments in technology and engineering;

"(C) acquire and translate selected Japanese technical reports and documents that may be of value to agencies and departments of the Federal Government, and to businesses and researchers in the United States; and

"(D) coordinate with other agencies and departments of the Federal Government to identify significant gaps and avoid duplication in efforts by the Federal Government to acquire, translate, and disseminate Japanese technical information.

Activities undertaken pursuant to subparagraph (C) of this paragraph shall only be performed on a cost-reimbursable basis. Translations referred to in such subparagraph shall be performed only to the extent that they are not available from sources within the private sector in the United States.

"(2) Beginning in 1986, the Secretary shall prepare annual reports regarding important Japanese scientific discoveries and technical innovations in such areas as computers, semiconductors, biotechnology, and robotics and manufacturing. In preparing such reports, the Secretary shall consult with professional societies and businesses in the United States. The Secretary may, to the extent provided in advance by appropriation Acts, contract with private organizations to acquire and translate Japanese scientific and technical information relevant to the preparation of such reports.

"(3) The Secretary also shall encourage professional societies and private businesses in the United States to increase their efforts to acquire, screen, translate, and disseminate Japanese technical literature.

"(4) In addition, the Secretary shall compile, publish, and disseminate an annual directory which lists—

"(A) all programs and services in the United States that collect, abstract, translate, and distribute Japanese scientific and technical information; and

"(B) all translations of Japanese technical documents performed by agencies and departments of the Federal Government, in the preceding twelve months that are available to the public.

"(5) The Secretary shall transmit to the Congress, within one year after the date of enactment of the Japanese Technical Literature Act of 1985, a report on the activities of the Federal Government to collect, abstract, translate, and distribute declassified Japanese scientific and technical information.".

"SEC 3. Section 9 of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (Public Law 99-73; 99 Stat. 173) is amended by striking "$2,715,000" and inserting in lieu thereof "$3,715,000".

● Mr. BAUCUS. Mr. President, some months ago I and my colleague Mr. ROCKEFELLER introduced the Japanese Technical Literature Act of 1985. This bill was designed to be one small block in the rebuilding of U.S. competitiveness. It was aimed at increasing our attention and access to technological developments in Japan.

BACKGROUND

All of us are keenly aware of the large and growing U.S. trade deficit. That trade deficit is not the illness—it is the symptom of a number of illnesses. One of them is our declining productivity growth.

One commonly accepted explanation for Japan's postwar miracle is that country's ability to acquire and incorporate American technological developments. This has not happened accidentally. Japanese students learn English, and so they can read American journals. In addition, the Japanese Government and Japanese companies have worked hard at learning from American technology. The Japanese Information Center of Science and Technology and many individual Japanese businesses gather, abstract, and translate information and articles from around the world.

In contrast, we have paid little attention to Japanese technical literature. Whether or not this was ever the right attitude, it certainly is not today. Today Japan ranks third in scientific research.

There is plenty of published material describing Japanese technical developments. About 10,000 technical journals are published in Japan.

Some American companies and trade associations monitor this material. Some Federal agencies do the same in specialized areas. But the efforts are uncoordinated and inadequate—they cover barely 20 percent of the available material.

THE JAPANESE TECHNICAL LITERATURE ACT

The Japanese Technical Literature Act director the Directed of Industrial Technology in the Commerce Department to increase the availability of Japanese science and engineering literature to U.S. businesses, scientists, and engineers through a number of activities. The Director was given substantial flexibility.

Senator ROCKEFELLER and I are pleased to be able to say that reaction to this proposal has been favorable. The National Association of Manufacturers has endorsed the bill. We have received favorable comments from representatives of the American Electronics Association, the American Chemical Society and the Global Competitiveness Council.

IMPROVEMENTS IN THE BILL

Why then would we propose an amendment to the Japanese Technical Literature Act? Because we have learned things that make us think the bill can be made even better.

In the revised bill, we propose a much more specific program in the Commerce Department—building on existing programs and adding new elements.

We have also made some changes to make absolutely clear that the intent of the bill is to complement ongoing or future private sector efforts—not to supplant them or compete with them.

Specifically, the revised legislation would authorize a $1 million Commerce Department program with four tasks:

Issuing an annual report on Japanese technological trends, especially trends in computers, semiconductors, biotechnology, and robotics;

Operating an office in Japan to monitor Japanese scientific and technical developments and translate selected Japanese scientific and technical documents for government, businesses, and academia, on a cost-reimbursable basis, and only to the extent that those documents are not readily available from private-sector sources;

Coordinating existing Federal Government translation programs, including publishing an annual index of existing Federal translations;

Reporting on overall Federal efforts to translate and disseminate Japanese scientific and technical information.

CONCLUSION

Mr. President, this bill is not the single, total answer to all our productivity and competitiveness problems. But we believe this bill represents a significant step.●

● Mr. ROCKEFELLER. Mr. President, on May 6, Senator BAUCUS and I introduced legislation to encourage the translation of Japanese scientific and technical information and to help American companies and researchers obtain access to this material. In the months since then, we have explored these issues through congressional hearings and other consultations, and have clarified our views about how modest Government resources might be directed to meeting such needs.

From these examinations, we're convinced that this country could benefit considerably from greater availability of Japanese R&D—in much the same way Japan has benefited from the work of others. For years, the Japanese have made strenuous efforts to learn from us: They read our professional journals, send students to study

in our universities, attend international meetings and consult with U.S. companies and researchers about discoveries and new technology.

Fluency in English has obviously facilitated such efforts on the part of the Japanese, and many of their brightest scientists and engineers know the language well. But the Japanese Government also makes a systematic effort to collect and translate technical information from all over the world—and encourages companies to use it. Partly because of this, the Japanese have excelled in applying the research findings of others to the development of new products and processes.

But there's no good reason—apart from the language barrier—why this flow of information should go only one-way. Japan devotes over 2 percent of its GNP to R&D and ranks third—after the United States and the Soviet Union—in spending on scientific research. The Japanese have become first-rate innovators and, like us, are engaged in pioneering research in fields like telecommunications equipment, biotechnology, robotics, and computers. At the very least, greater access to Japanese technical literature would alert our industries to the kind of competition they'll be facing. But it could also help us develop and perfect new technologies and products that will keep our industries in the lead.

At present, American researchers and businesses have relatively few opportunities to learn from the Japanese. The language is terribly difficult, and only a few of our largest companies can afford the expense of gathering and translating technical material from Japanese into English. Private services and trade associations are involved in abstracting, indexing, and identifying material which could be useful to read. But translation and dissemination of full texts of articles and reports by either private or government organizations in this country remains very limited—and barely scratches the surface of the Japanese professional literature in most scientific fields.

Our revised bill aims to build on these activities by earmarking $1 million within the Department of Commerce for the following purposes:

To monitor Japanese technical development, collect and translate selected documents, and coordinate the efforts of Federal agencies involved in such information-gathering to make the material available to businesses and researchers.

To prepare annual reports on important Japanese technological developments, in fields like computers, semiconductors, biotechnology, robotics, and manufacturing.

To assist the efforts of professional societies and other private organizations to acquire, screen, translate, and distribute Japanese technical literature.

To publish an annual directory of private and government services to collect and translate Japanese technical information.

To report to the Congress within 1 year on the translation activities of Federal agencies, with recommendations on how they might be improved upon.

We envision a core staff at Commerce to carry out these responsibilities, assisted by an office in Japan to facilitate the identification and acquisition of pertinent documents. With limited resources, the department will need to work closely with professional societies and other potential users to select material to be translated. The legislation further states that government translations be done on a cost-reimbursable basis, and only when the translated document is not available from private sources.

Recent events have proved—in sector after sector—that we can't blithely count on staying in the lead. There are multiple reasons for concern about the competitive position of a wide range of American industries—and the staggering trade imbalances that are sapping our economy's vitality.

We offer this legislation as one important facet of a response to these problems. More effective competition depends on a number of initiatives on our part: We cannot continue to handicap ourselves with an overvalued dollar or to refuse to move against unfair trading practices by some of our competitors. But there are also steps we can and must take to improve our industrial performance—to remain at the forefront of science and technology, to produce high quality products and services.

If Japanese businesses and scientists have access to our best scientific and technical information, it's only right that we should have the same kinds of opportunities to learn from them. The program we've outlined would help bring vital information about Japanese research and technology to the attention of American industry. That's the kind of business help our Government should be providing. And that's why we think the effort is one of the best investments our Government can make.

Mr. President, an article from the New York Times corroborates this view, and I ask unanimous consent that the article be printed in the RECORD. Private sector interest in the material is increasing, making supportive activities by the Government all the more important.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, Sept. 8, 1985]

AMERICANS PICKING JAPANESE BRAINS

(By Nicholas D. Kristof)

After decades of pooh-poohing Japanese scientific research, American business executives no longer patronize the Japanese as "imitators." End "copiers" of American technology. Quite the contrary. In the wake of Japan's drive for technological supremacy, they are scrambling to keep up with the new scientific research in Japan.

It is not an easy task. As Japan finally moves from imitation to innovation—and becomes a formidable competitor in crucial areas such as supercomputers; biotechnology and robotics—American scientists find themselves hard-pressed to learn of Japanese breakthroughs. So in the past year or so, a small industry has been, emerging, consisting of companies that help monitor Japanese technology and, in effect, broker developments to American corporations.

"What's at stake may well be the competitiveness of American-industry," said Richard J. Samuels, who directs a program on Japanese science at the Massachusetts Institute of Technology. "If you can't pay attention to and assimilate technological information beyond your borders, you're playing the game with one arm tied behind your back."

The new technology brokers are trying to address the problem by translating and indexing Japanese scientific articles. For example, the Japanese Technical Information Service, a Xerox subsidiary, is starting up operations near Philadelphia this fall. (See box inside.) Nissho Iwai, the Japanese trading company, already has done something similar. A year ago, it began publishing Techgram Japan, a magazine full of brief summaries of Japanese technological developments. Here are some recent examples:

A new "killer yeast" that destroys harmful bacteria while fermenting beer.

A machine, run by a microcomputer, that manufactures "riceburgers," a Japanese food consisting of ground meat inside a ball of rice.

A machine that reads aloud from Japanese paperbacks (but takes 25 minutes a page).

So far there are few success stories of American companies successfully adopting Japanese technologies, partly because by the time an invention is practical it is often cheaper to manufacture it in Japan than in the United States. One exception, however, is a missile tracking guidance system developed in part by Toshiba. In June it became the first Japanese military technology officially requested by the United States, which over the years has passed on a great deal of military technology to Japan.

Many scientists say that the new American effort to get at the stream of Japanese research information is too little and too late. Even with the latest undertakings, the vast majority of the 10,000 technical journals published in Japan will be neither indexed nor abstracted in the West. And while the number is rising, only about 400 science students at universities around the country are studying the Japanese language.

"There's a certain hard-to-define intellectual arrogance that everthing on the cutting edge is done here," said Adm. Bobby R. Inman, the former deputy director of the Central Intelligence Agency who now heads the Microelectronics and Computer Technology Corporation, a research consortium. "That's been true in the past, but I detect a smugness setting in."

That smugness certainly is not justified. In robotics, an expanding area of high technology, Japan deploys more than twice as many robots as the United States. Fifty-four percent of new chemical patents worldwide now belong to the Japanese. Biotechnology was pioneered by the United States, but Japan is already the dominant producer of amino acids, an important field in biotech, and is generally believed to be improving its work extremely quickly. Likewise, the United States still has the lead in supercomputers, but Fujitsu and Hitachi are frantically designing plans for computers far more powerful than anything that now exists.

These are all emerging scientific areas that the United States cares about immensely and in the last year or so, there has been a surge of American interest in Japanese technology. A Congressional subcommittee published a report emphasizing business concerns about being able to keep up with Japanese technology. Two conferences have addressed the issue. American companies have sent more scientists to Japan to learn about that country's lastest scholarship. For the first time, M.I.T. is offering Japanese classes, beginning this fall. The Commerce Department is proposing a joint venture with industry to program computers to translate Japanese into English.

Some experts in industry even draw an analogy between today's heightened concern about Japanese technology and the national alarm that followed the Soviet Union's launching of the Sputnik satellite in October 1957. Clearly the concern is on a far smaller scale today, but the purpose of the comparison is to urge the same kind of national commitment to science today as was born after Sputnik's launching.

"We need more effort—there's no question," said Robert W. Gibson Jr., head of the library department at the General Motors Research Laboratories.

The technological issues are complicated by the tensions between the United States and Japan over trade relations. Some Americans, such as Representative Doug Walgren, a Pennsylvania Democrat, contend that Japan is taking advantage of the language barrier to limit access to its research. Others say that the onus lies on the Americans to learn Japanese, or at least to translate Japanese periodicals—just as the Japanese have learned English and translated American journals.

Some companies, sensing profits, are happy to bear that burden. One result of the growing concerns in the United States about Japanese scientific progress has been a modest boom in the publication of indexes and abstracts of Japanese scientific articles. For some companies that already do this for other foreign journals, this just means expanding the Japanese section. Chemical Abstracts, for example, already publishes 140-word summaries of articles in 1,500 Japanese chemical magazines, plus innumerable periodicals from other countries. And Engineering Information, a New York company, publishes abstracts from 5,000 journals from around the world, including 150 from Japan.

Last year, sensing a quickening interest, Engineering Information tried to initiate a new service that would publish abstracts from 1,000 Japanese-language journals. The fee was $45,000 a year for full coverage, or $24,000 annually for just the electronic engineering publications. Five companies signed up for each service, but it was not enough to make it worthwhile, so the project was abandoned. Herbert B. Landau, Engineering Information's president, said.

It is Japan's basic research that experts say the United States needs most to monitor, not inventions that already are practical. And to this end, several American companies—including the International Business Machines Corporation, Motorola, Burroughs, TRW, General Motors and Hughes—are said to be improving their surveillance of Japanese technology, normally from offices in Tokyo.

In late July, I.B.M.—whose trade secrets Hitachi and Mitsubishi Electric tried to steal in 1982, resulting in a much publicized court case—reached an unusual deal with the Japanese Government permitting the company to license technology developed by the joint efforts of Japanese, industry and Government. I.B.M. is considered the dean of Japan-watchers, in large part because of its big Japanese subsidiary.

And although Robert C. Kirkwood, director of government affairs at the Hewiett-Packard Company, describes his company's Japanese surveillance as "spotty at best," it does have about 50 Japanese employees in Tokyo who do research in addition to other work.

With the backing of several American companies, and a two-year, $500,000 grant from the Commerce Department, the American Electronics Association opened an office last year in Tokyo, in part to monitor Japanese technology. Several months ago, the office issued a 72-page source list on Japanese technology, and this fall it will begin publishing a newsletter on technological developments.

"With our small staff we can't look at all technology, but we'll try to pick the raisins out of the cake," said Ralph J. Thomson, a senior vice president of the association.

The Government is also limbering up. A bill before the Senate would authorize $1 million for the Commerce Department to monitor Japanese technology more carefully. Translation costs now prevent the Government from tracking Japanese research more comprehensively.

"The key is machine translation," said Bruce Merrifield, an Assistant Secretary of Commerce. "That's where the major breakthrough would come." He has been meeting with business executives and officials from the Patent Office and intelligence agencies, trying to promote a joint effort to develop a computer program that could efficiently translate Japanese journal articles into English. So far, machine translators are clumsy, stumbling over idioms and metaphors.

In the absence of better computer translations, some researchers are encouraging scientists to study Japanese and work in Japanese research labs. M.I.T., for example, has a program to train scientists to speak Japanese and then put them temporarily in Japanese research facilities.

Behind America's scramble to monitor Japanese technology is a fundamental shift in Japanese scientific research. For most of the period since World War II, Japan devoted itself to importing technologies from the United States and other countries and applying them. Du Pont's nylon patent led to Japan's boom in synthetic textiles; Bell Laboratories' break-throughs in making transistors produced Japan's semiconductor industry; RCA's licenses provided the foundation for Japan's color televisions, and so on.

From 1951 through 1984, more than 42,000 contracts were signed to transfer technology to Japan from abroad. Very little technology crossed the ocean going the other way, and indeed very little exciting, basic research was under way in Japan. The Japanese borrowed ideas from abroad, learning English to do so, and often studying at foreign universities, which were viewed on both sides of the Pacific as better than Japanese institutions, at least in the sciences.

Many Japanese scientists still study in the United States, and read English well enough to absorb a journal article, but in the meantime they have constructed their own research industry. A rigorous education system—longer hours and a longer academic year mean that by the time they graduate from high school, Japanese students have had four more years of school than American students—prepared a foundation. Then, goaded by foreigners who called them mere imitators, Japanese industry and business began a major campaign, a bit more than five years ago, to develop a basic research capability second to none.

"It has been said for a long time that the Japanese are good only at applying technology, that they are not skilled enough or talented enough to develop technology on their own," said Yasuo Wataru, general manager of the Washington office of the Nissho Iwsl American Corporation, a Japanese trading company. "I don't think that is true. Certainly we are spending a great deal of money on basis research."

Since 1965, for example, Japan has roughly quadrupled its research expenditures, after adjusting for inflation. In the United States, spending on research has grown by less than 50 percent in the same period.

Moreover, in Japan it is the big companies, the *kaisha*, that have dominated research and development, which could mean that scholarship is more likely to lead to commercial gains than work financed by, say, America's Pentagon. Half of research in the United States is paid for by the Government—much of it military research—while the Government share of Japanese research is about a quarter.

A study of research spending in the two countries, in a forthcoming book by James C. Abegglen and George Stalk, Jr., two consultants in the Tokyo office of the Boston Consulting Group, found that in 1978 major American and Japanese companies both spent about 3 percent of total revenues on research. But by 1983, the fraction had risen to 5.1 percent in Japan, compared to 3.7 percent here.

Canon was spending 14.6 percent of its income on research, NEC was spending 13 percent, Shionogi stood at 9.6 percent. But with the exception of Eli Lilly, at 9.7 percent, American companies spent substantially smaller fractions. General Electric, for example, spent 3.4 percent on research and development, Xerox spent 6.8 percent and RCA 2.4 percent. In many cases, of course, the American companies are larger and to spend a larger total, even though the percentage is smaller.

In scientific fields, software and aerospace are the only two areas where Japan is indisputably well behind the United States—in part because of past American strengths and heavy military spending on aerospace.

"The competitive strength of Japanese companies has been based on price and on quality of product," Mr. Abegglan and Mr. Stalk of the Boston Consulting Group say in "Kaisha, the Japanese Corporation," their book. "Added now, very rapidly, is a highly competitive level of research and development expenditure, with technological

innovation becoming the center of competitive capability."●

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources will conduct a hearing on Wednesday, September 18, 1985, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Testimony will be received on S. 1517, a bill to amend the Low-Level Radioactive Waste Policy Act of 1980 to authorize continued financial and technical assistance of the Department of Energy to the regional low-level waste compact regions, and to revise the guidelines and procedures for the establishment and use of regional disposal facilities for low-level radioactive waste, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing, please contact Ms. Marilyn Meigs on the subcommittee staff at 202-224-4431.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding hearings on September 11, 1985, in Senate Dirksen 628, beginning at 10 a.m., on S. 1396, to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes. Those wishing additional information on S. 1396, should contract Mike Mahsetky or Peter Taylor of the committee at 224-2251.

On September 18, 1985, in Senate Russell 485, beginning at 10 a.m., on S. 1298, to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes. Those wishing additional information on this bill should contact Mary Jane Wrenn or Peter Taylor of the committee at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold 2 days of hearings on the subject of television and radio coverage of Senate proceedings next week. The committee will meet to receive testimony from Senators on Tuesday, September 17, 1985, at 9:30 a.m., in SR-301, Russell Senate Office Building. On the following day, Wednesday, September 18, at 9:30 a.m., in SR-301, representatives of the media and other interested individuals and organizations will present their views on broadcast coverage of the Senate.

Senators, individuals, and organizations who wish to participate in these hearings or to submit a statement for the hearings record are requested to contact John Swearingen of the Rules Committee staff at 224-9078.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold an oversight hearing on pension policy implications of the President's tax proposals on fringe benefits and retirement savings on October 1, 1985. The hearing is scheduled for 9:30 a.m. in room 430 of the Dirksen Senate Office Building. Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, 428 Dirksen Senate Office Building, Washington, DC 20510 by September 16, 1985. If you have any questions concerning the hearing, please contact Rick Lawson, on the subcommittee staff, at 202-224-5546.

ADDITIONAL STATEMENTS

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS

● Mr. WEICKER. Mr. President, I rise today as a participant in the Congressional Call to Conscience Vigil for Soviet Jews, organized by our distinguished colleague Senator BOSCHWITZ. Embedded in the tradition and the national conscience of the United States is a deep concern for oppressed people, whether they reside within our borders or halfway around the world. It is thus our duty and privilege to speak out in defense of those whose basic rights are denied by governments that do not share our regard for the dignity of all human beings. Foremost in these efforts should be our advocacy for Soviet Jewry, for whom conditions have progressively worsened in recent years.

One such example is that of Igor Gregorovich Malishev. He and his wife, Anna, and their son, Stanislav, first applied for visas in January of 1980 in order to join Igor's sister in Israel. They were denied. Subsequent applications were submitted every 6 months. These visa applications were also denied. Although Anna's mother gave her written permission for them to go to Israel, they were refused on the pretext that they should not split the family by leaving a parent behind.

Until 1979 the Malishevs lived in Kiev where Igor worked as a math lecturer at the university for 11 years. After Igor's dismissal from the university, Malishevs moved to Riga where Igor worked as a relief teacher until 1982 when he was forced to resign in order to submit his sixth application for an exit visa. Since then he has given private tutoring in mathematics.

The continued repression of the Jews in the Soviet Union must be stopped. The Malishevs are only one of the thousands of the Soviet Jewish families wishing to flee the Soviet Union, but who are not permitted. It is our duty to call for the discontinuation of this tyranny of Soviet authorities and to put the full strength of our diplomatic and economic resources behind our words.●

AMENDING THE FAIR LABOR STANDARDS ACT

● Mr. HELMS. Mr. President, I strongly support Senator NICKLES' bill, S. 1570, a bill to exempt States and their political subdivisions from the maximum hour provisions of the Fair Labor Standards Act. I am happy to cosponsor this measure.

Mr. President, in a 1976 decision, National League of Cities against Usery, the Supreme Court struck down the 1974 legislation which used the commerce clause to mandate that States and their political subdivisions comply with the maximum hour and minimum wage provisions of the Fair Labor Standards Act. Knowing the vital role State autonomy plays in our federalist system, the Court stated that the 10th amendment limits the commerce clause's applicability to the States and their political subdivisions when the State is involved in a "traditional governmental function" such as fire prevention, police protection, sanitation, and public health. Setting wage and hour laws for State and local government employees likewise falls within this perimeter, according to the Court, and therefore, should be exempt from wage and hour provisions of the Fair Labor Standards Act.

Mr. President, on February 19, 1985, in Garcia against San Antonio Metropolitan Transit, the Court overturned the 1976 decision and mandated that State and local governments comply with all the provisions of the Fair Labor Standards Act.

Mr. President, I am gravely concerned about this decision for two reasons. First, Mr. President, Garcia has dealt a serious if not fatal blow to State sovereignty and the power of the 10th amendment to shield the States from Federal intrusion. As Justice Powell stated in his dissenting opinion in Garcia, "the Court today propounds a view of federalism that pays only lip service to the roles of the States."

Mr. President, contrary to what the majority in Garcia would have you be-

lieve, the framers of our Constitution were strong proponents of States' rights and the necessary division of authority between the Federal and State Governments. In Federalist Paper No. 45 Madison stated:

The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects, which in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the State.

Mr. President, the 10th amendment embodies this fundamental belief:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the State, are reserved to the States respectively, or to the people.

Mr. President, this Congress should act without delay to restore the constitutionally mandated balance of power between the States and the Federal Government.

Second, Mr. President, compliance with the maximum hour provisions of the Fair Labor Standards Act as mandated by Garcia will fiscally cripple State and local governments in their ability to provide crucial services to their citizenry. The North Carolina Attorney General's office compiled some statistics that past spring on the effect of Garcia on the State government budget. These statistics are based on fiscal year 1983-84 wages. Estimated overtime costs for the State highway patrol will cost an estimated $4,743,277; for the alcohol and law enforcement—$241,731; for State bureau of investigation $1,270,000. In addition, estimates ranging from $7 million to $15 million have been quoted from various State budget sources as the cost to the State of North Carolina to pay overtime and compensatory time to State employees, based on figures from the last fiscal year.

The North Carolina League of Municipalities have compiled statistics on the effect compliance with the Federal maximum hour laws will have on 10 local governments for fiscal year 1985-86. Their estimates predict that compliance will cost these cities a total of $1.75 million for fiscal year 1985-86 alone. Mr. President, in light of this financial burden, the State and local governments have been left with no alternative but to increase taxes and reduce or eliminate crucially needed services to their citizens .

Mr. President, I applaud Senator NICKLES in his efforts to weaken Garcia's blatant assault on our States' fiscal stability and autonomy and I am proud to join him in cosponsoring S. 1570. I urge my other colleagues to support the distinguished Senator from Oklahoma in this endeavor.●

THE BUDGET IRRESOLUTION

● Mr. SIMON. Mr. President, the New York Times had an excellent editorial titled "The Budget Irresolution." It suggests that we are not paying nearly enough attention to the deficit.

I heartily concur in that assumption.

I urge my colleagues to read the editorial if they have not already, and I ask that it be inserted at this point.

The editorial follows:

THE BUDGET IRRESOLUTION

Why all the moaning and groaning that Congress didn't cut the deficit enough? If I remember correctly, it set out to cut $50 billion and the new budget resolution ends up cutting $55 billion. What's so bad about that?

What's bad is that those numbers don't tell the whole story. The Congressional Budget Office says the $55 billion will actually work out to only $39 billion. So we'll still be looking at a deficit next year that's more than $180 billion. Some cut.

And remember, we're still talking about estimates. Budget projections are notoriously unreliable. Tax collections fall short. Spending runs over. In any case, the deficit in the final year year of the Reagan Administration would still be way over $100 billion—and that was the original target of this exercise.

All right, but I'm still impressed. The President pushed Congress and it worked. You just wish it had worked your way.

Worked? The President wanted to eliminate a whole bundle of programs. How many did Congress kill? One—revenue sharing—and it was due to expire in a couple of years anyway. People can disagree on which programs are good or bad. But when Congress can't bring itself to kill any at all, that says something important about the functioning of government. Paralysis.

And so far, we've only been talking about spending cuts. We haven't said a word about holding down Social Security increases, or about new taxes.

Why are you so determined to be gloomy? They cut $55 billion this year. They can cut some more next year.

You've got it backward. If they can't make the tough choices this year, when there's no election, do you really think they'll do it next year, when there is one? This was the critical moment. Congress and the Administration finally acknowledged that deficits had gotten out of hand. They sounded serious.

Then look at what happened. Congress started making real cuts in defense and nondefense programs. There was a moment when it looked as if the President might bend on taxes and Social Security. He actually agreed to a temporary freeze in Social Security, but backed off in a hurry. And for a while, he said he'd consider tax increases as a "last resort." But at last resort, he said no. You may say he has the courage of his convictions. I say his convictions guarantee a deficit crisis long after he's gone.

What crisis? Things are pretty good. Inflation and interest rates are down. Jobs are up. The stock market has never been higher.

All true, but that's just the point. If you can't save during good times, how on earth can you expect to do so when the economy turns down again? Besides, big deficits carry with them the expectation of more inflation, sooner or later, and that's why interest rates are still quite high. The Government's enormous borrowing to cover the deficit just adds to that pressure. And jobs may be up but unemployment is stuck at more than 7 percent.

I'm not gloomy. I'm worried about our leaders' failure to cope with our problems when the time is ripe. Deficits are all right, even desirable, in recessions. But when the next recession comes, the deficit will already be excessive. Why? Because it was reduced so little on Aug. 1, 1985.●

DEPARTMENT OF THE INTERIOR REPORT ON SENATE JOINT RESOLUTION 43

● Mr. McCLURE. Mr. President, on August 1, 1985, the Committee on Energy and Natural Resources filed a report on Senate Joint Resolution 43, to authorize the erection of a memorial to the "American Armored Force" on Federal property in Arlington, VA, and for other purposes. At the time that this report was filed no executive communications on the resolution had been received by the committee from the Department of the Interior or the Office of Management and Budget. Those views have now been transmitted to the committee, and I ask unanimous consent that the administration's report be printed in the RECORD.

The report follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 31, 1985.

Hon. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S.J. Res. 43, a bill "To authorize the Armored Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, the 11th Armored Cavalry Regiment Association, the Tank Destroyer Association, and the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, and 16th Armored Division Associations, and the Council of Armored Division Associations jointly to erect a memorial to the 'American Armored Force' on United States Government property in Arlington, Virginia, and for other purposes."

We recommend against enactment of this joint resolution.

This measure would authorize several military and veterans associations jointly to erect a memorial to honor those who have served in armored units of the United States armed forces, and those who continue to serve to maintain world peace. It would direct the Secretary of the Interior to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a site on government property in Arlington for the memorial. The measure contains the usual provisions requiring approval of the design, providing for private funding except for maintenance, and requiring assurances that funds will be available to insure completion of the memorial. Normally, memorial legislation is not site specific, as it is in this resolution.

Numerous memorial proposals place a constant demand on the parklands of the Nation's Capital and its environs. In order to protect the concept of open space and dignity which contributes so much to the beauty of the capital, the Secretary of the Interior's National Capital Memorial Advisory Committee was established administratively under the Federal Advisory Committee Act. Among the purposes of the Committee was that of recommending broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region. The Committee's criteria and guidelines recommended limiting the use of the remaining sites to memorialization of exceptional significance, quality and value; and, as to persons, their degrees of achievement. The Committee's policy is that only military memorials commemorating all members of the armed forces identified with a single event should be placed on parklands in the Nation's Capital. The recently completed Vietnam Veterans Memorial, for example, commemorates all members of the armed forces who served in that conflict, and the Navy Memorial which will be constructed soon on Pennsylvania Avenue at 8th Street, will commemorate all U.S. naval personnel.

There are existing 80 memorials which are located on parklands in Washington, DC., and its environs. Many of these commemorate military heroes dating back to the revolutionary war, and various military units. As a result, most of the desirable memorial spaces have been taken. It is our understanding from discussions with the American Battle Monuments Commission (a member of the Memorial Advisory Committee), that there are over 150 division size units of all the armed forces which have participated in combat. If each of these units or groups of units were to ask the Congress for the use of Federal parklands, there would not be enough open space available to accommodate the memorializations.

S.J. Res. 43 would commemorate only those members of the armed forces who served in armored units. In a June 29, 1984, report to the Committee, the Department recommended against the enactment of a similar measure, S.J. Res. 277 in the 98th Congress, because commemorating only certain units of the armed forces would not be consistent with the policy recommended by the Advisory Committee. On July 31, 1984, the Advisory Committee recommended against enactment of S.J. Res. 277 and supported the Department's report. The Department continues to recommend against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM P. HORN,
Assistant Secretary.●

TAXES MUST RISE

● Mr. SIMON. Mr. President, one of the more thoughtful observers of the American political scene is Kevin Phillips.

In the Los Angeles Times, of August 4, he published an article that basically says we had better face up to this deficit and, among other things, we are going to have to increase revenue.

He is, of course, absolutely right, as almost all of us admit privately and an increasing number are admitting publicly.

I urge my colleagues to read the Kevin Phillips piece, and I ask that it be inserted in the RECORD at this point.

The article follows:

TIME FOR TRUTH: TAXES MUST RISE
(By Kevin Phillips)

WASHINGTON—Let the truth be told: New or increased taxes are coming in the name of deficit reduction, and the only question is when—and how long it will take President Reagan to come around.

The President feels strongly about the no-tax-increase pledges he made last year. Such is the unhappy legacy of Ronald Reagan's unfolding 12-month response to Democratic presidential nominee Walter F. Mondale's July, 1984, speech urging a tax increase to reduce the federal deficit. That, in retrospect, was a fateful moment in U.S. fiscal history. Not because the subsequent tax debate defeated Mondale and reelected Reagan—its actual impact on November voting was no more than a point or two—but because it created a major misperception about the "mandate" of the 1984 election.

The most recent manifestation, of course, is Reagan's late-July rejection of the Senate GOP's deficit-reduction proposal, involving a $5-a-barrel oil import fee and a biennial instead of annual computation of Social Security cost-of-living increases. These two ideas themselves are debatable. Rejection may be justified. But it is the larger symbolism that disappoints.

What must change is the President's refusal to accept any tax increase—a mistake on three dimensions. First, because although opinion polls did show Americans opposed to Mondale's 1984 tax posture, the major 1980-84 changes in the presidential vote were regional, ethnic and religious; tax policy was only a collateral factor.

Second, because the economic health of the United States now demands that taxes be increased (and new revenue sources found) as part of this autumn's congressional tax-reform process. Deficit-reduction is far more important than revenue-neutral tax reform, which the public rightly dismisses as peripheral.

And finally, from the political standpoint, because the Administration is in the process of dissipating the fiscal responsibility image the Republican Party earned so painfully over so many years.

The probable consequences of failure to increase revenues can be stated easily enough: a mushrooming deficit likely to produce resurgent inflation and rising interest rates would send the country reeling back into recession. Without a tax increase, deficit reduction can't achieve meaningful scale. And if the President doesn't regard the defict as important enough for political sacrifice, why should Congress? In the meantime, several troublesome U.S. economic circumstances are being aggravated by Reagan's no-tax-increase posture.

DEFICIT DANGERS

Angry Senate Republicans now justifiably feel that their efforts to pose hard choices and make sacrifices to reduce the deficit have substantially been for nought. (The budget that Congress finally agreed to last Thursday included an alleged $55-billion deficit-reduction package—as well as a $172-billion shortfall.)

Part of the senators' concern is political. If re-emerging deficit problems start inflation and interest rates ratcheting up, it will be hard for the GOP to maintain Senate control in the 1986 elections. But the President has a stake here, too. Let deficit-reduction hopes implode, and some painful mixture of inflation, interest rates and recession could shred his Second American Revolution. His historical reputation could follow.

The irony is that just when the old GOP politics of commitment to balanced ledgers is becomming the electorate's greatest concern, the White House has eschewed what should be natural Republican leadership. The public, realistic as usual shrugs at the Administration's new tax reform preoccupation. They know the deficit is much more critical. Indeed, mid-July NBC News Poll results found the public putting virtually every other economic priority ahead of tax reform.

In a nutshell, what we need from the President is less attention to tax reform's ideological will-o'-the-wisp and more commitment to what should also be good fiscal policy and good politics: A national mobilization that uses tax overhaul in part for some new revenues and deficit reduction. Time, meanwhile, is becoming an enemy. For the last few years, we've been financing a fair part of the deficit abroad. That won't continue, though, if the dollar keeps dropping.

DOLLAR WORRIES

Since the early 1980s, a considerable percentage of the federal budget deficit has been financed by foreigners, lured by high real interest rates and steadily rising value of the dollar. Belief in the success of Reagan's political economics was also an important part of that equation.

That belief is declining now, though. The President's refusal to come to grips with the deficit is one factor. So is the possibility that the White House might try to stack the Federal Reserve Board with easy-money supporters. And so is the uncertainty about U.S. trade policy and protectionist changes that could occur.

To rebut these fears, the Reagan Administration desperately needs a coherent strategy for coping with the deficit, trade and tax situation. Until one exists, why should foreigners buy dollar-denominated U.S. bonds and other instruments that could depreciate if Reaganomics flounders?

This is not an abstract question. If we're going to have re-escalating deficits because the President won't raise taxes, then skittish overseas investors will stop funding those deficits. That, in turn, means that interest rates would rise. No one can be sure, but the case is plausible.

TAX INCREASE OPTIONS

Nobody *wants* a significant federal tax increase in the near future. However, if we *don't* have one, we'll probably suffer an equivalent or worse economic levy in the form of 1) higher interest rates needed to get Americans and foreigners alike to finance the deficit, 2) a resultant slowdown in economic activity and decline in prosperity or 3) resurgent inflation, the so-called "cruelest tax of all."

To avoid these fates, there's a growing sense in Congress, the Fed and the financial community that serious deficit reduction must entail a tax increase. Powerful Republican Senators such as Majority Leader Bob Dole of Kansas, Finance Committee Chairman Bob Packwood of Oregon and Appropriations Committee Chairman Mark O. Hatfield of Oregon have all been privately

and semipublicly saying so for a while now. Last week, House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.) forecast a tax increase. And in mid-July, Federal Reserve Board Chairman Paul A. Volcker said that if the deficit couldn't be brought down by reducing spending, then increased revenue would be necessary, and "a consumption tax in the long run would be a desirable way to do it."

Taxes can be increased other ways, too, of course. Rostenkowski is suggesting that if a tax-reform package can be worked out by swapping elimination of deductions for bracket reduction, then it would be easy enough to follow up with a tax increase that would raise the new tax rates a point or two. Also, Congress could tell the President it's time to start taxing imports. True, the President just rejected the Senate's idea of an oil-import tax, but, at $5 a barrel, it wouldn't have raised much money—about $9 billion a year. A broader import surcharge, by contrast, could raise a lot. The new Democratic proposal by Rostenkowski and Texas Sen. Lloyd Bentsen to impose a conditional 25 percent import surcharge on goods from Japan, Korea, Taiwan and Brazil could bring in about $20 billion a year, while a 20 percent across-the-board surcharge could raise roughly $75 billion.

But consumption-tax revenues would be larger still. A 10 percent value-added or national sales tax would raise about $250 billion a year. Modified to exclude food, drugs, basic housing, energy expenses and the like, it would raise about $150 billion a year. Another slightly different version, the business transfer tax (BTT), would apply to business transactions and omit the retail-level tax. Imports coming into the country would pay this levy, and the BTT's designers have also come up with a feature to make it rebateable against federal taxes. The significance: If U.S. corporations can offset their BTT payments against other federal taxes, about half of the net revenue impact—totaling $75 billion a year—would be borne by foreigners exporting into the United States. Not surprisingly, interest is growing in this kind of consumption tax, which would not only raise a lot of money for deficit reduction and tax modification, but also strike a blow at the U.S. trade imbalance.

The changing sentiment in the GOP and the business community could convince the President to shift position later this year or early next year. Almost two decades ago, as governor of California, Reagan jokingly dismissed a "my feet are in concrete" pledge not to increase taxes by telling reporters the sound they heard was cement cracking. Today's fiscal crisis is infinitely greater, and the President may find himself confronting a choice between the cement again cracking around his ankles or the economic and political floor collapsing beneath him.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale be reviewed. The provisions stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, August 29, 1985.

In reply refer to I-04829/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director,
Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country for major defense equipment tentatively estimated to cost $14 million or more.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

POLICY JUSTIFICATION

[Deleted].
[Deleted].
[Deleted].

(U) The prime contractor will be the Hughes Aircraft Corporation of Fullerton, California.

[Deleted].

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

THE PLIGHT OF THE AMERICAN FARMER

● Mr. SIMON. Mr. President, the plight of the American farmer has been in the national spotlight for many months now. There seems to be no end to declining land values and lower prices. More and more farmers are being forced into bankruptcy and off the land they love. During the congressional recess, I had the opportunity to talk to farmers across Illinois and learn firsthand about the pain they are suffering. In a weekly column I write for newspapers in my State, I have detailed our problems and what might be done by Government to ease the strain on the backbone of our country—the American farmer. I ask to have the column printed in the CONGRESSIONAL RECORD.

The column follows:

THE VANISHING DREAM OF THE AMERICAN FARM

America's farmers are hurting. If anyone has any doubt about that, I wish you would travel across the state with me.

Talk to the Christian County farmer, perhaps thirty years old, who with his wife stretched himself to buy a farm—their dream—and picked up a mortgage. Now it looks like it is all vanishing: their dream, their hard work.

I sense that his pride is hurt as well. One of the generally accepted beliefs in this country is that if you get out and work hard, success will follow. He did that; he and his wife worked incredibly hard. But failure is his lot.

He told me that he hates to go into town because he sees the people to whom he owes money, and he feels guilty.

"I'm not the kind of a guy who doesn't pay his bills," he commented.

"The banker's on me and I don't blame him. I'm afraid those notes I've signed for him aren't worth much unless corn and soybean prices improve."

He is bitter, and understandably so, for the problems he faces—low prices and high interest rates—were not caused by him but by his government.

Twenty-three percent of our nation's farmers are in serious financial difficulty. In some parts of Illinois it is higher than that, in some parts lower, but no farmer will tell you that agriculture is not hurting.

As I was writing this I called Dillinger's Grain Elevator near Carbondale to get current grain prices: corn $2.30, soybeans $5.03. Five year ago, corn was $3.43 and beans $8.96. If you add an inflation factor, in today's prices that would probably be about $4.00 and $10.00, respectively. If those were today's prices, farmers would not be desperate.

Adding to farm woes is the prediction that corn production will be up another 8 percent this year, and soybean production will be up 5 percent to 6 percent. In addition to that, because of the over-valued dollar, farm exports are expected to drop $10 billion more on top of the drops of last year and the year before.

It is a grim picture for farmers, for rural banks, for farm implement dealers and for the many sectors of our economy heavily dependent on agriculture. We are all going to feel it if things don't turn around.

What can the federal government do?

More important that anything else is to get the federal government's financial house in order. If we can get our deficit down, interest rates will go down and exports will go up. That would be of tremendous help to farmers.

There are some short-term, immediate steps that can also be taken, like stopping the dumping of ethanol (gasoline produced from corn) from Brazil that adds to our woes.

But the major legislative need is to produce a good, sound farm bill. My colleague, Senator Alan Dixon, understands the plight of Midwest farmers and is working on the Agriculture Committee to produce something solid, but what will emerge is not clear. A bill that shores up prices and calls for a genuine, long-range conservation program will serve the nation well.

If such a bill does not emerge, the farm situation will worsen before it improves.●

HENRY RAINEY

● Mr. SIMON. Mr. President, a half century ago Henry Rainey was pushing President Franklin Roosevelt's legislative package through Congress. Today, his memory has faded but his legacy lives on. In a weekly column I write for newspapers in my State, I remember Henry Rainey and his contributions both to Illinois and to the Nation. I ask to have the column printed in the CONGRESSIONAL RECORD.

The column follows:

AN ILLINOISIAN WHO MADE A DIFFERENCE

Who was Henry T. Rainey?

I doubt that one Illinois citizen out of a hundred recognizes his name.

Henry T. Rainey of Illinois served as Speaker of the U.S. House of Representatives until his death on Aug. 19, 1934, 51 years ago.

President Franklin D. Roosevelt took a train ride from Washington, D.C., to Carrollton, Ill., to be present for the funeral. This was in the days before a president traveled by plane.

A much more famous speaker of the House from Illinois was Joe Cannon of Danville, for whom the Cannon Building on Capitol Hill in Washington is named.

But half a century ago Henry Rainey was a big name on the national scene. He succeeded John Nance Garner as Speaker when Garner became Roosevelt's vice president.

Born in Carrollton a few months before the Civil War started, he attended Knox College in Illinois, Amherst College in Massachusetts and the no-longer-existing Union College of Law in Chicago, now Northwestern University Law School.

Elected to Congress in 1902, he served 18 years and then lost an election in the Harding landslide of 1920. Two years later he was elected once again, serving until his death.

He called himself "progressive," but his opponents called him "radical." He favored things like an eight-hour day, considered by many to be a radical idea at the time.

On the national scene he was perhaps best known for his fights for a low tariff. For most Illinois citizens, his significant effort was to open up the Illinois River to freight, connecting the Great Lakes to the Mississippi River.

But for the nation as a whole, his greatest contribution was pushing through the House the significant legislative package President Roosevelt presented the nation during FDR's first 100 days in office.

In Carrollton, about 70 miles southwest of Springfield, there is a statue of Rainey.

The last time I had a chance to look at the old Rainey farm home—I am told he was very proud of it—it was gradually falling apart, unoccupied, chickens walking through the place.

A man who contributed as much as Henry T. Rainey to the nation should be remembered.

The Illinois State Historical Society or the Greene County Historical Society should investigate if there is any chance of redeeming what was once a magnificent farm home.

If that is not possible—and it may not be—there ought to be an annual Henry T. Rainey lecture in his hometown of Carrollton. Here the nation paid its final tribute to him. Here the nation could hear an annual message of significance.

He should not be forgotten.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 6, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-55 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

TRANSMITTAL NO. 85-55—NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) *Prospective Purchaser:* Federal Republic of Germany.

(ii) *Total Estimated Value:* Major Defense Equipment,[1] $22 million; Other, $3 million; Total, $25 million.

(iii) *Description of Articles or Services Offered:* Three hundred ten AGM-65B MAVERICK missiles, with related initial spares and support equipment.

(iv) *Military Department:* Air Force (YDJ).

(v) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vi) *Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold:* See Annex under separate cover.

(vii) *Section 28 Report:* Case not included in Section 28 report.

(viii) *Date Report Delivered to Congress:* September 6, 1985.

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[1] As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—AGM—65B MAVERICK MISSILES

The Government of the Federal Republic of Germany (FRG) has requested the purchase of 310 AGM-65B MAVERICK missiles, with related initial spares and support equipment. The estimated cost is $25 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale is essential to the FRG as the AGM-65B MAVERICK missiles will provide the electro-optical conventional weapons delivery capability for which German Air Force F-4F aircraft have recently been modified through the Improved Armament Capability Program. The AGM-65B capability fulfills one of the inter-operability objectives between the U.S. and FRG. This is a follow-on sale. The FRG procured 450 AGM-65B missiles in 1982 and an additional 120 missiles in 1985.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Hughes Aircraft Company of Tucson, Arizona.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the FRG.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

HITLER, SOUTH AFRICA AND "THE THIN VENEER"

● Mr. SIMON. Mr. President, the lessons we learned by not speaking loudly enough to protest Adolf Hitler's campaign to extinguish the Jews should provide some direction now as we struggle with our stance on South Africa and apartheid. If we need some reminders of those lessons, David Wyman's "The Abandonment of the Jews" is must reading. In a weekly column I write for newspapers in my State, I have drawn some comparisons between those two oppressive governments and the direction we can receive from Mr. Wyman's book. I ask that the column be printed in the RECORD.

The column follows:

HITLER, SOUTH AFRICA AND "THE THIN VENEER"

(By Senator Paul Simon)

A thin veneer sometimes holds civilizations together.

That thin veneer is threatened, in part, by our fears and those who appeal to fears.

An obvious example is that civilization is threatened by nuclear obliteration because we have fears of the Soviets, and they have fears of us, and each side piles up more and more nuclear weapons—far beyond the point of reason on either side. We are spending more and more on nuclear weapons, less and less to understand each other. The result is that our fears are multiplied.

But the lesson of the problems caused by those who appeal to fears was brought home to me recently by one of the most

powerful books I have ever read. It is *The Abandonment of the Jews* by David Wyman.

It is not comforting reading for Protestants, Catholics, Jews and others, or for Americans with no affiliation.

It tells the story of the years during World War II when word gradually filtered from Germany and German-conquered territory about what was happening.

U.S. leadership, from the President on down, was nominally opposed to what Hitler was doing, but time and again when opportunities presented themselves to save thousands of Jews, the opportunities were not seized.

Sometimes Jews in the United States did not stand up because they feared they might spread the poison of anti-Semitism that Hitler encouraged, and an anti-Semitism that had penetrated into our society as well as in other nations.

Protestants and Catholics were also far too timid. The strong message of condemnation of this mass murder that you might expect came not in a torrent, but in a trickle.

As a Lutheran, I wish I could relate that Lutherans were an exception to the general rule; they were not. Nor were Catholics, Baptists, Presbyterians—and the list goes on.

Two groups did speak out forcefully: the Quakers (Friends) and the Unitarians. Even those two groups, which did much better than the others, could have done more.

Religious journals were audibly silent.

In Congress, the voices of humanity and the calls for help were few. The nation was so wrapped up in winning the war that anything else seemed secondary.

But history is not likely to judge us kindly for not opening our shores to desperate people; for not taking advantage of neutral nations that could have saved hundreds of thousands, perhaps millions; for not bombing railroad lines that led to the mass execution sites, and for not bombing those sites themselves.

What can we learn from this?

When there is injustice, in whatever form, we must speak out.

That is true in our communities; it is true in the community of nations. South Africa's situation is a clear example today, with uncomfortable parallels to the beginning of WWII policy, except for a different group being suppressed.

In our desires to reach working accommodation with the Soviet Union and other countries—and I favor getting along better with others—we should not hesitate to speak out about injustices we see. They point out our blemishes, like unemployment, as they should, and we should not hesitate to speak out about their human rights violations. And within our country and our communities, whenever we see people oppressed or criticized or held down solely on the basis of race, creed, national background or sex, we should stand up.

David Wyman's book will haunt you if you read it. We need to be haunted.●

THE NECESSITY OF PEACE CONVERSION

● Mr. SIMON. Mr. President, during the congressional recess, I went through a great variety of things that I had accumulated, and one of them was the testimony of a California businessman, Theodore Williams, chief executive officer of Bell Industries in California, before this State's senate committee on investment priorities.

This testimony was given a few years ago, but it seems to me just as applicable today as it was then.

We have to move off the present course which, ultimately, has to be a catastrophic course.

We must reduce the arms race; we must build a base of understanding between nations.

I ask that the testimony of Theodore Williams be inserted at this point, and I urge my colleagues to read it.

The testimony follows:

TESTIMONY OF THEODORE WILLIAMS

My name is Theodore Williams. I am President, Chairman of the Board and Chief Executive Officer of Bell Industries, a California corporation. I am a Mechanical and Industrial Engineer and have done graduate work in Business Administration. After graduation, I went into the business of manufacturing aircraft engine parts and ordnance tooling during World War II for approximately 2½ years, and then served in the Army as an ordnance officer in the South Pacific. After the war I moved to California where I became a manufacturer of aircraft hydraulic components and computer hardware. In 1968, I merged my company with Bell Industries and assumed my present position in 1970.

Bell Industries is a diversified NYSE listed company whose sales last year were $132 MM with earnings of $5 MM after taxes. We expect to exceed $150 MM in sales this year with approximately 50 percent in electronic products, 25 percent in recreational products and 25 percent in residential products. We have 1600 employees located in 28 divisions, 18 of which are in California, the balance in Oregon, Illinois, Washington, Colorado, New Mexico, Minnesota, Michigan, Wisconsin, and Utah. Since 1970, we have tripled in size and concentrated our efforts in non-defense-oriented businesses. At this point in time we have only one division that is totally defense-oriented.

We have the following objections to defense work:

(a) Too much government looking over our shoulder during the period it takes to fill the order.

(b) Always the possibility of renegotiation even if, due to our own ingenuity, we make a high profit. This is true even on fixed price sealed bid contracts.

(c) We feel more comfortable with a broader customer base, so that the loss of any one order does not have too great an impact on our overall business.

(d) It is very difficult to mix commercial and military business. The excess paperwork, manufacturing and quality control are not warranted in commercial products.

Let me direct your attention to the following points made in a recent publication of the Businessmen's Education Fund about military spending and unemployment:

"Military spending aggravates the problem of unemployment both directly and indirectly. Directly, on the average the number of jobs created by the expenditure of a given sum for defense creates fewer jobs than the same amount spent for civilian goods and/or services. The making of military hardware requires relatively far more capital than most civilian production. Indirectly, so much military spending has gone to finance research and development that a large proportion of American scientists and engineers (some estimates are over half) are engaged in military work. This has resulted in the nondefense industry of the United States falling behind in development of new or improved products. Foreign countries are getting an increased share of the American market in many fields as is easily noticeable in regard to autos, radios, TVs and cameras and less noticeable in regard to machine tools and similar products requiring high technology.

"Some of our older industries, such as steel, are suffering from obsolescence due to a shortage of capital for development of new and improved facilities.

"The U.S. balance of payments has suffered by the fact that in so many lines our products are no longer among the best in the world. This has contributed to the decline of our dollar, a decline which makes our products more attractive to foreigners while making it harder for us to pay for imports of the raw materials we need. Employment has therefore been lessened.

"Military spending does not increase employment—it generates unemployment, according to 'The Empty Pork Barrel,' a report of the Michigan Public Interest Research Group (590 Hollister Road, Lansing, Michigan, 48933). During the years 1970–1974 every time the military budget went up $1 billion, 11,600 jobs disappeared in the United States. That meant that between 1970–74 there was an annual net loss of 907,000 jobs when the military budget averaged $78 billion."

According to the Center for Defense Information, using data from the Department of Defense, Congressional Budget Office, and Bureau of Labor Statistics, about 62 percent of U.S. federal R&D spending is for military and space; only about 13 percent for energy, even though the energy crisis is one of the most important threats to our nation we have yet had to face.

A document called "More Jobs: Converting to a Peaceful, Productive Economy," distributed by several major national unions, states:

"The facts show that defense production is one of the least effective ways of creating employment. As military production has become more capital intensive and automated, the volume of employment has dropped.

In California, defense spending is at an all time high, but total aerospace employment has dropped from a 1968 high of 750,000 to approximately 440,000 today.

If just a fraction of the money now spent on the military were redirected to human and social needs, many additional new jobs could be created in the economy. Unemployment lines would shorten, and welfare and poverty rolls could be reduced."

Perhaps the greatest cost of the defense budget is the diversion of needed technology away from civilian production. For over a generation, approximately half of all scientists and engineers in the country have worked on military-related projects. As a result, the United States has the most advanced missiles and warplanes in the world, but we cannot build a decent railroad. Arms manufacturers prosper, while the heart of the industrial economy decays. A major reason for the present crisis in the steel industry, for example, is that corporations have not put sufficient funds into new equipment and technology. Our scientific talent has gone instead into the military or has been exported abroad by the multinational companies.

From my personal experience over the past 30 years, many small companies I knew

and did business with have gone out of business due to discontinuance or cancellation of military subcontracts. We, in turn, have prospered due in large part to our diversification as well as minimizing our dependency on defense contracts.

I would like to now respond to the questions in your Notice of Public Hearing:

1a. Are U.S. Defense Department prime contractors overly dependent on federal military contracts?

Answer. Yes, and I would cite Lockheed, Northrop, Rockwell, Hughes, and General Dynamics as examples. The reasons are due to the fact that personnel from a defense-oriented business are more wasteful, not sufficiently cost conscious, nor geared to product simplification. They do not understand the highly competitive commercial world that does not have room for layers of bureaucracy and no one to turn to for cost overruns.

1b. If so, are defense contractors presently diversified or planning diversification of their production facilities?

Answer. The previous answer is the reason for so little diversification.

1c. Could prime contractors convert to alternative production if there is a major shift in U.S. defense policy?

Answer. It would be difficult, require much time and planning to avoid a domino effect on the subcontractors who depend on the primes.

2. Should a large, federally financed military or weapons system project be cancelled, could prime contractor employees be retrained and employed in non-defense related industry, either inside the corporation or with another corporation?

Answer. The answer is yes, but over a period of time.

3a. To what extent are U.S. Defense Department prime contracts subcontracted to small business, and are such small businesses located in or outside the State of California?

Answer. To a large extent many small plants are very dependent, both inside and outside California. There are also many suppliers of small plants that would also be affected.

3b. To what extent is small business actualy involved in the defense industry in the state?

Answer. To what extent—I don't know.

4. How will small businesses that subcontract with defense-related prime contractors be affected should there be a major shift in federal defense spending?

Answer. A great many would be destroyed due to the limited number of customers most of them have. They have limited capital, very little access to obtain capital and generally lack knowledge of commercial markets.

5. Who should be responsible for economic conversion planning in the future?

Answer. Perhaps a clearly stated government policy of gradual guaranteed reduction in military spending over a 10 to 15 year period. This coupled with an increase in spending for essential public needs such as public transportation, alternative energy sources, and low cost housing might enable the job market to adjust by itself.●

NEW BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the first weekly budget scorekeeping report prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986 which was adopted by Congress on August 1.

Section 5 of the budget resolution calls on the Director of the Congressional Budget Office to prepare a report weekly when the Senate is in session that provides up-to-date information on congressional action on bills and resolutions that affect the budget.

The report shows the current revenue, spending, and public debt levels based on completed congressional action as of this time, and compares those amounts to the levels contained in the budget resolution. The report covers fiscal year 1986, the budget year, and fiscal year 1985, the current year. Future reports will continue to provide information on fiscal year 1985 until its expiration on September 30.

This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act.

We plan to print this report in the CONGRESSIONAL RECORD each week when the Senate is in session, normally on Monday, for the information of all Senators.

The staffs of the Budget Committee or the Congressional Budget Office will be pleased to answer any questions regarding the report, or to provide further details.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 9, 1985.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1985 and 1986. The estimated total of budget authority, outlays, and revenues for each fiscal year are also compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through September 5, 1985. The report is submitted under Section 308(b) and in aid of Section 311(b) of the Congressional Budget Act.

Since my last report on fiscal year 1985, the Congress has cleared and the President has approved the Supplemental Appropriations Bill, P.L. 99-88, thereby changing estimated budget authority and outlays. This is my first report on fiscal year 1986.

With best wishes,
Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESSS, 1ST SESSION, AS OF SEPT. 9, 1985

[In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Fiscal year 1985:				
Current level [1]	1,062.2	946.4	736.5	1,823.8
Budget resolution, Senate Concurrent Resolution 32	1,062.1	946.3	736.5	[2] 1,847.8
Current level is:				
Over resolution by	.1	.1		
Under resolution by			[3]	24.0
Fiscal year 1986:				
Current level [1]	618.9	719.4	792.8	1,823.8
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by				
Under resolution by	450.8	248.2	2.9	255.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate Committee or passed by the Senate. Thus, savings from reconciliation action assumed in S. Con. Res. 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $1,823.8 billion.

[3] Less than $50 million.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESSS, 1ST SESSION, AS OF SEPT. 9, 1985—Continued

[In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Budget resolution, Senate Concurrent Resolution 32	1,062.1	946.3	736.5	[2] 1,847.8
Current level is:				
Over resolution by	.1	.1		
Under resolution by			[3]	24.0
Fiscal year 1986:				
Current level [1]	618.9	719.4	792.8	1,823.8
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by				
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[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate Committee or passed by the Senate. Thus, savings from reconciliation action assumed in S. Con. Res. 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $1,823.8 billion.

[3] Less than $50 million.

FISCAL YEAR 1985: SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 1ST SESSION AS OF SEPT. 9, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues			736,650
Permanent appropriations and trust funds	686,253	607,885	
Other appropriations	542,981	516,642	
Offsetting receipts	−182,025	−18,025	
Total enacted in previous sessions	1,047,209	942,502	736,650
II. Enacted this session:			
Famine Relief and Recovery in Africa (Public Law 99-10)	784	289	
Appropriations for the MX missile (Public Law 99-18)		79	
Agriculture supplemental appropriation (Public Law 99-71)	1,000		
Federal supplemental compensation phaseout (Public Law 99-15)	160	160	
Statue of Liberty-Ellis Island Coin Act (Public Law 99-61)	18	16	
Contemporaneous recordkeeping repeal bill (Public Law 99-44)			−150
United States-Israel Free Trade Act (Public Law 99-47)			[1]
State Department authorization (Public Law 99-93)			−1
Supplemental appropriations bill (Public Law 99-88)	(13,029)	(3,369)	
Offsetting receipts	(−48)	(−48)	
Bill total	12,981	3,321	
Total enacted this session	14,943	3,865	−151
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action			
Total current level as of September 9, 1985	1,062,152	946,368	736,499
1985 budget resolution (S. Con. Res. 32)	1,062,100	946,300	736,500
Current level is:			
Over budget resolution	52	68	
Under budget resolution			1

[1] Less than $500 thousand.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1986: SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99Th CONGRESS, 1ST SESSION AS OF SEPT. 9, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			792,800
Permanent appropriations and trust funds	717,652	631,009	
Other appropriations		185,348	
Offsetting receipts	−162,006	−162,006	
Total enacted in previous sessions	555,645	654,351	792,800
II. Enacted this session:			
Appropriations for the MX missile (Public Law 99–18)		368	
Famine Relief and Recovery in Africa (Public Law 99–10)		421	
Statue of Liberty—Ellis Island Coin Act (Public Law 99–61)	−15	31	
Contemporaneous recordkeeping repeal bill (Public Law 99–44)			13
United States-Israel Free Trade Act (Public Law 99–47)			−8
State Department authorization (Public Law 99–93)			2
Supplemental appropriations bill (Public Law 99–88)	36	3,138	
International Security and Development Cooperation Act (Public Law 99–83)	−25	−25	
Federal supplemental compensation phaseout (Public Law 99–15)			10
Total enacted this session	−4	3,932	1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund	110	110	
Claims, defense	165	161	
Payment to the Foreign Service retirement trust fund [2]	(161)	(161)	
National forest system	64	52	
Range improvements	10	7	
BLM: Miscellaneous trust fund	(1)	(1)	
Payments to air carriers, DOT	54	50	
Retired pay—Coast Guard	352	318	
Maritime, operating-differential subsidies		303	
BIA: Miscellaneous trust funds	4	4	
Social services block grant	2,700	2,700	
Family social services	550	550	
Guaranteed student loans	3,267	2,606	
Higher education facilities loans and insurance	18		
Government payment for annuitants	1,606	1,448	
Retirement pay for PHS officers	84	78	
Medicaid	17,910	17,579	
Medical facilities guarantee and loan fund	25		
Payments to health care trust funds [2]	(19,761)	(19,761)	
Special milk program	12	7	
Child nutrition programs	4,059	4,039	
Federal unemployment benefits and allowances	75	74	
Advances to the unemployment trust fund [2]	(516)	(516)	
Special benefits (general retirement and Federal employee retirement)	260	259	
Black lung disability trust fund	1,035	1,035	
Supplemental security income	7,587	7,587	
Special benefits for disabled coal miners	752	752	
Assistance payments	6,783	6,783	
Child support enforcement	436	436	
Payments to social security trust funds [2]	(497)	(497)	
Veterans insurance and indemnities	10	9	
Veterans readjustment benefits	1,006	963	
Veterans compensation	10,076	9,269	
Veterans pensions	3,951	3,631	
Veterans burial benefits	144	144	
Salaries of judges	82	81	
Fees and expenses of witnesses	42	32	
Compensation of the President	(1)	(1)	
Payment to the civil service retirement trust fund [2]	(4,621)	(4,621)	
National wildlife refuge fund	6	6	
General revenue sharing [2]	(4,567)	(4,567)	
Total entitlements	63,235	61,070	
Total current level as of September 9, 1985	618,877	719,353	792,817
1986 budget resolution (Senate Concurrent Resolution 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution			
Under budget resolution	450,823	248,247	2,883

[1] Less than $500 thousand.
[2] Interfund transactions do not add to budget totals.
Note.—Numbers may not add due to rounding.

SMALL BUSINESS SERVICE BUREAU LEADS EXPORT PROMOTION

● Mr. KERRY. Mr. President, one of the most serious economic issues facing our nation today is our massive international trade deficit which has resulted in a loss of as many as 500,000 American manufacturing jobs since 1981. While Congress and the administration are currently engaged in addressing this crisis through a variety of policy measures, it is vitally important the private sector redouble its efforts to increase U.S. exports and become competitive in markets overseas.

In this regard, I would like to call the attention of my Senate colleagues to the successful efforts of the Small Business Service Bureau, Inc., of Worcester, MA. Through the vision and determination of Mr. Francis R. Carroll, one of the Nation's most respected small business leaders, the SBSB has led two delegations of small business owners to the People's Republic of China. As the New York Times reported today, these visits have resulted in solid contacts and increased sales abroad. I am particularly proud to note that in addition to his other endeavors, Mr. Carroll serves as a member of the Senate Small Business Committee's Advisory Council.

Mr. President, I ask that the article from the New York Times be printed with my remarks.

The article follows:

[From the New York Times, Sept. 9, 1985]

U.S. SMALL BUSINESS IS DRAWN TO CHINA: TRIPS PAY OFF IN CONTRACTS

(By John F. Burns)

PEKING, September 8.—A little more than 20 months ago, Michael A. Andreottola was out of a job, his position as an engineer and designer with Applicon, Inc. eliminated when a French company, Schlumberger, took over the American concern and transferred part of its operations to France.

Last week, Mr. Andreottola was in China as the president of his own company, the American Ink Jet Corporation of Woburn, Mass. While here, the 38-year-old executive made fresh inroads into a market that has provided his company with $80,000 of business in little more than a year. His company's total first-year revenues were about $600,000.

Since President Nixon's visit in 1972 opened the way for a resumption of trade between the United States and China, the dominant corporate players have been large multinational corporations such as the Boeing Company, the General Electric Company and the International Business Machines Corporation. The Chinese like to buy from companies that are market leaders, and big corporations are better equipped to meet the often heavy costs of building up a relationship here.

Nonetheless, entrepreneurs like Mr. Andreottola are proving that there is a niche in the Chinese market for small businesses, and not only in the arts and crafts trade that has flourished since Mr. Nixon's visit opened the door.

A READY MATCH

Mr. Andreottola, making his first visit here, found little time to see the sights. At Applicon, he specialized in the development of computer-aided plotters and the inks used with them, notably in seismology. He has built up his own business in maintaining and servicing plotters, supplying inks and consulting, which provided a ready match for Chinese companies involved in the burgeoning oil exploration here.

In a few days here and in Canton, which is close to the major explorations being conducted by Chinese and Western oil companies in the South China Sea, Mr. Andreottola met with the buyers of his inks and identified the operators of several plotters previously sold here who are potential customers of his company. Along the way he also sounded out the possibility of selling the Chinese secondhand plotters from United States companies hit by slumping oil exploration at home.

"About 90 percent of my business is seismology-oriented, and in the United States that's going down fast," Mr. Andreottola said, "Here, it's headed in the opposite direction—there's a lot of oil exploration, and a lot of seismology." He added, "I can see where I will be doing 10 to 15 percent of my business here, more or less offsetting losses in the market at home."

SENDING DELEGATIONS

Mr. Andreottola's effort to enter the Chinese market has been aided by another Massachusetts-based company, the Small Business Service Bureau Inc. Under the leadership of Francis R. Carroll, who founded the company in 1968, the Worcester-based S.B.S.B. has organized two small-business delegations to China in the past year that have produced promising links for participants.

Mr. Carroll's company has signed up 35,000 small businesses in the United States as members, and provides them with a broad range of services from management assistance to electronic mailing, access to group medical insurance and legislative lobbying.

Years ago, before the Communist takeover in Vietnam, Mr. Carroll was involved in a business that built concrete-hulled shrimp boats there. Later, he was the prime mover behind an appeal that raised $100,000 in the Worcester area for a small hospital in the Vietnamese central highlands that was dedicated to Americans who died in the war. From those experiences grew a conviction that an American company did not have to

be listed in the Fortune 500 to be competitive overseas.

VISIT BY CHINESE OFFICIAL

The opening to China came when the Governor of Guangdong, one of the most populous of China's provinces, visited Massachusetts in 1983. At Mr. Carroll's invitation, the official, Liang Lingguang, spent two days looking at business and industry in the Worcester area and reciprocated by inviting Mr. Carroll to lead a small-business delegation to Guangdong. That trip, in November 1984, provided the contacts for the most recent visit.

"As the Chinese explained it to us," Mr. Carroll said, "a lot of their companies have no opportunity—and insufficient funds—to deal with I.B.M. or G.E., but they are eager for the advantages that can flow from dealing with smaller companies that provide a match for their activities." He added: "I think they realize that smaller companies are more flexible, can make their decisions more quickly and can work on smaller profit margins."

On the negative side, many small companies could be daunted by the high costs and the time involved in visiting here. But Mr. Carroll, whose company charges a basic fee of $1,000 for organizing a business executive's trip and setting up introductions, says that a first journey here can be budgeted at less than $5,000, half or less of what the same trip would cost if organized through one of the United States banks that are now offering introductions to the China market.

Another participant in the Carroll group who went away happy was Albert J. DiGregorio, president of the United Lens Company of Southbridge, Mass., who came to China wondering whether the market his father found here in the 1930's could be revived.

After a visit to an optical factory, the American concluded that the Chinese have little need for United States products. However, he was impressed by the quality and cost of the plant's silica and quartz materials, and will investigate the possibility of buying some of his own plant's supplies here. ●

50TH ANNIVERSARY OF THE SOCIETY OF REAL ESTATE APPRAISERS

● Mr. D'AMATO. Mr. President, I rise today to honor the 50th anniversary of the founding of the Society of Real Estate Appraisers. In so doing, I join with my distinguished colleague from Illinois, Senator ALAN DIXON, as a cosponsor of Senate Concurrent Resolution 51, a resolution to honor the golden anniversary of the society.

This organization came into being during the tumultuous period of the Great Depression. In a period of instability for the residential real estate market, real estate appraisers lent credibility during a very uncertain time. The society joined to meet this need and was incorporated in Illinois in 1935.

Today the Society of Real Estate Appraisers boast of a membership of 16,000. They are spread throughout all 50 States, the Caribbean, the Far East, Africa, and the United Kingdom. As appraisers they operate independently and perform their services for various lending and financial institutions, corporations, and all levels of government.

Each year thousands of individuals attend the educational programs sponsored by the society; as a result, the profession has continually flourished and served its communities well. I commend these progressive professionals and urge my colleagues to join me and do the same. ●

FAMINE AREAS OF AFRICA—A REPORT BY ANDREW MAIR

● Mr. ARMSTRONG. Mr. President, recently I was given a report on the famine situation in northern Africa by a fellow Coloradan, Mr. Andrew Mair. This report resulted from the deep concern of Mr. Mair for the people suffering from the extended drought in Africa which motivated him to undertake a tour of the area at his own expense. He and two friends, Mr. Ed Rau and Elmer Reed, traveled Kenya, Ethiopia, and Sudan over a 16-day period and made contact with the top officials of the major voluntary agencies responsible for assistance to the drought victims.

I ask that Mr. Mair's report be printed in the CONGRESSIONAL RECORD for two reasons. The first is that it is a most encouraging chronicle of cooperation between nations in a great international effort to ease the suffering of the starving. The second is that the report represents a tangible expression of concern by three citizens who cared enough to become personally involved and to learn the situation first hand.

Mr. Mair has a wealth of experience in aid programs by the U.S. Government. During 12 years of service in the Department of Agriculture, Andy spent 4 years as Deputy Assistant Secretary for International Affairs. He also worked for the Department of State for 9 years and was Coordinator for Food-for-Peace from 1973 to 1975. On his trip he was accompanied by Attorney Ed Rau, who is a 25-year veteran of the Air Force who also served as Air Attaché in Kabul, Afghanistan. Also making the trip was Elmer Reed who is a 35-year veteran of the ASCS of the Department of Agriculture.

The most disturbing aspect of Mr. Mair's discussion of his trip with me is that the current agony of the people of northern Africa is likely to be a forerunner of a series of similar crises in the future. It is Mr. Mair's conclusion that it is not only of great importance to supply food to ease the immediate crisis, it is equally important to convince the nations of the area of the critical necessity to undertake the reforms necessary to improve the long-term food production capability. His report raises a very delicate issue of how to help the unfortunate victims and at the same time lay the foundation for fundamental reforms to avert catastrophes of this kind in the future.

I commend Andrew Mair, Ed Rau, and Elmer Reed for their humanitarian concern that prompted their trip and their efforts to inform the American people about this crisis.

The report follows:

JULY 22, 1985.

Senator WILLIAM ARMSTRONG,
528 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ARMSTRONG: As your office requested, I am sending you a report of my trip to the famine areas of Kenya, Ethiopia and Sudan. I and two friends and former colleagues of mine from Colorado returned July 6, 1985 from a 16-day tour of the famine areas in the above countries. In each country we contacted the top officials of the major voluntary agencies responsible for distributing the food and other assistance to the drought victims in each country. The agencies we contacted were CARE, Catholic Relief Services, World Vision, Church World Service, Save the Children, and others. We also contacted representatives of F.A.O., the United Nations Food and Agriculture Organization and World Food Program.

These organizations are doing a good job under very difficult circumstances. Getting food to the drought victims in the isolated areas of Ethiopia and Sudan is all but impossible. We returned with increased appreciation for those U.S. citizens and others we met who are assisting those desperate people in the refugee camps and out in the villages in the famine area. They are risking their future health to serve their fellow men. They deserve our appreciation and support.

We were also impressed by the fine spirit of cooperation that exists between various U.S. groups and the international groups working on the same problem. It appears that this crisis is so bad that each group was concentrating on the best way to save lives with little regard for who would get the credit. On June 30 we witnessed an example of this international cooperative effort when we were privileged to travel over 500 miles over the drought area of Ethiopia in an M-I-8 Soviet helicopter piloted by a crew from the Polish Air Force and accompanied by the Polish Ambassador to Ethiopia. They were delivering food to drought victims who could not be reached by other means of transportation.

We saw C-130 cargo planes operated by the British Royal Air Force carrying 16 tons per load and dropping U.S. grain to drought victims. The Royal Air Force had four C-130's and the German Air Force had three C-130's participating in this food distribution system. The Belgians and the Swiss Air Forces were also supplying planes and/or helicopters for the system. We were told that members of the armed forces of the NATO countries had participated with members of the armed forces of eastern bloc countries in a joint project like this.

The United States is the largest contributor of food aid to Ethiopia and Sudan with over one million tons approved under the Food for Peace program for fiscal year 1985.

The time we spent in Africa plus the time we spent researching for the trip convinced us that Africa is truly a continent in crisis. I participated in a tour of the drought areas of Africa a decade ago in preparing for the

World Food Conference held in Rome, Italy in November 1974. In the last decade food production per capita has dropped ten percent in Africa. There is little evidence to show food production per capita will increase in the next decade.

Leaders of most of the countries of Africa are reluctant to let the market system work. They prefer to keep prices of food low for the people in the cities and thereby providing no incentive for food producers to increase production.

The pro-communist military government that has controlled Ethiopia since Emperor Haile Selassie was executed in 1974 is anti-United States and pro-Soviet Union. The Soviets supported Ethiopia in their war with Somalia in 1977 and 1978 and the United States supported Somalia. They have not forgiven us. The present government is a centralized planned economy based on socialist principles with the Soviet Union as a model. During the past ten years Comrade Mengistu has eliminated all organized opposition to his leadership using many of the same tactics Stalin used in eliminating his competitors for power in his early days in the Soviet Union. They have nationalized many industries and attempted to collectivize their farms. As a result, production has decreased and scarcities of many commodities have developed. Military conflict between neighboring countries and between different areas within countries is the way of life for much of Africa. The conflict between the central government of Ethiopia and the people in the province of Eritrea in northern Ethiopia has been going on for the past 19 years, and there is little to indicate that conflict will be resolved anytime in the near future. People are being killed and property destroyed.

Sudan is providing for one-and-one-half million refugees from Ethiopia, Chad and Uganda. You asked for our recommendations for future actions. We believe the Christian and moral thing to do is to share our abundance with the victims of the drought to the maximum extent possible. There is little doubt that this is the most severe drought to hit parts of Ethiopia and Sudan in this century. The Food and Peace program, or Public Law 480 as it is known to the Congress, was designed for emergencies such as this. The U.S. Department of Agriculture has adequate supplies of grain for this purpose.

The private sector should be encouraged to continue its efforts to assist in the area.

Food aid should not be continued indefinitely. The leaders responsible for government action must be made to realize the United States is not going to continue to feed their people. If requested, we can provide technical assistance on how to improve their food production, but individual countries must take corrective actions to bring about change in their own countries.

I was encouraged by the success of "Live Aid" organized by Bob Geldof. Reports indicate that over $50 million will be provided for assistance to Africa by the entertainment community in that one-day activity. I would encourage you to do what you can to promote the following:

1. Encourage a maximum amount of assistance in food aid and medicine be given from both government and private sources.

2. Encourage your colleagues in the Senate to take whatever actions they can to bring about an increase in food production in Africa. If corrective action is not taken, we will see the present crisis developing again in the years ahead.

I hope you will find this report useful. If I can be of further assistance to you, please let me know.

Sincerely,

ANDREW J. MAIR,
Consultant on World Hunger.

OFFICIALS CONTACTED

Ethiopia

Joseph P. O'Neil—Dept. Chief of Mission, U.S. Embassy; Ann Gray—Economic Councilor, U.S. Embassy; Dr. Frederick E. Mackmer, Jr.—U.S. Coordinator for Emergency Relief, U.S. Embassy; Stanley Dunn—Deputy Commissioner Relief and Rehabilitation, Peoples Republic of Ethiopia, Addis.

Hans A.H. Dall—Resident Representative F.A.O. (Food and Agriculture Organization), Addis; Kevin Farrell—W.F.P. (World Food Program), Addis; His Excellency Anderzej Konopacki—Ambassador of Poland to Sudan; Colonel Kazimierz Pogorzelski—Commanding Officer, Polish Relief Helicopter Squadron in Ethiopia; William Rastetter—Director, Catholic Relief Services, Addis; Dr. James Oxley—Animal Science Department, Colorado State University, Addis.

Kenya

Frederick Sheppard—Administrative Officer, U.S. Embassy, Nairobi; Brian Flanigan—Reg. Security Officer, U.S. Embassy: Robert Downing—Political Officer, U.S. Embassy; Arthur M. Fell—Deputy Director, Regional Economic Development Office; Nancy Metcalf—Regional Food for Peace Officer, U.S. Aid.

Jon O'Rourke—Deputy Food for Peace Officer; Barry Riley—Deputy Director, U.S. Aid, Mission, Nairobi; Robbin Cheetham—Project Manager, Drought Relief Project, CARE, Kenya; Richard Alton—Area Director, Institute of Cultural Affairs, Nairobi; Clive T. Froome—Managing Director, Flamingo Tour, Nairobi.

Sudan

David H. Shinn—Deputy Chief of Mission, U.S. Embassy; Arthur Moss—Refugee Officer, U.S. Embassy; William R. Brown—Director of U.S. Aid, U.S. Embassy; Richard C. Copeland—Coordinator Overseas Services Oxfam, Oxford, United Kingdom; Ken Curtin—Specialist, Refugees and Disasters, Catholic Relief Services, Khartoum.

Dr. Aziz Saleh—F.A.O. Representative for Sudan; Jean-Paul F. Jesse—Delegate of the Commissions of the European Community for Sudan; Mr. Emil Steinkraus—Director, CARE, Sudan; Bill Newell—Executive Director of World Vision for Canada. Acting Director for World Vision United States, Khartoum; Colonel Hasan Ahmed Siddig—Deputy Chief of Police Khartoum; Dr. Nour—Animal Science Department, University of Khartoum.

VISITOR TO ETHIOPIA SEES FAMINE RELIEF EFFORT FIRSTHAND

(By Andrew J. Mair)

If a Westerner arrives at the airport in Addis Ababa, the capital of Ethiopia, and takes the major thoroughfare into the city, he will be surprised to see giant signs displaying the communist hammer and sickle. As you move into the city and approach Independence Square you will see 30-foot pictures of Marx, Engels, and Lenin, the patron saints of the Communist Party. You also see many large pictures of a man in his early 40s with a neatly trimmed mustache and penetrating dark eyes. This is the current strongman of Ethiopia. His name is Mengistu Haile Mariam. His full title is Chairman of the Council of Ministries and the Commission for the Organization of the Party of the Working People of Ethiopia; Commander in Chief of the Armed Forces, Head of State. His full title is used whenever he is quoted in the Ethiopian newspapers.

Ethiopia has an area of 472,000 square miles—about the size of Texas, Oklahoma and New Mexico combined. The country has a high central plateau that varies from 6,000 to 10,000 feet above sea level, with some mountains reaching 15,000 feet.

The official population figures released in 1980 show a population of 31 million, but Ethiopian officials report the population is now more than 40 million. Its history goes back more than 4,000 years, and the Old testament of the Bible records the visit of the Queen of Sheba of Ethiopia to Jerusalem.

Its high plateaus and rugged mountains make it all but impossible to build and maintain roads in many sections of the country. Officials tell us that more than one-half the population of Ethiopia live more than one-half day's walk from the nearest road. Less than 10 percent of the population has access to electricity.

Throughout its history Ethiopia has been plagued by periodic droughts. There is considerable soil erosion caused by overgrazing and high population density. The current drought is reported to be the most severe drought of this century.

Reports from the United Nations show Ethiopia to be one of the poorest countries in the world. Eighty-six percent of its population is dependent on subsistence agriculture for their livelihood. This bit of background information about the country helps you to understand the current situation in the country.

The current military government took over control of the government when Emperor Haile Selassie was dethroned in September 1974. The present government is anti-United States and pro-Soviet Union. The Soviet Union supported Ethiopia in its war with neighboring Somalia during 1978 and 1979 and they have not forgiven us. The present government controls all the political life in Ethiopia. It is a centralized, planned economy based on Socialist principles with the Soviet Union as a model. During the past 10 years Mengistu has eliminated all organized opposition to his leadership, using many of the same tactics Stalin used during his early days in the Soviet Union.

You might say the world discovered Africa and particularly Ethiopia in January 1984 when worldwide television began showing on the evening news pictures of starving people, especially children, in the refugee camps in Ethiopia and Sudan.

As of July 1, 1985, almost one-half million metric tons of United States grain has been allotted for the famine victims in Ethiopia under the Food for Peace Program. The United States is the largest contributor, but there is also a broad base of support coming from most of the industrialized countries of the free world.

In late June I was a witness to this international cooperative effort when I and two other American citizens from Colorado were privileged to travel more than 500 miles over the drought area in a Soviet M-I-8 helicopter piloted by a crew from the Polish Air Force and accompanied by the Polish ambassador. They were delivering food to drought victims who could not be reached by other means of transportation.

We saw C-130 planes operated by the British Royal Air Force carrying 16 tons per

load dropping U.S. grain to drought victims. The Royal Air Force had four C-130s and the West German air force had three C-130s participating in the food distribution system. The Belgians and the Swiss air force also were providing planes and/or helicopters for the system. We were told this was the first time that members of the armed forces of NATO countries had participated with members of the armed forces from eastern bloc countries in a joint project like this.

The U.S. Embassy reports that more than 10 voluntary and charitable organizations from many countries are participating in the famine relief programs in Ethiopia. We were impressed by the cooperative spirit and willingness to help one another that existed between the leaders of the many groups we visited that are working in Ethiopia. The objective appeared to be how can we save more lives and not who will get the credit.

During the past 18 months millions of lives have been saved by this massive effort to get food and medicine to the famine areas in Africa. The problem is getting the food to the people in a country that has limited railroads and almost no highway system. You can get the food to the port but how do you move it to the people who live several hundred miles from the port in rugged mountainous area?

Many lives have been saved but many more will die before this crisis is over. Many are nomads who have followed their livestock over those hills for centuries. Now their livestock are gone—what do they do? One of the Ethiopian government officials told us he had read about the droughts we had experienced in the United States. He said he had read "The Grapes of Wrath," and he knew how the people of the United States had moved and changed their way of making a living because of drought.

Two former colleagues of mine—Edward Rau, an attorney from Denver and Elmer Reed, a retired U.S. Department of Agriculture employee of Denver—and I made a 16-day inspection tour of the drought areas of Kenya, Ethiopia and Sudan. We attempted to contact officials of all the major private groups, such as CARE, Catholic Relief Service, Church of World Service, International Red Cross, World Vision, Save the Children, and others. We also contacted international organizations such as the United Nations Food and Agriculture Organization (FAO) and the World Food Program (WFP).

The three countries we visited received a major portion of the famine aid going to Africa from the United States. Ethiopia has received the most publicity, but many believe the famine has affected more people in Sudan than it has in Ethiopia. Kenya had its worst drought in history in 1983 and 1984, but the rains came to Kenya in the Fall of 1984 and Kenya will harvest a good crop in 1985. It still has many problems. It has the highest rate of increase in population of any country in the world—more than 4 percent. This rapidly expanding population means serious trouble ahead for that government.

The rains in Ethiopia and Sudan have been very spotty or non-existent. Officials estimate that another one-half million people will die of starvation in these countries during the next six months despite massive efforts to get food to them.

We returned to the United States with renewed appreciation of our nation and its system of government—a nation that can provide food and other basic necessities for its citizens and much of the world. We returned with increased appreciation for those U.S. citizens we met who were assisting those desperate people in the refugee camps and out in the villages in the famine area. They are willing to risk their future health to serve their fellow men. They deserve our support and appreciation.

If readers of this report have not contributed to African relief through their favorite charitable organization, I hope they will consider it. For those who have contributed I say thank you and God bless you.

(Andrew J. Mair, a consultant living in Fort Collins, was a delegate to the United Nations World Food Conference in Rome in 1974. He has been deputy assistant secretary for international affairs and commodity programs in the Department of Agriculture and coordinator of Food for Peace in the Department of State.)●

ACID RAIN

● Mr. MOYNIHAN. Mr. President, acid rain is a matter of great concern to Americans in many parts of the Nation, and also to the Senate.

In upstate New York, acid rain is an especially severe and critical problem. Mr. Louis Greppo, a member of the Adirondack North Woodsmen, recently made some very forthright and sensible remarks on the subject at a public forum in Amsterdam, NY.

Mr. President, I ask that Mr. Greppo's statement be printed in the RECORD, and I urge my colleagues to note the concerns of such a conscientious New Yorker, for they are of great importance to all of us.

The statement follows:

NEW YORK STATE AND THE ACID RAIN TRAGEDY

Our great state has paid the highest price in this environmental tragedy. We have lost some of our most beautiful and wild trout ponds in our beloved Adirondacks, and we are seeing our great forest preserve denuded by this acid fallout. It hurts more because New Yorkers are today celebrating the centennial of our unique Adirondack Forest Preserve, which generations of New Yorkers have seen fit to protect from any internal or external degradation now only to see it attacked from an enemy many hundreds of miles away. Others might wonder why we get so upset over a few dead fish. Well, these dead fish just happen to be wild brook trout, legislated the State Fish. They are an indicator of a healthy environment, and they are an integral part of our wilderness system in the Adirondacks.

What to tell our children when the magnificient spruce forest of the high peaks are gone? How will we answer them when they ask us what it was like to fish a wild mountain pond for native Adirondack Brook Trout? Who will explain to them that the reason the haunting cry of the loon no longer can be heard in the North Woods is because none of their forefathers had courage enough to develop a national strategy to clean up the air? We needed cheap energy—"the next generation can worry about the environment."

I hope we will never have to explain to our children and grandchildren that we just couldn't get our act together on this acid rain question. I pray that we can leave our children a world cleaner than the one we were born into. Senator Moynihan tried way back in 1979 by introducing the Acid Precipitation Act (S. 1754) which became law in 1980 and created the Acid Precipitation Task Force to coordinate a 10 year federal research program on acid rain.

Unfortunately, although several acid rain bills have been introduced in both the House and Senate over the past six years, we still have no national acid rain legislation which will control sulfur emissions and thus help put an end to the acid rain tragedy. Senator Moynihan has been one of our biggest supporters in Washington in trying to develop and pass an acid rain bill, but he can't do it alone—we must let the nation know that although the Northeast is being impacted the worst thus far, the forest, lakes, streams, and fishlife of the entire nation and our neighbor to the north, Canada, are suffering from acid rain. We must help Senator Moynihan point out to the administration and to Congress that the answer to the problem must be a national answer.●

THE LATE DR. C. HENRY KEMPE

● Mrs. HAWKINS. Mr. President, I stand before my distinguished colleagues to pay tribute to the late Dr. C. Henry Kempe, whose pioneering efforts in the service of children and families affected by child abuse have established him as a true American hero.

Although his many accomplishments are unknown to most Americans, they have changed the lives of thousands of children in need. I hope that by publicizing Dr. Kempe's significant contributions, I shall not only pay proper respect to him but also make the public more aware of the importance of the fight against child abuse and neglect.

Dr. Kempe dedicated over 25 years of his life to the cause of abused and neglected children. In 1958, he was instrumental in the founding of the Child Protection Team, one of the first of its kind, at Colorado General Hospital in Denver. In 1972, with a $1,800,000 grant from the Robert Wood Johnson Foundation, the Child Protection Team became the National Center for the Prevention and Treatment of Child Abuse, which in 1981 was renamed the Kempe Center in honor of Dr. Kempe.

But Dr. Kempe's accomplishments did not stop there. Throughout his career, one of Dr. Kempe's major goals was to treat the cause of child abuse as well as the symptoms, and in 1959 he developed individual therapy programs for abusive and neglecting parents. Not content to rest on his laurels, he instituted the Lay Therapy program in 1967, using nonprofessionals to support and befriend abusive parents. In the same year, Families Anonymous was created as a self-help support group with professional facilitators for abusive and neglecting parents, and the sexual abuse research and treatment program was expanded in 1981 to include adult male offend-

ers, adolescents, couples, and mothers of children in therapeutic preschool.

In addition to sponsoring numerous symposia on child abuse and neglect, Dr. Kempe, in conjunction with the National Center, wrote, edited, and published a host of books, articles, journals, and instructive films in order to disseminate information on this important, yet until recently overlooked, problem. Some of the titles published are "Helping the Battered Child and His Family," "Sexually Abused Children and Their Families," both of which were coedited by Dr. Kempe, "Abuse and Neglect: The International Journal," which now has five volumes, and "Region 8 News," a quarterly newsletter distributed to 5,000 subscribers free of charge in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Dr. Kempe's own book, "Child Abuse," is a seminal work on the subject and is translated into 13 languages.

Mr. President, what I have said so far is only the tip of the iceberg. The late Dr. Kempe's achievements are truly too numerous to mention. In order to do him justice, I ask unanimous consent that a more complete chronology of the Kempe National Center's accomplishments be placed in the RECORD at this point.

Despite Dr. Kempe's death, the National Center for the Prevention and Treatment of Child Abuse and Neglect continues to study and treat the problem of child abuse. The center has recently merged with CHILDHELP, U.S.A. In order to increase its ability to reach abused children and their families. Now renamed CHILDHELP Diagnostic and Treatment Center, it continues to provide a treatment team made up of professionals from pediatrics, psychiatry, developmental psychology, social work, and early childhood education. Ongoing treatment services include individual psychotherapy, marital therapy, and group therapy, often in conjunction with other programs at the Kempe Center.

Among these additional programs is the therapeutic preschool, which began at the Kempe Center in 1974. At the preschool, children who have experienced sexual abuse, physical abuse, neglect, or were failure-to-thrive infants receive individual help in the form of play therapy, developmental stimulation, and speech and language therapy. What is truly remarkable about this school is that there is no tuition; the program is supported entirely through private foundation moneys.

Another specialized assistance program is the Adolescent Perpetrator's Network, geared toward juvenile sex offenders. Its purpose is to provide professional help in order to prevent today's juvenile offenders from becoming tomorrow's adult abusers of children.

The Kempe Center provides consultation and training for those interested in the general field of child abuse. This training takes the form of professional education, workshops and seminars, symposia, and a scholars-in-residence program. By educating and training a new generation of researchers and citizens concerned about child abuse, the center extends its benefits into the future.

Mr. President, I thank you for this opportunity to honor an outstanding citizen. I hope that Dr. Kempe's success serves to inspire others to aid in the fight against child abuse.

Mr. President, I ask that the list of selected events of the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect be printed in the Record.

The material follows:

SELECTED HISTORICAL EVENTS OF THE C. HENRY KEMPE NATIONAL CENTER FOR THE PREVENTION AND TREATMENT OF CHILD ABUSE AND NEGELECT/DENVER, CO

1958

*Creation of the Child Protection Team, Colorado General Hospital, Denver (one of three started nationally that year).

1959

*Development of individual therapy programs for abusive and neglecting parents.

1961

Drs. D. Henry Kempe and Brandt F. Steele made their first presentation about "The Battered Child Syndrome" in Chicago, at the 30th Annual Meeting of the American Academy of Pediatrics, October 3 (focusing on the medical and psychiatric aspects).

1962

"The Battered Child Syndrome," by C. Henry Kempe, et al., published in the *Journal of the American Medical Association* (a classic in the field of child abuse and neglect literature).

Acted as catalysts and consultants for enactment of Colorado Child Abuse Reporting Statute.

Workshop on the Battered Child held to convene statewide professionals of various disciplines, May 25, Denver, conducted by C. Henry Kempe and Brandt F. Steele.

1966

National workshop roundtable on "Patterns of Parental Behavior Leading to Physical Abuse of Children," March 21-22, Colorado Springs, conducted by Drs, C.H. Kempe and Steele (15 selected participants).

1967

*Instituted Lay Therapy program using non-professionals to support and befriend abusive and neglecting parents.

Dr. C. Henry Kempe receives Robert L. Stearns Award from the University of Colorado.

Creation of Families Anonymous as a self-help support group for abusive and neglecting parents with professional facilitator(s).

1968

Publication of *The Battered Child* (1st ed.) edited by C. Henry Kempe and Ray E. Helfer.

1st annual Battered Child Symposium, May 22-23, Denver.

1969

3rd annual Battered Child Symposium, November 19-21, Denver (163 registrants from U.S., Canada and England).

1970

Research (instituted and continued through 1974) on Health Visitor's Role in Prediction of Early Childhood Injuries and Failure-to-Thrive cases (to examine early maternal attitudes and subsequent childhood injuries).

Participation in "Children in Peril" an ABC-TV news documentary on child abuse.

1971

Predictive Study on Child Abuse initiated and continued through 1976.

1972

Robert Wood Johnson Foundation grant to begin The National Center and over a seven-year period gave $1,800,000.

Publication of *Helping the Battered Child and His Family*, edited by C. Henry Kempe and Ray E. Helfer.

Publication of the *National Child Protection Newsletter*, disseminated free of charge to 800 subscribers nationally and internationally.

4th annual Battered Child Symposium, November 27-28, Denver (263 registrants from U.S., Canada and Netherlands).

1973

Crisis Nursery opened for 24-hour, 7-day-per-week care for abused and neglected children, operative through 1976.

5th annual Battered Child Symposium, May 31-June 1, Denver.

Establishment of library and training facilities to service professionals and students nationally.

Production of self-instructional audio-visual materials: Videotapes:

"Pediatric Interview Between Pediatrician and Mother."

"Diagnosis of Child Abuse and Neglect—Consulting Pediatrician."

"Social Worker and Abusive Parent."

"Team Management of Child Abuse/Neglect."

"Lay Therapy (treatment modality)."

"Families Anonymous (treatment modality."

"A Case of Child Abuse—Pediatric Grand Rounds" (featuring Dr. C.H. Kempe).

Slides and Cassettes by Barton D. Schmitt, M.D. "Visual Diagnosis of Child Abuse and Neglect" (1st edition).

Videotape and film of delivery room "Mother-Infant Interaction" by Janet Dean and Christy Cutler.

1974

Opening of Circle House, a residential treatment facility for multi-problem families, operative through 1977.

*Opening of Therapeutic Preschool for physically abused and neglected children, ages 1-5.

*Initiation of group therapy for abusive/neglectful parents.

1975

*Initiation of group therapy program for preschool-age children.

Over 2,000 letters and packets of materials disseminated in response to requests for information on child abuse/neglect nationally and internationally.

Acquisition of and move to facility at 1205 Oneida St., Denver—which is a large, home-like building in residential area.

Dr. C. Henry Kempe receives George Armstrong Award from the Ambulatory Pediatric Association.

•Initiation of group therapy program for mothers of children in Therapeutic Preschool.

Consultation provided for Colorado and Utah child abuse and neglect legislation.

•Granted status as Regional Resource Demonstration Project (through DHEW) to provide training and professional consultation for Region 8 states (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming).

Dr. C. Henry Kempe receives Edward W. Browning Award from American Public Health Association.

5th annual Battered Child Symposium, September 29-30, Denver (197 registrants from U.S., Canada and England).

Formulation of Ad Hoc International Committee on Child Abuse and Neglect in Bellagio, Italy (a first of its kind).

Receipt of funds from Commonwealth and Grant Foundations for general operations.

Production of training tapes:

"Difficulty Getting Help"—with Helen Alexander, MSW.

"Psychiatrist's Diagnostic Interview"—with Brandt F. Steele, M.D.

1976

•Study of Hospitalized Children (interaction with children under the age of 18 months who had been hospitalized for failure to thrive, abuse or accidental injuries; comparisons with interactions of the normal clinic population).

Publication of *The Abused Child: A Multidisciplinary Approach to Developmental Issues and Treatment*, edited by Harold Martin. M.D.

•Initiation of group therapy program for physically abused/neglected latency-age children.

Publication of *Child Abuse and Neglect: The Family and the Community* edited by Ray E. Helfer and C. Henry Kempe.

•Formulation of the Friends of the National Center—to facilitate financial support from the private and corporate communities.

1st International Congress on Child Abuse and Neglect held in Geneva, Switzerland.

Edith B. Jackson bequest of $17,000 to the Friends for work of the Center.

Over 2,500 letters and packets of information disseminated in response to requests nationally and internationally.

6th annual Battered Child Symposium, October 25-26, Denver.

Production of two Hospitalization Study training tapes: "Parent-Child Interaction Within the Hospital."

Federal grant to develop and evaluate *Hospital Guidelines for Child Abuse and Neglect.*

Production of slides and audio-cassette by Barton D. Schmitt, M.D. "Visual Diagnosis of Non-Accidental Trauma and Failure to Thrive" (2nd ed.) for American Academy of Pediatrics.

1977

Provision of legislative consultation for *Colorado Termination of Parent-Child Legal Relationship Act* and *Wyoming Child Protection Act.*

Dr. C. Henry Kempe receives C. Anderson Aldrich Award from the American Academy of Pediatrics.

Initiation of group therapy for sexually-mistreated latency-age children.

Establisnment of Scholars-in-Residence program to provide on-site, internship experiences in child abuse and neglect issues to eight post-graduate students and professionals from various disciplines, federal funding $100,000.

Preliminary investigation of Foster Care program to integrate foster parents into the family treatment program.

Formation of foster parents' support group.

Formation of biologic parents' group.

•Sexual Mistreatment Pilot Project—to provide diagnostic evaluation of sexually mistreated children and their families and age-appropriate group therapy for children (preschool-age, latency and adolescent) and group therapy for parents.

•Incorporation of the International Society for the Prevention of Child Abuse and Neglect as as a non-profit organization with C.H. Kempe as President.

Publication of first issue of *Child Abuse and Neglect: The International Journal*, C.H. Kempe, editor.

Over 3,000 letters and packets of materials disseminated in response to requests for information on child abuse and neglect nationally and internationally.

7th annual Battered Child Symposium, October 6-8, in Denver.

Dr. C. Henry Kempe received Jacoby Award of the American Medical Association, Pediatrics Division.

Production of training tape: "Parent-Child Interaction: Evaluation and Treatment."

•Initiation of Lay Health Visitor Program to provide evaluation of mothers at time of delivery and screen for potential abuse/neglect.

Publication of *Crisis Nurseries: Practical Considerations* by P. Beezley and M. McQuiston.

•Formation of the National Association of Counsel for Children (an organization for lawyers representing children and others involved in child advocacy) with the encouragement and technical assistance of National Center staff.

Publication of *Child Protection Team Handbook*, edited by Barton D. Schmitt.

•Implementation of pilot study of Mother-Child Interaction Related to Child Abuse and Neglect to evaluate and compare interaction in a structured setting between biological parents and children, foster parents and children, and controls.

Publication of *Legal Representation of the Maltreated Child*, first publication of the National Association of Counsel for Children.

•Initiation of group therapy for adult females who were victims of sexual mistreatment in childhood.

First national meeting and seminar of the National Association of Counsel for Children, held in Denver with 150 participants from 12 states.

1978

Publication of *Hospital and Clinical Management of Child Abuse and Neglect*, through HEW in cooperation with Region 8 states.

Implementation of Foster Care Enrichment program (to encourage interaction between biologic and foster parents around placement and treatment of children).

2nd International Congress on Child Abuse and Neglect, London, England (1,300 registrants from Europe and the U.S.).

Publication of *Child Abuse* by Ruth S. and C. Henry Kempe, published as part of the Developmental Series, Harvard University Press.

Dr. C. Henry Kempe receives Vincent de-Francis Award from the American Humane Association.

Friends of the National Center conducted Kids Campaign to Fight Child Abuse in association with MacDonalds and Red Miller, Coach of the Denver Broncos.

Publication of *Child Abuse and Neglect: The International Journal*, Vol. 2.

Sexual abuse research program expanded to include preschool-age children and adolescents.

Dr. C. Henry Kempe receives University of Colorado Medal.

Research initiated on Failure-to-Thrive Secondary to Caloric Deprivation.

Colorado's first lady, Mrs. Richard ("Dottie") Lamm holds reception for Friends of the Kempe Center and donors.

• Federal funding of The National Center to demonstrate a Regional Child Abuse and Neglect Resource Center to serve six states.

Federal funding for formal Feeding and Growth study of non-organic failure-to-thrive children under age three.

Over 5,000 letters and packets of materials disseminated in response to requests for information on child abuse and neglect nationally and internationally.

First National Association of Counsel for Children Conference: "Handling Paternity Cases Under the Uniform Parentage Act," in Colorado Springs (200 registrants).

1979

Publication of Standards for a *Model Protective Service System* by Claudia Carroll, MSW, Psy.D.

9th annual Battered Child Symposium, May 17-19, Keystone, Colorado (177 registrants from U.S., Australia, Canada, Costa Rica and Norway).

Publication of *Child Abuse and Neglect: The International Journal*, Vol. 3.

Hosted approximately 50 national and international visitors involved in various aspects of child abuse and neglect.

Provided internship for Swedish medical Scholar-in-Residence.

Dr. C. Henry Kempe awarded Rosen von Rosenstein Medal from Swedish Paediatric Association.

Cudahy/Bar-S Stampede—race held in September as a fund-raiser.

Initial organization of Parents United for sexually abusive parents in the Rocky Mountain Region.

• Publication of *Region 8 News*—a quarterly newsletter disseminated to 5,000 subscribers free of charge in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

3rd National Association of Counsel for Children Conference held at Keystone, Colorado.

Publication of *Legal Representation of the Maltreated Child*, Vol. 2 by N.A.C.C.

Boetcher Foundation, Piton Foundation and Tamerac Foundation supported Center work.

Production of slides and cassette: "Visual Diagnosis of Non-Accidental Trauma and Non-Organic Failure to Thrive" (3rd edition) by Barton D. Schmitt, M.D.

Formation of Region 8 Audio-Visual and Information library.

Dr. C. Henry Kempe receives University of Colorado Thomas Jefferson Award.

First petiatric fellow in child abuse and neglect at J.F. Kennedy Child Development Center, National Center and University of Colorado Hospital.

Membership in International Society for Prevention of Child Abuse and Neglect reaches 400.

Membership in the National Association of Counsel for Children reaches 500.

1980

10th annual Battered Child Symposium, May 15–18, Keystone, Colorado (187 registrants from U.S., Canada, Ireland, and Norway).

Region 8 News disseminated to over 5,000 persons in Region 8 for $24,000 states.

Friends of the National Center sent out first annual Christmas Catalog for fundraiser.

Publication of *Child Abuse and Neglect: The International Journal*, Vol. 4.

Provision of internship for Australian nurse, Scholar-in-Residence.

Sexual abuse research program to include couples.

Dr. C. Henry Kempe receives Howland Award from the American Pediatric Society.

Federal grant for specialized Sexual Abuse Training in Region 8.

4th National Association of Counsel for Children Conference in Colorado Springs (187 registrants).

Kaiser Family Foundation grant is awarded for continuation of sexual abuse research for $75,000 over three-year period.

Levi-Straus Foundation grant for three-years general support to Center.

Formation of second group therapy program for sexually mistreated latency-age children.

Second pediatric fellow in child abuse and neglect at The National Center and University of Colorado Hospital.

Law/social work intern accepted for eight months as Scholar-in-Residence.

1981

Expansion of sexual abuse research/treatment program to include adult male offenders, adolescents, couples and mothers of children in Therapeutic Preschool.

Friends of the National Center sent out second annual Christmas Catalog for fundraiser.

Provision of internship for Canadian social worker, Scholar-in-Residence.

Publication of The Battered Child (3rd edition) edited by C. Henry Kempe and Ray E. Helfer.

Federal grant received to sponsor 1st National Conference on Dental Aspects of Child Abuse and Neglect.

Publication of *Sexual Abused Children and Their Families*, edited by Patricia Beezley Mrazek and C. Henry Kempe.

National Association of Counsel for Children held joint Institute with American Bar Association, San Francisco, California, entitled "Protecting Children Through the Legal System" (237 registrants).

Friends of the National Center held Sweepstakes 10-K race as fundraiser in November.

Dr. C. Henry Kempe honored by Colorado associates through the C. Henry Kempe club at the University of Colorado School of Medicine.

The National Center incorporates the name of its founder—becoming "The C. Henry Kempe National Center."

First edition of *Update*, quarterly newsletter of The Friends of The C. Henry Kempe Center, published.

Jack Hogan Charitable Foundation provides ongoing support for three years for Therapeutic Preschool.

Achievement award received from Gannett Foundation.

International Society membership increases to 450.

National Association of Counsel for Children membership increases to over 700 in 46 states and six nations.

C. Henry Kempe receives Genesis award from the National Committee for Prevention of Child Abuse and Neglect in Chicago.

Publication of *Child Abuse and Neglect: The International Journal, Vol. 5.*

Friends of the C. Henry Kempe National Center received private contributions of up to $2000/month.

Over 7,000 letters and packets of materials disseminated in response to requests for information on child abuse and neglect nationally and internationally.

Publication pending on *Child Abuse and Neglect: Clinical Supervision by Claudia Carroll, MSW, Psy.D.*

Publication of *The Lay Person's Role in the Treatment of Child Abuse and Neglect* by Gail Ryan.

Child Abuse by Ruth S. and C. Henry Kempe now translated into 13 languages.

Child Abuse and Neglect: A Cross-Cultural Perspective by J.E. Korbin, published by University of California Press. Dr. Korbin was a Scholar-in-Residence in 1977.

Richard D. Krugman, M.D. succeeds C. Henry Kempe, M.D. as director of The C. Henry Kempe National Center, following a one-year health policy fellowship by Robert Wood Johnson Foundation, in Washington, D.C.

1982

11th annual Child Abuse and Neglect Symposium, Keystone, Colorado (182 registrants from 39 states).

Jane Phillips Sorority presents a national achievement award to The Kempe Center for equipment for the Therapeutic Preschool.

4th International Congress on Child Abuse and Neglect, Paris, France, September 12–15.

Grant Foundation continues ongoing Kempe Center support, especially for Dr. Kempe's work.

*Ongoing programs at The C. Henry Kempe National Center or programs held in conjunction with Center staff.

NOTE.—Publications listed in this outline appear to give the reader an idea of the historical trend of the literature. A complete staff bibliography is available upon request.●

IRS REGULATIONS BACKLOG

● Mr. ARMSTRONG. Mr. President, there is a growing backlog in Internal Revenue Service tax regulation writing projects which Congress has created by its efforts at tax reform in the past 10 years. As of June 30, 1985, the IRS had 453 regulations projects outstanding, some dating back to 1970. These regulations are necessary to explain complex Tax Code. They allow taxpayers to interpret tax laws in terms of their own returns, and to know what tax preparation procedures will and will not pass an IRS audit. Every time that Congress revises or adds to the Nation's tax laws, we pile more regulation writing projects on the IRS. In terms of tax simplification, we are digging ourselves deeper and deeper into a hole.

The effects of this backlog on the tax system, the taxpayers, and on the national economy are serious. Tax laws are always difficult to understand. Without these regulations, they may be close to impossible to decipher for the average citizen. Today there are already many attorneys who specialize not in tax law in general, but in a specific part of the tax system. Even these lawyers find it difficult to keep up on new developments in taxation. With a major tax bill enacted by Congress every 2 or 3 years, it is exceedingly difficult to maintain a clear picture of the tax system. Furthermore, the constant state of flux of the system renders long-term economic planning nearly impossible for the citizen and the professional alike. A good investment under present law may become a disaster a few years into the future. I find it difficult to imagine that either the economic or the social goals of tax legislation will be realized in such a situation. We must first tame our current system of taxation before any efforts at reform and simplification will succeed.

Mr. President, I ask to have printed in the RECORD a table summarizing the current status of IRS regulations. It would also be timely to reprint in the RECORD a 1983 statement by the Colorado Society of Certified Public Accountants which pointed out in forceful terms, serious unsettling effects on the business economy caused by continued tax law changes, which I submit for the RECORD.

The material follows:

IRS REGULATIONS PROJECTS DISTRIBUTION BY YEAR AND PART

Year	A (final status)	B (by Dec. 31, 1985)	C (by Sept. 30, 1986)	D (unscheduled)	Total (year)
1970	0	1	0	0	1
1971	5	2	0	0	7
1972	2	1	0	1	4
1973	2	0	0	0	2
1974	3	0	0	0	3
1975	5	2	0	0	7
1976	20	11	0	0	31
1977	7	1	0	0	8
1978	18	9	0	1	28
1979	3	10	0	2	15
1980	16	10	0	2	28
1981	38	23	0	2	63
1982	38	31	0	1	70
1983	12	23	1	1	37
1984	17	92	2	0	111
1985	11	20	7	0	38
Total (part)	197	236	10	10	453

[From the Congressional Record, May 2, 1983]

To: Colorado Members of Congress.
From: Colorado Society of CPA's Federal Taxation Committee.
Subject: Problems of continuous modification of the Internal Revenue Code.

BACKGROUND

During the thirty-year period from 1939 to 1969, tax legislation was essentially limited to the Internal Revenue Code of 1939, the Internal Revenue Code of 1954, and the Tax Reform Act of 1969, with no other major or significant pieces of legislation.

The past decade has seen a tremendous increase in tax legislation with passage of:

The Employment Retirement Income and Security Act of 1974.

The Tax Reduction Act of 1975.

The Tax Reform Act of 1976.

The Tax Reduction and Simplification Act of 1977.

The Revenue Act of 1978.

The Energy Act of 1978.

The Crude Oil Windfall Profits Tax Act of 1980.

The Economic Recovery Tax Act of 1981.

The Tax Equity and Fiscal Responsibility Act of 1982.

In addition, many technical corrections acts and other less significant tax legislation have been enacted during this same period.

This volume of legislation has created an enormous backlog in the regulation writing process, as there were approximately 450 projects waiting completion at the Department of Treasury as of December 31, 1982. The regulation writing process is further slowed by the lack of a group specifically assigned to and engaged only in regulation writing within the Treasury Department.

The legislation as well as its attendant problems of implementation has resulted from attempts to cope with the changing budgetary, political and social goals of the 1970's and 1980's. However, the continuing tax law changes have an unsettling effect on today's business environment and foster the perception that the existing tax system lacks stability and fairness. Many taxpayers find it increasingly difficult to engage in long-range planning because the associated tax consequences are unpredictable. Because of the increasing technical complexities created by constant revisions of the Internal Revenue Code, professional tax advisors find it more difficult to provide tax advice in a form which can be understood and used by their clients in connection with their financial and business planning. A few recent examples of this are:

The Accelerated Cost Recovery System (ACRS) enacted by ERTA was signed into law in August, 1981, yet was effective for assets placed in service after December 31, 1980. Many fiscal year taxpayers had closed their books, updated their property and equipment ledgers and filed their Federal income tax returns. The passage of ERTA created the need for these taxpayers to amend their income tax returns, thereby incurring additional expense as well as taking time away from their daily operations.

The recently enacted Tax Equity and Fiscal Responsibility Act of 1982 contains 23 different effective dates, 14 of which are effective for periods either beginning or ending before the date of enactment.

As a result of the complexity of present law and the interaction of various code sections, technical corrections acts are required almost immediately after new legislation is passed to correct for unintended results. For example, the use of fiscal years by some newly formed "S" Corporations had to be eliminated from the Subchapter S Revision Act of 1982 by the most recent Technical Corrections Act.

Many have voiced the opinion that the present system be abolished in favor of a "flat rate" tax. The "flat rate" tax proposal is to some extent a result of the increased complexity of present tax law and the belief that the assessment of income taxes should be simpler. A flat rate tax would basically put all taxpayers in the same tax bracket. In its purest form, no deductions or credits would be allowed and all income would be subject to the same tax rate. It would be equivalent to a national sales tax that probably could be filed on a "postcard" return. The original United States income tax law enacted in 1913 was basically a flat rate tax system.

Proposals for the flat rate tax have varied from its purest form to modified versions which include personal exemptions, deductions for such items as charitable contributions and mortgage interest, and surtax charges. There has been a wide range of tax rates and surtax charges proposed, including rates somewhere between 10 and 20 percent and proposals to structure the flat rate tax as an alternative method of tax computation.

RECOMMENDATIONS

On the problem of adverse effects to taxpayers resulting from continuous modification of the Internal Revenue Code, the Federal Taxation Committee of the Colorado Society of Certified Public Accountants reached the following conclusions:

The process of formulation of proposed legislation amending the Internal Revenue Code should be modified, as necessary, to incorporate the following:

(a) Procedures be established whereby proponents of amendments to the Internal Revenue Code (whose principal purpose is to promote a particular social objective, or respond to a political interest) be required to demonstrate that other alternatives to amending the Code have been considered and provide an explanation in the form of a report to Congress of why such other alternatives are not appropriate to accomplish the objectives of the proposed law changes;

(b) Proponents of amendments to the Internal Revenue Code be required to show the contribution of the proposed changes to simplification of the Code, simplification of related compliance (i.e., tax return reporting) and enforcement; and

(c) Establish requirements that Committee Reports which accompany new tax legislation reflect the deliberations which have occurred on the matters outlined in (a) and (b).

If a "flat rate tax" system is considered, it should first be the subject of extensive study on whether this system will accomplish its objective of tax simplification, and whether a satisfactory definition of "income" subject to a "flat rate tax" can be developed.

If additional Federal revenues are required, they be raised by adjusting present tax rates. Adjusting tax rates versus making technical changes to the Internal Revenue Code as means of raising additional revenue will contribute to increased confidence of taxpayers that their current financial decisions will have predictable future tax consequences.

In its discussions on regulation writing by the Treasury Department, the committee reached the following recommendation.

The Department of Treasury establish a permanent group responsible for promulgating regulations. This group should not be available for other activities. In addition to Treasury Department personnel, the group should comprise representatives of industries or taxpayers affected by the Regulations, at the earliest possible stage in the process of their formulation.●

REPORT OF NATIONAL AVIATION HALL OF FAME

● Mr. GOLDWATER. Mr. President, as a Member of the Senate representing the National Aviation Hall of Fame, once again it is my pleasure to submit the latest report to that body. I ask that the material be inserted in the RECORD at this point in my remarks.

The report follows:

NATIONAL AVIATION HALL OF FAME

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 1984 AND 1983

[Accountants' Report]

To the Board of Trustees,
National Aviation Hall of Fame, Inc.,
Dayton, Ohio.

We have examined the balance sheets of the National Aviation Hall of Fame, Inc. as of December 31, 1984 and 1983, and the related statements of revenue and expenses, changes in fund balances and changes in financial position for the years then ended. Our examinations were made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements referred to above present fairly the financial position of the National Aviation Hall of Fame, Inc. as of December 31, 1984 and 1983, and the results of its operations and the changes in its financial position for the years then ended in conformity with generally accepted accounting principles applied on a consistent basis.

COOPERS & LYBRAND.

DAYTON, OHIO, *June 18, 1985.*

NATIONAL AVIATION HALL OF FAME, INC., BALANCE SHEETS, DECEMBER 31, 1984 AND 1983

	1984	1983
ASSETS		
Cash and cash equivalents	$77,674	$93,972
Pledges receivable		750
Inventory, "Enshrinee Album" books	36,161	
Prepaid expenses	111	134
Other		80
Total current assets	113,946	94,936
Certificate of deposit (Note 3)	30,381	27,449
Furniture, fixtures and equipment, net of accumulated depreciation of $4,252 in 1984 and $3,141 in 1983	10,069	4,063
Copyrights	1	1
Collections (Note 2)		
Total assets	154,397	126,449
LIABILITIES AND FUND BALANCES		
Accounts payable	$41,132	$6,000
Accrued expenses	443	236
Deferred amounts:		
Enshrinement income	9,375	14,945
Restricted biographical research program	2,274	20,000
Restricted Enshrinee Album Program		21,169
Total current liabilities	53,224	62,350
Fund balances:		
Designated by Board of Trustees for capital expenditures (Note 3)	32,081	27,448
Undesignated	69,092	36,651
Total fund balances	101,173	64,099
Total liabilities and fund balances	154,397	126,449

Note. The accompanying notes are an integral part of the financial statements.

STATEMENTS OF REVENUE AND EXPENSES FOR THE YEARS ENDED DECEMBER 31, 1984 AND 1983

	1984	1983
Revenue:		
Individual memberships	$49,991	$43,372
Organizational memberships	32,714	20,953
Enshrinement Dinner tickets	16,520	18,280
Sales of medals and other items	878	735
Donations	10,914	20,123
Interest and dividends	9,552	8,425
Enshrinee Album Program	28,527	2,293
Federal grant		13,500
Biographical research	17,726	
Enshrinee Album sales	621	
Donation received, computer	7,117	
Total	174,560	127,681
Expenses:		
Management fee (Note 4)	16,500	29,625
Biographical research (Note 4)	17,726	
Salaries and office wages	13,536	12,495
Enshrinement ceremonies	53,639	48,930
Membership expenses	12,317	3,288
Exhibits		865
Cost of medals and other items	449	376
Office supplies	9,381	6,502
Postage	3,563	2,397
Telephone	1,088	889
Payroll taxes	1,237	1,020
Depreciation	1,111	944
Brochures	5,211	1,516
Enshrinee Album Program	680	2,293
Miscellaneous	1,048	1,000
Total	137,486	112,140
Excess of revenues over expenses	37,074	15,541

Note. The accompanying notes are an integral part of the financial statements.

STATEMENTS OF CHANGES IN FUND BALANCES FOR THE YEARS ENDED DECEMBER 31, 1984 AND 1983

	Deisgnated		Undesig-nated	Total
	Capital expend-iture	Founders		
Balance, December 31, 1982	$23,156	$1,000	$24,402	$48,558
Excess of revenues over expenses			15,541	15,541
Designation (Note 3)	4,292	(1,000)	(3,292)	
Balance, December 31, 1983	27,448		36,651	64,099
Excess of revenues over expenses			37,074	37,074
Designations (Note 3)	4,633		(4,633)	
Balance, December 31, 1984	32,081		69,092	101,173

Note. The accompanying notes are an integral part of the financial statements.

STATEMENTS OF CHANGES IN FINANCIAL POSITION FOR THE YEARS ENDED DECEMBER 31, 1984 AND 1983

	1984	1983
Sources:		
Operations: Excess of revenues over expenses	$37,074	$15,541
Items which did not require current outlay of cash:		
Depreciation	1,111	944
Noncash donation	(7,117)	
Provided from operations	31,068	16,485
Decrease in prepaid expenses	23	304
Decrease in other assets	80	
Decrease in accounts receivable		3,840
Decrease in pledges receivable	750	
Increase in accounts payable	35,132	3,696
Increase in deferred amounts		15,466
Increase in accrued expenses	207	236
	67,260	40,027
Uses of funds:		
Purchase in fixed assets		2,494
Increase in pledges receivable		750
Increase in inventory	36,161	
Decrease in deferred amounts	44,465	
Increase in other assets		80
Increase in restricted funds	2,932	3,293
	83,558	6,617
Net increase (decrease) in cash and cash equivalents	(16,298)	33,410
Cash and cash equivalents, beginning of year	93,972	60,562
Cash and cash equivalents, end of year	77,674	93,972

Note. The accompanying notes are an integral part of the financial statements.

NOTES TO FINANCIAL STATEMENTS

1. Summary of Significant Accounting Policies

The Corporation was created by an Act of Congress, Public Law 88-372, July 14, 1964, to honor outstanding persons in the field of aviation. The Internal Revenue Service has confirmed the status of the Corporation as a tax-exempt public foundation.

The inventory of "Enshrinee Album" books is valued at the lower of cost or market with cost being determined by the first-in, first-out method.

Furniture, fixtures and equipment are recorded at cost when purchased or at estimated values when received as a donation. Depreciation is computed on the straight-line basis over the estimated useful lives of the assets.

Donated materials other than collections are recorded at their estimated value at the date of receipt. No amounts have been reflected in the statements for donated office space and services as no objective basis is available to measure the value of such services. Donated office space consists of an office and storage provided by the City of Dayton. Donated services consist of time donated by the Board of Trustees for the Corporation.

Biographical research and Enshrinee Album Programs resources are restricted by the donor, grantor, or other outside party for operating the biographical research program, and are deemed to be earned and reported as revenues of the operating fund when the Corporation has incurred expenditures in compliance with the specific restrictions. Such amounts received but not yet earned are reported as restricted deferred amounts.

2. Collections

The Corporation has acquired by purchase or through donations, various models, books and other memorabilia relating to the field of aviation since its founding. Because the value of these items are not readily determinable and they can be considered inexhaustible items, the Corporation has not capitalized them. The value of objects acquired by gift for which the Corporation can make a reasonable estimate is reported as gifts in the statement of revenue, expenses and changes in fund balance.

3. Fund Balances

The capital expenditure fund is intended to provide funds for the purchase of a facility for the Corporation. The Board has directed that all donations received from enshrinees or their families and income earned from investments applicable to capital expenditure fund be added to this fund. Additions to the fund amounted to $4,633 and $4,292 in 1984 and 1983, respectively. Cash is periodically transferred to a separate property account and, currently, it is invested in a certificate of deposit.

In 1981, the Board of Trustees established the Founders Fund for special projects undertaken by the executive director of the Corporation. The Board authorized the transfer of these funds to the undesignated fund furing 1982.

4. Employment Contracts

The Corporation contracts with James W. Jacobs & Associates, Inc. and John C. Dussault on an annual basis to provide consultation and professional services to maintain operations, expand membership, sponsor events and any other services required by the Corporation. James W. Jacobs & Associates services were charged to biographical research in 1984 and management fees in 1983. John C. Dussault services were charged to management fees in both years.

5. Reclassification

Certain amounts in the 1983 financial statements have been reclassified to conform to the 1984 presentation.●

THE ACCOMPLISHMENTS OF MRS. MILEY BUSIEK

● Mr. GRAMM. Mr. President, I wish to bring to the attention of my colleagues the accomplishments of one of my constituents, Mrs. Miley Busiek, of Dallas TX. Mrs. Busiek's design of a family of eagles will appear on the gold bullion coin which will be minted in accordance with one of the provisions of this legislation.

When discussion of a gold bullion coin began many years ago, Mrs. Busiek recognized that the tiny space on the surface of a solid gold coin could carry a powerful message about the values, traditions, and strengths of our country. Using her experience as an artist and sculptor, she set out to create a coin design which would honor "our families, senior citizens and young people" as well as sending a "timeless message of hope and strength, unity and optimism for the future that is our great heritage and an example for the entire world."

Mrs. Busiek has testified before both the House and Senate Banking Committees on her coin design. Her design has been enthusiastically endorsed by a bipartisan cross section of political organizations, civic and religious groups and distinguished citizens; including the chairman of the Dallas County Young Democrats and the Dallas County Young Republicans, the Boy Scouts of America, the Catholic Diocese of Dallas, the Jewish Federation of Greater Dallas, the dean of the Dallas Theological Seminary, and many others. Dallas Cowboys coach Tom Landry echoes the sentiments of these organizations when he writes that:

We, as a nation, have a wonderful opportunity to show our concern for, and pay tribute to, the American family, senior citizens and young people. The coin design portrays symbolically a people's concern for a vital segment of our society. The residents of my state can point with pride to the sculpting and design work of Mrs. Busiek, and the nation will benefit when the new gold bullion coins are minted with a design which is beautifully symbolic of America's spirit and values.●

DOMESTIC STEEL WAGES AND INTERNATIONAL COMPETITIVENESS

● Mr. HEINZ. Mr. President, for too long, the complex relationship between wages and international competitiveness has been ignored. In the

steel industry, for example, some have sought simplistically to explain declining U.S. competitiveness as a product primarily of excessively high U.S. labor costs. A recent study by Robert Lawrence and Cohn Lawrence entitled "Manufacturing Wage Dispersion: An End Game Interpretation," however, disputes this conventional argument.

The Lawrences argue that the steel industry's difficulties did not originate with labor costs, but with outside economic conditions. Increased international competition, lower domestic demand for steel, and more domestic competition from minimills enhanced labor's short-term bargaining position with management during the 1970's. This is because management lacked the credible threat of investment in labor-saving productivity improvements to withstand labor's demands at this time. Management was left with a simple choice: Reduce production and lose money or increase wages so that production could continue uninterrupted. Management rationally responded by choosing the latter.

By the 1980's, though, economic conditions had changed the power relationship considerably. Simply put, everything had gotten much worse. A decade of unfair foreign trade practices, combined with a lower demand for steel, made not only credible but inevitable the threat of plant closures and layoffs. Wages suddenly stopped increasing.

The conclusion, then, is that the steel industry's problems are not due to high wages. In fact, the opposite may be true; that is, the increase in domestic steel industry wages may be the result of declining U.S. international competitiveness. If the Lawrences are correct, we should stop blaming union greed for declining international competitiveness, and concentrate more on the unfair international environment in which American steel industries are now forced to conduct business.

Mr. President, the Lawrences though-provoking study is a welcome addition to the dialog on steel issues. I do not agree with all the study's conclusions, but its fresh approach offers us a new way at looking at the relationship between labor costs and international competitiveness. I ask, therefore, that the following article from the Pittsburgh Post-Gazette summarizing the study be printed in the RECORD.

The article follows:

WAGES DIDN'T CAUSE STEEL'S ILLS, STUDY SAYS

(By James O'Toole)

WASHINGTON.—While many analysts have cited high labor costs as a prime contributor to the decline of the nation's steel industry, a new study suggests that steel workers' wage increases through the 1970s were a result rather than a cause of the industry's ills.

This seemingly paradoxical effect is described in "Manufacturing Wage Dispersion: An End Game Interpretation," an article published this month by Cohn Lawrence of Columbia University and Robert Lawrence, a fellow of the Brookings Institution.

They theorize that decisions by management in response to economic conditions outside the control of labor resulted in a short-term strengthening of labor's bargaining position through the 1970s.

The authors start by examining why steel workers' wages increased by 37 percent relative to wages in general through the 1970s—a period when demand for steel remained relative flat. Under traditional economic theories, management would have been expected to be able to resist such a climb in its labor costs during slack demand.

The Lawrences argue, however, that the wage experience of the steel industry defined traditional assumptions because business conditions robbed management of one of its traditional bargaining tools—the alternative of making large-scale investments in new labor-saving plants and equipment.

"By the early 1970s," the Lawrences state, ". . . it became increasingly obvious that the construction of new integrated steel facilities in the United States was not a viable proposition. It was cheaper to build such plants in newly industrialized countries or to build mini-mills in the United States. These judgments were shared by expert analysts, participants in the stock market, and, as revealed by their behavior (if not their statements), steel management."

But while major new investment in steel plants was economically questionable during the decade, the paper argues it was still profitable to operate existing plants. Thus, the article states, "management [lacked] the credible threat of investing in new, more capital intensive plants or shutting down the old plants."

Labor, according to this theory, was thus in a position to reap part of the revenue that, under better industry conditions, would have gone toward investment in capital. The steel industry, in this analysis, became a cash cow for both labor and management through the 1970s. For management, the milking process was exhibited in part by diversification out of the steel business.

"By 1982, with its acquisition of Marathon Oil," the Lawrences observe, "U.S. Steel could be more accurately called U.S. Oil."

For labor, the milking came in the form of climbing wages.

Robert Lawrence, in an interview, said that neither labor nor management was necessarily conscious of the direction is was headed in throughout the 1970s.

"I don't think the individual union leaders necessarily understood why their power increased, but they did find that they could get higher wages without job losses."

Those conditions persisted until the early 1980s, when continued deterioration of the steel industry restored to management the power to resist union wage demands. They describe this shift as the second stage of steel's "end game."

After successive recessions in 1980 and 1982, conditions to the industry were so bleak that even existing plants could not be operated at a profit. Management once again had a credible counter to union demands, in the form of plant shutdowns and massive layoffs. The result was the 1983 industry-wide agreement that reduced steel worker wages by 9 percent and the numerous plant-by-plant concessions made by workers in the first half of the decade.

"Many observers have suggested that the high U.S. steel wages explain the decline in competitiveness of the U.S. steel industry," the Lawrences conclude. "In our view the reverse is more nearly true: the decline in competitiveness explains the rise in steel wages."●

COSPONSORSHIP OF S. 1393

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1393, legislation to provide for a study of the use of unleaded fuel in agricultural machinery. This bill addresses an issue of extreme concern to the farmers in my State, and I commend my colleagues, Senator ABDNOR and Senator NICKLES, for their leadership on this issue.

This bill simply asks that the EPA and USDA take a thorough look at the effect of a leaded gasoline ban on the agricultural community. In cosponsoring S. 1393, I certainly do not want to imply that I oppose the goals of EPA's proposed phasedown of lead in fuel. The health and economic benefits of this phasedown are clear.

However, S. 1393 does not alter EPA's proposed phasedown. It simply requires that EPA and USDA study how these regulations will affect farm machinery. If this bill becomes law, the results of this study would be submitted to Congress no later than January 1, 1988. Neither a reduction in lead content below the 0.1 gram per gallon phasedown level nor a total lead ban could be imposed until 3 months after the report is submitted.

It is essential that both EPA and USDA thoroughly examine the effects of a ban on leaded fuel before allowing any regulation to go into effect which could require farmers to replace expensive equipment. It has been estimated that equipment replacement costs could run as high as $90,000 per farm. We should be sure that we examine all ways in which we can meet EPA's phasedown objectives without forcing farmers to replace costly tractors, combines and other machinery earlier than would otherwise be necessary.

I urge my colleagues to join me in cosponsoring this legislation.●

FEDERAL DEDUCTION FOR STATE AND LOCAL TAXES

● Mr. MOYNIHAN. Mr. President, a statement by Mayor Thomas C. Aposporos of Poughkeepsie, NY, was read by Mr. Joseph Chiseri, budget director of that city, at a recent town meeting I hosted. Mayor Aposporos' thoughts on the subject of the Federal deduction for State and local taxes are especially compelling and intelligent ones, and I commend them to the Senate's attention.

Mr. President, I ask that Mayor Thomas Aposporos' statement be

printed in the RECORD as part of my remarks.

The statement follows:

STATEMENT BY MAYOR THOMAS C. APOSPOROS IN SUPPORT OF DEDUCTIBILITY OF STATE AND LOCAL TAXES

THE ISSUE

The deductibility of state and local taxes from Federal taxable income has been a part of the Federal Tax System since its inception in 1913. The legitimate concern for the growing federal deficit and the desire to reform and simplify the federal tax code are now making deductibility an issue. Those concerned about maintaining equity between taxpayers by taxing only disposable income should oppose the repeal of deductibility. Combined with the effect deductibility has on the revenue raising ability of local governments, this issue is of concern to the City of Poughkeepsie. We agree that the federal deficit must be reduced and that the tax code needs to be revised in the interests of fairness and simplicity. Neither tax equity nor good tax policy, however, would be served by repealing or reducing the value of deductibility.

THE CASE FOR RETENTION

The clearest and most common sense argument to support deductibility is that individuals should not be taxed on a tax. Nothing makes this argument less valid today than when the federal income tax was originally enacted. The key words are "ability to pay". Deductibility makes the tax system more equitable by ensuring that an individual's tax burden is based on the ability to pay. It is as simple as that.

Deductibility also enhances the revenue raising ability of states and localities, and justifiably so. Taxpayers receive, in effect, a federal rebate relative to their marginal income tax rate for every dollar paid in state and local taxes. In economic terms, this reduces the price of state and local government services. This obviously makes revenue raising a bit easier. Under a repeal of deductibility, it is uncertain whether many state and local governments would be able to raise revenues required to maintain services. The National League of Cities reports that it is estimated that the repeal of deductibility would result in a decrease in state and local revenues of $12.4 billion, based on 1982 data. This at a time when massive cuts in federal domestic programs are being considered which will cause localities to assume additional burdens.

Deductibility plays a role in narrowing interstate and intercity tax differences. This is a benefit in that it tends to reduce the incentive for businesses and individuals to migrate from one jurisdiction to another in search of the optimal tax situation.

Additionally, state and local governments receive the benefits of deductibility without the interference in state and local decision making and priority setting, as opposed to grant-in-aid programs which attach strings to the aid.

Contrary to the claims by opponents of deductibility that only wealthier taxpayers in higher tax brackets will benefit, analysis of past data indicates that middle income groups are the recipients of a majority of the benefits. The NLC reports that based on 1982 data, over 61% of the benefits of deductibility went to taxpayers who itemized and had income under $50,000. Almost 90% of the benefits went to those who itemize with income under $100,000. Those who argue that deductibility benefits only itemizers ignore the fact that the standard deduction represents deductions which a typical taxpayer in a particular tax bracket would take if he/she itemized. Thus, consideration is given to the value of deductibility in establishing the standard deduction.

Opponents of deductibility state that it is unfair that the largest states and cities with the highest per capita income and tax burdens benefit the most. We would argue, however, that this illustrates the equity and fairness of the concept of deductibility. Those paying the most taxes and the heaviest burden receive the most benefits. The benefits are targeted more rather than less equitably among states and cities.

CONCLUSION

We in the City of Poughkeepsie feel that deductibility works. Repeal would result in double taxation and studies indicate that the ability of state and local governments to raise revenue would be adversely affected. Revenue systems would be impacted at a time when we are being asked to assume heavier burdens. The concept of deductibility is no less valid now than it was in the early 1900's. The City of Poughkeepsie opposes any efforts to eliminate or reduce the deductibility of state and local taxes. Deductibility should be retained.●

REMARKS OF LT. GEN. WILLARD PEARSON, USA (RETIRED), VALLEY FORGE MILITARY ACADEMY

● Mr. GOLDWATER. Mr. President, we are all aware that educating our young people is one of the highest priorities this Nation must maintain if we are to remain strong and retain our position of leadership throughout the world.

A very important element of our overall educational system is that of the military academies around this country that train our future leaders in all the services. One such institution is the Valley Forge Military Academy and Junior College, a school which, since 1928, has turned out over 13,000 graduates who have become leaders of industry, the professions, public service, and the military. A roll-call of the alumni of this exceptional academy would certainly read like a "Who's Who."

I would like to share with you, Mr. President, a speech dealing with the history of the Valley Forge Military Academy which was delivered by Lt. Gen. Willard Pearson, USA (retired), on April 30, 1985, which attests to the exceptional history enjoyed by the Valley Forge Military Academy, and I ask that his speech be printed in full in the RECORD at the conclusion of my remarks.

The speech follows:

Fellow members of Newcomen and guests: There have been many glowing accolades paid to Valley Forge Military Academy and Junior College over the years. This evening's affair, however, given by such a prestigious organization as The Newcomen Society honors our Board of Trustees, staff, faculty and our proud corps of cadets. We are deeply honored by your presence on our campus here this evening.

In making an after dinner speech I have been advised that one should be brief, be accurate, and then be seated.

Ladies and gentlemen, I promise you that I shall be as brief as possible this evening—no matter how long it takes me.

Although most of my life has been spent as a professional soldier, I recognize that the first line of defense of our democracy—as well as the destiny of our great nation—lies not in our armed forces but in the character and education of our youth. According to Aristotle, "All who have meditated on the art of governing mankind are convinced that the fate of empires depends upon the education of their youth."

It is fitting that this institution, which first opened its doors in 1928, borrowed its name—Valley Forge—from a nearby Army encampment, commanded by General George Washington. Valley Forge was not the site of any famous battle. Washington's Continental Army spent a very bitter winter there. When that Army departed, it left behind for all of us a spiritual legacy of perseverance, courage and sacrifice. Valley Forge was not a military victory of arms; it was a "Triumph of the Spirit".

Speaking of George Washington reminds me of the remarks heard by a chaplain several years ago when he saw a very reluctant new cadet being brought onto the campus by his father. Upon departing the father said to his son: "If Valley Forge was good enough for General Washington, it's good enough for you."

It is also fitting that the motto on the school's shield, "Courage, Honor, Conquer," became a symbol for its very existence. Within four months of its founding in a converted hotel building in Devon—a nearby community—the school burned to the ground in a midnight blaze. The military efficiency of the staff and cadets averted any loss of life or injury, but most of the uniforms, books and personal possessions of those involved were lost.

Within a year of that setback, the Great Depression struck and private schools became an unnecessary luxury for many families.

Despite that rocky beginning Valley Forge survived—a feat credited to its founder and first superintendent, Lieutenant General Milton G. Baker. General Baker is cited as a leader of imagination, drive and energy, whose high standards demanded the best of everyone. He had a dream of founding a military school. He borrowed the money for the first building and recruited the initial corps of cadets and faculty.

When he saw his dream go up in smoke, General Baker found temporary housing for his 125 cadets, and within four days moved the school into its present site, a former boys' school with three dilapidated buildings.

General Baker, who incidentally was a member of The Newcomen Society, continued as the superintendent of Valley Forge for the next forty years, a period which saw the school enhance its national and international reputation for excellence. It was also a time of unprecedented expansion as the school and college grew from three to 84 buildings on a 125-acre campus.

This growth, in part, created another crisis for Valley Forge. During the late '60s and early '70s an anti-military sentiment mushroomed in this country due to the unpopularity of the Vietnam War. Cadet enrollments dropped drastically creating fiscal problems and deferring maintenance on the school's plant and facilities. A number of

military schools throughout the country were forced to close their doors, merge with other schools, or suffer the extreme pangs of economic distress.

This was the situation in 1973 when I was appointed superintendent. Drastic action had to be taken. We initiated a program called "Operation Bootstrap" to reduce expenditures:

First: We froze wages for staff, faculty and employees at their current levels but did provide some merit increases.

Second: We restored to competitive bidding for all purchases and limited those to essential items only.

Third: We reduced the number of employees by reorganizing and reassigning responsibilities.

It was a real belt-tightening program but it produced results. The school's debt of $1.3 million was paid off in six years, thereby eliminating $81,000 in annual interest payments. We have not borrowed money from the bank for the past five years. As a result, interest income increased nearly ten-fold from $15,000 in 1973 to over $135,000 last year. Endowments, which were zero twelve years ago, are now nearing the million dollar mark and earning over $70,000 annually in interest.

We owe much of this fiscal success to our alumni and friends. Twelve years ago cash contributions for 1972-73 were less than $170,000. In the last four years cash contributions from our supporters have exceeded a half-million dollars in each of those four years. This progress would have been impossible without the generosity of the alumni, parents and friends of Valley Forge.

We are now debt free and operating on a cash basis. This has been achieved within our free enterprise competitive economy.

We have resumed across-the-board wage increases for officers and staff. We increased benefits such as insurance and hospitalization and offered grants to members of the faculty studying for advanced degrees or special education. We have also provided funds for memberships in professional organizations and maintained a generous subsidized housing program for most of our staff and faculty.

The bottom line for evaluating our accomplishments, however, is our 13,000 alumni and the successes they have achieved. Valley Forge graduates have left these halls of learning to become leaders of industry, the professions, public service and the military. A roll call of alumni reads like a "Who's Who."

What's the principal reason for the achievements of the men of Valley Forge? I believe this can be attributed to the cadet resolution and our stated mission. The mission is:

"To educate young men fully prepared to meet their responsibilities—alert in mind, sound in body, considerate of others and with a high sense of duty, honor and courage; and to foster love of God and country, gentlemanly qualities and high moral standards."

Valley Forge accomplished this mission through the values founded on military discipline—that is, recognition of authority and acceptance of responsibility. It is a method that has made Valley Forge preeminent among military schools and colleges and admired for the quality of its educational attainment. Our goal is to strengthen the spiritual and moral underpinnings of our cadets so that they, as mature adults, will improve the quality of our institutions, our professions and our society.

One of the most important aspects of the education of our youth, and yet often the most neglected, is that of developing wholesome beliefs, attitudes and goals in life. The Valley Forge faculty has assumed a greater obligation than simply teaching facts, figures and imparting technical knowledge. Their goal is to educate the whole man—mentally, physically, socially and spiritually—and to teach him to organize his time; to study; to think; and to communicate. Of greater importance, however, is teaching him to adapt to today's *changing* world without sacrificing those *changeless* values which develop strength of character, foster love of flag and country, and lead to honorable success.

We believe the highest purpose of education is the development of character. Over a hundred years ago Herbert Spencer, that great English philosopher, wrote: "Education has for its object the formation of character." Later President Theodore Roosevelt remarked, "To educate a man in mind and not in morals is to educate a menace to society." Dr. Steven Muller, currently the president of Johns Hopkins University, said: "Universities are turning out highly skilled barbarians because we don't provide a framework of values of young people who more and more are searching for it." In other words the need is to integrate the moral with the intellectual education of our youth.

The Valley Forge code of ethics establishes moral values as a basis for decision making and exemplary conduct. Also, each cadet must memorize and observe the Cadet Resolution to live by high ethical standards of conduct and behavior. The Cadet Resolution reads as follows:

"My goal in life is to achieve honorable success in my profession and to become a citizen of the highest integrity in my community. To this end, I resolve that:

Honesty and Integrity in thought, word and deed shall characterize my relationships with others.

Excellence shall be the hallmark of my endeavors.

Respect and consideration for all persons and their property shall be my resolve.

Strength of character shall be my objective as I strive to achieve greater self-discipline and the highest physical, mental, spiritual and moral development at Valley Forge.

Responsibility shall be my watchword, both in my obligations to others and in my commitment to my own objectives and ideals.

Remembering that noble thoughts inspire noble deeds, *I shall aspire to a life of honorable service."*

As one can see, the Cadet Resolution challenges each cadet to develop his full potential. His great satisfaction will come from his own exacting performance which will enhance his self-confidence and self-esteem.

Valley Forge has had a number of credos over the years. In the beginning it was, and still is for that matter:

"From the embattled fields of Valley Forge went men who built America. From the training fields of Valley Forge go men who will preserve America."

We have shortened that to a four-word saying: "Developing Tomorrow's Leaders Today."

We also have an unofficial credo which states: "Send us your boy and we will return to you a man."

Our four major educational goals are to *motivate* young men to acquire those habits and traits of *character* leading to *academic excellence* and *leadership* of the highest integrity.

Valley Forge is a fully accredited, nonprofit institution, with an annual budget of more than $7 million. We have a middle school—grades 7 and 8; a four-year preparatory school—grades 9 through 12; and a two-year junior college. The preparatory school prides itself on the high percentage of college acceptances of its graduates, which was 95 percent last year. The junior college boasts of an equally high rate of transfers to the junior year in leading four-year colleges and universities.

Teachers and cadets here have the advantage of a 65,000-volume library, a computer center, the latest equipment for science courses, language laboratories, a reading/testing and skills center, guidance department, and extensive athletic facilities.

Enrollment, which is sought on a quality but not on a quantity basis, holds steady in the 650 to 700 student range.

Cadets this year, incidentally, come from 26 states and 25 foreign countries. This diversity of backgrounds and cultures contributes to an international education and gives added breadth and character to our school and college.

We are proud of our achievements in academics. Both the academy and junior college were recently reaccredited by the Middle States Association of Colleges and Schools. This year Valley Forge has been selected as a semi-finalist in a survey to determine the nation's top fifty private schools. The survey, known as the "Exemplary Private School Identification Project," is conducted by The Council for American Private Education with a grant from the U.S. Department of Education.

A talented and dedicated faculty gives our program strength and vitality. Valley Forge has sixty-three full-time professors and instructors and another fifteen who are part-time. This provides for a 10-1 student-teacher ratio. We also have an added educational bonus for the cadet by providing extra instruction at the end of the school day. Mandatory supervised study periods are held from 7:30 p.m. to 9:40 p.m. five earnings each week.

There are many extras in a Valley Forge education, the most significant of which is leadership training. Cadet officers in the self-governing corps of cadets acquire practical experience in leadership and managership at an early age. The ROTC program augments this leadership training as do the many extra-curricular activities and athletic programs at Valley Forge.

The Academy's ROTC program has received annually the Department of the Army's "Honor School With Distinction" designation. This permits Valley Forge to nominate three graduates each year to the U.S. Military Academy and the U.S. Naval Academy, and five to the U.S. Air Force Academy.

An active center for the Study of Character Education has been established on campus to foster the teaching of morals and ethics as part of the regular curriculum. The center has developed a textbook for teachers on character education and will soon publish a book, entitled *Values and Virtues*, containing the thoughts of leading experts on the subject. These internationally-known advocates of character education have addressed the faculty and staff and held seminars with the cadets. The purpose of this program is to stimulate, motivate and inspire the cadets to emulate those indi-

viduals who have made important contributions to improving the quality of our society. In 1981 our character education program was awarded the George Washington Medal by the Freedoms Foundation at Valley Forge.

Augmenting the regular character development program is mandatory attendance at Sunday chapel services which reinforces the spiritual development of each cadet as taught by his parents at home.

The campus chapel is known as the Alumini Memorial Chapel of St. Cornelius the Centurion. St. Cornelius was a Captain in the Roman Army who was converted to Christianity and died a martyr.

The chapel was dedicated in 1950 by General George C. Marshall. It has a seating capacity for 1,500 persons for the regular nondenominational services. Noted persons from all walks of life have been guest speakers at chapel services.

Athletics also contribute to our character development. We provide our cadets with sixteen varsity sports, junior varsity competition and an intramural program. This allows everyone the opportunity to meet the challenges of athletic competition at his desired level. Sportsmanship, teamwork, fair play and individual pride are the prime objectives of our athletic program.

Athletic facilities include football, baseball, soccer and rugby fields; indoor and outdoor swimming pools; three gymnasiums with eight basketball courts and weight rooms; nine tennis courts; a quarter mile track; a five-lane bowling alley; an indoor 12 point rifle and pistol range; an archery range and an indoor riding arena for equitation and polo games. We have a stable of thirty horses to support our equitation and polo programs.

Valley Forge owns an airline, a Cessna 152, which is used to train young pilots. Twenty-five cadets were enrolled in the flight training course this year. Eight have soloed and one has received his private pilot's license. Initial instruction starts in a special class room on campus equipped with flight simulators, and continues at a nearby airport.

Other facilities here at the Forge include our laundry, tailor shop, a health center manned by an on-call physician, two certified physicians' assistants, and several nurses; and a magnificent student union building, Mellon Hall, named for its donor, the late Richard King Mellon, a Pittsburgh financier and philanthropist.

In addition to our equitation and polo programs, Valley Forge annually holds a Grandprix which brings the country's leading horses and riders to the campus to compete in a jumping competition of Olympic quality. This event, sanctioned by the American Grandprix Association, will be staged next Sunday, and riders will compete for $30,000 in prize money. Proceeds benefit the school's development and scholarship funds.

This brings us to another special event. You are all invited to return to Valley Forge tomorrow as my guests to observe our annual Loyalty-Law Day ceremony. Loyalty-Law Day—designated annually by the President of the United States—is the day we reaffirm and express our loyalty to this great nation in which we live and to the laws which govern it. In Russia—on the other hand—May 1 is the day the Soviets parade and demonstrate their military might.

At Valley Forge we observe Loyalty-Law Day by honoring a great person who has rendered distinguished service to our country. The award is named for Bob Hope, a great American who has given a lifetime of service to our country by entertaining our armed forces around the world in peace and in war. Bob Hope will be here personally to present the award we named for him—The Bob Hope 5-Star Civilian Award—to honor citizens for outstanding service to America.

The award this year will go to Mr. J. Willard Marriott, Sr., founder and chairman of the board of the Marriott Corporation. He served as chairman of two Presidential Inaugural Committees and was executive chairman of the Honor America Committee which organized a huge patriotic celebration in Washington, D.C. on Independence Day in 1970.

The ceremonies start at 5:00 p.m. In addition to seeing Bob Hope and Mr. Marriott, you will have the pleasure of witnessing the precision marching of our corps of cadets to the stirring music of our band in a regimental review.

The presence of these two great Americans on our campus, Bob Hope and Mr. Marriott, makes Loyalty-Law Day a most meaningful day at Valley Forge. Their presence will serve to motivate and inspire our cadets to follow in their footsteps and render honorable service to our country in whatever profession they elect to follow.

Bob Hope received the first award in 1975 in recognition of his dedication to bringing humor and laughter to millions of Americans and particularly to our service personnel, in war and peace, at home and abroad. Past recipients of the honor were: President Reagan; U.S. Senators Barry Goldwater and Strom Thurmond; Generals Lyman L. Lemnitzer, Alexander M. Haig, Jr. and William C. Westmoreland; and Ambassadors Clare Boothe Luce and Walter H. Annenberg.

We have been proud to honor these distinguished Americans, and to have been host to a number of other notables over the years, including Dwight D. Eisenhower. The late president visited the campus three times, including a weekend stay when we dedicated Eisenhower Hall in his honor. Eisenhower Hall is our elegant officers' dining facility.

And now, a personal message, if I may.

In a way you might call this evening "My Swan Song." I will be seventy years of age shortly after the end of this school year, and our Board of Trustees has decided they should seek new and younger leadership. It may be time for a change for the long-range benefit of the school and college.

Our Board of Trustees has evolved from a local constituency into a highly professional group of talented executives from various professions and businesses nationwide as well as internationally. I am grateful to the Board for their tremendous encouragement, support and guidance which has made my task here easier and more pleasant. I am certain that whoever replaces me will also be as fortunate in his relationship with the Board.

The announcement of my pending retirement has brought nearly a hundred messages from far and wide congratulating me on my leadership role here. I deeply appreciate those words of praise and shall cherish and sentiments.

As the superintendent, assisted by an outstanding staff and faculty, I consider our major achievements to have been:

Restoration of the school's fiscal soundness.

Improvement of student quality and the overall academic and military programs.

Establishment of the Center for the Study of Character Education.

The publication of a textbook, *Values and Virtues*, which outlines Valley Forge's Character Education Program.

The observance of Loyalty-Law Day and awarding of the Bob Hope 5-Star Award to distinguished Americans.

Organization of the Valley Forge Grandprix now in its eighth year.

The passage of congressional legislation awarding ten 2-year Department of the Army ROTC scholarships yearly to each of the six military junior in the United States.

Finally, the passage of congressional legislation authorizing second lieutenants commissioned in the military junior colleges to be eligible for active duty training with the reserve compenents.

Ladies and gentleman, may I conclude by saying, you have honored Valley Forge Military Academy and Junior College with your presence tonight. We are pleased to have so many distinguished guests on our campus. Please come back to see us—you will always be welcome.●

NEW TECHNOLOGY AND THE FUTURE OF STEEL

● Mr. HEINZ. Mr. President, encouraging information on new technology and the future of the steel industry was presented by David Cantor on July 22, 1985, in testimony before the House Subcommittee on Investigations and Oversight.

After first exploring the background to the current crisis in the steel industry, Mr. Cantor addresses the crucial question of how well the U.S. steel industry is adjusting to changes in the steel market. He finds that U.S. steel producers are rapidly modernizing due to increased competition at home and abroad. He adds that modernization is being energetically pursued with the most sophisticated technologies being employed.

More sobering, though, is the news that, despite the sustained effort by U.S. steel producers to adjust to increased competition, low world demand for steel and unfair foreign trading practices persist, making adjustment a tough process. Nevertheless, the steel industry should be commended for the extent to which it has modernized.

Those of us in the Congress have an obligation to do what we can to help them through the difficult process which remains.

Mr. President, Mr. Cantor's testimony in the House deserves our attention too, and I ask that it be printed in the RECORD.

The testimony follows:

PREPARED TESTIMONY—HEARINGS ON NEW TECHNOLOGY AND THE FUTURE OF STEEL

Mr. Chairman and Members of the Committee: My name is David Cantor. I am a Specialist in Industry Economics in the Economics Division of the Congressional Research Service. I appreciate very much your invitation to participate in these hearings, and the opportunity to share with you the result of my analysis of the steel industry.

Many claims are made, Mr. chairman, that the current difficulties facing the steel

industry are grounded in management decisions of the past. We hear that the industry overbuilt capacity. We are told that the industry took advantage of its market power and was slow to innovate and modernize. The industry itself tells us that it erred in allowing costs to rise in an almost unbridled way. No longer is the industry dominated by a small group of integrated producers that enables it to dictate price and quantity in the steel market. It now includes a new breed of steel-makers, and "minimills", that have become a significant force for competition in the declining or at best stagnant steel market. They and foreign steel producers that sought overseas markets for themselves, have created a highly competitive market environment. Thus, the integrated segment of our industry, which was virtually the only supplier in the U.S. steel market in the past, is unable to utilize its capacity efficiently and profitably. More important, perhaps, the industry finds itself hard pressed financially to undertake those efforts that could conceivably shore up its ability to meet its competition head-on and with reasonable prospects for success.

My research and analysis of developments in the steel industry suggest to me that the fundamental problem of the industry is the adjustment to changes that have occurred in the U.S. steel market. While, in the past, we economists would characterize the structure of the steel market as an oligopoly—a market where only a few sellers supply the product, today, the steel market is highly competitive. Thus, while management decisions relating to price and investment could be made largely independent of the combined market forces of supply and demand in the past, today they are driven by those market forces.

I would suggest, also, that, even in the past, when the industry faced relatively little competition from abroad, from competing materials, and from new entrants into the industry, America's steel industry was to a degree an innovator in developing and implementing new and more efficient processes to make steel. It could innovate, funding its investment from revenues generated in the oligopolistic market that it dominated. In the present market environment of competition, it continues to be an innovator in adopting new technologies for steelmaking. Thus, while the evidence may support the thesis that the steel industry has not simply sat back and allowed itself to fall behind with respect to technical innovation, the questions today are the adequacy of its efforts in the past, and its ability to make the additional investments necessary to survive—the minimal goal of any seller even in the theoretically ideal, purely competitive market.

THE POST-WORLD WAR II PERIOD TO 1980

Mr. Chairman, strong claims are made that management decisions of the past may be responsible for the steel industry's dilemmas of today. In particular, let me address the question of overcapacity. If the steel industry overbuilt its capacity in the years and decades following World War II, those decisions resulted in part from federal government policy. Analysts—both those regarded as critics of the industry (Donald Barnett and Louis Schorsch, for example) and those viewed as sympathetic to it (Father William Hogan, for example)—agree on this point. President Truman proposed in his State of the Union Message in 1949:

"(Legislation) to authorize an immediate study of the adequacy of production facilities of materials in critically short supply, such as steel; and if found necessary, to authorize government loans for the expansion of production facilities to relieve such shortages, and furthermore to authorize the construction of such facilities directly if action by private industry fails to meet our needs."

The industry disagreed, contending that the outlook for steel demand did not justify expansion. History is on the side of the industry. In 1951, America's steel industry had about 105 million tons of capacity. Yielding to government pressure, it expanded capacity to about 136 million tons by 1960, at an annual rate of growth of about 2.9 percent. Virtually all of this added capacity was in the form of open-hearth furnaces, which replaced the obsolete Bessemer furnaces. In this same period, U.S. steel demand, while fluctuating in response to changes in the business cycle, actually declined at an annual rate of about −0.8 percent. Although excess capacity was created in the industry, the major steel producers did not hold down prices, which rose at an annual rate of nearly 6 percent.

Let me cite one more example of the effect of government policy on the expansion of steel-making capacity in the United States. In 1954, Bethlehem Steel Corporation attempted to acquire the facilities of Youngstown Sheet and Tube Company. Bethlehem wanted productive capacity in the midwest to serve the growing automotive and appliance markets. The Department of Justice opposed the acquisition on antitrust grounds, a decision that was upheld in the courts in 1958. As a result, and in order to penetrate the midwest steel markets, Bethlehem built in the early 1960s the first large "greenfield" plant constructed in the United States since 1952, its plant at Burns Harbor, Indiana. Let me note that, while government policy may have influenced the expansion of capacity in this case, the decision to build Burns Harbor brought with it one of the first large-scale installations of what has become the predominant steel-making process in the world today, the Basic Oxygen Process. Thus, government policy may have coincidentally contributed to technological innovation and modernization of America's steel industry.

Major expansion of steel-making capacity came to an end by 1960, because of lack of growth in demand and the absence of government pressure to expand steel-making capacity. In the 1960s, steel capacity grew by about 8 million tons, at an annual rate of about 0.6 percent. In this same period, demand grew at a rate of about 3.1 percent per annum. Prices continued to rise in this decade.

Then, we come to the 1970s. In the first half of this decade, there was a substantial net increase in total industry capacity to about 180 million tons. But there are several reasons for this. First, domestic steel demand was rising from about 100 million tons in 1969–70 to over 120 million tons in 1973. Second, we begin to detect the strong presence of the "minimills" into the market; these are the relatively small companies that produce steel from scrap metal in electric furnaces. More than two-thirds of the 12.5-million ton expansion of electric furnace capacity took place in the "minimill" segment of the industry from 1972 to 1975. Furthermore, from 1975 on, virtually all of the growth of electric furnace capability took place in the "minimills".

A third reason for the expansion of steel capacity in the first half of the 1970s is that the large integrated steel companies were engaged in the process of modernization. In particular, the integrated companies were ridding themselves, of outmoded and obsolete capacity. Between 1972 and 1975, the industry closed down nearly 20 million tons of relatively inefficient open-hearth capacity, replacing it with 15 million tons of the more efficient Basic Oxygen capability.

While expansion of capacity reached its peak in the mid-1970s, it declined thereafter. For all intents and purposes, the capacity reduction of about 15 million tons in the last half of the 1970s was the result of the continuing process of modernization, namely the elimination of excess open-hearth capability, and the emergence of a declining trend in steel demand. Electric furnace capacity grew by about 5 millions tons, mainly in the "minimill" segment of the industry. Basic Oxygen capability was cosntant at about 96 to 97 millions tons. The most important development in the last half of the 1970s was the closing down of more than 20 millions tons of inefficient open-hearth furnace capability.

The post-World War II era provides examples of modernization other than replacing the obsolete steel-making processes of the past—Bessemer and open-hearth. The integrated steel companies were active in this modernization process. In 1967, U.S. Steel Corporation commissioned the first continuous caster in the United States for its Gary, Indiana works. National Steel and McClouth Steel installed continuous casters in 1968 and 1969.

In the 1960s, America's steel industry was active in developing the process for the direct reduction of iron ore (DRI). Among these efforts were those of Armco, which built and operated a pilot plant in Kansas City, Missouri in 1966 and later, in 1972, a full-scale commercial plant in Houston, Texas. Two other DRI plants were built in the early 1970s: the Midland-Ross plant in Portland, Oregon and the Georgetown Steel plant in Georgetown, South Carolina. None of these DRI ventures proved to be economically viable, however, owing to the sharp increases in natural gas prices in the late 1970s; the DRI process used natural gas as a basic energy input. Be that as it may, these examples indicate that the U.S. steel industry was clearly experimenting with, developing, and implementing new productive processes in the decades gone by—although the extent to which it made technical progress may have been influenced by its market structure.

Before leaving the past, Mr. Chairman, it is important to point out that the oligopolistic structure of the steel market permitted the dominant firms in the industry to adopt pricing strategies other than those of the competitive market place. In particular, the claim is made that steel companies engaged in what economists label, "administered pricing". That is, price is determined by costs to which a percentage mark-up is added. This is the conclusion of Dr. Zoltan Acs in his recently published study of the steel industry. It is almost taken for granted by one of the industry's most prominent critics, Dr. Robert Crandall. Indeed, though this strategy is becoming increasingly difficult to implement in today's market, it has become the norm on which analysts base their analyses of the industry: for example, the Congressional Budget Office (CBO) estimated the price effects of a steel import quota using an equation in which input costs were explanatory variables. In a market where sellers can exert a significant influence on supply, an administered pricing

strategy might be considered a prudent business decision. But when the structure of the market changes, this pricing strategy gives rise to the problem of not being able to compete on the basis of price.

This is why we hear one steel industry executive after another confess that they allowed costs to run rampant as recently as the early 1970s. Perhaps, they permitted costs to rise so sharply, because they did not recognize that the market structure was changing, and the industry did not recognize the need to adjust to these changes. In testimony before the Senate Judiciary Committee on July 1, 1983, David Roderick, the CEO of United States Steel Corporation, stated:

"Clearly, during the 1970's, it (labor costs) ran amok. Incidently, I am not, you know, banging the steelworkers for this. Keep in mind that we steel companies signed those contracts, so this is joint bargaining. We did this together. We did not do it very well, in my opinion. We got each other into trouble."

Dr. Acs indicates that demand was a minor factor in influencing price, and that costs of production—mainly, those of labor (which were negotiated with the United Steelworkers on an industry-wide basis)—were dominant in explaining steel price behavior. The point is that, in the past at least, the steel industry could accept higher costs of production, passing them through to buyers, because the structure of the market it served was an oligopoly, where competition from other sellers at home and abroad and from other materials was not a significant concern, and where price could rise above the point at which the market would clear.

THE STEEL MARKET TODAY

Mr. Chairman, if I were to use one phrase to describe the steel market today, it would be "adjustment to competition": competition for market share in a stagnant or declining market; competition with the "minimills"; competition with competing materials; and, competition with imports. This competition has been very tough on the integrated segment of the industry at least, although even the "mimimills" are experiencing difficulty in the marketplace. Indeed, the Barnett-Schorsch study of the steel industry is aptly titled—Steel: Upheaval in a Basic Industry.

First, the market for steel is stagnant. For about the past decade, demand for steel has fluctuated around the 100 million ton level. U.S. steel demand reached a high point of nearly 117 million tons in 1978; its low point was about 76 million tons in 1982. In 1984, U.S. steel demand wa about 98 million tons, and forecasts of future demand by Data Resources, Incorporated suggest that steel demand will be at levels of about 100 million tons through the rest of this decade.

Steel demand has not responded to economic growth. One reason for this is the emergence of substitute materials—especially, plastics and aluminum. Indeed, during the 1970s and into the 1980s, a significant drop occurred in the so-called steel intensity of the economy; that is, the ratio of steel input to real Gross National Product. My analysis of trends in steel intensity indicates that it fell by 22 percent in the 1970s, and by another 14-15 percent in the first half of this decade. The downsizing of cars and the increased use of lighter weight materials in cars and construction help to explain this structural shift away from steel. The only bright spot in this analysis is that the date imply that further declines in steel intensity are likely to be very modest. The point is that steel demand is not likely to rise significantly.

At the same time, we have significantly more sellers in this stagnant market. The large integrated companies clearly dominate in terms of capacity: according to data compiled by Acs, the seven largest companies have over 110 million tons of capacity, but there are also at least 60 "minimill" companies with expanding capacity. These "minimills" have been extremely succussful in penetrating the market for structural products. In 1975, electric furnace output, a reasonable surrogate for "minimill" activity accounted for 20 percent of total U.S. steel production; by 1984, they accounted for about 35 percent of the nation's steel output. Their emergency as a force in the industry makes the steel market more competitive, effectively requiring the integrated companies to adjust to the changes in market structure.

Why are they so successful? One, they are small. They do not have to make the investments in blast furnaces and large steelmaking furnaces that the integrated companies must make. Two, they specialize at least for the present in a small range or products. They do not have to have different rolling mill complexes. Three, they are located close to their markets. Thus, their customers incur lower transportation costs than they would if they bought from larger but more distant mills. Four, many employ non-union labor. Thus, they avoid some of the high labor costs and work rules that the unionized integrated companies must operate under. Five, there is some evidence that they benefit from local government assistance: at least one of the most prominent "minimill" companies, Nucor, obtained a substantial amount of its financing through industrial revenue bonds.

But even the future of the "minimills" is debatable. A recent article in Iron Age, a respected trade journal, reported that the traditional market for "minimill" products may be saturated. The article quotes Kenneth Iverson, the CEO of Nucor, as saying:

"In the past, the primary competition for mini-mills was foreign suppliers and integrated producers. Over the last three or four years, this has changed so that the primary competitors today are other minimills—and I expect that to continue into the future."

While praising their accomplishments, the American Iron and Steel Institute observed in its 1985 annual report:

"But now, minimills face the problems of growing maturity. Their financial success is based on high volume sales at low per ton profit margins. But economic growth in some traditional minimill markets seems to be slowing, and as they try to move into higher value products, they find themselves competing for a larger share of still depressed markets."

Furthermore, the "minimills", being scrap-based, are likely to encounter significant problems of quality control, should they expand their product line into flat-rolled products. The uniformity of the quality of the raw material inputs is more important in the latter than in the structural and bar products that "minimills" now produce.

The integrated companies compete not only with other industries and the "minimills" for a share of the stagnant steel market, but also with foreign imports. In 1984, the United States imported steel from over 50 countries. Our steel imports represented over one-fourth of the domestic market. There is some indication that foreign steel companies—in Taiwan, for example—built new capacity to capture overseas markets. Even today, new steel mills are being built in third-world countries: Nigeria and Pakistan recently opened or are close to completion of their new steel mills; Venezuela is constructing a 4.8 million ton mill, which, according to a Forbes magazine article, will produce steel to earn foreign exchange. Despite our industry's efforts to modernize, the steel industries of most other countries are newer than our industry, embodying state-of-art technology. Labor costs overseas are a fraction of ours. Even with the import restraint expected as a result of the President's steel program, foreign producers could expect to hold 20 percent of our market.

The integrated steel industry has attempted to respond to the sluggish marketplace for steel and to the competition it faces at home and abroad. Father Hogan discusses the efforts of the major companies to adjust to the market in his book, Steel in the United States: Restructuring to Compete. I addressed the industry's efforts in my report, America's Steel Industry: Modernizing To Compete; with your permission, I submit this report for the record. Essentially, I found three elements to the steel industry's modernization efforts:

1. Rationalization of existing capacity;
2. Adoption of currently available state-of-art technology; and
3. Research and development of new technologies for steel-making.

Clearly, in a smaller market, a critical element of modernization is the elimination of old and obsolete plant. We saw that the industry was engaged in this effort in the 1970s. Perhaps of greatest long-term promise, we observed that the integrated industry replaced some of its older outmoded capacity with more modern plant. Indeed, let me cite some of the data developed by Barnett and Schorsch on the age of steel plants in the United States and Japan; I think this data will put to rest the idea that our plant is "ancient" and, thus, unable to compete. On average, our steel-making furnaces are about 2 years older than those in Japan; our continous casters are about the same age. Where we lag behind is in the product rolling mills: our mills are from 4 to 10 years older than those in Japan.

Our industry has moved forward vigorously to install state-of-art technologies, although not as aggressively as in other countries. From 1981 to 1983, we has a positive rate of growth of continuously cast output, while most other countries had negative growth rates. In this period, a period marked by severe recession, our steel industry constructed or commissioned more than 16 continuous casters. In 1984, nearly 40 percent of our steel output was continuously cast, nearly double the share in 1980; as a result, the industry is making headway in catching up with foreign producers in the use of this technology.

Companies are planning to install new direct reduction processes using coal, thereby bypassing the coking and blast furnace operations. Wily Korf recently announced plans to install this process in his Wallingford, Connecticut plant. Weirton Steel, formerly part of National Steel, has similar plans, and is seeking funding from the Department of Energy to proceed with them.

Smaller, incremental changes in technology are being installed in steel-making operations. New ladle refining systems are in

place in Armco's Ashland, Kentucky plant; U.S. Steel Corporation is installing such a system at its Fairfield, Alabama plant.

LTV Corporation is engaged in a joint venture with Sumitomo Corporation to install a state-of-art electrogalvanizing mill at its Cleveland works. Again, in spite of the stagnant market, we find continued evidence that the industry is installing or willing to install current state-of-art technology to enhance its ability to produce steel of high quality and in competition with imports.

The modernization effort does not stop here, however. The steel industry in collaboration with federal agencies is engaged in research and development efforts to find even more efficient ways to produce quality steel products. You know of the sensor research being undertaken at the National Bureau of Standards. This effort, if successful, would permit the industry to monitor more precisely the quality of the steel as it moves through the various stages of production: from molten metal to ingots to semifinished shapes to final products. Similarly, U.S. Steel Corporation and Bethlehem Steel Corporation have joined together with the Department of Energy to develop processes for near net shape casting. This process, if successful, would permit the industry to produce slabs one-fourth the thickness of conventional slabs; these thinner slabs would require less processing than the conventional product, with the result of lower costs.

Thus, we see the industry responding to the forces of competition by utilizing its total plant more efficiently, implementing new processes, and looking forward to still newer developments in steelmaking technology. America's Steel Industry is indeed modernizing to compete.

PROSPECTS AND PROBLEMS IN THE FUTURE

Mr. Chairman, as I look back upon the recent and not-so-recent history of the steel industry, I am impressed by the fact that it has continually engaged in a modernization process. Up to the 1970s, it could undertake this effort in a more comfortable business environment: the "minimills", substitute materials, and competition for relatively more modern foreign industries were not major forces affecting it. But, as we know from the experience of just the past few years, all of these factors have created a major change in the steel industry's business environment; they have thrust it into a highly competitive market.

To survive in this market, integrated steel companies must cut costs. They can do this by developing and installing new processes for making steel. They can do this by eliminating inefficient capacity, replacing it in whole or in part by more modern furnaces and rolling mills. They can attempt to reduce labor costs, and are likely to do so by negotiating work rule changes, lower hourly compensation costs, or both.

The issue is not that the industry will not adopt this strategy for survival in a competitive marketplace; I think it is fair to say that the industry has adopted this strategy. The issue is the adequacy of the effort—particularly in its modernization program. This issue is of interest to Congress, because, when Congress passed the Steel Import Stabilization Act as Title VIII of the Trade and Tariff Act of 1984 (P.L. 98-573), it conditioned any import relief on the industry's reinvestment of its cash flow from steel operations into those operations. Congress and the President were willing to restrict competition in the U.S. steel market for five years, but only if the industry was willing to undertake a modernization program that would enable it to become competitive on its own, one that its former market structure did not require of it.

Mr. Chairman, my analysis of the industry's investment pattern in relation to its cash flow a year ago indicated that the industry was already meeting the requirements of the current law. From 1979 to 1983, the industry invested about 3.5 billion dollars more in steel operations that it generated in cash flow from those operations; over these five years, it invested about 11.5 billion dollars in steel operations, while it generated from operating income and depreciation allowances, about 7.9 billion dollars. While I cannot predict the future investment behavior of the industry, I think it is fair to say that the industry is likely to meet the requirements of the law by investing its cash flow from steel in steel.

But even the industry would agree that the amount of investment necessary to become internationally competitive is far greater than its average annual investment of about 2.4 billion dollars in steel operations in the recent past. President Reagan's Steel Advisory Committee, which functioned from November 1983 to November 1984 with participants from industry, labor, and government, reported that the necessary amount of investment in steel would be in the range of 5 to 5.5 billion dollars per year. (I would note that the Committee's report represented a consensus of the views of its members.) The American Iron and Steel Institute claims that "the domestic steel industry, to maintain 95 million tons of shipments capability in the 1980's, needs to spend about $5.2 billion annually to insure adequate modernization of its facilities." Donald Trautlein, CEO of Bethlehem Steel Corporation, in his testimony before the Senate Finance Committee on June 13, 1985 on the President's tax reform proposal, stated that the industry would fall short of its desired investment goals by about 1.5 billion dollars. Thus, while there is every reason to believe that the steel industry will be in compliance with the law, there is also reason to believe that industry investment would be inadequate for it to become competitive in all markets.

Now, frankly, the industry's estimate of its investment requirements may be inflated. They assume a shipment level of 95 million tons, which implies either a massive surge in demand or virtually no imports. As I have already noted, the demand for steel in the forseeable future is projected by Data Resources, Incorporated to be about 100 million tons per year. The only other possibility is for imports to drop to levels of 5 to 7 million tons, if domestic steel shipments are to rise to 95 million tons; this, too, is improbable. Even if the industry's estimate of capital requirements is too high, it is probably fair to say that they will need substantially more per year than they have invested in steel operations in the recent past.

The industry is likely to encounter great difficulty in raising this capital. Conventional borrowing means interest rates in the range of 13.5 to 16.5 percent today, a premium of from 2 to 5 percentage points above the rate paid by high quality long term borrowers. According to the recent Iron Age report on "minimills", even firms in this segment of the steel industry are experiencing difficulty in borrowing.

Indeed, if the steel industry could borrow at substantially reduced rates of interest, not only would it be able to reduce capital charges, but also it would be better able to implement the results of the research and development efforts going on, and benefit from the lower costs derived from new technology. Consider the following optimistic scenario. I recently estimated that a 3.5 percentage point reduction in the interest rate paid by steel companies could lower costs by about 14 dollars per ton just owing to the change in the rate. In addition, if the companies borrowed to install a continuous caster, total costs of production could be reduced by still another 35 dollars per ton.

Among options for generating the capital the industry says it needs to modernize other than conventional borrowing in the capital markets, there is the possibility of more joint ventures with foreign investors. Note, if you will, the purchase of a 50-percent interest in National Steel by Japan's Nippon Kokan Steel Company. There are other examples as well. Nisshin Steel (Japan) has a 10-percent equity interest in Wheeling-Pittsburgh Steel Company. LTV Steel has a joint venture with Sumitomo Steel (Japan) at its electrogalvanizing plant in Cleveland, Kawasaki Steel (Japan) is providing some of the capital to refurbish the Fontana plant of California Steel Company. Canadian steel companies have invested heavily in some of our "minimill" companies: Chapparall and Raritan River Steel. Joint ventures with foreign steel companies emerge as a real possibility for generating capital.

Another option is to finance modernization by executing what amounts to lease-purchase agreements. Bethlehem Steel Corporation is doing just this in order to acquire its two continuous casters at Burns Harbor and Sparrows Point. The Austrian manufacturer of the casters, Voest-Alpine, will receive a payment per ton of steel produced by the casters at the two plants.

Obviously, government could provide some funding directly or indirectly to finance steel industry modernization. To some extent, it is already doing so. There are already various provisions built into our tax code that benefit the industry. The Department of Energy is involved in a collaborative effort with United States Steel Corporation and Bethlehem Steel Corporation to develop a near net shape casting process. The American Iron and Steel Institute and the National Bureau of Standards are jointly engaged in a research and development project to develop sensors to enhance quality control of steel-making. Your Committee authorized expenditures of, I believe, six million dollars by the Department of Energy for steel research, and additional funds for the National Bureau of Standards.

I emphasize these questions of financing modernization, Mr. Chairman, because, whatever the results of the efforts of the scientists and engineers in developing new technologies for steel-making, they translate into a more modern, efficient, and competitive steel industry only if they can be implemented. There is a major difference between technologcal innovation and economic innovation. In the former, new processes may be developed. In the latter, they must pass the tests of economic viability. Thus, in view of the stagnant outlook for steel demand, the existence of excess capacity in the industry today, and the considerable apprehension on the part of the industry regarding the effectiveness of the President's import restraint program, it would not be surprising if the industry implemented new processes with considerable caution.

Finally, Mr. Chairman, I address the question of the outlook for employment in the steel industry. Most analysts agree that modernization of the steel industry will not result in a resurgence of employment in the industry. For example, installation of a continuous caster to replace ingot-casting and the milling of ingots into semi-finished shapes would, according to the recent report of the National Academy of Engineering, reduce labor input per ton of steel by about 50 percent. Except that demand for domestic steel would rise, it is unlikley that persons on layoff or displaced owing to plant closings would be able to reclaim their jobs.

Let me share with you a report by my colleague at CRS, Linda LeGrande, that was commissioned by the Subcommittee on Science, Research, and Technology of the House Science and Technology Committee, and that they have authorized me to release to you. LeGrande finds that the level of steel industry employment over the next decade may not fall substantially from present levels. But, she also finds that the composition of the labor force in the steel industry will change significantly in the next ten years. The lower skilled personnel will give way to more highly skilled and educated workers. Thus, another implication of modernization is that the characteristics of the labor force are likely to be very different from today's steel workforce. Even if employment were to stay at present levels, many of those currently employed would not be able to retain their jobs. Mr. Chairman, I submit for the record and consideration of this committee, the report by Linda LeGrande, Employment in the Steel Industry: The Shape of Change.

Mr. Chairman, in closing, I find the steel industry to be one that has demonstrated a willingness to modernize and to commit resources to that effort, and I would expect that to continue. This is, I think, most encouraging, because such an attitude is critical to its meeting the challenges of adjusting to a competitive marketplace. America's steel industry, in spite of foreign competition and overall sluggish or declining demand, appears to be anything but a dying industry. But, Mr. Chairman, I am not deluded into thinking that the steel industry will emerge as it is today from its current struggle to become fully competitive at its present size. There is still much obsolete capacity in place. Grave doubts exist regarding the ability of the industry to finance its modernization. I suppose that the outlook for the industry can best be expressed by an industry spokesman, Donald Trautlein, who closed his address to the American Iron and Steel Institute at its 1985 annual meeting with these words:

"We are taking significant steps forward—and we're determined to take more. A lot of good things are happening—and we are making progress. While our industry may be slimmer by 1[illegible], it will also be a lot smarter, a lot stronger, and a lot more competitive."●

AMENDMENT OF THE MERCHANT MARINE ACT OF 1936

The PRESIDING OFFICER. The clerk will report S. 1522.

The legislative clerk read as follows:

A bill (S. 1522) to amend section 607 of the Merchant Marine Act, 1936, to ensure consistent use of funds made available for capital construction of vessels, and for other purposes.

Mr. DOLE. Mr. President, I object to further consideration.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

REMOVAL OF INJUNCTION OF SECRECY

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Vienna Convention for the Protection of the Ozone Layer (Treaty Document No. 99-9), transmitted to the Senate by the President of the United States on September 4, 1985.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Vienna Convention for the Protection of the Ozone Layer. The report of the Department of State, the final act of the conference that adopted the Convention, and an environmental assessment and finding of no significant impact are enclosed for the information of the Senate.

The Convention provides a foundation for global multilateral undertakings to protect the environment and public health from the potential adverse effects of depletion of stratospheric ozone. The Convention addresses this important environmental issue primarily by providing for international cooperation in research and exchange of information. It could also serve as a framework for the negotiation of possible protocols containing harmonized regulatory measures that might in the future be considered necessary to protect this critical global resource.

The Convention, which was negotiated and adopted under the auspices of the United Nations Environment Programs [UNEP], will be an important step toward protecting and enhancing public health and the quality of the global environment. The United States played a leading role in the negotiation of the Convention. Expeditious ratification by the United States will demonstrate our continued commitment to progress on this significant environmental issue.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *September 4, 1985.*

SOUTH AFRICA

Mr. DOLE. Mr. President, I want to thank my colleagues for their vote today. I hope that we will not invoke cloture on Wednesday. It will be a close vote because I think now, as I have indicated, it is not the punishment of South Africa. Someone is trying to punish Ronald Reagan. I think that test ought to be met in the same spirit that we have tried to work out an accommodation on South Africa. The President has made a dramatic gesture, not just symbolic, but a real effort to meet Members of Congress more than half way, in fact nearly all the way, in fact probably too far to suit some Members of the Congress, some in both parties. I hope that by Wednesday we can agree that the best course to follow would be to postpone further consideration of the conference report on the antiapartheid bill until some future time so that we can all determine what happens in the interim, not only in South Africa internally, but whether or not the administration, the present administration, the Reagan administration, carries out its commitment under the Executive order, as I have no doubt that it will.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 2 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Tuesday, September 10, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATOR

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator COHEN, Senator MATTINGLY, Senator SYMMS, and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the special orders just identified there be a period for the transaction of routine morning business not to extend beyond the hour of 3:30 p.m. with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order just entered, that the Senate stand in recess until 2 p.m. on Tuesday, September 10, 1985.

The motion was agreed to; and, at 5:34 p.m., the Senate recessed until tomorrow, Tuesday, September 10, 1985, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1985:

DEPARTMENT OF STATE

Patricia Mary Byrne, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

Alan Lee Keyes, of Maryland, to be an Assistant Secretary of State, vice Gregory J. Newell.

Natale H. Bellocchi, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Michael Sotirhos, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Jean Broward Shevlin Gerard, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Clyde D. Taylor, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Roger Kirk, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Romania.

Robert G. Houdek, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Malcolm Richard Wilkey, of Texas, to be Ambassador Extraordinary and Plentipotentiary of the United States of America to the Oriental Republic of Uruguay.

INTER-AMERICAN FOUNDATION

Elliott Abrams, of the District of Columbia, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1990, vice Langhorne A. Motley.

THE JUDICIARY

David A. Nelson, of Ohio, to be U.S. circuit judge for the sixth circuit vice a new position created by Public Law 98-353, approved July 10, 1984.

James L. Ryan, of Michigan, to be U.S. circuit judge for the sixth circuit vice George Clifton Edwards, Jr., retired.

Stephen V. Wilson, of California, to be U.S. district judge for the central district of California vice a new position created by Public Law 98-353, approved July 10, 1984.

Alan H. Nevas, of Connecticut, to be U.S. district judge for the district of Connecticut vice a new position created by Public Law 98-353, approved July 10, 1984.

David Sam, of Utah, to be U.S. district judge for the district of Utah vice Aldon J. Anderson, retired.

DEPARTMENT OF JUSTICE

Stephen M. McNamee, of Arizona, to be U.S. attorney for the district of Arizona for the term of 4 years vice A. Melvin McDonald, resigned.

William A. Maddox, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years, vice Lamond Robert Mills, resigned.

Patrick M. McLaughlin, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years vice J. William Petro.

Roger Hilfiger, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years, vice Gary Loy Richardson, resigned.

DEPARTMENT OF LABOR

Dennis Miles Kass, of New York, to be an Assistant Secretary of Labor, vice Donald L. Dotson.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ronald E. Robertson, of Virgnia, to be General Counsel of the Department of Health and Human Services, vice Juan A. del Real, resigned.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Marshall Jordan Breger, of the District of Columbia, to be Chairman of the Administrative Conference of the United States for the term of 5 years, vice Loren A. Smith.

CONSUMER PRODUCT SAFETY COMMISSION

Carol Gene Dawson, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1985. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

Lawrence J. Jensen, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Jack E. Ravan.

Jennifer Joy Manson, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Josephine S. Cooper, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

M. Alan Woods, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, vice Robert Emmet Lighthizer, resigned.

FEDERAL EMERGENCY MANAGEMENT AGENCY

James P. McNeill, of Maryland, to be an Associate Director of the Federal Emergency Management Agency, vice Fred Joseph Villella.

FEDERAL MARITIME COMMISSION

Edward V. Hickey, Jr., of Virginia, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1986, vice Alan Green, Jr., resigned.

Francis J. Ivancie, of Oregon, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1987, vice Robert Setrakian, resigned.

GENERAL SERVICES ADMINISTRATION

William R. Barton, of Virginia, to be Inspector General, General Services Administration, vice Joseph A. Sickon, resigned.

NATIONAL SCIENCE FOUNDATION

Craig C. Black, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice David V. Ragone, term expired.

Charles L. Hosler, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1988, vice John H. Moore.

SECURITIES INVESTOR PROTECTION CORPORATION

Roger A. Yurchuck, of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1987. (reappointment)

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Herbert Schmertz, of New York, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring April 6, 1988. (reappointment)

Edwin J. Feulner, Jr., of Virginia, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1988. (reappointment)

E. Robert Wallach, of California, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1988. (reappointment)

U.S. INTERNATIONAL TRADE COMMISSION

Anne E. Brunsdale, of the District of Columbia, to be a member of the U.S. International Trade Commission for the term expiring June 16, 1993, vice Veronica A. Haggart, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Richard H. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank, vice Joseph S. Bracewell.

DEPARTMENT OF AGRICULTURE

Raymond D. Lett, of Virginia, to be an Assistant Secretary of Agriculture, vice C.W. McMillan, resigned.

Raymond D. Lett, of Virginia, to be a member of the Board of Directors of the Commodity Credit Corporation, vice C.W. McMillan.

DEPARTMENT OF STATE

Winston Lord, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

U.S. INSTITUTE OF PEACE

Sidney Lovett, of Connecticut, to be a member of the Board of Directors of the U.S. Institute of Peace for a term of 2 years expiring January 19, 1987 (new position).

John Norton Moore, of Virginia, to be a member of the Board of Directors of the U.S. Institute of Peace for a term of 4 years expiring January 19, 1987 (new position).

Richard John Neuhaus, of New York, to be a member of the Board of Directors of the U.S. Institute of Peace for a term of 2 years expiring January 19, 1987 (new position).

DEPARTMENT OF STATE

James W. Spain, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Helen Marie Taylor, of Virginia, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Mary Beth Norton, term expired, to which position she was appointed during the recess of the Senate from June 29, 1984, until July 23, 1984.

DEPARTMENT OF ENERGY

Charles A. Trabandt, of Virginia, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1988, vice Georgiana H. Sheldon, term expired.

U.S. INSTITUTE OF PEACE

W. Bruce Weinrod, of the District of Columbia, to be a member of the Board of Directors of the U.S. Institute of Peace for a term of 2 years expiring January 19, 1987. (new position)

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grades indicated, under the provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. Stuart E. Barstad, [redacted] FR, U.S. Air Force, Chaplain.

To be brigadier general

Col. John P. McDonough, [redacted] FR, U.S. Air Force, Chaplain.

IN THE ARMY

The following-named Army Medical Service Corps officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Walter F. Johnson III, [redacted] Medical Service Corps, U.S. Army.

IN THE NAVY

The following-named officer for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085:

To be vice chief of naval operations

Vice Adm. James B. Busey IV, [redacted] /1310, U.S. Navy.

The following-named officer having been designated for command and other duties of importance and responsibility within the contemplation of title 10, United States Code, section 601, for appointment to the grade of admiral while so serving:

To be admiral

Vice Adm. James B. Busey, IV, [redacted] /1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. Lee Baggett, Jr., [redacted] /1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. Ronald J. Hays, [redacted] /1310, U.S. Navy

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. James A. Lyons, Jr., [redacted] /1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. Arthur S. Moreau, Jr., [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. Carlisle A. H. Trost, [redacted] /1120, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Richard A. Miller, [redacted] 1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 711, to be reassigned in his current grade to be senior Navy member of the Military Staff Committee of the United Nations and to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

To be senior Navy member of the Military Staff Committee of the United Nations

Vice Adm. Donald S. Jones, [redacted] 1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Joseph B. Wilkinson, Jr., [redacted] /1310, U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

John William Gates, Jr.
Stephen Gordon Yusem
Richard Squier Fitzgerald
Samuel Edward McWilliams

ENGINEERING DUTY OFFICER

Paul Keith Arthur

MEDICAL CORPS OFFICERS

Robert Layman Summitt
Robert Conrad Nuss

SUPPLY CORPS OFFICER

James Hock Mayer

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be colonel

Sahd, Theodore M., [redacted]

To be lieutenant colonel

Fedak, William A., [redacted]

To be major

Saletta, Gaetana M., [redacted]

JUDGE ADVOCATE

To be major

Kinsella, James M., [redacted]

IN THE AIR FORCE

The following officers for promotion as a reserve of the Air Force under the provisions of sections 593, 8366, and 8372, title 10 United States Code. Promotions made under section 8372 and confirmed by the Senate under section 593 shall bear an effective date of September 30, 1985. All other officers shall be promoted upon completion of 7 years of promoting service and 21 years of total service:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ables, Charles D., [redacted]
Affronti, Anthony C., [redacted]
Ahlgren, David L., [redacted]
Allen, James R. [redacted]
Anderson, Arlan J., [redacted]
Anderson, John W., [redacted]
Andrew, Gary L. [redacted]
Antonich, Lawrence J., [redacted]
Armistead, John H., Jr., [redacted]
Arnette, William T., [redacted]
Asai, Melvin H. [redacted]
Ashley, Roger M., [redacted]
Atherton, Alan B. [redacted]
Atkins, Larry L. [redacted]
Atwood, Charles L., [redacted]
August, Rudolph L., [redacted]
Augustine, William L., [redacted]
Ayres, Paul J. [redacted]
Baber, James J., Jr., [redacted]
Baldauf, John A. [redacted]
Ball, John F. [redacted]
Ball, Michael S., [redacted]
Bame, Karl T. [redacted]
Bandsuch, Ronald M., [redacted]
Banks, Thomas W., [redacted]
Barenz, Roger K., [redacted]
Barker, Robert J., [redacted]
Barksdale, Ronald D., [redacted]
Barley, Raymond H., [redacted]
Barnard, Robert R.S., [redacted]
Barnett, Wayne C., [redacted]
Barrow, Raymond S.S., [redacted]
Barry, Robert A. [redacted]
Barton, Elvertt J., [redacted]
Batz, Raymond E., [redacted]
Baughn, Brent F., [redacted]
Beattie, Charles W., [redacted]
Bergh, Philip J. [redacted]
Bernhard, Alan T., [redacted]
Bever, Michael R., [redacted]
Beyer, Paul K [redacted]
Bielinski, Barry T., [redacted]
Bienvenu, Leo A., Jr., [redacted]
Bledsoe, Harry R., [redacted]
Blomgren, Alan A., [redacted]
Boesz, Daniel L., [redacted]
Bohr, William M., [redacted]
Bok, Frederick C., [redacted]
Bond, Robert L., [redacted]
Bonneau, Leroy R., Jr., [redacted]
Bargel, Gregory E., [redacted]
Borkholder, Dale. [redacted]
Bosworth, Melvin L., [redacted]
Boutz, Gary M. [redacted]
Bowden, John D., [redacted]
Bowen, Brent L. [redacted]
Bowman, Norman H., Jr., [redacted]

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The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view on designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall he be appointed in a grade higher than major:

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Kinsella, James M., xxx-xx-xxxx

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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be in a grade higher than captain:

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Wilson, Benjamin R., xxx-xx-xxxx
Wilson, Michael C., xxx-xx-xxxx
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Zangari, Daniel J., xxx-xx-xxxx
Zehner, William J., xxx-xx-xxxx
Zettl, Gary B., xxx-xx-xxxx
Zink, Daniel R., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

ARMY

To be lieutenant colonel

William F. Norris, xxx-xx-xxxx
Leonard J. Roberts, xxx-xx-xxxx
Joseph D. Sebes Jr., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

David G. Butcher, xxx-xx-xxxx

ARMY

To be major

Jon B. Christopher, xxx-xx-xxxx
David J. Enriquez, xxx-xx-xxxx
Derryl L. Finney, xxx-xx-xxxx
Rodrick L. Jones, xxx-xx-xxxx
John R. Martin, xxx-xx-xxxx
Gerald L. Savage, xxx-xx-xxxx
Roger W. Todd, xxx-xx-xxxx

MEDICAL CORPS

To be major

Christopher L. Case, xxx-xx-xxxx
Thomas B. Dougherty, xxx-xx-xxxx
Loraine G. Goodman, xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

ARMY

To be major

Abbott, Johnny R., xxx-xx-xxxx
Acree, Malcolm T., Jr., xxx-xx-xxxx
Acurio, Diane M., xxx-xx-xxxx
Adair, Ronnie M., xxx-xx-xxxx
Adams, Anthony J., xxx-xx-xxxx
Adams, John A., Jr., xxx-xx-xxxx
Adams, William L., xxx-xx-xxxx
Adams, William T., xxx-xx-xxxx
Adelman, Steven J., xxx-xx-xxxx
Agness, Wayne C., xxx-xx-xxxx
Aikens, Bernard, xxx-xx-xxxx
Akroyd, Claudia M., xxx-xx-xxxx
Aleshin, Nicholas, xxx-xx-xxxx
Alexander, Daniel R., xxx-xx-xxxx
Allen, Jonathan, xxx-xx-xxxx
Allen, Larry R., xxx-xx-xxxx
Allgeier, Linda A., xxx-xx-xxxx
Allison, Avery V., Jr., xxx-xx-xxxx
Allwein, Kelcy M., xxx-xx-xxxx
Almas, William F., xxx-xx-xxxx
Alspach, Rita M., xxx-xx-xxxx
Alt, Leonard A., xxx-xx-xxxx
Amacker, Steven D., xxx-xx-xxxx
Amende, Roger A., xxx-xx-xxxx
Anderson, Clinton T., xxx-xx-xxxx
Anderson, Edward B., xxx-xx-xxxx
Anderson, Edwin W., Jr., xxx-xx-xxxx
Anderson, Martin F., III, xxx-xx-xxxx
Anderson, Michael E., xxx-xx-xxxx
Anderson, Peter C., xxx-xx-xxxx
Anderson, Richard B., xxx-xx-xxxx
Anderson, Ronald, xxx-xx-xxxx
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Athan, Byron D., Jr., xxx-xx-xxxx
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Baker, Larry G., xxx-xx-xxxx
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Bock, Bradford R., xxx-xx-xxxx
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Bonometti, Robert J., xxx-xx-xxxx
Booth, David E., xxx-xx-xxxx
Boothe, David A., xxx-xx-xxxx
Borcheller, James R., xxx-xx-xxxx
Borman, Edwin S., xxx-xx-xxxx
Borneman, Harland M., Jr., xxx-xx-xxxx
Bosko, Victor J., xxx-xx-xxxx
Bostelman, Kenneth P., xxx-xx-xxxx
Boudreau, David E., xxx-xx-xxxx
Boulware, Princess A., xxx-xx-xxxx
Bourne, Stephen J., xxx-xx-xxxx
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Bowen, Thomas W., Jr., xxx-xx-xxxx
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Bowers, Kerry A., xxx-xx-xxxx
Bowers, Walter R., xxx-xx-xxxx
Bowman, Carl C., xxx-xx-xxxx
Bowman, Keith W., xxx-xx-xxxx
Bowman, Vicki Y., xxx-xx-xxxx
Boyce, James T., xxx-xx-xxxx
Boyd, Donald R., xxx-xx-xxxx
Boyd, George G., xxx-xx-xxxx
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Boyd, Ricky E., xxx-xx-xxxx
Boyers, Charles A., xxx-xx-xxxx
Boyko, Robert G., xxx-xx-xxxx
Boylan, Joseph T., Jr., xxx-xx-xxxx
Boyle, James W., Jr., xxx-xx-xxxx
Bracey, Earnest N., xxx-xx-xxxx
Bracket, Michael L., xxx-xx-xxxx
Braden, Timothy J., xxx-xx-xxxx
Bradford, Edward M., Jr., xxx-xx-xxxx
Bradley, Charles, Jr., xxx-xx-xxxx
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Brady, Michael J., xxx-xx-xxxx
Brantley, Maxey D., xxx-xx-xxxx
Branz, Thomas L., xxx-xx-xxxx
Bratz, Kay E., xxx-xx-xxxx
Breen, David L., xxx-xx-xxxx
Brewer, John F., III, xxx-xx-xxxx

Brewster, Philip S., III, xxx-xx-xxxx
Brice, James T., Jr., xxx-xx-xxxx
Briggs, Aubry L., xxx-xx-xxxx
Brindel, Sherrill L., xxx-xx-xxxx
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Brooks, David K., xxx-xx-xxxx
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Egler, Darryl J., xxx-xx-xxxx
Egrid, Lucian S., xxx-xx-xxxx
Ehlinger, Ernest L., xxx-xx-xxxx
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Eldredge, James A., xxx-xx-xxxx
Eley, Jack, xxx-xx-xxxx
Elia, Leonard K., xxx-xx-xxxx
Elizondo, Frank D., xxx-xx-xxxx
Eller, Harry E. II, xxx-xx-xxxx
Elliott, Melvin, xxx-xx-xxxx
Ellis, Bernard E., xxx-xx-xxxx
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Ellison, Gregory W., xxx-xx-xxxx
Elsen, Steven E., xxx-xx-xxxx
Elton, Olaf L., xxx-xx-xxxx
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England, George W., xxx-xx-xxxx
Enriquez, David J., xxx-xx-xxxx
Epperson, Larry D., xxx-xx-xxxx
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Estelmann, Stephen M., xxx-xx-xxxx
Esteve, Jean R., xxx-xx-xxxx
Evans, Gregory O., xxx-xx-xxxx
Evans, Martin L., xxx-xx-xxxx
Evans, Printes W., xxx-xx-xxxx
Evans, Thomas R., xxx-xx-xxxx
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Sandoval, Juan, xxx-xx-xxxx
Sandord, Pamela G., xxx-xx-xxxx
Santiagorivera, Miguel, xxx-xx-xxxx
Saulsberry, Patricia A., xxx-xx-xxxx
Saum, Robert W., Jr., xxx-xx-xxxx
Scarbrough, Lydia M., xxx-xx-xxxx
Schempp, Catherine M., xxx-xx-xxxx
Schlesser, David A., xxx-xx-xxxx
Scott, Charlene F., xxx-xx-xxxx
Selin, Jana C., xxx-xx-xxxx
Sharp, Armida, xxx-xx-xxxx
Sheaffer, Steven M., xxx-xx-xxxx
Shelton, Joyce L., xxx-xx-xxxx
Shriver, Natalie M., xxx-xx-xxxx
Simmonds, Gwenneth C., xxx-xx-xxxx
Simpson, Deborah A., xxx-xx-xxxx
Simpson, Kathleen L., xxx-xx-xxxx
Smith, Christie A., xxx-xx-xxxx
Smith, Deborah G., xxx-xx-xxxx
Smith, Mary R., xxx-xx-xxxx
Smith, Mildred M., xxx-xx-xxxx
Smith, Patricia A., xxx-xx-xxxx
Smith, Sybille G., xxx-xx-xxxx
Sorbello, Samuel C., xxx-xx-xxxx
Sprague, Thomas E., xxx-xx-xxxx
Steinfeld, Susan M., xxx-xx-xxxx
Stetz, Charles, K., xxx-xx-xxxx
Stewart, Elizabeth R., xxx-xx-xxxx
Sudduth, Elizabeth, xxx-xx-xxxx
Sutter, Michael J., xxx-xx-xxxx
Swartz, Ann L., xxx-xx-xxxx
Taff, Carol L., xxx-xx-xxxx

Tate, Saundra D., xxx-xx-xxxx
Tefft, Steven L., xxx-xx-xxxx
Tikkanen, Patricia L., xxx-xx-xxxx
Trafford, Antoinette C., xxx-xx-xxxx
Treleven, Ann M., xxx-xx-xxxx
Tyrellsmith, Janis P., xxx-xx-xxxx
Varner, Anne E., xxx-xx-xxxx
Vastunasroe, Mary A., xxx-xx-xxxx
Veit, Nahid, xxx-xx-xxxx
Volk, Maribeth C., xxx-xx-xxxx
Walsh, Gregory C., xxx-xx-xxxx
Walters, Russell T., xxx-xx-xxxx
Washington, Orian P., xxx-xx-xxxx
Weber, James R., xxx-xx-xxxx
Wedge, Brenda J., xxx-xx-xxxx
Wesley, Patrick A., xxx-xx-xxxx
Wesso, Cindy L., xxx-xx-xxxx
Westbrook, Sheila M., xxx-xx-xxxx
Wickwire, Frederick K., xxx-xx-xxxx
Wilhelm, Katherine J., xxx-xx-xxxx
Wilkins, Wanda K., xxx-xx-xxxx
Williams, Rita L., xxx-xx-xxxx
Wise, Wayne C., xxx-xx-xxxx
Woolnough, Nancy A., xxx-xx-xxxx
Wright, Yvonne B., xxx-xx-xxxx
Wyckoff, William J., xxx-xx-xxxx
Yaney, Sandra F., xxx-xx-xxxx
Young, Kathleen K., xxx-xx-xxxx
Yungbluth, Joseph A., xxx-xx-xxxx
Zamora, Donald B., xxx-xx-xxxx

IN THE NAVY

The following-named temporary captains of the reserve of the U.S. Navy for permanent promotion to the grade of captain in the line and staff corps as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Burroughs, Robert P.
Hawkinson Arthur A.
Patterson, Robert A.
Raleigh, James, J., III
Schafer, Robert W.
Tarleton, Lee A.

SUPPLY CORPS

Osmon, Robert E.

The following-named temporary commanders of the reserve of the U.S. Navy for permanent promotion to the grade of commander in the line, pursuant to the provisions of title 10, United States Code, section 5912:

Birzer, Norman Q.
Carson, Cary D.
Feller, Rainer
Hampe, Walter R.
Harris, Oscar I. Jr.
Howard, John D.
Keith, Stephen T.
Kraus, George W.
McMorrough, John D.
Medulan, John J.
Miller, David W.
Mortensen, Ivan J.
Navickas, Richard G.
Scully, Thomas J.
Simonson Scott T.
Spangler John H.
Threlkeld Walter F., Jr.

IN THE NAVY

The following-named lieutenants of the line of the Navy for promotion to the permanent grade of lieutenant commander pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE (11XX/13XX)

Sabalos, Nicholas, and Thielemann, George J., III

IN THE NAVY

The following-named Navy Enlisted Commissioning Program candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Alfred, Orlando A.
Baker, Charles R.
Bigalbal, Rustico L.
Carruth, Richard G.
Gero, Ronald M., Jr.
Gilbert, David E.
Holcomb, Nancy J.
Knapp, Frederick L.
Preston, James M.

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bladow, Craig W.
Borland, Curtis E.
Brennan, Jennifer L.
Bricker, Paul R.
Cummings, Michael G.
Fuller, Luther B., III
Gordy, Samuel J.
Harrison, Michael C.
Henze, Roger H.
Lipscomb, Michael P.
Manzanet, John
McHugh, Kevin G.
Meetze, James A., Jr.
Murray, Stewart L.
Palma, Timothy R.
Porter, Gregory R.
Rands, Steven R.
Reissener, Brett A.
Sachse, Thomas W.
Soens, Francis J.
Strong, Thomas R.
VanMeter, Guy E.
Wanner, John M., Jr.
Weadick, Gregory R.
Wotipka, Donald G.
Wright, Merrick L.

Frederick E. Ludwig II, ex-Naval Reserve officer, to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Dufour, David R.
Pratt, Steven G.
Rodriguez, Alexander R.H.

Timothy S. Smith, commander, U.S. Navy, to be appointed permanent commander in the Dental Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

James W. Crawford, commander, U.S. Navy, to be appointed permanent commander in the line of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of major in the U.S. Marine Corps, pursuant to title 10, United States Code, section 1211:

Johnson, James M., xxx-...

IN THE MARINE CORPS

The following-named Marine Corps Enlisted Commissioning Education Program graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code section 531:

Harold, D. Jones, xxx-...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, sections 531 and 2107:

Richard S. Babcock, xxx...
Dale L. Capwell, xxx-...
Ronald M. Clifton, xxx...
Daniel N. Marquis, xxx-...
Joel S. Sauer, xxx...
Michael T. Simmons, xxx...
Wellington Y. Wheaton, xxx...

EXTENSIONS OF REMARKS

IMPACT OF OIL MERGERS SEEN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FLORIO. Mr. Speaker, we are continuing to see the troubling ripple effects of the current wave of giant oil mergers. A recent article which I am inserting in the RECORD reports that one of the parties to a merger is selling off some of the assets it acquired in an effort to pay off part of the enormous debt resulting from the merger.

Among the concerns raised about the giant oil mergers has been their impact on credit and the debt structure of the industry and the possible adverse consequences for exploration for new reserves. Events such as those reported in the article appear to lend support to the arguments of those who questioned the viability of the companies resulting from the mergers.

The broader lesson to be learned here is that we should stop rushing through approval of these mergers without adequate review and consideration of the consequences. My bill, H.R. 2777, is designed to improve procedures for consideration of oil mergers so we can be assured of a more deliberate approach.

[From the Philadelphia Inquirer, July 19, 1985]

GULF REFINERY IN SOUTH PHILADELPHIA FOR SALE, CHEVRON SAYS

(By Andrew Cassel)

Chevron Corp. is seeking buyers for its Gulf Oil refinery in South Philadelphia and up to 2,000 service stations in the region, company officials confirmed yesterday.

Several major U.S. oil companies and foreign-owned concerns have expressed interest in the 370-acre facility that employs nearly 800 workers, although no "serious negotiations" have taken place, Chevron officials said.

Chevron is putting its East Coast properties into a package that it hopes will sell quickly and help pay part of the company's $14.1 billion debt, which it took on in the 1984 merger with Gulf Corp., officials said.

In addition to the refinery, the package would include adjacent gasoline terminals, oil-storage "tank farms" and about half the 4,000 Chevron and Gulf gasoline stations from Maine to Virginia.

Whoever buys the properties would own "a balanced company that could continue operations as an ongoing buisness," said Orvis Larsen, a Chevron executive who heads an East Coast task force for the company.

Larsen insisted that a sale is only one of several options being considered by Chevron. But he said the company has told prospective bidders it would be willing to tailor a package to suit their needs, adding or subtracting gas stations or other properties to help speed a sale.

"The main driving force behind what we're doing is reduction of our debt," Larsen said. Chevron began offering information packages to prospective bidders about three weeks ago, he said.

The package would include enough gas stations and wholesale supply contracts to handle the refinery's output, which can equal 175,000 barrels of oil per day.

"The marketing assets included would move a volume of produce that's just about equal to the production of the refinery," Larsen said.

Chevron has sold a number of former Gulf properties, including an oil refinery in Louisiana and gasoline stations in the Southeast. The company was near a separate $2.2 billion agreement this week to sell its Gulf Canada Ltd., subsidiary to the Reichmann family of Toronto, but the buyers pulled out at the last minute, forfeiting an $18 million deposit.

Among the reported bidders for Chevron's Southeastern properties last year was Kuwait's government-owned oil company, which industry observers said is interested in obtaining an outlet in the United States for its crude oil. Larsen said some of the prospective bidders for the East Coast properties are from overseas, but he declined to identify them.

Industry experts said that Dutch oil trader John Deuss, who last month agreed to buy the Arco refinery in South Philadelphia from Atlantic Richfield, was examining the Chevron/Gulf properties.

"There's a lot of speculation about Deuss looking at it," one oil industry official said.

Other industry observers doubted that Deuss, who is paying $420 million for Arco's refinery, terminals, pipelines and more than 500 gasoline stations and convenience stores in Philadelphia and New York, could finance another deal of comparable size.

"It would stretch him, unless he bought it for a country like Oman," said one oil trader familiar with Deuss' operations.

Deuss has dealt heavily in Omani crude oil, and is said to have close ties in the Persian Gulf sheikdom.

John Simmons, the retired Arco executive who has been representing Deuss in his dealings in Philadelphia, said he did not know whether the Dutch trader was interested in Gulf's refinery.

"I would be very much surprised if that were the case," he said.

Another source familiar with both Philadelphia refineries said they had different technical strengths and could be operated together without undue duplication.

"They are extraordinarily compatible units," he said.

Unlike most of Arco's stations in this area, which are owned by the company and rented to dealer-franchisees, nearly all of Chevron's stations are owned by dealers or distributors who sell Chevron- or Gulf-brand gasoline under a supply contract with the company.

Gulf stations in this region recently abandoned their widely promoted policy of charging credit-card customers the same price as those who pay with cash. Chevron stations had been charging extra to cover credit-card processing costs, and that policy has been extended to Gulf stations, a Gulf official said.

Arco's sale to Deuss was part of its massive abandonment of the gasoline market east of the Mississippi River and its repositioning as a West Coast rather than a national marketer of petroleum products.

Chevron, which became the nation's largest seller of gasoline after the Gulf merger, is not planning a similar restructuring, officials said.

ROBERT BARTLEY ON TOYING WITH DEPRESSION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. KEMP. Mr. Speaker, yesterday's Wall Street Journal contains the best analysis I have seen of the dangers which lurk in the current mindless itch in Congress to start a worldwide trade war.

Wall Street Journal editor Robert Bartley's article, "Toying With Depression," explains the remarkable similarities between today and the early 1930's, and points to the need for systemic reforms of trade, finance, and the monetary system—not Smoot-Hawley protectionism.

I commend this article as "must" reading for my colleagues.

The article follows:

TOYING WITH DEPRESSION

(By Robert L. Bartley)

For nearly two generations a remarkable consensus dominated American thinking on foreign trade. Protectionism is bad. There was no debate; everyone agreed, but we have forgotten why. Today Congress is awash in protectionist schemes, and it takes an old man to recall that the lesson was painfully learned.

"Some of us remember the 1930s, when the most destructive trade bill in history, the Smoot-Hawley Tariff Act, helped plunge this nation and the world into a decade of depression and despair," President Reagan told a radio audience Saturday. "If the ghost of Smoot-Hawley rears its ugly head in Congress, if Congress crafts a depression-making bill, I'll fight it."

The stock-market crash of 1929 came in the midst of debate in Congress over the tariff; it had spent the year adding item after item to the protection list. In mid-1930 the Smoot-Hawley bill became law, with the highest tariffs in the nation's history. What might have been an ordinary correction—early 1930 showed a recovery in share prices and stabilization in industrial production—turned into the Great Depression. The economy fell until 1933, and fully recovered only with World War II.

ENGINE OF ECONOMIC PROGRESS

After the war, America led the world to a historic open economic order. Following the

path set in the Roosevelt administration by Secretary of State Cordell Hull and his reciprocal trade agreements, the international community created such institutions as the Bretton Woods monetary agreement and the General Agreement on Tariffs and Trade. The long postwar boom dawned. These experiences etched into our national consensus, and in particular into the minds of President Reagan's generation, that free trade means prosperity and protectionism means depression.

Economists have of course made much of this argument since Adam Smith. They find that the principal engine of economic progress is the law of comparative advantage; if each good is supplied by the lowest-cost producer, all will be richer. And the more widely comparative advantage works, the more wealth it creates. By blocking comparative advantage, protectionism hurts those on both sides of a barrier. Such arguments fell on deaf ears when 1,028 economists petitioned President Hoover to veto Smoot-Hawley; after the Depression they were readily accepted.

Economists have of course offered many explanations for the Depression besides Smoot-Hawley. At the time, many economists thought the Depression was caused by some kind of technological exhaustion, a theory that vanished when growth returned. The Keynesians explained the Depression in terms of liquidity traps and accelerators and multipliers, a vocabulary that now seems quaint after stagflation and other things impossible in a Keynesian universe. The monetarists think the Depression was caused by M1, though others find its zigs and zags then as puzzling as those today. Some still see the villain as speculation; in fact, at the 1929 high the Dow Jones Industrials were bid up to a price-earnings ratio of 20—high, but far from a tulip-craze level.

The Depression was nothing if not international, and thus there is also an international interpretation. Indeed, at least to judge by a summer immersion in Depression literature, those who look to the international economy for causes are both numerous and increasingly persuasive. Their explanation is succinctly put by Peter Fearon of the University of Leicester, "The origins of the great slump, which began in 1929, are to be found in the United States, which, by reducing its capital exports and imports of goods, placed an impossible strain, directly and indirectly, upon the world economy."

Sketching the economic landscape on the eve of the Depression is instructive, not to mention eerie:

First, an unprecedented international debt crisis. The U.S., historically a foreign borrower, entered World War I with a net debt of $3 billion. It lent to the allies, and emerged with foreign net credits of some $6 billion, which Britain, France and others planned to repay by collecting reparations from Germany. After the war U.S. bond houses floated issues for Germany, Latin America and others, Mr. Fearon remarks: "During the 1920s several U.S. finance houses changed their tactics from the traditional one of waiting for the borrowers to come to New York to the more aggressive approach of sending out agents in search of potential borrowers. This move led to fierce competition, with many agents urging clients to borrow to the hilt."

Second, a declining price level, especially for primary products. Until 1928, the Federal Reserve kept interest rates low in what was thought of as an easy money policy. But prices were level to slipping, and as usual minerals and food fell most sharply.

Third, agricultural distress. Falling prices brought screams from agricultural states. Whether the actual Farm Belt distress in the 1920s was commensurate with the complaints is in retrospect an open question. Modern and well-financed farms prospered until the Depression itself. But the heavy food demands of the war led to overexpansion, inflated land values and heavy debts for many farmers. As prices topped out, the values collapsed and debts became unmanageable.

Fourth, exchange-rate problems. After the war, nations gradually proclaimed their return to the gold standard, but increasingly declined to follow its rules. The U.S. allowed its price level to decline despite holding nearly 40% of the world's monetary gold reserves in 1921, for example. In what most consider a mistake, Britain returned to gold at the pre-war level, while the franc returned at a lower level. Like the U.S., France gained gold but felt that adjustment was the responsibility only of nations losing gold.

Fifth, a fiscal policy of supply-side tax cuts. Most reviewers of the period take a Keynesian view of fiscal policy, suggesting that too much devotion to a balanced budget helped cause the Depression or at least inhibited its cure. To supply-siders, the important feature of the 1920s was the remarkable series of tax cuts promoted by Treasury Secretary Andrew Mellon. Attacked by some as sops to the rich, the cuts were accompanied by the 1920s boom.

For the U.S. this landscape was rosy—gains in production, a stock-market boom, lower prices, lower taxes, a balanced budget, a strong dollar—the Roaring '20s. Then the Depression burst forth.

The internationalist writers—Charles Kindleberger, Mr. Fearon, Heywood Fleisig—find its first signs in a drop in U.S. lending abroad during 1928 and 1929. Frightened by the stock-market boom, the Fed tightened in 1928. U.S. loans abroad dipped, while foreigners poured more funds into the U.S. A drop in the flow of capital from the U.S. put further pressure on weak foreign economies. With the capital account flows drying up, the only way other economies could earn dollars to buy American goods or service American-held debt was through trade. To sustain the international economy, in other words, the U.S. had to import.

Instead, the path to trade protection opened in the waning days of the 1928 campaign, when presidential candidate Hoover promised to call a special session of Congress on agricultural relief. It quickly became apparent that this meant raising the tariff, which Joseph Schumpeter described as the "household remedy" of the Republican Party.

In December Rep. Willis Hawley's Ways and Means Committee announced public hearings on a tariff revision, and his call was not limited to farm goods. As the bill passed the House in May, was heard by Sen. Reed Smoot's Finance Committee and reached the Senate floor in September, more and more industries climbed on the bandwagon. After more months of haggling, the conference committee accepted the highest tariffs in either bill. President Hoover, consoling himself with the observation that it contained authority for the executive branch to change the rates administratively, signed the bill into law.

U.S. imports, $5.9 billion in 1929, fell to $4.4 billion, $3.1 billion and $2.1 billion in the next three years. With the capital account closing and imports declining, U.S. exports necessarily fell, and retaliatory tariffs abroad further advanced the cycle. Trade closed around the world. With the austerity policies of the Bruning government, deflation was particularly severe in Germany, where Hitler assumed full power in 1933. One writer, Goronwy Rees, says that Smoot-Hawley "convinced Japanese public opinion that American policy would not tolerate the legitimate expansion of Japanese trade," and Japan turned back to conquest instead.

Clearly the Smoot-Hawley tariff was a colossal blunder, but just as clearly it was but one mistake in a series. Was it the decisive one? The financial and psychological causes often offered for the Depression seem somehow inadequate; so deep and persistent a collapse seems to call for an explanation based in the real economy, for example trade in goods and services blocked by protectionism. But because Smoot-Hawley didn't become law until nine months after the stock-market crash, it has not usually been considered the cause of the Depression.

But quite plausibly it was the cause after all, in light of Jude Wanniski observation that the market crash came precisely as congressional maneuvering made it clear the tariff bill would go beyond agriculture. We now know that the stock market does anticipate events in just such a way, and Mr. Wanniski also finds other correlations: The market broke with news of the special session and with House passage of the bill, and stabilized in early 1930 on the hope of a presidential veto. Both stocks and commodities broke sharply as soon as Hoover announced he would sign the bill.

Even if Smoot-Hawley was not the cause, it certainly played a leading role in the ongoing contraction. When it passed, stocks were still above 1928 levels, for example. But as the international accounts closed down, the world economy choked.

GHOST OF SMOOT-HAWLEY

In the largest sense, the Depression was caused by the interaction of political and economic events. What is troublesome is to see the same politico-economic scenario working itself out today: International debts, falling primary prices, agricultural distress, an end to foreign lending, and now rising clamor for protection. No one intends to write another Smoot-Hawley, of course, but no one intended to write the first one. Once the notion of protection was let loose by Hoover's special session, more and more protection was claimed by special interest after special interest. As Mr. Kindleberger put it, "The congressional rabble enlarged protection from agriculture to primary products and manufactures of all kinds."

With some 300 protectionist bills now before Congress, we are indeed seeing the ghost of Smoot-Hawley. If we toy with protectionism, we will be toying with another depression. But at least a 74-year-old man is around to remember, throwing an ironic cloak over "the age issue." In facing the protectionist threat, we are singularly lucky to have an old and experienced President who lived through it the last time.

INFORMING THE PUBLIC

HON. BARNEY FRANK

OF MASSACHUETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FRANK. Mr. Speaker, earlier this year the Office of Management and Budget proposed regulations which would substantially curtail the amount of information about our society which is collected and made available by the Federal Government. The Subcommittee on Employment and Housing of the Committee on Government Operations, which I chair, held hearings on this matter and these hearings confirmed my view that the proposal as originally made would be a disaster for the intellectual, political, and economic life of our country, because of the extent to which it would curtail in forum debate.

I was pleased to read, during our recess, an article by a very distinguished economist, Prof. Carolyn Shaw Bell of Wellesley College, documenting the harm this proposal would do. I ask that Professor Bell's article from the August 13 Boston Globe be printed here.

INFORMING THE PUBLIC

(By Carolyn Shaw Bell)

A proposed regulation from the Office of Management and Budget threatens this paper, its readers and anyone who cares about any public issue. Dump sites for hazardous waste, the seatbelt bill currently being considered, jobs lost to low-wage countries or the impact of exit polls on voting behavior are issues only because facts about these conditions exist.

The OMB regulation proposes to restrict, severely, the public availability of information collected from the public and paid for by taxes on the public. Federal agencies now collect information needed to carry out their congressionally assigned tasks. For example, every employer must report on a quarterly basis wages and Social Security taxes paid for every employee. From such reports figures on total taxes paid, number of people covered, type of employer, and so on, have routinely been published. But from now on, if may not happen.

Language in the proposed regulation says, "Agencies would have to show that information dissemination activities were essential to their missions," and of course the Social Security Administration does not need to publish these figures to keep accounts for people.

The Globe regularly publishes the Department of Commerce figures on international trade, exports and imports. Most people have read about the number of millionaires who pay no income tax, reported by the IRS. Asbestos and lead poisoning became known as public dangers after the National Center for Health Statistics had published, year after year, data on the causes of deaths. The figures are collected to help these agencies carry out their congressional missions, but all three could function without sharing this information with the public. If the OMB proposal were in effect none of these facts would be "essential" and they would not, therefore, be provided.

The regulation also requires that information be disseminated only by "imposing user charges where appropriate" and with "maximum feasible reliance on the private sector." Today agencies commonly issue press releases describing key points in their new information. TV, radio and the newspapers can report this news and interested parties can buy the complete reports. And since many public libraries and those at colleges and universities receive government documents and periodicals almost everyone can learn about all the information. How will this change?

Libraries with limited budgets will not be able to pay for everything they now receive and probably many reports will be discontinued because they are not cost-effective. Perhaps the news media will pay to subscribe to press releases; the prices charged for government publications will rise because of fewer buyers.

But some users would pay, and willingly. Publishers and consultants can now buy, very cheaply, computer tapes of federally-collected statistics, repackage them in glossy almanacs or directories and sell "their" information for high prices. Under the new regulation, such, volumes will become far more profitable, because the agency reports now available to knowlegeable users may no longer exist.

Much existing information is so taken for granted it is difficult to imagine doing without it. A local committee can plan housing for the elderly with accurate numbers from the Department of Housing and the Bureau of the Census. Advaocates for or against repealing the state income surtax have plenty of figures from the Treasury Department.

But such groups will be reduced to using rhetoric and opinion instead of convincing information if the OMB proposal goes into effect. The regulation proposes that the private sector take over many of the surveys and data collection programs now managed by federal agencies, and sell their information rather than releasing it generally.

The private sector has no particular interest in collecting all the useful information, only that which can be profitably marketed. The private sector need not design objective programs to collect complete figures on a regular basis.

Instead, controversy will sponsor the publication and collection of information by those lobbying for one side or another. Evidence about air pollution malnutrition or prison brutality can be produced to whip up fears or to reassure readers. State and local figures on employment, street crimes or recreational facilities can be collected and disseminated to bolster the political aims of the private-sector organization producing the data.

Only government is charged with the public interest and the general welfare. Government-collected information is widely available to dispel ignorance so that the public can make informed choices.

The full impact of the proposed regulation is still unknown. Only one brief public hearing has been held. And most people will discover, too late, how harmful the regulation is.

OMB insists no censorship is planned nor any denial of the public's right to know. But it has also made no real attempt to let people know about the proposal, nor campaigned for a wide range of comment, nor alerted potential users. Presumably it is not "essential" to the mission of OMB that information be disseminated about the proposed regulation. The threat is real, and everyone has a stake in the outcome.

NATO AND THE PUBLIC

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. GARCIA. Mr. Speaker, in November 1984, the North Atlantic Assembly Committee on Civilian Affairs, which I chair, published a report on the need for a more effective NATO information service. The report was prepared by my friend and colleague, the committee's general rapporteur, Dr. David Clark.

I believe the report to be particularly apropos in light of any adverse affect the West German spy scandal may have had on public opinion of NATO. If the people knew more about NATO then they would be better able to assess problems confronting it. It is important that the general public understand the importance of NATO, and of course, the continued crucial role that, our friend and ally, West Germany plays in that organization. The Atlantic Alliance is much more than bombs and bullets; it is concerned with keeping the peace and legitimate East-West dialog.

Dr. Clark's report offers some excellent suggestions as to how NATO can better communicate its message to the public. I am inserting excerpts from the report for my colleagues' perusal. I can make available a complete copy of the report for anyone who is interested.

NORTH ATLANTIC ASSEMBLY, COMMITTEE ON CIVILIAN AFFAIRS, GENERAL REPORT ON THE PUBLIC AND THE ALLIANCE

SUMMARY

The Rapporteur aims at identifying the difficulties in communication between the public and NATO, and at suggesting ways of solving them.

I. The State of Public Opinion

The aims of the Alliance are not well-understood by the public. Since the fear of a war has increased in all Alliance countries, and since nuclear war would be utterly catastrophic, the flexible response strategy has not answered public concerns, especially as opposition to nuclear weapons has increased in the last few years. The Rapporteur's assertion is that deterrence rests largely on public support, and that a consensus on the Alliance therefore has to be re-established.

The defence will of citizens has a direct bearing on defence spending, since parliaments have to vote appropriations. At a time when the nuclear threshold should be raised, for strategic as well as public reasons, the public passivity over defence is a matter of concern.

National differences and party-political approaches have also accounted for a lessening of the consensus on the Alliance.

II. Issues Affecting the Public

Three problems have been detrimental to the comprehension of Alliance strategy by the public. The fact that NATO has based its policy on a nuclear response means that any change of vocabulary by the United States is misunderstood in Europe. Conversely, the fact that a large majority of the US public is determined to support the use

of US troops if Western Europe were to be attacked is not known.

A clearer association between the Alliance and national survival is also needed. People can more readily understand the necessary demands that are made of them if they can see that their own survival as a national entity relies upon the perpetuation of the Alliance.

The public's dissatisfaction can also be noticed in the discrepancy between some elements of the Alliance's strategy, and relatively new problems, such as the safety of supplies or the need for a European pillar of the Alliance.

III. A New Information Structure for NATO

The Rapporteur describes the present information structure of NATO, based on purely national responsibility. He advocates a more positive approach in each member-country, with the emphasis being placed on variety, by setting up bureaus which would operate through the organizations existing in each country, such as political parties, trades unions, interest groups, etc. The example of the EEC is a case in point.

In NATO itself, the Committees dealing with information should be upgraded and their role in presenting communiques increased. NATO has to realise that information has become a vital part of the Alliance's strategy, since its credibility relies very largely upon it.

INTRODUCTION [1]

1. Governments in democratic countries have to take decisions, even when they are unpopular, but they cannot do so against the wishes of their electorate, when these are expressed by a vote. Furthermore, it is difficult to pursue policies which are contrary to the public mood. However, "public opinion" is much more elusive concept than the electorate, which is a reality expressed by the vote. We are therefore torn between the two extremes: on the one hand, democratically-elected leaders have to take public feelings into account, if only out of prudence, whereas, on the other hand, these cannot be identified clearly. The instruments for measuring support for policies are not perfect, and we are left with an impressionistic approach.

2. What a politican can do, however, is to try to identify problems as he sees them with the help of whatever tools he can find, and offer suggestions for meeting them. In this respect, your Rapporteur should like to express his thanks to those colleagues on this Committee who have sent him results of opinion polls in their countries on the subjects he will be addressing in this report.

3. It is necessary, when dealing with opinion issues, to caution against some misunderstandings. First, it is useful to distinguish between the public as a whole and the leaders, or opinion formers, who are better informed than the general public and share some of the vocabulary and concerns of the decision-makers. Although some of the examples in this report will relate to leaders' positions, if only because of their influence on public opinion as a whole, the report will focus on the attitudes of the public itself. The second caveat arises from the difficulty of comparing results of opinion surveys, especialy on an international basis. Methods vary from country to country, the questions are not strictly the same, and even the same words can bear different connotations. Your Rapporteur would therefore wish to be particularly careful, drawing general conclusions only insofar as they represent visibly a basic framework. Moreover, your Rapporteur would like to underline that opinion surveys seem to him to be one of the means of studying public positions, but that they should be treated with caution. The recent controversy in the Federal Republic of Germany over the drafting of different polls on missile deployment, which induced very varied answers, is a case in point. (1)

4. It is undeniable, however, that politicians and experts consider that public opinion, even in the realm of international policy, is playing an increasingly important role. Even the real politician "par excellence", Dr. Kissinger, argued for his controversial plans to reshap NATO on the basis of the challenge to the Alliance by the "peace movement" and "key segments of public opinion".[32] Democracies cannot ensure their own defence if voters, and their representatives, drag their feet at every proposed amendment to the defence structure. The most compelling reason for this is, of course, financial, although other considerations also have a bearing on it. This is not to say that the general public should determine policies, especially in comparatively abstruse areas such as international affairs and defence. It simply has to be noted that the public now takes part in the discussion of policies in these areas, and that the democratic nature of our regimes implies that this participation will have consequences in terms of budgetary constraints, and of the practicability of the available choices when decisions have to be made. In other words, governments' freedom to act will be more limited. The public will set a framework which will determine the boundaries of policy-making. Governments have some means of influencing the public, but they have to be concious of the change in public attitudes if they want to lead the citizens rather than to be confronted by public opinion.

* * * * *

I. The state of public opinion

6. Without attempting to describe public feelings as thoroughly as if this report were an academic survey of public opinion in our sixteen countries, your Rapporteur would like to try and describe the underlying trends that account for the awkwardness of public reactions to government policies. Three conclusions emerge: public doubts over the effectiveness of NATO strategy are on the increase, the defence will of citizens is decreasing, and national differences may lead to misunderstandings within the Alliance.

(A) Public doubts

7. Fear of war has increased very noticeably over the last few years. Indeed, the prospect of war is considered more likely now than it was a few years ago. According to a survey in the Federal Republic of Germany, 24 percent of people seem to think that a world war is likely in the next twenty or thirty years,[3] and that in a country which is obviously one of the most central in terms of East-West relations. In the United States, the likelihood of armed conflict is assessed even higher than in Europe, as shown by the testimony given by Mr. Wood, Gallup's Vice-President, to our Committee in Washington on 17 November 1983. According to a State Department testimony to the Committee (24 September 1984), US teenagers are twice as worried as their elders by the prospect of a nuclear war, which 50 percent of them believe is likely before the year 2000. In Canada, 53 percent of respondents thinks that "hostile attitudes between the US and Russia will escalate into a third world war".[4] These feelings have to be analysed in the wider context of the "unthinkability" of war in the nuclear age. As last year's General Report made clear, citizens now envisage war as being so totally destructive that its very prospect is unthinkable. The image of nuclear confrontation relates to nothing known. The very concept of prospective warfare has therefore altered dramatically, from the comprehensible vision of something that should be conjured up by a steady effort, to the obscure prospect of total annihilation of civilization and society. It is not for us to pass a judgment on this vision, which we have to accept as a fact of contemporary life. Indeed, the very concept of nuclear deterrences is based upon such a vision, and as such has been popularised by governments and politicians.

8. The coincidence between the unthinkability of war and the increase in its assumed likelihood has a consequence in that the greater people's belief in the possibility of an all-out war, the more likely they are to be sympathetic to the "peace movement". In West Germany, the only group where a majority of those sampled think that a world war is likely, is that group sympathetic to the "Green" Party.[5] It is also true, conversely, that in France the assessment of the possibility of war is comparatively low, as is the refusal of military means, and of the Alliance.[6] Policy makers must therefore redefine the bases for their call to citizens. The traditional appeal to effort and unity cannot be accepted when the choice seems to be between suicide and surrender.

9. Probably the most noticeable factor in this context is the very rapid shift in the perception of the comparative strengths of the US and the USSR. In West Germany, the assumption of equality between them has given way to a feeling of Soviet superiority whereas in France, the Netherlands, Norway and Belgium, opinion was divided over the issue in 1982, after having united on a vision of rough parity.[7] As a consequence, the effectiveness of NATO under threat is now in doubt. This is true of public confidence on NATO's ability to defend Western Europe, and even more so of its capacity to prevent an attack (the concept of deterrence).[8] This has had little effect, as yet, on the perception of the necessity for the Alliance,[9] but it has already had very serious consequences on the credibility of NATO's strategy. Missile deployment is an example, but more generally the flexible response, which has been the base of the Alliance's posture for over two decades, is visibly affected by this disbelief, as well as being one of its causes.

10. Whatever the merits of the dual-track decision, one of the reasons for the strong opposition to its implementation has been the feeling that deployment was sensed as increasing the threat to the public more than its protection. Politicians who opposed the missile deployment, as well as the "peace movement", have always mentioned the increased risk to civilians as one of the causes for their opposition. This discrepancy between general political attitudes and reaction towards deployment is only a sign of fear. In the theory of deterrence, one of the functions of nuclear weapons is to ensure stability through security. The fact

[1] The Rapporteur notes with appreciation the assistance provided by the International Secretariat and especially by Mr. Guillaume Parmentier, the Director of the Committee on Civilian Affairs, in the preparation of this report.

that a large proportion of the people opposes them, conflicts with the sense of security which is a basis for security itself. Your Rapporteur does not wish to analyse the conditions of missile deployment, now a fact of the past. However, it remains a most spectacular example of the spreading of insecurity in public mentality. There are technical reasons why this has been the case: in particular, the delay between the dual-track decision and deployment was too long, as the originator of the decision, ex-Chancellor Schmidt, himself vouches. It nevertheless constitutes a sign that not enough attention has been paid to public sensitivities. This was especially damaging because deterrence (as opposed to defence), has to rest on continuous support by the public. As an abstract concept, based both on the feasibility of a devastating response and on the presupposition that an attack can be prevented by that very prospect, deterrence rests at least partly on the degree of support it enjoys among citizens. Your Rapporteur therefore considers it essential that more attention should be paid, by military and civilian leaders, to public consequences of Alliance decisions. Unpopular decisions may be necessary, and should therefore be taken, but it must be stressed that the nature of deterrence, which implies the credibility of a possible response to an agression, makes it essential for governments to convince their citizens. Imposing decisions without reference to them should be avoided as much as possible.

11. This is even more true when military strategy is supposed by many people to increase the threat rather than to diffuse it. In the Federal Republic, for example, a survey conducted by EMNID shows that 50 percent of respondents think that missiles increase the threat, whereas only 17 percent think that they increase security (19 percent think that neither is correct). Although the technical validity of this poll has been debated, it is confirmed by findings in Germany on the level of opposition to deployment, and also in other countries.[10] In Denmark, in 1982, 28 percent of respondents thought that American missiles stationed in Western Europe "increase the probability of attack on Western Europe", as against only 39 percent who thought they "constitute a greater protection", whereas 33 percent thought the matter had no importance, and 26 percent did not know.[11] Your Rapporteur does not mean that these reactions are correct, he asserts that no policy is sustainable in the long term that refuses to take them into account, although it would be wrong to think that policy should follow the whims of public opinion. The logic of deterrence is such that it has to take society as a whole into account, whereas traditional defence was best left to specialists, under elected governments' control. As the Germans say, defence has now become "total", in that its consequences involve all aspects of society. A "total defence" cannot ignore a dialectical relationship between decisions and citizens: the public has become an active factor in policy-making. The burden of the proof that defence is effective rests on governments, since they have to put their message across to their publics if they want to achieve credibility.

III. A NEW INFORMATION STRUCTURE FOR NATO

(A) The present structure

39. The political organisation of NATO is by no means a supranational body. Information about defence and foreign policy is a national prerogative of each member country. Hence there is no NATO information policy as such. NATO has an information directorate (NATIS), the role of which is to assist the governments in their information task. NATO, in its political role, is an instrument of close cooperation. For NATIS to be entrusted with a task, therefore, the NATO Council—a body of 16 Ministers, deputized for by 16 Ambassadors—has to instruct NATIS to carry it out. The NATO Council only takes decisions unanimously. The NATO Secretariat cannot therefore launch an information campaign, or present the case for NATO in any country, when agreement has not been reached among all the sixteen nations on a political level. In practice, the NATO Council is a diplomatic body, with Ambassadors as a collective head and less senior diplomats manning its functions in different committees. Diplomats are not generally trained to take the public aspect of diplomacy into account. This is certainly one of the reasons why NATO public information has been poor.

40. Another aspect of NATIS is that its officers, called "liaison officers", are appointed by their national governments and are solely reponsible for information in their home country. One consequence of this is that, if a member government refused to appoint a liaison officer, for example for domestic reasons, no information at all can be sent to the country. In many respects, however, this would be the situation when information is most needed. This is at present the case with Spain, where a referendum is supposed to be held on NATO membership in 1985, and where NATO as an organisation cannot put its case forward to the public. This is of course a mere consequence of the fact that governments are solely responsible for information about national defence. It would be detrimental to the defence effort if NATO could address citizens in a manner which was not consistent with the government's message.

41. In practice, therefore, NATIS is a body meant for implementing decisions taken by the NATO Council and its Committees. As a result of that, when NATIS is asked to prepare short draft communiqués, fit for the press and the public, a compromise has to be reached, and as a consequence, the final text is long-winded or complicated. This is reflected in the public image of NATO.

42. On its own, NATIS can produce documents which have to be approved by the Council, but they cannot be circulated in member countries through channels other than the Ministries of Foreign Affairs and/or MoD's. NATIS also has a financial problem in that its resources are very limited, thus reflecting the low priority given to information by NATO. The Scientific Division of NATO, the role of which is largely public-relations oriented, although towards a very limited section of society, is provided with a budget which is *six* times as high as that of NATIS. Why should the information structure of NATO, dealing with the public and the press as a whole in sixteen countries, be considered six times less important than NATO's scientific undertakings?

43. The result is that NATO is not properly understood by the public. It has the image of a bureaucratic monolith, which it is not, and of a purely military body, which is also untrue. Its information policy has two defects: it apparently gives a very one-sided image of defence, which cannot appeal to all sides of the public, and it is also largely ineffective in that it does not reach many people. This is no reflection upon the quality of the personnel, but rather a matter of structure and of resources.

(B) Informing the public in member countries

44. The foremost need is to reach the public. This has to be done directly in member countries. The message put forward should be based on the contribution to peace that NATO has made and intends to make. The role of the Alliance in creating a framework for negotiations with other countries has to be stressed. The necessity of the Alliance for each nation's independence is also a central part of NATO's message, and has to be underlined, perhaps at the expense of the claim for Alliance unity. National differences have to be recognised, especially as they are the Alliance's greatest attraction when compared to the monolithic nature of the Warsaw Pact.

45. Variety, however, also exists within member countries. Sympathy for different political parties is in many cases the single most important factor in the diverse attitudes of citizens towards defence. This has to be taken into account.

46. Your Rapporteur has been impressed by the effectiveness of the EEC information machine in his country. The structure of the European community is more integrated, and therefore it would be easier to take a unified approach. However, the EEC's information policy has been varied because it has been realised that this was the key to success. Indeed, it seems as if a different message had been delivered in each country, and indeed to each group in each country. The party structures have been utilised in order to put the EEC's message across to the different sides of the public. NATO should set up bureaux of information in each Alliance country which would accept them.

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54. More generally, NATO must give a more open image of itself. A certain amount of secrecy is necessary in the military field, but the outsider's view of NATO is that it is an obsessively secretive organisation. Many more facts could surely be made available to journalists. The NATO Council should think of a review of the classification system of NATO documents. It is quite extraordinary to see that some of NATO activities which are relevant to civilians, and cannot function properly without the public being made aware of them, such as civil emergency planning for example, are so little-known.

55. Parliamentarians should be encouraged to play a vital part in the field of public communication. Much more data could be made available to those of us who follow these issues closely, and that as a matter of course. This could have a very effective role, as Committee work in national parliaments, as well as questions to governments and positions taken by parliamentarians in their local and national parties, could then reflect some of NATO's concerns and plans. Voluntary organisations also constitute a most important element in this respect. Parliamentarians should play a role in reviving them in some of our countries. In present circumstances, Norway and Denmark stand out as nations where Friends of NATO and Home Guards play an effective role in spreading our message among the population, especially among young people. The report of the Sub-Committee on the Successor Generation deals with these matters in greater detail, and your Rapporteur

only wishes to refer members to it. However, he should like to underline the utility for parliamentarians to take an active interest in the setting up or improvement of voluntary bodies.

THE JESUIT TRADITION LIVES ON AT GONZAGA HIGH SCHOOL IN WASHINGTON, DC

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. MAZZOLI. Mr. Speaker, the teaching tradition of the Society of Jesus is world renowned. This Jesuit tradition is alive—and burning bright—within a few blocks of this Capitol at Gonzaga College High School, 19 I Street, NW.

There, under the remarkable leadership of Rev. Bernard Dooley, S.J., the school's president, and Rev. Leonard Martin, S.J., its headmaster, 734 boys of all races, backgrounds, and religions grow intellectually, physically, but, above all, spiritually into men.

A Gonzaga student develops in 4 years from a boy to a "Man for Others." That is the key, Mr. Speaker. Gonzaga High School in the spirit of Ignatius Loyola, the founder of the Society of Jesus, producers men who care about others.

To all this I can give very personal testimony. Our son, Michael, is a graduate of Gonzaga, class of 1979.

In concrete testimony to the special character of Gonzaga College High School, the Washington Post recently ran a series of three front page articles about the school, its students, its graduates and its goals. All who love Gonzaga swelled with justifiable pride as its successes over formidable odds were detailed in the lengthy articles.

In June, a good friend of mine, John J. Delaney—a Gonzaga alumnus—delivered the annual Kohlman address to graduates of Gonzaga's class of 1985. I know what an honor this was for John because I had the opportunity to deliver the Kohlman address a few years ago.

John, whose sons also attended Gonzaga, in his remarks went to the heart of what this outstanding school stands for and why Gonzaga-trained men—"Men for Others"—are needed in America today more than ever before.

I insert Mr. Delaney's remarks at this point in the RECORD:

GONZAGA COLLEGE HIGH SCHOOL KOHLMAN ADDRESS

Graduation is a passage to be cherished and remembered. The graduation speech, on the other hand, is a sausage. It tends to be lengthy, lacking in meat and above all, forgettable. The most memorable graduation speech that I ever heard was given by columnist Art Buchwald at Georgetown University in 1979. Speaking for his generation, Mr. Buchwald's simple message to the next generation was:

"We've got our oil.

You go find your own oil."

The message I bring you today as you graduate from Gonzaga is also a simple one, but unlike Mr. Buchwald's obviously facetious remark, it is a message of reconciliation. It is Gonzaga's message—to be "men for others." It was first presented to you when you entered these halls as freshmen four years ago. It is a challenge that has been set before Gonzaga students in one form or another since 1821. It finds its roots in the 16th Century prayer of Ignatius Loyola, the founder of the Society of Jesus:

"Teach us, good Lord . . . to give and not to count the cost. . ."

In order to understand that challenge, it is first necessary to understand Gonzaga and why it is singularly qualified to make such a demand upon her sons. So today I would also like to share with you some reflections about this school, its history and spirit, and about you, the Class of 1985, and your role in its past and future.

Thirty-five years ago, like you, I sat in this historic pre-Civil War church as a member of the graduating Class of 1950. I remember little about what was said that day. But I do recall that it was a time of mixed emotions—happiness and nostalgia mixed with a dab of anxiety as we prepared for "life after Zag." I specifically remember my mind wandering back to a few years before when as a freshman I took that first walk up the wind-swept alley by St. Aloysius; observing the grated windows; the smokestacks; the cat walks; the only school in the county it seemed where the "back door" was actually the "front door."

It all contributed to an architectural style which perhaps could best be characterized as "Early American Alcatraz." Many times in those early days I would ask myself, "What is a nice little Chevy Chase boy like me doing here?" Gradually, however, like so many others, I was swept up in the Eye Street scene and the unique spirit that has always been "Gonzaga." And on that long-ago graduation day, as my wandering mind returned to the present, I was extremely grateful that my life had been touched by this place.

But "wait" you say. "We know all of that. We, too, have lived the Gonzaga story. Indeed, for us, that story has been one of virtually unparalleled success. Why belabor us with these meanderings?

It is a fair question. The Class of 1985 has not only lived the Gonzaga story, it has helped to bring this school to new thresholds of greatness. Its successes in academics, extra-curricular activites and athletics are a source of immense pride for the entire Gonzaga family. Yes, members of the Class of 1985, Gonzaga is indeed on a roll. Like a phoenix, it has literally risen from the ashes of this city and returned to its long held place of prominence. New and refurbished facilities abound. Applicants in unprecedented numbers seek admission. The Eagles fly high.

Why then is it necessary to reflect on Gonzaga and its challenge to all of us to become "men for others?" What is the significance of such reflection when we look about us today and see what the school and the Class of 1985 have achieved?

The answer, I submit, lies in another question—a question that is crucial. Is it possible that Gonzaga's successes will blur our vision of what this school has stood for? Are we in danger of forgetting the "men for others" theme that generations of Gonzagans have heard through the years?

It is appropriate to ask these questions today, precisely because success does not often breed introspection. High tide covers over the shoals. Gonzaga's right to challenge us to be "men for others" does not spring from a background of prestige and wealth; from being an institution solely for the rich and powerful. Just as Christianity finds its credibility in Christ's suffering, just as steel is forged from fire, Gonzaga's challenge finds its legitimacy in a lineage of deprivation, born of a commitment to serve all segments of society.

As we bask today in the warm glow of success, we must not forget that there is and always has been another Gonzaga, a Gonzaga which struggles to survive. To be sure there have been triumphs along the way. But between these triumphs and even during them, Gonzaga's 164-year history is in essence a crucible. It was thus from the very earliest years of its existence as a small seminary on F Street. It was thus for decades following the relocation of the school to what is now Kohlman Hall in 1871. In that first year on Eye Street, only 70 students showed up for classes. The discouragement over the school's plight is revealed in the pages of the History of Gonzaga's first one hundred years, wherein it is stated that Eye Street in 1871 was "little more than a praire." The writer goes on to observe: "There is the quiet of peace, and there is also the quiet of death; the tranquility of Gonzaga, during this, its first year in the new site, looked dangerously like the latter."

But we need not return to prior generation or the last century to know and understand this other side of the Gonzaga story. We need only go back to 1968, the year in which many of you were born. It is a lifetime for you, but really only a brief stroke in history's brush. The tragic events of 1968 seared the very fabric of our country and have left their imprint even to this day. They were to present Gonzaga with perhaps the greatest crisis that it has ever faced.

It has been said that this world is divided into "givers" and "takers." All good men and most great men are givers—willing to risk failure, to make sacrifices, to do what is right for their fellow man. Christ was such a giver. Gonzaga's leaders throughout the decades, beginning in 1821 with its founder, Father Anthony Kohlman, and continuing to the present day with our beloved president, Father Bernard Dooley, have been givers. Their spirit of giving has been reflected in the institution itself.

To recall 1968 in the life of Gonzaga is also to recall the lives of two men, each of which in its own way is interwined with that of Gonzaga. Each of these men was a "giver." Each was a "man for others." Each was to fulfill his destiny in 1968.

One was Aloysius P. McGonigal, a humble Jesuit priest. Al McGonigal taught at Gonzaga as a scholastic in the late 1940's. He was a tough little man, barely 5½ feet tall. He ran the bookstore with an iron hand. He also used to conduct what was known as the "Volunteer Saturday Morning Latin Class." You didn't have to attend the Volunteer Saturday Morning Latin Class—unless of course you wanted to pass Latin. I remember how we used to complain about having to come down to school on Saturday mornings. We groused about Al McGonigal's hard-nosed attitude and insensitivity. Later, of course, following our years at Gonzaga, would come the realization that if anyone was insensitve, we were; that Al McGonigal did not have to give up his Saturday mornings for us, but that he did so—he made this sacrifice—in order to help up.

I lost track of Al McGonigal after leaving Gonzaga, but nearly 20 years later in 1968, I

had occasion to read about him again. The Vietnam War was raging and the terrible Tet offensive was underway, especially around the City of Hue. Father McGonigal was serving in the army as a chaplain at the time. His own unit was safely behind the lines, several miles from Hue. But he learned that the units under fire at Hue were without a chaplin. So Al McGonigal took the risk and went to Hue—a place where he didn't have to be. And it was there, as an unarmed chaplain, that Al McGonigal made the ultimate sacrifice in service to his fellow man. Today, if you visit that simple but haunting Vietnam Memorial on the mall next to the elipse, you will find the name of Al McGonigal inscribed there: a small but fitting memorial to one who was truly a "man for others."

The second man of whom I speak is Dr. Martin Luther King, Jr., a humble minister who was also to encounter destiny in 1968, on an April evening in Memphis, Tennessee. Dr. King went to Memphis because the sanitation workers there on strike for a decent wage and they needed help. They were among the forgotten people at the bottom of society's ladder. They were powerless. They had no voice. So Dr. King rearranged his schedule and went to Memphis—and from there to eternity.

Martin Luther King's message was the message of what a "man for others" ought to be. In accepting the Nobel Peace Prize, Dr. King said: "I refuse to accept the idea that the 'isness' of man's present nature makes him morally incapable of reaching up for the 'oughtness' that forever confronts him."

In a television interview a few weeks before he died, Dr. King again reminded us of what being a "man for others" is all about, when he said: "It's not the quantity of one's life that counts. It's the quality. It's not how long you live that matters, but how well you live."

Just as Christ did not have to go to Calvary, and Al McGonigal did not have to go to Hue, Martin Luther King did not have to go to Memphis. But each went because there was a need for him to go—a need to take a risk in order to serve his fellow man. They were "men for others."

Few who were alive in 1968 will ever forget the impact of Dr. King's death. Doubt pierced the very soul of this nation. There was even doubt about the essential unity necessary for survival of a nation so beset by a widening gulf of misunderstanding between black and white, rich and poor, young and old. the cities—those vital core areas of Ameria—were especially scarred, physically and psychologically. To analogize from "Less Miserables," the cities are the conscience of a nation. They are where its people and problems come together and confront one another. But after the events of April 1968, people, businesses and institutions were departing the cities of America in a tidal wave, leaving wastelands of despair, ruin and poverty in their wake. Washington, D.C., the capital of our nation, was no exception.

It was thus, with the death of Martin Luther King, Jr., and its terrible aftermath that the indescribable spirit of Gonzaga—that basic sense of decency that prevades here—was to undergo its severest test and emerge to enjoy its finest hour as an example for the nation. If the cities are the conscience of a nation. perhaps it is not overreaching to claim that Gonzaga is the conscience of the City of Washington, or at least the conscience of the Jesuits of the Maryland Province. For while America writhed in despair about its cities and the headlong rush to suburbia continued, Gonzaga—to its everlasting credit—stayed in the very heart of the nation's capital. The Jesuits took a risk, because they preceived that the need to continue to provide a quality education for young men from all over the metropolitan area was greater than ever.

That risk was not without its price. In the years following 1968, enrollment dropped precipitously. Deficits arose. The school's small endowment disappeared.

In 1971, Gonzaga bravely celebrated its Sesquicentennial—the 150th year of its existence. One of the highlights of that celebration was the Dramatic Association's memorable production of "Camelot." But despite all the noble effort and the brave front, the tranquility of death once again hung over Gonzaga, as it has one hundred years before. Once again Gonzaga was standing alone on the prairie. Like Camelot, its days seemed numbered. That great shinning experiment of the Jesuits—to operate a college preparatory school in the heart of the Nation's Capital, to which boys of all backgrounds could come and learn together—seemed doomed to failure.

But somehow, Gonzaga persevered with its commitment. Few will ever fully understand the day-by-day sacrifices of the Jesuits and the Gonzaga family in living out that commitment. Some of those who lived it are among us today. They sit before you in this sanctuary. They sit behind you with your families and friends. They sit above you in the choir loft. But for their efforts and the efforts of hundreds of others, none of us would be here today to celebrate the achievements of the Class of 1985.

Wolf Von Eckart, the noted urban planner, on the editorial page of the Washington Post in 1973, described Gonzaga's decision to stay in the City of Washington as "almost defiant." But stay Gonzaga did. Now in 1985 we begin to see fulfillment! Gonzaga's vision is at last being shared by others across the land. More and more people and institutions are beginning to understand that mankind's problems are not resolved by running away. New office buildings and hotels have sprouted up around Gonzaga. Cities throughout the country are coming to life again.

That, gentlemen, is why Gonzaga has earned the right to challenge each of us to be a "man for others." She has suffered and she has persevered.

I truly believe that if Christ, or Martin Luther King, Jr., or Al McGonigal were here today, they would say to Gonzaga "Well done." But they would also say to the Gonzaga family that we cannot rest; that much work lies ahead. All we need do is look around us to see that this is true. Problems of social justice, drug and alcohol abuse, poverty and housing, to name but a few, are still unresolved.

It is really bizarre in a way. We live in Washington, D.C., the capital city of the United States and the Free World. Our daily lives are involved with perhaps the only high school in the country that is situated in the very shadow of the Capitol building itself. We can virtually reach out and touch it. How many times have we walked or driven down North Capitol Street and seen that magnificent dome glistening in the sun or the moonlight? How many times have we thought about it as the symbol of hope and justice for all freedom-loving people? And yet, a mere turn of the wheel into the driveway next to St. Aloysius confronts us with a different reality—the reality of hunger, addiction and hopelessness, embodied in the lines of men who daily seek help and solace at the Horace McKenna Center in this very building.

What must one do to be a "man for others"? Time does not permit an extended response here. But the time will come for all of you—and for some it may come often. It came many times for Horace McKenna, who walked these halls with us until just a few years ago. It came for Joe Kozik in the early 1950's when a young black student went out for Gonzaga's football team, and Joe had to decide whether to drop the player or be forced to cancel scheduled games with a number of D.C. public schools. The City's school system was segregated in those days and black and white kids were not permitted to play against one another. Although the young man offered to quit the team, Joe would have none of it. The games were canceled and Gonzaga made several trips to Pennsylvania to fill out its schedule that year.

While it is difficult to describe what one must do to be a "man for others," or to recognize the moment when it comes, it is safe to say that in a world where life has little value; where what a person possesses seems more important than what a person is; where today's fads are mistaken for tomorrow's foundations; where the grotesque is often adulated and virtue is often scorned; that being a "man for others" will likely not be an easy task. Yet Gonzaga still insists that we try.

How is this relevant to the Class of 1985? It is relevant because in the long run you will decide whether Gonzaga will continue to exist; whether the education offered here is worth the commitment of effort and resources to pass on to future generations. In a compelling address delivered at the Father-Son Communion Breakfast a few weeks ago, Dr. Samuel Alston Banks, president of Dickinson College, reminded us that Gonzaga is a "markedly endangered species." Dr. Banks is correct. But Gonzaga has survived and will survive because it is an institution which has never lacked the courage to place its resources, its heart and indeed its soul on the line to attempt to do what is right.

In the final analysis, "Gonzaga" is people—the students, faculty and staff, alumni, parents and friends who have believed in it and supported it down through the years. Without the support of these people—your predecessors—there would be no Gonzaga. There would be no Class of 1985.

In the second verse of the Alma Mater there is an exhortation to Gonzaga to march on through the centuries and to reach ever on unto eternity. Today Gonzaga asks for your help in fulfilling that mission. In a few moments when you receive your diplomas, will you be merely graduating from Gonzaga, or will you be leaving it for good? When you sing the Alma Mater for the last time as a student and walk out of this church, will you be walking away from the life of this school or will you be walking beside it on its long march into eternity?

Gonzaga waits hopefully for your answer.

VIETNAM VETERAN IS A HERO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FLORIO. Mr. Speaker, in my capacity as a Member of the House Veterans' Affairs Committee I have had the chance to meet with hundreds of Vietnam veterans from many States in our Nation. Naturally, many of these men and women have been from my own State of New Jersey and more specifically from the First Congressional District which I have the privilege of representing in Congress.

Mr. Speaker, I ask that the following article from the Courier-Post newspaper be included in the RECORD. It is a story about the courage and dedication of John Caffaro who is a Vietnam veteran. I am proud to say that he is also a constituent of mine and I commend his exploits to the attention of my colleagues. John's bravery and desire to help his fellow man should make us all very proud of these many men and women who are now finally receiving the recognition they so richly deserved.

[From the Camden Courier-Post, Aug. 17, 1985]

VIETNAM VETERAN RESCUES WOMAN AND PROVES POINT

(By Bernie Weisenfeld)

MOUNT LAUREL.—A man who administered first aid to a woman trapped in a smoking automobile here Thursday night told rescue workers he was a Vietnam veteran who "wanted to show that Vietnam vets can do good deeds."

The man who gave medical aid, Pennsauken resident John Caffaro, two years ago helped save a 12-year-old boy from drowning in a swimming pool.

"A lot of people are putting down the Vietnam vets," said Caffaro, 35, a decorated veteran of the Southeast Asia conflict.

"If there's a liquor store held up and they find out it's a Vietnam vet, there's a big article about it. But when somebody does something good it's hardly ever shown it's a Vietnam vet.

"See, we are good people.

"I'm strong on Vietnam vets. We do produce some good in the community," said Caffaro, whose military service medals include a Navy Cross and three Purple Hearts.

Caffaro pulled his pickup truck to the side of the road and helped rescue workers at the scene of a two-car accident about 9 p.m. on Route 73 here, said fire marshall Charles Everett.

"I've never seen anything like this. The guy did one terrific rescue job," said Everett. "He obviously had some training."

The fire marshall said Caffaro put a neck brace on a female passenger who was trapped in a burning car, slid her out of the vehicle and administered "various splints and bandages" until paramedics arrived.

"We have trouble getting volunteers for our rescue squad and this guy just stops along the road—he doesn't belong to anything—and he does a great job," said Everett. "He said being a Viet vet he just wanted to prove they can do good things, that there are Vietnam veterans who do good deeds and they're not all junkies and murderers."

Caffaro said he served with the Marine Corps in Vietnam from 1967 to 1969 as a sniper and helicopter door gunner and was trained in emergency medical aid.

"When the Tet offensive was going down, there was quite a bit of first aid to be given," he said. "The biggest thing knocked into our heads in the Marine Corps was teamwork. If you only have one medic between 50 men and some of the guys are wounded, you just jump in and do it."

Caffaro said he later served with ambulance squads when he lived in Williamstown and Glendora.

Township police identified the two drivers involved in the collision as Bonnie Lee Scarfo, of 462 Hickory Lane, Carneys Point and Francis E. Callahan, of 19 Camden Ave., Voorhees.

Everyone said rescue workers had to use the Jaws of Life to separate the two vehicles.

No further details of the accident were available from police.

A nursing supervisor at Garden State Community Hospital in Evesham said Callahan and Scarfo were treated and released at the hospital.

Scarfo, contacted at home yesterday, said she recalled little about the accident or those who helped her afterward. She said she was the driver trapped in her car.

"There were a lot of nice people there. I was pretty well out of it," Scarfo said.

According to Everett, Caffaro did not stay at the accident scene long after paramedics arrived.

"He was like the Lone Ranger. He just came then disappeared. I didn't get a chance to talk to him like I would have liked," he said.

Caffaro said as soon as the local ambulance squad arrived, he got back in his truck and left. "It's their territory. It's their profession. Another person being in the way gets to be a hinderance."

In May 1983, Caffaro helped a lifeguard pull a drowning 12-year-old Louisville, Ky. boy from a swimming pool of a Mount Laurel motel where Caffaro worked as a chef.

"I just like helping people out when they are in trouble," he said yesterday.

THE 100th ANNIVERSARY OF THE R.R. RAGETTE INC.

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. DIOGUARDI. Mr. Speaker, I rise to bring to the attention of this body the proud history of R.R. Ragette Inc., Realtors, which will be celebrating its 100th anniversary on September 22. The people of R.R. Ragette have given dedicated and committed service to homeowners in Westchester County through three generations of the Ragette family. The success of the Ragette firm can be attributed to its professionalism, integrity, and commitment to uncompromising service. For 100 years, R.R. Ragette Inc., Realtors has enjoyed a tradition of achievement, receptivity to contemporary marketing methodology and superb service to both customers and clients.

The R.R. Ragette firm now has four Westchester offices located in Bronxville, Scarsdale, Bedford, and Eastchester, which is the home of their main office. In February 1985, the Ragette firm, in affiliation with Housatonic Valley Insurance, announced the opening of their newest branch—Housatonic Valley/Ragette Inc.—in New Milford, CT.

The firm has a fine record of public service, and is committed to the welfare of the people of Westchester County. The firm established the R.R. Ragette Community Service Award, a scholarship grant to graduating seniors at seven Westchester high schools. The firm also collected food for Ethiopian children at each of our branch offices and matched, dollar for dollar, the value of food collected, had a blood drive, presented free seminars on real estate, and sponsored family concerts in Eastchester, Scarsdale, and Bedford Village. The firm believes this public service is the responsibility of the business community, and therefore has continually "given back" to the people of Westchester who have made them successful.

Committed to the same tenets that have led the Ragette firm to success for a century, President Ralph E. Ragette has had a prestigious career of service to his community and to his profession. In 1977 Mr. Ragette was honored as realtor of the year by the Westchester County Board of Realtors, of which he was president. In addition to his dedicated service as realtor, Mr. Ragette has been involved extensively in community politics. He began his political career in 1947 as chairman of the finance committee of the city of Mount Vernon. He was elected to the city of Mount Vernon's Board of Aldermen, (city council), in 1953 and served for 12 years in that capacity. During this period he served as acting mayor of Mount Vernon. In 1968, Mr. Ragette was elected supervisor of Mount Vernon, and served in this position for 2 years. From 1983 until the present, Mr. Ragette has served on the board of governors, commercial and investment division of the New York State Association of Realtors. He is also the chairman of the housing council of the New York State Association of Realtors. This impressive list of service to the community only highlights Mr. Ragette's productive career.

In 1979, Mr. Ragette's son, Ralph Richard, joined the firm as treasurer, and is presently the executive vice president. Ralph Richard Ragette demonstrates the qualities of leadership that will take the firm into their next century of growth and success. Schooled in marketing methodology and corporate psychology, Ralph R. reflects 20th century goals, attitudes, and insights.

I would again like to commend the firm for its long history of service to the Westchester community and hope that the firm continues to reach ever greater heights of professionalism and competence.

THE DEFICIT DILEMMA

HON. ROBERT K. DORNAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. DORNAN of California. Mr. Speaker, I am genuinely outraged by the sham budget resolution passed by the House on the eve of August vacation. The numerical gimmickry and budgetary tomfoolery contained in that document make it worthy of inclusion in the Guiness Book of World Records as the world's most fraudulent budget. It is certain that had a captain of industry produced a similar budget for a Fortune 500 company, the hue and cry from liberals in this body would have been deafening. A congressional investigation would no doubt have followed with the poor capitalist being subjected to the collective wrath and holier-than-thou attitude of the liberal keepers of the national morality. Indeed, the capitalist might even face a jail term.

I therefore rise today to sound a few alarm bells and to urge my colleagues to ignore the sham budget resolution and use the remaining appropriations bills to really reduce spending. Given America's precarious foreign trade imbalance, rapidly expanding money supply, and still high real interest rates, it is imperative for continued economic growth that we enact serious spending reductions in fiscal year 1986, and that we keep reducing spending in the out years.

However, if the House of Representatives is not prepared to seriously attack extravagant and excessive Government spending, then I have made it much easier for the President to do so. As many of you well know, I have recently made available to the President a letter, signed by 147 Republican Members of the House, pledging to uphold a Presidential veto of any budget-busting spending bill. This shifts the balance of power in the budgetary battle more toward the President and I urge him to use the veto generously if it is needed.

I would like to submit for the historical RECORD the following article, which I authored, on the deficit and the havoc it can cause the economy. Excerpts from this article have appeared in the New York Times, the Washington Times, the Chicago Tribune, Human Events, and the Los Angeles Herald Examiner, among others.

THE DEFICIT DILEMMA

(By Robert K. Dornan)

Embarrassment in the economics profession is understandably widespread. Despite their warnings that continued large deficits would "crowd out" private borrowing and drive interest rates higher, interest rates have fallen to their lowest level in years, with the likelihood of further reductions in the coming weeks. This development, coming as it did in the midst of the House-Senate budget negotiations, prompted one Capital Hill economist to claim that, "It completely undercuts the whole deficit-reduction drive." In other words, it takes the pressure off Congress to enact spending cuts.

If the budget that just passed is any indication, and it clearly is, then that nameless economist was right. Why risk political hot water by cutting special interest programs when interest rates are falling? This type of attitude, undoubtedly shared by many of our elected representatives, is disturbing because it assumes that the only danger of large deficits is high interest rates. Nothing could be further from the truth.

Conventional economic theory suggests that large deficits—in and of themselves—raise prices, output and interest rates while depressing capital formation. However, there is no empirical evidence to support any but the last of these propositions, which should be reason enough to cut the deficit.

Most credible economists rightly maintain that inflation and interest rates are a function of monetary policy, not fiscal policy. Therefore, instead of blaming the President for high interest rates, we should be pointing a finger at Paul Volcker. While this might make those of us who have strenuously objected to Fed policy feel better, it does not mean that the deficit is less of a problem.

In the past, continued overspending by the federal government has put pressure on the Federal Reserve for monetary expansion. Economist James Solloway of Argus Research Corp. has recently shown that Fed has again started to monetise more of the debt than it should. Mr. Solloway sees the huge increases in the national debt each year—caused by continued large budget deficits—obscuring a sharp acceleration in the rate of growth of the monetary base and, in turn, the money supply. A prolonged acceleration in the monetary aggregates will eventually result in significantly higher inflation rates, with a probable attendant rise in interest rates (after all, interest rates are directly related to the actual, as well as the expected inflation rate).

What is most frightening about this scenario is that even though the Fed has been monetizing the debt at an increasing rate, it seems unable to significantly reduce interest rates. (Interest rates, after inflation, are still at 8 percent, high by historical standards). As Mr. Solloway says, "This is eloquent testimony to the damage that can be inflicted by large budget deficits."

Another major factor to consider is that the deficit has been caused by excessive government spending. As long as the rate of growth in government spending continues to out-pace the growth of the economy, the government will absorb a growing proportion of national output. Putting a larger share of the GNP into the hands of the government will eventually restrict economic growth. Are we a nation prepared to accept a growing government sector and slower growth? I expect not. But that is precisely what might happen if the recent good news about interest rates is interpreted in the wrong way.

Deficits do matter, there can be no denying that. However, they matter in ways different than those assumed by the keepers of the conventional economic wisdom, whose faces become redder with each discount rate cut. (Indeed, some still don't get it. The Washington Post recently editorialized that not reducing the deficit would "increase the chances that interest rates will rise this Fall, at a time when the economy is slowing down." They may be right, but if they are it will be for all the wrong reasons.) Given that taxes are generally higher than they were five years ago, despite the so-called "massive" Reagan tax cuts, the current deficit simply tells us that there is something wrong with our spending habits. We should listen and not let some apparent discrepancy in economic theory divert us from our chosen path of spending cuts.

Why fool ourselves? The deficit is a serious problem, but it is not insurmountable. All that is needed to bring the deficit under control is the political will, or backbone, to strengthen fiscal discipline and restrain the relentless pressure from special interest groups for increased government services.

But alas, it was not to be. The Congress completely caved in when confronted with the choice of a responsible budget or a month-long vacation. It seems schmoozing it up with the special interests back home was more important than providing for the general welfare of the country. And whose welfare gets provided for is something Congress can be very particular about (it is almost exclusively for those folks who can be counted on to show their appreciation on election day).

President Reagan stated after Congress finally agreed on a budget for fiscal year 1986, "It marks only a beginning, not an end." In my view, it hopefully marks the beginning of the end of the budget process.

Two things have become quite obvious, even with the passage of a so-called budget. The budget process is the problem, not the solution; and a veto strategy may be the only way to achieve serious deficit reductions this year.

The "budget process", if it can be called one, has merely served to confuse the financial markets and has bred a sort of "budgetary terrorism" that is holding the economy hostage. If there is one thing that sets the nervous nellies in the financial markets on edge, it is uncertainty. Unfortunately, the only thing the congressional budget process genuinely seems to be good at generating is uncertainty.

It is no accident that the most spectacular growth in deficits has occurred since 1974, the year the Congressional Budget and Impoundment Act was passed. The Act placed strict limitations on the President's power to control spending and was supposed to simplify the budget process while enabling congressional planners to get a long-range view of the economy.

But instead of simplification, we got a lexicon of budgetary mumbo-jumbo: spend-outs, reflow estimates, concurrent resolutions, stop-gap bills, and meaningless five-year projections. By any reasonable standards, the Act has been an utter failure.

Indeed, the sight of Congressmen rushing into late-night sessions to push through appropriations bills or to provide temporary funding to keep the government running for a few more days has become all too commonplace (the current budget compromise, agreed to two and one-half months after the statutory May 15th deadline, is a perfect example). The outcome has been a stream of sloppy legislation—usually written by anoymous, unelected congressional staffers—which only makes it all the more apparent that a serious effort must be undertaken to streamline the process.

Despite the havoc that congressional budget shenanigans play with the financial markets, there are many of my colleagues who still fervently believe in the "budget process" and who are committed to making it work. This stubborn faith in a system that has produced only confusion is no mys-

tery. It is simply a matter of Congress jealously guarding the additional power it was able to wrest from the Presidency in 1974—a much weakened Presidency at that.

The present Congress is not capable of looking after the finances of the country in a responsible manner. In the recent past, it has consistently appropriated money beyond its own budget limitations. It is now in the throes of doing so again.

Congress will soon hand President Reagan a batch of appropriations bills for fiscal year 1986 that, judging by his own statements, should be unacceptable. A quick glance at some of these appropriations bills will show that the Democrats in the House have systematically appropriated funds that exceed the spending levels proposed by the Administration. The bills are loaded with budgetary gimmickry and statistical sleights-of-hand. The bills deny our citizens the responsible spending practices they so resoundingly endorsed in the 1980 and 1984 Presidential elections.

The public has spoken, and the public has been ignored. Consider the following.

Item: House Democrats claim that federally assisted housing programs in the 1986 appropriations bill for the Department of Housing and Urban Development have been frozen at the FY85 level. They are, in fact, $1.7 billion over the 1985 level.

Item: The House Agriculture Committee asserts that the new obligational authority has been reduced by $1 billion below the Administration's request, and $4.2 billion below the 1985 enacted level. In fact, the bill is almost $8 billion over the President's budget.

Item: The Treasury, Postal Service and General Government Appropriations Bill is $1.2 billion over the Administration's request.

Item: The appropriations bill for the Interior Department is $720 million more than last year's appropriation, and $2 billion over the President's budget request for next year.

And so it goes with most of the appropriations bills. Tip O'Neill fiddles while the economy burns.

And all the while, House Democrats claim to be remaining within—or even below—budget levels proposed by the Administration.

In short, the budget resolution just passed—which is much closer to the original House version—is a fraud. It is nowhere close to a budget freeze. Every group and special interest (even the American Association of Retired Persons) indicated that they would accept a small cut if the sacrifice was shared. This uncharacteristic bit of generosity was, however, ignored.

After cutting (some might say gutting) defense, the conference plan does not cut excessive spending where it exists. About 20 percent (19.6) of the cuts come from 68.4 percent of the budget. The remainder come from sleight-of-hand savings such as offsetting receipts ($4.4 billion), allowances ($2.8 billion), and agriculture ($2.3 billion). And the way things look as of this writing, few of the cuts are reconciled.

About the only thing that we can glean from the budget process this year is that substantial deficits will remain in the out years because there are few program terminations. Programs not eliminated, like weeds, have a way of growing back in election years to become even healthier than they were before.

The lack of spending cuts will then put enormous pressure on those of us who have pledged not to raise taxes to raise them. Republicans may well find themselves caught between a rock and a hard place as they contemplate $200 billion deficits against the negative effects of a tax increase.

It is also highly likely that official forecasts of the deficit for fiscal years 1986-1990 will be revised dramatically upward later this year because the Administration's, and hence the Congress', economic assumptions are far too optimistic.

To combat democratic irresponsibility and budgetary terrorism, and to make real progress on the deficit reduction front this year, a new strategy is called for: A VETO STRATEGY.

To encourage President Reagan to us his veto power, I recently made available to President Reagan a letter bearing the names of 147 Members of Congress who have pledged their votes to sustain presidential vetoes of budget-busting spending bills.

Because this presidential option has been reinforced, the dynamics of power in the funding battle have shifted significantly in the President's favor.

President Reagan may have no choice but to veto appropriation bills if he is to show the Congress and the American people that he was serious when he promised to reduce the deficit without resorting to tax increases.

To date, President Reagan has been particularly reserved in his use of the veto, even though history shows us that some of our most successful Presidents have used the veto extensively. Convincing the President to use his veto power may be difficult. In fact, President Reagan only used the veto an average of ten times a year during his first term, and only five times to kill spending bills, none of which were after 1982.

Last year, for instance, Congress failed to pass a budget Resolution until October 1, well after most appropriations bills had already been passed and sent to the President. The President had vowed to veto any of those bills that exceeded his budget request. But when they reached his desk, he did not veto one of them.

But this time the stakes are high; the options narrow. The President must either revert to the destructive tax increases he has pledged to avoid, risk allowing a fiscally irresponsible Congress to drive us into bankruptcy, or exercise control over the orgy of government spending by using the constitutional power given to him—The Veto.

I undertook the effort to secure the 147 signatures of congressmen to make it easy for the President to look Congress straight in the eye and say: "Enough!", unsling his veto gun, and blast away.

The President's spending priorities were endorsed in an historic 49 state electoral landslide. Despite all the fanfare accompanying the budget resolution notwithstanding, those Presidential commitments to reduce spending have now been challenged by a Congress with a dismal record of reckless spending and a chronic incapacity for balancing the budget. Indeed, in recent years, Congress has been lucky to produce a budget at all.

Under the circumstances, Ronald Reagan should use his veto power and, given the ugly alternatives, he may find that the veto power is the only friend he and the American taxpayers have.

ONE MAN'S APARTHEID

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. CLAY. Mr. Speaker, a recent series of utterances by President Ronald Reagan supporting the South Africa regime lead me to wonder whether he is insensitive, uninformed, misled or simply blind to the realities of life as it exists in that haven of bigotry. Mr. Speakes, his press secretary, in spite of his facility for double talk, has found it impossible to cover or explain Mr. Reagan's comments on the status of integrated facilities in South Africa or the statements on South Africa's progress toward dismantling apartheid. Surely the press has kept Mr. Reagan better informed about the situation of this country in turmoil, than did his personal observations in his hometown where he remained unaware that segregation was a fact of life until quite late.

In addition, Rev. Jerry Falwell, a close friend of the President, made disparaging comments about Nobel Peace Prize winner, Bishop Desmond Tutu which were incongruent with the beliefs of most men of the cloth. The weak rationalizations and poor documentation of Reverend Falwell's observations are discussed in two articles about his recent visit to the land of bigotry. One entitled "Sinking to New Lows" and the other is "One Man's Apartheid." I wish to enter the attached articles from the August 27, 1985, Washington Post, into the CONGRESSIONAL RECORD as testimony to the relationship of these two "odd bedfellows."

ONE MAN'S APARTHEID

Finally President Reagan has provided a basis for understanding his relatively relaxed and indulgent view of South Africa. To an Atlanta radio station, he has given a little snapshot of his picture of reality in that quarter. He finds it a place where important progress is being made through the happy incidence of a reformist local government and a persuasive American administration: where blacks really have very little to complain about; anyway the Soviet Union is stirring the pot. No wonder he resists any policy change.

Except it is all—or most of it—quite untrue. From his comments it is evident that the president does not have the foggiest notion of what apartheid is actually about. As Post reporter Glenn Frankel makes plain in today's paper, even in the limited areas where President Reagan points to progress, there is not all that much to boast about. One could hoot at the president for his ignorance if it were not so painful. He altogether omits from his picture, furthermore, any hint of the larger and grosser aspects of apartheid: the humiliation and harassment of the pass courts, for instance, the forced removals, the brutalization of family life. He shows no awareness of the fundamental question of political power—that is, of the disenfranchisement of blacks under the current system and of the quality of repression organized

by whites to deny blacks political power. Has anyone told him that a state of emergency is currently in effect and that blacks are being arrested and killed practically every day?

The president did make his ritual use of the adjective "repugnant" to describe apartheid. By what else he said, however, he erased any impression that the system truly troubles him. It was not simply that he was at pains to excuse Jerry Falwell from the burden of his unfair and unfeeling criticism—since only partially retracted—of the Nobel peace laureate, Bishop Tutu. It was the particular explanation Mr. Reagan offered in so doing. South Africa, he said, is "a combination of minorities. There are at least 10 tribal divisions there." This is a painful echo of the official South African rationale for the large structure of apartheid: that blacks are not the rightful citizens of a unitary South African state but are members of distinct tribes who are to be consigned, unconsulted, to separate "homelands."

What Mr. Reagan has said goes far to explain the most objectionable aspect of his approach to South Africa: his stunning lack of moral energy and commitment to the cause of justice. The South Africa he depicts exists only in his mind. But the South Africa the United States must deal with exists on the ground.

SINKING TO NEW LOWS

When the Rev. Jerry Falwell called Bishop Desmond Tutu a "phony," it seemed as if the depths of offensive know-nothingism had at last been plumbed. But President Reagan has gone his unofficial chaplain one better by claiming, in a radio interview, that segregation in South Africa, as we once knew it in this country, has been virtually eliminated.

Falwell's smear was too much even for the racists in his flock, and he sent a telegram to the bishop in which he accused himself of "an unfortunate choice of words." Similarly, after the president had made a remark that compares with President Gerald R. Ford's hapless insistence that Poland was not under communist domination, a flurry of clarifications came from the White House press office.

Falwell, who purports to do the Lord's work, is plainly doing Reagan's. They want to kill sanctions legislation and to rehabilitate the government of South Africa. It is such uphill work it is no wonder that they have been driven to excesses.

They see the current agony as a communist plot. Falwell warns of "a red river of communism" engulfing the country; Reagan thinks "we would be very innocent, naive" if we didn't believe that the Soviets are "stirring up the pot and waiting in the wings for whatever advantage they can take."

The Reagan-Falwell defense team is getting no help from their clients in South Africa. They are being routed on the field of public relations. President Pieter W. Botha combines the charm of a southern sheriff at Selma with the appeal of a Chicago alderman losing a sewer contract. On the other side are the radiant, committed Tutu and Winnie Mandela, a woman of infinite sorrow and dignity.

For weeks, the American people have been regaled by the sight of South African policemen wading into crowds wielding whips, recalling their use by overseers of slaves.

Falwell, a man of infinite brass, is not the least embarrased by any parellel to slavery. In fact, he invoked it in one of the many speeches he has given since he launched his squalid campaign to make mush of a moral issue.

"We were 180 years as a nation before segregation was eliminated here," he said. "Thank God the world was more patient with us than we have been with South Africa."

It is true that the world was tolerant of slavery as a U.S. institution. But the country at last was not and took arms to end it. The Civil War is not an event for which Americans are grateful.

Tutu has done more than any other person on the scene to avert the civil war that sometimes seems inevitable if black Africans—who, despite Reagan's rosy view, cannot live where they want, must carry passbooks wherever they go and cannot vote—are to achieve their liberties. Far from claiming to represent his people, Tutu has humbly—and pointedly—noted that he is amazed that, considering the situation, they listen to him at all.

The South African government and the Reagan-Falwell team do not realize how lucky they are to have him. It is impossible to imagine what horrors would be occurring without his valiant, principled presence. Perhaps Falwell and Reagan missed the pictures of the bishop intervening, at the risk of his life, to save a black man who was being menaced by a crazed mob, and warning that he would leave South Africa if blacks resorted to violence.

Yet when Tutu declined to attend a meeting of religious leaders called by Botha, the White House did not hesitate to express disapproval. For Falwell's squalid assault on Tutu, however, there was a presidential pardon. Reagan commended Falwell for his "apology" and explained his offense. The bishop, he said, was only reporting what he had heard from South Africans—not passing a pygmy's judgment on one of the noble figures of our time.

In making his apology, Reagan's favorite divine explained he had merely meant to say that Tutu was not speaking for the South Africans "any more than I speak for all Americans."

It was magnanimous of the leader of the Moral Majority to suggest he does not speak for all of us. What was most egregious about his smear was the suggestion that he was speaking for South Africans, putting credentials acquired in 5½ days on a government tour against Tutu's lifetime scars.

But what is most strange is that Reagan and Falwell, both of whom have benefited so mightily from public opinion expertise, have failed to impart any of it to their clients in South Africa.

If they really want to succeed, they should whisper to Pretoria that arresting schoolchildren, the new and repugnant tactic of the "reformist" government, is hardly the way to win friends and influence people in behalf of "constructive engagement."

INDISCRIMINATE INSURANCE PRACTICES THREATEN TO ELIMINATE NURSE MIDWIFE PROFESSION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FLORIO. Mr. Speaker, there is growing evidence that Americans may no longer enjoy access to a wide range of necessary services due to the scarcity and high cost of insurance coverage. Over the past year, I have received numerous reports of insurance carriers telling child care providers, toxic waste generators, fishermen, and others throughout the country that their premiums have been raised by as much as 1,000 percent, and in some cases, that their policies have been canceled altogether. Last month, about a third of the certified nurse midwives in this country were notified that their malpractice insurance will not be renewed.

The Subcommittee on Commerce, Transportation, and Tourism will continue to examine the availability and affordability of insurance.

The insurance industry states that the rate hikes and cancellations are necessary to cover the insurance company losses that were suffered in 1984. They claim these actions are based on actuarial data and merely reflect the industry's resolve to underwrite selectively and avoid high risks.

The following article suggests that insurance consumers are being denied coverage for reasons that are arbitrary and not based on sound actuarial judgments.

The cutback in insurance coverage is widespread. Often essential services that, by law in some States, may not be offered unless the provider is insured, are denied coverage. Many insurance consumers and the public they serve are experiencing a crisis. It is time to find out what has gone wrong and what can be done about it.

The article follows:

[From the Washington Post, July 21, 1985]

By Colman McCarthy

NURSE-MIDWIVES AND THEIR STRUGGLE TO SURVIVE

Nurse-midwives, whose professionalism is indispensable in America's birthing rooms, are about to become dispensable to the health-care industry. Liability insurance companies are no longer able to provide malpractice coverage. As a result, a large percentage of the nation's 2,800 certified nurse-midwives may be forced out of the hospitals in which they serve or from the birth centers they operate.

The nurse-midwives are the last ones to deserve ejection. Although they assist at only 2 percent of the nation's annual births, their services are near 100 percent in personal care and warmth. While they only deliver in cases of uncomplicated, or low-risk, births, they are soothers and nurturers whose hands and heads know how to make childbirth a joy, not a trauma.

Their rewards are not in money, with salaries averaging $25,000 a year, against

$110,000 for obstetricians. Their rate of malpractice suits is low: 6 percent have been sued since 1974, against 60 percent of obstetricians having been sued at least once. From that it is fair to say that large numbers of the women they serve tend to swear by them, while many women who use obstetricians merely swear.

Nurse-midwives have no moneyed lobby, as do physicians, to protect their interests before regulators or legislatures. Their interests are anything but special and are based only on a wish not to be driven from business by expenses beyond their control.

Marion McCartney's story is typical. She is a licensed nurse-midwife at the Maternity Center in Bethesda. In 10 years of practice and in more than 600 deliveries, McCartney has never been sued. Four years ago, her insurance was $125 a year. It doubled to $250 two years ago and this year went up to $800. She was braced for even larger hits except that her carrier Mutual Fire, Marine and Inland Insurance Co., which covers 1,400 other nurse-midwives, terminated all its malpractice policies.

McCartney is in practice with four other nurse-midwives. In all, they have assisted at 2,500 deliveries. None has been sued. It is important to keep that record in mind, because it underlies the unfair treatment that is suddenly burdening the nurse-midwives. An official of Mutual Fire in Philadelphia explains that his company is leaving the medical malpractice field because of the soaring risk of claims. In the past, Mutual Fire was reinsured by more than 10 other firms, but now the reinsurance market is avoiding high-risk medicine.

That raises an obvious question: Why should nurse-midwives, who practice low-risk medicine, be treated as if they had created the problem? The answer, according to Richard Guilfoyle, the president of Mutual Fire, is that the insurance industry has yet to establish a separate category in obstetric for nurse-midwives. Guilfoyle is sympathetic to the sudden financial problems of a group that provides low-cost health care. He praises the nurse-midwives for their record and says that he favors separating them from the physicians.

As the loudest protesters, physicians, most of whom earn high salaries, are quick to blame lawyers for the million-dollar verdicts that are increasing in malpractice suits. They blame patients for their high expectations for risk-free medical care. With insurance premiums rising as much as 400 percent in some states in the past five years, physicians see their profession in need of emergency-room rescue.

Whatever heartburn doctors may be suffering, it is far less severe than the pain being endured by the nurse-midwives. Many obstetricians are conscientious and high-skilled professionals ready to make any sacrifice for the women who come to them. But one explanation for their high rate of malpractice suits is that too often an atmosphere of personal warmth and human trust has been lost on the way to, and in, the delivery rooms. The wizardry of technology is often paid greater attention than the emotional needs of the woman.

Much of the technology means better health care; it can also mean impersonal care. As bonds weaken or break between obstetricians and mothers and fathers, fewer restraints are present against suing the doctor. Why not sue? He is a distant figure, not a confidant with whom you can discuss differences.

One reason nurse-midwives are rarely slapped with malpractice suits is that they are sought out by pregnant women who share their belief that birth is a profound emotional experience, not a passing medical event. Nurse-midwives don't dominate the process with machinery and drugs, they nurture it with hands-on skill and personal attentiveness. They gird their medical expertise with woman-to-woman friendliness and understanding.

None of that is to senitmentalize the practice of people like Marion McCartney. She and the Nation's other licensed nurse-midwives are asking only that insurers, insurance commissioners and physicians see them as skilled professionals providing low-cost quality care. They are independent and deserve to be separate.

A TRIBUTE TO MRS. MARIAN BARON GOLDNER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Ms. KAPTUR. Mr. Speaker, recently, one of my constituents took first prize in the International Association for Children's Literature Competition in Budapest, Hungary. Mrs. Marian Baron Goldner received top honors for her book, "Georgie the Jovial Giraffe," published by Banner, Inc. of New York and South Carolina. At a dinner in her honor in Budapest, Mrs. Goldner received a silver inscribed tray with a notation in Hungarian that she received first prize. Her book will be on display at the International Book Fair in Frankfort, Germany in October.

Mrs. Goldner, who has previously published plays, poems, stories, and articles, signs her books "Grandma Marian." "Georgie" is written in rhyme and contains educational information in addition to being entertaining for children of all ages. I know my colleagues in the House of Representatives join me in congratulating Marian Baron Goldner for her fine work and thanking her for enriching the lives of children throughout the world.

HEART TRANSPLANT PERFORMED IN TALLAHASSEE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FUQUA. Mr. Speaker, Tallahassee, Florida's capital city, is rapidly gaining a national reputation in the sciences. Last week, doctors at Tallahassee Memorial Regional Medical Center became only the third team in the State of Florida to perform a heart transplant. The patient is doing fine.

The Tallahassee Democrat ran two articles the next morning, one detailing the events of this historic operation and the other explaining the processes of transplant procedures. I wish to praise the doctors, nurses and other members of the medical team involved and pay special tribute to the brave recipient of the heart, Calvin Creel. Special honor should be paid the soul who gave his or her heart so that another might live.

Mr. Speaker, I include at this point in the RECORD the two articles from the Democrat on the heart transplant surgery.

CITY'S FIRST HEART TRANSPLANT PEFORMED

(By Linda Duffy)

The heart of an undisclosed donor was transplanted into a 47-year-old Tallahassee man early Wednesday in a 61-minute operation at Tallahassee Memorial Regional Medical Center.

Calvin "Burl" Creel, who doctors said would have lived only a few days without the transplant, became the first patient to receive a new heart at the hands of Tallahassee Memorial's 16-member heart transplantation team headed by Dr. Thomas J. Bixler.

Tallahassee Memorial has become only the third hospital in Florida where heart transplants are performed. The other two are Shands Teaching Hospital in Gainesville and Tampa General Hospital. The Miami Heart Institute performed one heart transplant in 1969.

Because Creel's family remained in seclusion Wednesday after a week-long ordeal and middle-of-the-night surgery, little is known about him except that he has been disabled with coronary artery disease for several years.

By 3 p.m. Wednesday, Creel was listed in critical-but-stable condition, which Bixler says means there is uncertainty about whether his now-stable vital signs will continue to improve. The condition is usual for a heart-transplant patient.

A report issued by J. Craig Honaman, Tallahassee Mrmorial executive vice president, said Creel was "awake, alert and communicating with nurses and family." He was said to be "progressing as expected."

"I want to emphasise that Mr. Creel is extremely sick," Bixler said at a 7:15 a.m. news conference Wednesday. "He had already undergone two open-heart procedures and would have died within the next few days. He has been disabled for years and it was unclear how long he could have waited for a transplant."

Creel is suffering from some kidney damage, but Dr. C.W Applegate, the team's kidney specialist, had determined it was directly related to the patient's coronary-artery disease and would reverse itself after the transplant, Bixler said.

"Mr. Creel is awake, but he can't speak because he has a breathing tube," Bixler said. "I am sure he is in pain as that is usual for any operation."

If all goes well, Bixler, added, the breathing tube should be removed within 48 hours.

Creel knew he would eventually need a transplant and was evaluated for the procedure when the hospital's unit was readied in August. When he was admitted a week ago, his need for a new heart became crucial.

The search for a suitable donor took six days. Creel's name went on a heart-recipient list with approximately 116 others, but because of his blood type, body weight and severity of illness, he was the No. 1 candidate of 10 for the heart he received Wednesday. According to Terry Jackson, director of the Tallahassee Organ Donor Agency, Creel's wait was very short.

Jackson, Bixler and hospital personnel refused to reveal the identity of the donor other than to say the heart came from an upper Midwestern city.

Jackson said even the Creels don't know the identity of the donor. "This is a very sensitive ordeal," he said, "The majority of donors do stay anomymous."

Although most of the waiting for the heart took place while Hurricane Elana had closed airports in North Florida, Honaman said, "we put off worrying about whether we'd be able to get a heart in here until we actually had one." Once a heart is removed from a donor, it must be implanted within four hours.

The actual transplant began Wednesday at 12:30 a.m. and was completed at 1:31 a.m., three hours and 11 minutes after the organ was located and Bixler flew to the donor hospital to remove the heart.

Kathleen Creel, wife of the patient, gave a short statement, Wednesday morning in which she said: My husband has been sick for a long time. We're thankful to the Lord for this transplant. With the Lord's help, he'll pull through."

"I want to emphasize that even though the operation went well, this is just the beginning for Mr. Creel," Bixler said. "The critical period starts with the operation and doesn't end for several months. He could suffer serious rejection or other problems at any time."

HEART TRANSPLANT REQUIRES SPEED AND PRECISION

(By Linda Duffy)

Transplanting any organ is a procedure requiring delicacy, precision and speed, but the heart dies the fastest, as only four hours can elapse from the time the heart is removed from the donor and placed in the recipient.

Before any operation can take place, however, recipients must be screened and donors must be found. The recipient has to be under 55 years old and in the last throes of coronary disease. Although without a new heart he would face death in a few months, his lungs need to be in good shape, his pulmonary blood vessels have to be healthy and he must be infection-free.

The donor has to be under 35 and free from infection, cardiovascular disease or cancer.

Then the matching of the donor and the recipient begins—blood types, antibody levels, height and weight. Currently in the United States, 116 dying patients are on list hoping to be matched with a heart. Burl Creel, who received a new heart Wednesday at Tallahassee Memorial Regional Medical Center, had a six-day wait for a donor, which is considered brief.

Once a potential donor has been found for a Tallahassee Memorial recipient, at least one member from the cardiac-transplant team—in Creel's case, Dr. Thomas J. Bixler—rushes to the donor's hospital to remove the heart, place it in a cold electrolyte solution, pack it in a cooler of ice and return with it to Tallahassee to complete the transplant.

Remember, all this must be done within four hours. To stay within that time frame. Tallahassee Memorial's cardiac team will travel no farther than 1,000 miles for a donated organ. Once the doctor's plane lands at Tallahassee Municipal Airport, the hospital's Life Flight helicopter rushes the heart to the medical center.

All the while frenzied activity is going on. The patient, being prepared for surgery, is wheeled into the operating room a full two hours before the arrival of the donor heart. As soon as the heart arrives, the transplant begins. The 15-member team goes to work.

Two technicians divert the patient's blood through a heart-lung machine and surgeons cut the aorta, the right atrium and the blood vessels that lead to the lungs. The donor heart is placed in the chest cavity and sown into place. Finally, the surgeons resuscitate the cooled heart by electrical shock, beginning the heart beat.

The heart-lung machine is disconnected and the chest is closed.

The patient is then moved into the intensive-care unit to receive one-on-one nursing and recuperatory care. He will be in some pain and won't be able to talk for a day or two until the uncomfortable breathing tube in his throat is removed.

RECOGNIZING CLEAR RIDGE ALL-STAR BASEBALL TEAM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. LIPINSKI. Mr. Speaker, today I would like to share with my colleagues a resolution adopted by the City Council of the City of Chicago recognizing the outstanding achievements of the Clear Ridge Baseball 12-Year Old All-Star Team and commending them on their Illinois State championship win.

RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHICAGO, IL

Whereas, the Clear Ridge Baseball League in Chicago, is comprised of twenty-nine teams drawn from some three-hundred families of various ethnic backgrounds; and

Whereas, these families and their children live on the southwest side of our great city in the twenty-third ward; and

Whereas, Clear Ridge Baseball has been providing a baseball program for children for almost fifty years; and

Whereas, the Clear Ridge Baseball Twelve Year old All-Star Team won the Illinois State Championship of Babe Ruth Baseball held in downstate Illinois; and

Whereas, the fifteen young men who won this title for their team and this city were: Robert Krzeckowski, Kevin Duddleston, Pat Kane, Robby Brown, Chris Gallichio, Jeff Gricus, Ken Morgan, Frank Famaglia, Joey Bunch, Steve Pfeifer, Steve Sobun, Matt Taylor, Mike Chico, Brian Spalliero, Matt Hall, Coaches—Jim Duddleston, Phil Pfeiffer, Bob Gricus, John Spalliero: Now, therefore, be it

Resolved, That the Mayor and the City Council assembled here on this 7th day of August, 1985, do hereby recognize the outstanding achievements of the Clear Ridge Baseball Twelve Year Old All-Star Team and commend them on their Illinois State Championship win. Be it further

Resolved, That a suitable copy of this resolution be forwarded to the coaching staff of this team as well as the players parents.

A PROGRAM FOR WORLDWIDE ECONOMIC GROWTH

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FRENZEL. Mr. Speaker, it is my privilege to insert into the RECORD the following speech given to the Japan Federation of Economic Organizations in Tokyo on August 23 by friend, classmate, and colleague, the Honorable JACK KEMP of New York.

Titled "A Program for World-Wide Economic Growth," JACK KEMP'S wide-ranging presentation to this most prestigious group of Japanese business leaders both contained four principal recommendations to improve the climate for world trade, and worldwide economic growth: First, liberalized access to domestic markets, not only in Japan but Europe as well; second, prompt, serious negotiation of a "Reagan round" of GATT improvements; third, reduction of marginal tax rates, and government regulation in all countries; and fourth rebuilding of an international system of stable exchange rates.

You may want to quarrel with one or two of those recommendations. I'm not crazy about No. 4 myself, but our colleague Congressman KEMP has presented a coherent, comprehensive positive program for world growth. His ideas are a refreshing change from the often heard demands for the more negative pessimism of protectionism.

I commend JACK KEMP'S speech, and am pleased to include it in the RECORD.

The speech follows:

A PROGRAM FOR WORLD-WIDE ECONOMIC GROWTH

(By Congressman Jack Kemp)

I am greatly honored to be your guest here in Japan and to be able to address the Keidanren. My wife Joanne and I are especially pleased because it gives us the opportunity to meet Japan and her people in person, instead of through newspaper reports and trade statistics.

Even a brief acquaintance makes it clear that the Japanese are economically successful because they are at heart a nation of artists and poets. It should not be surprising that the people who invented the tea ceremony have also made production almost an art form. Japanese frugality is reflected in the elegance of the haiku even more than in your high rate of personal saving. Indeed, you express your artistic temperament in the very fact that, instead of writing words with a pen, you draw pictures with a brush!

Ambassador Mike Mansfield has said many times that the relationship between the United States and Japan is the most important bilateral relationship in the free world, bar none. Despite our current concerns about trade and national defense, I am happy to say that the state or our relationship is very good.

As an American and a Congressman from Buffalo, I was proud when President Reagan spoke to the Japanese Diet in 1983, the first American President ever to receive that honor. I believe he expressed the senti-

ment of the American people when he said, "Of all the strengths we possess, of all the ties that bind us, I believe the greatest is our dedication to freedom. Japan and America stand at the forefront of the free nations and free economies of the world."

Both Japanese and Americans should be proud of Japan's economic and democratic development since the war. But it did not happen by accident. It took foresight, courage and hard work on the part of both Japanese and American leaders, and especially on the part of the Japanese people.

The degree of success seems to have astonished even the Japanese. I understand that Japanese journalists began calling the initial spurt of growth in the mid-1950s the "Jimmu boom," because no one could remember such prosperity since the Emperor Jimmu ascended the throne in 660 B.C. But when growth accelerated further in the late 1950s, they had to find a new name, so they called it the "Iwato boom," meaning that such good times had not been seen since the even more remote period when the sun goddess Amaterasu was lured from her Iwato cave. When the economy grew by 13 percent yearly in the late 1960s, they spoke of the "Izanami boom," harking back to the still more misty past when the goddess Izanami gave birth to the islands of Japan.

Yet Japan's "economic miracle" was not really miraculous. Your formula for domestic economic policy was basically what we in the United States call "supply-side economics"—tax incentives for thrift and hard work, a relatively small burden of government, and a minimum of unnecessary regulation. Despite increases in recent years, Japan still has the lowest tax burden among the industrial countries. In fact, for two decades, Japan reduced its tax rates every year, counting on the revenues from faster growth to balance its budget.

Similar policies were also pursued in the United States, notably by President John F. Kennedy. And they have contributed to the rapid development of countries like the Republic of Korea, the Republic of China, Singapore, and Hong Kong—countries poor in natural resources but very rich in human potential. However, it was America's misfortune to forget the formula for its success, until President Reagan rediscovered it.

I am sure that all Japanese school children are told the story about the Emperor Nintoku of the fourth or fifth century, who ascended a high mountain, looked around and said, "In the whole land there rises no smoke; the land is all poverty-stricken. So I will remit all the people's taxes and forced labor from now until three years." The Emperor allowed his palace to become dilapidated, and did not build a new one until he saw the smoke rising once again from the people's chimneys.

Five years ago, President Reagan noticed that there was no smoke rising from the smokestacks of our nation's industries. And he said that it was time to reduce the burdens of taxation, federal spending, and the forced labor of government regulations. He cut tax rates 25%, added new incentives for business investment, and freed our economy from government-imposed burdens. Today the fires of recovery have been stoked, and more than 7 million new jobs have been created. But we will not stop until we have achieved what we promised—full employment without inflation. Congress will shortly consider President Reagan's proposal for a further reform of the tax system, which would cut the top tax rate in half, to 35%, from the time he took office.

Over the years, as our national economies have grown, we have grown together. Trade between the U.S. and Japan has surged tremendously. Our combined economies represent 35 percent of the world's entire output. Total trade between the U.S. and Japan has reached $70 billion, double the level of just ten years ago. Japan is our second largest trading partner after Canada, and our largest agricultural customer. This commerce is still helping our countries to create abundance.

Trade is mutually beneficial. It raises our standard of living by increasing the variety and quality of goods available in every country. It accelerates economic development, not only in the industrialized nations but also in the less developed countries. It helps to keep a tight grip on prices through competition. Above all, it creates jobs by increasing the market for locally produced goods. When trade is free, jobs in Tokyo are not created at the expense of workers in Buffalo, or vice versa; with expanding trade and prosperity, jobs are created in both cities.

Yet, as you know, the sentiment for trade protectionism is growing rapidly in the United States. During my 15 years in the Congress, I have never seen such pressure for protectionism. In the past few days, you have heard other legislators from the United States, who have said they will support protectionist legislation unless Japan moves even further than the recent trade action package. More than 300 different protectionist bills have been introduced, and Congress will begin considering some of them when it reconvenes next month. A major Democratic Party initiative threatens to impose a 25% import fee on any country whose non-oil trade is in surplus by 50% or more. (The sponsors are unclear as to why oil-exporting nations are excluded). This formula aims directly at Japan, the Republic of Korea, the Republic of China, and Brazil.

It is extremely important for you to remember that ours is not a parliamentary system in which the head of government controls the legislature. If such a bill goes to the floor of the Senate, scores of more specific protectionist measures will be added. That's exactly what happened to the Smoot-Hawley tariff of 1930, which began as a bill limited to agriculture, but soon turned into a sweeping measure and finally placed outlandish tariffs on some items that the U.S. didn't even produce. Today the stakes are equally high, and the danger is equally great.

Right now, the chances for avoiding such a disaster rest heavily with President Reagan, who has stood almost alone against the protectionist tide. I will strongly oppose, and I will urge President Reagan to veto, any protectionist legislation passed by the Congress. But President Reagan needs all the help he can get, from his friends both at home and abroad, and I urge you to do what is in your power to help.

The pressure for protectionism will persist as long as its causes remain. It is therefore extremely important to understand and deal with them. I believe there are three reasons why the American trade deficit is front-page news today.

First, the trade deficit has partly reflected a strong U.S. economy, as Sen. Robert Dole observed. Our economy naturally has imported more because it has grown faster than the rest of the world.

It is fashionable to say that the mere existence of a trade deficit costs jobs; on a recent trip to Japan, Rep. Sam Gibbons said that 25,000 American jobs are lost for every $1 billion in the U.S. trade deficit. But this fallacy cannot be allowed to pass unchallenged.

In 1980 the United States had a surplus in goods and services of $9 billion, and total U.S. employment was 100.9 million. Today the total deficit is about $100 billion, but total employment is 108.1 million. In 1980, 59.6 percent of the population over age 16 was employed; today it is 60.1%. These figures prompted economist Herb Stein to ask: "Where are the lost jobs?"

What is overlooked is that the counterpart to our trade deficit is a net capital inflow. This net inflow is due mostly to the fact that U.S. banks are lending more at home and less abroad because of the more favorable economic climate—foreigners have not greatly increased their gross annual investment in the United States. The net inflow has financed 40 percent of the recent investment boom, creating new jobs, hundreds of thousands of new business starts, and a higher standard of living.

There are two ways in which this share of the trade deficit could be reduced. The United States could have a recession; but this would lead to a world-wide reduction in trade, and incidentally increase the U.S. budget deficit. On the other and, the deficit would be reduced if other nations reduce their own tax rates—thereby attracting capital, and strengthening their currenices. In my opinion, this portion of the deficit does not require correction, as long as the investment in America is productive enough to pay for itself. The United States ran a trade deficit almost every year during our first century—and we are still the world's largest developing country.

A second part of the trade deficit is due to trade restrictions; and this has received the most attention. It is clear that Japan has liberalized its trade since the 1960s, and its tariff barriers are lower today on average than in most other GATT nations, including the United States. However, problems remain, especially in such areas as agriculture, forestry, oil and oil products, and capital markets. Their removal would not only increase our trade, but also improve the standard of living of the Japanese, who now spend twice to four times as much as the rest of the world for many basic agricultural and dairy products. Many experts also agree that non-tariff barriers in Japan, such as standards and certification procedures, are a serious obstacle to the free flow of trade between our countries.

I applaud Prime Minister Yasuhiro Nakasone for his trade "action program," which is both a sign of good faith and a significant step forward. The United States should also remove some of its own self-imposed barriers, such as the restriction on exporting Alaskan oil to Japan and the rest of Asia. All of these steps need to be undertaken on their own merits. However, our Commerce Department has estimated that all of them together would reduce the trade imbalance by about $10 billion, or only a quarter of the trade imbalance with Japan.

The third source of the trade imbalance—and the most underestimated—is the chaotic state of the international monetary system. Much of the pressure for protectionism stems from an attempt, since 1971, to maintain a highly integrated world economy without a stable international monetary unit. The result has been similar to what would happen if each American state

or Japanese prefecture issued its own fluctuating paper currency.

According to Jan Tumlir, former GATT director of research, "Over the 1970s, the steep rise in the level of economic uncertainty is still insufficiently appreciated as the cause of the halting growth and increased instability in the world economy. It can best be compared to a thick fog descending on a turnpike, slowing down traffic and causing accidents."

Think of the vast difference in the international economic climate before and after the Second World War. The 1930s were the economic equivalence of war—and were soon followed by war itself. A chain reaction was started when each country tried to raise barriers with beggar-thy-neighbor tariffs, exchange controls, and competitive devaluations.

But the farsighted leaders who established the Bretton Woods monetary system, and later the General Agreements on Tariffs and Trade, sought precisely to prevent a return to the mercantilism of the 1930s. President Kennedy, who initiated GATT's Kennedy Round, described this vision as one of "a free community of nations, independent but interdependent, uniting north and south, east and west, in one great family of man, outgrowing and transcending the hates and fears that rend our nation."

Under the Bretton Woods system, the United States offered indirect financial assistance to nations recovering from the war, through multilateral institutions, and agreed to anchor the world monetary system by maintaining the dollar convertible into gold. Other countries committed themselves to stabilizing their currencies by keeping them freely convertible into dollars, and all nations agreed to liberalize international trade. By any measure, the system was a success. Within the framework of Bretton Woods and GATT, nations like Japan and Germany recovered spectacularly through their peoples' efforts. Many less developed nations also began to prosper, thanks to the increasing economic integration.

But fifteen years ago the Bretton Woods system broke down—partly because the international system, based on a national currency, became overextended. Despite its flaws, Bretton Woods was far better than what followed. The breakdown of the world's last stable monetary system unleashed an unprecedented global inflation, which was followed by severe global contraction and rapid regression toward conditions which strongly resemble the 1930s: falling commodity prices, overcapacity, an intractable debt problem; and the beginnings of a slide toward protectionism.

The experiment with floating exchange rates has been a failure. It has failed to bring the promised autonomy of domestic economic policies. It has put a premium on short-term, speculative assets, discouraged long-term investment, and generated defensive behavior by producers and consumers. Trade is disrupted almost daily by unprecedented swings in exchange rates, which have almost turned international trade into a form of gambling. The disruption costs many jobs and much misallocated capital, and those who are hurt turn to their governments for help. Rather than acting as a benign substitute for protectionism, floating exchange rates have directly encouraged it.

I have not said anything about America's budget deficit until now, because the issue can be intelligently addressed only in the context of the international monetary and economic chaos. There is no disagreement about the desirability of reducing the budget deficit, on either side of the Pacific. Indeed, no one would like to reduce the deficit more than the President of the United States. The whole debate turns on how the deficit can actually be reduced. When asked whether tax cuts or deficit reduction is the first priority, the only sensible answer is that the first priority is to prevent a recession that would be the coup de grace for the world economy, and which would hinder rather than promote success in reducing the deficit. Without the American recovery, there would have been little expansion of world trade, and no foreseeable solution to the downward-spiraling debt crisis. It would have been nothing less than irresponsible to pursue monetary or fiscal policies which permited this.

According to conventional wisdom, an autonomously created U.S. budget deficit forces up interest rates, attracting capital and causing the dollar to rise. But it is equally arguable that in a world of floating exchange rates, the dollar's central role in the world economy has caused the currency to rise, created a trade deficit, and contributed to the budget deficit. As long as U.S. dollars are the almost exclusive source of global monetary reserves to accommodate world growth, then one of two things must happen in the face of world-wide demand for reserves: either the U.S. central bank must supply the demand for dollars, or else that demand will be met in real terms through devaluation of other currencies—in either case forcing a trade deficit upon the United States. Until we restore a stable international monetary system through fundamental reform, I am afraid that the pressure for protectionism will continue.

To summarize my recommendations, I believe the industrial countries should take the leadership to improve the climate for international trade in four ways.

First, we need much faster progress in liberalizing access to domestic markets. I am thinking here not only of Japan and the United States, but more especially about Europe, which is in many ways more protectionist. The U.S.-Japanese trade imbalance is not merely a bilateral problem, because Europe's protectionism forces more competition into relatively open markets like the United States.

Second, we need a "Reagan Round" of GATT talks among both industrial and less developed countries. The level of cynicism and hopelessness surrounding such negotiations strike me as completely unjustified. Considering what is at stake, it is our duty to try harder.

Third, more balanced trade can be restored if other countries reduce marginal tax rates and—especially in the case of the stagnant economies of Europe—reduce government intervention in the economy. This would also reduce high rates of unemployment in many countries. I would like to caution against the notion that what is needed is Keynesian "demand stimulus," as though there were little to choose between cutting marginal tax rates and raising government spending. In the United States we have found through hard experience that positive results are achieved only when incentives are increased throught tax rate reduction, not when the burden of spending rises.

Finally, we must quickly begin co-operation to rebuild an international system of stable exchange rates. The Group of Ten meeting in Tokyo earlier this summer, which affirmed support for the floating-rate system, was extremely disappointing, as well as extremely dangerous for the future development of the world economy. I was embarrassed to read a U.S. government publication that justified this position on the astonishing grounds that the floating-rate system "diverts a smaller amount of capital from productive to speculative uses since speculation under this system entails larger risks." My question is: if floating exchange rates are too risky even for speculators, what hope is there for productive businesses?

Prime Minister Nakasone was right when he said: "The free world nations are at a crossroads, facing the crucial choice of continuing along the road of economic prosperity with free trade as its basis or following the path to economic stagnation under protectionism." I am hopeful that we will choose the right path, but to do so we must co-operate in taking vigorous action to address the fundamental problems we face.

Yet economic development does not occur in a vacuum. I would be remiss if I did not mention that the free nations of Asia are also approaching another crossroad. On my current trip—which embraces the Philippines, the Republic of Korea, Japan, and the Republic of China—I find increasing concern throughout the Western Pacific about the dramatic increase in the Soviet Union's military presence here. To someone who has not visited the Pacific in several years, the developments are striking.

For example, over the past eight years, the Soviet Union has built substantial military facilities on the Northern Territories—the south Kurile islands—including about 10,000 motorized infantry, air, and artillery troops. The Soviets remain unyielding concerning the status of the Northen Territories, because the sea lanes of the Soviet Pacific Fleet, as well as of its large strategic nuclear submarine force, run through them. Unfortunately, it is fundamental to Soviet military strategy to control the Northern Territories and to try to neutralize Japan's self-defense.

The Japanese-American Mutual Security Treaty has been called the cornerstone of Asian security. A strong Japanese effort, especially in air defense and sealane protection, is critical to that security, and I commend Prime Minister Nakasone for his responsible commitment to improve its quality. One of the strongest impressions of my visit is how many nations depend on Japan's ability to defend herself.

Perhaps no emotion causes deeper anguish to peace-loving people today than the fact that we live in a world where peace must be defended if it is to be preserved. Yet we bring oursleves to perform the difficult task because what is at stake is not some abstract balance of power, or even a choice between communism and anti-communism. Infinitely more important than what we oppose, it what we stand for: the desire for peace and freedom itself.

One of this century's greatest signs of hope for mankind is that the flower of friendship between our countries blossomed upon a battlefield. This month we observe the 40th anniversary of the end of the tragic war between the United States and Japan. In doing so, we should follow the example of General Douglas MacArthur. At a time when others were steeped in malice, distrust, and hatred, General MacArthur looked forward to reconciliation. Aboard the battleship *Missouri* in Tokyo Bay on September 2, 1945, he said, "It is my earnest hope, and indeed the hope of all mankind,

that from this solemn occasion a better world shall emerge out of the flood and carnage of the past—a world dedicated to the dignity of man and the fulfillment of his most cherished wish for freedom, tolerance, and justice."

Far-sighted as he was, if General MacArthur were with us today, even he would be astonished at the progress. Forty years ago, Tokyo lay in ruins. Yet last night, my wife Joanne and I marveled at the culture and prosperity of this thriving, world-class city. There is a reason why Tokyo was able, with the respect and suport of friends, to rebuild herself—because freedom works. We don't need a monument to commemorate the beginning of friendship between our peoples; this city is that monument—a monument to what free men and women can do in a society which empowers them to create a new life for their families and their children.

Yet in the end what is decisive is not just the concept of economic freedom—which you enjoy; nor is it just the necessity of free trade, for which we must all strive. Above all, it is freedom of the spirit—even more than the material prosperity which results from it—that can make a city rise like a phoenix out of the tragedy of war, and come to stand as a living testament to the values which unite the community of freedom-loving peoples everywhere in the world.

Those present today enjoy a measure of peace and prosperity thanks to those, like MacArthur, who went before us—people who were not merely inspired by this vision, but acted upon it. It is our responsibility not merely to conserve this precious heritage, but the increase it and hand it on to those who will come after us. For in the end our highest responsibility is not merely to make our nations prosper; our highest responsibilty to the world is to keep our nations free.

Thank you very much.

PUERTO RICO SEES HARM IN TAX PLAN: REAGAN WOULD DROP PROVISION CREDITED FOR THOUSANDS OF JOBS IN COMMONWEALTH

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FUSTER. Mr. Speaker, the New York Times article of August 25, 1985 had the arresting title above.

I hope that my colleagues will read with interest the following excerpts of that news story. Its message is of vital importance to the welfare of the 3.5 million American citizens that live in Puerto Rico and to the employment prospects of our labor force now suffering a 23 percent unemployment rate.

Despite what appear to be unfavorable odds, Gov. Rafael Hernández Colón is stepping up efforts to save a tax privilege that has created thousands of jobs on the island from elimination under President Reagan's tax revision proposal.

Economists on and off the island have warned that if the tax privilege, Section 936 of the Internal Revenue Code, is phased out in five years as the White House proposes, dozens of corporations with thousands of jobs will leave the island.

Norman Ture, president of the Institute for Tax Economy Investigation in Washington, said this would be "devastating" to Puerto Rico, whose unemployment rate of 22 percent is three times the national average. Virtually all economists on the island agree with his assessment.

Section 936, in effect since 1976, frees American corporations from Federal taxes on earnings from plants on the island and permits the return of those profits to the mainland. The provision was designed to create jobs. Puerto Rico has 522 plants, with 83,000 jobs, operating under Section 936, according to the Puerto Rico Economic Development Administration. Most are in the pharmaceutical and electronics fields.

TAX PAID TO ISLAND TREASURY

Companies that take portions of their profits to the mainland must pay the Puerto Rico treasury a tax that ranges from 5 percent to 10 percent, depending on how much of the profits the corporations decide to invest in island enterprises. The "toll gate tax" earned the commonwealth $130 million in the fiscal year that ended June 30.

In addition, corporations are required to place 10 percent of their island bank deposits with the Puerto Rico Government Development Bank, which holds $700 million in such deposits. The Hernández Colón administration hopes to persuade companies to spend some of this money to build low-cost housing.

Mr. Ture said of the Section 936 program, "I don't know of any program to create jobs that has created so many jobs so economically."

Economists in the commonwealth predict that elimination of the section, which would require Congressional approval, would cost 100,000 to 150,000 jobs directly and indirectly and that this would touch off a mass migration to industrial cities in the states. And they foresee substantially higher costs for social welfare programs in Puerto Rico that are financed by the Federal Government.

PATENT COOPERATION TREATY LEGISLATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. KASTENMEIER. Mr. Speaker, today, I introduce legislation at the request of the administration to implement chapter II of the Patent Cooperation Treaty. If enacted, the proposed legislation authorizes the Patent and Trademark Office to become an international preliminary examining authority and enable U.S. inventors to take advantage of all the benefits offered by the Patent Cooperation Treaty.

This major multilateral convention, adhered to by the United States and 38 other countries, has increased in importance to our inventors since it became operational in 1978. The treaty simplifies the filing of patent applications on the same invention in different member countries by providing centralized filing procedures and a standardized application format. Further, the treaty affords applicants additional time to evaluate their inventions before incurring major prosecution expenses in the countries in which they seek protection. The procedures, which give applicants several options on how to proceed with their applications are embodied in two main chapters of the treaty.

Chapter I of the treaty gives applicants a period of 20 months from the priority date of the international application before they have to incur the expenses associated with national filings. During this period, applicants obtain an international search report to help them decide whether to proceed with patent prosecution in the various countries they initially chose.

Under chapter II of the treaty, the period for delaying national patent prosecution is extended by an additional 10 months and applicants are given an international preliminary examination report evaluating their invention on the basis of information contained in the earlier search report. As a consequence, applicants can be more selective of the countries in which they ultimately decide to proceed, can have time to evaluate the strength of their potential patents and can develop marketing plans.

When the United States ratified the Patent Cooperation Treaty in 1975, Congress decided to postpone adherence to chapter II of the treaty because of the then-prevailing opinion that divergent patent examining methods made chapter II impracticable. The treaty is not self-executing and when Congress passed implementing legislation in 1975—Public Law 94-131—that legislation only provided authority for the Patent and Trademark Office to discharge its functions under chapter I. Experience gained with the operation of the treaty since it became operational in 1978, as well as international harmonization of patent processing procedures, may have laid to rest the early concerns regarding U.S. adherence to chapter II. Some in the patent community have come to the conclusion that it would be in their interest to take advantage of the benefits offered by the procedures of chapter II.

To this end, in a letter of July 27, 1984, the President has already requested the Senate's advice and consent to a withdrawal of the reservation on chapter II, which the United States made when it originally ratified the treaty. The bill which I am introducing today, would legislatively implement the withdrawal of that reservation. It would authorize the Patent and Trademark Office to discharge its functions as an international preliminary examining authority and to act as an elected office under chapter II of the treaty.

Arguably, enactment of this legislation would give our inventors an improved tool to strengthen the protection of industrial property on an international scale. This may be so since most other member states of the Patent Cooperation Treaty already adhere to its chapter II, and our inventors can avail themselves of its benefits in those countries only if the United States also adheres to that chapter.

As chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, I urge all interested parties to submit comments on this proposal to the subcommittee at 2137B Rayburn (225-3926).

SUPERFUND REAUTHORIZATION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. GALLO. Mr. Speaker, during the summer recess, I had the opportunity to tour the 11 sites in my district that are covered by the NPL list and Superfund. As a result of my visits, I am more convinced than ever that we need closer working relationships at all levels of Government and between Government and the private sector to solve our common environmental problems.

I am also more convinced than ever that we can not continue to delay in the reauthorization of Superfund legislation which, unless we move with purpose and dispatch, will expire in 25 days.

On Thursday, August 8, and Monday, August 12, I visited each Superfund site with local, State, and Federal officials, as well as other interested local residents, concerned about cleanup at each site.

I made this tour for two reasons. First, I wanted to be briefed on the current status of each project and to be sure that local and State officials are working closely to solve these common problems.

My second reason for touring the sites was to emphasize the need for quick congressional action in the fall on the Superfund reauthorization.

What I found were 11 unique Superfund sites, each with individual problems and opportunities for solutions.

The most difficult cleanup project in the 11th District so far is the removal of radon from residential neighborhoods in Glen Ridge, Montclair and West Orange. Work is being done in a confined, populated area, based on experience gained from other cleanups in residential areas.

Transportation and disposal of this low-level radioactive material has become a problem, as well.

Several of the sites I toured involve old landfills leaking polluted groundwater that threatens water supplies. The short-term solution in these areas will be to stop the flow of the liquid.

Long-term solutions may include innovative new technology that will allow for onsite cleansing to remove contamination from the ground. This technology includes a portable unit to burn off hazards.

This process has been perfected by the Environmental Protection Agency. It is portable, leaving no permanent structures behind, and is equipped with state-of-the-art pollution control devices.

Other sites I visited involve innovative local solutions to problems with water supplies. The town of Dover is operating on a backup well system as it awaits agreements paving the way for a permanent solution.

Rockaway Borough and Rockaway Township each have constructed state-of-the-art filtration systems, using local talent to ensure quality water supplies. These sites have been visited by representatives of governments from three continents in search of solutions to their water purification problems.

One site is worthy of particular note, because it involves a private company that has spent well over $1 million to remove a chemical deposit and to remove chemicals from the groundwater using state-of-the-art skimmers.

More companies should be taking such positive steps in cooperation with local, States and Federal officials to complete work on these important cleanup efforts.

Current laws discourage such public spirited efforts, however, on cleanup sites involving more than one company.

My visits have reenforced my belief that local officials have done excellent work toward protecting their communities in these cases.

These visits, combined with my extensive work on the Public Works and Transportation Committee, have furthered my belief that our work over the next 3 weeks will have a profound effect on our environmental quality for decades to come.

Our efforts must provide adequate funding to get the job done, and to do it right. We need a stable, sufficient and fair funding source for our remedial cleanup activities.

We need to provide a community right to know and emergency response training so that communities and people who reside in them are fully protected from the dangers of hazardous wastes.

Our efforts, and the efforts of professionals in the field must continue. Frankly, we have to take steps to ensure that professionals are willing to keep working. We have to provide these professionals with the legal and technical tools to safely and thoroughly perform their mission in a way that protects the public good.

Twenty-one days is not much time to coordinate our actions with the actions of the Senate. It isn't much time to reconcile the well-intentioned approaches of the various committees and subcommittees in our Houses. But, we have a job to do, and do it we must.

ONE HUNDREDTH ANNIVERSARY OF THE FIRST PRIMITIVE METHODIST CHURCH IN WESTMORELAND CITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. MURTHA. Mr. Speaker, it is a pleasure for me to place in the CONGRESSIONAL RECORD these remarks noting the 100th Anniversary of the First Primitive Methodist Church in Westmoreland City.

Anniversaries such as this deserve our special recognition. Reflect for a moment that when this church was founded Grover Cleveland was President of the United States, America was still healing the wounds of a Civil War that had ended only 20 years before, and we were on the edge of a major industrial revolution that would reform American society.

And reflect that our ancestors over that 100 years saw unprecedented changes in America that have affected the lives of every citizen and how we go about our lives.

At the center of those changes, providing constancy, guidance, and community were American churches such as the First Primitive Methodist Church. In celebrating this anniversary, we mark not only the 100th year of its existence, but we join together in a celebration of the American spirit, America's religious heritage, and American ideals that have seen our families and friends through those often trying and difficult years.

The occassion of this anniversary also marks a rededication—to begin the next hundred years of the Church's history as a continuing community force of strength for individuals and families, and a source of continued focus for the American and religious ideals that will remain a key to our national strength and success.

It is my pleasure to insert these comments in recognition of the congregation of the First Primitive Methodist Church in Westmoreland City.

TRIBUTE TO ALLAIRE LIMOUSINES

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. HOWARD. Mr. Speaker, I would like to express high praise and appreciation for the outstanding safety record of Allaire Limousines in Brielle, NJ. As chairman of the House Public Works and Transportation Committee, I feel a special sense of gratitude for the commitment that Allaire Limousines consistently has shown to innovative safety measures. Michael J. Renehan, president of Allaire Limousines, deserves additional praise for his leadership and excellence in contributing to the overall safety of the roads and highways in my district and all of New Jersey.

Allaire Limousines makes every effort to ensure the safety of their drivers and passengers. Each driver is required to successfully complete the National Safety Council safe driving course. Every vehicle is carefully maintained, and each is replaced by a brand new vehicle every 20 to 30 months. In addition, Michael Renehan has been a longtime advocate of the use of safety belts in his vehicles.

I am not alone in honoring this very special organization. The New Jersey State Legislature, Gov. Thomas Kean of New Jersey, U.S. Transportation Secretary Elizabeth Dole, New Jersey State Senator Frank Pallone, the Insurance Information Institute and Limousine and Chauffeur magazine have also recognized the firm's outstanding safety record.

With best wishes for continued success, I thank Mr. Renehan and his firm for the

model of excellence they provide for others across the Nation who use America's road system.

THE PERSECUTION OF SOVIET JEWS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. PORTER. Mr. Speaker, the following statement describes the mistreatment of Dr. Nelson Kanter on his recent trip through Europe and the Soviet Union. I would like to call my colleagues attention to this statement as it is a further illustration of the persecution that exists for Soviet Jews, and how an American traveler personally experienced this brutality.

Dr. Nelson Kanter arrived in Leningrad on Friday, August 9, 1985. On August 10, he and his traveling companion were forcibly taken to a Leningrad police station by three or four unidentified persons, one of whom was later identified as the chief of the militia of that district in Leningrad. At the police station, Dr. Kanter and his companion were taken to a room where there were many plain clothesmen and militiamen walking around. Dr. Kanter was separated from his traveling companion: He was taken down a long corridor to a small auditorium where all his personal possessions were examined. An intourist interpretor arrived and Dr. Kanter's personal possessions from a tote bag were exposed on a table where they were photographed from various angles. Dr. Kanter was photographed as well. His requests to speak with the American Consulate were denied. Vitamin C, which he was carrying, was confiscated for a drug check with the implied threat that these people often bring drugs to our country. His personal notebook, containing his views and impressions of Leningrad, were carefully examined and kept.

Some pages of notes made by Dr. Kanter during the previous day, during a visit with Leningrad refusenik, Yakov Gorodetsky, were questioned. Officials implied that he, Dr. Kanter could be held as a spy and that he lied about being a tourist. Under this intimidation, Dr. Kanter was forced to write a statement which said that he did meet with Yakov Gorodetsky, and discussed the recent trial of Roald Zelichonek, another Leningrad refusenik and now prisoner. Dr. Kanter signed the statement. He was told that he was under investigation for speculation. He was removed from detention, but was told he had to report his movements to hotel administration. Dr. Kanter terminated his trip prematurely at great personal expense because he felt he was being followed and watched.

Dr. Kanter is in great distress and there is no doubt that this tourist was used in an incident designed to manufacture evidence against Leningradian Yakov Gorodetsky. Dr. Kanter understands this, and has volunteered the following statement:

I, Dr. Nelson Kanter, affirm and declare that the statement made at the Leningrad militia station on August 10, 1985, was written and signed only as a result of the enormous pressure exerted on me by the Leningrad militia and the KGB. This statement was in no way a reflection of what Yakov Gorodetsky said in the apartment of the previous day. The information written in my notebook, which was confiscated, was not in the exact words of Mr. Gorodetsky. Those notes represented my own loose interpretation of what was said during the course of my visit with him for my own reminiscences of my travels.

It is important that we in the Congress continue to do all that we can to express our support for those who are being denied their basic human rights in the Soviet Union. I urge my colleagues to join me in protesting the Soviet Union's blatant abuses of fundamental freedoms.

TRIBUTE TO GREG SCHLOSSER

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. STANGELAND. Mr. Speaker, today marks the beginning of a stimulating week in Washington, DC, for my constituent and handicapped intern, Greg Schlosser.

Members of my Handicapped Advisory Committee selected Greg to serve as the 1985 Handicapped Intern from Minnesota's Seventh Congressional District.

A lifelong resident of Minnesota, Greg is a recent graduate of St. Cloud State University where he received his B.S. degree in chemistry with a computer science minor. In September 1986, Greg will enter the University of Minnesota Medical School and will pursue the field of pediatric physical therapy.

In May of 1980, Greg suffered a spinal cord injury in a motorcycle accident and he is now confined to a wheelchair. Undaunted, this inspiring young man has become totally independent and extremely active in the St. Cloud and Sauk Rapids communities. He is a volunteer at the St. Cloud Hospital in occupational therapy. And most recently, he was the vice president of the MS Wheelchair Minnesota Pageant. Always a sports enthusiast, Greg has become active in a number of wheelchair sports, participating as the tournament coordinator in basketball for the Minnesota State Tournament in 1984.

This week-long internship will provide Greg with a firsthand opportunity to learn about the Federal Government, national organizations and consumer groups, and their implementation of the programs benefiting handicapped Americans. This internship profits my district through a sharing of Greg's knowledge about the Government's operation and benefits me by increasing my awareness of the needs and concerns of disabled Seventh District citizens.

Greg has an energetic and challenging week of meetings and discussions involving the Social Security Administration, Department of Health and Human Services, the National Organization on Disability and the American Coalition of Citizens with Disabilities, just to name a few. These meetings will prove invaluable in broadening the scope of this week-long internship and have long-term benefits for the handicapped constituents of my district who struggle to meet daily challenges.

With pride, I salute and welcome Greg to our Nation's Capital and to the attention of my colleagues in the Congress of the United States.

OPPOSING AMNESTY FOR ILLEGAL ALIENS

HON. C.W. (BILL) YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. YOUNG of Florida. Mr. Speaker, more than 30 years have passed since the enactment of our Nation's last comprehensive immigration and naturalization legislation. During this period, the swell of millions of immigrants and illegal aliens seeking shelter in the United States has placed undue strain on our Nation.

In an effort to deal with this situation, Congress has acted over the years in a piecemeal fashion to address urgent immigration concerns. The resulting patchwork of U.S. immigration laws and regulations is seriously in need of a comprehensive overhaul by this Congress.

Both the House and Senate spent a considerable amount of time in the 97th and 98th Congress considering immigration reform legislation without reaching a final agreement. An effort will be made again this year to complete the task of formulating a sound national immigration policy. To assist in that effort, I am introducing legislation today to improve upon the proposals considered by Congress in the past and resubmitted for consideration again this year.

My first measure is a resolution expressing the sense of the Congress that no amnesty be granted to illegal aliens living in the United States. After very long debate, the House narrowly defeated an amendment to immigration reform legislation last year which would have eliminated a provision granting amnesty to aliens.

The Census Bureau estimates that there are as many as 6 million illegal immigrants living in the United States. Granting general amnesty to these lawbreakers would send a signal to potential aliens that our immigration laws are made to be broken.

Amnesty also unfairly rewards those who have bypassed our immigration process, while penalizing the millions of law-abiding individuals who have followed the proper procedures, but have been denied entry for one reason or another. Many others must wait out the lengthy application process, which often takes years to complete.

The second measure I'm introducing today would correct one example of our

Nation's contradictory immigration policies by prohibiting aliens living in the United States for less than 5 years from applying for and receiving Federal welfare benefits. Immigration officials have the authority, under current law, to deport aliens who become public charges within 5 years of their arrival in the United States. The officials, however, who administer the supplemental security income program are not prohibited from making SSI payments to these same aliens.

My legislation would close this loophole by prohibiting the payment of SSI benefits to aliens living in the United States for less than 5 years. The legislation also requires sponsors of aliens to assume a legal financial responsibility during the alien's first 5 years in our country. Current law requires only a moral, but not a financial, responsibility for sponsors. My legislation ensures that the sponsor, and not the American taxpayers, provide a minimum standard income for aliens.

Mr. Speaker, we are a nation of immigrants, who over the years have sought out a life in the United States where many freedoms and opportunities are available that do not exist elsewhere in the world. We have an obligation to accept a legislatively mandated number of immigrants to our Nation each year who have legally applied and followed proper procedures.

We, however, have no obligation to grant amnesty or benefits to any aliens who have come to our shores illegally. As a representative of the State of Florida, I am well aware of the burdens that have been placed upon the State, country and local governments by the influx of illegal immigrants over the years. These aliens should not be rewarded while millions of other people patiently wait many years for their time to come when they can apply for and receive permission to emigrate to our Nation. It is for these people that we must provide a fair, sensible and comprehensive immigration policy, one that I hope Congress will formulate in the coming months and that will reflect the concerns I have expressed over the years.

UNFORGETTABLE FIRE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. GORDON. Mr. Speaker, I recently received a copy of a book called "Unforgettable Fire." A man from my hometown of Murfreesboro sent it to me on the 40th anniversary of Hiroshima. He hoped that it might help me better understand the horrors of nuclear war. He hoped that it might emphasize the need for eliminating the nuclear threat. I bring the book to your attention for the same reasons.

"Unforgettable Fire" is a collection of pictures drawn by survivors of the Hiroshima bombing. It was published in 1975, 30 years after the bombing, in an effort to keep us from forgetting this nightmare. It is one of the more moving documents I have ever encountered.

The drawings are understated renderings of an unimaginable horror. Often they are accompanied by brief, searing descriptions. I find the drawings are more disturbing than a collection of photographs because they do not represent objective reality—they record images that have been burned in the memories of the survivors.

Here is one example from a man named Ken Nakagawa, age 64.

This picture is about a rescue operation along the river bank in Sakaimachi. There were cries for help from women, children, and old people pinned under houses or crushed between pillars. The dead were sacrificed for their country. Children, wives, fathers and friends never came back. I hear phantom voices crying for help. I can not forget.

I don't believe that looking at an old man's drawing will make arms control any easier to achieve. I do believe that examining the horror of nuclear war will compel us to prevent its recurrence.

TRIBUTE TO ROBERT G. NICHOLSON

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. CHAPPIE. Mr. Speaker, I'd like to bring to the attention of my colleagues in the House an individual whose dedication and service to youth deserves special recognition. His name is Bob Nicholson, and after more than 40 years as a Boy Scout leader, he is retiring from service.

Mr. Nicholson began his Scouting as a youth in Racine, WI. From out of that experience came a lifelong dedication to the Boy Scouts. Over the years, he has led Boy Scout troops and councils in Montana, Washington, Arizona, New Mexico and California, providing leadership and guidance to hundreds of young men. Since 1974, northern Californians have been especially fortunate to have Bob Nicholson as Scout executive for the Buttes Area Council in Marysville, CA.

As a former Boy Scout, I believe there is no better training for a young man than to become involved in Scouting. It instills in our young people the basic values on which this country was built.

But Boy Scouts couldn't be effective without the dedication of its leaders. That's why it is so important to recognize the contribution made by those who spend their lives helping young men.

In today's busy world, it is especially noteworthy that someone like Bob Nicholson is willing to provide that selfless dedication to enrich the lives of those around him. Through his leadership, he has helped shape and influence America's next generation of leaders. Those young men, and our country, are better for it.

I know I speak for many others when I express my gratitude and appreciation to Bob Nicholson for giving so much of his life to Scouting. His leadership will be missed.

DONALD BAXTER, NEW ROCHELLE FIRE COMMISSIONER, HONORED

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. DIOGUARDI. Mr. Speaker, I rise today to honor Donald Baxter, who is retiring as the fire commissioner of New Rochelle Fire Department in New York. After 35 years of distinguished service, Don's presence will be sorely missed. Appointed on July 16, 1950, as a probationary firefighter, Don's excellent performance saw him quickly rise through the ranks of the department from lieutenant to captain and then deputy chief.

Not only was Don an outstanding firefighter, he was always in the forefront of bringing new methods and technology into the department to improve their lifesaving capabilities. These included the training of all personnel to handle the implementation of emergency medicine and the introduction of computers for usage in the application of fire service. Last year, not one person died in a New Rochelle fire.

Don's commitment to excellence and safety stretched to private individuals and homeowners, encouraging people to install smoke detectors in their homes. Don is also a member of the Westchester County Fire Advisory Board, the Rotary Club and the Elks Club.

It is with great pleasure that I extend my congratulations and best wishes to Don, his wife Mary, and his four children, Donna, Linda, Lawrence, and Donny. We all look forward to Don's continued success and commitment to excellence.

RECOGNIZING THE MONSOUR EDUCATION DEPARTMENT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. MURTHA. Mr. Speaker, it is a pleasure to insert these remarks into the CONGRESSIONAL RECORD honoring the Monsour Education Department.

This is a group of women who are registered nurses, several with master's degrees, plus a secretary and librarian, who are specialists in women's health, children issues, cardiac rehabilitation, and critical care.

We in Congress have closely overseen the outstanding advances made in medical care in recent years and through the efforts of the National Institutes of Health and other Government agencies have helped to promote this research. No matter how fast we can develop the answers to complex medical problems, they are only partially effec-

tive until we get the information to individuals and promote individual health care throughout the community.

This is the type of work being done by the Monsour Education Department through community teaching, over 600 in-service programs a year, and public appearances. These types of educational programs can be particularly effective in the prevention of disease and in calming the fears of citizens who face medical problems.

This vital element of the overall American health care delivery system deserves our continued support and recognition. It is my pleasure to add these congratulations to those being received by the Monsour Education Department on a special day of recognition on September 13.

AMERICAN HEART ASSOCIATION'S FOOD FESTIVAL TO EMPHASIZE GOOD DIET

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. WALGREN. Mr. Speaker, heart and blood vessel diseases kill more men, women, and children in this country than any other cause of death. The economic cost of cardiovascular disease will amount to an estimated $72.1 billion in 1985 alone. Scientists have demonstrated that the typical American diet—one high in cholesterol and saturated fats—contributes greatly to the risk of cardiovascular disease. To help focus public attention on this widespread problem, from September 8–14 the American Heart Association's [AHA] Food Festival will spotlight the eating patterns which can help reduce the risk of heart disease.

Most cardiovascular diseases are the result of atherosclerosis, a condition in which the lipid—fat—and cholesterol levels in the blood are higher than the body requires to maintain good health. When the body accumulates an abundance of fat and cholesterol, the excess can collect in the walls of the arteries, forming deposits called "plaque." If the accumulation of plaque is allowed to progress over the years, an artery can become completely clogged with fats, cholesterol, and other debris. If the artery supplies the heart, the result can be heart attack; if it supplies the brain, the result can be a stroke.

The United States has one of the highest rates of cardiovascular disease in the world. The American diet is so rich in saturated or animal fats, that even children show evidence of high blood cholesterol levels. By middle years, most Americans have accumulated plaque in their arteries, making them candidates for heart and blood vessel diseases.

Medical scientists tell us that lowering the level of cholesterol and saturated fats in the diet can reduce one of the risks of coronary disease. The American Heart Association, in conjunction with several national supermarket chains, will work together during Food Festival Week to encourage consumers to purchase nutritional foods and to become aware of eating habits which can help prevent heart disease. According to the AHA, by limiting cholesterol consumption to less than 300 milligrams per day and fat intake to less than 30 percent of daily calories, otherwise healthy men, women, and children over 2 years old can control blood cholesterol levels and reduce the risk of heart attack and stroke.

American Heart's Food Festival spotlights the value of good nutrition and dietary control of cholesterol and saturated fat. The Food Festival's focus on nutrition lets the public know that participating local food retailers and the American Heart Association care about their well-being.

CHAMINADE COLLEGE PREPARATORY CELEBRATES 75TH ANNIVERSARY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. GEPHARDT. Mr. Speaker, September 7 is a very important day in the hearts and minds of many young men who attend Chaminade Preparatory School in Creve Coeur, MO. The school is celebrating its 75th anniversary with various celebrations.

Chaminade has served many young men in the crucial growth years of high school. The school is unique among others in that it is the only day and residential school in the St. Louis area.

Not only is this anniversary special to the young men now attending Chaminade—but also to the many alumni who have left its hallowed halls since 1910.

Mr. Speaker, I commend Chaminade College Preparatory for the quality academic and religious guidance it has shown the St. Louis area for the past 75 years and, on this occasion, wish future success.

MSGR. JOSEPH R. PANNONI ENTERS 60TH YEAR OF PRIESTHOOD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1985

Mr. FRANK. Mr. Speaker, we can all learn from the example of dedicated and responsible community leaders. Therefore, it gives me pleasure to bring to the attention of the House the inspiring role that Joseph R. Pannoni has played in the city of Fall River, MA, on the occasion of his 60th year in the priesthood. For 60 years, Joseph Pannoni has given generously of his talents as a priest, as a friend of the members of the Holy Rosary Parish, and through his example, to the entire community of Fall River.

Joseph Pannoni's service is especially noteworthy because he is the first priest of Italian descent ordained for the Diocese of Fall River to be elevated to the rank of monsignor.

Mr. Speaker, all the residents of Fall River, MA, deserve to feel honored by the contribution that Msgr. Joseph R. Pannoni has made for 60 years to his parish, to the Diocese of Fall River, and to the community. As his friends and colleagues gather to wish him well, I join to commend him for his exemplary service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 10, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 11

9:30 a.m.

Banking, Housing, and Urban Affairs

To continue oversight hearings on reforming Federal deposit insurance for banks and thrift institutions.

SD-538

Commerce, Science, and Transportation

Business meeting, to consider S. 1017, to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority, S. 1073, to improve the availability of Japanese technical literature to U.S. businesses, scientists, and engineers, and the nomination of Anthony J. Calio, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration.

SR-253

Finance

To hold hearings on proposed legislation to provide for certain spending reductions and revenue increases.

SD-215

Labor and Human Resources

To hold hearings on United States' relations with the International Labor Organization (ILO).

SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Energy and Natural Resources
Business meeting, to resume consideration of S. 426, Electric Consumers Protection Act, S. 403, Hydroelectric Facility Relicensing Amendments, S. 1219, Fair Competition in Hydroelectric Licensing Act, and S. 1260, Hydroelectric Relicensing Reform Act.
SD-366

Foreign Relations
To hold hearings on international narcotics trafficking.
SD-419

Governmental Affairs
To continue hearings on S. 1527, to establish a new retirement program for all Federal and postal employees and Members of Congress.
SD-342

Select on Indian Affairs
To hold hearings on S. 1396, to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation in Minnesota.
SD-628

1:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on competitiveness in the long-distance telephone markets.
SR-253

2:00 p.m.
Judiciary
To continue hearings on pending nominations.
SD-226

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 12

9:00 a.m.
Armed Services
To hear and consider the nominations of Robert K. Dawson, of Virginia, to be Assistant Secretary of the Army for Civil Works, Robert B. Sims, of Tennessee, to be Assistant Secretary of Defense for Public Affairs, and routine military nominations.
SR-222

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy's "Mission Plan for the Civilian Radioactive Waste Management Program".
SD-366

Finance
To continue hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

Veterans' Affairs
To hold oversight hearings on veteran's employment issues.
SR-418

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1461, to permit for two years, any passenger cruise vessel that was built in the United States and subsequently sold foreign to be brought back under the United States flag with domestic trading privileges.
SR-253

Foreign Relations
European Affairs Subcommittee
To hold hearings to review the North Atlantic Treaty Organization (NATO), focusing on Soviet imperatives for the 1990's.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

2:00 p.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a one-percent growth rate for exporting countries.
SD-215

*Foreign Relations
European Affairs Subcommittee
To continue hearings in closed session to review the North Atlantic Treaty Organization (NATO), focusing on Soviet active measures.
S-116, Capitol

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers and abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 13

9:30 a.m.
Finance
To continue hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

10:00 a.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Organization (NATO), focusing on Soviet active measures.
SD-419

SEPTEMBER 16

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 376, the Child Health Incentives Reform Plan.
SD-215

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to explore the effects of terrorism in South Africa on the security of the United States.
SD-226

SEPTEMBER 17

9:30 a.m.
Rules and Administration
To hold hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

11:00 a.m.
*Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1544, to extend and reform the Trade Adjustment Assistance Program, and related measures, including S. 1459, S. 234, and S. 23.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungry.
SD-430

Rules and Administration
To continue hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

10:00 a.m.
Foreign Relations
To resume hearings on the Supplementary Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex (Treaty Doc. 99-8), signed at Washington on June 25, 1985.
SD-419

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 985, to protect the rights of victims of child abuse.
SR-325

Select on Indian Affairs
To hold hearings on S. 1298, to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth.
SR-485

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on international trade.
SD-342

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on enumeration of undocumented aliens in the decennial census.
SD-342

SEPTEMBER 19

9:00 a.m.
*Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Organization [NATO].
SD-419

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all of the Soviet bloc countries.
SD-538

Commerce, Science, and Transportation
To hold hearings on record labeling.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings to review the Federal Energy Regulatory Commission notice of proposed rulemaking on Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol.
SD-366

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
Business meeting, to consider proposed legislation to meet reconciliation expenditures as imposed by S. Con. Res. 32, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1986, 1987, and 1988, and revising the congressional budget for fiscal year ending September 30, 1985.
SR-418

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

1:30 p.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Organization [NATO].
SD-419

SEPTEMBER 20

9:30 a.m.
Labor and Human Resources
To hold hearings on matters relating to private education.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
to hold hearings on proposed legislation authorizing funds for wildlife refuge programs.
SD-406

SEPTEMBER 23

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a one-percent growth rate for exporting countries.
SD-215

SEPTEMBER 24

9:00 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on innovative approaches in industrial energy efficiency.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on child fitness and health programs.
SD-562

11:00 a.m.
*Foreign Relations
Business meeting, to consider pending calendar business
SD-419

SEPTEMBER 26

9:30 a.m.
Finance
To hold hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on the General Agreement on Tariffs and Trade (GATT).
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on financing of foreign military sales.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 209, the Federal Debt Recovery Act.
SD-342

SEPTEMBER 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

OCTOBER 1

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on pension policy implications of the President's tax proposals on fringe benefits and retirement savings.
SD-430

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

*Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SR-385

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the exploitation of runaway children.
SD-628

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

OCTOBER 2

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.
SD-430

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.
SR-485

OCTOBER 3

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Governmental Affairs
To hold hearings on the President's management initiatives and related measures.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, of Washington, each to be a Member of the Marine Mammal Commission.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

10:00 a.m.
*Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

OCTOBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

OCTOBER 23

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

OCTOBER 24

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430

CANCELLATIONS

SEPTEMBER 11

10:00 a.m.
Judiciary
To hold hearings on certain provisions of the Conrail Sale Amendments of 1985.
SD-226

SEPTEMBER 13

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to examine motor carrier safety and Mexican trucking operations.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, September 10, 1985*

The House met at 12 o'clock noon.

The Reverend William Feickert, St. James Lutheran Church and St. Peter Lutheran Church, Tuscarawas, OH, offered the following prayer:

Shalom, shalaam, pax and peace.

Almighty God, source of true wisdom and peace: We invoke Your blessings upon the U.S. House of Representatives assembled to deliberate upon those things which would make for the maintenance, well-being and extension of justice in our land and around the world; and as You have promised to send Your Spirit to lead people into truth, so rule the hearts and guide the counsels of the representatives of our country, that protected from the errors of human weakness, they may seek only the well-being, justice, strength, and peace which comes from caring for Your people and creation. Bless and guide the people, the President, Vice President, the Speaker of the House, legislators, magistrates, executives, service men and women and chaplains.

Bless America with peace, strength, justice, and tranquility. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. WILLIAM F. FEICKERT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the House has been honored today with the opening prayer by Rev. William F. Feickert, pastor of St. James Lutheran Church in Tuscarawas and St. Peter Lutheran Church in New Philadelphia, both in Ohio. And a friend of mine.

Reverend Feickert is joined here today by his lovely wife, Dorothy, his family, and members of his congregations, and other friends.

Throughout his distinguished service in Tuscarawas County, Reverend Feickert has contributed immensely to the betterment of his community. The special dedication and spiritual devotion that Reverend Feickert brings to the major tasks which confront him everyday goes beyond the norm. His experience of over two decades in service to our Heavenly Father has been especially rewarding—to the Reverend as well as his family and friends. But, most of all, those who come to him during their times of need have come to realize the greatest reward of all.

I would also like to add Reverend Feickert's spiritual commitment and outstanding service to America's veterans. Mr. Speaker, it is an honor to have Reverend Feickert as our guest chaplain today. May we always recall the inspiration that he has given us on this special day.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3244, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1986

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 99-259) on the resolution (H. Res. 261) waiving certain points of order against consideration of the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION OF INQUIRY CONCERNING AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. HAMILTON, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 99-260, part I) on the resolution (H. Res. 226) directing the Secretary of Defense to furnish certain information to the House of Representatives relating to American prisoners of war in Southeast Asia, which was ordered to be printed.

DEMOCRATS SHOULD BUY AMERICAN

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, yesterday while President Reagan was announcing economic sanctions against South Africa, the Democrats were frolicking at the Speaker's Golf Tournament. The golfers were given a terry-cloth souvenir hat which says on the outside "Speaker's Tournament" and the initials "Democratic National Committee," but on the inside the label says "Made in the Republic of South Africa."

Mr. Speaker, it will not do much good for Republicans to condemn apartheid if the Democrats are going to keep boosting South Africa's economy. With our textile industry in such trouble, I hope next time the Democrats will buy American.

MANDATORY MEDICARE/SOCIAL SECURITY

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, part of the American dream for each of us has been the knowledge that we will have the resources to take care of ourselves throughout our lives.

A good example of how this has been accomplished is in my own State of Nevada, where State and local employees have contributed to a retirement system that will provide such security during the postretirement years.

Because of the overwhelming success of this system, I am strongly opposed to any congressional attempts to make Social Security and Medicare coverage for State and local employees, including teachers, mandatory.

Such a requirement would be inequitable, especially where a State's retirement system already meets the needs of the people.

I am, of course, referring to possible revenue-generating legislation now being considered by Congress to reduce the deficit, at the expense of Government workers nationwide, those workers who already are contributing their fair share to solvent retirement systems.

We're all concerned about solutions to balance the Federal budget, but I oppose action that loads such horrendous financial burdens on States like Nevada that have done an outstanding job of maintaining their own financial integrity.

DEFENSE AUTHORIZATION CONFERENCE REPORT

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, there is apparently no business pending before

the House today. We should be taking up the Defense authorization conference report. Some Members on your side are attempting to stall the bill in order to take a few more pot shots at it.

There will be a dangerous precedent set if a separate vote is demanded on this issue.

Do you think it's going to stop there seriously? Do you think the other body won't start playing little tricks like this every time the majority doesn't get its way in conference?

If we are going to open this up to a separate vote, why stop there? Why not do the same thing on the budget process?

Why not take separate votes on all issues about which certain Members feel strongly?

This could be the first crack in the dam. It could eventually lead to a deluge of separate votes.

Is this what we want to see? I think not.

We debated the Defense authorization bill. We voted. It was all fair and square. If we change the game rules here then they will surely be changed for other conference reports, here and in the other body.

Mr. Speaker, I submit it is a bad precedent and we ought not to take that route.

ONE MORE YEAR OF BUSINESS AS USUAL ON HAZARDOUS WASTE CONTROL?

(Mr. ECKART of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART of Ohio. Mr. Speaker, this year the 30th of September means much more than just the end of another fiscal year. It may also mean the end for one of the Nation's foremost environmental protection programs, the Superfund Program for cleaning up our Nation's hazardous wastes.

H.R. 2817, the $10 billion bipartisan bill that Congressman LENT and I introduced earlier this summer, and which has already cleared the House Committee on Energy and Commerce, would do much to alleviate the problems that the beleaguered program has experienced, but there are those who would use the September 30 deadline to offer a simple 1-year extension of the program. Nothing could be more dangerous or more hazardous to America's health than 1 year more as business as usual, 1 year more of delays, loss of funds, regulatory laxitives, lack of schedules, new incentives and development for permanent cleanup technologies, lack of delay of cleaning up Federal facilities, and the continued problems with leaking underground storage tanks.

Mr. Speaker, we need our $10 billion, 5-year reauthorization. Playing short-term politics with the health of millions of Americans is not in the Nation's interest.

□ 1210

A PROPOSED TOTAL 15-PERCENT CUT IN AMTRAK FUNDING

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, on August 1, just before we left for our August recess, we adopted the conference report on the budget by a pretty substantial bipartisan vote. Some people said that this was just a hollow promise, that it is a sham, and that when the actual appropriations come up, we will not even adhere to that.

We have two chances in the next few days to prove our cynics wrong, and I hope we do. Despite the fact that the budget conference report calls for a 15-percent reduction in the Amtrak funding level, both the Amtrak authorization bill and the Department of Transportation appropriations bill provide only a 10-percent cut in Amtrak funding.

It is clear, through our hearings and discussions and debate over this matter in the Committee on Energy and Commerce, that Amtrak can survive as an efficient and effective national railroad system with an extra 5-percent cut, and I intend to offer an amendment or amendments to both of those bills before us to bring this level to 15 percent.

Mr. Speaker, I hope our colleagues on both sides of the aisle will support this effort to demonstrate that all those things we said about the budget are not just hollow promises. What little credibility we have left with the American people will be lost if we cannot find an additional 5-percent funding cut for Amtrak.

OPPOSING USE OF TAX-DEDUCTIBLE FUNDS FOR PROVIDING MILITARY AID TO CONTRAS

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I rise to give warning to my colleagues as to American taxpayer subsidies to the Contra military forces in Nicaragua. Some private citizens in this country are making war in Central America, and doing it with tax-deductible funds.

One of these groups, the U.S. Council for World Freedom, in gaining tax exemption from the IRS, promised not to provide "materiel or funds to any revolutionary or counterrevolutionary group," and yet sent helicopters and riverboats to the Contras. The council's director, Maj. Gen. John K. Singlaub, admits to using his international contacts to channel lethal aid to the Contras. Another group, the Nicaraguan Refugee Fund, held a fundraising dinner, which netted over $200,000. Of this sum, only $3,000 went to aid refugees, while over $115,000 went for "consulting fees."

We have voted several times against providing military aid to the Contras, and yet several private organizations have been funneling supplies to the Contras, despite their promises to the IRS not to do so.

Twenty-six of our colleagues and I recently wrote to the Commissioner of the IRS, Roscoe Egger, suggesting that the IRS review the tax status of these organizations.

I urge your support of this much needed review. These organizations are not to aid the Contras militarily. They should not circumvent the law.

DEFICIT WATCH

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, none of us in this Chamber should wonder why we have $200 billion budget deficits, year after year. Some call the budget uncontrollable. It's no such thing. We in the Congress just refuse to control it.

Let me offer a perfect example. Chemical weapons. Immediately after the House passed its $56 billion deficit-reduction package last spring, we voted on chemical weapons. Here we were, faced with an up-or-down vote on a weapons system we don't really need—a weapons system whose purchase could easily be deferred—a weapons system whose ultimate price tag could reach $20 billion.

How did the Congress vote? To spend the money. Three-quarters of the freshman Members voted that way, and they made the difference. I'll bet many had campaigned as fiscal conservatives, promising to cut the deficit once they came to Washington. But, when the chips were down, they voted to spend.

The House will have a second chance to vote on chemical weapons soon. I'll be interested in seeing what happens this time. So will the American people.

SOUTH AFRICAN SANCTIONS

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, on the question of South Africa, we must ask how much is enough. Yesterday, the President took some steps in the right direction by imposing sanctions against the apartheid government of Pretoria. But considering the magni-

tude of injustice in South Africa, the administration's action is too tentative and too grudging—it is simply not enough.

Policy as important as our South Africa policy cannot be conducted on the level of rhetoric and symbolism. It must have the force of law—which is why I supported the sanctions bill that we passed with overwhelming bipartisan support. Unlike the administration's action, this bill gives hope to the forces of moderation and nonviolence in South Africa—at the same time it eliminates our Nation's complicity with the abhorrent system of apartheid.

Americans are a proud people because we believe that our Nation stands for right over wrong. We know that racism is wrong. We know that apartheid is wrong. And we know that constructive engagement with a government that practices racism and apartheid is wrong. Let us not soft pedal our Nation's policy. Let us send a united message to the world and to the people of South Africa that the American people stand for what's right—that we stand for justice and an end to apartheid.

INVOKING A TEMPORARY IMPORT SURCHARGE TO ADDRESS TRADE IMBALANCE PROBLEMS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, although we returned to work last week, the thoughts and comments of our constituents are still fresh in our minds. During my travels through the 23d District of Pennsylvania, I talked with a lot of folks who had one question on their minds—what are we in Congress going to do about the trade deficit, and more importantly the resultant loss of jobs?

It is increasingly apparent that Congress may take some severe measures if the administration fails to devise a proposal which deals with our trade difficulties. I am also in favor of taking prompt action, as long as it is responsible and reasonable in its approach, and does not contribute to the initiation of a trade war with our partners. Still, our American companies and workers need relief, and the time has come to act.

Last month, I wrote to the President asking him to invoke section 122 of the Trade Act of 1974. This would allow him to impose an import surcharge of up to 15 percent, in the form of duties, on articles imported into the United States. It would not last longer than 150 days without congressional approval and could be targeted to specific countries and imported articles.

Mr. Speaker, with our annual trade deficit approaching $160 million, it is clear that Congress and/or the administration will do something, and soon, in the area of trade. Of course, a temporary and minimal import surcharge would not, by itself, solve all our trade problems. But it could be an intermediate step to show our determination to address our problems, while not committing us to long-term approaches that gamble our future economic well-being.

HOUSE OF REPRESENTATIVES,
Washington, DC., August 2, 1985.

Hon. RONALD REAGAN,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to you to ask that you consider responding to our persistent trade difficulties with Japan by invoking Section 122 of the Trade Act of 1974.

As you know, Section 122 provides you with temporary authority to impose an import surcharge of up to 15% ad valorem, in the form of duties, on articles imported into the United States. This authority, not to exceed 150 days without Congressional approval, can be invoked "to deal with large and serious U.S. balance-of-payments deficits", and can be targeted to specific countries and to specific imported articles.

As you are aware, with our 1985 trade deficit expected to reach a record $160 billion, protectionist sentiments in Congress and around the nation have grown to incredible proportions. These have particularly focused upon Japan, which is likely to have a 1985 merchandise surplus of almost $50 billion with the U.S. This imbalance has affected and will continue to affect virtually every region of our country and every sector of our economy.

Let me point out, Mr. President, that clear precedent exists for the use of an import surcharge. As noted in the Senate Finance Committee report accompanying the 1974 Trade Act: "the use of surcharges for balance-of-payments purposes has gained de facto acceptance in GATT. Major industrialized countries which have resorted to surcharges include France in 1955, Canada in 1962, the United Kingdom in 1968, and Denmark and the United States in 1971."

It is my belief, Mr. President, that invoking Section 122, targeted specifically against Japan, would effectively emphasize our concerns regarding the bilateral trade relationship. At this time of enormous federal budget deficits and an overvalued dollar, it would also add much needed revenue to the Treasury, decrease U.S. demand for Japanese goods by readjusting the undervalued yen, improve the balance of U.S. exports to Japanese imports, and give the U.S. additional leverage in encouraging Japan to allow U.S. exports greater access to Japanese markets, thereby preserving and creating American jobs.

Moreover, Section 122 can specifically target Japan, minimizing the potential for friction with GATT members. In addition, Section 122 allows the exclusion of those imports that meet the special needs of the U.S. economy, can be rapidly instituted or rescinded by Executive Order, and would be limited to only 150 days unless extended by a specific act of Congress.

I would also argue that the use of Section 122 authority as a trade policy option is vastly superior to the numerous proposals currently before Congress. The Gephardt-Bentsen-Rostenkowski 25% import surcharge proposal (H.R. 3035, S. 1449), to take one example, is far less flexible than Section 122. It would remain in force until 1991, it could not be targeted to specific countries, it does not allow the exclusion of certain imports, and its surcharge level is probably too high for price increases to be readily absorbed by the exporting nations.

Mr. President, I share your belief in a free market system, and appreciate your efforts to balance the many elements of our trade and economic policies. But free trade can not be a unilateral U.S. policy. Japan does not practice free trade, and until our trade difficulties are resolved we need to adopt policies that encourage a speedy and equitable resolution of these difficulties. Section 122 authority will help us accomplish this goal, and I strongly urge you to invoke its provisions.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Member of Congress.

THE UNITED STATES
TRADE REPRESENTATIVE,
Washington, DC., August 23, 1985.

Hon. WILLIAM F. CLINGER, Jr.,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BILL: I have been asked to reply to your letter of August 1 to the President concerning the problem of the U.S. trade deficit and the potential use of Section 122 of the 1979 Trade Act to impose a temporary surcharge on imports.

I think that we are in agreement that we have several major problems on the trade front. One of the primary problems is the very large federal budget deficit which the President and many in Congress wish to see reduced substantially. As you note, we also have experienced a strong dollar, which impedes our exports and encourages U.S. imports. This has resulted from the inflow of foreign capital to partially finance our federal deficit and economic growth. Further, we have had poor growth in our major export markets, with a severe debt crisis in many developing countries which has cut our exports. Finally, and very importantly, in some major markets, such as Japan, we face barriers to our exports of goods and services and distortions to flows of direct investment.

Our trade deficit reflects the cumulative effect of these problems. But is a temporary surcharge the answer? Wouldn't a surcharge detract from the attention needed to continue our efforts to reduce federal spending and deficits? At the end of the "temporary" period of the surcharge, wouldn't we be back where we are now?

Japan accounts for less than a third of our world trade deficit. Therefore, to substantively reduce the trade deficit, we would have to impose a surcharge much more generally than only on Japanese products. However, most of our trade partners would retaliate against our exports, since they do not believe that they should pay the price of our excessive budget expenditures and a strong dollar.

To make the maximum contribution to reducing our trade deficit, we have to work hard to reduce our federal expenditures in order to bring them more in line with our revenues. We also have to vigorously pursue our national trade interests. Instead of a broad or selective surcharge, I believe that, should our trade partners not play the game fairly, we must employ specific actions to gain leverage to achieve more open markets.

I hope that you will continue to work on the trade issue. It is one of the most important national economic issues that we have to address. I also hope that you will continue to express your thoughts and recommendations to the President and me.

Sincerely,

CLAYTON YEUTTER.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1985.

Hon. CLAYTON YEUTTER,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: Thank you for your response to my recent letter to the President regarding Section 122 of the Trade Act of 1974. I appreciated your comments and agree with much of what you said.

In particular, I agree that the budget deficit is an important factor in our trade problem. I was hopeful that we would do more on this, and was disappointed that we chose a policy that delays the tough decisions until next year.

Yet, having said this, I must also say that I don't think that the solution to our trade deficit can wait until we solve our budget problem. Several countries, most notably Japan, have domestic policies which in some way discriminate toward our exports. These need to be dealt with, regardless of any action we take on the budget. Moreover, I'm not convinced that a lower budget deficit and a resulting lower dollar can occur soon enough to enable U.S. industries to rapidly recapture the foreign and domestic markets which have been lost in recent years due to both macro and microeconomic problems.

I also agree that the imposition of Section 122 is not a substitute for a long-term trade policy which is well-reasoned and part of an overall U.S. approach to economic policy. However, Section 122 would serve several purposes. First, it could serve as an alternative to many of the other trade proposals currently gaining momentum in Congress. The surcharge doesn't have to be 15%, it could be 10% or even 5%, and it doesn't have to last a full 150 days and could be targeted to specific countries and products. Second, it would send an appropriate signal to those countries, particularly Japan, that believe we will continue to maintain the unacceptable status quo in our trade policy (I know you agree we need a trade policy that goes beyond mere "nagging"). Third, it would give the Administration and Congress more time to prepare a comprehensive trade policy to deal with our trade partners in the future. Fourth, it could provide short-term relief to those industries and individuals feeling the pinch from the surge in imports.

Like yourself, I do believe that we should work to avoid a trade war. In my opinion, it would certainly be disastrous for all concerned. However, it is also my belief that we can best avoid retaliation by our trading partners by looking at measures which are short-term in nature and less severe than those such as a 25% long-term import surcharge.

I agree that a temporary surcharge is not the entire answer to this very complex problem; however, until our trading partners realize that the United States will not continue to allow the kind of unfair trading practices that have contributed to our $150 billion 1985 trade deficit, I believe that stronger steps are necessary.

I would be happy to meet with you at the appropriate time to discuss this matter in greater detail. Thank you again for your letter.

Sincerely,

BILL CLINGER,
Member of Congress.

THE HOUSE WEDNESDAY GROUP,
Washington, DC, September 4, 1985.

Letters to the EDITOR
New York Times,
New York, New York 10036

DEAR SIR: The Times has correctly identified the need to offer an "alternative to workers displaced by imports" ("Pay $68,000, Save a Shoemaker"—August 27), rather than answering the call for protectionism ringing through the halls of Congress.

One way to address this problem would be for Congress to pass a retraining proposal recently introduced by Representatives Bill Clinger (R-PA) and Nancy Johnson (R-CT)—The National Training Incentives Act of 1985, H.R. 1219. This legislation, backed by cosponsors ranging from conservative Republicans to members of the Black Caucus, has several significant provisions which would help to retool U.S. workers.

First, it would provide a 25% tax credit for training expenses in excess of a 5-year historical average, thereby rewarding the type of retraining, on-the-job training, which labor and business agree is the most effective. Structured like the R&D tax credit, this provision will only be used if business decides it needs to spend more on retraining and will generate $4 in private-sector financed retraining for every dollar lost in federal revenues.

This approach is particularly important when considering the bias which now exists in the tax code between incentives for R&D and plant and equipment and for worker retraining. For example, in FY 1986, tax incentives for R&D and plant and equipment totaled $79.2 billion, while incentives for worker retraining came to a paltry $25 million. This represents a ratio of over 300 to 1. This is even more appalling when you consider that in recent years the contribution of education and training to total productivity growth is about one-half.

Another component of the Clinger-Johnson proposal would permit workers to finance retraining with money withdrawn, without penalty or taxation, from their IRAs or annuity accounts. This would allow roughly 13 million working class households to take advantage of an already established network of retirement financing.

Although some might argue that the IRA was designed exclusively with retirement in mind, it is interesting to note that a similar retirement vehicle, the 401(k) Deferred Compensation Plans, does not have the inflexibility of the IRA, but instead allows for early withdrawal for a variety of purposes, including but not limited to the payment of college tuition, purchasing a home, or even the coverage of unreimbursed medical costs, depending upon the particular plan.

A third provision of this important legislation removes a significant disincentive to retraining by allowing any displaced worker who is otherwise eligible for unemployment compensation to collect unemployment assistance while participating in a training program. Unfortunately, at present only 13 states allow a worker in a retraining program to receive unemployment compensation. This must change. We do not need a system which mandates that people wait until their unemployment has run out before they can develop a new skill.

Our nation needs to pursue a more vigorous employment policy so that America's workforce will not lag behind with outmoded skills while technology moves forward. While others advocate the use of protectionist measures to keep jobs in this country, we believe an alternative such as H.R. 1219 is a positive and far-sighted proposal which comes to grips with changes in the world economy. As the Times correctly observes, "policymakers who want growth must do more than nobly pledge allegiance to free trade." The Clinger-Johnson proposal is just such an effort.

Sincerely,

STEVEN HOFMAN,
Executive Director.
DAVID HEBERT,
Research Associate.

PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA FALLS SHORT OF CONGRESSIONAL GOALS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, by continuing to resist the congressional sanctions legislation and by offering his own far weaker version of sanctions in his Executive order, President Reagan continues to fail to take advantage of an opportunity he now has to both embrace and strengthen the extraordinary bipartisan concensus that exists, within this Congress and across this land of ours that we must make a very direct break with the policies of constructive engagement.

In South Africa itself, the President's Executive order will be understood essentially as a means of trying to resist stronger sanctions. It thereby encourages the Afrikaners, the white minority regime, in their belief that they can in fact hold on indefinitely, that the current American interest in South Africa is only a passing fancy, and that they can maintain their horrendous system of apartheid without real economic cost and without any significant degree of international isolation. The President's executive order is temporizing. His constant remarks by way of an apology for South Africa are only encouraging greater repression, inviting greater violence, and terribly compromising American interests not only in South Africa but throughout the African Continent.

Mr. Speaker, I urge the President to abide by the consensus that exists in this Congress to give his support to the congressional sanctions legislation.

SUPERFUND REAUTHORIZATION—WE MUST ACT NOW

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LENT. Mr. Speaker, on September 30, 1985, Superfund, the most important environmental law enacted in this decade, is scheduled to expire. We must not allow this to happen. Congress must act immediately to reauthorize and strengthen this vital program governing the cleanup of our Nation's hazardous waste sites.

Superfund is a complex law, involving serious and controversial issues. Some would avoid confronting these issues by enacting a simple 1-year extension of the legislation. That kind of nonaction would have disastrous consequences for the Superfund Program and for the environmental health of this Nation.

The Environmental Protection Agency has planned to spend $900 million for the cleanup effort in fiscal year 1986. A 1-year extension at current funding levels would slash that obligation by fully two-thirds, to $300 million. EPA would be forced to slam on the brakes, stopping a critical program which is finally gaining momentum. I have a list of 67 hazardous waste sites at which EPA has already slowed or delayed cleanup pending the extension and expansion of this program. I am submitting the list of sites for the RECORD.

Mr. Speaker, if we fail to enact a comprehensive reauthorization of Superfund, we will have failed the citizens who look to us to protect their health. I urge my colleagues to join me in working for immediate House action on a comprehensive Superfund reauthorization bill.

SITES AT WHICH WORK HAS BEEN HALTED DUE TO UNCERTAINTY OF SUPERFUND REAUTHORIZATION

Site name	Stage[1]
EPA Region I:	
Charles-George Reclamation Trust Landfill, Tyngsborough, MA	RA
Groveland, Groveland, MA	RD
Hocomoco Pond, Westborough, MA	RD
Nyanza Chemical Waste Dump, Ashland, MA	RD
Nyanza Chemical Waste Dump, Ashland, MA	RA
Beacon Heights Landfill, Beacon Falls, CT	RD
McKin Co., Gray, ME	RA
Picillo Farm, Coventry, RI	RD
EPA Region II:	
Bog Creek Farm, Howell Township, NJ	RD
Bridgeport Rental & Oil Services, Bridgeport, NJ	IRM
Bridgeport Rental & Oil Services, Bridgeport, NJ	RA
Burnt Fly Bog, Marlboro Township, NJ	RD
D'Imperio Property, Hamilton Township, NJ	RA
Gems Landfill, Gloucester Township, NJ	RD
Gems Landfill, Gloucester Township, NJ	IRM
Glen Ridge Radium Site, Glen Ridge, NJ	RD
Goose Farm, Plumstead Township, NJ	RD
Helen Kramer Landfill, Mantua Township, NJ	RD
Lipari Landfill, Pitman, NJ	RD
Montclair/West Orange Radium Site, Montclair/West Orange, NJ	RD
Swope Oil & Chemical Co., Pennsauken, NJ	RD
Marathon Battery Corp., Cold Springs, NY	RD
Olean Well Fields, Olean, NY	RD
Sinclair Refinery, Wellsville, NY	RD
Sinclair Refinery, Wellsville, NY	IRM
Wide Beach Development, Brant, NY	RD
York Oil Co., Moira, NY	RD
EPA Region III:	
Douglassville Disposal, Douglassville, PA	RD
Drake Chemical, Lock Haven, PA	RD
Lackawanna Refuse, Old Forge Borough, PA	RA
Lansdowne Radiation Site, Lansdowne, PA	RD
Moyers Landfill, Eagleville, PA	RD
Tysons Dump, Upper Merion, PA	RA
Sand, Gravel & Stone, Elkton, MD	RD
EPA Region IV:	
Davie Landfill, Davie, FL	RD

SITES AT WHICH WORK HAS BEEN HALTED DUE TO UNCERTAINTY OF SUPERFUND REAUTHORIZATION—Continued

Site name	Stage[1]
Miami Drum Services, Miami, FL	RD
EPA Region V:	
Acme Solvent, Morristown, IL	RD
Byron Salvage Yard, Byron, IL	RA
Outboard Marine Corp., Waukegan, IL	RD
Wauconda Sand & Gravel, Wauconda, IL	RD
Charlevoix Municipal Well, Charlevoix, MI	RD
Charlevoix Municipal Well, Charlevoix, MI	RA
Northernaire Plating, Cadillac, MI	RD
Verona Well Field, Battle Creek, MI	RD
Verona Well Field, Battle Creek, MI	RA
Eau Claire Municipal Well Field, Eau Claire, WI	IRM
Schmaltz Dump, Harrison, WI	RD
Arcanum Iron & Metal, Darke County, OH	RD
New Lyme Landfill, New Lyme, OH	RD
Old Mill, Rock Creek, OH	RD
Old Mill, Rock Creek, OH	RA
Lehillier/Mankato Site, Lehillier/Mankato, MN	RD
EPA Region VI:	
Bayou Bonfuca, Slidell, LA	RD
Bayou Bonfuca, Slidell, LA	RA
Old Inger Oil Refinery, Darrow, LA	RA
Bio-Ecology Systems, Inc., Grand Prairie, TX	RA
EPA Region VII:	
Ellisville Site, Ellisville, MO	RA
Aidex Corp., Council Bluffs, IA	RA
EPA Region VIII:	
Woodbury Chemical Co., Commerce City, CO	RA
EPA Region IX:	
Celtor Chemical Works, Hoopa, CA	RD
Celtor Chemical Works, Hoopa, CA	RA
Del Norte County Pesticide, Crescent City, CA	RD
San Gabriel Valley, La Puente, CA	IRM
EPA Region X:	
Commencenent Bay, Well 12A, Tacoma, WA	RA
Western Processing Co., Inc., Kent, WA	RD
Western Processing Co., Inc., Kent, WA	IRM
United Chrome Products, Inc., Corvallis, OR	RD

[1] Stage refers to the phase of remedial action. RD = detailed design stage or development of plans and specifications; RA = remedial action or the actual implementation of the selected cleanup option; IRM = Initial Remedial Measure or implementation of a small cleanup action prior to final remedy.

THE "YUGO"—A PRODUCT OF SLAVE LABOR

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, when President Reagan lifted the voluntary auto import restrictions last March, he opened the floodgates for foreign cars entering our shores. Now, there is yet another new entry in the race to capture our American market. It is called the Yugo. It is built in Yugoslavia. Ringing in at $3,990, it is being purchased sight unseen in many parts of the country. The low price sounds magnificent, but let's consider why. The workplace in Communist Yugoslavia is a far cry from what it is here in America. How can our workers possibly compete with Yugoslavian workers who have no rights and work for 60 cents an hour? Slave labor. And because Yugoslavia is a Communist country, its companies can afford to build this car at a loss just to steal more of our domestic market. A very clever subversion of our economic system, isn't it.

There is no question that there is room for improvement in the American auto industry. It must modernize, improve quality, and expand productivity. But what this trade issue really comes down to is fairness and a decent standard of living for families across America. The flow of foreign goods on our markets, like the Yugo, may look good to some shortsighted consumers. But when imports rob jobs, America suffers. Our standard of living is second to none. It depends on workers working and plants producing. Our Nation's trade policy must reflect this reality. As President Lincoln said, if this country ever falls, it will fall not from without, but from within.

PAY RAISES FOR GPO EMPLOYEES

(Mr. MONSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONSON. Mr. Speaker, while holding town meetings in my district in Utah during the August recess, I learned that the problem of greatest concern to my constituents is still the ever growing Federal deficit. We here in Congress debate that issue regularly. Yet, despite our talk about reducing the deficit and cutting the budget, many situations exist which are defeating our efforts.

As a founding member of the Grace Commission caucus, I have been concerned for some time now that so much of taxpayers' money is going to support unnecessary Federal spending each year. One classic case is the Government Printing Office which employs 2,300 Federal employees. These workers have long been among the highest paid in their profession, in or out of Government. In fact, some are being paid up to almost $18,000 a year more than people with similar jobs in the Government.

Yet, the Joint Committee of Printing recently granted permission for the GPO to receive generous 15 percent cost-of-living pay hikes over the next 3 years for all GPO craft workers. If we continue to allow this kind of unnecessary generosity, we will never gain control over Government spending and our ever-increasing Federal deficit.

Mr. Speaker, I include an article by Donald Lambro with my remarks in the RECORD to further explain this example of wasteful spending:

[From Human Events, July 20, 1985]

GOVERNMENT PRINTING OFFICE PAY RAISES SOAK TAXPAYERS

(By Donald Lambro)

REAGAN APPOINTEE IGNORES BUDGET DEFICITS

Let's say you're the head of a large corporate subsidiary and your parent company's running a $200-billion annual deficit. The interest payments alone on your debts are costing you $130 billion a year. The board of directors has voted to slash spending next year by $56 billion to bring the firm's fiscal crisis under control, but it remains deeply split about where to cut.

Meanwhile, your workers are demanding a pay raise (these workers don't care if the

company's plunging into debt) and you've got to decide whether your company can afford to give it to them. What do you do?

That's the real-life situation that faced Ralph E. Kennickell Jr., head of the $600-million Government Printing Office, whose 2,300 printers, bookbinders and production workers have long been among the highest paid in their profession, in or out of the government.

Congress' investigating arm, the General Accounting Office, discovered in 1983 that GPO workers were being paid from $3,222 to $17,879 more than workers performing similar jobs elsewhere in the government.

Yet Kennickell's incredible decision was to offer GPO's craft workers a generous cost-of-living raise of up to 15 percent during the next three years and to cut their workweek from 40 hours to 37-and-a-half hours.

In making the wage-hike offer, Kennickell was thumbing his nose at the Administration's efforts to cut the budget as well as the budget-cutting mood in Congress. Faced with another record-shattering $200-billion-plus deficit next year, both the House and Senate budget bills called for freezing federal pay where it is.

However, Kennickell, seemingly oblivious to all this, volunteered the pay hike without any real effort to engage in tough negotiations with his printers. "He just handed it to them on a silver platter," said one well-placed GPO official.

But before the wage hike could take effect, it had to be approved by GPO's lord and master, Congress' Joint Committee on Printing—which, in the past, has been notoriously generous to the printer unions that represent GPO's craft workers. Notably, the chairman of the committee is Maryland Sen. Charles Mathias. Many GPO employes live in his state, and their unions have enthusiastically supported his reelection campaigns.

Thus, despite a budgetary crisis of historic proportions, when the Joint Committee on Printing met on June 13, it merrily voted, by 6 to 2, to ratify Kennickell's costly give-away to GPO's printers—leaving taxpayers to foot the bill.

The big spenders who irresponsibly agreed to the pay raise were Senators Mathias, Mark Hatfield (R.-Ore.) and Wendell Ford (D.-Ky.); plus Representatives Joseph Gaydos (D.-Pa), Ed Jones (D.-Tenn.) and Frank Annunzio (D.-Ill.).

Only two lawmakers on the committee opposed the pay raise: Representatives Robert E. Badham (R.-Calif.) and Pat Roberts (R.-Kan.).

Under the wage package that the committee rubber-stamped, GPO craft workers will receive a whopping 4.6 percent pay raise this year and up to a 5 percent raise—depending upon the cost-of-living index—in each of the succeeding two years.

"These lucrative benefits," Rep. Roberts told me, "fly in the face of every taxpayer willing to sacrifice in an effort to reduce the deficit."

Why would Kennickell—whose patron is Georgia's Mack Mattingly, one of the Senate's staunchest foes of excessive federal spending—push for this pay raise? Many believed that by supporting the raise for GPO workers, he hoped to improve his weakened chances in the Senate Rules Committee, which has been stubbornly sitting on his embattled nomination since last year.

At this writing, the Rules Committee panel, also chaired by Mathias, was expected to vote soon on Kennickell's nomination. That nomination had been snared in a controversy over Kennickell's financial-disclosure form, in which he reported earning about $20,000 more in 1981 than he actually did earn. He attributed the error to "carelessness."

However, whichever way that vote turns out, Kennickell and Congress' Joint Committee on Printing already have done irreparable damage to the efforts to halt the spending spiral at GPO.

The fact that Kennickell, a Reagan appointee from Georgia, could make such an offer reveals why some of the President's most conservative allies in Congress have been suspicious of Kennickell ever since the White House picked him to succeed GPO Public Printer Danford Sawyer last year.

THE LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1985

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, this morning the Committee on the Judiciary, by a unanimous voice vote, favorably reported the bill, H.R. 3132, the Law Enforcement Officers Protection Act of 1985.

One of the major new dangers that our Nation's police officers face on patrol or in investigation, is that the criminals are arming themselves with "cop-killer bullets," ammunition specially designed to penetrate their protective armor.

This bill reflects more than 3 years of work on this problem by the Subcommittee on Crime and the Administration. The result is a balanced, workable bill that will provide law enforcement officers with protection from armor piercing ammunition. I want to commend our distinguished colleague from New York, MARIO BIAGGI, for his tireless efforts in helping us to overcome the obstacles that this bill has faced.

The ammunition covered is carefully and narrowly defined, and has no sporting purpose. The bill would prohibit the manufacture and importation of this ammunition except for limited purposes.

The only issue about which there is any disagreement is controlling the sale of this ammunition. The administration's experts concede that it is quite possible that several million rounds of this ammunition could be available on gun dealers' shelves. It is this ammunition that now poses the greatest danger to our Nation's police officers. This bill prevents its sale to the general public by licensed dealers.

This bill will give our Nation's police officers an urgently needed margin of safety. Passage of this legislation must be our highest priority. We must not be blinded by the smokescreen of the National Rifle Association which says that this measure takes away from the Nation's sportsmen.

This ammunition cannot be controlled if it is primarily intended to be used for a sporting purpose. Nothing is taken away from sportsmen.

I urge the House to support prompt passage of this bill to protect the Nation's law enforcement officers.

□ 1225

AMERICAN BUSINESS WOMEN'S DAY

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I am introducing a bill which requests the President to designate September 22, 1986, as "American Business Women's Day."

This day would mark the importance of American business women to the whole Nation. This day is supported by the American Business Women's Association which actively promotes professional and educational advancement for women. ABWA has more than 110,000 members and 2,100 chapters.

This organization awards scholarships to women not only entering college, university, or vocational training programs, but also to women who need to refresh job skills before reentering the work force and to women who need certain courses in order to qualify for promotion and career advancement. Since 1949, ABWA has awarded more than $18 million in scholarships. Just last year, ABWA awarded $2.9 million to over 5,700 women.

The ABWA deserves a hearty congratulation for their work in behalf of an important group, the American business woman.

Mr. Sanders, I invite you and our colleagues to join me in celebrating American Business Women's Day on September 22, 1986.

PRESIDENT MISSES OPPORTUNITY FOR PEACEFUL SOLUTION IN SOUTH AFRICA

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, President Reagan has missed a tremendous opportunity to assist moderate whites and black leaders such as Bishop Desmond Tutu in moving toward a peaceful end to apartheid in South Africa.

The President has derailed the bipartisan legislation containing economic sanctions against the government in Pretoria, which passed the House by a vote of 380 to 48, and in an earlier version, the Senate, by a vote of 80 to 12.

The President's Executive order invoking sanctions against South Africa

should be seen for what it is: an invidious political tactic. The sanctions moving through Congress were a sincere effort to alleviate the suffering of millions of black South Africans under the yoke of apartheid. It is disturbing in the extreme for the President to reduce this effort to a mere political maneuver designed: First, to head off a confrontation with Congress; and second, as the New York Times put it, "above all to protect South Africa from significant harm."

Mr. Speaker, the people of the United States and the people of South Africa both deserve better.

A FEW THINGS THAT HAPPENED WHILE CONGRESS WAS OUT OF TOWN: SEVEN AMERICANS REMAIN HOSTAGES IN LEBANON

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, a few things happened while Congress was out of town concerning the seven Americans held hostage in Lebanon.

I had the privilege of meeting with President Assad of Syria, Vice President Khaddam and Foreign Minister Shara in Damascus in mid-August on behalf of my constituent Father Lawrence Jenco and the six other Americans held hostage in Lebanon, as well as the 4 Frenchmen. I was most graciously received by President Assad and his Government. Our talks were frank and open. I sincerely hope that these efforts may encourage a renewed search to locate and effect the release of the American and French hostages.

NBC reported Sunday that the wives of two Frenchmen kidnaped in Beirut have received letters from their husbands.

A Kuwaiti Embassy employee kidnaped in Beirut on July 11 was released unharmed at midnight August 12, after 33 days of captivity.

Mr. Speaker, today marks the 246th day of captivity for Father Lawrence Jenco, a Servite priest from Joliet, IL, and a personal friend.

William Buckley, a U.S. Foreign Service officer has been held hostage 543 days today.

Today marks the 490th day of captivity for Rev. Benjamin Weir, a Presbyterian minister

Terry Anderson, the Associated Press bureau chief in Beirut, was kidnaped 178 days ago.

Today is the 105th day of captivity for David Jacobsen, the director of the American University Hospital, Beirut.

Thomas Sutherland, dean of the agriculture school at the American University, has been held for 92 days.

Today also marks the 280th day since the disappearance of Peter Kilburn, the American University librarian.

Mr. Speaker, the hostage crisis in Lebanon continues.

EXECUTIVE ORDER ON APARTHEID NOT ENOUGH

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, it is somewhat encouraging that the White House has finally rethought its policy toward South Africa and the President by Executive order is attempting to preempt any action in the other body on a conference report that has been over there for some time where we have overwhelming bipartisan support for the imposition of sanctions representing our distaste and our abhorrence with apartheid and the repressive actions of the Government in South Africa. But issuing the Executive order, unfortunately, is not going to solve anything, in my judgment. The preemption might work for a while in the other body, but the issue is not going to go away because the Executive order does not do away with the issue.

So what we have, unfortunately, appears to be a confrontation between the President and the Congress where the Congress overwhelmingly wants to do something and it will be so interpreted in South Africa. What we need to have, of course, is a challenge to that government and a change of the U.S. policy. The best way to do that would be statutorily where you have strong bipartisan support and you show to the world that the executive branch and the legislative branch are joined together in making a statement with respect to our opposition on what is going on in South Africa. The way it looks now is it appears to be that we are divided, that something else has happened. I think that is unfortunate.

What should really happen is the other body should take that conference report, send it to the President and the President should sign it and let it become law. Then everybody would know exactly where the United States stands.

ABOLISH THE SYNTHETIC FUELS CORPORATION

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, in a burst of can-do spirit, Congress launched the Synthetic Fuels Corporation in 1980 with a $15 billion appropriation and a mandate to go forth and create fuel from oil shale. It didn't matter that the technology was not readily at hand, $15 billion could get it there as needed.

Just in case the outright $15 billion was not enough, Congress said, let there be price supports and loan guarantees. After all, they don't cost anything. Synfuels, it was decreed, would lead the way to enhanced national security and energy independence.

Five years later we are no closer to a commercial synfuels industry. The Synthetic Fuels Corporation has wasted money by the barrel, given new meaning to the word mismanagement and has served as a glaring example of Government waste, fraud, and abuse. If anything, the money wasted on the Synthetic Fuels Corporation has hurt our national security and made us take giant steps backward from more self-sufficiency in energy production.

The House of Representatives has done the correct thing in deleting funds for the Synthetic Fuels Corporation in the Interior appropriations bill.

May our brother legislators across the Capitol bring us closer to debt independence by excising the $6 billion for synfuels in their Interior appropriations bill. And may our enthusiasm for fiscal responsibility be put to good use by passing legislation to terminate the present synfuels program. Amen.

TRADE ANNOUNCEMENT ON BRAZIL

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, if President Reagan's recent announcement here in Washington was supposed to reassure America that we have the resolve to develop a firm and fair trade policy, it did not.

Among the nations which the President targeted for attention in our foreign policy as to trade last Saturday was the nation of Brazil and the President specified that Brazil's resistance to American exports of computer products would be taken on head on.

There was an announcement, though, several weeks ago which received less fanfare and attention relative to Brazil. That announcement was made here in Washington by our Treasury Department and it will have a more far-reaching effect on the economy of the United States than the announcement by the President that we are going after Brazil's imports of American computers.

On August 27 our Department of the Treasury announced that they would allow the Brazilians to export ethanol to the United States duty free until November 2.

At a time when American workers in Decatur, IL, and across the Nation are

battered with imports, we will allow up to 500 million gallons of blended Brazilian ethanol to come in duty free.

At a time of a Federal deficit, by not collecting the duty, we will walk away from $300 million that our Treasury could be amassing.

At a time of depressed agricultural prices, this decision by the Treasury will drop the price of corn 15 cents a bushel.

At a time of farm foreclosures across our Nation, American farmers will lose $1.2 billion in farm income because of this Treasury decision.

As we have incurred the largest trade deficit in the history of the United States, we need only look to decisions like these for the cause.

Is it any wonder in light of this Treasury decision that Congress here in Washington and the American people are demanding a trade policy that makes sense and stops this crippling export of our Nation's jobs and wealth.

BEST WISHES TO THE HONORABLE TOM BEVILL

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, when we returned last week from our August work recess, a familiar face, good friend and distinguished colleague was noticeably missing from our ranks. Fortunately, Congressman TOM BEVILL is only temporarily absent, and I am happy to report that he is doing well, recovering in his Jasper, AL, home from heart bypass surgery a few weeks ago.

Over the years, Alabamians have been wise in their selection of public servants to represent us and our country. Statesmen like the late Speaker William Bankhead, his father John, and Senators Jim Allen, Lister Hill, and Justice Hugo Black have all received their rightful degree of respect during their tenure here in this House and in the other Chamber as well.

Today, the Alabama delegation is honored to have TOM BEVILL as one of our most distinguished Members. Webster's Dictionary defines a stateman as "one who exercises political leadership wisely and without narrow partisanship." An abbreviated definition of a true statesman would simply be "TOM BEVILL."

TOM, we all wish you a speedy recovery. Get well soon, we need you here in Washington.

TIME RUNNING OUT FOR CONGRESS TO ACT ON TRADE PROBLEMS

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, time is running out for Congress to act responsibly on the trade problems that beset this country. We can no longer ignore the trade deficit, the unfair policies that give other nations a competitive edge, the emerging threat this agreement represents to our domestic industries.

This administration has no trade policy; indeed President Reagan just recently recognized there was even a problem.

But time is running out on our Government to correct this ominous trend. And patience is running out in Congress.

Yet there is a right way and a wrong way to deal with this problem. Reorganizing the executive branch to better cope with trade matters is a step in the right direction.

Today I am introducing a bill to establish a new Department of Commerce and Trade. This department would consolidate most of the trade functions now delegated to the Trade Representative and the Secretary of Commerce. The new Secretary would be the principal spokesman for the administration on trade and would be the President's top trade negotiator. The Department would administer our import relief and export control laws and would administer our export promotion programs.

Responsible trade reorganization can strengthen the formulation and implementation of U.S. trade policies, improve coordination among the agencies, and increase the weight given to our trade negotiators, and enhance our competitive position in world mandates.

NATIONAL DAY OF FASTING TO RAISE FUNDS TO COMBAT HUNGER

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, this week I will be introducing a resolution declaring the Sunday prior to Thanksgiving, November 24, 1985, as the "National Day of Fasting to Raise Funds to Combat Hunger." This is not a commemorative piece of legislation, but a bipartisan effort to raise money to feed the hungry in the United States and around the world.

The resolution encourages the people of the United States to forfeit one or more meals (if they can) on that day, Sunday, and contribute the money saved from those meals to a hunger relief organization. The quality that makes this resolution outstanding is that: First, it costs those who choose to participate nothing more than what they would have spent on food for their own meals; second, it gives the American people an opportunity to share potentially tens-of-millions of dollars in aid with victims of hunger; and third, it costs the Government absolutely nothing.

What better way is there to celebrate the blessings in our lives, but to generously share with those less fortunate? Mr. Speaker, I invite my colleagues to join me as original sponsors in support of this most special event.

MORE BAD NEWS FROM THE FARM

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, if we truly want to keep American families on the land, Congress must address the farm credit crisis now.

Recent disclosures that the Farm Credit System, may need a Federal Government bailout to survive, is just the latest in a series of developments that have staggered the farm community. First quarter reports on the farm economy showed us that farm income had dropped more than 30 percent from 1 year ago when we said farm income equaled the 1930's. Bankers polled recently in the Southwest reported more than half of their farm loan repayments were lower than 1 year ago. Farm prices are substantially lower than last year. Small business closings in rural communities are higher than last year. Bank failures have reached alarming numbers. Many American farm communities are taking on the appearance of ghost towns. We're losing an American way of life.

Today, a newspaper in my State reports that the farm economy has become so depressed in parts of Oklahoma that suicide counselors say there is a definite increase in cases within the agriculture community.

Mr. Speaker, the farm bill will not solve these problems. The farm community is bearing the brunt of U.S. fiscal irresponsibility: Huge deficits in the Federal budget and in trade. This administration and this Congress must unite to bring about substantial deficit reduction and a balance in trade. We must take responsibility for the economic crisis in agriculture and work to resolve it.

□ 1240

COMMENDING DOT FOR DECISION ON TRANSPORTING HAZARDOUS WASTE

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, today I would like to commend the Department of Transportation for issuing a very significant and much awaited decision yesterday.

That decision goes to the heart of this Nation's ability to effectively route hazardous materials over our highways to underground storage sites.

The ruling I refer to denies a bid by New York City to avoid shipments of nuclear wastes from Brookhaven Laboratory on Long Island from traveling on highways which traverse the metropolitan area. As an alternative, the city proposed to barge the waste to my State and send it on a much longer, circuitous route.

While I obviously am interested in protecting my State's interest, I also rise to commend the decision for its far broader implications. The national standards of transporting dangerous materials and the fact that these standards must be supreme over attempts by certain localities is all of our responsibility.

A contrary decision would have opened the floodgates for hundreds—perhaps thousands of similar appeals, and the result would be chaos as far as the integrity of the Hazardous Materials Transportation Act is concerned.

Again I commend DOT's decision.

HOUSE AND SENATE SHOULD CONTINUE ACTION ON ANTI-APARTHEID LEGISLATION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today to urge our colleagues in the other body to continue to act on the House-Senate conference report on H.R. 1460. Yesterday the President recognized that the policy of "constructive engagement" is ineffective on addressing the worsening repression of South Africa's policy of apartheid. The President's Executive order does not go far enough, however, and action by the Congress should continue.

The best hope for change in South Africa now lies in the conference report before the Senate. H.R. 1460 offers important incentives for action by threatening more severe sanctions within 1 year if no significant progress is achieved toward the elimination of apartheid. The President's Executive order does not provide future sanctions and, therefore, is more likely to be viewed by the South African Government as a set of inconveniences to be tolerated rather than incentives for change.

I believe it is imperative for us in Congress to continue our action to establish a workable plan to resolve this ongoing violation of basic human dignity and individual freedom by adopting the conference report on H.R. 1460.

PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, I join with my colleagues who have preceded me in condemning the President's proposal on South Africa.

I think the President's proposal is hollow and shallow and circumvents the bipartisan congressional consensus that has developed over the last several months that strong action has to be taken against the Government of South Africa on the issue of apartheid.

I share with my colleagues the comment that was made by our colleague, the gentleman from Pennsylvania [BILL GRAY], who indicated that the President's Executive order on South Africa contains the rhetoric of our legislation, but not the teeth necessary to send a firm signal to South Africa and to the world. I agree with that statement.

It is time for the House and the other body to have a real constructive engagement with the White House on this issue of South Africa and demand strong action and strong sanctions against that Government, and stronger penalties in the future if, in fact, no action is taken. I would urge the other body and this body to place on the President's desk that congressional consensus, bipartisan effort and make sure that the President has to stand up and speak out much stronger and much more firmly on this important issue.

PRESIDENT'S ACTION AGAINST SOUTH AFRICA

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, as a member of the House conference committee on the antiapartheid bill, I want to commend the chairman of our Foreign Affairs Committee and the chairman of our Judiciary Committee for the excellent statements they made here this morning setting forth their views with respect to the President's recent action.

President Reagan's wrist-slapping order against the apartheid government of South Africa does little to encourage meaningful change in apartheid. Indeed, the President's action not only waters down each of the immediate sanctions proposed by the Congress; but it also eliminates the key proposal that would automatically trigger further and stronger sanctions in a year if acceptable steps to end apartheid were not taken.

Mr. Speaker, Congress must clarify and strengthen the President's message to Pretoria by enacting into law the complete House-Senate conference report. The basic message to South Africa must be, that it is imperative now that the Pretoria government begin meaningful negotiations with black South African leaders, including the imprisoned Nelson Mandela and the Africa National Congress and the imprisoned Rev. Allan Boesak and the United Democratic Front.

U.S. WORKERS COMPETING IN INTERNATIONAL TRADE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, in a recent article published by the U.S. News & World Report, September 2, 1985, edition, this prestigious weekly news magazine features the question of whether or not U.S. workers can compete in international trade.

On page 40, I will refer to its comparison in the study of U.S. productivity versus Japan. I quote: "Despite Japan's gain, an average American worker can still outproduce his counterpart in Japan. Overall hourly output of a U.S. worker exceeds that of a Japanese one by about 20 percent. Most studies," it goes on to say, "give Americans the edge in efficiency, in agriculture, finance, wholesale and retail trade and in business services. Japan is rapidly gaining on the U.S. in productivity."

Mr. Speaker, the reason that we have fallen behind in America is because in the last several years, the United States has had no trade policy. That is, we have taken no action to represent American workers and farmers in dealing in international commerce. As a result, the sales of U.S. products have declined severely and the trade deficit has risen dramatically.

A few minutes ago, the gentleman from Washington [Mr. BONKER] announced the introduction of a reorganization bill that would reorganize our Government in the form of a Department of Trade. I rise today to support that bill and to say it is a first step toward developing a U.S. trade policy to deal with the current crisis.

THE AMERICAN HEART ASSOCIATION'S FIRST ANNUAL FOOD FESTIVAL

(Mr. SLATTERY asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, the American Heart Association will be sponsoring its first annual food festival during the week of September 8 to 14 to spotlight the value of good nutrition and dietary control of cholesterol and saturated fat to reduce the risk of heart disease.

The American Heart Association will join with more than 6,000 supermarkets throughout the United States by providing information on "heart-healthy" eating, including the importance of reading nutrition labels on packaged foods, as well as how to choose lean cuts of meat and preferable dairy products.

Heart and blood vessel disease kill more men, women, and children in this country than any other cause of death. The economic costs of cardiovascular disease will amount to an estimated $72.1 billion in 1985 alone. Most cardiovascular diseases are the result of atherosclerosis, a condition in which the lipid (fat) and cholesterol levels in the blood are higher than the body requires to maintain good health. When the body accumulates an abundance of fat and cholesterol, the excess can collect in the walls of the arteries, forming deposits called plaque. If the accumulation of plaque is allowed to progress over the years, an artery can become completely clogged with fats, cholesterol, and other debris. If the artery supplies the heart, the result can be heart attack; if it supplies the brain, the result can be a stroke.

Medical scientists tell us that lowering the level of cholesterol and saturated fats in the diet can reduce one of the risks of coronary disease. The American Heart Association has advocated since 1961 a diet low in saturated fat and cholesterol for everyone—healthy individuals and those with heart and blood vessel disease. According to the American Heart Association, by limiting cholesterol consumption to less than 300 milligrams per day and fat intake to less than 30 percent of daily calories, individuals can reduce the risk of heart attack and stroke.

Please join with me in commending the American Heart Association and participating retailers for promoting this first annual national community nutrition event. This is an excellent example of the cooperation that can exist between the voluntary and private sector to accomplish a worthy health promotion goal.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2600

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2600.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT WEDNESDAY, SEPTEMBER 11, 1985, TO FILE REPORT ON H.R. 3128, DEFICIT REDUCTION AMENDMENTS OF 1985

Mr. CROCKETT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight on Wednesday, September 11, to file a report on H.R. 3128, Deficit Reduction Amendments of 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I have been somewhat disturbed today as I have listened to some of those who have criticized the President's initiative on South Africa, and particularly somewhat disturbed by the tone of the remarks I have heard, because as one who has been fairly deeply involved in trying to bring about a change in policy in South Africa, it has seemed to me that what we set out to do was to get the administration to change their policy toward a more activist kind of policy.

With the President's announcement of yesterday, that has certainly been done. Now it is true that what the President ended up doing is not exacting what I would have done, but it does apply open and direct pressure to the South African Government which was something that we said all the way along was what we wanted to accomplish. So if it is not precisely what some of the rest of us would have done, if it is not precisely what was in the conference report that a lot of us voted for, if it is not precisely what we outlined in various bills that we vote and put into the hopper on South Africa, the fact is that it is a major and historic step in the right direction, and ought to be looked at in that vein.

The most important thing with it, in my mind, is that it is a policy that the administration now assumes ownership for. If we would go the route of passing the conference report, sending that down to the White House, having it vetoed and overriding that veto on Capitol Hill, it might make us feel good about the fact that we have forced the President to adopt a policy that he did not want. But the fact is that the administration, having criticized and vetoed such a bill, would have no ownership for that policy.

□ 1255

I have usually found that people do not take very much initiative on things that they are not particularly involved with themselves, where they do not have any ownership involvement for themselves. So what you would end up with is an administration grudgingly applying a policy that has been mandated on it about South Africa by the Congress.

Now, it seems to me that that would not get us to where we want to be. I think that we worked, a lot of us, toward trying to achieve a kind of bipartisan agreement and consensus on a policy that would bring change to South Africa. It seems to me that it is distinctly unhelpful to have some here in the Congress who seem to want a confrontation with the President more than they want a change in South African policy. I think our objective should be achieving reform in South Africa, not fighting among ourselves about the nuances of the policy options that we choose. Let me also say in the same context that I found Bishop Tutu's statement yesterday distinctly unhelpful toward uniting the American people in the cause of obtaining real human rights progress in South Africa.

The American people know that President Reagan is not a crypto-racists, as Bishop Tutu called him. That is an ill-advised and totally inaccurate characterization by Bishop Tutu and should be retracted with an apology. Such an apology would help, I think, get the American people together and united toward doing the kinds of things that are necessary in order to bring about changes in the apartheid system in South Africa. All of us who want change in South Africa have a duty to put politics and personal pride of authorship about policies behind the need to formalize a policy that has broad-based support for ending apartheid in South Africa. That is what we should be all about, broad-based support for a policy that has a chance of changing some things in South Africa. The President took a historic step in that direction, and, rather than looking for ways to nitpick that policy change by the President, we sought to be looking for ways to build upon that initiative as a unified American approach to human rights progress in South Africa.

There is enough confrontation in South Africa; we do not need unnecessary confrontation here on our policy toward South Africa.

I would be glad to yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. I am somewhat out of breath. I apologize because I was in another part of Capitol Hill when the gentleman took the special order. I want to

compliment the gentleman for taking this special order.

Did the gentleman hear anyone in the well this morning talking about Ethiopia?

Mr. WALKER. The gentleman is correct. We have got human rights problems around the world beyond South Africa. It seems to me what the President has done in taking the step he did is, he helped define that this nation is going to take strong stands, and I would hope that we will begin to hear more about situations like Ethiopia.

I would be glad to yield further.

Mr. ROTH. I thank the gentleman for yielding.

The reason that I raise this question about Ethiopia is very important. As the gentleman realizes, when the foreign aid legislation was up, we added an amendment to that bill that required the President to report back to the House in 30 days on whether there is a deliberate policy by the Government of Ethiopia to actually starve some of the people in the rebellious areas in Ethiopia. I find it quite interesting to read what the administration had to say about that situation. I commend the report to everyone in this body and submit the entire text in the RECORD. Although some 7 to 8 million people are in imminent danger of starving to death and many thousands upon thousands have already died because of the cruel and deliberate policies of the Mengistu dictatorship, the President has not imposed sanctions against the Government of Ethiopia. In Ethiopia it is not a question of civil rights, it's a question of life or death. But I hear no one in this body speaking out on that issue.

Certainly if we are going to speak out on South Africa, and we should as we are all opposed to apartheid, we should speak out equally—if not more forcefully—against the death policies in Ethiopia.

At this point, I submit the text of the Presidential determination.

PRESIDENTIAL DETERMINATION No. 85-20

Memorandum for the Secretary of State.

Subject: Determination with Respect to Ethiopia.

Pursuant to Section 812(c) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), I hereby determine on the basis of current evidence that the Ethiopian Government does not meet the condition specified in subsection (c)(1) of that section.

This determination, together with the justification therefor, shall be reported to the Congress immediately. This determination shall be published in the Federal Register.

JUSTIFICATION

Section 812(c) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) provides as follows:

Prohibition on Imports and Exports.

(1) The President shall determine, within 30 days after the date of enactment of this Act, whether the Ethiopian regime is conducting a deliberate policy of starvation of its people and has not granted fundamental human rights to its citizens. The President shall submit that determination and the basis for that determination to the Congress.

(2) If the President determines that such a policy is being conducted and that such rights are not being granted, paragraph (3) shall take effect if the Congress enacts a joint resolution approving that determination.

(3) If the conditions specified in paragraph (1) and (2) are met:

(a) goods and services of Ethiopian origin may not be imported into the United States; and

(b) except for emergency relief, rehabilitation, and recovery assistance, goods and services of United States origin may not be exported (directly or indirectly) to Ethiopia.

In order for the prohibition on imports and exports to enter into force, the President must first determine that both elements of the condition are met, and so report to the Congress, and Congress must then enact a joint resolution approving the determination.

For the reasons described below, the Ethiopian Government does not meet the condition described in subsection (c)(1). The Ethiopian Government's respect for human rights is deplorable, and its political, economic and military policies have no doubt caused vast and unnecessary human suffering, including starvation. However, as explained in greater detail below, the available evidence does not justify a determination that the Government of Ethiopia is at this time "conducting a deliberate policy of starvation."

1. Human Rights.—The Ethiopian Government's record on human rights is deplorable. In addition to other human rights concerns, the 1985 implementation of the policy of "resettlement" of famine victims, especially from the northern regions, is cause for deep concern. Many of almost half a million persons have been forcibly separated from their families and rounded up, from their villages and at relief camps and feeding sites, and confined under armed guard at transit camps. Transport south by air, bus or truck was accomplished under crowded and inhumane conditions to resettlement sites in primitive wilderness areas, totally lacking in basic health, sanitation and other essential services. Those resettled were compelled to perform long hours of hard labor clearing and cultivating land while receiving only minimal shelter and rations. Veterans of the resettlement campaign who have escaped report beatings, murder, imprisonment, deprivation and what they consider enslavement in a highly regimented work environment where mortality rates are exceedingly high. The inhumane resettlement program diverts from the food reflief effort badly needed transport and logistical support and supplies. We and others have repeatedly brought to the attention of the PMGSE our objection to this policy.

Additional details on the Ethiopian Government's human rights practices can be found in the section on Ethiopia in the Country Reports on Human Rights Practices for 1984, which concludes that human rights prospects for the future remain bleak. A copy of the summary paragraphs from that report is attached.

2. Starvation.—The Ethiopian Government's political, economic, and military policies have no doubt caused vast and unnecessary human suffering, including starvation. The determination called for by Congress, however, requires a finding that the regime is currently and deliberately following a "policy of starvation." The available evidence does not justify a determination that the Government of Ethiopia is, at this time, conducting a deliberate policy of starvation.

In recent months the Ethiopian Government has, in response to pressure from the U.S. and other donors, taken certain actions to facilitate an enhanced relief effort. For example, (1) the Ethiopian Relief and Rehabilitation Commission (RRC) has agreed to a small program to expand feeding in the north where fighting has severely disrupted relief activities; (2) the Ethiopian Government has reduced the pace of its resettlement program, which had diverted substantial transportation resources that could have been used to alleviate starvation; (3) recent evacuations of relief camps have apparently been more humane, and the people involved adequately provided with food and seed. Many problems need continuing effort, however, including the need for much expanded feeding in contests areas, and end to coercive resettlement, highest priority to transporting relief goods, and greater freedom to monitor relief programs. We will continue to review these aspects, and to press the Government of Ethiopia to make further sustained improvements.

Section 812(c) does not call for any determination concerning the past conduct and policies of the Ethiopian Government concerning starvation of its people. Nor does it call for an evaluation of policies that may have had political or military purposes, but which nevertheless caused increased starvation. That Government's past conduct, and the effects of its policies, are matters of grave concern, even though the evidence on these subjects cannot justify a determination under the statute. Background material concerning Ethiopia's past practices is therefore appended to this justification.

ATTACHMENT 1.—EXCERPTS FROM 1984 REPORT ON HUMAN RIGHTS PRACTICES IN ETHIOPIA

"Ultimate power in Ethiopia, wielded by Chairman Mengistu Haile-Mariam and a small group of former military associates, continues to be exercised and maintained through intimidation and arbitrary arrest. The country is without civil or political freedoms and without institutions or laws to protect its citizens' human rights. The Provisional Military Government of Socialist Ethiopia maintains complete control over the media, labor, education, internal and external movements of Ethiopian citizens, and all political processes.

"Persons expressing opposition to the regime or who are believed not to support it are routinely arrested by security police and subjected to torture in varying degrees; some executions have been reported as well. The individual citizen enjoys no legal protection and may be detained at any time, without explanation and be held indefinitely without any prospect of trial. For example, as many as 1,000 low and mid-level Ethiopian Government officials and business or government-affiliated organization members were arrested in Addis Ababa during June, July, and August.

"Ethiopia, with a population of over 40 million, continues to have one of the lowest per capita incomes in the world ($140). The vast majority of Ethiopians live with inadequate housing, water, sanitation, and medical facilities. The Government has so far

been unwilling to reduce its sizable military spending to increase relief or development efforts. More than one million Ethiopians remained outside the country, the result of years of war, drought, poverty, civil strife, and oppression. Human rights prospects for the future remain bleak."

ATTACHMENT 2.—BACKGROUND ON ETHIOPIAN PRACTICES

FAMINE

The present regime in Ethiopia, the Marxist government of Haile Mariam Mengistu, came to power during the chaotic and violent period of the Ethiopian revolution of 1974-76. Since then the regime has consolidated its position by ruthless often violent suppression of opponents. It has been dependent upon the Soviet Union and Cuba for military and political support. The ideological orientation of the leadership is antithetical to the United States and, since Chairman Mengistu's assumption of power, relations between the U.S. and Ethiopia have been severely strained. The property of U.S. nationals was expropriated, diplomatic representation was reduced to lower levels and security and economic assistance halted.

Drought is no stranger to Ethiopia. Periodic drought and famine have laid waste to that nation from time immemorial. The current cycle of drought struck first in 1973 and 1974. Northern areas, already eroded and overworked, were then as now hard hit. Close on the heels of that catastrophe came the revolution which by 1976 had completely eliminated the feudal agrarian system of hundreds of years. The revolutionary government carried out an extensive land reform but assigned low priority to the creation of other viable national agrarian policies, as it focused energies on maintaining political predominance and on the war with Somalia and the internal armed conflict in Eritrea and Tigray. Particularly deterimental to agricultural production and to the rights of the rural population have been the official policy in favor of collectivization and the preponderant allocation of agricultural development resources to inefficient state farms and collectives. Small independent farmers, the backbone of rural population, have suffered. Following years of poor rains, drought came again even more viciously than before into this fragile landscape in 1983 and 1984. The land had never really recovered from the drought of the mid-seventies and, due to the revolution and the internal armed conflict, the rural social system was in shambles. Incorrect government policies, inattention, and a refusal to accept the evidence at hand combined to create the tragedy which now confronts us. The combination of these policies with nature's capriciousness have led to the starvation of hundreds of thousands of people with millions more still at risk.

FAILURE OF THE ETHIOPIAN GOVERNMENT TO AMELIORATE FAMINE CONDITIONS

With the failure of the 1983 rains it became clear that Ethiopia again faced a famine of potentially massive proportions. Food stocks which would normally carry through one year of bad rains were seriously depleted by years of insufficient rains. Warnings from knowledgeable Ethiopians as well as international food production/weather monitoring agencies were ignored. No effective famine planning was done by the Mengistu government, although the Relief and Rehabilitation Commission (RRC), established in 1974, was still in existence. The port of Assab was in fact closed from November 1983 to April 1984 to allow only cement and military equipment to enter. When the rains failed again in 1984, the situation became critical but despite the pitiful scenes of suffering and deprivation due to drought, the Mengistu regime refused to take steps to ameliorate the problem. Donors could not get from the Ethiopian Government answers to basic questions affecting food needs. Rather than alleviate suffering, the regime continued to assign high priority to military spending financed by the Soviet Union.

The expensive preparations for the ostentatious September 1984 ceremonies celebrating the tenth anniversary of the socialist revolution were further evidence that the government put politics ahead of feeding hungry people. Given the specter of starvation, such celebration constituted a callous misallocation of resources. The incongruity was apparent to many. International pressures and criticisms of Ethiopia mounted, forcing the Mengistu regime to reconsider, in a defensive fashion, its responsibities towards its citizens. From that point, November 1984, onward, the Government of Ethiopia grudgingly began to coordinate with donor governments to permit famine relief operations. The sheer enormity of the logistical task has been overwhelming. The process has been plagued with misunderstandings, broken promises, misrepresentations and a continued refusal by the Ethiopians to give relief efforts top priority over security and political considerations. The internal armed conflict also created problems, as both sides of the struggles in Eritrea and Tigray interfered with food shipments.

Following is a summary of Ethiopian Government actions that have resulted in acute human suffering, hunger and even starvation and have been the basis for some arguing that the Ethiopian Government had a deliberate policy of starvation.

The Ethiopian Government was unwilling to allocate available vehicles to the famine relief effort, but used them for military, resettlement and commercial purposes.

The Ethiopian Government was unwilling and later did not facilitate the movement of food to non-government controlled areas of Eritrea and Tigray. International relief workers earlier witnessed strafing and bombing of civilians fleeing to the Sudan. The bombing of villages, the burning of crops and the theft of farm animals have in the past been attributed to forces of the PMGSE.

In what was described as an effort to get people who were dependent on feeding centers back to the land, the Ethiopian Government forcibly evacuated tens of thousands from Ibnet, a relief camp in Gondar Province. Most of these evacuees were driven out without adequate provisions and some died. Pressure from the U.S., the UN and other donors, plus international press attention, led to Chairman Mengistu reopening the camp. The Ethiopian Government claimed the precipitous evacuation was ordered by local forces. However, two months later, military forces again tried to forcibly empty Inbet. This time, UN intervention stopped the evacuation. The Ethiopian Government has told the U.S. and other donors that it intends to close all the camps so that people can return to their land to plant. The U.S., UN and other donors are carefully monitoring these actions so that people will be adequately provided with food and seeds for planting.

The Ethiopian Government, at the depth of the crisis, continued to implement a policy of forced resettlement. This policy included the allocation of substantial transportation resources, including trucks, which would have alleviated starvation. By this allocation of resources the PMGSE demonstrated that its priority was not alleviation of starvation.

We have received persistent reports that food supplies, most provided by the World Food Program, were diverted to local militias and army units; while, we have no evidence that these diversions have involved other than relatively small amounts of food, the persistence of these reports continues to be of concern.

The Ethiopians seized a shipment of Australian wheat intended to be delivered to Tigray and Eritrea via Port Sudan. The Ethiopian Government justified its actions by charges that outside forces were delivering aid to rebels fighting the Ethiopian Government.

Inappropriate PMGSE pricing policies and collectivized agriculture and state farms (particularly in resettlement areas) are having significant negative impact on food production, especially basic food grains. The imposition of a system of collectivized agriculture and state farms (through highly objectionable, coercive means) has proven to be inefficient and unproductive and is contributing further to hunger and starvation. In addition, the PMGSE policy of imposing artificially low official market prices on the sale of basic foodstuffs and forcing farmers to sell at these prices has naturally resulted in a significant decline in production, which has exacerbated further the current food shortage situation. Both the U.S. Government and IBRD have urged the PMGSE to correct its inappropriate agriculture policies. To date no reforms have been made. Given Ethiopia's high rate of population growth, this lack of action augurs ill for the future when the country will have even more people to feed.

EVIDENCE OF RECENT ETHIOPIAN GOVERNMENT ACTION

Recent evidence does not at this time justify a determination that the Ethiopian Government is now conducting a deliberate policy of starvation. Despite the difficulties mentioned above, the international community provided unprecedented aid to Ethiopia. In FYs 1984 and 1985, the Western community has provided 1.1 million metric tons of food, plus millions of dollars for transport. The U.S. is the largest donor, committed to meeting one-third of the need. About 50 percent of the food actually delivered, however, has come from the United States. Both the U.S. and UN, as well as other donors' insistence on certain conditions being met have led to improvement in the situation. This insistence, steadily applied over the past 18 months, has produced sporadic action on the part of the Ethiopian government on logistics, a greater role for humanitarian private voluntary organizations, and better distribution of relief supplies. Some examples of these improvements are the following:

After months of wrangling, the RRC has now agreed to a program to expand feeding throughout the north, the area of civil strife, where fighting has severely disrupted and prevented relief activities. This plan, which is being implemented by American private voluntary organizations and International Committee of the Red Cross, and is designed to increase humanitarian access to the large population at the risk in Eritera and Tigray, began in August. To date, heavy

rains and fighting between Ethiopian and rebel forces have interfered with food distribution both from within Ethiopia and across the border from Sudan.

In recent weeks, the Ethiopian Government has substantially reduced the pace of its resettlement program, while adhering to its original policy and targets.

After a delay of many months, the Ethiopian Government granted full accreditation to the five USAID staff removing ambiguity about their status and improving their ability to manage the U.S. relief effort. Accreditation was granted to USAID personnel only after repeated unsuccessful attempts by our Embassy and then higher level intervention of the UN.

After the earlier disastrous events at Ibnet, wherein 60,000 drought victims were driven from the camp at gun point while their huts were burned and possessions destroyed, recent relief camp evacuations were witnessed by NGO, UN and U.S. officials. All report the evacuations were orderly and that people were adequately provided with food and seed. The RRC instructed the evacuees to go to relief centers nearest their homes after a month for further rations.

At our insistence, the PMGSE has recently publicly acknowledged the considerable U.S. and other western assistance, in press reports in Ethiopia and at an August 23 press conference in Washington.

These steps have gradually produced considerable progress in the overall fight against famine. Recent UN figures show improvement in food distribution. According to July 24 UN figures, the total number of beneficiaries receiving emergency food in May, 1985, was approximately 4.6 million, up from about 3.4 million in the months of March and April. Of this May total, half (2.3 million) received their food from the RRC, with an estimated 750,000 of these (or 16 percent of total recipients) being in the resettlement areas, 995,000 in the north (Eritrea, Tigray, and Wollo) and the rest in other areas. Of the 2.3 million beneficiaries who received food from non government organizations (NGOs), 1.7 million (or three fourths) were in Eritrea, Tigray, and Wollo; the remaining 600,000 were in Gondar, Shoa, Harrarhge and Sidamo; and none were in resettlement areas. In terms of metric tons, in May the RRC and NGOs each distributed 35,000 metric tons of food, up from 25,000 and 27,000 respectively in April and 28,000 and 21,000 respectively in March.

The latest World Food Program figures also show an improvement in food distribution in Ethiopia. They report that food distribution steadily increased from 49,000 tons in March to 78,000 tons in July, with more than half distributed by NGOs and the rest by the RRC. Population being reached also increased from 3.4 million in March, to about 5 million by the end of June, representing 63 percent of the estimated total at-risk. A recent joint survey by the office of the UN Assistant Secretary General in Addis Ababa and the International Committee of the Red Cross showed that 80 percent of the population in need in Tigray is being reached. For Eritrea, the percentage is about 76 percent.

While progress has been made recently in resolving some of the problems associated with the famine relief effort, many problems need continuing effort. These include expanded feeding in contested areas, an end to forced and coercive resettlement, highest priority to transporting relief goods, reduced port fees, and freedom to monitor relief programs. Given the failure of the Government of Ethiopia to meet its commitments in the past, we will continue to monitor these with the greatest care.

Mr. WALKER. If the gentleman will allow me to reclaim my time, it is my contention that the President took us down that road yesterday. The President has defined some ways of putting pressure on the South African Government to bring about some change. It is my contention that, rather than being excoriated here in the House because we do not like minor portions of what the President did, that what we ought to be doing is finding ways of accommodating that toward a policy that addresses the future.

TENTATIVE AGREEMENT ON DRILLING OFF THE CALIFORNIA COASTLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LEVINE] is recognized for 5 minutes.

Mr. LEVINE of California. I thank the Speaker.

Mr. Speaker, I would like to spend a few moments talking about the unfortunate breakdown in the agreement that had been achieved between the Secretary of the Interior, on the one hand, and a bipartisan group of Representatives from the California congressional delegation, on the other hand, with regard to the issue of Outer Continential Shelf oil drilling or offshore oil drilling.

Mr. Speaker, prior to the August recess, for 6 very intense weeks of discussions and negotiations, a bipartisan group of Members of both the House and the other body, including both of U.S. Senators, met for some 20 hours with the Secretary of the Interior to attempt to, and to in fact, succeed in achieving an agreement between the Secretary of the Interior, on the hand, and this bipartisan group of California Representatives, on the other hand, to try to come up with a long-term resolution of these complex and difficult issues of drilling off the California coastline. This was an agreement that was hailed by the Secretary of the Interior, himself, in a joint press conference with a number of us on the delegation as a landmark agreement.

The Secretary came to California and spent some 10 days in hearings up and down the State of California and during the first several days of those hearings again reiterated the importance and significance of this balanced agreement under which a significant part of the California coastline would be protected to the year 2000 and under which some 150 tracts would potentially be available for oil and gas exploration along the California coastline.

There were a number of coastal cities that were deeply concerned about this compromise, a number of tracts along the coastline of California in sensitive coastal areas, but people understood that a compromise needed to be reached, a balance needed to be struck.

There was give on both sides, there was a significant compromise by both sides, and it was the hope of those of us who have been involved in this process that we would come back to Washington and ratify this agreement.

Unfortunately, at a meeting that took place this morning called by the Secretary of the Interior and at which he invited all 45 Members of the California congressional delegation, the Secretary essentially announced that he was no longer able to accept this agreement, that he wanted substantial changes in it. He was unable to tell us today what those changes would be, despite the fact that we have been involved in this process for such a long time and despite the fact that all of the issues, I think, are well known to both sides.

The Secretary indicated that new information had come to his attention. But after a, I think, fairly thorough discussion of the issue, I think it was clear to Members on both sides of the aisle who were at this meeting that the so-called information was neither new nor was, in fact, information. This was simply a lobbying campaign by the oil industry on this administration, which has been so sympathetic to that industry, to urge this administration to go back and get as much as they could possibly get in terms of tracts off the most sensitive parts of the California coastline to satisfy what has unfortunately become an insatiable appetite, a voracious appetite, from this industry.

Mr. Speaker, under prior administrations, whether they were Democratic or Republican administrations, under the administration of President Nixon, under the administration of President Ford, and under the administration of President Carter, those most sensitive areas along the California coastline have been out of bounds for coastal drilling in the immediate future because it was understood by bipartisan administrations and by bipartisan Representatives in this House and in the other body that we were dealing with some of the most precious natural resources ir this Nation's inventory and that, in t e absence of an absolute energy emergency, a real energy emergency, those resources need not be drilled at this time.

Unfortunately, this administration has broken with that bipartisan tradition initially under the auspices of Secretary Watt who essentially wanted to open up every inch of the California coastline to offshore oil drilling; we had hoped and we had believed that the current Secretary of

the Interior was involved in a good faith effort to resolve this issue for a long period of time so we would not have to continue to come back to the floor of this House or the other body to resolve this issue in a legislative fashion. An agreement was reached, an historic agreement, in the words of the Secretary a landmark agreement, and unfortunately, Mr. Speaker, today the Secretary announced to the delegation that he could not live with that agreement.

Unfortunately, we will have to come back to this body seeking the legislative protection that we hoped could be achieved through a resolution of this issue, through a compromise. That will not be possible, but I do believe that it is important that the membership understand that a vast majority of our delegation on a bipartisan basis continues to want to live up to this agreement.

I think it is a sad day for a balanced energy policy and for the California coastline that this resolution has broken down.

UPDATE ON TENTATIVE AGREEMENT ON DRILLING OFF THE CALIFORNIA COASTLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 5 minutes.

Mr. DANNEMEYER. I thank the Speaker for permitting me to address the House on this occasion.

Mr. Speaker, I, too, attended the meeting that my colleague, Mr. LEVINE, attended with Secretary Hodel, and when I listen to these versions I am almost amused because sometimes I get the impression that some of our colleagues are attempting to tell the American people that the issue is whether or not we shall drill off of the coast of California for the first time, that it is a pristine, virgin area untouched by oil drilling. The truth is that we have been drilling off the coast of California for the last 25 years. That is, the Outer Continental Shelf.

We have 16 platforms in Federal OCS territory containing some 800 wells that are in production right now. We have 15 platforms in State tidelands areas that contain over 3,500 wells.

We have been drilling off the coast of California in the State tideland area; that is, the area within 3 miles of shore, since 1890, the last 90 years.

The issue is not, shall we begin for the first time? the issue is: Shall we expand what has proved to be a compatible activity, given the environmental concerns that we all have?

I am a native Californian. I love the State. I believe every foot of our beach, our coastline, is environmentally sensitive. When I hear some of my colleagues saying there are certain areas of their coastline that are more environmentally sensitive than the other areas, I sometimes think I hear the sound of elitism by those comments. The reason I make this observation is because millions of people in southern California have been using the beaches of southern California all during the quarter century of the time that we have been developing and utilizing the oil resources in the Outer Continential Shelf.

I can say to my colleagues, when you go down to the beach in southern California and play in the waves, the surf, or what have you, when you come out of the surf, you do not have oil on the bottom of your feet except perhaps in a minor area around Santa Barbara, where it comes, not from industry, Mr. Speaker, but it comes from natural seeps that have been in there from time immemorial. The Spanish explorers talked about that in their logs when they explored the California coast.

That is just part of the natural terrain of the area.

The agreement that the Secretary developed tentatively was fatally flawed from the outset. It is unrealistic. I sympathize with my colleague from Santa Monica, Mr. LEVINE. He has a real problem on his hands.

Expecting a Member from the California delegation to agree on drilling off of his or her coastline is kind of like expecting a Member of Congress to agree on the method of his own execution.

There are 17 Members in the California delegation of 45 who have coastal districts in their areas. I sympathize with those Members. They have a difficult problem because there will always be a small handful of vocal folks in those districts who will stand and say much with the concept of "[millions for defense and not one cent for tribute;" that is to say, they will never agree to any drilling off their district under any circumstances. We will never satisfy those people.

So I believe it is more rational for the delegation from California to participate along with all of us, the 435 who comprise this body, in deciding national policy for expansion of a resource off the coast of California. There are 28 of us, of the 45 who represent inland areas. I think we should have had some input into this agreement, the tentative agreement that the Secretary developed.

Unfortunately, none of us were a part of that agreement. I think that is what fatally flawed it. The tentative agreement only permits exploration of maybe 5 percent of the total resource; it exempts areas off Santa Cruz, Bodega Bay, Point Arena, that are estimated to contain in the Department of the Interior's analysis about 1 billion barrels of oil and, in the industry's analysis, about 5 billion barrels of oil.

That tentative agreement locked up those three areas until the year 2000.

□ 1310

That is ridiculous. This Nation today is importing over a third of its oil every day; it is costing we Americans about $45 billion; that is about a third of our negative trade balance. The national energy policy of America is energy independence. We pursue that policy by exploring those areas of our country off the coast that have reasonable probability of oil and natural gas.

I look forward, Mr. Speaker, in concluding, to having a full debate on the floor of the House where the 435 of us can decide what is going to happen to this national resource, and I look forward to participating in that debate.

SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, history teaches us that people who expect a steady improvement in their lives seldom resort to violence. People who see no future for themselves and their children often do become violent. In South Africa, a vast majority is permanently denied participation in the political and economic life of their country, based solely on their race. The tragic events we are witnessing in South Africa are the culmination of decades of frustration with the immoral and intolerable system of apartheid. The cause of peace and justice require the prompt implementation of reform. The longer that reform is postponed, the more unstable and intractable the situation will become. Our own national interests, as well as our values as a Nation, are directly involved. The President's effort to circumvent the overwhelming bipartisan consensus on compromise legislation involving South Africa is disappointing and dangerous. By abdicating leadership on this essential moral and strategic issue, the President seems content to let events take their course. We cannot afford to let that happen. It is essential that our country take decisive and meaningful action to send a firm signal to South Africa and the world that the American people expect and support prompt reform in that unhappy country. The President's program sends the wrong message.

OFFSHORE DRILLING

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent to address the House for 90 seconds, and to revise and extend my remarks.

The SPEAKER pro tempore. The Chair will state that the gentleman can only have 1 minute.

Mr. LEVINE of California. I will take the 1 minute, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, does the gentleman from California intend to talk about the issue of offshore drilling?

Mr. LEVINE of California. If the gentleman will yield, yes, this gentleman does intend to.

I would like, if I could, to simply put into context a couple of the comments that the gentleman from California [Mr. DANNEMEYER] made so that the record is clear.

Mr. DANNEMEYER. Mr. Speaker, I will withdraw my reservation provided my colleague from California will also include in his request 1 additional minute for this Member from southern California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California to address the House for 1 minute?

There was no objection.

Mr. LEVINE of California. Mr. Speaker, I think that the gentleman from California [Mr. DANNEMEYER], as always, is very persuasive with regard to his side of the issue. I do think that a couple of points should be included in the RECORD so that comments perhaps will not be misunderstood.

While the gentleman is correct that only 17 of the Members of the delegation do represent coastal districts, and 28 represent inland districts, I think it should also be clear that despite that breakdown of the delegation, the vast majority of the entire delegation does support the agreement that was reached.

It is my understanding that only 11 of the 45 Members have taken a position in opposition to the agreement, which would mean that a significant number of not only the coastal Representatives, but also the inland Representatives, have taken a position in support of the agreement that was reached.

Second, with regard to the issue of resource data—which is one of the subjects that has been discussed now at some length in the meeting this morning, and I am sure we will hear more about—the point that I think needs to be emphasized is that the Interior Department had available throughout all of these discussions resource data which has not changed; it was based on its resource data that this agreement was arrived at.

OFFSHORE DRILLING

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, my colleague is correct that of the 45 members of the California congressional delegation, 11 signed a letter in opposition to this tentative agreement, which means that that would be 34 who were in some posture in between. I think 27 had signed a telegram to the Secretary very recently, indicating their support of the tentative agreement.

I can understand the 17 Members from the California delegation who represent coastal districts, because they have real sensitive problems. I want everyone to understand that.

I do not quite understand why the 28 of us who are inland are so opposed—I mean, a majority of the 28 who are inland are still in opposition to the agreement. I do not quite understand their thinking, particularly those in the San Jaoquin Valley of California, because the farm organizations in our State are in favor of OCS; there are many commercial interests outside of the oil industry that are in support of OCS; and I think it is part of the process of politics that those Members from the inland areas of California in opposition to OCS should have an opportunity of defending their position against establishing energy independence for America, and I look forward to participating in that debate.

PART B MEDICARE REIMBURSEMENT FOR PHYSICIAN ASSISTANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 5 minutes.

Mr. WYDEN. Mr. Speaker, it gives me great pleasure to join with Senator CHARLES GRASSLEY, of Iowa, in introducing this bill to bring the services of physician assistants under the Medicare Part B Program. The purpose of this measure is to increase access to health care for older Americans. But, I am glad to say, it will not add a penny to the Medicare Program.

Physician assistants are skilled health professionals who perform many of the same duties as physicians such as taking patient histories, conducting physical exams, and, in some States, even writing limited prescriptions. Thus, physicians are able to take care of more patients, but patients get more of their doctors' attention and they get better care.

Currently, Medicare part B covers physician assistant services when they are rendered in a certified rural health clinic or in a health maintenance organization [HMO] or similar program. This coverage policy has been a success. Now Senator GRASSLEY and I want to see these same services available to other Medicare part B beneficiaries. To deny this coverage limits access to health care for some of our senior citizens, and it runs cross-purpose against our health manpower training programs.

For example, in July, both the House and the Senate unanimously passed the health manpower amendments of 1985. Included in this bill was a $14 million, 3-year authorization for physician assistant training programs. It unanimously passed. But the irony, and inefficiency, is that while we are financing the training of physician assistants, we are doing less than we can to make sure older Americans can take advantage of their services.

This legislation would allow us to use these skilled health professionals. And, according to the Congressional Budget Office, the proposal is budget neutral. The bill creates a reimbursement level slightly lower than the reimbursement rate that a physician would otherwise receive. In other words, the increased access, and resultant increased Medicare cost, are offset by a lower reimbursement rate.

Increased access to health care for senior citizens without increase in cost to the Medicare Program and better use of health manpower training investments—two good reasons for Congress to take the action Senator GRASSLEY and I are proposing.

For the benefit of my colleagues, I ask unanimous consent that a Congressional Budget Office letter speaking to the budgetary impact of my bill be included in the RECORD at the end of my statement.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEVILL (at the request of Mr. WRIGHT), for the week of September 9, on account of medical reasons.

Mr. KASTENMEIER (at the request of Mr. KASTENMEIER), for September 11, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DANNEMEYER, for 5 minutes, today.

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 15 minutes, on September 19.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. LEVINE of California, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. HOYER, for 5 minutes, on September 11.

Mr. FEIGHAN, for 60 minutes, on October 1.

(The following Member (at the request of Mr. DANNEMEYER), to revise and extend her remarks and include extraneous material:)

Mrs. JOHNSON, for 60 minutes, on September 17.

(The following Member (at the request of Mr. LEVINE of California), to revise and extend his remarks and include extraneous material:)

Mr. WYDEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CHANDLER) and to include extraneous matter:)

Mr. MCMILLAN.
Mr. GILMAN in two instances.
Mr. HENRY.
Mr. RITTER.
Mr. YOUNG of Florida.
Mr. COURTER.
Mr. YOUNG of Alaska.
Ms. SNOWE.
Mr. STANGELAND.
Mr. DORNAN of California in three instances.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. LEVIN of Michigan.
Mr. COELHO in four instances.
Mr. GARCIA in two instances.
Mr. DYSON in two instances.
Mr. ROBINSON.
Mr. RANGEL.
Mr. DWYER of New Jersey.
Mr. GEPHARDT.
Mr. DARDEN.
Mr. FOWLER.
Mr. HAWKINS.
Mr. EDGAR in three instances.
Mr. FLORIO.
Mr. MATSUI in three instances.
Mr. KILDEE.
Mr. MARKEY.
Mr. ATKINS.
Mr. WAXMAN.
Mr. GAYDOS.

ADJOURNMENT

Mr. LEVINE of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 11, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1957. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1986, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 99-105); to the Committee on Appropriations and ordered to be printed.

1958. A letter from the Secretary of the Treasury, transmitting a report on an expenditure in excess of an appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1959. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the proposed sale or transfer of defense articles in excess of $50,000,000 from inventories of regular components of the Armed Forces to the United Kingdom (Transmittal No. 85-49), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1960. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the proposed sale or transfer of defense articles in excess of $50,000,000 from inventories of regular components of the Armed Forces to the Federal Republic of Germany (Transmittal No. 85-29), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1961. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the proposed sale or transfer of defense articles in excess of $50,000,000 from inventories of regular components of the Armed Forces to Korea (Transmittal No. 85-52), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1962. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the proposed sale or transfer of defense articles in excess of $50,000,000 from inventories of regular components of the Armed Forces to Pakistan (Transmittal No. 85-51), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1963. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Pakistan for defense articles (Transmittal No. 85-51), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1964. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to the United Kingdom for defense articles (Transmittal No. 85-49), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1965. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Pakistan for defense articles (Transmittal No. 85-50), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1966. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Korea for defense articles (Transmittal No. 85-52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1967. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to the Federal Republic of Germany for defense articles (Transmittal No. 85-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1968. A letter from the Secretary of Commerce, transmitting the annual report on the administration of the Marine Mammal Protection Act of 1972, pursuant to Public Law 92-522, sections 103(f) (94 Stat. 224) and 110(a) (95 Stat. 986); to the Committee on Merchant Marine and Fisheries.

1969. A letter from the Acting Secretary of State, transmitting a report on the status of the State Department Professional Development Program, pursuant to 22 U.S.C. 4023(f); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

1970. A letter from the Secretary of Health and Human Services, transmitting a report entitled: "Cost of Care Information to Patients," pursuant to 42 U.S.C. 1395ww note (Public Law 98-21, section 603(a)(3)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

1971. A letter from the Secretary of Health and Human Services, transmitting a report entitled: "Study of Foot Care Coverage Under Medicare," pursuant to Public Law 96-499, section 958(g) and (h); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 261. Resolution waiving certain points of order against H.R. 3244, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes (Rept. 99-259). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1246. A bill to establish a federally declared Floodway for the Colorado River below Davis Dam; with an amendment (Rept. 99-261). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. HAMILTON: Permanent Select Committee on Intelligence. House Resolution 226. Resolution directing the Secretary of Defense to furnish certain information to the House of Representatives relating to American prisoners of war in Southeast Asia (Rept. 99-260, Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 148. A bill to designate certain public lands in the State of Michigan as wilderness, and for other purposes; with an amendment; referred to the Committee on Agriculture for a period ending not later than September 24, 1985, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 99-262, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DARDEN:

H.R. 3251. A bill to amend the Immigration and Nationality Act to provide that the number of diplomatic visas issued to aliens who are residents or nationals of the Soviet Union shall not exceed the number of diplomatic visas issued to residents or nationals of the United States by the Soviet Union; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 3252. A bill to amend the Impoundment Control Act of 1974 to provide that any recission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committees on Government Operations and Rules.

By Mr. GEPHARDT (for himself and Mr. MOORE):

H.R. 3253. A bill to amend title XVIII of the Social Security Act to establish the National Council on Access to Health Care, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GRAY of Illinois:

H.R. 3254. A bill to amend title II of the Social Security Act to restore and protect the benefit levels of workers reaching age 65 in or after 1982 (and their widows and widowers) by eliminating the notch between those levels and the corresponding benefit levels of persons who reached age 65 before 1982; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii (for himself and Mr. DAUB):

H.R. 3255. A bill to amend the Internal Revenue Code of 1954 to allow monthly deposits of payroll taxes for employers with monthly payroll tax payments under $5,000, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. HERTEL of Michigan (for himself, Mr. DAVIS, Mr. JONES of North Carolina, and Mr. OBERSTAR):

H.R. 3256. A bill to increase the number of U.S. Commissioners on the Great Lakes Fishery Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN (for himself and Mr. RICHARDSON):

H.R. 3257. A bill to amend the Atomic Energy Act finding the domestic uranium industry nonviable and requiring the Nuclear Regulatory Commission to issue import licenses for imported nuclear source material and special nuclear material only after certification by the Department of Commerce that such imports will not further damage the domestic uranium industry; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

By Mr. RANGEL:

H.R. 3258. A bill to amend the Internal Revenue Code of 1954 to provide that the treatment of loans with below-market interest rates shall not apply to obligations issued by the Government of Israel; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mr. LANTOS, Mr. SMITH of Florida, Mr. HORTON, Mr. FROST, Mr. MITCHELL, Mr. MRAZEK, Mr. MARTINEZ, Mrs. BOXER, Mr. MORRISON of Connecticut, and Mr. CROCKETT):

H.R. 3259. A bill to amend title 18, United States Code, to prohibit the use of the mails to send dangerous martial arts weapons; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. WYDEN:

H.R. 3260. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of services performed by a physician assistant; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RANGEL:

H.J. Res. 378. Joint resolution designating July 27, 1986, as "Korean Veterans Commemoration Day"; to the Committee on Post Office and Civil Service.

By Mr. SHAW:

H.J. Res. 379. Joint resolution designating September 22, 1986, as "American Business Women's Day"; to the Committee on Post Office and Civil Service.

By Mr. WEAVER:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farmaid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people; to the Committee on Agriculture.

By Mr. FRANK (for himself and Mr. GILMAN):

H. Con. Res. 186. Concurrent resolution expressing solidarity with the Sakharov family; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 650: Mr. GEJDENSON.

H.R. 669: Mr. DARDEN and Mr. MOLLOHAN.

H.R. 693: Mr. WILLIAMS and Mrs. LLOYD.

H.R. 983: Mr. DE LA GARZA, Mr. KASICH, Mr. FORD of Michigan, Mr. RAHALL, Mr. RUDD, and Mr. GILMAN.

H.R. 1021: Mr. CHAPPIE and Mr. PEPPER.

H.R. 1059: Mr. GLICKMAN, Mr. MADIGAN, Mr. MCEWEN, Mr. FAWELL, Mr. LUKEN, Mr. ARMEY, Mr. FRENZEL, Mr. KRAMER, Mr. BRUCE, Mr. DANNEMEYER, and Mr. DENNY SMITH.

H.R. 1139: Mr. BORSKI.

H.R. 1272: Mr. MACKAY, Mr. LEVIN of Michigan, Mr. EDGAR, and Mr. BORSKI.

H.R. 1279: Mr. ASPIN, Mr. MITCHELL, Mr. SKELTON, Mr. TORRICELLI, and Mr. BROWN of California.

H.R. 1550: Mr. SWIFT, Mr. MARLENEE, Mr. MOODY, Mr. EDGAR, and Mr. SAXTON.

H.R. 1615: Mr. GLICKMAN, Mr. JACOBS, Mr. TRAXLER, and Mr. VOLKMER.

H.R. 1659: Mr. CRANE, Mr. DORNAN of California, Mr. ROBERTS, and Mr. SABO.

H.R. 1668: Mr. ACKERMAN, Mr. SEIBERLING, Mr. BUSTAMANTE, and Mr. OBERSTAR.

H.R. 1704: Mrs. MARTIN of Illinois and Mr. GRAY of Pennsylvania.

H.R. 1769: Mr. HEFTEL of Hawaii and Mr. SCHUETTE.

H.R. 1811: Mr. BROWN of Colorado and Mr. HUCKABY.

H.R. 1815: Mr. GEJDENSON.

H.R. 1888: Ms. MIKULSKI, Mr. NIELSON of Utah, Mr. ANDREWS, and Mr. GOODLING.

H.R. 1893: Mr. PORTER.

H.R. 1969: Mr. TORRICELLI.

H.R. 1970: Mr. SMITH of Florida and Mr. GONZALEZ.

H.R. 1973: Mr. GREGG.

H.R. 2189: Mr. WHITTEN, Mrs. COLLINS, and Mr. SHUSTER.

H.R. 2205: Mr. BURTON of Indiana, Mr. LOWRY of Washington, Mr. SMITH of New Jersey, and Mr. WOLPE.

H.R. 2280: Mr. EDGAR, Mr. PRICE, Mr. BOUCHER, Mr. ATKINS, Mr. UDALL, and Mr. TALLON.

H.R. 2349: Mr. KASICH and Mr. HILLIS.

H.R. 2440: Mr. BUSTAMANTE, Mr. DANIEL, Mr. FROST, Mr. GINGRICH, Mr. HATCHER, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. ORTIZ, Mr. SMITH of Florida, and Mr. STUMP.

H.R. 2452: Mr. RANGEL.

H.R. 2741: Mr. SWIFT, Mr. KILDEE, Mr. ATKINS, Mr. TORRES, Mr. BONKER, and Mrs. COLLINS.

H.R. 2805: Mr. BIAGGI, Mr. HAYES, Mr. LELAND, Mr. HILER, Mrs. COLLINS, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. WIRTH, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. BERMAN, Mrs. BENTLEY, Mr. CROCKETT, Mr. EDWARDS of Oklahoma, Mr. REID, Mr. BATEMAN, Mr. CLINGER, and Mr. DICKS.

H.R. 2840: Mr. CROCKETT, Mr. EDWARDS of California, Mr. SCHEUER, Mr. SAVAGE, Mr. GEJDENSON, Mr. YATRON, Mr. FOLEY, and Mr. KLECZKA.

H.R. 2869: Mr. WHITEHURST and Mr. CROCKETT.

H.R. 2907: Mr. DYMALLY, Mr. RANGEL, Mr. WEISS, Mrs. BURTON of California, Mr. TOWNS, Mr. RODINO, Mr. FUSTER, Mr. CROCKETT, Mr. SAVAGE, Mr. CARPER, Mr. DEWINE, Mr. SUNIA, Mr. FAUNTROY, and Mr. GONZALEZ.

H.R. 2963: Mr. RODINO, Mr. MITCHELL, Mr. FAZIO, Mr. SEIBERLING, Mr. MRAZEK, Mr. MATSUI, Mr. WILLIAMS, and Mr. MARTINEZ.

H.R. 2975: Mr. YATRON, Mr. EDGAR, Mr. RIDGE, and Mr. MURPHY.

H.R. 3006: Ms. MIKULSKI and Mrs. LLOYD.

H.R. 3068: Mr. WEBER.

H.R. 3087: Mr. COELHO, Mr. BEVILL, Mr. DE LUGO, Mr. CROCKETT, Mr. WOLPE, Mr. CONYERS, Mr. SCHUMER, Mrs. BOXER, Mr. JEFFORDS, Mr. MURPHY, Mr. MORRISON of Connecticut, Mr. FUSTER, Mr. JACOBS, Mr. STUDDS, Ms. MIKULSKI, Mr. WAXMAN, Mr. MARTINEZ, Mr. DWYER of New Jersey, and Mr. OWENS.

H.R. 3100: Mr. GONZALEZ, Mr. GRAY of Pennsylvania, Mr. HALL of Ohio, Mr. SMITH of Iowa, and Mr. WYDEN.

H.R. 3173: Mr. MORRISON of Connecticut, Mr. COBEY, Mr. STANGELAND, and Mr. WEBER.

H.J. Res. 175: Mr. LIGHTFOOT and Mr. DAUB.

H.J. Res. 178: Mr. CONYERS, Mr. NELSON of Florida, Ms. SNOWE, Mr. WYLIE, Mr. MAVROULES, and Mr. JACOBS.

H.J. Res. 352: Mr. ADDABBO, Mr. AKAKA, Mr. ANTHONY, Mr. APPLEGATE, Mr. ATKINS, Mr. BIAGGI, Mr. COELHO, Mr. DE LA GARZA, Mr. DYMALLY, Mr. FOGLIETTA, Mr. FUSTER, Mr. GILMAN, Mr. GUARINI, Mr. HANSEN, Mr. HORTON, Mr. HOYER, Mr. LELAND, Mr. MATSUI, Mr. MINETA, Mr. MOAKLEY, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS, Mr. RANGEL, Mr. TRAXLER, Mr. VOLKMER, Mr. WAXMAN, Mr. YATRON, Mr. MILLER of California, Mr. BONIOR of Michigan, and Mr. BUSTAMANTE.

H. Res. 212: Mr. KOLTER and Mrs. MARTIN of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2600: Mr. EDGAR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2266

By Mr. RICHARDSON:

—Page 2, line 10, strike out "$616,000,000" and insert in lieu thereof "$581,400,000".

H.R. 3228

By Mr. DORNAN of California:

—Page 3, strike out lines 1 through 17.

—Page 16, line 4, strike out *"Provided further,"* and all that follows through "Africa:" in line 8.

H.R. 3244

By Mr. BOEHLERT:

—Page 35, after line 25, insert the following new section:

SEC. 304. The Federal Aviation Administration shall develop and publish in the Federal Register guidelines for the selection of locations for Airway Facility Sector Headquarters Offices to ensure consistent criteria for the selection of locations which require the lowest life-cycle costs consistent with the functions of such Offices.

Redesignate subsequent sections accordingly.

By Mr. COUGHLIN:

—On page 15, line 9 strike the "." and insert the following in lieu thereof: ": *Provided further,* That none of the funds provided in this Act shall be used for the approval of, or to pay the salary of any person who approves, projects to construct a landfill in the Hudson River as part of an Interstate System highway in New York City."

By Mr. LEWIS of California:

—At the end of the bill add the following new section:

SEC. 326. The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1986 shall not apply to obligations for the Bypass Highway Demonstration Project and the Los Angeles Freight Transportation Demonstration.

By Mr. RICHARDSON:

—Page 24, line 11, strike out "$616,000,000" and insert in lieu thereof "$581,400,000".

By Mr. WAXMAN:

Page 41, strike out line 14 and all that follows through page 42, line 4, and insert in lieu thereof the following:

(b) None of the funds described in subsection (a) may be made available for any segment of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project unless—

(1) the Southern California Rapid Transit District establishes an independent committee of experts to conduct detailed studies of the entire Metro Rail Project route and the potential hazards associated with the occurrence of methane gas;

(2) before the expiration of the 9-month period following the date of the enactment of this Act, the committee established under paragraph (1) submits recommendations to the Southern California Rapid Transit District regarding any adjustments in the Metro Rail Project route that are required to avoid tunneling into or through any area where the occurrence of methane gas presents a potential hazard;

(3) the Southern California Rapid Transit District submits to the Urban Mass Transportation Administration binding plans that—

(A) incorporate the recommendations of the committee submitted under paragraph (2); and

(B) indicate that no part of the Metro Rail Project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, and entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area"; and

(4) the Urban Mass Transportation Administration approves such plans.

SENATE—*Tuesday, September 10, 1985*

(Legislative day of Monday, September 9, 1985)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, in these perilous days the Nation's welfare deserves the total dedication of its public servants to selfless and, if necessary, sacrificial service. We are the United States and we desperately need leadership that is united in purpose and in action. Grant to all leadership—legislative, executive, and judicial—the will to unity. We do not pray for uniformity, Lord, for we know that unity in its essence is diverse. We rejoice in the diversity which has and must characterize our unitedness. But, dear God, deliver us from attitude and action which polarize, fragmentize and destroy. God of our fathers, protect the unity which is the foundation of our greatness, our strength, our influence nationally. In His name whose mission was to unite all things. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

RESERVATION OF LEADERSHIP TIME

Mr. DOLE. Mr. President, I reserve my time under the standing order and also the time of the distinguished minority leader.

SCHEDULE

Mr. DOLE. Mr. President, there will be special orders in favor of Senators COHEN, MATTINGLY, SYMMS, and PROXMIRE not to exceed 15 minutes each, then routine morning business not to extend beyond 3:30. Then we will turn to Senate Joint Resolution 31. I thought we completed Senate Joint Resolution 31 yesterday, "National Family Week."

The PRESIDING OFFICER (Mr. PRESSLER). It is the pending business.

Mr. DOLE. It is the pending business. Following disposition of National Family Week, we will turn to S. 47, the school prayer bill, and rollcall votes can be expected later in the day.

RECOGNITION OF SENATOR COHEN

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mr. COHEN] is recognized for 15 minutes.

U.S. TRADE POLICY

THE U.S. SHOE INDUSTRY

Mr. COHEN. Mr. President, less than 2 weeks ago, the President confirmed my belief that this administration has no coherent international trade policy. With his decision to ignore the recommendation of the International Trade Commission to provide import relief to the American shoe industry, the President has written off yet another U.S. industry crippled by foreign imports.

In the face of footwear imports rising to nearly 80 percent of the U.S. market, 21 percent unemployment in the footwear industry, over 125 plant closings in the past year and a half, and a unanimous injury finding by the bipartisan ITC, the President turned his back on the remaining 100,000 American shoeworkers and told them he just does not care enough to help.

As my colleagues know, there exists a mechanism for the objective hearing of an industry's trade grievances and the means to provide assistance to that industry when it can prove that it has been injured by imports. Section 201 of the Trade Act was designed by the Congress to address precisely the crisis faced by the U.S. shoe industry. The President's decision on August 28 has clearly made a mockery of this entire process.

Frankly, the domestic shoe industry could have bypassed the established trade procedure. They could have come directly to Congress, but instead they were encouraged to follow the law, follow the procedure that Congress has set up for industries such as shoes, textiles, or any other industry. They spent hundreds of thousands of dollars pursuing this course of action only to have the President say, "the facts do not matter." I wish he had spoken earlier saying, "Save your money, save your time, because we don't intend to grant relief under any circumstances."

If section 201 of the Trade Act is not a remedy for shoes, where there is almost 78 percent market penetration, then it cannot help any other industry in this country. What we have to recognize is that the administration has said, for all practical purposes, "Don't bother bringing any more 201 actions because even if injury is found, even if the ITC proposes a remedy, you will get no relief from us."

From an ITC which only last year determined that this industry had suffered no injury from imports came a unanimous finding this year that serious injury had occurred. From that same Commission came a majority recommendation for temporary import quotas as the only effective remedy which would allow this industry to recapitalize and modernize, and again become competitive in the world marketplace. Yet the President cast aside the recommendations of his trade policy experts and told the shoe industry that the facts of the case do not matter, and that the industry has wasted its time and money.

In announcing his decision to abandon the American footwear industry, the President directed the Secretary of Labor to work with the affected shoe producing States in developing retraining programs for the thousands of shoe workers whose livelihoods have been shattered by imports.

The cruelest irony, Mr. President, is that this same administration, which has told American workers to sacrifice their jobs at the altar of free trade, has also actively sought the elimination of the very retraining programs it is now promoting.

I say to the President, you cannot have it both ways. Either use your existing authority to combat unfair trading practices and massive import surges which threaten the very existence of our basic industries, or support the programs designed to ease this painful transition.

Mr. President, I come before this body today with a number of my colleagues to tell the President and the American people that there are many in Congress who do care and are prepared to take the necessary actions to insure that a coherent American trade policy is developed for the United States. Absent any substantive action by the President, we in the Congress will step into this void created by the President's inaction and develop a responsible international trade policy which does not sacrifice the jobs of our workers in favor of an abstruse devotion to a trade dogma which ignores the reality of our world trading system. It is a sad commentary on America, Mr. President, when our greatest export is American jobs.

As we in the Congress begin the trade debate, I will be meeting with Senator RUDMAN, who wishes to be associated with my remarks, Senator MITCHELL, Senator DANFORTH, Senator KASTEN, and other members of the Senate footwear caucus to seek to enact legislatively what the administration refused to do under our existing trade relief laws. I had hoped that this would not be necessary. Nevertheless, we have reached an impasse, and I am committed to bringing substantive relief to the American footwear industry.

There was an interesting item in today's Washington Post in reference to some of the complaints being leveled against unfair trade practices by Japan. Japanese officials, for example, have a method of taxing foreign cigarettes based on the sum of their cost plus the average 20-percent tariff paid upon entering Japan. This constitutes a tax on a tax. In responding to this charge, the Japanese officials said:

The tax-on-a-tax system is deeply rooted in the Japanese legal and financial system. It wasn't created as a trade impediment. We need the revenue.

Another item in this particular story concerns Japan's highly protective trade barriers to leather goods coming from the United States. The Japanese argue that their leather industry, like much of their agricultural sector, qualifies for protection because it is composed of large numbers of small, inefficient businesses that could never compete with the United States and other foreign providers.

So here we have a major trading partner, with which we have a trade deficit approaching $50 billion this year, continuing to erect trade barriers. The Japanese justify these trade barriers as necessary to protect their small, inefficient businesses from competition. I would like to know where the administration has been for the last 4 years. We have lost 100,000 jobs in the footwear industry during this past decade. Last year, we saw over 100 plants close, throwing thousands upon thousands of American workers out of their jobs, and suddenly the administration says, "Well, maybe it is time to do something. Now we have to get tough on our trading partners." Mr. President, it comes very late and is awfully little.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in today's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1985]

REAGAN TRADE DEMANDS SEEN TESTING JAPAN

(By John Burgess)

TOKYO, September 9.—Politics and Japanese tax law will make it extremely difficult for Japan to meet demands voiced by President Reagan this weekend for reforms in its market for cigarettes and leather, Japanese officials said today.

But the officials suggested that Reagan's call might turn out to be positive news if it helps reduce pressure in Congress for far-reaching legislation to cut Japan's mounting trade surplus by hindering its exports to the United States.

On Saturday, Reagan announced he had decided to implement "countermeasures" against Japan, the European Community, South Korea and Brazil if they did not stop "unfair trade practices" in a variety of product lines.

Japanese officials expressed surprise at the categories Reagan specified in Japan's case: cigarettes, leather and leather shoes. They have been the subject of negotiations between Washington and Tokyo for years.

In the Japanese view, the market for cigarettes was almost totally liberalized on April 1, when distribution and promotion of cigarettes was thrown open to competition after decades of control by a government monopoly.

However, foreign cigarette companies, which now account for only about 2.3 percent of Japan's $10 billion-a-year market for cigarettes, contend that significant impediments remain. They argue that, in a truly free market, they could build up to about one-quarter of the sales.

In particular, they point to Japan's practice of taxing foreign cigarettes based on the sum of their cost plus the average 20 percent tariff paid upon entering Japan. This constitutes a "tax on a tax" they say and makes their products too expensive.

They complain that the former monopoly agency, now recast as a private company, retains sole rights to produce cigarettes in Japan and contend that it still has a de facto monopoly on distribution.

Japanese officials respond that the tax-on-a-tax system is deeply rooted in the Japanese legal and financial system. "It was not created as a trade impediment," a Foreign Ministry official said. "We need the revenue."

Any shift in tobacco policy comes slowly in Japan, in part because of the influence of Japan's 75,000 tobacco farmers within the ruling Liberal Democratic Party. Tobacco is Japan's second-largest cash crop, after rice.

Officials here concede, however, that leather is a highly protected market. Strict import quotas are in place. Last year, officials of the General Agreement on Tariffs and Trade ruled that quotas on leather were illegal.

Japan pledged to remove them. However, the United States has protested Japanese suggestions that the new system will be a dual-tariff schedule in which anything imported after a certain target level had been reached would be assessed tariffs at a higher rate. "It would be at least as effective a restriction," said one U.S. official here.

The Japanese argue that the leather industry, like much of the agricultural sector, qualifies for protection because it is composed of large numbers of small inefficient businesses that never could compete with U.S. and other foreign producers.

Mr. PRYOR. Mr. President, shock and outrage are the words I would use to describe my reaction to the President's failure to approve global quotas on imported footwear. The glaring absence of any meaningful White House trade policy has once again been demonstrated, this time at the expense of the Nation's footwear workers and their families.

Arkansas is 10th in producing footwear in the United States, and footwear ranks first among all manufacturing industries in 7 Arkansas counties, 5 having a population under 25,000. Arkansas shoe workers want to keep their jobs, and I intend to do everything I can to see that factory doors stay open.

Congress must act now—since the administration has shirked its responsibility—to give the footwear industry a chance to survive and prosper. The American Footwear Industry Recovery Act, of which I am an original cosponsor, accomplishes this important goal and is pending in the Senate Finance Committee. Under the bill, S. 848, quotas would be implemented for 8 years. Although I consider the substance and duration of import relief under this legislation negotiable, the absolute and substantial reduction of imported shoes is not.

Mr. President, it is a continuing mystery to me how a President who claims to advocate a day's work for a day's pay can so easily dismiss the futures of thousands of American citizens who only wish to work hard, provide for their families, and stay on the job. And what does the President do when these workers come to him asking their leader for help? He turns his back, opens every door but the one with the shoe worker behind it, and welcomes a flood of imports into our country.

Shoe workers across this country have a right to demand their government acknowledge and respond to their plight. With imaginative spirit they symbolized the despair prevalent in the industry by sending partial shoes to Members of Congress, this representing the small portion of the domestic market which remains open to American industry. Later, they sent soles of shoes with passionate pleas inscribed on them, asking us to convey to the President the need for positive action on imports. Today, empty shoe boxes, emphasizing that the President gave the footwear industry nothing in his recent decision, arrive in my office to insure that we not forget the seriousness of the situation.

Well, Congress let the President know. I have lost track of the letters I have signed to the White House asking for help, asking only for a change—and the President and his advisers ignored these requests. It is clear now that the solution to this problem is not going to come through administrative action. Real progress can result, however, if Congress taps the creative spirit of the shoe workers of America, adopts their passion and persistence, and enacts a trade law which addresses their problems.

Mr. President, I look forward to meeting in the coming weeks with other members of the Senate footwear caucus and with representatives of the footwear industry to discuss a coordinated legislative strategy to respond to this critical situation. Let those of us in Congress who believe in a future for this proud and important American industry stand up now and act.

Mr. SASSER. Mr. President, will the distinguished Senator from Maine yield?

Mr. COHEN. I yield to the Senator from Tennessee.

Mr. SASSER. I thank the Senator from Maine for yielding.

U.S. TRADE POLICY NONEXISTENT

Mr. President, I rise today to express my shock and frustration at the insensitivity shown by the President in rejecting the advice of the International Trade Commission and refusing to grant import relief to the domestic footwear industry.

Two points emerge crystal clear from this announcement. The first is that this administration has no coherent trade policy and the second is that our trade laws are not working.

This administration is so blinded by the illusion of free trade they cannot see that they are presiding over the deindustrialization of America in the name of ideological purity. There is no such thing in today's international marketplace as free trade and it is time the administration recognizes it. Virtually every country in the world assists its domestic industries with subsidies, with currency manipulation, or with quotas.

It is time for this administration to wake up from its dreamworld of completely free and unfettered trade. There is a real world out there of tough practical choices. We simply must not be afraid to enter the real world marketplace and take steps to preserve our domestic manufacturing industries. We can enforce reasonable and effective trade laws without raising impenetrable trade barriers or evoking the specter of the disastrous Smoot-Hawley Tariff.

While the administration remains wedded to an outmoded economic theory, my constituents are losing their jobs—and this decision means more of them will lose their jobs.

The administration's action on the question of shoe imports is a signal, I think, a signal to our trading partners and trading adversaries around the world that they can continue to eat our lunch, and it is a free lunch so far as they are concerned.

I think it is a signal to my colleagues in Congress that if something is to be done to save the jobs of American workers and to save American industries and to stop the deindustrialization of this country, it will be up to us in Congress to address this problem in a reasonable and moderate fashion.

As I travel around my State, I continually see the effects of shoe imports on our citizens. Seven shoe facilities were closed in Tennessee last year. In these towns, shoe workers are already out of work or will be put out of work in the near future due to plant closings. I talked to individuals who have lost their jobs in the communities where they have lived and worked for years—and they face the future with no prospects of new jobs.

There were over 100 communities across the Nation who shared this devastating experience in the last year.

The second fact apparent from this decision is that our trade laws are simply not working. If ever an example were needed of what constitutes serious injury due to imports, the nonrubber footwear industry provides it.

Between 1968 and 1984, imports increased 233 percent. The net decline in the number of plants totaled 507, costing over 112,700 workers their jobs. Production has fallen to the lowest levels since the Depression. Last year in Tennessee alone, seven shoe plants closed.

The footwear industry followed the procedures laid down in our trade laws to prove injury—and they proved it to the satisfaction of every single Commissioner on the International Trade Commission. They also offered a comprehensive 5-year plan which the industry agreed to undertake during the quota period. If the trade laws will not work for this industry, it is doubtful they will work for any industry.

When Congress wrote the trade laws it intended they be used. We did not intend them as a rhetorical statement whose practical application was to be avoided at all costs.

Far more is at stake here than the fate of a single industry. Frankly, we are dealing with the credibility of our entire system of trade law, with the viability of our most basic American industries, and with the future health of our national economy.

In the next few weeks the Senate will be conducting an extensive trade debate. If we cannot rely on our trade laws to protect our industrial base, then those laws need to be changed. If the administration has no trade policy, then the Congress will write one for them.

The belief that there is no middle ground between absolute free trade and absolute protectionism is largely responsible for the trade crisis we face today—a crisis that has put literally millions of working Americans on the unemployment rolls and has thrown our agricultural sector into its sharpest nosedive since the Great Depression.

It is time we deal with the trade issue as it exists in the real world. We can assist our industries—as other nations do—without starting an international trade war. I intend to be an active participant in the upcoming trade debate as we work to level the playing field for our Nation's industries.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. COHEN. I yield to the distinguished Senator from Arkansas.

CHALLENGE FOR THE SENATE ON FOOTWEAR IMPORTS

Mr. BUMPERS. Mr. President, I thank the Senator from Maine for arranging this time for some of us who are deeply concerned about the prospects for the U.S. footwear industry in light of the President's recent refusal to provide sorely needed trade relief for that industry.

I am appalled that the President failed to provide any relief whatsoever. The International Trade Commission proposed to limit shoe imports to 63 percent of the market, and that was the very least figure that should have been adopted. If anything, the President should have strengthened this remedy. Rather, the President has made it clear to the rest of the world that the United States will continue to be a dumping ground for their products, no matter how many of our own workers and industries may be hurt.

Just 2 days after the President refused to help the import-battered domestic shoe industry, the Commerce Department released figures showing that footwear imports continued to flood the American market in July. So far this year, shoe imports have risen 13.4 percent over 1984 levels. In July, 79 million pairs of shoes entered the United States and that was down slightly from 85 million pairs in July 1984, the second highest monthly level ever recorded. As of this moment, 77 percent of all shoes sold in this country are imported.

At the same time that imports have been dramatically increasing, our own domestic industry has been disintegrating. In 1984, which was a banner year for national economic growth, domestic production of footwear fell by over 13 percent, and so far this year, domestic production has declined 22 percent. Since 1979, domestic production has fallen from 400 million pairs to under 300 million pairs in 1984, a decline of 25 percent. The most recent year, other than 1984, that domestic production fell below 300 million pairs was 1921.

In 1984, over 100 footwear plants closed nationwide—1 year, 100 plants. This represents a direct job loss of 7,000 footwear employees in 1984 alone, and nearly 23,000 since 1980. Indirect job losses, a continuously falling work week and growing "temporary" layoffs further exacerbate the hardships imposed on footwear employees. Are these 23,000 people who have lost their jobs since 1980 not as important

as the roughly 1,000 people the President chose to protect who work for the Harley-Davidson Motorcycle Co.? Where is the difference?

In my home State of Arkansas, the shoe industry directly employs about 5,600 people. The footwear industry is the first or second largest employer in 12 Arkansas counties. Since 1980, we have lost eight plants and three were closed just this past year. We have lost over 1,000 direct footwear jobs in Arkansas since 1980, and 2,600 jobs since 1976. Counting indirect employment effects, we have lost nearly 4,500 Arkansas jobs in the past 8 years.

For the rural Arkansas communities that are involved, the impact of a plant closing can be catastrophic in the local economy. The people who are displaced in these rural communities simply have no alternative sources of employment. Of the 12 Arkansas counties where footwear is a leading industry, 8 have populations of less than 25,000. Almost two-thirds of all footwear workers are female, more than one-half are age 50 or older, and less than half have completed high school. They simply have nowhere to go when a plant shuts down.

The footwear industry is in serious trouble, and the President does not seem to care.

If we cannot provide relief when 77 percent of all the shoes in this country are being imported, then no other industry need apply to the International Trade Commission. It is discouraging in the extreme.

If the President does not care whether imported shoes decimate the U.S. shoe industry, the U.S. Senate can vote to impose the quotas recommended by the International Trade Commission; not a good solution, and not one which I wish we had to take.

But if we have to do it, we should do it, and we can fill some of the loopholes that the International Trade Commission left in its order.

The President has challenged Congress to do something, and we should accept the challenge.

I thank the Senator again for yielding.

Mr. COHEN. Mr. President, I thank the Senator for his statement and support for this entire measure.

Mr. President, I shall ask a couple of simple questions.

Is there any other nation in the world that would tolerate a 77-percent import penetration of its market?

Is there any other nation in the world whose leaders would look at a major industry over the years that is now in the process of dying and say: "Too bad. Tough luck. That is the way the world works"?

Is there any other nation in the world whose leadership would say: "Go vote with your feet. Just get out of Maine, get out of Arkansas, leave Missouri. Go out west"?

Mr. BUMPERS. Vote with your bare feet.

Mr. COHEN. "Go out west in bare feet and go to Silicon Valley. Perhaps you can pick up some computer training jobs there."

The difficulty with the vote-with-your-feet type of argument, as the Senator from Arkansas just pointed out, is, there is no place to go. These people are basically low income and the low scale of education the Senator from Arkansas has pointed out. More than half of them are women. Most are over the age of 50. They have no place to go and no jobs to get when they go there.

So for the administration to adopt the posture of "go vote with your feet," it would seem to be the essence of callousness, indifference, and disregard for the over 100,000 people who have lost their jobs and the 100,000 remaining who will lose their jobs in this industry as a result of the President's decision.

Mr. KASTEN. Mr. President, I rise today to voice my support, not only for an American industry which is in deep trouble because of imports, but also for the 22,000 Americans and 4,000 Wisconsinites who are in danger of losing their jobs.

There was a time in America when everything we purchased was made or crafted in the United States, right down to our shoes; 10 years ago, domestic shoes accounted for the major share of the American market. What was a robust industry only 10 years ago is now struggling to stay alive.

Today, you will rarely find the words, "Made in the U.S.A." on the soles of your shoes. You are more apt to find that your shoes were made in Brazil or Spain or Italy, because we have allowed the flood of imported footwear to go unchecked. To make matters worse, these nations have imposed tough quotas on American-made shoes that make it virtually impossible for us to export to them. Now, those imports account for a staggering 77 percent of the domestic market.

Some would argue that American products are no longer as well made. Well, although my colleagues may disagree with the specifics, I know that the best shoes in the world are made in Wisconsin. The reason why the American shoe industry is in peril is because we have not had a balanced and fair trade policy.

I have always been a firm believer in free trade, but I also strongly believe that trade must be fair. Certainly, free trade must not come at the expense of fair trade. And until other nations are willing to trade freely with us by allowing American products in without restrictions, we must literally put our foot down.

Mr. President, as I stated earlier, it is not just a great industry that is at stake here. We are talking about the livelihood of 22,000 Americans and their families. Already, this imbalance of trade has resulted in the loss of thousands of jobs in Wisconsin. Thousands more will be lost if nothing is done.

Over the past 10 years, 14 shoe factories in Wisconsin alone have closed their doors for good. Most recently, hundreds of workers were left jobless by the closing of Chippewa Shoes in Chippewa Falls, WI, at the end of last year. Now, other factories in the State face a similar fate. There is no time to lose.

The administration had a real opportunity to solve this problem when the ITC recommended protection of the domestic industry through import limitations. But on August 28, the White House refused to act.

The ball is now in our court. Congress must act to make the difference while there is still time. I am happy to lend my support to legislative relief.

Mr. President, only by reintroducing fairness into American international footwear trade will we be able to save the jobs of thousands around the United States that will otherwise be lost.

Mr. GORE. Mr. President, I join with my colleagues today to discuss the President's recent decision to refuse relief to the American footwear industry.

The International Trade Commission's May recommendation to the President has been ignored. The Commissioners had overturned previous rulings and by a vote of 5 to 0, they found that the footwear industry had been seriously injured by foreign imports.

The Commission, an independent, bipartisan group, is required to engage in extensive research, conduct specialized studies and maintain a high degree of expertise in all matters relating to the commerce and international trade policies of the country. The Commission evaluates appeals for import relief from affected industries and determines whether an article is being imported in such increased quantities as to be a substantial cause or threat of serious injury to the domestic industry.

In the case of the footwear industry, the Commission found that such relief was warranted. Indeed, their unanimous ruling in favor of the industry reflects their firm conviction that import relief is both necessary and desirable.

Why, then, are these laws on the books? This is a textbook example of a situation that qualifies for section 201, Trade Act, relief.

Without this relief, the collapse of this vital industry is almost assured. An additional 220,000 jobs may be lost, many of them in my own State of Tennessee, which is the fifth most impor-

tant footwear-producing State in the Nation.

We must not turn our backs on this important industry at this crucial juncture. Otherwise, it will soon cease to exist. I urge my colleages to think long and well about the administration's disregard of our trade laws and the grave effects such policy will have on one of our most important basic industries.

IMPORTED FOOTWEAR QUOTA LEGISLATION

Mr. MITCHELL. Mr. President, I am pleased to join my Senate colleagues today in voicing the imperative need for immediate action on the import surge that is destroying the domestic footwear industry.

Since 1981, when the President made his first decision against the footwear industry and its workers by rejecting the recommendation of the International Trade Commission that the modest import relief then in place be continued for a couple of years, the industry has been subjected to one blow after another.

Developing nations targeted footwear manufacture and export to the American market as a quick way to industrialize and provide their own people with jobs and stepped in to take up the slack during the period of orderly marketing agreements.

When that modest relief measure was allowed to expire, the market was wide open at a time when other nations were closing their own markets and aggressively targeting the American consumer as their final purchaser. Imports soared immediately to some 60 percent of the domestic market and slacked off only in the face of the 1982 recession. That recession saw shoe workers join millions of others thrown out of jobs many had held for decades. It saw many shoe companies close as the surge of corporate bankruptcies reached new records.

But the difference was that in the economic recovery that followed the recession, the closed factories did not reopen. The lost jobs were not recovered. And domestic footwear production shrank, even as imports surged to take advantage of the economic recovery.

With footwear imports reaching an unprecedented three-quarters of the domestic market, with the governments of virtually every other potential market nation limiting imports either directly or by indirect trade barriers, this Nation has become virtually the world's only free market for footwear manufacture.

And given that the vast bulk of footwear manufactured in the world is manufactured for export markets, not domestic consumption, our markets have been flooded with products that can find no other outlet.

It is precisely such a situation that our domestic trade laws were designed to address. The footwear industry took its case to our International Trade Commission, exactly as envisaged by law, argued it there and won the recognition of the Commission that imports were a major cause of its problems.

That determination of fact is required by our trade laws to be made before policy is established. That is as it should be.

But what our trade laws do not assure—and what I am certain no Congress has ever intended—is that following a clear determination of fact, no policy is established.

Yet, that is exactly the stance President Reagan took when he directly rejected any import relief whatsoever for this beleaguered industry.

It is clear that in the absence of White House concern about jobs lost, companies bankrupted and entire communities economically threatened, Congress has a responsibility to act.

We cannot and should not ask one small sector of our population—the people who work in shoe factories, the companies that employ those workers, and the community where shoe manufacturing is an economic mainstay—to pay the entire price for a national policy.

During the 1982 recession, the war on inflation was won, not by supply-side economic theory, but purely on the backs of the men and women thrown out of jobs.

During this 1985 trade crisis, the administration is apparently again willing to wage war on the trade deficit with the livelihood of ordinary working people and the families that depend on those paychecks.

There is only one answer. We must act now to change the law before the administration's total lack of any coherent trade policy plunges even more people into economic disaster.

The 1974 Trade Act, which the President has refused to invoke, was purposefully designed to give the executive branch the freedom it needed to manage international trade relations to the benefit of our Nation by encouraging other nations to lower tariff barriers to imports and relax nontariff import barriers of various sorts.

But instead of using that freedom during its 5 years in office to open other markets and move toward a worldwide regime of free trade, this administration has encouraged imports as a way to hold down inflation, regardless of the cost in American jobs and long-term economic health.

We are witnessing and have been witnessing for 5 years the not-so-very gradual dismantling of our manufacturing economy, as our jobs and production are exported overseas.

Trade policy by this administration has consisted of a series of reluctant and belated actions taken only in the face of the most overwhelming and protracted public concern.

But that is not good enough. Thousands of workers can be idled before public concern is aroused. Hundreds of companies can close plants and go out of business before this administration will act. And if the industry in question is a small and regionalized one—as is the case with footwear manufacture—not even the most protracted and painful crisis has proven to be enough to catch the President's attention.

In these circumstances, it is clear that Congress must recapture an element of its control over the trade policy area that the administration cannot be relied on to exercise.

We must change our laws to make mandatory that which is now discretionary, to narrow the options available so that factual circumstances, not individual preferences, will dictate actions, to ensure relief when the conditions warrant relief, not to raise false hopes.

This Senate and this Congress must act and must act soon, not only on direct relief for the footwear industry, but on a wider scale to make our trade laws reflect the will of the Congress and the realities of the international trading world.

PROTECTIONIST MEASURES FOR THE FOOTWEAR INDUSTRY

Mr. HUMPHREY. Mr. President, in recent weeks the plight of shoe producers and employees has received great attention in Washington, in the press and around the country. More specifically, the question of granting relief, in the form of protectionist measures, to the ailing footwear industry has been considered by policymakers within the administration and legislators on Capitol Hill. I am gratified that so much energy has been devoted to a consideration of what, if anything, can be done to save shoe-worker jobs threatened by import competition. Nevertheless, I applaud the President's decision to refrain from granting quotas to the industry.

This assessment was certainly not an easy one for me to make. In New Hampshire, the nonrubber footwear firms rank first in jobs among all manufacturing industries. It ranks first among all manufacturing in Strafford County and among the top three industries in five of the other nine counties. As of May of this year, the nonrubber footwear industry employed 7,900 people in 28 plants. The footwear industry historically has been important to New Hampshire's economic health; opposing quotas for the industry does not win one many friends.

Much has been said about the International Trade Commission's report to the President on the footwear industry, but little has been mentioned about the dissenting view of Vice Chairman Susan Liebeler. I recommend to my colleagues and all who

have an interest in this issue her views on remedy options for the industry. Vice Chairman Liebeler argues against protectionism for a very simple reason: given the results of protectionism for the industry in the past; the long-term outlook for the industry's competitiveness vis-a-vis low cost foreign producers, and the extent to which domestic manufacturers can be expected to invest in state-of-the-art machinery, the footwear industry does not meet the very stringent criteria set forth by the Congress in section 201 of the Trade Act.

Those criteria stipulate that "import relief actually prevent or remedy serious injury." If protectionism only delays the injury, then relief is not in order. Based on the above-mentioned factors—precedent, long-term outlook and investment predictions—Ms. Liebeler concludes that protectionism is neither an effective nor socially beneficial solution to the footwear industry's woes.

Additionally, it is important to remember, that there is another constituency out there, whose needs and interests are just as important as those of the footwear industry. I am speaking of consumers—230 million Americans including the 1 million who live in New Hampshire. Their needs in this case are affordable shoes at the lowest price. This is especially true for lower income Americans, who desperately need to watch and control the cost of everything they buy, including necessities such as shoes. Economic studies included in Ms. Liebeler's opinion indicate that each $14,000 shoe job saved would incur siocietal costs upwards of $35,000, and that consumers in this country would pay an additional $832 million per year for shoes. Clearly, protectionism is not in the interest of the country at large. In the case of the shoe industry, President Reagan has spoken out in favor of the consumer.

Once again, I commend this Ms. Liebeler's assessment to the attention of my colleagues. Mr. President, I ask unanimous consent that a copy of her opinion be included in the RECORD immediately following my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

REMEDY VIEWS OF VICE CHAIRMAN SUSAN W. LIEBELER

(Part Two—Remedy)

I. INTRODUCTION

The Commission has made a unanimous affirmative determination in the injury phase of this investigation, thus I must now consider what remedy recommendation to make to the President. The purpose of the escape clause is to provide "temporary relief for an industry suffering from serious injury, or the threat thereof, so that the industry will have sufficient time to adjust to the freer international competition." [1] Section 201 authorizes a petition for import relief "for the purpose of facilitating orderly adjustment to import competition." [2] An industry seeking escape clause relief "must include a statement describing the specific purpose for which import relief is being sought, which may include such objectives as facilitating the transfer of resources to alternative uses and other means of adjustment to new conditions of competition." [3]

The operative language of section 201(d)(1) is as follows:

"If the Commission finds with respect to any article, as a result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall—

"(A) find the amount of the increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury, or

"(B) if it determines that adjustment assistance under parts 2, 3, and 4 of this subchapter can effectively remedy such injury, recommend the provision of such assistance, and shall include such findings or recommendations in its report to the President." [4]

The statute makes it clear that an affirmative determination by the Commission does not open the door to unrestrained relief. Any import relief [5] recommended can only be the amount "necessary to prevent or remedy such injury."

Section 201 contemplates two bases upon which relief can be granted. First, the domestic industry can seek relief to facilitate the "more orderly" transfer of resources out of the industry than would otherwise take place. In such a case, the domestic industry will still have to shrink, and any relief granted is intended only to make the transition more orderly.

The second basis on which relief can be granted is to prevent or remedy serious injury or threat to the domestic industry. The domestic footwear industry has not argued that it wants a more orderly exit from the industry. Instead it argued that relief will enable it to make new investment so that the market share of domestic producers will increase after the relief has expired.

Import relief can always delay the injury during the period of relief. The statute, however, requires that the import relief actually prevent or remedy serious injury. If import relief would not enable the industry to be competitive in the marketplace after relief expires, then there is no import relief that the Commission can recommend to the President.

II. MY RELIEF RECOMMENDATION

The domestic footwear industry is experiencing a major contraction. Thus, any relief must prevent or remedy such a contraction by enabling the industry to achieve a long-run equilibrium at a level of output substantially above what it could have achieved without import relief.

No import relief

The problem of the domestic footwear industry, however, is the long-run comparative advantage held by foreign producers. Thus, the only import relief that would prevent serious injury to the domestic industry is a permanent import restriction. The Commission is only empowered, however, to recommend temporary relief.[6] It is not, however, the purpose of Section 201 to establish permanent barriers against fairly-traded imports. Rather, its purpose is to provide a domestic industry with temporary relief to adjust to new conditions of competition from imports. Temporary import relief can prevent or remedy injury caused by short-run problems.

Imported shoes are less costly to produce than domestic shoes and they are likely to remain so.[7] This is a result of our nation's unmatched productivity and growth. Nations will, and should, specialize in the production of those commodities in which they have a comparative advantage. Fortunately, our country has a large capital stock which tends to provide labor with many productive employments. Our comparative advantage is in the production of goods that use a high ratio of capital to labor. Shoes, however, are produced with a low ratio of capital to labor. Therefore, American footwear cannot be produced as cheaply as foreign footwear.

The availability of inexpensive imports permits consumers to purchase less expensive shoes, and allows the valuable capital and labor used in the footwear industry to shift to more productive pursuits.[8] The decline of the American footwear industry is part of a dynamic but sometimes painful process. Congress, by only providing for temporary relief, has recognized that our continued prosperity depends on our willingness to accept such adjustments.

The industry has sought so-called temporary import relief before. The Commission has conducted approximately 170 investigations relating to this industry. In addition to 155 adjustment assistance investigations conducted between 1963 and 1974 under Section 301 of the Trade Expansion Act of 1962, the Commission has conducted one escape clause investigation under the predecessor to Section 201, two Section 701 investigations, two section 731 investigations, and five section 751 investigations. In 1982 the industry also initiated investigations with the U.S. Trade Representative under Section 301 of the 1974 Trade Act.

This is the fourth footwear case under section 201 and so far the industry has obtained relief twice. The 1975 petition resulted in adjustment assistance, the 1976 case resulted in Orderly Marketing Agreements (OMS's) with Taiwan and Korea, the two major suppliers of imported footwear. Although the industry tried to postpone the expiration of those OMA's,[9] President Reagan did not seek to extend them and they expired in 1981.

The escape clause is aimed at giving temporary relief to an industry so that it will have enough time to adjust to freer international competition.[10] This industry has had ample time and opportunity to adjust to freer international competition. In its 1976 brief to the Commission in Investigation No. TA-201-7, *Nonrubber Footwear*, petitioners, represented by the same law firm that represents the domestic industry in the current proceeding, made essentially the same plea for "temporary" relief:

"Petitioners recognize that the Trade Act of 1974 only authorizes temporary relief from the influx of imports for the purposes of permitting an industry to adjust to new conditions of competition. The imposition of temporary mandatory quotas for the full period permitted under the terms of the Act would do just that by enabling the domestic industry the respite necessary to regain its economic health and provide more vigorous competition to foreign produced footwear at the termination of such relief.

"In the interim, increased orders to domestic producers would not only generate

Footnotes at end of article.

increased profits because of the sheer rise in the volume of sales but additional orders would also enable domestic producers to return to efficient levels of capacity utilization, thereby increasing productivity. Such profits could then be ultilized for capital expansion and additional research and development, thereby leading to greater technological and marketing strength.

"In addition, normal economic forces would work to the benefit of the domestic industry so that it would be more competitive in terms of price by the time the quotas were removed." [11]

Speaking through the same counsel in the next footwear case, petitioners again argued that "temporary" relief would enable them to become more productive and competitive:

"On the assumption that the industry is given the quota relief for the five-year period, what actions can be expected of domestic shoe manufacturers to enable them to become more competitive with imports once the transitional period of restraint is terminated?

"In specific terms, we would suggest that domestic footwear manufacturers, restored to greater confidence over their economic future, would make new investments in plant and equipment thereby making the industry even more productive and efficient.

"Greater sales can be anticipated under the quota program which will lead to a return to efficient levels of capacity utilization with longer runs resulting in economies of scale and lower unit production costs which would thus strengthen the industry's overall competitive position. This should also result in a strengthened financial position for companies in the industry, permitting them to attract more capital and more reasonable interest rates, thus enabling them to invest in new plant and equipment and to pay for additional research and development—both technical and marketing. Greater technological and marketing strength will, thus, be an inevitable result improving the industry's competitive position even further. At the same time, there will be a narrowing of price gap between domestic and foreign shoes." [12]

The industry is once again arguing that during the period of import relief they will modernize their plants and equipment and increase productivity. The domestic nonrubber footwear industry has presented an ambitious five-year $697 million plan to reduce costs and become more competitive with imports by developing and applying new technologies throughout the industry. The industry claims that by implementing technologies already within its grasp it will improve domestic productivity by 25 percent, thereby eliminating the 15 percent price advantage of imported footwear.

If I believed that: (1) import relief would allow the industry to implement this plan; (2) the industry would not be able to implement this plan without import relief: and (3) that the plan would allow the industry to achieve a long-run equilibrium characterized by significantly greater production than it would have without relief, then the statute would compel me to recommend the import relief necessary to realize the plan.

The success of the domestic industry's plans rests on several questionable assumptions. First, the petitioners assume that the price advantage of imported footwear that the domestic industry must overcome is only 15 percent [13] but respondents have suggested that the price advantage runs closer to 25 percent.[14] The price advantage enjoyed by foreign footwear producers appears to be considerably higher than 15 percent.[15] Under such a cost advantage, domestic footwear producers may not regain a competitive advantage even if they make the proposed modernization expenditures and even if these expenditures reduce costs by the amount indicated by the petitioners. Second, the petitioners claim that the effects of their proposed modernization efforts will reduce domestic producters' costs by 11 percent and, thereby, allow domestic producers to eliminate most of the 15 percent price advantage of imported footwear.[16] This prediction comes from the Kaplan report, however, which was based on the production of five types of leather shoes only,[17] not on nonleather shoes which account for a significant portion of the United States nonrubber footwear market, especially in the low cost segment which is supplied primarily by imports. Because the major nonleather upper materials are much cheaper than leather, neither the material savings nor labor savings suggested by results of the Kaplan report may apply to nonleather footwear like plastic and fiber shoes. Third, the petitioners assume that the foreign producers will not improve their productivity over the next five years, while domestic productivity will jump by 25 percent as a result of import relief.[18] It is more likely, however, that foreign production will continue to increase. Productivity in the Taiwan and Korean footwear industries, the two largest foreign suppliers of footwear to the United States market, has reportedly increased by 4 to 7 percent annually during the last several years while domestic productivity has remained relatively unchanged. It is not clear why one would not expect this trend to continue. Fourth, the petitioners assume that the domestic industry will spend about $697 million in efforts to reduce their production and distribution costs. Although it is difficult to predict how much the industry will actually spend to modernize, individual firm responses to the Commission's confidential questionnaires indicate that domestic producers plan to spend only about $100 million on these efforts during the requested relief period.[19]

Finally, there is a fundamental question of what connection there is between import relief for the footwear industry and investment in new plant and equipment that will make the industry competitive. If good investment opportunities are available, they will be exploited regardless of any relief provided for this industry. It might be argued that the domestic footwear industry could become more competitive if it could modernize; and that it needs the more favorable cash flow generated by quotas to reinvest in the industry and to encourage financial institutions to lend to the footwear industry.

If modernization of plant and equipment presents favorable investment opportunities for the footwear industry, the capital market would provide financing. Although the increased cash flow which could result from import relief would be likely to improve the equity portion of the footwear producers' balance sheets and make it more likely that they could borrow funds or reinvest, there are other means by which these producers could obtain investment funds. They could issue additional equity or merge with an equity-rich firm. Alternatively, if the market believes that good investment opportunities exist in the footwear industry, but that the managers of some footwear firms are not up to their task, then such firms would be ripe for takeover.

If there is investment in plant and equipment that can be expected to generate a competitive rate of return, then someone, whether it is the current producers or others, will find it in their self-interest to make those investments. To believe that the revenues generated by import relief are necessary to finance this new investment reflects a fundamental misunderstanding of the way in which capital markets operate. If the investment is worthwhile, it does not matter whether the funds used to purchase the investment come from retained earnings, new debentures, bank loans, or new equity ownership. In our highly sophisticated capital market, a project which would ensure the profitable survival of the footwear industry would not go unfunded.

If investment in the domestic industry is not rational because expected costs are likely to exceed expected revenues, then: (1) it is not in the industry's interest to make such investment; and (2) it is not in the nation's interest that the industry do so. If a firm cannot profitably make such an investment, it means that the resources can more productively and profitably be employed elsewhere in the economy.[20] In spite of the efforts by the domestic industry to suppress imports, in spite of the "temporary" relief, in the form of OMA's with Korea and Taiwan, and in spite of the present 9 percent tariff on nonrubber footwear, the industry has been shrinking. Between 1981 and 1984, 207 plants closed (gross), 94 of these closing occurred last year. The closing of unprofitable plants is a necessary adjustment. Import relief at this stage will retard this process and encourage entry into a shrinking industry.

I do not believe the domestic industry's investment plan is credible or viable. The market has already indicated that additional investment or growth in this industry is unwise. Because there is no temporary relief which would prevent or remedy serious injury. I recommend that no import relief be given to this industry.

III. ADJUSTMENT ASSISTANCE

I do, however, recommend that the President provide adjustment assistance [21] to the domestic footwear industry under Parts 2 and 4 of Chapter Twelve of the Trade Act of 1974 (Adjustment Assistance For Workers and Communities).[22] "The Commission shall . . . (B) if it determines that adjustment assistance under parts 2, 3 and 4 of this subchapter can effectively remedy such injury, recommend the provision of such assistance . . ."[23]

The Senate Report clarifies a number of points about the adjustment assistance program. First, it states that the Commission cannot recommend both import relief and adjustment assistance.[24] Second, the Committee states that the addition of the provision concerning adjustment assistance was intended "to permit the Commission to recommend adjustment assistance . . . in circumstances in which the Commission determines that such assistance would be a more effective remedy . . . than import relief.[25] Since the provision of certain types of adjustment assistance encourages workers and firms to exit from an industry, it would appear that Congress intended to give adjustment assistance to ease the pain of exit from an industry. This is a far more effective remedy for industries such as footwear which face irreversible decline.

In providing for Trade Adjustment Assistance, Congress has decided it is appropriate to redistribute wealth from the rest of socie-

ty to participants in import-competing industries.[26] The statute does not permit me to consider the costs of such programs. It is, however, appropriate for me to consider the effect of the various programs on the domestic footwear industry, since the President may decide to provide trade adjustment assistance.[27]

A declining industry presents its participants with new decisions. An unemployed worker must decide whether to (1) retire; (2) wait to be recalled to work; (3) relocate; (4) obtain training in a new skill in a different industry; (5) seek and accept alternate employment; or (6) withdraw from the work force.

Each affected individual is best placed to weigh the costs and benefits of the various alternatives and make the choice that maximizes his or her expected welfare. There is no reason to believe that all workers should obtain retraining or seek relocation, or any of the other alternatives. The life circumstances of each individual differ, and consequently, their optimal choices differ. Government programs distort the underlying costs and benefits of the choice set faced by displaced workers by paying them for certain choices rather than others.

The adjustment assistance program offers unemployed workers several types of payments, including Trade Readjustment Allowances (Supplementary Unemployment Benefits);[28] employment services;[29] training;[30] job search allowances;[31] and relocation allowances.[32]

The critics of adjustment assistance[33] note that less than 1 percent of individuals affected received either job search or relocation assistance[34] and treat that as evidence of the failure of the program. The program is designed to help people find new work. It has clearly failed to do that, and in fact, with its heavy emphasis on supplementary unemployment benefits, it undoubtedly has encouraged workers to remain unemployed longer than they would otherwise.[35] This result is certainly perverse if the program's purpose is the rapid re-employment of the displaced workers.

Since Congress intended for Trade Adjustment Assistance to help displaced workers find new employment, I recommend that it be aimed at that purpose in this case. Employment services, training, job search cost reimbursement allowances and relocation allowances should be provided for footwear workers.[36] These forms of adjustment assistance are least costly and encourage workers to find new employment.

I also recommend adjustment assistance to communities under Part 4 of Chapter 12 of the Trade Act of 1974.[37] Such assistance would provide loan guarantees to private parties to invest in production facilities in a community in which footwear plants have had to cut back or close operations. Particularly in Maine, where footwear firms are often the major employer in small, somewhat isolated communities, such loan guarantees will diminish the likelihood that whole communities would be injured by the closing of a shoe factory.[38]

I do not recommend adjustment assistance for firms under Part 3 of Chapter 12 of the Trade Act of 1974.[39] This provides for technical assistance, loans and loan guarantees to firms. Payments to firms will retard rather than encourage the industry's adjustment to import competition, and would work at cross purposes to adjustment assistance to workers.

IV. IMPORT RELIEF

A. Available forms of relief

Although I have determined that there is no relief that would prevent or remedy the serious injury to the domestic nonrubber footwear industry, the Commission majority has recommended quotas. Since the Commission has made an affirmative determination in the injury phase of these proceedings and since the Commission majority has recommended quotas, the President now has the option of providing import relief.

If the President decides to provide import relief, he can use any one or more of the following tools:

(1) Proclaim an increase in, or imposition of, any duty on the article causing or threatening to cause serious injury to such industry;

(2) Proclaim a tariff rate quota on such article;

(3) Proclaim a modification of, or imposition of, any quantitative restrictions on the import into the United States of such articles;

(4) Negotiate, conclude and carry out orderly marketing agreements with foreign countries limiting the export from foreign countries and the import into the United States of such articles.[40]

Because the President may decide to impose some form of import relief. I provide my views on its most appropriate form.[41] In so doing, I note that the relief recommended by the majority is intended to restore the industry to its condition at the end of 1983.[42] I will assume that this is the desired level of benefit to the domestic industry. In designing a remedy one should try to find the least costly remedy which will provide the desired benefit. There are less costly and more efficient ways to provide the desired benefit to the domestic industry than the quotas recommended by the majority. I will now discuss the various forms of import relief available to the President.

B. Tariffs

If the President decides to provide import relief, I recommend a system of tariffs, instead of quotas. There are several reasons why a system of tariffs is preferable to a system of quotas.[43]

The first reason for using a tariff instead of a quota is uncertainty about the success of the industry's plan. The domestic industry claims that the foreign cost advantage is only 15 percent, a figure which has been disputed by a number of respondents, and that with five years of import relief it will reduce the foreign cost advantage to 2 percent.[44] If the President accepts the industry's plan and provides relief, he can impose a system of tariffs based on the industry's assumptions that will provide as much protection as the proposed quota. Thus, if the industry's projections are correct and they are able to reduce the cost gap, they will benefit as much from the tariff as from the equivalent quota. On the other hand, if the industry cannot reduce the gap, in which case their plan will almost certainly fail, then the tariff will provide less protection than the quota and the cost to society will be lower. The tariff also has the benefit of taking petitioner's plan at its word.[45]

A related reason for choosing tariffs over quotas is that tariffs will not insulate the industry as much from the discipline of the marketplace. The goal of the statute is to facilitate the adjustment to import competition. Competition from imports is felt through the presence of equivalent imports at competitive prices. If there are changes in the relative costs of producing domestic and foreign shoes, a tariff will allow those changes to be felt in the market, while a quota will not.

Another reason for preferring a tariff is that an ad valorem tariff, as opposed to a unit tariff, does not cause an upgrading of imports and a downgrading of domestic production.[46] With a quota or unit tariff, the cost of a quota right used to import a pair of shoes is the same regardless of the price.[47] Shoes, however, are not fungible. They vary in quality and, therefore, in price. A quota will increase the relative price of inexpensive imported shoes and encourage importers to upgrade their imports. It will thereby encourage domestic production of relatively inexpensive shoes more than it will encourage domestic production of relatively expensive shoes. With an ad valorem tariff, however, the prices of all shoes are increased by the same percentage, although by a different absolute amount; and accordingly, the relative prices of all pairs of shoes remain the same.[48]

Thus, the ad valorem tariff encourages domestic manufacturers to produce all shoes without influencing their choice between inexpensive and expensive shoes. Such an incentive is important in light of the temporary nature of the relief granted under Section 201. It would be a peculiar remedy indeed that for five years encouraged the nonrubber footwear industry to produce precisely those shoes for which it suffers the greatest comparative disadvantage and where improved technology is likely to be least effective in reducing costs.

Therefore, I believe that the President should impose a system of tariffs, preferably ad valorem tariffs if he decides to grant import relief.

C. Tariff-rate quotas

If the President decides to impose some form of a quota, I recommend a tariff-rate quota.[49] With a tariff-rate quota the units specified in the quota can enter the United States without paying the tariff, whereas units above the quota limit have to pay the additional tariff.[50] The benefit of the tariff-rate quota over the quota is that with the tariff-rate quota there is a limit on the distortion that can be caused by the relief.

For every quota there is an equivalent tariff. I suggest that the President set a tariff two or three percentage points above the tariff which would be equivalent to the quota as the tariff portion of the tariff-rate quota. Such a system will give the industry the benefits of the quota if it is correct, but it will limit the costs of relief to society if it is wrong.

D. Auctioned quotas

There are significant benefits of an auctioned quota over quotas or Orderly Marking Agreements allocated to importers or importing nations.[51] When quota rights are simply given away, or are sold at prices substantially below their value, the revenue[52] the Treasury would receive if the quota rights were sold is given to the parties who receive the quota rights.[53]

There is an additional benefit from selling as opposed to assigning quota rights.[54] When quota rights are assigned and are not transferable.[55] then there is no way to be sure that the parties with the rights are the providers of the shoes consumers value most.[56] When the rights are sold, the importers that will be able to pay for the quota rights will be the ones that have the shoes consumers value most.

E. Orderly marketing agreements

The fourth option available to the President is to negotiate orderly marketing agreements (OMA's).[57] This form of relief was granted in 1977 following a previous Section 201 investigation.[58] The effects of an OMA are equivalent to the effects of assigned quotas.

F. Market segment quotas

Assuming the President decides to impose a quota, he must decide whether to impose one quota covering all imported shoes or different quotas covering different market segments. In addition, he must decide whether to exclude specific segments of the market from any quota. There are a number of benefits and problems associated with market-segmented relief. It is my purpose here to discuss them in order to bring them to the President's attention. I make no recommendation on whether market-segmented relief is appropriate.

The intended beneficiaries of any quota presumably are the domestic producers of shoes. U.S. production is not significant in every segment of the nonrubber footwear market. For example, foreign producers have such a large comparative advantage in the production of athletic footwear that domestic manufacturers are unlikely to engage in its production unless extremely high barriers to trade are erected. Most domestic production of nonrubber footwear is of high value-added shoes. Thus, if the purpose of import relief is to stimulate domestic production during the relief period, a higher tariff or lower quota should be provided to the segments of the market where domestic production is most highly concentrated and where supply is relatively elastic. Thus, theoretically at least, athletic footwear should either be excepted from any system of quotas or entitled to a generous quota to reflect the high market share of imports and the relatively low cross-elasticity of demand between athletic footwear and domestic nonrubber footwear.

Theoretically, it is possible to design a quota structured to provide the greatest amount of help to the domestic industry at the least cost to the rest of the nation. Crafting such a remedy is in some respects similar to creating an optimal sales tax. In taxation theory, if the goal is to maximize the revenues that the government receives while distorting economic allocation as little as possible, the optimal taxation scheme entails placing the highest taxes on those commodities with the most inelastic supply and demand curves.[59]

There are a number of problems in applying this technique here. The primary theoretical problem is that unlike the taxation case in which the maximum is the revenues collected by the state, the maximum of our import barrier has a more ineffable character. We seek to provide the greatest prospect for the future viability of the domestic industry. The connections among that viability, the shapes of the relevant supply and demand curves, and the incentives to invest the revenue generated by import relief in the industry are obscure.

Even assuming that one could theoretically specify a least burdensome tariff or quota, there are a number of practical problems that prevent its effective implementation. Although shoes are neither fungible nor identical, neither are they neatly separable into clearly distinct groups. Thus, it is doubtful that we could devise subcategories that Customs could administer at reasonable cost and which clever profit maximizing importers or manufacturers could not circumvent.

The Commission majority has recommended the exclusion of footwear with a customs value $2.50 or below, and Chairwoman Stern and Commissioner Rohr and have recommended separate quotas for shoes based on their customs value. These attempts reflect the laudable goal of not overburdening the consumer by restricting shoes that American firms do not produce, and attempting to limit the distortions that a quota would otherwise generate. However, the exclusions and categorizations present the problems I just discussed. The definition of athletic footwear and its distinction from non-athletic footwear is not clear. Therefore, excluding or segmenting athletic footwear would place a large burden on Customs and would induce product characteristics and labeling changes by manufacturers in order to fall within the excepted category. Similarly, price segmentation of the quota will burden commerce and lead to creative attempts by manufacturers to get around the quota, such as importing shoes without boxes or laces. The world is a complicated place inhabited by people who seek their own welfare. The straightforward distinctions we contemplate in our offices can lead to unanticipated results.

G. Summary

I recommend that if the President imposes quotas they should be global ones and auctioned to the public. The auction held for Treasury bills can serve as a model for any quota auctions. The quota rights should be divided into commercially practical units and all purchasers of rights in the same quota should pay the same price.

IV. COST-BENEFIT ANALYSIS

In making my remedy recommendation I did not consider the costs of import relief or adjustment assistance. Section 201 does not permit the Commission's recommendation to be based on consideration of consumer welfare or social welfare costs. The U.S. Trade Representative has, however, asked the Commission to analyze these costs in all Section 201 cases because they are relevant to the President in deciding whether to give relief. The parties extensively briefed the costs and benefits of relief to us. I shall briefly address these issues.

The consulting firm retained by the domestic industry, ICF Inc., provided the Commission with an economic analysis of the costs and benefits of the domestic industry's proposed quota[60] which yields a net benefit to the United States from the quota.

ICF estimates that 48,000 jobs will be saved and 23,200 to 28,700 jobs will be created by the proposed quota. According to ICF, the quota benefits are the employment gains computed by multiplying the number of jobs saved (and created) by the annual salary.

ICF also used a macro-economic approach to measure the quota benefits. According to ICF, the proposed quota would transfer approximately $900 million to the U.S. economy each year. Using an income multiplier of 2.0, ICF estimates the direct benefits of the quota to be about $1.8 billion a year.

The economic costs of the propossed quota include the increase in consumer prices and a consumption distortion effect (that is to say, a welfare loss to consumers who would forego purchasing footwear as a result of quota induced price increases). In the first three quota years these costs exceed $400 million a year. As a result of anticipated price declines, these costs then drop significantly and are positive in the last year of the quota and thereafter. Comparing the costs and benefits of the quota, ICF claims that the proposed quota will produce large net benefits to the United States economy.

The flaws in this analysis were explained by the Federal Trade Commission (FTC) in their helpful and informative Posthearing Brief.[61] In Appendix A of the FTC brief, the FTC's economic expert, Dr. Morris Morkre, laid bare the methodological flaws that underlie the ICF approach. According to Dr. Morkre, the problem is that ICF ignores the opportunity cost of labor, assuming instead that workers will be permanently unemployed and that those who retire from the work force place no value on their lifestyle. In 1984, however, the mean duration of unemployment among unemployed nonrubber footwear workers was 17.4 weeks. Therefore, the direct employment benefits of the quota are short-lived, equal only to the unemployment costs saved by the quota.[62]

The flaw with the macro-economic approach, according to the FTC, is that it is based on a fundamental misunderstanding of international trade. According to ICF, the quota will transfer funds to the United States that would otherwise go abroad. The response of the FTC is as follows:

"This interpretation of the effect of a reduction in spending abroad ignores the fact that individuals in the United States choose to purchase foreign-made footwear and, as a consequence, they also choose to exchange dollars for foreign shoes. That is, consumers are not wasting or throwing away income or wealth in this transaction. They are obtaining goods that they value at least as highly as the money spent (or else they would not purchase the shoes in the first place). Moreover, using the concept of consumer surplus (see the FTC's Prehearing Brief, Appendix C, p. 21), consumers derive a benefit from such purchases over and above the amount spent.

"In contrast to Mr. Reilly's [the ICF economist] assertion, the quota does not lead to a transfer of wealth (or income) to the United States; the true situation is just the reverse. As a consequence, the foundation of Mr. Reilly's macro-economic approach, the injection of wealth into the United States, evaporates. The quota does not transfer wealth to the United States; rather it implies a destruction of real income in the form of reduced consumer surplus. The rest of his analysis, i.e., the multiplier operation, is meaningless".[63]

I find the cost-benefit analysis of the FTC and of our own Office of Economics to be more rigorous and reliable than that of the domestic industry.

Our office of Economics has estimated the costs of various forms of import barriers, assuming no retaliation by any of our trading partners.[64] It evaluated the effects of the majority's quota proposal. One estimate by our economists is that under such a quota, shoe prices would increase on average 15 percent for imported shoes and 5 percent for domestic shoes. Consumers would pay an extra $832 million each year for shoes. The gain to those in the domestic shoe industry from such a quota would be $681 million, and 24,000 new jobs would be created. A translation of this sum into the cost per job reveals that consumers would pay approximately $35,000 each year for each $14,000 a year job saved. These costs estimates are being provided as part of this report. I believes that these estimates are conservative. Using a slightly lower domes-

tic elasticity of supply figure, the price increases to 8.2 percent for domestic shoes and 17 percent for imported shoes and consumer costs exceed $1 billion a year. The added domestic employment shrinks to 17,500 jobs, which translates into a cost per job of $60,000. These estimates do not include any additional costs due to retaliation. This is a net social welfare cost of $680 million in the first year. Where does the $680 million go? Nearly all of it, $600 million, would go to foreign shoe producers.[65] The remainder is lost as a result of interfering with the market process.[66]

V. CONCLUSION

In summary, I recommend that the President place no additional restraints on nonrubber footwear imports. Because the statute appears to require adjustment assistance in circumstances such as these, I recommend adjustment assistance designed to re-employ displaced footwear workers as rapidly as possible. If the President decides to raise import barriers, I recommend a tariff. If the President chooses a quota, I recommend that it be a global one and that it be auctioned.

APPENDIX A [67]

Increased imports must be a substantial cause of the serious injury or threat thereof to the industry. Subsection 201(b)(4) defines "substantial cause" as a cause "which is important and not less than any other cause." In defining a separate "cause," one must not compare a genus with a species or subspecies.

There are only three types of causes at this level of generality that can inflict serious injury or threat thereof to the domestic industry. They are (1) a decline in demand, represented by an inward and leftward shift of the demand curve (fig. A); (2) a decline in domestic supply, represented by an inward and leftward shift of the domestic supply curve (fig. B); and an increase in foreign supply, represented by an outward and rightward shift of the supply curve (fig. C).

The consequence of these adverse shifts will result in either a fall in the price or quantity of footwear produced by domestic producers, or both.

FOOTNOTES

[1] S. Rep. 1298, 93d Cong., 2d Sess. 119 (1974).

[2] 19 U.S.C. 2251(a)(1) (1982).

[3] Id.

[4] 19 U.S.C. 2251(d)(1) (1982).

[5] The term import relief is more narrow than the term remedy. Import relief includes all direct restraints on imports: tariffs, quotas, tariff-rate quotas, and orderly marketing agreements. Trade adjustment assistance is a remedy but it is not a form of import relief.

[6] The erection of permanent barriers to import is in the hands of Congress and the President alone.

[7] Prehearing Brief of Footwear Industries of America, Inc., Amalgamated Clothing and Textile Workers Union, AFL-CIO and United Food & Commercial Workers International Union, AFL-CIO, at 53-57, U.S. Int'l Trade Comm., Inv. No. TA-201-55 (1985) (hereinafter FIA Prehearing Brief).

[8] This situtation is not unique to the footwear industry. The classic example is agriculture, where the share of the labor force engaged in farming declined from 50 to 3 percent over the last one hundred years. This shift did not produce a 47 percent unemployment rate; it freed labor to produce cars and computers, etc. Such changes have made our country the richest nation in the world.

[9] After another investigation the Commission advised the President that the termination of the OMA with Taiwan would adversely affect the domestic industry.

[10] S. Rep. No. 1298, 93d Cong., 2d Sess. 119 (1974).

[11] Brief on behalf of the American Footwear Industries Association, Boot and Shoe Workers' Union and United Shoe Workers of America, at 81, U.S. Int'l Trade Comm., *Nonrubber Footwear*, Inv. No. TA-201-7 (1976) (hereinafter *Footwear I*).

[12] Brief on behalf of the American Footwear Industries Association, Boot and Shoe Workers' Union and United Shoe Workers of America, at 57-58, U.S. Int'l Trade Comm., *Nonrubber Footwear*, Inv. No. TA-201-TA-18 (1977) (hereinafter *Footwear II*).

[13] According to the domestic industry's brief, however, the Korean cost advantage in producing the typical ladies' pump is over 30 percent of the cost in the U.S. FIA's Prehearing Brief at 55-56.

[14] Posthearing Brief of Korean Footwear Exporters Association, at 16-17, U.S. Int'l Trade Comm., *Nonrubber Footwear*, Inv. No. TA-201-55 (1985) (hereinafter, KFEA Posthearing Brief); Posthearing Brief of Volume Shoe Corporation in Opposition To A Finding That Increased Imports Are A Substantial Cause of Serious Injury Or Threat Thereof at 22-23, U.S. Int'l Trade Comm., *Nonrubber Footwear*, Inv. No. TA-201-55 (1985) (hereinafter, Volume Shoe Posthearing Brief).

[15] Based on actual purchase experience verified by invoices, the wholesale price advantage of the imported footwear is probably closer to the 25 percent figure. The respondents estimated an average 25 percent import price advantage based on actual wholesale price comparisons or directly competing domestic and imported footwear, whereas the petitioners estimated the 15 percent figure based on the average unit value comparison of all domestic and imported footwear. Aggregate unit value comparisons involving a highly differentiated product like footwear are potentially misleading.

[16] The specific modernization expenditures and their effects in reducing domestic producers' costs are based entirely on findings of the Kaplan report. The Kaplan study was financed by domestic nonrubber footwear producers to determine what their industry must do to become competitive with imported footwear.

[17] The five leather shoes used in the Kaplan study appear to have a simple upper design and do not require the greater labor content of more intricate designs. As a result, the calculated cost savings may not apply to more complex shoe designs requiring intricate handwork. Volume Shoe Posthearing Brief at 24-25.

[18] KFEA Posthearing Brief, at 16-17; Volume Shoe Posthearing Brief, at 27.

[19] Report at A-96, Table 57.

[20] Thus, if the President should provide this industry with import relief, it would be unwise to condition it on reinvestment in the industry.

[21] I am aware that the adjustment assistance program has been sharply curtailed and may be eliminated. Nothing in this opinion should be construed as a statement in support of the existence of such a program. Section 201 requires me to make certain "recommendations" to the President. This language supports the popular misconception that Commissioners play advisory roles. Section 201 does not permit me to consider many factors, such as the costs of my recommendation and its effect on consumers, which are relevant to making informed recommendations.

[22] 19 U.S.C. 2271-2322 (1982).

[23] 19 U.S.C. 2251(d)(1) (1982).

[24] The Commission can "recommend adjustment assistance *in lieu* of import relief." S. Rep. 1298, 93d Cong., 2d Sess. 123 (1974) (emphasis added).

[25] *Id.* (emphasis added).

[26] Adjustment assistance transfers wealth to displaced workers in import competing industries from the rest of society. In a dynamic economy such as ours, we are all subject to the vagaries of the marketplace. Changes in demand, technology, or imports, can result in a loss of our current employment. Displaced shoe workers are no different than the slide-rule makers or the hatters. Each has a once valuable skill for which there is no longer a market. If would be impossible to identify all the individuals who suffer dislocations because of one or more market phenomena. Trade adjustment assistance draws distinctions between those individuals who are injured by imports and those whose injury may be even more severe but are either the victims of something other than increased imports.

[27] Section 201(a)(1)(B) of the Trade Act of 1974, 19 U.S.C. 2252 (1982).

[28] 19 U.S.C. 2292 (1982).

[29] 19 U.S.C. 2295 (1982).

[30] 19 U.S.C. 2296 (1982).

[31] 19 U.S.C. 2297 (1982).

[32] 19 U.S.C. 2298 (1982).

[33] *See, e.g.*, Charnovitz, *Trade Adjustment Assistance: What Went Wrong?*, The Journal/The Institute for Socioeconomic Studies Vol. IX, No. 1, Spring 1984, at 26; Ramseyer, *Letting Obsolete Firms Die: Trade Adjustment Assistance in the United States and Japan*, 22 Harv. Inter. Law J. 595 (1981); *Worker Adjustment Assistance: The Failure & The Future*, 5 Northwestern J. of Inter. Law & Bus. 394 (1983).

[34] *Restricting Trade Acts Benefits to Import-Affected Workers Who Cannot Find A Job Can Save Millions.* Report to Congress by the Comptroller General at 22 (Jan. 15, 1980).

[35] One critic wrote: What no one counted on was the side effects associated with such generous long-lasting income replacement. Givern the circumstances, it is hardly surprising that TAA could cause them to defer training and relocation. Barth, *Dislocated Workers*, The Journal/The Institute for Socio Economic Studies, Vol. VII, No. 1, at 27, (Spring 1982).

[36] I do not recommend that trade adjustment allowances be provided.

[37] See 19 U.S.C. 2371-2374 (1982).

[38] Community adjustment assistance programs may cause sub-optimal investment and result in inefficient use of resources. The fact that firms in other industries have not located in communities on their own suggests that it is not advantageous to do so. Congress, however, has decided to subsidize communities adversely impacted by import competition and I, therefore, recommend adjustment assistance for communities.

[39] 19 U.S.C. 2341-2354 (1982).

[40] 19 U.S.C. 2253(a)(1)-(4) (1982).

[41] I do not, however, recommend that any import relief be granted.

[42] See supra at 130. (Additional Remedy Views of Chairwoman Paula Stern).

[43] For every unit tariff there is a quota that will produce the same equilibrium under conditions of no uncertainty. Comparisons between tariffs and quotas are made assuming this sort of equivalence. This is shown in my general discussion of tariffs and quotas set forth in Appendix B tomy views.

[44] FIA Prehearing Brief, at 16-17 of Appendix 4, U.S. Int'l Trade Comm., *Nonrubber Footwear*, Inv. No. TA-201-55 (1985).

[45] The domestic industry's unwillingness to accept a tariff instead of a quota suggests that they do not think their plan is credible.

[46] There are two kinds of tariffs: unit tariffs and *ad valorem* tariffs. With a unit tariff, the amount of the tariff is the same for all units regardless of price. For example, a tariff of $2.00 on a pair of shoes is a unit tariff. With an *ad valorem* tariff, the amount of the tariff is a fixed percentage of the price, so the amount of the tariff varies with the price. For example, a 15 percent tariff on a pair of shoes is an *ad valorem* tariff.

[47] This is true for both auctioned quotas and allocated quotas.

[48] See Falvey, The Composition of Trade Within Import Restricted Product Categories, 87 J. Pol. Econ. 1105 (1979).

[49] If the President imposes tariff-rate quotas, I recommend that the quota portion be auctioned.

[50] All imports have to pay the current tariff which is 9 percent.

[51] *See Copper*, at 70 n. 14 (Views of Vice Chairman Susan W. Liebeler).

[52] The Commission's Office of Economics estimates that if the majority's recommendation is adopted, the value of the quota rights will be $519 million in the first year alone.

[53] There is at least a theoretical possibility because of the large market share of imports that some enterprising entrepreneur could make a profit by bidding for the entire quota allocation, only use part of that allocation, and thereby raise prices. Such an attempt to monopolize would be actionable under the Sherman Act.

[54] One advantage of an *ad valorem* tariff over a quota is that the tariff does not cause foreign suppliers to change their mix of shoes. An auctioned quota will not cause an upgrading if importers bid for the quota rights not by making a bid in dollars per pair of shoes, but as a percentage of the Custom's value of the shoes. With such a system, there would be a market price for the quota rights as a percentage of price, and the auction winners would pay for their quota rights only when their shoes are imported and valued by Customs. A quota where the bids are a percentage of the value of the imported product is more restrictive than one where the bids are in fixed dollar amounts because the former prevents the upgrading of imports. Thus, if such a bidding system is selected, the quota should be expanded for it to be equally restrictive.

[55] I recommend that if quota rights are assigned that they be transferable.

[56] J. Hirshleifer, Price Theory and Applications 216-20 (2d ed., 1980).

[57] With OMA's the United States does not owe compensation under the GATT.

[58] *Footwear II.* OMA's were negotiated with Taiwan and Korea.

[59] In the technical economic literature of public finance, distortion minimizing tariffs, or quotas, and taxes, are known as Ramsey prices.

[60] FIA Prehearing Brief at 85-91.

[61] Federal Trade Commission, Posthearing Brief (hereinafter, FTC Posthearing Brief).

[62] *Id.* (Appendix A), at 13-15.

[63] FTC, Posthearing Brief, Appendix A, at 15-16.

[64] A summary of their analysis is set forth in Appendix C to my views.

[65] Import relief which benefits foreign producers more than domestic firms would be a peculiar remedy indeed. If either a tariff is used or quota rights are sold, the U.S. Treasury gets the $600 million.

[66] There is one other important effect of import barriers. They generally raise the value of the dollar, an unwelcome event to participants in export industries and other import-competing industries. As conditions in import-competing industries worsen because of any additional import restraints on footwear, they will seek their own relief and impose still greater costs on consumers.

[67] This analysis was originally developed in *Copper* at 60-65 (Views of Vice Chairman Susan W. Liebeler) As in the copper report, I am indebted to the Federal Trade Commission for presenting this analysis. See 19 U.S.C. 1334 (1982) instructing the Commission to cooperate with other federal government agencies including the Federal Trade Commission.

The PRESIDING OFFICER. The 15 minutes of the Senator from Maine have expired.

The Senator from Georgia is recognized.

Mr. MATTINGLY. Thank you, Mr. President.

THE TRADE CRISIS

Mr. MATTINGLY. Mr. President, the return from the August recess traditionally marks the end of what is considered one of the busiest and, hopefully, most substantive recess periods of Congress. Members are able to take advantage of the longer length of this particular recess to gain deeper insight into how our constituents are faring. What we learn during this particular period becomes all the more valuable because Members immediately return to Washington for the final legislative period of the session.

I wish my colleagues to hear what I heard in reference to trade while I was at home. In addition, I wish to lay before you several ideas that could serve as the basis for future legislation and action. It is evident that the recess just reinforced what I, and a few others, have been stressing for the past 4½ years I have served in this esteemed body and with little reaction until recently.

Trade is part of every facet of our economic life. That is it, pure and simple. That was, and is, the concern of everyone and it should be. Textile workers, footwear workers, retailers, farmers, high technology technicians, machine tool makers, bankers, corporate executives, importers, exporters, local and State officials, retirees, housewives, and many others are all impacted by the current international trade crisis and let us not kid ourselves—we are smack dab in the middle of a trade crisis that will make the early 1930's look like a bad day at the track. The United States is still racing along toward a 1985 trade deficit that could exceed $150 billion. We are watching our export markets erode due to fair as well as unfair competition. And we are watching able-bodied and able-minded U.S. workers sitting idle while their families' standard of living deteriorates. Such a situation makes excellent fodder for the media and political demagogues; sometimes the desire for news or political gain is more powerful than the desire for constructive answers. The adverse impact of imports and trade restrictions on American jobs and profits is easily documented, at last making our trade ills a front burner and national issue. I have long held the outspoken opinion that trade policy should receive the same attention as tax spending, or foreign policy.

It has not in the recent past, but you can bet it will from now on. Maybe the 1986 election obsession and the political search for an issue has surfaced to where something constructive can now occur.

We have a serious problem and our instinct to act is strong. It is indeed critical that action be taken and I believe Congress has an important role to play, but contrary to the view of many of my colleagues I am hesitant about encouraging Congress to set what would probably be 535 different trade policies.

We must speak with a single voice on trade and that voice must follow a unified and coherent policy that affords long, not short, term economic growth and well-being for this country as a whole. That voice must firmly seek the establishment of a fair and open market system that provides the trade access necessary to all trading nations. We, in Congress, should guide that voice—in effect serving as the trade conscience of our trade policy. We in Congress should work to firmly provide a well-thought out framework within which our trade officials can and must act.

My interest and involvement in international trade is well-known and well-documented and my preference has been to listen and learn and then suggest practical ways in which to improve U.S. trade policy. My assessment, then, as toward what direction we need to move vis-a-vis international trade policy is the result of 4½ years of practical, hands-on experience. I attended the November 1982 ministerial meeting of the General Agreement on Tariffs and Trade as an official U.S. Government representative. I have been a member of the Canada-United States Interparliamentary Group. In addition, I have been a participant in the Mexico-United States Interparliamentary Conferences.

When I examined this country's trade policy framework I found that there largely existed those who advocated more or less purely free trade policies and those who supported specific protectionist solutions to existing trade ills. One—free trade—forced the policymaker to see a world trade arena that simply does not exist while the second—protectionism—shrouded U.S. trade policy in a negative, circle-the-wagons type mentality. I am not comfortable with either view. It was becoming obvious to me that our trade focus was either black or white and reeked of naivete or negativism depending on what day of the week it was and who you happened to be talking to. We were heading straight toward the type of conflict in trade philosophy that dominated the early 1930's with such disastrous results. I discovered that there are several givens in the global trade environment that I feel must always be kept in mind:

First, protectionism has a negative effect;

Second, unfair trading practices must be eliminated;

Third, U.S. competitiveness is slipping and must be eliminated;

Fourth, multilateralism is giving way to bilateralism; and

Fifth, unlike every other major trading nation, the United States speaks with not one, but several voices on international trade.

Protectionism is negative. As we invoke protectionist measures to save important jobs, we will just as surely lose others equally important as retaliation and increased prices affect other sectors of the U.S. economy. The most notable example is the Smoot-Hawley Tariff Act of 1930. 1,028 economists petitioned then-President Hoover to veto Smoot-Hawley; they were ignored until 1933. An esteemed fellow Georgian who preceded me in service in this body, in 1936, Senator Richard B. Russell, had the following to say about the 1930 Tariff Act:

> The passage of the Smoot-Hawley Tariff Act did more to demoralize the commerce of the world than any other single act which has ever been passed by the Congress of the United States and signed by the President of the United States. It not only dried up our foreign market for agricultural commodities but it eventually paralyzed industrial production in this country. By reason of its passage there grew up all over the world a complicated system of quotas, embargoes, trade agreements, and restrictions which obstructed all of the normal channels of commerce . . .

The question is, is history going to repeat itself? The situation is too similar and thus it is all the more important to avoid the same results—results that I think can best be described as

"boomerang trade legislation," policies quickly tossed out that look good during their initial flight, but that can be guaranteed to return and unintentionally hit some other part of the U.S. economy.

I recognize, however, that in order to return American trade to a level playing field and to force fair trade practices on other nations, tough action is needed. I am certain that some of you may not agree with what I propose, but I ask you to give what I have to say serious consideration. From an international trade standpoint these are difficult and desperate times. Let us try to act in a constructive way.

First, the President must immediately take a direct role in trade policy issues. As leader of the premier global economic power, the President of the United States is in a unique position to influence the creation of an open and fair world trading system. U.S. trade policy is addressed by 25 different U.S. Government agencies. Only the President can consolidate administration initiatives on trade. Without the involvement of the President it will be nearly impossible to cure the problem.

Second, we must focus our energies in a more positive direction—rebuilding the competitive strength of the United States by a commitment to new technologies and their commercial applications to new as well as traditional production.

Third, our competitiveness would be enhanced if, for instance, a personal effort were to be made to purchase domestically-produced goods and services by American consumers. Through good old American purchasing power, consumers can have an impact. I am simply saying that one way to positively help our domestic industries is to pay closer attention to what we buy. I am not saying we should no longer buy foreign-made products, but I am saying, where possible or practicable, think "U.S.A." and then buy the U.S. product. Such an effort can and would make a difference.

Fourth, use of domestic trade laws is perhaps the most effective signal that this country can send to its trading partners that we absolutely will no longer tolerate unfair trading practices and intend to pursue previously agreed upon legal means of remedy to the fullest extent. There are sufficient U.S. laws to accomplish any Presidential initiative to resolve current problems. Some are ineffective or cumbersome and need to be strengthened or streamlined for better useability. Most recently, the Congress passed, and the President signed into law, the Trade and Tariff Act of 1984. Under the provisions of the act, the concept of reciprocity, or equitable market access, became law. That provision has not been utilized. Enforcement of this trade law and others would go a long way toward giving U.S. businesses an even chance on the trade playing field. We must do whatever it takes to make the laws we have useable and enforceable. The President, with the advice of the U.S. Trade Representative and the Secretary of Commerce, should provide the Congress with their ideas on revisions to U.S. trade laws.

Fifth, existing international trade laws are in desperate need of modernization and reform. Multilateral trade agreements such as the General Agreement on Tariffs and Trade [GATT] or the Multifiber Arrangement [MFA] should be revised so as to address emerging trade problems as trade increasingly is occurring outside of these agreements. I urge my colleagues to join me in supporting a new round of multilateral trade negotiations within the context of a reformed GATT.

Sixth, the underlying reasons for exchange rate disparity and instability, including lagging economic growth, should be examined; alternative methods of calculating currency valuations thoroughly investigated; and appropriate reforms enacted. The disparity between the dollar and other currencies makes it difficult for U.S. exports of goods, services and commodities to remain competitive. I suggest that serious thought be given to a Bretton Woods-type of conference on the current situation; much has changed in the international currency exchanges in the last 42 years.

Seventh, we cannot allow our support of U.S. export efforts to stagnate. We must rediscover that "Yankee Trader" spirit that led this country to become the most powerful trading nation on Earth. Creative financing and aggressive marketing strategies are vital in that respect.

Eighth, reduction of Federal expenditures must remain the top priority because it is only in a responsible fiscal environment that international economic opportunity for long-term growth in the United States will be fostered. This is an area in which bipartisanship can have an immediate impact.

I hope that our recent experiences in our home States have assured trade policy and trade issues the highest priority. Consumers and businesses alike are at the mercy of a fragmented trade policymaking apparatus. We must keep in mind the impact of budget, regulatory, and other domestic policy decisions in the competitive position of the United States. Our trade problems are as numerous and diverse as our many producers. Trade must be a joint, and I emphasize the word "joint," effort between the President, the Congress, and the people. The time to act is now, but we must work together and act in a manner that will produce results, positive results, for our country and not one that will boomerang on consumers, business, and our country.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 10 minutes.

NUCLEAR ARMS CONTROL STALLED

Mr. PROXMIRE. Mr. President, last month in a column on nuclear war in the Milwaukee Sentinel, Ellen Goodman concluded that in the 40 years since Hiroshima "* * * those who lead the superpowers have done nothing, absolutely nothing, to still" the fears of world destruction in nuclear war. How about that? Have the eight Presidents who have led this country in the past 40 years done "absolutely nothing to still our fears?" Ellen Goodman offers a provocative and eloquent challenge. Certainly our leaders have not done nearly enough. But absolutely nothing? Consider what they have and have not done in concert with Soviet leaders to control nuclear arms. They have negotiated five major arms control treaties. Here they are: A limited test ban treaty; an antiballistic missile treaty; a treaty limiting the megatonnage of underground nuclear weapons explosions; and two strategic arms limitation treaties—SALT I and SALT II—limiting the nuclear arsenals of both superpowers. Some would apply the Goodman conclusions to all of these treaties, and call them meaningless. They would have a strong case for that viewpoint. After all, what was the prime purpose of the two treaties limiting nuclear weapons tests? Answer: It was to design an agreement that would stop the technological progress toward even more destructive weapons. Did they succeed? Obviously, they failed and failed dismally. Since those limits on testing, each superpower has engaged in hundreds of nuclear weapons tests. Each has greatly increased the killer efficiency of their weapons. They have increased megatonnage, throw-weight, accuracy, and penetration. Obviously, the limitations on testing and research have to date failed in their mission. So far it is true they have accomplished absolutely nothing. How about the two SALT treaties? Have they not succeeded in limiting the nuclear weapons of both superpowers? The answer is that each superpower has about 10,000 strategic nuclear weapons. Each also has about 15,000 tactical nuclear weapons. There is now a superpower total of 50,000 nuclear weapons. Some limit. The numbers are absolutely ridiculous. Each superpower has sufficient nuclear capability to weather an all-out nuclear

attack from the other side and still totally devastate the adversary several times over. The SALT nuclear weapon limitation treaties are in place but the arms race speeds on. So far the Goodman challenge—that superpower leaders have done nothing to still our fears of nuclear destruction, as far as offensive nuclear weapons are concerned—seems right. Finally, there is the Antiballistic Missile Treaty of 1972—the ABM Treaty. That treaty limited the production and deployment of systems that defended against nuclear attack. Now the United States is engaged in the beginning of what promises to be the most costly single military program in history to build a massive defense against nuclear missiles at a cost that could exceed a trillion dollars. Obviously, this effort will make a complete and conspicuous nullity out of the ABM Treaty. The ABM Treaty was expressly drafted to prevent precisely what the United States is prepared to do.

So, are all five of the arms control treaties useless pieces of paper? Have all been swamped by the arms race? The answer is that every one of those treaties began a process that is critical to a peaceful nuclear world. Continuation of that process could indeed greatly lessen the prospect of nuclear war. Each treaty depended on follow-up treaties. Superpower leaders have dismally failed to pursue those follow-up treaties. The Limited Test Ban Treaties of 1963 and 1974 actually pledged—solemnly promised—both superpowers to negotiate a comprehensive verifiable ban on all nuclear weapons testing. Those treaties recognized that unless all testing ended the arms race would zoom on to Armageddon. The newest Star Wars Program has killed the rest of arms control. SALT I and II could only succeed with subsequent treaties that ended production and deployment of strategic missiles and began a cutback. Obviously, the U.S.S.R. will not agree to such a limitation if the United States presses ahead with an antimissile defense system—Star Wars—that can only succeed if the Soviets reduce the number of these offensive missiles. It is equally obvious that the ABM Treaty cannot provide an assured deterrence for both superpowers—if Star Wars threatens the credibility of the Russian deterrent. So Ellen Goodman may be right. We may now have arrived at a point where the arms control efforts of the nuclear age have been nullified by an administration that refuses to negotiate an end to nuclear testing and is pushing hard a Star Wars Program which, if it succeeds, will destroy both deterrence and any prospect for negotiating a limitation or reduction on nuclear missiles.

Mr. President, I ask unanimous consent that the article to which I have referred by Ellen Goodman be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR FEAR HOLDS WORLD IN BONDAGE

(By Ellen Goodman)

The 40-year-old newspapers on my desk chart the terrible plot line, day by day, toward its horrific climax.

On June 20, 450 planes drop 3,000 tons of incendiary bombs on three Japanese cities, leaving behind "one solid mass of flames."

On July 27, 350 planes drop 2,200 tons of firebombs on cities with populations of 377,000.

On July 29, 550 planes drop 3,500 more tons of firebombs.

Finally, on Aug. 6, 1945, a single plane drops a single bomb, the bomb they call, "Little Boy."

In the dry words of the New York Times news summary, "One bomb hit Japan . . . but it struck with the force of 20,000 tons of TNT. Where it landed had been the city of Hiroshima; what is there now has not yet been learned."

It is hard for those of us, raised in the nuclear age, to imagine what Americans thought when they read the news 40 years ago. I have asked my elders, elders who were younger then than I am now. One, a bombardier who flew over Europe, struggles to remember: "I just thought it was a bigger bomb." Another, a Marine in the Pacific waiting to invade Japan, answers: "I thought, well, I guess I'm going to live."

Still others who read the papers on that distant summer day, with eyes glazed by years of war news, must have turned from the news to the ads that bordered it: "Looking forward to fall and a fine fall suit? Come to our third floor and select, in air-conditioned comfort, the wool suit you'll need."

The casualties may have sounded less awesome after four years of death statistics. World War II had already smudged the lines that distinguished soldier from civilian, front line from city. Some 40,000 Britons had died in the Blitz, 135,000 Germans in the firebombing of Dresden, 70,000 Japanese in one night's firebombing of Tokyo.

The 130,000 killed those first minutes in Hiroshima may have been more numbers to those already numbed. We did not yet know about skin that peeled off and faces that melted, about radiation sickness and the silent leukemia that struck years, even generations, later. We hadn't yet heard the stories of the hibakusha, the survivors.

In the first days of the atomic age, the scientists talked about their accomplishment and the military about cost-effective killing. A colonel said at a press conference that since the bomb had done the work of 2,000 planes, "That makes atomic energy far cheaper than any other way of bombing."

Yet in this seamless daily flow of history, there was also an abrupt awakening, an immediate, often subliminal, understanding that the atomic bomb had changed everything. Dailiness couldn't dull the early rumblings of existential dread.

The sounds of it were there in President Harry S. Truman's dramatic announcement: "The force from which the sun draws its power has been loosed against those who brought war to the Far East." They were in solemn cadences in the Vatican's lonely moral judgment: "The last twilight of the war is colored by mortal flames never before seen on the horizons of the universe from its heavenly dawn to this infernal era."

They were in the rush to proclaim that this bomb could be a force for good, could portend a new dawn of energy or, at least, a "club for peace."

But now the newspapers have yellowed. Even the microfilm is hard to read. We have learned in intimate detail what happened on the ground at Hiroshima and Nagasaki. Yet in mad competition with the Soviets, we collectively produced some 50,000 bombs that do indeed make the first seem like a "little boy."

The etiquette books tell us to give rubies for a 40th anniversary. But we have given far more than that in this bondage of two generations. We have given the wealth of nations to the bomb. We have sacrificed peace of mind.

On this Aug. 6, in Washington and Moscow, men will get up, eat breakfast, kiss their families goodbye and go to the office, to spend the day at nuclear war games. Diplomats will argue: How many bombs are enough? Who has more?

And all across the world, people who may not be able to explain fission, people who cannot imagine an argument that would justify extinction, will for a moment think about Harry Truman's "rain of ruin" and nuclear winter.

They'll remember that the mushroom shape of their deepest fears first rose 40 years ago over a place called Hiroshima. They will surely wonder why, in all these years, those who lead the superpowers have done nothing, absolutely nothing, to still that fear.

HOW AMERICA SINKS UNDER ITS DEBT BURDEN

Mr. PROXMIRE. Mr. President, years ago—as a matter of fact, when I first came to the Senate, I remember talking to Alvin Hansen right out here outside the Capitol—Alvin Hansen, the great Harvard expert on business cycles, argued that in the economic history of the United States there had been a remarkable, compensating symmetry in the accumulation of debt. Professor Hansen was writing at the time of the Great Depression and World War II. He contended that the alarm about the Federal Government's debt was based on a peculiar myopia. In Hansen's view critics failed to put debt in perspective. He contended that throughout America's economic history when the Federal debt increased State and local debt tended to decrease and vice versa. On occasions where overall public debt did grow rapidly, Hansen argued that private debt enjoyed a compensating decline.

It is too bad Professor Hansen is not around today. If he were, it is hard to see how he could explain the growth of debt in the past 7 or 8 years and especially in the past 2 or 3 years based on his theory of "debt-symmetry" Every member of this body—it seems that every American who has any concern for our country's economic future—is aware of the immense growth of the Federal Government's debt. We all know that within a few weeks we in the Congress will be called

on to raise the national debt limit, perhaps to more than $2 trillion. Those of us, who have been in this body since 1980 or earlier, will recall that it was less than 4 short years ago that we were called on by President Reagan to increase the debt limit to a then-shocking $1 trillion. This Senator remembers talking all night, in fact, for 16 hours consecutively on September 30, 1981, in protest against what seemed to this Senator at that time to be an outrageous collapse of the Congress, fiscal responsibility.

Mr. President, can we find any solace in the Hansen symmetry argument in 1985 as we prepare to sink the Federal Government under a further debt deadweight? The answer is not just negative. It is shockingly negative. Two trillion dollars is a nice, fat, round figure that should frighten all of us. But it is only part of the whole picture. Is there a compensating drop in this country in corporate debt or individual consumer debt? For those Senators who have not taken a look at the overall, that is, the total public and private debt problem of America, prepare for a shock. The sad fact is that the total public and private debt of this country not only has failed to compensate for the explosion of the Federal Government's debt by providing a corresponding reduction, it has actually exploded far more than the Federal Government's debt. In two excellent articles in the New York Times on September 4 and 6, Leonard Silk discusses this mammoth economic problem. He points out:

Total outstanding debt in the United States has more than doubled in the past seven years, increasing from $3.3 trillion at the end of 1977 to $7.1 trillion at the end of 1984. While the federal debt was rising by $754 billion during that period, private debt was climbing by $2.3 trillion.

Now, Mr. President, we should not let those trillions bowl us over with these nominal dollars. Between 1977 and 1984 the country suffered an inflation of about 70 percent. Let us correct the nominal growth in debt to measure the increase in real terms. If we do so, we find that both the public and private debt increased steadily and sharply but by far less than the nominal figures suggest. Nevertheless, on any basis the debt of the U.S. citizen has increased. It has increased in every form—public, corporate, and for individuals. It has increased sharply in relation to the gross national product, in relation to personal income or corporate income. The typical American not only is finding that his taxes are going more and more to pay interest on the Federal Government's debt. He finds the corporation which may employ him or whose stock he may own is also more burdened by debt and is becoming increasingly more fragile and subject to collapse in the event of recession because of its increasing debt. He is also increasingly finding his big burden is likely to be the interest he must pay every month on his own mortgage, the interest payments on his car, or on the appliances he has bought for his home.

At the moment Americans except for farmers feel relatively little of this debt burden pressure. We are lulled by the blessed moderation of inflation. The immediate outlook for prices seems comforting. Because the inflation outlook is good, interest rates are also behaving like a well-trained dog. This pleasant interval of ease in meeting our interest obligations may continue for a year or two, maybe even more. But, Mr. President, make no mistake about it. Our country is riding for a fall and a big one. Every country in history that has lived far beyond its means has eventually suffered sharply accelerating inflation. Private corporations and individuals who have consistently spent more than they have taken in have run into trouble. The longer the spending beyond income has gone on, the bigger the problem. Our Federal Government is now into its fourth year of mega-deficits. Private debt has increased even more than the Federal debt in the same period.

What kind of trouble does this spell? At this very moment Israel, Argentina, and Bolivia offer vivid examples. It means inflation—big inflation—in fact very big inflation. And that means very high interest rates. And when high interest rates coincide with a massive and growing debt what does that mean? It means the cost of servicing the national debt will rise to $200 or $300 billion and far more. It means thousands of corporations and millions of individual Americans will not be able to pay interest on their debts. So what do we need? It is plain and simple. This country needs a massive infusion of good old fashioned thrift on every level and we need it now.

Mr. President, I ask unanimous consent that the two articles by Leonard Silk to which I have referred be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 4, 1985]

THE EXPLOSION OF PRIVATE DEBT

(By Leonard Silk)

The rapid growth of the Federal Government's debt has been the focus of a great deal of public concern in recent years. But much less attention has been paid than is due to the even greater explosion of private debt.

Total outstanding debt in the United States has more than doubled in the past seven years, increasing from $3.3 trillion at the end of 1977 to $7.1 trillion at the end of 1984. While the Federal debt was rising by $754 billion during that period, private debt was climbing by $2.3 trillion.

In just the past two years, total debt outstanding increased by nearly $1.5 trillion. In the final quarter of 1984, total debt, private and public, was climbing at an annual rate of $1 trillion for the first time in history. Last year the Federal Government borrowed $198.8 billion to finance its deficit while private businesses and households added $535 billion to their debts.

What are the forces behind the explosion of private debt?

James J. O'Leary, economic consultant to the United States Trust Company, observes that, in the late 1970's, inflation and inflationary expectations were a driving force. Borrowers thought the rising value of the assets they brought, and the declining value of the money with which they would repay their loans, would move than justify the high interest rates they had to pay. And lenders and investors were willing to take big risks in the belief that inflation would bail out unsound loans and investments.

The drop in inflation resulting from the sharp United States and world recession of 1980-82 uncovered the unsoundness of a lot of those loans that were made in an inflationary era. Many farmers who had expanded their operations in the belief that prices of farmland, foodstuffs and fibers would keep on climbing indefinitely were caught with debts they could not handle when commodity prices dropped. Likewise, the oil glut and declining energy prices made a lot of oil loans go bad—and caused some oil producers and banks that had lent to them to go broke.

Farmers and oil producers are not the only ones caught in a bind. Deflation combined with the overexposed financial position of many businesses has resulted in the greatest failure rate since the Great Depression of the 1930's.

From 1931 through 1935 the average number of business failures per year was 20,860, for a failure rate of 126 per 10,000 concerns. During the early postwar years from 1946 through 1950, the average annual number of business failures was only 5,301, and the failure rate was 21 per thousand. But during two years, 1983 and 1984, the average annual number of failures climbed to 29,610 and the failure rate to 104 per 10,000—rate four-fifths as high as occurred during the worst years of the Great Depression.

What is remarkable and disturbing about so high a failure rate now is that it has taken place during the period of business-cycle expansion, not depression. This reflects the weakened financial structure of United States business, and it could foreshadow an even more serious wave of bankruptcies if the business cycle should turn down.

Nevertheless, the tidal wave of increasing debt rolls on. What is keeping it going with the rate of inflation down—and deflation hitting many markets around the world and here? Among the major forces for expanding debt, Mr. O'Leary observes, are these: the vast borrowings to finance mergers and acquisitions—and in some cases by corporate managements to fight off unwanted mergers or acquisitions; aggressive lending by financial institutions to achieve a positive spread between their current rate of return and their current cost of money, to restore profitability; the drive of banks and thrift institutions to lend at floating or variable rates, thereby pushing interest rate risk onto borrowers, and the interest rate "buy-downs" offered by auto companies and home builders in an effort to make sales in a time of persistently high real interest

rates that would otherwise discourage their customers.

The expansion of mortgage credit, much of it on a minimum down-payment basis, has brought on a big increase in delinquencies and foreclosures on both homes and commercial properties, as real estate prices have declined in some parts of the country. The Home Loan Bank Board reports that outstanding foreclosed loans of savings and loan associations jumped 27 percent in the first quarter, with most of the increase involving commercial properties.

In a study for United States Trust, Mr. O'Leary concludes that the large increase in delinquencies and foreclosures, together with the losses incurred by lenders in all sectors of the private market, is undoubtedly a result in part of too fast an expansion of private debt and of the assumption by lenders of excessive risks.

Similarly, a study by Mel Colchamiro and William C. Freund for the New York Stock Exchange concludes that the health of American corporations has been endangered by excessive debt. As of the end of last year, 68 percent of all corporate debt financing was short-term, bringing the share of short-term debt up to 51 percent, its highest level in the past 25 years. Further, the study notes, the "quick ratio" (liquid assets as a percent of short-term liability) fell to its lowest postwar level. The so-called interest coverage ratio (pretax corporate profits to interest payments) remained at historically low levels, as did manufacturing corporations' equity-to-debt ratios.

Yet the buildup of debt goes on at the fastest rate of the postwar period. The implications of this debt explosion will be considered in another column.

[From the New York Times, Sept. 6, 1985]

PREVENTING DEBT DISASTER

(By Leonard Silk)

The huge expansion of private debt of recent years poses a threat to the financial health of major sectors of the American economy.

The most immediately threatened sector is agriculture—and the banks that have lent heavily to farmers. The Farm Credit Administration now has 402 farm banks on its problem list, and the entire farm credit system is facing a potential debacle, which could deal a heavy blow not only to the farm economy but also to the national economy and banking system. Farmers owe their creditors a total of $213 billion. A critical issue facing the Reagan Administration is whether to prepare for what could become a bailout amounting to billions of dollars in bad loans, if the depression in agriculture continues.

But is agriculture only the most conspicuously endangered sector resulting from the debt explosion? Nonfinancial business corporations have also been increasing their debts at a rapid pace. A study by the New York Stock Exchange notes that 1984 witnessed an outbreak of "mergermania" with the retirement of an estimated $84 billion to $100 billion worth of equity in merger exchanges of debt or cash for equity. Although $12 billion in equities were issued in 1984—one of the biggest years ever—the corporate equity base declined by at least $72 billion. Mergers—or canceled mergers—last year offset all the equity financing of the last half-dozen years.

Some economists fear that debt-financed mergers and leveraged buyouts withdraw credit from the rest of the economy. But Henry C. Wallich, a member of the Federal Reserve Board, argues that such fear is misplaced, maintaining that such operations do no more than reshuffle assets. The real danger, in his view, is the resulting change in the balance-sheet structure of corporations, causing a deterioration of their debt-equity ratios.

Henry Kaufman, executive director and chief economist of Salomon Brothers, interviewed by telephone in London, expressed his anxiety over the weakened financial base of corporations. "In the past year and a half," he said, "the outstanding equity of nonfinancial corporations shrank by $53 billion, but the debts of the same corporations increased by more than $250 billion." The Fed's Flow of Funds data show a net increase of nonfinancial corporations' debt by $256.9 billion in 1984 alone, bringing their net outstanding debt to more than $2 trillion, more than double its level in 1977. Their short-term debt has soared to 51 percent of their total liabilities.

Just how dangerous is this situation? Some economists contend that the danger has been overblown, arguing that the traditional ratios of debt-equity and corporate liquidity no longer hold because of the internationalization of credit markets, tax laws that encourage debt rather than equity and financial deregulation. But another school says the danger is all too real, holding to the principle that the only valid measure of a corporation's debt capacity is whether it could service its debt in a period of adversity.

For much of American agriculture, the ex post facto answer is that it went far too deeply into debt. Obviously, nobody can simulate just what the cash flow of business corporations will be in the recession or, perhaps, in the next inflation. But business failures have been rising despite almost three years of economic expansion, and a downturn could only aggravate the financial vulnerability of corporations.

What can be done now, other than for the Government to prepare for huge bailouts? One constructive step would be to reduce the Federal budget deficit that, together with the Treasury's effort to lengthen the public debt, has pushed up long-term interest rates, leading corporations to go increasingly into short-term debt. However, the outlook now is that the Federal deficits will remain high and may even worsen. The effort of banks to protect themselves by setting variable interest rates on long-term loans also means greater danger for the borrowers if inflation returns.

Another way to strengthen the corporations would be to encourage greater internal financing. Here the New York Stock Exchange study charges that President Reagan's proposed tax revisions would have a damaging effect by eliminating the Accelerated Cost Recovery System and the Investment Tax Credit, cutting company cash flows.

Mr. Kaufman urges increased Federal regulation to keep the growth of debt under better control. He would enhance the powers of the Federal Reserve System and set up a new National Board of Overseers to supervise all institutions that create credit, not just commercial banks. Indeed, he wants greater international financial oversight to cope with the immense and accelerating growth of international debt. Mr. Kaufman was in London this week pressing his case for such international oversight upon the Group of 30, a body of leading financial authorities.

He is also calling for a new official credit-rating system. He contends that the private rating concerns cannot get as much information as can the Government to do an adequate rating job. If the Government published such reports, he contends, such disclosure would push managements to take strong remedial actions and preventative steps.

Do such ideas come too late? No one can be sure, but remedial measures may be crucial if they are to prevent what is happening in agriculture from becoming a general condition of financial vulnerability.

ERIC STROM'S BAR MITZVAH

Mr. PROXMIRE. Mr. President, on September 7 Eric Strom of Stamford, CT, had his bar mitzvah in Cracow, Poland. According to the New York Times, Eric was the first boy to have a bar mitzvah in Cracow since the end of World War II.

The bar mitzvah was planned as a celebration for the Jews of Cracow. The New York Times reports that those Jews who remain in Cracow are just a few elderly, impoverished survivors of the Holocaust.

During World War II, the Nazis sent the entire population of Cracow's Jewish community to die in Auschwitz.

The Federation of Jewish Philanthropies planned and raised the expenses for the trip, and Eric was chosen for his Polish heritage.

The inspiration for the trip came last spring when an old woman in Cracow remarked to American visitors, "There's never going to be another birth, wedding, or bar mitzvah."

Mr. President, the Jewish community of Cracow still lives under the shadow of the Holocaust. It has been over 40 years since some of the most common of Jewish ceremonies were performed in Cracow's ancient Remu synagogue.

Before leaving for his bar mitzvah, Eric said, "I want to bring joy to them. I want them to know they're not forgotten."

Mr. President, in a broad sense, the survivors of the Holocaust have not been forgotten. Interest in the Holocaust is perhaps greater now than at any recent period.

But, often we forget about the suffering of the individual survivors, like the Jews of Cracow.

We should be proud of Eric Strom and the Federation of Jewish Philanthropies. They have filled an empty space left in the lives of these people by the Holocaust. They have healed, in part, a wound that was over 40 years old.

Mr. President, ratifying the Genocide Treaty would be a symbol that the United States remembers the victims of the Holocaust.

Ninety-six nations have already signed this document which pledges them to punish the perpetrators of genocide.

I urge my colleagues to vote for ratification to show survivors of the Holo-

caust that we have not forgotten what they endured.

MYTH OF THE DAY: TOO MANY INEFFICIENT FARMERS ARE A CAUSE OF OUR AGRICULTURAL WOES

Mr. PROXMIRE. Mr. President, a myth abounds in our Nation that a prime cause of our agricultural woes is an overabundance of inefficient farmers. Nothing could be farther from the truth. A look at the facts makes this clear.

The farm population as a percent of the total U.S. population has fallen from 15.3 percent in 1950 to a mere 2.4 percent in 1982, the latest year for which U.S. census data are available. For Wisconsin, the comparable figures are 21.1 percent in 1950 and 6.9 percent in 1980, the latest figures available.

These figures spell out the hard reality that we have already weeded out the inefficient farmers in America. What is left are the superefficient farmers whose efforts result in the agricultural productivity that is the envy of the world.

And it is this agricultural productivity that provides our clearest advantage over the Soviet Union. No group in American society is more productive and efficient than the farmer. Our farmers are producing more food than ever before—at the same time that our population is growing and we are working on ways to export more of our agricultural output.

Our taxpayer dollars are not going to prop up inefficient farmers—that is for sure. Here are additional data that support this conclusion and help to destroy the myth that says otherwise. In 1950, there were 5,388,437 farms in America. By 1982, that number had plunged to 2,240,976, a decline of 58.4 percent.

The same story holds true for Wisconsin. The total number of farms in Wisconsin in 1950 was 166,561. By 1982, that number had fallen to 82,199, which represents a drop of 51.2 percent.

Does the picture change for dairy farmers? No way. In 1950, there were 602,093 commerical dairy farms in the United States But in 1982, the figure was 163,963, or a whopping 72.8 percent dive. And in Wisconsin, there were 116,529 commercial dairy farms in 1950. By 1982, this number had dwindled to 40,088, a decrease of 65.6 percent.

Much needs to be done to improve the farm situation today. The immediate challenge facing the Senate is to produce a 1985 farm bill that will help get the job done. But in looking for the causes of our agricultural difficulties, we should dispel the myth that mounting numbers of inefficient farmers are a contributing factor.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 3:30 p.m., with statements therein limited to 5 minutes each.

LABOR DAY—AN AMERICAN TRADITION

Mr. DOLE. Mr. President, the second day of September marked this country's official celebration of Labor Day. It is, traditionally, a day for parades, picnics, and speechmaking, commemorating and reinforcing one of America's most valuable commodities—the strong work ethic of our people.

Despite America's humble beginnings, this Nation has risen to a level of preeminence in the world economy that would have astounded our forefathers. They could not have known that their simple formula for survival in a new world would spawn the productivity and prosperity of an economic giant. But, these are the results of a people committed to achieving their personal best at whatever they choose to do in an economic system that allows them to set any goals, reach any heights, and receive their just rewards.

I grew up believing that, "if you work hard, you get ahead"; that "your only limitations are those you place on yourself"; and, in the true spirit of American optimism, "the sky's the limit." The reason you were "early to bed and early to rise" was so that you could get in a full day's work between rising and going to bed. Well, Mr. President, we have gotten ahead. We have done it through sheer, hard work. In no other place have so many people started with so little and, through their own labors, prospered.

The work ethic runs deeply through the collective spirit of Americans and continues to be a source of pride that is celebrated every year on Labor Day. Moreover, the motivating force behind a holiday of this sort is uniquely American. I believe most Americans share the belief that work is more than a means to a paycheck; for many, it is a means of personal satisfaction, identity, and moral achievement. Self-sufficiency and industriousness are their own rewards. It is not the country that has inspired the people, but the other way around. For millions of immigrants, this was the place to "make something of yourself," and it still is.

There is no better time to recognize the achievements of American workers than on Labor Day, Mr. President. I am pleased that so many Americans took the time to celebrate the day and rededicate themselves to the ideals and ambitions that will sustain this Nation for many years to come.

U.S. JAYCEES HEALTHY AMERICAN FITNESS LEADERS AWARDS CONGRESS

Mr. DOLE. Mr. President, September 14 marks the fourth annual U.S. Jaycees Healthy American Fitness Leaders Awards Congress, sponsored by Allstate Life Insurance and carried out in cooperation with the President's Council on Physical Fitness and Sports. These awards honor 10 individuals who have made an outstanding contribution to the promotion of physical fitness, health or nutrition.

This year's recipients have exhibited notable leadership in areas very diverse from one another, such as the media, education, and active participation in athletic sports. Their bond is the impact each has made on the Nation's awareness of the importance and merits of a wholesome lifestyle. Mr. President, at this time, I would like to recognize each recipient individually:

Edward W. Bradley, 57, is the chief executive officer of the New Jersey Governor's Council on Physical Fitness and Sports. Mr. Bradley designed and established all 21 county councils on physical fitness in New Jersey.

John Burstein, 35, has had great success with his creation of a health and fitness role model for children named "Slim Goodbody." Mr. Burstein has also recorded four record albums and authored several books dealing with fitness and health.

Irv Cross, 45, is a CBS sportscaster as well as the cohost of "NFL Today." As president of the American Running and Fitness Association, Mr. Cross is a writer for Running and Fit News, and frequently serves as a guest speaker or moderator at health and sports-related functions.

Susan Smith Jones promotes health and physical fitness as a consultant, researcher, and lecturer, and is the author of more than 150 internationally published articles on fitness and health.

Dr. Charles T. Kuntzleman, 44, is the national director of both Living Well and Feelin' Good, a cardiovascular health and fitness program for children between the ages of 5 and 9. Dr. Kuntzleman has also authored more than 50 books on fitness.

After winning four gold medals for swimming at the 1976 Olympic games, and capturing the title of Amateur Athlete of the Year in 1977, 29-year-old John Phillips Naber is now the honorary head swimming coach of the National Special Olympics. Mr. Naber also runs more than 100 swimming clinics throughout the country.

Jo-Ann Louise Owens-Nausler, 36, is the State director of health and physical education for the Nebraska Department of Education. In this capacity, Ms. Owens-Nausler presents numerous speeches and conducts seminars, workshops and clinics on health and fitness for the educational community.

Kari Anne Swenson came away from the 1984 World Biathlon Championships with two medals, only to be kidnapped 1 month later. Although Ms. Swenson was shot and wounded during this harrowing experience, she demonstrated that being physically fit is a valuable asset in the face of such adversity. Since her rescue, Ms. Swenson, 24, has resumed her athletic training.

In addition to being a physician, Michael Paul Woods holds the vice presidency of the Wisconsin Olympic Ice Rink Foundation and the U.S. International Speed Skating Association. Dr. Woods is well qualified to serve in both offices, as he is himself an Olympic speedskating competitor and coach.

Lastly, I take special pride in announcing that our distinguished colleague from Indiana, Senator RICHARD LUGAR, is one of this year's recipients of the HAFL awards. Senator LUGAR is honored for his initiative in founding the Dick Lugar Fitness Festival, which promotes fitness and informs the public of fitness programs available to them.

Mr. President, I salute and congratulate each of these 10 individuals for their contribution and leadership, and thank the U.S. Jaycees for their commendable endeavors over the years.

NATIONAL SIGHTSAVING MONTH

Mr. DOLE. Mr. President, I would like to take this opportunity to bring the attention of my colleagues and the American public that the National Society to Prevent Blindness has designated September as "National Sightsaving Month."

At no time is the saying, "An ounce of prevention is worth a pound of cure" more true than in our attitude toward blindness prevention.

This year, 50,000 Americans will lose their vision. An alarming statistic, for sure, particularly when we realize that half of all blindness can be prevented through the use of sound eye health and safety practices.

While one might get the impression that Americans are taking better care of themselves than ever before, watching calories, cholesterol, and calcium intake; jogging, cycling swimming, working out at a health club; the reality is that most people seldom see a doctor until something is wrong. In a recent survey undertaken by the National Society to Prevent Blindness, it was revealed that while 9 out of 10 Americans support the idea of having their eyes checked regularly, nearly 4 out of 10 adults indicated that they have not seen an eye doctor in the past 2 years. The survey further pointed up widespread misconceptions and ignorance about eye diseases and, in particular, about glaucoma, the leading cause of blindness in adults. Few realize that though this disease rarely sends out warning signals, it can be controlled if caught in time.

Moreover, adults carry over this same pattern of indifference in the care of their children's eyes. Statistics show that 1 out of every 20 children, ages 3 to 6, is already coping with vision problems, which if left untreated, may prevent them from reaching their maximum potential.

And, for those of us blessed with no eye problems, let us ensure that we continue to protect our eyesight through eye safety on the job, around the home, and in sports.

I know that all of my colleagues will want to join with me in saluting the efforts of the National Society to Prevent Blindness, who for the last 77 years has been pointing out that our vision is truly a treasure to guard.

HAROLD H. VELDE

Mr. DOLE. Mr. President, last Monday, Harold Himmel Velde died at the age of 75. His death represented an unexpected and tragic loss for his family, friends, and loved ones. Those of us who have served in the Congress for many years knew of Harold Velde through his tenure in the House of Representatives from 1949-57. Still others of us knew Harold through his son, Richard "Pete" Velde, who has worked for me and other Members of the Senate as a staff member and consultant, and who also headed the LEAA.

Harold Velde was an Illinois farm boy who devoted most of his adult life to public service. He graduated from Northwestern University in Evanston, IL, in 1931, and then from the University of Illinois Law School at Champaign in 1937. After being admitted to the Illinois bar, Harold practiced law for a few years, but with the advent of World War II, he joined his fellow countrymen to fight for the cause of freedom and democracy. From 1941-43, he served in the Signal Corps of the U.S. Army, and from 1943-46, he undertook the dangerous occupation of special agent for the FBI, working in the sabotage and counterespionage division.

With the conclusion of the war, he returned to his native Tazewell County and was elected county judge in 1946. Pleased with his service as the local magistrate, his constituents sent him to Washington as their Congressman in 1949. Though his service in Congress included membership on the controversial House Unamerican Activities Committee, Harold was a survivor, being reelected to three succeeding terms. In 1957, however, he decided to return home and practice law. In 1969, he returned to public service to become regional counsel to the General Services Administration. In recent years, he had been living in retirement in Sun City, AZ, with his wife, the former Dolores B. Harrington.

Mr. President. History has not kindly treated all the things Harold Velde did as a Member and, for 2 years, as chairman of the House Unamerican Activities Committee. But anyone who knew Harold Velde knew that he was a good man, a decent may—a true patriot. Though there can be legitimate dispute over his actions, there can be no dispute over his motivations. He was guided by what he felt was right, just, and in the best interests of America—a country he loved as dearly as life itself.

A frequent visitor to Washington, he will be missed in this town. With his easygoing style and unique approach to politics, talking to him was always a real pleasure. I was proud and honored to have made his acquaintance and I urge all my colleagues to join me in extending our heartfelt condolences to his wife, Dolores; son, Pete; and daughter, Jan Ketelsen.

THE NEED FOR A COMMON TONGUE

Mr. SYMMS. I wish to insert into the RECORD one of the most salient articles that I have seen to date on the English language amendment [ELA]. It appeared as a guest editorial in the Idaho Press Tribune on August 28, 1985, and was authored by the member of the Idaho State Legislature who sponsors the English language amendment for the State of Idaho, Representative RON CRANE.

Representative CRANE says that the "liberals" thrive on a "victim" class of people in our society. But in the case of maintenance-style bilingual education, the liberals have made a permanent victim class among the very people they purport to help. Representative CRANE charges that "politically ambitious liberals" do not want assimilation, but rather they want a permanent "victim" class "which will provide a dependable source of votes and power for this generation and beyond."

Representative CRANE's article may offend some, but he has the integrity to call a spade a spade and tell it just is it is. I recommend that my colleagues read this very well written article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEED FOR A COMMON TONGUE

(EDITOR'S NOTE: Several weeks ago Caldwell resident Camilo Lopez authored a Guest Opinion outlining his opposition to an English Language Amendment sponsored at the federal level by Sen. Steve Symms. In Idaho, the Legislature has been asked to adopt a position supporting English as the nation's official language. Today's Guest Opinion is written by the sponsor of the Idaho amendment.)

(By Representative Ron Crane)

Liberals, by and large, love bilingual education, bilingual ballots and other assorted bilingual programs—not because they assist non-English speaking minorities into full fledged membership in the American mainstream, but because they prevent it.

Liberals have long thrived upon the votes of the so-called "victim" classes. Whether that be the housewife who is a "victim" of male chauvinism, or the steelworker who is a "victim" of the so-called Robber Barons.

Unfortunately for the liberals, as their "downtrodden masses" begin to achieve the American dream and enter mainstream middle class America, they also cease to be "victims" and tend to become more and more self-reliant.

Witness the nearly open rebellion in the labor unions when their leadership attempts to march the rank and file in lock-step to the voting booth. Similarly, most women now reject the shrill shrieks of the National Organization of Women.

With Hispanics, however, the liberals think they have found a virtual eternal fountain of "sufferers." Hispanics also represent (surprise, surprise) an already large and constantly increasing source of political power.

To alleviate this suffering (and to bind the loyalties of the sufferers) the liberals have invoked their time-honored, foregone solution to every problem—throw money at it (other people's money, naturally). In this case, the enormously expensive programs of bilingualism.

Aside from supposedly helping the non-English speaking minorities, bilingualism has the side benefit of bringing a multitude of brand new bureaucrats into the federal system. This mushrooming of bureaucracy swells the ranks of the liberals in that the economic survival of each new bureaucrat becomes dependent upon the continuation of the program in which he is involved.

Unfortunately the bilingual programs also tend to make permanent the very "victim" classes they purport to help.

Bilingual education is a good example. First, the name "bilingual" education is in itself a misnomer. This particular program has been besieged from its inception by complaints that many of the Spanish-speaking teachers hired for it were themselves unable to speak English.

What it and the other government bilingual programs have actually developed is a system in which Hispanics perceive they need never learn English.

The rush to promulgate bilingualism has resulted in the creation of an environment in which a permanent Hispanic subculture can flourish. A subculture in which neither the first generation immigrants nor the generations which follow will be able to gain entry to the American mainstream.

In fact, we have created a liberal's paradise—an already large and continuously increasing group of "victims" which will be unable to stand on their own and thus who will be permanently dependent upon bilingual interpreters and the handouts of big government.

Not only is this permanent Spanish-speaking subculture bad for Hispanics, but it is bad for the nation.

In the words of former U.S. Sen. S.I. Hayakawa (himself the son of Japanese immigrants), "What is it that has made a society out of the hodgepodge of nationalities, races and colors represented in the immigrant hordes that people our nation? It is language of course, that has made communication among all these elements possible. It is with a common language that we have dissolved distrust and fear. It is with language that we have drawn up the understandings and agreements and social contracts that make a society possible."

Virtually every other immigrant group, the Irish, the Germans, the Arabs, the Jews, the Koreans—all of them not only adopted America as their new nation, but English as their new language. Further, they learned the language through their own initiative.

As a result these groups have been assimilated into the society. But Camilo Lopez and his fellow liberals want it different this time.

Again quoting Sen. Hayakawa, "The 'Hispanic Caucus' and their fellow travelers look forward to a destiny for Spanish-speaking Americans separate from that of Anglo-, Italian-, Polish-, Lebanese-, Chinese-Americans and all the rest of us who rejoice in our ethnic diversity."

Camilo Lopez and other politically ambitious liberals don't want assimilation. They want a permanent "victim" class which will provide a dependable source of votes and power for this generation and beyond.

We need a state and a nation whose citizens, even if they differ in their means, methods and aspirations, at least retain the ability to talk to one another in the same language.

Theodore Roosevelt once stated "We have room for but one language here, and that is the English language, for we intend to see that the crucible turns out people as Americans . . . not hyphenated Americans."

I agree.

EXCELLENCE IN EDUCATION

Mr. HATCH. Mr. President, the renewed commitment to excellence in education this country is demonstrating is one I strongly support. As chairman of the Committee on Labor and Human Resources, I commend efforts to provide incentives to students to achieve high academic goals. An example of such a worthwhile program is the Presidential Academic Fitness Award which was announced by President Reagan at the National Forum on Excellence in Education in December 1983. I applaud the President for initiating a timely program that will motivate students to excel academically.

The pilot program for graduating seniors which was directed by Secretary Bell in the Department of Education resulted in over 10,000 high schools choosing to participate. These schools presented awards to more than 229,000 students in the spring of 1984. The success of the program generated recommendations to expand the Presidential Academic Fitness Award [PAFA] to other school levels.

For the 1984-85 school year, these awards were presented to students in the exit grade of elementary and middle or junior high school, as well as to high seniors school. Secretary Bennett has been delighted with the number of students who received the Presidential Academic Fitness Award this year, over 763,000 in more than 32,500 public and private schools across the Nation. Schools participating were from every State, the District of Columbia, Puerto Rico, the Trust Territories, Department of Defense dependent schools, Bureau of Indian Affairs schools, and the Department of State overseas assisted schools. In my home State of Utah, there were 218 schools which presented PAFA awards to 7,159 students.

The students who receive the PAFA award must qualify based on grade point average and their score on a nationally recognized standardized test. Recipients graduating from high school must also have completed a solid core of academic courses. I commend those students who received the Presidential Academic Fitness Award and encourage them to continually pursue high academic goals.

I am optimistic that even more superintendents and principals will choose to reinforce academic efforts of their students through this Presidential award in the coming school year.

THE GRANITE SCHOOL DISTRICT AWARDS

Mr. HATCH. Mr. President, I have just learned that the Granite School District in my great State of Utah has been awarded two citations for outstanding educational efforts in the field of home and family living. As you know, Mr. President, I have been one who has constantly championed the home as the basic unit of our society. We are all aware that the moral fibre of our society is determined more by the hearthside values of the home than by any other force.

Moreover, Mr. President, I have also promoted the notion that the private sector can do more than the Federal Government in assisting schools achieve excellence in many fields—the preservation of and the integrity of the home being one.

The Granite School District in Salt Lake City, UT, has just been recognized by the American Vocational Association and others as having achieved the distinction of developing exemplary programs in parenthood/child development programs. The Granite School District's kindergarten through high school parent education program, which includes one elementary school, two junior high schools, and two high school courses is one

from a field of 79 selected for this honor. This award, sponsored by the W.K. Kellog Foundation, is one of the most prestigous awards in the field which acknowledges the home as the basic unit in our society.

Mr. President, the second recognition of the Granite School District is the National Dairy Board Award which is awarded after looking at outstanding programs in nutrition education in the public schools. Here again, the Granite School District was chosen as one of six from a field representative of every State in the Nation.

I ask unanimous consent that the statement on "Nutrition in Good Taste," which outlines the Granite program, along with the Voc Ed Special Report which discusses the parenthood education curriculum in the Granite School District be printed in their entirety in the CONGRESSIONAL RECORD immediately following my remarks. These two programs can serve as a model for other school systems to emulate in developing programs with resources other than Federal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Mr. President, I would also like to say at this time that J. Reed Call, superintendent of the Granite School District, and Almina Barksdale, coordinator for home economics education, should be commended for the outstanding contribution they are making in fostering better cooperation between school systems and the private sector where promoting the family and its importance as a unit in society is concerned.

EXHIBIT 1

NUTRITION WITH GOOD TASTE—GRANITE SCHOOL DISTRICT'S ELEMENTARY SCHOOL NUTRITION PROGRAM

Elementary school teachers generally do not take a college class in nutrition. This would indicate a limited knowledge of nutritional concepts and how to effectively teach them. This lack of training is one reason why few teachers in the elementary schools get involved in teaching nutrition.

With this information in mind, Granite School District, Salt Lake City, Utah, began a nutrition program in the elementary schools in 1973. One teacher with a degree in home economics was hired to develop and teach the course. It was organized so that the nutrition teacher taught a series of six 30-45 minutes lessons, one per week, for six weeks to each classroom. A worksheet, or a related puzzle, was a follow-up activity for each lesson. Optional inservice workshops were provided for elementary classroom teachers.

Presently there are four nutrition specialists serving 30 of the 60 elementary schools. Schedules are rotated each year to accommodate the entire district. This means about 14,000 students are taught nutrition by a qualified teacher each year.

The curriculum is called "Nutrition With Good Taste." A highlight in each lesson is a tasting experience that reinforces the concept taught in that lesson. In some cases the children help with the food preparation. All teaching must be done with portable equipment because the nutrition specialist moves from room to room carrying her equipment on a utility cart.

The curriculum is designed so that learning is sequential. Level "A" is for grades K-2, and focuses on acquainting the children with a wide variety of foods. Each food group is introduced, and learning activities help students identify which foods belong in each group. Other topics, such as good breakfasts, dental hygiene, cleanliness, and manners are also discussed.

The focus in Level "B", for grades 3-4, elaborates on the Basic 4 guide to good nutrition. Planning balanced meals, learning the simple functions of six nutrients (Vitamins A, C, D, Calcium, Iron, and Protein), and the food sources of these nutrients are the topics emphasized.

The focus of Level "C", for grades 5-6, is to expand the knowledge of nutrients and their functions. Planning balanced menus for a whole day and learning the six nutrient categories (protein, carbohydrates, fats, vitamins, minerals, and water) and their functions, are topics that are covered.

All concepts are taught at the cognitive levels of the students involved.

This program has been well received by students, teachers, principals and parents. The students look forward to the "nutrition lady." Some teachers have commented that there is increased attendance on nutrition days. Principals welcome the program in their school, and parents are impressed and influenced by it. The nutrition specialists must be flexible in order to accommodate the school's ongoing schedule.

Granite School District has also published a 287 page book called "Classroom Nutrition—Ideas and Projects by the Teachers of Granite School District." This is a compilation of ideas that were developed as part of the teacher inservice workshops. These workshops were held each year for elementary classroom teachers who wanted more background and ideas for teaching nutrition. The book contains ideas for worksheets, bulletin boards, food experiences, projects, etc. This publication is an excellent resource for any elementary teacher who wants new ideas for teaching nutrition.

ORGANIZATIONS UNITE TO PROMOTE PARENTING

The comprehensive K-12 parenthood education curriculum for the Granite School District in Salt Lake City, Utah, was developed by the home economics department with special state and federal funds.

The project was initiated as a result of action by the national PTA and the March of Dimes. Additional research by the Utah state and Granite District PTAs ascertained that parents want schools to do more to prepare students to be responsible parents and adults.

The four-year project resulted in the development of a five-part curriculum that includes "Parenthood Education" and "Family Life" at the senior high school level, "Teen Living" and "Family Life Units" in the junior high and middle school, and "All About Families" for grades K-6.

The PTA study found three areas of concern common to all curriculum levels. They are: interpersonal relationships, family resource management and child rearing. These areas of concern are the connecting link and focus of the project.

Objectives targeted by the PTA include:

Improving the quality of family life by developing student skills and positive attitudes dealing with self, family and peer relationships.

Identifying values and goals and recognizing their importance in the decision-making process.

Developing positive attitudes toward the care of children.

Identifying critical nurturing and parenting skills.

Developing resource management abilities.

The senior high and junior high/middle school programs also include sections on issues of immediate concern to the adolescent. These include: where to find help in crisis situations; how to cope with stress, loneliness and rejections; how to help others.

The elementary school curriculum is designed to be infused into the teacher's subject areas, rather than being a self-contained unit of study. The family focus concept encourages the students to share the lesson learnings with their families. Parents are asked to feed back to the teacher the results of this interaction.

INNER-CITY PROGRAM HELPS NEW PARENTS

The Akron family life programs have been developed to meet the needs of inner-city families with children under the age of 3. The typical client or student is an ADC recipient and undereducated. She has few positive parenting skills and has unrealistic expectations for her child's developmental progress. The typical parent is a woman in her very early 20s.

Referrals to the family life office may be from one of many community agencies or from a friend or relative of the family. Many times, the parent herself calls to ask for services.

Basic information is taken over the phone and the referral is given to the parent/child teacher, who makes a home visit within five days. She interviews the parent(s), observes the child(ren) and discusses with the parent the purpose of the program and suggests the service that seems most appropriate for the family.

Home visits are provided for the parent with a very young infant who needs help with basic infant care and with providing a stimulating learning environment. The home visits, which are funded by Title XX, Ohio Department of Public Welfare, are scheduled once a week on the same day and at the same time. The home visitors are paraprofessionals who know the community and who have been trained through extensive inservice. They provide information about community agencies and help parents make contacts.

HISPANIC HERITAGE WEEK

Mr. RIEGLE. Mr. President, September 16 marks both the beginning of National Hispanic Heritage Week, and the 162d anniversary of Mexico's independence from Spain.

This week of commemoration provides us an important opportunity to pay tribute to the Hispanic Americans—celebrating the tremendous contributions they have made to the growth of our Nation, and refocusing attention on the special needs of this important community.

Hispanic Americans have long played an important role in the devel-

opment of our society. This is particularly evident in the political arena, where the number of Hispanics holding public office, at both the local and national level, has greatly increased in recent years.

Today, Hispanic Americans have been elected as mayors, Governors, Members of Congress, and councilmembers. Prominent individuals from the Hispanic community in Michigan include Gumecindo Salas, who served until 1984 on the State board of education. Tony Benavides, Paul Vasquez, and Lee Silva are three outstanding Hispanic Americans who have been elected as city council members in the cities of Lansing, Flint, and Ecorse. Other members of the Hispanic community include George Suarez, mayor of Madison Heights, Federal Judge George La Plata, Detroit District Judge Isidoro Torres, and school board member David Rodriguez of Grand Rapids.

On the national level, Hispanic Americans in Congress, through the Hispanic Congressional Caucus, focus special attention on issues of concern to the Hispanic community. Other prominent Hispanic-Americans holding public office include Mayor Henry Cisneros of San Antonio, Federico Pena from Denver, and Governor Tony Anaya of New Mexico.

In part, the political achievements of these individuals were made possible by the support provided by the Hispanic community. Voter registration records indicate that voting among Hispanics has increased substantially over the past 4 years. It is clear that, as a voting bloc, Hispanic Americans can play a critically important role in determining the outcome of elections.

The contribution of Hispanic Americans to the cultural growth and development of this country is also significant. Their unique culture and talents have added to the diversity of our Nation in the fields of art, music, sports, and cuisine.

In acknowledging the important contributions and achievements of Hispanic Americans, we must not overlook the many problems which threaten to prevent Hispanic Americans from participating fully in our society.

Statistics from a 1983 Report of the Committee on Public Works and Transportation reveal that Hispanics are still victims of inadequate opportunity in employment, housing, and education. The median income for Hispanic families is $16,228, as compared to the national average of $23,433. Unemployment for Hispanics also remains 3 percent higher than the national average, and there are twice as many Hispanics living below the Federal poverty level than average.

In the area of education, Hispanic Americans remain one of the least educated groups in our country. Only 44.5 percent of Hispanic Americans ever complete high school, and of those who do, only 7.7 percent continue on to college.

As the fastest-growing minority group in our country today, we must pay special attention to the challenges facing Hispanic Americans. As we work together to overcome the obstacles which make it difficult for Hispanic Americans to participate fully in our society, we build an America which can offer greater opportunity to all Americans.

AMERICAN SUCCESS STORY—M. JACOB & SON

Mr. LEVIN. Mr. President, on September 24, 1985, the M. Jacob & Sons Co. will celebrate the beginning of its second century in Detroit.

The history of this company, and its founder, is a typical story of immigrant hopes, dreams, and success in a free society.

The legacy left by the founder Max Jacob is rich, not in power and wealth, but in terms of hard work, innovation, commitment, and quality of service to customers.

In 1885, American industry was quickly moving forward. For 21-year-old Max Jacob, a recent immigrant from Lithuania, anything was possible. He was a rugged individualist who recognized bottles as his key to success in America.

In the beginning, Max Jacob bought used bottles; he washed, sorted, sold, and delivered them—a need no other business filled at that time—establishing the first bottle distributorship in the country.

The company was a one-man operation. Patent medicines and prescriptions remedies required bottles. There were 21 breweries in Detroit; there were plenty of bottles for Jacobs and his new company. His customer list grew quickly, he bought a fine horse and wagon and his profits began to rise. In the beginning, bottles were hand-blown. But, the development of automatic machinery changed the industry and the scope of Max Jacob's enterprise.

By the time he was 45, Max Jacob's sons were joining his business. They diversified the company and began to supply their containers and closures to companies other than breweries, up to then their major customers.

As the company grew and progressed, a grandson added plastic containers to the glass line; this was a huge step forward for the firm. And today, there is a great-grandson who has moved the firm further ahead by creating a division which supplies major mass merchandisers across America.

Four generations of the Jacob family have established M. Jacob & Sons as the oldest and one of the largest container suppliers in the United States. Each new generation has contributed its talents, and the firm has experienced those ups and downs which go with economic depressions and recessions, national crisis, and changes in technology.

But, Mr. President, there is more to this story than just a successful business venture.

In the best tradition of community service, M. Jacob & Sons this year received the "Contractor of the Year" award from the Jewish Vocational Service and Community Workshop of Detroit. The award is given annually to the firm with "outstanding cooperation in the advancement of a rehabilitation program for the vocationally handicapped workers" served by this agency.

And, in the best tradition of historical endowment, the ceremonies on September 24 will be highlighted by the company's presentation of its antique bottle collection to historic Greenfield Village.

Finally, it should be noted that the ceremonies on the 24th will take place at the Max Jacob House located on the campus of Wayne State University. Mr. Jacob lived in this home in the second decade of this century, and the home has been renovated with the help of his descendants and today houses the offices of the art history department of the University and its extensive slide library.

Mr. President, I am pleased to bring the story to the attention of my colleagues in the Senate. It is with pride that the citizens of Detroit help M. Jacob & Sons into its second century. I want to congratulate the descendants, the proud family members who will gather on September 24 to remember the past, celebrate the present, and plan for a bright future.

THE SCHOOL PRAYER AMENDMENT

Mr. PROXMIRE. Mr. President, it is my understanding that a little later in the day the distinguished Senator from North Carolina, Senator HELMS, will offer a proposal to provide for a school prayer amendment. The amendment, as I understand it, would strip the courts of their authority with respect to school prayer.

Mr. President, this Senator strongly believes in school prayer, very strongly. I think school prayer makes sense. If anybody disagrees with the notion that it makes sense, they should recall what happens here, what happened this morning, what happens whenever the Senate comes into session. The Chaplain leads off with a prayer. That is the high point of the day. I have been listening to those prayers for 28 years. They are always inspiring, uplifting.

Mr. President, they are like other prayers. I have heard thousands and thousands of prayers. In fact, I went to a prep school in my childhood where we had prayers at every meal, we had prayers in the chapel, which we had every single night and twice on Sunday. We always had different ministers give the prayer. I was a Catholic; it was a Protestant school.

I cannot remember a single prayer that was not an inspiration and good. I think we are all better off if we are exposed as much as possible to prayer. I think many, many people do not get that opportunity.

Having said that, Mr. President, I must say I am going to strongly oppose the Helms position. I do so because what he is proposing, in stripping the courts of authority, would have an appalling effect on the Constitution and set a precedent which, it seems to me, would provide a very, very bad situation in which, if Congress disagreed or the Senate disagreed with the Supreme Court, we would strip it of authority. It would certainly leave a shambles of the Constitution.

So, for that reason, I will oppose the Helms position, and I hope that we can find a form in which we can vote on school prayer without devastating the Constitution in the process.

Mr. President, I yield the floor.

(Mr. DENTON assumed the chair.)

TAMPERING WITH CONSTITUTIONAL PROCEDURES

Mr. MOYNIHAN. Mr. President, I should like to join with my distinguished and very senior friend [Mr. PROXMIRE] whose early exposure to school prayer obviously has done him nothing but good; I share so many of his views in this matter, most particularly the view that we should not tamper with the constitutional procedures of the United States of America as it approaches its third century. Nor should we attempt to strip from the Supreme Court its right to hear whatever cases are brought before it, which it decides have constitutional merit.

The importance of the matter of Court-stripping derives in singular measure from the fact that it is arguably within the powers of the Congress to do so. The Constitution does provide that Congress can restrict the appellate jurisdiction of the Court, and the Court accepted this in Ex parte McCardle, a Civil War case having to do with a Mississippi editor who was arrested on charges of publishing incendiary and libelous articles.

Legal scholars since have differed on this question, but as my distinguished and learned friend from Wisconsin knows, no less a person than Justice Owen Roberts, after his retirement from the bench in an address in New York City before the New York Bar Association, suggested that while he was the last person to favor tinkering with the Constitution, it might well be in order to amend the Constitution to deal with this ambiguity. There is no question that in judicial practice, as it has emerged from the time of Marbury versus Madison, the Court's independence of the Congress with respect to what matters it will or will not consider has been complete, with the one exception of 1868. For us to stand here and frivolously strip the Court of a power to decide what cases to hear would be to impose upon the separation of powers and the balance within the constitutional system, in a manner that has not been contemplated in a century. Surely, the framers of the Constitution did not intend this consequence; they shared John Marshall's interpretation, later accepted by Presidents and accepted by Congress, that in the end, the Court would and should determine what the Constitution says.

If we do this, would the Senator from Wisconsin dare to suggest where we might stop, if we strip the Court of the power to hear cases in regard to school prayer?

Do we next strip it of the power to take issues concerning free speech? Do we strip it of the power to consider all first amendment rights, freedom of the press, religion, and assembly, and then move to the right of the search and seizure? Find a provision in the Bill of Rights which is not endangered. It would required no more than a majority of this Congress, this body and the other body, to say no, that a particular right as contemplated by the Constitution cannot be adjudged by the Court. In such a world, the Constitution could be violated and there would be no sure remedy.

Mr. President, is there a better formula for bringing chaos to a system that has endured two centuries? That we contemplate this is baffling.

I say to my distinguished and learned friend, it is not surprising that along with the distinguished Presiding Officer, there are only three of us on the floor of the Senate. I dare suggest that there are Members too appalled to come and speak or too embarrassed to come and speak. We are an empty Chamber as we contemplate a measure of the most profound constitutional consequence.

The Senator has been kind to sit and hear me out, but may I ask him, does he not consider that if we were to adopt this measure today, we would put in jeopardy every right contained in the Bill of Rights?

Mr. PROXMIRE. Mr. President, I wholeheartedly agree with my good friend from New York. I am so happy that he was on the floor when I made my brief statement. he has very generously referred to me as learned, which is not the case, but I am delighted to be flattered. The Senator from New York obviously has an understanding and a grasp of this situation that exceeds that of virtually every other Member of the Senate. I think his point is indisputable. There is no question about it. regardless of how a person may feel about this particular provision, school prayer—some favor it, some oppose it. As I say, I enthusiastically favor it—there is no way—no way—that you can justify stripping the Supreme Court. As the Senator has said so well, if we start there, there is no end to it—freedom of speech, the entire Bill of Rights, the whole Constitution is vulnerable. I think that completely must overweigh any consideration we may have for the immediate advantage we might achieve.

So I am delighted my good friend from New York has spoken with such force and eloquence and knowledge. I thank him.

Mr. MOYNIHAN. I thank my friend from Wisconsin.

It is staggering. We have dealt with this measure. We had it on the floor in 1982. We have debated it year after year.

It is something beyond my imagination that this matter, having been debated and having been disposed of in 1982, should be back here 4 years later.

I said earlier, and I repeat, that the particular peril and poignancy of this issue and the measure before us is that there is an arguable constitutional basis.

Article III, section 2, of the Constitution, describing the jurisdiction of the U.S. Supreme Court, states:

. . . the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

In the aftermath of the Civil War, Congress did move to restrict the jurisdiction of the Court in a habeas corpus matter. The Court, in ex parte McCardle, acknowledged its lack of jurisdiction, based on the law. Later, the Court affirmed that it would hear the same matter in other circumstances. So you might say that the Court did not, in the end, submit to the will of Congress—as in my judgment it ought not to have done.

I said earlier, and I repeat, that the framers at the Philadelphia convention who wrote article III, section 2, had a number of matters in mind. We all do accept the fact that the exact intention of many of the procedural measures in the Constitution is not known. There is no record of the debate. No notes were taken. But have no doubt about what the Constitution means in all its essential provisions. It means what it says.

However, it is also the case that in trying to contemplate the workings of the new Supreme Court, there was a matter to be dealt with in the context

of the existing courts of 13 States, and they thought it would be wise simply to let Congress work out the details.

They did not at that point foresee the actions of the Court under John Marshall, who made the necessary and wholly happy judgment that, in the end, somebody would have to decide what the Constitution says, and that the proper role of the Court is to declare what the law is—including the highest law, the law of the Constitution itself.

So we began the practice of the Supreme Court ruling on what is constitutional and what is not. It was a slowly evolving practice, beginning with Marbury versus Madison.

If I am not mistaken—the distinguished Presiding Officer [Mr. DENTON], were he free to speak from his podium, might correct me—I do not believe that the Court ruled a measure unconstitutional thereafter for a long period, until the Dred Scott decision. But we have developed a system in which the Court rules on matters of constitutionality with great frequency and changes its mind, ruling a matter unconstitutional in one decade and finding differently in another; as was true most recently with the Court's decision on February 19 of this year in San Antonio Transit Authority versus Garia overruling the 1976 National League of Cities versus Usery decision; There was also a case, not distant, in which an issue was resolved as unconstitutional in one year and the Court changed its mind the following year, and so stated. I believe the two decisions were Carter versus Carter Coal Co., in 1936, and NLRB versus Jones & Laughlin Steel Corp., in 1937. Any human institution is subject to that kind of correction. And why not? The system serves.

Here we are in the 99th Congress, approaching the 200th anniversary of the constitutional system, a written constitutional system. No constitution in the history of the world has persisted as ours has done. And here we put it all in jeopardy with the chaos, the bitterness, the confusion, the contention, and the catastrophe that would emerge from the sudden discovery that there was no place in our system which could rule what are the rights of the citizen under the Constitution—rules decided and settled.

The very proposition that we can deny the Supreme Court the right to hear cases brought under the first amendment puts in jeopardy every entitlement of the Bill of Rights—every provision.

With respect to the powers of government, as described in the respective articles of the Constitution that delineate what exactly it is that Congress may do, the President may do, and the courts may do, I do not in any way lessen their significance to our system of government. They describe it. But I remind this Chamber that the precise question of individual rights was omitted from the final test of the American Constitution, under the theory that the framers were drawing up a list of the powers that were to be made available to a central government, limited and specified powers.

It followed in logic and law that no grant of authority not given could be exercised. In logic, that was a compelling argument. In reality, that was the grasp of reality that so marked the genius of our framers. It was not a good argument, for the simple reason that what was implicitly understood by one generation might not be understood by the next and could not be disproved in the absence of written evidence.

So the first question to which the Senate and the House of Representatives addressed themselves was the specific designation of rights of citizens that this Congress could not infringe upon, even though in logic it had no right to begin with.

Let us not be too dependent on logic, said the men who had fought a revolution and struggled with a confederation, and were learned beyond anything we could hope for today in the realities of government and the history of governments.

Say it right there and start out with the first amendment, which says Congress shall make no law—and it lists—with respect to freedom of speech, freedom of assembly, the establishment of religion, and the freedom of the press.

I do not claim to be as much an authority as a historian or a parliamentarian would be, but to my knowledge we have never until this last decade begun to discuss whether we should strip the Court of its specific appellate jurisdiction with regard to a first amendment issue. The legislation under which the ex parte McCardle case came forward was not such legislation. It was legislation having to do with powers of government in the Civil War, a war between the States.

The first amendment affirms the right of speech, the right of assembly, the right of freedom of religion, Congress shall make no law respecting the establishment of religion or restricting the free exercise thereof. After removing jurisdiction here, shall we then go the 2, and to the 3, the 4, the 5, the 6, the 7, the 8, the 9, and the 10th amendments. The 10th amendment simply reaffirms the original understanding of the framers that no power shall be exercised save that which is granted by the Constitution. Those that remain are reserved to the States or to the people themselves.

The imagination is all but stilled at contemplating what might happen if this legislation should pass. It is a thought that has not occurred to us as a people. It is a proposal that has not been judged in this body save once before as memory serves me, and that was in 1982, in August of that year, when we discussed a similar measure.

At that time, Mr. President, I took the liberty of calling attention to one of the inscriptions on the walls of our Chamber which is also on our great seal: Novus Ordo Seclorum, a new cycle of the ages, a new standard of Government. We set up something special in Philadelphia in 1787. It has served us as no people could ever have hoped to have been served. It has preserved the freedom of speech. It has preserved the freedom of the press. Go around the world and find where else they exist as here.

Sometimes the Court has preserved our rights against the efforts of the Executive and the efforts of the legislative body to infringe on those freedoms. In the end it has been the Supreme Court of the United States that has upheld them, and Congress and the Executive in their wisdom and prudence have acceded it that role.

It is a role as imbued in our constitutional fabric as any practice in this Nation. And here we are contemplating stripping it from our liberties. Strip the power of the Supreme Court to judge whether the liberties of the American people and their institutions have been infringed upon in violation of the Constitution, and you have for practical purposes stripped those liberties and rights from that Constitution.

I do not wish to be apocalyptic. I recognize that what begins as something potential need not in the end reach an extreme; Yet it might.

I ask, Mr. President, would anyone come to the floor of the U.S. Senate and propose to abolish freedom of the press? No. We would not ever start that; besides, the first thing that would be said is that it would be unconstitutional.

We will take the equivalent step if we adopt this measure.

I might just draw attention, Mr. President, to one matter particularly troubling to this Senator, and that is the growing atmosphere which somehow seems to want to call network television news to account for the things it reports about the world, as if somehow the bearer, the messenger, was responsible for the message.

We have had a year of unprecedented charges made against network news.

I might interrupt here to note that in the effort to get us news, two brave and extraordinarily skilled and professional television journalists, Neal Davo and William Latch, were shot down in cold blood in a tinhorn rebellion coup, a military coup in Thailand just 2 days ago. In using the word "tinhorn," I use the words of Mr. Tom Brokaw of "NBC News," who was speaking with sadness and poignancy on behalf of

his fellow journalists at NBC, about the death of two of their colleagues, a concern shared throughout the profession.

If we can strip the Supreme Court of its authority to hear cases on the free exercise of religion under the first amendment or the establishment of religion under the first amendment, we can strip from television news the first amendment rights of freedom of the press which they enjoy, and which we need as a nation and the Court will protect as an institution—but which in the hysteria of the moment present just a little bit in this Chamber today could be taken away.

Mr. President, I have nothing to add to what I have said, save to plead with this body to be faithful to the oath each of us takes. We take an oath to uphold and defend the Constitution of the United States. It is not an oath to ensure that tobacco allotments are continued and flourish. It is not an oath to see that mass transit funds are appropriated, or commodity prices for wheat are maintained, or any of the other things which necessarily preoccupy us in the day-to-day work of the Senate. Our oath is to uphold the Constitution, to protect the Constitution, and that is the decision we are going to make in this body before this day is closed.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL FAMILY WEEK

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A House message on Senate Joint Resolution 31 to designate the week of November 24 through November 30, 1985 as National Family Week.

The Senate resumed consideration of the joint resolution.

Mr. SIMPSON. Mr. President, I move that the Senate concur in the House amendments to Senate Joint Resolution 31.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

SCHOOL PRAYER

Mr. SIMON. Mr. President, I wish to speak briefly on this because it is an issue that does concern me. I have great respect for the sincerity of the sponsors of this amendment. My father happens to be a Lutheran minister; my brother is a Lutheran minister. I understand the yearning that people have for a sense of ideals and idealism and moral values.

But there are things that a government can do well and there are things that government cannot do well. Government is good at providing aid to students who want to go to college. These pages who one of these days are going to be going to college, I hope we can have good student aid programs for that. We are good at that. We are good at constructing highways, including highways in North Carolina and Illinois.

But I think there are areas where government has to be careful, where we would have to be cautious. One of the distinguished predecessors of the Senator from North Carolina was Senator Sam Ervin, who warned us that we have to be very careful about this entanglement of Government in religion.

There are areas where we can encourage, where there is no problem; for example, giving tax exempt status. We give it to the Lutheran Church or the Baptist Church or the Catholic Church or the Jewish Synagogue or to the Society of Atheists or anyone else who has religious conviction. But when government starts to promote religion, I think we have to be very, very careful.

I remember when I was stationed in the Army in Germany. I happened to be in a community that was Lutheran; and in Germany every community is, by tradition, either Luthern or Catholic. I attended the local Lutheran services there and you had a handful of people. It was the official religion, it was encouraged, received State support, financial support, but it did not have the vitality that it does in a community in Illinois or a community in North Carolina. So I think we have to be careful.

There is a second thing that bothers me in this area. I have a colleague over in the House, DAN GLICKMAN, a Member of the House from Wichita, KS. When DAN GLICKMAN was in the fourth grade, every morning he was excused from the fourth grade classroom while they had a school prayer. Then, every morning he was brought back in. DAN GLICKMAN happened to be Jewish in a community that is overwhelmingly non-Jewish. Every morning little DANNY GLICKMAN was being told, "You are different." All the other fourth graders were being told, "DANNY GLICKMAN is different."

I do not think that is a very healthy thing. I think we have to be very, very careful as we move ahead in this area of church-state relations.

Again, as I said in opening my remarks, I respect the sincerity of my colleague from North Carolina, and those who are supporting this. But this is an area where I think we have to be very, very careful. We do not want Government running religion, and we do not want religion running the Government. We need a healthy mix but we have to be awfully careful on that mix. We have a prayer by a Chaplain that opens this session. But it is completely voluntary. In fact, it is so voluntary there are not too many of us here when we have that opening prayer by the Chaplain ordinarily in the morning.

But I think that is the way it has to be. We have to set it up in such a way that things can be completely voluntary, and that we do not demand that fourth-graders make decisions in the matter of religion that the Government imposes on them.

So, with all due respect to my distinguished colleague from North Carolina, I am going to be voting against his amendment.

I will be pleased to yield to my colleague from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, PAUL SIMON knows me personally. He is the most delightful gentleman I have ever met. He is persuasive, he is a hard worker, and he is dedicated to what he believes. I do not find a great deal wrong with what the distinguished Senator from Illinois has said. In the first place, I agree with him. I do not think the Government should promote religion. I have never proposed that. Second, we have to decide, however, whether we are talking about freedom of religion or freedom from religion. I think that is the question.

The Supreme Court, whether the Senator wishes to acknowledge it or not, has gotten this Government involved in religion with a very unwise and unneeded decision. It was promoted by a woman named Madalyn Murray. She is now Madalyn Murray O'Hair. I do not know whether the Senator has ever met the man who was then the little boy around whom this controversy centered. His name is Bill Murray. Bill Murray is going around this country today apologizing for what his mother did to him—using him. He will tell you, if you ask him, that one of the most important things that needs to be done in this country is to get our priorities straight, and to restore the right of voluntary prayer to the schoolchildren of America.

What I am proposing is not a constitutional amendment. It is not "court stripping" as is so often charged. It is simply the implementation of article III of the Constitution of the United States. I am sure the Senator is familiar with that. Article III of the Constitution provides the Congress of the United States with the authority, and I think the duty, to limit the jurisdiction of the Supreme Court and/or the other Federal courts when in the judgment of the Congress of the United States the Supreme Court has exceeded its purview. That is all I am seeking to do—to take this matter out of the

Federal Government and put it back where it was for all the years since this Republic was established—put it in the hands of the individual States. There was not any problem until Madalyn O'Hair and others initiated lawsuits which resulted in the unfortunate decisions by the Supreme Court.

We ought to get the Government out of it. I agree with the Senator. I certainly do not believe that the Government should promote any religion. Nor do I believe the Government ought to forbid religion. The question is freedom of religion. It is not a question of freedom from religion.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank the Chair.

If I may just respond very briefly, the Court got involved originally with this issue when the New York Board of Regents said every schoolchild in the State of New York will recite this prayer. It seems to me the Supreme Court ruled properly that Government cannot be dictating what the people pray. I have never met Madalyn Murray O'Hair or her son. Their original case was in Champaign County, IL, as a matter of fact—in my State. But the first Supreme Court ruling came in that New York Board of Regents case. It seems to me that that Court ruling is sound.

When we say voluntary prayer, the question comes up: Whose prayer? I happen to be a Lutheran. Do we take Lutheran prayer; do we take Baptist prayer? We have a State represented in this Senate where a good percentage of the population is Buddhist. I do not know how many people in North Carolina would like to have a Buddhist prayer opening the school in the morning. I think we are getting into quicksand that we are better off avoiding. Again, I have great respect for the Senator from North Carolina and his sincerity on this thing. But I think there are things the Government can properly do to encourage religion, like having tax-exempt status. I think there are things that we ought to avoid. I think the Senator from North Carolina, with all due respect, has touched on one of those things that we ought to avoid.

Mr. HELMS. Will my friend yield?

Mr. SIMON. I am pleased to yield.

Mr. HELMS. I thank the Senator most sincerely.

One of the byproducts of the campaign to preserve this unfortunate series of Supreme Court decisions is that a myth has grown up that the people of various denominations and faiths cannot get along. My children are out of school. I have five grandchildren. I will not go into how great they are. But three of them are in school. I hope the day never comes when anybody suggests that they should leave the classroom because some prayer may be offensive. I would want them to listen to the Jewish prayer, or Catholic prayer, or whatever. I happen to be a Baptist. And I am convinced that the Baptist Christian faith, as long as it is faithful to the truth, has nothing to fear.

Let me tell the Senator what I did for a week in August. I do not know whether you know this or not. But I may be the only Baptist deacon who participated in the dedication of a Jewish synagogue in Jerusalem. I went to Jerusalem the first week in August to help dedicate a synagogue which was built by the father of the distinguished Senator from Nevada [Mr. HECHT].

I believe Mr. Hecht, Sr., is 95 or 96 years old. He has devoted a great deal of resources to building things in Israel—hospitals, orphanages, a synagogue.

I would say to the Senator that while I always intend to be true to my Baptist upbringing, I was never more impressed than I was on the occasion of the dedication of that synagogue.

So rather than to imagine that we are going to pull ourselves apart by restoring to little children the right to prayer in school, I say let us examine the Jewish faith, the Christian faith, Catholicism, whatever, because presumably all of us worship the same God.

The prayer to which the Senator alluded, which has been regarded as horrendous, the one prepared by the New York regents, let me read it. It is a terrible thing that they propose for the little children as prayer. I will read you verbatim exactly what they propose:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our Country.

This is the prayer recommended by the New York State Board of Regents to local school districts which was struck down as unconstitutional by the U.S. Supreme Court in the infamous case of Engel versus Vitale in 1962. The Court held that, even when recited by students on a voluntary basis, this simple prayer was unconstitutional in American public schools.

Mr. President, almost a quarter century has now passed since the Supreme Court first banned voluntary group prayer in the public schools. A generation of Americans has now grown up without the basic freedom to pray at school—a freedom enjoyed by every previous generation of Americans.

As we begin a new school year in September 1985, the time has come to end this gross deprivation of religious liberty and to restore the fundamental right to engage in voluntary school prayer.

Fortunately, the framers of the Constitution gave Congress explicit authority to provide a check on usurpations of power by the Supreme Court. My legislation uses this authority, contained in article III of the Constitution, to withdraw Federal court jurisdiction over school prayer cases, thereby returning the issue to the States, localities, and parents where it belongs and where it was before the Supreme Court rulings of the early 1960's.

Mr. President, religious liberty is too important to leave exclusively in the hands of judicial elites more concerned about imposing their own political views on the Nation than in objectively interpreting the words of the Constitution. My legislation will effectively replace the nonsense of Federal judges on school prayer over the previous two decades with the common sense and practical experience of the American people over the prior 170 years.

Mr. President, the legislation I propose today is substantially similar to the legislation that twice passed the Senate in 1979, only to die in the House Judiciary Committee without ever reaching the House floor for a vote. It is also substantially similar to the amendment I offered in 1982 which received 53 votes in favor of it on a tabling motion before later being set aside on another procedural motion.

The point here, Mr. President, is that this legislation is familiar to the Senate and has received substantial support in the recent past.

Mr. President, the purpose of this legislation is to restore freedom to the States to allow voluntary prayer, Bible reading, and religious meetings in public schools. Through a series of Supreme Court decisions, this freedom—elementary to the drafters of the Constitution—has been taken away from the States. It is time we in Congress restored this fundamental American liberty.

Mr. President, my legislation takes advantage of the congressional authority, given explicitly in article III, sections 1 and 2, of the Constitution, to regulate the general jurisdiction of the inferior Federal courts and the appellate jurisdiction of the Supreme Court. It curtails such jurisdiction so that Federal courts no longer have the power to hear cases involving voluntary prayer, Bible reading, and religious meetings in the public schools.

The result is that such cases become exclusively a matter for the States to handle as they see fit. In effect, prayer would be a local option. This result is fully consistent with the original purpose of the establishment clause of the first amendment, which was to prohibit the establishment of a national church and to leave the remaining

issues of church-state relations strictly with the States.

Mr. President, some of my friends have advocated that we adopt a constitutional amendment to correct the courts and restore the freedom to pray in the schools. This is one approach among many which the Constitution allows, and it is an approach that I have supported in the past and still favor today.

But, Mr. President, it is not the only way for Congress to correct erroneous Federal court rulings, nor in my opinion is it the best. The Constitution provides several other more direct ways for Congress to check abuses of the judicial branch, including control of jurisdiction, Senate confirmation of judicial appointments, specific congressional enforcement of constitutional provisions, and impeachment.

As is well known, the constitutional amendment process was intentionally set up to be difficult. The normal procedure is for a two-thirds vote in both Houses of Congress followed by ratification by three-quarters of the State legislatures. This procedure presents an extremely heavy burden to meet. The framers of the Constitution specifically wanted it this way to protect the constitutional text from constant change.

If, however, Congress relegates itself solely to the amendment process to correct judicial errors and usurpations, then the very difficulty of the amendment process will be used to protect, not the constitutional text, but distortions of it. Thus, in the face of usurping Federal judges, the amendment process would serve to subvert the Constitution rather than to preserve it.

In this school prayer matter, Mr. President, the problem has arisen, not because of the text of the Constitution, but because of outright judicial distortions of that text. The text is fine, and the text never prohibited voluntary prayer in the public schools, as American history and experience before the Supreme Court's first prayer decision in 1962 so clearly attest. The text leaves the matter of school prayer, along with other matters of church-state relations, exclusively up to the States. Thus, although we could add a specific constitutional amendment on school prayer, we need not do so in order to restore this fundamental freedom.

The problem in the prayer matter, as in so many areas of constitutional law, is runaway Federal judges bent on imposing their own personal views of good public policy on the American public irrespective of the Constitution. More often than not in recent years, these views have been hostile to both the Constitution and longstanding American traditions. It is no understatement to say that American society has been radically altered in the recent past because of activist Federal judges.

We in Congress have tolerated this judicial usurpation long enough in many areas of the law, and particularly in the area of school prayer. It is time to put a stop to this usurpation and school prayer is a good place to start.

Mr. President, there is at least one Federal judge in this country who has given the correct interpretation of the Constitution with respect to the first amendment and school prayer. Although his judicial brethren higher up overturned his ruling, his opinion will stand for years to come as the definitive statement of how the first amendment was actually intended to work in this area of the law.

I am referring, of course, to the decision of Judge Brevard Hand of Alabama in *Jaffree* v. *Board of School Commissioners of Mobile County*, 554 F. Supp. 1104 (S.D. Alabama 1983). It clearly demonstrates the errors of the Supreme Court in banning voluntary group prayer. I ask unanimous consent that the Hand opinion, including footnotes, be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[U.S. District Court, S.D. Alabama, S.D.]

JAFFREE *v.* THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY

Jan. 14, 1983

CIV. A. NO. 82-0554-H

MEMORANDUM OPINION

Hand, Chief Judge.

Prelusion

If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Farewell Address by George Washington, reprinted in R. Berger, Government by Judiciary 299 (1977).

Ishmael Jaffree, on behalf of his three (3) minor children, seeks declaratory and injunctive relief. In the original complaint Mr. Jaffree sought a declaration from the Court that certain prayer activities initiated by his children's public school teachers violated the establishment clause of the first amendment to the United States Constitution. He sought to have these prayer activities enjoined.

A trial was held on the merits on November 15-18, 1982. After hearing the testimony of witnesses, considering the exhibits, discovery, stipulations, pleadings, briefs, and legal arguments of the parties, the Court enters the following findings of fact and conclusions of law.

Footnotes at end of article.

I. Findings of Fact

Ishmael Jaffree is a citizen of the United States, a resident of Mobile County, Alabama, and has three (3) minor children attending public schools in Mobile County, Alabama; Jamael Aakki Jaffree, Makeba Green and Chioke Saleem Jaffree.

Defendants, Annie Bell Phillips (principal) and Julia Green (teacher) are employed at Morningside Elementary School, where Jamael Aakki Jaffree attended school during the 1981-82 school year. Defendants Betty Lee (principal) and Charlene Boyd (teacher) are employed at E.R. Dickson Elementary School where Chioke Saleem Jaffree attended during the 1981-82 school year. Defendants, Emma Reed (principal) and Pixie Alexander (teacher) are employed at Craighead Elementary School where Makeba Green attended school during the 1981-82 school year. Each of these defendants is sued individually and in their official capacity. Each of the schools is part of the system of public education in Mobile County, Alabama.

Dan Alexander, Dr. Norman Berger, Hiram Bosarge, Norman Cox, Ruth F. Drago and Dr. Robert Gilliard are members of the Board of School Commissioners of Mobile County, Alabama. As commissioners, each of these defendants collectively is charged by the laws of the State of Alabama with administering the system of public instruction for Mobile County, Alabama. These defendants are sued only in their official capacity.

Dr. Abe L. Hammons is the Superintendent of Education for Mobile County, Alabama. Defendant Hammons has direct supervisory responsibilities over all principals, teachers and other employees of the Mobile County Public School System. This defendant is sued only in his official capacity.

Defendant Boyd, as early as September 16, 1981, led her class at E.R. Dickson in singing the following phrase:

God is great, God is good,
Let us thank him for our food,
bow our heads we all are fed,
Give us Lord our daily bread.
Amen!

The recitation of this phrase continued on a daily basis throughout the 1981-82 school year.

Defendant Boyd was made aware on September 16, 1981, that the minor plaintiff, Chioke Jaffree, did not want to participate in the singing of the phrase referenced above or be exposed to any other type of religious observances. On March 5, 1982, during a parent-teacher conference. Ms. Boyd was told by Chioke's father that he did not want his son exposed to religious activity in his classroom and that, in Mr. Jaffree's opinion, the activity was unlawful. Again, on March 11, 1982, Ms. Boyd received a handwritten letter from Mr. Jaffree which again advised her that leading her class in chanting the referenced phrase was unlawful. This letter further advised Ms. Boyd that if the practice was not discontinued that he would take further administrative and judicial steps to see that it was. Finally, Ms. Boyd was made aware of the contents of a letter drafted by Mr. Jaffree, dated May 10, 1982, which had been sent to Superintendent Hammons complaining about the prayer activity in Ms. Boyd's classroom. Notwithstanding Mr. Jaffree's protestations, the recitation of the prayer continued.

Defendant Lee learned on March 8, 1982, that Mr. Jaffree had complained about the

prayer activities which were being conducted in defendant Boyd's classroom. Ms. Lee directly spoke with Mr. Jaffree on March 11, 1982, and learned from him that he was opposed to the prayer activities in Ms. Boyd's class and that he felt the same to be unconstitutional. On the same day, Ms. Lee called Mr. Larry Newton, Deputy Superintendent, who informed her that the prayer activity in Ms. Boyd's class could continue on a "strictly voluntary basis."

Defendant Pixie Alexander has led her class at Craighead in reciting the following phrase:

God is great, God is good,
Let us thank Him for our food.

Further, defendant Pixie Alexander had her class recite the following, which is known as the Lord's Prayer:

Our Father, which are in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. And lead us not into temptation but deliver us from evil for thine is the kingdom and the power and the glory forever. Amen.

The recitation of these phrases continued on a daily basis throughout the 1981-82 school year.

Defendant Pixie Alexander learned on May 24, 1982, that Mr. Jaffree had complained, through a letter dated May 10, 1982, to defendant Hammons, about her leading her class in the above-referenced prayer activity. After Ms. Alexander learned of Mr. Jaffree's May 10, 1982 letter, she continued to lead her class in reciting the referenced phrases.

Ms. Green admitted that she frequently leads her class in singing the following song:

For health and strength and daily food,
we praise Thy name, Oh Lord.

This activity continued throughout the school year, despite the fact that Ms. Green had knowledge that plaintiff did not want his child exposed to the above-mentioned song. *See* defendant Green's response to plaintiffs' Interrogatories Nos. 21, 22, 50 and 51.

Upon learning of the plaintiffs' concern over prayer activity in their schools, defendants Reed and Phillips consulted with teachers involved, however, neither defendant advised or instructed the defendant teachers to discontinue the complained of activity.

Prior to the 1981-82 school year, defendants Reed, Phillips, Boyd, and to a lesser extent, Green, each knew the Board of School Commissioners of Mobile County had a policy regarding religious activity in public schools. However, not one of the teachers sought or received advice from the board or the superintendent prior to the plaintiff's initial complaint regarding whether their classroom prayer activities were consistent with the policy.

The policy on religious instruction adopted by the Board of School Commissioners of Mobile County reads as follows:

Religious instruction

Schools shall comply with all existing state and federal laws as these laws pertain to religious practices and the teaching of religion. This policy shall not be interpreted to prohibit teaching about the various religions of the world, the influence of the Judeo-Christian faith on our society, and the values and ideals of the American way of life.

School attendance is compulsory in the State of Alabama. Alabama Code § 16-28-3 (1975).

The complaint in this case was later amended to include allegations against Governor Fob James and various state officials. The claims against the state officials were severed, Fed.R.Civ.P. 21, and they are the subject of a separate order which the Court entered today.

This recitation of the findings of fact is not intended to be an all-inclusive statement of the facts as they were produced in this case. Because of the following opinion the Court is of the impression that the facts above-recited constitute a sufficient recitiation for deciding this case. However, in the event there is a disagreement with the conclusions reached by this Court, the Court does not desire to be precluded from a further recitation of appropriate fact as may be essential to further conclusions in the case. Examples of what the Court alludes to is the factual bases for consideration of the questions of freedom of speech, whether or not secular humanism is in fact a religion, and the propriety of the free exercise of religion.

II. Conclusion of law

A. Subject-Matter Jurisdiction

[1, 2] This action is brought under 42 U.S.C. § 1983.[1] The complaint alleges that the subject-matter jurisdiction of the Court "is evoked pursuant to Title 28, Sections 1343(3) and (4), and Sections 2201 and 2202 of the United States Code." *See* Complaint at 2 (filed May 28, 1982). Neither of the two amended complaints add anything to this jurisdictional allegation.[2]

[3, 4] The complaint alleges that rights guaranteed to the plaintiffs under the first and fourteenth amendments have been violated.[3] The subject-matter jurisdiction of a federal court over a claim arising under 42 U.S.C. § 1983 rests upon 28 U.S.C. § 1343(3). While the complaint does not allege that subject-matter jurisdiction is vested in the court under the general, federal-question jurisdictional statute, 28 U.S.C. § 1331, certainly subject-matter jurisdiction is vested under that provision since a federal district court has "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States," 28 U.S.C. § 1331, exclusive of the amount-in-controversy. Thus, the Court concludes that it has subject-matter jurisdiction over the claims alleged by the plaintiffs.[4]

B. School-Prayer Precedent

The United States Supreme Court has previously addressed itself in many cases to the practice of prayer and religious services in the public schools. As courts are wont to say, this court does not write upon a clean slate when it addresses the issue of school prayer.

Viewed historically, three decisions have lately provided general rules for school prayer. In *Engel* v. *Vitale*, 370 U.S. 421, 82 S.Ct. 1261, 8 L.Ed.2d 601 (1962), *Abington* v. *Schempp*, 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963), and *Murray* v. *Curlett*, 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963), the Supreme Court established the basic considerations. As stated, the rule is that "[t]he First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach." *Everson* v. *Board of Education*, 330 U.S. 1, 18, 67 S.Ct. 504, 513, 91 L.Ed. 711 (1947) (per Black, J.).

In *Engel* v. *Vitale* parents of public school students filed suit to compel the board of education to discontinue the use of an official prayer in the public schools. The prayer was asserted to be contrary to the beliefs, religions, or religious practices of the complaining parents and their children. In *Engel* the board of education, acting in its official capacity under state law, directed the principals to cause the following prayer to be said aloud by each class at the beginning of the day in each homeroom: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country." 370 U.S. at 422, 82 S.Ct. at 1262. This prayer was adopted by the school board because it believed the prayer would help instill the proper moral and spiritual training needed by the students.

The parents argued that the school board violated the establishment clause of the first amendment when it directed that this prayer be recited in the public schools. The first amendment provides, in relevant part, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." U.S. Const. amend. I. The Supreme Court found "that by using its public school system to encourage recitation of the Regent's prayer, the State of New York ha[d] adopted a practice wholly inconsistent with the Establishment Clause." *Id.* at 422, 82 S.Ct. at 1262. The Court found this prayer to be a religious activity. The prayer constituted "a solemn avowal of divine faith and supplication for the blessing of the Almighty. The nature of such prayer has always been religious . . . ." *Id.* at 424-25, 82 S.Ct. at 1264-65. The Court noted that "[i]t [wa]s a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America." *Id.* at 425, 82 S.Ct. at 1264. Therefore, according to the Court, the prayer "breache[d] the constitutional wall of separation between Church and State." *Id.*

Citing historial documents, the Court observed that [b]y the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the danger of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services . . . . The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support, or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government or change each time a new political administration is elected to office. Under the Amendment's prohibition against governmental establishment of religion, as *reinforced by the prohibitions of the Fourteenth Amendment, government in this country, be it state or federal,* is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity. *Id.* at 429-30, 82 S.Ct. at 1266 (emphasis added).

The assertion by the Court that the establishment clause of the first amendment applied to the states was unaccompanied by any citation to authority. This conclusion

was reached supposedly upon its examination of historical documents.

In dissent, Mr. Justice Stewart argued that the majority in *Engel* misinterpreted the first amendment. As Mr. Justice Stewart saw it, an official religion was not established by letting those who wanted to say a prayer say it. To the contrary, Mr. Justice Stewart thought "that to deny the wish of those school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation." *Id.* at 445, 82 S.Ct. at 1274-75. As Mr. Justice Stewart saw the problem, our country is steeped in a history of religious tradition. That religious tradition is reflected in countless practices common in our institutions and governmental officials. For instance, the United States Supreme Court has always opened each day's session with the prayer "God save the United States and this Honorable Court." *Id.* at 446, 82 S.Ct. at 1275. Each President of the United States has, upon assuming office, sworn an oath to God to properly execute his presidential duties. Our national anthem, "The Star-Spangled Banner," contains these verses:

Blest with the victory and peace, may the heav'n rescued land

Praise the Pow'r that hath made and preserved us a nation!

Then conquor we must, when our cause it is just,

And this be our motto "In God is our Trust." *Id.* at 449, 82 S.Ct. at 1277. The Pledge of Allegiance to the Flag contains the words "one Nation *under God*, indivisible, with liberty and justice for all." *Id.* (emphasis in original). Congress added this in 1954. Mr. Justice Stewart believed that the Regent's prayer in New York had done no more than "to recognize and to follow the deeply enriched and highly cherished spiritual traditions of our Nation—traditions which came down to us from those who almost two hundred years ago avowed their 'firm Reliance on the Protection of divine Providence' when they proclaimed the freedom and independence of this brave new world." *Id.* at 450, 82 S.Ct. at 1277.

Following the decision by the Supreme Court in *Engel*, the Court decided *Abington* v. *Schempp* and *Murray* v. *Curlett*. In *Abington*, a state law in Pennsylvania required that [a]t least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian. 374 U.S. 205, 83 S.Ct. 1562. The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of this statute. The Schempps contended that their rights under the fourteenth amendment of the United States Constitution were being violated.

Each morning at the Abington Senior High School between 8:15 a.m. and 8:30 a.m., while students were attending their homerooms, selected students would read ten verses from the Holy Bible. These Bible readings were broadcast to each room in the school building. Following the Bible readings the Lord's Prayer was recited. As with the Bible readings, the Lord's Prayer was broadcast throughout the building. Following the Bible readings and the Lord's Prayer, a flag salute was performed. Participation in the opening exercises, as directed by the Pennsylvania statute, was voluntary.

No prefatory statement, no questions, no comments, and no explanations were made at or during the exercises. Students and parents were advised that any student could absent himself from the classroom or, should he elect to remain, not participate in the exercises.

In *Murray v. Curlett*, the Board of School Commissioners of Baltimore City adopted a rule which "provided for the holding of opening exercises in the schools of the city, consisting primarily of 'reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer.' " 374 U.S. at 211, 83 S.Ct. at 1565. An athiest, Mrs. Madalyn Murray, objected to the Bible reading and the recitation of the Lord's Prayer. After receiving the objection the board specifically provided that the Bible reading and the use of the Lord's Prayer should be conducted without comment and that any child could be excused from participating in the opening exercises or from attending them upon the written request of his parent or guardian.

Because of the similarity of the issues in both the *Abington* case and the *Murray* case the Supreme Court consolidated both cases on appeal and decided them together. The Court recognized that "[i]t is true that religion has been closely identified with our history and government. . . . 'The history of man is inseparable from the history of religion. And . . . since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." ' " *Abington School District v. Schempp*, 374 U.S. at 212-13, 83 S.Ct. at 1566 (quoting *Zorach v. Clauson*, 343 U.S. 306, 313 72 S.Ct. 679, 683, 96 L.Ed. 954 (1952)). Notwithstanding this recognition by the Court that the early history of this country, together with the history of man, was inseparable from religion the Court found the Bible reading and the recitation of the Lord's Prayer to be an unconstitutional abridgement of the first amendment prohibition that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." U.S. Const. amend. I.

The Court noted that the first amendment prohibited more than governmental preference of one religion over another. Rather, the first amendment was intended " 'to create a complete and permanent separation of the spheres of religious activity in civil authority by comprehensively forbidding every form of public aid or support for religion.' " *Id.* 374 U.S. at 217, 83 S.Ct. at 1568 (quoting *Everson* v. *Board of Education*, 330 U.S. 31-2, 67 S.Ct. 519 (1947)). The Court reviewed several of its precedents which touched on the establishment of religion, and concluded that " '[t]here cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the "free exercise" of religion and an "establishment" of religion are concerned the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute.' " *Id.* 374 U.S. at 219-20, 83 S.Ct. at 1569-70 (quoting *Zorach v. Clauson*, 343 U.S. 306, 312, 72 S.Ct. 679, 683, 96 L.Ed. 954 (1952)). The Court in *Abington* reasoned from its own precedent rather than independently reviewing the historical foundation of the first and the fourteenth amendments. The Court held that the Bible reading and the recitation of the Lord's Prayer in both cases were religious exercises. The "rights," *id.* at 224, 83 S.Ct. at 1572. of the plaintiffs were being violated. The religious character of the Bible reading and the recitation of the Lord's Prayer were not mitigated by the fact that students were allowed to absent themselves from their homerooms upon request of their parents. "The breach of neutrality that is today a trickling stream may all too soon become a raging torrent . . . ." *Id.* at 225, 83 S.Ct. at 1573.

The principles enunciated In *Engel* v. *Vitale*, *Abington* v. *Schempp*, and *Murray* v. *Curlett* have been distilled to this: "To pass muster under the Establishment Clause, the governmental activity must, first, reflect a clearly secular governmental purpose; second, have a primary effect that neither advances nor inhibits religion; and third, avoid excessive government entanglement with religion. *Committee for Public Education & Religious Liberty* v. *Nyquist*, 413 U.S. 756, 773, 93 S. Ct. 2955, 2965, 37 L.Ed.2d 948 (1973)." *Hall* v. *Board of School Commissioners*. 656 F.2d 999, 1002 (5th Cir. 1981). "If a statute [or official administrative directive] violates *any* of these three principles, it must be struck down under the Establishment Clause." *Stone* v. *Graham*, 449 U.S. 39, 101, S.Ct. 192, 193, 66 L.Ed.2d 199 (1980) (holding that a Kentucky statute requiring posting of copy of Ten Commandments on walls of each public school classroom in state had pre-eminent purpose which was plainly religious in nature, and statute was thus violative of establishment clause and that avowed secular purpose was not sufficient to avoid conflict with first amendment; emphasis added).

Indeed, in this circuit, prayer in public schools is per se unconstitutional. "Prayer is an address of entreaty, supplication, praise, or thanksgiving directed to some sacred or divine spirit, being, or object. That it may contemplate some wholly secular objective cannot alter the inherently religious character of the exercise." *Karen B.* v. *Treen*, 653 F.2d 897, 901 (5th Cir. 1981).

In sum, under present rulings the use of officially-authorized prayers or Bible readings for motivational purposes constitutes a direct violation of the establishment clause. Through a series of decisions, the courts have held that the establishment clause was designed to avoid any official sponsorship or approval of religious beliefs. Even though a practice may not be coercive, active support of a particular belief raises the danger, under the rationale of the Court, that state-approved religious views may be eventually established.

Although a given prayer or practice may not favor any one sect, the principle of neutrality in religious matters is violated under these decisions by any program which places tacit government approval upon religious views or practices. While the purpose of the program might be neutral or secular, the effect of the program or practice is to give government aid in support of the advancement of religious beliefs. Thus the programs are held invalid without any consideration as to whether they excessively entangle the state in religious affairs.

In contrast, the Supreme Court has permitted the use of the Bible in a literature course where the literary aspects of the Bible are emphasized over its religious contents. *Abington School District v. Schempp*, 374 U.S. 203, 225, 83 S.Ct. 1560, 1573, 10 L.Ed.2d 844 (1963). So long as the study does not amount to prayer or the advancement of religious beliefs, a teacher may discuss the literary aspects of the Bible in a secular course of study. Finally, the Supreme Court permits religious references in official ceremonies, including some school

exercises, on the basis that these references are part of our secularized traditions and thus will not advance religion. *Engel v. Vitale,* 370 U.S. 421, 435 n. 21, 82 S.Ct. 1261, 1269 n. 21, 8 L.Ed.2d 601 (1962).

In the face of this precedent the defendants argue that school prayers as they are employed are constitutional. The historical argument which they advance takes two tacks. First, the defendants urge that the first amendment to the U.S. Constitution was intended only to prohibit the *federal government* from establishing a *national* religion. Read in its proper historical context, the defendants contend that the first amendment has no application to the states. The intent of the drafters and adoptors of the first amendment was to prevent the establishment of a national church or religion, and to prevent any single religious sect or denomination from obtaining a preferred position under the auspices of the federal government.

The corollary of this historic intent, according to the defendants, was to allow the states the freedom to address the establishment of religions as an individual prerogative of each state. Stated differently, the election by a state to establish a religion within its boundaries was intended by the framers of the Constitution to be a power reserved to the several states.

Second, the defendants argue that whatever prohibitions were initially placed upon the federal government by the first amendment that those prohibitions were not incorporated against the states when the fourteenth amendment became law on July 19, 1868. The defendants have introduced the Court to a mass of historical documentation which all point to the intent of the Thirty-ninth Congress to narrowly restrict the scope of the fourteenth amendment. In particular, these historical documents, according to the defendants, clearly demonstrate that the first amendment was never intended to be incorporated through the fourteenth amendment to apply against the states. The Court shall examine each historical argument in turn.

In the alternative, the defendant-intervenors argue that if the first amendment does bar the states from establishing a religion then the Mobile County schools have established or are permitting secular humanism, *see infra* note 41 (discussion of secular humanism), to be advanced in the curriculum and, being a religion, it must be purged also. Such a purge, maintain the defendant-intervenors, is high impossible because such teachings have become so entwined in every phase of the curriculum that it is like a pervasive cancer. If this must continue, say the defendant-intervenors, the only tenable alternative is for the public schools to allow the alternative religious views to be presented so that the students might better make more meaningful choices.

C. First Amendment as Forbidding Absolute Separation [5]

"'[T]he real object of the [F]irst amendment was not to countenance, much less to advance Mohammedanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among *Christian* sects and to prevent any *national* ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the *national* government.'" [6] The establishment clause was intended to apply only to the federal government. Indeed when the Constitution was being framed in Philadelphia in 1787 many thought a bill of rights was unnecessary. It was recognized by all that the federal government was the government of enumerated rights. Rights not specifically delegated to the federal government were assumed by all to be reserved to the states. Anti-Federalists, however, insisted upon a Bill of Rights as additional protection against federal encroachment upon the rights of the states and individual liberties. Excerpted testimony of James McClellan at 5-6 (trial testimony).

The federalists, who were the proponents of the Constitution, acceded to the demand of the Anti-Federalists for a Bill of Rights since, in the opinion of all, nothing in the Bill of Rights changed the terms of the original understanding of the federal convention. It was thought by all that the Bill of Rights simply made express what was already understood by the convention: namely, the federal government was a government of limited authority and that authority did not include matters of civil liberty such as freedom of speech, freedom of the press, and freedom of religion. *Id.* at 8-13.

The prohibition in the first amendment against the establishment of religion gave its states, by implication, full authority to determine church-state relations within their respective jurisdictions. "Thus the establishment clause actually had a dual purpose: to guarantee to each *individual* that Congress would not impose a national religion, and to each *state* that it was free to define the meaning of religious establishment under its own state constitution and laws. The federal government, in other words, simply had no authority over the states respecting the matter of church-state relations."[7]

At the beginning of the Revolution established churches existed in nine of the colonies. Maryland, Virginia, North Carolina. South Carolina, and Georgia all shared Anglicanism as the established reglion common to those colonies. *See* McCellan, *Supra* note 6, at 300. Congregationalism was the established religion in Massachusetts, New Hampshire, and Connecticut. New York, on the other hand, allowed for the establishment of Protestant religions. [8] Three basic patterns of church-state relations dominated in the late eighteenth century. In most of New England there was the quasi-establishment of a specific Protestant sect. Only in Rhode Island and Virginia were all religious sects disestablished. "But all of the states still retained the Christan religion as the foundation stone of their social, civil and political institutions. Not even Rhode Island and Virginia renounced Christianity, and both states continued to respect and acknowledge the Christian religion in their system of law."[9] At the time the Constitution was adopted ten of the fourteen states refused to prefer one Protestant sect over another. Nonetheless, these states placed Protestants in a preferred status over Catholics, Jews, and Dissenters.[10]

The pattern of church-state relations in new states entering the Union after 1789 did not differ substantially from that in the original fourteen. By 1860—and the situation did not radically change for the next three quarters of a century—the quasi-establishment of a specific Protestant sect had everywhere been rejected; quasi-establishment of the Protestant religion was abandoned in most but not all of the states; and the quasi-establishment of the Christian religion still remained in some areas. A new pattern of church-state relations, the multiple or quasi-establishment of all religions in general, i.e., giving all religious sects a preferred status over disbelievers (the No Preference Doctrine) became widespread throughout most of the Union. Thus at the turn of the century, for example, no person who denied the existence of God could hold office in such states as Arkansas, Mississippi, Texas, North Carolina, or South Carolina.[11]

[5] The first amendment in large part was a guarantee to the states which insured that the states would be able to continue whatever church-state relationship existed in 1791. Excerpted testimony of James McClellan at 13 (from trial).

D. Washington, Madison, Adams, and Jefferson

The drafters of the first amendment understood the first amendment to prohibit the federal government only from establishing a national religion. Anything short of the outright establishment of a national religion was not seen as violative of the first amendment. For example, the federal government was free to promote various Christian religions and expend monies in an effort to see that those religions flourished. This was not seen as violating the establishment clause. R. Cord, *Separation of Church and State* 15 (1982).

The intent of the framers of the first amendment can be understood by examining the legislative proposals offered contemporaneously with the debate and adoption of the first amendment. For instance, one of the earliest acts of the first House of Representatives was to elect a chaplain. James Madison was a member of the congressional committee who recommended the chaplain system. On May 1, 1789 the House elected as chaplain, the Reverend William Linn. $500.00 was appropriated from the federal treasury to pay his salary. Even though the first amendment did not become part of the Constitution until 1791, has James Madison believed in the absolute separation of Church and State as some historians have attributed to him. James Madison would certainly have objected on this principle alone to the election of a chaplain.[12] At the Constitutional Convention on June 28, 1787 Dr. Benjamin Franklin suggested that a morning prayer might speed progress during the debates. Franklin told the Convention and its President, George Washington, that he had lived a long time. The longer he lived the more persuaded he was "*that God Governs in the affairs of men.*"[13] Franklin "therefore beg[ged] leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this City be required to officiate in that Service—"[14] Franklin's motion was not adopted for political reasons. Alexander Hamilton and others thought that the motion might have been proper at the beginning of the convention but that if the motion were adopted during the convention the public might believe that the convention was near failure. For this reason, which was wholly political, the issue was resolved by adjournment without any vote being taken.[15]

Presidential proclamations, endorsed by Congressman James Madison when Washington was President, dealing with Thanksgiving, fasting, and prayer are all important in understanding Madison's views on the proper role between church and state.[16] Congress proposed a joint resolution on September 24, 1789, which was intended to

allow the people of the United States an opportunity to thank Almighty God for the many blessings which he had poured down upon them. The resolution requested that President George Washington recommend to the citizens of the United States a day of public thanksgiving and prayer. Congress intended that the people should thank Almighty God for affording them an opportunity to establish this country.[17] This proclamation was submitted to the President the very day after Congress had voted to recommend to the states the final text of what was to become the first amendment to the United States Constitution.[18] As President, Madison issued four prayer proclamations. Excerpted testimony of James McClellan at 19.

Thomas Jefferson is often cited along with James Madison as a person who was absolutely committed to the separation of church and state. The historical record, however, does not bear out this conclusion.

While Jefferson undoubtedly believed that the church and the state should be separate, his actions in public life demonstrate that he did not espouse the absolute separation evidenced in the modern decisions by the United States Supreme Court. For example, on October 31, 1803, President Jefferson proposed to the United States Senate a treaty with the Kaskaskia Indians which provided that federal money was to be used to support a Catholic priest and to build a church for the ministry of the Kaskaskia Indians. The treaty was ratified on December 23, 1803. As Professor Cord points out in his book,[19] President Jefferson could have avoided the explicit appropriation of funds to support a Catholic priest and a Catholic church by simply leaving a lump sum in the Kaskaskia treaty which could have been used for that purpose. However, President Jefferson was not at all reluctant—for ought that appears on the historical record—to specifically appropriate money for a Catholic mission.

Unlike Presidents Washington, Madison, and Adams, when Jefferson was President he broke with the tradition of issuing executive religious proclamations. In Jefferson's view the establishment clause and the federal division of power between the national government and the states foreclosed executive religious proclamations. While refusing to issue executive religious proclamations, President Jefferson recognized that "no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest with the States, as far as it can be in any human authority." [20] Thus, of the first four Presidents, all of whom were close to the adoption of the Federal Constitution and the first amendment, only President Jefferson did not issue executive religious proclamations, and only President Jefferson thought that executive religious proclamations were not constitutional.

But even President Jefferson signed into law bills which provided federal funds for the propagation of the gospel among the Indians.[21] Based upon this historical record Professor Cord concludes that Jefferson, even as President, did not interpret the establishment clause to require complete independence from religion in government.

In sum, while both Madison and Jefferson led the fight in Virginia for the separation of church and state, both believed that the first amendment only forbade the establishment of a state religion by the *national* government. "Jefferson was neither at the Constitutional Convention nor in the House of Representatives that framed the First Amendment. The two Presidents who were at the Convention, Washington and Madison, and the President who framed the initial draft of the First Amendment in the House of Representatives, James Madison, issued Thanksgiving Proclamations." [22] The Court agrees with the studied conclusions of Dr. Cord that "it should be clear that the traditional interpretation of Madison and Jefferson is historically faulty if not virtually unfounded . . . ." [23]

One thing which becomes abundantly clear after reviewing the historical record is that the founding fathers of this country and the framers of what became the first amendment never intended the establishment clause to erect an absolute wall of separation between the federal government and religion. Through the chaplain system, the money appropriated for the education of Indians, and the Thanksgiving proclamations, the federal government participated in secular Christian activities. From the beginning of our country, the high and impregnable wall which Mr. Justice Black referred to in *Everson* v. *Board of Education*, 330 U.S. 1, 18, 67 S.Ct. 504, 513, 91 L.Ed. 711 (1947), was not as high and impregnable as Justice Black's revisionary literary flourish would lead one to believe.

Yet, despite all of this historical evidence, only last month the Supreme Court wrote that the purpose of the first amendment is twofold: to foreclose state interference with the practice of religious faiths, and to foreclose the establishment of a state religion familiar in other Eighteenth Century systems. Religion and government, each insulated from the other, could then coexist. *Jefferson's idea of a "wall," see Reynolds* v. *United States*, 98 U.S. (8 Otto) 145, 164 [25 L.Ed 244] (1878), *quoting* Reply from Thomas Jefferson to an address by a committee of the Danbury Baptist Association (January 1, 1802), *reprinted in* 8 Works of Thomas Jefferson 113 (Washington ed. 1861), *was a useful figurative illustration to* emphasize the concept of separateness. Some limited and incidental entanglement between church and state authority is inevitable in a complex modern society, *see, e.g., Lemon* v. *Kurtzman*, 403 U.S. 602, 614 [91 S.Ct. 2105, 2112, 29 L. Ed.2d 745] (1971); *Waltz v. Tax Commission*, 397 U.S. 664, 670 [90 S.Ct. 1409, 1412, 25 L.Ed.2d 697] (1970), *but the concept of a "wall" of separation is a signpost.*

Larkin v. Grendel's Den, Inc., —— U.S. ——, ——, 103 S.Ct. 505, 510, 74 L.Ed.2d 297 (1982) (emphasis added). Enough is enough. Figurative illustrations should not serve as a basis for deciding constitutional issues.

[6] For this Court, Professor Robert Cord, *see supra* note 5, irrefutably establishes that Thomas Jeffersons address to the Danbury Baptist Association cannot be relied upon to support the conclusion that Jefferson believed in a *wall* between church and state. "By this phrase Jefferson could only have meant that the 'wall of separation' was erected 'between Church and State' in regard to possible federal action such as a law establishing a national religion or prohibiting the free exercise of worship." *Id.* at 115. Overall the conduct of Thomas Jefferson was consistent with the conclusion that he believed, like all the other drafters of the Constitution and the Bill of Rights, that the states were free to establish religions as they saw fit.[24]

E. First Amendment as Applied to the States

[7, 8] As has been seen up to this point the establishment clause, ratified in 1791, was intended only to prohibit the federal government from establishing a national religion. The function of the establishment clause was two-fold. First, it guaranteed to each individual that Congress would not impose a national religion. Second, the establishment clause guaranteed to each state that the states were free to define the meaning of religious establishment under their own constitution and laws.

The historical record clearly establishes that when the fourteenth amendment was ratified in 1868 that its ratification did not incorporate the first amendment against the states. The debates in Congress at the time the fourteenth amendment was being drafted, the re-election speeches of the various members of Congress shortly after the passage by Congress of the fourteenth amendment, the contemporaneous newspaper stories reporting the effect and substance of the fourteenth amendment, and the legislative debates in the various state legislatures when they considered ratification of the fourteenth amendment indicate that the amendment was not intended to apply the establishment clause against the states because the fourteenth amendment was not intended to incorporate the federal Bill of Rights (the first eight amendments) against the states.

At the beginning the Court should acknowledge its indebtedness to Professor Charles Fairman, then a professor of law in Political Science at Stanford University, for the scholarly article which he published in 1949[25] Professor Fairman examined in detail the historical evidence which Mr. Justice Black relied upon in *Adamson v. California*, 332 U.S. 46, 47, 67 S.Ct. 1672, 1673, 91 L.Ed. 1903 (1947), where Mr. Justice Black concluded that the historical events that culminated in the adoption of the fourteenth amendment demonstrated persuasively that one of the chief objects of the fourteenth amendment was to make the Bill of Rights applicable to the states.[26]

1. Debates

The paramount consideration in defining the scope of any constitutional provision or legislative enactment is to ascertain the intent of te legislature. The intention of the legislature may be evidenced by statements of the leading proponents.[27] If statements of the leading proponents are found, those statements are to be regarded as good as if they were written into the enactment. "The intention of the lawmaker is the law." *Hawaii v. Mankichi*, 190 U.S. 197, 212, 23 S.Ct. 787, 788, 47 L.Ed. 1016 (1903).

Looking back, what evidence [i]s there . . . to sustain the view that Section 1 was intended to incorporate Amendments I to VIII? [C]ongressman Bingham . . . did a good deal of talking about "immortal bill of rights" and one spoke of "cruel and unusual punishments." Senator Howard, explaining the new privileges and immunities clause, said that it included the privileges and immunities of Article IV, Section 2—"whatever they may be"—and also "the personal rights guarantied [*sic*] and secured by the first eight amendments. . . ." That is all. The rest of the evidence bore in the opposite direction, or was indifferent. Yet one reads in Justice Black's footnote that, [*Adamson* v. *California*, 332 U.S. 46, 72 n. 5 [67 S.Ct. 1672, 1686 n. 5, 91 L.Ed. 1903] (1947)].

A comprehensive analysis of the historical origins of the Fourteenth Amendment, Flack, The Adoption of the Fourteenth Amendment (1908), 94, concludes that "Congress, the House and the Senate, had the following objects and motives in view for submitting the first section of the Fourteenth Amendment to the States for ratification:

1. To make the Bill of Rights (the first eight Amendments) binding upon, or applicable to, the States.

2. To give validity to the Civil Rights Bill.

3. To declare who were citizens of the United States.

We have been examining the same materials as did Flack, and have quoted far more extensively than he. How can he on that record reach the conclusion that Congress proposed by Section 1 to incorporate Amendments I to VIII?

Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights*, 2 Stan.L. Rev. at 65-66 (1949). Porfessor Flack explained that the incorporation was based upon remarks of Congressman Bingham and Senator Howard at the time the Thirty-ninth Congress voted upon the fourteenth amendment. Only those two said anything which could be construed as suggesting the result reached by Justice Black and the modern Supreme Court decisions.

Throughout the debates in the House over the meaning of the fourteenth amendment Professor Fairman shows convincingly that Congressman Bingham had no clear concept of what exactly would be accomplished by the passage of the fourteenth amendment. The explanations offered by Congressman Bingham to his colleagues were inconsistent and contradictory.[28]

Together with Congressman Bingham's statements which suggested incorporation were remarks by Senator Howard. Senator Howard spoke with more preciseness than Congressman Bingham. Thus, his interpretation carries much greater weight than that of Congressman Bingham. Yet, because of the circumstances under which he spoke, his statements are subject to question when held out as representative of the majority viewpoint. By sheer chance Senator Howard acted as spokesman for the joint committee when explaining the purpose of the fourteenth amendment to the Senate. The joint committee had been chaired by Senator Fessenden. Chairman Fessenden became sick suddenly and Senator Howard thus became the spokesman for the Joint Committee. "Up to this point [Senator Howard's] participation in the debates on the Civil Rights Bill and the several aspects of the Amendment had been negligible. Poles removed from Chairman Fessenden, who 'abhorred' extreme radicals. Howard . . . was 'one of the most . . . reckless of the radicals,' who had 'served consistently in the vanguard of the extreme Negrophiles.'"[29] Professor Raoul Berger notes with some sarcasm that it is odd that a radical such as Senator Howard should be taken as speaking authoritatively for a committee in which the conservatives outnumbered the radicals and where there was a strong difference of opinion between the radicals and the conservatives. R. Berger, *supra* note 26, at 147.

On May 23, 1866, Senator Howard rose in the Senate, referred to the illness of Fessenden, and stated that he would "present 'the views and the motives which influenced the committee, so far as I understand [them].' After reading the privileges and immunities listed in *Corfield v. Coryell*, [6 Fed.Cas. 546, No. 3230 (C.C.E.D.Pa.1823),] he said, 'to these privileges and immunities . . . should be added the personal rights guaranteed and secured by the first eight amendments.' That is the sum and substance of Howard's contribution to the 'incorporation' issue."[30]

Raoul Berger notes in his analysis of the incorporation question that the remark of Senator Howard was tucked away in the middle of a long speech, that Howard was a last minute substitution for the majority chairman, that Howard was in the minority on the committee, and that after Howard was through speaking Senator Poland stated that the fourteenth amendment secured nothing beyond what was intended in the original privileges and immunities clause of Article IV Section 2. R. Berger, *supra* note 26, 148-49. Senator Doolittle followed Senator Poland with some additional remarks which were designed to reassure those whose votes had already been won in favor of passage of the fourteenth amendment that indeed the amendment was limited to known objectives, which objectives were not intended to encompass the federal Bill of Rights.

The scholarly analyses of Professors Fairman and Berger persuasively show that Mr. Justice Black misread the congressional debate surrounding the passage of the fourteenth amendment when he concluded that Congress intended to incorporate the federal Bill of Rights against the states. *See infra* p. 42-44 (discussion of Blaine Amendment). So far as Congress was concerned, after the passage of the fourteenth amendment the states were free to establish one Christian religion over another in the exercise of their prerogative to control the establishment of religions.

2. Popular Understanding

An examination of popular sentiment across the country reveals that the nation as a whole did not understand the adoption of the fourteenth amendent to incorporate the federal Bill of Rights against the states. Inferentially, that is to say that the people understood that each state was free to continue to support one Christian religion over another as the people of that state saw fit to do. The leading constitutional scholar upon whom Justice Black relied in *Adamson v. California*,

Mr. Flack[,] examined a considerable number of Northern newspapers and reported (an admission against the thesis he was defending) the following observation: "There does not seem to have been any statement at all as to whether the first eight Amendments were to be made applicable to the States or not . . . ." Presumably this excluded the press reports of May 24 on Senator Howard's speech of the 23d: for the *New York Herald* and the *New York Times*, which Mr. Flack had before him, did quote in full the passage where it said that the personal rights guaranteed by the first eight amendments were among the "privileges and immunities."

Other newspaper files have been examined in preparing the [article of Professor Fairman] and no instance has been found to vary what has been set out above. Fairman, *supra* note 25, at 68 (footnotes omitted).[31]

Charles Fairman quotes at length from the campaign speeches of five senators who, presumably, heard Senator Howard's speech of May 23, 1866. Not one of the senators mentioned anything about the Bill of Rights when commenting to the electorate about Section 1. Likewise, the five Republicans, including Congressman Bingham, never mentioned that the privileges and immunities clause would impose the federal Bill of Rights upon the states. Along with Professor Fairman, the Court takes the historical record to conclusively show that the general understanding of the nation at large, as illustrated by contemporaneous newspaper reports, demonstrates that the people of this country did not understand the fourteenth amendment to incorporate the establishment clause of the first amendment against the states.

3. Campaign Speeches

After the submission of the fourteenth amendment to the states on June 16, 1866 the members of the Thirty-Ninth Congress began to busy themselves with the prospect of re-election in the fall. The statements which the members of Congress made during their campaign speeches are certainly relevant in ascertaining the intent of the Thirty-ninth Congress with regard to the scope and effect of the fourteenth amendment. All of these speeches were contemporaneous expressions of the intent of Congress. Professor Fairman provides many instances of speeches made on the campaign hustings. *See generally*, Fairman, *supra* note 25, at 68-78. None of the members of Congress indicated in their campaign speeches that the fourteenth amendment was intended to incorporate the federal Bill of Rights against the states. The general consensus with regard to the effect of the fourteenth amendment was that it covered the same ground as the Civil Rights Act of 1866. *Id.* at 72 (remarks of Senator Lyman Trumbull, the sponsor of the Civil Rights Bill).

4. *State-Legislative Debates*

The fourteenth amendment was submitted to the states for their ratification on June 16, 1866. By June, 1867, twelve legislatures had ratified the amendment. By July 28, 1868 the fourteenth amendment had been promulgated.

Professor Fairman combed the relevant legislative materials to see exactly what each state legislature thought the effect of the fourteenth amendment would be. Along with Fairman, the Court finds it important to note not only what was said but what was not said. Had the fourteenth amendment been understood to incorporate the federal Bill of Rights against the states in many instances states would have been required to make radical changes. For instance it was frequent in many states for people to be prosecuted for felonies without an indictment from a grand jury. It was equally common for a jury of less than twelve people to sit in judgment in a felony prosecution. Some states failed to preserve the right to a jury trial and suits at common law where the amount in controversy exceeded $20.00.

The Court will not repeat Professor Fairman's analysis in each state. Only a few states need to be highlighted to convey the popular understanding of the effect of the fourteenth amendment upon the right of states to establish a religion. In New Hampshire, only five months after the promulgation of the fourteenth amendment—in December, 1886—the Supreme Court of New Hampshire had occassion to interpret a provision of the state constituton which provided that the legislature could "authorize towns, parishes, and religious societies 'to make adequate provison . . . for the support and maintenance of public Protestant teachers of piety, religion, and morality.'"[32] Moreover, Article VI of the Bill of Rights from the New Hampshire Constitution encouraged "the public worship of the diety. . . ." The question before the Su-

preme Court of New Hampshire was whether certain parishioners of the First Unitarian Society of Christians in Dover could fire the preacher. The preacher had begun using text from Emerson interchange-ably with text from the Bible. While Wardens of the church supported the preacher, certain pew owners were outraged. The pew owners sought an injunction restraining the preacher from occupying the meeting house. The trial court granted relief.

On appeal, in a 276-page report neither the opinion of the court nor the dissent made a single reference to the fourteenth amendment. Both opinions, however, had much to say about New Hampshire's policy in ecclesiastical matters. The opinion of the court referred to the first amendment and quoted Story's *Commentaries:*

[T]he whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their own sense of justice and the State constitutions . . .

Probably at the time of the adoption of the amendment now under consideration, the general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state, so far as not incompatible with the private rights of conscience and the freedom of religious worship: Fairman, *supra* note 25, 87 (citations omitted).

As Professor Fairman notes: "[I]n December 1868—five months after the promulgation of the Fourteenth Amendment—the New Hampshire court regarded the matter of an establishment of religion as being still 'left exclusively to the State governments.'" *Id.*

[9] The historical record shows without equivocation that none of the states envisioned the fourteenth amendment as applying the federal Bill of Rights against them through the fourteenth amendment. It is sufficient for purposes of this case for the Court to recognize, and the Court does so recognize, that the fourteenth amendment did not incorporate the establishment clause of the first amendment against the states.[33]

5. Supreme Court Decisions

Decisions by the United States Supreme Court rendered contemporaneously with the ratification of the fourteenth amendment indicate that the Court did not perceive the fourteenth amendment to incorporate the federal Bill of Rights against the states. In *Twitchell* v. *Pennsylvania,* 74 U.S. (7 Wall.) 321, 19 L.Ed. 223 (U.S. 1869), the Supreme Court held that the fifth and sixth amendments of the Constitution do not apply to the states. This holding was consistent with the earlier, well-known holding in *Barron* v. *Baltimore,* 32 U.S. (7 Peters) 243, 8 L.Ed. 672 (1833).

In *Barron* v. *Baltimore* the question presented to the court was whether the City of Baltimore was required to compensate Barron under the fifth amendment for the taking of his property for public purposes. When the City of Baltimore paved some streets, streams of water had been diverted in the vicinity of Barron's wharf. The water had deposited large amounts of sand around the wharf. The sand deposits made these waters too shallow for ocean-going ships to load and unload cargo at the wharf. Chief Justice John Marshal held that Barron's claim raised no appropriate federal question because the fifth amendment was a constitutional limitation applied only against the federal government.[34]

Another decision of the United States Supreme Court, decided in 1870, recognized that the federal Bill of Rights did not control the states.[35] After much deliberation over the question whether jury findings made in state court were reviewable in federal court, the Supreme Court noted that it was "admitted" that the limitations of the seventh amendment [36] did not apply to the states.

F. Blaine Amendment

The discussion up to this point has focused upon the incorporation of the federal Bill of Rights generally through the fourteenth amendment. Events which postdated the adoption of the fourteenth amendment show that the lawmakers of the Thirty-ninth Congress did not intend that the establishment clause would become binding upon the states with the ratification of the fourteenth amendment. [A] conclusive argument against the incorporation theory, at least as respects the religious provisions of the First Amendment, is the Blaine Amendment proposed in 1875. McClellan, *Christianity and the Common Law,* in Joseph Story and the American Constitution 118, 154 (1971) (quoting O'Brien, *Justice Reed and the First Amendment,* 116 (n.d.). At the behest of President Grant, James Blaine of Maine introduced a resolution in the Senate in 1885 which read: "No *State* shall make any law respecting an establishment of religion or prohibiting the free exercise thereof." *Id.* at 154. (emphasis in original). Importantly, the Congress which considered the Blaine Amendment included twenty-three members of the Thirty-ninth Congress, the Congress which passed the fourteenth amendment.

Not one of the several Representatives and Senators who spoke on the proposal even suggested that its provisions were implicit in the amendment ratified just seven years earlier. Congressman Banks, a member of the Thirty-ninth Congress, observed: "If the Constitution is amended so as to secure the object embraced in the principle part of this proposed amendment, it prohibits the States from exercising a power they now exercise." Senator Frelinghuysen of New Jersey urged the passage of the "House article," which "prohibits the States for the first time, from the establishment of religion, from prohibiting its free exercise." Senator Stevenson, in opposing the proposed amendment, referred to *Thomas Jefferson: "Friend as he* [Jefferson] *was of religious freedom, he would never have consented that the States . . . should be degraded and that the Government of the United States, a government of limited authority, a mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their* religion." Remarks of Randolph, Christiancy, Kernan, Whyte, Bogy, Easton, and Morton give confirmation to the belief that none of the legislators in 1875 thought the Fourteenth Amendment incorporated the religious provisions of the First. *Id.* (quoting O'Brien, *Justice Reed and the First Amendment* 116-17 (emphasis added)).

The Blaine Amendment, which failed in passage, is stark testimony to the fact that the adoptors of the fourteenth amendment never intended to incorporate the establishment clause of the first amendment against the states, a fact which Black ignored. This was understood by nearly all involved with the Thirty-ninth Congress to be the effect of the fourteenth amendment.

G. Proper Interpretative Perspective

[10,11] The interpretation of the Constitution can be approached from two vantages. First, the Court can attempt to ascertain the intent of the adoptors, and after ascertaining that attempt apply the Constitution as the adoptors intended it to be applied. Second, the Court can treat the Constitution as a living document, chameleon-like in its complexion, which changes to suit the needs of the times and the whims of the interpreters. In the opinion of this Court, the only proper approach is to interpret the Constitution as its drafters and adopters intended. The Constitution is, after all, the supreme law of the land. It contains provisions for amending it; if the country as a whole decided that the present test of the Constitution no longer satisfied contemporary needs then the only constitutional course is to amend the Constitution by following its formal, mandated procedures. Amendment through judicial fiat is both unconstitutional and illegal. Amendment through judicial fiat breeds disrespect for the law, and it undermines the very basic notion that this country is governed by laws and not by men. *See generally* Breast, *The Misconceived Quest for the Original Understanding,* 60 B.U.L. Rev. 204 (1980) (discussing various approaches to constitutional interpretation).

Let us have faith in the rightness of our charter and the patience to persevere in adhering to its principles. If we do so then all will have input into change and not just a few.

H. Stare Decisis

[12] What is a court to do when faced with a direct challenge to settled precedent? [37] In most types of cases "it is more important that the applicable rule of law be settled than that it be settled right." *Burnet* v. *Coronado Oil & Gas Co.,* 285 U.S. 393, 406, 52 S.Ct. 443, 447, 76 L.Ed. 815 (1932) (Brandeis, J., dissenting). This general rule holds even where the court is persuaded that it has made a serious error of interpretation in cases involving a statute.[38] However, in cases involving the federal constitution, where correction through legislative action is practically impossible, a court should be willing to examine earlier precedent and to overrule it if the court is persuaded that the earlier precedent was wrongly decided. *Id.* at 407, 52 S.Ct. at 447. "A judge looking at a constitutional decision may have compulsions to reverse past history and accept what was once written. But he remembers above all else that it is the Constitution which he swore to support and defend, not the gloss which his predecessors may have put on it." Douglas, *Stare Decisis,* 49 Colum.L.Rev. 735, 736 (1949).

Certainty in the law is important. Yet, a rigid adherence to stare decisis "would leave the resolution of every issue in constitutional law permanently at the mercy of the first Court to face the issue, without regard to the possibility that the revelant case was poorly prepared or that the judgment of the Court was simply ill-considered. The danger is particularly great where the court has moved too far in an activist direction; in such a situation, legislative correction of the error is liable to be virtually impossible." Maltz, *Commentary: Some Thoughts on the Death of Stare Decisis in Constitutional Law,* 1980 Wis.L.Rev. 476, 492 (1980).

[T]he "wall of separation between Church and State" that Mr. Jefferson built at the University [of Virginia] which he founded did not exclude religious education from the

school. The difference between the generality of his statements on the separation of Church and State and the specificity of his conclusions on education are considerable. A rule of law should not be drawn from a figure of speech. *McCollum* v. *Board of Education*, 333 U.S. 203, 247, 68 S.Ct. 461, 482, 92 L.Ed. 649 (1948) (per Reed, J., dissenting).

"[T]he ultimate touchstone of constitutionality is the Constitution itself and not what we have said about it." *Graves* v. *O'Keefe*, 306 U.S. 466, 491-92, 59 S.Ct. 595, 603-04, 83 L.Ed. 927 (1939) (Frankfurter, J., concurring). "By placing a premium on 'recent cases' rather than the language of the Constitution, the Court makes it dangerously simple for future Courts using the technique of interpretation to operate as a 'continuing Constitutional Convention.'" *Coleman* v. *Alabama*, 399 U.S. 1, 22-23, 90 S.Ct. 1999, 2010-11, 26 L.Ed.2d 387 (1970) (Burger, C.J.). "Too much discussion of constitutional law is centered on the Court's decisions, with not enough regard for the text and history of the Constitution itself." R. Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* 296 (1977).[39]

This Court's review of the relevant legislative history surrounding the adoption of both the first amendment and of the fourteenth amendment, together with the plain language of those amendments, leaves no doubt that those amendments were not intended to forbid religious prayers in the schools which the states and their political subdivisions mandate.

I. Summary

"Th[e] mountain of evidence has become so high, one may have lost sight of the few stones and pebbles that made up the theory that the Fourteenth Amendment incorporated Amendments I to VIII." Fairman, *supra* note 25, at 134. Suffice it to say that the few stones and pebbles provide precious little historical support for the view that the states were prohibited by the establishment clause of the first amendment from establishing a religion.[40]

More than any other provision of the Constitution, the interpretation by the United States Supreme Court of the establishment clause has been steeped in history. This Court's independent review of the relevant historical documents and its reading of the scholarly analysis convinces it that the United States Supreme Court has erred in its reading of history. Perhaps this opinion will be no more than a voice crying in the wilderness and this attempt to right that which this Court is persuaded is a misreading of history will come to nothing more than blowing in the hurricane, but be that as it may, this Court is persuaded as was Hamilton that "[e]very breach of the fundamental laws, though dictated by necessity impairs the sacred reverence with ought to be maintained in the breast of the rulers towards the constitution." R. Berger, *supra* note 26, at 299 (quoting Federalist No. 25 at 158).

[13]. Because the establishment clause of the first amendment to the United States Constitution does not prohibit the state from establishing a religion, the prayers offered by the teachers in this case are not unconstitutional. Therefore, the Court holds that the complaint fails to state a claim for which relief could be granted.

J. Conclusion

There are pebbles on the beach of history from which scholars and judges might attempt to support the conclusions that they are wont to reach. That is what Professors Flack, Crosskey and the more modern scholars have done in attempting to establish a beachhead, as did Justice Black, that there is a basis for their conclusions that Congress and the people intended to alter the direction of the country by incorporating the first eight amendments to the Constitution. However, in arriving at this conclusion, they, and each of them, have had to revise established principles of constitutional interpretation by the judiciary. Whether the judiciary, inadvertently or eagerly, walked into this trap is not for discussion. The result is that the judiciary has, in fact, amended the Constitution to the consternation of the republic. As Washington pointed out in his Farewell Address, *see* p. i *supra*, this clearly is the avenue by which our government, can and ultimately, will be destroyed. We think we move in the right direction today, but in so doing we are denying to the people their rights to express themselves. It is not what we, the judiciary want, it is what the people want translated into law pursuant to the plan established in he Constitution as the framers intended. This is the bedrock and genius of our republic. The mantle of office gives us no power to fix the moral direction that this nation will take. When we undertake such course we trample upon the law. In such instances the people have a right to complain. The Court loses its respect and our institution is brought low. This misdirection should be cured now before it is too late. We must give no future generation an excuse to use this same tactic to further their ends which they think proper under the then political climate as for instance did Adolph Hitler when he used the court system to further his goals.

What is past is prologue. The framers of our Constitution, fresh with recent history's teachings, knew full well the propriety of their decision to leave to the peoples of the several states the determination of matters religious. The wisdom of this decision becomes increasingly apparent as the courts wind their way through the maze they have created for themselves by amending the Constitution by judicial fiat to make the first amendment applicable to the states. Consistency no longer exists. Where you cannot recite the Lord's Prayer, you may sing his praises in God Bless America. Where you cannot post the Ten Commandments on the wall for those to read if they do choose, you can require the Pledge of Allegience. Where you cannot acknowledge the authority of the Almighty in the Regent's prayer, you can acknowledge the existence of the Almighty in singing the verses of America and Battle Hymn of the Republic. It is no wonder that the people perceived that justice is myoptic, obtuse, and janus-like.

If the appellate courts disagree with this Court in its examination of history and conclusion of constitutional interpretation thereof, then this Court will look again at the record in this case and reach conclusions which it is not now forced to reach.[41]

III. Order

It is therefore ordered that the complaint in this case be dismissed with prejudice. Costs are taxed against the plaintiffs. Fed. R. Civ.P. 54(d).

Ishmael Jaffree, et al., Plaintiffs, v. *Fob James*, in his official capacities as Governor of the State of Alabama and ex officio member of the State Board of Education; Charles Graddick, in his official capacity as Attorney General for the State of Alabama; John Tyson, Jr., Ron Creel, S.A. Cherry, Ralph Higginbotham, Victor P. Poole, Harold C. Martin, James B. Allen, Jr., and Roscoe Roberts, Jr., in their official capacities as members of the Alabama State Board of Education, Defendants.

CIV. A. NO. 82-0792-H.

UNITED STATES DISTRICT COURT, S.D. ALABAMA, S.D.

Jan. 14, 1983.

Action was brought to challenge the Alabama "Prayer Law" as being in violation of Federal and State Constitutions. The District Court, Hand, Chief Judge, held that in view of fact that federal claims of unconstitutionality were dismissed short of trial, court in exercise of discretion would dismiss pendent claims under State Constitution.

All claims for relief dismissed, and injunction previously entered dissolved.

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In view of fact that federal claims of unconstitutionality of state "Prayer Law" were dismissed short of trial, court in exercise of discretion would dismiss pendent claims under State Constitution. Ala.Code 1975, §§ 16-1-20, 16-1-20.1, 16-1-22.1; U.S.C.A. Const.Amend. 1.

Ronnie L. Williams, Mobile, Ala., for plaintiffs.

Anne Neamon, pro se and for petitioners as Friend of Court Citizens for God and Country.

Fob James, III, pro se.

Charles S. Coody, Counsel Director, Div. of Legal Services, Dept. of Education, Montgomery, Ala., for defendants, Tyson, Creel, Cherry, Higginbotham, Poole, Martin, Allen and Roberts.

Bob Sherling, Mobile, Ala., for intervenors.

Maury D. Smith, David R. Boyd, Montgomery, Ala., for Gov. James.

Order

HAND, Chief Judge.

The complaint in this case challenges Senate Bill 8, Alabama Act 82-735, popularly known as "the Prayer Law", Senate Bill 61 (1982), Ala.Code § 16-1-20 (silent meditation), and Ala.Code § 16-1-22.1.

I. The Allegations

The complaint in this case alleges that Senate Bill 61 (1982), Senate Bill 8 (1982) and Ala.Code § 16-1-20.1 violate the rights of the plaintiffs to be free from the state endorsement and establishment of any religion.

Senate Bill 61 (1982) provides:

To prescribe a period of time in the public schools, not to exceed fifteen minutes, for the study of the formal procedures followed by the United States Congress which study shall include the reading verbatum of one of the opening prayers given by either the House or the Senate Chaplain at the beginning of the meeting of the United States House or Senate.

Be it enacted by the Legislature of Alabama:

Section I. At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which said class is held shall, for a period of time not exceeding fifteen minutes, instruct the class in the formal procedure followed by the United States Congress. The study shall include, but not be limited to, the reading verbatim of one of the opening prayers given by either the House or the Senate Chaplain at the begin-

ning of the meeting of the House or Senate. Any student may select an opening House or Senate prayer from the Congressional Record for use by the class.

Senate Bill 8 (1982) provides as follows:

To provide for a prayer that may be given in the public schools and educational institutions of this state.

Be it enacted by the Legislature of Alabama:

Section I. From henceforth, any teacher or professor in any public educational institution within the State of Alabama, recognizing that the Lord God is one, at the beginning of any homeroom or any class, may lead the willing students in the following prayer to God:

Almighty God, You alone are our God. We acknowledge You as the Creator and Supreme Judge of the world. May Your justice, Your truth, and Your peace abound this day in the hearts of our countrymen, in the counsels of our government, in the sanctity of our homes and in the classrooms of our schools. In the name of our Lord. Amen.

Ala.Code Section 16-1-20.1 provides: At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which each such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activity shall be engaged in.

II. Claims for Relief

The state laws are challenged under two separate theories. First, the laws are attacked as being violative of the first amendment to the United States Constitution. The first amendment provides in part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." U.S. Const. Amend. I.

The second basis for attacking the laws rests upon a pendent, state-law claim. The amended complaint alleges that the laws in question violate the guarantee of religious freedom found in the Alabama State Constitution. The relevant section provides:

That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles. Ala. Const. art. I, § 3.

Today in the companion case, *Jaffree v. Board of School Commissioners of Mobile County*, 554 F.Supp. 1104, the Court holds that the establishment clause of the first amendment to the United States Constitution does not bar the states from establishing a religion. In light of the reasoning in that opinion the Court holds that the claims in this case fail to state any claim for which relief could be granted under the federal Constitution.

However, in this case, in addition to the claims for relief under the federal Constitution the plaintiffs have alleged claims under the Alabama State Constitution. Ordinarily, these claims would be within the pendent jurisdiction of the court. Pendent jurisdiction is discretionary. The usual rule is that a federal court should decide any state-law claims which arise from a common nucleus of operative facts and which could ordinarily be expected to be brought in the same action. One well-recognized exception to the exercise of pendent jurisdiction lies where the federal claim is dismissed short of trial. Here this case is being dismissed short of trial, and the Court holds that the better exercise of discretion which is consistent with the limited subject-matter jurisdiction of a federal court mandates that the claims in this case be dismissed.

III. Order

It is hereby ordered that the claims for relief under the federal Constitution be dismissed for failure to state a claim. It is further ordered that the pendent, state-law claims be dismissed.

The injunction which this Court previously entered is dissolved.

Costs are taxed against the plaintiffs.

FOOTNOTES

[1] 42 U.S.C. § 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

[2] Initially, it should be noted that neither 28 U.S.C. §§ 2201 nor 2202 afford any subject-matter jurisdiction to a federal court as the complaint alleges. These sections provide only a remedy.

The operation of the Declaratory Judgment Act is procedural only. By passage of the Act, Congress enlarged the range of remedies available in the federal courts but it did not extent their subject-matter jurisdiction. Thus there must be an independent basis of jurisdiction, under statutes equally applicable to actions for coercive relief, before a federal court may entertain a declaratory judgment action. 10 C. Wright and A. Miller, *Federal Practice and Procedure* § 2766. 841 (1973) (footnotes omitted)

Likewise, 28 U.S.C. § 1343(4) does not afford subject matter jurisdiction to a federal court over claims brought under 42 U.S.C. § 1983. Section 1343(4) affords subject matter jurisdiction to the federal court only over those claims which are brought under "any Act of Congress providing for the protection of civil rights . . ." "Standing alone. § 1983 clearly provides no protection for civil rights since . . . §1983 does not provide any substantive rights at all." *Chapman v. Houston Welfare Rights Organization*, 441 U.S. 600, 618, 99 S.Ct. 1905, 1916, 60 L.Ed.2d 508 (1979).

[3] In fact, the complaint alleges that "(t)his cause of action arises under the First and Fourteenth Amendments to the United States Constitution . . ." *See* Complaint at 2. This Court has previously explained that no implied cause of action exists under either the first or fourteenth amendments, at least when the first amendment is applied to persons acting under color of state law. The very purpose for enacting 42 U.S.C. § 1983 was to provide a remedy to vindicate the rights afforded by the federal Bill of Rights when persons acting under color of state law violated those rights. It would be incongruous to imply a remedy where Congress has expressly afforded a remedy. *See Strong v. Demopolis City Board of Education*, 515 F.Supp. 730, 732 n. 1 (S.D.Ala.1981)(per Hand, J.).

[4] "[T]he existence of a claim for relief under § 1983 is 'jurisdictional' for purposes for invoking 28 U.S.C. § 1343, even though the existence of a meritorious constitutional claim is not similarily required in order to invoke jurisdiction under 28 U.S.C. § 1331. *See Bell v. Hood*, 327 U.S. 678, 682 [66 S.Ct. 773, 776, 90 L.Ed. 939] (1946); *Mt. Healthy [City School District v. Doyle]*, 429 U.S. 274, 278-79 [97 S.Ct. 568, 571-72 (1977).]" *Monell v. Department of School Services*, 436 U.S. 658, 716, 98 S.Ct. 2018, 2048, 56 L.Ed.2d 611 (1978).

[5] At the start the Court should acknowledge its indebtedness to several constitutional scholars. If this opinion will accomplish its intent, which is to take us back to our original historical roots, then much of the credit for the vision lies with Professor James McClellan and Professor Robert L. Cord. Their work and the historical sources cited in their work have proven invaluable to the Court in this opinion. *See* R. Cord, *Separation of Church and State: Historical Fact and Current Fiction* (1982); P. McGuigan & R. Rader, *A Blueprint for Judicial Reform* (eds. n.d.); J. McClellan, *Joseph Story and the American Constitution*, 118-159 (1971) (Christianity and the Common Law).

[6] McClellan, The *Making and the Unmaking of the Establishment Clause, in Blueprint for a Judicial Reform* 295 (P. McGuigan & R. Radar eds. n.d.) (quoting J. Story, III, *Commentaries on the Constitution* § 1871 (1833) (emphasis added)).

[7] *Id.*

[8] *Id.* at 300. Professor McClellan documents in great detail the political struggle which raged through the various colonies during the Revolution and afterwards to disestablish certain religions throughout the colonies. The establishment of one religion over another in the respective colonies was purely a political matter. The political strength of the various followers determined which religion was established. Like any other political decision, when the political strength of the minorities reached that of the majority, the state disestablished what had formerly been the majority religion. *See e.g., id.* at 301-308.

[9] *Id.* at 307.

[10] *Id.*

[11] *Id.* at 311. Professor McClellan cites numerous examples in which the states required adherence to a Christian religion. For instance, witnesses were considered competent to testify only if they affirmed a belief in the existence of a Christian God. *Id.*

[12] R. Cord, *supra* note 5, at 23.

[13] R. Cord, *supra* note 5, at 24 (quoting *Debates in the Federal Convention of 1787* as reported by James Madison, *Documents Illustrative of the Formation of the Union of the American States* (Washington, D.C.: Government Printing Office, (1927) 295-96 (emphasis in original)).

[14] *Id.* at 24-25.

[15] *Id.*

[16] The views of James Madison are often cited by those who insist upon absolute separation between church and state. Madison was one of the drafters of the first amendment. An uncritical cursory examination of some of Madison's writings would lead one to the conclusion that Madison favored absolute separation between church and state. However, to reach this conclusion is to misunderstand the views of Mr. Madison.

As Professor Cord explains in his book, Madison was concerned only that the federal government should not establish a national religion. Nondiscriminatory aid to religion and support for various Christian religions was not viewed by Madison as unlawful. *See* R. Cord, *supra* note 5, at 25-26 (examining drafts of the establishment clause submitted by Madison).

[17] Professor Cord explains in great detail the circumstances surrounding this presidential proclamation. *See* R. Cord, *supra* note 5, at 27-29.

[18] Professor Cord discusses in detail a document which Madison wrote late in his life known as the *Detached Memoranda*. Some historians have taken the *Detached Memoranda* as a blanket condemnation of religious proclamations issued by Presidents Jefferson, Madison, and Jackson. From this, some historians argue that James Madison believed that absolute separation was mandated by the establishment clause. The Supreme Court has relied upon the *Detached Memoranda* to justify its position of absolute separation in *Abington School District v. Schempp*, 374 U.S. 203, 225 (1963) ("[I]n the words of Madison, 'it is proper to take alarm at the first experiment on our liberties.' ").

Professor Cord suggests that the *Detached Memoranda* reflected nothing more than a shift in Madison's views as he grew older. The *Detached Memoranda* was written long after Madison had left office and long after the first amendment had been drafted. R. Cord, *supra* note 5, 29-36.

The explanation of Professor Cord that Madison is an old man, no longer in office, who regretted some of his past actions, is, to the Court, reasonable. Not all historcial facts can easily be squared. Professor Cord emphasizes his point by analogizing to something which former President Nixon might write upon reflecting on his tenure as president. It would be odd, hypothesizes Professor Cord, if Mr. Nixon were to publish a book in his later years which concluded that taping conversations, without all parties being aware of the recording, is morally wrong and clearly a flagrant violation of the constitutional right to privacy. It would be nonsense, in

the view of Professor Cord, for a Nixon biographer to conclude that Richard Nixon believed that the surreptitious tapings of conversations in the Oval Office were immoral and unconstitutional. R. Cord, *supra* note 5, at 36. Similarly, it is faulty to judge what Madison believed to be the scope of the establishment clause at the time he drafted the clause by looking to views expressed late in his life when there are numberous expressions of his intent contemporaneous with the period in which the establishment clause was drafted.

[19] R. Cord, *supra* note 5, at 37-39.

[20] R. Cord, *supra* note 5, at 40 (quoting Letter to a Presbyterian Clergyman (1808)).

[21] Professor Cord chronicles the federal support provided to the Moravian Brethren at Bethlehem in Pennsylvania. The function of the Brethren was to civilize the Indians and to promote Christianity. First passed on July 27, 1787, the resolution supporting the Brethren was supported by every President, including Thomas Jefferson. The legislation supporting the Brethren was sectarian in character. Professor Cord reads this history to conclude that had this sort of interaction between church and state been thought to be unconstitutional then certainly the early Congresses and Presidents would not have authorized expenditure of federal money. R. Cord, *supra note* 5, at 39-46.

[22] R. Cord, *supra* note 5, at 47.

[23] *Id.*

[24] Since the states were historically free to establish a religion it follows that some irritation by non-believers or those in the religious minority was a necessary consequence of establishment. The complaint alleges that "[a]ll of the minor Plaintiffs are exposed to ostracism from their peer group class members if they do not participate in these daily devotional activities." Complaint at 5. The children "all have suffered and continue to suffer severe emotional distress from being forced to participate, via peer group pressure, in devotional observances orchestrated by the defendants." *Id.* at 7. This physchological pressure naturally flows anytime a state takes an official position on an issue. It does not make an establishment unconstitutional. For example, laissez-faire industrialists feel coerced when a state adopts tough environmental laws. Unemployed workers feel pressure from peer groups when the unemployed worker takes advantage of a state labor law which allows him to cross a union picket line to break a strike. Someone, somewhere, feels coerced or pressured anytime the state takes a position. The Constitution, however, does not protect people from feeling uncomfortable. A member of a religious minority will have to develop a thicker skin if a state establishment offends him. Tender years are no exception.

[25] Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights?* 2 Stan L. Rev. 5 (1949).

[26] Mr. Justice Black spent nearly twenty years mulling over the criticisms leveled by Professor Charles Fairman. Finally, he had this to say:

> What I wrote [in *Adamson v. California*, 332 U.S. 46, 47 [67 S.Ct. 1672, 1673, 91 L.Ed. 1903] (1947),] in 1947 was the product of years of study and research. My appraisal of the legislative history [which surrounded the adoption of the fourteenth amendment and upon which Mr. Fairman relied so heavily] followed 10 years of legislative experience as a Senator of the United States, not a bad way, I suspect, to learn the value of what is said in legislative debates, committee discussions, committee reports, and various other steps taken in the course of passage of bills, resolutions, and proposed constitutional amendments.

My brother Harlan's objections to my *Adamson* dissent history, like that of most of the objectors, relies most heavily on a criticism written by Professor Charles Fairman and published in the Stanford Law Review. 2 Stan.L.Rev. 5 (1949). I have read and studied this article extensively, including the historical references, and am compelled to add that in my view it has completely failed to refute the inferences and arguments that I suggested in my *Adamson* dissent. Professor Fairman's "history" relied very heavily on what was "not" said in the state legislatures that passed on the Fourteenth Amendment. Instead of relying on this kind of negative pregnant, my legislative experience has convinced me that it is far wiser to rely on what "was" said, and most importantly, said by the men who actually sponsored the Amendment in the Congress. I know from my years in the United States Senate that it is to men like Congressman Bingham, who steered the amendment through the House, and Senator Howard, who introduced it in the Senate, that members of Congress look when they seek the real meaning of what is being offered. And they vote for or against a bill based on what the sponsors of that bill and those who oppose it tell them it means. The historical appendix to my "Adamson" dissent leaves no doubt in my mind that both its sponsors and those who opposed it believed the Fourteenth Amendment made the first eight amendments of the Constitution (the Bill of Rights) applicable to the states. *Duncan v. Louisiana*, 391 U.S. 145, 165-66, 88 S.Ct. 1444, 1455-56, 20 L.Ed.2d 491 (1968) (Black J., dissenting).

Charles Fairman "conclusively disapproved Black's contention, at least, such as the weight of the opinion among disinterested observers." A. Bickel, *The Least Dangerous Branch* 102 (1962). Along with Alexander Bickel, Professor Raoul Berger agrees that Charles Fairman's analysis was right on the mark. R. Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment*, 137 n. 11 (1977).

[27] For example, Professor Raoul Berger cites several cases which recite this common principle of construction. See e.g., *Wright v. Vinton Branch*, 300 U.S. 440, 463, 57 S.Ct. 556, 562, 81 L.Ed. 736 (1937); *Wisconsin Railroad Commission v. C.B. & Q. RR. Co.*, 257 U.S. 563, 589, 42 S.Ct. 232, 238, 66 L.Ed. 371 (1922). *See* R. Berger, *supra* note 26, at 136-37 & 137 n. 13.

[28] Professor Fairman has quoted exhaustively from the Congressional Globe. The various speeches of Congressman Bingham made in support of the fourteenth amendment are quoted in detail. See Fairman. *Does the Fourteenth Amendment Incorporate the Bill of Rights?* 2 Stan.L.Rev. 5, 24-25 (1949).

The analysis of Professor Fairman is attacked vigorously by William Crosskey, then a professor of law at the University of Chicago Law School. Crosskey, *Charles Fairman, "Legislative History," and the Constitutional Limitations on State Authority* 22 U.Chi.L.Rev. 1 (1954). Crosskey quotes at length from the Bingham article and from the *Congressional Globe* in an effort to discredit the explanation offered the historical facts by Professor Bingham.

The debate between the two scholars was pitched. Much of Crosskey's analysis consisted of little more than *ad homineum* attacks on Professor Fairman. The attacks were answered in a reply article written by Professor Fairman. Fairman, *A Reply to Professor Crosskey*, 222 U.Chi.L.Rev. 144 (1954). After reading the original articles of both Fairman and Crosskey, the rebuttal of Fairman, and many other articles on the question, the Court is persuaded that the weight of the disinterested scholars supports the analysis of Professor Fairman. The work of Professor Crosskey impresses the Court as being designed to reach a result. Namely, Crosskey was interested in providing a constitutional basis to support the desegregation decision of the United States Supreme Court in *Brown v. Board of Education* 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954). For instance in an effort to explain a serious ambiguity in a Bingham speech, Professor Crosskey explains that the speech would make perfect sense if one assumes that Bingham had been reading directly from a text of the Constitution, that he had a copy of the document in his hand and that he was waiving the copy while he spoke in Congress. "You're fudging, Professor Crosskey! You don't know that Bingham had been *reading* from the Constitution." Fairman, *A Reply to Professor Crosskey*, 22 U.Chi.L.Rev.144, 152 (1949).

One scholar, Michael Kent Curtis, argues that Professor Raoul Berger had improperly analyzed the incorporation question by blindly following the lead of Charles Fairman and ignoring the work of William Crosskey. Curtis, *The Bill of Rights as a Limitation on State Authority: A Reply to Professor Berger*, 16 Wake Forest L.Rev. 45 (1980). No lesser a light than Henry M. Hart, Jr., then a professor of law at Harvard Law School, remarked that "(t)he Don Quixote of Chicago breaks far too many lances in his on-slaughts upon the windmills of constitutional history to permit detailed review of each adventure." Hart Book Review, 67 Harv. L. Rev. 1456 (1954). While the comment was, strictly speaking, directed to a recently released book by Professor Crosskey, the thrust of the comment holds true for the scholarship of Professor Crosskey. Professor Henry Hart had little use for the typical analytical method employed by Professor Crosskey: slanderous, *ad homineum* attacks on those historical actors who supported views contrary to those which Professor Crosskey expected to find in a historical record. Professor Hart compared Professor Crosskey to Senator Joseph McCarthy from Wisconsin, *id.* at 1475 ("In the true hit-and-run style popularized by the Senator from the adjacent state to the north, [Wisconsin being north of Illinois] Professor Crosskey, having made th[e] ugly charge [That James Madison deliberately, not inadvertently, falsified some of his notes in 1836 to suit his own purposes at that time], promises to consider in a later volume whether it is true,") Professor Hart is of the general opinion that the scholarship of Professor Crosskey amounted to little more than a "confident tone, nice printing, and an abundance of notes and appendices referring to obsscure documents and esoteric word meanings." *Id.* at 1486.

[29] R. Berger, *supra* note 26, at 147 (footnotes omitted).

[30] R. Berger, *supra* note 26, at 147-48 (quoting *Congressional Globe* 2764-65).

[31] Crosskey, Charles Fairman, *"'Legislative History'" and the Constitutional Limitations on State Authority*, 22 U.Chi.L.Rev. 1 (1954). In particular, Professor Crosskey is critical of the newspaper examination conducted by Professor Fairman. By Crosskey's count, Fairman and Flack together examined ten newspapers. *Id.* at 100-101. Crosskey points out that there were nearly 5,000 newspapers in circulation in 1870. Thus, if Flack and Fairman examined only ten of these newspapers then, concludes Crosskey, the two ignored a substantial source of evidence in their inquiry. Certainly, at the least, accordingly to Crosskey, neither Flack nor Fairman are entitled to make any conclusions about what the newspapers of the day reflected as the popular understanding of the effect of the fourteenth amendment.

The Court has studied the Crosskey criticism of Professor Fairman and rejects it. The work of the two scholars serves as the cornerstone for both camps in the debate vel non whether the fourteenth amendment was intended to incorporate the federal Bill of Rights. Compare R. Berger, *supra* note 26, 134-156 (rejecting incorporation of the federal Bill of Rights) with Curtis, *The Bill of Rights as a Limitation on State Authority: A Reply to Professor Berger*, 16 Wake Forest L.Rev. 45 (1980) (following Crosskey).

[32] C. Fairman, *supra* note 25 at 86 (quoting N.H. Const, art. 6 (1793)).

[33] It is always difficult to wade through the mass of historical research which has been done on both sides of the issue. For instance, while the defendant-intervenors introduced Professor Robert L. Cord's book, *Separation of Church and Stat: Historical Fact and Current Fiction* in support of the historical record upon which they are relying. Professor Cord concludes, in part, that a) the fourteenth amendment did incorporate the establishment clause against the states, *id.* at 101, and b) the Lord's Prayer, being distinctly Christian in character, or any other prayer which is readily identified with one religion rather than another is impermissible under the establishment clause, *id.* at 162-65.

The Court rejects the conclusion of Professor Cord that the fourteenth amendment incorporated the establishment clause against the states. Professor Cord uncritically adopted the analysis of the United States Supreme Court in reaching his conclusion. In only a footnote does Professor Cord refer to the scholarship of Professor Charles Fairman; then only does Professor Cord note that there has been some "controversy" surrounding the incorporation issue.

Assuming arguendo that the establishment clause had been incorporated against the states then Professor Cord would be correct in his conclusion that any activity which is religiously identifiable would be barred. *See infra* note 41 for the Court's discussion regarding secular humanism.

[34] In *Barron* v. *City of Baltimore*, the Court noted:

> But it is universally understood, it is a part of the history of the day, that the great revolution which established the Constitution of the United States was not effected without immense opposition. Serious fears were extensively entertained that those powers which the patriot statemen who then watched over the interests of our country, deemed essential to union, and to the attainment of those invaluable objects for which union was sought, might be exercised in a manner dangerous to liberty. In almost every convention by which the Constitution was adopted amendments to guard against the abuse of power were recommended. These amendments demanded security against the appre-

hended encroachments of the general government—not against those of the local governments.

In compliance with a sentiment thus generally expressed, the quiet fears were thus extensively entertained amendments were proposed by the required majority in congress, and adopted by the States. *These amendments contained no expression indicating an intention to apply them to the state governments.* The court cannot so apply them. *Barron* v. *City of Baltimore*, 32 U.S. (7 Pet.) 243, 250, 8 L.Ed. 672 (1883) (emphasis added).

[35] *Justices of the Supreme Court of New York* v. *United States*, 65 U.S.: (9 Wall.) 274, 19 L.Ed. 658 (1870).

[36] In part the seventh amendment provides that "no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." U.S. Const. amend. VII.

[37] Abraham Lincoln once said, " 'Stand with anybody that stands *right*. Stand with him while he is right and *part* with him when he does wrong.' " Jaffa, *In Defense of Political Philosophy*, 34 National Review 36 (1982) (emphasis in original).

[38] While stare decisis has more force in cases which determine the meaning of statutes as opposed to interpreting the Constitution, the Supreme Court has frequently reversed itself where it thinks an earlier decision involving the construction of a statute is in error. In *Monell v. Department of Social Services*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978), the Supreme Court identified four factors which it considers when faced with the question whether to overrule a prior decision which involves a statute. The factors are: 1) whether the decisions in question misconstrued the meaning of the statute as revealed in its legislative history; 2) whether overruling the decisions would be inconsistent with more recent expressions of congressional intent; 3) whether the decisions in question constituted a departure from prior decisions; and 4) whether overruling these decisions would frustrate legislative reliance on their holdings. *Id.* at 695-701, 98 S.Ct. at 2038-2041.

[39] Mr. Justice Stevens recently addressed the problem whether a court should follow authority which it believes to have been incorrectly decided. In a case which involved the construction of a statute, parents of Negro school children sued under the Civil Rights Act of 1866 (now 42 U.S.C. § 1982) for alleged discriminatory admission to private schools, which discrimination was based solely upon race. *Runyon v. McCrary*, 427 U.S. 160, 96 S.Ct. 2586, 49 L.Ed.2d 415 (1976). The statute upon which the suit was based, 42 U.S.C. § 1981, was passed prior to the adoption of the fourteenth amendment. It provides in part that "[a]ll persons within the jurisdiction of the United States shall have the same right in every State . . . to make and enforce contracts . . . as enjoued by white citizens. . . ." In *Runyon* two children were denied admission to private schools in Virginia solely because they were Negro. The Supreme Court held that seciton 1981 prohibits private, commercially-operated, nonsectarian schools from denying admission to prospective students solely because of race. Mr. Justice Stevens concurred in the opinion of the Court, but his thoughts on stare decisis are noteworthy.

Mr. Justice Stevens felt compelled to join the opinion of the Court based upon a prior decision of the Court, *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 88 S.Ct. 2186, 20 L.Ed.2d 1189 (1968). However, the language of the Civil Rights Act of 1866 and its historical setting left "no doubt in [Mr. Justice Stevens'] mind that the construction of [42 U.S.C. § 1982] would have amazed the legislators who voted fo it." *Runyon* v. *McCrary*, 427 U.S. at 189, 96 S.Ct. at 2603. Given a clean slate Mr. Justice Stevens would have allowed private, commercially-operated, nonsectarian schools the right to deny admission to prospective students solely because of race. He would have reached this result not because he thought that it was socially preferable to the result reached by the Supreme Court, but simply because the intent of Congress and the legislative history surrounding the adoption of 42 U.S.C. § 1981 mandated such a result.

Where Mr. Justice Stevens was unwilling to dissent from his brethren in a case involving statutory construction, this Court feels a stronger tug from the Constitution which it has sworn to support and to defend.

[40] Professor Fairman has summarized concisely in several pages all of the stones and pebbles which could conceivably be relied upon to support the conclusion that the fourteenth amendment intended to incorporate the federal Bill of Rights against the states. See Fairman, *supra* note 25, 134-35.

[41] One of the first of these considerations is whether the teachers and those students who desire to express the simple prayers have any rights to freedom of speech. Compare what the Court observed in the order which granted the preliminary injunction in the companion case, 82-0792-H, against the state on the first amendment right of students to pray at school. 544 F.Supp. 727 at 732-33. The evidence in the case demonstrates that the school board took no active part in any decision made by the teachers to utilize the simple prayer that they have. The school board nor any of the official body of the school administration encouraged or discouraged these teachers from exercising their own will in the matter. Nor does the evidence indicate that those students who opted for this type of exercise were coerced into participating or not participating.

In dealing with matters religious the exercise of first amendment rights are highly circumscribed. The same does not appear to be true in dealing with first amendment rights in expressing one's opinions in all other matters whether they be expressions of moral concern or immoral concern.

The second major area that this Court must concern itself with should this judgment be reversed is that raised by the evidence produced by the intervenors dealing with other religious teachings now conducted in the public schools to which no attention has apparently been directed and to which objection has been lodged by the intervenors.

There are many religious efforts abounding in this country. Those who came to these shores to establish this present nation were principally governed by the Christian ethic. Other religions followed as the population grew and the ethnic backgrounds were diffused. By and large, however, the Christian ethic is the predominant ethic in this nation today unless it has been supplanted by secular humanism. Delos McKown, witness for the plaintiff, expressed himself as believing that secular humanism has been more predominant through the years than we have imagined and indeed was more akin to the beliefs of George Washington, Thomas Jefferson, Benjamin Franklin, and others of that era. Delos McKown also testified that secular humanism is not a religion, though he ultimately waffled on this point. The reason that this can be important to the decision of this Court is that case law deals generally with removing the teachings of the Christian ethic from the scholastic effort but totally ignores the teaching of the secular humanist ethic. It was pointed out in the testimony that the curriculum in the public schools of Mobile County is rife with efforts at teaching or encouraging secular humanism—all without opposition from any other ethic—to such an extent that it becomes a brainwashing effort. If this Court is compelled to purge "God is great, God is good, we thank Him for our daily food" from the classroom, then this Court must also purge from the classroom those things that serve to teach that salvation is through one's self rather than through a diety. Indeed, the Supreme Court in *Abington School District v. Schempp;* 374 U.S. 203, 225, 83 S.Ct. 1560, 1573, 10 L.Ed.2d 844 (1963) (quoting *Zorach v. Clauson*, 343 U.S. 306, 314, 72 S.Ct. 679, 684, 96 L.Ed. 954) (1952), noted that "the State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to a religion, thus preferring those who believe in no religion over those who do believe."

That secular humanism is a religion within the definition of that term which the "high wall" must exclude is supported by the finding in *Torcaso* v. *Watkins*, 367 U.S. 488, 495 n. 11, 81 S.Ct. 1680, 1684 n. 11, 6 L.Ed.2d 982 (1961), which recognized that secular humanism is a religion in the traditional sense of the word and also in the statement of the 276 intellectuals who advocate the doctrine of secular religion as delineated in the *Humanist Manifesto I and II.* (Defendant-intervenors exhibit #10).

Textbooks which were admitted into evidence demonstrated many examples in the way this theory of religion is advanced. The intervenors maintain that their children are being so taught and that this Court must preclude the Mobile County School Board from continuing to advance such a religion or in the alternative to allow instruction in the schools that would give a child an opportunity to compare the ethics of each religion so as to make their own credibility or value choices. To this extent, this Court is impressed that the advocacy of the intervenors on the point of necessity makes them parties plaintiff and to this extent they should be realigned as such inasmuch as both object to the teaching of certain religions.

This Court is confronted with these two additional problems that must be resolved if the appellate courts adhere to their present course of interpreting history as did Mr. Justice Black. Should this happen then this Court will hunker down to the task require by the appellate decisions. A blind adherence to Justice Black's absolutism will result in an engulfing flood of other cases addressed to the same point raised by intervenors. The Court will be called upon to determine whether each book or any statement therein advances secular humanism in a religious sense, a never-ending task. Already the involvement of this Court with determining state activities in such things as prison cases, occupies one-third of its docket. This Court can anticipate no less of a burgeoning docket brought about by this incursion into what is legitimately a state concern.

The founding fathers were far wiser than we. They were content to allow the peoples of the various states to handle these matters as they saw fit and were patient in permitting the processes of change to develop orderly by established procedure. They were not impatient to bring about a change because we think today that it is the proper course or to set about to justify by misinterpretation the original intent of the framers of the Constitution. We must remember that "He, who reigns within Himself, and rules passions, desires, and fears, is more a king" Milton, *Paradise Regained.* If we, who today rule, do not follow the teachings of history then surely the very weight of what we are about will bring down the house upon our head, and the public having rightly lost respect in the integrity of the institution, will ultimately bring about its change or even its demise.

Mr. HELMS. Mr. President, it never fails that when I offer this prayer legislation the debate quickly turns from the substance of the school prayer issue to a discussion of the power of Congress to limit the Supreme Court's jurisdiction. Obviously, Senators are free to discuss any aspect of this issue that strikes their fancy. But, Mr. President, the power of Congress to enact my legislation is, in fact, clear and unassailable.

I direct my colleagues' attention to the article III, section 2, of the Constitution which provides in part:

The Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Although this provision prompts much discussion these days about "court stripping" and "threats to the independence of the judiciary," the framers of the Constitution had far different concepts in mind. In Federalist No. 80, Alexander Hamilton wrote about the judicial powers conferred in the Constitution. He said:

If some partial inconveniences should appear to be connected with the incorporation of any of them (judicial powers) into the plan, it ought to be recollected that the national legislature will have ample authority to make such exceptions and to prescribe such regulations as will be calculated to obviate or remove these inconveniences.

John Marshall, in the Virginia ratifying convention, said:

Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people. 3 Debates on the Federal Constitution 560 (J. Elliott 2d ed. 1888).

In talking about congressional checks on the judiciary, Hamilton and Marshall point directly to article III, section 2. Their commentary, along with other legislative history, affirms what a reading of the provision plainly indicates. That is, Congress has clear authority to restrict Supreme Court appellate jurisdiction.

An article in the William and Mary Law Review by Ralph A. Rossum eliminates any possible doubt on this point. Mr. Rossum goes to great lengths to refute every argument advanced against the power of Congress to limit Supreme Court appellate jurisdiction. Mr. President, I ask unanimous consent that the Rossum article, entitled "Congress, the Constitution, and the Appellate Jurisdiction of the Supreme Court: The Letter and the Spirit of the Exceptions Clause," 24 William and May Law Review 385 (1983), be printed, including footnotes, at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From 24 William & Mary Law Review 385 (1983)]

CONGRESS, THE CONSTITUTION, AND THE APPELLATE JURISDICTION OF THE SUPREME COURT: THE LETTER AND THE SPIRIT OF THE EXCEPTIONS CLAUSE

(By Ralph A. Rossum)*

I. INTRODUCTON

Writing in a 1979 issue of *The Public Interest*, Senator Daniel Patrick Moynihan puzzled over the question, "What do you do when the Supreme Court is wrong?"[1] Short of impeachment, the only responses he could identify were "debate, litigate, legislate."[2] He never so much as acknowledged the existence, much less the possible employment, of Congress' power to curtail the appellate jurisdiction of the Court.[3] Events, however, have passed Senator Moynihan by. Over a score of bills were introduced in the Ninety-Seventh Congress to deprive the Supreme Court of appellate jurisdiction either to hear cases involving such issues as abortion rights and voluntary prayer in the public schools or to order school busing to achieve racial balance. Many of these same proposals were reintroduced in the Ninety-Eighth Congress.[4] These measures have in turn prompted considerable scholarly attention and controversy. Symposia in *Judicature*,[5] the *Villanova Law Review*,[6] and the *Harvard Journal of Law and Public Policy*,[7] seminars sponsored by the American Enterprise Institute[8] and the Free Congress Research and Education Foundation,[9] hearings before the Subcommittee on the Constitution of the Senate Judiciary Committee,[10] and the foreward to the *Harvard Law Review*'s analysis of the 1980 Term of the United States Supreme Court[11] all have been devoted to the questions of whether and to what extent Congress can or should strip the Court of appellate subject matter jurisdiction.

On the surface, these measures would appear to be wholly within the constitutional authority of Congress.[12] After all, article III, section 2 of the United States Constitution provides that in all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.[13]

For many students of constitutional law, the simple reading of these words ends the matter.[14] The language is clear and, for them, conclusive. As Justice Noah Swayne observed in the *United States* v. *Hartwell*[15] over a century ago: "If the language be clear it is conclusive. There can be no construction where there is nothing to construe."[16]

This understanding of Congress' power to curtail the appellate jurisdiction of the Supreme Court is reinforced by *Ex Parte McCardle*,[17] the only Supreme Court decision that has directly addressed this issue. In this post-Civil War case, the Court unanimously upheld a law that stripped the Court of authority to hear appeals from persons imprisoned during the Civil War who sought release from custody under an 1867 habeas corpus statute. Republican leaders in Congress feared that the Supreme Court, which had already indicated hostility toward the Reconstruction program, would use *McCardle* to hold much of that program unconstitutional. Consequently, Congress repealed the 1867 act on which McCardle's appeal was founded. This was an obvious attempt by Congress to use the exceptions clause to deprive the Court of its appellate power to review the substantive constitutionality of congressional acts. Moreover, the repealing act was not passed until after the case already had been argued before the Supreme Court. Nonetheless, the Court at once dismissed the case for want of jurisdiction. As Chief Justice Chase explained:

We are not at liberty to inquire into the motives of the Legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

What, then, is the effect of the repealing Act upon the case before us? We cannot doubt as to this. Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is the power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.[18]

For many scholars, then, the constitutional text, supplemented by the Court's reflections on it in *McCardle*, answers any questions concerning the constitutionality of measures restricting the jurisdiction of the Court. As they see it, the only real question raised by congressional initiatives diminishing the Court's appellate jurisdiction is "the wisdom of doing so."[19]

Not everyone, however, is willing to concede that these measures raise only policy questions.[20] Opinion on the constitutionality of congressional curtailment of the Court's appellate jurisdiction is divided, for there are those who argue that such a power could destroy the Court's power of judicial review and, ultimately, undermine our constitutional system of separation of powers.[21] They fear that if Congress had the power to deprive the Supreme Court of its appellate jurisdiction, Congress could constitutionally "deny litigants Supreme Court review in cases involving bills of attainder, ex post facto laws, freedom of speech, press and religion, unreasonable search and seizure, equal protection of the laws, right to counsel, and compulsory self-incrimination."[22] This parade of imaginary horrors convinces some commentators that Congress can no longer claim with good conscience the authority to curtail the Court's appellate jurisdiction,[23] and should Congress nevertheless proceed to exercise this authority, the Supreme Court ought not to tolerate it,[24] but rather ought to invalidate the offending measure.[25]

Those who argue against Congress' power to make exceptions to the Court's appellate jurisdiction find themselves in a most uncomfortable bind. They are forced to deny an explicit power of Congress, expressly granted by the Constitution, in order to protect the Court's implicit power of judicial review, a power which has no textual basis.[26] To extricate themselves from this bind, they commonly advance an argument that has much in common with the argument advanced by the Court in *United Steelworkers of America* v. *Weber*.[27] In that case, Justice Brennan observed that "a thing may be within the letter of the statute and yet not within the statute, because not within its spirit . . . ."[28] Similarly, those who would limit Congress' power to curtail the Court's appellate jurisdiction argue that congressional power to make exceptions may be within the letter of article III and yet not constitutional, because not compatible with the spirit of judicial review.[29] Justice Rehnquist, dissenting in *Weber*, remarked that Justice Brennan's line of argument was worthy "not of jurists such as Hale, Holmes, and Hughes, but of escape artists such as Houdini . . . ."[30] The same criticism is appropriate with regard to the interpretation of the exceptions clause, and perhaps even more so. At least in *Weber*, if the Court were mistaken in preferring the statute's spirit over its letter, the mistake could be easily rectified, because "Congress may set a different [statutory] course if it so chooses."[31] A mistaken interpretation of the exceptions clause would be difficult to rectify, however, because a different course can be set only by constitutional amendment.

The debate over Congress' power to make exceptions has been curious. One side cites the letter of article III and concludes that Congress' power over the Court's appellate jurisdiction is absolute: "The power to make exceptions to Supreme Court appellate jurisdiction is a plenary power. It is given in express terms and without limitation, regardless of the more modest uses that might have been anticipated . . . . In short, the clause is complete exactly as it stands."[32] The opposition in this debate invokes the spirit of judicial review and insists that "the long accepted power of ultimate resolution of constitutional questions by the Supreme Court" must not be disturbed.[33] Given the nature of this debate, neither side can win, because each is talking past the other.[34] There is, however, a clear loser—the Constitution, which is presented as a fatally flawed document that neither says what it means nor means what it says. This Article asserts that the Constitution is not flawed in this respect and that the spirit of judicial review is altogether consistent with the letter of Congress' powers under article III. This Article will examine the arguments on behalf of Congress' power to make exceptions to the Court's appellate jurisdiction and systematically challenge the spirited objections of those who seek to protect the Court's power to interpret the Constitution by ignoring the Constitution.

II. THE ARGUMENT FOR PLENARY CONGRESSIONAL POWER

Those who argue that Congress has plenary power over the Court's appellate jurisdiction present a straightforward case based on three kinds of evidence: the text of the Constitution; the intention of the framers; and the firm, consistent, and unwavering understanding of the Supreme Court. Although further consideration of the clear and conclusive words of article III is unnecessary, an examination of what the framers meant when they used those words and how the Supreme Court has interpreted them is in order.

A. The intent of the framers

No evidence in the records either of the Federal Convention of 1787 or of the various state ratifying conventions would indicate that Alexander Hamilton's words in *The Federalist, No. 80* were not representative of the understanding of virtually the entire founding generation. In that essay, Hamilton reviewed in detail the powers of the federal judiciary and observed that "[i]f some partial inconveniences should appear to be connected with the incorporation of any of them into the plan, it ought to be recollected that the national legislature will have ample authority to make such *exceptions* and to prescribe such regulations as will be calculated to obviate or remove these inconveniences." [35]

The Federal Convention spent very little time debating the jurisdiction of the federal judiciary.[36] On July 24, nearly two months after the Convention began, the delegates agreed to submit the various resolutions they had approved to the Committee of Detail, so that it might "report a Constitution comfortable to the Resolutions passed by the Convention." [37] Their submission concerning the federal judiciary was most rudimentary: "[T]he jurisdiction of the national Judiciary shall extend to Cases arising under the Laws passed by the general Legislature, and to such other Questions as involve the national Peace and Harmony." [38] Nevertheless, the Committee of Detail transformed this vague resolution into language that is almost identical to article III, section 2. After defining the Supreme Court's original jurisdiction, the committee provided that "in all the other cases before mentioned, it [jurisdiction] shall be appellate, with such exceptions and under such regulations as the Legislature shall make." [39]

Although the Report of the Committee of Detail was presented to the Convention on August 6, 1787, the judicial article was not taken up for consideration until August 27. On that date, Dr. Samuel Johnson of Connecticut suggested that the power of the judiciary ought to extend to equity as well as law—and moved to insert the words "both in law and equity" after the words U.S.[40] This proposal was adopted. After an intervening discussion, "Mr. Governeur Morris [of Pennsylvania] wished to know what was meant by the words 'In all the cases beforementioned it (jurisdiction) shall be appellate with such exceptions &c,' whether it extended to matters of fact as well as law—and to cases of Common law as well as Civil law." [41] James Wilson, the principal architect of the draft reported by the Committee of Detail, answered that the committee meant "facts as well as law & Common as well as Civil law." [42] No comments were forthcoming from other members of the Committee, presumably indicating their agreement with Wilson's answer. To remove all doubt, however, Mr. Dickinson of Delaware moved to add the words "both as to law & fact" after the word "appellate," which was agreed to by unanimous consent.[43]

Acceptance of this addition concluded the discussion.[44] No questions were raised concerning Congress' plenary power to make exceptions. The conclusion is inescapable: both the words chosen by the delegates and the discussion surrounding their choice of these words suggest an unlimited congressional power over the Court's appellate jurisdiction. John Marshall accurately summarized the delegates' intentions when he declared in the Virginia Ratifying Convention that "Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people." [45]

B. The Court's consistent support for plenary congressional power

Although "the ultimate touchstone of constitutionality is the Constitution itself and not what [the judges] have said about it," [46] it is nevertheless significant to observe that the Supreme Court's holdings concerning the exceptions clause are altogether consistent with both the express words of article III, section 2, and the manifest intention of the framers.[47] The Court, of course, has addressed directly an actual congressional contraction of its appellate jurisdiction only once.[48] Nevertheless, it has on numerous occasions taken the opportunity to reflect more generally on the nature and extent of Congress' article III powers. A brief consideration of these reflections reveals the Court's firm and unwavering understanding from the opening days of the republic to the present.

In the first of the relevant cases, *Wiscart* v. *Dauchy,*[49] Chief Justice Oliver Ellsworth acknowledged that "even the [Court's] appellate jurisdiction is . . . qualified; inasmuch as it is given 'with such exceptions, and under such regulations, as Congress shall make.' " [50] He then drew what he considered to be the necessary conclusion from the Court's qualified jurisdiction: "If Congress has provided no rule to regulate our proceedings, we cannot exercise an appellate jurisdiction; and if the rule is provided, we cannot depart from it." [51] Ellsworth's opinion is especially weighty, as he had been a delegate to the Federal Convention and had served on the Committee of Detail that drafted the exceptions clause.

Ellsworth's conception of the Court's jurisdiction continued in an unwavering line through five consecutive chief justices.[52] Thus, Chief Justice John Marshall in *United States* v. *More* [53] argued that an affirmative grant of certain appellate power by Congress is an implied denial of all appellate power not mentioned: "[A]s the jurisdiction of the court has been described, it has been regulated by Congress, and an affirmative description of its power must be understood as a regulation, under the constitution, prohibiting the exercise of other powers than those described." [54] Marshall elaborated upon this argument in *Durousseau* v. *United States:* [55]

The appellate powers of this court are not given by the judicial act. They are given by the constitution. But they are limited and regulated by the judicial act, and by such other acts as have been passed on the subject. When the first legislature of the Union proceeded to carry the third article of the constitution into effect, they must be understood as intending to execute the power they possessed of making exceptions to the appellate jurisdiction of the supreme court. [56]

Marshall's successor, Chief Justice Taney, likewise acknowledged the utter dependency of the Court's appellate jurisdiction upon acts of Congress: "By the Constitution of the United States, the Supreme Court possesses no appellate power in any case, unless conferred upon it by act of Congress; nor can it, when conferred, be exercised in any other form, or by any other mode of proceeding, than that which the law prescribes." [57]

Chief Justice Chase's statements in *McCardle* concerning the letter of article III, section 2 have already been considered.[58] Chase not only recognized Congress' power over the Court's appellate jurisdiction, but also made an important contribution to our understanding of the role of the Court: "[J]udicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer." [59]

Finally, in The *"Francis Wright,"* [60] Chief Justice Waite affirmed and extended what his predecessors had argued:

What [the appellate powers of the Supreme Court] shall be, and to what extent they shall be exercised, are, and always have been proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to re-examination and review, while others are not.[61]

In the same opinion, Waite also referred to "the rule, which has always been acted on since, that while the appellate power of this court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe." [62]

Not all judicial support for the opinion that the letter of article III, section 2 is clear and conclusive comes from eighteenth and nineteenth century jurists. For example, while dissenting on other issues in *Yakus* v. *United States,*[63] Justice Wiley Rutledge unequivocally affirmed that "Congress has plenary power to confer or withhold appellate jurisdiction." [64] Similarly, in *National Mutual Insurance Co.* v. *Tidewater Transfer Co.,*[65] Justice Frankfurter noted that:

Congress need not establish inferior courts; Congress need not grant the full scope of jurisdiction which it is empowered to vest in them; Congress need not give this Court any appellate power; it may withdraw appellate jurisdiction once conferred and it may do so even while a case is *sub judice. Ex parte McCardle* . . . .[66]

For many, then, the words of the Constitution, the intention of the founding generation, and the unwavering opinion of the Supreme Court all clearly, consistently, and unequivocally reveal a constitutional plan for the courts:

[That plan is] quite simply that the Congress could decide from time to time how far the federal judicial institution should be used within the limits of the federal judicial power; or, stated differently, how far judicial jurisdiction should be left to the state courts, bound as they are by the Constitution as "the supreme law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." [67]

III. ARGUMENTS AGAINST ABSOLUTE CONGRESSIONAL POWER OVER THE COURT'S APPELLATE JURISDICTION

Those who place the spirit of judicial review over the letter of article III and who insist that Congress' power under the exceptions clause is either limited or nonexistent make a variety of arguments that can be reduced to seven general headings.[68] One contention is that those who rely on the letter of article III have misconstrued the language of that article. A second contention insists that *Ex Parte McCardle*[69] is a very narrow holding with little or no application beyond its facts. A third argument asserts that the power Congress originally possessed under article III, section 2 has been effectively repealed by the passage of time. A fourth argument contends that Congress cannot make exceptions that would destroy the essential role of the Supreme Court. A fifth and related contention maintains that Congress' power to curtail the Court's jurisdiction is qualified by the constitutional principles of separation of powers and federalism. A sixth claim argues that Congress is limited in its ability to make exceptions by other constitutional provisions, such as those found in the Bill of Rights and the fourteenth amendment. Finally, a seventh argument contends that congressional contraction of the Court's appellate jurisdiction cannot be unconstitutioally motivated, that is to say Congress cannot have as its goal or objective the displacement of a disfavored judicial precedent.

What animates those who make these arguments is their conviction that the spirit of judicial review is jeopardized by the letter of article III. Because of those who contend that Congress has plenary power over the Court's appellate jurisdiction generally have been content to rely simply on the letter of the Constitution and have felt no particular obligation to rebut these arguments, these general claims have gone largely unchallenged.[70] Little effort has been made to show that the traditional concept of judicial review[71] is wholly consonant with the letter of article III. In the following analysis of these arguments, such an effort will be made.

A. The argument from textual construction

The first of the argument against Congress' plenary powers under the exceptions clause is that those who rely on the letter of article III have misconstrued the meaning of its words. Variations of this argument exist, with Leonard Ratner focusing on how the word "exceptions" was commonly used at the time of the Federal Convention,[72] and with such scholars as Irving Brant,[73] Henry Merry,[74] and Raoul Berger[75] concerning themselves with the meaning of the phrase "both as to Law and Fact."

From a survey of dictionaries existing at the time of the Federal Convention, Ratner finds that an exception was generally defined "as an exclusion from the application of a general rule or description."[76] This definition indicates that "an exception cannot destroy the essential characteristics of the subject to which it applies."[77] On this basis, Ratner argues that Congress' power to make exceptions to the Court's appellate jurisdiction is not plenary; any exceptions it makes must be narrower in application than the description of the Court's entire appellate jurisdiction.[78] This ostensible limitation on Congress' power, however, is essentially meaningless. If an exception implies some residuum of jurisdiction, Congress can meet this test by excluding everything but, for example, patent cases. As one of the interlocutors in Henry Hart's famous dialogue remarks: "This is so absurd, and it is so impossible to lay down any measure of a necessary reservation, that it seems to me the language of the Constitution must be taken as vesting plenary control in Congress."[79]

A more ingenious, if ultimately no more successful variation of this argument against Congress' plenary power under article III, section 2 focuses on the meaning of the phrase, "both as to Law and Fact." Those who make this argument refuse to concede that the framers of the Constitution intended to vest Congress with the power to effect the wholesale destruction of judicial review. Rather, they insist, the "sole purpose of the exceptions clause was to permit Congress to limit appellate jurisdiction over question of fact in cases at law."[80] Irving Brant, a noted historian, provides the most recent and sophisticated version of this argument. He contends that as a result of an unfortunate placement of commas in the phrase, "Jurisdiction, both as to Law and Fact," the words "both as to Law and Fact" appear to be a parenthetical, and the modifying clause beginning "with such Exceptions" seems to attach to "Jurisdiction," when in fact, what the entire exceptions clause was meant to modify is simply appellate jurisdiction of questions of fact.[81]

At the time of the Federal Convention, considerable diversity in legal practice existed among the states, both with respect to cases in common and civil law and particularly with respect to cases in equity and maritime jurisdiction. Re-examination of factual issues was permitted in some states, but was not permitted in others. Under its appellate jurisdiction, the Supreme Court inevitably would be called upon to review cases where questions of fact were central and at issue. This prospect, however, raised the spectre of the Supreme Court having the power to overturn a jury's findings of fact in a criminal case. According to Brant, the problem faced by the Convention was to draft a provision that would permit the Court to review questions of fact in civil, equity, and maritime cases, but that would prevent it from abusing this power by retrying facts found by juries in criminal cases. Given the tremendous diversity among the states, drafting a constitutional clause to resolve this problem was all but impossible. Therefore, Brant argues, the framers took the easy way out and drafted language (albeit, Brant concedes, poorly punctuated language) that left the whole issue for handling by the Congress through the medium of the exceptions clause. The exceptions clause thus was "fashioned to meet the principal criticism of the appellate jurisdiction, its inclusion of matters of 'fact.'"[82]

Despite Brant's ingenuity, and that of Merry and Berger as well, this interpretation of the exceptions clause ultimately fails. This interpretation cannot be reconciled with the actual words and punctuation of the Constitution. Had the framers intended what Brant alleges they intended, they obviously were possessed of the necessary skills to have conveyed clearly that intention.[83] Similarly, Brant's interpretation cannot be squared with the proceedings of the Convention. What the Committee of Detail presented to the Convention in no way suggested that Congress' power to make exceptions to the Court's appellate jurisdiction was limited to the treatment of factual issues. Quite the contrary, the only discussion in the Convention relating to the exceptions clause centered on whether the Court was to have power to review questions of fact, not whether Congress' power to curtail the Court's jurisdiction was limited to such questions.[84]

Nor can Brant's interpretation survive exposure to the post-Convention statements of Edmund Randolph and Alexander Hamilton. When the exceptions clause was before the Virgina State Ratifying Convention, Randolph, who had participated in the Federal Convention, declared that "[i]t would be proper to refer here to *any* thing that could be understood in the federal court. [Congress] may except generally both as to law and fact, or they may except as to law only, or fact only."[85] Alexander Hamilton also stressed that Congress' power to make exceptions applied to law as well as to facts: "The supreme court will possess an appellate jurisdiction, boh as to law and fact, in all the cases referred to them, but subject to any *exceptions* and *regulations* which may be thought advisable."[86] Hamilton remarked that the propriety of Congress' power to except matters of law from the Supreme Court's appellate jurisdiction "has scarcely been called into question."[87] "[C]lamors have been loud," he noted, only with respect to granting the Court any appellate jurisdiction over matters of fact.[88] In an effort to quiet the fear of those alarmed by the prospect of any appellate retrial of facts found by a jury, Hamilton declared, again clearly contrary to Brant's contention, that "the Supreme Court shall possess appellate jurisdiction, both as to law and *fact*, and that this jurisdiction shall be subject to such *exceptions* and regulation as the national legislature may prescribe."[89] All of this merely reaffirms Hamilton's assurance that if any "inconveniences" should arise from the powers the Constitution grants to the federal judiciary, Congress will have authority to make such exceptions and to prescribe such regulations as it believes necessary "to obviate or remove these inconveniences."[90]

Finally, Brant's interpretation is fundamentally at odds with an unwavering line of judicial opinion beginning with Chief Justice Ellsworth, himself a delegate to the Federal Convention and a member of the Committee of Detail, and extending to the present.[91]

B. Reliance on ex parte McCardle

A second major argument against Congress' claim to plenary power under article III, section 2 centers on the meaning of *Ex Parte McCardle*.[92] Rather than supporting Congress' claim as is commonly maintained, several scholars contend that *McCardle* concedes nothing to Congress.[93] They note that in *McCardle*, the Court carefully pointed out that the repealing act of 1868[94] did not affect judicial authority to issue writs of habeas corpus under section 14 of the Judiciary Act of 1789:

> Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the court, in cases of *habeas corpus* is denied. But this is an error. The [repealing] act of 1868 does not except from that jurisdiction any cases but appeals from the Circuit Courts under the act of 1867. It does not affect the jurisdiction which was previously exercised.[95]

These scholars further note that this statement was reaffirmed a few months later in *Ex Parte Yerger*.[96] In *Yerger*, on a petition for habeas corpus, the Court reviewed a circuit court decision denying the writ to a civilian awaiting trial by a military commission for violating the Reconstruction

Acts. Without the slightest hesitation, the Supreme Court unanimously sustained its jurisdiction and held that the repealing act of 1868 did not affect its authority under the Judiciary Act of 1789 to issue the writ.[97] Thus, these scholars argue, *McCardle* does not sanction congressional impairment of the Court's jurisdiction:

The [repealing] statute did not deprive the Court of jurisdiction to decide McCardle's case; he could still petition the Supreme Court for a writ of habeas corpus to test the constitutionality of his confinement. The legislation did no more than eliminate one procedure for Supreme Court review of decisions denying habeas corpus relief while leaving another equally efficacious one available.[98]

These scholars also look to *United States v. Klein*,[99] decided two years after *Yerger*, in which the Court held that Congress could not enact legislation to eliminate an area of jurisdiction in order to control the results in a particular case. Klein sued in the Court of Claims under an 1863 statute that allowed the recovery of land captured or abandoned during the Civil War if the claimant could prove he had not assisted in the rebellion.[100] Relying on an earlier Supreme Court decision [101] that a presidential pardon proved conclusively that the recipient of the pardon had not aided the rebellion, Klein prevailed in the Court of Claims. While the government's appeal to the Supreme Court was pending, Congress passed a statute providing that a presidential pardon would not support a claim for captured property, and that acceptance of a pardon for participation in the rebellion, without a disclaimer of the facts recited, was conclusive evidence that the claimant had aided the enemy.[102] Futhermore, the statute provided that on proof of such pardon and acceptance, which could be heard summarily, the jurisdiction of the federal judiciary in the case should cease, and the Court of Claims should forthwith dismiss the suit of such claimant.[103] As Chief Justice Chase remarked: "The substance of this enactment is that an acceptance of a pardon, without disclaimer, shall be conclusive evidence of the acts pardoned, but shall be null and void as evidence of the rights conferred by it both in the Court of Claims and in this court on appeal." [104] The Supreme Court held the act to be unconstitutional because it subverted the judicial process by prescribing "a rule for the decision of a cause in a particular way," [105] and it also infringed upon the constitutional power of the executive by impairing the effect of a pardon.[106]

These efforts to construe *McCardle* narowly and to employ *Yerger* and *Klein* to protect the spirit of judicial review from the letter of article III, section 2, however, are unsuccessful. Neither *McCardle* nor *Yerger* in any way suggests that the Court would have been justified in invalidating the act of 1868 if the act had excepted from the Supreme Court's appellate jurisdiction cases arising under section 14 of the Judiciary Act of 1789. Quite the contrary, as Chief Justice Chase noted in *McCardle*, judicial duty entails the refusal to exercise ungranted jurisdiction as well as the obligation to exercise jurisdiction when it is conferred by the Constitution or by law.[107] *McCardle* and *Yerger* are wholly faithful to Justice Chase's understanding. In *McCardle*, the Court declined to exercise jurisdiction that had been positively excepted by the repealing act of 1868. In *Yerger*, the Court firmly exercised jurisdiction that the Judiciary Act of 1789 conferred and which the repealing act in no way limited. Thus, the Court on both occasions acted consistently with Chief Justice Marshall's observation in *Cohens v. Virginia*:[108] "We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution." [109]

Similarly, reliance on *Klein* is misplaced. *Klein* involved a congressional attempt to forbid the Court from giving the effect to evidence which, in the Court's judgment, such evidence should have, and directed the Court to give the evidence an effect precisely contrary.[110] In *Klein*, Congress sought to curtail the appellate jurisdiction of the Supreme Court to obtain a particular result in a specific case; by so doing, Congress "inadvertently passed the limit which separates the legislative from the judicial power." [111] Congress' action in *Klein* is altogether different from congressional contractions of the Court's jurisdiction that seek merely to shift the determination of any result, whatever that result might be, to the lower federal or state courts, both of which are also bound by the Constitution as the supreme law of the land.[112] Shifting jurisdiction to lower federal or state courts is wholly permissible, and the Court in *Klein* declared as much, acknowledging that "if this Act did nothing more . . . [than] simply deny the right of appeal in a particular class of cases, there could be no doubt that it must be regarded as an exercise of the power of Congress to make 'such exceptions from the appellate jurisdiction' as should seem to it expedient." [113]

C. The contraction of Congress' power due to the passage of time

A third argument against the letter of article III operates from the perspective of what Justice Rehnquist has called the "living Constitution with a vengeance." [114] This argument is based on the premise that congressional "control over the Court's appellate jurisdiction has in effect now been repealed by the passage of time and by the recognition that exercise of such power would be in the truest sense subversive of the American tradition of an independent judiciary." [115] C. Herman Pritchett, who is closely identified with this position, argues that while the language of article III, section 2 may have seemed reasonable in 1787, so, too, did choosing a President by indirect election.[116] Originally, the Supreme Court was just a few words in an unadopted document; today, however, it is the most respected judicial body in the world and has the authority to determine the constitutionality of acts of Congress.[117] Given these changes in conditions, "Congress can no longer claim with good conscience the authority granted by article III, section 2." [118]

The assertion that new conditions can amend the clear language and intent of the exceptions clause is subject to considerable doubt. Changing circumstances [119] and the passage of time may be considered in the interpretation and adaptation of such broadly phrased constitutional provisions as the due process and commerce clauses. These clauses were drafted expansively to allow evolving interpretations as time might require. Neither the language of the exceptions clause nor the debates of the Convention, however, indicate that the framers intended such broad adaptations of article III. Changing circumstances can neither alter nor amend the meaning of clear and unequivocal language in the Constitution.[120] Even Pritchett recognizes this, at least with respect to the other constitutional feature he regards as anachronistic—indirect election of the President. Thus, rather than contending that the Electoral College has been repealed by history, Pritchett served on and supported the policies of an American Bar Association blue ribbon commission that proposed a constitutional amendment formally abolishing the Electoral College and substituting in its place direct election of the President.[121]

Many provisions of the Constitution, of course, are phrased broadly, thus permitting flexible interpretations that adapt the document to changing circumstances. Nonetheless, even when such broad phrasing exists, the goal must be "adaptation *within* the Constitution rather than adaptation *of* the Constitution."[122] The terms of article III, however, are not phrased so broadly and no doubt exists as to the framers' intent. Unless the Court is to be permitted to disregard the outer rational limits of constitutional language—all to protect its role as principal interpretor of that language—the "passage of time theory" cannot be legitimately employed to amend the letter of the exceptions clause.

D. The "essential functions" argument

A fourth argument against Congress' power to curtail the appellate jurisdiction of the Supreme Court is that Congress cannot constitutionally make any exceptions that will destroy what is variously described as the Court's essential role or function.[123] "[T]he [exceptions] clause means 'With such exceptions and under such regulations as Congress may make, not inconsistent with the essential function of the Supreme Court under this Constitution.'" [124] This argument, however, is also fraught with difficulties. It makes the Court itself the final arbiter of the extent of its powers. The argument contends not only that the essential functions of the Court cannot be limited, but also that the Court exclusively, and not the Congress, is to determine what functions are, in fact, essential. This interpretation of the exceptions clause cannot be sustained:

It is hardly in keeping with the spirit of checks and balances to read such a virtually unlimited power into the Constitution. If the Framers intended so to permit the Supreme Court to define its own jurisdiction even against the will of Congress, it is fair to say that they would have made that intention explicit.[125]

Nothing in the text of the exceptions clause or in any Supreme Court opinion addressing this subject suggests that Congress' power under article III, section 2 is limited to making "'inessential' exceptions." [126] The distinction between the "essential" and "inessential" functions of the Court is, of course, wholly extraconstitutional. Consequently, those who draw this distinction on the Court's behalf are not limited by the letter of the Constitution but, rather, are free to define the Court and its essential role and functions as they see fit. Not surprisingly, given the absence of any constitutional restrictions (or, more precisely, given their refusal to recognize and abide by any constitutional restrictions), proponents of this interpretation advance and defend a wide variety of definitions. Thus, Henry Hart, who first propounded this argument, defines the essential role of the Supreme Court as serving as a check on the coordinate branches of government to keep them from destroying the Constitution.[127] Leonard Ratner offers a slightly different view, stressing the Court's "essential constitution-

al functions of maintaining the uniformity and supremacy of federal law." [128] In contrast, Archibald Cox asserts that the "chief function of the Supreme Court is to protect human rights." [129] Even more expansively, Paul Brest accords a special role for the Court in promoting "individual rights and decision making through democratic processes." [130]

Although considerable variety exists among these definitions of the Court and its essential role, they share one common element. Central to all formulations of this argument is an activist view of the judiciary. Only through frequent recourse to judicial review will the Court be able to perform the essential functions judicial activists assign to it. Quite naturally, proponents of the essential functions argument see Congress' plenary powers under article III, section 2 as a threat to judicial activism.[131] These proponents, therefore, strive to distort or obscure the letter of the exceptions clause, thereby rendering secure the spirit of judicial review that animates their judicial activism.[132]

The incompatibility that proponents of the essential functions argument perceive between the letter of article III and the spirit of judicial review is almost exclusively attributable to the way in which they have defined the essential role and function of the Supreme Court. Their expansive view of what the Court should do obviously is threatened by language that gives to Congress the power to except from the Court's appellate jurisdiction the cases necessary to sustain the Court's activist role.[133] This perceived incompatability, however, can be avoided entirely if the Court's essential role is defined more modestly:

Federal Courts, including the Supreme Court, do not pass on constitutional questions because there is a special function vested in them to enforce the Constitution or police the other agencies of government. They do so rather for the reason that they must decide a litigated issue that is otherwise within their jurisdiction and in doing so must give effect to the supreme law of the land.[134]

This more limited conception of the role of the Court is consistent not only with the actual provisions of the Constitution, but also with Hamilton's original defense of judicial review in *The Federalist, No. 78*[135] and Chief Justice Marshall's establishment of judicial review in *Marbury v. Madison.*[136] Moreover, because this interpretation regards the Court's power of judicial review as extending no further than to cases otherwise within its jurisdiction, which jurisdiction is subject to such exceptions as Congress shall make, this interpretation reflects the compatibility of the letter of article III and the spirit of judicial review.[137]

E. The separation of powers/Federalism argument

A fifth contention closely related to the essential functions argument is that Congress' power under the exceptions clause is limited by the constitutional principles of separation of powers and federalism.[138]

If Congress also has plenary control over the appellate jurisdiction of the Supreme Court, then . . . Congress [could] by statute profoundly alter this structure of American government. It [could] all but destroy the coordinate judicial branch and thus upset the delicately poised constitutional system of checks and balances. It [could] distort the nature of the federal union by permitting each state to decide for itself the scope of its authority under the Constitution. It [could] reduce the supreme law of the land as defined in article VI to a hodgepodge of inconsistent decisions by making fifty state courts and eleven federal courts of appeal the final judges of the meaning and application of the Constitution, laws, and treaties of the United States.[139]

This contention, too, is flawed, because it uests on a superficial understanding of the political principles of the Constitution.

Those who would limit Congress' power under article III, section 2 stress that use of the exceptions clause constitutes an attack on the status and independence of the Court and thereby jeopardizes the principle of separation of powers.[140] These criticisms are groundless. In our constitutional system, the judiciary is not supposed to be entirely independent; neither is the legislative nor executive branch. Separation of powers does not entail complete independence. The framers did not intend the branches of government to be wholly unconnected with each other;[141] rather, the framers sought to create a government in which the branches would be so connected and blended, as to give to each a constitutional control over the others.[142] The framers accomplished this blending "by so contriving the interior structure of the government . . . that its several constituent parts, . . . [are] by their mutual relations, the means of keeping each other in their proper places." [143] The result is a government consisting of three coordinate and equal branches, each performing a blend of functions, thereby balancing, as opposed to merely separating, powers.[144]

The term separation of powers is, in fact, a misnomer. The framers created not so much a government of separated powers as one of "separated institutions sharing powers." [145] This sharing of powers allows the branches to have a "mutual influence and operation on one another. Each part acts and is acted upon, supports and is supported, regulates and is regulated by the rest." [146] Thus, the three branches, including the judiciary, are intended to move "in a line of direction somewhat different from that, which each acting by itself, would have taken; but, at the same time, in a line partaking the natural direction of each, and formed out of the natural direction of the whole—the true line of public liberty and happiness." [147]

The framers recognized that power is, by nature, encroaching, whether it be legislative, executive, or judicial.[148] They solved the problem of "the encroaching spirit of power" [149] by balancing the powers assigned to each of the three branches so that each branch could effectively check, but not control, the other two. Furthermore, the framers did not give any one branch the authority to decide whether its powers encroached on the others: "[N]one of [the three branches], it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respected powers." [150]

The framers did not consider the judiciary exempt from the operation of these principles, although they did consider the judiciary to be the least dangerous of the three branches because they had given the judiciary the least amount of power.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in its capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.[151]

Although the framers regarded the judiciary as having the least capacity, because of the very nature of its functions, to be dangerous, the framers recognized that judicial power could be arbitrary and oppressive. The framers expected that the arbitrary discretion of the courts could be "bound down by strict rules and precedents which serve to define and point out their duty in every particular case that comes before them." [152] Additionally, the framers provided the other branches with powers to check judicial enroachments. Thus, the framers provided for congressional appropriation of money for the judicial branch, presidential appointment and senatorial confirmation of judges, and congressional power to define entirely the jurisdiction of the inferior federal courts. The framers also provided for the impeachment of judges by the House of Representatives and the trial of impeached judges by the Senate—what *The Federalist* called "a complete security" against "the danger of judiciary encroachments on the legislative authority." [153] Finally, the framers of the Constitution provided the legislative branch with ample authority under article III, section 2, so that if "some partial inconveniences" were to arise as a result of the judicial branch's exercise of its powers, Congress could make such exceptions and prescribe such regulations "as will be calculated to obviate or remove these inconveniences." [154]

Thus, the framers never intended for judicial power to be absolute or for the judiciary to be completely independent. Just as they provided checks upon the legislative and executive branches, so too the framers included mechanisms to restrain the judiciary. The exceptions clause was one such mechanism.

Those who contend that Congress' power under the exceptions clause is limited by the constitutional principle of federalism betray an equally superficial understanding of the political principles of the Constitution. They contend, with Leonard Sager, that Congress cannot restrict Supreme Court supervision of state conduct if such supervision is necessary to insure uniform judicial interpretation and state compliance with federal constitutional norms.[155] If the Supreme Court were restricted by Congress in such a manner, such restriction would, they fear, reduce the supremacy clause to a virtual nullity. Sager goes so far as to argue that if the states were not answerable to the Supreme Court, the Constitution would have "little to recommend it over the Articles of Confederation." [156] This view is deficient in a number of particulars.

This view reflects a common misperception concerning the nature of American federalism. The framers relied on federalism, as they also relied on separation of powers and the multiplicity of interests in an extended republic, to achieve their constitutional objectives—the creation and operation of an efficient and powerful guarantor

of rights and liberties organized around the principle of qualitative majority rule.[157] The framers sought a "Republican remedy for the disease most incident to the Republican Government."[158] That disease was the tension between majority tyranny and democratic ineptitude.[159] The framers saw the federalism they were creating as contributing to that Republican remedy. Their federalism, however, was not merely a division of power between the national government and the state governments; it was also a blending of federal elements into the structure and procedures of the central government itself.[160] An obvious example of this blending is the mixture into the Senate of the federal principle of equal representation of all the states.[161] The framers recognized that this principle, when joined with bicameralism and separation of powers, could contribute directly to qualitative majority rule. For a measure to become law, for example a measure controlling the appellate jurisdiction of the Supreme Court, it would have to pass the Senate where, because of the federal principle of equal representation, the presence of a nationally distributed majority and the moderating tendencies associated therewith would be guaranteed.

To the framers, federalism also meant that the same relationship that existed between the citizen and the individual state also would exist, at least with regard to those functions specified in article I, section 8, between the citizen and the centralized national government. This is a crucial difference between the Constitution and the Articles of Confederation, and one which Professor Sager apparently overlooks.[162] Under the Constitution, the national government need not gain the cooperation of a state to regulate the behavior of the state's citizens, for they are also citizens of the United States. In fact, even if a state actively attempted to frustrate the wishes of the national government, the national government, through either legislative or judicial action, could reach the citizenry and hold them personally accountable for their actions. This is a significant difference between the Constitution and the Articles of Confederation: the national government can govern the individual directly and need not rely on the good will or cooperation of state intermediaries.

Similarly, if the Congress, moderated in its judgments by the nationally distributed majorities that are assured by the federal principle of equal representation of all states in the Senate, restricts the appellate jurisdiction of the Supreme Court in a certain subject matter area because Congress has concluded that the Court's decisions in that area have unduly limited the states, Congress' action can hardly be described as placing the supremacy clause in jeopardy. Rather, Congress is simply exercising its power under the exceptions clause to obviate those inconveniences that have arisen as a result of the judiciary's interventions and, in a manner that is wholly consistent with the constitutional principle of separation of powers, is determining for the national government what the states may or may not do.

The view that the Congress can limit the appellate jurisdiction of the Supreme Court without jeopardizing federalism is compatible not only with the framers' understanding but also with the actions taken by both Congress and the federal judiciary until well into the twentieth century. Thus, in the Judiciary Act of 1789, Congress did not provide for Supreme Court review of cases in which state courts invalidated state conduct on federal grounds, even if those cases invalidated state conduct under an overly broad reading of federal laws that in turn defeated other federal rights.[163] In the same Act, Congress also subjected Supreme Court review of civil cases to a jurisdictional amount,[164] a requirement that was not eliminated for all cases involving constitutional issues until 1891[165] and was not abolished with respect to Supreme Court review of all federal questions until 1925.[166] Congress did not provide for Supreme Court review of federal criminal cases until 1802, and then only for review of decisions in which an inferior federal court had divided on a question of law.[167] Congress did not grant general power to the Court to review major federal criminal cases until 1891.[168] Obviously, the opponents of Congress' exercise of its powers under the exceptions clause have placed a premium on the uniformity of constitutional interpretation and Supreme Court supervision of state conduct that has not been shared by either Congress or the Court.

F. Limits on congressional power: The Bill of Rights and other constitutional provisions

A sixth argument made against Congress' power under the exceptions clause is that this power is limited by the constitutional requirements of article I, section 9 and the Bill of Rights and is fully subject to review under these and any other constitutional provisions uniformly applicable to all acts of Congress.[169] Those who make this argument draw a parallel between Congress' plenary power under the commerce clause and its plenary power under article III, section 2. For example, just as Congress' power to regulate commerce among the several states is subject to the requirements of the first and fifth amendments,[170] so also is Congress' power to make exceptions. The due process clause of the fifth amendment plays an especially prominent role in this argument. Advocates of this argument view the fifth amendment as guaranteeing litigants an independent judicial hearing of all constitutional claims, thereby limiting Congress' power to make exceptions that will deprive litigants of this hearing and, hence, of the opportunity to petition for the remedies they seek.

Like the other arguments against Congress' power to make exceptions, this argument also is deficient. Those who make this argument are correct, of course, in pointing out that the congressional power at issue is subject to the due process clause and all other constitutional provisions uniformly applicable to acts of Congress. What they fail to consider, however, is that the independent judicial hearing they insist upon need not occur at the Supreme Court level. The requirements of the due process clause can be satisfied fully in the state and lower federal courts, even if Congress were to strip the Supreme Court of its entire appellate jurisdiction. Moreover, because the Supreme Court noted in *Cary v. Curtis*[171] that "the judicial power of the United States . . . is . . . dependent for its distribution . . . entirely upon the action of Congress, who possess the sole power . . . of investing [the inferior courts] with jurisdiction . . . in the exact degree and character which to Congress may seem proper for the public good,"[172] it would be constitutionally permissible under the due process clause for Congress to deny jurisdiction as well to all lower federal courts, provided that state courts retained jurisdiction to hear these matters.[173] State courts, after all, are bound by the Constitution as the supreme law of the land.[174] Moreover, "[i]n the scheme of the Constitution, [state courts] are the primary guarantors of constitutional rights, and in many cases they may be the ultimate ones."[175] Thus, apparently nothing less than the total denial of any state judicial form would be subject to successful challenge as a violation of procedural due process.[176]

G. The prohibition on unconstitutionally motivated withdrawals of jurisdiction

Finally, a seventh argument against Congress' use of the exceptions clause to curtail the Court's appellate jurisdiction is that congressional actions in this regard cannot be unconstitutionally motivated:

When Congress manipulates jurisdiction in an effort to deny recognition and judicial enforcement of constitutional rights, it has deliberately set itself against the Constitution as the Court understands that document. Comparable behavior on the part of a mayor or police chief would constitute "bad faith," and so here. Legislative bad faith is a constitutionally impermissible motive, and it offers an independent ground for doubting the constitutionality of jurisdictional legislation.[177]

The claim that congressional use of the exceptions clause to displace a disfavored judicial precedent is unconstitutional can be sustained only by embracing the view that the Constitution is merely what the Court says it is. Sager embraces this view,[178] and he fears that "[i]f Congress enacts a selective jurisdictional limitation for cases that concern state conduct, it will be issuing an open, unambiguous invitation to state and local officials to engage in conduct that the Supreme Court has explicitly held unconstitutional."[179] Appalled by the prospect of such a strategem, he repeatedly labels it as "tawdry" and "lewd"[180] and as seducing the state judiciary to "malfeasance."[181]

This willingness to treat the Constitution as identical with its judicial gloss, however, is problematic. The mere reference to such notorious cases as *Dred Scott v. Sandford*,[182] *Plessy v. Ferguson*,[183] and *Lochner v. New York*[184] is sufficient to highlight the difficulty. If the Court was correct in its interpretations of the Constitution in these cases, then efforts to overturn these decisions by constitutional amendment, remedial legislation, or subsequent litigation were unconstitutionally motivated. If, however, the Court was mistaken in its interpretations of the Constitution in these cases, then the Constitution is not simply what the Court says it is, and some constitutional means must be available by which to rectify judicial errors.[185] Without such a means, the fate described by Abraham Lincoln in his First Inaugural Address cannot be avoided:

If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned the government into the hands of that eminent tribunal.[186]

Actually, various constitutional means do exist to correct Court misinterpretations; the exceptions clause is but one means of correction.

IV. PRACTICAL LIMITATIONS ON THE WITHDRAWAL OF JURISDICTION

At this junction, it should be apparent that the various arguments advanced against the exceptions clause are inadequate to accomplish the formidable task of displacing the clear and express words of article III, section 2. Although they are ingeniously cast and earnestly argued, these arguments can be rebutted, and Congress' power to make exceptions to the Court's appellate jurisdiction remains plenary. This conclusion, however, is unacceptable to some constitutional scholars. Irving Brant may be more graphic than most, but he is no more alarmed than many when he writes: "The mind is staggered by the thought of what would result if Congress should pass, and the Supreme Court should bow to, a law prohibiting the review of state court decisions, or cases involving the first or fourteenth amendments."[187] For Brant, the exceptions clause has "become a dagger sharpened by social conflict and pointed at the heart of the Bills of Rights. Time and again Congress has raised this dagger. Only once has it descended, but the menace continues to mount."[188] These misgivings, however, are unfounded, both because of the practical difficulties that would attend congressional contraction of federal jurisdiction and because of the moderating tendencies of a Constitution structured so that the popular branches can seldom act "on any other principles than those of justice and the general good."[189]

The practical difficulties that would accompany withdrawal of jurisdiction are considerable. First, federal courts are essential to the administration of federal law and the enforcement of coercive sanctions and private remedies. If Congress were to withdraw all jurisdiction from the federal courts, save only the Supreme Court's original jurisdiction, the final resolution of virtually all questions of federal law, constitutional and otherwise, would rest with the highest courts of the fifty states. The potential for inconsistency in their resolution of federal questions is so great, and the practical costs of such inconsistency are so high, that Congress is not likely to withdraw all federal jurisdiction, even though it is authorized by article III, section 2 to do so. If, in recognition of these constraints, the Congress decided to curtail only the Supreme Court's appellate jurisdiction, it would find that it had succeeded only in reducing, but by no means elimination, the potential for national inconsistency. The final resolution of all constitutional questions would then be left to the twelve federal courts of appeal and the probability of inconsistency in their decisions would still remain great.[190] Finally, if the Congress were to exercise its exceptions powers even more exactingly and were selectively to deprive the Supreme Court of jurisdiction to review only particular classes of cases such as busing, school prayer, or abortion, the tradition of store decisis could lead the lower federal and state courts to follow the Supreme Court decisions that originally prompted the congressional contraction:

[The courts] would still be faced with the decisions of the Supreme Court as precedents—decisions which that Court would now be quite unable to reverse or modify or even to explain. The jurisdictional withdrawal thus might work to freeze the very doctrines that had prompted its enactment, placing an intolerable moral burden on the lower courts.[191]

All of this is likely to convince Congress that "the federal system needs federal courts and the judicial institution needs an organ of supreme authority."[192]

These practical difficulties, however, are not great enough either to reassure those fearful of Congress' power under the exceptions clause or to discourage those who would have Congress exercise this power. Sager regards contractions of Supreme Court jurisdiction as "lewd winks" cast by the Congress in the state courts' direction, and he worries that state courts will be seduced to "dishonor federal precedent and refuse to recognize disfavored rights."[193] Professor Rice inquires: "What will be the practical effect of withdrawing jurisdiction from the Supreme Court and the lower federal courts?"[194] His answer, which employs the school prayer issue as an example, is hardly comforting to Sager:

Unlike a constitutional amendment, such a withdrawal would not reverse the Supreme Court's rulings on school prayer. Presumably, at least some state courts would strictly follow those decisions as the last authoritative Supreme Court pronouncement on the subject. But a new law would ensure that the Court received no opportunity to further extend its errors.

It may be expected, however, that some state courts would openly disregard the Supreme Court precedents and decide in favor of school prayer once the prospect of reversal by the Supreme Court had been removed. But that result would not be such a terrible thing. . . . [because state courts merely would be reversing] . . . Supreme Court decisions which . . . would appear so erroneous as to be virtually usurpations.

[B]ecause a statute rather than a constitutional amendment is involved, the Court's jurisdiction could readily be restored should the need for it become apparent.[195]

Although the practical difficulties attending jurisdictional contractions may or may not prove reassuring, those fearful of Congress' power to make exceptions should take considerable comfort in the fact that the Constitution is so designed and constructed as to render remote the prospect that Congress will exercise this expressly granted power either frequently or fully. Congress has only once succeeded in passing legislation excising a portion of the Court's appellate jurisdiction,[196] and this occurred in the post-Civil War period against a Court whose last exercise of judicial review was in the notorious *Dred Scott v. Sandford*[197] decision and whose membership included several justices who were on public record as believing that the Reconstruction program was unconstitutional.[198] Moreover, this excision was carried out neither with a meat-ax nor even with Brant's dagger,"[199] but with a scalpel; Congress eliminated only one procedure for Supreme Court review of the question at issue, but left an alternate review procedure untouched. Congress historically has acted quite responsibly toward the Court. It has abused neither its ability to make exceptions nor its other powers to curb the Court.[200] Such historical respect for the functions of the Court is hardly accidental.

V. CONCLUSION

The framers of the Constitution recognized that a dependence on the people and on their representative institutions were essential in a democratic republic. They nevertheless were aware of the need for precautions to insure that the people not only ruled, but that they ruled well.[201] One of the precautions upon which they relied was an independent judiciary exercising the traditional form of judicial review as articulated in *The Federalist, No. 78*[202] and as instituted in *Marbury v. Madison*,[203] thereby keeping the representative branches "within the limits assigned to their authority."[204]

The framers were well aware, however, that this precaution posed a potential threat to the political rights of the Constitution. In this regard, the Court was the least dangerous of the three branches, but it too could annoy and injure the rights and liberties of the people.[205] The Court also had to be restrained, even as it was used to restrain others. One means by which the framers sought to restrain the Court was by granting to Congress the power to make exceptions to the Court's appellate jurisdiction. The framers did not fear that Congress would abuse this power, unrestrained as it was by judicial review, for they had set in place against the tyrannical tendencies of the Congress a variety of auxiliary precautions, including separation of powers, checks and balances, bicameralism, staggered elections, federalism, and the moderating effect of a multiplicity of interests present in an extended republic.

For nearly two centuries, these precautions have worked exceedingly well. The Congress has acted responsibly, and the Court, ever mindful of the consequences that might be visited upon it if it were to attempt to substitute its pleasure for that of the legislative body,[206] generally has resisted the temptation to act as "a bevy of Platonic Guardians."[207] There is every reason to believe that these precautions will continue to work well, provided only that the letter of the Constitution—which is, after all, the very source of these precautions—remains central and governing in the minds of those who study and practice the law, and is not subordinated by them to the activist view which distills the very essence of the judicial role and constitutional legitimacy from the spirit of judicial review.

FOOTNOTES

* Special Assistant to the Director of the Bureau of Justice Statistics, U.S. Department of Justice. Associate Professor of Political Science, Loyola University of Chicago. B.A., Concordia College; M.A., Ph.D., University of Chicago.

[1] Moynihan, *What Do You Do When the Supreme Court Is Wrong?* 57 PUB. INTEREST 3 (1979).

[2] *Id.* at 8.

[3] Proposals to employ art. III, § 2 of the United States Constitution to limit the appellate jurisdiction of the Supreme Court have been debated throughout our constitutional history. *See* R. BERGER, CONGRESS V. THE SUPREME COURT 285-96 (1969); W. MURPHY, CONGRESS AND THE COURT (1962); Nagel, *Court-Curbing Periods in American History*, 18 VAND. L. REV. 925 (1965).

A subsidiary question concerns Congress' power to curb the jurisdiction of the lower federal courts, leaving issues to be decided solely in the state courts. It is generally conceded that Congress could substantially reduce the authority of these courts or even abolish them altogether. *See* Palmore v. United States, 411 U.S. 389, 400-02 (1973); Cary v. Curtis, 44 U.S. (3 How.) 236 (1845); Redish & Woods, *Congressional Power to Control the Jurisdiction of Lower Federal Courts: A Critical View and New Synthesis*, 124 U. PA. L. REV. 45 (1975); Rotunda, *Congressional Power to Restrict the Jurisdiction of the Lower Federal Courts and the Problem of School Busing*, 64 GEO. L.J. 839 (1976); Sager, *Foreword: Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts*, 95 HARV. L. REV. 17 (1981). This Article addresses Congress' power to limit the jurisdiction of the lower federal courts only in relation to the central question under consideration. *See infra* note 173.

[4] *See* S. 26, 98th Cong., 1st Sess. (1983), which would deprive lower federal courts of jurisdiction in cases involving state or local abortion law. *See also*

H.R. 618, 98th Cong., 1st Sess. (1983). Similarly, the following bills would deprive the federal courts, including the Supreme Court, of jurisdiction in cases involving voluntary prayer in public schools. S. 88, 98th Cong., 1st Sess. (1983); H.R. 525, 98th Cong., 1st Sess. (1983); H.R. 253, 98th Cong., 1st Sess. (1983). A final group of bills would, in varying degrees, limit the jurisdiction of all federal courts to order school desegregation through mandatory busing. H.R. 798, 98th Cong., 1st. Sess. (1983); H.R. 158, 98th Cong., 1st Sess. (1983)

[5] *Limiting Federal Court Jurisdiction*, 65 JUDICATURE 177 (1981).

[6] *Congressional Limits on Federal Court Jurisdiction*, 27 VILL. L. REV. 893 (1982).

[7] 6 HARV. J. L. & PUB. POL'Y (Special Issue 1983).

[8] On October 1 and 2, 1981, the American Enterprise Institute held a seminar in Washington, D.C., the topic of which was "Judicial Power in the United States: What Are the Appropriate Constraints?"

[9] The title of the Foundation's seminar, held in Washington, D.C. on June 14, 1982, was "A Conference on Judicial Reform."

[10] *Constitutional Restraints Upon the Judiciary: Hearings before the Subcomm. on the Constitution of the Senate Judiciary Comm. to Define the Scope of the Senate's Authority Under Article III of the Constitution to Regulate the Jurisdiction of the Federal Courts*, 97th Cong., 1st Sess. (1981) [hereinafter cited as *Hearings*].

[11] Sager, *supra* note 3.

[12] This Article does not consider whether these specific measures are properly drafted and technically correct. It considers only whether Congress has the power constitutionally to pass such measures. *See infra* note 19.

[13] U.S. Const. art. III, § 2, cl. 2.

[14] *See* E. Corwin & J. Peltason, Understanding the Constitution 109 (8th ed. 1979); E. Corwin, The Constitution and What It Means Today 179 (1974); Berger, *Congressional Contraction of Federal Jurisdiction*, 1980 Wis. L. Rev. 801; Roberts, *Now Is the Time: Fortifying the Supreme Court's Independence*, 35 A.B.A.J. 1 (1949); Wechsler, *The Courts and the Constitution*, 65 Colum. L. Rev. 1001 (1965). *See also* 39 Cong. Q. Weekly Rep. 947-51 (May 30, 1981) (statements of Professors Martin H. Redish, Paul Bator, and John T. Noonan).

[15] 73 U.S. (6 Wall.) 385 (1868).

[16] *Id.* at 396. *See also* J. Ely, Democracy and Distrust: A Theory of Judicial Review 16 (1980) ("The most important datum bearing on what was intended is the constitutional language itself.").

[17] 74 U.S. (7 Wall.) 506 (1868).

[18] 74 U.S. (7 Wall.) at 514.

[19] E. Corwin & J. Peltason, *supra* note 14, at 179. This Article does not address the "wisdom" of the bills discussed *supra* note 4, nor does it explore the policy questions they raise. Rather, it is limited exclusively to a consideration of Congress' constitutional power to enact such measures.

[20] *See, e.g.*, S. Rep. No. 1097, 90th Cong., 2d Sess. 155-57 (1968); J. Choper, Judicial Review and the National Political Process: A Functional Reconsideration of the Role of the Supreme Court 53-54 (1980); C. Pritchett, Congress versus the Supreme Court (1961); O. Stephens & G. Rathjen, The Supreme Court and the Allocation of Constitutional Power 40 (1980); Brant, *Appellate Jurisdiction: Congressional Abuse of the Exceptions Clause*, 53 Ore. L. Rev. 3 (1973); Hart, *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362 (1953); Merry, *Scope of the Supreme Court's Appellate Jurisdiction: Historical Basis*, 47 Minn. L. Rev. 53 (1962); Ratner, *Congressional Power Over the Appellate Jurisdiction of the Supreme Court*, 109 U. Pa. L. Rev. 157 (1960); Sager, *supra* note 3. Even John Hart Ely, who writes that the constitutional language itself is "the most important datum" bearing upon what the Constitution means, nonetheless concludes that "Congress' theoretical power to withdraw the Court's jurisdiction over certain classes of cases is . . . fraught with constitutional doubt." Ely, *supra* note 16, at 46.

[21] *See, e.g.*, C. Pritchett, *supra* note 20, at 122; Brant, *supra* note 20, at 21. Even among those who deny that Congress has the power to curtail the Court's appellate jurisdiction, opinion is divided over whether "any legislation of this sort [is] unconstitutional as a violation of the separation of powers and as an attack on the status and independence of the nation's highest judicial tribunal," C. Pritchett, The Federal System in Constitutional Law 15 (1978), or whether legislation is unconstitutional only if it deprives the Supreme Court of its essential role of interpreting the Constitution and resolving conflicts between federal laws and between state and federal laws. *See* Hart, *supra* note 20, at 1365; Ratner, *supra* note 20, at 160-61.

[22] Brant, *supra* note 20, at 5. *See also* Ratner, *supra* note 20, at 158.

[23] C. Pritchett, *supra* note 20, at 122.

[24] Slonim, *Law Scope: Say Dormant Prayer Bill Has Broad Implications*, 66 A.B.A.J. 437 (1980) (quoting Lawrence Tribe).

[25] Brant, *supra* note 20, at 28.

[26] Raoul Berger acknowledges this bind: "The distressing fact is that Congress' power to make 'exceptions' to the Supreme Court's appellate jurisdiction is expressly conferred whereas judicial review . . . is derived from questionable implications and debatable history." R. Berger, *supra* note 3, at 4.

[27] 443 U.S. 193 (1979).

[28] *Id.* at 201.

[29] Jesse Choper adopts this position: "The theoretical underpinnings for a wide legislative power to curtail the appellate jurisdiction . . . are hardly as firm as the literal phrasing of Article III and the quite sweeping judicial language would suggest." J. Choper, *supra* note 20, at 53.

[30] 443 U.S. at 222 (Rehnquist, J., dissenting).

[31] *Id.* at 216 (Blackmun, J., concurring).

[32] Van Alstyne, *A Critical Guide to* Ex Parte McCardle, 15 Ariz. L. Rev. 229, 260 (1973). *See also* Roberts, *supra* note 14. "What is there to prevent Congress taking away, bit by bit, all the appellate jurisdiction of the Supreme Court of the United States . . .? I see nothing, I do not see any reason why Congress cannot, if it elects to do so, take away entirely the appellate jurisdiction of the Supreme Court. . . ." *Id.* at 4. For this reason, former Justice Roberts favored a constitutional amendment that would have stripped the Congress of its art. III powers. *Id. See also Hearings, supra* note 10 (testimony of Thomas R. Ascik, Paul M. Bator, Jules Gerard, Martin H. Redish, and Charles E. Rice); A. Kelly & W. Harbison, The American Constitution: Its Origins and Development 483 (4th ed. 1970); A Mason & W. Beaney, American Constitutional Law 3, 24 (6th ed. 1978); Burton, *Two Significant Decisions:* Ex Parte Milligan *and* Ex Parte McCardle, 41 A.B.A.J. 124, 176 (1955).

[33] Comm. on the Judiciary, Minority Report on the Omnibus Criminal Control and Safe Streets Act of 1967, S. Rep. No. 1097, 90th Cong., 2d Sess. 156 (1968) [hereinafter cited as Minority Report]. *See also Hearings, supra* note 10 (testimony of George J. Alexander, Edward I. Cutler, Lloyd M. Cutler, Leonard G. Ratner, and Telford Taylor).

[34] For an exception to this generalization, see Van Alstyne, *supra* note 32.

[35] The Federalist, No. 80, at 541 (A. Hamilton) (J. Cooke ed. 1961).

[36] See 2 M. Farrand, The Records of the Federal Convention 22, 46 (rev. ed. 1937).

[37] *Id.* at 106.

[38] *Id.* at 132-33.

[39] *Id.* at 173.

[40] *Id.* at 428.

[41] *Id.* at 431.

[42] *Id.*

[43] *Id.*

[44] *But see* Brant, *supra* note 20, at 7. Brant correctly points out that subsequent to Dickinson's motion, an unidentified delegate move to insert the following substitute for the clause on appellate jurisdiction: "In all the other cases before mentioned the Judicial power shall be exercised in such a manner as the Legislative shall direct." 2 M. Farrand, *supra* note 36, at 431. This motion was defeated, six states to two. Brant argues that this proposed clause "would have given Congress the extensive power it claims it possesses under the authority to make exceptions from the Court's appellate jurisdiction. It is hardly conceivable that such a motion would have been offered if the delegates believed that they had just voted to confer substantially the same power under a different wording." Brant, *supra* note 20, at 7. *See also Merry, supra* note 20, at 59; Sager, *supra* note 20, at 49-50, n.95. Brant argues that Congress is authorized under art. III, § 2 to make exceptions only to the Court's review of matters of fact. *See generally infra* notes 80-91 and accompanying text. Brant's argument fails, however, because he is mistaken in his assertion that the power to determine how the judicial power shall be exercised is substantially the same as the power to make exceptions to the Court's appellate jurisdiction. The former power, in fact, is much greater, and the delegates understood this. Brant does not appreciate that it is one thing for Congress to have power to determine what cases the Supreme Court shall hear in its appellate jurisdiction, but quite another for Congress to have power to determine what the outcome of those cases shall be.

[45] 3 Debates on the Federal Constitution 560 (J. Elliot 2d ed. 1888).

[46] Graves v. O'Keefe, 306, U.S.C. 466, 491-92 (1939) (Frankfurter, J., concurring). *See also infra* notes 178-86 and accompanying text.

[47] "The government body most ready to assert the power of Congress to deprive the Court of its appellate jurisdiction has been the Court itself." Comment, *Removal of Supreme Court Appellate Jurisdiction: A Weapon Obscenity?* 1969 Duke L.J. 291, 297 n.37. In fact, no justice has ever denied Congress' broad powers under art. III. Although Justice Douglas did declare in his dissent in Glidden Co. v. Zdanok, 370 U.S. 530, 605 n.11 (1962), that "[t]here is a serious question whether the McCardle case could command a majority today," and although this passage frequently is cited in writings that suggest that the contemporary Supreme Court would not accept congressional restrictions of its appellate jurisdiction equivalent to those upheld in McCardle, the context of Justice Douglas' dictum suggests something quite different; namely, if Congress were to attempt to deprive the Supreme Court of jurisdiction over a case that is already under judicial consideration, then it is questionable whether McCardle would be followed today. Douglas subsequently expressed his understanding of the broader question of Congress' power over the appellate jurisdiction of the Supreme Court in his concurrence in Flast v. Cohen, 392 U.S. 83 (1968): "As respects our appellate jurisdiction, Congress may largely fashion it as Congress desires by reason of the express provisions of § 2, art. III. See *Ex Parte* McCardle . . ." *Id.* at 109.

[48] *Ex parte* McCardle, 74 U.S. (7 Wall.) 506 (1868). For a discussion of *McCardle*, see supra notes 17-18 and accompanying text.

[49] 3 U.S. (3 Dall.) 321 (1796).

[50] *Id.* at 327.

[51] *Id.*

[52] To the extent that differences of opinion arose among them, such differences were only over the question of whether the Court's appellate jurisdiction was originally granted by the Constitution or by the Congress. Three different answers were given. The first maintained that any withdrawal of the Court's appellate jurisdiction requires Congress to make a positive exception. All constitutionally granted jurisdiction not positively except by Congress is retained by the Court. This was the view of Justice James Wilson in his opinion in Wiscart v. Dauchy, 3 U.S. (3 Dall.) at 326. The second approach was that the Court possesses no appellate jurisdiction unless positively granted by Congress. The Court's appellate jurisdiction is viewed as congressionally granted rather than as constitutionally authorized. This was the view of Chief Justice Ellsworth in *Wiscart, see supra* text accompanying note 50, and of Chief Justice Taney in Barry v. Mercein, 46 U.S. (5 How.) 103, 119-20 (1847), *see infra* text accompanying note 57. The third approach combined features of the first two. Like the first, it based the Court's appellate jurisdiction on the Constitution. However, once Congress had acted to grant the Court appellate jurisdiction, this approach followed the second approach and implicitly denied all jurisdiction not positively granted. This was the view of Chief Justice Marshall in Durousseau v. United States, 10 U.S. (6 Cranch) 307, 313-14 (1810). *See infra* text accompanying note 56. *See also* Comment, *supra* note 47, at 297-300.

[53] 7 U.S. (3 Cranch) 159 (1805).

[54] *Id.* at 173.

[55] 10 U.S. (6 Cranch) 307 (1810).

[56] *Id.* at 313-14. *See also* 3 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES 453 (1833) ("It is apparent, then, that the exception was intended as a limitation upon the preceding words, to enable Congress to regulate and restrain the appellate power, as the public interests might, from time to time, require.").

[57] Barry v. Mercein, 46 U.S. (5 How.) 103, 119-20 (1847).

[58] *See supra* text accompanying note 18. Chief Justice Chase's opinion in *McCardle* echoed, for the most part, Justice Swayne's opinion for an equally unanimous Court in Daniels v. Rock Island R.R., 70 U.S. (3 Wall.) 250 (1854):

The original jurisdiction of this court, and its power to receive appellate jurisdiction, are created and defined by the Constitution; and the legislative department of the government can enlarge neither one nor the other. But it is for Congress to determine how far, within the limits of the capacity of this court to take, appellate jurisdiction shall be given, and when conferred, it can be exercised only to the extent and in the manner prescribed by law. In these respects, it is wholly the creature of legislation. *Id.* at 254.

[59] *Ex Parte* McCardle, 74 U.S. (7 Wall.) 506, 515 (1868).

[60] 105 U.S. 381 (1881).

[61] *Id.* at 386.

[62] *Id.* at 385.

[63] 321 U.S. 414 (1944).

[64] *Id.* at 472-73.

[65] 337 U.S. 582 (1949).

[66] *Id.* at 655 (Frankfurter, J., dissenting). *See also* Glidden Co. v. Zdanok, 370 U.S. 530, 567 (1962); Burton, *supra* note 32, at 176; Roberts, *supra* note 14, at 4.

[67] Wechalor, *supra* note 14, at 1005-06. Under this plan, "Congress has the power by enactment of a statute to strike at what it deems judicial excess." *Id.*

[68] Not everyone who would limit Congress' power under art. III, § 2 relies on all seven of these arguments. Some of these arguments contradict each other.

[69] 74 U.S. (7 Wall.) 506 (1968).

[70] Intelligent exceptions to this generalization are Rice, *Limiting Federal Court Jurisdiction: The Constitutional Basis for the Proposals in Congress Today*, 65 JUDICATURE 190 (1981); Van Alstyne, *supra* note 32.

[71] *See, e.g.*, Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803). On the difference between the traditional and modern forms of judicial review, see Wolfe, *A Theory of U.S. Constitutional History*, 43 J. POL. 292 (1981).

[72] Ratner, *supra* note 20, at 168-71.

[73] Brant, *supra* note 20.

[74] Merry, *supra* note 20.

[75] R. BERGER, *supra* note 3. Berger, however, subsequently qualified his position. *See* Berger, *supra* note 14.

[76] Ratner, *supra* note 20, at 168.

[77] *Id.* at 170.

[78] Sager agrees with Ratner's interpretation:

An "exception" implies a minor deviation from a surviving norm; it is a nibble, not a bite. And there is reason to think that this sense of the term was, if anything, clearer at the time the Constitution was drafted than now. The language of Article III from which Congress draws its authority to limit the jurisdiction of the Supreme Court, thus contains only a bounded power to make exceptions. Sager, *supra* note 3, at 44.

[79] Hart, *supra* note 20, at 1364. Ratner recognizes this and concedes ultimately that "general usage . . . cannot provide a definitive interpretation," whereupon he launches into an "essential role of the Court" argument of the kind discussed *infra* notes 123-32 and accompanying text. Ratner, *supra* note 20, at 171. Sager likewise acknowledges the difficulty of textual interpretation: "To be sure, there is nothing self-evident about the precise limits of Congress' authority in such an amorphous grant, but this lack of an obvious answer invites an application of the tools of constitutional interpretation." Sager, *supra* note 3, at 44. If Sager's methodology for constitutional interpretation included some appreciation of the work of the constitutional framers and their understanding of separation of powers and federalism, his invitation to join him in applying this methodology would be more warmly received. *See infra* notes 138-61 and accompanying text.

[80] Brant, *supra* note 20, at 11.

[81] *Id.* at 5.

[82] R. BERGER, *supra* note 3, at 307. *See also* Berger, *supra* note 14: "[T]he founders merely intended by that clause to prevent the Court from revising the findings of a jury." *Id.* at 806.

[83] As Chief Justice Marshall wrote in Barron v. Baltimore, 32 U.S. (7 Pet.) 243 (1833), "[the framers] would have declared this purpose in plain and intelligible language." *Id.* at 249. For example, they could have declared: "In all the other Cases before mentioned, the supreme court shall have appellate Jurisdiction, both as to Law and Fact, but with appellate Jurisdiction as to Fact subject to such Exceptions and under such Regulations as the Congress shall make."

[84] *See supra* notes 40-43 and accompanying text. Brant likewise fails to appreciate that all the controversy present in the state ratifying conventions concerning whether the Supreme Court ought even to have power to review questions of fact in its appellate jurisdiction, a controversy that Brant cites as evidence supporting his general argument, is simply not germane to the question of whether Congress has power to contract the appellate jurisdiction of the Supreme Court with respect to substantive questions of law. For similar citation of and reliance on wholly irrelevant evidence, see Merry, *supra* note 20, at 59-62.

[85] 3 J. ELLIOTT *supra* note 45, at 572. Randolph was echoing John Marshall's comments from the previous day: "What is the meaning of the term exceptions? Does it not mean an alteration and diminution? Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court." *Id.* at 560.

[86] THE FEDERALIST, No. 81, at 552 (A. Hamilton) (J. Cooke ed. 1961).

[87] *Id.* at 549-50.

[88] *Id.* at 550.

[89] *Id.* at 552. Hamilton also observed that separating law and fact in certain issues was impossible. *Id.* at 551.

[90] THE FEDERALIST, No. 80, at 541 (A. Hamilton) (J. Cooke ed. 1961). Although Brant quotes from THE FEDERALIST No. 80, he engages in a form of academic gerrymandering and conveniently overlooks this passage. *See* Brant, *supra* note 20, at 9. Brant focuses his attention instead on a passage from THE FEDERALIST No. 81:

To avoid all inconveniences, it will be safest to declare generally that the Supreme Court shall possess appellate jurisdiction both as to law and fact, and that this jurisdiction shall be subject to such exceptions and regulations as the national legislature shall prescribe. This will enable the government to modify it in such a manner as will best answer the ends of public justice and security. *Id.*, No. 81, at 552. *See also* Merry, *supra* note 20, at 309 (also ignoring THE FEDERALIST No. 80). This passage, of course, is irrelevant to the issue of whether Congress' power under the exceptions clause is limited simply to curtailing the appellate jurisdiction of the Supreme Court in cases raising questions of fact. To prove that Congress' power extends to regulating the treatment of facts does not prove that its power is limited to such regulation. *See supra* note 84.

Despite all of this evidence, Sager maintains the following position:

[I]f the Framers of Article III had had the bad sense to believe the control of jurisdiction was a workable way to give Congress a substantive check on the federal judiciary, we might well have to live with that fact and with its implications for the constitutional shortcuts that Congress would be entitled to take. But there is no evidence that they held this belief. . . . Sager, *supra* note 3, at 42.

[91] *See supra* notes 49-67 and accompanying text.

[92] 74 U.S. (7 Wall.) 506 (1868).

[93] *See* R. BERGER, *supra* note 3, at 2-3; Hart, *supra* note 20, at 1365; Ratner, *supra* note 20, at 178-81. *See also* Rotunda, *supra* note 3, at 849-51.

[94] Act of Mar. 27, 1868, ch. 34, 15 Stat. 44. The Judiciary Act of 1789 provided all federal judges with the power to issue writs of habeas corpus. Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 73, 81.

[95] 74 U.S. (7 Wall.) at 515.

[96] 75 U.S. (8 Wall.) 85 (1869).

[97] *Id.* at 96-98.

[98] Ratner, *supra* note 20, at 180.

[99] 80 U.S. (13 Wall.) 128 (1871).

[100] *Id.* at 131. The statute at issue was the Act of Mar. 12, 1863, ch. 120, 12 Stat. 820.

[101] United States v. Padelford, 76 U.S. (9 Wall.) 531 (1869).

[102] Act of July 12, 1870, ch. 251, 16 Stat. 230, 235.

[103] *Id.*

[104] 80 U.S. (13 Wall.) at 144.

[105] *Id.* at 146. The Court continued:

Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the Court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question seems to us to answer itself. *Id.* at 147.

[106] *Id.* at 147-48.

To the executive alone is entrusted the power of pardon; and it is granted without limit. Pardon includes amnesty. It blots out the offense pardoned and removes all its penal consequences. It may be granted on conditions. In these particular pardons, that no doubt might exist as to their character, restoration of property was expressly pledged, and the pardon was granted on condition that the person who availed himself of it should take and keep a prescribed oath.

Now it is clear that the legislature cannot change the effect of such a pardon any more than the executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the executive authority, and directs the court to be instrumental to that end. *Id.*

[107] *See* 74 U.S. (7 Wall.) at 515.

[108] 19 U.S. (6 Wheat.) 264 (1821).

[109] *Id.* at 404.

[110] 80 U.S. (13 Wall.) at 147. *See also* Vaughn, *Congressional Power to Eliminate Busing in School Desegregation Cases*, 31 ARK. L. REV. 231, 244 (1977).

[111] 80 U.S. (13 Wall.) at 147.

[112] This Article in no way condones Congress' use of power to determine the outcome of any particular judicial proceeding. As James Madison recognized, such a power would clearly make the legislators "advocates and parties to the causes which they determine." THE FEDERALIST, No. 10, at 59 (J. Madison) (J. Cooke ed. 1961).

[113] 80 U.S. (13 Wall.) at 145. *See also* Rice, *supra* note, 70, at 193-94.

[114] Rehnquist, *The Notion of a Living Constitution*, 54 TEXAS L. REV. 693, 695 (1976).

[115] C. PRITCHETT, *supra* note 20, at 122. *See also* C. PRITCHETT, THE AMERICAN CONSTITUTION 35-36 (3d ed. 1977); Eisenberg, *Congressional Authority to Restrict Lower Federal Court Jurisdiction*, 83 YALE L.J. 498, 501-13 (1974).

[116] C. PRITCHETT, *supra* note 20, at 122.

[117] *Id.*

[118] *Id.*

[119] Eisenberg, *supra* note 115, at 504.

[120] *See* Redish & Woods, *supra* note 3:

The seventh amendment, for example, provides that in all cases where the "value in controversy" exceeds twenty dollars, the right to a jury trial at common law must be preserved. It might be argued that use of a twenty dollar floor does not today accomplish the framers' goal of precluding a jury trial in minor civil cases, for twenty dollars at the time of the drafting of the seventh amendment meant something quite different from twenty dollars today. But despite such an argument, we could not read an inflationary spiral into the terms of the seventh amendment. The seventh amendment is strict and unbending in its dictates on this matter. If we are to alter it, even in order to accomplish the framers' goal, we must do so through the amendment process. Similarly, the language and history of article III are so clear that any alteration, even to accomplish the framers' purposes, must come by amendment and not by interpretation in light of "changing circumstances." *Id.* at 74.

[121] *See* N. PEIRCE, THE PEOPLE'S PRESIDENT 161 (1968).

[122] Wolfe, *supra* note 71, at 301.

[123] *See, e.g.*, MINORITY REPORT, *supra* note 33, at 156; Brant, *supra* note 19, at 24; Brest, *The Conscientious Legislator's Guide to Constitutional Interpretation*, 27 STAN. L. REV. 585, 594 (1975); Hart, *supra* note 19, at 1365; Ratner, *supra* note 19, at 160-61; Rotunda, *supra* note 3, at 845; Sager, *supra* note 3, at 42-68; White, *Reflections on the Role of the Supreme Court: The Contemporary Debate and the "Lessons" of History*, 63 JUDICATURE 162, 170 (1979).

[124] Ratner, *supra* note 19, at 172. Interestingly, those who make this argument point out that none of the cases cited in support of Congress' powers under the exceptions clause, including *McCardle*, involves what they would consider an "essential function" of the Supreme Court. *Id.* at 173-81. This fact, however, may attest more to the sense of sound congressional opinion against the wisdom of making such exceptions than to any notion that Congress lacks the power to do so. *See* Van Alstyne, *supra* note 31, at 257.

[125] Rice, *supra* note 70, at 195. For a further discussion of the exceptions clause and its relation to separation of powers and checks and balances, see *infra* notes 140-54 and accompanying text.

[126] Van Alstyne, *supra* note 32, at 257.

[127] Hart *supra* note 20, at 1365. *See also* Brant, *Supra* note 20, in which Brant argues that the Court's critical function is to prevent "the destruction or infringement of any of the mandatory requirements of the Constitution." *Id.* at 24.

Hart and Brant appear to believe that only the Supreme Court, through its employment of judicial review, is able to provide protection against the Constitution's destruction. This view ignores the operation of such constitutional mechanisms as separation of powers, bicameralism, staggered elections, federalism, and the multiplicity of interests present in an extended republic. *See* R. Rossum & G. McDowell, The American Founding: Politics, Statesmanship, and the Constitution 6-11 (1981). *See also infra* notes 140-61 and accompanying test. Moreover, even if these other constitutional features were absent, Hart's and Brant's reliance on the judiciary still would be misplaced. As Learned Hand observed:

[T]his much I think I do know—that a society so riven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish. L. Hand, The Spirit of Liberty 125 (1959).

[128] Ratner, *supra* note 20, at 201. *See also* Sager, *supra* note 3, at 43, 45.

[129] Cox, *The Role of Congress in Constitutional Determinations*, 10 U. Cin. L. Rev. 199, 253 (1971). *See also* White, *supra* note 118. White insists that the Court's chief role is serving "as the principal elite institution protecting the people's rights." *Id.* at 170. White goes so far as to argue that the Court should "acknowledge that the source of newly invented rights is not the Constitution but the enhanced seriousness of certain values in our society." *Id.* at 168.

[130] Brest, *supra* note 123, at 594. *See also* J. Choper, *supra* note 19; Brest, *The Misconceived Quest for the Original Understanding*, 60 B.U.L. Rev. 204, 226 (1980); Ely, *supra* note 16, at 87.

[131] *See* Brant, *supra* note 20, at 27-28.

[132] *See* Van Alstyne, *surpa* note 32:

It does appear to be more than a passing strange argument to suggest that because the full evolution of substantive constitutional review may itself have been exogenous to the Constitution, the power of Congress to make exceptions of any appellate jurisdiction described in article III therefore does not extend to such review; as though the power to make exceptions applies to any appellate jurisdiction granted by article III, but not to that judicial power which the Supreme Court simply evolved in the fullness of time. *Id.* at 262-63.

[133] Their expansive view of the Court's essential role also is threatened by, and in turn threatens, other express constitutional provisions, including the prescribed means for amending the Constitution found in art. V, the delegations of power to Congress found art. I, § 8, and the enforcement sections of the post-Civil War amendments.

[134] Wechsler, *supra* note 14, at 1006. "It is not that the judges are appointed arbiters and to determine as it was upon application, whether the Assembly have or have not violated the Constitution; but when an action is necessarily brought in judgment before them, they must, unavoidably, determine one way or another." Letter from James Iredell to Richard Spaight (Aug. 26, 1787), *quoted in* R. Berger, *supra* note 3, at 82-83. *See also* Rice, *supra* note 70: "Whatever the cogency of [the] 'essential role' test would be to a wholesale withdrawal of jurisdiction, if it were ever attempted by Congress, [this] test cannot properly be applied to narrowly drawn withdrawals of jurisdiction over particular types of cases." *Id.* at 195.

[135] The Federalist, No. 78, (A. Hamilton) (J. Cooke ed. 1961).

[136] 5 U.S. (1 Cranch) 137 (1803).

[137] *See* Chief Justice Chase's comment in *Ex Parte* McCardle, 74 U.S. (7 Wall.) 515 (1868), *supra* text accompanying note 59. *See also* Muskrat v. United States, 219 U.S. 346 (1911):

The exercise of [judicial review], the most important and delicate duty of this court, is not given to it as a body with revisory power over the action of Congress, but because the rights of litigants in justiciable controversies require the court to choose between the fundamental law and a law purporting to be enacted within constitutional authority, but in fact beyond the power of the legislative branch of the government. *Id.* at 361.

[138] Sager describes the separation of powers/federalism argument as a "particular version of the essential function claim." According to this version, the Constitution "contemplates federal judicial supervision of state conduct to ensure state compliance with federal constitutional norms." Sager, *supra* note 3, at 43, 45.

[139] Ratner, *supra* note 20, at 157-58. *See also Hearings*, *supra* note 10, at 14 (statement of Leonard G. Ratner).

[140] *See, e.g., Hearings*, *supra* note 10, at 226-34 (testimony of Edward I. Cutler); C. Pritchett, *supra* note 20, at 15; Brant, *supra* note 20, at 28-29; Ratner, *supra* note 20, at 158.

[141] The Federalist, No. 48, at 332 (J. Madison) (J. Cooke ed. 1961).

[142] *Id.*

[143] The Federalist, No. 51, at 347-48 (J. Madison) (J. Cooke ed. 1961).

[144] As James Wilson declared in the Federal Convention: "The separation of the departments does not require that they should have separate objects but that they should act separately though on the same objects." 2 M. Farrand, *supra* note 36, at 78. *See also* R. Rossum & G. McDowell, *supra* note 127, at 6-11; R. Scigliano, The Supreme Court and the Presidency 2-7 (1971).

[145] R. Neustadt, Presidential Power 33 (1960).

[146] The Works of James Wilson 300 (R. McCloskey ed. 1967).

[147] *Id.*

[148] The Federalist, No. 48, at 332 (J. Madison) (J. Cooke ed. 1961).

[149] *Id.* at 333.

[150] The Federalist, No. 49, at 339 (J. Madison) (J. Cooke ed. 1961).

[151] The Federalist, No. 78, at 522-23 (A. Hamilton) (J. Cooke ed. 1961).

[152] *Id.* at 529. *See also* The Federalist, No. 48, at 334 (J. Madison) (J. Cooke ed. 1961).

[153] The Federalist, No. 81, at 545-46 (A. Hamilton) (J. Cooke ed. 1961).

[154] The Federalist, No. 80, at 541 (A. Hamilton) (J. Cooke ed. 1961).

[155] Sager, *supra* note 3, at 43. *See also* Kay, *Limiting Federal Court Jurisdiction:* The Unforeseen Impact on Courts and Congress, 65 Judicature 188 (1981); Ratner, *supra* note 20, at 158-61.

[156] Sager, *supra* note 3, at 48.

[157] The principle of qualitative majority rule considers not only the degree of support that a policy receives, but also the quality of the policy itself. *See generally* R. Rossum & G. Tarr, American Constitution: Cases and Interpretation (1983).

[158] The Federalist, No. 10, at 65 (J. Madison) (J. Cooke ed. 1961).

[159] The rival defects of majority tyranny and democratic ineptitude posed seemingly unsurmountable obstacles for constitution-makers, for the more they attempted to overcome majority tyranny by withholding the power to tyrannize, the more they rendered the government inept and powerless, and vice versa.

[160] *See* Diamond, The Federalist *on Federalism*, 86 Yale L.J. 1273, 1278-85 (1977).

[161] *See* The Federalist, No 22 (A. Hamilton) (J. Cooke ed. 1961). In this essay, Hamilton discussed federalism as it was understood until the time of the Federal Convention and described it as characterized by three operative principles:

1. The authority of the central federal government was restricted to the individual stage governments and did not reach the individual citizens composing the states. Even this authority, however, was limited; the resolutions of the federal authority amounted to little more than mere recommendations, which the states opted to observe or disregard.

2. The central federal government had no authority over the internal problems of the individual states. Its rule was limited primarily to certain external tasks of mutual interest to the member states.

3. Each individual member had an exact quality of suffrage. This equal vote was derived from the equality of sovereignty possessed by each member state.

[162] *See generally* Sager, *supra* note 3, at 45-57.

[163] Congress did not authorize the Supreme Court to review cases that invalidated state conduct on federal grounds until 1914. *See* Act of Dec. 23, 1914, Ch. 2, Stat. 790.

[164] *See* Judiciary Act of 1789, ch. 20, § 22, 1 Stat. 84.

[165] Act of Mar. 3, 1891, ch. 517, § 5, 26 Stat. 826, 827-28.

[166] Act of Feb. 13, 1925, ch. 229, § 240(a), 43 Stat. 936, 938-39.

[167] Act of Apr. 29, 1802, ch. 31, § 6, 2 Stat. 156, 159-61.

[168] Act of Mar. 3, 1891, ch. 517, § 5, 26 Stat. 826, 827.

[169] *See* L. Tribe, American Constitutional Law 39 (1978); Hart, *supra* note 20, at 1373; Van Alstyne, *supra* note 70, at 263-64.

[170] Since National League of Cities v. Usery, 426 U.S. 833 (1976), it appears that Congress' power under the commerce clause is also subject to the dictates of the tenth amendment.

[171] 44 U.S. (3 How.) 236 (1845).

[172] *Id.* at 245. *See also* Lockerty v. Phillips, 319 U.S. 182 (1943); Sheldon v. Sill, 49 U.S. (8 How.) 441 (1850); Vaughn, *supra* note 110, at 237-41.

[173] *See* Berger, *supra* note 14, at 804; Wechsler, *supra* note 13, at 1005. *See also* Redish & Woods, *supra* note 3. Redish and Woods argue that Congress' power to deny original jurisdiction to the federal courts and to vest it instead in the state courts is limited by Tarble's Case, 80 U.S. (13 Wall.) 397 (1871), in which the Supreme Court overturned a habeas corpus order by a Wisconsin state court to a federal official ordering the release of an allegedly under-age soldier from the United States Army. The Court reasoned that a state court had no power to interfere with the operations of federal officials. Redish and Woods infer from *Tarble's Case* that state courts lack jurisdiction to entertain any case that seeks to direct the conduct of federal officials through the use not only of habeas corpus but also of mandamus and injunctive powers. They later admit, however, that "Congress can probably circumvent the difficulties created by *Tarble's Case* by explicitly authorizing state court jurisdiction over the acts of federal officials." Redish & Woods, *supra* note 3, at 106. Thus, if Congress wants to preclude all lower federal court jurisdiction, it can do so without raising questions of due process, provided only it clearly authorizes state court review of those cases. *See* Sager, *supra* note 3, at 80-84.

[174] *See* Wechsler, *supra* note 14, at 1005.

[175] Hart, *supra* note 20, at 1401. *See also* Kay, *supra* note 148, at 186; Taylor, *Limiting Federal Court Jurisdiction; The Unconstitutionality of Current Legislative Proposals*, 65 Judicature 199, 201 (1981).

[176] Van Alstyne, *supra* note 32, at 269.

[177] Sager, *supra* note 3, at 76-77. Sager also writes: "Harm to constitutionally protected interests occurs whenever controversial rights are singled out for exclusion from federal jurisdiction. Where the specific circumstances surrounding Congress' deliberations conspire to send an apparent message of Congressional disapproval of federal judicial doctrine, the harm is exaggerated." *Id.* at 75. *See also* Brest, *supra* note 123, at 589-94; Taylor, *supra* note 175, at 202-04.

[178] *See* Sager, *supra* note 3, at 41, 68-69, 72-73, 80, 87.

[179] *Id.* at 69.

[180] *Id.* at 41, 74, 89.

[181] *Id.* at 80. On other occasions, Sager describes the seduction as "bullying." *Id.* at 26, 64.

[182] 60 U.S. (19 How.) 393 (1857).

[183] 163 U.S. 537 (1896).

[184] 198 U.S. 45 (1905).

[185] Ironically, whereas Sager and his like-minded colleagues generally argue that the Constitution is what the Court says it is, they implicitly insist on one exception to this rule: the Constitution, or at least art. III, § 2, is not what the Court says it is, at least in *Ex Parte* McCardle, 74 U.S. (7 Wall.) 505 (1868).

[186] 7 J. Richardson, Messages and Papers of the Presidents 3206, 3210 (1897).

[187] Brant, *supra* note 20, at 28. *See also* Merry, *supra* note 20, at 69; Ratner, *supra* note 20, at 158.

[188] Brant, *supra* note 20, at 28. The sole "descent" of this congressional "dagger" was the Act of March 27, 1868, ch. 34, 15 Stat. 44, which excised a portion of the Court's appellate jurisdiction.

[189] The Federalist, No. 51, at 353 (J. Madison) (J. Cooke ed. 1961).

[190] Wechsler, *supra* note 14, at 1006. It must be remembered, however, that if lack of uniformity among fifty states or twelve circuits concerning constitutional interpretation were to become a problem, congressional withdrawal of jurisdiction could easily be repealed by statute.

[191] *Id.*

[192] *Id.* at 1007. *See also* J. Choper, *supra* note 20, at 54.

[193] Sager, *supra* note 3, at 41, 68.

[194] Rice, *supra* note 70, at 197.

[195] *Id.*

[196] Act of March 27, 1868, ch. 34, 15 Stat. 44.
[197] 60 U.S. (19 How.) 393 (1857).
[198] *See* Van Alstyne, *supra* note 32, at 233-44. *See also* 3 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 193 n.1 (1922).
[199] *See supra* text accompanying note 188.
[200] The exceptions clause is not the only means by which Congress can attempt to curb the Court. For example, Congress also has power to impeach the justices; to destroy the Court's effectiveness by substantially increasing or reducing the size of its membership; to limit tenure either through constitutional amendment or statutory inducements; to reduce or eliminate staff support for the Court; to refuse salary increases for the justices in inflationary times; to require extraordinary majorities to invalidate statutes; and to require that the justices file seriatim opinions in all cases. *See* W. MURPHY, CONGRESS AND THE COURT 63 (1962). *See also* R. STEAMER, THE SUPREME COURT IN CRISIS: A HISTORY OF CONFLICT (1971).
[201] THE FEDERALIST, No. 51, at 349 (J. Madison) (J. Cooke ed. 1961). These precautions would help to insure that the government would always reflect "the permanent and aggregate interests of the community." THE FEDERALIST, No. 10, at 57 (J. Madison) (J. Cooke ed. 1961).
[202] THE FEDERALIST, No. 78 (A. Hamilton) (J. Cooke ed. 1961).
[203] 5 U.S. (1 Cranch) 137 (1803). *See generally* Wolfe, *supra* note 122, at 293-99.
[204] THE FEDERALIST, No. 78, at 525 (A. Hamilton) (J. Cooke ed. 1961).
[205] *Id.* at 522.
[206] *Id.* at 526.
[207] L. HAND, THE BILL OF RIGHTS 73 (1965).

Mr. HELMS. I thank the Senator for yielding to me.

Mr. SIMON. I thank the Senator from North Carolina.

I find the prayer referred to is not offensive. I think that 95 percent of our people would not find it offensive. But there are those who do. We are talking religion here. I do not know that much about the various divisions within the Baptist Church. I know there are enough divisions within the Lutheran Church.

One branch believes that any prayer that does not specifically mention Jesus Christ is not considered a valid prayer.

The Senator may say that is right or wrong, but the point is we cannot make that decision in Government. Let us let that branch of the Lutheran Church that believes that go ahead and believe it; let us let Baptists who believe in one thing believe it; let us let Jews who believe in one thing believe it. But let us not have Government sponsoring some things where we get enmeshed in things where I think we should not be.

Again, I have great respect for the Senator from North Carolina, but I think we are getting into quicksand here. I think we better not move in that direction.

Mr. President, I suggest the absence of a quorum.

Mr. GOLDWATER. Will the Senator withhold?

Mr. SIMON. I withhold.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to discuss this matter very briefly with my good friend from North Carolina.

I first would ask him, did he really write this bill? Is this really his?

Mr. HELMS. Yes, sir.

Mr. GOLDWATER. Mr. President, I am a little surprised that the Senator from North Carolina decided to outlaw the Supreme Court from our life. I think this is unconstitutional, even though I am not a lawyer and do not pretend to be. I have as much interest in prayer as anyone in this place, although probably I do not use it as much as I should.

The Senator is beginning to get into areas now that are frankly none of our business. As the Senator was inferring, in my State, I have 19 Indian tribes. Every one of them practices a different religion. I have Indian tribes that believe in legend. I have Indian tribes that worship gods that live up in the forests. I have Indian tribes that believe in the stars.

I do not think it is right for this Congress to tell anybody how they should pray. I believe they should be allowed to pray in any way they doggone please.

I just wanted to say to my friend from North Carolina, I am really kind of surprised that he would write this bill. If I wrote it, I would have been ashamed of it.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am a little surprised at my friend from Arizona, because he is describing article III of the Constitution.

All this bill does, I say to the Senator, if he reads it—and I am certainly not ashamed of it—all this bill does is to give Congress an opportunity to vote on the question of article III of the Constitution of the United States which bestows upon Congress the right and authority to limit the appellate jurisdiction of the Supreme Court in whatever manner the Congress feels the Supreme Court has exceeded its authority.

They call it "court stripping." My friend Sam Ervin did not agree with me on the issue of prayer. In one of the last conversations I had with him, he said, "JESSE, you are doing fine, but get off that prayer business." He agreed with the Senator from Arizona.

But he said, "Your approach is correct—the implementation of article III of the Constitution."

To say that it is unconstitutional to implement the Constitution puzzles me.

Mr. President, just so that it will be clear for the RECORD, I ask unanimous consent that part of article III of the U.S. Constitution be printed in the RECORD, to make certain what it provides.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE III

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Mr. HELMS. Mr. President, let me say in conclusion that Senator Ervin did extensive research on the question of modifying, adjusting, and limiting Federal court jurisdiction. As I recall, he said the article III powers had been used by Congress on 57 occasions.

Furthermore, the Chief Justice of the United States, according to information available to me, has recommended a number of proposals that would limit the jurisdiction of the Supreme Court. I hope the Chief Justice of the United States cannot be accused of "court stripping" or of violating the U.S. Constitution.

I yield the floor and suggest the absence of a quorum.

Mr. BAUCUS. Will the Senate withhold?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have listened with great interest to the discussions between the Senator from Arizona, the Senator from Illinois, and the Senator from North Carolina.

It strikes me that the discussion until now concerns the propriety of school prayer. That is a subject we can debate forever. It is a subject on which there will be no universal agreement. It is a subject which ultimately goes to the core of humanity. It is a discussion which is as important as any other we could endeavor to pursue.

Mr. President, that is not the question which is before us. The question which is before us is whether the U.S. Congress should pass legislation pre-

cluding the U.S. Supreme Court and lower Federal courts from hearing school prayer cases. We are not deciding under what circumstances school prayer is permissible or not permissible but, rather, when and under what circumstances, if ever, the Supreme Court or other Federal courts should be precluded from exercising their appellate jurisdiction or hearing cases, concerning school prayer.

The bill before us is a court-stripping bill. It strips the Federal judiciary including the Supreme Court, jurisdiction over school prayer cases. It is my firm conviction that if this bill were to become law, it would begin to eliminate the Constitution of the United States.

I listened to the arguments of the Senator from North Carolina [Mr. HELMS], suggesting that article III of the Constitution provides that the Congress may limit the jurisdiction of the Supreme Court.

The Senator is correct in that those are the words of article III, but we all know, we all learned in civics class, as we studied the history of our country, that when the Founding Fathers came to this country and wrote the Constitution of the United States, it was based upon the principle of separation of powers, of checks and balances. That is why we have an article I, which is the legislative article; article II, the executive article; and article III, the judicial article—three separate articles providing for the powers and limitations of three equal but separate branches of Government.

The fact is that if the interpretation of article III is as the Senator from North Carolina says—that is, if the U.S. Congress can constitutionally preclude the U.S. Supreme Court jurisdiction over any constitutional issue whatsoever—then in effect Congress is eliminating the Supreme Court.

Our Founding Fathers came to America to escape tyranny, to escape religious persecution, to establish certain freedoms—freedom of speech, freedom of the press, freedom to exercise religion in any way an individual wished, and the other freedoms in the Bill of Rights and the other provisions of the Constitution.

The fact is, as we well know, our Founding Fathers felt those freedoms were so important that they put them in the Constitution to be changed only by a constitutional amendment requiring two-thirds vote of both Houses of Congress and ratification by three-quarters of the States.

As a matter of fact, after looking at the Constitutional Convention debates, scholars have been unable to find any discussion on the exceptions clause of article III. There is no debate over that clause, and it is obvious why—it makes no sense for the exceptions clause to allow Congress to limit Supreme Court jurisdiction over core constitutional cases. Such a grant of power would have been a radical departure from the spirit and intent of the Constitution and, obviously, there would have been some debate over it.

In my view, the exceptions clause allows the Congress to limit appellate jurisdiction, but not the core Federal constitutional issues. To limit the core Federal constitutional issues—free speech, prayer, et cetera—would make the entire constitutional scheme nonsense.

There are many other points I could make on jurisdiction removal bills, like S. 47, but I will close today by urging my colleagues to oppose this bill and thereby preserve and protect our Constitution and our system of government.

I yield the floor.

Mr. LEAHY. Mr. President, we are once again compelled to rise to defend the most obvious, most fundamental features of our constitutional system of government. The strength of the Constitution arises from the way it disperses power among the branches of Government and the zeal with which it protects individual liberties. Make no mistake about it. This is not a debate over school prayer. That will come later. Today we are debating the temptation of one branch of Government to subdue another branch by relieving it of its authority.

This debate over limiting Federal court jurisdiction to make changes in the nature and quality of rights declared by the Supreme Court under the Constitution is not new. Just 3 years ago, we debated and rejected the bill Senator HELMS presents today.

The arguments haven't changed. The fundamental principle we upheld then and must uphold now is that our courts, the branch of Government devoted to interpreting our Constitution and laws, must remain free of the pressures of the passing majority. A healthy and independent judiciary is never more necessary than at a time when there is impatience and discontent with the way the Supreme Court chooses to interpret the Constitution.

In normal times we all perceive a great personal stake in the independence of the courts. No one can safely predict whose rights will depend on that independence in the future. Therefore, we favor a strong judiciary, under law, rather than a judiciary that bends first in one popular direction, then in another. But to make this system work, no one has the right to look to the courts for a quick fix. No one has a stake in courts that can be easily persuaded to follow the howls rather than the law.

The bill before us would seek to use the exceptions clause in article III, section 2, clause 2 of the Constitution to justify eliminating Supreme Court appellate jurisdiction in cases reviewing State enactments on school prayer. Article III gives the court appellate jurisdiction "with such exception, and under such regulations as the Congress shall make." Cases from the Court itself and nearly two centuries of legal scholarship have not defined the limits of this congressional power. And I doubt that it is within the realm of likelihood that the scope of the power is about to become the subject of complete agreement among the branches of Government or among legal scholars. I believe that every one of us has a duty to read the Constitution as a living document and to pass on matters before us as if the responsibility for perpetuation of its genius fell to each one of us.

But in order to conclude that article III of the Constitution permits the Congress in the guise of carving exception, to carve up the Supreme Court itself, much of the rest of the Constitution has to be ignored. Article V of the Constitution lays down very explicit rules for the amendment process. The process is long and arduous, and the Constitution has been amended very few times as a result. It is difficult to believe that the authors of the Constitution, as politically astute a group of people as one might imagine, would have framed a careful mechanism for amendment and then would have permitted a simple statute to work as an amendment by eliminating review of that statute by the Supreme Court.

I do not accept the proposition that if Congress creates lower Federal courts, it must endow them with unlimited authority to vindicate every federally created right. There have been limitations on Federal court jurisdiction such as increases in the jurisdictional amount, changes in the nature of diversity and removal jurisdiction, and a few—very few—instances where Congress has limited Federal court jurisdiction altogether, such as the Norris LaGuardia Act and the Tax Injunction Act of 1937.

But not even the few instances where Congress limited the jurisdiction of the Federal courts in specific subject areas did Congress ever go so far as to remove from the total protection of the Federal courts rights guaranteed under the Constitution. Through this lengthy and sometimes tumultuous history of Congress, many bills have been introduced to do just that, and none has ever passed.

Perhaps every generation is bound to test the strength and the limits of the principles of an independent judiciary and the separation of powers.

The 75th Congress was faced with a dilemma not unlike our own when it considered and rejected President Roosevelt's court-packing proposal. The Senate Judiciary Committee rose to the occasion, despite the great pressure to speed along legislation that

was designed to ease the pains of the Great Depression. The words of that committee could be our own today:

> Let us, of the 75th Congress, in words that will never be disregarded by any succeeding Congress, declare that we would rather have an independent court, a fearless court, a court that will dare to announce its honest opinions in what it believes to be the defense of liberties of the people, than a court that, out of fear or sense of obligation to the appointing power or factional passion, approves any measure we may enact. We are not the judges of the judges. We are not above the Constitution.

I urge my colleagues to reject S. 47. Nothing less than the rule of law is at stake.

WITHDRAWING SUPREME COURT JURISDICTION OVER SCHOOL PRAYER

Mr. HATCH. Mr. President, the amendment offered by the Senator from North Carolina raises several important legal and policy issues in my mind. In the first place, the Senate has a judgment to make concerning the legal sufficiency of the Supreme Court's interpretations of the first amendment relative to prayer in public schools. For reasons I will explore in more detail hereafter, I think it is evident that the Supreme Court has departed from the intent of the authors of the first amendment establishment clause by restricting public school prayer and meditation. Although the Constitution vests in Congress some authority to make exceptions in the appellate jurisdiction of the U.S. Supreme Court, that limited power must be used very judiciously. This leads us to the crucial question presented by S. 47, specifically, whether Congress would be wise to do what it has some authority to do, namely withdraw Supreme Court jurisdiction over the subject matter of "voluntary prayer, Bible reading, or religious meetings in public schools or public buildings?" On this point, for various reasons, I have severe reservations about using in this instance the authority which the Constitution implies should be employed only in exceptional circumstances. In any event, Congress could employ, and has at its immediate disposal, better means to remedy the dislocations caused by several ill-advised Supreme Court opinions. The better means to which I refer is Senate Joint Resolution 2, a constitutional amendment permitting silent prayer or meditation in public schools. Senate Joint Resolution 2 has been approved by the Constitution Subcommittee and is currently on the Judiciary Committee calendar.

SUPREME COURT AND THE FIRST AMENDMENT

As I mentioned earlier, the Supreme Court has sharply altered the traditional understanding of the first amendment with regard to the permissibility of voluntary and appropriate school devotions. In the mid-1960's and again just a few weeks ago, the Court eliminated prayer from the classroom on the basis that it was inconsistent with the Constitution's prohibition against laws respecting an establishment of religion. These cases overturned the laws of at least 41 States. The most recent Jaffree case was particularly objectionable because it outlawed silent prayer and mediation due to the perception of a majority of the Justices that the State of Alabama had evinced an intent to endorse religion. Leaving aside for a moment the question of how a voluntary moment of silence endorses or offends any religious sentiment, a reading of the history of the Constitution clarifies that the framers would not have considered such harmless activities establishments of religion.

The author of the first amendment, himself, on the convention floor stated his intent for the establishment clause. He said:

> The meaning of the words [is] that Congress should not establish a religion and enforce the observation of it by law . . . [Congress might have power] to establish a national religion; to prevent these effects . . . the amendment was intended. Twice in this brief commentary Madison emphasized that the intent of the establishment clause was to prevent Congress from elevating a single denomination to the status of a national church. The colonists had suffered at the hands of a state church in the old country and wanted to preclude religious prosecutions at the hands of an established national church. Justice Story summarized well the meaning given to the establishment clause for nearly one hundred seventy five years: The real object of the First Amendment . . . was to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the national government.

Animated by this policy, our national heritage developed with profound religious overtones. Besides school prayer, our coinage carries the motto: "In God We Trust." Our national anthem speaks of our trust in Diety. Our pledge of allegiance avows that we are a nation "under God." On our monument walls are engraved Abraham Lincoln's Second Inaugural Address of deep theological content. Our military and Congress are served by chaplains. Our most important public meetings, including the sessions of both the House of Representatives and the Senate and, ironically, the Supreme Court, begin with an invocation of the protections of the Almighty. These venerable customs have not become suddenly inconsistent with the first amendment, nor are they harbingers of a single sanctioned national orthodoxy. They are simply the perpetuation of a rich national tradition and heritage which antedates even the Constitution.

In the wake of misguided Supreme Court interpretations, however, this long-standing concept of the establishment clause has been altered. The First Congress's language has been read not only to prohibit the Federal Government from according preferences to religious denominations but further to erect a "wall of separation" between church and State. The original intent of the first amendment that Congress be neutral between competing religious views has been transformed into the notion of neutrality between religion and irreligion.

Given the integral role of compulsory public education in the development of the values of the citizenry, I am convinced—and I believe that the great majority of Americans would share this view—that the Supreme Court's erroneous interpretations have created a regime in which the State has become antagonistic, even hostile, toward religious views. The average child spends 6 or 7 hours every day in the classroom during which his intellectual, physical, emotional, and cultural development are encouraged. Yet even a moment of silent prayerful meditation or reflection is considered unconstitutional. The student is educated in political theory and sex education, music and art, baseball and football, hygiene and home economics; indeed, he is instructed in virtually everything conducive to a constructive character, yet even a moment of silent prayer may not be part of a balanced school day. President George Washington's Farewell Address contained insightful guidance on this point:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensible supports. . . . Whatever may be conceded to the influence of refined education on the minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

The current Court's policy nonetheless mocks the intent of the framers of the first amendment. The establishment clause was simply not drafted to bar appropriate accommodations between government and religion in general. In the name of honoring the intent of the authors of the Constitution and preserving the religious prerogatives of school students and all Americans, the Congress should act to correct the Supreme Court's misconceived rulings.

ARTICLE III, SECTION 2

The language of article III itself seems to counsel Congress to use caution with regard to the Supreme Court's jurisdiction. Section 2 of article III lists the Supreme Court's original jurisdiction and then proceeds:

> In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, with such exceptions, and under such regulations as the Congress shall make.

This language already seems to imply some limitations in Congress' authority. Congress could not, for instance, withdraw all appellate jurisdiction of the Supreme Court because in

that instance it would not be making an exception at all. Nor could Congress make a sweeping withdrawal of all jurisdiction to review cases dealing with the Bill of Rights. As the word "exception" implies, Congress' power relative to the entire corpus of the Court's appellate jurisdiction is limited to making rare and narrow diversions from the normal course of permitting the Court to hear appeals.

At this point, it is important as well to understand the distinction between article III, section 1, which gives Congress authority to create "from time to time * * * inferior [Federal] courts" and article III, section 2, which deals with the appellate jurisdiction of the Supreme Court. As the Supreme Court has repeatedly reaffirmed, the power to create or dissolve lower Federal courts inlcudes the power to define, limit, or withdraw lower Federal court jurisdiction. For instance, Chief Justice Earl Warren stated:

> Congress might appropriately limit litigation . . . pursuant to its constitutional authority under Article III. *South Carolina* v. *Katzenbach*, 383 U.S. 301, 331 (1966).

Chief Justice Stone stated the same principle in these words:

> The Congressional power to ordain and establish inferior courts includes the power of investing them with jurisdiction . . . and of withholding jurisdiction. *Yakus* v. *U.S.*, 321 U.S. 414 (1944).

Finally, the Supreme Court has stated more recently that:

> . . . the Constitution . . . leaves the scope of the jurisdiction of the federal district courts to the wisdom of Congress. *Allen* v. *McCurry*, 101 S. Crt. 411, 419 (1980).

Thus, withdrawals of jurisdiction like the Norris-LaGuardia Act governing labor disputes and the Tax Injunction Act governing challenges to taxing authority are enactments under article III, section 1, rather than section 2 which governs the Supreme Court's power to hear appeals.

The realization of the great responsibility placed upon Congress to shape Federal jurisdiction has always inspired careful and considered conduct. For precisely the reasons mentioned by John Rutledge of South Carolina in the 1787 Convention—that the Supreme Court assures the superiority and uniformity of constitutional policy—Congress has been and remains very cautious about using the exceptions power. This remains an uppermost consideration in my mind and in the views of most Senators as far as I can tell. This is entirely appropriate and in complete accord with the narrow applicability of the exceptions power.

Although Congress possesses a power, prudence often counsels against its use. For example, Congress has authority to plunge the Nation into a global war, but prudence counsels against precipitous use of the war declaration power. Similarly Congress has been appropriately reticent to wield its article III, section 2 power. That reticence should only be overridden when the dislocation associated with a focused restructuring of court remedies is far outweighed by the dislocations occasioned by an errant judicial policy. For instance, I might have recommended its use in the wake of the Dred Scott or Plessey versus Ferguson cases of another era. In any event the exceptions power has been and should be reserved for exceptional circumstances. (See 96 F.R.D. 245 (1982)) Alexander Hamilton wrote that the exceptions clause is a salutory means "to obviate and remove" the "inconveniences" arising from injudicious use of judicial power.

PRUDENTIAL RESERVATIONS ABOUT THIS AMENDMENT

As I have mentioned several times, the language of the Constitution suggests that Congress' article III, section 2 power ought to be used sparingly, perhaps only in "exceptional" circumstances. This requires that we make clear delinations between legal issues and policy considerations. As a matter of law, the Constitution grants Congress some authority to regulate Federal court jurisdiction, but as a matter of policy, this public school prayer issue does not, in my view, warrant the exercise of this powerful check on the Court.

I continue to feel that the Court should receive the opportunity to reconsider this error. Withdrawing jurisdiction from the Supreme Court will deny the Court the opportunity to hear other cases and thus reverse its error. Given the narrow margins of decision, the shifting positions of some Justices, and the fine distinctions in some of the recent religion case holdings, the Court should be afforded the opportunity to reconsider its recent opinions. The most efficient and appropriate way to correct a Supreme Court error is, of course, for the Court to return in a later case to a policy based more solidly on the language of the Constitution and the intent of its authors. This would be precluded by S. 47.

Another consideration counselling against withdrawal of jurisdiction is that the Court's most recent misguided pronouncements remain as binding interpretations of the Constitution. State Supreme Courts which would, in the absence of an appeal to the Federal judicial system, serve as courts of final resort would presumably continue to apply erroneous doctrines as the last authoritative expression of the Supreme Court on that subject. Some might argue that State courts could depart from Supreme Court rulings in the absence of an appeal, but there is no guarantee that those departures would return to an apt reading of the Constitution. Some State courts might stray even further from the moorings of the Constitution.

Finally, and perhaps most important, Congress has at its immediate disposal a corrective which does not suffer from the uncertainties of a jurisdiction withdrawal. In 1982, President Reagan recommended the adoption of a constitutional amendment on the school prayer issue. Hearings were held in both the 97th and 98th Congresses on his proposal. Indeed the Senate voted last Congress in favor of the amendment, but not by the two-thirds margin required for approval. The detailed consideration of this proposal led to the development of an alternative constitutional amendment proposal in 1983 concerning silent prayer or meditation. This was more than a year before the Jaffree decision which struck down Alabama's statute permitting a moment of silent prayer or meditation in public schools. This constitutional amendment proposal would have the well-defined effect of reversing the Jaffree ruling and restoring the proper meaning of the first amendment establishment clause.

This proposal, Senate Joint Resolution 2 in the current Congress, has already had the benefit of another hearing which further focuses the intent of its drafters and clarifies our intent to redirect the Court's establishment clause doctrines. Senate Joint Resolution 2 was approved by the Constitution Subcommittee earlier this year by a vote of 4 to 1. It is now on the Senate Judiciary Committee calendar where it should be considered in an orderly fashion within the next few weeks. This means that the Senate, if it so desired, could have Senate Joint Resolution 2 before it in the very near future.

The language and legislative history of Senate Joint Resolution 2 are clear and certain. This is a remedy for the missteps of the Supreme Court which does not depend on what a variety of different State courts might or might not do if presented with a case that allows them the leeway to enunciate a new policy for their State concerning religious liberties.

Given the ready availability of a superior correction and the inherent uncertainties in the withdrawal of Supreme Court jurisdiction, I would urge my colleagues to channel their efforts into that better avenue. The Supreme Court's misinterpretations of the establishment clause must be set straight. The Congress has the authority to restrict the Court's jurisdiction. But restricting the appellate jurisdiction of the Supreme Court is not in this case the best way to achieve the Senate's objective. Accordingly, I commend to the Senate Joint Resolution 2 as the better way to achieve the meritorious objectives of this amendment.

CONCLUSION

In light of these considerations, I must reluctantly vote to table S. 47. The means it employs to reach the admirable objective of correcting the Court's school prayer policy could have counterproductive consequences. Congress must exercize its authority more judiciously and not in a manner likely to be rejected by the Supreme Court itself.

Mr. THURMOND. Mr. President, I strongly support S. 47, the proposed Voluntary School Prayer Act of 1985. This important legislation would restore to our Nation's children the right to pray voluntarily in the public schools—a right which was freely exercised under our Constitution until the 1960's when the Supreme Court ruled to the contrary.

Mr. President, in the course of its history, our Nation clearly has been guided by a visible faith in God. In the Declaration of Independence our forefathers wrote:

> We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.

In crafting the Constitution, our Founding Fathers sought, through the free exercise clause of the first amendment, to ensure that all Americans were free to worship God without Government interference or restraint. At the same time, they sought, through the establishment clause, to prevent what had originally caused many colonial Americans to emigrate to this country—an official, state religion. In their wisdom, the Founding Fathers recognized that true religious liberty precludes the Government from both forcing and preventing worship.

Until 1962, the establishment clause of the first amendment was generally understood only to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. I believe that this was the clear intention of the Founding Fathers.

In 1962, however, the Supreme Court ruled that devotional activities in the public schools is a violation of the first amendment, regardless of whether student participation is compulsory or voluntary.

Mr. President, we, as a nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a nation "under God," The coins in our pockets are inscribed with the motto, "In God We Trust." In this body, we begin our workday with the comfort and stimulus of voluntary group prayer—such a practice has been constitutionally upheld by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay, by appropriate means.

That is why I support this legislation, which would deny the Supreme Court and the Federal district courts jurisdiction in cases involving voluntary school prayer. I believe that Congress is explicitly given the authority to take this action by article III, section 2 of the Constitution. I am hopeful that this legislation will be enacted and once again our children will have the freedom to exercise in public schools what I believe to be a primary guarantee to all citizens under the Constitution—the right to pray voluntarily.

Mr. DIXON. Mr. President, S. 47 would prohibit the Federal courts, including the Supreme Court, from jurisdiction over all future cases arising from State laws or practices relating to "voluntary prayer, bible reading, or religious meetings in public schools or public buildings."

I am opposed to this court-stripping proposal.

As you know, in 1984, I opposed the administration's constitutional amendment authorizing audible, vocal prayer in our public schools. However, as an alternative to that proposal, I offered a silent prayer or silent reflection amendment.

The Dixon silent prayer or silent reflection amendment stated the following:

> Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.

In addition, you may remember that the Dixon amendment would have permitted equal access to public schools by student voluntary religious groups. The provision was as follows:

> The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion.

As you know, the Dixon amendment and the administration's proposal were rejected by the Senate. However, an equal access provision was enacted in the Education for Economic Security Act, Public Law 98-377, which I supported.

I believe that the 1984 Dixon silent prayer or silent reflection proposal was and is the correct approach for this Congress to take. As a lawyer, I hesitate to limit the Federal courts, including the Supreme Court, from reviewing a subject as important to this country as voluntary prayer in and equal access to our public schools.

Senator HATCH has proposed Senate Joint Resolution 2 which is currently pending in the Senate Judiciary Committee. It is very similar to the Dixon silent prayer or silent reflection proposal of 1984. Senate Joint Resolution 2 is a measure that I could support.

Mr. President, I will vote "yes" on a motion to table S. 47.

Mr. KENNEDY. Mr. President, I am strongly opposed to this legislation which would strip the Supreme Court of jurisdiction to review any State action relating to voluntary prayer in public schools.

It is an unconstitutional and unwarranted attack on the Supreme Court of the United States. The fundamental question we are facing in the Senate has nothing to do with the issue of school prayer. The sole question is whether the proper way for Congress to address the issue of school prayer is to enact legislation stripping the Supreme Court of jurisdiction to hear and decide cases on this issue. That is the wrong way to deal with the issue of school prayer, and I hope that the Senate will have the wisdom to reject this extremist attempt to deny the Supreme Court an important part of its constitutional jurisdiction.

This proposal is extraordinarily significant. It strikes at the core of the separation of powers enshrined in our Constitution. It is ironic that as we approach the bicentennial anniversary of the adoption of the U.S. Constitution on September 17, 1787, we are debating legislation that would undermine the carefully crafted checks and balances that are the genius of our Constitution.

This legislation would remove from the Supreme Court its constitutional authority to determine violations of the establishment clause. In place of the determination of fundamental constitutional protections for all U.S. citizens by one judicial body, the Supreme Court, this bill would substitute 50 different judgments by State courts on the subject of religious liberty, the cornerstone of our democracy. This result is anatheme to our constitutional form of Government and directly contrary to the intent of the framers.

Explaining the importance of the Federal judiciary, Alexander Hamilton wrote in the Federalist No. 80:

> . . . there ought always to be a constitutional method of giving efficacy to constitutional provisions. What, for instance, would avail restrictions on the authority of the State legislatures, without some constitutional mode of enforcing the observance of them? The States, by the plan of the convention, are prohibited from doing a variety of things, some of which are incompatible with the interest of the Union and others with the principles of good government. . . . No man of sense will believe that such prohibitions would be scrupulously regarded without some effectual power in the govern-

ment to restrain or correct the infractions of them. This power must either be a direct negative on the State laws, or an authority in the federal courts to overrule such as might be in manifest contravention of the articles of Union. There is no third course that I can imagine. The latter appears to have been thought by the convention preferable to the former, and I presume will be most agreeable to the States.

. . . If there are such things as political axioms, the propriety of the judicial power of a government being coextensive with its legislative may be ranked among the number. The mere necessity of uniformity in the interpretation of the national laws decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government from which nothing but contradition and confusion can proceed.

The judicial review by the Supreme Court of all fundamental constitutional issues envisioned by the framers has been the rule of law for nearly 200 years.

In 1961, in his first formal address as Attorney General of the United States, Robert Kennedy emphasized America's historic debt to law as the source of freedom:

He said:

Law is the link [to] freedom, we know that it is law which creates order out of chaos. And we know that law is the glue which holds civilization together.

The bill now before us is an attempt to break that bond. It is an attack on our basic freedoms. It is an insult to the Supreme Court and an affront to the Constitution. What is at stake is the preservation of the rule of law, the foundation on which all our other liberties rest.

There is no sound precedent for this scheme to abolish Supreme Court review of sensitive contitutional questions.

In the frequently cited case of ex parte McCardle in 1868, the Supreme Court acquiesced in congressional action removing one avenue of review in habeas corpus cases. But this legislation merely repealed a specific 1867 statute authorizing certain habeas corpus claims of unconstitutional imprisonment arising out of the Civil War to be appealed to the Supreme Court. As the Court made clear in its subsequent decision in ex parte Yerger in 1869, Congress had left intact the broad authority of the Supreme Court under the Judiciary Act of 1789 to review lower decisions on habeas corpus.

In a number of other circumstances, Congress has specified the particular methods by which judicial review can be sought. But Congress has never withdrawn the jurisdiction of the Supreme Court to decide constitutional issues.

The authority of the Supreme Court to make the final determination of constitutional issues is vital to our constitutional system. The supremacy clause of article VI of the Constitution states:

This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.

The framers recognized that a single supreme judicial body with authority to review State laws was essential to effectuate the supremacy of the national Constitution.

In the Federalist No. 22, Hamilton writes:

A circumstance which crowns the defects of the Confederation remains yet to be mentioned—the want of a judiciary power. Laws are a dead letter without courts to expound and define their true meaning and operation. . . . To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one SUPREME TRIBUNAL. . . . If there is in each State a court of final jurisdiction, there may be as many different final determinations on the same point as there are courts. There are endless diversities in the opinions of men. We often see not only different courts but the judges of the same court differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence and authorized to settle and declare in the last resort a uniform rule of civil justice.

This is the more necessary where the frame of the government is so compounded that the laws of the whole are in danger of being contravened by the laws of the parts. In this case, if the particular tribunals are vested with a right of ultimate jurisdiction, besides the contradictions to be expected from difference of opinion there will be much to fear from the bias of local views and prejudices and from the interference of local regulations. As often as such an interference was to happen, there would be reason to apprehend that the provisions of the particular laws might be preferred to those of the general laws; from the deference with which men in office naturally look up to that authority to which they owe their official existence.

As Hamilton observed, a constitutional right without a strong, independent judiciary to safeguard it is meaningless. Our constitutional freedoms have endured for nearly 200 years because the integrity of the checks and balances by the framers enshrined in the Constitution has not been undermined. Past efforts such as this proposal to overturn unpopular decisions of the Supreme Court by removing its jurisdiction in certain types of cases have been rebuffed. These schemes have failed because Congress and the American people saw the true danger in such schemes. If we strike at the Supreme Court, we strike at the heart of the Constitution and the rule of law in America. That is why the HELMS' court-stripping bill must be defeated.

Mr. LEVIN. Mr. President, I wll vote to table S. 47, the proposed Voluntary School Prayer Act of 1985. The issue before us is not whether students should be allowed to pray in public schools. The issue before us is whether the Congress should interfere with the balance of power established in the Constitution of the United States. When similar legislation was considered by the Senate in 1982 I voiced my strong opposition to any bill that would strip the Federal courts of jurisdiction to hear cases concerning constitutional issues. I said then that if the Senate approved the pending amendment stripping the Federal courts of jurisdiction over voluntary school prayer we would "* * * undermine the very integrity of the Constitution."

Legal scholars have long debated the question of whether article III of the Constitution grants the Congress authority to determine the jurisdiction of the Federal courts over constitutional issues such as whether prayer in public schools is permissible under the first amendment. Even assuming the Congress does have such constitutional authority, it would establish a dangerous precedent to withdraw jurisdiction from the Federal courts where we disagree wtih the Supreme Court's interpretation of the Consitution. If the Congress strips the Federal courts of jurisdiction over school prayer cases because we disagree with the Court's interpretation of the first amendment, then we open the door to a never-ending congressional attack on the U.S. Constitution.

Additionally, removing the jurisdiction of the Federal courts to review State court decisions interpreting the U.S. Constitution will create disparity between the States and our system of a Federal Government will be placed in jeopardy. Because the lower Federal courts and ultimately the Supreme Court will no longer have authority to review State court decisions interpreting the Constitution, the Constitution will mean something different in each of the 50 States. For example, the first amendment, which has always been considered to provide the most important freedoms and rights to Americans, will no longer provide the same protections to all Americans. Instead, the protections provided under the first amendment will vary depending on where we live. I do not believe this is what the framers of the Constitution had in mind when they provided in article III, section 1 that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time establish," or when they provided in article III, section 2 that the Congress may make ex-

ceptions and regulations to the appellate jurisdiction of the Supreme Court. Congressional authority to limit the jurisdiction of the Federal courts under article III must be balanced against other provisions in the Constitution such as the supremacy clause. Without the Supreme Court to act as the final arbiter of the meaning of the Constitution, the supremacy clause has no force.

Mr. President, I have supported constitutional and reasonable legislative efforts to address the issue of the rights of public school students to engage in religious activities. I voted for final passage of the Equal Access Act, which requires that whenever a public school permits noncurriculum-related student groups to meet on school premises during noninstructional time, it must provide equal access to school facilities to other groups regardless of the religious, political, philosophical, or other content of the speech at such meetings. However, I cannot support S. 47 because it will undermine the U.S. Constitution which is the foundation of our system of government.

Mr. DENTON. Mr. President, I rise in strong support of S. 47. As a matter of both principle and law, I believe that the Congress must act under article III of the Constitution to correct the injustice created by the Supreme Court's continuing misinterpretation of the first amendment. The Court's recent Wallace versus Jaffree decision outlawing silent prayer in public schools illustrates the need for action.

Mr. President, I have listened with a great sense of discomfort as several of my colleagues have presented their arguments in opposition to the bill. They have contended that the exceptions clause cannot be used to deprive the Supreme Court of appellate jurisdiction in cases involving fundamental constitutional rights. No such limitation is found, however, in the language of the clause nor in the Supreme Court's interpretations of it.

The specious character of the argument is illustrated best in the matter of school prayer. The establishment clause was intended to reserve to the States the question of the establishment of religion. It is only in this century that the Court has expanded its own power to regulate the conduct of the States with respect to the establishment of religion. In other words, the Court interpreted the 1st and 14th amendments in a manner not envisioned by the framers, and now Congress is asked to accept any Court interpretation, no matter how outlandish, as a fundamental constitutional guarantee.

Mr. President, it also bothers me to hear my colleagues warn that "the Constitution will die" if we limit the jurisdiction of the Federal courts. The use of the article III power to curb a wayward judicial branch would restore vitality to the notion that the elected representatives of the people, not judicial appointees, have the right and responsibility to interpret the Constitution in a reasonable and just manner. Many of my colleagues appear to avoid the underlying issue by hiding behind timid interpretations of congressional and Executive power. Those of us who favor restoration of the right to voluntary prayer in public schools will not fall for that ruse.

I urge all of my colleagues who support voluntary prayer to support S. 47.

Mr. BAUCUS. Mr. President, today I rise in strong opposition to S. 47.

As everyone in this body knows, S. 47 is designed to remove Supreme Court and lower Federal court jurisdiction over State cases involving voluntary school prayer.

The sponsors of S. 47 say it is simply a school prayer bill. They say it is only meant to correct incorrect Federal court decisions on the meaning of the Constitution's establishment clause.

But, Mr. President, S. 47 is something far more profound than that. In reality, it is a dangerous and fundamental assault on the independence of of Federal judiciary and the continued validity of the doctrine of separation of powers. It is a legislative attack that threatens to undermine the vital role the courts have traditionally played in the American system of constitutional government.

Mr. President, I began my public service in Congress at a time when another branch of Government—the Presidency—was embroiled in a serious crisis. As a member of the so-called "Watergate class" of 1974, I am proud to have participated in fashioning the sweeping post-Watergate reforms that included the Ethics in Government Act and the campaign finance laws.

But the real legacy of Watergate is that it demonstrated to all of us the wisdom of the framers of the Constitution. We saw the strength of a system of checks and balances that provided for a Presidential impeachment hearing in the House of Representatives. We witnessed the need for the total independence of the Federal judiciary that enabled it to reach its landmark decision in United States versus Nixon.

In sum, we saw that our Government could fully respond to a crisis of major proportions within the framework provided by the Constitution.

Today, people no longer seem as concerned by the threat of an "imperial Presidency." Instead, many Americans are concerned by the threat of an "imperial judiciary." They see the courts as exceeding their constitutional authority in numerous instances:

Courts have imposed mandatory busing orders on school systems.

Courts have stepped in to prevent States from requiring prayer in schools and from prohibiting abortions.

Courts have taken over the administration of State prisons and mental institutions.

I do not wish to argue about whether this picture of the judiciary is an accurate one. I am personally troubled by those judicial decisions that do not carefully and narrowly construe legislative intent. I am equally troubled by those decisions that impose solutions that look more like statutes than case law.

But I am here today because I believe there is a growing movement in this country to address perceived judicial abuses in a manner that is far more damaging than the abuses themselves. Members of the "new right" are proposing solutions, like S. 47, that present a much greater threat to our system of Government than any potential threat we face from our courts.

During the Watergate period, Congress and the courts were very careful to proceed within their constitutionally prescribed roles. Today, those in Congress attacking the "imperial judiciary" are paying little attention to the letter or spirit of the Constitution. They are asking this Nation to embrace solutions that would seriously undermine the essential function of the courts in the American system of Government.

OBJECTIVES OF COURTSTRIPPING PROPOSALS

The framers of the Constitution designed a judicial branch that could protect the integrity of the Constitution. They also designed a judiciary that could assure that individual liberties would not be abridged. Alexander Hamilton stated in Federalist Paper 78 that it is the duty of the courts "To declare all acts contrary to the manifest tenor of the Constitution void. Without this," he observed, "All reservations of particular rights or privileges would amount to nothing."

This concept of the judicial branch was reaffirmed and expanded in Marbury versus Madison. The decision declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution. One hundred and fifty years later, in Cooper versus Aaron, the court observed that the principle of Marbury:

> Has ever since been respected by this court and the country as a permanent and indispensable feature of our constitutional system.

Until recently, the role of the Supreme Court as the final arbiter of the terms of the Constitution has not been seriously challenged. Throughout our Nation's history it has been recognized that an interpretation of the Constitution by the Supreme Court could only be altered by the Court itself or by a constitutional amendment.

On four different occasions during the past 200 years, our Nation has responded to controversial Supreme Court decisions by using the constitutional amendment process. Even in the wake of the infamous Dred Scott decision, which held that black Americans were not citizens, it was recognized that the proper way to alter the decision was by constitutional amendment. Abraham Lincoln, who profoundly disagreed with the ruling in Dred Scott, nevertheless emphasized the need for a stable constitutional structure. He commented:

> We think (the Supreme Court's) decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution.

But today, several single-issue constituencies have failed to mobilize sufficient support to pass constitutional amendments to overturn constitutional decisions with which they disagree. They have responded to this failure by advocating legislative measures, like S. 47, which would effectively "end-run" the requirements of a constitutional amendment.

Their proposals would permit Congress to circumvent Supreme Court decisions by simple statute. They would have Congress respond to a court ruling it disagreed with by stripping the courts of the power to hear that category of cases. And it is this constitutional shortcut that threatens to undermine the constitutional role of the judicial branch.

IMPACT ON THE CONSTITUTION

The proponents of S. 47 and other courtstripping bills argue that the exceptions clause of article III of the Constitution provides Congress with absolute authority to carve out holes in the Supreme Court's appellate jurisdiction. Perhaps that argument is consistent with the specific letter of the Constitution. But it is clearly inconsistent with a logical constitutional structure and the spirit of that document.

Under the analysis offered by the proponents of S. 47, Congress' power over the Supreme Court is without limit. According to their theory, Congress could dismantle any part of the Constitution it wanted and paralyze the Court from reviewing the conduct.

And that's what's most disturbing about court-stripping proposals. They would allow the Supreme Court to enforce only those constitutional guarantees that a majority in Congress said it could. They would thereby entrust to the most political branch of Government the responsibility for deciding which parts of the Constitution are of fundamental importance to all Americans and which are not.

Senator BARRY GOLDWATER, who is also an active opponent of court-stripping, has commented on this problem:

> What particularly troubles me about trying to override constitutional decisions of the Supreme Court by a simple bill is that I see no limit to the practice. There is no clear and coherent standard to define why we shall control the Court in one area but not another. The only criterion seems to be that whenever a momentary majority can be brought together in disagreement with a judicial action, it is fitting to control the Federal courts . . .

Mr. President, I share Senator GOLDWATER's concerns. I can't believe that this result was intended by the framers when they included the exceptions clause in article III.

We should also consider another consequence of court-stripping proposals. They would not remove constitutional issues from the Supreme Court and give them to Congress for interpretation and enforcement. Instead, they would turn those issues over to the court systems of 50 separate States. They would throw the principle of uniform constitutional interpretation out the window—and with it, the ability of the Constitution to serve as a meaningful national document.

We are one Nation with one Constitution. The first amendment should mean the same thing in Montana as it does in North Carolina. Our constitutional protections help to bind us a people.

Jurisdictional proposals, like S. 47, would allow Congress to undo that common bond by simple statute. Again, I can't believe the framers intended to give Congress that kind of power to undermine the spirit of the Constitution.

IMPACT ON THE COURTS

In the face of these legitimate and seemingly overwhelming constitutional concerns, court-stripping bills like S. 47 are still being actively considered in Congress. This is, in large part, because some Members of Congress believe the courts have blatantly violated their constitutional authority. They see these bills as part of an effort to get the courts back into line and encourage them to engage in more "traditional" and "stable" conduct.

However, it is difficult to imagine any set of proposals more inconsistent with the goals of stability or certainty in our judicial system than the court-stripping bills. No one, not even their proponents, really knows precisely what impact they would have on a specific body of law.

These bills could have precisely the opposite effect from what they are intended to have. For instance, withdrawing Federal court jurisdiction over school prayer would not necessarily return prayer to the public schools. In fact, it would be more likely to elevate the last Supreme Court decisions on the establishment clause to the "permanent" law of the land—to freeze the Court's most recent rulings for all time.

It is true, of course, that the Supreme Court would no longer be able to enforce its previous decisions. And the sponsors of these bills are counting on the State courts to jump headlong into the breach. The jurisdiction proposals are open invitations to State court judges to alter or reverse controlling Supreme Court precedent; otherwise, the bills would have no substantive impact.

The Conference of State Court Chief Justices has commented critically on this aspect of jurisdiction removal. Their 1982 resolution opposing court-stripping observed in part:

> These proposed statutes give the appearance of proceeding from the premise that State court judges will not honor their oath to obey the U.S. Constitution, nor their obligations to give full force to controlling Supreme Court precedents.

The simple fact is that court-stripping proposals like S. 47 would remove Federal court jurisdiction without offering State court judges any real indication of what standard they should follow in the future. Should they continue to feel bound by Supreme Court precedent, or should they accept the finding of the national Congress that the Supreme Court's rulings were incorrect?

I find it ironic that those who have been complaining the most about judicial usurpation of the legislative function are now promoting legislative solutions, devoid of any substantive direction, which would invite increased activism and disparate legal rulings.

IMPACT ON CONGRESS

The impact of jurisdiction bills on the Constitution and the judicial system has been underestimated. The same is true of the impact of these bills on Congress itself. If Congress decides to enter this arena, the pressure to respond to a wider range of constitutional rulings will increase. Every constituency that feels victimized by an adverse constitutional ruling will come running to Congress for a jurisdiction withdrawal bill.

The proponents of S. 47 and other court-stripping bills suggest these fears of congressional abuse are exaggerated. They argue that the jurisdiction bills each represent a narrow "surgical" removal of a limited area of jurisdiction.

But if Congress can remove Supreme Court jurisdiction over school prayer cases, why couldn't it pass stringent gun control legislation and include a provision to prevent Supreme Court review of any case involving the right to bear arms? Why couldn't Congress impose onerous and discriminatory taxes and include a provision to prevent Supreme Court review of the constitutionality of all Federal taxation

cases? Why couldn't Congress attempt to totally preempt the States from engaging in conduct traditionally within their power and remove Supreme Court jurisdiction over the 10th amendment?

These hypotheticals are not farfetched. They are the reasonable and logical extension of the strategy put forward in S. 47. And they should be carefully considered before Congress sets the precedent of court-stripping.

The question presented by S. 47 and other court-stripping proposals is simply this: Should we adopt measures that violate the spirit of the Constitution in order to address today's controversial political issues?

That was the same question that faced Congress in 1937 when President Roosevelt proposed to increase the size of the Supreme Court.

President Roosevelt was deeply troubled by a series of Supreme Court decisions that threatened the success of his national recovery program. He hoped to alter the composition of the Court so that the Court would uphold the constitutionality of his economic plan.

The people and Congress rose up and resoundingly defeated that plan. The American public and a majority of its representatives saw the "court-packing" plan for what it was—a significant threat to the independence of the judicial branch.

As we consider the court-stripping bill before us now, we should keep in mind the wise words of those who successfully defended the Supreme Court in 1937. Senator Burton K. Wheeler was one of those defenders, and his words apply with equal force today:

> So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. . . . Of course, Mr. President, there have been abuses in the Court. I have been one who has disagreed with them, and I expect to disagree with them again, but I am unwilling on the basis of some specious argument or of some subterfuge that defies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or any other. . . .

Mr. GRASSLEY. Mr. President, I want to thank Senator HELMS for pursuing the issue of voluntary prayer in public schools through statutory modifications. I fully support the right of citizens to pray in the public schools.

I have cosponsored a constitutional amendment to allow this right. However, in the past, both measures have been unsuccessful.

I, generally, oppose court stripping legislation. However, since this may be my only opportunity to vote on the exercise of the rights to pray in school, I must vote against the motion to table S. 47 so that the bill can proceed and be heard on the merits.

Mr. KERRY. Mr. President, 200 years ago, the Founding Fathers of this Nation set forth principles upon which our democracy is founded. One of the most important and fundamental of those principles, embodied in our Constitution, is the system of checks and balances between the executive, legislative, and judicial branches of Government. It is our system of checks and balances which has made American democracy unique in all the world, and which has provided us with a firm protection against tyranny and the abuse of power. We need only look back as far as the events of Watergate to see how effectively this system has worked to protect American democracy.

Today, Mr. President, our system of checks and balances and the integrity of our courts are under attack. The legislation which is proposed today would strip the U.S. Supreme Court, and the Federal district courts, of any jurisdiction over cases and questions involving so-called voluntary school prayer. Of course, the effects of this legislation would not be limited to cases involving school prayer. This legislation is an assault on the integrity of our court system, and an assault on the fundamental principles of American democracy.

The sponsors of this legislation have labeled their bill the "Voluntary School Prayer Act of 1985." A better, and more accurate, title would be the "Anti-Judiciary Act of 1985." What do the sponsors of this legislation have against our judiciary? The Constitution already provides a mechanism for the changes they seek. That procedure requires a two-thirds vote of approval by the Congress, and ratification by the States. The sponsors of this legislation have not followed that constitutional procedure. Instead, they have tried to sneak around the back way and pass this court-stripping bill under the guise of a so-called school prayer amendment, requiring only a simple majority vote. Their real purpose of this bill is not to permit Americans to pray—they can already do that without the interference of government—but its purpose is to strip the courts jurisdiction over all issues where their social agenda does not coincide with the U.S. Constitution.

Mr. President, if we were to pass this so-called school prayer bill today, tomorrow we would see the far right introducing legislation to strip the courts of jurisdiction over many other issues. This bill is the first step down a road that leads to the erosion and eventual destruction of the democratic values which have made this Nation great.

Mr. President, one other point needs to be mentioned in this discussion. Over 200 years ago, Thomas Jefferson wrote that the American system of democracy is based upon a "wall of separation between church and state." For two centuries that wall has stood firm, upholding the rights of freedom and religious liberty, free from governmental interference, that all Americans enjoy. Today, the far right seeks to tear down the wall of separation and to attack the principles which Thomas Jefferson espoused. They seek to extend governmental intrusion into the most private and sensitive areas of our lives, by forcing so-called voluntary school prayer into the public school classrooms of our children. Mr. President, I support prayer and the constitutional right of every American to private prayer. But support the bill is not the way to address private prayer. Sometimes the proponents of this legislation are carried away with personal belief that America is a Christian nation. They would like to do what is expressly forbidden by the establishment clause of the U.S. Constitution—that is, to establish an official religion in this country. This so-called voluntary school prayer amendment is only a first step in that direction.

Mr. President, I hope the legislation before us today, or measures like it, may never become law. But what concerns me even more is the fact that some are willing to erode our Constitution, our freedoms, and our democratic system. Perhaps at such times we would do well to remember the words of a great American jurist, Judge Learned Hand:

> Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.

Mr. MATHIAS. Mr. President, the bill before the Senate today, S. 47, is simply the latest step in a sustained effort during the last several Congresses to restrict the remedial powers or the jurisdiction of Federal courts.

I have opposed such jurisdictional and remedial limitations in the past; I oppose such limitations today, and I will continue to oppose them in the future. They are, in my opinion, contrary to the letter and to the spirit of the Constitution and, beyond that, they are unwise as a matter of public policy.

This is certainly not the first time court curbing has been a hot topic in America. In fact, it goes back to at least 1793, when the U.S. Supreme Court ruled in the case of Chisholm against Georgia. That decision raised a hue and cry of dreadful proportions. One newspaper said it "involved more danger to the liberties of America than the claims of the British Parliament to tax us without our consent." The Georgia House of Representatives reacted even more violently. It passed a bill providing that anyone who executed any process issued in the case would be "guilty of a felony, and shall suffer death, without benefit of clergy,

by being hanged." Fortunately for the citizens of Georgia, that bill died in the Georgia Senate.

The Chisholm decision was in fact overturned, in 1798, but it was done according to the procedures specified in article V of the Constitution. It was overturned by the adoption of the 11th amendment to the Constitution. Since then literally hundreds of legislative proposals have been introduced in Congress and in Senate legislatures to counteract controversial court decisions or to preclude unwanted judicial pronouncements. Often such proposals are made through the constitutionally proscribed method under article V. All too frequently however, proponents of a change in constitutional law try to achieve the effect of a constitutional amendment through the back door. S. 47 is such a back door approach.

In hearings before the subcommittees of both House and Senate Judiciary Committees during the 97th Congress, the overwhelming majority of legal scholars urged Congress not to enact any of these court jurisdiction proposals. The same arguments apply to this bill.

S. 47 is objectionable for many reasons, but one of its flaws stands out. It is wholly inconsistent with the clear and unambiguous language of article V of the Constitution which sets forth the constitutionally permissible means of amending our organic law.

To be sure, the Founding Fathers realized that constitutional changes would be needed periodically. They wanted the procedures for amending the Constitution to be more flexible than those in the Articles of Confederation, which required the unanimous agreement of the States. But they did not want to make the process too easy. Only after lengthy debate was a compromise struck that, in the words of James Madison:

> Guards equally against that extreme facility, which would render the Constitution too mutable; and the extreme difficulty, which might perpetuate its discovered faults.

This amendatory procedure set forth in article V of the Constitution was designed specifically to deal with the types of changes in the Constitution—in this case, a change in the establishment clause of the first amendment—sought by the proponents of S. 47. But it would be a mistake to substitute congressional legislation for the carefully crafted procedures set forth in article V.

I oppose the substantive change that would be accomplished by enactment of S. 47. The goal of this legislation is to disrupt the carefully crafted relationship between church and state that has served our Nation well for nearly two centuries. By separating government and religion, we have bolstered the legitimacy of civil authority while we have nurtured an unparalleled diversity of religious expression among our people. When proposals to weaken the establishment clause of the first amendment have been presented in the proper form, as amendments to the Constitution, I have opposed them. In this case, however, the proposal before us is fatally flawed in form as well as in content, because it attempts to alter the commands of the Constitution by simple statute.

With all due respect to my colleagues in the Senate, I side with our Founding Fathers on how to go about altering our organic law. Their approach has stood the test of time and has served us well. It should be conserved.

Mr. SYMMS. Mr. President, I am pleased to support S. 47, the school prayer legislation offered by my friend, Senator HELMS. The essence of this bill is to remove the further consideration of religious matters from the purview of Federal bureaucrats and politicians, to return them to the States, and to the people themselves.

Mr. President, this country was founded on prayer, by God-fearing people who knew they must preserve prayer. Many good points have been made regarding the intentions of our Founding Fathers. It is true that the framers of this Nation were unabashedly religious. They saw Divine Providence at the heart of everything they did, and their daily affairs were motivated by and in consonance with their religious convictions. The Founders intentionally omitted references to organized religion in order to keep their new Government from becoming entangled with any one church or denomination. They knew first hand the dangers of religious factionalism, and the injustices of official religious persecution that were suffered even at the hands of colonial authorities.

Nevertheless, the Founding Fathers never intended to remove religion from the hearts of those who govern, and certainly not from the lives of our schoolchildren.

Further, I happen to agree with many that we need to demonstrate to our young that we consider religion sufficiently important to insist upon the right to pray. We want them to act morally, but will not do so ourselves. We will not limit pornography, but we will limit prayer. We cannot see the need to curtail the violence and explicit sexual conduct on television, but we will prohibit prayer in our schools.

I, for one, see a clear conflict of purpose between preventing established religion and the de-facto establishment of functional atheism in the lives of our children.

Recent court actions have more than adequately protected the nonreligious sector of our society, but at the same time have clearly restricted religious activity.

While the lack of religious beliefs by certain groups is their right, I do not believe that their views should set the norm for the rest of this Nation.

Our Nation was formed by moral and religious beliefs. To allow the continued erosion of this important part of our heritage would be to undercut the raising of our children and would jeopardize the strength of our Nation and society.

No one's beliefs—religious or otherwise—are jeopardized by this prayer amendment. One characteristic of American religious freedom is its capacity to allow not only a clear and unhindered choice between a wide variety of religious expressions, but also that it allows for an unfettered and unthreatened choice between religion and no religion. We may believe what we choose.

However, as a result of well-meaning, but wrong decisions by judicial officers, our country is now subjected to an improper policy in the name of religious impartiality. Free exercise of religion has been sacrificed in favor of free exercise for the nonreligious. On this basis, our courts have moved to disallow religious prayer by those who, by virtue of their youth, are in school.

I object to this state of affairs, but it is not simply to reverse this trend that I support S. 47.

This bill is a moderate approach in addressing this problem. Its essence is to allow for freedom of choice and local control.

S. 47 cannot and will not put prayer into—or back into—anything. It will not require prayer, silent or otherwise, in any classroom. It will not require or allow the reading of the Bible or Koran anywhere. It will not establish any form of acceptable theology or spiritual practice for anyone, anywhere.

What this bill will do is remove the further consideration of this issue from the Federal level. The individual States and local school districts will once again be empowered to decide the question of religious conduct in their own schools.

I realize that some discretion may be expected on the part of school officials in the interpretation of any statute. I realize, also, that individual circumstances may present a very fine line between legitimate religious exercise and simple disruption. There are effective means, however, to deal with individual excesses on the local level, without enforcing universal criteria on a national level.

Why not place our trust in the hands of those close enough to the issue to deal responsibly with it? Have we completely lost our respect for—and trust in—the American character and sense of fair play that has made us the great Nation we are today? Must Congress continue to be em-

broiled in the daily moral affairs of the American people?

I think it is very important to reemphasize that this amendment will not require anyone to participate in any prayer or religious exercise. It will not require school boards or other State and local government agencies to permit students to pray in school. It will simply remove present obstacles which prohibit voluntary prayer nationwide. If States or school boards want to exclude prayer from their schools, they will be as free to do so as they are now. But they will also be free to permit voluntary prayer—a choice they do not have today.

Mr. CHAFEE. Mr. President, this act would remove from the jurisdiction of the Supreme Court and the district courts cases involving prayer, Bible reading, and religious meetings in the public schools. Despite the obvious religious and educational ramifications of this bill, the central issue here does not fall in either of these areas. What we are really considering here is a constitutional issue: whether or not Congress should be allowed to upset the delicate balance of power which lies at the heart of our political and legal institutions.

In stripping the Supreme Court and district courts of their jurisdiction over school prayer and religious activities in the schools, the bill attempts to circumvent the first amendment's enjoinder against laws respecting establishment of religion. I believe that the only proper and legal way to protect school prayer is to amend the Constitution, not to build an artificial, extraconstitutional shield, which is what this legislation would do.

As the forum for redress of legal grievances and the ultimate authority on interpretation of the law, the Federal judiciary has served as an independent and equal arm of our democratic system. I am opposed to the kind of court stripping called for by this bill, which is nothing more than an attempt to work around the American legal system's established channels for settlement of disputes. It is a means of protecting certain questions from the purview of the Federal courts, which have always provided a necessary counterbalance to the other two branches of Government.

By denying all Federal courts jurisdiction over certain kinds of cases, this legislation would effectively exempt certain laws from constitutional interpretation. Only by amending the Constitution may Congress grant permanent protection to certain important principles. This act attempts to create a shortcut alternative to the amending process. In so doing, it poses a serious danger to the separation of powers that has given a strong measure of equilibrium and fairness to our legal and political system for almost 200 years.

This is not the first time that court stripping has been the subject of debate here, and many of this country's most respected legal authorities have strongly opposed it as unconstitutional. These include the American Bar Association, the Conference of Chief Justices, the National Bar Association, the Federal Bar Association, the American College of Trial Lawyers, and 55 deans of leading law schools.

This act would set a dangerous precedent of special, congressionally granted exemptions for certain classes of legal actions. As some of our country's most respected legal scholars have argued, there is only one way to achieve the ends sought by this act—through constitutional amendment. Constitutional amendments regarding school prayer have come before this body in the past, and undoubtedly we will consider these kinds of measures again. That will be the appropriate time to deal with the merits of establishing organized school prayer. This legislation addresses the issue in a manner which represents an abuse of the powers of this body. I urge my colleagues to oppose its passage.

Mr. NICKLES. Mr. President, today we are voting on whether or not children will be granted religious freedom in public schools. Starting in 1962, the Supreme Court has consistently overturned the laws of the majority of States and worked to curtail voluntary religious expression in the classroom. Unfortunately, there are no indications that this trend of hostility toward religious freedom is going to abate. Congress must act to change this tendency of the Court to legislate rather than interpret the Constitution.

In December 1984, the Supreme Court took up another case dealing with school prayer. The case, Wallace versus Jaffree, presented the Justices with the opportunity to return religious freedom to schools. Those in Congress, parents across the country, and others held their breath. Perhaps this would be the long-awaited return of the pendulum back to a historical interpretation of the amendment.

Unfortunately, instead of moving back to the direction established by our Founding Fathers, the Supreme Court restricted our intended religious freedoms even further by ruling in opposition to a moment of silence in the classroom.

The case involved an Alabama law which allowed their public classrooms to start the day with a moment of silence. The authorizing legislation indicated this moment was "for meditation or voluntary prayer." The State law did not require a school system to practice such a moment of silence, nor did it require the moment be used for prayer. It was simply a statute which allowed for freedom of expression, albeit in silence, in the public classroom. Children with a religious orientation could pray. Children who wanted to think about something else could do so.

The Supreme Court held that this law establishes a religion because it mentions prayer as one possible activity during the period of silence. It is inconceivable to me that anyone could believe that mentioning prayer as an option for schoolchildren poses the threat of establishing a State religion. This does not rate as an endorsement of religion any more than mentioning meditation as one possible activity means that Alabama is endorsing meditation as a way of life for their schoolchildren.

Rather than protecting our religious freedom or even maintaining a "neutral stance" as they have asserted, I believe that this Supreme Court ruling and the others on this subject have demonstrated a hostility toward religion. They have moved this country from religious freedom to the prohibition of voluntary vocal prayers, and now to prohibiting silence that might be used for prayer in the classroom.

Given this dismal record on school prayer issues and the outlook for the future, I believe it is time to send a strong signal to the Justices through congressional action. Congress should be a reflection of America's commitment to seeing religious freedom preserved as intended by our forefathers.

When the Supreme Court ruled that vocal voluntary prayer in public schools was prohibited, they reversed the laws of over 40 States which permitted it in their classrooms. Now, in ruling that a moment of silence for prayer or meditation is unconstitutional, they have rolled over the legislative bodies of 24 States which allowed a moment of silence. Public opinion polls show that over three-quarters of the American public support voluntary prayer in public schools. The Senate has voted on this issue before and found that a majority of Senators are in support of voluntary prayer in public schools. How long will it take before the Supreme Court stops making public policy rather than interpreting the Constitution?

I support S. 47 because it would return the option to States to have voluntary prayer in their schools. But, I also cast my vote as a signal of my strong disagreement—and that of my constituents—with the U.S. Supreme Court's rulings which are moving us toward an increasingly secular society. I do not support the Government mandating participation in religious activities. I also do not support the Government prohibiting participation in religious activities. In other words, I support true freedom of religion, and not the current interpretation by the Court. I would hope that the Justices

would apply both clauses of the first amendment, which says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Today we can move back to the balance that our forefathers intended.

Mr. MITCHELL. Mr. President, the measure before us today does not deserve to be enacted. It embodies a profoundly mistaken approach to its goal. Were it to succeed, it would undermine the independence of our judiciary.

This bill is not, as its sponsors claim, a straightforward effort to modify one aspect of the Supreme Court's jurisdiction. It is an attempt to overturn by legislation the Supreme Court's decisions on matters of constitutional law.

The bill is based on an extremely broad interpretation of article III of the Constitution. Proponents of this bill claim that article III confers upon Congress an ability to define the content and reach of constitutional rights directly.

I do not find this claim persuasive. The congressional power to enforce constitutional protections is not identical to the fundamental power to define them. Yet this bill rests on precisely such a confusion.

Since the earliest days of our Government, the Supreme Court has been the final arbiter of constitutional meaning. To the Court alone is granted the power of defining constitutional rights and guarantees. To the Congress is granted the authority to enforce them.

This bill would move us beyond that authority. It would create a congressional right to choose which constitutional rights shall enjoy the full protections of the courts and which shall not.

The Constitution grants us no authority to make such choices. So I oppose this bill on the most fundamental grounds: it is unconstitutional.

As a practical matter, this bill is nothing more than an effort to alter by legislative majority a constitutional judgment of which the proponents disapprove.

Such efforts by Congress and the Executive to control the judiciary are not new.

In the early 1900's, when the Supreme Court was routinely striking down progressive social legislation, bills were introduced to abolish "the Supreme Court's power to pass upon the constitutionality of statutes."

Later, in the 1930's, when Franklin Roosevelt's New Deal programs met resistance in the Supreme Court, he sought to pack the Court to guarantee a Court majority favoring his policies.

In the 1950's, when the Federal courts attempted to curb the witchhunting activities of Senator McCarthy, a bill was proposed to prohibit the Federal judiciary from ruling on any statutory or agency action aimed at alleged subversives.

All these efforts have one feature in common: They represented a desire to impose a political preference on the judgments of an independent judiciary.

And fortunately for our Nation, these efforts have just one more thing in common: They failed and that is a good thing because they deserved to fail.

Today's effort differs not at all from those which came before in either its inspiration or its effects. And like those earlier attempts, it too deserves to fail.

It deserves to fail on the very practical ground that it would disrupt the uniformity of Federal constitutional interpretation. The first amendment should offer the same protections in one State as in another.

To permit the courts of the 50 States to set different interpretations of constitutional terms—whether of first amendment terms or any other—would permit, if not invite, the destruction of the Constitution as a meaningful national document.

The ultimate safeguard in our system of government is the independence of our judiciary from political control. Although this bill strikes at just one issue on which the Court's rulings are controversial, its effect would be no less than to undermine that independence. In so doing, it would strike at the separation of powers which has safeguarded our people against an overweening government for over 200 years.

It has been my privilege to serve in all three branches of this system—in the executive branch as a U.S. attorney; in the judiciary, as a Federal district court judge; and now in the legislative branch as a Senator representing Maine. I have learned on a firsthand basis that each branch has a different responsibility, and that each is necessary to make our constitutional system work.

It is only the judiciary, however, that is not—and should not be—responsive to an electoral constituency. A significant role of the independent judiciary is to protect the constitutional rights of individuals, of minorities, of our system of democratic procedures itself, even in the face of systematic political attack.

For Congress to limit the breadth of issues with which Federal courts can deal would undermine that independence.

Adoption of this bill would be to adopt the principle that the judiciary's ability to protect constitutional rights can be overruled by a simple majority of the Congress. But if Congress can determine what rights may be reviewed, Congress can effectively decide what rights exist.

This would be a profoundly radical reordering of our system. It would leave the judiciary to operate at the sufferance of the legislative majority, subject to having its powers limited at any time on any issue on which a politically or socially unpopular decision was reached.

Although such a result might make a political majority or a politically influential minority happy at the immediate outcome, it would pose no less a potential threat to its supporters than to its immediate opponents, for it would eliminate the protections that both supporters and opponents of this bill depend upon when other issues arise.

There is a constitutional method available to alter the outcome of a Court ruling when a Court ruling offends sufficiently strongly a substantial majority of our people.

That is the route of the constitutional amendment, not the back-door method of denying to the Supreme Court its fundamental authority to rule on the meaning and application of the Constitution.

The court-stripping bill before us today responds to the desire of some to short-cut that amendment process to rectify one currently-felt shortcoming in our society.

Those people share a common and mistaken perception that the independence of the judiciary is an obstacle to a higher good.

The anchor of our system remains the separate and independent judicial system, acting on statutes devised by an elected, responsive legislature, and carried out by an elected, responsive Executive. Without that anchor, the Constitution would, indeed, be all sail. Our Government—and our liberties—could be blown hither and yon by the partisan, fleeting demands of temporary majorities.

To respond to temporary dissatisfactions by taking apart the careful structure of checks and balances in our Government would be to provoke a constitutional crisis which our dissatisfaction does not warrant and for which the remedy would be more destructive than the problem.

Those who advocate such a change ignore, as they should not, the connection between methods and goals.

Ours is not a society that believes that all means are valid in pursuit of desirable goals. Rather, our society is based on the principle that some means are never acceptable, no matter what the goal.

The issue at stake in this bill is highly controversial. But even if there were broader and more general agreement upon it, the question is not the goal of the bill. It is the means by which that goal is sought.

Can any socially desirable goal—regardless what it is—take precedence

over the fundamental law of the land? Can we strengthen our society if we weaken the ability of our institutions to apply the law in practice?

Our Constitution recognizes the fact that government, law and justice will be administered by human beings. It takes account of the fact that human beings are often short-sighted, often mistaken, often profoundly wrong.

The men and women who preside over our courtrooms reflect their society and their century. They are the products of contemporary experience. And it is for that reason that our courts are insulated from popular passions, from electoral returns, from political swings to left or right. Our system seeks to limit the extent to which human prejudice is systematically imposed on society.

Our courts are insulated from popular feelings for reasons which should be all too clear to anyone familiar with the judicial horrors of our century. We need only recall the Soviet courts, which recognize such crimes as "wrecking" the Soviet economy, or "anti-Soviet slander", or "malicious hooliganism". We have only to remember the despicable and infamous Nazi courts of the 1930's which swept away 200 years of German civilization with the implementation of the Nuremberg racial laws.

Those misapplications of law are not ancient history. They did not occur in the dim reaches of time, before human rights and liberties were enunciated, before there was a body of social thought which defined and defended the value of the individual. Those perversions of justice occurred in this enlightened century—they are still occurring. They occur within our lifetimes, and they were and are carried out by individuals who were willing to place an immediate social goal above the integrity of the law itself.

If we permit our temporary passions to override our permanent interest in maintaining the primacy of law, we will have done more than make a minor modification in the application of article III. We will have taken a dangerous step in the direction of undermining the integrity of our courts. We will have created a precedent here, in the United States, whose consequences can be read in the histories of other nations swept by popular passions.

We can never remind ourselves too often that the popular view today may be anathema to the next generation.

Legislatures can be mistaken. Presidents can be mistaken. Individual judges can be mistaken. The permanent bulwark of an independent judiciary is our protection against the institutionalization of such human error. It is our major shield against the legalization of prejudices, of fleeting passions, of irrational hopes and unreasonable fears.

Those who would tamper with that bulwark not only do a disservice to their contemporaries; they undermine the protections their own children will inherit. For the sake of their children and ours, they cannot be permitted to succeed.

Mr. DOMENICI. Mr. President, while I support the right of schoolchildren to participate in voluntary prayer in our public schools, I am unable to support the measure currently before the Senate. Although one of the stated goals of the Voluntary School Prayer Act of 1985 is "[t]o restore the right of voluntary prayer in public schools," the bill would achieve its goal by divesting the Federal courts of their power to review State statutes regarding a variety of religious activities in public buildings. The goal is admirable, one I have long supported, yet the methods the bill would employ to achieve those goals could lead to an erosion of the constitutional protection of freedom of religion rather than strengthening it.

The issue here is not school prayer. If that were the issue, I would lend my wholehearted support, as I have in the past. Over the past several decades, the Federal courts have been engaged in a persistent attack on the right of children to pray in school. The rulings of various Federal courts in recent years which have invalidated State laws establishing a moment of silence for prayer or a period of voluntary prayer in public schools are distressing. The actions of various school officials in response to such rulings, such as denying student organizations meeting space in public schools where the purposes of the meetings are religious, show that such rulings do not protect freedom of religion, but rather create a climate of hostility toward religious activity by public officials.

There has been a good deal of debate on whether Congress has the power to enact a law such as the one before us. I believe that it does under article III of the Constitution. I have supported similar measures to address abuses by the courts in the past, primarily in the area of busing. Yet I cannot support this measure because I believe it will lead to an erosion in the constitutional protection of freedom of religion.

It is precisely because I desire to protect the rights of every individual to worship freely that I oppose this bill. The issue is whether we shall protect the right of each individual to worship—or not worship—the God of his or her choice. Under this bill, each State could determine its own policy on religion based on the will of the majority in that State. This bill would deprive the Federal courts of the ability to protect the rights of religious minorities by divesting the Supreme Court and all the lower Federal courts of their jurisdiction to review State statutes regarding a wide range of religious activity. Thus, it would prevent the Federal courts from remedying even the most egregious abuses of the separation of church and state, such as where the majority deprives the minority of the right to practice the religion of its choice. This sweeping away of the protection of our Federal courts will not enhance religious freedom, but rather will greatly endanger it.

In closing, let me reiterate that the issue is not whether children should be allowed to pray in school, but rather whether our judicial system will be available to protect against the establishment of one particular religion in a position of preference as compared to others. Freedom of religion is a Federal right and it should be protected by the Federal courts. I, therefore, oppose this measure.

VOLUNTARY SCHOOL PRAYER ACT OF 1985

Mr. SIMPSON. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of S. 47, school prayer.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 47) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to vote without any intervening action on the motion to table S. 47 on school prayer unamended and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER (Mr. QUAYLE). Without objection, it is so ordered.

Mr. SIMPSON. I yield to my fine colleague from Connecticut.

Mr. WEICKER. Mr. President, I inquire of the assistant majority leader as to whether or not he and also my good friend from North Carolina are suggesting that we proceed to my motion to table immediately? There are those who desire to speak. I do not intend to try to cut off anybody.

Mr. SIMPSON. Mr. President, on behalf of the leadership, it is our intent to do it immediately.

Mr. WEICKER. I feel rather passionately on this subject. Indeed, I might add at least it will give it the dignity it should have as a freestanding issue rather than being tacked on to the Small Business Administration authorization bill.

Mr. President, this is not the first time the U.S. Senate has been asked to put itself on record regarding prayer

in the public schools and it surely will not be the last.

But we have reached a new stage in this debate and we should be clear what is being asked by this latest incarnation of school prayer in S. 47.

The stakes have been substantially raised in this debate. I have made no secret of my strongly held belief that instituting group religious practice of any kind in the public schools is a denigration of the Constitution.

Mr. President, this goes beyond denigration. It represents destruction of the separation of powers that makes our system unique in the governments of men. Why should citizens of the United States settle for two rather than three separate but equal branches?

Perhaps because S. 47 refers so directly to an issue considered critical by the framers of the Constitution, it has aroused the opposition of not only the Nation's major religious organizations, but also the president of the American Bar Association and former Attorney General William French Smith, among others.

It's no wonder, Mr. President, that legal scholars, despite their political dispositions and however they differ over personnel on the Federal bench, agree that Congress should never be allowed to prescribe the substance to come before that bench.

That is the essence of this legislation, court stripping, a blatant attempt to usurp the role of the Supreme Court and the Federal courts.

Where do we stop should this become law? Federal laws that protect the handicapped are considered a costly nuisance by some in our society, so are those protecting minorities or the rights of those imprisoned. Do we then consider stripping Federal judicial authority over the equal protection guarantees from Federal statutes and the 14th amendment? Should first amendment protections of the free press be left to the vagaries of State courts every time a powerful judge or politician is embarrassed in the newspaper?

As to the secondary issue at stake in this bill, school prayer, the Senate spoke on this matter during the last Congress. A constitutional amendment on this matter fell short of the required two-thirds majority by 11 votes.

As I said, Mr President, the Senate spoke last year but the Constitution spoke to the matter more than 200 years ago. Anyone has a right to pray at any time anywhere in this Nation. And the right not to pray. These rights should not be diminished by Congress and they will not be if we leave the Constitution alone.

Mr. SIMPSON. Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator for yielding.

Mr. President, I appreciate the cooperation of my friend from Connecticut and all other Senators in this connection.

We have debated this issue since I came to the Senate, and I appreciate the opportunity for the Senate to have a free-standing vote on this subject. I am prepared to vote.

Mr. PACKWOOD. Mr. President, I do not want to delay a vote. I want to find out from the acting leader what the situation is.

Are we having an extended vote because some people have to leave and some people are arriving? I have a few remarks I would like to make, but I do not know what previous arrangements have been made.

Mr. SIMPSON. Mr. President, the leadership is indicating that several Members on both sides of the aisle are pressed for previous commitments; and if the vote can be held as soon as possible, those commitments can be met.

To accommodate the Members on both sides of the aisle, we will extend the vote from 15 minutes to some longer period, until the Members have voted. That is the intent—to get to it immediately, if at all possible.

Mr. WEICKER. Mr. President, I move to table S. 47, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK] is necessarily absent.

I also announce that if present and voting the Senator from North Dakota [Mr. BURDICK] would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—62

Andrews	Danforth	Hatch
Baucus	DeConcini	Hatfield
Biden	Dixon	Heinz
Bingaman	Dodd	Hollings
Boren	Domenici	Inouye
Boschwitz	Durenberger	Kassebaum
Bradley	Eagleton	Kennedy
Bumpers	Evans	Kerry
Byrd	Glenn	Lautenberg
Chafee	Goldwater	Leahy
Chiles	Gore	Levin
Cohen	Gorton	Lugar
Cranston	Harkin	Mathias
D'Amato	Hart	Matsunaga
Melcher	Proxmire	Specter
Metzenbaum	Pryor	Stafford
Mitchell	Riegle	Stevens
Moynihan	Rockefeller	Weicker
Nunn	Rudman	Wilson
Packwood	Sarbanes	Zorinsky
Pell	Simon	

NAYS—36

Abdnor	Hecht	Nickles
Armstrong	Heflin	Pressler
Bentsen	Helms	Quayle
Cochran	Humphrey	Roth
Denton	Johnston	Sasser
Dole	Kasten	Simpson
Exon	Laxalt	Stennis
Ford	Long	Symms
Garn	Mattingly	Thurmond
Gramm	McClure	Trible
Grassley	McConnell	Wallop
Hawkins	Murkowski	Warner

NOT VOTING—2

Burdick	East

So the motion to table was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent tht the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

THE DEATH OF FORMER SENATOR HUEY LONG

Mr. LONG. Mr. President, it was on this day 50 years ago that my father, the late Huey Long, a Senator from Louisiana, died in Baton Rouge. There have been many articles written and much speculation concerning his death.

I concluded, Mr. President, that it is appropriate to place into the RECORD a document which I believe provides the information that most students of this question would like to have. It is a transcript taken before the coroner's inquest held on Dr. Carl Austin Weiss, Jr., and conducted by Dr. Thomas B. Bird, coroner of the parish of East Baton Rouge on September 9 and 16, 1935, in the city of Baton Rouge.

Mr. President, in the course of this transcript, there were five witnesses who said that they personally saw Dr. Weiss shoot Huey Long.

One was John Fournet, who was a Justice on the Supreme Court and who later served with distinction as Chief Justice on the Supreme Court, elected and reelected.

Another was Mr. Lawrence Wimberly, a State representative from north

Louisiana, who served for many years with distinction in the State legislature.

Another was Murphy Roden, who, in my judgment, was one of the best policemen who ever served the State of Louisiana and in later years served in other important positions, such as head of the State police in Louisiana under a subsequent administration, and who also had an important appointment in the armed services in World War II.

Another was Mr. Paul Voitier, who I had the privilege of knowing personally, who had no reason to tell anything other than the truth as he knew it.

All of these persons were willing to accept the responsibility of testifying before the coroner's inquiry.

Another witness was Mr. C.A. Riddle, and we called him Ad Riddle, as I recall it, who was a State representative at the time from Avoyelles Parish.

Mr. President, I knew these people and in my judgment these people told the truth.

There is another witness to this matter who did not see the actual shooting of my father. He saw what happened immediately after. That man was Mr. Frampton, who was a reporter for many years. I believe he was working in the Governor's office at the time this matter happened. His statement corroborates what the other five eye witnesses said.

I know there are some who would say that these witnesses who testified all had one thing in common, that they all were Huey Long supporters, overall friends of Huey Long in one respect or another. One could say they would not believe anybody who was a friend of Huey Long even though they could be a Supreme Court judge. But that, to me, does not make too much sense, Mr. President.

I ask unanimous consent that this transcript of the coroner's inquest discussing this event be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[Transcript of Testimony taken before the Coroner's Inquest held over the Body of Dr. Carl Austin Weiss, Jr., and conducted by Dr. Thomas B. Bird, Coroner of the Parish of East Baton Rouge, on September 9 and 16, 1935, in the City of Baton Rouge, LA]

STATE OF LOUISIANA, PARISH OF EAST BATON ROUGE

Before me, the undersigned authority, Lemuel C. Parker, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, personally came and appeared: Glenn S. Darsey, well and personally known to me, who, after being duly sworn, did depose and say:

That his name is Glenn S. Darsey; that he is a duly licensed and practicing attorney of the Bar of Baton Rouge, Louisiana, and a Notary Public in and for the Parish of East Baton Rouge, Louisiana, duly commissioned and qualified; that on the dates of September 9 and 16, 1935, he was the duly appointed and qualified Deputy Clerk of Court of the Nineteenth Judicial District Court of the State of Louisiana, in and for the Parish of East Baton Rouge, and official Court Reporter of said Court; that, on the dates aforesaid, he reported the testimony taken before the Coroner's Inquest held over the body of Dr. Carl Austin Weiss, Jr., and conducted by Dr. Thomas B. Bird, Coroner of the Parish of East Baton Rouge, on September 9 and 16, 1935, in the City of Baton Rouge, Louisiana; and that he does now, hereby and herewith, certify that the foregoing seventy-two (72) pages represent a true and correct transcript of said testimony.

GLENN S. DARSEY.

Sworn to and subscribed before me, aforesaid Notary Public, at Baton Rouge, Louisiana, on this 5th day of May, A.D., 1949.

LEMUEL C. PARKER,
Notary Public.

Dr. BIRD: The body of C.A. Weiss was examined by the Coroner and Jury. We found thirty bullet openings on the front of the body and twenty-nine on the back and two of the head, one penetrating the left eye and making its exit through the left ear; and other going through the tip of the nose and grazing the face. The body wounds, it was impossible to tell which were wounds of entrance and which wounds of exit there were so many in every direction.

Two bullets were recovered, one a .38 caliber and one a .45 caliber; they were just found under the skin.

Mr. E. Prampton called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Just narrate exactly what you saw immediately preceding the shooting at the Capitol last night. Describe in detail everything you did see.

A. Just immediately preceding the shooting I talked with Senator Long, first, on the floor of the House. then I went in the Governor's office and called my office in New Orleans; in response to questions that they asked me I telephoned Senator Long in the sergeant-at-arms office in the House. He was called to the telephone and I talked with him again. Within a minute or two he left the House and walked down the corridor to the Governor's office. I started from the Governor's office through the anteroom; just as I reached for the doorknob was when I heard the sound of a shot. As I opened the door I saw Senator Long walking down the hall clasping his side with his hands.

By Dr. Bird:

Q. A good many people said they heard two shots.

A. I heard only one at that time.

Q. I mean that first.

A. Yes. As I opened the door I saw two men struggling. One I recognized as Murphy Roden, as a State Highway policeman, and the other man, who was later identified as Dr. Carl Weiss. Murphy had his back towards the door.

By Mr. Odom:

Q. Towards the Governor's door?

A. Yes, and was in a stooping position as though he had fallen in struggling with the man. He backed away, firing as he backed away. As he backed away half a dozen or more started shooting. He pitched forward with his head in the corner near the marble pillar with his face down. He lay there and nobody touched him until the Coroner ordered the body moved.

Q. The corridor you speak of was the north side of the building on the second floor leading from the House down by the Governor's office?

A. And connected with the Senate along with other offices of State officials including that of the Governor.

Q. As I understand your testimony, you had not come into the hall when the first shot was fired?

A. No, sir.

Q. And didn't see him fire that shot?

A. I did not.

Q. Had you gotten out into the hall before the other shots were fired?

A. I was standing in the doorway. I naturally didn't step out in the hallway.

Q. Have you any way of approximating the lapse of time from the first shot to the firing of the succeeding shots?

A. It required the time for me to turn the doorknob and open the door and look out. I would say three or four seconds.

Q. The man whom you identify as firing the first shots after you looked out in the hallway, what is his name?

A. Roden, Murphy Roden.

Q. Was his fire returned by the the man who was subsequently identified as Dr. Weiss?

A. I didn't see him fire any shots.

Q. Was Dr. Weiss in plain view of you?

A. He was.

Q. As far as you could see, did he make any effort or any overt attack on the man who shot him?

A. When I opened the door he was struggling with Roden. He had a pistol in his hand.

Q. Could you tell from the nature of the struggle if Roden took it away from him?

A. They seemed to be struggling over the pistol or just quitting struggling over the pistol.

Q. When they separated could you tell whether Roden jerked away and backed off or whether the other man jerked away? How did the break take place?

A. Roden evidently jerked away. He was still in a crouching position, firing as he backed away.

Q. When he backed away, what did the other man do, Dr. Weiss?

A. Fell on the floor.

Q. Prior to the time he backed away, did Dr. Weiss make any effort to shoot Roden?

A. I don't think he had time to do it.

Q. Was there any motion of his you could construe as an overt act toward Roden?

A. I would say my first impression was Dr. Weiss with a pistol in his hand trying to either wrest it away or get it away from Roden or get in a position where he might use it. I don't know what his intentions were.

Q. You gained that Roden had the weapon and was wresting it from him?

A. No, the other man had it.

Q. The man had the weapon and Roden was trying to wrest it away from him?

A. Yes.

Q. Could you tell whether he wrested it away or turned loose and backed off?

A. I couldn't say. Murphy showed us his thumb that had evidently caught in the jam of the pistol, it evidently caught in the barrel of the pistol.

Q. Could you approximate how many shots Roden fired into Dr. Weiss?

A. I couldn't say, several times.

Q. What was the posture of Dr. Weiss at the time Roden opened fire, was he standing upright or crouching?

A. Crouching. As Roden backed away he shoved Weiss or the man away from him. He backed up and fired as he backed away.

Q. Dr. Weiss was then in a stooping position?

A. Yes, near the floor; he sank down.

Q. Prior to the shooting?

A. They were both in a stooping position.

Q. Which was nearer the floor, Roden or Weiss?

A. Weiss, I believe.

Q. You heard only one shot up until that time?

A. Yes.

Q. I appreciate it is almost impossible to space time. Have you any way of determining or estimating or approximating the time they were engaged in that struggle, hooked up together, the officer and Dr. Weiss?

A. It would be impossible to approximate or estimate it because I didn't see the beginning of it.

Q. Can you estimate or approximate the time that they were hooked up after you saw them?

A. It was practically a continuous action. The minute I opened the door the men I saw were struggling. Roden shoved the other man away and backed away and fired as he did that. He crouched and backed farther away and fired some more.

Q. As Roden fired the man fell?

A. That's right.

Q. You said some other people opened fire after that?

A. Yes.

Q. Do you know who they were?

A. No. There was a group of them there; six, I would say.

Q. Do you know any of them?

A. I am not positive; I saw so many people I am not positive.

Q. Were they what is commonly known as Senator Long's bodyguards?

A. I recognized half a dozen or more whom I knew and recognized to members of the State police.

Q. Can you say you recognized any other man who shot Dr. Weiss besides Mr. Roden?

A. It would be only a guess. Every one had a gun out. I don't know which ones.

Q. Can you tell who had guns out?

A. Paul Votier and, I believe, was firing; I think Joe Messina was, I am not positive.

Q. He was there?

A. He was there.

Q. Was that all or any one else?

A. I don't recall.

Q. Was Mr. McQuiston there?

A. He was there. I don't know whether he did any firing or not.

Q. Did he have his gun out?

A. I think he did.

Q. Was Louis Heard there?

A. I don't know him.

Q. Was Joe Bates there?

A. I don't recall seeing him.

Q. Did any one put his hands on Dr. Weiss besides Roden?

A. I couldn't say.

Q. Can you state the time between the time that Roden did the shooting and the others joined it?

A. They joined in almost simultaneously. It was almost a miracle that Roden was not hit by some of them.

Q. They were around him?

A. On all sides.

Q. Had Dr. Weiss fallen to the floor before the others opened fire?

A. Yes.

Q. The other people opened fire and shot after he was down?

A. Yes, the pistol was in his hand.

Q. He fell down?

A. Yes.

Q. On the north or the south side of the corridor?

A. At the southeast corner of the corridor, as regards the four pillars outside of the Governor's office.

Q. Was his face down flush with the floor?

A. It was partially on his arm.

Q. Was his face towards the north or south?

A. I don't recall. I couldn't see his face.

Dr. BIRD: His face was down; when I found him he had not been touched.

By Mr. Odom:

Q. Was there much of a crowd there?

A. The customary legislative crowd was there, in and out of the hall.

Q. Did you see Judge Fournet as you came out?

A. No, sir; if I did, I didn't recognize him.

Q. Did you recognize any one other than the bodyguards and Dr. Weiss and Senator Long?

A. I wouldn't remember because my attention was concentrated on the shooting and the victim of the shooting.

Q. Among these people whom you saw shooting—the crowd from whence the shots were being fired—could you see any one of the bodyguards in his entourage?

A. I didn't know the bodyguards. I think they were all officers of the State police force. Some may have been on guard duty.

Q. In other words, you don't recall seeing any one except State police?

A. Yes.

Q. They were not in uniform?

A. They were not.

Q. Were any of them in uniform?

A. No, sir.

Witness excused.

J. E. Dearmond, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. What is your occupation?

A. Hotelman.

Q. Were you at the Capitol last night?

A. Yes, sir.

Q. What was your business there?

A. Just visiting.

Q. Are you located in Baton Rouge or New Orleans?

A. New Orleans.

Q. Did you have any business at the Capitol?

A. No, sir.

Q. How did you happen to be there?

A. Just walking around meeting friends.

Q. Have you held any commission under the State or under the City of New Orleans?

A. Yes, sir.

Q. What was it?

A. A special commission from the Bureau.

Q. When was that?

A. Before this law was passed when they recalled all of them.

Q. Have you held any since then?

A. No, sir.

Q. Where were you when the shooting took place?

A. In the secretary to the Governor's office.

Q. Who was in there?

A. Mrs. McGuffey and some other gentleman was up there; I don't know who he was.

Q. What was the first thing that attracted your attention?

A. Senator Long walked in the office in a big hurry. He walked in and said, "We have to get all our men here tomorrow."

Q. Who said that?

A. Senator Long.

Q. Who was he addressing?

A. Nobody in particular.

Q. Who could he have been addressing?

A. He walked in and struck his head in—Mrs. McGuffey was there—he said, "We have to get all our men here tomorrow." He turned around and walked in the hall and repeated the same statement as he stepped in the corridor. Just about that time I heard one shot followed by others. I was not going to stick my head out.

Q. The first shot, you just heard one shot?

A. The way it was, one shot was not so loud.

Q. Have you any way of approximating or spacing the time between the first shot and the others?

A. Very rapidly, four or five seconds.

Q. Can you approximate how many shots there were?

A. Estimated twenty-five or thirty; that was my guess.

Q. Where the body lay, how far was that to the Governor's door?

A. From the Governor's or the Secretary's door?

Q. The secretary's door. That's the door Senator Long went out?

A. Yes, sir. I would say twenty-feet.

Q. When Senator Long came in, who accompanied him?

A. He came in and turned around the way he came and I only saw Murphy Roden.

Q.Were there others with him?

A. I imagine so.

Q. You recognized Murphy Roden?

A. Yes, sir, also Paul Voitier.

Q. They followed him out?

A. He turned around and went out the door, they naturally followed.

Q. What did Senator Long say?

A. "We will have to have all our men here tomorrow."

Q. Is that all he said?

A. Every word. He made the same statement twice. Once in the office and then I heard it as he was going out the door.

Q. Did you know Dr. Weiss?

A. No, sir, I never saw him before to know him.

Q. What was your business in the Governor's office, social or otherwise?

A. I just dropped in socially for a few minutes. I saw Mr. A.P. White, the Governor's secretary, and Bertram Barnett, the publisher of the Bienville Democrat in Arcadia.

Q. You are presently employed by the DeSota Hotel?

A. The National Hotel Company.

Q. Are you still there?

A. I was up until three—two days ago.

Q. You don't know who did the shooting?

A. No, sir, the shooting was so close to the door.

Witness excused.

[The following testimony was heard September 16, 1935.]

John B. Fournet, called as a witness, being first duly sworn by Coroner, testified as follows:

By Mr. Odom:

Q. You are Judge John B. Fournet of the Supreme Court of Louisiana?

A. Yes.

Q. You are an Associate Justice of the Supreme Court?

A. Yes.

Q. Were you present at the Capitol on last Sunday night, say, about 20?

A. Yes.

Q. Did you witness the shooting as a result of which Dr. Carl A. Weiss and Senator Huey P. Long lost their lives?

A. I did.

Q. Will you please relate in your own words just exactly what you saw and what you heard immediately preceding the occurrence and what happened immediately afterwards?

A. Well, I was in the House. I knew Huey was in the House and I wanted to see him and talk to him about something I wanted to impart to him before he left Baton Rouge. I had been in the House a good portion of the evening trying to talk to Huey; he had been there. That's the reason I was there. When he left the House I started out behind him to follow him and get any opportunity to have a conversation with him. As usual, he walks very fast; it is almost hopeless to follow him. But I wanted to talk to him especially, there were two or three things I wanted to talk to him about. When I got into the corridor I didn't see him but I asked a couple of people standing there which way the Senator had gone—when I got there, I couldn't see him—I was told that he entered the Governor's office. I walked leisurely in that direction. I met Joe Messina and we walked together. He knew where Huey was. As we approached the Governor's office, the Senator walked out and walked towards our direction. About the time he reached this big circle in the middle of the corridor——

Q. Let me interrupt you a moment. That was going back towards the House?

A. He was facing the House of Representatives, east, I think, if I have my directions correct. About that time he made some statement as to getting everybody on hand early tomorrow morning. I think. Some one answered him, came and said that has been attended to, but I don't know who answered; quite a few people were there. Some of the Bureau men were there and there were several others up there. I didn't pay much attention to those because Huey was the man I wanted to talk to. My plan was to go talk to him in his room. Just about the time he was answered that was over and there was a little pause, not another word was said, when a man of small stature, a man dressed in a white suit—he was a slender man—flashed among us. He moved hurriedly, wedged in with him, flashed a gun and shot almost simultaneously. I was right next to me. I put my hands on the man's arm and tried to deflect the bullet. I had my hat in my left hand, but I dropped it or lost it in all the excitement. As I put my hands on his arm he shot almost simultaneously. Of course, there was quite a bit of confusion. One of the boys grabbed him at the same time almost that I did; others wedged in. I shoved him as hard as I knew how. When I shoved him somebody else grabbed him. Who, I learned afterwards, was Murphy Roden. He went to the floor; I shoved him and they went down in one continuous movement; there was no cessation; they both went down. The doctor, who I learned since was a doctor, did not go all the way to the floor, as I saw it. He jerked the gun loose and the other boy, who I have learned since was Murphy Roden, grabbed it with both hands when he was trying to shoot again; he was trying to keep him from doing this. All about that time there was no cessation. I made no effort to grab the gun. When the shooting started the gun was between me and the boy who was on the floor. The boy was in this position (indicating), he was almost over him. I, naturally, stepped back a few steps, two or three; the shooting kept on without cessation.

I immediately started to look for Senator Long. I ran down the stairs and found him in the arms of Jimmy O'Connor and somebody else—I don't know who it was. He said that he was shot. We asked him where he wanted us to take him and he said to the sanitarium, of course. We walked with him to the car. My hat stayed right there where it all happened, whether I lost it when I shoved him or not, I don't know; I know it stayed right there.

Q. Judge, at the time you saw Mr. Roden grappling with the man whom you subsequently learned to be Dr. Weiss, you say he was attempting to fire his gun again?

A. Yes.

Q. Could you tell who he was trying to shoot?

A. At the time it looked like he was trying to shoot Murphy, the boy on the floor.

Q. They were grappling?

A. No, Murphy was loose at that time.

Q. I understood you to say that simultaneously with the firing of the gun that you struck the man?

A. Yes, I shoved him hard enough that he went down with the boy that was grappling with him on the floor; he was almost under him up to the wall. I shoved him completely away.

Q. Do you remember just what portion of the body the weapon—what portion of the Senator's body the weapon was pressed against?

A. That's very hard to say. It was at his front with an upward trend. The gun came from his right hip. What he drew the gun from, where it came from on him, I did not see. I had not noticed him or seen him before he fired. He drew it from the hip and straight up and straight out; the man made one step and fired.

Q. It was you who shoved him away?

A. Whether the shoving was sufficient to deflect the bullet would be only conjectural or problematical.

Q. I didn't mean that. At the time you shoved him the force of your shoving forced him to the floor?

A. He didn't go to the floor completely.

Q. Did he go to his knees?

A. He stayed in a crouching position. He always stayed that way, attempting to shoot that other way.

Q. He still had the pistol?

A. In his right hand trying to shoot it with both hands.

Q. Did Roden ever grab him?

A. Yes, Roden held on to the gun.

Q. Were you attempting to get your hands on Dr. Weiss?

A. Yes, for the second time; after I shoved him I was making an effort to grab him when they began to shoot pretty lively around there.

Q. Judge, can you tell us who fired the first shot?

A. No sir. The shooting was from my right and left. All the shooting was done almost directly to my right and left a little behind me. None of them were close to me. I did not see Murphy draw his gun from a reclining position as he got up.

Q. How did he get on the floor?

A. That's pretty hard to say; I was not watching Murphy Roden as I was afraid of the other fellow until it started generally.

Q. Can you tell whether or not Mr. Roden fired the first shot at Dr. Weiss?

Q. If it was Roden, you couldn't recognize anybody. In other words if Dr. Weiss had escaped, I could not have identified him.

Q. The man who fired at Dr. Weiss, did he fire first?

A. The man on the floor did not shoot the first shot. I don't think he was because he was shooting before that while Murphy Roden who was on the floor was attempting to get the gun.

Q. When you say the man who shot first, you are not confusing that with the first shot?

A. No, sir, that was after that.

Q. Have you any way of approximating how many shots were fired?

A. I served in the World War and I was a machine gunner. A machine gun would fire 300 to 600 bullets a minute. I would say after the shooting started it was as fast as a machine gun. In other words, there were two or three or four shooting at one time but to say how many shots were fired, would be a pure guess.

Q. Do you know what sort of weapons were used?

A. It sounded like an automatic. There may have been a single action sandwiched in between.

Q. Were any machine guns used?

A. No, sir. If there were I did not see them. They were shooting from my left and right, practically to the rear.

Q. As a matter of fact, I understand it to be your testimony that while Dr. Weiss was on the floor with the gun in his hand and while he was attempting to use it that he was shot by some one to the rear of you—who it was you don't know, but it was not Mr. Roden?

A. No, sir, that's my firm belief. I know he was on his feet. I didn't see the gun drawn from him; I saw him make the move. The other man rolled over. He went around and down. He went down slowly when the first bullet struck him; he just had a quiver of the body. While he was still doing that the shots were pouring into him from both sides.

Q. Can you describe or denote the spacing of the shots? The first shot from the next shot?

A. Yes. Very close, so close that I thought Senator Long was shot with the first two shots, until the Coroner's verdict and other people, I was of the opinion he was shot twice. The Senator was of that opinion because he said, "You kept him from hitting me the second time."

Q. Can you approximate——?

A. In fact, it was so fast, you could just guess for yourself. Any attempt to give any definite time, would have to be an expert on shots and the time of the shots. I can give you what happened and you can figure it for yourself. There was never any cessation of action, it was one continuous action. The man came straight up to Senator Long and fired. I grabbed his hand and my next move was to shove him as hard as I could; my next effort was to grab him. In the meantime, he and Murphy Roden were mixed up; then I stepped back two steps. The firing was ceasing about that time. You can figure for yourself about how fast that was. I figure they shot forty or fifty times. As fast as you could shoot three or four automatics or revolvers one after the other, whichever way you want to put it, that would be the time. In other words, I have heard worlds of people not to express an opinion, say they thought it was a machine gun, those who heard it and didn't see it.

Q. Judge, was he shot after he was down?

A. The shots were continuous; there never was a cessation. Naturally, some of the shots hit him after he hit the floor. I am convinced of that.

Q. After the continuous firing was over were there any other shots?

A. No, sir. The last shooting that was done was done by an automatic also. It was continuous, there never was any cessation at all. There seemed to be more than one shooting at one time, two or three. When it was finished it was an end to everything. There was never a complete cessation of shooting until it actually stopped. There never was such a thing.

By Mr. Porterie:

Q. There was no conversation between Senator Long and Dr. Weiss at all?

A. He never uttered a word, he never gave any warning. He walked right among us. I was close to the Senator. As Dr. Weiss made one step he shot. There was no outcry at all except by Huey, the usual scream of a man injured or shot. He grabbed his side and that was all I saw of him until I saw him downstairs. When I stepped back I started looking for him. I opened the Governor's office and looked in there for him. I thought he might have gone in there. He was not there so I came back in the corridor, and was told that he ran down the corridor and down the stairs. I ran down and caught him as he was going out the east door.

By Mr. Odom:

Q. Do you recall who was there at the time he was shot?

A. It would be hard to say; there were a bunch of us. Strange to say, I know the boys who go out with Senator Long, but I know the names of only a few. I remembered after that I saw three or four; Joe Messina, Murphy Roden, the young fellow, the man they call George, I couldn't give his name, a big man; Mr. Coleman, a bald-headed fellow, I saw him. I saw this man Louis Lesage, a Standard Oil man; he was sitting in the window. I remember seeing Mr. White after it was over; I don't remember seeing him before that. I also remember seeing Dr. Smith before. There were several boys like that, I saw Joe Bates right after. By that time a great crowd was coming in. Men were running in and peeping out from the House and other directions.

Q. You didn't see any others?

A. No, sir; I made no effort to find out, to be frank with you.

Witness excused.

Rev. Gerald L. K. Smith, called as a witness, being first duly sworn, made the following statement:

I want to say I respect your court, but I do not respect this investigation, and I brand the District Attorney of this court as one of

* * * * *

I worshiped my hero. I will say nothing here and I will not harass these boys who are here in any way.

Witness excused.

Mr. ODOM. I might add in view of this charge by this person, that I care nothing of his opinion of me or my actions. When he says I entered into a plot to kill Huey Long, he is a willful, vicious and deliberate liar.

R. William H. Cook, called as a witness, being first duly sworn by the Coroner, testified, as follows:

By Mr. Odom:

Q. Dr. Cook, you are a physician and surgeon practicing your profession in the City of Baton Rouge?

A. Yes.

Q. Were you present at the operation performed on Senator Huey P. Long on last Sunday night a week ago?

A. Yes.

Q. After the operation had been performed did you have occassion to notice his mouth?

A. Yes.

Q. Will you describe to the Coroner and Jury what you found?

A. Dr. Henry McKowen, who was giving the anesthetic, called the attention of all of us, that were present to an abrasion or brushburn on the lower lip of the Senator, and asked that some one put iodine on it which I did.

Q. Was it bleeding?

A. It was not bleeding until Dr. Henry McKowen wiped it off with a moist sponge. Then it did bleed just a little.

Q. It oozed blood?

A. That is correct.

Q. Was it a fresh abrasion?

A. It appeared to be.

Q. Of course, you have no way of telling how that was caused?

A. No, sir.

By Mr. Porterie:

Q. Doctor, an injury of that kind could readily occur to any person after a person was shot who would have to take the steps from the first floor of the Capitol down a step of four flights of stairs to the basement and might strike any sharp angles or the marble in the Capitol after being wounded as he was?

A. Any contusion or trauma could cause that abrasion.

Q. By trauma you mean a lick against a hard surface?

A. Yes.

Witness excused.

Dr. J. Webb McGehee, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Doctor, you are a practicing physician in the City of Baton Rouge?

A. Yes.

Q. Did you have an engagement with Dr. C.A. Weiss for an operation in which you were to administer the anesthetic on last Monday, a week ago today?

A. I did.

Q. When was the last conversation you had with him about that operation?

A. About Friday, when I talked to him personally.

Q. Did you have a telephone message from him?

A. I had a telephone message from him Sunday night about 8:15. My wife talked to him; he wanted to know if I knew that the operation had been changed from our Lady of the Lake Hospital to the Baton Rouge General Hospital.

Q. That was 8:15 Sunday night?

A. Yes, about that.

Witness excused.

C. Sidney Frederick, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Mr. Frederick, you are a practicing attorney, are you not?

A. Yes.

Q. You are the District Attorney of the St. Tammany-Washington District, are you not?

A. Yes.

Q. Were you in the Capitol on Sunday night, a week ago?

A. I was.

Q. Were you there at the time of the shooting?

A. Yes.

Q. Just where were you in the building at that time?

A. I was leaving the Governor's office and had taken perhaps two steps in the reception room when the first shot was fired; that was followed by a second shot and then by a regular fusillade of shots in rapid succession. About that time I had gotten to the small entrance to the secretary's office. The shots had not ceased at that time. I looked out of the door for just a moment because I withdrew myself from exposure at the door immediately. I saw a number of men down the corridor in some confusion. As I say, I withdrew; I waited until the shots had subsided.

Q. Did you see any of the shooting?

A. I couldn't say that I saw any particular person fire any particular shot.

Q. Did you see any person fire any shot?

A. Yes.

Q. Who did you see?

A. I am not in a position to say who fired the shot.

Q. You mean you don't know the person?

A. No, I don't mean that. I mean that I didn't look long enough to determine who fired the shot. In other words, the shooting was going on while I looked down the corridor momentarily.

Q. Did you see more than one person shooting?

A. I saw revolvers in the hands of more than one person.

Q. Did you recognize any of them?

A. No.

Q. Did you know any of them?

A. I can only answer that question by hearsay. I learned the names of two gentleman afterwards.

Q. In otherwords, you learned the names of two men you saw firing?

A. I won't say that. I learned the names of two persons I recognized in the hallway.

Q. Were they contiguous to where the shooting took place?

A. Yes.

Q. How long after the shooting was it before you saw them?

A. Momentarily.

Q. Do you mind telling us the names of these two persons?

A. Murphy Roden and Elliot Coleman.

Q. Did you see revolvers in the hands of those men?

A. I would not swear I saw a revolver in the hands of Mr. Coleman. Mr. Roden, I did.

Q. Did you see the revolver in the hands of Mr. Roden firing?

A. I couldn't answer that truthfully.

Q. Can you approximate—did you see the body of Dr. Weiss at the time of the firing?

A. I was one of the first persons to get it.

Q. Did you see the body before the firing ceased?

A. Yes.

Q. What was—just describe where the body was.

A. The body was lying in a position just across the narrow corridor that leads to the Governor's office just a few feet to the west of the double doors that entered in the Governor's office by the large marble pillar.

Q. Did you see the body when it crumpled to the floor?

A. No.

Q. When you first saw the body it was down, is that correct?

A. I would say that is approximately correct. You must understand this happened so quickly. I didn't keep my head out in that corridor any great length of time.

Q. After you saw the body on the floor did you see who was shooting?

A. I will answer that question this way: There were shots fired after the body was on the floor.

Q. Did you say the only men you identified fired after the body was on the floor to your knowledge?

A. I couldn't say.

Q. I don't remember whether you stated you saw the body when it fell to the floor?

A. No, I would say the body was on the floor.

Q. Could you approximate how many shots were fired after you saw the body on the floor?

A. Perhaps five.

Q. Could you space the shots for us, the time elapsing?

A. Very little time had elapsed between shots.

Q. Would you say more time elapsed between the second and the subsequent shots?

A. I would say that more time elapsed between the firing of the first two shots and then the firing of the shots that followed after they started to fire.

Q. After the second shot was there a continuation of the shooting?

A. It sounded very much to me like a machine gun in action.

Q. Have you heard a machine gun in action or seen one?

A. Yes.

Q. Did you see a machine gun there, Mr. Frederick?

A. No.

Q. Of course, I know it is almost impossible for one to tell under the circumstances such as that the lapse of time between shots, but could you give us any approximate idea of the time between the first and second shots?

A. I would say it was a very short space of time, almost instantly.

Q. Was there a longer space of time between the first and second shots than the second shot and the subsequent shots?

A. I think there was a longer space of time between the second and third shots than between the first two.

Witness excused.

J. T. Cockerham, called as a witness, being first duly sworn, by the Coroner, testified as follows:

By Mr. Odom:

Q. You live at Denham Springs, do you not?

A. Yes.

Q. Were you in the State Capitol last night a week ago?

A. Yes.

Q. Did you witness the shooting there as a result of which Dr. C. A. Weiss and Senator Long lost their lives?

A. No, sir.

Q. Did you hear the shooting, Mr. Cockerham?

A. Yes, I heard it.

Q. Where were you ?

A. Right close to the doors at the front entrance.

Q. You mean out in Memorial Hall?

A. Yes sir.

Q. Did you see anything at all?

A. No, sir.

Q. Did you see any of the participants?

A. No, sir.

Q. Did you see anybody going to or coming from the scene of the shooting?

A. No, sir, just the crowd rushing.

Q. You heard the shooting?

A. Yes, sir.

Q. Describe what you heard.

A. I couldn't describe just what I heard. There were several shots, I don't know how many. Of course, a fellow didn't have time to count them.

Q. Was there any space of time between the first and second shots?

A. Yes.

Q. Between the second and third shots?

A. As well as I remember, there was very little space between the second and third, I don't think much. I remember when the first shot was fired there was a little space and then another.

Q. After the firing of those shots was there continuous shooting then from that time until it was over with?

A. Yes, sir, several shots fired along behind the other.

Q. Have you any way of approximating how many shots were fired?

A. No, sir, a good many. I have no idea how many. There was so much excitement and the firing was so fast I had no way of tellng how many.

Witness excused.

Cooper Jean, called as a witness, being duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Mr. Jean, you live in this parish, do you not?

A. Yes.

Q. Were you present in the Capitol last Sunday night a week ago?

A. Yes.

Q. Were you there at the time of the shooting we are investigating now?

A. I was.

Q. Were you a witness to the shooting?

A. No, sir, I was not.

Q. Where were you at the time of the shooting? At the main entrance as you go up into the Capitol? Out in Memorial Hall?

A. Yes.

Q. Did you see anybody going to or coming from the shooting?

A. I saw people, some were trying to go in and some coming out.

Q. Did you recognize any of them?

A. No, I did not.

Q. Have you any way of approximating how many shots were fired?

A. No, sir, I couldn't answer that.

Q. Was there any space of time between the first shot that was fired and the second shot?

A. Very little if any, very little.

Q. Was there any space of time between the second shot and the third shot?

A. I couldn't say anything about the third shot.

Q. When did the beginning of the continuous fusillade of shots take place?

A. As well as I remember, after the second shot.

Q. You didn't see it and didn't see any of the participants?

A. No, sir.

Witness excused.

Ed Sharp, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Mr. Sharp, were you present in the Capitol last night a week ago?

A. Yes.

Q. Last Sunday night?

A. Yes.

Q. Were you present at the time of the shooting which is the subject of this inquiry?

A. Yes, sir.

Q. Did you see the shooting?

A. No.

Q. Where were you?

A. In the lobby, just coming down from the balcony.

Q. The lobby of the House of Representatives?

A. Right in front.

Q. Out in Memorial Hall?

A. Yes, I guess so.

Q. Did you see any of the participants in the shooting?

A. No, sir, not that I know of.

Q. Did you see any one going to or coming from the shooting?

A. People were trying to go in and some were coming back. Most of them were coming out.

Q. You didn't see any of the shooting yourself?

A. No, sir.

Q. Was there any appreciable space of time between the firing of the first and second shots?

A. Half a minute or something like that. Two shots came ahead of the others.

Q. Between the first and second shots?

A. Yes, sir.

Q. And between the second and third shots?

A. About the same time, then a volley of shots.

Q. After the third shot? After the second shot? Your didn't do in there?

A. No, sir. My daughter was with me, and when it commenced she jerked me away and soon as we got away, and I got her quiet, I walked back to see what happened. Somebody said it was firecrackers; I went to find out.

Q. That's all you know about it?

A. Yes, sir.

By Mr. Porterie:

Indicate by the snap of your fingers the cracking of the guns.

(Snap-Snap)

Q. That's the time you call half a minute a little while ago? Is that what you mean?

A. That's as near as I could get at it.

Q. That's all I wanted to know. I have no reflection on you.

A. That's all.

Witness excused.

Earl Straughan, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Were you in the State Capitol last Sunday night a week ago?

A. Yes.

Q. Were you there at the time of the shooting?

A. Yes.

Q. Did you see the shooting?

A. No.

Q. Where were you?

A. About five steps before you go in the hall where the shooting had taken place.

Q. In which direction?

A. Down the hall in front of the House of Representatives.

Q. You mean in what is called the House lobby?

A. I guess that's it.

Q. Did you go out in the hallway when you heard the shooting?

A. No, sir. I was headed that way. When it started I stopped.

Q. You didn't see the shooting?

A. No, Sir.

Q. Did you see any of the participants?

A. I went in there after it was over.

Q. Describe what you saw when you went in.

A. When the shooting was over I walked down there and got almost to where the shooting occurred to see what happened. One fellow was laying on the floor in a white suit. About that time they run us all out. I didn't get up but about fifteen feet to the fellow on the floor.

Q. What did you say?

A. I say I got within about fifteen feet of the fellow laying on the floor and then they made us go out.

Q. Did you see any one there at that time?

A. Yes, several of them.

Q. Do you know who some of them were?

A. I didn't look at the faces; I probably would have but I was looking at the guns.

Q. Were they strangers to you?

A. I know some of them when I see them.

Q. Do you know any of them?

A. Not personally.

Q. Do you know who any of them are?

A. Not that I seen in there; I didn't recognize them.

Q. Have you had any of them pointed out since?

A. From what the papers say, I know several of them by their names.

Q. Who was it you saw there with guns in their hands that you knew?

A. I didn't see them, I couldn't tell.

Q. What sort of guns were they?

A. Not automatics, six-shooters, like the City Police carry here.

Q. About how many men would you say you saw with guns in their hands?

A. Four or five.

Q. You cannot identify any of them for us?

A. No, sir.

Q. Who was with you?

A. Nobody was with me. There was a crowd of people but nobody with me.

Q. Was Lloyd Straughan there?

A. Yes, sir, he is my brother.

Q. Was he there?

A. When the shooting occurred, he ran back in the balcony.

Q. Were you together when it started?

A. We were when it started.

Q. When it started he went the other way?

A. Yes, sir.

Q. Can you give us any idea how many shots were fired?

A. A couple of shots were fired and then a couple of seconds and then twenty-five or thirty; that's my version of it.

Q. Have you any way of approximating how many shots were fired?

A. No way, only guessing.

Witness excused.

C. A. Riddle, called as a witness, being first duly sworn, by the Coroner, testified as follows:

By Mr. Odom:

Q. You are a member of the House of Representatives from the Parish of Avoyelles?

A. Yes.

Q. Were you in the Capitol on the night of the shooting?

A. I was.

Q. Did you witness the shooting?

A. I think I did.

Q. Relate just what you saw, what you heard, and what you observed of the proceedings.

A. When the House adjourned, I came out the right door and turned into the first door to the right into the corridor, which is the east end. I proceeded down the corridor and noticed Senator Long come out of what I thought was the secretary's door.

Q. The secretary to the Governor?

A. Yes. He was coming up the corridor towards the east end facing me. He stopped about six feet from the set-off or setback from the column in the corridor, about the center of the square or circle in the floor of the corridor. I thought that was a good time to approach him and ask him to speak at a barbecue we were going to have in Marksville. When I reached within five or six feet of the Senator, a gun fired—it all happened about the same time. There was a young fellow holding a pistol in his hand pointed directly at Senator Long. I saw four or five inches—three or six inches—I would say, of the barrell which was very bright. Then somebody grabbed him, I think. Then it was just like touching off a bunch of firecrackers. My mind was first centered on Senator Long to invite him to speak. Then when the shot fired and I saw the gun pointed right at Senator Long's abdomen, then my mind was centered on him. Then I centered on myself.

Q. Were you looking at Senator Long at the time the shot was fired?

A. Right at him.

Q. Were you looking at the man who fired it?

A. I was looking directly at Senator Long. When the shot was fired I saw the man.

Q. Prior to that time you had not observed the man who fired the shot?

A. There were five or six men around Senator Long, none of whom I recognized because I was thinking of the Senator and inviting him to speak to us. About that time the gun fired and a body seemed to move from the right in the direction of Senator Long.

Q. Was the man who fired the shot between you and Senator Long?

A. No, he came more from a diagonal direction.

Q. You were facing Senator Long?

A. Yes.

Q. You were meeting him?

A. Yes.

Q. Some one came from the side and shot Senator Long?

A. Yes, somewhat in this direction (indicating). A body moved forward about the time the gun was pointed right at him with both hands, if I remember correctly.

Q. Did you hear any conversation or remark between Senator Long and this man?

A. None whatever. Of course, there were five or six people there. I heard nothing whatsoever. As the gun fired, Senator Long did this (indicating) and turned immediately. After he turned and marched down the corridor, then it was just like firecrackers. I couldn't describe it better than that.

Q. Did you see who did that firing?

A. You mean this fusillade?

Q. Yes.

A. No, sir, I didn't recognize any man, my attention was not on them. I thought it was a bunch of bandits or racketeers in there.

Q. When you last saw the man who shot Senator Long, was he standing up?

A. Yes, bent forward a little.

Q. Did any one put their hands on him at that time?

A. No.

Q. Did you see Judge Fournet there?

A. No, sir, I really didn't. I heard him testify and he must have been there, but I didn't see him if he was there.

Q. Did you recognize anyone who was there?

A. None whatever. My mind was centered on Senator Long. He was in a very good humor that night. I was looking at him. I loved him very much. I was thinking it would be a good time to invite him to speak at Avoyelles.

Q. Did you see this man put his hands on Senator Long, the man who did the shooting?

A. No, sir, I just saw him go forward with the gun.

Q. Did you see Senator Long put his hands on the man?

A. No, sir, I don't think they got that close. I would say they were about five or six feet away.

Witness excused.

Mrs. O.P. Kennedy, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Mrs. Kennedy, you were subpoenaed as a witness and I have understood since that you said you didn't see the shooting and didn't know anything about it.

A. No, sir.

Q. Did your husband see the shooting?

A. No, sir.

Q. You don't know anything about it?

A. We were in the Capitol and did hear the shots.

Q. You were subpoenaed by mistake. I am sorry.

Witness excused.

Gordon Latham, called as a witness, being duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Mr. Latham, you live in Baton Rouge, do you not?

A. Yes sir.

Q. Where are you employed?

A. The Louisiana Creamery.

Q. Were you in the Capitol last Sunday night a week ago?

A. Yes, sir.

Q. Did you witness the shooting?

A. No, sir.

Q. Where were you at the time of the shooting?

A. In Memorial Hall in front of the elevators.

Q. Describe the shooting as you heard it.

A. There were two shots right close together, a little lull and then the whole volley.

Q. Did you observe anybody going to or from where the shooting was?

A. I saw Joe Messina go around the side and get in the elevator running.

Q. Was he walking or running?

A. Running.

Q. Do you know whether he went up or down?

A. No, sir, I don't.

Q. Did you go around where the shooting had taken place?

A. No, sir.

Q. Did you see Mr. Messina subsequent to that?

A. No, sir.

Witness excused.

Dr. C.A. Weiss, called as a witness, being duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. Doctor, you are the father of the late Carl A. Weiss?

A. Yes.

Q. Were you with him on Sunday, the day he was killed, the day of that night?

A. Practically the entire day until 7:30 that night.

Q. Will you describe to the Coroner and Jury just what your son did during that day and night up until he * * * sat on * * *. A. He and his wife and baby came to the house * * * there left the baby with my wife and I so they could go to church. They went to mass at St. Joseph's Catholic Church. After mass his wife returned to our home, he stopped in Scheinuk's florial establishment to see about * * * had treated the day before. In a little while he came in with a bouquet of flowers sent to his wife in honor

of the child's birth. He came in very proud, and handed the flowers to his wife saying, "Look what Mr. Scheinuk sent to the baby" Mr. Scheinuk had told him that he had not sent the baby anything when it was born, and had done it at this time. Then they went to their own home, and took the child with them. He was to take dinner with us that day. Between the time they left and returned my wife had occasion to telephone his house twice; one time his wife answered, and the next time he answered. About one o'clock, they came in the house for dinner. We had a very enjoyable meal; he ate heartily and joked and laughed during the meal. After the meal, he asked me if we cared to go to my camp on the Amite River. I told him that I had expected to go, and had already requested my younger son to go ahead and prepare the camp and open it up. So he and his wife and baby and my wife and I took the car and went out to the camp. When we arrived there my wife and I took care of the baby while he and his wife went in swimming. They were in the water about an hour and when they came out we closed up the camp and came home. We sat on the front seat and he and his wife and baby sat on the back seat; we arrived home about 7:30. Then he left there he and his wife and the baby went to their home.

Q. That was about 7:30?

A. Yes.

Q. Did you communicate with him or his wife subsequently?

A. His wife phoned me about ten o'clock—about ten minutes to ten—and asked me if Carl was there. I told her no and she said that he had gone out to make a call.

Q. The last time you saw him was about 7:30?

A. Yes.

Q. Dr. Weiss, can you tell us whether or not your son carried a pistol when he went out at night?

A. Occasionally, he did.

Q. Did he have any reason for it?

A. Recently, we have had at least three intruders in our garage; one he had to run out and I had to run one out; one my younger son called to one night.

Q. How old a man was your son?

A. Twenty-nine.

Q. Was he of robust or slight stature?

A. Very slight. I remarked to my wife that afternoon at the camp while they were in swimming that the boy was just skin and bones. She said, "Yes, he had been working so hard. We will have to get him to take a rest." He weighed about 132 pounds; he was quite a small man.

Q. Your son was a doctor, was he not?

A. Yes.

Q. Twenty-nine years of age?

A. Yes.

Q. Would you care to sketch for the jury a history of his education?

A. He graduated from the Catholic High School when he was fifteen. He then started in the premedical school at L.S.U., and then went to Tulane. In between every year's regular session, he attended summer school. At the age of twenty-one, he graduated with his degree.

Q. He was a doctor of medicine?

A. Yes. He had already taken his Bachelor of Science degree after his second year as a medical student. After he graduated he served an internship at the Touro for two years. He then secured an appointment to the American Hosptial in Paris. In between times he spent a year in Vienna studying under the Masters. Then he completed his internship in Paris. After that he obtained a two-year internship at Bellevue Hospital in New York; the last six months at Bellevue, he was the chief interne at the clinic for ear, nose and throat.

Q. Subsequently, he came to Baton Rouge?

A. And went in private practice with me.

Q. He was a specialist?

A. Ear, Nose, and throat specialist.

Witness excuse.

Murphy Roden, called as a witness, being first duly sworn by the Coroner, testified as follows:

By Mr. Odom:

Q. There has been some suggestion in the testimony here that you were one of the participants in the shooting that took place at the Capitol. If you were and for that reason or for any other reason, it is your desire not to talk, not to testify, you have that right. You have the right to refuse to testify and the right to stand on your constitutional grounds that your testimony might incriminate yourself. If you care to testify, we will be glad to hear you.

A. I have no objection to testifying.

Q. Mr. Roden, where are you from?

A. Arcadia, Louisiana.

Q. Are you a native of Arcadia?

A. I am a native of Bienville Parish.

Q. Arcadia is in Bienville Parish?

A. Yes, that is the Parish seat.

Q. Were you present or, rather, were you employed last Sunday night a week ago by the Bureau of Criminal Identification?

A. Yes.

Q. Were you discharging your duties as such?

Q. Yes, sir.

Q. Who had assigned you your duties?

A. General Guerre, Superintendent of the Bureau.

Q. Tell us what your duties were?

A. For some time my assignment was to stay with Senator Long and see that no one harmed him.

Q. When did that begin?

A. I have been with him constantly since the 15th of January.

Q. Were you with him in Washington too?

A. Yes, sir.

Q. Were you employed by the State Bureau of Criminal Identification?

A. Yes, sir, by the State.

Q. And paid by them?

A. Yes.

Q. You were assigned by General Guerre to accompany Senator Long, and see that no one did any harm to him?

A. Yes, I also held a commission through the Metropolitan Police Force in Washington for that purpose.

Q. You were acting for what is commonly known as a bodyguard for Senator Long?

A. I suppose so.

Q. How long have you been employed by the Bureau?

A. Since the second day of January, 1928, when I was a member of the Highway Patrol under Governor Simpson. I was transferred to the Bureau on the first day of November of last year.

Q. 1934?

A. Yes.

Q. You have been continuously in the employ of the State since that time?

A. With the exception of three months in 1930 when I resigned to accept an appointment to the air corps technical school in Illinois.

Q. Tell us everything you know about the shooting of Dr. Weiss.

A. We were in the House of Representatives just as it adjourned and Senator Long was talking to Representative Mason Spencer, and then he walked out of the House and down the corridor to the Governor's office. I was walking right behind him. He walked in and I stopped at the door; I was standing right in the door. He was in there for a second or two and turned around and walked out facing me. I backed right out. He walked out to about the left side of the circle on the floor in front of the main door. At that instant he had called to some one to have everybody there in the morning at 9:30; some one told him that had been attended to. At that minute some one brushed through; at that time I was standing directly in front of Senator Long—he brushed right through; at that moment, he pulled a gun and fired at Senator Long. When he went to thrust it into Senator Long, I grabbed him with my left hand over the gun; then there was a struggle and he fell to the floor and was trying to get up again. Guns were shooting around me and my eyes were full of smoke. I received powder burns on my hands and face. I thought at that time that it was a free-for-all; I knew I had the man that shot Senator Long; I was concerned over that. Finally, I fell to the floor with him. Then I jerked loose, got up, pulled my gun and commenced firing.

Q. Had he been fired at at that time?

A. Guns were shooting; I couldn't say whether he had been hit. Evidently, they were shooting at him. I couldn't see at the time they were shooting. My eyes were full of powder and smoke.

Q. You testified you were both down on the floor?

A. Yes, sir, I stumbled; that floor is very slippery and hard to stand up on.

Q. You mean you were off balance?

A. Yes, sir, in the struggle.

Q. Did either one of you fall to your knees that you recall?

A. Probable one knee.

Q. Did you ever get the gun?

A. No, sir.

Q. Did he say anything?

A. No, sir.

Q. Did he say anything at the time he shot Senator Long?

A. No, sir.

Q. Did Senator Long say anything?

A. No, sir.

Q. Except immediately preceding the shooting?

A. He kind of let out a yell of some kind.

Q. That was after the shooting?

A. Yes, sir, the minute the bullet hit him.

Q. Did the man act as if he had been shot before you broke away from him?

A. No, sir, if he had I couldn't tell it. You understand my position. Guns were shooting and I had smoke and powder burns in my eyes and couldn't see to tell just what was going on.

Q. Could you see well enough to see if he still had the gun in his hand?

A. Yes, I knew he had because I couldn't get it away from him and he kept trying to shoot it.

Q. Who was he trying to shoot?

A. Me. He was trying to work it around to me so it would be pointed at me.

Q. How far away from him were you when you opened fire?

A. I didn't get the question?

Q. I understand that you broke away and opened fire?

A. Yes.

Q. How far away did you get before you opened fire?

A. I was right on him; as far from here to the center of the table (indicating).

Q. How many times did you shoot?
A. Ten times.
Q. What kind of gun did you have?
A. A .38 Colt Super-automatic.
Q. As close as you were to him at that time you could not have missed him?
A. I don't know if my shots were effective or not.
Q. Just why did you shoot him?
A. Just why?
Q. Yes.
A. I shot him to keep from being shot.
Q. When you were trying to wrest the gun away from him what was your purpose?
A. To stop the fire. I have been a member of the National Guard for a good many years and that's the first thing they teach you, to put the enemy's gun out of commission.
Q. You didn't succeed?
A. No, sir.
Q. Why didn't you continue to try to get his gun?
A. I gave it up; I knew I couldn't do it.
Q. How old are you?
A. Thirty.
Q. What is your weight?
A. One hundred and fifty, a little less or a little more.
Q. What is your height?
A. Five feet seven and a half inches.
Q. Do you know whether or not you hit Dr. Weiss at all?
A. I wouldn't swear any one of my bullets hit him.
Q. How close were you to him when you opened fire?
A. Right close for the first shots and I continued to back away.
Q. Did you see him when his body crumpled?
A. After my gun went empty,
Q. Were any shots fired after you ceased firing?
A. I don't know; I can't answer that question. It all stopped about the same time. The whole thing was not over six seconds.
Q. Can you identify anybody who was doing any shooting?
A. I never saw a soul shooting a gun.
Q. Were the others in front of you or behind you?
A. Behind us but I was tussling with this fellow that I was trying to get the gun from.
Q. I don't suppose you have any way of estimating how many shots were fired.
A. No, sir; it would just be a guess.
Q. Were any machine guns used?
A. No, sir; there were not any machine guns there.
Q. How many shots did Dr. Weiss fire?
A. I couldn't exactly answer that. I am of the opinion that only one shot was fired.
Q. Mr. Roden, do you mind telling us what other employees of the Criminal Bureau were present?
A. George McQuiston and Joe Messina; that's all I could absolutely testify were there.
Q. At the time he was in the House were any others of the bodyguards there besides those you mentioned?
A. I couldn't say; we were hanging around the door; I had just walked in and saw he was fixing to come out. They were going to adjourn. As I walked in the door he was standing with his arm around Mason Spencer. As he came past I walked behind him..
Q. Did you see Mr. Riddle?
A. No, sir, I don't recall seeing him.
Q. Did you see Judge Fournet?
A. Yes.
Q. Was he walking with Senator Long?
A. Yes, walking down the hall with him.
Q. Did you see what he did?
A. At the time he shoved us? I would say he shoved us at the same time I grabbed the gun, or about that time.
Q. Mr. Roden, you mentioned Joe Messina and who else?
A. George McQuiston was there.
Witness excused.
Joe Messina, called as a witness, being first duly sworn by the Coroner, testified as follows:
By Mr. Odom:
Q. Mr. Messina, do you understand your constitutional rights?
A. Yes, sir.
Q. Were you present at the shooting of Senator Long in the Capitol last Sunday night a week ago?
A. I would like to make a little statement, please, before, I answer any questions.
Q. Yes, you can make a statement.
A. In the first place, Senator Long is a very close friend of mine, and, in the next place, with a plot that conspired before my friend Sidney Songy came to me and begged me to take him to Senator Long's room, that he wanted to confess a crime they wanted him to pull off. He said he couldn't do it. We got him up to Senator Long's room and he told about it. A lot of stuff was captured in that plot, bullets, guns and hand grenades. In a cowardly way Senator Long was shot. I am ready to answer any questions you want to ask.
Q. Tell what you know about the shooting.
A. It is nothing I know much until the time the shots were fired. When Dr. Weiss fired the shot I saw the Senator jump back and I knew he was killed. I immediately run up, pulled my gun out and unloaded it in Dr. Weiss.
Q. At the time you did that was he being held by Mr. Roden?
A. Two men were scuffling and I looked up to see who they were. I shot the man that shot Senator Long. I saw the pistol in his hand.
Q. Did you recognize the other man scuffling with him as Mr. Murphy Roden?
A. Yes, sir.
Q. Were they grappling at the time you fired?
A. Yes.
Q. Did you see Mr. Roden have hold of the pistol at that time?
A. No, sir, this man was free with it at that time; he jerked loose.
Q. What did he do?
A. I immediately fired?
Q. Why did you shoot him?
A. To keep him from shooting Roden or myself or any one else that might be there.
Q. Did he make any effort to shoot you?
A. That, I don't know. He had a pistol and would have shot any one there.
Q. Was the pistol pointed towards you?
A. I don't know; I don't remember much about that.
Q. Was it pointed towards Roden?
A. I don't know.
Q. Did you shoot him to keep him from shooting you or did you shoot him because he shot Senator Long?
A. One reason was he shot Senator Long; the next reason was to keep him from killing me or any one else.
Q. Which one of those reasons did you shoot him for? Because he shot Senator Long or to keep him from shooting you?
A. I thought he would kill any one in there.
Q. What was the primary reasons?
A. He had shot Senator Long and would shoot me and Roden and any one else in there.
Q. How close were you to him?
A. About the distance to this gentleman sitting right there (indicating).
Q. What did you do when you had emptied your gun?
A. I went downstairs to look for Senator Long.
Q. One witness has testified that you went in the elevator.
A. No, sir.
Q. Did you get in the elevator?
A. No, sir, I went downstairs.
Q. Do you know any one else that was shooting?
A. I was too busy watching my gun to look.
Q. Who else was in the party?
A. In what way do you mean?
Q. What bodyguards?
A. George McQuiston, Murphy Roden and myself.
Q. Did you see the man at the time he fired on Senator Long?
A. I saw him a moment after the shot was fired.
Q. Did you see him before the shot was fired?
A. I didn't notice him at that time.
Q. You didn't see him approach Senator Long?
A. I didn't see him until he fired.
Q. How far were you from Senator Long at that time?
A. Not more than eight feet, probably a little closed in the back.
Q. You were behind Senator Long?
A. I run up to see who it was. I saw them in a scuffle and recognized Murphy and began to fire on Dr. Weiss.
Q. You recognized Dr. Weiss at that time?
A. I never did know the Doctor.
Q. How close were you to him when you began to fire?
A. I must have been six or eight feet.
Q. What position was he in, standing up or down on the floor?
A. Standing up, yes, sir.
Q. Straight?
A. Yes, sir.
Q. What was he doing with his gun? In which hand was it?
A. I don't remember.
Q. Mr. Roden testified that several shots were fired before he broke loose from Dr. Weiss?
A. That's Murphy's statement.
Q. Did you fire any shots before he broke loose?
A. I didn't fire until he broke loose. When I saw who it was then I went to firing when he broke loose from Murphy with the pistol in his hand.
Q. You are employed by the State Bureau of Criminal Identification?
A. Yes.
Q. How long have you been so employed?
A. In my present position?
Q. Yes.
A. I have been with the Criminal Bureau since February.
Q. Were you detailed to go with Senator Long?
A. In Louisiana, yes.
Q. You didn't go to Washington?
A. I never did.
Q. Were you under the orders of General Guerre?
A. Yes, sir.
Q. What were your orders?
A. To stop any violence that might occur or anything.

Q. To Senator Long or any one else,
A. To Senator Long or any one else.
Witness excused.
George McQuiston, called as a witness, being first duly sworn by the Coroner, made the following statement:
I don't care to make any statements whatsoever.
Witness excused.
Louis C. Lesage, called as a witness, being first duly sworn by the coroner, testified as follows:
By Mr. Odom:
Q. Mr. Lesage, were you present in the Capitol last Sunday night a week ago?
A. Yes.
Q. Were you present at the time of the shooting?
A. Yes.
Q. Where were you?
A. In the east end window of the corridor leading up to the Governor's office.
Q. In the alleyway between the House and the Senate?
A. I was sitting in the east end corridor window.
Q. You were sitting there?
A. Yes, sir.
Q. Did you see the shooting?
A. No, sir, I did not.
Q. Describe to the gentlemen what you saw.
A. I was talking to Roy Heidelberg at the time Senator Long passed by going down the corridor. I didn't pay any further attention until the first shot was fired. I just had a second to realize or come to the conclusion that probably it was a firecracker. This shooting started almost instantly; it was not over two seconds from the time I heard the first shot. I jumped out of the window and ran into the restroom of the House.
Q. Going away or towards the shooting?
A. I had to take two or three steps towards it to get in there.
Q. When did you go in the restroom?
A. When the riot of shooting started after the first shot.
Q. Were you looking in that direction?
A. Yes.
Q. Could you see what happened?
A. No, sir, I couldn't. My eyesight is not so very good. I could see a crowd of people congregated down there; I judged it to be about opposite the Governor's office.
Q. How far would you say that was from where you were sitting?
A. Probably sixty or sixty-five feet.
Q. Can you approximate about how many shots were fired?
A. No, sir, I have no idea.
Q. Can you space the time between the first and second shots?
A. Not over two seconds.
Q. Between the second and third?
A. I didn't hear the second shot; the only one I heard was the first shot and then a riot of shooting started after that.
Q. Did you recognize any of the participants?
A. No, sir, not a soul. I didn't see a shot fired.
Q. As Senator Long passed you did you recognize anybody with him?
A. The only person I remember seeing was Joe Bates. He was a considerable little distance back of the Senator. Whether he was accompanying Senator Long or not, I don't know.
Witness excused.
Elliott D. Coleman, called as a witness, being first duly sworn by the Coroner, testified as follows:
By Mr. Odom:
Q. Where do you reside?
A. Tensas Parish near Waterproof.
Q. What is your occupation?
A. I am connected with the Bureau.
Q. How long have you been so connected?
A. Since November 15, 1934.
Q. What duties were assigned to you?
A. General criminal work. Most of my work had been in the illicit whiskey traffic and other work.
Q. Were you present in the Capitol the night of the shooting?
A. Yes.
Q. Your name has been mentioned as having been present. Were you present?
A. Yes.
Q. In what capacity?
A. I was ordered to the Capitol by General Guerre to keep down any disturbance or lawlessness that might take place.
Q. Were you attached to the personnel of the man accompanying Senator Long?
A. No, sir, no such instructions were given.
Q. Did you go down the corridor with him?
A. When he came out of the House of Representatives he appeared to be alone. I turned and walked down the corridor with him to the Secretary's office. A couple of other men came on behind a little bit; maybe one was along with me or maybe a little bit behind. Senator Long went in the Governor's office and stayed a few seconds and came out and walked towards the House. When he got nearly opposite the private entrance to the Governor's office he met a bunch coming from the other direction and stopped there. He stopped there and said something about everybody being there the next morning. About that time a party off to the side stepped right up to Senator Long, pulled a gun and fired directly at Senator Long. I ran up and struck at the man that had the pistol but in the confusion my blow landed on some one else. I struck at him again and the blow carried him back because of the impact of the blow and the man who was grappling with him. Murphy Roden had grabbed him and they fell towards the marble wall and the pillar there. The man still had the gun at that time. I jerked out my gun and fired three shots. I thought probably it was a mass attack and I wheeled around and began looking things over holding my gun like this (indicating). Senator Long grabbed his stomach and said, "I am shot."
Q. Was anything said by the man who approached Senator Long that you heard?
A. Not a word, he never said anything.
Q. Was Judge Fournet with Senator Long?
A. If he was he had just walked up; I couldn't say about that.
Q. Did any one attempt to disarm this man besides you?
A. I couldn't say positively about that. I don't think any one would have had time to do it. When the second shot was fired, I thought his gun had fired.
Q. Did you grapple with him?
A. No, sir, I had hit him a blow on the jaw and followed it up to hit him again.
Q. Do you know Murphy Roden?
A. Yes, sir.
Q. Was he grappling with the man who shot Senator Long?
A. Just after I hit him and he was down; Roden was there. I think he was the man; I am satisfied he was.
Q. You said you fired three shots. Was that before or after they broke loose?
A. Just as they broke loose. As far as doing it while he was on the floor, I know he was shot while he was up because he fell up against the marble post there and there was blood on that post high up.
Q. Was that at the time?
A. Roden was just out of line.
Q. Had they been grappling with the gun?
A. Yes, sir.
Q. He shot after they broke loose or before?
A. Afterwards.
Q. Did you see Mr. Roden shoot at all?
A. No, sir, because after I shot three shots I turned around and stood looking in the other direction. Shots passed me to my right at that time.
Q. When you turned around who did you recognize if any one, Mr. Coleman?
A. You mean when I looked back?
Q. Yes.
A. I don't think I could say I recognized anybody. I think Mr. Heard was there and Mr. George McQuiston.
Q. Did you see either one of those men firing?
A. No, sir.
Q. Did you see any one with a gun in his hand?
A. I saw Mr. Heard with a gun in his hand after the shooting was over.
Q. You say you thought it was a mass attack?
A. Yes, sir. I noticed some of our men.
Q. Did any have guns?
A. As I say, two of them. The others were off to my right.
Q. Mr. Coleman, could you say who fired the second shot?
A. No, sir, I thought his gun did.
Q. They were in rapid succession, were they?
A. Yes, sir.
Q. Was there any appreciable delay between any of the shots?
A. No, sir, they were all together right good and then it was all over.
Witness excused.
Joe Bates, called as a witness, being first duly sworn by the coroner, testified as follows:
By Mr. Odom:
Q. Mr. Bates, did you view the shooting we are investigating?
A. Yes, sir, I did.
Q. Will you kindly tell us what you saw?
A. From the time the House adjourned?
Q. Yes.
A. Just before the House adjourned Senator Long told me to be sure and have everyone of our friends notified to be at a caucus the next morning at 9:30. That's one of my duties, to always notify our men when there is to be a caucus. I notified them. Senator Long had gone on out. The House adjourned and I left the House and came in the hall; I remember seeing Mr. Lesage there in the hall; I think Mr. Lesage was talking to some man whom I thought was Mr. Heidleberg. I might be mistaken about that. I walked on down the hall and as I got by Mr. Ellender's office I heard Senator Long say something about the meeting tomorrow morning. I answered and told him they had all been notified. He came moving fastly on up.
Q. Going on towards the Governor's office?
A. Yes, sir, he was talking to Mr. Fournet.
Q. He was going towards the Governor's office?
A. No, sir, he was out in the middle of the hall. Just about then a young man whom I did not know—dressed in white—I thought he was going to shake hands with Senator Long. He was moving out and as he did he pulled a gun, went in and shot the Senator. The Senator screamed and hollered, "He shot me" and turned and moved fastly away

in a crouching position holding his stomach. I knew there were enough men there to take care of everything for what might come up. My only thought was to see where the Senator was. I thought the senator might have opened the door and gone in the Governor's office because I did not see where he went. I ran in there and hollored, "Senator Long has been shot. Tell the Governor." He was not there and I came out. All that time shooting was going on. I then thought that Senator Long might have gone farther down the hall and stumbled in the Senate lounge room; I went down there but he was not there and as I came back the shooting was over and I found out that Senator Long had gone downstairs. I came back with the idea of trying to find out who shot the Senator. He was lying there with his face down and I never did see him. I went on in the Governor's office; he wanted to go to the Senator. I came on out and went downstairs and went over to the sanitarium. I got upstairs and hung around a few minutes in the hall near the Senator's room. Joe Messina came out and said that the Senator wanted to know who shot him. I said, "I don't know." And Joe said, "He wants to know." I ran down the stairs and got in my car but I had a terrible time with the traffic.

Q. Did you see who shot Dr. Weiss?

A. No, I did not.

Q. Did you participate in the shooting?

A. No, sir, my gun was never pulled from my pocket.

Q. Who was present with Senator Long at the time of the shooting?

A. Mr. Fournet. I know who was assigned there.

Q. Who was that?

A. From our department, Mr. Roden, Mr. Messina and Paul Voitier; that's all I can tell you.

Q. Were you assigned there?

A. No, sir, I was in charge of the men. In other words, the Cossacks, as they are called, usually come to me for orders when they were on duty.

Q. Had you given them orders that night?

A. They had standing orders.

Q. Those orders were to accompany Senator Long and see that nothing happened to him?

A. They were assigned; I had nothing to do with them.

Q. You had nothing to do with giving them orders?

A. No, sir.

Q. Can you tell us how many shots Dr. Weiss fired?

A. I thought it was a low caliber weapon; I think it was only one shot.

Q. You testified that you don't know who shot Dr. Weiss?

A. No, sir.

Witness excused.

Louis Heard, called as a witness, being first duly sworn by the Coronor, testified as follows:

By Mr. Odom:

Q. Mr. Heard, you are connected with the Bureau of Criminal Identification?

A. Yes.

Q. Were you in the Capitol the night of the shooting?

A. Yes.

Q. Did you see the shooting?

A. No, sir, I was twenty-five or thirty feet from him.

Q. Tell us what you saw?

A. I saw the Senator when he left the House; I was across on the other side. When he walked out I walked out. When I got out he was in the Governor's office.

Q. How far were you away?

A. Almost at the end of the corridor. In a couple of seconds he came back out to the Governor's office like he was coming back towards the house. I turned and walked ahead of him; then I heard a shot and wheeled around and pulled my pistol out. I saw the commotion up there near the Governor's office. I turned around to see if any one else was coming up the corridor. At that time there was a whole lot of shooting.

Q. Did you see who did the shooting?

A. No, sir, there were too many people between me and where the commotion was.

Q. You testified that you yourself did not do any shooting?

A. No, sir, I did have my pistol out in my hand.

Q. Do you know who was with Senator Long when he went down to the Governors' office?

A. When he walked out of the House coming out of the door, I saw Mr. Roden, and I think, Joe Messina. Those were the only two I saw. When I got in the hall I didn't walk any farther; people were beginning to get out in the hall and the lobby.

Q. Were you assigned to go with Senator Long's party?

A. Yes, sir.

Q. Were you of the party?

A. Yes.

Q. You didn't keep up with them?

A. No, sir.

Q. From whom did you get your orders?

A. General Guerre.

Q. What were your orders?

A. To keep disorders down and not let the Senator get hurt.

Q. You were just assigned to Senator Long when he was here?

A. Yes.

Q. You didn't go to Washington?

A. No, sir.

Witness excused.

Paul Voitier, called as a witness, being first duly sworn by the Coronor, testified as follows:

By Mr. Odom:

Q. Were you present at the Capitol at the time of the shooting?

A. I was.

Q. What was your business there?

A. My business was to stay with the Senator.

Q. Were you connected with the Bureau of Criminal Identification?

A. I am.

Q. Just what were your orders?

A. To see that nothing happened to Senator Long.

Q. How long had you been assigned to him?

A. The present job I have now, I think, last October, but I am in close contact with Senator Long now for four years, probably going on five years.

Q. Since October you were assigned to stay with him continuously?

A. No, sir, four years, nearly five years. When Allen ran for Governor I met Senator Long.

Q. Did you go to Washington with him?

A. Yes, sir.

Q. Where were you when the shooting took place?

A. Three or four feet from Senator Long.

Q. Did you see the shooting?

A. Yes, sir.

Q. Did you see the man who shot him?

A. Yes.

Q. Were you facing Senator Long or the man who shot him?

A. All together I was about two feet in the rear of Senator Long and about one foot from Weiss, the man who done the shooting.

Q. Just describe what you saw.

A. Senator Long walked out of the secretary's office, the Governor's secretary's office; he said that he would like to have all of his men appear tomorrow early, talking to Mr. Bates, I think. I was in about two feet of him all the time. The Senator walked towards Mr. Bates. He stopped right in front of the main door to the Governor's office, in the circle like right there. He was about there one or two seconds when this man—I learned later he was Dr. Weiss—passed on the side of Senator Long, not saying a word. He had a gun in his right hand, if I am not mistaken, with his left hand covering it. He made two steps towards Senator Long and fired his gun. The gun must have been one or two inches from Senator Long's side when he fired the gun.

Q. What happened then?

A. Senator Long, I think, said, "I am shot." It was Judge Fournet that knocked his hand down; in the meantime, Mr. Coleman, he rushed in and punched at Weiss after Weiss fired the shot, Mr. Coleman walked in and punched at Weiss, and, I think, struck Weiss and punched again and missed Weiss. I think he hit Senator Long in the mouth right where that bruise was.

Q. Who did that?

A. Coleman, he punched Weiss, and punched——.

Q. What happened after that?

A. I backed away one or two steps and kept shooting.

Q. What was Dr. Weiss doing at the time you began shooting?

A. Struggling with Murphy Roden and Judge Fournet; Dr. Weiss was in a position like this (indicating) with his two hands on the gun trying to pull it clear. He was finding it mighty hard to pull the gun away.

Q. How far were you from him?

A. About five feet.

Q. When you opened fire, did you shoot him in the rear or in the front?

A. In front.

Q. How could you do that?

A. I shot between Judge Fournet and Murphy Roden.

Q. How many times did you shoot?

A. Four times; then I backed away and made one more shot. All the time he was on his feet.

Q. Why did you shoot Dr. Weiss?

A. It looked like he wanted to shoot everybody around there.

Q. Mostly because he shot Senator Long?

A. Yes, and to protect myself and the others there.

Q. What do you mean when you say "mostly?"

A. My answer is this: I shot him because he shot Senator Long and tried to shoot me and anybody else around.

Q. Did you see anybody else firing?

A. No, sir.

Q. What sort of pistol did you have?

A. 38.

Witness excused.

L. M. Wimberly, called as a witness, being first duly sworn by the Coronor, testified as follows:

By Mr. Odom:

Q. You are a member of the House of Representatives, Mr. Wimberly?

A. Yes, from Bienville Parish.

Q. Were you present in the Capitol the night of the shooting?

A. Yes, part of the time.

Q. Kindly relate just what part you witnessed, what you saw and what you heard.

A. Immediately after the House adjourned, I walked out of the House chamber and proceeded up the corridor towards the Governor's office. As I got part the way up there I noticed Murphy Roden back back from the door. He attracted my attention as if he were clowning, so to speak, kind of like a goose-step, marching backwards that way. Senator Long came out the door; about the time he came out and turned around he made a remark to somebody: "We have got to have all our men present in the morning." He was answered by some one who said that had been attended to. Judge Fournet had about reached Senator Long. He was proceeding in the same direction I was, from the House chamber towards the Governor's office. At that time a man approached Senator Long, passed Murphy Roden and was between Judge Fournet and Senator Long when the shot was fired. Senator Long screamed out in pain and bent over and grabbed himself in the stomach. He said, "You have shot me," and his knees sagged and he struggled out.

Q. Long's knees?

A. Yes. At that time another shot was fired and seemed to me that somebody either pushed or shoved Murphy Roden, and I since learned Dr. Weiss, backward. At that time innumerable shots were fired, more on the order of a machine gun firing. They were firing so rapidly and bullets were ricocheting down that corridor so that I turned and sought cover.

Q. How close were you to Senator Long when he was shot?

A. About the third window there (indicating).

Q. Did you hear any remarks or any conversation passed between Senator Long and the man whom you subsequently learned was Dr. Weiss?

A. I did not.

Q. Were you close enough to have heard it?

A. I did not hear any but I heard other conversation and Senator Long speaks exceptionally loud.

Q. Who did you say you saw shooting?

A. At the time several people around there; this happened very quickly, much quicker than it takes me to tell it. When the shots were fired I naturally realized I had to get out of the way; they were firing towards me.

Q. Did you identify any one who was firing?

A. No, sir, I couldn't say.

Q. What position was Dr. Weiss in when fire was open on him?

A. I would say during the time he and Mr. Roden were struggling and it appeared that there was somebody else in the scuffle when the firing took place.

Q. Was there any scuffling when the second shot was fired?

A. Yes.

Q. Did you see them when they broke away?

A. No, sir, I went out the same door I came in.

Q. More quickly?

A. More quickly but not as fast as the man behind me, and I moved rather quickly myself.

THE CAREER OF HUEY P. LONG, JR.

Mr. LONG. Mr. President—

And it is here under this oak where Evangeline waited for her lover, Gabriel, who never came. This oak is an immortal spot, made so by Longfellow's poem, but Evangeline is not the only one who has waited here in disappointment.

Where are the schools that you have waited for your children to have, that have never come? Where are the roads and the highways that you send your money to build, that are no nearer now than ever before, Where are the institutions to care for the sick and disabled? Evangeline wept bitter tears in her disappointment, but it lasted only through one lifetime. Your tears in this country, around this oak, have lasted for generations. Give me the chance to dry the eyes of those who still weep here.—HUEY P. LONG

It has been 58 years since my father stood in the shade of that beautiful oak in St. Martin Parish and asked the people of Louisiana to trust him with their hopes and aspirations. His words were not the empty, demagogic promises so often made by politicians of that day. They were the sincere words of a man who was on the verge of taking Louisiana by storm and would soon assure himself a place as the most outstanding and successful Governor in our Nation's history.

Huey Long was nothing like those Governors who had preceded him. He was a brash young man who scoffed at the status quo, which for too long had kept most of the State's population chained in poverty, disenfranchised from the elective process. To be sure, he made many bitter enemies and was almost impeached by his opponents whose excessive advantage was threatened by his successes. It cannot, however, be disputed that Huey Long was a man of his word. He kept the promises that had been so casually abandoned by others. At a time when the common man had lost much of his faith in government's ability to work for the people's good, Huey Long appeared and restored that faith.

He promised the people roads where there was mostly dirt and mud. He kept that promise, building thousands of miles of concrete, asphalt, and gravel roads in just a few short years. He promised better schools and educational opportunities for a population that was largely illiterate. He kept that promise and built an educational system which for the first time gave opportunities for learning to all children, not just the privileged few. He told the people that government would provide them health care, when they could not afford it. That promise, like the others, was fulfilled. He ensured that a newborn child in the State's charity hospital had the proper care and within a few years the mortality rate dropped by more than one-fourth.

In matters of my father's life, I am a prejudiced man. He is my hero, the one person in this world who has inspired me above all others. But prejudice does not necessarily mean that your view of the matter is distorted or without basis in fact. It simply means that you have an opinion about a matter. In that regard, my view is indeed a prejudiced one. But this view is one that also sees Huey Long as a mortal man, not perfect by any means, with weaknesses like everyone. However, I strongly believe that what motivated my father was his love for mankind and his belief that every man and woman deserved the opportunity to enjoy a good life.

It has been 50 years since my father was struck down by an assassin's bullet in the marble halls of the State capitol in Baton Rouge. Although I was only 16 years old at the time, I was old enough to understand what was happening around me and to appreciate the wisdom and good sense of my father's philosophy. His idealism and love of the common man moved me to enter politics and run for the U.S. Senate 13 years after his death. I hope that he would be proud of me today, for I have tried to champion the causes of those who need a friend in government and to work to build a system which encourages everyone to enjoy a meaningful place in our economic system.

I do not believe in those ideals mainly because they were espoused by my father. I believe in them because they are right and motivated by a deep regard for the good of this country, with compassion for those less fortunate.

As a member of the railroad commission—now known as the public service commission—as Governor of Louisiana and then as a U.S. Senator my father preached fervently of the path this Nation needed to take if our form of Government was to survive.

Huey Long believed that the Government must provide better opportunity for the rank and file Americans. Simply put, he maintained the Government should assure all citizens' potential for leading the good life. It had to stand for the proposition that those who made an effort and worked diligently would have an opportunity to make something of themselves, to have a decent income and enjoy some of the good things. To my father's way of thinking, this was not too much to ask of a government that was founded on the principle that every man has a right to life, liberty, and the pursuit of happiness.

There is no doubt that Huey Long was ahead of his time in this regard. Just examine his Share the Wealth Program. Long before this country had unemployment insurance, he was advocating a program by which the Government would help those who, by no fault of their own, lost their jobs and simply could not afford to support their families. Eventually, the leaders of this country saw the wisdom in this and enacted the proper legislation, legislation that Huey Long had been advocating for years.

He was calling for a Social Welfare Program long before President Roosevelt proposed one. In fact, when Roosevelt presented his Social Security Program, he showed he was concerned about what Huey Long was proposing. Roosevelt administered it as insurance, requiring people to contribute for a certain period of time before becoming eligible for benefits.

Remember, this was in the midst of a cruel depression. Under Roosevelt's plan, the elderly got very little immediate help. They needed assistance, but had to wait for years before the help did them much good. Huey's idea was to launch right into a major program that would immediately begin lifting people out of poverty. The fact that it could be done the way he had in mind was demonstrated in my Uncle Earl Long's time as Governor. He promised there would be an old-age pension and we did it immediately and with a substantial portion of it paid with State funds.

I believe my father was correct in maintaining that the Government did not need to take the time it did in building up reserves before helping those in need. The fact is that Social Security today is more an intergenerational transfer payment with little in the way of reserves, somewhat as Huey would have had it. He respected the insurance principle, but I know he would not have wanted millions of aged persons living for years in poverty and wretchedness.

President Johnson, who as a young Congressman was close to President Roosevelt, once acknowledged my father's contribution to Social Security.

He thought that the old folks ought to have Social Security and old age pensions and I remember when he just scared the dickens out of Mr. Roosevelt and went on a nationwide radio hookup talking for old folks' pensions.

President Johnson said in a speech in New Orleans in 1964:

And out of this probably came our Social Security system.

Huey Long was looking down the road, with great vision, toward where I still think we should be headed in this country. The whole basis of his philosophy for the Nation was that none should be too rich and none too poor.

His contribution was extraordinary on the Federal scene. He forced the Roosevelt administration to alter the course it had chosen and forced it down a path that would turn out to be the way of the future. It was a course based on the belief that our Government should provide more security and better opportunity for everyone.

Because of Huey's prodding, the Federal Government did a lot more for the average man and for the less fortunate. But there is no doubt that if Huey had had his way, the Great Depression would not have been as severe. With Huey Long leading the way, I doubt it would have taken World War II to end the needless pain and suffering that afflicted this land for 12 years.

One of the earliest stories I heard about my father happened before I was born, but is very characteristic of the kind of man he was. Before he ever sought public office, he and my mother were living in Shreveport, LA. Every morning my father would ride the street car, which ran right in front of the house, to work and back at night. But one day the company raised its fare from 5 cents to 7 cents. You might not think 7 cents is much, but at that time a nickel was like a dollar today, considering how hard it was to earn money and how little people made when they did work.

Huey was outraged and he announced that he would file suit to restore the 5 cent fare. Meanwhile, he would refuse to ride the street car, even though it rolled right in front of his house.

So every morning he would walk down the tracks about 2 miles to his little office in the First National Bank Building. At night, he would walk back home. The men working on the railroad tracks thought he must be crazy. They would call out to him and he would wave back. I am sure they must have said to themselves, "There's that crazy kid Huey Long. He thinks he's going to make them put that street car fare back to 5 cents."

Well, he won the law suit, the fare was lowered back to 5 cents and he started riding the street car again. He made no money from that case, but that is not what he wanted. He told my mother at the time:

You know, if you want to be in public office and serve the people, you need to prove to them that you can do something for them.

Getting that 7-cent fare down to 5 cents proved a point: He was a man of action. It was not too long before he was elected to the public service commission. As public service commissioner he went to work even harder to establish himself as a person who could help the rank and file of citizens.

Huey was elected to the Louisiana Public Service Commission, then called the railroad commission, about the time of my birth. The campaign for public office kept him away from home much of the time and for that reason he was not in Shreveport when I was born. When the doctor asked my mother what she wanted to name me, she told him she had decided upon Huey P. Long III, after my father who was Huey Junior. My father, however, had other ideas. When he arrived back in town, he demanded that my name be changed.

He told my mother:

I was Huey Long Jr. and I hated being little Huey all my life. I'm not going to wish that off on a son. Furthermore, when a man is in politics he almost always winds up being repudiated. It's better for the boy to have his own name so if things go badly for me, he can have his own name to make it on.

So, he insisted I be named something else. It so happened that my parents had a respected banker friend, a relative of my mother's, Russell Billiu. They gave me his name and from then on I was known as Russell.

About 20 years later, when I joined the Navy, I needed a copy of my birth certificate. It was then that I discovered my name was still officially Huey P. Long III. Nothing hurt me more than to change my name to what it had been all my life. But if I had not, people would have assumed I was trying to capitalize on my father's name. I thought since I had always been known as Russell, I ought to honor his wish and have my own name and not his.

Huey knew early in his career that he would be controversial and make quite a few enemies, but it never stopped him from doing what he thought was right. Once, he was convinced that the electric company was charging too much. So he filed a law suit and made them refund checks all over the State to people who had been overcharged. Wherever prople wanted service, he took a great interest in it and was very aggressive at making the utilities give their customers a better deal.

Huey was never one to shy away from a fight and to try to change the system when he thought it was treating people unfairly. It was not too long before he started focusing his attention on those old families who owned most of the wealth in our State who had a way of claiming too much advantage and too much privilege for themselves. The rank and file, from his point of view, were not being treated fairly. The people who had the best of it just kept on getting the best of it and those who never had much chance continued to have very little chance. He wanted to do something to change all of that and went to work campaigning for Governor on the promise that the average man was going to get a better deal.

The first time he ran for Governor he lost. I have always maintained he lost, not because he lacked the support of the people, but because it rained all day long on election day. At that time, it was impossible to find more than a few miles of good roads anywhere in the entire State.

In fact, there were hardly any gravel roads worthy of the name, much less hard surface roads. The farmers and people in the rural areas where his supporters were the most numerous were essentially immobilized by the rain, especially in north Louisiana where he was most popular.

He tells a story in his autobiography. He said a friend asked him, "Have you heard about the first box out of Red River Parish?

"No, tell me about it," he said.

"That box is for you 50 to 1."

"Then that means I'm beat," he said. "That box should have been 100 to 2."

The story was different in New Orleans. There the people could get to the polls with relative ease, without having to trudge through miles and miles of mud. In New Orleans, he lost badly, but the weather was not the only reason.

In those days, the Old Regulars' organization had New Orleans so organized that they could deliver to their candidate, even though you may be a very popular candidate running against him. In years to come, he found he would have to build himself an organization able to contend with the Old Regulars in New Orleans and eventually he did to where, shortly before his death, he was successful in defeating the Old Regulars even in the city of New Orleans, but that took years to do.

Back at that time New Orleans had the ultimate in terms of home rule and nobody, not even the Governor, dared to interfere with the city's affairs, especially its elections. So on election day, when Huey's people would cry foul or try to defend their rights, the police would come and arrest all the Long poll commissioners and haul them off to jail, leaving the Old Regulars' commissioners to do their mischief. At that point, you would be finished. They did not have to be in complete control to those polls very long to make sure that the outcome was to their ultimate satisfaction.

In addition, the Old Regulars had thousands of people on the voting rolls who did not belong there. Some were dead and some were sailors coming through town who had registered to vote. Election day would come and the the sailors would be long gone, but curiously they still voted.

Huey soon learned that if he were going to be successful and do some good for Louisiana, he must learn to beat those people at their own game. So many people talk about how ruthless Huey was and the lengths he would go to win an election. Huey Long was simply fighting fire with fire.

Four years later, in 1928, Huey ran again and this time, of course, he won. I can still recall that election day vividly. I was a young fellow, just turning 10 years of age. My sister, my brother, and I were in tears because those early returns coming in out of New Orleans were overwhelmingly against our father. He called and told my mother that he was going to win that race. He had checked all over the State and the early returns for the precincts he counted on carrying were going just the way he thought they should. That was hard to believe when you have been seeing those early returns that looked so bleak.

The following day was a very bad one for us children at school. All the kids in school were just delighted to see that our father was trailing badly and probably was going to lose the election. But to their surprise, it had all turned around the following day and Huey was ahead. My mother went out and got three newspapers and pinned the headlines—"Long Leading" and "Long Takes Lead"—on each one of us children to let our classmates know that Huey was now leading and that he had been elected.

Once elected, he went to work to fulfill his campaign promises. And he did. Among them was his commitment to provide schoolbooks for little children.

He had told the people that there would be free schoolbooks for children and he kept that promise. I can recall that when I was a youngster the schools were all segregated. But even at schools for the white children I can recall that after the young people had been there for a few days, if their parents had not been able to buy them textbooks, the teacher would ask those poor little children to leave and not come back.

Mr. President, when free schoolbooks went in, enrollment of public schools increased by 20 percent. Think of all the little children who had been losing their chance in life because their parents could not afford those books.

It is very tragic to think of all the little children who lost their chance in life because their parents could not afford to buy them school books. Huey changed that and made sure that every child in Louisiana would have text books. He made himself quite a few enemies by doing that because he forced the oil companies to pay for it by drastically increasing the severance tax. One already existed, but he contended it should be much higher. Needless to say, that caused an uproar among the opposition. A friend of mine once said that those people who were against my father were not against children having schoolbooks. They were not against good roads and they were not against good hospitals. They were not really against any of that. They hated Huey because he made them pay for all that.

Possibly more than anyone else in his time, he fully recognized that you really cannot make an omelet without breaking some eggs. He knew that you will make some enemies if you plan to make some changes in the way government operates.

For example, after he had levied the tax and had put free textbooks in the schools, the Caddo Parish School Board was still refusing to accept them, saying they did not need a handout from the State. About that time, however, the people in Caddo Parish learned that the government was planning to establish an airbase in Bossier Parish, right across the Red River. But when the parish leaders came to Huey and asked him to routinely sign over some State property for the base, he refused to sign it.

Those Caddo Parish people were just outraged because they might lose this base and the hundreds of jobs that went with it. But Huey told them, "You people are so rich up there that you say the children don't need free schoolbooks. What do you need with an Air Force base if you're that rich?"

They had to swallow their pride and permit the children to have the free books if they wanted to have Barksdale Field. I'm not sure if he would have been willing to lose the base just to get free books in the school. I suspect he was playing a bluffer's hand. But to hear the other side talk, you would have thought he had committed an impeachable offense. In fact, when an effort was made to impeach him, speakers from Shreveport were heard orating about his tyrannical methods of forcing government-owned books into the hands of proud families who wanted none of it.

But that was the way it was when it came to my father. People either loved him or despised him. There never was, or has been, much in between.

THE OLD REGULARS AND THE STATUS QUO

Those Louisianians who never had to drive a car across the State in the 1920's cannot fully appreciate what Huey did for our State. When he became Governor in 1928, there was less than 100 miles of hard-surface roads in the entire State. Today, there are more than that in every individual parish. But then, if you were to add all the concrete and all the asphalt roads together, there would be less than a hundred miles, with a few other miles under construction.

During the 4-year period he was Governor, in spite of more opposition than any Governor has ever had before or since, he still managed to build a total of 2,300 miles of hard-surface roads. Two-thirds of that was modern, concrete highway, some of the best concrete roads in the United States at that point. That is enough road to build a highway from Baton Rouge to New York, and then build another from Baton Rouge to Chicago. All of this was in one relatively small State in a period of about 3 years, because it took about a year to obtain the authorizations, money, and rights-of-way to get started.

Under his administration, the effort to build roads in Louisiana exceeded that of New York, which was a very progressive State. New York, after all,

had six times our population. Louisiana, which was 2 percent of the Nation's population, was employing 10 percent of all those people in the country who were working on road projects, which was five times the national average. Most of that was during a time of depression when a large percentage of workers in country was unemployed.

Not only did he build roads, but he built 111 bridges. Did he receive a lot of acclaim from others who were in power? Not at all. Instead, they tried to impeach him.

Today, when you hear about Huey Long, you are likely to hear that he was almost impeached as Governor. To the unknowing, it would seem that the legislature of a great State would only seek to remove a Governor from office if he had done some dastardly deed. In my father's case, however, nothing could be further from the truth. Those people were angry at him because he was out to make the rich pay more taxes so the average family could live a better life.

There were a few outlandish charges against him, but the only one that passed was one alleging he had threatened to reveal certain information that might embarrass a prominent Louisiana opposition family. His defense was that it could hardly be an impeachable offense to reveal something that is a matter of public record. If it were a public record, then anyone had access to it.

Huey's people got busy and they found 15 senators willing to sign a statement declaring that they would not vote to impeach him no matter what the evidence. Those 15 votes meant that his opponents were beaten because they would not be able to get the majority they needed to convict him.

The position of those senators was that the session had been called for a certain number of days and the time for the session had expired, so the legislature had no right to extend it, without the Governor's consent. Although they could have proceeded with impeachment as a farce and a rump trial if they wished, Huey's opponents knew that would be useless. So they gave up, reluctantly and voted to adjourn.

TO WASHINGTON

Today most Governors who are regarded as great Governors are remembered because they did something significant for roads or for education. Taking those criteria alone, Huey was more outstanding in both respects than any Governor in this country's history, to my knowledge.

He arranged it so that a young person whose family had no means whatsoever to attend Louisiana State University could get a good education by means of a large number of work scholarships. For example, students produced and prepared the food that was served on campus.

I remember so many young people, my classmates, who went to school with no more than the shirt on their back. But Huey provided opportunities for young people to work and pay for their education. And a lot of those young people have been some of the outstanding leaders in our State and Nation since that time. Today, in large measure because of Huey's leadership and example, our Government's policy is to help those young people who cannot otherwise afford a college education.

In doing what he did, he took taxes off those who were least able to pay. When Huey became Governor, there were taxes on a man's cow, his hog, just about anything the Government could find to tax. Huey eliminated those taxes on a farmer's livestock and eventually was able to enact the homestead exemption so that the first $2,000 of assessed valuation, equal to about $30,000 today, would be untaxed. That meant that most people no longer paid a tax on their homes or small farms.

Another example of Huey's compassion: During the Depression, when the little people had no income and could not find the money to pay their bills, the banks would simply foreclose on them and take what little they did have for payment. Huey provided the leadership for a debt moratorium commission, a body set up so that a man could go before it and explain that he was doing his best but that he was on hard times. The commission would usually arrange to give him more time. It would say that a person could not be foreclosed on, allow the debtor more time and would find ways to have the State use its credit to assure the bank would eventually be paid.

He went to Washington in 1932, elected by the people as U.S. Senator and began to spell out his views about his Share the Wealth Program. Incidentally, he later changed their name to "Share Our Wealth Program," feeling that all the people of the country had a claim on the wealth of this great Nation. His theory was that most of our trouble comes from greed. His view was that we have enough of everything in this great country so that most people can live a comfortable life. He believed that the country permits a few people to hog up so much of the wealth that there is just not enough left for the remainder to have a fair share.

His argument was that if you tax away some of the money that those very wealthy people have and then spread it among those who were poor by providing them a home, some furniture, and an auto and paid a pension to the aged and put the unemployed to work on some desirable public works then the rest of the people could live a decent life. Basically, he wanted to assure that every family would have a home, an automobile, a reasonable amount of furniture—enough so they could live decently. Moreover, he wanted to assure that everyone would have a job and a chance to have an education. He wanted all the elderly to have a pension when they reached their declining years.

From the day he made his maiden speech, entitled "The Doom of America's Dream," he was branded by the special interests as a dangerous populist.

He kept speaking out for that until President Roosevelt found that he was going to have to change his way of doing business to keep Huey from stealing all his thunder. When Roosevelt was first elected President, he ran on the platform that could please anybody. Liberals and the conservatives both found things they liked. But in due course, the liberals, Huey in particular, found reason to be dissatisfied, and Huey would make his speeches to the effect that Roosevelt had claimed conditions would be better although they were getting worse and continued to get worse. So much so that Roosevelt decided he was going to have to change his approach. And he decided he would support a Social Security Program which, of course, Huey was glad to vote for, although it did not do near as much for the aged as Huey would like to have done. It required building up larger reserves before they could receive the benefits they would have otherwise.

I suppose Roosevelt had promised all sorts of things when he was running for president as most candidates tend to do. But he had campaigned in such a way that many rich and conservative people thought he was their man. The working folks, too, thought that he was on their side. But in the last analysis, the people from New York, where he was from, did not expect him to do many of the things that Huey Long was talking about.

So Roosevelt got off to a very conservative start, until he and his people started looking at polls that indicated that if Huey Long kept touting his program and ran as a third party candidate, Mr. Roosevelt was not going to be reelected. Huey probably would not have won the election either, but he would have gathered enough votes so that Roosevelt would have run behind the Republican candidate. That had Roosevelt worried. I have talked to people since that day who were with Mr. Roosevelt at the time who tell me just how scared he was of the impact of my father's proposals among the people generally.

One of those people told me that he was in the White House during the days they were talking about how they

would deal with Social Security and that Roosevelt had just a great deal more to say about Huey Long than he did about Social Security. Lyndon Johnson was a good friend of President Roosevelt and he said that because of what Huey Long was saying and the way it was catching on in the country, Roosevelt felt that he had to endorse some kind of Social Security Program. It is very clear to me that my father played a major role in the birth of a system by which our Government became more humane and set out to actively pursue a policy of creating jobs, rather than to leave people idle, homeless, and hopeless.

Of course, Roosevelt did not give Huey Long credit for what was being accomplished at that time. Since then, however, I have heard from many people, even those who were once enemies of my father, who tell me there was not any doubt why Roosevelt was moving in a more liberal direction. He was doing it because he was seeing the rising star of Huey Long moving on him and if he did not do something, he might not be reelected.

There was one thing, however, that President Roosevelt did credit to Huey Long a year or so after his death. It was the National Youth Administration, the program that gave young people all across the Nation a chance to work their way through school. And since that time, we have gone beyond that to make it a great deal easier for young people to attend college.

Mr. President, I have already addressed myself to the assassination. I would like to add one aspect to that matter. I doubt that my father would have been assassinated had he not succeeded in repealing the poll tax. Prior to the time he repealed the poll tax, he was winning the elections by somewhere between 50 and 60 percent of the vote. But you could see great numbers of people who were unable to vote because they could not afford to pay the poll tax, who would vote even if they could. It stands to reason that about 75 percent or more of the whites who could not vote would have voted for him if they had been free to do so.

This repeal of the poll tax did little to help the blacks. They were barred from voting by a so-called white Democratic primary, and he did not attempt to change that at that time because he felt to do so would cause him to be crucified on a cross as it so often happened to liberal Southern politicians. But he did feel that at least he should provide the leadership to start moving in expanding the electorate, and to fix it so that the poor whites could vote. What he did almost doubled the electorate. He never lived to see the results of that. If he had, he would have been winning the electorate by more than 70 percent.

Mr. President, if he had lived in a day such as we have today of the Federal voting rights laws, the blacks who constitute about 30 percent of the population of the State would have also been privileged to vote. How would they have voted? I know how they voted when I was a condidate on the ballot. About 95 percent or more voted for me. When Earl Long was a candidate for Governor, on more occasions than one, about 95 percent of the blacks voted for him. It is fair to assume that Huey would have had about the same thing.

When the opposition saw that they were not going to be able to defeat him at the polls, that caused many of them to feel that they should consider killing the man to have their way. Mr. President, I doubt that the man who appears to have assassinated my father would have wanted to make that move had he known or at least believed what Huey really had in mind. Huey Long had thought that it was too much to keep going back and forth from Washington to Louisiana to try to help a Governor and his friends do business in the State legislature and maintain control of the State every time the opposition sought to overthrow them.

He concluded that he should help to reelect his friends, run for reelection himself at the same election, then, to use his term, "to push the boat way from the shore"—leave it with a Governor who was competent, honest, and who would not tolerate dishonesty in others and to manage the affairs in his own way. He picked out the man he thought was qualified to do that.

That man is known to us who served here for more than 30 years as a great U.S. Senator. Allen Ellender was one of the most straightlaced men I have ever known in politics in my life. If Allen Ellender had been the Governor of the State, we would not have had the scandal that occurred years after Huey Long's death. It seems very unfair to me that many in the media sought to blame him for the scandals that occurred later on, years after his death when he was not the one who was responsibile for it.

None of the corruption in the years after his death could be traced to him for the simple reason that while he was calling the signals when he was Governor and Senator he did not tolerate corruption.

The scandal would not have occurred had his so-called political heirs listened to my mother, who pleaded to them to support Allen Ellender because he was the man she knew Huey Long wanted to succeed him as Governor. Had his opposition known that he was planning to support an independent type man who was as honest as the day is long and intolerant of corruption in others, I think many of them would have looked differently upon their thoughts about him. I think that even the person who shot him would have thought differently about his desire to kill Huey Long because he did not like the way Huey Long was doing business. I think he would have been willing to tolerate Huey making speeches here in Washington and advocating his share of the wealth program had he thought he was not the dominant force in local Louisiana politics.

It may make a point to suggest that we will never achieve perfection on this side of heaven, probably because we do not deserve it. Perhaps this world was intended to be a testing place rather than the ideal. Why else do we endlessly fail to appreciate good people until they are gone, and fail to trust those who are worthy of it until it is too late? In my own case, I have been elected to the U.S. Senate on 7 consecutive times over a period of 38 years. My first election at age 30 was by a close vote, but since that time I have achieved some very large majorities. The closest of the races found me ahead of my nearest opponent by 20 percentage points and I have had majorities of as much as 87 percent, 75 percent, 66 percent, and 70 percent, some of them against opposition that may have deserved more votes than they achieved. In some cases, I have been elected without any opposition whatsoever.

Mr. President, I have won not just some, but almost all of my victories, by larger margins than my father ever achieved. That was in spite of a statewide media which was thoroughly unfair and constantly critical of Huey Long for the last 50 years when he was not alive to defend himself.

Yet, I am convinced that much of my success, even in recent years, was because of my father. How could that be? It was because those who had heard him speak more than 50 years ago, by word of mouth, had a way of expressing their favorable opinions of him in spite of uniformly adverse comment both in print and over the electronic media for 50 years.

With those who had known and supported the man, he was the greatest Governor, not just in Louisiana, but in any State, ever. Those who shared that opinion represented about 60 percent of those who were privileged to vote when Huey Long was on the scene. They represented more than 75 percent of those who were white and could not vote and about 95 percent of those who were black and also could not vote. In other words, had Huey enjoyed the benefit of the Federal voting rights laws, he would have been achieving more than 75 percent of the vote in honest elections.

Among those who were old enough to know Huey Long and recall his speeches, he still rates in the polls more popular than any other Governor. Why? I will always maintain it is

because those who knew Huey Long will always remember what he did for them. Neither they, nor I, will ever forget the price he paid for trying to make this world a better place.

He stated his dream for American eloquently in the concluding lines of his autobiography when he said:

> Then no tear dimmed eyes of a small child will be lifted into the saddened face of a father or mother unable to give it the necessities required by its soul and body for life; then the powerful will be rebuked in the sight of man for holding that which they cannot consume, but which is craved to sustain humanity; the food of the land will feed, the raiment clothe and the houses shelter all the people; the powerful will be elated by the well being of all, rather than through greed.

THE 50TH ANNIVERSARY OF THE DEATH OF SENATOR HUEY PIERCE LONG

Mr. BYRD. Mr. President, 50 years ago today, September 10, 1935, Senator Huey Pierce Long of Louisiana died from an assassin's bullet. The distinguished Senator RUSSELL LONG has made some brief remarks in this regard earlier. I feel it is appropriate that this Chamber take the time today to reflect upon the memory of this great American, a distinguished Senator, the father of our own beloved colleague, Senator RUSSELL LONG.

Senator Huey Long was one of the most colorful persons ever to sit in this body. His flamboyant style and controversial methods have been portrayed in a plethora of books, movies, and songs. But the emphasis on his style and methods often distracts from the meaning of his life and political career, both of which were, tragically, far too short.

Born August 30, 1893, in Winnfield, LA. Huey Long seemed destined for a life of public service, and of helping the weak, the underprivileged, and the dispossessed. Regarding his career as a lawyer, Huey Long recalled: "Always my cases were on the side of the small man—the underdog, I have never taken a case against a poor person," he proudly proclaimed.

In 1918, at the age of 25, he was elected State railroad commissioner. In this position, he secured a reduction in telephone rates for the people of his State, prevented rate increases on street-railways, and attacked corporate abuses.

In 1928, Huey Long was elected Governor of Louisiana. His administration resulted in badly needed reforms for his State, free textbooks for the State's schoolchildren, and new bridges, paved roads, and other improvements. New hospitals were built; old ones were modernized; and his beloved Louisiana State University was vastly expanded and improved.

Taxes on the State's oil and gas industries were increased to pay for the programs of Governor Long, while the State's poll tax was abolished to increase the participation of the State's "poor whites" in the democratic process.

In 1930, Huey Long was elected to the U.S. Senate. In his maiden speech to this body, "The Doom of America's Dream," which he delivered amidst the worst days of the Great Depression, Senator Long remarked:

> This great and grand dream of America that all men are created equal * * * this great dream of America, this great light, and this great hope, have almost gone out of sight in this day and time * * * there is a mere candle flicker here and yonder to take the place of what the great dream of America was supposed to be.

Senator Long planned to resurrect the fading American dream with his "share the wealth" program which proposed a homestead allowance and a minimum annual income for every American family. He further proposed to redistribute wealth through limitation of inheritances, heavier taxes on the higher brackets, old-age assistance to the elderly poor, public works, and balancing farm production with farm consumption.

Although the feasibility of some of his plans and ideas has been questioned or challenged, it is certain that he was trying to ensure that every American could and would have a life of economic security and social dignity.

If some of his proposals were infeasible, his heart and mind were in the right place. If some of his plans were in error, at least he erred in trying to make life more comfortable and better for all the people, the poor as well as the rich, the weak as well as the powerful.

As a result, Senator Huey Long developed a tremendous following, not only in Louisiana but also throughout the country. Historian David Potter writes that Senator Long "was second only to the President (Roosevelt) in political importance when he went to Louisiana * * * for a special session of the (State's) legislature." While there, on September 8, 1935, Senator Long was shot by an assassin; he died 2 days latter—50 years ago today.

Upon the death of Senator Long, Senate Majority Leader Alben Barkley said,

> Life is not measured in years. Many men have lived to be 80, 90, or even 100 years old without accomplishing as much in the causes in which they believed and for which they fought as Huey Long accomplished in 40-odd years.

Then, too, there were the words of another U.S. Senator who also fell to an assassin's bullet. In his book, "Profiles in Courage," John F. Kennedy said:

> Must men conscientiously risk their careers only for principles which hindsight declares to be correct, in order for posterity to honor them for their valor? I think not . . . Surely in the United States of America, where brother once fought brother, we did not judge a man's bravery under fire by examining the banner under which he fought.

Senator Huey Long, however, never considered his actions and policies to require defense or explanation. He knew what he sought, and he never asked for quarter.

I think it is appropriate, as we acknowledge the memory of this larger-than-life American, to recall some lines from his favorite poem, "Invictus"—lines which themselves adequately summarize the life and political career of Senator Long:

> In the fell clutch of circumstance
> I have not winced nor cried aloud.
> Under the bludgeonings of chance
> My head is bloody but unbowed. * * *
> It matters not how strait the gate,
> How charged with punishment the scroll,
> I am the master of my fate;
> I am the captain of my soul.

Mr. President, the Scriptures teach us to "Honor thy father and thy mother." Senator RUSSELL LONG has honored his father and his mother—by words and by deeds. In so doing, he has brought honor upon himself. All Members of this body revere Senator RUSSELL LONG. Every Member counts him as a friend. He is a great Senator, a great Louisianian, a great American. History will long honor the memory of Senator Huey Long, and we will long honor the memory of the name of Senator RUSSELL LONG after he departs from membership in this body—which he has announced he will do voluntarily at the close of the 99th Congress.

Mr. President, I yield the floor.

ANTI-APARTHEID ACTION ACT OF 1985

Mr. BYRD. Mr. President, I move to proceed to consider the conference report on H.R. 1460 and offer a cloture motion on the motion to proceed.

The PRESIDING OFFICER [Mr. HECHT]. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of the Conference Report on H.R. 1460, The Anti-Apartheid Action Act of 1985.

Edward M. Kennedy, Paul Simon, John D. Rockefeller IV, Bill Proxmire, John F. Kerry, Spark M. Matsunaga, Max Baucus, George J. Mitchell, David Pryor, John Melcher, Gary Hart, Howard M. Metzenbaum, Lawton Chiles, Dale Bumpers, Don W. Riegle, Jr., Alan J. Dixon, J. James Exon, Patrick J. Leahy, Claiborne Pell, and Alan Cranston.

Mr. BYRD. Mr. President, I withdraw the motion to proceed to the consideration of the conference report.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. DOLE. Mr. President, a parliamentary inquiry. As I understand it then, the impact of this would be another cloture vote, not on the conference report but on a motion to proceed to the conference report, and this vote would occur on Thursday?

The PRESIDING OFFICER [Mr. GRAMM]. The Senator is correct.

Mr. DOLE. One hour after convening?

The PRESIDING OFFICER. After a quorum is established.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it would be my hope that before we recess this evening we can lay down S. 1200, the immigration bill. As I understand it, the distinguished Senator from Michigan, who has a question with reference to S. 1200, is on his way to the floor.

DISCRIMINATION BASED ON ALIENAGE

Mr. LEVIN. Mr. President, I understand from our good friend Senator SIMPSON that there is going to be a hearing in the next week or 2 weeks with the House of Representatives, a joint hearing, on the question of discrimination based on alienage, which is an issue which was debated at the time this bill came up in the last Congress. As a matter of fact, we had a vote at that time on a Hart-Levin amendment relative to nondiscrimination based on alienage.

Logically, some of us have felt that that hearing should take place prior to this bill coming up, because it would provide a record upon which we could debate the issue. It is a complicated issue, by the way. It is extremely complicated. We thought it would be useful to have that hearing record prior to the debate on that amendment.

The leader wishes very much to proceed, and I surely do not want to be an impediment to that. So I talked to Senator SIMPSON about the possibility that we have some assurance that at some point prior to any conference with the House—and our friend is here right now—on this immigration bill, assuming that it gets to that point, those of us who are interested in this subject would have an opportunity, a window, on the floor of the Senate to have a vote either on a bill, or on a resolution, or on a sense of the Senate, on some matter relating to the issue of nondiscrimination based on alienage.

If the majority leader is willing to say yes, that at some point prior to conference there would be that opportunity—it could be limited to a few hours—I think it would satisfy a lot of us on both sides of the aisle who have written our good friend ALAN SIMPSON urging that there be a hearing on this subject and who are interested in this possible amendment at some point.

Mr. DOLE. Mr. President, let me indicate that the distinguished Senator from Wyoming is an expert in this area, but I would say that the leadership certainly understands the problem.

I would be willing to make the pledge to the distinguished Senator from Michigan. I hope that would permit us to lay down the bill this evening.

As the Senator indicated earlier, this might be 1 month from now; it might be 6 months from now. If the House does not pass the bill, it might not happen at all. So I am willing to agree to the request of the distinguished Senator from Michigan.

Mr. LEVIN. I think that would be helpful. That was my only problem in proceeding, because I think logic dictates that the hearing come prior to the debate. In this case, that is not possible because of the needs of the leader to proceed, and we can understand that and appreciate it. Those of us interested in this subject would like to be assured of that window prior to the conference, when we would have an opportunity—if we chose, I emphasize—to proceed to a decision by the Senate on some resolution, bill, sense of the Senate, or whatever the form would be.

Mr. SIMPSON. Mr. President, I appreciate the majority leader giving that concurrence, because I certainly will do so. I assure the Senator from Michigan that we will do that.

I think the critical point we have to remember is that when we speak of this vexing, puzzling issue of discrimination based on alienage, we are not talking about color of skin or ethnicity. That is what makes it difficult. It is a new thing which has arisen, which has not even been addressed by civil libertarians or in either body of Congress. It is a very puzzling thing. But I emphasize that it has nothing to do with color of skin or ethnicity. It is a wholly new thing based upon permanent residency or citizenship, and discrimination based on that degree of alienage.

I assure the Senator—and the majority leader has done so—that if we are allowed to go forward, we will accommodate the Members on both sides of the aisle and deal separately with that issue at a separate time, either through hearing or a sense of the Senate resolution, or perhaps even if the House passes it, then when the Senate appoints conferees, a motion to appoint conferees would be in order.

I assure the Senator that we will work toward that, so the window is there for an independent vote on a rather puzzling, extraneous, and yet important part of the issue of immigration reform.

Mr. LEVIN. It is complex. The reason we are in this puzzle is that for the first time we are prohibiting employment of someone instead of prohibiting discrimination against someone in this bill.

I do not have a perfect answer to the puzzle. My good friend puts it very well: it is a very difficult issue.

The fact that there will be that window at some point prior to conference, where we could get an expression from the Senate, if we decided to seek it, is adequate. As always, the majority leader and Senator SIMPSON are cooperative, and we are delighted to cooperate with them.

Mr. DOLE. Mr. President, I understand that the distinguished minority leader is visiting with Senator CRANSTON to see if we can lay down S. 1200. As soon as we do that, we intend to recess until noon tomorrow.

Mr. President, while we are waiting, I advise my colleagues again that the cloture vote on the conference report tomorrow will occur at 2:30 p.m., and it would be my hope that cloture will not be invoked. There are sanctions in place by virtue of the Executive order of the President signed by the President yesterday, Monday, September 9.

I again indicate to my colleagues, and I will again tomorrow, that it seems to me that we should move on to other business, set aside the conference report on the antiapartheid bill and reach some agreement when we may return to the conference report in the event that the Executive order is not complied with or in the event that some of the provisions in the Executive order dealing with Krugerrands or gold coins, or any other areas that may not be as specific as some Senators would like. In the event they are not addressed, then we would have the opportunity to call up the conference report at some specified time in the future.

I happen to believe that would be very good strategy for the Senate to adopt unanimously or at least those who support the antiapartheid legislation.

I have indicated to the distinguished Senator from Massachusetts today that I know there are a lot of politics in the air right now. Many Democrats seize upon this as a hot issue, the way to bash the President, and maybe after a few days of President bashing we can get back to the real world of how do we send a signal to the apartheid Government of South Africa.

I happen to believe that the President's initiatives are just as strong as the original Senate bill and nearly as strong as those matters contained in the conference report, and it seems to

me that it is much more important that the President be on record as he is now than having us fussing in the Senate about who will have the pride of authorship, whether it is the President of the United States or some Senator from some State. I happen to believe the President speaks for most of the people, which is more than probably many of us can say in this body.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3113. An act providing for the coordinated operation of the Central Valley project and the State water project in California.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3113. An act providing for the coordinated operation of the Central Valley project and the State water project in California; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1691. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the eighth annual survey of proven reserves of crude oil, natural gas, and natural gas liquids; to the Committee on Energy and Natural Resources.

EC-1692. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on the status of the transportation system for the period April through June 1985; to the Committee on Energy and Natural Resources.

EC-1693. A communication from the Secretary of Energy transmitting, pursuant to law, notice of a further delay in the submission of the National Energy Policy Plan; to the Committee on Energy and Natural Resources.

EC-1694. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the 1985 first quarter report on abnormal occurrences at licensed nuclear facilities; to the Committee on Environment and Public Works.

EC-1695. A communication from the General Counsel of the Treasury transmitting a draft of proposed legislation relating to the collection of the special tax from retail dealers in distilled spirits, wine, and beer; to the Committee on Finance.

EC-1696. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the U.S. within the 60 days previous to August 30, 1985; to the Committee on Foreign Relations.

EC-1697. A communication from the General Counsel of the U.S. Arms Control and Disarmement Agency transmitting an errata sheet and corrected pages for the Nuclear Proliferation Assessment Statement Relating to the Agreement for Cooperation Between the United States and the People's Republic of China Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

EC-1698. A communication from the Assistant Attorney General transmitting, pursuant to law, five revised reports on Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-1699. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Revenue Report for June 1985"; to the Committee on Governmental Affairs.

EC-1700. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Review of University Supported Travel by UDC President's Spouse"; to the Committee on Governmental Affairs.

EC-1701. A communication from the Director of the Office of Personnel Management transmitting a draft of proposed legislation to restructure the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

EC-1702. A communication from the Director of the Office of Congressional Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on the Commission's interagency coordination activities for October 1, 1983 to September 30, 1984; to the Committee on Labor and Human Resources.

EC-1703. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Handicapped Special Studies Program; to the Committee on Labor and Human Resources.

EC-1704. A communication from the Chairman of the Task Force on Environmental Cancer and Heart and Lung Disease, transmitting, pursuant to law, the Task Force's seventh annual report; to the Committee on Labor and Human Resources.

EC-1705. A communication from the Executive Secretary of the Office of the Secretary of Defense, transmitting, pursuant to law, the report for October 1984 through May 1985 on DOD Procurement from Small and Other Business Firms; to the Committee on Small Business.

EC-1706. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report entitled "Report on the Program of Independent Living Services and Assistance"; to the Committee on Veterans' Affairs.

EC-1707. A communication from the Assistant Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual pension report; to the Committee on Governmental Affairs.

EC-1708. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to increase the authority of the Secretary of Agriculture to refuse to provide, or withdraw, inspection service, and to determine the degree of inspection to be conducted, in meat, poultry, and egg processing plants; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1709. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, the Stockpile Report for October 1984-March 1985; to the Committee on Armed Services.

EC-1710. A communication from the Deputy Associate Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on 22 refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-1711. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report evaluating commercial repository capacity for the disposal of defense high-level waste; to the Committee on Energy and Natural Resources.

EC-1712. A communication from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting, pursuant to law, a report on a refund of an excess oil and gas royalty payment; to the Committee on Energy and Natural Resources.

EC-1713. A communication from the Acting Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1714. A communication from the chief judge, U.S. Tax Court, transmitting, pursuant to law, the actuarial reports for the Court's retirement and survivor annuity plans for 1984; to the Committee on Governmental Affairs.

EC-1715. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on two computer matching programs relating to unemployment compensation and worker's compensation; to the Committee on Governmental Affairs.

EC-1716. A communication from the Deputy Chief, Program Liaison Division, Office of the Secretary of the Air Force, transmitting, pursuant to law, the Air Force Report on Experimental, Developmental, and Research Contracts of $50,000 or more, by company; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 40. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution (with additional views) (Rept. No. 99-135).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 218. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to S. 1200 as reported by the Senate Committee on the Judici-

ary; referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. INOUYE):

S. 1616. A bill to require the Administrator of Veterans' Affairs to provide for the conduct of an epidemiological study of the gender-specific effect of exposure to the herbicide known as agent orange on women veterans of service in the Republic of Vietnam; to the Committee on Veterans Affairs.

By Mr. WALLOP (for himself, Mr. ANDREWS, Mr. ABDNOR, Mr. SIMPSON, Mr. LAXALT, Mr. BURDICK, and Mr. MELCHER):

S. 1617. A bill to provide for more effective management of lands of the United States which are subject to conflicting claims or disputes, and to require the Secretary of the Interior to report annually thereon; to the Committee on Energy and Natural Resources.

By Mr. GORE (for himself and Mr. COCHRAN):

S. 1618. A bill to amend the Communications Act of 1934 to clarify policies regarding the right to view satellite transmitted television programming, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WILSON (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. ZORINSKY, Mr. CRANSTON, Mr. COHEN, Mr. D'AMATO, Mrs. HAWKINS, Mr. HECHT, and Mr. BOSCHWITZ):

S. 1619. A bill to amend the Internal Revenue Code of 1954 to provide that section 7872 (relating to imputed interest on below-market loans) shall not apply to loans made to the State of Israel; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. SIMON):

S. 1620. A bill to amend title XVIII of the Social Security Act to establish the National Council on Access to Health Care, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SYMMS:

S.J. Res. 193. A joint resolution to authorize the President to issue a proclamation designating the week beginning October 20, 1985, as "The Lessons of Grenada Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurring resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND, from the Committee on the Judiciary:

S. Res. 218. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with the respect to S. 1200 as reported to the Senate Committee on the Judiciary; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. INOUYE):

S. 1616. A bill to require the Administrator of Veterans' Affairs to provide for the conduct of an epidemiological study of the gender-specific effect of exposure to the herbicide known as agent orange on women veterans of service in the Republic of Vietnam; to the Committee on Veterans' Affairs.

STUDY OF HEALTH EFFECTS OF AGENT ORANGE EXPOSURE ON WOMEN VIETNAM VETERANS

Mr. CRANSTON. Mr. President, I am today introducing, for appropriate referral, legislation that would require the Administrator of Veterans' Affairs to provide for an epidemiological study of the gender-specific health effects on women veterans of their exposure to dioxin in Vietnam. I am joined in introducing this legislation by my good friends, the Senators from Arizona [Mr. DECONCINI] and West Virginia [Mr. ROCKEFELLER], both of whom are on the Veterans' Affairs Committee and the Senator from Hawaii [Mr. INOUYE]. This study—which would complement the major epidemiological study mandated by Public Law 96-151 of the effects that exposure in Vietnam to dioxin as found in agent orange has had on veterans' health—would have to be carried out by an entity outside of the VA. I am pleased to note that an identical measure will soon be introduced in the House of Representatives by my friend from Ohio, Ms. KAPTUR, along with my colleague from California, Mr. EDWARDS, and Representatives EDGAR, DASCHLE, and PENNY, all members of the House Committee on Veterans' Affairs, where Mr. EDGAR serves as chairman of the Subcommittee on Hospitals and Health Care.

Mr. President, I have a longstanding commitment to resolving the many difficult issues relating to the exposure of our troops in Vietnam to agent orange and other toxic substances. As the chairman of the Veterans' Affairs Committee until 1981 and since that time as the ranking Democrat on the committee, I have been very active in a wide variety of legislative and oversight activities on this issue. My goal in this area has been to provide timely relief to those who are suffering health problems which may be related to their exposure while, at the same time, laying the groundwork for getting the answers to the questions that the veterans, their families, and others have about the health consequences of exposure to agent orange and other toxic substances in Vietnam. In the latter regard, I believe that the study mandated by Public Law 96-151, as modified by Public Law 97-72—both of which I authored in the Senate—should provide some very important information and I am gratified that, although there were some very regrettable delays in getting that study underway, it is now progressing reasonably well.

It has been clear for some time, however, that although that study would yield important information regarding general health issues for all veterans—male and female alike—it would not provide any information about the unique, gender-specific concerns of women Vietnam veterans about the possible impact of their exposure to agent orange. Thus, since early 1984, I have been urging various executive branch entities to utilize existing authorities to design and undertake an appropriate study of women Vietnam veterans. Unfortunately, my efforts and those of others in the Congress have been unavailing to date. This is why we are now proposing legislation that would mandate such a study.

Mr. President, so that my colleagues and others with an interest in this issue may have a better appreciation of the background leading up to this legislation, I ask unanimous consent that there be printed in the RECORD at the end of my statement the following letters: a May 2, 1984, letter to me from Dr. James Mason, director, Centers for Disease Control, responding to an inquiry made at my request; my September 18, 1984, letter to Dr. Mason; Dr. Mason's October 16, 1984, response; my January 23, 1985, letter to Charles Baker, Chair, Cabinet Council Agent Orange Working Group; Mr. Baker's March 6, 1985, response; my July 22, 1985, followup letter to Mr. Baker; an August 26, 1985, response from Dixon Arnett, acting Chair of the Working Group; and my September 9, 1985, followup letter to Mr. Arnett.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I am deeply disappointed that the executive branch has not taken appropriate steps to begin a study of the effects of agent orange on women Vietnam veterans. There is no excuse for further executive branch foot dragging. It is long since past time that the very legitimate concerns of women Vietnam veterans were addressed, and I look forward to quick action in the Congress on this legislation so that those concerns will be addressed.

Mr. President, such a study, in addition to yielding important information about the health status of those women who served in the Armed Forces in Vietnam, would also shed important new light on the questions that women who were in Vietman with voluntary organizations—such as the USO and the Red Cross—have about their health as a result of their work there. For a number of years, I have been concerned that the employees of, or voluntary workers with, certain of

these organizations have not received appropriate attention from the Federal Government in response to their concerns about their health as a result of having been in Vietnam. While I am continuing with my efforts to address that issue through separate legislation—including in section 503 of S. 876 as reported by the Veterans' Affairs Committee in June of this year and passed by the Senate on July 30—I believe that the study that would be mandated by the legislation we are introducing today would be of particular relevance to these individuals and that is a further reason for my action in introducing this measure.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing be printed in the RECORD following the correspondence I mentioned earlier.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a)(1) the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons, shall provide for the conduct of an epidemiological study of any long-term adverse gender-specific health effects in women of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to—

(A) phenoxy herbicides (including the herbicide known as Agent Orange); and

(B) the class of chemicals known as the dioxins produced during the manufacture of such herbicides.

(2) In providing for the conduct of such study, the Administrator may expand the scope of the study to include an evaluation of any long-term adverse gender-specific health effects in women of such service as such health effects may result from other factors involved in such service (including exposure to other herbicides, chemicals, medications, or environmental hazards or conditions).

(3) The Administrator may also include in the study an evaluation of the means of detecting and treating adverse gender-specific health effects found through the study.

(b)(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(2) The Director shall monitor the conduct of such study in order to ensure compliance with such protocol.

(3)(A) Concurrent with the approval or disapproval or any protocol under paragraph (1), the Director shall submit to the appropriate committees of the Congress a report—

(i) explaining the basis for the Director's action in approving or disapproving the protocol; and

(ii) providing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

(B) If the Director has not approved such a such a protocol during the 180 days following the date of the enactment of this Act, the Director—

(i) shall submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval; and

(ii) shall submit to such committees an update report on such initial report each 60 days thereafter until such a protocol is approved.

(4) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this paragraph, a report on the Director's monitoring of the conduct of such study pursuant to paragraph (2). A report under the preceding sentence shall be submitted—

(A) before the end of the six-month period beginning on the date of the approval of the protocol by the Director;

(B) before the end of the 12-month period beginning on such date; and

(C) annually thereafter until the study is completed or terminated.

(c) The study conducted pursuant to subsection (a) shall be continued for as long after the submission of the first report under subsection (d)(1) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term gender-specific adverse health effects in women of exposure to dioxins.

(d)(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

(A) a description of the results thus far obtained under the study conducted pursuant to such subsection; and

(B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such results.

(2) Not later than 90 days after the submission of each report under paragraph (1), the Administrator shall publish in the Federal Register, for public review and comment, a description of any action that the Administrator proposes to take with respect to programs administered by the Veterans' Administration. Each such description shall include a justification or rationale for any such action the Administrator proposes to take. Any such proposal shall be based on the results described in the report under paragraph (1) and the comments and recommendations on that report and any other available pertinent information.

(e) For the purposes of this section, the term "gender-specific health effects in women" includes (1) effects on female reproductive capacity and reproductive organs, (2) reproductive outcomes, (3) effects on female-specific organs and tissues, and (4) other effects unique to the physiology of females.

U. S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 9, 1985.

Mr. DIXON ARNETT,
Deputy Under Secretary for Intergovernmental Affairs,
Department of Health and Human Services, Washington, DC.

DEAR MR. ARNETT: I am writing in response to your August 26, 1985, letter to me regarding the status of research efforts on possible health effects in women veterans who were possibly exposed to Agent Orange during their service in Vietnam. I have the following follow-up questions to which I would appreciate your responses:

1.A. What specifically are the "Federally sponsored studies which involve female Vietnam veterans" that you referred to in your letter?

B. What is the timeable for each of these studies?

C. What is the projected relevance of each of these studies to the questions of women Vietnam veterans' health status?

D. What is the statistical power of each of these studies?

2. Is it not correct that "any findings from the ongoing male studies" will shed no light on the issue of significant, unique concern to women Vietnam veterans—namely, the possibility that their exposure to Agent Orange, or other toxic substances in Vietnam, may have affected their reproductive ability?

3. Enclosed is a copy of an August 23, 1985, letter from Dr. Donald Hopkins, Acting Director of the Centers for Disease Control, to Representative Don Edwards, in which Dr. Hopkins notes that CDC "has determined that a study focusing on the health of female [Vietnam] veterans is feasible and has prepared two draft research protocol outlines for epidemiologic studies of female veterans." Please comment on Dr. Hopkins' statement and, in doing so, please reconcile his statement with the one in your letter that "[w]hat is unclear at this time is whether there were enough women veterans exposed to Agent Orange in Vietnam to conduct a scientifically valid Agent Orange Study".

4. In view of the strong interest, which has existed for a number of years now, in attempting to come to terms with the question of the health status of women Vietnam veterans, I firmly believe that something more is called for beyond non-specific statements that the Working Group is continuing to study the issue. I therefore ask that you, in your capacity as the Acting Chairman of the Agent Orange Working Group, give me your best estimate of when there will be a difinitive decision by the Working Group on this issue.

Finally, I think it only fair to advise you that I believe that the Executive Branch has not given appropriate attention to moving forward on this issue and that I and others are preparing legislation to direct that such a study be conducted.

I look forward to your reply at your earliest convenience.

With best wishes,

Sincerely,

ALAN CRANSTON,
Ranking Minority Member.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
OFFICE OF THE SECRETARY,
Washington, DC, August 26, 1985.

Hon. Alan Cranston,
U.S. Senate, Committee on Veterans' Affairs, Washington, DC.

DEAR SENATOR CRANSTON: I am writing in response to your inquiry addressed to Charles D. Baker, Chairman, Cabinet Council Agent Orange Working Group (AOWG), regarding research efforts on possible health effects in female Vietnam veterans following their exposure to Agent Orange. Mr. Baker resigned from Federal Government service effective August 17, 1985, and I have been appointed as the Acting Chairman of the Agent Orange Working Group.

An appropriate research design on the issue of the health effects of Agent Orange exposure on female Vietnam veterans has been extensively discussed within the Agent

Orange Working Group and its Science Panel for more than a year.

What is unclear at this time is whether there were enough women veterans exposed to Agent Orange in Vietnam to conduct a scientifically valid Agent Orange Study and whether the military records which do exist are adequate to make this determination. However, the Agent Orange Working Group is in the process of assembling various alternatives for additional research among women Vietnam veterans.

I am sure that you are aware that there are, at present, several Federally sponsored studies which involve female Vietnam veterans. Although these studies are not primarily focused on Agent Orange, they will cover some important physical and psychological health problems unique to women. In addition, any findings from the ongoing male studies will be extrapolated to women where appropriate.

I assure you that we are very concerned that female veterans receive appropriate medical care and other compensation comparable to that of male veterans for any adverse health consequences of their having served in Vietnam.

Thank you for your continued interest in this issue. I will inform you when the Agent Orange Working Group is able to make a more definitive statement regarding the feasibility of a female Agent Orange study.

With best wishes,

Sincerely,

DIXON ARNETT,
Deputy Under Secretary for Intergovernmental Affairs.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, July 22, 1985.

Hon. CHARLES D. BAKER,
Chair, Cabinet Council Agent Orange Working Group, Department of Health and Human Services, Hubert Humphrey Building, Washington, DC.

DEAR MR. BAKER: I am writing in followup to your March 6, 1985, response to my inquiry as to how the Federal Government might conduct research to investigate the possible health effects in female Vietnam veterans of their exposure to Agent Orange.

In your letter, you noted that the Science Panel of the Cabinet Council Agent Orange Working Group was then examining Vietnam veterans health issues for which female-veteran studies may be appropriate and feasible. Please advise me of the status of the Science Panel's review regarding issues specific to female Vietnam veterans who may have been exposed to Agent Orange, its findings to date, and the timetable for making any further decisions which must be made before a study on female Vietnam veterans can begin and for the commencement of such a study.

As you know, I believe very strongly that a study of female Vietnam veterans is extremely urgent in order to more fully understand the possible adverse health effects unique to women who served in Vietnam. In addition, I am very concerned about the delay in starting such an important study and would urge that the Science Panel move forward as quickly as possible in its review and recommendations.

I appreciate your attention to this matter and look forward to your response.

With best wishes,

Sincerely,

ALAN CRANSTON,
Ranking Minority Member.

THE UNDER SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, March 6, 1985.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your recent letter concerning possible adverse health effects of exposure to Agent Orange on women veterans who served in Vietnam and the need to include them in the epidemiological studies.

The Science Panel of the Cabinet Council Agent Orange Working Group recently examined the proposal for a study of female veterans prepared by the Centers for Disease Control (CDC). The Science Panel feels that the health needs of female Vietnam veterans should receive high priority and are concerned that this should be done in the most expeditious way. Most of the health problems encountered by men as a result of their exposure to various substances, including Herbicide Orange, while in Vietnam can be expected to affect women also. Programs adopted to cope with these problems can be and should be applied to women veterans as well.

There may be some health problems, however, that could accrue differently to female veterans exposed to the Vietnam Experience. The Science Panel feels that studies of female Vietnam veterans should focus on issues which cannot be determined from the ongoing studies of male veterans. The Science Panel also feels that specific research proposals utilizing female veteran subjects should be evaluated after hypotheses concerning health problems unique to female Vietnam veterans have been developed. The Science Panel is currently examining Vietnam health issues for which female veteran studies may be appropriate and feasible.

As I receive the results of the Panel's findings I would be happy to share the reports with you.

With best wishes.

Sincerely,

CHARLES D. BAKER.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, January 23, 1985.

Hon. CHARLES BAKER,
Chair, Cabinet Council Agent Orange Working Group, Department of Health and Human Services, Humbert Humphrey Building, Washington, DC. 20201

DEAR MR. BAKER: I have long had a strong interest in the issue of how the Federal Government might conduct research to investigate the possible health effects in female Vietnam veterans of their exposure to Agent Orange. Enclosed is a copy of an October 16, 1984, letter to me on this subject from Dr. James O. Mason, the Director of the Centers for Disease Control.

It is my understanding that the draft protocol outline mentioned in Dr. Mason's letter is pending in the Agent Orange Working Group and may be considered during the Group's next meeting, which is scheduled to take place in early February. I believe that it is extremely important that research be undertaken on this issue, and I strongly urge that the Working Group undertake its review of the protocol outline as expeditiously as possible. It is my strong hope that the members of the Working Group will be able to report favorably on the possibility of a study of female Vietnam veterans, either by endorsing the protocol outline as developed by CDC or by suggesting whatever changes to the outline the members believe are needed in order for a study to go forward.

Thank you for your attention to my views on this issue. I would appreciate hearing from you on this matter as soon as possible after the Working Group's February meeting.

With best wishes,

Sincerely

ALAN CRANSTON,
Ranking Minority Member.

PUBLIC HEALTH SERVICE,
CENTERS FOR DISEASE CONTROL,
Atlanta, GA, October 16, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This is in response to your letter of September 18 urging that research be undertaken soon to investigate the possible health effects of Agent Orange on female Vietnam veterans and asking about the status of such a study at the Centers for Disease Control (CDC). We appreciate your expression of satisfaction with CDC's efforts with respect to male Vietnam veterans.

As reported to you in my letter of May 2, CDC was then assessing the feasibility of conducting a study of female veterans. Based on that assessment, completed in June, a draft protocol outline for an epidemiologic study of female veterans was prepared. The Department's Agent Orange Science Panel is currently reviewing this outline. Further action will certainly be influenced by the result of that review.

Thank you for your continued interest.

Sincerely yours,

JAMES O. MASON, M.D., DR. P.H.,
Assistant Surgeon General, Director.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 18, 1984.

Dr. JAMES O. MASON,
Director, Centers for Disease Control, Atlanta, GA.

DEAR DR. MASON: As you know, I have had a longstanding interest and concern regarding the unresolved questions surrounding the health effects of Vietnam veteran exposure to Agent Orange. I am satisfied that CDC's involvement in this troubling area, particularly through the birth defects study and the major epidemiological study of Vietnam veterans, has provided and will continue to provide needed information with respect to male Vietnam veterans. However, I believe that similar efforts must be made to investigate the possible effects of this substance on the health of female Vietnam veterans and regret that such efforts have yet to be undertaken.

It is my understanding that it may be possible now to move ahead in this regard. Specifically, Dr. Peter M. Layde, Director of Agent Orange Projects at CDC, informed staff of the Senate and House Veterans' Affairs Committees on July 18 that CDC now has an accurate figure regarding the number of female Vietnam veterans as well as a means of contacting these women for purposes of determining the possible health effects of exposure to Agent Orange. Hence, I urge that the vital need for research in this area be addresed as soon as possible and would very much appreciate knowing the status of CDC's plans to undertake a female Vietnam Veteran health study.

I appreciate your consideration of this matter and look forward to a response at your earliest convenience.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

PUBLIC HEALTH SERVICE,
CENTERS FOR DISEASE CONTROL,
Atlanta, GA, May 2, 1984.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This is in response to the telephone conversation between Ms. Katy Burdick of your staff and Ms. Francie de Peyster of our Washington office regarding the inclusion of female Vietnam veterans in the current epidemiologic studies of the health of Vietnam veterans being conducted by the Centers for Disease Control (CDC).

We are interested in any health problems which may occur in women as well as in men. CDC is now assessing the feasibility of conducting a study of female Vietnam veterans. Very early we considered, but decided against, inclusion of women veterans in the specific study mandated by Public Laws 96-151 and 97-72. Comparatively few women served in Vietnam in circumstances where their experiences closely paralleled those of male veterans. To include these few women in the presently designed study would be unfair to the women who agreed to participate since their participation would result in no reasonable conclusions about their health. We concluded that if a study of women were to be done, that study should be designed so that it would include enough women to allow meaningful conclusions to be drawn about them.

A scientifically valid study of women veterans would require that a comprehensive listing of those veterans be compiled, from which a sample of women would then be chosen, located, and invited to participate. We have found that compiling a list of all women who served in Vietnam is more difficult than might be expected, partly because military records of the time did not include "male/female" identification. However, we are working with the Department of Defense and other agencies to identify a large enough group of women Vietnam veterans to comprise a valid study population.

As an initial step in developing plans for a study of female Vietnam veterans, CDC has submitted a small sample of names and social security numbers of women veterans to the Internal Revenue Service (IRS), requesting IRS to provide current mailing addresses for these veterans. At one time we were concerned that we would not be able to locate a significant number of women veterans because a large percentage of women could be expected to have changed their names through marriage in the intervening years. However, the results of IRS test were quite encouraging. IRS regulations now make it possible to identify "secondary" as well as "primary" tax filers. We now believe that a sufficient percentage of women veterans, chosen from a master listing of all veterans, could be located to allow conduct of a meaningful study.

Although the success of this "locatability" test has removed one important concern about our ability to conduct a valid study of women veterans' health, another persists: identification of a suitable comparison or "control" group of women. The demographic characteristics of a control group, whose health status can be compared with those of a group of women who were exposed to the Vietnam experience, should ideally be identical with characteristics of the Vietnam-exposed group except for that exposure. But, because of the relatively small number of women who served in Vietnam, and special characteristics which we think may be associated with those who did serve there (e.g., training, "volunteer" attitude, state of physical fitness, etc.), our epidemiologists are having difficulty identifying sources of names for enough suitably qualified women, both exposed and unexposed, to comprise groups large enough to study with a hope for conclusive findings.

For example, a study of Army nurses who did serve in Vietnam should include a control group of demographically similar Army nurses who did not serve there. However discussions with the Army Nurse Corps indicate that since many nurses in the Army during the years of the Vietnam war spent at least one tour of duty there during their Army service, it may be impossible to locate a suitably large control group from the available pool of Army nurse veterans. Before including other sources in that pool (e.g., Navy, Air Force), we must carefully weigh whether there is sufficient similarity in characteristics of veterans of the other services to make their inclusion of scientifically acceptable.

The legislation which mandates CDC's investigation specifies the participation of only veterans of the Armed Services, thus precluding study of Red Cross, USO, and other nonmilitary female personnel who may have served in Vietnam as potential participants.

As a test to determine what percentage of women in the services during the Vietnam era served in that country, CDC is currently undertaking a feasibility assessment using a group of roughly 1,000 women who were on active duty at that time. This assessment, which is just beginning, will involve reviewing each individual's military service record (located at the National Personnel Records Center in St. Louis) to confirm whether or not that individual had served in Vietnam.

CDC takes very seriously its responsibility to investigate any health problems which may occur in Vietnam veterans. However, in our judgment it would have been inappropriate to attempt to study men and women in a single study. To have done so—in the knowledge that participation of women could yield no reasonable conclusions about their health—would be a disservice to the women asked to participate. We are dedicating considerable professional effort toward assessing the feasibility of a study of female veterans. If determination is made that a study can be conducted in such a way as to assess accurately and honestly the health status of women who served in Vietnam, we will promptly advise Dr. Brandt, Assistant Secretary for Health, and Secretary Heckler.

We appreciate your interest in this issue.
Sincerely yours,

JAMES O. MASON, M.D., DR.P.H.,
Assistant Surgeon General, Director.

By Mr. WALLOP (for himself, Mr. ANDREWS, Mr. ABDNOR, Mr. SIMPSON, Mr. LAXALT, Mr. BURDICK, and Mr. MELCHER):

S. 1617. A bill to provide for more effective management of lands of the United States which are subject to conflicting claims or disputes, and to require the Secretary of the Interior to report annually thereon; to the Committee on Energy and Natural Resources.

MANAGEMENT OF U.S. LANDS IN DISPUTE

● Mr. WALLOP. Mr. President, today I am introducing legislation that will clarify the status of lands which are either in the public domain or in State ownership, and that will require the Secretary of the Interior to report on negotiations for settlement of disputes concerning lands claimed by the States and administered by the Department of the Interior.

This legislation will pave the way toward resolving the long-standing cloud over federally claimed lands that lie primarily within the western public land States by permitting judicial resolution of their status without respect to the time the States filed claims.

Upon admission to the Union, all Western States were granted substantial amounts of land to be held in trust and administered for the benefit of the common schools and other public institutions. Each grant of lands made to the Western States by the U.S. Government expressly required that the States were to serve as trustees of the lands so granted for the exclusive benefit of those beneficiary institutions. Many State supreme courts and the U.S Supreme Court, in reviewing the various act of admission, have consistently held that States have a sacred duty to properly manage and protect the lands granted to them by the U.S. Government.

While Congress and the courts have placed this obligation on individual States, a current provision of the Federal Quiet Title Act eliminates, in certain limited situations, the ability of the States to fulfill their trust obligations.

In effect, the current Federal Quiet Title Act of 1972, as a result of the recent ruling by the U.S. Supreme Court in Block versus North Dakota, requires States, as well as private parties, to file lawsuits within 12 years limitation of the time they knew or should have known there was a Federal claim to the land in question. In some cases this time has been interpreted to be the date of a State's admission to the Union. While it may be reasonable to apply this restriction to private parties to prevent a flood of litigation on old claims, it results in barring the States from fulfilling their stringent obligations which Congress itself imposed upon them when they were admitted to the Union. Certainly, it is anomalous for Congress to require States to serve as trustees of State land and at the same time establish a quiet title barrier which prevents the States from fulfilling their congressionally mandated trust responsibilities.

For example, as the trustee of over 4 million acres of State-owned lands, Wyoming is convinced that it is impossible adequately to administer and protect its vital interests and obliga-

tions under the current language of the Federal Quiet Title Act. Under existing court interpretations Wyoming would have to review over 3 million diverse Federal actions in order to insure that State trust lands were not being claimed by the Federal Government.

In addition, Wyoming would have to continually monitor all ongoing Federal actions including all surface and mineral leasing, grants of rights-of-way, patent applications, land exchanges, withdrawals, special use permits, timber sales, and governmental resurveys, to name a few. Given Wyoming's checkerboard pattern of State land ownership, this is a particularly difficult task. Public lands and the public's interest therein deserve better management than that, both in the interest of efficiency and equity.

Mr. President, this legislation would end this conflict by amending the Quiet Title Act of 1972 to exempt sovereign States from the 12-year statute of limitations for filing suit against the Federal Government over disputed land claims. It would also require the direct involvement of the Department of the Interior in the settlement of State-Federal public land title disputes, which might not be concluded without the option of being able to rely on ultimate judicial resolution. Clear title to real property is essential to any State effort to properly manage and protect State-owned trust lands. Likewise, the resolution of these title disputes would also be necessary for management and protection of Federal lands since State claims remain alive even if there is no consent to sue. The inability to judicially resolve State-Federal title disputes simply makes effective land and resource management even more complex and difficult than it already is.

As a final note, I would like to add that a large and geographically diverse group of States filed amicus curiae briefs in the relevant Block versus North Dakota case: Alabama, Alaska, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Louisiana, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Washington, and Wyoming.

The widespread support for this legislation is indicated by the resolutions of the following organizations: National Governors Association, National Association of Attorneys General, Western Attorneys General, National Conference of State Legislatures, Western States Land Commissioners Association, and Eastern Land and Resources Council.

Mr. President, I ask unanimous consent that resolutions of each of these groups be presented in the CONGRESSIONAL RECORD. I would also ask unanimous consent that the bill be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It is the purpose of this legislation to obtain more effective management of public lands by providing for the speedy resolution of intergovernmental title disputes involving lands to which the United States asserts title, which interfere with effective administration or disposition of public lands.

SEC. 2. The Secretary of the Interior shall report by July 1, 1986, and annually thereafter, to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs on the status of negotiations for the settlement of any claims by States to lands administered by the Department of the Interior.

SEC. 3. Subsection (f) of section 2409a of title 28, United States Code, is amended by inserting ", except for an action commenced by a State," after "section" and by inserting after the first sentence the following: "Any civil action under this section by a State may be commenced regardless of when such action accrued." Such subsection is further amended by striking out "Such" and inserting in lieu thereof "For purposes of this subsection, an".

NATIONAL GOVERNORS ASSOCIATION COMMITTEE ON ENERGY AND ENVIRONMENT, FEBRUARY 27, 1984

The state and federal governments share responsibility for orderly development and management of the nation's energy resources. As disputes over state or federal ownership of lands associated with these resources may preclude their development, it is in the interest of both parties to resolve such controversies.

The Quiet Title Act of 1972 applied a twelve-year statute of limitations to claims against the federal government regarding title to parcels of land. It also removed a prior prohibition, based on federal sovereign immunity, on such suits against the federal government. Under the principle that no statute of limitations runs against sovereign states, quiet title actions were brought by states against the federal government for resolution of title disputes.

The U.S. Supreme Court decision in *Block v North Dakota* (May 3, 1983), held that the twelve-year statute of limitations does apply to state claims. The effect of this decision is to leave unresolved state/federal title disputes. If the United States can successfully demonstrate that the state knew or should have known of a federal claim twelve years before the suit, the quiet title action would be dismissed without determination of its merits. The basic title issue will remain judicially unresolved.

Because energy and other resources frequently occur on publicly-owned land, the need to settle definitively federal/state title disputes is evident. Without final judgment, leasees of parcels in question will be uncertain as to their rights to occupy, and granting of leaseholds may be stymied.

Congress is currently considering legislation amending the Quiet Title Act to declare the statute of limitations inapplicable to state claims. The Governors support such legislation as necessary to provide orderly land management and domestic energy resource development.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, JUNE 26, 1983

Whereas, the federal and state governments coexist as sovereigns in our federal union; and

Whereas, the disputes over title to lands between federal and state sovereigns have caused uncertainty and impeded the orderly resolution of title disputes in the states; and

Whereas, it is in the interests of both states and the United States that such uncertainties be decided on their merits; and

Whereas, the U.S. Supreme Court has recently held that such resolutions may be precluded by the application of the statute of limitations to the claims of sovereign states against the United States; and

Whereas, it is an accepted and cardinal principle of law that no statute of limitations should run against a sovereign state; and

Whereas, if states are precluded by the statute of limitations from asserting claims against the United States, a cloud will nevertheless remain over the disputed property, thus preventing the resolution of title and seriously impeding the process of leasing and orderly utilization of the mineral resources upon such land; and

Whereas, the Supreme Court has suggested that in the absence of a solution by Congress, states having claims against the federal government could assert them by issuing leases to federally-claimed lands, asserting title to much lands and engaging in other activities calculated to confuse and impede the orderly management of such lands; and

Whereas, such controversies should be resolved by litigation on the merits; and

Whereas, it is within the power of Congress to provide for such orderly solutions by legislation,

Now, therefore, be it resolved, that this Association requests Congress to enact legislation to permit sovereign states to bring such actions in quiet title against the United States to obtain resolution of such actions on the merits, free from the procedural obstacles created by the statute of limitations.

WESTERN ATTORNEYS GENERAL RESOLUTION

Whereas, the federal and state governments coexist as sovereigns in our federal union; and

Whereas, the disputes over title to lands between federal and state sovereigns have caused uncertainty and impeded the orderly resolution of title disputes in the states; and

Whereas, it is in the interest of both states and the United States that such uncertainties be decided on their merits; and

Whereas, in *Block* v. *North Dakota*, the U.S. Supreme Court held that such resolutions may be prevented by the application of the statute of limitations to the claims of sovereign states against the United States; and

Whereas, it is an accepted and cardinal principle of law that no statute of limitations should run against a sovereign state; and

Whereas, if states are precluded by the statute of limitations from asserting claims against the United States, a cloud will nevertheless remain over the disputed property, thus preventing the resolution of title and seriously impeding the process of leasing

and orderly utilization of the mineral resources upon such land; and

Whereas, such controversies should be resolved by litigation on the merits; and

Whereas, it is within the power of Congress to provide for such orderly solutions by legislation; and

Whereas, H.R. 3917 [1] would provide for such a solution by exempting the claims of sovereign states from application of the 12-year statute of limitations in the federal Quiet Title Act;

Now therefore be it resolved, that this Association requests Congress to enact H.R. 3917 to permit sovereign states to bring actions in quiet title against the United States and to obtain resolution of such actions on the merits, free from the procedural obstacles created by the statute of limitations; and

Be it further resolved, that the secretary of this Association be directed to transmit copies of this resolution to the appropriate Committees of Congress, the U.S. Attorney General and the Secretary of Interior.

NATIONAL CONFERENCE OF STATE LEGISLATURES

The National Conference of State Legislatures supports legislation amending the Quiet Title Act to declare the statute of limitations inapplicable to state claims. Such legislation is necessary to provide orderly land management and domestic energy resource development.

The Quiet Title Act of 1972 applied a twelve-year statute of limitation to claims against the federal government regarding title to parcels of land. It also removed a prior prohibition, based on federal sovereign immunity, on such suits against the federal government. Under the principle that no statute of limitations runs against sovereign states, quiet title actions were brought by states against the federal government for resolution of title disputes.

The U.S. Supreme Court decision in *Block v. North Dakota* (May 3, 1983), held that the twelve-year statute of limitations does apply to state claims. The effect of this decision is to leave unresolved state/federal title disputes. If the United States can successfully demonstrate that the state knew or should have known of a federal claim twelve years before the suit, the quiet title action would be dismissed without determination of its merits. The basic title issue will remain judicially unresolved.

The state and federal governments share responsibility for orderly development and management of the nation's energy resources. As disputes over state or federal ownership of lands associated with these resources may preclude their development, it is in the interest of both parties to resolve such controversies. Therefore, it is important to amend the Quiet Title Act to prevent the application of the statute of limitations to state claims.

THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION, JANUARY 1984

Whereas, the Federal and State Governments constitutionally coexist as sovereigns in the Federal Union; and

Whereas, numerous disputes over public land titles between the Federal and State Sovereigns presently exist and even more will unquestionably be found in the course of further survey and utilization of public lands; and

Whereas, it is in the interest both of the States and the Federal Government that such disputes be promptly and finally decided judicially to prevent serious administrative difficulty and delay in the orderly administration and utilization of the public lands of both Federal and State Sovereigns as may be required in the public interest; and

Whereas, in *Block v. North Dakota*, the United States Supreme Court held that such judicial resolution may be prevented by the application of the time limitations in the existing Quiet Title Act procedures to claims of the states, notwithstanding the accepted and cardinal principle of law that statutes of limitations do not run against claims by a sovereign state; and

Whereas, the Court also held that the application of the limitations on suit did not extinguish the underlying dispute, but that it would still continue; and

Whereas, only action by the Congress can now provide for the needed resolution of these disputes and permit the process of orderly administration and use of the sovereign lands in dispute; and

Whereas, a bill presently before the Congress (H.R. 3917) provides for the needed solution by exempting all title disputes between the two sovereigns, the State and the Federal Government from the application of the 12-year limitation period in the Federal Quiet Title Act;

Now therefore be it resolved, that this Association requests Congress to enact H.R. 3917 [1] to permit sovereign states to bring actions in quiet title against the United States and to obtain resolution of such actions on the merits, free from the procedural obstacles created by the statute of limitations; and

Be it further resolved, that the Secretary of this Association be directed to transmit copies of this resolution to the appropriate Committees of Congress, the U.S. Attorney General and the Secretary of the Interior.

EASTERN LANDS AND RESOURCE COUNCIL, APRIL 11, 1985

Whereas, disputes over title to lands between federal and state sovereigns have caused uncertainty and impeded the orderly resolutions of title disputes in the states and:

Whereas, it is in the interest of all states and the United States that such uncertainties be decided on their merits; and

Whereas, the U.S. Supreme Court held in *Block* v. *North Dakota* that the orderly resolution of title disputes between states and the federal government may be prevented by the application of the statute of limitations to the claims of sovereign states against the United States; and

Whereas, it is an accepted and cardinal principle of law that no statute of limitations should run against a sovereign state; and

Whereas, even though states are precluded by the statute of limitations from asserting claims against the United States, a cloud will nevertheless remain over the disputed property, thus preventing the resolution of title and seriously impeding the process of leasing and orderly utilization of the natural resources upon such land; and

Whereas, such controversies should be resolved by litigation on the merits; and

Whereas, the ELRC is composed or representatives of many of the Eastern States where these types of disputes may arise; and

Whereas, such legislation would achieve this result by exempting sovereign states from application of the 12 year statute of limitations in the Federal Quiet Title Act in disputes with the United States over land titles;

Now therefore be it resolved, that this Council recommends that each of the member states urges its Congressional delegation, the appropriate members of Congress, the United States Attorney General and the Secretary of the Interior to support enactment of this Federal legislation.●

By Mr. GORE (for himself and Mr. COCHRAN):

S. 1618. A bill to amend the Communications Act of 1934 to clarify policies regarding the right to view satellite-transmitted television programming, and for other purposes; to the Committee on Committee on Commerce, Science, and Transportation.

SATELLITE TELEVISION VIEWING RIGHTS ACT

● Mr. GORE. Mr. President, today Senator COCHRAN and I are introducing the Satellite Viewing Rights Act of 1985. This bill is similar to provisions in legislation I introduced in the House last year, which ensure that the marketing and distribution of satellite television programming be conducted in a fair, competitive marketplace with negotiated, reasonable prices.

As my colleagues are aware, legislation which passed as part of the cable deregulation bill last year settled once and for all the issue of whether or not it is legal to manufacture, sell, and use a satellite Earth station. As long as the Earth station is maintained for private use, it is entirely legal. Public Law 98-549 is entirely clear in establishing that fact. As long as signals remain free of encryption, or scrambling, new legislation would not be necessary.

Earth station owners are willing to pay a fair price for satellite television signals. The provisions passed as part of Public Law 98-549 make it possible for programmers to be compensated for unscrambled signals when that compensation is negotiated in fair marketing agreements. Under a negotiated system of compensation for unscrambled programming, both programmers and Earth station owners benefit. Programmers would not be forced to incur the major costs of scrambling, and Earth station owners would continue to have access to a diverse range of information and entertainment programming.

However, one programmer, HBO, has already begun scrambling its signal part time, and intends to be scrambled full time in the near future. Other programmers have also stated that they expect to scramble their signal within the next year. Earlier this year HBO promised that they would not scramble until there was an

[1] Identical to our companion bill, H.R. 2484, in this Congress.

[1] A similar resolution was adopted August 22, 1985, which urges its members to support H.R. 2484 and legislation having the same effect.

accessible system in place to sell the signal to owners of private Earth stations, and until there were sufficient signal decoders available for purchase by Earth station owners. Unfortunately, HBO has reneged on that commitment and moved ahead with scrambling.

There is no prohibition on scrambling. Programmers are free to exercise that right to protect their signals. But I believe programmers do have a responsibility to make their products available to Earth station owners at fair and reasonable rates. The vast majority of Earth station owners live in rural areas not served by cable systems. They have been passed by because they live in densely populated areas which cable companies have determined are not profitable to serve.

Many of these rural families have been able to become part of the technological revolution in television programming by purchasing a backyard Earth station. For once, new technology has come first to rural families, instead of the slow, trickle down process we have witnessed with other telecommunications improvements. I believe that is an exciting development, and one which should be encouraged. However, the intention of programmers to scramble signals, and the efforts of some to actually stifle the use of backyard Earth stations gives me deep concern.

Until very recently, some of these programmers absolutely refused to even consider selling scrambled programming to backyard dish owners, despite their assurances that their real concern was not private individuals but wholesale commercial theft of their signal property. As a principal author of the language addressing satellite programming in the cable legislation, I worked with programmers to address the concern of commercial theft. The new law substantially strengthens the sanctions against illegal signal piracy. To their credit, most programmers are not now refusing to serve backyard Earth stations. Instead, the problem now facing Earth station owners, dealers, and manufacturers is the potential for anticompetitive pricing and distribution schemes which are intended to monopolize satellite television programming and, worse, shut down Earth station sales everywhere.

The bill we are introducing today addresses this potential for anticompetitive behavior by programmers and distributors of satellite-delivered, scrambled television signals. The bill would prohibit terms and conditions in the sale and distribution of these signals which have the effect of substantially restricting the availability of programming. Any party who has been denied reasonable access to such programming would be able to petition the Federal Communications Commission for relief. The bill would not prejudice the outcome of any FCC finding, but would simply make the FCC the last-resort arbiter of disputes between programmers or distributors and those who wish to receive programming.

The best solution to the dilemma facing Earth station owners and programmers in determining a fair system for system delivery is the free, open, and competitive marketplace. I support that approach above any other. However, the potential for severe market distortion is clearly present. There is considerable vertical integration in the programming and distribution of satellite programming—many of the major programmers also own substantial interests in local cable operations. More troubling is the prospect for special consortium agreements between all programmers and all cable operators to essentially monopolize the distribution of programs to home Earth station owners.

While not all programmers or cable operators wish to shut down the sale and use of Earth stations, some of the more powerful ones have openly stated that that is their motive. That prospect is, to me, clearly anticompetitive. And because of the huge market clout of these few, their intentions deserve attention and, I believe, legislation to prevent an outcome that is patently unfair to Earth station owners. Our bill is intended to do just that.

Over the past 6 months I have had extensive discussions with programmers, cable operators, potential distributors, representatives of the Earth station industry, and others who are involved in the marketplace for satellite television programming. This marketplace may someday fall into place, and at that time no Federal presence would be required. But until that has not yet occurred, and there are clear signals that it will not occur without substantial prodding.

This bill is not a complicated or unreasonable measure. It does not mandate a compulsory license or mandatory regulation of satellite television programming, or reregulation of the cable industry. It does not prevent programmers from moving ahead with their legitimate plans to protect their signals from unauthorized commercial theft. The bill is intended to accomplish one simple goal: To make it possible for all of our constituents, whether rural or otherwise, to take part in telecommunications opportunities which are promising to reshape our society into a truly global village.

I look forward to possible hearings on this issue, and I urge my colleagues to cosponsor the Satellite Television Viewing Rights Act of 1985.●

By Mr. WILSON (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. ZORINSKY, Mr. CRANSTON, Mr. COHEN, Mr. D'AMATO, Mrs. HAWKINS, Mr. HECHT, and Mr. BOSCHWITZ):

S. 1619. A bill to amend the Internal Revenue Code of 1954 to provide that section 7872 (relating to imputed interest on below-market loans) shall not apply to loans made to the State of Israel; to the Committee on Finance.

EXEMPTING ISRAEL BONDS FROM IMPUTED INTEREST RULES

Mr. WILSON. Mr. President, I was dismayed last week to read in the Wall Street Journal a brief report on an unintended impact of the imputed interest rules that we passed as part of last years tax bill. Unfortunately, as we have focused on one major aspect of those rules—the effect on the sale of real estate—we have overlooked one small, but significant effect that certainly no one in this Chamber could have had in mind.

The problem we must address is that under the imputed interest rules, Israel bonds would become so disadvantaged that no one could afford the tax consequences of buying them.

Under present law, anyone who buys a bond is deemed to have received taxable interest at a market rate—even if the actual interest received is less than that market rate. The pros and cons of this rule have been fully debated, the central issue being whether certain debt instruments are issued at below-market rates in order to facilitate tax avoidance. Clearly, we do not need to rehash this matter, as both the Senate and the House have recently voted on it. However, no one can reasonably contend that Israel's decision to issue bonds at below-market rates is tax motivated.

Israel bonds serve a vital role in the fight against Israel's staggering financial responsibilities. At present, Israel devotes approximately two-thirds of its budget to defense and debt service. Many of the bonds that are issued do yield market rates, but as a means of lowering the costs of debt service, some bonds yield as low as 4 percent. This savings of more than 50 percent on what Israel would otherwise have to pay is of enormous importance. Furthermore, it must be evident that the people who buy these bonds do so not as a matter of tax planning, but with entirely philanthropic motives. Indeed, according to the Wall Street Journal, Israel sold more than $102 million of its bonds in the United States in 1984, and an additional $44 million worth in the first 7 months of this year.

For our tax laws to penalize such efforts—by taxing the holders of Israel bonds for income of more than twice what they actually receive—would not only be unfair, but truly counter to our national interests. It is quite apparent to this Senator that we should do all that we can to encourage volun-

tary efforts to solve Israel's almost overwhelming financial problems. And, I would hope that it is just as apparent to the entire Senate. I am pleased to announce that the Senators DOLE, PACKWOOD, MOYNIHAN, ZORINSKY, CRANSTON, COHEN, D'AMATO, HAWKINS, HECHT, and BOSCHWITZ have agreed to cosponsor the bill.

At this point, I ask unanimous consent that the bill, the Wall Street Journal article to which I have referred, as well as a copy of a letter from Ronald A Pearlman, Assistant Secretary of Treasury for Tax Policy, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECTION 7872 OF THE INTERNAL REVENUE CODE OF 1954 SHALL NOT APPLY TO LOANS MADE TO THE STATE OF ISRAEL.

(a) IN GENERAL.—Subsection (c) of section 7872 of the Internal Revenue Code of 1954 (relating to below-market loans to which section applies) is amended by adding at the end thereof the following new paragraph:

"(4) EXCEPTION FOR ISRAEL BONDS.—This section shall not apply to bonds issued by the State of Israel.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in section 172(a) of the Tax Reform Act of 1984.

[From the Wall Street Journal, Sept. 4, 1985]

TAX REPORT

A SPECIAL SUMMARY AND FORECAST OF FEDERAL AND STATE TAX DEVELOPMENTS

Israel's 4 percent bonds pack a hidden tax wallop for U.S. buyers.

To combat tax avoidance, the 1984 tax act imputes a market interest rate to certain low-rate loans. Last month, Assistant Treasury Secretary Pearlman wrote Congress's tax committees that the act clearly—if perhaps unintentionally—applies to bonds that Israel for decades has sold to supporters. Thus, an owner of bonds bought after June 6, 1984, is treated as receiving taxable interest of the difference between 4 percent and a market rate (expected to be 10 percent to 11 percent for 1985); he also is treated as making a nondeductible gift of that sum to Israel.

The agency Israel Bonds sold $102 million of 4 percent bonds here in 1984, plus $44 million through last July; its lawyers believe Congress didn't mean to attack investments made to bolster Israel's economy, not to avoid U.S. taxes. Pearlman says the Treasury will cooperate if Congress wants to amend the law; the committee chiefs, just back from recess, haven't responded yet. (The act applies to any bond amount; Pearlman's letter apparently erred in limiting the effect to holdings exceeding $10,000.)

Legislative sources expect Congress to fashion an exemption from imputed interest for Israel bonds.

DEPARTMENT OF THE TREASURY,
Washington, DC., August 13, 1985.

Hon. BOB PACKWOOD,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Internal Revenue Service is issuing today proposed regulations under section 7872 of the Internal Revenue Code regarding interest-free and below-market loans, as enacted by section 172 of the Tax Reform Act of 1984. I enclose a copy of the regulations for your information and would like to bring three particular issues to your attention.

Section 7872 governs gifts loans, compensation-related loans, corporate-shareholder loans and tax avoidance loans. In addition to the four categories of loans specifically mentioned in the statute, section 7872(c)(1)(E) authorizes the Treasury Department to identify loans which have a significant effect on the Federal tax liability of the lender or the borrower ("significant effect loans"). Once identified by Treasury in regulations, such loans would be subject to the imputed interest rules of section 7872. Owing to the breadth of this grant of authority and the recent legislative interest in certain loans to life care facilities, which in some circumstances might constitute significant effect loans, we think it preferable not to exercise this authority at this time. Instead, the regulations request comments from define significant effect loans. Thus, the proposed regulations do not identify any significant effect loans; for the time being, section 7872 applies to only the categories of loans explicitly identified in the statute.

The proposed regulations were drafted prior to House and Senate consideration of H.R. 2475, primarily concerning the imputed interest rules, which contains certain proposed amendments to section 7872. Consequently, the regulations define the applicable Federal rate used to measure the amount of imputed interest with reference to section 1274(d) as in effect prior to the amendments contemplated by H.R. 2475. I assure you that the section 7872 regulations will be revised prior to their promulgation as final regulations to reflect any changes in current law on the definition of the applicable Federal rate and the rules applicable to life care facilities.

Finally, as we advised you last January, the below-market loan provisions of section 7872 apply to U.S. purchasers of Israel bonds if the principal amount of the bonds held by a taxpayer exceeds $10,000. Thus, interest will be imputed to the bondholders in an amount equal to the difference between interest at the applicable Federal rate and the rate of interest actually paid on the bonds, and the bondholders will be treated as making a nondeductible contribution to Israel in an equal amount. The statute clearly requires these tax consequences. To the extent that the tax treatment of Israel bonds required under section 7872 was unintended, legislative amendment may be required. We would, of course, be happy to work with the Committee in any legislative effort.

I would be happy to further discuss these or other matters arising under section 7872 at your convenience.

Sincerely,

RONALD A. PEARLMAN,
Assistant Secretary (Tax Policy).

Mr. DOLE. Mr. President, I rise to commend the distinguished Senator from California and to join him as a sponsor of legislation to exempt Israel bonds from the Deficit Reduction Act's low interest loan rules.

Since I was chairman of the Finance Committee when the Deficit Reduction Act was considered, perhaps it would be helpful if I briefly summarized my recollections on this issue. The provisions we generally refer to as the "Imputed interest" rules, in fact, addressed several different issues. One of these was the problem of no interest and low interest loans which involved, in essence, a gift, compensation to an employee or a dividend to a shareholder. In the gift area, the principal example of the problem which was of concern to the Finance Committee involved large, low interest loans between family members. At the time we considered responses to this problem, no one brought up the question of treatment bonds with low interest rates such as Israel bonds. In fact, knowing that any characterization as a gift would only result in a tax deductible charitable contribution to the Israel bond purchaser. I am confident that, if the issue had been brought before the committee, the response would have been to exempt explicitly Israel bonds from the scope of Internal Revenue Code section 7872.

Mr. President, I can assure the distinguished chairman of the Finance Committee that I will do whatever I can to make certain that this technical correction to the imputed interest rules is brought to the full Senate for disposition at the earliest opportunity. There is no reason why there should be any question in anyone's mind that section 7872 does not apply to purchases of Israel bonds.

Mr. PACKWOOD. Mr. President, today I rise to ask my colleagues to support passage of a measure designed to clarify the tax treatment of Israel bonds.

The State of Israel has for decades sold low interest government bonds to Israel's supporters abroad. This financial support enables Israel to bear an overwhelming defense and economic burden in its fight to remain an independent nation. In order to lower the debt service costs of these bonds to Israel, they are often offered at low rates of interest, with yields as low as 4 percent. This savings to Israel is of vital importance in allowing that nation to meet its responsibilities to its citizens as well as to assume a defense burden which is of great importance to the United States in the Middle East.

When the Deficit Reduction Act was passed in 1984, Congress included a provision aimed at tax avoidance transactions through the mechanism of low-interest loans. At that time, Congress was unaware of the impact of this provision on Israeli bonds. We were made aware that the Treasury

Department could not administratively exempt these bonds from the low-interest-loan rules when they issued regulations on August 15. These regulations make clear the need for legislative action.

I am particularly concerned that the issuance of these Treasury regulations will have an extremely negative impact on the sale and marketing of Israel bonds. Congress did not intend this when it passed legislation in 1984. I do not intend to allow unintended tax results to cut off this vital financial pipeline to the State of Israel. Therefore, I will make every effort to support and pass legislation that will ensure that the purchasers of such bonds are not subject to adverse tax consequences.

I also want to make it clear that I will use the earliest possible vehicle to achieve this end. I understand that heavy sales of such bonds take place during the Jewish high holy days, which are close at hand. I will make every effort to have the issue resolved before that time.

Finally, today, along with Senator WILSON of California; the distinguished majority leader, Senator DOLE, and Senator MOYNIHAN; and others, I have cosponsored legislation that will exempt these bonds from the low-interest-loan rules. I know that my distinguished colleagues have pledged as well to solve this issue quickly. The Treasury Department has also assured me that they will cooperate in this effort. I urge similar action by my colleagues in the Senate and in the House of Representatives.

Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleagues in introducing legislation to correct an unintended consequence of recent tax legislation.

The Tax Reform Act of 1984 included a provision—presently codified as section 7872 of the Internal Revenue Code—designed to impose economically realistic tax treatment on interest-free and below-market loans. The problem is this. For decades, the Government of Israel had issued low-interest bonds to its American supporters. As presently written, section 7872 would require American purchasers of Israeli bonds to pay taxes on the difference between the bonds' return, 4 percent, and the market rate of interest on comparable obligations. In other words, bondholders would be taxed as if they had received a 9- or 10-percent return on their investment rather than the 4 percent they actually receive.

It was never the intention of Congress to include Israel's bonds among those transactions restricted by section 7872. Section 7872 was designed to eliminate certain tax abuses in loan transactions, not to disrupt the bonds sales of one of this Nation's most valued allies. The bill I join in sponsoring today should clarify this matter, by exempting obligations issued by the Government of Israel from the provisions of section 7872. I hope our colleagues will join us in swift passage of this legislation.

By Mr. DURENBERGER (for himself and Mr. SIMON):

S. 1620. A bill to amend title XVIII of the Social Security Act to establish the National Council on Access to Health Care, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL COUNCIL ON ACCESS TO HEALTH CARE ACT

● Mr. DURENBERGER. Mr. President, today I am pleased to join my colleagues on both sides of the aisle, Senator SIMON, from Illinois, Representative MOORE from Louisiana, and Representative GEPHARDT from Missouri, in introducing S. 1620, the National Council on the Access to Health Care Act of 1985.

Mr. President, as we create a price-sensitive health care marketplace, we must make sure that accommodations are made in the system to assure that access to quality health services is secured for all who need care. We must adhere to the warning signals that access to health services may be deteriorating—that patients are being shifted from one hospital to the next because they lack the ability to pay for services, that poor women must come up with a $1,000 deposit before a hospital will admit them for the birth of their child. While the extent of the access problems are not well known, we do know that we never want to return to a two-tiered system, with one standard of care for those who can pay, and second, substandard one, for those who cannot.

S. 1620 amends title XVIII of the Social Security Act to establish a National Council on Access to Health Care to study just how far we've come as a Nation in assuring needed access to health care services for all Americans and what effect the recent changes in the financing of the health care industry is having on the access and quality of services.

The National Council will be composed of 15 members representing broad constituent groups including the elderly and other health care consumers as well as those in the practice of medicine and those distinguished in health care administration and financial management. The Council will study the issue of access and will report to the President and to the Congress its recommendations for legislative and/or administrative action. It is important that the States and localities participate in the Council's investigations and the Council is required to coordinate locally sponsored grassroots "mini-conferences", using the model of the White House Conference on Aging, and at least 10 regional hearings to be held throughout the country.

Mr. President, the establishment of the National Council on the Access to Health Care could not be much more timely. Our Nation's health care system is undergoing change unprecedented in the last three decades. Reform of the system is being initiated by both public and private payers of health care services introducing new incentives for cost containment, rewarding the efficient providers of care and forcing the ineffficient providers to either change or get out of the business.

I have been and will continue to be a strong advocate for this reform that is introducing consumer choice into health care delivery. Only by giving people the opportunity to choose, among competing health plans, the plan that best meets their needs for the best price will we able to keep down the costs. We are working slowly to deregulate the health care industry and as we continue a strategy of deregulation, we will be confronted by the problems of financing of health care services for the indigent.

Between 1954 and 1965, we've demonstrated our national commitment to access through the Social Security Act and through the use of the Tax Code. In 1954, Congress enacted section 106 of the Internal Revenue Code to provide a tax exclusion for an employer's contribution to an employee's health insurance plan. This provision in the Tax Code has encouraged the widespread coverage of employees in private health insurance plans. Today, the majority of the work force is now covered through their place of employment.

We have realized one of the health policy goals set out in 1954—to get the work force covered by private health insurance plans. Today, I am advocating a limit to the employer's tax-free contribution to health insurance plans to encourage consumers to buy smart in the health care marketplace by discouraging the overinsurance and overutilization that's developed through this generous tax subsidy.

Through the establishment of the Medicare and Medicaid programs in the Social Security Act in 1965, the Federal Government has provided health care to two distinct population groups where access has traditionally been a problem—the poor and the elderly. Today, the Medicare program provides health insurance coverage for 27 million elderly and 3 million disabled persons. The Medicaid program, although its benefits are unevenly distributed across the country, provides needed services to some 23 million poor Americans.

Congress has been busy working on reform of the largest health insurance

program in the country—Medicare. Medicare's new prospective payment system for inpatient hospital services represents the biggest change in the Medicare Program since its inception. The new financial incentives for cost containment is having a direct impact on hospital management strategies. In addition, the Department of Health and Human Services finally released regulations implementing a provision in TEFRA allowing Medicare beneficiaries the option to join private competitive health plans.

Business is also paying more attention to the costs of its health benefits and is encouraging employees to join competitive medical plans including Health Maintenance Organizations (HMO's) and Preferred Provider Organizations (PPO's). Both public and private payers are realizing the perverse financial incentives inherent in cost-based reimbursement and are moving in the direction of prospective payment and capitated health plans. The prepaid concept places providers at a financial risk providing the needed incentive to keep their patients healthy and out of expensive health care facilities.

And then all the evidence points to the fact that the reforms are working. In fiscal year 1984, health care costs rose only 9.1 percent—the first decrease since 1978 and the lowest rate of increase in over a decade. Medicare beneficiary's hospital length-of-stay are down substantially and the Medicare trust fund, once expected to go bankrupt this year, is now financially stable through 1997. Utilization of expensive health care services is down. Costs are down. And the system continues to provide high quality care. Now that's something we all can be proud of.

We know that consumer choice works. It brings price and benefit competition to bear on the health care marketplace. But as we continue our efforts to deregulate the health care industry, we must make sure we don't undo the achievements we've made to assure access to our country's high quality health care system for all Americans.

Despite the great progress we've made to assure access through public and private means, there are still estimates that over 30 million people have no form of health insurance whatsoever—public or private.

Plus, we still have gaping holes in our Federal health programs. Medicare still has no protection against catastrophic illness and provides no coverage for prescription drugs. In addition, the Medicaid Program currently covers less than half of those whose incomes fall below the poverty line.

Where do these people go to get care? Who pays for the cost? And how many of them are going without care until their illnesses become so severe that they have no choice but to head for the hospital emergency room?

The new cost-conscious marketplace is having a predictable effect on the hospital industry. For many years, the hospital has served as our national health insurance program. They have care for the indigent and treated the uncompensated care case load and have paid for it through their ability to cross-subsidize. The hospital passes the bill onto the patients who can pay—both public and private—and we all end up paying for the costs in the form of increased room rates and other charges.

What Medicare and other payers of services are now saying to the hospitals is that "We only want to pay for the costs of the services provided to our beneficiaries." We no longer are willing to pay for the hidden costs of graduate medical education, new technology, and the costs of caring for the indigent. And if we, as a society, decide that these are services that we are willing to pay for, then we need to make their costs explicit and pay for them. Period. We will, however, need new policies and new financing schemes to assure that doctors are trained and continue to provide the highest quality health care, that our medical system continues to advance in technology and treatment capabilities, and that all Americans are assured access to quality health care.

I firmly believe that the solution to the problem of uncompensated care lies in a more explicit acknowledgment of the national responsibility of the care of the poor. We will need to look for a rearrangement of those services currently proving cash and in-kind maintenance programs involving national, State, and local levels of government. Most explicitly, we need to assure access to high quality health care for all and not to prevent the development of a two-tier health care system. The National Council on the Access to Health Care will provide invaluable help as we work through these complex issues.

I commend the Catholic Health Association (CHA) for their efforts in development of S. 1620. I look forward to working with CHA and with my colleagues who have joined me in the introduction of the National Council on the Access to Health Care Act of 1985. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD , as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Council on Access to Health Care Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) society has a special obligation to assure that all individuals have equitable access to health care services;

(2) significant changes are taking place in the financing and delivery of health care services;

(3) numerous Federal, State, and private entities have studied and are studying the problems attendant to such changes;

(4) many public and private decisions regarding the organization, financing, and delivery of health care are made in the context of grave budgetary constraints without giving full attention to their long-range implications with respect to access and quality;

(5) in order to avoid serious adverse consequences of such ad hoc decisionmaking, there is a compelling need to develop a cohesive, coordinated policy to address the challenges presented by a rapidly changing system; and

(6) achieving an equitable health care system requires at a minimum—

(A) recognition that society's ethical obligation to ensure equitable access to health care for all is best met through a combination of public and private sector arrangements;

(B) recognition that efforts to contain rising health care costs are necessary but should not impinge on equitable access to health care services;

(C) recognition of the need for sufficiently comprehensive health care services to prevent disease and maintain or enhance good health, and to treat disease, injury, and disability;

(D) recognition of teaching, research, information dissemination, and public health care functions as being integral parts of the health care delivery system;

(E) a pluralistic approach which recognizes individual and institutional integrity and the adherence to ethical and religious beliefs;

(F) elimination of factors which may limit access to health care services or the quality of such services;

(G) broad community grassroots, State, and national participation in health care policy issues; and

(H) recognition that the public and private sectors have a mutual responsibility to develop and implement a national policy to assure access to health care services.

CREATION OF COUNCIL

SEC. 3. Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"NATIONAL COUNCIL ON ACCESS TO HEALTH CARE

"SEC. 1890. (a) ESTABLISHMENT OF COUNCIL.—

"(1) MEMBERSHIP.—(A) There is established the National Council on Access to Health Care (thereinafter referred in this section as the 'Council') which shall be composed of 15 members. The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint 5 members, as follows:

"(i) three members who are distinguished in their representation of one or more of the following fields or constituencies: the elderly and other health card consumers, medical ethics, health insurance, labor, business, law, and the social sciences;

"(ii) one member who is distinguished in the practice of medicine or direct patient care; and

"(iii) one member who are distinguished in health care administration or health care financial management.

The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall consult with one another prior to making appointments in order that as many as is practicable of the fields listed in clause (i) may be represented.

"(B) The Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, the Director of the Office of Science and Technology Policy, the Administrator of Veterans' Affairs, and the Director of the National Science Foundation shall each designate an individual to provide liaison with the Council. Other Federal agencies may also designate an individual for such purpose.

"(C) A vacancy in the Council shall be filled by the official who made the original appointment, or his successor.

"(2) TERMS.—Members shall be appointed for the life of the Council.

"(3) CHAIRMAN.—The Chairman of the Council shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Council.

"(4) MEETINGS.—Nine members of the Council shall constitute a quorum for business, but a lesser number may conduct hearings. The council shall meet at the call of the Chairman or at the call of a majority of its members.

"(5) COMPENSATION.—(A) Members of the Council shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Council.

"(B) While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

"(b) DUTIES OF THE COUNCIL.—

"(1) STUDIES.—(A) The Council shall undertake advisbility studies of the—

"(i) development of a national health care policy to address the issues of access and quality;

"(ii) mechanisms for assigning priorities to the use of public health care resources;

"(iii) ethical and legal bases for such a policy and such priorities;

"(iv) demographic, economic societal, cultural, and aging trends of the United States population and the effects of such trends on the Nation's health needs and health care system;

"(v) differences, if any, in the quality and availability of health care services for various economic and geographic segments of the population;

"(vi) current procedures and mechanisms designed to ensure the quality and availability of health care services to all individuals;

"(vii) capital and operating costs of health care services;

"(viii) efficient and effective use of existing health care resources;

"(ix) appropriate numbers of health care personnel in the various professions and in various geographic regions;

"(x) mechanisms for integrating alternative health care services with traditional acute and longterm care facilities and services;

"(xi) proper role of Federal and State governments and others in the financing, delivering, supervising, and planning of health services; and

"(xii) appropriateness of any other matter which relates to the development or implementation of a national health care policy and which is consistent with the purpose of this Act.

"(B) The Council shall determine the priority and order of the studies required under subparagraph (A). In undertaking the studies, the Council shall coordinate locally sponsored and funded grassroots miniconferences to be held in such numbers and at such locations throughout the country as it shall deem advisable to solicit advice, comments, suggestions, and recommendations from interested individuals, organizations, and the general public. Subsequently, the Council, either as a whole or divided into as many hearing committees as it may so choose, shall convene and conduct a series of hearings in at least the 10 Federal regions of the country for the purpose of receiving the public testimony and reports from the grassroots miniconferences. The Council shall determine how such meetings shall be organized and what criteria shall be established to determine participants in the grassroots miniconferences and hearings. At the conclusion of these public forums, the Council shall publish the recommendations heard and shall give serious consideration to them in its final policy recommendations.

"(C) In order to avoid duplication of effort, the Council shall, in lieu of or as part of any study or investigation conducted under subparagraph (A), use a study or investigation conducted by another entity if the Council sets forth its reasons for such use.

"(D) Studies and investigations under this paragraph shall be coordinated by the National Academy of Sciences under contract with the Council.

"(2) REPORTS TO CONGRESS AND THE PRESIDENT.—Upon the completion of each investigation or study undertaken or utilized by the Council under this subsection, the Council shall report its findings including any recommendations for legislation or administrative action to the President and the Congress.

"(3) ANNUAL REPORTS.—Annually on the anniversary of the date of the enactment of this section, the Council shall report to the President and the Congress the results of its efforts undertaken prior to such date. The third such report shall constitute the final report of the Council and shall include its final recommendations.

"(4) PUBLICATION.—The Council shall publish and disseminate to the public information with respect to its activities.

"(C) ADMINISTRATIVE PROVISIONS.—

"(1) HEARINGS.—The Council may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council may deem advisable.

"(2) PERSONNEL.—(A) The Council may appoint and fix the pay of such staff personnel as it deems desirable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) The Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

"(C) Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist it in carrying out its duties under this section.

"(3) CONTRACTS.—The Council, in performing its duties and functions under this section, may enter into contracts with appropriate public or private entities. The authority of the Council to enter into such contracts is effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(4) INFORMATION.—(A) The Council may secure directly from any Federal agency information necessary to enable the Council to carry out this section. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

"(B) The Council shall promptly arrange for such security clearances for its members and appropriate staff as are necessary to obtain access to classified information needed to carry out its duties under this section.

"(C) The Council shall not disclose any information reported to or otherwise obtained by the Council which is exempt from disclosure under section 552 of title 5, United States Code, by reason of paragraph (4) or (6) of subsection (b) of such section.

"(5) SUPPORT SERVICES.—The Administrator of General Services shall provide to the Council on a reimbursable basis such administrative support services as the Council may request.

"(6) DEFINITION.—For purposes of this subsection, the term 'Federal agency' means an authority of the Government of the United States but does not include the Congress, the courts of the United States, the government of the Commonwealth of Puerto Rico, the government of the District of Columbia, or the government of any territory or possession of the United States.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this section, there are authorized to be appropriated $3,000,000 for each of the fiscal years 1986, 1987, and 1988.

"(e) TERMINATION.—The Council shall be subject to the Federal Advisory Committee Act; except that, under section 14(a)(1)(B) thereof, the Council shall terminate on September 30, 1988.".

APPOINTMENT OF MEMBERS OF COUNCIL

SEC. 4. The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall initially appoint members to the National Council on Access to Health Care not later than 60 days after the date of the enactment of this Act.●

● Mr. SIMON. Mr. President, I am pleased to join my colleagues today in sponsoring legislation which will establish a National Council on Access to Health Care. I feel confident that that mandate of the Council, its makeup and organization will result in some solid and reasonable recommendations to ensure greater access to quality health care for all Americans.

The United States spends a greater percentage of its GNP on health care than almost any other industrial nation. Such a statement seems encouraging until one realizes that, even with this level of expenditure, almost 10 percent of our population have no health care coverage and another 10 percent have inadequate health care coverage. An additional 15 percent have neither the coverage nor the resources to finance a major illness. Most of those without health coverage or with inadequate coverage are the very poor, the working poor, the unemployed, young children and the very old. With our elderly, while Medicare has provided basic health care, we have not even begun to address the quality and cost of long term health care, a problem that will only become more common in the years to come.

Over the years, we have made incremental changes in health care delivery. Medicare and Medicaid have provided sufficient health care coverage to some of the more vulnerable portions of society. Over the past 20 years, other programs like WIC and school lunch and school breakfast have also helped improve the health of young children. But a nation as rich and diverse as ours should not tolerate over 20 percent of the population having little or no access to quality health care.

It is time that we step back and take a long hard look at our present health care system, and consider what alternatives and other options we have to increase the availability of quality, affordable health care for all Americans. It is my sense that there is unanimity among both providers and consumers of health care that our present system is not working. It is also clear that solutions must combine the resources of the public and private sectors.

I believe the National Council on the Access to Health Care offers the Nation the opportunity to bring together those who represent the broadest cross section of interests in the delivery of health care policy. It allows the important process of developing a series of recommendations to improve the delivery of health care to occur outside the confines of the political process. It recognizes the importance of involving as many people as possible through local and regional conferences.

I am confident that my colleagues in both the House and the Senate will view this legislation as a necessary and productive effort. We cannot continue to attempt to fine tune a national health care policy that is inadequate and too costly. Rather, we must take the time and the energy needed to move outside the existing system and undertake the initiatives that will guarantee access to quality health care at reasonable costs for all Americans.●

By Mr. SYMMS:

S.J. Res. 193. Joint resolution to authorize the President to issue a proclamation designating the week beginning October 20, 1985, as "The Lessons of Grenada Week"; to the Committee on the Judiciary.

LESSONS OF GRENADA WEEK

Mr. SYMMS. Mr. President, I am pleased to introduce a joint resolution creating "Lessons of Grenada Week." My colleagues on the House side, Congressmen NEWT GINGRICH and SAM STRATTON, introduced this bill before the August recess in the other body, and I am pleased to say that the legislation has quickly gained numerous cosponsors.

In 1979, Grenada's constitutional Government was overthrown by Maurice Bishop, an avowed Marxist. After his takeover, Bishop boasted that his small group had grabbed control of the entire country and that he, personally, had complete authority over all Government operations in Grenada. During Bishop's rule he became increasingly close to the Soviet Union and Cuba. The Soviet construction of a 10,000-foot airstrip capable of servicing Soviet bombers is evidence of this friendship.

Documents captured by United States forces during the liberation of Grenada provide conclusive evidence that the Soviet Union and Cuba were preparing to use Grenada as a guerrilla training site and a depot for the shipment of military equipment to leftist rebels in Latin America. These documents show the strategic importance the Soviet Union and Cuba placed on the tiny island of Grenada.

This conclusion is supported by the fact that there were large numbers of Soviet, Cuban, Bulgarian, North Korean, and East German advisers on the island. Millions of rounds of ammunition, thousands of weapons, and various types of military equipment such as armored personnel carriers and antiaircraft weapons were found on the island after its liberation. In addition, the Soviet Ambassador to Grenada was a military officer with a rank equivalent to a four-star general.

Bishop was a willing Soviet puppet, who eagerly cooperated with the massive buildup of Soviet, Cuban, and Eastern bloc arms into an enormous stockpile. In 1983, however, his grip began to slip. Evidence now suggests that he was losing the favor of the Cuban Government, and that the Soviets were concerned about retaining a climate favorable to their strategic designs in Grenada. The erosion of his leadership culminated in his assassination during the bloody coup of October 19, 1983.

Although Bishop's Marxist dictatorship had an appalling human rights record, his executioner was significantly worse. Gen. Hudson Austin, who had helped Bishop gain power, immediately instituted a "shoot on sight" curfew, and tortured and jailed those who refused to bow to his barbarous regime.

The situation in Grenada after Bishop's disposal was one of utter chaos and anarchy. In the midst of this anarchy were a large number of American citizens attending a medical school on the island. As they later confirmed, their situation was tenuous and their safety was in doubt. In order to rescue these American citizens, and at the request of the Organization of Eastern Caribbean States [OECS], who feared aggression from the increasingly militant Grenada, President Reagan wisely ordered U.S. Armed Forces into Grenada.

This decision was necessary first to ensure the safety of Americans from a hostile, possibly Iran-like hostage crisis; and second, to keep our treaty commitments with our OECS allies by answering their call for protection and assistance.

In addition to rescuing our countrymen, our forces uncovered an enormous amount of Communist military equipment, seized 35,000 pounds of Communist documents, including minutes from secret meetings, secret treaties with the Soviet Union and Cuba, embassy dispatches from Moscow, and a variety of other items of immense value to scholars, our intelligence agencies, and the American public. These documents provide indisputable evidence of the deceptive and calculated manner in which the Soviet Union encourages and sponsors revolutions throughout the world.

Because of the President's bold action freedom was advanced and Communist aggression near our borders was confronted and stopped. Aside from the American students whose lives were saved, the main beneficiaries of President Reagan's decisiveness are, of course, the people of Grenada who recently held their second free election in 2 years. Because of our liberation of their country, the Grenadan people now have the political freedom to elect the government of their choice.

A "Lessons of Grenada Week" would focus our attention on the Third World exploitation which is continually practiced by the Soviet Union and their satellites. As we have seen in numerous countries around the world, this exploitation is ruthless and persistent.

In Nicaragua, we have witnessed the Sandinistas' continual persecution of their people and their attempts to exterminate the Miskito Indians. Furthermore, the Sandinistas have pledged to spread their Marxist-Leninist revolution to their peaceful neighbors by violent means, if necessary.

In Angola, Cuban troops prop up the corrupt regime which is preventing

peaceful national reconciliation and a democratically elected government. Repeal of the Clark amendment may well curb the adventurism of the Cubans in Africa, deflate Castro's prestige in Latin America, and give democratic resistance forces around the world new confidence.

Most blatant of all is the Soviet Union's destruction of Afghanistan and its people. The Soviet's burning of crops, encouragement of epidemics, destruction of hospitals and sanitation facilities, and repeated bombing of towns, villages, and other nonmilitary targets such as schools and mosques, reveals the true inhumanity of the Soviets.

The Soviets have also instituted a program of forced deportation of Afghan children. Recent reports place the number of 7- to 10-year-old Afghan children who have been sent to the Soviet Union for indoctrination at over 10,000. It is obvious that the Soviet Union's ultimate purpose is the genocide of the Afghan people and the obliteration of the Afghan culture. In this effort, the Red army is making civilians, including peasant children and women, a major target of their war efforts.

I believe that a "Lessons of Grenada Week" is an appropriate commemoration of the October rescue mission and an altogether fitting reminder of the fundamental differences between democratic societies and Communist dictatorships. "Lessons of Grenada Week" will allow the American people to reflect on the importance of the Grenada rescue mission, and, more importantly, on the need to continue to confront the spread of communism throughout the world.

ADDITIONAL COSPONSORS

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 3, a bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have social security protection in his or her own right.

S. 7

At the request of Mr. CRANSTON, the names of the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 7, a bill to amend title XIX of the Social Security Act to provide Medicaid coverage for certain low-income pregnant women.

S. 47

At the request of Mr. HELMS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 47, a bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

S. 665

At the request of Mr. HATCH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 665, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 797

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 797, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes.

S. 810

At the request of Mr. CRANSTON, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 810, a bill to amend title XX of the Social Security Act to assist States in improving the equality of child-care services.

S. 855

At the request of Mr. PRYOR, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 855, a bill for the relief of rural mail carriers.

S. 1004

At the request of Mr. DOMENICI, the names of the Senator from Utah [Mr. GARN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1004, a bill to authorize and direct the Secretary of Energy to establish a program to provide for reclamation and other remedial actions with respect to mill tailings at active uranium and thorium processing sites.

S. 1011

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1011, a bill to amend title 18, United States Code, to provide the death sentence or mandatory life in kidnapping offenses involving the murder of a minor.

S. 1012

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1012, a bill to amend title 18, United States Code, to provide mandatory minimum sentence for offenses involving the sexual exploitation of children.

S. 1013

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1013, a bill to require the Attorney General to modify the FBI offense classification system to provide more specific information concerning offenses involving the sexual exploitation of children.

S. 1303

At the request of Mr. PROXMIRE, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1303, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to better protect the public from the hazards of pesticides, and for other purposes.

S. 1425

At the request of Mr. LEVIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1425, a bill to create a separate tariff classification for imports of pigskin footwear.

S. 1531

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1531, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide for improved emergency planning and notification of releases of hazardous substances, and for other purposes.

S. 1594

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1594, a bill to amend the Communications Act of 1934 to increase the availability of educational and informational television programs for children.

S. 1596

At the request of Mr. WARNER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1596, a bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

SENATE JOINT RESOLUTION 68

At the request of Mr. DODD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 68, a joint resolution to designate November 21, 1985, as "William Beaumont Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. LEVIN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. DECONCINI], the Senator from Oregon [Mr. HATFIELD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER],

the Senator from Vermont [Mr. LEAHY], the Senator from New York [Mr. MOYNIHAN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 117, a joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. LAXALT], the Senator from Vermont [Mr. LEAHY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating October, 1985, as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. HATFIELD], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 181

A the request of Mrs. HAWKINS, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Dakota [Mr. ANDREWS], the Senator from Connecticut [Mr. WEICKER], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness Week."

SENATE JOINT RESOLUTION 186

At the request of Mr. THURMOND, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. MATHIAS], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 191

At the request of Mr. BUMPERS, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mr. DOLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Dakota [Mr. ANDREWS], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 191, a joint resolution to designate the month of October 1985 as "Learning Disabilities Awareness Month."

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. GLENN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. DIXON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution to congratulate the Society of Real Estate Appraisers on the 50th anniversary of its founding.

SENATE RESOLUTION 37

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Resolution 37, a resolution regarding small business and agricultural representatives on the Federal Reserve Board.

SENATE RESOLUTION 183

At the request of Mr. DOMENICI, the names of the Senator from Utah [Mr. GARN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 183, a resolution to express the sense of the Senate regarding maintenance of U.S. energy independence and national security interests with respect to uranium.

SENATE RESOLUTION 206

At the request of Mr. DURENBERGER, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Resolution 206, a resolution to urge Federal agencies with flood control responsibilities to plan for and execute efficient and effective cooperation and technical assistance to State and local governments to mitigate the consequences of the high water levels on the Great Lakes.

SENATE RESOLUTION 218—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 218

Resolved, That, pursuant to section 303(c) of the Congressional Budget Act of 1974, section 303(a) of that Act be waived with respect to S. 1200 as reported. S. 1200 as reported, the Immigration Reform and Control Act of 1985, authorizes the payment of entitlement benefits commencing during fiscal year 1989 to cover the full estimated costs to the States for public assistance to the legalized aliens, and for imprisonment costs; and Senate consideration of S. 1200 at the present time would violate section 303(a) of the Congressional Budget Act of 1974, in that the bill would provide new spending authority described in section 401(c)(2)(C) of that Act to become effective during fiscal year 1989, before the first concurrent resolution on the budget for fiscal year 1989 has been adopted. A waiver of section 303(a) of that Act is necessary to provide for the timely consideration of S. 1200.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to examine the impact of moratoria on Outer Continental Self leasing in Federal waters adjacent to the coastline of the State of California.

This hearing will be held on Tuesday, September 17, beginning at 10 a.m. in room SD-366 in the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should contact the Committee on Energy and Natural Resources, room SD-358 Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Jeff Arnold at (202) 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 10, to conduct a meeting on the nominations of Terrence Scanlon and Anne Graham to the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, September 10, 1985, in order to conduct a hearing on the reauthorization of the Higher Education Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 10, to hold a hearing on S. 1527, the Civil Service Pension Reform Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VITAMIN A DEFICIENCY

● Mr. CHAFEE. Mr. President, I would like to bring to the attention of the Senate the following September 5, 1985, New York Times article about the perils of vitamin A deficiency among the children in developing countries. This article clearly points out the need for the legislation Senator RUDMAN and I have introduced. Our legislation, S. 1451, would earmark $30 million in the Agriculture, Rural Development, and Nutrition account of the AID budget to be disbursed over a 3-year period, for nutrition programs which reduce vitamin A deficiency. We believe the cost to be minimal in terms of the benefit it provides to children worldwide. I call on my colleagues to read the following article and add their names as cosponsors to this important legislation. I ask that the article be printed in the RECORD at this point.

The article follows:

[From the New York Times, Sept. 5, 1985]

DIET DEFICIENCY OF VITAMIN A IS REVEALED AS A MAJOR KILLER

(By Erik Eckholm)

Dietary deficiencies of vitamin A, long implicated as a cause of blindness, have now been linked to hundreds of thousands of deaths of children each year in Africa, Asia and Latin America.

New findings, described by one expert as "electrifying" in their implications, are galvanizing international efforts to combat the deficiency. The studies indicate that the vitamin deficit, which is widespread in the third world and a major cause of blindness there, is also responsible for significant increases in measles, diarrhea and other potentially deadly diseases among tens of millions of children.

International health officials are developing a plan they hope will eliminate the deficiency worldwide and, in the process, reduce childhood deaths. Experts said the findings had already rejuvenated flagging vitamin therapy programs in Bangladesh and other Asian countries.

Earlier this year, the highest incidence of vitamin A deficiency ever recorded in any population was discovered in famine victims trekking into feeding camps in Ethiopia and the Sudan. Relief officials mounted a quick response, one of many largely unheralded subplots in the larger dramas of life and death in Africa that have caught the world's conscience over the last year. Since March, physicians say, airlifted shipments of high-dose vitamin A capsules to Ethiopia and the Sudan have saved thousands of children from certain blindness and from increased illness.

On the Indonesian island of Sumatra, where inadequate consumption of vitamin A is commonplace, death rates among small children receiving vitamin A therapy were one-third lower than among other children in equally poor circumstances who did not receive the supplements, according to the most recent and conclusive of the studies linking the nutrient deficit to excessive mortality.

That insufficient vitamin A can damage eyesight has long been established. In ancient Egypt and Greece observers noted that the eyes of young children sometimes withered when they consumed an unvaried diet. Today the World Health Organization estimates that half a million children in Africa, Asia and Latin America are permanently blinded each year by xerophthalmia, from the Greek for "dry eye," resulting from inadequate vitamin A. Millions more suffer the lesser, and reversible, debility of night blindness, which causes children to stumble about at twilight. Nutritional blindness has essentially disappeared from the developed world, where diets meet minimum needs for the nutrient.

Although health officials have recognized nutritional blindness as a severe problem for decades, they have seldom granted it high priority when dispensing scarce health funds.

"When the main concern was night blindness, health ministers said, understandably, 'I feel terrible about that, but I can't put my resources into it when half our children are dying before the age of 5,'" said Dr. Alfred Sommer of Johns Hopkins University, who directed the Indonesia studies. But now, he said, in view of the evidence linking inadequate vitamin A to heightened mortality, "ending the deficiency is starting to be viewed as a mainstream activity, not a peripheral one."

The "electrifying" new evidence, said John H. Costello, director of Helen Keller International, "has rekindled interest in the vitamin A problem" among aid agencies such as the United Nations Children's Fund, which finances projects to promote the survival of children, and among third world governments. Helen Keller International, in New York, is the main private group working to prevent nutritional blindness. In Washington, legislation is pending that would more than double the Agency for International Development's vitamin A programs, to $8 million a year.

Dr. Nevin S. Scrimshaw, professor of nutrition at the Massachusetts Institute of Technology, called the Indonesia findings "very important." He said the findings had created new enthusiasm for the global strategy to eradicate vitamin A deficiency being promoted by the World Health Organization, which is now trying to raise $25 million for the first five years of the program. Many experts believe that, through vitamin-capsule distribution, nutrition education and fortification of foods with the vitamin, the deficiency could be largely eradicated even without deeper social progress.

According to Dr. Sommer, 5 million to 10 million children develop night blindness or more severe effects of vitamin A deficiency each year, and an additional 20 million suffer more subtle deficiencies that impair their health. In Asia, the deficiency has been found to be rampant in India, Bangladesh, Indonesia, the Philippines and Thailand; little is known about rates in China. In Latin America the deficiency remains a threat in Haiti and isolated pockets elsewhere. Almost nothing is known about the adequacy of vitamin A in African diets, though fragments of evidence indicate a vast problem.

FIRST SIGN IS NIGHT BLINDNESS

The first overt sign of the deficiency is night blindness. Native names for this condition in Indonesia, India and Bangladesh mean, literally, "chicken eye." Its victims, like chickens, which lack ocular mechanisms for vision in low light, tend to walk erratically in the evening dimness. Night-blind children, physicians say, often spend twilight time sitting silently in a corner to avoid embarrassment. In more advanced stages, the whites of the eyes becomes rough and wrinkled. Then the corneas dry and scar, impairing vision, and finally the corneas rupture, leaving the victim totally blind.

The primary victims are the children of the poor and landless who have least access to the green leafy vegetables, fruits, milk, eggs, liver and fish that provide the vitamin. Cultural practices often accentuate the problem. Mother's milk provides vitamin A but postweaning diets often do not. In Indonesia, most adults consume green vegetables but tend not to feed them to small children. And in Bangladesh, girls are less susceptible than boys because they nibble on vegetables, not generally fed to children, as they stir cooking pots.

Exactly how the deficiency promotes potentially deadly diseases is unclear. Experts said it might suppress the immunological system either directly or indirectly by interfering with iron metabolism, which in turn debilitates the white blood cells that attack invading disease agents. Evidence also suggests that the deficiency causes a hardening of mucous membranes in the gastrointestinal and urinary tracts as well as around the eyes. As these normally moist tissues become skinlike and cracked, a process known as keratinization, they may provide microbes with easy pathways to vulnerable organs.

During food shortages, vitamin A intake sometimes actually improves as desperate people turn to eating nutrient-rich leaves from the environment. But during severe famines and where the landscape is barren, as in parts of Africa in recent years, a chronic, subtle deficiency of the vitamin can quickly be transformed into an open ravager of eyesight. Scientists presume that the lengthy drought afflicting Ethiopia, the Sudan and other African countries has exacerbated a pre-existing dietary deficit of vitamin A. Ethiopian tribes have 27 different names for night blindness, indicating long familiarity with the problem, Dr. Sommer noted.

Last winter, as emaciated drought victims arrived at feeding centers in Ethiopia and the Sudan, veteran relief officials noticed signs of eye injury and called for an expert appraisal. In January doctors from Helen Keller International visited 10 centers in the two countries. They were appalled by what they saw: In some camps nearly 10 percent of the children showed advanced forms of eye damage such as dry patches and corneal scarring, the highest rates ever recorded anywhere. "It is certain that many children in East Africa have become blind and thousands more are in danger of becoming blind," the physicians warned.

Beyond suffering years of poor harvests, many famine victims from warring regions of Ethiopia had reached feeding camps in the Sudan only after weeks of walking through parched desert terrain. "Those that made it to the camps had been without vitamin A for a very long time," said Dr. Victoria Sheffield of Helen Keller International, who recently returned from another assessment of conditions in East Africa. Once in the camps, people received little, if any, of the nutrient in their emergency rations; even vitamin-fortified powdered milk does not provide the nutrient at high enough levels to reverse developing cases of blindness.

Within a month of its alarming January report, the New York agency arranged for two million doses of vitamin A to be sent to the Sudan and Ethiopia. Three pharmaceutical companies donated the vitamin capsules, while another private aid group, Catholic Relief Services, and the United Nations airlifted them to Africa. Officials believe the problem is under control for now, but they worry about the deficiency's effects on millions more Africans who have endured years of drought but have not visited feeding centers or health clinics ready to counter the threat.

25,000 CHILDREN STUDIED

In the late 1970's, while studying eyesight problems on the Indonesian island of Java, Dr. Sommer and colleagues found, "quite unexpectedly, that children with night blindness were dying at a much higher rate than the children next door," he said. They found that, other forms of malnutrition aside, the more severe the vitamin A deficiency, the higher the mortality, mainly from increased rates of respiratory diseases and diarrhea.

The scientists, taking advantage of a vitamin therapy program about to begin in Sumatra, then carried out a more scientifically controlled study of 25,000 children in 450 villages from 1982 to 1984. The therapy could not be introduced to all villages immediately, so the scientists were able to compare health in half the villages, where children received megadoses of vitamin A every six months, with health in the other villages, comparably poor, that had not yet received the therapy. In the one-year interval between examinations of each child, they found that the death rate among those 2 to 6 years old who had received the capsules was 35 percent lower than that among untreated children. No other differences in health care or nutrition between the two groups could be discerned. Dr. Sommer presented the Sumatra findings last month to the International Congress of Nutrition in Brighton, England.

Dr. Barbara A. Underwood of the National Eye Institute in Bethesda, Md., who is a specialist in nutritional blindness, said that scientists had generally accepted the evidence linking vitamin A deficiencies with increased disease and death, but that the magnitude of that effect was still open to question. "We are anxious to see this study replicated in other settings," she said.●

DEATH OF DR. KONSTANTIN D. FRANK

● Mr. MOYNIHAN. Mr. President, a great leader of the New York wine industry, Dr. Konstantin D. Frank, died on Saturday at the age of 86.

As an obituary appearing in Sunday's New York Times duly notes, Dr. Frank was the first viticulturist to demonstrate that Europe's finest vinifera grapes could withstand the rigors of the Northeast climate successfully. Previously, New York winemakers cultivated such hardy domestic varieties as the Concord, Catawaba, and Delaware—all exceptionally vigorous labruscas, but lacking the finesse of some of the more refined vinifera grapes, such as Pinot Noir and Cabernet.

Dr. Frank, who arrived in this country destitute 34 years ago, worked with the reknown Frenchman, Charles Fournier, at the Gold Seal Vinyards south of Geneva, on the shores of Lake Keuka. The two produced New York's first vinifera wines—a Chardonnay and a Riesling—in 1957. Offered commercially under the Gold Seal label, the two wines have been popular ever since.

Mr. President, Dr. Frank's importance to the wine industry of New York cannot be overestimated. I ask that the obituary appearing in Sunday's New York Times be printed in the RECORD.

The obituary follows:

DR. KONSTANTIN D. FRANK, 86, NEW YORK STATE WINEMAKER

(By Bryan Miller)

Dr. Konstantin D. Frank, a New York State winemaker who proved to skeptical colleagues that Europe's finest vinifera grapes could thrive in the rigorous Northeast climate, died yesterday at the Ira Davenport Hospital in Bath, N.Y., at the age of 86. He had suffered a stroke a week ago.

Before Dr. Frank's arrival, New York winemakers cultivated primarily such hardy American varieties as Concord, Catawba and Delaware grapes, which bore little resemblance to the grapes used in the fine wines of Europe.

Since colonial times, grape growers had tried unsuccessfully to transplant the European Chardonnay and Riesling grapes, which make some of the most elegant wines in the world.

Dr. Frank, a Russian immigrant with a fiery temperament, arrived in Geneva, N.Y., in the early 1950's and declared that he would succeed where all others had failed. If Riesling grapes could grow in Russia "where it gets to 40 below and your spit freezes before it hits the ground," he once said, New York State would pose no problem.

A NATIVE OF ODESSA

Dr. Frank was born in Odessa, a fifth-generation descendant of Germans invited by Czar Alexander I to bring Western culture and technology to Russia. He earned his doctorate in agricultural science at the Odessa Polytechnic.

After the 1917 revolution, in which two of his brothers were killed, Dr. Frank was appointed head of the nationalized Troubetskoy estates, whose 2,000 acres of vineyards blanketed the banks of the Dnieper River.

In 1943, when the Germans overran the Ukraine, Dr. Frank went to Vienna. After the war he moved to Bavaria, until, in 1951, destitute at the age of 52, he came to the United States, settling in Brooklyn with his wife, two daughters and son. He worked in an Automat until he saved enough money to go to the State Agricultural Station in Geneva. The only job he could find was hoeing blueberries.

WORKED WITH CHARLES FORNIER

In 1953 be found work at the Gold Seal Vineyards, south of Geneva on the shores of Lake Keuka, where his boss was the renowned Charles Fornier, a former champagne maker in France. Mr. Fornier was experimenting with hybrid grapes, trying to come up with a combination that would have the vigor of native grapes and the finesse of vinifera.

Dr. Frank and Mr. Fornier began a scientific collaboration that bore fruit—vinifera fruit—in four years. In 1957 they unveiled their first experiemental vinifera wines, a Chardonnay and a Riesling. They succeeded by grafting vinifera vines onto sturdy native roots. The two were offered commercially under the Gold Deal label and have been popular ever since.

Dr. Frank eventually went off on his own and started a winery, Vinifera Wine Cellars, with the dream of producing vinifera red wines from the grapes that make the great Bordeaux and Burgundies, Pinot Noir and Cabernet. That goal eluded him. His son, Willi, and son-in-law, Walter Volz, have assumed management of the winery in recent years.

"He certainly was a pioneer along with Charles Fornier," said Hermann J. Wiemer, who owns a winery in Dundee, N.Y., bearing his name. "His courage influenced my decision to try growing vinifera in New York State. Otherwise I would have left and gone out to California."

Mr. Wiemer described Dr. Frank as "very opinionated" and strong in his convictions. "When everybody in Geneva and at Cornell was saying his ideas were impossible, he never gave up," Mr. Wiemer said.

Dr. Frank is survived by his wife, Eugenia; three children, Willi, of Hammondsport, N.Y., Hilda Volz, of Bath, N.Y., and Hellen Schelling of Catskill, N.Y., and six grandchildren.

The funeral will be held Monday at 10 A.M. at the Bond-Davis Funeral Home in Hammondsport.●

THE BALTIC STATES

● Mr. PRYOR. Mr. President, every year this country celebrates Baltic Freedom Day and Lithuanian Independence Day even though those States are neither free nor independent. Why, then, do we go through this annual exercise?

We do it because it is important to remember how the Soviets swallowed up those nations and robbed their people of the traditions they valued so highly. As we watch Soviet actions in

eastern Europe and Afghanistan, the Baltic experience serves as a classic case study of Soviet expansionist tactics—armed invasion, obliteration of national identity, and suspension of individual rights.

The loss of their national identity and the freedom to enjoy their cultural traditions was a great blow to the citizens of Estonia, Latvia, and Lithuania, but Baltic-Americans have done their best to keep those traditions alive.

The freedom and independence we celebrate each year refer to the Baltic spirit if not to today's political reality.

That spirit is described in an article from the Wall Street Journal of July 31, written by Seth Lipsky, and I ask to have the article printed in the RECORD.

The article follows:

[From the Wall Street Journal, July 31, 1985]

BALTIC WITNESS AGAINST THE SOVIET TYRANNY

(By Seth Lipsky)

COPENHAGEN.—The community of exiled Balts put the Soviet Union on trial here last week. Before a panel of judges, convened at the Hotel Scandinavia by the World Baltic Conference, witnesses testified on Soviet crimes in Estonia, Latvia and Lithuania in the years since those nations were taken captive under the terms of Stalin's pact with Hitler. Exiles, including many assimilated into Western life, came to hear others, some recently arrived, report on the Russification of their homelands, a process that represses native culture, language and politics and replaces it with an alien ideology from Moscow. The verdict seemed clear enough. Then the group took a chartered ship up the Baltic coast to gain a glimpse of the lost lands.

As protests go, it wasn't much; the 150 or so people involved included almost no famous figures, although one legendary Soviet dissident, Vladimir Bukovsky, was on hand. But the fate of the Balts is something to think about as the glitterati gather in Finland this week to congratulate themselves on the signing a decade ago of the Helsinki Final Act. It reminds us that statesmen can sign all the documents they want, whether they be Molotov and Ribbentrop inking the 1939 Russo-German pact or Gerald Ford, Leonid Brezhnev and a few others putting their names to the 1975 Helsinki accords. Still, the claims individuals hold in their hearts have a way of haunting the diplomats.

The World Baltic Conference found its mark in Helsinki in 1973, when the ground work was under way on the now notorious Final Act. The conference, then a year old, had sent a delegation to Helsinki to press free Baltic interests. One of their number—a Latvian named Uldis Grava, who otherwise works as a marketing man for the Newspaper Advertising Bureau in New York—got invited to a press reception at the East German embassy, where he ended up face to face with the Soviet foreign minister, Andrei Gromyko. The ensuing conversation so angered Mr. Gromyko that he stalked out of the reception and had the Finnish government arrest the Baltic delegates at their hotel. It took the American secretary of state—then William Rogers—to get the Balts bailed out. They've been getting the Soviet goat ever since.

The gathering here last week is the latest example. Tass went into a tizzy. It used adjectives like "recidivist burglar" and "alcoholic troublemaker" to describe witnesses against the Russification of the Baltic nations. The Soviets sent to Copenhagen their own delegation of captive Balts, with Russian escorts, to tell local newspapers that everything back home was peaches and cream. Their claims won't emerge as credible with those who followed the testimony, some in writing, some in person, of the free Balts. They conveyed not merely the humiliation of an invasion by the Red Army such as struck the Baltic nations in 1940; they emphasized the more maddening attempts, under way in Tallin, Riga and Vilnius, to erase the concept of a nation.

A defector, Valdo Randpere, formerly assistant to the Estonian minister of justice, told how the legal code of the Russian republic was transferred to Estonia. A young Russian, Sergei Zamascikov, who was educated in Latvia, defected in 1979 and now lives in Los Angeles, described university reserve officers training classes, where future Soviet military leaders hear condemnations of Latvian ethnic traditions considered to be "bourgeois nationalism." A one-time Lithuanian communist now teaching in England, Alexander Shtromas, spoke of those "who grew old only to realize the monstrosity of the cause they chose to serve." A former Soviet tobogganer and now a Munich housewife, Rita Bruvere, told of Russians telling Latvians on an overcrowed bus in Riga: "We slaughtered too few of you fascists."

Then there was the case of an ex-agent in the Latvian KGB, Imants Lesinskis, now living in the U.S. under a new name. The World Baltic Conference wrote to him at the post-office box through which he maintains contact, and he agreed to participate. He was put on the schedule. Two hours before he was to testify in Copehhagen, he telephoned regrets, as too many spies were around. At 8:30 the next morning, though, according to a conference organizer, Mr. Lesinskis walked into the hotel. He appeared uncomfortable amid the photographers and met conference officials in private. He asked to be driven into the city. His escort of Balts drove him about town, and when he was satisfied he wasn't being tailed, he got out of the car and walked into the train station and out of sight.

So it goes on the front lines of the Cold War. On Sunday, the Baltic Star docked at Helsinki, after its charter up the coast. About 400 Balts staged what the Associated Press called "Finland's first major anti-Soviet protest" since the Warsaw Pact invaded Czechoslovakia in 1968. Mr. Bukovsky, who spent 15 years in Soviet labor camps, was the demonstration's featured speaker. The 10 years since the signing of the Final Act, Mr. Bukovsky told a crowd of 2,000, "have been marked by the communist authorities by the increased aggression, by the unprecedented arms buildup, by the support of international terrorism, by the increase of repression, by jamming radio broadcasts, by imprisoning anybody who is willing to speak out."

Few think the free Balts, in their persistent vigil, threaten the Soviets—except, it would seem, the Soviet themselves.●

GLENN OHRLIN HONORED BY NATIONAL ENDOWMENT FOR THE ARTS

● Mr. PRYOR. Mr. President, the National Endowment for the Arts this week will honor 12 master American artists with its highest award. I am most pleased that one of the recipients will be an Arkansan, Glenn Ohrlin of Mountain View. Glenn, a cowboy singer, storyteller, and illustrator, will be recognized in a ceremony on September 12, 1985, as one of the Endowment's National Heritage Fellows. I would like to share with my colleagues some of the specifics of Glenn Ohrlin's talents and life, and I ask that his biography be printed in the RECORD. I am proud to represent this individual whose many talents we have come to enjoy.

The material follows:

GLENN OHRLIN

Glenn Ohrlin was born in 1926 in Minneapolis and, at age fourteen, moved to California with his family. Two years later, he left home to become a buckaroo in Nevada, and he has been a working cowboy ever since, first as a ranch hand, then as a rodeo circuit rider, and now as the owner of a ranch near Mountain View, Arkansas where he lives in a stone house that he built himself.

Glenn Ohrlin is a master raconteur, specializing in the most outrageous tall-tales which he delivers in classic dead-pan style. He is also an excellent draftsman and illustrates his own books. The "Hell-Bound Train," with detailed and loving drawings of cowboys and their gear. He is best known, however, as a collector and performer of cowboy songs, some 100 of which he put into his own book along with his personal recollections of cowboy life and lore.

Glenn Ohrlin's song repertoire stems from material that originated in the period 1875–1925—traditional British ballads carried west, mid-19th century sentimental melodies, journalistic poetry, bawdy songs and hobo ditties. He sings them in the classic flat unornamented western style and accompanies them with simple understated guitar rhythms. This is the laconic, tough, masculine in style of western balladry at its peak, powerful and strongly affecting, in part because of its lack of adornment. It is also extremely deceptive; like many such western artists Glenn Ohrlin has a sly wit that sneaks up on you and can cloak the most outrageous sentiments with surface respectability.

During the past two years, Glenn Ohrlin has worked closely with the group of western folklorists who organized the extremely successful Cowboy Poetry Gathering in Elko, Nevada in January of this year. He represented the cowboy poets at the various meetings, during which the program was drawn up, and helped select the final list of artists to be invited. At the Gathering itself, he both performed and acted as host for several poetry readings and concerts. Scholar and singer, throughout the event, he exemplified simultaneously the art form and the artist, assuring by virtue of his lifetime devotion ot western tradition that the goals of authenticity and excellence were ever met.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

In reply refer to: I-04584/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-52 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Korea for defense articles and services estimated to cost $178 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-52]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Korea.

(ii) Total Estimated value:

	Million
Major defense equipment[1]	$138
Other	40
Total	178

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles of services offered: Twenty-one AH-1S COBRA TOW helicopters with spare engines, concurrent spare parts, special tools, training, support personnel and test equipment.

(iv) Military department: Army (XVE).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense acticles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending June 30, 1985.

(viii) Date report delivered to Congress: September 9, 1985.

POLICY JUSTIFICATION

KOREA-AH-1S COBRA TOW HELICOPTERS

The Government of Korea has requested the purchase of 21 AH-1S COBRA TOW helicopters with spare engines, concurrent spare parts, special tools, training support personnel and test equipment. The estimated cost is $178 million.

This sale will contribute to the foreign policy objectives of the United States by helping to improve the security of a friendly country which has been and continues to be an impetus for modernization and progress in Eastern Asia. The sale of this equipment and support will enhance deterrence and contribute to the preservation of peace and stability on the Korean peninsula.

The AH-1S Cobra TOW helicopters proposed in this sale will enhance the Republic of Korea defensive capability and complement the preservation of peace and stability on the Korean peninsula, a key element in the security of Northeast Asia.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors will be Bell Helicopters Textron, Incorporated of Fort Worth, Texas and AVCO Corporation, Lycoming Division of Stratford, Connecticut.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel: however, seven contractor representatives will be required in Korea for one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

In reply refer to: I-04869/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-49 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to the United Kingdom for defense articles and services estimated to cost $54 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of the Transmittal.

Sincerely,

PHILIP C. GAST,
Director

[Transmittal No. 85-49]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: United Kingdom.

(ii) Total estimated value:

	Million
Major defense equipment[1]	$37
Other	17
Total	54

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four PHALANX Close-in Weapon Systems (CIWS), spare parts and engineering support.

(iv) Military department: navy (LFK).

(v) Sales commission, fee, etc., paid, offered, or agreed to the paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending June 30, 1985.

(viii) Date report delivered to Congress: September 9, 1985.

POLICY JUSTIFICATION

UNITED KINGDOM—PHALANX CLOSE-IN WEAPON SYSTEMS

The Government of the United Kingdom (UK) has requested the purchase of four PHALANX Close-in Weapon Systems (CIWS), spare parts and engineering support. The estimated cost is $54 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the United Kingdom; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale of these four additional Close-in Weapon Systems would significantly enhance the close-in anti-aircraft warfare capability of UK ships. The UK has the military assets to utilize these systems effectively.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Pomona, California.

Implementation of this sale will require the assignment of one additional U.S. Government representative and two contractor personnel in the United Kingdom for three months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

In reply refer to: I-02551/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-29 and under separate cover the classified annex thereto. This notification replaces Transmittal No. 85-23 and concerns the Department of the Navy's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $313 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-29]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Federal Republic of Germany.

(ii) Total estimated value:

	Million
Major defense equipment[1]	$261
Other	52
Total	313

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 944 AGM-88A high

speed anti-radiation missiles (HARM), associated spare and repair parts, test equipment, site survey, training, technical assistance, and support services.

(iv) Military department: Navy (AHD, amendment 1).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: September 9, 1985.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—HARM MISSILES

The Government of the Federal Republic of Germany (FRG) has requested the purchase of a quantity of 944 AGM-88A High Speed Anti-radiation Missiles (HARM), associated spare and repair parts, test equipment, site survey, training, technical assistance, and support services at an estimated cost of $313 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The FRG needs the HARM missiles to provide a defense suppression weapon to combat the missile threat faced by their TORNADO aircraft. HARM will assist in achieving air superiority by enabling their TORNADO aircraft to reach enemy targets and accomplish their tactical mission.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Texas Instruments Corporation of Dallas, Texas.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the FRG.

There will be no adverse impact of U.S. defense readiness as a result of this sale.●

JOHN J. DRISCOLL

● Mr. DODD. Mr. President, this Thursday, September 12, will mark the end of an era for the labor movement in Connecticut. John J. Driscoll, president of the Connecticut State Labor Council, AFL-CIO, for the past 24 years, will step down on that day. At the age of 73, John Driscoll will retire as the venerable leader of the largest labor organization in my State. In honor of his retirement, I would like to share with my colleagues and with the people of the United States a short summary of his admirable life and career.

John has lived a full and remarkable life. His 50-year career in the labor movement spans the dark days following the Great Depression, through the organization of Government workers in the 1960's, to the struggles in the high technology workplace of today.

John Driscoll was born in Waterbury, CT in 1911, the son of Irish immigrants. His first ambition was to be an architect, but after a year at MIT, he transferred to Wesleyan University in Middletown, CT, where he received degrees in philosophy and English. Aiming to be a college professor, he took a fellowship in philosophy at Brown University in Rhode Island. There he started to read about what industrial unions could do for workers. Inspired by his readings, he enrolled at Harvard Law School to pursue a career in labor law. Once again, he felt he was not using his energy to the best advantage.

John eventually took a job at the Bristol Co. in Waterbury, a manufacturer of scientific instruments. He immediately began organizing the company's workers. Shortly after, he was asked to work for the National Union of Mine, Mill & Smelter Workers' local organization. He moved on to become secretary-treasurer of the State's Congress of Industrial Organizations. From there he joined the United Auto Workers. When the UAW withdrew from the AFL-CIO, he stayed on with the newly merged union.

He challenged the Communist leadership of the Mine, Mill & Smelter Workers and helped unionize brass workers in Connecticut. In 1961, he was elected president of the State Labor Council. He has held that position ever since.

The accomplishments of his tenure include obtaining legislative approval of collective bargaining for municipal and State employees and public school teachers, the Fair Employment Practices Act that prohibits job discrimination on the basis of race, creed, or color, and improvements in unemployment compensation benefits. He is a veritable walking history of the labor movement in Connecticut. He is a scholar, a brilliant strategist, a tough negotiator, a compassionate leader, and an eloquent orator. He is a tough, streetwise union organizer, known to all in Connecticut as "Mr. Labor."

Needless to say, Mr. President, we are very proud of John Driscoll in Connecticut. He will be greatly missed when he retires.

JUNK BOND TAKEOVERS

● Mr. DOMENICI. Mr. President, although the spate of stories about hostile junk bond financed takeovers no longer dominates the front pages of the daily newspaper, the threat presented to the integrity of our Nation's financial institutions and to our capital markets by the junk bond phenomenon has not abated. Takeovers financed with junk bonds continue.

Last June, I introduced S. 1286, the Junk Bond Limitation Act of 1985. The purpose of this bill is to ensure that the limitations on junk bond ownership which apply to federally chartered financial institutions are also applied to federally insured financial institutions which are State chartered. It also mandates that only the most financially secure federally insured financial institutions, those whose net worth is greater than 6 percent of their total worth, shall be permitted to invest in junk bonds. Finally, the bill makes it clear that the Federal Reserve's margin requirements apply to junk bond financed hostile takeovers.

Although my bill addresses only the most immediate and onerous aspects of the junk bond craze, there also are other detrimental aspects of the slew of takeovers financed by junk bonds. In particular, I am referring to the decreased amount of funds available for research and development by American industries and the dimunition in competition which results from corporate takeovers and takeover attempts. The petroleum division of the American Society of Mechanical Engineers has drafted an instructive statement on these effects of hostile takeovers. I ask that excerpts from the "Statement of the ASME Petroleum Division on the Detrimental Effect on the National Economy of Hostile Corporate Takeovers in the Petroleum Industry" be printed in the RECORD.

The material follows:

STATEMENT OF THE ASME PETROLEUM DIVISION ON THE DETRIMENTAL EFFECT ON THE NATIONAL ECONOMY OF HOSTILE CORPORATE TAKEOVERS IN THE PETROLEUM INDUSTRY

The free enterprise system is one of the great social inventions of mankind. It allows the economy to be optimized through companies and individuals acting in their own self-interest in a way that proves to be in the best interest of society as a whole. These adjustments include: Control of monopolies; transfer of payments by the government to the disadvantaged; and, restriction of unfair competitive activities not in the best interest of society. Utilizing a mixed economy, the United States has maintained the most stable and prosperous economy in the world.

Corporate mergers which increase the utilization of research and development and allow more efficient production are an essential and beneficial part of the free enterprise system. However, in the petroleum industry recent raids on profitable, stable companies have resulted in a substantial loss in competition and future technology. Competition insures a low and fair price of commodities to the consumer and induces industry to conduct research, development and implementation programs to obtain a temporary advantage over their competition. If competition in an industry declines, the need for investment in research and development declines also. Research and development programs are considered so important by American industry for its own viability that it spends $39.3 billion a year of corporate funds or 33% of pretax income on this effort. The expenditure of a third of corporate profits is most enlightening in that research and development efforts do not immediately result in corporate profits. Depending on the type of industry and research involved, R&D usually affects profits 5 to 30 years downstream. Therefore, a company only interested in temporary, rather than long term, profits can increase its

short term profitability by reducing or eliminating its research and development program.

After the recent takeovers of Cities Service, Gulf, Getty and General American Oil, we estimate, based on the companies' market shares, that competition has been reduced by 10 percent. If Phillips Petroleum and Unocal are taken over, total competition will be reduced by 20 percent and with reduced competition, research and development efforts will decline by 15 percent.

Although reduction in competition in the petroleum-fuel industries has, and will have if continued, an immediate effect on price competition, of more importance, is the effect on the nation's future if the loss of commercial incentive and the accompanying substantial decrease in research and development is allowed to continue. Research and development in this industry has already declined by $170 million per year and may decline further to a total of $345 million per year. This reduction is particularly harmful since the petroleum industry does comparatively little research and development at present; spending one-fifth of the American industrial average. Despite a temporary stability in fuel prices, the U.S. does face the serious problem of acquiring a future reliable and stable fuel supply through research and development.

* * * * *

Examination of the 10K reports submitted to the Security and Exchange Commission before and after the takeover of Gulf shows a drop in research and development of $70 million a year; $26 million of this drop occurred before the actual takeover while Gulf was under attack, and the rest after the takeover. Before the takeover, Gulf had one of the best diversified futuristic research and development programs in the petroleum industry. Attempting to estimate the decrease in research and development along the terms outlined above, we find that the probable future loss per year in research and development from the total takeovers of Cities Services, Gulf, Getty Oil, and General American Oil amount to approximately $173 million per year or 7.7% of the research and development budget of the oil industry. Prospective takeovers of Phillips Petroleum and Unocal with another $170 million of research and development bring the possible losses from takeovers to $343 million or a $15.4% possible loss of the total research and development budget in the petroleum-fuel companies since the beginning of the takeover efforts.

It must be emphasized that the takeover efforts do not have to be successful in order to lose R&D. As can be seen in the Gulf takeover case, substantial amounts were being lost just as result of company economies in resisting the takeover. We find also that on the stock market, which has only a short time view of things, the takeover companies (Chevron and Texaco) have suffered a serious drop in stock price. Therefore, even the stock market does not view the increase in scale of these two companies as a favorable development.

* * * * *

Finally, there is evidence that the value given to an old line company with a view to remaining competitive and viable for the future is low in the stock market. The philosophy behind the takeover of these companies in the petroleum area largely rests on the fact that, at the moment, oil costs about $10 a barrel, whereas in the latest takeovers, it is possible to obtain reserves for $5 a barrel. Such reserves, after they are developed, are likely to be sold for $25 a barrel eventually increasing over 20 years to a very high price. A company that has a long view of its operation and of the nation's future would attempt to acquire and maintain oil reserves in order to stay in business over the long haul. Recent examples of hostile corporate takeover attempts present clear evidence, however, that there is an intent to dispose of assets for the quick, short-term gain, and some current federal statutes now provide the corporate raider with advantages to reach this goal.

The use of so-called junk bonds—high-yield, high-risk, debt—appears to be a leading tool in the scheme to distribute a company's equity in a tax-favored manner that results in liquidation of the company. The plan of the breakup of such companies and the sale of reserved assets at a price close to that of development of new assets provide the leverage for destroying the company.

Federal laws that aid the substantial high-risk debt financing of hostile corporate raids need to be changed, in our opinion, because these takeovers result in the liquidation of otherwise profitable companies; and the destruction of such companies and the research and development that they provide, together with competition in the industry, make it contrary to the national interest to permit their destruction. Until some speculator thinks of a new trick, it appears to be sufficient to pass legislation which would remove the unfair advantage that allows the hostile takeover attempts to lead to a successful speculative maneuver for short-term gain.

* * * * *

Therefore, we arrive at the conclusion that a viable company with a plan to be competitive for a long time in the future is a valuable national asset because of the competition it provides and from the research, development and commercialization program that it sponsors. These companies should be preserved from unfair attack. However, we applaud increased competition and takeovers that may result in a more efficient business, a lower price of commodities, and larger research and development programs.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr LUGAR. Mr President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sale under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. I ask that the official notification be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

Dr. M. GRAEME BANNERMAN,
deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST, *Director.*

POLICY JUSTIFICATION

[Deleted.]
[Deleted.]
[Deleted.]
[Deleted.]
[Deleted.]

(U) The prime contractor has not yet been determined.

[Deleted.]

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

CONFIRMATION OF JACK LAWN TO HEAD DEA

● Mrs. HAWKINS. Mr. President, recently a very important Presidential nominee was confirmed by the full Senate. On July 16, 1985, Jack Lawn was overwhelmingly confirmed to be the new Administrator of the Drug Enforcement administration.

Mr. President, as chairman of both the Senate Subcommittee on Children, Family, Drugs and Alcoholism, and the Senate drug enforcement caucus, I am aware that there is no more important position in Government than Administrator of the DEA. As illicit narcotics continue to permeate our society to the extent that our national productivity is lowered, our military readiness is impaired, our children and young adults are corrupted, and our rates of violent crime are increased, it becomes obvious that illegal drugs represent our Nation's No. 1 problem. The Drug Enforcement Agency is the Government body charged with enforcing our drug control laws, and there is no one better for the job of running this vitally important agency than Jack Lawn.

An experienced law enforcement officer, Jack Lawn served with distinction and valor with the Federal Bureau of Investigation for many years, in numerous and diverse posts.

Mr. Lawn gained his invaluable expertise not only in the Criminal Investigative Division, where he was responsible for handling inquiries from the House Select Committee on Assassinations relating to the Martin Luther King, Jr., and John F. Kennedy assassinations, but he also served as Chief of the Civil Rights-Special Inquiry Section of the Criminal Investigation Division in FBI Headquarters in Washington. His distinguished career with the Federal Bureau of Investigation led to Mr. Lawn's appointment as Acting Deputy Administrator of the Drug Enforcement Administration in 1982. In a very short time, Mr. Lawn became Deputy Administrator of the DEA, and then was appointed as Acting Administrator when Bud Mullen left the post.

Mr. President, I am fortunate to have worked with Jack Lawn for a number of years, and have been nothing but impressed by his leadership, his experience, his knowledge, and his dedication. Because it is so vital to the future of our society that we effectively counteract the threat of drug abuse, it is necessary that pivotal roles, like that of Administrator of the Drug Enforcement Administration, be filled with unique and qualified individuals—individuals like Jack Lawn.

I congratulate this deserving man for his appointment to head the Drug Enforcement Administration, and I congratulate as well my colleagues in the U.S. Senate for their wisdom in expeditiously confirming Mr. Lawn to head this agency.●

THE GUARD DOG PROGRAM IN MINNESOTA

● Mr. DURENBERGER. Mr. President, the only viable population of the eastern timber wolf in the lower 48 States exists in northern Minnesota where the species is listed as threatened under the Endangered Species Act.

An ongoing conflict exists between protection of the wolf and the interests of farmers who have livestock in areas inhabitated by the wolves. There is a solution to this conflict which has yet to be tried and tested, that is, the use of specially trained guard dogs to protect the livestock. This proposal, developed by Ray Coppinger of the New England Farm Center, has the support of Fish and Wildlife Service personnel working in the field of wolf related research, the Minnesota Department of Natural Resources, environmental groups, and the farming community.

Mr. President, the House has included $45,000 for this project in H.R. 3011, the Interior and related agencies appropriation bill for 1986, and I have expressed to Senator McCLURE my hope that the Senate will see the merits of the project and retain this funding level.

Mr. President, I ask that an article on the Guard Dog Program in Minnesota be printed in the RECORD at this point.

The article follows:

[From the Minneapolis and Tribune Sunday Magazine, June 30, 1985]

DOGS VERSUS WOLVES

(By David Stamps)

Late April, and the ground in northern Minnesota is still frozen so close to the surface you can't dig a hole deep enough to bury a turnip. But above ground, things are starting to thaw by degrees.

The Ojibwa Indians, observing the annual return of warmth and color to the world, called April's full moon the Pink Moon. Something in the night air makes even the northern lights look less like the icy apparitions of winter. But there is a sound that chills the flesh like a gust straight out of January. The long, ghostly wail of a timber wolf momentarily freezes the night. Even the few early marsh frogs cease their chorus for a minute.

For Clarence Priem, who owns a herd of 180 Angus and Hereford beef cattle in northern Itasca County, the wolves, howling will grow more unsettling in coming months. Wolf pups have scarcely opened their eyes now; from May to October, when the pups must be fed and instructed in the deadly art of the pack, Priem's farm can become a target of wolves' hunting forays. Calves and occassionally an older cow are the victims. It's not easy to make a profit in the cattle business anywhere these days. Farming 720 acres adjoining wolf country doesn't make it any easier.

But this season there may be help in keeping losses down. Three years ago Priem recruited a special shepherd to live full-time with the herd. His name is Andy, short for Anatolian shepherd, one of the half-dozen breeds of guard dog imported from Europe and Asia within the last decade to protect American livestock.

Though not as penetratingly frightful as a wolf's howl, Andy's hefty "woof" is more than enough to inspire alarm in most creatures. Any nocturnal prowler that heard it would be wise to retreat as fast as four legs or two could carry it.

The sight of Andy by daylight, particularly his short, sturdy muzzle, is convincing proof that his bite is equal to his bark. This season, his first as an adult, could be when Andy proves his usefulness. At age 2 last year, not full grown, he killed two coyotes. To hear Clarence Priem's wife, Hazel, tell the story, the word kill is an understatement. He mauled them. When the dead coyotes were found, not a bone was left unbroken.

Which of itself proves noting. Contrary to hunters' tales of 50 or even 70-pound trophies, coyotes—brush wolves, they are sometimes called—weigh only about 30 pounds, less than a third of a full-grown Anatolian shepherd. Andy already weighs about 100 pounds. Wolves are another matter. Adult males can also weigh up to 100 pounds. Moreover, they hunt in packs. Many people express skepticism that a single dog could be of much use.

But then most Americans, whose idea of a guard dog is a mean German shepherd on a long chain, are unfamiliar with the specialized livestock-guarding breeds—the Anatolian shepherd herd from Turkey, Shar Planinetz from Yogoslavia, Maremma from Italy, Kuvasz and Komondor from Hungary. The great Pyrenees from Spain, introduced to the United States in the '30s as a show dog, is the only breed most Americans know even by name. Yet for centuries guard dogs in Europe and Asia have successfully protected livestock—mostly sheep and goats, but in some cases cattle—against predators, including wolves.

Americans' ignorance of guard dogs can jeopardize their survival in this country. Each year a few guard dogs are shot by hunters.

"A lot of hunters, if they saw Andy out with the herd, would shoot him and come up to the house to say they did me a big favor," says Clarence Priem. "Most people just assume any dog with a herd of cattle is chasing them. Hell, a wolf could be carrying off a heifer, and a hunter would probably drive right by and never see it."

Also contributing to the skepticism about guard dogs' effectiveness may be that most Americans are not all that knowledgeable about wolves either.

A senior official at the U.S. Fish and Wildlife Service in Washington reportedly expressed his own opinion that guard dogs would be useless against wolves because, he said, the wolves would kill the male dogs and breed the females. But that's unlikely. Wolves, one of the few members of the dog family that mate for life, seldom interbreed with dogs in the wild, though they are physically capable of doing so. When wolves kill dogs, they don't discriminate between females and males.

The key to Andy's effectiveness as a guard dog is that he may never actually fight a wolf. Wolves avoid confrontations with animals capable of fighting back. Thanks to Nature's cunning programming, a wolf understands that any disabling injury that prevents it from hunting is a fatal injury. The pack won't provide for an injured adult.

Though confident it could ultimately kill a guard dog, a wolf would be reluctant to risk injury at the jaws of an opponent like Andy. A wolf need not even see Andy or hear his deep-voiced bark to sense the wisdom of giving the farm a wide berth. A sniff of one of the many fence posts marked with Andy's urine may be enough to get the message: There's a very big canine around here.

Guard dogs' potential role as a buffer between wolves and livestock puts them in the middle of a raging controversy. The 1,200 eastern timber wolves estimated to live in northeastern Minnesota represent the only viable wolf population in the lower 48 states. In recent years that has made Minnesota the site of a heated battle between preservationists, who wish to see the wolf population protected, and the Department of Natural Resources (DNR), which in 1980 proposed a sport-trapping and hunting season as part of its bid to "manage the state wolf population."

That battle appeared to be ended in January of this year when the Eighth Circuit Court of Appeals upheld a 1984 ruling from Federal District Judge Miles Lord, who had ruled that a sport-trapping and hunting season would violate the Endangered Species Act of 1973. Minnesota wolves have been protected under that act since 1974. But reports that the Montana Department of Natural Resources is testing the legislative waters for an amendment to the Endangered Species Act to allow hunting of wolves and grizzly bears makes it very likely that the "war against wolves," as Lord called it, could continue here.

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So long as it does, farmers like Priem feel caught in the middle. Wolf predation of livestock is the prime reason cited by the Minnesota DNR for the need to reduce the state wolf population. Yet only a small percentage of wolves kill livestock. In 30,000 square miles of northern Minnesota wolf territory, there are about 12,000 farms that raise livestock. On average, only 20 to 30 farms per year are sites of confirmed losses to wolves.

Clarence Priem, who has been raising cattle since taking the farm over from his father 20 years ago, know this as well as anyone. Some years wolves kill a dozen or more of his cattle; the very next year there may be no losses.

As far as Priem is concerned, the point is not that wolf loss is negligible. (In one year alone, when a shortage of hay after a harsh winter forced him to turn the herd out to pasture early, he claims to have lost more than 30 head.) Rather, he believes that the number of farmers actually victimized by wolves is so small that their voices will invariably be drowned out in the preservation-vs.-management debate.

It comes as no surprise to find that Priem doesn't side with the preservationists.

"The people down in Minneapolis who want to protect the wolves, most of them have never seen a wolf. They probably never will see a wolf, and they wouldn't know the difference between a wolf and a big dog if they did see one," he says. "Myself, I don't know what good a wolf is."

At the same time, Priem doesn't care for the DNR's proposal for a sport-trapping and hunting season. "I don't think there are many hunters clever enough to kill wolves," he said. He doubts that the DNR would be as effective as the federal agents at trapping wolves. He fears they might not trap at all, requiring farmers to do the dirty work themselves.

Since 1978, when Minnesota wolves were reclassified from endangered to threatened, the Fish and Wildlife Service has been allowed to trap and kill wolves that are thought to be livestock predators. When a cow or calf is killed, Priem reports the loss to William Paul, a technician at the Fish and Wildlife office in Grand Rapids, Minn.

Paul first determines whether the loss can be confirmed as a wolf kill, in which case, thanks to 1978 stage legislation, Priem can collect reimbursement up to $400 per animal. If indeed a wolf is the culprit, Paul will set traps. Trapping is now limited to a quarter mile from the farm and to 10 days' duration, unless additional predation occurs. Wolf pups, since they do not kill large livestock, are released unharmed. In some cases the entire pack of six to eight adults may have to be caught.

In 1982, when the Fish and Wildlife Service asked Minnesota farmers who have suffered wolf predation whether they would like to try using guard dogs, Priem was one of four who accepted to offer, saying, "Take anything they give you. It can't do any harm. Hell, you could tie a red flag on a stick out in the pasture, and it might help."

As a pup, Andy was of little use the first season. The first step was to "bond" him with the cattle, which Priem accomplished by shutting him in the barn with six orphan calves. The second season he showed some promise. When a cow died, Andy steadfastly guarded the carcass for 10 days. Normally when wolves find a cow carcass they start eating at the back legs and keep eating as far as their hunger takes them, frequently to the head and shoulders. So long as Andy guarded the cow, there was no scavenging.

But while Andy kept guard at the carcass, wolves killed a calf in another pasture. The prompted a call for trapping. To keep Andy out of the traps, he was locked in the barn. Immediately the wolves moved in on the dead cow. When Andy returned to the job, Paul, the Fish and Wildlife biologist, observed him flush a wolf pup and chase it out of the pasture.

Of five dogs placed on four farms, Paul considers Andy to be one of the two that are successfully guarding livestock against wolves. (A pair of dogs at one farm tended to roam too far afield. Another dog got into trouble for unprovoked killing of neighbors' dogs.) Two successful guard dogs out of five is not a great percentage, but then there is no more guarantee that an individual guard dog will be a success than any thoroughbred racehorse will be a winner.

"It takes a complex mix of the dog's breeding, instinct, environment and training to achieve success with a guard dog," says Ray Coppinger, biology professor and director of the Livestock Dog Project at Hampshire College in Amherst, Mass.

Prompted by the grim realization that predator control of coyotes—including poison, explosive baits, even gassing of pups in dens—was costing $30 million per year and having virtually no success, some Western livestock raisers asked Coppinger and his wife, Lorna, to try to adapt European guarding species to work in this country. Ray Coppinger has imported dozens of dogs—including Andy's mother, rescued from a rock pile in Turkey, where it had been abandoned as an unwanted female pup. More than 500 dogs have been placed on farms across the country. About 250 are working in 35 states.

It's a slow process to learn what breeds respond to what training to make effective guard dogs, and the Coppingers admit that a lot of mistakes have been made in the project. But now the team claims a 70 percent success rate for dogs used to guard sheep against coyotes. Still there are no guarantees. A farmer leases a pup for $1 for the first year. If it doesn't work out or dies, the Coppingers will replace it. If it does work out, the farmer agrees to pay $120 per year plus food and veterinary expenses.

Ernest Haehnel, a Sheep raiser near Motley, Minn., considers his leasing of a Shar Planinetz from the Coppingers five years ago to be one of the better investments he's made.

"Since Boomer has been with the flock, we haven't lost a single sheep to coyotes," says Haehnel.

Haehnel wasn't losing sheep before getting Boomer, the first of the Coppingers' dogs in Minnesota, but only, he insists, because he was penning the entire flock near his house every night—a burdensome chore considering that Haehnel raises some 450 ewes. He now leaves them out all night. Haehnel is so pleased with the success of Boomer that in 1982 he leased another dog, Ben an Anatolian shepherd and littermate of Andy's, to work an adjoining 640-acre section he'd purchased.

George Jurgenson, DNR conservation officer for the area, agrees that the dogs are probably responsible for Haehnel's excellent record.

"In a good year, when there are plenty of mice for coyotes to eat, a farm the size of Ernie's could lose only nine or 10 lambs," he says. "But in a bad year it could lose 20 to 50. I think those dogs are worth their weight in gold."

Some of Haehnel's neighbors find it's hard to believe that Boomer is a guard dog, since the only time they see him is when the sheep are penned up for lambing or shearing. Then, contrary to accepted guard-dog policy, he likes to snooze in the yard.

"I'll admit the big lummox looks pretty useless when he's sleeping," says Haehnel, "but you should hear him out with the sheep at night. When he barks it's like the roar of a lion."

Except for his size—114 pounds—Boomer does not look particularly dangerous. Two common physical traits of all guard-dog breeds are their short muzzles and floppy ears, which given them the appearance of overgrown puppies. In a sense that's exactly what they are, and what makes them effective.

The result of selective breeding is perfectly illustrated by the contrasting behavior of Boomer and Haehnel's border collie, Tip. When put in with the sheep, Tip exhibits classic canine traits that have been bred to perfection in sheepherding dogs. He barks, chases and nips at the sheep. His threatening eye contact alone is enough to unsettle the flock from the other side of a fence. Boomer, arrested at a state of perpetual, albeit overgrown, puppyhood, would rather lick the ewes' faces than chase them. Even then they placidly ignore him.

"You're wasting your time to try to get him to fetch a ball or a stick," Ray Coppinger told Haehnel when he took Boomer. "Guard dogs have a puppy's typical disinterest in objects." But, like puppies, they are very fond of other creatures. A guard dog, raised with sheep or cattle, will grow up to show more affection toward them than humans, providing the owners don't treat it like a pet.

Farmers may have to reinforce a dog's early training by occasionally chasing it out of the farmyard and back to the flock. A successfully trained guard dog will come to the farmhouse once a day for food and a quick pat on the head and then return to the pasture.

But guard dogs can turn very unpuppylike when something endangers the flock. They are independent and readily show disapproval of any changes involving their stock, even a move to a new pasture.

"Boomer has to be tied up when Tip works the flock, or he would tear him to pieces," says Haehnel. He also has to be tied up when the shearer comes or when sheep are being loaded into a stock truck.

"You don't tell Boomer what to do, you ask him," says Haehnel. "I treat him the same way I do a bull or any other large male animal."

The success of dogs like Boomer has prompted the Coppingers to expand the scope of the Livestock Dog Project. Recently they have placed dogs in New Mexico to guard against mountain lions. Last year they submitted a proposal to the Fish and Wildlife Service calling for a more extensive test of guard dogs in Minnesota's wolf range. They have already purchased some cows and are training dogs to adjust to them. If funds could be made available soon, the project could start this summer.

"It could be a spectacular project," says Ray Coppinger. "It's the only kind of predator control that doesn't kill the predator. It protects both predator and prey."

The proposal calls for only $43,400, but chances for quick approval do not look promising. A quarter of a million dollars have been appropriated this year for lethal and nonlethal control of livestock predators, but unless Congress specifically instructs the Fish and Wildlife Service to do so, the

agency will probably not use any of that money for guard-dog projects.

The Fish and Wildlife Service does not support funding of the guard-dog project in Minnesota. The service agreed reluctantly to support guard-dog projects in Texas and Oregon only after intense lobbying by conservation groups.

Karen Woodsum, Great Lakes regional representative for Defenders of Wildlife, a Washington-based environmental group that leads the pro-guard-dog lobbying effort, believes that the Fish and Wildlife Service has a built-in bias in favor of lethal control methods.

"If it doesn't involve killing the predator, they don't consider it control," she says.

Though the Fish and Wildlife Service in Washington officially opposes the guard-dog project, local Fish and Wildlife staff members say that they think the project has some potential and that they would like to see it funded. They also dispute the charge that the service is against all nonlethal control methods.

"Before our budget was cut last year," says Bill Paul, "we were experimenting with a bunch of nonlethal control techniques—sirens, flashing lights, taste aversion."

Clearly it will take more than five dogs on four farms to determine their effectiveness against wolves. One farmer or four can't make all the trials and all the errors needed to determine what breed or what training will work best. The Priems admit that they did very little to train Andy other than to raise him with the orphan calves. And putting him out with cows as a pup on his own may have been a mistake, they now realize.

"The first time he tried to lick a calf, one of the cows knocked him on his butt," recalls Clarence Priem. "Then some of the others bullied him."

Andy took to the cattle despite the harsh treatment, but he now seems to prefer spending time with a herd of 150 yearlings that are kept in a separate feed lot. He patrols the farm, including the calving pasture, but mostly he stays with the younger cattle.

At best, guard dogs are probably only a partial solution to the wolf problem. Clarence Priem believes that a dog like Andy, who must be free to roam, would never work out at a farm near a highway. Though much too independent to learn tricks, guard dogs do develop their own peculiar traits. One of Andy's is to lie down in front of the school bus that stops for the three Priem children. (He has also been known to carry dead piglets from a neighboring farm into the yearling pasture and guard them as well as the cattle.)

Andy's most engaging trick is to jump into the troughs at feeding time. If Clarence Priem doesn't give him a pat on the head, he'll jump into each of the six troughs. But as soon as he gets the requisite pat, he trots away to the edge of the herd, sometimes grabbing a mouthful of feed before he goes.

"It's a big problem, and he's not the entire solution," says Priem, "but he helps. One thing I'll sure say for him, he's not just a dog. He's got his own ideas."●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification which have been received.

The material follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

In reply refer to I-04433/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-50, concerning the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 85-50

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Pakistan.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$22
Other	3
Total	25

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: One hundred ten M113A2 armored personnel carriers with machine guns, spare parts and related support equipment.

(iv) Military department: Army (JDO, VFG).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1985.

(viii) Date report delivered to Congress: 9 Sept. 1985.

POLICY JUSTIFICATION

PAKISTAN—M113A2 ARMORED PERSONNEL CARRIERS

The Government of Pakistan has requested the purchase of 110 M113A2 Armored Personnel Carriers with machine guns, spare parts and related support equipment. The estimated cost is $25 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet occupation of Afghanistan.

The Government of Pakistan will use this equipment to pursue its overall force modernization plan and to enhance its basic defense capability.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the FMC Corporation of San Jose, California.

Implementation of this sale will require the assignment of four U.S. Government personnel to make three trips to Pakistan for a period of 21 days on each trip.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 9, 1985.

In reply refer to I-04434/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-51, concerning the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $78 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 85-51

Notice of Prosposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Propective Purchaser: Pakistan.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$70
Other	8
Total	78

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Eighty-eight M109A2 155mm full-tracked self-propelled howitzers with M2 .50 caliber machine guns.

(iv) Military department: Army (VFH).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1985.

(viii) Date report delivered to Congress: 9 Sept. 1985.

POLICY JUSTIFICATION

PAKISTAN—M109A2 155MM HOWITZERS

The Government of Pakistan has requested the purchase of 88 M109A2 155mm full-tracked self-propelled howitzers with M2 .50 caliber machine guns. The estimated cost is $78 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet occupation of Afghanistan.

The Government of Pakistan will use this equipment to pursue its overall force modernization plan and to enhance it basic defense capability.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Bowen McLaughlin York of York, Pennsylvania.

Implementation of this sale will require the assignment of six U.S. Government personnel to Pakistan for three weeks on four separate occasions.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to consideration of S. 1200, the immigration bill.

Mr. BYRD. Mr. President, reserving the right to object—I have no objection personally—but I am constrained to object on behalf of a Senator or Senators.

Mr. DOLE. Mr. President, I move that the Senate proceed to the consideration of S. 1200, the immigration bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas that the Senate proceed to the consideration of S. 1200.

ORDERS FOR WEDNESDAY, SEPTEMBER 11, 1985

ORDER FOR RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 12 noon Wednesday, September 11, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. I further ask unanimous consent that following the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE VOTE AT 2:30 P.M.

Mr. DOLE. I ask unanimous consent that at 2:30 p.m. the Senate vote on cloture on the antiapartheid conference report with the mandatory quorum call of rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So there would be at least that rollcall, and I would assume, if we can turn to S. 1200, there could be other rollcall votes.

I also indicate that we will not be in late tomorrow evening—I would say 6, 6:15, 6:30.

RECESS UNTIL 12 NOON

Mr. DOLE. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until 12 noon tomorrow.

The motion was agreed to; and at 7:31 p.m., the Senate recessed until tomorrow, Wednesday, September 11, 1985, at 12 noon.

EXTENSIONS OF REMARKS

FRANK TUCK HAS LEARNED MUCH IN HIS 76 YEARS

HON. TONY COELHO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. COELHO. Mr. Speaker, recently Mr. Frank Tuck, a prominent figure in the San Joaquin Valley Chinese-American community, celebrated his 76th birthday. Mr. Tuck was the subject of a recent article describing the rich cultural tradition he and his family have maintained in the San Joaquin Valley of California.

Mr. Tuck is a living example of the success that has been achieved by our Nation's immigrant families. He recounts, with amazing clarity, the colorful history of his family—their achievements and assimilation into American society.

It is citizens, such as Frank Tuck, who possess the ability to share with us the contributions of their own cultural heritage, and serve as an important reminder to us all of the ethnic diversity that makes our country great. In recognition of his many contributions I am submitting a copy of the article as it appeared in the Fresno Bee on July 21, 1985.

FRANK TUCK HAS LEARNED MUCH IN HIS 76 YEARS

The old ways and cultures of old Chinatown disappeared so long ago that fairly a third of Fresno's population has cause to wonder why it is even called Chinatown anymore.

And well they might. The "Orientals," as the early Fresno Polk directories listed them instead of by name, have passed into the beyond.

Their descendants have moved across the railroad tracks, above the Shields Avenue no-man's land, beyond Shaw Avenue, and spread out in all directions to be assimilated by the community.

Indeed, the venerable Frank Tuck, dean of the local Chinese community, even wonders why the name Chinatown has survived, because the community makeup many years ago changed to predominantly black and Hispanic.

Tuck, a retired tobacco wholesaler, traces his Fresno roots back to 1874. That's when the county seat was moved here from Millerton and his maternal grandparents, the Ah Kits, moved with it.

His eyes seem to ponder the world from some other time. His unchanging expression, except for the easy grin that radiates wrinkies like a stone tossed onto a mirrored pond, makes him look like some ancient, time-worn statue.

Yet, there is an unmistakable warmth about him, and a keen sense of perception.

Few people in town have touched more of the flock than old Frank Tuck, and his list of community services is too long to be chronicled. He is probably best known for 40 years of association with the old international Institute that was on Waterman Street in west Fresno, dealing with the problems and welfare of hundreds of immigrants.

He has crossed every social line, serving as president of the West Fresno Improvement Association, the Fresno Zoological Society, the Muscular Dystrophy Association, the Toastmasters and the Fresno District Fair Board.

He was born 76 years ago today, on F Street. And his birthday will not go unremembered, although it will be celebrated a day late, tomorrow night in the Cathay Restaurant at Chestnut and Butler avenues.

Doctors and lawyers and Indians and chiefs, old-time friends and politicians and some of his cronies will gather there for a Chinese birthday dinner, and no doubt some reminiscing.

One of his sadder observations is of what he calls the degeneration of Chinatown. At one time, it was a thriving cultural center, stores bulging with customers and merchandise, old China Alley bustling, and a thousand cotton-pickers crowding the streets on Saturday nights. The community boasted a Chinese opera house, and restaurants comparable to San Francisco's.

El Trocadero tavern at Tulare and F Streets was one of the busiest in the San Joaquin Valley, folks jammed the Canales tortilla shop on F Street, and Baretta's Beer Garden on Fresno Street was where Fresnans danced under the stars.

That was all 30 and more years ago, when west Fresno was Chinatown and some of its most prominent—and many of its nonprominent—residents were Chinese.

"The young Chinese have all but discarded the way of the old culture and become totally Americanized," reflects Tuck. With the demise of the first Chinese settlers, the younger ones became "as American as hot dogs." They belong to the Chamber of Commerce, service clubs, and have almost divorced themselves from old Chinese ways.

"About the only old-world customs they retain are a celebration of Chinese New Year and the fall moon festival. I foresee the end of the Chinese tongs in a few years because they have outlived their usefulness."

He remembers the days when the tongs engaged in wars when a gangster element took over some of them to control gambling and opium trafic in California cities.

On a quiet, June night in 1921, as a boy of 11, he was returning with his mother, Becky, from his father's old Lyceum motion picture theater in the 1000 block of F Street when a tong war erupted.

"We were about 50 feet from China Alley and Tulare Street [a gambling row that occupied the alleys between F and G streets] when we heard pistol shots and saw a man drop to the pavement dead. He was Fook Kee, a prominent Chinese merchant.

"My mother rushed me back to the theater and a few minutes later Deputy U.S. Marshal Sidney J. Shannon showed up and told my father [the unofficial mayor of Chinatown] his life was in danger and took him to his home in Divisadero Street by Van Ness Avenue.

"Earlier that same night two other Fresno Chinese were stabbed to death in the tong war which had spread to the whole West Coast."

Tuck recalls that Shannon kept his father under cover for nearly three months while negotiations were under way to settle the tong strife. Frank and his brother, James, and their mother would go by streetcar to the Shannon home three times a week to visit the senior Tuck.

The Shannon and Tuck families had been close for many years, and at one time operated the old McCray blacksmith shop at Millerton.

The tongs originally were set up as a sort of welfare organization when most of the Chinese in the West were single men, shanghaied for delivery to America to work in the mines.

Tuck's grandfather came to America that way. He was a coolie during Gold Rush days and later owned a general store in Sonora.

Chinese paid monthly dues to their particular tong and when they were temporarily unemployed, or too old to work, the tongs provided food and shelter.

Tuck grinned, recalling the myths about the tongs having a myriad of underground tunnels in west Fresno where they allegedly smoked opium and dealt in white-shave traffic.

"These stories," Tuck says, "were figments of the imagination based on the false premise of why Chinese constructed their homes with passageways from their cellars into a common countyard."

While there were perhaps three or four opium dens in Fresno at one time, there never was widespread addiction among Chinese.

"It is strange how in just one generation the public's image of a nationality charges totally, the old stigmas wiped away," Tuck observed. "Today, the Chinese are the last people on Earth anyone would connect with dope.

"There is a pride with the Chinese, to excel, in business and in the profesions. We have many professional people, doctors and dentists and accountants and engineers.

"But one profession that the Chinese frown on is that of the lawyer. They do not encourage their young to go into that. Why? It is considered less than honorable. That is why there are so few Chinese lawyers."

The major influx of Chinese into west Fresno came after the San Franciso earthquake. And at one time in the valley, says Tuck, Chinese laborers harvested most of the farm crops.

Tuck's family history is one of California's most colorful. Material ancestor Ah Kit was the first chinese to join the gold miners at Rootville, a tiny settlement on the south bank of the San Joaquin River that antedated the founding of Millerton in 1854.

In 1895, Tuck's father, John Chan Tuck, moved to west Fresno from Sonora, marrying Becky Kit. The newlyweds took up residence in the 1000 block of G Street, where Frank was born, a half-block from the old house on F Street where he still maintains an address.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.
Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

He spent a good deal of his growing-up days in the theater that his father operated from 1916 to 1945, where rode the West's great celluloid cowboys—Tom Mix, Hopalong Cassidy, Gene Autry, Roy Rogers, Buck Jones and John Wayne.

West Fresno rose to its greatest economic heights during the period from the outbreak of World War II—the city becoming a majority military area with Hammer Field, Camp Pinedale and a major encampment at the fairground, not to mention endless convoys and troop trains passing through—to the mid-1950s, when mechanization, particularly the cotton-picking machines, took over thousands of farm jobs.

Tuck recounts times when west Fresno sidewalks were "wall-to-wall" people. There were 14 houses of prostitution thriving on Kern, G, F and Tulare streets, and old Chinatown was where folks from across the track came for Chinese food and visited after the theater or an evening of ballroom dancing.

Probably west Fresno's most famous, or infamous legend has to do with China Alley, that two-block alley between the 900 and 1000 blocks of F and G streets. It housed as many as 15 Chinese lottery operations, which reportedly employed as many as 700 people and added millions of dollars to the community's economy.

It even thrived during the Great Depression, he recalled, people somehow always having money to gamble. "There were at least five daily lottery drawings, at 10 a.m. and at 2, 4, 7 and 10 p.m."

The lottery was a good deal like Keno, players marking various numbers (actually they were Chinese symbols), playing the 10 cents a game and up, with a payoff limit per ticket of $5,000.

Lottery runners fanned out through the city and countryside, canvassing businesses, hotels, pool halls, taverns and everywhere else that people congregated.

Tuck particularly remembers a young Armenian runner nicknamed "Smitty," who covered offices in the Patterson Building. "He had mastered enough Chinese to even work in the lottery drawing house."

Frank Tuck can spin tales for hours about old Chinatown, and about the illustrious and not-so-illustrious old-timers who lingered there before passing on to their reward, or punishment, as their individual life lottery tickets dictated.

He has known the good and the bad and the indifferent and could no doubt blemish more than one good name in this town by rattling long-hidden skeletons in the closets.

But those stories are well hidden behind those old eyes. And probably most of us he's known across the years are better off for it.

Happy birthday, Frank Tuck. Happy birthday to you.

CONGRESSIONAL RESOLUTION OF SUPPORT FOR THE SAKHAROVS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GILMAN. Mr. Speaker, today I am pleased to join my colleague, the gentleman from Massachusetts, Mr. BARNEY FRANK, in introducing a resolution reaffirming the human rights of Drs. Andrei Sakharov and Yelena Bonner. This sense of Congress resolution urges the President to relay to the Soviet Union our strongest concerns about the lack of information with regard to the whereabouts and well-being of these two noted individuals.

Dr. Sakharov, a Nobel Peace Prize winner, and his wife, Dr. Yelena Bonner, have been exiled to Gorky for the past 5 years. In the last half year, their condition has deteriorated rapidly; Dr. Sakharov was reported to be on a hunger strike, and Dr. Bonner is in need of medical attention that can only be obtained in the West. This past summer they disappeared from their apartment, and since the spring, only two postcards have been received, the most recent of which is already several months old.

Dr. Sakharov's stepson, Alexei Semyonov, is extremely concerned about the lack of postal and telephonic communications with his parents, and brought a postcard to me in June contending there was evidence of tampering. Because the situation has worsened of late, Alexei has begun a hunger strike, now in its 12th day, which petitions the Soviet Government to release his parents, wherever they may be; allow the freedom of communication called for in the Helsinki Final Act and other international agreements to which the Soviet Union is signatory; and further to grant him a visitor's visa so that he may visit his parents and learn the true state of their mental and physical health.

Mr. Speaker, this legislation requests the President, "to protest, in the strongest possible terms and at the highest levels, the blatant and repeated violations of the Sakharovs' rights by the Soviet authorities, and to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests." I urge our colleagues to join this noble effort by cosponsoring the resolution and urging the Foreign Affairs Committee to hold early hearings.

Mr. Speaker, the full text of this resolution, which I commend to my colleagues attention, follows:

H. CON. RES. 186

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion and expression;

Whereas this same Declaration states that "no one shall be subjected to arbitrary arrest, detention, or exile;" and that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence;"

Whereas the Declaration further states that "everyone has the right to freedom of movement and residence within the borders of each State," and that "everyone has the right to leave any country, including his own, and to return to his country;"

Whereas the International Covenant on Civil and Political Rights provides that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence," and that "everyone shall be free to leave any country, including his own," and that "no one shall be arbitrary deprived of the right to enter his own country;"

Whereas the Final Act of the Conference on Security and Cooperation in Europe provided that each of the "participating states will respect human rights and fundamental freedoms, including the freedom of thought [and] conscience . . . for all," and recognized that all human rights "derive from the inherent dignity of the human person,"

Whereas this same Act pledged that the participating states would "deal in a positive and a humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old;"

Whereas the Act further commits participating states "to facilitate wider travel by their citizens for personal or professional reasons;"

Whereas the Act specifically affirms the "right of the individual to know and act upon his rights and duties" under the agreement, and affirms the positive role individuals play in the implementation of the Act;

Whereas the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Nobel Laureate Andrei Sakharov, who, exercising his right as an individual to monitor compliance with the Final Act, had become a leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of the abovementioned human rights agreements;

Whereas his wife Elena Bonner, as a result of her efforts to exercise her right of self-expression, has been detained and charged with anti-Soviet agitation;

Whereas Dr. Bonner is thought to be in urgent need of medical attention available only in the West;

Whereas Dr. Sakharov is reported to have undertaken a hunger strike, to the point of endangering his health;

Whereas communication between the Sakharovs in the Soviet Union and their children and stepchildren in the United States has been repeatedly interrupted, delayed, and tampered with by the Soviet authorities,

Whereas the absence of reliable communications between the branches of the family has created serious doubt as to the state of well-being of Dr. Sakharov and Dr. Bonner;

Whereas Mr. Alexei Semyonov, the stepson of Dr. Sakharov and the son of Dr. Bonner, has embarked on a hunger strike to dramatize the plight of his family and to protest the cruel obstruction of his efforts to communicate with his loved ones;

Whereas Mr. Semyenov has demanded a visitor's visa to visit the Soviet Union so that he can reassure himself with his own eyes that his parents are alive and well: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe, the Soviet Union should drop all charges against Elena Bonner, restore to her and to Dr. Sakharov the full rights to travel (domestic and international) and free expression, allow unimpeded correspondence between them and their relatives and friends in the West, and allow Alexei Se-

myonov permission to visit them in the Soviet Union.

SECTION 1. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the blatant and repeated violations of the Sakharov's rights be the Soviet authorities, and

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

SEC. 2. The Clerk of the House shall transmit copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

PRESERVING THE AUTHORITY OF THE SECRETARY OF LABOR UNDER FECA

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. HAWKINS. Mr. Speaker, on August 1, 1985, I engaged in a colloquy with the gentleman from Florida [Mr. MICA] to clarify the intent and effect of language in H.R. 2068, the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987. The colloquy made clear that the language in sections 112 and 118 of H.R. 2068 does not empower the Secretary of State with authority nor dilute the existing exclusive authority of the Secretary of Labor to decide questions of eligibility for medical and disability benefits under the Federal Employees Compensation Act.

At the time of the colloquy I included for the RECORD two letters from Secretary of Labor Brock, and requested that an anticipated letter from the Secretary of State be included in the RECORD when it was received. Since the letter from the Department of State was not received in my office until August 19, I am including it at this point in the RECORD for the information of my colleagues.

I have also requested that the letter be included at the appropriate point in the permanent CONGRESSIONAL RECORD of August 1, 1985:

U.S. DEPARTMENT OF STATE,
Washington, DC, August 7, 1985.

Hon. AUGUSTUS HAWKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In connection with the pending enactment of H.R. 2068, the State Department authorization bill for FY 86-87, I would like to clarify our understanding as to the intent and effect of sections 112 and 118 of the bill.

Sections 112 and 118 concern the overseas contracting authority of the Secretary of State. It is the position of the Administration—and we understand that this position is consistent with that of the managers of the bill for the House of Representatives and the Senate—that neither sections 112 or 118 contained in the Conference Report may be construed so as to affect the Secretary of Labor's existing authority under the Federal Employees Compensation Act to determine questions involving the employment relationship of any individual with the United States Government and the application of any benefits under that act to any such individual. It is further understood by the Administration that the terms "any other law administered by the Secretary (of State)" may not be construed, and is not intended to grant the Secretary of State any authority to decide questions of eligibility of such individuals for medical and disability benefits under the Federal Employees Compensation Act.

In addition, the Department of State is in full accord with Secretary Brock's letter of July 29, 1985 on the same subject with respect to the Federal Employees Compensation Act.

I would appreciate it if you could make this letter a matter of record in connection with the enactment of this measure.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

EXPOSING APARTHEID

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GARCIA. Mr. Speaker, I am inserting a review of a book from the September 26 edition of the New York Review of Books by Leonard Thompson entitled "The Mythology of Apartheid." The review is particularly noteworthy because it is by Bishop Desmond Tutu.

I hope that Bishop Tutu's review will provide further insight on the warped historiography that is the intellectual and moral basis for apartheid. By striking directly at the myths behind apartheid, Bishop Tutu cuts it at its core.

[From the New York Review of Books, Sept. 26, 1985]

MYTHOLOGY

THE POLITICAL MYTHOLOGY OF APARTHEID, BY LEONARD THOMPSON

(By Bishop Desmond Tutu)

I remember as if it were yesterday our reactions as black primary school children when we read what the Reverend Mr. Whitehead had to say when describing the relations between the Xhosas on the eastern border and the white frontiersmen. Mr. Whitehead was, I believe, a Methodist missionary who wrote a history textbook which we were obligated to use if we wanted to pass our history examinations. I must underline that my contemporaries and I were not the radicalized and highly politicized students of the sort who were involved in the 1976 uprising and in the current violent protest against the vicious and immoral policy of apartheid. We were rather docile and thoroughly unsophisticated and naive, hardly questioning what appeared to be the divine ordering of our segregated society. It is therefore particularly noteworthy that it was such innocents who found certain features of Mr. Whitehead's historiography disturbing.

We found it distinctly odd that in virtually every encounter between the black Xhosas and the white settlers, Mr. Whitehead invariably described the Xhosas as those who *stole* the settlers' cattle and of the white settlers he would write that the settlers *captured* the cattle from the Xhosas. We did not press this point at all, or hardly at all, in class discussion; but when we were outside we would mutter that it was very funny. It certainly seemed to be stretching coincidence to breaking point. We often remarked that after all, these farmers had no cattle when they landed in South Africa, and all their cattle had had to be procured from the indigenous peoples.

But if we had given expression to any of these misgivings it would have put an end to our chances of success in the examinations. We would have committed South Africa's unforgivable sin of mixing politics with whatever else we were at the time dealing with. At other times we were a little annoyed to read that such and such a white person had "discovered" this or that, as if there had been no other human beings, for example, to see the Victoria Falls before this superior denizen of another hemisphere came upon them.

These were the vague and unformed misgivings and perhaps hurt feelings of somewhat unsophisticated and really unlettered black pupils, feelings that had not been buttressed by any scholarly research or evidence that could stand up to critical scrutiny. Much later we heard a great deal about Western historical objectivity; it all seemed to suggest that Western historians were able to describe the naked, the real facts without any kind of embellishment or accretion, that they were quite uninfluenced by who they were and where they were, able, as it were, to stand outside themselves and give an account of what had "really" taken place, which would in all material respects be the same account given by any other self-respecting historian.

I have been skeptical of this claim to objectivity especially when it was made in South Africa about journalism (which chronicles contemporary events as a primary source for later historiography) on behalf of white journalists who, it was averred, were somehow paragons of the virtue of journalistic objectivity, as against what might be described as the engaged journalism of their black counterparts; for example, in giving an account of what took place in the 1976 uprisings. I believed that we could not just speak of the truth. It had to be truth from the perspective of some observer. What was the truth of what set off the Soweto uprising? It seemed to some of us that who you were, and where you were, determined to a very considerable extent what you were able to see as the facts. You were not just an unconcerned viewer from the sidelines. Your values had been formed by the community to which you belonged and what rated as being important and significant depended very much on the sort of spectacles with which your nature and upbringing had endowed you. The aesthetic, ethical, and moral values a person derives mainly from the community in which he lives will determine very largely what he will judge as being beautiful, good, and true.

Leonard Thompson in his scholarly case study of the South African situation from the standpoint of a sympathetic but critical historian gives me good reason to have trusted my instincts about the way history has been recorded in South Africa. He starts by describing what he understands by political mythology—that which seeks to provide the historical element in an ideology and is the collection of tales that are used to legitimize or to discredit a regime. He was at-

tracted to this study by a collection of materials showing how politicians in South Africa had made use of falsified versions of history. He seeks to show that South African politicians are not in this matter a breed apart, somehow unique "in exploiting history for political ends." It just happens that some are perhaps more blatant than others in doing so.

In defining the character of political myths and mythology, Thompson shows how these are virtually universal phenomena by quoting examples from countries as diverse as the United States of America and the Soviet Union. Hence they are what he calls "ubiquitous," with a remarkable capacity to be adjusted as the circumstances to which they seek to be relevant change. He also calls them "malleable" for this reason. He then provides three criteria for evaluating the political myth. First, how well does it stand up to the critical scrutiny of the historian who uses a rigorous historical method for evaluating the available evidence and how consistent is the conclusion with the historical data? Second, how closely does the particular myth agree with scientific knowledge? Can it stand up to close questioning from competent practitioners of the science most relevant to the discussion? And finally he uses what he calls a utilitarian criterion, which does not ask whether the myth is true or not but whether its effects are good or bad. Some myths are quite dispensable, such as the myth about the truthfulness of George Washington. Its loss from the American lexicon would not materially affect the nature of American patriotism and national self-esteem.

Others are less so, being integral to the entire ideology of the regime they seek to legitimize. It is possible that at a certain stage in the evolution of the Afrikaner people's self-consciousness, abandoning the myth of an early Covenant among Boers (see below) had deleterious repercussions on their consciousness as a people, believing themselves, as they did, to be besieged by hostile foes in an unfriendly and unknown environment.

Myths, in Thompson's analysis, are either conservative or radical. The latter are developed by local or foreign opponents of a system that they seek to over-throw, while the former are intended to justify that regime. Since political myths are historical phenomena they will tend to change, adapting themselves to changing circumstances, though the change, it is hoped, would not alter the core of the mythology too drastically.

Thompson's pioneering study concentrates on the central racist ideology of the Afrikaner people, according to which, following much that was current as science in the West, and following in the wake of a burgeoning white imperialism that rode roughshod over colonial peoples, white people were inherently superior to black people. After all, this had been claimed by the taxonomical studies that spoke mystifying about brain and cranium size and subsequently about the psychological evidence deriving from IQ tests, etc.

This concept of racial superiority justified various actions and views—for example, that there was nothing wrong per se in enslaving black people or in white men having sexual relations with their womenfolk, since this would ensure that some of their stock would now be improved through this magnanimous infusion of white blood; that there could be no equality between black and white in church, state, or court; that it would be perfectly in order for a white master, without having to be accountable to anyone, to beat the daylights out of his servant who had been uppity. The overall effect was to declare that blacks were human, but not quite as human as white people. The whites had a task imposed on them by God to evangelize and civilize these benighted natives, who were likely to remain as children needing the white man to bear the burden of being their guardian.

This is a view of the nature of things which has remained tenaciously part of how most white South Africans have perceived God's ordering of things. And it is not only Afrikaners who have been guilty of these supremacist views. Even the so-called liberal English-speaking South African has deep down in his heart tended to hold to such views, but he has been careful not to be as blatant in their expression as the less subtle Afrikaner. Racism certainly did not see the light of day in South Africa only in 1948 when the Afrikaner Nationalists, under Dr. Daniel Malan, won a shock victory over General J.C. Smuts with their unashamed doctrine of white baaskap (overlordship), of keeping the black man in his place. This aim was enshrined in the policy that has come to be execrated in the world apartheid (separateness), attracting the opprobrium from the world community which it so richly deserves.

Professor Thompson shows that the Afrikaner political mythology began its career as a radical liberation mythology intended to mobilize the Afrikaners in their struggle for self-determination against a rampant British imperialism. He describes the evolution of the political myth in the story of the uprising of Afrikaner frontiersmen against British hegemony in 1815. It is quite remarkable how selective the chroniclers turned out to be in their accounts of what actually took place. (Perhaps it should not be considered remarkable at all—all history is selective. You select what you consider to be significant. The question is whether your selectivity gives a rounded narrative that tries to take account of all the relevant information and material.)

It is instructive to note how later historians gave an interpretation that seems to have eluded those whose experience was contemporary with the particular set of events. The Afrikaner uprising provided convenient material for agitating against the British administration. First, those who rebelled were shown to be principled people. They were held to be right in refusing to allow a white person to be compelled to answer charges in court brought by a servant. Even more important, they were quite right to resist being apprehended by a British-controlled contingent made up of Hottentots. To show the British administration in an even worse light, the emotive name of Slachter's Nek (Butcher's Neck) was used of the rebellion when the execution of the rebels took place in another place with a more innocuous name. The British were callous and quite unmerciful because the ropes at first broke and the condemned men fell without being killed.

Many believed, or so it was said, that when this happened British tradition was to pardon the miscreants. A later myth had it that just after the execution was eventually carried out successfully, a reprieve for the condemned arrived. Nothing is said about the character of the rebels or about their dubious sexual morality. Nor is it pointed out that hardly any self-respecting Afrikaner frontiermen joined the insurrection and that many of these people concurred with the action of the Cape administration. When the British had withdrawn and the Afrikaner had attained independence, it was important that this myth of British injustice be played down to foster unity between the English-speaking and Afrikans-speaking South Africans.

We are given another example of such manipulation of history for practical motives in the myth of the Covenant allegedly made on the eve of the Battle of Blood River in 1838 by the Afrikaners against the Zulus. Professor Thompson points out how striking it is that on one has preserved the precise wording of this Covenant, which has such a pivotal place in Afrikaner history. It is said to have enjoined the Afrikaner and his posterity to observe the day with religious solemnity and to build a church to commemorate the victory over the Zulus. But strangely enough, for several years afterward, those who first took part in the Covenant organized no ceremonies to commemorate the event; and there is no evidence that those who built a church connected it with the Covenant.

It was much later that Afrikaner politicians used the event as an important rallying point for their people in their struggle against the British and the blacks for supremacy in South Africa. Before the building of the Voortrekker Monument between 1938 and 1948 and the emergence of South Africa as a republic outside the Commonwealth in 1961, the Covenant was used in a thoroughly chauvinistic manner. The annual commemoration of what was called Dingaan's Day (later the Day of the Covenant and then Day of the Vow) was used to beat the Afrikaner jingoistic drum. In more recent times, government speakers and others have sought to make the observance a more national affair, one that includes even the blacks who in former times were virtually pilloried. Some Afrikaner historians have called in question the folk mythology relating to the government. One of these was tarred and feathered for his pains.

Professor Thompson points out that he has not referred to the political mythology of either English-speaking South Africans or the blacks. But he has certainly put us in his debt by the gentle process of demythologizing he carries out in his book and by the ways he calls us to the task of continuing such analysis. My own concern is why the Afrikaner, in view of their history, have been so unsympathetic to the aspirations of blacks. Of all the whites in South Africa, the Afrikaners should have been the most sympathetic because they once believed themselves to be oppressed; and once they embarked on the course of liberation, no one was able to stop them. Why do they think that the same inexorable logic of history will falter in the case of the blacks? Or is it that, as a wit once put it, "we learn from history that we don't learn from history"?

ACCUSED KILLERS OF LAND REFORM ADVISERS GO UNTRIED DESPITE DUARTE'S PLEDGES

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. TORRICELLI. Mr. Speaker, in January 1981, two U.S. land reform advisers, Michael Hammer and David Pearlman, employees of the American Institute for Free Labor Development, and the president of the Salvadoran Agrarian Reform Institute were murdered while eating dinner in downtown San Salvador by two members of the National Guard. Despite strong evidence of complicity in the killings by high-ranking officers in the Salvadoran military, El Salvador's judicial system has thus far avoided prosecuting them. While President Duarte has vowed to investigate human rights abuses and mete out justice, it appears that the result of investigations surrounding these murders may be similar to those regarding the 1980 killings of four American nuns, in which only the four gunmen of the National Guard were convicted, and none of the higher ups who authored the crime. An article appearing in a recent issue of the Council on Hemispheric Affairs' bi-weekly publication, the Washington Report on the Hemisphere, by COHA research associates Leslie Singer and Corinne Rosen, explores some of the developments in the Pearlman-Hammer case.

I would encourage all of my colleagues to read Singer and Rosen's article in view of the close connection of this administration with a government which thus far has shown an inability or unwillingness to bring to justice those reponsible for murdering American citizens in El Salvador.

On July 3 Judge Rolando Calderon refused to order the arrest of Capt. Eduardo Alfonso Avila, one of the military officers implicated in the January 1981 murders of two American land reform advisors, Michael Hammer and David Pearlman, employed by the American Institute for Free Labor Development (AIFLD), and Jose Viera, the president of El Salvador's land reform agency, the Instituto Salvadoreno de Transformacion Agraria, were shot as they ate dinner at the Sheraton hotel in San Salvador. Although three new witnesses have offered testimony directly implicating Avila and Lt. Lopez Sibrian in the murders, the judge said that he found no criminal evidence against the Salvadoran army captain in connection with the killings.

Attorney General Santiago Mendoza Aguilar, a Christian Democrat appointed by Duarte following the dismissal of rightist Jose Francisco Guerrero from that post in May, authorized his office to appeal the lower court's decision.

In a press statement issued by AIFLD on May 22, following meetings between Salvadoran President Jose Napoleon Duarte, that organization, the AFL-CIO and the Hammer family, Duarte reportedly gave assurances that he is receiving the full cooperation of the Salvadoran military establishment in carrying out his commitment to prosecute military officers guilty of human rights violations. Duarte also promised to reactivate the special investigative unit and to examine new evidence in the AIFLD murders, pledging to bring the perpetrators to justice.

According to the gunmen's testimony and an AIFLD investigation, Hammer, Pearlman and Viera, were slain by National Guard members Dimas Valle and Gomez Gonzalez, acting on the orders of Avila and Sibrian. Hans Christ, part-owner of the hotel, allegedly pointed out the intended victims to the officers and later led the gunmen to them. Christ's brother-in-law and hotel partner, Ricardo Sol Meza, also was implicated in the killings.

No convictions have been obtained despite the fact that the Salvadoran government has known the identities of everyone purportedly involved in the crime since the gunmen confessed in September 1982. A Salvadoran Embassy official in Washington recently stated that the confessed killers will go to trial later this summer.

In April 1981, the Salvadoran government arrested Sol Meza and attempted to extradite Christ, who had fled to Miami. The charges against both men were dropped in August 1981 when Judge Jose Albino Tinetti, appointed by the Supreme Court to investigate the charges against Sol Meza, stated that there was not enough evidence to prosecute them. The court's decision was sustained by both the Salvadoran Appeals Court and the Supreme Court.

Following the gunmen's confessions, Sibrian was arrested in connection with the murders, but charges against him were provisionally dismissed by a Salvadoran appeals court in October 1982 because Valle and Gonzalez could not identify Sibrian after he altered his appearance by shaving his moustache and dying his hair.

The provisional dismissal meant that the prosecutor had to present new evidence against Sibrian within one year—before the statute of limitations expired. Under Salvadoran law, the gunmen's disclosures cannot be used as evidence against the officers because the testimony of a confessed murderer cannot be considered as evidence against another accused of the same crime. The appeals court's decision was upheld by the Fifth Penal Court and the Supreme Court. The higher court also ordered a definitive stay of the proceedings against Sibrian, thereby closing the case against him. According to the Salvadoran Embassy to the United States, however, Duarte introduced a bill in the Legislative Assembly in June which would extend the statute of limitations to allow the introduction of new evidence so that Sibrian can be tried. The lieutenant was discharged from the army by the president in November 1984, but was only charged with "military infractions."

In December 1983, Capt. Avila was arrested by the Salvadoran police and taken into custody; however, he was charged only with leaving his post without permission—a minor military infraction—rather than for his role in the murders. However, he did testify in March 1984 that he did "not know the facts of the crime" and stated that he did not know the gunmen. He was subsequently released.

The New York Times reported June 28 that Patsy Walker, the wife of former American military attache Col. Gerald S. Walker, testified that Avila confessed his role in the murders to her in 1982, and implicated Sibrian by stating that a man named "Fosforito," reportedly Sibrian's nickname, was aware of all that had happened at the Sheraton Hotel. A Costa Rican citizen, Carlos Francisco Aguilar, also testified that Avila told him of his involvement in the Sheraton killings and in "various operations" in El Salvador, also implicating Sibrian in such activities. In light of the Salvadoran court's refusal to order Avila's arrest on the basis of these new developments, it seems unlikely that Sibrian will be prosecuted using the new evidence, assuming that the statute of limitations bill passes and can be used to nullify the 1984 Supreme Court decision which acquitted him.

In a March 1985 report on unresolved political killings in El Salvador, a U.S. lawyers' group noted that Capt. Avila's uncle is a judge on the Supreme Court and has reportedly used his influence in the past to assign judges to the case who sympathize with the officers' positions. The report also stated that six of the nine judges on the Salvadoran Supreme Court are closely tied to right-wing parties and the military. According to El Salvador's new constitution, promulgated in 1983, the nine judges, appointed by the rightist-controlled National Assembly prior to the Christian Democrats' electoral victory in March 1985, will serve until June 1989 and are responsible for appointing all lower court judges, who hold their positions for life.

Given the nature of El Salvador's tainted and corrupt judicial system and the military's traditional unwillingness to prosecute its own members in politically motivated killings, the Duarte government faces serious obstacles in its efforts to prosecute Sibrian and Avila. Furthermore, prosecution of the two surely isn't one of the major priorities of the Salvadoran president since he became convinced that the unsolved, high-visibility murders will not deter the U.S. Congress from pouring military aid into the country.

ANSEL ADAMS, CONSERVATIONIST

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. COELHO. Mr. Speaker, last month, a mountain peak in Yosemite National Park was dedicated in honor of the dean of nature photographers, the late Ansel Adams.

Mr. Adams' death last year ended a most prolific career dedicated to capturing on film the magnificence of our national parks, including Yosemite, in a way that only he could. Not content to preserve their beauty only on film, as a dedicated conservationist Mr. Adams also fought to preserve these lands in their natural state for the enjoyment of future generations.

Anyone who has experienced the magnificence that is Yosemite can appreciate the great debt we all owe to Mr. Adams for his efforts to record and preserve the beauty of this and other national parks. The dedication of Mount Ansel Adams is certainly a fitting tribute to this great man, as it will serve to remind us of the principles he stood for for many years to come. I would like to express my appreciation to his son and daughter-in-law, Mike and Jeanne

Adams, two very good friends of mine, for all that Mr. Adams contributed to our Nation.

An outstanding article about Mr. Adams appeared recently in the Fresno (CA) Bee, and I think it is fitting that it be reprinted here in recognition of his achievements:

[From The Fresno Bee, Aug. 24, 1985]

ANSEL ADAMS, CONSERVATIONIST

A lineup of notables will gather in Tuolumne Meadows today for a ceremony dedicating a Yosemite National Park mountain peak in honor of Ansel Adams. He died last year at the age of 82 after finally losing his stubborn grip on the here and now.

A 119,000-acre Wilderness Area in the Sierra between the Minarets and the John Muir Wilderness already has been named for Adams. Designating a specific mountain in his honor will thus add more luster to Adams' reputation.

Scheduled to participate in the ceremony today will be Interior Secretary Donald Hodel, Sen. Alan Cranston, and other assorted government grandees, along with conservationists and celebrities like actor Robert Redford.

No doubt everybody will praise Adams for his accomplishments as a landscape photographer and as a leader in the conservation movement.

My regards to them. They are to be respected for their homage to a great man. But the ones who are the most important in Ansel Adams' career, especially as a conservationist, will not be part of the crowd.

They can't be. They are the unborn, the generations of the 21st century and even beyond that, who will be able to enjoy Yosemite and the other places of natural grandeur that Adams helped save from destruction.

You think I am puffing Adams, giving him too much credit, that white-bearded old Michelangelo of the camera?

I'm not. Adams was a great photographer, perhaps the most skillfull nature photographer America has produced. But he was more. His photographs helped create a climate for conservation every bit as much as did the writings of John Muir.

Adams caught images of rocks, clouds and trees on film, but his art transformed them beyond the material. Bathed in a magical light whose secret only he seemed to know, they assume a spiritual quality. When seen this way, "with the inner eye of the spirit," he wrote, "the clear realities of nature . . . reveal the ultimate echo of God."

Looking long and closely at Adams' photographs with that inner eye of the spirit is enough to make one determined those scenes will never succumb to exploitation because they are sacred.

But Adams didn't just let his art speak for him. From 1920 onward, he was involved in activities to protect the environment from those who would despoil it for selfish gain. He was one of the founders of the Wilderness Society and he fought to return Yosemite Valley, where he had a photographic shop, to a more natural state after years of ruinous commercialization.

In those early days, he once reminisced, the valley was a place of "general disorder, garbage, dust and uncontrolled camping. Livestock was staked out or turned loose in the meadow. The firefall was pushed nightly over Glacier Point [for the benefit of tourist] . . . Camp Curry had a pool hall and a bowling alley where nightly thunders vied with the roar of the waterfalls."

Adams joined with park officials and others to rid the valley of the worst abuses. He wasn't entirely satisfied with the results, criticizing the "bureaucratic power and the quasi-feudal paternalism of the concessions," but no one can deny conditions are better today than when he denounced them.

In more recent times, Adams continued to be active on behalf of conservation efforts despite his advanced age. He worked, for instance, for the establishment of a Big Sur national park. He also opposed the attempts of then Interior Secretary James Watt to open formerly protected natural resources to development.

Watt reacted to the troublesome old man with customary scorn. Adams, Watt contended, had never taken a photograph with a human being in it.

That wasn't so. Adams' defenders pointed out that he took at least a thousand portraits, one of them the official presidential portrait of Jimmy Carter.

I'd even go further. I'd say the spirit of man was present in every scene Adams turned his camera to, no matter what the ostensible subject was.

Adams, who looked like Walt Whitman, quoted these lines of the poet in his own writings:

"The earth never tires,/

"The earth is rude, silent, incomprehensible at first, Nature is rude and incomprehensible at first,/

"Be not discouraged, keep on, there are divine things to be envelop'd,/

"I swear to you, there are divine things more beautiful than words can tell."

Whitman said it in words. Adams said it in photographs.

EXTRADITION AND NORTHERN IRELAND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to an insightful article that appeared in the August 25, 1985 Bergen Record entitled "Pact Imperils Irish Rebels in U.S." by Mark Lieberman. The article analyzes the complex issues that have been brought forth through the signing of an extradition treaty supplement between the United States and the United Kingdom. I would like to praise my colleague from New Jersey, Representative TORRICELLI, for his role in the effort to defeat this treaty and commend his actions to the attention of my colleagues.

On August 1, a hearing was held by the other body on this treaty supplement which would completely eliminate the political offense clause from our mutual extradition treaties. The primary effect of this action would be to deny political refugees from Northern Ireland the right to seek asylum and protection in the United States. The political offense clause happens to be the cornerstone of extradition treaties both in the United States and in Great Britain. It is also disturbing that our State Department intends to negotiate similar treaties with other nations as well.

Representative TORRICELLI and I both joined 53 of our colleagues in writing to the Senate Foreign Relations Committee to request further hearings on this treaty. BOB's initiative in opposing the treaty is exemplary and I commend the many actions he has taken in the Congress to support an end to political repression in Northern Ireland and foster human rights and freedom in this troubled spot.

I encourage my colleagues to read the following article on the ramifications of this treaty:

PACT IMPERILS IRISH REBELS IN U.S.

(By Mark Lieberman)

Arrests without warrant, trials without jury, felony convictions based solely on the testimony of paid police informers, widespread legally sanctioned use of torture to obtain "evidence" from detainees who may be arrested on the mere suspicion of a policeman and then imprisoned for up to seven days without ever being charged with a crime, journalists subject to arrest for talking to political dissidents or filming their activities, political parties banned, strip searching of female suspects, some as young as 13 . . .

South Africa?

Guess again.

Those are some of the vicious—and well-documented—hallmarks of the legal system of the United Kingdom of Great Britain and Northern Ireland, a system that the U.S. State Department maintains is "a judicial process which provides fair treatment to defendants."

And if Prime Minister Margaret Thatcher and the bureaucrats of the Reagan administration have their way, Irish political exiles in this country will no longer be able to seek relief from extradition by claiming that their alleged crimes in the United Kingdom qualify for the "political-offense exception" clause in the current Anglo-American treaty. Instead they'll be handed over to the "tender mercies" of the British.

Nor will anyone else be able to claim protection under the political-offense clause. The proposed revision to the U.K.-U.S. extradition treaty, which was presented to the Senate Foreign Relations Committee Aug. 1, eliminates the clause altogether.

Some, but not all, of the Irish exiles have been members of the Irish Republican Army. They've persuaded American judges on numerous occasions that their alleged crimes were part of an ongoing political struggle with the British government and therefore not extraditable offenses. Since the Fenians rebelled against the crown in 1860, the United States has never extradited an Irish rebel.

Now the Reagan administration is asking the Senate to ratify a document that would eliminate the political-offense exception, a concept that has been a tenet of American jurisprudence since Secretary of State Thomas Jefferson refused to give up three French "revolutionaries" in 1791.

In the past five years alone three Irish republicans who allegedly committed crimes in the United States have succeeded in proving to American judges that their crimes were political in nature, thereby defeating British efforts to have them extradited.

In the most recent case Joseph Doherty, a former IRA member, faced a U.S. district Court judge in New York in April and won a case in which the British government tried to have him extradited and jailed in North-

ern Ireland for his alleged role in an attack on a member of the Special Air Services, the elite plain-clothes unit whose sole mission is to engage in armed combat with men like Joe Doherty.

"This case," said Judge John Sprizzo, "presents the political-offense exception in its most classic form."

Doherty is still imprisoned in New York's Metropolitan Corrections Center, where he has been for the past two years. The British government, having failed to have him extradited, is now seeking his deportation, according to Doherty's attorneys.

Meanwhile Jim Barr, a 28-year-old Belfast native, is imprisoned in Pennsylvania, held 14 months on a charge of illegal entry into the United States. He has stood trial twice on that charge. The first trial ended in a hung jury, the second when the government dropped the charge against him. Barr is being held on an international extradition warrant from the British government, which seeks to incarcerate him for his alleged role in a 1981 attack on a British soldier in Belfast. Barr has never been convicted of a crime in this country.

And Liam Quinn, an American citizen, is sought by the British in connection with alleged IRA bombings in the United Kingdom. Quinn has been held in a California prison more than four years, despite the fact that a judge long ago ruled that his alleged offenses were political in nature and that he should be freed.

If the proposed revision to extradition treaty is ratified, Doherty, Barr, and Quinn will almost certainly be the first to suffer the consequences, since the treaty retroactively eliminates the political-offense exception.

But Professor Charles Rice of Notre Dame Law School, an expert on extradition law, says that those men are not the only ones who should worry about the treaty being ratified.

"The treaty is an affront to the rule of law," Rice said. "It is nothing more than an attempted end-run around judicial decisions which have long recognized the political nature of the conflict in Northern Ireland. If it is ratified, every ethnic and national group ought to be concerned."

Others worry about the ramifications of this revision, known as Document 99-8. Rep. Robert Torricelli, D-N.J., one of the earliest opponents of the treaty, told me:

"The United States has always had a special role in preserving the political rights of people who have had those rights denied them in their own countries. This treaty would give the State Department vastly expanded judicial powers, powers which rightfully belong to an independent judiciary. Our national interest does not benefit by being made subservient to the interests of the British government."

Torricelli joined 54 other House members who persuaded Sen. Richard Lugar, Foreign Relations Committee chairman, to permit a fuller public hearing on the treaty. A second hearing on the measure will be scheduled when Congress reconvenes next month. Opponents of the treaty will be permitted to give their views.

In response to thousands of impassioned letters and phone calls from members of the New Jersey Region of the Irish-American Unity Conference (IAUC), the Irish-American Fenian Society, and the Ancient Order of Hibernians, other members of the state's congressional delegation have also gone on record to demand a fuller hearing. (If the treaty is approved by the Foreign Relations Committee, it must then pass in the Senate by a two-thirds' majority.)

"The provisions of the treaty jeopardize all peoples fighting tyranny worldwide," says Dr. Robert Linnon of Livingston, regional director of IAUC. "It's vitally important that before Congress reconvenes, we make the American people aware that if this treaty is ratified, no political exile will ever be safe in America."

Bergen County Freeholder Director John Curran said that he'll introduce a resolution critical of the treaty at the freeholders' next meeting.

"America must continue to be a haven for those whose politics have placed them in danger in their native countries," Curran said. "Where else but in America can such people find protection and the freedom to speak out against oppression?"

Introducing the measure at the Aug. 1 session of the Foreign Relations Committee, the state Department's legal adviser, Abraham Sofaer, warned that the measure must be ratified because of the "increasing difficulty of combating international terrorism."

Sen. Claiborne Pell, D-R.I., among others, was incensed at the blanket condemnation of Irish nationalists implicit in the use of the word terrorism.

"Don't you ever forget, Mr. Sofaer," Pell cautioned, "that one country's terrorist is another country's freedom fighter."

Sofaer attempted to calm the Senators' fears by assuring them that "this treaty is aimed at violence, not at free speech."

Sen. Joseph Biden, D-Del., angrily disagreed with Sofaer's contention that if the political-offense exception were eliminated, Irish political exiles would receive a fair hearing and trial in British courts.

"If we ratify this treaty," Biden said, "we will be admitting that the justice system in Northern Ireland is fair—a notion I absolutely abhor."

Sofaer responded, "We would be doing well here if we had a system of justice that worked as well as the one over there does." The words brought an audible gasp from the crowded hearing room.

Sen. Christopher Dodd, D-Conn., also disagreed violently with Sofaer. "This treaty would violate the fundamental ideals under which this country was founded," Dodd said. He then asked Sofaer if he thought it fair that Irish nationalists may be imprisoned for life after a nonjury trial and solely on the basis of evidence given by admitted police informers.

"Absolutely fair," said Sofaer, evoking another gasp from the audience.

Several senators also expressed concern over the retroactivity provision of the proposal.

"Don't you realize that under this treaty Eamon de Valera," one of the fathers of Irish nationalism, who fled to America. "would have been extradited?" asked Senator Biden.

The senator could have added that if the proposed treaty were in effect during the Revolutionary War, George Washington would also have fit neatly into the government's characterization of a terrorist and would have been liable for extradition to Great Britain.

Other civil libertarians have found other points to abhor and fear in the proposed treaty. The Rev. Sean McManus, national chairman of the Washington-based Irish National Caucus, told me after the Senate hearing that he was deeply concerned that if the treaty is ratified, extradition decisions would be taken from the hands of judges and placed in the hands of State Department bureaucrats.

"The political-crimes defense to extradition has survived for more than a century," wrote Professor Christopher Pyle of Mount Holyoke College for testimony that he'll deliver before the Foreign Relations Committee next month.

Pyle, author of "Extradition, Political Crimes, and American Law," warns, "This treaty would not enhance the extradition of true terrorists" such as airplane hijackers, "who are already extraditable under the terms of the current U.S.-U.K. treaty. . . .

"When the United States finally did join the international extradition movement in the 1850's, we did so on the express condition that political offenders need not be surrendered. To assure that they would not be, we wrote the political-crimes defense into our treaties. Now comes an administration that wants to undo all the work of Jefferson, Marshall, and Webster—that does not respect the line they drew between foreign policy and laws and that wants to surrender persons for reasons of state."

During our nation's brief lifespan French revolutionaries and Irish Fenians, Afghan rebels and Vietnamese boat people, Nationalist Chinese, white Russians, PLO and Irgun members, anti-Castro Cubans and anti-Marcos Filipinos have all benefited from the visionary craftsmanship of the great architects who build the house of safety that became America.

Throughout our history our courts have assured that there shall always be room in that house for dissenters, exiles, and political outcasts. If this proposed revision is ratified, we will have shut and bolted the golden door forever.

MYOPIC ASSESSMENT OF POVERTY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GARCIA. Mr. Speaker, poverty—especially in the ways it is measured has been a major concern to me. I strongly believe that poverty should be accurately measured so that we, the public policymakers, can make accurate decisions regarding programs to assist the American poor.

Recently, the Census Bureau published the latest statistics on poverty indicating that poverty rate has significantly declined. The Reagan administration has rushed to characterize it as another triumph. I do not question the fact that the poverty rate has declined, but I do question the administration's reaction.

I submit the following essay by Michael Harrington which was published in the New York Times on September 5, 1985. I feel that Mr. Harrington has accurately surmised the administration's over-reaction to the latest picture of poverty in America.

WILLFUL SHORTSIGHTEDNESS ON POVERTY

(By Michael Harrington)

The White House euphoria over the drop in the poverty rate to 14.4 percent in 1984 is deeply disturbing. In celebrating a statistical "triumph," President Reagan and his staff have obscured a larger injustice.

Any reduction in the number of the poor is, of course, a reason to rejoice. And that is true even though the event is hardly a surprise. Every expert predicted the 1984 decline in poverty because real economic growth of almost 6 percent in that year would inevitably help some people at the bottom of the latter.

But the Administration's simplistic and ideological response to the new numbers—they prove, in Mr. Reagan's view, the superiority of free enterprise—blindly ignores the fact that the poverty rate is now higher than it has been in any year since 1965, with the exception of 1982 and 1983. A one-year improvement, from 1983 to 1984, is said to vindicate our economic policies. But there is no comment on the fact that we have "advanced" to poverty levels we reached 20 years ago.

This willful shortsightedness is not new. In recent years, shoddy interpretations of statistics have regularly provided a basis for moral indifference and political complacency.

For instance, unemployment went from a recession high of almost 11 percent in 1982 to 7.3 percent in October 1984. In the 1984 election campaign, this trend was cited as a measure of the Administration's economic success, and one was constantly reminded of the millions of jobs generated by the recovery. Few remembered that John F. Kennedy targeted a 3 percent unemployment rate, or that the Republican Party was salvaged by the electorate in the Congressional elections of 1970 because joblessness had soared to 4.8 percent.

So eight and a half million people out of work—and millions driven from the labor market who are forced to take part-time jobs—are just a fact of social life these days. The most dynamic recovery in 30 years, as the President calls it, has an employment rate which, in the antediluvian age of a decade ago, would have been associated with a deep recession.

Another example. In 1981, the Congressional Budget Office tells us, the Reagan tax cuts increased the disposable income of households with over $80,000 a year by $8,930 and decreased that of households with less than $10,000 a year by $440. That reactionary governmental redistribution of income was partly the result of deductions that discriminated in favor of the rich and against the poor.

By law, the Treasury is required to itemize those deductions in a "tax expenditure budget." How does one deal with such scandalous numbers? The Administration simply redefined tax expenditures to make them go down on paper even as they went up in real life. America was turned into a fairer society by a crafty stroke of the pen.

And now there is the jubilation that there were only 33.7 million poor people in 1984—which is higher than the number of the poor in 1964, when President Johnson declared his war on poverty.

This new callousness, however, does not simply corrupt our values. It muddies our understanding as well. There is growing evidence that economic growth in the 80's is much less effective in eliminating poverty than it was in the 60's, that the reshaping of the occupational structure, the technological revolution, and the internationalization of the economy are creating an environment in which poverty is all the more tenacious.

And that is a threat, not simply to the poor but to all of us, an important fact that the current ignorant celebration utterly obscures.

REJECTION OF FOOTWEAR INDUSTRY IMPORT RELIEF ADDS TO U.S. TRADE CRISIS AND THREATENS AMERICAN JOBS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. EDGAR. Mr. Speaker, in a disastrous move, President Reagan last week rejected the International Trade Commission's recommendation of import relief for the domestic footwear industry. This is another in a long set of decisions and inactions that have led to further industrial decline and job losses for thousands of American men and women. Without a U.S. trade policy, for the workers of this country on Labor Day, 1985, the trade crisis looms as the No. 1 threat to American jobs and industry.

Far more is at stake with the footwear case, however, than the fate of a single industry. Frankly, it challenges the credibility our entire system of trade law. Continuing passivity in the face of unfair trade practices threatens to seriously damage the industrial base of our Nation's economy and is of special concern to those of us in older industrial States, such as Pennsylvania.

There can be no long-term prosperity and stability if our basic industries are simply allowed to decline and erode. Right before our eyes we are seeing this happen in many industries: textiles, garments, steel * * * the list goes on. Even "high-tech" industries are now being affected. Rejecting the footwear industry's case, one that is clear and pressing, sends a message of indifference about the present staggering trade imbalance and is evidence of the administration's mismanagement of American resources in international trade.

The footwear industry's plight represents a classic case for import relief, the type of case our trade laws were designed to address. Foreign imports now account for over 75 percent of the domestic market. Thousands of jobs have been lost in the process. If action is not taken, the American footwear industry could be extinct by the end of the century. Not only will this result in the loss of many more jobs, but will eliminate domestic competition, a consequence which will ultimately hurt American consumers as well.

For Pennsylvania, this case is also especially important in its own right, since over 10,000 workers in 20 counties are employed in the industry. In fact, Pennsylvania ranks as the third largest footwear manufacturing State. Footwear plants in Allentown, Wilkes-Barre, Lancaster, Hanover, Johnstown, Greencastle, Akron, Auburn, and Danver were among the 105 American footwear operations shut down in 1984.

Under the normal procedures of U.S. trade law, management and labor of the American footwear industry have joined together in seeking relief under section 201 of the Trade Act in order to provide time for the industry to become more productive and competitive. The Federal International Trade Commission [ITC], an independent and bipartisan group of trade experts, unanimously ruled that imports are damaging the domestic footwear industry. The ITC also recommended, 4–1, a 5-year global quota to provide time for modernization. The President, who must act on the recommendations, rejected them.

Taking some sort of constructive action seems in my mind to be mandated by the trade crisis our Nation faces. It is a crisis that has unemployed or underemployed millions of working Americans and thrown the agricultural sector into its sharpest nosedive since the Great Depression. Another clue that a change of course is required comes from recent history. Before the Reagan administration took office, the trade deficit was not a major problem; since then it has increased fivefold to the point that in 1985, it is predicted to exceed a record $150 billion. In fact, most of the reasons are of this administration's own making.

A major cause of high real interest rates and the overvalued dollar is the staggering budget deficits. And the underlying reason for this effect should be no mystery to the Reagan administration. The quick-fix policies it pursued in 1981 and 1982 are now coming back to haunt us. While preaching the need to save money on domestic programs, the savings were merely applied to the military budget. And on top of this, the administration initiated the largest tax cut in American history—one that primarily benefited big business and the wealthy.

The revenue lost then has never been made up, and Government borrowing continues at a shocking rate just to pay the interest on the national debt. In fact, for the first time in this century, the United States is now a debtor Nation, just like Brazil, Argentina, and Mexico. The overvalued dollar, forced up by high real interest rates caused by excessive Government borrowing, raises the price of American goods in foreign markets making them artificially less competitive. Conversely, the price of imports are unnaturally lowered here, giving foreign goods a clear advantage.

Yet the Reagan administration refuses to act even when, as with the footwear section 201 case, import injury is clear and evident. This unwillingness to exercise the powers of the Presidency to ensure free and fair trade and the strange belief that there is no middle ground between absolute free trade and absolute protectionism are also largely responsible for the trade crisis we face today. Similarly, the administration has fallen down on the job in negotiating and enforcing international trade agreements. As a result of these failures, our Nation's main export right now is American jobs.

Mr. Speaker, no one will deny that there are complex reasons for our trade problem—including the budget deficits, high real interest rates, and an overvalued dollar—but only the Reagan administration contends that the solution is inaction. By not acting in the section 201 footwear case, the Reagan administration abandons the

remedies available under present trade law and sends a message to the rest of the world that the United States is unable to effectively compete in the international marketplace. It affirms what many have suspected: that the United States has no trade policy at all.

The bottom line is that this inaction is a case of trade mismanagement. I believe in managed trade—in a concerted strategy to improve competitiveness and in coordinated policies to address marketplace realities. As trade policy managers, we can promote, when possible, a fair worldwide economic system through the free market. But unlike policymakers, we must also realize that the success of such a system depends on the acceptance of free market principles by all or most of our trading partners.

So in managing trade, when unfair trade practices, subsidized industries, and the dumping of foreign products threaten American jobs and industry, we should not be afraid to protect ourselves through the limited application of carefully chosen restrictions in imports. And while managing trade sometimes involves addressing unfair trade practices in specific industries, I also support other initiatives such as:

(1) Modernizing our country's trade laws to better cope with the realities of the world marketplace;

(2) Restoring sense to Government spending policies and reducing the bloated value of the dollar abroad to make American goods more competitive;

(3) Aggressively negotiating new international agreements with other nations to include emerging services and technologies, and eliminating unfair trade barriers and practices to ensure trade that is both fair and free;

(4) Encouraging industrial modernization agreements that bring labor, management, and capital together to achieve greater productivity and competitiveness;

(5) Rebuilding our Nation's aging infrastructure—our highways, bridges, railroads, sewage systems and waterways—so we can move and produce goods more efficiently.

Following Labor Day, 1985, we must, as a Nation, realize that the trade imbalance is an issue that we can no longer ignore. Reagan's decision to reject the footwear industry import relief case is a step backward in the effort to formulate a rational trade policy. The United States has many more resources than the Reagan administration gives it credit for; we should not be afraid to use them. Mr. Speaker, Our Nation must adopt a concerted strategy of managed trade to get America moving again before industries and communities in Pennsylvania and throughout the Nation are further devastated and more jobs are lost.

A POETIC REMINDER OF AN EVENT WE DARE NOT FORGET, THE ANNIVERSARY OF THE DOWNING OF KAL 007

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DORNAN of California. Mr. Speaker, a constituent has written a moving poetic reminder of the terrible day when the Soviet Union's leaders ordered their air force to destroy a civilian airliner with 167 men, women and children, including our good colleague, Mr. Larry McDonald of Georgia. Mr. Richard E. Franklin, the writer, and I had hoped to put this in the RECORD on September 1, originally, the actual anniversary of the Massacre at Sakhalin. Our calendar did not permit, since the House was not in session until the 4th of September.

It is important to remember events such as the shooting down of KAL 007 and the murder of Maj. Arthur D. Nicholson, Jr., in East Germany. While at opposite ends of the Soviet Empire, these two events together cannot fail to remind us of the nature of the Soviet regime. We must be vigilant. With thanks to Mr. Franklin, I am pleased to submit this for the CONGRESSIONAL RECORD.

MASSACRE AT SAKHALIN

(By Richard E. Franklin)

An SU-15 fighter plane, a Russian in control,
Was hunting down a jumbo jet, on a peaceful flight to Seoul.
The pilot had his orders from the Kremlin, and he knew
He must destroy the liner, with its passengers and crew.
What makes the Kremlin mind to fret, what causes it to kill
A peaceful group of voyagers who trespass o'er their hill?
For O the dreadful consequences of their ungodly sin,
Will forever live in infamy:
Remember Sakhalin!

The captain of the KAL, his passengers and crew,
(And some of them were children, and some were babies, too.)
Were unaware, and innocent of a misdirected course,
That would cause the Kremlin to direct
The use of deadly force.
What makes the Kremlin mind to fret, what causes it to kill
A peaceful group of voyagers who trespass o'er their hill?
For O the dreadful consequence of their ungodly sin
Will forever live in infamy
Remember Sakhalin

Down below, in the darkness, the Russian pilot flew,
Stalking the sleeping liner, awaiting his awful cue.
"Aim at the target," Moscow said, and the pilot aimed his sight,
To launch an 'Anad' missile, thundering into the night.
"Fire," came Moscow's dread command.
"Fired," came the heinous reply,
And they all died on that liner, and the free world questions, why?
For O the dreadful consequence of their ungodly sin
Will forever live in infamy:
Remember Sakhalin!

CONGRESSIONAL SALUTE TO THE FIREHOUSE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MATSUI. Mr. Speaker, I would like to offer my sincerest congratulations to the Firehouse Restaurant in Sacramento on this elegant institution's silver anniversary.

Tradition sets the Firehouse apart and has made it one of northern California's best-known landmarks. Although parts of the building were renovated, the restaurant retains the charm and style of the late-19th century gold rush town, its horsedrawn engines protected. Many of the ornate original fixtures remain including the brass fire pole which can now be found in the main bar. The Firehouse is the perennial choice of individuals who wish to show out-of-town guests the finest that Sacramento has to offer in dining, and is often the host of national and world leaders who come to visit California's capitol.

Mr. Speaker, on behalf of the city of Sacramento and its citizens, I commend the proprietors, Catherine Cope MacMillan and Donna Cope, for their meticulous supervision of cuisine and service excellence. I also wish them a happy anniversary and thank them for allowing us to retain such a beautiful institution.

GIAMPAOLI FAMILY STILL PACKING AFTER 55 YEARS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. COELHO. Mr. Speaker, recently an article was featured in the Merced Sun-Star which highlighted the achievements of some very good friends of mine, the Giampaoli family of Le Grand, CA.

In the early 1930's, Marino Giampaoli and Carlo Giampaoli came to the United States from Italy. With the help of the Marchini family, they soon founded Live Oak Farms and began to specialize in growing tomatoes. Since that time the farm has grown to the large family operation that is so well known in the area today, packing over 12 million pounds of tomatoes a year, and farming more than 2,000 acres of tomatoes, almonds, wheat, bell peppers, cotton, and corn.

The story of the Giampaoli family is significant because it represents the realization of the American dream—an immigrant family coming to this country and building

a successful farming operation from the ground up with much hard work. I would like to extend my congratulations to Ray and Maria Giampaoli, and all the rest of the Giampaoli family, for their success with Live Oak Farms. In recognition of their hard work, I am reprinting the article on their achievements from the Merced Sun-Star below:

GIAMPAOLI FAMILY STILL PACKING AFTER 55 YEARS

(By Dan Campbell)

LE GRAND.—Enter the doors of Live Oak Farms tomato packing shed, and you won't walk far before you meet a Giampaoli.

Three generations of Giampaolis work in the packing house and on the 2,000 acres of diversified crops the family farms around Le Grand, keeping alive a family tradition that dates back to the early 1930s.

The Giampaoli family name has been synonymous with fresh market tomatoes in Merced County for more than 55 years, when four Italian immigrants with small amounts of tomato acreage joined forces to start Live Oak Farms—so named because of a prominant old oak tree that stood in the midst of one of their tomato fields outside Le Grand.

The company was started by Marino Giampaoli, his uncle, Carlo Giampaoli, and Decimo and Florindo Marchini.

At that time tomato farming in the Merced area was done on a small scale, the average farmer working only five or six acres of tomatoes grown up verticle poles—a technique that produced high yields but was much more expensive and labor intensive.

When the Giampalois and Marchinis united, they created one of the first farms in the county with extensive acres of fresh tomatoes.

In the 1940s the labor requirements of pole-grown tomatoes prompted Live Oak to switch to tomatoes planted in rows on the ground.

Fresh tomato planting increased, and packing sheds proliferated around Merced as the industry expanded into the 1950s and 1960s.

As recently as 10 years ago, Live Oak Farms was in competition with seven other packers in eastern Merced County.

Today, there are only two others: Bianchi and Sons Packing Co., the biggest packer in the county with a modern facility on West Olive Avenue, and Central California Tomato Growers on West 15th Street, which is a growers' cooperative.

"We pack as many tomatoes as ever in Merced County—the remaining sheds just pack more," said Ray Giampaoli, one of Marino's sons, who today runs the packing shed.

Part of the reason for the demise of some of the packing sheds around Merced was lack of interest in farming among the younger generation.

That's what happened to the Merced Tomato Growers Cooperative, according to Steve Carignani, who was the sales manager of the cooperative for 29 years before it closed its doors.

At one time the cooperative had 25 grower members and more than 2,000 acres of fresh tomatoes.

"But the growers got old and the sons didn't want to keep farming," Carignani recalled.

That doesn't appear to be a danger at Live Oak Farms.

Not only are the three sons of Marinio Giampaoli still running the operation, there are also eight of his grandchildren, nephews and nieces working on the farm and in the shed this summer.

Marino's three sons—Raymond, Elmo and Dario—bought out the Marchini's share of Live Oak Farms in 1981, although the Marchinis remain a prominent Le Grand farm family with almonds, tomatoes and other crops.

In addition to the packing shed, the three Giampaoli brothers and their uncle—Aldo Giampaoli—farm 2,000 acres of almonds, wheat, canning tomatoes, bell peppers cotton, corn and 350 acres of fresh tomatoes.

Like the other tomato packers, Live Oak Farms picks and packs "green mature tomatoes," meaning fully grown but not yet ripened tomatoes. After packing, the tomatoes are "degreened" in special chambers so they are at just the right stage of ripeness when they reach market all across North America. Live Oak tomatoes are also shipped across the Pacific Ocean as far away as Hong Kong.

While Ray runs the packing shed, Dario oversees crop production, Elmo takes care of the almond orchards and office, and Aldo is in charge of irrigation.

Ray and Maria Giampaoli's son, Bob—a recent graduate of Fresno State University—is field foreman of the farming operation, daugther Donna is office assistant and a student at Fresno State. Another daughter, Sandra, is a tally girl in the packing shed and attends Merced College.

Dario and Josephine Giampaoli's daughter Debbie is a tally girl and attends Merced College, while daughter Kathy, a Le Grand High School student, is working on the assembly line as a tomato sorter. Son Gary is driving a tractor and is a Le Grand Junior High School student.

Aldo and Gilda Giampaoli's son Richard does farm equipment service and operation, and his daughter, Julie, is a tomato weigher and attends Fresno State.

Naturally, not all the children have yet decided on careers, but Ray said it appears there is enough interest among them in farming to ensure there will be a Giampaoli at the helm of Live Oak Farms well into the future.

With all those family members working for the company, do the parents tend to cut the children a little extra slack when it comes to getting a job done? Not at all Raymond said. "I think we tend to expect even more from family members."

All of the children have had to work their way up through the ranks to get the positions they hold now.

None of the wives work in the farming or packing operation any more, but they still keep active. Maria, for instance, is active in the California Women for Agriculture.

The fresh tomato market has been glutted this summer, and will prompt the shed to shut down a few weeks earlier than usual, Ray said.

The market is down for the simple reason that "there are too many tomatoes being grown for the demand," Ray said.

But cutting down planted acres won't necessarily solve the problem, according to Ted Batkin, manager of the Fresh Market Tomato Advisory Board—on which Ray has held a seat for the least 10 years.

When prices are high in the United States—around $6 to $7 a box—Mexican farmers in Baja California "open up the flood valve" and begin pouring tomatoes across the border until the price drops again, Batkin said. Then they go back to shipping their fruit to Mexico City.

With prices closer to $4 to $5 a box this year, there has been much import competition from Mexico.

A WORKABLE PLAN TO SAVE MONEY IN VETERANS' HEALTH CARE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FLORIO. Mr. Speaker, it was with great interest that I read the following letter in the Washington Post last week. The distinguished chairman of the House Veterans' Affairs Committee, Hon. G.V. "SONNY" MONTGOMERY, has outlined a fair and workable proposal to counter the proposed "means test" for veterans' health care.

Mr. Speaker, as a member of the Veterans' Affairs Committee, I am very interested in assuring quality health care for the 28 million veterans of this Nation. To arbitrarily impose a "means test," as a method of determining who is eligible for medical care and who is not, is unfair, unworkable and possibly, in the long run, too expensive. I think that Chairman MONTGOMERY's idea is a fair and efficient response to the need to cut costs and remain faithful to those who have sacrificed so much for their Nation. It is my hope that my colleagues on the Veterans' Affairs Committee will support this plan when the chairman unveils it formally. I think that it is a significant improvement over the other health care proposals we have heard and I strongly support it. I urge my colleagues to do likewise.

The letter follows:

"A MEANS TEST FOR VETERANS"

(By G.V. (Sonny) Montgomery)

I read with great interest The Post's concise and factual editorial of Aug. 22 entitled "A Means Test for Veterans," and am in general agreement. However, its conclusion that "there is no reason to maintain a separtate and costly health service" for veterans with nonservice-connected disabilities or "who are not poor" is, in my opinion, incorrect.

Costly? Quite the contrary, there is evidence that Veterans Administration health care is less expensive than that provided by the private sector.

Many veterans would be left out in the cold if we were to implement a broad eligibility restriction excluding all who are not poor from receiving VA health care. Too often, we overlook the middle-income or just-over-the-poverty-level individual.

Take, for example, the veteran of World War II who served in theater for four years and earned four battle stars (and there are many); he might have later served in Korea. During this time, he incurred no service-related disabilities. He is now 60 years old, he needs medical attention, he might have never before requested VA health care, he is just above the poverty level, he cannot afford private health insurance and is unable to defray medical expenses. I believe the federal government owes this veteran health-care assistance. He earned it. The VA

must never be required to turn away any veteran who cannot afford needed care.

We have a mandate—a fair mandate, we believe—to come up with VA health care cost savings of $1.2 billion in the next three years. Given the options of cutting present programs or employing alternative methods to raise revenue, the answer is obvious.

First, instead of a base income level of $15,000, as contained in the administration's proposed means test for health care eligibility, it should be raised to $25,000 and automatically adjusted to the consumer price index. No veteran up to this level of income would be required to show his inability to pay for health care.

Under my proposal, any veteran who is above the income level could, on a space-available basis, be admitted to the hospital provided the veteran agreed to make a medical copayment similar to that required by Medicare (estimated to be about $476 in FY '86). Unlike the administration proposal, which only shifts costs to other programs, no veteran would be locked out of the system.

Revenue would be generated by requiring insurance companies that collect premiums from thousands of insured veterans who use VA facilities to pay for their care in those facilities. Insurance company contracts now contain clauses that prohibit such payments.

I believe this plan is fair, would be easy to administer, and would not jerk the rug out from under a veteran who desperately needs health care. While achieving the savings required by the budget, we can actually enhance the veterans' health care program.

LOWENSTEIN CONTRIBUTIONS NOT REFLECTED IN RECENT BOOK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FRANK. Mr. Speaker, one of the most creative and able people ever to serve in this body was the late Al Lowenstein. I have the honor today of serving as president of Americans for Democratic Action, a position he once held, and we in ADA are very proud to be able to talk about Al Lowenstein as one of ADA's leaders.

Earlier this year a preposterous book was written impuning Al Lowenstein's memory in an extraordinary inept and unsubstantiated fashion. A current member of ADA, Denis Wadley of Minnesota, reviewed this nasty diatribe in a article published in the Minneapolis Tribune on July 21. Mr. Wadley does a superb job in his review of rebutting the book's unfair accusations and also in describing the extremely creative role that Al Lowenstein played as a liberal in the United States.

The review follows:

AUTHOR LACKS EVIDENCE THAT LOWENSTEIN WAS CIA AGENT

(Reviewed by Denis Wadley)

Coming from the right, critics of liberals love to portray them as wimpy, gullible idealists with too much faith in platitudes. Coming from the left, critics will carp at liberals' alleged collaboration with the wicked establishment that is the cause of the problems liberals say they want to solve.

Conservative criticisms are easy to deflect, and indeed most people familiar with politics can recite the arguments on both sides. The judgments of the further left require distinctions that liberals themselves have been often reluctant to provide: Where does liberalism end and some hard-left ideology begin? When are liberals being helpful and when are they just shooting the wounded?

The ideological left will usually have little patience with good liberals because good liberals are meliorists: They usually succeed in pushing reform just far enough to take the edge off radical pleadings that the system is too corrupt to improve, and so should be junked—often for some amorphous egalitarianism that will take repression to impose.

For this the left will not forgive liberals, because liberals, only they seem to know, are the far left's worst enemies.

This seems to be why Richard Cummings doesn't seem to like Allard Lowenstein.

Cummings, published here by Grove Press, which often publishes radical books, alleges that Lowenstein, whose wide range of political involvements led him through Southern Africa, the civil rights crusades, and the Vietnam antiwar movement, each with some distinction, was all this time secretly an agent of the Central Intelligence Agency (CIA).

That's right. I spoof you not.

The problem is, Cummings offers not a shred of proof anywhere in the book. Nothing. Zero. But he asserts his charge at least 200 times, each time in varyingly vague circumstantial connections which, he avers, form a clear pattern.

It is the standard attitude of one convinced before he sifts the evidence: even the *lack* of evidence becomes proof for him. After all, Lowenstein, being a secret agent, wouldn't go around telling everyone, would he? Of course he will deny it; isn't that to be expected?

Lowenstein irritated the hell out of many who couldn't understand his peculiar attraction for young, idealistic people able and willing to devote time and effort to making society better. He could catch people at their selfless best, weld them together in dynamic groups at the cutting edge of reform, and—the one unforgiveable thing for the hard left—actually accomplish something.

Lowenstein headed the "Dump Johnson" movement, which managed to dislodge Lyndon Johnson from the presidency in 1968 by sponsoring the campaign of Eugene McCathy; he spearheaded the liberal alternative to the extremist element in the civil rights movement in the South during the early 1960s; he served three productive terms as national president of Americans for Democratic Action (ADA) (which, though frequently mentioned in Cummings' book, nowhere appears in his rather spotty index); and he produced a remarkably well-written book on racism in South West Africa (now Namibia), called "Brutal Mandate" (1959)—still a fine, relevant treatise.

Had he passed his days giving fine speeches and getting groups to adopt manifestos, he would have been smiled at and forgotten by history, and the hard left would have no reason to complain. Lowenstein actually registered black voters—many of them, and well before the 1965 voting rights law provided federal support. He actually led demonstrations and kept them non-violent, so their credibility wasn't impaired. (Who would ever think the American people would take seriously an antiwar rally—a rally against violence—which degenerated into stonethrowing and fights? Much of what little brutally there was in these marches and demonstrations came from overzealous policemen, not participants. Non-violence showed that the system could solve a problem; violence only fed the radical notion that the system was rotten beyond recall.)

Cummings is in many ways sympathetic to his subject, relating honestly and with great thoroughness Lowenstein's frequent races for Congress (only one successful), his remarkable oratorical skills and the influence of his find book. But a much better and fairer overview of the period and its people would be Allen J. Matusov's "The Unraveling of America: A History of Liberalism in the 1960s" (Harper & Row, $22.95).

In his search for a rationale, Cummings goes for the "good wing" theory—the idea that the CIA has an element that believes in combatting Communism, both in domestic movements and in other nations, not by siding with the military fascist, but with the democratic left. He cities no evidence that such a "wing" was ever influential; and each and every person Cummings connects with Lowenstein's alleged CIA affiliation has denied under oath that any such thing whatever existed.

Not that such arrangements haven't happened. Lowenstein was in the early 1950s president of the National Student Association (NSA), which was exposed in 1967 as having had quite intimate CIA "good wing" ties; but even Cummings acknowledges that this connection began well after Lowenstein's time. Still, the author touches sensitive nerves: Those of us who attended NSA congresses in the 1960s (I went to five) recall the disillusionment of discovering how some idealistic "liberals" we had all looked up to were "initiated" into CIA programs, and this Cummings covers in full and accurate detail.

But assertions about Lowenstein are not proof, however clever an "angle" they give Cummings and Grove Press for this book. Colleagues and friends of Lowenstein ranging in politics from William Sloane Coffin and Joseph Rauh rightward to William F. Buckley Jr.—plus congressional and FBI documents obtained under the Freedom of Information Act—brush off the whole thing as nonsense.

This is not the only book that has recently come to a reviewer accompanied by a multi-sectioned legal brief refuting specifics in a biography; nor, with the more and more relaxed libel and slander standards, especially for the dead, is it likely to be the last.

Much is valuable in this book, and for those who knew or admired Lowenstein, new and interesting information is provided; however, in view of the irresponsibility of the author about his CIA theses, one wonders how speculative some of the rest of the book may be. To some extent, one can judge by the internal documentation; indeed, it is the stark contrast between Cummings' solid research in just about every other area and the complete vagueness and insubstantiality of his CIA allegations that further condemns this jag of his.

Those of us who worked with Lowenstein in these cases—and I admit a bias here—will say, along with Buckley and others, that CIA machinations were utterly out of character for him. It would amount to total hypocrisy for him to spend a 20-year public life defending openness in government and, indeed, opening up much of government previously closed, and then be a secret

agent. But some of us have been disillusioned before.

The difference here is proof. In previous cases where such connections have been exposed, the proof has been clear, and the participants have even admitted it. There is no proof with Lowenstein, and that means that any sense of fairness at all will dismiss the charge out of hand. Those who are so cynical that they believe no one is pure—like Cummings, it seems—are free to fantasize; we have a free press. But please permit the rest of us to be willing to believe that on some occasions, such as this one, an honest-to-God idealist manages to preserve his integrity, and be even in death an inspiration to a much more demanding generation growing up now.

ADMINISTRATION'S CHEMICAL WEAPONS POLICY

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. EDGAR. Mr. Speaker, Sunday's New York Times included a strong denunciation of the administration's chemical weapons policy from the former head of the Army's chemical warfare activities. Saul Hormats, writing in a letter to the editor, argued that "the real casualties in a poison-gas war are defenseless civilians." He states that:

There are good medical reasons for believing that nerve gas sufficient to kill a small percentage of adults would kill a large percentage of children and a very much larger percentage of infants. We run the risk by promoting the use of such weapons of killing an entire generation of Europe.

This parallels an argument I made during the House debate on chemical weapons on June 19, when I said:

In the commonly described scenario of chemical war in Europe, densely populated civilian areas downwind from the chemical attack would be devastated by airborne chemical agents . . . Navy officials admitted that up to 12 million civilians would be killed in only 24 hours of a chemical war. Military casualties would be negligible in comparison.

Mr. Speaker, later this month the House is expected to vote on the conference report on the defense bill, including a separate vote on chemical weapons. I wish to bring my colleagues' attention to the fact that when the House first considered the defense authorization, it authorized nerve gas production with two significant conditions: First, no production of nerve gas for 2 years to allow an opportunity for chemical weapons limitation negotiations to succeed; and second, even after 2 years, no production of nerve gas without formal approval from NATO.

The conferees gutted even these limited protections by changing the 2-year delay to a bar only on final assembly of chemical weapons, which has been described by "a restriction that really does not restrict." The conferees also watered down the requirement for formal NATO approval to mere consultations with NATO members.

The conferees have ignored the will of the House in dropping the strict conditions on the resumed production of nerve gas. Moreover, they have ignored the clear concern of our allies, the Europeans, about civilian casualties.

I urge my colleagues to oppose the weakened chemical weapons provisions and commend to their attention the Hormats letter, which follows:

WE RISK KILLING AN ENTIRE GENERATION OF EUROPE

To the Editor: Kenneth L. Adelman, director of the Arms Control and Disarmament Agency, provides a vivid description of the horrors of poison gas during World War I (Op-Ed, Aug. 19), but he fails to say that the attack he describes very likely occurred early on when neither side was experienced in this new kind of war or had adequate gas masks. As chemical warfare continued, as adequate masks became available and as troops became accustomed to this new weapon, gas casualties decreased markedly. Later in the war, from 20 percent to 50 percent of all shells and bombs were gas, yet of the 26.5 million total only 1.25 million were gas casualties.

The vast stores of chemical munitions we and the British had during World War II were unused, not for humanitarian reasons, but because they would not have helped win the war. It was the finding of a group of experts, civilian and military, from Britain, Canada and the United States, assembled at the request of President Roosevelt and Prime Minister Churchill, that introducing chemical warfare would not change the outcome of battle but only prolong it, increasing casualties to no military purpose. From discussions shortly after Berlin fell, with such of my opposite numbers as had not yet gone into hiding, I learned Germany's reason for restraint was the same.

Since World War II, there has been a five- to tenfold increase in U.S. and Soviet antipersonnel weaponry effectiveness as compared with a very modest increase, if any, in chemical warfare. One side's dilution of its air and artillery capability by substituting chemical weapons for, say, 10 percent of its conventional munitions would give the other side a very substantial advantage indeed.

When President Nixon stopped U.S. production of chemical munitions in 1969 he sent a clear signal to the Russians that were they to initiate chemical warfare, our response would not be in kind but would be an effective one. He had no need to spell this out. I'm sure the Russians have done the same arithmetic and reached the same conclusions. Despite Mr. Adelman's protestations, we have absolutely no basis for believing Moscow has taken advantage of our current posture and continued production of chemical munitions. This is to my own past knowledge, supported by more recent General Accounting Office findings.

The real casualties in a poison-gas war are defenseless civilians. We have not good World War I civilian-casualty statistics, but the number of poison-gas deaths must have been high. Recent calculations show that a chemical war in Europe today would likely result in the killing of millions of civilians friendly to the U.S.

There are good medical reasons for believing that nerve gas sufficient to kill a small percentage of adults would kill a large percentage of children and a very much larger percentage of infants. We run the risk by promoting the use of such weapons of killing an entire generation of Europe. Neither Mr. Adelman nor anyone else in the Administration has ever denied or rebutted this.

This concern was discussed in a Senate hearing on May 5, 1982, and was the basis for extended House debate and the overwhelming defeat of President Reagan's request for binary production funds on July 22, 1982.

From my discussions with European journalists and concerned citizens, the peoples of Europe are very much aware of the significance of what the Administration is proposing. For reasons we seem not to appreciate, Europeans are more concerned with preserving the lives of their children, their babies, than supporting a U.S. anti-Soviet ideology.

"We are planning," Representative Millicent H. Fenwick said during the House debate, "for something disgusting, something beneath the dignity of this nation, chemical weapons. We know that they may be put into the air, we may be able to protect our soldiers with their wonderful equipment, but how do we protect the poor innocent civilians miles away when the gas is carried on the wind? There is no way of stopping it.

"You cannot say you are using a legitimate weapon against other soldiers. You are not. You are using something against the public, the children in schools, people in hospitals, people walking the streets. These are the people who are going to suffer from these weapons."

SAUL HORMATS.

JIM FRELK ON CUTTING DEFENSE WASTE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. COURTER. Mr. Speaker, I want to bring to my colleagues' attention an excellent article by Jim Frelk, a defense analyst with the Republican Study Committee. He focuses on the "three culprits" of defense waste: Mismanagement by Congress due to political motivations, a lack of incentives within the Department of Defense, and corruption at the DOD and in defense industry. I commend it to all my colleagues who are interested in slashing waste at the Pentagon. Below is the full article:

[From the Washington Times, Sept. 4, 1985]

CURING DEFENSE WASTE WOES

(By James Frelk)

There is waste in the Department of Defense—lots of it. There are also constructive ways of eliminating it without jeopardizing national security.

Three culprits are responsible for most of the waste in defense:

1. Politically motivated mismanagement by Congress.

2. Lack of incentives within the DOD to reduce waste.

3. Corruption within the DOD and among defense contractors.

While contractor corruption has received the lion's share of media attention, it is, in fact, only a small part of overall defense waste.

Procurement reforms that help the DOD fulfill our national security goals with efficiency are the best avenue for real savings.

Some of the needed reforms would require that Congress first make some changes in its operation. Because of the politically motivated way its legislative system is structured, Congress is responsible for a great deal of defense waste.

If a DOD test fails after Congress has appropriated the money, the program manager's choices are either to waste the money or to ask Congress to reprogram it for an area needing more funds. The latter is obviously the best choice. But to reprogram the money, consent of both the authorization and appropriations committees of both House and Senate is required, and these committees discourage large dollar reprogramming requests.

Streamlining the process so that only approval by the appropriations committees would be needed to approve reprogramming, and allowing larger reprogramming requests, might provide the necessary incentives to eliminate waste caused by program failures.

Congress' annual defense budget also wastes money by limiting the Defense Department's ability to take advantage of the "most economical buy" principle in purchasing its equipment. Inability to buy the right amount at the right time (taking advantage of economies of scale) causes higher per-weapon costs. When Congress can't discipline itself to stick to multiyear acquisition plans, money is wasted. Virtually no well-run private corporation ignores economy of scale in its purchasing practices.

Congress, therefore, should move toward a two-year budget cycle for defense, creating greater savings through a more rational, more efficient, and better planned system of purchasing.

Defense contractors long have been protected from financial losses from cost overruns or other production problems. They have negotiated contracts that forced Defense to pay up to 80 percent of cost overruns while absorbing only 20 percent themselves. Those ratios have changed somewhat, but a 2 percent profit has always been guaranteed, leaving contractors with little incentive to reduce cost overruns. Congress should support all new efforts to stop this gravy train by forcing contractors to assume a greater share of the risks.

None of this is meant to suggest that the DOD is without blame. The Defense Department bureaucracy produces its own disincentives to procurement efficiency:

"Goldplating" is a slang term that describes the manufacture of unnecessarily elaborate weapons or equipment. Defense Department coffee pots, for instance, have been designed to survive airplane crashes that would destroy the aircraft they were in. But most of the waste in goldplating doesn't occur in a weapon's initial design and production. It occurs when mistakes aren't corrected as the weapon moves into increased production.

What's needed are incentives for field commanders to suggest changes that improve the equipment their troops are using. Suggestions that save money or improve equipment could be recorded on a commander's performance report, influencing future promotion decisions.

The military has a dearth of qualified acquisition officers. That's because, under the current system, it's almost impossible for an experienced acquisition officer to be promoted to flag rank. Making such promotions available would be one step in the right direction.

Similarly, largely due to low pay, 75 percent of Defense Contract Audit Agency auditors aren't certified public accountants. (In California alone, 50 percent of DCAA's auditors will have to be replaced this year.) Most good auditors are quickly hired away by auditing firms.

DCAA could improve its auditing force by increasing entry-level pay and developing other incentive programs. It should go after quality, not quantity, in hiring and retaining experienced procurement "police officers."

The fact is that President Reagan has done more than his predecessors to improve defense procurement. Most of the horror stories about the $600 toilet seat or the $300 hammer were uncovered through the Reagan administration's efforts. Instead of using procurement reform as a political football—and as justification for gutting the defense budget—Congress should work with the president and the DOD to create incentives to strike at the heart of waste.

AMTRAK FUNDING

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. RICHARDSON. Mr. Speaker, during the authorization and appropriation bill dealing with Amtrak, I will be offering the following two amendments which would put the Amtrak funding levels in line with the budget conference agreement adopted prior to the August adjournment.

I am a strong supporter of Amtrak, but we must be fiscally responsible. These reductions will not affect Amtrak's operations nor any existing routes.

AMENDMENT TO H.R. 2266, AS REPORTED OFFERED BY MR. RICHARDSON OF NEW MEXICO

Page 2, line 10, strike out "$616,000,000" and insert in lieu thereof "$581,400,000".

AMENDMENT TO H.R. 3244, AS REPORTED OFFERED BY MR. RICHARDSON OF NEW MEXICO

Page 24, line 11, strike out "$616,000,000" and insert in lieu thereof "$581,400,000".

THE FIRST SOVIET ACTIVE MEASURE IS IN USE OF LANGUAGE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DORNAN of California. Mr. Speaker, many of us in the Congress have known Dr. Charles T. Baroch for many years now. He has written and commented on Soviet affairs for decades, and has been a victim of the cold war and a student of it. Almost 10 years ago Dr. Baroch wrote in the Strategic Review, analyzing the report by then General Secretary of the CPSU, Leonid Brezhnev to the 25th Congress of the Soviet Communist Party. He makes the point that the Soviets very carefully appropriate the language of freedom and give it quite a different meaning. Those who measure Soviet words against Soviet deeds quite logically recognize contradictions. How the Western observer attempts to resolve those contradictions is a serious issue. This short analysis by Dr. Baroch may help readers to sort out some of these questions. It should also remind the reader that we are not talking about a "state like any other," to use Dr. Baroch's words in another context, thus not a mirror image of this country.

I am pleased to call this brief article to the attention of my colleagues:

THE BREZHNEV REPORT: THE MEANING OF WORDS

IN BRIEF

In reporting to the 25th CPSU Congress, Brezhnev states that detente does not abolish the laws of the class struggle. He sees detente as a way to create the more favorable conditions for communism. Only after society's revolutionary transformation into communism can man's goals of freedom, progress and peace be achieved.

There is no doubt that the speech of CPSU Secretary General Brezhnev at the recent Party Congress is a very important document. Carefully prepared by the best speechwriters of the Party apparatus and checked for Marxist-Leninist orthodoxy by the top Party ideologues, it is not only a review of Soviet performance of the past five years but a prognosis of things to come in the foreseeable future.

The noncommunist world, obviously more interested in the speech's foreign policy section, will produce innumerable analyses in an effort to detect the hidden meaning of some important passages. Is the relaxation of international tensions a transient phenomenon or is it to become a more durable aspect of international relations? As usual in such reports, Brezhnev supports both interpretations. Contradictions are predictable in Marxist-Leninist documents for two reasons: they are meant to convey a message to those in tune with dialectical terminology—the Communists—and to "disinform" those outside this exclusive club—something they do with considerable success, judging from past performances.

In its editorial of February 26 the *New York Times* took rather a dim view of Brezhnev's sonorous declarations in favor of detente, disarmament, increased Soviet-American cooperation and trade, etc. The *Times* sees a contradiction, and rightly so, between those declarations and Brezhnev's statement that "detente" does not in the slightest abolish the laws of class struggle." [1] From this the editorial concludes: "Inevitably, therefore, many Americans will see detente as merely a convenient setting for the Soviet Union and its allies to apply 'salami tactics' to destroy the noncommunist world, nation by nation." [2]

By contrast, one of the paper's leading columnists took a much more optimistic view of the Brezhnev report. Commenting on criticism made by certain presidential candidates of "Washington," i.e., U.S. foreign policy, he claims that on the whole the executive and legislative branches of government are pursuing a bipartisan foreign policy which is "on a steady course," maintaining in support of this argument that:

[1] Quoted in "The Brezhnev Report," *New York Times*, February 26, 1976, but omitted in excerpts prepared by TASS for the foreign press.

[2] Ibid.

"If Leonid Brezhnev, presiding over the 25th Congress of the Soviet Communist Party in Moscow, really thought the United States was as divided and its Administration as weak and misguided as Messrs. Reagan, Wallace and Carter suggest, presumably he would be taking a very hard cold-war line against the United States, but instead he defended the policy of coexistence." [3]

To prove his point, he quotes Brezhnev as saying: "We make no secret of the fact that we see detente as the way to create more favorable conditions for peaceful socialist and Communist construction." [4]

The question naturally arises as to what has led to so diametrically opposed an evaluation of the Brezhnev address in the same newspaper and, especially, what prompted the columnist to reach so optimistic an interpretation of it.

First, the address, which was carried live on Moscow's TV network, should be placed in proper perspective. In theory its purpose was to inform the CPSU Congress about Party achievements in foreign and domestic policy. The foreign policy review, in fact, contains material repeated over and over for years by top Party officials and represents obligatory reading for all Party members. It was prepared by the Central Committee International Affairs Department with the goal of influencing foreign audiences, chiefly to create the impression outside the USSR of the Soviet constant preoccupation with and concern for international peace, social progress, and individual freedom all over the world. This is its keynote, the message when the Communists expect noncommunist communications media to spread everywhere—sweet-sounding words, which mankind, tired of threatening wars, atomic holocaust, worldwide famine, etc., will avidly absorb.

As for a certain discrepancy between Soviet words and deeds, the *New York Times* columnist admits its exists, most recently in Angola. Like many others, however, he does not make an effort to locate the roots of this discrepancy, and thus he misreads Brezhnev's speech.

It is always advisable to look for the specific meaning which the Soviet leaders attach to conventional terminology. We tend to accept their vocabulary at its face value and disregard the semantic mutation brought to it by the Marxist-Leninist world view, often to the detriment of our interest.

A successful grasp of Soviet terminology must go behind, so to speak, external forms to search out each term's inner meaning. To do this we must turn, invariably, for the most reliable guidance to top-level Marxist-Leninist ideologists, whose definitions are found in Soviet glossaries and encyclopedias as well as university textbooks.

"Social progress," for example, often mentioned in Brezhnev's report has a dual meaning, as the following brief excerpts from the *Philosophical Encyclopedia* indicate:

"Ascending, gradual development of human society from lower to higher levels and forms. . . . In the contemporary epoch the general trend of social progress is transition to socialism on a worldwide scale. . . . Communist progress differs qualitatively from the progress of an antagonistic society. . . . The progressive nature of socialism and communism in history can be proven not only theoretically but also from practical results of the successful development of the world socialist system and of the transition of new countries and peoples to the socialist path.[5]

Another favorite which Brezhnev exploits in his address is the theme of freedom. It is also extensively treated in a *Philosophical Encyclopedia* entry, the main thrust of which is clear from the following excerpts:

"Freedom is necessity perceived by man and his actions corresponding to his perception, possibility and ability to select his actions. . . . Freedom in its dialectical-materialist understanding plays a great role in the progressive development of society. . . . Objective conditions of genuine freedom are realized as a result of the elimination of antagonistic relations between persons caused by private ownership. . . . The socialist revolution initiates the process of liberation of people in all spheres of social life. . . . The road to freedom leads through the dictatorship of the proletariat. Communism is identical with the arrival of genuine freedom.[6]

Of the three concepts in the report, the most frequently dangled is peace. In its entry "peace," the *Philosophical Encyclopedia* begins familiarly enough: "International relations between peoples and states, excluding use of violent means in implementing policy; absence of war between peoples and states."

It continues with numerous qualifications, however: "Communists, in contrast to bourgeois pacifists, consider the problem of peace within a concrete-historical framework, in connection with given political conditions and the basic interests of the working class and popular masses. They show how to consolidate peace in given conditions, how to struggle against a specific war threat and for a just, democratic and durable peace. . . . During the epoch of imperialism's unlimited sway the democratic peace could not be realized without revolutionary struggle of the masses and the overthrow of imperialist governments. . . . The victory of the October Revolution brought about a turn in world politics from the imperialist peace and wars generated by it to a solid democratic peace which lays the foundation for war's complete elimination. . . . With the victory of socialism in all countries the social and national causes of war will be eliminated once and for all." [7]

Thus, freedom, progress and peace—ideals cherished by men since antiquity—are intrinsically alien to bourgeois-capitalist society and can be achieved only after that society's revolutionary transformation into a socialist and ultimately communist society under scientific management by the Marxist-Leninist parties. This is the message to the world from the 25th CPSU Congress.

[3] See James Reston, "The Mood of Washington," *New York Times*, February 27, 1976.

[4] Ibid. Mr. Reston's comment on this is "In other words, what is best for his own country and system."

[5] "Progress, social," *Filosofskaya Entsiklopediya*, Vol. 4, 1967, pp. 381-383.

[6] "Freedom," *Filosofskaya Entsiklopediya*, Vol. 4, 1967; pp. 559-563.

[7] "Peace," *Filosofskaya Entisklopediya*, Vol. 3, 1964, pp. 448-452.

VETERAN RECEIVES POETRY AWARDS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. YOUNG of Alaska. Mr. Speaker, I would like to bring to the attention of my colleagues, two poems that tell the story of a war troubled mind. These two poems were written by Mr. W.T. Reeves who is a Korean war veteran who resides in Fairbanks, AK. A very high priority of mine is veterans affairs and I think you will agree that the awards that Mr. Reeves has won for his poetry are well deserved.

EXCAVATION

(By W.T. Reeves, Nov. 7, 1983)

Today they started digging,
in a sacred ground.
They're looking for the pieces,
that others never found.
No Green Peace or Sierra Club
anywhere to be found.
No environmentalists to watch the dig,
or enforce the reclaiming of the ground.
I wonder what will be the damage,
to dreams of long ago.
And if they'll handle gently,
the ones that I love so.
Or will they come wildly crashing,
and throwing things around,
and damage fragile pieces,
in this sacred ground.
It can be quite upsetting,
and puts me in a bind.
For the sacred place they dig,
is in the shadows of my mind.

WHY DO I CRY?

(By W.T. Reeves, Nov. 13, 1983)

The digging has stopped and the crew has gone.
There is a death-like silence that chills to the bone.
A chill of fear for what they never found.
It still lays hidden in the sacred ground.
It moves among the shadows of a troubled mind,
And makes itself known with a salty brine.
It screams in silence from the sacred ground,
Begging the crew to come on down.
The crew gives another pill to calm the mind,
But they can't bury the salty brine.
For twenty-five years the salty sea,
Has made the tears that torture me.
For I believe that men don't cry,
And I don't have an answer when they ask why.
I fear the ward called seven-west,
Where men get battles off their chest.
They fight the wars of days gone by,
Remembering buddies and how they died.
They put their bodies on the line,
And now they pay with troubled minds.
They fought the battle that brought "D" day,
Now they fight a battle called V.A.
For this type of battle we were never trained,
And with our troubled minds we fight the sane.
Why do they fight us for what we have earned,
With our blown off legs and mangled arms?
With troubled minds that can't let go,
Of pain we suffered long ago.

Now they hide us on the seventh floor,
With bars on our windows and solid doors.
Are they really protecting me,
Or don't they want the world to see,
What price we paid for victory?
So to you young students who practice on me,
I don't think a pill will set me free.
I'm not asking for money for days gone by,
I just need an answer, "Why do I cry?".

CONGRATULATIONS TO KCRA-TV

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MATSUI. Mr. Speaker, this month KCRA-TV in Sacramento celebrates its 30th anniversary in television and 40th anniversary in broadcasting. On September 2, 1955, television history was made when KCRA-TV was born and became the first transmitter in the United States to be fully equipped for color. Since that date, KCRA has become one of the finest and best known broadcasters of local news in the country.

KCRA has attempted over the years to bring world affairs into focus for Sacramento. Since November 1981, KCRA has aired 17 international reports, including documentaries on Cambodia, Yugoslavia, and the Peace Corps. In addition, KCRA pioneered the live local magazine format with "Weeknight" and their consumer-oriented show, "Call 3 for Action," has had resounding success in the betterment of our community.

Mr. Speaker, on behalf of the community of Sacramento and its citizens, I extend my personal thanks and congratulations on a job well done and my best wishes for many more years of successful and high-quality programming.

NUCLEAR EDUCATION FOR ADULTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. COELHO. Mr. Speaker, recently, the national convention of the Parent-Teacher Association meeting here in Washington passed a very important resolution written by the Kratt Elementary School PTA of Fresno, CA. The resolution brings attention to one of the most critical problems facing children and adults alike in our world today—learning to cope with the unique pressures of living in the nuclear age.

The resolution, entitled "Nuclear Education for Adults," was the idea of Ms. Mary Lou Diddy, a past president of Kratt PTA, and other concerned members of the chapter. The grassroots movement behind the resolution is aimed at placing a greater emphasis in our Nation's educational system on understanding the realities and dangers of nuclear war, and understanding the long-term effect the threat of nuclear war has on our society.

I would like to commend Ms. Mary Lou Diddy and the membership of the Kratt Elementary School PTA for their tireless efforts to bring these important issues to the attention of our Nation. Their hard work will certainly pay off in the form of a more informed citizenry, more able to cope with the pressures of life in the nuclear age.

In recognition of the national importance of this issue, I ask that this resolution passed by the National PTA be printed below.

NUCLEAR EDUCATION FOR ADULTS

Whereas: the P.T.A., through its primary objectives, has historically been an advocate for the health, safety, welfare, and quality of life for children and youth; and

Whereas: psychological studies have shown that the threat of nuclear war and its possible consequences may have a destructive effect on the well being and emotional health of some children and youth; and

Whereas: in 1984 the National P.T.A. convention delegates passed a resolution endorsing nuclear education, focusing on child and student education; and

Whereas: the representatives of our government have a responsibility to listen to the concerns and opinions of the people before making nuclear decisions that affect all people; and

Whereas: the P.T.A. recognizes that in a democracy the responsibility for decision rests with an inform people, and that the P.T.A. actively promotes public awareness education on issues of deep concern to the welfare of our children; now therefore be it

Resolved: that the National P.T.A. use studies, forums, educational materials and programs and work with community organizations to inform its membership about nuclear age education to include nuclear developments; and be it further

Resolved: that the National P.T.A. develop materials and programs to enable parents to effectively address children's fears concerning perceived nuclear dangers.

SUPERFUND BILL MUST BE STRENGTHENED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FLORIO. Mr. Speaker, the Energy and Commerce Committee recently reported a Superfund reauthorization bill (H.R. 2817). I opposed this legislation because the bill simply does not do enough to ensure that hazardous wastesites around the country will be cleaned up.

The Commerce Committee version of the bill is substantially weaker than the bill approved overwhelmingly by the House last year, 323 to 33. Last year, the House bill included such fundamental reforms of the Superfund Program as the adoption of strict schedules for cleanup and uniform national cleanup standards, as well as the establishment of a citizen's right to sue polluters to compel cleanup when EPA and the States are not acting at the site.

All of these crucial provisions have been fatally weakened or eliminated in the Commerce Committee's version of the legislation this year. The bill is unanimously opposed by the Sierra Club, the National Audubon Society, the National Campaign Against Toxic Hazards and other major national environmental organizations.

A recent editorial in the Wichita Eagle-Beacon provides a good analysis of why the Commerce Committee bill is flawed I commend this insightful commentary to my colleagues' attention.

The editorial urges us to work to strengthen this crucial piece of environmental legislation. I am hopeful that we can fundamentally improve this legislation as it moves forward so that when the House votes it will be voting on a bill that will represent real progress in cleaning up hazardous waste around the country.

[From the Wichita Eagle-Beacon, Aug. 12, 1985]

SUPERFUND BILL NEEDS MUCH WORK IF MISSION IS TO BE ACCOMPLISHED

When Congress in 1980 passed the Comprehensive Environmental Response, Compensation and Liability Act, and created the Superfund, it was reacting to a national toxic-waste pollution problem that Americans know now was just the tip of a poisonous iceberg. Over the past five years, administration of the Superfund program has confirmed that improperly-disposed-of toxic wastes threaten the health of millions of Americans in every state in the union.

While virtually no one in Congress now argues the toxic-waste problem isn't serious, neither House seems inclined to do much but sling money at it. It's realistic to think the Superfund bill that eventually reaches President Reagan's desk will allocate at least $7.5 billion toward beginning cleanups of the sites identified as most dangerous. But unless senators and representatives undergo a change of heart as they begin floor action on the House and Senate versions of a Superfund reauthorization bill next month, it's not realistic to think that money would buy taxpayers increased safety from toxic wastes. Nor would the legislation help citizens protect themselves from toxic wastes or collect damages for waste-related health problems.

What's wrong, in a nutshell, is this: Every institution with a vested interest in Superfund reauthorization, save the public itself, has been heard from, and heeded. This isn't much of a surprise in the Senate, where interest in a vigorous Superfund doesn't appear to be exceedingly strong. But the House's impending retreat from the model Superfund bill it passed last year—it died in conference committee—is a major disappointment.

Then, the House understood that a major reason for the Superfund's less-than-stellar performance was the lack of a rigid cleanup schedule for the U.S. Environmental Protection Agency to follow. Not this year. The House version of the bill, adopted by the Energy and Commerce Committee in the frantic days before Congress' summer recess began, theoretically could allow the EPA to begin no cleanups at all by 1990. If the EPA's dismal cleanup record since 1980 is any indication—only six completed—it's naive to think even that many more dumps would be cleaned up the next five years. The rigid cleanup schedule in last year's

failed bill should be included in this year's bill.

Too, many chemicals known or suspected to be toxic would fall through the cracks in the impending House bill. Language flaws in the bill also would allow the EPA to enter "quick and dirty" cleanup agreements with dump owners. The House should broaden the bill's list of dangerous chemicals and better define what a "cleanup" is. To allow the EPA too much semantic leeway is to invite phantom cleanups. The nation needs the real thing.

The central objective of fighting toxic-waste pollution is to neutralize or get rid of toxic wastes quickly, regardless of who's at fault. The House seems to have forgotten that, and instead provides those who created waste dumps—even when doing so was perfectly legal—a giant break: limited or no liability for the dreadful mess they created. By adding "strict, joint and several liability" clauses to the bill, members can assure that the EPA doesn't unnecessarily spend tax money cleaning up dumps created by those who are at least morally responsible for menaces to the public health.

Finally, the House needs to go much further toward giving Americans who have been threatened or harmed by toxic wastes full rights to recover damages in court. The current bill pays lip service to this objective, but doesn't give citizens the right to sue polluters or the EPA in federal court. Nor does it give citizens any way to learn what threats that nearby dumps or chemical facilities may pose.

The House Superfund reauthorization bill, in short, needs a lot of work. Given the fact the present Superfund bill expires Sept. 30, House members won't have much time to accomplish this. But somehow they must, lest "Superfund" become a synonym for federal inaction on—and indifference to—a serious public health problem.

COOPERATION AMONG BUSINESS, GOVERNMENT, AND LABOR IN FALL RIVER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FRANK. Mr. Speaker, the city of Fall River provides excellent examples of cooperation among business, government, and labor to promote genuine economic development. One excellent example of this is the work being done to expand the Aluminum Processing Co. at the Fall River Industrial Park.

A recent, excellent article in The Fall River News, which does a superb job of coverting the economic affairs of the city of Fall River, highlights this process through an extensive interview with the administrative manager of APC, Loretta George. Ms. George is an enlightened business leader who has contributed a great deal to the economic, social, and cultural life of the city and I think this article is an excellent example that ought to be studied by people interested in how older urban areas can proceed with economic development.

Mayor Carlton Viveiros of Fall River has an outstanding record in this regard and his administration shows how Federal, State, and local officials can work together with private sector people under the right leadership to produce a great deal of good for the citizens of a particular area.

[From the Fall River Herald News, Aug. 18, 1985]

COMPANY LAUDS MUNICIPAL AGENCIES

(By Sean Flynn)

The major expansion of Aluminum Processing Co. now under way at the Fall River Industrial Park was made possible by close cooperation between the company and city agencies, said APC's administrative manager, Loretta George.

She stressed that the financing of the $8.5 million expansion, which will eventually mean the addition of 150 employees, was the result of combined efforts by the company, Greater Fall River Development Corporation, Office of Economic Development and mayor's office.

On July 26 the company purchased its 250,000-square foot facility in the Industrial Park for $1.5 million from the Great Fall River Development Corporation. Besides the funds for the building purchase, $4.5 million was allocated for new equipment and $2.5 million for a 50,000-square-foot addition to the existing 250,000-sqare-foot facility.

The expansion will be financed with a $5 million Industrial Revenue Bond, a $1.5 million Urban Development Action Grant and $2 million in private funds.

In addition, as part of another ongoing major investment program, a $1.2 million computer-controlled anodizing line is now being installed to augment the existing automatic line.

"We're thankful to the staff of the Fall River Office of Economic Development and Mayor Viveiros for their strong support in acquiring the UDAG grant," said Mrs. George. "John Whalen (director of FROED) went to Washington on our behalf many times."

The support from the major's office meant many letters, as well as calls to legislators, such as U.S. Rep. Barney Frank and Sen. John Kerry, noted Mrs. George. "Competiton was stiff for the remaining UDAG dollars," she said. "I believe the major and FROED have acquired more UDAG funding for this city than has been received by any other city in the commonwealth, exclusive of Boston."

Besides the UDAG grant, the company received a $5 million Industrial Revenue Bond that was given initial approval by the Fall River Industrial Development Finance Authority on July 2 and given final approval by the Massachusetts Industrial Finance Agency on July 17.

The current project is only the most recent part of an expansion with a much longer history, said Mrs. George.

In 1972 Lightolier, which owns APC, moved the company to the Industrial Park to a building that the Greater Fall River Development Corporation then owned.

"We essentially put the building up for them, took a mortgage out and then leased it to them with an option to buy," said John F. Lucey, counsel and clerk for the development corporation.

To make the move possible, nine local banks raised $3.8 million for the construction of the facility. APC's final purchase price was reduced during the lease agreement. "The company received credit against the final purchase price every year it paid rent," explained Lucey.

Since 1964 the Aluminum Processing Co. has been a division of Lightolier Inc. of New Jersey, a world-wide supplier of lighting fixtures. Today, APC, employing 650, is the second-largest manufacturer of lighting instruments in the world. With the planned addition of 150 employees, the company will become one of the three largest employers in the city.

APC was founded in 1955 by Irving Puhn and was located in the Kerr Mill complex on Martine Street. The company quickly became a chief supplier to Lightolier, which was the reason Lightolier made the acquisition, explained Mrs. George. At the time of the merger, APC manufactured reflectors for the lighting industry, had a workforce of 70 and occupied 50,000 square feet in the Kerr Mill.

Today the company is a vertically-integrated manufacturing facility producing 125,000 quality lighting fixtures per week—more than six million annually. Each fixture has an average of 23 components. For this production, APC purchases, in one year, enough coils of steel that if stacked one upon the other would be as high as the Empire State Building, enough wire to circle the moon at the equator.

APC has provided lighting fixtures for numerous prestigious projects, including the Boston Prudential Center, the Dallas-Fort Worth Airport, the Moscow Trade Center, the Canadian Olympics in Montreal and Federal Reserve Bank buildings.

The current workforce of 650 receives a $14 million payroll annually. "The productivity of the APC workforce has consistently been high and was a critical factor in determining the expansion," said Mrs. George. "In addition to manufacturing a quality product, we reinvest in our company family to ensure that each employee achieves his full potential."

The company provides further education courses for employees including robotics, citizenship, English, General Equivalency Degrees (G.E.D.), safety, hydraulics, pneumatics and management training.

Many of the jobs require a high level of skill, explained Mrs. George. "It takes three years of training before developing an individual into a qualified metal spinner," she noted.

APC is noted for expertise in the metal spinning process. Skilled workmen turn flat discs of aluminum into symmetrical light hoods of different sizes.

A hood is formed with a mandrel on a lathe turning at a speed of 2200 rpm. Other hoods are formed on automatic spinning machines. Both are high-speed operations which, combined with trimming and press equipment, make up an integrated work cell.

The hoods and reflectors of the fixtures can also by formed by hydroforming. In hydroforming, hydraulic pressure is applied to form aluminum discs over a form. The company says it has more hydroforming machines under one roof than any other lighting facility in North America. Continued investment in new equipment ensures APC's continuing position as a leader in its branch, stressed Mrs. George.

SUPPORT FOR JOINT INTERNATIONAL BORDER COMMISSION

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. STANGELAND. Mr. Speaker, the jointly shared international boundary waters between the State of Minnesota and the Province of Ontario has been the scene of constant border conflicts in the past few years. The livelihoods and economic survival of Seventh Congressional District Minnesotans depend on the successful resolution of these constant border problems with Ontario.

Various attempts, so far, to solve these controversial issues have proved fruitless. Now, the best avenue of resolution is the creation of a Joint International Border Commission involving all four governments to review tourism, resource, and access disputes on the border waters.

I am submitting my testimony of August 23, 1985, at International Falls, MN, before the Senate Governmental Affairs Committee's Intergovernmental Relations Subcommittee, chaired by my colleague and fellow Minnesotan, Senator DAVE DURENBERGER, which addresses and outlines my conception of this Joint International Border Commission and its responsibilities:

STATEMENT OF HON. ARLAN STANGELAND

Mr. Chairman, I commend you for the foresight in conducting this field hearing and calling to witness those who desperately need the Commission in place today—Minnesotans residing in and using the jointly shared international boundary waters area.

This Congressional hearing, and House and Senate companion legislation are the catalysts needed for the Minnesota/Ontario Joint International Border Commission to become reality. As the representative from the Seventh Congressional District, working many years to resolve these border problems, I welcome and appreciate this opportunity you have provided me.

The creation of the Joint International Border Commission is not only timely but imperative. In my capacity as one Member of the United States House of Representatives, I attest to the difficulties encountered in negotiating with a foreign country, on one hand, and employing the services of our State Department on the other.

For many months I have been in contact with Canadian officials in Washington requesting their intercession to iron out a compromise and/or moratorium with Ontario on the implementation of its user fee in the border waters. In addition, as you know, you joined with me in coordinating and hosting a conference in Washington, D.C. in late February where Canadian and Ontarian dignitaries, and Minnesota and United States officials participated in an in-depth examination of the controversial issues affecting this border area. The feeling emerged from this Washington summit that a joint international border commission is now necessary to accommodate the difficulties that have arisen in this specific area.

As far back as 1842, Canada and the United States pledged their integrity and cooperation when the two nations signed the Webster-Asburton Treaty providing that "all the water communications on the lakes along the border between the United States and Canada shall be free and open to the use of the citizens and subjects of both countries." Regrettably, Ontario's user fee may be viewed as a reprisal, and certainly violates the spirit if not the letter of the Treaty. Hostile attitudes and regulations in our decade are unnecessary, unwarranted and unlawful.

The established International Joint Commission, United States and Canada has extremely limited responsibility, and then, only at the behest of the two governments.

Too, the State Department is responsible for this area, bound by treaty, and must oversee the execution of the Treaties' tenets. The most recent example of the State Department's prudence is its rejection of the International Joint Commission's consideration of Ontario's imposed user fee and its ramifications.

Assistant Secretary William L. Ball, however, in his response to my request that the IJC intervene, does explain that ". . . it is our view that the user fee on U.S. sport fishermen is not a regulation primarily affecting navigation and, hence does not fall squarely within the language of relevant U.S.-Canadian treaties. Due to its discriminatory nature, however, the regulation can certainly be argued to be inconsistent with the spirit of those treaties which contemplate that necessary regulations will be imposed non-discriminatorily. In any case, we are fully in accord with your views that the problem is an extremely vexing one which calls for creative resolution."

Mr. Chairman, I ask that this letter from Assistant Secretary Ball be inserted in the hearing record.

The more involved I have become in attempting to solve the border controversies, the more I seem to become a prisoner of these same circumstances. Thus, the frustration and futility of all my endeavors prompted me to introduce H.R. 5340 in the 98th Congress and H.R. 1080 in the 99th act Congress. This legislation "authorizes and requests the President to invite the Government of Canada to join with the United States in the creation of a commission to oversee water policy (including environmental, economic, and travel issues related to water policy) on the lakes intersected by the boundary between the State of Minnesota and Canada.

This is not as State claims a "creative resolution," but rather, a strong first step. Mr. Chairman, I also request that H.R. 1080 be included in the hearing record.

My long lasting concern for the boundary waters area is reflected in my bill H.R. 1080. While this measure may not accomplish all the objectives we may wish to address, it is a preliminary initiative establishing the Commission and defining the Commission's jurisdiction. Since the introduction of H.R. 1080, I have revised and enlarged the scope of the Commission.

The Citizens' Council on Voyaguers National Park issued a resolution supporting the principle of this legislation, and constituents in my Seventh Congressional District also endorse this concept.

The Commission's authority will reflect our mutual respect, responsibility and cooperation for the protection of the valuable jointly shared international boundary waters area between the United States and Canada, and Minnesota and Ontario. Furthermore, the JIBC is designed to encourage and enhance the Webster-Ashburton Treaty of 1842 and the Root-Bryce Treaty of 1909.

H.R. 1080 limits the commission to six members, three of whom represent the United States and three of whom represent Canada. Perhaps Members of Congress, whose districts border Canada, should be added as ex officio members.

The voting members of the Commission from the United States should be appointed by the President from nominations submitted by the Governor of the State of Minnesota, and they should be qualified in international affairs, particularly Canadian affairs, and versed in fish, wildlife and tourism issues related to water policy. Individuals representing the same country should not serve consecutive terms as Chairman of the Commission.

The budget for the Commission could be allocated proportionately from the funding of each of the Departments charged with regulatory responsibility on the U.S.-Canadian boundary waters along the border.

A provision could be inserted in the legislation providing for the other logistics of the Commission—staff complement, location—after the Commissioners have been appointed and the Chairman selected.

Resource degradation in the border waters has precipitated much discussion but action that has been at cross purposes. United and cooperative resource management between Ontario and Minnesota by Ontario and Minnesota is an immediate necessity whose short-term neglect may lead to long-term disastrous repercussions for both countries. The Commission will be responsible for developing and overseeing a joint, comprehensive resource management program for these waters.

Mr. Chairman, I believe that the establishment of this Joint International Border Commission is the only recourse we now have. Through its joint leadership and authority, we will see the end of constant erupting conflicts leading to retaliatory reactions, and return to the amicable, peaceful relationship with our northern neighbor on these important issues.

JOHN LOFTON AND THE ANNIVERSARY OF THE SAKHALIN MASSACRE OF KAL 007

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DORNAN of California. Mr. Speaker, just over a month ago John Lofton, the gifted and often trenchant writer for the Washington Times, wrote about the short memory of many American businessmen. In his article, "Business as Usual After KAL Shootdown," Mr. Lofton examines cable traffic between the U.S. Embassy in Moscow. He notes that just a few weeks following the deliberate massacre by a Soviet Air Force jet of an unarmed Korean airliner, resulting in the deaths of 269 human beings—including our friend and colleague, Congressman Jerry McDonald—more than 100 American businesses participated in an exhibit "Agribusiness U.S.A.," in Moscow. His article raises the question of why they did so, and whether either our Embassy in Moscow or the Department of State even

thought of advising the businessmen that there might be excellent reasons for withdrawing from the exhibit. The anniversary of that event has come and gone, once again. I do not think we can comfortably ignore the questions John Lofton raises in his article.

[From the Washington Times, Aug. 5, 1985]

BUSINESS AS USUAL AFTER KAL SHOOTDOWN

(By John Lofton)

Shortly after Mikhail Gorbachev became the Kremlin's newest top thug, a smiling Dwayne Andreas, cochairman of the U.S.-U.S.S.R. Trade and Economic Council, was featured in a CBS News special, saying of Mr. Gorbachev that "he's the kind of fellow we can do business with."

But, of course, American businessmen like Mr. Andreas would gladly do business with the devil if they could turn a profit.

Nearly two years ago, during the week of October 18-25, 1983, more than 100 American companies and their European branches took part in "Agribusiness USA-83" in Moscow.

Among the participants in this exhibit were Dow Chemical, International Harvester Co., John Deere Co., Lockwood Corp., Ralston Purina Co., Stauffer Chemical, Monsanto, Owens Illinois Inc., E.I. du Pont de Nemours and Co., IBM, Occidental Petroleum, Archer Daniels Midland, Philip Morris, Union Carbide, UpJohn Co., Eli Lilly and Control Data Corp.

This is the way the Information Department of the Soviet Embassy in Washington described the fair: "Thirteen hundred Soviet specialists took part in the scientific seminars and symposiums during the exhibition. Several millions dollars' worth of exhibited machines and equipment were sold to the Soviet foreign trade organizations. It was agreed to continue negotiations about the possibility of additional sales of American equipment to the U.S.S.R. The Soviet and American participants practically unanimously evaluated the results of the exhibitions as successful."

Well, terrific. But there was a fly in the ointment. Or, more accurately, there was a civilian airliner in the sea. A month before this exhibit, the Soviets shot down Korean Air Lines Flight 007, murdering 269 men, women and children, including more than 60 Americans—fellow citizens of the businessmen attempting to do business-as-usual with the Soviets.

So, what happened? Did the U.S. companies scheduled to participate in this exhibition withdraw to protest this mid-air mass murder of their countrymen? Certainly you jest. Here is the story as I have been able to piece it together from U.S. Commerce and State department documents obtained under the Freedom of Information Act:

A cable from our embassy in Moscow says that "a few exhibitors" did withdraw. Exactly which ones is not known. The Soviets will not say. And neither will the U.S.-U.S.S.R. Trade and Economic Council.

Another cable from our Moscow embassy reads: "American business representatives resident in Moscow are concerned about the KAL shoot-down, but they have expressed no reservations about their commitments to participate in the Agribusiness-USA Exhibition in October. While all are shocked by the incident and the Soviet response to it, most view the exhibition as an important means of maintaining market presence during a difficult period."

This cable, signed by Ambassador Arthur Hartman, adds his comment: "U.S. firms with experience in the Soviet market tend not to have reservations about participation. This group comprises the large majority of exhibitors. Companies which have not been active in the Soviet market tend to be the ones expressing serious reservations. Most of these companies are represented by trading companies, which have a sufficient number of principals to maintain exhibition partipation commitments."

Another cable from our Moscow embassy says that "well over half of the $10 million value of exhibited equipment was sold." The exhibition included machines and equipment for production, processing, transportation and storage of agricultural products. The exhibition also featured technologies concerning the use of plant pesticides, the artificial pollination of plants and the insemination of cattle and the automation and management of agri-industrial processes.

Another cable from our Moscow embassy says "over 400" American business representatives participated in this exhibition. And Soviet interest in it is characterized as "high."

Another cable from our Moscow embassy notes that eight Soviet officials "spent several hours at the show, frequently engaging American business representatives in lengthy commercial discussions. Several accepted invitations for lunch at the company stands."

This cable also notes that American exhibitors were "impressed not only by the number of ranking Soviet officials who visited their stands, but also by the special Soviet efforts made to arrange for the purchase of exhibited equipment." The "concerted Soviet initiative made to arrange for post-exhibition contract signings" was said to be "extraordinary."

Another cable from our Moscow embassy says: "Two industry sources reported continuing differences between [Soviet] Ministry of Agriculture officials and those from the Ministry of Tractor and Machine Building. Both claimed that tempers flared in their presence—Minister of Agriculture officials roundly criticizing Minister of Tractor officials for supplying shoddy equipment, and Minister of Tractor officials chastising Minister of Agriculture officials for invading Minister of Tractor's turf. . . . Both sources expressed amazement at the heated outbursts, and both claimed to have been forced to separate the antagonists."

Still another embassy cable from Moscow says of Dwayne Andreas, co-chairman of the U.S.-U.S.S.R. Trade and Economic Council. "Andreas [in a speech which he did not show the embassy in advance] gave an upbeat view of the role of trade, saying that embargoes are notoriously unsuccessful and that trade relations are more important to peace than arms control negotiations. The ambassador [Mr. Hartman], after noting that businessmen are traditionally optimists, expressed [U.S. government] support of the exhibition as a means of promoting non-strategic trade with the Soviet Union."

Mr. Andreas is quoted as saying, in a question-and-answer period following his talk: "We are here out of fear—fear of losing the business."

In this cable, Ambassador Hartman notes that the Soviet press chose to highlight Mr. Andreas' remarks at this press conference rather than those of a Soviet official who appeared with him. He reports a Pravda story interpreted Andreas' comments to have "produced convincing evidence that any type of sanction from Washington in relation to trade with the Soviet Union will bring only harm to American companies."

And, says Mr. Hartman, a Tass story "changed a few words and drew from different responses to construct two quotes of Andreas," reporting Mr. Andreas as saying "life itself has proved that all kinds of embargoes and sanctions in foreign trade are absolutely ineffective."

Mr. Hartman concludes with the comment that "other Western officers have reported similar Soviet creative construction of quotations, in which statements are slightly altered and rearranged to remove or add nuances." He refers to Mr. Andreas as "inexperienced" in his role as co-chairman of the exhibit.

Now, when you ask spokesmen for the various businesses participating in "Agribusiness U.S.A-83" why they went to Moscow to conduct business-as-usual with representatives of a government that murdered more than 60 Americans in cold blood, their responses are pathetic.

Robert Charlton, a public affairs manager for Dow Chemical, told me his company went to Moscow because the US.-U.S.S.R. Trade Council encouraged it to do so. And, since the U.S. Embassy said "nothing one way or the other " about the shooting down of KAL Flight 007, his company inferred from this silence that they were to go, he says. Mr. Charlton says his business is not in a position to establish international policy given the view of the U.S. government that this exhibit was a good thing—a view he admits, when I ask, was given before the Soviets shot down KAL Flight 007.

Me: But is it really saying that you should establish international policy to suggest that you and other American businesses—only one month after the Soviet murder of more than 60 of your fellow Americans—should have told the Soviets in no uncertain terms: "No, we're not going to conduct business-as-usual with murderers?!"

Mr. Charlton: "Well, the key point is that we were looking to the federal government for guidance on this matter."

William Greenhill, a spokesman for International Harvester, takes my question and says he will get me an answer. After 10 days of hearing nothing from him, I call him back. He now says that he will not take my question, that I must put it in writing. When I say this is a stalling tactic, he replies: "Sure, it is."

Stephen Littlejohn, director of government affairs and public relations at Monsanto, says his company checked with our State Department and Commerce Department, asked their advice and was urged to participate in the Moscow exhibit. He says he does not know and will not check to find the names of the officials who urged this.

And last, and certainly least, Leo Zanoni, a public relations associate for Upjohn Co., says, presumably with a straight face: "We were all in favor of pulling out after the shootdown, but we couldn't reach our guy in Moscow."

Spokesmen for Union Carbide, E.I. Dupont, Eli Lilly, John Deere, Occidental Petroleum, I.B.M., Philip Morris and Control Data all took my question about why they went to Moscow despite the destruction of KAL Flight 007. But none of them returned my phone calls with answers, as they promised to do.

HUNGER STRIKE FOR SAKHAROVS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GILMAN. Mr. Speaker, last Thursday I was privileged to join my colleagues in expressing our support for the exiled Nobel Peace Prize winner and noted scientist, Dr. Andrei Sakharov and his wife, Dr. Yelena Bonner. Across the street from the Soviet Embassy, the stepson of Dr. Sakharov, Alexei Semyonov, has begun a hunger strike on their behalf, which is now in its 11th day. Drs. Sakharov and Bonner have been exiled to the closed Soviet city of Gorky for the past 5 years, and the last 6 months have been most disturbing to many of us because both their postal and telephonic communications have been cut off. Early in the summer, Alexei Semyonov contacted me in an attempt to assess the tampering of a postcard he had recently received from his parents. The Post Office and Civil Service Committee, on which I serve, has conducted an ongoing investigation into the interruption of mail going to the Soviet Union from the United States, as well as the tampering of outgoing mail from that country. Since that time, Alexei and his sister Tanya Yankelevich have only received one other postcard in July of this year. Their parents' apartment in Gorky lies dark and empty, and no convincing evidence has been provided by the Soviet authorities that Drs. Sakharov and Bonner are safe and in good health.

Alexei continues his hunger strike through the heat wave engulfing Washington with stoic determination; he contributed his thoughts and reasons for so doing in an article which appeared in today's Washington Post. I would like to take this opportunity to share this piece with my colleagues, so that they can more fully understand the serious nature of the Sakharov's disappearance. It is imperative that we in Congress continue to insist on the necessity of adhering to international treaties and agreements on human rights. At the same time we are bound by morality to publicize those violations that are committed until such time as they have been satisfactorily resolved. In commending the following thought-provoking article to my colleagues, I urge their support for our congressional efforts in alleviating the plight of these two highly respected exiled Soviet citizens.

A SIMPLE REQUEST: I'D LIKE TO SEE MY PARENTS

Ten days ago I started a hunger strike near the Soviet Embassy to protest the Soviet Union's persecution and mistreatment of my parents, Dr. Andrei Sakharov and Dr. Elena Bonner. My demand: to see my parents, either in the West or in the U.S.S.R. Why have I taken such a step? I do not regard a hunger strike as a weapon of choice—only of desperation. But did I have a choice?

For over half a year nobody has seen my parents. We do not any longer have any communication with them. My parents' health is poor. In the past few years my mother has suffered three heart attacks. She is a disabled World War II veteran, legally blind in one eye. To save her eyesight, she needs surgery; she may also need bypass heart surgery. My stepfather also needs expert care for a number of illnesses. Yet in their exile my parents are treated only by KGB-supplied doctors whose actions are determined by KGB will and not by the needs of their patients.

That in itself is bad enough, but lately their situation has become even worse. We learned (long after the fact) that in April Dr. Sakharov began a hunger strike. Immediately my parents were isolated from each other and the rest of the world. Later in Soviets showed two videotapes made with hidden cameras: in June, to prove that my stepfather had ended the hunger strike, and in July, to claim that the Sakharovs were reunited. Why, then, it there still no word from the Sakharovs themselves?

The silence is threatening. Having achieved the complete isolation of my parents, the KGB is free to do anything to them, even to kill, and count on that never becoming known to the world (remember Raoul Wallenberg? We are yet to learn his fate 40 years after the Soviets removed him from Vienna and into the Gulag.)

I believe human rights should be the underlying principle in the policies of Western countries toward the Soviet Union; thus I believe my parents, who have become symbols of the struggle for human rights in the Soviet Union, should be vigorously defended by Western countries. Unfortunately, I cannot see that happening now in the Sakharovs' critical and tragic situation.

Many Western countries, justly outraged by South Africa's breaking the moral laws of humanity, are right now applying or considering punitive actions against that state. The Soviet Union is disregarding both moral and legal obligations. The U.S.S.R. has signed international treaties (the Helsinki Accords, the U.N. Declaration of Human Rights) in which it obligated itself to respect human rights.

South Africa still allows its Nobel Peace laureate, Bishop Desmond Tutu, to be outspoken and free. In Poland, a winner of the Nobel Peace Prize, Lech Walesa, is under severe restrictions, but at least is at home and with friends. What country, then, can the Soviet Union be compared to in its treatment of my stepfather, the only Russian ever to win the Nobel Peace Prize? Only one example comes to my mind: Carl von Ossietzky, a German journalist and winner of the Nobel Peace Prize, who was imprisoned by the Nazis. But with this qualification: von Ossietzky was released and allowed to leave Germany.

But the Western countries have effectively dropped human rights issues from the agenda of their relations with the Soviet Union, probably believing that this way progress in other areas can be more easily obtained. I think this is self-defeating: sensing a weakness in the Western positions on principles, the Soviets become confident they can bully the Free World to accept the short end of the deal on any other question too.

As the situation of my parents was worsening in the last year, there was also a change in the policy of the National Academy of Sciences, of which my stepfather is a member. Five years ago, when the Soviets forcibly moved Dr. Sakharov from Moscow, the NAS discontinued scientific exchanges with the Soviet Union. This step was in complete accord with the NAS's traditional strong stand in defense of human rights.

Now, however, under the presidency of Dr. Frank Press, the NAS has reversed course. Although no improvements had been made in Soviet human rights policies, and nothing had changed in cases particularly important to the scientific community—such as those of Drs. Orlov and Shcharansky—and although the Sakharovs are still in Gorky and worse off than before, Dr. Press went to Moscow and signed an agreement resuming the exchanges. He did so on the day that was the fifth anniversary of my stepfather's illegal exile. The very choice of the date says to the Soviets that human rights are not important to the NAS anymore. Even in the face of consequent protests from scientific organizations and a number of individual scientists, including some Nobel laureates, the NAS has refused to change its position.

In view of all this, believing my parents to be in mortal danger, I have started this hunger strike. I know that I cannot win alone. But there are many people concerned about my parents, and with their help I hope the situation can be changed. The administration can be moved from a passive position of denouncing the Soviets' treatment of my parents to actively seeking a resolution of the case.

It would, I believe, have lasting negative effects on East-West relations if Mr. Reagan and Mr. Gorbachev had a friendly meeting and afterwards we learned that the Soviets had killed or let die the Sakharovs and kept it a secret. I also believe that now, before the summit, my parents can and should be rescued.

RESEARCH TO NEUTRALIZE TOXIC WASTES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FLORIO. Mr. Speaker, several excellent studies have been issued recently concerning the urgent need to develop new technologies for the permanent treatment of toxic wastes. Unless the development of these technologies is encouraged, we will never get off the treadmill of shifting hazardous wastes from one leaking site to another.

My colleague from New Jersey, Representative ROBERT TORRICELLI, recently introduced an excellent piece of legislation which would establish a badly needed research program in this vital area. I strongly support his legislation and commend him for his efforts. The following article from the Bergen Record describes the nature of the problem that faces us and the solutions offered by Representative TORRICELLI.

[From the Bergen Record, July 25, 1985]

EPA CRITICIZED FOR FAILING TO NEUTRALIZE TOXIC WASTES

(By Robert Kravitz)

WASHINGTON, DC.—The Environmental Protection Agency's approach to toxic waste cleanup is not only wrong but dangerous, according to a congressional advisory group and a growing number of federal legislators.

Instead of promoting promising new technologies to destroy wastes or render them nonhazardous, the federal agency mostly allows wastes to be moved to landfills where they may leak again, the critics say.

"We are not getting permanently effective remedies. In many cases, we're just shifting the problem from one location to the other," says Joel Hirschhorn, senior research associate at the Office of Technology Assessment (OTA), a nonpartisan congressional advisory board.

In more than nine out of 10 cases, OTA investigators have found, landfills that have received waste from federal "Superfund" sites that were leaking deadly chemicals are themselves leaking or in danger of leaking.

According to the OTA and some members of Congress, the EPA's approach could lead to health risks and far higher cleanup costs in the future. They say alternative methods of cleanup exist, but they have hardly been developed or used because of red tape and lack of support from the EPA.

"Most industrialized nations are now using new techniques to dispose of toxic wastes, and many of these techniques were originally developed in the United States," says Rep. Robert Torricelli, a Hackensack Democrat who has introduced legislation requiring EPA to test and promote new technologies. "Japan had a worse toxic waste problem than we did 20 years ago, and they've eliminated it, with no land storage."

NEW TECHNIQUES NOT USED

"The problem really is not a lack of innovation," says Hirschhorn, "but obstacles that stand in the way of proving new technologies, developing them, and demonstrating them."

A recent OTA report listed 26 innovative cleanup techniques, ranging from vitrification to destruction by biological organisms to high-temperature incineration, all of which have proven effective in initial tests. But none of them are being used at any of the 786 Superfund sites.

A typical product on the list is K-20, a chemical sealant, or "encapsulator," developed by a small New Jersey firm, Lopat Enterprises. The sealant mixes with toxic chemicals, preventing them from mixing with water and leaking through soil.

Lopat, based in Wanamassa in Monmouth County, has tested the substance on several sites across the country containing several highly toxic contaminants, including polychlorinated biphenyls (PCB's), chlordane, dioxin, and lead. In each case, according to the company and OTA, it has proved effective.

But EPA has never tested the Lopat product, and it has never been tried on any Superfund sites.

"What's lacking is one central office, somewhere to go to at EPA to get a straight answer," says Lincoln Davis, executive vice-president for research and development at Lopat.

"Industry looks for an EPA approval on products, but there is no such animal," adds Lopat President Louis Flax. "EPA needs to be more firm in saying either a product works or it doesn't work."

Representatives of Lopat and several other companies testified at a recent congressional hearing about the futility of trying to get a new product tested or approved by the EPA.

CATCH-22

According to the companies, first they are told by the EPA that their products can't be used on Superfund sites because they haven't been approved, then they are told there is no one to talk to about getting approval or they get different answers from different regional offices. They are also told they can't be approved unless they are proved effective on wastes at specific Superfund sites, but they are barred from getting samples of those wastes, which the EPA controls.

"The whole thing is a Catch-22," says Torricelli.

Hirschhorn adds that when the EPA evaluates alternatives for Superfund sites and compares the cost of new technologies to that of land disposal, it only looks at the short-term costs of landfills, and not their long-term cost and potential safety hazards.

"They're just not evaluating alternatives to land disposal properly," says Hirschhorn. "The game is loaded from the beginning."

Under Torricelli's bill, the EPA would be required to conduct 10 demonstration projects every two years using new treatment technologies, at a cost of up to $25 million. The agency also would be required to make Superfund wastes available to companies interested in testing new products, and to provide a central repository for up-to-date information on cleanup technologies.

By demonstrating the new technologies, Torricelli said, the EPA would build support for alternatives to landfilling, deep-well injection, and other nontreatment techniques. It also would help promote waste treatment as a viable industry.

"This will give people who have been developing new technologies access to the $10 billion Superfund market." said Torricelli. "That's sufficient incentive for anyone to continue in their work.".

The bill has won bipartisan support, and is backed by Rep. James Florio, the New Jersey Democrat who authored the original Superfund legislation, and several environmental groups.

It was approved unanimously Tuesday by the House Subcommittee on Natural Resources and Environment. It goes today to the full House Committee on Science and Technology, where it is also expected to be approved.

About the only opposition to the bill so far has come from the EPA.

Donald J. Ereth, deputy assistant administrator for research and development, told the natural resources subcommittee that the EPA favors development and demonstration of emerging technologies, but doesn't need a new bill to do so. He also said the agency opposes using Superfund cleanup money for longer-term research and development.

Even within the EPA, however, there are officials who support the bill.

Larry Basilico, chief of hazardous waste research in the Office of Environmental Engineering and Technology, said in a telephone interview that he agrees the agency has not done enough to demonstrate new technologies.

"Most of our evaulation has been on existing technology that's already installed," said Basilico. "I think the bill would give a clear-cut, easier pathway for industry to go out there and help solve the problem."

SUPERFUND: A TEST OF LOYALTIES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. EDGAR. Mr. Speaker, last week the Philadelphia Inquirer published an editorial entitled "Superfund: A test of loyalties."

The paper calls on us to pass a Superfund reauthorization that will hold the Environmental Protection Agency [EPA] to a strict timetable for cleanups of toxic waste sites, to seek permanent cleanups wherever possible, and to prohibit the transfer of waste from Superfund cleanups to leaking landfills.

I can't agree more.

That's why I introduced legislation yesterday to do just that.

My bill, H.R. 3245, will provide $10.1 billion for the Superfund over the next 5 years. It requires the EPA to abide by a strict timetable, beginning cleanup at 900 toxic waste sites over that period. H.R. 3245 will apply stringent cleanup standards, and would give citizens the right to sue the EPA if it does not fulfill its statutory mandate to clean up Superfund hazardous waste dumps.

H.R. 3245 also includes strong "right-to-know" language that will require manufacturers and processors of hazardous substances to disclose to surrounding communities the health and environmental risks poses by such chemicals and to devise emergency response plans in case there are accidental releases of toxics.

Furthermore, the bill will allow citizens to petition the Federal Agency for Toxic Substances and Disease Registry [ATSDR] to carry out preliminary health assessments when they are exposed to hazardous wastes from Superfund sites. Finally, my bill includes the text of the Radon Reduction Act, H.R. 3172, which would set up a demonstration project with authorizations from the general fund to attack radon contamination problems in Pennsylvania's Reading Prong and elsewhere.

Mr. Speaker, H.R. 3245 is a strong, responsible bill in keeping with the Inquirer's exhortation to develop a Superfund reauthorization that serves the interests of the public. I urge my colleagues to cosponsor the bill and I attach the Philadephia Inquirer editorial for their review:

[From the Philadelphia Inquirer, Sept. 5, 1985]

SUPERFUND: A TEST OF LOYALTIES

A vote to reauthorize the federal Superfund program awaits members of the House of Representatives. Their choice is this: Should the Superfund serve the interests of the public or the interests of the polluters? If they vote for a bill drafted by the House Energy and Commerce Committee, they will be coming down firmly on the side of the polluters.

The bill would give the Environmental Protection Agency a blank check to manage—or mismanage—the Superfund

program as it sees fit. There would be no deadlines for action or standards for cleanup. The bill would deprive people of the fullest legal protection from the hazards of toxic substances in the absence of a meaningful federal enforcement effort. As a result, House members who vote for it would be ensuring that the threats posed to communities by abandoned waste sites throughout the United States would increase rather than diminish.

There is no other way to characterize the choice.

The bill is a rejection of everything that has been learned about cleaning up wastes since the Superfund program was established five years ago. The EPA must be held to a strict cleanup timetable. No timetable existed in the 1980 law and the EPA cleaned up only 10 of 800 sites identified as serious hazards while the number of previously uncounted sites soared. The waste sites must actually be cleaned up—not partially contained, not transferred to another leaking landfill where they will contaminate more neighborhoods. Citizens must be guaranteed access to the federal courts so that they can force the EPA to do its job and force polluters to remove wastes that are a current or imminent threat. The bill denies them a strong regulatory program *and* the right to seek legal redress in federal court.

Superfund reauthorization will stand as the most important environmental decision that Congress makes this session. It also will stand as a true measure of whose interests rank foremost with the House of Representatives.

CONGRESSIONAL SALUTE TO JOHN J. MATTIMOE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to pay tribute to John J. Mattimoe who is retiring after an exemplary career as general manager of the Sacramento Municipal Utility District [SMUD].

John's hard work and cheerful manner has earned him the respect and admiration of friends and colleagues throughout the Sacramento area. John's achievements, notably his work on the Upper American River project, his contributions to the development of the Rancho Seco Nuclear Power Plant, and his outstanding record as the director of SMUD, serve as powerful and visible tributes to John's commitment to serving the Sacramento community. In a world of limited energy resources, John has led the way in the development of alternative sources of energy such as geothermal and solar power.

Mr. Speaker, Sacramento is truly fortunate to be the home of such an outstanding and energetic citizen. Our community could never properly acknowledge all of the good that John Mattimoe brought with him and I join with all of his friends in saluting John on a job well done and in wishing him a most enjoyable retirement.

THE CLEVELAND CLINIC FOUNDATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. STOKES. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the dedication this week of the opening of the new clinic building and expansion of the hospital wing at the Cleveland Clinic Foundation. One of the largest ambulatory care facilities in the United States, the 12-story facility will help the foundation meet the increasing demand for outpatient services by providing additional space and centrally locating 16 of 28 clinical departments.

The Cleveland Clinic Foundation is located in my congressional district. It has a distinguished 64-year history of providing the highest quality care to patients throughout the region, the Nation, and the world. As a National Referral Center and International Health Resource, the Cleveland Clinic Foundation serves as a medical court of last resort. Extensive clinical experience enables foundation physicians to identify the most complex medical problems and define solutions.

The integration of clinic and hospital care with research and education in a private not-for-profit group practice distinguishes the foundation in American medicine. A staff of 377 physicians and more than 7,400 employees provides care in 39 specialties and 67 subspecialties. Six "centers of excellence" combine the diverse talent of foundation specialists for more efficient diagnosis and comprehensive treatment of patients. Centers of excellence have been established in cardiovascular diseases, cancer, neurosensory disorders, musculoskeletal disorders, digestive diseases, and urogenital and reproductive disorders.

Construction for the foundation's $72.2 million clinic building was started in 1981. The stable-looking pyramid structure was specifically designed for patient/visitor comfort and ease of orientation. Architects were Caesar Pelli (main designer) of Caesar Pelli and Associates of New Haven, CT; and Van Dijk, Johnson, and Partners (overseeing production of working drawings and construction), of Cleveland, OH. The construction manager was Gilbane Building Company of Providence, RI; and the interior design consultants were Interspace Inc. of Philadelphia, PA.

The construction for the foundation's $56.4 million new hospital wing started in August 1982 and is scheduled for completion in late fall. The new wing contains 449 beds, many of which will replace outdated substandard beds built in the late 1920's. It also includes 11 operating rooms and 5 intensive care units. The lower two floors were completed in June and are already serving as patient exam rooms and private offices for cardiology and thoracic and cardiovascular surgery physicians. The basement will serve as expanded outpatient areas for the departments of radiology and nuclear medicine.

A commitment to providing quality and cost-effective care in an environment supportive to patients' physical and emotional needs has led to this program of expansion and renovation of the foundation's facilities. With these new facilities, the Cleveland Clinic Foundation will enter the 21st century able to meet the health needs of today and prepared to meet the challenges of the future.

CRISIS IN THE TEXTILE INDUSTRY

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MCMILLAN. Mr. Speaker, shortly before the August break, on July 15, 1985, I had the privilege of testifying before the Senate Finance Committee's Subcommittee on International Trade, regarding the serious situation facing the American textile industry.

Since returning to Washington after being at home among my constituents during the August break, I feel that this is a good time to call attention to my remarks before the Senate Finance Committee. We need to move here in the House on the textile bill as soon as possible. Each day we delay, means that more Americans will have lost their livelihood, casting a dark shadow on their future as well as the future of the United States.

The text of my remarks follows:

TESTIMONY OF THE HONORABLE J. ALEX MCMILLAN

Mr. Chairman, I represent the Ninth District of North Carolina. Charlotte is the center of my district and is basically a financial and service center for the economies of both North and South Carolina.

The textile and apparel industry in the Carolinas employs—at the end of last year—485,000 people, with an annual payroll in excess of $6 billion, despite losing 20,000 jobs to imports last year. That industry has withstood subsidized imports beginning with Japan decades ago, and today faces a renewed crisis from subsidized imports from relatively new entries in the game. It has responded over those years by making the surviving industry, the textile industry, the most modern and productive in the world.

Saturday night I was talking to a young friend of my son whose father is also one of my closest friends. This 22-year-old is a rising senior at North Carolina State University majoring in textile management. His father is Vice President of Sales at the most efficient yarn producer in the United States. His grandparents and great-grandparents were pioneers in the textile industry in America. And he asked me, "are we going to be able to save the textile industry in America? If not, I'd better look for something else".

That answer is in our hands. He and I know that the textile industry employs directly over 2 million Americans, that imports have grown at an average rate of 19 percent a year for the last four years—32

percent last year—and that we are likely to run a trade deficit this year of $150 billion and probably well over $16 billion of that will be in textiles. We also know that textiles play a vital role in the strategic industrial base of America, and that while our trade deficit equals almost 4 percent of gross national product—a year's worth of real growth in GNP—it is not counted as such, and that import-related job losses contribute heavily to high unemployment rates in this country. And textiles do not stand alone as a victim of trade subsidies. Over 100 major U.S. industries are adversely affected.

The fact of the matter is, the textile and apparel industries are so widespread, and rely on so many suppliers that almost every member of Congress has an interest in the industry's survival. In rural areas of West Texas and Montana, wool growers supply plants in North Carolina and New England. Machinery manufacturers in Massachusetts depend on a strong domestic textile industry. Chemicals produced in New Jersey and Illinois form the raw materials, along with cotton from California, Texas, and Mississippi, for mills on the Eastern Seaboard states. This is not a regional problem.

My young friend and most textile people I know emphatically believe in free and fair trade on a level playing field. The fact is, we don't have free or fair trade when our trading partners can subsidize exports to the United States through tax concessions, regulatory ease, low interest loans, direct subsidy, and sheer product targeting. We don't have free or fair trade when our trading partners restrict U.S. imports to their countries while exporting freely to the United States.

S. 680 and its companion bill H.R. 1562 are designed to restore and enforce the principles agreed to under the Multi-Fiber Agreement of 1981, negotiated in accord with the General Agreement on Tariffs and Trade. They provide ample opportunity for our trading partners to grow with the American market, yet provide a measure of order to the process so vital to our economy, our strategic industrial base and 2 million American jobs.

The Textile and Apparel Trade Enforcement Act of 1985 is an important, but only intermediate, remedy. If Americans truly believe in free and fair trade in the long run, and if our trading partners share their belief, then we had better provide an orderly process to get there. This bill provides one step, as will other legislation directed toward impacted industries. In the long run, in my judgment, we must consider broader legislation that first reaffirms our commitment to free, unrestrained trade but provides a mechanism to offset foreign subsidies. We expect our trading partners to do likewise and are willing to immediately remove such mechanisms when subsidies cease. The burden of proof must be on the exporter.

Moreover, we must insist that our markets be open only to those who will open theirs to our products.

Gentlemen, let's give at least equal weight to the hopes and aspirations of 2 million Americans and my young 22-year-old friend. And I urge you to give this bill your careful and favorable consideration.

H. LEW ZUCKERMAN "MAN OF THE CENTURY"

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. WAXMAN. Mr. Speaker, today, September 10, 1985, one of the outstanding citizens of Los Angeles will be honored on the occasion of his 100th birthday. His name is H. Lew Zuckerman.

Mr. Zuckerman has been a civic, business and philanthropic leader in Los Angeles for more than 70 years. Arriving in the United States from Hungary in 1901 at the age of 15, he became one of the eager, hard-working, idealistic immigrants determined to pursue the American dream to the fullest.

Starting as a grocery boy, in quick succession, Lew tried his hand as an apprentice cigar maker, tailor and entrepreneur. Going west with his brother, Sam, Lew worked his way through St. Louis, Sioux City, and Mitchell, SD. In September 1906, Lew and Sam became U.S. citizens, sworn in by a circuit-riding judge in Nebraska. Finally, in 1907, Lew Zuckerman settled in Los Angeles. Not long after his arrival, he met and married Sadie Belle Goldberg, the daughter of one of the city's most prominent Jewish leaders. The wedding was covered in detail by the Los Angeles Times. The caption on the wedding picture read, "the first photograph of an Orthodox wedding."

Once in Los Angeles, Lew Zuckerman's instinct and talent for seizing the right opportunity became very apparent. The 18th amendment which forced the closure of his liquor business in 1917 was a turning point in Lew Zuckerman's life. He became a real estate developer whose innovative designs were landmarks and paved the way for the evolution of Los Angeles into the metropolis it is today.

As Lew's business prospered and with his experience and special insight into the lives of the people of Los Angeles, he became a civic leader as well. In 1929 he served on a grand jury that exposed corruption in the city. When the Great Depression struck, Lew suffered along with the rest of the country, losing his home and much of his business. Lew realized that homelessness was as great a problem as joblessness and that the ultimate recovery of the Nation would be delayed immeasurably by the loss of homes among the unemployed. In 1931, as a member of the board of realtors, he persuaded the State to impose a moratorium on foreclosures of homes. California became the first of 27 States to enact a moratorium and when Franklin Roosevelt became President, he, too, banned foreclosures in an effort to stimulate the Nation's recovery.

Perhaps H. Lew Zuckerman's most lasting legacy is his role in establishing the Jewish Homes for the Aging. Starting as a 15-room furnished house in the Boyle Heights section of Los Angeles, the Jewish Homes for the Aging, a nonprofit institution, now serves four counties. Over the years, JHA has provided a place of comfort, care, and dignity for more than 10,000 elderly perons. Lew Zuckerman is now one of the residents. On his walls are the plaques and photographs that attest to a lifetime of service and reward, of his constant fund-raising and philanthropic efforts on behalf of the Homes and other charitable organizations—and of his family, his wife, Sadie and sons, Ted and Marvin.

I ask the Members to join me in saluting H. Lew Zuckerman. He epitomizes the spirit of a generation of great Americans who were movers rather than spectators and whose efforts and caring made a difference in the lives of all of us.

BALANCE OF TRADE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Ms. OAKAR. Mr. Speaker, our country is in the midst of an emergency involving our balance of trade. On September 7, 1985 our colleague JOHN P. MURTHA delivered a radio address on trade in response to President Reagan's weekly radio programs. I commend my colleagues' attention to Congressman MURTHA's excellent remarks.

BALANCE OF TRADE

I'm glad to hear that President Reagan is finally starting to pay attention to trade policies. Every time Congress threatens action we hear rhetoric from the Administration, but the trade deficit gets worse.

Some of the cases on which the President indicates he will act have already been under debate in international trade circles for two years. And as we wait for further details and shifting of the President's policies, we lose more American jobs and more American companies are forced to close down.

Missing from what the Administration has done to this point or what the President said today is the sense of urgency.

During August, the people talked to me about nothing but the budget deficit and America's disastrous trade imbalance. The people are not looking for future plans, or long cases in international commissions, or drawn out negotiations. Since January of this year, the United States has lost 220,000 jobs in manufacturing alone. The people want action.

The numbers telling how the trade and budget deficits have cost Americans jobs are increasingly familiar: we are a debtor trade nation for the first time since Woodrow Wilson was President; we have the largest U.S. trade deficit in history; we face another federal budget deficit of over $150 billion this year. And it's also familiar that Presidents like to blame Congress for these problems. But let's make it clear to America that one-half of the entire budget deficit, and our trade deficit, has resulted from actions of the last four years of the Reagan Administration.

Sometimes we become so used to repeating these numbers and arguments that we forget the misery they indicate. I want to take a moment to tell you what I heard

from talking to people in Western Pennsylvania this summer:

Citizens can't understand why we refuse to get tough with our trading partners; they admire America for standing up to the communists with a strong defense—they can't understand why the Reagan Administration refuses to be equally tough on world trade. And neither can I understand it.

I spoke with many veterans of World War II and the Korean Conflict who told me they can't understand why they risked their lives fighting these countries, [returned to take jobs in our steel mills and manufacturing plants], only to see their jobs lost to the very countries they fought against.

Individuals spoke to me about their concerns that our State Department seems to worry more about Japan and Korea and Brazil and Taiwan than it does about Youngstown, Ohio, and Gary, Indiana, and Johnstown, Pennsylvania. They hear the talk about free trade, about respecting our trading partners, about the stability of foreign economies, but they can't understand why they hear nothing about attacking joblessness, or about rebuilding our deteriorating highway system, or about making sure clean drinking water and efficient sewage systems are available to every American.

The President has threatened to veto domestic programs which he says increase the budget deficit—but how about foreign aid which has increased by 69% since 1981. People want to see money spent in America to create jobs for Americans.

The American people are tired of seeing their jobs exported overseas; tired of seeing the Administration pay more attention to foreign governments' economic problems than to protecting American jobs.

It doesn't have to be that way. As Chairman of the House Steel Caucus, I introduced legislation to strictly limit imports of foreign steel. The Administration disagreed. We debated. We talked. In the end, we compromised, and worked together. The results were the voluntary steel import agreements negotiated by the Administration. Possibly, we're just starting to see results from some of those agreements. But behind it all was a spirit of working together for America that the American people understood.

But today most of us don't understand the President's trade policies. Take foreign shoes. They now account for 75% of the shoes sold in America. Since 1968, America has seen 500 shoe factories close and 120,000 American jobs lost. This summer the International Trade Commission—a group no one accuses of being protectionist—looked at those figures and recommended five years of import relief. This import relief would have still kept 50% of shoes sold in America for foreign producers. But the President flatly vetoed it, and said he would veto any trade limit legislation. That action speaks louder than any words on the President's Saturday radio address.

None of the explanations about the strength of the dollar, none of the economic rationale explains these actions. On the trade issue, it's time to stand up for America. It's time to tell our foreign trading partners that we demand fair treatment if they're to continue to have access to our markets.

Let's put Americans back to work.

PAT LAVELLA KEEPS 32-YEAR PROMISE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GAYDOS. Mr. Speaker, when Patrick A. Lavella ran for the office of tax collector in Sewickley Township, PA, he promised to be a full-time official. It was a promise he kept for 32 years.

In all, Mr. Lavella has spent the major part of his 66 years serving the people of his area. As tax collector, of course, but also as an active member of any civic, social, or volunteer activity in the community that needed a helping hand.

It comes as no surprise to anyone, therefore, that 400 of his friends, neighbors, coworkers, and fellow citizens have seen fit to honor Mr. Lavella, who is retiring in December, with a testimonial dinner next month.

Graduated from Sewickley High School, Pat had entered the Army 3 months before World War II erupted. He was to spend the next 4 years and 4 months in uniform, including a 30-month tour of duty with the 28th Infantry Division in Europe. His return home marked the beginning of a new career—service to the community.

Pat helped organize the Herminie VFW Post 8427 and was its first commander. Naturally, he still is active, serving as the post's service officer for the past 20 years.

He was a charter member of the Herminie Lions Club Crabapple Lake project, president of the Sewickley Township Athletic Association, leader of the community's Bicentennial Celebration Committee, the radio voice for the Sewickley football team, an officer in the Herminie Slovenia Lodge, a member of the local Moose Lodge and of the parish council for St. Edward's Catholic Church. He is a life member of the Herminie Volunteer Fire Company and, of course, has held several offices in that organization.

Professionally, Pat has been president of the Westmoreland County Tax Collectors Association for 25 years, chairman of the county's Community College Authority, president of Sewickley Township Business & Civic Association, and auditor for the Son's of Labor Italian Club.

His retirement will give Pat time to spend with his bride of 3 years, Gertrude, and their family. It will, as he has already indicated, give him more time for his community work.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States, I offer Pat Lavella our appreciation for his many years of unselfish service to people and our best wishes for a long and happy retirement.

A TRIBUTE TO THE EAST COBB ASTROS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DARDEN. Mr. Speaker, I want to take this opportunity to commend 14 young men who made it to—and won—a world series without resorting to a strike or demanding the high salaries which today seem to be the most important averages in the baseball world. They're the East Cobb Astros. They are the 1985 Pony League World Series Champions. I am proud to say they are from the Seventh District of Georgia.

These future major leaguers—ages 14 and older—exhibited sportsmanship and endurance in winning four straight games to take the title at Washington, PA, on August 22, 1985. During their climb to the pinnacle of Pony League play, the Astros courageously regrouped after a devastating loss in the Southern Zone Tournament and went on to win three straight games and advance to the world series. They finished with a season record of 56 wins against only 5 losses; in tournament play, they won 15 and lost only that 1 game in the zone tournament.

I note with interest that six of Manager Guerry Baldwin's players, during their younger days, played key roles on another Seventh District championship team—the East Marietta All-Stars, winners of the 1983 Little League World Series. Now, if we can just wait a few more years, maybe they'll be ready to straighten things out at the major league level in Atlanta.

I hope you will join me in congratulating the East Cobb Astros' manager, Guerry Baldwin, Coach John Mullen, Business Manager Tom Polland, Treasurer Ken Olmsted and Team Parents Sharon and Russ Umphenour, but most of all the players—second baseman Adam Olmsted, left fielder Rob Doherty, shortstop Brett Kinard, left fielder John Adkins, right fielder-pitcher Mike Hilton, third baseman-outfielder Joseph Hutchinson, second baseman-pitcher Erik Smith, catcher-outfielder Mike Langley, outfielder-pitcher Billy Harris, first baseman Rusty Umphenour, outfielder-pitcher David Osada, third baseman-pitcher Ted Ward, catcher Steve Kwon and pitcher-outfielder Mark Pisciotta.

INCREASE OF IMPORTED URANIUM DETRIMENTAL TO DOMESTIC INDUSTRY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. LUJAN. Mr. Speaker, the uranium mining and milling industry is at its lowest level in history. Employment in the U.S. uranium industry has dropped from more than 20,000 employees in 1980 to less than

2,000 in 1985. Domestic U_3O_8 production has dropped from more than 40 million pounds per year to about 10 million pounds in 1985. The domestic mining industry, which a few years ago produced one-half the free world's uranium requirements, will in 1985 provide less than one-quarter of U.S. needs. Only about 5 of the 26 uranium mills in the United States are currently operating—at reduced capacity—and one of those five mills is scheduled to be put on standby shortly.

In my view, a substantial cause of the distress lies in the increase of imported uranium from foreign countries, particularly South Africa, Australia, and Canada. Something must be done to address this problem and revive the U.S. domestic industry. Accordingly, I am introducing a bill that would preserve the current statutory authority of the NRC to license the importation of uranium, but require as a precondition to any such license that the Commerce Department certify that any individual importation of source material, and specifically nuclear material, will not further damage our domestic industry. My bill would require that the NRC establish procedures to require importers of source material to apply for import licenses, and to give the public notice of any such application. Further, my bill would permit interested parties to comment on any application for import license and would afford an opportunity for interested parties to be heard prior to any determination by the NRC to issue or deny such licenses. Finally, my bill would direct the Commerce Department to establish procedures for conducting an assessment of the effect of any such importation of source material on the viability of the domestic uranium industry on a case-by-case basis.

We have permitted for too long the untrammeled importation of source material into this country to the significant detriment of the domestic industry. I can speak personally to this matter in light of the dramatic impact on the citizens of New Mexico. I would hope and trust that my colleagues would join me in this effort to save an industry vital to our national security.

COMET ENCOUNTER

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. FOWLER. Mr. Speaker, on October 8–10, 1985, the congressional space caucus is sponsoring a conference on the future of space science. Many prominent scientists in the field of space science have accepted the invitation of the caucus to address Members and staff on their various disciplines. I will shortly be sending out a "Dear Colleague" letter advising each of you of the place, times, and subjects for discussion. One topic to be examined is the enigmatic comet, now often in the news due to the return after 76 years of the famed Halley's Comet in 1986.

On September 11, 1985, a full 6 months before the Soviet, Japanese, and European rendevous with Halley's Comet, an American spacecraft will pass through the tail of Comet Giacobini-Zinner for the first space probe/comet encounter in history. The spacecraft was launched in 1978 to study the Sun; it came to rest in an area where the gravitational pull from the Earth and the Sun is equal. It remained suspended in that area, providing data on solar disturbances and phenomena. When the decision was made not to launch a dedicated Halley's Comet mission, NASA turned its attention to the future of the International Sun and Earth Explorer as it was then known. In 1982, the space agency redirected this spacecraft toward Comet Giacobini-Zinner in a series of hair-precision maneuvers using the Moon's gravitational pull as a slingshot, whipping the spacecraft out toward the comet. Giacobini-Zinner, discovered in 1900, is a short period comet of 6.4 years, orbiting the Sun in an elliptical path; since its discovery the comet has appeared 12 times. In January 1984 the spacecraft rounded the Moon and headed out for its comet encounter; since that time the mission has been renamed International Cometary Explorer [ICE]

Why do comets hold such fascination for us; could it be that these celestial primordial bodies hold the secrets to the creation of the universe; that they are the records of the beginning? One of the greatest drives behind our scientific exploration of the solar system is our curiosity about how the whole system came into being. How did a vast whirling cloud of dust and gas give birth to our Sun, the planets around it, and life on Earth?

In order to understand the origin and evolution of our solar system, we have to unravel the relationships between the great variety of objects that orbit around the Sun—planets, moons, asteroids, comets, and tiny bits of cosmic dust. So far, we have only a few incomplete theories. Some of the moons of Mars and Jupiter may be captured asteroids. Some asteroids may be the rocky relics of burned-out comets. Meteorites may be broken pieces of asteroids. Some of the cosmic dust may be finely ground remains of asteroids and meteorites, and some of it may have come from comet tails. The exploration of comets is a search for our very beginnings. Comets are believed to be the most pristine and unaltered samples of the early solar system. Because planets—even ones as small as Earth's Moon—are changed by melting volcanism, meteorite impact, and the formation of planetary crusts and metal cores, we do not think that the earliest records of the solar system can ever be found on them. Even some of the asteroids, small leftover bodies between Mars and Jupiter that never formed into a large planet, show evidence of melting and other changes—although some asteroids may be potential sources of unaltered samples.

While there have been many ground-based observations, we still have more questions than answers about what comets are and where they come from. More than 20 years after the beginning of the space age, space scientists are starting to study these puzzling objects at close range with spacecraft. As already mentioned, in September 1985, the International Cometary Explorer [ICE] will fly through the tail of Comet Giacobini-Zinner to give us our first closeup data about what comets are like. Early in 1986, a fleet of spacecraft—European, Russian, and Japanese—will fly past Comet Halley. Also in 1986, the Galileo spacecraft, on its way to an orbit around Jupiter, may fly past an asteroid named Amphitrite.

All these spacecraft will gather new and important data, even though their speed will carry them past their targets in only a few hours. These quick glimpses may lay the basis for more detailed examinations—actual rendezvous in which the spacecraft can meet the comet and stay with it, making observations for periods of months or perhaps years.

Mark your calendars for October 8–10 to explore with the space caucus the phenomena of comets and other mysteries of the cosmos.

COMMUNITY CHILD WATCH WEEK

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. HENRY. Mr. Speaker, I would like to take this opportunity to recognize the week of September 22–28 as "Community Child Watch Week" in the State of Michigan.

I am very proud of the work of the residents of Grand Rapids, as well as the State of Michigan, in their efforts of creating and maintaining an excellent and much needed community service, that of a Community Child Watch Program. Children are indeed our Nation's greatest resource and it is our responsibility to ensure they have a safe environment to grow up in.

Community Child Watch began 6 years ago, as a response to the need for increased child protection while children are away from home. Since the program began, police departments, school systems, and community agencies have worked together in training volunteers to watch for and report potentially dangerous situations. This program is now in existence in over 40 communities and 18 counties throughout Michigan. In addition, similar programs operate in six other States as well as in Canada.

I would also like to honor the many individuals who have so willingly served as volunteers. It is through their active involvement and caring that Community Child Watch continues to achieve the high standards it has set for itself.

Any interested person over the age of 18 can be a volunteer. After completing the required training session, each volunteer then receives a poster to be placed in the window of his or her home. The purpose of this window poster is to alert children who

they can safely contact should they need emergency care.

This program has made tremendous contributions in the past years to the Grand Rapids community, both in teaching children the importance of taking adequate precautionary measures as well as making great strides in preventing crime.

I would ask that all Members of the House of Representatives join me in thanking the volunteers of Community Child Watch for their dedication and deep commitment to this worthy cause, and wish this important community service much success in its future work.

Thank you.

HEALTH CARE ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. GEPHARDT. Mr. Speaker, I am happy to introduce today with my colleague HENSON MOORE the National Council on Access to Health Care Act.

In a society characterized by rapid change, the American health-care field is changing especially rapidly. Daily we hear of dramatic advances in procedures and technology. We are making significant changes in the financing and delivery of health-care services. We have worked hard to control health-care costs—and we have made encouraging progress. Our health-care system remains the best in the world. But it can be better; much remains to be done.

We must continue the moderation of health-care costs.

We must continue to expand the options for health-care consumers.

We must at the same time maintain and improve the quality of health care.

Just as important, we must maintain and improve access to health care. We certainly do not want a cost-effective health-care delivery system that delivers mediocre care or that fails to provide care for people who need it.

Finally, we need to take stock of where we are and where we're going in the health-care field. We have to find out what has changed since the introduction of DRG's. There are a lot of good, potentially helpful data out there waiting to be collected and reflected on. For the past few years we in Congress have been reacting to a crisis in health-care costs. I would like to see us stop doing crisis legislation and take a more considered, long-term overview.

The Council that we propose would meet these needs. I leave it to my colleagues to discuss the details of the proposal. I will simply say that it would start a national discussion of the long-term goals, priorities, and problems we face in the health-care field, a discussion that can only strengthen our health-care delivery system and make it one that serves all Americans in the best way possible.

A TRIBUTE TO CONCORD, MA, ON THE 350TH ANNIVERSARY OF ITS FOUNDING

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. ATKINS. Mr. Speaker, to pay tribute to the town of Concord is no small task. Its contribution to our country and to our world has been extraordinary. Much has been written about Concord's illustrious history, but I should like to mention a few of the qualities which contributed to that greatness, as we mark this 350th birthday.

Concord is known as the home of the Old North Bridge, where on April 19, 1775, "the shot heard 'round the world" roused the colonists to turn back the British soldiers in a battle which began the American Revolution, and eventually led to the founding of America as a new nation. The principles of freedom, justice, and equality run deep in Concord's life to this day. Concordians can be justly proud of that dramatic event.

Concord began 140 years before that famous struggle. We commemorate September 12, 1635 when Simon Willard and the Reverend Peter Bulkely led the way for the settlement of Concord in that place originally known as Musketaquid. The name, Concord, is as much a tribute to the peace treaty which began this first settlement above tidewater, as it is to the area's fields, rivers, and woodlands.

As Concord grew, religion and agriculture were a great part of the community's life. Preserving the right to every citizen to take part in town affairs was also paramount. It is a tribute to participatory democracy that to this day, the open town meeting still governs the town. As population in Concord became more diverse, tensions grew, but Concord has never found its will wanting when it found itself at odds with its basic principles of preserving dignity for all. This climate for freedom, community involvement, and love for the land nurtured all its citizens and became Concord's hallmark. Many famous men and women flourished in this atmosphere.

In the 19th century, the thought-provoking writings of Ralph Waldo Emerson, Henry David Thoreau, Nathaniel Hawthorne, Louisa May Alcott, and Margaret Sidney reached people in all walks of life and every country. Agriculture found a leader in Ephraim Bull who perfected the Concord grape. Bronson Alcott, Elizabeth Peabody, and Frank Sanborn made far-reaching contributions to education. Ebenezer Rockwood Hoar became U.S. Attorney General, and his brother George Frisbee Hoar became a U.S. Senator. While still a young man, Daniel French created the Minute Man Statue which marks the site where colonial minutemen stood their ground at the Old North Bridge. His statue of Abraham Lincoln graces the Lincoln Memorial in Washington, DC. These are but a few of the people who lived in Concord, and through their work, spoke of the world.

In 20th century Concord, there were many leaders, some of whom may leave as indelible a mark on the world as did the 19th century greats.

From the beginning, Concord's strength has been with the people. The 350th anniversary celebration reflects that strength, vitality, and community spirit. Religious observances, citizen breakfasts, luncheons and suppers, a parade with home folks depicting Concord's history, a play, music ceremonies, a ball, flags, and a town gift make everyone feel that they are a part of this special occasion.

The two bustling business centers, civic and religious institutions, and all types of homes speak to the confidence with which people view the present. A walk through the fields and by the streams gives a feeling of quiet appreciation for the land. Attending the numerous forums, events, and meetings gives me the certainty that democracy is thriving in every part of town.

It is with great pleasure that I congratulate Concord at this remarkable time. The 350th anniversary is not only a tribute to longevity, it is a tribute to the spirit of the people.

"Concord is celebrating its 350 years by acknowledging its heritage and anticipating its future," a young Concordian, Trisa Lang, said.

May Concord's future be as illustrious as its past.

MAKING CLOSED CAPTIONED EQUIPMENT MORE AFFORDABLE FOR THE DEAF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. YOUNG of Florida. Mr. Speaker, television has become an important source of news, information, and entertainment for the American people, as we can watch events unfold live from anywhere in the world.

For our Nation's 16 million deaf and hearing impaired individuals, however, television is just a picture without sound. With advancing technology, the networks are now able to add words to the pictures the deaf see on television. This process, known as closed captioning, has enabled thousands of Americans to fully experience the immediacy of television.

Through hearings of the Appropriations Subcommittee on Education on which I serve, I have followed the federally funded research to expand and improve closed captioning capability. Major breakthroughs are improving the quality of this service and reducing the cost to those who purchase the equipment.

While the technology exists to open the important medium of television to the deaf, closed captioned equipment is still too expensive for many families of deaf individuals to afford. Medical and educational costs place a serious economic burden on the deaf, and little money is left available

for items such as closed captioned decoders.

To enable the deaf to better afford this equipment, I have cosponsored H.R. 2853, legislation which would amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual for the purchase of closed captioned equipment.

Although closed captioned technology has been available and in use by the networks for more than 5 years, fewer than 100,000 units are now actively serving only a small proportion of the hard-of-hearing population.

Let's open this important source of communication to the deaf so that they can more easily participate in, enjoy and understand the daily events affecting their lives and the lives of all Americans. Our research and technological advances in this field are of little use if the majority of deaf Americans cannot afford to make use of closed captioned equipment.

CHIEF SOURISSEAU RECEIVES LAW ENFORCEMENT'S HIGHEST AWARD

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MARTINEZ. Mr. Speaker, on May 17, 1985, Chief Leslie D. Sourisseau of the Montebello Police Department was honored with the Outstanding California Peace Officer's Award. This award is presented to one California peace officer each year for a demonstrated service that has significantly advanced professional law enforcement through overall career achievement. Les Sourisseau has selflessly served the Montebello community for over two decades and his law enforcement career is worthy of the accolades recently afforded it. Les was born, raised, and educated in Los Angeles County. Following 4 years in the U.S. Navy he became a police officer with the city of Montebello in January 1961. He subsequently served in all levels of his department and was appointed chief of police in February 1972.

Les was not content to simply put in his hours: He actively sought to improve the quality of law enforcement in his department and throughout the State of California. His leadership of the law and legislative committee of the California Peace Officer's Association for a number of years and his ability to establish the law and legislative committee of the California Police Chief's Association as a viable voice in Sacramento has placed both organizations in high regard by both State legislators and the executive branch of State government. His commitment to bringing the problem of alcoholism in law enforcement to the attention of the law enforcement community has also been commendable. The last few years he has focused much of his energies on the importance of establishing Employee Assistance Programs to combat the problem of alcoholism, and was responsible for the formation of the California Peace Officers Association's Employee Assistance Programs Committee.

The Outstanding California Peace Officer Award is not a meritorious award given for a few moments of bravery or for any other fleeting contribution: But rather, this award is bestowed on one who has made a major, long-term contribution to professional law enforcement. Such a contribution has been made by Chief Les Sourisseau, his influence on law enforcement in the area I represent will be long felt, and I am pleased to honor him in the U.S. House of Representatives.

TRIBUTE TO WILLIAM KOENEMUND

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to a brave and courageous firefighter, William Koenemund of Secaucus, NJ, who died recently in a tragic fire in Passaic, NJ, on Labor Day.

William Koenemund gave his life so that others, helpless victims of a deadly and costly blaze, could live. In the true spirit of the caring and selfless public servant, William Koenemund disregarded his safety in order to safeguard the lives of other innocent people.

It is sad, in times like these, how little we can truly say or do to pay full tribute to individuals, like William Koenemund and other public servants, who through their sacrifice and selfless deeds protect us, our families, and our communities from harm.

It was once said, "Every one of us is given the gift of life, and what a strange gift it is. If it is preserved jealously and selfishly, it impoverishes and saddens. But if it is spent for others, it enriches and beautifies."

William Koenemund gave his life to protect his community. He, and his courageous actions will not soon be forgotten by those who knew him, those who loved him, and those, today, who live because of him.

I ask my colleagues to join with me today in paying tribute to a brave and selfless man, William Koenemund, and to share in the grief and sorrow of his wonderful family.

MEMORIES OF CAMP KAUFMAN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DYSON. Mr. Speaker, I wish to call to the attention of my colleagues the end of a Calvert County, MD, institution: Camp Kaufman. Established in 1953 by Cecil and Joel Kaufman, the camp provided a generation of Washington area youngsters with a welcome respite from life in the big city.

Since shortly after its inception, Camp Kaufman had the good fortune of being run by the late Phil Fox and his wife, Sis. Phil and Sis were truly devoted to their 9- to 14-year-old charges, blending just the right mix of compassion and discipline.

Earlier this month, Anne Groer, a proud alumnus of Camp Kaufman who is now a White House correspondent, wrote of her summer sojourns to this peaceful spot along the Chesepeake Bay. Anne artfully recalls pleasures as diverse as roaming the beach between Breezy Point and Scientists Cliff in search of sharks' teeth and mastering lanyard making in a trice.

With the closing of Camp Kaufman, there is of course a sense of sadness, but also fond memories for their dedicated group of former counselors and campers who gave special meaning to being a Kaufmannite. I believe I speak for many of my fellow Marylanders in offering these few words of praise to those who contributed to making Camp Kaufman a wellspring of growth and knowledge for so many.

DANGEROUS MARTIAL ARTS WEAPONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Ms. SNOWE. Mr. Speaker, today I am introducing a bill, along with 10 of my colleagues, which would provide the U.S. Postal Service with explicit authority to stop mail order sales of dangerous martial arts weapons to States in which it is illegal to manufacture, sell, carry, or possess such weapons.

In the past few years, Ninja warriors, 16th century Japanese assassins, have been the subject of many motion pictures and television programs. The Ninja warriors used several kinds of dangerous martial arts weapons that were intended to maim and kill. Unfortunately, the current media attention has resulted in the growing popularity of these weapons among school-aged children. According to the Consumer Product Safety Commission, in the last 5 years over 100,000 injuries relating to martial arts weapons have been treated in hospital emergency rooms, with young people between the ages of 5 and 24 accounting for over 60 percent of these injuries.

This bill would add three types of martial arts weapons to the list of dangerous nonmailable items in the United States Code, title 18, section 1716. The specific weapons are nunchuku or kung fu sticks, shuriken or throwing stars, and manrikigusari or fighting chains. Although these weapons are sometimes used in legitimate, supervised martial arts activities, the incidence of criminal and violent use by youth gangs and others has risen dramatically.

Some States have sought to remedy this situation by enacting laws to regulate dangerous martial arts weapons. However, these attempts to control the sale of dangerous martial arts weapons are frustrated

by their ready availability through mail order sales, sometimes for as low a price as $10. This legislation would amend existing postal regulations to ban mail order sales to States which outlaw or regulate the use of dangerous martial arts weapons. However, mail order sales to States that do not have any applicable laws would be allowed, as would the mailing of these weapons to the military or other Government agencies. In addition, the bill does not apply to any knife, sword, or ceremonial or collector weapon that is otherwise mailable under this section of the United States Code.

This legislation would involve a modest but important revision of existing law that will reduce the availability of these dangerous weapons to unsupervised children, youth gangs, and criminals, without inhibiting legitimate martial arts or other sports or hobbies. I urge my colleagues to join me in supporting this measure.

NASA—SPACE INDUSTRIES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. ANDREWS. Mr. Speaker, outer space offers tremendous economic opportunities for American enterprise. An outstanding example of such enterprise has just recently begun. I am speaking of the recent agreement between Space Industries, Inc. and NASA for the production and launch of a space minifactory. The factory will be launched in the shuttle, be tended by man, and offer a facility for the pursuit of commercial opportunities in space.

Projected for launch in 1989, this privately developed space factory, called the Industrial Space Facility, represents a significant stride toward the industrial utilization of space and will further accelerate our Nation's drive toward space commercialization. The agreement, vigorously pursued by Space Industries, a Houston company at the cutting edge of space development, will translate into strong economic growth and further diversification for the Houston area. I applaud both Space Industries and NASA for this important agreement.

THE ACCOMPLISHMENTS OF MS. AGNES "GUSH" VALENTA OF NORTHAMPTON, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. CONTE. Mr. Speaker, I rise today to share with my colleagues the outstanding accomplishments of one of my constituents. It is always a pleasure for me to honor such a dedicated person. Ms. Agnes "Gush" Valenta has given much of herself to improve girls' athletics in the town of Northampton, MA. On September 15, 1985, Ms. Valenta's devotion will be honored at the dedication of "Gush Park" [Sheldon Field] in her hometown.

Growing up in Northampton, Ms. Valenta and her close friend, Ms. Mary Ellen Godfrey, were not accepted into the boy's athletic league. In 1969, Ms. Valenta and Ms. Godfrey petitioned the city's recreational commission for a girls' softball league. The commission gave them Sheldon Field, a few balls, and its good graces. Since then, the girls' softball league, known as the Lassie League, has provided over 1,000 girls with an athletic outlet. Over the period since its inception, the Lassie League has been divided into three leagues, the Lassiette League for girls 10 to 12, the Lassie League for girls 13 to 15 years of age, and the Senior Lassie League for girls under 18 years old.

Under Ms. Valenta's supervision, the league has flourished more than any other local league. Each player receives a brand-new uniform as well as the honor of playing in a league started by the pioneer of organized women's athletics in Hampton County. In addition to coaching a team every year, Ms. Valenta is responsible for scheduling games, settling disputes, raising money, finding sponsors, and many other jobs that make the league a continued success.

The Senior Lassie League has won national acclaim by participating in national tournaments around the country. The Lassie League all-stars have received statewide fame in the State tournaments in which they have competed in every year since the event began in 1973.

Ms. Valenta has been employed by the city of Northampton in the recreation department for the last 10 years. She is respected by all of her coworkers as the single most important woman in girls' athletics in the town. Since the 1960's, she has been fighting for the acceptance of women's sports. Ms. Valenta is truly a brave woman dedicated to the promotion of equality.

Mr. Speaker, it has been my pleasure to honor Ms. Agnes "Gush" Valenta, a selfless and dedicated citizen.

JERRY FALWELL: CHAMPION OF APARTHEID?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. RANGEL. Mr. Speaker, I rise to express my shock and dismay about the recent defense of apartheid by Rev. Jerry Falwell.

Mr. Falwell visited South Africa on a supposed factfinding mission, and returned convinced more than ever of the need for a strong white-ruled government. His rationale is that Pretoria has made progress in its race relations, and is a bulwark of democracy against Marxist totalitarianism. He is absolutely wrong on both counts.

South Africa has made absolutely no concessions of power, and is not likely to do so, this according to President Pieter Botha. His recent speech, hyped as a turning point in race relations, was a scathing attack against reform. Botha defended racial repression and any endorsement of Botha is an endorsement of that repression. Mr. Falwell claims to support progress in South Africa. What he is in reality supporting is a repugnant dictatorship.

Democracy does not exist in South Africa in any way, shape, or form. The specter of a Communist bogeyman pulling the strings of protest is simply bad propaganda. The thousands who mourn the dead are everyday people, not Marxist cadres. Jerry Falwell and others who buy Pretoria's line are misleading themselves.

I hope, Mr. Speaker, that the United States will be spared further embarrassment by the good reverend. As a roving ambassador, he is doing more harm than good.

DOUBLE CELEBRATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. LEVIN of Michigan. Mr. Speaker, it is a very special event indeed that I share today with our colleagues. Two constituents of mine are celebrating not only their golden wedding anniversary, but 50 years of service to their church and community.

In 1935, the Very Reverend George Nicoloff and his bride, the former Vera Booneff, immigrated to the United States from Yugoslavia. They came in response to the need for a clergyman to serve the many Macedonian and Bulgarian immigrants of the Eastern Orthodox faith who had settled into the Midwest. The Nicoloffs answered the call and for half a century have dedicated their lives to the same principles and beliefs that led them to New York's harbor so many years ago.

On September 29, the Nicoloffs, their four children, seven grandchildren, other family members, parishioners and friends will observe this special, dual anniversary. On behalf of the residents of the 17th District of Michigan who have benefited from their commitment to each other and to their community, I offer our thanks and most sincere best wishes for continued health and happiness.

JOSEPH YOUNG: A PIONEER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. RITTER. Mr. Speaker, the Lehigh Valley in Pennsylvania has just lost a notable man. Joseph Samuel Young died last month at age 87.

The second generation of his family to serve as president of Lehigh Portland

Cement Co., Mr. Young helped the Allentown-based firm grow from a local concern to a major national industrial force. At one time, Lehigh Portland was the fourth largest cement manufacturer, accounting for 12 percent of U.S. production.

By the time Mr. Young turned the presidency over to his son, William Young, shareholder's equity had grown by about 150 percent through reinvestment of earnings. And the gross plant investment had swelled from $47 million in 1932 to $230 million 31 years later.

Mr. Young, a graduate of Princeton University and Columbia University Law School, also was active in civic affairs. At the outbreak of World War I, he enlisted in the Pennsylvania National Guard where he served as a noncommissioned officer and machinegun instructor at officers' training school. During World War II, he was chairman of the War Production Board for central-eastern Pennsylvania and a member of the Cement Industry Advisory Committee of the War Production Board. He helped organize war loan drives.

He was a member of Allentown's Planning Commission, an adviser to Community Chest, a supporter of the Boy Scouts—who honored him with their Silver Beaver Award—and a pillar at First Presbyterian Church, Allentown. In 1956, he received an honorary doctor of laws degree from Muhlenberg College.

Joseph Young was a pioneer who helped build the Lehigh Valley and America. Yet even with all his achievements, he remained humble and kind. I, like others who knew him, will miss him. He will be remembered in our hearts as well as in our histories.

LONG ISLAND'S UNITED WAY CELEBRATES 20 YEARS OF HELP AND CARING

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DOWNEY of New York. Mr. Speaker, on September 19, 1985, the United Way of Long Island will celebrate its 20th anniversary. I would like to take this opportunity to personally congratulate the entire Long Island United Way staff, and reflect for a moment on what the United Way has meant to the Long Island community over the last 20 years.

In 1965, when the United Way first came to Long Island, its funds were provided to 44 volunteer agencies and hospitals. Today, the number of community groups and hospitals that benefit from United Way assistance has almost tripled. In the last 4 years alone, the number of Long Islanders who actually receive help through United Way affiliated agencies has risen by 220,000. In 1985, almost 900,000 needy people were helped by the United Way. I know what that kind of help has meant to the Second Congressional District which I represent, and I want to express my deepest thanks.

I could not speak of the United Way of Long Island without also mentioning its massive network of volunteers. On Long Island alone, there are almost 300,000 volunteers working with or through the United Way. These people, too, deserve our greatest admiration and thanks.

In closing, let me once again offer my congratulations and gratitude. The United Way of Long Island has truly helped to make the Long Island community a caring community.

TRIBUTE TO FRANK MOLINARE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. MARKEY. Mr. Speaker, on September 23, friends, relatives, and coworkers will come together to honor Frank Molinare of Malden, MA. Frank is retiring from a distinguished career of over 37 years with the U.S. Postal Service. I am pleased to be able to bring to the attention of the U.S. Congress the accomplishments of this exemplary gentleman.

Mr. Molinare began working for the Postal Service as a clerk and was eventually promoted to manager. Over the years he was responsible for the operation of post offices, in South Boston, Malden/Melrose, and Arlington. For a period of time, he was acting area manager of a postal region encompassing 50 offices.

I commend Frank for his years of commitment to so many communities. His numerous awards and letters of commendation can attest to his dedication to the Postal Service. In 1984, Frank received an award from the U.S. Treasury for selling the most U.S. savings bonds in the Boston area. He also served as Boston area coordinator for the Savings Bond Program.

I know that my colleagues join with me in extending my warmest wishes to Frank Molinare and his family on the occasion of his retirement from Government service. His record of accomplishment serves as an example for all us.

A DESERVING HERO IS AWARDED

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DYSON. Mr. Speaker, I rise today to pay tribute to Mr. Henry F. Comegys, Sr. of Centerville, MD. Almost a year ago to the day, Mr. Comegys risked his life while rescuing another from a burning truck. In recognition of this act of bravery, Mr. Comegys was awarded a medal by the Carnegie Hero Fund Commission.

I believe it is altogether fitting to retell this heroic story. Following a fiery highway accident involving another truck and a car, the driver of the pickup, Carl Vaughn, was pinned inside the cab of his dump truck. Having witnessed the accident, Henry Comegys ran into the narrow space between the vehicles, both of which were burning, and climbed into the truck's cab, dislodging Vaughn and dragging him to safety. Mr. Vaughn recovered from first- and second-degree burns and other serious injuries, and Mr. Comegys from lesser burns.

It is a rare individual who risks his own life for that of another. Mr. Comegys' courageous and swift conduct in the face of crisis is a source of great pride for many in Maryland's First Congressional District. It is with honor and I extend my sincere congratulations to this most exemplary individual, Mr. Henry F. Comegy's, Sr.

RAILROAD SAFETY

HON. TOMMY ROBINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. ROBINSON. Mr. Speaker, I support H.R. 2372 because this spending is both within budget and clearly cost effective.

In 1984, there were 74 derailments in Arkansas and 12 of these involved hazardous materials. Fortunately only one of these dozen accidents resulted in the release of hazardous material.

What is important to note in these figures is that they are typical of the accident records of the country as a whole. Rail safety must be coordinated by a central organization and H.R. 2372 does this in a fiscally responsible way. Arkansas relies completely on Federal inspectors and there is just one assigned to my State on a full-time basis and two additional inspectors are shared with Louisiana.

I want to salute the work of the Energy and Commerce Committee and the Subcommittee on Transportation and Tourism. They have done an excellent job in an area vital to the economic development of my district and the country.

CONGRATULATIONS OF EAGLE SCOUT DANIEL J. JANUSESKI

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1985

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to bring to your attention the elevation of Daniel J. Januseski of my district to the rank of Eagle Scout.

Less than 1 percent of all boys in America achieve the rank of Eagle Scout. This high honor can only be attained if a Scout demonstrates strong leadership abilities. Daniel, a resident of Edison, and a member

of Troop 318, has proven that he has the ability to become an Eagle Scout. To complete his Eagle Scout project, Daniel organized 20 of his fellow Scouts to clean up Hi-Wood Park in Edison. The park was in a state of disrepair, with fallen trees, debris covered sewers, and litter covering much of the area. Daniel and his comrades worked 3 days to remove the trees, clean up all the litter, open the sewers, and construct a baseball diamond for neighborhood games and Little League practice.

I ask you to all join me in commending Daniel in the exceptional honor of becoming an Eagle Scout.

SENATE—*Wednesday, September 11, 1985*

(Legislative day of Monday, September 9, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of good news, it is impossible for us, public servants, press and media, and the people to imagine what it would be like to be without any news for a protracted period—no newspapers—no television—no magazines—no news! With all our criticism of press and media, we know we could not long function without them. In light of this crucial dependency, give us a fresh appreciation of the necessity for integrity. Help all of us to realize there is no substitute for truth—that lies destroy—and that half-truths, if anything, are more destructive.

Gracious God, bless the men and women of the press and media. Thank You for their hard work—their courage—their sacrifices—and the risks often taken in the line of duty. Strengthen the relationship between Senate and press. We know the press best serves the Senate by serving the people and would repudiate its purpose if it became propaganda. But may the adversarial relationship be professional and not personal, so that in appreciating each other, Senate and press may best serve the Nation. In His name Who is Truth. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, I thank our remarkable Chaplain. He is such an extraordinary person, encapsulating the things that confront us and doing it in a way that is so understandable and so very appropriate. I thank him.

As usual, it was exciting to contemplate there for a minute that we would have no news at all for several days. I was excited about that. Of course, I realize that we do not function, we cannot function, without the news.

I always remember what our good librarian, Daniel Boorstin, the Librarian of the Library of Congress, said to us. He said, "We are surfeited with information in this country. What we lack is knowledge."

I think there is a great deal of truth in that. We are full of information, but sometimes in the glut of information we do not have time to process it and use our good brains and commonsense.

SCHEDULE

Mr. SIMPSON. Mr. President, the two leaders under the standing order have 10 minutes each. There is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes. Then we will have routine morning business not to extend beyond the hour of 1 p.m., with statements limited therein to 5 minutes each.

Mr. President, following routine morning business, the Senate will resume the motion to proceed to S. 1200, the immigration bill. Rollcall votes can be expected.

At 2:30 p.m., by unanimous consent, the Senate will vote on cloture on the anti-apartheid conference report, with the live quorum having been waived. Therefore, rollcall votes can be expected throughout today's session.

With that, Mr. President, I would reserve the remainder of my time and yield to the distinguished Democratic leader at this time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair, the distinguished President pro tempore of the Senate, and also the distinguished majority whip.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, we await the presence of the Senator from Wisconsin [Mr. PROXMIRE]. Until he arrives in the Chamber, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

UNITED STATES SHOULD ACCEPT GORBACHEV CHALLENGE AND NEGOTIATE A COMPREHENSIVE TEST BAN

Mr. PROXMIRE. Mr. President, how about the Gorbachev proposal to declare a unilateral 5-month Soviet cessation of nuclear weapons testing, that began last August 6? How about Mr. Gorbachev urging the United States to join the Soviet Union during this moratorium in negotiating an agreement to end all nuclear weapons testing? Was this just a Soviet propaganda ploy? The President turned the invitation down. Most American newspapers ignored it. The few that discussed this Gorbachev initiative dismissed it as Soviet posturing. On August 7, one of the few positive reactions to this Russian initiative appeared in an article written by retired Adm. Eugene Carroll in the New York Times. Admiral Carroll welcomed the Gorbachev proposal profusely. He declared, "Moscow's firm commitment to halt all nuclear tests from August 6, 1985, to January 1, 1986, even if America continues an active nuclear program, is the only significant arms control development since SALT II was signed 6 years ago."

The admiral concludes his article by saying the Gorbachev proposal "may be the most important arms control development of the decade." Admiral Carroll may have overstated the case for Gorbachev's moratorium. On the other hand, what was the most significant arms control development of the 1960's? My nomination is the very similar initiative taken by President John Kennedy when he announced an almost identical unilateral moratorium on nuclear weapons testing in the atmosphere, underwater or in outerspace and challenged the Soviet Union to join the moratorium and negotiate an end to all above-ground nuclear testing. That Kennedy proposal led to the 1963 Limited Test Ban Treaty. That treaty did not stop the arms race but it did end the serious threat to

human health from the radioactive fallout that was increasingly polluting the environment as a byproduct of above-ground nuclear weapons testing.

That treaty also pledged—that is, promised—that both superpowers would continue to negotiate to end all nuclear weapons testing. Twenty-two years ago this country made that solemn pledge. Now our adversary is challenging us to keep that promise. The Soviets have announced that they will not test nuclear weapons at all for the rest of this year and they have asked the United States to negotiate a mutual permanent end to all nuclear weapons testing. Is this a serious and significant proposal? If not—why not? Why should we refuse? What do we have to lose?

Mr. President, there are two prime reasons given for refusing. Both of them are wrong. The first and most easily accepted argument is that the Soviets would cheat. This argument charges that the Soviets have violated all of the arms control agreements they have signed. And they would violate the testing ban because we cannot verify it.

So what is the answer? The answer is that we have a Standing Consultative Commission with Soviet and U.S. membership. Both superpowers have brought complaints of cheating before this Commission. In Commission meetings, the Soviets are reported to have corrected violations or allayed our suspicions with respect to SALT I. Why can we not aggressively use the Commission to explore every indication of Soviet violation? And why can we not use our marvelous technology to give the verification process whatever degree of competence is necessary?

Verification is essential and verification capability is precisely what we should negotiate for in comprehensive test ban negotiations. Our seismologists tell us we can detect any militarily significant underground nuclear weapons tests on it now. We should insist on locating whatever number of monitoring stations on Soviet and U.S. soil may be necessary to assure us that we can detect explosions. We should insist on negotiating an acceptance by both sides of follow-up, on-the-spot, unannounced investigations of suspicious explosions.

How about the second argument? The second argument against U.S. agreement to a comprehensive ban on nuclear weapons tests is that the United States has a vastly superior scientific capability.

Mr. President, that is not very often discussed, but it is a fact. I think it is the underlying fact and the controlling fact. The United States leads the Soviet Union in almost every significant nuclear weapon capability. In 40 years, our country has made the breakthroughs. We are way ahead of the Soviet Union in every aspect of nuclear weapons technology.

We got a report from the Under Secretary of Defense for Research assuring us of this only a couple of months ago. We are ahead in 15 of the most important categories. The Soviets are ahead in none; in five, we are just about tied.

Nuclear weapons testing is essential to this technological progress. Without testing, we cannot continue to improve our nuclear weapons. If we stop it, we lose our advantage. Is this true? It is indeed. Then why give up this advantage? The answer is the advantage overlooks the grim fact that while technological advance keeps us ahead in the nuclear arms race, it is a race we cannot win. Why not? Because no one can win.

We cannot win it and President Reagan himself has said we cannot win it, that nobody can win it.

Why not? Because nuclear weapons become increasingly destructive and unstable. By stopping testing, we stop the race, as Frank Gaffney, Deputy Assistant Secretary of Defense, has written recently: "Nuclear testing is indispensable to nuclear weapons development." It is indeed. That is precisely why a comprehensive nuclear test ban treaty is so critical.

MYTH OF THE DAY: THAT THE REAGAN ADMINISTRATION CONSISTENTLY OPPOSES COMMUNIST REGIMES IN SOUTHERN AFRICA

Mr. PROXMIRE. Mr. President, this administration has forcefully expressed its fears that communism is spreading in the countries of southern Africa. The President has worried out loud that Communists might exploit the turmoil in the country of South Africa. The Defense Department has expressed concern that the horn of South Africa might be turned into a Russian base and threaten U.S. shipping and U.S. warship transit rights.

Is the President really worried about Communists in south African countries or is it one of the biggest myths in official Washington?

I say it is one of our biggest myths. This administration is not worried about Communists in southern African nations. It actively supports Communist and Marxist nations there.

Impossible, you say? Not the anti-Communist Reagan administration. But it is true.

The administration has actively supported the Marxist/Communist regime in Angola. And the administration has proposed giving military aid to the Communist regime in Mozambique.

The Reagan administration supports Angola with extensive Eximbank loans—loans at low interest, courtesy of the U.S. taxpayer. Why would we do such a thing? Maybe, just maybe, because Gulf Oil Co. has a huge investment in Angola as a part owner of the Cabinda Gulf Oil Co. operating out of Angola. This firm provides hundreds of millions of tax dollars in revenue to the Communist leaders of Angola. This revenue goes to support the Cuban troops in Angola and the Soviet and eastern European advisers. It is no exaggeration to say that the Reagan administration indirectly subsidizes the cost of keeping Cuban troops in Angola. That must make Castro smile.

As for Mozambique, here is a Marxist regime opposed by an active pro-Western insurgency. What is the response of the Reagan administration? Give military aid to the Marxist leaders so they can suppress the pro-Western guerrilla fighters. Then invite the leaders of this Marxist and avowedly Communist country to the White House for personal discussions with our President.

Do we oppose the extension of communism in Africa? Hardly. We subsidize it. We praise it. And then we invite them to the White House.

BULGARIA'S PERSECUTION OF ITS ETHNIC TURKS

Mr. PROXMIRE. Mr. President, two recent reports from the New York Times and the Washington Times report that Bulgaria persecutes its ethnic Turkish minority and is destroying their Turkish identity.

The New York Times article, based on Turkish accounts, states that the Bulgarian Government forces ethnic Turks to change their names, usually of Moslem origin, to Bulgarian names, which are Slavic and often derived from the names of Christian saints.

Bulgarian authorities denegrate Moslem culture and religious practice. Their actions lead outsiders to conclude that Bulgaria is trying to destroy completely its Turkish culture.

According to the New York Times, the Bulgarians have killed at least 1,000 ethnic Turks and incarcerated thousands more who have resisted the campaign. Those who refuse to change their names are arrested or resettled within Bulgaria.

The Washington Times reports that the campaign is suppressing all forms of Turkish culture. Bulgarian authorities have closed mosques, outlawed Moslem funerals, and banned circumcision, a Moslem religious custom.

The article states that Bulgaria has even implemented a total ban on Turkish education, closing 1,199 schools.

According to the Washington Times, Bulgaria is trying to become the most culturally homogeneous country in Europe. The official Bulgarian position is that the ethnic Turks are Bul-

garians whose ancestors were forcibly converted to islam during the hundreds of years of Ottoman domination.

Just as the Crusaders once justified their wars for domination in this region with the idea of converting heathens, similarly Bulgaria justifies its violence with chauvinism.

To Bulgarian Polit-Bureau member Stanko Todorov, what they are doing to the ethnic Turks they are doing for their own good. He says, "The restoration of Bulgarian names is a historical deed, freeing our compatriots from a conflict of identity."

Mr. President, Bulgaria may now be committing cultural genocide. There are stories of escalating violence including summary executions and guerrilla warfare.

There is no proof yet that Bulgaria has any intention of annihilating its ethnic Turkish minority. But the hatred that underlies the Government's actions leads one to believe that anything is possible.

Mr. President, these prejudices and actions have no place in civilized society. The Senate ought to make this perfectly clear by ratifying the Genocide Treaty. We must make clear to the world that the United States intends that genocide be punished.

The 96 nations that have already ratified the Genocide Treaty must wonder why we have delayed so long, and why we still refuse to sign the treaty, originated by the United States itself at the United Nations,. It passed the United Nations unanimously, has been pending in the U.S. Senate for 35 years, although every President, including President Reagan, has pleaded with us to ratify it.

It is a black mark on our human rights record that we have not ratified it, and it should be corrected.

When addressing human rights abuses, such as Bulgaria's campaign of forced assimilation, ratification would make our position that much more secure.

I ask unanimous consent that the articles from the New York Times and Washington Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Aug. 28, 1985]

TURKS VANISH IN CAMPAIGN OF TERROR BY BULGARIANS

(By Andrew Borowiec)

SOFIA, BULGARIA.—About 1,000 ethnic Turks have been killed and tens of thousands incarcerated this year in a massive and bloody "assimilation campaign" carried out by Bulgaria's Communist authorities.

A Western report made available to The Washington Times in the Bulgarian capital describes "police terror tactics to isolate remote villages and force the inhabitants to change their names." It speaks of "documented cases of summary executions" and refers to the littleknown government effort as a "socio-political fear campaign of truly Orwellian proportions."

The brutal assimilation operation affects close to 1 million ethnic Turks—10.9 percent of the population, most of the rest of which is Slavic—in the country considered a Soviet proxy in the Balkans.

It has triggered resistance and creation of guerrilla groups in the northeastern area of Bulgaria as well as near the Turkish border. Bulgarian officials claim the groups are armed and supplied by Turkey.

The Soviet Union is watching the situation closely, concerned about its own nationality problem. The high birth rate of Soviet citizens of Asian origin is reaching the point where non-Russians will soon overtake the Soviet Union's Slavic population.

Some diplomats feel the Bulgarian "assimilation campaign" was inspired by the Soviet Union as a kind of experiment.

Earlier this year, Bulgarian Interior Minister Dimitar Stoyanov announced that "there are no Turks in Bulgaria. The issue is closed." But, according to other reports, Turkish resistance simmers on in three almost entirely Turkish areas from which foreigners and even diplomats are barred.

The areas were identified as Kardzali in southeastern Bulgaria, Sumen in the northeast and villages around the northeastern town of Razgrad.

The Bulgarian authorities followed up the name-changing operation by a total ban on Turkish education, shutting down 1,199 schools manned by 3,037 teachers, The Washington Times has learned. Circumcision, a Moslem traditional practice, has been banned on "health grounds," as have as Islamic funerals.

Most mosques in the Turkish areas have been shut, except for a handful where a group of Arab diplomats was recently taken on an organized tour.

The official Bulgarian view is that the country's ethnic Turks are Bulgarians forcibly converted to Islam during the rule of the Ottoman empire, which ended here a little over 100 years ago.

According to Bulgarian Communist Party Polit-Bureau member Stanko Todorov, "The restoration of Bulgarian names is a historical deed, freeing our compatriots from a conflict of identity."

Yet the new identity cards with Slavic names still identify their holders as being of Turkish ethnic origin. Bulgarian Turks are not subject to military conscription but instead serve in uniformed "work battalions," most of which are said to be hardly better than chain gangs.

Some diplomatic dispatches from the Bulgarian capital refer to the "statistical disappearance" of the country's ethnic Turks in terms of "efforts to create Europe's most homogenous country."

An estimated 5,000 Turks who resisted the name-changing campaign are imprisoned in the notorious concentration camp on Belene Island on the Danube River. At least twice as many are held in other camps.

In several villages, the male population has reportedly been executed. Such was the case of Yablanovo in northeastern Bulgaria, where the local population opened fire on approaching security forces.

The impact of the campaign on the rest of the country has yet to be determined. The Turks live away from the capital and generally outside the mainstream of Bulgarian life. However, hitherto tranquil Bulgaria was recently plagued by arson, bomb attacks on hotels and restaurants and other sporadic acts of violence.

Little is said officially about this, but the implication is that a "Turkish fifth column" is at work to undermine Bulgaria's Communist regime.

Consequently, security has been tightened, entry visas restricted. Turkish trucks rumbling across Bulgaria put under close surveillance, the predominantly Turkish areas cordoned off by security police.

Diplomats point out that the forced name-changing and ban on the Turkish language are violations of the 1975 Helsinki Final Act signed by Bulgaria. The signatories have pledged to respect their national minorities and assist their development.

The Bulgarian answer is that there are no minorities in Bulgaria and that the whole country is marching in step behind its leadership.

[From the New York Times, Aug. 7, 1985]

AIDES IN ANKARA SAY BULGARIA HAS SLAIN 1,000 ETHNIC TURKS

(By Henry Kamm)

ANKARA, TURKEY, Aug. 4.—Senior Turkish officials assert that Bulgaria has killed at least a thousand ethnic Turks and imprisoned several thousand others in its campaign to force them to adopt Bulgarian names.

Officials said areas inhabited by ethnic Turks, who number about 800,000, or 8.5 percent of Bulgaria's population, remain sealed off.

Bulgaria has rejected Turkish requests for talks on the problem, as well as an offer to accept Bulgaria's ethnic Turks as immigrants. No reply has been received to a letter that President Kenan Evren sent early this year to Todor Zhivkov, the Bulgarian leader.

The Bulgarian actions have provoked a renewal of tension between the two countries. Bulgaria, an ally of the Soviet Union, lived for five centuries under Ottoman rule, which even in casual conversations in Sofia is described as "the Turkish yoke."

DIPLOMATIC BREAK UNLIKELY

"There can be no good-neighborly relations for the foreseeable future," a Turkish Foreign Ministry official said Friday. However, he said, Turkey envisaged no diplomatic rupture.

According to Turkish accounts corroborated by Western embassies in Sofia, Bulgarian policemen and troops forced entire villages at a time to fill out or sign forms requesting that their Turkish names, mainly of Moslem origin, be changed to Bulgarian names, which are Slavic and often drawn from the names of Christian saints.

In many instances the Turks resisted. Although Turkish authorities say they have lists of names of people killed or arrested, they declined to make them public, citing a need to protect prisoners or families of the dead or detained. Belene, a camp on an island in the Danube, is known to be the main detention center.

Last month, Bulgaria implicitly acknowledged that the name changes had been meeting with resistance. Stoyan Stoyanov, the party leader of Khaskovo District, said in a speech that some ethnic Turks had not yet matured sufficiently politically to accept the new names.

ANTISOCIAL MEETINGS

As reported in a Khaskovo newspaper, Mr. Stoyanov said there has been "sporadic instances of antisocial meeting," and apparent allusion to public protests. He said they had been the work of people favoring outdated

traditions, such as religious burials, circumcision and attendance at mosques.

Mr. Stoyanov said these people should be subjected to political and atheistic education to strengthen their Bulgarian identity.

Stanko Todorov, chairman of the National Assembly and a member of the Politburo, said in a speech in March, after Turkey had offered to receive ethnic Turks as immigrants, that those who wanted to go to Turkey would be forcibly resettled within Bulgaria. As reported by the newspaper Slivensko Delo of Sliven, Mr. Todorov said:

"Those who want to leave their villages to go to Turkey, we will move them within three or four hours. But they will be moved not to Turkey but to other parts of Bulgaria, where they will live in peace and tranquility."

The Turkish officials said Bulgaria had permitted no ethnic Turks to visit their families in Turkey this year. Thousands of such visitors were allowed to come last year.

Similarly, Turkish truck drivers who cross Bulgaria on their way to Western Europe are no longer permitted to leave the main highway to visit Turkish villages, as they had been allowed to do until the name-changing campaign.

The Turkish minority is a legacy of Ottoman rule. In one of the least publicized mass movements of people, 282,000 ethnic Turks were returned to Turkey between 1950 and 1978. Turkey says it assumes that Bulgaria has closed that door and is intent instead on forced assimilation of its ethnic Turkish citizens.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 1 p.m., with statements therein limited to 5 minutes each.

ANTI-APARTHEID ACTION ACT OF 1985

Mr. PROXMIRE. Mr. President, it is my understanding that later today we will vote on a second cloture motion to the South African sanctions bill. I expect to vote in favor of cloture, and I hope very much the Senate will invoke cloture. I would like to speak on that briefly now.

Mr. President, in the first place, I think we ought to keep in mind how extraordinary and extreme the apartheid system is. We have not really discussed apartheid and what it means.

There were a whole series of laws passed in 1950 by the minority white primarily, and dominated, I should say, by the Boers, to give the South African blacks, who are the great majority in the country, constituting 71 percent of the country, virtually no say whatever in government. They are not allowed to vote, nor live where they desire. They are confined to a homeland that is very poor, an area where it is very, very hard to farm and get along. They are only allowed to come into the white section, which is the great majority of the country, via passes.

Mr. President, the appalling aspect of this is not that they are not allowed to vote. Some people were not allowed to vote in this country because we had a property qualification, even a sex qualification for a long time. We had property qualifications for years. But the only reason they are not allowed to vote or live where they wish to live is because of the color of their skin. It is absolutely a racist determination, and it is wrong, wrong, wrong. We know it is wrong.

Mr. President, I rise to voice my continued strong support for the Anti-Apartheid Action Act of 1985. On June 5, a powerful, bipartisan coalition in the House passed legislation signaling America's opposition to apartheid by a vote of 295 to 127. On July 11, 1985, the Senate passed its own antiapartheid legislation with overwhelming bipartisan support by a vote of 80 to 12.

Despite the opposition of the administration, House and Senate conferees met on July 31 and worked out a compromise. We strengthened the Senate bill by adding a ban on the importation of Krugerrands—but agreed to leave out the ban on new investment and new bank loans to the private sector found in the House bill. These compromises were made by conferees because of the strong consensus view in both Houses that the United States had to go on record with its condemnation of apartheid. We felt it was time to show by actions as well as rhetoric that our country supported the rights of blacks in South Africa to have a government in whose selection they participated. It was time to show by deed as well as word that the United States utterly condemns the system of apartheid that dehumanizes the majority black population of that country.

After our conference, the House immediately passed on August 1 the conference bill, H.R. 1460, by a smashing margin of 380 to 48. The Senate would likewise have passed the conference bill on the day—but some Members prevented us from acting. It was agreed, however, that we would take up the conference report today. During most of August, this administration has searched frantically for ways to head off action by Congress on this issue. The President has spoken more than once about his opposition to the minimal sanctions being considered by Congress. And now at the last minute, solely in order to split the bipartisan effort by Congress on this action, the President has issued an Executive order in which he adopts a watered-down version of the prohibitions of the conference report.

Mr. President, the Congress should by all means pass the modest South African sanctions bill that has already passed the House. The majority leader has requested the Senate to hold off on the bill. He has further indicated that in view of the willingness of the administration to advance some of the sanctions in this bill, those of us who favored the bill should declare victory and support the President. The majority leader said that in foreign policy matters it is best for the country to speak with a single voice and if at all possible that voice should be the President's.

The majority leader makes a strong case for taking heart in the President's change of position on South Africa. It is good that the President has decided to take some steps, however hesitant, to begin to put a little pressure on South Africa to start dismembering its cruel apartheid system. But why should the President's Executive order forestall immediate action by the Congress on our sanctions legislation? The most critical provision in the bill that is now pending before the Senate and, that has already passed the House overwhelmingly, is the requirement that the President recommend additional sanctions in January 1987 if the South African Government in the meanwhile has not made "significant progress" in repealing its apartheid legislation. Why should not the Congress welcome the President's initiative, no matter how belated, and build on it with the pending bill? Why should we stop our efforts now?

Let's face it, the sanctions in the conference bill are really quite limited. There is no call for disinvestment, nor even a ban on new investment by American corporations in South Africa. There is no embargo on our trade with South Africa. The President now proposes that we accept his even more "watered down" version of sanctions over the already limited ones in our bill. If we do that, what kind of message will we really be sending to both blacks and whites in South Africa about our concern for reform?

Consider how weak the President's proposed sanctions are. First, the most important economic pressure brought by the bill now before the Senate is the provision to ban the purchase of Krugerrands by Americans. The President would not put that ban into effect unless the country receives permission from the member governments of the Central Agreement on Tariffs and Trade, known as the GATT. As Chairman HOWARD WOLPE of the House Subcommittee on Africa has pointed out, the administration opposed the boycott of Krugerrands when it appeared before WOLPE's committee. And why did the administration oppose this mild but specific economic sanction? Because, testified the administration, such a ban on Krugerrands would violate the GATT rules. So here we have a situation that would permit the South Africans to

continue their sale of hundreds of millions of dollars of their special gold coins in America for the many months it would take for the GATT organization to make a determination, if they decide, according to the rules that we cannot do it. Furthermore, we would establish a precedent that could haunt us in the future of letting an international organization determine for this country what economic policies we can pursue to achieve our national interests in the world. Would it be a precedent? Of course it would. Did this administration go to GATT before it decided to restrict trade with Nicaragua? In the past, did other administrations go to the GATT for permission to limit our trade with Cuba, Poland, Hungary, or Uganda? We did not and I do not think we should have. Should we be required to go to the GATT if—in response to some international emergency in the future—we decide to further limit our imports of some item? What if Congress this year decides to put a surcharge on imported goods? Should we get the GATT's permission first? In 1971, when President Nixon imposed restrictions on imports from Japan and other GATT members, he acted first and later went to the GATT. Why not do the same now?

The pending bill bans all nuclear exports to South Africa. The President's Executive order provides several exceptions to this ban which were considered and rejected by the Foreign Relations Committee during its markup of this provision in the conference bill. Why should we engage in nuclear trade with that country? It will not even sign the Nuclear Nonproliferation Treaty.

The pending bill mandates that United States firms employing more than 25 persons in South Africa adhere to the Sullivan code of fair employment practices in order to ensure they treat their white and black employees alike. It provides for the promulgation of regulations to ensure that American companies carry out this mandate—even providing for fines and prison terms for false statements by our companies. The President's Executive order states only it "is the policy of the United States to encourage strongly all United States firms in South Africa" to follow fair labor practices and does not provide any means for determining whether they are. Why should we not mandate that United States firms treat their black employees in South Africa fairly? Why not provide for enforcement of this mandate?

The pending bill provides for the minting of a U.S. gold coin that is legal tender so our citizens who want to buy gold coins can do so. The President's order provides only for a feasibility study on this matter. If we are going to ban Krugerrand imports why should not our citizens have a chance to buy an American gold coin in its place?

In general, Mr. President, we should keep in mind that the bill pending before the Senate is a very mild bill. It provides no disinvestment. It does not even impose limits on new investment by American industry. It will have only a slight effect on the South African economy. Its prime strength lies in its requirement that—if by January 1, 1987—there has not been significant progress in ending apartheid, then the President will recommend somewhat stiffer sanctions. The President's proposal, on the other hand, is much feebler in what it requires this year. And it completely lacks any real force because it contains no provision that there will be stronger sanctions next year if no progress against apartheid is made.

The United States must, if it is to be true to its traditions and cognizant of its national interests work with both black and white South Africans to help bring about reform in that troubled land. That has always been the purpose of our sanctions proposals—and I am delighted the President has come to accept the view that they can help bring reform. I see no reason why Congress should not pass the conference bill and why the President should not sign it.

100TH ANNIVERSARY OF STANISLAUS ROMAN CATHOLIC CHURCH

Mr. SPECTER. Mr. President, I wish to call the Senate's attention to the parish of the St. Stanislaus Roman Catholic Church of Erie, PA, which is celebrating its 100th anniversary this year.

The construction of the St. Stanislaus Church was completed in 1885 under the guidance of the Rev. Msgr. Andrew J. Ignasiak who lead the parish until his death in 1934. The Rev. Msgr. Wladislaus J. Stanczak then served St. Stanislaus from 1935 until his death in 1962. Father Joseph J. Radziszewski, the present pastor, was appointed in 1962.

I wish to congratulate the St. Stanislaus Roman Catholic Church on its 100th anniversary and on its record of outstanding service to the Erie, PA, community.

SENATOR BURDICK WOULD VOTE YEA ON VOTE 172

Mr. BURDICK. Mr. President, yesterday, September 10, there was a vote on a motion to table the bill S. 47. I was necessarily absent. Had I been present, I would have voted to table the bill.

SNAP-ON TOOLS

Mr. KASTEN. Mr. President, in 1919, 25-year-old Joe Johnson, manager of the then Milwaukee-based American Grinder Manufacturing Co'.s socket wrench division, began questioning the feasibility of one-piece socket wrench units. When his idea of interchangeable sockets with different handles failed to convince his superiors, Johnson and a fellow coworker William A. Seidemann set up their own shop to fashion the first set of snap-on tools.

With their slogan "five do the work of fifty," Johnson and Seidemann enlisted the help of two Wisconsin area tire salesmen who generated more than 500 COD orders for their new product in several months. After incorporating, the newly formed Snap-On Wrench Co., began to search for an effective sales outlet for their product. They attracted factory sales representative Stanton Palmer, whose simple method of taking the tools directly to the customer and demonstrating their beneifts, was a great success.

In 1922, 12 additional sales branches opened and new tools were added. From 1925 to 1929, Snap-On went from 17 to 26 sales branches and nearly doubled its salesmen. This tremendous growth required a new site for the headquarters, from Milwaukee to Kenosha.

In 1930, Snap-On Wrench Co. became Snap-On Tools, Inc., and in 1931 Snap-On formed its first international subsidiary with Canada. World War II had a dramatic effect on the company's future success. Snap-On had become the preferred source of hand tools for use by the military.

After the war, Snap-On turned its attention to marketing. Salesmen were made into independent businessmen which proved to be the most significant decision in the company's history.

Through the fifties and sixties, growing customer demands and a large international market forced Snap-On Tools into an era of plant acquisitions and expansion. By 1973, net sales doubled the 1969 level and doubled again by 1977. At the end of the decade, a fivefold leap was seen in sales.

Mr. President, Snap-On Tools Corp., has squarely faced the challenges in the changing marketplace and the recession of the early eighties, and prospered nonetheless. While other major companies wavered under the economic strain, Snap-On emerged in 1983 with record sales and record earnings.

A new, more aggressive marketing approach, and new product development and designs have enhanced the company's operation since 1983. The challenges facing Snap-On during the remainder of the decade are small considering the hurdles that have been cleared in the past. We can only wait with eager anticipation for what the

second half of the eighties will bring to Wisconsin and its economy because of the jobs and revenue brought to our State by the Snap-On Tools Corp.

Today, more than 3,700 independent Snap-On dealers and nearly 300 industrial salesmen maintain the same tradition of regularly scheduled, direct service to its customers. The diligence, determination and sensitivity exhibited by the company's founders in those early years survives today in the efforts of 6,000 worldwide employees of Snap-On.

In recognition of the 65th anniversary of the Snap-On Tools Corp., in Kenosha, WI, I ask unanimous consent that a booklet published by the company be printed in the RECORD.

There being no objection, the booklet was ordered to be printed in the RECORD, as follows:

SNAP-ON TOOLS CORPORATION

(Joseph Johnson, pioneer of "Snap-on" interchangeable sockets)

1920'S

It was 1919. The Great War was over. And twenty-five year old Joe Johnson, full of a young man's creative energy, was unknowingly writing the first chapter of an extraordinary story of success.

Joe had just taken over as manager of Milwaukee-based American Grinder Manufacturing Company's new socket wrench division. His exposure to hand tools, at that point, had been fragmentary. So perhaps it was the freshness of his vision, or the raw challenge of something new, that provided him with an idea that would ultimately turn the hand tool industry upside down.

In the early part of the century, mechanics' socket wrenches were one-piece units, with the socket tightly and permanently affixed to the handle. The wrenches, of course, were made in many sizes and handle patterns. It was into the manufacture of these wrenches that Joe's company had just entered.

As Joe began to learn the ways of this new area of business, a nagging question kept entering his mind: Why should a mechanic have to buy a handle in order to have the use of a single socket? In fact, why couldn't a mechanic buy, say, five different handles and ten sockets providing him the flexibility of fifty different combinations?

Being loyal to his employer, Joe offered the idea to the vice president and works manager at American Grinder. As has happened to many others with visionary ideas, he was turned down.

But the practical power of this idea intrigued coworker William A. Seidemann. It wasn't long before the two of them agreed that "interchangeable sockets" had the potential of universal acceptance by professional auto mechanics.

Neither man had the necessary financial resources for implementing their idea. But they were determined.

Using crude bending jigs and muscle power, the partners fashioned their set of five handles with ten interchangeable sockets. The pair enlisted the help of two tire salesmen who covered the Wisconsin area. Using the sample wrench set and the slogan "Five Do the Work of Fifty" the tire salesmen generated more than 500 C.O.D. orders.

Buoyed by their initial success, Johnson and Seidemann decided it was time to legally incorporate.

In 1920, the newly formed Snap-on Wrench Company moved into a rented building in Milwaukee.

In search of an effective sales outlet for their new product, they ran an ad in the Chicago newspapers which attracted Stanton Palmer, a factory sales representative. Palmer's approach was simple. He took the novel tool sets directly to the customer and demonstrated their benefits. He enlisted Newton E. Tarble, a lithography salesman, to share the increasing load. Their sales method proved so successful that in the fall of 1920 they created a formal distribution company.

Motor Tool Specialty Company became the sole sales agent for Snap-on Wrench Company. The arrangement allowed Johnson and Seidemann to concentrate their full efforts on tool production in order to keep up with the demands of the new distribution firm.

In January of 1921, Palmer and Tarble purchased the interest in Snap-on Wrench Company held by two of Johnson and Seidemann's original financial backers. This arrangement meant that the four Snap-on stockholders were now actively involved in either administration, finance, sales, or production. Stanton Palmer was elected President of the young Company.

In the next couple of years, creativity and expansion intensified. In 1922, twelve additional sales branches opened. New tools were being added to the product line. In 1923, the first Snap-on Wrench Company catalog featured nearly 50 items. Even a "special" socket with an oval-shaped opening designed for fitting the spindle nut and adjusting cone on the Model T Ford front bearings appeared in the Company catalog.

Mechanics had also been asking for other kinds of hand tools which led Motor Tool to add a line of open end wrenches and a series of chisels and punches. These tools were first made for Motor Tool by other firms and because of their distinctive blued finish were sold under the name "Blue-Point."

The popularity of these tools spread rapidly, resulting in the formation of the Blue-Point Tool Company, which operated under the same management as Motor Tool Specialty Company.

15¢ For the finest Wrench Built!

By 1925, the five-year-old company boasted 17 branches and 165 salesmen. Continued growth strained the rented Milwaukee facilities. In 1929, Snap-on Wrench Company selected a site in Kenosha, Wisconsin for its new headquarters.

Ideally situated between Milwaukee and Chicago, the Kenosha location meant the Company could put down roots.

(By the time 1929 rolled around, Snap-on Wrench Company boasted 26 sales branches and nearly 300 salesmen. The four founders had put the fledgling company on the map.)

For the Company, the 1930's were a mixture of austerity and creative growth. Snap-on Wrench Company became Snap-on Tools, Inc. to reflect the merger with Blue-Point Tool Company in 1930.

In 1931, a heart attack caused the tragic death of Stanton Palmer. At the time, the Company was anticipating the move to Kenosha and was spread financially thin with bank loans and trade acceptances. When the Depression hit, the principal creditors were Bridge Boulevard Bank and Forged Steel Products Comany.

With the Company's capital structure over-extended, the only solution was to solicit help from the bank and Forged Steel Products. William E. Myers, the owner of Forged Steel, became the new Snap-on Tools, Inc., President. Through the issuance of Snap-on stock to Tarble and to Palmer's estate, Snap-on Tools, Inc. acquired the assets of Motor Tool Specialty Company. Myers, as the new President, insisted on strict austerity measures. He was determined to see the Company regain financial stability.

In 1931, application was accepted by the Canadian Secretary of State for the incorporation of Snap-on Tools of Canada Ltd as a private company. Snap-on Wrench Company had formed its first international subsidiary.

The lean years of the thirties did result in two creative sales policies originally designed as adaptive reactions to the existing financial depression.

One of the salesmen had been writing up "dream orders" with the mechanics in his territory. The salesman would say, "Sure, everybody is in a fix today—no money—but when you do have money again, what tools will you need?"

Rogers Palmer, Stanton's son, who had become Vice President and General Sales Manager in 1935, recognized the positive impact these "dream orders" had on mechanics. The idea quickly developed into a "Needs List" and was accepted throughout the entire work force. In addition to being a record of admitted future needs, it also became a route list, purchase record, and a basis for territorial sales statistics.

A method of extending credit was also designed for coping with the difficulties of the era. This notion was viewed by many as a risky proposition. Nonetheless, "T.P." (time payment) selling, as it came to be known, proved to be a sound sales policy and resulted in lasting goodwill with the mechanic customers.

Branch sales coverage was critically analyzed and a program providing additional sales supervision was initiated. The Boston branch, under Theodore Glenn's guidance, had taken a leading position in national sales. Glenn's branch served as a model for developing additional sales territories.

Qualified salesmen were promoted to field sales managers. They assisted and supervised salesmen in their territories. Dramatically, the number of salesmen increased from 240 to 488 over the next half of the decade.

Also in 1935, Newton Tarble resigned from his position of Vice President and General Sales Manager. He remained on the Board of Directors.

In 1937, the Company name was modified from Snap-on Tools, Inc. to Snap-on Tools Corporation. That same year, a second production facility was built. Capitalizing on a willing labor market and supportive community, a five acre site in Mount Carmel, Illinois was selected.

Europe exploded in the maelstrom of war in 1939 and the U.S. military was forced to shift its production priorities to accommodate the demands of the government.

That same year, President Bill Myers died, necessitating a realignment of administrative functions. Joe Johnson became the President of both Snap-on Tools Corporation and Forged Steel Products. The year 1939 also marked the first dividend payment to Company stockholders. During the previous 19 years, all earnings had been re-invested in the Company's growth and development.

This first dividend payment spearheaded an annual tradition for Snap-on Tools Cor-

poration and underscored the Company's regained stability.

(The combination of President Bill Myers' tight austerity measures and General Sales Manager Rod Palmer's innovative marketing strategies pulled the Company successfully through the depressed and chaotic Thirties.)

1940'S

In 1940, Snap-on Tools Corporation executives were proudly looking back over a spirited five-year stretch which had resulted in a doubling of sales volume and a growth in the sales force from 265 in 1935 to 556 salesmen in 1940.

In addition to their increased numbers, salesmen were now visiting their customers on at least a monthly basis instead of the previous six to eight week average. These ambitious salesmen were creating the cornerstone of the Company's marketing success—frequent and regular service to the customer.

World War II and the buffeting of the following five-year period had a dramatic effect on the Company's production methods. Since Snap-on had become a preferred source of hand tools for military use, these demands necessarily led to a need for increased productive capacity, including the building of a new forge shop in Kenosha in 1942.

In addition, tool shortages in the civilian market due to military requirements resulted in a profound alteration of distribution methods. The Company realized that its existence would depend on serving the nonmilitary market. So, in effort to maintain good customer relations, the branches began releasing excess stock to salesmen as it became available.

By creative necessity, the salesmen's cars and station wagons became their rolling stock of tools. Salesmen with walk-in trucks were adding displays to the usual stock shelving. By 1945, this strategy had become so firmly entrenched that all salesmen began carrying stock and making immediate deliveries.

Over the years, Snap-on sales methods have been influenced by two important factors: what serves customers best and what increases the individual salesman's earnings. Selling directly from walk-in trucks seemed to satisfy both of these requirements.

Since salesmen were now selling to customers from their own stock, the next development was logical. The Company made each Snap-on salesman an independent businessman in an assigned territory. This change was significant. It foreshadowed the dramatic role marketing would now play in the Snap-on success story.

Following World War II, bulldozers, concrete mixers, steel erectors and bricklayers became a familiar sight at Snap-on. Space had become so scarce in the Kenosha plant that in 1946 it became necessary to build an addition to house the automatic screw machines, steel storage and a larger die-sinking department. The Company's expansion of its production facilities during the war years was made possible by a government-granted "Certificate of Necessity."

Heavy demands coupled with an inability to replace equipment during the military years had left much of the Kenosha plant in obsolete or worn-out condition. Snap-on management effected extensive modernization during the last half of the decade.

Those last five years of the 1940's witnessed a fundamental change in the Company's perception of its markets. Expedient, quality production methods were being achieved. The Company was ready to capitalize on its still-young marketing program.

(When the turbulence of the war years eased, Snap-on Tools turned its full attention to its marketing philosophy. The evolution of salesmen into independent dealers quickly followed and proved to be the most significant marketing change in the Company's history.)

"Diversification" is the key word for Snap-on in the 1950's. The Company diversified its markets through international expansion, while the product line saw dramatic new introductions through the acquisitions of other manufacturing firms.

The first few years of the decade were, however, wrought with government regulations. Stringent steel control was a byproduct of the Korean War, making it difficult to obtain raw materials for production and resulting in product shortages.

In 1951, twenty years after its formation, Snap-on Tools of Canada Ltd moved from its rented quarters in Long Branch, Ontario into the subsidiary's own recently-finished plant and administrative offices in Toronto.

The 19,000 square foot facility housed machining, heat treating and plating operations, enabling the Canadian operation to manufacture more of its own products and increase its profitability.

In that same year, Canadian sales moved off the $2 million mark where it had been hovering since 1947. Snap-on Tools of Canada Ltd was patterned after the U.S. operation and had 100 independent dealers and eight sales branches as of 1951.

The acceleration of industrial progress in Central and South America led to the formation of a Mexican subsidiary corporation, Herramientas Snap-on de Mexico, S.A., in 1952. The wholly-owned subsidiary recorded its first sales in June of 1952.

In Kenosha, a new factory wing containing 27,000 square feet of space was operational by 1953. The economic boom of the late 1950's further stimulated domestic expansion.

In 1954, Bill Seidemann retired—34 years after collaborating with Joe Johnson in forming Snap-on Wrench Company.

The design and engineering of the automobile was becoming increasingly complex, stimulating a need for diagnostic tune-up equipment. Lacking the necessary production facilities and engineering experience to enter this profitable new field, Snap-on acquired the plant and patents of the Joseph P. Weidenhoff Company of Algona, Iowa in 1956. The nine-employee firm produced timing and analysis equipment, armature growlers and generator test benches. Later, new equipent was installed in the facility for manufacturing the Company's line of metal storage units previously purchased from outside sources.

Another major manufacturing capability was made possible three years later when Snap-on acquired the Judson Engineering Company of Natick, Massachusetts. The product line now included wheel alignment and wheel balancing equipment.

A new era in the administration of the Company began in 1959. In April of that year, Joe Johnson, the developer of interchangeable socket wrenches, retired from his 20-year presidency and was elected Chairman of the Board.

Victor M. Cain was elected President and Robert L. Grover was elected Vice President/Secretary and directed the division of legal, indutrial and public relations.

(Meeting new customer demands and a growing international market propelled Snap-on Tools into an era of plant acquisitions and expansion. Within ten years, the square footage of the Company's facilities had doubled.)

The 1960's represented a period of significant change for the Company's marketing division. To better handle the forecasted product needs of the dealer, it became inevitable that marketing would establish a closer working relationship with manufacturing. This cooperative bond fostered an environment conducive to economic growth.

In the spring of 1960, Joe Johnson, the last of the founders still active in Snap-on management, retired from his post as Chairman of the Board, while remaining active on the Board. That same year, a three-week strike at the Kenosha plant ended 24 years of uninterrupted labor peace.

In 1962 Ted Glenn, who had become Vice President of Sales the year before, initiated a change in the marketing program which would streamline operations. Field administrative responsibilities were realigned to Eastern, Western and Central Division from the existing 7-region structure. This change helped to consolidate and standardize data reporting and personnel practices. It also led to changes in territory assignments with dealers being assigned smaller territories. By this time, dealers were providing service to their customers on a bi-weekly or even weekly basis.

Also in the 1960's the Company reached an important milestone of independence. The original distribution system had been made up of branches which were independent outlets handling the sale of Snap-on products. The Company's purchase of the St. Louis branch in 1960 completed a strategic program of branch acquisitions which gave Snap-on Tools Corporation total control over its marketing and distribution system.

Glenn's innovative practices and sensitivity to the needs of the sales organization, coupled with Cain's stringent internal controls, proved to be a winning mix for Snap-on during the early half of the 1960's.

In 1964, manufacturing capability was established in Mexico. The newly-formed Snap-on Tools de Mexico, S.A. de C.V. began manufacturing a portion of the tools required by the Mexican distribution operation, Herramientas Snap-on de Mexico, S.A. Due to Mexico's laws, the greatest operating versatility was available to Snap-on by maintaining two separate operations: one for production and the other for distribution.

The Comapny entered the computer era in 1964 when an IBM computer was acquired. The system replaced the existing punch card equipment and substantialily improved the procedures for processing orders and replenishing inventory.

In 1965, a new direct-selling branch opened in the United Kingdom. This development represented the first formal step in transplanting Snap-on marketing methods to the European market. The Company's Canadian counterpart supplied a major portion of the products for this market.

Snap-on wrenches and sockets experienced significant design changes in the 1960's. The U.S. Navy had been experiencing problems in removing small 12-point fasteners from their aircraft. The corners of the fasteners would round off under high torque conditions using conventional wrenches. Responding to their need, Snap-on developed the revolutionary "Flank Drive" design which proved far superior to previous designs. Several years of legal

debate concluded with the patenting of the concept in 1965. Flank Drive was first used on special high-performance tools and later adopted as a feature on most of the Company's wrenches and sockets. At the April 22, 1966 organizational meeting of the Board of Directors, Victor M. Cain, President since 1959 and Snap-on employee since 1929, was elected Chairman of the Board and Chief Executive Officer. Robert L. Grover, Executive Vice President for the previous two years and Snap-on employee since 1942, was elected President. Cain continued as Chairman until his retirement in 1968.

During 1966, significant enlargements were made to the Canadian manufacturing facility, considerably increasing production capability. That same year, a centralized distribution center was built in Ottawa, Illinois for improving service to the Company's branches and international operations.

During the decade, the Company began developing the production capacity for electric, hydraulic and pneumatic tools to keep pace with changing technologies. In 1967, the Snap-on plant in Natick, Massachusetts (formerly the Judson Engineering Co.) began producing a line of pneumatic tools.

The 1960's saw the retirement of two other individuals who played a very important part in the Corporation's growth up until that time. Rod Palmer and Ted Glenn both were pivotal to the Company's growth in marketig and sales.

With the marketing groundwork firmly established, the Company was confidently entering its most significant period since the 1920's. Snap-on Tools Corporation was about to experience a decade of mind-boggling growth and success.

(The cooperative bond developed between manufacturing and marketing in the 60's provided the impetus for the future growth explosion.)

1970'S

As Snap-on Tools Corporation moved into the Seventies, it entered a decade in which all previous measurements of success would be rewritten. There is no better indication of this than what is reflected in sales.

By 1973, net sales were double the 1969 level. Sales doubled again by 1977 and by decade's end, the Company recorded net sales of $373.6 million—a five-fold leap from ten years earlier when sales were at $66.2 million. The Company's profitability followed suit. The decade saw 1969's net earnings of $6 million parlayed into a remarkable $42.6 million by 1979.

Norman E. Lutz, who had been with the Company in various accounting and top management positions since 1945, became President in 1974.

Bob Grover became Chairman of the Board.

In 1975, Norm Lutz announced a corporate goal of doubling sales in five years. Snap-on surpassed that mark more than a year ahead of schedule.

During the decade, national and regional distribution methods were perfected with the construction of product distribution centers in Robesonia, Pennsylvania; Carson City, Nevada; and a national parts distribution center in Kenosha, Wisconsin. A 90,000 square foot office addition was completed at the Kenosha headquarters.

The Company's marketing efforts were greatly strengthened and refined with the addition of 20 sales branches, with the total now reaching 50, and a growth in the worldwide sales force from 1,800 to over 3,000.

In order to keep pace with the growing demand for our products, two plants were purchased in Tennessee; new major plant construction began in Milwaukee; and a research and development center was established in Bensenville, Illinois.

International growth kept up with the rest of the Corporation. By the end of the decade, the U.K. operation in its 15th year of existence was recording sales of $30 million—the same figure reported for total corporate net sales in 1962.

In 1977, Willsbach, West Germany became the site for the Company's newest overseas branch.

A year later, Edwin C. Schindler, formerly Executive Vice President, was elected President of the Corporation. He continued as Chief Operating Officer, while Norm Lutz, previously Chairman and President, continued as Chairman and Chief Executive Officer.

In 1978, in an effort to further broaden an already strong interest in the Corporation, Snap-on Tools was listed on the New York Stork Exchange.

On paper, the growth of the Seventies seemed explosive. To an extent it was. Yet the sprouting of the Company was a result not of the times as much as it was of careful and methodical planning. The record-shattering financial figures were accompanied by a steady, even-handed expansion and refinement in every operation.

The Company was well-prepared for the Eighties.

(The 1970's saw a steady, even-handed expansion and refinement in every operation. By decade's end, the Company recorded net sales of $373.6 million—a five-fold leap in ten years.)

1980'S

The beginning of the Eighties challenged the basic mettle of the Company. But as it had for its entire sixty-year history, Snap-on Tools Corporation faced those challenges and prospered while other major companies wavered under the economic strain.

The Corporation successfully navigated the turbulent waters of both a changing marketplace and a prolonged recession, emerging in 1983 with record sals of $454.7 million and record earnings of $43.0 million. In addition, 1983 marked the second consecutive year in which Snap-on Tools Corporation attained Fortune 500 status.

Edwin C. Schindler became Chief Executive Officer in 1980 when Norman E. Lutz, Chairman of the Board, retired as CEO. That year also saw operations begin at the newly-constructed Milwaukee manufacturing plant. This venture, in tandem with the new research and development operation in Bensenville, Illinois, symbolized the Company's commitment to maintaining processes and manufacturing efficiencies at a state-of-the-art level.

In 1982, Norm Lutz retired as Chairman of the Board and Edwin Schindler as elected to that position. William B. Rayburn became President and Chief Operating Officer.

In the first three years of the decade, the Company took tough but necessary measures to be assured of a profitable existence during those difficult times. These measures created a lean, effective business operation that prepared the Company for a rejuvenated marketplace in the second half of 1983.

A new and more aggressive marketing approach set the tone for all phases of the Company's operation in 1983. New-product development and design were significantly enhanced by the introduction of color computer-assisted engineering design equipment, further reinforcing the Company's position of leadership in the industry.

In 1984, a new branch warehouse/sales office opened in Tampa, Florida, bringing the U.S. branch total to 53. A 148,000 square-foot building, purchased in late 1983, became operational as the Olive Branch, Mississippi, distribution center. Edwin Schindler retired as CEO, and remained Chairman of the Board. William Rayburn assumed the responsibilites of CEO.

Only weeks after Edwin Schindler had retired as CEO, the Corporation was shocked by the news of his unexpected death. The Company lost a great corporate leader, and the Kenosha community lost one of its most visible and hardworking citizens. William Rayburn was elected Chairman of the Board.

The expansion and refinement of the Seventies truly prepared the Corporation for the challenges of the first half of the Eighties. Those challenges worked to further streamline an already well-tuned Corporation. The second half of the Eighties could only be viewed with eager anticipation.

The Company successfully navigated the turbulent waters of both a changing marketplace and a prolonged recession, emerging with record highs in sales and earnings.

THE COMMITMENT

Our history, as chronicled in these pages, is dramatic evidence of innovation and hard work, and illustrates our unwavering commitment to quality and service.

From the beginning, Snap-on Tools Corporation has maintained the highest standards of excellence. Our 65-year history of success proves that professional mechanics around the world insist on top quality products and rely on superior service that only our dealers, industrial salesmen and international representatives can provide.

Back in the 1920's, the Company's founders—Joe Johnson, Bill Seidemann, Stanton Palmer and Newton Tarble—could not forsee that the novel and practical concept of interchangeable socket wrenches pioneered by Johnson would ultimately set the standard for the entire hand tool industry.

Our founders understood that their unique product demanded a direct and personal marketing approach. Serving the mechanic at his place of business not only proved to be a successful strategy, but it also become the essential ingredient of our marketing success. Today, more than 3,700 independent Snap-on dealers and nearly 300 industrial salesmen maintain this tradition of regularly scheduled, direct service to our customers.

The diligence, determination and sensitivity to the professional mechanic exhibited by our founders in those early years survives in the efforts of 6,000 worldwide employees of Snap-on. We are facing the balance of the 1980's with the same rigorous standards of excellence and an unwavering commitment to continue our 65-year relationship of trust with our customers.

Our unparalleled success in the hand tool industry proves that the demand for quality products and conscientious service will never change.

W.B. RAYBURN,
Chairman, President and Chief Executive Officer.

A TRIBUTE TO DEAN K. PHILLIPS

Mr. GLENN. Mr. President, I rise today to salute the memory of a genuine American hero, Dean K. Phillips.

Born in Youngstown, OH, Mr. Phillips attended Boardman High School and Ohio University, graduating in 1967. Despite having been granted a student deferment to attend law school, Dean Phillips enlisted in the U.S. Army as a concrete demonstration of his sincere belief that the draft law, particularly the student deferment, was inequitable. Declining the option of a commission, Dean Phillips chose to serve in the ranks as a private first class. He served with great distinction in Vietnam, volunteering for an assignment with the 101st Airborne's 3d Brigade, the Phantom Force, which undertook dangerous long-range reconnaissance patrols. His exceptional bravery was recognized by the award of Silver and Bronze Stars and the Purple Heart, as well as several other decorations.

After completing his military service, Dean Phillips returned to Ohio University where he earned a master's degree and then a law degree from the University of Denver. Thereafter, Mr. Phillips devoted his considerable talents to the welfare of his fellow Vietnam veterans. In Colorado, he served on the jobs for veterans task force and the Colorado Board of Veterans Affairs. He drafted and lobbied successfully for the passage of Colorado's Veterans Re-employment Rights Act, the Vietnam-Era Veterans Tuition Waiver Act, and the Paraplegic and Blind Veterans Tax Credit Act.

In 1977 Dean Phillips came to Washington where he served as special assistant to the VA's general counsel from 1977-79, and special assistant to the Administrator of the Veterans' Administration from 1979-81. He also served as an attorney-adviser to the Board of Veterans Appeals, as a member of the National Advisory Council of the U.S. Senate Committee on Veterans' Affairs, and most recently as an attorney for the Military Order of the Purple Heart.

Dean Phillips was a passionate advocate of veterans' rights and a tireless champion of the enlisted man. His life is an inspiration, a sterling example of dedication to cause and conscience. His death at the young age of 42 is a tragic loss to his family and to the Nation. He is gone now but not forgotten. His life's work on behalf of Vietnam veterans will be his legacy; let us ensure that it will long endure.

TAXING MOTHERS AT HOME

Mr. KASTEN. Mr. President, President Reagan has said:

In Washington, everyone looks out for special interest groups. Well, I think families are pretty special.

That is the reason he has proposed a major revision of the Federal Income Tax Code, increasing the personal exemption, for taxpayers and their dependents, to $2,000. As he put it in a radio address of December 3, 1983:

Families stand at the center of society. So building our future must begin by preserving family values. Tragically, too many in Washington have been asking us to swallow a whopper, namely that bigger government is the greatest force for fairness and progress. But this so-called solution has given most of us a bad case of financial indigestion. How can families survive when big government's powers to tax, inflate and regulate absorb their wealth, usurp their rights and crush their spirit? Was there compassion for a working family in 21½ percent interest rates, 12½ percent inflation and taxes soaring out of sight? Consider the cost of child rearing: It now takes $85,000 to raise a child to age 18, and family incomes haven't kept up. During the 1970s real wages actually declined over two percent. Consider taxes: In 1948, the tax on the average two-child family was just $9. Today, it is $2,900.

Sharing the President's concern, in testimony before the House Ways and Means Committee on June 26, was Mrs. Helen Coyne, representing Mothers At Home. This nonpartisan group does not advocate any particular role for women in the economy; it does insist that women should be able to choose either a career as a homemaker or careers outside the home, without being economically penalized by the Federal tax system. As Mrs. Coyne puts it:

We judge that a majority of mothers in this country want to feel free to decide whether to develop a career inside or outside the home without fear of government-imposed economic penalty. Tax policy should not inhibit a woman's choice to progress, to achieve, to nurture.

I emphatically agree. And that is why I have introduced legislation that would treat families more equitably for tax purposes. It is why I have worked with the administration in forging the President's tax proposal. It is why I remain determined that, to be a true reform, any overhaul of the tax system must address the need to reestablish fairness for the family in general and, in particular, for those women who, for all or part of their careers, are homemakers: quite literally, makers of the homes that form the foundation of our society, our economy, our future.

I ask unanimous consent, that the testimony from Mothers At Home be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BY MRS. HELEN M. COYNE, PRESIDENT, MOTHERS AT HOME, INC.

Good morning, Mr. chairman and distinguished members of the Committee. My name is Holly Coyne, and I am grateful for this opportunity to discuss the proposals to reform the U.S. Tax Code which are now before this Committee.

First, I would like to explain who I represent and why my testimony should be of interest to this Committee. I am the president of an organization called Mothers At Home, a group which provides support through a monthly publication for mothers who choose to stay home to nurture their families. Founded less than two years ago, our organization quickly gained a national reputation such that thousands of women from across the country and abroad have written to us about their experiences raising families in the 1980's.

Because the letters from these women were unsolicited, we feel they are especially candid descriptions of how today's families are functioning and how the mothers in these families are feeling. We also feel that these letters are a particularly accurate reflection of the opinions of today's mothers because the writers of the letters cross all political, religious, and socio-economic lines: We have heard from mothers in urban areas and mothers in rural areas, from mothers who call themselves conservative, from mothers who are financially well off and mothers who have little economic freedom. And, in spite of the fact that our publication and projects are directed to mothers who are at home, we have heard from a surprising number of working mothers, including many who are the single source of income for their families.

Throughout our correspondence, one common thread prevails—concern for children and family and how their needs should best be met. We are convinced that the opinions expressed in the mail we receive are those of a majority of mothers, and therefore of a majority of families in this nation. Yet, these views seem consistently underrepresented both in the general media and in the policies set forth by the government of this nation. For this reason, we felt compelled to pass along to this Committee our assessment of how the proposed tax reforms will affect families. However, we wish to point out that we appear here today in a strictly educational capacity. Our organization, Mothers At Home, is neither partisan nor political, and does not lobby on behalf of any political party or group.

We recognize that the subject before the Committee is so complex that relatively little light can be shed in just a few minutes. Therefore, we have limited our testimony to three issues which we feel relate directly to what we are hearing from families across the nation.

OUR NATION'S TAX POLICY SHOULD BE CAREER NEUTRAL

First and foremost, we feel that America's families want a tax code which is career neutral—that is, a code which does not create an unfair economic advantage for either two-career families or families choosing to have one spouse stay home. Yet, our mail indicates that mothers whose families are struggling financially feel rewarded for taking a job outside the home and penalized for making the decision to remain home full-time with their children. Letters from both mothers now at home and mothers working full-time portray strong feelings that a financial burden is placed on women who choose to spend more time at home.

It appears to us that some of the proposed changes in the tax code—specifically the increased personal deduction and the equal IRA benefits for non-working spouses—would be a first step in relieving this economic pressure to send both spouses into the paid workforce. We are concerned, however, that much of the discussion of these proposals in the media concludes that if families with one spouse at home will benefit from the tax changes, then families with two wage earners will be hurt by the changes. Rather, we have found that in many cases, families where both spouses work and families with one spouse at home

are not two distinct groups with conflicting interests.

Our letters show that a large group of mothers on the economic borderline float in and out of the workforce—sometime struggling financially while staying at home and sometimes struggling emotionally while working full-time. There are also mothers who desperately need more money but have never taken full-time positions outside the home, and women working full-time who desperately want to spend more time with their children but are afraid of the economic consequences of quitting their jobs. All three groups of mothers resent the fact that they feel forced to choose between time with their children and economic security for their families. (See Appendix "Sampling of Letters From Women Under Economic Pressure.")

Greater equity in the tax code could make enough difference in many family budgets to help all three groups mentioned above. As members of this Committee try to discern what impact these tax proposals will have on families, we hope they will keep this fact in mind.

THE REAL VALUE OF PERSONAL EXEMPTIONS MUST BE RESTORED

Perhaps the element of the Administration's proposal which will have the most obvious impact on families is the restoration of real economic value to the personal exemption. Many of us remember the days when a middle class family could pay the monthly mortgage, raise a family, and save for college, retirement, and a rainy day—all on the modest take-home pay of the fifties. Since then, high inflation, double-digit interest rates, bracket creep, and higher weekly payroll deductions have made it increasingly difficult for families to make ends meet on one income. These same factors have reduced the value of the personal exemption. Restoring the personal exemption to a meaningful level, and indexing it, will give parents an honest economic deduction for the benefits that they, in return, provide society.

While the $2000 personal exemption will remove some of the economic pressure on families to have both parents leave the home for the job market, it will also benefit all other families. Therefore, we urge this Committee to look favorably on this aspect of the tax proposal.

RETIREMENT ACCOUNTS SHOULD BE EQUAL FOR ALL INDIVIDUALS

IRA's have been an important tax innovation of recent years, an incentive for individuals to increase savings and prepare financially for their own retirement. It is difficult to understand why some women cannot participate fully in this benefit. To limit the non-income-earning woman at home to only $250 as an IRA contribution implies that our government considers the out-of-the-home working mother as eight times (with a $2000 IRA allowance) as valuable as her sister at home. We recognize the unique importance of a woman's role as mother and educator at home and therefore support the full extension of the IRA program to all women.

We encourage the Committee to consider these long overdue aspects of tax reform which hopefully begin to correct past inequities.

In conclusion, we would like to note that the suggestions made above not only involve a redistribution of taxes, but reflect the broader issue of freedom of choice. The choice to be a full-time mother today has become economically more and more difficult. We judge that a majority of mothers in this country want to feel free to decide whether to develop a career inside or outside the home without fear of government-imposed economic penalty. Tax policy should not inhibit a woman's choice to progress, to achieve, to nurture.

APPENDIX—LETTERS

I'm a working mother, albeit a very, very reluctant one. My daughter will be six months old tomorrow and not a day goes by without me grieving over losing these precious days with her. I have to work, but my husband and I are doing everything possible to get ourselves on our feet financially so I can work part time by autumn.

I have always strongly supported the women's movement and consequently was totally unprepared for the depth and strength of emotional commitment I felt for my daughter. I never even considered not returning to work so I wasn't prepared financially when I didn't want to resume my job. I am angry and frustrated and hurt. The five months I spent home with my daughter were the most loving, growing and exciting of my life.

I would like very much to receive your newsletter and work in any way I can to promote a more favorable economic alternative for women who want to remain home with their children.—K.R., Allentown, PA.

I work as a bank secretary, and am very grateful to have a job in such a good environment. I work out of economic necessity, however, and have always longed to be at home. Do you perhaps have a pamphlet suggesting ways a family can get along on one income and/or how I could stay at home and still earn money?—A.B., Bryan, OH.

I am writing in response to a recent Phil Donohue show I saw on mothers who stay at home. . . . The comment was made about hoping to provide an economical way for mothers who are forced to work to be able to stay home more with their children. I was very interested in this because I am in that situation. I have been living with my parents along with my two small children since August 1983 and my husband has recently filed for divorce. He has never provided or taken responsibility for us and I will get very little from the divorce.

My desire, of course, is to be able to market some kind of skill from home so I can be with my children more. . . . I do not want to leave my children any more than I have to, but I do have to provide for them.—N.N., Grand Rapids, MI.

I am recently a new mother of a beautiful baby boy. I do not want to go back to work because I feel there is no one that could give my baby the love and teachings I can give him. . . . I am hoping you are able to guide me in the right direction. Even though I want to raise my child at home, my husband and I can not afford it unless I find work I can do in my own home. I am an Electronic Assembler and have seven years of experience. I heard that some companies let you do work at home, but I do not know where to find the information. . . . I am also willing to do other work in my home. If you have any suggestions, please let me know.—E.V., Gloucester, NJ.

I'm hoping your group may have some suggestions for the situation my husband and I find ourselves in. We are hoping to soon buy a house, and have noted the luxury items in our budget that can be eliminated allowing more money for necessities—oil, mortgage, etc. Even with this cutting back we find that when we have children it will be necessary for me to work part time. We both feel strongly that it is so important to stay at home with children when they're young, but have found that I will be unable to do this on a full-time basis.

Does your group have any suggestions for . . . mothers who find themselves in this predicament? Are you aware of any jobs that allow mothers to work part time out of the home? . . . Any information you have would be greatly appreciated.—M.L.B., Roanoke, VA.

I am an older woman (fifty-one) . . . and a mother of seven children. I would dearly love to stay home and take care of things that need taking care of but because my husband is on disability I am unable to do so. I do housework for other people so you know what I do is not exciting, but it does help pay the bills.

I would really like to quit work and be home with my husband as he really should not be left alone, but I have no other choice. If you could help me to be at home and still earn money I would appreciate it very much.—B.J.D., Slippery Rock, PA.

THE 12TH ANNIVERSARY OF THE MILITARY RULE IN CHILE

Mr. KENNEDY. Mr. President, today we take note of a sad and tragic anniversary. Another year of oppression and suffering in Chile has gone by. Another year of military rule has passed, and the situation in Chile is worse now than ever before.

The outcome of this repression is all too predictable. Just last week, anti-government riots left 10 people dead and scores more injured or arrested. Unless the government changes course, the country will be thrown into an unending cycle of increased violence, death, and repression.

Two weeks ago, the opposition, in a rare instance of unity and compromise, issued an 11-party accord, the National Accord for the Transition to Full Democracy. This responsible and reasonable proposal calls for a restoration of political rights and general elections at a date to be negotiated. It includes the extraordinary concession which allows the continuation of the Pinochet regime until such negotiations are completed. These accords go much farther than half way in efforts to reach an accord with the Chilean Government.

But it is becoming increasingly evident that the Pinochet regime's sole interest is in maintaining its own power. Despite the fact that virtually no one in Chile wants the military to stay on, they hold fast to the reins of government. The junta's only response to date to the National Accord has been to announce yesterday a renewal of its emergency powers. These powers enable Pinochet to restrict fundamental civil liberties. The armed forces are routinely engaged in predawn security sweeps, and they have detained some 40,000 suspected "subversives;" 600 political activists have been exiled to

remote parts of the country and six opposition publications have been closed down. Instead of negotiating with the democratic opposition for a return to democracy, the Pinochet regime is intent on crushing it.

Last spring, I introduced along with Senators CRANSTON, HARKIN, and KERRY, and Representative WEISS a resolution calling for the restoration of democracy in Chile. It provides that until such a restoration of democracy, the United States should continue to deny all military and economic assistance to the Pinochet government and should vote against multilateral development bank loans and grants to the Government of Chile, except for humanitarian aid which aids the basic needs of the Chilean people.

Just this past summer, the United States reversed its policy of abstaining on loans to Chile—a policy the administration had adopted to protest the state of siege in Chile. While in theory, the state of seige has since been lifted, in practice, the most basic civil rights continue to be denied the Chilean population.

The people of Chile desire and deserve democracy. They are the heirs to one of the longest and most distinguished democratic traditions in Latin America. We can show our support for the restoration of democracy in Chile by opposing all loans to Chile until the government enters into a meaningful dialog with the opposition on returning Chile promptly to democracy.

Let me, at this time, call attention to an op-ed piece in today's New York Times by a former U.S. Representative from Massachusetts, Robert F. Drinan.

Father Drinan recently returned from a trip to Chile during which he saw a "deep frustration among the 11.8 million people who are humiliated by the torture, murder, harassment and the exiling of citizens."

As Father Drinan points out, the upcoming arrival of a new U.S. Ambassador to Chile presents an opportunity for the administration to change its policy and to press for civilian rule. In the poignant words to Father Drinan of a Chilean who was waiting in line to visit his imprisoned sons, "what happens to my sons depends on decisions to be made by the President of your country."

We must send a clear signal to the Government of Chile that the United States is committed to supporting freedom for the Chilean people. The United States should oppose future loans to that country until it is committed to restoring democracy. I urge the administration to uphold the democratic values of our country and to use our full influence to promote prompt restoration of democracy in Chile.

I ask unanimous consent that the full text of Father Drinan's article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1985]

12 YEARS OF NIGHT IN CHILE

(By Robert F. Drinan)

WASHINGTON.—What will opposition forces in Chile do today, the 12th anniversary of the coup that brought Gen. Augusto Pinochet to power? I found no clear answers to that question during a visit last month. But I saw water cannons waiting to quell demonstrators. I saw, too, deep frustration among the 11.8 million people, who are humiliated by the torture, murders, harassment and the exiling of citizens who are heirs to one of the richest democratic traditions in Latin America.

I do know the United States has an important role in Chile's future. The arrival shortly of a new ambassador offers the Administration an opportunity to change its policy, in which pieties about a democratic transition are coupled with acts that bolster General Pinochet. We must now press unmistakably for civilian rule.

President Reagan owes Chilean citizens no less. The disintegration of freedom in the last dozen years has been appalling. In 1973, more than 50 percent of all workers belonged to labor unions; today, only 8 percent. In 1973, the external debt was $4 billion; today, $22 billion. The media are censored. Torture touches hundreds each year but intimidates millions. Political parties are suspended.

Aside from the United States, about the only source of hope in Chile is the Roman Catholic Church. At a dinner in the home of Raúl Silva Henríquez, the 78-year-old retired Archbishop of Santiago, this venerable figure reviewed his efforts to deter terror from 1973 to 1983 and concluded by saying that the Government's oppression of the church is as bad as persecution of the church in the Roman Empire in the early centuries of Christianity. Chile is harassing the church because, almost alone among social institutions, it represents the tortured, the exiled, the unemployed and the poor.

Nearly everyone in Chile wonders when the dark night will end. Now 68 years old, General Pinochet will not go voluntarily because he has no place to go. If he remains in Chile, he could be tried for countless crimes just as generals and admirals of Argentina have been tried. If he wants to go abroad, there is no place to go except possibly Paraguay.

I have hundreds of memories of the people I talked with. But the one I shall never be able to forget is a man I met in a line outside a jail in Valparaiso while waiting to visit 42 political prisoners.

He told me he was waiting to visit his two sons, both imprisoned on unspecified charges of subversion. After two years, no trial date had been set. Torture had been used, but he obviously did not want to talk about it. As I moved out of the line into the prison, he ended our conversation by stating, "What happens to my sons depends on decisions to be made by the President of your country."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. DOLE. Mr. President, I understand they are checking on the Democratic side to see if there is any objection to proceeding to S. 1200. In the meantime, I think there would be no objection to the distinguished chairman of the Judiciary Committee indicating that he intends, when the bill is before the Senate, to turn the managment over to the distinguished Senator from Wyoming. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, when the immigration bill comes up, and it appears it will come up in the next hour, as chairman of the Judiciary Committee I wish to designate the chairman of the Immigration Subcommittee, the assistant majority leader, Senator ALAN SIMPSON, as manager of this bill with entire control of it, including allotment of time and such other matters upon which a decision may have to be made.

Mr. DOLE. Mr. President, I thank the distinguished President pro tempore, the chairman of the Judiciary Committee, Senator THURMOND. We hope to have the bill before the Senate momentarily. We need to complete action on the Immigration Reform and Control Act of 1985 hopefully by tomorrow evening, if not by Friday evening.

ORDER OF PROCEDURE

Mr. DOLE. There will be, as advertised, a cloture vote at 2:30 p.m. on the Anti-Apartheid Act. It is my hope that cloture will not be invoked.

Late last evening another cloture petition was filed on a motion to proceed to the conference report. That vote will occur tomorrow. I am not certain what time, but it will be at approximately 2 o'clock p.m. We can work that time out.

I would hope if cloture is not invoked today, that on tomorrow, there would be a clear understanding that it will be the prerogative of the leadership to determine what is before the Senate. I would suggest that tomorrow's procedural vote will have the net effect of determining who will set the agenda of the Senate. As I recall, that is vested in the majority party. I hope tomorrow's vote will reflect the majority view.

Then we can move on to other matters that will be coming before the Senate.

I indicated there would be no rollcall votes on Monday, but we do hope to take up Superfund next week. We

know there is administration opposition to the way the Superfund is funded in the legislation. I happen to share that view. In any event, since we have not been able to work out any compromise—I know Senators PACKWOOD, STAFFORD, and others on both sides have made that effort—and since the law expires at the end of this month, it seems to me we should move ahead and go to conference with the House as soon as they take action, and see if we cannot resolve the funding issue—without going to the higher level the House proposes in conference. That will be before us next week. It is my hope that we will then start taking up some of the appropriations bills. I will be meeting with Senators DOMENICI and HATFIELD on that issue, that general matter, sometime this week.

The Republican leadership of the House and Senate met with the President this morning. The President was pleased with the action taken by the Senate on Monday with reference to South Africa.

Mr. McFarlane clarified for some of us that on the Krugerrand issue, it is not necessary to get agreement from the other GATT countries, though they do feel it is necessary to consult with other GATT countries. I think those who thought this might be a device for delay will be pleased to have that information.

So what we have, in essence, is more than the bill that passed the Senate on an 80 to 12 vote. In addition, we have the President of the United States, who I understand is the only one in this Chamber who was elected to that office, speaking for the Nation rather than Senators from either side of the aisle. We are now clearly speaking with one voice in strong opposition to apartheid policies in place in South Africa.

In the view of this Senator, that is much superior to what the Congress might do without the President on board.

I would say to my colleagues, and I hope they would understand—it seems to me the best strategy is to postpone consideration of the conference report and agree that at some future date, if certain matters are not implemented as set out in the Executive order, we will recall the conference report. That, to me, would be a strategy that should have strong bipartisan support, as did the original Senate action.

Again, at 2:30, the cloture vote will occur.

TRADE LEGISLATION

We also discussed trade legislation with the President. I think most of this has been reported for the RECORD by the distinguished assistant majority leader [Mr. SIMPSON]. I am confident that we can work out some responsible, nonprotectionist trade measure with the administration. Hopefully it will be a measure that will enjoy bipartisan support, but if not, at least with Republican initiative and the House Members and the President going in the same direction.

TAX REFORM

The President is also very eager for tax reform. I would indicate in that area, though I have not discussed this with the chairman of the Finance Committee, that if we are expected to produce a tax bill in the Senate before sine die adjournment, we must ask the House to speed up consideration of the bill. We cannot be left in the position of not receiving the House-passed bill until sometime in November and be expected to have a markup in the Senate Finance Committee, 3 or 4 weeks of debate on the Senate floor, a Thanksgiving Day recess, a conference committee meeting, and a bill sent to the President by the end of the year. It does not take a genius to calculate the days involved.

We certainly want to support the President's efforts, as I think the majority of the American people do. So I urge my colleagues in the House, Democrats and Republicans, to speed up the process, not to just drop it in our lap in mid-November and say, "Well, now, if you want tax reform, go talk to the Senate leadership." We are prepared to move, but we cannot be asked to move if we do not have any time to complete action.

In addition to that, I think the President still believes that we should have done more on Federal spending reduction and he is eager, if necessary, to take issue with Congress on spending matters, including the line item veto, the rate of spending, and a balanced budget amendment which hopefully, we will have time to consider in October.

We indicated briefly that the debt ceiling would be a matter of some difficulty in the Senate. It is my understanding that as of maybe October 8 or 9, we are in real difficulty from the Government standpoint. The cash reserves could be as low as a couple of billion dollars, which is not very much for the Government, so it may necessary to call up the debt ceiling extension even sooner than we had anticipated. We could expect a number of amendments from both sides of the aisle. At best, it is always very difficult to pass, and I would guess that there will be a reluctance from Members on my left to vote to extend the debt ceiling unless a substantial majority of Members on my right vote to extend the debt ceiling. That is always a factor that could be important.

(Mrs. KASSEBAUM assumed the chair.)

Mr. DOLE. Madam President, again, I hope we are in a position to proceed to the Immigration Reform and Control Act, S. 1200.

ANTI-APARTHEID ACTION ACT OF 1985, H.R. 1460—CONFERENCE REPORT

Mr. SIMPSON. Mr. President, I ask unanimous consent that at this time the Senate lay aside the pending immigration bill and turn to the conference report on anti-apartheid, H.R. 1460, and that the time between the present time and 2:30 p.m. be equally divided for debate only.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

Who yields time?

Mr. SIMPSON. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am voting against cloture because I believe that the most effective way to oppose apartheid in South Africa is through a unified approach by the U.S. Government as the leader of the free world. Immediate implementation of President Reagan's Executive order, without congressional dissent, is the best way to achieve that objective.

No one in the 97th, 98th, or 99th Congresses has been more active or vocal in opposition to racial injustice and supportive of civil rights than I. I cosponsored the Kennedy-Weicker anti-apartheid bill, joined the drive to improve the Voting Rights Act in 1982, led the fight to revive the Civil Rights Commission in 1983, and was active earlier this year in the battle to invigorate Justice Department enforcement of civil rights laws as embodied in the controversy over the nomination of Mr. William Bradford Reynolds.

President Reagan's Executive order constitutes a significant change in U.S. policy against apartheid. The President has more than met the Kennedy-Weicker bill halfway. The President's Executive order embodies about 85 percent of the bill which emerged from the conference committee. The major difference is the omission of provisions on delayed sanctions which can always be enacted at a later date if they are necessary when that time arises.

The fight against apartheid would be significantly weakened if the Senate involves cloture and pursues a scenario where the conference report is passed, vetoed by the President and that veto is sustained. At this moment, in advance of the cloture vote, it is problematic as to whether cloture will or will not be invoked. It is plain, however, that there are insufficient votes in the Senate to override a Presidential veto.

This issue is too important for politics-as-usual or for the frequent Washington approach to look for "winners" and "losers." I strongly disagree with Senator KENNEDY's statement that—

The Republican Party is at a crossroads on this issue, It must decide whether to be the party of Lincoln or the party of apartheid.

The real issue is: What U.S. policy would best work against apartheid? President Reagan spoke for Democrats and Republicans alike on Monday when he said:

America's view of apartheid is simple and straightforward: We believe it is wrong. We condemn it.

U.S. Ambassador Herman Nickel, returning to Johannesburg on Tuesday, was equally emphatic on calling on the white minority government there to move beyond "mere statements" and begin dismantling "key featues" of its apartheid system of racial segregation. He continued:

The injustices committed in the name of this system have gone on too long and they must stop.

Nothing is lost by deferring action on prospective sanctions—that is, sanctions to be implemented within a year from now, which is the biggest difference between the President's Executive order and the conference report which is before the Senate today. If those future sanctions are necessary, they can be enacted at any time in the coming months during this 99th Congess by bringing the issue back before the Senate, by imposing cloture, by adopting the conference report, and by overriding the Presidential veto should that be required.

I would be among the first to press for that action if and when it becomes necessary. At this time the most effective action against apartheid is to stand behind the President, the Chief Executive, who heads the only branch of Government which can get that job done on a day-in and day-out basis.

That is, after all, why the President, as Chief Executive, is principally in charge of foreign affairs. There should not now be a Presidential-congressional confrontation which tells the world that the U.S. Government cannot agree on a policy against apartheid.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, the time has been equally divided.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Does Senator WEICKER have 10 minutes remaining?

The PRESIDING OFFICER. Eleven minutes.

Mr. KENNEDY. I thank the Chair.

Mr. President, in just a very few moments, the Senate of the United States has a historic opportunity on a truly historic issue. I believe it will be recorded that this is a momentous time of extraordinary importance and challenge. Our votes this afternoon will live on far beyond today or tomorrow; they will live far into the future. I doubt, Mr. President, whether there will be any vote that will be cast in this Congress that will be more important, certainly for us as individuals or for us as Members of this body and for this body itself.

The basic question is whether we will bring a halt to a filibuster on this issue that deals with the kind of society that we are and the kind of policies that we want to reflect this Nation.

The Declaration of Independence talks about all men being equal. I think those of us in this body at this time would like to think of our Founding Fathers writing that phrase and saying "All persons are created equal." We personally, as Members of the Senate, should be able to cast our vote to reflect that concept and not be prevented from casting our vote because of a filibuster. Those who are involved in the filibuster at this time may be able to defer that vote for today and may be able to defer it for tomorrow. But this body is going to have to face up to this issue, if not this afternoon—and I hope it will be this afternoon—then it will face up to this issue before the end of this particular session of Congress.

We are reminded, Mr. President, that the President's actions were well-intentioned and I have not questioned his motivation. But they are ill suited to the challenge that this Nation faces with its policy toward South Africa.

We should be able to continue the work on this conference report that has been fashioned in a bipartisan way through the committees of the Senate that have been chaired by Republicans—in the Foreign Relations Committe with Senator LUGAR, and in the Banking Committee as well.

We have been able to fashion a bipartisan effort here with a vote to 80 to 8 to halt a filibuster and 80 to 12 in support of the legislation. The chairman of the Committee on Foreign Relations, Mr. LUGAR, just last Friday pointed out that the Senate-House conference report is a carefully crafted bill developed by a bipartisan consensus of both Houses of Congress that has not been displayed since Vietnam. The legislation is designed to encourage reform in South Africa. It is intended to use its leverage in South Africa to bring about a less racist system of government.

Nothing has changed, Mr. President, since last Friday and we should have a chance to pass this bill. Otherwise, we are denying the opportunity for the Senate of the United States to put in a statute what our fundamental values and fundamental beliefs are, which I believe have been enshrined well in the Declaration of Independence, in the Emancipation Proclamation, and some other declarations which have stated our basic and more fundamental values.

Mr. President, I hope the Senate will vote in favor of cloture and that we shall move toward consideration of the conference report.

Mrs. KASSEBAUM. Mr. President, how much time remains to those speaking against cloture?

The PRESIDING OFFICER. Five minutes, fifty-one seconds.

Mrs. KASSEBAUM. I thank the Chair.

Mr. President, I support the President's belated decision to redirect American policy along the lines that the Congress has proposed.

There are several reasons why I believe this is the best course, but the most important reason is the effect in South Africa. If we are really concerned with practical results in that country, there is no question but that a unified position on the part of the President and the Congress has the best chance of success.

I have always felt that what was really needed in our South Africa policy was a change in the administration's thinking, and that our legislative actions were a second best alternative. For Congress to try to set a different course from the Executive was always doomed to have problems.

The greatest of these is the difficulty of communicating our purpose and intent to South Africa. No matter how well-concieved our legislation was—and I believe that it was well-conceived—no good can be accomplished if the relevant audiences in South Africa misunderstand our purposes. The potential for such misunderstanding is great, because of the differences in point of view in the two societies. For example, even today President Botha has chosen to see the pressure from America as a partisan political issue between Democrats and Republicans.

The message that we are trying to convey will have a better chance of getting through if it is delivered by a coordinated effort of the Congress and the Executive. It is essential that a new direction in American policy be reflected in the day-to-day actions and statements of the White House and State Department in Washington and our Embassy in South Africa. Without this, congressional actions will simply not produce the desired results.

I am aware that many Members are skeptical about the sincerity of the administration's change of position. I don't believe that to be the case. The President has not tried to undercut Congress' actions, but has aligned himself with them.

The other complaint is that the President's Executive order differs from the legislation in regard to various details of implementation. But I believe that the specifics of various penalties are much less important than the general direction of policy

that is set, and the political will and commitment that lie behind it. Our purpose all along was to send a political message to South Africa, not to impose specific penalties for their own sakes. That purpose will be best accomplished by a united executive-legislative front.

If some have doubts about the administration's commitment to a new course, it should be remembered that Congress will not be surrendering its policy leverage. Many Senators will be watching the administration's implementation of its policy. Senator LUGAR, the majority leader, and many others in both parties will not let our agreed, bipartisan purposes be pushed aside. If at any point it is judged that the administration is not acting in good faith, there will be 80 votes waiting to support legislative action, on the current bill or another.

There is no question that there have been serious differences of opinion in the past between Congress and the administration over South Africa policy. The President has now responded to our concerns and offered us a chance to pursue a unified and coherent policy. I believe that this represents the best possible outcome, combining congressional sentiment with the capabilities of the executive branch. I believe that we should support the President's initiative, and devote our attention to ensuring that its promises are fulfilled.

Mr. WEICKER. Mr. President, I hope that this body would vote cloture this afternoon. I think the delay on this matter by our Nation has been sufficient so that we do not need any more days or weeks or months to make certain that the American message is heard clearly both in South Africa and throughout the world. For whatever concerns I have that were partisan in nature, for whatever concerns I might have insofar as a Presidential veto or that veto being overridden, they cannot come close to the sadness which each one of us feels as we witness the tragedy that goes on day after day in South Africa. It might inconvenience some Senators or some Congressmen or some Presidents insofar as how they react to this issue but others are losing their lives. That is their inconvenience. Schoolchildren are jailed every day, families torn apart, lives lost. And so really our jockeying for whatever position anyone seeks to achieve within a political sense is small potatoes indeed when compared to that human tragedy.

And it is a human tragedy, I might add, that we were willing to fight and die for some 40 years ago, only this time the participants are different and the color of the skin is different, but it is the same story. So it seems to me that the action of invoking cloture is the least that this great Nation can do in pursuit of its ideals. And the issue is not going to go away. It, obviously, is not going to go away by virtue of the actions of those who live in South Africa but just as important it will not go away on the floor of the Senate or in the House of Representatives. If this vote fails today, there will be another vote, and the measure itself will be up for a vote by the Senate in some other form on some other bill. It is my very deeply held feeling that the sooner we act the less lives are lost, the sooner we act the sooner the voices of moderation can speak. So do it today, do it tomorrow, but it is going to be done. I hope that we would have a pride as a body and as a Nation in having helped with the final result rather than having stood on the sidelines and watched others fight that lonely battle.

This is no way is meant to denigrate the efforts or words of our President, but he has not been in the forefront of this issue. And even what was achieved yesterday or spoken by him was done begrudgingly. It is with enthusiasm that each one of us should vote for cloture, and not for political advantage but to enhance the possibility of life in that nation so far away. I yield the floor.

Mr. GLENN. Mr. President, I strongly urge all Senators and the majority leader to allow the Senate an opportunity to complete action on the anti-apartheid bill. The shameful events that have taken place in that tortured country since we last considered this issue in July have only served to reinforce the need for this legislation.

Since July, unrest has spread. Since July, many more black South Africans have died and many others have been detained without charge under the state of emergency. Since July, we have been confronted with daily reports of police beating of peaceful demonstrators with whips and dispersing them with tear gas. And since July, Mr. President, the South African Government has even banned funeral processions that mourn the victims of apartheid. Can you think of anything that would inflame passions more than that.

I acknowledge that the President, recognizing reality, has implemented by Executive order much of what is contained in the conference report. Yet this is the same President Ronald Reagan who just a few days ago in a radio interview credited the Botha regime with having eliminated segregation in South Africa. This is the same President Reagan whose administration has incredibly refused to renounce its discredited policy of "constructive engagement." I submit that perhaps we are contributing to destructive engagement. This is the same President who up until a few days ago so strongly opposed this legislation that he had vowed to veto it. I believe that this important step deserves the force of law. For let us not forget that just as quickly as this Executive order was issued, it could just as quickly be revoked.

The reality in South Africa commands our attention and demands our condemnation. The fact is that apartheid is segregation, and apartheid is still fully in place in South Africa. At birth all South Africans are classified according to the color of their skin, and that classification controls every aspect of their lives thereafter. It determines where they may live, where they may go to school, whether they must carry internal passes, whether they have any voice in government, and finally, whether they are even considered citizens in the land of their birth. If they are white, they are citizens. If they are black, they are not. With few exceptions, resorts, restaurants, buses, and parks all remain segregated. So despite whatever minor changes may have occurred in that system, let there be no misunderstanding about the fundamental nature of apartheid: it is racist—and it is wrong.

Now some have argued that we should not impose sanctions on South Africa when we have implemented no such sanctions on other countries with abominable human rights records—such as the Soviet Union. But that argument is wrong on two counts. First, we have imposed a wide variety of economic and diplomatic sanctions against the Soviet Union, and we have done so on a number of occasions over the years. But second, and even more important, South Africa is the only nation on the face of the Earth where the entire nature of one's existence is wholly and solely determined by the color of one's skin. And let's not forget that South Africa, as distinct from the Soviet Union and other nations whose human rights records are deplorable, lays claim to being part of the Western community of nations. But how can it be accepted as such when its social system is repugnant to Western principles and values?

I trust that every single Member of this body will agree that the South African scheme of apartheid is appalling, inhumane, and unjust. but simply agreeing with that assessment is no longer sufficient. We must demonstrate that our protest is more than a rhetorical exercise. I urge my colleagues to bring this debate to a close and to join the House in cause and conscience by overwhelmingly approving the conference report before us.

Mr. DOLE. Mr. President, I ask unanimous consent that we may proceed for 2 additional minutes, and 1 minute be given to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I appreciate that very much from the majority leader.

Mr. President, there are a number of important issues at stake in our vote today.

First, there is the substance of the sanctions measure. The conference report provides a carefully balanced package with clear procedures, minus the gaping loopholes of the President's Executive order. This measure is far more likely than the flawed Executive order to yield the results President Reagan has belatedly endorsed. Make no mistake about it; the President's action falls far, far short of the compromise congressional measure on the Krugerrand ban, on the minting of a U.S. gold coin to compete with that symbol of apartheid, on the application of mandatory "Sullivan" fair labor standards, on the banning of nuclear exports, and on the certain application of additional sanctions 12 months hence. Anyone who doubts this fact would do well to consider the sweeping endorsement of the President's action by Jerry Falwell, an apologist for the racist South African regime.

Second, there is a fundamental issue of how our laws are made. We are, indeed, a Nation of laws not men. We should not abandon the product of 3 year's labor in Congress out of deference to an 11th-hour effort to impose government by Executive fiat.

Finally, I would like to comment on the public assertion of my friend Senator DOLE that those of us who are pressing for completion of action on this bipartisan legislation are somehow guilty of partisanship. I would suggest that if those Senators who have already voted to adopt this legislation in the Senate, but whom are now trying to filibuster the conference report, are guilty of endangering the very strong bipartisan consensus we have built on this measure. I urge these colleagues to defend the bipartisan product of this institution rather than abandon this measure out of blind allegiance to the leader of their political party. The principles at stake and the substance of the legislation is simply too important to do otherwise.

Before concluding, I would like to indicate to my colleagues that as the floor manager for this side of the original legislation, it is my intention to press again and yet again for a vote on this conference report. Clearly, a majority of the Senate supports this bill. And clearly, we will adopt the conference report when the filibuster is finally broken. Senators who are considering a vote against this bill today—a bad vote in my estimation—would do well to consider this fact. We will call this vote up again on measures where we can ill-afford a filibuster such as the debt ceiling measure and the continuing resolution for certain appropriations.

We will not abandon this issue. And ultimately, we will prevail. I urge my colleagues on both sides of the aisle to join together to hasten the day when this bill becomes the law of the land.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a chart summarizing the major differences between the congressional legislation and the Executive orders.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

HON PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA IS SIGNIFICANTLY WEAKER THAN THE HOUSE-SENATE CONFERENCE REPORT

Conference report	Executive order
1. Immediate ban on krugerrand imports.	1. Vague, potentially time-consuming consultation of GATT trading partners (up to 90) re krugerrand ban, with no real assurance that ban will actually be implemented.
2. Ban on loans to public sector except for nondiscriminatory education, health and housing facilities in areas open to all.	2. Allows Secretary of Tresury to waive conference report ban if he determines loans "improve the welfare or expand the economic opportunities" of blacks (even by strengthening apartheid structures like segregated towns, bantustants, facilities).
3. Bans computers to security and apartheid-enforcing agencies including local and homeland governments, and to any government agencies not benefitting blacks.	3. Omits conference report ban on computer exports to agencies not benefiting blacks.
4. Bans nuclear exports.	4. Includes exception to conference report ban for nuclear exports that "protect the public health and safety", reduce proliferation risks or implement IAEA programs.

HON PRESIDENT'S EXECUTIVE ORDER ON SOUTH AFRICA IS SIGNIFICANTLY WEAKER THAN THE HOUSE-SENATE CONFERENCE REPORT—CONTINUED

Conference report	Executive order
5. President to recommend which of 4 sanctions (includng no new investment, ban on coal and uranium imports, ending of MFN status) to be enacted if South Africa doesn't make "significant progress" in 12 mo toward 8 conditions for dismantling of apartheid.	5. No comparable provision. Secretary of State appoints advisory commission to report in 12 mo on measures to promote peaceful change.
6. U.S. firms in South Africa to implement code of fair employment and antiapartheid practices. State Department monitors and publicly reports on performance, using onsite monitoring and consultation with black representatives.	6. U.S. firms only asked to "register" that they "adhere" to fair employment and antiapartheid principles. Omission of principle that businesses should lobby for repeal of apartheid laws. No official monitoring system to check on companies.
7. Earmarks $350,000 for direct legal and other aid to political prisoners and their families, investigations of political killings, and aid to black-led, nonviolent antiapartheid community groups.	7. Earmarks ⅓ of funds to be provided for human rights activities for "legal assistance" which could include research, infrastructure and other less "controversial" aid to blacks.
8. Allocates at least half of funds for education training and scholarships in South Africa for antiapartheid community group programs.	8. No earmark in scholarship aid for community groups.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. President Reagan's announcement today of measures for South Africa may be a welcome departure from the failed policy of "constructive engagement" but it is not enough. Nor is it by any means sufficient reason to abandon the more comprehensive actions proposed by the Congress.

The Reagan administration's effort to derail legislation for broader, effective sanctions against the repressive minority regime in South Africa is cynical and self-defeating. Until now, the President opposed any moves by the Congress to put pressure on the South African Government. He still threatens to veto the bill before us

today, a bill which has elicited broad bipartisan support. Only under the greatest pressure from American public opinion and the South African Government's absolute intransigence has the White House grudgingly agreed to take action. One has to be at least skipteical about the President's motives and ask why his proposals are suddenly being regarded by some as better than those which the Congress spent months deliberating.

In fact, the President is once more trying to dilute efforts to present a strong and resolute American posture in opposition to the archaic and dangerous policies being pursued by the Botha regime. At a time when unity and thoughness are urgently required, the President is trying to circumvent the carefully crafted, fully bipartisan measures agreed to by both Houses of Congress.

President Reagan's measures at best weaken the Congress' already modest intentions.

Our proposed law mandates additional sanctions against South Africa within a year if the Government fails to take adequate steps to end the monstrous injustices of apartheid. Under the President's plan, no additional sanctions are envisioned if South Africa's Government ignores the imperative for reform. Given the obvious tendency of this Botha regime to dismiss past efforts at U.S. pressure, this is a glaring weakness. It is accommodation and concession, not resolute action. Moreover, we can expect the south African Government to be unresponsive to these more limited pressures when it knows that Congress' tougher position has been circumvented by the President.

Mr. President, under the President's plan the single step that would have the greatest impact on the South Africa regime—the ban on Krugerrand sales—is inexplicably postponed. The President says he will take the issue before the GATT international group. How will this policy be received by other countries and by the black South African majority? They know that the United States did not consult GATT when the administration embargoed all trade with Nicaragua, a sanction far more severe than what anyone has contemplated for South Africa. Can this be anything other than a technique for killing this measure?

President Reagan has argued that more stringent economic measures would harm the South African majority. I submit that the President and his advisors would be well advised to ask the people of South Africa—those who stand to be affected—what they think before making such claims. I would draw his attention to a recent Gallup poll conducted in that country, in which almost 80 percent of blacks polled favored economic sanctions as a way to defeat apartheid. They will endure the sacrifice if necessary—such sacrifice pales into insignificance compared to what is endured today under the current system of oppression and disenfranchisement.

For months, we in the Senate, like thousands of Americans across the country, have struggled with what our response should be to the tragic events in South Africa. Shortly before the recent congressional recess, we voted to impose a set of reasonable and moderate economic sanctions to express our condemnation of apartheid. Our colleagues in the House of Representatives have done the same.

Mr. President, we have come too far not to take a strong and unequivocal stand against the dangers and evils of apartheid. I urge us to reject the President's half-hearted efforts at compromise and cast a substantive vote for freedom, for justice and for equality.

It has been suggested that the President's action eliminates the need for us to act. It has been suggested that South Africa is on the road to reform and that we must be patient and allow change to come about gradually.

Mr. President, none of us can set the timetable and agenda for another country's political change. But the majority of South Africans have made their stand. They have decided it is better to die for freedom than to live as slaves. It is a principle with which the Senate should identify, for it is one of the principles upon which this Nation was founded.

South Africa is undergoing an upheaval out of which apartheid must be destroyed and a new political order and social reality created. Apartheid cannot be reformed. One cannot reform a system that denies every basic right of citizenship to three-fourths of its people.

The Botha regime has already displayed its cynical disregard for the views and policies of the administration, revealing the essential bankruptcy and failure of President Reagan's policy of constructive engagement or—"constructive action" as the President is now calling his policy.

We must pressure the Pretoria regime—not to bring it to its knees but to bring it to its senses. Critics of the congressional sanctions charge that we will further destabilize South Africa. In fact, the inflexible and brutal policies of the white minority regime are provoking revolution and violence. For the United States to be irresolute at this point would be the greatest contribution we could make to instability in the country and Africa as a whole.

Why should there be any question today about proceeding with this bill? Why are some arguing that the President's proposals should substitute for those of the Congress? Surely those who argue this do not believe American interests are best served by the continuation of apartheid. Any they cannot truly be indifferent to the civil rights of black people. It is perhaps because the administration and its supporters genuinely do not understand that shoring up the white minority regime is no longer an option.

Even if South Africa does not yet face a full, armed revolution capable of overthrowing the Government, that day will certainly come if widespread, comprehensive reforms are not quickly enacted. If South Africa's Government through its blindness continues to set the country on a road where the only alternative to change is violent revolution, the turmoil that engulfs the region will not further U.S. interests. The longer violence continues, the more radical will be the process of change and the final outcome. Every day that we delay, compromise, and exhibit caution in place of courage, we diminish the chances for the emergence of a moderate pro-Western government that is truly representative.

Mr. President, the entire world is watching our actions today. Many of our friends and allies—as well as our adversaries—have come to see the Pretoria regime as the protected ally of the United States. No country in Africa, pro-Western or not, will have any regard for U.S. objectives or do anything but ridicule our pretensions to democracy, free enterprise, and support for human rights if we continue to sanction tyranny.

Mr. DURENBERGER. Mr. President, I intent to vote against cloture of debate on the conference report. I consider this to be a vote in support of the administration's new, more activist South Africa policy.

A week ago I was prepared to vote in favor of the conference report. I felt, as did many of my colleagues, that the President had not offered a reasonable alternative for moving the United States from passive observer to active participant in the effort to end South Africa's racist apartheid policy. We now have that alternative, albeit not identical to our own proposal, and I believe it is offered in good faith.

Therefore, I urge all of my colleagues to join me in this vote—those who are in favor of the conference report, as well as those who are opposed. We must not lose sight of the ultimate objectives we all seek in South Africa.

My predecessor, the late Senator Hubert Humphrey, told the Democratic National Convention in 1948 that the time had come to—

> Get out of the shadow of state's rights and walk forthrightly into the sunshine of human rights. People, all kinds and sorts of people, look to America for leadership—for help—for guidance.

Let us not forget, then, what is at stake in this national policy debate: 25

million human beings, 25 million nonwhites in South Africa who are denied by a white minority the human rights that we have the luxury of taking for granted.

Our goals—shared by the President and those of us on both sides of the issue—are to fulfill our global commitment to human rights, and at the same time to preserve South Africa as an economically stable government. In a very real sense South Africa's human rights victories will be our own.

The President's Executive order alone is not going to achieve these goals. Neither would Congress' proposal. To assume otherwise would be either egotistical or naive. But our President has taken a very distinct position against apartheid, and I have to believe that he is committed to changing the internal policy of the South African Government. We have had a disagreement with the President over how to go about doing it. I feel that we should give him a chance to see if his way works. If it does not, both he and we can consider further action.

Mr. President, our effort to protect South Africa is sensible. South Africa's strategic location, its contribution to the economic stability of the region, and its mineral wealth are all of great importance to the United States and our allies. We cannot, however, hope to preserve a nation which seems committed to an internal policy which carries the seeds of its own destruction. The rulers of South Africa cannot continue to govern successfully in the face of organized opposition by people denied their human rights through an institutionalized policy of apartheid—people who produce the minerals and provide the means for a stable economy.

Therefore, the administration's new antiapartheid policy is not anti-South Africa. It is not prorevolution. It seeks to preserve South Africa by promoting stability through elimination of the source of instability. In South Africa, our goals of national security and human rights are inseparable—and this new policy finally recognizes that fact.

Throughout the summer, the administration viewed such a policy as harmful to U.S. national security objectives—to the extent that the President would veto it if necessary. Until this week, the administration felt that it was necessary. Until this week, the administration felt that it was following a course of action which would preserve our policy objectives in South Africa by moving the South African Government away from its condemnable domestic practices.

This policy followed a two-track approach. On the one hand, it provided aid and assistance to the majority in order to improve their education and their economic position thereby preparing them for a wider and more responsible role in the affairs of the country. At the same time, it sent signals to the South African minority that they must provide the opportunity for majority participation in the Government. In short, eventual elimination of apartheid.

But the signals the policy sent were not to be so strong as to caused an overreaction by the rulers in South Africa which might cause them to cease the liberalization process—and not so strong as to upset the economy. The theory was that a weak economy would work mostly to the disadvantage of the blacks, the very people whose economic lot we were most interested in improving. The administration maintained that this policy was working, that the economic and educational posture of the blacks was better than it had ever been and that the Afrikaans had taken steps to bring the minority into full citizenship beyond those it had ever taken. The administration saw great hope in this. Enough hope to wait and see.

But the administration, and the South African Government, miscalculated. Progress may have been relatively comforting to the administration and the Afrikaans, but it was insufficient to meet the rising expectation of the blacks. Our policy failed completely to send a strong enough signal to the blacks. A signal of hope, a signal of strong support for their aspiration—their expectations. Though the administration had sufficient faith in the South African Government to wait and see, the majority of South Africans had not such delusions—and no such patience. The miscalculation that oppressed peoples have the same patient approach to reform as the oppressors—that the underprivileged will accept the proportion of wealth determined by the privileged has been repeated throughout history. Blacks in the United States would not accept integration at a "deliberate speed" determined by the whites. And blacks in South Africa won't either.

We in Congress recognized that there was an impending crisis in South Africa when we drafted the antiapartheid bill. We saw that the South African Government was not moving quickly or meaningfully to answer the rising cry for freedom. This sense of crisis was sharpened by the speech of "no concessions" made by President Botha in Duban on August 15. His "let them eat cake" call for division of Government into "own affairs"—irrelevant issues which blacks can decide—and "general affairs"—all the important decisions reserved for the whites—failed to recognize that the majority of the people of South Africa want to decide what affairs are or are not their business.

We were right. Now the crisis has broken full force. The South African economy, which we were so careful not to upset, is in shambles. The South African rulers moving toward reform—at a snail's pace—have imposed a state of emergency which eliminates virtually every civil right. Those who we hoped to move peacefully into the process of Government are in open rebellion. Deaths on both sides mount, and lines become more sharply drawn.

The President has recognized that the circumstances in September are vastly different than those in June or July. He has acted to implement the majority of the very measures we proposed. Now is not the time for cynical accusations or speculations of intent or motives. The fact is that we now have the substance of a policy—a policy built on the same assumptions and assessments we made when drafting the provisions of the conference report. We in Congress must also recognize that the circumstances are different. Those in Congress who sided with the administration's position that sanctions were counterproductive must now side with the President in his recognition that sanctions are in our vital national interest. Those in Congress who supported a legislated foreign policy last week when there was none, must now recognize that, this week, we have most of what we sought. Legislation is no longer relevant as a tool to force the issue.

As I have said, I personally supported broader, more stringent sanctions to bring the South African Government in line with reality. Some of my colleagues favored even harsher ones, still others favor no sanctions. There are as many opinions of the right combination as there are Members. It is clear we cannot draft or execute a coherent foreign policy from the Hill. We must only attempt to do it when we are in extremis. We were and we did. That is no longer the case. The President has now taken a position—he is now out ahead.

It is time to permit him to exercise his responsibility and allow him the flexibility to respond to day-to-day events. We must seize the opportunity to speak in one voice, administration and Congress, against the destructive racist policies of the South African Government. If we are genuine in our desire to serve the objectives of human rights and national security and not exploit the issue for partisan politics, we will vote no on cloture and thereby vote yes for the new antiapartheid foreign policy of the President.

Mr. DOLE. Mr. President, I hope that cloture will not be invoked. I want to set the record straight on what this bill will accomplish. There have been all kinds of statements made to the effect that somehow if we just pass this bill, we will stop all the problems of South Africa—all the kill-

ings, kidnapings, and violence. That is simply not the truth. There is nothing we can do in this Congress—no legislation has been introduced—that would stop the bloodshed or immediately and apartheid in South Africa.

I would also say this: I think it is worth a great deal that the President is on board. But some of those who were willing to treat this as a bipartisan issue before, want to treat it as a partisan issue now that the President is on board.

I am willing to stack my civil rights record along with those of anyone else in this Chamber. But this is a foreign policy issue. I do not care when the President was converted. It could have been 1 minute ago. The President speaks for the Nation on foreign policy. Only once since the Kennedy Presidency has a foreign policy veto been overridden and that was on the War Powers Act, vetoed by President Nixon.

I think we ought to be declaring victory as I have said earlier. We ought to be saying to the President, "OK, we take your word for it," as my distinguished colleague from Kansas indicated. "But if you do not comply with the Executive order, if you are stalling on the Krugerrand, if there are not certain other actions taken as outlined in the Executive order within 90 or 120 days, then we are going to bring up the conference report."

Unfortunately, this is no longer an issue of what is good for South Africa. It has become a raw political issue. South Africa is secondary. I hope that my Republican colleagues who have good records in this area, as I believe the majority leader has, will understand that.

I am very proud the President is on board. I was one of those who was on the outside sort of pushing, and I was criticized for it by some. But he made the announcement himself and he made a powerful statement, not withstanding criticism by certain leaders in South Africa. I believe we are on the right track.

So let us give the President the credit he deserves and a chance to follow through. And let me say to those who may still have doubts: I give my word. If there is any slippage, if there is any turning back on the part of the White House or the President, then this Senator will call up the conference report and will support it and will do it when I first have good evidence that that is the case. Until then, we ought to be pleased the President is on board.

SEVERAL SENATORS. Vote.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 2:30 p.m. having arrived, the clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report on H.R. 1460, the Anti-Apartheid Act of 1985.

Edward M. Kennedy, Lowell Weicker, Charles McC. Mathias, Alan Cranston, Claiborne Pell, Paul Simon, Howard Metzenbaum, Patrick Leahy, Jim Sasser, John D. Rockefeller, Dale Bumpers, Paul Sarbanes, Spark Matsunaga, George J. Mitchell, Albert Gore, Jr., Jeff Bingaman, J. Bennett Johnston, Bill Bradley, John Glenn, Max Baucus, J. James Exon, and Daniel P. Moynihan.

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the conference report on H.R. 1460 shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber who wish to vote?

The yeas and nays resulted: yeas 57, nays 41, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—57

Baucus	Glenn	Matsunaga
Bentsen	Gore	Melcher
Biden	Grassley	Metzenbaum
Bingaman	Harkin	Mitchell
Boren	Hart	Moynihan
Bradley	Hatfield	Nunn
Bumpers	Heflin	Packwood
Burdick	Heinz	Pell
Chafee	Hollings	Pressler
Chiles	Inouye	Proxmire
Cohen	Johnston	Pryor
Cranston	Kasten	Riegle
D'Amato	Kennedy	Rockefeller
DeConcini	Kerry	Sarbanes
Dixon	Lautenberg	Sasser
Dodd	Leahy	Simon
Eagleton	Levin	Stennis
Exon	Long	Weicker
Ford	Mathias	Zorinsky

NAYS—41

Abdnor	Gorton	Nickles
Andrews	Gramm	Quayle
Armstrong	Hatch	Roth
Boschwitz	Hawkins	Rudman
Byrd	Hecht	Simpson
Cochran	Helms	Specter
Danforth	Humphrey	Stafford
Denton	Kassebaum	Stevens
Dole	Laxalt	Symms
Domenici	Lugar	Thurmond
Durenberger	Mattingly	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Goldwater	Murkowski	

NOT VOTING—2

East	Wilson

The PRESIDING OFFICER (Mr. SYMMS). On this vote, there are 57 yeas and 41 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has moved to reconsider the vote and has asked for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I move to table the motion to reconsider and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—50

Abdnor	Gramm	Nickles
Andrews	Grassley	Packwood
Armstrong	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Chafee	Hawkins	Roth
Cochran	Hecht	Rudman
Cohen	Heinz	Simpson
D'Amato	Helms	Specter
Danforth	Humphrey	Stafford
Denton	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Trible
Evans	Mattingly	Wallop
Garn	McClure	Warner
Goldwater	McConnell	Zorinsky
Gorton	Murkowski	

NAYS—48

Baucus	Ford	Matsunaga
Bentsen	Glenn	Melcher
Biden	Gore	Metzenbaum
Bingaman	Harkin	Mitchell
Boren	Hart	Moynihan
Bradley	Heflin	Nunn
Bumpers	Hollings	Pell
Burdick	Inouye	Proxmire
Byrd	Johnston	Pryor
Chiles	Kennedy	Riegle
Cranston	Kerry	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Long	Stennis
Exon	Mathias	Weicker

NOT VOTING—2

East	Wilson

So the motion to lay on the table the motion to reconsider was agreed to.

(Note: The following proceedings occurred earlier and are printed at this

point in the RECORD by unanimous consent:)

BUDGET ACT WAIVER

Mr. DOLE. Madam President, I ask unanimous consent that the Senate turn to the consideration of Senate Resolution 218, the budget waiver to accompany S. 1200, the immigration bill.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Is there objection? Hearing none, it is so ordered.

The clerk will state the budget waiver.

The legislative clerk read as follows:

A Senate resolution (S. Res. 218) waiving section 303(a) of the Congressional Budget Act of 1974 with respect to S. 1200 as reported to the Senate Committee on the Judiciary.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution. Is there any objection?

The resolution (S. Res. 218) was agreed to, as follows:

S. RES. 218

Resolved, That, pursuant to section 303(c) of the Congressional Budget Act of 1974, section 303(a) of that Act be waived with respect to S. 1200 as reported the Immigration Reform and Control Act of 1985, authorizes the payment of entitlement benefits commencing during fiscal year 1989 to cover the full estimated costs to the States for public assistance to the legalized aliens, and for imprisonment costs; and Senate consideration of S. 1200 at the present time would violate section 303(a) of the Congressional Budget Act of 1974, in that the bill would provide new spending authority described in section 401(c)(2)(C) of that Act to become effective during fiscal year 1989, before the first concurrent resolution on the budget for fiscal year 1989 has been adopted. A waiver of section 303(a) of that Act is necessary to provide for the timely consideration of S. 1200.

Mr. DOLE. I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. DOLE. Madam President, I understand the distinguished Senator from Massachusetts has no objection to moving to consideration of the bill itself.

Mr. KENNEDY. Madam President, the majority leader is correct.

Mr. DOLE. I ask unanimous consent that the Senate now turn to consideration of S. 1200, the Immigration Reform and Control Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert the following:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Reform and Control Act of 1985".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—FUNDING FOR IMPROVED ENFORCEMENT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE AND WAGE AND HOUR ENFORCEMENT.

(a) TWO ESSENTIAL ELEMENTS.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act are—

(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS.—Section 404 (8 U.S.C. 1101 note) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 404. *(a)* There are authorized to be appropriated to the Department of Justice for the Immigration and Naturalization Service—

"(1) for fiscal year [1986,] *1987,* $840,000,000, and

"(2) for fiscal year [1987,] *1988,* $830,000,000.".

(c) SENSE OF CONGRESS REGARDING ENFORCEMENT OF THE IMMIGRATION LAWS.—It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General should take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.

SEC. 102. USER FEES.

(a) AUTHORIZATION OF CERTAIN USER FEES.—Section 281 (8 U.S.C. 1351) is amended—

(1) by amending the heading to read as follows:

"NONIMMIGRANT VISA FEES AND ALIEN USER FEES";

(2) by inserting "(a) NONIMMIGRANT VISA FEES.—" after "SEC. 281."; and

(3) by adding at the end the following new subsection:

"(b) ALIEN USER FEES.—The Attorney General, in consultation with the Secretary of State, may impose fees on aliens with respect to their use of border facilities or services of the Service in such amounts as may reasonably reflect the portion of costs of maintenance and operation of such facilities and provision of such services attributable to aliens' use of such facilities and services.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The item in the table of contents relating to section 281 is amended to read as follows:

"Sec. 281. Nonimmigrant visa fees and alien user fees.".

PART B—INCREASED PENALTIES FOR IMMIGRATION-RELATED VIOLATIONS

SEC. 111. UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

(a) CRIMINAL PENALTIES.—Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL [PENALTIES.—(1) Any person who—] *PENALTIES.—*

"(1) Any person who—

"(A) knowing *or in reckless disregard of the fact* that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) [knowingly] *knowing* or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; or

"(C) [knowingly] *knowing* or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from [detection] *detection, or attempts to conceal, harbor, or shield from detection,* such alien in any place, including any building or any means of [transportation,] *transportation; or*

"(D) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law,

shall be fined, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this subsection occurs. For the purposes of subparagraph (C) of this paragraph, employment (including the usual and normal practices incident to employment) by itself does not constitute harboring.

"(2) Any person who, [knowingly] *knowing* or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien, shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved—

"(A) be fined, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second *or subsequent* offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain,

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

"(iv) an offense during which either the offender or the alien with the knowledge of the offender makes any false or misleading statement or engages in any act or conduct intended to mislead any officer, agent or employer of the United States,

be fined, or imprisoned not more than five years, or both.".

(b) MISCELLANEOUS AMENDMENTS TO SEIZURE AND FORFEITURE PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1) before subparagraph (A) by striking out "is used" and inserting in lieu thereof "has been or is being used",

(2) by striking out "subject to seizure and" in paragraph (1) and inserting in lieu thereof "seized and subject to",

(3) by inserting "or is being" after "has been" in paragraph (2),

(4) by striking out "conveyances" in paragraph (3) and inserting in lieu thereof "property",

(5) by inserting ", or the Federal Maritime Commission if appropriate under section 203(i) of the Federal Property and Administrative Services Act of 1949," in paragraph (4)(C) after "General Services Administration",

(6) in paragraph (4)—

(A) by striking out "or" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and

(C) by inserting after such subparagraph the following new subparagraph:

"(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.";

(7) by striking out ": *Provided,* That" in paragraph (5) and inserting in lieu thereof ", except that",

(8) by striking out "was not lawfully entitled to enter, or reside within, the United States" in paragraph (5) and inserting in lieu thereof "had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law" each place it appears, and

(9) by inserting "or of the Department of State" in paragraph (5)(B) after "Service".

SEC. 112. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.

(a) APPLICATION TO ADDITIONAL DOCUMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or authorized employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or authorized employment in the United States";

(4) by inserting "(a)" before "Whoever" the first place it appears; and

(5) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) a identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined, or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents.".

SEC. 113. RESTRICTIONS ON ADJUSTMENT OF STATUS.

(a) REQUIRING LEGAL STATUS AT TIME OF APPLICATION.—Subsection (c) of section 245 (8 U.S.C. 1255), relating to nonimmigrants who may not adjust to immigrant status while in the United States, is amended to read as follows:

"(c) ALIENS FOR WHOM THIS SECTION DOES NOT APPLY.—Subsection (a) shall not apply to the following aliens:

"(1) An alien crewman.

"(2)(A) Except as provided in subparagraph (B), an alien who—

"(i) continues in or accepts unauthorized employment before the date of filing an application for adjustment of status,

"(ii) is not in legal immigration status on the date of filing the application for adjustment of status, or

"(iii) has failed to maintain continuously a legal status since the date of entry into the United States.

"(B) Subparagraph (A) shall not apply to an alien who is—

"(i) an immediate relative, described in section 201(b), or

"(ii) a special immigrant described in section 101(a)(27)(H).

"(3) An alien admitted in transit without a visa under section 212(d)(4)(C).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for adjustment of status filed before, on, or after the date of the enactment of this Act.

PART C—CONTROL OF UNAUTHORIZED EMPLOYMENT OF ALIENS

SEC. 121. MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.

(a) IN GENERAL.—(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) HIRING, RECRUITING, OR REFERRING.—It is unlawful for a person or other entity to hire, or to recruit or refer for a fee or other consideration, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(2)) with respect to such employment.

"(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for [employment] *employment*, to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) DEFENSES.—

"(A) COMPLIANCE WITH EMPLOYMENT VERIFICATION SYSTEM.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1) with respect to such hiring, recruiting, or referral.

"(B) PRESUMPTION FOR EMPLOYERS OF 4 OR MORE EMPLOYEES.[—If] *Except for purposes of subparagraph (2)(E) of subsection (d), if* a person or entity is employing four or more employees and hires (or recruits or refers for a fee or other consideration) for employment in the United States an unauthorized alien, for purposes of paragraph (1) the person or entity shall be presumed to have known that the alien was an unauthorized alien unless the person or entity has complied with the requirements of subsection [(b) with respect to the hiring (or recruiting or referral) of that alien.] *(b).*

"(C) PRESUMPTION FOR LARGE RECRUITERS OR REFERRERS.—If a person or entity recruits or refers for a fee or other consideration more than four individuals in any 12-month period and recruits or refers for a fee or other consideration for employment in the United States an unauthorized alien, for purposes of paragraph (1) the person or entity shall be considered to have known that the alien was an unauthorized alien unless the person or entity has complied with the requirements of subsection [(b) with respect to recruiting or referral of that alien.] *(b).*

"(D) REBUTTAL OF PRESUMPTION.—The presumption established by subparagraph (B) or (C) may be rebutted through the presentation of clear and convincing evidence which contradicts the presumption.

"(4) VIOLATORS SUBJECT TO ORDER.—A person or entity that violates paragraph (1) or (2) is subject to an order under subsection (d).

"(b) EMPLOYMENT VERIFICATION SYSTEM.—Except as provided in subsection (c), the requirements referred to in subsections (a)(3) and (d)(2)(C)(i) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following four paragraphs:

"(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that it has verified that the individual is not an unauthorized alien by examining—

"(i) a document described in subparagraph (B), or

"(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport;

"(ii) [certification] *certificate* of United States citizenship;

"(iii) certificate of naturalization;

"(iv) unexpired foreign passport, if the passport has an appropriate, unexpired endorsement *of the Attorney General* authorizing the individual's employment in the United States; or

"(v) resident alien card or other alien registration card, if the card—

"(I) contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this subsection, and

"(II) is evidence of authorization of employment in the United States.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's—

"(i) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States);

"(ii) certificate of birth in the United States or establishing United States nationality at birth, which certificate the Attorney General finds, by regulation, to be acceptable for purposes of this section; or

"(iii) other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable for purposes of this section.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

["(i) border crossing card or similar alien identification document issued by the Attorney General to aliens and designated for use for this purpose;]

["(ii)] *"(i)* driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section; or

["(iii)] *"(ii)* in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (ii), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury on the form designated or established for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral for a fee or other consideration (without hiring) of an individual, three years after the date of the recruiting or referral, and

"(B) in the case of the hiring of an individual—

"(i) three years after the date of such hiring, or

"(ii) one year after the date the individual's employment is terminated,

whichever is later.

"(4) UNIFORM VERIFICATION POLICY.—The person or entity must apply the requirements of the previous three paragraphs uniformly to all individuals hired (or recruited or referred for a fee or other consideration).

"(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(6) LIMITATION ON USE OF ATTESTATION FORM.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(c) EVALUATION AND CHANGES IN EMPLOYMENT VERIFICATION SYSTEM.—

"(1) PRESIDENTIAL MONITORING AND IMPROVEMENTS IN SYSTEM.—

"(A) MONITORING.—The President shall provide for the monitoring and evaluation of the degree to which the employment verification system established under subsection (b) provides a secure system to determine employment eligibility in the United States and shall examine the suitability of existing Federal and State identification systems for use for this purpose.

"(B) IMPROVEMENTS TO ESTABLISH SECURE SYSTEM.—To the extent that the system established under subsection (b) is found not to be a secure system to determine employment eligibility in the United States, the President shall, subject to paragraph (3) and taking into account the results of any demonstration projects conducted under paragraph (4), implement such changes in (including additions to) the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States. [Such] *Except as provided in subparagraph (C), such* changes in the system may be implemented only if the changes conform to the requirements of paragraph (2).

"(C) REQUIRING USE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARDS.—The President may require, without regard to paragraph (2), that the only social security account number cards which may be present-

ed in order to comply with subsection (b)(1)(C)(i) are such cards as are in a counterfeit-resistant form consistent with the second sentence of section 205(c)(2)(D) of the Social Security Act.

"(2) RESTRICTIONS ON CHANGES IN SYSTEM.—Except as provided in paragraph (1)(C), any change the President proposes to implement under paragraph (1) in the verification system must be designed in a manner so the verification system, as so changed, meets the following requirements:

"(A) RELIABLE DETERMINATION OF IDENTITY.—The system must be capable of reliably determining whether—

"(i) a person with the identity claimed by an employee or prospective employee is eligible to work, and

"(ii) the employee or prospective employee is claiming the identity of another individual.

"(B) USING OF COUNTERFEIT-RESISTANT DOCUMENTS.—If the system requires that a document be presented to or examined by an employer, the document must be in a form which is resistant to counterfeiting and tampering.

"(C) LIMITED USE OF SYSTEM.—Any personal information utilized by the system may not be made available to Government agencies, employers, and other persons except to the extent necessary to verify that an individual is not an unauthorized alien.

"(D) PRIVACY OF INFORMATION.—The system must protect the privacy and security of personal information and identifiers utilized in the system.

"(E) LIMITED DENIAL OF VERIFICATION.—A verification that an employee or prospective employee is eligible to be employed in the United States may not be withheld or revoked under the system for any reason other than that the employee or prospective employee is an unauthorized alien.

"(F) LIMITED USE FOR LAW ENFORCEMENT PURPOSES.—The system may not be used for law enforcement purposes, other than for enforcement of this Act or sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(G) RESTRICTION ON USE OF NEW DOCUMENTS.—If the system requires individuals to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this Act (or enforcement of sections 1001, 1028, 1546, and 1621 of title 18, United States Code) nor to be carried on one's person.

"(3) NOTICE TO CONGRESS BEFORE IMPLEMENTING CHANGES.—

"(A) IN GENERAL.—The President may not implement any change under paragraph (1) unless at least—

"(i) 60 days, or

"(ii) in the case of a major change described in subparagraph (D), two years,

before the date of implementation of the change, the President has prepared and transmitted to the Committee on the Judiciary of the House of Representatives and to the Committee on the Judiciary of the Senate a written report setting forth the proposed change. The President promptly shall cause to have printed in the Federal Register the substance of any major change (described in subparagraph (D)) proposed and reported to Congress.

"(B) CONTENTS OF REPORT.—In any report under subparagraph (A) the President shall include recommendations for the establishment of civil and criminal sanctions for unauthorized use or disclosure of the information or identifiers contained in such system.

"(C) CONGRESSIONAL REVIEW OF MAJOR CHANGES.—

"(i) HEARINGS AND REVIEW.—The Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of any major change described in subparagraph (D), shall hold hearings respecting the feasibility and desirability of implementing such a change, and, within the two year period before implementation, shall report to their respective Houses findings on whether or not such a change should be implemented.

"(ii) CONGRESSIONAL ACTION.—No major change may be implemented unless the Congress specifically provides, in an appropriations or other Act, for funds for implementation of the change.

"(D) MAJOR CHANGES REQUIRING TWO YEARS NOTICE AND CONGRESSIONAL REVIEW.—As used in this paragraph, the term 'major change' means a change which would—

"(i) require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, or

[“(ii) provide for a telephone verification system similar to that described under paragraph (4)(B)(ii);]

"(ii) provide for a telephone verification system under which an employer, recruiter, or referrer must transmit to a Federal official information concerning the immigration status of prospective employees and the official transmits to the person, and the person must record, a verification code;

but does not include a change in any card used for accounting purposes under the Social Security Act.

"(4) DEMONSTRATION PROJECTS.—

"(A) AUTHORITY.—The President may undertake demonstration projects (consistent with paragraph (2)) of different changes in the requirements of subsection (b). No such project may extend over a period of longer than three years.

"(B) REPORTS ON PROJECTS.—The President shall report to the Congress on the results of demonstration projects conducted under this paragraph.

"(d) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

"(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a),

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity,

"(C) for the investigation of such other violations of subsection (a) as the Attorney General determines to be appropriate, and

"(D) for the designation in the Service of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) under this subsection.

"(2) ORDER FOR VIOLATIONS.—

"(A) IN GENERAL.—If, after notice and opportunity to request a hearing respecting a violation of subsection (a), the immigration judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a), the judge shall state his findings of fact and issue and cause to be served on such person or entity an order.

"(B) CIVIL PENALTY AS PART OF ORDER.—An order under subparagraph (A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of—

"(i) not less than $100 and not more than $2,000 for each unauthorized alien with respect to whom a violation of subsection (a) occurred,

"(ii) not less than $2,000 and not more than $5,000 for each such alien in the case of a person or entity previously subject to an order under this subsection, or

"(iii) not less than $3,000 and not more than $10,000 for each such alien in the case of a person or entity which has engaged or is engaging in a pattern or practice of such violations.

"(C) ADDITIONAL REMEDIES AS PART OF ORDER.—An order under subparagraph (A) may require the person or entity—

"(i) to comply with the requirements of subsection (b) (or subsection (c) if applicable) with respect to individuals hired (or recruited or referred for employment for a fee or other consideration) during a period of up to three years, and

"(ii) to take such other remedial action as is appropriate.

"(D) DISMISSAL OF COMPLAINTS.—If upon the preponderance of the evidence taken, the judge is of the opinion that the person or entity named in the complaint has not violated subsection (a), the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(E) CRIMINAL PENALTY.—Any person or entity which, after having been previously required to pay a civil penalty under subparagraph (B)(iii) for a pattern or practice of violations of subsection (a), again engages in such a pattern or practice shall be fined not more than $3,000 for each unauthorized alien with respect to whom a violation of subsection (a) occurred, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(3) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

"(A) immigration officers and immigration judges shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) immigration judges, by subpoena, may compel the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(4) TREATMENT OF CERTAIN SUBDIVISIONS.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for [employment] *employment*, without reference to the practices of, [or] *and not* under the control [of,] *of* or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(5) ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General may provide for the administrative appellate review of the determination of an immigration judge under this subsection by an appropriate administrative appellate body.

"(e) JUDICIAL REVIEW OF ORDERS.—Judicial review of orders under this subsection shall be exclusively under the procedures provided in chapter 158 of title 28, United States Code, except as follows:

"(1) FILING DEADLINE.—Petitions for review may be filed not later than 45 days after the date of the final order.

"(2) VENUE.—The venue of any petition for review under this subsection shall be in the judicial circuit in which the administrative proceedings before an [immigrant] *immigration* judge were conducted in whole or in part, or in the judicial circuit wherein is the residence of the petitioner, but not in more than one circuit.

"(3) SERVICE.—In the case of review sought by an entity other than the Service, the action shall be brought against the Immigration and Naturalization Service as respondent and service of the petition to review shall be made upon the Attorney General and upon the official of the Service in charge of the Service district in which the office of the clerk of the court is located.

"(4) SUBSTANTIAL EVIDENCE.—The petition shall be determined solely upon the administrative record upon which the order is based and the immigration judge's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(5) TYPEWRITTEN BRIEFS.—It shall not be necessary to print the record or any part thereof, or the brief, and the court shall review the proceedings on a typewritten record and on typewritten briefs.

In any judicial review of an immigration judge's order under this subsection, the court may provide for such order of enforcement as may be appropriate. Section 279 shall not apply to causes arising under this section.

"(f) ENFORCEMENT OF ORDERS.—If a person or entity fails to comply with a final order issued under subsection (d) against the person or entity, the Attorney General shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order imposing the assessment shall not be subject to review.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee or other consideration for employment, unauthorized aliens.

"(h) DEFINITIONS.—As used in this section—

"(1) IMMIGRATION JUDGE.—The term 'immigration judge' means an immigration officer specially designated to hear cases under this section.

"(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.".

(b) EFFECTIVE DATES.—(1) Except as otherwise provided in this subsection or subsection (c), the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Paragraph (1) of section 274A(a) of the Immigration and Nationality Act, making unlawful the hiring, recruiting, or referral of unauthorized aliens for employment, shall only apply to the hiring, recruiting, or referral of individuals occurring after the date of the enactment of this Act.

(3) Paragraph (2) of section 274A(a) of the Immigration and Nationality Act, relating to making unlawful the continuing employment of unauthorized aliens, shall only apply to aliens who are hired after the date of the enactment of this Act.

(4) Section 274A(g)(2) of the Immigration and Nationality Act takes effect on the first day of the seventh month beginning after the date of the enactment of this Act.

(c) PROMULGATION OF REGULATIONS AND EDUCATION AND WARNING PERIOD.—(1) The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement section 274A of the Immigration and Nationality Act.

(2) The Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration and with organizations representing or assisting employers, employees, and employment agencies, shall take steps to broadly disseminate forms and information and provide for public education respecting the provisions of section 274A of the Immigration and Nationality Act.

(3) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the six-month period beginning on the first day of the first month beginning after the date of the enactment of this Act, the Attorney General shall notify such person or entity of such belief and shall not conduct any proceeding, nor impose any order, under such section on the basis of such alleged violation or violations.

(4) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the subsequent six-month period, the Attorney General shall, in the first instance of such an alleged violation (or violations) occurring during such period, provide a warning to the person or entity that such a violation or violations may have occurred and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

(d) CONFORMING AMENDMENTS TO MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(N)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens.".

(f) REPORTS ON IMPLEMENTATION OF SECTION.—For monitoring and study respecting the enactment of this section (including actions taken on any discrimination in employment which might result from enactment of this section), see section 402 of this Act.

SEC. 122. TEMPORARY AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "N" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)) is amended—

(1) by inserting "other than agricultural services described in section 216(h)(1)" in subparagraph (H)(ii) after "temporary services or labor",

(2) by striking out "or" at the end of subparagraph (L),

(3) by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and

(4) by adding at the end the following new subparagraph:

"(N) an alien, having a residence in a foreign country which he has no intention of abandoning, who is coming temporarily to the United States under section 216 to perform agricultural services (as defined in section 216(h)(1)) of a temporary or seasonal nature.".

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN TEMPORARY AGRICULTURAL WORKER PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking out "or (L)" in the first sentence and inserting in lieu thereof ", (L), or (N)", and

(2) by adding at the end the following: "For purposes of this subsection the term 'appropriate agencies of Government' means the Department of Labor and includes, with respect to nonimmigrants under section 101(a)(15)(N), the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(N).".

(c) ADMISSION OF TEMPORARY AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 215 the following new section:

"ADMISSION OF TEMPORARY AGRICULTURAL WORKERS

"SEC. 216. (a) APPLICATION FOR LABOR CERTIFICATION.—

"(1) REQUIREMENT.—A petition to import an alien as a temporary agricultural worker (as defined in subsection (h)(3)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(A) there are not sufficient [workers] *eligible individuals* who are able, willing, and qualified and who will be available at the time and place needed to perform the services involved in the petition, and

"(B) the employment of the alien in such services will not adversely affect the wages and working conditions of [workers] *eligible individuals* in the United States similarly employed.

"(2) PAYMENT OF REQUIRED FEES.—The Secretary of Labor may require by regulation, as a condition of applying for the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in [paragraph (1)] *that subsection* are not met or if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed temporary agricultural workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid [any] *every* penalty [for such violations] which [have] *has* been assessed by the Secretary of [Labor] *Labor for a violation of a term or condition of such labor certification.*

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may be denied certification under subparagraph (A) for more than one year for any violation described in that subparagraph.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(c) RULES CONCERNING APPLICATIONS FOR LABOR CERTIFICATION.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification for a temporary agricultural worker:

"(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 65 days before the first date the employer requires the services of the worker.

"(2) NOTICE WITHIN 14 DAYS OF DEFICIENCIES.—

"(A) NOTICE OF DEFICIENCIES.—The application shall be considered to have met the requirements of subsection (a)(1) (other than subparagraph (A) thereof) unless the Secretary of Labor, within 14 days of the date of filing the application, notifies the employer filing the application that the application does not meet the requirements.

"(B) SUBMITTAL OF MODIFIED APPLICATION.—If the application does not meet the requirements, the notice shall include the reasons therefor and the Secretary shall permit the employer an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—

"(A) IF CONDITIONS MET.—The Secretary of Labor shall make, not later than 20 days before the date such services are first required to be performed, the certification described in subsection (a)(1) if—

"(i) the employer has complied with the requirements for certification (including the recruitment of eligible individuals as prescribed by regulation), and

"(ii) the employer does not actually have, or has not been provided with referrals of, eligible individuals who have agreed to perform such services on the terms and conditions of a job offer which meet requirements of regulations.

"(B) CONTINUED ACCEPTANCE OF APPLICANTS.—A labor certification under this section remains effective only if the employer continues to accept for employment, until the date the temporary agricultural workers depart for work with the employer, eligible individuals who apply or are referred to the employer.

"(4) PROVIDING HOUSING ALLOWANCE.—In the employer's complying with terms and conditions of employment respecting the furnishing of housing, the employer shall be permitted, at the employer's option and instead of providing for suitable housing accommodations, to substitute payment of a reasonable housing allowance, but only if suitable housing is otherwise available in the proximate area of employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association representing agricultural producers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its member producers to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of such an association is determined to have committed an act that under subsection (b)(2) results in the denial of certifications with respect to the member, the denial shall apply only to that member and does not apply to the association or another producer member of the association unless the Secretary determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural producers as [an agent,] *a* joint employer, or employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—

"(1) DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or, at the applicant's request, for a de novo administrative hearing respecting the denial. In the case of a request for such a review or hearing with respect to denial of certification for temporary agricultural workers to perform agricultural services in the production of perishable commodities (as defined by the Secretary of Agriculture for purposes of this section), the Secretary of Labor shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(2) REDETERMINATION WHERE UNQUALIFIED WORKERS REFERRED FOR EMPLOYMENT.—The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of a temporary agricultural worker if the employer asserts that eligible individuals who have been referred are not able, willing, or qualified because of lawful employment-related reasons. If the employer asserts that an eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(3) ATTORNEY GENERAL EXPEDITED REVIEW WHERE WORKERS NOT ACTUALLY AVAILABLE.—To the extent that—

"(A) a certification under subsection (a)(1) was denied solely because of the availability of eligible individuals to perform the agricultural services specified in the petition, and

"(B) eligible individuals who agree to perform the services for which the temporary agricultural workers are sought are not actually available at the time and place such services are required,

the Attorney General shall provide by regulation for an expedited review of the petition respecting the workers not later than 72 hours after the time the employer requests expedited review under this paragraph. To the extent that the Attorney General determines that the facts described in the previous sentence exist, the Attorney General may provide for approval of the petition (subject to the other conditions required for the approval of certification under subsection (a)(1)), notwithstanding the denial of the certification by the Secretary of Labor.

"(4) EXPEDITED APPLICATION WHERE [UNFORSEEN] *UNFORESEEN* NEED FOR WORKERS.—

"(A) PERMITTING AMENDED APPLICATION OR ABBREVIATED RECRUITMENT PERIOD.—If the Secretary of Labor makes the determination described in subparagraph (C), the Secretary—

"(i) shall permit the employer to amend or to make an application for certification under subsection (a)(1), and

"(ii) may waive some or all of the 65-day recruitment period described in subsection (c)(1) as necessary to meet the critical need described in subparagraph (C)(i).

"(B) PROMPT REDETERMINATION.—In the case of an amended or new application under subparagraph (A)—

"(i) USING BEST DATA.—The Secretary shall make the determination on the amendment or application based upon the best available labor market information.

"(ii) DEADLINE FOR DETERMINATION.—Except as provided in clause (iii), the Secretary shall make the determination on the amendment or application not later than 20 days before the date on which the workers are needed.

"(iii) DEADLINE FOR LATE AMENDMENTS AND APPLICATIONS—If an amendment or application is made at any time later than 3 days before such date of need described in clause (ii), the Secretary shall make the determination on the amendment or application within 72 hours after the date the amendment or application is submitted.

"(C) DETERMINATION OF [UNFORSEEN] *UNFORESEEN* CIRCUMSTANCES.—The determination under subparagraph (A) is that—

"(i) in the case of an employer that has filed an application for a certification under subsection (a)(1), the employer—

"(I) has a critical need for workers before the expiration of the 65-day period described in subsection (c)(1), or

"(II) has a critical need for additional workers who had not been requested in the previous application;

"(ii) in the case of an employer that had not previously filed such an application, the employer has a critical need for workers before the expiration of the 65-day period described in subsection (c)(1) and the employer made prompt application for certification under subsection (a)(1) when the employer's need for workers became known; and

"(iii) based on the employer's past experience and on reasonable expectations, the need for such workers at the time required could not have been foreseen.

"(5) PERMITTING PRESENTATION OF COUNTERVAILING EVIDENCE.—If the Secretary of Labor denies a certification under subsection (a)(1) or fails to act on the application, the Attorney General may permit the applicant to present countervailing evidence to the Attorney General that—

"(A) there are not sufficient workers who are able, willing, and qualified and who will be available at the time and place needed to perform the services involved in the petition for which the certification is sought, and

"(B) the employment policies of the Department of Labor have been observed.

"(f) ENTRY AND TRANSFER OF TEMPORARY AGRICULTURAL WORKERS.—

"(1) TIME LIMITATION.—An alien may not be admitted to the United States as a temporary agricultural worker for an aggregate period longer than the period (or periods) determined by regulations of the Attorney General. The regulations may provide for a period of admission of longer than one year in the case of agricultural services which the Secretary of Labor has recognized, for purposes of the admission of certain nonimmigrants under section 101(a)(15)(H)(ii), before the date of the enactment of this section.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(3) TRANSFER OF WORKERS AMONG EMPLOYERS PERMITTED.—Nothing in this section shall prohibit an employer which has a petition approved with respect to the importation of temporary agricultural workers from hiring such a worker who has completed a work contract entered into with another employer. The Attorney General shall provide for a procedure to allow temporary agricultural workers, who have completed a work contract under this section and who are not otherwise deportable, to remain in the United States for brief periods in which to seek and accept employment with employers who are authorized to employ the workers.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY OF SECRETARY OF LABOR.—The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of temporary agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(4) TREATMENT FOR FICA, FUTA, AND SOCIAL SECURITY.—For the administration of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the Social Security Act, a temporary agricultural worker shall be considered to be an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H)(ii) of this Act.

"(h) DEFINITIONS.—For purposes of this section:

"(1) AGRICULTURAL SERVICES.—The term 'agricultural services' has the meaning given such term by the Secretary of Labor in regulations and includes—

"(A) agricultural labor, defined in section 3121(g) of the Internal Revenue Code of 1954, and

"(B) agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(h)(2)) with respect to that employment.

"(3) TEMPORARY AGRICULTURAL WORKER.—The term 'temporary agricultural worker' means a nonimmigrant described in section 101(a)(15)(N).".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101 note), as amended by [sections 101(b) and 102(b) of this Act,] *section 101(b)* is further amended by adding at the end the following new subsections:

["(d)] *"(b)* AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year [1986,] *1987,* $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by temporary agricultural workers described in section 216, and

"(B) of monitoring terms and conditions under which such temporary agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(2) There are authorized to be appropriated for each fiscal year, beginning with fiscal year [1986,] *1987,* such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under section 216 and under section 212(a)(14).

["(e)] *(c)* AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year [1986,] *1987,* such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section [216.".] *216.*

"(d) Nothing in this bill is intended to authorize funding for fiscal year 1986.".

(e) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by section 113(a) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 201(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(N).".

(2) Section 248(1) (8 U.S.C. 1258(1)) is amended by striking out "or (K)" and inserting in lieu thereof "(K), or (N)".

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section apply to petitions and applications filed under sections 214(c) and 216 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(g) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(N) and 216 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(h) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary agricultural workers.".

SEC. 123. AGRICULTURAL LABOR TRANSITION PROGRAM.

(a) ESTABLISHMENT OF TRANSITION PROGRAM.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall promulgate rules and regulations for the implementation of an agricultural labor transition program. The program shall be effective for a three-year period beginning on the first day of the seventh month beginning after the date of enactment of this Act.

(b) LIMITATION ON NUMBER OF WORKERS UNDER PROGRAM.—During the first year of the transition program, an agricultural employer, except as provided in (c), (d), and (e), may, as provided by regulation, employ

up to 100 percent of his nondomestic seasonal agricultural worker need with transitional workers. During the second and third years of the program, the employer may employ up to 67 percent and 33 percent, respectively, of his nondomestic seasonal agricultural worker needs with transitional workers.

(c) CANNOT REPLACE LEGAL WORKERS.—Nothing in this section shall permit transitional workers to replace available United States workers or legal foreign workers admitted under the Immigration and Nationality Act.

(d) COVERAGE UNDER OTHER EMPLOYMENT LAWS.—All workers employed under the provisions of this section shall be fully protected by all Federal and State laws and regulations governing the employment of United States migrant and seasonal agricultural workers.

(e) ELIGIBILITY OF ALIENS.—(1) An undocumented alien in the United States shall be eligible to be a transitional worker under the provisions of this section if the person [is] *was* employed [or has been employed] *on the date of enactment* as a seasonal agricultural worker in the United [States] *States, or has been employed as such a worker* for at least 90 days during a period of time after January 1, [1980.] *1980, and before the date of enactment.*

(2) An undocumented worker shall not be eligible to be a transitional worker and may not be registered under this section if the person is deportable for any reason other than those described in paragraphs (2) and (9) of section 241(a) of the Immigration and Nationality Act, or on the basis, under paragraph (1) of that section, of being excludable at the time of entry under paragraph (19), (20), or (26) of section 212(a) of such Act. Only persons employed as transitional workers and registered as such by the Attorney General during the first year of the program shall be eligible during the second and third years.

(3) A transitional worker under this section is not eligible to apply for adjustment of status under section 245(a) of the Immigration and Nationality Act, unless the alien is an immediate relative described in section 201(b) of such Act.

(f) REQUIREMENTS FOR EMPLOYERS TO PARTICIPATE.—To employ transitional workers under the provisions of this section, an agricultural employer must—

(1) notify the Attorney General of the employer's intention to participate in the transition program within twelve months of the beginning of the program, and

(2) provide such information relating to the employer's requirements for seasonal agricultural workers in months or other periods in previous and future years as the Attorney General may specify.

(g) REPORTS ON USE OF WORKERS.—After an employer begins participation in the agricultural labor transition program the employer shall provide, upon request, to the Attorney General a numerical count of the number of transitional workers employed and the total number of domestic and foreign seasonal agricultural workers employed by the employer.

(h) APPLICATION OF STANDARDS FOR TEMPORARY AGRICULTURAL WORKERS IN CERTAIN CASES.—Any eligible employer under the transition program who employs nonimmigrant alien agricultural workers under the provisions of section 216 of the Immigration and Nationality Act shall provide wages and working conditions as required by subsection (a)(1)(B) of such section to all similarly employed workers of that employer.

(i) EMPLOYMENT DOES NOT PRECLUDE LEGALIZATION OF A WORKER.—Agreement by an alien to be a transitional worker would not preclude that alien from eligibility under the legalization provisions of title II of this Act.

(j) PAYMENT OF FEES.—The Attorney General may require by regulation, as a condition of participation by an employer in the transition program, the payment of a fee to recover the reasonable costs of processing registrations under the transition program.

(k) TREATMENT OF CERTAIN DOCUMENTATION.—In accordance with regulations of the Attorney General, a work permit or other documentation issued under this section to a transitional worker shall be considered to be documentation evidencing authorization of employment for purposes of section 274A(b)(1)(C)(iii) of the Immigration and Nationality Act and an alien employed by an employer and in possession of a properly endorsed work permit or other such documentation for a period of time shall be considered (for purposes of section 274A(h)(2) of such Act) to be authorized by the Attorney General to be so employed during that period of time. For purposes of section 3121(a)(1) of the Internal Revenue Code of 1954 and section 210(a) of the Social Security Act, a transitional worker performing seasonal agricultural services for an employer participating under the program shall be considered to be lawfully admitted to the United States on a temporary basis to perform agricultural labor.

(l) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend from the appropriation provided for the administration and enforcement of the Immigration and Nationality Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section during the period of the transition program.

(2) USE OF RETIRED FEDERAL EMPLOYEES.—Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the Service for the period of the transition program to perform duties in connection with the program.

SEC. 124. COMMISSION ON *TEMPORARY* AGRICULTURAL WORKER PROGRAMS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a commission (hereinafter in this section referred to as the "Commission") to be composed of 12 members—

(A) two to be appointed by the Attorney General,

(B) two to be appointed by the Secretary of Labor,

(C) two to be appointed by the Secretary of Agriculture,

(D) three to be appointed by the Speaker of the House of Representatives, and

(E) three members to be appointed by the President pro tempore of the Senate.

(2) In appointing individuals as members, the Attorney General, the Secretaries of Labor and Agriculture, the Speaker, and the President pro tempore shall assure that members include some individuals who [are representative of] *represent* labor organizations for agricultural workers and some individuals who [are representative of] *represent* agricultural employers of nondomestic workers. Appointments to the Commission shall be made in a manner that provides for balanced representation of the various interests in the matters considered by the Commission.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Appointments to the Commission shall first be made within 30 days after the date of the enactment of this Act.

(5) Members shall be appointed to serve for the life of the Commission.

(b) REVIEW OF AGRICULTURAL LABOR PROGRAMS.—(1) The Commission shall study and review—

(A) the temporary agricultural worker program described in section 216 of the Immigration and Nationality Act, and

(B) the agricultural labor transition program under section 123 of this Act,

particularly as such programs impact on the labor needs of agricultural employers in the United States and on the [wages and conditions] *wages,* working *conditions, and job opportunities* of United States agricultural workers.

(2) The Commission shall specifically review the following with respect to the temporary agricultural worker program under section 216 of the Immigration and Nationality Act:

(A) The standards described in subsection (a)(1) of that section for the certification respecting temporary agricultural workers.

(B) Whether or not there should be a statutory or other specific limit on the number of such workers who may be imported in any period.

(C) Whether or not payments equivalent to the taxes otherwise imposed under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act should be made by the employers of such workers and what use should be made of these payments.

(D) What is a proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers.

(E) Whether foreign agricultural workers should be contractually restricted to employment with specific employers.

(F) Whether current labor standards offer adequate protection for domestic and foreign agricultural workers.

(G) Whether certain geographic regions need special programs or provisions to meet their unique needs.

(c) REPORT TO CONGRESS.—(1) The Commission shall report to the Congress not later than two years after the effective date (described in section 122(f)) on its reviews under subsection (b). The Commission shall include in its report recommendations for improvements in the temporary agricultural worker program under section 216 of the Immigration and Nationality Act, including specific legislative recommendations—

(1) on the [matter] *matters* specifically reviewed under subsection (b)(2),

(2) improving the timeliness of decisions regarding the admission of temporary agricultural workers under the program,

(3) removing any current economic disincentives to hiring United States citizens or permanent resident aliens where temporary agricultural workers have been requested, and

(4) improving the cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence

of any industry on a constant supply of temporary foreign agricultural workers.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(f) MEETINGS OF COMMISSION.—(1) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(g) STAFF.—(1) The Chairman, in consultation with the Vice Chairman, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, no payment, or authorization to make payments or to enter into contracts under this section, shall be effective to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(i) TERMINATION DATE.—The Commission shall cease to exist 27 months after the effective date (described in section 122(f)).

TITLE II—LEGALIZATION OF STATUS

SEC. 201. LEGALIZATION COMMISSION.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Select Commission on Legalization (hereinafter in this section referred to as the "Commission"), [to be composed of 16 members—

[(A) eight to be appointed by the President (not more than four of whom may be members of the same political party) from a list of names submitted by the Speaker of the House of Representatives and

[(B) eight to be appointed by the President (not more than four of whom may be members of the same political party) from a list of names submitted by the President pro tempore of the Senate.]

to be composed of nine members—

(A) four to be appointed by the President from a list of names submitted by the Speaker of the House of Representatives,

(B) four to be appointed by the President from a list of names submitted by the President pro tempore of the Senate, and

(C) one to be appointed by the President alone, and who shall be appointed Chairman of the Commission.

(2)*(i)* Each list submitted under paragraph (1) shall contain the names of at least [24] *12* individuals, [not more than 12 of whom are members of the same political party, and] none of whom are officials or employees in the legislative branch of the Federal [Government.] *Government and each of whom supports the concept of the legalization program described in section 202. At least seven of the individuals on each list shall be sitting or retired Federal judges, former Members of the Select Commission on Immigration and Refugee Policy, former Members of Congress, or former Attorneys General of the United States. At least two of the remaining individuals on each list shall be representatives of religious organizations, voluntary agencies, civil rights organizations, or organizations representing minority or ethnic groups.*

(ii) The individual appointed by the President to be Chairman shall also be one who supports the concept of the legalization program described in section 202.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) The Speaker of the House of Representatives and the President pro tempore of the Senate shall submit the lists described in paragraph (2) to the President not later than 30 days after the date of the enactment of this Act and the President shall first appoint individuals as members of the Commission within 30 days after the date of receipt of such lists. *At least five members of the Commission shall be sitting or retired Federal judges, former Members of the Select Commission or Immigration and Refugee Policy, former Members of Congress, or former Attorneys General of the United States.*

(5) Members shall be appointed to serve for the life of the Commission.

(b) DUTIES OF COMMISSION.—The Commission shall monitor and review—

(1) the border patrol and other enforcement programs of the Federal Government designed to [control substantially the illegal entry of aliens into the United States and to prevent and deter substantially violations of the terms of entry,] *curtail illegal entry of aliens into, and illegal stay of aliens in, the United States,* including the amount of resources devoted to these programs and their effectiveness, and

(2) the programs of the Federal Government designed to [eliminate substantially] *curtail* the employment of unauthorized aliens in the United States, including the amount of resources devoted to these programs and their effectiveness.

The Commission may also study improvements that can be made to improve the effectiveness of these programs.

(c) REPORTS TO CONGRESS.—(1) The Commission shall transmit a report to Congress on its activities not later than one year after the date a majority of its members are first appointed, and (until its expiration) not less frequently than annually thereafter.

(2) Each report shall include a description of the increase in resources being devoted to the programs described in subsection (b) and the effect of the increase and such recommendations for improvements in the programs as the Commission determines to be appropriate.

(3) Each report also shall contain a finding of whether the following conditions have been met:

[(A) Programs of the Federal Government are in effect, and have adequate resources, to control substantially illegal entry of aliens into the United States, to prevent and deter substantially violations of the terms of entry, and to eliminate substantially the employment of unauthorized aliens in the United States.

[(B) There is substantial likelihood that these programs will continue to remain effective after the implementation of the program of legalization under section 202 of this Act.]

(A) More effective enforcement measures (including the new enforcement measures provided in section 274A of the Immigration and Nationality Act) have been instituted by the Federal Government, and have adequate resources, to curtail illegal entry of aliens into, and illegal stay of aliens, in, the United States.

(B) There is reasonable likelihood that these measures will continue to be instituted, and have adequate resources for their implementation, after the implementation of the program of legalization under section 202 of this Act.

(C) Because of more effective enforcement, the program of legalization under section 202 of this Act will not serve as a stimulus to further illegal entry.

(d) COMPENSATION OF MEMBERS, MEETINGS, STAFF, AUTHORITY OF COMMISSION, AND AUTHORIZATION OF APPROPRIATIONS.—(1) The provisions of subsection (d), (e), [(f)(2),] (f)(3), (g), and (h) of section 124 of this Act shall apply to the Commission under this section in the same manner as they apply to the Commission established under section 124.

(2) [Nine] *Five* members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) TERMINATION DATE.—The Commission shall cease to exist upon the effective date of the legalization program (described in section 202(a)(1)(C)), except that the Commission may continue to function for up to 90 days thereafter for the purpose of concluding its activities.

SEC. 202. LEGALIZATION OF STATUS.

(a) TEMPORARY RESIDENCE STATUS.—The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

(1) TIMELY APPLICATION.—

(A) DURING APPLICATION PERIOD.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 12-month period beginning on a date (not later than 90 days after the effective date of the legalization program, described in subparagraph (C)) designated by the Attorney General.

(B) APPLICATION WITHIN 30 DAYS OF SHOW-CAUSE ORDER.—An alien who, at any time during the 12-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242 of the Immigration and Nationality Act, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 12-month period or on the date of the issuance of such order, whichever day is later.

(C) EFFECTIVE DATE OF LEGALIZATION PROGRAM.—As used in this section, the term "effective date of the legalization program" means the date the Legalization Commission reports, under section 201(c)(3), that conditions described in such section have been [met.] *met or three years from the date of enactment of this Act, whichever is earlier.*

(D) INFORMATION INCLUDED IN APPLICATION.—Each application under this subsection shall contain such information as the Attorney General may require, including information on living relatives of the applicant with respect to whom a petition for preference or other status may be filed by the applicant at any later date under section 204(a) of the Immigration and Nationality Act.

(2) CONTINUOUS UNLAWFUL RESIDENCE SINCE 1980.—

(A) IN GENERAL.—The alien must establish that he either (i) arrived in the United States before January 1, 1980, and [that he] has resided continuously in the United States in an unlawful status since such date, or (ii) is a special Cuban or Haitian entrant (as described in subparagraph [(D))]. *(D)) and has resided continuously in the United States since December 31, 1980.*

(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1980, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J) of the Immigration and Nationality Act), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

(D) SPECIAL CUBAN OR HAITIAN ENTRANT.—As used in this section, the term "special Cuban or Haitian entrant" means an alien who is—

(i) a national of Cuba who arrived in the United States and presented himself for inspection after April 20, 1980, and before January 1, 1981, and who [is still] *was* physically present in the United [States;] *States on December 31, 1980;*

(ii) a national of Haiti who on December 31, 1980, was the subject of exclusion or deportation proceedings under section 236 or section 242 of the Immigration and Nationality Act, including a national of Haiti who on that date was under an order of exclusion and deportation or under an order of deportation which had not yet been executed;

(iii) a national of Haiti who *before December 31, 1980,* was paroled into the United States under section 212(d)(5) of such Act or was granted voluntary departure [before December 31, 1980,] and was physically present in the United States on that date; or

(iv) a national of Cuba or Haiti who on December 31, 1980, had an application for asylum pending with the Immigration and Naturalization Service.

(3) CONTINUOUS PHYSICAL PRESENCE SINCE ENACTMENT.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

(A) TIMELY APPLICATION.—The alien must apply for such adjustment during the 12-month period beginning with the first day of the thirty-first month that begins after the date the alien was granted such temporary resident status.

(B) CONTINUOUS LAWFUL RESIDENCE.—

(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

(D) BASIC CITIZENSHIP SKILLS.—

(i) IN GENERAL.—The alien must demonstrate that he either—

(I) meets the requirements of section 312 of the Immigration and Nationality Act (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or

(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

(B) if the alien commits an act that—

(i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or

(ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

(C) at the end of the forty-second month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in the lawful temporary resident status granted under subsection (a)—

(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as the Attorney General determines reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1).

(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) APPLICATIONS FOR INITIAL ADJUSTMENT OF STATUS.—

(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

(A) with the Attorney General, or

(B) with a qualified designated entity, but only if the applicant consents to the forwarding of the application to the Attorney General.

As used in this section, the term "qualified designated entity" means an organization or person designated under paragraph (2).

(2) DESIGNATION OF QUALIFIED ENTITIES TO RECEIVE APPLICATIONS.—For purposes of assisting in the program of legalization provided under this section, the Attorney General shall designate qualified organizations and State and local governments as qualified designated entities for purposes of this section.

(3) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination re-

quired by this section to be made by the Attorney General.

(4) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined, or imprisoned not more than five years, or both.

(5) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Attorney General shall prescribe a fee of $100 or more to be paid by each alien who files an application for adjustment of status under subsection (a) or subsection (b)(1).

(B) USE OF FEES.—The Attorney General shall deposit payments received under the preceding sentence in a separate account and amounts in such account shall be available, without fiscal year limitation, only to cover administrative expenses incurred in connection with the review of applications filed under this section.

(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of section 201 and 202 of the Immigration and Nationality Act shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)(i)—

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) of such Act in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) of such Act may not be waived by the Attorney General under clause (i):

(I) Paragraph (9) and (10) (relating to criminals).

(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence.

(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who, during the application period described in subsection (a)(1), presents an application for adjustment of status under subsection (a) which application establishes a prima facie case of eligibility to have his status adjusted under such subsection, and until a final administrative determination on the application has been made in accordance with this section, the alien—

(1) may not be deported, and

(2) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

This subsection shall not be construed as preventing the Attorney General from commencing deportation proceedings against any alien.

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.—Except as provided in paragraph (4) there shall be no administrative or judicial review (by class action or otherwise) of a decision or determination under this section.

(2) NO REVIEW FOR LATE FILINGS.—No denial of adjustment of status under this section based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

(3) NO COLLATERAL ATTACKS.—An alien denied adjustment of status under this section may not raise a claim respecting such adjustment in any proceeding of the United States or any State involving the status of such alien, including any proceeding of deportation or exclusion under this Act.

(4) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of a final determination respecting an application for adjustment of status under this section. Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and may not review a denial described in paragraph (2).

(g) IMPLEMENTATION OF SECTION.—

(1) REGULATIONS.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate, shall prescribe—

(A) regulations establishing a definition of the term "resided continuously", as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

(B) such other regulations as may be necessary to carry out this section.

(2) CONSIDERATIONS.—In prescribing regulations described in paragraph (1)(A)—

(A) PERIODS OF CONTINUOUS RESIDENCE.—The Attorney General shall specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States.

(B) ABSENCES CAUSED BY DEPORTATION OR ADVANCED PAROLE.—The Attorney General shall provide that—

(i) an alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation, and

(ii) any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this section.

(C) WAIVERS OF CERTAIN ABSENCES.—The Attorney General may provide for a waiver, in the discretion of the Attorney General, of the periods specified under subparagraph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

(D) USE OF CERTAIN DOCUMENTATION.—The Attorney General shall require that—

(i) continuous residence and physical presence in the United States must be established through documents, together with independent corroboration of the information contained in such documents, and

(ii) the documents provided under clause (i) be employment-related if employment-related documents with respect to the alien are available to the applicant.

(3) INTERIM FINAL REGULATIONS.—Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC ASSISTANCE.—During the six-year period beginning on the date an alien is granted lawful temporary resident status under subsection (a) and notwithstanding any other provision of law—

(1) an alien (other than a special Cuban and Haitian entrant, as defined in subsection (a)(2)(D)) granted lawful resident status under this section is not eligible for—

(A) financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government,

(B) medical assistance under a State plan approved under title XIX of the Social Security Act, and

(C) assistance under the Food Stamp Act of 1977, and

(2) a State or political subdivision therein may, to the extent consistent with paragraph (1), provide that the alien is not eligible for welfare assistance furnished under the law of that State or political subdivision.

For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section. Unless otherwise specifically provided by law, an alien in temporary lawful residence status granted under subsection (a) shall not be considered (for purposes of any law of a State or political subdivision providing welfare assistance) to be permanently residing in the United States under color of law.

(i) MISCELLANEOUS PROVISIONS.—

(1) DISSEMINATION OF INFORMATION ON LEGALIZATION PROGRAM.—During the three-month period beginning on the effective date of the legalization program, the Attorney General, in cooperation with qualified designated entities and the Secretary of Labor, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.

(2) PROCEDURES FOR PROPERTY ACQUISITION OR LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend from the appropriation provided for the administra-

tion and enforcement of the Immigration and Nationality Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section. This authority shall end two years after the effective date of the legalization program.

(3) USE OF RETIRED FEDERAL EMPLOYEES.—Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the *Immigration and Naturalization* Service for a period of not to exceed 18 months to perform duties in connection with the adjustment of status of aliens under this section.

(4) APPLICATION OF PROVISIONS OF IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted lawful residence status under this section shall not preclude the alien from seeking such a status under any other provision of law for which the alien may be eligible.

(j) LIMITING APPLICATION OF PUBLIC LAW 89-732.—The first section of Public Law 89-732 shall not apply to any alien who is first inspected and admitted or paroled into the United States after the date of the enactment of this Act.

SEC. 203. STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make payments to States (and for related Federal administration costs) under this section $600,000,000 for each of three fiscal years, beginning with the fiscal year in which the application period (described in section 202(a)(1)(A)) ends.

(b) CAPPED ENTITLEMENT.—(1) The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall provide, in accordance with this section and from the allotment for that State determined under paragraph (2), for payment to each of the States with an application approved under this section for reimbursement of the costs—

(A) of public programs of assistance provided with respect to eligible legalized aliens, *for which such aliens were not disqualified under section 202(h) at the time of such assistance,* and

(B) for the imprisonment of aliens *convicted of a felony* who are in the United States unlawfully and—

(i) whose most recent entry into the United States was without inspection, or

(ii) whose most recent admission to the United States was as a nonimmigrant but—

(I) whose period of authorized stay as a nonimmigrant expired, or

(II) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the imprisonment was imposed.

(2)(A) The Secretary shall establish a formula for determining the amount of the allotment to each State under this section for each fiscal year. Such formula shall, subject to subparagraph (B), take into account—

(i) the number of eligible legalized aliens (as defined in subsection (i)(3)) residing in the State in that fiscal year,

(ii) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year,

(iii) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens under programs of public assistance (as defined in subsection (i)(2)), and

(iv) the ratio of the amount of expenditures referred to in clause (iii) in the State to the total amount of such expenditures in all of the States,

in a manner that provides for an equitable and balanced distribution of funds among the States.

(B)(i) The total of the allotments to States under this section is equal to $600,000,000 for each of the three fiscal years described in subsection (a).

(ii) To the extent that all the funds appropriated under this section for a fiscal year are not otherwise allotted to States either because all the States have not qualified for such allotments under this section for the fiscal year or because some States have indicated in their description of activities that they do not intend to [use] *use, in that fiscal year or the succeeding fiscal year,* the full amount of such [allotments in that fiscal year and the succeeding fiscal year,] *allotments,* such excess shall be allotted among the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this clause.

(2) In determining the number of eligible legalized aliens for purposes of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(3) For each fiscal year the Secretary shall make payments, as provided by [section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213),] *section 6503 of title 31, United States Code,* to each State from its allotment under this subsection. Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

(c) STATEMENTS AND ASSURANCES.—(1) No State is eligible for payment under this section unless the State—

(A) has filed with, and had approved by, the Secretary an application containing such information, including the information described in paragraph (2) and criteria for and administrative methods of disbursing funds received under this section, as the Secretary determines to be necessary to carry out this section, and

(B) transmits to the Secretary a statement of assurances that certifies that (i) funds allotted to the State under this section will only be used to carry out the purposes described in subsection (d), (ii) the State will provide a fair method (as determined by the State) for the allocation of funds among State and local agencies in accordance with subsection (d)(2), and (iii) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements of subsections (e) and (f).

(2) The application of each State under this section for each fiscal year must include detailed information on—

(A) the number of eligible legalized aliens residing in the State, and

(B) the costs (excluding any such costs otherwise paid from Federal funds) which the State and each locality is likely to incur for programs of public assistance and for imprisonment costs described in subsection (b)(1)(B).

(d) USE OF FUNDS.—A State may use amounts paid to it under this section only—

(1) for the purpose of providing assistance with respect to eligible legalized aliens under programs of public assistance and under programs of public health [assistance,] *assistance for which such aliens were not disqualified under section 202(h) at the time of such assistance,* but only to the extent such assistance is otherwise available under such programs to citizens residing in the State, and

(2) for the purpose of paying for costs incurred by the State for the imprisonment of aliens described in subsection (b)(1)(B).

(e) REPORTS AND AUDITS.—(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order to properly evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

(i) to secure an accurate description of those activities,

(ii) to secure a complete record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes of this section, and

(iii) to determine the extent to which funds were expended consistent with subsection (d).

Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under this section and shall provide for transmittal of a copy of such report to each State.

[(2)(A) Each State shall, not less often than once every two years, audit its expenditures from amounts received under this section. Such State audits shall be conducted by an entity independent of the State agency administering a program funded under this section in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the State shall submit a copy of that audit report to the Secretary.

[(B) Each State shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the State, not to have been expended in accordance with this section and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the State is or may become entitled under this section or may otherwise recover such amounts.]

(2)(A) For requirements relating to audits of funds received by a State under this section, see chapter 75 of title 31, United States Code (relating to requirements for single audit).

(B) Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this section, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this section.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the assistance provided under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such assistance, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) CRIMINAL PENALTIES FOR FALSE STATEMENTS.—Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or misrepresentation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined, imprisoned for not more than five years, or both.

(g) ANTI-DISCRIMINATION PROVISION.—(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a [State, locality, or local educational agency] *State or locality* which has been provided payment from an allotment under this section has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(h) CONSULTATION WITH STATE AND LOCAL OFFICIALS.—In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(i) DEFINITIONS.—For purposes of this section:

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

(2) The term "programs of public assistance" means programs in a State or local jurisdiction which—

(A) provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals or required in the interest of public health,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(3) The term "eligible legalized alien" means an alien who has been granted lawful resident status under section 202(a), but only until the end of the six-year period beginning on the date the alien was granted such status.

TITLE III—OTHER CHANGES IN THE IMMIGRATION LAW

SEC. 301. CHANGE IN COLONIAL QUOTA.

(a) INCREASE TO 3,000.—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "3,000".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "3,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 302. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—Chapter 2 of title II is amended by adding after section 216 (added by section 122(c) of this Act) the following new section:

"VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

"SEC. 217. (a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR [LESS THAN 90 DAYS.—The] *90 DAYS OR LESS.—The* alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (b)(3), and

"(B) executes a waiver of review and appeal described in subsection (b)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nonrefundable, nontransferable, open-dated transportation ticket which—

"(A) is issued by a carrier which has entered into an agreement described in subsection (d), and

"(B) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program,

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United [States or] *States, or*

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) UP TO 8 COUNTRIES.—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) INITIAL QUALIFICATIONS.—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW IMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.— The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—For each fiscal year (within the pilot program period) after the initial period—

"(A) CONTINUING QUALIFICATION.—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(B) NEW COUNTRIES.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) CARRIER AGREEMENTS.—

"(1) IN GENERAL.—The agreement referred to in subsection (a)(4)(A) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) TERMINATION OF AGREEMENTS.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period.".

(b) LIMITATION ON STAY IN UNITED STATES.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

(c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(5) An alien (other than an immediate relative specified in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(d) PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT STATUS.—Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by adding after the item relating to section 216 (added by section 122(f) of this Act) the following new item:

"Sec. 217. Visa waiver pilot program for certain visitors.".

SEC. 303. [G-4] G-IV SPECIAL IMMIGRANTS.

(a) SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS AND THEIR IMMEDIATE FAMILY MEMBERS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(O), has resided and been physically present in the United States for periods totaling at least one half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(O), has resided and been physically present in the United States for periods totaling at least one half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 122(a) of this Act, is further amended by striking out "or" at the end of subparagraph (M), by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(O)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under paragraph (27)(I) (ii), (iii), or (iv).".

TITLE IV—REPORTS

SEC. 401. TRIENNIAL COMPREHENSIVE REPORT ON IMMIGRATION.

(a) TRIENNIAL REPORT.—The President shall transmit to the Congress, not later than January 1, 1987, and not later than January 1 of every third year thereafter, a comprehensive immigration-impact report.

(b) DETAILS IN EACH REPORT.—Each report shall include—

(1) the number and classification of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preferences classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section [241;] *241 of the Immigration and Nationality Act;* and

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, the educational system, social services, foreign policy, environmental quality and resources, [and the population growth rate of the United States] *the rate, size, and distribution of population growth in the United States, and the impact on specific States and local units of government of high rates of immigration resettlement.*

(c) HISTORY AND PROJECTIONS.—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) RECOMMENDATIONS.—The President also may include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of such aliens to the United States.

SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT AND DISCRIMINATION IN EMPLOYMENT.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to Congress annual reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) during the first five years after its implementation. Each report shall include—

(1) an analysis of the adequacy of the employment verification system provided under subsection (b) of that section;

(2) *a description of* the status of the development and implementation of changes in that system under subsection (c) of that section, including the results of any demonstration projects conducted under paragraph (4) of such subsection; and

(3) *an analysis of* the impact of the enforcement of that section on—

(A) the employment, wages, and working conditions of United States workers and on the economy of the United States,

(B) the number of aliens entering the United States illegally or who fail to maintain legal status after entry, and

(C) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

(b) GAO REPORTS.—(1) Beginning one year after the date of enactment of this Act, and at intervals of one year thereafter for a period of five years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the taskforce established under subsection (c) a report describing the results of a review of the implementation and enforcement of section 274A of the Immigration and Nationality Act during the preceding twelve-month period, for the purpose of determining if—

(A) such provisions have been carried out satisfactorily;

(B) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and

(C) an unnecessary regulatory burden has been created for employers hiring such workers.

(2) In each report, the Comptroller General shall make a specific determination as to whether the implementation of that section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin.

(3) If the Comptroller General has determined that such a pattern of discrimination has resulted, the report—

(A) shall include a description of the scope of that discrimination, and

(B) may include recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

(c) REVIEW BY TASKFORCE.—(1) The Attorney General, jointly with the Chairman of the [Civil Rights Commission] *Commission on Civil Rights* and the Chairman of the Equal Employment Opportunity Commission, shall establish a taskforce to review each report of the Comptroller General transmitted under subsection (b)(1).

(2) If the report transmitted includes a determination that the implementation of section 274A of the Immigration and Nationality Act has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin, the taskforce shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

(3) The Committees on the Judiciary of the House of Representatives and of the Senate shall hold hearings respecting any report of the taskforce under paragraph (2) within 60 days after the date of receipt of the report.

SEC. 403. REPORT ON VISA WAIVER PILOT PROGRAM.

(a) MONITORING AND REPORT PILOT PROGRAM.—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

(b) DETAILS IN REPORT.—The report shall include—

(1) an evaluation of the program, including its impact—

(A) on the control of alien visitors to the United States,

(B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and

(C) on the United States tourism industry; and

(2) recommendations—

(A) on extending the pilot program period, and

(B) on increasing the number of countries that may be designated under the program.

SEC. 404. PRESIDENTIAL REPORTS ON ANY LEGALIZATION PROGRAM.

(a) IN GENERAL.—The President shall transmit to Congress two reports after the legalization program has been established under section 202 of this Act.

(b) INITIAL REPORT ON LEGALIZED ALIENS.—The first report, which shall be transmitted not later than 18 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics, and

(3) a general profile and characteristics of the population legalized under the program.

(2) their demographic characteristics, and

(3) a general profile and [characteristics of the population legalized under the program] *characteristics.*

(c) SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.—The second report, which shall be transmitted not later than three years after the date of transmittal of the first report, shall [include] *include a description of*—

(1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,

(2) the patterns of employment of the legalized population, and

(3) the participation of legalized aliens in social service programs.

SEC. 405. REPORT ON THE IMMIGRATION AND NATURALIZATION SERVICE.—Not later than ninety days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities.

TITLE V—COMMISSION FOR THE STUDY OF COOPERATIVE UNITED STATES-MEXICAN ENDEAVORS TO IMPROVE ECONOMIC CONDITIONS

SEC. 501 COMMISSION.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established the Commission for the Study of Cooperative United States-Mexican Endeavors to Improve Economic conditions (hereafter in this section referred to as the "Commission"), to be composed of ten members—

(A) four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader; and

(B) four Members of the Senate to be appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader and the minority leader.

(C) four members to be appointed by the President, not more than two from any one political party.

(2) Members shall be appointed to serve for the life of the Commission.

(3) A majority of the members of the Commission shall elect a Chairman.

(b) DUTY OF COMMISSION.—The Commission shall examine how the United States can work together to improve the economy of Mexico and the economy of the United States.

(c) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than one hundred and eighty days after the appointment of the members of the Commission, the Commission shall prepare and transmit to the President and to the Congress a report describing what steps the United States should be taking to work with Mexico to improve economic conditions.

(e) COMPENSATION OF MEMBERS, MEETINGS, STAFF, AUTHORITY OF COMMISSION, AND AUTHORIZATION OF APPROPRIATIONS.—(1) The provisions of subsections (f)(2), (f)(3), (g), and (h) of section 124 of this Act shall apply to the Commission under this section in the same manner as they apply to the Commission established under section 124.

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) TERMINATION DATE.—The Commission shall terminate on the date on which a report is required to be submitted by subsection (c), except that the Commission may continue to function for not more than thirty days thereafter for the purpose of concluding its activities.

Mr. DOLE. Madam President, previously, the RECORD will reflect, the distinguished chairman of the Judiciary Committee has designated the distinguished Senator from Wyoming [Mr. SIMPSON] to manage the bill, allocate time, and have complete control of the form and procedure on this side. I am pleased to turn this matter over to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment, with the understanding that points of order be considered as having been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. Madam President, first, let me thank the majority leader for his willingness to bring this matter before the Senate in this timely fashion. I deeply appreciate that. I also thank Senator STROM THURMOND, without whose support and assistance we would never have prevailed in two previous immigration reform efforts. He has been absolutely an extraordinary helpmate to me in this issue.

Let me also pay my respects to my colleague, the ranking minority member of the subcommittee, Mr. KENNEDY, who has been through the wars with me on immigration reform, indeed who chaired this very subcommittee I chair. He chaired it for 12 years, dealt with the tough issues of refugee numbers, the heavy issues of legal immigration. He was instrumental in making the changes which moved the United States away from the national quota legislation which was in effect before 1965. He has had my great admiration and regard as we have dealt with this issue. I appreciate it. It is a tough one for him.

Madam President, this is the third time, the third go-round in rodeo parlance, that I have stood before this body to begin debate on a major immigration reform bill. I spoke on behalf of S. 2222 in 1982 when that bill was debated on the floor for 3 days and passed by a vote of 80 to 19. The equivalent House bill was reported, but no vote was taken. Both bills then died at the end of the 97th Congress. It was a remarkable exercise with my friend, ROMANO MAZZOLI, a Democrat from Kentucky. He did yeoman work. We were both disappointed when that effort ended with the 97th Congress.

In 1983, during the first session of the 98th Congress, I spoke again, this time on behalf of a similar bill, S. 529. After 4 days of debate, that bill was passed by a vote of 76 to 18. In 1984, during the second session of the 98th Congress, the House passed a bill. Unfortunately, we conferees—Senator KENNEDY and I, and Senators THURMOND, MATHIAS, and METZENBAUM—were unable to resolve the differences and the bill died again. It was close but no cigar on that. We did deal with all of the hot issues and it fell apart on a very distinctive one or two.

Today I urge my colleagues to support S. 1200, which is the culmination of the substantive and political fine-tuning of a 6-year involvement in this issue.

I became chairman of the Immigration Subcommittee in 1981, at the beginning of the 97th Congress. It has been a fascinating 4½ years, I assure you, Madam President, indeed quite an educational process, as were my prior 2 years on the Select Commission on Immigration and Refugee Policy.

Madam President, in my nascent efforts in 1979 and 1980, I originally rejected out of hand certain of the key provisions that are now in this bill, possibly feeling a bit like some of my colleagues must feel as we revisit the issue.

You come to accept such provisions the longer you stay in the game. I wish all of my colleagues could have shared in that rich 6-year learning process, for I assure them that the longer one is in it the more one comes to understand that this is the approach we must take.

I have no great pride of authorship; all have contributed, people from both sides of the aisle: Senator KENNEDY; Senators THURMOND and GRASSLEY, my fine other members of the majority on the subcommittee; Senator HEFLIN, whose activities last year were most helpful; Senator SIMON this year, who has participated very thoughtfully and perceptively; my fine friend, RON MAZZOLI, who could not have been a finer person to work with, who it has been a great privilege to work with; and PETER RODINO, "Mr. Immigration" of the U.S. Congress—it has been a distinct pleasure to work with him—he is moving a bill in the House at this time; Congressman DAN LUNGREN, a very thoughtful, bright young man from California who has worked very hard on these issues; HAM FISH, a fine friend from New York; BARNEY FRANK, the spirited Congressman from Massachusetts, whom I greatly enjoy—his intellect and brightness—he has some critical issues to present to us and we will deal with those; Congressman CHARLIE SCHUMER of Brooklyn, an ally recently found, a gem and a great person to work with.

It has been a great experience, lots of people involved. It is a tough issue. I have said it before, I will say it again: It is an issue filled with racism, fear, guilt, and emotion. All those things play into it and splatter around it. That is why the Select Commission took so long to deal with it. That is why our chairman of the Select Commission, Father Ted Hesburgh, gave so much of himself and his special and unique God-given talents of reconciliation and firmness. We needed that.

So it has been an experience. The bill we have drafted is the product of an evolutionary process of many years. It owes much to hundreds, indeed thousands of Americans—private citizens and public officials, not just in Congress but in Governors' mansions. I think particularly of Gov. Dick Lamb of Colorado, who has been a marvelous and extraordinary ally in the cause; former President Jerry Ford, who watched attentively when he was President trying to work toward a resolution of the problem of illegal immigration. He has been remarkable and of great assistance. So we owe much to literally thousands of Americans and those who are not Americans.

A great many hearings and formal consultations have been held on the myriad subjects related to this bill. In addition, we have had access to all of the excellent prior work on immigration reform done in the past few years, including the efforts of the administrations of Presidents Ford and Carter.

I never thought at the beginning that I would thank President Carter for appointing me to the Select Commission. It was not a task I sought. But President Jimmy Carter knew what was required and he appointed the Commission and told us to get cracking, which we did. I applaud his efforts and his sincerity in approaching the issue.

Then we processed the final report of the Select Commission. I attended a

great many hearings and meetings of that fine group, too, as did Senator KENNEDY and Senator MATHIAS and Senator DECONCINI, all members of the Select Commission. We considered the perceptive, interesting proposals of the able former Senator from Kentucky, Dee Huddleston, who worked like a Trojan on this issue for many years before I came to this place. His efforts are displayed in this bill.

And then the efforts of my colleague from Massachusetts, who indeed deserves special recognition.

We also had access to the excellent ideas of the Reagan Task Force on Immigration headed by a most capable and knowledgeable former Attorney General, William French Smith, who became a fine friend and ally in the cause—indeed a close friend. I admire the many times that he assisted me, as did the Vice President of the United States, GEORGE BUSH, who has a great deal of knowledge about this issue, having lived in a border State. Indeed he is very aware of the situation. I appreciate that.

Finally, there were portions of the proposals and the bills that were submitted by the President in July 1981.

In addition, the efforts of the House-Senate conference committee of late last year were very helpful. Even though that stalled, we did a lot of work. We had 10 days of conference committee activity, and it was in many cases heavy lifting, but we came up with the resolution of a great many issues. Many of those resolved issues are part of the new House legislation and will be pursued.

All of the various proposals and recommendations are quite remarkably similar. That really should not be surprising to anyone since they were all the product of intelligent, caring men and women who were attempting to deal with the same problems—that immigration to the United States is out of control.

Because those of us involved in the drafting of S. 1200 faced the same problem, it is again not surprising that our proposed solution is not dramatically different from the others of the recent past.

Madam President, I will explain briefly the provisions of S. 1200, but before I do I would want to present a few remarks on the illegal immigration problem faced by this country. I ask my colleagues to please note that we are not talking about legal immigration.

Every year, hundreds of thousands of illegal immigrants enter the United States. They come for various reasons: fear, anxiety, to work. Some who are asylees are able to petition our Government to stay. They are considered on a case-by-case basis.

The inflow of illegal immigration appears to have become substantially higher in recent years. At least some indication of that can be found in the dramatically increased numbers of apprehensions. In 1965, that number was over 100,000. By 1972, it had reached one-half million. Today it is over 1 million per year.

These people are coming from 92 different nations. The number of illegal aliens already in this country is unknown. The Selection Commission grappled with that. They used a figure of 3.5 to 6 milion as the best guess for 1978. Whatever the number was 7 years ago, there are surely many more now.

The United States cannot perform the most basic function of a sovereign nation, which is to control the entry of aliens across its borders, and to enforce whatever conditions are imposed on the aliens who we do allow to enter. Immigration to the United States is out of control and it is perceived that way at all levels of government and by the American people—indeed, by people all over the world.

Madam President, I shall not at this time discuss the adverse economic and noneconomic impacts of illegal immigration on this Nation. I would refer my colleagues to the committee report and also to the Select Commission final report. Each of those contains a discussion of those impacts. But I can assure that this is not a jobs bill. It was never crafted by me for that purpose or by any member of the subcommittee.

I would point out to my colleagues that immigration pressure on the United States is just beginning and it is not self-limiting. As many people will enter this country as we allow to enter. That is the magnificence of our country. At the present time there is a substantial disparity in job opportunities between the United States and less developed countries, a disparity which may well continue or even widen as a result of political and social conditions in those countries. Such disparity exists not only in rates of unemployment but in wages and working conditions.

For example, it has been estimated that Latin American countries must create—and I think this is a startling figure—4 million new jobs in each remaining year of this century just to avoid increases in the region's already high unemployment rate. The United States, whose labor force is only slightly smaller, could only produce 4.1 million jobs in its best year of 1983. Last year, 3.1 million jobs were created in the United States.

Furthermore, even if unemployment rates were reduced in the less developed countries—a very difficult task indeed, I think, in light of the high birth rates and insecure investment climate in those countries—the disparity in wages and working conditions will remain.

The most generous aid program which Congress might ever pass is unlikely in the foreseeable future to reduce sufficiently the large wage differentials which now exist. U.S. wages are often 10 or 15 times as high.

Madam President, in an earlier time the Nation could welcome millions of newcomers. Immigration is our heritage. That is something that I do not want to see us ever come up short on. So in that earlier time we welcomed millions, many of whom brought few skills but did bring a willingness to work very hard. In a smaller America, with a labor-intensive economy, with simpler technology and a labor shortage, that was often quite enough—that plus their intense drive to become Americans.

Legal immigrants can still greatly benefit America, but only if they are in an appropriate number and selected within that number on the basis of reunification of immediate family and skills which would truly serve the interest of a highly developed Nation.

Madam President, the major purpose of this bill is to make progress toward the day when the American people can be assured that the numerical limitations and selection criteria contained in the immigration statutes are actually implemented through adequate enforcement. The potential benefits and protections of even the most carefully designed statutory standards for determining who may enter the United States, as well as for how long and under what conditions they may remain, will not be available in practice if those statutory standards cannot be enforced.

Madam President, at this time I shall briefly review the provisions of S. 1200 I ask unanimous consent that a somewhat more extensive summary be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. SIMPSON. Madam President, the provisions of S. 1200 are similar to provisions in the bills passed by the Senate in the last two Congresses.

I want to inform my colleagues about the provisions of the prior bills which have not been included at this time.

First, the bill does not amend the preference categories for allocating numerically limited alien visas, nor does it change the numerical limits applicable to such categories, with a minor exception for colonies, which I will explain very briefly.

Second, the bill does not modify exclusion, deportation, or asylum adjudication procedures.

Finally, the bill does not contain provisions pertaining specifically to foreign students.

I would now like to describe what it does contain.

As I have stated, the major purpose of the bill is to increase control over illegal immigration. The primary incentive for illegal immigration is the availability of U.S. employment. In order to reduce that incentive, the bill makes unlawful the knowing employment, or the recruitment, or referral for a fee, of illegal aliens; provides for an optional system to verify work eligibility; and establishes appropriate penalties for violation. These penalties will be substantial enough not to be just a cost of doing business. They will be civil penalties, there is a second pattern and practice of violation. At that time there, a criminal penalty will be available.

In addition, the bill establishes new crimes for certain activities involving fraudulent documents, for bringing aliens to the United States, without prior authorization and for smuggling. It provides increased resources for conventional enforcement and immigration services. It allows the imposition of discretionary fees for immigration services and for the use of INS border and other facilities; and it prohibits adjustments of status by visa abusers.

S. 1200 also makes several changes in the system of legal immigration. Those are minor. Special immigration benefits are provided for certain G-4 visa holders who have resided in the United States for many years, and those are certain employees of international organizations and their family members.

In addition, the colonial quota is increased from 600 to 3,000 visas per year.

The bill also amends certain provisions of the law relating to nonimmigrants. The H-2 temporary worker program is revised in order to assist agricultural employers in adjusting to the reduced availability of illegal foreign workers.

In addition, the bill establishes a 3-year transition program for employers of agricultural labor, and it creates a commission to further study agricultural labor issues, a very critical thing in America, especially to the perishable food industry, those in agriculture who have become dependent on illegal undocumented workers.

We also provide for a pilot visa waiver program. That is authorized for eight countries with low rates of visa denial, exclusion, and visa abuse. We think that can be useful to conserve consular office resources.

The bill further provides for a legalization program. Under certain circumstances, illegal aliens who entered the United States prior to January 1, 1980, may obtain temporary legal resident status. Such aliens would then have an opportunity to adjust to permanent status after 3 years if they satisfied certain conditions, including the presentation of evidence that they have some knowledge of U.S. history, its Government, and the English language, or have enrolled in a program to acquire such knowledge.

The legalization program will begin 3 years after enactment unless at an earlier time a Presidentially appointed commission, whose members must support the concept of legalization in the bill, find that Federal programs to enforce the immigration laws are in place, have adequate resources, and are effective enough to prevent legalization from encouraging more illegal immigration. The risk that legalization migh have this effect was discussed by the Select Commission.

If such finding is made within 3 years after enactment, legalization will begin at the earlier time. Thus legalization can begin no later than 3 years after enactment.

Finally, the bill requires certain reports to be made to Congress. They are important reports, not just cosmetic. The reports are to come from the President or other members of the executive department and they are to come with respect to employers' sanctions and employment verification provisions, legal and illegal immigration, the Legalization Program, the Visa Waiver Program, and the INS.

A report is also required from the Comptroller General of the United States with respect to the implementation of employer sanctions provisions, including whether a pattern of discrimination on the basis of national origin has resulted against citizens or aliens authorized to work in the United States. That is a very important issue.

The bill also establishes a commission to study how the United States and Mexico can work together to improve the economies of the two countries.

Madam President, some concern has been expressed about the possibility that the employers sanctions provisions of S. 1200 will cause some employers to discriminate on the basis of national origin against certain U.S. citizens or aliens authorized to work in the United States, mostly those, of course, who are authorized to do so under their green card.

Because of the importance which that issue has for all of us in this body, let me just comment briefly on the issue now.

My view can be stated very simply: No convincing evidence or argument has been presented that such discrimination will occur, and the evidence that is available indicates that it would not.

I can assure my colleagues that an innocent employer will be protected by following the verification procedures and would have no reason to discriminate. An employer who wishes to avoid hiring certain persons because of their race or creed or color or ethnicity or national origin could continue to try to do so if that evil spirit moves their bosom—and there are people like that, unfortunately, in the world—but those employers would be subject to a suit under title XVII of the Civil Rights Act of 1964. The employers sanctions law would provide no protection for such employers.

The best available evidence—which is that derived from the experience of several European countries, including France, which is a multiracial society—shows that increased discrimination on the basis of ethnicity or national origin does not result from employer sanctions.

I believe, Madam President, it is important to note, as we get into this issue—and it will arise—you will hear the phrase "discrimination" dovetailed often with the phrase of "nationality" or "alienage." That is not what we are speaking of. The Select Commission, the Immigration Subcommittee, Senator KENNEDY, myself, Members prior and Members present, all of us have dealt seriously with the issues of discrimination based on race, religion, ethnicity, and color of skin.

The new discrimination is one called discrimination based on alienage. You want to listen to that very carefully when we get to it because it has nothing to do with color of skin or ethnicity or national origin. I think I can draw a very crisp example—it means that if I, as an employer, am presented with two people, one who is a Canadian with a green card and one a United States citizen, and if I select the United States citizen, under a law prohibiting discrimination based upon alienage, the Canadian green card carrier could sue me through the auspices of the Federal Government on the basis that I had discriminated against him or her on the bases of alienage.

That issue has diverted a bit of attention in the last weeks away from issues of real discrimination, which no one is even suggesting would be allowed to take place here. In fact, Senator KENNEDY has an amendment to that effect. It provides that if there were widespread discrimination, something would be done. I agree; indeed it would.

I hope my colleagues will understand, as we get into the debate, that if discrimination based on alienage had been a problem in this country, it would have been dealt with long before we got to this point in the immigration debate. There are not seven paragraphs on the issue of discrimination based on alienage, in the record of the House subcommittee or full committee activity of those fine civil libertarians there in that body or here in this body, because it is a rather imponderable type of thing. It is a diversion

in many ways. I have referred to it at one time as the "magnificent shunt," which I will describe at some future time.

In any event, we will have a hearing on that issue, a joint hearing. Congressman MAZZOLI, Congressman RODINO, myself, the subcommittee will have that hearing on September 18 in the House of Representatives. I have assured my colleague, Senator LEVIN, and those who are deeply concerned about this aspect—and it is a real concern; I do not belittle it. I just say it is imponderable and puzzling and we need to look at it. Senator CARL LEVIN, being the gentleman I know him to be, will look at it and probe it and pursue it and will come up with a decision on whether we need to go further. And I have assured him of that window. That window will be open to pursue that, either with a time agreement here, a resolution, a bill, or a sense of the Senate, after we have completed our work on that area in that joint hearing process.

So, Madam President, I want to remind my perceptive colleagues that if the problem of illegal immigration is not solved, then there is a very great risk that the American people will turn against legal immigration and against refugees and against asylees, as well. I think there are signs around us that that is already occurring.

I never spend much time playing government by polling. That is why I get into all these delightful issues, I guess. But it is consistently found that the American people want immigration reform. In Roper polls 91 percent of respondents have stated that they want the United States to make an "all out effort to stop illegal entry into the United States"; 79 percent of respondents, in a Gallup poll of 2 years ago, said they thought it "should be against the law to employ a person who has come to the United States without proper papers"; 75 percent of the Hispanic respondents agreed.

My mail from Hispanic Americans has been rather significant in the last 6 years. They will often express to me that it is they themselves who are often most injured by the influx of illegal immigration. It is their jobs that are at stake and it is their people who we are unable to legalize under this bill.

It is an irony of the rarest form. I deeply want to legalize the 2 to 12 million human beings who are here, who have equities, who have U.S. citizen children, who have been here a certain number of years. Every time this bill falls into the tank again those people are left right where they were before—in a fearful subculture of human beings in the United States, who are afraid to go to the cops, afraid to go to the hospital unless it is for a birth, and afraid to go to their employer. What we have in the bill is a very generous and extraordinary legalization. That is what is in this bill once again.

Madam President, of course, this bill has its critics, I have worked with them all and I make myself available to them at any time and will continue to do so.

Indeed, I get hammered pretty hard on the issue right out on my own home ground. I ran for reelection last year and told them I appreciated their patience as I dabbled in this particular issue, which I did not seek. I thanked them for that. I said that if it ever interfered with my ability to represent their interests, I would let it pass by. But I think it is a very critical national issue. I do not seek it as any springboard to anything. It is a political "no win turkey" in every sense.

I keep up the house payments in Cody, WY, so that if the folks back home came to believe that what I am doing is not right for the country or if they should wish a Senator to use a lesser standard, or less zeal, I would at least have a roof over my old bald dome.

Actually, the people of Wyoming are like most of the American people. If we have faith in their common sense and let them know honestly what we are doing—and it is an educational process—they understand very well, and no matter what their special interests may be. In particular, I think they understand that the future of America—the America of their children and their grandchildren and their great-grandchildren—is more important than some special short-term benefit for themselves. They care about the future of this remarkable pluralistic society where we allow people to pursue their private cultures, but we ask of them that they embrace our one public culture—and that is the United States of America, with a common flag and a common language. That is not too much to ask when we give them the privilege of living in this remarkable country.

I think that the people understand that, indeed, there are special short-term economic benefits to some from illegal immigration, but that the right immigration policy should benefit the whole Nation, in its noneconomic as well as economic interest, and for the next 20, 30, 50, 100, 200 and more years. And that policy should insure that the people who come to this country come legally, are protected under our laws, and that those who are here illegally are controlled in a humane way. This does not have anything to do with 2,000 miles of wire or cactus curtains and some of the other remarkable suggestions that have been made to me as chairman of the subcommittee, but which I do not want to get into.

Let us try the humane approach, first, which is penalizing employers who knowingly hire illegal aliens, having some kind of a system to verify employment authorization, legalization, and increased enforcement at our borders and internally. It is a tough task. I ask my colleagues to join in this debate, on the bill and on the amendments. I ask them to support the managers of the bill when they agree that what is proposed is in the national interest.

I thank the Chair. I thank particularly my colleague, Senator KENNEDY, the ranking member of the subcommittee.

EXHIBIT 1

SUMMARY OF IMMIGRATION REFORM AND CONTROL ACT OF 1985

I. CONTROL OF ILLEGAL IMMIGRATION

A. Funding for improved enforcement

States the sense of Congress that increases in INS border partol and other inspection and enforcement activities, and in INS examinations and other service activities, are essential elements of the program of immigration control established in the bill.

Authorizes $840,000,000 in FY 1987 and $830,000,000 in FY 1988 to the Immigration and Naturalization Service, in part for these purposes.

Authorizes additional sums to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs.

B. Increased penalties for immigration-related violations

New criminal offense for bringing an alien to the U.S., knowing or in reckless disregard of the fact that the alien had not received prior official authorization to enter.

Extends the criminal penalities under current law for use or manufacture of counterfeit or altered entry documents, or entry documents relating to another individual, to include all documents which may be used to show authorized stay or authorized employment in the United States.

Adds criminal penalty for using a false identification document, an identification document not lawfully issued to the possessor, or a false attestation, for the purpose of satisfying the employment verification system requirements (see below).

Adjustment of status to permanent resident would not be available to aliens who have failed, for any reason, to maintain a legal status since entry into the U.S.

C. Unlawful employment of aliens

Penalties against persons who: after enactment knowingly hire, or for a fee or other consideration recruit or refer, for employment in the U.S. an alien who is not authorized for such employment, or knowingly continue to employ unauthorized aliens hired after enactment.

An affirmative defense against a charge of unlawful hiring, recruitment, or referral is available if the verification procedures below have been followed in good faith.

Verification procedure: person employing four or more persons who hires a new employee must attest, for all employees, under penalty of perjury, that he has examined documents which establish both a) employment authorization and b) identity (showing that the individual is not presenting documents relating to another individual). A U.S. passport, certificate of U.S. citizenship, certificate of naturalization, or certain resident alien cards would establish both. Oth-

erwise one document of each type would be presented. Employment authorization documents would include the Social Security card or birth certificate. Identity documents would include: driver's license, other State-issued card, or, under certain circumstances, other documentation approved by the Attorney General.

President is directed to monitor and evaluate the verification system. If he finds that the system is not secure, he must seek to implement such changes as may be necessary to establish a secure system to determine employment authorization. Such changes would only be permitted after notice to Congress: 2 years for a major change, such as a telephone verification system or a new identification document, and 60 days for a change not considered major, such as an improved Social Security card. The President is authorized to establish demonstration projects for up to three years.

If an employer of four or more persons does not follow the verification procedures and an unauthorized alien is found in his employ, the employer will be presumed to have knowingly hired the alien. The presumption may be rebutted by "clear and convincing evidence."

Penalties for violation: first 6 months after enactment (education period): no penalty; second 6 months after enactment: warning for the first offense; 1st offense (after warning if during second 6 months): cease and desist order, civil fine of $100-$2,000; 2nd offense: cease and desist order, civil fine of $2,000-$5,000; pattern or practice of violations: cease and desist order, civil fine of $3,000-$10,000; pattern or practice of violations after penalty has been assessed for prior pattern or practice of violations: criminal penalty of up to $3,000 fine per unauthorized alien, imprisonment of up to 6 months (for entire pattern or practice), or both; the presumption (described above) is not available in criminal prosecutions; if the cease and desist orders are not complied with, the Attorney General is instructed to seek a court order in a U.S. district court; failure to comply with a court order could result in punishment for contempt, including imprisonment.

Cease and desist orders may also require the employer: to follow the verification and record-keeping procedures for up to 3 years; to take other remedial action as appropriate.

A private party may file a written, signed complaint with the INS with respect to potential violations. INS must investigate charges which on their face have a substantial probability of validity, but otherwise retains complete discretion to proceed or not proceed against employers.

Cease and desist orders and orders to pay civil penalties may be issued by immigration judges only after notice and opportunity to request a hearing has been given. The decision of the immigration judge is reviewable by the BIA and the appropriate Circuit Court of Appeals.

D. Agricultural worker provisions

1. Special procedures established for seasonal workers in agriculture (N visa holders, referred to below as "N workers"): employer need not apply for a labor certification more than 65 days in advance of need; Secretary of Labor must inform employers within 14 days if the application requirements have not been met; otherwise the requirements will be considered to have been met; Secretary of Labor must make a labor certification no later than 20 days in advance of need if the requirements for certification have been met and U.S. citizens or authorized aliens are not available; expedited appeal and petitioning procedures are available:

(1) if labor certification is denied (review must be within 72 hours for "perishable commodities" workers), (2) if U.S. workers referred to an agricultural employer are not qualified (new determination must be within 72 hours), (3) if U.S. workers are promised to an employer but they do not show up at the time and place of need (review must be within 72 hours), or (4) if an agricultural employer is faced with a critical labor need due to unforeseen circumstances, such as an unexpected change in climatic conditions (determination must be made within 72 hours if the amended or new application is made less than 3 days before date of need).

Attorney General must approve all regulations, in consultation with the Secretary of Agriculture and the Secretary of Labor.

Authorizes $10,000,000 to Secretary of Labor for the purposes of a) recruiting domestic workers, and b) monitoring and enforcing the terms and conditions under which N workers and domestic workers employed by the same employers are employed in the U.S.

2. Three-year agricultural labor transition program: agricultural employers may continue to employ certain foreign workers under conditions set by A.G.—in first year: 100% of need for nondomestic seasonal agricultural workers, in second year: 67%, and in third year: 33%.

3. Agricultural Worker Commission: 12 membes to be appointed by the Speaker of the House, the President pro tempore of the Senate, the Secretaries of Agriculture and Labor, and the Attorney General. Commission must report within 2½ years with specific legislative recommendations regarding the appropriate form of U.S. temporary worker programs.

II. LEGALIZATION OF STATUS

A. Legalization commission

Establishes a Legalization Commission to be composed of 9 members appointed by the President. No person may be appointed who does not support the concept of the legalization program provided for in the bill. The major duty of the Commission is to report annually to Congress whether certain conditions have been met. Such conditions include the following: (1) effective enforcement measures have been instituted and have adequate resources to curtail illegal immigration, (2) it is reasonably likely that these measures will continue to be in effect and to have adequate resources after legalization, and (3) enforcement has become effective enough to prevent legalization from serving as a stimulus to further illegal entry. The legalization program will begin after the Commission reports that the above conditions have been met, or 3 years after enactment, whichever is earlier.

B. Legalization of status

1. Temporary legal status for illegal aliens who have been physically present in the U.S. since the date of enactment and (i) have continuously resided in the U.S. in an unlawful status since before January 1, 1980, or (ii) are "special Cuban or Haitian entrants" who have continuously resided in the U.S. since January 1, 1981.

Persons receiving temporary status will be able to adjust to permanent resident status 2½ years from date that they are granted temporary residence, if they can show that they have the English language ability and knowledge of U.S. history and government required for naturalization, or are enrolled in a program to acquire such ability and knowledge.

Aliens must apply for adjustment of status to temporary resident status during 12-month period beginning on a date no later than 90 days after effective date of legalization.

Federally funded public assistance will not be available to legalized aliens for 6 years after they receive temporary resident status (except that "special Cuban and Haitian entrants" will continue to qualify for existing special benefits). 2. Persons will not be eligible for legalization who: are excludable under the immigration laws, have been convicted of a felony or 3 or more misdemeanors in the U.S., or have assisted in the persecution of any person on account of race, religion, nationality, or membership in a particular social group, or political opinion.

Certain grounds of exclusion do not apply to applicants for legalization, specifically those relating to labor certification, lack of proper documentation, illiteracy, and requirements for certain graduates of unaccredited medical schools. Other grounds may be waived by the Attorney General for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, except those relating to criminals convicted of a crime involving moral turpitude, or 2 or more nonpolitical offenses for which sentences aggregating 5 years or more were imposed, drug offenses (except as it relates to a single offense of simple possession of 30 grams or less of marijuana), national security, membership in certain organizations, and persecutions by Nazis. In addition, the Attorney General may not, in connection with applications for adjustment from temporary resident status to permanent status, waive the exclusion relating to aliens likely to become public charges.

3. INS may utilize qualified organizations approved by the Attorney General to assist in outreach and implementation.

4. Application fee of at least $100. Authorizes INS to utilize fees to meet administrative costs of reviewing legalization applications.

C. Reimbursement of States for legalization costs

Capped entitlement assistance to states by Secretary of HHS for 3 years to meet costs of state and local public assistance resulting from legalization program and the costs of imprisonment of illegal aliens convicted of a felony. Distribution formula is based on (1) number of eligible legalized aliens in state, (2) ratio of number of eligible legalized aliens in state to number of residents in state and to number of such aliens in all the states, (3) amount of expenditures state is likely to incur in providing public assistance to eligible legalized aliens, and (4) ratio of amount of such expenditures in one state to total such expenditures in all states.

A cap of $600 million is imposed for each of the three years.

Funds will first become available in the fiscal year during which the application period for legalization ends; distributions may be used in the designated fiscal year or, if not fully spent in that fiscal year, in the following fiscal year.

III. OTHER IMMIGRATION LAW CHANGES

Colonial quota is increased from 600 to 3,000.

State Department may establish a pilot visa waiver program for up to 8 countries which provide a similar benefit to the U.S.,

after INS has implemented an automated date processing system to properly track the entry and exit of visitors receiving a visa waiver, if the visa refusal, exclusion, and visa abuse rates for the nationals of such countries are below a stated level, and if the visitor has a nonrefundable, nontransferable round-trip transportation ticket. Maximum stay of such visitors would be 90 days.

Relief provisions are provided for certain retired employees of international organizations (G-4 visa holders) and their spouses, and the children and widowed spouses of employees of such organizations.

IV. REPORTS AND ANTI-DISCRIMINATION PROVISIONS

President shall report on 1) the form and effects of legal and illegal immigration to the U.S., 2) the effectiveness and impact of employer sanctions, 3) the adequacy of current systems to determine employment authorization and status of the development and implementation of changes in that system, including the results of any demonstration projects, and 4) the scope and impact of any legalization program.

The A.G. and the Secretary of State shall jointly monitor and report on the visa waiver program. The A.G. is also required to transmit a report on the equipment and personnel resources which would improve the service and enforcement capabilities of the INS.

GAO must monitor the implementation of employer sanctions and report on whether a pattern of discrimination on the basis of national origin has resulted against workers other than unauthorized aliens. A.G. in conjunction with the Commission on Civil Rights and the EEOC must review the GAO reports and, if a report states that a pattern of discrimination has resulted, must recommend specific remedial legislative changes to the Congress. The Judiciary Committees of Congress must hold hearings on such recommendations within 60 days of receipt.

V. U.S.-MEXICO COMMISSION

12-member commission is created to study how the U.S. and Mexico can work together to improve the economies of the two countries. Commission is required to report to Congress within 180 days. After submitting report, commission will terminate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I wonder if I can have the attention of the floor manager of the bill, and if he could make an appropriate request that these comments be included in the RECORD not prior to the discussion on South Africa so it would appear in the RECORD in a unified way, because as I understand it, at probably 2 o'clock I believe the leader has indicated that there might be 15 minutes a side on the South Africa issue. I think, as the chairman of the subcommittee has pointed out, this is a matter of enormous importance and it seems to me that those who follow this debate ought to have an opportunity to see it uninterrupted.

If the floor manager will make that request, I would certainly support that request.

Mr. SIMPSON. Madam President, I certainly do make that unanimous consent request, that the remarks of all of the procedure in connection with S. 1200 appear appropriately in the RECORD at the conclusion of the handling of the South African sanctions legislation. I have made that assurance to the Democractic whip, Senator ALAN CRANSTON. I ask unanimous consent that that so appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator from Wyoming.

THE IMMIGRATION BILL

Mr. KENNEDY. Mr. President, at the outset I want to pay tribute to the work of our subcommittee chairman, Senator SIMPSON, in moving this bill forward. Throughout our long debate and review of this complex and controversial legislation, he has shown nothing but extreme courtesy, thoughtful consideration, and a willingness to hear every opinion and welcome constructive criticism.

I should also say he has shown extraordinary perseverance. I know, because this is the third year, in the third session of a Congress, that I have stood here with him as we have managed this legislation on the floor for what seems like a great many days. Since we served together on the Select Commission on Immigration and Refugee Policy in 1979 and 1980, Senator SIMPSON has pursued this issue tirelessly, with the tenacity that it unfortunately requires, as well as with the patience it demands.

This body owes a great deal to Senator SIMPSON for taking on this enormously controversial issue and presenting it to the Senate in a thoughtful and constructive fashion. He has my deep respect and admiration.

However, as he knows, I still have serious reservations over several provisions in the pending bill. During the Judiciary Committee's markup I made these concerns known, and I will be offering several amendments to address these concerns as we debate this bill in the days ahead.

LEGALIZATION PROGRAM

Mr. President, I believe a fundamental weakness in the pending bill is its retreat on the legalization proposal.

There simply is no valid reason to take the unnecessary and regrettable step backwards that this bill does in failing to immediately authorize a legalization program. Twice the U.S. Senate has voted—by substantial margins—in support of a clear-cut and unequivocal legalization program. Last year the House of Representatives voted for an even more generous amnesty. And last October the conference committee supported an equally generous and flexible legalization program. Why should we abandon these votes in support of such a humane program?

A legalization program was one of the fundamental recommendations of the Select Commission—unanimous, in fact—and was seen by all as an integral part of our reform and enforcement effort. In fact, it was seen as an essential corrollary to the new enforcement provisions recommended by the Commission and which are embodied in the current bill. I believe it still is.

I realize that the legalization program authorized in last year's bill is controversial in some quarters. But if we were willing to "bite the bullet" last year without the political roof falling in, I see no reason to abandon our stand in support of a humane and sensible legalization program. It is not only the right and decent thing to do, but is also an essential ingredient in this reform package.

EMPLOYER SANCTIONS

Mr. President, an equally important concern I have about this bill is that it must not become a vehicle for discriminatory actions against Hispanic Americans or other minority groups. Immigrants and undocumented aliens must not become scapegoats for the serious problems our country faces today. As I have argued from the first day we have debated this bill, I believe we must be extremely cautious to avoid any legislative action that could raise the level of intolerance and discrimination in our society. Whether we like it or not, the employer sanctions provisions in this bill presents this danger, and I regret that the committee did not accept my amendment that addresses this issue.

Let me make it clear that I have in the past supported legal sanctions against employers who knowingly hire undocumented aliens. I have done so as a matter of principle; it is wrong that the sanctions under current law fall solely on the undocumented aliens, not on employers who may be exploiting them, I agree that the Government needs stronger enforcement tools to deal with the serious problem of employers who engage in a pattern and practice of hiring and exploiting undocumented aliens.

However, throughout the Select Commission's work—as well as during the extensive hearings of our subcommittee over the past 4 years—two central objections have been raised again and again.

First, that the proposed employer sanctions might—I stress the word "might"—result in discrimination against certain American workers, especially Hispanics and Asians; and that we should build some protections in the bill to address these fears; and second, that employers would be unnecessarily burdened with paperwork in implementing the sanctions.

On the latter, we have taken several steps to address the fears of the Amer-

ican business community, but on the fears of discrimination we haven't gone as far as I believe we must.

Because if we have learned anything from the history of immigration legislation in past decades is that once an immigration law is enacted, Congress does not act again for many years.

I recall very well, Madam President, when I first came to the U.S. Senate, we had the old McCarran-Walter Immigration Act that had two very obvious discriminatory provisions. One was the national origins quota system that allocated immigrant visas based upon the accident of a person's birth, not on the criteria that the chairman of the Immigration Subcommittee has I think rightfully pointed out—and that is on the possibilities of family reunification—but based only upon a geographical distribution that was based on race.

Also included in that legislation was the Asian Pacific triangle, a geographical area that permitted immigrants to come from that geographical area. Again, there was not the criteria of family reunification. There was not the criteria of what individuals could contribute to the United States but it was solely based upon a very precise geographical area to restrict those whose skin was not white.

Those provisions lasted through the period of 50 or 60 years of consideration of legislation dealing with immigration. So some of our experience has been in this body when there are provisions that can be used in a discriminatory way in the area of immigration, the history has been that too often they have been. So when we consider a new proposal that may or might be used in that form, we should be very aware of it because this body, unlike the efforts that are being made now by the chairman of the Immigration Subcommittee, does not and has not placed historically the kind of priority on this whole question of immigration that has been placed on it in the very recent Congresses.

So in order to assure that Congress will not ignore any discrimination that might arise in the implementation of employer sanctions, I will offer an amendment to provide the following safeguards:

First, to ensure that a fair and impartial study of the sanctions program is available to Congress, my amendment will require that the General Accounting Office undertake an independent study on their implementation.

Second, employer sanctions could be "sunsetted" after 3 years, if the GAO finds that employer sanctions has resulted in a "widespread pattern of discrimination." If no discrimination materializes, then under my amendment, sanctions will be continued. But the bottom line is that this amendment will force Congress to face the issue of discrimination squarely, if it develops.

I know there will be those who say that, as a result of oversight hearings of the committees of the Congress, if we detect that is the result of the implementation of employer sanctions, that the Congress will be all too willing to address that particular issue.

This amendment simply forces the Congress to take such action and face up squarely to such a finding if such a finding should be so made.

I regret the Judiciary Committee, by two votes, did not accept this provision. If it is adopted, I believe minorities in our society will be given a pledge that, if a serious pattern of discrimination emerges, Congress will not ignore it. Given the significant changes proposed by this legislation, this is the minimum assurance we should be willing to provide.

TEMPORARY FOREIGN WORKERS

Madam President, I am also alarmed over the weakening of the H-2, temporary foreign worker provisions contained in this bill. I continue to support the unanimous vote of the Selection Commission in rejecting the establishment of an expanded temporary foreign worker program. Adoption of the legalization program will result in the adjustment in the status of undocumented aliens already working here. In addition, we have provided for a 3-year transition program to help agricultural growers adjust to the new provisions contained in this bill.

Until the impact of these changes is assessed, there is no valid justification now for authorizing a large new temporary foreign worker program. Any such program would have serious consequences for American labor and American wages. I believe we must reject calls for a new "Bracero" program.

It was here, again, Madam President, in the early part of the 1960's as a member of the Human Resources Committee, where we spent many days of hearings on the bracero program and all of the abuses and dehumanizing aspects of that program to individuals in many different parts of our country. We certainly do not want to permit the development of such a new program under this legislation.

I know that the chairman of the Immigration Subcommittee, Senator SIMPSON, agrees with that, but I think it is important in the opening statements of the manager that we draw attention to it.

We must be extremely cautious not to allow changes in the H-2 Program to undermine labor standards or to depress wages. Employers seeking H-2 workers must be required to seek American workers first, and we should plan for the elimination of this program in the future, not for its expansion.

INTERNATIONAL COOPERATION

Finally, Madam President, as I noted during our previous consideration of this legislation, I remain troubled over the larger issue of the migration pressures our country will encouter in the decades ahead. I am concerned that this legislation continues to move forward in a kind of vacuum, and that we are deluding ourselves if we think it will, on its own, really solve the many immigration problems our country—along with many others—faces today. At best this is a Band-Aid to a potential hemorrhage—a very tentative step in a long-term process.

We only have to look at the number of undocumented aliens that recently came across the southern border at the time that the peso was devaluated not many months ago. The significant increase in the numbers that flooded across the American border was very dramatic.

I believe very strongly that we not only have to deal with this problem domestically, but we also have to be vigorous in working with our allies and friends and neighbors to the south as well as to the north, and not just apply its to the border countries, but to those countries and others in addressing this issue over a longer period of time.

Every day it becomes clearer that migration problems, which are growing around the world, will require much greater international action and cooperation. Domestic laws and actions alone are no longer sufficient. Economic and developmental problems in neighboring countries—or even in countries far away—will have more impact upon migration to the United States than any combination of domestic laws or policies. And violence and conflict can produce flows of people that only concerned international action can deal with.

I recognize, Madam President, that there are no easy answers. But it is imperative that we understand that migration is an international issue, and not merely a domestic concern. And it will require far greater international cooperation than we have undertaken to date—and that is why I supported in committee Senator Simon's amendment forcing at least a brief review of these issues as they relate to Mexico.

One of the most important recommendations of the 1981 Select Commission on Immigration and Refugee Policy, was that the United States should become more actively involved in efforts to achieve international cooperation on world migration and refugee problems.

I continue to endorse the recommendation of the Commission that the United States should expand bilateral consultations to promote cooperation on migration issues in the Western Hemisphere—especially with our

neighbors, Mexico and Canada. These two nations deserve special consideration in our policies, and I commend Senator SIMPSON for his personal efforts to meet with the leaders of Mexico during the development of this legislation.

But, once again, I must note that this bill is still moving forward without adequate consultations by the executive branch with our neighbors. If we are to achieve genuine cooperation, we must consult in advance, before changes in our immigration policies are set. Unilateral policies, like fences, do not always make good neighbors. During our consideration of this legislation, we must give greater weight to this concern and I hope the administration will give greater evidence that it, too, is pursuing it.

In conclusion, Madam President, although I continue to support efforts to achieve genuine immigration reform, I must oppose this legislation in its present form for all of the reasons I have just reviewed. But I hope my colleagues will favorably consider the amendments I intend to offer in hopes of strengthening the bill, to make it more acceptable to those groups in our society who will be so directly affected by it.

Mr. SIMPSON. Madam President, I thank the Senator from Massachusetts, and particularly express to him that indeed I will listen carefully to the amendments to be proposed. I will visit with my colleague concerning that.

I do look forward to the Senator's amendments. Perhaps we can reach an accord.

(Conclusion of earlier proceedings.)

Mr. DOLE. Mr. President, I understand the pending business is S. 1200, the immigration bill?

The PRESIDING OFFICER (Mr. SYMMS). The majority leader is correct.

Mr. DOLE. Good. Let me thank my colleagues on both sides and hopefully we can move on now to other business. It is my hope we may be able to vitiate the yeas and nays on the vote tomorrow on the motion to proceed. We essentially had that vote already just a few moments ago. So I am very pleased to turn it back to the distinguished Senator from Wyoming. I want to thank the distinguished chairman of the Foreign Relations Committee and others who have been most helpful in this matter.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, at this time let me urge my colleagues that we are now, and apparently will be, able to direct our attention to the floor consideration of S. 1200. I have proffered my opening statement concerning the legislation, as has Senator KENNEDY, and I do urge those within the purview of my voice to bring your amendments forward. We are going to proceed with the legislation hopefully as swiftly as possible, and if there are opening statements by other Members of the body they would be appropriate now and I would so yield for any statement in regard to the legislation.

I see my good friend from Colorado.

Mr. HART. Will the Senator from Wyoming yield for a question,

Mr. SIMPSON. Indeed.

Mr. HART. Mr. President, the Senator from Colorado has an opening statement but perhaps he may have an amendment along the lines of one offered on previous occasions on antidiscrimination. I wonder if the distinguished floor manager would tell us how he sees the flow of this legislation proceeding and how many amendments he anticipates, how much time, and so on?

Mr. SIMPSON. Mr. President, based upon the activity in the Judiciary Committee and what we have to consider based upon the floor debate on two separate previous occasions, I would judge—because I know some of these will drop away—we have about 10 amendments to consider. There are some of critical nature, as is the one of the Senator from Colorado, that is similar I believe to the so-called Levin-Hart, Hart-Levin amendment of the previous debate.

Mr. HART. The Senator is correct.

Mr. SIMPSON. And then there are amendments on employer sanctions, discrimination based on alienage, a worker verification amendment, a legalization amendment by Senator D'AMATO, and a key amendment would be the amendment of the Senator from California [Mr. WILSON], with regard to agricultural temporary workers. That will be tomorrow. The Senator from California is not in the Capitol today.

Mr. HART. The Senator may have answered the question. The distinguished floor manager anticipates the bill will go until tomorrow.

Mr. SIMPSON. Indeed.

Mr. HART. I thank the Senator from Wyoming.

Mr. SIMPSON. You bet. The Senator is most welcome.

I yield to my colleague—and let me say a new member of the subcommittee—Senator PAUL SIMON of Illinois, whom I have known since the 1970's. We legislated together in the early seventies for different States. I met him then. I have great respect for him. It has been a pleasure to have him as a member of the subcommittee. He has been a very fine contributing member. I appreciate the thoughtful way he has addressed the issue of immigration reform. I yield to Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank you, Mr. President, and I thank my colleague from Wyoming.

One of the things that I have had a chance to dig into a little more fully since I have been here in the Senate after coming over from the House of Representatives is this whole question of immigration, which one of my colleagues has described as a can of worms, and that is not an inaccurate description of this legislative problem because it is exceedingly complicated. One of the things I have learned is to have even greater respect for the distinguished Senator from Wyoming, the chairman of the subcommittee, Senator SIMPSON. He is in a very real sense a legislator's legislator. He has done a superlative job.

I do have reservations. I was one of four who voted against this in the committee. Let me spell out just very briefly the concerns I have, and I will have at least a couple of amendments, one of which is probably going to be a matter of some controversy.

First, I am concerned about the whole legalization issue. We called it amnesty 2 years ago when this was before our body. We are now talking about legalization. What we have is a time gap between the effective date of discrimination penalties or penalties against an employer for hiring an undocumented alien and the point when legalization takes place. What happens to these people during that period?

This was addressed by my colleague, Senator KENNEDY, in the committee. The Kennedy amendment unfortunately was defeated. I assume that my colleague will be offering that amendment again, and I will be supporting that amendment.

The second concern I have is a concern referred to by Senator HART just a little bit ago and that is on the question of discrimination. That, I think, is going to be one of the problems.

Now, I have frankly not been at a hearing where this has been discussed. There is going to be a joint hearing with the House of Representatives on this in the near future. I have said I do not know what the right answers are here. I am going to be listening with great care to what Senator HART and Senator LEVIN have to say. But I sense this is a problem.

Third, I am concernd about the H-2 Program under which we bring in farm workers. Under the current program, over 90 percent of the applications from employers are OK. To simply use the present system seems to me to be much wiser than to tempt fate by moving as this bill does. There are concerns by Cesar Chavez and the Farm Workers Union and I think those concerns are justified. So I am concerned about that.

Finally, I am concerned about the total impact of this on Mexico. The reality is that the undocumented aliens do send a sizable amount of money into Mexico. Mexico has serious finan-

cial problems, much more serious than when we originally passed this bill.

I think Mexico's problems have to be alleviated either through the kind of return that is now possible through illegal alien programs or through some kind of loans and grants from the United States or the sale of goods.

I think those are basically the three alternatives. And if we aggravate the economic situation that Mexico faces, we could have some very serious problems south of the border, and that should be of great concern to all of us.

I will be offering at least two amendments, one to increase the quota for the Hong Kong refugees—it is 3,000 in the bill—up to 5,000. It does not increase the overall number. It is in line with a bill that Senator DIXON and I have sponsored. And I think that probably is not going to be a matter of major controversy.

The second is an amendment that will be a matter of greater controversy, and that is an amendment that says on the nonimmigrant visa no one should be denied that nonimmigrant visa because of political beliefs.

The reality as we have embarrassed ourselves fairly consistently by denying Allende's widow in Chile from coming in when she was asked to come in by the Roman Catholic diocese. An author in Canada, the author of the book "Never Cry Wolf," protested B-52's flying over his land in Canada, and so we refused to give him a visa until Canada protested, and then we authorized a visa, but he at this point refused to come down.

The difference between the United States and the Soviet Union is our freedom and our ability to express ourselves without fear. I do not like to see us copying the Soviets in moving away from that.

I recognize that is an amendment that is probably going to be a matter of some controversy.

But these concerns I think we will be discussing in coming days in some detail, and I look forward to joining in that debate.

Again, I have great respect for the chairman of the subcommittee, Senator SIMPSON. He has worked on this issue. It is an issue that frankly he does not get any votes in Wyoming for working on this issue. It is a no-win issue, but it is an important issue for the people of this Nation.

I was not able to vote for it as it emerged from the subcommittee. I hope it can be in the kind of condition I can vote for when it emerges from this body.

I yield back my time, Mr. President.

Mr. SIMPSON. Mr. President, I appreciate the thoughtful remarks of our fellow member of the Subcommittee on Immigration and Refugee Policy, and indeed, he has expressed that we must indeed turn our attention to the fact that this is not just our Nation's problem, although certainly the first duty of a sovereign nation is to control its borders and, of course, that must be done unilaterally.

I have visited and debated many times with my friend from Mexico City, Jorge Bustamonte of Colleğio de Mexico, who has shared common platforms with me many times, insisting and with great zeal and enthusiasm that this is indeed a bilateral issue.

And yet it is critical that we realize that if we were to tell our neighbors to the South what to do with their immigration policies, they would be offended. And that same type of thing could arise here and nearly did during the debate on the first bill when there was an expression from the Senate of Mexico that they felt that this was a bilateral issue and they needed to be heard on the issue. And, of course, if we had intruded in that manner in their legislative deliberations I believe it would have been distressful.

As I visited with President Lopez de Portillo, I said to him, "What is it that you would have us do as deal with illegal immigraion?" There was no response.

I said, "I'm not from the State Department, I'm not from the executive branch. I represent 1 of 535 very interesting people. What is your solution?" And there was no response.

Finally, I said, "There is no one here but us chickens. What is your feeling about this critical issue, sir?"

He said, "Treat our people fairly and we hope that they are not exploited."

And I said, "How can we do that when they are there illegally?"

He said, "That is the issue, isn't it?"

I said, "It is, sir, " and that was where that conversation ended. And that is one of the serious problems.

Another serious problem, as well portrayed by the Senator from Illinois, is the issue of what happens to those people in the interim period between the bill and legislation. I would only say that it is the same thing that is happening to them now. If we had passed a bill 2, 3, or 4 years ago they would have been protected. By rejecting the legislation they are subject to deportation, and that will continue to take place until we have our machinery in place, our resources in place, economic activity, employer sanctions and those things implemented and in place.

I think that it is interesting—and I have shared it with the Senator from Illinois—the problems in addressing the issue of Mexico and the giving of economic aid to Mexico so that they might have an economy strengthened as being a solution to our own problems of illegal immigration. All studies have shown the economic aid in other countries very likely increases illegal immigration because, indeed, when the persons have been able to obtain some funds, that is what is required to come here illegally. They either pay a smuggler or someone less than a smuggler, an associate, or a friend. It takes money. When the money is received and the economic aid or support is increased, we have found in studies that illegal immigration increases. And it is indeed a long-term solution—that type of aid—but in the near term of the next 15, 20, or 30 years, we are going to require employer sanctions. And that was the unanimous recommendation of the select commission.

Mr. President, I would indicate to my colleagues that we are now on S. 1200. It is a very fascinating bill. I do hope they will come over here and enjoy this intriguing subject and bring with them their portfolios and their staffs and their vigorous ideas as to the amending process. That would be very helpful. And then we could proceed.

I am going to visit with my colleague, the ranking minority member, and see if we can perhaps resolve or maybe reach an accord on an amendment or two. I would say to those principals listening—and I know they are, as we all do, through our communication procedures in the Senate—if you have an amendment to present please come forward. I have drafts of several amendments that apparently are not in final form. I also know of two that will be presented tomorrow.

The leader has indicated that how quickly this bill is processed and the amendments presented will determine when we shall leave these Chambers this week. In other words, if we could proceed to bring the amendments forward, it is very likely that we can conclude the matter perhaps by tomorrow—in a late evening session if that is required—or this evening, and then Friday Members would be able to return to their district. That is possible. If not, we would probably be in session Friday and dispose of this legislation, in any event, this week.

That is the desire of the majority leader, and certainly I think the desire of this Senator and the desire of Senator KENNEDY, to conclude this bill, get it to the House of Representatives, where then Congressmen RODINO and MAZZOLI and LUNGREN and FISH and FRANK can process their version and get on to a conference committee as early as possible and try to resolve immigration reform before we swing into another election year cycle. Those are not always pleasant. Congressman MAZZOLI and I have found there was more discussion about our names at one of the party conventions than there was about their own platform. That is always a disturbing thing to witness.

So, with that, we are aware of amendments that intend to be produced and I urge you to do so. It will

have a direct bearing on your ability to exit the premises this week.

Mrs. HAWKINS. Mr. President, I rise as I have risen in each of the two earlier occasions the Senate considered immigration control legislation to support this effort to regain control over our borders. Though it has been 3 years since the Senate first acted on this issue, the problems are no less severe. For all practical purposes we still have failed to regain control over our borders.

This failure is due not to a lack of effort on the part of the Immigration and Naturalization Service, but to a lack of sufficient resources to deal with the problem, and the failure of existing laws to deal with the source of the problem—the availability of jobs for illegal aliens in the United States. The reason I support this legislation is that it addresses these problems head on. The primary means by which the bill addresses the problem is through an increase in resources for the INS and a program known as employer sanctions.

Employer sanctions provide penalties for employers who knowingly hire or refer, illegal aliens. The penalties are substantial and in the case of a pattern or practice of offenses include criminal penalties. There is a change in this year's bill, however, and that is that the employer sanctions are now voluntary. But a system of incentives and disincentives makes it clearly advantageous for an employer to follow the verification procedures in the bill.

There are several provisions in the bill with which I have problems. For example, I was disappointed to learn that this year's bill deletes the legal immigration provisions that were included in versions of the bill twice passed by the Senate. I also believe that it is a mistake to continue to delay consideration of expanding Presidential powers in the event of an immigration emergency. This is a major issue, and its absence is a major flaw in the legislation. I am also concerned that the States and localities not be forced to take the expense of a Federal decision to legalize a portion of the alien population. It is unfair to expect the States and localities to pick up the costs of a Federal decision.

I commend Senator SIMPSON for his efforts on this legislation. It is not perfect, but it is sorely needed.

Mr. GRASSLEY. Mr. President, I would like to commend Senator SIMPSON once again for his patience and diligence in trying to achieve some control over immigration to this country. We all have realized that this is an extremely difficult issue and also one with extremely important consequences.

No one has worked harder on this issue than Senator SIMPSON and I share his disappointment that we were not successful in getting a bill to the President's desk last Congress.

Approximately 30 years have passed since the last major reform of U.S. immigration policy. The time has arrived to undergo this painful process again.

Theodore H. White described the situation in which America finds itself resulting from our current set of chaotic complicated immigration laws:

> One starts with the obvious: That the United States has lost one of the cardinal attributes of sovereignty—it no longer controls its own borders. Its immigration laws are flouted by aliens and citizens alike, as no system of laws has been flouted since prohibition. And the impending transformation of our nation, its culture, and its ethnic heritage could become one of the central debates of the politics of the 1980s. See White, America in Search of Itself, p.361 (1982).

The debate has already begun and let us hope that S. 1200 is just the first step in the reformation process.

Though most Americans currently residing in the United States owe their presence here to the open door immigration policies of the past, the perpetuation of the myth that this country is one without limits can only prove harmful in the long run. Technology is one of the major reasons why today's immigration phenomenon is entirely different from the immigration waves of the past. As Mr. White continued to explain:

> . . . The earlier immigrants from Europe spent weeks trekking to ports, and then more weeks in the steerage of tramp steamers, to reach the promised land. A modern immigrant can be here or there in four hours from any airport in the Caribbean, in fifteen hours from Asia.
>
> . . . It once took years of work and savings for an honest man to buy passage for his family to join him. Now after six months a diligent immigrant can afford air passage for all the rest of his family. The result has been a stampede, almost an invasion. supra; pp. 361-362.

America currently accepts over twice as many legal immigrants as the rest of the world combined. This does not include the estimated 3 to 6 million aliens illegally in the country. Control of our borders is essential in order to protect U.S. citizens from a continued high unemployment rate and to foster a reliance on our laws by those outside our country who wish to reside here.

The Immigration Reform and Control Act is a well-conceived product which may go far in achieving our badly needed reforms. The provisions of the bill relating to employer sanctions, increased interior and border enforcement and a secure worker eligibility identity system are necessary to regain control over our borders.

Though the concept of legalization has been one of the most hotly debated aspects of the bill, I believe that legalization in some form is not only in the best interests of those undocumented aliens already firmly residing here but for the citizenry of our country as well. A large undocumented population contributes to the creation and perpetuation of an exploited subclass society afraid to report crimes and illnesses which endanger the public health.

A variety of legalization programs were presented to the Select Commission on Immigration and Refugee Policy, a bipartisan group established by the Carter administration to study solutions to our immigration problems, and the Senate Subcommittee on Immigration and Refugee Policy ranging from a massive deportation program to total amnesty for all aliens upon enactment of the bill. The Select Commission's final report stated that it was guided by two major principles in developing its legalization recommendations:

First, the legalization program should be consistent with U.S. interests, and

Second, the program should not encourage further undocumented migration.

The approach adopted by S. 1200, is consistent with these goals. This provision provides that illegal aliens who have resided continuously in the United States since January 1, 1980, are eligible for temporary resident status upon enactment of the bill. These aliens will be eligible to apply for permanent resident status 2½ years following their grant of temporary status. In addition, these residents are ineligible for all Federal assistance programs such as AFDC, food stamps, Medicaid, and the like. Only following 6 years after the adjustment of these aliens, will eligibility for Federal programs become available.

Though my original goal was to have no legalization prior to the assurance of the development of a secure worker authorization system, I find the present bill language is acceptable. Under S. 1200, if current identifiers prove inadequate in stemming the flow of illegal aliens, the President is required to implement changes in the verification system to make it more secure. In addition, S. 1200 establishes a Legalization Commission to be composed of nine members appointed by the President. No person may be appointed who does not support the concept of the legalization program provided for in the bill. The major duty of the Commission is to report annually to Congress whether certain conditions have been met. Such conditions include the following:

First, effective enforcement measures have been instituted and have adequate resources to curtail illegal immigration,

Second, it is reasonably likely that these measures will continue to be in effect and to have adequate resources after legalization, and

Third, enforcement has become effective enough to prevent legalization

from serving as a stimulus to further illegal entry.

The legalization program will begin after the Commission reports that the above conditions have been met, or 3 years after enactment, whichever is earlier.

Therefore, we will ensure that the flow of illegal aliens is substantially curtailed prior to the granting of permanent residency to those eligible under the bill.

The advantages of this proposal are apparent. Massive deportations are not only impractical but nearly impossible. The best chance of apprehending an illegal alien is at the border. The odds plunge drastically downward once that alien has reached the interior of the country. A massive deportation policy was implemented back in 1954 with alarming results. Not only was it unsuccessful in returning many illegal aliens, but the civil rights of many U.S. citizens and permanent residents were violated in the course of this program.

The only realistic remedy to deal with the current population of undocumented workers is to legitimize their status in a way which will ensure that these prople continue to work and become productive and participating members of their communities. I believe legalization as embodied in S. 1200 accomplishes these goals.

This bill is a carefully crafted package which must remain largely intact in order to pass both bodies and go to the President's desk for signature. It is my hope that we can move S. 1200 rapidly through the Senate, that in turn the House will act quickly, and the President will approve this bill by the end of the Congress. If we do not act now, it may be another 30 years before we return to the issue of immigration control. By that time the problem is guaranteed to be beyond congressional solutions.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. S. 1200 is the pending business.

CONDEMNING THE KIDNAPING OF PRESIDENT DUARTE'S DAUGHTER

Mr. KENNEDY. Mr. President, I send a resolution to the desk and ask unanimous consent that it be read. It is in the process of being cleared now by Members of the Senate, but I would like to ask unanimous consent that the resolution be read. It is offered by myself and the chairman of the Foreign Relations Committee, Mr. LUGAR.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

S. RES. 219

Resolved,

Whereas the oldest daughter of President Jose Napoleon Duarte of El Salvador, Mrs. Ines Guadelupe Duarte Duran, was assaulted and kidnapped yesterday in her home city of San Salvador;

Whereas the people responsible for the kidnapping are armed terrorists, in the course of the kidnapping, killed a driver and wounded a bodyguard; and

Whereas such acts of terrorism against innocent civilians deserve the condemnation of all civilized peoples throughout the world;

It is the sense of the Senate that:

The kidnapping of President Duarte's daughter is to be deplored in the strongest possible terms;

The individuals responsible for this unconscionable and unwarranted act of terrorism are to be condemned;

The sympathy and prayers of the American people are with the Duarte family and with the people of El Salvador during this ordeal; and

The individuals responsible for this crime should release Ines Guadelupe Duarte Duran immediately and safely.

The President of the United States should provide whatever assistance the government of El Salvador or the Duarte family may request to achieve the safe return of Mrs. Duarte Duran and to bring the kidnappers to justice;

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. BIDEN], and the Senator from Oklahoma [Mr. BOREN] be added as cosponsors and that any Member of the Senate be added as cosponsor if they so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The Senate continued with the consideration of the bill.

AMENDMENT NO. 591

(Purpose: To increase the colonial quota)

Mr. SIMON. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Mr. DIXON and Mr. KENNEDY, proposes Amendment No. 591.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, line 11, strike out "3,000" and insert in lieu thereof "5,000".

Mr. SIMON. Mr. President, I have discussed this with the distinguished Senator from Wyoming. This is an amendment which in this bill would raise the Hong Kong quota from 3,000 to 5,000.

Cosponsoring the amendment are Senator DIXON and Senator KENNEDY.

We do have in Hong Kong a huge pileup now of people who apply. There is a 5- to 7-year wait right now. This is part of total quota within the United Kingdom. It does not add anything to the total number of emigres into this country. I am advised that it would not put a strain on our visa office.

As far as I know it would present no problems. I am advised by my staff that the administration testified over on the House side that they would support a 5,000 quota.

I obviously do not want to speak for the Senator from Wyoming, but I believe this is an acceptable amendment to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have visited with the Senator from Illinois. It is something we have discussed before in committee. We did not deal with it there.

I know that the Senator has physically been present and visited with the Hong Kong authorities. I know that I have in the years past.

The increasing of this colonial quota will affect really only one nation and only one colony, and that is Great Britain and its crown colony Hong Kong for at least a few more years in that relationship.

The quota used by a colony is subtracted from the mother country's quota, and that figure, I believe, last year from Great Britain was 11,000 or 12,000, something in that area. This increase will not affect immigration from Great Britain, which never uses its full quota of 20,000 per year. So I think it is appropriate. I appreciate the Senator's thoughtfulness.

In the bill we had taken it from 600 to 3,000 and now his amendment will take it to 5,000. Certainly that would be acceptable to this floor manager, and I understand that Senator KENNEDY has indicated his concurrence with

the amendment. So we do accept the amendment.

Mr. SIMON. If the Senator will yield, I thank the Senator. He is correct. He brought the figure up to 3,000 which is a distinct improvement and Senator KENNEDY has asked to be a cosponsor of the amendment. I appreciate the courtesy of the Senator from Wyoming.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 591) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFIED AMENDMENT NO. 591

Mr. SIMON. Mr. President, we have a perfecting amendment here. There was a technical error in the drafting of the amendment that we offered before. I offer that at this time. I have discussed this with the Senator from Wyoming. It does precisely what we talked about before. I offer that amendment.

The PRESIDING OFFICER. Is there objection to modifying the agreed-upon amendment?

Without objection, the amendment is modified.

The modified amendment follows:

On page 104, line 9, strike 3,000 and insert 5,000,

On page 104, line 11, strike out "3,000" and insert in lieu thereof "5,000".

On page 104, line 13, strike 3,000 and insert 5,000.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me review the bidding here on the immigration bill, S. 1200. The minority floor manager and I, I think, have both expressed that we are here within earshot of the Chamber, ready to process amendments. I am being a bit facetious, so let me get a bit serious.

This bill is not an unknown thing to my colleagues. A great deal of activity and work has gone into it. It has been before the Senate before. It has been pending now since 1 p.m. today. We have had amendments. I do appreciate very much Senator SIMON's presentation of an amendment. Senator CHILES will have an amendment in the morning. Then there will be amendments of Senator KENNEDY, Senator MCCLURE, Senator HAWKINS, and a D'AMATO amendment with regard to incarceration. Senator BAUCUS will have an amendment.

An important amendment tomorrow will be that of Senator WILSON with regard to temporary agricultural employees. It is very likely that the debate on that amendment will begin around noon. We will have that at that time. There may be other amendments, germane or nongermane. Any of those that are nongermane I would hope to dispose of at some other juncture or on some other bill. So we will see how that goes.

Let me say that there were, at least originally, 12 to 15 amendments—serious, I would think we would describe them—to the bill. We await those. There has been a notable lack of activity in bringing those amendments to the floor. We are ready to receive them. If there are amendments, we would like to see the text of them and perhaps we could even accept some of those.

We have a fine staff to assist with those amendments so we might better get the essence of them, and perhaps the minority member of the subcommittee and I could accept those.

The majority leader has other business this evening and we shall get ready to conclude our activities tonight. We shall then get back on this bill at approximately noon tomorrow, very likely with the Wilson amendment. It is likely to be a busy day on S. 1200. There could be several votes tomorrow.

Again, I express these thoughts to you without a sense of threat—because that is something I never enjoyed, whether a Member of the majority or of the minority and I have been both—that is something one never wants to forget in this curious arena when you have been both majority and minority.

Very likely we will try to conclude this measure tomorrow if my colleagues and principals are anxious not to be here on Friday. If that is something Senators are hoping for, that they not be here Friday in session, then I urge them to participate with great gusto tomorrow, Thursday. We will then go perhaps into the evening and try to conclude if that is at all possible. I think the essence of it is that we will finish this bill this week. We have time to do that. Obviously we have time to do that: we have assessed that. Certainly I do not want to impel anyone along with the thought that I might ask for third reading tomorrow or something like that; that might galvanize interests of all sorts and varieties here. But at some point I urge Senators to present themselves with amendments. We know that tomorrow we will deal with the amendments that we are aware of and hopefully accommodate my fellow Senators so that they would not be here Friday. If they will not do that, we will continue tomorrow and then go on into Friday to process S. 1200 because the window will not stay open long with the workload we have, with regard to the farm bill, the Superfund, perhaps another revisitation to South Africa on the anti-apartheid legislation.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into a period for the transaction of morning business until 5:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 218. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to S. 1200 as reported by the Senate Committee on the Judiciary.

By Mr. GOLDWATER, from the Committee on Armed Services, with amendments:

S. 1271. A bill to authorize appropriations for fiscal year 1986 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 99-136).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Charles A. Trabandt, of Virginia, to be a Member of the Federal Energy Regulatory Commission for a term expiring October 20, 1988.

(The above nomination was reported form the Committee on Energy and Natural Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations and asked that they be placed on the Executive Calendar:

1. Vice Admiral James B. Busey IV, U.S. Navy, to be Vice Chief of Naval Operations and admiral. (Ref. #540)
2. Admiral Lee Baggett, Jr., U.S. Navy, to be reassigned. (Ref. #541)
3. Admiral Ronald J. Hays, U.S. Navy, to be reassigned. (Ref. #542)
4. Vice Admiral James A. Lyons, Jr., U.S. Navy, to be admiral. (Ref. #543)
5. Vice Admiral Arthur S. Moreau, Jr., U.S. Navy, to be admiral. (Ref. #545)
6. Vice Admiral Carlisle A. H. Trost, U.S. Navy, to be admiral. (Ref. 454)

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Anthony J. Calio, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER (for himself, Mr. ANDREWS, Mr. BURDICK, Mr. ABDNOR, and Mr. EAST):

S. 1621. A bill to amend title 25 U.S.C., relating to Indian education programs, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. MELCHER (for himself, Mr. DOMENICI, and Mr. ANDREWS):

S. 1622. A bill to promote the development of native American culture and art; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S. 1623. A bill to amend titles XI and XVIII of the Social Security Act to enhance the authority of peer review organizations to review the quality of health care services provided under the Medicare Program, and for other purposes; to the Committee on Finance.

By Mr. DeCONCINI:

S. 1624. A bill to make ineligible for certain agricultural program benefits persons who are convicted under Federal or State law of planting, cultivation, growing or harvesting of controlled substances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 1625. A bill to authorize the conveyance of 470 acres in Nevada to the University of Nevada for use as a research and development center; to the Committee on Energy and Natural Resources.

By Mr. DENTON:

S. 1626. A bill to create a Disability Advisory Council; to the Committee on Finance.

By Mr. STEVENS:

S. 1627. A bill to to provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in an executive exchange program of the Government; to the Committee on Governmental Affairs.

By Mr. CRANSTON (for himself, Mr. HATCH, Mr. DODD, Mr. GRASSLEY, Mr. LEVIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 1628. A bill to amend part E of title IV of the Social Security Act to revise the provisions relating to Medicaid eligibility of special needs children placed for adoption; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1629. A bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. SASSER, Mr. LAXALT, and Mr. STENNIS):

S.J. Res. 194. Joint resolution to designate the week beginning October 1, 1985, as "National Buy American Week"; to the Committee on the Judiciary.

By Mr. KASTEN:

S.J. Res. 195. Joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "National Temporary Services Week"; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 196. Joint resolution designating September 22, 1986, as "American Business Women's Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. PELL, and Mr. BOREN):

S. Res. 219. Resolution condemning the kidnaping of President Duarte's daughter; ordered held at the desk.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 220. Resolution authorizing the appointment of a special delegation to host a delegation of members of the Standing Committee of the National People's Congress of the People's Republic of China, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER (for himself, Mr. ANDREWS, Mr. BURDICK, Mr. ABDNOR, and Mr. EAST):

S. 1621. A bill to amend title 25 U.S.C., relating to Indian education programs, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN EDUCATION PROGRAMS

Mr. MELCHER. Mr. President, since 1918, there has been a law on the books, based on language from an appropriations bill of that same year, to the effect that no moneys may be used "to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided." (25 U.S.C. 297)

Enforcement by the Bureau of Indian Affairs [BIA] of section 297 over the years has been lax. Generally, they have granted waivers under rather loose guidelines. About 2 years ago however, the BIA took the view that enforcement of this old law could be a way to save money. In fact, if the children in question are transferred to public schools, many will be eligible for chapter I, the Johnson O'Malley Act title IV, and Impact Aid. So the cost is about the same.

The BIA proposed new regulations on May 10, 1985, with a 30-day comment. At my request the deadline for comment was moved forward by about 3 weeks to July 5. They intended to have final regulations in place by August in time to make reductions in the fall student count. I have the impression they are quite stunned by the strength of opposition to the regulations. The National Tribal Chairmen's Association, the National Congress of American Indians, the National Federation of Federal Employees, and the National Indian School Boards Association, among others, are in strong opposition to the proposed regulations. These regulations, so far have not been implemented.

Put simply, the protestors object to precluding certain Indian children from attending Indian schools in their own communities, thus denying these children the benefit of the cultural heritage and cohesion fostered by the local school and discriminating against them by setting them apart as a separate class of Indian children based solely upon racial factors. All this is, of course, in addition to the difficulty of determining what is meant by adequate public school facility.

All members of federally recognized tribes are routinely eligible for all Federal services provided by the BIA and

the IHS regardless of their blood quantum. Other Indians who can prove quarter degree blood are also eligible whether or not they are members of federally recognized tribes.

It is, therefore, an anachronism that certain children are being singled out under the auspices of a law that is nearly 70 years old for unfair and discriminatory treatment.

The most affected tribe is the Eastern Cherokee of North Carolina but the figures on the attached memo from the BIA indicate that problems will be felt throughout the country if the BIA insists on strict enforcement of this law. At Eastern Cherokee, it is estimated that 15 percent of the children now attending the Cherokee Indian School will not receive funds for this school year. Many of the Cherokee Indian children who are less than quarter-degree Indian are descendents of individuals who were enrolled in the tribe by the Federal Government in 1924 over the objection of the Cherokee Indian Council. Since then, however, they have been recognized and treated as tribal members by both the tribe and by the Federal Government.

This bill amends the Indian Education Act Amendments of 1978 by defining children eligible to attend BIA funded schools as those children who are members of federally recognized tribes or who are at least one-fourth degree Indian blood. It also allows children of Federal or tribal employees who reside on or near a school site to attend schools without tuition under rules and regulations prescribed by the Secretary. It also allows other children to attend local BIA funded schools by paying tuition fees that are comparable to fees charged by the nearest public school district.

The bill grandfathers in those children who attended BIA schools last year for this coming academic year to prevent a critical situation where some who are already enrolled would be forced to transfer to a public school in midyear. The bill repeals section 296 along with section 288 and 289 of the United States Code. These latter sections deal with tuition charges to white children in Indian schools and much of the language is incorporated in the new language. It makes sense to amend the education act rather than amending each of the three offending statutes. The portion of the education act that is being amended deals with the allotment formula for distribution of BIA education funds.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1128 of P.L. 95-561 (25 U.S.C. 2008), as amended, is amended by—

(1) deleting "Indian students" in subsection (a)(1) and substituting in lieu thereof "eligible Indian students"; and

(2) deleting "Indian child" between the words "for each" and "attending such school", and "for an" and "in public school" in subsection (b), and substitute in lieu thereof "eligible Indian student"; and

(3) by adding the following new subsection:

"(f)(1) For purposes of this section, the term "eligible Indian student" shall include students who are members of a Federally recognized Tribe or who are at least one fourth degree Indian blood.

(2) Any student who is not an eligible Indian student but who is a dependent of an employee of the Federal or tribal government and who resides on or near a school site may, pursuant to rules and regulations prescribed by the Secretary, attend a school operated by the Bureau under this section without charge for tuition.

(3) Students who are not otherwise provided for in this Section may, under rules and regulations prescribed by the Secretary, be admitted to any Bureau operated school, provided that the local Indian school board agrees to such attendance and provided that the tuition fees charged to such students shall in no cases exceed the tuition fees charged by the nearest public school district providing free public education in the State in which the Bureau operated school is located. Tuition paid under this paragraph shall be added to the Bureau school's allotment received under this section.

(4) Schools operated under contract with the Bureau may, subject to policies established by the governing school board, accept students who are not eligible for funding under this section. Tuition received under this provision shall be in addition to the school's funding allotment under this section."

SEC. 2. Any other provision of law notwithstanding, any student who attended a Bureau funded school during the 1984-1985 academic year shall be deemed eligible to attend the same Bureau funded school under the same circumstances during the 1985-1986 academic year.

SEC. 3. Sections 288, 289 and 297 of Title 25 of the United States Code are hereby repealed.

By Mr. MELCHER (for himself, Mr. DOMENICI and Mr. ANDREWS):

S. 1622. A bill to promote the development of native American culture and art; to the Select Committee on Indian Affairs.

NATIVE AMERICAN CULTURE AND ART DEVELOPMENT ACT

Mr. MELCHER. Mr. President, late in the 98th Congress, I introduced S. 2762, a bill for the preservation and development of native American Art and Culture. The bill was referred to the Select Committee on Indian Affairs which took no formal action. Nevertheless, in the interim Senator DOMENICI and I have worked closely with numerous groups and individuals with a deep interest in this legislation which has allowed us to clarify a number of issues in the bill.

Today we are introducing another version of the native American art and culture bill which incorporates many of these suggestions. This legislation will provide Federal support for Indian art and culture. While the artistic and cultural heritage of the United States has had numerous influences, the only genuinely native heritage derives from the Indian people. Unfortunately, without impetus from the Federal Government, there is a clear danger not only that much of our existing Indian art and culture will be lost to future generations but continuing artistic expression will be stymied.

The unique aspects of American Indian art and culture must be preserved and fostered by a sensitive and concerned approach both to the historical and ongoing contributions of native Americans. Current Federal initiatives in this area are fragmented and inadequate.

This bill would establish an Institute of Native American Culture and Arts Development directed by a board of trustees, a majority of which will be Indians. The primary functions of the Institute will be to provide the scholarly study of, and instruction in, the arts and culture of native Americans and to establish programs which culminate in the awarding of degrees in various fields of native American art and culture.

It is important to note that the Institute's programs would be designed to complement existing tribal programs for the advancement of native American art and culture. The Institute would play a crucial role in coordinating efforts to preserve, support, revitalize, and develop evolving forms of native American art and culture.

The Institute will have authority to create a Center for Culture and Art Studies and a Center for Research and Cultural Exchange and will incorporate the functions of the existing Institute of American Indian Arts.

The establishment of an Institute encompassing the art and culture of Indian people is not a new concept but, I believe, it is one whose time has come. The Senate Special Subcommittee on Indian Education in its 1969 report, "Indian Education: A National Tragedy—A National Challenge," recommended the creation of such an Institute and emphasized that—

The information such as an Institute could disseminate, as well as the research which it would conduct, would greatly increase public knowledge and understanding of the American Indian (Senate Report 91-501, p. 126).

Sixteen years have passed since the Senate received that recommendation. With the introduction of this bill, the Senate will have the opportunity to consider this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, To promote the development of Native American culture art.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may cited as the "Native American Culture and Art Development Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Native American art and culture has contributed greatly to the article and cultural richness of the Nation;

(2) Native American art and culture occupies a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fundamental influence on the American people;

(4) although the encouragement and support of Native American arts and crafts are primarily a matter for private, local, and Native American initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Native American art and culture and to complement programs for the advancement of Native American art and culture by tribal, private, and public agencies and organizations;

(6) current Federal initiatives in the area of Native American art and culture are fragmented and inadequate; and

(7) in order to coordinate the Federal Government's effort to preserve, support, revitalize, and disseminate Native American art and culture, it is desirable to establish a national Institute of Native American Culture and Arts Development.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Native American art and culture" includes, but is not limited to, the traditional and contemporary expressions of Native American language, history, visual and performing arts, and crafts.

(2) The term "Institute" means the Institute of Native American Culture and Arts Development established by this Act.

(3) The term "Native American" means any person who is a member of an Indian tribe or is a Native Hawaiian.

(4) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(5) The term "Native Hawaiian" means any descendant of a person who, prior to 1778, was a native of the Hawaiian Islands.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "Board" means the Board of Trustees established under section 5.

ESTABLISHMENT OF INSTITUTE

SEC. 4. (a) There is hereby established a corporation to be known as the "Institute of Native American Culture and Arts Development", which shall be under the direction and control of a Board of Trustees established under section 5.

(b) The corporation established under subsection (a) shall have succession until dissolved by Act of Congress. Only the Congress shall have the authority to revise or amend the charter of such corporation.

BOARD OF TRUSTEES

SEC. 5. (a) The Board shall be composed of 18 members as follows:

(1) twelve members appointed by the President of the United States by and with the advice and consent of the Senate from among individuals from private life who are Native Americans widely recognized in the field of Native American art and culture;

(2) three members appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader and the minority leader of the Senate, and

(3) three members appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives.

(b) In making appointments pursuant to subsection (a)(1), the President of the United States shall—

(1) consult with the Indian tribes and the various organizations of Native Americans; and

(2) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board.

(c)(1) The term of office of each member of the Board appointed pursuant to subsection (a)(1) shall be six years, except that of such members first appointed, four shall serve for a term of two years, four for a term of four years, and four for a term of six years, as designated by the President as of the time of appointment. Any member of the Board appointed pursuant to subsection (a)(1) to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of the term. No member of the Board appointed pursuant to subsection (a)(1) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until his successor is appointed.

(2) The term of office of each Member of Congress appointed to the Board under subsection (a) shall expire at the end of the congressional term of office which such Member holds at the time of such appointment.

(d) The President of the United States shall designate the initial Chairman and Vice Chairman of the Board from among the members of the Board appointed pursuant to subsection (a)(1). Such Chairman and Vice Chairman so designated shall serve for twelve calendar months. The Chairman and Vice Chairman shall thereafter be elected by the members of the Board appointed pursuant to subsection (a)(1) and shall serve for terms of two years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the Board appointed pursuant to subsection (a)(1) and the member filling such vacancy shall serve for the remainder of the unexpired term.

(e) Unless otherwise provided by the bylaws of the Institute, a majority of the members of the Board shall constitute a quorum.

(f) The Board is authorized—

(1) to formulate the policy of the Institute;

(2) to direct the management of the Institute; and

(3) to make such bylaws and rules as it deems necessary for the administration of its functions under this Act, including the organization and procedures of the Board.

(g) Members of the Board appointed pursuant to subsection (a)(1) shall, for each day they are engaged in the performance of the duties under this Act, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses (including per diem in lieu of subsistence), as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

PRESIDENT; EMPLOYEES

SEC. 6. (a) The Board shall appoint a President of the Institute. The President of the Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute.

(b) The President of the Institute shall be compensated at an annual rate not to exceed that prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) The President of the Institute, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

GENERAL POWERS OF THE INSTITUTE

SEC. 7. In carrying out the provisions of this Act, the Institute shall have the power, consistent with the provisions of this Act—

(1) to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contracts without regard to section 3324 of title 31, United States Code;

(3) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(4) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(5) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of executive branch in carrying out the provisions of this act and to pay for such use (such payments to be credited to the applicable appropriation that incurred the expense);

(6) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;

(7) to obtain insurance or make other provisions against losses;

(8) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(9) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(10) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, and institutions, and individuals;

(11) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purposes of this Act;

(12) to use any funds or property received by the Institute to carry out the purposes of this Act; and

(13) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this Act and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

FUNCTIONS OF THE INSTITUTE

SEC. 8. (a) The primary functions of the Institute shall be—

(1) to provide scholarly study of, and instruction in, the arts and culture of Native Americans, and

(2) to establish programs which culminate in the awarding of degrees in the various fields of Native American art and culture.

(b) There shall be established within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, Literature, and Museology; and

(2) a Center for Research and Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include—

(A) a museum of Native American arts,

(B) a learning resources center,

(C) programs of institutional support and development,

(D) research programs,

(E) fellowship programs,

(F) seminars,

(G) publications,

(H) scholar-in-residence and artist-in-residence programs, and

(I) inter-institutional programs of cooperation at national and international levels.

(c) In addition to the centers and programs described in subsection (b), the Institute shall develop such programs and centers as the Board determines are necessary to—

(1) foster research and scholarship in Native American art and culture through—

(A) resident programs,

(B) cooperative programs, and

(C) grant programs;

(2) complement existing tribal programs for the advancement of Native American art and culture; and

(3) coordinate efforts to preserve, support, revitalize and develop evolving forms of Native American art and culture.

NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

SEC. 9. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Institute may not contribute to, or otherwise support, any political party or candidate for elective public office.

TAX STATUS

SEC. 10. The Institute and the franchise, capital, reserves, income, and property of the Institute shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, Indian tribe, or local taxing authority.

TRANSFER OF FUNCTIONS

SEC. 11. (a) There are hereby transferred to the Institute, and the Institute shall perform, the functions of the Institute of American Indian Arts established by the Secretary of the Interior in 1962.

(b)(1) All personnel, liabilities, contracts, personal property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Institute.

(2) Personnel engaged in functions transferred by this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such trnasfer shall be without reduction in classification or compensation for one year after such transfer.

(c) All laws and regulations relating to the Institute of American Indian Arts transferred to the Institute by this Act shall, insofar as such laws and regulations are applicable, remain in full force and effect. With respect to such transfers, reference in any other Federal law to the Institute of American Indian Arts, or any officer so transferred in connection therewith, shall be deemed to mean the Institute.

ANNUAL REPORT

SEC. 12. The President of the Institute shall submit an annual report to the Congress and to the Board concerning the status of the Institute during the twelve calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such twelve-month period and the disposition thereof as well as any recommendations for improving the Institute.

HEADQUARTERS

SEC. 13. The site of the Institute of American Indian Arts, at Santa Fe, New Mexico, shall be maintained as the location for the Institute of Native American Culture and Arts Development. To facilitate this action and the continuity of programs being provided at the Institute of American Indian Arts, the Secretary is authorized to enter into negotiations with State and local governments for such exchanges or transfers of lands and such other assistance as may be required.

APPLICATION WITH OTHER ACTS

SEC. 14. (a) The Institute shall comply with the provisions of—

(1) Public Law 95-341 (42 U.S.C. 1996), popularly known as the American Indian Religious Freedom Act,

(2) the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa, et seq.), and

(3) the National Historic Preservation Act (16 U.S.C. 470, et seq.).

(b) All Federal criminal laws relating to larceny, embezzlement, or conversion of the funds or property of the United States shall apply to the funds and property of the Institute.

AUTHORIZATION

SEC. 15. There are authorized to be appropriated to carry out the purposes of this Act—

(1) for the fiscal year beginning October 1, 1986, the sum of $4,000,000, and

(2) for each fiscal year thereafter, such sum as may be necessary to carry out such purposes.

● Mr. DOMENICI. Mr. President, today, along with my colleagues, Senators MELCHER and ANDREWS, I am introducing a bill whose essence was passed by the full Senate on May 10, 1982. The issue remains before us as the House of Representatives did not act on this measure in the 97th Congress, and we did not act on it in the 98th Congress. Today's Federal initiatives in native American art and culture are quite fragmented and sorely inadequate. This bill, which was sponsored last year, S. 2726, by Senators MELCHER, ANDREWS, INOUYE, DECONCINI, GOLDWATER, MATSUNAGA, COCHRAN, KENNEDY, BURDICK, and BINGAMAN, makes vast improvements in the potential for private participation in furthering native American art and culture.

In this bill we create a marriage between the current Federal commitment and those in the private sector who have expressed a desire to contribute hundreds of thousands of dollars but for the current Federal control over virtually all aspects of the Institute for American Indian Arts in Santa Fe. NM. This reluctance to give freely is directly addressed by this bill. We create a federally chartered Institute of Native American Culture and Arts Development under the control an 18-member board of trustees, 12 of whom must be native Americans widely recognized in the field of native American art and culture. All functions of the Institute of America Indian Arts, established by the Secretary of the Interior in 1962, are transferred to the new institute which will have the power to solicit and receive gifts and grants for the benefit of the Institute of Native American Culture and Art Development [INACAD].

Mr. President, interest in this type of change has come to our attention because of the present restrictions on the Institute of American Indian Arts [IAIA]. This inability to convince po-

tential donors that gifts would be free of Federal control has hampered many potential and significant contributions which have yet to materialize. I am proud of the initiative of the IAIA in seeking and encouraging outside contributions. Our fundamental intent in this bill is to continue Federal support while doing all we can to encourage private donations to further the functions of the INACAD. Primarily these functions will be to "provide scholarly study of, and instruction in the arts and culture of native Americans and to establish programs which culminate in the awarding of degrees in the various fields of native American art and culture."

This will be accomplished by the establishment within the Institute of a Center for Culture and Art Studies (arts and sciences, visual arts, performing arts, language, literature, and museology) and a Center for Research and Cultural Exchange (Museum of native American arts, learning resource center, seminars, and other activities). INACAD will also develop programs to foster further research and scholarship and complement existing tribal programs.

This bill also specifies that the new INACAD be established in Santa Fe, NM, which has been the home of IAIA since 1962. All functions of the Institute for American Indian Arts will be incorporated into the new Institute for Native American Culture and Arts Development.

This legislation is vital to the future development of a national effort to promote Indian art education and scholarship in a manner that can attract private support and tap the special talents of the Indian people of this Nation. The many success stories of the IAIA give me a belief that the future of INACAD will be even brighter with the addition of new energies, talents, contributions, and a better organization. With the continued support of the Federal Government in this newly invigorated institute, our Federal investment will see many improved returns. Education in Indian art and culture will be improved, contributions to the museum can increase, scholarship will have a freer hand, and the story of Indian culture will be available to more Americans in a high quality environment.●

By Mr. HEINZ:

S. 1623. A bill to amend titles XI and XVIII of the Social Security Act to enhance the authority of peer review organizations to review the quality of health care services provided under the Medicare Program, and for other purposes; to the Committee on Finance.

PEER REVIEW ORGANIZATIONS LEGISLATION

● Mr. HEINZ. Mr. President, today I am introducing legislation to close a serious loophole in our ability to protect Medicare beneficiaries from poor quality care in our Nation's hospitals, while taking some necessary steps to assure the financial viability of Medicare's watchdogs—the Peer Review Organizations, or PRO's.

Mr. President, 29 million aged and disabled Americans depend on Medicare to provide the health coverage they need. They have a right to the best quality care available—and Congress has the responsibility to assure that the necessary quality controls are in place and functioning effectively.

Now Congress historically has taken this responsibility seriously, repeatedly acting to tighten up quality controls to protect Medicare patients from incompetent, inefficient and unscrupulous health care providers. Over 15 years ago, this concern for quality assurance led the Congress to create the Professional Standards Review Organizations [PSRO's]. A decade later, in 1982, Congress replaced the PSRO's with the Peer Review Organizations [PRO's], thus providing much improved and stronger safeguards for older Americans.

Finally, Congress' determination to guarantee the very best in health care quality assurance resulted in the 1983 amendments to the Social Security Act. Those amendments further sharpened the teeth of Medicare's watchdogs, the PRO's, arming them to counter the threat of premature hospital discharge inherent in the Prospective Payment System.

I regret to inform my colleagues here today that our work in this important endeavor is yet unfinished. An ongoing investigation by the Special Committee on Aging, Aging, which I chair, shows all too early that perhaps thousands of frail and seriously ill older Americans fall victim to those who would abuse Medicare's new payment system for their greater profit.

Frankly, knowing full well of Congress' intent, I was shocked to learn just this past July that HHS had yet to implement the 1983 amendments—leaving the PRO's powerless to act in behalf of those beneficiaries known to have suffered from substandard care. Since then, I am very pleased to say, HHS has begun to take steps to implement Congress' 1983 reforms. But there is much more to be done before we can rest easy on this issue.

Mr. President, the Medicare Quality of Health Care Act of 1985 will support Medicare's quality assurance program in three key ways:

First, it gives the PRO's—for the first time—the clear and definite authority to deny Medicare reimbursement for poor quality services rendered by a doctor or a hospital. By overlooking this authority in the past, we've made the PRO's the big brothers of review, but withheld the big stick of enforcement. We must close this loophole in the PRO's authority if we are to claim to have done everything possible to protect the elderly from substandard care under the new payment system.

Second, the act reforms an anachronism in the Social Security Act that targets funding levels for the vital Peer Review Organizations at the rock-bottom 1982 levels—levels which were established when the old PSRO program was all but phased out of existence. My bill would bring funding levels closer in line with the realities of a program in full swing—and the expensive quality reviews mandated by the cost cutting incentives of the DRG system.

Finally, I understand that some of these essential Peer Review Organizations are facing a financial crisis caused by Medicare's snail-like reimbursement system. PRO's spend tens of thousands of dollars each month on protecting Medicare beneficiaries, but must often wait between 60 and 75 days to be paid by Medicare under the terms of their contracts with HCFA.

The problem is rooted in our payment mechanism, which is based upon principles established in the Government's dealings with mammoth defense contractors. An organization like General Dynamics can weather a late Government payment without a drought in its cash flow. But to many of the PRO's, which are generally small nonprofit organizations operating primarily because of their Medicare contract, payment delays can be crippling. As many as 14 PRO's, charged with protecting some one-third of Medicare beneficiaries, have indicated they will be forced into a deficit by Medicare's slow reimbursement system now or in the future.

These organizations will be forced to borrow money to make their payrolls, and the interest charges can only come from one place under their fixed price contracts with Medicare. These constraints cannot help but have a severe impact on enforcement of quality. I propose amending current practices to require HCFA to make payments to PRO's within 15 days of the close of each month.

Mr. President, I urge the other Members of the Senate to join me in sponsoring these important reforms to keep our peer review system strong and vigorous, so that it may in turn safeguard our aged citizens from substandard health care.●

By Mr. DECONCINI:

S. 1624. A bill to make ineligible for certain agricultural program benefits persons who are convicted under Federal or State law of planting, cultivation, growing, or harvesting or controlled substances; to the Committee on Agriculture, Nutrition, and Forestry.

CONTROLLED SUBSTANCES PRODUCTION CONTROL ACT

Mr. DECONCINI. Mr. President, I was recently shocked to learn that individuals who have been convicted of growing marijuana or other illegal drug-producing plants do not automatically lose their access to agricultural program benefits. In fact, while the law makes ineligible for program benefits individuals convicted of harvesting such plants, it fails to speak to the issue of conviction for planting, cultivating, or growing of controlled substances. Furthermore, present law simply prohibits agricultural program benefits in the single year of conviction. Today I am introducing legislation that I believe will remedy this situation and I plan on offering this bill as an amendment to the farm bill when it is brought to the floor of the Senate.

My bill, the Controlled Substances Production Control Act of 1985 would specifically prohibit the participation in agricultural program benefits to any person convicted of planting, cultivating, growing or harvesting of a controlled substance for the year of conviction and the ensuing 4 years. This would apply to cannabis as well as other illegal drug-producing plants.

None of us intended to subsidize the growth of illegal drugs in this country. Yet because of this loophole that is exactly what we are doing. In 1983, the U.S. Department of Agriculture estimated that between $16 to $18 million worth of program benefits were going to just these criminals. In fact, the USDA sent a proposed bill to Congress earlier this year that addressed this very problem. (Their proposal differed from mine in that it only sought a 1 year exclusion, but I believe that we need to create a greater disincentive for growing drugs.)

The overwhelming majority of farmers in this country are honest, hard-working people. We are all well aware of the crisis facing farmers as we attempt to meet the competing demands of cutting the budget and insuring that this country continues to provide food not only for herself but for the starving nations of the world as well. It is unfair that honest farmers must share dwindling program benefits with common criminals. I urge my colleagues to join me in cosponsoring this bill.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Controlled Substances Production Control Act of 1985".

DEFINITIONS

SEC. 2. As used in this Act:

(1) The term "controlled substance" has the same meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 801(6)).

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

PROGRAM INELIGIBILITY

SEC. 3. (a) Notwithstanding any other provision of law, following the date of enactment of this Act, any person who is convicted under Federal or State law of planting, cultivation, growing, or harvesting of a controlled substance in any crop year shall be ineligible for—

(1) as to any commodity produced during that crop year, and the four succeeding crop years, by such person—

(A) any price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(E) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration; or

(2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C 714b or 714c) for the storage of an agricultural commodity that is—

(A) produced during that crop year, or any of the four succeeding crop years, by such person; and

(B) acquired by the Commodity Credit Corporation.

REGULATIONS

SEC. 4. Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as the Secretary determines are necessary to carry out this Act, including regulations that—

(1) define the term "person";

(2) govern the determination of persons who shall be ineligible for program benefits under this Act; and

(3) protect the interests of tenants and sharecroppers.

By Mr. DENTON:

S. 1626. A bill to create a Disability Advisory Council; to the Committee on Finance.

DISABILITY ADVISORY COUNCIL

Mr. DENTON. Mr. President, today, I am introducing the Social Security Disability Advisory Council Act of 1985. The bill would establish a special ad hoc Disability Advisory Council to study and make recommendations on the medical and vocational aspects of disability under titles II and XVI of the Social Security Act. The Council would focus on the evaluation of eligibility for disability and on the effectiveness of vocational rehabilitation programs for Social Security and SSI beneficiaries.

The provisions of the bill are nearly identical to the provisions for the Disability Advisory Council contained in H.R. 2005, the Social Security Minor and Technical Changes Act of 1985. My bill, however, includes a change to ensure that the membership of the Council will include those organizations and individuals representing the interests of the mentally and physically disabled.

The addition arises out of my deep concern for the welfare of people who suffer a mental disability and who are also dependent on Social Security benefits. I believe that the work of the Council could help in the creation of more fair and effective procedures and programs to serve the mentally ill and other disabled populations.

Mr. President, the Social Security Act requires the appointment of an Advisory Council on Social Security every 4 years, at the beginning of each Presidential term, with the mandate to report on the program by January 1 of the second year after appointment. The Council is to be appointed this year, and its report will be due by January 1, 1987. Since 1976, there have been four general advisory panels on Social Security and Medicare. The work of the last Council culminated in the 1983 Social Security amendments.

The House Committee on Ways and Means, and the administration, agree that the primary need now is for a thorough review of the disability program. The House bill therefore, includes provision for a special ad hoc Disability Advisory Council instead of the general quadrennial council required by law. The bill that I am introducing today simply authorizes the creation of that Council.

Unlike H.R. 2005, my bill does not make any other minor or technical changes to the Social Security Act. H.R. 2005 is worthy of support for all its other provisions. My goal with the new bill is simply to ensure the prompt creation of the important panel already required by law.

Mr. President, it pleases me to say that the measure I am introducing has the support of the Mental Health Association. I encourage my colleagues to join in supporting it, given the importance we all place on ensuring the welfare of disabled Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Appointment of Council.—Within 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall appoint a special Disability Advisory Council.

(b) MEMBERSHIP OF COUNCIL.—The Disability Advisory Council shall consist of a Chairman and not more than 12 other individuals, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall, to the extent possible, represent organizations of employers and employees in equal numbers, medical and vocational experts from the public or private sector (or from both such sectors), and organizations and individuals representing the interests of mentally and physically disabled people. The Council shall meet as often as may be necessary for the performance of its duties under this Act, but not less often than quarterly.

(c) DUTIES OF COUNCIL.—(1) The Disability Advisory Council shall conduct studies and make recommendations with respect to the medical and vocational aspects of disability under both title II and title XVI of the Social Security Act, including studies and recommendations relating to—

(A) the effectiveness of vocational rehabilitation programs for recipients of disability insurance benefits or supplemental security income benefits;

(B) the question of using specialists for completing medical and vocational evaluations at the State agency level in the disability determination process, including the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the appropriate State agency before any determination can be made with respect to the impairment involved;

(C) alternative approaches to work evaluation in the case of applicants for benefits based on disability and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(D) the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(E) the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability; and

(F) possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity, but also whether rehabilitation services can reasonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(d) PROVISION OF ASSISTANCE TO COUNCIL; COMPENSATION OF MEMBERS.—(1) The Disability Advisory Council is authorized to engage such technical assistance, including actuarial services, as may be required to carry out its functions, and the Secretary of Health and Human Services shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such actuarial and other pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out such functions.

(2) Appointed members of the Council, while serving on business of the Council (inclusive of traveltime), shall receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

(e) REPORTS.—The Disability Advisory Council shall submit a report (including any interim reports the Council may have issued) of its findings and recommendations to the Secretary of Health and Human Services not later than December 31, 1986; and such report and recommendations shall thereupon be transmitted to the Congress and to the Board of Trustees of the Federal Disability Insurance Trust Fund.

(f) TERMINATION.—After the date of the transmittal to the Congress of the report required by subsection (e), the Disability Advisory Council shall cease to exist.

(g) CONFORMING AMENDMENTS.—(1) Section 706 of the Social Security Act is amended—

(A) by inserting "except as provided in subsection (e)," immediately before "the Secretary shall appoint" in subsection (a); and

(B) by adding at the end thereof the following new subsection:

"(e) No Advisory Council on Social Security shall be appointed under subsection (a) in 1985 (or in any subsequent year prior to 1989).".

(2) Section 12 of the Social Security Disability Benefits Reform Act of 1984 is repealed.

By Mr. STEVENS (for himself and Mr. LAUTENBERG):

S. 1627. A bill to provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in an executive exchange program of the Government; to the Committee on Governmental Affairs.

EXECUTIVE EXCHANGE PROGRAM VOLUNTARY SERVICES ACT

Mr. STEVENS. Mr. President, today I am introducing, together with Senator LAUTENBERG, the Executive Exchange Program Voluntary Service Act of 1985. This legislation would provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in the President's Commission on Executive Exchange. It closely resembles S. 2115, as amended by the Subcommittee on Civil Service, Post Office, and General Services during the 98th Congress.

The President's Commission on Executive Exchange was originally established as the President's Commission on Personnel Interchange by President Johnson on January 19, 1969, Executive Order 11451. President Carter renewed executive branch commitment to the exchange concept, renamed the program and made minor modifications in its charge on May 15, 1979, Executive Order 12136. Further improvements were made by President Reagan on December 5, 1984, Executive Order 12493.

The essential purpose of the program is to promote a better relationship between Government and business by placing outstanding executives in challenging and responsible 1-year assignments in order to foster understanding between the two sectors. Five Presidents have supported this goal.

Under current procedures, private sector executives participating in the Executive Exchange Program are paid by their host Federal agencies. Their salaries, while serving as exchange executives, are limited to the maximum salary set for senior executive service level IV employees—currently $72,300 per year.

This limitation on income has become a serious impediment to recruiting private sector executives for service in the Executive Exchange Program. Individuals having the appropriate mix of interest, experience and career potential are generally earning above the maximum Federal salary permissible while serving as exchange executives. Consequently, participation in the program would require a significant economic sacrifice for these executives. In addition to salary limitations, potential exchange executives must consider familial problems, that is, a short-term move to Washington and relocation to ensuing company assignment, and/or out-of-pocket expenses, that is, travel to visit nonrelocated family. These factors further encumber recruiting efforts.

This legislation proposes an experimental program in which a small group of private sector exchange participants, up to 10 per year for 3 years, would be allowed to serve as Federal employees without Government compensation. As volunteers, they would continue to receive compensation from their sponsoring organizations at their usual salary levels. These volunteer participants, however, would specifically be considered Federal employees for all purposes other than pay and related benefits. Conflict of interest statutes, for example, would remain fully in force, as they are currently for all private sector participants.

At the end of the pilot program, the Commission would report to the Congress on the effectiveness of the test in alleviating recruitment problems, as well as its findings on the program's administration, and its recommendations. Congress would then be in a better position to evaluate the workability of the volunteer concept and decide whether to permanently authorize its use, modify it, or end it altogether.

This legislation would enhance an already beneficial program in several ways. First, up to $2 million in estimated savings would result. If 10 Federal agencies per year no longer had to pay their executive participants roughly $70,000 each, budget outlays would be reduced by approximately $700,000 per year for 3 years.

Second, recruiting efforts for the Executive Exchange Program would be significantly enhanced. Success of the program depends, in large measure, on the ability to attract exceptionally talented executives with well-established records of achievement. As noted above, private sector executives meeting this standard are often earning well in excess of what the Exchange Program can offer.

Clearly, if sponsoring organizations were able to continue the usual compensation for their executives participating in the Exchange Program, an important dimension would be added to the Commission's recruiting efforts. This, in turn, would significantly enhance the Commission's ability to achieve its objectives.

Finally, and most importantly, Federal agencies would benefit as they would be enabled to utilize the expertise of the most outstanding executives the private sector has to offer. In short, the pool of available talent for the Government would be enlarged.

Mr. LAUTENBERG. Mr. President, I am pleased to join with Senator STEVENS in sponsoring the Executive Exchange Program Voluntary Services Act of 1985. The Executive Exchange Program was created by President Johnson in 1969 to encourage improved understanding between the Government and private industry. Government executives were to be placed in the private sector for a year, and executives from the private sector would work in the Government at the same time. The experience of working in another environment with a different set of challenges and problems is intended to broaden the perspective with which Government and private leaders view each other's worlds.

For the year that they spend in the Government, the private executives are Federal employees, paid by the Federal Government and subject to the conflict of interest and ethical codes applicable to all Federal employees. Their pay is based on the compensation the executives would have earned with their companies, but it cannot exceed the ceiling set for pay in the Federal Senior Executive Service.

The pay ceiling in the existing Executive Exchange Program has caused a recruitment problem for the program. Private sector executive salaries frequently exceed the maximum that the Federal Government can pay. Many qualified private sector executives who would be interested in the program are deterred from participating by the prospect of having to accept a cut in pay for the year that they would be working for the Federal Government.

The bill that we are introducing today proposes a solution to the recruitment problem. This legislation sets up a 3-year experiment in which a maximum of 10 private sector executives would be part of the Executive Exchange Program, but paid their usual salaries by their sponsoring company. These executives would be serving as volunteers in the Federal agency to which they are assigned. However, in all respects, except pay and benefits, the executives in this experimental program would be considered Federal employees.

Mr. President, the Executive Exchange Program has been a success. Almost 500 private sector executives have participated since the program began. Significant cross fertilization of ideas, management techniques, and policy analysis has occurred. The program should be revised to permit it to continue. The legislation we are introducing today is intended to help the program overcome difficulties in recruiting. Because it offers an experimental approach to the exchange program, it will need to be closely monitored. To this end, the bill requires a report to Congress at the end of the experiment, and more frequent interim reports may be advisable. As noted, the exchange participants are subject to all the conflict of interest and financial disclosure provisions of the Ethics in Government Act.

Recently, the General Accounting Office made some recommendations to the Executive Exchange Program Administrators to improve conflict of interest controls. With this new experimental program of volunteer service, the need for careful monitoring of potential conflict of interest is more important than ever. With appropriate safeguards, the Executive Exchange Program should be able to go forward with this experiment in volunteer services and maintain the valuable interchange of private and public sector management expertise.

By Mr. CRANSTON (for himself, Mr. HATCH, Mr. DODD, Mr. GRASSLEY, Mr. LEVIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 1628. A bill to amend part E of title IV of the Social Security Act to revise the provisions relating to Medicaid eligibility of special needs children placed for adoption; to the Committee on Finance.

ADOPTION ASSISTANCE AMENDMENTS

Mr. CRANSTON. Mr. President, I am today introducing, for myself and the distinguished chairman of the Committee on Labor and Human Resources, the Senator from Utah [Mr. HATCH], and the Senator from Connecticut [Mr. DODD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. RIEGLE], and the Senator from West Virginia [Mr. ROCKEFELLER] legislation, S. 1628, the proposed Adoption Assistance Amendments of 1985, which would make several changes in the adoption assistance program established by the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. As I will discuss in a moment, two of the provisions in the legislation I am introducing have also been proposed by the Reagan administration.

LEGISLATIVE HISTORY

Mr. President, I was one of the principal Senate authors of Public Law 96-272, the landmark legislation enacted in the 96th Congress which dramatically reformed the federally funded child welfare and foster care system. That legislation was aimed at bringing about improvements in the child welfare services field by reducing unnecessary family separations, discouraging prolonged foster care placements, and encouraging adoptive placements as an alternative to long-term foster care, where appropriate.

I am particularly proud to have been deeply involved in the development of the adoption assistance provisions of Public Law 96-272 as well as having been the Senate author of the companion adoption legislation, the Adoption Reform Act, contained in title II of Public Law 95-266. Title II of Public Law 95-266 was the first Federal legislation enacted aimed at breaking down the barriers to the adoptive placement

of thousands of children with special needs who had been languishing in foster care. I first introduced adoption reform legislation in the 93d Congress and was therefore very pleased to see these proposals finally enacted in 1978 and 1980 in Public Law 95-266 and Public Law 96-272. Together, these laws represent a national commitment to encourage finding permanent adoptive homes for children who had previously been regarded as unadoptable and often left to drift in what has been called the foster care limbo.

Mr. President, there is little doubt that Public Law 96-272 has had a very beneficial impact upon child welfare services through the country. That is evidenced by the report submitted last year by the Department of Health and Human Services. According to the HHS report, the number of children in foster care in this country has been cut in half. The average length of time a child remains in foster care has been reduced by a full year. The number of children leaving foster care for permanent adoptive homes as part of the new Adoption Assistance Program has steadily and dramatically increased. By fiscal year 1984, almost 12,000 children had been moved from foster care to adoptive placements under the Adoption Assistance Program.

Public Law 96-272 has worked and has made a tremendous difference in the lives of countless numbers of vulnerable children.

Mr. President, the success of Public Law 96-272 is demonstrated by the fact that even the Reagan administration, which in 1981 proposed to repeal this law, today supports its continuation.

CHANGES PROPOSED BY THE ADMINISTRATION

Mr. President, as I have just indicated, the Reagan administration no longer proposes to repeal Public Law 96-272. Earlier this year, however, the administration submitted legislation to make certain changes in the statute. That legislation was introduced in the Senate as S. 1266 on June 10 by the Senator from Colorado [Mr. ARMSTRONG] who serves as the chairman of the Public Assistance Subcommittee of the Senate Finance Committee. Although I was delighted that the administration's proposal contained certain provisions to strengthen the adoption assistance program and contemplated continuation of the basic thrust of Public Law 96-272, I have very grave concerns about the potential impact of certain aspects of the administration's proposals relating to the foster care maintenance provisions of Public Law 96-272. I set forth these concerns in a July 19 letter I sent to the chairman of the Senate Finance Committee, the Senator from Oregon [Mr. PACKWOOD], and the committee's ranking Democrat, the Senator from Louisiana [Mr. LONG], who was one of the Senate coauthors of the 1980 legislation. I will insert that letter into the RECORD at the conclusion of my remarks.

Mr. President, because I strongly support the adoption assistance provisions in the administration's legislation but at the same time strongly oppose certain of the foster care provisions of that legislation, I am today introducing legislation which contains these beneficial and noncontroversial adoption provisions so that they can be separated legislatively from the highly controversial foster care proposals. Congress should adopt the adoption assistance provisions in the administration's legislation without being delayed by consideration of the major and very controversial foster care provisions.

SUMMARY OF ADOPTIONS ASSISTANCE PROVISIONS

Mr. President, the legislation I am introducing today would amend the adoption assistance provisions of Public Law 96-272 in the following ways relating to the availability of Medicaid coverage for special-needs children moved from foster care into adoptive homes under the Adoption Assistance Program.

ELIMINATION OF TOKEN PAYMENT REQUIREMENT

First, our bill would eliminate the necessity of making a token adoption assistance payment in order for a child to continue to receive Medicaid coverage in an adoptive placement. Under current law, eligibility for Medicaid for a special-needs adopted child is contingent upon that child also receiving an adoption assistance payment. The result is that where no cash assistance is rquired but medical assistance is critical, the adoptive parents have to be given at least a token assistance payment in order to qualify their adopted child for Medicaid coverage. This entails needless administrative costs and complications. In testimony before the Finance Committee, the American Public Welfare Association [APWA] pointed out that in a number of States a large percentage of the special-needs adoptions required medicaid assistance only and that is one of these States it was costing $70 in administrative costs to make $1 per month token adoption assistance payments to the parents in order to qualify for Medicaid assistance. The APWA also testified that it is sometimes difficult to explain to adoptive parents who neither want nor need the nominal payment that they must accept it in order to establish Medicaid eligibility for the child.

Mr. President, the bill which originally was passed by the Senate in 1979 required only that the children be eligible for adoption assistance payments in order to be covered by Medicaid; the requirement that a payment actually be made arose out of the House-passed legislation and was retained in the conference agreement. There is no reason why this unnecessary requirement should be continued. The administration agrees.

My position in opposing this linkage was first established when I introduced for the Carter administration its legislation, S. 966 in April 1979 in the 96th Congress. At that time, I pointed out in my floor statement that the linkage between actual receipt of an adoption assistance payment and Medicaid eligibility was a step backward from the legislation, S. 1928, which I had also introduced on behalf of the Carter administration in July 1977 and which the Senate had approved in the 95th Congress (CONGRESSIONAL RECORD, Vol. 125, Pt. 7, April 10, 1979, at 7970).

I subsequently introduced on August 3, 1979, an amendment to the administration's legislation, amendment No. 392 to S. 966, which, among other changes, removed the linkage between Medicaid eligibility and actual receipt of an adoption assistance payment (CONGRESSIONAL RECORD, Vol. 125, Pt. 17, August 3, 1979, 22679). The legislation that the Senate passed in October 1979 followed the language proposed in my amendment by setting forth Medicaid eligibility separate from adoption assistance payments, and the legislation being introduced today would thus reestablish the original Senate-approved separation of adoption assistance payments and Medicaid eligibility.

MEDICAID IN STATE OF RESIDENCE

Second, Mr. President, this legislation would require that the State in which a special-needs adopted child resides, rather than the State in which the adoption assistance agreement was entered into, provide Medicaid coverage. This provision would affect situation where a family which has adopted a special-needs child with Medicaid needs moves into another State. Under current law, the State in which the adoption was entered into is required to continue Medicaid coverage, but obtaining medical care with an out-of-State Medicaid card can impose substantial difficulties. When the 1980 legislation was developed, it was contemplated that the States would enter into interstate agreements which would resolve this problem. A model interstate compact to facilitate interstate moves by children adopted under the adoption assistance program has been developed by HHS. The initial work on that interstate compact was supported through an HHS grant to the APWA under the 1978 Adoption Reform Act. However, according to HHS, only nine States have actually adopted legislation that would enable them to enter into such a compact. Unfortunately, as the APWA indicated in its testimony before the Finance Committee in June, getting such a

compact actually entered into by a large number of States is a cumbersome and time consuming process. In the meantime, an APWA survey last year showed that slightly more than 1,000 children in the adoption assistance program live outside the States in which the adoption originally occurred.

Mr. President, the problems that confront families which adopt special-needs children under adoption assistance agreements and then who move to a different State has been a long-standing concern of mine. When the Senate considered the conference report on the Adoption Assistance and Child Welfare Act, I expressed concern that we had not adequately addressed this situation in the legislation (CONGRESSIONAL RECORD, Vol. 126, Pt. 11, June 13, 1980, at 14768).

During the hearings I chaired on the need for the adoption legislation in the 95th and 96th Congresses, several of the witnesses described the problems that territorial limitations upon then-existing State adoption assistance programs posed for their families. In some cases, adoptive families were forced to turn down employment opportunities in other States because a change of residence would result in a loss of adoption assistance. I congratulate the Reagan administration for proposing this change which would eliminate another one of the barriers to adoption of special-needs children.

CONTINUATION OF MEDICAID COVERAGE

Third, and finally, Mr. President, the legislation being introduced today contains a provision relating to the adoption assistance program which was not included in the administration's proposal, but like the two provisions I have described, resolves a somewhat technical problem which some States have confronted in implementing the adoption assistance program. This change was proposed in legislation, S. 1329, introduced in the Senate by the distinguished Senator from New York [Mr. MOYNIHAN] who was also one of the principal Senate authors of Public Law 96-272 and has been a steadfast advocate and proponent of that legislation and in the House companion bill, H.R. 2810, introduced by my good friend and colleague form California, Representative PETE STARK who serves as a member of the House Ways and Means Committee and has long been interested in the adoption assistance and child welfare services program. It would provide for continuation of Medicaid coverage for special-needs children between the time they leave foster care and the time that an interlocutory or final decree of adoption is entered into. Under current law, Medicaid eligibility for a special-needs adoption is tied to issuance of either an interlocutory or final judicial adoption decree. However, in many States, there is a required period of time for a preadoptive placement, often 6 months, before such a decree can be issued. Current law does not provide for Medicaid coverage during this waiting period. To get over this gap in Medicaid coverage, apparently some States are resorting to licensing preadoptive homes as foster care homes and paying the family at the frequently more costly foster care rates. This certainly was neither contemplated nor intended by the 1980 legislation.

This problem in the existing law, Mr. President, also appears to have arisen as a result of our utilizing the House-passed language in the 1980 conference agreement. As I indicated earlier, the House bill, but not the Senate bill, linked Medicaid coverage to receipt of an adoption assistance payment which required in both bills that an interlocutory or final adoption decree be entered before such payment could be made. The original Senate-passed language provided a separate section for Medicaid coverage which required only that the special-needs child meet the eligibility requirements for an adoption assistance payment and have been either adopted or "placed for adoption" (see section 473(b) of the Senate-passed H.R. 3434, CONGRESSIONAL RECORD, Vol. 125, Pt. 23, at 29495, October 25, 1979). The language in the legislation we are introducing today thus parallels the terminology contained in the Senate-passed bill in 1979.

TITLE XX ISSUE

Mr. President, there is one final issue I want to take a few moments to discuss. As I indicated at the outset, two of the provisions contained in the legislation I am introducing today are derived from the administration's legislation which was introduced on June 10 by Senator ARMSTRONG. In the drafting of the administration's provisions relating to Medicaid eligibility for special-needs adopted children, the reference in existing law to such children being deemed AFDC children for the purposes of both title XIX and XX was changed to refer only to title XIX—that is, Medicaid. Prior to 1981, AFDC recipients had certain priorities for services under title XX and the cross-reference between children receiving adoption assistance payments and title XX gave those children the same priority for services that AFDC children received. In 1981, that priority requirement was repealed in Federal law.

However, concern has been raised that the cross-reference to title XX should not be deleted. First it is pointed out that some States may have established their own priorities for AFDC recipients. Second, it is contended that if at some future time the AFDC priority is restored in the Federal statute with respect to title XX, special-needs adopted children should receive the same priority for services that AFDC children receive.

Although the legislation we are introducing contains the administration's language, I am very sympathetic to these concerns and would be supportive of a modification of this provision if the committee determines that the administration language would or might result in any diminishment of services for these children.

CONCLUSION

Mr. President, as one who has been working to promote adoption opportunities for more than a decade, I am delighted to see the growing and diverse congressional support in this area. The active and enthusiastic support which the Reagan administration is now providing in promoting adoption of children with special needs, both through the recent special needs adoption initiative being carried out by the Office of Human Development Services in HHS and through its support for the adoption assistance provisions of Public Law 96-272 as evidenced by its constructive proposals to improve implementation of the program, is also heartening and greatly welcomed. The futures of thousands and thousands of children with special needs waiting for adoptive homes depends on our ability and willingness to work together on their behalf.

Mr. President, I ask unanimous consent that the text of the bill we are introducing be printed in the RECORD at this point preceding my July 19 letter to the Finance Committee.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adoption Assistance Amendments of 1985".

SEC. 2. (a) MEDICAID ELIGIBILITY.—Section 473(b) of the Social Security Act is amended to read as follows:

"(b) For purposes of title XIX, any child—

"(1) who is a child described in subsection (a)(1); and

"(2) with respect to whom an adoption assistance agreement is in effect under this section (whether or not adoption assistance payments are being made under this section), including any such child who has been placed for adoption in accordance with applicable State and local law (whether or not an interlocutory or other judicial decree of adoption has been issued);

shall be deemed to be a dependent child as defined in section 406 and shall be deemed to be a recipient of aid to families with dependent children under part A of this title in the State where such child resides.".

(b) CONFORMING AMENDMENTS.—(1) Section 473(c)(2) of such Act is amended—

(A) by striking out "without providing adoption assistance" in clause (A) and inserting in lieu thereof "without providing adoption assistance under this section or medical assistance under title XIX"; and

(B) by inserting "or medical assistance under title XIX" before the period at the end thereof.

(2) Section 475(3) of such Act is amended by striking out "the adoption assistance payments and any additional services and assistance" in clause (A) of the first sentence and inserting in lieu thereof "any adoption assistance payments and any other services and assistance".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective on October 1, 1985.

U.S. SENATE,
Washington, DC, July 19, 1985.

Hon. BOB PACKWOOD,
Chairman.
Hon. RUSSELL LONG,
Ranking Minority Member,
Committee on Finance, U.S. Senate, Washington, DC.

DEAR BOB AND RUSSELL: I am writing to share with you my very strong opposition to the Administration's proposal to alter substantially the funding mechanism for the foster-care program established under title IV-E of the Social Security Act by the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

As you know, along with Senator Moynihan and you, Russell, I was a principal Senate author of the landmark 1980 legislation and have been deeply involved in issues relating to foster care and adoption for many years.

The Administration's proposed legislation, introduced on June 10 as S. 1266 by Senator Armstrong, contains two proposals to improve and enhance the adoption-assistance components added by P.L. 96-272. These proposals (in section 4) include eliminating the need to maintain a 'token' adoption-assistance payment in order to preserve a child's Medicaid eligible for Medicaid from the state where they reside, regardless of whether that is the state which was a party to the adoption-assistance agreement. I support both of these changes which should make the administration of and the provision of services in the adoption-assistance title IV-E program more effective.

However, I strongly oppose those provisions (sections 2, 3, and 5) of the Administration's proposal which would fundamentally alter the funding mechanism for foster care. These changes include (1) lowering the title IV-B funding level 'trigger' for imposition of the foster-care-payment ceiling from the current $266 million to $200 million, (2) eliminating the requirement that the triggering amount for title IV-B be included in an advance appropriation, (3) moving the base year for such a ceiling from 1978 to 1984, (4) reducing the adjustment factor for each state's allotment from the lesser of 10 percent or twice the Consumer Price Index (CPI) to the lesser of 5 percent or the CPI, (5) limiting foster-care appropriations for FY 1986 to $485 million, and (6) placing a one-year limit on submission of state claims, rather than the current two years allowed.

In 1980, I supported the enactment of the provisions in the current law which provide for placement of a ceiling on foster-care reimbursement when the funds appropriated for the child-welfare-services program authorized under title IV-B reached a certain level—currently $266 million. Those provisions were adopted after painstaking negotiations to achieve a formula which would encourage states to reduce unnecessary foster-care placements without hampering their ability to provide abused and neglected children with the foster-care protection that can be essential to their safety and well-being.

The 1980 law works.

That is evidenced by the report submitted last year by the Department of Health and Human Services. According to this report, the number of children in foster care in this country has been cut in half. The number of children leaving foster care for permanent adoptive homes has been steadily and dramatically increasing. The average length of time a child remains in foster care has been reduced by a full year.

We must not jeopardize the progress and success that has been achieved as a result of the 1980 law by cutting back funding for this program and altering the balance that was achieved in P.L. 96-272. The success of the 1980 law lies in great part in our recognition at that time that adequate federal funding was necessary to support provision of the services which would enable the states to do a better job of preventing unnecessary foster care.

I have worked for over a decade to achieve reforms in the federal child-welfare services system, to discourage unnecessary, prolonged foster-care placements, and to encourage adoptive placements as an alternative, where appropriate. However, I have been convinced from the start, and still am, that adequate support for necessary foster-care placements is an integral and vital component of any child-welfare services system.

Last month, I visited the overcrowded emergency shelter facility for abused and neglected children operated by Los Angeles County. I saw infants who were being housed in this institutional setting because the foster-care rates being paid were inadequate to find foster-family homes. I heard child protective services workers and law enforcement personnel describe the increasing number of cases of severely physically and sexually abused children coming to the attention of child-welfare authorities as a result of new child abuse reporting laws and procedures adopted by my state. These experts also uniformly indicated that the children in foster care today present more difficult and complex problems than ever before. It appears that many of the "easier" cases, quite appropriately, have been removed from the foster-care system as a result of the reforms implemented in the past several years.

Although we can justifiably rejoice in these results—which were intended by P.L. 96-272—we must not forget that for many children foster care is a necessary protective service. Cutting back on title IV-E foster-care assistance could well lead to such children being inappropriately or prematurely removed from foster care and returned to an unsafe environment.

I am also not at all persuaded that the Administration's other proposal contained in S. 1266, which would provide a $3,000 payment to those states whose foster-care placements have been reduced by at least three percent below the prior year for each child removed from foster care who has been in that care for more than 24 months, represents responsible child-welfare policy. Creating this kind of fiscal incentive could well encourage inappropriate placements being made. The P.L. 96-272 amendments placed great emphasis on the development of an individualized case plan to help reduce unnecessary or prolonged foster-care placements. That individualized approach is working; we ought not risk undermining our success by adopting a well-intended, but untested and highly questionable, arbitrary fiscal incentive approach which does not take into account the individual needs of the vulnerable children involved.

I believe the evidence is clear that the mechanisms and policies contained in the P.L. 96-272 amendments work. Although the two proposals in S. 1266 relating to improving the adoption-assistance components would be beneficial, any substantial changes in the other provisions enacted in P.L. 96-272 could very well undermine success under the existing law.

I strongly urge that you reject these latter changes.

Cordially,

ALAN CRANSTON.

Mr. HATCH. Mr. President, today I am joining with Senator CRANSTON in introducing legislation designed to eliminate a particular barrier to the adoption of children with special needs. Currently, there are problems with providing Medicaid payments for many of these children, tending to prevent their adoption across State lines. These are not new problems, but there is no better time than now to correct them.

Our society has no difficulty finding qualified homes for healthy new-born infants. There are many parents waiting for each available baby. However, the situation is entirely different for special-needs children. These are children with physical or mental handicaps, children who are school age, minority children, and children in sibling groups. It is estimated that there are 50,000 children legally free for adoption lingering in foster care because of various public and private obstacles preventing their placement into permanent homes.

This summer, I chaired 2 days of hearings addressing the multiple barriers to adoption of these special-needs children. Both problems and solutions were explored. The Committee on Labor and Human Resources received testimony from witnesses wanting to adopt special-needs children as well as from representatives of public and private agencies responsible for the placement of these children. One Federal barrier cited by many witnesses can and must be addressed by Congress—that is the issue we are addressing today in this legislation.

This bill specifically addresses benefits provided to certain children pursuant to part E of title IV of the Social Security Act. Under current law, if a Medicaid-eligible child in foster care is adopted by parents residing in a different State or if the adopting family moves to another State after the adoption process is finalized, it is extremely difficult to retain Medicaid coverage because of disputes over which State is responsible. Because many special-needs children require extensive, ongoing medical treatment, the costs associated with their care are sometimes prohibitive. Therefore, uninterrupted, continued Medicaid coverage is criti-

cal, and, indeed, Congress has overwhelmingly endorsed this continued coverage. However, questions as to which State should continue payment of Medicaid have caused continued problems and heartaches for the families and children who want to be united through the means of adoption.

This legislation would correct the problem by specifying that children eligible for Medicaid within one State retain equal eligibility and coverage within the new resident State, regardless of whether that State was a party to the adoption process. Furthermore, the legislation would amend current law to allow Medicaid coverage to continue through the finalization of an adoption. Under current law, a gap in coverage occurs between the initiation and finalization of the adoption process.

A similar provision is contained in legislation currently before the Senate Finance Committee as part of a comprehensive policy change on the entire Foster Care Program. However, this adoption initiative is worthy of individual attention. It should be very noncontroversial and must be enacted as soon as possible. That is why I am joining others in introducing this bill and in strongly encouraging my colleagues to expedite its enactment.

This legislation is only one element in removing the many barriers to the adoption of children with special needs. But it is an important step. I urge my colleagues to join with me in this effort to improve the child welfare system of our country. We must accept the challenge to do everything possible to break down the barriers which thwart the placement of our Nation's "special needs" children.

By Mr. GRASSLEY:

S. 1629. A bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations; to the Committee on Finance.

APPLICATION OF ANTIDUMPING AND COUNTERVAILING DUTY STATUTES TO AGRICULTURAL PRODUCTS

● Mr. GRASSLEY. Mr. President, today I am introducing legislation which would amend the Tariff Act of 1930 to clarify the intent of Congress with regard to the application of the antidumping and countervailing duty statutes to agriculture products.

Specifically, this legislation would require the International Trade Commission, in cases determining whether or not imports are causing material injury to our domestic industry, to treat producers of raw initially processed agriculture products as members of the same industry, provided that the latter is produced in a "single continuous line of production" from the raw product.

My legislation covers all agriculture commodities, including livestock and other animals. It covers those instances where the raw product would have completely or substantially been devoted to the production of the processed product, and likewise, the processed product would have to be produced completely or substantially from the raw product. Producers of raw and initially processed products who otherwise manifested a high degree of economic interdependence would also be deemed to be members of the same industry.

The need for this legislation became apparent when on July 25, 1985, the U.S. International Trade Commission ruled, in its countervailing duty determination involving live swine and fresh, chilled and frozen pork from Canada, that hog producers and pork packers were not producers of a like product, and therefore not members of the same industry. The ITC drew this conclusion even though it agreed that fresh, chilled and frozen pork is produced from live swine through a single continuous line of production.

It should be noted that Congress, during its consideration of the 1979 Trade Agreements Act, emphasized the "special nature of agriculture" relative to the countervailing duty and the antidumping statutes. This legislative history can be found in Senate Report 96-209, 96th Congress, 1st session 88 (1979).

Based on this legislative history, the ITC has found producers of raw and processed commodities to be part of the same industry where there exists a single continuous line of production or other evidence of economic interdependence.

In sharp contrast, however, the Commission diverted from this line of reasoning and held that hog producers and pork packers were not producing a like product because there was not sufficient legal integration between producers and packers regardless of the economic interdependence.

What the Commission was apparently looking for was a legal connection among the industry such as instances of packing facilities being owned by producers or contractual relationships between hogs and pork prices.

Regardless of the reasoning for this major shift, the flaws of the outcome are obvious in light of the purpose of these laws. The ITC's mission was to determine if the U.S. pork industry is being materially injured by Canadian imports. The Commission found that material injury was created by the import of live Canadian hogs, but not by Canadian pork products. This logic is hard to understand since our producers must compete for the same consumer market, regardless whether that competition comes from live hogs or slaughtered hogs.

Hogs are transformed to fresh, chilled and frozen pork by a process (slaughter) which fully embodies the concept of the single continuous line of production as much or more than all other industries previously examined by the ITC.

Pork can only be produced from hogs. Hogs are completely devoted to the production of pork. And you can't make a silk purse out of a sow's ear. Moreover, the value of hogs represents approximately 90 percent of the value of fresh, chilled and frozen pork produced by pork packers. In short, it is hard to imagine an agriculture product whose producers are more closely aligned.

The Commission's decision is devasting not only to our pork producers, but also to other producers of agricultural products which come to the ITC for assistance in the future.

It is obvious how our pork producers will be affected. Since the ITC found injury resulting from only live imports and therefore imposed a duty of $3.21 per hundredweight on Canadian live imports, Canadian can easily circumvent the effects by simply slaughtering the hogs in Canada and ship the product to the United States in the form of fresh, chilled and frozen pork. The severe damage to our domestic producers will continue.

This injury has been substantial. The estimated impact of Canadian hog and pork imports on U.S. pork producers range from $1.19 to $2.97 per hundredweight in 1982; $1.12 to $2.80 per hundredweight in 1983; $1.86 to $4.67 per hundredweight in 1984; and $2.14 to $4.88 per hundredweight in 1985.

In short, since 1982 our pork producers have lost between $1 billion to over $2.5 billion because of unfairly subsidized Canadian pork imports. Now, after more than a year of investigation and hearings, the ITC has annouced a decision that recognizes this damage and agrees that countervailing duties are in order, but offers a ruling that undermines any hopes of resolving our problem.

Other agriculture producers may be affected in the same manner in the future if my legislation is not passed. In fact, some producers may even lack standing to bring a trade case in the first place if this ruling stands.

Under existing trade laws and treaties, we have a legal right to defend ourselves against unfair foreign trade subsidies. We cannot, however, afford to allow the ITC to misinterpret those laws and undermine those rights.

My legislation restores the rights of our producers to defenses against unfair trade practices. It will confirm the intent of Congress, as manifested in the 1979 legislative history, that raw and initially processed agricultural products whose producers are economically interdependent are to be

considered producers of a like product for the purposes of the trade laws. The bill does not expand current law beyond what was originally intended by Congress, nor does it represent an attempt to cover processed products which are not fully interdependent with the raw product in question.

I urge my colleagues in joining as cosponsors of my bill, and hope that the Senate Finance Committee can soon hold hearings and act favorably on this important legislation.●

By Mr. METZENBAUM (for himself, Mr. SASSER, Mr. LAXALT, and Mr. STENNIS):

S.J. Res. 194. Joint resolution to designate the week beginning October 1, 1985, as "National Buy American Week"; to the Committee on the Judiciary.

NATIONAL BUY AMERICAN WEEK

● Mr. METZENBAUM. Mr. President, I am today introducing a joint resolution to designate the first week of October 1985 as "National Buy American Week." Senators SASSER, LAXALT, and STENNIS join me in cosponsoring this joint resolution.

Our country today faces an unprecedented foreign challenge. That challenge doesn't come from foreign planes or troops or missiles.

No, Mr. President, we are under assault today by billions of dollars worth of imported products that have in recent years literally flooded the American market. And tragically, that all-out assault has disrupted industries, taken away millions of jobs, and caused pain and suffering for people in every part of the country.

As recently as 15 years ago, made-in-America products dominated U.S. and world markets.

In 1970, only 11 percent of the goods purchased by Americans bore foreign lables. Today, the percentage of imports purchased here has tripled.

In 1970, we had a trade surplus of $2.6 billion. Today, we are quickly approaching an unheard of trade deficit of $150 billion.

The flood of foreign imports—and our inability to sell sufficient goods overseas—threatens the very structure of our economy. This year alone, the mammoth trade deficit will reduce our gross national product by 2 percentage points and will result in the loss of as many as 3.75 million jobs.

Make no mistake, Mr. President, this disastrous trade imbalance is not the result of a decline in the quality of American goods or a lack of faith in the skills of American workers. Rather, it is tied directly to massive budget deficits, high interest rates, an overvalued dollar and the continued unfair trade practices of foreign governments.

I do not believe, Mr. President, that we can turn this situation around by the simple expedient of proclaiming a "Buy American Week."

I wish we could.

But one thing that this proclamation can accomplish is to remind the consumers of this country that every American has an interest in helping to create the prosperity that comes from a healthy and productive economy. And perhaps, Mr. President, this reminder will help Americans realize that the time has come to think of "we" instead of "me."

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 194

Whereas the Nation accumulated record merchandise trade deficits in 1982, 1983, and 1984, and a record deficit is predicted for 1985;

Whereas it is predicted that by the end of 1985 the United States will have become a debtor nation for the 1st time since the onset of World War I;

Whereas in many cases the prices of imported goods are artificially low because of illegal subsidies by foreign governments; and

Whereas record merchandise trade deficits cause loss of jobs, loss of productivity, loss of tax revenues, and a decline in the American standard of living: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 1, 1985, hereby is designated "National Buy American Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. KASTEN:

S.J. Res. 195. Joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "National Temporary Services Week"; to the Committee on the Judiciary.

NATIONAL TEMPORARY SERVICES WEEK

Mr. KASTEN. Mr. President, I rise today, in recognition of the American temporary services industry. This relatively young industry is quickly growing into a significant business force, contributing 500,000 jobs and bringing 5 million people into the U.S. economy each year. It is therefore with honor that I introduce a joint resolution to designate the week of October 20 to 26, 1985, as "National Temporary Services Week."

The temporary help industry contributes to a strong economy as a labor intermediary and as a private sector employer. As an intermediary, it brings together workers and employers for temporary work assignments that benefit both. As a business, its companies employ temporary workers and create employment for those who might not otherwise be a part of the work force.

Over the past 10 years, the temporary services industry has distinguished itself as one of the nation's fastest growing sectors. According to the Bureau of Labor Statistics, the industry ranked third last year in terms of job growth and people entering the work force.

Recently, USA Today conducted an industry stock analysis which cited the temporary service sector's strong performance record and projected even greater future growth in these stocks.

How do these impressive statistics relate to the Nation's work force and the U.S. economy?

First, they generate a significant portion of the Nation's annual payroll. In 1984, the temporary services industry paid out over $5.5 billion in salaries.

Second, they contribute to a healthy business climate which will ensure continued growth in both earnings and employment.

Finally, they add up to greater tax revenue to the Federal Treasury.

Mr. President, the temporary services industry has built an impressive record. I believe that we should now take the time to recognize the contributions the industry has made to our Nation and to encourage its continued success.

I am particularly proud to sponsor this joint resolution because of the contributions the largest temporary service company, Manpower, Inc., has made to the State of Wisconsin. That organization alone employs over 200,000 people throughout the State.

No doubt there are temporary service companies and employees making great contributions in every State throughout the Nation. I urge my colleagues to join me in recognizing those companies and their employees by lending their support to National Temporary Services.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 195

Whereas the temporary services industry is the second fastest growing business sector in terms of job creation in the United States;

Whereas the temporary services industry employed over five million people at various times in 1984;

Whereas the temporary services industry payroll has increased between 1970 and 1984 from $547,000,000 to $6,000,000,000;

Whereas one out of every two hundred nonagricultural jobs in the United States was provided through temporary services in 1984; and

Whereas the temporary services industry provides flexibility for employers to meet short-term labor needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States States of America in Congress assembled, That the

week of October 20, 1985, through October 26, 1985, is designated as "National Temporary Services Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate conferences, programs, ceremonies, and activities.

By Mrs. HAWKINS:

S.J. Res. 196. Joint resolution designating September 22, 1986, as "American Business Women's Day"; to the Committee on the Judiciary.

AMERICAN BUSINESS WOMEN'S DAY

● Mrs. HAWKINS. Mr. President, today I am introducing legislation which requests the President to designate September 22, 1986, as "American Business Women's Day."

This day would not only afford American businesswomen the honor and recognition they deserve as vital participants in the business conmmunity, but would also be an encouragement to future young businesswomen anxious to seize new opportunities and meet the challenges of the business world.

This legislation has the full endorsement of the American Business Women's Association [ABWA] which is a national educational association dedicated to promoting professional and educational advancement of women. Deeply committed to the belief that education remains the key to aiding eager young women who are embarking on business careers, this association has developed a two-part educational program which consists of both a local and national scholarship program. Last year alone, the ABWA awarded nearly $2 million to 5,700 women. Since 1949, they have awarded more than $18 million in scholarships.

A primary strength of this association lies in the fact that these scholarship funds are awarded not only to women entering colleges, universities, or vocational training programs, but also to women who need to refresh job skills before reentering the work force and women who need certain courses in order to qualify for promotion and career advancement. Clearly, this is an organization that deserves not only recognition for their very worthy programs but also our gratitude for their hard work on behalf of American businesswomen. I hope that my colleagues will join me in this effort and in celebrating September 22, 1986, as American Business Women's Day.●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. CRANSTON, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 104

At the request of Mr. THURMOND, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 904

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 904, a bill to establish a Water Research Foundation, to include a water research planning center and a water information clearinghouse, to promote water research and to disseminate information relating to water resources.

S. 980

At the request of Mr. TRIBLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 980, a bill to amend title I of the Housing and Community Development Act of 1974.

S. 987

At the request of Mr. EXON, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Florida [Mrs. HAWKINS] were added as a cosponsors of S. 987, a bill to recognize the organization known as the "Daughters of Union Veterans of the Civil War 1861-65."

S. 1084

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1127

At the request of Mr. DIXON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1127, a bill to extend the Medicare prospective payment transition period.

S. 1214

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1214, a bill to amend section 215 of title 18, United States Code, to modify the state of mind requirements for certain bank bribery and related offenses.

S. 1292

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1292, a bill to amend title VII of the Tariff Act of 1930 in order to apply countervailing duties with respect to resource input subsidies.

S. 1305

At the request of Mr. TRIBLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S. 1406

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. BURDICK], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 1406, a bill to make permanent the formula for determining fees for the grazing of livestock on public rangelands.

S. 1510

At the request of Mr. ANDREWS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1510, a bill to eliminate restrictions on the taxing power of the States to impose, collect, and administer State and local sales and use taxes on sales in interstate commerce.

S. 1537

At the request of Mr. NICKLES, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1537, a bill to amend title IV of the Higher Education Act of 1965 to provide standards for students for maintaining satisfactory progress as a condition for assistance under that title.

S. 1570

At the request of Mr. NICKLES, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1570, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours, to clarify the application of that act to volunteers, and for other purposes.

S. 1600

At the request of Mr. HEINZ, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1600, a bill to provide that certain of the Social Security trust funds be excluded from the Federal budget process for fiscal years beginning on or after October 1, 1985, and to clarify that specifications and directions with respect to such trust funds may not be included in any concurrent resolution on the budget adopted with respect to fiscal years beginning after such date.

SENATE JOINT RESOLUTION 2

At the request of Mr. HATCH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection.

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the names of the Senator from Missouri

[Mr. EAGLETON], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating October 1985, as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 149

At the request of Mr. DIXON, the names of the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. LEVIN], the Senator from North Carolina [Mr. EAST], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. BENTSEN], the Senator from Nevada [Mr. LAXALT], the Senator from Arkansas [Mr. PRYOR], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. STENNIS], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. DENTON], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of September 15, 1985 through September 21, 1985, as "National Dental Hygiene Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. PACKWOOD, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 155, a joint resolution to designate the month of November 1985 as "National Hospice Month."

SENATE JOINT RESOLUTION 174

At the request of Mr. HEINZ, the names of the Senator from Mississippi [Mr. STENNIS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 174, a joint resolution to designate November 18, 1985, as "Eugene Ormandy Appreciation Day."

SENATE JOINT RESOLUTION 175

At the request of Mr. PROXMIRE, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Alabama [Mr. DENTON], the Senator from Virginia [Mr. WARNER], and the Senator from Idaho [Mr. SYMMS], were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week of August 25, 1985, through August 31, 1985, as "National CPR Awareness Week."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATOR CONCURRENT RESOLUTION 51

At the request of Mr. DIXON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution to congratutate the Society of Real Estate Appriaisers on the 50th anniversity of its founding.

SENATE RESOLUTION 219—CONDEMNING THE KIDNAPING OF PRESIDENT DUARTE'S DAUGHTER

Mr. KENNEDY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. PELL, and Mr. BOREN), submitted the following resolution; which was ordered held at the desk until the close of business on September 12, 1985.

S. RES. 219

Whereas the oldest daughter of President Jose Napoleon Duarte of El Salvador, Mrs. Ines Guadelupe Duarte Duran, was assaulted and kidnapped yesterday in her home city of San Salvador;

Whereas the people responsible for the kidnapping are armed terrorists, in the course of the kidnapping, killed a driver and wounded a bodyguard; and

Whereas such acts of terrorism against innocent civilians deserve the condemnation of all civilized peoples throughout the world;

Resolved, It is the sense of the Senate that:

The kidnapping of President Duarte's daughter is to be deplored in the strongest possible terms;

The individuals responsible for this unconscionable and unwarranted act of terrorism are to be condemned;

The sympathy and prayers of the American people are with the Duarte family and with the people of El Salvador during this ordeal; and

The individuals responsible for this crime should release Ines Guadelupe Duarte Duran immediately and safely;

The President of the United States should provide whatever assistance the government of El Salvador or the Duarte family may request to achieve the safe return of Mrs. Duarte Duran and to bring the kidnappers to justice.

SENATE RESOLUTION 220—APPOINTING A SPECIAL DELEGATION TO HOST A DELEGATION FROM THE PEOPLE'S REPUBLIC OF CHINA

Mr. SIMPSON (for Mr. DOLE) (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to.

S. RES. 220

Resolved, that the President of the Senate, upon consultation with the Majority Leader and Minority Leader, is authorized to appoint a special delegation of Members of the Senate to host a delegation of members of the Standing Committee of the National People's Congress of the People's Republic of China. The Majority Leader and Minority Leader of the Senate shall serve as co-chairmen of such special delegation.

SEC. 2. (a) The expenses of the special delegation referred to in the first section, including expenses of staff members designated by the co-chairmen to assist such delegation, shall not exceed $50,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of such delegation.

(b) For purposes of subsection (a), the expenses of such delegation shall include such special expenses as the co-chairmen may deem appropriate, including reimbursements to any officer or agency of the Government for—

(1) expenses incurred on behalf of such delegation;

(2) compensation (including overtime) of employees officially detailed to such delegation; and

(3) expenses incurred in connection with providing appropriate hospitality, including such expenses incurred by the Secretary of the Senate before the date of adoption of this resolution.

(c) The Secretary of the Senate is authorized to advance funds to the co-chairmen of such delegation in the same manner provided for committees of the Senate under authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

AMENDMENTS SUBMITTED

IMMIGRATION AND NATIONALITY ACT REFORM

SIMON AMENDMENT NO. 591

Mr. SIMON proposed an amendment, which was subsequently modified, to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

On page 104, line 9, strike 3,000 and insert 5,000.

On page 104, line 11, strike out "3,000" and insert in lieu thereof "5,000".

On page 104, line 13, strike 3,000 and insert 5,000.

WILSON AMENDMENT NO. 592

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill S. 1200, supra; as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. 125. SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)(2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) indivuduals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accommodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF "O" WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO "O" WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2)—

"(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaintant, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this action preempt any State

or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER THREE YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts under taken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) establishes that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorney General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established by the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child is qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for sea-

sonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor or each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(9) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or "; and

(2) by adding at the end the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(i) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program.".

On page 2, in the table of contents of the bill, insert after the item relating to section 124 the following new item:

Sec. 125. Seasonal agricultural worker program.

On page 37, line 12, insert ", 101(a)(15)(O)," after "101(a)(15)(N)".

On page 60, line 1, insert "or 217" after "section 216".

On page 60, line 3, strike out "such section" and insert in lieu thereof "section 216 or subsection (b)(4) of section 217, as the case may be,".

On page 63, line 6, insert "and section 217" after "section 216".

On page 64, between lines 14 and 15, insert the following:

"(3) The Commission shall specifically review the following with respect to the seasonal agricultural worker program under section 217 of the Immigration and Nationality Act:

"(A) The standards described in subsections (b) (2), (3), and (4) of that section for the certification respecting seasonal agricultural workers.

"(B) What is the proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers.

"(C) Whether current labor standards offer adequate protection for domestic and foreign agricultural workers.

"(D) The availability of sufficient able, willing, and qualified domestic workers to meet the needs of agricultural employers.

"(E) The appropriate limit on the number of seasonal agricultural workers who may be imported into all agricultural regions in the United States at any given time, taking into consideration all relevant data, including that resulting from the experience of the Agricultural Labor Transition Program.".

On page 64, line 16, strike out "two years" and insert in lieu thereof "three years".

On page 64, line 19, insert "and seasonal" after "temporary".

On page 64, line 20, strike out "program under section 216" and insert in lieu thereof "programs under sections 216 and 217".

On page 64, line 24, strike out "subsection (b)(2)" and insert in lieu thereof "subsections (b) (2) and (3)".

On page 65, line 2, insert "and seasonal" after "temporary".

On page 65, between lines 12 and 13, insert the following:

"(5) on the appropriate limit on the number of seasonal workers who may be imported into all agricultural regions in the United States at any given time after section 217.

"(6) on the need to continue, improve, or eliminate the seasonal agricultural worker program established under section 217.

On page 66, on lines 11 and 12, strike out "in consultation with the Vice Chairman" and inserting in lieu thereof "in accordance with rules agreed upon by the Commission".

On page 68, line 4, strike out "27 months" and insert in lieu thereof "39 months".

On page 104, lines 20 and 21, strike out "216 (added by section 122(c)" and insert in lieu thereof "217 (added by section 125(b)".

On page 104, line 24, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 112, line 22, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 7, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 15, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 18, strike out "section 216 (added by section 122(f)" and insert in lieu thereof "section 217 (added by section 125(i)".

On page 113, between lines 19 and 20, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 114, line 9, strike out "paragraph (15)(O)" and insert in lieu thereof "paragraph (15)(P)".

On page 114, lines 22 and 23, strike out "paragraph (15)(O)" and insert in lieu thereof "paragraph (15)(P)".

On page 116, line 6, strike out "section 122(a)" and insert in lieu thereof "sections 122(a) and 125(b)".

On page 116, line 7, strike out "subparagraph (M)" and insert in lieu thereof "subparagraph (N)".

On page 116, line 8, strike out "subparagraph (N)" and insert in lieu thereof "subparagraph (O)".

On page 116, line 11, strike out "(O)(i)" and insert in lieu thereof "(P)(i)".

On page 121, line 10, strike out "section 217" and insert in lieu thereof "section 218".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 11, from 3:00 p.m. until 4:30 p.m., to mark up S. 616, the farm bill, and related issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, September 11, to conduct a meeting on the competition in the long-distance telephone markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 11, in order to receive testimony concerning nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 11, to hold a hearing on S. 1527, the Civil Service Reform Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROTECTIONIST LEGISLATION

● Mr. GOLDWATER. Mr. President, many Members of Congress say many things when they were home during the recess. Some of these matters were clearly understood. Others might be a little bit misinterpreted. I spent my recess in my home State and in several other States, visiting military establishments, and wherever I went, the issues were the deficit and balancing the budget or approaching it. There was no great interest in South Africa. There was no expressed great interest in excluding foreign trade. In fact, there was more interest in the economy—the way it has been more or less burgeoning and the reasons for it—which are very clearly a return on the part of young people to those habits and practices that made America the great economic power it once was.

Now, we return and the Congress is once again in session. And what do we find? Some 300 different bills that may be introduced to protect American industry and American business. We find a continuing interest on the part of some to weaken the defense of this country. Why can we not get down to work and do what the American people think we should be doing? Isn't is about time that we in the Congress recognize the fact that America is no longer the dominant economic world power? Isn't it important that we recognize that our chances of becoming that again are on the remote side? Isn't it time we become honest with ourselves and our constituents and admit that this country lost its economic power because of a decline in our management ability, a decline in our willingness to risk our money, and most of all because of a decline in the productivity of our workers, brought on by the excessive power of unions?

Look at any country in this world that is becoming successful in an economic way and you find their percentage of productivity far, far ahead of the United States. Is cutting off trade with some country going to correct that? No. Other countries will take those countries' place. This country can get along in this world of competition exceedingly well, if not perfectly well, if we quit looking to the Federal Government to solve all our problems; if we listen to the young entrepreneurs of our country who are saying to the Federal Government, "Get off my back. I can make money the old fashioned way, I earn it."

America has changed. The world has changed. Everything is changing and that is not going to stop. Before the U.S. economy winds up at the bottom of the pile, I plead with my colleagues, I plead with those special interest groups around this country, let this great free economy roll. Get off its back. Let it make money. And, let's get this Government in the shape it should be in and not the dangerous terrible shape we find it in today.

In the Wall Street Journal of Tuesday, September 10, appeared a very excellent editorial entitled "The Thundering Herd," and that title should give you an idea of who they are referring to—us.

I ask that this editorial be printed in the RECORD.

The editorial follows:

[From the Wall Street Journal, Tuesday, Sept. 10, 1985]

THE THUNDERING HERD

It was only necessary for Congress to return to Washington to remind us what a peaceful month August had been. And what a prosperous month. The American economy added something over 300,000 jobs as American industry restaged itself for a strong autumn selling season. Even with summer not yet over, Americans streamed into the auto dealerships in late August to buy new cars at a 71% faster clip than a year ago.

But what did we hear from those returning congresspersons? We heard that things were really terrible out there in the country and that the only cure would be to protect American workers from having to compete with all those non-Americans around the world who speak strange tongues, eat raw fish, hold their forks in their left hands, play futbol instead of football and listen to Lohengrin rather than Lauper on their lunch hours. Congress, it seems, returned from holiday determined to exploit the politics of xenophobia, hatred of all things foreign.

That determination will be manifested, if you believe the news reports out of Washington, in violent behavior. More than 300 protectionist bills will be brought forth seriatim in the House with each sponsor vowing to lie down on the tracks in front of a speeding presidential veto if necessary. Sponsors of a 15% import surcharge say they won't rest until American consumers have been made to pay the $32 billion the Federal Reserve Bank of Cleveland estimates this levy will cost. The president's promise over the weekend that he will press Japan, Brazil and Korea to open up markets for cigarettes, insurance and computers and will strong-arm the Common Market into letting in canned fruit is being scoffed at as "cosmetic" by the congressional protectionists.

What the returning congressmen don't understand, but will soon find out, is that if they really mix it up with the president on this issue, they will lose. On their side they have some antiquated industries and a beleaguered labor movement. On the president's side are 240 million consumers, men, women and children, who have all the usual consumer wants and needs—things like food, transportation and clothing.

American consumers are not xenophobes. They love things foreign. They love Sonys, brie cheese, BMWs, Colombian coffee, Indian tea, Irish woolens, Scotch whisky, Vespa scooters, Portuguese sardines, Argentine corned beef, New Zealand lamb, Mexican tomatoes, Canadian bacon. They also love Detroit cars, California oranges, New York PCs, Kansas City steaks and Indiana prefabs. Americans, except for those few who have just come back to Washington from whatever planet they were inhabiting in August, know one thing: They are living and working in an international economy. They see its artifacts around them very day and they know, instinctively if in no other way, that their lives have been materially enriched by what this awesome international network produces and distributes.

Legislators miss this obvious truth so easily because they are preoccupied with such issues as law, national sovereignty, and, not least, the campaign contributions that come in from American producers who want special privileges or protections. They have been told, time and time again, that interference with the world's commerce is an invitation to economic disaster, but they persist, for the reasons mentioned above, in ignoring that truth.

The president understands it very well. His new Special Trade Representative, Clayton Yeutter, went on the David Brinkley show Sunday and declared to all and sundry

that he was wearing foreign-made shoes. "This administration is not at all interested in aiding industries that really give no hope of being price competitive, and it seems to me that's the way it should be."

Indeed it should be. The American productive economy, which is truly awesome whatever the protectionists might say, was built on competition. Corporate executives who come crying to Washington about imports simply are not earning their large salaries. If they can't compete in the business they're in they should try another business. Judging from the explosion of new business formations in the last five years, there is no shortage of opportunities.

As to Washington, we are reminded of one Bill Alexander (D., Ark.), who somehow managed to arrange for a special Air Force plane to haul him and his entourage down to Brazil for a fact-finding trip during the summer holiday. That cost a lot of money. But now that Congress is back in town clamoring for "trade bills" we wonder how much it would cost to offer every legislator a special plane to any destination providing he or she promised to not come back until this latest wave of hysteria has passed. Five million dollars? Cheap at the price.●

TRIBUTE TO MORTON BAHR

● Mr. MOYNIHAN. Mr. President, at its recent convention, the Communications Workers of America elected as its president, Morton Bahr, a native New Yorker and an effective, enlightened trade union leader.

"Morty" Bahr's succession to the presidency of CWA represents the latest milestone in a distinguished trade union career with which those of us in the Empire State are well acquainted.

Indeed, in the period from 1969 through July 1985, Mr. Bahr served as vice president of CWA's District 1, a region which includes not only New York, but also New Jersey and the New England States. During those years, CWA enjoyed unprecedented growth, with union membership more than doubling in the States over which Vice President Bahr had jurisdiction. Today, membership in district 1 totals 120,000.

Much of the credit for CWA's surge in membership development rests with Morty himself, who has always placed a premium on the value of organizing the unorganized. Indeed, one of his first accomplishments on behalf of CWA, between 1957 and 1961, was to direct a major organizing campaign that resulted in bringing more than 24,000 workers employed by the New York Telephone Co., into the union.

Of course, Morty's interest have extended to the greater community. He is a trustee of Nassau, NY, Community College, a member of the board of governors of the United Way of America and has served as labor chair for the Greater New York Blood Bank.

Similarly, Morton Bahr has been intensively immersed in Democratic party policitics. He was a delegate to the 1976, 1980, and 1984 Democratic National Conventions. He also chaired the statewide labor campaign committees in New York, playing a vital role in the elections of New York Governors Hugh Carey and Mario Cuomo.

A native of Brooklyn, Mr. Bahr is a graduate of Samuel J. Tilden High School and also holds a bachelor of science degree from Empire State College.

He is married to the former Florence Slobodow. They have two children and four grandchildren.

Mr. President, in the near future, those in Washington and throughout the Nation will come to appreciate and admire the innovative, foresighted leadership that was Morty Bahr's trademark in New York. I wish him and the CWA well as they embark together on a historic new era of leadership.●

VITAMIN A DEFICIENCY

● Mr. CHAFEE. Mr. President, Senator RUDMAN and I have introduced S. 1451, which would earmark money in the AID budget that would fund nutrition programs aimed at reducing vitamin A deficiency. This condition results in blindness and other severe human health problems. It is a special problem in the Third World and developing nations. An estimated 500,000 children in developing countries go blind because they don't get enough vitamin A. Ten million children suffer annually from the disorder as witnessed in such places as Bangladesh, India, Indonesia, the Philippines, Haiti, Latin America, Africa, and even in some regions of the United States.

I would like to commend to my colleagues' attention the following article on the eradication of vitamin A deficiencies. This article was prepared by the faculty of the FSN at the University of Rhode Island. The university is one of the leading research institutes in the world on vitamin A. I call on my colleagues to take note of this article and to support this important, humanitarian effort. Mr. President, I ask that the article be printed in the RECORD.

The article follows:

PROGRAMS AT THE UNIVERSITY OF RHODE ISLAND TO ERADICATE VITAMIN A DEFICIENCY

The Food Science & Nutrition (FSN) Department of the University of Rhode Island, is one of the major centers in the U.S. for education and research on foods and nutrition. The Food Science and Nutrition Department has established provitamin A and vitamin A as one of the principal thrusts. With the commitment of 6 of 18 faculty and 10 of 70 graduate students in the department of Food Science and Nutrition providing a critical mass, and combined with related activities from other departments such as Plant Science, Chemistry and Pharmacology, and the International Vitamin A Consultative Group, the University of Rhode Island is clearly one of the leading institutions in the world for the study of provitamin A and vitamin A.

The provitamin A and vitamin A research program is active in both international and national arenas. International applications include the participation of Dr. Kenneth L. Simpson, Professor, Department of Food Science and Nutrition, (FSN) and Drs. C.O. Chichester and Paul D. Maugle in the International Vitamin A Consultative Group (IVACG). In 1979-1982, the International Secretariat worked with groups at the University of Rhode Island and in 1981 became an integral part of the International Center located in the College of Resource Development. These FSN faculty members are actively involved in organizing an international laboratory network to analyze for the provitamin A content of foods from countries where vitamin A deficiency exists. This information will be applied to the development of food supplies with higher vitamin A content and methods of preparation that may render more of the provitamin available to populations in parts of the world where vitamin A deficiency results in xerophthalmia. On the national level, the Department's interest in beta carotene and vitamin A is focusing on possible use as anticancer nutrients. Drs. Kenneth L. Simpson and Leonard Gerber are supervising research on the metabolism of the provitamin A and other carotenoids which will provide knowledge useful in determining whether the carotenoids do indeed provide protection against some forms of cancer.

Dr. Kenneth L. Simpson and Dr. C.O. Chichester have been active researchers in the area of carotenoid analysis and biochemistry for more than 20 years. Among their accomplishments was the development of an advanced analytical method for the rapid, and accurate measurement of provitamin A carotenes. The method was the first dependable separation of carotenes. The application of this analytical technique to foods in this laboratory has shown that the Association of Official Analytical Chemists (AOAC) method currently used for the determination of provitamin A greatly overestimates the vitamin A values of some fruits and vegetables. This points out the need to reevaluate the food tables that have been compiled using the AOAC procedure. It also supports the need for the IVACG network to analyze vegetables from countries where vitamin A deficiency is a problem. Several people from the countries participating in IVACG such as Taiwan, Brazil, and Indonesia have come to Dr. Simpson's laboratory to learn the techniques of carotenoid analysis. Dr. Samson Tsou, from the Asian Vegetable Research and Development Center, spent one year as a visiting scholar in Dr. Simpson's laboratory learning these analytical techniques, developing new techniques, and applying them to the analysis of vegetables. The development of other simplified techniques that can be utilized in areas of the world where it would not be feasible to use the technologically advanced techniques is currently being carried out in Dr. Simpson's laboratory. It is hoped that this technique will be an improvement on the current available methods. With this new method, samples may be screened in the field before sending them to a central analytical laboratory.

Advanced analytical techniques have also been used for the determination of provitamin A and vitamin A in human milk from lactating women in Northeastern New England. The work with breast milk found that the carotene content of the milk reflected the diet of the nursing mother, indicating that dietary carotenoids can be another ap-

proach in treating nutritional blindness, xerophthalmia and reducing the incidence of infectious diseases in young children. This research into the vitamin A and provitamin A content of breast milk is continuing.

In addition, this laboratory has determined that vitamin A content of various sources of bovine milks available to the public in the Northeast Region of the United States. Large differences between milk available to the consumer were found. This work is continuing in conjunction with the Food and Drug Administration.

Another aspect of the research effort is assessing the utilization of provitamin A carotenes in mammals. The study encompasses the metabolism of carotenoids beginning with the digestion in the small intestine, absorption of retinol and uncleaved carotenes, and their metabolism. The information obtained from this research will be used to better assess the potency of different carotenoid precursors of vitamin A, as possible anticancer nutrients. An epidemological study has shown that those who smoke and consume more carotene containing vegetables have a lower incidence of lung cancer. Some modified forms of vitamin A have been shown to inhibit cancer in cell cultures, but whether these forms of vitamin A are produced within the body and transported to the proper tissues must be assessed before there is a definite link between consumption of carotene rich foods and lower risk of cancer. A cause and effect relationship has not been established and will not be established until more is known about the metabolism of beta carotene and other carotenoids.

Dr. Leonard Gerber, a faculty member in the Department of Food Science and Nutrition, has centered his vitamin A research on the effects of retinoic acid (a form of vitamin A) on serum triglycerides and the effects of retinoids on wound healing. This work on wound healing showed that dietary beta carotene aided in the formation of scar tissue after surgery. Current research on the role of carotenes in wound healing has shown that protein and carotene supplements increased the strength of scar tissue in rats after surgery. Dr. Gerber is also involved in a project to determine serum carotenes and carotene metabolites in humans whose diets are supplemented with carotenes.

A research project directed by Dr. C.O. Chichester III in the Department of Pharmacology at the University of Rhode Island is currently investigating the effect of retinoids and carotenes on cancer cells in tissue culture.

The research efforts of Dr. Phyllis R. Brown and D. Wilfred Nelson in the Chemistry Department support the analytical research to determine the provitamin A content of foods. Dr. Byung Dong Kim in the Plant Science Department has research experience in genetically engineering the provitamin A content of fruits and vegetables.

INTERNATIONAL INVOLVEMENT

Dr. C.O. Chichester, Professor in the Department of Food Science and Nutrition and a participant in the deliberations of the thirty-seventh World Health Assembly at the 1974 May meeting, aware that safe, effective and relatively inexpensive techniques exist to prevent vitamin A deficency and xerophthalmia, such as increased consumption of local foodstuffs rich in provitamin A. periodic mass distribution of large oral doses of vitamin A and vitamin A nutrifiction of certain foods, was among those who passed a resolution urging all member states to give high priority to the control of the worldwide vitamin A deficiency problem through appropriate nutritional programs or as part of primary health care. Coordination was advised with other intergovernmental organizations and appropriate nongovernmental organizations as well as the launching and management of intensive and extensive international action to combat vitamin A deficiency. This includes the mobilizatin of financial and other resources required for such action.

For over half a century, numerous organizations have long recognized the serious nature of vitamin A deficiency. These reports have been summarized on a global survey by the World Health Organization (WHO) in 1963. WHO documented the high mortality rate associated with the disease. Efforts to deal with the problem centered mainly on individual organizations and countries acting essentially independently of one another. The central problem was that vitamin A deficiency increased the risk of infection which compounded with other factors of malnutrition resulted in increased mortality and morbidity. Its most serious manifestation, and its most obvious one, centered around xerophthalmia, nutritional blindness in large numbers of individuals in Southeast Asia, Africa, Southwestern hemisphere and the Indian south continent. Primary intervention efforts work toward the implementation vitamin A nutrification, nutrition education, and the encouragement and support for the consumption of foods providing vitamin A.

In 1965, the FAO/UNICEF Joint Policy Committee advocated preventing vitamin A deficiency in children through increased production of local foods combined with nutrition education. In the early 1970's, WHO and UNICEF executive boards proposed the distribution of periodic large doses of vitamin A as a safe and effective approach to protection against vitamin A deficiency. These discussions stimulated an increase in public awareness of the vitamin A problem.

INTERNATIONAL VITAMIN A CONSULTATIVE GROUP

In 1972 the Office of Nutrition of the Agency for International Development of the United States State Department through a Nutrition Advisory Committee undertook a review of hypovitaminois A in humans worldwide to see how it might attack the problem or how it could encourage others to pursue coordinated efforts to eradicate vitamin A deficiency.

This endeavor resulted in the preparation of a three volume report by members of the A.I.D. Nutrition Advisory Committee dealing with vitamin A, xerophthalmia and blindness. These volumes are entitled: (1) "A Global Survey of Mass Vitamin A Programs"; (2) "Vitamin A Problems with Special Reference to Less Developed Countries"; (3) "Vitamin A Technology and Xerophthalmia".

With these documents, the Advisory Committee to AID on nutrition suggested the formation of a coordinating group whose function would be to monitor worldwide efforts in combating hypovitaminosis A, to act as a liaison group between sponsoring agencies, to encourage the individual countries where the problem existed to recognize the devastating effects of vitamin A deficiency and to initiate intervention measures.

In 1973 "The International Vitamin A Board" was proposed and was formalized in the spring and summer of 1973. The purposes of the board were outlined as follows:

1. Advise international regional and national technical assistant agencies and governments on the assessment and control of vitamin A deficiency and xerophthalmia.

2. Serve as a clearinghouse for the collection and dissemination of information on vitamin A deficiency and xerophthalmia.

3. To advise on, promote and coordinate scientific, technological, operational and financial resources toward the control of vitamin A deficiency and xerophthalmia.

4. To recommend priorities for research and action for the control of deficiency and xerophthalmia.

A meeting on the "Vitamin A Deficiency Control and Priorities for Action Programs", was planned during the early part of 1974 under the auspices of the National Academy of Sciences and sponsored by the Office of Nutrition, Agency for International Development (USA). The meeting, however, presented a potential conflict with a workshop sponsored by WHO in Jakarta, Indonesia scheduled for September, 1974. A decision was made to combine efforts. The Agency for International Development worked with WHO to expand the meeting which was then scheduled for November 1974. Extensive simultaneous discussions of vitamin A deficiency took place at the 1974 World Food Conference in Rome where Resolution V called for greater efforts to combat vitamin A. The then Secretary of State of the United States, Dr. Henry Kissinger, pledged substantial support from the United States government for efforts to extripate vitamin A deficiency, and iron deficiency anemia.

WHO–AID (USA) meeting in Jakarta, Indonesia pressed for establishment of priorities for research and for action programs. The participants agreed upon an international classification of xerophthalmia, criteria for the diagnosis of xerophthalmia and vitamin A deficiency, treatment prevention protocols, intervention strategies and research needs.

Early in 1975, a meeting was held in UNICEF-New York and the International Vitamin A Consultative Group (IVACG) was established. The concept behind the organization was to maintain flexible participation by policy makers, programmers and scientists concerned with vitamin A deficiency and representatives from countries where hypo-vitaminosis was a problem. Thus, IVACG continues to be dedicated to reducing the prevelance of vitamin A deficiency worldwide. Presently, it's chairman is Dr. Lester J. Teply, (UNICEF/USA) and Dr. Barbara A. Underwood, (National Eye Institute/USA) is the chairperson of it's planning committee, which also includes Drs. Fred Sai, (World Bank), Florentino Solon, (Ministry of Health/Philippines), Edouard DeMaeyer, (WHO/Switzerland), John I. McKigney, (AID/USA/Secretary), C.O. Chichester and Paul D. Maugle, (University of Rhode Island/Secretariat). In fulfilling this mandate, IVACG sponsors periodic international meetings, and scientific reviews of the problem and convenes task forces to analyze issues related to the detection of etiology, treatment and prevention of vitamin A deficiencies. IVACG sponsors international meetings on an almost annual basis to provide a forum for the interchange of ideas and the presentation of new research findings. A major portion of the meetings includes discussions about central programs and survey data. In addition, IVACG also organizes special sessions that are relevant in international and national meetings.

To address issues central to vitamin A deficiency, IVACG has published several guidelines and monographs resulting from the work of task forces and special consultants. These include:

Guidelines for the Eradication of Vitamin A Deficiency and Xerophthalmia (1977) (English and French);

Recent Advances in the Metabolism and Function of Vitamin A and Their Relationship to Applied nutrition (1979);

The Safe Use of Vitamin A (1980) (English and French);

The Symptoms and Signs of Vitamin A Deficiency and Their Relationship to Applied Nutrition (1981) (English and Spanish);

The Biochemical Methodology for the Assessment of Vitamin A Status (1982);

Periodic, Large Oral Doses of Vitamin A for the Prevention of Vitamin A Deficiency and Xerophthalmia: A Summary of Experience, (1984).

An international directory of some 327 administrators and scientists involved in the alleviating Vitamin A deficiency was recently published under the sponsorship of the International Union of Nutritional Sciences, the Nutrition Foundation and the International Vitamin A Consultative Group.

To no small extent, IVACG has stimulated a widespread and successful attack on the problem of vitamin A deficiency. This is evidenced by a major effort by many United Nations groups to mount an assault on this devastating nutritional inadequacy.

BENEFITS TO THE UNIVERSITY OF RHODE ISLAND

The benefits to URI of the proposed legislation to expand Vitamin A programs worldwide would be three-fold. First the international laboratory network to analyze the provitamin A content of foods has been established with URI as the central reference and coordinating unit. URI would train personnel, conduct methodology research and serve as the ultimate reference for the satellite units. This program could establish essential food tables for target countries to improve diets and aid in the development of new crops rich in provitamin A. Secondly, the biopotency effects of vitamin A which contribute to maintaining health, such as inhibiting cancer or promoting would healing are poorly understood. These effects must be more completely understood, and have both national as well as international benefits. Funds to support this type of research and development have been difficult to obtain at URI.

Third. An expansion of the coordinating function of IVACG is badly needed. With the expansion of Vitamin A programs in the world it is imperative that the coordination between scientists and field workers be maintained to prevent splintering. Thus, additional funds are needed to allow IVACG to meet the needs of expanded programs to eradicate vitamin A deficiency.●

DEDUCTIBILITY OF STATE AND LOCAL TAXES

● Mr. MOYNIHAN. Mr. President, I would commend to the attention of my colleagues and editorial in the September 9 Washington Post, entitled "Mr. Reagan's Tax Bill." It is a nononsense discussion of those principles which ought to guide any attempt here to reform present tax arrangements.

One matter in particular: Take care of the impact of changes in the Tax Code on the Nation's public schools. As the Post states the case, "the administration bill would put a severe new burden on the fiscal system that supports public education in this country."

By eliminating the Federal tax deduction for State and local taxes, the President's plan could, in short order, cut revenues for school districts by an estimated 20 percent nationwide, or the quivalent of $606 for every American elementary and secondary schoolchild.

The educational community is well aware of the devastating potential of repealing the tax deduction for moneys paid as State and local taxes. Every major educational organization in the country has now joined the effort to head-off such a serious misstep. The National School Boards Association, the National PTA and the Nation's two largest teacher organizations, the American Federation of Teachers and the National Education Association, are joined by the American Association of School Administrators; the American Association of State Colleges and Universities; the American Council on Education; the American Federation of State, County and Municipal Employees; the Council of Great City Schools; the Council on Exceptional Children; the International Reading Association; the National Association of Elementary School Principals; the National Association of Federally Impacted Schools; and the National Association of State Universities and Land Grant Colleges.

It is not just the educational community which is, or should be, concerned. Every American will suffer if the deductibility of State and local taxes is repealed and thus the financing of public schools is undermined. The Post states this point quite nicely, and I ask that the full text of the editorial appear in the RECORD.

The editorial follows:

[From the Washington Post, Sept. 9, 1985]

MR. REAGAN'S TAX BILL

With great enthusiasm, President Reagan has now renewed his drive to push his tax reform bill through Congress. But a tax bill, more than almost any other kind of legislation, is a collaboration among many authors, and the final version will differ significantly from the present one. It's a good moment to consider the directions that the remodeling ought to take and the standards that Congress needs to apply to any tax bill attempting this kind of broad revision. There are five tests that deserve special attention:

"Revenues. Let's begin at the beginning. The purpose of the tax system is to raise enough money to run the government. Mr. Reagan's 1981 tax bill has failed that test, and Congress has to be particularly careful that this one raises at least as much as the present law. Supply-side malarkey about the alleged dynamic effects of another tax cut should be dismissed. The present version barely equals the present level of revenue, and any backsliding here would be sufficient reason to abandon it.

Fairness. Traditionally the income tax has taken a bigger share of a large income than of a small one, and that has seemed to most Americans a good definition of fairness. The Reagan bill decreases the tax burden on the poor and near-poor, and that's welcome. But it also lowers the burden, and on a much more substantial scale, for the wealthy. Mr. Reagan's bill would lower the top tax rate on personal income from 50 percent to 35 percent. Why? There's no commanding logic to justify larger reductions at the top of the income scale than in the middle. The president's bill does not meet the test of fairness, and Congress has a responsibility to protect the principle of a progressive rate structure.

Simplification. The administration forfeited its chance to accomplish real simplification when it decided to perpetuate the lower tax rate for capital gains. The lower rate is crucial to most tax shelters, and without it they would have vanished. The right way to handle them—as the then secretary of the Treasury, Donald T. Regan, proposed last fall—is to index capital gains against inflation and then tax them as ordinary income. As the administration bill now stands, it does nothing to make your tax return any simpler.

Economic Effects. Here Congress has to give special concern to the devices by which the administration bill would find new revenue to compensate for the lower tax rates. Abolition of the investment tax credit is overdue. Similarly, the administration is right to eliminate the inequities, from one industry to another, that it established with the fast depreciation allowances in its 1981 bill. More troubling is the attempt by the current bill to recapture some of the benefits already distributed, in past years, by fast depreciation. The amounts of money are large, and would be paid mainly by those heavy industries that are already under great pressure from foreign competition. Those are not the places to find the money to pay for the rate cuts.

But much more important than the technicalities of capital cost, the administration bill would put a severe new burden on the fiscal system that supports public education in this country. The quality of the educational system is the primary determinant of the country's economic growth over the long term. By abolishing the federal tax deduction for state and local taxes, the bill would shift resources away from the treasuries that pay for schools and colleges. To add to the constraints on education merely to achieve another federal tax rate cut would jeopardize future productivity in a way that no tax incentives could repair.

Although you have heard the federal tax system denounced as disgraceful and catastrophic by a succession of eminent public figures, its flaws are not fundamental. Neither are the administration's currently proposed reforms profound. While the administration bill contains a number of improvements over present law, its central and driving purpose is another tax rate reduction. The need for that is not obvious. When Mr. Reagan speaks of reform, what he mainly means is lower tax rates. The other reforms have become incidental to that one. If Congress cannot refashion the administration bill to sustain more adequately the standards that apply to any tax law, there will be no very strong reason at the end of the process to pass it.●

WHO WON LEBANON?

● Mr. BOSCHWITZ. Mr. President, the June 24, 1985, edition of the New Republic contains a perceptive article entitled "Who Won Lebanon?" written by Charles Krauthammer. Krauthammer disputes the conventional wisdom that Israel's war in Lebanon was a failure. Instead, he argues that the campaign, costly as it was, realized its principal objective: "to defeat the PLO militarily and cripple it politically." As a direct result, progress in the peace process may now be possible.

Krauthammer disputes a central criticism leveled against Israel even by those who recognize its legitimate security concerns in southern Lebanon: that Israel's drive all the way to Beirut was, literally and figuratively, going too far. Krauthammer assets that the move on Beirut was essential. The 1978 "Litani Operation" demonstrated that entry into southern Lebanon alone was a total waste. As soon as Israeli forces returned home, so did the PLO to southern Lebanon, and so did terrorist attacks on northern Israel.

With the drive on Beirut, and the PLO's expulsion from Lebanon, however, the PLO was removed as a military factor in the region. No longer could it terrorize at will the population of northern Israel. Equally important, the PLO's state-within-a-state in Lebanon was destroyed, robbing Yasser Arafat of much of his freedom of action. His opponents now follow Syria's lead, and to survive he has had to align himself closely to Jordan and Egypt.

This has important ramifications for the peace process. So long as the PLO was a major independent actor, irredentist and unwilling to consider recognition of, or negotiation with, Israel, the peace process could go nowhere. King Hussein's moves over the past 6 months were made possible by the PLO's weakness, not by any change of heart on Arafat's part. PLO weakness may even permit the emergence of other Palestinians who recognize that only by dealing with Israel can they hope to gain any of their political goals or the return of any of the remaining territory Israel acquired in the 1967 war.

Krauthammer points out that there were indeed Israeli misconceptions and mistakes—and very dear costs. Israel's central mistake, he contends, lay in its belief that the invasion would lead to Israeli hegemony over a reshaped, Christian-dominated Lebanon that would then enter into a de facto state of nonbelligerency with Israel. As a result of this misconception, Israel occupied Lebanese territory 2 years longer than was necessary or prudent. It was the occupation and the numbing stream of casualties that so demoralized Israeli society and that raised the animosity of Lebanese Shias.

Ironically, Krauthammer argues, the two powers that have emerged strongest in Lebanon, the Shi'ite Amal Organization and Syria, may now provide Israel with what it sought from the Christians—de facto nonbelligerency. Both Amal and Syria want a tranquil border with Israel, fearing Israel retaliation. Amal knows that further Israeli action in Lebanon could jeopardize its newfound political power. Damascus knows that it too would be held accountable for a resurgence of terrorism. For all its militancy, Syria has not permitted the use of its territory to launch attacks against Israel.

As Krauthammer notes, therefore, "Pretending that, for Israel, the price was paid for nothing in a lost war is a simple denial of the facts." I agree.●

ARMENIAN MASSACRE, 1915

● Mr. LEVIN. Mr. President, last month the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities affirmed a historical reality which, despite attempts by others, can never be denied. It voted 14 to 1 to accept a study which calls the Armenian massacre by Ottoman Turkey in 1915, a genocide.

"At least 1 million, and possibly well over half the Armenian population, are reliably estimated to have been killed or death-marched," the report said.

The approval of this report marks a victory for justice and humanity. It represents a victory for Armenians everywhere. Not only does it confirm what students of history know to be Ottoman Turkey's direct role in carrying out the first genocide of the 20th century, it thwarts the current Government of Turkey's attempt to distort history relative to its claim that the genocide never occurred.

I hope this now provides the impetus for the Senate and House to approve pending resolutions that will designate April 24, 1986 as a day of remembrance to victims of genocide, especially those victims of the Armenian genocide.

Mr. President, I ask that the following documents be printed in the RECORD.

The documents follow:

[From the Miami Herald, Aug. 18, 1985]

U.N. REPORT REVIVES ARGUMENTS ABOUT 1915 ARMENIAN MASSACRE

(By Burton Bollag)

GENEVA.—A United Nations human rights panel last week fought a fight that opened old wounds as Turkey tried to keep one paragraph out of an official report.

The single paragraph is at the center of a struggle to set the historical record straight—a struggle that has led to the murders of more than 30 Turkish diplomats in the past 10 years.

The paragraph is a mention of the massacre of at least one million Armenians by the Ottoman Empire (what is today Turkey) in 1915 and 1916. The wording appears in an update of a U.N. report on genocide.

The report is being considered by the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities, meeting in Geneva. Turkey succeeded in having mention of the massacre taken out of an earlier version of the genocide report in the mid-1970s.

Since then, Armenian groups have lobbied hard to prevent the same thing from happening to the new report. Since the time of the killings, Armenians have been demanding—unsuccessfully—that Turkey at least admit that the massacre took place.

"We're here to preserve historical facts," says Harut Sassounian, 34, of Los Angeles, who coordinates the U.N. lobbying work of the Armenian National Committee.

"I've grown up with stories of terror and killings as told to me by my own grandfather and grandmother," Sassounian says.

The updated genocide report—a decision on it is expected in about two weeks—was written by Ben Whitaker, a Briton who directs the London-based Minority Rights Group and is a member of the U.N. subcommission.

The subcommission's 26 members are supposed to be independent experts who do not represent governments. There is no Turkish member, but Turkey is present as an observer. Turkey maintains that there were killings during fighting between Armenian and Turkish communities during World War I. The Turks deny, however, that any wholesale massacre of Armenians took place and say that evidence to the contrary is based on forged documents.

Numerous press reports from the period refer to the deportation and killings of Armenians by the Ottoman Empire. The U.N. report says that the truth of the massacre is confirmed by reports in the diplomatic archives of the United States, Britain and Germany. The German archives are considered particularly significant because Germany was allied with Turkey during the war.

In 1975, the 60th anniversary of the killings, Armenian terrorists began a campaign of attacks against Turkish diplomats outside their country. More than 30 have been killed.

Armenians now live in communities in many countries, including the United States. They are demanding national rights in their former homeland and reparations from Turkey, similar to what Germany paid after World War II to survivors of the Nazi Holocaust.

Whitaker thinks that emotions would die down if Turkey admitted that a massacre took place. "The Germans admitted it [genocide against the Jews] and now they're respected for that," he says.

Turkish diplomats at the meeting, however, tried again to have the paragraph mentioning the massacre deleted.

The issue has repercussions in the United States. In September, Congress is scheduled to again consider an Armenian massacre commemoration bill that supporters have been presenting for 10 years. The Reagan administration is thought to oppose the bill because it wants to avoid offending Turkey, a NATO ally.

[From the Boston Globe, Aug. 31, 1985]

UN PANEL ACCEPTS REPORT CITING ARMENIAN GENOCIDE

GENEVA.—A UN human rights body has voted to accept a study backing charges that 1 million Armenians were massacred by Tur-

key's Ottoman empire, a UN statement said yesterday.

But Western envoys said the decision contained no request that the study be passed on to the UN Human Rights Commission.

Recent Turkish governments have repeatedly rejected the charges as unfounded, and Turkish delegates attacked the findings, which were prepared by a British human rights advocate, Benjamin Whitaker.

Whitaker defended his study against critics wanting to delete its most contentious paragraph, which cited nine instances of genocide this century, including what it called the 1915-1916 Ottoman massacre of Armenians.

"At least 1 million, and possibly well over half the Armenian population, are reliably estimated to have been killed or death-marched," the report said.

The report, revising a 1978 study on prevention and punishment of genocide, was accepted by 14 votes, one against and four abstentions by the UN Subcommission on Prevention of Discrimination and Protection of Minorities.

UN Panel Adopts Report Calling 1915 Armenian Massacres a Genocide

Turkish efforts to distort history soundly defeated

Geneva.—On Thursday, Aug. 29, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a Report on Genocide which, in paragraph 24, calls the Armenian massacres by Ottoman Turks in 1915 a genocide.

Voting 14 for, 1 against, and 4 abstentions, the UN human rights panel resisted heavy Turkish governmental pressures to delete any mention on the Armenian Genocide, and approved Resolution L. 15, defeating those efforts.

Proposed by Mr. Jules Deschenes of Canada, Mr. Olufemi Ayewale George of Nigeria, and Mr. Mubanga-Chipoya of Zambia, the resolution numbered by its UN document reference number E/CN.4/Sub. 2/1985/L. 15 reads:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council Resolution 1983/33 of May 1983 by which the Council requests the Sub-Commission to appoint one of its members as a Special Rapporteur with the mandate to revise as a whole and update the Study on the Question of the Prevention and Punishment of the Crime of Genocide taking into consideration the views expressed by the members of the Sub-Commission and the Commission on Human Rights as well as replies of Governments, specialized agencies and other organizations of the United Nations system, regional organizations and non-governmental organizations to a questionnaire to be prepared by the Special Rapporteur;

Recalling also the decision of 1982 August 9 by which the Sub-Commission appointed Benjamin Whitaker to revise and update the study;

Having read the preliminary report prepared by the Special Rapporteur for the Sub-Commission's 37th session;

Having now considered and debated the revised and updated study submitted by the Special Rapporteur at the Sub-Commission's 38th session;

Noting that divergent opinions have been expressed about the content and the proposals of the report:

1. Takes note of the study of the Special Rapporteur, the Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide;

2. Expresses its thanks and congratulations to the Special Rapporteur for his proposals;

3. Recommends that the U.N. renew efforts to make ratification by member-states of the Convention on Genocide as soon as possible.

Voting for the resolution were: Despouy (Argentina), Joinet (France), Carey (US), Martinez-Baez (Mexico), Tosevsky (Yugoslavia), Gu Yijie (China), Takemoto (Japan), O.A. George (Nigeria), Yimer (Ethiopia), Simpson (Ghana), Bhandare (India), Bossuyt (Belgium), Deschenes (Canada) and Baquero (Ecuador).

The sole vote against the resolution came from Sofinsky, the expert from the Soviet Union.

Abstentions were marked by Khasawneh (Jordan), Martinez (Cuba), Dahak (Morocco) and Chowdhury (Bangla Desh).

Some of the experts who did not vote were outside the meeting when the vote was taken.

The passage of this report and its incorportion as an UN document, along with the documentation calling the 1915 Armenian massacres a genocide, means that, for the first time. Turkish efforts to distort historical facts have been defeated on the international arena.

Their constant attempts to revise history and distort documented facts have been foiled. Turkish anger at the passage of the report was expressed by a vicious attack on the Special Rapporteur in a 10-page statement distributed to the delegates during the last meeting of the Sub-Commission. Calling him a prejudiced Rapporteur, the 10-page statement indulges in a clear attempt to besmirch the character of Mr. Whitaker. Despite considerable political pressures, which has been characterized by the European press as "a major scandal," he has remained steadfast in support of his inclusion of the mention of the Armenian Genocide in his report.

The adoption of the UN Report also means that an 11-year effort by the Armenian National Committee was culminated in success for the rights of the Armenian people. Now, at last, there is an official mention of the Armenian genocide in an UN document.

Review of Further Developments in Fields With Which the Subcommission Has Been Concerned

Paragraph 24 of the revised and updated report on the question of the prevention and punishment of the crime of genocide

(Prepared by Mr. B. Whitaker)

Toynbee stated that the distinguishing characteristics of the twentieth century in evolving the development of genocide "are that it is committed in cold blood by the deliberate fiat of holders of despotic political power, and that the perpetrators of genocide employ all the resources of present-day technology and organization to make their planned massacres systematic and complete". The Nazi aberration has unfortunately not been the only case of genocide in the twentieth century. Among other examples which can be cited as qualifying are the German massacre of Hereros in 1904, the Ottoman massacre of Armenians in 1915-1916,[1] the Ukrainian pogrom of Jews in 1919, the Tutsi massacre of Hutu in Burundi in 1965 and 1972, the Paraguayan massacre of Aché Indians prior to 1974, the Khmer Rouge massacre in Kampuchea between 1975 and 1978, and the contemporary Iranian killings of Baha'is. Apartheid is considered separately in paragraphs 43-46 below. A number of other cases may be suggested. It could seem pedantic to argue that some terrible mass-killings are legalistically not genocide, but on the other hand it could be counter-productive to devalue genocide through over-diluting its definition.

My Experience During the Armenian Genocide

(By Arthur H. Dadian of Washington, DC)

The genocide of the Armenians in Turkey during World War I was executed in successive stages. In the city where we lived, in peace with our neighbors and miles away from any Russian border, the genocide started with a bang. One morning the city was startled to find that a few of its leading Armenians had been arrested during the night, hung in a public square and left hanging for all to see.

This was followed by arrest of able-bodied men and sending them to work on road projects near the Russian front. My father was arrested and sent to such a project. These men were killed in groups after working on such projects. My father was in a building in a deserted mountainous area where these men were brought to be slaughtered.

Before all this and during it all the Turkish police started coming to Armenian homes, time and again, to take the "census". One time my grandmother complained and

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[1] At least 1 million, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death-marched by independent authorities and eye-witnesses. This is corroborated by reports in United States, German and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany. The German Ambassador, Wangenheim, for example, on 7 July 1915 wrote "the government is indeed pursuing its goal of exterminating the Armenian race in the Ottoman Empire" (Wilhelmstrasse archives). Though the successor Turkish Government helped to institute trials of a few of those responsible for the massacres at which they were found guilty, the present official Turkish contention is that genocide did not take place although there were many casualties and dispersals in the fighting, and that all the evidence to the contrary is forged. See, *inter alia*, Viscount Bryce and A. Toynbee, *The Treatment of Armenians in the Ottoman Empire 1915-16* (London, HMSO, 1916); G. Chaliand and Y. Ternon, *Génocide des Arméniens* (Brussels, Complexe, 1980); H. Morgenthau, *Ambassador Morgenthau's Story* (New York, Doubleday, 1918); J. Lepsius, Deutschland und Armenien (Potsdam, 1921; shortly to be published in French by Fayard, Paris); R.G. Hovanissian, *Armenia on the road to independence* (Berkeley, University of California, 1967); Permanent Peoples' Tribunal, *A Crime of Silence* (London, Zed Press, 1985); K. Gurun, *Le Dossier arménien* (Ankara, Turkish Historical Society, 1983); B. Simsir and others, *Armenians in the Ottoman Empire* (Istanbul, Bogazici University Press, 1984); T. Ataov, *A Brief Glance at the "Armenian Question"* (Ankara, University Press, 1984); V. Goekjiam, *The Turks before the Court of History* (New Jersey, Rosekeer Press, 1984); Commission of the Churches on International Affairs, *Armenia, the Continuing Tragedy* (Geneva World Council of Churches, 1984); Foreign Policy Institute, *The Armenian Issue* (Ankara, F.P.I., 1982).—This report was adopted by the *United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities* on August 29, 1985 by a vote of 14 for, 1 against and 4 absentions.

was told by one of the policemen that they were following orders from Istambul.

Then came the "deportation" of the remaining men, women and children. Sometimes it meant taking people out on forced marches and starving and torturing them to death. Often it meant taking them to the country under "police protection" to make sure that none escaped and butchering them. When my father was being brought home under guard from the road project he had been sent to, he and his guard happened to come upon a field where a massacre had taken place, under "police protection". Turkish civilians were searching the dead bodies for valuables and gold in their teeth. (The Turkish pasha who had "bought" father's business while he was away needed father to run the business and had orders issued to have him brought back under guard.)

At first this deportation did not apply to Armenians who were members of the Latin-Catholic-Church. My family was so registered and was thus exempt from this first deportation. During this exemption period two police came to our house and told my mother—my father was still away—that my younger sister and I were baptized in the Armenian Church and that we were subject to deportation and they had come to take me and my sister away. But they eventually left without taking us because they felt that as Armenians we were all going to get killed sooner or later and that we might as well get killed a little later with my mother.

Soon the exemption of the Catholics was removed and we were deported. We were the only ones from that group to survive and eventually return to our home in the city. When we were deported, my father was still away, my older brother was staying with the pasha who wanted to adopt him and my older sister was at the American College run by American missionaries at a nearby town. My mother had enrolled her there during our exemption to save her.

One day our pasha told my brother to go and bring my sister home from the American College. A few days after my sister came home, the American College was raided by the Turkish military police. The Armenian male students were taken outside the town and slaughtered. The girls were brought to a vacant house in our block, the owners had been deported. One day we heard screams from that house and went from rooftops to see what was happening. Where we stood we could see the courtyard of the house. I can never forget what we saw. Turks in military uniforms were dragging out to take with them the girls they had selected.

When the Turks along with the Germans lost the war and peace came, the Turks became horrified and frantic. They were sure that the allies will punish them as individuals and as a nation for what they had done to the Armenians. They started doing what all criminals and murderers do—deny everything, cover up, destroy all evidence and kill any survivor who might be used as a witness. My father was arrested. A Turkish leader who had known him for years got him out of jail before they shot him. He advised father to leave the city immediately. They went to the market place and hired a wagon with a driver, came to our house, packed up bare essentials and we left for Adana.●

MRS. ALICE NEW HOLY BLUE LEGS, 1985 NATIONAL HERITAGE FELLOWS AWARD WINNER

● Mr. ABDNOR. Mr. President, tomorrow, I have the privilege of cohosting a reception for the 1985 National Heritage Fellows honoring 12 master artists and artisans selected by the National Endowment for the Arts to receive this important honor.

I am proud to point out that one of the artists receiving this illustrious award is Mrs. Alice New Holy Blue Legs. Mrs. Blue Legs is from Pine Ridge, SD, and is renowned for the lost art of quillwork. We are especially proud of our cultural diversity in South Dakota and Mrs. Blue Legs embodies this diversity in her unique and rich art form.

Mr. President, I should also like to include a short biography of Mrs. Blue Legs which was prepared by the National Endowment for the Arts.

The biography follows:

ALICE NEW HOLY BLUE LEGS

According to the director of the Museum of the American Indian, "the art of porcupine quill decoration . . . is a singularly North American Indian craft practiced by no other people in the world." Before European explorers and settlers introduced trade beads to Native Americans, porcupine quills were a primary medium used in the decoration of clothing, horse trappings, and other artifacts among Woodland and Plains Indians, most especially the Lakota Sioux. Quillwork, however, is extremely complex, requiring not only the highest degree of painstaking skill and experience, but great patience, as well. Therefore, once trade beads became readily available, the faster, easier beadwork techniques rapidly replaced quillwork among the majority of Indian artisans.

In fact, quillwork has been rapidly becoming a lost art. The New Holy family of Lakota Sioux who live on the rolling prairie land of the Pine Ridge Sioux reservation is given much of the credit for the survival of the art form during the seventies and eighties. Among this family, Alice New Holy Blue Legs has done more than any other single person to maintain the ancient skills, to preserve the excellence of quillwork art, and to pass it on to others. She has taught her five daughters and her grand-daughters well, so well that not only her own work, but that of her daughters, is part of the permanent collection of the Smithsonian Institution.

Further, she has shared knowledge with members of other Indian tribes and non-Indians, as well through workshops, demonstrations, and school residencies in many states. She uses these occasions to communicate the cultural values of the Lakota people telling the ancient tales, discussing the native plants, on which she is considered to be a genuine authority, and transmitting her knowledge across cultural barriers. She plays an exemplary leadership role in the small community of Grass Creek on the Pine Ridge Reservation where she lives, especially demonstrating her concern for the education and welfare of the children. Overall, she is a source of pride to her people, and her art makes clear the shared values of industriousness, generosity, honesty, and wisdom which are the primary virtues of Sioux women.●

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

JOINT REFERRAL OF PRESIDENTIAL MESSAGE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Presidential Message, No. 76, dealing with South Africa, be jointly referred to the Committees on Banking and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT OF CALENDAR ITEMS

Mr. SIMPSON. Mr. President, I inquire of the Democratic leader if he is in a position to indefinitely postpone any or all of the following calendar items: Calendar No. 127, S. 1132, a bill to amend the Arms Control and Disarmament Act to authorize supplemental appropriations for the fiscal year 1985 and to authorize appropriations for the fiscal years 1986 and 1987, for the Arms Control and Disarmament Agency, and for other purposes; Calendar No. 154, H.R. 2456, an act to amend the Arms Control and Disarmament Act in order to increase the authorization of appropriations for the fiscal year 1985, to extend the authorization of appropriations for the fiscal years 1986 and 1987, and for other purposes; and Calendar No. 164, Senate Resoluton 161, a resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1132.

Mr. BYRD. Mr. President, there is no objection to proceeding as the distinguished assistant majority leader has indicated.

Mr. SIMPSON. Mr. President, with that I ask unanimous consent that the calendar items just identified be considered en bloc and indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF SPECIAL CHINA DELEGATION

Mr. SIMPSON. Mr. President, I send the enclosed resolution to the desk on behalf of Senator DOLE and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 220) authorizing the appointment of a special delegation to host a delegation of members of the Standing Committee of the National People's Congress of the People's Republic of China, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SIMPSON. Mr. President, I move for adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 220) was agreed to, as follows:

S. RES. 220

Resolved, That the President of the Senate, upon consultation with the Majority Leader and Minority Leader, is authorized to appoint a special delegation of Members of the Senate to host a delegation of members of the Standing Committee of the National People's Congress of the People's Republic of China. The Majority Leader and Minority Leader of the Senate shall serve as co-chairmen of such special delegation.

SEC. 2. (a) The expenses of the special delegation referred to in the first section, including expenses of staff members designated by the co-chairmen to assist such delegation, shall not exceed $50,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of such delegation.

(b) For purposes of subsection (a), the expenses of such delegation shall include such special expenses as the co-chairmen may deem appropriate, including reimbursements to any officer or agency of the Government for—

(1) expenses incurred on behalf of such delegation;

(2) compensation (including overtime) of employees officially detailed to such delegation; and

(3) expenses incurred in connection with providing appropriate hospitality, including such expenses incurred by the Secretary of the Senate before the date of adoption of this resolution.

(c) The Secretary of the Senate is authorized to advance funds to the co-chairmen of such delegation in the same manner provided for committees of the Senate under authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I inquire of the Democratic leader if he has any further business.

Mr. BYRD. Mr. President, I thank the distinguished majority whip.

ORDER TO HOLD SENATE RESOLUTION 219 AT THE DESK

Mr. BYRD. Mr. President, I ask unanimous consent that Senator KENNEDY's resolution Senate Resolution 219, introduced earlier today, be held at the desk until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

RECESS UNTIL 11 A.M.

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Thursday, September 12, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATORS COHEN AND PROXMIRE

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow, there be special orders in favor of the following Senators, for not to exceed 15 minutes each: Senator COHEN and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business tomorrow, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, on tomorrow, following routine morning business, the Senate will resume consideration of S. 1200, the Immigration Reform and Control Act.

I think it is obvious that rollcall votes could be expected throughout Thursday's session. I previously expressed to my colleagues what is anticipated there and what our anticipation is on that issue. But with that, I express that there will be rollcall votes throughout the day. It is hoped that, with progress and alacrity, perhaps there will not be a session on Friday, if we are able to dispose of the immigration issue, even at perhaps a later time tomorrow evening. That is subject to the will of the Senate.

CLOTURE MOTION VOTE AT 2:30 P.M.

Mr. SIMPSON. Mr. President, at this point I ask unanimous consent that the cloture vote on the motion to proceed to the conference report on the antiapartheid bill occur at 2:30 p.m. tomorrow and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M.

Mr. SIMPSON. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until the hour of 11 a.m., Thursday, September 12, 1985.

The motion was agreed to; and, at 5:44 p.m., the Senate recessed until Thursday, September 12, 1985, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1985:

THE JUDICIARY

Nicholas Tsoucalas, of New York, to be a judge of the U.S. Court of International Trade vice Nils A. Boe, retired.

Laurence H. Silberman, of the District of Columbia, to be U.S. circuit judge for the District of Columbia Circuit vice a new position created by Public Law 98-353, approved July 10, 1984.

Henry T. Wingate, of Mississippi, to be U.S. district judge for the southern district of Mississippi vice a new position created by Public Law 98-353, approved July 10, 1984.

Paul N. Brown, of Texas, to be U.S. district judge for the eastern district of Texas vice a new position created by Public Law 98-353, approved July 10, 1984.

Alan A. McDonald, of Washington, to be U.S. district judge for the eastern district of Washington vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF JUSTICE

Roy C. Hayes, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years vice Leonard R. Gilman, deceased.

IN THE AIR FORCE

The following-named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2, of the Constitution of the United States of America:

IN THE AIR FORCE

To be colonel

Lt. Col. Richard O. Covey, [redacted]

IN THE NAVY

The following-named chief warrant officers of the U.S. Navy for permanent promotion to the grades of chief warrant officer W-3 and chief warrant officer W-4, pursuant to title 10, United States Code, section 555, subject to qualifications therefor as provided by law:

Chief warrant officer W-4

Beyer, Donald Jacob, Jr.
Chenoweth, Wayne Grover
Clark, Charles Bennett
Clark, James Ward
Daharsh, Robert Edmond
Deberg, William Fredrick
Drajna, Fred Andrew
Elliott, Boyce Wise
Fowler, William Bennett
Gelardi, Lydia Charlotte
Gillespie, Robert
Hamilton, Wesley Elbert
Heck, Carl Henry
Hunt, John Anderson
James, Joseph David

Jones, William Joseph
Koch, Danny Dale
Koehn, Hubertus Julius
Langford, Thomas Ingersoll
Lanman, George William, Jr.
Laucella, Richard John
Mammen, Lesley Franklin
Mangel, Michael Eugene
Matzke, William August, Jr.
McAllister, Archibald A.
Meadows, John Randolph
Milan, Frederick Thomas
Mills, Dennon West
Monday, James Arthur, III
Murdoff, Gerald Donald
Nielsen, Robert Dalby
Risk, Jerry Dale
Sparks, Gerald Vernon
Steele, Terry Scott
Stimpson, Gerald Neil
Stuedemann, John Arthur
Tanner, Marvin Mason
Underwood, Foy Carlton
Waltemyer, Clyde Leverne, Jr.
Weeks, James Dale

Chief warrant officer W-3

Abshear, James David
Absher, Donald Richard
Akers, Charles A.
Alexander, Carl Thomas
Allen, Robert Eugene
Allred, John Edward
Altier, George R.
Andaya, Carlos Deguzman
Anderson, Mack L.
Argetsinger, Richard Harven
Argilan, John David
Armga, Charles Richard
Arnold, Gordon W.
Arnold, James Michael
Arnold, James Wilson
Auchey, Clair H.
Austin, William Jerry
Aydelott, Charles Robert
Ayre, Durward Calvert
Badnek, Joseph Steven
Bailey, Don Franklin
Bailey, James Johnston, III
Baker, Daniel W.
Baker, Jess K., Jr.
Baldwin, Patrick Lee
Ball, Gerald Wayne
Bancroft, Grove Kenneth
Barber, Charles Benjamin
Barbra, William Ronald
Barcus, William Allen, Jr.
Barker, Billy Larry
Barker, Forester NMN
Barnes, Lynn Edward
Bartlett, Francis Irving
Bartlow, Jack D.
Bautista, Rodolfo Ramos
Baylen, Teddy Orolfo
Bayne, Paul Howard
Beaty, David Louis
Becken, Bryan Asley
Bedford, Michael J.
Beier, Verdell F.
Benfer, Robert Jon
Bernardo, Carlos Gamba
Besser, Ronald N.
Binger, Danny L.
Bird, Melvin Charles, Jr.
Bishop, Donald Cleveland
Bishop, Henry A.
Bishop, Raymond Lewis
Blake, Robert E.
Blakely, Lamont E.
Blount, Karl Sturges
Boliek, Richard Larry
Bolla, John Carlton
Boswell, Homer J.
Bova, William David
Bowman, Jackie T.
Boyle, Joseph D.
Braccio, James R.
Brack, Edwin Davis
Bradley, George A.
Brashear, Billy Gene
Braxton, William Wayne
Brenneke, John S.
Brenner, Carl Arthur
Bridges, James Olsen
Bright, Michael Dale
Briglin, Joseph Robert
Brindle, William, A. J.
Brinkley, Roy Eldon
Bristol, Robert Gord
Britt, Dale Raymond
Brown, Mark Neal
Bruce, Wardee Roland, Jr.
Bryson, Robert Harlan
Bunker, Robert R., Jr.
Burnett, Thomas Robert
Buss, Larry C.
Butler, Eugene W.
Butler, Paul P.
Buttrum, Ronald Leroy
Byers, Harold Duane
Byrd, Wallace Jerome
Cabuco, Carlos J.
Caffarelli, Anthony Matthew
Calheim, Melfred D.
Callahan, Edward Thomas, Jr.
Callahan, Fredrick Norman
Campbell, William J.
Caplinger, Harold Deward
Carson, Jeffery Alan
Carter, Terry M.
Carter, William Marshal
Case, George Shelton
Casey, George Joseph
Cave, William Bernard
Celi, Andres Ponce
Chambers, James Thomas
Chapman, Thomas Escle
Chesnut, Harry William
Chesson, Terrence J.
Chester, George D.
Childers, David Paul
Chinery, Percy Harrison, III
Chiong, Mel Dagsaan
Chmelarsky, Joseph E.
Church, Doyle Richard
Church, James Edward
Churilo, Carl N.
Clark, Jimmy Cline
Clark, Stephen R.
Clemente, Philip Lawrence
Cleveland, Roy Lee
Clontz, Robert E.
Cloyd, Richard V.
Cochran, Jimmy Ray
Cochran, Paul Leroy
Cochran, Raymond Authur
Coffield, David R., Jr.
Cole, Danny Duane
Cole, Gordon D.
Coley, Brian Bernard
Collins, Daniel John
Concepcion, Edwin Sanchez
Conner, Marion R.
Conolly, Joseph Eugene
Cook, Clifford Thomas
Cope, Edward M.
Copes, George T.
Cordoza, Michael A.
Corliss, Albert L., Jr.
Corpuz, Danilo Velez
Correll, Dennis E.
Cox, Cecil Clay
Creed, David Lee
Cummings, Clyde C.
Cunningham, James Lamar
Curtis, Harry Atwell, Jr.
Cusumano, Joseph Peter
Davenport, Charles Alfred
Davis, Cecil Llewellyn
Davis, James Edgar
Davis, John William
Davis, Michael Austin
Dawkins, Max Reid
Dawson, Millard Esmond, III
Day, Dickie Jum
Decker, Jonathan L.
Derrick, Gary Lee
Derus, Richard NMN
Diaz, Robert Joseph
Dicanio, James Victor, Jr.
Dickenson, John Walt
Dickson, William Gerald
Diquollo, Carl NMN
Dixon, Frederick Russell
Dixon, Richard Allen
Dobbins, John William
Dodd, Charles R.
Donlon, James NMN
Dove, Ronald M.
Dronette, Eugene Joseph, Jr.
Duchesne, Ariel
Dunn, Thomas Robe, Jr.
Duport, George P.
Durham, Randall Eugene
Dyer, Lloyd D.
Edgar, Leonard James
Edwards, William Neal
Eggleton, William Wendell
Eichelberger, Cheyenne
Elchlepp, Beaudwyn Paul
Ellis, Roger Allen
Ellison, Stephen L.
Engelhard, Ward H., Jr.
Epperson, Donald Mar
Eskridge, John M.
Fabie, Marcelino Dacuycuy
Falco, Harry William
Fales, Harold L.
Faloon, Robert Daniel
Federer, Raymond F.
Federick, Albert G.
Fegarido, Virgil Charles
Ferreira, Robert William
Feuerlein, Peter C.
Finch, Gaylord Ross
Finch, Willliam Francis
Fine, David Lee
Fitch, John Adams
Fitzgerald, Dennis Clayton
Flannery, Michael Patrick
Fleischer, Douglas W.
Fletcher, James M.
Fletcher, Leslie Bernard
Flood, William Eugene
Flury, William Delbert
Flynn, Gary Elden
Ford, Joseph Curry
Ford, Ralph E.
Forthun, David Carlyle
Fowler, Ronald Lewis
France, Robert Lyle
Freeman, Andrew Louis
From, Roy A.
Frye, Dock H., Jr.
Fugate, Grover L.
Fulford, David William
Fyfe, Douglas J.
Gadsden, George Louis
Galanides, Antonio Mario
Gallegos, Paul G.
Gamble, Gary Lynn
Garcia, Patrick, Jr.
Gardner, Ronald H.
Garner, Carl Eugene
Garrett, Talmadge Co
Gasper, Manuel NMN J.
Geiling, Rex Walter
George, James G.
Gilbert, Phillip George
Gilchrist, William Robert
Gilles, Leonard Francis
Gilliland, Freddie Hugh
Gillip, Raymond Roger

Girouard, Francis Henry, Jr.
Glenn, Bedford Drennen
Glover, Clarence Buren
Gonzales, Gilbert Morris
Gore, Benny Dean
Gork, William James
Grant, Donald Lee
Grant, John I., Jr.
Gray, Frank W., Jr.
Gray, James Robert
Green, Barrett Arson
Greene, Theodore F.
Greenwood, Ernest L.
Greiner, Michael Leo
Grey, Robert P.
Griffin, Clyde Clemmon
Griffis, Gene D.
Groff, Francis M., Jr.
Guffey, Lloyd Leon
Gullett, John Nicholas, Jr.
Gumbayan, Gregorio Entese
Gunderman, George C.
Hacker, Paul David
Haley, Olen Clayton, Jr.
Halfkenny, James A.
Hall, Bertram Martin
Hallmark, William David
Halverson, Francis D.
Hamel, John P.
Hamilton, Marshall N.
Hammer, Charles Fran
Handley, David M.
Haney, Edward Patrick
Hanna, Rudolph Marlin
Harden, Lawrence Elliott
Hardin, Arnie E.
Harman, James Allen, Jr.
Harmon, Joseph Parker
Harper, Randolph Alan
Hart, James Abner
Hart, James H.
Hayden, Robert M.
Hayes, Robert Philmore
Haynes, Charles W.
Hayward, Russell Ernest
Heath, Robert McGuffey
Heidler, Edward J.
Heilman, Jack Arthur
Heiney, Charles E.
Helms, Frank E.
Herman, Charles Nelson
Hernden, Robert Lee
Herpin, Richard, Jr.
Hesketh, Gerald Harrison
Hestand, Edgar Barton
Hickman, Gene A.
Hicks, Gary A.
Hill, Richard Anthony
Hill, Richard D.
Hinton, Edward Lee
Hixon, Harold C.
Hodson, Robert L.
Hoffman, John R.
Holbrook, Jack NMN
Holt, Derrell L.
Houlette, James Franklin
Houston, Robert Edgar
Howes, Robert C., Jr.
Hubble, Lester Harold, Jr.
Hughes, Raymond B.
Hull, Larry G.
Humes, Edwin Francis
Hundley, John David
Hurley, Charles M.
Hutsell, Edward Sheridan
Hyde, Dave F.
Inglis, Merrill Warren
Ingram, James Roger
Iovanna, William R.
Irwin, Charles L.
Jackson, Auston Michael
Jackson, Carl C.
Jackson, Ronald Chavis
Jacobs, Elroy A.
Jacobs, Robert J.
Jenkins, Willie James
Johnson, John Wesley
Johnson, Lawrence Joseph
Johnson, Robert R.
Johnson, Theodore W.
Johnson, William M.
Jones, Bobby Lee
Jones, Frank E.
Jones, Gene R.
Jones, James H.
Jones, Johnny Lee
Jones, Johnny R.
Jones, Joseph Berdell
Jones, Kenneth B.
Jones, Robert Leslie
Jones, Ronny Gene
Jones, Tommy D.
Jordan, James Junior, Jr.
Julian, William H.
Kaullen, Perry W., Jr.
Kehr, Bruce Daniel
Keiser, James Harry
Keith, Wesley Loyal
Kelley, John Stephen
Kennedy, Barry
Key, James Dennis
Keys, Royd
Kimball, Raymond J.
Kiniston, Kalum Eugene
Kinshofer, George Herbert
Kirkpatrick, Larry Andrew
Kite, John Barry
Kretzschmar, Arno Anthony
Kury, Dennis M.
Kusowski, Edwin Thadeus
Lachance, Albert Henry
Lacko, John David
Ladow, Louis Peter
Laduke, Robert C.
Laffey, Thomas
Lamontagne, Michael
Lane, Donald Wayne
Lane, Stephen A.
Lang, Darrell Jon
Lang, Gary Leroy
Langhofer, Wayne D.
Larson, Raymond D.
Lasater, Eugene Royal
Laster, Roy Wayne
Laubach, Kenneth Hubbard
Lawson, Charles Eugene
Lawson, Shirley Wayn
Leasure, James Griffin
Lechler, Carl Gene
Lee, Richard David
Lefebvre, Andre
Leindecker, John Eric
Lenhart, Julius M.
Leong, Francis Ahuna
Lewis, Harry J, Jr.
Lewis, James Martin
Lichtenhan, Charles
Lidgett, Raymond I.
Little, James S.
Locklair, John L.
Long, John G.
Long, Lawrence Herert Edwar
Long, Thomas J.
Longmire, Gary G.
Lovin, Wallace T.
Luepkes, Michael D.
Lundgren, Marlowe K.
Lunsford, Jay William
Lusk, Sherman Hayes
Lyle, Austin Alexander
Lynch, Raymond Richard
Lynd, Robert Nmn
Lyon, Paul Dean
Lyon, Terrence E.
Madrid, John Anthony Jr.
Maes, Thomas Wayne
Mangel, Edward Leonard
Marks, Richard J.
Marlowe, William D.
Marshall, Dewey D.
Martin, Lawrence E.
Martin, Michael Patrick
Mathisen, Tim Ian
Matthews, Frederick Downing
Mattoon, Roland H.
Mattson, Kenneth L.
Maxaner, Bruce
McAllister, David Gow
McChesney, Adrian Morris
McCormick, Thomas F.
McCowan, Charles Fuller
McCurdy, Harold D.
McDonald, Bruce
McGhee, Harvey W.
McGhee, O, D.
McGlynn, Michael J.
McGrew, Ralph R.
McGuire, Albert C.
McGurr, Albert Francis
McKee, Keith Allen
McLaughlin, Otto W, J.
McNealy, John M, Jr.
McWane, Gilbert Joseph
Mebane, Edward L.
Medina, Genelito Valero
Mellis, Larry A.
Meredith, John Russell
Michalak, Michael J.
Micklich, Richard L.
Miller, Charles Kenn
Miller, Herman Earl
Miller, Hershel Morr
Miller, Ralph Fredrick
Milton, Charles Robert
Mobley, Ronald
Moffett, Martin Charles
Mohan, George Vincen
Montgomery, James Joseph Jr.
Moddy, Eugene Henry
Moody, Melvin
Moons, Gerald C.
Moore, Joseph M.
Moore, Paul Adrian
Moore, Robert Wesley
Morgan, Charles F.
Morris, Terry L.
Mott, Dale Albert
Mulder, George Kenneth
Mullins, Noah Thomas
Murphy, Larry R.
Nardone, Dennis C.
Nauta, Raleigh J.
Neal, Ronald Jerome
Neill, Stephen W.
Newman, Danny L.
Nichols, Leo Gordon
Niemann, Gerald Wayne
Nua, Maligi Agatonu
Ohalloran, Francis Edward
O'Hara, Robert Nathan
Olsen, Glen Sanders
Omlor, Francis A.
Orr, Charles W.
Ort, Don G.
Otto, Mark Henry
Owens, Raymond Wayne
Owens, Robert L.
Pacheco, George Nmn
Paddock, John M.
Paoletti, Michael James
Parmiter, Larry C.
Patterson, Dale J.
Paul, George David
Payne, Francis Harvey, Jr.
Pearson, Sherman Jimmy
Pelis, Thomas Fred
Pemberton, Larence Alphonzo
Penner, John E.
Pentecost, Steven Lynn
Peplinski, Dieter
Peters, Karl A.
Peterson, Philip Thor

Peterson, Scott E.
Petroni, David Lee
Piersawl, Michael R.
Pincek, William Robe
Pizarro, Florentino
Pochel, Dennis C.
Ponder, William Forrest
Posey, Donald Richard
Pottratz, Rodger A.
Pratt, Elwood Seth
Preston, Richard R.
Pricer, Robert B., Jr.
Priest, Charles R.
Priestley, Terrance Wayne
Proctor, James A.
Provost, Robert George Arnol
Pryor, Glenn Kenneth
Pryor, Wade Thomas
Putz, Hans Leopold
Rambo, Charles William
Rasbeary, James Adair, Jr.
Reagin, Albert Gene
Reeves, Christopher
Regan, Billy J.
Reiterman, Philip E.
Repak, George Edward
Reyes, Ponciano Legaspi
Rhodes, Roy M.
Rial, John Stephen
Rice, Robert Eugene
Richardson, Gary Lynn
Riddle, Jerry Arthur
Ridley, John David
Riley, Jerry R.
Ritter, Kenneth James
Roberts, Charles E.
Robinson, Tommy Leon
Roderick, Wallace Q.
Roe, Ronald Raymond
Rogalski, Walter Stanley, Jr.
Rogers, Norbert F., II
Ronquillo, Marcelino Espirit
Ross, Bobby J.
Ross, Louis Nmn
Rowe, John Martin
Russow, Claud Franklin
Ryan, Philip W., Jr.
Saffle, Sandra Lee
Saguinsin, Timoteo M.
Sale, James Eubank
Salonga, Cipriano Cruz
Sanders, John William
Savino, Oronzo Joseph
Schaeffer, Lester M.
Schell, Edward Gunnar
Schmidt, Keith Leon
Schmitt, Gerard J.
Schneider, Franz Christian
Schneider, Thomas A.
Schwab, Frederick Arnold
Schwintosky, Roger E.
Scott, Edward C.
Scott, John Lee
Scott, Richard Bryant
Scott, Richard Lee
Seaver, James R.
Seitzinger, John L.
Shanklin, Terry Wayne
Sharp, Floyd Gene
Shaw, George L.
Shaw, Harvey J.
Shawver, Michael T.
Sheets, Keith E.
Sherman, Cornelius Aller, II
Shields, Joseph Nathaniel, II
Shinkle, Leroy Kent
Shope, Merrill E., Jr.
Shotts, Gerald D., Jr.
Shoultz,Larry Donell
Siems, Roger W.
Sieruta, David William
Simmons, Donald B., Jr.
Simmons, Melvin E.
Simpson, Frank Lee
Simpson, Leonard W.
Skipper, William Herman
Sledge, Thomas E.
Solan, David
Smith, James Leroy
Smith, Leonard C.
Smith, Paul Reginald
Smythe, John Merton
Snook, John James Garfield
Snow, Carl W.
Sollis, James L.
Sommer, Robert James, Jr.
Soriano, Ezequiel Santos, Jr.
Spencer, Jerald Wilson
Spivey, Jimmy M.
Stallings, Jack Eugene
Stanfield, Clyde Ray
Stearns, Arnold L.
Stegner, Roland Luverne
Stephens, Richard James
Stephens, Wesley C., Jr.
Stith, Fred Eugene
Stokely, John W.
Strange, Jack Daniel
Strickland, McCoy Odum
Sutfin, Archie L.
Sykes, Joe Tom
Taijito, Juan M.
Tankersley, Billy Al
Tanner, Leonard C.
Tass, William D.
Tauschek, Raymond J.
Taylor, Glenn Edward
Taylor, James B.
Taylor, Richard D.
Teegarden, Dennis Dean
Tennis, Walter Frank
Thayer, Michael Wayne
Thomas, David Richard
Thomas, Juan Antonio
Thompson, Thomas, Jr.
Thorp, Donald Monroe
Threats, Fred NMN
Tigert, John A.
Tilton, William Earl
Tines, John Hilton
Tom, Daniel, Jr.
Torres, Joseph Henry
Toth, Robert J.
Towery, Travis W.
Trent, Richard H.
Trim, Terry Lee
Trotter, James W.
Trudell, Phillip D.
Tumaliuan, Anniano T.
Turner, Norris Edward
Udell, Robert J.
Vanausdal, William R.
Vannostrand, Cliffor
Vargas, Kenneth Lee
Velez, Ernesto NMN J.
Veliz, Jose, Jr.
Vigil, John Gene, Jr.
Vinson, Thurman Lavier
Vogan, Francis John, Jr.
Wagner, Thomas Gerald
Waite, Robert Alan
Waits, John David
Wakida, Donald Mitsuru
Walden, James Edward
Waldron, Elliott M.S.
Walker, Charles Allen
Wallen, Ramon G.
Wandel, Lawrence Paul
Ward, Joseph E.
Watkins William Ray
Watson, David NMN
Wendorff, Alfred D.
West, Joseph A.
Westermeyer, Edward James
Weurding, Robert B.
Whitaker, Larry Howard
Whitefield, John E.
Whitman, Robert P., Jr.
Whitney, William Colin
Whittingham, James D.
Wicks, Walter Henry, III
Wilbur, Donald Richard
Williams, Ernest J.
Williams, Glenn Earl
Williams, James Huber
Williams, Jerry Keith
Williams, Luther Otis
Williams, Thomas K.
Wilson, James Douglas
Wilson, Kathleen Marie
Wilson, Wayne Allen
Windham, James H.
Wise, Orville G., Jr.
Wood, Ronald Lee
Woodruff, Ronald Rudolph
Woolf, Vaughn S.
Worthen, Thomas Lee
Yamashita, Thomas Shigeru
Yoder, David E.
Young, Dennis Carl, Jr.
Young, Douglas Q.
Yu, Fernando V.
Yusis, Edward Nmn
Zambrano, Ernesto Mangadang
Ziegenbein, Alva V.
Zimpher, James C.
Zupinski, Edwin Frank

HOUSE OF REPRESENTATIVES—*Wednesday, September 11, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember, O God, those people whose good deeds and service to others are known only to the few but whose acts of charity are motivated by genuine compassion and concern. In Your divine understanding, gracious God, we acknowledge that You encourage us to do justice not so our names will be known, but rather that healing and righteousness will take place. In the silence of our own hearts we honor those saints, whose names are known to You, for their good works and for their devotion to making our homes and communities places of peace and good will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerk's, announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 31) "Joint resolution to designate the week of November 24 through November 30, 1985, as 'National Family Week'."

THE REPUBLICANS' $2 TRILLION DEBT

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, U.S. News & World Report, a magazine not known for its liberalism, points out this week that before the Republicans took over in 1981, our Nation's entire 205-year history had produced a $1 trillion debt.

But later this month, in 1985, President Reagan is going to ask Congress to approve a $2 trillion debt. That's right, after campaigning in 1980 on a platform of fiscal responsibility, the Republicans started buying $600 toilet seats and allowing the rich corporations to pay no taxes. The result? A $2 trillion debt that America's young people will have to pay.

There's even an excellent chart here to illustrate how the Republicans have doubled the debt in 5 short years.

How much is 2 trillion? U.S. News says that "2 trillion $1 bills placed end-to-end would stretch 186 million miles—from the Earth to the Sun and back."

That's a pretty long way, Mr. Speaker, but not nearly as far as the Republicans and their corporate welfare queens will have to go in explaining this one to the voters in 1986.

OFFSHORE OIL EXPLORATION NEGOTIATIONS

(Mr. PACKARD asked and was given permission to address the House for 1 minute.)

Mr. PACKARD. Mr. Speaker, yesterday, talks broke down between Secretary Hodel and the California Members—after 6 weeks of difficult and often controversial negotiations on offshore oil exploration. The Members left the room angry and disappointed.

The dispute centered around a preliminary agreement negotiated last July. It called for leasing 150 tracts off of California. Secretary Hodel claimed the tracts offered very low potential, and thus are worthless to the oil industry. He wants better tracts.

The majority of the California delegation wants the Secretary to honor the preliminary agreement. Neither side was in the mood to budge and the agreement fell apart.

Now that the heat of yesterday has subsided, cooler heads must prevail. We are all responsible legislators and the long-term need for agreement still exists.

I call on Mr. Hodel to present immediately what he wants and for the California delegation to return to the bargaining table. In the meantime, the moratorium ought to be extended until consensus is reached.

ADMINISTRATION SHOULD BE WORKING ON SUBSTANTIVE ISSUES IN GENEVA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday the President told the visiting Danish Prime Minister that the upcoming summit should be a "starting point for better relations—a starting point for progress." No one could disagree with that. But the other things this administration has been saying raise doubt about whether they are interested in a meeting of substance.

Every day, it seems, we are warned not to expect much from Geneva. The State Department never mentions the summit without cautioning against optimism in the same breath. Yesterday, the President himself made a point of minimizing hopes.

If this is the subtle and delicate language of diplomacy, fine. But my worry is that both sides are becoming more concerned with public relations than with the substantive issue, which is nothing less than human survival.

Our statements and actions should make that clear. As the gentleman from Maine [Mr. MITCHELL] has suggested, we should be working on the "essential elements" of an arms control agreement with the Soviets. I hope the President will do just that.

THE KIDNAPING OF PRESIDENT DUARTE'S DAUGHTER

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I and I am sure all of my colleagues were shocked and saddened to hear about the kidnaping of President Jose Napoleon Duarte's daughter yesterday in El Salvador. We do not know who did it, but we know that whoever did, is despicable and has committed an extreme act of terrorism which we all condemn.

I am sure all of my colleagues join me in extending our sympathy and best wishes and hopes for the recovery of Jose Napoleon Duarte's daughter unharmed.

When President Duarte was here a little over a year ago, he told us that he was willing to endure anything including risking his own life, for democracy in El Salvador. What happened yesterday shows that indeed that is what can happen when you take the kind of risks that he has taken.

So, Mr. Speaker, I ask all of my colleagues to join me in extending sympathy and best wishes to him, and for continued wishes for success in a very difficult job.

HON. SONNY MONTGOMERY RECIPIENT OF THE MENDEL RIVERS' AWARD OF EXCELLENCE

(Mr. NICHOLS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I know our colleagues would be interested to know that our distinguished colleague from Mississippi, the Honorable G.V. (SONNY) MONTGOMERY, had been named by the Noncommissioned Officers' Association as the 1985 recipient of the prestigious Mendel Rivers' Award of Excellence.

This award is made annually honoring a Member for his service in behalf of the men and women in our military service, and certainly our friend from Mississippi, the very able chairman of the House Committee on Veterans' Affairs, is most deserving of this honor.

During Sonny's 19 years of dedicated service in the Congress, he has been a strong champion of providing educational opportunities for men and women in the military service, and his efforts in this field have been very helpful to recruitment and retention in all branches of the service.

Sonny's long time concern for our missing in action in Vietnam and Indochina, together with his dedication supporting our National Guard and Reserve forces, entitles him to receive this outstanding award, and I know his many friends on the floor of the House want to join me in extending our sincere congratulations.

Mr. DANIEL. Will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

□ 1210

Mr. DANIEL. Mr. Speaker, this is a terribly important statement the gentleman from Alabama is making, because it tells us something about a man who has done so well in his life in so many fields. And yet he takes the time to do the little things that affect so dramatically our enlisted personnel in the service. This is a trait that more of us ought to have. I wish I had more of it. The finest thing you can say about SONNY MONTGOMERY, particularly in the South, is that he is a true southern gentleman. He looks like a Congressman, he acts like a Congressman, and he is a credit to the body.

I thank the gentleman for yielding.

CONRAIL

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, the question recurs: What should the U.S. Congress do about Conrail?

The administration proposes, pursuant to its duty, to sell the system to Norfolk, an existing railway system, for $1.2 billion.

There are many of us who can prove conclusively that that is a very inexpensive price to place upon such a worthy asset. We prefer, many of us—and we wish we could impress our colleagues to the same extent—that the system ought to be put up for a public offering. This would have two guaranteed elements: First, it would produce, without question, more than the $1.2 billion now in the picture, and thus would help our revenue picture just that much more; and second, it would guarantee the continued existence of Conrail and its management as we now know it, which we know is a profitable, workmanlike operation in its present circumstance.

That is why I am asking all of the Members to look very closely at the proposed sale as now constituted. We owe our taxpayers more than just the automatic adoption of the sale to Norfolk.

THE NATIONAL DEBT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the gentleman from California started out this morning by talking about the national debt, how the President has now asked us to double it. Reagan started with a $1 trillion debt and now he's driven it to $2 trillion.

I think it is very important to break the debt down even further and show what this means to every individual American. What this means is every American today portion of the debt is $7,736 per every man, woman, and child.

As we go around, crowing about our wonderful gross national product, let us not forget that 50 percent of that gross national product is on the cuff, it is because of this debt, whereas in 1981, when the administration took over, the debt was 34 percent of the GNP. That is a phenomenal increase.

But the projections as to what we are going to have to pay in interest on this national debt are phenomenal, $138 billion in interest payments will be required next year.

Somebody is going to have to pay. The debt is going to come due eventually. And I think it is incredible that a President that campaigned saying that they were really fiscally responsible have turned out to be the most fiscally irresponsible in the history of the country.

THE KIDNAPING OF INES GUADELUPE DUARTE DURAN

(Mr. BARNES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNES. Mr. Speaker, I am about to introduce a resolution condemning the kidnaping of Ines Guadelupe Duarte Duran, the daughter of the President of El Salvador, Jose Napoleon Duarte. This is an outrageous act. As was said by my friend and colleague from California just a few minutes ago, we have no idea who did it, but whoever did it has engaged in a dispicable action that cannot be justified in any way, under any circumstances.

At 2 o'clock this afternoon I will convene a meeting of the subcommittee that I have the privilege to chair, the Subcommittee on Western Hemisphere Affairs. I hope that we will unanimously report out the resolution that my friend from California, the ranking Republican, Mr. LAGOMARSINO, has agreed to cosponsor. We hope to move this resolution quickly on a bipartisan basis. I know that all Democrats and all Republicans will want to join us in calling upon those responsible for this kidnaping to release the President's daughter unharmed and to desist in engaging in this kind of reprehensible action.

SAY IT AIN'T SO

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, without in any way diminishing the problems of trade, unemployment or the debt, this today is a brief cry for something I do not even believe the Congress can solve.

Last night I watched, again, baseball players, who have been giving evidence and therefore are free from prosecution, about dealing with and taking drugs. None of these players exhibited much remorse, nor have I heard from baseball owners that they would somehow unite to make sure this cannot happen again, nor from the players' organization. This kind of thing has got to stop. We are not talking about poor farm boys or ghetto youths who are unemployed. We are talking about people who make $300,000 a year, who, for our children, are the models and examples.

Can you imagine my hero, Stan Musial, shooting it up, or maybe Bob Gibson saying, "It was a tough day, therefore I am going to take some pills."

In 1919, a little kid said, "Say it ain't so, Joe." I can only ask today the baseball teams again: Please say it won't be so.

UNFAIR FOREIGN TRADE PRACTICES

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, like the historic figure of Emperor Nero fiddling away while Rome burned, the United States is still fiddling around the edges of a problem which burns at the very heart of the American economic base. Unfair foreign trade practices combine with an administration policy of ignoring those inequities to daily rob Americans of jobs and erode the mining and manufacturing base of the Nation. Our policy seems to be to promote mining and manufacturing jobs everywhere except here on good U.S. soil.

Mr. Speaker, there is a broad gulf-wide difference between protectionism and trade reciprocity. Protectionism implies the artificial support of inefficient operations. Trade reciprocity implies equal and fair treatment of products on the international market.

It is time, Mr. Speaker, for the United States to tell our major trading partners that we will no longer tolerate imbalances in trade restrictions, tariffs, and quotas, that we are prepared to match them item by item, commodity by commodity, until everyone comes to their senses and balance is restored.

Only then will we have real and free and fair trade. And in that kind of economic environment, Americans can compete against anyone in the world.

NEVER MIND THE PROBLEMS WITH CHEMICAL WEAPONS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, this House will soon face another vote on chemical weapons.

Two months ago, the House tentatively approved the production of new nerve gas weapons with two important conditions: First, that a 2-year deadline be set to give the arms control negotiations in Geneva a chance; and second, that we borrow the estimated $20 billion that new nerve gas weapons will cost if our closest NATO allies agree to accept them.

As I predicted at that time, the conference stripped those important conditions from the House bill and left a naked commitment to nerve gas.

Never mind that without our allies' approval, these weapons will not get within 3,000 miles of where they would be needed. Never mind the $20 billion added to the deficit. Never mind three GAO reports stating that the weapons proposed are not ready for production.

The GAO says they won't work, our allies say they won't deploy them, and I say we cannot afford them. Let's reject the conference's open endorsement of chemical weapons.

OPERATION TIGER: A TRIBUTE

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, today I would like to pay tribute to 749 American soldiers who lost their lives during Exercise Tiger, a secret preparatory operation for the Normandy invasion during World War II.

During this operation, the U.S. 4th Infantry Division losses were numbered at approximately 749 men and many more were wounded.

The Allied Military Command did little to recognize those individuals who participated. Few people have heard of this tragedy some 41 years later.

Mr. Speaker, a memorial was recently erected to honor these men who lost their lives in the line of duty. The memorial, which stands in Torcross, was not established by a military authority, but by a distinguished gentleman from England. Yesterday I had the privilege of meeting this gentleman. Mr. Ken Small of Torcross in Devon County, England, pursued, at his own expense, the idea of establishing a memorial for over 10 years. On November 9, 1984, Mr. Small's dream became a reality. On that day his memorial to those who served in the operation was dedicated.

I, personally, am proud of Mr. Small's actions and hope others will recognize his efforts to pay tribute to those who served in Operation Tiger, those fallen soliders.

SERVITE ORDER MARKS 700TH ANNIVERSARY; SERVITE FATHER LAWRENCE JENCO HELD HOSTAGE IN LEBANON

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, on Sunday, August 25, members of the Order of Servants of Mary in the Catholic Archdiocese of Chicago met to celebrate the 700th anniversary of the death of St. Philip Benizi, an early leader of the order, known as Servites.

The Servites have been in the Chicago area for 111 years. The order has 10 religious communities in the Chicago Archdiocese and staffs 7 parishes.

Conspicuously absent from the celebrations was Father Lawrence Jenco, a Servite priest from Joliet, IL. Father Jenco has been held hostage in Lebanon since January 8, 247 days. Not a missionary nor an evangelist, Father Jenco was the head of Catholic Relief Services in Beirut when he was kidnaped. To get his help there was only one qualification—that you be in need of help.

Today also marks the 544th day of captivity for William Buckley, a U.S. Foreign Service officer.

Rev. Benjamin Weir, a Presbyterian minister, has been held hostage in Lebanon for 491 days.

Terry Anderson, the Associated Press bureau chief in Beirut, was kidnaped March 16, 179 days ago.

Today is the 106th day of captivity for David Jacobsen, the director of the American University Hospital in Beirut.

Today is the 93d day of captivity of Thomas Sutherland, dean of the American University Agriculture School.

Today also marks the 281st day since the disappearance of Peter Kilburn, the American University librarian.

Mr. Speaker, the hostage crisis in Lebanon continues.

AMERICAN AGRICULTURE

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, as you are aware, the ranches and growers of our country are on the ropes. The farm economy is in shambles; the deficit has driven the dollar so high that the most efficient producer in the world, the American farmer, has been driven from world markets and into foreclosure.

If any situation demands leadership, the exercise of the bully pulpit, the President's attention and his concern, it would be the condition of American agriculture.

And what does our President engage his advisers' valuable time? And how are the unique and irreplaceable leadership qualities of the Presidency brought to bear on this crisis? The answer can be found on the pages of the style section of the Washington Post. In those pages, I learned that Patrick Buchanan has spent his valuable time arranging an Amtrak train to carry Merle Haggard and his band from Bakersfield, CA, to Illinois.

Now, I am not a cynic. I believe that Merle and Willie Nelson and Neil Young, and other country stars, are properly trying to highlight our greatest domestic crisis. But let us get the President and his hired sages working on farm policy. Time is short, Mr. Speaker, and the President should set Mr. Buchanan to work today on a speech on agricultural policy that will point the way out of this morass rather than having him acting as a train ticket agent on a rail passenger system he has tried to terminate.

We can all enjoy the music when this administration decides that it has a governmental role to play other than associating itself with good causes.

IMMIGRATION REFORM

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, yesterday, the Judiciary Committee began hearings again on the issue of immigration reform, and again the legislation it is considering, H.R. 3080, includes amnesty for illegal aliens. There is no doubt that the American people want immigration reform and there is no doubt they want to see an end to the problem of illegal immigration. But there is one more important thing, Mr. Speaker, the American people do not want amnesty for illegal aliens or any lawbreakers. For those Members of this body that can't bring themselves to supporting H.R. 3080, there is an alternative, H.R. 2267, a bill I introduced in April of this year. This legislation does not contain amnesty for illegal aliens, but does include substantial increases in manpower for the INS and employer sanctions. I invite my colleagues to take a close look at H.R. 2267. It is time to regain control of America's borders.

□ 1225

WE MUST MAINTAIN A NETWORK OF AMERICAN FAMILY FARMS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, this week about 150 North Dakotans came to Washington, DC. They met with many Members of the House and Senate and visited with the Speaker of the House to talk about the farm problem that is creating chaos in the central part of our country.

One of them, a friend of mine, a farmer and a State legislator, Representative Allen Richards, left something with us and I read it last evening. I wanted to share a couple of paragraphs with the House because it describes in real terms what is going on out in the country. He talks about the economic devastation out in rural America. He says:

In my township, in 1980, there were 12 farmers; now there are 7. Only one retired. On the main street of my hometown, which has 1,000 people, there are 4 businesses which have closed in the last 4 years, and 3 more are on the brink.

My legislative district has 25 townships and 5 communities. Five years ago, there were 4 new car dealers; now there are 3. Five years ago, there were 4 farm tractor dealers; now there are 2. Five years ago, there were nearly 20 percent more farmers than there are today, and in 1986 there will be 10 percent less than there are today.

The point of all of this is that he says, the group that came from North Dakota says, quite appropriately, "This country had better start developing a policy that many of our allies have already developed. A policy that says it is important for this country's future to maintain a network of family farms." Our farm program does not now have that policy, and we had better get about the business of developing it. We can do it without spending a great deal of money if we spend that money the right way.

IN TRIBUTE TO JUDGE VELDE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, in the closing days of our August recess—as a matter of fact, on September 1—a former distinguished Member of this body passed away. He happened to be my predecessor in the Congress, Judge Harold Velde, who served during the 81st 82d, 83d, and 84th Congresses. It was Judge Velde who gave me my start in politics because my first position here in Washington was serving as his administrative assistant.

I was asked by the family then, for memorial services held in Pekin, IL, last Saturday, to deliver a eulogy. Mr. Speaker, I include the text of that eulogy for the RECORD. Thank you.

EULOGY OF HON. HAROLD H. VELDE

Dolores, Pete, Joyce, Joan and Jim, I'm deeply touched and honored that you asked me to deliver a eulogy for your husband and father, Judge Velde.

Aside from my parents and wife, no one has played a more pivotal role in my life than the Judge, for it was he who gave me my start in politics 37 years ago.

Dolores, I suspect you may recall as I do very vividly the first time I met the Judge, because you were the Court reporter then and participated in the interview that led to my being hired, fresh out of Bradley, as a sort of "Boy Friday" or general handy man for the Judge's first general election campaign.

At the conclusion of the interview, the Judge seemed to be favorably disposed and said: "We're running our campaign on a shoestring and we can't pay you very much, but if you do a good job and I get elected, you may want to think about coming along to Washington and we can talk again about the pay."

Then in a very apologetic way, he said: "But as for now we can only pay you $30 a week."

Well, needless to say, we saw more in the association and the opportunity than in the salary. We shook hands and that was the beginning of what would become a very close relationship, kinship and friendship.

I also got to know Pete and Joan, who were just teenagers then and their mother, Olive, with whom I had to go over the mail and check the scheduling. It was a family affair. As a matter of fact when the Judge and I first went to Washington, we actually shared an apartment with our wives.

For the record, we could never forget the Judge's birthday, because it fell on April Fool's Day, and we would always make the most of that. He was a Tazewell County boy all the way and liked to talk about his early years in Manito and Sand Prairie Township.

Those were his formative years and they had a great deal to do with his makeup as a man.

We often compared notes about our respective years at Bradley University. From there he went on to graduate from Northwestern and then Law School at the University of Illinois.

The Judge began the practice of law right here in Pekin. During World War II he served in the Army Signal Corps before being tabbed for service as a special agent with the FBI.

It was his counter-intelligence work with the FBI that alerted him to the depth and magnitude of the Communist Conspiracy in our country at the time. The built-up frustrations of observing and reporting first hand knowledge to his superiors of what was really going on and seeing so little done about it would later be one of the compelling reasons for his running for Congress.

Between his service in the FBI and the U.S. House of Representatives he was elected Tazewell County judge and I know he really enjoyed sitting as a judge, for he loved the law.

When the late Everett Dirksen decided against running for reelection to the Congress, it was a natural for Judge Velde to make the race. First a spirited Primary and then a successful fall election.

It was during the next 8 years as the Judge's Administrative Assistant that I got to know him so well and learned so much.

He was a delight to work for. He had a great sense of humor. He worked long hours, but he also knew when it was time to hang it up—take a break—and have a little fun.

He was a bonafide conservative Republican in his politics. It was natural, therefore, that his best friends in the Congress on both sides of the aisle were of similar persuasion. He carried no brief for screaming liberals and they were usually his most caustic critics.

The Judge was indeed at times a very controversial figure during his tenure in the House. And he was that because there were controversial issues at stake.

Repeal of the Taft-Hartley Labor Act was a red-hot issue at the time and one of the Judge's Committee assignments was the Education and Labor Committee, that dealt with it.

The Korean War was going on and the firing of General MacArthur provoked the greatest volume of mail we ever received.

The Judge had a meteoric rise in seniority on his House Committee on Un-American Activities, being elevated to the Chairmanship in only his second term. That was unprecedented!

It was on that Committee with the advent of televised coverage of committee hearings and the tenor of the times that made Judge Velde a national figure.

He didn't crave the spotlight. He just had a nasty job to do and it had to be done. The pressures and tensions of his job at the time were awesome. Yet, he acquitted himself so well with his mild mannered demeanor and judicial temperament.

There's no question in my mind that with all that he had to endure in those hectic days, it was taking its toll and certainly was a factor in his decision not to seek reelection after completing his fourth term.

Judge Velde went to Congress with a specific goal in mind—to expose to public view and attention what he rightly perceived as a clear and present danger to the security of our country. He played a very vital role at a critical time in our history.

We all should be grateful for what he did in his time to make this a better country. His was indeed distinguished service to the Republic. And when he retired voluntarily from the Congress, he went back to practicing law for another twenty years.

When he really retired he became all that much more active in his church and in Sun City, Arizona politics. He also served on the White House Conference on Aging.

As a matter of fact, his own Congressman, Eldon Rudd, told me Thursday on the House Floor that the Judge's precinct had the highest percentage of voter turnout in the State of Arizona in the last several elections.

Dolores, Pete, Joan, members of the family.

We've traversed very briefly with a lot of gaps the life of the Judge—who was a loving, devoted, strong, but gentle, good natured, wonderful husband, Dad, grandfather, dear friend to all of us and much, much more to some of us.

It's a sorrowful time for us because we all loved the Judge and we know he loved us. 75 years in this day and age is too young to die, particularly when one is so sound of mind and physically fit for his years as the Judge was, but we can never tell what the Lord's plan is for any one of us.

We do know that Hal, Harold Judge Velde lived those 75 years to the fullest. He always gave a full measure to his family, to his friends, to his community, and to his country.

Judge, we now say our farewell, grateful that you were so much a part of our lives. That will always be a cherished memory for each and every one of us.

NOW, MORE THAN EVER, WE NEED A STRONG SECRETARY OF AGRICULTURE

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, the Nation's farm credit system is on the verge of total collapse. The reason is simple: Farm income is not sufficient to permit farmers to pay their debts. In many commodities, farm prices are significantly below the cost of production, leaving farmers with little to live on and nothing with which to pay their bills.

This crisis can no longer be considered temporary or cyclical. It is chronic and systemic, and will be terminal unless properly treated. We need a trade policy that looks out for our interests. The Reagan administration has adopted a policy of unilateral disarmament in trade. We need a credit structure sensitive and flexible enough to recognize the difference between a farmer struggling through an economic crisis and a common deadbeat who willingly walks away from his bills.

Now, more than ever, we need a strong Secretary of Agriculture who is bold and imaginative and vocal and willing to make policy instead of excuses.

SUPPLY SIDE SUFFER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, we have heard the statistics which pat the administration on the back because the poverty level is down, but the President cannot claim credit for this. It is the House Members who stood up for Social Security COLA's and rescued this country's seniors from poverty which accounts for the reduction that is really not actually true.

Figures just announced by the Census Bureau show that the poorest 40 percent of all families enjoy just 15 percent of all income. The richest 20 percent of all families enjoy 43 percent of all income. The rich get richer, the poor get poorer, and we have a new economic theory in America: It is called Supply Side Suffer.

We have an administration which merely slaps on the wrist E.F. Hutton officials for perpetrating a major fraud on the American people, but is content to watch the farmer and people lose their jobs and homes by practicing ineffective trade policies. We have yet to attack poverty and unemployment. There are at this point 3.3 million more poor children in America than there were a short 6 years ago. So today, my colleagues, I would like to give my own definition of the economic practices of America. They are called Supply Side Suffer.

THE BEHAVIOR OF THE SOUTH AFRICAN GOVERNMENT DOES NOT WARRANT A WEAKENING OF SANCTIONS

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I have been puzzled that some people have seen a question of partisanship in the generally negative approach many of us have had to the President's effort to preempt the statutory enactment of sanctions by his own action. In the first place, the President's sanctions are, in some significant areas, weaker than those that are pending before the Congress. Many of us do not feel that the recent behavior of the South African Government is such that it should be rewarded by a weakening of sanctions.

But there is a broader institutional issue at stake as well. Traditionally, Presidents of the United States, out of a respect for democracy and the institutional strength of this country have sought to get joint legislative executive alignment behind important foreign policy arguments. Presidents of both parties have sought to do that.

Here we have the extraordinary spectacle of a President saying to a Congress, instead of us joining together so that both of the elected branches are united here, I will act unilaterally and keep you from acting. That is a reversal of what we have traditionally held to be the best way to present a united picture of America.

LET US NOT FAIL THE HOSTAGE FAMILIES IN THIS MOMENT OF NEED

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, once again I rise to call the attention of our colleagues to the plight of seven Americans who have for so long been held hostages in Lebanon.

Now, more than ever, the families of these hostages are working together, sharing their efforts and their energies to explore every possible hope of ending this said captivity.

I urge my colleagues to join in this effort. I am convinced that if the full influence and prestige of this body and its many Members was brought to bear, we would soon be welcoming the hostages home.

I have never met the Reverend Benjamin Weir, but I have come to know and love his family. They want their father and their husband to be free. The Weir's are brave people, but there is a limit to their endurance.

Let us end their ordeal, and the ordeal of the other families.

The hostage families want to know that their Government and this Congress stands with them. Let us not fail them in this moment of need.

THE PRESIDENT'S SO-CALLED SANCTIONS

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, once again President Reagan has misread the handwriting on the wall and has declined an opportunity to take the side of Americans who stand for the principles upon which our great Nation was founded. Rather than joining with the majority of the House and Senate in issuing concrete sanctions against the racist South African apartheid regime, the President has announced his own so-called sanctions in an attempt to sidestep a congressional veto override and to buy time

for his failed policy of constructive engagement.

Even Mr. Reagan's advisers agree with administration critics who say that the President's proposals would have no significant effect upon the South African economy. Mr. Reagan has only succeeded in giving lipservice to the intent of legislation which was worked out by the House-Senate conference committee while creating a series of conditions, preconditions, and other loopholes which virtually assure the continued impotence of our Nation's southern Africa policies. Mr. Reagan's so-called sanctions call for no immediate or substantial change in our relationship with South Africa. They are merely an attempt to deflect criticism from the most tyrannical regime since Adolf Hitler's Third Reich. As a Member of Congress who has fought throughout my life for justice, equality, and opportunity for all people, I find Mr. Reagan's position to be dishonest and repugnant.

I warn our distinguished Senate colleagues and the American people not to be fooled by the President's "wolf in sheep's clothing" approach to South African apartheid. I sincerely hope that the Senate will go ahead with our efforts to align the United States of America with those people throughout the world who sincerely support the cause of democracy and self-determination for South Africa's black majority by passing the conference committee's bill.

□ 1235

SKEPTICISM ABOUT THE PRESIDENT'S STEPS ON APARTHEID AND TRADE

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the President's recent pronouncements on apartheid and trade have been greeted with wide skepticism by proponents in both parties of action on these two vital fronts. The source of the skepticism is clear.

The President has moved in each case, not out of choice, but because of current pressures from Congress and the American public. Whatever one may have thought of the results, the President's first term was characterized by action. The first months of the President's second term have been characterized by reaction.

As American industries have lost ground before the onslaught of subsidized imports, it has been necessary to push the President to get off the dime. As South Africa's minority has imprisoned or shot hundreds of its black majority, the President has moved only when he faced the cliff's edge of a vetoproof congressional majority.

That is why we are not, and should not, be willing to rely on executive actions or orders alone. They do not spring from clear commitment. Congress must act legislatively in each case to be certain that appropriate steps are fully and effectively taken.

CONFUSION OVER CONFERENCE REPORT ON ANTI-APARTHEID ACT

(Mr. GRAY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY of Pennsylvania. Mr. Speaker and colleagues, I rise because there is some confusion that is being raised by those who are questioning the sincerity of those who support the Anti-Apartheid Act and the bipartisan coalition with regard to the conference report on the Anti-Apartheid Act.

Let it be known now that it is not a problem of the Democrats versus the Republicans. It is a question of what does America stand for—its values, its principles—and that should not be a partisan issue. That is why this House, by a vote of 380 to 40, voted for the conference report to impose modest but realistic restrictions on our economic activity with the apartheid regime of Pretoria.

I urge the other body not to be fooled by the political diversionary tactics of the White House to avoid any real restrictions, but to support bipartisanly the anti-apartheid conferance report.

I urge the other body today to vote for full legislative action and send the right signal to Pretoria, not the good news that the President announced, which is good for Pretoria but bad for the victims in Soweto.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 99-263) on the resolution (H. Res. 262) providing for the consideration of the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2266, AMTRAK AUTHORIZATION, FISCAL YEARS 1986 AND 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 99-264) on the resolution (H. Res. 263) providing for the consideration of the bill (H.R. 2266) authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a commission to study the financial status of Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3244, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1986

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That during the consideration of the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 4 through page 3, line 8; beginning on page 4, line 8 through page 5, line 7; beginning on page 6, lines 16 through 20; beginning on page 14, line 18 through page 15, line 9; beginning on page 16, lines 4 through 19; beginning on page 18, line 10 through page 19, line 20; beginning on page 19, line 23 through page 20, line 10; beginning on page 21, lines 16 through 19; beginning on page 21, line 23 through page 23, line 7; beginning on page 24, line 3 through page 26, line 5; beginning on page 26, line 19 through page 27, line 9; beginning on page 30, lines 7 through 16; beginning on page 31, line 20 through page 32, line 5; beginning on page 32, line 12 through page 33, line 16; beginning on page 34, lines 1 through 8; beginning on page 37, lines 14 through 17; and beginning on page 40, line 1 through page 46, line 7; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 of rule XXI are hereby waived: beginning on page 2, line 4 through page 3, line 8; beginning on page 4, line 8 through page 5, line 7; beginning on page 16, lines 4 through 19; beginning on page 19, lines 3 through 20; beginning on page 24, line 3 through page 26, line 5; beginning on page 26, line 19 through page 27, line 5; beginning on page 31, line 20 through page 32, line 5; beginning on page 40, lines 6 through 12; and beginning on page 41, line 1 through page 42, line 4. It shall be in order to consider the following amendments: (1) an amendment printed in the Congressional Record of September 10, 1985, by, and if offered by, Representative Coughlin of Pennsylvania, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; (2) an amendment printed in the Congressional Record of September 10, 1985, by, and if offered by, Representative Lewis of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; and (3) an amendment printed in the Congres-

sional Record of September 10, 1985, by, and if offered by, Representative Waxman of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 261 is a rule waiving points of order during the consideration of the bill, H.R. 3244, the Department of Transportation appropriation for fiscal year 1986.

Mr. Speaker, the rule does not provide for the bill's consideration since general appropriation bills are privileged under the Rules of the House. Provisions relating to time for general debate are also excluded from the rule. Customarily, general debate is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to consideration of the bill.

Mr. Speaker, House Resolution 261 waives clause 2 of rule 21, which prohibits unauthorized appropriations and legislative provisions in general appropriation bills, against specified provisions of the bill. House Resolution 261 also waives clause 6 of rule 21, which prohibits reappropriations or transfers in general appropriation bills, against specified provisions in the bill. Mr. Speaker, the specified provisions of the bill which have been protected by these waivers are detailed in the rule, by reference to page and line of the transportation appropriation bill. These waivers are necessary for some of the provisions because, while authorizing legislation for the programs involved are under consideration in the legislative process, they have not yet been enacted, and because a number of paragraphs contain legislative provisions.

House Resolution 261 also makes in order the following amendments printed in the CONGRESSIONAL RECORD of September 10, 1985: An amendment offered by the gentleman from Pennsylvania [Mr. COUGHLIN], an amendment offered by the gentleman from California [Mr. LEWIS], and an amendment offered by the gentleman from California [Mr. WAXMAN]. The rule waives all points of order against consideration of the amendments for failure to comply with the provisions of clause 2 of rule 21, which, as I stated earlier, prohibits unauthorzed appropriations and legislative provisions in general appropriation bills.

Mr. Speaker, H.R. 3244 appropriates $11.1 billion in new budget authority for the Department of Transportation and related agencies for fiscal year 1986. The main provisions in the bill are in title I which provides a total of $10.5 billion in funding for the Department of Transportation. Title I appropriates $2.5 billion in new budget authority to the U.S. Coast Guard, $4 billion to the Federal Aviation Administration, $82 million for the Federal Highway Administration, $723 million for the Federal Railroad Administration, and $3 billion for the Urban Mass Transportation Administration.

Title II of the bill provides $554 million in new budget authority for transportation-related agencies. This includes appropriations of $48 million for the Interstate, Commerce Commission and $428 million for the Panama Canal Commission.

Mr. Speaker, H.R. 3244 would provide funding for our Nation's transportation system that is essential to commerce, industry, and a healthy economy. This is an important measure that is vital to the Federal Government and to the American people. I urge my colleagues to adopt House Resolution 261.

□ 1245

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. Just by starting consideration of this rule the House has already progressed further on the Department of Transportation appropriation bill this year than it did last year.

Last year, the Rules Committee reported one rule, then went back and reported a second rule, and neither of the two rules was ever called up on the floor. The problem was that the authorizing committee and the appropriation committee did not agree on either procedure.

Mr. Speaker, this rule is similar to other rules reported for other general appropriation bills. It waives points of order because many of the appropriations in this bill are not yet authorized, and because there are provisions in this bill which constitute legislation on an appropriation bill. In addition there are some transfers of funds which could be knocked out on a point of order if not protected.

Besides providing the usual waivers requested by the committee, this rule makes in order three additional amendments and waives points of order to allow their consideration.

First, the amendment by the gentleman from Pennsylvania [Mr. COUGHLIN] deals with the Wastway project in New York City.

Second, the amendment by the gentleman from California [Mr. LEWIS] deals with two demonstration projects in California.

And third, the amendment by the gentleman from California [Mr. WAXMAN] deals with the construction of the Los Angeles Metro rail subway system.

At this point, Mr. Speaker, I insert the stated reasons for the committee's requested waivers, as follows:

TITLE I—DEPARTMENT OF TRANSPORTATION

The appropriations for Office of the Secretary, salaries and expenses, and Coast Guard, operating expenses, may technically be subject to a point of order since they contain transfers of funds.

The appropriation for Coast Guard, reserve training, is not yet authorized. The necessary authorization for this appropriation is contained in S. 1160, the conference report for which is pending in the House.

The Federal Highway Administration, limitation on general operating expenses, language under highway beautification, and appropriations for railroad-highway crossings demonstration projects and Baltimore-Washington Parkway may technically be subject to a point of order.

The Federal Highway Administration appropriations for the airport highway demonstration project and the rail line consolidation project may technically be subject to points of order since the authorizing legislation for these appropriations has not been enacted and they contain transfers of funds. Authorization for these items is pending in the Public Works and Transportation Committee.

Part of the appropriation for National Highway Traffic Safety Administration, operations and research, is not authorized. The necessary authorization for this appropriation is pending in the Energy and Commerce Committee.

The appropriations for Federal Railroad Administration, railroad safety and redeemable preference shares are not authorized. The authorizations for these appropriations are contained in H.R. 2372, which passed the House on September 5, 1985. Of these, the appropriation for redeemable preference shares contains a transfer of funds.

The appropriation for Grants to the National Railroad Passenger Corporation is not authorized. Authorizing legislation for this appropriation is contained in H.R. 2266 which was reported by the Energy and Commerce Committee on May 23, 1985. This appropriation also contains a transfer of funds.

The Federal Railroad Administration appropriations for rail service assistance and Conrail commuter transition assistance may technically be subject to a point of order.

Part of the appropriation for Research and Special Programs Administration, research and special programs, is not authorized. The authorization for this item has been reported by the Public Works and Transportation, Energy and Commerce, and Judiciary Committees.

TITLE II—RELATED AGENCIES

The appropriation for Interstate Commerce Commission, salaries and expenses, may technically be subject to a point of order since it includes a transfer of funds.

The appropriations for Panama Canal Commission, operating expenses and capital outlay, are not authorized. Authorization for these items is contained in H.R. 1784, which passed the House on May 14, 1985.

The appropriation for United States Railway Association, administrative expenses, is not authorized.

In addition, certain sections in title III of the bill, General Provisions, may be subject to a point of order. Specifically, section 311 and sections 316 through 325 are of interest to several Members.

Mr. Speaker, there was one other amendment, sought by the gentleman from New Jersey [Mr. SAXTON] which should have been made in order, but failed to get in by a vote of 4 to 5. It would have provided for a reduction of $30 million for a railroad line in New Jersey.

Mr. Speaker, if this House is serious about ever reducing the deficit, we must have greater reductions in expenditures than appear in this appropriation bill.

Mr. Speaker, I have no requests for time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RONALD V. DELLUMS, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. MURPHY) laid before the House the following communication from Hon. RONALD V. DELLUMS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 1985.

Hon. THOMAS P. O'NEILL,
Speaker of the House, Office of the Speaker, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the Superior Court of the District of Columbia. After consultation with the General Counsel to the Clerk, I will inform you of the determinations as required by the House Rule.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, and that I be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1986

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. COUGHLIN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Indiana [Mr. SHARP] as Chairman of the Committee of the Whole and requests the gentleman from Massachusetts [Mr. MOAKLEY] to assume the chair temporarily.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3244, with Mr. MOAKLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman for Florida [Mr. LEHMAN] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we submit for your consideration and for the consideration of the Committee of the Whole the bill, H.R. 3244, making appropriations for the Department of Transportation and related agencies for fiscal year 1986.

Before I get into the details of this particular bill, I first want to express my appreciation to the Members who serve on the transportation appropriations subcommittee. The gentleman from Minnesota [Mr. SABO], the gentleman from Pennsylvania [Mr. GRAY], the gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from New York [Mr. MRAZEK], all provided insight and perspective during the 3-month indepth review we gave to Federal transportation programs and policies during our hearing process. It is a real pleasure to serve with them. The subcommittee minority members have been equally diligent. The gentleman from Massachusetts [Mr. CONTE], the gentleman from Michigan [Mr. PURSELL], and the gentleman from Virginia [Mr. WOLF], all are to be commended for the spirit of cooperation they have displayed and the commitment they have shown to developing a safe and effective transportation system for this Nation. I want to make special mention of the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], who has spent long hours in committee hearings and has displayed a broad knowledge of our transportation programs and policies. I pay tribute to his knowledge and dedication, and I want him to know of my great appreciation for his sound judgment and cooperation. We have tried to work as a team on this bill, rather than on a partisan basis. And I think that has been to the benefit of this country.

Mr. Chairman, in preparation for this bill the committee developed a hearing record contained in eight volumes amounting to 7,273 pages. Testimony was received from more than 240 witnesses including 29 Members of Congress.

The committee, I believe, has carefully reviewed the programs of the Department of Transportation and related agencies, and is recommending what we consider to be sufficient funds in light of current budgetary constraints to enable these agencies to help meet the requirements of our Nation's transportation system.

SUMMARY OF THE BILL

Mr. Chairman, the bill before you totals $26,544,587,569—of which approximately $11.14 billion is new budget authority and $15.41 billion is liquidating cash.

In addition, the bill places limitations on contract authority obligations for various programs totaling over $16.18 billion.

The bill provides for approximately 110,000 permanent positions for the agencies funded in the bill. This is slightly fewer than in fiscal year 1985 and includes 38,728 military positions for the Coast Guard, 48,002 positions for the FAA, and 5,793 civilian positions for the Coast Guard.

Mr. Chairman, in terms of new budget authority, the bill is $537.2 million, or 4.6 percent below the fiscal year 1985 level.

BUDGET RESOLUTION TARGET

I think the Members would also be interested to know that the bill as reported by the full Appropriations Committee is about $19 million under our section 302(b) allocation. With regard to just discretionary authority, we are about $200,000 below our section 302(b) allocation. As the Members know, under the Budget Act, the Budget Committee provides a lump sum allocation to the Appropriations

Committee pursuant to section 302(a) and the Appropriations Committee then subdivides that among its 13 subcommittees. Our target for discretionary budget authority that was provided to us by the Committee on Appropriations is $10.75 billion and we are within that amount.

SELECTED MAJOR RECOMMENDATIONS

With respect to the major funding recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. The major bill highlights are as follows:

First, the appropriation of $2,449,000,000 for urban mass transportation formula grants, the same as the fiscal year 1985 appropriation;

Second, a provision providing for obligations of not to exceed $13,800,000,000 for Federal-aid highways;

Third, the appropriation of $2,679,600,000 for operations of the Federal Aviation Administration, $49,670,000 less than the budget request;

Fourth, the appropriation of $1,785,200,000, including funds derived by transfer, for operating expenses of the Coast Guard;

Fifth, a total of $616,000,000 including funds derived by transfer, for Amtrak grants;

Sixth, a provision providing for obligations of not to exceed $1,100,000,000 for the discretionary grant program of the Urban Mass Transportation Administration;

Seventh, the appropriation of $1,059,000,000 for facilities and equipment of the Federal Aviation Administration;

Eighth, a provision providing for obligations of not to exceed $1,000,000,000 for airport development and planning grants;

Ninth, the appropriation of $267,300,000 for the capital acquisition, construction, and improvement programs of the Coast Guard;

Tenth, the appropriation of $190,000,000 for the research, engineering, and development activities of the Federal Aviation Administration;

Eleventh, an increase of $38,700,000 over the budget for certain railroad-highway crossings demonstration projects; and

Twelfth, the appropriation of $250,000,000 for transit projects substituted for interstate highway segments.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for the Office of the Secretary of Transportation, the bill provides a total of $89,500,000—an increase of $33.8 million from the current level and $31.947 million above the budget. The bulk of this increase is for continuation of essential air service subsidies, which the administration proposed to eliminate. In addition, office-by-office statutory dollar breakdowns are specified in the bill for the Office of the Secretary.

COAST GUARD

With respect to the Coast Guard, the committee recommends a total program level of $2,511,622,000—which is $79.6 million below the fiscal year 1985 program level. This decrease is composed almost entirely of reductions in the Coast Guard's acquisition, construction, and improvements capital account. The committee believes such reductions are reasonable in light of the large, unexpected amounts appropriated for this activity in Defense Appropriation Acts over the last several years and the large unobligated balance of over $550 million in this account. Excluding AC&I, the bill reflects more than a $33 million increase in Coast Guard program levels between fiscal years 1985 and 1986.

The committee believes this level provides for a balanced program with emphasis on maritime law enforcement—especially drug interdiction; national defense commitments; search and rescue capabilities; dependability and safety of Coast Guard ships, boats, aircraft, and shore facilities; and the welfare and safety needs of Coast Guard personnel. We believe that this level will support a reasonable level of Coast Guard requirements for fiscal year 1986.

For Coast Guard operating expenses, the bill provides a program level of $1.785 billion for fiscal year 1986. In addition, $15 million is expected to carry over from previous appropriations and another $15 million is designated for transfer from the Navy to the Coast Guard in the 1986 defense authorization conference report. This would bring the total amount available for fiscal year 1986 Coast Guard operating expenses to $1,815,200,000—which is $46.6 million more than the amount provided in fiscal year 1985.

The bill would also provide that not less than $325 million of the operating expenses appropriation be available for drug interdiction activities. This is the first time we have carried such a provision, but it is in keeping with the committee's strong commitment to adequately funding such activities.

The operating expense funding level of $1.785 billion will support 37,051 military positions and 4,655 civilian positions. These levels are 469 military and 70 civilian positions above the budget request. The additional $15 million in the pending 1986 Defense Authorization Act would support an additional 500 military positions. Included in the recommended increase is $5 million and 150 military positions for the continued operation of all Great Lakes stations that were proposed to be closed or "seasonalized" by the administration.

For acquisition, construction, and improvements, we are recommending $267.3 million. This is comprised of $93.8 million for vessel acquisitions and improvements; $37 million for aircraft; $64.3 million for shore facilities; $18.3 million for aids to navigation; $28.4 million for command, control and communications, and related systems; and $25.5 million for administration, planning, and design.

The bill also includes $7.195 million to alter or remove bridges that are unreasonable obstructions to waterborne commerce, and $23 million for research, development, test, and evaluation.

The sum of $351.8 million is provided for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 24,298 personnel on the retired rolls.

For reserve training, the full budget request of $61.502 million is recommended. This will provide for a ready reserve of 17,800 including a selected reserve of 12,500.

For the State Recreational Boating Safety Assistance Program, we recommend an appropriation of $13.625 million. This is the same as last year's level.

The bill also contains appropriations of $1 million each for the deepwater port liability fund and the offshore oil pollution compensation fund.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program of $5,040,400,000 for fiscal year 1986. This is $260,461,500 less than the enacted fiscal year 1985 level, and $166,048,000 less than the budget request. This level will provide sufficient funds to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

For FAA operations, the committee recommends appropriations of $2.744 billion, including $64.4 million for headquarters administration. This represents an increase of $52.5 million over the fiscal year 1985 level of $2,691,500,000. This would provide for 44.965 positions including 19,551 controllers, supervisors and support personnel for centers and towers, and 4,603 flight service station personnel.

According to FAA testimony, the air traffic control system resumed handling 1981 traffic levels in April 1984. Since then, significantly higher levels have been handled. The FAA is currently staffed at about 92 percent of its goal of 11,285 operational controllers for terminals and centers. The shortfall is mainly in the centers, which are continuing to use high levels of overtime to compensate for shortages in experienced controllers. The FAA testified that it is "shooting for" attaining 100 percent of its goal by the end of fiscal year 1985. New controller staffing goals for 1985 will

be set by the FAA later this month. The FAA administrator has testified that a complement of 11,285 operational controllers "will be adequate to handle the projected traffic." We have based our budget recommendation on that assurance.

With regard to controller training, the committee has expressed concern in the report accompanying this bill about the fact that as of April about 69 percent of the FAA's controllers were "full performance level qualified." This compares to about 82 percent immediately prior to the strike. The FAA Administrator testified that he intended to reach the 82-percent figure in 1987—with interim goals of 72 percent in September 1985, and 76 percent in 1986. The committee recognizes that attaining these goals will take time, and that any shortcuts in such training could be counterproductive. Attaining these training levels has to come primarily from on-the-job experience. However, options do exist to increase the experience level of the controller work force on a short term basis, such as hiring reemployed annuitants, which the committee has directed the FAA Administrator to plan for on a contingency basis. If the FAA reports to us that additional flexibility is desirable, we will consider any necessary supplemental request.

Moving on to trust fund contributions, of the $2.744 billion provided for FAA operating expenses in fiscal year 1986, the bill specifies that $644 million, or 23.5 percent of the total, be derived from the airport and airway trust fund.

For facilities and equipment, the bill contains $1.059 billion for fiscal year 1986. This is a decrease of $299 million from the fiscal year 1985 level of $1.358 billion and is also $87.5 million below the budget request. The major reductions in this account include deletions of $13.3 million for three new turboprop aircraft, $12.75 million for construction and field site preparation for the advanced automation system, $19.2 million for various tower projects, and $5 million to begin a Loran-C navigation system.

With respect to the NAS plan, the committee has been generally satisfied with the FAA's progress in its implementation. However, we have concerns about several managerial aspects of this program, and we plan to continue to maintain close oversight of this plan throughout its implementation. Of particular concern to the committee is the FAA's ability to: First, minimize program slippages that now show up in about 30 percent of NAS plan project schedules; second, prevent large cost overruns; and third, achieve the large number of facility consolidations that will be required. We also have specific concerns about the host computer, advance automation system, and weather radar procurements that are described in the accompanying report.

With respect to FAA research, engineering, and development, the committee recommends $190 million, which is a decrease of $7.925 million from the budget request.

The bill also includes a $1 billion obligation limitation on airport development and planning grants. This is the highest funding level ever provided for this program.

The Airport and Airway Development Act of 1982 specifically provides that "the safe operation of the airport and airway system will continue to be the highest aviation priority." And it further provides that "all airport and airway programs should be administered consistent with the section of the FAA Act which specifies the assignment and maintenance of safety as the highest priority in air commerce * * *." Therefore, I believe that safety is to be the highest priority in the administration of the airport improvement program.

The bill also includes $35.4 million for the operation and maintenance of metropolitan Washington airports, and $12 million for construction projects at those airports.

The committee has also reduced the FAA's authority to borrow from the Treasury to pay defaulted aircraft purchase loans from $125 million to $10 million. Testimony indicates that the FAA has paid approximately $153 million a result of defaulted loans. The committee is alarmed at the extent of these defaults and believes that the requested borrowing authority of $125 million for fiscal year 1986 would offer virtually no incentive for the parties invloved to employ options, such as rolling over the loan or extending the payment time, to attempt to work out a potential default. The committee, therefore, has reduced the amount of borrowing authority to $10,000,000. If this is insufficient, the committee, of course, would consider a supplemental request for the payment of loan defaults.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill provides for a total fiscal year 1986 program level of $15.054 billion in highway aid. This includes a limitation of Federal-aid highway contract authority obligations of $13.8 billion. The total FHWA program level is $767.8 million more than the budget request and almost $696 million more than that provided in fiscal year 1985.

The bill provides a total of $204.5 million for FHWA administrative expenses, an increase of $739 thousand from the budget request. Included in this amount is $5 million to support a minority business bonding demonstration program. The committee expects the FHWA to implement this program without further delay.

The bill also contains an appropriation of $38.7 million for railroad-highway crossings demonstration projects in six different cities.

A $10 million limitation on highway-related safety grants is also contained in the bill for fiscal year 1986, the same as the budget request, and an appropriation of $8.5 million is recommended for highway safety research and development, which is the same as last year's level.

The committee recommends funds for four additional items not in the budget request: $2.75 million for an airport-highway demonstration project, $5 million for a rail line consolidation demonstration project, $6.5 million for reconstruction of a section of the Baltimore-Washington Parkway, and a provision extending the availability of highway beautification funds.

The committee also recommends continuing the motor carrier safety grant program at $14 million, which is the current rate, and providing $13.9 million for the operations and research of the bureau of motor carrier safety.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes $89.365 million for operations and research. This is $8.736 million less than the program level proposed in the budget request, and $7.823 million more than the fiscal year 1985 level.

The bill also reserves $10 million of this appropriation to initiate a 3-year pilot project to implement the recommendations contained in the National Academy of Science's report Injury in America. The committee is hopeful that the research recommendations in that report can produce larger payoffs in the injury-related research work currently funded by the NHTSA.

The committee also recommends a limitation on obligations for the State and Community Highway Safety Grant Program of $126.5 million—the same as the current rate.

For the Alcohol Safety Incentive Grants Program, we have established a limitation on obligations of $28.8 million in fiscal year 1986. This corresponds to NHTSA's estimate of fiscal year 1986 obligations for this program.

For safety education and information grants, we have established a combined fiscal year 1983, 1984, 1985, and 1986 obligation limitation of $5 million. The committee expects to assess the results of past and ongoing media campaigns before it will recommend additional funding for such purposes.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include $28 million for rail

safety, $11.2 million for research and development, $20.2 million for rail service assistance, $35.5 million for the redeemable preference share program (including $5.5 million by transfer), and $10 million for Conrail commuter transition assistance.

For Amtrak, we are recommending the sum of $616 million (including $15 million derived by transfer). Of course, the President proposed deleting all Amtrak funds. The amount we are recommending is a 10-percent reduction from last year's level. We expect that all existing routes and services will be maintained at this funding level—including section 403(b) and 403(d) service under the existing funding formulas. Bill language is also included continuing the statutory conditions for rehabilitating and operating a new route between Philadelphia and Atlantic City, and establishing a 60-percent Federal match for the Westside connector project in New York City.

In addition, the bill includes $12.5 million for Northeast corridor capital improvements. This sum will be of direct benefit to Amtrak.

URBAN MASS TRANSPORTATION ADMINISTRATION

For the Urban Mass Transportation Administration, the committee recommends a total program level of $4,108,603,000 for fiscal year 1986. This is $2,731,198,000 more than the budget request, but $42,897,000 less than the enacted fiscal year 1985 level.

Under the Formula Grant Program, the committee recommends an appropriation of $2,449,500,000, which is the same as the fiscal year 1985 level. The administration proposed the elimination of this appropriation for fiscal year 1986. The committee's recommendation would provide operating assistance in accordance with the formulas established in the Surface Transportation Assistance Act of 1982 which was signed by the President on January 6, 1983.

The bill also includes language limiting obligations for transit discretionary grants to $1.1 billion. This amount corresponds to the authorized level in the Surface Transportation Assistance Act of 1982. The committee report also makes various allocations under the discretionary grant program.

The bill includes $250 million for transit projects that have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds will be distributed as stated in the committee report.

The bill would also appropriate $250 million under the so-called Stark-Harris authorization to continue construction of the Washington Metrorail system.

The bill provides $59.1 million for research and administrative expenses of UMTA.

Under the general provisions title of the bill, letters of intent are mandated for three new start rail transit projects, authorization is provided for the reallocation of certain section 5 funds apportioned in fiscal years 1982 and 1983, a directive is given to UMTA to reapportion lapsing section 5 funds, and authorization is provided for the use of certain UMTA funds for construction management activities.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill limits the administrative expenses of the St. Lawrence Seaway Development Corporation to $1.890 million, $52,000 less than the budget request.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

For the Research and Special Programs Administration, the bill contains $19.4 million, $500,000 more than the fiscal year 1985 level.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes an appropriation of $27,950,000. This is $258,000 more than the budget request.

TITLE II—RELATED AGENCIES

Title II of the bill contains $554,127,569 in new buget authority for six transportation-related agencies and commissions. This is $20,939,000 below the cumulative budget requests, and $56,593,376 below last year's level.

More specifically, the committee is recommending $2 million for the Architectural and Transportation Barriers Compliance Board, $22,400,000 for the National Transportation Safety Board, a total of $50.48 million for the Interstate Commerce Commission, $427.784 million for the Panama Canal Commission, $2.1 million for the United States Railway Association, and $51,663,569 for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

Mr. Chairman, last, I would inform the Members that at the appropriate time I plan to offer an amendment to reduce the amounts in the bill by $1 billion to bring the bill more in line with congressional efforts to reduce the deficit. I will explain my amendment in detail during the reading of the bill.

□ 1300

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3244, the fiscal year 1986 transportation appropriations bill. The bill provides, as the chairman has pointed out, more than $11 billion in new budget authority, which is an increase of $3 billion over the $7.8 billion requested in the budget. However, the amount is $537 million less than the amounts enacted to date for similar activities in fiscal year 1985. So it is very fair to say that this bill is a freeze at last year's levels and is certainly not a budget buster. It is a freeze.

There are $15 billion recommended to liquidate contract authorizations, and $16 billion are recommended to limit obligations on contract authority programs.

I might say that it is a tremendous pleasure for me to have the opportunity to work with Chairman BILL LEHMAN, who is a friend and who knows the transportation field like he knows the back of his hand. Certainly there is no more fair and compassionate Member in this body, and also no better salesman, I might add, and no better advocate for transportation.

With other subcommittee members, such as SILVIO CONTE, CARL PURSELL, FRANK WOLF, MARTY SABO, BILL GRAY, BOB CARR, DICK DURBIN, and BOB MRAZEK, it is a treat to be associated with such an illustrious group. My thanks go as well to the staff who worked on this bill, Jeff Jacobs and Kenny Kraft for the minority, Tom Kingfield, Greg Dahlberg, Lucy Hand, Linda Muir, and Janet Oakley for the majority.

Chairman LEHMAN has already explained what is in the bill, so I will not go into great detail to repeat what he has said.

I might say that this is a tremendously important bill, however. It does indeed provide the funding for critical programs for highways across this great Nation of ours, for all airports and airways, for the Coast Guard and waterways, for Amtrak and for mass transit.

Let me say, as I have said so often in the past, that the Federal Government has assumed a responsibility for transportation that is historic. Going back indeed to the days of the Roman Empire and before, federal governments have always assumed responsibility for providing transportation between communities.

These are the ties that bind our great land, allow our people the ability to move from place to place, provides the mobility for which Americans are so famous, and, indeed, bring this land together.

Mr. Chairman, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

(By unanimous consent, Mr. JONES of North Carolina was allowed to speak out of order.)

THE TITANIC MARITIME MEMORIAL ACT OF 1985

Mr. JONES of North Carolina. Mr. Chairman, I am today introducing a bill to designate the shipwreck of the ocean liner, the *Titanic*, as a maritime memorial to the men and women who were aboard when she sank on April 14, 1912. This bill is intended to pro-

tect the wreckage, which is of national and international historical, scientific, and cultural signficance.

The *Titanic* was the largest, most luxurious oceanliner of its time. She was considered invincible when, on her maiden voyage, an iceberg cut a 300-foot gash below the water line. Although more than 700 passengers were saved, well over twice that number perished. This major maritime disaster resulted in improved vessel safety regulations.

The wreckage of the *Titanic* lies off the coast of Newfoundland, in international waters. It is well preserved in the cold, anoxic North Atlantic waters, 2.5 miles below the ocean's surface. The ocean environment in which the *Titanic* rests provides a unique opportunity for scientists to conduct deep ocean scientific research and exploration. Through well-planned, collaborative research efforts, much can be learned about the processes of corrosion and preservation at the depths of the sea floor. This knowledge could result in better understanding of whether the deep ocean may be the proper environment for other ocean activities.

An objective of this bill is to ensure that the *Titanic* is maintained intact, where she rests on the sea floor, while the National Oceanic and Atmospheric Administration [NOAA] establishes national guidelines for conducting research on, and exploration and salvage of the wreckage.

Because the *Titanic* was originally owned and insured by British firms, sank off the coast of Canada, in international waters, was discovered through the collaborative efforts of an American expedition and a French expedition, and is the gravesite of men and women from several different nations of the world, the shipwreck is of international significance. Therefore, this bill directs the United States to negotiate with Great Britain, France, Canada, and other interested nations to establish an international agreement which will protect the scientific and cultural significance of the *Titanic*. This agreement shall be consistent with the guidelines promulgated by NOAA.

In 1975, NOAA designated the Monitor National Marine Sanctuary to protect the shipwreck of the U.S.S. *Monitor* off the coast of North Carolina. Together with the National Trust for Historic Preservation, NOAA convened a national conference to develop a structured research program to document, map and survey the shipwreck. Since then a master plan has been designed to govern activities related to the shipwreck. Research is being carried out in a highly productive manner. The experience with the U.S.S. *Monitor* demonstrates the importance of a carefully planned research effort, and could serve as a model for activities relating to the shipwreck *Titanic*.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I would ask if the gentleman from Florida would engage in a colloquy with me.

Mr. LEHMAN of Florida. Yes, if the gentleman will yield.

Mr. WISE. As the gentleman may know, I have been active in trying to promote the increased use of methanol as a transportation fuel in automobiles and buses. In this regard, I have been working with officials of my regional transportation district [KRT] in Charleston, WV, to put together a mass transit demonstration program employing methanol buses. KRT's intent would be to analyze the performance of this fleet in operations maintenance, and other characteristics to see if methanol is indeed the way to go. Is it the committee's intention that the funding under the appropriation for the Urban Mass Transportation Administration can be used for just this sort of purpose?

Mr. LEHMAN of Florida. Yes, the gentleman is correct. Funding under the research, training, and human resources, the formula grants, and the discretionary grants programs may be used for just the sort of purpose that you indicate.

Mr. WISE. Is it the committee's intent that the Department of Transportation should be encouraged to look favorably on UMTA grant proposals that deal with the development of methanol bus fleets?

Mr. LEHMAN of Florida. The committee certainly feels that the Department of Transportation should give these applications a high priority. Methanol development has been a high priority of the gentleman from West Virginia, and I can understand his desire to see it grow. I would encourage the gentleman from West Virginia to pursue with the Department his desire to expand the use of methanol-powered buses, and am glad to assist him in this regard.

Mr. WISE. Mr. Chairman, I thank the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Florida.

I would ask the Chairman, the gentleman from Florida, his subcommittee has been very supportive of aviation airports and I want to thank the gentleman and also the ranking minority member and all of the members for that support. I think it is very important for economic growth.

During the hearings with the FAA this year, the need for a glide slope at the Ardmore Industrial Airport was discussed. I visited with Mr. CARR. He has been down in that area also.

As the gentleman knows, the addition of a glide slope to the localizer equipment at Ardmore would provide this particular area with a needed complete instrument landing system, which is very much needed.

The use of Ardmore's landing site for both private and military aircraft continues to rise due in large part to its prime location between Dallas and Oklahoma City and its runways in that area.

Would the chairman agree that it is the intent of the committee that the FAA continue to work with the city of Ardmore in meeting the pending request for a glide slope at the Ardmore Industrial Airport?

Mr. LEHMAN of Florida. Yes. I would hope that the FAA would work closely with Ardmore and make every effort to look seriously at the glide slope request and move forward on it in the future.

I want to commend the gentleman for bringing this up.

I visited with his constitutents from the city of Ardmore yesterday. I enjoyed the meeting with them and if the gentleman keeps working as hard as he has with this committee, this will not be the Ardmore Industrial Airport. This will be the Ardmore International Airport.

Mr. WATKINS. I will relay that back down there.

I want to thank the chairman for concurring and I want to thank the ranking minority member and the entire committee and Mr. CARR for taking some precious time to come to my area and to be there at the Ardmore Airport and seeing the potential for a high unemployment, low per capita area, strategically located between Dallas and Oklahoma City and the great potential it has if we can actually provide the structure; so again, I thank the chairman.

Mr. PORTER. Mr. Chairman, I would like to commend my colleagues on H.R. 3244, the Department of Transportation appropriations for fiscal year 1986, which is below last year's level and has been brought into conformity with the budget resolution. The committee has exhibited significant restraint in the struggle to deal with our staggering deficits.

I also applaud my colleagues on the Transportation Subcommittee for accomplishing this while at the same time preserving adequate Coast Guard protection for the recreational and commercial users of the Great Lakes.

Earlier this year, the OMB directed the Coast Guard to cut $5 million from the Guard's operating expenses and mandated that all of these cuts be made in the Great Lakes region. The Coast Guard responded

with a plan to close down a number of stations and manning others during the summer months only.

It was obvious to all that this would have greatly increased the rescue response time in many parts of the Great Lakes. On Lake Michigan, the planned closure of the Chicago Air Station in Glenview, IL, would have largely eliminated all airborne rescue services from southern Lake Michigan. The planned closure of Chicago Air Station was announced only days after the station's helicopters conducted a dramatic rescue of fishermen locked in ice off Waukegan harbor.

I applaud the committee's efforts in bringing this bill under last year's level without cutting life-saving services vital to those who use the Great Lakes.

Mr. STOKES. Mr. Chairman. I rise in strong support of H.R. 3244, the Fiscal Year 1986 Department of Transportation Appropriations Act and I wish to commend Chairman BILL LEHMAN, the ranking minority member, LARRY COUGHLIN, and the other members of the Appropriations Subcommittee on Transportation for their fine work in developing this bill.

I especially applaud the work of the members of the subcommittee in recognition of the importance of maintaining our Nation's transportation systems, which are essential to maintaining the quality of life for our Nation's citizens. In many of our urban areas, such as the Cleveland metropolitan area, the availability of Federal assistance is especially critical to correcting safety and traffic problems caused by rapidly deteriorating roads and bridges. H.R. 3244, which includes appropriations totaling $55.4 million for interstate substitute transfer grants for highway and transit projects in the Cleveland metropolitan area., Will go a long way toward helping our region maintain a high quality of public transportation services. The funds provided in this bill will also help to fulfill the Federal commitment made to Ohio in 1979, when Cleveland relinquished funds for a 7.9-mile segment of Interstate I490 because of other highway and transit needs were more important to the maintenance of Cleveland's transportation system. These interstate substitute investments were then, and remain today, vital to Ohio's economy. Six years later, however, Ohio has received less than 43 percent of the substitute highway funds and only 27 percent of the substitute transit funds committed when the initial agreement was approved.

Mr. Chairman, the Cleveland metropolitan area has a strong record of utilizing Federal transportation dollars in a wise and effective manner. The projects which will be funded utilizing the resources provided in H.R. 3244 entail the reconstruction and renewal of basic transportation services. Commitments have already been made by local governments for the requisite non-Federal matching funds. These projects were identified as urgent in 1979 by local, State, and Federal agencies. They are needed even more critically now 6 years later.

Mr. Chairman, we can be proud and take comfort in the fact that Federal transportation dollars help our Nation's cities make needed investments in their infrastructures, their economies and their people. H.R. 3244 deserves our strong support.

Mr. LEHMAN of Florida. Mr. Chairman, I have no further requests for time.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $30,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine; $965,000 for the immediate Office of the Secretary, $460,000 for the immediate Office of the Deputy Secretary, $5,500,000 for the Office of the General Counsel, $7,500,000 for the Office of the Assistant Secretary for Policy and International Affairs, $2,180,000 for the Office of the Assistant Secretary for Budget and Programs, $2,570,000 for the Office of the Assistant Secretary for Governmental Affairs, $20,750,000 for the Office of the Assistant Secretary for Administration, $1,470,000 for the Office of the Assistant Secretary for Public Affairs, $780,000 for the Executive Secretariat, $400,000 for the Contract Appeals Board, $1,300,000 for the Office of Civil Rights, $500,000 for the Office of Commercial Space Transportation, $970,000 together with $330,000 to be derived from unobligated balances of "Payments to air carriers" for the Office of Essential Air Service, $580,000 for Regional Representatives, and $4,575,000 for the Office of Small and Disadvantaged Business Utilization, of which $3,500,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided,* That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, $3,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $64,500,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation $36,000,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicle for replacement only; and recreation and welfare, $1,785,200,000 of which $8,000,000 shall be derived from unobligated balances of "Pollution fund" and of which $15,000,000 shall be derived from the Boat Safety Account: *Provided,* That, notwithstanding any other provision of law, of the funds available under this head $786,800,000 shall be available for compensation and benefits of military personnel: *Provided further,* that, of the funds available under this head, not less than $325,000,000 shall be available for drug enforcement activities: *Provided further,* the number of aircraft on hand at any one time shall not exceed two hundred and ten, exclusive of planes and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* that none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1990, $267,300,000: *Provided,* That the Secretary of Transporation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further,* That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further,* That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further,* That the requirements for such

written warranties shall not cover combat damage.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $7,195,000 to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), $351,800,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $61,502,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $23,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources and foreign countries, for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), $1,000,000, to be derived from the Offshore Oil Pollution Compensation Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1986 for the "Offshore Oil Pollution Compensation Fund".

DEEPWATER PORT LIABILITY FUND

For necessary expenses to carry out the provisions of section 18 of the Deepwater Port Act of 1974 (Public Law 93-627), $1,000,000, to be derived from the Deepwater Port Liability Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $50,000,000 in fiscal year 1986 for the "Deepwater Port Liability Fund".

BOAT SAFETY

For necessary expenses for recreational boating safety assistance under Public Law 92-75, as amended, the Public Law 98-369, $13,625,000, to be derived from the Boat Safety Account and to remain available until expended: *Provided*, That no obligations may be incurred for the improvement of recreational boating facilities.

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, personnel, legal, public affairs, and executive direction for the Federal Aviation Administration, $64,400,000.

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; purchase of four passenger motor vehicles for replacement only; $2,679,600,000, of which not to exceed $644,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

AMENDMENTS OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. MINETA: Page 9, line 10, strike out "$2,679,600,000" and insert in lieu thereof "$2,694,600,000".

Page 10, line 7, strike out "$1,059,000,000" and insert in lieu thereof "$1,044,000,000".

Mr. MINETA. Mr. Chairman, this amendment will add $15 million to the Aviation Standards account of the Federal Aviation Administration's operations to increase the staff of FAA's air carrier and general aviation operations and maintenance inspection program. The $15 million will not add to the overall Department of Transportation appropriation because I am also offering a companion amendment to reduce the facilities and equipment account by $15 million. Savings of far more than $15 million have been achieved recently in activities financed by the facilities and equipment account as a result of lower than expected contract award costs for modernization of the enroute air traffic control computers.

Beginning in 1983, the House became very concerned over administration cuts in the FAA's airline safety inspection work force. At that time, we were in the middle of nearly a 25-percent cut in the field inspectors and support staff charged with ensuring that airlines transporting the travelling public are being operated and maintained safely.

This 25 percent cut came at the same time that the number of airlines was increasing and many of the more established airlines were fundamentally changing the nature of their operations. This past cut was simply the wrong direction to go at the wrong time, given the changed environment resulting from the 1978 deregulation of entry to domestic routes and of domestic airline fares.

When we deregulated domestic route entry and fares, the Congress did not deregulate the safety standards we expected the airlines to meet. Nor did we ease up on the responsibilities of the Department of Transportation and the Federal Aviation Administration to administer aviation safety requirements and regulations.

Congress succeeded in getting those cut inspector positions restored in 1984, but my honorable and distinguished colleague, Chairman LEHMAN, and I have continued to be concerned that the FAA did not have enough people to adequately inspect the Nation's airlines. We commissioned the General Accounting Office to conduct a survey of FAA's inspections of 92 airlines in 1984. What they found was very disturbing. Some airlines received virtually no inspections by FAA. In other words, for those airlines, FAA had no means to know whether those airlines were being operated and maintained according to regulations and standards. At the same time, there appeared to be no strong correlation between the extent and type of services provided by various air carriers and the level and nature of safety inspections performed by FAA. It has become very clear to me that the FAA does not have the staff and resources required to assure the public that our Nation's air carriers are conducting safe operations.

This amendment will increase the authorized positions for aircraft operations and maintenance inspectors by 200. It will also provide an increase in the support staff so that the FAA can best utilize these additional inspectors as well as their existing field inspectors. As pointed out by the GAO study, there is overwhelming need for FAA to standardize the air carrier and general aviation operations and maintenance inspection and certification procedures, handbooks and guidance. In view of the disparities found throughout FAA's regions, 100 directional, administrative, and clerical support positions are being added here for FAA headquarters and the field structure.

Mr. Chairman, recent tragic events have generated much public concern about the safety of the Nation's air transportation system. I want to assure my colleagues and the public from my perspective as chairman of the Subcommittee on Aviation that flying is safe. However, it does not matter how safe the system may be or how good aviation safety statistics may look if the public is not confident that it is safe to board an airplane. I believe my amendment will be an important step toward keeping it that way and toward restoring the public's confidence in aviation safety.

I urge my colleagues to join in support of this amendment.

Mr. Chairman, I yield to the very distinguished gentleman from Florida [Mr. LEHMAN], who chairs the Subcommittee on DOT Appropriations.

Mr. LEHMAN of Florida. Mr. Chairman, I certainly have no objection to the amendments of the gentleman from California. We have both expressed concern about the effectiveness of FAA's aircraft certification and inspection activities and have jointly requested a GAO review of these activities. The initial GAO report indicates that there are inconsistencies and, perhaps, inadequacies in the FAA Certification Program.

I commend the gentleman for his leadership in this area and support his amendments.

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Mr. MINETA. I thank the chairman very much.

Mr. Chairman, I am pleased to yield to our very fine colleague, the gentleman from Pennsylvania [Mr. COUGHLIN], the ranking Republican on the Subcommittee on Appropriations.

Mr. COUGHLIN. I want to commend the gentleman for his amendment.

This certainly has not been a good year for aviation in this country or abroad. I guess there are tremendous concerns about the safety of our aviation equipment, and I support the gentleman's efforts. I think it is a very valuable amendment.

Mr. MINETA. I thank the gentleman very much.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I am pleased to yield to my very fine colleague, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking Republican on the Aviation Subcommittee of our Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I am sure that citizens everywhere have been shocked and saddened by the number of recent airline accidents. It has been reported that 1985 is the worst year ever for aviation safety. This is particularly troublesome since it follows several years where the airlines established records for their safety performance.

I am convinced that the airline system in this country remains basically safe but I am equally convinced that constant vigilance is necessary to maintain a high level of safety. Therefore, I rise in support of the amendment of the gentleman from California [Mr. MINETA], the chairman of the Aviation Subcommittee.

As he has stated, this amendment would add $15 million for 200 additional Federal Aviation Administration [FAA] safety inspectors and 100 additional support staff. Since 1981, FAA staffing in the flight standards safety area has decreased substantially. This occurred at a time when many new carriers were starting or expanding service as a result of deregulation.

I believe that Secretary Dole recognizes the problems that this reduction in inspectors can cause. Last month she released a report prepared by her safety review task force which recommended improvements in the FAA Flight Standards Safety Program. The Administrator of the FAA, Donald Engen, in commenting on the task force report, acknowledged that improvements were needed and committed his agency to carrying out its recommendation.

I believe that the addition of the new safety inspectors funded by this amendment would go a long way toward helping Secretary Dole and Administrator Engen carry out their commitment to safety.

It is also important to note that this amendment will not increase the overall transportation appropriation. The additional $15 million for inspectors will come out of the more than $1 billion that this bill would appropriate for aviation facilities and equipment. The amendment therefore would not in any way affect the overall budget figures or the deficit.

Of course, as a practical matter, the FAA will not be able to hire all the new inspectors at once and thus may not be able to spend all of the $15 million in 1 year. But this amendment will get them started in the right direction. I am confident that Administrator Engen will do his best to comply.

I, therefore, support this amendment and commend Mr. MINETA for offering it. I would also like to thank the chairman of the Appropriations Committee, Mr. WHITTEN, the ranking Republican, Mr. CONTE, and the leadership of the Transportation Subcommittee, Mr. LEHMAN and Mr. COUGHLIN for their fine work on this difficult and important appropriations measure.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I am pleased to yield to our very fine colleague on the Committee on Public Works and Transportation, the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. Mr. Chairman, I rise in very strong support of this amendment. I commend the gentleman for something that is long overdue.

Mr. MINETA. Mr. Chairman, when we deregulated domestic route entry and fares, the Congress did not deregulate the safety standards that we expect the airlines to meet, nor did we ease up on the responsibilities of the Department of Transportation and the Federal Aviation Administration to administer aviation safety requirements and regulations.

So, Mr. Chairman, I urge my colleagues to join in support of this amendment.

Mr. HOWARD. Mr. Chairman, I rise in support of the amendment offered by the Aviation Subcommittee chairman, Mr. MINETA. The Committee on Public Works and Transportation has been deeply involved in the Federal Aviation Administration's airline safety inspection program and has consistently resisted administration efforts to cut inspectors. We must allow no deterioration in the Government's ability to ensure that our Nation's airlines are being operated and maintained safely.

This amendment to provide $15 million to increase the inspection work force by 300 people is a relatively small dollar amount in the grand scheme of things, but each of these dollars will be a dollar spent directly on aviation safety. The public is concerned about the safety of the air transportation system in light of some of the recent accidents, and they are asking what is being done to ensure that flying is safe. More safety inspectors and a better inspection program will have direct benefits for aviation safety. I urge my colleagues to join in support of the amendment.

Mr. SNYDER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. MINETA] to increase the number of air safety inspectors.

As we all know, there has been a recent surge in the number of airline accidents. Although none of these accidents have yet been tied directly to a lack of inspectors, there can be no doubt that these accidents raise doubts in the traveling public's mind about aviation safety. The reduction in the number of safety inspectors over recent years certainly does nothing to reassure them. This amendment should help restore that confidence.

In addition, there have been rapid and significant changes in the aviation environment in recent years. These changes have resulted from vastly accelerated technological advances and economic deregulation. These have raised concerns that the changes could lead to a reduction in aviation safety. Studies have shown that the airline industry is adapting well to these changes and that overall there has been no diminution in safety. But the question remains whether a reduced FAA inspector

work force can keep pace with the industry and the changing environment. I believe that now is the appropriate time to move forward and increase the number of safety inspectors in order to better meet the challenges they now face.

I am also pleased that this amendment will not have any effect whatsoever on the overall budget or the deficit. The $15 million for additional inspectors will come out of the facilities and equipment account. Prior savings in that area allow this to be done without any harm to other important aviation programs.

I therefore support this amendment and urge my colleagues to do the same.

I would also like to thank Mr. MINETA for offering this amendment and the members of the Appropriations Committee for their fine work on this appropriations bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MINETA].

The amendments were agreed to.

Mr. MOLINARI. Mr. Chairman, I ask unanimous consent that we return to page 8 for the purpose of offering one amendment only.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. LEHMAN of Florida. Mr. Chairman, reserving the right to object, would the gentleman explain why he is going back to this earlier portion of the bill?

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from New York.

Mr. MOLINARI. Mr. Chairman, I regret to say that I was on the other side of the aisle discussing another amendment and was not aware of the fact that that section was being called at that time. I intended to offer the amendment at that time.

Mr. LEHMAN of Florida. Is this in regard to the Coast Guard?

Mr. MOLINARI. Yes; it is.

Mr. LEHMAN of Florida. Is this in regard to the recruiting methods and funding that deals with recruiting methods of the Coast Guard?

Mr. MOLINARI. The gentleman is correct.

Mr. LEHMAN of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. MOLINARI

Mr. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLINARI: On page 8, after line 17, add the following new section: "With regard to section 2901(a)(1) of the Deficit Reduction Act of 1984 (98 Stat. 1207), the Coast Guard will conform to the standards adopted by the Department of Defense.".

Mr. MOLINARI. Mr. Chairman, the purpose of this amendment, which does not add any money to the bill, is to ensure that the Coast Guard will have within its budget the same authorizations and restrictions imposed upon the Department of Defense with regard to its ability to provide training for its regulars and reservists.

The restriction of funds previously authorized and funded to the Coast Guard for training purposes, travel, and per diem relating thereto, has seriously curtailed the necessary training of reservists, Regulars, and recent volunteers just coming on board. In this day of high tech and new programs introduced affecting intelligence gathering and drug interdiction it is imperative we give this line of defense the best available training to go along with the equipment this Congress has previously authorized.

It is my understanding that the Departments of State, Treasury, Justice, and Defense have exempted themselves from restrictions under section 2901 of the act. The importance of the Coast Guard, with its missions of defense and drug interdiction along with others, is vital to our national security and should be permitted to exercise the same options in its training programs as the agencies I have mentioned.

Repeating what I have previously stated, this amendment does not add 1 cent to the budget. In fact, with the end of this fiscal year just a few weeks away, it will not even restore to the Coast Guard funding previously appropriated. It will, however, insure against administrative cuts in this category from funds appropriated for the next fiscal year.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I am glad to yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, we have no objection on this side to the gentleman's amendment, and we will be glad to accept it.

Mr. COUGHLIN. Mr. Chairman, if the gentleman will yield, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MOLINARI].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Chairman, I offer a number of amendments, 1 through 12, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. LEHMAN of Florida: On page 9, line 11, strike out "$644,000,000" and insert in lieu thereof "$548,000,000".

On page 12, line 6, strike out "$1,000,000,000" and insert in lieu thereof "$925,000,000".

On page 17, line 6, strike out "$13,800,000,000" and insert in lieu thereof "$13,250,000,000".

On page 23, strike out lines 8 through 12 and insert in lieu thereof the following:

CONRAIL LABOR PROTECTION

(INCLUDING RESCISSION)

Such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board: *Provided*, That, of the funds heretofore appropriated under this head, $8,000,000 are rescinded.

On page 24, line 11, strike out "$616,000,000" and insert in lieu thereof "$603,500,000".

On page 28, line 8, strike out "$2,449,500,000" and insert in lieu thereof "$2,210,000,000".

On page 28, line 13, strike out "$1,100,000,000" and insert in lieu thereof "$1,010,000,000".

On page 29, line 3, strike out "$250,000,000" and insert in lieu thereof "$237,500,000".

On page 29, line 7, strike out "$250,000,000" and insert in lieu thereof "$237,500,000".

On page 41, line 9, strike out the colon and all that follows down to and including the word "years" on line 13, and insert in lieu thereof the following: ": *Provided*, That the $429,000,000 shall include $11,800,000 earmarked for fiscal year 1984, $117,200,000 earmarked for fiscal year 1985, $117,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, $183,000,000 in subsequent fiscal years".

On page 42, line 15, strike out the colon and all that follows down to and including the work "years" on line 20, and insert in lieu thereof the following: ": *Provided*, That the $180,000,000 shall include $20,000,000 earmarked for fiscal year 1984, $49,000,000 earmarked for fiscal year 1985, $36,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, $75,000,000 in subsequent fiscal years".

On page 43, line 2, strike out the colon and all that follows down to and including the word "years" on line 5, and insert in lieu thereof the following: ": *Provided*, That the $175,000,000 shall include $24,300,000 in fiscal year 1986, and subject to the availability of funds from Congress, $150,700,000 in subsequent fiscal years".

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEHMAN of Florida. Mr. Chairman, the overall effect of the amendments we are now considering en bloc is to reduce the spending authority provided in this bill by $1 billion. None of these reductions is desirable, but I think that they are all necessary given the large budget deficits this country faces and the expressed desire of this body for greater efforts to get our budget under control.

The net effect of this amendment is to reduce the amounts in the bill by roughly 4 percent. But I have consid-

ered the unique requirements of each and every account in the bill and have taken great care to spread the reductions more fairly than the administration proposed to do.

Some may ask why I simply did not make this a 4-percent across-the-board reduction—which seems the fairest approach at first glance. The reasons I rejected this approach are simply that some accounts are better able to absorb reductions than other accounts, and some accounts already have taken more reductions than other accounts. For instance, a 4-percent reduction in FAA operations would yield about $110 million, but would lay off many air traffic controllers and, in my view, jeopardize the safety of the air traffic control system. A 4-percent cut in Coast Guard operating expenses could jeopardize our Federal drug interdiction efforts. The bill has already reduced FAA's facilities and equipment appropriation by $299 million from last year's level, and has similarly reduced the Coast Guard's acquisition, construction and improvements account by $113 million.

Specifically, these amendments would make the following reductions:

First, reduce the airport grant limitation on obligations by $75 million—from $1 billion to $925 million. The effect of this reduction would be to continue this program at last year's rate—which was the highest funding level in this program's history.

Second, reduce the Federal-aid highway program limitation on obligations from $13.8 billion to $13.25 billion. This also would have the effect of continuing the Federal-aid highway program at the fiscal year 1985 rate—still the highest rate in this program's history.

Third, rescind $8 million from the unobligated balance of Conrail labor protection. Conrail now has in excess of $900 million in the bank and should, therefore, be required to pay its labor protection requirements from its own funds.

Fourth, reduce Amtrak grants by $12.5 million—from a total of $616 million to a total of $603.5 million. This represents a cumulative reduction of 11.4 percent from the fiscal year 1985 level of $684 million.

Fifth, reduce UMTA mass transit formula grants by $239.5 million—from $2,449,500,000 to $2,210,000,000. This represents a 9.8-percent reduction from the fiscal year 1985 level. I would point out that the reductions would affect only capital funds—the current $870 million level for operating assistance would be unaffected by this amendment.

Sixth, reduce the mass transit discretionary grant obligation limitation by $90 million—from $1.1 billion to $1.01 billion. This represents an 8.2-percent total reduction, and a 10-percent reduction for each new start earmark except for Santa Clara, which is under a full funding contract. Those revised funding allocations would be as follows:

Bus and bus facilities	$115,000,000
Existing rail modernization and extensions	435,000,000
New systems and new extensions	380,000,000
Planning	50,000,000
Elderly and handicapped	25,000,000
Innovative techniques and technology introduction	5,000,000
New systems	
Los Angeles (rail construction)	117,000,000
Portland (light rail)	8,100,000
Seattle (bus tunnel)	24,300,000
Miami (circulator)	36,000,000
Santa Clara (light rail)	65,000,000
Atlanta (rail construction)	63,000,000
Houston (busways)	49,500,000
St. Louis (light rail engineering and design)	9,000,000
San Diego (light rail)	8,100,000

I want to stress that, aside from these revised dollar allocations, this amendment should not be interpreted as changing or modifying in any way the directives contained in the committee report.

Seventh, an amendment is also included that would reduce interestate transfer-transit grants by $12.5 million—from $250 million to $237.5 million. This will necessitate a 5-percent pro rata reduction in the interstate transfer-transit discretionary allocations. The revised discretionary allocations would be as follows:

Sacramento	$11,400,000
Chicago	66,500,000
Boston	23,750,000
Duluth	475,000
New Jersey	2,375,000
Cleveland	14,250,000

Eighth, an amendment is also included reducing Washington Metro grants by $12.5 million—from $250 million to $237.5 million.

Mr. Chairman, in addition to these eight substantive amendments, four technical amendments are also included in the package to bring various provisions in conformance with the reductions I have just discussed.

In summation, I want to stress to the Members that these are extraordinary reductions for an extraordinary time. I think these are responsible reductions given our budgetary circumstances, and are eminently more fair than the reductions that have been proposed by others. These reductions spread the pain as evenly as possible across socio-economic lines and across modal transportation lines.

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEHMAN] has expired.

(By unanimous consent, the gentleman from Florida [Mr. LEHMAN] was allowed to proceed for 1 additional minute.)

Mr. LEHMAN of Florida. Mr. Chairman, these reductions are in response to the message that we have been getting when we went back home, and in response to the mood I think that exists in the House of Representatives today, and I urge the adoption of these amendments.

Mr. MINETA. Mr. Chairman, I move to strike the last word.

I would like to ask a question of the chairman of the subcommittee. On page 12 where he is reducing the grant-in-aid program for AIP from $1 billion to $925 million, it was my understanding that in these amendments none of the aviation funding was going to be touched, given the fact that this is aviation trust fund money, and there is sufficient income coming in from the ticket tax and the other sources to be able to continue full funding for grant-in-aid program for airports. I would just like to inquire of the chairman about this provision.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I understand the gentleman's concern. As he knows, this is trust fund money and the money will remain there.

I am just dealing with the problems of actual expenditures for this year. As I have stated before, the airport grant program still is at least year's level. The reduction certainly does not directly affect the safety of aviation.

I would hope the gentleman could support this amendment. We have tried to, as I said, make the pain of these reductions as even as possible, and I would not make the $75 million reduction in this airport limitation if I did not have to, but I think we have to in order to keep a balanced reduction.

Mr. MINETA. If I may reclaim my time at this point, one of the concerns that I have is that noise compatibility programs are part of this section. As we have gone to the hub and spoke operations in the airline industry, we are now getting more operations at many airports. At hub airports, more airplanes are landing and taking off because of the hub-and-spoke operation which the airlines have gone to. This is creating noise problems.

Since the noise compatibility program is also a part of this section, it concerns me that the amendment would reduce the minimum requirements for that portion of the grants-in-aid program.

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Mr. LEHMAN of Florida. This has been a concern of the gentleman from California, I know. It has also been my concern. We have tried to work together on noise compatibility. I would hope we could make some legislative history urging that of the $925 million which still remains, that noise compatibility remain a top priority of this program, and I would work with the

gentleman throughout this fiscal year to monitor this. If the gentleman would yield further, this is a very small reduction compared to some of the reductions we made in other programs such as mass transit. So everybody has got to hurt a little bit during a year such as we are faced with.

Mr. MINETA. If the distinguished gentleman would agree, could I ask that the mimimum noise set-aside of 8 percent be based on the $1 billion rather than on the $925 million.

Mr. LEHMAN of Florida. I would be more than happy to do so to the extent that the statute would allow it to be done.

Mr. MINETA. I wonder if we could keep that relationship there.

Mr. LEHMAN of Florida. If at all possible under the statute, I would urge the FAA to do as the gentleman requests.

Mr. MINETA. In the present law, the 8 percent set-aside for noise programs is a mimimum and FAA is free to spend more than that on noise programs.

Mr. LEHMAN of Florida. This is an appropriation bill, and I do not know whether we could do that kind of authorizing legislation in this bill. I certainly could indicate that this would be the intent of this committee to implement it at that level.

Mr. MINETA. And if I may ask about page 9, line 11, the amendment reducing the $644 million, what does that do?

Mr. LEHMAN of Florida. It conforms with the authorizing legislation.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute.)

Mr. MINETA. Mr. Chairman, I did not catch the gentleman's explanation of the purpose of the amendment on the $644 million.

Mr. LEHMAN of Florida. If the gentleman would yield, it conforms with the authorizing formula in regard to the trust fund share.

Mr. MINETA. Very well. The amendment only reduces the amount of the funding for operations which can be taken from the trust fund.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Florida [Mr. LEHMAN].

The amendments were agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the bill making appropriations for the Department of Transportation for fiscal year 1986.

The Subcommittee on Transportation, on which I have served since its creation in 1967, has worked long and hard to bring this bill before the House. I would like to pay special tribute to our chairman, BILL LEHMAN, and our ranking minority member, LARRY COUGHLIN, for their many hours in hearings and preparation of this bill.

As it stands, this bill provides $11.1 billion in new budget authority to meet the vital transportation needs of our Nation, an amount that is $537 million below last year's level. Our chairman has offered amendments that would reduce certain accounts by a total of approximately $1 billion, which would enable us to meet the overall transportation function assumptions in the budget resolution.

I do not want to repeat all of the remarks that have been made outlining the provisions of this bill, but I would like to highlight a few items of particular interest and concern.

For the Coast Guard's operating expenses, we have provided $1.78 billion, including $786.8 million for military personnel compensation. This will permit a military personnel level of 37,051, an amount that is lower than last year but still 469 positions above the budget request. After holding extensive hearings, it became clear that in order to continue our antidrug effort in the Southeastern United States without detracting from the Coast Guard's traditional activities elsewhere in the country, it would be necessary to provide more personnel than the budget had requested. The amount provided will do that, and will, I might point out to my friends from the Great Lakes, permit the continued operation of all Great Lakes Coast Guard stations.

Under the Federal Railroad Administration, the committee has recommended $616 million for Amtrak, a 10-percent cut from last year's level. Based upon our testimony, it is clear that any further reduction would force Amtrak to reduce service and downgrade frequencies to an unacceptable extent. Amtrak is an important transportation resource that every year receives less and less of its support from the Federal Government. The members of the committee strongly supported its continued operation.

The other items in the bill, including spending for highways, aviation, and urban transit, have been covered by our chairman. I would like to mention one provision having to do with the Transportation Systems Center in Cambridge, MA. This is the Department of Transportation's major research facility, and the bill prohibits any change in its current Federal status. This facility is a tremendous resource, and it was the conclusion of the committee that it should remain a Transportation Department facility.

Finally, let me say that at the appropriate time, I will support the amendment of the gentleman from Pennsylvania [Mr. COUGHLIN] to prohibit the use of interstate highway funds for the landfill portion of the Westway project in New York City. The landfill for this multibillion-dollar project is really a real estate development posing as a highway. In addition, this landfill will do tremendous damage to our national effort to restore the striped bass, or rockfish, to U.S. waters, by destroying the most important striped bass habitat on the east coast after the Chesapeake Bay.

Mr. Chairman, at a time when we are spending millions of dollars to clean up the Chesapeake Bay, we should certainly not be letting New York spend millions of Federal highway dollars to destroy this valuable habitat.

I want to commend the chairman once again. He just took a very courageous stand with his amendment reducing this bill by $1 billion. I hope that the Congressmen and Congresswomen, who are in their offices and who will come here finally for the rollcall on final passage, will take that into consideration and not offer any across-the-board cuts. We opposed across-the-board cuts in committee because they would severely damage two agencies, at least, which cannot afford a single dollar to be cut. One is FAA, where there is a shortage of controllers, and of course we do not want any more airplanes coming down from the skies. It would also cut the Coast Guard, which is already bare-bones right now. At the present time the Coast Guard could use a lot more money than is in this budget.

I hope my colleagues will take that into consideration when we get to final passage. Mr. Chairman, I urge my colleagues to support this bill and to support the Coughlin amendment.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to thank the gentleman from Massachusetts for his support of this legislation and for his service on this subcommittee. It has been yeomanlike, and I must say it is a pleasure to serve on the committee with him.

Mr. Chairman, I ask unanimous consent that the remainder of title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the balance of title I is as follows:

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase,

and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1990, $1,059,000,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That of the funds available under this head, $5,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges to conduct demonstration projects in the development, advancement, or expansion of airway science curriculum programs, and such money, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transportation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with airway science curriculum programs.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, to be derived from the Airport and Airway Trust Fund and to remain available until expended, $190,000,000, of which $4,000,000 shall be available to construct an experimental computer-based Airway and Aviation Management Program in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542) at the Center for Research and Training in Information-based Aviation and Transportation Management at Barry University: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $693,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,000,000,000 in fiscal year 1986 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982.

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, $35,400,000: *Provided*, That there may be credited to this appropriation funds received from air carriers, concessionaires, and non-Federal tenants sufficient to cover utility and fuel costs which are in excess of $6,682,000: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally owned civil airports.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $12,000,000, to remain available until September 30, 1988.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). The aggregate amount of such obligations during fiscal year 1986 shall not exceed $10,000,000. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchase, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed $204,500,000, shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $48,589,000 of the amount provided herein shall remain available until expended: *Provided further*, That, of the funds available under this limitation, $5,000,000 shall be made available only for a Demonstration Bonding Program for economically and socially disadvantaged businesses: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $8,500,000.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $9,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1986 for "Highway-related safety grants".

HIGHWAY BEAUTIFICATION

Funds appropriated and obligated to carry out sections 131 and 136 of title 23, United States Code, which have been deobligated subsequent to enactment of this Act shall remain available until expended.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $38,700,000, of which $25,800,000 shall be derived from the Highway Trust Fund: *Provided*, That the unobligated balance of funds appropriated in Public Law 93-98 for Wheeling, West Virginia, is hereby made available for allocation to carry out highway projects on the Federal-aid system in Wheeling, West Virginia.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $13,836,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund: *Provided*,

That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $13,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1986, except that this limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, obligations under section 157 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND (LIMITATION ON DIRECT LOANS) (HIGHWAY TRUST FUND)

During fiscal year 1986 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $50,000,000.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $13,900,000, of which $953,000 shall remain available until expended, and not to exceed $1,601,000 shall be available for "Limitation on general operating expenses".

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out provisions of section 402 of Public Law 97-424, $14,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1989.

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, $6,500,000 to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary: *Provided*, That, notwithstanding subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, the Secretary of the Interior shall not be required to convey to the State of Maryland any portion of the Baltimore-Washington Parkway located in the State of Maryland, and the State of Maryland shall not be required to accept conveyance of any such portion: *Provided further*, That funds authorized by such section may be expended without regard to any requirement of such an agreement that such portion of the Baltimore-Washington Parkway be conveyed to the State of Maryland.

RAIL LINE CONSOLIDATION PROJECT

(TRANSFER OF FUNDS)

For necessary expenses to carry out a project to consolidate two rail lines on a common alignment in the vicinity of Orange, Texas, that demonstrates methods by which a rail line consolidation project will reduce motor vehicle traffic congestion and increase employment, to remain available until expended, $5,000,000 to be derived from unobligated balances of "Research, training, and human resources".

AIRPORT-HIGHWAY DEMONSTRATION PROJECT

(TRANSFER OF FUNDS)

For necessary expenses to carry out a highway project to depress a highway in Shawnee, Oklahoma, that demonstrates methods of improving air service to a small community by extension of a runway over a depressed road, to remain available until expended, $2,700,000 to be derived from unobligated balances of "Research, training, and human resources".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), $89,365,000, of which $25,120,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $42,174,000 shall remain available until expended, of which $10,180,000 shall be derived from the Highway Trust Fund: *Provided further*, That, of the funds available under this head, $10,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 406 and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, $149,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs, the total obligations for which are in excess of $126,500,000 in fiscal year 1986 for "State and community highway safety" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs, the total obligations for which are in excess of $28,800,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized by section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $5,000,000 in fiscal years 1983, 1984, 1985, and 1986: *Provided further*, That not to exceed $5,000,000 shall be available for administering the provisions of 23 U.S.C. 402.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $10,120,000.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $28,000,000, of which $1,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $11,200,000, to remain available until expended.

RAIL SERVICE ASSISTANCE

For necessary expenses for rail service assistance authorized by section 5 of the Department of Transportation Act, as amended, for Washington Union Station, as authorized by Public Law 97-125, and for necessary administrative expenses in connection with Federal rail assistance programs not otherwise provided for, $20,200,000, to remain available until expended: *Provided*, That none of the funds provided under this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That none of the funds in this Act shall be available for the acquisition, sale or transference of Washington Union Station without the prior approval of the House and Senate Committees on Appropriations: *Provided further*, That, of the funds available under this head, $15,000,000 shall be available for allocation to the States under section 5(h)(2) of the Department of Transportation Act, as amended: *Provided further*, That, notwithstanding any other provision of law, a State may not apply for fiscal year 1986 funds available under section 5(h)(2) until such State has expended all funds granted to it in the fiscal years prior to the beginning of fiscal year 1981, other than funds not expended due to pending litigation: *Provided further*, That a State denied funding by reason of the immediately preceding proviso may still apply for and receive funds for planning purposes: *Provided further*, That, notwithstanding any other provision of law, of the funds available under section 5(h)(2), $10,000,000 shall be made available for use under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, notwithstanding the limitations set forth in section 5(h)(3)(B)(ii).

CONRAIL LABOR PROTECTION

Such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.), $12,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if such action would serve a public purpose: *Provided further*, That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, $616,000,000, of which $15,000,000 shall be derived from unobligated balances of "Conrail labor protection": *Provided*, That none of the funds herein ap-

propriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1986: *Provided further,* That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriation Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further,* That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further,* That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further,* That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: *Provided further,* That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvement shall be derived from non-Amtrak sources.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That no new loan guarantee commitments shall be made during fiscal year 1986.

REDEEMABLE PREFERENCE SHARES

(INCLUDING TRANSFER OF FUNDS)

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for uses authorized for the Fund, in amounts not to exceed $35,500,000, of which $5,500,000 shall be derived from unobligated balances of "Rail labor assistance".

CONRAIL COMMUTER TRANSITION ASSISTANCE

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $10,000,000, to remain available until expended.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $31,000,000, of which not to exceed $350,000 shall be available for the Office of the Administrator.

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $28,103,000: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $2,449,500,000, to remain available until expended.

DISCRETIONARY GRANTS

None of the funds in this Act shall be available for the implementation or execution of programs in excess of $1,100,000,000 in fiscal year 1986 for grants under the contract authority authorized in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment of obligations incurred in carrying out section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, $720,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $250,000,000, to remain available until September 30, 1987.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, $250,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $1,890,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided,* That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and $15,000 shall be available for services as authorized by 5 U.S.C. 3109.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, for expenses for conducting research and development and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), $19,400,000, of which $6,975,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,950,000.

The CHAIRMAN. Are there any points of order against the remainder of title I?

The Chair hears none.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment Offered By Mr. COUGHLIN: On page 15, line 9 strike the "." and insert the following in lieu thereof: ": *Provided further,* That none of the funds provided in this Act shall be used for the approval of, or to pay the salary of any person who approves, projects to construct a landfill in the Hudson River as part of an Interstate System highway in New York City."

Mr. COUGHLIN. Mr. Chairman, what this amendment would do would be to prohibit the expenditure of money for landfilling of the Hudson River as part of a project that is known as the Westway project. In this time of exacerbated deficits, it is important to recognize that this is potentially a $4 billion to $6 billion project. It would cost that much money, $4 billion to $6 billion, to build 4.2 miles of highway in New York. But it really is not a highway that is being built; it is landfill that is being built.

Now, it can be said that since this money comes from the highway trust fund it does not affect the deficit. But

that is not true because money coming from the highway trust fund creates outlays just as any other money does and certainly affects the deficit.

So that no matter how you look at it, this is a very significant commitment that is being made.

Someone might say, "Why are you opposing a project that is in New York?" The reason is that this is a raid on the highway trust fund that will affect every single one of your States. I would add that the amendment is strongly supported by the Member, Mr. WEISS, in whose district the entire project would be. According to the Department of Transportation's 1985 interstate cost estimate, this would cost around $416 million per mile and about $15,000 per inch. The entire project would exceed New York's share of the highway trust fund moneys, which would be about $1.7 billion over the life of the project, over the 10-year period. That would not cover then the 90-percent Federal share of the cost even at the $2.3 billion estimated by the Federal Highway Administration.

So that the money would have to come from other States, other areas, or we would have to increase taxes to increase the highway trust fund to be able to pay for this project. It could not come from New York's existing share of the highway trust fund. It can also be asked: Why should we be telling New York how to use its highway trust fund money? Well, it is important, I think, to point out that this is not a highway project; it is a public works project. It is a landfill project.

Of the 227 acres of landfill proposed by this project, only 36 acres are for highway use, 97 acres are for commercial use, 94 acres are for parks, and if you do not believe me, listen to Judge Griesa who has enjoined proceeding with this highway. He said, and I quote, that Westway is not needed for transportation purposes. He said even the Corps of Engineers agreed that a highway could be built along the existing rights-of-way on West Street and 12th Avenue at a cost of only about $50 million, and here we are talking about $4 to $6 billion for this program.

It is a clear violation of the 1981 Federal Highway Act which says, and I quote:

> Funds shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System.

That is what the highway trust fund is intended to be for, that is what these funds are intended to be used for; not to produce a massive landfill.

Now, finally, it can be said that this is an authorizing committee matter. It is not. It is a straight limitation on an appropriations bill which is certainly within the jurisdiction of this committee. It is not a deauthorization bill. I know that Chairman HOWARD has a deauthorization bill in, which I fully applaud.

All the amendment does is provide the stopgap necessary until that authorization can be enacted, and the Public Works Committee has full authority to do that.

□ 1345

But it is necessary because the court injunction that exists against Westway at the present time could be lifted at any time; it is being appealed on an expedited basis. But there are some $300 million in contracts that are ready to be let to begin this $6 billion potential expenditure from the highway trust fund.

(By unanimous consent, Mr. COUGHLIN was allowed to proceed for 1 additional minute.)

Mr. COUGHLIN. If, once it proceeds, obviously, it is much more difficult to stop, and I hope that we will support this amendment, because it would provide the stopgap necessary to preclude the initiation of this project and to allow the authorizing committee, indeed, to act on the project.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Pennsylvania [Mr. COUGHLIN] offered this amendment in the subcommittee, and offered it again in the full Appropriations Committee.

I opposed the amendment in the subcommittee, I opposed the amendment again in the full committee, and I am still opposed to the amendment because I do not believe this bill is the appropriate place to address this issue.

This project, aside from whether it is an authorization or appropriation, is supported by both the Governor of New York and the mayor of New York City, and it is also supported by both of the New York Senators.

I believe we should accept the judgment of the State and the local people in regards to opposing this amendment.

I have the greatest respect for the gentleman from Pennsylvania—the ranking minority member of the subcommittee—and I reluctantly but strongly urge that this amendment be rejected. This is not the right place and not the right time.

Mr. WEISS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as has been noted by my colleagues, this project lies entirely within the confines of the 17th Congressional District in New York which I represent. It is an interstate highway proposal which would cover an area on the West Side of Manhattan from 42d Street down to the Battery; 4.2 miles.

However, this project has a very unsavory history. It goes back about 14 years; it has been challenged in the courts and on two separate occasions now, Federal District Court Judge Griesa has ruled against the project because of unlawful, improper actions by the various State and Federal agencies and flaws in the environmental impact statement and in the permit process.

The opposition to this project is based on transportation, economic, and environmental grounds.

Why would a highway running 4.2 miles cost, under the Federal Highway Administration's estimate, $2.3 billion? It would be the most expensive highway in the history of the world.

The reason it would cost that much is that this is not really a highway project. This is really a real estate boondoggle, if you will, posing as a highway project.

What they propose to do is to fill in some 200 acres of the Hudson River, put a tunnel inside that landfill and create prime real estate in midtown Manhattan. That is really what this whole thing is about.

The Corps of Engineers has indicated quite clearly that if you wanted to build a highway along the current right-of-way along West Street and 12th Avenue, you could do it for some $50 million and have a very nice highway indeed; but that would not meet the requirements of the real estate and big money folk who are involved in pushing this project.

Now, what I and my constituents have supported is trading in this project under the urban mass transit legislation, so that you could take about $50 million, spend it on a moderate, modest highway, and spend the rest of it; about $1,700 million, on mass transit, on our subway systems, our buses, and our commuter rail lines which are really the lifeblood of New York; and on which all New Yorkers really depend—not only New Yorkers, but those who come into New York to work or for recreation purposes.

That is what makes sense; that is what we ought to have.

Now, let me tell you about the people who support and who oppose this project. My constituents, and indeed New Yorkers generally, on every poll and survey that has been taken, have expressed their opposition to this project and have expressed their support for trade-in.

The most recent survey that I took, sometime around February of this year, had 75 percent of my constituents who responded, and I got a very big response; asking not only this question but a number of other questions, expressed their opposition to the Westway interstate and supported the trade-in.

Of 63 elected officials who testified before the Corps of Engineers, 57 of them opposed this interstate highway, and supported a trade-in. Six officials support it; our two U.S. Senators sup-

port it; the Governor and the mayor, support it; and one or two other officials whom I do not know by name support it.

The current president of the city council; the incoming president of the city council; the current president of the Borough of Manhattan; the incoming president of the Borough of Manhattan, all oppose this project and opt for the trade-in.

(By unanimous consent, Mr. WEISS was allowed to proceed for 1 additional minute.)

Mr. WEISS. Now, it seems to me that the way to save money for the Federal Government and the way to satisfy the needs of New York and New Yorkers is to adopt this amendment, so that the landfill portion of the project would be precluded for 1 year.

Our distinguished colleague, the chairman of the Public Works and Transportation Committee, the gentleman from New Jersey [Mr. HOWARD], has legislation, as does our distinguished colleague from New Jersey [Mr. GUARINI], which would permanently bar Federal reimbursement for the landfill portion of Westway; but we do not know when that legislation will actually reach the floor.

Now is the time to put a hold on the landfill, until the substantive legislation can get adopted. We will be striking a blow for environmental transportation and economic good sense. We will be done right by New York and New Yorkers, and we will be doing right by the people, the taxpayers of the United States of America.

Mr. CONYERS. Will the gentleman yield?

Mr. WEISS. I am pleased to yield to my friend from Michigan.

Mr. CONYERS. I want to thank my colleague, Mr. WEISS, for his statement, and identify it in the following way: You see, sir, "I Love New York," as in all the signs that are seen.

(On request of Mr. CONYERS and by unanimous consent, Mr. WEISS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. If the gentleman would continue to yield to me.

Mr. WEISS. I am delighted to yield to my friend.

Mr. CONYERS. Mr. Chairman, as one who goes there regularly, in the course of our business and I might even admit for pleasure, too, I have been hearing about this Westway for so long now it has become a national football in our subcommittees and in the press.

□ 1355

Can you cogently bring us to the heart of the matter? I mean, what has caused this thing to ever occur, in the first place?

Mr. WEISS. As I have indicated in my comments, I am convinced that the purpose of this kind of landfill-tunnel-highway operation is not for the purpose of creating a better highway but for the purpose of creating prime real estate in midtown Manhattan on which luxury housing can be built.

Mr. CONYERS. We have had a lot of problems with prime real estate in midtown Manhattan. That is the subject of books and articles and quite a bit of discussion. But as one of those who has worn that badge, "I love New York," I think this is where the environmentalists, the people who like the city—and, by the way, I think the citizens of the city happen to be on this side of the argument; am I correct?

Mr. WEISS. The gentleman is quite correct. In every survey and poll that has been taken, the people of New York have said that they are opposed to the interstate and they want the money traded in for mass transit purposes.

Mr. CONYERS. Well, I cannot imagine anybody around here not siding with the people on the matter.

Westway is a shameful porkbarrel project and should be eliminated from the Federal budget.

Westway is a multibillion-dollar real estate venture masquerading as an interstate highway in New York City.

New York wants to build a 4-mile highway along the west side of Manhattan in the river. It will cost $1 billion a mile—but they don't really want a road. What they want is more Manhattan Island for real estate development. Building a road is just the way in which the supporters of this boondoggle get the Federal Government to pay for their big dreams and what could be our tremendous mistake.

I've heard it said by some that they would like to unite the States of New York and New Jersey by paving over the Hodson River.

Westway will cost the American taxpayers an estimated $4 to $6 billion, for a 4.2-mile highway. That is $1 billion a mile—or $15,000 an inch. With this price, it is the most expensive highway project ever built. We are in serious trouble in this country if we can't provide roads for our automobiles at less than $1 billion a mile. Let's face it; we could pave it with gold and have it cost less.

It is a environmental disaster. Countless hours of research and studies, including one even by the Army Corps of Engineers, has said that there are superior alternatives.

Westway is a misuse of limited tax dollars, especially in these times of spiraling budget deficits. Money to build Westway will come from the Federal highway trust fund, which was intended to finance the building and repair of the Nation's roads, not for creating real estate in a river.

So all in all, Westway seems like a ludicrous project to me. It costs too much, is an environmental debacle, and there are much better an socially responsible ways to spend the money.

Mr. WEISS. I thank the gentleman for his statement.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the chairman of the Transportation Appropriations Subcommittee in suggesting that this is the wrong bill on which to raise this issue. The chairman of the Public Works Committee, the distinguished gentleman from New Jersey [Mr. HOWARD], has made it very clear that he intends to give the Westway issue full ventilation when his bill comes to the floor. That ventilation will permit alternative approaches to the problem, such as that of the gentleman from New Jersey, the gentleman from New Jersey [Mr. GUARINI], and others, to be offered in a way that they cannot under the limited exemption from the rule that has been granted by the Rules Committee to consider the amendment of the gentleman from Pennsylvania. And, indeed, some alternative is needed. Everyone acknowledges that if we do not build Westway, we must have something else to take its place. Yet by considering the Westway issue under the present circumstances, we deny ourselves the opportunity to look at what those alternatives are and to see whether they really are better than what the city of New York and the State of New York have proposed to do.

Let me emphasize that this highway is approved and has been approved by successive mayors of the city of New York and is supported by the present mayor of the city of New York, who just won renomination overwhelmingly in a Democratic primary yesterday; that is supported by the Governor of the State of New York, as it has been by past Governors, and that it is supported by both of the Members of the other body from the State of New York.

I do not deny that the project is controversial, but I think it should be very clear that it has wide support within the State and city of New York.

I do not want to dwell at length on the substance of the issue because, as I say, I think that should be left—as the gentleman from New Jersey [Mr. HOWARD] has suggested in his "Dear Colleague" to us, which I hope all the Members have read—to the work of his committee, when his bill comes on the floor. In view of the comments that have been made, I do think the Members should know a little bit about the history of this project.

This project was approved by the U.S. Department of Transportation in the Ford administration under the aegis of Secretary of Transportation William Coleman. I has gone through a variety of court tests.

Mention has been made of the decision of the district judge, but it was

not mentioned that on most of what he decided the first time around, he was overruled by the U.S. Court of Appeals for the Second Circuit, which remanded to him to decide on a single issue. He has now decided that single issue, not to anyone's surprise, against the project. The U.S. Court of Appeals for the Second Circuit has heard the case on an expedited basis, and that is now pending before the court of appeals. Obviously, no one here today has given the kind of review to this project that the court of appeals has, and I do not think Members of this body ought to try to pass judgment on the issues that are now pending before the court.

Mention has been made that somehow this is going to affect the budget. But I think the arguments of my colleague from New York, Mr. WEISS, make it clear that this had nothing to do with the deficit. If we do not get the highway money as a result of the amendment of the gentleman from Pennsylvania, then we are entitled to trade in for mass trnasit money. So it is really a question of which pocket the money is coming out of, whether it is going to be the right Federal pocket or the left Federal pocket, and the net amount of outlays with which the gentleman from Pennsylvania is concerned is going to be the same. So there is no change whatever in the deficit.

Now, both the gentleman from Pennsylvania and the gentleman from New York [Mr. WEISS] seem to suggest that there is something unusual or novel or unique in the fact that this project, which will be a depressed highway and, in part, a covered highway, will utilize the air rights over the highway for a number of purposes, including park and housing.

Now, surely, there is nothing unusual in the fact that people build parks in connection with highways. In fact, the parkway is a typical form of highway in this country, and the fact that because of our limited and land availability, we put the park over the highway instead of alongside it surely should not prevent us from proceeding as we propose to do.

As for using air rights for other kinds of development, let me say that I had occasion to drive to Cambridge, MA, this last weekend, and in the course of that, I drove on Highway 20, the Massachusetts Turnpike.

The CHAIRMAN. The time of the gentleman from New York [Mr. GREEN] has expired.

(By unanimous consent, Mr. GREEN was allowed to proceed for 5 additional minutes.)

Mr. GREEN. And, lo and behold, as I drove along, there at one point was a supermarket built across the highway, on top, of course, and there, another mile on, was a motel built across the air rights on top of the highway. In New York City, anyone who has crossed the George Washington Bridge knows that there are four apartment towers on the air rights above the approaches to the George Washington Bridge. Those of you who have visited Gracie Mansion are aware, perhaps, of the fact that the East River Drive, the FDR Drive, run under Gracie Mansion and its adjacent grounds.

What we are doing is not unusual, and the idea that this represents some sort of unique real estate boondoggle is most mistaken. In fact, under the law, if we dispose of any of the real estate, the Department of Transportation has to approve of that, and the U.S. Government gets 90 percent of the proceeds.

So, certainly, there should be no objection about doing that.

So much for the substance of this matter. I would simply suggest that you cannot save a penny by passing this amendment, because if we trade in, you have to pay it out to us in mass transit funds, and I would also suggest there is nothing very unusual in using the air space over highways for other purposes.

But let me turn to what I hope will be the basis of your judgment today, and that is whether we ought to consider this on an appropriation bill.

Now, the general excuse of those who offer limitations on appropriation bills is that the authorizing committee has not given them an opportunity to bring to the floor of the House the issue with which they are concerned—most typically, I suppose, in recent years, the abortion issue.

The usual excuse for offering such an amendment on an appropriation bill is that there has been, and will be, no opportunity for the House as a whole to consider the matter otherwise.

In the present case, that is plainly not accurate. The fact of the matter is, as everyone acknowledges, that the Public Works Committee intends to deal with the Westway issue in this year's surface transportation authorization legislation. And we have every expectation, and the word of the chairman of that distinguished committee, that this measure will be on the floor before very long, so that you will have ample opportunity, whatever your views, to debate and to consider and ultimately to vote on the Westway issue. And I submit that by waiting until the Public Works Committee brings us this issue, you will be able to do it under far better circumstances than you can today, because you will then have an opportunity to consider alternatives which cannot be offered under the limited exemption from the rules under which the Coughlin amendment is brought to us, and you will therefore have an opportunity to compare what the alternatives are—something you have not been given today.

There are some of us who feel that the alternatives have their weaknesses, too, problems of meeting air quality standards, for example. But we shall have full opportunity to debate that when the surface transportation bill comes to us.

I therefore ask that you join the members of the Public Works Committee who have written to you asking you to oppose the Coughlin amendment; I ask you to join in the majority of the members of the Appropriations Committee who voted down the Coughlin amendment, and most of them, I believe, because we felt this was the jurisdiction of the Public Works Committee and not our jurisdiction, that of the Appropriations Committee.

I hope that you will join us and defer this matter until the Public Works Committee is able to bring this matter to us in a full and open forum where we can explore it fully, compare the alternatives, and then reach a reasonable decision.

Mr. GUARINI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the construction of Westway as presently constituted but certainly want to see a highway built on the West Side of New York, one that would be economically feasible and one that would allow New York to solve its transportation problems in accordance with our national policy, which means the ailing subway system and the bus system would have trade-in funds whereby they would receive an assurance of $1.7 billion.

We all love New York. But I think that it is more important to focus on our national policies and question what it means to our Nation.

When this highway was first authorized, there were not the fiscal concerns that we have today. We were not in an era of $200 billion deficits or approaching a $2 trillion debt ceiling. Our debt service was nowhere what it is today.

If we look at our fiscal responsibilities, which is what this argument is all about, as well as national transportation and environmental questions, we know that if we are irresponsible, reprehensibly irresponsible in fiscal policy and fiscal sanity, we are only going to create damage to the future of our country and our security.

What does a debt mean? It means that in years to come, young people will not get student loans; it means that the infrastructure and bridges will not be built in cities throughout our country; it means that veterans will not get health services.

Do we want to give a blank check for the construction of a 4.2-mile highway

that will cost more than the 2,800 miles of Interstate 80 in all its totality? Do we want to start a highway that we may not be able to complete, where the Interstate Trust Fund would only go until 1990 unless there is an extension, make a commitment that if the cost overruns are anything like the sewage plant they have in the Hudson River a few miles up the way, where it started off at $200 million, and is now $1.1 billion and still not open. Do we want to get into that kind of a bag, to keep doling out money from a trust fund and weakening the security of that fund, and reducing the money that other States and other projects will get in years to come? And do we want to run the risk of starting a highway that we may not have the funds to complete, a highway that will take 10 or 15 years and disrupt New York? Do we want to build a highway that TED WEISS, as a congressman, objects to having built in his own district. He said 75 percent of the people object to it even the mayor of the city, when he sat in Congress, objected to it.

Almost every city-elected official objects to it except Mayor Koch, who reversed himself. Bob Moses, who was a builder of great fame in New York, said we do not need a raceway on the West Side of New York. He said it would be a physical and financial catastrophe.

Do the people who live in the area know more than we do in Arizona and California and in other areas, and are we to respect their wishes? Are we to impose upon them a highway which is really not an interstate highway. When President Eisenhower started the interstate highway program, it was part of national security, and the moving of goods and people across the Nation. That is why we started the interstate highway program. It did not even conceive of 4.2 miles in the middle of Manhattan, which is not connected with any other part of the highway program.

So the illogic of the situation really cries out. We would need a ventilation system because of the 6 lanes going under the Hudson River, that would have to be maintained for decades and that alone would create a burdensome cost.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. GUARINI] has expired.

(By unanimous consent, Mr. GUARINI was allowed to proceed for 5 additional minutes.)

Mr. GUARINI. And even the chairman of the Committee on Public Works and Transportation, our good, competent, able chairman, in his "Dear Colleague" letter of May 16, had said that the highway was "a misuse of the highway trust fund,"

And I go on and quote:

Who amongst us, especially those who represent crowded urban districts, would not like to see our cities expanded by 234 acres for additional development. New York officials found a way to do it. Unfortunately, that kind of a project is not a proper use of the highway trust fund.

□ 1410

That comes from the chairman of the committee who authorized it. Let me say, coming from New Jersey, there would be flooding along the river, and into the Meadowlands where there is huge development underway. There is no question Westway's landfill would have an impact on the rise of the Hudson River.

You are paving over, 600 feet on average, into the Hudson River. The environmental question from paving one of our major waterways on the juvenile bass population in the river means that a $200-million fishing industry will be imperiled. The other question of stirring up toxic wastes demands your attention. There is not one reason, there are many reasons why we should not proceed. We in New Jersey want the best for our regional planning; we want the best for New York. We want to be good partners, but we cannot have foisted upon us a highway that is going to be a landfill, a real estate developer's dream, and impose it and have an adverse effect on the State of New Jersey.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. GUARINI. I yield to the gentleman.

Mr. WEISS. I thank the gentleman.

Mr. Chairman, I want to compliment the gentleman on his statement and on his support of this important amendment. I want to underscore a point which I think he made at the beginning of his statement.

There has been some allusion by the distinguished gentleman from New York [Mr. GREEN] that in fact whether it is the highway that is constructed or there is a trade in for mass transit, it is the same amount of money that is involved. I want to correct that and underscore the gentleman's statement about it.

If you have a trade in, the amount of the trade in is limited at the most to the interstate cost estimate at the time that the request for the trade in is made. At this point, that is $2.3 billion.

Mr. GUARINI. We know how much is it will cost our country.

Mr. WEISS. That is right. If you have a highway the Federal Government is obligated to a blank check reimbursement of 90 percent of whatever the final cost of that highway is, and as the gentleman has indicated, with the cost overruns, this project could cost anywhere from $4 to $10 billion. Nobody knows the difference.

Finally, there has been some suggestion about people who support this project. Well, I want to state for the RECORD that the two U.S. Senators in fact have been consistent in support. The current Governor has in fact been consistent in his support of the project.

My distinguished friend, the mayor of the city of New York, when he was in this House, with me he led that opposition to the Westway project and supported trade in. He changed his position after he was first elected. The distinguished former Governor, Mr. Carey, campaigned for the first time that we went out for the governorship in opposition to this project and switched his position after he was elected.

So it seems to me that with that background and the peoples' opposition to this highway and the local elected officials, the gentleman's position is absolutely sound.

Mr. GUARINI. I would like to say that we may not get another chance to vote on this bill. The Circuit Court of Appeals could foreseeably today overrule Judge Griesa who had extended hearings in the Federal District Court, Southern District of New York. If that happens, $300 million worth of contracts that are sitting on the desk of Mayor Koch and Governor Cuomo could be let out immediately. I am informed by Mitchell Bernard who is the attorney for the environmentalists and the people who brought the action to deauthorize the building of Westway, has told me that they will not have time for an appeal. So this vote is a critical vote.

If you lose this opportunity to vote, the letting out of the contracts tomorrow morning if the Circuit Court of Appeals reversed it today, may bar forever your opportunity to act. The other bill that you will be considering that has been put into the hopper may not come up until next year. We will pass the point of no return. The 90-day extension that has been talked about for trade in would become moot and unnecessary so your vote now is vital. You must stand up now for fiscal responsibility, for the betterment of your environment, for national transportation policy which is sensible. Your vote can assure that we will not have 4 miles of highway that would further impact and gridlock the traffic in New York, that we will have a comprehensive public and private transportation system for this city and for the region which we will not have unless we become responsive in those areas. Unless we do the right thing today, we may forever lose our chance.

We have been generous with New York. New York will get $1.7 billion in trade in. They cannot be heard to complain. I am asking you to recognize the fact that any excesses on the part

of New York would go to the disadvantage of the rest of the 49 States. So please, recognize that this is our last chance; we may not have another opportunity.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. GUARINI] has expired.

(On request of Mr. GREEN and by unanimous consent, Mr. GUARINI was allowed to proceed for 2 additional minutes.)

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. GUARINI. I yield to the gentleman.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, I would simply say to the gentleman first, that he knows because he was a very successful lawyer, that if the Court of Appeals should decide today——

Mr. GUARINI. Flattery will really not receive any votes.

Mr. GREEN [continuing]. There will be a request for a hearing, and in fact, there will be an appeal to the U.S. Supreme Court——

Mr. GUARINI. There will not be time.

Mr. GREEN [continuing]. And there will be plenty of opportunity to get stays beyond this point.

Mr. GUARINI. Has the gentleman spoken with the attorneys? Because the attorneys know that $300 million of letting of contracts could end the whole discussion within 24 hours.

Mr. GREEN. Not if there was a stay granted while all these other things are going on.

Let me say the gentleman mentioned a moment ago the desire for good regional planning. I would simply point out that at the time this highway was planned, the regional highway planning agency was the Tristate Regional Transportation Committee on which the State of New Jersey was represented. I would point out that this highway, Westway, was approved by the Tristate Regional Planning Commission including the New Jersey Commissioners.

Mr. GUARINI. But not as an interstate highway, because that is the difference.

Mr. GREEN. I do not think it is the difference, because if you are worried about traffic impact, if you are worried about whether to trade in for mass transit or not, if you are worried about impact on the Hudson River, these were all issues that were before the Tristate Regional Planning Commission in their role as the transportation planning agency for the area.

Mr. GUARINI. The New York partnership was the strongest proponent of this highway for the redevelopment and the employment of New York because they were in a state of bankruptcy and it was very important that New York be given help. But that is not the same any more. Times have changed.

Mr. GREEN. If the gentleman will yield further, I am not talking about the New York partnership. I am talking about the Tristate Regional Planning Commission. The Commissioners appointed by the Governor of New Jersey. This was the offically designated highway planning agency for the region and the New Jersey Commissioners for this highway, this Westway.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems like this is deja vu. It was some 10 years ago that we had similar arguments. The proposition then of the Westway was supported by Governor Carey, by Major Beam, by all of labor, and a whole host of important and responsible and credible organizations. Had we started then, it would have been completed and it would have cost us considerably less. What we are concerned about if this amendment is passed, we will have no Westway, we will have no time for trade in. That is because the time expires on September 30. It is a 1-year bill, and all that will be required, all that will result is a delay. A 1-year delay and then there will be a new effort. The cost of this construction will go up.

I guess I have the advantage of some; I am a little bit older than some of the opponents and some of the proponents. But I remember when the East River Drive was proposed. There was a similar hue and cry. Environment was not the issue because we all knew that the East River had a stench that was comparable to Chanel in the extreme opposite. But there was hue and cry: Dislodging residences; disturbing businesses; enriching developers. Nothing is new. It is the same old story. Yet, without the East River Drive, New York, Manhattan town would choke. So be it with the Westway.

When Moses made his original observation that was a long, long time ago. He did not contemplate the growth of traffic coming along the West Side. I travel that West Side every day. I know how important it is with tens of thousands of other motorists who use that West Side as transportation. That should be enhanced and should be rebuilt or built anew. So these are not the arguments; these are not the arguments.

□ 1420

Remember that. That was controversial. New York was the ogre. People from all over the country looked and said, "The devil with New York. That is the cesspool of our Nation." Happily, wiser heads prevailed and the loan guarantee legislation was enacted. We had the support of then-President Carter. New York was saved. New York prospered and banks throughout the country were saved because they had New York securities.

Today, 10 years later, we must again call upon the wisdom of the House to reject what I will refer to as "Drop Dead, New York—Part II," or the Coughlin amendment.

Pending before us is an amendment which has as its intention, and if adopted will in fact, kill the Westway interstate highway project at least for a year. Yes, ladies and gentleman, Westway could be killed, not by a court, or even by the committee which has jurisdiction over it. No Westway would be killed by a punitive, discriminatory amendment attached to an appropriations bill. Is that right? I say no, and I urge my colleagues to reject this amendment.

As the chairman of the authorizing committee has said in his "Dear Colleague" letter of today, the Coughlin amendment is a backdoor legislative maneuver. I ask my colleagues to put themselves in our shoes. How would you feel if an effort was undertaken on the floor to knock out by an amendment a vitally important highway in your district?

Let me assure my colleagues that if we pass this amendment today, that could happen. Do not view this as being our problem. I promise you it will be your problem because it will set the precedent that will allow amendments, no matter how ill-founded, to make it to the House floor for votes, and with it could ride the fate of a project in your district.

The supporters of this amendment will regale you with lists of those who are opposed to this project. Let me recite some additional supporters of this Westway undertaking.

The CHAIRMAN. The time of the gentleman from New York [Mr. BIAGGI] has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 2 additional minutes.)

Mr. BIAGGI. The President of the United States, the AFL-CIO, just to name a couple in addition to the others I have mentioned.

This project is not just a transportation project. It is a catalyst for meaningful economic development along the west side of Manhattan, and if you have not been there, let me suggest you go there and see it. It is the dregs and it should be rehabilitated. It will provide additional housing, additonal businesses.

Mr. WEISS. Mr. Chairman, will the gentleman yield to me about the dregs of my district that he is talking about?

Mr. BIAGGI. No, I will not yield on that point. I have not yielded the gentleman any time. At the conclusion of my comments, I will be delighted to yield to you.

MR. WEISS. I thank the gentleman.

Mr. BIAGGI. It is the typical waterfront area. It has been upgraded somewhat, but it deserves better. It is a sound investment of the Federal dollar and will produce a solid return. Tens of thousands of people will be working. The construction industry will be working on that Westway for some 10 years.

I urge opposition to this amendment. People talk about the environmental impact. I remember the snail darter that held up a dam that was 90-percent completed for 6 or 7 or 8 years. It is unimportant. They said the snail darter is an endangered species if we continue to build this dam and permit it to function. The courts and reason finally prevailed, and what happened? They removed the snail darter, took it to another place, and snail darters are all over the place. They have multiplied and they are as prolific as the flies in New Jersey.

I am not so sure that these arguments are all that meaningful. Let us use common sense.

The CHAIRMAN. The time of the gentleman from New York [Mr. BIAGGI] has again expired.

(On request of Mr. WEISS and by unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. BIAGGI. I would be delighted to yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman concede that, as the Member representing the area, that I spend at least as much time in that area as the gentleman does?

Mr. BIAGGI. I would clearly say so.

Mr. WEISS. All right. Then I would like to suggest to the gentleman, as one who really is familiar with that area, that what has been happening over the course of the last 10 years is a tremendous upgrading of the area in spite of the threat of Westway coming in, and indeed, the estimate now of developers in the area is that what is holding back development is that threat of Westway coming in.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I would be glad to yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, I would simply point out that the area where we propose to build Westway is out to the pier and bulkhead line where the piers are rotting away and are a danger to navigation as they break up and go out into the water, and that indeed, as my colleague from Manhattan. Mr. WEISS, has said, there has been a good deal of development in the area. It is residential development and thus the desire on the part of the city to create parks atop the highway, as others in Seattle and New Jersey and elsewhere have had parks atop highways.

The CHAIRMAN. The time of the gentleman from New York [Mr. BIAGGI] has again expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Chaiman, I conceded to the gentleman from New York [Mr. WEISS], my colleague for whom I have great affection and respect, but there has been some improvement. I know that. We all know it. We live in New York. But there is no question in my mind that we still have areas there that I would consider the dregs and would be susceptible to improvement, an improvement that would naturally follow if the Westway would come into effect, an improvement of the whole area economically.

There would be developers who would come forward and, yes, I object, and I agree with the gentleman, to having huge skyscrapers border the waterfront. I object to that vigorously. But I understand that the gentleman from New Jersey [Mr. HOWARD], has a plan that will permit the Westway to go forward with some modification, and that one I would agree with.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words and I rise in very strong support of the amendment that has been offered by my distinguished colleagues, the gentleman from Pennsylvania [Mr. COUGHLIN], the gentleman from New York [Mr. WEISS], and the gentleman from New Jersey [Mr. GUARINI] to prevent Federal highway trust fund money from being spent on the Westway landfill.

Let me say at the outset that I do not sit on the committees that have direct jurisdiction over this project and therefore ordinarily I would hesitate to become this directly involved in the debate. But I do serve on the Committee on the Budget and I rise out of a very keen memory of the anguishing hour upon anguishing hour that the Budget Committee invested this past year in attempting to address the Federal deficit crisis that we are facing.

Indeed, I know that the Federal budget deficit is a matter of concern to all the Members of this body, and not just those of us on the Budget Committee.

□ 1430

The fact of the matter is that all of us have been forced to go back to our own congressional districts to ask our constituents for some very significant sacrifices, in terms of cuts in a number of critical program areas. I recall in my own instance among the hard decisions that have been most critical for my State were urban development action grant funding reductions, economic development assistance reductions, and mass transit reductions. Those were not choices that were easy to make for any of us.

I submit that, particularly because of the difficulty of those choices, this is 1 year in which we need to be very careful about providing the kind of blank check that is being requested in this Westway project. We should proceed with extreme caution in the face of the horrendous expenditure of funds that is contemplated in this instance.

The project is being described as a highway project, and, therefore, it is to be funded out of the highway trust fund. Yet it is clear, both from the debate and even the discussion by some of the sponsors of the project, that it is far more than that. Westway entails real estate development of a substantial magnitude. In fact, most of the money will be going not to the building of a highway, but to landfill which, we are told, will enhance economic development.

Furthermore, the use of the highway trust fund money is limited by law for "construction necessary to provide a minimum level of acceptable service on the Interstate System." It is hard to imagine how this 200-acre landfill project could fit that description, especially since the Army Corps of Engineers itself considers Westway to be a "nonessential" part of the interstate program.

Finally, we are told that the total cost of this project could run as high as $4 to $6 billion, a cost that would work out to some billion dollars a mile or some $15,000 a linear inch. Does this really make any kind of sense?

As I said earlier, this is a difficult budget year, a particularly difficult budget year for all of us. But I submit that this is not a project that ought to be a close question even if it were not a difficult budget year. The economics do not pan out. The protection for the taxpayer is not there. We are being asked to go forward on an essentially open-ended commitment to a project that is absurdly expensive and is outside the scope of the trust fund authorization. I feel that Congress has a responsibility to prevent a mistake of these proportions from occurring.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am glad to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman for his courtesy in yielding, and I would like to make just a couple of points in response to the gentleman.

First, if you look at the amount per capita that New York State has drawn out of the highway trust fund, you can hardly blame the Federal deficit on

that. We happen to be right at the bottom of the States at the present time in terms of per capita assistance from the highway trust fund, probably because of the fact that our major cross-State highway, the New York State Thruway, was completed just before President Eisenhower announced the Interstate Highway Program.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. WOLPE was allowed to proceed for 3 additional minutes.)

Mr. GREEN. Mr. Chairman, if the gentleman will yield further, even if Westway is funded, we are only going to be in the middle of the list. Certainly you cannot blame New York State for the deficit in terms of its use of highway trust funds, and I think to pick on this one project simply because it has been tied up in litigation over these years is most unfair.

Nor would I suggest to the gentleman is what we have done in seeking to build a depressed and partly covered highway unusual. In the gentleman's State of Michigan, for example, I am told that the Federal Highway Administration permitted the depressing of a highway and the covering of a highway where, for strict highway purposes, it was not needed, so that two parts of an Orthodox Jewish community could stay in contact with each other over the Sabbath. Yet that, although not a highway purpose strictly, has been permitted in the past by the Federal Highway Administration.

In New Jersey a highway has been depressed, and it was covered over in order to preserve the ambience of a park. There has been a park created in Seattle under similar circumstances.

As I indicated earlier in the debate, another highway, the Massachusetts Turnpike, has used air rights for a supermarket and a motel. We are doing nothing unusual in this.

Mr. WOLPE. Mr. Chairman, if I may reclaim my time to respond to the gentleman from New York, I am not suggesting that New York has taken undue advantage of highway trust funds up to this point or that it is not perfectly free to use highway trust funds in a way that has been authorized by law. The problem is that the total amount of money that was set aside for New York over the duration of the project is some $1.7 billion, and yet the estimated cost of the project is coming in at anywhere from $4 billion to $6 billion.

Who is to pick up that extra cost? How is that financing to be accomplished?

As far as the comparison with the Michigan project in the past and projects in which more than simply highway construction has been permitted, the fact of the matter is that the Westway project, as it has been contemplated, would be more than twice as expensive per mile as any other interstate segment ever built. I submit that Westway is a different ballgame and—without taking anything away from the important and worthwhile construction projects on which New York has embarked in the past—I submit that this project simply falls outside of the scope of what is financially justified.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I simply want to commend the gentleman on his statement, and I suggest, just in fairness and so the record is straight here, that according to the Department of Transportation, since 1956 for every dollar collected from the highway trust fund in New York, New York has received back $1.13. Specifically, the figures are that New York State's payments into the highway trust fund were $7,141,000,000 since 1956, and New York State received back $8,100,000,000.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 2 additional minutes.)

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield further?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I just wanted to say just for the record that New York has not been treated unfairly in this. As we look at the expenditures of the highway trust fund, they have received more than their fair share.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for his observation.

I would like to make one additional comment before I yield further to my distinguished colleague, the gentleman from New York. This matter has been subject, as the gentleman knows, to considerable litigation. As the gentleman knows, several courts have viewed as questionable the procedures that led to the approval of this project. I submit the fact of the litigation itself ought to give all of us in this body additional cause to proceed cautiously in moving forward with the project.

Mr. GREEN. Mr. Chairman, will the gentleman yield on that point.

Mr. WOLPE. I am glad to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, anyone can litigate, and district judges can make mistakes. In this instance the district judge issued a sweeping decision on Westway on which he was overruled on just about every point but one and one which the findings of the court of appeals were much narrowed from what the district judge had found. It went back, the district judge has now made another ruling, and the court of appeals, whatever it is going to decide, thought the case was worthy enough that it granted an expedited appeal and has heard argument.

That decision will be what that decision will be. I do not purport to represent to the gentleman what it will be. If the decision is that the dredge and fill permit, which was the last step that will have to be taken, was improperly granted, that will be the decision, and there is nothing we in this body will do to change it, as far as I can imagine.

At the same time I would say to the gentleman that if the court rules otherwise, this highway will have met every environmental requirement, and it is not at all clear that the alternative of a land highway at surface level can do that. There are very serious Clean Air Act problems with that, which is why the people went to this mode of construction in the first place. So you may well be throwing a very serious monkey wrench into the transportation planning.

If I may make just one further point, again the highway trust fund at this point is in surplus, not in deficit.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. GREEN. Mr. Chairman, if the gentleman will yield further, I think it is as wrong to look to the highway trust fund to solve the deficit problem when it is not creating the problem as I thought earlier this year it was wrong to look to the——

Mr. WOLPE. Mr. Chairman, if I may reclaim my time, the point is not that the highway trust fund is adding to the deficit at this point in time. The point is that this project will definitely add to the deficit over the long term.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to the gentleman from New York, in whose district this project is located and who is telling us that the vast majority of his own constituents oppose this project and believe there is a much better way to proceed.

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding to me, and again I want to underscore the very last point the gentleman made.

New York City is crying out desperately to keep its transportation lifeline open, that is, its mass transit system, its subway system, and its bus system. We have a need identified already for 10 additional billion dollars, and

nobody knows where it is coming from. We have a chance, by trading in this project, to get up to $1,700,000,000 for that mass transit system.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(On request of Mr. WEISS, and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WEISS. Mr. Chairman, will the gentleman yield further?

Mr. WOLPE. I am pleased to yield to the gentleman from New York.

Mr. WEISS. Instead, Mr. Chairman, we are being told that because the highway trust fund is not in deficit, it is perfectly appropriate to spend the obscene amount of money, even if it is a conservative estimate, of $2.3 billion on 4 miles of highway. Whether it is in my district or in anybody else's district, that kind of expenditure cannot be justified.

Let me make one final point with the gentleman on the agreement or the approval. We have just gotten word as to the decision in the circuit court of appeals. The circuit court affirmed the decision of the district court judge as to the defects in the environmental impact statement, reversed it as to the permanent injunction, and remanded the matter back to the Federal defendant. So, it seems to me that since the matter is pending, it is all the more important for this amendment to be adopted to keep things in status quo until there is an opportunity for the legislation of the gentleman from New Jersey [Mr. HOWARD] or the gentleman from New Jersey [Mr. GUARINI] to take effect.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Coughlin amendment.

Mr. Chairman, this Westway project has been the victim of just about every failing of government, every failure of the administrative process, and every failure of the judicial process that the mind of man can conjure up. If it had been built a decade ago, when it was first proposed or when the plans were first ready, it would have cost a substantially smaller portion of what it would cost to build today.

This project, with the delays from the litigation and the appeals and the painful reevaluations all the way up along the line, has suffered the fate of other projects that affect the environment, of utilities, and of other major projects. They have been bogged down in such a morass of administrative appeals and judicial actions that it becomes almost impossible to go ahead with any major urban improvement program.

Now, here we are with New York City having this glorious waterfront asset that any other city in the world would have been holding international architectural competitions on to find the most imaginative and creative design with which to improve that beautiful waterfront asset. You can look at cities that have done this. You can look at London and Paris and Sydney, Australia, and you can look at Rio de Janeiro and Hong Kong, where they have thoughtfully maximized the potential for beauty and for relaxation and leisure time with their waterfront assets—one of the most precious urban assets a city can have.

But here our waterfront is treated in this manner and has been cast upon the development slag heap, left abandoned in a disgraceful, decrepit, crumbling, unsafe condition. It is ridiculous.

We are going to have budget problems until every Member of this Congress goes to the great Congress in the sky. We are going to have problems of mass transportation from now until hell freezes over. Is this waterfront project to develop this glorious urban resource in New York City going to be held hostage to the U.S. budget problem that we are going to have to live with for the next generation? Is it going to be held hostage to the proclivity of otherwise thoughtful and enlightened citizen groups, environmental groups, and consumer groups to use the courts and to use the administrative process to obfuscate, to delay, and to confuse until these development projects are drowned in a sea of delay?

□ 1445

I say that we ought to go ahead with this project. This project has been a victim of our failing judicial, administrative and legislative processes. This project is a classic case of where the perfect is the enemy of the good. This may not be a perfect project, but it is a damn good project. It will be a beautiful enhancement of the city of New York.

I urge this amendment be defeated.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am delighted to yield to my distinguished colleague, the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank my colleague from New York for yielding.

As the gentleman has indicated, this project has been in and out of the courts, and as my colleague from New York indicated and my office has advised me of the same thing, we now have a decision affirming in part, reversing in part, and not permanently enjoining the project, but obviously since it has been remanded there is going to be the possibility of more litigation and certainly the project cannot go through without it.

Would the gentleman not agree with me that until the Members of this body have had a chance to learn what is in the court's decision and since it is obvious that given the little we know about it that the project is not going forward instantly that we would be better advised to wait until the Public Works Committee has brought this matter before us, as it will be doing in a couple weeks, rather than proceeding under circumstances where we really do not know what the court has decided at the present time.

Mr. SCHEUER. I am in total agreement with my colleague.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHEUER] has expired.

(By unanimous consent, Mr. SCHEUER was allowed to proceed for 2 additional minutes.)

Mr. GUARINI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am delighted to yield to my distinguished colleague from New York.

Mr. GUARINI. I think many of us would like to see the matter brought to formality. There has been so much uncertainty over the last 14 years and, of course, the costs do go up all the time.

I would like to bring out a point and that is that frequent reference has been made to urban development programs. This is a highway bill, taking moneys from the Highway Trust Act. I just would like to remind the gentleman, as much as we would like to see the development in New York, that it should not be by way of the highway trust fund.

The 1981 Highway Trust Act states: "Funds shall be limited to a minimum level of accepted service on an interstate system."

That does not mean real estate development or sky-rise residential or commercial development or paving over the Hudson River.

Mr. SCHEUER. Well, we are not trying to pave over the Hudson River, but this project does provide on a nonprofit basis quite a rich intermixture of community projects, of civic projects, of leisure time projects, and it will be a beautiful amenity to the city of New York if only we can pry it loose.

Mr. GUARINI. But contrary to the purpose of the court, of the highway trust fund, the interstate highway trust fund.

Mr. SCHEUER. No; the basic guts of this project is a highway, but we have in a rather creative way, I think, added on to the periphery in effect of this some beautiful amenities for the city of New York.

Now, it is basically a highway project, but there are a large number of parks, playgrounds, delightful amenities that are going to enhance the quality of life in New York.

I disagree most thoroughly with my colleagues from New York that the citizens of the West Side will not

enjoy this use. They will enjoy it more than any other citizens of New York, the folks who live within a 5- or 10-minute walk of this project.

Mr. GUARINI. Will the gentleman yield further?

Mr. SCHEUER. Of course, I yield.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHEUER] has again expired.

(At the request of Mr. GUARINI, and by unanimous consent, Mr. SCHEUER was allowed to proceed for 1 additional minute.)

Mr. GUARINI. Judge Griesa of the Federal District Court for the Southern District of New York had indicated that it was not a highway development program in the findings of his decision, but, in fact, was a real estate development.

He also pointed out that New York could have that same 6-lane highway on the same existing main part of Manhattan where it is now for $50 million and that woud adequately serve and we did not need one for $2.3 billion.

Mr. GREEN. Mr. Chairman, will the gentleman from New York yield?

Mr. SCHEUER. I am happy to yield.

Mr. GREEN. I think it should be pointed out, however, that if we build that surface highway, and I frankly doubt that it could be built for $50 million, I think hundreds of millions is more likely; but the fact of the matter is that if we build a surface highway, we are barring not only the residents of Manhattan, but also all the visitors from access to the waterfront, because we will have a surface level highway which will then make it impossible for our people to have access to the Hudson River waterfront. It will be like a great wall there barring us from the waterfront. One of the advantages of the present Westway is that it does preserve access to the waterfront which will not exist with the gentleman's alternative.

Mr. FRENZEL. Mr. Chairman, I support the Guarini-Coughlin amendment, of which I am a cosponsor. The amendment stipulates that no funds in this act shall be used for the landfill portion of the proposed Westway highway project in New York City.

It has been my understanding that funds in the Transportation appropriations bill are intended to facilitate transportation not to finance real estate development. To my mind that suggests that all moneys in this bill should be spent for transportation-related facilities and activities.

The Westway project does provide for a 4.2-mile section of interstate highway. However, it also provides New York with 100 acres of prime real estate ready for development, at a probable cost of from $4 to $10 billion. That cost at any time should seem prohibitive. In light of the budget deficit, it verges on the obscene. On economic grounds alone, Westway must go.

The Westway project also uses funds that many New Yorkers, including our colleague Mr. WEISS, in whose district the project lies, believe would be for better used shoring up New York's public transit system and building a more modest highway.

Mr. Chairman, I urge my colleagues to join in opposing the Westway project by supporting this amendment.

Mr. MANTON. Mr. Chairman, I rise in strong opposition to the Couglin amendment. This amendment would not only preclude the construction of any interstate highway on the Lower West Side of Manhattan, it would eliminate any additional time for New York to pursue a trade-in for mass transit funds. Even Westway's most vocal opponents favor a trade-in of highway funds for money to be used for New York's subways.

Mr. Chairman, I have long been a proponent of Westway. I am convinced not only for the project's need, but of the soundness of the project as designed. The project has received all of the necessary permits and approvals from Federal agencies. It has been studied over and over and been found to be environmentally sound, fully complying with all Federal mandates and requirements for an interstate highway. Proposed alternatives have also been studied and have been found to have more adverse environmental impacts than the Westway project as now planned. Studies have not only indicated that these alternatives would violate Federal air quality standards, they would also create a greater burden on the national debt. The reason for this is that trade-in funds are derived from general revenues, whereas the proposed funding for the Westway project, would come from the highway trust fund. The highway trust fund is not funded by general revenues, but instead by gasoline and other road-related taxes.

However, even if I remained unconvinced of the project's legitmacy, I would still oppose the Coughlin amendment and so should all my colleagues in this House. If we premit this kind of arbitrary and discriminatory treatment against one State, then every State's project will be placed in jeopardy. If we ignore the dire infrastructure needs of one State, then no State's needs will be addressed. And if we strike down Westway altogether, we might as well abandon the policy objectives of the whole Interstate Highway System.

Mr. Chairman, I urge my colleagues to defeat this amendment. No State can afford the vulnerability this kind of precedent may impose on future State highway projects.

Mrs. ROUKEMA. Mr. Chairman, I rise today in strong support of the Coughlin-Guarini-Weiss amendment and commend my colleagues for their efforts to halt one of the greatest highway boondoggles ever seriously considered: New York's Westway. This important amendment would prevent any of the funds provided in this transportation appropriation bill to be used for the approval of—or to pay the salary of any person who approves the construction of a landfill in the Hudson River as part of the Westway project.

There is no question that New York needs a refurbished highway on its West Side to help relieve its myriad transportation problems. However, I strenuously object to the attempt to use highway trust fund moneys to subsidize New York City's plan for real estate development—which is what the Westway project proposes.

In addition to being a 4.2-mile replacement for New York City's West Side Highway, the Westway project would provide a 224-acre landfill of the Hudson River upon which luxury high-rise apartments, private office towers and commercial industrial sites will be built.

The project is expected to take 10 to 15 years to complete and cost an estimated $4 to $6 billion. That translates to roughly $15,000 an inch. With this price tag, Westway would become by far the most expensive highway in the world. This fact, in itself, would not be controversial, if it was clearly shown that the expenditure of $4 to $6 billion was absolutely necessary to replace the current West Side Highway. However, that is simply not the case. The fact is, there are viable alternative proposals which do not require that highway trust fund moneys be used for private real estate development.

Ninety percent of the cost of Westway would be paid for out of the highway trust fund because it has been designated as part of the interstate network of highway. However, according to the Federal Highway Act of 1981, the use of the highway trust fund moneys "shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate Highway System." I do not believe that this Westway plan represents a minimum level of service. Nowhere in the 1981 act does it allow that highway moneys can be used for land development plans for private developers.

Constructing a less expensive highway along the existing waterfront and "trading-in" the remaining Federal highway funds to overhaul New York's crippled mass-transit system could give New York City both a safe highway and improved mass transit for a fraction of the cost of Westway.

Much has been made of the Westway "battle" between New York and New Jersey. However, opposition to Westway is not a regional issue as some would believe. If the Westway landfill is funded, Federal highway moneys that would otherwise go to many other States would be used instead on this single, mammouth project. Because the highway trust fund expires in 1990, Westway would need additional funds to complete the project. How will New York adequately finance future highway construction, improvements and road and bridge maintenance? The answer is obvious. Beginning construction of this Westway project now increases the likelihood of an American taxpayer bailout later.

The current configuration of Westway represents a raid on the highway trust

fund. Indeed, New York has legitimate transportation needs, but the Federal Government should not be in the business of providing highway moneys for private land development. I urge my colleagues to support this amendment.

Mr. MRAZEK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1500

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words and I rise in strong opposition to the Coughlin amendment.

Mr. Chairman, this is a particularly mischievious and damaging amendment, and I earnestly appeal to my colleagues to vote it down right substantially.

It is a bad amendment, as Chairman HOWARD and I indicated in a brief "Dear Colleague" letter to Members late yesterday evening. It is bad transportation policy, grossly unfair to a single State, and a very dangerous precedent.

I would like to elaborate on our reasons, but before I do, there is one thing I think Members ought to grasp. It is that a vote against the Coughlin amendment cannot legitimately be considered a pro-Westway vote, not that some folks will not try to paint it that way, but that description will not stand up to the facts. I hope to make that clear as we go along.

For openers, the fact is that to the extent that there are problems with Westway, and there are, then there are ways to get at these problems. Environmental problems, as have been laid out today, are in the courts and apparently what we hear today is that that case has been remanded back to the district court level, but that is the proper forum now. Problems of cost, or of design, or of development impact, of transportation merits—there may be some of these. It depends on who you talk to. But here again, these are going to be taken care of through the authorization process. They are being addressed in pending legislation, H.R. 3129, and we expect to be marking that up in the committee within the next few weeks.

The problem with the Coughlin amendment is that it recognizes none of this. It simply says that New York cannot build this interstate highway as currently designed, and I hope that my colleagues will listen carefully. It does not say only as designed, it says, in effect, that it cannot build any alternative interstate highway, even if redesigned to eliminate or reduce the problems on which much of the opposition to the current project has been based.

They talk about a surface highway. They talk today of an alternative, but this amendment eliminates any genuine alternatives along with the present project. It says if there is a problem with the project, junk it. Do not fix it up. Do not look for another way to do the job. Instead, scrap it and do not look for alternatives.

Is there a need? Do nothing. That is the effect of the Coughlin amendment.

The only option left to New York, an option that it already has under existing law, is to trade the project in for transit funding or for a non-Interstate highway alternative. That is no deal at all.

As to transit funding, it would not be in the form of guaranteed apportionments of highway trust fund dollars, but would be in the form of General Treasury revenues. The amount that they get would be a drop in the bucket in terms of New York's transit capital needs, and I wonder what kind of luck New York would have in getting appropriations out of the Appropriations Committee if the gentleman from Pennsylvania, the ranking minority member of the Transportation Appropriations Subcommittee, prevails with his amendment, which is supposedly based at least in part on grounds of cost.

If New York chooses a highway alternative on the trade-in provisions of existing law, the funding would be totally inadequate to the need. There has to be a better alternative. As I said a moment ago, the chairman of our committee has proposed one which is now incorporated in H.R. 3129, the Surface Transportation Assistance Act of 1985, which we are going to be marking up in early October.

The Coughlin amendment means bad transportation policy. Its anti-Westway supporters see it as a way to force New York to trade it in with most of the funds going for transit rather than for highway improvements.

It also singles out New York for treatment given no other city with a controversial interstate project. It would have Congress intervene by statute.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SNYDER] has expired.

(By unanimous consent, the gentleman from Kentucky [Mr. SNYDER] was allowed to proceed for 5 additional minutes.)

Mr. SNYDER. This amendment would have Congress intervene by statute in the matter of a project which has gone through the process of local, State, and Federal approval with no viable alternative permissible. If this precedent is established via this amendment, then we cannot say with confidence that any project which can be made the subject of controversy in the future is safe at all, no matter if it has obtained all of the necessary approvals.

Mr. Chairman, we on the Public Works and Transportation Committee have considered the Coughlin amendment, at least in principle, in that it would do the same thing as H.R. 1888, the Guarini amendment, or the Guarini bill on which we took testimony, and we rejected it.

The efforts of the gentleman from Pennsylvania [Mr. COUGHLIN] were rejected in the Transportation Appropriations Subcommittee of which he is the ranking minority member, and in the full Committee on Appropriations. It should be similarly rejected here today on the floor, and I urge the defeat of this amendment.

Mr. Chairman, let me make another point or two. In the debate today, it has been indicated that the mayor of New York, when he was in the House, opposed the Westway. I think that is accurate.

But since he got to New York, and got to be mayor, he certainly has been apprised of the difficulties, and the problems, and he is no longer opposed to the Westway. Many of us, all of us in the political arena, I am sure, remember the campaign last year when he was proud to get on television with the President of the United States and accepted that big check for Westway. I think that is pretty much evidence of the fact that he is anxious to move on with it, and indicated in that television appearance how good this was.

Again, Mr. Chairman, let me say that the Coughlin amendment does not reduce spending, it does not save any money. In fact, it is a question of whether a project is funded out of the highway trust fund which has a balance around $10 billion and has never contributed to the deficit since it was created in 1956, or whether or not you want to let them trade it in for mass transit, and then take it out of general revenues and put more pressure on the deficit.

I was rather amused at an earlier speaker who talked about the need to feed children, and take care of the veterans, and all of these things, all of

which we agree with. Certainly, there are these needs. But I have never yet heard of being able to do those things out of the highway trust fund. If, in fact, you defeat this project and Westway is traded in, New York will go after similar amounts of money—the gentleman from New York [Mr. WEISS] said $1.7 billion, but I think there might be $1.9 billion out of general revenues, in that neighborhood—I think then you are depriving those who are in need in those other categories of general funds.

Mr. Chairman, this is properly within the purview of the legislative committee, the Committee on Public Works and Transportation. We are going to take that in the markup early in October. If an extension is needed by virtue of this court decision, it is on the program for tomorrow for markup, if they need us to put out a small bill to extend the time for trade-in.

Mr. Chairman, I urgently ask that this amendment be defeated.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, a few months ago, just before we recessed, I was criticized in a Utah newspaper for standing up here and talking about cost-sharing, and talking about the fact that people in this country ought to pay for the benefits they derive.

Now I am going to stand up here today because that newspaper in Utah said that Congressman SOLOMON was from New York, and all he wants is more and more and more money for New York, and he wants us out here in the far West to pay for everything that we get. Well, they were right in the first part, and on the second part they were wrong, because I am opposing this pork barrel project for New York State or New York City.

Mr. Chairman, this amendment is simple and straightforward, but its passage will accomplish several important goals.

First, it will prohibit the expenditure of any funds under this act for the landfill in the Hudson River upon which the infamous Westway boondoggle is proposed to be built.

The arguments against the construction of Westway have been made and repeated countless times in the past several years.

The most highly respected environmental preservation organizations in the United States are united in opposition to the Westway landfill.

In addition, the National Taxpayers Union, one of the most effective groups in the Nation in campaigning against the squandering of scarce Federal tax dollars, is working vigorously in support of the Coughlin amendment.

The estimates as to the eventual cost to complete Westway are truly astounding even in these days of astronomical Federal budgets, and Federal deficits, I might add, as well.

The actual cost of Westway has been set at from $4 to $6 billion—which is about $1 billion per mile, or more than $15,000 per inch.

The sheer cost of the project is unjustifiable, and is more than ample ground for voting for the Coughlin amendment to prevent these massive expenditures.

Equally important, however, the Coughlin amendment is an antipork barrel amendment.

The Members of this House know of my active opposition over the years to all kinds of pork barrel projects—even those in my home State of New York.

As a New Yorker, I can tell all of you here this afternoon that this is pork of the first order.

There is simply no justification for such a massive expenditure for such an unneeded project.

I should also point out that the Coughlin amendment is a good Government amendment.

Its adoption will ensure that our limited highway trust fund resources are used in the manner for which they are truly intended—for highway construction.

Unless this amendment is approved, untold billions in highway construction funds will be used for real estate development.

It is no secret that the landfill proposed for Westway will be used for the construction of private real estate development, the financial benefit of which will fill the pockets of a very few multimillionaires real estate interests in New York City.

To prevent this abuse of limited highway funds, I appeal to my colleagues here this afternoon to stop Westway once and for all.

As a New Yorker and as a Member who has always opposed special interest pork barrelling, I urge my colleagues to vote for the Coughlin amendment.

I would appreciate it if my colleagues today would not look at the situation of holding off until next week and voting against another bill that would oppose it. Let us do it now and let us clear this legislation once and for all, and let us get back to good Government.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my colleague from Dutchess County.

Mr. FISH. Mr. Chairman, I would like to point out to my colleagues that the gentleman in the well and I have districts that adjoin each other. I would say that we represent about two-thirds the length of the entire Hudson River, and I come down to within 30 miles of the city of New York.

□ 1515

So my interest is with the commuters to the city who live in my District and the labor pool that would be gainfully employed with any expenditure of funds. I submit that the money we are talking about could be far better spent for the city of New York with improvements in its own mass transportation. Second, as far as my constituents who commute to the city daily, what they need is repairs on the metro-north and the commuter lines that get them to and from work in the city. They do not need Westway.

A less ambitious highway, I think, is appropriate. From the research I have done, the trade-in involved would be equivalent in the number of jobs produced.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GARCIA and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. FISH. Mr. Chairman, will the gentleman continue to yield?

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. FISH. I come down in very strong support with what the gentleman in the well has said and associate myself with his remarks in favor of the Coughlin amendment.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to my colleague from New York [Mr. GARCIA].

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this amendment. I think what has been said here, and I want to make it very clear to my colleagues that, not taking anything away from my other colleagues from the State of New York, but I hope that Members here do not think for one moment that because we are all from the State of New York that we agree on every issue. I want to make it very clear that there are those of us from the city of New York who have different views than those of us who represent the northern end of our State, which has very little to do with the city itself.

You can just as soon live in Indiana, or Massachusetts, or any other State, because it is a different philosophy. But just let me say, if I may, to all of my colleagues here this has been an issue that has been before us for many, many years, and I am hopeful that it will be resolved. I have heard that if you take Westway away we can take those moneys and put them into the subways. I would like very much to have our subways repaired. I think we need it in the city of New York.

But the bottom line is that it does not necessarily go hand and hand, that if you take money away from one, you put it into the other. That is an old political argument, because as soon as you eliminate one, the money may not be there for the second.

I want to make it clear to all of my colleagues here, I think Westway is a project that can be very beneficial and helpful to the city of New York.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has again expired.

(On request of Mr. GARCIA and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. Mr. Chairman, will the gentleman yield further?

Mr. SOLOMON. I yield to my colleague.

Mr. GARCIA. I thank the gentleman and appreciate my colleague yielding.

Just yesterday on the exit polls that were taken as people were leaving the polling places—and as most of you know, it was primary day in New York—over 70 percent, well over 70 percent, of the New Yorkers from all over the city of New York are in favor of the Westway project. I think it is important that we understand that there are some of us who have disagreements, and because we are from New York does not necessarily mean that we have the same interests.

Mr. Chairman, I thank my colleague from New York for yielding.

Mr. SOLOMON. I thank the gentleman for his statement.

Before I yield to the other gentleman from New York, you know, I have stood in this well and I have fought for New York City to get funds that were badly needed. New York City is the immigration capital of this country. It has special needs. For us to stand here and fight for this kind of funds, which are not really needed for the city, and then not to be able to get them when we really do need them is a bad thing to be doing.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to my colleague from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure that the gentleman, my distinguished friend, Mr. GARCIA, when he stated that New York City people disagree with New York State people on this issue, that he does not forget, that he did not forget that I happen to represent a district, in whose district Westway would lie in its entirety. I live in the city of New York, representing parts of Manhattan and the Bronx. I do not know the poll that the gentleman cited, but I know that up to that poll every poll and survey taken inside my district and anyplace else in the city of New York indicated that people are opposed to the project and support trading the program in for mass transit.

Mr. SOLOMON. I think the gentleman from New York [Mr. WEISS] has just made the best argument to vote for this amendment. The project is in his district. Those of you who believe in home rule and do not like to have projects jammed down your throat in your district, support the Coughlin amendment.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is not a matter of who is proenvironment or antienvironment. It is not a question of pro-Westway or anti-Westway. Nor is it a matter of who wants to control Federal spending and who does not.

The issue is the creation of good transportation policy and fairness. It is a question of whether this House will support an amendment that is poor transportation policy, is unfair to one State and provides no alternatives to meet the legitimate transportation needs of New York City.

It is also a question of whether we should rush to approve this ill-conceived amendment that has already been rejected by the Transportation Appropriations Subcommittee and the full Appropriations Committee. It was opposed by the chairman of the full committee and subcommittee. The House should not endorse this back door method of legislation on an appropriations bill when the authorizing committee that has sole jurisdiction over this matter is set to consider a well thought out proposal that will prohibit Westway yet deal with this issue fairly in a matter of days.

This is not a vote to determine who is anti-Westway. Nobody could possibly accuse me of being pro-Westway. I have already sponsored legislation that will stop this environmentally unsound misuse of highway trust funds. However, after years of work in the transportation field, I believe that the approach proposed by the gentleman from Pennsylvania is simply unsound.

To begin with, this proposal does not even effectively prohibit Westway. It is a provision that has a life of 1 year. Unless this amendment were approved every year, Westway could be revived. Even if that were done, this amendment could easily be circumvented. It would bar Federal funds for the landfill that is estimated at $700 million but would not affect the rest of the project. In that case, New York could use its own funds for the landfill and still receive 90-percent Federal funding for the rest of the multibillion-dollar project.

The implications of this amendment should not be disregarded. This would be the first time that Congress would be telling a State that it could not build a legitimately approved segment of the Interstate Highway System. I do not believe that the Members of this body would want to take a step like that with this hastily prepared amendment on the wrong bill. If this type of action can be taken against New York, it could be taken against any other State.

It's also not fair to tell New York it cannot build this project and must come up with a complete new transportation plan within 2 weeks. That's what this amendment would do. It tells New York that if it does not develop a new transportation plan, in detail, by September 30, it will not get any of the funds it is entitled to for its Midtown Manhattan transportation problems. The proponents of this amendment say New York should trade in the Westway project for $1.7 billion in mass transit funds. Under this amendment, that could not be done. New York would not get its highway money and it would also not get its mass transit funds.

I don't believe that the Members of the House want to vote for that kind of proposal.

We should also consider the haste with which this step is being taken. The sponsor of this amendment came to the Committee on Public Works and Transportation earlier this year as the committee with jurisdiction over this issue and asked us to take action to stop Westway. We are doing that. We have legislation to be marked up in 2 weeks that will stop Westway. Let me make it clear. Whether or not this amendment is passed, we will not allow Westway to be built. But our proposal, drafted in the proper forum, is fair to New York and allows the development of good transportation policy. This amendment is unfair and poor policy.

I know that it is easy to vote for this amendment. If it is passed, only New York City is hurt—it does not affect the rest of the country. But we must look beyond that simplistic approach and consider what is right. There is a question of good policy and fairness. There is a right way to legislate. This amendment is not the right way to legislate. I urge my colleagues to vote against this amendment and allow the Committee on Public Works and Transportation to pursue its legitimate role as the authorizing committee with jurisdiction. If you are truly concerned about transportation and about stopping Westway, you will vote against this amendment.

I would like to state that I am totally opposed to the Westway project, and I am totally opposed to this amendment. This amendment is not a pro- or anti-Westway amendment. During the debate there have been many arguments in favor of this amendment, talking about the budget deficit, about the fiscal situation, about how people need education, about how people need clothing, about how they need food. The gentleman from Michigan, and my colleague from New Jersey, Mr. GUARINI, made this point against Westway.

The fact is that there is no competition for those kinds of necessary things with Westway. Westway, if it is built, will be built with highway trust fund money which is designated only for the Federal-aid highway program.

Should there be a transfer of funds, in order to get transit money the funding would come from general revenues. Then we would be competing with food, clothing, and housing. This amendment has nothing to do with the budget.

One other point I would like to make: We have had extensive debate this afternoon on whether to vote yes or no on Westway. We have not had any debate on this amendment, and what we are going to be voting on is this amendment. The reason that we should reject this amendment is that it is so faulty.

What it says is that none of the funds in this bill may be used for the approval of, or to pay the salary of any person who approves projects to construct a landfill in the Hudson River as part of an interstate system.

It merely says that you cannot have anyone approve the landfill money.

Does that mean that this will eliminate Westway? No. Westway is a project of a tunnel offshore that will require 10 percent, or 230 acres, of the Hudson River will be filled in.

The plan for Westway is that about 130 acres will be used for parks and recreation. The other 100 would be used for real estate and commercial development. This is what we oppose in Westway.

However, if this amendment passes, you could still get Westway. There could still be the Federal money to build all of Westway with the exception of the cost of the landfill.

So if New York City decides that they will put their own money in for the landfill, the entire project can be built. Then New York could sell off the entire 230 acres of riverfront property for real estate development and none of that profit would go back to the highway trust fund or to the Federal Government. So it could still be built.

Another problem is this: Should New York say, "All right, we will not build the offshore interstate, we will build an interstate on land so we do not have a landfill," they would not be permitted to do that under this amendment. The only interstate that is permitted is the one under the design that was approved under the Federal-aid Highway Amendments of 1981.

This amendment does not set that aside. New York would be blocked from building an interstate on land.

Then people say, "Well, maybe they trade it in for other streets, and roads, and mass transit." The deadline for approval of interstate transfer is September 30. That is only 19 days away. Let us say it takes 2 weeks to get this bill through the other body, and to the President's desk, and to become law. That gives them 4 days for an interstate transfer. That interstate transfer must be in an application to the Federal Government, not just saying we want to transfer the funds, but it has to spell out how they are going to use that money for the streets and transit. They would not be able to do that in 4 days. New York then would be left without any chance for transit money or any other money.

What would New York do then? They cannot build the interstate under this amendment unless they are willing to pay for the landfill and they cannot get any transit money. This bill, inappropriate as it is, is only a 1-year bill. It only freezes this situation for 1 year. New York City would have no alternative but to sit back and wait for 1 year until this bill dies and then come back fighting for Westway again. It is a 1-year wait and delay.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 3 additional minutes.)

Mr. HOWARD. There is legislation introduced in this year's highway transit bill that will deny Westway. It will do it in an orderly way, a proper and a fair way. It is not a "get-New York" amendment. But it will not allow Westway to be built. It prohibits the entire project. New York will not be able to build the landfill whether they use their own money or the Federal Government's money.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will be happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

I think my friend and colleague and very distinguished chairman and I are trying to accomplish the same thing. That is what disturbs me. I know that the gentleman has indicated that the highway trust fund was intended to be used for highway construction repair, not for this kind of a landfill project. Your own legislation prohibits the use of funds from the highway trust fund for the Westway project and permits the development of an interstate highway built on existing land.

I guess all we are trying to do here is to allow your committee the time to act, to prevent having an initiation of this landfill project until the gentleman's committee has had the opportunity to act. Whatever the gentleman does would supersede anything that is done here today. It is awfully important, it seems to me, to accomplish what the gentleman and I want to accomplish. We should not go precipitously into this big landfill project.

Mr. HOWARD. Well, what the amendment does, though, is leave open the possibility that Westway could be built. At the same time, the amendment precludes the situation where New York might want to build an interstate on land with no landfill at all.

It still leaves the opening for not 80 or 90 acres but 230 acres of landfill to be used for profit on real estate.

So what I think we should do, whether we are pro- or anti-Westway—and I am anti-Westway—is do what is sensible, what is orderly, what is fair. Let us defeat this amendment, and let us stop Westway in the proper way in this Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I thank the Chairman.

Mr. Chairman, I just heard the gentleman, my good friend, I might say, from New Jersey, Mr. HOWARD, saying that he is opposed to the project, but yet he is opposed to the amendment. I feel almost as confused as the young boy who dropped his gum in a chicken coop. The gentleman has had plenty of time to work on this issue through the years. I stopped this project from proceeding 2 years ago in the full Appropriations Committee. I am just wondering what the gentleman and his committee have been doing to resolve this issue during that period of time.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my colleague from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

What we have been doing is monitoring this project. Just recently it became apparent that a great deal of this acreage was going to be used for real estate development. That is when we took our position in opposition. We have not been fooling around over there in the committee by not addressing this issue.

Mr. CONTE. Well, it would have been nice if the public works committee had moved promptly and killed this project. We gave you a 2-year leeway when I stopped this project in full committee 2 years ago.

I know your committee has a lot of work to do; you people have a big agenda.

□ 1530

Mr. Chairman, I rise in support of this amendment.

My concern about this project focuses especially on the striped bass, or the rockfish as they call it in Maryland, habitat in the Hudson River that

will be completely destroyed by this proposed landfill.

On two occasions now, the Federal courts have stopped construction of the Westway project for failing to take into account of the habitat of the striped bass.

I know you are all familiar with the Federal legislation on striped bass adopted last year, requiring interstate efforts to restore the rockfish, or the striped bass, population. Just last month the State of Virginia imposed a permanent ban on the catching of rockfish, and other States are following suit.

We are spending millions of dollars to clean up the Chesapeake Bay habitat, which along with the Hudson River accounts for over 90 percent of the rockfish along the Atlantic Coast. How silly we would look today to spend millions of dollars to save the rockfish while we permit New York State to waste over $1 billion in Federal money for a landfill that would destroy the habitat of the rockfish along the Hudson River.

As my colleague from Pennsylvania, Mr. COUGHLIN, has pointed out, the Federal court in New York has enjoined further work on this project. Why, then, should we pass this amendment? The reason is that New York has to make a choice in the next several weeks over whether to continue to pursue this project, or to trade in this project for a badly needed transit funding. It is important that New York, and the Federal Highway Administration, understand that congressional intent does not permit the construction of landfills such as this, which are primarily for real estate development instead of transportation, with Federal highway money.

That point has been made clear by Chairman HOWARD in the Committee on Public Works, who introduced legislation of his own clarifying the issue of the legislative intent. But because of the time constraints, and because this bill is moving ahead of the new highway authorization, this restriction should be adopted today.

I know that many of the Members have heard from our former colleague and now mayor of New York, Ed Koch. I would like to close by reading remarks in the CONGRESSIONAL RECORD of January 6, 1977, by the then-Member, Ed Koch.

On that day, Ed Koch inserted an extension entitled: "The Approval of Westway is an Environmental and Financial Fiasco That the Carter Administration Should Try To Correct."

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. I quote:

Mr. KOCH. Mr. Speaker, today Secretary of Transportation William T. Coleman announced his approval of the interstate highway segment proposed to be built on the West Side of New York in landfill in the Hudson River. This project is estimated to cost $1.2 billion at the present time, but will only provide 4.2 miles of roadway from the Battery in Lower Manhattan to 42d Street in New York City. Along with a number of my colleagues from New York City I signed a statement today that summarizes our views on the situation. Briefly we believe that the authority which exists in the Highway Act to substitute mass transit projects for this interstate segment should be employed. Even if the predominate share of the $1.2 billion were to be spent for mass transit improvments, there would still be money available for providing a suitable and small highway on New York's West Side.***

Ed Koch opposed this project in 1977. Ed Koch was right, in 1977. The project has not changed at all. It is still an environmental and financial fiasco.

Ed, I hope you are watching this on C-SPAN. Shame on you, Ed Koch. Shame on you. Shame on you for trying to destroy our striped bass. Shame on you for trying to bail out these developers in New York, these greedy developers, who will fill in and destroy the habitat of all the striped bass and the rockfish.

Vote for the Coughlin amendment and return some sanity to this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. COUGHLIN].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COUGHLIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 132, not voting 15, as follows:

[Roll No. 297]

AYES—287

Andrews	Campbell	Durbin
Annunzio	Carper	Dwyer
Anthony	Chandler	Dyson
Applegate	Chapman	Eckart (OH)
Archer	Chappie	Edgar
Armey	Cheney	Edwards (OK)
AuCoin	Clay	Emerson
Badham	Coats	English
Barnard	Cobey	Erdreich
Barnes	Coble	Evans (IA)
Bartlett	Coleman (MO)	Evans (IL)
Barton	Coleman (TX)	Fascell
Bates	Combest	Fawell
Bedell	Conte	Feighan
Bellenson	Conyers	Fiedler
Bennett	Cooper	Fields
Bereuter	Coughlin	Fish
Billirakis	Craig	Ford (TN)
Boner (TN)	Crockett	Fowler
Bonior (MI)	Daniel	Frank
Bonker	Dannemeyer	Franklin
Boucher	Darden	Frenzel
Boulter	Daub	Frost
Boxer	Davis	Fuqua
Broomfield	de la Garza	Gallo
Brown (CA)	Dellums	Gaydos
Brown (CO)	Derrick	Gekas
Broyhill	DeWine	Gephardt
Bruce	Dicks	Gibbons
Bryant	Dingell	Gingrich
Burton (IN)	Dorgan (ND)	Glickman
Byron	Dowdy	Gonzalez
Callahan	Dreier	Goodling
Gordon	McCandless	Schulze
Gradison	McCollum	Seiberling
Gray (PA)	McCurdy	Sensenbrenner
Gregg	McDade	Sharp
Guarini	McEwen	Shelby
Hall (OH)	McKernan	Shumway
Hall, Ralph	McMillan	Sikorski
Hamilton	Meyers	Siljander
Hansen	Mica	Skeen
Hartnett	Miller (CA)	Skelton
Hatcher	Miller (WA)	Slattery
Heftel	Mitchell	Slaughter
Hendon	Montgomery	Smith (FL)
Henry	Moore	Smith (NE)
Hertel	Moorhead	Smith (NH)
Hiler	Morrison (CT)	Smith (NJ)
Hillis	Morrison (WA)	Smith, Denny
Holt	Murphy	Smith, Robert
Hopkins	Neal	Snowe
Hubbard	Nelson	Solarz
Huckaby	Nichols	Solomon
Hughes	Nielson	Spence
Hutto	O'Brien	Spratt
Hyde	Oakar	St Germain
Ireland	Oberstar	Staggers
Jacobs	Obey	Stallings
Jenkins	Olin	Stark
Johnson	Ortiz	Stenholm
Jones (OK)	Oxley	Studds
Kanjorski	Packard	Stump
Kaptur	Panetta	Sundquist
Kasich	Parris	Sweeney
Kennelly	Pashayan	Swindall
Kildee	Pease	Synar
Kindness	Penny	Tallon
Kolbe	Pepper	Tauke
Kostmayer	Petri	Tauzin
Kramer	Porter	Thomas (CA)
Lagomarsino	Price	Thomas (GA)
Lantos	Rangel	Torricelli
Leach (IA)	Ray	Valentine
Leath (TX)	Regula	Vander Jagt
Lehman (CA)	Reid	Vento
Leland	Richardson	Visclosky
Levine (CA)	Ridge	Volkmer
Lewis (FL)	Rinaldo	Vucanovich
Lightfoot	Ritter	Walgren
Livingston	Roberts	Walker
Lloyd	Robinson	Waxman
Loeffler	Rodino	Weaver
Lott	Roemer	Weber
Lowery (CA)	Rogers	Weiss
Lowry (WA)	Rostenkowski	Whittaker
Lujan	Roth	Wirth
Lungren	Roukema	Wolpe
Mack	Rowland (CT)	Wortley
MacKay	Rudd	Wyden
Madigan	Russo	Wylie
Markey	Saxton	Yates
Marlenee	Schaefer	Yatron
Matsui	Schneider	Young (FL)
Mazzoli	Schroeder	Zschau
McCain	Schuette	

NOES—132

Ackerman	Dixon	Kleczka
Alexander	Donnelly	Kolter
Anderson	Dornan (CA)	LaFalce
Aspin	Downey	Latta
Atkins	Duncan	Lehman (FL)
Bateman	Early	Lent
Bentley	Eckert (NY)	Levin (MI)
Berman	Edwards (CA)	Lewis (CA)
Biaggi	Fazio	Lipinski
Bliley	Flippo	Luken
Boehlert	Florio	Lundine
Boggs	Foglietta	Manton
Boland	Foley	Martin (IL)
Borski	Ford (MI)	Martin (NY)
Bosco	Garcia	Martinez
Breaux	Gejdenson	Mavroules
Brooks	Gilman	McCloskey
Burton (CA)	Gray (IL)	McGrath
Bustamante	Green	McHugh
Carney	Gunderson	McKinney
Carr	Hammerschmidt	Michel
Chappell	Hawkins	Mikulski
Clinger	Hayes	Mineta
Coelho	Hefner	Moakley
Collins	Horton	Molinari
Courter	Howard	Mollohan
Coyne	Hoyer	Monson
Daschle	Jones (NC)	Moody
DeLay	Jones (TN)	Mrazek
DioGuardi	Kemp	Myers

Natcher	Schumer	Traxler
Nowak	Shaw	Udall
Owens	Shuster	Watkins
Perkins	Sisisky	Wheat
Pickle	Smith (IA)	Whitehurst
Quillen	Snyder	Whitley
Rahall	Stangeland	Whitten
Roe	Stokes	Williams
Rose	Stratton	Wilson
Rowland (GA)	Swift	Wise
Roybal	Taylor	Wolf
Sabo	Torres	Wright
Savage	Towns	Young (AK)
Scheuer	Traficant	Young (MO)

NOT VOTING—15

Addabbo	Dymally	Long
Akaka	Grotberg	Miller (OH)
Bevill	Hunter	Murtha
Crane	Jeffords	Pursell
Dickinson	Kastenmeier	Strang

□ 1540

The Clerk announced the following pair:

On this vote:

Mr. Grotberg for, with Mrs. Long against.

Mr. ALEXANDER, Mr. LAFALCE, and Mrs. BENTLEY changed their votes from "aye" to "no."

Mr. WYDEN, Mr. CAMPBELL, Mrs. LLOYD, Mr. SOLARZ, and Mr. PARRIS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1555

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: On Page 26, line 5, strike the period and add the following: ": *Provided further*, notwithstanding the provisions of this paragraph, the amount available is reduced by $22,100,000.".

Mr. RICHARDSON. Mr. Chairman, my amendment is simply to conform to the House-Senate passed budget resolution by enacting what they decided and which we voted on prior to adjournment. A 1-year, 15-percent reduction for Amtrak. In effect, however, what this amendment basically does is it reduces the appropriation for Amtrak from $603.5 million, which the chairman of the Subcommittee on Transportation offered recently in an amendment that was a 5-percent cut, and inserts in lieu thereof a total of $581.4 million.

This is not an anti-Amtrak amendment. I am not sitting here being critical of Amtrak. I am a strong supporter of Amtrak. Once again, this is not an anti-Amtrak amendment. I am the author of the authorization bill in the Energy and Commerce Committee for Amtrak. I am a strong supporter of it, but I think it is important that we be fiscally responsible and we simply follow what the House-Senate budget compromise has enacted.

In effect, what my amendment would do is it would simply reduce by approximately 1 percent what my colleague and chairman of the subcommittee, Representative LEHMAN, has done in his amendment. Once again, I believe that these cuts can be sustained. They will not affect existing service. I do think there are plenty of provisions in the authorization bill that ensure the viability of Amtrak. I think it has performed well; ridership is up.

On the other hand, I think if the message from our constituents in August was reduce the deficit, let us give the budget committees, which have proposed this guideline, that option of sticking very closely to them.

Once again, this is a painful amendment to somebody like myself. I have five Amtrak stops in my district. My district is entirely serviced by Amtrak, but I do think after discussions with Amtrak, that this cut can be easily sustained. It is a bipartisan effort that hopefully my colleague from Indiana, Mr. COATS, will support, and I respectfully ask the House to support this amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. LENT. The gentleman from New Mexico made reference to the amendment adopted earlier by the committee that was offered by the gentleman from Florida [Mr. LEHMAN]. It was my understanding, and please correct me if I am wrong, that the Lehman amendment achieved the 15-percent level of savings for all transportation functions called for in the House budget resolution.

Mr. RICHARDSON. I do not believe that it did. The Lehman amendment did not achieve that 15 percent. I will yield to my colleague to give you the correct answer. The 15 percent with the Lehman figure is not adhered to. The 15 percent is the 581 that I am proposing.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. LEHMAN of Florida. The gentleman is correct. But let me point out that that 15 percent, as assumed in the budget resolution, is only advisory, and it is up to the Appropriations Committee to come up with the specific reductions to meet the overall spending target set in this resolution. We have done so. We are within our 302(b) allocation, and I will speak on this at greater length later on.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

(On request of Mr. COATS and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 5 additional minutes.)

Mr. COATS. I thank the gentleman.

Mr. Chairman, I rise in support of the gentleman's amendment. The gentleman and I had worked in the Committee on Energy and Commerce to try to come up with a reasonable reduction in the funding for Amtrak that would preserve a national rail transportation system, but yet allow Amtrak to attain some cost savings and operate in a more efficient way.

There was some debate about whether that reduction should be 10 percent or 15 percent. The Senate was looking at approximately a 30-percent reduction. Ultimately the question was resolved that we would look to the Budget Committee and the final budget resolution as to the level for reduction. That budget resolution that most of us voted for here on the floor, on a bipartisan basis, came in with a 15-percent reduction in Amtrak's Federal subsidies. We declared a victory on the budget; we went home and told our constituents that we have enacted meaningful budget deficit reductions. That these reductions were going to stick; that these were real reductions; and that these reductions really meant something. That interest rates could now come down.

Now we are back here faced with the first real test of whether we meant what we said. Whether we are willing to enforce that budget resolution. This is a very basic amendment. The Appropriations Committee amended the reduction in Amtrak from the original 10 percent to approximately 11.5 percent. This amendment simply moves the reduction to 15 percent. A small, 3.5-percent increment to bring it in line with what the House majority agreed to do just before we left for the August recess.

I think the gentleman's amendment has a great deal of merit, and it has a symbolic importance, far more important than just this issue. That issue, the real issue that we are dealing with is whether or not we are willing to abide by what we said last August, we were going to do.

So in order to meet those budget goals, in order to demonstrate our political will to the people back home, I think we ought to adopt this amendment. Now, we wish we had the opportunity to make this change in the authorization bill first, before we dealt with the appropriation. Unfortunately, for whatever reason, the appropriations bill was brought up before the authorization bill. Therefore, this is our opportunity to bring the appropriations bill in line with what we agreed to do.

There are numerous ways that Amtrak can achieve these additional 3.5-percent savings without discontinuing raillines, without interrupting any service. We worked and listed a number of ways in the Commerce, Transportation, Tourism Subcommittee of the Energy and Commerce Committee, however we thought it better

to leave the discretion to Amtrak as to how they could achieve these savings. Graham Claytor, president of Amtrak, runs a great little railroad. He has made some significant strides, and we think he can find this additional 3.5 percent. If he cannot, we have a number of suggestions that we can give him. Our committee has pledged to work with him in finding these savings.

I think it is important for Members on both sides of the aisle to stick to our agreement; do what we agreed to do in August, and show those people back home that when the first test is up before us, we are willing to stand up and do what we agreed to do.

Mr. RICHARDSON. I want to commend the gentleman for his bipartisan effort in support of this amendment. Once again, we are pro-Amtrak. This is simply to statistically conform to the House-Senate budget agreement. If we are going to stick to this agreement, which is important, which was adopted right before we adjourned, I think this is a minimal effort. A $22 million reduction out of hundreds of millions of dollars will not affect operations, and I think it is important that in this first vote of the session that we conform with that figure.

□ 1605

Mr. LEHMAN of Florida. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

Earlier this afternoon this committee passed a $1 billion reduction in a variety of accounts. That meets the spirit and the intent of what this House voted on before it adjourned in August. Included among the accounts that we voted on was a $12.5 million reduction in Amtrak.

Last year Amtrak was at $684 million. We brought the bill to the floor of the House at $616 million. On the floor of the House today we reduced it to $603.5 million. That to me is what I call fiscal responsibility on Amtrak.

I do not want to be a friend of Amtrak and cut it down to the bone to where it cannot operate. I want Amtrak to survive. It has already taken its fair share of cuts. There is already an 11.8-percent reduction in Amtrak. I do not think it is responsible to make any further reductions if we really want to keep a viable national passenger railroad.

If additional savings are required, the only responsible way to achieve them, as my friend, the gentleman from New Mexico, knows is through changes in authorizing legislation concerning collective bargaining, the cost-sharing with the freight railroads, and the like. I would hope in his authorizing committee that he will pursue these kinds of savings.

Let me repeat what I said before: That the amounts assumed in the budget resolution are only assumptions. They are only advisory. They are not across-the-board cuts. They are not specified. It is up to the Committee on Appropriations to come up with the specific reductions to meet the overall spending targets set in the budget resolution. The budget resolution sent a 302(a) allocation to the Committee on Appropriations. We have our 302(b) allocation from that 302(a) allocation from the Committee on Appropriations. We are within this allocation.

I would urge the defeat of the amendment offered by the gentleman from New Mexico and preserve a viable Amtrak passenger operation that is now beginning to serve this country as it should be.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I want to rise in strong support of the position of the subcommittee chairman. First of all, I back his comments about the validity of the figure that he currently has in the bill as it relates to Amtrak. I think it is the proper one.

But there is another very important point here, and that is that the Committee on the Budget has made an overall figure clear for transit spending, but it does not have the responsibility, and I say this as a member of the Committee on the Budget and the Committee on Appropriations, to determine specific levels as it relates to various kinds of transportation funding. That is the jurisdiction of this committee and the subcommittee, particularly in light of the amendment that was offered and agreed to at the very beginning, offered by the chairman. It has met its responsibilities to the Committee on the Budget. The gentleman from Florida [Mr. LEHMAN] and his subcommittee have done what we have asked them to do in the budget process.

We do not need to now, in a more detailed way, restrict their ability to make priorities among the various transportation accounts, so I would urge the committee to stand with the gentleman from Florida [Mr. LEHMAN] and against the amendment. We have met our budget resolution figure. We do not need to cut Amtrak further here to accomplish that overall goal.

I appreciate the position the gentleman has taken.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Indiana.

Mr. COATS. I thank my friend for yielding.

Mr. Chairman, the gentleman indicated that the Appropriations Subcommittee met its overall goal of the budget process, yet Amtrak was not brought to the level that the Committee on the Budget suggested.

Could the gentleman tell me where the cuts were made and in what other programs they were made in order to reach that overall goal?

Mr. LEHMAN of Florida. We made cuts in a number of areas. We made cuts in the FAA. We made cuts in the Urban Mass Transportation Administration and in other areas.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

Mr. Chairman. I strongly oppose this amendment to make a further cut in the appropriations for Amtrak. Under the amendment of the gentleman from Florida, which was already adopted, Amtrak has already been cut another $12.5 million to a level of $603.5 million, an amount which is 11.4 percent below last year's level of $684 million. I might add that I supported that reduction very reluctantly, and did so only because it was a part of an overall, billion dollar reduction to bring this bill in line with our need to reduce the Federal deficit.

In my view, any further reduction in Amtrak spending would be extremely unwise. In a letter to me dated September 3, 1985, Graham Claytor, the president of Amtrak, indicated that even with full funding at the freeze level of $684 million, Amtrak would have to absorb an estimated $63 million in inflation over its 1985 costs. He indicated that a 10-percent cut would require substantial reductions in Amtrak's 1986 capital program, and holding wages and salaries at the 1985 level despite the fact that they are already 12 percent below average rail industry rates.

In addition, further changes would have to include the deferment of equipment overhauls and some nonsafety-related Northeast corridor right-of-way improvements.

He indicated that any further reductions of the kind contemplated by this amendment, would require significant cutbacks in service frequencies.

Mr. Chairman, this would be exactly the wrong time to make this kind of a drastic reduction in Amtrak funding. All indications are that service is improving, and Amtrak is consistently relying on the Federal Government for less and less of its budget. Unlike most other transportation programs, Amtrak is an ongoing business in a very competitive service industry. Further reducing Amtrak funding, and forcing service cuts, is exactly the way to prevent Amtrak from continuing its effort to gradually reduce its need for Federal appropriations.

Perhaps the strongest recommendation for Amtrak, other than the hun-

dreds of letters from Amtrak riders who support the continuation of Amtrak service, lies in the fact that the Department of Transportation's original budget submitted to OMB called for $765 million—$81 million more than last year.

Although Amtrak was knocked out of the budget by my friend, the now-missed young slasher, Dave Stockman, it is clear from the original departmental submission that the transportation experts want to see Amtrak funded at the highest possible level.

Mr. Chairman, Amtrak has made dramatic improvements during the past 14 years in its on-time performance, its operating efficiency, and its revenue-to-cost ratio. Amtrak's level of subsidy has steadily decreased, and it has met or exceeded the revenue-to-cost requirements that the Congress has set.

It would be a transportation policy disaster, and a grave fiscal error, to cut Amtrak off just as it seems to be coming into its own.

Finally, let me address the question of the budget resolution. Earlier today, we adopted an amendment to bring this bill in line with our overall need to reduce the Federal deficit. We cut $1 billion from this bill. Let me say that the Budget Committee's recommendations are just that—recommendations. Under the Budget Act, it is the Appropriations Committee's responsibility to evaluate the competing needs for transportation funding. We have held numerous hearings, and have recommended the level in this bill.

Our obligation under the Budget Act is for the Appropriations Committee to spend no more than the permissible amount for the total of all appropriations bills. We have made overall recommendations to comply with that obligation, and this particular amendment is not required in order to meet our responsibilities to reduce the Federal deficit.

Mr. Chairman, if an authorization bill should be enacted that reduces Amtrak spending, of course that would control. But in the absence of such an enactment, I urge that the recommendations of the committee be followed, and that Amtrak be permitted to stay on track.

I urge the defeat of the amendment.

AMTRAK,
NATIONAL RAILROAD PASSENGER CORPORATION,
Washington, DC., September 3, 1985.

Hon. SILVIO O. CONTE,
House of Representatives, Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE CONTE: Thank you for your letter of August 9 regarding the impact a 15 percent funding reduction would have on Amtrak's ability to operate the current route system.

In testimony before Congress this year, I urged support for a funding freeze of $684 million to operate our national railroad passenger system in fiscal year 1986. Even with full funding at the freeze level Amtrak would have to absorb an estimated $63 million in inflation over our FY1985 costs. Amtrak considered this a bare bones budget which would have required continued significant improvements in productivity over our current performance.

In response to questioning, however, I stated that it may be possible for Amtrak to continue to operate essentially the same routes it operates today if we receive funding at a level 10 percent below the fiscal year 1985 baseline. I had hoped that we would get by with this funding level and that we would be able, through our internally achieved efficiencies, to generate an acceptable maintenance posture and capital program in the out years. Among the actions Amtrak indicated it would take to operate with a 10 percent funding cut include:

Substantial reduction in the scope of Amtrak's capital program in FY86.

Hold employee wages and salaries at or near FY85 levels, in spite of the fact that wages are already 12 percent below rail industry rates, and middle and upper management salaries have a significantly greater differential.

Possible reduction of on-board service crew sizes and station manning levels, with some resulting adverse impact on quality of service and revenues.

Defer equipment overhauls and some right-of-way maintenance in the Northeast Corridor to the extent possible without impacting safety.

Limited reductions and the rearrangement of frequencies in the Northeast Corridor and on some long-distance routes, limited so as not to trigger labor protection obligations.

As you indicate, the FY86 First Concurrent Resolution on the Budget recommends a 15 percent funding cut for Amtrak, which is $34 million below the subcommittee mark, and a total of $100 million below Amtrak's FY1985 funding level. If Amtrak funding is reduced by $34 million in addition to the 10 percent reduction already contemplated, it will probably require elimination of frequencies in the Northeast and the restructuring of more additional long-distance routes from daily to tri-weekly service. Unlike most of the other programs and agencies that the Transportation Appropriations Subcommittee funds, Amtrak is an ongoing business in a very competitive industry. It is unrealistic to believe that a $100 million reduction in our funding from one year to the next will not have significant effects on both the level and quality of service we provide. In sum, Amtrak will survive with a 10 percent budget reduction and can accomplish many of these savings by taking actions that are based on sound business practices, but the company's long-term economic health and long-term program to continue to improve our service while requiring less and less federal operating support would be jeopardized by Appropriations Committee actions that imposed more drastic funding reductions in any one year.

With respect to your comments on the Montrealer, Amtrak is considering a series of changes which include establishing a stop in Greenfield, Massachusetts and shifting the operation of the train to a daylight schedule. I have asked my staff to review the feasibility of instituting an additional stop at Holyoke, Massachusetts and will advise you of our findings as soon as the analysis is complete.

Your support for Amtrak is appreciated more than I can tell you. I hope I have adequately answered your questions. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

W. GRAHAM CLAYTOR, Jr.,
President.

□ 1615

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 30 additional seconds.)

Mr. CONTE. Mr. Chairman, let me direct my attention to the gentleman from New Mexico and the gentleman from Indiana. If you are going to go by every assumption of the Budget Committee resolution and not the bottom line that they give us, you might as well make an amendment to this amendment and repeal the Appropriations Committee.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to direct an inquiry to the distinguished gentleman from Florida [Mr. LEHMAN], the manager of the bill.

I observe on page 83 of the committee report the following language:

The amount recommended for research and technical assistance includes $5,000,000 for continuation of the cold weather transit technology program * * *.

I think that is an important program, with very positive prospects of saving lives. It is my understanding that the bill included such directions, last year, but that the money never was spent. Is that fundamentally correct?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, that is true. The distinguished majority leader is absolutely right.

Mr. WRIGHT. Mr. Chairman, the distinction I discern is that this year you have attributed a specific sum; namely, $5 million, earmarked expressly for that research and technical assistance program; is that correct?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. WRIGHT. And I discern therefrom that under the rules and the law the administration is expected to spend it?

Mr. LEHMAN of Florida. That is right, unless they defer it or rescind it, and that would take action that I do not think would be forthcoming.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman.

Mr. LEHMAN of Florida. I thank the majority leader.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we hear a lot of talk from time to time about how the defi-

cits that this country is faced with are, in fact, Presidential deficits, and that this Congress has been responsible in what it has done and, in fact, deficits cannot be blamed upon us.

Here is one of these amendments that gives us some clear way of defining what is real in this business of defining deficits, and I would hope that we would vote in that way.

The President had suggested in this bill a budget for transportation that was $3.3 billion under what the subcommittee reported and $2.3 billion under the measure as now amended by the subcommittee on the floor. Six hundred million dollars of that $2.3 billion is in the Amtrak account.

The President has suggested that what we should do on Amtrak is eliminate the Government subsidy completely, and he suggests that we have had 14 years of Amtrak attempting to get on its feet with taxpayer money, so what we now have is not a case of a viable system being created; what we have is a process, as the chairman of the subcommittee honestly admitted, of trying to maintain a viable system.

Now, the question becomes this: How long are we going to do that, and what do we regard as "viable"? Because as the OMB has made clear on a couple of occasions, we now have lines on Amtrak where it would be cheaper for us to fly people first class aboard airlines than to have them take the train. The Government would be better off, and the taxpayers would be better off flying people first class than having them on those raillines with the kind of subsidy money we are spending.

That is ridiculous. The taxpayers in times of deficits should not be asked to do that kind of thing, and, in fact, the President is correct, that this is one of those programs we ought to look at for total elimination, saving $600 million and thereby doing something about the deficit.

But, of course, this Congress does not like to look at the elimination of any program. So what we end up doing is trying to act incrementally about spending, and at least with this amendment what we are doing is trying to incrementally reduce the program a little bit—a program that ought to be eliminated, and a case can be made for eliminating it completely. At least we ought to cut back a little bit.

What is the gentleman from New Mexico proposing? He is proposing a $22.1 million cut in that $600 million account. That hardly seems to be to be something that is going to wreck the total viability of the system, and it hardly seems to me to be anything which is going to get the Government completely out of the Amtrak business. It is just an attempt to do a little something toward addressing the deficit and come a little closer to what the budget resolution says we ought to be doing.

I recognize that the Appropriations Committee does not like us bringing up points where the budget resolution and the appropriations process are in conflict, but the fact is that the budget process is constantly being undermined on the House floor with this whole process of figuring things a different way. The problem with that is that every time we figure things a different way we end up raising spending, and over the last 5 years we have overspent our own budgets by $150 billion.

Now, that did not just emerge out of thin air. That came about as a result of us deciding consciously to spend more money in appropriation bills than what we had budgeted. That came about as a result of supplemental appropriations, it came about as add-ons to continuing appropriations, and it comes about for a variety of reasons. But the fact is we are overspending our own budgets around here constantly. This is one more case where we can cast one small vote to try to bring the appropriations more in line with the budget.

Mr. Chairman, I would suggest that here is a program we should be talking about eliminating completely. At the very least we ought to be talking about cutting it back a little bit. I support the amendment.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am reluctant to rise in opposition to my good friends and colleagues, the gentlemen from Pennsylvania and New Mexico, but I would point out that we have cut the funding for Amtrak, not once but twice. We cut the funding for Amtrak in subcommittee, and we cut the funding for Amtrak again in the amendment offered by the gentleman from Florida [Mr. LEHMAN], chairman of the subcommittee, which was adopted on the floor of the House only a few hours ago.

We are at the budget level for the transportation function as a result of the amendment introduced by the subcommittee chairman. The appropriations Committee has made its own cuts as is its right to determine where the cuts should be made.

In the Transportation Subcommittee of the Appropriations Committee we spent untold hours trying to review all the transportation programs and decide which priorities should be which. We have looked at this, we have looked at what the Budget Committee wanted, and we have looked at the bottom line. We have met the bottom line. We have a bill that meets the Budget Committee's recommendation; it is much less than last year, much below the freeze level.

Mr. Chairman, let me further point out that Amtrak has a peculiar problem in adjusting service levels about which many people are unaware. My good colleague and friend, the gentleman from Pennsylvania, referred to some lines that may not pay their own way. One of the problems Amtrak has is that the discontinuing of a line that even Amtrak might want to discontinue triggers what are called labor protection payments. That means that we have got to pay the people affected the equivalent of 6 years' wages as a result of the discontinuance of a particular line. In many cases the discontinuance of lines would cost more than they would save because of lack of control of those labor protection payments and lack of action by this Congress, if you will, to eliminate the triggering of those payments as lines are changed.

So I think what has been done here by the Appropriations Committee and by the Transportation Subcommittee of the Appropriations Committee is entirely in order. We are at the budget level. We have reduced Amtrak. If we are forced to reduce it more, it is not going to be able to function. Amtrak is important, not just to provide passenger service for this country, as is provided in every other nation, but also for national defense.

So, Mr. Chairman, I urge the defeat of this amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield to my colleague, the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I would just like to commend the gentleman from Pennsylvania for his statement and join him and the chairman of the subcommittee, along with the ranking minority member of the full committee, in opposition to this amendment.

It is clear that we have substantially reduced the spending in this bill. It is clear that we have also substantially reduced Amtrak funding from last year. I think it is also clear that Amtrak has been doing a better job year by year in managing its system and maintaining a viable rail passenger service in this country. To cut deeper, I think, would do violence to that system, and I hope that this body will reject the proposed amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to call attention to the language in the report on page 6 with regard to protecting the health and safety of airline passengers, and I would like to commend the committee for that language.

I think this is a very serious matter. I would point out that it is possible to have legislation on this. I think it would pass overwhelmingly in this

body. Legislation would require what the report language expects the Department to do same thing, but it is preferable for the Department to take action as the report expects. The committee has called to the attention of the Department the problems in airports, and if they take it seriously, they can do it. If they do not, I think there is no alternative in the future than to have some kind of a legislative solution.

Mr. Chairman, I thank the committee for its action in this matter.

Mr. PARRIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the pending amendment which seeks further cuts in the Federal subsidy for Amtrak.

Reductions already proposed in this legislation are adequate inasmuch as a funding level of $603 million would afford Amtrak adequate opportunity to make the transition from a subsidized to a nonsubsidized entity over a period of time. An additional cut of 5 percent, as proposed by the gentleman from New Mexico, would mean a certain and premature death to the Nation's passenger railroad system.

I am informed and convinced that any further cuts in funding for fiscal 1986 would necessitate the deferral of maintenance, equipment overhauls, and roadbed repairs for the system. Such a deferral, in the opinion of numerous rail experts, would cause the entity to fall into a desperate state of disrepair—probably to the point of no return.

Amtrak has done a commendable job thus far in cutting costs both in the areas of labor and general operations. In fact, negotiations are currently underway between Amtrak and labor unions to further reduce labor costs. Industry estimates claim that, given adequate time, these costs could be reduced by an additional $100 to $150 million. In light of the substantial Federal investment in Amtrak already, it would be, in my judgment, unwise for the Congress to rush into a plan which would have the effect of killing Amtrak merely for short-term gain.

□ 1630

I would hope that my colleagues would agree that this amendment would not be in the Nation's best interest and that the amendment should be rejected.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I want to commend the gentleman and join in the sentiments that he expressed in opposition to this particular amendment.

I believe the gentleman from Virginia represents the area in which the National Airport is situated, is that correct?

Mr. PARRIS. My district borders that facility.

Mr. LENT. I just want to point out to the gentleman one other fact, that 12,000 passengers travel on the airlines between New York and Washington every day and 17,500 travel on the Amtrak between the same two cities. If the Amtrak were to be zeroed out as a result of this, I believe, unwise and injudicious cut a much greater burden would be placed on La Guardia Airport, Newark Airport, and National Airport. Given the number of landings and takeoffs at National Airport, I do not think that airport could reasonably handle the additional burden. I just wanted to throw that in as sort of a makeway argument on why we need to keep Amtrak in business, at least in the Northeast corridor.

I thank the gentleman.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for his contribution and for his comments.

Let me just add one other thought. In response to the observations of my colleague and friend, the gentleman from Pennsylvania [Mr. WALKER], I take, as a Member of this body, a back seat to nobody in terms of his voting record in support of fiscal responsibility; but I do not think you can approach this or any other issue that comes before us in the exercise of these sometimes awesome responsibilities solely from a fiscal point of view. Money is important. Taxes are too high. We would like to reduce Government costs, but that is not the only consideration. The quality of life of the passenger railroad system of this Nation is important to this Nation. I think we have to keep that in mind and reject this amendment.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, just a quick summary, I want to make sure that the Members understand that even though there was some discussion about zeroing out Amtrak, removing the Government subsidy from Amtrak, the Richardson amendment does not do that. It simply cuts an additional 3½ percent from the appropriation that is currently before us. This amendment brings it in line with what the House agreed to do in the budget resolution, that was passed on a bipartisan basis just before we adjourned for the August recess. We are not talking about eliminating routes. We are not talking about eliminating Amtrak. In fact, we are not even necessarily talking about reducing service.

Amtrak has demonstrated an improvement in its service and in its efficiency. That is why we are able to come forward with a lower subsidy than what was previously asked for. That is why Mr. Claytor, President of Amtrak, was able to come before our STE committee and testify that he could operate the railroad in an efficient way and provide full service on a national basis with less money than he had asked from Congress in previous years.

As we are staring at horrendous deficits with untold consequences on our economy and on our future, when someone comes forward and says we can run a railroad with less, I think we ought to listen to him and do what we can.

Mr. Claytor did say that he wanted a 10-percent cut—or would accept a 10-percent cut. We think we can go that additional 5 percent and still provide effective, efficient Amtrak service on a national basis.

As I indicated before when the gentleman yielded to me, a number of suggestions were made in the committee as to ways in which cost savings could be achieved that would not jeopardize the service of Amtrak. We continue to stand ready to work with Amtrak in bringing about and implementing those changes.

So to summarize, let me just state to the Members what we are voting on here is a 3½-percent reduction in funding for Amtrak, which brings it in line with a budget resolution that this body passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COATS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 16, as follows:

[Roll No. 298]

AYES—173

Andrews	Coleman (TX)	Gingrich
Archer	Combest	Goodling
Armey	Cooper	Gordon
Atkins	Craig	Gradison
Badham	Dannemeyer	Gregg
Bartlett	Darden	Grotberg
Barton	Daschle	Gunderson
Bateman	Davis	Hammerschmidt
Bedell	DeLay	Hansen
Bereuter	Derrick	Hartnett
Billirakis	Dickinson	Hatcher
Boucher	Dornan (CA)	Heftel
Boulter	Dreier	Hendon
Breaux	Duncan	Hiler
Broomfield	Eckert (NY)	Hopkins
Brown (CO)	Edwards (OK)	Hubbard
Broyhill	English	Huckaby
Burton (IN)	Erdreich	Hutto
Byron	Evans (IA)	Hyde
Callahan	Fawell	Ireland
Campbell	Fiedler	Johnson
Carney	Fields	Jones (OK)
Chandler	Flippo	Jones (TN)
Cheney	Franklin	Kasich
Coats	Frenzel	Kemp
Cobey	Fuqua	Kindness
Coble	Gaydos	Kolbe
Coleman (MO)	Gibbons	Kramer

Lagomarsino	Morrison (WA)	Smith (NE)
Latta	Neal	Smith (NH)
Leath (TX)	Nelson	Smith, Denny
Lewis (FL)	Nichols	Snowe
Livingston	Nielson	Snyder
Lloyd	Oxley	Solomon
Loeffler	Packard	Spence
Lott	Petri	Stangeland
Lowery (CA)	Porter	Stenholm
Lujan	Quillen	Stump
Luken	Ray	Sundquist
Lungren	Richardson	Sweeney
Mack	Ritter	Swindall
MacKay	Roberts	Synar
Martin (IL)	Robinson	Tauke
Mazzoli	Roemer	Tauzin
McCain	Rogers	Taylor
McCandless	Roukema	Thomas (CA)
McCloskey	Rowland (CT)	Valentine
McCurdy	Rudd	Vander Jagt
McEwen	Saxton	Visclosky
McKernan	Schaefer	Vucanovich
McMillan	Schroeder	Walker
Meyers	Schuette	Weber
Michel	Sensenbrenner	Whitehurst
Miller (WA)	Shaw	Whitley
Monson	Shumway	Young (AK)
Montgomery	Siljander	Young (FL)
Moore	Skeen	Zschau
Moorhead	Slattery	

NOES—245

Ackerman	Edgar	Lightfoot
Alexander	Edwards (CA)	Lipinski
Anderson	Emerson	Lowry (WA)
Annunzio	Evans (IL)	Lundine
Anthony	Fascell	Madigan
Applegate	Fazio	Manton
Aspin	Feighan	Marlenee
AuCoin	Fish	Martin (NY)
Barnard	Florio	Martinez
Barnes	Foglietta	Matsui
Bates	Foley	Mavroules
Beilenson	Ford (MI)	McDade
Bennett	Ford (TN)	McGrath
Bentley	Fowler	McHugh
Berman	Frank	McKinney
Biaggi	Frost	Mica
Billey	Gallo	Mikulski
Boehlert	Garcia	Miller (CA)
Boggs	Gejdenson	Mineta
Boland	Gekas	Mitchell
Boner (TN)	Gephardt	Moakley
Bonior (MI)	Gilman	Molinari
Borski	Glickman	Mollohan
Bosco	Gonzalez	Moody
Boxer	Gray (IL)	Morrison (CT)
Brooks	Gray (PA)	Mrazek
Brown (CA)	Green	Murphy
Bruce	Guarini	Murtha
Bryant	Hall (OH)	Myers
Burton (CA)	Hall, Ralph	Natcher
Bustamante	Hamilton	Nowak
Carper	Hawkins	O'Brien
Carr	Hayes	Oakar
Chappell	Hefner	Oberstar
Chappie	Henry	Obey
Clay	Hertel	Olin
Clinger	Hillis	Ortiz
Coelho	Holt	Owens
Collins	Horton	Panetta
Conte	Howard	Parris
Conyers	Hoyer	Pashayan
Coughlin	Hughes	Pease
Courter	Jacobs	Penny
Coyne	Jeffords	Pepper
Crockett	Jenkins	Perkins
Daniel	Jones (NC)	Pickle
Daub	Kanjorski	Price
de la Garza	Kaptur	Rahall
Dellums	Kennelly	Rangel
DeWine	Kildee	Regula
Dicks	Kleczka	Reid
Dingell	Kolter	Ridge
DioGuardi	Kostmayer	Rinaldo
Dixon	LaFalce	Rodino
Donnelly	Lantos	Roe
Dorgan (ND)	Leach (IA)	Rose
Dowdy	Lehman (CA)	Rostenkowski
Downey	Lehman (FL)	Rowland (GA)
Durbin	Leland	Roybal
Dwyer	Lent	Russo
Dyson	Levin (MI)	Sabo
Early	Levine (CA)	Savage
Eckart (OH)	Lewis (CA)	Scheuer
Schneider	Stallings	Weaver
Schulze	Stark	Weiss
Schumer	Stokes	Wheat
Seiberling	Stratton	Whittaker
Sharp	Studds	Whitten
Shelby	Swift	Williams
Shuster	Tallon	Wilson
Sikorski	Thomas (GA)	Wirth
Sisisky	Torres	Wise
Skelton	Torricelli	Wolf
Slaughter	Towns	Wolpe
Smith (FL)	Traficant	Wortley
Smith (IA)	Traxler	Wright
Smith (NJ)	Udall	Wyden
Smith, Robert	Vento	Wylie
Solarz	Volkmer	Yates
Spratt	Walgren	Yatron
St Germain	Watkins	Young (MO)
Staggers	Waxman	

NOT VOTING—16

Addabbo	Dymally	Miller (OH)
Akaka	Hunter	Pursell
Bevill	Kastenmeier	Roth
Bonker	Long	Strang
Chapman	Markey	
Crane	McCollum	

□ 1645

The Clerk announced the following pair:

On this vote:

Mr. Crane for, with Mrs. Long against.

Messrs. ORTIZ, DE LA GARZA, LIGHTFOOT, and BOEHLERT changed their votes from "aye" to "no."

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

PERSONAL EXPLANATION

Mr. ROTH. Mr. Speaker, on rollcall No. 298, I was unavoidably absent. Had I been here, I would have voted "aye."

Mr. CARR. Mr. Chairman, I move to strike the last word.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. I simply wanted to express my appreciation to the subcommittee, its chairman, and particularly to the gentleman from Michigan for including in the report language that goes along with this legislation recognition by this body of the unequal distribution of noise at the Burbank Airport, which is located in my district, and the fact that the committee's report language urges the FAA and the airport authority to put together a program of runway utilization which will correct that inequity of noise. And furthermore, it is my hope that the subcommittee at its next markup for the fiscal year 1987 bill will review and exercise oversight over the actions of the FAA and the authority and meet the objectives set forth in that report language.

Mr. CARR. I want to commend the gentleman from California for bringing this matter to our attention. He has been a leader in the Congress and to our committee, although he is not a member of our committee, to our committee on this noise compatibility problem in his district. I think the people in his district ought to be very grateful for the leadership he has exercised.

I want to underscore what the gentleman has said and emphasize to the FAA and to the airport authority out there in California that we are very serious about this problem, and that when we hold hearings next year on the FAA budget, we are going to be expecting that there be some positive and significant movement toward a solution to this problem.

I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purposes of a colloquy with the chairman of the subcommittee. It is with reference to a harbor in my area, Morro Bay Harbor, which has a reputation along the central coast as having one of the most dangerous harbor entrances along the coast. Since 1964, some 15 lives have been lost at the harbor, and there have been other major catastrophes that have been averted just barely. Last year, for example, a boat carrying a number of children was turned over at the entrance to the harbor because of the conditions there.

The city is trying to correct this situation by locating a harbor office with a better view of the entrance to the harbor. The Coast Guard has indicated an interest in utilizing that facility so that they can provide more effective navigational services to users of the harbor.

Recognizing those conditions, Mr. Chairman, I would ask the chairman and the subcommittee to provide in the statement of managers direction to the Secretary that she provide funding within available funds to the city of Morro Bay for the construction of this harbor office, and that the Secretary should work with the city in implementing a plan to allow this facility to be utilized by the Coast Guard and other agencies with navigational responsibilities at the harbor.

Mr. LEHMAN of Florida. Mr. Chairman, would the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I want to thank the gentleman from California for bringing this to our attention today. I want to assure

him that when we reach the conference on this bill with the other body that we will endeavor to put his language in the statement of the managers.

Mr. PANETTA. I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,000,000.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C 5901-5902), $22,400,000, of which not to exceed $300 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $1,500 for official reception and representation expenses, $50,480,000, of which $2,300,000 shall be derived from unobligated balances of "Payments for directed rail service": *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

PAYMENTS FOR DIRECTED RAIL SERVICE

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $1,000,000 for directed rail service authorized under 49 U.S.C. 11125 or any other legislation.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed $10,000 for official reception and representation expenses of the Board; operation of guide services; residence for the Administrator; disbursements by the Administrator for employee and community projects; not to exceed $5,000 for official reception and representation expenses of the Secretary; not to exceed $25,000 for official reception and representation expenses of the Administrator; and to employ services as authorized by law (5 U.S.C. 3109); $401,284,000, to be derived from the Panama Canal Commission Fund: *Provided*, That there may be credited to this appropriation funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects.

CAPITAL OUTLAY

For acquisition, construction, replacement, and improvement of facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-seven passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed $14,000 per vehicle); to employ services authorized by law (5 U.S.C. 3109); $26,500,000 to be derived from the Panama Canal Commission Fund and to remain available until expended.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $35,500,000.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, to remain available until expended, $2,100,000, of which not to exceed $500 may be available for official reception and representation expenses.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 307. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 308. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation.

SEC. 309. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 310. Notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1986 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1989.

SEC. 311. None of the funds in this or any other Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center.

SEC. 312. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 313. (a) For fiscal year 1986 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropri-

ated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1985, no State shall obligate more than 40 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code.

(2) after August 1, 1986, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations.

(3) not distribute amounts authorized for administrative expenses and the Federal Lands Highway Programs.

SEC. 314. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and five political appointees in the Department of Transportation.

SEC. 315. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 316. The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1986 shall not apply to obligations for the remaining approach and bridge removal work necessary to complete the new bridge alignment for the Zilwaukee Bridge.

SEC. 317. Section 5(b)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following new sentence: "Any funds apportioned for fiscal year 1982 or 1983 under subsection (a) for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more.".

□ 1700

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PICKLE: Amend Section 317 by:

Adding the following new Subsection (b):

(b) Section 5(c)(4) of the Urban Mass Transportation Act of 1964 amended by striking the period at the end of the first sentence, and inserting the following: "except that any fiscal year 1982 funds made available to a Governor under section (b)(2) of the Urban Mass Transportation Act of 1964, as amended, that are unobligated as of October 1, 1985, or become unobligated thereafter, shall remain available for expenditure under section 5 until October 1, 1986.".

Mr. PICKLE. Mr. Chairman, this amendment merely clarifies the intent of the committee that section 5 UMTA money allocated to a State's Governor may be spent in urban areas over 200,000.

To explain, section 5 is the pre-1983 UMTA Special Revenue Sharing Program. The Congress replaced the section 5 program with a new program in the 1982 Mass Transit Act.

Thus, since fiscal year 1982, a small amount of section 5 money, originally given to a Governor to spend in cities under 200,000 is unspent, because these areas do not have mass transit programs.

In section 317 of the committee bill, the committee allows a Governor to spend this fiscal year 1982 and fiscal year 1983 section 5 money in urban areas over 200,000 if there is a mass transit need.

Unfortunately, it is late in the fiscal year and the committee's intent may be defeated by the clock as far as fiscal year 1982 funds are concerned because on October 1, these funds are to be spent by DOT under the new program.

Specifically, my amendment allows the fiscal year 1982 funds allocated to a Governor to be spent under section 5 until October 1, 1986, just like the fiscal year 1983 money.

UMTA has no objections to the committee amendment or my clarifying amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman of the subcommittee.

Mr. LEHMAN of Florida. I thank the gentleman for yielding.

Mr. Chairman, we have studied the amendment. It is a worthwhile amendment. It serves a useful purpose.

Mr. Chairman, we have no objection to the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, we have also examined the amendment. It is a good amendment. We accept the amendment.

Mr. PICKLE. I thank both of the gentleman very much. I am grateful for their cooperation.

Mr. Chairman, I move adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PICKLE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 318. Notwithstanding any other provision of law, within 60 days of the effective date of this Act the Urban Mass Transportation Administration shall reapportion under section 9 of the Urban Mass Transportation Act of 1964, as amended, those funds available for reapportionment pursuant to subsection (c)(4) of section 5 of that Act.

SEC. 319. None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended.

SEC. 320. (a) Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants Program of the Urban Mass Transportation Administration, within 30 days after the enactment of this section, issue a letter of intent and enter into a full funding contract with the Southern California Rapid Transit District for $429,000,000 to complete the Minimum Operable Segment, MOS-1, of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project: *Provided*, That the $429,000,000 shall include $11,800,000 earmarked for fiscal year 1984, $117,200,000 earmarked for fiscal year 1985, $130,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, $170,000,000 in subsequent fiscal years.

(b) The Urban Mass Transportation Administration shall enter into a contract with the Southern California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail Project beyond the Minimum Operable Segment, MOS-1. The study shall develop alternative alignments and appropriate environmental documents so that construction will not penetrate the "potential risk zones" and "high potential risk zones" as defined by the Task Force Report on the March 24, 1985, Methane Gas Explosion and Fire in the Fairfax Area, City of Los Angeles. The study shall be completed no later than nine months after the date of enactment of this legislation. Funds for this study, in an amount not to exceed $1,000,000, shall be made available from funds previously allocated for the MOS-1 project, commencing within 30 days of enactment.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman from California [Mr. WAXMAN] indicate which of his amendments he is offering?

Mr. WAXMAN. Mr. Chairman, the amendment that would be before us would be the amendment printed in the RECORD. That amendment will be modified, and I will discuss the modifications which I desire.

The Clerk read as follows:

Amendment Offered by Mr. WAXMAN: Page 41, strike out line 14 and all that follows through page 42, line 4, and insert in lieu thereof the following:

(b) None of the funds described in subsection (a) may be made available for any segment of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project unless—

(1) the Southern California Rapid Transit District establishes an independent committee of experts to conduct detailed studies of the entire Metro Rail Project route and the potential hazards associated with the occurrence of methane gas;

(2) before the expiration of the 9-month period following the date of the enactment of this act, the committee established under paragraph (1) submits recommendations to the Southern California Rapid Transit District regarding any adjustments in the Metro Rail Project route that are required to avoid tunneling into or through any area where the occurrence of methane gas presents a potential hazard;

(3) the Southern California Rapid Transit District submits to the Urban Mass Transportation Administration binding plans that—

(A) incorporate the recommendations of the committee submitted under paragraph (2); and

(B) indicate that no part of the Metro Rail Project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, and entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area"; and

(4) the Urban Mass Transportation Administration approves such plans.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. FIEDLER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman reserves a point of order.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. FIEDLER. Mr. Chairman, is this the amendment that has been made in order under the existing rule?

The CHAIRMAN. The Clerk has reported the amendment that is in order under the existing rule.

Ms. FIEDLER. I thank the Chair.

Mr. WAXMAN. Mr. Chairman, the amendment before us is an amendment made in order under the rule, and I will seek a modification of that amendment in order to have it comply with an agreement that we have worked out and which we will discuss shortly.

But let me explain the problem as to why we are discussing this issue at all.

For some years now in Los Angeles we have been trying to get a rapid transit metrorail system. The process has taken years—in fact, over a decade. Last year, we appropriated money for the project and yet the construction has not yet started.

I have been a supporter of the metrorail system, and I continue to be a supporter of the metrorail system. However, in March of this year in an area that would be envisioned by the original route of the metrorail system, there was an explosion. None of us thought at first that there would be any particular connection with the metrorail, but the reality was that this explosion was due to methane gas in that area. The mayor of our city appointed a task force. The task force went out to find out why the explosion took place. The designated two areas: a potential high risk area surrounded by a potential risk area.

We have been concerned about the idea of tunneling through that area. We have had a conflict in testimony.

Some experts say, "Well, sure, it is a risky area, but we can do it safely."

Others have told us in the testimony that we received at a hearing that I held for my subcommittee in June of this year that the construction of such a subway system is fraught with peril. One witness described that if they hit an expected methane gas pocket, it could be like a fireball, costing the lives of the people working on that system.

Well, it seems to me foolhardy to tunnel through an area and take that kind of a risk to the workers involved, and later to the people that will be riding that metrorail system and to the surrounding community, the people living in the surrounding community.

We have proposed to everyone involved that we must accomplish three results: First, to avoid penetrating through this risky area because we did not think it made any sense to continue the idea of tunneling through an area where there is a risk.

Second, the city task force looked at this area and said there is a risk here but there may well be a risk as great in other areas along the metrorail route.

The only reason that they have not looked at the rest of that route is because they have only had an explosion in one part of that route.

We have said there has to be a reevaluation of the safety in light of this explosion, in light of the fact that we know now about the danger of methane gas along that route.

Further, we said there has not only to be a reevaluation but it has to be done independently of the people who insist they can go forward safely.

What our amendments would do is, first of all, ask my colleagues to join in making clear that the language offered in the committee by my friend and colleague, Mr. DIXON, that would call for a rerouting of that subway system out of that risk area be, in fact, guaranteed. Second, we have asked that a study be done of the safety of the route, particularly the second segment of the route. The amendment would further clarify that part.

Now, I have genuine concern about the first segment of the metrorail system as well. However, while the amendment that is before us would require that funds not be dispensed, construction not begun, and other limitations be made on the metrorail system until such time as they reevaluate the safety of the first section, we have been convinced that to put this in the statute may well be harmful to the progress of metrorail finally getting started. So we have agreed to ask the transportation committee of the city of Los Angeles, the city council, to convene an independent committee of technical experts comprised of 10 people, 2 of whom we would be permitted to recommend to be on that committee. The technical committee would deliberate on the question of methane gas safety and whether tunneling is unsafe in that first MOS segment. Their deliberations would be open to the public.

Councilwoman Pat Russell from the city of Los Angeles, who is chairman of that city council committee, would appoint the chair of the technical committee.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 5 additional minutes.)

Mr. WAXMAN. The councilwoman would appoint the chair of the technical committee, and the technical committee would establish its own rules.

The technical committee would report to the transportation committee of the city council in a public hearing, and that committee, the transportation committee of the council, would adopt findings or take whatever action they deem appropriate. The technical committee and the transportation committee would complete that work, their work, by December 31, 1985. This would be a response to a letter that Congressman DIXON and I would send to Councilwoman Russell.

The reason this makes sense to us is, what we want is a second look into the safety issue before tunneling begins, before construction starts.

Let us look at it again from a technical point of view. Let us reevaluate this whole matter in light of the fact that we have had an explosion. Then let us have someone who is politically accountable to the public deal with that technical committee's report. Let them do it in the sunshine and open to the public of the people of Los Angeles so that they may be able to participate and understand what decisions are being made.

If we can accomplish that result for the first segment, a study of the continued route thereafter which will provide for reports annually to the Congress of the United States so that we will have those reports before any other appropriation would be made to metrorail and an assurance that we will not be tunneling through an area that is already designated as risky by the city task force, it seems to me we ought to then go forward with a proposal that has come out of the Appropriations Committee.

Now, in a minute, Congressman DIXON will be introducing a substitute which would bring this proposal that is before us into conformity with exactly the points that I have raised.

I would like to engage Mr. DIXON in a colloquy before he takes that step and ask him to confirm the statements that I have made as to what will be undertaken with respect to the evaluation of the first segment by the transportation committee of the Los Angeles City Council and his understanding of the way that we have presented to this Committee of the Whole the procedure in dealing with the metrorail.

□ 1715

Mr. DIXON. Yes, if the gentleman will yield.

Mr. WAXMAN. I yield to the gentleman.

Mr. DIXON. The gentleman is correct when he indicates that in a moment I will be offering a substitute amendment to Mr. WAXMAN's amendment, and you are certainly correct in saying that we are all concerned with the safety of the metrorail project that the Transportation Committee, under the direction of Congressman LEHMAN, has provided funds, for in this bill.

The gentleman is also correct in saying that we have reached an agreement outside of the legislation to independently ask the chairman of the Transportation Committee to look into this matter by appointing a technical committee, of which you have two representatives, and that they will make a finding or report back to the Transportation Committee, and that that Transportation Committee will make a finding.

Where we have disagreed from time to time as good friends is to the whole issue of safety; and although I am agreeing because I think certainly 10 ounces of prevention is worth it under the circumstances, I want to make it clear that I still maintain that the metrorail system is safe, particularly MOS-1.

I certainly agreed to offer an amendment in the full committee which the gentleman is perfecting here that makes it clear that those high potential risk zones will not be tampered with in any way, shape, or form.

The gentleman and I would differ, though, as it relates to understandable concern, because I would indicate to the gentleman that the explosion had nothing to do with metrorail. Everyone should understand that there is no construction going on.

To me, although the gentleman would disagree, the similarity between metrorail and the explosion was in fact that there is methane gas there that in the tunneling we wil have to deal with; we are not going to go through the area, so we will not deal with it; but to me, that is the only similarity.

Obviously, the reports that have been done indicate that there can be tunneling safety.

Mr. WAXMAN. If I might reclaim my time, just to add a few points, Mr. Chairman.

I hope the gentleman is correct; I know he is as concerned as I am about safety, as is Mayor Bradley and everyone else involved in supporting the metrorail system.

I cannot tell the gentleman it is unsafe. I would not seek to make that claim. What I believe must be done is that we take a look at this thing again in light of the fact that we have had an explosion.

When we did look at it again, we found that metrorail's consulting engineers classified the rail alignment into regions designated "high level hazard"; "medium level hazard"; and "low level hazard."

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. According to the consultants, the hazard designation was based upon the concentration and pressure. Six stations were designated by the engineers as high level hazards, including three stations in MOS-1; the Civil Center station, the Fifth and Hill station, and the Seventh and Flower station. There are only five stations in MOS-1, and three of them are, or 60 percent have been characterized as "high level" hazards by metrorail's own engineers.

Yesterday, the principal engineer with the State said readings were high.

Our compromise would require a reevaluation in light of these facts, to determine the safety of the route. If in fact it is as safe as we hope it will be, then that reevaluation could be completed and we can go forward.

I am not saying it is unsafe. I am not convinced it is safe; I am convinced that when it comes to a question of safety, that should be our paramount concern, and we should sometimes step back and have an independent reevaluation of those safety concerns by technical people.

Ultimately, the decision is not one of engineers and geologists; it must be a decision by a publicly elected official, and that is why we would have the city council people review that as well, and adopt their findings.

So I am hopeful that we can reach the conclusion and join together with everyone in giving the assurances that some people feel comfortable to give at this time but which this gentleman does not feel able to join in, in absolute assurance that the project will be safely constructed.

The issue is whether it can be safely constructed, not whether the area is hazardous; the area is hazardous, and we hope that the methods of construction in that first segment will allow us to feel that we can go forward and not be concerned that an unforeseen event costing people's lives might occur.

AMENDMENT OFFERED BY MR. DIXON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAXMAN

Mr. DIXON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON as a substitute for the amendment offered by Mr. WAXMAN: On page 41, section 320(b) strike lines 19-25 on page 41 through the period on page 42 line 1 insert the following: None of the funds described in subsection (a) may be made available for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project unless and until the Southern California Rapid Transit District officially notifies and commits to the Urban Mass Transportation Administration that no part of the Metro Rail project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 19, 1985 entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area."

POINT OF ORDER

Ms. FIEDLER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentlewoman will state her point of order.

Ms. FIEDLER. Mr. Chairman, this amendment violates clause 2, rule XXI. It is legislation in an appropriations bill, and it has not been previously cleared by the Rules Committee.

The CHAIRMAN. Does the gentlewoman have anything further to add?

Ms. FIEDLER. In my opinion, Mr. Chairman, based on the existing rules, that this was not cleared by the Rules Committee; that there was a specific amendment or a lesser amendment which was acceptable by Congressman WAXMAN, and that any amendment which might be brought by another Member was not cleared by the Rules Committee.

Mr. WAXMAN. Mr. Chairman, if I might, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] is recognized.

Mr. WAXMAN. Mr. Chairman, I would contend that the point of order should not be sustained; that the amendment is a perfecting amendment to the amendment that had been approved by the Rules Committee for the purposes of the waiver.

The substitute amendment that is before us is legislating in no other way than what had already been approved for the purpose of the waiver by the rule that was adopted by the House.

Under those circumstances, as a perfecting amendment, legislating in no greater extent than the original amendment, it is consistent with the rule adopted.

Ms. FIEDLER. Mr. Chairman, in all due respects to the viewpoint expressed by my colleague, this is a substitute amendment, not a perfecting amendment, and consequently reflects a totally different approach to the entire project; and consequently it is, in my opinion, supportive of the violation of the point of order, and the point of order should be sustained.

The CHAIRMAN. (Mr. SHARP). The Chair is prepared to rule.

The Chair would indicate that under the rules and precedents, when a waiver is granted by the Rules Committee against an amendment to a general appropriation bill containing legislation, a substitute or a perfecting amendment thereto is in order as long as it only perfects the protected amendment without proposing additional legislation. And such is the case in this instance; the substitute does not enlarge upon what has been made in order by the Rules Committee.

So the Chair would overrule the point of order.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. FIEDLER. If it is true that a perfecting amendment which was not made in order under the Rules Committee by a Member who did not seek a waiver of the existing rules was acceptable, would an additional amendment be reportable under the same concept for another Member dealing with the same general issues?

The CHAIRMAN. The Chair would have to evaluate each amendment as the substance of the amendment was before the Chair, as to its relationship to the original Waxman amendment.

The Waxman amendment was made in order by the rules; it is subject to perfecting amendment; and the Chair would simply have to evaluate amendments that are offered to it to determine whether those would be germane or contain further legislation.

Ms. FIEDLER. One further inquiry if I may, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. FIEDLER. Is the amendment now before the House considered to be the Waxman amendment, or is it the Dixon amendment?

The CHAIRMAN. The amendment that has just been read is of course the substitute amendment offered by Mr. DIXON to the amendment offered by the gentleman from California [Mr. WAXMAN].

Ms. FIEDLER. I thank the Chair.

□ 1725

Mr. DIXON. Mr. Chairman, I think the gentleman from California [Mr. WAXMAN] has given you an adequate overview of the situation. This amendment is a perfecting amendment, because it clearly will delineate the area in which the rapid transit system to be developed in Los Angeles will not enter. Basically, there are two zones in Congressman WAXMAN's area labeled "high potential" and "potential risk zones" by the Los Angeles City task force. Although I offered an amendment in the committee, which I feel does the same thing, Mr. WAXMAN felt that this language would in fact perfect that, and so I am pleased to offer this amendment.

I would indicate that I have prior to this received a letter from RTD indicating that they found that my language was binding and would not enter into the area, but since there is some question, I would offer this perfecting amendment.

Let me say further that Congressman WAXMAN I think has been very articulate in making his case about safety. As I indicated before in a colloquy with him, we are interested in safety. I just want to point out that I feel that the preponderance of the evidence, the overwhelming amount of the evidence, from CALOSHA, RTD, from the city of Los Angeles, from the Fire Department of Los Angeles and the County Fire Department clearly spell out that, as it relates to MOS–1, it is perfectly safe. However, as Mr. WAXMAN correctly points out, in the effort to take that extraordinary step, we are joining together to ask the City Council Transportation Committee also once again to take a look at the safety and design measures.

I rise in strong support of the perfecting amendment, and I ask for an "aye" vote.

AMENDMENT OFFERED BY MS. FIEDLER TO THE AMENDMENT OFFERED BY MR. DIXON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAXMAN

Ms. FIEDLER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Ms. FIEDLER to the amendment offered by Mr. DIXON as a substitute for the amendment offered by Mr. WAXMAN: Strike out the language of the substitute and insert in lieu thereof the following:

(b) None of the funds described in subsection (a) may be made available for any segment of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project unless—

(1) the Southern California Rapid Transit District establishes an independent committee of experts to conduct detailed studies of the entire Metro Rail Project route and the potential hazards associated with the occurrence of methane gas;

(2) before the expiration of the 9-month period following the date of the enactment of this Act, the committee established under paragraph (1) submits recommendations to the Southern California Rapid Transit District regarding any adjustments in the Metro Rail Project route that are required to avoid tunneling into or through any area where the occurrence of methane gas presents a potential hazard;

(3) the Southern California Rapid Transit District submits to the Urban Mass Transportation Administration binding plans that—

(A) incorporate the recommendations of the committee submitted under paragraph (2); and

(B) indicate that no part of the Metro Rail Project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, and entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area"; and

(4) the Urban Mass Transportation Administration approves such plans.

Ms. FIEDLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I reserve a point of order against the amendment.

Ms. FIEDLER. Mr. Chairman, several years ago I brought an amendment to the floor of the House and gained the support of 135 Members of the Congress to strike funds for the metro-rail project in Los Angeles. I did that after considering the issue very much in depth and only with a great deal of soul searching. I did it because I was persuaded at that time that the project was simply too expensive for us to go forward with, that there were a number of major hazards along the route, including 1,200 underground oil wells, which I warned at that time had the potential to create an explosion either during the tunneling process or during the process of actually going through, since metane gas is odorless and sightless, and there had in fact been a history of clear-cut problems. During past history, people would go into their backyards and stick a shovel in their backyard, light a cigarette, and explosions would take place. That was not unusual in this area. So I decided to support an effort to cut the funds. I was not successful in that

effort, but I have been successful in encouraging the support of the Department of Transportation. So even though funds have been appropriated over the last several years, the Department of Transportation has not released those funds.

Now, this map which I have over here to my left gives a little bit of an outline as to why I honestly believe that we should not go forward with the project and specifically with the route, and the reason I am bringing forward the amendment is because I have confidence that at least it deals with one of the major factors that we have seen in the last few months.

What happened was that there was an underground explosion which took place along the route of the metrorail, just a few yards from it, and 22 people were injured in Congressman WAXMAN's district. As a result of that, he became concerned. He obviously will speak for himself on the issue. I do not need to try to speak for him. But a hearing was held, and he expressed a very deep concern about some of the hazards which were created as a result of the methane gas.

This particular map shows you the route which is outlined in yellow. The dots which you see are the underground oil wells as identified by the Department of the Interior, many of which create what I believe to be a substantial hazard. These round spots with the triangles in the middle represent the areas that are the station, and in three of the five stations in the first 4 miles of this project they have identified significant hazard according to the RTD's own documents themselves. These are in the downtown Los Angeles area. They say that they would be designated as high level hazard.

Now, I am obviously deeply concerned about the safety of the people of Los Angeles, and I am convinced my colleagues are, those who support the original substitute amendment. I think that they are concerned based upon very good faith for the welfare of the people. But I also feel that for us to go forward and permit the approval of $429 million for a project whose route is, in my opinion, unsafe, and, in the opinion of a number of experts who have looked at various areas along the route, simply is foolhardy on our part.

Now, when the project was first initiated, it was supposed to cost $100 million a mile. They have not yet stuck a shovel in the ground. The project escalated to $300 million a mile. And the project's first 4 miles will cost $1.1 billion, which is what they originally claimed the entire 18 miles would cost.

I believe—and I believe there are a number of experts who agree with me—that there is significant concern. The Appropriations Committee has expressed their concern through the language which they put into the bill but in my opinion has no teeth in it, because the RTD had the authority to originally devise a route which was safe. It is clear, in my opinion, that they want to build this project regardless of what the implication is regarding the safety of the people. They want to move forward with nearly a half billion dollars of public funds, without any reasonable assurance that the route is safe and that the public safety is going to be protected. I think that this is extremely unwise. I personally believe to risk this kind of hazard for public safety, when we know in fact that there has already been a serious accident along the route, is something that we simply cannot accept.

I would like to read to you the opinion of UMTA Administrator Ralph Stanley.

The CHAIRMAN. The time of the gentlewoman from California [Ms. FIEDLER] has expired.

(By unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Ms. FIEDLER. Mr. Stanley said, in a letter which was sent to me on September 11:

> As you know, funding for this project was not included in President Reagan's FY '86 budget because the funding currently available is totally inadequate to complete the proposed 18.6 mile system. It is estimated that approximately $2 billion in Federal funds will be required to complete the project.
>
> UMTA is very concerned about the project related safety issues raised by you and Congressman Waxman and feel it is only prudent that the activities outlined in your amendment occur before any consideration be given to providing Federal funds for the Los Angeles Metro rail project. Therefore, we fully support the amendment as currently worded.

The amendment that UMTA supports that is the substitute which I have offered.

I would like to read a little bit of additional language which comes from one of the investigative reports which was done for the city of Los Angeles task force report on the recent Fairfax explosion.

It says:

> All evidence suggests that oil and gas seepage has increased steadily in the past years. How often and at what location a gas bubble can come to the surface cannot be predicted, meaning we simply do not know when this kind of problem might reoccur.

And I might add that within a year of the time of the explosion along the route, there has been testing done. In at least three locations of subway stations in the first 4 miles of metrorail construction, there are clearly identified spots of considerable hazard. It simply does not make sense to go forward unless the entire subway route is subject to a thorough investigation and review before any construction is begun.

I yield to my colleague.

Mr. COUGHLIN. I want to commend the gentlewoman. Certainly it is her leadership in this House that has, I think, resulted in trying to examine this project thoroughly, both from a safety standpoint and from a cost-benefit standpoint. Certainly what she has done in the past has been repeatedly proven to be the fact, and I think that, really, Los Angeles owes her a great debt of gratitude in the diligence that she showed in pursuing this. I certainly support her effort because she has been proven so correct in the past.

Ms. FIEDLER. I thank the gentleman. I appreciate his comments.

The CHAIRMAN. Does the gentleman from California [Mr. WAXMAN] insist upon his point of order?

Mr. WAXMAN. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. Is there further discussion on the amendment?

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, recognizing the fact that it is an amendment with which I have been associated until the very recent times. And I want to explain to the Members why I decided that it is not an appropriate amendment for us to adopt.

The amendment would place a number of very severe limitations on the whole metrorail system going forward and in ways that I do not think are appropriate, in light of the proposal that Mr. DIXON and I have agreed to, with others in Los Angeles, that we presented to the Members on the floor today and have outlined to the Members on the floor today that have been agreed upon to take place in the city of Los Angeles.

The arguments made to me why this amendment might harm metrorail's progress is that it conditions everything and would keep them from getting started and maybe even from getting their funding, to the point where they might lose out on the opportunity to go forward if there is a time delay. Not that there is a safety problem, but a time delay.

For example, this amendment would say they could not start construction on the first phase until such time as they have re-examined the whole route. Well, I think that makes sense, as a general statement, but they do not know the whole route, since they are going to be required to realign that route in order to avoid the potential risk in the potential high risk area.

Well, I think it should be reviewed for safety. And under our proposal it will be reviewed for safety. But it may not be accomplished in time for the

funding to be used for the construction of the first phase.

Now, I want to pay tribute to the gentlewoman from California [Ms. FIEDLER]. She has raised alone a number of important considerations for us to think about with respect to metrorail. She has been an opponent of the whole metrorail system. We have been together in raising concerns about safety, but our concerns only converge when we are talking about safety. Her desire would be to see the whole system not to be funded and not to be built. That is not my proposal. I want the safety considerations dealt with, and once they are dealt with, I would like to see metrorail go forward. I do not want to jeopardize that system.

So I must urge that my colleagues reject this Fiedler amendment, go along with the perfecting amendment offered by Mr. DIXON, so that we can deal with safety satisfactorily and still have a metrorail system that we need so desperately in the city of Los Angeles.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. Yes, I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman made mention of the fact that he had been associated with this amendment very recently.

Mr. WAXMAN. Yes.

Mr. WALKER. The Fiedler amendment is in fact precisely the language that the gentleman offered earlier to get this debate started, is that not the case?

Mr. WAXMAN. If I could reclaim my time, the gentleman is correct, but I wanted to point out the flaws in that amendment which brought me to the point of deciding to abandon that amendment and to change it in ways that would still allow metrorail to go forward and deal with those safety considerations. If I did not want metrorail to go forward, even after the safety considerations were resolved, I probably would say, "Well, let's put this roadblock in the way, and maybe another one as well, and maybe even strike the funds," which, of course, was Ms. FIEDLER's position in the last Congress.

Mr. WALKER. If the gentleman will further yield, as this gentleman well knows, there is nobody who is better able sometimes to find the flaws of an amendment than the author of the amendment, so we thank the gentleman for giving us that kind of expertise. But if I understand the gentleman correctly, those of us who do have some reservation about this project going forward period would in fact probably want to support the Fiedler approach; is that correct?

Mr. WAXMAN. I am not sure of that. Some may want to go along with that approach, some may want to ask that the funds not be authorized or appropriated. There are other procedural remedies to put forward the views that different Members have with regard to the metrorail system. So I would not seek to suggest how people ought to vote on this amendment except if you want metrorail and you want it done safely, constructed safely, then stick with the proposal that Mr. DIXON and I are putting forward, because I think we will be able to give you greater assurance that we will accomplish both.

This amendment would give you greater assurances of safety but it may not give you assurances that after that we will still have a metrorail.

Mr. WALKER. I thank the gentleman for yielding.

□ 1740

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous-consent that all debate on this amendment and all amendments to section 320(b) end in 15 minutes, at 5:55 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Ms. FIEDLER. Mr. Chairman, reserving the right to object, I am trying to make certain, if there is a limitation on the debate, that equal time is divided between my view and the opposing view.

Mr. LEHMAN of Florida. Mr. Chairman, I would include that as part of my unanimous-consent request, that the time be equally divided.

Ms. FIEDLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Accordingly, debate on this amendment and all amendments thereto shall end at 5:55 p.m.

The gentleman from Florida [Mr. LEHMAN] will be recognized for 7½ minutes, and the gentlewoman from California [Ms. FIEDLER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the Fiedler amendment and in support of the substitute by Mr. Dixon to the Waxman amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Chairman, I would just like to speak briefly in opposition to the Fiedler amendment and in support of the Dixon amendment.

Again, we are dealing here with a complicated and subtle situation. We have an amendment that was originally offered by my colleague from California [Mr. WAXMAN] who, after careful consideration thought an analysis and detailed deliberations with a variety of people on this issue, came to the conclusion that that original amendment was overkill, and that in fact there is a ground that is now reflected in the Waxman-Dixon proposal that would in fact legitimately address the safety concerns but would not be using a shotgun or a sledgehammer in order to address those particular concerns.

I worry that the Fiedler amendment, which goes back to much stronger language, goes well beyond what I think has become a well-crafted, more narrow approach, but one that does two things that both must be done. On the one hand, the Dixon-Waxman language does deal with the safety concerns. It does deal with them comprehensively, effectively and thoroughly. On the other hand, it does not do it in such a way that it is likely to kill the entire project. I think it is very important that we be very clear what language we are focusing on.

I happen to come from a district adjacent to the district in which this methane gas issue arose. I have paid very careful attention to it as a Representative of the Los Angeles area. I have been deeply concerned about the safety issues. I think that the issues that both Ms. FIEDLER and Mr. WAXMAN have raised are extremely important issues. But I do think in dealing with the specific safety concerns emanating from Mr. WAXMAN's district, and emanating from the explosion that occurred, those safety concerns are dealt with properly by the Dixon-Waxman amendment, going further, going to the Fiedler amendment goes beyond what is necessary and in fact I think is clearly understood by all of us to be an effort to throw a significant roadblock into the project itself.

So I do not think we need a sledgehammer or a shotgun at this point. We need a rifle, a careful, analytic, well-crafted compromise, and I think that that is what the Dixon-Waxman language will provide. I would urge my colleagues to reject the Fiedler language, however well intentioned it may be, to reject the Fiedler language and to accept the Dixon-Waxman compromise.

Mr. LEHMAN of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. FIEDLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments made by my colleague from California; however, I have a very different perspective on this issue. Ordinarily, when a project begins and is

funded, it is clearly understood what the route is going to be. Somebody wants a project and they go out and evaluate the situation and they come back and they say we have got a specific route which we are going to go through. We know how much it is going to cost, we know what the problems are that we are going to encounter. We make a complete environmental impact report on the issue, and we go out and seek funding, which is what happened in this case.

But what has happened now is that that entire situation is totally changed. No longer do we know what the route is; no longer do we know what the real costs are going to be. No longer do we know what the real hazards are going to be, and so this Congress is being asked to finance to the tune of nearly half a billion dollars of taxpayer money a project where they do not know where it is going, and they do not know what the implications of the costs are going to be. That simply does not make rational sense to me, and frankly, up until a very short time ago, did not make sense to my colleague, Mr. WAXMAN, who wrote the amendment which I offer as a substitute.

I think that that condition continues to be the case. The RTD, who has the authority and the responsibility under the substitute from Mr. DIXON and Mr. WAXMAN offered today, are the same people who have the responsibility to evaluate the merits and the safety of the route all along. In fact, they put together an environmental impact statement on the issue but did not indicate the kind of extensive hazards which have since been proven to be the case along the route.

I would like to talk for just a brief moment, if I may, about some of the statements made in a hearing held by Congressman WAXMAN on June 14. This is what one of the engineering experts said:

> In the construction of tunnels one is particularly concerned with explosive gases because of the confining atmosphere of the work area. To underline this point, one must only remember the Sylmar Tunnel explosion which killed 17 workers in June 1971.

It happens that Sylmar is in my district in the San Fernando Valley, a little distance away from this area. But typical of the kinds of problems that we have where methane gas exists.

> Explosive gases underground are unpredictable. And the potential for unforeseen contact with these gases is always present, particularly in tunnels. An example of the unpredictability, despite the precautions, 2 years ago a small tunnel was excavated under the direction of my inspectors not more than 200 feet north of where this explosion occurred. Although the tests were conducted at least two times, each work shift, during the construction of that tunnel job, no gas was detected during the 1-month life of that job from July 10 to August 11, 1983, and yet, in March 1985 an explosion took place.

People were injured even though there had been an investigative job done along this route.

This is a very hazardous situation and I cannot argue strongly enough for support of this amendment. This amendment is not everything I would like it to be. If I had my way, I would offer an amendment to cut the funds. But since public safety happens to be my No. 1 concern as I believe it is with some of my colleagues, this amendment I believe strikes a reasonable balance between retaining the funding, not going forward with the funding until such time, and I underline that word, until such time as a safe and efficient route has been devised and proof of that route safety has been presented to the Department of Transportation and so approved. So that we can feel confident that rather than saying, "Hey, I did not know there was going to be a problem, and something happens, and we have to pick up the pieces and feel the sense of responsibility," I would not want that on my conscience and I hope my colleagues do not want it on theirs.

Mr. Chairman, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Chairman, like Ms. FIEDLER, like Mr. DIXON, like Mr. WAXMAN, I am very concerned about the safety of southern California and those who will be traveling in the Los Angeles Metrorail system. It is very rare, Mr. Chairman, that I would support a Dixon-Waxman compromise on almost any issue, but I must say that they have crafted a very strong compromise which will in fact assure the safety of southern California. I wish to strongly support the Metrorail. It is the best, most cost-effective new start imaginable, and I am very pleased with the compromise that they have assembled and I look forward to continued assured safety for southern California and its travelers.

□ 1750

Mr. LEHMAN of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think everyone here on the floor, and I hope everyone who is watching through our communications systems, understands the issue here.

The gentlewoman from California [Ms. FIEDLER] has been opposed to Metrorail from the very first day. She has used every opportunity to have a vote on the Metrorail issue and has been defeated on the issue at every opportunity. She uses a Sylmar explosion in 1972 that, in fact, makes Metrorail all that more justifiable.

Since 1972, we have not had one single explosion in California because of rigid guidelines in the performance of construction and monitoring. Since that time we have built over 60 miles of tunneling in methane gas areas.

The issue of safety has been addressed by an amendment by myself and the gentleman from California [Mr. WAXMAN] by taking out those high-risk areas from the proposed route. MOS-1 will take 5 years to build, and in that interim period we have directed RTD to come up with an alternative modification that does not penetrate those routes.

This program is supported on this floor in a bipartisan way. It is supported by the Governor of the State of California, George Deukmejian. It is supported by the mayor of Los Angeles, the county board of supervisors, RTD, it has been supported by engineering and scientific studies around California, including Cal-OSHA and the department of mining.

So for someone to come on the floor and say that there is any uncertainty about the safety or the route, it seems to me at this point, when the gentleman from California [Mr. WAXMAN] and I have agreed to a formula to address his concerns, is an effort to defeat this issue.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield on that point?

Mr. DIXON. No, I will not yield. The gentlewoman has had quite a bit of time. I have been yielded 4 minutes. I think it is inappropriate for the gentlewoman to take the 7 minutes and then I yield to her. I would like to make my statement and then sit down.

Ms. FIEDLER. The gentleman is entitled to make the decision, but I have the right to ask him to yield.

Mr. DIXON. I will not yield.

So, Mr. Chairman, at this 11th hour, a lot of give and take, concern by safety, a lot of support from people organizations, we have once again confronted an amendment to defeat the whole Metrorail program.

It is not unsafe, I maintain. I am taking that step forward. There are areas of high-risk methane coupled with pressure that can cause the combustion. We are not penetrating that route. It seems to me that Congress has acted on the Fiedler amendment time and time again, and I ask for a no vote on the Fiedler amendment, an aye vote on the Dixon amendment, and an aye vote on the Waxman amendment.

Ms. FIEDLER. Mr. Chairman, the gentleman just leaving the well indicated that he feels that the project is entirely safe, yet he offered an amend-

ment before the Committee on Appropriations——

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. No, I will not for the same reason that the gentleman would not.

The gentleman offers an amendment in the Committee on Appropriations indicating that he is concerned about safety. At the same time, the amendment which he brings to the floor today, coauthored with my colleague, the gentleman from California [Mr. WAXMAN] also indicates that there are significant safety hazards.

I ask my colleagues to point their attention again to the map, if I may, which I brought out on the floor, and this, I might add, covers only a small segment of the route, and to look at the three spots that are in the red area. Those are three of the stations in the first 4 miles of the segment, each identified specifically by the RTD in their own documents as having hazardous levels of methane gas.

It is clear that there are problems there. As recently as just a few months ago there was an explosion, even though the gentleman claims that there has not been an explosion in years, since 1972. This entire debate has been generated because there was an explosion, and I might add that 22 people were injured in that explosion. So to try to claim that there is no problem, I think, is just totally untrue based upon the facts.

I would urge my colleagues that until such time as we are convinced that this project has a safe route, that this project is understood in terms of its cost, that my colleagues support my amendment. It is an appropriate amendment. Let us go forward with the investigation of a safer route which makes some economic sense and some security sense.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. FIEDLER] to the amendment offered by the gentleman from California [Mr. DIXON] as a substitute for the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FIEDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 242, not voting 20, as follows:

[Roll No. 299]

AYES—172

Archer	Badham	Barton
Armey	Bartlett	Bateman
Bedell	Hendon	Packard
Bentley	Henry	Parris
Bereuter	Hiler	Petri
Bilirakis	Hillis	Porter
Billey	Hopkins	Quillen
Boehlert	Hubbard	Regula
Boulter	Hughes	Ridge
Broomfield	Hyde	Ritter
Brown (CO)	Ireland	Roberts
Broyhill	Jacobs	Robinson
Burton (IN)	Jeffords	Roemer
Callahan	Johnson	Rogers
Campbell	Kasich	Roth
Carney	Kindness	Rowland (CT)
Chandler	Kolbe	Rudd
Chappie	Kramer	Russo
Cheney	LaFalce	Saxton
Coats	Lagomarsino	Schaefer
Cobey	Latta	Schneider
Coble	Leach (IA)	Schuette
Coleman (MO)	Lent	Schulze
Combest	Lewis (FL)	Sensenbrenner
Coughlin	Livingston	Sharp
Courter	Loeffler	Shaw
Craig	Lott	Shumway
Daniel	Lujan	Siljander
Daub	Lungren	Skeen
Davis	Mack	Slaughter
DeLay	Madigan	Smith (NE)
DeWine	Marlenee	Smith (NH)
Dickinson	Martin (IL)	Smith (NJ)
DioGuardi	Martin (NY)	Smith, Denny
Duncan	Mazzoli	Smith, Robert
Dyson	McCain	Snowe
Edwards (OK)	McCollum	Solomon
Emerson	McDade	Spence
Fawell	McEwen	Stallings
Fiedler	McGrath	Stenholm
Fields	McHugh	Stump
Fish	McKernan	Sundquist
Franklin	McKinney	Sweeney
Frenzel	McMillan	Swindall
Gekas	Meyers	Tauke
Gilman	Michel	Tauzin
Gingrich	Miller (WA)	Vander Jagt
Goodling	Molinari	Walker
Gradison	Monson	Weber
Green	Montgomery	Whitehurst
Gregg	Moore	Whittaker
Grotberg	Morrison (WA)	Wortley
Gunderson	Myers	Wylie
Hall (OH)	Neal	Young (AK)
Hall, Ralph	Nichols	Young (FL)
Hamilton	Nielson	Zschau
Hansen	O'Brien	
Hartnett	Oxley	

NOES—242

Ackerman	Chappell	Fazio
Alexander	Clay	Feighan
Anderson	Clinger	Flippo
Andrews	Coelho	Florio
Annunzio	Coleman (TX)	Foglietta
Anthony	Collins	Ford (MI)
Applegate	Conte	Ford (TN)
Aspin	Conyers	Fowler
Atkins	Cooper	Frank
AuCoin	Coyne	Frost
Barnard	Crockett	Fuqua
Barnes	Dannemeyer	Gallo
Bates	Darden	Garcia
Bellenson	Daschle	Gaydos
Bennett	de la Garza	Gejdenson
Berman	Dellums	Gephardt
Biaggi	Derrick	Gibbons
Boggs	Dicks	Glickman
Boland	Dingell	Gonzalez
Boner (TN)	Dixon	Gordon
Bonior (MI)	Donnelly	Gray (IL)
Bonker	Dorgan (ND)	Gray (PA)
Borski	Dornan (CA)	Guarini
Bosco	Dowdy	Hatcher
Boucher	Downey	Hawkins
Boxer	Dreier	Hayes
Breaux	Durbin	Hefner
Brooks	Dwyer	Heftel
Brown (CA)	Early	Hertel
Bruce	Eckart (OH)	Horton
Bryant	Eckert (NY)	Howard
Burton (CA)	Edgar	Hoyer
Bustamante	Edwards (CA)	Huckaby
Byron	English	Hutto
Carper	Erdreich	Jenkins
Carr	Evans (IL)	Jones (NC)
Chapman	Fascell	Jones (OK)
Jones (TN)	Murtha	Snyder
Kanjorski	Natcher	Solarz
Kaptur	Nelson	Spratt
Kemp	Nowak	St Germain
Kennelly	Oakar	Staggers
Kildee	Oberstar	Stangeland
Kleczka	Obey	Stokes
Kolter	Olin	Stratton
Kostmayer	Ortiz	Studds
Lantos	Owens	Swift
Leath (TX)	Panetta	Synar
Lehman (CA)	Pashayan	Tallon
Lehman (FL)	Pease	Taylor
Leland	Penny	Thomas (CA)
Levin (MI)	Pepper	Thomas (GA)
Levine (CA)	Perkins	Torres
Lewis (CA)	Pickle	Torricelli
Lightfoot	Rahall	Towns
Lipinski	Rangel	Traficant
Lloyd	Ray	Traxler
Lowery (CA)	Reid	Udall
Lowry (WA)	Richardson	Valentine
Luken	Rinaldo	Vento
Lundine	Rodino	Visclosky
MacKay	Roe	Volkmer
Manton	Rose	Walgren
Martinez	Rostenkowski	Watkins
Matsui	Roukema	Waxman
Mavroules	Rowland (GA)	Weaver
McCandless	Roybal	Weiss
McCloskey	Sabo	Wheat
McCurdy	Savage	Whitley
Mica	Scheuer	Whitten
Mikulski	Schroeder	Wilson
Miller (CA)	Schumer	Wirth
Mineta	Seiberling	Wise
Mitchell	Shelby	Wolf
Moakley	Shuster	Wolpe
Mollohan	Sikorski	Wright
Moody	Sisisky	Wyden
Moorhead	Skelton	Yates
Morrison (CT)	Slattery	Yatron
Mrazek	Smith (FL)	Young (MO)
Murphy	Smith (IA)	

NOT VOTING—20

Addabbo	Hammerschmidt	Price
Akaka	Holt	Pursell
Bevill	Hunter	Stark
Crane	Kastenmeier	Strang
Dymally	Long	Vucanovich
Evans (IA)	Markey	Williams
Foley	Miller (OH)	

□ 1810

The Clerk announced the following pair:

On this vote:.

Mr. Crane for, with Mrs. Long against.

Mr. FOGLIETTA and Mr. GALLO changed their votes from "aye" to "no."

Mr. FISH changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON] as a substitute for the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN], as amended.

The amendment, as amended, was agreed to.

Mr. BEREUTER. Mr. Chairman, I wish to address my colleagues on one particular aspect in the pending appropriations measure—that relating to funding for the Rail-

road Highway Crossings Demonstration Program. This is a section near and dear to the hearts of my constituents.

Permit me to begin by expressing my sincere appreciation to the chairman of the Transportation Appropriations Subcommittee, the ranking member and my good friend, the gentleman from Pennsylvania, and all members of this subcommittee for your continued support for funding the demonstration project located in Lincoln, NE. You have consistently recognized the pressing need we have to moderate the impacts of railroad crossings within our capital city, and you have been most generous in your support.

In May of this year, I appeared before the subcommittee to request $6.9 million for elimination of a hazardous grade crossing conflict in Lincoln—the so-called K and L Streets extension. This amount actually reflected the shortfall in funding we received in last year's continuing resolution. I am delighted that the subcommittee and full Appropriations Committee accepted our request and that the pending bill earmarks the full $6.9 million for the Lincoln project.

The urgency of proceeding with this project became even more apparent in June when a major train derailment knocked out a concrete support column from beneath an overpass on O Street, which is a main artery in the city. This bridge is the primary connection between downtown Lincoln and the western part of the city, with an average daily vehicle count of nearly 30,000.

As a result of the accident, the bridge has to be closed to all traffic for 5 days. This unfortunate accident graphically demonstrated the need for an alternate connection between west Lincoln and the rest of the community. During the closing of the Harris overpass, we had 20,000 to 30,000 vehicles being rerouted, many through residential neighborhoods, because there was no other reasonable and convenient alternative. The other connections to west Lincoln are all across railroad tracks and are frequently blocked by trains. We would have had major traffic congestion problems had we used one of these streets for a detour. The heavy traffic on residential streets created not only inconveniences to the people living in the area, but also caused serious safety concerns.

The K and L Streets extension which the committee bill will fund would have allowed local officials to reroute traffic without major inconveniences to the driving public and businesses and without significantly increasing the potential for traffic and pedestrian accidents in residential neighborhoods.

The K and L Streets segment is crucial to the development of southwest Lincoln. Presently, this section of the city is isolated from the central business district and other areas of the city by tracks which serve the high volume traffic of the Burlington Northern coal trains and other heavy freight carriers. At present, street travelers must cross over five sets of tracks, which carry an estimated 36 trains per day, most of which are traveling 5 to 10 miles per hour, and average 100 cars in length.

The lack of convenient and safe access to this sector of the city has severely hindered its economic development. It also has posed a serious problem for emergency police and fire vehicles which need to traverse the tracks to get to the residents in the area. The police department estimates that at least one police vehicle per day on an emergency call is delayed by a train blockage. The fire department, with a one-truck station within the boundaries of the southwest section, experiences major train-created delays one to two times per month. Ambulance services personnel quoted an average of five calls per week which are held up by train crossings.

Lincoln's involvement in the railroad safety demonstration project has been a true partnership with the Federal Government. Thus far, 61 percent of the total demonstration project costs have been locally funded; the remaining 39 percent have been funded with Federal demonstration funds. It is an excellent partnership which should be continued until completed.

Thank you.

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. SHARP, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, SEPTEMBER 12, 1985

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 2 on Thursday, September 12, 1985, for the purpose of holding a hearing on several bills that are intended to grant or restore coastwise trading and fishing privileges to a number of vessels.

The subcommittee will sit in markup of those bills immediately following the hearing.

The ranking minority member of the committee, the gentleman from New York [Mr. LENT] and the ranking minority member of the subcommittee, the gentleman from Kentucky [Mr. SNYDER] have been apprised of the hearing, and markup date, and time, and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1820

EDUCATION RALLY OF PUBLIC SCHOOL EMPLOYEES IN PRINCE GEORGES COUNTY, MD

The SPEAKER. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, during the August recess, I had the privilege of attending a very successful rally for all public school employees in Prince Georges County. The rally's theme was "We are Education * * * We Are America." Prince Georges County is one of the largest school systems in the United States. We have more than 12,000 outstanding teachers and staff. Too often their efforts and talents go unrecognized by the general public. The rally served to highlight the essential nature of their work for all of society and instilling them with the dignity their role deserves.

Dr. John A. Murphy, superintendent of schools for Prince Georges County, is to be commended for this wonderful idea and for his efforts in making it a success. The rally stressed the importance of the role of the teacher in informing, instructing, and inspiring our youth, without which, the future of our country holds no promise. I would like to include for the RECORD excerpts of Mr. Murphy's speech as well as remarks by people who capture the spirit of the rally, Mr. David Zahren, the Maryland finalist for the NASA "Teacher In Space" program and Mrs. Crista McAuliffe, the person designated to be NASA's first teacher in space. Mrs. McAuliffe sums it all up with her motto that says "I Touch the Future—I Teach."

The material follows:

SUPERINTENDENT MURPHY'S ADDRESS

Ladies and gentlemen, let me welcome you to our 1985-86 school year—a year that promises to be exciting in anticipation, rich in accomplishments, and a year of pride in our school system.

I believe that we stand literally at the threshold of a great advancement, all across America, in school buildings large and small.

In Prince George's County we have the chance to be right out in front of that advancement, on the cutting edge, proving to all the critics that public education works and works well.

As we launch this new school year we should do so as a united family of school personnel committed to a mission that says all children will have successful learning experiences.

I have used the term family in addressing you this morning because I want to emphasize that each of you is an important part of the guidance that our students will need as they are encouraged, admonished, cajoled, and led to successful educational experiences and fulfilled self esteem.

Ladies and gentlemen, we are not without crisis or problems in our school system, and as I outline them I hope you will come together with me and the members of the board of education in that common resolve to meet our problems head on.

We have made tremendous steps forward in our efforts to make Prince George's County public schools an example for other school systems throughout the Nation.

Overall academic achievement, as measured by standardized tests indicates improvement, However, there is a large segment of our student population that is not achieving the success we strive for.

A committee studying minority student achievement identified several items suggesting that black students in our school system, on an average, participate in educational programs, course offerings, and school activities that differ in kind and contest from those of nonblack students.

Standardized tests show a significant gap in the measured achievement of black students throughout all grade levels.

The average standardized test score for black students was significantly below the average—20 percent or more percentile points—than for nonblack students.

In virtually every category, the data indicated the performance of black students was lower than the corresponding performance of nonblack students.

In addition, the committee also addressed the issue of whether there is a correlation between grades earned and student attendance. They found that—for black and nonblack students alike—the lower the average letter grade achieved, the higher the number of days a student is absent.

We intend to deal with the issue of absenteeism in our secondary schools. The board of education has approved a new attendance policy that reduces permissible absences from 10 to 5. Students who miss more than five classes without appropriate make ups will receive a grade of incomplete. It is our hope that this new policy will signal a clear message to students and parents that we expect them to be in school on a regular basis.

Clearly, the challenge before us is to accept the personal goal of elevating the performance level of all students—getting those who do not do well to do better, to level up. We must develop effective schools that will significantly eliminate gaps in achievement between black and nonblack students.

We can do this—not by lowering expectations for some but raising expectations for all. We must believe that all students have within them the capacity to do better.

We can increase student achievement not by criticizing the accuracy of the data but by discussing the implications of the data.

Data such as that gathered by the minority achievement committee will be available to all schools during the next school year.

Each school will be able to complete a valid needs assessment with statistical data concerning students attendance, promotion and retention, grade distribution, and individual student achievement.

Each school's needs assessment will disclose strengths and weaknesses and provide direction for the development of school improvement programs.

But those statistics will not tell the whole story. We will need to look in other directions, at other factors affecting student achievement.

Specifically, what a child can do is an issue of cognitive competency. It implies ability, and refers to the child's motivation reflecting issues of interest, preferences, choice, and particularly rewards and punishments within the educational environment.

The question of what a child should do reflects the values and beliefs that are brought to the educational situation. In mainstream middle class America, the question of can has been paramount in analyzing the educational, affairs of children. Whether a child should or will perform within the educational context is believed to be implicit.

The major point I want to make here is that there are other possibilities to the interpretation, understanding and meaning of low achievement scores, by both black and other students.

When a black student doesn't do it is not necessarily that he can't. As a school system, we must go beyond the questions of can and can not to issues of will and should.

We must deal with motivation, beliefs and values.

As the data are formally drawn together, we will make it available throughout the system.

It is my expectation that plans and strategies will be formulated at each school which will make positive differences in the levels of all students.

Designing, implementing and maintaining the individual school plan of action is the joint effort of all present today.

Our schools must remain equally committed to the inseparable goals of both excellence and equity for all students whether they be gifted or disabled, affluent or poor, black or white, English, or non-English speaking, male or female, handicapped or not.

As a public institution, each school in Prince George's County has a fundamental responsibility to promote achievement not only among the privileged students, but also those at the other end of the scale.

It should be the individual student, not the school, that is the focus of the total learning process.

The only real difference between quality and equality is the letter "e", and that may well stand for effort, and, eventually, the excellence to which all our schools aspire.

Fundamental to overall success is the overriding issue of public attitude.

Each of our family members has a critical role to play as we map our strategy for bringing our reputation as a quality institution to the fore.

Like it or not, our system has suffered from a negative public image; true or not, the perception is a reality to be dealt with.

Step one must be a change in attitude in our own family.

We have a system that is already good and one that has the potential of being the best.

Our public gets its primary information from each of our family members. They listen to our comments at home, in social gatherings, in church, at play, at community events—and gradually their perception of our school system evolves.

Each one of us in our dealings with a particular segment of the public are like chips in a mosaic. When they stand by themselves the contribution seems small but when viewed all together a picture emerges that can be a thing of beauty.

Let me now outline some of the specific strategies that we will employ to ensure improved learning experiences for all of our children.

We begin the 1985-86 school year with a new mission statement that clearly specifies the major purpose of our school system:

To assure that all students acquire the knowledge and develop the skills to enable them to become productive members of society.

Let me bring you up to date on our desegregation efforts, where we have been, where we are, and where we plan to be in the next four years.

This year we will open 12 new magnet schools. Six of these will have talented and gifted programs. The other six will be workplace schools, designed to meet the before and after school care needs of elementary age children.

In addition to these programs we will be supporting ten Milliken II schools. They will receive support over and above what the average school receives as compensation for keeping them predominantly one race schools, as agreed to in our desgregation settlement.

The Milliken II schools will have lower pupil/teacher ratios, additional counseling services, and computer laboratories.

Dr. James Comer, Associate dean of the Yale University Medical School, developed a program in New Haven, CT, that had a significant positive effect on the achievement of black children.

Dr. Comer's model will be introduced this fall in the Milliken II schools. I was very impressed by Dr. Comer's work in Connnecticut and I'm excited by the prospect of his working with our school staff.

Our initial response to the magnet schools has been overwhelming. The talented and gifted schools were filled the first week of advertising that program.

The workplace schools are running a little slower but we're fully optimistic that they, too, will succeed.

The overall success of our magnet plan is based on the effort that many of you provided. I thank you for the marvelous support that you gave this first phase.

Next year will call for additional schools to be added, and our 4-year plan calls for a total of 30 magnet schools.

Planning for next year's magnets will start immediately. We welcome suggestions and recommendations for our program from all staff.

At the high school level we will be introducing Project Sucess.

Project Success is designed to meet the specific needs of 300 ninth grade students who will come to the ninth grade with a history of under-achievement.

It will provide additional teaching positions, reduced class size, team teaching efforts and the use of a variety of instructional strategies. And, as a result, it will help students improve their achievement, attendance and attitude toward their education and the realization that they can be successful in school.

The model will be introduced to other high schools as its success is acknowledged.

While our political leaders speak in glowing terms of their expectations for our school system, their commitment has not always manifested itself in the support needed to accomplish that goal.

While we make our commitment to excellence and extend our energies toward this end, we must also convey to our political leaders that they, too, have an obligation to match that commitment with more than rhetoric.

Ladies and gentlemen, I have high expectations for this school system. I am confident that we can accomplish in Prince George's County what no public school system to date has accomplished.

Gathered in this arena this morning are over 11,000 of the most talented men and women serving any school organization.

We can combine our engergies and make what has heretofore appeared impossible, possible; and, in so doing, I believe we can send a resounding message that will shake public education at its very foundation.

The potential for leading public education into the future is within our grasp. The choice is clearly up to you.

You can opt to be pessimistic, reactive, and join the few vocal naysayers who will continually find excuses for why we can't.

Or you can join me as we chart the course for how we can.

I invite each of you to join with me in whatever role you play in this large school family.

I want everyone involved, whether you work in the cafeteria, a classroom, an office, on a school bus, in maintenance, or as a clerk, a secretary, a custodian, a school principal, or from any other position in this vast enterprise.

Come as we turn the challenges that face us into opportunities that will enhance the lives of the young people who place their trust in us.

We can foster an environment in which every child can succeed.

We can focus on teaching and learning.

Because, we truly are good and getting better.

Simply stated, we are the future of America.

We are education. Thank you.

REMARKS BY MR. DAVID ZAHREN

Most of us in this hall this morning are getting ready to return to a classroom. There's that queasy feeling, that uncertainty, that shock when the first bell rings.

But there's one teacher here who won't be seeing the inside of a school for quite a while. She won't be grading any papers, she won't be worrying about attendance, and if she has to send anybody off to a principal's office, it's going to be one long trip!

And when she blasts off next January and conducts her lessons on that celestial blackboard, she's going to show this country something we've always known—that there is simply no greater responsibility, no job more demanding than what we do every single day.

When the President spoke to us 114 would-be astronauts at the White House, he reminded us—and teachers everywhere—why we choose to teach. His words were simple. He said, America's teachers are the preservers and protectors or our heritage. You save our past from being consumed by forgetfulness and our future from being engulfed in ignorance. Every new class is a new generation to whom you must transmit the treasures of our civilization. You give your students many facts and much knowledge, but your task is greater than that. Because with the facts you must impart the values that give them meaning and context—our most sacred values of human dignity and the worth of individuals.

The woman I'm about to introduce is just that kind of special educator.

Even though she must be wincing from hearing it too often, she does indeed have the right stuff. A bachelor's degree from Framingham State College in Mass., a master's from Bowie State, 12 years as a social studies teacher, 8 of which were spent right here in PG Co. at Thomas Johnson and Foulois Middle Schools, the creator of a course on the American woman, 25 years in the Girl Scout program, and active fundraiser in her community.

NASA may tell you Christa that you really do need booster rockets to go into orbit, but with all the support and prayers and good will from us down here, I reckon you could just about float up there.

Prince George's County is very proud of you Christa and even though you now call Concord, NH home, we hope you'll remember your friends and former neighbors when you fly over Upper Marlboro next year.

SPEECH PRESENTED BY CHRISTA MCAULIFFE

Thank you. I'm delighted to be here where my teaching career began 15 years ago.

And, after 15 years, it still feels good to stand here and say, "I am a teacher."

I am glad that the Space Participant Program recognized teachers as good communicators, as people who had experience taking information and presenting it in an interesting format. Teachers touch all of us; we have all had teachers, been influenced by teachers. We can approach teachers and talk to them. When I was down in Houston at Johnson Space Center, one of the press conferences was opened up to the public. As we finished with the reporters' questions, students began to come up to the stage and ask us questions. I saw these students listening carefully to my every word and asking questions and I thought: It's working—the program is already working. Think of all the students you have seen in your years of teaching—what better way to get information out?

Teachers matter, teachers care. We infuse young minds with a thirst for knowledge. We dedicate ourselves to the task of educating people, both young and old. Teachers provide the link in the educational community for parents and students. Job descriptions, if written accurately, would thwart even the hardiest soul from choosing teaching as a profession. So why do we do it? Why do we teach? Personal satisfaction, the feeling that we are performing a necessary service for society, love of knowledge, love of learning; the list is endless. What motivates us now and has motivated us in the past is strictly individual. Yet we all have a common goal to provide the best education we can in sometime adverse conditions.

Why does this happen? If we are performing such a valuable service, why isn't it readily and easily recognized? When you are dealing with education, as all of us know, there is no tangible end product. Education is so hard to define, to see. This doesn't make it less important than the builder who finishes a house, but it is harder to get the community to recognize its worth.

I see this year as a year of opportunity for education. The Teacher in Space Program has already started people looking positively at schools—what is going on in the schools? What are the new programs about? What is happening in the classroom? I see this as a year of awareness—to get the community involved and, in doing so, to elevate the role of the teacher to where it needs to be. A couple of years ago, I took a poll in my classes and asked students to tell me what careers they were interested in or preparing for. Out of 200-plus, I had three young people cautiously admitting that they might like to go into teaching. Just as we went into teaching, I would like to see young people make that choice today. I would like to see people feeling good about the wonderful profession they have chosen. I would like to see school boards, budget committees, and communities working hard together with teachers to help make salaries competitive with other professions.

People have asked me if I plan to return to the classroom next fall. It's been my life for 15 years. I'll be at Concord High School in September 1986 because if the Teacher In Space doesn't return to teaching, something is wrong!

During this year, I hope to get students and teachers excited about the future because, after all, this space, this frontier out there, belongs to all of us. I hope to help make people aware that teaching is an exciting and necessary profession. I hope to challenge students to reach for the stars. If I can do these things, then I have done my job.

You people out there are my strongest critics, and that's OK; I don't mind being judged by my peers. You are going to be watching me carefully because I represent you and that is a tremendous responsibility. I know that you'll be challenging me. I often tell my students that we need a relationship based on mutual respect and the two things that I require of them are that they do the best they can, and that they be true to themselves. I figure that if I follow my own advice, we'll all be OK!

Last week, I received a present from a colleague of mine. She had seen a t-shirt she liked and had one made up for me. It's very special and I think it sums up the reason why all of us are here. It says, "I touch the future—I teach." Thank you.

IN SPACE RESEARCH TODAY—SEPTEMBER 11—IS AN HISTORIC DATE

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, many members of the House may not be aware of the significance in space research of this date.

Today, September 11, 1985, a U.S. space vehicle will make the very first fly-through of the tail of a celestial comet. In fact, since we know so littie about comets this could be a suicidal venture for the unmanned U.S. space vehicle which is involved.

The comet in question, by the way, is not Halley's Comet, which has been much in the news of late, and which appears only once in 76 years. I wasn't around for its last appearance, believe it or not; but I remember my Mother and Father telling me all about it. And, like many others, I am hoping to see Halley's Comet next spring—in the Southern Hemisphere, by the way. It is of course, the king of all comets.

Because of the budget crunch, however, the U.S. Space Administration was denied funds for a closer inspection of Halley's Comet. As a result, the only U.S. research involvement in the 1986 appearance will be a piggy-backed U.S. research module on a Soviet inspection vehicle next spring.

But, fortunately, there is another comet around, even though it is not visible to the naked eye, the Giacobini-Zinner Comet. It was this comet's tail that the Goddard Space Center decided to run the mission on, primarily because the Giacobini Comet

is in the neighborhood of the International Cometary Explorer, (a space vehicle) 44 million miles from earth.

That actual encounter took place in the heavens this morning at 7:02 a.m., and the vehicle stayed in the comet's tail for some 12 to 20 minutes.

Whether the space vehicle was consumed, or whether the comet's tail yielded up the secret of its composition, we won't know for some time. But it's an interesting and exciting idea.

Mr. Speaker, with the help of the Goddard Space Center, I include with my remarks a paper giving more explicit detail about comets and their behavior, which may make it easier for us to appreciate the exposure when Halley's Comet nears our Earth in 1986.

Also included is a helpful article on the Giacobini Comet and its historical adventure in space.

The article follows:

A LOOK INTO THE BEGINNINGS OF THE SOLAR SYSTEM

The NASA Spacecraft International Cometary Explorer (ICE) is fast approaching its intercept with Comet Giacobini-Zinner on September 11, 1985. This first satellite/comet encounter in history will provide scientists with their first look at the make-up and dynamics of a comet's tail. ICE was launched in 1978 as the International Sun and Earth Explorer and was redirected toward Comet Giacobini-Zinner in 1982. The satellite and comet are now closing at a relative velocity of 13 statute miles per second. Comet Giacobini-Zinner was discovered in 1900 and returns to Earth's neighborhood every 6½ years. It will not be visible to the naked eye but should be an easy target for small telescopes used by amateur astronomers.

Although much attention has been focused on the return of the legendary and famous Halley's Comet next year, the US spacecraft encounter with Comet Giacobini-Zinner will occur six months before the first foreign probes reach Halley's; and if ICE survives the force of the comet's tail, it too will eventually meet Halley's Comet, although nearly 19 million miles away at its closest approach. By then, ICE will be a veteran, the first man-made instrument to have visited a comet.

Comets are one of the great mysteries of the solar system and may hold the keys to understanding the solar system's birth and evolution. They are believed to be composed of the same materials as the primordial solar system, having been unaltered, either by volcanic eruption, melting, or the formation of crusts and cores; comets are a looking glass into the beginning of our universe.

Our best clues to what comets are made of come from studies of their visible comas and tails. The coma is a comet's temporary atmosphere, which forms a glowing cloud, more than 62,000 miles across, around the small, solid nucleus which is, at most, a few kilometers across.

From the coma, the comet's glowing tail stretches across the sky; some tails have been measured to be more than 62 million miles long. (For comparison, the distance from Earth to the sun is about 93 million miles.) The coma and tail are made up of dust, gas, and perhaps grains of ice that have been boiled off the main body of the comet (the nucleus) by the heat of the sun.

Despite the immense size of comet comas and tails, there is actually very little matter in them: they are so tenuous that stars can be seen through them. Virtually all the mass of a comet is in the nucleus—a body that has never been observed by astronomers as more than a pinpoint of light.

The most accepted model of what makes up a comet is the "icy conglomerate" (or, more informally, the "dirty snowball") model proposed in the 1950s by Professor Fred Whipple. According to this theory, the nucleus of a comet is a mixture of ices, silicate minerals, and possibly metals. The ices are solid, frozen substances that are usually liquids or gases under more familiar conditions. Comets may also contain complex carbon compounds like those observed in certain rare meteorites.

The fact that these "dirty snowballs" contain frozen gases suggests that they may have formed from ice-coated rocky grains in the outermost parts of the primordial dust cloud that collapsed to form the sun and planets; the solar system's outer planets may have been built up by the accumulation of such "snowballs," while the rocky inner planets were formed from asteroid-like bodies that had been sufficiently heated by the sun to lose all their volatile gases.

Once formed, both kinds of planets suffered an intense bombardment by the left-over comets and asteroids. The traces of this ancient battering still remain in places like the lunar highlands, the anicent terrains of Mars, and some satellites of the outer planets, like Callisto and Mimas.

All the inner (terrestrial) planets (except Mercury) acquired atmospheres, and there is a continuing debate over whether such atmospheres were produced mainly by gases released from planetary interiors or mainly by further cometary bombardment. Until the chemical composition of comets is known, we cannot tell how much of our own atmosphere came from comets.

If comets were once so abundant in the solar system that they could form huge planets, where are they now? Many of the original comets were probably used up in making the planets, but scientists think that the remainder were gradually scattered into the outermost solar system as a result of close encounters with the larger planets.

Some of these scattered comets are now believed to constitute a vast, invisible swarm, called the Oort Cloud, at the outer edges of the solar system about one-third of the way to the nearest star. In the Oort Cloud (named for the Dutch astronomer Jan Oort, who first proposed it), these comets have remained for billions of years in a cosmic "deep freeze." So far from the sun that their temperature never rises more than a few degrees above absolute zero, they are preserved against the destructive effects of solar heat and light. Our solar system's Oort Cloud of comets has never been observed. We can only infer that it is there from the orbits of present-day comets.

Why don't comets stay in the Oort Cloud? Because the cloud is so far out that the comets, while orbiting the sun, also feel gravitational tugs from other neighboring stars. As the sun moves among the other stars of our galaxy, one of them may occasionally come close enough to give a comet a gravitational nudge, changing its orbit so that the comet leaves the Oort Cloud and heads downward toward the sun.

As a comet falls toward the sun it begins to feel the sun's heat. Slowly the comet warms up; its outermost icy layers turn to gas, and the gas blows off the nucleus, sometimes as sudden bursts and jets that drag dust and small icy chunks with it. The new-born cometary atmosphere reacts to the sun's light and the solar wind which first change the atoms and molecules of the gas to ions (that is, they acquire an electric charge) and then sweep the ions and dust away from the comet to form the familiar tails that, no matter how far they extend from the comet, always point away from the sun.

As the comet gets closer to the sun, the boiling off of material increases, and the coma and tail grow in size and brightness as the comet approaches perihelion, its closet point to the sun. After whipping around the sun at speeds that may approach 62 miles a second, the partially depleted comet heads out again on its long orbit to the Oort Cloud, not to return for perhaps another million years.

After being deflected from the Oort Cloud toward the sun, a few comets enter a second gravitational trap as they make a closer encounter with a large planet (usually Jupiter or Saturn) while either coming in or going out. Some of these close encounters cause the comet to be shot out of the solar system entirely, never to return. Other comets, however, are forced into small orbits that keep them entirely within the inner solar system—often between the orbits of Earth and Jupiter. These become the short-period comets, typically circling the sun in periods of 3 to 200 years.

Short-period comets are also short-lived comets. Each time they pass close to the sun, they lose more and more material, and over the centuries, as their ices are removed, they grow smaller and fainter. Eventually, a short-period comet may become completely moribund; its accessible gases are gone, and it no longer exhibits cometary phenomena. The ultimate fate of such a comet is uncertain: the object may fall apart, leaving a trail of dust along its orbit, or may exist as a tiny rocky skeleton with all its gas and ices gone, or may have another close encounter with a planet and be placed back into a long-period orbit again.

Comets are truly fascinating cosmic phenomena; and with the Giacobini-Zinner encounter this month and with the Halley's rendezvous next March, these celestial enigmas will be forced to give up a portion of their secrets.

[From the Washington Post, Sept. 11, 1985]

U.S. SOLAR SPACECRAFT RACES TO FLY IN COMET'S TAIL TODAY—ICE TO MEET GIACOBINI-ZINNER 44 MILLION MILES FROM EARTH

(By Thomas O'Toole)

A U.S. spacecraft put into space more than seven years ago to study the solar wind streaming off the sun was on target yesterday to become the first ever to fly through the tail of a comet in a possibly suicidal encounter.

The historic encounter between the International Cometary Explorer (ICE) and a comet known as Giacobini-Zinner is to take place 44 million miles from Earth at 7:02 a.m. EDT today, and will presage the encounters between other spacecraft and Halley's comet next March.

"This is a very risky mission," flight director Robert Farquhar said at the Goddard Space Flight Center in Greenbelt, where the comet encounter is being directed. "We are putting the spacecraft in harm's way, and there is a distinct possibility the spacecraft will not survive the encounter."

The most likely damage to the spacecraft would be to the solar cells that power it. A hail of dust or a rock the size of a bowling ball could come tumbling out of the comet's head and strike the spacecraft at high speed, cutting off all its power. The spacecraft has no protective dust shield and no cameras to see whether it is facing unintentional suicide.

Not everyone at Goddard was as pessimistic about the encounter as Farquhar. Project scientist Tycho von Rosenvinge said, "We are optimistic that we'll survive our flight through the dust tail. We don't think the dust tail is as dense as some people think."

Politics had a lot to do with the comet encounter. The mission to Giacobini-Zinner has its roots in the Reagan administration's 1981 decision not to mount a mission to Halley's comet, which is racing toward its 30th recorded encounter with Earth. The Soviet Union, the European Space Agency and Japan have instrumented spacecraft on their way to meet Halley's comet next March after the comet swings round the sun.

"By the summer of 1981, it was obvious that the United States would not be able to send a space probe to Halley's comet," Farquhar said. "It appeared that the United States would be the only major non-participant in the Halley sweep-stakes."

Out of the gloom that there would be no U.S. mission to Halley's comet came a plan by Farquhar to use what was then called the International Sun-Earth Explorer 3 to intercept Giacobini-Zinner and save face. Even though the spacecraft has no cameras to photograph the comet and no instruments to analyze its dust tail, it has at least six instruments capable of measuring certain data about the dust and plasma tails.

It also was expendable and could serve as a "kamikaze" pathfinder for spacecraft flying missions to Halley's comet.

Farquhar said, "The spacecraft was launched in 1978 and had already completed the majority of its primary mission objectives. In addition, we found that the surcharge for sending the spacecraft to the comet would be less than $3 million."

Farquhar and his Goddard team devised a way to maneuver the spacecraft away from its position about 1 million miles from Earth onto a path that would take it around the moon and back through the earth's geomagnetic tail. The spacecraft was maneuvered around the moon four times at a distance of 12,000 miles and a risky fifth time at a distance of only 75 miles.

The encounter with the moon gave the spacecraft a "slingshot" effect that flung it at high speed onto a path that would take it out of the gravitational pull of the moon, the Earth and the sun. It also sent it on a trajectory to intercept Giacobini-Zinner, needing only a few course corrections to target it right for the comet's tail.

Moving at almost 46,000 miles an hour toward the comet, the ICE spacecraft was less than a half-million miles from the comet at 6 p.m. yesterday. The spacecraft's heaters were turned off to save power so its 10 working instruments can send as much data as possible during the encounter.

The spacecraft also made a course correction over the weekend to aim it at a spot in the tail 5,000 miles behind the comet's head.

"We expect to spend a minimum of four to five minutes inside the comet's tail," von Rosenwinge said. "Our time in the tail could be as long as 12 to 20 minutes, depending on whether the tail widens or shrinks. Each comet has a personality all its own."

Giacobini-Zinner is no different. Discovered in 1900 by Michel Giacobini at the Nice Observatory in France and found again in 1913 by Ernst Zinner at the Remeis Observatory in Germany, the comet visits the Earth's environs every 6.5 years and is easily observed by astronomers every 13 years when it swings close to the Earth on its way around the sun.

As comets go, it is not as spectacular as Halley's comet but is far from being burned out.

Its nucleus of primeval rock, ice and snow is about a mile across and the "coma" of exotic gas and dust that surrounds its nucleus is 50,000 miles across. Its yellow dust tail is about 300,000 miles long and its second tail of electrified gas, the plasma tail, is at least 1 million miles long.

Flight directors at Goddard have already witnessed some erratic behavior in Giacobini-Zinner. The comet wandered 1,000 miles off its predicated course last week.

To understand why a comet wanders, a comet can be looked at as if it were a speeding spaceship equipped with its own jet-like engines. In this case, the dust and gas being boiled off the comet as it swings close to the sun.

Comets blow off gas toward the sun, generating a thrust in the opposite direction like a ballon whose escaping air blows it across a room. The tiny thrusting motions that the escaping dust and gas give the comet's own rotation though space either force the comet to spiral away from the nearest celestial body or in toward it.

All this time, snow and ice are subliming off the comet's surface," John C. Brandt, chief of Goddard's Laboratory for Astronomy and Solar Physics, said, "The effect is like an upside-down snowstorm coming off the comet."

Goddard is going all out to communicate with the ICE spacecraft as it moves toward the comet's tail, enlisting the help of tracking networks in Australia, California, Spain, Puerto Rico and Japan to keep in touch with the spacecraft through the critical hours of encounter.

The tracking antennas were also equipped with the new low-noise amplifiers to pick up the weak signals expected from the spacecraft's 5 watt transmitter at a distance of 44 million miles.

"The spacecraft was designed to work at an Earth distance of 1 million miles," said Raymond J. Ambrose, manager of tracking and data acquisition for the U.S. Deep Space Network. "Giacobini-Zinner is almost 50 times that distance, which gives us 2,500 times less signal."

IOWAN HEADS AMERICAN LEGION

The SPEAKER. Under a previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, it is my privilege to call to the attention of my colleagues the election of a distinguished Iowan to head the Nation's largest veterans' organization. Dale L. Renaud, 53, of Bondurant, IA, was elected national commander of the American Legion at the closing session of the 67th Annual National Convention, August 28, 1985, in New Orleans. A U.S. Coast Guard veteran of the Korean war, he served 26 months overseas as an underwater soundman first class. Following his discharge from active duty in August 1956, he became production supervisor for the Travelers Insurance Cos. and he currently is president of the MacRae-Renaud Agency, Inc., of Bondurant and West Des Moines, IA.

An active Legionnaire for almost 30 years, Renaud is a life member of the Samuel H. Bridge Post No. 396, Bondurant. He was State commander of the Legion in 1971–72 and served as national executive committeeman from 1979 to 1983. From 1983 to 1985, he was chairman of the American Legion's National Americanism Commission. A graduate in business administration from Simpson College, he has been active in the Lions Club, Christian Church, and the Masons. He served as chairman of the Iowa American Legion's Boys' State from 1964 to 1982. Renaud and his wife, Pat, who were married in 1959, are the parents of two daughters and a son.

Mr. Speaker, I can personally attest to the esteem in which Dale Renaud is held in my State for his leadership in veterans' and community affairs. I am confident he will give this same dynamic leadership to the American Legion as its national commander and will cooperate effectively with Congress and the administration in all efforts to improve the lot of the American veteran.

CONGRESSMAN FRANK ANNUNZIO ANNOUNCES RESULTS OF 1985 TAX REFORM SURVEY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois, [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to announce the results of a survey on possible changes in our tax laws I conducted recently to obtain the opinions of citizens residing in the 11th Congressional District of Illinois which I am privileged to represent.

More than 10,000 questionnaires were completed and returned, and I want to express my appreciation to my constituents who involved themselves in the decision-making process by responding to this survey.

Ten broad questions were asked relating to various possible changes in current tax law, and the responses on the questionnaires were tabulated by computer. Before listing a numerical summary of the tabulation, I want to point out some significant reactions to several important tax issues.

Seventy-five percent of those responding indicated that they wanted to continue to deduct State and local taxes on their Federal tax returns, including income, property, and sales taxes; 70 percent wanted to keep the additional exemption for the blind and the elderly; and 70 percent did not want to tax health insurance for which their employers now pay.

An overwhelming 81 percent said that Congress should not cut taxes if doing so would raise the Federal deficit, while 89 percent said that the oil and gas industry should not receive preferential tax treat-

ment but should be treated the same as other industries, and 88 percent said that business should not be allowed to deduct the costs of entertaining clients.

On the issue of fairness versus simplification, an 87 percent affirmative vote was given to making sure that everyone pays a fair share of the tax burden. This particular question generated hundreds of letters written separately by many of my constituents who repeated time and again that fairness and equity should receive maximum consideration in making any tax changes.

My constituents also stated that the three main goals of tax reform should be: First, by 88 percent, that both businesses and individuals pay a fair share of the tax burden; second, by 60 percent, that complex tax breaks, giving unfair advantages to those who can afford to pay for expert tax advice, be eliminated; and third, by 38 percent, that additional revenue be raised to help reduce the deficit without raising individual income taxes.

The three goals of tax reform considered least important by my constituents were: First, reducing all tax rates, 66 percent; second, eliminating as many deductions and credits as possible, 48 percent; and third, making it easier for an individual to compute his or her taxes, 47 percent.

It is also interesting to note that of those who returned the questionnaire, 53 percent prepared their own tax returns and 72 percent itemized deductions.

The results of this tax survey are being made available to the chairman and members of the House Ways and Means Committee, which has jurisdiction over all tax legislation, in order that full consideration may be extended to the views expressed by my constituents by the members of the committee during their continuing deliberations on various tax reform proposals.

Mr. Speaker, the following is the completed tabulation of the survey according to percentages:

1985 TAX REFORM SURVEY

1. Listed below are some of the many changes being proposed in tax law. Check those you would oppose, even if they would help make possible an overall reduction in tax rates.

a. Repeal the ability of people to deduct state and local taxes—income taxes, property taxes, and sales taxes—seventy-five percent.

b. Repeal the marriage penalty deduction—thirty-five percent.

c. Limit interest deductions, except for business loans and the mortgage(s) on your principal residence—forty-two percent.

d. Repeal income averaging—thirty percent.

e. Repeal the additional exemption for the blind and the elderly—seventy percent.

f. Repeal credits for energy-saving home improvements—thirty-four percent.

g. Tax a portion of employer-paid health insurance—seventy percent.

h. Tax increases in the cash value of life insurance policies—sixty-six percent.

i. Tax all unemployment compensation and payments for work-related injuries—fifty-five percent.

j. Limit deductions for work-related expenses, such as union and professional dues, safety equipment, tools, uniforms, and travel—forty-three percent.

2. Should Congress cut taxes if doing so would increase the deficit?

Yes, 19%; no, 81%.

3. Should the oil and gas industry receive more favorable tax treatment than other industries in order to provide incentives for increased production?

Yes, 11%; no, 89%.

4. Should capital gains (profits from the sale of stocks, bonds and other investments) be taxed at a lower rate than wages and salaries to encourage such investments, *or* should they be taxed at the same rate as wages and salaries?

a. Lower rate—43%.

b. Same rate—57%.

5. Under the present system, tax rates for people with high incomes are higher than rates for people with lower incomes. Should tax rates for high income people be cut *more* than rates for low and middle income people so that there is less difference between rates for people with big incomes and those with smaller incomes?

Yes, 18%; no, 82%.

6. Should the 50% top tax rate (for joint return income in excess of $175,000) be—

a. Kept at 50%—75%.

b. Cut to 45%—7%.

c. Cut to 40%—7%.

d. Cut to 35%—10%.

7. Should business be allowed to deduct the costs of entertainment, such as taking clients on hunting and fishing trips, to the theater, or to professional sports events?

Yes, 12%; no, 88%.

8. How much should businesses be allowed to deduct for meals at which business might be discussed?

a. The full cost—13%.

b. $25 per person—19%.

c. $15 per person—21%.

d. Nothing—47%.

9. The goals of simplification and fairness often work against one another because much of the complexity in the tax law is due to provisions designed to assure fair treatment for taxpayers with special circumstances. Given that fact, which goal is more important:

a. Simplifying the tax law, even if that results in less fairness—13%, or

b. Assuring that everyone pays a fair share of the tax burden, even if that means less simplification—87%.

10. What should be the main goals of tax reform? Of the Most/Least Important [1] nine goals listed below, which are the three most important (rank 1, 2, 3) and which are the three least important (rank 7, 8, 9)?

a. Make sure everyone, both businesses and individuals, pays a fair share of the tax burden.—88%/*4%*.

b. Reduce all tax rates, but cut rates for high income people more than rates for low and middle income people—8%/*66%*

c. Reduce tax rates, but keep the differences between rates for higher and lower income people—22%/*27%*.

d. Leave the rate structure alone, but cut taxes by raising the personal exemption the the standard deduction—32%/*27%*.

e. Make it easier for me to do my taxes—19%/*47%*.

f. Eliminate complex tax breaks that give unfair advantage to those who can afford high-priced tax experts—60%/*24%*.

g. Simplify the tax system by eliminating as many deductions and credits as possible, including those that are widely used by the average taxpayer—13%/*48%*.

h. Provide tax relief for the poor—20%/*24%*.

i. Raise additional revenue to help reduce the deficit—but without increasing individual income taxes—38%/*26%*.

11. Who prepares your taxes? I do—*53%*. My spouse—*6%*. Friend or relative—*5%*. A commercial tax service—*12%*. Lawyer/accountant—*24%*.

12. Do you itemize deductions? Yes, 72%; no, 28%.

The following information will only be used to analyze survey results and will be kept completely confidential:

13, Family income: Under $10,000, 5%; $10,000-$20,000, 18%; $20,000-$30,000, 26%; $30,000-$40,000; 23%; $40,000-$50,000, 16%; Over $50,000, 13%.

14. Personal information: Single, 21%; married, 79%; both spouses work, 24%; retired/unemployed, 29%; number in family, 2.88; age, 53.9.

[1] The first number is the percentage of respondents who ranked this item 1, 2 or 3. The second number is the percentage of respondents who ranked the item 7, 8 or 9.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1985

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1985. Since my last report, the Congress adopted Senate Concurrent Resolution 32, setting forth the congressional budget for the U.S. Government for fiscal year 1986 and revising the congressional budget for fiscal year 1985. Those revised aggregates have become the official House spending ceilings and revenue floor.

The current level report is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available (or will be used) for the full fiscal year in question, based only on enacted law.

Now that we are operating under a revised budget resolution, both the aggregates and the estimates of current level reflect the economic and technical assumptions underlying this year's budget resolution, which of course are more up-to-date than last year's assumptions.

I should also note that the section 4(b) exemption in last year's budget resolution is no longer in effect. It applied only as long as the "automatic" second budget res-

olution for fiscal year 1985 was in effect, but that "automatic" second budget resolution is superseded by Senate Concurrent Resolution 32.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

COMMITTEE ON THE BUDGET,
Washington, DC, September 11, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report of budget authority, outlays, and revenues for fiscal year 1985. This status report compares current level to the budget aggregates in S. Con. Res. 32, the First Concurrent Resolution on the Budget for Fiscal Year 1986, adopted by the Congress on August 1, 1985. As you know, that budget resolution also revised the fiscal year 1985 budget resolution. The current CBO estimates of budget authority, outlays, and reveunes now reflect the economic and technical assumptions that underlie S. Con. Res. 32.

It should be noted that the Section 4(b) exemption, contained in H. Con. Res. 280, the First Concurrent Resolution on the Budget for Fiscal Year 1985, no longer applies. That section provided an exemption to the Section 311(a) budget ceilings for committees that remained within their own "discretionary action" 302(a) allocation. According to Section 4(c) of H. Con. Res. 280 that exemption would cease to apply when a subsequent budget resolution is agreed to. Agreement to S. Con. Res. 32 by the Congress on August 1, 1985, fulfills that condition.

With best wishes,
Sincerely,

WILLIAM H. GRAY, III,
Chairman.

Attachments.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1985 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 32

REFLECTING COMPLETED ACTION AS OF SEPT. 5, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,062,100	946,300	736,500
Current level	1,062,100	946,300	736,500
Amount under ceilings			
Amount over ceilings			
Amount under floor			

BUDGET AUTHORITY

Any measure providing budget or entitlement authority for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 32 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 32 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1985, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 32.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., September 9, 1985.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1985 budget (S. Con. Res. 32). This report for fiscal year 1985 is tabulated as of close of business September 5, 1985, and is based on assumptions and estimates consistent with S. Con. Res. 32. A summary of this tabulation is as follows:

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level	1,062,100	946,300	736,500
1985 budget resolution, S. Con. Res. 32	1,062,100	946,300	736,500
Current level is:			
Over resolution by			
Under resolution by			

Since my last report the Congress has adopted S. Con. Res. 32 revising the 1985 budget and cleared the Supplemental Appropriation, 1985, P.L. 99-88, and the State Department authorization, P.L. 99-93.

With best wishes,
Sincerely,

ERIC HANUSHEK,
(For Rudolph G. Penner).

PARLIAMENTARIAN STATUS REPORT—HOUSE SUPPORTING DETAIL, FISCAL YEAR 1985 AS OF CLOSE OF BUSINESS SEPT. 5, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			736,650
Permanent appropriations and trust funds	686,201	607,817	
Other appropriations	542,981	516,642	
Offsetting receipts	−182,025	−182,025	
Total enacted in previous sessions	1,047,157	942,435	736,435
II. Enacted this session:			
Famine relief and recovery in Africa (Public Law 99-10)	784	289	
Appropriations for the MX missile (Public Law 99-18)		79	
Agricultural supplemental appropriation (Public Law 99-71)	1,000		
Federal supplemental compensation phaseout (Public Law 99-15)	160	160	
Statue of Liberty—Ellis Island Coin Act (Public Law 99-61)	18	16	
Contemporaneous recordkeeping repeal bill (Public Law 99-44)			−150
United States-Israel Free Trade Act (Public Law 99-47)			(1)
State Department authorization (Public Law 99-93)			−1
Supplemental appropriations bill (Public Law 99-88)	(13,029)	(3,369)	

PARLIAMENTARIAN STATUS REPORT—HOUSE SUPPORTING DETAIL, FISCAL YEAR 1985 AS OF CLOSE OF BUSINESS SEPT. 5, 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Offsetting receipts	(−48)	(−48)	
Bill total	12,981	3,321	
Total enacted this session	14,943	3,865	−151
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action			
Total current level as of Sept. 5, 1985	1,062,100	946,300	736,500
1985 budget resolution (S. Con. Res. 32)	1,062,100	946,300	736,500
Current level is:			
Over budget resolution			
Under budget resolution			

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.

CONSTITUTIONAL AMENDMENT FOR A BALANCED BUDGET

The SPEAKER. Under a previous order of the House, the gentleman from Idaho [Mr. CRAIG] is recognized for 60 minutes.

Mr. CRAIG. Mr. Speaker, I have taken up this special order tonight to talk about an issue that is on the minds of nearly every American, but that few in this House or in the other body choose to talk very loudly about, and that is the question of the budget. But more importantly, that is the question of a constitutional amendment to balance the Federal budget and limit taxes.

This is an issue that has been talked about at great length by a variety of people for the last 7 to 8 years. Movements have been going on in the States across the Nation to encourage our Congress to respond accordingly. Now some 32 States have petitioned the Congress for the purpose of asking them to issue forth an amendment to balance the Federal budget, and yet Congress has failed to respond.

It was with this concern in mind, and with the conviction that I have developed over the last several years while serving in this body that, in fact, the Congress itself and this House included cannot control its spending habits, that spending has in itself become an institutionalized process, and that we no longer control or have the will, most importantly the fiscal responsibility to respond. So we have watched in a progressive way over the last 5 to 6 years a deficit grow from some $40 billion to today's $200 billion. We watched our Budget Committee's struggle this year in an attempt to reduce that $200 billion down to around $170 billion, and in all reality, they failed.

Just before the August recess, we saw the budget resolution come out

with some 68 billion dollars' worth of reconciliation in it. We see the pressures building here now and saw the action on the floor today that demonstrates that this body, although it might wish to chose the rhetoric and demonstrate to the American people that it is interested in reducing deficits, it really does not have the will. It does not have the will because the structure and the nature of this body, and the body across the way will not allow the kind of fiscal integrity and responsibility that well over 80 percent of the American public now demand.

With those concerns in mind, and with my belief in it, and the belief of a lot of other people in this House that the only way we begin to control the deficit was to control or change the structure by which we formulate the budget itself, I and others became convinced that the only avenue for doing so was to begin to push progressively for a constitutional amendment to balance the budget and limit taxes.

With that in mind, some 1½ years ago, I created the organization called CLUBB. [Constitutional Leaders United for a Balanced Budget]. And today, well over 120 Members, Republican and Democrat alike, have joined with me, both in the House and in the other body to move this issue. Now we have in this body House Joint Resolution 27 which is the constitutional amendment to balance the Federal budget and limit taxes. As of today, 193 Members, Democrat and Republican alike, have joined in cosponsorship of that legislation.

The other body has crafted an amendment that has now left the Judiciary Committee, and we would anticipate votes on that constitutional amendment proposal in the other body in late September or early October.

Why are we seeing the renewed momentum on this issue? I think it is very simple. It is simple to understand because the American people have said so loudly and clearly "Get your fiscal house in order." We can no longer tolerate a $200 billion deficit, nor can we tolerate that which a $200 billion spawns, and now nearly $150 billion in trade deficit, and an activity that is in place that is deindustrializing this Nation at a more rapid rate than ever in the history of this country.

I have said on numerous occasions in the last minute that this is a bipartisan issue. It is not Democrat, it is not Republican. It is American, because the American people are crying out for fiscal responsibility.

So I would now ask the cochairman of CLUBB, who has worked closely with me to build this coalition here in the House, who is the primary cosponsor of the House joint resolution, the gentleman from Texas, CHARLIE STENHOLM, to join with me in his comments for a few minutes before we ask our other colleagues to participate with us.

Mr. STENHOLM. I thank my colleague from Idaho for yielding this time, and I want to commend him for the leadership that he has shown in the organization of our CLUBB, our Congressional Leaders United for a Balanced Budget, that has been not only an attempt to focus attention nationwide and in other States, but actually doing it, of getting us to a position in which we have the wherewithal to focus attention in those key States if we in the Congress are unwilling to deal the balanced budget issue. We do have 32 States who have said that is what we want done.

□ 1830

Two more and the Constitution takes over where the lack of will in Congress has been. Without the leadership of the gentleman, Mr. CRAIG, we would not be there. I am proud to be associated with the gentleman from Idaho and the other Members in focusing on this very important question. It seems that everybody is for a balanced budget. We are beginning to hear it talked about by almost every Member of this body. The unfortunate thing to date is, we still just talk about it. There are some who are going to suggest now that because we are about to do this, or we have done this, or we have made a good faith step in the right direction with the budget this year that no longer is it going to be important to focus on the Constitution. Nothing could be furthest from the truth. I think at this very moment it is imperative in this body that we move steadily toward an actual vote and implementation of the constitutional amendment in order to back up whatever it is that we might be actually about to do in the area of spending in this body, proceeding towards a balanced budget.

I guess I would conclude my remarks at this moment by sharing again a little statement that was made 10 years after our Constitution was written by Mr. Thomas Jefferson. He said at that time:

> I wish it were possible to obtain a single amendment to our Constitution, I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of the Constitution. I mean an additional article taking from the Federal Government the power of borrowing.

Oh, how we might wish some day in the near future that we had not borrowed the $2 trillion we have borrowed in order to sustain a standard of living we have been unwilling to pay for in our generation.

Those words of Thomas Jefferson, I think, are going to ring in these Halls some day in the future, I hope in an orderly process as suggested by the gentleman.

Again, I commend the gentleman for his leadership and look forward to working with him and our other colleagues in a bipartisan way to put a little bit of deeds to our words concerning our concern about the deficit.

I thank the gentleman for yielding.

Mr. CRAIG. I thank the gentleman, my colleague from Texas, for the leadership he has taken on this particular issue. There is no question that without him he would not have the number of cosponsors that we have today on House Joint Resolution 27; nor would we have the number of Members we have in CLUBB.

The gentleman has worked with me in stressing the bipartisan approach. We have accomplished that because, as I said earlier and certainly Congressman STENHOLM has said, this is an American issue; it is not a Republican issue nor is it a Democratic issue.

With a $2 trillion national debt and well over 110 billion dollars' worth of financing needs in the 1986 budget just to finance that debt, we are indebting generations and generations in front of us to an obligation to pay for the kind of living style we wish to live but that we are unwilling to pay for.

I would next like to ask my colleague from Oregon, BOB SMITH, who has taken a leadership role on this issue, who started early on when he first came to this Congress to jump into the issue of a balanced budget and to carry it forth to work with a variety of groups across this country, to begin to build that growing interest which now exists in America, to achieve a constitutional amendment, to balance the budget and limit taxes.

Mr. ROBERT F. SMITH. Mr. Speaker, I thank my colleague from Idaho.

I thank the gentleman for taking this time because I think it is essential that this body and the other body of the Congress of the United States understand that the continuous spending habits which have prevailed in the past 40 years, really have come to significance in the last 10 years, are really the kinds of efforts that are destroying the economic future and opportunity for our country, for our families, and for our children of the future.

To bring us somewhat in light, I would want to share with the body and with my colleagues some numbers since I have been in the Congress, only. That has not been a very long time compared to many who are here.

But in 1982, I arrived and we had a tax increase in 1982. Some have forgotten that. It was called TEFRON, $98 billion. In 1983 we had another tax increase, Social Security repair which cost $165 billion. In 1984 we had another tax increase, so-called Tax Reform Act. That was another $51 billion out of the taxpayers' pockets. In

that same year we also had a gas tax increase of $5.5 billion.

Suddenly in 1985 we have the so-called Deficit Reduction Act which supposedly saved from $38 billion to $56 billion out of spending; but we know, those of us here, that that was smoke and mirrors, based upon faulty background, and we know that there was very little saving.

So what we have done, and what I am trying to point out, without saying so, we have raised taxes since 1982 in every year and our deficits continue to build.

The point of this is that the Congress, again, has not addressed the issue of spending and their spending habits.

To bring this to light, let me point out that in 1981, after only 209 years of our existence, our total national debt was $997 billion; 4 years later, just 4 years later, it had doubled, and we will be facing the heartburn of the question of raising the debt ceiling to $2 trillion before this year is out.

We have doubled the debt in this country in 4 years.

What is a greater problem is the question of the interest on the debt. The interest on the debt in 1981 was $111 billion. The interest on the debt today in this budget we are facing is $184 billion. Anybody in this business or anybody who has to face a budget knows that when you leverage a business or a household to the tune that you can no longer pay the interest on the debt, then you have sunk either the business or your household is out of business.

Therefore, I think that I have identified that the Congress has not controlled spending. Therefore, I believe there must be a systemic change. The change must be in the constitutional amendment to balance the budget which will become the 27th amendment to our Constitution.

We only amend our Constitution when it is absolutely essential. This becomes essential.

Let me say, I think it is safe to say there are only two categories of U.S. Representatives who serve in this House: The ones who know that their constituents want this amendment and the ones who have not yet asked.

The only alternative left is this balanced budget amendment, and I urge every Member of this body to either become a cosponsor of House Joint Resolution 27 or if they are already a cosponsor to go get a colleague and join us because the fate of the Republic rests on his or her and our decision.

I thank the gentleman for allowing me this time.

Mr. CRAIG. I thank my colleague from Oregon for his leadership and his direct participation in this effort. He has been a stalwart in moving the issue with our colleagues here in the House. I think in your comments today the gentleman brings up some obvious issues, at least in the minds of the American public.

I was told today that with a $200 billion deficit, just this year's deficit, that we are talking about every man, woman, and child in this country being indebted another $10,000. That is the kind of thing that is almost unbelievable: it certainly is to the average man and woman out there.

When you turn to a high school student and say, "How much do you owe the Federal Government?" well, they look at you and say, "Gee, I don't owe anything." If they earned a little money this last summer and qualified and paid their taxes, it was probably very minimal, they do not think they owe anything.

But in reality, with a $2 trillion debt and the old line that, "Gee, whiz, national debt is no problem because you just owe it to yourself," the reality is we do owe it to ourselves. But now we are having to finance that national debt, and, in so doing, we have become a debtor nation for the first time in 70-some-odd years. Now, we are asking foreign governments and foreign interests to put money into our markets so we can afford to pay for the lifestyle that this Congress and this Government has decided they want to spend money on.

□ 1840

I think that is a very, very dangerous position for this country and the citizens of this country to allow our economy to get into, but we are now a debtor nation; and that debt rose progressively, and is held by foreign interests. Is that bad? Most certainly it is bad. It is bad because of what it generates ultimately, and that is a $120 billion trade deficit, and that is an awful lot of people out of work, and no new jobs in the hard sectors of our country, and especially from the States that you and I come from in the West being created.

So let me thank you once again for being a participant, and being an absolute activist in this effort.

Now I would like to yield to my colleague from New Jersey [Mr. GALLO].

Mr. GALLO. I thank the gentleman from Idaho. I complement him for bringing this to the forefront. A lot of people have talked about this particular issue, and very few have done something about it.

I would like to relate an experience that I just had recently, going back to the district and talking about the many problems we think the citizens are interested in; and whether it be tax reform or whether it be the environment, came out loud and clear to me in a town meeting that I had, and numerous meetings with individuals throughout the 11th District in New Jersey, that the question most raised and the most concerned, was dealing with a balanced budget.

They cannot understand; "they" meaning the people back home, why we cannot control the budget. They have to control that household budget, and they cannot understand, frankly, why we are sitting with such a large deficit, and apparently as you have indicated, not the will to control the spending habits.

So when I look, sometimes we here in Washington, being away from our constituents, have a little foggy view of what their concerns are; but I can tell you it is clearly the deficit as the number one priority.

Now it is interesting to note that when we look at our States, 48 States have a balanced budget requirement. The people I have talked to; some in the Congress, some outside the Congress, say, "DEAN, you are talking about a balanced budget. Do you know how much success you are going to have with that? It cannot work."

There is a defeatist attitude here that says you cannot balance the budget. In reality, when you look at the fact that 32 States have already signed on, petitioning Congress to have a constitutional convention, I think it proves that it is not a ridiculous matter; it is not something that States take in a frivolous fashion; it is something that we should stand up and start understanding is a large concern.

I have heard my colleagues mention the fact that we have the over $200 billion deficit; we also have over right now a $1.8 trillion national debt. As indicated, we are talking about every man, woman, and child owing $10,000. Now that is a heck of a legacy and one that I do not want to be part of.

I think the job that the gentleman from Idaho [Mr. CRAIG] and our colleague from Texas [Mr. STENHOLM] in getting over 191 or now maybe 193 sponsors on this bill, I think suggests very strongly that there is a concern by this Congress, and all we need, frankly I would suggest, is maybe a few more of our colleagues that are just as concerned.

Those same colleagues that go back to the district and say, "Hey, we're concerned with this, and we want to see a balanced budget"; but they have not put their names on the line.

When we talk about balanced budget, the first question I get after that is, "How can we do that? How can we do that in a year?" I think it is pretty obvious to everyone that you are not going to do it in a year.

As it was explained and as we have discussed, it is something that is going to take a minimum of 4 and possibly 5 years, and it can be done with very little disruption; just a little bit of courage and a little bit of determination.

Mr. CRAIG. Will the gentleman yield?

Mr. GALLO. I certainly will.

Mr. CRAIG. When the gentleman talks about a framework of 4 to 5 years to balance the Federal budget, one of the questions I oftentimes get in speaking on this issue across the country is: Congressman, do you really think you can balance the budget? Do you really think you can get rid of $200 billion?

My answer is no. You cannot do that overnight; it could not be done next year; but what you are suggesting in a 4- to 5-year period is establishing a framework under which this Congress would operate to progressively reduce the deficit, knowing that out there at a 4- or 5-year period, they must bring it into balance. Is that what I understand of you?

Mr. GALLO. That is absolutely right. There is that concern, and I think it can be done. I know we have discussed it; some of my other colleagues have discussed that. It is a workable solution, and one that I think has a great deal of merit, and one that should be followed through on.

I know that when we talk about this year there are very few sessions that are going to be left; I think that it is imperative that all of us that are as concerned, and your organization do everything in its power to inform those Members that have not signed on to bring about a recognition by the House and the Speaker that this Congress is serious about having a constitutional amendment dealing with a balanced budget.

I know that those States, and right now it was mentioned by the gentleman from Texas, we have 32 States that have signed on. Constitutionally, to take this out of the Congress' hands, we need two more States.

It is my understanding that the State of Michigan is in deliberation on this particular issue, and hopefully they will vote in favor of it. Another State that may play a very important role is my own State of New Jersey. That State, I had before coming here, the opportunity as minority leader to introduce a balanced budget amendment requiring the Congress to act and as of yet, that has not taken place, but I know it is in the good hands of Senator Dorsey in the New Jersey Senate, and a number of House members.

I would hope that they would react positively to this, because I think as you go out more and more, this question is not going to fall on its face; you are not going to forget about it; you are going to hear more and more about it.

So in conclusion, I just want to compliment you and also our colleague from Texas [Mr. STENHOLM], those members of that organization which I am proud to be part of, as a member, in trying to bring the awareness level to the public and to this Congress.

People today do understand that deficits mean higher costs to them, not only in the possibility of inflation, but also in the real dollar sense as far as interest.

So to you I congratulate you, and I am pleased to be part of this particular debate and dialog, and I hope that it brings about a better understanding with our colleagues.

Mr. CRAIG. Let me thank my colleague from New Jersey who, coming to this body as a freshman, very quickly said, "I want to be a part of that issue, because I so strongly believe in it." As the gentleman has explained, he has been a leader in his State legislature on this issue in attempting to get the State of New Jersey to petition the Congress for the purpose of an amendment to balance the budget. There is no other issue, in my opinion.

When the gentleman talks of the kind of figures he mentions, that every man, woman, and child in this country based on a $2 trillion national debt, now owes $10,000, and that for every $200 billion of deficit that is then moved into the debt column, that that adds $1,000 of debt to each one of those individuals.

□ 1850

I think it is only a matter of time before the American public stand up and says, "Enough. We don't care what program it is, whose program it is, how that program affects me or my neighbor or my community, stop it, Congress, stop it, you have done too much, you have gone too far, and now you have consumed such a large portion of the gross national product of this country and you have committed another large portion of it on an annual basis."

We are not far away from seeing interest on the debt as a single line item in the Federal budget of being No. 2 in size. And, you know, it is interesting. We can sit here, and we do on a regular basis, and debate which program has merit and which program does not have merit and what we will cut here and what we will not cut here. But there is one item that has no debate, none whatsoever. The Budget Committee merely pencils it in, in cooperation with the Office of Management and Budget and the Treasury, and that is called interest on the debt. We cannot decide how much we will pay and when we will pay it. It must be paid. That is the only section of the Federal budget that commands no debate. When that becomes the single largest item or the second single largest item, it will buy no services, it will buy no goods, it will put food in no one's mouth, it will put no missiles in place to protect us. It will simply consume a monstrously large amount of the gross national product of this country for the purpose of financing excess spending of periods past.

Now I would like to recognize another colleague of mine, another freshman who joined this effort and who has been a leader in the area of concern of a balanced budget, my colleague from Texas [Mr. BOULTER].

Mr. BOULTER. I thank my colleague for yielding. I just want to tell you how grateful I am to you, Congressman CRAIG, and also to my very good friend and distinguished colleague from Texas [CHARLIE STENHOLM], for your leadership on this issue, and especially for forming CLUBB [Congressional Leaders United for a Balanced Budget]. And I must say to you that there are two organizations in this body that I am particularly proud to be associated with, and one of them is CLUBB, the group within the House of Representatives that is actively working toward the constitutional amendment to balance the budget and limit taxes, and the other group is the Grace caucus, which I am proud to be the chairman of, because, I will tell you, I came to Congress for the first time this session, and even before being sworn in on January 3, I became a cosponsor of the constitutional amendment to balance the budget and limit taxes, and I did that because in my campaign I talked about and committed myself to doing something about controlling Federal spending.

I do believe, incidentally, that as horrendous as the deficit is, even if our budget were in balance, at this level of Federal spending we would still have a very, very severe problem, and the deficit is more a symptom of what is going on in this country than it is the problem.

But I will tell you how my people feel about it that I represent: They truly believe that the number one issue in our country today is not tax reform, though we need that, but it is the deficit and the threat that it poses to our children. And you have very adequately pointed out, Congressman CRAIG, some of the dangers and danger signs that we see right now. The $150 million trade deficit, that is very much related to this fiscal deficit. The almost $2 trillion national debt, what is the interest on that? Is it $145 billion right now? Something like that. I can tell you that within this other group, the Grace caucus, we have done some calculations that at current levels of Federal spending, only 15 years hence, when my children will be entering the job market, we will have an annual debt not of $2 trillion but of $13 trillion by the year 2000. And what kind of a world will our kids live in if that happens? I do believe that their liberties, their freedoms are linked to their economic opportunities, and if

they are having to work the greater portion of every day just to pay the interest on the national debt, they do not have any economic opportunity and they will not have the liberty and the freedom that they enjoy today.

For my part, I have promised myself and the people I represent that I will never vote for any kind of tax increase until certain reforms are set in place, and one of those is the constitutional amendment to balance the budget, because I truly believe that increased revenues would just be used to further programs that we need to terminate.

I want to speak, for a moment, about my experience on the Budget Committee. It has been a terrific honor to serve on that committee, and also on the conference committee. But I can tell you that every special interest group in America came before our committee, all applauding our efforts to cut the deficit, but each and every one of them saying, "You have got to cut the deficit, but * * *." And this deficit reduction package that we came up with, I supported, I felt like it was the responsible thing to do, but we all know it is no victory over deficits. At best, it is a truce. I feel like our efforts to cut the deficit really fell victim to the same thing that I fear tax reform is falling victim to, and that is special interest groups, to the detriment of families and children, and it is so important, it is the number one threat to our country today, this Federal spending. I just want to congratulate you and recommit myself to working with you and the other Members of CLUBB toward resolving this great crisis which we are in, which I think can only be done with the passage of a constitutional amendment to balance the budget.

Mr. CRAIG. Let me thank my colleague from Texas for those kind words and also to say very clearly you are a leader in this body, willing to stand up and speak out on those things you believe in and to take up issues that are as controversial here, not nationwide, but here, as the constitutional amendment to balance the Federal budget and to limit taxes. I appreciate your leadership in this area. One of the things that was very pleasing this year, as we saw the freshman class come in, both sides, Democrat and Republican alike, great numbers joined this cause because they knew right upfront, early on—it did not take them long to learn—that the only way we were really going to change the habits of this body and especially those fiscal habits, those spending habits, those institutionalized ways that we pour money out, was to do something structurally different to change the system and to do that through a constitutional amendment to balance the budget. So I appreciate your leadership in that area.

I would now like to recognize my colleague from Pennsylvania, an outspoken critic on Federal spending, certainly a leader in this House as it relates to keeping what spending levels we have done as much as possible, taking tough stands and making the point hard for a good many people here because it is so important that we vote on these critical issues. I appreciate the leadership of my colleague, BOB WALKER, from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just want to take issue, for a moment, with a comment that my colleague from Texas made a minute ago. It is just a difference in degree or a difference in rhetoric to some extent, but I think it is an important difference. I think the major problem facing the country that the American people have recognized is a spending problem. I think that the deficit problem, we tend to talk around here about deficits, but the deficit is the symptom of the spending problem, and I know that that is what the gentleman was reflecting. But I am trying to make it clear to my constituents that there are some who talk deficits around here who want to talk deficits because their idea is to use taxes as a way to solve the deficit problem.

Well, that is not the real problem. The problem is a spending problem, which is precisely what the balanced budget amendment to the Constitution speaks to. It says that it is time that we discipline ourselves on spending. And that is absolutely essential for the future of this country. It seems to me that our colleague from Oregon, when he talked about the fact that the survival of the Republic depends on us finding a way to discipline ourselves on spending, has related the issue, because it is the issue. We cannot go on much longer adding $1,000 a year to every family's personal debt and to the personal debt of every man, woman, and child because of what we spend and have this Nation survive economically. And if it does not survive economically, it cannot survive in any other way. So we really are at a moment of national crisis that needs a solution.

The balanced budget amendment to the Constitution is not a perfect tool but it is a useful tool, and it is in fact the kind of disciplinary tool that will allow us to address this problem in a meaningful way. I think we ought to recognize why it is that we need to do so. And nobody has pointed out that more clearly than the gentleman from Idaho here this evening when he has mentioned the fact that $200 billion worth of deficit this year means adding $1,000 to each family's personal debt.

We have a hard time visualizing $200 billion. We have a hard time visualizing $2 trillion. But $1,000 of additional debt in a year is something that most families can visualize, and most average families—maybe too many people in this Congress are too far away from most average families—but most average families think long and hard before they incur an additional $1,000 in debt. And yet day after day, week after week, month after month, year after year, we pile that debt onto them, we spend the money for them, and often it is done without very much thought.

□ 1900

Mr. CRAIG. You are talking about the newborn baby, at this minute. We are not talking about adults only, are we?

Mr. WALKER. The baby that just this second came screaming into the world as an American has a thousand dollars of debt on his head as a result of what we are piling up in deficits. If you take a look at the $2 trillion, he has $10,000 in overall debt, and I think we ought to look at that, too, because most average American families in this country incur $10,000 worth of debt for only a couple of things. One is to buy a house, most average families incur that much debt, and to buy a new car most families incur that much debt. But we have incurred it for them right here at the Federal level. We have said we are going to pile $10,000 worth of debt onto you and you are going to pay for it. The fact is that they pay for it just as assuredly here as if they had incurred it themselves. They pay for it with the higher interest rates; they pay for it with higher costs in the society as a whole when that kind of debt becomes inflationary. They pay for it. They pay for it over and over and over again. Yet, they do not make that decision. It would be a very tough decision for them to make as a family. Families think long and hard in this country before they buy a home or buy a new car because it is so much debt. Yet, Congress does it day after day.

We did it today. We could not cut our spending habits today to save $22 million on something like Amtrak. We cannot do it at all. We need discipline. The only disciplinary tool that has any chance at all of being effective is the balanced budget amendment to the Constitution. The gentleman from Idaho has provided us with some real leadership toward getting us to the day when this House might actually have the guts to vote on it. That is the problem. We lack the guts to vote on it around here. So we might actually get the guts to vote on it because of the leadership shown by the gentleman from Idaho. I congratulate him for his work and for taking this special order.

Mr. CRAIG. I thank my colleague from Pennsylvania for his comments and for the leadership role he has

taken on the issue of fiscal responsibility.

I yield to my colleague from Texas.

Mr. BOULTER. I thank the gentleman.

In response to my colleague from Pennsylvania I think you are exactly right. What I said was that the deficit is the symptom. I think the greatest need in our country today is for some capital. That is exactly why Japan is beating us so badly right now and why we have a $150 billion trade deficit right now.

The real problem is the ever-increasing level of Federal spending, and as you so eloquently point out, just the sheer lack of courage by the Members of this body to say "no." As a result, with this kind of Federal spending which the deficit reflects, we have a crowding out of private sector initiative at every level, whether it is capital formation or volunteer work or helping our neighbors. The Government seems to be trying to do everything for everybody and there is less incentive for me as an individual to do it. There is less opportunity to get our hands on the capital. It is killing our farmers our small businessmen and everybody knows that. You are exactly correct.

I know one thing, it would make it easier for me, I do not think any of us is immune from the pressure to spend, and it would make it so much easier to say "no" if there were this constitutional prohibition against overspending.

Mr. CRAIG. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman.

Mr. Speaker, let me say that I do not know of any constituency for the Federal deficit. Everybody is against the Federal deficit, yet we have one and we have one year after year. I understand what the gentleman is saying with respect to a constitutional amendment to balance the budget. In fact, I came here thinking that is probably the wrong thing to do, and after hanging around several years I decided it is probably something we ought to do.

I do not necessarily support the same constitutional amendment that the President supports for a number of very important reasons, but I think the kind of language that Thomas Jefferson suggested in the original debate about this would probably make some sense in the Constitution.

It is important to understand that you can change the Constitution, but that does not mean that you balance the budget. The only way the budget gets balanced is one, if the President recommends a balanced budget and two, if Congress adopts one. If we change the Constitution tomorrow, there would be a President, Republican or Democrat, and a Congress, Republican or Democrat who would say, "Let us have a capital budget and an operating budget. Let us do it that way."

The point I am trying to make is this: We have a shared responsibility between a President who recommends big budget deficits and a Congress that follows his lead. We have got to solve the problem. We do not have the luxury of avoiding it any longer. Changing the Constitution, which I think is something we ought to do but do in the right way, will not solve the problem. The President and Congress will solve the problem by reconciling that which they want to spend with the revenues they are willing to bring in. I might say after attending meetings in my district, people say, well, how do you solve this thing? I scratch my head and say, well, it is very difficult at the moment because the biggest part of the current budget some say has to be increased. Notably defense. We must have some kind of increase in the largest portion of the budget. On the revenue side of the budget, we prohibit any sort of additional revenue. With that kind of mathematical equation, you cannot resolve the issue. I say that when you stand in the well and talk about the deficit you are talking about the issue that a lot of Americans are concerned about. All of us, from both parties, need to do what we must, what we can to try and move this fiscal policy of this country to some sort of stability moving towards a balanced budget.

I am with you; I am simply here today that ultimately a person, a President, a Congressman, a Republican and a Democrat must vote in the right way to balance the budget as between revenues and spending. That is ultimately the way you get that done.

Mr. CRAIG. Let me thank my colleague for making those statements and I am certainly the first to admit that House Joint Resolution 27 may not be the perfect document, and I would encourage my colleague to come join with us in the activity and the debate and support getting the issue out to the floor of this Congress so that we can show the American people that we are really sincere. That we are sincere in changing the Constitution to put into it the tool, not the absolute corrective measure, but the tool that will force us, not allow us, but force us to be fiscally responsible. You and I have both served here long enough to know that we can find any excuse in the book and probably do pretty good at home selling it to our constituents as to why we ought to spend money. The bottom line is we are spending a great deal more than we are willing to take in. In so doing that, we are creating a major fiscal problem in this country.

Now, we are willing to spend $100, but we are only willing to take in about $80. The question is can we take in the other $20 and allow the economy, your farmers and my farmers, to exist? Is there going to be enough money out there for them to borrow their operating lines and to be able to conduct their business? If Government really took all that it is now spending, or is spending really the issue? I think it is, and I think my colleague concurs with me in that. But join with us, come with us in creating the tool. More importantly, providing the avenue and the opportunity here on the floor of the House in which we can create that tool, the constitutional amendment to force this body and the other body to, for the first time in a great long while, to be fiscally responsible. I thank my colleague for joining with us this evening on this issue.

Mr. Speaker, I now would like to yield to my colleague from Texas, Congressman ARMEY, who, once again, is one of those freshmen who came here and joined early on in this issue, recognizing the problems we have with the deficit and the debt. He joined the balanced budget effort, became a member of CLUBB, is a cosponsor of House Joint Resolution 27, and has been an outspoken leader in his freshman group and here in the Congress on the question of fiscal responsibility

Mr. ARMEY. I thank the gentleman.

Mr. Speaker, I want to begin by pointing out how much I appreciate the gentleman from Idaho taking this special order and discussing this as well as the other work you have done. I do have some prepared comments and Mr. Speaker, I would ask that they be placed in the RECORD at the appropriate place.

Mr. Speaker, I would like to just focus very quickly on a few issues because we have some other people who want to speak. I embrace, endorse and work for the balanced budget amendment with a certain reservation. That reservation being that it ought not to be necessary. The basic fact is we have a Congress that for too many years, too many sessions, time after time in each new session of Congress, we have a Congress that gets out of hand and they let spending get out of hand. They have not had a sense of discipline and I have become convinced that they may not get a sense of discipline and restraint in spending.

□ 1910

The American people have said, and I think are saying to us daily, "Enough is enough. You have got to hold the line on spending. If you cannot get the discipline on a basis of appropriation bill by appropriation bill, then find the discipline in the budgetary process and begin with a balanced budget amendment or rule, and if you will not adopt a balanced budget amendment

for yourselves to obtain that discipline, we will force its adoption through the States." And we are very close to the American people succeeding in forcing this adoption in that manner.

I think it is time that we stand up at this point and say to the American people, "We hear you. We respect you. We do not want you to have to send your message through the State legislatures. We are ready to respond. We are ready to pass this amendment, obtain the rule, learn the discipline, practice the restraint and quit spending your money."

As a final observation, that young baby that is born in America today with $10,000 worth of debt is going to have $28,000 worth of debt by the time he or she is 18 years old and beginning to earn a living. Can you imagine going to your first job already $28,000 in debt, a sum considerably less than you are likely to earn for some years to come?

As a freshman Member of Congress, perhaps I am better able to recall the frustration and bewilderment with which the average American views $200 billion annual deficits and a $2-trillion national debt. Our constituents hear a lot about fiscal responsibility and budget cutting, yet these tremendous deficits persist and our national indebtedness continues to grow. Indeed, it was Congress' inability to act in a constitutional and fiscally responsible manner which motivated me to seek this office.

Committed as I am to fiscal responsibility, one of the first things I did as a Member of Congress was to cosponsor House Joint Resolution 27, the balanced budget/tax limitation amendment. I was also pleased to join with a number of other concerned colleagues in Congressional Leaders United For A Balanced Budget, a group dedicated to passage of a balanced budget/tax limitation amendment. This measure is not an end unto itself; it will, however, force Congress to begin to exercise the fiscal responsibility which the people demand.

By requiring a balanced budget, except in emergencies, it would force the Congress to live within its means—something which every individual must do, and something which Congress has put off for too long.

I also think it is important to stress the "tax limitation" aspect of House Joint Resolution 27. The answer to our budget crisis does not lie in tax increases. We've tried this route before and the long and the short of this act is that it doesn't work. A spendthrift Congress continues to spend what we take from the American people in taxes, and spends more, and more, and more.

Mr. Speaker, we are faced with a number of difficult spending decisions daily. But let me remind my colleagues that we asked the people for this job and we have a responsibility not only to them, but to future generations of Americans, to put our fiscal house in order. The longer we postpone the day of reckoning, the more painful it will be.

Mr. CRAIG. I would like to thank my colleague, the gentleman from Texas, for those valuable words and those observations. He has been strong and outspoken on this issue, and we appreciate his leadership here in the House for fiscal responsibility.

Mr. Speaker, I would now like to yield to my colleague, the gentleman from Oregon [Mr. DENNY SMITH] who I came to this Congress with back in 1981, who in a very short time recognized that the only way we were going to control our spending habits was to do something which is rather fair and equitable but that was very strong in its effort, and that was to freeze the Federal budget. I believe he started that idea some 3 years ago, and if we had followed his leadership at that time, we would not be struggling with a $200-billion deficit today.

But not only did he lead in that area of fiscal responsibility, he early on recognized the need for the tool, as our colleague from Pennsylvania said, the tool of a constitutional amendment to force this Congress to balance the budget, and became a cosponsor of House Joint Resolution 27 and a member of the CLUBB organization.

I yield to my colleague, the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. I thank my colleague for yielding.

Mr. Speaker, I just cannot tell you how much thought goes into the past here, the past 5 years, and I have to thank the gentleman and the people of western Idaho who have sent him here and the opportunity to help provide that tool to the citizens and the taxpayers in this country.

I remember when we were campaigning 5 years ago as citizens of this country, the gentleman from Idaho and I in the western Oregon area, and 1980 is just a short period ago. When we got to the Congress in 1981, we were faced with one of the tough votes in early 1981 that I think those of us who came here to balance the budget had to face, and that was whether we were going to raise the national debt ceiling at that time to exceed the $1 trillion mark for the first time. I believe it was $980 billion at the time. I am proud to say that I voted against that, and I think that was a very good vote at that time. I still am proud of having done that, and especially when we look back on the fact that since 1981 the spending in the budget of this Congress and in these United States has gone from $660 billion a year to $1 trillion.

So I am proud to join with my colleague tonight in trying to bring more attention to the need to have a tool that will help us balance this budget.

When I travel around Oregon and around this country, too, people say to me, "Can we really balance the budget? Is it really possible for us to balance the budget?"

Then I will tell them, "Sure it is. You have to balance your budget. The State has to balance its budget. All the companies in this country have to balance their budgets."

Yet we cannot seem to balance the budget here. I had a telephone conversation about a week ago with one of my constituents, and he said, "Say, I have kind of a simple idea. Why do we not just cut 10 percent out of everything in this entire budget and get to a balanced budget?"

I said, "Well, I can go you one better than that. We can just freeze the budget. We can just start this process." And yet the media have talked a great deal about the fact that we have a $58-billion budget deficit cut. We did not cut anything. Having served on the Budget Committee for these last 9 months, I can say that the budget process is really dead. It is dead without that tool that the gentleman from Idaho [Mr. CRAIG] and those Members who have been here and have been talking about it this evening need, along with the rest of the Members in this body.

If we are going to have the ability and the courage to really straighten out the fiscal morass that the finances of the United States is in, we have got to have the balanced budget amendment.

The leadership of the gentleman from Idaho, and the Congressional Leaders United For a Balanced Budget has just been crucial. If we can get those other 2 States and force this constitutional convention, we will force the leadership in this body, this House of Representatives of the people of the United States, to act and bring forward on this floor the opportunity to debate and to get into the Constitution of the United States an opportunity for all of us in this body and all citizens to enjoy the balanced budget and what that would bring to us, which is financial sanity and a fiscal opportunity to straighten out the finances of this Nation and of the entire world.

So I congratulate my colleague, and I appreciate his taking this special order. I am glad to help him at any time in the future and stand ready and able and willing to vote with him.

Mr. CRAIG. I thank my colleague from Oregon for those statements, those kind words, and most assuredly his leadership in these areas. He has not only been a bulldog on the issue; he has been a watchdog in calling attention to the activities and the spending habits of this Congress when they clearly deserve to be called to the attention of the American people.

I just wish we had had the wisdom 3 years ago to follow his leadership in suggesting that then was the time to

freeze the budget. I am convinced if we had done that then, we would not only be a long way toward bringing ourselves toward a balanced budget, but we would see the kind of economic resurgence in this country that would probably have unemployment down a couple of more points than it is now, and interest rates would be down a couple more points, and we would not be staggering under the weight of the deluge of products from all over the world as we become the world's warehouse of goods instead of the world's manufacturer of goods.

So I thank my colleague for his leadership, his wisdom, and especially his effort on the issue of the constitutional amendment to balance the budget.

Mr. Speaker, I would now like to yield to my colleague, the gentleman from North Carolina [Mr. COBLE], once again a freshman in this body, who has been a leader on the issue not only here but in his own State early on when he came and joined the CLUBB organization, became a cosponsor of the balanced budget resolution, and has certainly served here for his constituents in North Carolina as a leader for fiscal responsibility.

Mr. COBLE. I thank my colleague, the gentleman from Idaho, and the gentleman from Texas who cosponsored this proposal with him. It is a long time coming and needs to be passed very imminently.

As the gentleman just implied, in 1979, as a sitting member of the North Carolina House of Representatives, I was one of the cosponsors of the resolution that urged the Congress to indeed adopt a balanced budget amendment. That was 6 years ago, before the balanced budget amendment revolution was in full force. I knew then it needed to be done. It needed to be done, it seemed to me, and I do not mean this critically, because the Members of this body simply lacked the discipline to do it voluntarily, and I believe if this bill is passed, I think it will not be a voluntary effort.

□ 1920

It will be a direction that has been given, and we will have no choice but to adhere to it.

I am an enthusiastic cosponsor of the gentleman's proposal. I hope that our other Members share the optimism the gentleman and I have concerning the fate of this legislation.

Let me say to the gentleman from Idaho [Mr. CRAIG] that I said some months ago to my colleagues on the floor, "When we come on the floor, you know, we must insert our respective cards into our voting machine, and that activates the machine." I said to some of my friends on the floor, "Sometime when your machine is activated, press the no button. We have a no button on our machines."

I do not mean this to sound negatively, but many Members on this floor are incapable of hitting the no button. The no button works. Try it, you might like it. I do not like to be "Congressman No," but that no button works, and until we are willing and disciplined to activate it, we are whistling in the dark. Join me in voting no occasionally when no is the right vote, and join me in supporting the gentleman from Idaho and our colleague, the gentleman from Texas, who cosponsors this with him, and let us get this bill rolling.

Mr. Speaker, I thank the gentleman for having yielded to me.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague, the gentleman from North Carolina, for the good sense he makes in his statement and in his support of the constitutional amendment to balance the Federal budget.

I find it so interesting, as I have the opportunity to speak in my district, across my State, and in other areas of the country, that the American people ask the simple question: "Why not? Why can't you do it? If you don't do it, what will ultimately happen to our country?"

What happens when the $2-trillion national debt becomes $3, and then $4, and then $5, and then it takes $200 billion to finance it on a regular basis? Do you simply walk away from the debt? Do you default? Do you say to those who bought the bonds of this country, who borrowed, or loaned the money to this country to operate, that we are going to walk away from our debt?

No, we cannot do that as a nation. We cannot invite world financial collapse by our fiscal irresponsibility. The American people understand that, but for some reason this body does not.

As the gentleman from North Carolin [Mr. COBLE] knows, we struggle and we argue, and we find some good reason to support the budget that we support. We have 435 Members in this House, and there are hundreds of special-interest groups who will tell us privately in our offices that they agree with us that we have got to cut the spending, that we have got to bring the budget under control, but they ask, in their particular area, would we please fund them at an adequate level because theirs is unique and theirs is special?

That is, of course, one of the reasons why this body can no longer say no, because all of us have at least one special-interest group we find it pretty difficult to say no to, and then collectively we find it very difficult to say no to all of them. That has resulted in record deficits, and a record debt, and an economy that is now struggling to try to come alive and provide the sustenance and vitality that the men, and women, and young people in this country are asking for so they may have an opportunity and a job.

The constitutional amendment to balance the Federal budget and limit taxes is not absolute, as has been said by many of our colleagues here this evening, but it is a valuable tool in guiding and directing the Congress of the United States toward fiscal responsibility and providing the ultimate test by which their constituent can then judge them to see if they really do in Congress what they say they would like to do while they are back in their districts.

I thank my colleagues for joining with me in this special order tonight, and I urge my colleagues here in the House who are not now sponsors of House Joint Resolution 27 to join with us in this most critical issue at a most important time in our history.

Mr. Speaker, I yield back the balance of my time.

THE ISSUE OF DUTY-FREE ETHANOL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to extend their remarks on the subject of my special order, and I also ask unanimous consent for permission to insert, during the course of my statement, certain written documents.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Mr. Speaker, I have taken this special order tonight relative to an issue that is very important to the Midwest and certainly one which is important to our Nation's economy and to the deficit which has been spoken to this evening by many Members.

The issue is relative to a decision made by the Department of the Treasury on August 26 relating to the import of Brazilian blended ethanol. This decision by our Treasury Department, as we will explain during the course of this special order, will have a significant negative impact on American farmers and farm families, on American workers, on the American Treasury, and ultimately on the security of our Nation as it relates to our energy independence.

I am glad to be joined in this effort relating to this issue by my colleagues: first, by the gentleman from Iowa, Congressman JIM LEACH; the gentleman from North Dakota, Congressman BYRON DORGAN; and the gentleman from South Dakota, Congress-

man TOM DASCHLE. Prior to making my remarks, I would like to yield to my three colleagues who have stayed with me this evening. First, I yield to my colleague from the other side of the aisle who has joined me from the beginning in this effort, the gentleman from Iowa [Mr. LEACH], for the purpose of a statement.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding, and I would like to stress, as, I think, all Members of the House understand, that the gentleman from Illinois [Mr. DURBIN] has led this issue of ethanol more than any other Member of the House and has in fact stood up for the interests of farmers on many issues as profoundly as any Member I know.

I would just like to make three brief observations this evening. One relates to the farm economy. We all understand that it is in difficulty. We also understand that one of the ways we deal with the issue is to seek out new markets for products. Ethanol has as much potential in the great Corn Belt as any other product.

I will be introducing certain legislation tomorrow which will be designed to establish a strategic ethanol reserve which will in effect have the same balance as the strategic petroleum reserve. In theory, however, it will be a reserve based on products that are grown in America, as contrasted to the strategic petroleum reserve, which is based on products which are produced abroad and which also are depletable.

The second point I would like to make relates to the fact that as we look at the whole issue of the farm economy, there are a lot of reasons for the problem. One is the mix of fiscal and monetary policy that has given us a highly valued dollar and high interest rates. In that mix, we in the Congress bear a good deal of responsibility, as does the Federal Reserve Board for administering a rather taut monetary policy for the last 4 or 5 years.

But with regard to the ethanol issue, there is a third aspect that relates to an administration that is of a classic State Department variety. I happen to believe that we have one of the most professional and competent State Departments in the world, but it is a State Department that is politically attuned and not economically attuned. It is a State Department that does not stand up for American economic interests in the same way and with the same degree of professionalism that it stands up for American political interests.

What we have in the ethanol issue is the advocacy of the U.S. Ambassador to Brazil on behalf of the Brazilian Government, in fact, in this case a Brazilian petroleum company that is state-owned and which has under its jurisdiction a strategic ethanol reserve and which also desires to sell ethanol in the United States of America. The American Ambassador requested over 1 year ago of the U.S. Government that we bend the law of the United States to allow ethanol to be imported from Brazil to America without certain tariff restrictions that existed. The American Ambassador also, in a communication formally to our Government, asked that our Government supply him a resident expert on tariff laws that would be able to advise the Brazilian Government on how to get around the tariff laws of the United States.

The arrogance of that request, coupled with the lack of judgment involved with trying to bend the law of the United States in such a way that the American economy is jeopardized, I think, underscores a problem with the U.S. State Department that ought to be well understood by this body. I will say that the Ambassador at issue—and I think it is important to understand this—is a professional career diplomat of distinguished record, excellent stature, and qualifications, and so as I view it, what is at stake is a bias and orientation within the Department of State, and this Congress has a responsibility to shed light on what is happening with Brazilian imports into this country.

□ 1930

Then, finally, let me just conclude by noting that if we think that something is rotten in the state of Denmark, as Shakespeare used to say, or rotten in the State of Washington, as is being reflected on issues of this nature, nothing reflects more on the lack of priorities in this country than the fact that the greatest agricultural country in the history of the world is today importing in the Farm Belt itself, oats from Sweden, hogs from Canada, and now the equivalent of corn or corn substitutes from Brazil right into the heartland. This can imply only one thing: that something systemically is wrong with Government, because the system we have of American agriculure is unrivaled in the world.

So somehow we have to start with a Washington perspective to serve the farmer as the farmer has served America.

With that as a basic orientation, let me suggest that the special order of the gentleman from Illinois is very well taken and I appreciate the gentleman's leadership on the issue.

Mr. DURBIN. I thank the gentleman from Iowa.

At this point I would like to yield to the gentleman from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. Mr. Speaker, I thank the gentleman for yielding and I, too, want to commend him. No one in the House has taken this issue on with more determination or with more leadership than has the gentleman from Illinois. We all owe him a debt of gratitude for his persistence in pursuing this issue as doggedly as he has over the last several months.

I think we need to talk a little bit about why we are here.

Today's special order is an opportunity for those of us who have fought long and hard for development of a viable domestic fuel ethanol industry to turn the spotlight once again on what I perceive to be a very ill-advised administration decision which clearly stifles this important industry's tremendous potential. We are talking here about the August 26 Customs Service ruling which exempts certain marketers and traders from a congressionally mandated 60-cent duty on blended ethanol imports.

The United States has a growing ethanol industry. We know that. It is well documented. Over the past several years it has been competitive with foreign-government subsidized imported ethanol, largely due to a 60 cents per gallon import duty imposed by Congress in 1980. However, certain marketers and traders have increasingly sought to circumvent that duty, and I think the gentleman is going to be addressing that issue in much more depth at a later time.

Earlier this year, the U.S. Customs Service issued several letter rulings permitting Brazilian-made ethanol blended with the additive toluene to enter the United States duty free. Under pressure from farm-State Members of Congress, the Customs Service announced on August 2 that it would revoke the rulings and reinstitute the 60-cent duty on toluene-blended ethanol. It appeared the problem was solved until the Treasury Department issued a further ruling on August 26 which permits certain shipments of blended ethanol to enter the United States without the duty until November 1.

Well, that is the story so far.

This latest administration ruling places both the U.S. ethanol industry and American farmers in serious jeopardy, I might add at a very vulnerable time. It could allow up to 500 million gallons of imported ethanol to enter the country duty free. Nothing could be a more significant blow to our prospects of succeeding.

These imports are going to undercut the long-term potential of the industry and provide a short-term blow to the farm community at a time when the country faces a serious problem of agricultural surpluses.

Consider the costs of this decision: 200 million bushels of corn will not be converted into ethanol in the United States, in a year when the United States has a bumper crop of corn; a 200-million bushel surplus could drive down the price of corn 15 cents a bushel, according to the National Corn

Growers; and $1.2 billion in farm income will be lost if those 200 million bushels are not converted into ethanol.

Most significant in terms of the deficit, the U.S. Treasury could lose up to $300 million it otherwise would have collected in import duties on the foreign-made ethanol.

As the cofounder of the congressional alcohol fuels caucus, I have been involved in the private sector/government partnership that has been so successful so far in building a substantial fuel ethanol industry in a relatively short period of time. Today, private sector investment of over $1 billion has built an industry that will process nearly 250 million bushels of corn—roughly the equivalent of our exports to the Soviet Union—into nearly 600 million gallons of ethanol. Moreover, in addition to providing a critically needed outlet for our productive farmers' grains, this industry is also producing the most environmentally acceptable alternative to lead as an octane enhancer in gasoline.

The Customs Service August 26 ruling places narrow special interests over the broader national interest in violation of the intent of Congress and without benefit of meaningful congressional review. Congress should not allow the administration to run roughsod over farmers and ethanol producers in order to benefit a few marketers and traders who stand to make substantial profits.

We must be committed to seeing this ill-conceived Customs Service decision reversed. A number of Members have already urged Treasury Secretary Baker under the leadership of the gentleman from Illinois to reverse the Customs Service's August 26 ruling and require the collection of import duty for all ethanol/toluene blend. I hope additional Members will join this effort and raise similar concerns with the Secretary.

In addition, I believe that we must look beyond this immediate challenge to the domestic fuel ethanol industry and take greater initiative implementing policies which will expand—not impede—the growth of the domestic ethanol industry. It is imperative that we succeed in the campaign we have begun to make the farmer not only a food, feed, and fiber producer, but also an energy producer.

Attainment of the National Corn Growers' goal of 1 billion bushels of corn into ethanol by 1990 is feasible, and we must take the innovative steps needed to insure that the industry's market opportunities are met. The EPA's decision to reduce lead in gasoline has created an incredible potential of an alcohol equivalent octane gap of 60 billion gallons over the next decade. It should be our objective to have every gallon of that gap filled by agriculturally derived, renewable ethanol. Hopefully, administration officials will learn from their mistakes in the toluene import incident and work with Congress to provide the meaningful short-term incentives which the domestic fuel ethanol industry needs to realize its full potential.

Mr. DURBIN. I thank my colleague from South Dakota who is also a member of the Agriculture Committee for his leadership on this issue and for his cooperation through the alcohol fuels caucus and the promotion of alcohol fuels over the years.

Mr. Speaker, at this point I yield to my colleague, the gentleman from North Dakota [Mr. DORGAN], a member of the Ways and Means Committee who has joined us in this effort.

Mr. DORGAN of North Dakota. I want to thank Congressman DURBIN for this special order and the opportunity to speak on it.

I have felt for a long while that the ethanol industry is an industry of the future for the midwestern part of this country, the so-called Farm Belt. It seems to me that a country with energy problems and the need to move toward energy independence is a country that ought to look to a vast resource, notably kernels of corn that we grow in great abundance, barley, wheat and other agricultural products, as a source of energy. To take a kernel of corn and extract from that kernel the alcohol content, you still have left after you have achieved the alcohol, you still have left a protein feed stock; so using our vast agricultural surplus to extend our energy supplies makes good sense to me.

I would have preferred, for example, when we built this program called the PIC Program down at the Department of Agriculture that we would have instead built a network of ethanol alcohol plants across the Midwest that would be there for many, many years, using surplus agricultural products to extend our energy supplies in this country through the use of ethanol alcohol; but that was not the case. That was not done, and I think to the detriment of our agricultural community.

We are developing an ethanol industry in this country. We are doing it slowly. We would like to see much more rapid progress than currently exists, but still that industry is developing, with the help of Congress in many different ways. It will be in my judgment the industry of the future in the Farm Belt.

At the moment there are several threats. One is the loss of the tax exemption that exists, the 6-cent exemption that exists for ethanol.

The President says, "Let's get rid of that." Well that is going to be phased out in 1992 under present law. Plans have been made, facilities have been constructed based on that notion that we will phase out that exemption in 1992.

I would like to see us continue on that schedule to allow the ethanol industry to continue to build and to grow and by 1992 we will phase that exemption out and that industry will be self-sufficient and will be a major part, in my judgment, of the economic foundation of the Midwest.

Another threat that exists currently is the threat of imports, imports to the tune of 100 million, 200 million or perhaps more millions of gallons from Brazil.

I think the gentleman from Illinois and the gentleman from Iowa and others have adequately described what the difficulty is.

I find it absolutely amazing that the Ambassador would in letters be asking questions about how do we bend the rules here? How do we bend the law so that we can move in some ethanol alcohol into the American economy duty-free and with preferred status? How do we do that?

Well, you do not do that. The reason we established these kinds of things in the U.S. Congress and in our Customs Service is that we are trying to achieve a certain kind of public policy.

□ 1940

And we have an ambassador to another country saying how can I down in this country move some of the products from this country back into my home country and bend the law in order to get it done.

I will tell you what, I am baffled and puzzled by the behavior of the Ambassador.

Well, this past weekend I was at the caucus that was held at of the Ways and Means Committee on Saturday and Sunday. Attending that caucus was the Treasury Secretary, James Baker. I had a chance to visit with the Treasury Secretary about this issue and told him of my concern and your concern about these imports, and what it would do to a domestic industry. I mean, this has the potential of devastating an important growing industry in this country.

The Treasury Secretary said well, "all we are going to do at this point is maintain contract sanctity," and I accept that. I mean, I understand the need for contract sanctity. I'm sure the gentleman in the well, Mr. DURBIN, coming from a State that is a major part of the Farm Belt, cares about contract sanctity. We have talked about it in many instances in many different ways, contract sanctity with respect to grain sales to the Soviets, contract sanctity so that we make certain that our trading partners understand that when we make an agreement to sell agricultural products to them, we are going to keep that agreement.

So I understand contract sanctity, and when the Secretary of the Treas-

ury said, "look, we are going to insist on and maintain contract sanctity with respect to the Brazilian exports to the United States," I understood that.

And once I began looking into contract sanctity on Monday, and talking to the Customs Service, I understood that the way the Customs Service looks at this is that we have the threat of seeing 175 million gallons, roughly one-third of the domestic industry production for 1 year, flooding into this country in a very short time frame under their definition of some sort of contract sanctity.

So just a couple of hours ago, I sent something down to the Treasury Department, to Jim Baker, reiterating my concern, and remembering our conversation of this weekend about contract sanctity, and asking him to look into the Customs Service interpretation of what all of that means. Contract sanctity does not mean to me that some folks get together after an August 2 date and say, "well, we were going to make a sale here, and so let us exchange some papers, and create the sale, and we will rush in a bunch of ethanol alcohol under the limit of this Customs Service regulation and avoid some of the duty." I am hoping that the Treasury Secretary in the next few days will take a close look at that and will respond to my inquiry, and I am hopeful that the Treasury Secretary will assure us that contract sanctity means what we think it means; that is, if there were written contracts, binding contracts made in good faith prior to that August 2 date, we understand that. But we do not understand the threat of 175 million gallons being thrown in here under the loosest definition of contract sanctity that I have heard of for some long while.

So those are concerns. We have a plant in Walhalla, ND, that is up and operating and working well. It takes barley that we grow in great abundance, puts it in the front end of that plant and out the back end and you get two things. You get alcohol, ethanol alcohol, and you still have the protein feed content left. I just think it makes great sense to do that with an alcohol commodity that we cannot seem to sell overseas we produce so much of it.

We do a couple of important things. First, we provide new markets for farmers who are desperately searching for new markets, and second, we extend an energy supply we need to extend in this country.

I would like to say that the gentleman from Illinois [Mr. DURBIN], has been the consistent leader on this issue in Congress, and I appreciate that. I am going to work on this issue very hard in the Ways and Means Committee on the tax exemption issue that I talked about earlier. I am working in a number of other ways, but I give credit to these few in Congress who understand and have the vision that this industry is critically important to American agriculture that is now in trouble, and this industry is very, very important, I think, to the energy future of the United States. If we have that kind of vision, and if we make the right decisions in the months ahead, we will, I think, see 10 years from now a strong and proud ethanol alcohol industry, and we will know we made the right decision to help that industry grow and be prosperous. I just appreciate the gentleman's special order.

Mr. DURBIN. I thank the gentleman from North Dakota.

As Congress returned this September to start the fall session, there were two major issues which we had to tackle. One was a farm bill, and we are moving with some progress on that front. The second was the issue of our trade relations with other nations around the world.

In my home State of Illinois, as I traveled about my district during the month of August, it was increasingly apparent that this was to be a year of a bumper crop. The fields have never looked better, corn and soybeans in every direction. The projections from the U.S. Department of Agriculture are that we are going to have a bumper crop of corn in the United States this year, over 8 billion bushels produced.

Can you think of what kind of welcome news that would be in other countries of the world where people starve to death for the lack of protein in their diet, all the pictures we have seen on television, but here in the United States where we should be welcoming the news of a bumper crop, many of us who live in farming areas are concerned, because a bumper crop at today's prices means that, unfortunately, prices may go down even more. And the farmers in my area of the country, and across the United States who are having a difficult time to survive look on a bumper crop as a mixed blessing, more production, but lower prices. So there is that concern.

And what we look to to make up the difference with this bumper crop is more demand, and naturally more exports. Forty percent of America's agricultural production is exported. So the more we can sell overseas, the better.

But also, we look for more domestic consumption, whether we are talking about Americans eating more dairy products or whether we are talking about the sale of ethanol in the United States. We are hoping to increase the demand for this bumper crop, this production, and in so doing increase the price and the return for the American farmers.

So I came back to Washington prepared to face the difficulties of the farm bill, in trying to take our scant resources because of our budget deficit, and apply it to a nationwide problem facing our farmers. But a few days before I returned, there was a decision, which we have referred to this evening, by the U.S. Department of the Treasury which affected not only the income that farmers could receive, but also affected the whole trade issue that is before Congress during this session. It revolves around the issue of production of ethanol, and as has been described this evening, we in the United States are blessed with a very productive domestic ethanol industry. I am proud to say that my home State of Illinois is considered the Saudi Arabia of ethanol. We produce 50 percent of all of the ethanol in the United States in my home State, within only a few miles of my home.

The significance of this industry has been stated. Some 600 million gallons of ethanol is produced each year and some 250 million bushels of corn converted into this product, and in the process, we create more demand for our products to raise our price, to help our farmers survive. And something else, we move closer to the day that we all hope for of energy independence. We do not depend on importing grain to produce ethanol. We have got it and plenty of it. And the more we can do to produce this ethanol, the better we are as a nation.

As has been mentioned, the decision by the Department of Energy to phase out the use of lead as an additive in our gasoline that we use in our automoblies creates a unique opportunity for our farm community and for the ethanol industry, because, ladies and gentlemen, we can move to the use of ethanol as an octane additive to replace lead, and in so doing help our farmers, rely on a domestic supply, and have in ethanol an environmentally safe product, all three together.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I will be happy to yield to my colleague from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Illinois for yielding. I compliment the gentleman's leadership in the field of attempting to discover an alternative fuel to a diminishing supply of petroleum energy throughout the world. Just in a short time that the gentleman has been here, he has recognized this national need, this preeminent national concern of discovering an alternative fuel to the declining supply of petroleum energy.

I am advised that it is virtually unanimous among all energy-knowledgeable people that the current, that the known supply of petroleum energy has been reduced by 50 percent during the last 100 years, and that during the next 50 years, maybe even as soon as

the next 30 years, the remaining known supply of petroleum products, petroleum supply will be depleted.

□ 1950

There is a commanding need in our society today to discover an alternative to petroleum. As the gentleman from Illinois has pointed out, it will do three immediate things for our Nation, in addition to making a supply of energy available.

One, it will clean up our environment. Brazil, since 1980, has reduced the poison, the lead poisoning, in its atmosphere by 75 percent, in only 5 years.

Two, alcohol fuels will reduce our dependence upon foreign oil. Last year the United States spent $57.3 billion for its imported oil bill.

That happens to represent more than one-third of our trade deficit which is plaguing our Nation.

Finally, to revert, to change to an alcohol fuel supply will provide a market for our farm products which will bring wealth to the farm community and provide to it the infusion of economic vitality that is so lacking today.

I comment the gentleman for his leadership.

You know, the subject of alcohol fuel has been well known to modern civilization for about 50 years. I recently obtained a book from the Library of Congress, just yesterday in fact, entitled "Energy Beckons" by Hale, the author. The subject of this book is that opportunity beckons for the American people to seize alcohol fuels as an alternative to petroleum energy that will provide us with new energy as well as new income in our society.

Mr. Speaker, I thank the gentleman from taking this special order this evening, and I commend him for his leadership.

Mr. DURBIN. I thank the gentleman from Arkansas.

As I mentioned in my remarks earlier, returning to Washington, I found that there has been a curious current toward the end of August, where the U.S. Department of the Treasury made a ruling, a significant ruling, one that affects not only the importation of Brazilian ethanol but affects farm income in America.

I have taken it upon myself to investigate the nature and the history of this ruling, and I would like to share it this evening and make it part of our CONGRESSIONAL RECORD.

It begins with a letter dated July 5, 1984, which I will submit at this point for inclusion in the CONGRESSIONAL RECORD. I would like to quote from it.

First let me tell you it is a letter from the U.S. Ambassador to Brazil, a gentleman by the name of Diego C. Asencio. This letter from our Ambassador in Brazil to the U.S. Customs Service, a little over a year ago, contains some interesting information. It was addressed to William Von Raab, Commissioner of the U.S. Customs Service, who still holds that position today. Let me read portions of this letter which I think are significant:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Brasilia, Brazil, July 5, 1984.

Hon. WILLIAM VON RABB,
Commissioner, U.S. Customs Service,
Washington, DC.

DEAR COMMISSIONER: Recently my Senior Commercial Officer, Mr. Emilio Iodice, and I met with Shegeaki Ueki, the president of the Brazilian state petroleum company Petrobras. Among the subjects we discussed was the tariff treatment of Brazilian anhydrous alcohol exported to the U.S.

Because of the lack of foreign exchange due to growing debt service requirements, Brazil has become a world leader in the substitution of fuel alcohol for gasoline in automobiles. Unfortunately (from Brazil's perspective), the very high U.S. tariffs on alcohol have greatly limited exports of Brazilian alcohol to the U.S.

As you can see from Mr. Ueki's note, Petrobras is interested in obtaining a favorable tariff ruling on the importation of anhydrous alcohol that is pre-blended with additives such as MTBE, BTX and others. According to Mr. Ueki, this product would be used as an additive to gasoline. What the Brazilians are interested in is finding some formula to export a product of alcohol, but which is different enough to qualify for a lower tariff rate.

In view of the bad news they are about to get alcohol in the Congress and from the States of California and Florida, a positive response on this subject would elicit a most positive reaction on the part of the Brazilians. It would serve somewhat to mitigate what has been considered here a growing protectionism stance on our part.

I realize that you do not normally involve yourself in details like this, but I would appreciate your help in seeing that Mr. Ueki's letter gets to the right office in Customs. After the ruling is made, I would be happy to transmit it to Mr. Ueki.

This is an example of the guidance that a future Customs Attache could provide to the Embassy.

With best wishes,
Sincerely,

DIEGO C. ASENCIO,
Ambassador.

Mr. Speaker, here in this letter we have the beginning of a chain of events which finally culminated on August 26, a little over a year later, in a ruling by the U.S. Department of the Treasury, and I will describe to you the impact of that ruling.

But it must be remembered as we begin this discussion this evening that it started with a letter from our Ambassador asking our Customs Service to find ways for the Brazilians to avoid paying duty on ethanol they would ship to the United States of America.

This letter, of course, was sent to the Customs Service. Within a few days it was reported that there were Brazilian exporters of ethanol who were looking to mix their ethanol with some blend of additive, whatever it might be, to avoid paying the duty.

By September 12 of that year, the chief of the Classification Branch of the U.S. Customs Service, a Mr. Schifflin allowed this blended ethanol to come in in a duty-free status into the United States. Some 3 or 4 months later, the Treasury Department gave to our Ambassador what he requested, a means for Brazilians to ship ethanol into the United States without paying the duty.

Subsequently, through January and through the month of June in 1985, letter rulings were given to Brazilian exporters to send their products to the United States duty-free. What does it mean to send it in duty-free? Is it significant? Let me tell you how significant it is. The Brazilian ethanol industry is a state industry and heavily subsidized. They are able to produce ethanol at a much lower price than the United States because their government subsidizes their industry. Our duty is 60 cents a gallon to bring the price of their product as it comes into the United States at least at a level equal to the cost of production in the United States so as to keep our industry strong and to make up for their State subsidy. Now, if they can send in their ethanol duty-free, they stand to gain a profit of at least 60 cents a gallon on each gallon they send to the United States, a handsome profit for the exporters.

Let me tell you, the tankerships that are coming in have a capacity of between 8 and 15 million gallons. What it means is that an exporter who can get a letter ruling from the Department of the Treasury can make anywhere from $4.8 to $9 million every time a ship comes in, a very lucrative profit to be made. These letter rulings were made, consistently made. Those of us in Congress who felt they were inconsistent with our law in the United States requiring a duty started to protest. By August 1985, the U.S. Customs Service admitted they had made a mistake, almost a year after the first ruling they said that, "we are wrong, we should not have let that blended ethanol in, to come duty-free." Imagine the impact that has had already. They said on August 2 that they made a mistake. A lot of us breathed a sigh of relief, felt that we had won the battle. We went back to our districts for the August break to tell the farmers that the domestic ethanol industry has a chance, that we had won that battle. We were all very pleased with that result.

Then the other shoe dropped.

On August 26, the Secretary of the Treasury, Mr. Baker, announced that because some companies had made corporate decisions in reliance on the earlier ruling which had been viewed as an incorrect ruling, but in reliance

on that ruling that he was going to open up again the possibility for Brazilian exporters who had signed contracts before August 2 of this year to ship to the United States duty-free. Therein lies the problem and the reason that we have met here this evening.

□ 2000

Because the impact of this decision is one which touches every single American citizen. Prior to Secretary Baker extending until November 2 the opportunity for the Brazilians to export, duty-free, our Secretary of Agriculture, a member of the same cabinet as Secretary Baker, sent him a letter urging him not to open the market.

Unfortunately, on August 26, Secretary Baker made that decision, and our subsequent investigation has disclosed that the Brazilians are now in a position where they can export up to 500 million gallons of ethanol, blended ethanol, into the United States duty-free before November 1, 500 million gallons. Almost 1 year's production of America's domestic ethanol industry can come in duty-free in 60 days.

What does it mean? The significance is the fact that we will lose first $300 million we could have collected in duties. You heard the special order before; the concern about the budget deficit. Ladies and gentlemen, as we were in our districts during our work period, the Treasury Department made a decision that could deny the U.S. Treasury $300 million that could be applied to reduce our deficit or to spend on worthwhile programs to help American citizens.

This was not a decision which was made by Congress; it was a decision made by the administration, an administration that has said from the beginning they are committed to reducing Federal spending. They cost us $300 million; up to that amount, with that decision.

So what happens if we import 500 million gallons of ethanol? We will at least take 200 million bushels of American corn off the market that otherwise would have been used for the production of ethanol. When you take 200 million bushels of corn off the market that is not being produced into ethanol, what does it do to the price of corn? It lowers it, and the national corn growers tell us that it lowers it by 15 cents a bushel, or a net loss to American farmers of $1.2 billion in income by this decision by our Treasury; $1.2 billion lost farm income.

The Treasury has lost $300 million; the farmers of America have lost $1.2 billion; there are a lot of smiling faces among Brazilian exporters, making millions of dollars for every tanker that they bring in duty-free, and now what will happen to the 200 million bushels of corn? Our Government will have to buy it. We will have to buy the corn that could have been produced into ethanol at an expense to our Treasury, a significant expense, for the purchase and storage of the surplus of corn which we already have.

As we debate the farm bill, we are trying to find ways to reduce Government spending on farming, while the Department of the Treasury has found a way of increasing the cost of our farm programs.

Several colleagues have joined me in asking for an investigation of this situation. We want to know who the people are and the companies are who will profit from this decision. We would like to know what motivated the administration and the Department of the Treasury to make this decision at a time when it clearly hurts American citizens across the country; in particular our farmers.

It hurts the people working in the domestic ethanol industry, and I will confess that I stand before you today with a parochial interest; I represent Decatur, IL, a town that has been hard hit by this recession; a town of high unemployment; a town that is trying to come back, and one of our major industries is ethanol; and this decision by my Government and your Government may easily cost us jobs in Decatur, IL.

Certainly people will go to work in Brazil to produce the ethanol, but they will do it at the expense of American citizens.

I have asked for an investigation because it is clear to me that the Department of the Treasury has violated our clear statutory intent to charge the 60 cents duty. It is also clear to me that when they opened it up for 90 days, they frankly opened the door to whatever the Brazilians want to send to this country.

I would also like to have it clarified as to what is the role of the U.S. Ambassador to Brazil? If he represents our country, why is he looking for ways to take money out of our Treasury? Why is he fighting for the Brazilians instead of fighting for the American citizens and companies that are affected by this decision?

Therein lies the real concern. Is this administration serving the American people, the American farmer, and the American worker? Are they truly concerned about trade issues, when on one hand the President of the United States says that he is going to take punitive action against Brazil because they will not allow us to send American computers in, and yet on the other hand reaches a decision which takes so many American jobs away, to the benefit of the Brazilians.

My colleague from North Dakota [Mr. DORGAN] said earlier that the Secretary of the Treasury reminded him of contract sanctity; and those of us from farming areas are certainly sensitive to that particular element.

Contract sanctity basically says you are going to keep your word, if you enter into a contract, you are going to follow through, whether it is the United States selling grain abroad, or wherever it might be, and I suppose the Treasury Secretary is saying that if the Brazilian exporters entered into a contract to send ethanol to the United States that we should be in some way cognizant of the fact that that contract exists and respect it.

But there is another sanctity here; there is the sanctity of the law, the sanctity of the law in the United States that imposes this duty, and I wonder if the decision of the Department of the Treasury violates that sanctity.

I wonder, too, if this administration, in making this decision, has considered the impact on Decatur, IL, on Pekin, IL, on the people across this country.

We face many tough decisions in the trade area. We face many tough decisions when it comes to farming. The American farmers can never cope with the weather if the conditions go bad; they cannot control it. They can hardly cope with foreign policy and wars overseas and how it affects the demands for their product.

But little did we know in the farming areas of America that we would have to do battle with our own Government to help farm income in the United States. This battle will continue; in requesting an investigation from the House Ways and Means Committee, in also asking my colleagues to join me, in letters to Secretary Baker concerning this decision; in letters to Secretary Shultz concerning our Ambassador.

We have just begun to fight on this battle, and it is one that we have to continue for the benefit of our farmers and the people working in the ethanol industry across the United States.

Mrs. SMITH of Nebraska. Mr. Speaker, I wish to thank the gentlemen from Iowa and Illinois, Mr. LEACH and Mr. DURBIN, for their leadership on the important issue of grain ethanol production and use in the United States. I want to particularly commend them for arranging this forum to specifically discuss the issue of Brazilian ethanol imports.

Many of the facts regarding this situation have already been presented. The delay in imposing the 60-cent-per-gallon duty on Brazilian blended ethanol imports could clearly cause a major disruption in domestic ethanol production, further contributing to the excess supply of corn in this country. It is estimated that the price of corn may drop by 15 cents per bushel as a result of this inordinate delay.

Let's contemplate the economic consequences of such an action. Not even considering the effect of this action on the prices of other commodities, the 15-cent price re-

duction will reduce the value of our oncoming record corn crop by $1¼ billion. The U.S. Treasury could lose as much as $300 million in foregone import duties on the foreign-made ethanol. Undoubtedly, more Federal outlays will be incurred to stockpile the estimated 200 million bushels of corn that will need to be warehoused, because they will not be used in ethanol production.

We are all aware that our colleagues on the Agriculture Committee have approved their version of the 1985 farm bill. We also are aware that one of the biggest struggles in the committee debate was to contain budgetary costs, while enhancing export competitiveness and protecting farmer income. It appears that the current version of the bill at least makes a substantial effort in this direction.

In view of the tight budgetary constraints faced by our Agriculture Committee colleagues and the worst economic circumstances that our farmers have faced in half a century, it only makes sense that these imports, which basically subvert the congressional intent behind our ethanol import duties, be subjected to these duties as soon as possible. I join my colleagues in calling for immediate action to place the full 60-cent-per-gallon duty on all imported ethanol, whether blended or not.

Mr. PENNY. Mr. Speaker, I rise in support of these efforts, and to state again my full support for the American ethanol industry.

As we well know, all of agriculture is at a critical juncture. Export markets are shrinking while production potential continues to expand. In recognition of this reality, efforts are underway in my district to develop new markets to make greater use of our abundant corn harvests, and to do so right here at home. Corn growers in Minnesota have taken the lead in promoting the use of ethanol in gasoline since the 1970's. By working together with the State and Federal Government, they have successfully built a market where none existed before.

I believe a great opportunity exists to further expand on their efforts with the phase-down in lead ordered by the Environmental Protection Agency. I would hope our Government would do everything in its power to continue to expand the market for renewable fuels.

Some inside and out of the U.S. Government have suggested it would be good to allow Brazil to use ethanol sales for servicing its growing international debt. To those so concerned, I hope they will show an equal concern for our efforts in the House to help U.S. farmers obtain markets and a price to meet their debt. One way to do that will be to expand production of ethanol here at home.

Mr. LIGHTFOOT. Mr. Speaker, I would like to call my colleagues' attention to action being taken by the U.S. Customs Service and the Treasury Department that could have disastrous effects on the American farmer, the American ethanol industry, and on the United States' efforts to become independent of foreign energy sources.

In 1980, Congress imposed a duty on ethyl alcohol imports to promote the development of the domestic ethyl alcohol industry and reduce American dependency on imported petroleum. The U.S. Customs Service, in its discretion, determined that ethyl alcohol blends containing less than 60 percent ethyl alcohol would be exempt from the import duty.

Most recently, the U.S. Customs Service and the Treasury Department announced a decision exempting certain marketers and traders from the Custom Service's earlier decision to impose a 60-cent duty on blended ethanol imports. Under this decision, certain marketers and traders of blends of ethyl alcohol containing up to 97 percent foreign ethyl alcohol are exempted from the import duty.

This is a clear violation of the intent of Congress in the 1980 law. After our experience with the OPEC oil embargo, Congress saw the need to develop our domestic energy industry to lessen our dependence on foreign energy sources. The ethyl alcohol industry is well on its way toward becoming a major domestically produced source of energy. If we go forward with the Custom Service's decision, we can write off the past 5 years of work in becoming energy independent and say goodbye to the U.S. ethyl alcohol industry. It is a step backward, and it places the United States in a position where it is more vulnerable to those nations who control world energy supplies.

Perhaps more important in light of the current crisis in the agriculture economy is the effects this decision would have on the commodity market and farm income. It could allow up to 500 million gallons of imported ethyl alcohol into the United States duty free. This would mean that 200 million bushels of corn would not be converted into ethanol in the United States, in a year when the United States has a bumper crop of corn.

Adding 200 million bushels of corn to the U.S. market could drive down the price of corn 15 cents a bushel, according to the National Corn Growers Association. A direct result of that drop in the price of corn would be a $1.2 billion drop in American farm income, during a time when the American farmer is operating with an overhead that is already higher than the return he is able to realize.

We are also faced with an immense Federal deficit. As a result of this decision by the U.S. Customs Service, the Treasury will lose $300 million in import duties on the foreign-made ethanol. That is not to mention the added expense of purchasing and storing the surplus corn.

Furthermore, ethyl alcohol is an important part of our efforts to clean up the air we breathe. It serves as a lead-free gasoline substitute which will help move us toward our national goal of removing tetraethyl lead from gasoline. The demand for ethyl alcohol is sure to increase as the Environmental Protection Agency continues to implement its lead phaseout plan, so why not keep our domestic industry on its feet long enough to become suppliers for this new demand?

Mr. Speaker, for these reasons I believe the U.S. Customs Service should reconsider its decision on this matter. This is simply not the right time to be placing more burdens on the American farmer, the American ethanol industry, or the Federal deficit for the purpose of promoting foreign industries.

Mr. WEBER. Mr. Speaker, I strongly object to the August 26 decision to exempt ethanol imports from the duty Congress imposed in 1980. This is another bleak example of how the administration victimizes farmers with a policy that is shortsighted and contradictory.

The ethanol industry has great potential to help us deal with the problems of huge commodity surpluses. Even with the current oil glut, ethanol is a competitive product in the energy market. As the EPA moves to phase out lead in gasoline, ethanol's role as an octane booster in fuel will become even more important. Ethanol can play a key role in the future of both our agriculture and energy industries.

Ethanol is a fledgling industry, however, and the one thing that can surely ruin it is an inconsistent Federal policy. Businesses can't survive when the rules of the game are constantly being changed. We have an ethanol plant in the district I represent, and from talking with the people at that plant, I know that they need a Federal policy they can count on if their business is going to survive.

This decision is the most recent example of a contradictory Federal farm policy that has been disastrous for rural America. The Government told farmers to plant fencepost to fencepost and then cut off their markets with embargoes. They've laid the groundwork to develop a domestic ethanol industry, and now they're helping foreign countries deal a crippling blow to that industry. It's time the administration united behind a coherent and farsighted policy that the agricultural economy can depend upon. The duty on ethanol must be reimposed immediately.

Mr. VOLKMER. Mr. Speaker, I want to commend the gentleman for taking the time to bring this vital issue to the floor of the House. Many farmers in my district will be adversely affected by this policy. They, as well as I, are glad to see that there are others in this body who will speak up for farmers * * * America's backbone. And, as we in this body know, the strength of that backbone is being severely tested with this policy and many others embraced by this administration.

This unwarranted policy on ethanol places thousands of corn farmers in my district and throughout the Midwest in financial jeopardy. And why? So that a few marketers and traders can make millions on foreign-made ethanol. The farmers in my district have suffered enough under this administration without piling on this insensitive policy.

Just look at the numbers: 200 million bushels of corn will not be converted into

ethanol in this country under this policy; the price of corn will drop 15 cents a bushel under this policy; $1.2 billion in farm income will be lost under this policy; and the U.S. Treasury will lose $300 million it otherwise would have collected in import duties.

The farmers in the Ninth District of Missouri can't afford 15 cents less for a bushel of corn; my farmers can't afford fewer sales. And why should they, especially at the benefit to imports.

This is bad policy. The administration has made another mistake and those to suffer will be the farmers of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PURSELL (at the request of Mr. MICHEL), on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, today for 5 minutes.

(The following Members (at the request of Mr. DURBIN) to revise and extend their remarks and include extraneous material:)

Mr. HAYES, for 5 minutes, today.

Mr. SMITH, of Iowa, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROTH, following the vote on rollcall 298, in the Committee of the Whole, today.

Mr. BEREUTER, on H.R. 3244, in the Committee of the Whole, today.

(The following Members (at the request of Mr. BOULTER) and to include extraneous matter:)

Mr. DORNAN of California.
Mr. VANDER JAGT.
Mr. WEBER.
Mr. LAGOMARSINO.
Mrs. JOHNSON.
Mr. ROTH.
Mr. ECKERT of New York.
Mr. GUNDERSON.
Mr. BROYHILL.
Mr. MOORHEAD.
Mr. BILIRAKIS.
Mr. CRAIG.
Mr. MCGRATH.
Mr. LUNGREN.
Mr. SHUMWAY.
Mr. RUDD.
Mrs. MARTIN of Illinois.
Mr. MCKERNAN.
Mr. LEWIS of Florida.
Mr. MOORE.
Mr. LIGHTFOOT.

(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)

Mr. SKELTON.
Ms. KAPTUR.
Mr. GAYDOS.
Mr. YATRON.
Mr. TORRES in two instances.
Mr. JONES of North Carolina.
Mr. FEIGHAN in three instances.
Mr. BATES.
Ms. OAKAR in three instances.
Mr. MATSUI.
Mr. FRANK.
Mr. BONKER.
Mr. LELAND.
Mr. FASCELL in two instances.
Mr. FLORIO.
Mr. SMITH of Florida.
Mr. KILDEE.
Mr. STUDDS.
Mr. DINGELL.
Mrs. KENNELLY.
Mr. DELLUMS in two instances.
Mr. TORRICELLI.
Mr. STARK.
Mr. MRAZEK.
Mr. MINETA.
Mr. FORD of Michigan.
Mrs. SCHROEDER.
Mr. HUBBARD.
Mr. ORTIZ.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, September 12, 1985, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1984, and the first and second quarters of calendar year 1985 in connection with foreign travel pursuant to Public Law 95-384.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to the Far East, November 8–21, 1984:											
Delegation expenses	11/13	11/16	Korea						2,487.09		2,487.09
	11/19	11/21	Japan						48.43		48.43
Delegation to Central America, December 7–11, 1984:											
Delegation expenses	12/2	12/5	Guatemala						41.88		41.88
Committee total									2,577.40		2,577.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 31, 1985.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to United Kingdom, Egypt, Kenya, Feb. 7–18, 1985:											
Aspin, Cong. Les	2/10	2/12	Egypt		180.00				12.02		192.02

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					180.00				12.02		192.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 31, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ron Coleman	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
Transportation (DOD)							3,927.00				3,927.00
Hon. Norman Dicks	5/29	5/31	France		196.00						196.00
	5/31	6/1	Switzerland		76.00						76.00
	6/1	6/3	France		294.00		934.51				1,228.51
Transportation (DOD)							2,021.76				2,021.76
Hon. Steny Hoyer	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Hon. Bill Lowery	5/25	5/27	Sweden		320.00				101.03		421.03
	5/27	5/29	West Germany		150.00						150.00
	5/29	6/4	France		714.00				175.71		889.71
Transportation (DOD)							2,611.81				2,611.81
Hon. Joseph McDade	5/30	6/3	France		344.00		3,827.00				4,171.00
Hon. Matthew McHugh	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Hon. Robert Mrazek	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Hon. David Obey	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Hon. Eldon Rudd	4/5	4/5	Panama								
	4/5	4/7	Venezuela		150.00						150.00
	4/7	4/8	Equador		107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras		192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Transportation (DOD)							1,737.72				1,737.72
Hon. Eldon Rudd	5/31	6/1	France		184.00						184.00
	6/1	6/2	Germany		75.00						75.00
	6/2	6/3	France		98.00		3,101.00				3,199.00
Transportation (DOD)							2,021.76				2,021.76
Hon. Martin Sabo	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Hon. Charles Wilson	5/26	5/30	Morocco		300.00						300.00
	5/30	6/1	Italy		212.00						212.00
	6/1	6/7	France		588.00						588.00
	6/8	6/11	Germany		300.00		[4] 5,360.00		355.00		6,015.00
George Allen	4/5	4/8	Saudi Arabia		486.00						486.00
	4/8	4/10	Jordan		170.00						170.00
	4/10	4/13	Egypt		261.00		4,867.00				5,128.00
	5/24	5/28	Germany		300.00						300.00
	5/28	5/30	United Kingdom		193.00						193.00
	5/30	6/3	France		344.00		3,827.00				4,171.00
Robert V. Davis	5/26	5/30	Morocco		225.00						225.00
	5/30	6/1	Italy		212.00						212.00
	6/1	6/6	France		490.00						490.00
	6/6	6/8	Switzerland		172.00		4,606.00		131.00		4,909.00
Paul Magliocchetti	6/2	6/6	France		392.00				15.18		407.18
	6/6	6/8	Switzerland		172.00		4,339.00		45.05		4,556.05
William Marinelli	5/30	6/1	France		270.00						270.00
	6/1	6/2	Germany		75.00						75.00
	6/2	6/3	France		98.00		3,101.00				3,199.00
Terry Pell	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/14	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
William Schuerch	4/8	4/9	Greece		75.00						75.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00		[3] 4,723.00				4,828.00
Committee total					14,445.25		79,343.56		822.97		94,611.78
Investigations staff:											
Albert L. Hines	4/7	4/16	Germany		675.00		2,163.18		40.64		2,878.82
	4/16	4/17	Italy		75.00						75.00
	4/17	4/20	Spain		243.75						243.75
Roy T. Mason	4/7	4/16	Germany		675.00		2,081.70		18.80		2,775.50
	4/16	4/17	Italy		75.00						75.00
	4/17	4/20	Spain		243.75						243.75
A.M. Statham	4/8	4/23	Germany		1,143.75		2,329.00		40.52		3,513.27
	4/23	4/25	England		210.00						210.00
Joseph A. Vignali	4/8	4/23	Germany		1,143.75		2,329.00		16.32		3,489.07
	4/23	4/25	England		210.00						210.00
Committee total					4,695.00		8,902.88		116.28		13,714.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] DOD transportation. Cost shown is comparable first-class commercial rate.
[4] Comprises both commercial and military transportation.

JAMIE WHITTEN, Chairman, Aug. 31, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Central America, Apr. 5–12, 1985:											
Montgomery, Cong. G.V. (Sonny)	4/5	4/5	Panama								
	4/5	4/7	Venezuela		150.00						150.00
	4/7	4/8	Equador		107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras		192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Transportation: Department of the Army							1,737.72				1,737.72
Spence, Cong. Floyd	4/5	4/5	Panama								
	4/5	4/7	Venezuela		150.00						150.00
	4/7	4/8	Equador		107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras		192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Transportation: Department of the Army							1,627.17				1,627.17
Stump, Cong. Bob	4/5	4/5	Panama								
	4/5	4/7	Venezuela		150.00						150.00
	4/7	4/8	Equador		107.00						107.00
	4/8	4/9	Panama		178.00						178.00
Refund to U.S. Treasury for 1 day per diem in Panama.					(89.00)						(89.00)
Transportation: Department of the Army							1,140.92				1,140.92
Commercial transportation							876.00				876.00
Lee, Deborah R.	4/5	4/5	Panama								
	4/5	4/7	Venezuela		150.00						150.00
	4/7	4/8	Equador		107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	1/10	Costa Rica								
	4/10	1/12	Honduras		192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Transportation: Department of the Army							1,737.72				1,737.72
Visit to Central America, Apr. 6–12, 1985:											
Skelton, Cong. Ike	4/6	4/9	Panama		267.00						267.00
	4/9	4/10	Managua		98.00						98.00
	4/10	4/12	El Salvador		300.00						300.00
Transportation: Department of the Army							5,733.33				5,733.33
Holton, Edward J	4/6	4/9	Panama		267.00						267.00
	4/9	4/10	Managua		98.00						98.00
	4/10	4/12	El Salvador		300.00						300.00
Transportation: Department of the Army							6,647.08				6,647.08
Visit to Federal Republic of Germany and Switzerland, Apr. 6–13, 1985:											
Hillis, Cong. Elwood H. (Bud)	4/7	4/11	FRG		525.00						525.00
	4/11	4/12	Switzerland						224.21		224.21
	4/12	4/13	FRG								
Commercial transportation							1,931.00				1,931.00
Visit to Federal Republic of Germany and United Kingdom, Apr. 7–13, 1985:											
Dellums, Cong. Ronald V	4/7	4/11	FRG		220.65						220.65
Commercial transportation							2,714.11				2,714.11
Moore, Alma B	4/7	4/11	FRG		221.03						524.81
	4/11	4/13	United Kingdom		303.78		2,423.99				2,423.99
Commercial transportation											
Elrod, Marilyn A	4/7	4/11	FRG		253.54						549.94
	4/11	4/13	United Kingdom		296.40		2,423.99				2,423.99

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation											
Staff visit to Greece, Apr. 8–12, 1985:											
Lally, John F	4/8	4/12	Greece		499.83						499.83
Commercial transportation							1,282.00				1,282.00
Preston, Colleen A.	4/8	4/12	Greece		499.83						499.83
Commercial transportation							1,282.00				1,282.00
Fleshman, William T., Jr.	4/8	4/12	Greece		499.83						499.83
Commercial transportation							1,282.00				1,282.00
Cavaiola, Lawrence J.	4/8	4/12	Greece		499.83						499.83
Commercial transportation							1,282.00				1,282.00
Staff visit to Federal Republic of Germany, May 16–20, 1985:											
Scrivner, Peter C	5/16	5/20	FRG		448.00						448.00
Military transportation							4,972.04				4,972.04
Visit to Federal Republic of Germany, May 23–31, 1985:											
Darden, Cong. George (Buddy)	5/23	5/31	Germany		525.00						525.00
Commercial transportation							1,666.00				1,666.00
Delegation visit to Italy, Turkey and France, May 24–June 4, 1985:											
Price, Cong. Melvin	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Nichols, Cong. Bill	5/30	6/4	France		595.00						595.00
Commercial transportation							1,053.00				1,053.00
Military transportation							2,021.76				2,021.76
Leath, Cong. Marvin	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Bustamante, Cong. Albert G.	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Dickinson, Cong. William L.	5/26	5/27	Italy		75.00						75.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							8,687.26				8,687.26
Whitehurst, Cong. G. William	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Holt, Cong. Marjorie S.	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.00				7,944.08
Badham, Cong. Robert E.	5/29	6/4	France		714.00						714.00
Commercial transportation							1,915.00				1,915.00
Military transportation							2,021.76				2,021.76
Hillis, Cong. Elwood H. (Bud)	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Bateman, Cong. Herbert H	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Blaz, Cong. Ben	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Battista, Anthony R	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Bauser, Edward J.	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Chase, Alan C.	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Fleshman, William T.	5/30	5/4	France		595.00						595.00
Commercial transportation							1,053.00				1,053.00
Military transportation							2,021.76				2,021.76
Steffes, Peter M.	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military transportation							7,944.08				7,944.08
Delegation expenses			Italy				1,658.00				1,658.00
			Turkey				1,308.57		1,079.82		2,388.39
			France								
Visit to Brazil and Argentina, May 25–30, 1985:											
Schroeder, Cong. Patricia	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
Military transportation							3,927.00				3,927.00
Schafer, Robert E	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
Military transportation							3,927.00				3,927.00
Visit to Hong Kong, May 30–June 1, 1985:											
Hopkins, Cong. Larry J	5/30	6/1	Hong Kong, BCC		238.00						238.00
Commercial transportation							164.00				164.00
Committee total					26,057.22		165,846.14		1,304.03		193,207.39

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 31, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Walter Fauntroy	4/8	4/12	Haiti		324.00		[3] 423.00				747.00
Jan Shinpoch	5/5	5/7	France		172.00						172.00
	5/7	5/11	Congo		464.00						464.00
	5/11	5/12	France		86.00		[3] 2,491.00				2,577.00
Schechter, Peter	5/7	5/11	Congo		580.00						580.00
	5/11	5/14	Senegal		225.00						225.00
	5/14	5/15	France		86.00		[3] 2,927.00				3,013.00
Hon. Frank Annunzio	5/16	5/20	Germany		448.00		[4] 6,542.15				6,990.15
Curt Prins	5/16	5/20	Germany		448.00		[4] 6,542.15				6,990.15
Hon. Carroll Hubbard	6/30	7/2	Korea		200.00		[4] 11,969.18				12,169.18
Hon. Rod Chandler	6/30	7/4	China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00		[3] 10,903.41				11,207.41
Committee total					4,297.00		41,797.89				46,094.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air.
[4] Military air.

FERNAND J. ST GERMAIN, Chairman, July 29, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Donald M. Baker	6/14	6/18	Switzerland	2,772.80	1,064.00	39	1,659.43			39	2,723.43
Rep. James M. Jeffords	6/18	6/20	Switzerland	1,782.45	228.00		1,614.44				1,842.44
Mark E. Powden	6/14	6/19	Switzerland	1,188.35	456.00		1,481.43				1,937.43
Committee total					1,748.00		4,755.30				6,503.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, July 22, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
MacCarthy, Mark	5/17	5/27	Great Britain		461.00		4,277.00				4,738.00
Kitzmiller, Wm. Michael	5/2	5/5	Haiti		300.00		397.00				697.00
Mounts, Gregory	4/13	4/15	Hong Kong		119.0.0						119.00
	4/15	4/17	Japan		212.00						212.00
Markey, Ed (MC)	6/28	6/30	Switzerland		218.00		1,747.96				1,965.96
Paine, Christopher	6/28	6/30	Switzerland		218.00		1,680.00				1,898.00
Robbins, Anthony	6/27	7/1	Hungary		300.00		3,500.00				3,800.00
Convention fee									200.00		200.00
Robbins, Anthony	4/6	4/16	Japan		1,024.00		3,313.37				4,337.37
Air terminal fee									7.87		7.87
Rail fare in Japan							91.32				91.32
Local transportation							9.84				9.84
Stockton, Peter D.H.	5/31	6/7	Greece		525.00		4,501.00				5,026.00
Fidler, Shelley	6/5	6/7	Canada		249.00		339.67				588.67
Local transportation							96.30				96.30
Freeman, Phyllis	4/6	4/16	Japan		1,024.00		3,313.37				4,337.37
Air terminal fee									7.87		7.87
Rail fare in Japan							91.32				91.32
Local transportation							9.84				9.84
CommitteeSTART total					4,650.00		23,367.99		215.74		28,233.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman, July 31, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abbruzzese, P	5/16	5/20	Germany		448.00						448.00
Military transportation							6,542.15				6,542.15
Ackerman, G	4/8	4/15	Israel		931.00		1,563.00				2,494.00
	4/15	4/16	Romania		123.74						123.74

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/16	4/17	Germany		108.00						108.00
Commercial transportation							4,231.00				4,231.00
Berdes, G	5/18	5/23	Soviet Union		151.00						151.00
	5/23	5/25	United Kingdom		200.00						200.00
Commercial transportation							4,145.00				4,145.00
Berman, H	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Total					3,225.74		27,384.56				30,610.30
Bolognese, K	5/6	5/10	Canada		575.00						575.00
Commercial transportation							250.75				250.75
Bonker, D	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Boyer, R	5/19	5/26	Italy		732.00						732.00
	5/26	5/29	Cyprus		324.00						324.00
	5/29	5/30	United Kingdom		151.00						151.00
Commerical transportation							4,022.00				4,022.00
Brady, J.J	5/16	5/20	Germany		448.00						448.00
Military transportation							6,542.15				6,542.15
	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Total					4,697.00		21,718.31				26,415.31
Military transportation							5,726.04				5,726.04
Bruce, T	5/20	5/22	United Kingdom		324.00						324.00
	5/22	5/26	Italy		494.00						494.00
Commercial transportation							4,363.00				4,363.00
Bush, R	6/29	7/6	Soviet Union		350.00						350.00
Commercial transportation							2,270.00				2,270.00
Calabia, D	6/2	6/7	Thailand		[3] 540.00						540.00
Commercial transportation							2,294.00				2,294.00
Callwood, K	4/5	4/8	Egypt		360.00				4.81		364.81
	4/8	4/13	South Africa		648.00						648.00
	4/13	4/14	Mozambique		105.00						105.00
Commercial transportation							2,619.00				2,619.00
Chambers, F.M	4/9	4/14	Micronesia		500.00						500.00
	4/14	4/15	Philippines		113.00				11.49		124.49
Total					3,434.00		17,272.04		16.30		20,722.34
Military transportation							5,793.81				5,793.81
Crockett, G	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Curran, T	4/9	4/13	Micronesia		[3] 393.00						393.00
	4/14	4/15	Philippines		113.00				11.49		124.49
Military transportation							5,793.81				5,793.81
Dornan, R	5/25	5/26	Italy		95.00						95.00
	5/26	5/28	Malta		52.56						52.56
	5/28	5/31	Ethiopia		393.00						393.00
	5/31	6/3	Switzerland		237.00						237.00
Commercial transportation							2,520.00				2,520.00
Dymally, M.M	7/13	7/16	United Kingdom		324.00		26.18				350.18
Commercial transportation							3,571.00				3,571.00
Total					2,871.56		28,608.21		11.49		31,491.26
Eckert, S	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Fascell, D.B	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Finley, M	5/16	5/20	Germany		448.00						448.00
Military transportation							6,542.15				6,542.15
Galey, M.E	6/16	6/18	Canada		440.50						440.50
Commercial transportation							252.02				252.02
Garcia, R	5/16	5/20	Germany		448.00						448.00
Military transportation							6,542.15				6,542.15
Total					3,803.50		29,965.77				33,769.27
Gilman, B.A	6/16	6/18	Canada		230.00						230.00
Military transportation							252.02				252.02
	6/30	7/2	Korea		266.00						266.00
Military transportation							13,857.81				13,857.81
Goodman, M	6/29	7/6	Itlay		896.00						896.00
Commercial transportation							2,193.00				2,193.00
Grunberg, C.A	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Hammond, B	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Total					3,859.00		32,932.28				36,791.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Huber, R.T.	4/5	4/7	Federal Republic of Germany		216.00						216.00
	4/7	4/12	Soviet Union		305.00						305.00
	4/12	4/15	Spain		324.00						324.00
Military transportation							8,529.81				8,529.81
	5/19	5/23	Soviet Union		200.00						200.00
	5/23	5/25	United Kingdom		453.00						453.00
Commercial transportation							4,145.00				4,145.00
Ingram, G.	7/3	7/8	France		786.00						786.00
Commercial transportation							1,604.81				1,604.81
Jenkins, R.M.	5/23	5/26	Italy		366.00						366.00
	5/26	5/29	Cyprus		324.00						324.00
	5/29	5/30	United Kingdom		151.00						151.00
Commercial transportation							4,022.00				4,022.00
Total					3,125.00		18,301.62				21,426.62
Jenkins, Bernadette	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Lantos, T.	5/10	5/11	Canada		115.00						115.00
Military transportation							610.50				610.50
Levin, H.	6/28	7/2	Korea		399.00						399.00
Commercial transportation							3,616.00				3,616.00
Levine, M.	4/6	4/10	Israel		655.00						655.00
	4/10	4/11	Jordan		118.00						118.00
	4/11	4/14	Egypt		360.00		16.83				376.83
Commercial transportation							2,380.00				2,380.00
Majak, R.R.	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Total					4,114.0		12,349.37				16,463.37
Military transportation							10,903.41				10,903.41
McBride, R.W.	4/9	4/13	Micronesia		500.00						500.00
			Philippines		113.00				11.49		124.49
Military transportation							5,793.81				5,793.81
	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.0
Military transportation							5,726.04				5,726.04
Oliver, S.	4/25	4/26	Canada		115.00						115.00
Commercial transportation							258.75				258.75
	6/4	6/9	Italy		640.00						640.00
	6/9	6/12	Switzerland		327.00						327.00
Commercial transportation							3,401.00				3,401.00
Total					2,898.00		26,083.01		11.49		28,992.50
Oliver, S.	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Paolo, B.	5/6	5/11	Canada		575.00						575.00
Military transportation, 1 way							305.25				305.25
Commercial transportation, 1 way							125.37				125.37
Pena, R.	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
Military transportation							6,981.33				6,981.33
Roberts, A.	5/16	5/20	Germany		448.00						448.00
Military transportation							6,542.15				6,542.15
	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
Military transportation							10,903.41				10,903.41
Total					3,679.25		30,583.55				34,262.80
Roth, S.	4/9	4/13	Micronesia		[3] 360.00						360.00
	4/14	4/15	Philippines		[3] 66.73				11.49		78.22
Military transportation							5,793.81				5,793.81
Ruebelman, T.	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Siljander, M.	4/5	4/8	Egypt		360.00				4.81		364.81
	4/8	4/13	South Africa		648.00						648.00
	4/13	4/14	Mozambique		105.00						105.00
Commercial transportation							2,619.00				2,619.00
Sletzinger, M.	6/4	6/9	Italy		640.00						640.00
	6/9	6/12	Switzerland		327.00						327.00
	6/12	6/14	Sweden		381.00						381.00
Commercial transportation							3,521.80				3,521.80
Total					4,090.73		17,660.65		16.30		21,767.68
Smith, C.H.	4/20	4/21	El Salvador		[3] 100.00						100.00
Commercial transportation							717.50				717.50
Smith, L.J.	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		279.00						279.00
Commercial transportation							6,981.33				6,981.33
	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Solarz, S.J.	4/9	4/13	Micronesia		500.00						500.00
	4/14	4/15	Philippines		113.00				11.49		124.49
Military transportation							5,793.81				5,793.81

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Total					2,415.25		19,218.68		11.49		21,645.42
	6/29	7/6	Soviet Union		350.00						350.00
	7/6	7/8	Hungary		206.00						206.00
	7/8	7/9	France		131.00						131.00
Commercial transportation							2,270.00				2,270.00
Solomon, G	4/9	4/13	Micronesia		500.00						500.00
	4/14	4/15	Philippines		113.00				11.49		124.49
Military transportation							5,793.81				5,793.81
Spalatin, I	5/19	5/23	Soviet Union		200.00						200.00
	5/23	5/25	United Kingdom		453.00						453.00
Commercial transportation							4,145.00				4,145.00
Sprunger, C	4/8	4/14	Micronesia		[3] 188.78						188.78
	4/14	4/15	Philippines		[3] 91.80				11.49		103.29
Military transportation							5,793.81				5,793.81
Total					2,233.58		18,002.62		22.98		20,259.18
Tavlarides, M	4/9	4/14	Micronesia		500.00						500.00
	4/14	4/15	Philippines		113.00				11.49		124.49
Military transportation							5,793.81				5,793.81
	4/20	4/21	El Salvador		[3] 100.00						100.00
Commercial transportation							717.50				717.50
Torricelli, R.G	6/30	7/3	Korea		532.00						532.00
Commercial transportation							3,591.00				3,591.00
Udall, M	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Verstandig, T.G	5/22	5/26	Italy		494.00						494.00
Commercial transportation							3,661.15				3,661.15
Total					2,942.00		19,489.50		11.49		22,442.99
Weiss, T	4/8	4/10	El Salvador		540.00						540.00
	4/10	4/13	Nicaragua								
Commercial transportation							860.36				860.36
White, J	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/9	Hong Kong		304.00						304.00
Military transportation							10,903.41				10,903.41
Zschau, E	6/30	7/4	People's Republic of China		528.00						528.00
	7/4	7/7	Thailand		432.00						432.00
	7/7	7/8	Hong Kong		152.00						152.00
Military transportation, 1 way							5,451.71				5,451.71
Commercial transportation, 1 way											
Total					2,916.00		17,215.48				20,131.48
Grand total for 2d quarter											387,191.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, July 30, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander Levin	5/10	5/10	Canada	158.13	115.00		610.50				725.50
Hon. Glenn English	5/10	5/11	El Salvador	303.75	75.00					303.75	75.00
	5/11	5/12	Honduras	192	96.00					192	96.00
	5/12	5/14	Nicaragua		184.00		5,120.00				5,304.00
Leo Jardot	5/10	5/11	El Salvador	303.75	75.00					303.75	75.00
	5/11	5/12	Honduras	192	96.00					192	96.00
	5/12	5/14	Nicaragua		184.00		5,120.00				5,304.00
Hon. Cardiss Collins	6/28	7/3	Norway		655.00						655.00
	7/3	7/8	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00		5,726.04				5,954.04
Committee total					2,028.00		16,576.54				18,604.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, July 31, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert W. Kastenmeier	4/8	4/9	Europe		180.00						180.00
	4/15	4/16									
	4/9	4/11	Africa		174.00						174.00
Military air—1st class equivalent	4/11	4/15	Asia		535.00		4,723.00				5,258.00
Hon. Dave McCurdy	4/12	4/15	Central America		442.00						442.00
Military air							2,460.15				2,460.15
Hon. Bob Stump	4/12	4/15	Central America		442.00						442.00
Military air							2,460.15				2,460.15
Hon. Dick Cheney	4/12	4/15	Central America		442.00						442.00
Military air							2,460.15				2,460.15
Steven K. Berry, Staff	4/12	4/15	Central America		442.00						442.00
Military air and meals							2,460.15		32.85		2,493.00
David S. Addington, Staff	4/12	4/15	Central America		442.00						442.00
Military air and meals							2,460.15		32.85		2,493.00
Hon. Henry Hyde	4/13	4/15	Central America		346.00						346.00
Military air and meals							10,850.74		30.87		10,881.61
Hon. Bob Livingston	4/13	4/15	Central America		346.00						346.00
Military air							10,850.74				10,850.74
Delegation expenses							102.04		171.41		273.45
Hon. Dave McCurdy	5/25	5/30	South America		493.25						493.25
Military air							4,422.50				4,422.50
Delegation expenses									1,434.97		1,434.97
Committee total					4,284.25		43,249.77		1,702.95		49,236.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, July 22, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Conyers, Jr., MC	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
Military transportation							3,927.00				3,927.00
Committee total [3]					493.25		3,927.00				4,420.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Delegation expenses will be reported by the Permanent Select Committee on Intelligence.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Patricia Schroeder	5/25	5/28	Brazil	1.182.742	220.25						220.25
	5/28	5/31	Argentina	174,720	273.00						273.00
Military transportation							3,927.00				3,927.00
Andrew Feinstein	5/25	5/28	Brazil	1.182.742	220.25						220.25
	5/28	5/31	Argentina	174,720	273.00						273.00
Military transportation							3,927.00				3,927.00
Committee total					986.50		7,854.00				8,840.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 29, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James J. Howard	5/29	6/2	Ireland		426.00				478.75		904.75
	6/2	6/4	France		393.00				75.52		468.52
Commercial air transportation							1,509.00				1,509.00
Military air transportation							1,304.11				1,304.11
Hon. Robert A. Roe	5/29	6/2	Ireland		426.00				478.75		904.75
	6/2	6/4	France		393.00				75.51		468.51
Commercial air transportation							1,509.00				1,509.00
Military air transportation							1,304.11				1,304.11
Hon. Bud Shuster	5/24	5/27	England		354.00						354.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/27	5/30	Germany		225.00				229.03		454.03
	5/30	6/3	France		476.00		2,538.00				3,014.00
Total					2,693.00		8,164.22		1,337.56		12,194.78
Hon. William O. Lipinski	5/24	5/27	Italy		225.00						225.00
	5/27	5/31	Turkey		432.00						432.00
	5/31	6/4	France		476.00						476.00
Military air transportation							7,944.08				7,944.00
Hon. Thomas E. Petri	4/8	4/9	Greece		75.00						75.00
	4/9	4/11	Egypt		174.00						174.00
	4/11	4/12	Jordan		85.00						85.00
	4/12	4/13	Syria		97.00						97.00
	4/13	4/15	Israel		266.00						266.00
	4/15	4/16	England		105.00						105.00
Military air transportation							4,723.00				4,723.00
Total					1,935.00		12,667.08				14,602.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, July 30, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Sensenbrenner		4/4	United States				4,171.00				4,171.00
	4/5	4/10	Brazil	1,512.79	335.43					1,512.79	335.43
	4/10	4/12	Uruguay	9,828	108.00					9,828	108.00
	4/12	4/15	Argentina	177,000.00	354.00					177,000	354.00
	4/16		United States								
Gordon		4/4	United States				4,073.00				4,073.00
	4/5	4/10	Brazil	1,873.18	415.34					1,873.18	415.34
	4/10	4/12	Uruguay	9,828	108.00					9,828	108.00
	4/12	4/15	Argentina	177,000	354.00					177,000	354.00
	4/16		United States								
Boucher [3]		5/25	United States				3,927.00				3,927.00
	5/25	5/28	Brazil		220.25						220.25
	5/28	5/30	Argentina		273.00						273.00
	5/30		United States								
Trippett		5/27	United States				1,603.00				1,603.00
	5/28	5/30	Switzerland	376.50	175.00				595.00	376.50	770.00
	5/30	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Fuqua		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Lujan		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Volkmer		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	426	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Nelson		5/23	United States [4]								
	5/26	5/29	Germany	693	225.00					693	225.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States				1,304.11				1,304.11
Young		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Mineta		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Packard		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Hicks, Jr		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Ketcham		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Freiwald		5/24	United States				2,712.55				2,712.55

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Tate		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Dugan		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Taylor		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Branscome		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Holmfeld		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Irwin		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Mathis		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Smith		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Clement		5/24	United States				1,408.44				1,408.44
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	5/31	Paris	2,237.20	238.00				75.30	2,237.20	313.30
	5/31		United States				554.87				554.87
Thompson		5/24	United States				2,712.55				2,712.55
	5/25	5/27	Sweden	2,848	320.00				101.03	2,848	421.03
	5/27	5/29	Germany	462	150.00					462	150.00
	5/29	6/4	Paris	6,711.60	714.00				175.71	6,711.60	889.71
	6/4		United States								
Committee total					26,016.02		65,867.32		6,104.07		97,987.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Delegation expenses reported by the Intelligence Committee.
[4] Traveling with the Air Force—"Quick Look" Program.

DON FUQUA, Chairman, July 29, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Hendon	4/5	4/5	Panama								
	4/5	4/7	Venezuela	1,963.50	150.00						150.00
	4/7	4/8	Equador	12,393.80	107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras	384	192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Department of Army transportation							1,737.72				
Total					627.00		1,737.72				2,364.72
Nancy Sullivan	4/5	4/5	Panama								
	4/5	4/7	Venezuela	1,963.50	150.00						150.00
	4/7	4/8	Equador	12,393.80	107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras	384	192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Department of Army transportation							1,737.72				1,737.72
Total					627.00		1,737.72				2,364.72
Hon. Sam B. Hall	4/5	4/5	Panama								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/5	4/5	Venezuela	1,963.50	150.00						150.00
	4/7	4/8	Equador	12,393.80	107.00						107.00
	4/8	4/10	Panama		178.00						178.00
	4/10	4/10	Costa Rica								
	4/10	4/12	Honduras	384	192.00						192.00
	4/12	4/12	El Salvador								
	4/12	4/12	Belize								
Department of Army transportation							1,627.17				1,627.17
Total					627.00		1,627.17				2,254,34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G.V. MONTGOMERY, Chairman, July 25, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 6 AND 18, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas P. O'Neill, Jr	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Edward P. Boland	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Joseph M. McDade	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
John P. Murtha	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Edward R. Madigan	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Joseph D. Early	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Brian J. Donnelly	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Pat Williams	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Barbara B. Kennelly	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Bill Lowery	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Raymond J. McGrath	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Dr. Freeman Carey	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Kirk O'Donnell	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
James Ferguson	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Kevin Peterson	3/6	3/18	Ireland		1,536.00		4,244.51				5,780.51
Christine Sullivan	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Donn Anderson	3/13	3/18	Ireland		634.00		6,400.41				7,034.41
Committee total					11,680.00		106,651.07				118,331.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS P. O'NEILL, JR., Apr. 16, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CHARLES MELLODY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 24 AND MAR. 1, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles Mellody	2/25	2/27	Germany		225.00						225.00
	2/27	3/1	Spain		150.00						150.00
							1,544.00				1,544.00
Committee total					375.00		1,544.00				1,919.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES MELLODY, Apr. 26, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PORTUGAL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 28 AND 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brooks, Jack	3/28	3/31	Portugal	56.052	324.00						324.00
Military air									6,885.00		6,885.00
Brady, John J	3/28		Portugal	56.052	324.00						324.00
Military air									6,885.00		6,885.00
Abbruzzese, P.A	3/28		Portugal	56.052	324.00						324.00
Military air									6,885.00		6,885.00
Committee total					972.00				20,655.00		21,627.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Apr. 18, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SOVIET UNION AND SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND 15, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas P. O'Neill, Jr	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Dan Rostenkowski	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Robert Michel	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Silvio Conte	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Charles Rangel	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Delbert Latta	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. John Murtha	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Marty Russo	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Ralph Regula	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. George Miller	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Joseph McDade	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Norman Sisisky	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Frank Guarini	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Dr. Freeman Carey	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Ambassador Philip Kaiser	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Kirk O'Donnell	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Charles Mellody	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
William Pitts	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Nancy Panzke	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Donn Anderson	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Charles Wollerton	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Eleanor Kelley	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Robert Huber	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Total					4,968.00				4,705.12		9,673.00
Hon. Thomas P. O'Neill, Jr.	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Dan Rostenkowski	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Robert Michel	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Silvio Conte	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Charles Rangel	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Delbert Latta	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. John Murtha	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Marty Russo	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Ralph Regula	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. George Miller	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Joseph McDade	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Norman Sisisky	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Frank Guarini	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Dr. Freeman Carey	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Ambassador Philip Kaiser	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Kirk O'Donnell	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Charles Mellody	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
William Pitts	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Nancy Panzke	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Donn Anderson	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Charles Wollerton	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Eleanor Kelley	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Robert Huber	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Total					14,030.00				5,345.00		19,375.00
Hon. Thomas P. O'Neill, Jr	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Dan Rostenkowski	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Robert Michel	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Silvio Conte	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Charles Rangel	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Delbert Latta	4/12	4/15	Spain		324.00				281.14		605.14
Hon. John Murtha	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Marty Russo	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Ralph Regula	4/12	4/15	Spain		324.00				281.14		605.14
Hon. George Miller	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Joseph McDade	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Norman Sisisky	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Frank Guarini	4/12	4/15	Spain		324.00				281.14		605.14
Dr. Freeman Carey	4/12	4/15	Spain		324.00				281.14		605.14
Ambassador Philip Kaiser	4/12	4/15	Spain		324.00				281.14		605.14
Kirk O'Donnell	4/12	4/15	Spain		324.00				281.14		605.14
Charles Mellody	4/12	4/15	Spain		324.00				281.14		605.14
William Pitts	4/12	4/15	Spain		324.00				281.14		605.14
Nancy Panzke	4/12	4/15	Spain		324.00				281.14		605.14
Donn Anderson	4/12	4/15	Spain		324.00				281.14		605.14
Charles Wollerton	4/12	4/15	Spain		324.00				281.14		605.14
Eleanor Kelley	4/12	4/15	Spain		324.00				281.14		605.14
Robert Huber	4/12	4/15	Spain		324.00				281.14		605.14
Total					7,452.00				6,466.31		13,918.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS P. O'NEILL, JR., July 17, 1985.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SOVIET UNION, AND SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND 15, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas P. O'Neill, Jr	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Dan Rostenkowski	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Robert Michel	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Silvio Conte	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SOVIET UNION, AND SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND 15, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles Rangel	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Delbert Latta	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. John Murtha	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Marty Russo	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Ralph Regula	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. George Miller	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Joseph McDade	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Norman Sisisky	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Hon. Frank Guarini	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Dr. Freeman Carey	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Ambassador Philip Kaiser	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Kirk O'Donnell	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Charles Mellody	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
William Pitts	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Nancy Panzke	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Donn Anderson	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Charles Wollerton	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Eleanor Kelley	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Robert Huber	4/5	4/7	Federal Republic of Germany		216.00				204.57		420.57
Total					4,968.00				4,705.12		9,673.00
Hon. Thomas P. O'Neill, Jr	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Dan Rostenkowski	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Robert Michel	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Silvio Conte	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Charles Rangel	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Delbert Latta	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. John Murtha	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Marty Russo	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Ralph Regula	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. George Miller	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Joseph McDade	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Norman Sisisky	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Hon. Frank Guarini	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Dr. Freeman Carey	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Ambassador Philip Kaiser	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Kirk O'Donnell	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Charles Mellody	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
William Pitts	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Nancy Panzke	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Donn Anderson	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Charles Wollerton	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Eleanor Kelley	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Robert Huber	4/7	4/12	U.S.S.R.		610.00				232.39		842.39
Total					14,030.00				5,345.00		19,375.00
Hon. Thomas P. O'Neill, Jr.	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Dan Rostenkowski	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Robert Michel	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Silvio Conte	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Charles Rangel	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Delbert Latta	4/12	4/15	Spain		324.00				281.14		605.14
Hon. John Murtha	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Marty Russo	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Ralph Regula	4/12	4/15	Spain		324.00				281.14		605.14
Hon. George Miller	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Joseph McDade	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Norman Sisisky	4/12	4/15	Spain		324.00				281.14		605.14
Hon. Frank Guarini	4/12	4/15	Spain		324.00				281.14		605.14
Dr. Freeman Carey	4/12	4/15	Spain		324.00				281.14		605.14
Ambassador Philip Kaiser	4/12	4/15	Spain		324.00				281.14		605.14
Kirk O'Donnell	4/12	4/15	Spain		324.00				281.14		605.14
Charles Mellody	4/12	4/15	Spain		324.00				281.14		605.14
William Pitts	4/12	4/15	Spain		324.00				281.14		605.14
Nancy Panzke	4/12	4/15	Spain		324.00				281.14		605.14
Donn Anderson	4/12	4/15	Spain		324.00				281.14		605.14
Charles Wollerton	4/12	4/15	Spain		324.00				281.14		605.14
Eleanor Kelley	4/12	4/15	Spain		324.00				281.14		605.14
Robert Huber	4/12	4/15	Spain		324.00				281.14		605.14
Total					7,452.00				6,466.31		13,918.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS P. O'NEILL, JR., July 17, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWEDEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND 14, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Schroeder	4/10	4/13	Sweden		366.00						366.00
Claudine Schneider	4/10	4/13	Sweden		366.00						366.00
Barbara Boxer	4/10	4/14	Sweden		488.00						488.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAT SCHROEDER, May 22, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JEFFREY R. PIKE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 3 AND 5, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jeffrey R. Pike	5/3	5/5	Canada	323.77			515.10			323.77	515.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JEFFREY R. PIKE, May 5, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NICARAGUA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 3 AND 6, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George Miller	5/3	5/6	Nicaragua		322.27		5,633.76				5956.03
Hon. David Bonior	5/3	5/6	Nicaragua		322.27		5,633.76				5956.03
Steven Champlin	5/3	5/6	Nicaragua		322.27		5,633.76				5956.03
Cynthia Arnson	5/3	5/6	Nicaragua		322.27		5,633.76				5956.03
Committee total					1,289.08		22,535.04				23,824.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, June 6, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 17 AND 20, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Annunzio	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Robert Badham	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Sherwood Boehlert	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Jack Brooks	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Sala Burton	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Frank Horton	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
B. Larson	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
R. Lasch	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Total				3,584.00			52,337.20				55,921.20
Hon. George O'Brien	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
C. Prins	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Charles Rose	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. Samuel Stratton	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Hon. William Whitehurst	5/16	5/20	Germany		448.00						448.00
Military air transportation							6,542.15				6,542.15
Total					2,240.00		32,710.75				34,950.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, June 27, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORWAY, SWEDEN, AND DENMARK, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 7, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
R. Lasch	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Debra Cabral	6/28	7/3	Norway		655.00						655.00
	7/3	7/5	Sweden		320.00						320.00
	7/5	7/7	Denmark		228.00						228.00
Military transportation							5,726.04				5,726.04
Total					2,406.00		11,452.08				13,858.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD LASCH, Aug. 5, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. JAMES D. FORD, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 30 AND JULY 7, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. James D. Ford	6/30	7/1	West Germany	342.72	112.00		[3] 1,739.00				1,851.00
	7/1	7/5	England	225.5	284.00		160.00				444.00
	7/5	7/7	Ireland	237.57	246.00		[3] 1,563.00				1,809.00
Total					642.00		2,362.00				4,107.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Via military transportation. Amount reflects first class equivalent air fares.

JAMES D. FORD, Aug. 6, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MARY-ALYCE JONES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 30 AND JULY 7, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mary-Alyce F. Jones	6/30	7/2	Germany	685.60	112.00						112.00
	7/2	7/4	Italy	514,536	132.00						132.00
	7/4	7/5	Germany		37.50						37.50
	7/5	7/7	France	2,436.60	131.00						131.00
Military air transport							4054.60				
Committee total					411.50		4054.60				4,466.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARY-ALYCE F. JONES, Aug. 2, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JIM MOODY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 7 AND 8, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Moody	7/7	7/8	Switzerland	200.97	79.00	2,083.20	818.91			2,283.97	897.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM MOODY, Aug. 12, 1985.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1972. A letter from the Acting Secretary of the Army, transmitting notice that the award of a contract has been authorized without full and open competition while benefiting the public interest, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

1973. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1974. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Malcolm R. Wilkey, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Oriental Republic of Uruguay, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1975. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Robert Houdek, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, as Ambassador to Uganda, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1976. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Natale H. Bellocchi, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, as Ambassador to the Republic of Botswana, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1977. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Patricia Mary Byrne, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1978. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Roger Kirk, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister, as Ambassador to the Socialist Republic of Romania, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1979. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Michael Sotirhos, of the District of Columbia, as Ambassador to Jamaica, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1980. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Jean B. S. Gerard, of New York, as Ambassador to Luxembourg, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1981. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Clyde D. Taylor, of Maryland, a Minister-Counselor,

as Ambassador to the Republic of Paraguay, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1982. A letter from the Acting Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in Outer Continential Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1983. A letter from the Acting Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in Outer Continential Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1984. A letter from the Acting Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1985. A letter from the Chairman, Federal Election Commission, transmitting a copy of the fiscal year 1987 budget request as submitted by OMB, pursuant to Public Law 92-225 section 307 (d)(1) (93 Stat. 1354, 1356); jointly, to the Committees on House Administration and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 3128. A bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process; with amendments (Rept. 99-241 Pt. 2). Ordered to be printed.

Mr. RODINO: Committee on the Judiciary. H.R. 3128. A bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process; with an amendment (Rept. 99-241, Pt. 3). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 262. A resolution providing for the consideration of H.R. 7, a bill to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966 (Rept. 99-263). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 263. A resolution providing for the consideration of H.R. 2266, a bill authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a commission to study the financial status of Amtrak, and for other purposes (Rept. 99-264). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. A bill H.R. 3101 to amend titles XVIII and XIX of the Social Security Act to provide for budget reconciliation, and improvements, with respect to the medicare and medicaid program; with an amendment (Rept. 99-265). Pt. 1 Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Energy and Commerce discharged from further consideration of H.R. 3128; H.R. 3128 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 3261. A bill to commemorate the Bicentennial of the Constitution of the United States with exhibits and programs relating to the history of democracy and by the establishment of Democracy Hall; to the Committee on House Administration.

By Mrs. BENTLEY:

H.R. 3262. A bill entitled Passenger Ship Authorization Act: to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. FORD of Michigan, Mr. RAHALL, Mr. RANGEL, Mr. PENNY, Mr. TORRICELLI, Mr. CROCKETT, Mr. SAVAGE, Mr. OWENS, Mr. TRAFICANT, Mr. ACKERMAN, Mr. CONYERS, Mr. FROST, Mr. MITCHELL, Mr. FOGLIETTA, Mr. ECKART of Ohio, Mr. BOUCHER, Mr. DYMALLY, Mr. HOWARD, and Mr. WILLIAMS):

H.R. 3263. A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, and Mr. LENT):

H.R. 3264. A bill to amend section 607 of the Merchant Marine Act, 1936, to ensure consistent use of funds made available for capital construction of vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

Mr. BONKER (for himself, Mr. ALEXANDER, Mr. BUSTAMANTE, Mr. DANIEL, Mr. FROST, Mr. GLICKMAN, Ms. KAPTUR, Mr. LEVINE of California, Mr. MCKERNAN, Mr. MILLER of Washington, Mr. ROTH, Mr. SMITH of Florida, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. VALENTINE, and Mr. WILSON):

H.R. 3265. A bill to establish as an executive department of the U.S. Government a Department of Commerce and Trade, and for other purposes; to the Committee on Government Operations.

By Mr. COELHO:

H.R. 3266. A bill to declare certain lands in the city of Coalinga, CA, abandoned by the Southern Pacific Transportation Co.; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 3267. A bill to extend the authorization of appropriations for general revenue sharing for 7 years; to the Committee on Government Operations.

By Mr. DIOGUARDI (for himself, Mr. MONSON and Mr. COBEY):

H.R. 3268. A bill to provide a separate appropriation for all congressional foreign travel, and for other purposes; to the Committee on House Administration.

By Mr. ERDREICH:

H.R. 3269. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition; jointly, to the Committees on the Judiciary, Energy and Commerce, and Ways and Means.

By Mr. GUARINI (for himself, Mr. RODINO, Mr. FORD of Michigan, and Mr. GARCIA:

H.R. 3270. A bill to reestablish the Reconstruction Finance Corporation, to authorize such Corporation to perform its traditional lending functions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 3271. A bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours, to clarify the application of that act to volunteers, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina (for himself, Mr. LENT, Mr. BIAGGI, Mr. STUDDS, Mr. LOWRY of Washington, Mr. CARPER, and Mr. HUGHES):

H.R. 3272. A bill to designate the shipwreck of the Titanic as a maritime memorial and to provide for reasonable research, exploration and, if appropriate, salvage activities; to the Committee on Merchant Marine and Fisheries.

By Mr. KILDEE (for himself, Mr. HENDON, and Mr. DORGAN of North Dakota):

H.R. 3273. A bill to amend title XI of the Education Amendments of 1978, relating to Indian Education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEACH of Iowa (for himself and Mr. LIGHTFOOT):

H.R. 3274. A bill to provide emergency measures to solve the credit crisis confronting the agricultural economy of the United States and ensure the future availability of credit for rural America, to abolish the Farm Credit Administration and establish the Emergency Farm Credit Authority within the Federal Deposit Insurance Corporation, and for other purposes; jointly, to the Committees on Agriculture, and Banking, Finance and Urban Affairs.

By Mr. LELAND:

H.R. 3275. A bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning Acquired Immune Deficiency Syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.R. 3276. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime requirements of that Act employees of State and local public agencies and to clarify the application of that act to volunteers; to the Committee on Education and Labor.

By Mr. McGRATH:
H.R. 3277. A bill to amend the Internal Revenue Code of 1954 to assist in railroad disaster reconstruction efforts; to the Committee on Ways and Means.

By Ms. OAKAR:
H.R. 3278. A bill to require certain banks, savings banks, and savings and loan institutions to obtain Federal deposit insurance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHUMWAY:
H.R. 3279. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SMITH of New Hampshire:
H.R. 3280. A bill to require a separate appropriation for all congressional foreign travel, and for other purposes; to the Committee on House Administration.

By Mr. STAGGERS:
H.R. 3281. A bill to amend title XVIII of the Social Security Act to provide that services provided by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for payment under the Medicare and Medicaid programs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

Mr. Mr. STAGGERS (for himself, and Mr. WISE):
H.R. 3282. A bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other on job training under the new GI bill educational assistance program; to the Committee on Veterans' Affairs.

By Mr. TAUZIN:
H.R. 3283. A bill amending the Outer Continental Shelf Lands Act to prevent the use of Outer Continental Shelf facilities for the purpose of receiving supplies or cargo from foreign ports, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS of Georgia:
H.R. 3284. A bill to amend title 28, United States Code, to make changes in the judicial divisions in the Southern District of Georgia; to the Committee on the Judiciary.

By Mr. GUARINI:
H.R. 3289. A bill to establish the Office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

By Mr. WHITTEN:
H.J. Res. 380. Joint resolution making continuing appropriations for the fiscal year 1986, and for other purposes; to the Committee on the Appropriations.

By Mr. NEAL:
H.J. Res. 381. Joint resolution designating March 25 1986, and every March 25 thereafter, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mr. PASHAYAN:
H.J. Res. 382. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; to the Committee on Interior and Insular Affairs.

By Mr. STARK:
H.J. Res. 383. Joint resolution to require the General Services Administration to hold an annual meeting of the Information Resources Managers of the various Federal Agencies; to the Committee on Government Operations.

By Mr. GRAY of Pennsylvania:
H.J. Res. 384. Joint resolution designating September 22, 1985, as "Farm Aid Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES (for himself and Mr. LAGOMARSINO):
H. Con. Res. 187. Concurrent resolution condemning the kidnaping of Ines Gaudelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador; to the Committee on Foreign Affairs.

By Mr. BARNES:
H. Con. Res. 188. Concurrent resolution expressing the support of the Congress for an early and peaceful return of democratic rule in Chile; to the Committee on Foreign Affairs.

By Mr. GUARINI:
H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:
H. Res. 262. Resolution providing for the consideration of the bill (H.R. 7), to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966; House Calendar No. 64. House Report No. 99-263.

H. Res. 263. Resolution providing for the consideration of the bill (H.R. 2266) authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a commission to study the financial status of Amtrak, and for other purposes; House Calendar No. 65. House Report No. 99-264.

By Mr. ROTH:
H. Res. 264. Resolution regarding small business and agriculture representation on the Federal Reserve Board of Governors; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:
H.R. 3285. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise and fisheries trade in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. DEWINE:
H.R. 3286. A bill for the relief of Norman Raymond Lee; to the Committee on Interior and Insular Affairs.

By Mr. FISH:
H.R. 3287. A bill for the relief of Melissa Johnson and Barbara Johnson Lizzi; to the Committee on the Judiciary.

By Mr. RICHARDSON:
H.R. 3288. A bill for the relief of Janet and Michael Nerone; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as folows:

H.R. 12: Mr. HUGHES and Mr. DAUB.
H.R. 43: Mr. FLORIO.
H.R. 161: Mr. BORSKI and Mr. KOSTMAYER.
H.R. 230: Mr. HAWKINS.
H.R. 480: Mr. SUNIA.
H.R. 585: Mr. STALLINGS.
H.R. 825: Mr. FRANK, Mr. MANTON, Mr. BROSKI, Mr. SWINDALL, Mr. REID, and Mr. WEBER.
H.R. 864: Mr. DORGAN of North Dakota, Mr. TORRICELLI, and Mr. WILSON.
H.R. 917: Mr. WILLIAMS.
H.R. 983: Mr. CLINGER, Mr. MCCLOSKEY, Mr. WAXMAN, Mr. WYLIE, Mr. HUBBARD, Mr. HOWARD, Mrs. BURTON of California, Mr. SMITH of Florida, Mr. HUGHES, Mr. SUNDQUIST, Mr. DWYER of New Jersey, Mr. TRAFICANT, and Mr. ROTH.
H.R. 1019: Ms. MIKULSKI, Mr. LEHMAN of Florida, Mr. WEISS, Mr. SUNIA, and Mr. VENTO.
H.R. 1021: Mr. FAZIO.
H.R. 1059: Mr. LEACH of Iowa, Mr. WALKER, Mr. O'BRIEN, Mr. RALPH M. HALL, Mr. DURBIN, and Mr. BARNES.
H.R. 1287: Mr. MCEWEN, Mr. LAFALCE, and Mr. MARTINEZ.
H.R. 1385: Mr. IRELAND.
H.R. 1398: Mr. TRAFICANT.
H.R. 1550: Mr. HOWARD and Mr. JACOBS.
H.R. 1613: Mr. NIELSON of Utah.
H.R. 1626: Mr. SHARP, Mr. STUDDS, Mr. KILDEE, and Mr. SILJANDER.
H.R. 1674: Mr. GONZALEZ.
H.R. 1770: Mr. ECKART of Ohio, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LELAND, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. TALLON, Mr. WOLF, and Mr. WORTLEY.
H.R. 1840: Mr. GREGG, Mr. SCHUETTE, Mr. HEFTEL of Hawaii, Mr. YOUNG of Alaska, Mr. ROBINSON, and Mr. TRAFICANT.
H.R. 1918: Mr. OWENS and Mr. MILLER of Ohio.
H.R. 1950: Mr. WALGREN, Mr. GEJDENSON, Mr. DASCHLE, Mr. COYNE, Mr. JENKINS, and Mr. DONNELLY.
H.R. 1965: Mr. DANIEL, Mr. DERRICK, Mr. DEWINE, Mr. DUNCAN, Mr. ECKERT of New York, Ms. KAPTUR, Mr. MYERS of Indiana, and Mr. RITTER.
H.R. 2025: Mr. MARTINEZ.
H.R. 2132: Mr. DE LUGO, Mr. DEWINE, Mrs. MARTIN of Illinois, Mr. TRAFICANT, and Mr. BURTON of Indiana.
H.R. 2156: Mr. BARTON of Texas.
H.R. 2164: Mr. HORTON.
H.R. 2185: Mr. DAUB, and Mr. GLICKMAN.
H.R. 2222: Mr. BARTON, of Texas, Mr. LOTT, Mr. WHITEHURST, Mr. MCEWEN, Mr. KINDNESS, Mr. HILER, Mr. COATS, Mr. BROWN of Colorado, Mr. MACK, and Mr. DEWINE.
H.R. 2257: Mr. EDWARDS of California, Ms. KAPTUR, and Mr. MITCHELL.
H.R. 2361: Mr. GREEN and Mr. UDALL.
H.R. 2396: Mr. MORRISON of Connecticut.
H.R. 2481: Mr. STALLINGS.
H.R. 2489: Mr. JONES of Tennessee and Mr. SUNDQUIST.
H.R. 2526: Mr. WEISS.
H.R. 2539: Mrs. MARTIN of Illinois, Mr. TAUKE, Mr. FEIGHAN, Mr. BADHAM, Mr. SMITH of New Hampshire, Mr. GRAY of Pennsylvania, Mr. LOEFFLER, Mr. COBEY, and Mr. SUNIA.
H.R. 2580: Mr. BEILENSON, Mr. BERMAN, Mrs. BURTON of California, Mr. EDWARDS of California, Mr. GEJDENSON, Mr. HAYES, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. OLIN, Mr. SABO, Mr. SEIBERLING, Mr. VENTO, Mr. WEAVER, Mr. WILSON, and Mr. WOLPE.
H.R. 2591: Mr. FISH, Mr. VANDER JAGT, Mrs. LLOYD, and Mr. STALLINGS.
H.R. 2602: Mr. GRAY, of Pennsylvania.
H.R. 2632: Mrs. VUCANOVICH.
H.R. 2659: Mr. ORTIZ.
H.R. 2663: Mr. DASCHLE and Mr. WEAVER.
H.R. 2685: Mr. OWENS and Mr. MARTINEZ.

H.R. 2708: Mr. SYNAR, Mr. BADHAM, Mr. TOWNS, and Mr. LOTT.

H.R. 2741: Mr. TAUKE.

H.R. 2761: Mr. HOWARD, Mr. DYSON, Mr. RAHALL, Mr. RINALDO, Mr. TOWNS, and Mr. LEHMAN of Florida.

H.R. 2782: Mr. DOWNEY of New York, Mr. FISH, Mr. PENNY, and Mr. SEIBERLING.

H.R. 2783: Mr. SWIFT, Mr. LUKEN, and Mr. BRYANT.

H.R. 2795: Mr. JONES of Oklahoma, Mr. DARDEN, Mr. BOULTER, Mr. MARTINEZ, Mr. MONSON, Mr. ROWLAND of Georgia, Mr. DUNCAN, Mr. DANIEL, Mr. HANSEN, Mrs. BYRON, Mr. JONES of North Carolina, Mr. LOEFFLER, and Mr. SHUSTER.

H.R. 2851: Mr. LANTOS.

H.R. 2854: Mr. YOUNG of Alaska, Ms. SNOWE, Mr. SUNIA, Mr. CLAY, Mrs. SCHROEDER, Mr. DE LUGO, and Mr. YATRON.

H.R. 2936: Mrs. HOLT and Mr. NIELSON of Utah.

H.R. 2950: Mr. MILLER of California, Mr. LEVINE of California, Mr. CARPER, Mr. NIELSON of Utah, and Mr. OWENS.

H.R. 2957: Mr. WEISS, Mr. MINETA, Mr. MATSUI, Mr. WILLIAMS, Mrs. SCHNEIDER, Mr. COOPER, Mr. DOWNEY of New York, Mrs. BOXER, Mr. MARTINEZ and Mr. VENTO.

H.R. 2958: Mr. WEISS, Mr. MINETA, Mr. MATSUI, Mr. WILLIAMS, Mr. COOPER, Mr. DOWNEY of New York, Mrs. SCHNEIDER, Mrs. BOXER, Mr. MARTINEZ, and Mr. VENTO.

H.R. 2973: Mr. BOEHLERT.

H.R. 2983: Mr. PURSELL, Mr. CONYERS, Mr. VANDER JAGT, and Mr. SILJANDER.

H.R. 3026: Mr. DASCHLE, and Mr. GARCIA.

H.R. 3035: Mr. STUDDS, Mr. OWENS, and Mr. DAVIS.

H.R. 3041: Mr. EDWARDS of Oklahoma, Mr. RANGEL, Mr. GREGG, Mrs. BURTON of California, Mr. SUNIA, Mr. SCHEUER, Mr. GRAY of Pennsylvania, Mr. VENTO, and Mr. DASCHLE.

H.R. 3042: Mr. FUSTER, Mr. MITCHELL, Mr. LELAND, Mr. MRAZEK, Mr. PERKINS, Mr. SAVAGE, Mr. CROCKETT, Mr. OWENS, Mr. TOWNS, Mr. FRANK, Mr. FORD of Michigan, Mr. ACKERMAN, Mr. CLAY, Mr. FLORIO, Mr. GONZALEZ, and Mr. MORRISON of Connecticut.

H.R. 3050: Mr. COBEY, Mr. HANSEN, Mr. DANIEL, and Mr. SOLOMON.

H.R. 3058: Mr. CONYERS.

H.R. 3066: Mr. RAHALL, Mr. VOLKMER, Mr. COURTER, Mr. LAGOMARSINO, Mr. HUGHES, Mr. WHITEHURST, and Mrs. BOXER.

H.R. 3099: Mr. FOGLIETTA, Mr. MURPHY, Ms. MIKULSKI, Mr. WEISS, Mr. BATES, Mr. WORTLEY, Mr. GRAY of Illinois, Mr. BOEHLERT, Mr. LELAND, Mr. ROE, and Mr. FAZIO.

H.R. 3126: Ms. OAKAR and Mr. WEAVER.

H.R. 3129: Mr. ANDREWS, Mrs. BYRON, and Mr. MOLLOHAN.

H.R. 3132: Mr. RODINO, Mr. LEVINE of California, Mr. WHITEHURST, Mr. MANTON, Mr. YATES, Mr. DIXON, Mr. TRAFICANT, Mr. FUSTER, Mr. MILLER of California, Mr. ACKERMAN, Mr. VISCLOSKY, Mr. YOUNG of Florida, Mr. GREEN, Mr. STOKES, and Mr. BARNES.

H.R. 3147: Mr. WALKER.

H.R. 3220: Mr. CONYERS.

H.R. 3230: Mr. NIELSON of Utah, Mr. WEBER, Mr. RUDD, Mr. FRENZEL, and Mrs. SMITH of Nebraska.

H.R. 3235: Mr. LUJAN.

H.R. 3237: Mr. ROBERTS, Mr. RUDD, Mr. LAGOMARSINO, Mr. NIELSON of Utah, Mr. CRAIG, Mr. WEBER, Mr. FRENZEL, Mr. HAMMERSCHMIDT, Mr. NICHOLS, Mr. STALLINGS, Mr. PORTER, Mr. DAUB, Mrs. VUCANOVICH, Mr. SKEEN, and Mr. LEWIS of Florida.

H.J. Res. 1: Mr. RALPH M. HALL.

H.J. Res. 27: Mr. ROWLAND of Connecticut.

H.J. Res. 126: Mr. AUCOIN, Mr. MCCLOSKEY, Mr. PORTER, and Mr. GREGG.

H.J. Res. 133: Mr. NELSON of Florida.

H.J. Res. 171: Mr. BREAUX, Mr. OBERSTAR, Mr. CHANDLER, Mr. GARCIA, Mr. ORTIZ, Mr. LANTOS, Mr. LEHMAN of California, Mr. NATCHER, Mr. ANNUNZIO, MR. FOGLIETTA, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. PASHAYAN, Mr. STUDDS, and Mr. MCHUGH.

H.J. Res. 178: Mr. YOUNG of Missouri and Mr. BURTON of Indiana.

H.J. Res. 221: Mr. HOYER, Mr. VOLKMER, Mr. HAMILTON, Mr. SCHAEFER, Mr. BONIOR of Michigan, and Mr. MOORE.

H.J. Res. 234: Mr. ERDREICH, Mr. ROWLAND of Georgia, Mr. MCKERNAN, Mr. PEPPER, and Mrs. HOLT.

H.J. Res. 254: Mr. THOMAS of Georgia, Mr. HAMMERSCHMIDT, Mr. KASICH, Mr. LUKEN, Mr. SOLARZ, Mr. BEREUTER, Mr. COLEMAN of Texas, Mr. PURSELL, Mr. FIELDS, Mr. MINETA, Mr. ERDREICH, Mr. LENT, Mr. BARNARD, and Mr. SCHUMER.

H.J. Res. 267: Mr. WILSON.

H.J. Res. 271: Mr. STARK, Mr. DAVIS, Mr. TRAFICANT, Mr. SWINDALL, Mr. COELHO, Mr. STUMP, Mr. BRUCE, Mr. WEBER, Mr. WOLPE, Mr. FUQUA, Mr. DASCHLE, Mr. MOODY, Mr. MILLER of Washington, Mrs. KENNELLY, Mr. HERTEL of Michigan, Mr. MCCLOSKEY, Mr. SUNIA, Mr. DORNAN of California, Mr. PRICE, and Mr. SYNAR.

H.J. Res. 284: Mr. BLILEY, Mr. GROTBERG, Mr. DAUB, Mr. THOMAS of Georgia, and Mr. DASCHLE.

H.J. Res. 287: Mr. ATKINS, Mr. BARTLETT, Mr. BOLAND, Mr. BURTON of Indiana, Mr. CHENEY, Mr. COBLE, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. DUNCAN, Mr. BLILEY, Mr. BARNARD, Mr. BEDELL, Mr. FAUNTROY, Mr. FRANKLIN, Mr. GINGRICH, Mr. GROTBERG, Mr. HAWKINS, Mr. JONES of Tennessee, Mr. KLECZKA, Mr. LENT, Mr. MAVROULES, Mr. MURTHA, Mr. PASHAYAN, Ms. SNOWE, Mr. YOUNG of Florida, Mr. YATRON, Mr. BLAZ, Mr. BILIRAKIS, Mr. HUNTER, Mr. BATEMAN, and Mr. ST GERMAIN.

H.J. Res. 292: Mr. ROSE, Mr. BROYHILL, Mr. ADDABBO, Ms. KAPTUR, and Mr. MANTON.

H.J. Res. 296: Mr. NICHOLS and Mr. HAYES.

H.J. Res. 297: Mr. MONTGOMERY, Mr. CONYERS, Mr. MARTINEZ, Mr. MANTON, Mr. LIGHTFOOT, Ms. SNOWE, Mr. HOWARD, Mr. ANDREWS, Mr. GINGRICH, Mr. FEIGHAN, Mr. GUARINI, Mr. DENNY SMITH, Mr. DANIEL, Mr. CROCKETT, Mr. STAGGERS, Mr. SMITH of Florida, Mr. DERRICK, Mr. WEBER, Mrs. MEYERS OF KANSAS, Mr. HENRY, Mr. OWENS, Mr. BERMAN, Mr. ECKERT of New York, and Mr. MCHUGH.

H.J. Res. 322: Mr. ANDERSON, Mr. ANDREWS, Mr. BLILEY, Mr. BOSCO, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. CHANDLER, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DORGAN of North Dakota, Mr. FOLEY, Mr. FUQUA, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GUARINI, Mr. HATCHER, Mr. HEFNER, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of California, Mr. LUNDINE, Mr. PERKINS, Mr. PRICE, Mr. PURSELL, Mr. TAUKE, Mrs. VUCANOVICH, and Mr. WIRTH.

H.J. Res. 324: Mr. DEWINE and Mr. COBEY.

H.J. Res. 326: Mr. MOORHEAD, Mr. CROCKETT, Mr. SKEEN, Mr. WYLIE, Mr. EVANS of Iowa, Mr. WOLPE, Mr. WEBER, Mr. NIELSON of Utah, Mr. SUNIA, Mr. BROYHILL, Mr. HAMILTON, Mr. AKAKA, Mr. TORRES, Mr. NOWAK, Mr. FOLEY, Mr. BEDELL, Mr. TAUZIN, Mr. COYNE, Mr. RINALDO, Mr. BOEHLERT, Mr. BROWN of Colorado, Mr. COLEMAN of Texas, Mr. BURTON of Indiana, Mr. MILLER of Washington, Mr. STANGELAND, Mr. NELSON of Florida, Mr. MARTIN of New York, Mr. BEREUTER, Mr. EDGAR, and Mr. HUCKABY.

H.J. Res. 333: Mr. MADIGAN, Mr. YOUNG of Florida, Mr. SCHEUER, Mr. COUGHLIN, Mr. SABO, Mr. CONYERS, Mr. BATEMAN, Mr. LUNGREN, Mr. BEDELL, Mr. GUARINI, Mr. BRYANT, Mr. WYDEN, Mr. ROSE, Mr. FISH, Mr. HAYES, Mr. TOWNS, Mr. GRAY of Pennsylvania, Mr. HAMILTON, Mr. BONER of Tennessee, Mr. SKELTON, Mr. MURTHA, Mr. ST GERMAIN, Mr. FLIPPO, Mr. JONES of North Carolina, Mr. SKEEN, Mr. DOWDY of Mississippi, Mr. VENTO, Mr. MOLLOHAN, Mr. GROTBERG, Mr. ERDREICH, Mr. VOLKMER, Mr. DANNEMEYER, Mr. ROWLAND of Georgia, Mr. GALLO, Mr. BARNARD, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. HARTNETT, Mr. DASCHLE, and Mr. DURBIN.

H.J. Res. 336: Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. WALGREN, Mr. WHEAT, Mr. SMITH of Iowa, Mr. FEIGHAN, Mr. MARTINEZ, Mr. FRENZEL, Mr. MINETA, Mr. EDWARDS of California, Mr. YOUNG of Missouri, Mr. WIRTH, Mr. CONTE, Mr. BATES, Mr. WILLIAMS, Mr. KILDEE, Mr. WAXMAN, Mr. SUNIA, Mr. ROYBAL, Mr. WEAVER, Mr. MILLER of California, Mr. O'BRIEN, Mr. AKAKA, Mr. PANETTA, Mr. OBEY, Mr. SKELTON, Mr. DURBIN, Mr. COUGHLIN, Mr. HOYER, Mr. ACKERMAN, Mr. EVANS of Illinois, Mr. FUSTER, Mr. LELAND, Mr. ASPIN, Mr. JEFFORDS, Mr. VENTO, and Mr. OWENS.

H.J. Res. 356: Mrs. BENTLEY, Mr. TOWNS, Mr. PURSELL, Mr. MINETA, and Mr. FEIGHAN.

H. Con. Res. 23: Mr. RICHARDSON.

H. Con. Res. 70: Mr. CONTE.

H. Con. Res. 129: Mr. DANIEL, Mr. ROBERTS, Mr. MACKAY, Mr. BARTLETT, Mr. NIELSON of Utah, Mrs. SMITH of Nebraska, Mr. WORTLEY, and Mr. JONES of Oklahoma.

H. Res. 12: Mr. MARKEY.

H. Res. 188: Mr. THOMAS of Georgia, Mr. ROBINSON, and Mr. MATSUI.

H. Res. 194: Mr. SCHUMER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

202. The SPEAKER presented a petition of the city of Eden Prairie, Hennepin County, MN, relative to the Baha'i community; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2266

By Mr. EVANS of Illinois:

—At the end of the bill, insert the following new section:

SEC. 11. EMPLOYMENT VACANCY FILING.

(a) LIABILITY.—Section 704(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797c(c)) is amended—

(1) by inserting "(1)" after "VACANCY NOTICES.—"; and

(2) by adding at the end a new paragraph as follows:

"(2)(A) As soon as the Board becomes aware of any failure on the part of a railroad to comply with paragraph (1), the Board shall issue a warning to such railroad of its potential liability under subparagraph (B).

"(B) Any railroad failing to comply with paragraph (1) of this subsection after being warned by the Board under subparagraph (A) shall be liable for a civil penalty in the amount of $1,000 for each vacancy with re-

spect to which such railroad has so failed to comply.".

(b) EXTENSION.—Section 704(f) of such Act (45 U.S.C. 797c(f)) is amended by striking out "4-year" and inserting in lieu thereof "6-year".

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act, and the amendment made by subsection (b) shall be effective as of August 1, 1985.

By Mr. FOLEY:

—At the end of the bill insert the following new section:

SEC. 11. RAIL EMPLOYEE TAXES.

Section 11504(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title to an employee who performs his regular assigned duties as such an employee on a railroad in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than a State or subdivision thereof described in paragraph (2) of this subsection.".

H.R. 7,

By Mr. BARTLETT:

—Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. ELIMINATION OF ASSISTANCE FOR NON-NEEDY CHILDREN UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.

(a) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS.—

(1) Section 11(a) of the National School Lunch Act is amended—

(A) in paragraph (2) to read as follows:

"(2)(A) The special assistance factor prescribed by the Secretary for free lunches shall be 132.50 cents. The special assistance factor for reduced-price lunches shall be 40 cents less than the special assistance factor for free lunches.

"(B) A two-cent supplemental payment shall be made for each free and reduced price lunch served in a school food authority which, in school year 1984-1985 received a two-cent supplemental payment under this section for each free and reduced price lunch served in the program.";

(B) in paragraph (3)(A) by—

(i) striking clause (i); and

(ii) redesignating clauses (ii), (iii), and (iv) as (i), (ii), and (iii), respectively.

(2) The first sentence of section 14(f) of the National School Lunch Act is amended by striking "national average payment" and inserting in lieu thereof "special assistance factor".

(3)(A) Section 11 of the National School Lunch Act is amended by striking out the heading and inserting in lieu thereof "APPORTIONMENT TO STATES".

(B) Section 4 of the National School Lunch Act is repealed and section 11 of the National School Lunch Act (as amended by this section) is redesignated as section 4.

(4) Section 6(a)(2) of the National School Lunch Act is amended by striking "section 4 of this Act and the amount appropriated pursuant to sections 11" and inserting in lieu thereof "section 4".

(5) Section 7 of the National School Lunch Act is amended in the first sentence of subsection (a)(1) by striking out "agricultural commodities and other foods" and inserting in lieu thereof "food and providing meals".

(6) Section 4 of the Child Nutrition Act of 1966 is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting in clause (i) "free or at a reduced price" after "breakfasts served";

(ii) in clause (ii) by striking out ", for reduced-price breakfasts, or for breakfasts served to children not eligible for free or reduced-price meals," and inserting in lieu thereof "or for reduced-price breakfasts,"; and

(B) in subsection (b)(1)(B), by striking out the last sentence thereof.

(7) Section 8 of the National School Lunch Act is amended—

(A) in the second sentence by striking out "agricultural commodities and other foods" and inserting in lieu thereof "foods and provide meals";

(B) in the next to the last sentence, by striking out "national average" and inserting "special assistance"; and

(C) in the last sentence, by striking out "section 11" and inserting in lieu thereof "section 4".

(8) Section 4(d) of the National School Lunch Act, (as redesignated by this section) is amended by striking out "including those applicable to funds apportioned or paid pursuant to section 4 but excluding the provisions of section 7 relating to matching,".

(9) Section 12(f) of the National School Lunch Act is amended by striking out "national average payment rates prescribed under sections 4 and 11" and inserting in lieu thereof "payments prescribed under section 4".

(b) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE CHILD CARE FOOD PROGRAM.—

(1) Section 17 of the National School Lunch Act is amended—

(A) by amending subsections (c)(1), (2), and (3) to read as follows:

"(c)(1) For purposes of this section, the payment rate for free lunches and suppers and the payment rate for reduced-price lunches and suppers shall be the same as the payment rates for free lunches and reduced-price lunches under section 4 of this Act (as adjusted pursuant to section 4(a) of this Act).

"(2) For purposes of this section, the payment rate for free breakfasts and the payment rate for reduced-price breakfasts shall be the same as the national average payment rates for free breakfasts and reduced-price breakfasts respectively, under section 4(b) of the Child Nutrition Act of 1966 (adjusted pursuant to section 4(a) of this Act).

"(3) For purposes of this section, the payment rate for free supplements shall be that in effect on September 30, 1985 and the payment rate for reduced-price supplements shall by one-half the rate for free supplements (adjusted pursuant to section 4(a) of this Act).";

(B) in subsection (f)(3)(A) by striking out ", except that reimbursement shall not be provided under this subparagraph for meals or supplements served to the children of a person acting as a family or group day care home provider unless such children" and inserting in lieu thereof ". Reimbursements shall be provided under this subparagraph only for meals and supplements served to children who".

—Page 3, strike out line 17 and all that follows through line 10 on page 4.

—Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. SIMPLIFICATION OF PROGRAM ADMINISTRATION.

The National School Lunch Act is amended by inserting at the end thereof the following new section:

"SIMPLIFICATION OF PROGRAM OPERATIONS

"SEC. 25. The Secretary shall conduct an analysis of program requirements under this Act and the Child Nutrition Act of 1966 to identify program changes that would simplify program operations at the local level. Within one year after the date of the enactment of this Act, the Secretary shall report the results of such analysis, together with any recommendations or proposals for legislation, to the appropriate committees of the Congress.".

—Page 5, after line 22, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 9. ELIMINATION OF 1986 ADJUSTMENT TO REIMBURSEMENT RATES IN THE SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS.

(a) SPECIAL ASSISTANCE.—Section 11(a) of the National School Lunch Act is amended in paragraph (3)(A) by striking out "July 1, 1982" and inserting in lieu thereof "July 1, 1987".

(b) CHILD CARE FOOD PROGRAM.—Section 17 of the National School Lunch Act is amended—

(1) in subsection (f)(3)(A) by striking out "July 1 of each year" and inserting in lieu thereof "July 1, 1987 and each subsequent July 1"; and

(2) in subsection (f)(3)(B), by striking out "July 1 of each year" and inserting "July 1, 1987 and each subsequent July 1".

(c) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(b) of the National School Lunch Act is amended—

(1) in paragraph (1) by striking out "each January 1" and inserting in lieu thereof "on January 1, 1987 and each subsequent January 1"; and

(2) by inserting at the end of paragraph (4)(B) the following sentence: "Such rates should not be adjusted to reflect changes in costs or prices during the period January 1, 1985 through January 1, 1986.".

(d) SCHOOL BREAKFAST PROGRAM AUTHORIZATION.—Section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966 is amended by adding a new sentence at the end thereof as follows: "No such annual adjustment shall be made July 1, 1986.".

EXTENSIONS OF REMARKS

CUYAHOGA VALLEY NATIONAL RECREATION AREA CELEBRATES 10TH ANNIVERSARY

HON. JOHN F. SEIBERLING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. SEIBERLING. Mr. Speaker, the Cuyahoga Valley National Recreation Area [CVNRA] was authorized by Congress in December, 1974 and established as an unit of the National Park System in June, 1975. This past weekend, the CVNRA set aside time to commemorate its 10th anniversary at an event-packed birthday party attended by thousands of its neighbors.

For all the people involved in day-to-day activities of the park, the 10th anniversary was a good time to stop and reflect on just how far we've come in the CVNRA. In fact, work to preserve the unspoiled lands between Akron and Cleveland started in 1962—well before Congress acted—with the founding of the organization which would come to be called the Cuyahoga Valley Association. The association was instrumental in focusing the public's attention on the fast-encroaching urban sprawl and the need to preserve the valley's unique historic, scenic, and natural resources. Without this grassroots support and the vision of such tireless supporter as the late Jim Jackson, we might not have been able to establish this park.

In 1975, the late Bill Birdsell, the first superintendent of the CVNRA, was faced with the enormous challenge of physically piecing a park together where only a handful of the lands destined for Federal ownership were owned by the Park Service. Now, 10 years later, most of the land needed for visitor purposes has been acquired, and the CVNRA is moving forward in other important directions under the leadership of its present superintendent, Lewis Albert. Superintendent Albert has been responsible for the explosion in visitation and development activities in the park since he assumed his position in 1980. Through initiatives including start-up construction of a comprehensive trail system; and program of leasing of historic structures, many of which will be open to the public; and excellent interpretative programs such as the National Folk Festival, and CVNRA is reaching out to ever-increasing numbers of visitors who can enjoy the many, varied recreational opportunities available. In 1984, well over 1 million visitors came to the CVNRA. With the continued assistance of Congressman RALPH REGULA, who with our former colleague, Charles Varrik, was an original author of the CVNRA legislation, the next 10 years will certainly see continued development of the CVNRA resources and further increases in visitation by people throughout Ohio and beyond.

One of the best reviews of the first 10 years of the CVNRA was an article by Sue Klein appearing in the Bath Country Journal. The writer was long associated with the Cuyahoga Valley Association and provides an excellent perspective on the progress made so far and many of the people, in addition to those I mentioned above, who have made it all possible. Mr. Speaker, I ask that the article be printed in its entirety in the RECORD:

PROGRESS IN THE CVNRA IN 10 YEARS? IT'S BEGINNING TO SHOW!

It's been 10 years since the first Superintendent, Bill Birdsell set up shop on Rt. 303 in an old home. Those first months he had no staff, no budget and no land. He mowed his own lawn, washed his own windows and borrowed a card table and chair from the Holiday Inn. His first title was actually "project manager".

In comparison, today there are 23 rangers, a maintenance staff of 30, 17 interpretive staff and with many other personnel, the total number of employees is 87. Today's C.V.N.R.A. has an operating budget of close to $3 million. 80 percent of the 19,000 acrea scheduled for federal protection has been accomplished. 14,746 has been acquired for a total cost of $85,179,500.

But what real changes have occurred down in the Valley as a result of the C.V.N.R.A.? The list goes on ad infinitum. But a sampling of a few projects gives one a feeling for the complexity of creating a park in urban, industrial northeast Ohio.

FIRST THE GROUNDWORK WAS LAID

Much research and cataloging, structure removal and restoration of environmentally damaged areas was needed. Mapping and planning had to be done before new tangible development open to the public could be accomplished.

Under research, inventories and studies were done in such areas as oil and gas wells on park lands, park animals, erosion and siltation, historic structures reports, archeological surveys, 100 oral histories and more.

Environmental restoration efforts have taken many directions. 500 structures were removed from the C.V.N.R.A. Many were removed intact or as salvage by private citizens. For example, the Auto Auction Yard on Station Road was removed from beneath the Rt. 82 bridge. Approximatley 1,000,000 tires were removed from a dump on the floodplains of the river. Acquisition and removal of a garage and dump site resulted in restoration of the area to a natural condition as a beaver marsh.

Maps of soils limitations, utilities and watersheds, (to name a few) had to be produced.

Major "plans" had to be researched and completed including a General Management Plan, a Transportation Plan, a Land Protections Plan, a Pond Management Plan (there are 100 ponds in the C.V.N.R.A.) along with plans for each of the many individual projects within the park.

NEW DEVELOPMENT AND NEW PROGRAMS

Since 1979 the park has offered interpretive and visitor services. This staff, now numbering 17, staffs the 2 visitor centers (Canal Road in the north and Happy Days Visitor Center on Rt. 303) and conducts the interpretive programs. The visitor centers offer many books and educational material relating to the park.

A look at their list of year round interpretive programs reveals a full schedule catering to many interests (stars, plants, animals, other parks, recreational activities, etc.). Weekends sometimes have as many as 10 programs scheduled!

In addition many special events like the Folk Festival have been a part of the yearly program.

The historical restoration and the development and construction of visitor use facilities have just begun. Major work has been done at Virginia Kendall (which the state of Ohio gave to the C.V.N.R.A.), the Jaite Headquarters, Oak Hill Day Use Area, the Stanford Farm, the Earthlore Environmental Education Campus and the lock tender's house on the canal.

Jaite is the historic company town now being used as park headquarters. Oak Hill is an area on Oak Hill Road with lakes for fishing and hiking. The Stanford house is an historic structure that will be opened soon as a youth hostel. Earthlore is made up of three environmental centers on Oak Hill Road. Besides the educational opportunities, there are overnight facilities available to students. The historically significant lock tender's house will soon serve as a canal museum and the visitor's center for the north end.

Historic preservation is an important part of the park's development. Of the 250 structures identified as potentials for the National Register of Historic Places, 75 are now owned by the park. Because the park can't use and restore all of these historically significant structures, an Historic Leasing Program has begun. Bed-and-breakfasts, a youth hostel (these two buildings are ready now) and some other private ventures compatible with the goals of the park will use these historic buildings in the very near future.

Over the past 10 years the development of a volunteer program has been a major accomplishment. Many citizens have given volunteer hours to the park. Last year alone, 507 V.I.P.'s (Volunteers in the Park) gave time. Of these, 150 volunteer their time on a long term basis.

One of the most recent park additions is the many signs that identify the park's boundaries along the access road. People are now more aware than ever of the fact that there really is a park down there.

Near and dear to the hearts of many locals is the Everett Road Covered Bridge. Work began on its restoration (for non-motorized traffic only) in July. Along with the bridge, major restoration and stabilization is now being done on the village of Everett (corner of Everett and Riverview). This will be used as an artist colony in the near future. Brandywine Falls is the newest point

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.
Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of interest. It just recently opened to the public for viewing, hiking and picnicking.

The C.V.N.R.A. has come along way since Bill Birdsell set up shop with a borrowed card table 10 years ago. The park administrative officers in the historic Jaite village with its full staff and computers is but one example of progress.

Park Superintendent, Lewis Albert, says:

"Now that many of the behind-the-scene things have been completed in the first ten years, the park's second decade should see much more actual physical development—including natural and historic resource preservation, as well as visitor use developments for recreation and education. We are very confident and excited about the C.V.N.R.A. in the next 10 years."

CALIFORNIA SUPREME COURT RULES FOR CONSUMERS—BLOCKS UNFAIR BAD CHECK FEES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Ms. OAKAR. Mr. Speaker, the California Supreme Court ruled recently that States retain the power to stop national banks from charging unconscionable rates for bad checks.

In expressing the court's decision, Justice Allen Broussard said banks are bound by a duty of good faith and fair dealing in setting their fees. The court's ruling, based on a 1979 California statute dealing with unconscionable provisions in a contract, has important implications for banks, other States, and the Comptroller of the Currency.

In 1983, former comptroller of the currency C.T. Conover issued a ruling shortly before presentation of arguments in the California suit against Crocker National Bank stating that national banks can set whatever fees they choose irrespective of State provisions to the contrary. This clearly anticonsumer ruling by the Comptroller was unanimously rejected by the California Supreme Court.

Absent action at the Federal level, some States are moving forward with progressive legislation to make banking responsive to consumer's needs. At issue is whether Federal regulators will allow national banks, chartered by the Federal Government, to ignore proconsumer State statutes.

In recent years, fees charged by banks and other depository institutions for bad checks and basic banking services have generally risen dramatically. In a growing number of cases, the charges exceed processing cost to the point where they are punitive beyond reason.

To ensure that basic banking services are available to all consumers, I have introduced the Financial Services Access Act (H.R. 2011) to create limited transaction, service free accounts.

The decision by the California Supreme Court is an important victory for consumers, but it should not end there. The comptroller of the Currency, as the regulator of national banks, should close regulatory loopholes that allow national banks to circumvent State statutes to the detriment of consumers or work with Congress to enact strong proconsumer legislation to cover the pricing practices of national banks.

A REPORT ON SOVIET JEWRY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FEIGHAN. Mr. Speaker, last month, my colleague and friend from Michigan [Mr. LEVIN] and I traveled to the Soviet Union to meet with Soviet refusenik families in Moscow and Leningrad. Our trip, which was sponsored by the Union of Councils for Soviet Jews, was an enlightening and enriching experience, and I will not soon forget the many courageous men, women, and children that we were able to meet.

This afternoon, the Subcommittee on Europe and the Middle East and the Subcommittee on Human Rights and International Organizations held a joint subcommittee hearing on religious persecution in the Soviet Union. As a member of both subcommittees, I was delighted that we were able to devote ourselves to this important subject which influences so many lives in the Soviet Union and, indeed, throughout the world.

I insert my remarks for the hearing in the RECORD following my statement:

REMARKS OF CONGRESSMAN EDWARD F. FEIGHAN

Mr. Chairman: I want to commend the Subcommittees for scheduling hearings on the important subject of religious persecution in the Soviet Union. Today's hearing will help call attention to the plight of hundreds of thousands of Jews living in the Soviet Union who are denied basic human rights, including the right to worship and exercise their religious and cultural traditions. In future hearings, I hope the subcommittees will have an opportunity to examine the Soviet Union's policies against other religions and their members. The persecution of Baptists, Adventists, Jehovah's Witnesses and Orthodox and Roman Catholics is not only widespread, but in many cases is justified in the Soviet constitution and the penal code. The abuses have been well documented by human rights organizations here in America and throughout Western Europe. The incidents have ranged from defamation in the press with no right to reply, to discrimination in employment, housing, education and public life based solely on the religious beliefs expressed by Soviet citizens. These hearings provide an important forum for the dissemination of the information we have on religious persecution in the U.S.S.R. and will, I hope, send a clear message to Soviet Authorities, some of whom we may suppose are in this hearing room at this moment, that the House of Representatives intends to speak clearly and consistently for those Soviet citizens who are denied religious freedom and basic human rights.

Mr. Chairman, during the month of August, I travelled to the Soviet Union with my colleague Mr. Levin to meet and talk with Soviet dissidents and refusenik families. Our trip was sponsored by the Union of Councils for Soviet Jews, and I am particularly pleased that the Union's president, Morey Shapira, is scheduled today as a witness. He and his organization are making a real contribution in the effort to free Soviet Jewry and bring about a change in the Soviet Union's policies of religious repression.

My trip to the Soviet Union was the first visit I have made behind the Iron Curtain, and I cannot adequately express how moved I was by the experience. Of course, during my stay in Moscow and Leningrad, Congressman Levin and I, and our wives, had an opportunity to see the famous sights that are an important part of any trip overseas. We walked through Red Square and saw Lenin's tomb. We visited the War Memorials and passed through the Winter Palace. We admired paintings in the Hermitage and marveled at a Russian opera company.

Yet the most emotional moments of our stay in the Soviet Union did not occur in the hallways of a palace or within the great open space of an opera house. The most emotional moments, the moments that have produced memories that I will remember throughout my life, came in private homes, humble homes, of Soviet citizens who welcomed us in and shared what little they had in a spirit of warm hospitality. The courage and determination of Natasha Khasin, Lev Bronshtein, Lev and Elizaveta Shapiro, and many other refuseniks, were the highlight that I will long cherish. These brave people, who have suffered enormous hardships because of their beliefs, gave us their time, their thoughts, and their hopes. They long to leave the oppression of the Soviet Union, to live in their homeland of Israel, to be near the family and friends who have already gone.

For Jews in the Soviet Union, 1985 is a year of harsh oppression, consisting of increased violence, harassment and a renewed campaign of officially sanctioned anti-Semitism. In addition, the small trickle of emigration from the U.S.S.R. has become even smaller; emigration has reached its lowest point in over a decade. In 1984, only 896 Soviet Jews were allowed to leave, compared with over 51,000 only five years ago. More than 400,000 have received letters of invitation from Israel, in accordance with regulations designed by the Soviet bureaucracy to discourage emigration. Yet the Soviet government would have us believe that all Jews who wish to emigrate have already left.

Life for Soviet refuseniks consists of severe economic and social hardship. To file for emigration often means the loss of one's job, one's friends, and often the hope of a quality education for one's children. In many cases, examples of vilification in the media and by public officials add to the difficulties faced by those who seek to leave the Soviet Union. One refusenik I met, Lev Shapiro, was the victim of a clearly orchestrated campaign of public harassment in May of 1970, when a Leningrad newspaper specifically targeted him for slanderous attacks.

The situation in the Soviet Union for all Jews is tenuous. In the last year, as members of the subcommittees are aware, the Soviet government has stepped up its continuing campaign to eliminate the persistence of Jewish culture from Soviet society. Several teachers of Hebrew have been arrested, prosecuted and jailed, often on trumped-up charges linking the use of drugs

in religious rituals. These are not isolated incidents. They are a blatant attempt by the authorities to eliminate Jewish consciousness and distance Soviet Jews from their fellowship with world Jewry.

Another related example for this orchestrated attempt to violate the human rights of all Soviet Jews was the broadcast, less than a year ago, of a show called "Hirelings and Accomplices," over Leningrad television. The show suggested that Soviet Jews seeking to live in Israel or in the West are in some way related to an international anti-Soviet conspiracy. The program argued that Soviet Jews were being used as "pawns" in a plot inspired by "capitalists" in the West, and that many Soviet Jews are, in fact, traitors to the Soviet state. That charge, in effect, places many Soviet Jews in the category of capital criminals, subject to the death penalty solely for desiring to maintain their religious and cultural identity and to teach their children of their rich heritage.

In the face of such abuses, the Soviet refuseniks continue to persevere. The sense of dedication, the commitment to hope, the resolute optimism of so many of the people I met during my brief stay in Moscow and Leningrad came as something of a surprise. For many of them, life is trying and difficult. Yet, they refuse to give up hope, hope that one day the Soviet government will end its repressions and obey the Scriptural command to "undo the heavy burdens, and let the oppressed go free."

Those of us in the West, who have the freedoms that so many in the Soviet Union long for, have an obligation to maintain our efforts to secure their rights. The Soviet government must know that their policies are seen and they are opposed. We need to pursue every avenue possible to increase emigration and liberalize Soviet barriers to worship. We need to take every opportunity to speak to the real issue of respect for basic human rights within the Soviet Union. We need to continue to offer hope and assistance to those who suffer and are denied the opportunity to live and to worship in the land of their choice.

The Soviet refuseniks represent the power of individual courage in the face of unsurmountable obstacles. Their vision, strength and dedication are an inspiration to all who struggle against enormous odds anywhere on earth. I know that many members of the House participate in efforts to secure the release of refusenik families throughout the Soviet Union. Through statements on the floor and letters to Soviet officials, members have let their commitment be known. The refuseniks I met and spoke with were unanimous in their appreciation of these efforts, and they strongly supported continuation of them. They see us as a source of strength for them, their knowledge that we have not forgotten them sustains them in their struggle and comforts them in the hours of despair. While few believed that the new leadership in the Kremlin would be any different than the hard-line leadership in the past, many expressed a sense of optimism that some positive change might come about as a result of the coming summit meeting in Geneva. I know that all of us share in that hope.

Next week, millions of Jews throughout the world will celebrate the holiday of Rosh Hashanah, the beginning of a new year. Yet, Jews in the Soviet Union who celebrate the holiday will do so with the knowledge that the Hebrew they use is regarded as subversive and the faith they express may cost what little freedoms they currently enjoy. These hearings today can make a substantial contribution to a greater understanding of the difficulties faced by refusenik families in the U.S.S.R. One can only hope that the years of struggle and sacrifice that they have endured will soon come to an end.

When first applying for exit permits, the dream of thousands of Soviet refuseniks was Bashanah Habaah B'Yirushalayim, "Next year in Jerusalem." Today, their supporters and friends in the West, with continued concern for their safety and security, pray with them, Bashanah Hazot B'Yirushalayim, "This year in Jerusalem."

FAMILY STRESS AND THE FARM CRISIS

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. WEBER. Mr. Speaker, as we discuss farm policy, it is important to look both at general trends and at the experience of individual farmers. We have to keep in mind the people affected by the policies we enact. A delegation of farmers from Minnesota recently visited my office, telling how low prices were devastating their farming operations. They were witnesses to the high price we will pay, in human terms, if we do not drastically change our current farm policy.

One member of that delegation, Bill Spiczka, left me an essay that his daughter, Kim, had written. Kim is a sophmore at Foley High School in Foley, MN. Her essay on family stress and the farm crisis won first prize in the Minnesota Farm Crisis Essay Contest. I would urge my colleagues to review this thoughtful piece.

FAMILY STRESS AND THE FARM CRISIS

(By Kim Spiczka)

The reports throughout the past few years of the depressed farm economy do not go unnoticed by farmers, especially not family farmers, who seem to be the ones most affected by it. This has affected me personally, as well as my parents. I can also see the adverse effect it has had on farm communities. I'd like to share my views on those topics with you.

Farm stress has had a lot of effect on my relationship with my friends. When my friends ask me to go out for a hamburger, fries and a soda, and I have to turn them down for lack of money, I feel inferior to them. When we go shopping, my friends head straight for the cash register, and all I can do is window shop. Somehow I question why I, a dedicated farm girl, should feel inferior to my peers because my parents have chosen to be stewards of the land.

Because of the frustration caused by farm stress, my relationships with my friends suffer. I, along with my parents, am stressed when the milk check won't cover the machinery repairs, the electricity bill, and insurance costs, let alone provide for what we farm kids term luxuries: a new pair of jeans or dinner at a restaurant. I get depressed after a days work of milking cows, baling hay, and fixing fence. I ask myself, "Why? What did I do it for? Did I really make any money for the family? When farm income is so low, will this make any difference?"

Our family works hard together, laughs and cries with one another, and prays alike that God will protect his stewards. We also share the stress most family farmers are experiencing today. I can see how this causes a problem for my mom because she has the added stress of being a wife, mother, housewife and a family farmer alongside my dad. I am the oldest child at home, and I do a lot of work on the farm, but so does my mom! I read of a study by the Cornell University in New York, which found that when things are going well on the farm, the marital satisfaction is higher than in marriages off the farm. However, when pressures mount and stress rises, more problems are caused for married farm women than for those married women who don't live on the farm. The study pointed out that the biggest factor of stress for farm women is role conflict in having to play all the roles the farm woman has to play. Also, in the May/June edition of Fertilizer Progress, stress is said to be caused by worry, anger, frustration and fatigue. These all are things faced by my parents all the time on the farm. Not only that, the article went on to explain that when stress is increased, the bodies immunity to diseases is much lower, making farmers more susceptible to disease. Also pointed out in the article, the major cause of heart disease is emotional stress. High-fat diets were named as the second biggest factor in the cause of heart disease, and in the article on stress, most people under stress eat more, increasing their fat and cholesterol intake. What the farmers do have going for them as far as heart disease is that only 19 percent of them smoke, as compared with 44 percent of other people, and this is the third leading cause for the disease that kills 740,000 people a year. This is a clear indication on how stress does, and can, affect farmers.

Along with farmers, communities have suffered greatly because of the depressed farm economy. We all know that farmers, just the same as other people, deserve the finer things in life. The only difference is they can't afford them! When farmers can't support the business community, which depends on the farmer's business, the community does not make money. This causes small businesses to close, and then larger businesses to shut down. The January 13th news broadcast on WCCO television station in Minneapolis reported that in ten years from now, we will lose one-third of all farms, taking with them one-half of the banks, and 600 small towns in Minnesota alone. According to Minnesota State Representative Steve Wenzel, 17 families per day in Minnesota go under. The national figure is more alarming at 250 farms closing down every day.

As a direct response to the stress problems faced by farmers, people have begun programs like "Project Support," a service of the University of Minnesota Agricultural Extension department. Programs such as this one offer farmers and their families free counseling on stress management. This only goes to show that the problem has reached alarming heights.

In portraying how one farm family has been affected, and how the farm community is affected, I hope to have enlightened others as to the effect stress does, and will undoubtedly continue to have, on farm families and the farming communities.

A NEW ACTIVISM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BROWN of California. Mr. Speaker, today an event is occurring which gives hope to those of us who have tried to reconcile the ideals of participatory democracy with the realities of the trench warfare of legislative deliberation. Being released today is preliminary agreement in principle between the environmental community and part of the agricultural chemical industry on changes to the Pesticide Regulatory Program authorized under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]. The agreement was reached after months of negotiations between representatives of environmental, consumer, and labor groups and representatives of major agricultural chemical companies.

In reaching this agreement, the two sides have overcome stalemate with statesmanship. FIFRA is a complex statute, and pesticides are an emotional area of public concern, leading to a legislative logjam in which each side has been able to block the other. But each side loses in this situation: The environmental community fails to gain the increased protection that it seeks, and the agricultural chemical industry sees a frustrated public turn to State legislatures and the courts to seek redress. The negotiations have returned the solution of this issue to Congress with brightened prospects for action in the 99th Congress.

This nascent agreement is not perfect, and it is still in a conceptual stage. It does not include all of the nettlesome issues on FIFRA which have plagued us since 1978, the last time we enacted major amendments to the act. Numerous interest groups have not been involved in this process and may have problems with some of the points of this agreement.

All of us must exercise caution in either praising too loudly or condemning prematurely the terms of this agreement, lest it fall apart. In this negotiating process there is a glimmer of hope for the ultimate solution to this and other protracted legislative struggles. It is the process which is as important as the eventual product. I know of no other area where negotiations such as these have occurred, and the participants, who have labored long and hard, are to be congratulated.

We need to encourage this new example of responsible activism. We need to support other efforts, such as the Environmental Protection Agency's initiatives to develop regulations through negotiations. We need to encourage the spread of this enlightened approach to other areas of legislation.

In conclusion, I would like to insert an excerpt of a recent speech given by Mr. Louis Fernandez, chairman of the board for Monsanto. He more eloquently makes the case for this process than I can.

[From the Chemical and Engineering News, Sept. 2, 1985]

ACTIVISM

(Louis Fernandez is chairman of the board of Monsanto. He spoke earlier this summer before the National Petroleum Refiners Association. The following are excerpts from his text)

When a business person such as myself sends a message to government these days, it is usually a variation on the theme, "get off our backs." While there is a certain satisfaction in taking that position, I fear that we in business no longer have that luxury. Government already is involved in how we run our affairs, and that involvement will not, and perhaps should not, go away.

The question has long ceased being whether government will be involved, but how that involvement will manifest itself. One answer to the "how" question is by people in government adopting an "activist" legislative and regulatory role. The business community must then follow suit by actively supporting those efforts.

All of us in society can benefit from a government that actively and creatively encourages cooperation and builds consensus among the diverse groups it serves. An activist government seeks out, listens seriously to, and considers the positions of all interested parties as a matter of basic operating procedure. It doesn't wait for a concern to erupt into a crisis before taking action.

Most important, an activist government believes that, behind the masks we all wear proclaiming our allegiances, be they business or environmental or government or whatever, are people who share fundamental values and goals for our country and our world. The most important thing an activist government can do is modify the current rigid and cumbersome regulatory and legislative structure under which we all suffer, and for which we all must share the blame.

If the public must react to a fait accompli, whether before a Congressional committee or regulatory review board, one cannot help but be negative. It is unreasonable to think that any outside party would agree entirely with a proposal unless it was the author. Something interesting happens, however, when the public gets to discuss an issue prior to the formulation of policy. Participation becomes positive. We can make suggestions, we can review and discuss various points of view, and we can agree to compromises that will be reflected in the final bill or regulation.

The Environmental Protection Agency has been experimenting with this activist approach: bringing interested parties into the process early, and it deserves credit—and support. We in industry, environmental, and consumer groups benefit because EPA better understands our points of view. EPA benefits because it can exploit our expertise.

My proposal for an activist government is not something I offer lightly, but, over the past two years, I have seen the cooperative approach to solving environmental problems work. I believe in the process. I also believe that our society has already paid the price of seemingly never-ending confrontation, and that it is time to find a better way.

For government, an activist approach offers the opportunity to anticipate and respond to issues before they become controversies. For the business community, an activist approach may result in laws and regulations that are more practical, and more tied to fact and science rather than emotion. We may even see fewer regulations that constrain our ability to conduct business but offer little benefit to society.

For the public, an activist approach by their government may help restore faith in that very large federal institution that so affects our lives. When government acts in ways that reflect the opinions of its constituents, then it is truly fulfilling the obligations it has assumed.

MR. JOSEPH R. BOLKER'S THOUGHTS ON SECOND HOME MORTGAGE INTEREST DEDUCTIONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. ANDERSON. Mr. Speaker, recently I received correspondence from Mr. Joseph R. Bolker, president of Brighton International in Los Angeles, which discusses that section of the President's tax reform plan—that is, Treasury II—relating to mortgage interest deductions on second homes.

Mr. Bolker, who is one of California's most respected and successful builders/real estate developers, makes, what I believe, a well thought out argument on why the President's plan could be a serious blow to the economy. Mr. Bolker points out that by simply having this proposal on the table, a construction slowdown has already occurred in many southern California communities and should it ever become law, we could expect the middle class to be hit the hardest and the Tax Code to become even more complex.

The text of Mr. Bolker's letter follows. I urge my colleagues to review it.

BRIGHTON INTERNATIONAL
DEVELOPMENT CORP.,
Los Angeles, CA, August 27, 1985.

Re: Second home interest deduction proposal.

Congressman GLENN M. ANDERSON,
32 District, Long Beach Boulevard, Long Beach, CA

DEAR GLENN: As a builder/developer, my experience dictates that the provisions of the above stated proposal under the President's tax plan will seriously impair second home construction and the service economies associated with it. Just from having the proposal on the table, I have witnessed a slowdown in our area.

This proposal is unfair and unsound economically. The typical second home purchaser is a middle class family, not the ultrarich, as some might think. The propsal in reality, benefits the rich and throws the burden on the middle class individuals who as a practice must borrow to make major purchases. The wealthy will merely continue to write off against extensive investment income and effectively avoid any limitation.

In addition to being unfair and furthering complexity, limiting the tax deduction does not make economic sense. Second homes are a major component of the economic base for many of our resort communities. In my estimation, this provision will harm those communities and put people out of work for no real gain in tax reform.

I hope that you will pay close attention to this portion of the President's tax package

and fight for the deletion of second home mortgage interest limits in future legislation. Thank you for your attention to my comments.

Sincerely,

JOSEPH R. BOLKER,
President.

NATIONAL CHILD SAFETY WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Ms. OAKAR. Mr. Speaker, this week is National Child Safety Week. We have our colleague, Representative LEWIS, to thank for introducing this legislation and guiding it through the Congress.

As legislators, we are all aware of the need to heighten awareness to the problem of inadequate child safety. We must see to it that our constituencies are aware of how they can actively reduce the numbers of children which disappear from their homes every year. Americans must know how to promote child safety and how to look for signs that a child is existing in an unsafe environment.

Although much progress has been made in recent years in bringing the incidence of runaways, abused children and the problems of child safety generally to the attention of the American public, it is essential that we do everything possible to encourage the growing momentum toward improving the safety of every child in this country.

Again, I commend Representative LEWIS for his introduction of this resolution and I look forward to this week being a productive one in educating the American people in this critical area.

BINARY NERVE GAS WEAPONS AND THE DANGER OF PROLIFERATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FASCELL. Mr. Speaker, binary nerve gas weapons increase the risk of chemical weapons proliferation and the risk of their use by terrorists. This has been one of the main reasons why Congress has turned down the Reagan administration's request to produce this new generation of lethal chemical weapons in each of the past 3 years. A decision now to modernize our chemical arsenal with this new generation of binary nerve gas weapons would undermine many of the military, technical, political, psychological, and moral constraints which have inhibited proliferation.

In 1984 I requested a Congressional Research Service [CRS] study which exposed the adverse proliferation implications of producing binary chemical weapons. The CRS study also underlined the urgency of pursuing a comprehensive and verifiable world ban on new chemical weapon production. The study led me to conclude that the United States should be working hard to secure such a ban rather than breaking our own moratorium on production and launching a new generation of chemical weapons.

The CRS study identifies a number of technical features about binary weapons that would increase the likelihood of chemical weapons proliferation in other countries. These technical features include: First, binary chemical weapons are technically easier to produce than current unitary chemical weapons; second, the production of binary weapons require lower investments of capital, skilled, labor, and expertise than current unitary chemical weapons; and third, the raw materials needed to produce binary weapons are commercially available throughout the world.

Finally, as to the potential use of chemical weapons by terrorists, the CRS study observes that this frightening possibility would be encouraged by a U.S. decision to produce binary weapons. The report stated that:

A move by the U.S. or any other state to produce, stockpile and deploy binary nerve gas weapons . . . would probably reduce the political and motivational factors inhibiting a terrorist decision to seek such weapons . . . In a world in which unitary or binary chemical weapons become integral components of states' military programs, the risks of chemical terrorism could be expected to increase.

A recent article by Don Oberdorfer in the Washington Post on September 9, 1985, mentions the CRS study and points to a number of troubling proliferation developments. I want to share this article with my colleagues since I think it sketches accurately many of the proliferation risks associated with chemical weapons. I also hope that my colleagues will conclude as I have that funding production of new binary nerve gas weapons is extremely inadvisable particularly because of the new risks of chemical weapons proliferation that binary weapons present. The article follows:

[From the Washington Post, Sept. 9, 1985]

CHEMICAL ARMS CURBS ARE SOUGHT—OFFICIALS ALARMED BY INCREASING USE OF BANNED WEAPONS

(By Don Oberdorfer)

The dirty yellow cloud of poisonous gas has supplanted the atom's mushroom cloud as a symbol of the most pressing proliferation danger facing the world, in the view of government officials from the United States and several other countries.

While no nation has joined the A-bomb club since India conducted a nuclear test in 1974, the deadly chemicals known as "the poor man's atomic bomb" have been repeatedly used in warfare in the 1980s, and in ways that experts fear may promote their further use.

In an effort to stem the tide, officials and chemical specialists from the United States and chemically advanced Western European and Asian countries held an unpublicized meeting for several days last week in Brussels, under the leadership of Australia, to discuss ways to prevent the production and use of chemical weapons from spreading to additional countries. This was the second meeting since June of this group, whose existence is so sensitive with some governments that it has not been given a name.

Secretary of State George P. Shultz said earlier this year that the United States thinks that at least 13 nations have chemical weapons, compared with five in 1963, and that additional nations are trying to get them.

"The sad fact," Shultz said, "is that a half century of widely accepted international restraint on the use or development of chemical weapons is in danger of breaking down."

Other U.S. officials have said that at least 15 countries belong to the "chemical weapons club."

"Proliferation is an enormous problem," said a senior State Department official who has been deeply involved in low-key U.S. efforts to limit them. "I'm afraid that the number [of chemical weapons nations] could double in the next decade."

Since Iraq used mustard gas and nerve gas against Iranian troops in early 1984 and again this year, concern has mounted, generating U.S. interagency studies, chemical-export controls and unpublicized international meetings with American allies to consider joint actions.

The most acute worry is that a future Iranian offensive will trigger another Iraqi poison gas attack and that, in retaliation, major Iranian gas attacks will be launched on the battlefield or against civilian targets. Such an exchange would be the first time since World War I that both sides have used chemical weapons in a war.

Officials are also concerned that if Iran uses chemical weapons it might also supply poison gas to terrorist groups.

Recent U.S. and international discussions have covered such items as restricting shipments of "precursor chemicals" that could be used in chemical weapons and creating "trigger lists" of chemicals whose acquisition should set off alarms in world capitals. The antiproliferation program in the chemical-weapons field is in its infancy, however, compared with the extensive international drive to halt the spread of nuclear weapons.

"Unless we in the West and others get our act together soon to stop the spread of chemical weapons, we will pass up a good opportunity," said Kenneth L. Adelman, director of the Arms Control and Disarmament Agency. "We can possibly nip this looming threat early, before chemical weapons become as commonplace as hand grenades in Third World armies."

Prof. Joseph Nye of Harvard University, who served from 1977 to 1979 as the key U.S. negotiator in creating a "suppliers' group" of advanced nations working together against nuclear weapons proliferation, said that the drive against chemical weapons is "not even as far along" and that it faces considerably more difficult problems.

Nye said it is more difficult to obtain a broad political consensus against chemical weapons, which lack the "species threatening" dimension of atomic weapons. For example, the Soviet Union, which has cooperated in the effort to control nuclear-weapons proliferation, is considered a big part of the problem in the proliferation of chemical weapons.

Moreover, chemical weapons are much easier to manufacture—and thus more difficult to control—than nuclear weapons.

Particularly worrisome, Nye said, are growing programs here and in the Soviet Union to investigate bioengineering, especially the creation of potent new biological substances, as a weapon of war.

The fields of chemical and biological warfare are governed by separate international agreements, but are closely related. The distinction is that biological weapons are living organisms, while chemical weapons are not. Falling in a middle ground are toxins such as "yellow rain," described by the United States as a chemical byproduct of biological processes.

Mounting concern about the spread of chemical weapons in Third World nations comes as a 40-nation conference in Geneva continues to work on a new worldwide chemical weapons ban, without notable success, and as the United States appears about to resume production of nerve gas for its chemical-weapons stockpiles.

Production was halted by President Richard M. Nixon in 1969, but the Reagan administration has waged a three-year battle to restart it.

After a major fight, a House-Senate conference committee authorized resumption of poison-gas production in July, and an appropriation to supply the money is pending on Capitol Hill.

Resumed U.S. production of chemical weapons "could well promote proliferation" by other nations, said a 1984 study by the Congressional Research Service, "but if it does, it will be one factor among many doing so."

The extensive use of gas warfare in World War I generated worldwide revulsion that led to the Geneva Protocol of 1925 outlawing the use of chemical and bacteriological weapons. The protocol, signed by 106 nations, does not outlaw the development or possession of such weapons, only their use. Nonetheless, it eased fears about the weapons for most of the years since.

The Japanese reportedly used gas in Manchuria. And the Italians were said to have used it in Ethiopia in World War II. Egypt is thought to have used mustard gas against Yemen in 1963 and 1967. These attacks against unprotected troops or populations were limited in their international impact, however.

Chemical warfare drifted back into the headlines in September 1981, when the Reagan administration charged the Soviet Union with using poisonous "mycotoxins"—popularly known as "yellow rain"—in southeast Asia. Later the administration charged the Soviets with supplying traditional chemical weapons and "yellow rain" toxins that were used in Afghanistan as well as Laos and Cambodia.

The "yellow rain" charges were and are disputed by a number of private scientists, but the administration continues to reaffirm them. Last month, the State Department said that after "extensive review and analysis by independent authorities in the field as well as government experts . . . our conclusions stand. Chemical and toxin weapons have been used in southeast Asia and Afghanistan."

U.S. officials said, however, that reports suggest that use of chemical weapons and "yellow rain" in those areas has greatly diminished or stopped in the past year or two.

Whatever doubt still exists about "yellow rain," there is little doubt about Iraq's use of chemical weapons against Iranian ground troops in February to April 1984, and again this spring. In both cases, U.N. reports and other independent studies backed up the charges, and Iranian soldiers suffering from poison-gas attacks were treated at hospitals in Western Europe.

"Iraq has gotten away with the use of chemical weapons with minor costs," said Brad Roberts, an expert at the Georgetown Center for Strategic and International Studies. He said this is likely to spur the acquisition and use of poison gas by other countries because "Third World defense planners can see that Iraq turned back a major offensive by Iran with chemical weapons" but hasn't seemed to suffer for it.

Iran has threatened to retaliate in kind. And on April 24, the State Department said Iran "has been seeking to develop a chemical-weapons capability and may now be in a position to use such a weapon." Late last month, a U.S. official familiar with the intelligence said, "Iran has the capability" to use chemical weapons. A few limited chemical attacks attributed to Iranian forces in the past, he said, apparently relied on Iraqi chemical shells captured on the battlefield.

Because chemical-warfare capabilities are shrouded in secrecy and nations rarely admit that they possess such weapons, clear-cut, well-confirmed facts are rare.

A February 1985 report in Chemical and Engineering News, which is said to reflect official information, listed four countries as confirmed possessors of chemical weapons: the United States, Soviet Union, France and Iraq.

Eleven other countries were listed as those "alleged to possess" chemical weapons: Egypt, Syria, Libya, Israel, Ethiopia, Thailand, Burma, China, Taiwan, North Korea and Vietnam.

A September 1983 U.S. intelligence estimate from CIA and other sources, first made public by Jack Anderson and Dale Van Atta in August 1984, gave these details:

Egypt received Soviet chemical-weapons training, indoctrination and materiel in the 1960s while it was the major Soviet client in the Middle East.

Syria has "probably the most advanced chemical-warfare capability in the Arab world" with the possible exception of Egypt. As of 1983 no Syrian production facility had been identified and there was "no need" in view of chemical agents and delivery systems reportedly flowing from the Soviet Union and Czechoslovakia.

Libya met with "little success" in obtaining chemical weapons plants from Eastern or Western Europe but may possess lethal chemical agents for "experimental purposes."

Israel undertook a chemical-weapons program after capturing large amounts of Soviet-supplied equipment from its Arab foes in the 1967 and 1973 wars. Israel is thought to have "at least" nerve gas, mustard gas and riot control agents with "suitable delivery systems" and to have tested its weapons as early as 1976.

Ethiopia acquired "chemical agents, munitions and decontamination equipment" from its Soviet ally. Reports of lethal Ethiopian attacks against Eritrean insurgents are "unconfirmed," although many U.S. officials consider them credible.

Thailand, in response to a Vietnamese chemical-warfare threat, is "upgrading its capabilities" by improving its research and acquiring protective equipment from the West. U.S. officials said recently, however, they do not think that Thailand possesses offensive chemical weapons.

Burma has been seeking since at least 1981 to produce mustard gas. The Central Intelligence Agency estimated that Burma should be "self-sufficient" in chemical weapons by the spring of 1984, most likely for use against internal insurgencies.

China has a "small" offensive chemical-warefare capability. China is thought to have suffered gas attacks in a skirmish with Soviet forces in 1969 and Vietnamese forces in 1979.

Taiwan has "an aggressive, high-priority program to develop both offensive and defensive capabilities." Taiwan has produced at least mustard gas, the report said.

North Korea "reportedly stores and produces" crude chemical weaponry, but the reports are "unsubstantiated."

Vietnam's chemcial-weapons capability, with "a range of agents" in addition to "yellow rain," is reported by U.S. officials to have been "transferred" to that country by its increasingly close ally, the Soviet Union.

Soviet forces are thought to have stockpiled chemical weapons in a number of Eastern European countries, and there is controversy in the U.S intelligence community about whether these nations have their own production facilities. A West German official said his government thinks that East Germany, Czechoslovakia and Poland are producing chemical weapons.

A number of other nations, including South Korea, are reported to be interested in acquiring chemical weapons. A proposal that U.S. forces in South Korea be armed with chemical weapons—in light of reports that North Korea has them—is under study in the Pentagon.

WOMEN VIETNAM VETERANS SHOULD BE INCLUDED IN AGENT ORANGE STUDIES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Ms. KAPTUR. Mr. Speaker, today, I and several members of the Veterans' Affairs Committee are introducing legislation requiring the Veterans' Administration to proceed with the implementation of a study on the health effects of agent orange on women Vietnam veterans. On August 2, 78 Members of Congress sent a letter to the Cabinet Council Agent Orange Working Group urging the approval of study guidelines so that a study may proceed. Two years have lapsed since the need for a study was recognized. Still, we get the same bland promises of interest from the VA and Department of Health and Human Services but no concrete action. I submit for the RECORD the letter sent to the Agent Orange Working Group Chairman on August 2, and two responses to that letter.

I believe we have been more than patient, but enough is enough. It is unconscionable that women Vietnam veterans were not included in the initial Agent Orange studies conducted by the Centers for Disease Control. While the proposal for a women's study has been under consideration for so long, significant numbers of female Vietnam veterans, and their children, continue to suffer serious health problems. For many of these women, any study will be too little, too late. But this Government has a responsibility to those many other women who may yet be helped by such a study and who may at least be relieved of the uncertainties with which they have lived for so many years.

I urge my colleagues to support this measure.

The materials follow:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 1985.

Mr. CHARLES BAKER,
Chairman, Cabinet Council, Agent Orange Working Group, Department of Health and Human Services, Washington, D.C.

DEAR MR. BAKER: In February, 1984, ninety Members of Congress wrote to the Administrator of the Veterans Administration, Mr. Harry Walters, expressing their concern that women Vietnam veterans had not been included in epidemiological studies then being conducted by the Center for Disease Control. Mr. Walters responded that this was "an issue of prime concern to me" and that in September, 1983, he had "instructed my staff to investigate the possibility of studies on women veterans who served in Vietnam and their exposure to dioxin." In July, 1984, at a Hosue Veterans' Affairs Committee briefing on the CDC's ongoing Agent Orange projects, the CDC acknowledged the feasibility of a study concerning the health effects of Agent Orange on female Vietnam veterans.

Since that time, the Cabinet Council Agent Orange Working Group has been considering the development of a study on this subject. We understand that the Science Panel was not satisfied with one study protocol proposed by the CDC in April of this year. We further understand that the CDC then submitted a proposal to the Science Panel for a more limited study of women Vietnam veterans which could be, according to Mr. Walters, "accomplished more expeditiously and which should answer the same concerns with virtually comparable scientific validity."

In the last six months, several members of both the House and Senate have written to you and other parties involved with the Science Panel's deliberations to stress the urgent need to adopt a study protocol and to proceed with a study without further delay. In your response to several of these Members, you state, "The Science Panel feels that the health needs of female Vietnam veterans should receive high priority and are concerned that this should be done in the most expeditious way."

It has now been almost two years since the need to do such a study was recognized. To date, not even an outline for a study has been approved. Three major studies involving male Vietnam veterans and their exposure to Agent Orange have long been underway. We strongly feel that the health needs of women Vietnam veterans deserve the same expeditious and careful consideration.

We recognize that it takes time to develop and implement a reliable, scientific study; but much time has already elapsed. We firmly believe that it is time for the Veterans Administration, the Center for Disease Control and the Science Panel to put their many verbal expressions of support into concrete action by approving a study protocol so that implementation of that study may proceed.

Our commitment to this study continues to be strong; so, too, is our determination to effect its implementation, whether that be through the administrative process or legislative action. We appreciate your kind attention to our concerns.

Sincerely,

Marcy Kaptur, Nancy Johnson, G.V. "Sonny" Montgomery, Elwood Hillis, Lane Evans, Tom Daschle, Bob Edgar, Don Edwards, Marilyn Lloyd, Robert Roe, John Conyers, Edolphus Towns, James Oberstar, John Miller, Gus Yatron, Mike Lowry, Doug Walgren, Bruce A. Morrison, Mervyn Dymally, Olympia Snowe.

Nick Rahall, James Jeffords, Robert Kastenmeier, Peter Rodino, Major Owens, Fortney H. Stark, Matthew McHugh, Claude Pepper, James Florio, John McCain, Christopher Smith, Joe Moakley, Harley O. Staggers, Jr., Howard Berman, Lindy Boggs, Ted Weiss, Esteban Edward Torres, Guy Molinari, Martin Sabo, Timothy Penny.

Walter Fauntroy, Gerry Sikorski, Andrew Jacobs, Sam Gejdenson, Barbara Boxer, Parren Mitchell, Matthew Martinez, Ken Kramer, William Gray, Albert Bustamante, George W. Crockett, Jr., Gary Ackerman, Barney Frank, Jim Bates, Rod Chandler, Mickey Leland, James Howard, David Bonior, Norman Mineta, James H. Scheuer.

J. Roy Rowland, Robert Matsui, John Seiberling, Sander M. Levin, Don Fuqua, Michael Bilirakis, Cardiss Collins, Sherwood L. Boehlert, Sala Burton, Charles Hayes, Edward F. Feighan, John J. LaFalce, Barbara A. Mikulski, Vic Fazio, Patricia Schroeder, Martin Frost, Frank McCloskey, Dan Glickman.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, August 8, 1985.

Hon. MARCY KAPTUR,
House of Representatives,
Washington, DC.

DEAR MRS. KAPTUR: This is to acknowledge receipt of your letter of August 2, 1985, urging the development and implementation of a scientific study, of the health effects of agent orange, on female Vietnam Veterans.

I have asked the Acting Assistant Secretary for Health to give your concerns prompt attention. We expect to provide you with a more thorough response in the near future.

Thank you for bringing this matter to my attention.

Sincerely,

MARGARET M. HECKLER,
Secretary.

CENTERS FOR DISEASE CONTROL,
Atlanta GA, August 23, 1985.

Hon. DON EDWARDS,
House of Representatives,
Washington, DC.

DEAR MR. EDWARDS: This is in response to your letter of August 5 regarding the implementation of an investigation of the health of female Vietnam veterans.

The Centers for Disease Control (CDC) has determined that a study focusing on the health of female veterans is feasible and has prepared two draft research protocol outlines for epidemiologic studies of female veterans. These outlines have been submitted to the Chairman of the Agent Orange Working Group for review. If the research protocol outlines submitted to the Agent Orange Working Group are approved, we shall pursue a study of female veterans' health as rigorously as we are presently pursuing the epidemiologic studies of the health of male veterans.

Thank you for your continued interest in this important public health issue.

Sincerely yours,

DONALD R. HOPKINS, M.D.,
Assistant Surgeon General,
Acting Director.

H.R. 3297

To require the Administrator of the Veterans' Administration to provide for an epidemiological study of the gender-specific effect of exposure to the herbicide known as Agent Orange on female veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGENT ORANGE STUDY FOR FEMALE VETERANS.

(a) REQUIREMENT FOR EPIDEMIOLOGICAL STUDY.—(1) The Administrator of Veterans Affairs shall provide for the conduct of an epidemiological study of any long-term adverse gender-specific health effects in females of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to—

(A) phenoxy herbicides (including the herbicide known as Agent Orange); and

(B) the class of chemicals known as the dioxins produced during the manufacture of such herbicides.

(2) In providing for such study, the Administrator may expand the scope of the study to include an evaluation of any long-term adverse gender-specific health effects in females of such service as such health effects may result from other factors involved in such service (including exposure to other herbicides, chemicals, medications, or environmental hazards or conditions).

(3) The Administrator may also include in the study an evaluation of the means of detecting and treating adverse gender-specific health effects found through the study.

(4) The Administrator shall provide for the study to be conducted through contracts or agreements with public or private agencies or persons.

(b) FUNCTIONS OF OFFICE OF TECHNOLOGY ASSESSMENT.—(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(2) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

(3)(A) Concurrent with the approval or disapproval of any protocol under paragraph (1), the Director shall submit to the appropriate committees of Congress a report—

(i) explaining the basis for the Director's action in approving or disapproving the protocol; and

(ii) providing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

(B) If the Director has not approved such a protocol during the 180 days following the date of the enactment of this Act, the Director—

(i) shall submit to the appropriate committees of Congress a report describing the reasons why the Director has not given such approval; and

(ii) shall submit to such committees an update report on such initial report each 60 days thereafter until such a protocol is approved.

(4) The Director shall submit to the appropriate committees of Congress, at each

of the times specified in the second sentence of this paragraph, a report on the Director's monitoring of the conduct of such study pursuant to paragraph (2). A report under the preceding sentence shall be submitted—

(A) before the end of the six-month period beginning on the date of the approval of the protocol by the Director;

(B) before the end of the 12-month period beginning on such date; and

(C) annually thereafter until the study is completed or terminated.

(c) DURATION OF STUDY.—The study conducted pursuant to subsection (9a) shall be continued for as long after the submission of the first report under subsection (d)(1) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term gender-specific adverse health effects in females of exposure to dioxins.

(d) REPORTS TO CONGRESS.—(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1) and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report containing—

(A) a description of the results thus far obtained under the study conducted pursuant to such subsection; and

(B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such results.

(2) Not later than 90 days after the submission of each report under paragraph (1), the Administrator shall publish in the Federal Register, for public review and comment, a description of any action that the Administrator proposes to take with respect to programs administered by the Veterans' Administration. Each such description shall include a justification or rationale for any such action the Administration proposes to take. Any such proposal shall be based on the results described in the report under paragraph (1) and the comments and recommendations on that report and any other available pertinent information.

(3) The requirement in paragraph (1) for the submission of annual reports expires upon the submission of a report after the completion of the study under subsection (a).

(e) BUDGET ACT PROVISIONS.—(1) This section does not authorize the enactment of new budget authority for a fiscal year before fiscal year 1987.

(2) A contract to carry out the study under subsection (a) may be entered into only to the extent that—

(A) appropriated funds are available to carry out the contract; or

(B) the contract provides that the obligation of the United States to make payments under the contract is contingent upon the availability of appropriated funds for such payments.

(f) DEFINITION.—For the purposes of this section, the term "gender-specific health effects in females" includes effects on female reproductive capacity, reproductive organs, and reproductive outcomes, effects on female-specific organs and tissues, and other effects unique to the physiology of females.

SHOULD WEAPONS BE TAX DEDUCTIBLE?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FEIGHAN. Mr. Speaker, I would like to call to my colleagues attention an editorial from August 30, 1985, New York Times regarding the fundraising and spending efforts of some tax-exempt American organizations. The specific concern of the Times' editorial is the potential that the current conflict in Nicaragua may be turned into a war financed in part by Americans who contribute to organizations supplying the anti-Sandinista contra rebels. In one case, Ellen Garwood of Austin, TX, has contributed $65,000 to the U.S. Council for World Freedom, which in turn has used the money toward the purchase of a helicopter for the contras. I think the Times raises some interesting points on these activities, and I believe my colleagues will find it of interest.

I ask that the text of the editorial be inserted in the RECORD.

MAKING WAR THE PRIVATE WAY

An organization called the U.S. Council for World Freedom was granted Federal tax-exempt status in 1982 after its treasurer pledged that it would never provide "materiel or funds to any revolutionary, counterrevolutionary or liberation movement." This council now boasts it has raised as much as $300,000 for the "contra" rebels fighting Nicaragua's leftist regime. What about the tax pledge? The council president says he didn't know about it. Besides, says the current treasurer, the fund-raising has President Reagan's backing and "the blessings of the Government."

This breezy view of the law calls to mind Richard Nixon's remark to a television interviewer: "When the President does it, that means it is not illegal." The point is not limited to tax exemption. The council's activities provoke concern over a wider danger: the Administration's willingness to privatize its diplomatic and military activities.

When private citizens make war, they violate the Constitution; it ordains that only the Federal Government can make war. Nevertheless, the White House has virtually franchised out the contra war to fringe groups and has assigned a National Security Council aide to encourage private funding of the insurgents. The effect has been to circumvent Congress, which voted last year to end U.S. funding of the contras, a ban now partly lifted. The White House insists no laws have been broken.

The most visible fund-raiser is John Singlaub, a retired general and president of the World Anti-Communist League and the U.S. Council, its American chapter. He is doubtless a patriot, but the league has attracted some peculiar freedom fighters. It has been a "gathering place for extremists, racists and anti-Semites," the Anti-Defamation League said in 1981. General Singlaub contends that this is no longer so, that former Nazi SS officers and other extremists have been purged.

The general acknowledges that he should have known about the pledge to Internal Revenue. He also says no American contributions were used to buy arms. This will come as news to Ellen Garwood of Austin, Tex., who says she gave $65,000 toward the purchase of a helicopter, which will be gallantly named "Lady Ellen."

The most obvious danger of turning Nicaragua into a private-sector war is that it violates the Constitution and risks entangling America's good name with extremist groups accountable to no one. If privatizing wars of liberation is accepted, where does the Government draw the line? By what standard can it discourage Americans from buying guns for the Irish Republican Army?

There's little evidence of Administration worry over where its zeal is already leading. Minnesota's level-headed Senator David Durenberger, chairman of the intelligence oversight committee, is worried. He plans hearings when the Senate returns Sept. 9, and it will be none too soon. Sandinista supporters are matching General Singlaub's campaign with their own, and there are plenty more foreign fights that excite Americans on one side or the other. If the White House wants war, the body it must persuade is the U.S. Congress, not the U.S. Council for World Freedom.

WHY CAN'T THE CONGRESS BALANCE THE NATION'S CHECKBOOK?

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. RAY. Mr. Speaker, during the recent recess, I am certain that most Members of Congress were asked, as I was, to explain the threat that the growing deficit poses for our country. And I am sure that most of us responded, in part, by explaining how complicated the country's finances are.

But, Mr. Speaker, the complex deficit issue was greatly simplified for me recently when I received a letter from a boy scout in my district. Dax Hoxsie is from Americus, GA, and he asked me to explain something to him that he doesn't understand. Let me read a portion of his letter:

Because my parents both work, I often hear them talking about our household budget, bills, and balancing the family checkbook. I often hear, too, on television about the Nation's budget not being balanced. My question and concern is this: Why is it that the Government can continue to spend the money it does not have? Why can't the Nation's checkbook be balanced?

Mr. Speaker, Dax has asked a simple, direct question. In my opinion, this Congress has no real answer to give him. Of course, we can cloud the issue with complexities and politics. That's what we've done evertime the subject has come up.

But, if we cast aside the rhetoric and look honestly at our spending habits, can any of us offer a sound reason for spending money we don't have?

The debts we are mounting up will not be foregiven or forgotten. Eventually, the money we borrow will have to be paid back.

Unfortunately, those of us doing the borrowing won't be the ones to make the payments. Dax Hoxsie, and all those other children watching us and wondering what we're doing, will be handed the bill for our purchases.

I hope when that day comes, a few of the borrowers are still around. Then, they can answer the questions that I'm sure Dax and his generation will still be asking:

Why couldn't you stop spending money you didn't have? Why couldn't you balance the Nation's checkbook?

I hope I'm not one of those still around, Mr. Speaker, because I don't believe there is a satisfactory answer we can give our children.

HONORING MR. NORMAN HSU, U.S. POSTAL SERVICE AWARD NOMINEE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has distinguished himself in his community.

Mr. Norman Hsu has been nominated by the Hacienda La Puente Unified School District as their entry for consideration by the U.S. Postal Service for its National Community Service Award.

Mr. Hsu a resident of Hacienda Heights, a beautiful community located in the 34th Congressional District of California, has spent many hours volunteering his time to his community.

He is a member of the Hacienda Heights Kiwanis Club, a member of the Hacienda Heights Cable TV Advisory Committee, Little League, Bobby Sox, PTA and School Boosters.

As a member of the Hacienda Area Chinese Association, he has worked to provide educational programs for the growing Asian community of Hacienda Heights. He has also been an effective liaison with the local school district and community, helping many Asian adults make a smooth transition into the American mainstream.

Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Norman Hsu for being chosen as the district nominee for the National Community Service Award of the U.S. Postal Service.

HENRY HYDE: INTELLIGENCE PROBLEMS AND SOME SOLUTIONS

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. LUNGREN. Mr. Speaker, over the past several months, there have been a number of spy cases—both here and abroad—that raise serious questions about the Western World's ability to keep a secret. It is quite clear, for example, that both the United States and West German intelligence services have experienced damaging penetrations by agents of the Soviet Union and their Eastern Bloc surrogates.

As a consequence of these latest spy revelations, a number of suggestions have been offered by a variety of experts as to what the United States can do to tighten up its overall security and intelligence apparatus. Some of these recommendations have included legislative initiatives that must warrant immediate consideration. As we consider these proposals, I urge my colleagues to read the following speech given last fall by our distinguished colleague from Illinois, HENRY HYDE.

Although some of what he had to say has been overtaken by events, much of it is still very relevant today. Of special significance are his observations and recommendations regarding congressional oversight of the U.S. intelligence community and his critique of the Intelligence Identities Protection Act.

Mr. Speaker, I, therefore, insert Mr. HYDE'S speech at this point in the RECORD:

CURRENT INTELLIGENCE PROBLEMS AND SOME SOLUTIONS

(Congressman Henry J. Hyde)

At the outset, I wish to thank you for the invitation to address this 10th annual Convention of Former Intelligence Officers. What makes this occasion especially meaningful to me is that I am an ex-naval intelligence officer officer myself. That experience, coupled with my positions on the House's Judiciary and Foreign Affairs Committees, have heightened by awareness of the need for an effective U.S. intelligence capability. This background also has made me very appreciative of the role people like you have played in maintaining that capability.

In my remarks today, I shall focus primarily on the reasons behind House Joint Resolution 633, the legislation I introduced on August 1 of this year which would create a Joint Committee on Intelligence. However, I also will discuss briefly the Intelligence Identities Protection Act—a measure Congress passed some two ago with the objective of deterring disclosures of undercover intelligence personnel.

What caused me to become concerned about Congress' current intelligence oversight arrangement was the furor last spring over the mining of the Nicaraguan harbors. That episode illustrates a problem of overwhelming importance. Specifically, one must ask how capable Congress is of practicing responsible congressional oversight of intelligence activities, once those activities are viewed as an integral part of a foreign policy that has become controversial and the subject of partisan debate.

After Vietnam and Watergate, both Houses of Congress decided to establish Select Committees on Intelligence following extensive investigations of U.S. intelligence activities by panels headed by then Congressman Otis Pike and late Senator Frank Church. Early on, both of these committees appeared to conduct their business in an amicable and bipartisan manner with little evidence of politicization. Unfortunately, such a turn of events was too good to last, and for the last two years or so, the House Permanent Select Committee on Intelligence, in particular, has become increasingly politicized. Of late, its Senate counterpart has also reflected a political coloration not seen heretofore.

One of the intelligence community's most illustrious and respected alumni, Admiral (ret.) Bobby Inman, resigned in October 1982 as a consultant to the House Intelligence Committee because he felt it had become politically partisan. He cited as his specific reason for leaving the fact that he had not been consulted on a subcommittee report critical of the U.S. intelligence performance in Central America. In the admiral's opinion, the report, which emphasized El Salvador, was "put out on party lines."

In his resignation announcement that was reported in the October 15, 1982 edition of the Washington Post, Inman also indicated that the congressional Intelligence Committees' oversight of the intelligence agencies must be nonpolitical in order to earn public credibility. He went on to add that "if the country doesn't establish a bi-partisan approach to intelligence, we are not going to face the problems of the next 50 years." Admiral Inman also offered some sage advice on avoiding leaks by recommending that "none of the staff should have any personal relations with the media."

A serious question with dangerous implications presents itself: Is our democratic form of Government unable to keep any secrets, no matter how sensitive to our national interests? As we all know, the calculated, politically motivated leaking of highly sensitive information has become a Washington art form, and one that is not confined to Congress alone, as a number of these unauthorized revelations have come from various places in the executive branch as well.

With respect to the question of mining Nicaraguan harbors, leaks to the press caused a number of Senators, who knew about the mining activities when they voted for additional assistance for the Nicaraguan resistance forces, to turn around a few days later and disingenuously condemn the mining by voting for a resolution prohibiting it. Such election year flip-flopping called into question the integrity of the oversight process, and jeopardized the President's Central American Aid Program. Senator Leahy and I have strong differences of opinion regarding the President's foreign policy vis-a-vis Nicaragua, but the Senator was right on the mark when he said, "there were Senators who voted one way the week before and a different way the following week who knew about the mining in both instances and I think they were influenced by public opinion, and I think that's wrong and that is a lousy job of legislative action."

It appears the only way to mount a successful covert operation these days is for such an activity to have the nearly unanimous support of both Intelligence Committees and the involved agencies of the intelligence community. Anything short of that is doomed to failure, as opponents will selectively leak material to their acquaintances in the media with the expressed purpose of torpedoing the operation. Moreover, as recent press disclosures clearly demonstrate, you can count on a flurry of these leaks just before anticipated congressional action on the issue in dispute.

What is especially disturbing is that those who are doing the leaking probably have never stopped to think what the short and long-term implications of their revelations will be with respect to U.S. Intelligence efforts, as well as to U.S. foreign policy. They are so preoccupied with scoring political points that they do not even begin to realize

how their actions may be impacting on the lives of U.S. Intelligence and Foreign Service personnel overseas. Furthermore, with respect to the Contras, I doubt if any of these professional leakers have given any thought as to how their discloures might jeopardize the thousands of people in the Nicaraguan resistance movement to which the U.S. made a commitment.

One of the cardinal rules of intelligence is that one does not confirm the accuracy of news accounts regarding sensitive intelligence operations. Yet, we saw in the wake of the initial press disclosures, the chairman of the House Permanent Select Intelligence Committee do just that during a public appearance before the House Rules Committee, and subsequently on the House floor. Ironically, according to one press account, Chairman Edward P. Boland's explanation of what his committee knew and when was partly motivated by a desire to remove any doubt that the CIA had not fully briefed the committee on mining activities. That's a commendable reason, but at what cost to our intelligence capabilities?

Finally, in a move that must have left foreign intelligence services incredulous, the CIA felt obliged to issue a press release that for the first time implicitly and publicly acknowledged its involvement in the mining by citing 11 occasions when it briefed congressional Intelligence Committees on the matter.

What an unseemly spectacle then unfolded! The chairman of the Senate Intelligence Committee, Mr. Goldwater, excoriated the CIA for not being forthcoming. Shortly thereafter, the committee's vice-chairman, Senator Moynihan, announced his resignation from the committee, claiming that he was not properly briefed on the mining matter either. That charge was particularly perplexing to the executive branch because, at least a week before the Senate voted on the assistance to the Nicaraguan resistence forces, Mr. Moynihan reportedly requested a legal opinion from the State Department on the mining question. Nevertheless, CIA Director Casey (in a triumph of discretion over valor) apologized to the Senate Intelligence Committee for his perceived sins and Senator Moynihan decided to remain on the committee. The upshot of this bizarre scenario has been a serious deterioration in relations between the CIA and Congress with a consequent loss of trust—the most vital ingredient in the oversight process.

All of this, of course, makes a mockery of the oversight system and what must be the most overt covert program in intelligence annals. If what is at stake here was not so important, we could pause and have a good laugh at ourselves. Unfortunately, that is not the case. Our friends and intelligence contacts around the world have taken note of our sorry performance in recent months, as have the dedicated American intelligence personnel and the thousands of Miskito Indians and other Nicaraguans dependent upon us for continued support. What they have observed cannot be reassuring. Indeed, they must be wondering why they ever cast their lot with such an unreliable and whimsical partner.

In short, we cannot afford to allow what presently masquerades as congressional intelligence oversight to continue any longer. With politics intruding so heavily on the process, the prospects of more debacles are a distinct possibility. Public discussion of alleged CIA involvement in the election of Jose Napoleon Duarte as President of El Salvador, and revelations concerning purported U.S. support of the Afghan rebels are just two examples of what I mean.

It is time to give serious thought to merging the existing Intelligence Committees into a joint committee composed equally of Republicans and Democrats who, in addition to the requisite trustworthiness, competence and responsibility, also possess the rare restraiant to subordinate political considerations to the national interest. Such a committee must be backed by a small cadre of apolitical professionals with the same exemplary personal qualities as the committee's members.

Creating a new joint oversight panel along these lines would diminish the possibilities for partisan posturing and significantly reduce the number of individuals having access to sensitive information, thus minimizing the risk of damaging unauthorized disclosures. At the same time, it would retain in a more effective and concentrated manner the essentials of congressional oversight over the activities of our intelligence agencies and preclude the possibility of executive branch intelligence components playing one committee off against the other.

It would also address some other practical problems that have resulted from two committees overseeing the intelligence community. As we have learned in recent months, the two committees often reflect different perspectives, and they frequently do not focus on the same matters. Moreover, there apparently is hardly any interaction or coordination on the issues, contrary to what most of us had assumed. For example, the media carried not too long ago unattributed criticisms from the House Intelligence Committee that the CIA may have overspent its budget in its supposedly covert operations in Nicaragua. This view was not shared by the Senate Intelligence Committee. Confusion reigned!

Another thing to bear in mind in this connection is that Congress has increasingly insisted upon being consulted and briefed by the executive branch concerning national security and foreign policy questions. A large percentage of these are intelligence-related and require the involvement of high level executive branch officials who are often hard pressed to meet the demands of both the House and Senate Intelligence Committees. This is particularly true during fast breaking crisis situations. A consolidated oversight panel would provide one point of contact for consultation and briefings in those instances where time is of the essence.

In summary, a Joint Intelligence Committee would not only eliminate the problems just cited, but it would also encourage bipartisan cooperation, and thus ensure a more effective congressional oversight arrangement. I am pleased to report that before Congress adjourned, this idea had gained the bipartisan support of such respected voices in Congress as Senate Majority Leader Howard Baker, and Senator Sam Nunn, who presently sits on the Senate Select Committee on Intelligence. In addition, Senator Dan Quayle, chairman of a select committee studying ways of improving the Senate's committee system, has indicated that he will offer the joint committee concept as a recommendation that should be featured in his panel's final report to the Senate in mid-December of this year.

Such a favorable reception has led me to believe that when Congress reconvenes in January, my bill will be placed high on the legislative priority pole, and you can rest assured that I will be vigorously doing all I can to see that it is enacted into law. As one of your distinguished colleagues, Cord Meyer, noted in a recent column, it is an idea whose time has come and "there seems to be no better way of reconciling security with accountability in a dangerous world."

Before concluding, I would also like to share with you my thoughts about the Intelligence Identities Protection Act that Congress passed a couple of years ago.

As a Member of Congress, I frequently witness legislative efforts that are long on symbolism but short on substance. Sometimes these efforts are so useless that they remind me of a baseball pitcher with the stylish windup of hall of famer Sandy Koufax but who forgot to pick up the ball! In other words, all windup—no pitch.

A case in point is the Intelligence Identities Protection Act. What triggered this nobly intended—but largely ineffective—initiative was a relentless stream of disclosures.

Certain individuals, including turncoat U.S. intelligence officer Philip Agee, were busily and systematically disclosing the names of those clandestinely employed by the various U.S. intelligence agencies. Against this compelling backdrop, Congress finally attempted to remedy a situation that was seriously undermining human intelligence collection efforts worldwide.

Lamentably, the legislation that eventually emerged was so watered down that it has not really accomplished its objective of deterring the exposure of undercover intelligence personnel.

After considerable debate, Congress determined that for a non-Government individual to be convicted under this legislation, the Government would have to prove that such a person had engaged in "a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the intelligence activities of the United States."

Clearly not covered by this legislative provision would be those journalists who, during the course of a story, casually mention the name of a covert intelligence operative. Particularly instructive in this regard is the conference report to the Identities Protection Act which offers the following interpretation:

"A journalist writing stories about the CIA would not be engaged in the requisite 'pattern of activities,' even if the stories he wrote included the names of one or more covert agents, unless the Government proved that there was an intent to identify and expose agents. To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing identities—he must, in short, be in the business of 'naming names.'"

Armed with this congressional analysis and legislative history, many journalists have no qualms about dropping the name of an undercover agent in order to make a story a little "sexier" or seemingly more credible. For example, the Washington Post ran an article by correspondent John Lantigua in an early July 1984 edition that illustrates my point.

The thrust of the story concerned an American citizen waiting to be tried in Nicaragua for espionage. Among other things, Lantigua reported that this individual declared that he sold intelligence information to a U.S. diplomat whom Lantigua named and claimed an unnamed former U.S. State Department official had revealed as having been employed by the CIA.

In my opinion, such a titillating disclosure violates the spirit, if not the letter, of the Identities Protection Act. (Incidentally, it is interesting and ironical to note that Lantigua took pains to protect the anonymity of his ex-State Department source while having no compunction whatsoever about revealing the alleged CIA ties of a U.S. Embassy employee who may have been falsely identified as can be the case in leaks of this nature.)

These actions point up that, from an intelligence standpoint, the random or isolated disclosure by an individual journalist can be just as deleterious as the wholesale revelations that used to be featured in the Covert Action Information Bulletin.

In fairness to the Washington Post, it must be mentioned that it is not alone in allowing the publication of reports with damaging revelations regarding those under cover. As Jay Peterzell indicates in the May/June 1984 edition of First Principles: National Security and Civil Liberties, such prestigious and reputable news organs as the New York Times and the Wall Street Journal have also published—since the passage of the identities protection legislation—similar stories in the apparent belief that they would not be "exposed to the prosecution under the Identities Act as now interpreted, even though many of these disclosures appear to have embarassed the U.S. Government or to have interfered with ongoing intelligence activities."

Elsewhere in the same article, Peterzell insightfully observes that "perhaps the most significant effect of the conference report on the legislation is to resolve the doubts of reporters and others about the intended scope of the Identities Act. Lawyers for the Washington Post and the Christian Science Monitor said the report had convinced them the act is not meant to apply to reporters who identify an agent in the context of a news story."

In sum, the Intelligence Identities Protection Act has turned out to be largely symbolic legislation. I will concede that it does appear to have caused the Covert Action Information Bulletin to stop publishing its "naming names" column, but even this notorious journal has dared to reveal occasionally the identity of individuals within the context of a story.

Again, Peterzell is informative as he points out that the Bulletin's editor, Louis Wolf, has stated that "on several occasions we have published articles that discuss CIA activities and identified people when it was important to the story. We got legal advice and went ahead."

Short of remedial legislation, my only and fervent hope, therefore, is that responsible, professional journalists will emulate the example of the Christian Science Monitor which decided, according to Peterzell, not to reveal a name "for moral rather than legal reasons."

That is indeed a transcendant reason and such restraint could literally mean the difference between life and death for some dedicated employee of this Nation's intelligence community.

In conclusion, I want to reiterate my appreciation for this opportunity to speak to you today and I would welcome any suggestions—legislative or otherwise—that you may have to enhance U.S. intelligence.

SCOUTING ANNIVERSARY: THE THOUGHTS OF YOUTH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. SKELTON. Mr. Speaker, Longfellow wrote in "My Lost Youth":

A boy's will is the wind's will,
and the thoughts of youth are long, long thoughts.

That spirit of youthful adventure, of high hope and valiant enterprise, has always been at the heart of the Boy Scout movement. In this 75th anniversary year of Scouting in America, I am glad to join with those around the world who are celebrating the ideals and the achievements that have marked the Boy Scouts since their beginnings at the turn of the century.

The spirit of scouting was conceived in 1899–1900 during the long ordeal of Mafeking—a town under fierce siege for over 200 days in the Boer War and bravely defended by Robert Baden-Powell, destined to be founder of Scouting. His "Scouting for Boys" in 1906 was a call to British youth and youth everywhere. The first troops were begun in 1908, and by 1909 over 11,000 Boy Scouts gathered for a jamboree at London. In 1910 the movement was introduced into America by Daniel C. Beard, Ernest L. Seton, and James West. These were men who hoped by precept and example to make it possible for boys to pass from youth to manhood strong in character and in body alike. "Mens sana in corpore sano"—the historic ideal of the ancient Greeks—was a guiding principle in the Scouting movement: "A healthy mind in a healthy body". By the application of this ideal in daily life, Scouting sought to instill values into boys that would carry them into adult life as happy, useful citizens, dedicated to the common good.

Since that time three-quarters of a century ago over 70 million Americans have participated in Scouting in one form or another. That tremendous statistic becomes very personal for me when I recall that I am myself an Eagle Scout and that I have a page who will become an Eagle Scout this evening at an Eagle Scout Court of Honor in McLean, VA. Scouts have been prominent in every area of our Nation's life from 1910 to the present day, exemplifying in their lives the principles and values for which scouting stands. The roster of former Scouts includes many Members of Congress, President Reagan, former President Ford, and many, many more.

It would be difficult to overstate the service rendered by Scouting to the quality of American life in any era, but especially in the early decades of this century. This was a time of rapid urbanization and industrialization. Social and economic changes were transforming the very face of our country. The benefits of the outdoor life and of health-giving activities in the open air and under God's free sun and skies were too often denied to millions of boys. A New York City study done at that time indicated that 93 percent of the students in local public schools were "anemic and in need of open air treatment." The lure of hills and the woods, and the lore of generations of woods men and naturalists, conspired to win the hearts and minds of boys—and of the men who helped them—who felt themselves to be, in the famous phrase of the poet Keats, too "long in city pent."

To one who has been long in city pent,
'Tis very sweet to look into the fair
And open face of heaven.

Something of that spirit, that feeling for the wildness of nature and its challenge to a boy's will, has always been present in Scouting.

But also the early decades of this century were a time of heavy immigration from the Old World. Newcomers were often confused and perplexed by the conditions of American life. The growing diversity of ethnic, cultural, and religious backgrounds underlined the need for binding values, ways by which people of different traditions could be brought together. Scouting was one such means—as it still is. The stated purpose of the Scouts—"to promote * * * the ability of boys to do things for themselves * * * and teach them patriotism, courage, and self-reliance"—was itself a response to the urgent necessity of the time. As members of the Boy Scouts of America, boys acquired a sense of larger loyalty that strengthened the Nation's moral fabric.

The theme of self-reliance runs all through our history, a theme strikingly articulated by Emerson in his essay of 1841: "Discontent is the want of self-reliance; it is infirmity of will." The call to boys to cultivate self-reliance in Scouting was balanced by its message of patriotism, a concern for the common good and for civic virtue.

It is hardly surprising that Scouting has had such great appeal to American boys in every generation. Chartered by Congress in 1916, in the midst of the Great European War into which this country would be drawn within a year, the movement grew from 100,000—1914—to over a million by the outbreak of the Second World War.

At this anniversary occasion, it is fitting that we look again at the Scout Oath and ponder its significance: every Scout pledges on his honor "to do my duty to God and my country * * * to help other people at all times * * * to keep myself physically strong, mentally awake, and morally straight." That oath reminds us—and I fear we need reminding—that duty to God precedes all other obligations. It is an oath that could not be permitted in any totalitarian country, past or present. It is an oath deeply rooted in the history and traditions of America. The Scout Law lists the qualities of a Scout in a well-known litany of virtues—" Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent." An organization which tries to foster such ideals is surely deserving of respect from all who care deeply for the quality of our Nation's life. And I would note the

presence of reverence in that sequence: reverence as an attitude defined by the dictionary as "profound respect mingled with love and awe." An irreverent generation is ultimately an uncaring people. It is the sense of duty—to God, to country, and to other people—that must begin and end in reverence, that profound respect for the source of life and author of liberty.

Think for a moment how deeply the traditions of religious faith inform and sustain the foundations of our national life. Freedom of conscience and of worship is at the heart of our country's heritage, and such freedom would be empty without the vibrant reality of faith in all its rich diversity. The role of religion in our common heritage was definitively expressed by George Washington himself in his first inaugural (1789):

No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution, just accomplished in the system of their united government the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted cannot be compared with the means by which most governments have been established without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage * * *.

That "spirit of pious gratitude" invoked by Washington is, I venture to assert, the same spirit that finds expression in the Scout Oath. Our "duty to God" involves no creedal or sectarian identity. It is a broad-based commitment to the Power "that hath made and preserved us a nation." To be sure, we are free not to make such a commitment. But then we are clearly rejecting the moral and spiritual tenets on which Scouting is founded.

"Duty to country," patriotism, takes many forms also. It may mean service in the Armed Forces, or it may mean the quiet obligations of citizenship that are present in every area of human life, in family life, in business and the arts and sciences, the professions, and the like. It is the loyalty that binds State and Nation into indissoluble union.

Above all, Scouting is concerned with the transformation of boys into men. Its dedication to the work ethic, education, morality, reverence, inculcates these ideals as a very way of life, giving direction, and purpose to the energies and enthusiasms of boys. So it is truly that we may say with the poet,

A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts.

I congratulate and commend the Boy Scouts of America on this, their 75th year, confident that their story of achievement, good times, and service to all has only begun.

HONORING MR. ROBERTO GARCIA FOR OUTSTANDING SERVICE TO COMMUNITY AND STATE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has distinguished himself in his community and State.

Mr. Roberto Garcia of Sacramento, CA, has served as chief equal employment opportunity officer, for the State employment development department since 1981, following a progressive career in State service that began in 1969 as a job agent in southern California.

An outstanding employee, Mr. Garcia has always found the time and the energy to work with various community groups involved with increasing educational and employment opportunities for young Californians.

As chairman of the State planning committee for the 1984 and the 1985 Chicano and Latino Youth Leadership Conference, Mr. Garcia has once again demonstrated his committment and leadership in coordinating the week-long conference held in Sacramento. His example serves as a positive role model to the participating high school students and to the many volunteers and supporters of the conference.

Several of my constituents have participated in this annual conference and I am pleased to note that the positive experience and support that the students receive under the leadership of Mr. Garcia is very encouraging to the parents in my district.

On September 18, 1985, members of the community from throughout California will convene in Sacramento to honor the dedication and outstanding job that Mr. Garcia has performed as chairman of the conference for the past 2 years.

Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Roberto Garcia for the honors being presented to him by grateful parents, students, and the numerous community leaders and organizations for his contributions and support for the development and education of our young people.

ENVIRONMENTAL AWARD WELL-DESERVED TRIBUTE TO ROBINS AIR FORCE BASE

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. RAY. Mr. Speaker, on September 5, it was my privilege to take part in a Pentagon ceremony honoring Robins Air Force Base. Maj. Gen. Cornelius Nugteren, the Warner Robins Air Logistics Center commander, was present to receive the 1984 Secretary of Defense Natural Resource Conservation Award, a tribute which Robins has worked long and hard to earn.

The Department of Defense has stewardship over 24 million acreas of land, and the Conservation Award Program is designed to reward excellent natural resources management by military installations. Robins Air Force Base earned the award by producing outstanding programs in community relations, outdoor recreation, reforestation, and fish and wildlife management.

The most outstanding aspect of Robins' conservation efforts, however, is their program of wetland development. At the present time, 800 acres bordering the Ocmulgee River are being nominated as a national landmark, due to the interest and efforts of the base.

Their natural resource programs include nature education field trips for schoolchildren, base-sponsored Scouting programs, an excellent timber management program, and an effective and efficient cardboard recycling program. At Robins, the beauty and the value of our natural resources is recognized, protected, and appreciated.

Conservation of our natural resources is more than simply caring for the beauties we now enjoy. At Robins, they have instituted a program to cultivate a love and appreciation of nature in our children, so that conservation efforts will become ingrained in the next generation. Conservation is preservation, and the best way to preserve for eternity is to influence those who will follow us.

I have always taken great pride in representing Robins Air Force Base in this Congress, because its high standards of leadership are famous. It has taken the lead once again, on an issue of importance to all of us—protecting our natural resources.

I want to offer my commendation to Robins Air Force Base for its excellent service in this area, and I want to salute General Nugteren for his leadership in natural resources management. Robins Air Force Base sets a standard of excellence which all military installations are encouraged to follow.

WHERE IS ANDREI SAKHAROV?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FEIGHAN. Mr. Speaker, three months have passed since anyone in the West has seen or heard any news on the whereabouts and condition of Nobel Prize winner Dr. Andrei Sakharov and his wife, Dr. Yelena Bonner. The Soviet Government, in violation of every conceivable standard of compassion and respect for basic human rights, has refused to allow these eminent individuals to travel, to meet with their children, or to maintain contact with friends, supporters, and relatives in the U.S.S.R. and in the West.

Eleven days ago, the Sakharov's son, Alexsey Semyonov, began a hunger strike in Washington to call attention to the

plight of his parents. This act of desperation on his part appeared to him to be the only alternative he had to secure attention to the treatment of his parents and to force the Soviet Government to act. Last Thursday, I joined several Members of this body at the Soviet Embassy where we met with Alexsey and joined in voicing our opposition to the Soviet's treatment of the Sakharovs. Soviet officials at the Embassy again refused to discuss the condition of the Sakharovs and refused to accept a petition we offered in behalf of the Sakharov's.

Mr. Speaker, as the United States and the Soviets prepare for the summit conference in Geneva, no action by the Soviet Government could do more to ease the tensions that exist between our countries than a liberalization of their repressive violations of basic human rights. Thousands of Soviet citizens are denied the basic rights guaranteed in the Soviet constitution, in the U.N. "Declaration of the Rights of Man," and in the Helsinki Final Act. Andrei Sakharov and Yelena Bonner are only two of many individuals in the Soviet Union who must rely on voices in the West to plead their case and raise the issue of their freedom with the Soviet regime. I hope all members of the House will join in expressing our continued outrage at the failure of the Soviet Government to move on the issue of human rights. In particular, I hope all Members of the House will continue to press our concern over the abuses directed toward Andrei Sakharov and his family. Mr. Gorbachev and his colleagues in the Kremlin must be assured that the continued abuse of the Andrei Sakharov and Yelena Bonner's human rights will not be forgotten by the House of Representatives or the American people. This tragedy has gone on long enough. It is time for the Soviet Government to bring it to an end.

Mr. Speaker, the Washington Post published an article Monday by Alexsey Seymonov in which he explains why he has taken the daring risks of a hunger strike in an effort to secure news about his parents. I ask that it be included in the RECORD at the conclusion of my remarks.

[From the Washington Post, Sept. 9, 1985]

A SIMPLE REQUEST: I'D LIKE TO SEE MY PARENTS

(By Alex Semyonov)

Ten days ago I started a hunger strike near the Soviet Embassy to protest the Soviet Union's persecution and mistreatment of my parents, Dr. Andrei Sakharov and Dr. Elena Bonner. My demand: to see my parents, either in the West or in the U.S.S.R. Why have I taken such a step? I do not regard a hunger strike as a weapon of choice—only of desperation. But did I have a choice?

For over half a year nobody has seen my parents. We do not any longer have any communication with them. My parents' health is poor. In the past few years my mother has suffered three heart attacks. She is a disabled World War II veteran, legally blind in one eye. To save her eyesight, she needs surgery; she may also need bypass heart surgery. My stepfather also needs expert care for a number of illnesses. Yet in their exile my parents are treated only by KGB-supplied doctors whose actions are determined by KGB will and not by the needs of their patients.

That in itself is bad enough, but lately their situation has become even worse. We learned (long after the fact) that in April Dr. Sakharov began a hunger strike. Immediately my parents were isolated from each other and the rest of the world. Later the Soviets showed two videotapes made with hidden cameras: in June, to prove that my stepfather had ended the hunger strike, and in July, to claim that the Sakharovs were reunited. Why, then, is there still no word from the Sakharovs themselves?

The silence is threatening. Having achieved the complete isolation of my parents, the KGB is free to do anything to them, even to kill, and count on that never becoming known to the world (remember Raoul Wallenberg? We are yet to learn his fate 40 years after the Soviets removed him from Vienna and into the Gulag.)

I believe human rights should be the underlying principle in the policies of Western countries toward the Soviet Union; thus I believe my parents, who have become symbols of the struggle for human rights in the Soviet Union, should be vigorously defended by Western countries. Unfortunately, I cannot see that happening now in the Sakharovs' critical and tragic situation.

Many Western countries, justly outraged by South Africa's breaking the moral laws of humanity, are right now applying or considering punitive actions against that state. The Soviet Union is disregarding both moral and legal obligations. The U.S.S.R. has signed international treaties (the Helsinki Accords, the U.N. Declaration of Human Rights) in which it obligated itself to respect human rights.

South Africa still allows its Nobel Peace laureate, Bishop Desmond Tutu, to be outspoken and free. In Poland, a winner of the Nobel Peace Prize, Lech Walesa, is under severe restrictions, but at least is at home and with friends. What country, then, can the Soviet Union be compared to in its treatment of my stepfather, the only Russian ever to win the Nobel Peace Prize? Only one example comes to my mind: Carl von Ossietzky, a German journalist and winner of the Nobel Peace Prize, who was imprisoned by the Nazis. But with this qualification: von Ossietzky was released and allowed to leave Germany.

But the Western countries have effectively dropped human rights issues from the agenda of their relations with the Soviet Union, probably believing that this way progress in other areas can be more easily obtained. I think this is self-defeating: sensing a weakness in the Western positions on principles, the Soviets become confident they can bully the Free World to accept the short end of the deal on any other question too.

As the situation of my parents was worsening in the last year, there was also a change in the policy of the National Academy of Sciences, of which my stepfather is a member. Five years ago, when the Soviets forcibly moved Dr. Sakharov from Moscow, the NAS discontinued scientific exchanges with the Soviet Union. This step was in complete accord with the NAS's traditional strong stand in defense of human rights.

Now, however, under the presidency of Dr. Frank Press, the NAS has reversed course. Although no improvements had been made in Soviet human rights policies, and nothing had changed in cases particularly important to the scientific community—such as those of Drs. Orlov and Scharansky—and although the Sakharovs are still in Gorky and worse off than before, Dr. Press went to Moscow and signed an agreement resuming the exchanges. He did so on the day that was the fifth anniversary of my stepfather's illegal exile. The very choice of the date says to the Soviets that human rights are not important to the NAS anymore. Even in the face of consequent protests from scientific organizations and a number of individual scientists, including some Nobel laureates, the NAS has refused to change its position.

In view of all this, believing my parents to be in mortal danger, I have started this hunger strike. I know that I cannot win alone. But there are many people concerned about my parents, and with their help I hope the situation can be changed. The administration can be moved from a passive position of denouncing the Soviets' treatment of my parents to actively seeking a resolution of the case.

It would, I believe, have lasting negative effects on East-West relations if Mr. Reagan and Mr. Gorbachev had a friendly meeting and afterwards we learned that the Soviets had killed or let die the Sakharovs and kept it a secret. I also believe that now, before the summit, my parents can and should be rescued.

ELLIE KNEPPER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BILIRAKIS. Mr. Speaker, I wanted to take just a moment to correct an oversight that resulted in an omission from my remarks in the CONGRESSIONAL RECORD on July 17.

On that day, I addressed my colleagues about efforts across the Nation to recognize the service and sacrifices of American MIA's and POW's and their families.

In particular, I mentioned that the city of Dunedin, FL, was one of the first communities in the country to pay special tribute to our Vietnam veterans, in particular those who did not return from Southeast Asia. A number of individuals in the community were instrumental in that effort, and I was pleased to be able to honor them by reading their names into the RECORD.

Unfortunately, the name of one person who had an active role in Dunedin's tribute was inadvertently omitted. Therefore, I want to take this opportunity to recognize Ellie Knepper. Ellie was instrumental in Dunedin's successful and moving efforts to dedicate a new stadium to those who served in Vietnam and, in fact, was the founder and chairman of the Stadium Committee. She certainly deserved to be mentioned along with those other individuals who participated in these efforts.

ARMENIAN GENOCIDE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MOORHEAD. Mr. Speaker, on Thursday, August 29, in Geneva, the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities adopted an updated version of a genocide study which includes a reference to the Armenian massacre in 1915 and 1916. The fact of this inclusion in an official United Nations document is extremely encouraging.

Members of the Armenian community here in the United States, who have been working for many years to set the historical record straight regarding those terrible events 70 years ago, are very gratified that this important fact of history has been successfully included in a report that has international significance. I am glad to have the opportunity to bring this information to the attention of my colleagues in the House.

THE 95TH ANNIVERSARY OF ROMAN CATHOLIC HIGH SCHOOL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DORNAN of California. Mr. Speaker, I am proud to recognize the 95th anniversary of the founding of Roman Catholic High School in Philadelphia, PA, on September 6, 1985. Roman Catholic High was the first free Catholic high school in the country and has become a model for Catholic education in the United States. When Roman was founded in 1890, it gave the children of immigrants and first and second generation Americans the educational opportunities they needed. Today, in ever increasing numbers, Roman is also providing the same opportunity for blacks, Asians, and Hispanics.

Dr. Robert Moffit, class of 1965, and now Assistant Director for Congressional Relations at the Office of Personnel Management, was the keynote speaker at the official celebration at Philadelphia's Plaza Hotel on April 21, 1985. I am happy to include his remarks on that occasion in the RECORD today.

As Bob Moffit points out, many illustrious men have attended Roman. Among them are the Honorable James McGranery, former Attorney General of the United States under President Truman championship fighter Tommy Loughran, and most recently, the Pulitzer Prize-winning playwright, Charles Fuller.

I urge my colleagues to read Bob's inspired and thoughtful remarks. Roman Catholic High School is a very special place and has provided over the past 95 years the surroundings where young men could learn from books and, even more importantly, learn the essential spiritual and moral values that make life deeply meaningful.

Bob put it perfectly in his statement when he said that the occasion stirred something more than memories.

It is a realization that we shared in the life of an institution that stands for something; an institution that has a meaning and a purpose even beyond the high quality of its education. It is a realization clarified, for most of us, with the passage of time.

When we say that an institution stands for something, we mean that it embodies standards. We mean, to put it more directly, that it affirms that certain things are true; that we are to measure up to those standards. Or at the very least, we are to try to measure up to those standards.

Bob Moffit is an accomplished man whose experience at Roman helped to shape his character and ambition and lead him on a path of goodness in this world. We are fortunate in political circles to have his wisdom and leadership aiding our efforts. I commend Bob, congratulate the faculty and alumni of Roman, and commend Bob's remarks to my colleagues' attention on this very important occasion.

The remarks of Mr. Moffit follow:

FIDES ET SCIENTIA

(By Robert Emmet Moffit, Ph.D.)

Father Cartin, Father McLoughlin, Father Murphy, Mr. Oniskey, Dr. Palestini, Reverend Fathers, Fellow Alumni, Ladies and Gentlemen:[1]

Thomas Cahill's bold dream has come true! Ninety five years ago his personal fortune was transformed into a unique institution. It has since become a Philadelphia landmark.

As Dr. Palestini remarked just a few moments ago, Roman is a lot more than an impressive edifice of stone and masonry. She breathes a special spirit. It is that spirit that animates her graduates. It is that spirit that is responsible for the outstanding contributions Roman graduates have made to this great City, to the Commonwealth of Pennsylvania, and to the Republic.

Consider the diverse and illustrious roster of Roman graduates: the late John Facenda, the Voice of Philadelphia and the National Football League, the great Championship Fighter Tommy Loughran, the late Judge Vincent Carroll, an outstanding jurist, the Honorable James McGranery, former Attorney General of the United States under President Truman, and most recently, the Pulitzer Prize-winning playwright, Charles Fuller, whose play, "The Soldier's Story", has been made into a major motion picture. Mr. Fuller's work was, as you know, nominated for an Oscar.

Looking back on our years at Roman, I am sure that we can all recall outstanding academic and athletic records made by our classmates.

Well, I have a record. I have a record that may never have been surpassed in the history of the school. Not only that, my record may indeed withstand the challenge of Roman Catholic High School's next hundred years.

Though I was born in Fairmount and baptized at St. Francis Xavier parish, I was raised in the farthest reaches of Mayor Goode's domain in the Northeasternmost part of Northeast Philadelphia. It was then a sparsely populated little place called Somerton. Now, Somerton is literally a stone's throw from the Buck's County line. And each and every day, I traveled 40 miles by bus and El and Subway, round trip, to and from Roman, making afternoon detours during the track season to Cahill field at 29th and Clearfield. By conservative estimate, that is 40 miles per day, for 180 days per year, for a total of 28,800 miles over a period of four years. Ladies and Gentlemen, I circumnavigated the Globe—and more—just to go to high school. Or, to put it another way, I went around the world in four years on the Frankford El. I bypassed, I might add, modern, progressive, new-fangled places, much closer to home, like Father Judge.

Twenty-eight thousand and eight-hundred miles! That's the record I amassed in my four years at Roman.

I went to school with normal, well-adjusted youngsters from great old Philadelphia neighborhoods like North Philly, Fishtown, Chinatown, Manayunk, East Falls, Roxborough, and Fairmount. And I can tell you that they thought all of this traveling a bit odd. While they were polite and well-bred enough not to broach the subject, I am quite sure that they sincerely felt that I must have been a bit odd to undertake such a daily journey to Broad and Vine Street. Their curiosity was shared by the faculty of Roman, a curiosity colored by some fatherly concern over the state of my mind. In fact, one day, Father Charles Gallen, then Athletic Director for the Philadelphia Archdiocese, invited me to his office and boldly asked me the obvious question: Why are you here and not somewhere else?

I will tell you now what I told Father then. I am here because my father, Edward Patrick Moffit, Class of 39, was here; my uncle James Aloysius Moffit was here; and my youngest uncle, Francis Xavier Moffit was here. It was traditional for Moffits to attend Roman. I might add that my grandfather, James A. Moffit Sr., did not attend Roman. He attended a little country school in the town of Ballymahon, County Longford, in Ireland. From our studies in English at Roman, you may recall the beautiful works of Oliver Goldsmith. Bellymahon was also his home town. Unlike Goldsmith, James A. Moffit Sr. enjoyed a very cordial but very distant relationship with education, particularly after he slugged the local schoolmaster. That may have ended James Moffit's short formal education, but he and Nancy came to America and taught us all the lasting value of good humor and hard work.

[1] The Rev. John A. Cartin, '16, is a former Rector of Roman Catholic High School. He served in that position from 1938 until 1952. The Rev. Richard J. McLoughlin is current Rector of Roman Catholic High School. The Rev. Joseph T. Murphy serves as Moderator of the Roman Catholic High School Alumni Association and is currently a member of the faculty of Roman. Father Murphy is a specialist in Latin and European civilization. Dr. Robert Palestini is the Assistant Vicar of Catholic Education of the Archdiocese of Philadelphia. Mr. Leonard Oniskey, '50, served as Toastmaster on the occasion of the Ninety Fifth Anniversary of Roman Catholic High School. Mr. Oniskey is a graduate of Cornell University and a businessman, who previously enjoyed a distinguished career with the New York Giants and the Washington Redskins. Other gentlemen participating in the program included: Mr. Joseph T. Wolpert, '50 Chairman of the 95th Anniversary Luncheon; Mr. James Carroll, '37, President of the Roman Catholic High School Alumni Association; Mr. John P. Carney, '52, of the Knights of Columbus; Mr. Albert Kreider, '64, who reported on the progress of Roman's Development Fund; and Mr. Hugh Mooney, '48, who served as Pianist.

So, while my classmates were possessed by other, more normal passions, I was captivated by an intense, almost uncontrollable passion for Tradition. And for this passion, I was willing to sacrifice an academic career at Father Judge, the glamor and glitter of the Great Northeast, winning football seasons, and the girls at St. Hubert's High. I forswore all of this to come to Roman and serve Tradition—and meet the girls at Hallahan.

In speaking of Tradition, there is one Tradition I should like to see revived: the Thanksgiving Day Game between Roman and St. Joseph's Prep. The Feast of Thanksgiving is a great American holiday, an opportunity to give thanks to the Lord for the health, welfare and prosperity of our families and our Country. But for Roman students, Thanksgiving had an extra special meaning. It was a time to thank the Good Lord for the precious opportunity to teach the "Preppers" a lesson in the virtue of humility.

What is it about Roman that stirs these deep feelings in us? It is a number of things. Surely it is the memory of the great friends we made during our four short years. Surely, it is the memory of what seemed to us then great events in our lives—the athletic contests, the successful plays or band concerts, events in which we played a role, perhaps even a decisive role. Surely, again, it is the memory of the fine men who taught us, the lay teachers and the priests, most especially the priests. In my case, it was my first close encounter with the Roman Catholic priesthood. Never before or since, have I met a finer group of men. Strong, sometimes stern, always able, they were utterly, one might even say ruthlessly, dedicated.

Looking back, we conjure up the images of these fine men: Fr. Kline, Fr. Walsh, Fr. Murphy, Fr. Morrison, Fr. MacDonough, Fr. York, Fr. Scherer, and the great Father Fitzpatrick. All of them are forever etched in my memory as great teachers and kind counselors, but most of all as priests. Every one of us had an inkling, no matter our level of achievement or even lack of it, no matter who we were, or where we came from, whether we were black or white, that we were the objects of a strong and paternal love and concern. From them I apprehended, only dimly at the time, and more clearly as the years passed, what the vocation to the priesthood really means. I literally thank God that I had the good fortune to make their acquaintance in my formative years.

So, I think fond memories have something to do with our sentiments on this occasion. But I think that what stirs us is something deeper even than our best memories. I think it is a realization that we shared in the life of an institution that stands for something; an institution that has a meaning and a purpose even beyond the high quality of its education. It is a realization clarified, for most of us, with the passage of time.

When we say that institution stands for something, we mean that it embodies standards. We mean, to put it more directly, that it affirms that certain things are true; that we are to measure up to those standards. Or, at the very least, we are to try to measure up to those standards.

In my experience at Roman, I can honestly say that we were not the objects of endless preaching or moralizing. No. Standards were not so much preached to us, as much as they were merely expected. They permeated Roman's atmosphere, the very air we breathed. They were the unspoken but always assumed rules of our daily conduct.

The point was brought home to me very graphically one day at track practice at Cahill Field. I was a very second-rate track star. I was neither fast enough to run the short sprints nor strong enough for the great long distances. I fell somewhere in the middle. So I was drafted to run the 440 yard dash, the quarter mile. It was, I can well assure you, a thoroughly miserable experience. After completing a series of practice runs, sweat was streaming down my face, my lungs were burning, and my legs felt like lead. I was exhausted. And one of the good priests who had been watching my perfcrmance, quietly said to me, "Moffit, that is not good enough." At the time, I was in no mood for anything other than a good pat on the back. But I didn't get that. I got the brutal truth. It was not a worldly expectation. But what should I have expected from a Catholic priest?

The truth that Roman teaches is embodied in her motto, appropriately in the Latin tongue, Fides et Scientia. Faith and Knowledge.

Please consider the fact that in that simple motto—Fides et Scientia—is found the whole idea of Catholic education. It is an education of the whole Man. Man has a twofold destiny, an eternal life and a temporal life. Man's true interests are both natural and supernatural. Logically, then, the object of education is not only the life of the mind, for the completion of temporal tasks, but also the life of the spirit for the completion of final tasks. It is not only the development of human reason, but also the development of human character. A system of education that neglects one or the other is a bad system. A bad education is positively worse than no education at all. It does us no good to concentrate on the training of a man's intellect, and neglect or positively ignore the cultivation of his soul. This is especially true in an age of high technology, when our capacity to exercise great power, not only over our natural environment, but also each other, is potentially without limit. A great genius with the heart of a criminal is a danger, not only to himself, but also to the rest of us. Unfortunately, the recent history of the human race bears this out in gory detail. In every generation, it seems, we are condemned to relearn this terrible lesson. But the Church, with a profound understanding of humanity and two thousand years of experience, has always understood. She has understood because she knows that there is, and can be, no progress in the world, including moral or social progress, unless one knows the fundamentals.

I think that the real reason that we are so strongly stirred by our memories of Roman is that we understand now, far better than we did then, that our lives were shaped by that insistence on the fundamentals; by an insistence on Fides as well as Scientia.

Fides. In the Gospel of Mark, Chapter 12, Verse 17, it is written: "And Jesus said unto them: Render unto Caesar the things that are Caesar's, and unto God the things that are God's. And they marvelled greatly at Him."

In the ancient Roman world, there was no necessary connection between religion and ethics. Ethics were not religious; and religions were not ethical. The pagan gods lived on the same moral plane as pagan men, equally capable of good or evil. There was, however, a necessary connection between religion and the state. Religion was seen as an instrument of the state. It was part of the civil life of the state. It was, in fact, subordinate to the state. There was neither a separation nor a distinction between what belonged to Caesar and what belonged to God; for Caesar fancied himself a god. The state's authority was the highest authority. It was also the fountain of justice and morality. The state was, in a word, absolute.

There were no rights independent of the absolute state. All rights were gifts of the state. What the state gave the state could take away. What the state declared to be right and true was not only legally right and true, but also morally right and true. The pagan state was not only an instrument of law and order, but also assumed the higher role of a supreme teacher of morality and religion.

The Church was persecuted because she taught that there was a higher law than Caesar's law. The Law of God. Indeed, the entire history of the Western world during the past two thousand years can be interpreted as a continuing struggle between the temporal order and the spiritual order, between the higher law of God and the downward pull of our human inclinations, what Augustine called the struggle of two cities in mortal combat, the City of God and the City of Man.

The pagan Roman Empire was based on the principle of absolutism. Tyrannical abuse of authority was standard operating procedure. Now, the Founders of the American Republic, who met here in Philadelphia, were deeply read in the historical experiences of Greece and Rome. They knew that a man who was a law unto himself was a lawless man. They knew, likewise, that a state bound by no higher law was a lawless state.

You and I see this in the Declaration of Independence, the very charter of the American Republic; that there is a law prior to, and higher than, the civil law of the state. Thomas Jefferson called it the law of nature or Nature's God. The Founders recognized, then, the divine law. It was the law that embodied the moral rights of every person, the sacred rights to life, liberty and the pursuit of happiness. They recognized that these rights were not grants of the state, but gifts of God inherent in natural creation. They further recognized that the whole purpose of the state was to protect and defend these rights. This was the highest obligation of the state.

In the American conception of government then, the state is not divine. Rather, it is subordinate to divinity. The state is neither a source nor a teacher of morality and religion, but a respecter of morality and religion. Just as the Declaration of Independence affirms the higher law to which the state must be subordinate, the Federal Constitution leaves the teaching of that law to religious institutions. In fact, the First Amendment to the Constitution denies to the government any competence in matters of religion. Instead, the Constitution holds the federal government subordinate to the freedom of religious conscience and mandates protection of the exercise of religious conscience.

These are the fundamentals. I think they bear repeating, especially today. There is much confusion on the issue.

When you and I were at Roman, we were taught that the Church has a duty to perform. She is charged with teaching morality and religion. Christ commanded Peter to teach—all nations, all peoples, of every class and condition, no exceptions. The Church has a sacred duty to inform conscience. She has no choice in the matter, in any meaningful sense of the term. She cannot disobey

her order and remain what She is. Again, Christ commanded Peter to teach. The command is not to teach except when it is popular, when it is chic, when it is fashionable, when it is convenient, or when the political authorities or the opinion makers of society are in accord with it. So, the Church has a duty. If that duty brings her into conflict with Caesar, or the government, or the courts, or even, Heaven forbid, with a popular television talk show host, so be it.

But what is our duty? In one word, it is loyalty. Loyalty to the Church is something we normally do not, and should not, carry like a chip on our shoulders, waiting for it to be knocked off. It is a matter of quiet faith, resting securely in the inner recesses of our souls.

Unfortunately, however, we live in a time when open, disloyalty to the Church is celebrated and even rewarded as a mark of respectability. The world loves nothing more than a disloyal Catholic. And respectability in the eyes of the world is indeed a fitting "reward". As G.K. Chesterton said, the Church was never respectable and never will be respectable. Her Founder was not respectable.

Loyalty is bound to be tested. Tests come not only in the quiet privacy of our own personal lives, but also in the open forum of public life.

Nowadays, that loyalty is rarely tested on religious doctrine. Frankly, very few people really care whether you, as a Catholic, believe in the Immaculate Conception or the Virgin Birth. For whether these religious ideas are true or not, people think that these notions will have no impact on them. No, loyalty is to be tested on human behavior, matters of private or public morality. Very many people do indeed care whether or not you happen to think, in your heart of hearts, that what is currently fashionable or popular, or whatever it is that they happen to be doing, is right or wrong. People do care what we think or what the Church teaches on these matters. They care, not necessarily because they want to hear the truth, but because they want approval. They want desperately to be told that their behavior, whatever it is, is somehow perfectly all right.

Although this relativist dogma—that morality is merely a matter of personal opinion—is recurrently fashionable, very few of its proponents have the guts to drive it to its logical conclusions. In any case, rest assured that we pass laws in Congress and in our legislatures each and every day against somebody's "personal opinions". And the state so acts. When we exercise a personal judgment that the 55 m.p.h. speed limit is a silly inconvenience, or when we take a joyride in a car under the influence of one-too-many, we are apprehended by the authorities. We are not apprehended because we are violating some mere social convention that the state is whimsically promoting. We are apprehended because we are endangering human life. And, whether we happen to agree with the proposition or not, human life, at least in the narrow context of auto safety, is deemed sacred and worthy of the utmost protection.

The truth is that all law is directed toward the promotion and enhancement of human life. That is the very purpose of law. Please recall that the right to life is the first right enunciated in the Declaration of Independence. It is the first right the state is duty bound to protect. If human life is not sacred, then the law of necessity loses its majesty.

When Roman Catholic High School opened its doors ninety five years ago, the world was very different from what it is today. Intolerance toward the Catholic religion was not uncommon. Today, hostility toward the Catholic religion is far more subtle and infinitely more sophisticated. It is clothed in the garb of freedom of thought and tolerance, but it breathes a spirit of mental conformity and intolerance.

Allow me to illustrate.

The Civil Law is an agent of order. It embodies a notion of what is good for society. A pornographer or an abortionist, whether conscious of it or not, does have a belief system, a world view, a perhaps vague idea of a good society, just like everyone else. He may view the good society as one in which he, at least, may reap enormous profits while plying his loathesome trades. A local pornographer or an abortionist may lobby energetically for changes in the laws governing pornography and abortion, through the courts and in the legislatures. When he is doing so, he is widely perceived as exercising freedom of conscience, and his rights and liberties guaranteed under the Constitution. He may even be applauded in the media for successfully using the democratic process to alter or abolish outmoded restrictions on personal freedom. Nevertheless, when the abortionist or the pornographer is successful, he is, in point of fact, imposing his view of society when a law is altered to reflect his world view. But rarely is he ever called to account for imposing his values on the rest of us.

On the other hand, if a conscientious Catholic, loyal to the teaching of the Church, criticizes laws enacted through the lobbying of abortionists and pornographers, he is accused of trying to impose his values on everyone else. He is accused of undermining the democratic process, breaching the wall of separation between Church and State, polarizing our politics, and even threatening the Constitution. The Catholic must be told to keep his place, especially in public life. If he is outraged by easily available abortion or pornography, if he actually believes the wild and exotic idea that such things are socially destructive, he should have the good taste to keep his opinions to himself; to remain personally opposed; to be quiet.

This is a novel line of argument. It has been recently fashionable. It is also absolute nonsense. There is nothing in our democratic tradition that excludes the forceful expression of one's conscience in public life. There is likewise nothing in our democratic tradition that forbids the forceful presentation of the moral law by the Church, whose function is to teach. It is the suspension of conscience that presents the greatest danger, not only to morality but to liberty as well. The very purpose of democratic politics is to legitimize the expression of conscientiously held values or convictions, whether they are rooted in religious belief or not. Our values, forged at Roman, those truths concerning the moral life, do not proceed from the state. Christ did not commission Caesar to teach either faith or morality. Caesar is to be taught.

We are living in one of the most exciting periods of human history. We are witnesses to a great age of transition. This is true in virtually every phase of life.

When Roman Catholic High opened its doors in 1890, there were 9 million communicants of the Roman Catholic faith in the United States. The overwhelming majority were American Catholics of European extraction. Indeed Catholicism, even in America, was perceived to be a European phenomenon. In my own lifetime, that has all changed. The Church is becoming truly Catholic, and before many more years elapse, it will be a global institution comprised primarily of peoples in what we now call the Third World.

The Pope in Rome is no longer a prisoner of the Vatican. He is a dynamic personality, who unites tremendous energy, intellectual genius and profound faith in an unbeatable combination. We live in a time when the Papacy itself is exerting greater influence over the course of world history than at any time since the Renaissance. If anyone should doubt this, perhaps they should ponder the fears of the Kremlin.

Make no mistake. The Holy Father is still a young man. He is throwing down terrible challenges, not only to you and me in the interest of our salvation, but also to the powers and dominations of this world, including the dark princes of this world. Theologians and politicians may be confused. The Pope is not. And here too, on matters of faith and morals, our lines of loyalty are clear. Ubi Petrus, Ibi Ecclesia. Where there is Peter, there is the Church.

St. Augustine once wrote that history is like a great poem. One does not know its full meaning until the last line is written. What is true of the history of the world is true of institutions, particularly institutions like Roman. More to the point, perhaps, it is true of the life of each and every one of us. The meaning of our lives will be clear to us at the very end. We, and we alone, are the authors of the poem. Our friendships, our loves, our loyalties will constitute the epic that is the experience of each and every one of us. For those of us who had the good fortune to attend Roman, the material is there for a poem rich in eloquence.

Thomas Cahill, Roman's founder, invited us to share in his own dream ninety five years ago. His world has disappeared. But he rightly imagined the immense value of Catholic education for the future. What Roman has given us, all of us, is not only the opportunity to achieve success, but also the ability to cope with adversity. Times of trial may actually constitute our best and most poignant memories at Roman.

I remember one dismal day. Roman was an underdog in a tough football game with a first class team of the Catholic League. It was cold, wet and raining. I was playing the Glockenspiel, or "bells", in the band. Our uniforms were soaked, our fingers were freezing, and it was hard for us to play properly. It was even harder for my friends and classmates, slugging it out on a muddy Cahill field in the fourth quarter against a superior team and a lopsided score. In the near empty stands, I remember hearing a chant that was popular in my time. "Hurrah for Roman, hurrah for Roman, someone in the crowd hollered hurrah for Roman."

If you think about it, it was an odd cheer. Someone in the Crowd. Singular, at the end of that tough game, said, "Well done".

When the final line is written for each and every one of us, I hope that the poem will sing of our loyalty and love in this world. And on our arrival in the next, especially if we are a bit muddy, battered and beaten, and not too respectable, Someone in that crowd will holler "hurrah for Roman".

Thank you.

SUPERFUND—UNDERSTANDING THE PROBLEM

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. ECKERT of New York. Mr. Speaker, in the current raging debate over the Superfund reauthorization, it is clear that sensible perspective and understanding are important to making the appropriate decisions on the program. Neither benign neglect nor hysterical overreaction is the proper course. Our action must be to authorize a program that is reasonable, responsible, and effective.

Robert J. Samuelson has written instructively about this dilemma in today's Washington Post. I ask unanimous consent to place it in the CONGRESSIONAL RECORD and ask my colleagues to consider its thoughtful examination of this difficult issue:

SUPERFUND AS METAPHOR

Remember Superfund? Back in 1980, Congress created the $1.6 billion program to clean up hazardous-chemical dumps. Five years later, here's where we are: We don't know how many dumps need to be cleaned, how much it will cost, how long it will take, or—indeed—whether it can be done. And, if it is done, we don't know what health and safety benefits will result. They could be quite modest.

Superfund—Congress is debating its renewal—is an apt metaphor for our environmental frustration. We want technology's benefits without adverse side effects. But the two are inseparable, and our efforts to achieve a socially and economically sensible balance constantly run afoul of unrealistic public expectations and scientific ignorance. As Superfund shows, it's not simply measuring risks against costs, because we're rarely sure what the ultimate risks are.

Almost any new technology is an adventure with an unknown ending. Since World War II, chemical production has expanded more than twelvefold. It has given us thousands of new products: From plastics to antibiotics, from pesticides to deodorants. But just as no one foresaw this chemical extravaganza, neither did anyone accurately predict its long-term dangers. Chemical wastes are but one of the unwanted surprises.

Even describing the Superfund problem is difficult. In theory, chemical wastes today are regulated under the 1976 Resource Conservation and Recovery Act; wastes are supposed to go into approved dumps. Superfund was created to control earlier abandoned dumps or dumps that fail today's regulatory standards. What we know now—but did not know in 1980—is that this problem was underestimated. Consider the statistics:

More than 21,500 chemical dumps have been reported to the Environmental Protection Agency. Of these, 14,329 have been reviewed, with 4,747 deemed serious enough to warrant an on-site inspection. So far, 851 have been proposed for, or put on, the National Priorities List (NPL), signifying serious danger of groundwater or atmospheric contamination.

Emergency cleanups have occurred at about 600 sites, including many not on the NPL, where immediate fire or public-health hazards existed. Drums of chemicals have been removed or disposal sites have been fenced off from the public.

Permanent cleanups at NPL sites have been slow; work has begun at 132, but only six have been finished. Once chemicals seep into the ground, remedies are expensive, time-consuming and often imperfect.

Excavations, the pumping and treatment of groundwater, or construction of new underground dikes may be required. EPA estimates the total number of NPL sites at 2,200; the congressional Office of Technology Assessment thinks the number could exceed 10,000.

Our real confusion, though, transcends statistics. We make chemical dumps the problem, but they're not. The problem lies in their consequences to public health, which are unclear. Superfund has been legislation by horror story. It was inspired by the Love Canal scandal—the chemical landfill in New York that became a housing development. It was easy to sympathize with Love Canal's residents. A country of Love Canals is not a pretty vision. Neither, however, is it the reality.

All dumps are not Love Canals. Different chemicals have varying effects. Even if dangerous, the chemical shave to seep into ground water or the air, and health problems usually result only from prolonged exposure. Even Love Canal's effects are hazy. There's some evidence of reduced birth weights and, in children around Love Canal, higher rates of abnormalities: rashes, eye irritations, seizures. But here's no evidence of increased cancer.

From what we now know, hazardous chemical dumps are at worst an isolated peril to small groups; at best, their dangers are exaggerated. For example, the National Cancer Institute attributes about 35 percent of cancer to dietary habits, another 30 percent to smoking, 5 percent to cancer viruses, and 3 percent each to excessive drinking and sunshine. All environmental causes (on-the-job exposure, general pollution, food additives) are linked to about 6 percent ; dumps belong in this category.

But, politically, we're uncomfortable with such distinctions. The same individualism that demands the freedom to run huge personal-health risks—smoking, for example—also insists that much smaller risks not be imposed on us against our will or knowledge. We have boundless sympathy for innocent victims. Superfund reflets this bias, as well as another: We often fear the unknown more than the known.

Like nuclear power, chemical dumps inspire fears that defy hard evidence—and with some cause. We don't know all the long-term effects. Even the National Cancer Institute's list of cancer sources is a simplification; it minimizes the interaction of personal habits, the environment and genetics. More important, the ultimate danger of chemical dumps is the slow contamination of the groundwater that supplies more than half our drinking water. But dumps aren't the only pollutant, and the extent of groundwater pollution is unclear.

How much should we spend on Superfund? The administration has proposed a five-year, $5.3 billion program, arguing that there isn't scientific staff to handle more. The Senate is considering a $7.5 billion total; and the House, a $10.1 billion program. It's easy to say, "Spend enough to assure safety." But how safe is safe? Enormous sums spent to cure vastly exaggerated problems or to produce modest results are worse than wasted: They may divert attention—and funds—from more pressing problems.

The messiness of environmental regulation reflects this massive uncertainty and inevitable imperfection. The risks of modern technologies are both unavoidable and imprecise. Our ignorance poses opposite evils: Of not spending enough and suffering environmental revenge, or of wasting huge amounts to cater to uninformed public hysteria. We want clear answers when few exist and utopian solutions when none is possible.

CONGRESS SHOULD ECHO THE UNITED NATIONS ON THE ARMENIAN GENOCIDE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FEIGHAN. Mr. Speaker, last month a committee of the United Nations published a report making explicit reference to the massacre of over a million Armenians by the Ottoman Empire in 1915. Listed with other atrocities as an act of genocide, the report clearly recognizes what we in the Congress have yet to state: that the Armenian genocide was a fact, and one deserving of our strongest condemnation.

On April 24, 1915, Armenian members of the Ottoman Parliament, leaders of the community, and other prominent Armenians were taken from their homes and murdered. What followed was the systematic murder of well over a million other Armenians; the few who were able to escape the country were the only survivors. Some of those people managed to escape to the United States.

The Turkish Government has consistently denied that a genocide occurred in 1915. Their refusal to acknowledge the atrocities against the Armenian community continues to cause suffering, both for the sympathetic people of Turkey and for the Armenian community around the world. Surely the United States should not be party to perpetuating such horrendous myth.

In 1984 the House of Representatives called for the designation of April 24, 1985, as "A National Day of Remembrance of Man's Inhumanity to Man." This year again, we have tried to achieve such recognition from the Congress. To date, the effort has failed. Why should we continue to postpone recognition of this horror? Why won't the Congress stand as forthrightly as the U.N. committee in accepting a horrible truth and committing ourselves never to let it happen again?

Mr. Speaker, the United Nations has spoken as it should. The facts continue to speak for themselves. It is time for Congress to lend its voice to this collective judgment and pass the resolution condemning the Armenian genocide.

MIRED IN THE SUPERFUND SWAMP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DINGELL. Mr. Speaker, House Members will shortly be considering Superfund legislation, H.R. 2817, reported by the Committee on Energy and Commerce. Just as soon as action is completed by the other committees of jurisdiction, over the course of the next several weeks, we will be prepared to seek a rule and bring the measure to the House floor.

The bill reported by the committee will serve well to do the absolutely essential job of cleaning up our Nation's hazardous waste dumps and protecting public health. The bill expands the program, increases the authority of the EPA as well as of the States, and provides $10 billion over the next 5 years for the purpose.

I am confident that the majority of the Members of the House will agree with the 31 of 42 Members on the Commerce Committee who voted 31 to 10 in favor of our Superfund bill. That does, of course, constitute a majority of three to one, and it consists of a majority of both parties.

The Members should also be aware of editorial support for H.R. 2817, shown by both the New York Times (August 5) and the Washington Post (August 11). I commend their respective editorials to the attention of my colleagues:

[From the New York Times, Aug. 5, 1985]

MIRED IN THE SUPERFUND SWAMP

After five years, Superfund is still a daunting swamp of disappointment and discord. The Federal program to clean up abandoned toxic-waste dumps is due to expire, but Congress and the Administration cannot agree on how to renew it. James Florio, one of Superfund's authors, says a new House bill "isn't worth passing." Senator Dole has refused to bring a Senate committee's bill to floor vote. E.P.A. Administrator Lee Thomas fears the program's disruption if Congress cannot agree.

Why has progress been so slow? So many hazardous-waste sites pock the land that just cataloguing them is a major task. The Environmental Protection Agency has found 19,000 so far, and is still counting. Of the 800 designated for priority attention, only 10 have been completely cleaned up. When Superfund I expires in September, after $1.6 billion and five years' work, it'll have done a pygmy's job on a Superman's labor.

To make Superfund II do better, the Senate Environment Committee would increase its five-year budget to $7.5 billion, the House Energy and Commerce Committee to $10 billion. More money is surely needed, but some of the provisions environmentalists are pressing on Congress militate against efficiency.

Letting citizens sue polluters or the E.P.A. would only inspissate the logjam of litigation. Writing strict deadlines of the sort that stimulated action by E.P.A. on other issues might mire it only further in the wastes of Superfund. The House should follow its committee in voting down these complexifying provisions.

There are problems enough in deciding the basic issues of Superfund II, like where the money's coming from. Superfund I was funded by a tax on oil and raw chemicals, with the argument that these were the source of most toxic chemicals in the dumps. The oil and chemical industries assert, probably with reason, that they cannot afford an increase in this tax. Since a broad range of manufacturers and municipalities are among the dumpers, a general excise tax on manufactures might be a fairer source of revenue.

Fine, but the Administration has threatened to veto any Superfund bill based on such a new tax. That leaves a waste-end tax, which has the theoretical advantage of discouraging toxic-waste generation. But the more it succeeds in that goal, the less money this tax will raise. Also, it penalizes those who now go to the expense of disposing of waste properly, to pay for the sins of those who recklessly created the abandoned dumps.

Another problem is posed by the standards of cleanup. Leaving a site pristinely clean of toxics would be ideal, but that costs a lot more than just reducing the immediate health hazard. Which raises another question: Just what is the health hazard? Dumps that ooze carcinogenic chemicals into the air and ground water pose a clear risk to the millions of people who live around them. But no one yet knows how great a risk.

All these unknown suggest that breakneck speed and maximum budgets should not be the only criteria in restructuring Superfund. Efficiency and consistency also matter. Reducing the seepage of funds into lawyers' pockets would help: At present E.P.A. spends as much on litigation as in cleaning up a site. It would also help to stop transferring waste from one site to another with no ultimate benefit.

Dumping too much money and complexity into Superfund II before the basic issues are resolved may only set fiscal waste in pursuit of toxic waste.

[From the Washington Post, Aug. 11, 1985]

NEXT STEP ON SUPERFUND

Congress is finally being driven by the calendar to take some action on the expiring Superfund program to clean up buried toxic wastes. The deadline is Sept. 30; that is when the existing five-year-old authority expires. The House Energy and Commerce Committee produced its usual entertaining swordplay and great showers of sparks just before Congress went on its summer vacation. It reported out a Superfund bill 31 to 10. The losing 10, all Democrats, denounced the bill as a cowardly retreat; the winning 31 hailed it as a statesmanlike advance. The subject is techical, the rhetoric was overblown, and it is hard to know whom to believe.

The Superfund was created in 1980. It was Congress' response to Love Canal. It is one of a number of broad regulatory efforts that Congress has ordered up in recent years to combat chemical poisoning. Most were enacted with a much greater sense of urgency than an appreciation of the technical difficulties involved. In the case of the Superfund, there is still not agreement even on where and how many are the dumps that need to be dealt with. The Environmental Protection Agency estimates 2,000 dumps across the country will be found so dangerous they will need to be cleaned up. The General Accounting Office estimates 4,000; Congress' Office of Technology Assessment, 10,000. There is no agreement, either, on how to approach them. Should the agency do a little work on a lot of sites or a lot or work on a few? How much should it seek to clean up any one site; how clean is clean? Can wastes be chemically neutralized? Burned? It is not always known what is in a dump. Can leaking dumps be walled off? Or should wastes be removed, and then where? Is this not just a transfer of risk? What guarantees can there be that new dumps won't someday leak like old?

Well-disposed experts disagree on all these issues. They are beyond Congress' attention span and competence. There are equally sharp disputes over the equity issues involved: who should be liable, who should pay? There is also a heavy overlay of political distrust that clouds these problems. The Superfund program was at the center of the fight over politicization of EPA in the first Reagan term.

The fight last month in Energy and Commerce was basically over how much to trust and how much to instruct EPA. Environmental groups and the losing Democrats favored a bill like one the House passed last year (it died in the Senate). They would force EPA to start work on a certain number of sites each year (serious work has started on only about 300 so far), and spell out cleanliness standards. The majority gave the agency more room to maneuver.

The bill must now go to three other House committees. The Senate also has yet to act; a bill has been awaiting debate there since mid-June. There is talk of a simple extension of current law if Congress cannot act by the expiration date. Some would make it a year's extension, so that the issue would come up in an election year. That kind of deferral of decision has become almost a way of life in Congress in recent years. It is a weak way to govern. The bills in both houses would greatly expand the Superfund, from the $1.6 billion of the last five years to either $7.5 billion (Senate) or $10 billion (House) the next five. That expansion should not be postponed. And the bill that came out of Energy and Commerce seems to us good enough. There is a limit to how much Congress can usefully force EPA's hand in this complex field.

LATIN AMERICAN DEMOCRACIES SUPPORT CONTADORA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BARNES. Mr. Speaker, as the situation deteriorates in Central America, several of our neighbors to the south have decided to join together to support and provide a new impetus to the efforts of the Contadora nations. The Presidents from Argentina, Brazil, Peru, and Uruguay decided to create a support group in order to provide new blood to the Contadora process. This initiative on the part of the new democracies in Latin America resulted from their concern that a political solution is losing ground in the region and their apprehension that other powerful forces in the hemisphere are actively undermining the Contadora process.

I am submitting for the RECORD a copy of the press release issued by the Ministers

of Foreign Relations of the Contadora Group and those of the support group after their meeting in Cartagena, Colombia, on August 24-25, 1985.

PRESS RELEASE ISSUED BY THE MINISTERS OF FOREIGN RELATIONS OF THE CONTADORA GROUP AND THOSE OF THE SUPPORT GROUP, INTEGRATED BY ARGENTINA, BRAZIL, PERU AND URUGUAY

[Unofficial translation]

The Ministers of Foreign Relations of Colombia, Mexico, Panama and Venezuela met in Cartagena de Indias, August 24 and 25, 1985, with their colleagues of Argentina, Brazil, Peru and Uruguay, on invitation from the President of the Republic of Colombia, Belisario Betancur, with the firm resolution to consider the forms of support that the latter countries' governments will give to the peace endeavors in Central America being made by the Contadora Group. This decision stems from their determination to strengthen by actions the support they have granted Contadora to this date. The creation by these countries of a mechanism of support to Contadora constituties, in this sense, a new expression of the political will and of the cooperating potential of Latin America to tend to regional problems according to its own perspective.

The meeting confirmed the serious concern existing among the Latin American countries regarding the crisis in Central Amerca, and also confirmed the decision to strengthen by specific actions and by a strong regional unity the effort of diplomatic negotiation being made by the Contadora Group. Fundamental questions are being debated today in Central America affecting that region's free and independent democratic development. This conflict will have a bearing on the political and social stability of all Latin America if a peaceful and negotiated solution is not found.

For this reason, the Ministers underlined that it is not a question of looking for temporary solutions or allowing incidental excuses to divert attention from the crucial problems of the Central American crises. The question is to find basic and permanent solutions to the essential conflicts of the region. The Secretaries stated that any actions towards peace should be undertaken with a view to the future and in accordance with the objectives of solidarity, independence and justice, which have been the permanent goals of the Latin American peoples. The time factor is essential in the search for these solutions.

Argentina, Brazil, Peru, and Uruguay began within this context of their operation as a mechanism of support to the Contadora Group, which will carry out the following tasks:

Systematic exchange of information, in order to enrich the evaluation of the Central American problems and to identify measures that will contribute to their solution.

Consultation, in order to facilitate the coordination of diplomatic actions that encourage Contadora's negotiation process.

Diplomatic endeavors to seek support for the Contadora Group from:

The Central American governments

The governments of countries with ties and interests in the region

Other governments committed to the peaceful solution of the regional conflict

International organizations, especially the UNO and the OAS

To promote the prompt conclusion and signing of the Contadora Act for peace and cooperation in Central America as the legal instrument that establishes the political commitments of understanding in the region.

To foster the effective observance of this Act of Contadora.

The Ministers:

(A) Agreed on their observation that the worsening of regional conditions makes it necessary for the agreements contained in the Contadora Act for peace and cooperation in Central America to be signed. They also thought it indispensable to encourage the other actions defined by the Contadora Group in its meeting of July 21st and 22nd, 1985, in order to avoid a generalized conflict which would seriously affect the states in the region and would have repercussions in the entire hemisphere.

(B) Stated their conviction that the solution to the Central American problems cannot be attained through violence but through dialogue and political and diplomatic negotiation, as has been permanently proposed by the Contadora Group. It is not a question of substituting the prerogative of any country to do its will but, on the contrary, of presenting feasible alternatives which would offer reasonable security and allow fair, effective and longlasting agreements.

(C) Coincided in that it is indispensable to deactivate the most dangerous real and potential conflicts which are now seen, recognizing that these conflicts are rooted in economic and social inequality and in structures restricting the freedom of popular expression and participation in the political processes that gather the essential aspirations of every society.

(D) Underlined the fact that the endeavors of the Contadora Group are in their entirety aimed at promoting commitments, both in political issues and in questions of security and cooperation towards development, and at avoiding the insertion of the regional conflict in the East-West confrontation.

(E) Coincided in the importance and the need for the countries with ties and interests in the region to make a real contribution to overcome the problems existing in this troubled zone of our continent.

(F) Examined the dramatic deterioration suffered by the Central American economies in the last years, because of factors resulting from international conditions which have been particularly damaging for these countries, and which have been dramatically exacerbated by the political and social unrest which the region is experiencing.

(G) Agreed that the economic crisis and the political crisis are interrelated, for which reason it is necessary to make simultaneous progress towards peace and the reduction of political tension, on the one hand, and towards economic reactivation on the other.

The Ministers of Argentina, Brazil, Peru and Uruguay reiterated their conviction that the negotiating endeavor of the Contadora Group is the only feasible road in attaining peace and reestablishing harmony and cooperation among the Central American states.

On the other hand, the Ministers of Colombia, Mexico, Panama, and Venezuela emphasized the importance of this new expression of Latin American solidarity which is the establishment of the group support to Contadora by the governments of four countries vigorously committed to the region's democratic life. They also expressed their special appreciation for this contribution.

The Ministers of Foreign Relations of Argentina, Brazil, Mexico, Panama, Peru, Uruguay, and Venezuela thanked the President of the Republic of Colombia, Dr. Belisario Betancur, for the guidelines in his opening address and his personal contribution in inaugurating the meeting. They also thanked the Government of Colombia for the hospitality they were granted during their stay in the historic city of Cartagena, which contributed to the successful development of the meeting.

TRADE IMBALANCE IS KEY ISSUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FRANK. Mr. Speaker, appropriately, on Labor Day, the Fall River Herald News published an extremely well-reasoned editorial about the threat to American working men and women represented by our growing trade imbalance.

As in the past, the Herald News has expressed a very thoughtful point of view, with which I am in substantial agreement, in an extremely cogent way. I think the excellent argument the Herald News makes for changes in our trade policies is an important one and ought to be widely read:

CONGRESS REFLECTS PUBLIC WILL

After a month's vacation Congress returns to Washington and its woes tomorrow.

The month has not been wasted.

The senators and representatives have had a chance to find out what the folks back home are thinking and feeling.

They will return to the Senate or the House with a surer sense of public opinion, and this will doubtless guide them during the months ahead.

Those months will see some major decisions, especially in terms of federal expenses.

The government is in financial trouble, and Congress will have to do its share to straighten out the government's affairs.

Nevertheless, it has doubtless discovered that the public, by and large, is less worried about the federal deficit than it is about the damage imports on a large scale are doing to domestic industries.

New England has more than its quota of these damaged industries: textiles, apparel, shoes, even fish.

The region's senators and representatives have learned during the past few weeks that people are really worried about the future of these traditional industries.

What is more, they expect the government to help to salvage them.

This is not the same thing as conventional protectionism.

The public is aware that over all, free trade is more beneficial than protectionism.

But it feels, more or less obscurely, that something has gone seriously wrong with the processes of free trade, and that many American industries are the victims because of what has gone wrong.

They are beginning to realize that in many instances, the foreign industries that are exporting goods here at less than our firms can charge are being subsidized by their governments.

The Japanese government subsidizes its industries; so does the Canadian government, and these are only two.

The government of the United States does not.

Part at least of the unfair advantage foreign industries have here is the result of the subsidies they receive.

The current disastrous imbalance of trade is agitating the public to a degree that may well have surprised the senators and representatives.

They have been so concerned with budgetary problems and conflicts that they have underestimated the real distress of a great many persons whose jobs are threatened by the invasion of foreign goods.

It is this very real threat that is preoccupying the public rather than the budget or the national debt.

Because the senators and representatives have now been exposed to what the public is thinking and feeling, it seems likely that in the immediate future they will be pressing for revisions of our foreign trade policies.

They will be less concerned with deficits than quotas, and less concerned with revision of the tax laws than revision of the regulations governing the importation of foreign goods.

The vacation month will have been well spent if Congress comes back from it determined to do something to enable embattled American industries to survive.

The next few weeks will demonstrate whether Congress has paid attention to what it heard back home.

We must all hope it has.

HINGHAM, MA: 350 YEARS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. STUDDS. Mr. Speaker, in 1942, Eleanor Roosevelt authored "This Is America," a photographic study of the diverse elements that make up a typical American town. Of the thousands of small communities across our Nation, Mrs. Roosevelt selected the town of Hingham, MA—which this year celebrates its 350th anniversary—to depict as representative of America.

Enriching the town is an historical legacy that was Mrs. Roosevelt's principal reason for considering Hingham an exemplary American town. To describe Hingham's history is, in many important ways, to recount the story of America. The annals of American history contain numerous Hingham names and events. The economic, cultural and social forces that caused this country to progress from a colony, to an independent nation, to a highly industrialized society are mirrored in Hingham's past.

While American history textbooks may not contain his name, Peter Hobart was part of the remarkable migration of Puritans seeking freedom from religious persecution. In establishing what was then called Bare Cove, Hobart and his followers jointed other Boston area settlements in forming the Massachusetts Bay Colony. Two key revolutionary era figures, John Hancock and James Otis, had family roots in Hingham, and the town clerk, Benjamin Lincoln, a leading military associate of George Washington, received Cornwallis' sword at Yorktown. In the 1800's, the Hingham Anti-Slavery Society was part of the movement which led to a divided nation; in the ensuing Civil War, 80 townsmen died to preserve the Union. Twentieth century Hingham reaffirmed its commitment to the security of the Nation, its shipyard turning out vessel after vessel in the 1940's and its residents contributing to all major war efforts.

While Hingham's economy was similar to that of area communities, with a strong reliance on farming, fishing and related industries, commercial enterprises developed which were unique to the town. Its woodenware industry produced the famous Hingham bucket, among other household products and, some claim, the first toys made in this country. In addition, hammers and hatchets made by Joseph Jacobs at his metal works in South Hingham were sold all over the United States, South America, and Australia.

From a small village of farmers, fishermen, and craftsmen, Hingham has grown and prospered. To the credit of its residents, the town has done so without sacrificing the charm which Eleanor Roosevelt found so pleasing. We are reminded of its proud history every time we turn a corner. The Old Ship Church, Derby Academy, the many 17th, 18th, and 19th century homes which line Glad Tadings Plain and other streets, the Old Ordinary and other local landmarks made this town a community in which its residents understandably take great pride. It is with the same pride that I am privileged to represent the town of Hingham in the U.S. Congress. I am pleased to join the people of Hingham in commemorating 350 years and offer my best wishes for a successful celebration.

VOCATIONAL AGRICULTURE, EXCELLENCE IN EDUCATION

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. CRAIG. Mr. Speaker, at a time when our society is questioning the ability of our educational system to train competent and progressive leaders for the future, it is refreshing to look at the success of the vocational agriculture programs. Offered in 8,300 schools, the program involves over 816,000 students training for careers in production agriculture and agribusiness.

Although the present rural economy might cause some to question the need for agricultural education, people are now recognizing that agriculture is much more than farming. It is our Nation's largest industry with assets over $1,030 billion. This is equal to 70 percent of the capital assets of all manufacturing corporations in the United States. Even though less than 3 percent of the population is involved in production agriculture, the industry has a profound impact on the economic health of our country. Agriculture and agribusiness employ 22.5 million people, which represents 22 percent of America's labor force. One farmer creates jobs for 5.2 nonfarm people in processing, transportation, marketing, retailing, and numerous other employment fields. Our country's food and fiber system accounts for over 20 percent of the total gross national product and historically has improved our balance of payments. The progress and stability of this important industry is dependent on educated and skilled individuals to meet the everchanging needs of the future.

Vocational agriculture is a nationwide instructional program operated at the secondary, postsecondary, and adult levels for students preparing for or already engaged in agriculture and/or agribusiness careers. Students participate in three major program components: Classroom and laboratory instruction, supervised occupational experience, and leadership development. Combined, these components provide students with the skills, technical information, confidence, and attitudes necessary for success in their career choice.

The strength of the program is centered around the teaching concept of "learning by doing." Students are instructed in the newest technologies and then can put these skills to work in practical problem-solving situations. Computer operations, genetic engineering, biotechnology as well as production agriculture, agribusiness training, mechanics, horticulture, conservation, and many other instruction areas are part of the typical vocational agriculture classroom. All are designed with each student's interest and career goals in mind. This promotes better understanding and attitudes toward school work and gives a clearer understanding of how this training will be of value in their career choice.

The Supervised Occupational Experience [SOE] Program involves cooperation with the private sector of the agricultural industry to provide students with on-the-job training and entrepreneurships. These experiences are related to, and strengthen the classroom and laboratory instruction. The responsibility, work habits, and financial training are all valuable learning tools of each personalized SOE Program. Classroom instruction is more meaningful if techniques learned can be implemented in the student's own moneymaking experience.

Leadership, citizenship, and personal development activities are also an important part of vocational agriculture instruction. Development of confidence, public speaking ability, and cooperation are all goals of the student organizations that play an active role in the entire program. Students participate in contests, awards, and recognitions which can develop outstanding leadership skills. At the high school level, students participate in the Future Farmers of America [FFA]; postsecondary students participate in the Postsecondary Agricultural Student Organization [PAS]; and adults participate in the Young Farmer Educational Association [YFA]. The suc-

cess of all of these organizations lies in the strength of the high school vocational agriculture program. Students need this early exposure to the career opportunities in agriculture to begin planning for their future. Interest and enrollment in postsecondary and young farmer education, as well as the student organizations, generally begin with students previously exposed to vocational agriculture and the FFA in high school.

These organizations also enjoy active and enthusiastic support from agricultural business and industry. In 1984, over $1.9 million were voluntarily contributed to the Future Farmers of America foundation by individuals and businesses that were convinced of the value of vocational agriculture and the FFA. These students are also very active in building their local communities, working with civic leaders and local resources. FFA, PAS, and YFA chapters have originated and implemented active programs for community betterment and rejuvenation. Their attitude toward the building of our American communities can best be summed up in the FFA motto, "Learning to Do; Doing to Learn; Earning to Live; and Living to Serve."

This combination of classroom and laboratory instruction, supervised occupational experience, and leadership development has proved to be a very effective teaching method for thousands of young men and women looking for success in a career as well as life. The practical application of knowledge through the student's personalized ownership or Work Experience Program [SOE] allows the classroom to expand beyond the walls of the school building. Education is not an 8 a.m. to 4 p.m. operation, but a continuing process that should reach the students whereever they may be. The student organizations enhance this process, building the confidence and leadership qualities that our country is in need of today.

On next Tuesday, September 17, the FFA will honor the 50 State winners of the "Building Our American Communities" [BOAC] Program. The BOAC conference, sponsored by R.J. Reynolds Industries, Inc., will honor the national winner and State winners at a congressional luncheon. Just prior to the luncheon, the FFA State winners will participate in a brief congressional internship with their respective congressional representatives. This is only one of many examples of programs offered by vocational agriculture education.

Vocational agriculture is an important part of the entire educational process. It's success and strength comes from the fact that our Nation cannot do without agriculture and agribusiness. We need educated young men and women with the knowledge, leadership, and confidence provided through vocational agriculture. The futuristic approach to this quality education will benefit our youth and this great country for many years to come.

SAVING THE THIRD WORLD'S CHILDREN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. YATRON Mr. Speaker, I rise to discuss the critical problem of child health care in developing nations. Every day, approximately 40,000 children die in these countries. Fortunately, important progress in immunization and public-health techniques provide us with the means to significantly reduce this tragic figure. The U.N. World Health Organization and UNICEF have made tremendous contributions in this area and deserve our highest commendation and support.

I want to take this opportunity to bring to the attention of my colleagues an article which appeared in the October 1984 Reader's Digest, which details the massive difficulties as well as the recent strides in addressing the child health care issue. As chairman of the House Subcommittee on Human Rights and International Organizations, I have been actively involved in efforts to improve child health care in developing countries and this subject will remain one of the highest priorities of the subcommittee.

The article follows:

[From the Reader's Digest, October 1984]

SAVING THE THIRD WORLD'S CHILDREN

(By Stanley L. Englebardt)

From the window of a jet sweeping in over the Atlantic, the city of Dakar in Senegal looks like a tropical jewel. Highrise office buildings and luxury hotels frame a bustling port and sandy beaches. But there is ugliness behind the facade. For this is the gateway to an area of West Africa that the World Health Organization (WHO) describes as "among the poorest and most disease ravaged in the world"—where life is assaulted by tuberculosis, tetanus and ever-recurring epidemics of polio, yellow fever, diphtheria, pertussis (whooping cough) and measles.

These are all preventable diseases, long since conquered in the West. Why are they still endemic in so many poor countries? "Primarily because of problems in delivering the needed vaccines," says Dr. Jonas Salk, developer of the first polio vaccine. Inoculating youngsters with the triple vaccine to combat diphtheria, pertussis and tetanus (DPT), for instance, usually requires three injections a month apart, plus a booster shot a year later. When you add in hostile climate and terrain, a scarcity of doctors, tribal superstitions, and malnutrition that lowers resistance to disease, you get some idea of the difficulties.

Now this is changing. Recent advances in vaccinology make it possible to piggyback four inoculations at a time. Pilot programs with local vaccination teams in Upper Volta (now known as Burkina Faso), Senegal and Mali have shown, says Dr. Salk, that "the science and technology exist to save the lives of five million children a year by 1990."

BEDROCK PROBLEMS

Before coming to West Africa I'd heard that the high infant-mortality rate—about 150 deaths in every 1000 births—was taken for granted by the people. But statistics don't prepare you for the sight of a young mother tenderly holding her enervated child and the anguish on her face as the child dies. "When we have the means of preventing it, to allow forty thousand children to die like this every day is unconscionable," says James P. Grant, executive director of the United Nations Children's Fund (UNICEF).

Between 1950 and 1970, WHO, UNICEF and other aid agencies have helped to reduce infant- and childhood-death rates in poor countries by a third. Since then, however, the figures have improved little, even deteriorating in some areas.

Why? Many earlier efforts concentrated on cities, where logistics are easier and results come quickly. But about 80 percent of West Africans live in rural bush country, and these people remained relatively untouched by Western health efforts.

Then, in the mid-1970s, the worst drought of the century gripped the Sahel area; the famine continues, driving death rates still higher. Even in areas where foreign-aid programs have been active, there remain many basic health problems. Open sewers run through the streets of Dakar. In Mali only 6½ percent of the population has access to potable running water. Upper Volta has only 127 doctors and two general and three local rural hospitals for its seven million people, and while I was in its capital, Ouagadougou, a yellow-fever epidemic claimed 286 victims in the south. "The epidemic will just have to burn itself out," a government health official told me. "We haven't the means to do anything about it." Add to these bedrock health and sanitation problems a more than 80-percent illiteracy rate, chronic food shortages, per-capita incomes among the world's lowest, and it's hard to see how headway can be made.

However, recent social and scientific breakthroughs offer some hope. "Simple techniques already exist to save half of the forty thousand children who die each day," says UNICEF's Grant. The pilot programs in Senegal, Mali and Upper Volta, which involve thousands of children, are one example of how immunization can bring a decrease in mortality rates.

"We're not unaware that health in developing countries is part of a chain of social and economic problems," says Dr. Philippe Stoeckel, director of the French-based Association pour la Promotion de la Médecine Préventive (APMP). "Nevertheless, breaking just one link of this chain can have dramatic impact."

FIGHTING A WITCHES' BREW

The seeds of this effort were first sown in 1955 when Dr. Salk introduced his killed-virus vaccine against polio. Then in 1957 virologist. Dr. Albert Sabin introduced a live-virus vaccine administered on a sugar cube.

The Sabin vaccine found a ready market around the world, and in many developing countries it minimized the need for trained medics. But, despite its efficacy, polio epidemics were still occurring several years later in the Third World.

One reason was various problems in delivering the vaccine to so many children. Another reason had to do with temperature. With uncertain refrigeration, many vaccines and drugs lose their potency. In addition, it is thought that the intestinal tract of most Third World people contains a witches' brew of viruses that may, in some cases, work against the attenuated viruses of vaccines.

One possible alternative was to give a mixture of both live- and killed-virus vaccine. But there was a Catch-22. Producing the killed Salk vaccine involved culturing the virus in monkey-kidney tissue. Supplying vaccine for millions of children a year would require sacrificing virtually an entire species of monkey—unacceptable environmentally and financially expensive.

The need was to increase vaccine production and lower costs. Traditionally, vaccine viruses have been "an expanded vaccination program protecting all children in the developing would against infectious diseases." By 1979, however, it was apparent that money and good intentions weren't enough. "We'd set up shop in a centrally located town," recalls Dr. Stoeckel, "and spread the word." Mothers and children would show up for the first session, and most would come back a month later for the second; but for the third and fourth inoculations there'd be few returnees. So the program never immunized enough people to prevent epidemics.

With a two-shot schedule and the ability to combine vaccines, though, this stumbling block has been removed, says Dr. Stoeckel. He is not in charge of a pilot program in the Kolda district of Senegal, which was set up by the APMP with international support. The vaccine-delivery system for the program had to be handled by Senegalese who could carry on after the foreigners had left.

ON THE ROAD

Kolda is a microcosm of the Sahel, where less than half a million people are spread thinly over thousands of square miles. During a two-to-three-month farming season, the villages are abandoned for isolated thatched-roof huts on the edge of fields where an entire family tends the crops.

"We couldn't travel at this time as it was also the rainy season," says Dr. Stoeckel. "So we concentrated on two vaccination sessions, one before and one after the four wet summer months."

Earlier efforts had operated out of fixed health centers. But this rarely reached rural children, so mobile teams were recruited by the APMP. With most shots administered by needlleless jet guns, careful sterilization procedures weren't needed.

Typically, a team has four members: a leader with paramedical experience who administers the one intradermal shot by BCG for tuberculosis and monitors any reactions; a midwife or nurse who explains to the mothers why it's important for the children to return, as well as how to improve family health and nutrition; a driver-mechanic; and a scout who rides ahead to get the village chieftain to assemble the families. Each of these people is also trained to give jet-gun injections.

The first team branched out in Kolda in the February-June period of 1980; a second in 1981; a third in 1982. Each team vaccinated as many as 300 to 500 children a day. Follow-up studies showed that 90 percent of the targeted population had been reached at least once. Blood samples confirmed that the children had developed antibodies against the illnesses.

"It is now imperative to take the next step," Dr. Salk said after seeing the results. "And that's immunization of all children in the developing world." Slowly the realization of that ambitious goal is beginning to take place.

SHOOT-OUT IN KOLDA

The morning after my arrival in Dakar, I met with Dr. Martin Schlumberger. A French tropical-medicine specialist now in charge of the APMP program in West Africa, he covers vast distances in a single-engine airplane. "Pack lightly," he told me. "We'll take off early tomorrow for a look at how it's going."

After a stop in Sedhiou, we flew on to the town of Kolda, whose dirt streets and one-room buildings are under a perpetual haze of smoke caused by cooking meals over wood fires. There was also the unsettling sight of rats scavenging at the hills of millet heaped up as a hedge against famine. "They'll get a quarter of it," our driver said, "and we'll have the rest."

But years of attention by various aid groups have left their mark on Kolda. The town has an elementary school, a rehabilitation hospital for malnutrition victims and a well-stocked clinic where a nun, trained as a nurse, does everything short of major surgery.

Word of the vaccination session brought a big response. At 8 a.m., when we arrived at the site, about 150 women, each carrying an infant in a cloth sling and holding one or two others by the hand, were already queued up. Many had walked miles to get there and would wait two or more hours in a shrinking patch of shade for their turn.

Their first stop was a table where a nurse issued vaccination cards for children getting their first inoculations and checked the cards of those back for the second round. Many cards had been so gnawed by rats they were no longer decipherable, so the nurse simply checked the baby's arm for a needle mark.

The next stop was the vaccination tables. At the first one, the team leader gave BCG-tuberculosis shots to first-timers between 3 months and 8 months of age; at the second, another team member used a jet gun to deliver DPT-polio vaccine into the children's buttocks.

Second-session children, between 9 months and 14 months old, received two jet-gun injections concurrently. With a nozzle pressed against each buttock, a team member released DPT-polio booster into one side and combined measles and yellow-fever vaccines into the other.

Pregnant women also received tetanus injections. "When a child is born in West Africa," explained Dr. Schlumberger, "the medicine man rubs dirt on the umbilicus"—an open invitation to tetanus.

At 2 p.m., more than 400 children had been processed, and exhausted team members dismantled the jet guns, packed away the syringes and loaded the trucks.

FIRST STEP

During the next five days we touched down at a half-dozen towns across West Africa where similar operations are getting under way. Thanks to the new technology, the cost of these campaigns has been cut drastically in the past two years. The new measles vaccine, for example, is now less than ten cents a dose, and the combined DPT-polio killed-virus vaccine about 50 cents per dose. It all works out to between $5 and $15 per patient contact.

Perhaps the most unexpected result is the effect on population growth. Studies in areas where various programs have reduced infant mortality reveal that population-growth rates have fallen to among the lowest in the developing world. Parents can now confidently produce the number of children they want, rather than compensating for those who die.

What I saw in West Africa was only a beginning. About 103 million children are born in the developing countries every year, and few of them get any health care. Reaching all these youngsters wil be a massive and frustrating job.

Yet, clearly, the new vaccination strategy is taking hold. "There are no longer any scientific or technological limits to mass immunization," says Dr. Salk. "All that remains to be done is to put all this on a larger scale and apply it."

CONSUMER SAVINGS PROTECTION ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Ms. OAKAR. Mr. Speaker, today I am introducing the Consumer Savings Protection Act of 1985 to require banks, savings banks, and savings and loans to obtain Federal deposit insurance.

Recent events in Ohio and Maryland make it clear that depositor confidence is based on the perception that a strong insurance fund stands ready, no matter what, to protect the safety of their deposits. In both States, consumers lost confidence in the adequacy of a private insurance fund to safeguard their deposits when the failure of a single institution completely drained the fund of its reserves. I believe unequivocally, that Federal deposit insurance must be required in order to protect consumers' savings and maintain consumer confidence in depository institutions generally.

Clearly, depository institutions are fundamentally different from other businesses and therefore, they must be treated differently. For one thing, they are vested with a high degree of public trust in addition to being instrumental to our national economy and to the conduct of monetary policy. Moreover, banks have an important public purpose. In addition to being intimately connected with the public interest, depository institutions are responsible for meeting the credit and deposit needs of the community in which they are chartered to serve. The operating condition of the institution and the ability of an insurance fund to protect consumers' savings cannot be the subject of doubt or suspicion.

The experience in Ohio and Maryland demonstrated that once an institution suffers heavy losses a chain reaction can begin in which doubt among consumers about the ability of the insurance fund to cover the losses can quickly erode the public's confidence in the safety of their money at other similarly insured institutions and soon a panic begins. Such erosion in confidence can have a profound effect not only on the local community, but also on the region and even on the international money markets.

If all the depository institutions in Ohio and Maryland had been federally insured, the outcome would have been different and consumers would not have gone through the trauma of thinking they were wiped out. Federally insured institutions that fail are generally merged or bought by another

institution, oftentimes without an interruption in service. Moreover, Federal insurance funds are backed by the full faith and credit of the U.S. Government.

Unless Federal deposit insurance is required, it is possible the terrible experience in Ohio and Maryland will be repeated elsewhere.

The Consumer Savings Protection Act would provide consumers the best deposit insurance possible.

The Consumer Savings Protection Act is relatively straightforward. It requires banks, savings banks, and savings and loans to apply for Federal deposit insurance within 90 days and to obtain Federal deposit insurance within 2 years. An institution chartered after the enactment of this bill must be federally insured. Additionally, the bill will facilitate a Federal-State partnership to protect deposits at nonfederally insured institutions while these institutions await Federal deposit insurance coverage.

Although Ohio and Maryland have enacted laws that require their State chartered depository institutions to be federally insured, there still are 589 institutions in 8 States with $23.2 billion in deposits that are not federally insured. Enactment of the Consumer Savings Protection Act would bring these institutions and, more importantly their customers' deposits, under the protective cover of Federal deposit insurance backed by the full faith and credit of the U.S. Government.

Mr. Speaker, the disruption caused by the failure of confidence in two private deposit insurance funds, I believe, makes it abundantly clear that in order to provide the maximum protection to depositors and to maintain order and trust in our depository institutions, banks, savings banks, and savings and loans must be required to have Federal deposit insurance. For that reason, I introduced the Consumer Savings Protection Act of 1985. I commend the legislation to my colleagues' attention and ask that they give it their support.

BALANCE THE MEMBERSHIP OF THE FED

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. ROTH. Mr. Speaker, it has become obvious over the past several years just how key a role the Federal Reserve Board plays in shaping this Nation's economy.

Every word uttered by Fed Chairman Volcker is turned inside and out for nuances and hidden meanings. His words and actions can cause the value of the dollar to soar or to drop, affect the performance of the stock market, and influence the general direction of the economy.

The monetary policies of the Federal Reserve, perhaps more than any other single factor, are responsible for determining interest rates and the availability of credit. These policies can virtually make or break any sector of the economy; we have seen in recent years just how Fed policies have helped determine the fate of countless small business owners and farmers.

Section 10 of the Federal Reserve Act provides that: "In selecting the members of the Board of Governors . . . the President shall have due regard to fair representation of the financial, agricultural, industrial and commercial interests, and the geographical divisions of the country."

Unfortunately, recent Presidents have ignored the requirements of the law. Almost without exception, the last 25 appointees to the Board of Governors have been from the financial community or worked in the public sector. None have been from agriculture, and precious few have had significant private sector business experience.

In the coming months, the President will have the opportunity to appoint two new Governors. I believe he should look outside the financial community in filling those vacancies.

Today I am introducing a resolution expressing the sense of the House that the President should consider the appointment of individuals with demonstrable experience in the small business and agricultural sectors when filling the forthcoming vacancies on the Board of Governors.

Why single out these two sectors? No other sectors of the economy are as dramatically affected by Federal Reserve policies as these.

Agriculture is a unique industry and has been treated as such throughout our history. Its markets operate in a fundamentally different manner from other producing industries. American agriculture is responsible for several million jobs and is a $20-billion element on the postive side in our balance of trade.

Small business is not a monolithic entity, but rather it represents housing, services high technology and manufacturing. It creates about 60 percent of all new jobs in this country, represents about half our Nation's total employment, and is responsible for a great deal of technical innovation. All but about 2 percent of our Nation's businesses are classified as small business.

Agriculture and small business have one thing in common. Both are acutely sensitive to changes in monetary policy. Both small business and agriculture are heavily reliant on debt financing. Unlike large corporations, few, if any, small business or agricultural concerns have internal sources of funds. They are unable to weather periods of recession and high interest rates the way larger firms can.

The many thousands of small business bankruptcies several years ago and the severe farm credit and income problems faced by agriculture today are proof that these sectors of the economy live on the very margins of profitability. They are extremely sensitive to interest rates and dependent upon credit for their day-to-day operations.

The legislation I am introducing does not require agriculture and small business participation on the Federal Reserve Board of Governors. Section 10 of the Federal Reserve Act already makes it clear that the membership of the Board should contain a balance of interests. This resolution simply reinforces the original intent of Congress at a time when new appointments to the Board of Governors are imminent.

Congress would not be a representative institution if all its Members were lawyers from New York. The Federal Reserve Board cannot be fully effective or responsive to our diverse economic interests as long as virtually all its members represent the same professional background and, in many respects, outlook. The addition of small business and agricultural members to the Board of Governors would provide those vital sectors of our economy with representation on a body that is in large measure responsible for their success or failure.

I urge my colleagues to join me in sponsoring this legislation.

BERWYN PRINCIPAL GIVES INSPIRING TALK TO STUDENTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. LIPINSKI. Mr. Speaker, this time of year when our students are returning to school is a perfect time to reflect upon the importance of education to the future of our country. I am sure my colleagues will agree with me that education is vital to the well-being of our Nation and that we can only successfully achieve a good educational system by the work of dedicated and inspired educational leaders at the local level.

Recently in my Congressional District, the Komensky School of Berwyn, IL, had a graduation for its fifth grade students since these students will be moving to another building. At an assembly of these students and parents, the principal of Komensky School, Mrs. Diane D. Pikcunas, gave a very inspiring talk on the importance of learning and the significance of education.

She reviewed the progress of the students and highlighted memorable learning experiences. Focus was on nine of the students receiving the Presidents' Academic Fitness Award, a program started by President Reagan to recognize outstanding academic achievement, and students who received the President's Physical Fitness Award. The tone was positive for participation in science and spelling contests.

It is the type of speech we need to encourage other educational leaders to give to students and parents to encourage a continuing interest and commitment to education for all. Her closing remarks, quoting from the words of Napoleon Hill, one of the founders of a philosophy of success and personal achievement, was uplifting as it urged students to set goals and plan actively to achieve these goals. The words in this speech can serve and should serve as a guide for these students at Komensky School as they enter onto another phase of their educational experience and for stu-

dents in school systems in other areas of our country.

Mr. Speaker, I call the attention of my colleagues to these words of Mrs. Pikcunas, principal of Komensky School in Berwyn, IL, and would like to enter this inspiring talk into the CONGRESSIONAL RECORD.

ADDRESS TO KOMENSKY PTA AND 5TH GRADE GRADUATES

(By Mrs. Diane Pikcunas)

Good evening and welcome to the final PTA meeting of the year. This meeting is especially significant to me. It signals the close of my first year as an elementary principal. This meeting also means that I must say good-by to students that I have learned to love and understand. For many of these students Komensky is the only school that they have ever known. During their years here the teachers and staff of Komensky have always given their utmost to meet the academic, social, and emotional needs of the students. The students have reciprocated by achieving the best they can and by becoming Learners for Life.

For the next few minutes we will be taking a trip down memory lane to reflect on some of the highlights of the year 1984-85 and there have been some memorable moments. In September we published the first edition of the Lion's Tales, a name which was submitted by one of the Fifth Grade Class members. In the fall the Fifth Grade participated in a fund raiser to defray the cost of the George Williams Outdoor Education Program. Who can ever forget the three days spent in Lake Geneva on the George Williams College Campus? The 5 below zero temperatures, the tobaggan rides and tubing, being lost on a night hike, and Mrs. Pikcunas breaking a stack of dishes!! On this trip our students learned cooperation, independence, and responsibility. It was also a time for the students to meet their soon-to-be new friends from Hiawatha's Fifth Grade. It was a time for teachers and principals to interact with their students on a level that was not possible in the usual school environnment.

The Fifth Grade has been involved in many civic activities such as student guides for American Education Week, library aides and fluoride rinse assistants. Our Fifth graders are always ready to lend a helping hand.

The year was not all devoted to developing character and the Social Skills, the Fifth Grade also competed in the District-wide Spelling Bee and come in a very close second. Our Fifth Grade will also have 9 students receiving the President's Academic Fitness award. The academic fitness award recognizes students who have maintained a B+ or higher average for the past three years and who have scored in the 80th percentile or higher on a standardized test such as the Iowa Test of Basic Skills. Many of our Fifth graders participated in the First Annual Science Fair sponsored by the Komensky Science Club.

Komensky's curriculum does not neglect any aspect of the child's education. Our Cultural Arts departments develop appreciation of music and the fine arts as well as enhance the musical and artistic talents of the students. Many of our Fifth graders participated in the Festival of Arts through the District-wide chorus, District Junior Band or Art displays. Several of our students will also be receiving the President's Physical Fitness award from the Physical Education Department.

We hear that our Nation and our educational system are at risk. We hear that students are not prepared to survive in the future much less be successful. We hear that the student of today is exposed to a watered-down curriculum, and mediocrity is the standard. We need to look carefully and rationally at the threats to the public educational system before we assume the worst is true. From our walk down memory lane you can see that Komensky and District 100 are 100% committed to providing a quality education for the children of Berwyn.

We know that education has experienced a crisis, reform movement or national report every 10 years since 1890. Some of the past reform movements have had little if any important significance. The latest reform movement can impact and change education for the better if we analyze the system to see what works and what doesn't. We cannot continue to add more and more of the same to the curriculum, we must start with the basic question of "What do we want our schools to accomplish?" When I speak of "we", I mean not just educators but you as parents must have input and ownership in the goals of education. Commitment to education is needed from all members of the team. I suggest these general goals that Komensky has established as the direction for our educational system: 1) teaching the basic skills of reading and writing 2) teaching the computational skills necessary to arrive at reasonable mathematical answers 3) the development of citizenship through an understanding of our country and its values and finally 4) the development of motivated life long learners who know where they are going and will accept no less than excellence.

Educational reform, community involvement and parental support alone cannot alter the end product of education—we need you, as the learner, to be fully engaged in your educational process.

To the Class of 1988—as you leave Komensky, I want you all to take this final lesson with you:

You can achieve any goal you set for yourself if you have a direction and if you believe in yourself as we your teachers believe in you.

Let me close with this poem which contains the secret to success from Napoleon Hill, the author of Think and Grow Rich:

If you think you are beaten, you are
If you think you dare not, you don't
If you'd like to win, but you think you can't
It's almost certain that you won't win
If you think you'll lose, you're lost
For out in the world we find
Success begins with your will
It's all a state of mind.
If you think you are out classed, you are
You've got to think high to rise
You've got to be sure of yourself before
You can ever win the prize
Battles don't always go to the stronger or faster man
Battles are usually won by the
Man Who Thinks He can.

SALUTE TO BARNEY E. HILBURN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DELLUMS. Mr. Speaker, on September 13, 1985, citizens and public officials in the city of Oakland, CA., will pause to pay tribute to one of its outstanding public servants, the Honorable Barney Hilburn. Mr. Hilburn has been an active leader in the civic and political life of this community since 1948. He served on the Oakland Board of Education from 1959 to 1985, having served three terms as its president. In this capacity, he led the Oakland schools through many difficult and fruitful periods, at all times being known for his wise and throughtful leadership, his calm demeanor, and his openminded consideration and assessment of opposing points of view. For this highly extraordinary contribution, the children of the city of Oakland, as well as its citizenry, owe him a profound and heartfelt debt of gratitude.

An attorney by profession and training, Barney Hilburn practiced law in this Capital during the early stages of his career, and later became an outstanding health and housing administrator in the county of Alameda and the city of Oakland. His leadership has been an inspiration to the entire community; I wish to extend to Barney Hilburn my personal expression of thanks; to express the shared sense of appreciation of the community for his efforts, and our very best wishes for a long and salubrious retirement.

H.R. 3253, NATIONAL COUNCIL ON ACCESS TO HEALTH CARE ACT

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MOORE. Mr. Speaker, yesterday I joined my colleague from Missouri [Mr. GEPHARDT] in introducing H.R. 3253, a bill forming the National Council on Access to Health Care. This bill is another step towards insuring that all Americans benefit from the finest health care system in the world.

For a long time, I have focused on making health care more economically efficient, to bring down the exorbitant health care costs facing the American public. As the ranking minority Member of the Health Subcommittee of the Ways and Means Committee in the 98th Congress, I led the push for the DRG system and the prospective payment system of reimbursement under Medicare and Medicaid. These were fundamental changes in the system that were effective means of containing the costs of health care.

We have been successful in our efforts to limit these costs. However, doctors, hospitals, clinics and other health care providers, in their drive to reduce costs, must be careful not to contribute to a growing problem—the problem of denial of access to a full range of health care services and treatment for America's poor. We must avoid falling into the trap of a two-tiered system of health care in this country—one level of care for those who can afford to pay, and a lower level of quality of care for

those who can't. It doesn't do any good at all to limit medical service costs if the services are not made available to those who would benefit most from cost containment.

Every American has a right to access to the best quality health care available. I'm concerned whether the poor actually have access to the proper health treatment, and out of this concern we are presenting this proposal today. This National Council on Access to Health Care should help provide a comprehensive view of the long range effects of changes in today's health care system. It will also insure no one is forgotten when the time comes to make those necessary changes.

THE UAW CELEBRATES ITS 50TH ANNIVERSARY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FORD of Michigan. Mr. Speaker, it is my pleasure today to salute the 50th anniversary of the United Automobile, Aerospace, and Agricultural Implement Workers of America [UAW], the most effective organization ever to dedicate itself to the rights of working people, to economic justice, to racial equality, and to the strengthening of our democratic form of government.

Over the last 50 years, the UAW has been an enormous force for political and economic progress. In its role as collective bargaining agent, the UAW has directly benefited millions of its members and retirees. Many millions of other workers, both union and nonunion, have benefited indirectly from the UAW's pioneering settlements with the auto industry, which raised wage levels, created pension plans, developed a strong seniority system, and set standards for health insurance which influence every other employer.

Together with its brother and sister unions, the UAW helped transform the standard of living for most of America's industrial workers from the poverty and hardship of the 1930's to middle-class levels today. Since the UAW first organized the employees of General Motors and Chrysler in the late thirties, the wages of auto workers have increased from less than $6 a day to more than $13 an hour, a 150-percent increase in real wages. In terms of paid vacation, pensions, insurance and other benefits, the gains have been even greater, since none of these benefits existed before the union demanded and won them. And those gains were not easy. They were won through visionary thinking, hard work, and sacrifice: Sacrifice like the 104-day strike that won the first pension at Chrysler in 1950.

The UAW's economic success for its members has been enormous, but its contributions to the dignity and noneconomic rights of working people have been equally great. When the UAW first began to organize in 1935, the automobile companies refused to recognize the union's existence or even its right to exist. Employees had no rights beyond what the foreman gave them. They could be fired for any reason or no reason at all, and had no right to appeal. If a foreman didn't like an employee's looks, his religion, his politics, the fact that he didn't bribe him, or the fact that a female employee refused him sexual favors, the foreman could fire him or her on the spot. Long before the civil rights laws or the recent changes in the employment-at-will doctrine, the UAW put an end to that kind of tyranny in the auto plants. The union's negotiated grievance procedures and the power of the strike assure that employment decisions are based on seniority and performance, not on the prejudice, corruption, or personality problems of supervisors.

The best measure of the change the UAW has wrought in the treatment of its members may be its recent Saturn agreement with the UAW. Fifty years ago, the UAW's founders were beaten, imprisoned, and killed for daring to challenge management's absolute power over its employees. Government troops and company guards manned machinegun nests that encircled the factories. Local police and hired thugs threatened, beat, and jailed UAW strikers who picketed for union recognition. Today, General Motors has agreed to give the UAW veto power over any management decision concerning the Saturn project. Employees who would have been wage slaves in the 1930's are comanagers today.

Ever since it was chartered in 1935, the UAW has been blessed with leaders who combined integrity and dedication to the union's members with intelligence, statesmanship, vision, and a willingness to fight for what they believed in. Every Member of Congress knows and respects the reputation of Walter Reuther, Leonard Woodcock, and Doug Fraser. And no one who knows him doubts that Owen Bieber will carry on their tradition.

The excellence of the union's leadership is a tribute to the UAW's democratic ideals and its practice of those ideals. The UAW's leaders are elected by its members; the union's contracts are ratified by its members; the union's strike votes are put to its members; and constitutional changes are made only with the consent of the members. From the shop floor up, the union's leaders do an effective job of representing the interests of their brothers and sisters or they are removed from office. The UAW's members have governed themselves and governed themselves well for 50 years.

Another of the UAW's great strengths is its broad view of its members' interests. The union's members and leaders realized long ago that what the Government does in Washington, DC, in State capitals, and in county and municipal offices throughout the Nation has a profound impact on the members' economic security, health, safety, and freedom. As a result, the UAW has been a political powerhouse, helping to elect officials at every level of government who understand and care about the needs and aspirations of working class Americans. The union's legislative department makes sure that every legislator knows the UAW position on every issue of importance to the membership, from labor law and Social Security to import quotas and job training programs.

The UAW's 1 million active members are white and black, Hispanic and Asian-American, men and women, young and old. They share a collective bond and collective ideals, among which the most important is the equality of all Americans under the law. The UAW's commitment to that ideal has kept the union in the forefront of the civil rights movement, fighting for the Voting Rights Act, the Civil Rights Act of 1964, and the equal rights amendment.

Today, when unemployment is at recession levels, fierce international competition and the increasing export of American jobs to other countries make the UAW's strength, skill, and dedication more necessary than ever. The hundreds of thousands of auto workers, insurance company workers, agricultural implement workers, university workers, aerospace workers, government employees, and legal workers the UAW represents can be proud of their union and its role in protecting their jobs and their rights. Fifty years of struggle and success have proven the UAW to be a winner.

DEAN PHILLIPS: WAR HERO AND VETERAN'S ADVOCATE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mrs. SCHROEDER. Mr. Speaker, cancer has taken the life of one of a much decorated Vietnam war hero and tireless veteran's advocate Dean Phillips.

During the early 1970's Dean was a well-known figure in Colorado. He was perhaps the No. 1, most vocal advocate of veterans' rights, especially those of the Vietnam veteran.

Dean knew of what he advocated. He served with the 101st Airborne Division in Vietnam and was awarded two Silver Stars, two Bronze Stars, the Purple Heart, and nine other decorations.

Dean advised and lobbied me on veterans' issues and I am forever grateful. He was a hero in war and a hero in peace.

[From the Stars and Stripes, Aug. 29, 1985]

VETERANS' ADVOCATE DEAN PHILLIPS DIES AUGUST 22

Dean K. Phillips, a highly decorated Vietnam veteran and an erstwhile advocate of veterans' rights, died of cancer at his home in Alexandria, Virginia on August 22.

Over the past decade Dean Phillips was a regular contributor to The Stars and Stripes on many critical issues affecting veterans. His articles on veterans' employment, veterans' preference, and judicial review of veterans were among the most informative and enlightening submitted to The Stars and Stripes.

From 1977 to 1984 Dean worked as an attorney with the Veterans Administration, with duties including liaison between the

VA and veterans organizations and review of VA policy regarding veterans' benefits, veterans' preference and discharge. At the time of his death he was a lawyer with the Military Order of the Purple Heart.

His work for our nation's veterans took him to Capitol Hill where he often testified before congressional committees in support of Vietnam veterans' legislation; Dean was among the first supporters of the Vietnam Veterans Memorial, a project he saw through to completion.

A native of Youngstown, Ohio, Dean joined the Army after his graduation from Ohio University. Before going to Vietnam in 1967, he completed parachute, Ranger and air assault schools. While in Vietnam, Dean served with the 101st Airborne Division as a paratrooper on long-range reconnaissance patrols.

As a testament to his bravery, Dean was awarded two Silver Stars, two Bronze Stars and the Purple Heart, given for war wounds.

Dean left Vietnam in 1968, determined to fight for the rights of those men, at the bottom of the nation's socio-economic ladder, who served in Vietnam.

He received his master's degree from Ohio University and his law degree from the University of Denver.

He began his work in behalf of veterans while still in Colorado. Active in the Colorado Board of Veterans Affairs and the National Association of Concerned Veterans, Dean participated in several lawsuits aimed at protecting veterans' rights.

Dean came to Washington in 1977 to work for the VA where he served as special assistant to the general counsel, special assistant to VA Administrator Max Cleland, and advisor to the Board of Veterans Appeals.

It was in the ensuing years before his illness that The Stars and Stripes came to know Dean Phillips, and the extent of his commitment to Vietnam veterans.

Twelve years after he left Vietnam, Dean applied for service as a Captain in the Army Reserves where he served as company commander of a Special Forces unit in Fort Meade, MD. In the past several years, Dean made four or five parachute jumps a month and trained with his unit for a month each year.

He is survived by his wife, Carla, and two children, Sharra and Frank, all of Alexandria; his parents, Frank and Helen Phillips, and a sister, Penelope Phillips, all of Youngstown; and a brother, Terry Phillips of Jamestown, Colo.

NEW CONCEPTS IN DEVELOPING ECONOMIC POLICY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. RUDD. Mr. Speaker, we will soon be debating a continuing appropriations bill and possibly a comprehensive overhaul of our Tax Code. Every sector of the economy will be affected by our actions.

If we are to succeed in cutting Government spending, simplifying the Tax Code and making it more equitable, and setting the stage for long-term economic growth, we will have to begin rethinking the way we address economic issues to take into account the profound changes that have occurred in our economy in recent years.

In a recent speech before the Executives' Club of Chicago, the former chairman of Citibank, Walter B. Wriston, touched upon some of the new concepts we ought to consider in developing economic policy. Mr. Writson's insightful remarks, reprinted from the September edition of Harper's, are included below for the consideration of my colleagues.

OBSOLETE ECONOMICS

(From "Gnomons, Words and Policies," a speech given by Walter B. Wriston to the Executives' Club of Chicago on May 8. Wriston recently retired as chairman of Citibank.)

It's no secret that in the last few years some of our best economists have badly missed in predicting the direction of the American economy. The puzzle is why. Perhaps their mistakes are a result of using words and concepts that were developed decades ago to describe a very different kind of economy. In many cases, these are no longer applicable today.

One familiar word that needs to be reconsidered is "capital." A software program that will make its author millions of dollars may require a tirvial sum of money to create compared with the amount needed to start, say, a heavy manufacturing business. The *knowledge* capital stored in that software writer's head, however, is very substantial and very real. A strong argument can be made that this new kind of capital is more critical to the growth of the American economy than is money capital. But knowledge capital does not show up in the numbers economists customarily look at (or quote) when evaluating capital formation.

I am not claiming that money capital will cease to be important; I am, however, suggesting that the accumulation of knowledge capital in the last twenty years is every bit as important. We have little or no control over the natural resources within our borders, but we do have control over the educational and cultural environment that produces the men and women who will lead the world. If we want better economic forecasting and better policies, we must find a way to factor the growth of knowledge into our equations.

Another word much in the news is "productivity." How does America stack up in the global marketplace? Is America's productivity growing faster or slower than that of Japan or some other nation? Granted, these are important questions; but what does the word mean? Productivity, in the crudest sense, means output per man-hour. That's a useful enough concept in manufacturing, but what does it tell us in an information intensive age when the vast majority of our workers are employed in the service sector? Take the financial service industry. Once you get past counting the number of checks cleared per hour or the number of insurance claims paid, you move into the realm of the subjective. How do you measure a loan officer's productivity? By the number of loans he makes? By the size of the loans? By the number of his loans that are repaid on time? By the quantity of bad debt he creates?

Finally, let's consider "overall productive capacity," a concept which plays an important role in the formulation of monetary policy. Some economists argue that if industrial production is at, say, 85 percent of capacity, we are approaching the physical limits of output and thus are in danger of accelerating inflation. But industrial production currently employs only about 20 percent of American labor; there is an almost infinite capacity to expand in the nonindustrial sectors of our society. And while the proportion of workers employed in industry has sharply declined in recent years, there has been no corresponding drop in the *volume* of production. In 1960, the output of goods accounted for about 45 percent of our gross national product; it still remains in that range.

This relatively steady output in the face of a massive exodus of workers from industry raises the question of whether the government's figures on percentage of industrial capacity utilized have the same implications for inflation as they once had. It's not an accident that the capacity utilization index played a key role in leading some forecasters to overestimate inflation in the current economic expansion. Moreover, this index deals only with manufacturing, mining, and utilities—businesses which account for a shrinking share of U.S. industrial output. So the key question may be: Can we construct a more reliable measure for the kind of economy we now have?

Like the lines on Form 1040, every number used to measure our economy has its constituency. Many labor contracts are tied to one inflation index or another; each shift in the contents of the government's market basket affects millions of people. But in rethinking the way we describe the shifting elements that make up our economy, we should take a leaf from the political book of the world. While the globe itself has not changed, the lines on the map of the world have been redrawn and dozens of countries have been created. It would be folly to conduct our foreign policy on the basis of the geopolitical map of 1930. It may well be that to conduct our economic policy on the basis of words and concepts that were valid in the 1930s carries similar hazards for us today.

NEW RULES BY THE HEALTH CARE FINANCE ADMINISTRATION

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MRAZEK. Mr. Speaker, during the August recess I held a hearing on Long Island in order to address a glaring injustice in our society's obligation to care for those with mental and physical impairments.

The hearing was the culmination of a chair of events that began in June on my mobile office. A constituent, John Czerniewicz, came aboard to relate a classic case of Government intervention gone awry. It seemed that a new set of Federal rules handed down by the Health Care Finance Administration [HCFA] to protect the safety of retarded individuals living in intermediate care facilities [ICF's] had instead threatened many of these individuals with reinstitutionalization.

Mr. Speaker, the core issue here is a concept known as self-preservation. The new HCFA rules state that ICF residents must be able to respond to fire emergencies in a totally independent manner, without any prompting whatsoever from the ubiquitous

staff members at the ICF. If the residents could not react in the prescribed manner, they faced banishment from the family atmosphere at the ICF to the cold, heartless sterility of a State institution, while the ICF itself could be closed down.

First, it should be understood that these retarded residents must have shown some capacity to react to emergency warnings in order to have received admittance to the ICF. Second, State law in New York requires fire-safe construction methods far superior to those found in the average family dwelling. And third, as Mr. Czerniewicz himself told me:

It would be just as reasonable to remove the crossing guard at one of our primary schools and then deny admission to that school to any kindergartner who did not, without prompting respond correctly to the traffic signal as it changed.

In response to this overzealous rulemaking on the part of undoubtedly well intentioned Federal bureaucrats, I called together State and Federal officials, parents of ICF residents and local ICF staffers for a public hearing in my district on August 8. Prior to the meeting, I authored a letter to Health and Human Services Secretary Margaret Heckler, asking her to use her authority to allow New York State to implement more reasonable rules for ICF safety, as prescribed in the National Fire Prevention Association Life Safety Code. The letter was cosigned by virtually the entire New York congressional delegation.

At the hearing, I received poignant testimony from Mrs. Lita Cohen and Mr. Czerniewicz, both parents of ICF residents. For the illumination of my colleagues, I submit their testimony. I also submit a Newsday column by Ed Lowe, who effectively points out the result when good intentions run wild, and the innocent victims who can be caught in the crossfire.

Although my office has received no reply from Mrs. Heckler on this issue, it is clear from the commitment of people like Mrs. Cohen, Mr. Czerniewicz, and Mr. Lowe that this issue will not fade away:

STATEMENT BY LITA COHEN, PRESIDENT OF SOCIETY FOR GOOD WILL TO RETARDED CHILDREN, INC.

I am sorry that I could not be here today. However, since my son, Russell, was affected by the fire safety code regulations, I am aware of the difficulty other clients and their parents may face.

The present interpretation of the safety code regulation suggests some discrimination. We do not expect public school children to exit their classrooms during a fire drill without frequent verbal and/or physical prompts to those lag behind. Parents would be appalled if their children ran to exits without proper supervision. However, our retarded children are expected to exit during an emergency without any verbal or physical prompts. Why is so much more expected of our retarded children?

An intermediate care facility has staff on active duty 24 hours a day. Each house has several exits and a fire alarm box on the premises. This degree of safety seems sufficient. Therefore, the responsibility, in an emergency, should be with the staff to evacuate the clients as quickly as possible.

Every person should be allowed the dignity of some risk in their lives. No one of us is born with a guarantee in their hand, and a less than perfect human being should not spend their life in an overprotected environment. Our retarded children are human beings who deserve the dignity of risk in their lives.

STATEMENT BY JOHN ZERNIEWICZ

Congressman Mrazek, Ladies and Gentlemen: Having read the statement by Lita Cohen (appended), I must confess that I reread that last paragraph several times before the wisdom of her observation became clear to me—"the dignity of risk." It may begin the day your five year old goes off to school alone and crosses Jericho Turnpike for the first time holding no one's hand. Of course the Crossing Guard and traffic light reduce the risk to almost zero. From that time on, we know that for him there can be no freedom, no opportunity and no development without some risk. Knowing this, we help him develop the foresight to minimize the dangers, avoid the hazards and anticipate the problems.

With community placement, our mentally retarded children discover a new independence and freedom of movement and many opportunities for learning and development. They live like a family in a house like other houses, made of wood and filled with comfortable furniture and carpets and drapes. But they are at risk because all these things can burn, and when a house burns it can result in injury and death to the occupants. Is this an acceptable risk?

The State of New York believes that it is and has provided houses which have been built or modified to meet the strict requirements of the N.F.P.A. Life Safety Code. When my son spends the week-end at home with us, he is at greater risk because our walls and stairways are not of fire-resistant materials and finishes, we do not have a sophisticated alarm system or multiple exits, nor is anyone alert and on guard each night as we sleep, as is the case at Greenlawn and other State ICFs.

Parents believe it an acceptable risk because they have seen the great improvement in the mental and physical health of their children and would resent and resist any attempt to return them to the comparatively risk-free but sterile life in the concrete buildings of the institution.

That is why we parents are so distressed by a regulation which can determine the acceptability of the risk on a single, fallible criterion—the self-preserving response of a severely retarded person to a drill fire alarm, without any prompting or coaching by the staff. They did it this year, all ten residents, as a result of the hard work and persistence of the staff who trained them for weeks. But had any one of them failed, the penalty would have been banishment to the institution; and some may fail at subsequent tests because they are severely retarded and unpredictable. This is patently unfair for many reasons.

First of all, these residents all understand simple commands and are very cooperative. Anyone slow to respond to the bell will move with alacrity when a familiar voice booms, "let's go, Tommy!", and he'll go with as much self-preserving zeal as anyone answering to the bell.

Secondly, the requirement is unrealistic because the staff are with the residents all the time and would almost instinctively usher them all to immediate safety in the event of a fire, especially one occurring at night when the residents are sleeping.

But this observation leads to some disquieting questions about training and practice in life-saving procedures provided for the staff. Do they know what to do in case of fire? in smoke filled rooms? with panic stricken people? The Safety & Security Services have a pamphlet written to assist employees with information about fire prevention, reporting and evacuation but no notice of compulsory or voluntary training courses in these techniques.

Examination of the Life Safety Code Section on Means of Escape Requirements revealed a ruling which states that where buildings are protected by an automatic sprinkler system such as NFPA 13D, a second means of escape shall not be required. Since all our approved dwellings have such a second means of escape, addition of a sprinkler system would obviously improve the over all safety of the building.

The NFPA 13D sprinkler system is designed for one and two family dwellings and is quite inexpensive. Installation of this system in every community residence would undoubtedly make them safer by prolonging the escape time by at least ten minutes and provide other safety features such as controlling flashover, which is the sudden ignition of accumulated gasses in a room. A brief description of this system is appended.

Let us reduce the risks by every available means to a level that does not burden these severely retarded with more than their share of responsibility for their own safety and let them continue their lives in the community with dignity and self respect.

[From Newsday, May 30, 1985]

BEARING THE BRUNT OF LANGUAGE

(By Ed Lowe)

Nobody feels the power of language so much as its victims.

Russell Cohen, 23, lived for 14 years in a large and relatively impersonal institution where, as a profoundly retarded, non-verbal, male child, he learned next to nothing.

About a year and a half ago, and through a set of circumstances that his parents would later consider practically miraculous, the state moved him to a much smaller, infinitely more intimate, state-run, Intermediate Care Facility in Farmingdale, one he shared with only nine other retarded residents, and one where the staff was on duty 24 hours a day.

According to his mother, Lita, it took Russell about eight months to become adjusted to the smaller facility, to overcome his palpable fear of change, to begin to respond to the doting attention of his patient staff. "But then," said Lita Cohen, president of the Society For Good Will to Retarded Children, "Russell made more progress in that Farmingdale house than he had made in 14 years at the center. Since he's in the house, he's able to dress himself completely. He goes out to a program for six hours a day where he learns self-help skills, lessons he never had and tasks he never did before in his life.

"He's with this staff of people who are so loving and caring, so patient and wonderful, he's become a totally changed person," Lita Cohen said. "I see so many little changes, it's incalculable. When he got upset, he used to become self-destructive, self-abusive. He doesn't do that any more. When we visit him, he doesn't try to follow us out when we're leaving. He'll go back to the other residents. I get eye contact, a lot of eye con-

tact, which I never got before. He seems much more aware of his surroundings. In this lovely Farmingdale house, he shares a room with another young man. Last time we visited, Russell escorted me into his room and sat down on the bed with me. I got the distinct feeling that he knew it was his room. That may not sound like much, but for Russell, it's practically a miracle in itself."

In February, some people who work in bureaus of the government held a meeting during which they discussed and ultimately sharpened some of the language that made certain health care facilities continue to be eligible for certain federal funds that eventually lent some certainly to lives such as Russell Cohen's.

After the meeting, one of the people, Annemarie Schmidt—who labors under the burden of the title, Director of the Survey and Certification Operations Branch of the Survey and Certification Operations Branch of the Division of Health Standards and Quality of the Health Care Financing Administration of the U.S. Department of Health and Human Services—wrote a letter to William B. Carmello, Director of the Bureau of Health Facility Coordination of the Office of Health Systems Management of the New York State Department of Health.

The letter restated and reconfirmed decisions made at the meeting, whose participants had invented more exquisitely specific definitions than had existed previously of the terms, "ambulatory" and "self-preserving." In order for Russell Cohen's Farmingdale to continue to be eligible for the federal contributions that sustained it, the people who lived there and in similar facilities would have to be re-adjudged as among other things, "ambulatory" and "self-preserving," in the event of an emergency situation such as a fire.

"Self-preserving," the letter read, "means capable of taking independent action and following directions. There can be no physical directions or prompts [italics Schmidt's] including the initiation of action (i.e. assisting rising from bed or the physical hands on guidance during escape Verbal directions may not initiate the action nor may they be used constantly throughout the escape procedure. Verbal directions or prompts may only be infrequent and of 'instantaneous duration' as might be expected with a non disabled clientele, i.e. Stop! Hurry! and so on."

Following receipt of the letter, if investigative agents of the government's health blah-blah bureaus were not to re-survey the Farmingdale facility, for example, and suspect any of the inhabitants as potentially in need of coaxing to wake in the middle of the night and escape a potential disaster, the government might pull the funding and eliminate the center. Therefore, center officials knew, they had best rid themselves of the marginally eligible.

Like a line drawn in the water, the new definition seems to have lapped over Russell Cohen's feet. And officials are preparing to send Russell, who learned more about self-preservation in one year at the Farmingdale house than in all the nightmarish years of his childhood, back to the institution.

NAVAL AIR REWORK FACILITY ALAMEDA: DOING AN EFFECTIVE JOB

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DELLUMS. Mr. Speaker, the Naval Air Rework Facility [NARF] Alameda is an industrial component of the Naval Air Systems Command and is one of six Naval Air Rework facilities nationwide. It is also one of the largest employers in the San Francisco-Oakland Bay area, with over 4,800 civilians and 30 military personnel on board.

Because the cost of labor is so high in the Bay area, the cost of doing business is higher for NARF Alameda than any of the other rework facilities in the United States. As a result, NARF Alameda has been placed at a competitive disadvantage and, in the past, has caused the Alameda facility to be ranked last in the quarterly assessments of the Naval Aviation Logistics Command.

But the last 2 years has seen a steady and dramatic turnaround.

In the last quarterly ranking, NARF Alameda moved to a solid second place in the rankings. The extraordinary capabilities of the command staff and employees speaks for itself. I want to join with those in the Naval Aviation chain of command that applauded this fine effort.

I would also like to commend the NARF commander and his team for the significant progress they have made in equal employment opportunities and affirmative action at the Naval Air Rework Facility.

THE MAINE LEGIONNAIRE WINS NATIONAL AWARD

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MCKERNAN. Mr. Speaker, I am pleased to share with my colleagues an honor which was recently awarded by the National American Legion Press Association to the Maine Legionnaire, the American Legion's publication in the State of Maine. In a national competition, the Maine Legionnaire was declared "Best Publication."

In receiving this award, the Maine Legionnaire has demonstrated its continued dedication to serving as a strong advocate in promoting veterans' rights, and to providing Maine veterans with noteworthy information that affects their lives. I wish to commend your attention to the following excerpt from an official announcement of the award:

LINCOLN, NEBRASKA.—The Maine Legionnaire, the official publication of the Department of Maine, The American Legion, has been declared the top publication in veterans circles, according to the announcement made by Robert B. Craig, National President of the National American Legion Press Association.

The award announcement came at the conclusion of the judging of all newpapers and editorials.

The Maine Legionnaire is edited under the direction of State Adjutant Daniel E. Lambert, and published by Verdi Tripp d/b/a Publishing Services and printed at the Times Record in Brunswick. The Maine Legion publication is considered to be the strong advocate of veterans rights and benefits and a positive image of America.

Maine American Legion State Commander George Gagnon, Millinocket, noted that the Legion and Auxiliary of Maine were pleased that the Maine paper had emerged as "Number 1" in the Nation. He praised Editor Dan Lambert for his tireless efforts to promote the image of the veterans of Maine and the nation.

A BILL TO REQUIRE AN ANNUAL FEDERAL GOVERNMENT COMPUTER USERS' GROUP MEETING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. STARK. Mr. Speaker, today I am introducing legislation that will provide, by establishing an annual meeting of Federal Government Computer Users, a forum where Federal agencies will share information and experiences concerning computer technology.

This bill is actually a slight modification of a recommendation found in the Grace Commission report. Specifically, the Grace Commission report entitled "Information Gap 3-3" calls for the General Services Administration [GSA] to—

Establish a software clearinghouse and a technical resource center to promote the development of compatible information systems.

The GSA has already established several technical support centers such as the software development center and the computer store. However, very little has been done by either the GSA or the Office of Management and Budget to promote the establishment of compatible or coordinated information systems throughout the Federal Government.

The Grace Commission has shown that the adoption of common systems will not only improve overall management information but will also produce savings that "could reach about $1 billion per year." To illustrate this point further the Grace Commission made a detailed analysis of the savings that could be realized if just a common payroll system were adopted governmentwide. The estimated 3-year cost of establishing such a system would be approximately $11 million but—

* * * After full implementation, the Government would have achieved a cumulative net savings of $724.9 million with a decrease of approximately 2,000 staff-years of payroll clerical effort.

This bill, by bringing together the information resources managers [IRM's] of every agency on a regular basis, will provide an opportunity for the Government to identify systems—such as payroll—that can be standardized Government wide. But this bill will also enable agencies to: Identify what systems work and what systems don't; discuss the quality of services provided by various vendors; discover common problems encountered by the agencies; and exchange ideas generated by one agency that could save millions for many other agencies—the adoption of MUMPS software by the VA comes to mond.

The purpose of holding an annual meeting of Federal Government Computer Users is similar to the rationale for annual meetings held by professionals in the private sector. Scholarly papers are exchanged, experiences are shared, and the entire profession—in this case agency IRM's—is advanced.

This bill will enable the Government's left hand to keep track of what its right hand is doing. The potential for cost savings is considerable, for, as the Grace Commission states, although specific savings are difficult to estimate, improving computer systems "has the potential for savings far in excess of these annual budgets (that is, for the implementation of new systems)." However, I hope the commonsense proposals of this bill will strike the GSA Administrator as eminently practical. By unilaterally adopting these proposals, the Administrator will not only avoid facing Congress but also contribute to the efficient management of the Federal Government and the taxpayers' money.

The text of the bill follows:

A bill to require the General Services Administration to hold an annual meeting of the Information Resources Managers of the various Federal Agencies

Whereas an annual meeting of Information Resource Managers from the various Federal Agencies would promote the sharing of automated data processing technology government-wide;

Whereas the fragmented development of automated administrative systems has led to a proliferation of different systems performing similar functions in many Federal Agencies;

Whereas the President's Private Sector Survey on Cost Control recommends the establishment of a software clearinghouse to promote the development of compatible information systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the General Services Administration (hereinafter in this Act referred to as the Administrator) hold an annual meeting (or on a more frequent basis if deemed so necessary by the Administrator) of Federal Government Computer Users (hereinafter in this Act referred to as the Users' Group), to be attended by the Information Resources Manager, or a designated alternate, from each of the various Federal Agencies. The first Users' Group meeting is to occur within a year following passage of this Act.

SEC. 2. The purpose of these Users' Group meetings shall be, but not limited to,

(a) for the presentation by each of the various Federal Agencies of a report highlighting automated data processing operations of the previous year;

(b) for the sharing of knowledge among the various Federal Agencies concerning problems with automated data processing vendors, internal automated data processing problems, and innovations in software and hardware technology;

(c) for providing a forum where the various Federal Agencies shall present their future plans concerning automated data processing operations; and

(d) for the various Federal Agencies to share information and make recommendations to other Federal Agencies on procedures that have resulted in significant cost savings within a particular Federal Agency.

SEC. 3. The Administrator shall make an annual report by letter to the House Committee on Appropriations that shall include, but not be limited to,

(a) a summary of the Users' Group meeting;

(b) an estimate of obtainable savings if recommendations made pursuant to subsection (1)(d) above were to be adopted, where feasible, by the various Federal Agencies;

(c) an estimate of the effectiveness of the Users' Group in making the various Federal Agencies' automated data processing experiences and concerns known to one another.

SEC. 4. For the purposes of this Act the term "Federal Agencies" means any department, independent agency, board, commission, Government corporation, foundation, or independent establishment under the direction of the President of the United States.

SEC. 5. There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the purposes of the Act and the project authorized by the first section of this Act.

DIAMOND JUBILEE OF ST. MICHAEL THE ARCHANGEL PARISH OF MUSKEGON, MI

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. VANDER JAGT. Mr. Speaker, on September 28, 1985, St. Michael the Archangel Parish in Muskegon, MI, is closing a historical milestone. From September 1984 the parish of St. Michael's has been celebrating the church's diamond jubilee. I am honored to have this opportunity to pay tribute to Rev. Eugene S. Golas and his entire congregation on this very significant anniversary.

St. Michael's parish was organized in 1909 and its first building started in 1911. The first and oldest organization within the parish is the Rosary Society, which was started immediately after the parish was founded and which has contributed significantly to the spiritual and material welfare of the parish. Within the next 5 years after 1911, the rectory was built. In the following 5 years a convent was erected to house the teaching Sisters of Mercy. St. Michael's Church was dedicated on May 31, 1944, by Bishop Francis J. Hass. It was the first Catholic Church in Muskegon to be consecrated.

The parish was originally begun by the Polish settlers in the Muskegon area. Rev. Msgr. Casimir Skory was the founder of the parish, Rev. Andrew Narlick was the first pastor, followed by Rev. Andrew Sikorski, 1938 to 1972, Rev. Edward J. Bielskas, 1972 to 1982 and presently Rev. Eugene S. Golas.

The church's diamond jubilee is a significant event in the lives of its congregation and clergy. The occasion provides them an opportunity to reflect on its history, its past achievements, and its future goals. This anniversary marks not only an important milestone, but the continuation of a dream, that began back in 1909. As this parish approaches the future, it does so with a renewed commitment and dedication to the well-being of its neighbors and community. All who are privileged to know of the good works done by the church are inspired by their leadership in working to solve the community's problems and to enrich the lives of its citizens. I am certain that this congregation will go on to higher levels of achievement. I know my colleagues will join me in paying tribute to St. Michael the Archangel Parish.

RELIEF FOR JACK WALSH, OWNER OF "SHEARWATER"

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BATES. Mr. Speaker, today I am introducing legislation to provide relief from certain laws governing the merchant marine, on behalf of Mr. Jack Walsh.

Mr. Walsh, a U.S. citizen, wishes to document the vessel *Shearwater* with the U.S. Coast Guard for employment in the coastwise and fisheries trade. However, certain provisions of the Jones Act pertaining to the ownership of a vessel registered as a U.S.-flag ship, prevent Mr. Walsh from registering the *Shearwater* with the Coast Guard. Specifically, the ownership of the *Shearwater* by a non-U.S. citizen, prior to Mr. Walsh's ownership of the vessel, prevents the Coast Guard from registering the *Shearwater* for the coastwise and fisheries trade. This legislation will allow Mr. Walsh to register the *Shearwater* despite the break in the chain of ownership. I believe that a brief history of the *Shearwater* will make clear the need for private legislation to grant an exception to certain provisions of the Jones Act for Mr. Walsh.

The *Shearwater*, formerly the U.S.S. *Jewell*, is listed in the Dictionary of American Fighting Ships. The U.S.S. *Jewell* was constructed by the Shain Manufacturing Co. of Seattle, WA. The vessel was launched in November 1942 and was put into service by the Navy in the 13th Naval District at Kodiak, AK. In 1946, the 13th Naval District commissioned the vessel out of service to reserve status. Between 1950 and 1977, the vessel served as a commercial harbor cruise ship in the San Pedro/Long Beach area of California. During this

period the vessel was documented by the Coast Guard.

The current owner of the vessel, Mr. Walsh, has invested the excess of one-half million dollars in the *Shearwater* to ensure the vessel's safe operation in the coastwise and fisheries trade. Moreover, Mr. Walsh has retained a former Coast Guard inspector to ensure that all restoration and reconstruction of the vessel is in accord with current Coast Guard requirements.

Mr. Speaker, I believe that, in this case, the Jones Act imposes an unreasonable hardship on the owner of the *Shearwater.* While I do not advocate any tampering with the intent or the substance of the Jones Act, I do not believe that the act intended to raise a barrier against a U.S. citizen operating a former ship of the American Navy. I respectfully request my colleagues to support this private bill to provide relief for Mr. Jack Walsh, owner of the *Shearwater.* Favorable consideration of this legislation will ensure that future generations will be able to sail aboard this former fighting ship.

LEGISLATION TO REPEAL EARNINGS LIMITATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation to repeal the outside earnings limitation which is currently imposed on Social Security recipients.

Under present law, eligible recipients between the ages of 65 and 70 are threatened with a reduction in Social Security benefits if their outside income exceeds a certain level—now $7,320 per year. For those under 65, the level is $5,400. For every $2 earned in excess of these limits, Social Security benefits are reduced by $1.

It certainly makes very little sense, at a time when many of our senior citizens are struggling to make ends meet, to penalize Social Security recipients in this fashion. Social Security is a retirement program, not a welfare program. To deny full benefits to those who have paid into the system throughout their working careers, with the expectation that they would begin to reap the benefits at age 65, is literally a breach of the contract between the Federal Government and the individual worker.

In fact, it is often those who find it most difficult to survive on fixed incomes, particularly during periods of high inflation, who must rely on outside income. It is not wealthy individuals, who often have income-producing investments, who suffer under the earnings limitation—it is those who can least afford it.

Further, the earnings limitation acts as a disincentive to work in a productive capacity. The attitude toward retirement in recent years has made clear that the 56-year limit is somewhat arbitriary; many are choosing and, in fact, are encouraged to continue working beyond this age. Not only is this good for the economy, it is good for the individuals involved. Yet, because of this outdated provision, we are formally penalizing such activity.

Mr. Speaker, legislation similar to mine has been introduced in the past. Many Members share my concerns. Senior citizens throughout the country support this measure. I therefore hope that the full House will join in support of repealing the outdated earnings limitation and quickly pass this legislation.

SUPPORT OUR BEST AND BRIGHTEST STUDENTS: LEGISLATION TO ASSIST THE GIFTED AND TALENTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BIAGGI. Mr. Speaker, today I am introducing legislation to support programs to assist gifted and talented children and youth. I am joined in this bipartisan effort by 19 of my colleagues that believe, as I do, that the Federal Government has a responsibility to provide leadership to assure that the best of our students are adequately served by our educational systems.

This bill, the "Gifted and Talented Children and Youth Education Act of 1985", would provide funds to State and local educational agencies, as well as institutions of higher education, and public and private agencies. The bill authorizes $10 million in fiscal year 1986, and "such sums" in subsequent years, to support programs for students, as well as inservice training and professional development opportunities for teachers. In addition, the act encourages the development of early intervention programs to identify gifted and talented students.

We can best serve the estimated 2 million gifted and talented children in this country if we stimulate high-quality research that will assist in identifying and serving gifted students in innovative ways. To that end, the act establishes a National Cancer for Gifted and Talented Education that will provide national leadership and support to encourage such efforts.

The Federal Government, until 1981, provided for such programs since 1978, under the Gifted and Talented Children's Education Act, authored by my distinguished former colleague from New York, Senator Jacob Javits. Until its demise, this program annually provided $6 million for similar educational efforts. Today, programs for the gifted and talented can be operated by States through the education block grant. However, there remains no national program to specifically serve these particular students in need.

This act is also consistent with the recommendations set forth in the current Department of Education's report, "A Nation at Risk," which highlighted the need for Federal leadership to upgrade and improve our educational system in this area. We know that gifted and talented children are those identified to have outstanding abilities and who require different kinds of services to meet their intellectual, academic, artistic and physical abilities. If we are to graduate—in the coming decades—a "nation of achievers"—then we need to provide the kinds of support to these high-achievers, especially in the classroom where these talents and abilities can be nurtured.

This bill enjoys a wide level of support, including 14 national associations involved with the education of gifted children and youth. Such support underscores the commitment that must be made to avert an increased crisis in our schools which would result in our most promising students would be underserved—or incorrectly served by educational programs. Special education must not only serve the handicapped—but should be equally responsive to the 2 million students who need encouragement, support and special opportunities that will encourage—not discourage—our best and brightest students.

If there is to be a reasonable response to promote quality in the classroom—then we should adopt this legislation which provides a modest approach to addressing a national concern. For the benefit of my colleagues, I am inserting the text of the bill in the RECORD at this point and invite their support:

H.R. 3263

A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gifted and Talented Children and Youth Education Act of 1985".

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) gifted and talented children and youth are a national resource vital to the future of the Nation and its security and well-being;

(2) unless the special abilities of gifted and talented children and youth are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

(3) gifted and talented children and youth from economically disadvantaged families and areas are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

(4) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented children and youth for the provision of educational services and programs appropriate to their special needs; and

(5) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training, and providing a national

focal point of information and technical assistance, that is necessary to ensure that our Nation's schools are able to meet the special educational needs of gifted and talented children and youth, and thereby serve a profound national interest.

(b) STATEMENT OF PURPOSE.—It is the purpose of this Act to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in our elementary and secondary schools to identify and meet the special educational needs of gifted and talented children and youth. It is also the purpose of this Act to supplement and make more effective the expenditure of State and local funds, and of Federal funds expended under chapter 2 of the Education Consolidation and Improvement Act of 1981 and the Education for Economic Security Act of 1984, for the education of gifted and talented childen and youth.

SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—For the purposes of this Act the following terms have the following meanings:

(1) The term "gifted and talented children and youth" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "institution of higher education" has the same meaning given such term in section 435(b) of the Higher Education Act of 1965.

(b) DEFINITION BY REFERENCE.—Any term used in this Act and not defined subsection (a) shall have the same meaning as that term is given under chapter 1 of the Education Consolidation and Improvement Act of 1981.

SEC. 3. AUTHORIZED PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 9 in any fiscal year the Secretary (after consultation with the advisory committee established pursuant to section 7) shall make grants to or contracts with State educational agencies, local educational agencies, institutions of higher education, or other public and private agencies and organizations to assist them in carrying out programs or projects authorized by this section that are designed to meet the educational needs of gifted and talented children and youth, including the training of personnel in the education of gifted and talented children and youth or in supervising such personnel.

(b) USES OF FUNDS.—Programs and projects funded under this section may include—

(1) preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented children and youth;

(2) establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented children and youth, including summer programs and cooperative programs involving business, industry, and education;

(3) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented children and youth;

(4) programs of technical assistance and information dissemination; and

(5) carrying out (through the National Center for Research and Development in the Education of Gifted and Talented Children and Youth established pursuant to subsection (c))—

(A) research on methods and techniques for identifying and teaching gifted and talented children and youth, and

(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this Act.

(c) ESTABLISHMENT OF NATIONAL CENTER.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State education agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out clause (5) of subsection (b). Such National Center shall have a Director. The Director shall consult with the advisory committee appointed by the Secretary pursuant to section 7 with respect to the agenda of the National Center. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used for the conduct of activities pursuant to subsections (b)(5) or (c).

SEC. 5. PROGRAM PRIORITIES.

In the administration of this Act the Secretary (and the advisory committee established pursuant to section 7) shall give highest priority—

(1) to the identification of gifted and talented children and youth who may not be identified through traditional assessment methods (such as the limited-English speaking, economically disadvantaged, handicapped, and women) and to education programs designed to include gifted and talented children and youth from such groups; and

(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented children and youth.

SEC. 6. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

In making grants and contracts under this Act, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of children and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel serving such children in perservice and inservice training programs.

SEC. 7. SECRETARY'S ADVISORY COMMITTEE.

(a) APPOINTMENT AND MEMBERSHIP.—The Secretary shall appoint a committee composed of at least five persons who are not Federal employees to advise on the administration of this Act, including the content of regulations governing the administration of the Act. The committee shall have as members at least one person who is a director of programs for gifted and talented children and youth in a State educational agency, one person who has substantial responsibility in an institution of higher education for preparing teachers of such children and youth, one person who is nationally recognized as an authority on research in the field of special education of such children and youth, one person who is currently engaged as a teacher in a special program for such children and youth, and one person who is a parent of a child currently enrolled in an elementary or secondary school program for such children and youth.

(b) DUTIES.—The Secretary shall meet with the advisory committee at least twice during each fiscal year for which appropriations are made to carry out this Act, and shall seek the advice and counsel of the committee with respect to—

(1) identification of the most urgent needs for strengthening the capability of elementary and secondary schools nationwide to plan and operate effective programs for the identification and education of gifted and talented children and youth, and for addressing the program priorities set forth in section 5;

(2) the kinds of programs and projects authorized by this Act that are best calculated to help meet the needs identified by the Secretary and the committee pursuant to clause (1);

(3) the assessment of the effectiveness of programs and projects funded under this Act, and of progress under the Act in expanding and improving educational opportunities and programs for gifted and talented children and youth; and

(4) such other matters relating to the administration of this Act as the Secretary may find useful.

SEC. 8. ADMINISTRATION.

The Secretary shall establish or designate an administrative unit within the Department of Education to administer unit within the Department of Education to administer the programs authorized by this Act, to coordinate all programs for gifted and talented children and youth administered by the Department, and to serve as a focal point of national leadership and information on the educational needs of gifted and talented children and youth and the availability of educational services and programs designed to meet those needs. The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented children and youth.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated $10,000,000 for fiscal year 1987, and such sums as may be necessary for each of the four succeeding fiscal years, for the purpose of carrying out this Act.

A CONGRESSIONAL TRIBUTE TO BETTE MURPHY AMMANN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Bette Murphy Ammann, who was recently chosen for the "Outstanding Women's Solidarity Award" from United Auto Workers' Region 6.

Bette was among the first women to take up jobs in the defense industry during World War II. In 1942, she joined the Douglas Aircraft Co. as a riverter for 60 cents per hour. Betty soon became a union organizer and collected dues.

After the war, Bette continued her union activity. In 1947, she was elected shop steward. Bette's talents were obvious to those she worked with, and she soon rose to higher union posts. She was elected chief steward, secretary of the Steward Council, and then secretary of the union's Welfare Committee.

The list of contributions Bette has made to the union and to the quality of work at Douglas Aircraft over the years is virtually endless. She has been active in women's issues and in bargaining committees. Bette has been elected trustee on the UAW Local 148 executive board. She has also represented the union at both national and international conventions.

When Bette retired from Douglas Aircraft in 1978, she left a legacy of "Douglas firsts:" She was the first female employee to earn $1 per hour, the first female "leadman in shop," the first female assistant foreman in shop, the first female administrator over "war boards," and the first female manufacturing engineer.

Retirement from her job did not mean retirement from union and political activity for Bette Murphy Ammann. She was elected recording secretary of her local's retiree chapter. She has attended numerous conventions on issues concerning senior citizens. Bette was also appointed to the California Central Democratic Committee.

In short, Bette has been an exemplary citizen in our community. She has worked tirelessly to improve working conditions, educate herself and others on important issues, and show that concerted and persistent political activity pays off in the long run.

My wife, Lee, joins me in wishing Bette Murphy Ammann and her daughter, Mary Beth Johnson, all the best in their future endeavors.

YOUNG ISRAEL CONGREGATION HERALDS NEW ERA WITH DEDICATION OF SANCTUARY BUILDING

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. SMITH of Florida. Mr. Speaker, today I rise to commemorate the dedication of Young Israel of Hollywood-Fort Lauderdale's new sanctuary. This event marks a turning point for Broward's first orthodox Jewish congregation and I am proud to pay tribute to their accomplishment on this joyous occasion.

More than a decade ago, the need for an orthodox house of worship was realized amongst a small group of south Broward's growing Jewish community. With a strong commitment toward strictly upholding the laws of Judaism, an orthodox minyan for Shabbat services was established in the city of Hollywood.

They started in the living rooms of their founding members and it was at that point that the minyan took root. The seed which they had planted grew steadily and flourished amidst the needs of the rapidly expanding Jewish population. The congregation, however, still did not have a permanent home. Over the years they moved from a small storefront to a condominium social hall until they acquired their own property on the border of Hollywood and Fort Lauderdale. The congregation, now known as Young Israel of Hollywood-Fort Lauderdale remodeled this property into a sanctuary in 1977.

The orthodox community continued to grow. Young Israel faced many new challenges, but dedication and a strong belief in preserving tradition, allowed them to prevail. Today hundreds of congregants now flock to Young Israel for the purpose of prayer.

It became apparent to the membership that the construction of a new facility would be an important milestone in the effort to achieve a stable and thriving orthodox community in south Florida. Today, that dream has finally been realized as they joyously dedicate the new Young Israel sanctuary, their permanent house of worship. It heralds in a new era for not only the congregation of Young Israel, but for south Florida's entire othodox Jewish community as well.

No tribute to Young Israel's remarkable accomplishments would be complete without mentioning Rabbi Edward Davis, Synagogue President Robert Asheim, the Young Israel board of directors, and the entire congregation, many of whom are my close personal friends and neighbors.

I wish my friends at Young Israel a heartfelt mazel tov in their new sanctuary and continued success in expanding traditional Judaism in Broward County.

COMMEMORATING THE 175TH ANNIVERSARY OF MEXICAN INDEPENDENCE DAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. KILDEE. Mr. Speaker, on Monday, September 16, our neighboring Republic of Mexico celebrates its independence.

On September 16, 1810, just 34 years after our own Declaration of Independence, a parish priest named Father Miguel Hidalgo y Costilla pulled the rope that rang the bell in the village church of Dolores until the oppressed countrymen from the nearby farms filled the courtyard to overflowing. Then he called upon them to free their native land from the tyrannies of the Spanish Crown.

Not quite 3 months later, Father Hidalgo and his followers proclaimed the abolition of slavery from Mexican soil and wrote the Western Hemisphere's first land reform statute. In the New World the name Hidalgo will rank forever alongside those of Washington, Jefferson, and Lincoln in the annals of human freedom.

In recognition of this important date, and in celebration of Hispanic heritage week, I am proud to pay tribute to the Hispanic community of our Nation.

Today, Hispanics are providing a new spirit and force in America which will help shape the future course of this Nation. Hispanic activism and political activity has already left its mark on the national political landscape.

Hispanics have provided the margin of victory in many political races throughout this country. As well as providing the margin of victory in many races, many Hispanics have been elected to various political offices in this great Nation.

Hispanics in the Seventh Congressional District, Michigan, have made many contributions to the development and enrichment of our community, State, and Nation.

In 1981, a Hispanic was first elected to public office in Genesee County and still serves on the Burton City Council. A year later, a Hispanic was first elected to public office in the city of Flint and remains an effective member of the city council. His election, by a mere 35-vote margin, would not have been possible without the massive increase in voter registration and voter turnout among Hispanics in Flint. Last year marked the first time ever a Hispanic represented the city of Flint at the Democratic National Convention. Again this year, another Hispanic has contributed to the development and enrichment of our community. She was the first Hispanic ever to be elected to the Flint Board of Education. Other Hispanics of the Seventh Congressional District have been appointed by the Governor of Michigan to various commissions and councils. Many more in the Hispanic community have contributed greatly to our community's well-being.

September 16 is not just a date of importance to Mexican-Americans alone. Indeed, it is of great significance to all those sharing in the proud heritage of the Hispanic culture, and indeed, all Americans. Today, all Hispanics must recognize, and seek to strengthen, their common heritage. Together, through a united and active Hispanic people, bound by common interests and pride, Hispanics will at last attain the political and economic equality for which they have already begun to attain.

THE 20TH ANNIVERSARY OF JOB CORPS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. CROCKETT. Mr. Speaker, I would like to pay tribute to the Job Corps in its 20th year of impressive and dedicated service to the socially and economically disadvantaged youth of our Nation.

The unique combination of training and support services provided by the Job Corps has steered impoverished youth in the direction of realizing their full potential: adequate preparation to obtain and hold employment in either the public or private sector.

The Job Corps Program has provided a basic and important employment outlet for Detroit, MI, which I represent and which has been devastated by 25.9 percent structural unemployment among Detroit youth. Since its founding in 1972, the Job Corps Center in Detroit has been virtually the only source of hope and restoration of self worth for 6,000 young adults. Over 85 percent of these young people have gotten jobs and have paid back more in income taxes than the cost of participation in the program. For every $1 spent, $1.46 is returned to society in terms of increased employment, less criminal activity and reduced welfare payments.

It is absolutely essential, Mr. Speaker, that we continue our commitment to the Job Corps in order to assure the young and hopeless an opportunity to become functional and productive tax paying citizens.

LEGISLATION COMBATING AIDS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. LELAND. Mr. Speaker, today I am introducing legislation which would accelerate efforts to combat one of the most critical public health emergencies ever faced by this Nation—the spiraling incidence of acquired immune deficiency syndrome [AIDS]. Approximately 20 new cases are reported to the Centers for Disease Control every day. The total number of cases doubles about every 10 months. Government experts see no slowdown in the incidence of AIDS and by the end of next year, over 35,000 cases likely will have been reported.

AIDS is: A sexually transmitted disease; a disease transmited via contaminated blood and blood products; a disease transmitted across the placental barrier. It most assuredly is not just a disease of male homosexuals. In many other countries it is a heterosexual disease—affecting heterosexual men and women equally.

The nearly 13,000 men, women, and children currently afflicted with AIDS face almost certain death. The future remains very, very bleak for newly diagnosed patients. The promised development of a vaccine also remains uncertain. In the face of such a bleak picture, the only prospect to slow this epidemic is to inform and educate the American public about both AIDS and exposure to human T-cell lymphotrophic virus type III [HTLV-III], the etiologic agent of AIDS.

Under my legislation, the Secretary of Health and Human Services would make grants to State and local governments to support education and information dissemination projects concerning AIDS. The legislation would authorize $40 million for fiscal year 1986. Additionally, the bill would authorize $25 million for establishment, maintenance, and operation of programs to test blood to detect the presence of antibodies to HTLV-III at sites other than those utilized for medical transfusions. The legislation insures confidentiality for all individuals who participate in the education programs or request the blood test at the alternative sites.

The alarming and urgent nature of this situation cannot be understated. I urge my collegues to support these programs.

LEGISLATION TO AMEND SECTION 607 OF THE MERCHANT MARINE ACT OF 1936

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BIAGGI. Mr. Speaker, I am introducing legislation today to ensure that the Government's interest is protected when a change in control occurs in a U.S. corporation that has established a capital construction fund [CCF] under the Merchant Marine Act of 1936. The chairman of the merchant marine and Fisheries Committee, WALTER JONES, and the ranking members of the committee, NORMAN LENT, join me in introducing this legislation.

The capital construction fund was established in 1970 to promote the replacement and acquisition of U.S.-built vessels for the U.S. Merchant Marine. A company that contracts with the Government to set up a CCF deposits earnings into a tax-deferred CCF account. The money accumulated in the account must then be used to purchase U.S.-built vessels that are registered under the laws of the United States.

The legislation introduced today protects the Government's interest in seeing that the purposes of the CCF Program are not undermined when a corporate takeover occurs. As a tax-deferral program, the Government has a strong interest in ensuring that a CCF is used for the promotional purpose of replacing U.S. vessels and is not used as a source of readily available cash for a new managment group.

This legislation requires the Secretary of Transportation to hold a hearing if the Secretary believes that the change in control of a corporation owning a CCF is contrary to the public interest. If, as a result of the hearing, the Secretary determines that the change in control is contrary to the public interest and will be used to loot the CCF, the Secretary may terminate the agreement. Moreover, even if the Secretary does not terminate the agreement, if a nonqualified withdrawal—a withdrawal for purposes other than those qualified for tax deferral—occurs within 3 years after the takeover, another hearing shall be held to determine if the withdrawal is contrary to the public interest. If so, the CCF agreement must be terminated. When a CCF agreement is terminated by the Secretary, a penalty is imposed on the corporation. The penalty is a maximum of 50 percent of the withdrawal, net of taxes and interest imposed by other provisions of the CCF program.

I believe this legislation is necessary to deter targeting a corporation because it owns a valuable CCF account. At the present time a takeover of one of the U.S. largest and most profitable shipping companies is in progress. There is reason to suspect that a significant factor in this takeover attempt is the target corporation's CCF. A Government-sponsored and regulated promotional program should not act as an incentive to raid a corporation in order to drain its CCF account. Under this legislation, a full and fair hearing is required to protect the Government's interest in ensuring that the CCF Program is used for the proper purposes.

I believe that timely action on this legislation is necessary, and I urge my colleagues to join me and the cosponsors in supporting this legislation.

The text of the bill follows:

That section 607(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177(i)) is amended—

(1) by inserting "(1)" immediately before "Under";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end of the subsection the following:

"(2)(A) For purposes of this paragraph, the term 'control' means the power, directly or indirectly, to direct the management or policies of a corporation.

"(B) The existence of control of a corporation and of a change in control of a corporation that is contrary to the public interest is determined by the Secretary. The Secretary is not required to consider minimum stock ownership in making that determination. Any director of the corporation in office before a change in control may request that the Secretary implement the provisions of subparagraph (C) of this paragraph. The

Secretary has sole discretion to implement subparagraph (C). Trusts or other similar arrangements established or used to circumvent the purposes of this section are part of a change in control that is contrary to the public interest.

"(C) Notwithstanding another law, if a change in control contrary to the public interest occurs after July 31, 1985 in a corporation that has entered into an agreement under this section, the Secretary shall hold a hearing on the record to determine if the change in control is consistent with the purpose of that agreement (as provided in subsection (a) of this section) or with the purposes of this Act. The provisions of title 5, United States Code apply to the hearing.

"(D) If the Secretary determines, as a result of the hearing, that the change in control is not consistent with the purpose of the agreement or with purposes of this Act, the Secretary may terminate the agreement.

"(E) Notwithstanding the provisions of subparagraph (D) of this paragraph, if a nonqualified withdrawal under subsection (h) of this section is made or requested within three years after the date on which the change in control occurs, the Secretary shall hold a hearing under the provisions of subparagraph (C) of this paragraph.

"(F) If the Secretary determines, as a result of the hearing, that the nonqualified withdrawal is not consistent with the purpose of the agreement or with the purposes of this Act, the Secretary shall terminate the agreement.

"(G) If the Secretary terminates an agreement under subparagraphs (D) or (F) of this paragraph, a penalty of not more than 50 percent of the amount of the net nonqualified withdrawal after calculation of taxes and interest shall be imposed. This penalty is in addition to any taxes and interest that may otherwise be applicable under this section.".

THE SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DOWNEY of New York. Mr. Speaker, child nutrition programs have been an important component of the Federal Government's commitment to ensuring the well being of poorer children in this Nation. At a time when congressional studies have indicated that children are more likely to be in poverty today than they were a decade ago, it would be a major error for us to consider the elimination or reduction of this essential program. That is why I urge my colleagues to support the reauthorization of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985.

Studies have shown the importance of a national nutrition program. The national infant mortality rate has decreased. There has been a decrease in premature births and studies have indicated that health costs in treating malnutrition-related illnesses have decreased.

Given the chronic illiteracy problem that our Nation faces and the countless studies that have suggested that a child that is hungry can not learn, we, the Members of the House of Representatives would be abandoning our obligation to the most essential resource that this great Nation has by not moving to improve the nutritional health of our children. There have been very few programs that have done so much for so little. Child nutrition programs have proved their worth. By extending and improving the National School Lunch Act and the Child Nutrition Act of 1966 we would reaffirm our commitment to America's children and the future of this country.

TAX REFORM PROPOSALS UNFAIR TO THOROUGHBRED HORSE INDUSTRY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. HUBBARD. Mr. Speaker, during the recent congressional recess and for the past several months, I have been hearing from hundreds of my constituents in western Kentucky and others throughout the entire Commonwealth of Kentucky about their views concerning the President's tax simplification proposal.

Kentuckians are opposed to having their taxes raised individually, while many corporations in America pay little or even no taxes at all.

I would like to share with my colleagues the letter I received from my friend and fellow Kentuckian, Buckner Hinkle of Hidaway Farm at Paris, KY, who has contacted me about the tax proposal's impact upon the thoroughbred horse raising industry—an industry which is very important to Kentucky.

Buck Hinkle's comments are worthy of consideration. His letter follows:

JULY 12, 1985.

Hon. CARROLL HUBBARD,
Rayburn House,
Washington, DC.

DEAR CARROLL: It appears that I am always writing either protesting some proposed action by our government or addressing you and other members of the Kentucky Congressional Delegation from a defensive posture. I do not like to be negative or at cross purposes with our government, but in this instance, which relates to President Reagan's tax reform proposals, my son, Tom, has brought to my attention the inequities dealing with the thoroughbred horse industry in these tax reforms.

According to information he has received from The American Horse Council, the proposal states that cost associated with raising plants or livestock (other than animals held for slaughter) may not be deducted until the asset in question either becomes productive or is sold, unless this preproductive period is less than two years. In the case of horses, the preproductive period would begin at the time of breeding or embryo implantation (or at the time the animal is acquired) and would end when the animal become productive—ready to perform its intended function—or was sold.

Because most horses do not become productive within two years of conception, the effect of this proposal is to deny a current deduction for all costs (including stud fees) of producting most foals. Only if you were sure you would sell a foal within 24 months of conception could you take these current deductions. The effects of this proposal would be to create a serious, perhaps devastating cash flow problem for many breeders and owners whose deductions would be delayed by a number of years; a bookkeeping nightmare in which all costs (including prebirth expenses) associated with horse production would have to be allocated on a per foal basis throughout this preproductive period.

The proposal also eliminates capital gain treatment on the sale of all business property, including horses held for breeding, racing, showing or draft purposes. All business income would be taxed as ordinary income.

In view of the high risk nature of the horse business and the fact that under present law horses are eligible for capital gain treatment only if the animal is held for at least 24 months (as compared to 6 months for most other assets), it appears that the horse industry and horse owners and breeders have been singled out as ineligible for capital gains consideration while other investment type assets, such as stocks and bonds would remain eligible for capital gain treatment.

I am sure you realize that I am approaching this tax treatment from a vested interest standpoint, and it may be that I have misinterpreted the results which will be to the detriment of an industry which brings in a great deal of wealth and trade to Kentucky. However, I do believe if this tax reform proposal is passed with this provision to the horse industry, it will deliver a crippling blow to an industry which right now is feeling the effects of a downslide in that industry.

I hope you will be able to exert your considerable influence in the Congress in helping an industry which is, I believe, worthy of your support.

With the kindest personal regards, I am,

Sincerely yours,

BUCKNER HINKLE,
Paris, KY.

THE RECENT HISTORY OF THE DAIRY PRICE SUPPORT SYSTEM: THE NEED FOR A NEW DAIRY DIVERSION PROGRAM

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. GUNDERSON. Mr. Speaker, very shortly, the House will consider the 1985 farm bill. As reported from committee, the dairy title contains authority for a new 2-year dairy diversion program similar to the one which successfully reduced surplus milk production from January 1, 1984, to March 31, 1985.

Because of the importance of this program to the dairy title of the farm bill, I will be including several articles in the RECORD during the next week explaining its purpose and function. I hope my colleagues will find this information useful.

Since 1980, the American dairy industry has been faced with an imbalance in supply and demand which has led to significant Government purchases of dairy products through the Commodity Credit Corporation.

The initial response of the President and Congress to this surplus was to send a signal to producers through price. Quite frankly, if we operated in a world based on theoretical economics, such a signal might have worked. However, these are not normal economic times.

The dairy price support level was frozen in 1981, effectively decreased in 1982 and 1983 through assessments and price cuts, and again reduced through price cuts following April 1, 1985. The result—production increases, not decreases.

The reason for this failure is simple—and it's a reason I have consistently noted on the floor since 1981—there are not other reasonable economic alternatives for the dairy farmer faced with a declining price. By freezing or cutting the support price for milk, you reduce a producer's net income. In today's farm economy, there is only one way for him to recover that lost income—increase production so that the diminished marginal profit is recovered over a greater amount of milk.

The facts are that the only thing that cuts in the support price for milk have done for the American taxpayer is cost them money as the total expense of the support program escalated to $2.6 billion in fiscal year 1983—the high water mark of the push for reductions in the support level for milk. At that point in 1983, the dairy industry and Congress got together and created a farmer-financed program—the dairy diversion—to enhance the income of those dairy producers who voluntarily reduced production.

While the dairy diversion program operated during only 9 months of fiscal year 1984, the cost of the program went down by $1 billion—the first such decrease in years. Its expenses were almost totally paid for through assessments on milk production.

Regrettably, the final version of the 1983 dairy legislation only provided for a 15-month diversion program—rather than the 24-month program sought originally—which ended on March 31, 1985. Since then, two price cuts have occurred. And, true to form, milk production is on the increase again.

During the consideration of the dairy title in the upcoming weeks, we will again be faced with the choice between price cuts and a diversion program very similar to the one in effect during 1984 and the first part of 1985. It seems to me that, if we continue to be serious about limiting surplus dairy production and keeping the cost of price support program down, history tells us to support the diversion program rather than price cuts.

And I hope my colleagues will join me in doing just that when the farm bill comes to the floor.

POCOMOKE CITY, MD: ALL AMERICA-CITIES FINALIST

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DYSON. Mr. Speaker, I rise today to salute the people of Pocomoke City for being selected as one of 17 finalists in the 1985 All-America Cities competition. Sponsored by the National Municipal League and USA Today, this highly competitive program awards outstanding community achievement. It is with great pride, then, that we in Maryland's First Congressional District commend the fine efforts of the many dedicated organizations, businesses, and citizens that made this distinction possible.

A center of shipping and agriculture from its early settlement days, Pocomoke City is Worcester Country's largest community. Founded in the waning year of the 17th century, Pocomoke City was first known as Meeting House Landing and later as New Town. As the Civil War drew to a close in 1865, this prosperous center of commerce and agriculture became incorporated, and several years later, in 1878, changed its official name to Pocomoke City.

At a time when our Nation's cities are assuming ever-increasing responsibilities for meeting the day-to-day needs of their citizenry, I believe it is especially fitting that we applaud exemplary accomplishment. So as Pocomoke City is held out as a national paradigm for its citizen-action projects—downtown revitalization, the Sunshine Village Apartments and the Pocomoke Area Medical Center—we honor all those whose spirit of community contributed to this award. So Mr. Speaker, I salute Pokomoke City, the "Friendliest Town on the Eastern Shore."

THE JEWISH GUILD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I would like to bring to the attention of my colleagues a unique program operating in my home district of the Bronx. The Jewish Home and Hospital for Aged, in conjunction with the Jewish Guild for the Blind, is now offering JHHA-GuildCare, a geriatric day care center for the blind and visually impaired. This very special program provides comprehensive medical, therapeutic, and social services to these people in order that they may remain independent in the community.

Until now, the blind and visually impaired elderly have remained an often overlooked segment of our population. JHHA-GuildCare helps these forgotten people adapt through special therapy. Vision rehabilitation is provided, including low vision evaluation, mobility and orientation training, and help with communication skills. In addition, the elderly learn how to use adaptive equipment for cooking, how to count money, and how to maintain personal hygiene. Round trip transportation and a balanced hot meal are provided daily. JHHA-GuildCare also monitors their health and offers social service counseling, medical specialties such as dentistry and podiatry, and physical, occupational, and speech therapy. But even more importantly, this unique program assists these people in making new friends, developing new skills, and participating in many new activities such as sewing, woodworking, dance therapy, and adult education.

The Jewish Guild, established in 1914, is a nonprofit, nonsectarian agency serving more than 5,000 visually impaired New Yorkers each year. The guild has long been a pioneer in developing programs in social and mental health and responding to community needs.

The Jewish Home and Hospital for Aged, established in 1870, is one of the oldest, largest, and most progressive nonprofit geriatric centers in the country. This center has served more than 2,000 elderly people through comprehensive inpatient and community outreach programs. For over 10 years, they have assisted the aged in the Bronx in leading healthier, more enriched lives while remaining in their homes in the community.

Approximately 5 million older people, or 20 percent of those over 65, report difficulty seeing. The House Select Committee on Aging is focusing much effort on ensuring that our elderly population, especially the blind and visually impaired, is offered an alternative lifestyle to institutionalization. The committee has long believed it is imperative that the aged are not forced to abandon their friends, their family, and their community. I would like to commend JHHA-GuildCare for serving as a model for other effective and economic alternatives to institutionalization. It is my hope that many other such organizations will be established in the near future. We must work to assist this forgotten segment of our population.

NEW BRITAIN NATIONAL BANK CELEBRATES ON ITS 125TH YEAR

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mrs. JOHNSON. Mr. Speaker, today it is my pleasure to congratulate the New Britain National Bank on 125 years of dedicated service to the community of New Britain, CT. On April 13, 1865, its founders embarked on a pledge to serve the New Britain community both financially and as a good neighbor—one who could be trusted—and for the past 125 years the New Britain National has made this intention a reality.

Both the city of New Britain and I would like to thank the New Britain National Bank for its many community services, from its annual blood drive, to its longstanding dedication to the youth of the city. This year marks the 13th annual Hughes Memorial Golf Classic, sponsored by the bank for area children between the ages of 11 and 17 years of age in addition to the 9th annual Girl Scout community Christmas tree benefiting the community's needy.

I would also like to commend New Britain National Bank on being a forerunner in the community on utilizing the capabilities of very competent women. In 1976 Dr. Marie Gustin was elected the first woman director on the board of directors, and in 1979 Katherine Purrington, a former financial planning officer of the bank, was elected as the first woman to chair the New Britain chapter of the American Red Cross. New Britain National currently employs five women officers.

Again, Mr. Speaker, I would like to recognize the selfless, longstanding dedication of the New Britain National Bank to the city of New Britain. I am proud to represent New Britain and its businesses.

CONCERNS OVER THE AIRPORT AND AIRWAY TRUST FUND

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. LEWIS of Florida. Mr. Speaker, at this time when we are discussing transportation appropriations, I am disturbed that a large sum of money already collected for the area of air safety is not being spent.

Like others concerned with the issue of air safety, I am distressed to know that in this time when air safety is of paramount importance there is an approximate $3 billion surplus in the airport and airway trust fund. This trust fund was established in 1970 and revised in 1982 as part of the Tax Equity and Fiscal Responsibility Act [TEFRA], for the explicit purpose of promoting airport improvement and development.

The fact that an extremely large surplus in this trust fund exists causes me to question whether the tax dollars collected for the purpose of airport improvement and development are being used to promote air safety. If these moneys are collected, then they should certainly be spent to improve our national air safety.

175TH ANNIVERSARY OF EAST FORK BAPTIST CHURCH

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. DOWDY of Mississippi. Mr. Speaker, I would like to take this opportunity to call my colleagues' attention to this weekend's celebration of the 175th anniversary of the founding of East Fork Baptist Church in the Chandler Hill community of southwest Mississippi.

East Fork Baptist Church was founded by the Reverend Thomas Mercer, Rev. Ezra Courtney, Bro. Jacob Cobb, and Bro. P. Thomas in 1810. It was originally known as the New Constitution Church and included 12 charter members: Mr. James Chandler, Sr., Mr. John Wilson, Mr. Ephraim Puckett, Mr. James Keith, Mr. John Presteridge, Mr. Lazarus Reeves, Ms. Elizabeth Simmons, Mrs. Martha Wilson, Ms. Frances Spurlock, Mrs. Sarah Keith, Ms. Elizabeth Presteridge, Ms. Alley Presteridge, Ms. Hannah Denman, and Ms. Ann Adams; 39 pastors have served the church over the 175 years including the two long and notable tenures of Rev. Charles Felder (1919 to 1943) and Rev. Zachariah Reeves (1843 to 1871). The church is currently served by Rev. Maurice Wicker who joined East Fork Baptist Church in 1979.

Rural churches have long been an important part of our Nation's heritage. They have served not only as places of worship, but also as the center and heart of a community. Certainly this has been the case with East Fork Baptist Church which has grown from its original membership of 14 to approximately 350 members today. Its baptismal records and Sunday School attendance sheets chronicle not only the church's history, but also the history of the comings, and goings, births, and deaths, and baptismals, and marriages of the entire community. The history of East Fork Baptist Church is, in fact, the history of the community it serves.

This weekend members and friends of the East Fork Baptist Church will gather to celebrate the 175th year of one of Mississippi's oldest churches. I know my colleagues will join me in saluting this fine church and its dedicated members.

IN A WORLD OF SENSELESS VIOLENCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MRAZEK. Mr. Speaker, in a world of senseless violence, it is often the case that innocent victims pay the dearest price for the zealot's rage.

Consider the case of Robert Seifried, Jr. of Bay Shore, Long Island. A drummer in a local rock band, Mr. Seifried was leaving a convenience store in Brentwood during the early morning hours of September 6, when he saw a nearby house in flames. When he tried to lead the elderly couple inside to safety, a bomb which had been planted near the fire went off, maiming Seifried's right leg to the point where the amputation of his right foot was required. Now, his dream of being a professional drummer may be over.

The facts surrounding the incident are bizarre, to say the least. It seems that the owner of the house, Elmars Sprogis, was recently cleared of charges that he was a Nazi war criminal. After the bombing, the Long Island newspaper Newsday received a taped phone message which linked responsibility for the bombing to the Jewish Defense League. Later, the JDL denied a role in the incident, and the FBI is now investigating.

Whoever is responsible, it can be safely assumed that Robert Seifried, Jr. was not the intended victim. Yet, he is now permanently disabled, his musical career in jeopardy, and he is forced to assume the cost of his own recovery because of his lack of health insurance coverage. A radio station in the New York metropolitan area has begun a fundraising drive to help defray medical expenses, but even this can never give back to Robert that which he has lost.

Many people would emerge from this kind of incident terribly bitter about life. But, in a followup story printed in Newsday, Robert showed the same spirit which led him to help the couple in the burning house. "I just want to get out of here and get back to normal," he said from his hospital bed.

He also resisted any tone of vengeance when asked his opinion of his attackers. "I think they're stupid," he said, a sentiment with which all can certainly agree. There's a lot of stupid people in the world.

Indeed. Stupid people blow up houses and allow innocent people with humanitarian instincts to suffer. Stupid people blow up trans-Atlantic jetliners and kill hundreds, just to promote a political cause. Stupid people massacre millions of their countrymen in pursuit of ideological or ethnic purity, or crush to death soccer fans who happen to be in the wrong place at the wrong time. Yes, there are a lot of stupid people in the world.

But for every stupid person, there's also a Robert Seifried, Jr., one who altruistically risks his own health and well-being in an effort to save the lives of others. For every madman with a bomb or a gun, there is someone with compassion and humanity. And we can thank God for that.

Given the determination and spirit he has demonstrated both in his deeds and his reaction to misfortune, it seems safe to say that Robert Seifried, Jr. will bounce back. Already, he has spoken of his desire to get back behind a set of drums and resume his avocation.

If his case is any example, then there is truly little justice in this world. But as long as we have people around like Robert, there is hope, and that is something.

SUPERFUND AS METAPHOR

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BROYHILL. Mr. Speaker, one of the issues of paramount importance for the House to address in the remaining weeks of this session is legislation to extend and

expand the "Superfund" Program to clean up our Nation's hazardous waste sites.

The Committee on Energy and Commerce has completed action on H.R. 2817, a 5-year, $10 billion reauthorization. Action is expected soon by the other committees involved—Ways and Means, for the tax portion, Public Works, Judiciary, and Merchant Marine. I sincerely hope that the House will take up and consider H.R. 2817 in the next few weeks.

The issues which we faced in the Commerce Committee—and which will be addressed to some degree by our sister committees and, ultimately, by all of the members—are extremely complex.

Everyone agrees we must make a major commitment to clean up our Nation's hazardous waste sites. Everyone agrees that we must do more.

Beyond these fundamental areas of agreement, there are honest differences of opinion among Members and among concerned organizations and citizens as to precisely what the terms of new legislation should be. Those who have focused on the problem, and who have been involved in close scrutiny of the program's implementation over its first 5 years, are well aware that the issues involved are among the most technically complex of any the Congress faces. Members should not be deluded into thinking that the answers, let alone the questions, are simple. In today's Washington Post, Robert J. Samuelson has written what I believe is a most thoughtful column on the subject, and I commend it to the attention of my colleagues.

Mr. Speaker, I ask that Mr. Samuelson's column, "Superfund as Metaphor," be inserted at this point in the RECORD for the benefit of the Members.

The article follows:

[From the Washington Post, Sept. 11, 1985]

SUPERFUND AS METAPHOR

(By Robert J. Samuelson)

Remember Superfund? Back in 1980, Congress created the $1.6 billion program to clean up hazardous-chemical dumps. Five years later, here's where we are: We don't know how many dumps need to be cleaned, how much it will cost, how long it will take, or—indeed—whether it can be done. And, if it is done, we don't know what health and safety benefits will result. They could be quite modest.

Superfund—Congress is debating its renewal—is an apt metaphor for our environmental frustration. We want technology's benefits without adverse side effects. But the two are inseparable, and our efforts to achieve a socially and economically sensible balance constantly run afoul of unrealistic public expectations and scientific ignorance. As Superfund shows, it's not simply measuring risks against costs, because we're rarely sure what the ultimate risks are.

Almost any new technology is an adventure with an unknown ending. Since World War II, chemical production has expanded more than twelvefold. It has given us thousands of new products: From plastics to antibiotics, from pesticides to deodorants. But just as no one foresaw this chemical extravaganza, neither did anyone accurately predict its long-term dangers. Chemical wastes are but one of the unwanted surprises.

Even describing the Superfund problem is difficult. In theory, chemical wastes today are regulated under the 1976 Resource Conservation and Recovery Act; wastes are supposed to go into approved dumps. Superfund was created to control earlier abandoned dumps or dumps that fail today's regulatory standards. What we know now—but did not know in 1980—is that this problem was underestimated. Consider the statistics:

More than 21,500 chemical dumps have been reported to the Environmental Protection Agency. Of these, 14,329 have been reviewed, with 4,747 deemed serious enough to warrant an on-site inspection. So far, 851 have been proposed for, or put on, the National Priorities List (NPL), signifying serious danger of groundwater or atmospheric contamination.

Emergency cleanups have occurred at about 600 sites, including many not on the NPL, where immediate fire or public-health hazards existed. Drums of chemicals have been removed or disposal sites have been fenced off from the public.

Permanent cleanups at NPL sites have been slow; work has begun at 132, but only six have been finished. Once chemicals seep into the ground, remedies are expensive, time-consuming and often imperfect.

Excavations, the pumping and treatment of groundwater, or construction of new underground dikes may be required. EPA estimates the total number of NPL sites at 2,200; the Congressional Office of Technology Assessment thinks the number could exceed 10,000.

Our real confusion, though, transcends statistics. We made chemical dumps the problem, but they're not. The problem lies in their consequences to public health, which are unclear. Superfund has been legislation by horror story. It was inspired by the Love Canal scandal—the chemical landfill in New York that became a housing development. It was easy to sympathize with Love Canal's residents. A country of Love Canals is not a pretty vision. Neither, however, is it the reality.

All dumps are not Love Canals. Different chemicals have varying effects. Even if dangerous, the chemicals have to seep into groundwater or the air, and health problems usually result only from prolonged exposure. Even Love Canal's effects are hazy. There's some evidence of reduced birth weights and, in children around Love Canal, higher rates of abnormalities: rashes, eye irritations, seizures. But there's no evidence of increased cancer.

From what we now know, hazardous chemical dumps are at worst an isolated peril to small groups; at best, their dangers are exaggerated. For example, the National Cancer Institute attributes about 35 percent of cancer to dietary habits, another 30 percent to smoking, 5 percent to cancer viruses, and 3 percent each to excessive drinking and sunshine. All environmental causes (on-the-job exposure, general pollution, food additives) are linked to about 6 percent; dumps belong in this category.

But, politically, we're uncomfortable with such distinctions. The same individualism that demands the freedom to run huge personal-health risks—smoking, for example—also insists that much smaller risks not be imposed on us against our will or knowledge. We have boundless sympathy for innocent victims. Superfund reflects this bias, as well as another: We often fear the unknown more than the known.

Like nuclear power, chemical dumps inspire fears that defy hard evidence—and with some cause. We don't know all the long-term effects. Even the National Cancer Institute's list of cancer sources is a simplification; it minimizes the interaction of personal habits, the environment and genetics. More important, the ultimate danger of chemical dumps is the slow contamination of the groundwater that supplies more than half our drinking water. But dumps aren't the only pollutant, and the extent of groundwater pollution is unclear.

How much should we spend on Superfund? The administration has proposed a five-year, $5.3 billion program, arguing that there isn't scientific staff to handle more. The Senate is considering a $7.5 billion total; and the House, a $10.1 billion program. It's easy to say, "Spend enough to assure safety." But how safe is safe? Enormous sums spent to cure vastly exaggerated problems or to produce modest results are worse than wasted: They may divert attention—and funds—from more pressing problems.

The messiness of environmental regulation reflects this massive uncertainty and inevitable imperfection. The risks of modern technologies are both unavoidable and imprecise. Our ignorance poses opposite evils: Of not spending enough and suffering environmental revenge, or of wasting huge amounts to cater to uninformed public hysteria. We want clear answers when few exist and utopian solutions when none is possible.

NASA SALUTES HONEYWELL OF CLEARWATER FOR A JOB WELL DONE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. YOUNG of Florida. Mr. Speaker, as a member of the Appropriations Committee, it's a real pleasure to learn about Federal projects that have been completed ahead of schedule and under budget.

Such is the case with Honeywell, Inc., of Clearwater, FL, one of the Nation's leading aerospace manufacturers and the largest industrial employer in Pinellas County, which I represent.

Honeywell designed, developed, built, and tested an important component of the space shuttle landing gear in only 3 months, completing the project in half the contracted time and just as importantly, finishing under budget. The system, developed as a special project by Honeywell for NASA, relays information from the space shuttle's front landing gear to the spacecraft's onboard computer, which activates the automatic braking and steering mechanisms. When installed, the Honeywell equipment will enable the space shuttle to more easily land on a shorter runway, such as that at the Kennedy Space Center. The equipment will first be installed on the Challenger for its November mission.

Honeywell's Clearwater division plays an integral role in the space shuttle program. In addition to equipment for the landing gear, the company's engineers and technicans have designed and manufactured im-

portant computer systems that direct flight and engine control.

Honeywell has also designed and produced major components of our national defense programs and continues to be involved with critical research and development of new systems.

The 100 members of the special team which developed the new space shuttle landing system, and all of Honeywell's 4,500 employees should be proud of their contribution to our Nation's national defense and space programs. They should also be proud of their efforts to save the American taxpayers money by making a special commitment to this program.

Following my remarks is an article by Charles Jaffe of the St. Petersburg Times about Honeywell's accomplishment. It sets an outstanding example for all Federal contractors and agencies:

[From the St. Petersburg Times, Sept. 6, 1985]

HONEYWELL HOPES TO GET BONUS FOR COMPLETING PROJECT EARLY

(By Charles A. Jaffe)

"Under budget" and "ahead of schedule" are two phrases rarely associated with government contracts.

Yet a Clearwater division of Honeywell Inc. hopes to get a bonus for completing a special project for the space shuttle program three months early and considerably below budget.

Honeywell designed a computer box that calculates the position of the nose wheel on the shuttle's landing gear. The Honeywell system relays information to the main onboard computer, which automatically engages the steering and braking necessary to safely stop the craft, said Dr. Bill Poe, Honeywell's vice president of space systems operations.

The system makes it easier for the shuttle to land on a shorter runway, like the one at Kennedy Space Center. Currently, the orbiters land at Edwards Air Force Base in California.

"Our system is good not only because it makes landing the orbiter more safe, but also because it makes a lot of economic sense by saving NASA the time and money of renting a 747 and flying the orbiter to Florida," Poe said.

"Still, what is most unusual about the project is that it was designed, documented, developed, tested and built by Aug. 27, in only three months," he added. "It wasn't due to be finished until November. And it really is unheard of to finish any device for the space program—no matter how simple—in three months.

Honeywell's device has yet to be installed on any of the four space shuttles. The system has been used during flight simulations "and has tested out perfectly," Poe said.

The system will make its maiden voyage aboard the shuttle *Challenger* in November. That orbiter will land in California so shuttle engineers have the longer runway on which to test the Honeywell system. However, NASA hopes that orbiters in the future will land at the Kennedy Space Center.

Honeywell estimates the cost of developing the system at $3.7-million, Poe said. That figure is below original estimates, which the government approved before sending Honeywell a letter to start development.

Poe said Honeywell does not have an official contract for the project, but is being paid for expenses. Honeywell hopes to receive a bonus for its on-time, under-budget performance.

A bonus "is our proposal, but we'll have to see if it comes about when the contract is negotiated," Poe said. "The really important thing for us was the way our people came together. There were about 100 who worked on the project, and they took it as a personal challenge to make this happen."

A NASA spokesman confirmed that Honeywell may receive a bonus "for a job well-done, but it hasn't been decided yet."

In addition to designing the nose gear control box, Honeywell's Aerospace and Avionics Division has done several other projects for the space shuttle program, including manufacturing computers involved in flight and engine control, Poe said.

It was one of Honeywell's engine control systems that halted a scheduled takeoff recently, after the computers sensed a malfunction in the engines.

Minneapolis-based Honeywell is the largest industrial employer in Pinellas County, with 4,500 employees at two aerospace manufacturing facilities. The company employs 1,500 people at a Tampa facility that produces electronics testing equipment.

HOWARD L. BROWN OF NORWOOD HONORED BY U.J.A.-FEDERATION

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Howard L. Brown of Norwood, NJ, who is being honored by the U.J.A-Federation for his unswerving commitment to Israel and for his dedication to community service. Howard is a respected member of the business community, being the sole owner of Summit Office Supply and founder of Summit Printing Co. and Peak Computer Productions.

Howard's tireless devotion to Israel, and his many accomplishments, are an inspiration to us all. He has served as a trustee of the U.J.A. of Bergen County and is presently cochairman of its Initial Gifts Campaign. He will act as 1986 chairman of the Bergen County Palisades division, a group that he originated. He assisted in the formation of the Bergen County Chapter of the American Israel Public Affairs Committee, and is very active in U.J.A.'s Operation Moses to help Ethiopian Jews in Israel.

Howard also gives tirelessly of his time to the community, an effort that was recognized when he received the American Cancer Society's 1982 Torch Award for distinguished service.

Tomorrow evening, the U.J.A.-Federation Campaign will pay tribute to Howard L. Brown for his many accomplishments and commitments. I join with his wife, Nancy, their children, Michele and Michael, and his many good freinds and colleagues in wishing my good friend, Howard Brown, a lifetime of happiness and success, and an evening to remember.

NATIONAL COMMISSION ON JOBS AND SMALL BUSINESS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mrs. MARTIN of Illinois. Mr. Speaker, yesterday I was pleased to join Congressman PARREN MITCHELL, chairman of the House Small Business Committee, and several of my House and Senate colleagues in convening the National Commission on Jobs and Small Business. Simply put, job creation is the most crucial test of our abilities to provide stability for the American worker.

I am particularly interested in the work of this Commission because the area I represent in northwest Illinois has been hard hit by the exodus of thousands of jobs. We must explore all avenues of job development, and quite frankly this Commission represents the most comprehensive effort I have seen.

In my home State of Illinois, there are over 260,000 small businesses which produce approximately $60 billion in goods and services and have a productivity rate 10 percent higher than the Nation's average; 99.6 percent of all businesses have 500 or fewer employees; this represents 75.3 percent of the State's work force, or 3,251,378 jobs. Furthermore, it is estimated that small firms will generate 50 to 80 percent of all new jobs.

Small business serves as the backbone of our small towns and urban areas. Small businesses are credited with producing 38 percent of our gross national product and 47 percent of our gross domestic product. And we should not forget that small businesses are oftentimes the chief avenue by which women, blacks, Hispanics, and other minorities realize the rich promise of the American dream. Clearly we need no other evidence to illustrate the importance of small business in Illinois or any other State.

We have charged the Commission with the awesome responsibility of providing a framework for new job creation through imaginative and innovative strategies. The specific topics to be addressed include: capital availability, foreign trade, entrepreneurial development, research and development, high technology, manpower and employee training, and national economic policy.

The Commission is nonpartisan, and it will be representative of the many constituencies with a stake in the outcome of the Commission's deliberations. Perhaps most important, the Commission will concentrate on developing feasible policy recommendations, not pie-in-the-sky pronouncements.

One hundred fifty years ago Alexis de Tocqueville wrote of America as:

A land of wonders in which no natural boundary seems to be set to the efforts of man; and in his eyes, what is not yet done is only what he has not yet attempted to do.

I look forward to working with the Commission in unleashing the potential of small business in America and furthering the spirit de Tocqueville saw in America.

"FLAGS OF CONVENIENCE" OR "RUNAWAY FLAGS"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a July 26 Journal of Commerce editorial that raised some insightful questions on the plight of our Nation's merchant marine fleet. The editorial, whose insight was circulated and supported by the American Maritime Officers Service, paints an ominous setting for the future of our merchant marine in times of crisis.

Current figures indicate that the number of U.S.-owned ships registered under a U.S. flag is equal to the number of U.S.-owned ships registered under foreign flags. Of the 1,000-vessel merchant marine fleet, half are registered under foreign flags because it is often cheaper to maintain the vessel by hiring foreign crews that are willing to work for small wages and fewer benefits.

Although the cost of maintaining a foreign-flag vessel is smaller at this point, we must consider the enormous cost to our national security interests in the long run. Can we be assured that we will have effective control over U.S.-owned vessels registered under foreign flags or will our hands be tied when the need for these ships arises. The merchant marine provides the supply line between the industrial base at home and the troops on the front lines overseas. It is vital that this important lifeline be kept free of obstacles and that we be able to call upon this resource when it is necessary.

In recent years, a number of instances have indicated that our entire merchant marine fleet is not effectively under our control. During the 1973 Arab-Israeli war, United States vessels registered under Liberian flags were not permitted to deliver supplies to the Middle East. In recent months, three ships owned by Hong Kong and registered in Liberia have been denied access to Arab ports that are boycotting nations that have diplomatic or trade relations with Israel. Clearly, there is a need to reassess this policy and ensure that our national security interests are upheld. I commend the following editorial to the attention of my colleagues:

OMINOUS SCENARIO

American shipowners who operate their vessels under foreign "flags of convenience" should take note of a situation that is unfolding for some of their counterparts on the other side of the Pacific—as should all other parties to the long-running debate over the practice.

There are roughly as many American-owned ships registered in the foreign countries that have so-called open ship registries as there are American ships registered under the U.S. flag: about 500 each.

Americans and other nationals have used open registries for decades: The fees they pay to fly the flag of a nation like Liberia or Panama provide healthy revenue to those countries. And the attractions for shipowners are undeniable: lower costs—including significant savings in being able to use very low-cost foreign crewmen—and less red tape.

But there is heated opposition to the practice. American merchant seamen and their unions, who worked for years to reach their current salary levels, take bitter issue with American companies crewing American-owned ships with foreigners willing to work for a pittance; they call it the issue of "runaway flags."

There also have been safety considerations. Open-registry nations long have been accused of having low ship safety standards, and mishaps involving open-registry vessels have, in the past, been all too common. Liberia and Panama, however, began making concerted efforts to upgrade standards in recent years. And U.S. flag-of-convenience operators say their standards are far higher than technically required.

But there is yet another issue in the debate, one that is at the heart of much of traditional thinking about American merchant ships; national defense.

American maritime interests, military leaders and presidents from Franklin D. Roosevelt to Ronald W. Reagan have praised the American merchant marine in ringing tones for the vital role it plays in national defense by providing the supply lines between the industrial base at home and the troops on the front line overseas. Often it is called the nation's "fourth arm of defense."

And U.S.-flag shipping proponents ask a pointed question: can the United States, in time of emergency, depend on American-owned but foreign-registered and foreign-crewed merchant ships to support American forces?

U.S. open-registry advocates reply that such ships—many of which are large tankers unsuitable for military use anyway—are under what they call "effective U.S. control." There would be no problem in an emergency, they say. But the situation now developing for Hong Kong shipowners should raise new debate on that point.

Hong Kong has no ship registry of its own, and some 45 of the British crown colony's shipowners have a total of 400-plus vessels registered in Liberia. As reported in these pages a few days ago, however, a problem has arisen. Over the last three months, at least three of those ships have been refused entry at Arab ports that invoked a boycott of nations that have diplomatic or trade relations with Israel.

The sanctions have never really been applied to Liberian-flag vessels, although there was a brief time when a similar ban was called during the 1973 Israeli-Arab war. But Hong Kong shipowners are deeply concerned about more such actions. They've asked the Liberian government for help—and some are speaking of switching flags.

What does all this mean for American owners of Liberian-registered ships? Maybe nothing. Maybe these will turn out to have been isolated instances. But maybe they won't. Maybe they'll be the start of a trend—an ominous scenario that raises questions on just how effective U.S. control of the U.S.-owned, foreign-flag merchant fleet might turn out to be.

It may be too soon to see exactly what happens to the Hong Kong business interests and their Liberian-flag ships. But it may be too soon to take another look at what could happen to American-owned ships that fly the other nations' flags.

TRADE REORGANIZATION: AN IMPORTANT FIRST STEP

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. BONKER. Mr. Speaker, in seeking to improve America's competitiveness and reduce our intolerable trade deficit, we cannot ignore the gross inadequacies of the trade policy structure within the executive branch. The existing trade organization is outdated, disjointed, and confusing. It fails to provide clear leadership or effective coordination. It stands in the way of a coherent and comprehensive trade policy. It blocks swift and effective responses to unfair trading practices. And it is a complex maze of bureaucracy that frustrates American exporters.

Unlike most other areas of policy, no single individual or institution stands out as the recognized leader within the administration on international trade. There are not even any clearly understood or mutually accepted guidelines for determining how responsibilities over trade are to be divided. The result is an ad hoc system that lacks clear direction, needlessly wastes time and energy, and duplicates effort.

The recent trade negotiations with the Japanese present a perfect example of the current diffusion of authority over trade within the administration. During the course of these discussions, the President has alternately designated representatives of Commerce, the U.S. Trade Representative, Agriculture, State, and Treasury to lead the U.S. negotiating team. This musical-chair approach to a complex and vitally important negotiation is indefensible.

The interagency system is no better. When President Reagan entered office he created the Cabinet Council on Commerce and Trade, chaired by the Secretary of Commerce, and the Senior Interagency Group of International Economic Policy, chaired by the Treasury Secretary, both of which shared responsibility for coordination of trade policy with the congressionally mandated Trade Policy Committee, chaired by the U.S. Trade Representative. Several months ago, the Cabinet Council and the Senior Interagency Group were disbanded, in favor of something called the Economic Policy Council, which is chaired by the Secretary of the Treasury. These complicated, transient, and conflicting arrangements generate endless turf battles and paralysis—not sound trade policy. If the administration cannot set their own house in order, then we in Congress must do it for them.

It is impossible, as well as undesirable, to consolidate all the trade-related offices within the executive branch into a single department. But we can end many of the

most debilitating inefficiencies that stand in the way of a strong trade policy.

Today I am introducing a bill to establish a new Department of Commerce and Trade. This Department would consolidate most of the trade functions now delegated to the Trade Representative and the Secretary of Commerce. The Secretary of the new Department would be the principal spokesman for the administration on trade and would be the President's top trade negotiator. The Department would administer our import relief and export control laws and would run our export promotion programs.

One important function, however, would not be delegated to the new Secretary: coordination of trade policies. Without the active participation of the White House, the legitimate trade interests of the other agencies would not be adequately considered in the formulation and implementation of trade policy. My proposal would retain and strengthen the White House's existing responsibilities for trade policy coordination.

Finally, my bill seeks to strengthen the role of the Agriculture Department in the trade policy process. Over the years, USDA has proven itself as an effective and responsible advocate for America's farmers. To ensure that the interests of the agricultural community are not overshadowed or ignored, USDA must be given a stronger voice in the development and implementation of U.S. trade policy.

One additional point should be noted: My proposal would in no way affect existing committee jurisdictions on Capitol Hill, nor would it diminish congressional prerogatives regarding international trade policy.

Responsible trade reorganization can strengthen the formulation and implementation of U.S. trade policies, improve coordination among the agencies, and increase the weight given to trade considerations in the broader context of U.S. domestic and foreign policymaking. Reorganizing the executive branch will not solve our trade problems, but it will be an important first step.

I urge my colleagues to join me in cosponsoring this important legislation.

SECTION BY SECTION ANALYSIS OF BONKER TRADE REORGANIZATION BILL

TITLE I

Findings and purposes.

TITLE II

PART A

Section 201—Establishes a new Executive Department of Commerce and Trade.

Section 202—Except in the case of responsibilities delegated to the Secretary of Agriculture, the Secretary of Commerce and Trade is empowered to:

Exercise primary responsibility for developing and implementing international trade policy (with the advice of the Trade Policy Committee);

Exercise lead responsibility for trade negotiations (with the advice of the Trade Policy Committee);

Report directly to the President and Congress on the administration of trade remedy and reciprocity laws;

Report directly to Congress (particularly to the Ways and Means and Finance Committees) on the conduct and status of trade negotiations and implementation of the trade agreements program;

Promote the export of goods and services;

Consult with State and local governments and other interested parties concerning international trade and investment matters;

The Secretary of Commerce and Trade shall consult with the Secretary of Agriculture on all matters that involve international trade in agricultural products;

The Secretary of Commerce and Trade shall serve as Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies.

PART B

Section 211—Establishes three Deputy Secretaries in the new Department:

One deputy secretary shall be designated to act on behalf of the Secretary in case of the Secretary's absence or disability, and shall be a member of the Board of Directors of the Export-Import Bank;

The other two deputy secretaries shall be designated as Deputy Secretaries for International Trade Negotiations. They shall act on behalf of the Secretary as Chief Negotiators of the United States on international trade matters over which the secretary has authority. One of these deputy secretaries shall act on behalf of the Secretary as the Permanent Representative and Chief of Mission of the United States to the General Agreement on Tariffs and Trade. Both shall have the rank of ambassador.

Section 212—Establishes two under secretaries in the new Department whose functions shall include:

Preparing trade policy options and recommendations for consideration by the Secretary;

Promoting the export of goods and services;

Implementing United States laws regarding international trade policy;

Gathering and analyzing information regarding developments affecting productivity growth in U.S. industries, the relationship between foreign investment and international trade, and the competitive position of major U.S. industries and services sectors;

One under secretary shall be named Vice Chairman of the Board of Directors of the Overseas Private Investment Corporation.

Section 213—Establishes 8 Assistant Secretaries. The Secretary has full discretion in assigning these assistant secretaries.

Section 214—Establishes a General Counsel who shall provide legal assistance to the Secretary concerning the activities, programs, and policies of the Department.

Section 215—Establishes an Inspector General.

Section 216—

Establishes a Chief Textile Negotiator with the rank of ambassador in the new Department;

Establishes a Director General of the United States and Foreign Commercial Service who, within a year, shall submit plans for expanding and enhancing the policy function of the Foreign Commercial Service, with the goal of creating a professional and competitive corps of international trade specialists;

Establishes an Agricultural Advisor within the new Department (if requested by the Secretary of Agriculture). This advisor shall be appointed by the Secretary of Commerce and Trade in consultation with the Secretary of Agriculture and shall act as a liaison between the two departments.

PART C

Section 221—Transfers authorities of the United States Trade Representative to the new Department.

Section 222—Transfers authorities of the Department of Commerce to the new Department.

PART D

Administrative Provision.

PART E

Section 251—Establishes the Assistant to the President for International Trade and the Trade Policy Committee:

The Assistant to the President for International Trade shall provide the President with policy options on international trade matters and shall (in cooperation with the Trade Policy Committee) coordinate the policies and activities affecting international trade that are carried out by the Federal agencies;

The Trade Policy Committee shall assist the President in carrying out his international trade responsibilities. Such assistance shall include coordination of the policies and activities affecting international trade that are carried out by departments and agencies of the government (in cooperation with the Assistant to the President for International Trade). The President shall be Chairman of the Trade Policy Committee, and the Assistant to the President for International Trade shall be Chairman protempore;

The Trade Policy Committee shall seek to expand the responsibilities of the Department of Agriculture in matters affecting agriculture trade and delegate to the Secretary of Agriculture responsibility for formulating and implementing policy and regulations, and conducting international negotiations with respect to agricultural matters;

The Trade Policy Committee may establish additional subcommittees including trade policy review groups, trade policy staff committees, and trade negotiation committees.

Section 252—Amends the Export-Import Bank Chapter by designating a Deputy Secretary of Commerce and Trade as a permanent member of the Bank's Board of Directors.

Section 253—Amends the Overseas Private Investment Corporation Charter by designating an Under Secretary of Commerce and Trade as Vice-Chairman, ex officio, of the Corporation and transfering the Trade and Development Program from the Department of State to the Overseas Private Investment Corporation.

Section 254—Amends the Bretton Woods Agreement Act by requiring the Secretary of Treasury to consult with the Secretary of Commerce and Trade on matters before the International Monetary Fund which relate to trade.

Section 255—Establishes new trade authorities within the Department of Agriculture and requires the Secretary to report directly to the President and Congress (particularly to the Ways and Means and Finance Committees) on the conduct and status of agricultural trade negotiations and implementation of the trade agreements program with respect to agricultural matters for which the Secretary has been delegated responsibility.

PART F

Conforming Provisions.

Section 261(b)(1)—Establishes the Secretary of Commerce and Trade as the chief representative of the United States at any

trade negotiation under this title, except in the cae of a trade negotiation for which the Secretary of Agriculture has been designated as chief representative of the United States. Provides the Secretary of Agriculture with the opportunity to be represented at any trade negotiation.

TITLE III

Transitional, Savings, and Conforming Provisions.

Section 309—Terminates the Department of Commerce, the Office of the United States Trade Representative, and the position of the United States Trade Representative.

TITLE IV

Miscellaneous.

Section 401—Definitions.

CONGRESSIONAL SALUTE TO KXTV—CHANNEL 10

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to congratulate and commend KXTV—Channel 10 as the station celebrates 30 years of broadcasting excellence in the Sacramento Valley on August 22, 1985.

As one of three major network affiliates in the 20th largest media market in the country, KXTV has been at the forefront of efforts to be a part of and serve the community in which it operates a broadcasting business.

Among some of its notable public service activities are "A New Morning," a daily public affairs show that discusses numerous topics of public interest; the "Waiting Child" series, a weekly news insert that features children available for adoption in the Sacramento area; cosponsorship of Eppie's Great Race, the oldest triathlon in the world that attracts hundreds of participants every year; sponsorship of the Big 10 Classic with proceeds benefiting the widows and orphans trust fund of the California Highway Patrol; sponsorship of the Annual Blood Donor Day, which has received the Distinguished Merit Award from the National American Association of Blood Banks and Best of the Class, an annual recognition program that focuses on high achieving students who are graduating from area high schools.

Under the able leadership of Mr. Allan Howard, vice president and general manager, KXTV continues to demonstrate excellent judgment and good sense and taste in its entertainment, information, education and public service programming. On behalf of the community of Sacramento and its citizens, I extend my personal thanks and congratulations on a job well done and my best wishes for many more years of successful and high quality programming.

YEAR OF THE DRAGON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. MINETA. Mr. Speaker, in the last few weeks the movie, "The Year of the Dragon," has opened at theaters around the country. In addition to the movie being a critical failure, "The Year of the Dragon" fails to accurately portray Americans of Chinese ancestry and their American experience.

Instead, we are presented with a narrow and twisted portrayal that distorts traditional cultural values and presents Americans of Chinese ancestry in a stereotypical role that is no doubt motivated by an attempt at drama but results only in racism. The film leaves the viewer with the suggestion that brutality and violence are an inherent part of Chinese culture.

It is a disturbing film. It should not have been made. "The Year of the Dragon" presents Americans of Chinese ancestry in a barbaric and uncivilized light that is offensive to all Americans.

IN MEMORY OF JO JONES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. CONYERS. Mr. Speaker, it is with sadness that I rise on behalf of the Congressional Black Caucus to call to my colleagues attention the passing of another legendary jazz musician, Jonathan "Papa Jo" Jones, who died September 3 at the age of 73.

A native of Chicago, Jo Jones studied piano, saxophone, and trumpet as a youth. In his teens, he performed in touring shows and carnivals with bands led by Bennie Moten and Walter Page. During the early 1930's, Jones received his first recording job with Lloyd Hunter's Serenaders in Omaha. He then moved to Kansas City where he first joined a combo led by Tommy Douglas. Then in 1935, he went to work at the Reno Club as the drummer for the Count Basie Band, the group which he performed with around the world over the next 13 years.

Jo Jones was a major innovator in the swing era whose light but precise 4–4 beat formed the backbone of the Basie Band. His style emphasized brushes and sticks and almost lyric accents on the symbols. Basie's band was well known for its great rhythm section, and Jones was its sparkplug.

Jo Jones incredible musicianship enabled him to delicately accent whatever front instrument that was playing. It also enabled him to work individually by using all four limbs to create separate and distinct rhythms on the symbols, snare, bass and tom-tom. His influence is seen in the work of the bebop drummers who emerged during the 1940's, including artists such as Kenny Clarke, Max Roach, and Art Blakey, and in the delicate strokes of a later drummer, Philly Joe Jones. Jo Jones opened up a new world of possibilities for percussionists, leaving behind the right, obtrusive thumping of an earlier era.

In 1948, Jo Jones left the Basie Band to tour with Illinois Jacquet. During the 1950's he freelanced around New York performing with Lester Young, Joe Bushkin, and the Ella Fitzgerald-Oscar Peterson group. He won the Down Beat critics poll in 1956. In the 1960's and 1970's, he worked with pianists Teddy Wilson and Milt Buckner. He also held his own groups during this period.

Jo Jones' death came just 2 weeks after his induction with other members of the original Count Basie Band into the International Jazz Hall of Fame in Kansas City, MO. Later this month, during the Congressional Black Caucus Foundation's 15th Annual Legislative Weekend, I will be participating in a ceremony to formally recognize that event.

It is my hope that the memory of Jo Jones, and his invaluable contributions, will help to preserve the history of jazz and enable all to study and continue to enjoy one of our Nation's uniquely American forms.

NO TO JORDAN ARMS SALE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. McGRATH. Mr. Speaker, recent press reports indicate that the White House is determined to go ahead with its ill-advised plan to sell advanced weapon systems to Jordan. Included in this package of goodies are F–20 aircraft and Stinger and Hawk antiaircraft missiles.

Administration spokesmen refer to the sale they are pushing as a test of American friendship. Since when is friendship a one-way commitment? Do true allies use the excuse of friendship to veil threats as Jordan appears to be doing in this case, and Saudi Arabia has done in the past? No! Mr. Speaker, our Nation must not be charged with the burden of proof to demonstrate commitment in United States-Jordan relations. It is time for Jordan to step forward and show sincerity in its relations. The time is long past due for King Hussein to recognize Israel and enter into direct negotiations with the Israeli Government.

I would like to remind my colleagues that a provision of the fiscal year 1986 foreign assistance appropriation bill we will soon consider contains language that reinforces congressional opposition to the sale of weapons to Jordan until King Hussein takes the tangible steps which demonstrate his government's willingness to accept the sovereignty of the Jewish State.

Mr. Speaker, let those who would have this country sell weapons to the so-called

moderate Arab nations in the Middle East beware: If battle lines are drawn, the congressional fight will be fierce.

FEDERAL INDIAN SCHOOLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. KILDEE. Mr. Speaker, today, I am pleased to introduce H.R. 3273, a measure to clear up a problem relating to eligibility to attend Federal Indian schools. This situation threatens the educational opportunity for over 900 children. Such attendance is currently governed by three separate and somewhat contradictory statutory provisons, provisions which were enacted as parts of funding bills at the beginning of this century. These provisions establish a blood quantum requirement for eligibility. These outdated provisions have been interpreted for over 60 years in a fashion that allowed local school administrators to determine when isolation or special circumstances warranted exceptions. However, now there has been an administrative proposal to remove this local discretion and place an absolute ban on attendance by certain groups who have historically received services. This has led to an outcry from tribal officials, parents, and educators.

Under this new interpretation, children will be prohibited from attending schools within walking distance of their homes, even though the students are fully enrolled members of a Federal recognized tribe. Children of teachers in these isolated Bureau schools will be prohibited from going to the school where their parents teach, instead being forced to spend up to 3 hours a day in schoolbuses traversing hazardous, poorly maintained roads. Students who have gone to community schools for years, some of them seniors in the school, will be suddenly and arbitrarily forced to go to a strange school, often under hardship conditions.

Matters are made worse by the fact that the Bureau of Indian Affairs has refused to state clearly whether or not it intends to go forward with enforcement of its new guidelines this year. While Bureau officials have told local schools to disregard the rules and allow these students to start this year in Bureau-funded programs, everything in writing states that these students will not be allowed to finish out this year. The Bureau has repeatedly told us that they will not make a final decision on the eligibility of these children until November 15, 1985, well into the school year. Frankly, they have also said that their hands are tied, that "things have gone too far." In the absence of remedial legislation, they say they must enforce the new policy, regardless of the impact it will have on the children, their families, teacher morale and stability, and program continuity.

This is a problem of the Bureau's creation. It is obvious that they now wish that they had not taken the first ill-advised steps on this road. However, once begun, they do not feel they can "back out" now. It is equally obvious that the Bureau is hoping that Congress will take the necessary action to extricate it from the mess.

That is precisely what H.R. 3273 does, and precisely why it is being introduced today. It essentially reinstates the policy which has been followed in Bureau schools for the past 40 years. Students who are one-quarter degree Indian blood or who are members of Federal recognized tribes would be eligible to attend schools and receive Federal support. Children of Federal employees, mainly teacher dependents, would also be allowed to attend the schools tuition free. It restates and reinforces the Secretary's authority to make the rules necessary to safeguard scarce Federal resources, by clarifying the Secretary's authority to charge tutition in other hardship cases. Furthermore, it makes these clarifications without adding a penny to the budget.

This is legislation which should be handled quickly, to minimize the damage already done this academic year. This is a bipartisan effort, with a companion bill being introduced on the Senate side today. I anticipate quick action by our colleagues in the Senate and ask for the support of all Members of this House.

A BILL TO EXTEND THE GENERAL REVENUE SHARING PROGRAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1985

Mr. CONYERS. Mr. Speaker, today I am introducing H.R. 3267 which will extend the General Revenue Sharing Program for an additional 7 years beyond this fiscal year. Since 1972, this vital program has provided financial assistance to thousands of locales throughout this country, helping them to provide essential services to their citizens.

This administration, after initially indicating its unqualified support of the General Revenue Sharing Program, proposed that it be eliminated and in the original fiscal year 1986 budget, deleted funding for the program. In the fiscal year 1986 budget resolution recently passed by the Congress, the program is scheduled to be eliminated after the fiscal year 1986 budget cycle.

The General Revenue Sharing Program is much too valuable to be eliminated. While the administration takes the approach that everything goes when it involves defense spending and foreign aid, it continues to assault many valuable programs such as general revenue which helps America's communities from sea to shining sea.

The rationale currently in vogue for eliminating the General Revenue Sharing Program is that it is unfair for States that have surpluses to be receiving funds from the Federal Government which has a huge deficit. In truth, only a handful of States have large budget surpluses; many have had to raise taxes and reduce services.

State governments themselves have not received revenue sharing funds since 1980, the reduced funds going now to some 39,000 cities, counties, townships, and villages throughout the country who are eligible.

We must also be equally concerned about fairness. We know that the massive reduction in funds to domestic programs has created tremendous hardships, and much of the burden has been shifted to State and local governments.

Eliminating the General Revenue Sharing Program would accentuate this burden as cities and municipalities are forced to reduce essential services or raise property taxes. Either way, the citizens of this country will be adversely affected.

The State of Michigan's treasury is hardly bulging. It is still recovering from the devastating recession caused by the Reagan administration's ill-fated economic policies. Detroit receives approximately $31 million in general revenue sharing funds while Wayne County receives some $13 million. Neither could make up the loss of funds, and none of the 73 counties and 1,718 locales in Michigan could count on the State to provide the $190 million which they currently receive from the General Revenue Sharing Program. Unemployment and suffering in my district still exceeds 25 percent.

The impact of eliminating the Revenue Sharing Program is multiplied when one considers that the administration has also proposed eliminating the Urban Development Action Grant (UDAG), the Small Business Administration (SBA), the Economic Development Administration (EDA), Legal Services, and Job Corps, and has reduced funding in health care including Medicaid, Medicare, and Child Nutrition, as well as Mass Transit, Housing, Food Stamp, and AFDC Programs. Additionally, the President has proposed that the current deductions for State and local taxes be eliminated.

We often speak of the need for national security as related to our military, but national security comes in many forms. To abandon our communities and to neglect the human welfare of our citizens are far greater threats to our national security than any foreign government could ever pose.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when sched-

uled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 12, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

9:30 a.m.
Finance
To continue hearings on proposed legislation to provide for certain spending reductions and revenue increases.
SD-215

10:00 a.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Organization (NATO), focusing on Soviet active measures.
SD-419

SEPTEMBER 16

9:00 a.m.
Finance
To hold hearings on the nominations of George D. Gould, of New York, to be Under Secretary of the Treasury, and Charles O. Sethness, of Massachusetts, to be an Assistant Secretary of the Treasury.
SD-215

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Bill D. Colvin, of Virginia, to be Inspector General of the National Aeronautics and Space Administration.
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 376, the Child Health Incentives Reform Plan.
SD-215

SEPTEMBER 17

9:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on the Administration's proposed regional refugee admissions level for fiscal year 1986, and to review the progress of this year's refugee resettlement program.
SD-562

9:30 a.m.
Finance
Business meeting, to consider pending calendar business.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings on the anniversary of the U.S. Constitution.
SD-226

Rules and Administration
To hold hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SD-301

10:00 a.m.
*Energy and Natural Resources
To hold oversight hearings on the impact of moratoria on Outer Continental Shelf leasing in Federal waters adjacent to the coastline of the State of California.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1562, False Claims Reform Act.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1544, to extend and reform the Trade Adjustment Assistance Program, and related measures, including S. 1459, S. 234, and S. 23.
SD-215

SEPTEMBER 18

9:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Immigration, Refugees and International Law on anti-discrimination provisions of S. 1200 and H.R. 3080, Immigration Reform and Control Act of 1985.
2237 Rayburn Building

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1517, Low-Level Radioactive Waste Policy Act Amendments.
SD-366

Rules and Administration
To continue hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Foreign Relations
To resume hearings on the Supplementary Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex (Treaty Doc. 99-8), signed at Washington on June 25, 1985.
SD-419

Judiciary
To hold hearings on S. 1437, Designer Drug Enforcement Act.
SD-226

*Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 985, to protect the rights of victims of child abuse.
SD-G50

Select on Indian Affairs
To hold hearings on S. 1298, to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth.
SR-485

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on international trade.
SD-342

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on enumeration of undocumented aliens in the decennial census.
SD-342

Judiciary
To hold hearings on pending nominations.
SD-226

SEPTEMBER 19

9:00 a.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Organization (NATO).
SD-419

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings to review wartime medical readiness.
SR-232A

Commerce, Science, and Transportation
To hold hearings on record labeling.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings to review the Federal Energy Regulatory Commission notice of proposed rulemaking on Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol.
SD-366

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

1:30 p.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Organization (NATO).
SD-419

2:00 p.m.
Finance
To hold hearings to review certain problems of international competitiveness in the forest industry.
SD-215

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

SEPTEMBER 20

9:30 a.m.
Labor and Human Resources
To hold hearings on matters relating to private education.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for wildlife refuge programs.
SD-406

SEPTEMBER 23

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a one-percent growth rate for exporting countries.
SD-215

SEPTEMBER 24

9:00 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on innovative approaches in industrial energy efficiency.
SD-366

9:00 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
Business meeting, to consider proposed legislation to meet reconciliation expenditures as imposed by S. Con. Res. 32, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1986, 1987, and 1988, and revising the congressional budget for fiscal year ending September 30, 1985.
SR-418

10:00 a.m.
Environment and Public Works
To hold hearings on the nominations of Orson G. Swindle III, of Georgia, to be Assistant Secretary of Commerce for Economic Development, and Jennifer J. Manson, of Virginia, and Lawrence J. Jensen, of Virginia, both to be Assistant Administrators of the Environmental Protection Agency.
SD-406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on child fitness and health programs.
SD-562

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

SEPTEMBER 25

9:30 a.m.
*Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungry.
SD-430

SEPTEMBER 26

9:30 a.m.
*Banking, Housing, and Urban Affairs
To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all of the Soviet bloc countries.
SD-538

Finance
To hold hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on the General Agreement on Tariffs and Trade [GATT].
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on financing of foreign military sales.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 209, the Federal Debt Recovery Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on international terrorism.
SH-219

SEPTEMBER 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

OCTOBER 1

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on pension policy implications of the President's tax proposals of fringe benefits and retirement savings.
SD-430

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SR-385

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the exploitation of runaway children.
SD-628

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

OCTOBER 2

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy.
SH-219

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.
SR-485

OCTOBER 3

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
Business meeting, to mark up proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

10:00 a.m.
Governmental Affairs
To hold hearings on the President's management initiatives and related measures.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, of Washington, each to be a Member of the Marine Mammal Commission.
SR-253

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on the Philippines.
SH-219

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

OCTOBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 23

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

OCTOBER 24

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

OCTOBER 31

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430

CANCELLATIONS

SEPTEMBER 13

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to examine motor carrier safety and Mexican trucking operations.
SR-253

SEPTEMBER 16

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to explore the affects of terrorism in South Africa on the security of the United States.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, September 12, 1985*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 11, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, September 12, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert Ard, director, Harambee House, and pastor, Christ Church, San Diego, CA, offered the following prayer:

Dear God, thank You for blessing America. Stand beside the men and women who serve in our Government; guide them in their deliberations so they may not be so overwhelmed with the complexities of proportions and percentages they neglect the problems and needs of the people. Let us be strong enough to defend ourselves, compassionate enough to assist others, and willing and wise enough to risk peace with those with whom we may disagree. Let justice be tempered with mercy. Let us forever proclaim, provide, and protect equality of access to the inalienable rights of all Americans regardless of gender, geography, economics, or ethnicity.

Dear God, thank You for blessing America and may we from the mountains, through the prairies to the ocean white with foam; responsibly share these blessings with the world.

In the name of Jesus the Christ, I pray for this body, this Nation and the world, to the living God who alone is worthy of praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. ROBERT ARD

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, we have had the privilege today of having the Reverend Robert Ard provide the opening prayer.

Rev. Robert Ard has had a distinguished career in the 44th Congressional District of San Diego. He has provided a wealth of practical and spiritual guidance to the district and to the entire community.

As founder and pastor of Christ Church of San Diego he began the Come Eat With Us Program, as well as a variety of other help efforts including the community food pantry, and the community blood bank.

As the executive director of Harambee House, a residential-therapeutic program for delinquent juveniles, he has assisted hundreds of young men to become responsible citizens.

Reverend Ard's greatest contribution to the citizens of the district has been his capacity to become involved in the pursuit of justice and equality for all. He is a great man, and we are honored to have him share with the House part of his greatness.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on today, Thursday, September 12, 1985, while the House is reading for amendment under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic caucus and by direction of the caucus, I offer a privileged resolution (H. Res. 265) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That Jim Chapman (Texas) be, and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Public Works and Transportation (to rank immediately following Representative Long); and

Committee on Small Business (to rank immediately following Representative Long).

The resolution was agreed to.

A motion to reconsider was laid on the table.

A LETTER TO AMERICA'S PARENTS: START GETTING ANGRY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, America's children will someday pay a huge price for today's budget deficits. How can we stop this? America's parents and grandparents have to realize what is happening, and get angry about it. Jean Mills of St. Petersburg, FL, a retired person, is angry about it. Here's what she wrote to me recently:

I'm afraid that the politicians have promised so much to the populace over the last 40 years that we are destroying ourselves with greed. Everyone now is "entitled" to something from Uncle Sam. There are many retired people who could live very well without Social Security, but they are the first to scream when mention is made about freezing an increase. They are "entitled," and by damn, they're going to collect every penny.

I feel very sorry for the young people of this country. There will be great resentment when they realize what is happening to their future earnings.

We must somehow win the battle of the deficit and save this country from its own greed. Someone has to tell the people they are bleeding their country to death.

Think about it, Mr. Speaker.

COMPENSATORY TIME AND OVERTIME PAY

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, the Supreme Court has struck a potentially crippling blow against the core of American Government. In the Garcia case, the Court ruled that there are no constitutional limitations on the application of the Fair Labor Standards Act to employees of State and local governments.

The Court prohibited the traditional practice of allowing these employees to take compensatory time off in lieu of overtime pay. It even prevented many of them from volunteering their time to local authorities.

This decision will hurt the very group it is apparently designed to assist, for these employees count on "banking" their compensatory time off. The decision will also raise taxpayer burdens. Gov. Jim Martin of my State has said that the decision will cost North Carolina more than $15 million in additional overtime pay alone in the next fiscal year.

Mr. Speaker, we cannot allow life and death services to be curtailed. If just one citizen is victimized by a criminal because of reduced police protection, if just one family's home is destroyed by fire because a city could not afford overtime pay for firefighters, if just one person fails to receive emergency medical care because a volunteer ambulance driver cannot continue to work, then the cost of the Garcia decision will prove too high.

Several bills have been introduced which address this problem. I urge my colleagues to join in the effort to help our communities maintain their essential services. The Garcia decision will be implemented on October 15. It is vital that we act now.

There is an old saying in my part of the country: If it ain't broke, don't fix it. The Supreme Court has broken that rule, and now it is up to us to fix it.

OUR HAPLESS HOSTAGES

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, in our travels about our area when we see the 7-Eleven stores, I suggest we use the vision of them as a reminder, a particular reminder of our hapless hostages, the seven Americans and the four Frenchmen, none of whom did anything but good things for the people of Beirut, as, for example, Father Jenco, my personal friend, whose charitable heart beats for anyone in need.

I wonder if they eat well? I wonder if they see each other or have a chance to speak? I wonder if their sleep is restless and haunted? I wonder if they wonder about us and what we are doing for them, and if, like the Son of Man, they may in the night time cry out, "Hast thou forsaken me?"

□ 1010

WILDERNESS BILL INTRODUCTION

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, a Congressman has a duty, inherent in his job, to create and support legislation that will benefit and protect his State and his Nation.

That is why I am today introducing the Nevada Wilderness Protection Act of 1985, a bill that is the product of diverse input and thousands of hours of study, a bill that designates approximately 723,000 acres of Nevada land as wilderness.

My bill is a well-balanced compromise in the best interests of the State and the Nation. It is not a bill for special interests. It is legislation that could not have been drafted without touring more than 1 million acres of Nevada with the Public Lands Subcommittee and talking to Nevadans throughout the State.

My bill includes 10 areas in Nye, White Pine, Elko, Esmeralda, Clark, and Washoe Counties. Where you'll find high peaks, wild valleys, and trout streams. Where walking, fishing, horseback riding, and hunting can be enjoyed. Where elk, deer, beavers, and bighorn sheep roam freely, and more.

Mine is a bill that will protect and preserve Nevada for diverse groups ranging from miners to environmentalists to ranchers to seniors to schoolchildren, and others. Mine is a bill for all Nevadans, for today and for the future.

COMMUNITY RIGHT TO KNOW LEGISLATION

(Mr. GALLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLO. Mr. Speaker, I have joined with Congressman ROBERT WISE of West Virginia to sponsor a bill to give police and firemen information on potential hazards in cases of emergencies.

In New Jersey, State officials have said that the recent devastating fire in Passaic would not have been as serious if fire officials had known more about the contents of the buildings involved.

In Institute, WV, which is in Congressman WISE's district, a chemical discharge recently caused great concern about the need to give emergency personnel the right information on a timely basis.

This story is repeated across the country because there is no national procedure to help local officials deal with unique problems in their areas.

The bill we are introducing creates a system of emergency response procedures to get the right information to the right people at the right time.

The procedures in the bill are national in scope, but specific response plans will be developed in communities or counties across the country, based on local needs.

The bill includes $45 million for creation of a national emergency response training program under FEMA.

An additional $7 million would be made available for local planning under the bill.

States will have the opportunity to pass tougher laws or to continue to enforce existing measures.

There is real consensus developing for workable community right-to-know legislation.

Our bill is the result of discussions with many concerned people. I think it represents a real solution for the problems faced by communities across the country.

I feel strongly that our bill provides the needed national framework for emergency response, but leaves the real control of the program in the communities where it belongs.

I urge my colleagues to join the gentleman from West Virginia and me in support of a workable national community-right-to-know program to prevent further loss of lives and property.

INTRODUCTION OF THE EMERGENCY HOME FORECLOSURE RELIEF ACT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, as sheriff of Mahoning County, OH, I refused to foreclose on people's homes during that term, and it caused quite a stir. We had lost 55,000 jobs, our steel mills were shut down, and good people with strong credit histories were suddenly in trouble and losing their homes.

As a result of this, today I am introducing the Emergency Home Foreclosure Relief Act, which will target areas with both a high home-loan delinquency rate and a high unemployment rate. This proposal will facilitate workout agreements between homeowners and creditors for the purpose of allowing individuals with temporary economic problems due to conditions beyond their control to save their family homes.

The bill will not protect deadbeats. I say that again. It will not protect deadbeats, those people with poor credit histories, but it will preserve the American dream for many—the family home—for those hard workers who deserve a break. And Washington should be paying attention to those Americans now who deserve that break.

I would like to commend my colleague, the gentleman from Texas [Mr. HENRY GONZALEZ,] for his continuing efforts in this area, and I thank him and his staff for assisting my staff and myself in this legislation.

Mr. Speaker, I hope my colleagues will review this and take a look at it. I think it has a lot of merit.

IMPORTS CITED AS REASON FOR CLOSING OF SHOE FACTORY IN MAINE

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, in Maine, we received a tragic confirmation yesterday of the absolute mistake President Reagan made when he failed to support any trade remedy for the domestic shoe industry.

The Bass Shoe Co. announced that it will close its shoe factory in Bangor, ME, putting more people out of work within 3 short weeks. This factory first opened in 1980, when modest restrictions on imported shoes were in effect, and at one point employed as many as 350 workers.

But, unshielded from the cascade of imported shoes, the Bass shoe factory in Bangor has had to lay off workers and, now, close its doors for good. Company President Richard Bourret said:

> We have continued to operate in Bangor in the hope that domestic production needs would increase. But there has been no change in the domestic market conditions, leaving the company no choice but to reduce operations.

Indeed, the personnel director of the factory stated that the decision to close was made "when it became clear that import relief would not be coming,"

Mr. Speaker, this story of dashed hopes and economic dislocation is being repeated throughout the country, and it will continue to spread unless this House takes swift action to halt the unchecked onslaught of imported shoes.

LEGISLATION TO EXEMPT GOVERNMENTAL UNITS FROM CERTAIN PROVISIONS OF THE FAIR LABOR STANDARDS ACT

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, this year's Supreme Court ruling in the case of Garcia versus San Antonio Metropolitan Transit Authority is already posing serious budgetary and administrative problems for State and local governments.

Many flexible employment practices are no longer possible. Volunteers have to be compensated at least at the minimum wage. Accruing compensatory time off in lieu of overtime pay—a practice used extensively by police and firefighters—is prohibited.

If allowed to remain in effect, the Supreme Court decision would prove devastating to State and local governments, costing an estimated $1 billion in the coming year or forcing layoffs or reductions in services.

I urge my colleagues to join me in cosponsoring H.R. 3237 or H.R. 3230, introduced by my two Nebraska colleagues, Representatives VIRGINIA SMITH and HAL DAUB, respectively. These measures will overturn the Garcia ruling by exempting State and local governments from the overtime provisions of the Fair Labor Standards Act as well as exempt volunteers from its minimum wage and overtime requirements. The bills must be passed at an early date.

THE GOAL IS FAIR TRADE, NOT PROTECTIONISM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, several weeks ago, the administration labeled efforts to eliminate unfair trading practices overseas as rank protectionism. Well, this has now become the umbrella under which the President has decided to protect himself from charges that his administration has lacked a trade policy.

The President's decision to act on the trade issue is simply too little too late. On one hand, he rejects the pleas of the domestic shoe industry—who played by the rules—and on the other, he claims that he is going to use his existing authority, and then some, to do what he has been authorized to do for the last 5 years.

We have a bystander President who lives in an Alice-in-Wonderland world where deficits, be they trade or budget, simply don't matter. We have a President who calls a tax increase, revenue enhancement. We have a President who calls rebels, freedom fighters. If we continue to look through Ronnie's looking glass, we will bring our Nation to ruin.

Now is the time for action on the trade front. It's not a time for creating a "war chest" as Vice President BUSH has called for, but a time for negotiating fair rules of trade worldwide. By saying we're going to meet fire with fire, as BUSH called for yesterday, we are simply inviting a trade war.

It seems that the President has misread what the Democrats and the American people have been asking for for the last 5 years; we don't want a trade war, we want fairplay. I and my fellow Democrats here in Congress stand for fair trade, not protectionism.

DEATH OF HUMAN RIGHTS ACTIVIST, VASYL STUS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, as a Congressman, as a Helsinki Commissioner, and as a human being, I rise today to eulogize Vasyl Stus, a courageous and indefatigable fighter for the rights of individuals and a victim of the Soviet Union's brutal system for the suppression of human thought.

Last week Mr. Stus, a 47-year-old Ukrainian poet and member of the Ukrainian Helsinki Monitoring Group, died in prison in the Soviet Union. The Soviet Government is responsible for his death. They put him in labor camps, denied him medical treatment after most of his stomach was removed, and subjected him to forced labor to hasten his demise. There is a systematic policy whereby Helsinki Monitors are perishing prematurely in Soviet prison camps.

Stus' manuscripts were confiscated and destroyed. But some of his poems have reached the West. In one of them he wrote:

> Is there in this world a trumpet that will sound a final blast to keep me from resurrection? Flow, water, flow and sweep me away form my weariness, for eternities of bondage have crushed me.

Last Thursday, five of my distinguished colleagues and I joined in front of the Soviet Embassy to sound a trumpet in support of Andrei Sakharov. His stepson is conducting a hunger strike in front of the Embassy to gain information about the whereabouts and condition of his parents. Dr. Sakharov is another of the tens of thousands of prisoners of conscience like Vasyl Stus, who suffer at the hands of the Soviet Government. While such efforts come too late for Mr. Stus, we must press forward with our attempts to win freedom for political prisoners in the Gulag.

Mr. Speaker, as we approach this fall's summit meeting between President Reagan and Party Secretary Gorbachev, the people of the United States look upon the refusal of the Soviet Union to abide by its commitments to the Helsinki Human Rights Act as deeply disturbing.

It is difficult to discuss peace with a superpower which wages war against its poets.

HIGH TRADE DEFICIT MEANS LOST AMERICAN JOBS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the Washington Post reports today that the President, Mr. Reagan, has met with Republican leaders and has promised them that he now understands the trade problem; that he will take initiative to offer legislative remedies for his failed trade policy. Unfortunately, this realization comes too late for many American workers who have already lost their jobs to the fail-

ure of the administration's trade policy.

In 1980, the year Mr. Reagan was elected, the trade deficit was about $36 billion. By the end of 1985, it is projected to be more than $160 billion.

Mr. Speaker, like a blip on an electrocardiogram, the $160 billion trade deficit means that many American workers have already lost their jobs, that factories have closed down, and that America suffers from the lack of a trade policy.

Mr. Speaker, what is needed is Presidential leadership that recognizes the urgent needs that America faces today.

□ 1025

SELECT BLUE RIBBON TASK FORCE TO SOLVE FARM CREDIT CRISIS

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the farm credit crisis is upon us. The problems afflicting the farm credit system are so severe that unless some corrective steps are undertaken immediately the slide in real estate values in the 1930's will look like a mere seasonal adjustment.

I am introducing a sense-of-Congress resolution which calls for the creation of a select blue ribbon task force to solve the farm credit crisis. Composed of Members of Congress, officials from the Government, and lending institutions, this blue ribbon task force would have the expertise and nonpartisan makeup necessary to complete the job in a timely fashion.

Two immediate steps we must see if we are going to keep the farm credit system solvent are a dramatic drop in the interest rates and significant steps to stop the slide in real estate values.

I urge all my colleagues who are concerned about the future of the farm credit system, the agricultural economy, and basic productivity of food in this country, to cosponsor my resolution.

We must act now to solve the farm credit crisis.

PRESIDENT'S SPEECH ON TRADE DEFICIT JUST DOES NOT CUT IT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, last week the American people anxiously awaited our President's first major speech on the trade deficit; but after hearing the President's recent radio address, I am sure a lot of people are still waiting. The President's plan is weak and cosmetic. It will do nothing to get at the heart of the trade crisis facing our Nation. Why was there no mention of steel, machine tools, or agriculture? Why did he ignore the plight of the U.S. shoe industry? How could the President outline a trade strategy and not even discuss the automotive industry? Last year, nearly one-third of our trade deficit was with one country—Japan; and of that $36 billion trade deficit with Japan, $19 billion was in automobiles and automobile parts.

Mr. President, your speech just did not cut it.

Why will you not direct your administration to get to the guts of the trade problem? Who is afraid to go toe to toe with our trading partners? The people in my district want some answers. We know a smokescreen when we see one. Mr. President, your announcement last week did not fool anybody.

WHY ARE WE AFRAID TO DISCUSS AIDS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, two issues frequently lead off if not dominate the news on our evening network news broadcasts over these summer months, the violence in South Africa and a disease called AIDS that is epidemic and killing people of all ages across our great country.

I have never, ever heard of a speech about AIDS in this House or in the other Chamber. Not 1-minute opening session speeches, not in any committee hearings or committee debate on the floor, not even in special order speeches at the end of House sessions. Yet we hear multiple speeches daily on South Africa.

Why are we afraid in the Senate and in the House to talk about a death-delivering disease, a communicable disease that has killed over 6,000 of our citizens?

One person dies per day of AIDS in Los Angeles. I heard in Orange County on a visit over the weekend to my district that three per day in Los Angeles contract AIDS. Three people contract an incurable disease with no cure leading to certain death every day. And it is spilling over into my county of Orange. That means 2 years from now three will be dying every day in Los Angeles and nine or more will be contracting it. Unless, of course, this terrifying epidemic explodes in geometric proportion and everyone is afraid to ever discuss that probability.

This morning on CBS I heard four doctors discussing the AIDS epidemic on split screen from New York City, San Francisco, Atlanta, and Washington, DC, and none of them could agree on basic medicine in regard to this raging epidemic. One doctor says AIDS is only spread from anal intercourse among homosexuals; another doctor says wrong, "I disagree, Doctor. It is only promiscuity, that spreads AIDS, heterosexual or homosexual, Doctor." Confusion. Contradiction. Is it any wonder that parents are picketing. Is it any wonder parents are frightened. Much of the Hollywood product and much of rock music tells our kids to get promiscuous as fast as they can, do it as often as they can, as young as they can and if you get syphilis, gonorrhea, herpes II or sure-death AIDS, well, you're on your own, loser. Yet we are afraid to discuss it here or at the White House level. Only Peggy Heckler, our former colleague heading up HHS and her Assistant Secretary for Health, Dr. James Mason, discuss this nightmare publicly. And, of course, our courageous Surgeon General, Dr. Ev Koop.

One more minute, Mr. Speaker. I am asking Dr. Mason to come to my office next Thursday the 19th. I am inviting all the Members to get a detailed briefing on a death-dealing disease that we are terrified to discuss openly in this House. I will let the Members know in a Dear Colleague letter when and where they can get the brutal facts about death by disease in the United States and Europe and what the AIDS epidemic will be like next year and the years to follow. The main thing we have to fear, not the only thing but the main thing, is fear and phoney embarrassment.

I thank the Speaker for his patience.

CHEMICAL HAZARDS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, during August national attention focused on my district when a chemical leak caused 134 persons to seek medical attention, but in that week, Mr. Speaker, we found that hundreds of people across the country were evacuated or hospitalized as a result of similar incidents.

Today, my colleague, the gentleman from New Jersey, Mr. DEAN GALLO, and I are introducing what we believe is a workable solution to the chemical right-to-know issue. Our legislation guarantees that every State will have an emergency response plan and give assistance to local communities. It creates community right-to-know laws. It requires chemical operators to give immediate notice to local authorities when they know an emergency exists.

In April and May of this year there were 33 major chemical incidents nationwide exposing countless thousands of American citizens to danger.

In 1983, there were 91 incidents on our Nation's waterways involving more than 2 million pounds of hazardous substances.

In 1984, there were 237 accidents on our Nation's railroads involving chemicals, with 54 actual releases.

I am hopeful that the compromise that my friend, the gentleman from New Jersey, and I have reached will be included in the Superfund bill, Mr. Speaker, that is now moving through Congress. That is our aim and as the statistics I have mentioned clearly point out, it is about time.

OUR HEAVY BURDEN OF DEBT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, this Nation now has $2 trillion in national debt. There is nothing more revealing about the horrors of the congressional spending spree over 40 years than $2 trillion in national debt.

The U.S. News & World Report says this week that that amounts to $37,000 for each American family. There are very few American families who have incurred $37,000 of debt on their own, except for one thing, and that is to buy the house that they live in. Other than that, very few American families have $37,000 in debt, but we have given them that much debt with the spending spree that we have been on.

Now, if you add up the interest to each family that has to be paid on that $37,000 at the 7½-percent interest that the Government is now paying, that is $2,075 a year that is it costing each American family for the debt that we have in their name.

It is interesting to note that the average American taxpayer pays only in personal income taxes, and I say only, it is a lot of money to that family, but they pay $2,766 in taxes. That means that every dime that is being paid by the average taxpayer to the Government is being eaten up in the interest burden that has been incurred on their behalf by this Congress. If there is anything that tells us why this Congress has got to stop its spending, it is that figure. We cannot go on having people paying all their taxes simply to pay interest on the debt. It is disgusting.

ADMINISTRATION ALREADY HAS AUTHORITY TO DEMAND FAIR TRADE

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, the news media would indicate that this administration has finally awakened to the fact that unfair international trade is costing American jobs and hurting American families and now this administration is scurrying around trying to come up with a trade bill. But before they take some cosmetic approach to these unfair trade practices, I hope that we will remember that they have all the authority they need to demand fair trade in this world right now.

The last Congress enacted into law legislation called reciprocity. That gave the President broad new authority to tell any country on this Earth that discriminates against United States products in their markets that we are going to reciprocate and close some of our markets to their products. That authority has never been used by this President. The responsibility for the unfair trade has got to rest on the shoulders of this administration.

I am frankly tired of having the United States treated like a Patsy in international markets. It is time that this administration adopt a get tough trade policy, not with words, not with cosmetics, but with action. It is time to negotiate fair and open trade throughout this world. Until that happens, all the words from this administration will not save jobs and protect families here in the United States.

ETHIOPIA'S HORRENDOUS HUMAN RIGHTS RECORD

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the foreign aid bill passed by this Congress requested that the President determine whether Ethiopia is deliberately starving its people.

The President's determination describes the horrendous human rights record of the Ethiopian regime. It even states that—

> The Ethiopian Government's political, economic, and military policies have no doubt caused vast and unnecessary human suffering, including starvation * * * these policies have led to the starvation of hundreds of thousands of people with millions more at risk.

Despite all this, the President has determined that Ethiopia is not deliberately starving its people. If blowing up relief trucks, blocking food shipments, spending millions on a military buildup is not a deliberate policy of starvation then I don't know what is.

Mr. Speaker, this determination is telling the Ethiopian Government that you can continue to starve your people, but we will say you are not, so we can keep trading with you. I think that is exactly the wrong message to send. This determination is an embarrassment and a scandal and it should be reversed.

H.R. 7, THE SCHOOL LUNCH AND CHILD NUTRITION ACT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I would like to commend my colleague, Chairman HAWKINS, and members of the Education and Labor Committee for reporting a fiscally responsible school lunch and child nutrition reauthorization bill.

The programs reauthorized by this legislation represent the Federal Government's primary ammunition in the war against hunger and malnutrition in this country. Children, the initial beneficiaries of these programs, are our future.

I understand amendments may be offered during debate affecting the National School Lunch Program.

I am advised by the Kansas Department of Education that should an amendment to eliminate the Federal cash subsidy for paid school lunches succeed, approximately 42 percent of the school districts in the State may not be able to continue as participants in the program. In my district alone, the participation of almost half of the school districts would be placed in jeopardy.

Due to the depressed farm economy, the local boards of education would find it exceptionally difficult to raise either the local mill levy or the price of student lunches to offset the absence of the Federal subsidy. Schools in rural areas, where free and reduce price meals constitute a small percentage of the total meals served, would be dealt the greatest disservice.

My colleagues know that I strongly support efforts to reduce the deficit. My support for these efforts is tied directly to my belief that the Federal Government has under its wing programs in little need of Federal financing. The National School Lunch Program, however, cannot be placed in this category.

The educational excellence of our children is substantially linked to the success of the school lunch program. I urge my colleagues to vote no on any proposals to cut the child nutrition programs in this country.

CONDEMNING KIDNAPING OF INES GUADELUPE DUARTE DURAN

Mr. BARNES. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 187) condemning the kidnaping of Ines Guadelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PERKINS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 187

Whereas on September 10, 1985, Ines Guadelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador, was kidnapped and her driver and one of her bodyguards killed;

Whereas President Duarte has issued a statement saying that "We condemn this horrible act that shows an absolute disregard for human rights";

Whereas the Department of State has issued a statement deploring the kidnapping;

Whereas the kidnapping violates international standards of human rights and the laws of armed conflict; and

Whereas such actions will not shorten the conflict in El Salvador, but prolong it: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress condemns the unjustified and reprehensible kidnapping of President Duarte's daughter, demands that she be released unharmed, and offers its full support to President Duarte in his efforts to secure the release of his daughter and to secure a just end to the conflict in his country.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. BARNES] is recognized for 1 hour.

Mr. BARNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a combination of outrage and sadness that I bring this resolution before the House this morning.

The resolution condemns the kidnaping of the daughter of that good and decent man, President Jose Napoleon Duarte of El Salvador, by persons as yet unknown.

I am outraged by the wanton brutality of this act. I am outraged that anyone could consider that any legitimate purpose of armed conflict could be served by the deliberate targeting of innocent family members of political leaders.

And I am saddened because the target of this irresponsible action—President Jose Napoleon Duarte—is the single person most responsible for the fact that El Salvador has moved beyond the dark days when attacks like this occurred routinely. President Duarte has made it his own personal commitment to stop the death squads, stop the disappearances, stop the kidnapings, stop the violence directed at innocent civilians. Now his own family has become the victim of that very violence.

As all my colleagues know, I have been at the forefront of those who for years urged this Congress and this administration to speak out against the death squads, to make it clear that those who engage in this kind of activity cannot expect the sympathy of the United States.

Now I urge this body to send the same message to whoever perpetrated this outrage. I urge my colleagues to send a clear message that—

We condemn this unjustified and reprehensible kidnaping of President Duarte's daughter;

We demand that she be released unharmed;

We fully support President Duarte in his efforts to secure the release of his daughter; and

Whatever effect the kidnapers may expect to achieve, we will continue to be firm in our support of President Duarte's efforts to secure a just end to the conflict in his country.

I know that all my colleagues join me in extending our understanding, sympathy, and support to President Duarte during this difficult time. Passing this resolution this morning will be a concrete expression of our sentiments. I urge the unanimous adoption of the resolution.

□ 1040

Finally, Mr. Speaker, I want to express my appreciation to my colleague and friend, the ranking member of the Subcommittee on Western Hemisphere Affairs, the gentleman from California [Mr. LAGOMARSINO], for agreeing to cosponsor this resolution with me. I would like to yield to the distinguished gentleman from California for any comments that he may have about our resolution.

Mr. LAGOMARSINO. I thank the gentleman for yielding. I want to commend him for introducing this resolution and for including me as the principal cosponsor.

Mr. Speaker, the kidnaping of Ines Gaudelupe Durate Duran, the daughter of President Duarte of El Salvador, is a senseless, barbaric act, and is condemned by all responsible citizens in El Salvador, here, and around the world.

Apparently, and I checked just a moment ago with the State Department, there is no information at present confirming the identity of the kidnapers, although the evidence seems to suggest it is the work of leftist guerrillas. But no matter who it is, what group it is, what their politics are, it is clear, at least it is very clear to me, that they disagree with the policies of Jose Napoleon Durate and of the United States and of what he is doing in El Salvador, trying to promote democracy.

We can all only imagine the pain that he is suffering.

He is quoted as saying

I am definitely in pain, the pain only a father knows when he is in such a situation. But I also have a duty to my country and I am fulfilling it.

Many of us remember what President Duarte told us about 1 year ago, shortly after his election, when he came here to the United States to talk to Members of Congress about assistance to his country, which he succeeded in getting. He said at that time that he was willing to risk his life, to give everything for the cause of democracy in El Salvador. What he is going through now probably exceeds in pain even what he was imagining when he talked to us.

So Mr. Speaker, I know that our sympathies are with the President and our hope is for his daughter's safe return and for the adequate punishment of those who performed this terrible act. I think again, as the chairman pointed out, that we should make it clear, as we do, that we are not going to be swayed from what most of us in this Chamber, and I think most Americans at this point believe: Namely, that democracy is succeeding, going forward in El Salvador, that President Duarte is one of the primary instruments of that, and that this attack on him through his daughter is not going to succeed.

I thank the gentleman for yielding.

Mr. BROOMFIELD. Mr Speaker, will the gentleman yield?

Mr. BARNES. I am happy to yield to the distinguished ranking member of the Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I take this time to pay my respects and congratulations to the gentleman from Maryland [Mr. BARNES], the chairman of the Western Hemisphere Subcommittee, as well as the gentleman from California, Mr. BOB LAGOMARSINO, the ranking Republican, for bringing this resolution before the House today.

Mr. Speaker, I offer my support of this resolution which condemns the recent kidnaping of Ines Guadalupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador. Once again, mindless terrorism has struck out at an innocent human being. Regardless of what the terrorists may do, however, El Salvador will not give in to their senseless violence.

As my colleagues well know, Mrs. Duarte Duran was kidnaped after attending classes at the New San Salvador University. In the ensuing shootout, one of her security guards was killed and another was wounded.

As the Communist-backed guerrillas in El Salvador lose the war in the countryside, they have shifted their destructive activities to the urban centers of that once peaceful country. In recent months, innocent Salvadorans have been killed by these urban terrorists along with a group of four offduty U.S. Marines assigned to protect the American Embassy in that country. The guerrillas who killed the marines recently vowed to "annihilate"

all American military advisers in that country.

I join my colleagues in calling upon those who kidnaped Mrs. Duarte Duran to release her unharmed. The free world will not give in to terrorism and those who solve problems from the barrel of a rifle. Random killing and violence directed against the freedom-loving people of that country will not bring down that freely elected government. Peace will come through negotiations, not with Russian assault rifles.

I praise President Duarte for the progress he has made in taking El Salvador along the road to democracy and wish him courage and strength during this difficult moment for his family and for his country.

I call upon my colleagues to join me in offering our support of this resolution.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding and thank him for introducing this resolution, and in a very timely fashion.

President Duarte has been doing an outstanding job in El Salvador in dealing with the problems that they face in that country, both economic and military. I think he is to be commended, especially in view of all of this adversity.

One thing I would like to point out, however, as we continue to talk about leftist guerrillas possibly being responsible for this. Let us call a spade a spade. The leftist guerrillas are Communist guerrillas backed by the Soviet Union and the Nicaraguans and other Communist fellow travelers who are active in our hemisphere. We must remember that their total goals and objectives are to dominate all of Central America, and we must not allow that to happen.

When they resort to killing marines in El Salvador, or kidnaping President Duarte's daughter, it is a manifestation of their ultimate goal, that of conquest of all of Central America, which would endanger the very security of the United States of America. We must not allow that to happen. We must make sure the American people are very much aware of what the Communists throughout the world have as their ultimate objective, and that is the United States of America.

I thank the gentleman for yielding.

Mr. FASCELL. Mr. Speaker, I rise in strong support of House Concurrent Resolution 187, condemning the kidnaping of Ines Guadelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador, and which offers the assistance of the United States in efforts to secure her release.

Mr. Speaker, this is a most despicable act which must be condemned in the strongest terms. It is further evidence of the disregard for human life and basic international standards of human rights by the extremists in El Salvador who are continuing to subject the citizens of that country to the most severe civil strife.

It is against the perpetrators of such actions which President Duarte has staked his personal and political life, and against which the United States must stand equally strong. President Duarte and Ines Guadelupe's children and husband have our heartfelt sympathy and prayers for the safety of his daughter and we offer the Salvadoran Government our assistance in securing her release.

Mr. Speaker, I urge the adoption on House Concurrent Resolution 187.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, as appropriate as it may be to express our indignation at a horrendous act of violence, I never have favored violence as any kind of a policy that is susceptible of resolving any kind of human dilemma. The biggest single unlearned lesson of mankind is that violence has never resolved any kind of a problem confronting mankind.

On the other hand, I think that we have to be realistic and truthful enough to accept our responsibility for what obviously, in my mind, is going to be a continuing and successive episode of events such as this. We have decided that we would impose our will on El Salvador. At this particular time, the available means that we happen to find is President Duarte.

The fact is that no matter how much we have insisted on trying to make this an East-West confrontation, the fact in El Salvador and elsewhere in Central America, as is right now the case in Guatemala—Guatemala is not in the headlines, but it soon will be—where we have tolerated great injustices based on violence and terrorist tactics. We have been culprits in that respect. It ill behooves us to raise a cry of indignation at acts of terrorism when we ourselves have perpetrated them against even nations that to the world we proclaim amnesty and friendship by sending envoys that are there now, such as in Managua. In El Salvador, as I rise here now at this moment, we have our Huey attack helicopters under the guidance and direction of General Duarte, and annihilating children, women, innocent infants up in those mountain areas in the provinces where the scorched-earth policy is no different whatsoever from what we accuse the Russians of doing in Afghanistan, no difference whatsoever. If we look at it from the standpoint of the Russian/Afghanistan situation where Afghanistan is like Mexico is to us, and we look upon the whole situation as their attempt to safeguard their borders, then we have got to recognize that what I think we are doing in El Salvador, even with the best intentions, is reprehensible. We cannot justify the tactics that we have been using in an attempt to subdue the so-called leftists in El Salvador who are innocent civilians, grandparents, children, 6-month-old babies are being blasted out of existence.

In Guatemala, the same thing. It is not any importation of Russian-made, Cuban-made arms. They are almost 100 percent American-made arms, or a residue of Israeli-made arms that are exterminating Indian tribes in Guatemala.

Mr. BARNES. Let me say to the gentleman that I apologize for interrupting the gentleman, but I am going to have to take back my time. We have the Rules Committee awaiting action on a couple of rules.

Mr. GONZALEZ. I do think we have to counterbalance these things and see the realism of it, and see that we have a continuing responsibility for some of these acts of terrorism, and we are going to continue. I predict we will see more of this rather than less.

Mr. BARNES. I thank the gentleman for his contribution.

Mr. Speaker, I would urge a unanimous vote in support of this resolution condemning the act of violence, the murder of innocent civilians in El Salvador, and the kidnaping of the daughter of President Duarte.

I yield back the balance of my time.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I have promised the Rules Committee that we would be out of here in 3 minutes, and we have already been here 20 minutes.

Mr. DORNAN of California. Was there any time on our side?

Mr. BARNES. There has been time on your side. Several Members of our side have spoken.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DORNAN of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electonic device, and there were—yeas 402, nays

1, answered "present" 1, not voting 30, as follows:

[Roll No. 300]

YEAS—402

Ackerman	Dreier	Kindness
Akaka	Duncan	Kleczka
Alexander	Durbin	Kolbe
Anderson	Dwyer	Kolter
Andrews	Dyson	Kostmayer
Annunzio	Early	Kramer
Anthony	Eckart (OH)	LaFalce
Archer	Eckert (NY)	Lagomarsino
Armey	Edgar	Lantos
Aspin	Edwards (CA)	Latta
Atkins	Edwards (OK)	Leach (IA)
AuCoin	Emerson	Leath (TX)
Badham	English	Lehman (FL)
Barnard	Erdreich	Leland
Barnes	Evans (IA)	Lent
Bartlett	Evans (IL)	Levin (MI)
Barton	Fascell	Levine (CA)
Bateman	Fawell	Lewis (CA)
Bates	Fazio	Lewis (FL)
Bedell	Feighan	Lightfoot
Beilenson	Fiedler	Lipinski
Bennett	Fields	Livingston
Bentley	Flippo	Lloyd
Bereuter	Florio	Loeffler
Berman	Foglietta	Lott
Biaggi	Foley	Lowery (CA)
Bliley	Ford (MI)	Lowry (WA)
Boehlert	Ford (TN)	Lujan
Boggs	Fowler	Luken
Boland	Frank	Lundine
Boner (TN)	Franklin	Lungren
Bonior (MI)	Frenzel	Mack
Bonker	Frost	MacKay
Borski	Fuqua	Madigan
Bosco	Gallo	Manton
Boulter	Garcia	Markey
Boxer	Gaydos	Marlenee
Breaux	Gejdenson	Martin (IL)
Brooks	Gekas	Martin (NY)
Broomfield	Gephardt	Martinez
Brown (CA)	Gilman	Matsui
Brown (CO)	Gingrich	Mavroules
Broyhill	Glickman	Mazzoli
Bruce	Goodling	McCain
Bryant	Gordon	McCandless
Burton (CA)	Gradison	McCloskey
Burton (IN)	Gray (IL)	McCollum
Bustamante	Gray (PA)	McCurdy
Byron	Green	McDade
Callahan	Gregg	McEwen
Campbell	Grotberg	McGrath
Carney	Guarini	McHugh
Carper	Hall (OH)	McKernan
Carr	Hall, Ralph	McKinney
Chandler	Hamilton	McMillan
Chapman	Hammerschmidt	Meyers
Chappell	Hansen	Mica
Chappie	Hartnett	Michel
Cheney	Hatcher	Mikulski
Clay	Hawkins	Miller (CA)
Clinger	Hayes	Miller (OH)
Coats	Hefner	Miller (WA)
Cobey	Heftel	Mineta
Coble	Hendon	Mitchell
Coelho	Henry	Moakley
Coleman (MO)	Hertel	Molinari
Coleman (TX)	Hiler	Mollohan
Collins	Hillis	Monson
Combest	Holt	Montgomery
Coughlin	Hopkins	Moody
Courter	Howard	Moore
Coyne	Hoyer	Moorhead
Craig	Hubbard	Morrison (CT)
Daniel	Huckaby	Morrison (WA)
Dannemeyer	Hughes	Mrazek
Darden	Hutto	Murphy
Daschle	Hyde	Murtha
Daub	Jacobs	Myers
Davis	Jeffords	Natcher
de la Garza	Jenkins	Neal
DeLay	Johnson	Nelson
Dellums	Jones (NC)	Nichols
Derrick	Jones (OK)	Nielson
DeWine	Jones (TN)	Nowak
Dicks	Kanjorski	O'Brien
DioGuardi	Kaptur	Oakar
Donnelly	Kasich	Oberstar
Dorgan (ND)	Kemp	Obey
Dornan (CA)	Kennelly	Olin
Downey	Kildee	Ortiz
Owens	Schroeder	Swindall
Oxley	Schuette	Synar
Packard	Schulze	Tallon
Panetta	Schumer	Tauke
Parris	Seiberling	Tauzin
Pashayan	Sensenbrenner	Taylor
Pease	Sharp	Thomas (CA)
Penny	Shaw	Thomas (GA)
Pepper	Shelby	Torres
Perkins	Shumway	Torricelli
Petri	Shuster	Towns
Pickle	Sikorski	Traficant
Porter	Siljander	Traxler
Price	Sisisky	Udall
Quillen	Skeen	Valentine
Rahall	Skelton	Vander Jagt
Rangel	Slattery	Vento
Ray	Slaughter	Visclosky
Regula	Smith (FL)	Volkmer
Reid	Smith (IA)	Walgren
Richardson	Smith (NE)	Walker
Ridge	Smith (NH)	Watkins
Rinaldo	Smith (NJ)	Waxman
Ritter	Smith, Denny	Weaver
Roberts	Smith, Robert	Weber
Robinson	Snowe	Weiss
Rodino	Snyder	Wheat
Roe	Solarz	Whitehurst
Roemer	Solomon	Whitley
Rogers	Spence	Whittaker
Rose	Spratt	Whitten
Rostenkowski	St Germain	Williams
Roth	Staggers	Wilson
Roukema	Stallings	Wirth
Rowland (CT)	Stangeland	Wise
Rowland (GA)	Stark	Wolf
Roybal	Stenholm	Wortley
Rudd	Stokes	Wright
Russo	Stratton	Wyden
Sabo	Studds	Wylie
Saxton	Stump	Yates
Schaefer	Sundquist	Yatron
Scheuer	Sweeney	Young (AK)
Schneider	Swift	Young (MO)

NAYS—1

Savage

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—30

Addabbo	Dickinson	Ireland
Applegate	Dingell	Kastenmeier
Bevill	Dixon	Lehman (CA)
Bilirakis	Dowdy	Long
Boucher	Dymally	Pursell
Conte	Fish	Strang
Conyers	Gibbons	Vucanovich
Cooper	Gunderson	Wolpe
Crane	Horton	Young (FL)
Crockett	Hunter	Zschau

□ 1110

Mr. GUARINI changed his vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WOLPE. Mr. Speaker, during rollcall No. 300, I was unavoidably off the floor. Had I been present, I would have voted "yea" on House Concurrent Resolution 187.

PERSONAL EXPLANATION

Mr. CONTE. Mr. Speaker, during rollcall No. 300, I too, was unavoidably detained and off the floor. Had I been present, I would have voted "yea" on House Concurrent Resolution 187.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 187, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 61. Concurrent resolution to commend Pete Rose on becoming the all-time Major League leader in base hits.

PROVIDING FOR THE CONSIDERATION OF H.R. 7, SCHOOL LUNCH ACT AND CHILD NUTRITION AMENDMENTS OF 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 262 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 262

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, and the first reading of the bill shall be dispensed with. All points or order against the consideration of the bill for failure to comply with the provisions of section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI and section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and support the bill to the House with such amendments as may

have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. MOAKLEY. Mr. Speaker, House Resolution 262 is the rule providing for the consideration of the bill H.R. 7, the National School Lunch Program and the Child Nutrition Amendments of 1985.

Mr. Speaker, the rule provides 1 hour of general debate, divided between the chairman and ranking minority member of the Committee on Education and Labor.

Also, Mr. Speaker, House Resolution 262 makes in order the amendment in the nature of a substitute which is recommended by the Committee on Education and Labor. This amendment is to be considered as original text, with each section considered as read.

The rule waives points of order under section 401(b)(1) of the Congressional Budget Act against consideration of the bill and the committee amendment in the nature of a substitute. Section 401(b)(1) of the Budget Act prohibits the consideration of legislation which provides new entitlement authority to be effective before the first day of the fiscal year which begins in the calendar year in which the legislation is reported.

Since the bill and the substitute provide new entitlement authority for the School Breakfast and Child Care Programs which is to become effective July 1, 1985, and since this is before the first day of fiscal year 1986, the bill and the amendment violate section 401(b)(1) of the Budget Act. However, the Committee on Education and Labor has agreed to offer a floor amendment making the programs concerned effective October 1, 1985, and therefore, curing the Budget Act violation. As a result the committee considers the waiver purely technical.

The rule waives clause 5(a) of rule 21, which prohibits appropriations in a legislative bill against that substitute. Certain provisions of H.R. 7, as reported, allow previously appropriated funds to be used for new activities and thus constitute appropriations. Since H.R. 7 is not an appropriation measure a waiver of clause 5(a) of rule 21 is needed.

Mr. Speaker, H.R. 7, the School Lunch and Child Nutrition Amendments of 1985, reauthorizes five expiring programs which are designed to ensure a nutritionally adequate diet for children from low-income families and to provide for nutritional needs of the Nation's elderly. The five programs are the supplemental Food Program for Women, Infants, and Children, more commonly known as the WIC Program; the Summer Food Service Program for low-income children; the Commodity Distribution Program that provides support for both children and older Americans; the State Administrative Expense Program, which provides payments to States to pay for the costs of the programs, and the Nutrition Training and Education Act.

Mr. Speaker, H.R. 7 would authorize $1.86 billion for fiscal year 1986, $1.95 billion for fiscal year 1987, and $2 billion for fiscal year 1989. Of the total funding for fiscal year 1986, there is $121 million in new funding for expansion of existing programs. The bill would add 120,000 new participants and $60 million for the WIC Program.

Mr. Speaker, a similar bill was passed by the House during the 98th Congress, but no action was taken on the bill by the other body. In order to prevent the termination of these programs they were extended for 1 year in the continuing resolution for fiscal year 1985. Mr. Speaker, unless the House enacts this legislation the existing programs will expire at the end of the month. I urge my colleagues to vote for House Resolution 262.

□ 1120

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. QUILLEN. Mr. Speaker, this is an open rule and I urge its adoption.

H.R. 7 is a very important bill reauthorizing a number of Federal food programs, many of which are set to expire at the end of this month. The five expiring programs are the Special Supplemental Food Program for Women, Infants, and Children—the so-called WIC Program—the Summer Food Service Program for Children, the Commodity Distribution Program, payments to the States to pay for the administrative costs and the Nutrition Education and Training Program.

In addition to extending these programs, the bill also expands the School Lunch Program both by broadening its eligibility and by enhancing the nutritional value of the meals it provides to our schoolchildren.

I don't think there is any significant disagreement about the reauthorization of these important Federal food programs, but there is some dispute over the amount of money that should be spent on them. H.R. 7 sets the spending level at $1.6 billion for fiscal year 1986 and such sums as may be necessary in fiscal years 1987 and 1988. This compares to the $1.5 billion provided during the current fiscal year and the administration's budget request for $1.5 billion for the coming fiscal year.

Last year the House passed a similar bill by a vote of 343 to 72. The other body, however, failed to take up that bill and these programs were included in the continuing appropriation resolution. I hope that history will not be repeated this year because these important programs deserve careful consideration in their own right and on their own merits.

Mr. Speaker, since this is an open rule permitting full debate and the opportunity for Members to vote on all the issues in dispute regarding this bill, I ask for a "yes" vote on the rule so that we can get down to the business of working on this important bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, here we go again. Once more, we bring a rule to the floor that waives the Budget Act. Remember just about 6 weeks ago when we passed the budget, with all of the flowery headlines and all of the flowery press releases about what we were doing to end deficits and bring down the amounts of money that we were spending in deficit? Remember all those headlines back home that all of us gloried in? Well, when it comes to actually spending money, guess what. We use the rules process to simply say that the Budget Act is irrelevant, bring it out here, waive the Budget Act, spend the money. That is how we get big deficits. This rule is another link in the chain of big deficits.

Why? Well, this one is really bad. Now, some of them I have mentioned before are kind of procedural. But here you have got one that is really a doozy, because in this particular rule what we are waiving in the Budget Act is entitlement authority. In other words, what this bill does is it creates new entitlement authority. You know those entitlements that everybody says are contribuing to the increase of deficits? Well, right here we are creating one, in violation of the Budget Act. And why do I know it is in violation of the Budget Act? Because we are having to waive the Budget Act in order to bring this entitlement authority to the floor.

So in fact what we are doing here is we are specifically adding to the deficit with new entitlement authority.

Now, Mr. Speaker, I think that it is time that we begin to be a little rational about what we are doing. I mentioned some figures this morning that indicate that every dime of taxes being paid by the average American working family in this country, every dime of them is going to pay their share of the national debt, the $2 trillion of nation-

al debt. Their share of that debt being compounded each year, with interest, by the Federal Government, is $2,775, and the average taxpayer pays only $2,766 in taxes.

We are piling on debt to the point where people are now spending every dime they are paying in their personal income taxes just to pay their portion of the debt that we have spent for them.

This bill is one more link in that chain. We have got to stop it. If you vote for this rule, you are voting specifically to waive the Budget Act, to say that entitlement authority will be done in violation of the Budget Act, and we are going to go ahead and spend the money, regardless of the fact that it is new entitlement authority, in violation of the Budget Act.

I say to you, Mr. Speaker, that if we are going to continue that pattern, then someone has got to begin to hold us responsible for what is going on here. We have got to begin holding responsible the people who bring these bills to the floor and the people who vote for these bills.

Mr. QUILLEN. Mr. Speaker, I would advise the gentleman from Massachusetts [Mr. MOAKLEY] that I have two more firm requests for time, and possibly three, and at this time, Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman from Tennessee for yielding me some additional amount of time to discuss both this rule and the impact of this rule and the impact of this bill on legislation and on the Federal deficit.

Mr. Speaker, I do not rise to either support or oppose the rule. The rule is an open rule to allow for some amendments that I will be offering, along with a number of other Members, and so I support that.

The gentleman from Pennsylvania, and others, have pointed out that the rule also waives the Budget Act, and that is correct. That is the problem of this bill: In bill after bill, program after program, many that are good programs like these and many that have nice titles like these, we continue to waive not just the Budget Act, but we waive the entire ability of Congress to deal with the entitlement programs.

Mr. Speaker, 52 percent of the Federal budget is entitlements, and that means they almost never or very seldom come before the floor in a way that we can deal with them, and when they do, they always have such good titles, such as school lunch, that any attempt to change them is resisted.

What I will do during debate on the rule is to set the tone of the debate, and I promise you that I will be repetitive both during the rule, during the debate, and during the amendments. As each of you knows, it is terribly difficult to get a very clear debate on programs that are entitled with such names as the School Lunch Program.

My point, of course, will be that the changes and lack of changes in these programs are going away from the direction I think Congress intends to go with at least our public statements and our debate about the deficit, and I will have some charts that I will be passing out on the floor. But the key element of the chart, Mr. Speaker, is to show that the programs covered by H.R. 7 in the fiscal year 1985 cost the American taxpayers $5.5 billion, and that is not bad.

But, Mr. Speaker, through a series of entitlement changes that are in H.R. 7 and in present law would increase the cost of those programs, assuming the same number of recipients, by $2 billion biannually by fiscal year 1990, a 36-percent increase, assuming the same number of recipients, no more, no less.

So, Mr. Speaker, I will have a set of amendments, five in all, with the unanimous consent of the majority and the minority I will be offering to block three of those amendments, to be considered en bloc, and consider the other two separately, to save some time in the debate, although on a $2 billion increase I think we need to take all the time we need.

Mr. Speaker, let me first show the committee what the existing programs are. In H.R. 7, these programs have been increased, each one, by a modest amount, some with improvements, the School Breakfast Program—in fact, I support this change—would add some nutrition, which is sorely needed, at 6 cents a meal. The WIC Program has been increased. And I think over the long run that saves us money because it saves money with the neonatal care and hospitalization. But the difficulty, Mr. Speaker, is the cumulative effect of those changes adds $2 billion to the Federal deficit with one swoop, with one bill, and that bill is up today.

Now, Mr. Speaker, what I have done is I have prepared five amendments that are modifications to these programs. There are no slashing amendments, there are no cutting amendments, there are no amendments that do any great damage. In fact, these amendments are rather modest modifications that have been long discussed and are generally regarded as positive, good-government types of reforms that have simply never been adopted because the title of the program is the School Lunch Program.

Mr. Speaker, I will explain each of these amendments in detail later in the debate. one has no cost estimate impact now but it will save money in the long run, and that is program simplification by the school districts themselves, by the local governments. The second one is to delete the food service equipment, a new program that we are restoring that had been deleted before. Next is to means test family day care, the same as all other school lunch programs are means tested, no more, no less. The next is to eliminate the cash subsidy for nonneedy students, for those students who are receiving a cash subsidy through their school district of 12½ cents in cash for children, yours and mine, who are middle income.

□ 1135

The last is to freeze the COLA for 1 year to provide for a catchup of the increases in COLA's and reimbursements over the last 5 years that frankly did not reflect the increased costs of these programs. The result of that, Mr. Speaker, is to reduce the rate of increase in these programs; it is not to cut the programs. The programs will still increase. But to reduce the rate of increase of these programs. Instead of increasing by 36 percent, that would be cut in half. If the House votes for these amendments today, Mr. Speaker, rather modest reforms, the result will be that 5 years from now we will be spending $1 billion less per year every year until the end of time compounded on these cumulative programs, less than we would if we do not adopt these amendments. The programs will still increase; they will still go up. These are not cutting amendments; they are limiting the rate of increase.

Now, there is a lot of talk in the 1-minutes, at recess, at town halls, on the campaign stump and elsewhere about balancing the budget and reducing the deficit. The only spending program we have on the House floor today is H.R. 7. We cannot reduce anything except the rate of increase in H.R. 7 and in these programs. I understand that it is terribly difficult for a Member to ever vote for anything that would reduce the rate of increase in the School Lunch Program. But, Mr. Speaker, these same children have parents that are trying to get jobs and those jobs will not be there if we continue these deficits.

Those same children have parents that are trying to buy a home and cannot buy them because interest rates are so high that they cannot afford the cost of interest. Those same children have parents who have been thrown out of work by the trade deficit that is a direct result of Congress not making decisions on program after program. The deficit is before us today. It is before us today on only one program, on one program that is a symptom of the 52 percent of all the programs that are called entitlements. That will be the decision. I thank the gentleman for the extra time.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I appreciate the gentleman from Tennessee in particular, not only for his work on the Rules Committee, but also for his sage advice and counsel to some of us that are new to the House of Representatives. We need quite often to go to some of the Members that have been here for a while and very often just to learn the ropes. It is nice to have people like Mr. QUILLEN to be able to turn to. I again want to thank the gentleman for giving me this time.

Mr. Speaker, I rise in opposition to this rule, and in a larger sense, in opposition to the recurring incidence of a rule that waives the Budget Act. Last night we had a discussion about the deficit and how serious the problem is and what we can do about it. There was a Member on the floor who suggested the problem is that the President lacks discipline and the President does not send us a balanced budget. I do not think that is quite accurate. The President does not originate spending bills; we do in this House. We have that responsibility; we have that authority, and we need to be disciplined.

We write budgets for discipline and for guidelines and to establish principles for spending. In our budget discussions, we always concern ourselves with entitlements. The question is how can you control, regulate, diminish or reform entitlement programs, and they always become an obstacle to budget reductions, to spending cuts, and to control of the deficit.

The rules are supposed to provide us with discipline. You have to play by the rules. When the Dallas Cowboys beat the Washington Redskins by 30 points, they must play by the rules, and they managed to do that, despite the fact that many thought they were an underdog. So the rules are there for a purpose. I would suggest to you that when you have another rule that says your wide receivers can perform an end run before the ball is snapped, that undermines the discipline of the game.

So we have to in this case question the principle of recurringly going to the committee and obtaining a rule that says waive the Budget Act. Waive these considerations that we labored over for so long to establish a set of guidelines, a set of priorities, and a reasonable allocation of the scarce taxpayers' dollar in America. We do not have enough money to do everything that some would have us do. We must have discipline; we must have a budget, and then within the rules of the House we must learn to live within that budget once we have gone through this often painstaking task of settling on a budget. This is not the only bill that will come to this floor with such a rule. It happens time after time after time. I guess I am going to have to suggest that some of us are going to have to watch this process, determine who asks for the rule that waives the Budget Act, and perhaps give some publication to that or find some way to find some instrument or device where we can get some discipline to adhere to the rules and adhere to the budget.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman.

Mr. WALKER. Just to help him make his point, we are going to have a rule coming up immediately after this one. It too, waives the Budget Act.

Mr. ARMEY. I thank the gentleman for making my case so clear. I thank the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I commend the gentleman from Texas. We have something in common, not only as colleagues, but his wife is from my district. He is a great guy.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding me this time.

Mr. Speaker, we are doing a good job of mixing oranges and apples and almost anything else so far in this debate. First of all, let me remind everyone that we are reauthorizing five programs in H.R. 7. These five programs are WIC, Summer Feeding Program, Commodity Distribution, State Administrative Costs, and Nutrition Education Programs. We are not reauthorizing School Lunch or any other program than the five that I mentioned. That is all that H.R. 7 does. I think it is time to stop trying to confuse the issue. There are five programs to be reauthorized.

Second, I would like to know where the creation of the new entitlement programs are in H.R. 7. I cannot seem to locate them, and if somebody knows where they are, perhaps when I am finished, when I am finished, you have had a lot of time, you can show me where the creation of all these new entitlement programs are in H.R. 7.

Furthermore, I would like to know where these great expansions are of entitlement programs. USDA said that the School Breakfast Program does not feed nutritious meals. It was USDA that said that in a study that they made, and so it takes 6 cents in order to feed that nutritious meal, 90 percent of which go to, I quote, "the Safety Net Programs." That was coined by this administration I believe. So that goes to the Safety Net.

I would also tell my friend from Texas when you talk about the trade imbalance, et cetera, it goes way beyond what we do here on the floor of the House. There happens to be two people, two naive people left in this world who believe there is free trade. I believe they are both in the United States; I am afraid they are both connected somehow or another with the White House, and that has a lot to do with our trade deficit. So do not try to minimize the trade problems by getting into this program.

During World War II, when we began to draft, those who were responsible for drafting people who might be able to defend this country and the free world found that as a matter of fact there was such a nutrition problem that they really had a difficult time getting people who could stand on their feet to try to protect the free world.

□ 1145

So the Congress reacted by passing a school lunch program, and then added other nutrition programs during the years to ensue.

The Congress decided, as a matter of fact, that this was very important. I served on the Budget Committee. I did not have the luxury of serving on the conference committee, and I suggested to people on the Budget Committee here and on the Senate side ways that, if we are going to freeze everything, we can freeze the nutrition programs without doing too much harm. But they decided in the Budget Committee, and particularly in the conference, that as a matter of fact, we are not going to freeze everything.

In one program, we say you can have a cost-of-living or inflation increase this year, and you can have that inflation increase and 3 percent besides the next years.

It seems to me nutrition is equally important, and we are not asking for that here. In this bill we are basically saying that there is a $121 million increase from current services. I know you just saw a chart and you are going to hear this over and over again, "Oh, you are talking about $2 billion." In the five programs that are being reauthorized in this H.R. 7, we are talking about a $121 million increase, brought down from the $370 million increase that was asked for and passed overwhelmingly in this House last year.

That basically goes to WIC, where we are told again that it costs $2,000 a day—$2,000 a day—to keep a child who is prematurely born in a neonatal care clinic, $60,000 a month, because it usually takes 30 days until they are able to get them caught up. We are talking in WIC of $400 a year versus $2,000 a day per child, and most of that $2,000 per day and that $60,000 per month will eventually come from taxpayers if we do not prevent it.

So we will talk more about this when we get to the actual bill, but there are only five programs that we are reauthorizing. School lunch is not one of them.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to at this time thank the gentleman who just left the microphone for putting this debate in its proper perspective.

In fact, the amendment that is going to be proposed by the gentleman from California [Mr. HAWKINS] and which will ultimately be adopted, cures the Budget Act violation. Just the changing of July 1 to October 1 cures the Budget Act violation, so all the statements made at the microphone about how much we are spending really is not the Budget Act violation we are talking about. It is just the changing of the date from July 1 to October 1.

Had we had this bill with an October 1 date on it, rather than July 1, there would be no Budget Act violation, so I am glad the gentleman from Pennsylvania [Mr. GOODLING] who just left the well really showed where the apples were and where the oranges were. It is only a technical violation, and I do not know where all these entitlement authorities that are being talked about come from, but as I say, as soon as the amendment of the gentleman from California is adopted, there will be no Budget Act violation. I am sorry that some of the speakers chose to discuss this Budget Act waiver in terms of the amount of money being spent. In fact, this Budget Act waiver involves not a single dollar of additional money being spent. It is a technical waiver for a provision which will be corrected by committee amendment. The waiver is necessary only for the purpose of bringing up the bill in order to allow that committee amendment to be offered.

Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 266, nays 142, not voting 26, as follows:

[Roll No. 301]

YEAS—266

Ackerman	AuCoin	Bliley
Akaka	Barnard	Boggs
Alexander	Barnes	Boland
Anderson	Bates	Boner (TN)
Andrews	Bedell	Bonior (MI)
Annunzio	Beilenson	Bonker
Anthony	Bennett	Borski
Applegate	Bereuter	Bosco
Aspin	Berman	Boxer
Atkins	Biaggi	Breaux
Brooks	Heftel	Price
Brown (CA)	Hertel	Quillen
Bruce	Horton	Rahall
Bryant	Howard	Rangel
Burton (CA)	Hoyer	Ray
Bustamante	Hubbard	Regula
Byron	Huckaby	Reid
Carper	Hughes	Richardson
Carr	Hyde	Ridge
Chapman	Jeffords	Rinaldo
Chappell	Jenkins	Robinson
Clay	Johnson	Rodino
Coelho	Jones (NC)	Roe
Coleman (MO)	Jones (OK)	Rose
Coleman (TX)	Jones (TN)	Rostenkowski
Collins	Kanjorski	Roukema
Conte	Kaptur	Rowland (GA)
Cooper	Kennelly	Roybal
Coyne	Kildee	Russo
Daniel	Kleczka	Sabo
Darden	Kolter	Savage
Davis	Kostmayer	Scheuer
de la Garza	LaFalce	Schneider
Dellums	Lantos	Schroeder
Derrick	Leach (IA)	Schumer
Dickinson	Lehman (FL)	Seiberling
Dicks	Leland	Sharp
DioGuardi	Levin (MI)	Sikorski
Donnelly	Levine (CA)	Sisisky
Dorgan (ND)	Lewis (CA)	Slattery
Downey	Lipinski	Smith (FL)
Duncan	Lloyd	Smith (IA)
Durbin	Lowery (CA)	Smith (NJ)
Dwyer	Lowry (WA)	Snowe
Dyson	Lujan	Solarz
Early	Luken	Spence
Eckart (OH)	Lundine	Spratt
Eckert (NY)	MacKay	St Germain
Edgar	Manton	Staggers
Edwards (CA)	Markey	Stallings
Edwards (OK)	Matsui	Stangeland
English	Mavroules	Stark
Erdreich	Mazzoli	Stokes
Evans (IL)	McCloskey	Stratton
Fascell	McCurdy	Studds
Fazio	McDade	Swift
Feighan	McHugh	Synar
Flippo	Mica	Tallon
Florio	Mikulski	Thomas (GA)
Foglietta	Miller (CA)	Torres
Foley	Mineta	Torricelli
Ford (TN)	Mitchell	Towns
Fowler	Moakley	Traficant
Frank	Mollohan	Traxler
Frost	Montgomery	Udall
Fuqua	Moody	Valentine
Garcia	Morrison (CT)	Vento
Gaydos	Mrazek	Visclosky
Gejdenson	Murphy	Volkmer
Gekas	Murtha	Walgren
Gephardt	Myers	Watkins
Gilman	Natcher	Waxman
Glickman	Neal	Weaver
Gonzalez	Nelson	Weiss
Goodling	Nichols	Wheat
Gordon	Nowak	Whitley
Gray (IL)	O'Brien	Whitten
Gray (PA)	Oakar	Wilson
Green	Oberstar	Wirth
Guarini	Obey	Wise
Gunderson	Olin	Wolf
Hall (OH)	Ortiz	Wolpe
Hall, Ralph	Owens	Wright
Hamilton	Panetta	Wyden
Hammerschmidt	Pease	Yates
Hatcher	Penny	Yatron
Hawkins	Pepper	Young (AK)
Hayes	Perkins	Young (MO)
Hefner	Pickle	

NAYS—142

Archer	Campbell	Daub
Armey	Carney	DeLay
Badham	Chandler	DeWine
Bartlett	Chappie	Dornan (CA)
Barton	Cheney	Dreier
Bateman	Clinger	Emerson
Bentley	Coats	Evans (IA)
Boehlert	Cobey	Fawell
Boulter	Coble	Fiedler
Broomfield	Combest	Fields
Brown (CO)	Coughlin	Franklin
Broyhill	Courter	Frenzel
Burton (IN)	Craig	Gallo
Callahan	Dannemeyer	Gingrich
Gradison	McCandless	Sensenbrenner
Gregg	McCollum	Shaw
Grotberg	McEwen	Shumway
Hansen	McGrath	Shuster
Hartnett	McKernan	Siljander
Hendon	McKinney	Skeen
Henry	McMillan	Skelton
Hiler	Meyers	Slaughter
Hillis	Michel	Smith (NE)
Holt	Miller (OH)	Smith (NH)
Hopkins	Miller (WA)	Smith, Denny
Hutto	Molinari	Smith, Robert
Jacobs	Monson	Snyder
Kasich	Moore	Solomon
Kemp	Moorhead	Stenholm
Kindness	Morrison (WA)	Stump
Kolbe	Nielson	Sundquist
Kramer	Oxley	Sweeney
Lagomarsino	Packard	Swindall
Latta	Parris	Tauke
Leath (TX)	Pashayan	Tauzin
Lent	Petri	Taylor
Lewis (FL)	Porter	Thomas (CA)
Lightfoot	Ritter	Vander Jagt
Livingston	Roberts	Vucanovich
Loeffler	Roemer	Walker
Lott	Rogers	Weber
Lungren	Roth	Whitehurst
Mack	Rowland (CT)	Whittaker
Madigan	Rudd	Wortley
Marlenee	Saxton	Wylie
Martin (IL)	Schaefer	Zschau
Martin (NY)	Schuette	
McCain	Schulze	

NOT VOTING—26

Addabbo	Dixon	Lehman (CA)
Bevill	Dowdy	Long
Bilirakis	Dymally	Martinez
Boucher	Fish	Pursell
Conyers	Ford (MI)	Shelby
Crane	Gibbons	Strang
Crockett	Hunter	Williams
Daschle	Ireland	Young (FL)
Dingell	Kastenmeier	

□ 1155

Messrs. LEATH of Texas, JACOBS, EVANS of Iowa, and MOORE changed their votes from "yea" to "nay."

Mrs. KENNELLY, Mr. CHAPPELL, and Mr. BEREUTER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1210

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, SEPTEMBER 18, 1985, OR ANY DAY THEREAFTER, CONSIDERATION OF A RESOLUTION MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, September 18, 1985, or any day thereafter to consider in the House a resolution making continuing appropriations for the fiscal year 1986, and for other purposes, as reported by the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Reserving the right object, Mr. Speaker, I do so just to ask our committee chairman, it is my understanding that this bill contains all

of the prohibitions that are presently in law; is that correct?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, that is true.

Mr. WALKER. I thank the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2266, AMTRAK AUTHORIZATION FOR FISCAL YEARS 1986 AND 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2266) authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a commission to study the financial status of Amtrak, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and to the amendment made in order by this resolution and which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. It shall be in order to consider the following amendments: (1) an amendment printed in the Congressional Record of September 11, 1985, by, and if offered by, Representative Foley of Washington and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived; and (2) an amendment printed in the Congressional Record of September 11, 1985, by, and if offered by, Representative Evans of Illinois and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 263 is the rule providing for the consideration of the bill, H.R. 2266, the Amtrak reauthorization for fiscal year 1986.

Mr. Speaker, the rule provides for 1 hour of general debate, divided between the chairman and ranking minority member of the Committee on Energy and Commerce.

Mr. Speaker, the resolution provides a waiver of section 402(a) of the Congressional Budget Act—the May 15 reporting deadline for authorization bills. This waiver is necessary because the Committee on Energy and Commerce did not report H.R. 2266 to the House until May 23, 1985.

Because we have heard a lot in the previous debate about waivers of the Budget Act, I want to make the background on this matter as clear as possible. This is a procedural issue. There is no money involved in the waivers. I would stress that the Committee on Energy and Commerce voted on May 15 and ordered the bill reported. So, the dollar amounts were known to the Budget Committee in a timely fashion, which is the whole point of section 402(a).

However, the filing of the report was delayed to accommodate the minority's interest in submitting views, and the report was not actually filed until 8 days later.

House Resolution 263 makes in order the Energy and Commerce Committee amendment in the nature of a substitute to be considered as original text, with each section of the substitute to be considered as read.

Mr. Speaker, House Resolution 263 waives clause 5(a) of rule 21, which prohibits appropriations in legislative bills, against consideration of the substitute. Section 1 of H.R. 2266 designates new uses of previously appropriated funds, and since H.R. 2266 is not an appropriation measure a waiver of clause 5(a) of rule 21 is needed. Also, the rule waives clause 7 of rule 16 which prohibits nongermane amendments against the substitute.

Mr. SPEAKER, House Resolution 263 waives the germaneness rule to permit consideration of two amendments printed in the CONGRESSIONAL RECORD of September 11, 1985: An amendment to be offered by the gentleman from Washington [Mr. FOLEY], and an amendment to be offered by the gentleman from Illinois [Mr. EVANS]. Finally, House Resolution 263 provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2266 authorizes $616 million for the National Railroad Passenger Corporation, more commonly known as Amtrak. The bill would direct Amtrak to use nonoperational capital funds for operating expenses so that it can maintain current levels of service, maintenance, and equipment overhaul. In addition H.R. 2266 authorizes $1 million for the establishment of a 15-member Amtrak Study Commission. This Commission will examine the ability of Amtrak to further improve its financial performance, study its capital needs, and investigate alternative funding mechanism.

Mr. Speaker, I wish to commend the gentleman from New Jersey [Mr. FLORIO] and the gentleman from New York [Mr. LENT] for their diligent efforts in developing this important legislation. H.R. 2266 represents a strong bipartisan consensus of a bill that is of vital importance to the economy and our national transportation system, it is critical that we continue our commitment to maintaining a viable railroad system and I am grateful to my colleagues on the Commerce Committee who have consistently supported this effort.

Mr. Speaker, I strongly urge adoption of House Resolution 263 so that we may proceed to consideration of this important bill.

Mr. Speaker, I yield for the purposes of debate only to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most of us have heard from our constituents who are concerned about the deficit of our Government and most of us have made speeches calling for action to reduce the deficit.

Well, the bill made in order by this rule is one place where we will have an opportunity to do something about the deficit, not just talk about it.

Let me begin with a historical note about Amtrak. When Amtrak was established by the Rail Passenger Service Act of 1970, the intent of Congress was that Amtrak would be a self-supporting, for-profit corporation. Let me repeat that—would be a self-supporting and a for-profit corporation.

Section 301 of the Rail Passenger Service Act states:

> The Corporation shall be operated and managed as a for profit corporation, the purpose of which shall be to provide intercity and commuter rail passenger service.

Et cetera.

This theme was expressed repeatedly during the floor debates both in the House and in the other body. And yet, Mr. Speaker, in spite of all these good intentions and all of these wonderful speeches, Amtrak's revenues have never equaled its costs. Government

subsidy to Amtrak, which was originally envisioned being simply transitional aid, has cost the American taxpayers between $9 billion and $11 billion since 1971. According to projections provided by the Office of Management and Budget, Amtrak will cost the taxpayers in excess of $8 billion over the next 10 years, and let me say, that is $8 billion more red ink, because we do not have the $8 billion.

To put Amtrak subsidies in perspective, Mr. Speaker, let me say that the Congressional Budget Office has compared Amtrak's Federal subsidies on a per-passenger mile basis to the Federal subsidies received by other modes of transportation. Last year, the Federal subsidy to Amtrak totaled about 17 cents per passenger mile, as compared to 8 cents a passenger mile for general aviation and 0.2 cents per mile for intercity bus passengers. Travelers on commercial airlines and automobile users overpaid by 0.2 and 0.1 cents respectively per passenger mile.

According to the Congressional Budget Office, overall cost recovery has improved, with passenger fares covering 50 percent of costs in 1984, versus 38 percent in 1980. However, unrecovered infrastructure costs, meaning track repair and maintenance in the Northeast and track rentals paid to freight railroads elsewhere, have increased since 1980, so that overall operating subsidies remain close to their 1980 levels.

Mr. Speaker, we are at the place where the taxpayers can no longer afford to continue providing huge Federal subsidies to Amtrak.

Mr. Speaker, the congressional budget resolution passed by this Congress just weeks ago provided a 1986 funding level of $582 million for Amtrak, far more than we can afford. But this bill comes in at $616 million, well over the budget which we agreed to. Let me advise the House that unless the committee of jurisdiction comes forth with an amendment to bring this authorization within the budget, I will personally offer such an amendment.

However, Mr. Speaker, the better part of wisdom would be to terminate this program, which we cannot afford, and do something meaningful toward deficit reduction. By so doing, we could send a message to the financial markets and to the American people that we really mean all those speeches that we have made about reducing the deficit.

Mr. Speaker, let me make a couple points about the rule itself which provides for this reauthorization. It begins by waiving the Budget Act requirement that authorization bills be reported by May 15. Naturally, this bill missed the reporting deadline.

The rule next provides for 1 hour of general debate and an open amending process.

Then there is a waiver of the germaneness rule, because the introduced bill was a simple authorization, while the committee substitute includes a number of changes in permanent law.

There is also a waiver of the rule which prohibits appropriations on a legislative bill, because there are a number of provisions in this bill which technically constitute appropriations.

Finally, Mr. Speaker, the rule makes in order two amendments, which are not germane to the rest of the bill.

Let me conclude, Mr. Speaker, with one thought. If we cannot cut this bill, where can we reduce spending?

Mr. Speaker, I have a couple requests for time. I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Ohio for yielding. Let me also congratulate him on the remarks that he just made.

I think the gentleman pointed out very clearly the nature of the bill that we are considering and he has also made clear that the rule that we are considering has some problems with it.

Let me first of all comment on the first part of that. He made the point that the bill we are considering if this rule is permitted to pass is a bill that, in fact, creates spending that we cannot afford. Here is a problem that the President in his budget called for the total elimination of it. He said we ought not to spend any money for this program. We cannot afford it.

And what is the reaction of the House of Representatives at a time of high deficits, at a time when we are piling debt upon debt? What is our reaction to the President's initiative to actually eliminate this program? We are going to waive the Budget Act to spend the money. And that is precisely what this rule does.

□ 1225

It is not the bill that is going to waive the Budget Act. We are waiving the Budget Act right here in this rule.

Now we have heard it mentioned that that is probably the fault of the minority, they did not file soon enough. Well I would say to those who make that kind of argument, I do not care whose fault it is, the fact is we bring it out here under the Budget Act and we are in violation of the Budget Act. We are going to spend the money in violation of the Budget Act. We have to stop that.

The American people are disgusted with us parading around a budget and then violating it. This is twice today. Here is the second time in 1 day that we just violate the Budget Act, waive it, say it does not mean anything.

I will tell you, I think there are a lot of people growing sick of the presses that suggests that the discipline we gave ourselves under the Budget Act is meaningless when it comes to spending the money, and that is precisely what we are saying.

Now I am realistic enough to know if the House voted by more than 100 votes on the last bill to violate the Budget Act, even when it related to entitlement authority, that we are not very likely to reject this rule where the violation is more technical, but it is still appalling.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I also rise in opposition to this rule. I want to thank the gentleman from Ohio for yielding. I admire his work in this body.

I have to say, Mr. Speaker, here we go again. I have to say also that it is rather amusing that we are waiving the Budget Act now on a resolution to fund Amtrak because the train was late coming into the station. I think that is a bit ironic.

Yet, I can understand how we might be a little bit late getting pending bills out of committee and onto the floor. It does take a little bit of time to spend $900 billion of the taxpayers' money. We spent $200 billion more than we have taken in in taxes, so we can have a $200 billion deficit. It does take a little bit of time to spend money in that deficit, contrary to the President's request, so that we can come back and say the problem of the deficit is that the President did not request a balanced budget.

I do understand how all of these things take place. And I understand, Mr. Speaker, that this bill is off track. We need to derail this whole process, not only as it regards spending on Amtrak, but in many, many other areas where we have excessive abuses of spending.

Remember, the Government does not create wealth, it does not create income, it just takes it out of one pocket and puts it into another pocket, and it ought to at least do that on time.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. MOAKLEY. Mr. Speaker, in closing debate, I want to stress again that the Budget Act waiver involves not a single dollar of additional money being spent.

It is a technical waiver, only. The committee voted to report the bill by the May 15 deadline. The filing was delayed, at least in part, to accommodate the filing of minority views.

The Budget Committee and the Rules Committee agree that the waiver is purely technical and an appropriate step.

Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 159, not voting 39, as follows:

[Roll No. 302]

YEAS—236

Ackerman	Fowler	Moakley
Akaka	Frank	Mollohan
Alexander	Frost	Montgomery
Anderson	Fuqua	Moody
Andrews	Gaydos	Morrison (CT)
Annunzio	Gejdenson	Mrazek
Anthony	Gekas	Murphy
Aspin	Gephardt	Murtha
Atkins	Gilman	Natcher
AuCoin	Glickman	Nelson
Barnes	Gonzalez	Nowak
Bates	Goodling	Oakar
Beilenson	Gordon	Oberstar
Bennett	Gray (IL)	Obey
Berman	Gray (PA)	Olin
Biaggi	Green	Ortiz
Boggs	Guarini	Owens
Boland	Hall (OH)	Panetta
Boner (TN)	Hall, Ralph	Parris
Bonior (MI)	Hamilton	Pease
Borski	Hatcher	Penny
Bosco	Hawkins	Perkins
Boucher	Hayes	Pickle
Boxer	Hefner	Price
Brooks	Hertel	Rahall
Brown (CA)	Hillis	Rangel
Bruce	Holt	Reid
Bryant	Horton	Richardson
Burton (CA)	Howard	Rinaldo
Bustamante	Hoyer	Robinson
Byron	Hughes	Rodino
Carper	Hyde	Roe
Carr	Jacobs	Rose
Chapman	Jeffords	Rostenkowski
Chappell	Jenkins	Rowland (GA)
Clay	Johnson	Roybal
Coelho	Jones (TN)	Russo
Coleman (TX)	Kanjorski	Sabo
Collins	Kaptur	Savage
Conte	Kennelly	Scheuer
Cooper	Kildee	Schneider
Courter	Kolter	Schroeder
Coyne	Kostmayer	Schumer
Crockett	LaFalce	Sharp
Daniel	Lantos	Shelby
Darden	Leach (IA)	Shuster
de la Garza	Lehman (FL)	Sikorski
Dellums	Leland	Sisisky
Derrick	Lent	Skelton
Dicks	Levin (MI)	Slattery
DioGuardi	Levine (CA)	Smith (FL)
Dixon	Lewis (CA)	Smith (IA)
Donnelly	Lipinski	Smith (NJ)
Dorgan (ND)	Lloyd	Solarz
Downey	Lowry (WA)	Spence
Durbin	Lujan	Spratt
Dwyer	Luken	St Germain
Dyson	Lundine	Staggers
Early	MacKay	Stallings
Eckart (OH)	Manton	Stark
Edgar	Martinez	Stokes
Edwards (CA)	Matsui	Stratton
Erdreich	Mavroules	Studds
Evans (IL)	Mazzoli	Swift
Fascell	McCloskey	Synar
Fazio	McCurdy	Tallon
Feighan	McHugh	Thomas (GA)
Florio	Mica	Torres
Foglietta	Mikulski	Torricelli
Foley	Miller (CA)	Towns
Ford (MI)	Mineta	Traficant
Ford (TN)	Mitchell	Traxler
Valentine	Weiss	Wolpe
Vento	Wheat	Wright
Visclosky	Whitley	Wyden
Volkmer	Wilson	Yates
Walgren	Wirth	Yatron
Waxman	Wise	Young (MO)
Weaver	Wolf	

NAYS—159

Archer	Gunderson	Packard
Armey	Hammerschmidt	Pashayan
Badham	Hansen	Petri
Barnard	Hartnett	Porter
Bartlett	Heftel	Quillen
Barton	Hendon	Ray
Bateman	Henry	Regula
Bentley	Hiler	Ridge
Bereuter	Hopkins	Ritter
Bliley	Hubbard	Roberts
Boehlert	Hutto	Roemer
Boulter	Jones (OK)	Rogers
Breaux	Kasich	Roth
Broomfield	Kemp	Roukema
Brown (CO)	Kindness	Rowland (CT)
Broyhill	Kolbe	Rudd
Burton (IN)	Kramer	Saxton
Callahan	Lagomarsino	Schaefer
Campbell	Latta	Schuette
Carney	Leath (TX)	Schulze
Chandler	Lewis (FL)	Sensenbrenner
Chappie	Lightfoot	Shaw
Cheney	Livingston	Shumway
Clinger	Loeffler	Siljander
Coats	Lott	Skeen
Cobey	Lowery (CA)	Slaughter
Coble	Lungren	Smith (NE)
Coleman (MO)	Mack	Smith (NH)
Combest	Madigan	Smith, Denny
Coughlin	Marlenee	Smith, Robert
Craig	Martin (IL)	Snowe
Dannemeyer	Martin (NY)	Snyder
Daub	McCain	Solomon
Davis	McCandless	Stangeland
DeWine	McCollum	Stenholm
Dickinson	McDade	Stump
Dornan (CA)	McEwen	Sundquist
Dreier	McGrath	Sweeney
Eckert (NY)	McKernan	Swindall
Edwards (OK)	McMillan	Tauke
Emerson	Meyers	Tauzin
English	Michel	Taylor
Evans (IA)	Miller (OH)	Thomas (CA)
Fawell	Miller (WA)	Vander Jagt
Fiedler	Molinari	Vucanovich
Fields	Monson	Walker
Franklin	Moore	Weber
Frenzel	Moorhead	Whitehurst
Gallo	Morrison (WA)	Whittaker
Gingrich	Myers	Wortley
Gradison	Neal	Wylie
Gregg	Nielson	Young (AK)
Grotberg	Oxley	Zschau

NOT VOTING—39

Addabbo	Dymally	Markey
Applegate	Fish	McKinney
Bedell	Flippo	Nichols
Bevill	Garcia	O'Brien
Bilirakis	Gibbons	Pepper
Bonker	Huckaby	Pursell
Conyers	Hunter	Seiberling
Crane	Ireland	Strang
Daschle	Jones (NC)	Udall
DeLay	Kastenmeier	Watkins
Dingell	Kleczka	Whitten
Dowdy	Lehman (CA)	Williams
Duncan	Long	Young (FL)

□ 1240

Mr. ENGLISH and Mrs. ROUKEMA changed their votes from "yea" to "nay."

Mr. OWENS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1986

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3244, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 11, the Clerk had read through line 4 on page 42.

The Clerk will read.

The Clerk read as follows:

SEC. 321. Notwithstanding any other provision of law or regulation, the Secretary shall, with regard to the Discretionary Grants Program of the Urban Mass Transportation Administration, within 30 days after the enactment of this section, issue a letter of intent and, upon completion of the current environmental impact statement, enter into a full funding contract with Metropolitan Dade County, Florida, for $180,000,000 to complete the north and south legs of the downtown component of metrorail, which shall be exempt from the major capital investment policy issued by the Urban Mass Transportation Administration on May 18, 1984: *Provided*, That the $180,000,000 shall include $20,000,000 earmarked for fiscal year 1984, $49,000,000 earmarked for fiscal year 1985, $40,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, $71,000,000 in subsequent fiscal years.

SEC. 322. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants Program of the Urban Mass Transportation Administration, within 30 days after the enactment of this section, issue a letter of intent and enter into a full funding contract with the Municipality of Metropolitan Seattle, Washington, for $175,000,000 for completion of the bus tunnel project: *Provided*, That the $175,000,000 shall include $27,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, $148,000,000 in subsequent fiscal years.

SEC. 323. The limitation on obligations for the Discretionary Grants Program of the Urban Mass Transportation Administration shall not apply to any authority for section 21(a)(2)(B) previously made available for obligation.

SEC. 324. (a) Notwithstanding any other provision of law, the Secretary of Transpor-

tation may use not to exceed one-half of 1 percent of—

(1) the funds made available for fiscal year 1986 by section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964 to carry out section 3 of such Act to contract with any person to oversee the construction of any major project under such section;

(2) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964 to carry out section 9 of such Act to contract with any person to oversee the construction of any major project under such section;

(3) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964 to carry out section 18 of such Act to contract with any person to oversee the construction of any major project under such section;

(4) the funds appropriated for fiscal year 1986 pursuant to section 4(g) of the Urban Mass Transportation Act of 1964 to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and

(5) the funds appropriated for fiscal year 1986 pursuant to the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.

(b) Any contract entered into under subsection (a) shall provide for the payment by the Secretary of Transportation of 100 percent of the cost of carrying out the contract.

(c) This section shall take effect on October 1, 1985, and shall cease to be in effect at the close of September 30, 1986.

SEC. 325. (a) GENERAL RULE.—Tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall only be collected for those vehicles exiting from such bridge in Staten Island.

(b) ENFORCEMENT.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of New York under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which tolls collected for motor vehicles on the bridge referred to in subsection (a) are collected for those vehicles exiting from such bridge in the borough of Brooklyn.

(c) PERIOD OF APPLICABILITY.—This section shall apply on and after the 90th day following the date of enactment of this section, except that this section shall not apply after the date on which the Secretary publishes in the Federal Register a determination under subsection (d).

(d) REMOVAL OF LIMITATION.—

(1) DETERMINATION OF SECRETARY.—Subsections (a) and (b) shall cease to be in effect if, upon petition by the Governor of New York under paragraph (2), the Secretary determines that—

(A) a substantial loss of revenues has resulted from the limitation imposed by subsection (a), or

(B) such limitation has resulted in significant traffic problems,

and the Secretary publishes such determination in the Federal Register.

(2) PETITION.—The Governor of New York may petition the Secretary for a determination under paragraph (1) at any time after a period of six consecutive months in which tolls collected for motor vehicles on the bridge referred to in subsection (a) have been collected only for those vehicles exiting from such bridge in Staten Island.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1986".

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 44, line 20, through page 46, line 7, strike out section 325.

Mr. SOLARZ. Mr. Chairman, when the history of the Republic is finally written I suspect that the debate on this amendment will come to be known as the "Battle of the Bridge."

In one corner is the Staten Island Slugger, Mr. MOLINARI; in the other corner is your humble servant, the Brooklyn Bomber.

What is this battle all about? It is about the biggest and most beautiful suspension bridge not only in the country but the world, the Verrazano Bridge.

Right now, on the Verrazano Bridge which connects Staten Island to Brooklyn, both of which are in New York City, there are two sets of toll collection booths. Tolls are collected on the Brooklyn end of the bridge from people going from Brooklyn to Staten Island, and tolls are collected on the Staten Island end of the bridge from people coming from Staten Island and New Jersey into Brooklyn.

My very good friend from Staten Island, Mr. MOLINARI, managed to insert into the bill at the very last moment in the committee markup last week an amendment which would prohibit two different toll collection points on the Verrazano Bridge and which would require that the only place at which tolls can be collected on the bridge is at the Brooklyn end of the bridge.

Now, I can understand why my very good friend from Staten Island, Mr. MOLINARI——

Mr. MOLINARI. Mr. Chairman, would the gentleman yield just for one point of clarification? Because I think if we are going to start the debate, we want to start it with accuracy.

Mr. SOLARZ. I yield to the gentleman.

Mr. MOLINARI. Did I understand the gentleman to say there are two separate toll booths, one on the Brooklyn side and one on the Staten Island side? Well, I think if the gentleman is as informed on the rest of the proposal as he is on that, we are in deep trouble, because the toll booths are all on the Staten Island side.

Mr. SOLARZ. The point I was trying to make is that the gentleman's amendment would require tolls to be collected only at one point on the Brooklyn end of the bridge, going from Brooklyn to Staten Island. In other words, what the gentleman's amendment would do would be to permit people from Staten Island to go into Brooklyn without paying any toll on the bridge whatsoever.

Mr. MOLINARI. If the gentleman will yield again, the gentleman is still maintaining the same thing, and the gentleman is wrong. It is going to be collected on the Staten Island end of the bridge, regardless of what way they go.

Mr. SOLARZ. I take the gentleman's point, but the gentleman would agree, I am sure, under his amendment, people going from Staten Island into Brooklyn would not have to pay a toll for that part of the trip.

Mr. MOLINARI. That is right.

Mr. SOLARZ. They would only have to pay a toll if they go back over the bridge into Staten Island.

Mr. MOLINARI. That is correct.

Mr. SOLARZ. And then they would pay a toll at the Staten Island end.

Mr. MOLINARI. That is right.

Mr. SOLARZ. OK, we agree on the facts.

The fact of the matter is, from the point of view of the people of Staten Island, the ability to cross the Verrazano Bridge into Brooklyn without paying a toll is, presumptively, a benefit. I would not deny that from their point of view, it may very well be beneficial. But the Metropolitan Transit Authority, which has scientifically studied this question, has concluded that it would cost New York at least $10 million in lost toll revenues, because commuters coming in from Staten Island and New Jersey into Brooklyn over the Verrazano Bridge would not have to pay a toll and would find other, perhaps more circuitous, routes to get back to Staten Island and New Jersey without having to pay a toll on the bridge returning later in the day.

□ 1255

Furthermore, the estimates are that it would substantially increase the amount of vehicular traffic coming from Staten Island and New Jersey into Brooklyn by at least 10 percent, which would add another 7,500 vehicles to the rush hour traffic in Brooklyn, which is already very congested.

Now I want to suggest to my colleagues in the House that the real issue here is not whether the interests of 350,000 people on Staten Island should be pitted against 2.2 million people in Brooklyn. The real issue is not whether Mr. MOLINARI is right in

assuming that everybody would be better off if this amendment were left in the bill and there were only a one-way toll collection on the bridge, or whether the MTA is right in assuming that it would cost the city $10 million.

(By unanimous consent, Mr. SOLARZ was given permission to proceed for 3 additional minutes.)

Mr. SOLARZ. Or whether the MTA and New York City are right in asserting, on the basis of their study, that it would cost $10 million and increase traffic in Brooklyn.

The real issue, the fundamental issue, is whether the Federal Government should be involved in making this determination. The Verrazano Bridge is a local bridge. It connects one part of New York City to another part of New York City. It is a bridge which is built with local funds. It is a bridge which is maintained by local funds.

The MTA, the city of New York, the Governor of New York, the Triborough Bridge and Tunnel Authority, are all opposed to the Molinari amendment which is contained in this legislation.

This is preeminently a local issue. Whether there should be two toll collections on the Verrazano Bridge, whether the toll should be collected at the Staten Island end or at the Brooklyn end is not a matter for the Federal Government to resolve and determine and to dictate to New York City.

If ever there was a local issue, this is an example of it. I know of no other bridge in the entire country with respect to which the Federal Government has legislated a determination that there should only be one-way toll collections, let alone at which end of the bridge the toll should be collected.

So I am prepared to acknowledge the possibility that my very good friend from Staten Island may be right, and the Metropolitan Transit Authority may be wrong, but this is not an issue which the Congress of the United States ought to determine. It is a matter for local resolution.

The fact of the matter is that the city of New York, the Governor of New York, the Metropolitan Transportation Authority, and the Triborough Bridge and Tunnel Authority, all of which are the relevent jurisdictions concerning the Verrazano Bridge, believe that Mr. MOLINARI's amendment would be harmful to New York and are therefore opposed to it.

So I call upon my colleagues to vote for the amendment I have offered which would strike from this bill the provision put in it by Mr. MOLINARI. Which, I might add, was put in without any hearings before the Transportation Subcommittee whatsoever; and over the opposition in the committee of my very good friend, the distinguished chairman of the subcommittee, Mr. LEHMAN of Florida, who may feel obligated to support it now because he has to defend the bill on the floor. When the amendment was offered in committee, he opposed it, I suppose, on the grounds that there were no hearings, and because all of the local authorities were against it.

So I appeal to you on grounds of home rule alone—do not assert the heavy hand of the Federal Government on the Verrazano Bridge.

Mr. MOLINARI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret that my colleague from Brooklyn has put the tone of this debate in that it appears to be a Staten Island versus Brooklyn issue because it is not.

The fact is that my district is both in Staten Island and in Brooklyn; on both sides of the bridge. I have well over 150,000 constituents in Brooklyn.

Now, the Governor's office has told me, or told my office, they are taking no position on this issue. Yet, you are making a quote, Mr. SOLARZ, that the Governor is opposed to my provision.

Let me get by that for a moment.

Does the gentleman wish me to yield to him?

Mr. SOLARZ. If the gentleman would yield, if there is a factual question about the position of the Governor, I take it the gentleman is aware of the fact that when a proposal to this effect was introduced in the State legislature, the Governor sent the message opposing it.

Mr. MOLINARI. Well, I am glad you mention that, because that will bring me to another subject. Let me try to frame what I am trying to do here. I make no apology for what I am trying to do here; I am trying to deal with a very serious problem that affects not only my congressional district, but the entire city of New York.

I have sought this legislative vehicle to address that problem, and I would applaud anybody else that would attempt to do the same thing. In fact, I would support somebody else who would attempt to do, to take the same approach.

Now, if you look at my district, Staten Island is the fastest-growing county of the 62 counties in New York State. It happens to be the eighth fastest-growing county in the entire country. The present population there, by the way, is 435,000. So that the traffic bind at the toll plazas is continuing to grow and to grow and to grow.

There are two main reasons why I seek this relief. No. 1, common sense. All the other bridges in the city going to New Jersey, you pay a one-way toll. It has worked out fine.

Mr. SOLARZ. Would the gentleman yield?

Mr. MOLINARI. I yield to the gentleman.

Mr. SOLARZ. I thank the gentleman very much for yielding. I hope the gentleman is aware of the fact that on all of the bridges within New York City itself of which the Verrazano Bridge is of course the leading example, there are tolls which are collected both ways.

Not perhaps on the interstate bridges like the George Washington Bridge, but on the bridges within New York City on which tolls are collected; they are collected on the traffic going in both directions.

Mr. MOLINARI. The fact is that for the three existing bridges from Staten Island to New Jersey, you pay no tolls; that is one of the reasons why I had the eastbound traffic pay no tolls.

There is a second, perhaps more serious question that we have to address. The traffic backs up extraordinarily; and on the Staten Island side, there is a low valley. The carbon monoxide buildup there has grown so intense that the Environmental Medical Center of St. Vincent's Hospital has recommended a number of times that during many periods of the year the Verrazano Bridge toll collectors do not collect tolls, to allow people to go through those toll booths as quickly as possible because there is a health emergency, during air enversion episodes.

They are not listening; they do not listen to the entreaties from the health community.

Now, if you want to talk about the State legislature and the Brooklyn position; I do not think the gentleman is aware of the fact that there was a similar bill introduced into the State assembly, and interestingly enough, it is cosponsored by Assemblyman Lasher and Assemblewoman Eileen Dugan, both of whom represent the Brooklyn portion of the bridge. That, incidentally, would provide for a 1-year proviso: a 1-year pilot program similar to what I am suggesting here.

Now, if the city is correct in its assertions, the provision included says, after 6 months, if one of two things happen; if there is a serious loss of revenue or an adverse impact on traffic, which some people suggest and I do not believe.

(By unanimous consent, Mr. MOLINARI was allowed to proceed for 5 additional minutes.)

Mr. MOLINARI. Then the Governor simply has to make a request to the Secretary of Transportation, provide that information, and this provision would be rescinded.

Mr. SOLARZ. Will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman.

Mr. SOLARZ. I thank the gentleman once again for yielding. I think the gentleman's escape clause is a very constructive part of his amendment, and the gentleman is absolutely right in saying that at the end of 6 months,

if the Governor believed that this had resulted in a loss of revenues or it created additional traffic problems, he could apply for a removal of the requirement.

The problem that I have with that formula is that at the end of the day, it leaves the determination in the hands of a Federal official; namely, the Secretary of Transportation, when this is quintessentially a local problem, which in my judgment should be resolved by the State and local authorities and not by Washington.

If it were an interstate bridge, then the gentleman's amendment would probably make sense; but this is a bridge, as the gentleman knows, connecting one part of New York City to another part of New York City.

Mr. MOLINARI. The gentleman has made that point before.

Let me quickly try to move on. The MTA raises three objections to the proposal. If you look at them, they are absolutely ridiculous. No. 1, that one of the things that happens at a toll bridge is it stops traffic, and they say that creates a metering effect upon traffic.

□ 1305

Can you imagine using that as an argument? A metering effect upon traffic.

Why not then put four toll plazas, so that you have four meters instead of one, and you slow the traffic down? I have never heard such an argument in my life as justification for collecting tolls.

No. 2, the issue of safety. They talk about two entrances to the expressway on Staten Island near the toll plaza, they allege that the cars now approaching Staten Island, without paying a toll, would be traveling at faster rates of speed. And they would. That is the intent of my provision. My answer to that simply is: Close those couple of entrances that are nearby the toll plaza and force the Staten Islanders to go a little farther south. They would be happy to do it, because they would be getting across the bridge at a much quicker pace.

So that the second argument is blown out of the water.

And, third, they say that the impact of a toll system would cause a loss of revenues, and they say, for example, "It is anticipated that trucks would abandon the southern bypass and go through Manhattan."

Can you imagine trucks, to save $3 on a toll, assuming they double it, going all the way across Manhattan—and we are not counting on getting on any toll traffic on the other side—to save $3?

The study that was done by the State estimates that it would take an hour. So a truck is going to go an extra hour, burn all the additional gas, to save a $3 toll. Now, if you believe that, then you support the Solarz amendment.

Let me tell you something else. There was a study made. And do you know what the study revealed? Contrary to what you had said earlier, the information you gave me, that 40 percent of the Staten Islanders would seek another way around, I checked that out, and URS Co. conducted a study that was paid for by the State of New York, and their conclusion was that virtually no one from Staten Island would deflect to another route to avoid the one-way toll. Also, Schoepher, the head of TBTA, did not agree with the URS conclusion that 30 percent of the Long Island-southern New Jersey traffic would deflect. Their estimate is that it would take an additional hour. Now, look, we could argue all day. I think I have put forth a fair proposal. We have 6 months to see what would happen. I feel very strongly, very, very strongly, that at the end of 6 months the city is going to be very pleased with what they have seen happen there, and they are going to continue it. I do not think there is going to be any loss of revenue whatsoever.

But let me say one thing in closing at this point in the debate: URS, according to the Democratic sponsors of the State bill, conclusively proved, according to this memorandum, that the only way to determine what will happen in a one-way toll mode is to try it, which is what we are proposing to do here today.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, Let me first address the issue of the appropriateness of this particular provision in this legislation. This is not an issue of legislating in an appropriation bill. This particular provision would be wrong, whether it was in an authorizing bill or whether it was in an appropriation bill. Here we have a bridge that was built totally with non-Federal funds, it is maintained with non-Federal funds, and here comes the Congress of the United States and attempts to tell the locality in New York as to where, if you will, the toll booths on that bridge, built by their own moneys, will be placed. If that is not micromanagement carried to the most ridiculous extreme, I cannot imagine what could be more ridiculous and more extreme. If you can do it in New York, you can do it anyplace in the country. And on the face of it, this is not the kind of behavior, not the kind of action that the Congress of the United States ought to be engaged in, nor has it any justification for being engaged in.

There is not a single precedent for this kind of action. There is no justification for it. If the gentleman from Staten Island has a problem——

Mr. MOLINARI. Staten Island and Brooklyn, Mr. WEISS.

Mr. WEISS. If the gentleman from Staten Island and Brooklyn has a problem, he ought to persuade the appropriate authorities in New York City or the State to undertake the action that he wants, but to bring his problem here and then to have it attempted to be done in the manner that this was done is just totally wrong and inappropriate.

Now, let me talk for one moment about substance. This is not just a fight between Staten Island and Brooklyn. It is not just the people of Staten Island and Brooklyn who are impacted. The people who govern the city of New York have expressed their opposition to this particular provision because they are looking at the impact on the city as a whole and the additional traffic impacted on the city as a whole.

Now, it just so happens that in my district in Manhattan we have two major tunnels, the Lincoln Tunnel and the Holland Tunnel. The tolls on those tunnels are on the New Jersey side. There are no tolls on the New York side. So that if trucks—never mind Staten Islanders; we are talking about long-distance trucks—are able to cross Staten Island into Brooklyn without any fees and then are able to go back to New Jersey without any fees, they are getting an absolute free ride. But even beyond the money that is involved, what they are doing is flooding, throwing additional heavy traffic on the already most congested traffic-laden streets perhaps in the country, in lower- and mid-Manhattan. If it is a truck, the toll for a six-axle rig is $8 in each direction. We are talking about a lot of inducement, especially when getting from New Jersey into Brooklyn and in Manhattan by traveling across Staten Island and the Verrazano Bridge is a much easier, trafficwise, route.

So I tell you, my colleagues, neither on the basis of procedure nor fairness nor rationality should you be supporting this legislation. And I would have hoped that my distinguished friend and colleague, with whom on many transportation issues I am in total agreement, would have seen the inappropriateness of attempting to have the House of Representatives and the Senate act on this kind of legislation in this fashion.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I would be delighted to yield to my colleague.

Mr. MOLINARI. Does the gentleman have any idea what it would cost for those trucks, once they got to Jersey and got on the turnpike, what it would cost them in ultimate tolls when they go on the turnpike?

Mr. WEISS. All I can tell you is the facts that I have recited to you, and that is going to mean an inducement to them to do it.

Mr. MOLINARI. Well, now, we are talking about tolls as high as $3.25.

Mr. WEISS. We are talking about 8 bucks a shot for a six-axle rig.

Mr. MOLINARI. Three dollars twenty cents. One other thing I would like to call to the gentleman's attention. Yesterday, when you made a very articulate plea on the West Way bill, you made one statement that I took notice of, and that was that you wanted it to be noted that that West Way project—and I am on the same side of the issue as you are.

Mr. WEISS. Yes, you are, indeed, and I commend you for it.

Mr. MOLINARI. That it was totally within your district. And I am saying to you, in fact, I am making a request of you and my colleagues of this House, that we have a very serious problem in my district.

Mr. WEISS. If I may take back my time just for a moment, I appreciate the gentleman's serious problem.

The CHAIRMAN. The time of the gentleman from New York [Mr. WEISS] has expired.

(By unanimous consent, Mr. WEISS was allowed to proceed for 1 additional minute.)

Mr. WEISS. But what the gentleman is attempting to do, without any kind of balanced approach or involvement of the city authority, is to take the problems that his constituents may have in Staten Island and dump them on my constituents in Manhattan. And that I object to.

Mr. MOLINARI. I am going to ask the gentleman to yield again, if he would.

Mr. WEISS. I would be pleased to yield.

Mr. MOLINARI. Here is what the city has been telling you folks: The people in Brooklyn are going to be faced with longer traffic lines. And yet they also say it will cause a diversion of traffic going to Manhattan. You are going to be faced with longer traffic lines. So everybody is going to be hitting extra traffic lines. I ask you, where are these vehicles coming from? Are they going to be dropped out of the sky and by helicopter, and half of them going to Brooklyn and the other half going to Manhattan? Come on. It does not add up. You cannot have it both ways.

Mr. WEISS. If the gentleman will allow me to take back my time again, all I ask you to do is, during traffic hours, anybody, to recollect, if you have been in Manhattan during traffic periods, and know and recollect the congestion, the traffic congestion, on the streets of Manhattan leading toward the tunnels. That is going to be exacerbated. The problem right now is almost beyond endurance.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the overriding issue here is the fact that the agenda of this body is being reduced to absurdity by having this discussion on the floor. This item should not have been included in the bill. I think I am a bit more objective than the two gentlemen who spoke previously. My district is not affected directly, in terms of transportation arteries. But I want to know and I wanted to hear from the gentleman from Staten Island and Brooklyn reasons why the local governing bodies cannot be allowed to make this decision. We have an elaborate network of decisionmaking bodies, planning boards, the MTA I think appropriately provides technical information, the mayor himself, the Governor, the legislators. We have enough people who are reasonable to make this decision. Why cannot the collective wisdom at the local level be allowed to have this discussion and make the decision, looking at all the technical arguments and the opposing arguments, et cetera.

The important thing is, nobody here knows better than the people at the local level what these various arguments mean. Certainly the argument made by the gentleman from New York [Mr. WEISS] a few minutes ago about the Manhattan streets being clogged with the approaches to the bridges and the tunnels which feed into the Belt Parkway which feeds into the Verrazano Bridge, anybody can see that, you do not have to be a traffic engineer. And the Belt Parkway is one of the worst constructed and oldest and most congested artery you want to find. It is dangerous to ride on it when you do not have a lot of traffic because people are speeding and it is dangerous, but when it is clogged with rush-hour traffic it does not move at all, and you are going to feed more traffic onto that kind of artery. And even if you put only 1 percent more, it is 1 percent more too much. And I am sure the gentleman from Staten Island and Brooklyn would recognize it is going to increase traffic to some extent. There is going to be a backup into Brooklyn if something goes wrong on the bridge and if something goes wrong at the toll spot.

So I would plead, I would beg that we table this argument, or certainly support the Solarz amendment, in order to get this out of this discussion and back into the local decisionmaking bodies, where there is every reason to believe that the collective wisdom would come away with a decision which takes into consideration the serious problem that Staten Island may experience in terms of the backup of the traffic and the pollution there, on the one hand, and, on the other hand, these other very serious problems which I think only people at the local level can deal with.

I yield to the gentleman from Staten Island.

Mr. MOLINARI. I thank the gentleman for yielding.

I would like to answer those two questions, briefly, if I may. First of all, in terms of backup, no, I do not see a backup. The question you have to answer to yourself is: Is it quicker for toll collectors to collect $3 or $1.50. I suggest it is much quicker to pay $3 or to collect $3 than $1.50. Once you have to change a dollar, you are slowing the process down a great deal.

The other question you raise, why do we not accept the word of the transit authority of the city of New York, that is a simple one for me to answer. Because their record is abominable, atrocious. We just saw what happened with the tunnel in Queens, $800 million gone down the tubes, that project Senator D'AMATO has been attacking. They are right now eliminating express bus service in five boroughs, in all five boroughs. More and more cars are being forced on the road because of their inefficiency and their terrible record. That is why I have to bring my case to the floor of the House.

Mr. OWENS. The argument that I make is not that MTA has all the wisdom. I said the collective wisdom of all the bodies, all the decisionmaking bodies. And I think the MTA is just one. I would rely on them only for technical information, and I would want that checked. I would agree with you that they are not a body that has a great deal of credibility right now. But I do not see why the collective wisdom at the local level cannot be allowed to make this decision. I think it would be a great abuse of power for this body to go forward with this item still in the bill. I think, as Congressman SOLARZ said, we would open it up for Des Moines, for Oshkosh, for Jackson, MS, anyplace where there is a toll bridge we then have jurisdiction, we set a precedent which is a ridiculous precedent. Why should we take on that kind of burden? Why not leave it to the people at the local level to decide about how the tolls are to be collected at a bridge which has no Federal funding and no Federal involvement at all. I think we are off limits and in danger of grossly abusing our power.

□ 1320

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York, the sole apparent effect of which would be to needlessly perpetuate traffic congestion

and delays for users on a major New York River crossing, and urge my colleagues to join in voting for its rejection.

My committee colleague, the gentleman from New York [Mr. MOLINARI], is the author of the provision in the appropriations bill before us which requires that tolls be collected from motorists moving only one way, rather than both ways, on the Verrazano-Narrows Bridge between Staten Island and Brooklyn, NY.

His rationale is both simple and persuasive. It makes no sense to stop traffic moving in both directions if such can be avoided without creating other traffic problems or leading to a substantial loss of toll revenues. Indeed, of 16 bridges and tunnels in the New York City area, tolls are collected one way on no less than six.

One-way toll collection procedures are hardly revolutionary. You simply assume that traffic moving one way via a bridge or tunnel eventually will go the other way. So, cutting the toll collection process, but doubling of the toll rate will yield the same amount of revenue. Now sure, there will be always some one-way traffic getting a free ride moving in the nontoll direction, but you will also pick up one-way riders on the toll side as well.

Even if there is some evasion, that may well be offset by the savings on toll collection. It costs no more to collect $3 from a motorist than it does $1.50.

When you consider the backups and congestion and fuel consumption and automobile exhaust generated at toll bridge plazas, this seems to be a most worthwhile approach, where it will work.

The real question, then, is whether you are going to get evasion, circuitous travel by enough motorist to generate a substantial revenue loss, or traffic problems. It seems to me that the provisions in the bill authored by Mr. MOLINARI have addressed any potential problems. He provided that the one-way toll collection regime can be scrapped by the Secretary of Transportation if the Governor of New York so petitions after 6 months on the basis of traffic problems or a substantial revenue loss.

One further point on the matter of revenue loss, it may be theoretically possible for motorists to beat the system and reduce their toll contribution by using other bridges, but to do so they would have to employ extremely circuitous routes and subject themselves to many more miles of New York area rush hour congestion, not to mention increased fuel use. In any event, a 6-month trial would tell the tale.

From my observations, as ranking minority member on the Committee on Public Works and Transportation, it can be an extremely expensive process to come up with street and highway improvements in congested and heavily developed urban areas. We spend in the millions or hundreds of millions to reduce travel time. Any traffic management alternative along the lines of the provision authored by Mr. MOLINARI and now incorporated in the bill should be given every reasonable opportunity to succeed.

Mr. Chairman, a final point. I believe it can be said that we on the Public Works Committee were prepared to accept Mr. MOLINARI's provision as a part of pending authorization legislation. And I think our aversion to seeing authorizing provisions in appropriations bills is pretty well known to Members of the House. But, our colleague from New York [Mr. MOLINARI] made such a strong case with us that action should be taken promptly that we were pleased to concur in the provision's incorporation into this bill before us today along with others of merit.

It is a good provision. It should stay in the bill. A full-scale working test should be allowed to proceed. The amendment should be defeated.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue was brought to my attention by the gentleman from New York, a member of our Committee on Public Works and Transportation, Mr. MOLINARI, as a time-sensitive problem which required the immediate attention of the Congress. Based on this understanding, I agreed to support this measure's inclusion in the appropriation bill, even though it clearly establishes transportation policy which would normally be handled through the authorization process rather than the appropriation process.

Our committee will be marking up H.R. 3129, the Surface Transportation Reauthorization Act within the next 3 weeks. However, it is also clear to me that the other body does not intend to consider highway reauthorization legislation until later this year or perhaps early next year. The gentleman from New York has indicated to me that the immediacy of the transportation problems in his congressional district require a timely solution. Therefore, I am a strong supporter of the provision in the bill and urge the defeat of the amendment.

Those of us from the State of New Jersey have been very familiar with this kind of situation with our tunnels and bridges into the city of New York for quite some time. So what this has done is to collect double the money one way, and not have to collect at all the other way. In our situation in New Jersey, the toll collections are on the New Jersey side, not the Manhattan side. So we do have to suffer. We do have congestion, and of course that might be added to not at all, because it takes less time to collect $3 than it does $1.50, but then it relieves the congestion to a degree on the West Side of Manhattan. Of course, the West Side of Manhattan does have a terrible transportation problem, which I believe was compounded greatly by the vote this body took yesterday on the Westway amendment which is going to add to the problem because not only will New York not get Westway, which it should not get, it cannot get an interstate highway on the West Side of Manhattan, and will not even be able to get 1 cent to improve its streets or roads or to improve its mass transit which could help the vehicle traffic on the West Side of Manhattan as we tick aways toward September 30 of this year. So there is a greater disaster coming.

I think that this program is logical; why not stop them for the same amount of time or less time on one side and not have to stop the traffic at all on the other side? Once in a while here we get something that comes along of which we say, "Why have we not thought of this before?" Or if we have seen it work in other areas, why not expand it and extend it, it just makes so much sense.

So, I would hope, and of course, having this 6-month deadline on it in which it may be evaluated is probably a very good thing. I think anyone who has been involved in this around this area of New York and New Jersey for any time knows you really do not even need the 6-month study because we know at the end of the 6 months everyone is going to say it is a great idea, let us keep it going.

So I do urge the defeat of this amendment.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SOLARZ. Mr. Chairman, I listened very carefully to the arguments offered by my very good friend from Staten Island, and I want to frankly say that inasmuch as I am not a traffic engineer I do not feel competent to thoroughly evaluate the validity of the arguments he serves.

What I do know, however, is that the Triboro Bridge and Tunnel Authority, the city of New York, the State of New York, the MTA have studied it and they come to a different conclusion. I also know that no hearings were held on this proposal either in the Transportation Subcommittee or in the Public Works Committee. I would hope that if this amendment is adopted and the gentleman's provision is defeated that we could get together and consider the possibility of a study

in the future which might possibly lead to the objectives the gentleman seeks.

But I do think it would be inappropriate for the Congress of the United States to impose its views over the objections of literally all of the local authorities on what is clearly a local issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLARZ].

The question wa, taken; and the Chairman announced that the noes appeared to have it.

Mr. SOLARZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 303]

Ackerman	Carr	Edwards (CA)
Akaka	Chandler	Edwards (OK)
Anderson	Chapman	Emerson
Andrews	Chappell	English
Applegate	Chappie	Erdreich
Armey	Cheney	Evans (IA)
Aspin	Clay	Evans (IL)
Atkins	Clinger	Fawell
AuCoin	Coats	Fazio
Badham	Cobey	Feighan
Barnard	Coble	Fiedler
Barnes	Coelho	Fields
Bartlett	Coleman (MO)	Florio
Barton	Coleman (TX)	Foglietta
Bateman	Collins	Foley
Bates	Combest	Ford (MI)
Beilenson	Conte	Ford (TN)
Bennett	Cooper	Fowler
Bentley	Coughlin	Frank
Bereuter	Courter	Franklin
Berman	Coyne	Frenzel
Biaggi	Craig	Fuqua
Billey	Crockett	Gallo
Boehlert	Daniel	Garcia
Boggs	Dannemeyer	Gaydos
Boland	Darden	Gejdenson
Boner (TN)	Daschle	Gekas
Bonior (MI)	Daub	Gephardt
Bonker	Davis	Gilman
Borski	de la Garza	Glickman
Bosco	Dellums	Gonzalez
Boucher	Derrick	Goodling
Boulter	DeWine	Gordon
Boxer	Dickinson	Gradison
Breaux	Dicks	Gray (IL)
Brooks	DioGuardi	Green
Broomfield	Dixon	Gregg
Brown (CA)	Donnelly	Grotberg
Brown (CO)	Dorgan (ND)	Guarini
Broyhill	Dornan (CA)	Gunderson
Bruce	Downey	Hall (OH)
Bryant	Dreier	Hall, Ralph
Burton (CA)	Duncan	Hamilton
Burton (IN)	Durbin	Hammerschmidt
Bustamante	Dwyer	Hansen
Byron	Dyson	Hartnett
Callahan	Early	Hatcher
Campbell	Eckart (OH)	Hawkins
Carney	Eckert (NY)	Hayes
Carper	Edgar	Hefner
Heftel	Mica	Shelby
Hendon	Michel	Shumway
Henry	Mikulski	Shuster
Hertel	Miller (CA)	Sikorski
Hiler	Miller (OH)	Siljander
Hillis	Miller (WA)	Sisisky
Holt	Mineta	Skeen
Hopkins	Mitchell	Skelton
Horton	Moakley	Slattery
Howard	Molinari	Slaughter
Hoyer	Mollohan	Smith (FL)
Hubbard	Monson	Smith (IA)
Huckaby	Montgomery	Smith (NE)
Hughes	Moody	Smith (NH)
Hutto	Moore	Smith (NJ)
Hyde	Moorhead	Smith, Denny
Jacobs	Morrison (CT)	Smith, Robert
Jeffords	Morrison (WA)	Snowe
Jenkins	Mrazek	Snyder
Johnson	Murphy	Solarz
Jones (NC)	Murtha	Solomon
Jones (OK)	Myers	Spence
Jones (TN)	Natcher	Spratt
Kanjorski	Neal	St Germain
Kaptur	Nichols	Staggers
Kasich	Nielson	Stallings
Kemp	Nowak	Stangeland
Kennelly	Oberstar	Stenholm
Kildee	Obey	Stokes
Kindness	Olin	Stratton
Kolbe	Ortiz	Studds
Kolter	Owens	Stump
Kostmayer	Oxley	Sundquist
Kramer	Packard	Sweeney
LaFalce	Panetta	Swift
Lagomarsino	Parris	Swindall
Lantos	Pashayan	Synar
Latta	Pease	Tallon
Leach (IA)	Penny	Tauke
Leath (TX)	Pepper	Tauzin
Lehman (FL)	Perkins	Taylor
Leland	Petri	Thomas (CA)
Lent	Pickle	Thomas (GA)
Levin (MI)	Porter	Torres
Levine (CA)	Price	Torricelli
Lewis (CA)	Quillen	Towns
Lewis (FL)	Rahall	Traficant
Lightfoot	Rangel	Traxler
Lipinski	Ray	Udall
Livingston	Regula	Valentine
Lloyd	Reid	Vander Jagt
Loeffler	Richardson	Vento
Lott	Ridge	Visclosky
Lowery (CA)	Rinaldo	Volkmer
Lowry (WA)	Ritter	Vucanovich
Lujan	Roberts	Walgren
Luken	Robinson	Walker
Lundine	Rodino	Watkins
Lungren	Roe	Weaver
Mack	Roemer	Weber
MacKay	Rogers	Weiss
Madigan	Rose	Whitehurst
Manton	Rostenkowski	Whitley
Markey	Roukema	Whittaker
Marlenee	Rowland (CT)	Whitten
Martin (IL)	Rowland (GA)	Williams
Martin (NY)	Roybal	Wilson
Martinez	Rudd	Wirth
Mavroules	Russo	Wise
Mazzoli	Sabo	Wolf
McCain	Savage	Wolpe
McCandless	Saxton	Wortley
McCloskey	Schaefer	Wright
McCollum	Schneider	Wyden
McCurdy	Schroeder	Wylie
McDade	Schuette	Yates
McEwen	Schulze	Yatron
McGrath	Schumer	Young (AK)
McHugh	Seiberling	Young (MO)
McKernan	Sensenbrenner	Zschau
McMillan	Sharp	
Meyers	Shaw	

□ 1340

The CHAIRMAN. Three hundred ninety-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. SOLARZ] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Members should be advised that the time for the vote has been reduced from 15 minutes to 5 minutes.

The vote was taken by electronic device, and there were—ayes 11 noes 296, not voting 27, as follows:

[Roll No. 304]

AYES—111

Ackerman	Frank	Mrazek
Aspin	Garcia	Nowak
AuCoin	Gejdenson	Oakar
Barnes	Gephardt	Obey
Bartlett	Gordon	Owens
Beilenson	Gray (IL)	Pease
Berman	Hamilton	Penny
Biaggi	Hatcher	Petri
Boland	Hawkins	Price
Bonior (MI)	Hayes	Rangel
Bonker	Hertel	Reid
Boucher	Hoyer	Rose
Boxer	Jacobs	Russo
Brown (CA)	Jenkins	Sabo
Bruce	Jones (NC)	Savage
Burton (CA)	Kildee	Scheuer
Bustamante	Kolter	Schroeder
Byron	Kostmayer	Schumer
Clay	Lantos	Seiberling
Coelho	Leland	Sharp
Collins	Levin (MI)	Solarz
Cooper	Levine (CA)	Spratt
Crockett	Lowry (WA)	Stark
Daschle	Luken	Stokes
Dellums	Lundine	Studds
Dicks	MacKay	Torricelli
Dixon	Markey	Towns
Dorgan (ND)	Martinez	Udall
Durbin	Mavroules	Visclosky
Dyson	McCain	Walgren
Early	McCloskey	Weaver
Eckart (OH)	McHugh	Weiss
Edwards (OK)	Mikulski	Wheat
Erdreich	Miller (CA)	Whitley
Feighan	Miller (WA)	Williams
Ford (MI)	Mitchell	Wolpe
Fowler	Morrison (CT)	Wright

NOES—296

Akaka	Cheney	Fields
Anderson	Clinger	Filippo
Andrews	Coats	Florio
Annunzio	Cobey	Foglietta
Applegate	Coble	Foley
Archer	Coleman (MO)	Ford (TN)
Armey	Coleman (TX)	Franklin
Atkins	Combest	Frenzel
Badham	Conte	Frost
Barnard	Coughlin	Fuqua
Barton	Courter	Gallo
Bateman	Coyne	Gaydos
Bates	Craig	Gekas
Bedell	Daniel	Gilman
Bennett	Dannemeyer	Gingrich
Bentley	Darden	Glickman
Bereuter	Daub	Gonzalez
Billey	Davis	Goodling
Boehlert	de la Garza	Gradison
Boggs	DeLay	Green
Boner (TN)	Derrick	Gregg
Borski	DeWine	Grotberg
Bosco	Dickinson	Gunderson
Boulter	DioGuardi	Hall (OH)
Breaux	Donnelly	Hall, Ralph
Brooks	Dornan (CA)	Hammerschmidt
Broomfield	Downey	Hansen
Brown (CO)	Dreier	Hartnett
Broyhill	Duncan	Hefner
Bryant	Dwyer	Heftel
Burton (IN)	Eckert (NY)	Hendon
Callahan	Edgar	Henry
Campbell	Edwards (CA)	Hiler
Carney	Emerson	Hillis
Carper	English	Holt
Carr	Evans (IA)	Hopkins
Chandler	Evans (IL)	Horton
Chapman	Fawell	Howard
Chappell	Fazio	Hubbard
Chappie	Fiedler	Huckaby

Hughes	Moore	Slattery
Hutto	Moorhead	Slaughter
Hyde	Morrison (WA)	Smith (FL)
Jeffords	Murphy	Smith (IA)
Johnson	Murtha	Smith (NE)
Jones (OK)	Myers	Smith (NH)
Jones (TN)	Natcher	Smith (NJ)
Kanjorski	Neal	Smith, Denny
Kaptur	Nelson	Smith, Robert
Kasich	Nichols	Snowe
Kemp	Nielson	Snyder
Kennelly	Oberstar	Solomon
Kindness	Olin	Spence
Kolbe	Ortiz	St Germain
Kramer	Oxley	Staggers
LaFalce	Packard	Stallings
Lagomarsino	Panetta	Stangeland
Latta	Parris	Stenholm
Leach (IA)	Pashayan	Stratton
Leath (TX)	Pepper	Stump
Lehman (FL)	Perkins	Sundquist
Lent	Pickle	Sweeney
Lewis (CA)	Porter	Swift
Lewis (FL)	Quillen	Swindall
Lightfoot	Rahall	Synar
Lipinski	Ray	Tallon
Livingston	Regula	Tauke
Lloyd	Richardson	Tauzin
Loeffler	Ridge	Taylor
Lott	Rinaldo	Thomas (CA)
Lowery (CA)	Ritter	Thomas (GA)
Lujan	Roberts	Torres
Lungren	Robinson	Traficant
Mack	Rodino	Traxler
Madigan	Roe	Valentine
Manton	Roemer	Vander Jagt
Marlenee	Rogers	Vento
Martin (IL)	Rostenkowski	Volkmer
Martin (NY)	Roth	Vucanovich
Mazzoli	Roukema	Walker
McCandless	Rowland (CT)	Watkins
McCollum	Rowland (GA)	Waxman
McCurdy	Roybal	Weber
McDade	Rudd	Whitehurst
McEwen	Saxton	Whittaker
McGrath	Schaefer	Whitten
McKernan	Schneider	Wilson
McMillan	Schuette	Wirth
Meyers	Schulze	Wise
Mica	Sensenbrenner	Wolf
Michel	Shaw	Wortley
Miller (OH)	Shelby	Wyden
Mineta	Shumway	Wylie
Moakley	Shuster	Yates
Molinari	Sikorski	Yatron
Mollohan	Siljander	Young (AK)
Monson	Sisisky	Young (MO)
Montgomery	Skeen	Zschau
Moody	Skelton	

NOT VOTING—27

Addabbo	Dymally	Kleczka
Alexander	Fascell	Lehman (CA)
Anthony	Fish	Long
Bevill	Gibbons	Matsui
Bilirakis	Gray (PA)	McKinney
Conyers	Guarini	O'Brien
Crane	Hunter	Pursell
Dingell	Ireland	Strang
Dowdy	Kastenmeier	Young (FL)

Mr. WISE changed his vote from "aye" to "no."

Mr. DASCHLE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1355

The CHAIRMAN. Are there any amendments not prohibited by clause 2(c) of rule XXI?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to congratulate the chairman, the ranking member, and the other members and staff of the Transportation Appropriations Subcommittee. This bill is always one of the most difficult pieces of legislation facing the Appropriations Committee and this year's budget constraints made the drafting of this legislation even more difficult.

I would like to address three items in the bill which are particularly important to the Washington Metropolitan Area and the State of Maryland.

The bill includes a critical appropriation of funds for the Washington Metropolitan Area Transit Authority. While the funds in the bill are less than the $250 million requested by the administration, the jurisdictions surrounding Washington, DC, will be able to tighten their belts and proceed ahead on its long-range construction plans for the completion of the full Metrorail System. A steady appropriation of funds over the upcoming years will be required for the orderly construction of the remaining miles of the system and the administration seems inclined to proceed with an appropriate level of funding until the Stark-Harris authorization for Metrorail is depleted. While the subcommittee was faced with difficult budgetary constraints and ultimately had to reduce the administration's request for Metrorail, it nonetheless has strongly reaffirmed its support for the WMATA system and the entire Washington Metropolitan Area deeply appreciates this commitment.

The bill also has included a provision, after consulting with the authorizing committees, that allows the National Park Service to maintain its control over the Baltimore-Washington Parkway and provides funds to begin long-awaited repair work on that road. The Parkway, which has been dedicated in the name of our former colleague, Gladys Noon Spellman, stretches from Washington, DC to the outskirts of Baltimore, MD, and is a highly travelled though increasingly dangerous route. The committee's willingness to maintain the Park Service's control and servicing of the Parkway and provide funds to get rehabilitation underway is appreciated by the millions of people who travel the road each year.

Last, the bill provides funds to begin work on the Jones Falls Expressway in Baltimore, a road so in need of repair that the Mayor of that city has considered closing it unless work began immediately to repair the road surface and bridge supports. The Jones Falls is the main artery into the city of Baltimore from the north and is built in great measure above ground. The committee's willingness to provide Baltimore with discretionary funds has prevented a potential disaster on, or closing of the Jones Falls.

I again want to thank the subcommittee for their hard work. They receive very little thanks for the tough job of making priority decisions on activities and projects that almost all of us agree are excellent investments. I thank them for their work and congratulate them on an excellent product.

Mr. PURSELL. Mr. Chairman, I want to express my strong support of H.R. 3244 Department of Transportation Appropriations for fiscal year 1986.

First, I want to congratulate the committee members, both the majority and minority, for their care and wisdom in preparing this legislation for floor consideration. I also would like to commend the distinguished chairman of the Transportation Subcommittee, Mr. LEHMAN, for his leadership on this vital issue, as well as that of Mr. COUGHLIN, the ranking Republican.

Second, it is important to note that this bill is below the funding level provided for in the transportation appropriations bill for fiscal year 1985. With the adoption of Mr. LEHMAN's amendment of a reduction of $1 billion, we meet the overall targets of the budget resolution. It is difficult to advocate reductions in programs that are beneficial to the American people. I salute the chairman for his recognition of the budget crisis and his courage to propose cuts.

At a time when efforts are aimed at reducing Federal spending, I believe it is imperative to see new financing policies—policies needed to be able to continue transportation and public improvement projects in the future.

Repeated large budget deficits require that Congress also adopt creative strategies to reduce Government spending while maintaining essential public services, such as public transportation. One possible alternative which should be examined for operation of transit systems is privatization. I feel it is necessary to expand the role of the private sector in public transportation. There clearly are benefits for the private sector in development of public transit. The private sector, then, should share the cost. Report language accompanying this bill clearly states that the potential of the private sector to reduce costs and improve service must not be overlooked. I believe the report language regarding privatization in this appropriations bill is an important step in the right direction.

I also want to make special reference to a small, but increasingly significant aspect of the Transportation appropriations bill. This is the St. Lawrence Seaway Development Corporation. The opening of the St. Lawrence Seaway 25 years ago made the Great Lakes a new seacoast for international trade by both the United States and Canada. The seaway is one of our Nation's most important transportation routes, and has a vital role in our manufacturing, farming, and defense capabilities. I believe this waterway linking our industrial heartland to world ports has an even greater potential for the future. Taking maximum advantage of that potential is important to our balance of trade and employment outlook.

My primary efforts this session have been aimed at reducing the huge budget deficit. Toward that end, I have introduced and/or supported efforts to curtail Federal spending on a wide variety of programs. The only way Federal spending can be reduced equitably is for every program to take its fair share of spending limitations. So we come to the Transportation appropriations bill—and spending provided for in this legislation is limited. I am proud that the subcommittee of which I am a member has produced such a bill, and I urge my colleagues to support it. Thank you.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the Coughlin amendment to delete all funds for the Westway project in New York City. I agree with my distinguished chairman and ranking minority member of the Public Works Committee that the DOT appropriations bill is not the proper place to address this issue.I would like to reiterate what was said by the Gentleman from New Jersey [Mr. HOWARD], that in no way is a vote against the Coughlin amendment a vote against legitimate environmental concerns; in no way is it a vote for more outrageous, pork-berrel spending. My record will show that I am an ardent environmentalist, and that I have worked hard to achieve serious, balanced cutbacks in Government spending.

The Coughlin amendment was rejected by the Transportation Appropriations Subcommittee and the full Appropriations Committee and for sound reasons. It is very poor legislative practice, and I think it is very unfair to the State and city of New York to deny this issue a full hearing before the committee which has sole jurisdiction over Westway, the House Public Works Committee.

The chairman of that committee has a bill of his own that addresses Westway, and has made clear his intention to hold, before the end of the month, a full committee hearing on Westway during consideration of the Surface Transportation Assistance Act.

The Public Works Committee is the proper forum for addressing this issue in a thorough fasion. It is the only forum which guarantees that the right of New Yorkers, and all American taxpayers, to all fair consideraion of a aspects of federally supported transportation policy in the city of New York.

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. KILDEE] having assumed the chair, Mr. LEHMAN of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 307, nays 102, answered not voting 25, as follows:

[Roll No. 305]

YEAS—307

Ackerman	Coughlin	Guarini
Akaka	Courter	Gunderson
Alexander	Coyne	Hall (OH)
Anderson	Crockett	Hall, Ralph
Andrews	Darden	Hamilton
Annunzio	Daschle	Hammerschmidt
Anthony	Davis	Hatcher
Applegate	de la Garza	Hawkins
Aspin	Dellums	Hayes
Atkins	Derrick	Hefner
AuCoin	Dicks	Henry
Barnard	DioGuardi	Hillis
Barnes	Dixon	Holt
Bates	Donnelly	Horton
Bedell	Dorgan (ND)	Howard
Beilenson	Downey	Hoyer
Bennett	Duncan	Huckaby
Bentley	Durbin	Hughes
Bereuter	Dwyer	Hutto
Berman	Dyson	Jeffords
Biaggi	Early	Jenkins
Boehlert	Eckart (OH)	Johnson
Boggs	Edgar	Jones (NC)
Boland	Edwards (CA)	Jones (OK)
Boner (TN)	Emerson	Jones (TN)
Bonior (MI)	English	Kanjorski
Bonker	Erdreich	Kaptur
Borski	Evans (IL)	Kennelly
Bosco	Fazio	Kildee
Boucher	Feighan	Kolter
Boxer	Fields	Kostmayer
Breaux	Flippo	Kramer
Brooks	Florio	LaFalce
Brown (CA)	Foglietta	Lantos
Bruce	Foley	Lehman (FL)
Bryant	Ford (MI)	Leland
Burton (CA)	Ford (TN)	Lent
Bustamante	Fowler	Levin (MI)
Byron	Frank	Levine (CA)
Callahan	Frost	Lewis (CA)
Carney	Fuqua	Lewis (FL)
Carper	Gallo	Ligitfoot
Carr	Garcia	Lipinski
Chandler	Gaydos	Livingston
Chapman	Gejdenson	Lloyd
Chappell	Gephardt	Lowry (WA)
Clay	Gilman	Lujan
Clinger	Glickman	Luken
Coelho	Gonzalez	MacKay
Coleman (MO)	Gordon	Madigan
Coleman (TX)	Gradison	Manton
Collins	Gray (IL)	Markey
Conte	Green	Marlenee
Cooper	Grotberg	Martin (NY)
Martinez	Porter	Snyder
Mavroules	Price	Solarz
Mazzoli	Quillen	Spratt
McCain	Rahall	St Germain
McCloskey	Rangel	Staggers
McCurdy	Ray	Stallings
McDade	Regula	Stark
McGrath	Reid	Stokes
McHugh	Richardson	Stratton
McKernan	Ridge	Studds
McKinney	Rinaldo	Swift
Meyers	Ritter	Synar
Mica	Robinson	Tallon
Mikulski	Rodino	Tauzin
Miller (CA)	Roe	Taylor
Miller (WA)	Rogers	Thomas (GA)
Mineta	Rose	Torres
Mitchell	Rostenkowski	Torricelli
Moakley	Roukema	Towns
Molinari	Rowland (CT)	Traficant
Mollohan	Rowland (GA)	Traxler
Montgomery	Roybal	Udall
Moody	Rudd	Valentine
Moore	Russo	Vander Jagt
Morrison (CT)	Sabo	Vento
Morrison (WA)	Savage	Visclosky
Mrazek	Saxton	Volkmer
Murphy	Schaefer	Walgren
Murtha	Scheuer	Watkins
Myers	Schneider	Waxman
Natcher	Schroeder	Weiss
Nelson	Schulze	Wheat
Nichols	Schumer	Whitley
Nowak	Seiberling	Whitten
O'Brien	Sharp	Williams
Oakar	Shaw	Wilson
Oberstar	Sikorski	Wirth
Obey	Siljander	Wise
Olin	Sisisky	Wolf
Ortiz	Skeen	Wolpe
Owens	Skelton	Wortley
Panetta	Slattery	Wright
Parris	Slaughter	Wylie
Pease	Smith (FL)	Yates
Penny	Smith (IA)	Yatron
Pepper	Smith (NE)	Young (AK)
Perkins	Smith (NJ)	Young (MO)
Petri	Smith, Robert	
Pickle	Snowe	

NAYS—102

Archer	Frenzel	Monson
Armey	Gekas	Moorhead
Badham	Gingrich	Neal
Bartlett	Goodling	Nielson
Barton	Gregg	Oxley
Bateman	Hansen	Packard
Bliley	Hartnett	Pashayan
Boulter	Heftel	Roberts
Broomfield	Hendon	Roemer
Brown (CO)	Hertel	Roth
Broyhill	Hiler	Schuette
Burton (IN)	Hopkins	Sensenbrenner
Campbell	Hubbard	Shelby
Chappie	Hyde	Shumway
Cheney	Jacobs	Shuster
Coats	Kasich	Smith (NH)
Cobey	Kemp	Smith, Denny
Coble	Kindness	Solomon
Combest	Kolbe	Spence
Craig	Lagomarsino	Stangeland
Daniel	Latta	Stenholm
Dannemeyer	Leach (IA)	Stump
Daub	Loeffler	Sundquist
DeLay	Lott	Sweeney
DeWine	Lowery (CA)	Swindall
Dickinson	Lungren	Tauke
Dornan (CA)	Mack	Thomas (CA)
Dreier	Martin (IL)	Vucanovich
Eckert (NY)	McCandless	Walker
Edwards (OK)	McCollum	Weaver
Evans (IA)	McEwen	Whitehurst
Fawell	McMillan	Whittaker
Fiedler	Michel	Wyden
Franklin	Miller (OH)	Zschau

NOT VOTING—25

Addabbo	Fish	Long
Bevill	Gibbons	Lundine
Bilirakis	Gray (PA)	Matsui
Conyers	Hunter	Pursell
Crane	Ireland	Strang
Dingell	Kastenmeier	Weber
Dowdy	Kleczka	Young (FL)
Dymally	Leath (TX)	
Fascell	Lehman (CA)	

□ 1410

Mr. GOODLING changed his vote from "yea" to "nay."

Mr. MINETA changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING PETE ROSE ON BECOMING ALL-TIME MAJOR LEAGUE LEADER IN BASEBALL HITS

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 61) to commend Pete Rose on becoming the all-time major league leader in baseball hits, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Ohio, Mr. THOMAS LUKEN, who is the chief sponsor of the House resolution.

Mr. LUKEN. Mr. Speaker, I rise today on behalf of myself, Mr. GRADISON and 18 of our colleagues, who represent areas in Ohio, Indiana, and Kentucky from which the Cincinnati Reds draw fans, in support of this resolution (S. Con. Res. 61) in order to salute and honor a man whose accomplishments on the baseball diamond are legend. We glow with pride that Pete Rose was born and raised in Cincinnati, and that he has played 16 seasons as a Red.

Last evening in Cincinnati, Pete Rose broke Ty Cobb's record of 4,191 major league hits, lining a sharp single to left field.

Pete represents the American dream. More, he has accomplished the impossible dream. Several years ago when he set out on this quest, experts scoffed. The smart money was wagered on age, infirmity, injury preventing fulfillment of his dream.

But Pete proved once again that the impossible dream can be a reality in America, where determination and perseverance can carry one to any heights.

So we honor Pete Rose because of his heart, his grit, his quality of rising above the crowd by sheer fortitude and will. Pete Rose embodies much more than mere athletic ability.

It is fitting and appropriate that Pete Rose be honored by the House of Representatives and the Senate of the United States for making baseball history. Cosponsors of the resolution in the House are:

BILL GRADISON of Ohio; ROBERT GARCIA of New York; FREDERICK BOUCHER of Virginia; DAN BURTON of Indiana; MICHAEL DEWINE of Ohio; TONY HALL of Ohio; LEE HAMILTON of Indiana; LARRY HOPKINS of Kentucky; CARL HUBBARD, JR. of Kentucky; TOM KINDNESS of Ohio; ROMANO MAZZOLI of Kentucky; BOB MCEWEN of Ohio; WILLIAM NATCHER of Kentucky; DON PEASE of Ohio; CARL PERKINS of Kentucky; HAROLD ROGERS of Kentucky; PHIL SHARP of Indiana; GENE SNYDER of Kentucky; BOB WISE of West Virginia; and CHALMERS WYLIE of Ohio.

Mr. HANSEN. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I am happy to join with my colleague from Ohio in support of this resolution.

When Pete Rose first stepped onto the field as a second baseman for the Cincinnati Reds in 1963, no one doubted his love for the game of baseball and the zest with which he played it. In the ensuing 23 years, fans of the national pastime across the country have followed the brilliant career of "Charlie Hustle" as he set new records and appeared in numerous All-Star Games, National League championships and the World Series.

Last night, yet another record fell to the bat of Pete Rose. When Ty Cobb, a similarly determined player, retired from baseball in 1928 with 4,191 hits to his credit, it was considered an unsurpassable mark. As he has done so often, Pete has set a new standard. As a player and a manager, Pete Rose has consistently demonstrated the virtue of hard work and a commitment ot excellence that has inspired countless fans and players not only to use the talents they have but to strive to reach ever-higher levels of achievement. Along the way, Pete has left sports fans across the country with memories of head-first slides and sharp line drives. I am proud that Pete Rose and the Cincinnati Reds are constituents of mine.

Mr. HANSEN. Mr. Speaker, I appreciate the excellent remarks of the gentleman from Ohio.

At this time, I yield to the gentlewoman from Ohio, [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding and want to thank my chairman for his courtesy as well.

As an Ohioan, I am really proud of Pete Rose, and I think today we need today contemporary heroes. He is a genuine hero, and he is a regular guy, and I think it is terrific. I know that my colleague from Cincinnati, my good friend, Congressman LUKEN, who has been awaiting this resolution from the other body all day and all week trying to get it passed, I want to commend him for his work on this as well. I am just real proud that Pete Rose broke the record.

Mr. HANSEN. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I thank my colleague from Utah for yielding. I think we should try and set a couple of records straight here before we do anything else.

No. 1, this committee has stated very specifically that we will not pass a resolution on this floor honoring any living person, and I think it is important that the record indicate that.

I believe that what happened last night in Cincinnati is a once in probably a forever period of time. I do not believe anybody else will ever break the record that was broken last night by Pete Rose of the Cincinnati Reds.

So having said that, and having people understand that this is the first time that we have honored a living person in a resolution, that it is a double honor in the case of Pete Rose.

Now I also want to make it clear to my friend from Ohio that you do not have to be from Ohio to love Pete Rose. And those of us from New York, and especially myself who lives within a 2-minute walk from Yankee Stadium, that in spite of this moment in which I give way to my fanaticism for the sport of baseball, I would like to make it very clear that I remain a loyal Yankee fan. And if Pete Rose and the Cincinnati Reds should ever end up in Yankee Stadium, that this moment will be part of the past, and as we go on to the future, we will do everything possible to strike Pete Rose out.

So having said all of that, I say to my colleague from Utah, and my good friend from Cincinnati, Representative TOM LUKEN, to both of you that I am just delighted that when we talk about the crisis in the Middle East, and we talk about the problems of Central America and our deficit, that Pete Rose shines above it all, and he is like the Phoenix and he comes out of the ashes and he says to all of us, hey, let us get back to America's great pasttime, baseball. And that is one area where there is bipartisanship. It does not matter whether you are Republican or Democrat, a liberal or a conservative.

So I say to Pete Rose, wherever he is right now, we thank you for bringing us together on this historic day.

□ 1425

Mr. HANSEN. Let me just say that the eloquent remarks from the chairman of the committee are well stated. We appreciate them very much. We

will see whether or not the gentleman qualifies as a prophet when he says that this never will happen again or that he seriously doubts it.

Mr. Speaker, at this point I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I join with the others in enthusiastically sponsoring and supporting this resolution. You know, as a non-Ohioan, as a Kentuckian, seeing those tens of thousands of young people who travel from Kentucky, from West Virginia, and the surrounding areas to Cincinnati to watch the Reds play, Pete Rose is today perhaps one of the premier examples in their lives. What a joy it is to see a person who plays the game with such zest and such joy, who is the eternal teenager yet we all know he is a couple of years past that, but the joy and zest that we see this prime example for our youngsters playing, at a time when we see perhaps some others in the sports setting being perhaps an example that we would not wish to be set, is especially true at this point, to see this man lifting our spirits and lifting the example for our youngsters to watch.

So for all of those Kentuckians and all of those West Virginians and Indianans and all the others who come to those games in Cincinnati to watch Pete Rose and the Reds, we say salute again to a great American sports hero and a great figure in the game, forever, of course, Pete Rose.

Mr. HANSEN. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. I thank the gentleman for yielding.

I want to point out to my fellow colleague from New York, and we are so proud to be from the Empire State, that there is a great deal of identification with Pete Rose and New York.

First of all, he started his very distinguished baseball career with the Geneva, NY, Red Legs. Second he is going to end up in New York. Very few of us know where future constituents are going to come from. I am one exception, because I have the privilege of representing Cooperstown, NY, with the National Baseball Hall of Fame and Museum located there, and we all know because of his very distinguished accomplishments on the playing field Pete Rose will return whence he came. He started in Geneva NY. He will return to Cooperstown, NY, where I will invite all of my colleagues at the appropriate time to join in the induction ceremony for a very able professional.

I thank the gentleman for yielding.

Mr. HANSEN. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Speaker, in 1963 an enthusiastic young man donned a Cincinnati Reds uniform for his first full season in the major leagues. His aggressive style of play, immense desire and wit immediately set him apart from other rookies in the major leagues that year.

At age 44 that characteristic style and winning attitude, marked by head-first slides and running instead of walking to first base after a walk, continue to set Peter Edward Rose apart from his colleagues in major league baseball.

In lining a base hit to left-center field in the first inning last night, number 4,192 of his illustrious career, Peter Rose has now amassed more base hits over his career than any other player in the history of our national pastime.

On this occasion, we congratulate and commend him on achieving what many of us thought was not possible. Indeed, we thought the Cobb record would stand forever.

Many comparisons have been made between Ty Cobb and Peter Rose, and it's a good bet that they will continue. But I hope in making all these comparisons we do not forget the inspiring message in this accomplishment.

Since his early days in baseball, fans have witnessed the enormous success of this man borne from tremendous dedication and hard work. In effect, we have witnessed his living our American dream.

Congratulations on this great accomplishment, Pete.

Mr. HANSEN. I thank the gentleman for his comments.

Mr. Speaker, at this time I yield to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Senate Concurrent Resolution 61 commending Pete Rose for breaking the record that he broke last evening. I think today youngsters need someone whom they can watch. The youngsters do not need critics; they need models. Pete Rose became a model for many, many youngsters. I think it would be worthwhile for all of us to look behind the records Pete Rose has set, to look behind last nights historic 4,192d base hit, and look at Pete Rose in the context of the success that can come to an individual if he or she is willing to give 100 percent to the effort before them. Total dedication and commitment are the hallmarks of Pete Rose. He accomplished the feats that have made famous only because of his terrific work ethic, a work ethic that all of America would do well to emulate.

I thank the gentleman for yielding.

Mr. HANSEN. I thank the gentleman for his comments.

Mr. Speaker, at this time I yield to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I take this time to join my colleagues in commemorating this great event. I would point out to all of my distinguished colleagues that we in Philadelphia take a little pride in the success of Mr. Rose. We feel very strongly that during the period he was with us in Philadelphia he benefitted from being in the City of Brotherly Love and Sisterly Affection, and all of us join in congratulating him on the great achievement.

We feel he is part of Philadelphia as well.

Mr. McEWEN. Mr. Speaker, sports fans across the Nation witnessed a baseball milestone last night. Cincinnati Reds Pete Rose got the big knock "number 4,192" which broke Ty Cobb's record for career hits.

Before a standing room only crowd at Riverfront Stadium, Pete slammed a line drive single into left field. The Cincinnati fans responded with a standing ovation for their favorite son. Like the fans at Riverfront Stadium and those across the country, we applaud this great achievement.

Throughout his entire baseball career, Pete Rose has worked hard to attain his goals. Like Ty Cobb, he has strived to become a good hitter. So it should come to no one's surprise that Charlie Hustle has reached this goal.

Mr. Speaker, the Reds player-manager also had a second hit in last night's contest against San Diego. I join with his teammates and friends in congratulating Pete Rose in his effort to set the new all-time record for career hits because sports fans—"You ain't seen nothing yet!"

Mr. BIAGGI. Mr. Speaker, I rise in full support of the resolution (S. Con. Res. 61) to honor Pete Rose, who last night broke Ty Cobb's major league record for total career hits.

In one swing of the bat last night, Peter Edward Rose became a baseball immortal. Perhaps there are some who did not know his name until last night, but it's safe to say that the man they call "Charlie Hustle" did not earn his reputation with one swing of the bat.

In fact, Pete Rose holds 23 National and major league records, including most games played in a career (3,475); most career at bats (13,767); and a record that is perhaps more special than any other to Pete, most winning games played.

That last statistic undoubtedly paints the most accurate picture of Pete Rose—above all else, he is a winner. In fact, two teams—the Philadelphia Phillies and Montreal Expos—gambled huge sums of money on the fact that Pete could turn their image as perennial underachievers into a winning tradition, not necessarily with his considerable talent, but with his attitude.

And, what a refreshing character Pete Rose turned out to be. During an age of

sports' superstars who earn millions of dollars for playing a game and then selfishly claiming they owe nothing to nobody, Pete Rose gives it all back. He has spent hours on end throughout his career signing autographs for adoring fans and granting interviews for anxious reporters who cannot seem to get enough of Pete's quick wit and captivating anecdote. Most telling of all was Pete's reaction to his 0 for 4 performance the night before he set the record. Was he nervous because of the record chase? No. "I was tight on Tuesday," he said, "because I hate to inconvenience people and I felt like I was holding everybody up waiting for this."

When the record was broken was he thinking about all the fame and glory that would now come his way? No. "I looked up in the sky and started thinking about my (late) father. I thought I saw him there. And right behind him was Ty Cobb," he added.

Yes, Pete Rose cried last night when he thought of his father's inspiration, and when he shared his joy with his son, Pete, Jr. He cried because Pete Rose appreciates knowing where he came, and where he is headed—and no record in the world will ever change that.

Pete Rose is also the ultimate in sportsmanship. Throughout the course of the record chase he never had a disparaging word for Ty Cobb, nor would he ever suggest that he was better than the man they called the "Georgia Peach." Instead, he did what only Pete Rose would do. He named his baby son Ty Rose.

When he barreled over catcher Ray Fosse to help the National League win an All-Star game a few years back, essentially ending the young catcher's career, nobody suggested Pete was a dirty player; he just didn't know any other way to play but all out.

Every so often an athletic event or an athlete become larger than life. Last night was one of those memorable times. It is a moment that will be treasured by generations to come. What happened last night was good for all our sakes—but, especially for Pete's sake.

Mr. Speaker, at this time I wish to insert an article that appeared in today's Washington Post chronicling the baseball career of Peter Edward Rose, a real American hero.

[From the Washington Post, Sept. 12, 1985]

ROSE: IT ALL STARTED ON A SPRING DAY 44 YEARS AGO

(By Dave Sell)

History. Pete Rose is part of it.

On April 14, 1941, Harry and LaVerne Rose had a son. Forty-four years 4 months 28 days later, that son, Peter Edward Rose, is the most prolific hitter in the history of baseball. For Pete Rose, it's the most important kind of history.

Last night, he broke Ty Cobb's 57-year-old record for career hits, 4,191, by getting a single for the Cincinnati Reds in the first inning of a 2-0 win over San Diego at Riverfront Stadium, Rose also tripled and walked.

Rose's career began shortly after he graduated (although not without going through 10th grade twice) from Western Hills High School in Cincinnati. The father, who had taken Pete to Crosley Field so many times to watch the Reds and had given his son his own sense of desire and drive, put him on a plane soon after he was awarded his diploma and signed his contract. The contract reportedly was for a whopping $7,000, with a $5,000 bonus if Rose made the big leagues for 30 days.

The bonus clause is somewhat ironic given that one of the 23 National and major league records that Rose holds is for most games played in a career, 3,475. The records that Rose claims, and never has been a shrinking violet about, include most career at bats, 13,767 through Tuesday's game. That one statistic often is the focus of debate when fans argue whether or not Rose is a better hitter than was Cobb, who batted 11,429 times.

Rose began his pro career in 1960 with the Geneva of the New York-Penn League. According to the Reds, he signed on June 18 and made his debut June 25, going two for five. He went on to hit .277 in 85 games. He was the second baseman on that team, pushing Tony Perez, who now platoons with Rose at first base, to third.

In 1961, the year that Cobb died of cancer at the age of 74, Rose hit .331 for the Class D Tampa Tarpons, leading the Florida State League with 160 hits.

Macon, Ga., was home for the summer of 1962. Rose batted .330 and scored a career-high 136 runs in 139 Class A Sally League games.

When Rose arrived in Tampa for spring training in 1963, he wasn't on Cincinnati's 40-man roster, and may have annoyed some of the veterans who didn't take kindly to this kid who ran to first on a walk. Before he made the team, he reportedly received the nickname "Charlie Hustle" from Mickey Mantle.

Rose walked—maybe ran is a better word—in his first at bat in the majors. Bob Friend of the Pittsburgh Pirates may someday find his name in the sports version of Trivial Pursuit as the pitcher who gave up Rose's first big league hit in the fourth game of the season, on April 13. Rose hit .273 that year while playing in 157 games at second and in the outfield, and was named National League rookie of the year by The Sporting News, which would later in his career name him player of the decade.

He would play 16 years with the Reds, during which time he spent only 22 days on the disabled list, before playing out his option and signing with the Philadelphia Phillies in December 1978. He helped the Phillies get to two World Series. But in 1983, he hit only .245, and was released after the season. The Montreal Expos signed him Jan. 20, 1984, hoping his experience would help a team that was a chronic underachiever win a pennant.

But he didn't spend much time in Montreal. It was time to go home. Vern Rapp was struggling as manager of the Reds. By Aug. 16, Rapp was unemployed, replaced by the prodigal son.

Rose had come home. Some wondered if the Reds were making the move more for the increased attendance that Rose's chase of Cobb would bring than for reasons of improving the team. But Rose has proved those skeptics wrong. The Reds are winning, and, now, he has his record.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 61

Whereas Peter Edward Rose has become the all-time leader in base hits in the history of the American pastime, Major League Baseball, by surpassing the record of four thousand one hundred and ninety-one of the great Ty Cobb;

Whereas Pete Rose has played in more winning games than any other player in Major League history;

Whereas Pete Rose won three National League batting titles in 1968, 1969, and 1973;

Whereas Pete Rose was named National League Rookie of the Year in 1963, National League Most Valuable Player in 1973, and the World Series Most Valuable Player in 1975;

Whereas Pete Rose was named the National League Player of the Decade for the period 1970 through 1979 by the "The Sporting News";

Whereas Pete Rose has been named to the National League All-Star Team sixteen times, including ten straight years (1973 through 1982), and has started at five different positions in All-Star games;

Whereas Pete Rose has played in seven National League Championship Series and six World Series; and

Whereas Pete Rose holds all-time Major League records for most games played; for most at-bats; for most singles; for most hits by a switch-hitter; for most total bases by a switch-hitter; for most seasons of two hundred or more hits; for most seasons of one hundred and fifty or more games; and for highest fielding percentage by an outfielder for one thousand or more games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress to commend Peter Edward Rose on the achievement of becoming the all-time Major League leader in base hits and to recognize all the accomplishments and the inspirational manner in which Pete Rose has played the game of baseball, the National Pastime.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to Peter Edward Rose.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on Senate Concurrent Resolution 61.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT FRIDAY, SEPTEMBER 13, 1985 TO FILE REPORT ON H.R. 2100

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tomorrow Friday, September 13, 1985, to file a report on the bill, H.R. 2100, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 262 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7.

The Chair designates the gentleman from Kansas [Mr. SLATTERY] as Chairman of the Committee of the Whole, and requests the gentleman from New York [Mr. GARCIA] to assume the chair temporarily.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, with Mr. GARCIA, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret to have to rise somewhat on a negative note, but this morning on this particular proposal a great amount of misinformation was given which gives the impression that this bill is being taken up not in compliance with the budget resolution and, in some way, in a rather suspect manner. Such is not the fact, and I regret that some individuals were misinformed as to the extent to which this bill is in simple compliance not only with the budget resolution but in many ways with what has been expressed by the administration.

Unfortunately, several individuals who spoke about the bill this morning and about the rule gave the impression that this is a budget-busting proposal and that it really authorizes new programs and that many of these programs do not conform to the limits expressed in the budget resolution.

I think it is most unfortunate that individuals who talk about fiscal responsibility in a very high intellectual manner have very short memories. Three of the gentlemen who spoke, two from Texas and the other gentleman from Pennsylvania, this morning, on a motion made some time ago, on June 18, 1985, on Mr. ASPIN's motion to conform the defense authorization bill to the budget resolution, voted against this amendment which would have reduced the defense appropriation by $10 billion so as to conform to the budget resolution, who today have reversed themselves and now wish to oppose merely $121 million as compared with the $10 billion and speak then of fiscal responsibility.

It seems to me that in considering a little bill to help the children of this Nation they have not demonstrated very much fiscal responsibility.

Now, H.R. 7, as was explained by Mr. GOODLING, a member of the committee, the ranking minority member of the subcommittee that handled this bill this morning, H.R. 7 merely reauthorizes, not authorizes but merely reauthorizes, five specific programs. These programs are the School Lunch and Child Nutrition Amendments of 1985 which would reauthorize the special supplemental food program for woman, infants, and children, sometimes known as the WIC Program; the summer food service program for children; the commodity distribution program; the State administrative expenses and nutrition education and training programs.

It should be thoroughly understood that this is simply a reauthorization, that the administration supports the extension of all of these programs.

They are the same programs that we reauthorized just a few years ago in this House by a vote of 343 to 72, except that at that time the expense was much greater, was substantially greater. We have reduced it. So that we have already voted for a much stronger bill than that which is before the committe today.

These programs expired in September 1984, and we are still trying to reauthorize and extend these programs merely by a continuing resolution.

Now, testimony before the committee has demonstrated that these programs have widespread support, that they have been successful, that they are cost effective, and yet they have been the ones that have borne more than their fair share of the budget cuts since 1981.

Let me just briefly describe these five programs. The WIC Program provides nutritious supplemental food to pregnant and post-partum women and infants and childran through age 4. These are persons determined to be at nutritional risk because of inadequate nutrition and inadequate income.

Currently the WIC caseload is just over 3 million, and this is about one-third of the target group.

That we are not doing nearly enough in this regard and have not been over generous, I think, is reflected in the fact that this Nation, among the developed nations, stands 16th in terms of infant mortality.

Last year, 1984, there were 40,000 infant deaths attributed in one way or the other to this serious problem.

A second program which is being extended, the summer food service program for children, which provides food for children in low income areas during the summer months. A third program extends the authority for commodity distribution which requires the Secretary of Agriculture to meet the legislatively-mandated levels of commodity support for the Child Nutrition and Older Americans Act.

It is possible if we do not act on this program and provide for the funding of it through section 32 customs receipt funds, that these programs would have to be funded out of the general funds of the Treasury, and this would require, instead, that we would increase rather than, in this instance, decrease the deficit.

The fourth expiring program provides for payments to the States to assist in meeting the administrative costs of operating various Federal child feeding programs. The last expiring program is the nutrition, education, and training program. This program provides grants to the States to instruct students on the nutritional value of food and to train school food personnel to improve their management of these programs. In addition to extending the five expiring programs, H.R. 7 also provides for a modest expansion of the proven cost-effective programs in the amount of $120 million merely to increase efficiency in handling an increasing caseload. The WIC Program, it should be remembered, has been deemed by experts to be one of the most cost-effective Federal programs in existence.

Numerous studies show that the WIC Program is a sound investment of Federal funds, that saves billions of dollars in health expenditures through prevention and intervention.

Currently, for example, on a unit basis we are paying out $400 to $500, approximately, in this program, as compared with a later cost, if we did not make this expenditure, of several thousands in intensive care in hospitals. This has been well documented,

to say nothing in this instance of the cost of dealing with retardation, cerebral palsy, seizures, poor vision resulting from low birth weight which this proposal addresses.

□ 1440

An evaluation of the National School Breakfast Feeding Program, sponsored in 1984 by the Department of Agriculture, estimated that 3 million children in the United States who now skip breakfast would not do so if the breakfast program were available to them.

This same study also regrettably concluded that the School Breakfast Program does not currently provide adequate amounts of certain vitamins and that therefore they have recommended to us on the committee that these meals to be improved; and we have done so.

H.R. 7, therefore, adds 6 cents a meal to the breakfast program in order to correct these iron and vitamin deficiencies as disclosed by the Department of Agriculture.

This investment will return benefits for years to come. There are many studies and testimony of expert witnesses to indicate a direct correlation between children who are well nourished and their motivation in school.

H.R. 7 also makes milk available to kindergartern students, raises the tuition ceiling from $1,500 annually to $2,500 for private school participation, and authorizes $1 million to purchase food equipment.

Mr. Chairman, since 1981, the budget cutbacks in the child nutrition programs have been approximately $5 billion. A Congressional Budget Office report has shown that as a result of these cuts, millions of children and thousands of schools were dropped from the program. One-third of these children were from low-income families.

Though I am, like my colleagues, deeply concerned about the Federal deficit, I earnestly believe that adequate funding of the Child Nutrition Program is a sound investment in our children's future. If a person is hungry, there is not much motivation to do anything.

I further believe that it is in our national interests, and a wise investment for the present and the future that we put an end to hunger in our society.

The President was right in September 1984 when he said, and I quote him: "If even one American child is forced to go to bed hungry, that is a national tragedy." The President was right in 1984; should we do less in 1985 then we did in 1984?

As a task force, the Harvard School of Health has said:

Hunger is now more widespread and serious in the United States than at any time in the last 10 to 15 years.

Therefore, Mr. Chairman, I submit that we must act and we must act promptly. There is no greater cause; there is no sounder investment, and there is no greater moral responsibility.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Texas.

Mr. LELAND. Mr. Chairman, I rise in strong support of H.R. 7 as reported by the House Education and Labor Committee. Earlier this year Representative HAWKINS, the author of this bill, joined me in introducing H.R. 1856, the Comprehensive Nutrition Assistance Act of 1985. I am pleased to note that many of the provisions from my bill are included in the legislation before us today. I would hope that all my colleagues will join me in voting for H.R. 7 today.

H.R. 7 passed the committee by unanimous consent. It is a solid bipartisan package that provides modest, but important, improvements in WIC and other child nutrition programs. The fact that these improvements are primarily targeted to particularly vulnerable groups in our society lends even more credence to the critical need for approval of this bill.

For example, H.R. 7 increases the WIC Program authorization to permit the addition of approximately 120,000 participants. WIC provides crucial nutrition and health services to low-income pregnant women, infants, and children who are determined to be at nutritional risk. the latest available figures indicate that the program serves less than one-third of those who are potentially eligible for benefits. I have always been a proponent of the WIC Program. As chairman of the Select Committee on Hunger, I have gained a more extensive understanding of just how cost effective and successful this program is in improving pregnancy outcomes and child health.

In addition, H.R. 7 provides a nominal increase in the reimbursement rate for meals under the school breakfast program. This provision responds directly to recommendations included in a 1983 USDA report that the school breakfast meal pattern be improved. Considering the majority of existing programs are found in low-income areas and 91 percent of the participants are poor, I believe that this provision reflects a solid contribution to the nutritional well-being of our children.

Census Bureau statistics released just last month indicate that the 1984 poverty rate for all children was 21.3 percent. There continues to be a prevalence of poverty among children. I believe this condition clearly dictates the need for a continued commitment to the maintenance of quality benefits under child nutrition programs.

Mr. Chairman, it would be detrimental to the health and welfare of the children of this Nation if we reduced services provided by these programs. A vote for H.R. 7 demonstrates that we will not renege on our obligation to this Nation's most valuable resource, its children.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I address my colleagues today in support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. This legislation seeks to reauthorize five important child nutrition programs, programs which are shortly due to expire.

These programs, without question, are critical to the health and welfare of thousands of Americans. I strongly urge my colleagues to place their full support behind this important piece of legislation. It is imperative that we maintain these valuable programs, and, in doing so, reaffirm our commitment to what is perhaps this Nation's greatest asset—its children.

I would like to ask my colleagues to recall that in 1984, the House voted to reauthorize these programs by an overwhelming vote of 343 to 72. And the bill which we now consider would provide for spending levels that are even more prudent. In short, this measure is a fiscally responsible initiative, and one which possesses a strong degree of bipartisan support. It provides for a modest expansion in services, and, something which we all must keep in mind, this growth is specifically targeted at those Americans who are most in need. Finally, I would add that the bill, as reported out of committee, is entirely consistent with the budget resolution adopted by the Congress in August.

Programs such as the ones which we seek to reauthorize today are worthy of support largely in and of themselves. The services which are provided are of enormous value to thousands of children throughout this Nation. Indeed, it is rare that we question the worth of these services. It is significant to realize, however, that we are able to defend these programs not only on the basis of their social value, but also on the basis of their cost effectiveness. In fact, there are few programs that prove to be as cost effective as the one which we address today.

Numerous studies have demonstrated that child nutrition programs ultimately save more money than that which is initially authorized. I would cite, as an excellent example, the Supplemental Food Program for Women, Infants, and Children, commonly referred to as the WIC Program. It is estimated that for every $1 spent on the WIC Program, $3 is saved in terms of the money that would eventually have been spent on health services. I recommend to my colleagues that you refer to a recent bipartisan staff report entitled "Opportunities for Success: Cost Effective Prorams for Children." This report, issued by the Select Committee on Children, Youth, and Families, clearly illustrates the cost benefits of these programs, as well as their contribution to America's children.

In closing, I would like to emphasize the fact that these programs have suffered budget cuts in excess of $5 billion over the last 4 years. Yet during this same period, the number of poor children in the United States has increased by 33 percent. Clearly,

these programs have taken their share of the burden in the ongoing budget-cutting process. The WIC Program, and other child nutrition programs, are so critical to the health and welfare of our citizens, that it is our duty to preserve, and, indeed, strengthen them. Let us today reaffirm our commitment to our Nation's youth. Let us strongly support the measure before us, so that these vital programs may continue to benefit so many American children.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I want to begin by saying that I have a great deal of respect for the chairman of this committee, the gentleman from California [Mr. HAWKINS]; I found him as a chairman to be at all times fair and courteous and very sincere in his efforts.

We are both here today to reauthorize the several programs contained in H.R. 7, and on that issue, we have no dispute; these programs should be, and no doubt will be, reauthorized.

The issue then becomes as to how those reauthorizations will occur and whether the House will be able to make modifications in the reauthorization and indeed in the underlying legislation to provide for some fair modifications so as to limit the rate of increase that are in these programs.

Now I suppose I am not surprised that Defense would come up; I suppose I am surprised that the Defense bill would come up so early in the debate. There are good and valid arguments affecting national security of this country on both sides of the debate as to how far we should cut or add to the defense budget and how fast.

The defense vote will be up next week, not today. What we have before us today are a series of programs that, unless this House acts with some amendments, will be allowed to increase by approximately 36 percent over the next 5 years under these reauthorizations.

Now the size of the bill itself and the changes that the committee made, some of them were good and in fact I support many of those changes. The difficulty is if you accumulate the total cost of these programs including the changes but also the underlying programs that the Congress has never gotten around to changing, you add an additional $400 million in spending next year, from $5.5 billion to almost $6 billion; $5.9 billion; and if you add up the total cost over 5 years, you will add some $2 billion in Federal expenditures, or a 36-percent increase on an annual basis at the end of that 5 years.

So the issue is not whether to reauthorize the School Lunch Program; the issue is how best to reauthorize it. The issue is not even as to whether to increase funding for school lunches, school breakfasts, and WIC, but how best to increase that funding and what is the amount that will keep this Congress from hurting the needy people of this country, who also need and need even more reduction of the Federal operating deficit so that interest rates might come down and unemployment might come down, and their parents might get jobs, and their families might be able to buy homes.

I would take a minute to set what I think the procedure will be for the House Members, I know, who are wondering how long we will be here on this bill. We will have an hour of debate and then I will offer a series of amendments, five in total, one of which may well be accepted by all sides; and that would leave four. I had offered to offer these four amendments either en bloc or in some sort of a block, but a number of Members on both sides of the aisle have requested the opportunity to vote on them separately; and that is the request of the leadership for both the majority and the minority of the committee, and so that is their decision, and that is fine with me.

The numbers are large; the School Lunch Programs are important; and the size of the increases are extraordinarily large and extraordinarily negative, and so I think the House will and should take sufficient time to consider each of these amendments in detail as to what they do, and then the cumulative effect of the amendments.

Mr. Chairman, just a word about the bill itself. The bill does make some needed improvements. For example, the WIC Program will be reauthorized and extended to, I think, save Federal dollars over a long period of time by lowering the cost of neonatal care by providing for additional nutrition for prenatal care.

The School Breakfast and Lunch Programs will be changed in a number of ways that many of us have advocated, including an offer versus serve of the School Breakfast Program and a study of the allocation formula of the State administrative expense.

The authorization continues to ignore budgetary and indeed economic restraints on the programs, and H.R. 7 does not target scarce Federal resources to the needy.

Now it is one thing to advocate continued funding for those programs that serve low-income families in this country; the needy, and I support that. It is another thing to support large increases in those same fundings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODLING. I yield 1 additional minute to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I will take my 1 minute and then we will have some additional debate during the amendments.

I will be offering five amendments, including an amendment to simplify the program at the local government level; to delete the now program that would be reinstated of the food service equipment assistance, to instate the same means test for family day care homes for school lunch, the same means test that every other part of the School Lunch and School Breakfast Program has; to eliminate the cash subsidies of nonneedy students; that is to say that portion of the subsidies that goes not to the low income but to the middle income at the rate of 12½ cents cash subsidy per student, and to freeze for 1 year the automatic COLA increase that would occur on July 1, 1986.

□ 1450

The cumulative effect of the amendments would be to reduce annual spending of these programs by $931 million, almost $1 billion, at the end of 5 years, or to cut in half the increases. So if these amendments were adopted, we would be at a freeze level.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, it is a real pleasure to stand here on the House floor and talk today about something that I believe very deeply in, and that, of course, is H.R. 7, the School Lunch and Child Nutrition Amendments of 1985.

Now, when we talk about this particular piece of legislation, we are talking in broad strokes about some of the most important programs that we have in our country. We are talking about programs that affect your children and our children. We are talking about things that are very basic. We are talking about food. We are talking about the ability to go to school and have some food in your stomach.

Back in 1981, these programs were cut by this Congress drastically. During that time period these programs have taken $5.2 billion in cuts over these last 4 years in combating of hunger among our children.

Now, the problem is getting worse, and the number of poor children who need proper nutrition has grown by over 1 million. It is a terrible fact that since 1981 the elimination of these programs has forced over 800,000 children to go without these services. The school districts simply cannot afford to continue to offer free or reduced breakfasts or lunches. We are moving backward. We have moved backward fast in the last 4 years in our efforts to help these children. I am sure this was not the intent of the Congress and those who voted for those cuts in that time period, but the simple fact of the matter is, that is what has occurred. We have gone backward in terms of nutrition and helping poor children in the last 4 years. In the face of the growing number of hungry children, I

do not see how anyone can refuse to support fully this particular type of legislation. We will deal with the individual amendments when they come up. But I can truthfully say to you that there are children who live in poverty in every district of the United States of America, every Congressman in this House of Representatives has children in their districts that have this particular type of problem. No area is immune to this plot. Now is our chance to recapture some of the lost momentum of the fight against poverty and the fight against hunger right here in America.

We passed legislation in this House to provide assistance to the needy people of Africa. That was right and good. But now let us, the Members of the 99th Congress, do the same for the children that we represent. For the sake of our children and the sake of the future of our children, I urge overwhelming passage of this legislation.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont [Mr. JEFFORDS], the ranking minority member of our committee.

Mr. JEFFORDS. Mr. Chairman, we have an extremely important bill before us today. First of all, I want to commend all of the members of the committee, and especially the chairman of the committee, the chairman of the subcommittee, and the ranking minority member of the subcommittee for putting together a nutrition bill that I think we all should support.

I know, in this day and age when we are suffering from problems of budget deficits and it is necessary for us to try to save every dollar we can, that we have to look very carefully at bills that come to the House floor. The cry is to freeze everything, do not increase anything, and thus we can bring the budget under better control. But there are areas where it does make sense for exceptions, where a program will end up actually saving money, not costing money.

Before getting into that rationale, I would like to say that there are no new entitlement programs in this bill. There are some changes and some modifications in the bill, and with respect to the all-important WIC Program there is even more money to attempt to increase our participation levels.

Let us take a look at what this bill does and, more importantly, what nutrition has done for this country and what the facts show is occurring now.

First of all, good nutrition does save money. The gentleman from California alluded earlier to a report that came out today, a briefing that I attended, which indicated that statistically the facts show that over the years 1980 to 1983, notwithstanding the fact that the country itself improved in such areas as infant mortality and low birthweight, in the poor rural areas we had a significant increase in infant mortality and low birthweight. What is the result of this and what are the implications of these facts for the budget?

We have essentially frozen WIC, as far as the number of people who have been able to participate in this program over the last few years, and we have decreased the amount of money available in food stamps by some $2 billion over the then-current policy of some 4 years ago. The results of the study indicate that this may well be having its ramifications on the health of our country.

What do these program changes mean to us, not only in the sense of what we would like to do for ensuring that our young people are born healthy, but also its ramifications for the budget. We have more young babies born with low birthweight in certain areas and population groups. It costs us about $2,000 a day until that baby comes to a point where it can be self-sustaining.

Studies have indicated very clearly that the WIC Program is a money-saving program. It saves, a Harvard study shows, about $3 for every $1 spent. Thus, we are not saving money by freezing the participation in the WIC Program.

My State of Vermont provides further empirical evidence that this program does work. Whereas the national participation in this program varies somewhere between 30 and 50 percent, the participation in Vermont, among the first States to have the WIC Program, is close to 80 percent. Vermont is one of the most rural areas of the country, has some of the highest poverty, ranked 38th in per capita income and 46th in average wages, yet, our birthweight problem is less than the national average, as is our infant mortality rate.

What would that mean, for instance, if the rest of the country would have the same participation rate as the State of Vermont? It would mean that if we were to spend that extra money to bring the national rate to 80 percent, the net effect would be that we would save in the budget $3.2 billion each year in Medicaid costs and other health services costs.

So, let us delude ourselves in thinking that if we take off a few dollars or if we were to cut rather than expand the WIC Program the very modest bit that we do here, that we would somehow be saving money. It would be a false saving. It would do nothing other than to increase our budget problems, as well as to reduce our compassion for those who need help in the most rural areas of this country.

I want to end by again commending those who have worked so hard, the gentleman from California, the chairman of our committee, and all of the members, including the ranking minority member from Pennsylvania, who have done such an outstanding job in bringing a program here before us. A bill which we can ardently support on both sides of the aisle.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I rise today in strong support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. As a member of the House Education and Labor Committee, I am familiar with this legislation and feel that it is a measure that all members of good conscience should support.

One of the strongest reasons to support this bill is the fact that it falls within the constraints of the Budget Act. The House Budget Committee, despite its preoccupation with the budget deficit and the need to reduce expenditures, saw fit to fully fund this program. All of us may denounce the growing budget deficit, but there was general agreement that this program should be fully funded when the Federal budget was approved by Congress.

A strong reason for support of this bill is the efficiency of its programs. Some of you may be aware that the Women, Infants, and Child Nutrition Program [WIC] has been estimated to save $3 for every dollar spent. This is very important, especially for my colleagues who are concerned with the health of expectant mothers, the high rate of infant mortality and the urgent need for adequate child nutrition.

Over the last 4 years, the Reagan adminsitration has seen fit to cut an overwhelming $5.2 billion from this program. The small increase that we have allotted by no means makes up that difference, but it is a positive step to eradicate hunger of poor and disadvantaged schoolchildren in this country.

There are other important and valid reasons and all play a part in my reasoning to support this bill. However, nothing is more important than the fact that this legislation will make a difference for the people who need this type of assistance the most. I know that this will make a difference for children in Chicago who, because they have been forced to go to school hungry, are unable to concentrate, and therefore unable to learn. I know that this will save lives in the city of Chicago, a city where infant mortality was 17 percent in 1983, 24.9 percent for black infants. Both these numbers are unacceptably high, and the WIC Program will help us to alleviate this problem.

Strong support and protection for the unborn have been shown by some, and that is their right, and I respect it. But I implore you to please show comparable concern to prolong the lives of

those who have already arrived on this earth.

Mr. Chairman, I strongly support the National School Lunch Act and the Child Nutrition Amendments of 1985 and urge my colleagues to adopt it without weakening amendments.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, let me begin by issuing, along with so many others, a special commendation to the distinguished chairman of our committee, and even his predecessor, who have been such strong leaders in this area. But I would be remiss if I stood up here this afternoon and did not issue a very special commendation to the ranking Republican on the subcommittee, Mr. GOODLING. He has been clearly my teacher in all of these elementary education issues, and I think there is no more expert in the U.S. Congress on child nutrition than Mr. GOODLING.

You cannot educate a child who is concerned about the hunger pains in their stomach. And that is why, whether we are Republican or Democrat, liberal or conservative, the issue of child nutrition ought to be so essentially important to each and every one of us. As we get into the debate today I think we will learn a lesson, a lesson that perhaps we would have been better off in freezing everything, because I, too, find it very difficult to stand up here today and ask for cuts in certain areas of child nutrition not so we can reduce the deficit but so that we can increase spending in other areas. That game is never won by anyone.

Today we reauthorize H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. As indicated before, we are dealing with five programs which expire, the WIC Program, the summer food service program for children, the commodity distribution authority, the funding for State administrative expenses of these programs and nutrition education and training programs. We are making some improvements and additions to such programs as the School Lunch Program. This program, the School Breakfast Program, does not expire. They are entitlements. We are only making corrections in those programs. I think that is important to understand.

I had two amendments adopted in the full committee consideration which I want to take this time to elaborate on because I think they are important for each and every one of us. One of those is the restoration of the special school milk program. Does it cost money? Yes; it costs $15 million. But, really, all we are doing is correcting a mistake that was made and an oversight that was made in the 1981 Gramm-Latta reconciliation. At that time it was the decision of this Congress that we would eliminate the special School Milk Program, believing that the School Lunch Program, which provided reimbursement for milk, would cover all students in our schools.

□ 1505

We also went on to provide special milk for students in schools that did not have a hot lunch program. What we did not realize is that in all of this we were succeeding in eliminating or prohibiting kindergarten students from getting their regular milk break, because they would go to schools that had a hot lunch program, but they did not participate in the hot lunch program. This then is simply correcting a mistake that was made in that area.

A second amendment of mine is to require that every school offer as an option for students in the school milk or school lunch or school breakfast programs whole milk. Believe it or not, up until this time, the present law and regulations require that you must have skim milk, you must have low fat milk, and you must have butterfat milk. But you do not have to have whole milk.

Now, there may be some debate about adults as to whether or not you should have 2 percent or whole milk, et cetera. But I think the evidence, healthwise, is pretty clear among young people that the content, the fat content, the protein content of whole milk is very nutritious and necessary in their growing bodies and the calcium that it includes. Second, all we are saying here is make sure those families and those students that want this whole milk have that particular opportunity.

We are going to consider a lot of amendments this afternoon, and I would like to just briefly mention a few of them. First of all, the question of freezing rates happens to be an amendment that I think can be supported for 1987, obviously not for this year, July 1 has already been here. It is a legitimate debate but it is one that I think can be defensible. It will save $30 million the first year; $250 million the second fiscal year because of the 9 months in that second fiscal year.

The cash subsidy is a difficult issue to determine where we ought to go in terms of trying to be efficient and still maintain the integrity of our School Lunch Program as the gentleman from Pennsylvania has so eloquently spoken so many times. I can tell you that my school administrators say absolutely keep the commodity subsidy. If you must cut in this area, take a look at some cut in the cash subsidy area. Frankly, 12 cents may be too much. But perhaps this is an area where we could at least find some subsidy.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding me this time.

Mr. Chairman, I am in support of H.R. 7. I hope that this important piece of legislation will not be controversial and will enjoy wide bipartisan support.

The legislation as reported by the committee would reauthorize the five child nutrition programs that expired last year but were extended by the 1985 continuing resolution. These matters should be addressed in authorization bills, not continuing resolutions.

The legislation calls for a very modest increase in the authorization for the WIC Program—the supplemental feeding program for women, Infants and children—and an increase in the Federal reimbursement rate for the School Breakfast Program. The change in the reimbursement rate for the breakfast program is a direct result of the Department of Agriculture's study which indicates that the breakfast program needs to be improved nutritionally.

The national evaluation of school nutrition programs, released by the Department of Agriculture, in March 1982, indicates that the School Lunch Program is extremely important to students in all income categories. The breakfast program, however, was deficient in the protein category. The committee is attempting to respond to this finding by increasing the Federal reimbursement for breakfast by 6 cents per meal, and thus improve the nutritional guidelines for the program.

The funding in this legislation has been cut back by approximately $200 million from the legislation that passed the House overwhelmingly last year and then died in the Senate. The cost of the legislation, approximately $100 million, has been included in the budget resolution as agreed to by the House and Senate.

I am pleased that the bill includes an amendment I proposed that provides automatic eligibility for free meals for those children who are members of households receiving assistance under the Food Stamp Program or members of an AFDC assistance unit under part A of title IV of the Social Security Act in a State where the standard of eligibility or such assistance does not exceed 130 per centum of the income poverty guidelines. For purposes of the AFDC Program, the standard of eligibility is the payment standard rather than the standard of need (in those States where the two standards are not the same).

The purpose of this amendment is to allow for the least burdensome and least expensive application and verifi-

cation procedures under the free lunch and breakfast programs. It is my intent that in adopting this amendment the privacy of families of individuals participating in the free lunch and breakfast programs will be protected by requiring their permission to use their AFDC or food stamp eligibility as criteria for participation in the free lunch and breakfast programs.

I am pleased to encourage support for H.R. 7.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, as we consider this significant measure, it is important that we consider the condition of poverty and malnutrition suffered by thousands of women, infants, and children in our Nation. Because of the widespread affects of this national dilemma, I am pleased to rise in support of H.R. 7, legislation designed to reauthorize and improve upon the National School Lunch Act and the Child Nutrition Act of 1966. I thank the gentleman from California [Mr. HAWKINS], the chairman of the Committee on Education and Labor and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING], for their extensive efforts in bringing this measure before us today.

The National School Lunch Act and the Child Nutrition Act comprise a crucial segment of our federally subsidized food programs, allowing low-income families to meet vital nutritional standards through a system of reduced price and free meals to schoolchildren, as well as aid to pregnant women and infants deemed nutritionally at risk by medical authorities. H.R. 7 modifies some of the provisions of the original acts and provides for an additional $121 million in new spending in fiscal year 1986 permitting $60 million to be added to the WIC Program to accommodate about 120,000 new participants, thus extending the number of eligibles to those not able to feed themselves and their families. This legislation also continues support for State administrative expenses associated with all Federal child nutrition programs.

The extent of the national hunger problem was painfully revealed in a recent Harvard study which notes that increased hunger among low-income children is a result of an inadequate WIC Program and cuts in other subsidized school breakfast, lunch programs and child care feeding programs. H.R. 7, is restoring $121 million to the child nutrition account, provide dire needed assistance to low-income pregnant women, infants and children who are suffering from the debilitating effects of malnutrition.

As a member of the Select Committee on Hunger, I appreciate that a nutritional program must be aimed at providing essential dietary supplements. H.R. 7 accomplishes this task through a series of directed improvements in the school breakfast and lunch plans. For instance, under the new, more comprehensive programs, the USDA is required to ameliorate the nutritional quality of breakfast meals and a 6-cent increase per meal assures that some of our neediest students receive at least one nutritionally balanced meal per day. H.R. 7 also provides automatic eligibility for free meals for children in households receiving food stamps or AFDC in a State where the standard for eligibility does not exceed 130 percent of the income poverty guidelines.

A further provision in H.R. 7 furnishes children with well-rounded meals include the offering of whole milk as a school-lunch beverage. H.R. 7 would also provide special milk to kindergarten children who, because they attend school in split sessions, do not benefit from federally subsidized school meals. The Committee on Education and Labor reports that this bill will provide milk for approximately 1 million kindergarten children.

Nutritional health is tied inextricably to developing good eating habits. In that regard, H.R. 7 reauthorizes through fiscal year 1988 the nutritional education and training program which instructs both students and school food personnel on how to best meet daily intake of essential foodstuffs. In addition, a summer food service program is extended and will continue to implement the school year program so as to ensure a child's continued health throughout the entire year.

In response to the mounting desire to eliminate world famine, the Select Committee on Hunger was established to quell the cries of global suffering in a world which knows no limits to the destruction caused by hunger. Much attention has focused on the widespread famine in Africa and rightly so—but this should not and must not detract from our responsbility to address our problems of domestic hunger. The select committee's moral tenet was to ensure that no child in the world would go hungry, and that no family would be subject to the perils of malnutrition and starvation. Let us make sure that this mandate is extended to our own Nation before we become complacent, ignoring the neglected portions of our society when the overall American standard of living places us well above the world norm. I trust that the irrationality of allowing Americans to go hungry will not be lost on my fellow colleagues.

Accordingly, I urge my colleagues to join in supporting this measure, thus underscoring our Nation's ardent desire to erase all traces of hunger both at home and abroad.

□ 1515

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 7, the School Lunch and Nutrition Amendments of 1985.

I want to commend the chairman and the other members on the committee who have worked so hard to bring this measure before us today. Indeed, in the last 4 or 5 years, we have had great debates, and unfortunately, I think more often than not, the WIC Program, the school lunch programs and the child nutrition programs have been the losers in that program. In the end, I think our Nation loses when, indeed, we do not meet these types of needs because it is the sort of cost that will be reflected in the future as we attempt to tap the pool of talent and the resources that we have as a nation.

The bill, of course, is an appropriate response to the problems of poverty in our society, and hunger in our Nation. In the United States, not only do thousands of kids go to bed hungry every night, but they come to school hungry every day.

As a former educator, I can speak from personal experience. You cannot teach hungry kids. Kids do not sit still when they are hungry. They do not listen. They do not pay attention. And most importantly, they do not learn.

You cannot teach kids who are sick. Sick kids who do not get the proper food or enough food at home because their families are of low-income background are a recurring phenomenon in our society.

Recently, Professor Hodgkinson, a fellow at the U.S. Department of Education, recently pointed out the changing complexion of our school-age population across the Nation. Unfortunately, increasingly those kids, those youngsters who are coming into our school system are from low-income backgrounds. The fact of the matter is that, sadly, very often it is the minority groups who contribute the largest amount to our school-age population find themselves for a variety of reasons, which I think are all too familiar to us in terms of discrimination and the other disadvantages that they have, and these manifest themselves in kids with limited ability in our school-age population; so much so that they, of course, will be making up nearly half of our school-age population by the end of this century.

The fact of the matter is, if you look across this country, we find that very often these minority students coming from low-income backgrounds needs the types of extra support that can be offered through programs such as this.

So I appeal to my colleagues to support this worthy program. I think it is a good investment in our future.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I would like to clear up a few misconceptions that people seem to have.

It has been mentioned on several occasions by prior speakers that we are reauthorizing only five programs and I would like to reemphasize that. There are only five programs that are being reauthorized at this particular time, and those five programs are the WIC Program, the Nutrition Education and Training Program, the Summer Feeding Program, the Commodity Procurement Program, and the State Administrative Expenses Program. There are no other programs being reauthorized in this place of legislation.

Second, it was mentioned earlier today, inadvertently or incorrectly, that there are new entitlement programs in this legislation. There are no—I repeat, underline, emphasize—no new entitlement programs in this legislation.

It was also indicated that there are large additional expenses to existing entitlement programs. I emphasize: There are no large increases in existing entitlement programs. The largest increase is in the breakfast program, and that is because, as was mentioned before, the Department of Agriculture indicated that the School Breakfast Program meal is not nutrititious, and therefore, in order to make it nutrionally adequate, we have added 6 cents per meal to improve that breakfast.

Again, let me say there are no new entitlement programs. There are no large additions to existing entitlement programs.

Then let me point out, and I am sure this was done inadvertently, but the gentleman from Texas has used some figures that are incorrect, and I think we should probably correct them at this time.

What the gentleman did in his figures, and I said it was inadvertent, I am sure, so he can sit down and not get too exicted, he included gross customs receipt money because he included, I believe—I am just saying I believe he included—$350 million, which is where he seems to be off the whole way across, and I am assuming that is coming from an act that was passed in 1935, and it was passed at that time in order to take care of the agriculture program. In that act, they said that one-third of those gross custom receipts would go to the Secretary of Agriculuture to disperse. So the $350 million, I would believe, where he is above the whole way across, would probably come from something that has nothing to do with this legislation whatsoever.

Let me give the correct figures for child nutrition spending—with and without passage of H.R. 7—according to CBO. Let me also say that we are not talking about 1989 and 1990. We are reauthorizing for 3 years. So let me give the 1986 correct figures according to CBO.

Current policy: $5,640,000,000; with H.R. 7 passed, $5,761,000,000, which is "plus" $121 million.

In 1987, $6,054,000,000 is the current policy figure; $6,178,000,000 with H.R. 7, which is "plus" $124 million.

Then in 1988, the last year of reauthorization, current policy would be $6,468,000,000; passage of H.R. 7 would make that $6,595,000,000, which is "plus" $127 million.

So we do not have the large increase that was indicated earlier today.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I would be very happy to yield very briefly.

Mr. BARTLETT. I thank the gentleman for yielding, and I will be very brief.

Mr. Chairman, I know that the Members do not want us to debate technicalities as to what the titles are or when what was passed and at what time. The numbers I have presented to the House are a compilation of the cost, the total cost, of all of the programs that are covered by H.R. 7. Now, it is true the National School Lunch Program is not technically reauthorized by H.R. 7 because it is permanently reauthorized, so it has no sunset, so this is the only opportunity for the House to deal with it.

But the numbers before you, adding up to $7½ billion in fiscal year 1990 represents——

Mr. GOODLING. I figured the gentleman picked that number because it comes out to $2 billion, which sounds more dramatic than anything else.

Mr. BARTLETT. If the gentleman would yield further, no, sir; I picked that number because it is time this Congress begins to look at the cost of their programs as they compound down the road.

Mr. GOODLING. Mr. Chairman, reclaiming my time because we can get into some lengthy debate later on during your amendment process, let me again say that I am giving the exact figures from CBO because people do like the accurate figures.

□ 1525

I believe the error, as I indicated before comes from the $350 million item, which has nothing to do with this package with relationship to reauthorization and funding. That $350 million comes, as I said, from the section 32 account. Section 32 includes one-third of the total customs receipts which is used primarily, I believe, to remove agricultural surpluses.

So, again, let me indicate that the only areas where we are talking about sizable increases are in two, particularly the WIC Program. It has already been mentioned that when we talk about the cost of neonatal care for youngsters who are prematurely born, we are talking about $2,000 a day. We are talking about $60,000 until, as a matter of fact, they leave that particular care since the average length of stay is 30 days. That eventually will be paid by the taxpayer in most instances.

So here this is what we are talking about. Let us spend just $400 a year, not $2,000 a day, and see whether we can prevent this problem. That is what we should be doing in medicine; we should be practicing preventive medicine, It is so much cheaper.

As I indicated, the other area we are talking about is the breakfast program. Here again we have two choices: do away with the breakfast program or make it worthwhile. According to the Department of Agriculture, it is not worthwhile at the present time, and it will take 6 cents a meal to make it worthwhile.

Let me also mention that this Congress must understand that you cannot have this so-called safety net and, at the same time, question paying childrens' meals being subsidized. I would like to emphasize over and over again that the subsidy is to continue the school lunch program. It has nothing to do with the paying child. The Congress decided that in order to keep the national school lunch program going, we must subsidize to a certain degree. If we do not, what happened in 1981 and 1982 will happen again.

In my district alone, to give an example, there are two school districts within 30 miles of each other that we are cutting. As we cut the paying customer, it had no impact whatsoever because one was a very affluent school district, they dropped out of the national school lunch program. They did not have to worry; they did not have that many people to serve. In the second district 30 miles away, 1,300 youngsters were receiving free and reduced-price meals. This district dropped out of the program; they do not have to worry further about those 1,300 youngsters. Why do they not have to worry about those 1,300 youngsters? Because free and reduced-price eligible youngsters have to be served if the school participates in the national school lunch program.

Three States have a requirement for this, but in the others, that is not so. So you just toss them by the wayside.

This is an administration that talks about a safety net. You need that safety net, and you get that safety net by subsidizing all school lunches.

There is one other area where there is an increase. There is an increase in

relation to participation by private and parochial schools in the program. This is an administration that believes in tuition tax credits. This is an administration that believes firmly in vouchers. So I would think that it would also be an administration that believes that we certainly should do the same then for the private and parochial schools, when it comes to nutrition, as we do for the public schools.

In order to summarize, I want to again repeat that we are only reauthorizing five programs, not the many that we heard discussed. We are not adding any new entitlement programs. We are not adding a great deal of money to any entitlement program. The only one that gets much of anything is the school breakfast program.

So again let me say that we have brought to the Members a piece of legislation that ought to be passed overwhelmingly. I think there were 77 votes against it last year. We have reduced it from $370 million to $121 million. Many of the amendments we will hear about are amendments that I gave to the Budget Committees in the House and the Senate, and we said that if we are seriously going to freeze every area of the budget, there are ways we might do it without hurting the programs too seriously. But we decided we are not going to freeze the whole budget. So if we are going to have cuts, let us also have fairness.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 7.

I strongly believe that the child nutrition school lunch programs have played, and will continue to play, an important role in serving ill-fed youngsters in America. As we talk about the fiscal and budgetary impact, it is important that we remember that we are speaking of children, children in this country, the richest country on the face of this Earth, and a country with the ability to feed millions of starving children and people in other countries. What we are asking the Congress to do here is to do the very minimal amount to see that American children have a halfway decent share and an even shot in this country.

As a result of cuts in the past, almost 700,000 children were taken off the reduced and subsidized free lunches. In the WIC Program, you cannot go to a hospital in this country without a clear demonstration of the cost-saving impact of providing nutritional assistance to pregnant mothers.

In the medical center at Farmington—the Dempsey Center—I spoke to doctors, and as I said to my colleague just recently on the floor, a cost savings of $60,000 to $70,000 per child is seen when a child is born at full weight and full term, as compared to a child who comes prematurely and of low birth weight.

The debate here on the fiscal and budgetary impact is an important one, but there is also an important role that we, as Members of Congress, face in seeing that we help the next generation of Americans come into our society with somewhat of an equal opportunity. Children who go to school and do not have adequate nutrition do not learn. Children who go to school with an inadequate diet end up at the bottom of society, at the bottom of the job market. Unless we wish to stratify the society further, unless we wish to forget our responsibility in the Congress to the people of this country, we need to understand the importance of passing this piece of legislation as it comes to us from the committee.

Mr. Chairman, I thank the committee chairman for yielding me this time, and I urge support of H.R. 7.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the chairman of the committee for giving me this opportunity to speak. I commend the gentleman and his committee for the type of work they have done in the past and continue to do. I am proud to be a cosponsor of this particular measure. My remarks, I think, may be a little different from others. I think they sound on a few points that must be made.

Forty percent of the poorest families in America receive but 15 percent of all our income in America, whereas the top 20 percent of all the families in this country enjoy and share 43 percent of all our wealth and income. As we can see, the rich are getting richer and the poor are getting poorer. There is a particular dynamics occurring in America that is much more dangerous than any missile, and that is the social status of people and the income variations that exist between those rich and those poor.

In that regard, we are now talking about a program that deals with nutrition. To echo the words of the gentleman from Kentucky, Mr. CHRIS PERKINS, who was out here earlier, and the statement he made, which was excellent, 1981 set us far back. Now, in 1985, in the land of America, we are talking about hunger and children who do not have adequate nutrition. This is ridiculous. We have an opportunity here to restore funds to programs that are not only cost-effective but that have a far-reaching effect on America and the health of our children.

Since the cuts in 1981, the number of poor children has risen 33 percent. There are 3.3 million more children in America than there were 6 short years ago. So what we are deliberating here is an issue of great importance. Unfortunately, the House is not filled as it should be, but these are the issues that have a tremendous bearing on our country. That is why I am so proud to be a sponsor of the measure.

Mr. Chairman, I would just like to close and say that I agree with the gentleman from Kentucky, Mr. CHRIS PERKINS, when he says that it is literally a disgrace that we should even be discussing hunger for the children of America.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of passage of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. I commend the distinguished members of the Education and Labor Committee, and their chairman, MR. HAWKINS, for their work on this urgent measure. Their hearings on this important bill were comprised of difficult decisions, with demands for budget cuts being weighed against the compelling need to restore and maintain the Federal child nutrition programs.

The bill before us today provides a much leaner budget than the bill passed overwhelmingly by the House last year. Nonetheless, I believe the modest increase is indispensable, as it preserves essential programs which provide primarily for one group of beneficiaries, specifically, children in poverty.

I will not continue to take the time of my colleagues with my own words, Mr. Chairman, but I do wish to share with the Members of this body, the words of one of my constituents, Lorraine Escobar, of Milpitas, CA.

With simple eloquence, Ms. Escobar offers us a sagacity from which I hope we can all benefit. I urge my colleagues to read what she was written. It is a straightforward and sensible message.

The letter follows:

JUNE 6, 1985.

Congressman DON EDWARDS,
House Office Building, Washington, DC.

DEAR CONGRESSMAN EDWARDS: The proposed budget cuts in the federally-funded nutrition programs, and others like it, scare me. These cuts could put a devastating end to the hopes of a better life for many single-parent families.

How can an underpaid single working mother manage to survive the high cost of rent and daycare without some assistance? How can she even dream of security for her family if she has to go hungry so that her children can eat? How can she teach the valuable lesson of self-sufficiency if the high cost of daycare forces her to rely on welfare?

These federally-funded programs are a helping hand, not a handout. I know; I was helped myself. When I became a single parent, the only thing that stood between me and welfare was the subsidized child care program and the nutrition program. These programs afforded me the opportunity to earn my living and develop my job skills to the point where I will soon be able to completely support myself.

My children have witnessed my progress and now have a mother of whom they can be proud. Thanks to these programs, coupled with my desire to better myself, I know my children will be self-sufficient in their own adulthood having had my example to

follow. Such a small investment that helps women like myself can pay such large dividends—children who become responsible and self-sufficient adults.

These cutbacks will result in a much larger far-range devastation than this society will be able to handle. Please, don't let this happen, rather, think, think of what tomorrow will bring.

Sincerely,

LORRAINE ESCOBAR.

Mr. SOLARZ. Mr. Chairman, last September President Reagan made a statement that all of us considering this legislation today should consider. The President said "If even one American child is forced to go to bed hungry at night, or if one senior citizen is denied the dignity of proper nutrition, that is a national tragedy."

I strongly agree with that sentiment and that is why I strongly support the passage of H.R. 7 as reported by the Education and Labor Committee, on which I am privileged to serve. Despite some of the statements that have been made around town, this legislation does not "bust the budget." The budget recently adopted by the Congress assumes the levels of funding contained in H.R. 7.

This legislation provides for a modest increase in the Child Nutrition Programs, an increase justified by the severity of the hunger problem now experienced by many Americans. In fact the hunger problem is more serious now than at any time in the last 10 to 15 years.

The bill before us today would allow for a small increase in the Special Supplemental Food Program for Women, Infants, and Children [WIC] so that this program could reach an additional 120,000 persons. Currently WIC serves only one-third of those eligible for this program, despite the fact that a number of studies have shown that WIC is a cost-effective program that saves $2 to $3 in medical costs for every dollar spent in nutritional supplements.

H.R. 7 also provides for a small increase in the school breakfast program to improve the nutritional quality of the breakfasts served to the 3 billion low-income children who participate in this program. Hungry children don't learn. And that's why I believe it would be pennywise and pound foolish to make any further cuts in these important child nutrition programs which have already lost $5.2 billion due to budget cuts between 1982 and 1985.

H.R. 7 also contains a provision which I authored that restores $1 million in funding for the Food Service Equipment Program in fiscal year 1986 and such sums as are necessary in fiscal year 1987 and fiscal year 1988. This program which existed in one form or another since the inception of the Federal School Lunch Program was eliminated by the Omnibus Budget Reconciliation Act.

H.R. 7 would once again authorize the provision of small grants to private, parochial, and public schools to help them replace, install, or upgrade the equipment they need to prepare, store, or serve meals in the Federal School Lunch Program.

This small program had served a real need in maintaining the infrastructure of the School Lunch Program, particularly for hard pressed private and parochial schools and rural public schools which serve large numbers of low income children. Such schools are often hard pressed to meet teacher salaries, and faced with replacing a $3,000 refrigerator or a stove, many have had to drop out of the School Lunch Program or switch to more expensive vendor prepared meals.

The Secretary of Education would determine eligibility and priorities for these grants after consulting with the states and the regional offices of the Food and Nutrition Service. Maintaining the infrastructure of the School Lunch Program is a reasonable and cost-effective program, which is why this provision is supported by the coalition of 70 groups who are working to ensure the passage of H.R. 7, and by the Agudath Israel of American, COJO, the Jewish Board of Education of Greater New York, the U.S. Catholic Conference, and the New York City Board of Education.

Because of the importance of the child nutrition programs contained in H.R. 7, I hope that my colleagues will support the bill as reported by the committee and reject all amendments. These programs help to preserve the health and well being of our Nation's children who, after all, are our Nation's hope and future. I urge the timely passage of H.R. 7 and commend the chairman, Mr. HAWKINS for his tremendous effort to provide for the nutritional needs of our Nation's children.

Mr. GAYDOS. Mr. Chairman, when this body last year passed the School Lunch and Child Nutrition Act by a vote of 343 to 72, it was clear to all that we in the House of Representatives recognized the value and successfulness of the individual programs.

Today, we have before us again, the same bill, H.R. 7, the School Lunch and Child Nutrition Act and, in the interim nothing has changed concerning the value and success of the program.

The House Committee on Education and Labor, however, has made one major revision—in the area of costs.

The 1984 version of the bill would have extended the five individual programs in this package through fiscal year 1988 with additional spending in the amount of $370 million. The new version, the 1985 bill, shows that we in the House are very much aware of the need for holding the budget line, especially in the light of the huge deficits we have incurred since the current administration took hold of the Government's reins.

The 1985 version of the School Lunch and Child Nutrition Act provides for a modest expansion of the program with an additional $121 million, an amount that has already been included in the budget resolution adopted by both Houses of Congress.

Some might think that even this modest increase is too much in light of the budget deficit, but we must keep in mind the unfair burden borne by these programs during the past several years.

In 1981, we reduced funding for these School Lunch and Child Nutrition Programs by $1.5 billion, 4 percent of the total cuts enacted by the Budget Reconciliation Act of that year. In fact, according to the Congressional Budget Office, the cumulative effect of cuts in these programs between fiscal years 1982 and 1985 has been $5.2 billion.

But the dollars only tell a part of the study, the impact on people, especially children, is even more tragic, as a result of the program cuts in recent years, millions of schoolchildren have been dropped and one-third of these children were from low-income families.

Even the Department of Agriculture has found it to be nutritionally important to children. For many of the poorest, it is the only nutritional meal they will have in a day and, without that, these children have an even more difficult time in school. Let's face it, if your stomach is empty, how can you worry about a long division problem or whether a poem has some meaning for you?

Studies have shown the effectiveness of the WIC Program in terms of preventive intervention. For every dollar invested in WIC, we save $3 in later medical costs. Yet, only half of the eligible WIC population is currently being assisted.

Several years ago, we made a commitment. We, as a nation, committed ourselves to helping those who, because of circumstances beyond their control, were unable to help themselves.

In this bill, H.R. 7, we are honoring that commitment as well as our intent to keep Federal spending within acceptable limits.

We must ask ourselves whether the poor who cannot help themselves should be asked to bear an unfair burden in our efforts to reduce the Federal budget deficit.

This bill brings both elements into line and I urge its passage.

Mr. FRENZEL. Mr. Chairman, it will not be possible for me to be present on the vote on the extension of our nutrition programs in H.R. 7. If I could have been present I would have voted for the bill.

Mr. CLAY. Mr. Chairman, I rise in support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. This legislation extends and improves five expiring child nutrition programs: The Special Supplemental Food Program for Women, Infants, and Children [WIC] program, the Summer Food Service Program, the Commodity Distribution Program, nutrition education and training, and State administrative expenses. I strongly support all of these programs because I firmly believe that they are vital for the well-being of our Nation.

I would like, in particular, to stress one of the programs which is dear to my heart based upon my experiences in my district. I have reference to the Summer Food Service Program. I believe that it is highly important that during the summer period when our Nation's children, and in particular our Nation's impoverished young people cannot count on regular sustenance, that the Summer Food Service Program is available as a source of enrichment and stimulation.

I can recall visiting a site in my district where young people were involved this summer in summer feeding programs. It was encouraging to me to see that taxpayers' dollars were being made available to these young people as a means of giving them a fair shake in life.

I was also impressed that in addition to the food that was made available, a program of instruction was also provided.

Mr. Chairman, I thought as I left the site what might have happened to these poor children in terms of nutritional food and snacks from this summer food service had it not been in place. I am convinced that it is an effective and beneficial program and in our national interest and should be sustained.

Another program which I would like to talk about briefly is the WIC Program. This program has been cited by many as "the most cost-effective program in existence." It has also been reported that for every $1 invested in this program, $3 is saved in terms of medical costs. Further, reports show that approximately 35 to 50 percent of the eligible WIC population is not served because funds are not available. This is a shame especially for a program which has demonstrated its successes over and over again. In my own State of Missouri, there was a study conducted with 6,560 prenatal participants active in the WIC Program during 1980 matched with their offsprings' birth certificates and has been cited by GAO as one of the best studies in the Nation. The finding was that "for the participants, the low birthweight rates were less than one-half of the rates comparable for non-WIC mothers." My colleagues, this is of particular significance since low birthweight is a major determinant of infant mortality in our country.

Mr. Chairman, I could cite many examples of successful nutrition programs in my district. The point is that we should have as one of our Nation's No. 1 priorities—the feeding of our hungry children.

I strongly urge my colleagues to join me in supporting this very vital and essential legislation without amendments.

Mr. FAUNTROY. Mr. Chairman, I rise in support on H.R. 7, School Lunch and Nutrition Amendments of 1985. I am pleased to be a cosponsor of H.R. 7 which would extend and improve through fiscal year 1988 five expiring and vital lunch and child nutrition programs. Among the programs to be extended are:

The WIC Program;

The Summer Food Service Program for children;

A commodity distribution funding authority;

The assistance for State administrative expense of these programs; and

The Nutrition Education and Training Program.

These programs, without the passage of this legislation, would expire at the end of this month.

The School Lunch and Child Nutrition Amendments of 1985 also target new funding of a modest $121 million for fiscal year 1986 for limited expansion of these cost-effective programs. Under this legislation the WIC Program would be authorized to increase by 120,000 the number of beneficiaries through the infusion of an additional $60 million in resources. The School Breakfast Program would be nutritionally enhanced by the addition of 6 cents to the Federal contribution to each meal served under this program.

This would be accomplished by the addition of $42 million to the School Breakfast Program to correct those nutritional deficiencies which have been documented in the program by the U.S. Department of Agriculture.

With the passage of the school lunch and child nutrition amendments, milk would be made available to children in our Nation's kindergartens. This initiative would be undertaken at a cost of $15 million. An authorization of $1 million would be granted for the purchase of food equipment. The tuition limitation would be raised to permit moderately priced private schools, schools with tuition levels of $2,500 or under, to continue their participation in the various school feeding programs. This provision's estimated cost is $3 million.

Mr. Chairman, these programs and the improvements embodied in this authorizing legislation are in our national interest and are required if our Nation is to maintain a minimal and civilized level of food security for our children.

As the committee report accompanying H.R. 7 points out, a physician's task force from the Harvard University School of Public Health issued a report his year entitled "Hunger in America, the Growing Epidemic," which concluded that the scourge of hunger in the United States is, in 1985, more serious and affects more of our citizens than any time in the last 10 to 15 years. The report went on to assert that this situation of expanding hunger among our citizenry was, "primarily due to governmental failure." In making this statement, the report cited the impact of $5.2 billion in cuts in these child nutrition programs that were enacted in 1981. As a result of these 1981 budget cuts associated with the Reagan-Gramm-Latta budget there was a loss of 3 million children from participating in the School Lunch Program, 1 million of them from low-income families. With these cuts 2,700 schools were forced to drop out of the School Lunch Program. With these cuts 400,000 children and 800 schools ceased their involvement in the School Breakfast Program.

Tragically, these reductions came at the very time that the American and world economies were undergoing a dislocating transition, increasing unemployment and the impoverisation of all too many of our Nation's children. Today, according to the Bureau of the Census, there are 1 million more children who meet the criteria for free and reduced-price meals than there were when the cuts were enacted in 1981.

In the District of Columbia these programs are meeting a significant and compelling need. The School Breakfast Program provided through the DC Public School serves 13,200 children daily. Ninety-seven percent of those served are children from low-income families. The School Lunch Program serves 46,450 students and 38,700 of these students come from low-income families.

The WIC Program in the District of Columbia served a total of 18,949 clients for fiscal year 1984; the breakdown is as follows: 5,225 women; 6,832 infants; and 6,892 children.

The projected number of clients to be served at the completion of fiscal year 1985 is a total of 18,348; the breakdown is as follows: 5,127 women; 7,010 infants; and 6,211 children.

If we care about our children, if we are true to the ideals we espouse, if we are rational in our understanding of the nutritional, medical, social, and economic benefits that will accrue from this very modest authorization, this legislation should and will have overwhelming support. I urge my colleagues to pass H.R. 7, the School Lunch and Child Nutrition Amendments of 1985.

Mr. RICHARDSON. Mr. Chairman, I rise today in strong support of the School Lunch and Child Nutrition Act. While this program reauthorizes five expiring child nutrition programs, I would like to focus here on one of these—the WIC Program. In my home State of New Mexico we have over 63,000 individuals eligible for the WIC Program—of these 63,000 eligible participants less than one-third are currently receiving the help they need. The need for the WIC Program clearly exists. We need to not only keep this program alive—but also to expand it as much as possible within our fiscal constraints.

The bipartisan support for this bill is evident. H.R. 7's funding levels have been approved in the House/Senate budget resolution. I believe that it is significant that the conferees, even with their deep concern over the deficit, felt that this program should not only be continued at current levels, but should also receive a modest increase in funding. WIC is acclaimed as one of the Federal Government's most successful programs. For every dollar we invest in this program we get three back. Not only is this program a wise investment in our childrens future, but it also saves a great deal of money. The average cost for a hospital stay of an infant suffering from low birth weight is $60,000 the average cost of WIC is $400 per year. WIC helps to prevent low birth weight and neonatal problems requiring hospitalization.

I would like to strongly urge all of my colleagues to support the School Lunch and Child Nutrition Amendments of 1985—these programs have clearly shown that they deserve our support as investments in our childrens future. This is what President John F. Kennedy had to say on the issue over 20 years ago:

The prevention of future adult poverty and dependency must begin with the care of dependent children—those who must receive public welfare by virtue of a parent's death, disability, desertion or unemployment. Our society not only refuses to leave such children hungry, cold, and devoid of opportunity—we are insistent that such

children not be community liabilities throughout their lives. Yet children who grow up in deprivation, with adequate protection, may be poorly equipped to meet adult responsibilities.

The School Lunch and Child Nutrition Amendments of 1985 address this societal obligation—a small amount of money spent now helps to solve future problems and to prevent a need for larger future expenditures.

Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 7, a bill to extend and improve the School Lunch and Child Nutrition Act.

The programs extended by this bill—summer feeding, commodity distribution, nutrition education, the funding of State administrative expenses, and the Women, Infants, and Children [WIC] Supplemental Funding Program—are essential components in our national efforts to combat hunger. In addition to extending authority for these programs, H.R. 7 would restore approximately 10 percent of funding cuts sustained by the Special Milk Program, Private School Eligibility and the Food Equipment Aid Program under the Omnibus Reconciliation Act of 1981.

Most importantly, this bill makes substantial improvements to the WIC Program. At present, there are 2.8 million low-income women, children, and infants participating in this program and receiving a package of highly nutritious food supplements each month. WIC has been successful in improving the health and nutritional status of low-income pregnant women and children determined by the medical profession to be at nutritional risk. Various studies have shown that the WIC Program reduces the incidence of low birth weight by 16 to 20 percent. This is extremely important because low birth weight is the leading cause of infant mortality and is also associated with other serious child health problems. In the black community, conditions are especially bleak for infants. The infant mortality rate for black infants has consistently been much higher than for white infants. It is now at twice the rate and the gap is widening. These tragedies are preventable.

Mr. Chairman, the School Lunch Program has proven to make a substantial difference to children, both nutritionally and educationally. It is a well-known fact that children are less able to participate at their peak if they are hungry. The cuts that Congress made in 1981, coupled with the administrations cutbacks and alterations of the child nutrition programs since then, have had a very negative effect on low-income children who are most at risk in our educational system. This bill affirms congressional commitment to child nutrition by eliminating many of WIC's uncertainties over funding.

I urge my colleagues to support this important legislation.

Mr. HAWKINS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Lunch and Child Nutrition Amendments of 1985".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS UNDER THE CHILD NUTRITION ACT OF 1966.

(a) SPECIAL SUPPLEMENTAL FOOD PROGRAM.—Section 17 of the Child Nutrition Act of 1966 is amended—

(1) in subsection (c)(2) by striking out "Subject to" and all that follows through "1984." and inserting in lieu thereof "Subject to amounts appropriated for the purposes of this program under subsection (g)—";

(2) in subsection (g) by stiking out the first sentence and inserting in lieu thereof "There are authorized to be appropriated $1,629,000,000 for fiscal year 1986 and such sums as may be necessary for each of the fiscal years 1987 and 1988 for the purpose of carrying out the program authorized by this section."; and

(3) in subsection (h)(2) by striking out "1984" and inserting in lieu thereof "1988".

(b) STATE ADMINISTRATIVE EXPENSES.—Section 7(i) of the Child Nutrition Act of 1966 is amended by striking out "1984" and inserting in lieu thereof "1988".

(c) NUTRITION EDUCATION AND TRAINING.—Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by striking out "1984" and inserting in lieu thereof "1988".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3?

The text of section 3 is as follows:

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS UNDER THE NATIONAL SCHOOL LUNCH ACT.

(a) SUMMER FOOD PROGRAM.—Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p) is amended by striking out "1984" and inserting in lieu thereof "1988".

(b) COMMODITY DISTRIBUTION PROGRAM.—Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking out "1984" and inserting in lieu thereof "1988".

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. FOOD SERVICE EQUIPMENT ASSISTANCE.

(a) GRANTS.—The National School Lunch Act is amended by inserting after section 4 the following new section:

"FOOD SERVICE EQUIPMENT ASSISTANCE

"SEC. 5. (a) Subject to the availability of appropriations, the Secretary shall make grants to school food authorities to assist in providing food service equipment. Such grants shall be awarded on the basis of need, as determined by the Secretary.

"(b) There are authorized to be appropriated $1,000,000 for fiscal year 1986 and such sums as may be necessary for each of the fiscal years 1987 and 1988 for the purposes of this section.".

(b) DEFINITION.—Section 12(d) of the National School Lunch Act is amended by inserting at the end thereof the following new paragraph:

"(8) 'Food service equipment' means equipment used by schools in storing, preparing, or serving food for schoolchildren.".

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 3, strike out line 17 and all that follows through line 10 on page 4.

Mr. BARTLETT. Mr. Chairman, this amendment is a rather simple amendment. It would delete a new program which was added by the committee entitled "Food Service Equipment Assistance."

Before I explain the specifics of the amendment, I want to take a few minutes to talk again about the entitlements in the bill and to place this amendment in its context. First, I have a great deal of respect for the ranking Republican member of the Subcommittee on Secondary and Elementary Schools, the gentleman from Pennsylvania. He understands the school lunch program as no other Member of the House does. He has a great deal of knowledge, and he and I have worked together on many of these programs in committee. In fact, I commend the gentleman because he was right on many of these amendments which he either offered or supported, both in the Budget Committee and in the Committee on Education and Labor, and also on the subcommittee and privately. I do hope that he will be able to support some of these amendments on the floor today.

I want to clear up a few concepts and go to the heart of the bill. First, let me point out the total cost of the programs.

Mr. Chairman, I think it is important that the House remember that on all of these programs, if you ask USDA, as I did, what the total cost of all the programs is that are covered by H.R. 7, they would tell you that those programs would cost $5.5 billion in fiscal year 1985 and are increasing approximately 6 to 7 percent a year compounded until by 1990; if we make no changes, they would be up to $7.5 billion.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to say that the Department

also told the world that catsup is a vegetable.

Mr. BARTLETT. Mr. Chairman, I appreciate the gentleman's attempt to do less than to clarify the issue at hand.

The total cost of these programs, if we do nothing at all today, will rise by 36 percent. It is true that the school lunch program is not up for reauthorization today because it is never up for reauthorization. It is a permanently authorized program, and this is our only day to discuss it and to attempt really for the first time, or this is one of the few times in this body's history, to attempt to control the out-year entitlement program expenditures, of which this is one.

Mr. Chairman, this specific amendment is an amendment to delete the food service equipment, which was an add-on amendment in the committee, and add-on amendment to cost $1 million in the first year.

□ 1540

After that, it was authorized that such sums that it reinstates in fact a program that had been deleted in prior years. It is an old program that is being resurrected.

It seems to me that in these days of scarcer resources we should not be adding on new programs, particularly programs that go for equipment instead of food.

Now, this is the first amendment in a series, Mr. Chairman, and I would point out the consequences of all these amendments. This one is only $1 million, but the consequences of adopting this amendment, the next one and the ones after that, would be to reduce the total expenditures of these programs by $474 million the first year up to $931 million, or right at $1 billion annually by the 5th year, for the first time to attain some control and limitation over the rate of increases of the entitlement programs.

Mr. Chairman, everyone likes to talk about the deficit. It is some $200 billion this year. It has extraordinarily negative consequences, primarily on low-income families that these programs would serve. The deficits at these levels adding to inflation, to the next recession, to unemployment, to trade deficits, to a lack of ability to buy homes and higher interest rates, in fact hurts poor Americans far more than anyone else. It is concern for those low-income Americans that brings me to the House floor.

Now, we talk about the deficit in many different ways. Half the 1-minute speeches every day on both sides of the aisle are about the horrors of the deficit. We have special orders about a balanced budget amendment or a line-item veto and we talk about it in our town halls. I would suggest that every Member who went home for the recess heard about it and talked about it and said that he or she was against it in their town halls.

Yesterday the Southern Governors Association said that in the aggregate they wanted a budget next year that was balanced in 1 year, that Congress should reduce spending by that amount. But talk is cheap, Mr. Chairman. Today we find out, as we know, that this is the only way to reduce the deficit.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me again place this amendment in such focus, as the gentleman from Texas has been saying. This amendment actually seeks to do what was rather strangely said by his chart. It seems rather strange the gentleman speaks of equipment as being separate from the preparation of food in a school lunch program. I do not see how you can separate the two, because without equipment, how are you going to prepare the food? So there is not that distinction, it seems to me, that can be made.

I would like to refer to the U.S. Department of Agriculture study on this very item and one of the reasons why we adopted that as a result of the Department of Agriculture study. They indicated that most school kitchens in this country were found to be deficient.

Secondly, they indicated that kitchens in rural communities, those that are serving elementary school children and those built prior to 1954 were especially deficient in food service equipment.

Third, they indicated that it appears that poor equipment does affect meal production.

Fourth, across all kitchens, they said, it is estimated that the total cost of removing the deficiencies in equipment in school kitchens would approximate $379.5 million.

Now, instead of taking literally the deficiencies that they recommended needed correction, we added only $1 million, not the $379.5 million which they indicated.

This bill, therefore, I say is a very modest one and it seems rather peculiar to me that a gentleman who supports adding $10 billion in defiance of the budget resolution has no argument to oppose the addition of $1 million in a simple manner to this particular proposal, which is in compliance with the budget resolution.

There is, therefore, it seems to me, a grave inconsistency and I think the amendment should be rejected.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply rise so that everyone can focus on this issue from a different perspective. I must tell you that in terms of the magnitude of the whole bill, this is not a significant amendment on one side or the other. It is not going to make any dent, frankly, on the national debt or anything like that and we should not look at it from that perspective.

The only point I would suggest which would bring merit to this issue is that in 1981 when we were forced to prioritize our money in our child nutrition programs, we deleted money for food service equipment, saying that if we have a limited amount of money, let us spend that money on food for children.

This would change that, not too greatly, no, not at all. It is going to be a very small degree. If you look at the five areas where we have increased funding in H.R. 7, I support them. The WIC Program, if there is anyone who objects to the increase in the WIC Program, I would be more happy to discuss the merits of that.

The school breakfast issue was adequately explained by our colleague, the gentleman from Pennsylvania.

I hopefully tried to explain the School Milk Program.

The tuition limitation for private schools is again an effort to try to make the school nutrition programs more accessible to children who happen to be attending private schools.

So out of the five areas, there is only one where we are spending money for equipment rather than food or nutrition for young people.

I must add that the way the program is set up is that it is only in competitive grants. I have to tell you, and our late distinguished chairman of the committee, the Honorable CARL PERKINS, who so adequately represented the schools of rural America, I have no illusions that any school in my district or any school in Mr. PERKINS' district, our present Mr. PERKINS, would have any chance of getting of this money, this $1 million. It is a competitive grant. You know and I know who is going to compete for it.

I guess what you have got to ask yourself is should this $1 million be spent here, and frankly, if we are going to spend it, is there not a better place to spend it?

I just share those thoughts with you.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Iowa.

Mr. TAUKE. Mr. Chairman, I thank the gentleman for yielding.

It does appear to me that the gentleman has hit the nail on the head on several counts.

First, it is not a large amount of money, $1 million in the first year. I would note, however, it moves to such sums after that.

Second, it is a competitive bid kind of process and consequently it is not a situation where all school districts are

going to benefit equitably from this kind of a program.

Third, we did not leave the school districts without any way to maintain their equipment or improve their equipment in 1981 when we concluded that it was best to spend money for food. At that time we said that they would be able to use reimbursements to maintain, replace or upgrade food service equipment, and that is not changed in this law; so there are a variety of reasons I think why it does not make good sense now, when we do have to make prioritization decisions, to decide to move back into the area of using school lunch money for the purchase of equipment. We ought to continue to focus attention on the providing of food to individuals. I believe that the gentleman stated that very well, so I join with him in support of this amendment.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's remarks.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words. I rise to speak in opposition to the amendment.

I have here a cellophane packet that contains six items that have been documented to have been purchased for defense purposes at a cost—and I want you to pay attention to this—for $21,528.

There is an allen wrench in here about 2½ inches long that was purchased for $9,606. Our cost if we had purchased it out in the open market in the free enterprise system would be 13 cents.

There is an antenna motor pin, and that sounds tremendous, for $7,417. It is a little copper wire about hair thin, about 2 inches long. That is known as an antenna motor pin for $7,417.

There is a nut in here that cost $2,043, a bolt at $1,075, a flat washer, you can see it in there, about a half inch in diameter, that cost $387. On the open market it cost a penny.

The last item is called the external screw. That was purchased by our military for $1,000. The open market cost again is one penny.

So I just want to make this comment in general. It is pretty hard to prepare food without equipment; but finally, it seems that every time we get to the issues that deal with entitlement programs, everybody is coming out with breaking and busting the Treasury and adding to the national debt.

Well, when I came here I took a very firm look at the budget deficit and the problems we face. I took a look at the $21,000 worth of external screws. I tried to do something about it, but I did not hear one person stand up and talk about busting the bank in that area.

So I would just like to say that there are many amendments coming forward here under the guise of saving good old Uncle Sam's pocketbook that are not necessarily so. I think we should put our priorities in order and I think this is about the priority that America has been dealing with, and it is really a shame.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and on a division (demanded by Mr. BARTLETT), there were—ayes 8, noes 12.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 306]

Ackerman	Chappie	Fiedler
Akaka	Cheney	Fields
Alexander	Clay	Flippo
Anderson	Clinger	Florio
Andrews	Coats	Foglietta
Annunzio	Cobey	Foley
Anthony	Coble	Ford (MI)
Applegate	Coelho	Ford (TN)
Archer	Coleman (MO)	Fowler
Armey	Coleman (TX)	Frank
Aspin	Collins	Franklin
Atkins	Combest	Fuqua
AuCoin	Conte	Gallo
Barnard	Cooper	Garcia
Barnes	Coughlin	Gaydos
Bartlett	Courter	Gejdenson
Barton	Coyne	Gekas
Bateman	Craig	Gephardt
Bates	Daniel	Gilman
Bedell	Dannemeyer	Gingrich
Beilenson	Darden	Glickman
Bennett	Daschle	Gonzalez
Bentley	Daub	Goodling
Bereuter	Davis	Gordon
Berman	de la Garza	Gradison
Biaggi	DeLay	Gray (IL)
Billey	Dellums	Gray (PA)
Boehlert	Derrick	Green
Boggs	DeWine	Gregg
Boland	Dicks	Grotberg
Boner (TN)	DioGuardi	Guarini
Bonior (MI)	Dixon	Gunderson
Bonker	Donnelly	Hall (OH)
Borski	Dorgan (ND)	Hall, Ralph
Bosco	Dornan (CA)	Hamilton
Boucher	Downey	Hammerschmidt
Boulter	Dreier	Hansen
Breaux	Duncan	Hartnett
Broomfield	Durbin	Hatcher
Brown (CA)	Dwyer	Hawkins
Brown (CO)	Dyson	Hayes
Broyhill	Early	Hefner
Bruce	Eckart (OH)	Heftel
Bryant	Eckert (NY)	Hendon
Burton (IN)	Edgar	Henry
Bustamante	Edwards (CA)	Hertel
Byron	Edwards (OK)	Hiler
Callahan	Emerson	Hillis
Campbell	English	Holt
Carney	Erdreich	Hopkins
Carper	Evans (IA)	Horton
Carr	Evans (IL)	Howard
Chandler	Fawell	Hoyer
Chapman	Fazio	Hubbard
Chappell	Feighan	Huckaby
Hughes	Molinari	Siljander
Hutto	Mollohan	Sisisky
Hyde	Monson	Skeen
Ireland	Montgomery	Skelton
Jacobs	Moore	Slattery
Jeffords	Moorhead	Slaughter
Jenkins	Morrison (CT)	Smith (FL)
Johnson	Morrison (WA)	Smith (IA)
Jones (NC)	Mrazek	Smith (NE)
Jones (OK)	Murphy	Smith (NH)
Jones (TN)	Murtha	Smith (NJ)
Kanjorski	Myers	Smith, Denny
Kaptur	Natcher	Smith, Robert
Kasich	Neal	Snowe
Kemp	Nelson	Snyder
Kennelly	Nichols	Solarz
Kildee	Nielson	Solomon
Kindness	Nowak	Spence
Kolbe	O'Brien	Spratt
Kolter	Oakar	St Germain
Kramer	Oberstar	Staggers
Lagomarsino	Ortiz	Stallings
Lantos	Owens	Stangeland
Latta	Oxley	Stark
Leach (IA)	Packard	Stenholm
Lehman (FL)	Panetta	Stokes
Leland	Parris	Stratton
Lent	Pashayan	Studds
Levin (MI)	Pease	Stump
Levine (CA)	Penny	Sundquist
Lewis (CA)	Pepper	Sweeney
Lewis (FL)	Perkins	Swift
Lightfoot	Petri	Swindall
Lipinski	Pickle	Synar
Livingston	Porter	Tallon
Lloyd	Price	Tauke
Lott	Quillen	Tauzin
Lowery (CA)	Rahall	Thomas (CA)
Lowry (WA)	Ray	Thomas (GA)
Lujan	Regula	Torres
Luken	Reid	Towns
Lundine	Richardson	Traficant
Lungren	Ridge	Traxler
Mack	Rinaldo	Udall
MacKay	Ritter	Valentine
Manton	Roberts	Vander Jagt
Markey	Robinson	Vento
Marlenee	Rodino	Visclosky
Martin (IL)	Roe	Volkmer
Martin (NY)	Roemer	Vucanovich
Martinez	Rogers	Walgren
Matsui	Rose	Watkins
Mavroules	Rostenkowski	Waxman
Mazzoli	Roukema	Weaver
McCain	Rowland (CT)	Weber
McCandless	Rowland (GA)	Weiss
McCloskey	Roybal	Wheat
McCollum	Rudd	Whitehurst
McCurdy	Russo	Whitley
McDade	Sabo	Whittaker
McEwen	Savage	Whitten
McGrath	Saxton	Wilson
McHugh	Schaefer	Wise
McKernan	Scheuer	Wolf
McMillan	Schneider	Wolpe
Meyers	Schuette	Wortley
Mica	Schumer	Wright
Michel	Seiberling	Wyden
Mikulski	Sensenbrenner	Yates
Miller (CA)	Sharp	Yatron
Miller (OH)	Shaw	Young (AK)
Miller (WA)	Shelby	Young (MO)
Mineta	Shumway	Zschau
Mitchell	Shuster	
Moakley	Sikorski	

□ 1610

The CHAIRMAN. Three hundred eighty-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. BARTLETT] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 235, not voting 42, as follows:

[Roll No. 307]

AYES—157

Archer	Gregg	Myers
Armey	Grotberg	Nielson
Barnard	Gunderson	Oxley
Bartlett	Hansen	Packard
Barton	Hartnett	Parris
Bateman	Hendon	Pashayan
Bedell	Henry	Petri
Bennett	Hiler	Porter
Bentley	Hillis	Regula
Bereuter	Holt	Ridge
Bliley	Hopkins	Roberts
Boulter	Hubbard	Roemer
Broomfield	Hughes	Roukema
Brown (CO)	Hyde	Rowland (CT)
Broyhill	Ireland	Rowland (GA)
Burton (IN)	Jeffords	Rudd
Callahan	Jenkins	Saxton
Campbell	Johnson	Schaefer
Carney	Kasich	Schuette
Carper	Kemp	Sensenbrenner
Chandler	Kindness	Shaw
Cheney	Kolbe	Shumway
Coats	Kramer	Shuster
Cobey	Lagomarsino	Siljander
Coble	Latta	Skeen
Coleman (MO)	Leach (IA)	Slaugther
Combest	Lent	Smith (NE)
Coughlin	Lewis (CA)	Smith (NH)
Courter	Lewis (FL)	Smith, Denny
Craig	Lightfoot	Smith, Robert
Daniel	Livingston	Snowe
Dannemeyer	Lott	Snyder
Darden	Lowery (CA)	Solomon
Daub	Lujan	Spence
DeLay	Lungren	Spratt
DeWine	Mack	Stangeland
DioGuardi	Martin (IL)	Stenholm
Dornan (CA)	McCain	Stratton
Dreier	McCandless	Stump
Duncan	McCollum	Sundquist
Eckert (NY)	McEwen	Sweeney
Edwards (OK)	McGrath	Swindall
Evans (IA)	McKernan	Tauke
Fawell	McMillan	Thomas (CA)
Fiedler	Meyers	Vander Jagt
Fields	Michel	Vucanovich
Franklin	Miller (OH)	Weber
Gallo	Miller (WA)	Whitheurst
Gekas	Molinari	Whittaker
Gingrich	Monson	Wolf
Glickman	Montgomery	Zschau
Goodling	Moore	
Gradison	Moorhead	

NOES—235

Ackerman	Clinger	Foglietta
Akaka	Coelho	Foley
Anderson	Coleman (TX)	Ford (MI)
Andrews	Collins	Ford (TN)
Annunzio	Conte	Fowler
Anthony	Cooper	Frank
Applegate	Coyne	Frost
Aspin	Daschle	Fuqua
Atkins	Davis	Garcia
AuCoin	de la Garza	Gaydos
Barnes	Dellums	Gejdenson
Bates	Derrick	Gephardt
Beilenson	Dickinson	Gibbons
Berman	Dicks	Gilman
Biaggi	Dixon	Gonzalez
Boehlert	Donnelly	Gordon
Boggs	Dorgan (ND)	Gray (IL)
Boland	Downey	Gray (PA)
Boner (TN)	Durbin	Green
Bonior (MI)	Dwyer	Guarini
Bonker	Dyson	Hall (OH)
Borski	Early	Hall, Ralph
Boucher	Eckart (OH)	Hamilton
Breaux	Edgar	Hammerschmidt
Brown (CA)	Edwards (CA)	Hatcher
Bruce	Emerson	Hawkins
Bryant	English	Hayes
Bustamante	Erdreich	Hefner
Byron	Evans (IL)	Heftel
Carr	Fazio	Hertel
Chapman	Feighan	Horton
Chappell	Flippo	Howard
Clay	Florio	Hoyer
Huckaby	Mrazek	Slattery
Hutto	Murphy	Smith (FL)
Jacobs	Murtha	Smith (IA)
Jones (NC)	Natcher	Smith (NJ)
Jones (OK)	Neal	St Germain
Jones (TN)	Nelson	Staggers
Kanjorski	Nichols	Stallings
Kaptur	Nowak	Stark
Kennelly	O'Brien	Stokes
Kildee	Oakar	Studds
Kolter	Oberstar	Swift
Kostmayer	Obey	Synar
LaFalce	Ortiz	Tallon
Lantos	Owens	Tauzin
Lehman (FL)	Panetta	Thomas (GA)
Leland	Pease	Torres
Levin (MI)	Penny	Towns
Levine (CA)	Pepper	Traficant
Lipinski	Perkins	Traxler
Lloyd	Pickle	Udall
Lowry (WA)	Price	Valentine
Luken	Quillen	Vento
Lundine	Rahall	Visclosky
MacKay	Ray	Volkmer
Manton	Reid	Walgren
Markey	Richardson	Watkins
Marlenee	Rinaldo	Waxman
Martin (NY)	Robinson	Weaver
Martinez	Rodino	Weiss
Matsui	Roe	Wheat
Mavroules	Rogers	Whitley
Mazzoli	Rose	Whitten
McCloskey	Rostenkowski	Williams
McCurdy	Roybal	Wilson
McDade	Russo	Wirth
McHugh	Sabo	Wise
McKinney	Savage	Wolpe
Mica	Scheuer	Wortley
Mikulski	Schneider	Wright
Miller (CA)	Schumer	Wyden
Mineta	Seiberling	Yates
Mitchell	Sharp	Yatron
Moakley	Shelby	Young (AK)
Mollohan	Sikorski	Young (MO)
Morrison (CT)	Sisisky	
Morrison (WA)	Skelton	

NOT VOTING—42

Addabbo	Dowdy	Olin
Alexander	Dymally	Pursell
Badham	Fascell	Rangel
Bevill	Fish	Ritter
Billrakis	Frenzel	Roth
Bosco	Hunter	Schroeder
Boxer	Kastenmeier	Schulze
Brooks	Kleczka	Solarz
Burton (CA)	Leath (TX)	Strang
Chappie	Lehman (CA)	Taylor
Conyers	Loeffler	Torricelli
Crane	Long	Walker
Crockett	Madigan	Wylie
Dingell	Moody	Young (FL)

The Clerk announced the following pair:

On this vote:

Mr. Frenzel for, with Mr. Brooks against.

Mr. EVANS of Iowa changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to address the Members of the Committee and explain the present situation and the plan for the rest of the afternoon.

This gentleman has been approached by a great number of Members who have made commitments and who have reservations. Unfortunately, we did have a late start. I have consulted with Mr. BARTLETT and the ranking Members on the other side and on the Committee, and they have no objection to concluding today's consideration of the bill at this point.

Therefore, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. SLATTERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, had come to no resolution thereon.

APPOINTMENT AS ADDITIONAL MEMBERS OF THE COMMISSION ON THE U.S. HOUSE OF REPRESENTATIVES BICENTENARY

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 249, 99th Congress, the Chair appoints as additional members of the Commission on the U.S. House of Representatives Bicentenary, the following Members of the House:

Mr. RODINO of New Jersey; and

Mr. SHARP of Indiana.

□ 1625

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time so that we can inquire as to the schedule for the balance of the day and the week, and I ask the distinguished majority whip the program for next week.

I would be glad to yield to him for that purpose.

Mr. FOLEY. If the distinguished Republican whip will yield to me, Mr. Speaker, this concludes the business for the day and the week, and we will be in a pro forma session tomorrow.

On Monday, the House will not be in session because of Rosh Hashana. On Tuesday, the House will meet at noon and consider four bills under suspension of the rules; H.R. 2032, the Government Securities Act of 1985, House Concurrent Resolution 185, commending the organizers of the farm aid concert, H.R. 148, the Michigan Wilderness bill, and H.R. 2385, the Federal Trade Commission reauthorization.

Any recorded votes ordered on Tuesday will be postponed until Wednesday, September 18.

Also on Tuesday will be H.R. 2266, the Amtrak Reauthorization Act for fiscal year 1986. General debate only; the rule has already been adopted.

On Wednesday and the balance of the week, the House will meet at 11 a.m. on Wednesday and Thursday, and 10 a.m. on Friday. We will consider on Wednesday recorded votes ordered on suspensions debated on Tuesday, Sep-

tember 17. Also, H.R. 3128, the deficit reduction amendments, subject to a rule being granted. An unnumbered House bill for continuing appropriations for fiscal year 1986, subject to a rule being granted. The continuation of H.R. 7, the School Lunch and Child Nutrition Acts, and H.R. 2266, the Amtrak Reauthorization Act for Fiscal Year 1986, the complete consideration. And possibly take up H.R. 2100, the 1985 farm bill. This is subject, of course, to the usual reservation that conference reports may be brought up at any time and a further program may be announced later.

Mr. LOTT. I thank the gentleman for that information. I would like to ask him a few questions.

First of all, the school lunch bill that was just being considered by the House would be back up on Wednesday?

Mr. FOLEY. Yes, Wednesday or Thursday.

Mr. LOTT. The House will not be in session on Monday, and there will be no recorded votes on Tuesday.

Mr. FOLEY. That is correct. With the usual reservation that those are legislative votes; that procedural votes might be possible but are not expected on Tuesday.

Mr. LOTT. Then suspension votes, if any are ordered, would go over to Wednesday?

Mr. FOLEY. Wednesday, September 18.

Mr. LOTT. I noted that the DOD conference report is not on the schedule for next week, and I had been under the impression, along with others, that that conference report would be brought to the floor next week.

Mr. FOLEY. Well, as I said, conference reports may be brought up at any time and it is possible that the Department of Defense conference report may come up next week. We have not yet made that determination so it has not been scheduled.

Mr. LOTT. All right, sir.

Mr. FOLEY. We do expect it to come up in the near future.

Mr. LOTT. Can the Members expect to be out by 3 o'clock next Friday?

Mr. FOLEY. Yes. We intend to conclude by 3 o'clock on Friday.

Mr. LOTT. There have also been a number of questions about the following week. The information that we have distributed to our Members indicated that we will have votes on Monday, the 23d. Can the distinguished whip reaffirm or confirm that that is still the plan of the leadership?

Mr. FOLEY. I can certainly say that it is still the plan for the House to meet with votes on Monday, the 23d of September, and to then resume legislative business on Thursday, the 26th of September. On Tuesday and Wednesday, we are recognizing the high holy days, and there will not be votes on those days; and on Friday we do not expect session or votes.

I might tell the gentleman that the current time, obviously subject to changes being announced later, H.R. 2100, the 1985 farm bill, may be brought up on Friday, the 20th of September, for a rule and general debate, and amendments to the bill may be considered on Monday the 23d and then again on Thursday the 26th.

So unless changes are announced, Members would have to assume that the most likely legislation for these 2 days of Monday and Thursday the following week will be votes on amendments to the 1985 farm bill.

Mr. LOTT. I think that is very important information for the membership. I know if there are going to be recorded votes on amendments to the farm bill anticipated on Monday the 23d, that the Members would want to plan to be here for sure on that date. The gentleman is talking about just the rule and general debate on Friday next on the farm bill, with the amendments coming the next week; is that correct?

Mr. FOLEY. That is the current estimate; yes.

Mr. LOTT. I thank the gentleman.

ADJOURNMENT TO TUESDAY, SEPTEMBER 17, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12 o'clock noon on Tuesday, September 17, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 18, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 17, 1985, it adjourn to meet at 11 a.m. on Wednesday, September 18, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON THURSDAY, SEPTEMBER 19, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 18, 1985, it adjourn to meet at 11 a.m. on Thursday, September 19, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 18, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., SEPTEMBER 23, 1985, TO FILE REPORT ON H.R. 6, THE WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1985

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until 5 p.m., September 23, 1985, to file its report on H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. This coincides with the period of sequential referral of H.R. 6 to the Ways and Means Committee. This request has been cleared with our minority leadership of the committee.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1635

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, September 12, 1985.)

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-107)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, September 12, 1985.)

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 444) to amend the Alaska Native Claims Settlement Act, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, insert:

SECTION 1. The Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601-28), as amended, is further amended by adding at the end thereof the following new sections.

"SEC. 34. (a) For purposes of this section the following terms shall have the following meanings:

"(1) the term 'The Agreement' or 'Agreement' means the agreement entitled 'Terms and Conditions Governing Legislative Land Consolidation and Exchange between NANA Regional Corporation, Inc., and the United States' executed by the Secretary of the Interior and the President of NANA Regional Corporation, Inc., on January 31 and January 24, 1985, respectively.

"(2) the term 'transportation system' means the Red Dog Mine Transportation System described in Exhibit B of the Agreement.

"(3) the term 'NANA' means NANA Regional Corporation, Inc., a corporation formed for the Natives of Northwest Alaska pursuant to the provisions of this Act.

"(b) Except as otherwise provided by this section, the Secretary shall convey to NANA, in accordance with the terms and conditions set forth in the Agreement, lands and interests in lands specified in the Agreement in exchange for lands and interests in lands of NANA, specified in the Agreement, upon fulfillment by NANA of its obligations under the Agreement, provided, however, that this modified exchange is accepted by NANA within 60 days of enactment.

"(c)(1) The Secretary shall convey to NANA, pursuant to the provisions of paragraph A(1) of the Agreement, the right, title and interest of the United States only in and to those lands designated as 'Amended A(1) Lands' on the map entitled 'Modified Cape Krusenstern Land Exchange,' dated July 18, 1985. The charges to be made pursuant to paragraphs B(1) and D(27) of the Agreement against NANA's land entitlements under this Act shall be reduced by an amount equivalent to the difference between that acreage conveyed pursuant to this subsection and the acreage that would have been conveyed to NANA pursuant to paragraph A(1) of the Agreement but for this subsection.

"(2) Notwithstanding the provisions of paragraph A(3) of the Agreement, the Secretary shall not convey to NANA any right, title and interest of the United States in the lands described in such paragraph A(3) and the Secretary shall make no charge to NANA's remaining entitlements under this Act with respect to such lands. Such lands shall be retained in Federal ownership but shall be subject to the easement described in Exhibit D to the Agreement as if the lands had been conveyed to NANA pursuant to paragraph A(3) of the Agreement.

"(d)(1) There is hereby granted to NANA an easement in and to the lands designated as 'Transportation System Lands' on the Map entitled 'Modified Cape Krusenstern Land Exchange,' dated July 18, 1985, for use in the construction, operation, maintenance, expansion and reclamation of the transportation system. Use of the easement for such purposes shall be subject only to the terms and conditions governing the construction, operation, maintenance, expansion and reclamation of the transportation system, as set forth in Exhibit D to the Agreement.

"(2) The easement granted pursuant to this section shall be for a term of 100 years. The easement shall terminate prior to the 100-year term:

"(i) if it is relinquished to the United States; or

"(ii) if construction of the transportation system has not commenced within 20 years of the enactment of this subsection. Computation of the 20-year period shall exclude periods when construction could not commence because of force majeure, act of God or order of a court; or

"(iii) upon completion of reclamation pursuant to the reclamation plan required by Exhibit B to the Agreement.

"(3) Within 90 days after enactment of this section the Secretary shall execute the necessary documents evidencing the grant to NANA of the easement granted by this section.

"(4) Except as regards the trail easement described in Exhibit D to the Agreement (to which the 'Transportation System Lands' shall be subject as if such lands had been conveyed to NANA pursuant to paragraph (1) of the Agreement), access to the lands subject to the easement granted by this section shall be subject to such limitations, restrictions or conditions as may be imposed by NANA, its successors and assigns, but NANA and its successors and assigns shall permit representatives of the Secretary such access as the Secretary determines is necessary for the monitoring required by this section.

"(e) The easement granted by this section makes available land for the transportation system, and is intended to be sufficient to permit NANA to comply with the laws of the State of Alaska which may be necessary to secure financing of the construction of the transportation system and the operation, maintenance or expansion thereof by the State of Alaska or by the Alaska Industrial Development Authority.

"(f) The easement granted to NANA by this section may be reconveyed by NANA, but after any such reconveyance the terms and conditions specified in Exhibit B of the Agreement shall continue to apply in full to the easement.

"(g) NANA is hereby granted the right to use, develop and sell sand, gravel and related construction materials from borrow sites located within the easement granted pursuant to this section as required for the construction, operation, maintenance, expansion and reclamation of the transportation system, subject to the terms and conditions specified in Exhibit B of the Agreement.

"(h)(1) The construction, operation, maintenance, expansion and reclamation of any portion of the transportation system on any of the lands subject to the easement granted to NANA by this section shall be governed solely by the terms and conditions of the Agreement, including the procedural and substantive provisions of Exhibit B to the Agreement, as if the lands covered by the easement granted to NANA by this section had been conveyed to NANA pursuant to Paragraph A(1) of the Agreement.

"(2) The Secretary of the Interior, acting through the National Park Service, shall monitor the construction, operation, maintenance, expansion and reclamation of the transportation system, as provided in the Agreement. Any complaint by any person or entity that any aspect of the construction, operation, maintenance, expansion or reclamation of the portion of the transportation system on the lands subject to the easement granted to NANA by this section is not in accordance with the terms and conditions specified in the Agreement shall be made to the Secretary in writing. The Secretary shall review any such complaint and shall provide to NANA or it successors or assigns and to the complainant a decision in writing on the complaint within 90 days of receipt thereof. If the Secretary determines that the activity made the subject of a complaint is not in accordance with the terms specified in the Agreement, and NANA or its successors or assigns disagrees with that determination, the dispute shall be resolved according to the procedures established in Exhibit B to the Agreement.

"(i) The Secretary shall make available to NANA and its successors and assigns the right to use sand, gravel and related construction materials located in Sections 23, 24, 25, 26, 35 and 36 of Township 26 North, Range 24 West, Kateel River Meridian, Alaska, if the Secretary determines either (1) that use of such sand, gravel or related construction material is necessary because there is no other sand, gravel or related construction material reasonably available for the construction, operation, maintenance, expansion or reclamation of the transportation system; or (2) that use of such sand, gravel or related construction material is necessary in order to construct, operate, maintain, expand, or reclaim the transportation system in an environmentally sound manner, consistent with the requirements of Exhibit B of the Agreement. The right to use such sand, gravel and related construction material shall be subject to the terms and conditions of Paragraph A of Exhibit B of the Agreement and such other reasonable terms and conditions as the Secretary may prescribe.

"(j) Notwithstanding Paragraph D(23) of the Agreement, the Secretary shall not agree to any amendment to the Agreement

without first consulting with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and shall transmit copies of the text of any amendment to the Agreement to those Committees at the time of his agreeing to any such amendment.

"SEC. 35. (a) The terms and conditions of this section are solely applicable to the lands described in paragraph A(1) of the Agreement, which is defined by section 34(a)(1) of this Act and modified by section 34, and shall not affect the relinquishment by NANA described in section B(1) of such Agreement.

"(b) NANA Regional Corporation, Inc. ('NANA'), may convey by quit-claim deed to the United States all of its interest in the surface and subsurface estate in any lands described in subsection (a) of this section, provided, however, NANA can relinquish only lands that are compact and contiguous to other public lands within the Krusenstern National Monument and, if the lands to be relinquished have been disturbed by NANA, the Secretary msuch first determine that such disturbance has not rendered the lands incompatible with Monument values. Whenever NANA executes a quit-claim deed pursuant to this section, it shall be entitled to designate and have conveyed to it any lands outside the boundaries of the Cape Krusenstern National Monument and any other conservation system unit, as established and defined by the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, et. seq.), covered by any of its pending selection applications filed under the entitlement provisions of either section 12(b), (12(c) or 14(h)(8) of the Act, as amended. Lands conveyed to NANA pursuant to this subsection shall be of a like estate and equal in acreage to that conveyed by NANA to the United States. The lands conveyed to NANA pursuant to this subsection shall be in exchange for the lands conveyed by NANA to the United States and there shall be no change in the charges previously made to NANA's land entitlements with respect to the lands conveyed by NANA to the United States. Lands received by NANA pursuant to this subsection are Settlement Act lands.

"(c) NANA may relinquish any interest it has under selection applications filed pursuant to this Act, as amended, in the surface and subsurface estate in lands described in subsection (a) of this section by formally withdrawing such application pursuant to this section, provided, however, NANA can relinquish only interests in lands that are compact and contiguous to other public lands within the Krusenstern National Monument and, if the lands have been disturbed by NANA, the Secretary must first determine that such disturbance has not rendered the lands incompatible with Monument values. Whenever NANA formally withdraws a selection application pursuant to this section, it shall be entitled to designate and have conveyed to it lands outside the boundaries of Cape Krusenstern National Monument and any other conservation system unit, as established and defined by the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, et. seq.) pursuant to any of its pending selection applications filed under either section 12(b), 12(c) or 14(h)(8) of this Act. Lands conveyed to NANA under this subsection shall be of a like estate and equal in acreage to the interest which NANA relinquished, and when the lands are conveyed to NANA, the conveyance shall be charged against the same entitlement of NANA as if the lands had been conveyed pursuant to the relinquished selection applications. Lands received by NANA pursuant to this subsection are Settlement Act lands.

"(d) The provisions of this section shall remain in effect only until December 18, 1991.

"(e) Nothing in this section shall be deemed to alter or amend in any way NANA's selection rights or to increase or diminish NANA's total entitlement to lands pursuant to this Act.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object—and I shall not object—I yield to the gentleman from Ohio [Mr. SEIBERLING] for the purpose of explaining the legislation.

Mr. SEIBERLING. Mr. Speaker, this is a bill granting a right-of-way across the Cape Krusenstern National Monument in Alaska, to a regional corporation organized under the Alaska Native Claims Settlement Act. The purpose of the right-of-way is to allow construction of a road connecting the so-called Red Dog mineral area to a port site on the Chukchi Sea.

In July, the House passed the bill, after amending it in a number of respects. One of the provisions in the House version would have given the Regional Native Corp. an incentive to trade out its inholdings not only in the Cape Krusenstern National Monument but also in other conservation areas in that part of Alaska.

The Senate has now returned the bill to us with that language modified so that it applies only to certain lands within the Cape Krusenstern unit. However, on balance, the Senate version is acceptable, in my opinion, and so I am proposing that we concur and thus clear the bill for the President.

My readiness to take this position is based on assurances that I have received that the Native Corp. is in fact committed to transferring those lands into Federal ownership and that nothing in the Senate version precludes the trading out of inholdings in other areas under the procedures of existing law. Reduction of inholdings remains an important priority, which we trust will be vigorously pursued with regard to all conservation system units throughout Alaska.

Mr. Speaker, I include for the RECORD at this point a letter from the NANA Regional Corp., Inc., regarding S. 444:

NANA REGIONAL CORP., INC.,
Kotzebue, AK, September 9, 1985.

Re S. 444.

Hon. JOHN SEIBERLING,
Chairman, Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SEIBERLING: You have requested, because of a Senate amendment to S. 444, as passed by the House of Representatives, additional information on NANA's intentions with respect to the lands that it would receive in the Cape Krusenstern National Monument pursuant to S. 444 and designated as "A-1" lands. NANA is committed to using the provisions of S. 444 to transfer ownership of those lands to the United States. However, final approval of the decision to transfer the lands must come from the people of the Village of Noatak, who initially made the determination as part of the proposed land exchange to accept the "A-1" lands in exchange for other selections they had made within the Monument.

We will take the issue to the people of Noatak to determine their choice in this matter as soon as we can convene a meeting this Fall, and NANA's management is prepared to recommend to the shareholders of Noatak that the "A-1" lands be transferred to the United States. In addition, management does not believe it will be a difficult problem to identify alternate lands that would be acceptable to the people of Noatak.

However, it is essential that the legislation be enacted prior to our meeting with the people of Noatak because of financing and development schedules that must be met if construction of the transportation system is to commence when planned.

NANA and its shareholders appreciate your efforts on their behalf.

Sincerely,

JOHN W. SCHAEFFER, Jr.,
President,
NANA Regional Corporation, Inc.

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, I want to compliment the gentleman from Ohio, the chairman of the committee, and all the parties involved in this legislation. It has been a long road. I say that not with tongue in cheek. But we have accomplished something through the cooperation and the negotiation between the Federal Government, the Interior Department, the NANA Regional Corp. and the Congress itself. This is a landmark piece of legislation to implement part of the act that was passed in 1980 and 1971. Again I compliment the gentleman and urge the acceptance of the legislation.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, let me also add that I think the gentleman from Alaska [Mr. YOUNG] has played a very constructive role in this. There is not total unanimity on the part of all of the conservation organizations. Although they are divided, some support this solution and some do not. In my opinion, this is a fair solution which protects the Cape Krusenstern National Monument by re-

moving major inholdings inside the monument, it protects the environment with adequate conditions in the legislation, and at the same time helps the North Alaskan Native Regional Corp. to start developing its economic resources, which is very important to the people in that organization. It is an outstanding Native association, with outstanding leadership, and I think they have been very cooperative with the Congress on conservation and other matters and, on the whole, this is an excellent resolution to a multiplicity of problems.

For that reason, I strongly support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered, and that I be allowed to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

IMMIGRATION REFORM, A TOP PRIORITY

(Mr. PACKARD asked and was given permission to address the House for 1 minute, and include extraneous matter.)

Mr. PACKARD. Mr. Speaker, we've spent much of the last several months arguing about the deficit, tax reform, Federal spending, and South Africa. But after spending a month in my home district in southern California, I am convinced that we must make immigration reform a top priority for the remainder of this legislative session.

In an editorial published August 29, the San Diego Union noted the great number of undocumented aliens living in hovels—actually eating and sleeping in holes in the ground—in San Diego County. This is becoming a major problem for public safety as well as public health in my district and throughout southern California.

The Border Patrol is unable to perform their function of protecting people because they are greatly undermanned. Our local jurisdictions are similarly unequipped to deal with this flood of people.

We need immigration reform, and we need it today—and we should be just as concerned about the rights and interests of our people as well as the agricultural interests that will be inevitably affected by this legislation.

Mr. Speaker, I include the San Diego Union's August 29 editorial in the RECORD, as follows:

[From the San Diego Union, Aug. 29, 1985]

TAKE NOTE, CONGRESS

There is nothing like personal experience to drive home a truth that might otherwise remain elusive. Accordingly, we have two suggestions for any member of Congress who doubts the urgent need for reform of this country's immigration laws:

First, spend one night with the Border Patrol along the sector of the San Ysidro port of entry.

Second, spend five minutes in any of the burrows—that's right, holes in the ground—that house an increasing number of undocumental aliens employed in agriculture here in San Diego County.

At the border, our visiting member of Congress would find a relative handful of Border Patrol agents trying desperately to stop the 1,000 or more aliens who attempt to enter the United States illegally in the San Ysidro sector on an average night. During a typical weekend, the figure may be 5,000.

The Border Patrol estimates that it apprehends at most half of those entering the United States illegally along this country's 1,800-mile border with Mexico. Most are Mexican nationals. But many are from the strife-ridden countries of Central America or even from such distant places as mainland China.

Odds are reasonably good that, if the congressman risked accompanying agents through the dark into the border canyons and ravines, he might glimpse something of the violence of an international frontier out of control. Perhaps he would witness one of the routine robberies and shootings by the border bandits who prey on aliens trying to cross into the United States. Or perhaps he might stumble in the dark over a rape victim, or an alien beaten and left for dead.

Exaggeration? Visit the border here and see for yourself, congressman.

And after you spend that harrowing night on the border, take in a few of the migrant camps that dot the agricultural areas of San Diego County. You will find some of the migrants living in hovels fashioned of cardboard and the thin plastic sheeting of trash bags. The less fortunate will be sheltering in holes burrowed into the earth. Border Patrol agents call them spider holes. Some are hardly bigger than graves, which is what they sometimes become when a candle consumes the oxygen or ignites clothing and cardboard.

Other hazards include cave-ins, suffocation, lice and other vermin, not to mention the demoralization that must sooner or later attend living as an animal in the ground.

Can it be that in the United States of American in 1985 some of the men and women and even children who help harvest this nation's agricultural abundance live in holes in the ground? It can be and it is, as our reporter Lisa Petrillo and photographer Bill Romero documented in last Monday's San Diego Union.

Now, more members of Congress must see all this for themselves. Immigration reform, including a proper guest-worker program, will remain only a dream unless Congress can at last be stirred to action. An adequate guest-worker program would legalize migrant labor and wipe away the shame of the spider holes and the exploitation they symbolize. That, and a greatly reinforced Border Patrol, could restore a semblance of order along a chaotic, dangerous border.

For two consecutive sessions, Congress has failed to pass the comprehensive immigration reform measure known as the Simpson-Mazzoli bill. A modified version is pending before Congress again. Let those inclined toward apathy or opposition visit here before they vote.

INTRODUCTION OF TWO BILLS TO BENEFIT RURAL AMERICA

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, I have introduced two bills this week of importance to rural America.

First, I have introduced legislation that will amend the rural health clinics provision of the Social Security Act to help ensure that psychologist's services are available to older Americans in rural areas. Available research indicates that the rural America is underserved in the mental health service system.

Second, my colleague, the gentleman from West Virginia [Mr. WISE] has joined me in introducing a bill to strengthen the Veterans' Educational Assistance Act of 1984 by amending chapter 30, title 38 to include educational assistance for apprenticeship and other on-the-job training. These programs are particularly important to veterans living in rural areas who might not have a college nearby or are not inclined to continue their training through educational institutions.

I urge my colleagues to support the speedy passage of these bills.

Mr. Speaker, I include the text of these proposals for printing in the RECORD as follows:

H.R. 3281

A bill to amend title XVIII of the Social Security Act to provide that services provided by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for payment under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)) is amended—

(1) in paragraph (1)(B), by striking out "physician assistant or by a nurse practitioner" and inserting in lieu thereof "physician assistant, nurse practitioner, or clinical psychologist", and

(2) by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'clinical psychologist' means an individual who—

"(A) is licensed or certified at the independent practice level of psychology by the State in which he so practices;

"(B) possesses a doctorate degree in psychology from a regionally accredited educational institution, or in the case of an individual who was licensed or certified prior to January 1, 1978, possesses a master's degree in psychology and is listed in a national register of mental health service providers in psychology which the Secretary deems appropriate; and

"(C) possesses 2 years of supervised experience in health service, at least 1 year of which is post-degree.".

(b) The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

H.R. 3282

A bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other onjob training under the new GI bill educational assistance program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL ASSISTANCE TO INCLUDE APPRENTICESHIP.

(a) IN GENERAL.—Section 1402 of title 38, United States Code, is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'program of education'—

"(A) has the meaning given such term in section 1652(b) of this title; and

"(B) includes a full-time program of apprenticeship or of other onjob training approved as provided in section 1787(a) of this title."; and

(2) by adding at the end the following new paragraph:

"(7) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b) CONFORMING AMENDMENTS.—(1) Section 1432 of such title is amended by adding at the end the following new subsection:

"(c) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other onjob training fails to complete one hundred and twenty hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest eight hours, bears to one hundred and twenty hours.".

(2) The heading of such section is amended to read as follows:

"§ 1432. Limitations on educational assistance for certain individuals".

(3) The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

"1432. Limitations on educational assistance for certain individuals.".

(4) Section 1434(b)(2) of such title is amended by inserting "or training establishment, as the case may be," after "educational institution".

DESIGNATING THE ROSE AS THE NATIONAL FLORAL EMBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, today I have the honor of joining with the other Members of the Louisiana delegation, the gentlewoman from Ohio [Ms. OAKAR] and the gentleman from South Carolina [Mr. SPRATT] in introducing a joint resolution to designate the rose as the national floral emblem of the United States.

The rose has embellished our country with its beauty and perfume for centuries. It has been said that "when love first came to the Earth, the spring spread rosebuds to receive him," I understand that fossilized roses have been found in Colorado and Oregon which date back as far as 40 million years. The breeding and hybridizing of roses, which our first President, George Washington started, is a tradition that still flourishes in our country. In fact, one of the varieties he developed, the Mary Washington Rose, is still enjoyed today in gardens across the Nation.

The rose has been selected to decorate the White House garden where many notable occasions have taken place, innumerable American landmarks and memorials, and three First Ladies have roses named in their honor.

No flower has inspired more poetry and music that the rose, and I understand that the rose has been the victor in every survey designed to determine the favorite flower of the American public.

I believe it is time to make official the position of honor that the rose has long enjoyed in our culture. I believe it is time to make the rose our national floral emblem.

I am including for the RECORD at this point the text of the resolution:

H.J. RES. 385

Joint Resolution to designate the rose as the national floral emblem

Whereas the study of fossils has shown that the rose has been a native wild flower in America for over thirty-five million years;

Whereas the rose is grown today in every State;

Whereas the rose has long represented love, friendship, peace, and the devotion of the American people to their country;

Whereas the rose has been cultivated and grown in gardens for over five thousand years and is referred to in both the Old and New Testaments;

Whereas the rose has for many years been the favorite flower of the American people, has captivated the affection of human kind, and has been revered and renowned in art, music, and literature;

Whereas our first President was also our first rose breeder, one of his varieties being named after his mother and still being grown today; and

Whereas the United States is without a national flower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

WOODS HOLE SCIENTISTS DISCOVER TITANIC WRECK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, a little after 2 a.m. early on the morning of April 15, 1912, the "unsinkable" R.M.S. *Titanic*—on her maiden voyage—slipped below the icy cold waters of the North Atlantic. Seventy-three years later, also a little after 2 a.m., on the morning of September 1, 1985, a joint French-American team discovered the wreck of the great liner. The American team was led by Dr. Robert Ballard of the Woods Hole Oceanographic Institution. Dr. Ballard heads the Deep Submergence Laboratory at Woods Hole and is recognized throughout the world for his outstanding work in oceanography.

Mr. Speaker, I want to congratulate the Woods Hole Oceanographic Institution, the French Institute for Research and Exploration of the Sea, and Dr. Ballard for opening a new era in underwater exploration. The *Titanic* was first photographed by the new deep-towed sonar video camera system [ARGO] which was developed by the Institution's deep submergence laboratory. The vehicle was funded by a $2.8-million grant provided by the Office of Naval Research.

It is expected that following this year of sea trials, ARGO will have its first scientific application in December. At that time, Dr. Ballard will survey a 120-mile section of the East Pacific Rise—which is a submarine ridge between San Diego and Manzanillo, Mexico. Since the first efforts to study this large geological underwater feature were begun in 1973, the scientists have seen about 120 miles of the ridge system. Incredibly, the ARGO survey in December will equal the previous 12 years of work in just 20 days.

Much of this important work in oceanography is funded by the National Science Foundation through grants to Woods Hole and other American oceanographic institutions. Too often the efforts to learn more about life in our oceans is overshadowed by U.S. achievements in space. But the oceans hold most of the clues to the evolution and development of our planet, and the NSF support of oceanic exploration is vital to the continuation of that research.

I think we can all share in the excitement of having found the *Titanic*—but as Dr. Ballard so eloquently said, in finding the great liner it also made us aware of the significance of the *Titanic* as a maritime disaster. Once the excitement of the discovery was behind them, it was fitting that Dr. Ballard and his colleagues held a brief memorial service on the fantail of the research vessel *Knorr* for the 1,522 who perished.

And as many of you here may have read, it is Dr. Ballard's hope that the site of the *Titanic* sinking shall remain forever undisturbed as a memorial to those 1,500 souls that lost their life on that April night 73 years ago. That would be my hope, too, and I would urge all involved in this great adventure to make every effort to insure that the *Titanic* does not fall victim to a second tragedy—and that would be salvage rape for profit of the ship's cargo, goods, and personal effects.

Once again I want to congratulate Dr. Ballard, the Woods Hole Oceanographic Institution and the entire scientific community on the discovery of the *Titanic.* It is a great accomplishment that will help keep this Nation in the forefront of basic research undertaken in the deepest waters of the oceans.

HIGH HOLIDAYS 5746

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on the evening of September 15, the first day in the autumn month of Tishri, 5746, under the Jewish Calendar, Jews all over the world, will begin the new year with the celebration of Rosh Hashanah, the Day of Judgment.

According to Jewish tradition, on Rosh Hashanah, God remembers all of his creatures and judges humankind, and their destinies are inscribed in the Book of Life. This is a joyous, but solemn, holy day of deep religious significance and the start of a 10-day period of penitence, the Days of Awe, culminating in Yom Kippur the holiest day of the year.

The previous month, the Hebrew month of Elul, is seen by Jews as a time for introspection and meditation in preparation for the repentance and renewal of the new year. It is customary to visit the graves of relatives and teachers, to remember the sanctity of lives, and to gain inspiration for the coming year. Penitential prayers, selikot, are recited at midnight on the Saturday before Rosh Hashanah, and continue for at least 4 days as the tenor of the high holiday period begins to intensify. It is also customary to send friends and relatives cards containing special wishes for a new year of good will, peace, and happiness.

On Rosh Hashanah, the highlight of the synagogue service is the blowing of the Shofar, or ram's horn, whose sound is meant to awaken man's conscience, to renew his faith, to return him to God, and to summon all Jews to self-examination and repentance.

After services, families return to their homes to light festival candles. A holiday meal is served, including a round loaf of bread and apples dipped in honey to symbolize the hope for a sweet new year. The next day is devoted to prayer and self-reflection in the synagogue. Reform and Israeli Jews celebrate Rosh Hashanah for 1 day from sundown to sundown, while Orthodox and Conservative Jews observe this holiday for 2 days.

For 10 days, beginning with Rosh Hashanah, and ending with Yom Kippur, all Jews make a concentrated effort at introspection and reconciliation. It is customary for Jews to ask forgiveness of other people they have slighted or hurt during the previous year. Through this direct confrontation with other persons, they approach forgiveness and reconciliation with others. Jews search their souls and repent for their sins, and ask forgiveness. Their deeds and fate are then weighed in the balance by God on the last day.

Beginning on the 10th evening, Yom Kippur, the Day of Atonement, Jews fast until the next sundown. Most of this time is spent in the synagogue, repenting, and asking pardon from God and from their fellow men. In turn, they freely forgive their neighbors. At the end of the day, the Shofar is blown one last time, and with a cleansed heart, all Jews look forward to a good new life for the following year, and return to their homes for a hearty break-the-fast dinner.

During these holiest of days, I extend my greeting and best wishes for a happy, healthy, and prosperous new year to my many constituents and friends of the Jewish faith who reside in the 11th Congressional District of Illinois which I am honored to represent. "May you be inscribed in the Book of Life." I also hope and pray that the new year brings an end to the persecution of hundreds of thousands of Jews living under Communist oppression, who are prohibited from observing these most holy days, so they too may worship in religious freedom, "next year in Jerusalem."

THE ISSUE OF VIETNAMESE INVOLVEMENT IN CLANDESTINE INTERNATIONAL CURRENCY TRANSFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, I have taken this time to discuss a problem which I believe is significant but obscure to the American public: The issue of Vietnamese involvement in clandestine international currency transfer. In fact, this is my second in a series of special orders that I plan to conduct with respect to the issue. I would encourage all Members to review my previous statement on the matter which can be found in the May 15, 1985, CONGRESSION RECORD.

By way of background, the Office of Foreign Assets Control, through section 505.565 of the Foreign Assets Control Regulations, allows the transfer of not more than $300 in any consecutive 3-month period to any one payee in Vietnam or $12,000 per year. An additional one-time transfer of $750 is permitted for the purpose of enabling the payee to emigrate from Vietnam. Our Government gave this permission because we believed that most recipients had direct or indirect connections with the U.S. Government or the deposed Government of South Vietnam.

By implementing this program, we have attempted in good faith to continue a longstanding tradition to assist those in distress in other countries. There appears to be, however, overwhelming evidence that suggests that limitations are rigorously being imposed on people with pro-American backgrounds by the present Vietnamese regime. That government is making it enormously difficult for them to maintain even minimal standards under the current economic conditions in the SRVN.

Furthermore, the deplorable situation in SRVN, quite interestingly, goes well beyond its borders. There is documented evidence that indicates the SRVN is picking the pockets of Vietnamese refugees here in America, and other nations.

One may ask, What compels the SRVN to exploit Vietnamese outside their borders? As far back as the early 1950's, a noted Chinese economist from Stanford University named Yuan-Li Wu wrote:

> Governments that have national residents overseas may resort to blackmailing to augment supplies of exchange. Unlike the measures of open warfare and economic pressure • • • there are other methods that are effective as long as their real purpose is disguised. Once their intent is bared, they cease to be of any value to their perpetrator, inasmuch as they can be easily dealt with even if their effect cannot be nullified immediately. They are the methods of economic warfare. • • •

That passage from Dr. Wu's book, "Economic Warfare," a standard in its field for over three decades,

According to some Asian experts, Federal law enforcement officers and

Senate investigators, this definition of covert economic warfare portrays the real life dilemma of many of the 450,000 Vietnamese refugees in this country, most residing in California, Virginia, Texas, and Louisiana. According to Treasury experts, approximately $200 million a year intended for relatives in Vietnam is sent through banks and storefront operators, contributing to a well-organized underground economy in Vietnam.

What is so devastating is the fact that most of the currency does not reach its intented destination; instead, it ends up in the SRVN's treasury. Vietnamese refugees in this country are victimized by a sophisticated manipulation scheme directed against them by the SRVN.

In June 1984, the Senate Banking Committee's Subcommittee on Financial Institutions heard testimony from Vietnamese refugees; and experts revealed that coerced appeals for money from individuals residing in the United States is not uncommon. During the 1984 hearing, the witnesses revealed a startling story that shows that:

In 1981, SRVN Government authorities created an organized and efficient exploitation system "to exhaust the foreign exchange capabilities of overseas Vietnamese."

This exploitation system targets a list of all individuals in Vietnam who have relatives in the United States. Vietnamese cadremen periodically contact people living in Vietnam and encourage them to write to their relatives to request money.

To transfer the money, a network of underground currency collection centers have been established in the United States. In response to orchestrated appeals, Vietnamese refugees take currency to the centers. The U.S. currency is consolidated at periodic intervals and smuggled out of the United States to the state bank of Vietnam. The intended recipients are given a small amount of Vietnamese currency which is immediately subject to regressive taxation or outright confiscation.

In many American cities, there are sizable Vietnamese communities which are vulnerable to these appeals. Some 13 collection centers from Los Angeles to New Orleans and Arlington, VA, reportedly are funneling an estimated $18 million per month to the SRVN.

Mr. Speaker, I think we have only scratched the surface of this insidious exploitation scheme. The need to bring this serious problem to a greater level of public attention is long overdue. In fact, I have written Chairman SOLARZ of the Subcommittee on Asian and Pacific Affairs to encourage him to investigate this matter.

We simply cannot continue to permit millions of dollars to leave this country only to contribute to a clandestine currency transfer network which:

Is unregulated;

Invites criminal elements;

Presents our law enforcement officers with a complicated system of deception.

I firmly believe that Vietnamese refugees in this country should be given the opportunity to have an adequate system that will provide for the transfer of a reasonable level of funds to their family, without contributing to a regime they despise so much.

Mr. Speaker, the point here is if we do not extend some sort of protection to Vietnamese refugees in this country, then we will continue to give them no choice other than to entrust their money to storefront and backroom operators who skim off a substantial percentage of the funds, but may also be acting in the interest of hostile foreign power. We must begin some steps to bring about a system that can protect them from shadowy underground practices designed solely to bolster the SRVN's insatiable need for substantial hard currency.

H.R. 816; "THE VIETNAM HUMANITARIAN REMITTANCES FUND"

My legislation, H.R. 816—which establishes a self-supporting fund—proposes that there be established in the Treasury of the United States the "Vietnam humanitarian remittances fund," consisting solely of moneys paid by Vietnamese refugees who wish to send such sums to their relatives in Vietnam.

Upon implementation of the legislation, the Secretary of the Treasury shall issue notes drawn on amounts held in the fund which are payable to the designated individual recipient in Vietnam.

No note thus issued may be redeemed out of the Treasury unless:

It is accompanied by a declaration from the State Bank of Vietnam which attests to the amount of funds actually received by the designated recipient;

That the recipient has actual use of all the funds which were sent;

That no duress was employed in soliciting the funds or in obtaining the recipients signature;

Or if evidence exists of special taxation or denial of human rights imposed on the recipient in connection with the redemption of the note.

One of the most important aspects of H.R. 816 is that it makes such clandestine money transfer unlawful, and suggests that the administration seek to negotiate with SRVN for random monitoring of our humanitarian remittances program by either the United States or a multilateral team of inspectors.

My legislation proposes that in the event inspection teams report a pattern or practice of abuse of the procedures thus established for the sending humanitarian remittances to Vietnam, all such remittances will be curtailed.

Mr. Speaker, H.R. 816 does not intend to redirect our current foreign policy direction with respect to Vietnam. The legislation that I have introduced suggests that we demonstrate a commitment to restoring the integrity of humanitarian assistance for our new neighbors in this country who wish to send currency to their relatives in Vietnam. The principles of equity require nothing less.

In summary, H.R. 816, as proposed, would require the active cooperation of the Government of the SRVN in several areas. A good faith agreement between the United States and the SRVN, as provided for in section 3(a), would be the basis of a system set up to facilitate the transfer of currency for humanitarian purposes from residents and citizens of the United States to nationals residing in Vietnam. The bill provides various mechanisms for implementing the agreement, including creating a "fund" within the United States Treasury Department, sending a team of United States or multilateral inspectors to Vietnam to verify the regularity of the proposed transfer procedures, and establishing a time limit on the transfer of funds to expedite transaction.

Mr. Speaker, there are some who have suggested that this system will not work because we need the active cooperation of the SRVN. I can certainly appreciate their concerns. It is my belief, however, that if the Vietnamese Government does not need hard currency, and that currency can only be redeemed in this manner, then there may be tremendous incentive for them to cooperate with us. While I have no illusions that this serious problem will be rectified overnight, my legislation may just be a starting point in recognizing the need to restore the integrity of humanitarian assistance for people in this country who desire to send currency to their relatives in Vietnam.

MARCH 1985 CONGRESSIONAL RESEARCH SERVICE ANALYSIS OF H.R. 816

In March of this year, I requested the Foreign Affairs and National Defense Division of the Congressional Research Service [CRS] to prepare an analysis of H.R. 816.

The 1985 CRS report determined that there could potentially be four situations in which the SRVN Government might be willing to enter into an agreement with the United States regarding new currency transfer mechanisms. Such areas include:

(1) If consent to a regulated system was linked to economic aid or political recognition from the United States; (it must be noted, however, that the United States is extremely unlikely to provide any aid, or take any steps toward normalization of relations, so

long as the Vietnamese continue to occupy Cambodia).

(2) If remittances fall off sharply due to: (a) discouragement on the part of remitters in the United States over whether the intended recipient was receiving any, or an unacceptably low portion of the remittance; (b) a change in U.S. regulations which would make currency transfer illegal, and effective enforcement of this regulation; and (c) effective U.S. action against clandestine means of transferring currency. Should any of these contingencies occur the Vietnamese might look at a regulated transfer system as a way to stabilize the flow of currency into Vietnam.

(3) The Vietnamese could enter into an agreement for the sake of garnering favorable world opinion and then either ignore or abuse the procedures proscribed in the bill.

(4) If, according to Hanoi's calculation, such a system would increase the amount of currency coming into the country.

The March 1985 report also revealed that there may be several reasons why the Vietnamese might not agree to the type of mechanism envisioned in H.R. 816.

Vietnam could flatly refuse to the agreement on the grounds that it violates Vietnam's sovereignty. The Vietnamese Government may not give inspection teams carte blanche to carry out oversight activities. Hardliners within the SRVN's politburo could perceive the proposed mechanisms as an American attempt to dictate Vietnamese internal policies.

Although the Vietnamese are anxious to acquire hard currency to bolster their depleted foreign reserves, the overt transfer of funds on a regular basis to certain families within Vietnam could be disruptive to the socialist ideal by creating a class of remittance people and possibly spawning discontent at the disparities of wealth such a system might create. CRS said further that, "Factionalism within the Vietnamese politburo over this matter and the larger issue of United States-Vietnamese relations could either produce a stalemate or tip the balance to hardline forces who want to remain isolated from the West."

CRS also shed light other possible disincentives that "due to the reportedly thorough system the Vietnamese have instituted for exploiting the remittances entering Vietnam, they have little reason to change the system, particularly as a result of an American request. Any regulated system with ceilings on the amount of funds which can be transferred could reduce the amount of money entering Vietnam, and more importantly, the possibility for the Vietnamese Government to 'benefit' from the remittance."

Mr. Speaker, I am the first to agree that the methods of abusing the system that is set forth in my legislation could happen. There is always the likelihood that inspection teams could be easily manipulated as it is highly unlikely that their travel would be unrestricted, Presumably, the teams would always be escorted by Vietnamese officials. Peasants could still be intimidated by overly zealous local cadres, as has reportedly occurred in many cases, and made to lie about the money they received. There is always that chance that bank officials may be subject to manipulation.

I do believe in purely humanitarian terms; however, my proposal could be an important starting point that may increase the odds for Vietnamese citizens and residents in the United States to be assured that their loved ones in Vietnam would be receiving the full amount of the remittance sent.

Mr. Speaker, it is tragic to hear a refugee's lament that, when he sends $100 to his wife, she will actually get very little of it. Yet he keeps sending the money because, even it she gets to keep $10, that is of some assistance. Or to hear a refugee's sad story that his 9-year-old daughter, gravely ill with rheumatic fever, receives a cable from his wife for money, but the little girl died 4 days later before the money arrived.

It is obvious to me that the need to have a vigorous discussion on the scope and nature of this problem and what we can do to remedy it is greater than ever. In fact, my proposal has an expedited procedure for transferring currency. The sad story I told about the little girl could have been averted if we had some expedited means of transferring currency for humanitarian purposes.

Such a system may also reduce or eliminate the current widespread practice of clandestine transfer, which by all accounts benefit underworld figures operating in the United States and abroad. It is obviously in the broader interest of the United States not to allow an antagonistic Vietnamese Government to be enriched by American dollars now allegedly being siphoned off under current remittance methods.

A recent editorial by the Orange County Register, a newspaper in my district, agreed that I have identified a serious problem within the Vietnamese refugee communities in Orange County and other parts of the country, specifically Virginia and Texas. The Register through its own investigative work reveals that:

> There is good evidence that the Socialist Republic of Vietnam government authorities have put together an organized program to "squeeze" money from Vietnamese living in the United States. The program is in part designed to increase the Government's supplies of foreign currency, and to deplete the resources of refugees. A more cynical bit of of exploitation is difficult to imagine.

The editorial charged that I "seek to remedy to this problem with a piece of legislation."

The editorial concluded that:

> Lungren is to be commended for identifying this problem and seeking to publicize it. If anybody in the Vietnamese refugee community was unaware of this shameful operation, they should be apprised of it. However, Lungren should be content with publicizing it and permitting the ingenuity of Vietnamese people in the United States to operate with a little more reliable information. No legislation is needed, and Lungren's proposal could well be harmful.

While I greatly appreciate the public service the Register has provided, it appears that what this editorial comes close to saying is that we should somehow throw up our hands, and accept the status quo. The editorial vaguely suggests that the man on the street will have to fend for himself, while we in this august body stand idly by and do nothing to help our new neighbors. I think it is absurd to somehow think that the "Rambo" approach to solve this problem is going to help anyone; especially the image of the United States.

The 1984 Senate Banking Subcommittee hearing mentioned earlier during my remarks identified the sum and substance of what this issue is all about. One of the major witnesses—whose identity had to be protected for fear that harm would come to his family still in Vietnam—stated:

> I myself go to church and I went to the church and asked my American friends how they feel about this. I asked my coworkers. I asked every single people who I had opportunity to meet. They are all confused. They say, "No, no. The problem, it no exists." I show them the evidence. I brought them to be where the underground currency is. I show them the paper how many refugees are here. They confused. They are confused. They say, "Well, it not exist. If it exist, our government will know it. Our big country, our powerful country will know it." But nobody acts. And the money keep losing. The Communist are stealing. The Vietnam Government is stealing from our pocket.

Mr. Speaker, based on information that has come from a variety of sources, one can only conclude that it is clear that the Vietnamese politburo is the controlling force when it comes to determining what direction will be taken in collection of currency overseas. Some Asian experts believe the Vietnamese Communists Party's internal security apparatus carefully organizes individuals in Vietnam who have relatives residing abroad into small, easily monitored groups.

As previously mentioned, at periodic intervals, these groups are compelled to write relatives overseas requesting sums of money under a variety of pretexts, some contrived, some legitimate. In response to these appeals for assistance, overseas family members take

their money either to banks or to underground collection centers which operate in the United States under the disguise of commercial enterprises.

These Vietnamese fronts direct the currency they collect through Vietnamese fronts in third countries, typically Canada or France, from which they are sent back to the State Bank of the Socialist Republic of Vietnam.

Mr. Speaker, it is very important to understand that the SRVN's overseas currency scheme is not limited to the United States. On July 13, 1985 the Hamilton Spectator, a Canadian newspaper, ran a series of indepth articles indicating that:

Vietnamese immigrants are being bled by a $140 million a year currency collection scheme orchestrated by the Vietnamese Government and centered in Montreal.

The Hamilton Spectator investigations revealed that "most of the 25,000 Vietnamese in Canada—including about 4,000 in the Hamilton-Burlington area—who send prescription drugs, sundries, and money back to assist relatives in Vietnam are coerced by the Vietnamese Government to ship the parcels through a Montreal company which has a favored relationship with the Communist regime from which the refugees fled."

A 3-month investigation into the Canadian branch of the currency collection operation by the Hamilton Spectator has revealed:

A cluster of companies on Beaudry Street in Montreal act as the hub of the Canadian currency collection operation.

One of the Montreal companies, Laser Express, is the only Canadian company with a contractual relationship with Vietnamese customs.

Vinamedic, another Montreal company, is the only purchasing agent for the Vietnamese Government in Canada.

Both companies are connected to each other and another company, the Union Generale Des Vietnamien au Canada—a Montreal-based pro-Communist group—by intertwined directorships and land sales. Company officials deny the relationships.

A Carleton University political science professor says the Montreal Companies Act collectively as an unofficial Vietnamese Embassy. The Vietnamese Embassy in Ottawa closed in 1981.

A Toronto company, Transsaigon Co.—owned by a member of the Union General—ships parcels to Vietnam through laser express. The company has satellites in Edmunton, Windsor, and other parts of Canada. The owner denies that he deals with the Vietnamese Government.

The Federal Department of Employment and Immigration, 4 months ago, gave the Union Generale a 5-month $20,000 grant.

The Department of External Affairs and the Quebec Order of Pharmacists were both unaware of the companies' activists and activities until contacted by the Hamilton Spectator.

The value of money and goods shipped through Montreal is nearly 100 times higher than the $19 million statistics Canada estimates that Canada exported to Vietnam last year.

What the Hamilton Spectator revealed is that refugees who attempt to send money, medicine, and packages face a difficult task. Much of the money is siphoned off in taxes by the Vietnamese Government controlled savings accounts. Some of the drugs may be seized. Most of the goods that do get to designated recipients will be sold on the black market. The majority of the money that is sent back flows into the State Bank of the Socialist Vietnam through wire transfers, couriers and commercial credit. If a refugee sends money through the mail it is often stolen or lost in Vietnam. It can take as long as 3 months for a letter to get to Vietnam from Canada.

The articles also illustrated that:

If the money is sent through Canadian banks it can take up to 8 months to get to Vietnam and the Vietnamese Government only gives the Vietnamese relations a portion of the funds at an exchange rate 10 times lower than that offered through the Montreal operation. The rest of the money is kept, by the government, in an account that the Vietnamese need government permission to withdraw from.

Mr. Speaker, what the Hamilton Spectator uncovered is the fact that the SRVN is resorting to tactics against people who are basically defenseless. Many refugees say they feel guilty about sending money by any route through which they believe the SRVN is benefiting. But each method by which they can send money or other essentials is fraught with problems. When a money order is sent through a local bank to Vietnam's Foreign Trade Bank, the rate of exchange of Vietnamese dong to the dollar is only about half the rate of other transfer methods, refugees say. Current evidence reveals that:

Vietnamese who send money are forced to deal in U.S. funds and pay a service charge as high as 26 percent of the amount they wish to send;

In Vietnam the packages and mail are heavily taxed, pilfered and censored by the governments;

Packages that arrive at Tan Sam Nhat Airport in Ho Chi Minh City are swaddled in red tape and subject to surcharges, taxes, and theft.

Mr. Speaker, I hope all Members of this body will take the time to understand the seriousness of the issue discussed this evening. I am not necessarily certain that my legislation is in fact the appropriate response to the problem which I have outlined. There is still plenty of doubt in my mind about the extent and nature of the problem.

I do believe, however, that if some of these truly alarming stories have any ring of truth, they represent a violation of human rights that go beyond the standards of decent behavior on a very broad scale. I urge all my colleagues to study not ony the methodology contained in my legislation, but also take some time and explore the issue for yourself. Talk to law enforcement officers. Most importantly, discuss this issue with leaders in the Vietnamese communities. All of us owe it to ourselves to discover whether or not the Socialist Republic of Vietnam's controlled economic exploitation scheme actually exists. Most importantly, we should try to learn just how it effects the lives of Vietnamese refugees here in the United States.

□ 1700

Mr. Speaker, perhaps we are a little bit more aware of this problem in my part of the country than in others because we have such a large number of these Southeast Asian refugees, and particularly these Vietnamese refugees, but in fact it is a national problem. It is the height of irony, it is actually the height of tragedy that the very same Vietnamese Government which drove these people from their homeland, which required these people to exit in some of the most dangerous ways to leave their homeland to try to seek a little peace in the United States and elsewhere, should now be taking advantage of these people who now, having reached freedom, are attempting to do nothing more than assist their relatives and their friends who are left back in Vietnam.

As I said, I am not certain that my proposal is the best proposal or the only proposal, but I am putting that proposal out on the table so we can see whether or not it is possible for us to create a set of conditions to allow the Vietnamese who live within our midst to do what any of us would want to do, and that is to help our neighbors, help our families, and help our friends who are left back in their homeland and who are suffering because of the activities of the government that required us to leave.

Mr. Speaker, I ask, can we not try to create a set of circumstances which allows them to have some comfort in the thought that what they are doing is not in vain?

□ 1715

THE LESSONS OF GRENADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, tonight I am going to renew talking about the real news and what is hap-

pening around the world. The concerns we have to face with the war against freedom being waged by the Soviet Union and its Communist allies. I want to focus on two major areas. One is the Gorbachev propaganda offensive, trying to set the stage for Geneva. It is an attempt to create an environment in which there will be more pressure on President Reagan to appease the Soviet Union than there has been in any Western leader since Neville Chamberlain went to Munich in 1938.

In addition to talking about the Gorbachev offensive and what I think is the correct American response to that propaganda offensive, I want to talk about recent developments in Central America and in particular the ways in which the Nicaraguan Communists are threatening Costa Rica. I also want to talk about the ways in which as the El Salvadoran Communists find they are unable to win, they are reverting to terrorism in their efforts to defeat the Government of El Salvador.

Let me first talk about the Gorbachev peace offensive. The fact is that Marxist-Leninist parties, in particular led by Lenin's own writings, are very oriented to psychological, intellectual warfare. They think that words are very, very important. One of the reasons why in most Communist countries there is a dramatic increase in education as soon as a Communist government takes over is because they regard education as the key to brainwashing the population. They believe that brainwashing that teaches people the right words is the key to controlling people in the long run. So it is natural for a Communist government to think that a psychological, political offensive is a part of warfare. Indeed, unlike the West, if you study Leninist warfare or Soviet warfare manuals, they have an entire section on psychological, political, intellectual warfare, in which they have invested very heavily and in which they train a great number of people.

In the past I have cited from the Grenada documents, documents which were captured when we liberated the island of Grenada, documents that are based on a Communist government and a Communist party in Grenada. In those documents I have quoted examples of the very serious planning that goes into a Communist government trying to mislead both the American people and the American news media and the careful planning which goes into propagandizing their own people.

It is clear from the Grenada documents that there is a serious long-term Communist effort to understand the American news media and to know how to manipulate it. An effort to understand American church groups and to know how to manipulate them.

In that setting, I think the Gorbachev offensive is part of a long pattern of Soviet willingness to lie and deceive in order to try to communicate their values.

In the recent Time magazine interview with Gorbachev, there were two fascinating examples of the Soviet modern techniques of manipulation. The funnier of the two was a line where Gorbachev was quoted as saying, "God in His infinite wisdom." I found it fascinating. Here you have the leader of the Communist government, an avowedly atheist movement, a man whose wife teaches Marxist philosophy at the University of Moscow, cheerfully for purposes of Western newsmen citing God. A God which technically he cannot believe exists if he believes the teachings of Lenin, but because he knows that we feel comfortable with people who cite God, he is perfectly willing to make us feel more comfortable.

Second, we had in the very same interview a reference which Gorbachev said, "We would never start a war." Unfortunately, no one on the Time magazine editorial board saw fit to say to him, "What about Afghanistan, where you are currently fighting a war? What about Czechoslovakia, which you invaded in 1968? What about Hungary, which you invaded in 1956? What about the occupation of the army in Poland?"

Instead, they passed over it, allowing a Communist leader with a totally straight face to say to them, "We, of course, would never start a war. I promise you that."

One has to wonder how naive you must think Americans are if you can get away with that kind of bald-faced lie, since he is in the middle of fighting a war in Afghanistan.

The pattern of this offensive is very simple. We know from a variety of works, of which possibly John Barron's books on the KGB are the best. Shevchenko's work on "Fleeing From Moscow" as a Soviet senior official telling us the inside story is helpful and there have been a number of other studies.

We know from these works that the Soviet Government systematically and consistently goes after the penetration of Western news media.

A recent novel, "The Spike," is another example of that. Its coauthor is Arnaud de Borchgrave, the editor of the Washington Times, a former senior columnist for Newsweek magazine.

As you study these books, whether they are fiction or nonfiction, you learn that the KGB, the Soviet secret police, spends a great deal of money bribing some reporters, influencing some editors, establishing some academic centers, setting up a framework of thought.

It is I think fair to say that not since Adolf Hitler manipulated the Western news media in the late 1930's have we seen an offensive designed to convince, manipulate and dupe Western people as sophisticated as Gorbachev's current offensive.

What then should the correct American answer be? When the New York Times prints an ad paid for by the Soviet Embassy, as it did recently, should we censor that ad? I do not think so. When Gorbachev offers to be interviewed, should we stop the interview? I do not think so.

It would be helpful if the newsmen were a little more tough minded, if they asked better questions, if they were more aggressive in cross-examination. But basically, if we are going to be a free society, we have to allow people who are going to lie to us to tell their lies out in the open. And then we have to hope that our intellectuals, our news media, our politicians, our citizens, will pay attention and learn who is telling the truth and who is lying.

Rather than talk about censorship, I would like to suggest just the opposite. We have an opportunity in the third week of October to lay out for the entire world to see who the Communists are and what the system is. Rather than arguing with Gorbachev as a person or discussing whether or not his wife dresses well, it seems to me far more appropriate for us to look at the underlying question of the nature of the Soviet system, the nature of the Communist government.

I think there is no better time to do that than the third week of October, which is the second anniversary of the liberation of Grenada.

I think it is important for two reasons. First of all, the liberation of Grenada was the first time that a Communist government was overthrown and people regained their freedom. In that sense the experience of the Grenadian people, now free, now with a free market, now with a democracy, now with a free press, now with freedom of religion, the lesson of Grenada in ceasing to be Communists offers hope to people all over the world. It offers hope to the Afghan freedom fighters. It offers hope to the Nicaraguan freedom fighters. It offers hope to the Angolan freedom fighters. It offers hope to people in Poland, in the Ukraine, in Estonia, in Latvia, in Lithuania, and throughout the Soviet Union.

Second, in liberating Grenada and saving some 800 American students from possibly becoming hostages, we also captured 35,000 pounds of Communist documents, the records of the Communist government, the records of the Communist Party. So we know a great deal about Grenada.

Unfortunately, because the American intellectual community is largely leftwing, because it does not want to learn about communism, because it does not want to study the Soviet

Union in reality, very little has been done with those documents. Only a few books have been written, of which the most notable was edited by Romerstein and Ledeen and published by the State Department as the Grenada Documents. In addition, a book by Paul Seabury studies the Grenada Documents. But when one looks at all of the leftwing intellectual effort to discredit El Salvador, the Philippines, South Africa, Chile, and then you look and ask how many Ph.D.'s rush down to the National Archives to look at these documents? How many people have been busily studying and trying to tell us what we can learn about communism and the Grenada lesson? The answer, sadly, is very few.

Therefore, I think it is very, very important that we take the third week of October, the week of October 25, and we focus America on looking at the lessons of Grenada and asking ourselves, what do they tell us about today? What do we learn about communism in Grenada that teaches us about Gorbachev? Nothing could better prepare America for Geneva than to study the real nature of communism and look at the real lessons of the Grenada Documents.

That is why I urge my colleagues to cosponsor House Resolution 313, which Congressman IKE SKELTON of Missouri and I have introduced as a bipartisan resolution. It already has over 165 cosponsors. And it is designed to make the week of October 25 a week in which high schools, colleges, Sunday schools, synagogue classes, civic clubs, veterans groups, everyone who has an interest in understanding the world we live in and the nature of communism, might look at the lessons of Grenada. That is why I would urge every citizen to look at their own civic clubs, their own classes, their own opportunities to study the lessons of Grenada. I think it helps to get the local news media to ask the question, what have we learned about communism? By getting editorial writers before they interview Gorbachev to study the way in which Lenin has practiced the art of lying to Western news media, to look at the lessons of disinformation and deception as practiced by the Soviet Union, I think that helps all of us.

So I would urge all of my colleagues to cosponsor House Joint Resolution 313 and help us make the week of October 25 a week to learn the lessons of the Grenada Documents.

I would also urge every group around America that is interested in and concerned about communism or about the survival of freedom to take the opportunity that week to study the lessons of Grenada.

I would urge those citizens whose Congressmen have not yet cosponsored that resolution to contact their Congressmen and ask them to cosponsor House Joint Resolution 313.

In addition to handling propaganda as it relates to the Soviet Union, I think it is also interesting to look at what has been happening around the world that the American news media does not cover very aggressively.

There is a tendency in the American news media if an American ally does something to put it on page 1, and if a Soviet puppet does something to either not print it at all or put it on page 30.

Therefore, I have asked that we put together some major events and on a weekly basis on Thursday I am going to try to link together different news stories you may not have seen. I'm going to show how they relate to the war against freedom being waged by the Soviet Union and its Communist empire. Here are some examples.

First, the Communists have been linked in Nicaragua to 700 Costa Ricans training in Cuba. At least 700 Costa Ricans linked to leftist groups have received military training in Cuba with assistance from the Communist Sandinista government of Nicaragua, according to Costa Rican Deputy Minister Johnny Campos.

Notice that this is not a citation from an American source. This is the Deputy Security Minister of Costa Rica. He said in a recent interview in La Nacion:

> Campos broached the magnitude of local and foreign espionage in his country. He also stated that this training had been going on for 4 years. He divided the espionage activities into three groups which included the involvement of the Ortega-led Communist government of Nicaragua. The Deputy Minister described the situation as dangerous and he is very concerned about it.

An example of what has been happening around the world: The Communist terrorists in El Salvador are changing their behavior. According to Radio Venceremos, the Communists in El Salvador have again bragged about their sabotage activities.

For example, over the Fourth of July weekend, the Communist guerrillas "carried out important sabotage against power lines in this central area of the country. These power outages affected San Salvador and large parts of Central El Salvador."

The broadcast also went on to boast that "on July 5, guerrilla units of the Julio Armando Climaca Detachment downed three high voltage power pylons in (Las Gorritas) Canton, San Jorges jurisdiction, San Miguel Department.

"We continue with more activities to sabotage the war economy of Duarte's government. Sabotage is victory."

I think every American needs to look at that and ask themselves, these are Communist guerrillas. They claim that they are for the people, yet their strategy as they grow weaker and are unable to field a military unit is to engage in terror and in sabotage. Imagine the nature of a group which would say that sabotage is victory. Sabotage is destruction, the breaking up of the economy, the destroying of jobs, the wiping out of civilized amenities. Then when American reporters go to a major city and the power goes out because the guerrillas have successfully sabotaged the power lines, instead of reporting on guerrilla brutality, on the senselessness of their campaign, of their unwillingness to vote, instead the reporter talks about how weak the government is.

Let me suggest that if we had guerrillas trying to knock out power lines around Washington, we could appreciate better the challenge to President Duarte. Not only his daughter kidnaped by terrorists, but he is faced with a guerrilla movement which, as it loses the main war against his army, reverts more and more to terrorist tactics and to guerrilla warfare.

To the south of Nicaragua, Costa Rica finds itself increasingly in difficulty. For example, Costa Rican President Luis Alberto Monge has said definitely that there will be no dialog between Costa Rica and the Communist regime of Nicaragua because the Communist regime has refused to apologize and give explanation for actions to Costa Rica concerning their aggressions directed against his government.

Monge referred to three separate incidents in which Nicaragua waged unprovoked attacks over its border into Costa Rica: The events at Las Crucitas on May 31, when two Costa Rican civil guardsmen died; the July 3 incident in the same area when Communist troops attacked the Costa Rican guardsmen who were trying to recover the body of one of the slain guardsmen; and the July 26 incident at Barra del Colorado, when three Communist air force planes entered Costa Rica's airspace and dropped bombs.

□ 1730

The point I want to make here is that of all of the countries in Central America, Costa Rica is the most peaceful, the most democratic, the most open.

Costa Rica disbanded its army in the late 1940's. It literally has no army anymore. It has been observed by one expert on Central America that Costa Rica is the greatest danger to Nicaragua precisely because it is a democratic country with a free market and a free press. That means that every possible younger Nicaraguan will flee to Costa Rica, just like in Western Europe we see people flee from East Germany to West Germany, from Czechoslovakia to Austria, from Hungary to Austria, and so forth.

The point this expert had made was that as long as Costa Rica is alive, as long as it is a free country, as long as

it is a better place to live than Nicaragua, it will be an active threat to the Communist government of Nicaragua precisely because it drains away people.

Here we have the President of Costa Rica, a country which does not even have an army, reporting on three incidents in which the Communist government of Nicaragua entered Costa Rican territory. The Costa Ricans are concerned in part because, as they look to the north toward El Salvador, they have some sense of how a country can be torn to pieces by Communist guerrillas.

Communist guerrilla commander Joaquin Villalobos, in a statement concerning the increased terrorists' use of land mines and urban terrorism, has threatened more violence on the people of El Salvador.

"Our aim is to convert every road into a river of blood with mines * * * each stone into a mine and every helicopter into a coffin," Villalobos said in a recent rebel radio broadcast.

The Farabundo Marti Liberation Front [FMLN], the Communist terriorist organization bent on destroying the democratically elected government of President Duarte, is increasing its activities due to decreased support in their insurgency efforts over the past year.

"The subversives have planted a lot of mines in the last few months because they can no longer confront army units directly," said Maj. Omar Vaquerano, an infantry battalion commander. "The mines are a demonstration of the subversives' weakness."

The increase in the effectiveness of the government's efforts against the Communists' activities has broken up the terrorists into small pockets of subversives, taking much of their support base, supplied by the Masas.

The point I want to make is this: Here we have Communists in El Salvador saying that we are going to rely on sabotage. I quoted earlier, "sabotage is victory." They have said here, we have them saying their aim is to convert every road into a river of blood with mines, each stone into a mine and every helicopter into a coffin.

Imagine you were living in democratic Costa Rica, that you were looking up the road to El Salvador, that you saw that kind of bloody, viscious anticivilian guerrilla warfare, sabotage, and terrorism going on. You can appreciate why the Costa Rican Government, the most democratic, most open and decent government in Central America, is increasingly angry with the Nicaraguans, because it sees in Nicaragua a country which is supporting guerrilla warfare with Communists in El Salvador. A country which is itself a Communist dictatorship. And Costa Rica sees an increasing willingness to launch raids against them.

President Monge, in an August 13 letter to Daniel Ortega, the Communist dictator of Nicaragua, said that Costa Rica was a "peaceful people" and blamed "Nicaragua's warmongering attitude" for the border crisis.

Let me emphasize this. This is the President of Costa Rica, the neighbor of Nicaragua, a democratic country which does not even have an army. His attitude toward the Communist Government of Nicaragua, he said it was "a warmongering attitude."

This is not Ronald Reagan talking; this is not some rightwing Republican. This is the democratically elected, free President of Costa Rica.

He went on to say that we Costa Ricans "are a peaceful people and have never attacked anyone."

The Costa Rican President stated that if there is no peace in Nicaragua, then his nation is affected by this. "However," Monge stated, "Costa Rica is not responsible for Nicaragua's peace; Costa Rica cannot achieve or impose peace in Nicaragua."

In clear reference to the unprovoked border aggressions launched by the Marxist-Leninist regime, Monge said that—

> The various border incidents on Costa Rica's northern border, specifically the painful incident at Las Cructas and the violation of our national airspace by your government's military forces, can be protested as acts of aggression we will not tolerate and which, if repeated, will force us to defend ourselves. We demand a satisfactory explanation because these incidents are the result of Nicaragua's warmongering attitude and of the lack of peace in Nicaragua, which is an issue that your government cannot evade.

"Therefore, steps toward peace, both inside and outside Nicaragua, should be taken by your government," Monge said. He also stated that he considered Nicaragua's "international propaganda aimed at tarnishing Costa Rica's real position in relation to the Nicaraguan conflict unjust and ill-intentioned."

So again we have on August 13 the President of the democratic, demilitarized, free Costa Rica complaining, saying to the Nicaraguan Communists to "Let us alone, quit trying to provoke us."

Yet what happened?

On August 25, a Communist army patrol from Nicaragua was spotted by Civil Guard units inside Costa Rican territory in the Boca de San Carlos region, marking the third unprovoked border incident within a week against this democracy.

According to the Panama City ACAN report from the northern region of Costa Rica, the Sandinist People's Army [EPS] patrol fired at the civil guardsmen with their rifles and the civil guardsmen fired back.

Area residents told reporters that apparently the Communists had seized a farm but then abandoned it after the clash with the Costa Rican public forces.

Public Security Minister Benjamin Piza Carranza has explained that a police patrol discovered the Communist group in Costa Rican territory and, for this reason, obeyed the order to fire at them. Costa Rica has no standing army. He said that the Civil Guard remains on alert in the border area, which has been the site of recent unprovoked and illegal attacks launched by the Marxist-Leninist regime.

This is the third incursion the Communist forces have carried out on Costa Rican soil in 1 week, according to official reports issued by the government of President Luis Alberto Monge.

On August 22, five Communist aircraft violated Costa Rican airspace and fired shots, only 24 hours after the Costa Rican Government denounced an attack by the Nicaraguan Communist forces on the Boca de San Carlos police post.

These events have been unfolding during the Nicaraguan so-called peace dialog propaganda campaign.

In other words, where the Nicaraguans are publicly in interviews with American television, talking to American church groups, they pretend they favor peace. There are three times in 1 week in late August that the Nicaraguan Communists violated Costa Rica and attacked Costa Rica. In fact, things have gotten bad enough that Costa Rican Foreign Minister Carlos Jose Gutierrez said that the Inter-American Reciprocal Treaty [TIAR] might be requested if unprovoked Communist border attacks continue, citing that regime's "expansionist objectives" as a possible cause for these incidents.

"I think that, if these aggressions continue, we may resort to the TIAR. Costa Rica has not done so thus far because it believes the aggressions do not merit it," Gutierrez said in a telephone interview with Radio Cadena Nacional. Nevertheless, he noted that "their frequency and constant repetition might lead Costa Rica to resort to a step of that nature."

Gutierrez said that the Communist attacks on Costa Rica could have various explanations, among them that the Communist regime may be trying to intimidate the Costa Rican people. "This could be one of the reasons," he said. He explained that "perhaps the attacks seek to prevent Costa Ricans living in the border area from continuing to express support for the anti-Sandinists.

"Second, it might be that the attacks are the result of the arrogance of the Sandinist Army, which wants to show its military might to its neighbors," Gutierrez added. "We also think the attacks could be part of the expan-

sionist objectives of the Nicaraguan Government, which does not hide its aggressive intentions with regard to the countries that border Nicaragua."

Let me make this point for all of our friends who belong to church groups that say why can there not be peace in Central America. Here he is, the foreign minister of Costa Rica, a country which is a democracy. A country which is free, a country which does not even have an army. All it has is a border patrol and a civil police, and now what is the foreign minister of Costa Rica saying? He said that the Government of Nicaragua has, and I quote: "Expanionist objectives," and "does not hide its aggressive intentions with regard to the countries that border Nicaragua."

In other words, the foreign minister of Costa Rica is trying to say to all of the world, you cannot deal with the Communist Government of Nicaragua because it is trying to expand itself. Nicaragua is an enemy to its neighbors, and it is supporting guerrilla war.

What do the people of Costa Rica think?

In a poll conducted by an affiliate of the international Gallup organization, it was found that 89 percent of the Costa Rican population consider the Marxist-Leninist regime of Nicaragua a threat to peace in the region.

The poll, which was published in the San Jose daily La Nacion, also found that 87 percent of the population have an unfavorable opinion of the Communist government. In addition, 63 percent said that neutrality ought not to apply if Nicaragua violated the Costa Rican sovereignty.

According to the results of the survey, most Costa Ricans approve of the way President Monge is handling the Nicaraguan crisis, but are displeased with the way the Contadora group is resolving the problems between the two nations. Also, 83 percent of the Costa Ricans polled said they were confident the United States would help defend Costa Rica if they were invaded.

On a similar subject, Oscar Aguilar, Presidential candidate of the National Union Party, has said that in view of the new Communist attacks against Costa Rican territory, which were confirmed by the Costa Rican Government, the country should break diplomatic ties with the Marxist-Leninist regime, if only temporarily. His statement, which was on San Jose Radio Reloj on August 22, also explained that "firmness does not mean aggression but that the country cannot continue to defend the national sovereignty with protest notes that no one pays attention to."

I think there are two messages here for Americans. First of all, the next time someone says to you: "But why do you think the Nicaraguan Communists are dangerous," ask them if 89 percent of the free people of Costa Rica are scared of their neighbor, should that not worry you. If the folks who are down there, who are natives, who are local, and who speak Spanish, who have friends in Nicaragua, if 89 percent of them are scared of the Communist next door, should not that be a sign to us that maybe they know more than the local politician or your local reporter who once spent 2 days there on a trip?

Second, what would our friends on the left do to save Costa Rica if, in fact, the Communists in Nicaragua are violating Costa Rican sovereignty? I have just indicated there were three times in 1 week in August that the Nicaraguan Communists were occupying part or acting on parts of Costa Rican territory. What would we do?

Are our neighbors, in fact, the Costa Ricans, right when 83 percent of them say we would help them if they were attacked by Communists, or are they wrong? I wonder. I wonder in this House how many of our more leftwing members would, in fact, find some excuse for explaining away Communist aggression, some way of indicating that it was really caused by Costa Rica, even though Costa Rica is unarmed, has no army, and could not attack anyone.

In fact, the Costa Rican Government is considering seriously breaking relations with Nicaragua.

Costa Rican Foreign Minister Carlos Jose Gutierrez has said that President Monge and his administration has not ruled out a break in relations with Nicaragua.

"On various occasions and in view of repeated attacks and violations of the Sandinist Army, we have been on the verge of breaking relations with Nicaragua but the situation has always been reconsidered," the foreign minister said. Government sources say that the possibility remains, considering recent territorial violations and the air attack August 21. "We now have to think of more drastic measures," Gutierrez said. He went on to say: "The conditions for signing the peace document do not exist," and added that the tension mentioned by Mexican Foreign Secretary Bernardo Sepulveda "is not the result of the position adopted by Costa Rica, which is willing to sign the document if it includes all the aspects necessary to achieve peace.

"It is not a matter of signing the peace document but of fulfilling all its provisions. If this is not done, the efforts would have been useless. Each country that signs the peace document must comply with its provisions. It is not a matter of simply signing the document so as to form part of a group of countries that will subsequently not comply with it," the foreign minister concluded.

I began tonight talking about the propaganda offensive of Gorbachev and of the Soviet Union and that there is a parallel propaganda offensive by the Nicaraguan Communists.

□ 1745

One of the comforting systematic natures of communism that does not seem to change over time, you can count on it, is that they can lie with a straight face. They can tell you they are for law and order while picking your pocket. So it is not at all uncommon for a Communist government like Nicaragua, in a peace offensive, have their President giving peace speeches while their army and air force are violating Costa Rican territory. Here we have the Costa Rican Government telling us about the event.

Again, the Costa Ricans are worried in part because of Nicaraguan Communist direct activity, and they are worried in part about what they see just up the road in El Salvador.

As recently as late August we have seen examples of the kind of Communist terrorism in El Salvador which frightens the democratic, disarmed country of Costa Rica.

According to an August 24 San Salvador La Prensa Grafica report, new acts of vandalism and terror have recently been carried out by subversive groups of the Communist FMLN-FDR terrorist insurgency organization.

On the highways to Santa Ana, Atiquizaya, Sesuntepeque, Tejutla, Usultan, Ilobasco, and other places the terrorist groups attacked buses, injuring at least 20 civilians.

In another unprovoked attack, official reports say that on August 23 the Communist extremists machinegunned a bus, truck, and pick-up truck in Delicias de Concepcion Canton, San Juan. According to the report, several passengers were wounded and all were taken to hospitals in that capital and Zacatecoluca.

As the Communist subversives were preparing to set the vehicle on fire, a military patrol arrived and the rebels immediately opened fire and fled from the army.

The Communist terrorists organization's goal is to overthrow the democratically elected government and replace it with a Marxist-Leninist regime similar to those currently in control in Cuba and Nicaragua.

Now, notice the style here. Now that the Communist guerrillas in El Salvador cannot stand up to the army, what do they do? They shoot the civilians, they machinegun a bus, they machinegun a pickup truck. This is the kind of banditry which can break down a free society but which is very hard for us to fight. Where are our friends on the left, those who are upset because the CIA mined Nicaraguan harbors; those who talked about atrocities from the right? Where is anyone from the left in this body standing up and saying it

is wrong for Communist guerrillas to shoot innocent civilians? We have not heard a single person from the left in this House complaining about Communist guerrillas. Yet we recognize that there are all sorts of terrorists from the left who are engaged throughout Central America in trying to destroy pro-American and pro-Western governments.

There is one final point I would like to make tonight about events in Central America. And that is that there is some evidence that Nicaragua is working in concert with drug trafficking. There has been considerable evidence that Cuba works with drug traffickers. But there has been a recent report worth looking at in terms of the Nicaraguan Communists.

An agreement that allowed Colombian cocaine lords to process and ship narcotics through Nicaragua was described July 31 by a pilot working undercover for U.S. authorities.

Adler Barryman Seal described an April 8, 1984, meeting at the Colombian mountaintop home of Jorge Ochoa attended by several members of the Ochoa smuggling cartel:

"They had struck a deal with some [officials] in the Sandinista government in Nicaragua," Seal said. "We're not Communists. We don't agree with their philosophy, but they serve our means and we serve theirs—then they made gestures indicating money."

Seal, 45, said he was initially worried about being arrested if he landed in a plane full of cocaine in a Communist country, but he said he was assured that there would be no problems with Nicaraguan officials.

United States authorities concluded that the operation had at least the tacit approval of high-level Sandinista officials.

The point that I think really ties together drug trade, terrorism, the propaganda offensive, and Nicaragua's attacks on its neighbors in Costa Rica is that from a Communist standpoint all of this fits together. Gorbachev, as a Communist leader, sees the United States as the enemy. The Soviet Union and its Marxist-Leninist leaders are very open in saying that we are the enemy. Anyone who has studied the Grenada documents can find the then-Communist leader of Grenada, Maurice Bishop, saying in a secret speech:

> Of course we are Communists, of course this is a dictatorship, of course we are against the Americans, but if we told them the truth then they will know what we are doing. So we are going to lie to them.

It is amazing, since 1917 we have had an opportunity to study what Lenin wrote in creating the Soviet state, to study how Stalin behaved as a dictator, or to look at what now is almost 70 years of systematic warfare against the West.

It is remarkable to see them spy against us, to have Americans who are arrested as spies, to see West Germans who turn out to be spies, to recognize that the British are expelling spies right this very day, to see that all over the world Gorbachev is involved in country after country, in systematically spying to try to undermine the West.

Similarly, we see, as we look around the world, a Communist offensive. There are Russian troops in Afghanistan killing free Afghans this evening as I speak. There are Cuban troops in Ethiopia, in Angola, in Mozambique killing people who want to be free.

There is a Communist government in Nicaragua trying to impose a dictatorship on its people. There is a Communist army from Vietnam in Cambodia trying to impose a Communist government on its people. There is a Communist army holding down the people of Poland.

In the middle of all this, Gorbachev appears on the cover of Time magazine and explains that he is really a nice guy who is just misunderstood. In the middle of all this, we have a so-called peace offensive. Sometimes you have to ask yourself how naive is the American and European news media, how naive are our intellectual elite, how easy it seems to be for the Communists, almost by the flick of a wrist, to change and say: "Oh, please forget everything we are doing in Afghanistan, ignore the people we are killing, the men, women, and children who are being butchered, the villages that are being bombed, the atrocities that are being committed, we really mean well. Please ignore the spies that you are uncovering in your country that we send there. We really mean well. Why don't you come to Geneva and just talk to us in a pleasant way?"

I believe the President should go to Geneva. I agree with Winston Churchill who once said: "Jaw, jaw, jaw is better than war, war, war."

Still, we should recognize what is going on.

Neville Chamberlain went to Munich in 1938 thinking if you could appease a dictator somehow things would get better. Neville Chamberlain might have given up radar in order to make Adolph Hitler happy. And the British would have lost the battle of London.

The President has the 21st century equivalent of radar, the strategic defense initiative. It is vitally important that all of us in America, and in Europe, and in Japan, and all of the free countries recognize who is going to Geneva.

On the one side, there is a Communist empire, there is a man whose armies are currently trying to conquer Afghanistan, there is a man who is spying against all of us, who is supporting terrorism and who represents the dark forces of the secret police, the Gulag Archipelago and the concentration camps of political prisoners. That is Gorbachev.

We should recognize that, we should remember it, and we should go to those negotiations starting with a question, since this is a man who will lie with a straight face, who will quote God even though he is an atheistic Communist, who would tell us he would never start a war even while he has 120,000 troops fighting in Afghanistan. Let us be clear what is happening.

It is vitally important the American President talk with the Communist leader. It is equally important that the American President not try to appease the Communist leader. If we can reach reasonable agreements that are enforceable, that is worth doing. I hope that on the week of October 25, we will study the lessons of the Grenada documents and we will celebrate, for free people everywhere and people who would like to be free everywhere, the fact that for the first time a Communist nation has become free again. As we look at the lessons of that second anniversary, it is my hope that across America and through the U.S. Information Agency across the world, the people who are free will be able to look once again at the lessons of communism and the nature of communism and what really was happening in Grenada, and that that will give us a much more sober, a much more realistic, a much more reasonable balance as we move toward Geneva.

It is vitally important that Geneva occur, but it is equally important that Geneva not become another Munich.

While Ronald Reagan is a Churchillian figure, a man of great resolution, a man who understands communism, a man who, as a former labor union president, knows how to negotiate, it is very important that he not have Neville Chamberlain's style news media, Neville Chamberlain's style elite, Neville Chamberlain's style advisers, Neville Chamberlain's pressure from his own public to make unwise concessions. By asking your Congressman to cosponsor House Joint Resolution 313, to help us look at the lessons of the Grenada documents, by asking your civic club, your Sunday school, or your synagogue group, your high school, or college class to take time that week to look at the lessons of Grenada, I think it is possible to educate ourselves, and I think that in the long run an educated, free people will survive despite the threats of dictatorship and that we can achieve peace through knowledge and through information.

I thank the Speaker.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in

which to extend their remarks and to include therein extraneous material on the bill, H.R. 7, which was considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

KIDNAPING OF PRESIDENT DUARTE'S DAUGHTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 30 minutes.

Mr. MCCOLLUM. Mr. Speaker, I would like to speak today about Mrs. Ines Guadalupe Duarte Duran, the eldest daughter of El Salvador's President, Jose Napoleon Duarte. Both Mrs. Duran and a female friend were kidnaped yesterday and in the process, a young man guarding Mrs. Duran was murdered.

No guerrilla group or organization has yet to claim responsibility for the kidnaping. The clandestine rebel radio station, Radio Venceremos, did not mention the kidnaping during its September 10 broadcast.

However, it seems to me that this is another signal that urban warfare in El Salvador is a reality and the Communist guerrillas mean what they say.

The June 19, 1985, murder of four U.S. marines in the city of San Salvador is still fresh on our minds. Only three of the suspected rebels responsible for this attack have been apprehended to date. Shortly after this murder, the Communists announced they would continue to hunt down Salvadoran and American officials in the cities.

The clandestine radio station of the Marxist-led insurgents, Radio Venceremos, announced yesterday, September 11, 1985, that their goal to "annihilate American advisers" in El Salvador is still a very high priority.

It is crystal clear to anyone who pays attention and who keeps his eyes and ears open as to what kind of criminal we are dealing with in El Salvador and Central America. The Salvadoran intelligence forces recently reported that they have received information that Salvadoran and American officials remain the targets of the Communist rebels.

The crimes and threats of the Communist rebels in El Salvador are not merely directed at the Duarte government or American advisers or officials. These acts are designed to intimidate the Salvadoran population and destabilize that country in order to allow the Communists to abort democracy in El Salvador and Central America as a whole. We must not make any mistake about the actual purposes involved in this series of terrorist acts that they are now engaged in.

As the speaker before me made the point in his presentation, the rebel forces at this time in Central America are conducting terrorist activities in order to bring about a change in the freedom that does exist in the few countries around the area where they now hold control in Nicaragua. The United States, as a result, in order to protect its own citizens and in order to protect the officials of the democratic countries in Central America, especially in El Salvador, and in order to protect the glimmering hope of democracy that is flaming now in those areas down there, the American Government, the United States, us, this Congress must expedite the money, materials, and support already authorized to El Salvador to counter the Communist urban offensive going on. Just before the August recess, we passed a Foreign Assistance Act that contained authority for the United States to provide training and equipment to the police and internal security forces of El Salvador, Honduras, and Costa Rica. The President subsequently signed this act into law.

It is now our duty to see to it that El Salvador, Honduras, and Costa Rica obtain a first-class police force by whatever means of assistance and training that we can possibly give them.

□ 1800

If that means, and I think it does, appropriations and additional funding by this Congress, we need to proceed now, because it is only with that kind of training that we are going to have the kind of police, the kind of internal security forces in the cities of El Salvador, Honduras, and Costa Rica that can combat this new urban guerrilla terrorism that the Communists are conducting.

It is only in this manner that we can prevent future murders like those of the four marines involved, just a month or so ago, and the kidnaping of Mrs. Duran, the daughter of President Duarte just the day before yesterday.

Now let me say in this connection that these may not be the only funds that we need. We have to look at what we have just recently done, but we also have to look at new funding levels not only for the question of training these police forces, but for the security and economic concerns in El Salvador itself if it is to survive as a democracy.

As we go through the process of the continuing resolution, and looking at the next year's money cycle, it is absolutely incumbent upon this Congress to appropriate whatever additional moneys are necessary to protect the men and women, the Salvadoran and Americans, who are struggling together each day to keep democracy alive in this part of our free world, however small it may be.

I submit to my colleagues and to the American people that we can do no less for democracy and for the future of freedom in this country and in Central America.

PERSONAL EXPLANATION

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on September 4, the House approved H.R. 10, the National Development Investment Act, by an overwhelming vote of 260 to 96.

I was absent on business last week. As a cosponsor of H.R. 10, I strongly support the continuation of the Economic Development Administration. Had I been present during rollcall vote No. 292, I would have voted "Aye."

INTRODUCTION OF A NEVADA WILDERNESS BILL

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today, with our colleagues, JIM WEAVER, PETER KOSTMAYER, and BUDDY DARDEN, I am introducing legislation to designate 18 outstanding Forest Service roadless areas in the State of Nevada as wilderness.

Nevada is one of the few remaining Western States for which we have not yet passed legislation in response to the Forest Service's 1979 RARE II wilderness study and recommendations. Those recommendations were made to help the Congress settle the allocation of presently undeveloped lands between wilderness and other multiple uses. Without legislation, all development plans on more than 3.6 million acres of roadless lands in Nevada's National Forests will be under a cloud of uncertainty.

In July of this year, the cosponsors of the bill and I, with members of the Nevada congressional delegation, had the privilege of participating in a 4-day tour by helicopter of Nevada's national forests with Forest Service staff and representatives of the Nevada State government. We met and talked with ranchers, miners, outfitters, representatives of the oil and gas industry, and conservationists at locations across the State, and visited many of the roadless areas that local conservationists have proposed for protection as wilderness. All of us on the trip were impressed—and surprised—by the beauty and diversity of Nevada's mountains.

Nevada's forests are unique islands in the Great Basin desert. High above the desert valleys, they catch the rain, snow, and cool air that makes these verdant mountains such a stunning contrast to the desert below. Once designated wilderness and given national recognition, the areas in our bill, which are widely distributed across the State, will forever change the popular im-

pression that Nevada is just a desert wasteland.

Each of the areas in my bill would make superlative additions to the National Wilderness Preservation System. They include:

Arc Dome in central Nevada's Toiyabe Range. Arc Dome's glacial cirques and alpine ridges are home to desert bighorn sheep. Each year, more hikers use the trails up the side canyons and along the crest of the range. From that trail, you can look out over range after mountain range receding in the distance.

Table Mountain, the heights of the Monitor Range, is home to a thriving elk herd which inhabits some of the most beautiful aspen forest I have ever seen. To my knowledge, based on personal inspections over the years of the vast majority of lands in the National Wilderness Preservation System, there is no area currently in the system which is anything like Table Mountain in terms of terrain, forest cover, and size. Aspens and meadows cover an immense 10,000-foot-high rolling tableland, most of which would be protected as wilderness by our bill. At least four commercial outfitters depend on this area for their livelihood, taking campers and hunters into this beautiful area.

The Quinn Canyon Range was recommended for wilderness by the Forest Service in RARE II because of its spectacularly scenic cliffs and the rugged topography and remoteness that have protected its wilderness character. After our visit, I heartily concur with that judgment.

The South Snake Range, including the Wheeler Peak area in eastern Nevada, was recommended as the site for a Great Basin National Park by the Park Service 30 years ago. Its stunning mountain peaks, lakes, and forests, and the only year-round glacier that remains in the Great Basin from the last ice age, would be protected as wilderness by our bill. We recommend wilderness rather than a park proposal because of local ranchers' desire that livestock grazing be allowed to continue in the area—which wilderness will allow.

The Ruby Mountains, some 15 miles southeast of Elko. The Rubies are one of the most scenically spectacular areas in the entire Nation, and I cannot conceive of a Nevada wilderness bill that did not include them. The Nevada Mining Association has no objection to their designation as wilderness, and the Forest Service has twice proposed them for wilderness. We think they should be wilderness, and have drawn the largest boundary we could to protect as much of this range as is still roadless and undeveloped.

Jarbidge Additions. Our bill adds the drainages on the northeast side to the existing wilderness. We landed at the edge of this area, and virtually everyone in attendance at our informal meeting, including local ranchers, agreed that the area should be in wilderness.

Elk Mountain. Located east of the Jarbidge Additions, this proposal is strongly supported by Nevada sportsmen, who hope that elk will ultimately be reintroduced in the area. The boundary we are proposing has been drawn to exclude several vehicle tracks that are used for hunting and ranching purposes.

Santa Rosa. This desert range north of Winnemucca contains numerous trout streams and forest groves which provide excellent fishing and hunting opportunities. The area also supports a large population of golden eagles and excellent habitat for a mule deer. Our tour of the area convinced us that its unique ecosystems and isolated location in north-central Nevada speak strongly for wilderness designation.

Mount Rose. Over the years, our committee has made a conscious effort to designate wilderness in close proximity to major metropolitan areas, when possible, so that urban residents will be able to continue to enjoy the benefits of nearby primitive recreation. Mount Rose forms part of the scenic backdrop for the city of Reno, and is a spectacular and deserving wilderness candidate.

In total, our bill would protect 1.4 million acres, or about one-third of the still-wild roadless lands in Nevada's National Forests—and would release the remaining 2.2 million acres for multiple-use management. Even with the addition of these 19 areas, Nevada would have less land protected in the National Wilderness Preservation System than any other western State except Utah—which, while it only has 780,000 acres of wilderness, also has 860,000 acres protected in National Parks and Monuments.

The colleagues who are cosponsoring this legislation with me are all on the Public Lands Subcommittee and were on our field trip to Nevada. They, like me, came back convinced that these areas deserve protection as wilderness, and that this bill would strike a fair balance between preservation and development, while assuring that Nevada's national forest lands are adequately represented in the National Wilderness Preservation System.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASTENMEIER (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of official business.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of official business.

Mr. IRELAND (at the request of Mr. MICHEL), until 3 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MCCAIN, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

Mr. LEACH of Iowa, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. MOORHEAD.

Mr. DREIER of California.

Mr. ECKERT of New York.

Mr. DORNAN of California.

Mr. MACK in three instances.

Mr. LEACH of Iowa.

Mr. HARTNETT.

Mr. MARLENEE.

Mr. GUNDERSON.

Mr. SMITH of New Jersey.

Mr. THOMAS of California.

Mr. BROOMFIELD in two instances.

Mr. GILMAN in three instances.

Mr. GEKAS.

Mrs. JOHNSON.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. PANETTA.

Mr. HAMILTON.

Mr. FUSTER.

Ms. OAKAR.

Mr. COELHO.

Mr. VENTO.

Mr. RODINO.

Mr. MORRISON of Connecticut.

Mr. LIPINSKI in two instances.

Mr. SMITH of Florida.

Mr. FASCELL.

Mr. TALLON.

Mr. APPLEGATE.

Mr. SKELTON in two instances.

Mr. LEHMAN of Florida.

Mr. LEHMAN of California.

Mr. GARCIA.

Mr. WYDEN.

Mr. BERMAN.

Mr. MRAZEK.

Mr. MATSUI.

Mr. ANNUNZIO.

Mr. HEFTEL of Hawaii.

Mr. RANGEL.

Mr. DYSON.

Ms. KAPTUR.

Mr. NEAL.

Mr. HUBBARD in two instances.

Mr. LELAND.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 31. Joint resolution to designate the week of November 24 through November 30, 1985, and the week of November 23 through November 29, 1986, as "National Family Week."

ADJOURNMENT

Mr. McCOLLUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, September 13, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1986. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter April 1, 1985, through June 30, 1985, pursuant to Public Law 98-473, section 101(h) (98 Stat. 1926); to the Committee on Appropriations.

1987. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the Storage and Warehousing (Ordnance Management) function at the Naval Magazine, Lualualei, HI, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1988. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-73 "Student Loan Revenue Bond Act of 1985", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1989. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the President's determination that the Ethiopian Government is not conducting a deliberate policy of starvation, pursuant to Public Law 99-83, section 182(c) (99 Stat. 265); to the Committee on Foreign Affairs.

1990. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue commercial export license for sale of certain major defense equipment, articles, or services, pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on Foreign Affairs.

1991. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1992. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commerical aircraft operations, and for other purposes; to the Committee on Public Works and Transportation.

1993. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to make permanent certain provisions relating to members of the Armed Services missing in action; to the Committee on Ways and Means.

1994. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend health maintenance organization authorities; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 2811. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the single-employer pension plan termination insurance program, and for other purposes; with an amendment (Rept. 99-266 Pt 1). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2812. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for an increase in the premium rates payable to the Pension Benefit Guaranty Corporation and to revise the procedures for establishing such premium rates; with an amendment (Rept. 99-267, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1903. A bill to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to members of the Lake Superior Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in Dockets Numbered 18-S and 18-U before the Indian Claims Commission, and for other purposes; with amendments (Rept. 99-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1904. A bill to provide for the use and distribution of funds appropriated in satisfaction of judgment awarded to members of the Mississippi Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in Docket Numbered 18-S before the Indian Claims Commission, and for other purposes; with amendments (Rept. 99-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2174. A bill to provide for the transfer to the Colville Business Council of any undistributed portion of amounts appropriated in satisfaction of certain judgments awarded the Confederated Tribes of the Colville Reservation before the Indian Claims Commission (Rept. 99-270). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself, Mr. DINGELL, Mr. STARK, and Mr. WAXMAN):

H.R. 3290. A bill to amend titles XVIII and XIX to provide for budget reconciliation with respect to the health care programs under the Social Security Act, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOKS (by request):

H.R. 3291. A bill to revise certain provisions of chapter 57 of title 5, United States Code, relating to the subsistence allowances of Government civilian employees while performing official travel, and other purposes; to the Committee on Government Operations.

By Mr. DREIER of California (for himself, Mr. DAUB, Mr. WEBER, Mr. BROOMFIELD, and Mr. HILER):

H.R. 3292. A bill to relieve individuals with one-person Keogh plans from certain information reporting requirements imposed by the Secretary of the Treasury under the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 3293. A bill to amend the Internal Revenue Code of 1954 to establish a threshold of $16,000 for purposes of determining the taxability of Social Security benefits in the case of married couples filing separate income tax returns; to the Committee on Ways and Means.

H.R. 3294. A bill to amend title II of the Social Security Act to permit a State to exclude from coverage (by a modification or additional modification of the applicable State agreement under section 218 of that act) any service performed by election officials or election workers in cases where the remuneration paid for such service is less than $100 in a calendar quarter (rather than only where such remuneration is less than $100 in a calendar year as presently permitted); to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. ADDABBO, Mr. MARTINEZ, Mr. BERMAN, Mr. BOLAND, Mr. DE LUGO, Mr. FUSTER, Mr. DELLUMS, Mr. WOLPE, Mr. DYMALLY, Mrs. SCHROEDER, Mr. BUSTAMANTE, Mr. OWENS, Mr. RANGEL, Mr. PEPPER, Mr. GONZALEZ, Mr. EDWARDS of California, Mr. CONYERS, Mr. WEISS, Mr. GARCIA, Mr. ORTIZ, Mr. RICHARDSON, Mr. KILDEE, Mr. TORRES, Mr. ROYBAL, Mr. CROCKETT, Mr. CLAY, Mr. FORD of Michigan, Mr. LUNDINE, Mr. JACOBS, Mr. DE LA GARZA, Mr. MILLER of California, Mr. PANETTA, and Mr. MITCHELL):

H.R. 3295. A bill to establish a sanitation occupational health and safety standard with respect to agricultural employees engaged in hand labor operations in the field; to the Committee on Education and Labor.

By Mrs. JOHNSON (for herself, Mr. BONKER, Mr. MCKINNEY, Mr. BEREUTER, Mr. RIDGE, Mr. ROWLAND of Connecticut, Mr. LEWIS of California, and Mr. GILMAN):

H.R. 3296. A bill to amend the Trade and Development Enhancement Act of 1983 to provide for better coordination between the tied aid credit programs established in the Export-Import Bank and the Agency for International Development as a defense against the abusive use of mixed credits by

foreign countries, to direct the Export-Import Bank to expand its efforts to promote small business exports, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Ms. KAPTUR (for herself, Mr. EDWARDS of California, Mr. EDGAR, Mr. DASCHLE, Mr. PENNY, and Mr. EVANS of Illinois):

H.R. 3297. A bill to require the Administrator of the Veterans' Administration to provide for an epidemiological study of the gender-specific effect of exposure to the herbicide known as agent orange on female veterans; to the Committee on Veterans' Affairs.

By Mr. KEMP (for himself, Mr. STENHOLM, Mr. SILJANDER, Mr. HENDON, Mr. WEBER, Mr. DORNAN of California, Mr. ECKERT of New York, Mr. HILER, Mr. SMITH of New Jersey, and Mr. ENGLISH):

H.R. 3298. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

By Mr. LEACH of Iowa (for himself and Mr. DURBIN):

H.R. 3299. A bill to direct the Secretary of Agriculture to establish a strategic ethanol reserve; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. WISE (for himself and Mr. GALLO):

H.R. 3300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish local emergency response committees which will plan and coordinate local response to hazardous substance emergencies and to provide members of the community with information about hazardous substances that are located within the community, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. MATSUI (for himself and Mr. ARCHER):

H.R. 3301. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation corporations or trusts that acquire and manage real property for certain other exempt organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. REID:

H.R. 3302. A bill to designate certain national forest lands in the State of Nevada for inclusion in the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. SCHUMER:

H.R. 3303. A bill to amend the Internal Revenue Code of 1954 to provide that the treatment of loans with below-market interest rates shall not apply to loans to foreign governments; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. DARDEN, Mr. KOSTMAYER, and Mr. WEAVER):

H.R. 3304. A bill entitled, the Nevada Wilderness Act of 1985; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. SMITH of Florida (for himself, Mrs. BOXER, Mr. MATSUI, Mr. HEFTEL of Hawaii, Mr. YATES, Mr. HERTEL of Michigan, Mr. BERMAN, Mr. RICHARDSON, and Mr. MARTINEZ):

H.R. 3305. A bill to establish restriction on the provision of financial assistance by the Department of Education to educational agencies in States or other political subdivisions that do not impose certain requirements relating to the inspection and equipping with safety belts of schoolbuses; to the Committee on Education and Labor.

By Mr. TRAFICANT:

H.R. 3306. A bill to require the implementation of a home credit emergency plan in each State or home credit region in which the Secretary of Housing and Urban Development determines a home credit emergency exists, to authorize the Secretary of Housing and Urban Development to provide guarantees of repayment or direct assistance to certain debtors, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WEBER:

H.R. 3307. A bill to amend the Internal Revenue Code of 1954 with respect to health insurance premiums paid by self-employed taxpayers, imputed interest relating to sales of farms, and the consequences of forced sales of farm property; to prohibit the distribution of certain benefits with respect to crops produced on highly erodible land and to establish a conservation reserve program; to require the Secretary of Agriculture to conduct a study relating to the effect of currency exchange rates on export sales of agricultural commodities; and to stabilize the value of farm assets; jointly, to the Committee on Ways and Means, Agriculture, and Banking, Finance and Urban Affairs.

By Mrs. BOGGS (for herself, Mr. BREAUX, Mr. LIVINGSTON, Mr. TAUZIN, Mr. MOORE, Mr. HUCKABY, Mr. ROEMER, Mrs. LONG, Ms. OAKAR, and Mr. SPRATT):

H.J. Res. 385. Joint resolution to designate the rose as the national floral emblem; to the Committee on Post Office and Civil Service.

By Mr. PACKARD (for himself, Mr. ADDABBO, Mr. ANDERSON, Mr. BENNETT, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mrs. BURTON of California, Mr. CHAPPIE, Mrs. COLLINS, Mr. CONTE, Mr. DEWINE, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. HANSEN, Mr. HAYES, Mr. HUNTER, Mr. KEMP, Mr. LAGOMARSINO, Mr. JEFFORDS, Mr. LEWIS of California, Mr. LOTT, Mr. LOWERY of California, Mr. LUJAN, Mr. MATSUI, Mr. MINETA, Mr. MITCHELL, Mr. MONSON, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. ROEMER, MR. ROYBAL, Mr. SKEEN, Mr. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STRANG, Mr. SYNAR, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, Mr. WATKINS, and Mr. WEBER):

H.J. Res. 386. Joint resolution to designate November 24, 1985, as "National Day of Fasting to Raise Funds to Combat Hunger"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 387. Joint resolution to designate the week beginning December 1, 1985, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. MARLENEE (for himself, Mr. STENHOLM, Mr. EVANS of Iowa, Mr. LIGHTFOOT, Mrs. SMITH of Nebraska, Mr. HILLIS, Mr. PENNY, Mr. CRAIG, Mr. FRANKLIN, Mr. HUCKABY, Mr. EMERSON, Mr. COELHO, Mr. HATCHER, Mr. SIKORSKI, Mr. WHITLEY, Mr. SKELTON, Mr. VOLKMER, Mr. GLICKMAN, Mr. MADIGAN, Mr. HENDON, Mr. NELSON of Florida, Mr. LEWIS of Florida, Mr. DURBIN, Mr. HANSEN, Mr. DAUB, Mr. ROBERTS, Mr. WHITTAKER, Mrs. MEYERS of Kansas, Mr. JEFFORDS, Mr. ROBERT F. SMITH, Mr. CHENEY, Mr. MORRISON of Washington, Mr. REGULA, Mr. STANGELAND, Mr. SCHUETTE, Mr. HOPKINS, Mr. JACOBS, Mr. BEDELL, Mr. BROWN of Colorado, Mr. COMBEST, Mr. LOTT, Mr. THOMAS of Georgia, Mr. SWIFT, Mr. ROGERS, Mr. SOLOMON, Mr. PANETTA, Mr. THOMAS of California, Mr. BEREUTER, Mr. LEACH of Iowa, and Mr. DASCHLE):

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the President should form a national commission on the farm credit system to make recommendations to the Congress; to the Committee on Agriculture.

By Mr. GEPHARDT:

H. Res. 265. Resolution designating membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PANETTA introduced a bill (H.R. 3308) for the relief of Wayne Greenfield; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BONER of Tennessee.
H.R. 126: Mr. OWENS.
H.R. 157: Mrs. LLOYD.
H.R. 158: Mrs. LLOYD.
H.R. 161: Mr. REID.
H.R. 232: Ms. MIKULSKI.
H.R. 237: Mr. FORD of Michigan.
H.R. 281: Mr. FORD of Tennessee.
H.R. 480: Mr. LOWRY of Washington.
H.R. 585: Mr. GONZALEZ.
H.R. 615: Mr. HERTEL of Michigan.
H.R. 621: Mr. SMITH of New Hampshire.
H.R. 666: Mr. HUBBARD.
H.R. 825: Mr. RINALDO and Ms. SNOWE.
H.R. 1059: Mr. PEASE.
H.R. 1318: Ms. KAPTUR and Mr. HENDON.
H.R. 1509: Mr. GRAY of Illinois.
H.R. 1627: Mr. NATCHER.
H.R. 1720: Mrs. BENTLEY, Mr. ROBINSON, Mr. FISH, Mrs. SMITH of Nebraska, and Mr. YOUNG of Missouri.
H.R. 1926: Mr. SHUSTER, Mr. FEIGHAN, Mr. DONNELLY, Mr. OBERSTAR, Mr. ACKERMAN, Mr. WEISS, Mr. KANJORSKI, Mr. MOLLOHAN, Mr. DURBIN, Mr. TRAFICANT, and Mr. HORTON.
H.R. 2064: Mr. DASCHLE and Mr. LIGHTFOOT.
H.R. 2080: Mr. CHANDLER, Mr. TAUKE, Mr. HOWARD, Mr. RUSSO, and Mr. RITTER.
H.R. 2164: Mr. FROST, Mr. HUGHES, Mr. HOYER, Mr. LAFALCE, Mrs. LLOYD, Mr. MANTON, Mr. MATSUI, Mr. MARTINEZ, Ms. MIKULSKI, Mr. RAHALL, Mr. ROBINSON, Mr. SKELTON, and Mr. TALLON.
H.R. 2210: Mr. PENNY and Mr. MOLLOHAN.
H.R. 2353: Mr. BOEHLERT, Mr. COELHO, Mr. GEJDENSON, Mr. LOTT, Mr. PURSELL, Mr. BERMAN, Mr. LEVINE of California, and Mr. SAVAGE.
H.R. 2420: Mr. ANDREWS, Mr. CONYERS, Mrs. LLOYD, Mr. ERDREICH, Mr. GRAY of Illi-

nois, Mr. NEAL, Mr. BIAGGI, Ms. MIKULSKI, Mr. FEIGHAN, and Mr. LANTOS.

H.R. 2578: Mr. BERMAN, Mr. CONYERS, Mr. DYMALLY, Mr. LELAND, and Mr. LUJAN.

H.R. 2581: Mrs. BURTON of California.

H.R. 2607: Mr. WOLF, Mr. EARLY, Mr. HEFTEL of Hawaii, and Mr. GUARINI.

H.R. 2703: Mr. HUGHES.

H.R. 2840: Mr. CARR, Mr. RAHALL, Mr. PANETTA, Mr. VENTO, Mr. CHAPPIE, Mr. DWYER of New Jersey, Mr. BERMAN, Mr. TRAFICANT, and Mr. DORGAN of North Dakota.

H.R. 2879: Mr. FAZIO.

H.R. 2999: Mr. SUNIA and Mr. RAHALL.

H.R. 3035: Mr. ASPIN and Mr. CHAPMAN.

H.R. 3040: Mr. VENTO.

H.R. 3068: Mr. MONSON.

H.R. 3070: Mr. CONYERS.

H.R. 3132: Ms. MIKULSKI, Mr. GOODLING, Mr. HAWKINS, Mr. STUDDS, Mr. DYMALLY, and Mr. TORRES.

H.R. 3150: Mr. VISCLOSKY.

H.R. 3151: Mr. VISCLOSKY.

H.R. 3173: Mr. NIELSON of Utah, Mr. COBLE, and Mr. CHAPPIE.

H.R. 3197: Mr. DANNEMEYER and Mr. BARTON of Texas.

H.R. 3198: Mr. DANNEMEYER and Mr. BARTON of Texas.

H.J. Res. 131: Mr. JONES of Tennessee, Mr. SHUMWAY, Mr. BLILEY, Mr. COOPER, Mr. MONSON, Mr. MCCLOSKEY, Mr. CRAIG, Mr. GEJDENSON, Mr. SAXTON, Mr. COUGHLIN, Mr. BREAUX, and Mrs. VUCANOVICH.

H.J. Res. 171: Mr. STRATTON, Mr. MCGRATH, Mr. ERDREICH, Mrs. BOGGS, Mr. DIXON, Mr. FORD of Michigan, Mr. ROTH, and Mr. SILJANDER.

H.J. Res. 175: Mr. BILIRAKIS, Mr. ANDERSON, Mr. BERMAN, and Mr. BOEHLERT.

H.J. Res. 178: Mr. SISISKY, Mr. COLEMAN of Missouri, and Mrs. MEYERS of Kansas.

H.J. Res. 210: Mr. ANDREWS.

H.J. Res. 218: Mr. GINGRICH, Mr. NELSON of Florida, Mr. LEVIN of Michigan, Mr. KRAMER, Mr. FORD of Michigan, Mr. TORRES, Mr. PANETTA, Mr. GALLO, Mr. MORRISON of Washington, Mr. FASCELL, Mr. LUJAN, Mr. ERDREICH, Mr. DERRICK, Mr. CONTE, Mr. BOSCO, Mr. COBEY, Mr. BONER of Tennessee, Mr. ENGLISH, Mr. KILDEE, Mr. ECKART of Ohio, Mr. DE LUGO, Mr. DARDEN, Mr. MCDADE, Mr. ECKERT of New York, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MRAZEK, Mr. MATSUI, Mr. ORTIZ, Mr. MONSON, Mr. MANTON, Mr. PEPPER, Mr. PRICE, Mr. MCCLOSKEY, Mr. MARTIN of New York, Mr. STARK, and Mr. WORTLEY.

H.J. Res. 231: Mr. COUGHLIN, Mr. MCEWEN, Mr. OWENS, Mr. GONZALEZ, Mr. FORD of Michigan, Mr. JACOBS, Mr. BURTON of Indiana, Mr. MATSUI, and Mr. CHAPPELL.

H.J. Res. 296. Mr. FROST and Ms. MIKULSKI.

H.J. Res. 298: Mr. ADDABBO, Mr. ANDERSON, Mr. ANTHONY, Mr. APPLEGATE, Mr. ATKINS, Mr. BENNETT, Mr. BONER of Tennessee, Mr. BOSCO, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CHANDLER, Mr. CONYERS, Mr. DANNEMEYER, Mr. DAUB, Mr. DINGELL, Mr. DIOGUARDI, Mr. DIXON, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. ECKART of Ohio, Mr. ENGLISH, Mr. FAUNTROY, Mr. FUQUA, Mr. GONZALEZ, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HARTNETT, Mr. HATCHER, Mr. HENDON, Mr. HENRY, Mr. HORTON, Mr. HOWARD, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. KASICH, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KINDNESS, Mr. LAFALCE, Mr. LEWIS of California, Mrs. LLOYD, Mr. LUKEN, Mr. LUNGREN, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCEWEN, Mr. MILLER of California, Mr. MITCHELL, Mr. O'BRIEN, Ms. OAKAR, Mr. PASHAYAN, Mr. PURSELL, Mr. QUILLEN, Mr. RAHALL, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. SCHEUER, Mr. SCHUETTE, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. STRANG, Mr. SWIFT, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WILLIAMS, Mr. WOLF, and Mr. YATRON,

H.J. Res. 313: Mr. DREIER of California, Mr. COBLE, Mr. CARNEY, Mr. DANNEMEYER, Mr. CALLAHAN, Mr. COLEMAN of Missouri, Mr. SWEENEY, Mr. ARMEY, Mr. SHUMWAY, Mr. BEREUTER, and Mr. BIAGGI.

H.J. Res. 321: Mr. VENTO, Mr. LEVIN of Michigan, Mr. HENRY, Mr. RAHALL, Mrs. BURTON of California, Mr. ACKERMAN, Mr. HORTON, Mr. MATSUI, and Mr. CONTE.

H.J. Res. 350: Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. APPLEGATE, Mr. BARNES, Mr. BATEMAN, Mr. BONER of Tennessee, Mr. BREAUX, Mr. BURTON of Indiana, Mr. COATS, Mrs. KENNELLY, Mrs. COLLINS, Mr. DARDEN, Mr. DASCHLE, Mr. DELLUMS, Mr. DE LUGO, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. FOGLIETTA, Mr. FRENZEL, Mr. GEJDENSON, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. HAMILTON, Mr. HEFNER, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HUBBARD, Mr. LAGOMARSINO, Mr. LENT, Mr. LIVINGSTON, Mr. MCCAIN, Mr. MCHUGH, Mr. MINETA, Mr. MOAKLEY, Mr. NICHOLS, Mr. OWENS, Mr. PASHAYAN, Mr. PEPPER, Mr. QUILLEN, Mr. RAHALL, Mr. RICHARDSON, Mr. ROSE, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SKELTON, Mr. STOKES, Mr. TALLON, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WHITLEY, Mr. WOLF, Mr. WOLPE, Mr. YATRON, and Mr. YOUNG of Alaska.

H. Con. Res. 30: Mr. ERDREICH.

H. Con. Res. 129: Mr. BARTON of Texas.

H. Con. Res. 177: Mr. COBEY, Mr. RALPH M. HALL, Mr. OXLEY, Mr. ECKART of Ohio, and Mr. LATTA.

H. Con. Res. 180: Mr. BEREUTER, Mr. GARCIA, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. SCHEUER, Mr. RODINO, Mr. GILMAN, Mr. HAYES, Mr. DE LUGO, and Ms. MIKULSKI.

H. Res. 76: Mr. HILER, Mrs. KENNELLY, Mr. HUGHES, Mr. FRANK, Mr. ZSCHAU, Mr. STUMP, Mr. ACKERMAN, and Mr. MCKINNEY.

H. Res. 132: Mr. BADHAM, Mr. GREGG, and Mr. COURTER.

H. Res. 194: Mr. MCCURDY.

H. Res. 226: Mr. APPLEGATE.

PETITIONS, ETC.

Under clause 1 of rule XXII, the following petition and papers were presented, as follows:

203. The SPEAKER presented a petition of the American Society for Public Administration, Washington, DC, relative to income tax; which was referred to the Committee on Ways and Means.

SENATE—*Thursday, September 12, 1985*

(Legislative day of Monday, September 9, 1985)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty, God, Supreme Lord of the universe, Sovereign Ruler of history and nations, at this critical time we are grateful for the uncommon good sense of our Founding Fathers. Coming as they did from a continent of divided, autonomous, sovereign, often warring states, they envisioned one nation of 13 plus autonomous, cooperative colonies forged as one United States. With profound gratitude we thank Thee for their wisdom which crafted a document, still relevant and taken seriously after more than 200 years, which provided for, produced and perpetuated such a nation.

Gracious Father, revive in our leadership that good sense, that vision and the wisdom to emulate that extraordinary public stewardship. Give them courage and the will to risk lives, fortunes, and sacred honor to preserve and protect such a union. Gracious God, help the Senators to realize what incredible power they wield when united, and how pathetically impotent the Senate is when fragmented. Infuse them with the strong will to unitedness. In His name whose mission in history was the ultimate unity of all things. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. SIMPSON. Mr. President pro tempore, I thank you.

SCHEDULE

Mr. SIMPSON. There will be time for the two leaders under the standing order of 10 minutes each. There are special orders in favor of the following Senators for not to exceed 15 minutes each: Senator COHEN and Senator PROXMIRE.

There will be routine morning business not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

At 12 noon, the Senate will resume consideration of S. 1200, the immigration bill. Rollcall votes can be expected.

At 2:30 by unanimous consent of the Senate, the Senate will vote on the cloture motion to proceed to the anti-apartheid conference report—revisited—with a mandatory quorum under rule XXII being waived. At that time, the immigration bill will be temporarily laid aside for that purpose.

I advise that rollcall votes can be expected throughout the day's session and there is a possibility of a later session this evening in order that we might try to complete action on the immigration bill. That is not evidence of any zeal on my part because I think now that the bill is laid down—and with the schedule we have—it is obvious we are going to have to process it one way or the other—either today or tomorrow—because certainly as we get into next week, with Superfund, the farm bill, appropriations, reconciliation, and things that will take a great deal of time, there will be little other window of opportunity there.

So that is the expressed wish. For those who want to get back to their districts tomorrow, we can conclude this today, and certainly will do so by tomorrow.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I see Senator COHEN is here for his special order. Our colleague from Ohio has asked me to yield just several minutes to him in commemoration of something that would stir your bosom, and that is baseball and Pete Rose.

So with that, if I may yield to my colleague from Ohio, I do yield from my time for that purpose. I yield as much time as may be required as long as I remain a cosponsor of the resolution of the Senator from Ohio.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Ohio is recognized.

Mr. GLENN. The acting majority leader will indeed be a cosponsor. I appreciate that very much, and I appreciate the Senator yielding time for that purpose. I appreciate the Senator from Maine yielding his position on the calendar this morning.

This will not take very long.

TRIBUTE TO PETE ROSE

Mr. GLENN. Mr. President, I send to the desk a concurrent resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) to commend Pete Rose on becoming the all-time major league leader in base hits.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. GLENN. I indicate, Mr. President, that this has been cleared for action on the floor this morning by unanimous consent, I believe.

Mr. President, today I take great pleasure in introducing a Senate concurrent resolution which recognizes a great baseball achiever and an incredible baseball achievement. Last night, Ohio native and Cincinnati Red, Pete Rose, became the all-time major league leader in base hits by surpassing a baseball record that had long been considered unbreakable: Ty Cobb's record of 4,191 hits.

Now Ty Cobb was a great ballplayer—and since he played for the Detroit Tigers, I know my colleagues from Michigan are surely proud of him. But we in the Buckeye State are equally proud of Pete—and I know I speak for all of us when I say that while baseball fans in Detroit may have had the Georgia Peach, baseball fans in Ohio are delighted that we have the Cincinnati Rose.

Pete Rose epitomizes the great American athletic tradition of commitment to excellence. Through his dedication to constant improvement, his head-first-style hustle, and his incredible desire to succeed, he has transformed himself from a young, promising prospect with supposedly average God-given abilities to one of major league baseball's alltime best players.

Pete holds so many records that I am sure the Hall of Fame in Cooperstown could devote a whole wing to documenting them. While I will not attempt to do that here, I would like to mention several records that particularly impress me. Besides being the newly crowned leader in hits, this current manager/first baseman of the Cincinnati Reds holds alltime major league records that include the most games played, the most singles, the

most hits by a switchhitter, the most total bases by a switchhitter, and the most seasons with 200 or more hits. And, true to form, Charlie Hustle, as he is known, has played in the most winning games.

With these records in mind, most knowledgeable baseball people believe that he will be a first-ballot inductee into the Hall of Fame. In fact, it is even within the realm of the possible that he will become the first player to be unanimously chosen to enter this place of baseball honor. However, before he can qualify for the Hall of Fame, he must retire and, I must say, I have my doubts. The more I see and hear about Pete, the more I have come to believe that he will be able to play as long as he is able to hold a bat in his hand. To me, as senior Democratic member of the Senate Special Committee on Aging, he serves as a wonderful reminder that age has little to do with productivity.

Even if he eventually does retire, it is my understanding that his sons, Pete Junior and Ty, appropriately, might well carry on the Rose baseball tradition. It is with great pleasure that I recognize Pete Rose for the latest and greatest of his accomplishments. I am also delighted to say that Senator METZENBAUM is joining me in offering this resolution, and that our colleague from Ohio, Congressman TOM LUKEN, is introducing it in the House of Representatives. I hope all our colleagues will join us in paying tribute to this true baseball giant.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 61) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 61

TO COMMEND PETE ROSE ON BECOMING THE ALL-TIME MAJOR LEAGUE LEADER IN BASE HITS

Whereas Peter Edward Rose has become the all-time leader in base hits in the history of the American pastime, Major League Baseball, by surpassing the record of four thousand one hundred and ninety-one of the great Ty Cobb;

Whereas Pete Rose has played in more winning games than any other player in Major League history;

Whereas Pete Rose won three National League batting titles in 1968, 1969, and 1973;

Whereas Pete Rose was named National League Rookie of the Year in 1963, National League Most Valuable Player in 1973, and the World Series Most Valuable Player in 1975;

Whereas Pete Rose was named the National League Player of the Decade for the period 1970 through 1979 by the "The Sporting News";

Whereas Pete Rose has been named to the National League All-Star Team sixteen times, including ten straight years (1973 through 1982), and has started at five different positions in All-Star games;

Whereas Pete Rose has played in seven National League Championship Series and six World Series; and

Whereas Pete Rose holds all-time Major League records for most games played; for most at-bats; for most singles; for most hits by a switch-hitter; for most total bases by a switch-hitter; for most seasons of two hundred or more hits; for most seasons of one hundred and fifty or more games; and for highest fielding percentage by an outfielder for one thousand or more games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress to commend Peter Edward Rose on the achievement of becoming the all-time Major League leader in base hits and to recognize all the accomplishments and the inspirational manner in which Pete Rose has played the game of baseball, the National Pastime.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to Peter Edward Rose.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. COHEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESERVATION OF MINORITY LEADER'S TIME

Mr. GLENN. Mr. President, I ask unanimous consent that Senator BYRD's leadership time be reserved for his use until later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I yield to the Senator from Mississippi [Mr. COCHRAN].

COMMENDING THE PRESIDENT ON HIS PROMOTION OF MITCHELL DANIELS, JR.

Mr. COCHRAN. Mr. President, I rise at this time to commend the President on his decision to appoint Mitchell E. Daniels, Jr., as his new Assistant for Political and Intergovernmental Affairs. Mitch will succeed Ed Rollins, who will be departing this fall.

Just last April, Mitch began his tenure at the White House as Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs. His quick ascendancy is a fine testament to this young man's outstanding abilities and talents.

Mitch Daniels, well known to Senators on both sides of the aisle, but particularly to majority Members, initially came to Washington in 1977. Working as administrative assistant to Senator DICK LUGAR, now our distinguished chairman of the Foreign Relations Committee, Mitch brought to Capitol Hill vast expertise as a municipal official and attorney in Indianapolis.

Born in Monongahela, PA, Mitch was educated at Princeton University and, in 1967, was honored as a Presidential scholar. Additionally, he holds law degrees from Indiana University School of Law and Georgetown University.

Even before this quick promotion, Mitch was noticed as someone who was progressing rapidly from one position of responsibility to another. Prior to joining the White House staff, Mitch's most recent position of achievement was that of executive director of the Republican Senatorial Campaign Committee, where he served so brilliantly on behalf of the Senate majority. I personally am very appreciative to him for his great assistance to me during my 1984 campaign.

Because of his service as principal assistant and adviser to Senator LUGAR during his tenure as chairman of the Banking Committee's Subcommittee on Housing and Urban Affairs, Mitch has brought to the White House a keen sensitivity to the needs and concerns of State and local officeholders. This depth of knowledge, coupled with the valuable insights he garnered not only during his service to the city of Indianapolis from his position on the mayor's staff but also since serving the President as his Intergovernmental Affairs lieutenant, uniquely qualify him for this new role of expanded authority.

I applaud his promotion to this position for which Mitch Daniels is exceptionally qualified. I wish him every success.

RECOGNITION OF SENATOR COHEN

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mr. COHEN] is recognized for not to exceed 15 minutes.

SOVIET JEWRY CALL TO CONSCIENCE

Mr. COHEN. Mr. President, I would like to take this opportunity to once again join the congressional call to conscience in behalf of Soviet Jewry and others deprived of their basic human rights by the Soviet Government.

Consideration of this topic raises very difficult and perplexing questions, not only because of the human suffering involved, and the double standards which sometimes seem to characterize our policies where human rights issues are concerned, but also because the systematic human rights abuses perpetrated by the Soviet Government cast a dark shadow across the hope that negotiations between our two countries can reduce international tensions. We need to confront these issues squarely, for our own good, as well as that of the innumerable vic-

tims of religious and political persecution inside the Soviet Union.

The Soviet Union claims that the issue of human rights is purely a domestic concern, and that the interest shown by the United States in Soviet human rights policies constitutes interference in its internal affairs. Whatever credence this argument might have had before 1975 was lost in that year, because the Soviet Union signed the Helsinki Final Act, which among other things, stipulates that the participating states will respect human rights and fundamental freedoms, including the freedom of thought, religion and belief. The Final Act also contains specific provisions for the reunification of families and favorable consideration of exit visas for persons deciding to marry a citizen from another participating state.

The evidence of Soviet violations of the Helsinki accords is unmistakable. Over the past 10 years the number of Soviet Jews allowed to emigrate fell from over 51,000 to 896 annually. Similarly precipitous declines in the emigration rates of Soviet citizens of Armenian and German nationality were recorded. It is estimated that there are over 400,000 Soviet citizens who have expressed an interest in emigrating from the Soviet Union.

Most of today's would-be emigrants are Jews seeking to emigrate to Israel. Many, perhaps most, of these would-be emigrants would like to be reunited with their families outside of the Soviet Union, but the Soviet Government refuses to abide by the commitment it made to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family * * *." Instead, applicants for exit visas are routinely deprived of their jobs, and are often subjected to other forms of official harassment, including the confiscation of personal property, and imprisonment on false charges.

At the same time, religious persecution of Jews inside the Soviet Union has increased. Numerous Jewish activists have been arrested, including 16 individuals whose only crime was the teaching of the Hebrew language. Rabbis are no longer being trained in the Soviet Union. Soviet authorities have curtailed the production of prayer shawls and other Jewish devotional articles. There has also been a distinct increase in anti-Semitic propaganda in the Soviet press, propaganda I have seen with my own eyes. This state-sponsored anti-Semitism has made a travesty of the promise the Soviets made in 1975 to "* * * respect the freedom of the individual to profess and practice, alone or with others, religion or belief in accordance with the dictates of his own conscience."

The Soviets have also denied exit permission in over 20 cases of Soviet-American marriage, again despite a specific provision of the Final Act designed to protect the rights of such persons. Altogether, the human rights situation in the Soviet Union is worse today than it was 10 years ago when the Final Act of the Helsinki accords was signed.

Last year, while visiting the Soviet Union, I had the opportunity to meet with a prominent Jewish refusenik, Prof. Naum Meiman, and his wife, Inna. My acquaintance with Professor Meiman and his wife has given these grim statistics from the Soviet Union a human face, one I shall never forget.

The Meimans applied for an emigration visa in 1975, the year that the Final Act of the Helsinki accords was ratified. The Soviet Government's first response was to dismiss Professor Meiman from his position at the Institute for Theoretical and Experimental Physics in Moscow.

In the heady atmosphere following the ratification of the Final Act by the Soviet Government, Professor Meiman and 19 others formed the Moscow Helsinki Watch Group to monitor Soviet compliance of the humanitarian provisions of the Final Act. Today Professor Meiman is one of two members of this group who is not in prison, exile, or a work camp.

Professor Meiman has not gone unpunished for his participation in the Moscow Helsinki Group, however. Soviet officials have refused to allow his wife, who is slowly dying from cancer, to travel abroad to receive medical treatments which are not available in the Soviet Union. I find it difficult to imagine a more cruel or unfair punishment.

Mr. President, at the conclusion of a very long meeting with the Meimans, after a very painful discussion about what has happened to them since 1975, Mrs. Meiman said to me:

> You Americans, you are so free. You are always on the move. But for us, life is at a standstill.

Unfortunately, the Meimans predicament is shared by thousands of refuseniks and other victims of religious and political persecution in the Soviet Union.

If the magnitude of human rights violations in the Soviet Union is so great, why is there not a greater public outcry in this country? I think there are a number of reasons.

In part, it is because of the limited access accorded to Western media inside the Soviet bloc. I don't think there can be any doubt that television coverage of the war in Afghanistan, where Soviet human rights violations are most overt, would have a powerful and far-reaching effect on Western audiences.

In part, it is because most Americans do not feel responsible for, nor closely involved in, events in the Soviet Union. There is no accusation of U.S. complicity where Soviet human rights violations are concerned, as is often the case with countries that are large recipients of U.S. aid or active U.S. trading partners.

We also do not have a bitter history of religious and political persecution in this country, which might sensitize us to this issue in the same way that our national experience with racism has to that issue.

Over 2,000 years ago, Thucydides wrote:

> Men's indignation, it seems, is more excited by legal wrong than by violent wrong; the first looks like being cheated by an equal, the second like being compelled by a superior.

Perhaps this also helps to explain why Soviet human rights violations receive less attention than human rights violations in other parts of the world.

Some people feel fatalistic about the human rights situation in the Soviet Union. While aware that human rights violations occur, they believe that there is nothing that can be done about it.

The combination of these elements makes the task of mobilizing support for Soviet victims of religious and political persecution more difficult, but not less important.

At the outset, I mentioned that Soviet human rights violations raise a number of difficult and perplexing questions. One of the questions we must consider is the interaction between Soviet human rights violations and the response that they receive in the West.

The Final Act was never intended to be a purely symbolic gesture. Verifiable, concrete measures were to be implemented in the East in exchange for guarantees of increased security from the West. What will the Soviets conclude if we do not protest these human rights violations? That repression works? That even verifiable agreements with the United States can be violated with impunity?

The most perplexing question of all is how to proceed, given the delicate placement of this issue in the context of superpower relations. In his address commemorating the 10th anniversary of the Helsinki accords, Secretary of State George Shultz made it clear that it is not possible to compartmentalize different aspects of our relations with the Soviet Union. The Secretary made this manifest when he said:

> Security, economic ties, human rights, and contact among people are all equally important and related to each other. Peace encompasses the totality of our relations.

In this respect, Soviet human rights violations are truly a threat to all human rights.

What we must do for our own benefit, as well as that of the innumerable victims of Soviet human rights violations, is to continue to demonstrate the importance we attach to Soviet ad-

herence to the principles of the Helsinki Final Act. We must remind the Soviets, calmly but persistently, that the difficult task of arriving at negotiated settlements to outstanding United States-Soviet problems is greatly compounded by their unwillingness to abide by the terms of agreements which have already been made. We must raise the issue of Soviet human rights violations time and time again in this forum and every other public forum we can find.

How can there be a peace between our countries that is worth the name, until we are persuaded that the Soviets are willing to respect fundamental human rights and to abide by the terms of the commitments that they have made? I urge my colleagues to bear this in mind in their consideration of United States-Soviet issues and in their meetings with Soviet officials.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

TIME FOR A BAN ON NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, what is the prime reason why the time has come for the United States to negotiate a mutual, comprehensive, verifiable end to weapons testing? Is it because our country has twice solemnly promised to do exactly that in two treaties, each signed by the President of the United States, one of which has been ratified by the U.S. Senate? No. That is a compelling reason—but not the prime reason.

Is it because the restraint exercised by nonnuclear weapons states in accepting the nonproliferation policy espoused by countries that have nuclear weapons is based on the promise by the superpowers to negotiate effective arms control agreements—the heart of which is a ban on nuclear testing?

What, then, is the prime reason the United States should promptly negotiate an end to nuclear weapons testing? The answer appears in a recent New York Times article written by William J. Broad. The article does not report an appeal to stop nuclear testing. But a few minutes' reflection on the substance of the article should persuade any sane human being that the time has come to yell "Stop; no more," at the top of our lungs.

The headline of the article shouts: "U.S. Nuclear Weapon Development Continues at Furious Pace." The article reports a series of new nuclear weapon developments that make the weapons that have absorbed 99 percent of our attention seem like innocent Fourth of July fireworks. For example the supernuclear weapons laboratory at Livermore, CA, is working on the development of an antimatter bomb that dwarfs the atomic bomb and even the hydrogen bomb in almost infinite destructive power. The A-bomb and H-bomb explode only a tiny fraction less than 1 percent, of the potential energy when they are fired. But when the scientists perfect antimatter bombs, they set off a complete, 100-percent, liberation of energy that dwarfs in destructive power even the awesome hydrogen bomb.

Now, since the hydrogen bomb has for years been able to strike with millions of tons of TNT and since both superpowers have thousands of these monsters, what new threat do the antimatter bombs represent? The answer is that the antimatter bomb could, as William Broad points out, "be made extremely small yet retain great power." So what is new? What is new is that the antimatter bomb, once perfected, can be delivered very cheaply indeed. No 6,000-mile missile shot over the North Pole, no $200 million bomber necessary to carry it, no $1.8 billion Trident submarine necessary to slide invisibly and quietly along the bottom of the ocean and fire off-shore salvos. Each of these well-known nuclear delivery systems has its immense cost and at least some degree of vulnerability. But the antimatter bomb can, in the words of the New York Times article, "be made extremely small and yet retain great power." That means two things. This will be a weapon against which there is no defense. It does not have to move by bomber or submarine or missile. A lone individual can carry it, concealed on his person. A few such individuals could easily, quickly, and completely destroy our country.

Of course, some Senators will say, "Wait a cotton-pickin minute, PROXMIRE. You argue that the reason we should negotiate a ban on nuclear testing is because that testing will permit the perfection of an antimatter bomb that the United States is developing. Why wouldn't that antimatter supreme bomb be exactly what we need? Wouldn't it give us a big military advantage over the Soviet Union?"

The answer to that one is that, without exception, every advance this country has achieved in nuclear weapons has consistently been picked up by the U.S.S.R. within a very few years. Why should the antimatter bomb be any exception? It will not. So we should negotiate a mutual stop now. We should work with all our heart to make that ban on nuclear testing effective.

Once these antimatter bombs are developed, they will, within a few years, be cheap and then accessible for any fanatic dictator—in Syria, Libya, Iran, Iraq, North Korea—and on and on. Can we stop it? Yes. How? Here's how. Like any other new weapon system it will have to be tested. We can stop those tests now. We can negotiate a mutual, comprehensive and especially a verifiable ban on nuclear weapons testing. And we can devote the marvelous genius of our scientists not to the development of ever more destructive nuclear weapons but to the constant improvement of our verification capability to make certain that both sides comply with the ban on nuclear weapons testing.

Mr. President, I ask unanimous consent that the article to which I referred by William Broad in the New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR WEAPON DEVELOPMENT CONTINUES AT FURIOUS PACE

(By William J. Broad)

NEW YORK, NY.—The military creativity that shook the earth 40 years ago with detonation of the atomic bomb is in the midst of a renaissance today.

According to weapon scientists and federal officials, new kinds of nuclear arms are being imagined, developed and tested at a furious pace.

Recent developments reflect an evolution away from the brute force of a huge explosion toward ways of harnessing nuclear explosions for specific tasks.

There are the often-described X-ray lasers in which a nuclear explosion is the power source for creation of deadly beams of radiation. There are much less talked about, more exotic, designs for anti-matter weapons to efficiently annihilate matter, and even brain bombs, whose purpose would be to confuse enemy minds.

While nuclear weaponry becomes almost unrecognizably sophisticated, the public imagination remains fixed on the original bombs and mushroom clouds. It is a gap that worries some opponents of the current quest for new arms.

"I find it alarming that so many people think the development of nuclear weapons is a limited field," said Theodore B. Taylor, formerly an atomic physicist at the Los Alamos National Laboratory in New Mexico, birthplace of the bomb. "You can enhance or suppress literally dozens of classes of energy released by nuclear explosions."

The design of nuclear weapons is a secretive business. It occurs at government laboratories where documents are kept in safes, doors are equipped with combination locks, and fences are topped with barbed wire. The weapons themselves are detonated deep underground in carefully monitored tests at the government's nuclear test site in the Nevada desert.

No one advertises successes or failures. Nonetheless, a review of public documents and interviews with government scientists, federal officials, and weapon experts outside government reveals several distinct types of weapons tested or proposed in the nuclear era.

Atom Bombs. The first nuclear device was detonated July 16, 1945, in the darkness of the central New Mexico desert. Its force was equivalent to approximately 18,000 tons of TNT. That and the devices that devastated

Hiroshima, Japan, on Aug. 6, 1945, and Nagasaki, Japan, three days later were all A-bombs, known as fission weapons, which split heavy atoms to liberate nuclear energy. The Hiroshima bomb was powered by uranium, though, and the Nagasaki bomb by plutonium.

Hydrogen Bombs. The next major step was the H-bomb, which derives its energy by fusing together isotopes of hydrogen to release more of the energy stored in the nucleus of the atom. (Fission splits an atom's nucleus into fragments; fusion forces nuclei together.)

The world's first H-bomb was exploded in 1952 in a test. The 10-megaton blast caused the Pacific isle of Elugelab, one mile in diameter, to disappear. The power was roughly a thousand times what hit Hiroshima. The bomb was also big, weighing a reported 62 tons.

But H-bombs soon became portable, to the point where they could be put on missiles. A "bomb" is dropped from an airplane, while a "warhead" is dispatched on a missile—but for security reasons the distinction is blurred, as it will be in what follows here.

Cobalt Bombs. In the 1950s, as designers of nuclear weapons pondered new possibilities, they talked of making bombs with enhanced radioactive fallout, known as residual radiation. All it took was wrapping an H-bomb with cobalt, a metallic element easily turned into its radioactive isotope, cobalt 60, when exposed to H-bomb radiation. It is not known whether cobalt bombs were ever made or stocked by any nation.

Neutron Bombs. A special type of H-bomb that did go into production is the neutron bomb, which emits "prompt" or momentary radiation. In the mid-1950s, work on the idea was spearheaded by Samuel T. Cohen, a Defense Department consultant. In normal fission, blast and heat make up the great bulk of the energy released, while flash radiation accounts for only 5%. Cohen's idea allowed a bomb to release 6 to 10 times as much neutron radiation, to kill tank crews by radiation.

X-Ray Warheads. In the late 1960s and early 1970s special nuclear warheads were developed that generate enhanced radiation in the X-ray portion of the electromagnetic spectrum, with the aim of knocking out distant enemy warheads. Rapid absorption of X-rays in the outer part of the warhead causes a mechanical effect something like a hammer blow, says Taylor. Enhanced X-ray warheads were fitted atop interceptors of the $5.7 billion Safeguard anti-ballistic missile system, built in North Dakota and eventually abandoned.

Reduced Residual Radiation Bombs. In the 1970s, scientists at the Lawrence Livermore National Laboratory in California developed a tactical warhead dramatically reducing fallout. Andre Gsponer, director of the Independent Scientific Research Institue, in Geneva, Switzerland, says the bomb also "exploits to the maximum the mechanical effect, which is decisive on the battlefield."

Anti-Satellite Weapons. Not all steps in the evolution of nuclear weaponry involve fundamental changes in materials and methods. Most involve refinements. For instance, according to the Livermore publication "Energy and Technology Review," the laboratory has designed and tested a lightweight, low-yield fission device that might serve as the warhead for an anti-satellite weapon.

THIRD GENERATION WEAPONS

A radical departure from A-bombs and H-bombs is a new generation of nuclear weapons that focuses the power of nuclear explosions, rather than letting the force escape in all directions. At the Livermore laboratory, a team of young scientists headed by Lowell L. Wood has pioneered these weapons.

X-Ray Lasers. The premier third-generation device is the X-ray laser, which channels the power of a nuclear explosion into laser rods that emit powerful bursts of concentrated radiation before the whole device is consumed in its nuclear fireball. Unlike regular X-rays, the radiation in an X-ray laser is "coherent": All its electromagnetic waves are in step with one another. According to the Livermore scientists, clusters of X-ray lasers could shoot beams of radiation across thousands of miles of space to stop an entire force of strategic Soviet missiles.

Skeptics say such X-ray lasers could be foiled by simple countermeasures. The weapons have reportedly been tested on at least four occasions in underground tests.

EMP Bombs. Less developed than X-ray lasers are third-generation weapons meant to create an enhanced electromagnetic pulse, or EMP. This powerful surge of electro magnetism can knock out computers and delicate electronics. It is produced by an nuclear weapon exploded above the Earth's atmosphere, its pulse blanketing the area below. For decades, military men in both East and West have struggled to protect critical equipment against this destructive power. According to the experts, the goal of current EMP research is to enhance the pulse to overcome such protection and sow chaos during war.

Microwave Weapons. Similar to EMP bombs, microwave weapons concentrate nuclear energy into a narrower band of frequencies of the electromagnetic spectrum, in order to try to knock out enemy missiles. If hit by a powerful pulse of energy, the delicate electronics of a missile might be ruined.

Particle Beam Weapons. Particle beam weapons focus on matter, trying to accelerate subatomic particles to nearly the speed of light. This may have promise for use in President Reagan's proposed missile defense known as "Star Wars."

Gamma-Ray Lasers. A futuristic device now said by scientists to be the focus of intense interest is the gamma-ray laser, which would send out powerful beams. Its coherent radiation would have a wavelength shorter than that of the X-ray lasers, thus more powerful.

Anti-Matter Bombs. According to Gsponer in Switzerland, the military's interest in anti-matter weapons stems from the great energy released when particles of anti-matter collide with those of matter. In the fission and fusion reactions of nuclear weapons, only a tiny fraction of matter is turned into energy, spectacular as this is. But reactions between matter and anti-matter produce a complete liberation of energy. If perfected, anti-matter bombs could be made extremely small yet retain great power.

Brain Bombs. According to John Nuckolls, head of physics at the Livermore laboratory, human beings suffer confusion and disorientation when subjected to long wavelength radiation of great strength. So physicists might one day find a way to direct and concentrate the power from nuclear weapons into this part of the electromagnetic spectrum, and produce a bomb that would leave an enemy stunned, unable to wage war.

With many of these 14 weapon concepts, especially the latter ones, it is unclear whether proposals have gotten to the development and testing stage. However, William Hoover, a retired Air Force major general who is assistant secretary for defense programs at the Department of Energy, said tests were being conducted not only of X-ray lasers but also of other third-generation weapons.

Weapon builders say it is important to know all the nuclear possibilities, if only to forestall the chance that the Soviets might come up with technical breakthroughs that could be used in a surprise attack. They note that the Russians do not talk about their nuclear weaponry.

Critics say it would be better to halt the nuclear arms race by negotiating a ban on testing such weapons. "It would help stop or slow down troublesome developments on the horizon," said Taylor.

MYTH OF THE DAY: THAT THE JUSTICE DEPARTMENT DISPENSES EQUAL JUSTICE

Mr. PROXMIRE. Mr. President, the myth of the day is that justice is blind. Both Ronald Reagan and his Attorney General, Ed Meese, have announced that they believe in applying the law equally and toughly to all who violate it. Is that the fact? No. The fact is that, as administered by this administration, justice peeks under her blindfold to determine whether a criminal wears a suit and tie or dungarees and a ski mask. Three recent examples expose the President and Attorney General as Homers—and I mean like Homer, author of the Iliad and the Odyssey—that is, spinners of myths.

In a plea agreement with the Justice Department in May, E.F. Hutton pleaded guilty to defrauding some 400 banks of at least $8 million between 1980 and 1982. The company agreed to pay back the $8 million plus a fine and court costs totalling $2.75 million. In other words, the company was required to repay the money it stole plus roughly the amount it earned in interest on that money between 1980 and 1985.

No individuals were prosecuted, even though the Justice Department acknowledged that two identifiable individuals were responsible for the scheme "in a criminal sense." Mr. President, let us not forget, corporations do not commit crimes—people do. Imagine, if you will, the outrage that we would all feel if the Justice Department agreed to let an armed bank robber go free so long as he promised to repay the money he had stolen, plus any interest he had earned on it.

In a second recent episode, General Electric, the Nation's sixth largest defense contractor, pleaded guilty to defrauding the Air Force of some $800,000 by doctoring its books on the Minuteman missile project. What individual person was prosecuted? No one. No individuals were prosecuted. Who

went to jail? No one. Nobody went to jail, as GE continued its trip around the defense monopoly board. Instead, the Government settled for $2 million in penalties. Was that a stiff penalty? Mr. President, GE turns a profit of $2 million every 8 hours.

Finally, in July, an internal Pentagon memorandum revealed that of 400 cases of suspected defense contractor fraud uncovered over the last 5 years, only 11 had resulted in prosecutions. In other words, Mr. President, defense contractor fraud does pay. It is one of the safest games in town. Even if the Pentagon catches you, there is less than a 3-percent chance you will be brought to justice. And, as the previous examples demonstrate, even if you are prosecuted, you will walk away free, with an undiminished profit forecast.

The lesson of these three incidents is that the Reagan administration has a double standard in law enforcement—one for its friends and fellow corporate board members and one for less privileged criminals, with whom it deals far more harshly. This double standard mocks the administration's tough talk on crime. Truly tough law enforcement requires that all of the guilty, whether rich or poor politically connected or alienated, receive equal treatment. Anything less breeds disrespect for the rule of law and increases lawlessness. Unfortunately, this administration has not learned this lesson; it continues to mistake myth for reality.

REPORT ON UGANDA

Mr. PROXMIRE. Mr. President, an article in the August 3 Economist reports that Lt. Gen. Tito Okello's overthrow of President Milton Obote may not end the tribal violence and warfare in Uganda.

President Obote won a rigged election in 1980 after President Nyerere of Tanzania ousted Idi Amin. Now, Obote has fled to Kenya.

The Economist points out that Obote's loss could be Uganda's gain. Amnesty International claims that Obote continued the killing and torture Amin had begun. Elliot Abrams, an Under Secretary of State, believes that more than 100,000 Ugandans have been killed in recent years in a genocidal campaign. According to Abrams, "large-scale civilian massacres, forced starvation, and impeded humanitarian relief operations" caused many of the deaths.

One can hope that General Okello's rise to power will end the mass killings, but the tribal rivalry that lay behind the earlier violence still exists.

Obote is a member of the Langi tribe. Although when he began his rule in 1980 foreign observers believed he would not favor any one tribe, he always favored the Langi.

Okello is a member of the Acholi tribe. He was President Obote's army chief, but the Acholi and the Langi disputed over promotions. The Acholi also complained that Obote used them as cannon fodder in the fight against guerrillas of the National Resistance Army.

We can hope that General Okello will reach out to peoples of the Acholi, the Langi, and the Baganda—a third important tribe, but a message on the state-run radio on the day after the coup left little room for hope. "Fellow Ugandans," a soldier said, "we are leaving no stone uncovered to recover the lives or bodies of Acholi officers." Only later did the announcer add "Acholi and other tribes' officers."

Mr. President, the violence in Uganda proves all the more upsetting when one considers its potential as a nation. While other parts of Africa starve because of drought, most of Uganda has abundant rain, freshwater lakes, and fertile soil. While many African countries lack educated people, the Bagandas are some of the best-educated people in Africa. While many African nations fear their neighbors, Uganda's problems are internal.

Mr. President, we have witnessed genocide after genocide in Uganda. We have seen a potentially great nation self-destruct in tribal violence. We have observed while hundreds of thousands of Ugandans have died.

I hope that General Okello changes this situation. He has promised to hold elections within a year and to revitilize the economy. I wish him well in his efforts.

But, Mr. President, if we had signed the Genocide Convention earlier, we could have changed the situation before General Okello felt compelled to overthrow Obote. Just warning Obote that we were considering accusing him of genocide might have improved the situation. Instead, we can only pray that General Okello will end the cycle of killing.

Mr. President, I implore the Senate to ratify the Genocide Convention so that we can work to stamp out all evidence of genocide.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

SOLIDARITY WITH THE SAKHAROV FAMILY

Mr. KERRY. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration. I should state that it has been cleared by both the majority and minority.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 62) expressing solidarity with the Sakharov family in their efforts to exercise their rights of freedom of expression, of travel, and of communication, as guaranteed them under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, on behalf of myself and the distinguished junior Senator from New York [Mr. D'AMATO], the distinguished senior Senator from Rhode Island [Mr. PELL], the distinguished junior Senator from Maine [Mr. MITCHELL], and the distinguished Senator from Michigan [Mr. RIEGLE], I am pleased to submit this resolution and ask for its unanimous adoption by this body.

Mr. President, for the past 14 days there has been an individual standing on the corner of 16th and K Streets in Washington, DC, protesting the Soviet Government's treatment of his parents.

For 14 days, Alex Semyonov has been conducting a hunger strike to protest the Soviet Union's persecution of his parents, Dr. Andrei Sakharov and Dr. Elena Bonner.

All that Alex is asking is for the Soviet authorities to allow him to visit his parents. All that Alex is asking is for the Soviet authorities to allow his parents to communicate with him—to let him and other members of his family know how they are doing. Yet, for the past 6 months the Soviet Government has not allowed one word to be communicated by the Sakharovs to their loved ones in the West.

On Tuesday of this week, I met with Alex and his 88-year-old grandmother—Elena Bonner's mother. Many of my colleagues had a chance to visit with them both in the reception room off the Chamber. I know they were impressed, as was I, with the act of courage and concern that Alex was demonstrating on behalf of his parents—an act which no human being should be forced to undertake, but one which became necessary because of the inhumane action of the Soviet Government.

That is why we are offering this resolution condemning the Soviet Union's violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe.

The resolution urges the President to protest, in the strongest possible

terms and at the highest levels, the blatant and repeated violations of the Sakharov's rights by the Soviet authorities.

In addition, we call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

Following my conversation with Alex and his grandmother, I sent the following letter to Soviet Ambassador Anatoly Dobrynin. I would like to share with my colleagues what I said to the Ambassador:

Mr. Ambassador: Earlier today, I visited with the Sakharov's son, Alex Semyonov, who has entered his second week of a hunger strike near your embassy. I want to express my solidarity with his cause and his efforts to secure the release of his parents from internal exile and my hope that both will be allowed to come to the United States.

Your government has striven for decades to achieve international recognition as an equal among the nations of the world. Granted, the Soviet Union has built one of the greatest nuclear arsenals ever created by mankind. Yet, the treatment of your citizens does not send a message of strength to the world, but one of weakness.

I am a staunch supporter of arms control agreements between our two nations. However, a nation which cannot live at peace with its own citizens cast doubts on its willingness to live at peace with the rest of the world.

As long as the persecution of the Sakharovs and thousands of others of your countrymen continue, then the acceptance of the Soviet Union as an equal among the world community of nations will never be truly realized. I believe your government is making a tragic blunder with the continued concealment from the world community as to what has happened to the Sakharovs.

Therefore, I urge that you convey to Secretary General Mikhail Gorbachev my views and my hope that the Sakharovs be allowed to leave the Soviet Union and be reunited with their family in the United States.

Mr. President, it is my belief that we in the Senate and in Congress must take every opportunity available to us to impress upon the Soviet Union that this is not an internal matter that they can lightly ignore. Helsinki changed all that. After all, it was the Soviet Union which pressed for the agreement known as the Helsinki accords.

Having done so, and having pledged itself with the signatures of its own leadership to abide by all the elements of the Final Act, the Soviet Union forfeited any right to claim that the treatment of its own citizens was an internal matter. I believe it is imperative that we hold them accountable.

Mr. President, there may be differences in this body and with the administration on arms control matters, but we know that we are united on the issue of Soviet treatment of its own citizens. We are all united in our efforts to achieve the release of the Sakharovs.

I believe that this resolution, which has also been sponsored by my good friend, Congressman BARNEY FRANK, in the House, sends that message as strongly and as clearly as we can.

I urge the immediate adoption of this resolution.

Mr. D'AMATO. Mr. President, I rise today as a cosponsor of this joint resolution introduced by the distinguished junior Senator from Massachusetts. This resolution expresses the concern of the Congress and of the American people over the Kremlin's lawless treatment of Andrei Sakharov and his wife Elena Bonner. It calls upon the President to do all in his power to make the Soviet leaders aware of our outrage at the almost total isolation of the Sakharovs.

My attention was drawn once again to the Sakharovs' plight by the fast undertaken by Aleksei Semyonov, Elena Bonner's son. Impelled by fear that the Sakharovs may have disappeared—and by a desire to pressure the Soviets to give his family real access to them—Aleksei began his fast on September 1. Although officials from both the White House and the State Department have recently met with Aleksei to express concern and support for the Sakharovs, the Soviets continue to stonewall.

By now, the Sakharov family is all too familiar with protest hunger-strikes: in 1981, Elena Bonner and Andrei Sakharov got an exit visa for Liza Alekseeva, Aleksei's fiancee; last year, Andrei Sakharov began to fast in an attempt to gain permission for Elena Bonner to go West for glaucoma treatment.

In this regard, it is important to note that, in the 1970's, the Kremlin allowed Elena Bonner to go to Italy three times for her treatments, without hunger strikes. Now, the Sakharovs seem to have vanished. They did not even send greetings to Elena's mother, Ruf, on her 85th birthday.

The Sakharov case has been raised by our Government at all levels—including the highest—at every opportunity with the Soviets. As noted in this resolution, the Sakharovs' plight has been raised at various CSCE meetings. Yet the Soviets turn a deaf ear to all interventions for Andrei Sakharov, winner of the 1975 Nobel Peace Prize. it is, nevertheless, our moral duty to do all we can to make the Soviets understand that their Andrei Sakharov problem will not go away. The world will not forget Andrei Sakharov and Elena Bonner. Nor will the world forget the way the Kremlin has maltreated these brave and humane people.

I call upon my colleagues to join me in support of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), Expressing solidarity with the Sakharov family in their efforts to exercise their rights of freedom of expression, of travel, and of communication, as guaranteed them under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe.

Whereas, the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion and expression;

Whereas, this same Declaration states that "no one shall be subjected to arbitrary arrest, detention, or exile;" and that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence;"

Whereas, the Declaration further states that "everyone has the right to freedom of movement and residence within the borders of each State," and that "everyone has the right to leave any country, including his own, and to return to his country;"

Whereas, the International Covenant on Civil and Political Rights provides that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence," and that "everyone shall be free to leave any country, including his own," and that "no one shall be arbitrarily deprived of the right to enter his own country;"

Whereas, the Final Act of the Conference on Security and Cooperation in Europe provided that each of the "participating states will respect human rights and fundamental freedoms, including the freedom of thought (and) conscience . . . for all," and recognized that all human rights "derive from the inherent dignity of the human person;"

Whereas, this same Act pledged that the participating states would "deal in a positive and a humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old;"

Whereas, the Act further commits participating states "to facilitate wider travel by their citizens for personal or professional reasons;"

Whereas, the Act specifically affirms the "right of the individual to know and act upon his rights and duties" under the agreement and affirms the positive role individuals play in the implementation of the Act;

Whereas, the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas, Nobel Laureate Andrei Sakharov, who, exercising his right as an individual to monitor compliance with the Final Act, had become a leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of the above-mentioned human rights agreements;

Whereas, his wife Elena Bonner, as a result of her efforts to exercise her right of self-expression, has been detained and charged with anti-Soviet agitation;

Whereas, Dr. Bonner is thought to be in urgent need of medical attention available only in the West;

Whereas, Dr. Sakharov is reported to have undertaken a hunger strike, to the point of endangering his health;

Whereas, communication between the Sakharovs in the Soviet Union and their children and stepchildren in the United States has been repeatedly interrupted, delayed, and tampered with by the Soviet authorities;

Whereas, the absence of reliable communications between the branches of the family has created serious doubt as to the state of well-being of Dr. Sakharov and Dr. Bonner;

Whereas, Mr. Alexei Semyonov, the stepson of Dr. Sakharov and the son of Dr. Bonner, has embarked on a hunger strike to dramatize the plight of his family and to protest the cruel obstruction of his efforts to communicate with his loved ones;

Whereas, Mr. Semyonov has demanded a visitor's visa to visit the Soviet Union so that he can reassure himself with his own eyes that his parents are alive and well; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of the Congress that, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe, the Soviet Union should drop all charges against Dr. Elean Bonner, restore to her and Dr. Andrei Sakharov the full rights to travel (domestic and international) and free expression, allow unimpeded correspondence between them and their relatives and friends in the West, and allow Alexei Semyonov permission to visit them in the Soviet Union.

The Congress urges the President—

(1) to protect, in the strongest possible terms and at the highest levels, the blatant and repeated violations of the Sakharov's rights by the Soviet authorities, and

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

The Secretary of the Senate shall transmit copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the concurrent resolution was adopted, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRADE IMBALANCE

Mr. KASTEN. Mr. President, I rise today to express my dismay at the soaring trade deficit, and more importantly, the negative impact that it is having on American jobs.

I just spent the past 5 weeks back in Wisconsin. During that time, the administration issued its decision not to tighten the important restrictions on foreign shoes. Workers throughout the State—both those who have already lost their jobs and those whose jobs are threatened—were outraged.

Mr. President, the people of Wisconsin are right to be concerned about the flood of imports coming into the United States. They understand that if we don't close the floodgate soon their jobs may be washed away. The administration's decision only makes this current of unfair trade even stronger.

Wisconsin workers know that we have an imbalance in trade because we have left the door wide open to imports. They also know that those same countries whose products are taking over our markets refuse to import many of the products made here in the United States.

Now I have said it before and I will say it again—I believe in free trade. But when other nations are not willing to give the same treatment to our products that we give to theirs, free trade comes at the expense of fair trade. And American jobs become our biggest export.

We must protect our workforce by insisting that our trading partners play fair. By showing that we are willing to treat them with some reciprocity, they just may come to see the virtues of free trade.

Mr. President, the precedent set forth by the administration's decision not to follow the ITC's recommendations for import restrictions on foreign footwear is a dangerous one. Does the administration really want to send a signal to American industry that the ITC process doesn't work? Do they really want to give American industry no alternative other than to come to Congress for relief?

Industries other than footwear have been hurt by these unfair trade practices. The American textile industry has been suffering since 1980. There has been a 19-percent average increase in annual textile import growth. That growth has surged to 65 percent in each of the past 2 years. Now imports control over 50 percent of the American clothing market.

As a result, 250 textile factories have closed for good in the United States. The statistics are even worse when you look at the number of people left jobless. A whopping 300,000 jobs have been lost since 1980.

In the State of Wisconsin, 14,800 jobs are dependent upon the State's textile and apparel industries, which include Oshkrosh B'Gosh, Wigwam in Sheboygan, and Jockey International in Kenosha. Where do these people go for relief? As the administration's lack of action on footwear demonstrates, the ITC process has become a dead-end.

That is why today, I have decided to join the majority of my colleagues who have cosponsored S. 680, the "Textile and Apparel Act of 1985."

Mr. President, unless Congress acts soon, we run the risk of losing an industry vital not only to Wisconsin, but also to America. We cannot afford to put thousands of Americans out of work. With the passage of S. 680, we can avoid such a disaster.

It has become clear that Congress must take the lead in fighting for balanced and free trade. I will continue to push for relief for the shoe industry and to bring this textile bill to the Senate floor. But our final goal must be the formulation of an effective trade policy that encourages our trading partners to break down their own trade barriers.

When our trading partners get a taste of their own medicine and realize the effects that import restrictions can have on their own economies, then they may come to understand the importance of free trade. Only then will American workers be truly free to compete.

Therefore, Mr. President, today I have become a cosponsor of S. 680, the Textile and Apparel Act of 1985, and will work for its passage in the U.S. Senate.

ANTI-APARTHEID ACTION ACT OF 1985

Mr. ROCKEFELLER. Mr. President, the South African Government regrettably continues to embrace the racist policy of apartheid. The systematic repression of 21 million blacks in South Africa by the white minority government is fundamentally inconsistent with the basic values which we as Americans stand for—including the right to vote and freedom of movement. The time has come for us to send an unmistakably strong message to Pretoria that we will no longer conduct normal business and diplomatic relations with a government which continues brutally to repress a majority of its people. That is why it is imperative, in my view, that the Senate push ahead with its plans to debate—and ultimately enact—a tough sanctions bill against South Africa.

Before the Senate reconvened on September 9 to consider the Anti-Apartheid Act of 1985, President Reagan continued to defend his administration's failed policy of constructive engagement. The failure of that policy to encourage peaceful change in South Africa has become increasingly clear over the course of this year. Six hundred and seventy-five people have died in South Africa in the last 10 months as a result of civil unrest; over 2,500 have been detained since the state of emergency was decreed on July 21. And if there were any lingering doubts concerning the effect of President Reagan's constructive engagement policy on the Pretoria government, they were clearly dispelled by President Botha's hard-line speech in Durban on August 15.

The Congress, in a clear repudiation of this administration's South African policy, has drafted legislation which would put the Pretoria government on notice that there is a price to be paid for continued intransigence. The Anti-Apartheid Action Act of 1985 would impose several punitive sanctions against South Africa, while holding out the threat of future sanctions if progress in dismantling apartheid were not made. This legislation was carefully crafted during consideration in the Senate Foreign Relations Committee, the Senate Banking Committee, and the floor of the Senate where it passed by a vote of 80 to 12. After working out differences between the House and Senate versions of the bill, the House of Representatives adopted the compromise bill on August 1 by an overwhelming vote of 380 to 48.

The intent of this legislation is straightforward. It is to send a clear signal that continued adherence to apartheid is incompatible with normal relations with the United States. The ban on the sale of Krugerrands, denial of new bank loans and computer sales to the South African Government, and a requirement that all U.S. companies operating in South Africa treat blacks fairly—the so-called Sullivan Principles—are all aimed at encouraging reform of apartheid. Most importantly, the Senate legislation contains a clear commitment to further sanctions if progress is not made in dismantling apartheid.

The President's 11th hour conversion to the need for sanctions does not diminish the fact that his administration's South African policy has not succeeded in reversing racial discrimination in South Africa. Nor can the President's last minute embrace of sanctions be seen as anything more than a tactical attempt to avoid a defeat on this issue on Capitol Hill. The White House's new rhetorical policy does not reflect the severity of the situation in South Africa, nor the depth of the American people's opposition to apartheid. It is too little and too late. If the President seriously wants to speak plainly to South Africa, he should sign the Anti-Apartheid Action Act of 1985 into law.

Sanctions are not an end in themselves. They represent a means by which we can encourage peaceful change in South Africa. President Botha's refusal to embrace even mild reforms in his August 15 policy speech indicate that tough measures rather than empty rhetoric is the only means by which we can hope to influence events there. A recent Gallup survey in South Africa indicated that the majority of blacks now support U.S. sanctions, as does Nobel Peace Prize winner Bishop Desmond Tutu. And just last month, four major South African business organizations urged the Government to negotiate with the whole spectrum of accepted black leaders and to lift the emergency decree. They clearly recognize that there will be no resolution of South Africa's financial problems without political reform. Continued pressure—including sanctions—is necessary to achieve this.

It is said that the art of diplomacy is to recognize the inevitable and take advantage of it. Change in South Africa is inevitable. The issue is how that change will come about and what role the United States may play in encouraging it. Clinging to the status quo will likely result in ever greater frustration and tension within South Africa—leading ultimately perhaps to violent revolution. By clearly opposing the status quo through sanctions, we are acting not only in the interest of peaceful change, but also in our national interest—and in accordance with our deepest moral convictions.

THE CONFERENCE REPORT ON ANTI-APARTHEID

Mr. HATFIELD. Mr. President, I would like to rise at this time to express my intention to vote against this latest cloture motion. As many of my colleagues know, I have been an ardent proponent of sanctions legislation as it relates to the South African system of apartheid. As a cosponsor of the Kennedy-Weicker sanctions bill, and through subsequent support of the Anti-Apartheid Act, I have attempted to remain consistent in my belief that it is vital that we send a clear, concise, and undeniably strong message to Pretoria. The escalating violence that has spread from black townships and engulfed virtually all regions of South Africa is a concrete testament to the fact that constructive engagement has been a failure. Even the President has seen the need for an alteration in our present policy. If only we had enjoyed White House support for our efforts last spring, we might not be carrying on this debate here today.

The debate has now shifted away from topics such as whether or not the Senate of the United States thinks that blacks ought to enjoy fundamental rights in South Africa, or whether it is appropriate for us to take action based on the internal affairs of another country, or even if this action should involve our economic relations with South Africa. No, the real discussion has moved away from sanctions altogether and toward a partisan battle fought with procedural tactics. For this reason, I have serious problems with this afternoon's vote.

In order for our efforts to make an impact upon the people and Government of South Africa, we must focus on several key factors. First of all, any sanctions must be timely in that they are designed to send a message to Pretoria that is a direct reaction to the current situation. While our message of disapproval has been long overdue, it is still important that it get through and be heard as an unconditional denunciation of apartheid. Second, the strength of our message must be great enough to make our intentions crystal clear. Because the foreign policy game is so fraught with rhetoric and hidden meanings, we cannot just give lipservice to our conviction—we must act on it. Third and most important, we, as elected representatives, must act with a clear and united voice. I believe it is in this area that we have suffered our greatest failure on this issue.

As the Anti-Apartheid Act has evolved, it has been subject to overwhelming bipartisan support. It has been steered along a very careful and calculated course that has enabled both Houses to come to a consensus. I would like to applaud the majority leader, Senator LUGAR, Senator KENNEDY, Senator WEICKER, and the others responsible for adhering to a policy that enabled many voices to be heard on the subject of apartheid, and many hands to go into the crafting of the bill we ended up with. Unfortunately, today's vote represents a departure from the process to which we should be adhering. The vote today does not concern apartheid, or even South Africa—it is a procedural, partisan vote that only stands to blur the actual message that we have so patiently been trying to send. In fact, this vote strongly resembles yesterday's motion to reconsider and the ensuing motion to table, which served only to divide, rather than unite the Senate in its deliberations.

Mr. President, on an issue that has been bipartisan in its support, I now hear one party trying to posture themselves as the unabashed defenders of what is right and good for South Africa. Why, might I ask, is the Democratic side of the aisle so willing to alienate Members such as myself that have been supportive of sanction legislation from the beginning. The answer is that we are now arguing over political turf and not the well-being of blacks in South Africa. It is simple as that and I plan to vote against this motion because I adamantly disagree with these tactics.

POLLUTION LAWS PRESERVED RIGHTS

Mr. STAFFORD. Mr. President, it is my custom to avoid issues which are in litigation, not embrace them. But to every rule there are exceptions.

There is now pending before the Second Circuit Court of Appeals a review of the decision by the U.S. District Court for Vermont in the case of *Oulette* v. *International Paper*, 602 F. Supp. 264 (1985). One of the issues in

that case is whether the enactment of the Federal Clean Water Act extinguished rights of action under other laws, including Vermont common and statutory law. Why the question should arise at all is a puzzle to this Senator since the language of the Clean Water Act is quite clear on the subject. Section 505 of the Clean Water Act establishes the right of a citizen to sue to enforce the provisions of the act, then states explicitly that other rights are undisturbed. Subsection (e) states that—

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

Despite this clear language, at least one court has held that the act extinguishes some State common law. That court is the Seventh Circuit Court of Appeals, which made such a finding in *Illinois* v. *City of Milwaukee*, 731 F. 2d 403 (1984).

My purpose here is not to review the details of these and other court decisions, but to make available some legislative history which I hope will be helpful in indicating just what was intended by the Congress. This legislative history includes transcripts from the markups during 1970 and 1971 of the Clean Air Act and Clean Water Act.

The citizen suit provision was first adopted in the Clean Air Act and then, about 1 year later, incorporated in the Clean Water Act. Therefore, to completely understand what the members of the Committee on Public Works and the Congress intended, it is necessary to review transcripts and other documents relating to both laws.

The subject of preempting or displacing rights available under other laws arose for the first time on June 4, 1970, at a meeting of the Subcommittee on Air and Water Pollution. The subcommittee was meeting to mark up what was later to become the Clean Air Act. Included in the bill before the subcommittee was a proposal to authorize citizens to file suit to force compliance with pollution control requirements. As the subcommittee members were discussing this proposal, Senator Howard Baker offered an observation and expressed a fear as follows:

Senator BAKER. The only question is whether or not you have access to the Federal courts under one of the jurisdictional requirements for diversity or jurisdictional amount or one of the other specialities. So we aren't creating a brand new cause of action. We are, rather, modifying one that already exists.

I think that brings to mind something that we should make sure we fully understand; that is, that we don't limit and circumscribe the right of citizens individually and as a class to do what they can already do by spelling it out here in this statute. If we start spelling out each detail here, the court is going to hold that we have obliterated everything else that the common law created. (Transcript Roll 15, p. 1687.)

The discussion then moves on to other subjects, but a minute or two later, Senator Baker suggests that the bill be amended.

Senator BAKER. I think you could also put in a saving clause to the effect that:

"Nothing contained in this Act shall abridge or abrogate any pre-existing right by statute or common law."

I think the courts would permit that. (Transcript Roll 15, p. 1692.)

The transcript shows no direct response to Senator Baker's suggestion at this time, but on July 29, 1970, the subcommittee was meeting again to mark up the proposed Clean Air Act. Senator Baker was absent, but there was a discussion of the meaning of the savings clause:

Senator COOPER. If I may ask another question . . . what would be embraced in equitable relief? (Would it affect) any personal rights you may have as a person, for damages.

Mr. JORLING. The intention in the language, as I understand it, is to specifically avoid any damage provisions. It is strictly an equitable provision to abate, to halt, to prevent this violation from occurring, and does not address itself to either physical or monetary damages in any way. It is strictly an action to achieve this abatement, if found, of a violation of the schedule of compliance and emission stand (sic) or emission requirement.

It does not go to the issue of damages at all, and that comes out, I think, of the whole philosophy of the Act, and that is, it is very difficult for anybody to prove personal or monetary damage resulting from the effects of air pollution.

Mr. BILLINGS. We have reserved the rights of citizens under other common law to seek damages for pollution, if such damages occur. (Transcript Roll 16, p. 0080-81.)

The two staff members responding to the questions from Senators Cooper and Spong were Leon G. Billings and Thomas Jorling. Mr. Billings, who was not a lawyer, was staff director of the Subcommittee on Air and Water Pollution and Senator Muskie's principal aide. Mr. Jorling, a lawyer, was minority counsel to the full committee and the principal aide to the Republican members.

The transcripts contain one further reference to the savings clause, which is a statement by Senator Spong of Senator Baker's original intent. The Members were discussing whether citizens should be required to provide notice to administrative agencies as a precondition to filing suit. There had been earlier subcommittee discussions, and the members were attempting to refresh their recollections, with Senator Muskie observing at one point, "* * * we have gone through this once before. I forget just how we resolved it." (Transcript Roll 16, p. 0088.) Senator Spong recalls the following:

Senator SPONG. It is coming back to me now. Senator Baker's concern was that we could be taking a right away from a citizen . . . to go into court. . . . (Transcript Roll 16, p. 0090.)

Following subcommittee and committee markup, the bill was considered by the full Senate on September 21, 1970. As it had in the earlier stages of the legislative process, floor attention focused almost exclusively on the consequences of conferring on citizens an explicit right to sue to enforce pollution laws. Senator Philip Hart of Michigan defended the provision, which was by then section 304 of S. 4358, as "one of the most attractive features of the bill," adding that it would not result in a proliferation of litigation.

The bill makes no provision for damages to the individual. It therefore provides no incentives to suit other than to protect the health and welfare of those suing and others similarly situated. It will be the rare, rather than the ordinary, person, I suspect, who, with no hope of financial gain and the very real prospect of financial loss, will initiate court action under this bill.

(Legislative history of the Clean Air Act Amendments of 1970, Congressional Research Service, Library of Congress, Washington, D.C., Volume 1, p. 355.)

Senator Hart's remarks, together with the transcripts of the markups, make it clear that Senators believed that, in enacting the Clean Air Act, they were supplementing remedies available to injured parties, not supplanting them.

The House bill contained no comparable citizen suit provision. But with some changes in the Senate language, the House receded. The last sentence of the Statement of Managers on Part of the House in explanation of the section 304, the citizens' suit provision, was the following:

The right of persons (or class of persons) to seek enforcement or other relief under any statute or common law is not affected. (Id. at p. 206.)

During consideration of the Clean Water Act the following year, much less attention focused on the citizens' suit provision. That is due, in part, to the fact that the version contained in the Clean Water Act was identical to what had been enacted in the Clean Air Act, except for changes required because of differences in terminology—for example, discharges of water pollution effluent vice emissions of air pollution.

At this time, several bills were pending in the Congress to expand the rights of citizens to file class action suits. Therefore, some discussion concerned itself with the issue of whether the parenthetical phrase "(or class of persons)" might have the effect of expanding the then current law. On September 21, 1971, the Committee on Public Works held a markup of the proposed Clean Water Act amendments which had been reported by the Subcommittee on Air and Water Pol-

lution. During the review of the citizens' suit provision, the following exchange took place:

Senator COOPER. Do you want to tell us against whom action may be brought and for what causes and then exceptions? Then on page 115, subsection e, you add, "Nothing shall restrict any right which any person (or class of persons) . . .". Is the right of a class of persons only available under the conditions set out in e, in other words, when they have a right under State statute or common law?

Mr. MEYER. Well, it is a parenthetical phrase.

Mr. JORLANG (sic). The intention is, as in the Air Bill, to avoid in this provision any of the complexities that are raised with cross-action (apparently class-action) suits on the basis that this is a provision that authorizes only equitable relief. There is no provision for the recovery of damages nor for requirement of showing of damages.

The provision, subsection e, provides merely that this section, the authorization granted in this section, in no way affects any rights a person has, whether or not acting alone or as a class, under any other law, statutory or common, for relief against a pollutor (sic). This would normally mean that if there are some damages, standard common law damages, and a person would like to join with a class of people that suffered similar damage, this does not prevent them from doing so. (Transcript Roll 17, p. 1617-18.)

This understanding of the savings clause was also reflected in the committee report accompanying S. 2770, which explained what was to become section 505(e) as follows:

It should be noted, however, that the section would specifically preserve any rights or remedies under any other law. Thus, if damages could be shown, other remedies would remain available. Compliance with requirements under this Act would not be a defense to a common law action for pollution damages. (Legislative History of the Water Pollution Control Act Amendments of 1972, Congressional Research Service, Library of Congress, Washington, D.C., p. 1499.)

The issue of what impact, if any, the enactment of the Clean Water Act would have on the availability of other statutory or common law remedies was apparently not discussed further. However, it would seem that further discussion was unnecessary. From the first mention of the issue by Senator Baker during the subcommittee markups of the Clean Air Act to the last recorded mention of the subject in the Senate Public Works Committee report on the Clean Water Act, the attitude and intent of the members was remarkably consistent. Not once was there ever any doubt as to what they intended or disagreement as to its correctness. In every discussion of the matter, it was clear that all other rights—whether State or Federal, statutory, or common law—were to be preserved. The clarity of the repeated statements to this effect and the unanimity of agreement on the proposition made further discussion meaningless.

I might observe that this Senator was a Member of the other Chamber when the Clean Air Act amendments were adopted and a member of the Senate Committee on Public Works when the Clean Water Act amendments were considered and approved. Speaking only for himself, this Senator can recall no occassion on which it was ever suggested at the time of their consideration that the enactment of the Clean Water Act or the Clean Air Act would diminish the rights of injured parties. On the other hand, I can find a record replete with unequivocal statements by Members and staff that these rights were to be preserved, combined with clear indications of affirmation and agreement by other Senators and Representatives.

In the face of a record such as this, it seems impossible for any reasonable person to conclude that the Congress intended, by the enactment of these laws to provide the public with less protection from personal injury than it had before. Such a conclusion is directly at odds with every statement made during the long and detailed consideration of these laws. Nevertheless, some persons apparently have reached such a conclusion in the past. I would hope that in light of the information I have just provided, they will reconsider and correct earlier decisions.

Mr. President, the complete transcripts to which I have referred are available through the documents room of the Committee on Environment and Public Works should any person wish to review them.

S. 1200, THE IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. THURMOND. Mr. President, I rise in support of S. 1200—the Immigration Reform and Control Act of 1985. This bill is the result of a 12-year effort to reform the immigration laws of the United States. It is a streamlined version of the measures that have passed in both of the last two Congresses by wide margins: In the 97th Congress by a vote of 80 to 19; in the 98th Congress by a vote of 76 to 18. Last year, the House narrowly passed a proposal of its own and the bills went to conference. Unfortunately, time ran out before a final resolution on all issues could be reached. Hopefully, this long overdue measure can move quickly through the legislative process to final enactment during this Congress.

Special credit must go to Senator SIMPSON as chairman of the Subcommittee on Immigration and Refugee Policy for bringing us to this point. He has worked ceaselessly to balance many divergent interests and, at the same time, craft a bill that will enable us to bring illegal immigration under control. The Judiciary Committee considered the bill over the course of four executive sessions. Ten amendments were discussed, six of which were adopted. S. 1200 was reported out favorably by a vote of 12 to 5 on July 30, 1985.

The bill makes major reforms in immigration law that should increase significantly our ability to control the borders of this country. It is strongly supported by the administration. I urge the Senate to demonstrate, once again, its commitment to this critical issue so this bill can be enacted at the earliest possible time.

Mr. President, as pointed out in the committee report on this bill, no other country in the world attracts potential migrants as does the United States, and no other country approaches the United States in the number of legal immigrants accepted and refugees permanently resettled. Such has been the case throughout our history. It is a tradition of which we are justly proud.

On the other hand, it is common knowledge that immigration to the United States, including illegal entrants estimated to be in the millions, is out of control. In the last 9 years, total immigration to the United States increased from 450,000 in 1976 to 510,000 in 1984, with a peak of 800,000 in 1980, counting the Cuban and Haitian entrants during that year. During the same 9-year period, immediate relatives of U.S. citizens, for which there is no numerical limitation, increased from 114,000 to 177,000. Refugee admissions, also not subject to a fixed ceiling, have ballooned from 5,000 in 1977, to as high as 200,000 in 1980; 161,000 in 1981; and 68,000 in 1984. Notwithstanding the 1984 decrease in refugees, the United States continues to take more immigrants and refugees for resettlement than the rest of the world combined.

In addition, hundreds of thousands of illegal entrants come into the United States every year. While the total number of illegal aliens in the country is unknown, the Select Commission on Immigration and Refugee Policy estimated the figure to be between 3.5 and 6 million for 1978. The number is surely much larger today.

Mr. President, there was a time when the Nation could welcome millions of newcomers without jeopardizing the national interest. Such is not the case today in a complex industrial society with considerable unemployment and a need for specialized skills. This bill—while recognizing the great benefits this country obtains from new migrants—tries to come to grips with the necessity that they be limited to an appropriate number, and be selected within that number based on family reunification priorities and preferences for skills needed in a highly developed country. This neces-

sitates that illegal entrants into the United States be brought under control.

The pending measure takes a number of different approaches to reform the immigration laws. First, the bill contains provisions to increase control over illegal immigration. The primary incentive for illegal immigration is the availability of U.S. employment. This bill makes unlawful the knowing employment, or the recruitment or referral for a fee, of illegal aliens. It also provides for a system to verify work eligibility and establishes substantial civil penalties for violations.

Should a pattern or practice of violations subsequent to the imposition of a penalty for a prior pattern or practice of violations be found, then a criminal penalty may be imposed. The bill also established new crimes for certain activities involving fraudulent documents and for bringing illegal aliens to the United States. It further states the sense of the Congress that the resources for border patrol and other enforcement activities should be increased. For this purpose, $840 million for fiscal year 1987, and $830 million for fiscal year 1988, are authorized for the Immigration and Naturalization Service.

Second, certain improvements are directed at nonimmigrant categories. The bill provides for a special, streamlined procedure for H-2 seasonal workers based on the compromise reached by the conference committee in the last Congress. In addition, a 3-year agricultural transition program is provided to enable agricultural employers to adjust gradually to the new system. The bill also establishes a 12-member Agricultural Workers Commission to report within 2 years to Congress with specific legislative recommendations regarding the appropriate form of U.S. temporary worker programs. Further, special immigration benefits are provided for certain children and the surviving spouse of an employee of an international organization and retired employees of such organizations who have been in the United States many years. A pilot visa waiver program is authorized for up to eight countries with low rates of visa denial and exclusion.

Third, the bill provides for a one-time legalization program to deal with the large group of illegal aliens in this country who have been here long enough to have built up certain equities. A Presidentially appointed Legalization Commission, composed of nine members committed to the concept of legalization, is established to determine that enforcement mechanisms are in place to curtail illegal immigration. Legalization procedures are then triggered.

Regardless, legalization will begin no later than 3 years after enactment of this legislation. Once legalization is begun, certain illegal aliens who physically have been present in the United States since the date of enactment, and have continuously resided in the United States since before January 1, 1980, may apply for legal temporary resident status. Such persons may adjust to permanent resident status after 3 years from the date they are granted temporary residence, if they satisfy a minimum English language requirement and have a minimum knowledge of U.S. history and Government, or are enrolled in a program to acquire such knowledge. Such temporary residents will not be eligible for Federal financial benefits. The bill provides for Federal payment to States of up to $600 million per year, for 3 years, in the form of a capped entitlement program, to reimburse them for any necessary public assistance which they are required to provide to these residents.

Mr. President, this triggered approach is a change from the earlier versions of this legislation, and one which I find easier to support. I still do not condone the entry of these illegal aliens into our country. If I did not believe that the only way the Federal Government can gain control over immigration and refugee policy is by way of a legalization program, I would be opposed to it. By delaying the program until after effective enforcement provisions are in place, we will ensure that further illegal immigration will be discouraged.

Finally, the bill requires certain reports from the President to the Congress with respect to the employer sanctions, provisions, legal and illegal immigration, the verification procedures and the legalization program. To ensure that a pattern of discrimination against eligible workers seeking employment does not develop, the General Accounting Office is to monitor the implementation of employer sanctions. This report is to be reviewed by the Attorney General, jointly with the Chairmen of the Equal Employment Opportunity Commission and the Commission on Civil Rights. If such a pattern of discrimination has resulted, specific remedial legislative proposals are to be recommended to Congress.

Mr. President, this is an important bill that should be enacted as quickly as possible. It will not solve all of our problems relating to immigration and refugees, but it is a major step in the right direction. I hope that the Senate will approve this bill expeditiously.

ANTI-APARTHEID ACT CONFERENCE REPORT

Mr. PELL. Mr. President, it has been nearly 2 months since a state of emergency was declared in South Africa. During that time, more than 2,300 South Africans, most of them peaceful, black anti-apartheid protesters, have been detained and over 100 blacks have been killed in clashes with the police and security forces. In an effort to stamp out the growing anti-apartheid movement, the South African Government has arrested leaders of the United Democratic Front, made acts of civil disobedience such as boycotts criminal offenses, outlawed various forms of freedom of assembly and speech, and placed restrictions on funeral proceedings, one of the few remaining outlets of political expression for blacks.

South African President P.W. Botha has belied his commitment to "reform" by refusing to meet unconditionally with respected black leaders such as Nobel laureate Bishop Desmond Tutu and by failing to announce concrete steps toward ending apartheid in his recent speech before the Natal Congress of the Nationalist Party. Botha's hard line and the excessive and wanton use of force by the government has only served to increase the anger and frustration of South African blacks and to breed more violence and unrest throughout the country. South Africa will continue to be a tinderbox until the racist, white minority government abandons its brutal use of force and sits down with black leaders chosen freely by the black community to negotiate the dismantling of apartheid.

Given the seriousness of the South African situation and the widespread opposition among South African blacks and the American people to the administration's failed policy of "constructive engagement," I believe that the Senate should vote on the conference report on H.R. 1460, the Anti-Apartheid Action Act of 1985. This legislation would provide scholarships and other forms of assistance to blacks, make the Sullivan principles mandatory for United States firms in South Africa, prohibit the importation of Krugerrands, ban loans to the South African Government, halt computer sales to South African Government agencies enforcing or administering apartheid, and cut off nuclear trade. It also holds out the threat of future sanctions by requiring the President to report to the Congress in 12 months on what, if any, progress has been made in ending apartheid.

On Monday, the President signed an Executive order embodying many of the provisions in the conference report. However, there are important differences between the two. Whereas the report would ban the importation of Krugerrands immediately, the order defers the ban until after the administration has consulted with the parties to GATT—a process that could take years and never result in a ban. The provisions on loans, computer

sales, and nuclear trade in the order are significantly weaker than those in the conference report. Finally, the President's order does not hold out the threat of future sanctions, thereby removing an instrument of pressure on the South African Government.

The President's order is a step in the right direction, but it is too little too late. As Bishop Tutu has stated, it is "not even a flea bite." A recent poll conducted for the London Times by a South African affilitate of the Gallup organization indicates that 77 percent of South African blacks favor economic sanctions. In view of this it is clear that the President's order, which was accompanied by a reaffirmation of his commitment to the policy of constructive engagement, will not convince South African blacks that there will be a real change in United States policy.

Under these circumstances, it is more important than ever for the Senate to follow the House and pass the conference report on the Anti-Apartheid Action Act. I regret that the Senate failed to move to a vote on the conference report this week. Passage of the report would put the Senate on record against apartheid, send a strong message to South African blacks that the Congress and the American people support their struggle, and make it clear to the South African Government that the United States will continue to press for genuine movement away from apartheid.

OLD DEFENDERS' DAY

Mr. MATHIAS. Mr. President, today is old Defenders' Day, a legal holiday in the Free State of Maryland. On September 12, 1814, the Battle of North Point was begun. It was a turning point in the War of 1812. In 2 days of intense fighting, the soldiers and citizens of Baltimore, augmented by sailors manning city and harbor defenses, turned back the British attack and saved the city. Today we honor those defenders of the city.

Although this battle is not well enough known to many Americans, they all are aware of one of its results. Francis Scott Key, a Baltimore lawyer, wrote the words of the "Star-Spangled Banner" when, on the morning of September 14, he saw "Old Glory" still flying over Fort McHenry at the mouth of the Port of Baltimore.

The two keys to Baltimore's defense were Rogers' Bastion, an earthen defense east of the city, and Fort McHenry, protecting the sea side at Locust Point. Facing the fort across the channel to the inner harbor was the Lazaretto Battery, which fired upon an attacking contingent of small British boats. Caught between the battery and Fort McHenry, the British retreated. Rogers' Bastion stopped the British ground forces and when the British Navy's heavy gunning of Fort McHenry failed to force it to surrender and allow the British ships to pass to support the ground troops at Roger's Bastion, the British force withdrew on September 14. There were no engagements between American and British warships but the role of naval personnel was vital in helping the American soliders on land.

In an appropriate mixing of the old with the new, Defenders' Day this year was commemorated on Sunday, September 8, at Fort McHenry as Naval Reserve Day. Before a crowd estimated at 7,000, made up of Naval Reservists, their families, friends, and other visitors, the U.S.S. *Hayler* reenacted the bombardment of the fort. It was defended in 1814 by the citizen-soldiers of Baltimore, regular soldiers of the infantry and artillery, and 60 sailors from Commodore Barney's Chesapeake flotilla. This year, the 171st anniversary of the battle, the defenders were from the 2d Battalion of the 110th Field Artillery of the Maryland National Guard, dressed in uniforms of the earlier day and using muskets of the period.

Highlighting the role of the modern Navy and citizen-sailors, each of the 20 Naval Reserve Units of Baltimore gave a demonstration of what they do, using current landing craft and other small boats. The Naval Academy Band performed. A replica of the lighthouse at Lazaretto, easily visible from Fort McHenry, was dedicated. It was a happy, family day, building on past courage in defense of a young nation to show how traditions continue and that our Nation's security remains an obligation for all citizens.

The exploits of 1814 still shine in our national history and should be remembered as a lesson that from time to time society does require a price for the continued enjoyment of its benefits. The admirable record of 170 years of peace between the United States and Great Britian dispells any fear that we shall ever have to fight the battle of North Point again.

But as the human race evolves and society progresses there are inevitably new challenges and new dangers. We are not free of the threat of foreign aggression, but we also face new kinds of dangers in a world that has rapidly become interdependent and therefor highly vulnerable.

It's such a world, the state of our economy may well be as vital to our security as the state of our military forces. Defensive action may require courage and effort as in the past, but today the goals may be different. Defense may demand higher productivity, greater thrift, less luxury, and a willingness to dedicate a larger share of the fruits of our labors to the general welfare. Whatever is needed, I am confident that Marylanders will not be found waiting.

REPRESENTATIVE SONNY MONTGOMERY RECEIVES L. MENDEL RIVERS AWARD

Mr. BYRD. Mr. President, I wish to commend and to congratulate the distinguished chairman of the House Veterans' Affairs Committee, Hon. G.V. (SONNY) MONTGOMERY, on being awarded the L. Mendel Rivers Award of the Noncommissioned Officers Association, on last evening in recognition of his legislative efforts in contribution to the defense of our country.

Chairman MONTGOMERY served more than 35 years in the military, including service in World War II and the Korean war. He has continued to contribute to the defense of this Nation as a leading member of the Veterans' Affairs Committee, which he chairs, and the House Armed Services Committee. Congressman MONTGOMERY has also received recognition from the Paralyzed Veterans of America for his lifetime of service to veterans—an honor which I was proud to receive this year.

His support and leadership in the House made possible the creation of a special commemorative medal honoring those missing or unaccounted for in Southeast Asia—a measure which I also offered in the Senate.

I am grateful to SONNY for his help in that regard, and I am pleased for the many opportunities we have had over the years to work together on behalf of America's veterans and in furtherance of a strong national defense.

SONNY MONTGOMERY's leadership on these issues sets a standard for all of his colleagues in the Congress. I am pleased to offer my heartfelt congratulations to SONNY on his being awarded the L. Mendel Rivers Award.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(During the quorum call Mr. GOLDWATER occupied the chair.)

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President, I believe we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Is there further morning business? If not, morning business is now closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SIMPSON. Mr. President, I appreciate the patience of my colleagues—matched only by my own and that of the minority member of the subcommittee, Senator KENNEDY. We are ready to proceed now with the immigration legislation. There have been some accommodations made. An amendment or two that would have taken a great deal of time perhaps have been resolved, and we await in a very few minutes Senator WILSON to present a very important amendment. He will be taking that up. It is one that deserves your careful attention. But at this point I yield to Senator MAX BAUCUS who has an amendment with regard to user fees.

AMENDMENT NO. 593

(Purpose: To eliminate the provisions allowing the imposition of fees for an alien's use of border facilities)

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. WARNER, proposes an amendment numbered 593.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, beginning with line 5, strike out all through the bottom of the page.

On page 2, in the Table of Contents, strike out the item relating to section 102.

Mr. BAUCUS. Mr. President, this amendment is the same amendment that I offered to the immigration bill in 1983. That amendment passed by a vote of 91 to 3. This amendment, like the earlier one, would delete the provisions of the bill which authorize the Immigration and Naturalization Service to impose a fee on aliens who cross the U.S. border coming into the United States.

Mr. President, the provision in this bill is slightly different from the provision of the bill in the 98th Congress. The earlier bill required the Immigration and Naturalization Service to impose this border fee. This year's bill gives the Service discretion to impose a fee on aliens. In either event, Mr. President, I think that the provision is a bad idea. I do not think that we as Americans should be imposing fees on aliens as they cross the border to come to the United States.

We have a history in America of being an open country. We receive travelers, we receive visitors, we receive citizens, and we receive aliens into the United States to travel, visit, or do whatever they may wish. I think it is a policy we should continue. It is a policy we should maintain. I do not think that the country should now start imposing fees on aliens as they come into the United States.

Requiring that fees be paid at the border is inconsistent with the policies of our neighbors, Canada and Mexico, which do not impose fees on Americans who may enter Canada or Mexico. If we were to impose a fee, it seems to me that those countries might think turnaround is fair play. Then, they too would impose fees. We would be going down a road that would make no sense and could lead to a series of escalating fees and counterfees.

Beyond that, I must inform these Members of this body who are not already aware of it, that it is not only the INS that wants border fees. The Customs Service too wants to impose fees. There is a bill wending its way through the Congress right now which may entitle the Customs Service to impose fees on all travelers—whether they be aliens or Americans, entering the United States from whatever origin, whatever source, air, land or sea.

It seems to me we are getting into the situation in which various services and U.S. agencies are thinking about imposing fees on American and/or aliens who enter the United States. Such programs can only create confusion and a lot of irritation at the border, not only for Americans, but for foreigners who travel to and from the United States.

Beyond all of that, I think this provision of the INS imposing fees is degrading. The estimated border fees would be only 25 cents to $1 per person. Collecting these fees would be like the American Government holding a tin cup at the border and telling all foreigners coming into the United States to put a quarter or 50 cents into the American tin cup. We would not be getting a lot of money from it. It would be almost like begging foreign travelers to help us out.

Another problem with the provision is that it contains no dedication. This money would go to the general fund. It would not necessarily go to the INS to support costs of the Service. The theory for most user fees lately is that they should cover the cost of the certain service for which they are charged. That is simply not the case under section 102 of S. 1200.

So for a whole host of reasons, Mr. President, I think that we should again resoundingly defeat and strike out this provision of the bill. I repeat that this provision was defeated by a vote of 91 to 3 last year. I see no reason why it should not be defeated overwhelmingly again this year.

I am joined by Senator WARNER who is a cosponsor of my amendment this year, as he was in 1983. He too thinks it is a bad idea. I encourage Senators to vote to delete this provision of the bill and vote for this amendment.

I see my able neighbor, the Senator from Wyoming, standing. He has, as we all know, performed dedicated, and exemplary service in trying to get this bill passed. We all look up to him for leadership and guidance on immigration legislation. It is my understanding that, as further evidence of the Senator's wisdom, he is going to accept this amendment.

I thank the Senator for that.

I yield the floor.

Mr. SIMPSON. Mr. President, I do thank my neighbor to the north, Senator BAUCUS, for his remarks. I have enjoyed working with him on many things. His State does border our great sister country of Canada and he speaks with clarity on the issue, as he has done before. It is something that we accept. We had it in the bill originally as a provision intended to provide the opportunity for the Immigration Service to require some minimal fee to offset the cost of providing services at ports of entry. That was requested at one time by some in the agency.

I changed the measure this year to make the fees optional rather than mandatory, as in the last Congress.

I understand the feeling, coming from a State with a significant tourist economy.

I accept the amendment, which I believe will alleviate the fears of the tourism industry and others that fees might affect the entry of visitors. Until we get into a more bilateral discussion of this matter, I think it appropriate that it should be removed. We will try to hold to that in conference activity.

Mr. President, the amendment is acceptable to this floor manager and I understand it is also acceptable to the floor manager on the other side, Senator KENNEDY.

Mr. BAUCUS. Mr. President, I thank the Senator for his remarks.

Mr. WARNER. Mr. President, I am pleased to join with the distinguished Senator from Montana [Mr. BAUCUS], in offering this amendment to the Immigration Reform Act.

Two years ago, when the Senate last addressed this issue, 91 of our colleagues went on record in opposition to an immigration fee being levied on

persons who enter the United States from abroad.

This Senator must express his disappointment that in spite of that very strong statement by the Senate, a provision is included in the bill before us giving the Attorney General discretion to levy fees on persons entering the United States from abroad.

Mr. President, so as to avoid any confusion about what the Senate did on this issue, I ask unanimous consent that the discussion on this issue, as it appeared in the CONGRESSIONAL RECORD on May 16 and 17, 1983, be printed at the end of my statement.

I wish to advise my colleagues that those organizations which joined the Senators from Montana and Virginia in opposition to the immigration fee 2 years ago continue to support our position today.

Their position, as reflected in the letters which were made a part of that 1983 debate, is unchanged.

Mr. President, during my term in the Senate I have vigorously worked to promote two basic principles of our society.

The first is the freedom to travel.

The second is the freedom to assemble and speak.

Both of these principles lie at the heart of this issue, and both are the foundation of America's second largest industry, the travel and tourism industry.

In 1981, the Congress passed, and the President signed into law the National Tourism Policy Act.

One of the basic objectives of that act was to encourage the free and open exchange of foreign travelers to our country, and the elimination or reduction of all barriers to that exchange.

During my tensure as cochairman of the Senate Tourism Caucus, I have worked with all Senators in support of proposals to promote both foreign and domestic travel to and in the United States.

The imposition of an immigration fee, whether it be mandatory, as proposed in the original immigration bill 2 years ago, or discretionary, as proposed in this bill, stands in the face of every effort and achievement of the Senator from Virginia in this area.

I urge support for the amendment by the Senator from Montana and myself, and the elimination of all references to immigration fees from the pending legislation.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1269

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 1269.

Amend section 102, subsection 114 on page 121, line 14, by deleting the word "shall" and insert the word "may" after the words "Secretary of State".

Mr. WARNER. Mr. President, I extend my congratulations to the Senator from Wyoming and others who have drafted this legislation, especially the visa waiver section of the bill.

With the adoption of this section of the bill, one of the major obstacles to increased travel from abroad by tourists and business people will be eliminated.

This provision goes a long way toward the effective implementation of the National Tourism Policy Act, a measure of which I was a cosponsor and, as cochairman of the Senate Tourism Caucus, I actively support.

Mr. President, there is, however, a section of the bill having to do with the entry fees which causes me some concern. It stands in the face of the Tourism Policy Act, in my judgment and I am inquiring if the Senator from Wyoming is aware of this problem and also if the Senator is open to modification of this section.

As the Senator from Wyoming is aware, numerous organizations, including the Travel and Tourism Government Affairs Policy Council, the Motor Coach Tour Industry Association, the Air Transport Association, of America, and the American Automobile Association, have all expressed their concern over the hasty implementation of this section, and the problems, which might ensue.

By making the modification I suggest, the Senate will bring the bill in conformity with the House, thereby effectively resolving the problem associated with the entry fee issue.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD certain documentation to support the views of the enumerated organizations about which I have spoken.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *May 9, 1983.*

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Dirksen Office Building, Washington, D.C.

DEAR SENATOR SIMPSON: We wish to use this opportunity to express our concern about Sec. 114 of S. 529 which would require the Attorney General to impose fees on aliens entering the U.S.

A recent survey by the "Official Airline Guide" has revealed that of 127 countries throughout the world only Venezuela imposes an "immigration fee." It is true that departure fees are common world-wide and the U.S. as an example also has a departure fee.

In so far as the U.S. receives its 3rd largest share of export earnings from international visitors and the U.S. Congress in passing the National Tourism Policy Act established a policy to . . . "encourage the free and welcome entry of individuals traveling to the U.S. . . ." (Sec. 101(b)(4)) Public Law 97-63, we do not believe it in the national interest to charge a fee for this type of alien visitor who in essence is responsible for creating 289,000 jobs in the U.S.

In reviewing Committee Report (98-62) the Congressional Budget Office estimates that the cost to INS of increasing border patrols (the only reference to costs recoverable under Sec. 114) will be approximately $85 million in 1984 and $70-80 million annually thereafter. The report further goes on to note that "based on information provided INS," CBO estimates (that the cost of processing aliens) will cost INS $40 million a year. CBO further suggests that "the INS would be able to recover this cost by imposing a fee of 20 cents per entry in 1983, with small upward adjustments in subsequent years to reflect inflation. This fee would be classified as a revenue to the government. In reviewing this proposal we infer:

(1) The majority of the increase in costs to INS are attributable to supplemental border patrols and enforcement activities;

(2) These costs are largely unrelated to the processing of short-term business and pleasure travelers to the United States;

(3) These costs will thus be recovered, to an undefinable degree, from "users" who neither generate these costs nor benefit from the facilities and "services" provided.

It is our view that a fee imposed on "international visitors" is discriminatory. Presently, the airlines indirectly bear the costs of inspection facilities, and the cost to briefly examine passports and visas, a government cost, is minimal.

We urge that you clarify, on the floor, the intent of Sec. 114 so as not to include "international visitors."

Sincerely,

JAMES E. GAFFIGAN,
Executive Director.

MEMORANDUM

USER FEE PROPOSAL CONTAINED IN S. 529, THE IMMIGRATION, REFORM AND CONTROL ACT OF 1983

Section 114 of S. 529 (see Appendix I) would amend the Immigration and Nationality Act by adding a section entitled "Nonimmigrant Visa Fees and Border Facility Fees." Subsection (b) requires that "The Attorney General, after consultation with the Secretary of State shall impose fees for an alien's use of border facilities in an amount necessary to make the total of such fees substantially equal to the cost of maintaining and operating such facilities and services."

Included in the Committee Report (No. 98-62) is the Congressional Budget Office (CBO) Cost Estimate (Appendix II) which is germaine to the fee issue. CBO estimates that the cost to INS of increasing border patrols (the only reference to costs recoverable under this section) will be approximately $85 million in 1984, and $70-80 million annually thereafter. The CBO report further finds that "Based on information provided by INS" CBO estimates (that the cost of processing aliens) will cost INS $40 million a year. CBO further suggests that "INS would be able to recover this cost by imposing a fee of $0.20 per entry in 1983, with small upward adjustments in subsequent years to reflect inflation. This fee would be classified as a revenue to the Government."

From this information the following can be inferred:

(1) The majority of the increase in costs to INS are attributable to supplemental border patrols and enforcement activities;

(2) These costs are largely unrelated to the processing of short-term business and pleasure travelers of the United States;

(3) These costs will thus be recoverd, to an undefinable degree, from "users" who neither generate these costs nor benefit from the facilities and "services" provided.

It is important to recognize that the legislative language expressly makes allowance

for the subsidization of particular users by others, i.e. ". . . shall impose fees . . . in an amount necessary to make the total of such fees substantially equal to the cost of maintaining and operating such facilities and services." However, a fee structure which in design allows an arbitrary assignment of cost and benefit has been attempted in the past and subsequently addressed in the Courts.

Congress made its initial declaration of intent in the Independent Offices Appropriation Act of 1952. Title V provides that:

". . . Government activities resulting in special benefits or privileges for individuals or organizations be financially self-sustaining to the maximum possible extent"; and

". . . Regulations prescribing fees be as nearly uniform as practicable"; and

". . . Fees be fair and equitable, taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served and pertinent facts."

In 1959, a Bureau of the Budget Circular was issued, which attempted to interpret the 1954 Act for the agencies, and advise them with respect to its implementation.

"Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering the service. For example, a special benefit will be considered to accrue and a charge should be imposed when a Government-rendered service:

(a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measureable in monetary terms) than those which accure to the general public (e.g., receiving a patent, crop insurance, or a license to carry on a specific business); or

(b) Provides business stability or assures public confidence in the business activity of the benficiary (e.g., certificates of necessity and convenience for airline routes, or safety inspections of craft);

(c) Is performed at the request of the recipient and is above and beyond the service regularly received by other members of the same industry or groups, or of the general public (e.g., receiving a passport, visa, airman's certificate, or an inspection after regular duty hours)."

The FCC established a fee schedule in 1964 which imposed a nominal "filing fee.' The revenues raised covered approximately 25 percent of the agency's budget. In 1970, in response to the encouragement of both Congress and the Executive Branch, the FCC raised the fees to recover its full costs of operation. A group of cable operators challenged the fee structure and the Supreme Court held in 1975 that the assessment per subscriber was a tax, rather than a fee, since it was not related to a special benefit conferred by the FCC (NCTA v. U.S.). In a related case decided simultaneously (FCC v. New England Power Co.), the Court held that ". . . no charge should be made for services rendered when the identification of the ultimate beneficiary is obscure and the service can be primarily considered as benefitting broadly the general public." These represent the only Supreme Court rulings on these issues.

In 1975, the FCC issued a new fee schedule which it perceived to be consistent with the Court's ruling. Again the structure was challenged, and the Court of Appeals held that the new fee structure did not meet the Supreme Court's criteria. The FCC was ordered to develop a new fee schedule as well as clarify the basis for their assessment. The agency interpreted the Court rulings as requiring an assessment of fees based, to some degree, on the value conferred on the user. The FCC ultimately decided that it could not quantify the benefit or value being conferred upon the user, and suspended the collection of all fees in 1977. Though a committee was appointed to determine the most equitable method of refunding the previously collected fees, none have yet been refunded.

Also in 1977, the GAO issued a report which took exception with the FCC's interpretation of the rulings. "GAO does not believe that the Court of Appeals required the Commission to measure separately the value conferred upon the people paying the fee. Instead, based upon interpretation of the court decisions, the Commission can establish a proper fee schedule based solely upon cost." Nonetheless, neither GAO nor Congress have offered any further assistance in calculating an equitable fee schedule based upon cost.

For purposes of this legislation three basic questions arise:

(1) if fees must reflect "direct and indirect costs to the Government" (according to the 1954 Act), what part of INS' costs are "fairly and equitably" allocable to the international traveler? Which of these costs are not already being paid by transportation modes in the form of "facilities use fees"? Is border patrol and enforcement activity an appropriate cost to be subsidized by the international traveler?

(2) what part or aspect of the operation of such facilities can be considered a "value or benefit" which is conferred upon the traveler? INS inspections are distinct from, for example, Department of Agriculture meat grading and inspection services as INS inspections in no way provide "business stability or assure public confidence in the business activity of the beneficiary." Further, INS inspections are not performed "at the request of the beneficiary" nor do they "enable the beneficiary to obtain more immediate or substantial gains or values." Presumably, the ratio of charges should be set equal to the ratios of marginal benefits and the absolute level set to recover full cost. In this case, however, it seems clear that all benefit is recouped by citizens of the United States who are expressly exempted from charge by the language of the bill.

(3) what public policy or interest is served by the imposition of such fees on the traveler? The proposed fees are clearly antithetical to public policy concerns.

IMPLEMENTATION PROBLEMS

There is a multitude of negative implications with respect to the implementation of Sec. 114 of the bill. For example, the proposed fee is discriminatory inasmuch as it would be imposed upon aliens only. A recent survey of 127 countries revealed that only Venezuela imposes an "immigration fee." All other head taxes, departure taxes, etc. are paid by both aliens and nationals. The discriminatory aspect of this fee proposal violates a number of international agreements and many airline bilateral agreements would have to be modified or renegotiated. In addition, this legislation would obviously encourage other countries to initiate the same practice with an attendant risk of abuse.

There are a number of practical considerations as well. For example, how would the fee be collected? Collection at inspection is also problematic. Visitors without U.S. currency would have no choice but to interrupt the inspection, locate a currency exchange desk, and return to the inspection. Collection at this point is also inconsistent with the ASIST pre-clearance procedure. An integral aspect of ASIST clearance is the frequent performance of Customs inspections by INS inspectors, as well as the performance of INS inspections by Customs inspectors. As the legislation requires the imposition of INS fees only, some passengers may be charged while others are not. Alternatively, ASIST could be modified, but presumably only in such a way as to defeat the purpose of the procedure. At airports where ASIST has not yet been implemented, collection of the fee at inspection would of course exacerbate existing delays and long lines.

Similar problems would occur with all transportation modes; as well as with border crossings by foot. At Canadian points-of-entry, where visas are not required, inspectors would encounter the additional difficulty of distinguishing between aliens and citizens. An alien who merely claims to be a U.S. citizen would be likely to successfully avoid paying the fee. It is also possible that an alien might simply refuse to pay the fee, presenting the U.S. with the option of either foregoing the fee or instituting deportation proceedings.

Also disturbing is the inequity made apparent by CBO's observation that the additional monies will be primarily used to fund border patrols and enforcement activities.

Finally, as public policy the fee proposal is inconsistent with our national economic interests. Twenty-three million international visitors spent $12.2 billion in the U.S. in 1981 generating $1.1 billion in federal, state and local tax revenue and supporting approximately 300,000 jobs. At a time when our international competitive position is deteriorating and the U.S. is seeking ways to prevent further erosion, travel and tourism is our third largest source of export income. It is clear from our perspective that whatever revenues are raised must be viewed as inconsequential relative to the harassment and inconvenience that will inevitably be imposed upon international travelers.

JONES, JONES, BELL,
CLOSE & BROWN, CHARTERED,
Washington, D.C., May 6, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Senate Committee on the Judiciary, Washington, D.C.

DEAR CHAIRMAN SIMPSON: In follow-up to our telephone conversation, I am writing to elaborate on the concerns of the motorcoach tour industry with respect to the entry fees proposed in Section 114 of S. 529, the Immigration Reform and Control Act of 1983.

The imposition of user fees on aliens crossing our Mexican and Canadian borders by tour bus would be a significant burden to the tour bus industry and its clientele. The fees would not be cost-effective. They would adversely affect the United States tourism industry, economy, our balance of payments deficits, and our perception throughout the world as a country that welcomes the exchange of visitors and ideas through international tourism.

I offer this conclusion for the following reasons:

1. Section 114 violates the specific statutory mandate of the National Tourism Policy Act of 1981 (P.L. 97-63). Under Section 101(b)(4), the Act establishes a national

tourism policy to "encourage the free and welcome entry of individuals traveling to the United States in order to enhance international understanding and goodwill."

2. The fee contradicts general foreign policy goals of encouraging foreign travel to the United States and certainly contradicts the general goal and objective of attempting to reduce our burgeoning balance of payments deficit. In 1981, over 33.6 million Canadians crossed our borders into the United States. Almost 1.3 million of them came by bus. In 1980, the average visitor spent $1,700 while in the United States. Any federal user fee on aliens that would curtail the flow of foreign visitors to the United States would be counter-productive to our economy. Furthermore, since one new job is generated for every $37,750 spent on travel and tourism, any loss of travel and tourism dollars from Mexican and Canadian tourists would adversely affect jobs in the United States.

3. In the tour bus context, any entry fee initiatives from the American government would invite an almost certain retaliatory "entry fee" burden by the nations of Canada and Mexico. Therefore, it is a real and substantial threat to our domestic tour bus industry. For the most part, the tour bus industry caters to middle, fixed-income travelers who would be discouraged from the tour package plan by any additional, $5 to $25 entry fees. Canada, for example, was the destination of about 39.8 million United States citizens in 1981. Of these visitors to Canada, almost 1.5 million traveled to Canada by bus. The imposition of retaliatory border fees on Americans by foreign governments may mean that many of our own citizens, including a large percentage of senior citizens, may forgo a trip.

4. The fees would be either too onerous and discourage travel, or they would be too small to justify the administrative hassle entailed in collecting them and enforcing the program. The tour bus industry is very distressed at the prospect that once the fee door is opened, the characteristic bureaucratic enthusiasms about funding all agency expenses from this new revenue source will occur. All the statutory language in the world cannot prevent an enterprising administrator from loading a lot of agency costs on the points of entry to offset other general budget expenditures.

5. Implementation of the alien "user fee" poses substantial administrative dilemmas related to the method of collecting the fee. If a percentage of the fee is to be collected in advance as part of a travel package, what is the administrative machine that pursues collection? Individual payment at the time of entry conjures another major irritant for the foreign visitor attempting to cross into the United States. Will a foreign tourist who claims US citizenship be excused from the entry fee? What would happen to an alien who refuses to pay the fee? Would he be deported? We have enough practical barriers already at our border points. Inevitably, the proposed entry fee would aggravate the already long delays in airline passenger entry into our country, as well. Enclosed are the foreign visitor statistics of just one country, Canada. The practical problems associated with collecting the entry fee from 33 million Canadian visitors to the United States is awesome. This problem will only be multiplied when all the foreign visitors from Europe, Japan, and other areas of the world are included.

6. The proposed user fee is blatantly discriminatory. It is imposed only on aliens. A recent study of 127 countries disclosed that only Venezuela imposes an "immigration fee." All other departure taxes, head taxes, etc., are paid by both aliens and nationals.

7. There is an inherent inegality in asking a foreign visitor from Canada or Mexico to subsidize United States border administration and enforcement costs that are totally unrelated to processing a Canadian or Mexican business or tourist visitor. The question of why should they pay for border patrols, guard dogs, shotguns, vehicles, and search lights that have nothing to do with their coming and going from the country can legitimately be raised. The processing of aliens crossing our borders is conducted to enforce our immigration laws and protect our national interests. The proposed fee is largely unrelated to the administrative costs of processing short-term leisure or business visitors.

The above comments represent a partial summary of the serious questions and problems engendered by Section 114.

I appreciate your consideration of these concerns. If I can be of any help or assistance with this issue, please let me know.

I remain,

Sincerely,

JAMES D. SANTINI,
Attorney at Law.

UNITED STATES-CANADA TRAVEL STATISTICS

	1981	1982
Visitors:		
U.S. visitors to Canada	39,808,716	32,431,840
Canadian visitors to the USA	33,583,997	33,322,139
Visitors by mode:		
U.S. visitors to Canada:		
Automobile	35,008,266	27,805,711
Air	1,863,231	1,734,539
Bus	1,453,172	1,402,500
Rail, boat, other	1,484,047	1,489,090
Canadian visitors to the USA:		
Automobile	28,379,594	28,305,336
Air	3,187,669	2,941,826
Bus	1,268,643	1,330,292
Rail, boat, other	748,091	744,685

Source: Canadian Consulate General, Ottawa, Canada (Cleveland, Ohio, office).

AIR TRANSPORT ASSOCIATION,
Washington, D.C., May 4, 1983.

Hon. ALAN K. SIMPSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SIMPSON: The Air Transport Association has followed the Immigration and Reform Act, S. 529, with great interest. We are pleased with, and support, the visa waiver provision contained in the bill, but are concerned about Section 218(b) which would require the Attorney General to impose fees on aliens entering the U.S. for the use of border facilities and services of the Immigration and Naturalization Services.

We oppose the imposition of fees on arriving international travelers because the basic responsibilities of the INS were established by the Congress in the broad national interest and do not uniquely benefit the airlines or airline passengers. The proposed legislation directly conflicts with the goal of the National Tourism Policy Act of 1981 to "encourage the free and welcome entry of individuals traveling to the United States," and will inhibit the Secretary of Commerce in the performance of his duty to "encourage to the maximum extent feasible travel to and from the United States . . ." 22 U.S.C. Sec. 2123(b)(12). It is also inconsistent with the clear policy of the Trade Act of 1974, which called for the reduction and elimination of barriers to international trade. Further, it also would contravene the treaty obligations of the United States under the Chicago Convention.

An INS "user fee" for the use of INS facilities for airline passengers would be discriminatory because the airlines and other tenants already bear the costs of the inspection facilities at airports. Therefore, there is no cost associated with airport inspection facilities for the INS. The only remaining cost would be for the brief examination of passports and visas. Since that inspection is performed for the protection of U.S citizens, it cannot be interpreted as a service for the benefit of the alien. Therefore, it would be a violation of the guidelines for user fees as expressed by the President in his budget message for FY '83.

The United States would be virtually alone in the developed world in assessing INS inspection fees if this measure is adopted. (While some countries levy departure fees they are used generally for tourism promotion.) For this reason, any change in the current law would require protracted consultations with other nations under the terms of existing bi-lateral agreements to determine the reasonableness of the new charge. The imposition of an INS "user fee" would invite retaliation and opposition by other nations as it did last year when the U.S. Customs Service proposed a similar fee for its services. (See the attached list for a complete summary of those countries and groups who opposed the previous proposal.) Substantive changes in law with such widespread international implications require thorough examination in a separate hearing process.

Leaders from the tourism industry and from cities which have U.S. international airports fear that procedures, such as the collection of an alien user fee, would create more delays for arriving visitors and would discourage tourism. Some cities have already experienced the negative economic impact of a downturn in the tourism industry as the direct result of the inefficient federal inspection system. (See attached memorandum re: Miami International Airport.)

The imposition of a fee for INS services on aliens will exacerbate ongoing problems of congestion at U.S. airports of entry. For years the airlines, airports, tourism industry and others have worked to minimize long delays for aliens and returning citizens going through the inspection process. Only recently have efforts been successful in obtaining some relief—but these measures are just the beginning. The entire inspection system, including INS, Customs, and Agriculture must be restructured into a system for the most cost-effective and expeditious inspection of passengers and cargo entering the country. Without significant modification of the current system, stop-gap measures, such as "user fees," serve no purpose.

We respectfully urge that the imposition of an INS "user fee" be deferred and that the concept of a consolidated federal inspection system, as described in the enclosed analysis, be examined as an alternative means of improved manpower and financial resource management.

Sincerely,

WILLIAM J. BURHOP,
Senior Vice President,
Government Affairs.

EXCERPTS FROM THE REPORT OF THE AIRPORT ACCESS TASK FORCE ON GROUNDSIDE CONGESTION

FEDERAL INSPECTION SERVICES

Federal Inspection Services (FIS) at U.S. airports are a significant cause of groundside congestion and delay for international air passengers and shippers. FIS congestion and delay detrimentally impact international passenger and cargo facilitation, disrupt the ability of arriving international air passengers to make planned domestic flight connections, significantly affect the movement of urgent shipments in international commerce and can affect the capacity of an airport to accommodate international traffic.

The Airport Access Task Force recommends that:

1. The Federal Government, through the Secretary of Transportation, ensure that studies funded through Federal planning grants to states, regional agencies, and local entities address airport ground access problems and solutions. Such studies include those efforts which lead to the development of state, regional, and local land use, transportation and airport master plans. Timely and effective review and coordination between the various Federal agencies (FHWA, FAA, UMTA, etc.) that provide planning funds should be accomplished to ensure identification of potential problems involving groundside congestion;

2. Congress encourage and support the concept of coordinated and cooperative or joint funding of projects to develop airport ground access facilities by such agencies as the Federal Aviation Administration, Federal Highway Administration, Urban Mass Transportation Administration, state and local governments—since many access problems are not just airport problems;

3. Congress encourage and authorize the use of Federal funds through existing programs for projects to install ground transportation information systems in airport and off-airport terminals. Such information systems should provide up-to-date information about available ground transportation alternatives for the air traveler;

4. Congress support and encourage the development of off-airport terminal facilities by authorizing the use of Federal funds for the development of such facilities. Further, that the Federal Government support and encourage the development of these facilities by ensuring that, during the planning and project development of such facilities, state and local, as well as Federal authorities, are made aware of available funding and coordinate planning and development activities. Further, that airports and airlines recognize that these facilities can be a cost-effective means of relieving congestion at the terminal, approach roads, and parking lot of an airport. Finally, efforts should be focused on overcoming problems associated with remote baggage handling, ticketing, and other passenger services;

5. Services' procedure be modernized and simplified to maximize the efficient use of resources (e.g., dual channel "red/green door" and "one-step" procedures and automated systems such as the National Cargo Control System) and that cross-training of FIS employees be required;

6. Congress consider the consolidation and streamlining of the Federal Inspection Services so as to expedite passenger and cargo flow through ports as well as reduce operating costs;

7. Priority go to staffing that is commensurate with the activity of the port of entry so as to minimize delay; and

8. FIS costs continue to be recognized as costs to be borne by all taxpayers, since the Federal laws requiring inspection were enacted to protect the nation and all of its citizens.

INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES, FACILITATION, ANNEX 9 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, JULY 1980

Annex 9—Facilitation

3.8.5. Recommended Practice.—*Visas should in all cases include the following information given in the order shown:*

(a) number of visa;

(b) type of visa;

(c) date of issue, showing day, month and year in that order;

(d) date of expiry, showing day, month and year in that order;

(e) number of entries permitted;

(f) authorized duration of each stay.

3.8.6. Recommended Practice.—*Numerals 1, 2, 3, 4, 5, 6, 7, 8, 9, 0 and the Gregorian calendar (with months being spelled out in full) should be used in furnishing the information listed in 3.8.5.*

3.8.7. Recommended Practice.—*When the text of the visa is in a national language other than English, French or Spanish, one of these three languages should also be used.*

III.—ADDITIONAL DOCUMENTATION

3.9 Recommended Practice.—*Contracting States should not require either from temporary visitors traveling by air, or from operators on their behalf, any information in writing supplementary to or repeating that already presented in their identity documents.*

3.10 A Contracting State which continues to require written supplementary information from temporary visitors traveling by air, shall limit its requirements to the items and shall follow the format set forth in Appendix 3—Embarkation/Disembarkation Card. Contracting States shall accept the Embarkation/Disembarkation Card when completed by temporary visitors and shall not require it to be completed or checked by the operator. Legible hand-written script shall be accepted on the card, except where the form specifies block lettering.

3.10.1 Recommended Practice.—*Contracting States which require the presentation of Embarkation/Disembarkation Cards should provide them to airline operators for distribution to passengers.*

IV.—PUBLIC HEALTH REQUIREMENTS

3.11 In cases where evidence of protection against yellow fever is required from persons travelling by air, Contracting States shall accept the International Certificate of Vaccination or Revaccination in the form set out by the World Health Organization in Appendix 2 of the International Health Regulations (1969).

3.12 Recommended Practice.—*Medical examination of persons arriving by air should normally be limited to those disembarking and coming within the incubation period of the disease concerned, as stated in the International Health Regulations (1969), from an area infected with one of the three quarantinable disease (plague, cholera and yellow fever).*

V.—CLEARANCE PROCEDURES

3.13 Except in special circumstances, Contracting States shall not require that identity documents be collected from passengers or crew before they arrive at the passport control points.

3.13.1 After individual presentation by passengers and crew of the identity documents, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination, rather than withholding them for purposes of obtaining additional control.

3.14 In giving effect to paragraph 3.2, Contracting States shall ensure that examination by clearance control officials is performed as expeditiously as possible.

3.15 Each Contracting State shall make arrangements whereby the identity document of a temporary visitor need be inspected by only one official at times of entry and departure.

Note.—This provision is intended to ensure inspection of the identity document of a temporary visitor by only one official on behalf of both the Immigration and Police authorities. It is not intended to discourage Health and Customs officials from examining the identity document whenever this may facilitate health and customs clearance of the temporary visitor.

3.16 Contracting States shall accept an oral declaration of baggage from passengers and crew.

3.17 Contracting States shall normally accompany inbound passenger baggage inspection on a sampling selective basis.

* * * * *

MEMORANDUM

JANUARY 7, 1983.

To: Honorable Mayor and Board of County Commissioners.

From: M. R. Stierheim, County Manager.

Subject: Federal Inspection Process, Miami International Airport.

Miami International Airport has for well over 20 years suffered with regard to the ability to process arriving international passengers at an adequate rate. This is basically the result of far greater growth at MIA than elsewhere and continuation of historical staffing patterns by the federal agencies favoring areas such as New York. The problem is further complicated at Miami by a much higher percentage of alien arrivals as compared to other major gateways, more difficult processing because of points of origin and, more recently, because of narcotics control measures.

In spite of tremendous local investment in facilities, extensive efforts to obtain improved agency staffing levels and to obtain improved processing procedures, the problem is now worse than ever. On the three days following New Years day the situation at MIA was a disaster. Delays of up to four hours were recorded with average clearance times during some periods exceeding 2½ hours. The established goal for Miami is 45 minutes for peak periods; i.e., worst case.

The effects of this situation are many, serious and long lasting:

1. The international arrivals facility is designed to meter the flow of passengers from the aircraft to the federal inspection passenger processing stations in Immigration and Customs. As a consequence, only limited seating is necessary and, therefore, available.

All halls and passageways were jammed. Access to rest rooms was restricted. Seating for the elderly or infirm was non-existent. People became ill. Police were required to control the crowds to prevent a riot. Safety and health were endangered. Passengers, some completing a lengthy and tiring trip of

up to 10 hours, were forced to stand for well over two hours. For the first time in the history of Miami International Airport, passengers had to be held on aircraft as there was no space for them in the international arrivals area.

2. Connecting schedules are based on allowing 1½ hours between flights. Many passengers missed connections because of delays in processing. Many faced either added costs or great inconvenience waiting for another flight.

Airlines, already in a highly tenuous financial plight, were forced to leave with empty seats while the passenger holding the ticket stood in a line for processing and, in many cases, pay for overnight accommodations.

3. One of the major strengths of Miami's air traffic system and the economies of our air carriers is the international hubbing and connecting traffic patterns which have been carefully developed during the decade of the 70's. This connecting traffic supports the routes which provide service for terminating passengers visiting South Florida and also the cargo lift crucial to our community.

The current problem has been an inability to meet volume demands with the staffing available and procedures utilized by one of the four federal agencies involved in the federal inspection process at MIA; namely, Immigration, a part of the U.S. Justice Department responsible to the Attorney General. It should be pointed out that the staffing by Immigration during the worst portion of our recent crisis totaled 13 inspectors. This is equal to the number of inspectors available for the same period in 1970, thirteen years ago. Permanent staffing at the Airport by INS is not acceptable even for the off peak traffic periods. Miami absolutely cannot tolerate this situation.

Permanent staffing assigned to the Airport by Immigration must be brought to or maintained at levels commensurate with traffic volume and levels at other major international gateways. This means that actual trained, available inspectors must meet these levels, not "approved positions", "inspectors on temporary assignment elsewhere", "at the training academy", etc.

Regional/District management must recognize the peak traffic periods that repeat like clockwork year in and year out at the Airport and take steps to meet them well in advance. Personnel must be assigned temporarily part time to the Airport from other duties. Vacations must be scheduled taking traffic levels into account, abuses of sick and funeral leave must be dealt with as a disciplinary matter. Unusual conditions must be anticipated and contingency staffing plans and procedures developed.

A pool of part time inspectors must be budgeted, hired and trained. They should be qualified aviation/airport employees so that they are available for any emergency. We have offered that the employees of the Aviation Department be trained for such part time requirements. We have even offered to pay the cost of the part time emergency employees.

The alternate solution and the only one that will be cost effective and provide the framework and management system to prevent continuous recurrence of incredible inspection clearance delays, is to change the system of inspection by creating one federal inspection agency with one management team, one budget and one responsible agency. The four federal inspection agencies have shown little willingness in the past to pursue this idea of a single inspection agency for a major airport even though the concept is used at smaller airports and land border crossings, and Congress has not been willing to legislate the single agency concept despite strong recommendations for such an inspection system from the General Accounting Office, various Congressional Oversight Committees, the Office of Management and Budget, Air Transport Association, fact finding committees, and numerous business leaders of national repute who have only needed to observe the existing four separate agency federal inspection system for a few hours, or be briefed that such a monster exists, to recommend the one agency concept. We understand that one of the inspection agencies (Customs) is now in support of the one agency concept at airports and would strongly support a test of such a system. Why not Miami and why not now? The more complicated question of whether there should be a single agency for the entire country can be dealt with separately.

Miami has the best international facilities in the world. It has the greatest international potential. It, unfortunately, has the worst reputation among international travelers. This makes the first item meaningless and will destroy the second.

[From the Miami Herald, Jan. 8, 1983]

END THE STACKUP

Among international travelers, Miami International Airport (MIA) is fast developing a reputation as a great place to suffer. Inexcusably irresponsible failures by U.S. Immigration and Naturalization Service (INS) and Customs officials are solely to blame. Their callous disregard for efficiency threatens not only the comfort, convenience, and safety of the travelers that they serve so poorly. These officials also endanger the reputation and economic-development potential of Greater Miami.

Few times are more predictable as peak-travel periods than the first several days after Jan. 1. At MIA's international-arrivals center on those days this year, however, the peak load almost became a mob. Credit inadequate INS and Customs staffing for that.

Travelers entering that MIA facility had just escaped up to 10 hours cramped in airliner seats, bear in mind. Because of the INS-Customs breakdown, this is what they found:

All halls were jammed. Few seats were available. Access to restrooms was restricted. People became ill. Tempers frayed. Eventually police were summoned to control the crowds, lest they riot.

The average international traveler being processed through MIA then had to wait 2½ hours to gain clearance. Some people waited as long as four hours. Who wouldn't be outraged?

The INS was most to blame. Even under normal conditions, INS staffing at MIA is skimpy. This time it was worse. For extended periods during the peak, only 13 INS agents staffed the 34 available inspection booths. INS's best effort was to man 19 booths. Even that level seldom was attained. One reason was the unprecedented amount of sick and funeral leave taken then by INS staff.

Customs provided 32 agents at peak. Because of strict, inefficient procedural rules, however, the Customs staff is prohibited from doing INS work, so the larger Customs staff made little difference.

This kind of outrage causes many serious ripple effects. The bad word travels fast and far. International travelers often are trend setters and opinion leaders back home.

Many of them missed connecting flights. Neither they nor the airlines need that. Airlines either make money or move operations elsewhere. Many are transferring their international business from MIA to Houston, Atlanta, Dallas-Ft. Worth, even Tampa and Orlando. Loss of that market share will affect passenger and cargo traffic at MIA.

It's simply intolerable that Miami should have to bear this unwarranted burden. Bureaucratic bungling of Federal agencies is principally at fault. From Customs and INS must come the obvious solution—and fast. They must assure sufficient staff at MIA to eliminate this recurring debacle.

Bureaucrats can be slow to move unless the political blowtorch of budgetary pressure is set alight beneath their backsides. South Florida's representatives in Washington have plenty of fuel and many matches. They should not hesitate to turn the heat high.

WORKING PAPER: CAB AIRPORT ACCESS TASK FORCE: WORKING GROUP C—AIRPORT ACCESS AND FEDERAL INSPECTION SERVICES, DECEMBER 17, 1982

(Presented by H. Clifton Madison, Vice President, Western Airlines)

Federal Inspection Services (FIS) at U.S. airports are among the major causes of groundside congestion and delay for air passengers and shippers. FIS congestion and delay detrimentally impacts international passenger and cargo facilitation, disrupts the ability of inbound international passengers to make planned domestic flight connections, and can potentially limit the capacity of an airport to accommodate international traffic. The FIS problem is, therefore, an appropriate area to be addressed by the Task Force as part of its examination of groundside issues.

In 1981, over 20 million international passengers were processed through FIS at U.S. gateway and preclearance airports, and this sector of air travel has shown consistent growth over the years. It is the stated policy of the U.S. government, as articulated in the International Air Transportation Competition Act of 1979, that international air travel should be encouraged from a greater number of U.S. gateway cities to a greater number of cities abroad. Unfortunately, U.S. customs and immigration inspector staffing has fallen behind the growth rate of international air travel.

There has been, and continues to be, severe congestion in processing international travelers through customs and immigration formalities at most U.S. airports of entry and preclearance airports. Delays, at times approaching 2 to 3 hours per flight, are not uncommon at the preclearance airports of Montreal and Toronto and at our airports in Alanta, Baltimore, Chicago, Denver, Detroit, Fort Lauderdale, Honolulu, Los Angeles, Miami, Houston, Minneapolis, New York (Kennedy), San Francisco, Seattle and Tampa, among others.

International airline operations are currently constrained at several U.S. airports due to FIS processing limitations. At New York (Kennedy), for example, the Airline Scheduling Committee must coordinate aircraft arrival schedules to accommodate hourly passenger processing limitations and thereby minimize congestion and delay at JFK International Arrivals Building gates and inspection facilities. At other airports,

assignment of processing "slots" for arriving aircraft loads constrains operational flexibility and effective capacity. Unless significant increases in FIS staffing levels or streamlining of procedures are made, these problems will continue and worsen in the future.

Either adequate numbers of inspectors must be authorized by the Congress or a high priority program to reduce inspector workload—through modernization, simplification, and consolidation of the functions of the several inspection agencies—must be initiated. Measures to facilitate the entry of international air travelers and shipments have been recommended, including:

1. Consolidate the several inspection functions required for the clearance of travelers and goods entering the country.

2. Reallocate headquarters and regional resources to increase inspection agency manpower complements in the field.

3. Reduce and simplify the inspection process for Customs and Immigration to permit the most efficient use of available resources. Namely:

(a) extend preclearance—inspection of passengers and baggage prior to departure from a foreign country—to other locations,

(b) implement the red/green door inspection procedure—or a modification of it—whereby the traveler determines whether or not he must go through Customs formalities,

(c) extend the one-step inspection procedure now operational at Edmonton, Houston, Kennedy Airport satellite terminals, Los Angeles temporary facility and Philadelphia, to other U.S. airports of entry and preclearance airports,

(d) introduce sampling techniques for processing air passengers and freight,

(e) simplify U.S. Customs processing of U.S. international air freight through the introduction by that agency of an automated control system, and

(f) reduce inspection agency documentation requirements to process international air passengers and air freight, for example, by simplifying the shipper's export declaration and eliminating arrival/departure cards for transit without visa passengers.

4. Amend the Tariff Act of 1930 to simplify U.S. tariff schedule computations for assessing Customs duties covering freight importations into the United States, paralleling those changes already implemented for passengers baggage importations.

These measures will help meet the continued growth of international air travel and mitigate the need for major expansions in inspector staffing. A significant case-in-point is the ASIST procedure recently evaluated at Miami and Los Angeles. The procedure has simplified and significantly accelerated both immigration and customs inspection formalities, and has been an important first step toward the development of a more selective and efficient passenger inspection system which now should be expanded nationwide. Unfortunately, ASIST was terminated by Customs at Miami on November 1, 1982.

Under the ASIST procedure, immigration inspectors are augmented with customs inspectors at primary immigration booths. The inspectors of the two agencies are cross-trained to perform each other's functions as well as that of agriculture quarantine. Deplaning travelers undergo inspection formalities with only their hand-carried baggage in their possession. If an immigration, customs or agricultural problem arises, or if duty payment is required, the traveler is referred to the appropriate inspection agency secondary position. Checked baggage is not claimed by the passenger until primary inspection at the immigration booth is completed. The airport authorities at Miami and Los Angeles, the international airlines serving these locations, and arriving travelers have all acclaimed the ASIST procedure. Airports desiring to begin the procedure should be permitted to implement ASIST and other streamlined procedures at the earliest practicable time.

An immediate, short-term cause of current FIS congestion is the misguided reduction and curtailment of Customs and Immigration Inspectors staffing as a way of curbing federal expenditures. Unfortunately, in the government wide search for ways to curb expenditures, efforts are being made to shift the cost of providing many government services to the "beneficiaries" or "users" of such services.

Airlines and airline passengers are not the "beneficiaries" of Customs and immigration inspection services. They certainly are "users", but only because they are required by federal law to be inspected. They receive no special benefit unique to airlines or airline passengers from the inspection, in fact, the inspection process itself is a distinct disadvantage in terms of loss of time and convenience. What frequently is overlooked is that the federal laws requiring the inspection were enacted to protect the nation and all of its citizens—by preventing the entry of undesirable products and persons, by preventing the entry of animal and plant diseases, by tariff enforcement protecting American labor and business from destructive foreign competition and discrimination, and by collecting duties on imported goods. The cost of carrying out these laws should be borne by all taxpayers.

CONCLUSIONS AND RECOMMENDATIONS

FIS staffing levels today are unable to meet airport inspection demands without long delays and serious public inconvenience. This situation will worsen significantly unless immediate positive action is taken to deal with it. Either adequate numbers of inspectors, or a high priority program to reduce inspector workload—through the steps toward modernization, simplification, and consolidation of the inspection process cited above, are urgently needed. Other wise, FIS congestion and delay will continue to be a major groundside access constraint at U.S international airports and preclearance airports abroad.

SUMMARY OF COMMENTS FILED IN CUSTOMS' DOCKET ON USER FEES

1. OCEANAIR LINE

7-28-82: Seeks exemption of carriers operating smaller aircraft "as the additional costs would be quite burdensome."

2. JAPANESE GOVERNMENT

7-30-82: Seeks exemption "since U.S. commercial airlines to and from Japan are not charged any such fees as those proposed by the U.S. Customs Service."

3. NORTH DAKOTA AERONAUTICS COMMISSION

7-24-82: "North Dakota commercial air taxi operators * * * request an Exemption from the coverage of the rule or any part, thereof, for small entities."

Requests Customs to provide in its rule an alternative to the proposed amendments which will "* * * minimize such significant economic impact of the proposed rule to small entities." Such alternative should exclude all small commercial on-demand air taxi air carriers and other air carriers operating 60 passengers or less or 25,000 pounds of cargo, or 20 passengers or less or 12,500 pounds of cargo.

4. POMPANO AIRWAYS

7-26-82: Opposed to proposed rule. Pompano would be adversely affected by regulation.

5. AIR JAMAICA

7-28-82: Opposes proposed rule: 1. Economic burdens; 2. Discriminatory in that Jamaican government doesn't impose similar tax on U.S. carrier; and 3. Would violate provisions of Chicago Convention.

6. EUROPEAN NORTH ATLANTIC CARRIERS

7-27-82: Opposes proposed rule. Violation of Chicago Convention and various bilateral air transport agreements.

7. FAA

7-28-82: Strongly objects. Costs "of activities for which Customs proposes to levy charges on commercial aircraft operators" should be borne by the general public. Violates international agreements.

8. ITALIAN GOVERNMENT

7-26-82: Opposed. Violates current bilaterals. Would create imbalance between Alitalia and U.S.

9. AIR TRANSPORT ASSN. OF CANADA

7-21-82: Opposed. Unwarranted costs on Canadian air carriers serving U.S. points.

10. DEPARTMENT OF STATE

7-23-82: Opposed. ". . . would be inconsistent with international treaties and bilateral aviation agreements to which U.S. is a party."

11. HELLENIC CIVIL AVIATION AUTHORITY

7-26-82: Opposed. Costs should be borne by U.S. government.

12. REPUBLIC OF SOUTH AFRICA

7-26-82: Request for extra time.

13. BELGIAN DIRECTOR GENERAL OF CIVIL AVIATION

7-26-82: Opposed.

14. FRENCH GOVERNMENT

7-26-82: Authorities are presently studying proposal.

15. EMBASSY OF CANADA

7-26-82: Opposed. Would violate international agreements.

16. NATIONAL AIR CARRIER ASSN.

7-26-82: Opposed. 1. Discriminates between commercial and private aircraft; 2. Commercial aircraft pay for overtime Customs services and should not have to pay for normal hours of work; 3. Customs processing does not directly benefit air carriers; 4. Questions of law; and 5. Refrain from imposition till necessary legislation submitted to and approved by Congress.

17. JAPAN AIR LINES

7-26-82: Opposed. 1. Proposal based on erroneous construction of I.O.A.A.; 2. Proposal does not meet criteria for permissible service "fee"; 3. If burden to fall on some international airlines, must be done by Congressional legislation, not Customs regulation; 4. Airlines should not be expected to bear economic burden; and 5. Imposition of fees may provoke retaliation by other countries against U.S. airlines operating abroad.

18. NY-NJ PORT AUTHORITY

7-26-82: Opposed. Airlines should not have to bear burden.

19. PRINAIR

7-26-82: Seeks exemption identical to that being sought by North Dakota Aeronautics Commission.

20. PORTUGUESE EMBASSY

7-26-82: Extension of time.

21. OK AVIATION (BISMARCK, ND)

7-22-82: Opposed. "Utterly unconscionable."

22. RED AIRCRAFT SERVICE, INC. (FT. LAUDERDALE)

7-26-82: Same as Pompano Airways.

23. VIRGIN AIR

7-21-82: Strongly opposed. People will be unable to absorb costs.

24. IATA (FILED BY RODNEY WALLIS, DIR., FACILITATION & SECURITY)

7-19-82: Opposed. Disregard for economic environment.

25. RAA

7-26-82: Seeks exemption for operations with small aircraft. (Attached to RAA's comments is a copy of their comments filed with CAB in Docket 40673, "Regulatory Flexibility Act—Definition of Small Business," 7-27-82).

26. AIR FRANCE

7-23-82: Opposed. Customs Service does no service for the airlines. "User" of Customs Service is U.S. Government itself. International carriers and passengers shouldn't have to pay.

27. FEDERAL REPUBLIC OF GERMANY

7-22-82: Opposed. Carriers and passengers shouldn't pay; not beneficiaries of Customs services. Seeks exemption for German carriers.

28. AIR NIUGINI

7-12-82: Opposed. Airlines would suffer financial burden.

29. VIRGIN ISLANDS LEGISLATURE

7-13-82: Strongly opposed. Fees would hurt small carriers on which Islands rely.

30. SERVAIR ACCESSORIES, INC. (WILLISTON, ND)

7-13-82: SerVair is operator of small aircraft. Opposes Customs' proposed rule. Would suffer economic burden.

31. PILGRIM AIRLINES

7-12-82: Opposed. Will suffer severely and disproportionately.

32. IATA (HAMMARSKJOLD)

6-15-82: Opposed. Disregard for economic environment.

33. ATA

(Not included in set of documents offered for inspection.)

AMERICAN AUTOMOBILE ASSOCIATION,
Falls Church, Va., May 10, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The American Automobile Association is concerned over a provision contained in Sec. 114 of S. 519, the Immigration Reform and Control Act of 1983, which mandates the imposition of fees on aliens with respect to their use of Immigration and Naturalization Service border facilities and services, in order to offset the costs arising from the use of such facilities.

It is our understanding that, as written, this language would include international travelers in the definition of "aliens."

We wish to note our strong opposition to such fees. The fees proposed by Sec. 114 are not user fees; rather, they are a tax on aliens. Those who would be required to pay the tax would receive no benefit from it. In fact, there is really no relationship between border patrols and international travelers. Border facilities are maintained for the protection of U.S. citizens, not aliens. The fee proposed in Sec. 114 is therefore not a true user fee.

AAA has supported the concept of user fees in the past, most notably the federal gasoline tax to fund development of the Interstate system, and airline ticket taxes to help fund airport and airway development. Those who pay such taxes directly benefit from them.

Furthermore, the fee is discriminatory, because it would be imposed only on aliens, not U.S. citizens. No other country in the world, except the Philippines and Venezuela, imposes a tax similar to that proposed in Sec. 114. The Philippine tax is a head tax imposed only on those visitors whose stay in the country exceeds 59 days.

Moreover, a policy such as that contained in Sec. 114 conflicts directly with the policy set forth in Sec. 101(b)(3) of the National Tourism Policy Act which states: "There is established a national tourism policy to encourage the free and welcome entry of individuals traveling to the United States, in order to enhance international understanding and goodwill. . . ."

At a time when the U.S. is trying to encourage travel to this country from abroad, as well as encourage other countries to eliminate barriers to travel by U.S. citizens, a tax such as that proposed in Sec. 114 is unwise.

AAA urges you, as the sponsor of S. 529, to make clear during Senate consideration of this legislation that such fees are not intended to be imposed upon international travelers.

We appreciate any help you may provide on this matter and hope you feel free to call us if you have any questions.

Sincerely,

JOHN ARCHER,
Managing Director, Government Affairs.

Mr. WARNER. Mr. President, at this time I yield to my distinguished colleague from Montana.

Mr. BAUCUS. Mr. President, may I inquire, what is the pending business?

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia (Mr. WARNER) is the pending business.

AMENDMENT NO. 1270

(Purpose: To eliminate the provisions imposing fees for an alien's use of border facilities)

Mr. BAUCUS. Mr. President, I ask unanimous consent that I may be able to send an amendment to the desk and it be considered as a substitute amendment to the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 1270.

On page 102, strike out "Sec. 114. Fees.".

On page 121, strike out all of section 114, line 4 to line 20.

Mr. BAUCUS. Mr. President, this is a very simple amendment. It would simply delete the fees section of the bill.

I offer this amendment for several reasons. First of all, I think it is fundamentally unsound for our country to begin imposing fees on travelers, who wish to come to America from other countries to enjoy vacations or transact business. We do not charge such fees now, and we should not begin doing it.

I have a particular interest in this issue because we in Montana enjoy a very cordial relationship with our neighboring country, Canada. There are three Canadian Provinces which border the State of Montana. Montanans have always been able to travel freely in Canada, and Canadians have likewise been able to travel freely in the Montana area and other States. I would hate to see Congress interfere with this friendly and cooperative relationship.

I also object to the fees provision on a general level. I do not think we should be sending a signal to the rest of the world that people coming to visit the United States will now have to pay a fee for that privilege. This is neither an acceptable precedent for the future not an acceptable departure from our traditions of the past.

Second, the language of the bill on the imposition of fees is so open-ended, so broad, and so vague that it gives authority to the executive branch of the Government to levy essentially any fee. The language says:

The Attorney General, after consultation with the Secretary of State, shall impose fees for aliens' use of border facilities or services of the INS in an amount necessary to make the total of such fees substantially equal to the cost of maintaining and operating such facilities and services.

Mr. President, that provision is broad enough to encompass almost anything. Under the proposed language, almost any cost having anything to do with the Immigration Service, could be and, in fact, must be, charged to foreigners who come to visit the United States. The provision of the bill is simply too broadly drawn.

Third, Mr. President, there has been virtually no focus on this provision of the bill. It has been raised in a very passive, tangential way in committee hearings, but I have no recollection in markup of any discussion about this issue. It is a small portion of a large bill, and it has been essentially unnoticed. But now that I have noticed it, I find its implications on our internal economic development and our external foreign relations profoundly disturbing. There are just too many questions that should be answered before we enact a provision that could affect so many areas of our lives.

I understand that the intention of this provision is to collect fees, to take a step toward balancing the budget.

It should be noted however, that the fees to be collected under this provision of the bill are not earmarked. They will not go to the INS but to the general fund of the Treasury. So the INS still has to come before the Congress, before the Appropriations Committee, to get their appropriations. The fees provision of the bill is not in reality going to help defray INS costs.

Finally, I just think the imposition of border fees is a bad idea. I can understand the reason that the provision is in the bill—to raise some money. But think of the precedent it will set. As soon as the United States starts taxing people who come to the United States to visit, on vacation or on business, other countries will start doing the same thing. A series of reciprocal and escalating fees will cause an unnecessary strain between the United States and foreign countries. For that reason, Mr. President, I think we should vote down this provision.

Mr. WARNER. Mr. President, in response to my distinguished colleague from Montana, I wish to point out that the difference, of course, in our two amendments is that mine parallels identically the language in the House and is permissive in nature.

I share the sentiments of the Senator from Montana that this fee situation could be an impediment to tourism and daily commerce from Mexico and Canada.

It is for that reason that I selected a permissive approach to this issue, enabling the appropriate departments and agencies of the Federal Government to determine if, in fact, there is a means by which certain fees could be collected.

I am wondering if the Senator might consider the permissive aspect as curing the problem, primarily in his geographic area of the United States, and, if he would consider that satisfactory, perhaps joining me in this amendment?

Mr. BAUCUS. Is the Senator asking me a question?

Mr. WARNER. Yes; the question is this: Would the Senator consider a permissive approach, enabling the various departments and agencies of the Federal Government to try to collect some fees under circumstances that would not be injurious to the flow of people across our borders? Yet, it could be imposed on people coming for nontourist or business purposes.

Mr. BAUCUS. I understand the concern of the Senator from Virginia. The Senator from Virginia wishes the Senator from Montana to modify the language in the pending bill so that it is similar to the House bill. At present, the Senate bill has mandatory language, requiring the administration to collect fees in amounts equal to operating services and facilities. The language of the House bill is discretionary.

Mr. President, I must answer the Senator from Virginia by saying I do not think that making the provision discretionary is an appropriate solution.

The State Department is in very strong opposition to any fees. So some agrue that if the State Department is opposed and the fees are made discretionary, no fees will be imposed. My response is that, if we all agree that no fees will be imposed anyway, why not just delete the fees provision from the bill?

Deleting the whole section makes our action absolutely clear to everyone—to the State Department, to Congress, to Americans, and to foreigners traveling to the United States—that this is no longer an issue, that there is no question, that no fees will be imposed.

The other problem is that the prepared discretionary language is just as open ended, just as broad, as the bill's original language. In either case, we have no way of knowing what we are getting into.

I suggest that, instead of legislating bad language, let us delete it and take it from there.

Mr. WARNER. I will defer to the sponsor of the bill to define the generic issue. Mine is the addition of the word "may."

It seems to me that we are faced with three alternatives: First, it is made mandatory by the pending bill. Second, I am making it discretionary. Third, the Senator from Montana wants to remove it altogether.

Considering those three positions, I think it appropriate at this time if we hear from the manager of the bill. In particular, I should like clarification of the administration's position.

I share the view expressed by the Senator from Montana; namely, that the Department of State is opposed. I am aware of that. I am also of the opinion that some other segments of the Federal Government are anxious to have the discretionary power to levy some fees.

Mr. SIMPSON. Mr. President, it seems to me that a few minutes ago, Senator WARNER and Senator BAUCUS were involved in this; and now I see that the ball is being fired at the plate, and I am behind the plate.

The issue is the amendment offered by the Senator from Virginia which would remove the mandatory "shall" and make it a permissive, "may," and a substitute by the Senator from Montana which would simply repeal the user fee provision. That is where we are.

I will say just a very few things, because I want to get to the amendment by Senator BUMPERS and accommodate him, and I am sure we can accommodate him on the vote tomorrow, also. I do not think the Senator from North Carolina will have an objection to that.

The fees have been described as entry fees. Actually, they could be imposed either on entry or departure. They are user fees. The Senator from Montana is correct: Those funds are not earmarked. OMB vigorously opposed earmarking, although we did earmark application for legalization fees. But the provision was in the original bill in the 97th Congress. It was in the bill when it was introduced in the 98th Congress, and it had not been changed in the course of markup.

The State Department is less than enthusiastic; that is true. But both Congress and the Office of Management and Budget have been notoriously tightfisted with the Immigration and Naturalization Service.

The past inability of the INS to provide prompt and efficient service is notorious. Border enforcement and interior enforcement have been insufficient and ineffective.

I think Commissioner Allen Nelson is turning it around and is doing a very credible job.

I will conclude, and we can ask for the yeas and nays on the substitute tomorrow.

The committee's idea through the use of mandatory user fees was to provide funds to offset the cost of the facilities and services used by aliens crossing our borders.

Many countries do impose departure fees on persons leaving their borders. The provisions in the bill would permit the imposition of either an entry or a departure fee, whichever the administration deems the most appropriate.

The fees contemplated originally were small: Perhaps 25 cents per person at land crossings and around $1 per person at airports or seaports. That was the intent.

The approach is consistent with the present intention in Government, at least at some other levels to impose user fees, having the people who use the systems pay for the system. The income generated from those fees would improve the service which we furnish to people at the points of entry. The lines would be shortened and service improved through use of funds generated through the user fees.

At this juncture, I personally embrace the view of my colleague from Virginia. It matches the language of the House of Representatives making it permissive instead of mandatory, rather than repeal the fee provision. Maybe we could visit further about the issue of the land crossing fee versus an airport fee or a seaport fee. That is certainly something I would be willing to consider.

Mr. WARNER. Mr. President, will the Senator from Wyoming yield?

Mr. SIMPSON. I yield.

Mr. WARNER. Mr. President, I respect my colleague from Montana. Had he not offered his amendment it is likely the manager of the bill would have accepted my amendment.

Mr. SIMPSON. Mr. President, if the Senator from Montana is accommodating the Senator from Virginia I would accept the amendment in the form of permissive rather than mandatory.

Mr. WARNER. So really the sole issue before the Senate then is to look at a permissive versus mandatory and the managers of the bill are prepared to accept the permissive approach.

Mr. SIMPSON. That is correct for this manager of the bill.

Mr. WARNER. I thank the Senator.

Mr. KENNEDY. Mr. President, I commend the Senator from Montana for bringing this issue to the attention of the Senate.

This particular provision was in the legislation that passed last year.

There were members of the Judiciary Committee, including myself, who were concerned about it, so we inquired about it from the State Department. I must say they were remarkably slow in getting back to us with their own concerns.

Finally, as has been well-stated by the Senator from Montana, when they have reviewed it and reviewed it in very considerable detail, I think the Senator has understated the kind of anxiety they feel and their fear of the implications this provision will have—of the United States being the first country in the world that puts the tin cup out for people when they are coming into this country or coming back into this country. The implications of that I think are profound indeed. Myself, I think they are beneath the dignity of this Nation.

I think we are all familiar with the kinds of fees that have been established to date, the visa fees to pay for consular services, which are quite appropriate. Almost every nation in the world does it. There are the airport fees which we have seen in country after country. Nations do that. There are other kinds of generally accepted exit fees that take place.

If that were what was being intended by this particular provision in the bill, I would certainly hope that it would be sustained. But I think the Senator is quite correct that the language does not say that.

If the language remains as it is in the legislation, I can see not only the possibility of an Attorney General and the Immigration Service establishing an odious kind of process and procedure. I can see other countries establishing similar kinds of restrictions against U.S. citizens when they are traveling abroad. It does seem to me to be highly objectionable for the very sensible reasons the Senator from Montana has stated.

I would hope that over the period of the nighttime—prior to the time that we would vote on this measure—that we could work out a compromise, which would be sufficiently discretionary in terms of the future, but that we agree on what is acceptable and what is responsible and that there be a common understanding by the Members of the Senate exactly what this provision will actually mean.

I, too, am troubled by the discretionary provisions, but as I understand the comments of the Senator from Wyoming in the listing of the kinds of fees he thought would be included, they were the most traditional

kinds of fees, and those I think have a general acceptance and understanding in international relations, and were we to come out in that particular way then I think that the Senator's objective would be accomplished. But if we are not able to reach that compromise, I would vote with the Senator from Montana on this amendment and I think he is quite correct.

Mr. BAUCUS. Mr. President, I very much appreciate the remarks of the Senator from Massachusetts. I am not going to take much more of the Senate's time here. We have other matters to attend to.

Let me say, first, that as I understand present law, the kind of matters, the Senator from Wyoming wishes to see covered are already covered. We do not need this provision for airport-type user fees and visa fees.

Second, the fees provision causes a problem because about one-sixth of our border crossings in the North are unmanned. Who is going to collect the fees as Canadians come across or as they go back across? There is no one there to collect them. They are small, remote stations. It is a minor matter, but if we have to have someone collect the fees, that in itself, is going to increase INS costs.

More fundamentally, I do not think imposing border fees is proper or right.

The Senator from Massachusetts says it is demeaning to the United States to start imposing fees on people who come to visit the United States. I agree. If we require these fees, the Statue of Liberty will thereafter be heard to say: "Give Me Your Tired, Your Poor and Your Buck." I do not think that is what we want the Statue of Liberty to represent.

Mr. President, I wish to yield the floor, and I do ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. It there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, Senator BAUCUS comes from a State immediately contiguous to me on the north. We, in that part of the world, are familiar with persons who are illegal undocumented workers from Canada. It is odd in these United States we do not always think of them in the same way we think of other illegal undocumented alien persons but, nevertheless, they are the same in every way.

We have vowed never to speak about the Statue of Liberty in this debate, and the Senator from Montana has strayed from the official ground rules and will be severely chastised at some later time.

Fees are now being assessed, as the Senator says, but they are not user fees. We were just trying to frame a user fee.

But I would hope the staffs might work this evening and maybe go on to address what Senator KENNEDY is saying with regard to the possibility of the designation of a user fee. But if not, the yeas and nays have been asked for and we will deal with the issue tomorrow. I think the case has been stated.

I yield back the remainder of my time.

Mr. BUMPERS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The question needs to be resolved on the underlying Warner amendment.

Are the yeas and nays to be ordered on the underlying amendment?

Mr. WARNER. Mr. President, I heard the question. Was there a sufficient second?

The PRESIDING OFFICER. That was on the Baucus substitute.

Mr. WARNER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1271

(Purpose: To eliminate the investor preference)

Mr. BUMPERS. Mr. President, is my amendment in order?

The PRESIDING OFFICER. Yes.

Mr. BUMPERS. Mr. President, I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1271. On page 157, beginning with line 19, strike out all through page 158, line 6.

Mr. BUMPERS. Mr. President, there are 20 minutes on this amendment to be equally divided and as far as I am concerned, we can probably dispose of it even in less time than that. It is a very simple amendment.

I wish to explain to my colleagues a category included in this bill about which very little or nothing is being said.

No. 1, in the broad category of independent preference, that is a broad category, and under independent preference are four different classifications.

First, if there happens to be an Einstein somewhere wanting in this country, someone with exceptional ability, he can be admitted and he has high priority under this particular classification.

Second, anyone who has a skill that is needed in this country. It is just a skilled worker preference. He can be admitted.

They are the second priority within that classification.

The third one and the one to which I take exception is called investor preference. Before I tell you what investor preference means, Mr. President, let me make this point: In this broad classification, 75,000 people can be admitted into this country within those categories—exceptional ability, as I say, the kind of mind that Einstein might have, if it happens to be something we need. That is No. 1. Skilled workers are No. 2. Those who have money to invest in this country to start a business are No. 3. Out of the 75,000 people in those categories, only 7,500 can be admitted under the investor preference. That is not likely to happen, because here is the existing law.

It is not existing law; actually, it is just something the Attorney General set up in 1978, that anybody who had $40,000 and wanted to employ one person in this country could get in under the existing rule. It is not legislative, it is not a part of the immigration law, it is just something the Attorney General put in in 1978. Not one person has ever been admitted to the United States under that category, and I am glad.

But here comes this bill. This bill provides that anybody in this category who has $250,000 and wants to hire 10 people gets a preference.

AMENDMENT NO. 1270

The PRESIDING OFFICER. The question recurs on the Baucus amendment No. 1270. Five minutes is allowed for debate. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, after consultation with the author of the substitute amendment, the Senator from Montana, and with the managers of the bill, I am prepared to indicate that I accept the substitute amendment to my amendment. Therefore, my amendment becomes the Baucus amendment and I join with the distinguished Senator from Montana. It is my understanding that the manager of the bill is prepared to accept it. In that case, Mr. President, I move that the yeas and nays be vitiated.

The PRESIDING OFFICER. On which amendment?

Mr. WARNER. Mr. President, I have an amendment pending to which the Senator from Montana has a substitute amendment. I am prepared to accept his substitute amendment, thereby vitiating my amendment. I join with the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, on which amendment is the Senator from Virginia having the rollcall vote vitiated?

Mr. WARNER. On both amendments.

Mr. BAUCUS. Mr. President, I appreciate having the yeas and nays vitiated on the Warner amendment. However, I wish to retain the yeas and nays on the Baucus amendment.

Mr. SIMPSON. Does the Senator from Montana recognize that if this accommodation had been made as the Senator from Virginia has indicated, this side of the aisle will accept the amendment, agree to take it?

Mr. BAUCUS. I thank the Senator from Wyoming. However, Mr. President, I believe the amendment to delete the fees provision is an important one. I would like to provide all my colleagues with the opportunity to go on record as supporting and reaffirming America's historical commitment to open border access. And therefore I would like to have a vote on the amendment.

Mr. KENNEDY. Mr. President, I spoke in favor of the amendment of the Senator from Montana yesterday. I welcome the fact that the Senator from Wyoming has been as accommodating as he has been. I will be glad to vote for it. I would have voted for it yesterday. However, I will certainly give every assurance that in the conference we will make every effort to see that it is carried forward. With all due respect, I do not know that it will make a great deal of difference in the conference if we have a vote or not. If the Senator wants to pursue that, it is fine with me. I think it is a question of the Senator from Wyoming wanting to move ahead on the legislation that he made the request.

Mr. BAUCUS. I very much appreciate the views and support of the Senator from Massachusetts and the Senator from Wyoming. I still believe however, that it would be beneficial to have a rollcall vote on the amendment.

Mr. SIMPSON. Mr. President, will the Chair review the status of this vote for the Members present?

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

If all time has been yielded back on the amendment, there will be a 10-minute rollcall vote.

Mr. SIMPSON. I ask for a review of the status. We have now had Senator WARNER relinquishing his position and now we go

back to the amendment of the Senator from Montana. Is that correct? The Senator from Virginia has joined the Senator from Montana as a cosponsor of the amendment.

The PRESIDING OFFICER. That would not change the parliamentary procedure. We would still vote on the Baucus amendment.

Mr. SIMPSON. I ask unanimous consent that the yeas and nays be vitiated on the Warner amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. How much time remains, then? Is it 2½ minutes?

The PRESIDING OFFICER. One minute remains.

Mr. SIMPSON. Let me just say, Mr. President, that I appreciate the work the Senator from Virginia, the Senator from Massachusetts, and the Senator from Montana have done with regard to this. I assure the Senator from Montana that I embrace what Senator KENNEDY has said about supporting the position in conference. He will have to test me to see if I do that. He will find that that will be so.

We intend to hold hearings on this issue of perhaps separating out seaports and airports, instead of a regular border point type of charge. We will look into that carefully. I will support the amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from Wyoming. He has been very gracious in helping me on this amendment. I thank him for that assistance.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—91

Abdnor, Andrews, Armstrong, Baker, Baucus, Bentsen, Biden, Bingaman, Boren, Boschwitz, Bradley, Burdick, Byrd, Chafee, Chiles, Cochran, Cohen, Cranston, D'Amato, Danforth, Denton, Dixon, Dodd, Dole, Domenici, Eagleton, East, Exon, Garn, Glenn, Goldwater, Gorton, Grassley, Hart, Hatch, Hatfield, Hawkins, Hecht, Heflin, Heinz, Huddleston, Inouye, Jackson, Jepsen, Johnston, Kassebaum, Kasten, Kennedy, Lautenberg, Laxalt, Leahy, Levin, Long, Lugar, Mathias, Matsunaga, Mattingly, McClure, Melcher, Metzenbaum, Mitchell, Moynihan, Nickles, Nunn, Packwood, Percy, Pressler, Proxmire, Pryor, Quayle, Randolph, Riegle, Roth, Rudman, Sarbanes, Sasser, Simpson, Specter, Stafford, Stennis, Stevens, Symms, Thurmond, Tower, Trible, Tsongas, Wallop, Warner, Weicker, Wilson, Zorinsky.

NAYS—3

Durenberger, Helms, Humphrey.

NOT VOTING—6

Bumpers, DeConcini, Ford, Hollings, Murkowski, Pell.

So the amendment (No. 1270) was agreed to.

AMENDMENT NUMBER 1269, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the Warner amendment (No. 1269), as amended.

The amendment (No. 1269), as amended, was agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 593) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

AMENDMENT NO. 594

(Purpose: To insert a new section heading)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 594.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following new section heading:

SEC. 125. SEASONAL AGRICULTURAL WORKER PROGRAM.

AMENDMENT NO. 595 TO AMENDMENT NO. 594

(Purpose: To provide a seasonal agricultural worker program for employment in perishable commodities)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 595 to Amendment No. 594.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the proposed amendment, strike out all after "SEC. 125." and insert in lieu thereof the following:

SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or";

(4) by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

"(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)(2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricul-

tural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accommodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF "O" WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO "O" WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employer benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exits:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2).—

(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment including planting cultural practices, production, cultivation, growing, and harvesting involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall-

"(A) base the determination and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER THREE YEARS.—The Attorney General shall estalish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) establishes that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attoreny General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established by the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATIONS.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such a previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply

for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(k) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or"; and

(2) by adding at the end the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(i) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program.".

Mr. WILSON. Mr. President, the purpose of my amendment is to provide a seasonal agricultural worker program for employment in perishable commodities, the objective of which is consistent with those desired by the supporters of this immigration reform legislation.

Let me first say a word about my distinguished colleague from Wyoming. It is hardly necessary, even to newcomers to this body, to point out the distinguished history of the sponsor of this landmark legislation. This is an effort to deal with a problem of the right proportions, and he has dealt with it heroically. I may not agree on several points, but his legislative craftsmanship and the leadership he has taken in holding hearings and doing the background research necessary to even address this problem has to earn the commendation of those who may not agree with the product entirely. So he has my admiration and my respect.

Having said that, I wish to offer an amendment which I think is really necessary in order for any immigration reform legislation to become workable in a way that does not savage an important American industry.

As sponsor of S. 1200, to his credit he is attempting to restrict access to our borders through controls and deterrents.

Similarly, my amendment will achieve a federally regulated program of controlled access to and egress from our Nation's farms. The program would allow foreign workers to enter our country on a temporary basis to work only in perishable agriculture and only as a supplement to the small number of domestic workers available, which number has, through history, been grossly inadequate to the need for timely harvest of perishable commodities, and which promises to be grossly inadequate in the future. Temporary foreign workers are essential in order to ensure the timely harvest of the more than 200 different types of perishable agricultural commodities which are grown nationwide.

Not only is my amendment consistent with the laudable purposes of S. 1200, it is a program which deletes nothing from the committee's bill; rather, my amendment was drafted with the explicit purpose of supplementing the existing agriculturally related provisions of S. 1200—the so-called H-2 program.

While consistency of statutory purpose may be of interest to us as legislative drafters, it is of little concern to a farmer whose 50 acres of peaches ripened over an unexpectedly warm night and must be harvested by hand within 48 hours to assure maximum quality and price. It is of little significance to a woman dependent upon her job in a cannery, where thousands of her fellow employees are divided into three 8-hour shifts in order to can and process fresh fruits and vegetables within 24 hours of harvest. Similarly, statutory niceties are irrelevent to a trucker who will earn $5,000 hauling across the country a trailer loaded with 400 cartons of chilled iceberg lettuce or to the family whose dinner salad will be on their table within less than a week after its fresh ingredients ripened in the fields.

Yet, what we decide here, today, will have a profound impact upon their livelihood and lifestyle; because the issue before us will determine whether American farmers can continue to grow and harvest perishable agricultural commodities in the United States. Our Nation's current production of fresh fruits and vegetables is valued at $23 billion. A considerable portion of this is produced in my State.

I hasten to add that perishable crops are grown in every State. They are grown on more than 25,000 farms across this land. Ninety percent of those farms are small family farms of less than 200 acres. Unlike producers of wheat, corn, and other field grains, these farms are not large operations where mechanical harvesters can be used during peak harvest times. To the contrary, the vast majority of these fruits and vegetables must be harvested by hand, thereby requiring a large number of workers on very short notice. If S. 1200, in its present form, is effective in reducing the number of undocumented workers in this country, our farmers who grow perishable crops face a disconcerting choice, indeed, a destructive choice. They can either hire domestic workers if they are available and qualified, and historically they have not been; or, if they are not, their choice is to hire illegal, undocumented workers which, under the provisions of this legislaton, will subject them to the kind of penalties that threaten to drive them out of business. Or they can simply choose to lose their crop and go out of business.

Mr. President, that is not an acceptable choice; not in this Nation. In my view, a well-constructed immigration reform package should not force our growers to choose between hiring illegals or lose their crop or having to go out of business; especially at a time when American agriculture is reeling

already from precipitate declines in land values, commodity prices, and export sales. Similarly, I do not believe that any U.S. Senator should be forced to vote for a law intended to address the critical national problem of illegal immigration at the expense of a significant segment of American agriculture and to the detriment of the hundreds of thousands of people throughout our land whose livelihood depends upon a workable program to ensure the timely harvest of perishable agriculture.

Mr. President, at some time, probably within a month, but at some time later this fall, this body will take up any number of proposals that have to do with trade. They have to do with the loss, Mr. President, the virtual hemorrhaging of American jobs offshore. It is no exaggeration to state that without this amendment, we face an additional hemorrhage within a narrow segment of perhaps America's basic industry, agriculture; because without the workable provisions that ensure a timely harvest, we will see farmers decline to subject themselves, their families, and their workers to the kinds of procedures that inevitably will drive them out of business.

My guess is that many of them will begin farming in other nations.

Mr. President, what that means, obviously, is not just that we will no longer see the growing and the harvesting of perishable commodities in this country. It means that all the collateral jobs in the packing sheds, in the processing plants, in the warehouses and the drayage sheds, in the trucks and in the retail markets—all of these jobs, at the very least, will suffer shrinkage and many of them will disappear entirely. It is no exaggeration to state that tens of thousands of jobs in my State alone hang in the balance on this vote. It is for that reason that I am offering this amendment.

While S. 1200 does contain modifications of the existing H-2 program, it is simply unrealistic to think that it can adequately address the unique and volatile harvesting needs of the growers of perishable crops. For example, S. 1200 would require a grower, in its streamlining of existing law, to predict in 65 rather than 80 days in advance of need to the Department of Labor the day upon which the farmer's crop will ripen and need to be harvested. In other words, Mr. President, existing law, which is a bureaucratic disaster, now requires the farmer to foretell the weather 80 days in advance of his need of those harvest hands. Is there anybody in here who wishes to wager with me on when the cherry blossoms will bloom?

How many times has the Cherry Blossom Festival been ignored by the blossoms? How many times in your lives have you seen weather predicitons be 180 degrees wrong? How many times have weather conditions created emergencies which man, unable to foresee, had to deal with as disasters?

Mr. President, farming is a risky business. Those who take their chances do so willingly, it is true. They do so knowingly. But, at the very least, they can expect or should be able to expect from their Government cooperation rather than well-intentioned obstacles that make it virtually impossible for them to perform this risky business of farming.

Not all farming is this risky, Mr. President. Not all agriculture is concerned with the growing of perishable commodities. But for those who have chosen this role for themselves, they do have a special need and it cannot be met by a bureaucratic requirement that they predict what is unpredictable, that they foretell what the weather will be.

And this is what happens if they are wrong. The Department of Labor officials attempt to produce the requested number of temporary workers on that magical 65th day.

But if warm weather hastens the ripening process by a day or a week, which is not uncommon, S. 1200 would force the grower to watch his crop slowly but irrevocably rot in the fields waiting for his H-2 workers to appear after the need on that magical 65th day, when the harvest should have occurred on the 59th. On the other hand, if an unexpected frost or a cooling period postpones the harvest for a day or a week or more, S. 1200 would require the grower to pay the idle H-2 workers until picking can commence. That is simply not feasible.

The fact of the matter is that these crops are ripe for harvest when climatic conditions allow them to be, not when the Secretary of Labor certifies them to be. Perhaps that is why the Department processes less than 20,000 H-2 workers each year, many of them to cut sugarcane, which is hardly considered a highly perishable crop; merely 20,000 H-2 workers each year, when USDA estimates that 2.9 million workers are annually employed in the fields.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. WILSON. I shall be happy to yield at the conclusion of the statement.

A current situation in the Fresno area is a representative case in point. Raisin growers in the heart of California's San Joaquin Valley are in the middle of their harvest, which usually lasts 5 to 6 weeks and requires a temporary work force of nearly 60,000 employees. With 45 percent of the raisin crop on the ground drying in the Sun, a highly irregular rainstorm recently disrupted the harvest, and the threat of more rain has postponed further picking. The work force has been temporarily laid off and has dispersed to other areas to harvest different commodities. This unforeseen and unforeseeable delay has lasted nearly a week; yet, at the first sign of sunshine, growers will scramble to reassemble a work force of 60,000 employees to pick the remaining 55 percent of the crop.

While this situation is a timely, and unfortunately disasterous, case in point, any of my colleagues who have even a passing familiarity with perishable commodities know full well that it is not an unusual, but a representative, one. My amendment will establish a regulatory framework that is flexible enough to accommodate these inescapable harvesting realities, while assuring that the Federal Government has adequate regulatory authority to ensure that participating growers and temporary workers comply with its terms.

Specifically, growers interested in participating in the program would file a petition with the Attorney General setting forth the number of workers that they will need on a month-by-month basis during the next 12-month period. In addition, these growers would certify to the Attorney General, in advance, that they will comply with specific requirements set forth in my amendment. These include explicit efforts to recruit and hire first domestic workers who are willing, able, and qualified to harvest perishable crops.

If the number of domestic workers is inadequate to meet the grower's harvesting needs, then the amendment would permit a participating grower to hire legal foreign workers, who have been issued temporary visas by the Attorney General for the specific purpose of providing a supplemental work force in perishable agricultural production. As under the H-2 provisions of S. 1200, growers would be required to pay an adverse effect wage rate as determined by the Department of Labor. What that means is they are required to pay a wage that assures they will not undercut the prevailing wage, which clearly is above the minimum wage. And I might add far above the minimum wage in many instances.

This is determined by the Department of Labor. Further, they are required to provide either housing or a reasonable housing allowance to the seasonal workers. The growers are further required to provide workers compensation or comparable insurance and to provide written notice of the terms and conditions of employment to the workers.

So that the Attorney General may closely monitor or track the movement of these legal foreign workers, the growers are further required to notify the Department of Justice within 72 hours after each worker either enters or leaves their employment. And in order that the workers have sufficient incentive to return to his or her coun-

try of origin, the growers are required to withhold 20 percent of gross wages, which is then escrowed with the U.S. Government. It is deposited in an escrow account in the worker's home country, and this money must be retrieved by the worker himself in person within 30 days after the expiration of his temporary visa or it wil be forfeited.

Let me underscore, it must be retrieved in person at the consulate in the country from which he was recruited.

Finally, participating growers will pay for the cost of the administration of this program by paying a user fee in an amount equal to 11 percent of the worker's gross wages to cover all administrative costs of the program. If any participating growers violate any of these requirements, my amendment authorizes the Attorney General to assess civil penalties and to suspend them from the program; that is, to make them ineligible to participate further in the employment of these seasonal foreign workers for a full year. That is a fact devastating to anybody in the business of annually producing perishable commodities.

Similarly, my amendment imposes explicit obligations on and provides specific protections for the legal foreign workers who will be admitted into our country temporarily. Eligible workers must be willing, able, and qualified to perform harvesting jobs. We are not seeking to recruit people for jobs other than the harvest of perishable commodities. That is the need, that is the purpose, it is the exclusive purpose for which they are admitted under this program. Their temporary visas restrict them to employment in perishable agriculture and they must remain continuously employed in perishable agriculture during the length of their visa or return to their country of origin within 30 days of their last job to receive the 20 percent of their wages which have been withheld. And remember, we know when they have left, because the workers' departure must be recorded by their employer within 72 hours of departure.

Workers who develop a record of compliance with the conditions of the program will receive priority consideration on future visa applications, but those who violate any of the terms will be ineligible to participate in the program for 5 years.

The amendment will not create an openended program as some of its critics mistakenly believe. On the contrary, my proposal directs the Attorney General, in consultation with the Secretaries of Labor and Agriculture, to issue only the amount of temporary visas necessary to supplement the available domestic work force.

This decision will be made on a region-by-region basis every month, and then after 3 years of experience in administering the program the Attorney General is required to set a numerical cap on the maximum number of temporary foreign workers that can be allowed in our country at any one time.

Such explicit statutory authority and detailed regulatory controls as are included in this amendment were lacking entirely from the widely criticized Bracero Program which Congress terminated in the early 1960's. Also missing from the Bracero Program was adequate funding to enable Federal agencies to administer and enforce a program like this one. That is why my amendment assesses participating growers a user fee that the Congressional Budget Office estimates will generate twice as much money as will be necessary to administer the seasonal worker program.

In addition to the flaws that I have recited in the Bracero Program, there was a more significant and in my mind a more tragic omission. The Bracero Program was woefully inadequate in terms of affording worker protections. Today, Mr. President, when undocumented workers work illegally in this country, this sad situation of worker exploitation persists to some minor degree. We really cannot quantify it. The vast majority, I am convinced, of agriculture employers deal fairly with their employees, buy it is certainly true that the illegal status of these workers places them in a vulnerable position that subjects them to the possibility at least of cruel exploitation. To be certain, first of all, they are subject to the coercive and extortionate practices of the "coyotes," the smugglers, who charge them between $500 and $1,500 to smuggle them into this country and continue to threaten them with disclosure to the authorities. Similarly, the illegal worker has little in the way of recourse against unscrupulous employers. That has to change. A civilized society cannot tolerate the kind of thinking that has been going on because of this illegal status.

I do not believe that we should permit people within our midst to live in daily fear without recourse, and this amendment provides the legal temporary worker with specific protections and recourses. Specifically it assures them an adverse effect wage rate so that they cannot be paid slave wages, it assures them adequate housing or an adequate housing allowance, it assures them workers compensation, it allows them to join unions and to move freely from one grower to another within a specific geographic region if they are attracted by higher wages or if there exists a need for them to escape from unfavorable working conditions.

In conclusion, the adoption of my amendment will benefit farmers, workers, and consumers. It will preserve a virtal sector of American agriculture and thousands, tens of thousands of related jobs, the jobs in the packing sheds, in the processing plants, the jobs of truck drivers, the jobs of retail and wholesale grocers, jobs both union and nonunion. And I say to those whose concern has been stated that it will enhance, not diminish, the effectiveness of S. 1200 because it is entirely consistent with the stated goals of this legislation, and it will not cost the American taxpayer a single cent.

For these reasons, it is hardly the killer amendment that some unreasonable critics have so sought to characterize it. It is, in fact, a saving amendment, one that will save an industry and save American jobs and supplement the wages of foreign seasonal workers.

This amendment is cosponsored by Senators SYMMS, GRAMM, HATCH, MCCLURE, ARMSTRONG, EVANS, and GORTON.

I respectfully urge that all my colleagues support this amendment. It has been very carefully crafted to respond to the concerns not only of the sponsors of the amendment, but also those who support it, those who have voiced fears that migrant farmworkers will not stay migrant farmworkers, will slip out of that system and become steamfitters or factory workers.

This amendment goes about as far as it is possible to go to accommodate the goals of basic legislation and to save a vital industry that otherwise will be lost to America.

What we are talking about in our definition of the workers involved in perishable agriculture is limited to those who will be involved in the actual cultivation and harvest.

Specifically, we are amending page 11, line 20, by striking "as defined in section 3(f) of the Fair Labor Standards Act of 1938, at 29 U.S.C. 203, subparagraph (f)" and inserting in lieu thereof the following language: "including planting, cultural practices, production, cultivation, growing, and harvesting." It does not seek to include those in the packing sheds, those processing, those trucking, those in the chain of distribution and marketing.

Mr. President, there are others who wish to speak on this amendment, and at this time I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MCCONNELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I would feel remiss, as a member of the Judiciary Committee, if I did not express my regard for the distinguished Senator from Wyoming and the effort he has put into this particular legislative effort over the last three Congresses. I

think Senator SIMPSON has done a remarkable job. He has been very patient. He has been thoughtful. He has been restrained. He has helped every Senator who had any concern about this matter. He has paid attention to the arguments and is doing the country a great service in helping us solve problems which are important to our country and which may be resolved by certain aspects of this bill which he has brought to the floor.

I have a great deal of respect for Senator SIMPSON and the effort he has put forth, not only on this issue but many others as well in Congress.

Having said that, I rise in support of the Wilson amendment. I do so because during the current debate on S. 1200, which is the third effort in recent years to reform our national immigration laws, the adoption of a viable seasonal workers program to meet the basic needs of the producers of perishable farm commodities should not be overlooked. This applies not only to the Western States but to States all over the Union as well.

This country cannot afford to attempt immigration reform, while ignoring the vital interests of small farmers who produce our agricultural necessities, including reasonably priced, high quality, fresh fruits and vegetables. Current perishable crop production is estimated to be worth nearly $23 billion. If these crops are not harvested and packed within a very short time during the harvest season, they will be lost to both the producers and to the American consumer.

Most producers who cultivate perishable commodities are small farmers who are susceptible to serious crop losses which can occur under the inflexible and restrictive H-2 provisions of S. 1200. Without the flexibility and the protections offered by the Wilson amendment, many of the perishable growers may be forced out of business or may be forced to shift their production to nonperishable crops which are capable of being mechanically harvested. In light of the massive surpluses currently produced by wheat, corn, and soybean farmers, I believe the last thing Congress wants to do is to discourage perishable fruit farmers by unrealistic immigration restrictions. The alternative may be for them to enter other flooded agriculture markets—that is, if they are capable, or if they have the capacity to do so; and that is easier said than done.

Were this to happen, distribution and transportation workers would be hurt because there would be fewer crops to distribute. Grocers and food suppliers would be lacking quality products to sell, and their business would suffer accordingly. Restaurants would have difficulty in obtaining fresh fruits and vegetables to serve to their customers. But, most important, the American consumer would find it difficult to obtain some of this Nation's most valued food products and will pay higher prices from those perishable commodities able to find their way to the marketplace.

If S. 1200 is not amended with respect to the seasonal workers' provisions, this country's perishable crop growers will have to decide between hiring undocumented, and probably illegal workers, or losing their crops. A well-balanced immigration reform package should not force perishable crop farmers to make that choice.

Mr. President, I urge all of my colleagues to support the Wilson seasonal foreign worker amendment as a necessary and vital protection of a major agricultural industry. Consumers will benefit, as well as the national interest, by avoiding a severe escalation in the cost of fruits and vegetables. This protection, provided by the Wilson amendment, will guarantee a balanced approach to the needs of perishable crop farmers and the needs of the Nation.

The Wilson amendment will protect domestic workers. It will protect foreign workers. It will also insure that foreign workers, who participate in the seasonal worker program, will return to their native countries upon the expiration of their visas. It will make temporary, legal immigration more attractive to foreign seasonal workers and will make permanent, illegal entry into the United States less attractive. I ask the support of my colleagues in adopting this amendment, which will benefit the farmer, the consumer, and the country as a whole.

Mr. President, I appreciate the efforts of the distinguished Senator from California in leading this battle, because I do believe it is a correct amendment that will help, in the final analysis, to pass an immigration bill. At least, that is my hope, and I commend the distinguished Senator from California for his efforts.

Mr. SIMPSON. Mr. President, I do appreciate the remarks of the Senator from California. I regret that I was interrupted with other business at the time of the presentation of his remarks. They rang very authentically.

I have come to know the Senator from California as a delightful personal friend. He and his wife, Gail, are great additions to this place, and I thank him for that.

My good neighbor from Utah and I have shared some spirited times together. He is a delightful and zealous advocate of his position, and I always admire the way he scraps for the things he believes in.

I see my good colleague from Idaho in the Chamber. We westerners usually stick together, but I want to say that we are sticking together if we accept the provisions in S. 1200.

I could not agree with my colleagues more that agriculture, especially perishable commodities, has some very special needs. There is not any question about that. If I did not recognize that I could never have come this far with this legislation because I represent a Western State, an agriculture-oriented State, a State heavy in beef cattle, wheat, corn, sugar beets, honey, wool, many of the things that we depend on in this country in agriculture. Wool is very important to Wyoming. We produce a great deal of the American lamb and beef in this country.

And we have in agriculture in Wyoming, just as we have in agriculture all over the United States, a great number of illegal undocumented persons who work in agriculture. Anyone who is not seeing that is missing the whole issue here. That is very simple. If you cannot save on interest, machinery, feed, or any other place, there is only one place you do save and that is with illegal undocumented workers. I recognize that. Everyone recognizes that.

I think what we fail to recognize is that we are trying to pass a piece of legislation on immigration reform which has to do with the entire country, and it is immigration reform for the United States of America. It is not for the West, it is not for the East or the South or North. It is for the United States of America.

I think there is the strangest figure you will come in immigration. I think people have a vision that everyone who is an illegal immigrant is someone who is working in agriculture with a hoe on the ground or weeding, working the beet fields or whatever. That is a great diversion from fact because only 8 to 15 percent of illegal undocumented persons work in agriculture. No one has ever given us any different figures on the select commission or in this body or in testimony. Only 8 to 15 percent of the illegal undocumented persons work in agriculture. The remainder of them work everywhere in the United States, assembly lines, service industries, you name it. Many of them for more than the minimum wage, indeed, as Senator WILSON says, and many more than the minimum wage in agriculture.

So there could not be anyone who would agree more that agriculture, especially perishable commodities, has some very special needs. What I really do disagree with is the viewpoint that S. 1200 does not adequately deal with those needs. That has been one of the things I have spent a great deal of time on to assure that S. 1200 does deal with the needs of agriculture and provisionally and especially, if you may, Western agriculture because I tell you what we do in S. 1200. You must be aware that we have not, as

Senator WILSON says, ignored Western agriculture and indeed here is what we do just briefly. It will not take a moment to review that for you. The bill, S. 1200, provides this. I hope you hear this carefully. It provides expedited procedures that are available under the following circumstances. Here they are: they are available when labor certification is denied for workers that are needed in perishable commodities. They are expedited when U.S. workers might show up for work and are not able, willing, and qualified to get expedited procedures. You get expedited procedures under S. 1200 when the U.S. workers fail to show up as promised. You get expedited procedures when a grower faces a critical need for workers due to unforeseen circumstances such as unexpected changes in the weather occurring within 3 days of need.

Under those circumstances the Government agency involved, and that is either the Department of Labor or the Attorney General, depending on the situation, have to respond under S. 1200 within 72 hours.

Also under the H-2 streamlining in S. 1200 we give the Attorney General instead of the Department of Labor the regulatory control over the program. I do not know anyone in agriculture, West or East, who has not had vexing problems with the fact that the regulatory control of the program would often be within the Department of Labor. The regulatory control of the program under S. 1200 will have the Attorney General in consultation with the Department of Labor and the Department of Agriculture making the decisions on the regulatory issues.

We will also still have the Department of Labor in the certification process but the certification process will be limited to the adverse wage test and the availability of workers in distress to other American workers.

We have deleted the current requirement that unemployed workers anywhere in the United States be considered as being eligible domestic agricultural workers. That got very heavy-handed going through original certification, large certifications, certifications throughout the country. We have accepted this current requirement that they be from anywhere in the country. We have pulled it into closer regions.

We have reduced application deadline to 65 days before the date of need. That is in S. 1200. We demand that and require that the Department of Labor respond to the initial applications for foreign workers within specific time periods or else the labor standards will be presumed to have been met. That is in S. 1200. We allow foreign workers to be given a housing deposit in lieu of the farmer providing the housing. That is in S. 1200. We clarify, and this is very important, the nature of the joint liability of the agricultural associations and their individual members in order, then, that labor certifications might be more efficiently and swiftly processed.

In addition, and I think this is key and we will go into it further, we deviate from this bill momentarily to go into an item revisited, which we will do soon, but here is what we have done for the perishable commodity people: We created three brand-new and distinct 72-hour emergency application procedures for foreign workers when climatic changes cause a change in the harvest date, when U.S. workers might show up but are not qualified and when U.S. workers fail to show up as promised. We did that in S. 1200.

We also then allowed those workers to remain in this country for a brief period of time after they have completed their work contract in order that they may swiftly respond to farmers who are facing a 72-hour or shorter need for workers.

I honestly do not know what more we could have done to meet the needs of Western growers, including those with perishable crops. I say to you, and I do not do it to bait or to be contentious, I honestly do not know what more I could have done to accommodate the needs of Western perishable fruit growers.

Nothing I have ever done is enough. It never has been. They have told me as the bill would leave the Senate, "I guess that is OK," and then go to work with pretty heavy equipment—they do better heavy lifting than I ever do—and then they go right to work again.

I do not know where honestly, and I mean that, it could be unless, of course, where it is with this amendment and that is an open-ended guest worker program. I can tell you that.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. SIMPSON. No. I would like to finish my remarks if I may.

I tell you that I have always been opposed to an open-ended guest worker program. I think that they repeat the most serious errors we have ever made in immigration policy that were made in the past without question.

I really know how a person from California has to feel when they are dealing with immigration reform. They cannot possibly win. You cannot possibly withstand the schism and the rips and the riptides that go with it. You cannot vote for immigration reform. This is the issue.

I would love to accommodate my friend from California in many ways, or the other Senator from California, who is just as remarkable a person here. And if I did and did and did, they would still never vote for this bill. Please do not miss that curious part of this ritual.

We can amend and amend and amend, but this bill will never be acceptable to them, as far as I know, at least it never has been. And I understand that, because they are torn by the growers and the unions and the employers and the Hispanics, and I would hate to be in that. That is why the issue gets to be played with only by Senators from Wyoming and Congressmen from Kentucky. Because you get ripped apart by your constituencies when you mess with immigration reform because it deals with guilt, fear, and racism. It does not make it any more fun, but I understand that. That is why I even have more respect for the Senator from California.

But I happen to live in a community where they had the bracero program. I watched that. I did a lot of pro bono work for people who were on the bracero program, as they came in and told me how their gas tank had been filled with sawdust and how the car dealer really gave them a good deal and how, just as they were getting ready to head back to Mexico, they were told they had forgotten to pay the $400-a-month rent for the little shack at the end of the field. I have been there. That was called the bracero program. It ended in a rather repugnant kind of an operation called operation wetback. That is how it ended.

Operation wetback was an expulsion of people who were here in the United States under a program which I hear referred to occasionally as something that worked, and I think it did not work. I was, I must say, offended by it. That was operation wetback.

That is what happens. That is what we got out of that, the last bracero program. Because we admitted large numbers of foreign workers to the United States without searching for U.S. workers. We assured that the wages offered would hopefully not affect U.S. workers' wages. But that did not work.

In this particular amendment, we are trying to say that this will not occur and that comes even before the foreign workers are admitted.

So I think the amendment—and I say this as precisely as I can—I think that what the amendment does really is legalize the status quo of illegal labor in agriculture. In my opinion, that is not immigration reform, because I do not believe that simply by referring to every illegal alien as legal that that constitutes immigration reform.

This seasonal program is exceedingly broad. I hear the Senator referring to it and I am very pleased to hear this because I gather that part of this proposal is an amendment to correct what I saw and did foresee as a glaring weakness, because the seasonal program here, as originally proposed, was extraordinarily broad. It not only pro-

vided for harvest labor, it provided also work in handling, planting, drying, packing, packaging, freezing, storing, and delivering to market. And I submit to you that those jobs, even if you want to fall for the argument—many do—that these people all do work that no U.S. citizen will ever do, I can tell you that U.S. citizens are the ones that write me the letters about immigration reform. Many of them are U.S. American Hispanic citizens of the United States who write me those letters and say, "What are you going to do about this situation? I am the one most directly affected. It is me and my family that are most affected by illegal, undocumented persons. I am a U.S. citizen; a minority, but a U.S. citizen."

I can assure you—and I appreciate the Senator's sensitivity to this—that those jobs that I have described indeed are clamored for by U.S. citizens. Those jobs in drying, and packing, and packaging, and processing, and freezing, and storing, and delivering to market. Those are jobs that American citizens do take. I appreciate the Senator's recognition of that, indeed.

Those activities that have to do with time sensitive issues, as I say, under S. 1200, we have tried desperately to recognize the problems of the perishable fruit industry. And, why not? Because they are persuasive, they are important, and they are a critical part of this national debate.

So I tell you that those activities that I describe which are not time sensitive, such as drying the figs and what needs to be done within hours—and I do understand that—those, indeed, are attractive things to U.S. workers. And we do not want to cut into that in any way.

There are three other things in S. 1200, and you must not miss this in the debate. We have streamlined and revised the H-2 Program. We have also put together a 3-year transition program.

Mr. KENNEDY. Will the Senator yield?

Mr. SIMPSON. No, I will not yield at this time.

We have also established an Agricultural Labor Commission to examine the temporary agricultural worker issue and report to Congress. We have a conference report on this, a thorough conference report in this area. It was indeed a critical and 10-day report.

We had a thorough conference on this area and went through this entire area very clearly, especially with what was known as the Panetta-Morrison proposal. And, indeed, when LEON PANETTA and SID MORRISON joined forces, they put together a very extraordinary and formidably acceptable piece of legislation.

In the conference committee, we then revised it. We came up with a different hybrid, if you will, of Panetta-Morrison, agriculture-labor, meeting the needs of temporary work for those in the perishable and other areas of agriculture. We came up with a proposal, which is S. 1200.

S. 1200 is a direct distillation of everything we did in conference with regard to agriculture. I do not know how we could have reached a more appropriate view. And I know we are on the right track because organized labor is after me and so are the growers. So I know that, as long as the growers are not satisfied and labor is not satified, we must be awfully close to something that might be appropriate. And that is what is in S. 1200. Because, under that, we put the Attorney General in charge of a program. We require the Department of Labor to respond to employers in a specific period of time. We accommodate all emergency labor needs within a 72-hour certification process. This is all in S. 1200.

We allow the H-2 workers to remain in the country for emergency situations. And we allow agricultural associations, the very key to labor certification to be more easily formed.

The bill also provides for a 3-year transition program, which allows growers to use in the first year after enactment 100 percent of their need for nondomestic, seasonal, agricultural workers—which in practice would be determined with reference to growers' prior year's illegal work force. In other words, under the 3-year transition for the first year you can use 100-percent illegal workers, if that is what you wish to do. Please do not forget that this legislation, if passed, has nothing to do with the people you presently have hired. This whole legislation triggers in when you come to new hire. If you have a whole work force of illegal, undocumented persons, this legislation does not affect them. It is only when you go to new hire that that indeed becomes effective.

So we have a 3-year program for people to use, a 3-year transition, and a 100-percent use of prior years' illegal work force for the first year, 67 percent of that work force in the second year, and 33 percent in the third year.

The Agricultural Commission must study and report within 2½ years, while the growers are still able to use 67 percent of their illegal work force.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 2:30 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of the Conference Report on H.R. 1460, The Anti-Apartheid Action Act of 1985.

Edward M. Kennedy, Paul Simon, John D. Rockefeller IV, Bill Proxmire, John F. Kerry, Spark M. Matsunaga, Max Baucus, George J. Mitchell, David Pryor, John Melcher, Gary Hart, Howard M. Metzenbaum, Lawton Chiles, Dale Bumpers, Don W. Riegle, Jr., Alan J. Dixon, J. James Exon, Patrick J. Leahy, Claiborne Pell, and Alan Cranston.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent, for the purpose of debate only, that each side have 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, earlier this week, on Tuesday, the supporters of this legislation attempted to file a cloture petition so that we could have a third cloture vote on the Anti-Apartheid Act. It is a tradition, as long as I have been in the Senate, that if an increasing number of Senators vote in support of successive cloture petitions, the leadership continues to permit further cloture votes. We have often had three, or even four, cloture votes on an issue, so long as the supporters of cloture are making progress. We had 53 votes for cloture on the Anti-Apartheid Act on Monday, and 57 votes for cloture on Wednesday. It was entirely reasonable for us to expect a third cloture vote today, but the Republican leadership is denying us that opportunity.

The pending cloture vote is entirely meaningless. It is not a valid test of support for the anti-apartheid vote, because it is not a cloture vote on the act, but on a motion to proceed to the consideration of the act. And that makes all the difference. So far, the Republican majority leader has used the rules to block us from filing a cloture petition to obtain a third cloture vote on the act.

Oh yes, he is willing to permit this meaningless cloture vote on the motion to proceed. Who wouldn't? You don't need cloture to get a final vote or a motion to proceed to a conference report. The motion is already privileged. It is nondebatable. Cloture in this situation is redundant and

meaningless. It is procedural cloture, not substantive cloture.

Since the majority leader refuses to give us the third substantive cloture vote we seek, I urge my colleagues who support the Anti-Apartheid Act not to be fooled by this cheap imitation, and to vote no on cloture to demonstrate our opposition to this meaningless tactic.

Members of the Senate who voted for cloture on the substance of the Anti-Apartheid Act should vote no on this unfortunate maneuver. The Senate and the country should be under no illusion that this is a serious vote on apartheid in South Africa. It is nothing of the kind.

So I renew my request now to the majority leader. Will we have the opportunity for a third cloture vote on the Anti-Apartheid Act, and follow the time-honored tradition of the Senate to permit such a vote.?I11I ask the majority leader if he will make that request at this time.

Mr. DOLE. Me?

Mr. KENNEDY. That's you. [Laughter.]

Mr. DOLE. We have already had three votes. This is going to be the fourth vote. I do not know why we need five votes. If we do not get this settled, they are making so much progress in South Africa since the President made his announcement there may not be any need to vote on it. I noticed today's headline is "More Improvement in South Africa," with reference to past regulations. So I think the President's announcement has had an impact already. I know that others would like to take credit for whatever may happen. But my view is we ought to be putting pressure on South Africa. I hope we can have this vote, and that would be four. And that ought to be sufficient. Obviously, there are ways Senators can have additional votes by offering the entire measure, or amendments to the immigration bill or debt ceiling. But I hope we still would have some opportunity to agree as we have in the past on this issue, bipartisan agreement, that sometime in the future, if there has been any retrenchment at all by the administration, I would call up the conference report. I am willing to make an agreement along those lines. I am not certain that we should have additional cloture votes. I would be happy to discuss that with the Senator.

Mr. KENNEDY. Mr. President, we have only had two cloture votes so far on the merits. We had a procedural vote yesterday, and we are about to have another procedural vote today. That vote will be meaningless. Clearly we will not be able to obtain the real cloture vote we want, and I urge those who supported cloture on the Anti-Apartheid Act to vote no on this vote.

Mr. BYRD. Mr. President, will the distinguished majority leader allow an additional 15 seconds?

Mr. DOLE. For a statement?

Mr. BYRD. For a question.

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, will the distinguished majority leader ask unanimous consent that it be in order to order the yeas and nays on the conference report at such time as it is before the Senate?

Mr. DOLE. I would rather not. [Laughter.]

Mr. BYRD. I know the Senator would rather not. Would he do it? [Laughter.]

Mr. DOLE. Can I think about it?

Mr. BYRD. Think about it.

Mr. DOLE. During the vote.

Mr. BYRD. You want to do that during the vote?

Mr. DOLE. Let me see how this vote comes out.

Mr. BYRD. All right. That is fair.

Mr. DOLE. I have not foreclosed it.

Mr. BYRD. I thank the majority leader.

Mr. DOLE. I am a little groggy. I had a little surgery.

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of the conference report on H.R. 1460 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 11, nays 88, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—11

Bradley	Dodd	Lautenberg
Bumpers	Glenn	Pryor
Burdick	Heflin	Weicker
DeConcini	Hollings	

NAYS—88

Abdnor	Evans	Kerry
Andrews	Exon	Laxalt
Armstrong	Ford	Leahy
Baucus	Garn	Levin
Bentsen	Goldwater	Long
Biden	Gore	Lugar
Bingaman	Gorton	Mathias
Boren	Gramm	Matsunaga
Boschwitz	Grassley	Mattingly
Byrd	Harkin	McClure
Chafee	Hart	McConnell
Chiles	Hatch	Melcher
Cochran	Hatfield	Metzenbaum
Cohen	Hawkins	Mitchell
Cranston	Hecht	Moynihan
D'Amato	Heinz	Murkowski
Danforth	Helms	Nickles
Denton	Humphrey	Nunn
Dixon	Inouye	Packwood
Dole	Johnston	Pell
Domenici	Kassebaum	Pressler
Durenberger	Kasten	Proxmire
Eagleton	Kennedy	Quayle
Riegle	Simpson	Trible
Rockefeller	Specter	Wallop
Roth	Stafford	Warner
Rudman	Stennis	Wilson
Sarbanes	Stevens	Zorinsky
Sasser	Symms	
Simon	Thurmond	

NOT VOTING—1

East

The PRESIDING OFFICER. On this vote, the yeas are 11, the nays are 88. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

SCHEDULE

Mr. DOLE. Mr. President, I announce to my colleagues that the Secretary of State, Mr. Shultz, is in room S-407, where he will be giving a very important briefing to all Senators concerning an overview of American policy. That briefing was to have started at 3 o'clock, but obviously it has been delayed for about 10 or 15 minutes.

I also indicate that I have discussed with the distinguished manager of the bill, Senator SIMPSON, what we might expect today and tomorrow. He indicates that things will probably move fairly quickly once the pending amendment is disposed of.

I hope to consult with the distinguished minority leader within the next 45 minutes to an hour. I am advised that this legislation could be completed easily tomorrow. I am not certain what that may do to schedules of some Senators, but I will check with the distinguished minority leader and will check on this side. It probably could be completed late this evening; but, again, I will leave that up to the distinguished manager of the bill.

Also, I indicate at this time that I think we can reach a time agreement on the amendment to be offered by the distinguished junior Senator from Massachusetts [Mr. KERRY]. I am advised by the chairman of the Armed Services Committee, Senator GOLDWATER, that he would be agreeable to a 3-hour time agreement, the time to be equally divided on the amendment.

Mr. DECONCINI. Mr. President, will the Chair advise me as to the pending business?

The PRESIDING OFFICER (Mr. DENTON). The pending business is amendment No. 595 to S. 1200, the immigration bill.

Mr. DECONCINI. Is that the amendment of the Senator from California?

The PRESIDING OFFICER. It is.

ANTIAPARTHEID CONFERENCE REPORT

Mr. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. DECONCINI. I am glad to yield.

Mr. BYRD. I beg the Senator's pardon for the interruption.

Mr. DECONCINI. I am glad to yield to the minority leader.

Mr. BYRD. Will the Senator yield the floor?

Mr. DECONCINI. No; I prefer not to yield the floor. I yield for a question.

Mr. BYRD. Mr. President, I thank my distinguished friend.

I ask the distinguished majority leader if he would be agreeable to a unanimous-consent request to let it be in order to order the yeas and nays on the conference report.

Mr. DOLE. No; I have considered that during the vote and I would be constrained to object to that request. But I would be willing, as I have indicated earlier, to discuss some agreement with the distinguished minority leader and the Senator from Massachusetts. I am also advised the distinguished chairman of the Committee now has the papers.

Mr. BYRD. He does?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DECONCINI. I continue to yield without losing my right to the floor.

Mr. BYRD. Mr. President, the taking of the papers from the desk by the distinguished chairman of the Foreign Relations Committee, Mr. LUGAR, makes it impossible now for any Senator to move to proceed to the consideration of the conference report. That is the effect of his having taken possession of the papers. I am sorry that has occurred.

I would hope that the distinguished Senator from Indiana [Mr. LUGAR] would think a little further about this and not deny the right of his colleagues, anyone of whom may wish to proceed to the consideration of the conference report.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. DECONCINI. I am glad to yield without losing my right to the floor.

Mr. KENNEDY. Mr. President, does the Senator from West Virginia find this to be an extraordinary procedure? The majority leader and the chairman of the Foreign Relations Committee are evidently so unsure of their own position on the Anti-Apartheid Act that they now resort to this kind of tactic—a single individual Senator, removing the papers from the desk of the Senate, and unilaterally and arbitrarily denying the Senate the right to act. We have 100 Senators in this body—how can 1 or 2 Senators make the judgment that the remainder of us are to be denied the opportunity for a further vote?

Can the Senator cite a single precedent for the extraordinary tactic we have just witnessed?

Mr. BYRD. I do not recall a precedent for the tactic. I cannot say with certitude that that is the case, but I do not recall its having been done before. It can be done, obviously, and this was the reason that I was trying to get the yeas and nays ordered on the conference report so that those papers could not be removed from the desk.

Mr. KENNEDY. If the papers are at the desk, as the Senator has pointed out, any Senator, acting on his own, has the right to move that the legislation be put before the Senate and ask for a vote on the motion. The motion is nondebatable. It cannot be filibustered. A majority of the Members of the Senate could vote for the motion and put the bill before the Senate. Those are the Senate rules. How can a single Senator simply take the papers from the desk and walk away with them?

This is an extraordinary action. Obviously, those who have resorted to it do not believe that they can win on the merits and therefore they use this extraordinary tactic. I think it is regrettable. It diminishes the Senate as a legislative body and as a body that should have the right and the opportunity to debate the public policy questions of our time.

I thank the Senator.

Mr. BYRD. Will the Senator yield?

Mr. DECONCINI. I continue to yield to the minority leader without losing my right to the floor.

Mr. BYRD. Mr. President, I am not privy to information that the distinguished majority leader had anything to do with this. But the chairman of the committee, Mr. LUGAR, has done it. It can, of course, be done as we have just seen. As I say I do not recall its having been done during my tenure here. But I cannot be absolutely sure that that is the case.

I would hope that the distinguished Senator from Indiana would return the papers to the desk so that any Senator on either side of the aisle may exercise his right under the rules to move to proceed to the consideration of the conference report.

Mr. KENNEDY and Mr. DOLE addressed the chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor. He is not empowered to yield except for a question to himself without unanimous consent.

Mr. DECONCINI. Mr. President, this is a very important subject matter and I think it is important that it be given even precedence over what I am going to say here, although I have to tell you this is a great statement I pay attention to. Nevertheless, I ask unanimous consent that the Senators involved in this effort have 3 minutes and then the floor return to me at that period of time and if that is agreed to I will sit down for 3 minutes.

Mr. BYRD. And yield half of it to the distinguished majority leader.

Mr. DECONCINI. Divide it between the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, under the Constitution, the President has a pocket veto power. But I know of nothing that gives the chairman of the Foreign Relations Committee the pocket veto power.

Would the Senator from West Virginia agree with me that this is the effect of this kind of extraordinary, unusual behavior?

Mr. BYRD. I think that is the logical construction of the effect of the taking of the papers from the desk.

Mr. DOLE. Mr. President, I do not know where we determined this was appropriate, but I think we checked with the Parliamentarian and we found precedents for it in other administrations in the Senate.

Mr. BYRD. Will the Senator state when, where, under what circumstances, and by whom that was done?

Mr. DOLE. We are still doing that research.

[Laughter.]

Mr. DOLE. We are prepared, as I indicated a number of times, and I am not suggesting we may not work out even another vote at the appropriate time, but it seems to me that at this point we ought to get on with the immigration bill. I will however confess to knowing about the removal of the papers and even helping locate the papers.

Mr. BYRD. Mr. President, is there anything remaining of the 3 minutes?

The PRESIDING OFFICER. The Senator on that side has 1 minute remaining.

Mr. KENNEDY. Will he yield 1 minute?

Mr. BYRD. Yes.

Mr. KENNEDY. Mr. President, I hope that the papers will be returned. This tactic is beneath the dignity of the Senate. We can make light at this moment about this particular procedure, but it affects the substance of one of the most important public policy questions that this body will address. And it affects in a very real way the interest of people not only in South Africa but in this country as well.

I would certainly urge the majority leader and members of the Foreign Relations Committee to reverse this trickery and this abuse of the Senate rules, and give this body an opportunity to consider this important question.

Mr. BYRD. Mr. President, if I could ask the majority leader a question regarding the schedule for the remainder of the day.

Mr. DOLE. Could I respond first?

Mr. BYRD. Yes.

Mr. DOLE. Mr. President, it has been suggested by some in this body that any Senator has the right to move to proceed to a legislative item. While there is no specific rule to deny this, the weight of precedence and accustomed practice of the Senate is certainly otherwise.

It is a bit unusual, as I understand it, looking at the precedents and Dr. Riddick's comments for anyone else to try to set the agenda on moving to call up a conference report but that was done and no one complained on our side.

I would like to take this opportunity to again place in the RECORD a description of prerogatives of the leadership.

Among the leadership prerogatives which are customarily reserved for the majority leader or his designee and certainly one of the most important is that of setting the agenda for the Senate. While the Senate decides for itself how long it will spend considering any legislative matter, the majority leader determines what matters will be considered through the use of the motion to proceed. This has only been rarely challenged and it is even more rare for the challenge to succeed. A history of this role and how it developed is contained in Senate Document 99-3 by Floyd M. Riddick, Parliamentarian Emeritus of the Senate entitled "Majority and Minority Leaders of the Senate."

On page 26 of that document the following comment can be found.

In addition to the above organizational motions offered at the beginning of a new Congress, the responsibility for making motions essential to the day-to-day operation of the Senate has devolved upon the leadership. For example, the majority leader or someone acting for him almost invariably (*a*) offers motions to recess or adjourn from day to day; (*b*) calls up the *sine die* adjournment resolution and other resolutions relating to adjournment including resolutions and motions to adjourn for periods of several days; (*c*) makes motions to proceed to the consideration of all proposed legislation (bills and resolutions); and (*d*) proffers routine requests to accommodate the Senate, including orders to permit standing committees to meet while the Senate is in session, notwithstanding the provisions of the rule. While under the rules a quorum call is always in order at the suggestion of any Senator, the majority and minority leaders acting together exercise influence in determining when such calls are to be requested as well as when issues will be voted on by yea and nay vote.

It is clear to this Senator that as far as using the motion to proceed is concerned, the option is clearly a prerogative of the leadership.

So we understand the seriousness of the issue, but we also understand that when we reach a point maybe we ought to move on to something else. We are virtually on the same side in this issue, so I hope we do not get too far apart.

SCHEDULE

Mr. DOLE. Mr. President, the schedule, as I have indicated, is to a certain extent up to the distinguished manager of the bill. There will be no votes on Monday, as I have previously announced. We will hopefully take up Superfund next week, we are trying to reach a time agreement on that.

I hope that we might complete action on this bill early this evening, but, again, that may not be possible. If that is not possible, I understand the managers would like to complete action tomorrow.

Mr. BYRD. In the event action is completed on this bill today, will there be a session tomorrow?

Mr. DOLE. No; if that is an incentive to Members, the answer is there would be no session tomorrow.

Mr. BYRD. I thank the distinguished majority leader.

While I have the floor, let me say, in 30 seconds, that there is no rule, there is no precedent to the effect that a motion to proceed to the consideration of a conference report cannot be made by any Member of the Senate. To the contrary, any Member of the Senate may move to proceed to the consideration of a conference report if the papers are at the desk. It would not be anything new. It was not anything new when I did it the day before yesterday. That is perfectly in order within the rules.

I yield the floor.

Mr. DECONCINI. Mr. President, let me say that this is most interesting. In my very unbiased observation and position, I certainly think the Senator from Massachusetts and the Senator from West Virginia won that debate. I urge the majority leader and the chairman of the Foreign Relations Committee to return the lost papers.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

AMENDMENT NO. 595

Mr. DECONCINI. Mr. President, I support the amendment of Senator WILSON which would establish a program to provide legal seasonal workers in the perishable crop industry. This amendment is vital to the agricultural economy of the West and the food industry and economy of the country as a whole.

I have worked over the last 4 years to ensure that whatever immigration reform legislation Congress ultimately approved, the result would not be disastrous for this Nation's growers and ranchers. Disaster for our Nation's agricultural employers would be a disaster for everyone in this Senator's judgment. The price of food would skyrocket. The quality of our foodstuffs would plummet. The millions of people involved in our food delivery system would be laid off, have their hours cut or, worse, lose their jobs altogether.

What could cause such a disaster? Before I explain, I must make a confession for many of our Nation's agricultural employers, particularly in the West. They have become completely dependent on illegal alien workers to plant, cultivate, harvest, and prepare their crops for market. I have talked to many of these honest and law-abiding people, and have held hearings on this subject in Arizona with my distinguished colleague in the House, Congressman UDALL. These growers and ranchers have not come to this dependency on illegal workers by their own choice. They are dependent on foreign workers because they have been unable to find and employ legal workers. The work is hard. The hours are long. The working days are sporadic and geographically dispersed. And yes, for many jobs the pay is low. All of these conditions, coupled with the low status of this agricultural work, has resulted in it being very difficult, if not impossible, for western growers and ranchers to hire sufficient numbers of legal workers.

When the so-called Bracero Program was in effect many years ago, there were abuses. Certainly there was a need and justification to reform that program. But we are not talking about the Bracero Program today.

The disastrous effect that this legislation could have on our agricultural system is to make unavailable this necessary pool of illegal workers—the only workers willing, able, and available to do this vital work. If the employer sanctions work, and I continue to have my doubts, agricultural employers would be heavily penalized for continuing to hire such illegal workers. We must see to it that a mechanism is available to provide replacements for the illegal workers that we—and by "we" I mean all of us in the United States who eat—have become dependent on.

In the 97th Congress in 1982, I worked with Senators SIMPSON and KENNEDY, along with the Departments of Justice, Agriculture, and Labor, to fashion changes in the existing H-2 visa program to make it workable for western growers and ranchers. I believe we succeeded in those efforts to streamline and remodel the temporary foreign worker program so that it can be used by those with a steady, reliable, and long-term need for those workers.

In 1983, I was successful in amending the immigration bill to include a transition program for agriculture. This program acknowledged the trauma to agriculture that would result from the sudden denial of illegal alien workers to an industry which had become dependent on them. This program would allow agricultural employers to phase out their use of illegal workers over a period of 3 years.

I am grateful that Senator SIMPSON has seen fit to include both of these programs, important to me, in his 1985 immigration bill, which was reported from the Senate Judiciary Committee. And I regret that I will have to oppose Senator SIMPSON on this agricultural worker amendment. He is indeed very

conscientious in his efforts to listen to all Members and attempt to accommodate them. Although we have not reached an accommodation on this one, we have on many, many other areas vital to me and my constituents, and I thank him for that. However, I believe that there is one segment of the agricultural economy whose needs have not been met by either the N visa or the transition program. That segment is the perishable crop industry.

The perishable crop industry differs from the rest of the agricultural industry in two important ways. These two differences make it impossible for employers in this segment to use the N Visa Program. First, it is impossible for growers of perishable crops to perdict more than a few days in advance when their need for workers will occur. Second, their need for workers is short and it is very intense. In this industry workers must be able to move from grower to grower as the crops ready for harvest. A program is needed to accommodate these two unique characteristics of the perishable crop industry. And of course, this program must be promulgated with proper protections for both legal resident and American workers and for the workers involved in the perishable crop program. I congratulate Senator WILSON for having crafted an amendment that strikes just such a balance between the needs of perishable crop growers and the necessary protections for all workers.

Mr. President, there are three major criticisms of the perishable crop amendment. I do not believe that any of these will stand after a careful reading of the amendment. First, it is suggested that those workers employed under this program are not protected and will be vulnerable to the type of exploitation so prevalent during the infamous Bracero Program of the 1950's.

I was a young lad in those days, but I remember visiting those bracero camps and housing developments. Indeed, there were abuses that I remember clearly to this date. Those abuses cannot happen under this amendment.

It is clear that this amendment does not create a new Bracero Program or anything like it. Workers in the program will receive temporary legal status, adverse effect wage rates, workmen's compensation, housing, and all Federal and State labor standard protections. That was not the case under the Bracero Program.

Second, opponents of the amendment argue that it will take jobs away from legal resident and American workers. The amendment, however, prohibits the use of foreign workers unless growers can establish the unavailability of domestic workers. The amendment requires the systematic recruitment of domestic workers right up until the time foreign workers are hired and permitted to come in.

The third major argument presented against the amendment is that it will result in the importation of a vast horde of foreigners who will never go home. This argument does not stand scrutiny for two reasons. First, the amendment empowers the Attorney General to control the number of workers admitted under the program and to cut off all admissions if he or she sees fit. The Attorney General determines if there is a need for foreign workers and, if so, determines how many and for what period of time. Second, the amendment creates both an incentive for workers admitted under the program to go home and a penalty for them if they do not. Twenty percent of the workers' gross wages will be withheld and returned to them in their country if they satisfy the terms of their admittance. Violations of the visa, either through not being employed during its term or failure to return home upon its expiration, will result in forfeiture of the withheld wages and disqualification from the program. I believe this carrot-and-stick approach will ensure the return of those foreign workers to their home countries.

Mr. President, adoption of this amendment is vital to the West and to the entire Nation. We have allowed a situation to develop in our agricultural industry in which we cannot get along without help from citizens of other countries. I do not believe anyone likes this situation, but we have to accept it for now and create a program to allow us to live with it while we work to change it. A sudden demise of the availability of foreign workers will result in more than the loss of a few acres of crops in California. It will have a long-term effect on the availability, price, and quality of the food we all eat. I urge my colleagues to support this amendment.

I thank the Chair for its courtesies. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to join the Senator from Wyoming in recommending to the Senate of the United States that we reject the amendment of the Senator from California. I think the case has been made very well by the Senator from Wyoming about the inclusion in this legislation of the open-ended provisions of the pending amendment to permit the entry of foreign workers.

But, as he knows, there is already an expedited H-2 procedure—72 hours should emergencies occur—in the bill and I think that this is a very important concession and one which addresses one of the principal concerns of the Senator from California. The bill also provides for a transition period for those particular farms that have used the undocumented aliens for a period of some 3 years to permit an orderly transition to the provisions of the legislation. And there are other provisions in the bill which address their concerns.

Now the Senator from California comes forward with an amendment, Mr. President, that is very similar to the old Bracero Program—title V of the Agricultural Act of 1945. Yet, as bad as that program was, this particular amendment fails to provide even the basic protections that were included in the Bracero program.

Mr. President, the following table briefly outlines just a few of these protections which aren't included in the Wilson amendment, and I ask that it be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—SOME PROTECTIONS IN THE 1951 "BRACERO" STATUTE THAT ARE NOT IN WILSON AMENDMENT

1. Required negotiated arrangements between governments (U.S. & Mexico), or every U.S. effort to negotiate such.

2. U.S. government role—

a. recruiting foreign workers

b. bringing them here, including transportation, subsistence, emergency medical care

c. to assist negotiation of contracts between workers and employers

d. to guarantee employer performance of contractual wage obligations

e. *as a prerequisite to the employment of foreign workers,* to determine that U.S. workers are not available, that reasonable efforts have been made to recruit U.S. workers for the jobs, and that employment of foreign workers will not adversely affect the wages & working conditions of similarly employed U.S. workers.

3. Prohibited providing foreign workers to an employer who also employs undocumented workers knowingly or with reasonable grounds to suspect that states or who could have ascertained that by reasonable inquiry.

4. Required members of an employer association to reimburse U.S. for its costs under the program (including losses by reason of the government guarantee of employment contracts) where the association acted as employer and defaulted on these obligations.

(In contrast Wilson would relieve association members of any responsibility for their association agent's misconduct so long as the members kept themselves ignorant of it.)

Mr. KENNEDY. More importantly, Mr. President, this amendment is unprecedent in ways that were not even contemplated during the time when we were fashioning the Bracero Program. It would permit the admission of foreign workers with a license to look for work without any determination by the Government that there are in fact specific job vacancies for them to fill and without any Government determination that there is any available Americans to do the job. It weakens standards of wages and working conditions, without any Government test of U.S. worker availability, and

without any guarantee that the aliens admitted under the program will actually find any employment, or even earn enough to feed and house themselves, or pay for their transportation home.

This proposal would not only undermine the central principal of our immigration laws that U.S. citizens and permanent resident aliens should be protected from unfair competition from foreign labor, but there has been very little discussion here on the floor this afternoon about what its impact will be on American workers, on their wages and working conditions. And clearly, that is something that hopefully all of us in this body are concerned about. The fact that we have some 7.3 percent unemployment, 8 million American men and women who are unemployed today in this country, and we have a very considerable number of unemployed even in the agricultural and farm areas, yet for the first time in U.S. history we are being asked to sanction the admission of foreign nationals whose rights to reside in this country would be restricted possibly to a single geographical area.

I refer to page 12 of the Senator's amendment. "Establishment of numerical limitations by agricultural employment region." It points out here "For the purposes of the administration of the program the Attorney General"—not the Secretary of Labor or the Secretary of Agriculture—"shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions."

Then over on page 20, "a nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment * * *."

What this is saying is that the Attorney General will designate 10 geographical areas and the worker who comes in with that visa will be permitted to go to one area, or two or maybe even three. But he cannot go to any other area. The Attorney General is going to enforce it. Mr. President, that is as close to the pass laws of South Africa on their foreign workers and their own citizens alike. How is the Attorney General going to enforce it? How are they going to know just when they see an agricultural worker whether he is in the right district or the right region or the wrong region? They give the power of the Attorney General to enforce it. How is he going to do it? Well, on that visa or on that card there is going to have to be a designated area where he is allowed or otherwise he is going to be subject to the penalties under this amendment.

Well, if that is not like the pass laws of apartheid in South Africa, which requires all foreign workers to carry a permit and when they move through different geographical areas—geographical areas, and the country is divided into geographical areas—they have to on demand be able to show that pass. If they do not have that pass, they are subject to criminal penalties under their Department of Interior, virtually identical to what we see envisioned under this amendment's program.

Mr. President, there are many other objectionable provisions in this amendment the establishment of a very significant bureaucracy in consulates all over the hemisphere, to be able to refund the deductions of wages and the allocations by the employers of certain amounts of money for the purposes of ensuring that these individuals are going to return. We are going to establish new bureaucracies in consulates all over the hemisphere. And to establish the administration of this program, it says on page 24, it authorizes "such sums as may be necessary." It is open-ended authorization—open-ended authorization.

Mr. President, this amendment is 32 pages long—I wonder how many individuals in this body have had the opportunity to go through it with any degree of understanding about the implications of this particular program.

According to the Department of Labor—this administration's Department of Labor—the farm worker unemployment rate today is 13.5 percent, and nonfarm across this country is 7.5 percent. The unemployment rate in the agricultural area is double that in the other areas of our economy. It is half this amount according to the Department of Labor in the on season, but it is twice this amount—it gets up to 26 or 27 percent—in the off season.

But you still, even in the harvest season, according to the Department of Labor, unemployment among farm workers which is equal to the unemployment generally across the country today. Yet, here we are considering the amendment of the Senator from California that will effectively just open up every border of this country.

I understand, Mr. President, again according to the Department of Labor, 600,000 workers work in the perishable farm area.

Still we hear from the various growing associations that we need another 250,000, even though there is significant unemployment of Americans. And of all U.S. farms, only 3 percent of them use perishable workers, according to the Department of Agriculture, which amounts to 58,000 individual farms.

You talk about a special interest provision on major legislation. We are asked to consider this program that will affect 58,000 farms. That is virtually identical to the number of farms that used the braceros when the bracero program was active in the early part of the 1960's.

Mr. President, there is no question about what the impact will be if this amendment is accepted and adopted. The hourly wage for these workers is virtually half of what it is in the other areas of production across the country.

Have no question about it, Mr. President, that that amount, which is half of what the average worker gets outside of agriculture, and this does not include the white-collar worker, that amount is going to be going down for those people who are already living on the margin in our own society. The great percentage of those are Americans and American citizens.

The other day we heard the President of the United States talk in his radio program about the trade crisis, the trade deficit, what we are going to do about protecting American jobs.

Mr. President, the one way that you can assure that there will be tens of thousands or hundreds of thousands of Americans who will be displaced is by accepting the Wilson amendment. Make no mistake about it. This is going to be the fastest and quickest way of throwing Americans out of their jobs that we could possibly consider on the floor of the United States Senate, Mr. President.

We hear so many individuals, many of whom are cosponsors of this amendment, cry crocodile tears for the American worker, make all these speeches with regard to the problems of the trade deficit, and here they are cosponsoring this amendment which is going to have a dramatic and significant impact on the American families who work in the agriculture areas of this country.

Mr. President, I think the amendment does not deserve to be favorably considered. As I understand, the chairman of the Judiciary Committee in the House has indicated that if it is favorably considered in both Houses, there would not be a conference on this bill. They will have to make their own judgment about that. But I can say that this amendment is undermining the thrust and the purpose of this legislative effort, one that has tried to tie the sanctions with legalization.

In my opening statement, I outlined my concern about how those particular provisions have been fashioned, but we will have a chance to address that portion later in the afternoon.

Mr. President, if we want to talk about basically undermining the very effective work which has been done and which hopefully will continue to be done on this legislation in trying to address this very important national problem, this particular amendment

will undermine it in a very significant and I think a very unwise way.

Finally, Mr. President, I would like to insert into the RECORD the analysis of the impact of Senator Wilson's amendment prepared by the AFL-CIO, the Arizona Farmworkers Union, and by the major American church and voluntary agencies.

I would particularly draw the attention of my colleagues to this important point made by the AFL-CIO:

The Wilson amendment creates a labor program that would be administered by the Attorney General, with virtually no role for the Department of Labor, the agency with the knowledge and experience in this area. While Senator Wilson has made cosmetic changes from earlier drafts of his amendment, the basic fact remains that it leaves out the essential role of the Government in protecting job opportunities for American workers and decent labor standards for foreign workers. Under the Wilson amendment the Attorney General could issue visas in a number set by him to alien workers to come to this country on their own and hunt seasonal agricultural work. These workers need not have a job offer in order to obtain a visa. They would have to arrange and pay for their transportation into and within the U.S. and the costs of finding jobs. They may move from job to job for 9 months of the year, and if they are without work and stop looking for work, they are subject to deportation. In short, the amendment would ensure a huge pool of powerless persons desperate for work under any conditions.

Mr. President, I ask that these statements be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, September 12, 1985.

DEAR SENATOR KENNEDY: The AFL-CIO has stated in testimony its strong reservations about S. 1200, the Immigration Reform and Control Act of 1985 now on the Senate floor. There are four criteria that we believe any immigration reform legislation must meet: workable employer sanctions, protection against discrimination, generous legalization, and no weakening of the present protections in the temporary foreign worker program. Of these four, S. 1200 measures up on only one, sanctions.

As the Senate considers. S. 1200 the AFL-CIO particularly urges your critical attention to the provisions of the bill on the important and employment of temporary foreign workers in American agriculture.

There is currently a program, known as the H-2 program, operated through the Department of Labor, to evaluate and certify the need for temporary foreign workers in this country. The statutory provision establishing the current H-2 program states that employers are permitted to bring in foreign workers only temporarily and only if unemployed persons capable of performing the needed services or labor cannot be found in this country. These basic principles would be repealed by the provisions of S. 1200 with regard to agriculture. In addition, S. 1200 would establish a new temporary agricultural worker program with loopholes that would enable growers and their associations to evade even the few labor protections carried over from the present H-2 regulations.

This is not all. The Senate will be asked also to consider an amendment that would add a new bracero program to the above provisions and to the bill's transition program giving growers three years in which to shift from their present dependence on undocumented workers. This amendment, which will be offered by Senator Pete Wilson, would authorize an essentially unregulated flow of aliens to do seasonal agricultural work in the production of perishables, including picking, processing and packing.

The Wilson amendment creates a labor program that would be administered by the Attorney General, with virtually no role for the Department of Labor, the agency with the knowledge and experience in this area. While Senator Wilson has made cosmetic changes from earlier drafts of his amendment, the basic fact remains that it leaves out the essential role of the Government in protecting job opportunities for American workers and decent labor standards for foreign workers. Under the Wilson amendment the Attorney General could issue visas in a number set by him to alien workers to come to this country on their own and hunt seasonal agricultural work. These workers need not have a job offer in order to obtain a visa. They would have to arrange and pay for their transportation into and within the U.S. and the costs of finding jobs. They may move from job to job for nine months of the year, and if they are without work and stop looking for work, they are subject to deportation. In short, the amendment would ensure a huge pool of powerless persons desperate for work under any conditions.

We know that a large and powerful agricultural lobby is urging the adoption of this amendment. We respectfully suggest that such a lobby should not be permitted to ride roughshod over the working and living conditions of those whose voices from the fields are little heard in the halls of Congress. There are large pockets of unemployment among domestic seasonal farm workers in this country. The Wilson bracero amendment would drown those workers in a floodtide of foreign workers even more economically desperate and vulnerable than themselves.

The AFL-CIO urges you to vote against the Wilson amendment and support all efforts to maintain the protective conditions of the current H-2 program. We further urge—in order to make this bill a measure that we can endorse—that you support amendments prohibiting discrimination based on national origin or alien status and establishing the most generous practical legalization program.

Sincerely,

RAY DENISON, *Director,*
Department of Legislation.

NATIONAL OFFICE,
MIGRATION AND REFUGEE SERVICES,
Washington, DC, September 12, 1985.

DEAR SENATOR: We are writing in reference to S. 1200, the Immigration Reform and Control Act of 1985. Our respective organizations have differing views on the utility of S. 1200; however, we are united in our opposition to the "guest worker" provisions of the bill as introduced. We are vehemently opposed to the "perishable crop" amendment that Senator Pete Wilson (R-CA) will introduce.

The Select Commission on Immigration and Refugee Policy rejected any expansion of temporary worker programs until the effects of employer sanctions and legalization could be assessed. No evidence presented to date can justify rejection of the Select Commission's widely supported judgment.

The temporary worker proposals of S. 1200 are fundamentally flawed in several key respects:

(1) S. 1200 uses the precise language of the old "bracero" program to eliminate the requirement in current law for the recruitment of domestic workers.

(2) S. 1200 would cause substantial displacement of the domestic agricultural workforce through admission of between 300,000 to 500,000 temporary workers annually. This would be done at a time when unemployment among farmworkers is particularly acute. For example, in California and Texas, unemployment among farmworkers stands at over 20%.

(3) S. 1200 eliminates or weakens most worker protections under current law (i.e., housing, labor standards, etc.) thus inviting exploitation of workers. Past abuses of "H-2" workers suggests that more, not fewer, protections are needed.

These proposals for an expanded temporary worker program go much too far toward a policy of permanent dependence on imported labor. Ironically, the overwhelming evidence from past experience is that "temporary worker" policies stimulate and facilitate illegal migration. These proposals are inconsistent with the fundamental purpose of S. 1200.

The adoption of the Wilson amendment would intensify the contradictions inherent in the guestworker provisions of S. 1200. At a time of public concern over undocumented migration and high unemployment among domestic farmerworkers, it is unconscionable for the Senate to consider proposals which can only remind us of the "harvest of shame" this country witnessed during the days of the "bracero" program.

We trust that you will reject the Wilson proposal and any purported compromise which seeks to expand the temporary worker program beyond the limits of current law.

Thank you for your consideration of these issues.

Sincerely,

United States Catholic Conference, American Civil Liberties Union, National Council of La Raza, Church World Service/National Council of Churches, League of United Latin American Citizens, Mexican American Legal Defense and Educational Fund, HIAS, Lutheran Refugee and Immigration Service, Arizona Farmworkers Union, and National Conference of Black Lawyers.

ARIZONA FARMWORKERS UNION,
El Mirage, AZ.

ANALYSIS OF S. 1200 AND WILSON AMENDMENT AND RESPONSES TO GROWER ARGUMENTS

S. 1200 has three major provisions designed to expedite and increase the importation of foreign agricultural workers. In addition, Senator Pete Wilson (R. CA.) is sponsoring an amendment which would provide

a temporary agricultural worker program for perishable crops. These provisions establish three new temporary worker programs which will allow between an estimated 500,000 to 800,000 foreign workers annually to enter the U.S.

A. Specifically, S. 1200 would: (1) Establish a three year agricultural labor transition program which will have the effect of legalizing the existing undocumented workforce of growers by phasing out their use over three years. A grower will be allowed to retain 100% of their undocumented workforce the first year after passage, 67% the second year and 33% the third year.

Negative impact

There is no mechanism to monitor and protect against U.S. workers being displaced,

No procedures to insure that employers not inflate the number of undocumented workers,

No mechanism to monitor and insure compliance by employer with existing labor standards and wage laws,

Complete control of worker is in the hands of employer which can and has always led to severe abuse of worker rights.

(2) Establish a special agricultural worker program (N visa) within the existing H-2 worker program which:

Negative impact

Significantly reduces the requirement that growers recruit U.S. workers by not requiring minimum recruitment period,

Significantly weakens the statutory preference for hiring U.S. workers as contained in current law,

Eliminates current law requiring H-2 growers to provide employment to any qualified worker who seeks employment during first half of contract period,

Eliminates current law's requirement that free housing be provided to each worker,

Eliminates the U.S. Department of Labor (DOL) ability to suspend certification of H-2 grower during strike of U.S. workers,

(3) Establishes a series of expedited review procedures of applications requesting foreign workers:

Negative impact

Assures that any denial of H-2 certification will be subject to multiple avenues of challenge,

Despite the amount of foreign workers being requested and the variation in crops, DOL is required to resolve appeals no later than 72 hours,

Grants authority to US Attorney General to review denials by DOL not later than 72 hours after requested,

Establishes a legal presumption that grower applications will be considered acceptable unless DOL identifies deficiencies within 14 days. This is granting certification by default.

ESTIMATED ANNUAL FOREIGN WORKFORCE UNDER S. 1200

According to testimony by noted economist David North, an estimated 10% of the total undocumented population is employed in the agricultural industry. The recently published report by the National Academy of Sciences concluded that while no range can be soundly defended, "a population of 1.5 million to 3.5 million illegal aliens in 1980 appears reasonably consistent with most studies." Using the figure of 3.5 million to undocumented in the U.S., ten percent or 350,000 are employed in agriculture. Accordingly, 625,000 temporary workers would participate in the transitional program over three years.

In addition to this program, the special "N visa" program and the expedited review procedures would allow based on estimates growers have over the last few years some 300,000 temporary workers annually.

These two programs combined over a three year period would allow an estimated 500,000 temporary workers annually to enter the US and work in agriculture.

(II) Wilson Temporary Worker Program for Perishable Crops:

This temporary agricultural worker program is intended to provide a free flowing supply of un-regulated foreign temporary workers to the agricultural industry. Despite the fact that provision in S. 1200 virtually repeal all current law, growers from California insist that these provisions are burdensome and impractical for their use.

In essence, many California growers who propose the Wilson amendment are committed to maintaining a status quo of a continued over-supply of farmworkers. Instead of hiring undocumented workers they propose to legitimize their present practices and insulate themselves from any serious review.

Specifically, the Wilson amendent would:

Omit statutory preferences for hiring U.S. workers,

Omits establishing effective recruitment requirements of U.S. workers,

Establish a legal presumption that grower applications will be considered acceptable unless the U.S. Attorney General prove otherwise. In the event the A.G. is unable to process all certifications before harvest time, growers will be presumed to have complied with program terms.

Establish all substantive powers with the A.G. while giving limited responsibilities to the U.S. Department of Labor (DOL)

Provide no real penalties nor debarment of growers violating labor laws, working conditions, provisions of bill.

Elevate violation standard to "Substantively violating." This will have the practical effect of never finding any violations. In the case of violations, disqualifications from programs may not be denied more than 1 year.

Combined temporary work force resulting from S. 1200 and Wilson amendment:

We have previously estimated that some 500,000 to 600,000 workers would be allowed to be imported under the three year labor transitional program and the newly constituted expedited procedures of the H-2 Program-N visa. Proponents of the Wilson Amendment represented to various Senators that they would be willing to accept a cap of 350,000 temporary agricultural workers annually for perishable crops annually. The combined total of all three temporary agricultural worker programs would be approximately 800,000 foreign workers a year for three years and approximately 500,000 to 600,000 there after.

These estimates would more than double the existing estimates of 10 percent of the total undocumented workers in the U.S. of 3.5 million which are said to work in the agricultural industry. This is being proposed at a time when unemployment amongst U.S. Farmworkers has been over 20% for the last three years.

FACTS ABOUT GROWER MYTHS

The following information is based on a study California's Farmworkers conducted by the University of California (UC) and the California State Employment Development Department (EDD). It provides important facts on the farmworker population of California. Most importantly, these facts are from the state whose growers have been the major proponents of cheap temporary worker programs.

Myth—Growers fear that a legalization/Amnesty program would phase out their undocumented workforce who would choose to leave farmwork for urban jobs.

Fact—"According to the VC-EDD survey, more farm workers have contacts to rural employment than to city jobs in the U.S. Moreover, there appears to be little difference according to legal status. Most of the undocumented, like immigrant farmworkers as a whole, do not have urban job contacts. Survey results demonstrate clearly that workers are restrained from moving to city jobs for reasons other than their legal status. Among the undocumented only 12 percent reported that lack of legal papers was their motivation for staying in rural areas. Most cannot move to cities because they have no contacts to jobs or housing. Instead, they prefer to stay in an area where their skills are salable.

Myth—Growers contend that a dominant portion of agricultural labor force is undocumented and therefore temporary worker programs are needed.

Fact—The UC-EDD survey found that a central characteristic of California farm labor markets is the availability of a large pool of workers who individually experience long spells of unemployment. The survey found an average period of unemployment of over 20 weeks for farmworker heads of household. Corroboration of the existence of this pool is shown by comparing the demand for farmworkers with the numbers of individuals actually doing the work. For example, in the late 1970's total demand for in-field labor was approximately 128,000 workers working year-round. But in 1978 there were 298,000 farmworkers who earned more than $800 in 1978 implying the existence of a labor pool with over twice as many workers as there were available jobs.

Overall employers in California face a very stable supply of workers. Scarcities are rare for almost all crop activities.

Myth—A legalization/Amnesty program will not provide a sufficient work-force for the agricultural industry and therefore temporary worker programs are necessary.

Fact—The UC-EDD report concluded that "A generous amnesty would actually alleviate the short-run, if faced with a permanently curtailed labor supply, employers might be obliged to improve working conditions, offer year around employment, and implement technologies which lighten farm tasks. These changes could lengthen farm work careers, attract more women and domestic workers to farm work, and lessen the need for an uncontrolled influx of Mexican workers." The approximately 70 percent had resided in the U.S. for up to 10 years and would thus qualify for either House-Senate legalization program.

Wilson amendment and its false representations:

Myth—Proponents of the Wilson Amendment have emphasized that this program will not result in increasing the flows of undocumented workers and that the workers will have adequate rights and privileges. They believe that by requiring the undocumented to have 20% of their salaries kept in a fund not refundable unless they return after contract period will prove a sufficient safeguard.

Fact—The staff Report of the U.S. Commission on Immigration and Refugee Policy, the Commission which Senator Simpson and others have taken their guidance from in drafting S. 1200, indicated that all previ-

ous temporary agricultural worker programs authorized employers to hire temporary workers and to insure that INS was notified. However, because of lack of adequate enforcement many workers deserted their contracts and found higher paying jobs elsewhere. It was found that "a total 72,862 temporary workers had been admitted from 1917 to 1921, of which 21,400" deserted their employment and disappeared."

The report highlights the observations of the famous Bracero program by historian Otey Scruggs who said. "The basic weakness of the program was lack of adequate enforcement machinery. Too much reliance was placed on the good faith of the parties involved. In the case of the farmers, most of whom were haunted by the fear of labor shortage, and who had come to regard the use of Mexican labor as a natural right, an appeal to good faith plainly was chimerical." Once again we find the Wilson Amendment depending on the "good faith" of growers to insure recruitment of domestic workers and compliance with labor law and working condition standards.

Furthermore, the report found that after the first temporary worker program a dramatic increase in Mexican immigration, legal and illegal occurred, increasing from 221,915 in 1910 to 484,418 in 1920 and 890,746 in 1926.

In 1942 when the infamous Bracero program commenced it carried with it many of the same provisions and more than the Wilson Amendment is proposing. The report found that "Despite these strict guarantees, however, workers rights and privileges under the Bracero program were not generally upheld and abuses were common. Such rights were not commonly granted to domestic farmworkers and there were no enforcement mechanisms. Further illegal entry continued unabated as U.S. employers continued to hire undocumented/illegal workers to protest the terms of the Bracero Program. During the 22 year history of the program 4.5 million workers came in as Braceros, but 5 million were apprehended as illegals.

Today, while some things have changed such as farmworkers having more rights than before, sadly but true, there is no serious enforcement of these rights. While Wilson is being proposed along with sanctions it must be noted that less than 5% of all growers in California and in the U.S. are reviewed by INS agents for hiring undocumented. The hiring of the undocumented by the agricultural industry will undoubtedly continue. The Wilson Amendment makes absolutely no serious effort to insure workers' rights and insure equity. It is a grower's program as all others have been in the past.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I would like to join my colleague, Senator WILSON, in urging the Senate's acceptance of this amendment, which would establish a seasonal Agricultural Worker Program for the perishable commodity industry.

Mr. President, I have long advocated a comprehensive reform of our Nation's immigration laws. I applaud and support my colleague, Senator SIMPSON'S efforts to reform these laws. In order to establish a truly comprehensive and successful immigration policy, however, we must address the unique and legitimate needs of a substantial portion of this country's farmers. Thousands of growers involved in the production of perishable commodities would be seriously harmed by S. 1200. The H-2 Program contained in this bill is simply not flexible enough to meet the unique needs of perishable crops, which are labor-intensive and highly sensitive to changing weather conditions. This amendment would establish a Complementary Seasonal Worker Program which would be a safety valve available only to those in the perishable commodity industry.

The domestic production of perishable crops represents nearly $23 billion in value to farmers, workers, and consumers. Growers involved in the production of perishable commodities provide employment to approximately 650,000 people Nation wide. In the State of Washington, fruit farming is a half billion dollar industry which employs over 30,000 workers during the harvest season. Washington State is the Nation's leading supplier of cherries and apples, and is the Nation's second largest supplier of pears, prunes, plums, grapes, and apricots; 20 percent of Washington State's entire apple crop is exported to foreign countries, adding to our national trade effort and creating a substantial number of additional jobs.

Growers of these perishable crops in the State of Washington and throughout the Nation have traditionally relied heavily on foreign labor. We must face the reality that a large percentage of these workers are in the United States illegally and there is no guarantee that enough domestic workers will step forward to fill these jobs once illegal immigration is under control.

Unlike the larger wheat farms which use mechanical harvesters, the perishable crop industry, which is largely comprised of small family farms, is labor intensive and a large number of workers is required to harvest the crops. Fruit and vegetable harvesting is physically demanding, unpleasant work, and even at reasonably high wages, the industry has not attracted sufficient numbers of domestic workers. If the Immigration Reform and Control Act of 1985 is to establish a realistic and workable immigration policy, it must not force farmers to choose between hiring illegal workers and losing their crops. The choice should be between hiring domestic workers if available and, if not, hiring legal foreign workers in a program that meets the needs of the perishable grower and provides protections for both foreign and domestic workers.

The H-2 Worker Program included in S. 1200 is simply not usable for the thousands of farmers involved in many kinds of perishable agricultural production. The H-2 Program would still tie the worker to a particular grower, thus preventing the movement from grower to grower that is essential when perishable producers face changing climatic conditions. The H-2 Program also continues the requirement that the grower predict, weeks in advance, when and how many workers will be needed. This is unrealistic considering the harvest volatility of perishable crops.

In addition, the H-2 program's 72-hour emergency provisions intended to address the problems created by an earlier than expected need for workers, a shortage of workers, or a failure to apply for labor certification would nonetheless fail to solve those problems for several reasons. First, the emergency provisions would only be triggered when a critical need exists and the grower would have to wait in line with thousands of other growers for a decision within 72 hours by the Department of Labor as to whether a critical need exists. This decision would have to be made in 72 hours when the growers may need workers within 24 or 48 hours to save the crops.

Moreover, even if a grower did receive an approval for more workers within 72 hours, a contractural relationship would have to be established between the workers and the grower, proper visas and documentation for the workers would have to be obtained, and foreign workers would have to be recruited and brought into the United States. It is completely unrealistic to think that all of this could be done in less than a week, and growers would likely need a large number of additional workers in less than 72 hours.

In June of this year, for example, farmers in Washington State's Yakima Valley were faced with an impending rainstorm during the cherry harvest. As some of you may not know, a rainstorm at the time of a cherry harvest can split the fruit, thus devastating entire orchards. Cherry growers in the Yakima Valley had to triple their work force in a matter of hours. They were able to do so, and the crop was saved. This undoubtedly would not have been the outcome if the growers had attempted to use the H-2 Program in S. 1200. Only a seasonal agricultural worker program that allow workers to move freely from grower to grower during the harvest period can ensure the availability of an adequate work force in a timely manner if a critical need exists.

This amendment avoids the problems of the H-2 Program by admitting workers into specific growing regions thoughout the United States on a monthly basis and enabling them to move freely from grower to grower without the restriction of a contract. The lack of a contract not only would enable them to move in response to

crop emergencies but also in response to higher wages dictated by the emergency demand for workers. The workers would benefit from higher wages allowed by a free market system and the growers would benefit by being able to harvest a crop that otherwise would rot.

This approach would assure that there are pools of workers in growing regions at critical periods with the freedom to respond to changes in labor needs dictated by variable weather. Under this amendment and unlike the H-2 Program, if a rainstorm were to create an earlier-than-expected need for workers, they would already be in the region and would be free to respond to the employment needs of growers producing commodities affected by the weather.

This amendment would establish a new seasonal agricultural worker program which would meet the unique needs of the perishable commodity industry, while protecting foreign and domestic labor and ensuring that the foreign workers will return to their own countries. Specifically, this amendment would establish a new category of nonimmigrant seasonal worker who could be employed solely by qualified growers of perishable commodities for a limited period. The key feature of the program would be the ability of workers to move freely among employers following the ripening and harvesting cycles of perishable crops within a specified region.

The Attorney General would admit foreign workers in 10 agricultural regions created throughout the United States for employment in the perishable crop industry only when he determines, after consultation with the Secretaries of Labor and Agriculture, that there is an insufficient number of domestic workers to meet the needs of the producers. In making a determination as to whether any workers should be admitted, the Attorney General would be required to take into consideration the availability of domestic agricultural labor and the recruitment efforts undertaken by the Secretary of Labor to find domestic workers willing to work in this industry. The Department of Labor would appropriate $10 million annually to assist in this effort.

A seasonal worker's ability to participate in the program would be based largely upon his or her experience in the production of perishable commodities. Workers would be given visas that would, in most instances, admit them to work for a period not to exceed 9 months. Strong incentives are provided to encourage workers to return to their countries of origin by withholding 20 percent of their wages, which would be returned to them through the U.S. consulate in their country of origin upon their return and proof of compliance with terms of the visa, including the requirement of continuous employment in perishable agriculture. If workers are not continuously employed, they must leave the United States. Failure to do so within 30 days of their last verifiable employment could result in forfeiture of their withheld wages.

Unlike the old Bracero Program, this new program contains features not only to protect foreign workers but to assure that their admission does not adversely affect the wages and working conditions of domestic workers. Foreign workers would be entitled to workmen's compensation and housing, and they would receive the adverse effect wage that could not fall below the minimum wage. The program includes various monitoring provisions, as well as civil and other penalties for violation of its terms by employers.

Growers who participate in the program would be required to make a good-faith effort to recruit domestic workers until the day foreign workers begin working. Growers participating in the program in the prior 12 months would be required to provide a summary of their past recruitment efforts. Participating growers would pay a users fee that would be more than adequate to cover administration costs, and they would be required to assist the Attorney General in tracking and monitoring the movements of workers admitted under the program by notifying the Attorney General within 72 hours of hiring or terminating the employment of any seasonal worker under the program.

Frankly, the same number of workers will be needed no matter what we do. If domestic workers are not available and the new seasonal agricultural worker program is not enacted, H-2 workers will be brought in. If, as I believe, H-2 is not workable in the perishable commodity industry because of its time and mobility constraints, the danger is that, in order to stay in business, farmers will resort to the present practice of hiring illegal workers—precisely the problem we are trying to avoid.

Mr. President, what we wish to do is change a present system which has the United States filled with illegal workers. We can only do that and preserve an important part of our economy if we recognize their special needs and take men and women who are now working illegally and give them an opportunity to work legally.

This amendment is in the best interests of consumers, domestic workers, and the foreign workers themselves. In my view, this amendment is consistent with the goals of the Immigration Reform and Control Act of 1985. It will help ensure that the thousands of farmers who are involved in the multibillion dollar perishable commodity industry are not forced out of business. I urge my colleagues to give this amendment their full support.

Mr. SIMON. Mr. President, I shall be very brief. I want to join the distinguished chairman of the subcommittee [Mr. SIMPSON] in opposition to this amendment. Many of the points have been made by him and by Senator KENNEDY. Let me just point out two other flaws that I believe exist in this amendment.

No. 1, which department of the Federal Government has the knowledge of labor supply, when we have needs and when we do not have needs? It is fairly obvious that department is the Department of Labor. Which department is going to make the determination here? Not the Department of Labor; the Department of Justice. It seems to me that is a pretty basic flaw. But there is another item.

If you look to pages 7 and 8 of the Wilson amendment—and I have great respect for the Senator from California and his intent—there is a provision that I do not know of any parallel to. Maybe there are parallels somewhere in the Federal statutes, but I know of none in the Federal statutes nor in the statutes of Illinois. It says either the individual employer or an association of employers may apply for the permit to bring in workers. Then it says, if you turn to page 8, "member's violation does not necessarily disqualify association or other members." and the other way around: The "association's violation does not necessarily disqualify members."

So what we have is an open invitation. Everybody gets a double shot at breaking the law, opening this door wider than it is already widened here.

Clearly, Mr. President, we should not be moving in that direction. I hope the Wilson amendment is rejected.

Let me add just one other thing: The Senator from Wyoming said to me the other day, asked me if there were any chance I was going to be voting for this. I responded there was a possibility—not a probability, but a possibility. But if the Wilson amendment is adopted, there is no way many of us could vote for this legislation. This just opens the door wide to every possible abuse. I do not think it is the direction we ought to go in. I hope we have the good sense to resist the pressure from these growers.

I understand the economic realities—at least, I understand them a little bit. But we do not want to be moving in this direction. I hope we will reject the amendment.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Idaho.

Mr. SYMMS. Mr. President, first, I thank the Senator from California for offering the amendment, and I am pleased to share in the cosponsorship with him of this effort. Also, I compli-

ment the distinguished Senator from Washington for what I think is a very accurate presentation of what the picture is with respect to the necessity for this amendment in the fresh fruit and vegetable industry in the Pacific Northwest specifically.

The Senator from Washington made very clear the workability of the H-2 Program. I think it is interesting, to add to what he said, that the sweet cherry crop in Washington, Oregon, and Idaho was harvested prior to the 4th of July this year. That is the first time in some 25 or 30 years. It was an extraordinarily early year. If you had peach, pear, and prune pickers lined up to work in 3 or 4 weeks after the cherries had come off, which is normal, about 3 weeks after that, these small farmers would have had workers lined up under the H-2 Program to finish the harvest and they would have found out, because of the extraordinarily cold weather after the 4th of July, that everything got delayed by 2 weeks.

I hope that Senators will heed very carefully the thoughtful remarks of the senior Senator from Washington, because I think they were right on target. He said very accurately that this amendment is absolutely essential if this bill becomes law and is to be a workable law and achieve the noble goals that some of our colleagues wish to achieve in their quest for immigration reform. It is a humanitarian amendment.

I have heard some comments by the distinguished Senator from Massachusetts and others which imply that this amendment will not be good for the workers. It is totally the opposite. Without this amendment we are ignoring what is going on in the real world where perishable crops are being harvested.

I think we should not do that. There is a legal guest worker program in effect today. It is good for the workers. It is good for the consumers. It is good for those nationals from Mexico who have a much lower standard of living. They take their money. They go home. They spend it directly on their families. There is no interference. It is probably the most efficient foreign aid program the United States has in effect today.

The amendment of the Senator from California provides assurances that these people will be properly treated, so that they will be paid in a proper fashion, housed in a proper fashion, transported in a proper fashion, and have normal protections as fellow human beings. I might add that in most cases these people are nationals of our neighboring nation of Mexico. They are fellow Americans in that respect. They are fellow North Americans. I believe, from a humanitarian aspect, what the Senator is trying to do is absolutely right.

I wish to begin my remarks also by thanking my distinguished colleague and friend, Senator SIMPSON, for his efforts to address this problem. I know the Senator from Wyoming very sincerely listened to the concerns of the fruit and vegetable growers and he has taken some steps toward trying to meet them. I recognize and appreciate the chairman's efforts to modify the H-2 Program, but I think we have to say, as Senator GORTON did earlier, that the modifications incorporated in S. 1200 fall far short of the mark in our efforts to meet the needs of the perishable crop growers.

Under the provisions of S. 1200, the present certification period—and I hope my colleagues who are not familiar with the produce industry will listen carefully to this—that is, the time that must expire between the grower's application for foreign laborers and the day on which those laborers begin working, is reduced from 80 days to 65 days. Also, a 72-hour emergency application procedure is proposed. Seventy-two hours, I say to my colleagues, is 3 days. In terms of the Washington State cherry harvest which took place this year, during 3 days they harvested about 40 percent of their crop by doubling the numbers of workers.

Now, those committee modifications will enhance the ability of the farmers who participate in the H-2 Program to anticipate the harvest date and the labor needs when they apply for foreign laborers. However, they will have to guess 65 days in advance of when their crop will be ready. And as I already mentioned, this year in the Pacific Northwest started out as a very early year, the earliest year that I can remember for the harvest of strawberries, sweet cherries, and apricots. Then, all of a sudden, a cold snap came and everything was delayed. Now it is a little later than average. I think those are the real problems which make the H-2 Program unworkable.

The perishable crop producers are absolutely not able to forecast the weather and crop conditions with the kind of accuracy to work through the bureaucracy and actually have workers there when needed. Recognizing the special needs of these farmers who must harvest their fruits and vegetables in a matter of days or face disastrous losses, the distinguished Senator from Wyoming has added a 72-hour emergency provision to this bill. I know he is trying hard to meet the needs of the produce growers with this provision, but it just simply is not enough. Under this bill the emergency provision would be triggered when a "critical need" exists. That is what it says, critical need. A grower who has a critical need would have to wait 72 hours for the Department of Labor to make the same decision. Then additional visas must be issued and foreign workers must be located and recruited under the Department of Labor contractual agreement.

Now, the Senator from Washington mentioned the sweet cherry crop splitting when it rains. You simply cannot wait 3 days to harvest a cherry crop if there is an impending rainstorm because it would totally decimate the value and the usability of that crop. If they wait for the Department to get the paperwork together and the crop is destroyed then where would that leave the workers?

What I am saying, Mr. President, is that the time spent by producers of perishable crops applying for emergency help is time they simply cannot afford if the crop is to be saved. If a heat wave hits southern Idaho, produce growers must expand their work force up to 5 or 10 times the normal level and the workers will have to be available in a day or two, otherwise the crop will be ruined by the extreme heat. All of these difficulties are in addition to the problems that the Department of Labor will face when hundreds or even thousands of farmers are clammering for emergency visas because the weather has suddenly changed.

The Department of Labor has a very difficult time processing the applications under the current H-2 Program under which less than 20,000 foreign workers are allowed to enter annually. It is working fairly well in some areas, in sheepherding and others, where it can be predicted somewhat in advance that the sheep will be moved, and so forth, and also it is a much lower labor intense type of work so there are not as many workers involved. But as I said, the Department of Labor is currently having a difficult time processing those applications under the current H-2 Program with less than 20,000 foreign workers being annually employed under that program. So one can imagine what the problems would be if we tried to expand that program many times over to take care of perishable commodities. Also the H-2 proposal in this bill does not allow a grower to postpone the arrival time of workers if cold weather delays a harvest period. As a result, the workers would arrive early and they must be paid, housed, and fed even though they are not working. With the farm economy what it is today, we simply cannot afford that. I doubt that there are farmers in the Nation who can afford an inefficient contractual agreement of this sort. Most of these growers are very small family farm operators in my State and in the Pacific Northwest in general and they would be unable to operate under those terms.

Mr. President, for those reasons I think Congress must adopt the Wilson amendment, which will be an alterna-

tive that will supplement the H-2 Program and ensure a stable supply of workers for the Nation's perishable crop industry.

Under our amendment, temporary workers will be subject to approval and control by the Attorney General with strong incentives for them to return to their country of origin. The amendment has been very carefully drafted and includes the following provisions: The Attorney General will be able to determine the number of workers to be admitted based on the demonstrated need and availability of domestic workers. I think it is very important for the program to have the flexibility to see how many workers are really going to be needed. No. 2, the guest workers would be given visas to work only in perishable commodities for a period of no longer than 9 months. The distinguished Senator from California has even limited the scope of that. The growers would be required to notify the Attorney General within 72 hours after hiring an individual and again within 72 hours after the individual leaves the employer's service.

Growers would be required to withhold 20 percent of the employee's wages to be escrowed in an account at the U.S. consulate in the employee's home country. Workers will collect this money upon their return and after showing proof of compliance with the terms of the visa. The 20 percent would be forfeited if they did not return or could not show they had been continuously employed.

Also, Mr. President, farmers participating in this program would have to:

Make a good faith effort to recruit domestic workers;

Provide wages and working conditions comparable to those given domestic workers;

Provide housing or a housing allowance to foreign workers and

Provide workmen's compensation or its equivalent to guest workers.

This program will make possible the mobility of workers that is essential to the perishable crop industry. It does not require the contractual arrangements that are part of the H-2 Program and which make that program unworkable for growers who depend on a labor force that can move quickly from one farm to another. Yet, this guest worker program provides the control necessary to monitor the movements of foreign workers while they remain in this country.

Mr. President, our labor and immigration policies should be designed to ensure that a dependable labor force will be available to harvest the Nation's agricultural products. This amendment will help us achieve that goal, and I urge my colleagues to support it.

Mr. President, our labor and immigration policy should be designed to ensure that people will be available to harvest the Nation's agricultural products, and I urge my colleagues to support it.

I say again that out there in the real world, where the produce is being harvested, there is an illegal guest worker program in place right now. It is happening whether we like to think about it in the Senate or not. That is what is going on. We should keep that in mind when we pass legislation that calls for immigration reform, in view of what is happening in Central America, where we have more and more people voting with their feet to escape places like Nicaragua and the turmoil that is on the burner of Castro and Daniel Ortega and others, and what their plans are for Mexico. I think the question of immigration reform is bigger than just passing this legislation.

Specifically, without this amendment, this legislation simply will not do what the authors intend it to do. It will not give us reform. The same situation that exists today will exist next year and the year after and the year after that, unless the American people simply do not want fresh fruits and vegetables. If they want all canned produce that is grown offshore and shipped into the country, that is what will happen. I do not think that is what the American people want.

I can say from personal experience, from seeing this, that the guest workers in this country today, in the Pacific Northwest, are making the same wages as the domestic workers who are working there. In most cases, it is twice and often much more than twice the minimum wage.

So the question is not wages. The question is practicability, the viability of having the workers there, and the flexibility to hire people who want the jobs.

All these people in the guest worker program want, is an opportunity to earn an honest living, doing a job that American citizens choose not to do.

I have had countless growers in my State tell me that they have a standing order at the employment office for workers to harvest perishable crops, and they hardly get anyone hired. They have a standing order for several workers. I have had hundreds of farmers tell me that, and I know it to be the truth. They never can hire domestic workers.

This is absolutely important. This is a very important amendment to those of us in the West. I say to my colleagues that this amendment is going to be the best possible solution to a very difficult problem. Without it, the same abuses that many of my colleagues talk about will occur. They are only in a very small area. On occasion, somebody is exploited.

If we leave this amendment out of this legislation, the things people talk about, the exploitation of Mexican nationals and other things, will still take place. The Senator from Washington said it better than I, and he stated what is going on all across Arizona, California and other areas—a situation that still exists. Some of us have been in the fields and have seen the produce operation in action.

I hope my colleagues will take heed, and I urge the support of this amendment.

Mr. GRAMM. Mr. President, I am happy to associate myself with the Senator from California and others who have spoken on behalf of this measure.

There is no sense in my repeating the same points that have been made over and over as to what the Wilson amendment is and is not. But there is one point I should like to address, and I will do it quickly.

Those who oppose this amendment want to debate the issue of foreign nationals working in this country. It is clear, however, that the bill itself recognizes that under some set of circumstances, it is going to be necessary in agriculture to allow foreign nationals into the country, under a certain set of conditions, to engage in the production of agricultural products. That is what the H-2 section is about.

So the debate here is not about the world we hope will exist, a world in which there are Americans eager to take every job, in which we produce goods and services at the price we can afford to pay, given the vagaries of nature, without any kind of guest worker program. The proponents of this bill have already conceded that that is not the case.

The question here is whether or not the H-2 Program can work, whether or not we need an additional provision in the bill—in this case, the provision provided by the Senator from California.

In my State, we produce about $200 million worth of products that, No. 1, are perishable and that, No. 2, are highly dependent on labor for its production—everything ranging from onions to jalapeno peppers.

Mr. President, we do not have an onion set-aside program. We pay no one not to produce jalapeno peppers. If we need labor to come in and harvest a crop and the labor is not there, the farmer who has invested his or her life's worth is going to lose it.

The H-2 Program is not used to any significant extent in my State because it is unworkable. It is simply not flexible enough to meet our needs. Maybe it would be great if we did not have needs, but we are not debating that. Even the authors of the bill recognize and concede that point.

I am a cosponsor of the Wilson amendment because I think it gives greater flexibility, because I think it will come closer to meeting the needs

of my State, and because we are entering an uncharted area in agricultural production.

We do not know what the passage of the Simpson bill will do in terms of economics. I think it is vitally important in this era of uncertainty that we have a safety valve that will protect perishable products, which are labor intensive, under what I believe to be a very stringent set of circumstances aimed at protecting domestic labor, aimed at granting status to those who come into the country to work on our farms and our fields, to protect them in terms of housing, health care, wages, and working conditions.

I think that this safety valve is vitally important.

I hope the Wilson amendment will be adopted. I intend to vote for it. I urge my colleagues to do so.

I believe that if this bill is adopted without the Wilson amendment, it will impose great hardship on American agriculture, especially perishable products, and that we will be back here next year or the next year voting on a provision very similar to the Wilson amendment, only the fellow who planted the onions this year or the peppers or the cauliflower may not be in business. So my view is in entering this unchartered area with new labor laws, in trying to eliminate the massive employment of illegal aliens to stop the flow of illegal aliens into the country, I believe we need this safety valve and I am for it and I am going to vote for it, and I urge my colleagues to do the same.

The PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Mr. President, I rise in support of the Wilson amendment to the Immigration Reform and Control Act of 1985. I really do admire the work that Senator SIMPSON has done on this difficult and complex issue. Not just this year but in the past.

It certainly is an area that has needed national attention, and I commend the Senator for his persistence and hard work in developing a solution. However, because of the specific needs of growers of perishable agricultural commodities an alternative must be allowed and therefore I am in support of Senator WILSON's amendment to S. 1200.

Although the H-2 program and proposed improvements to it in S. 1200 may work well for certain types of agriculture, it is not well suited to meet the needs of thousands of farmers involved in many kinds of perishable agricultural production. The improvements included in the S. 1200 may substantially benefit those who can use an H-2 program. They fail to address, however, the basic objections of those who feel that an H-2 program can not meet the needs of perishable agriculture even with a 72 hour emergency application procedure, a provision allowing the workers to "briefly" roam after the expiration of their initial contract, and reduction of the precertification period from 80 days to 65 days. These provisions are inadequate for a number of reasons.

First, because of the vagaries of weather, perishable growers cannot predict with certainty when they will need to harvest and how many workers will be needed. The H-2 Program is too inflexible to assure that enough workers can be provided on a timely basis in an emergency due to a change in weather.

Second, under the H-2 Program S. 1200 is insufficient to handle the needs of perishable commodities. Perishable crops are extremely sensitive to weather conditions. It is impossible to pin down the exact time a perishable crop will be ready for harvesting.

For example, in Idaho alone such perishable commodities as apples, peaches, prunes, plums, and sweet cherries accounted for $31,366,000 in trade in 1983. This figure excludes potatoes and onions which together accounted for an additional $347,000,000. It is impossible for the growers of these products to predict 65 to 80 days in advance when their crops will be ready for harvest. Harvest time is determined by the amount of moisture received and the heat of the summer. These crops must be picked and packed within a short period of time otherwise they will be lost at considerable cost to the producers. These growers must have help, almost always on short notice, or they will lose their crops.

On a national scale, the perishable crop industry is also very substantial. Current production is valued at nearly $23 billion. This industry is also obviously important to the consumers in America who have become accustomed to high quality fresh fruits and vegetables on a year-round basis at a reasonable price.

If S. 1200 is effective in reducing the number of undocumented workers in this country, those involved in the perishable crop industry face a choice: they can hire domestic workers if they are available and qualified; however, if they are not, they have to decide between hiring illegal undocumented workers or losing their crop. They would choose the first option at the risk of facing civil or criminal penalties for violating the law. A well constructed immigration reform package should not force a choice between hiring illegals or losing a crop.

I believe the real choice should be between hiring domestic workers if available and, if not, hiring legalized foreign workers in a program that provides safeguards by providing protections that are not available to undocumented workers today.

My colleague's amendment would ensure that a sufficient supply of seasonal workers could be provided in a timely manner in the event of domestic worker shortages. It will protect the rights of both domestic and foreign workers, provide decent wages and working conditions and guarantee that workers return to their countries of origin upon the expiration of their temporary visa. I might also add that the administrative costs of the program will be borne by participating growers through a user fee required by the amendment and not by the American taxpayer.

In simple terms, the amendment simply assures that any immigration reform proposal containing employer sanctions will not confront thousands of small family farms in this country with the option of either going out of business due to a lack of an available workforce or facing heavy civil and criminal penalties for failing to comply with the immigration laws. Moreover, the Wilson amendment will also provide protections to the workers and ensure regular supplies of perishable commodities to American consumers.

I urge the support of my colleagues on this amendment.

Mr. President, allow me to rephrase and restate just one very simple fact of life: A farmer who has brought his crop to the point of harvest does not face just the loss of income that might be a temporary loss for a short period of time, if he cannot harvest that crop when it is ready, he loses the whole year's income.

There has been much rhetoric in this Chamber over the last several months about the plight of the American farmer and his need for additional credit to tide him over periods of time such as the one we are experiencing in the country today. What is being suggested in this legislation is that we expose that self-same farmer to the dilemma of losing his farm for the lack of income created by the shortage of workers or take the risk of civil and criminal penalties. Do you really want a farmer to face that choice? Do you really want to put him in the box of deciding whether or not to violate the law or lose his farm?

I think there has to be a better answer. I think the distinguished Senator from California and the amendment that he has offered has found that answer. I do urge its support.

I yield the floor.

Mr. SIMPSON. Mr. President, it has been a thoughtful debate. I think we are nearly ready to conclude. I think Senator WILSON would indicate, too, that we are about ready to proceed here.

Regretfully, and yet with clarity, at the conclusion of the Senator's remarks or anyone else who wishes to speak, I will move to table the amendment when it is perfectly apparent

that everyone has finished their debate. Certainly not until then. But I will do that.

Let me just say two things with regard to what we have done here in S. 1200. I remember the debate and it is good to hear Senator McCLURE, Senator SYMMS, and Senator WILSON. All of us have been in this debate and in the former two versions of this bill.

Mr. SYMMS. In fact, it has been much less vigorous today than it was the last time we were engaged in that, I say to my dear friend.

Mr. SIMPSON. Mr. President, I can tell you that it has been much less vigorous. In fact, we were using pictures, as I was describing the scene, taken two blocks from the Capitol where they apprehended several illegal, undocumented workers.

Senator SYMMS, from Idaho, was in spirited discussion on that with me. I remember it very well.

But I think the issue is that we did a lot. I think that even those who speak today will know that we did an awful lot between what we had in the first bill and the second bill and what's in S. 1200. S. 1200 is a distillation of the conference committee activity and a refinement of the so-called Panetta-Morrison amendment with oak leaf clusters, if you would refer to an old military phrase.

So, it thinned out. It took some of the sting out of it. Yet it surprised the House when the Panetta-Morrison amendment passed by 58 votes—a startling vote to the proponents and the opponents of immigration reform.

But I just would review once again for you, just so the record is clear and those who are listening know, that we have provided in S. 1200 many expedited procedures for growers—not just western growers but any perishable growers in the United States. When labor certification is denied—and that happens so often and is so frustrating for all of us in the West—when labor certification is denied for workers needed in "perishable commodities," it will trigger the expedited process.

Mr. SYMMS. Will the Senator yield for a question?

Mr. SIMPSON. Yes.

Mr. SYMMS. Does not the administration support this amendment?

Mr. SIMPSON. The Wilson amendment?

Mr. SYMMS. Yes.

Mr. SIMPSON. The administration, I must say we have conflicting signals. We have the Secretary of Labor, the Secretary of Agriculture—I eventually always have to go see the President of the United States and say to him, "Are you still on board?" And he says, "Yes." But I have had the eternal struggle with this administration from the beginning and have never ever gone through immigration reform on the basis that the administration was for this or for that. In many cases, simply if I had not had William French Smith and Attorney General Meese and GEORGE BUSH and the President, I would never know where I had been with the administration on immigration reform. It is beyond my ken. I am unable to track that.

Mr. SYMMS. They do support the amendment, though?

Mr. SIMPSON. Well, I do not support it.

Mr. SYMMS. You do not, but the administration does.

Mr. SIMPSON. Some parts of the administration do, some do not. It is that kind of a curious situation.

Mr. McCLURE. If the Senator will yield, the distinguished Senator from Wyoming has before him a statement of administration policy, which does very explicitly support the Wilson amendment. If he does not want to refer to that in this debate, I hope he will not refer to the last paragraph when we get around to another amendment in which the administration supports his position.

Mr. SIMPSON. Mr. President, so that we do clear the air—and we eventually get that done in this place—I have before me a September 12, 1985, memorandum on the Immigration Reform and Control Act.

The administration supports the enactment of S. 1200 with the adoption of the amendments to establish a self-financed, limited seasonal worker program which will provide field harvest labor for perishable commodities.

That is in the bill. That is S. 1200. That is what it is. It had administration support, the very much scaled down seasonal worker program. Then it goes on to describe that the MSPA, that is the Migrant and Seasonal Agricultural Worker Protection Act, would have to apply. And it does not. Right now, in the proposal presented by Senator WILSON, this does not apply. The MSPA regs have to apply, according to this administration memorandum. And this amendment does not comply with that. So I guess I can tell you that part of it.

We—in S. 1200—are also saying when U.S. workers show up for work but are not able, willing, and qualified, the expedited procedures go into place.

Also, when U.S. workers fail to show up as promised, the expedited procedures go into place. And when a grower faces a critical need for workers due to unforeseen circumstances—and I express to you that would be an unexpected change in the weather occurring within 3 days of need—that would trigger an expedited procedure.

Under those circumstances, the Government agency involved—and that would be either the Department of Labor or the Attorney General, depending upon the situation—must then respond within 72 hours. That is what S. 1200 provides.

So, I did want to share that with you. And then just say, and I think I can conclude—and I direct the remarks to those thoughtful persons on the other side of the debate—we have found in our travels of 6 years that many of the growers from the West do not understand or they misunderstand intentionally the H-2 Program. They do not want to take the time to use it or they have had some friend that tried it and it did not work and they got hammered or they got tired of dealing with the Labor Department. And that is true. I know that happened.

However, we speak of the experiences in the West, where the H-2 Program, as I say, has never been tried. But even in Idaho—and I cite to my two colleagues, and they know it much better than I—there is a movement now in Idaho to form an association of growers to apply for the current H-2 Program. Apparently over 100 growers have expressed an interest in Idaho with over I believe 1,200 job opportunities involved.

Now, that effort right now I believe is limited to irrigation. But with S. 1200 and its improved H-2 Program I think we can certainly move on to harvesting and other critical labor.

I hear Senator SYMMS' remarks clearly when he asks how can the Labor Department, which has difficulty in processing 20,000 applications—and that is all we use in H-2 now—how will they be able to handle the hundreds of thousands of new applications? I hope the phrase "hundreds of thousands" does not reverberate through here because that is what terrorizes organized labor; that is what frightens people who talk about an expanded guest worker program. If there were some cap we might reach, that could be dispelled. I do not think any of us want a million guest workers or 2 million.

Mr. SYMMS. Will the Senator yield for a comment and a question on that?

Mr. SIMPSON. Yes.

Mr. SYMMS. The point I am trying to get at is that the undocumented workers in the country number, depending on whose figures you listen to, anywhere from 5 million to 15 million. A very small percentage of them—the Senator has said himself, and I believe we all agree—actually work in American agriculture. The threat to organized labor and industrial jobs and manufacturing jobs, the fear you always hear from organized labor does not take place with respect to the perishable commodities in the Wilson amendment.

I believe the Wilson amendment would make what the Senator from Wyoming is trying to do more workable. If you get that one section taken care of so that it is, so to speak, out of the closet, then the segments of indus-

try where illegal immigration is really a problem will come to the surface where people can see it. It will be easier to isolate the problem.

I said this in the debate the last time. If you go into most any restaurant in the major metropolitan area of Washington, DC, and go back in the kitchen and pull your Senate card out and yell, "Immigration," probably half of the people working in the restaurant are going to run for the door. I think we are being unrealistic here.

To put the farmers in the situation, as Senator McCLURE has pointed out, where they have to make a choice of losing their farms or hiring people who are available to work is unacceptable. These folks are here because they are seeking honest employment to raise their families. Why not get it up on the surface, as Senator WILSON is suggesting, so that they can have a decent place to stay, so they do not have to hide and run from the law?

I just think it is a much more humane way to go about the problem. I hope the Senator will not oppose it with too much enthusiasm. I will also cite one other point if the Senator will yield for 1 more second. We all know the problem of American agriculture, and the major problem is that grain is too cheap competing on international markets for all kinds of reasons. If we drive people out of perishable commodity production in Idaho—Senator McCLURE mentioned 10,000 cars of onions, 25,000 cars of potatoes—if those people start producing wheat because they cannot hire the workers legally, they are going to be producing a crop that they certainly can produce a lot of. On all of this ground on which they grow potatoes and onions, they will grow 125 bushels of wheat per acre.

What are they going to do with it? Are they going to stack it in the Government bins? We as taxpayers will pay for that too.

I think there is a really good argument here. I hope my colleagues do not look over the very logical argument, and I think a very reasonable argument to accept this amendment. I hope my colleague will not oppose it too vigorously because I think it will help him achieve the goals that he has worked for for so long.

I thank you for yielding. I apologize for interfering with your time.

Mr. SIMPSON. Mr. President, I enjoy debating with Senator SYMMS. He is a spirited proponent of his position. I will just say I think this should be kept in mind as we talk about the crops applied to the farmer. Let us keep in mind that 95 percent of the farm money that we are going to cough up very soon—and it will be quite a figure—goes to six basic commodities, none of which are dealt with in this particular amendment. The biggest chunk, the awesome chunk, the 95- to 97-percent chunk of farm money goes to the six basic commodities: wheat, corn, tobacco, peanuts, rice, and cotton. It does not go in any sense to the products that are here called perishable products.

Mr. SYMMS. The Senator is making my point. Why create a situation where these people who are growing perishable commodities stop growing them and start growing something in the Government program? Let us encourage them to keep growing perishable commodities and keep it out of the program so we have less to contend with here on the Senate floor.

Mr. SIMPSON. We have learned that many in America have learned not just to work the land but to work the programs. So that does happen in our country. That is why we put a 3-year transitional program together. That is part of S. 1200, to wean growers off of the illegal work force. That is why we put in expedited procedures. That is why we took care of historical ranching operations like sheep herding. That is in here. All that is in S. 1200. There is not anything that we did not address. But what we are never able to do is satisfy the perishable fruit industry. There is no way I can do that. I could accept this amendment—which I am not going to do—I am going to resist it with vigor. But even if it were accepted this bill would not be acceptable to Senator WILSON or to those who speak. Each of you have already indicated in past votes that you cannot support immigration reform. I understand that.

Mr. WILSON. Will the Senator yield?

Mr. SIMPSON. Yes.

Mr. WILSON. In the first place, I would assume that the point you are making is purely for education, but it seems to me that what we should be doing is arguing amendments on the merits of the basic amendment that is pending. I can certainly understand there is a certain amount of horse trading that goes on. But I do not think that if you listen this afternoon anyone who listened carefully thinks that everyone who is supporting this amendment is opposed to the basic bill. This is simply not the case. There are several people strongly in support of the measure of the Senator from Wyoming who are equally strong in their support of this amendment because they have recognized that good intentions are not enough; that while the rest of the bill may be drafted to deal with other subjects, it does not deal adequately with the subject of perishable commodities.

I must tell the Senator that earlier today he was gracious enough to comment on our personal relationship which is one that with him I treasure. But at the same time, he commented that it was impossible for anyone from California to support his measure. The implication was that there were pressures there that made it impossible.

Let me take a moment to share with my friend from Wyoming and anyone else who may be interested in a few rather general feelings that I have about the Senator's legislation.

He is right in trying to deal with what is a monumental set of problems. The Senator has made a magnificent effort to do so. But the effort in my judgment is flawed. There are some serious problems. I think there are problems, correctly identified by some who fear that there will be defensive discrimination on the part of small businessmen and women when as employers they are faced with the propsect of the possible hassle of Federal prosecution if they hire an illegal alien by mistake. So in order to avoid that possibility many are going to look and listen to job applicants. And if they see one who sounds or looks foreign without saying to anyone that they are doing so, they may very well seek to avoid the possibility of prosecution by opting in favor of those who look and sound as though they were U.S. citizens even though many U.S. citizens, particularly those of Hispanic ancestry, look and sound foreign but are in fact U.S. citizens entitled to all the rights and privileges of citizenship.

There are other problems with the legislation. But the basic problem has to do with the fundamental assumption that employer sanctions are somehow going to stem this massive flow of illegal immigration. I should tell my friend from Wyoming that I suspect that no one else on this floor has considered the problem of illegal immigration from quite the same vantage point as have I for many, many years before I came to this body as a citizen of San Diego County, as a resident of that county in the southwestern corner of the United States. My home was in a community that is literally on the Mexican border. It is a fact that it is the busiest international crossing in the world. That is counting the legal crossings. It is a lot busier than that because of the massive nightly illegal immigration into the United States, not just through San Diego County, but all along that very porous, 1,800-mile long, undefended border.

I was mayor of that city for 11 years. During the time that I served as mayor, it grew from 14 to the 17th most populace in the United States. Because of my concern with the growth of that city and accommodating that growth, I found myself better than half my waking scrambling engaged in the business of economic development, trying to provide the job base necessary to put this growing population to work.

If this seems a digression to you, let me illustrate its relevance. We discovered both through experience and also

through econometric studies aimed at determining what motivated migration into our community that many who could legally migrate from the Frost Belt did so even though they were reasonably assured that they would not find employment in their new home of choice because they apparently reasoned as they were standing in the cold and drear of Buffalo or Hamtramck on a winter afternoon waiting for their unemployment check that they might just as well be unemployed in the sun of San Antonio, or Phoenix or San Diego or Miami as where they were unemployed in less sanguine circumstances.

My friends, if that is true for those in that circumstance, it is true in spades for those who are unable to eke out any kind of living or who cannot very realistically see the aspirations they enjoy for their children coming to any fruition, in a nation that does not enjoy any of the benefits which the United States citizenship confers. What I am saying very simply is that I think we very likely delude ourselves, that employer sanctions even if we were to persuade every Mexican, every Salvadoran, every Jamaican, and every Haitian that they would never work in the United States—that they were guaranteed unemployment here—they would come anyway. They would come bringing their families because they seek better medical care, better education, better opportunity in what they view quite properly as a land of far greater opportunity than those from which they have come.

Unless there be time to conduct this experiment, I personally doubt that employer sanctions will make a 10 or 15 percent difference in the number of people who come. I think they will come in any case. Hope will spring eternal. They will think perhaps they can evade all the elaborate mechanisms. But they will come for the reasons I have indicated.

Perhaps we need to engage in this experiment if only to illustrate that, in fact, it is not an adequate response. Then we will have to come to grips with the hard reality of what is an adequate response.

In the meantime, it makes no sense to kill industries in this country in the name of immigration reform.

Having purged myself of those personal observations, and I assure my friend from Wyoming they are heartfelt, let me respond to things which he has said and others have said—although as I come to think of it, he yielded to me, and if he wishes to complete his statement——

Mr. SIMPSON. I would appreciate your saying things, but I believe if we can get on, I will be able to tell my colleagues whether we are going to be here tonight or whether we are going to be here tomorrow.

Mr. WILSON. I will continue with apologies to my friend from the great State of New York.

Let me get to the comments that have been made with respect to this amendment.

It has been not just suggested but stated that this amendment requires that this is an open-ended program and brings an unlimited number of seasonal workers into the United States.

That simply is not true. The fact of the matter is the Attorney General has the discretion to determine whether anyone comes, and he has within that discretion the authority to decide that no one can come. He must take into account stated objective criteria that have do to with the availability of domestic labor, that have to do with the stated need in the applications of growers, and then, after a 3-year period of administering this law on a regional and month-by-month basis, he then is required, not given discretion but directed, to set a cap in any region which will determine month by month the absolute limit of the number of seasonal workers who would be permitted into the United States for a temporary period. They are, in fact, seasonal workers.

So that statement is simply flatly false.

When he comes to make this exercise of discretion, among the criteria that he must consider are the historical usage of foreign workers in each of the growing regions; the efforts of the Secretary of Labor to recruit domestic workers to perform the work in question; basically, the availability of willing, able, and qualfied domestic workers. He is, to be certain, required to consider the grower petitions, but they are but one element in all of the objective criteria that must receive consideration.

It is he, the Attorney General and not the growers, who has the authority to determine who will come.

There is no such thing as simply getting foreign workers on demand. That is the impression that is sought to be created here, but it is simply false.

This is not an open-ended amendment. It requires the Attorney General to set the actual number of workers 3 years after its effective date.

Perhaps the most offensive thing that has been said this afternoon is that this is a bracero program. That is flatly false. I take the strongest exception to it.

I can well imagine young Al Simpson as a cub lawyer doing pro bono work for the victims of the kind of abusive exploitation that has befallen all too many braceros. But to say that this is the program which during the 1940's and 1950's subjected people to that is more than utter nonsense; it is untrue and it is unfair.

There were not, during the bracero program, any of the obligations which this amendment imposes upon employers. There were no worker protections. There was no housing for them nor any requirement for a housing allowance. Certainly, there was no workman's compensation or other insurance. Certainly, under the old bracero program, and indeed under the H-2 provisions in existing law and in S. 1200, workers are tied to a single employer.

What recourse did they have, and, indeed, what recourse do they have, if they find themselves exploited or abused by that employer?

In contrast, this amendment affords to them the opportunity to move freely in accordance with the marketplace and their own desires through one of 10 regions in the United States, which divide the United States into 10 geographic areas. They are large areas.

Before my friend from Massachusetts leaves this floor, I must say I find invidious the comparison with past law. In the first place the law, past law on South Africa applies to South Africa. Indeed, I do not understand——

Mr. KENNEDY. Will the Senator yield?

Mr. WILSON. The Senator will in a moment.

I cannot understand how specifically someone will oppose the point of view that you will allow the market to dictate free movement within an entire geographic region and still consistently support a program that ties them to a single employer. That refers to another institution called slavery.

Let us leave off demagoguery and get to the facts in the case. The facts are that without this amendment, a situation of growers of perishable commodities will be that which Senator GORTON and Senator SYMMS have so adequately described. Senator SYMMS came to me on the floor and he said, "Do they not understand that, with the situation being what it is, that the growers who wish to do right by their employees are constantly in fear as are the employees themselves that the INS will come swooping down?"

That is no way for either the employer or the employee to live. They ought to live with the certainty of a law which requires certain obligations on the part of the employers. It should guarantee workers' rights. The current situation does not do that.

Let me come to the point about the failure to actually give the H-2 Program a fair try.

The H-2 Program has been tried in the West and, indeed, has been tried across the country. Let me give you some examples, a few citations.

A large grower in Arizona using the H-2 provisions complains bitterly to me about thousands of dollars spent in

litigation with the Department of Labor on regulatory issues. His case is by no means unique. While he may be large enough to afford it, most of the people who grow perishable commodities, this special interest, so-called, are, in fact, small farmers. Their farms are less than 200 acres. They are not gigantic spreads. They cannot afford that kind of litigation.

The same thing has been the experience of California growers. Indeed, bad experiences are not limited to Arizona and California. A potato grower in Wyoming drove many miles to the nearest Labor Department office to apply for an H-2 permit. In spite of extensive efforts on his part, the Department of Labor did not act quickly and ultimately refused to approve participation in the H-2 Program, even though there were no available domestic workers. Of course, what has happened as a result of that is that quite reasonably, quite naturally, others, seeing the bitter experience of those who have tried the H-2 Program, have concluded that it is not for them.

My friend in Wyoming has sought to address what everybody has acknowledged are the shortcomings of the existing H-2 Program. He speaks of streamlining it. He has sought to reduce the time needed to predict the weather from 85 to 60 days.

This afternoon he has sought to indicate that the present provisions of the program are adequate to the needs of the growers of commodities. They are not. Last year, there were only 20,000 H-2 permits processed the entire year—20,000. They would be overwhelmed by the kind of experiences currently going on in Fresno, where the interruption of the harvest has put 60,000 people searching for other employment.

What are those people going to do when the sun shines and they are going to have to scramble to get those workers back? Are they going to say, "Oh, boy, I hope the Department of Labor can, within 3 days, respond to a need that exists right now?" The Department of Labor would be overwhelmed.

The Department has very, very limited expertise, I should tell my friend from Illinois, with respect to this very specialized subject of agricultural labor. They are not experts in it, they do not profess to be.

Let me just say this, Mr. President: 53,000 small farmers, as my friend from Massachusetts has told us, 53,000 small family farmers, in his judgment, may be a special interest. In mine, it is an industry that is deserving of at least cooperation and sympathy from its government, not well-intentioned, misguided bureaucratic requirements that virtually doom the success of the particularly precarious and risky business which they have chosen. They are entitled, I think, not just to sympathy but to regulations that work. They are willing and able to undergo all the obligations that this amendment will impose upon them.

Without this amendment, they will, in fact, be what we heard described this afternoon again and again as the situation of either breaking the law or losing the farm. That is not an acceptable choice and it cannot be made so or dignified in anything but misguided, remarkably cruel thinking by calling it essential to the passage of reform legislation.

Let me finally make a point about the reform or the passage of reform legislation. The critics of this amendment, for reasons that may or may not be relevant, have determined that they are going to dub this the killer amendment. The killer amendment passed the House of Representatives, my friend from Wyoming says, by 68 votes. That is even more than I had thought. But it was a lopsided win and far more than the handful by which the basic bill was passed. It seems to me that more than an argument can be made that without this amendment, it might not have passed the House of Representatives. But I will say that if there is anyone in the House of Representatives who says that they will not take up this legislation or they will prohibit its being considered because it contains this amendment, if they are saying that the price of their considering immigration reform legislation is to doom an entire industry of 53,000 small family farmers, then I say that is unacceptable. It is not a reason to vote against this amendment; however well-intentioned that argument, it misses by a mile.

We cannot accept it as justification for turning away from the needed attention, the needed reform in the regulations that now seek to govern—hopelessly—this industry, which deserves not just our sympathy but our realistic help.

Mr. President, this legislation is multifaceted. There will be other amendments, but I do not think there is any other amendment that goes quite so basically to the element of fairness. We have been urged this afternoon by opponents of the amendment to consider American jobs. We are all going to be considering American jobs at great length, again and again, this fall.

I am considering the American jobs that will be lost in a hemorrhage if this amendment is not adopted—jobs in packing sheds, in processing and freezing plants, in truck yards, in grocery stores, in warehouses. And we can only guess how many tens of thousands all across the country will depend on the timely harvest of blueberries in Maine or apples picked by Jamaicans in Vermont, apples in upstate New York, or grapes. It is true in Minnesota, it is true in Idaho, it is true of cherries and apples in Washington State and asparagus. It is true throughout the Southwest. It is true all over the Nation, that the small family farmers who are engaged in this risky business need our help.

They are right to ask, it; we will be wrong to deny it.

I thank the Chair.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. WILSON. Yes, Mr. President.

Mr. McCLURE. I thank the Senator for yielding. If I recall correctly, the statistics indicate that somewhere between 8 and 15 percent of all illegal aliens in the United States are employed in agriculture. But if I remember the deportation figure, the deportations of illegal aliens will exceed 1 million a year. Of that, over 900,000 are from agricultural labor. I would not suggest at all that that means a million illegal aliens have been deported, because I think many of them are the same people imported more than once. In Idaho, we figure the turnaround time is about 4 days. If they are really determined when they get back to Mexico, they are back up to Idaho within 4 days. Then it takes INS a while to locate them again. The same person may be deported more than once in a year.

But let me ask the Senator from Wyoming, am I right on those general figures of the number of illegal aliens and the number of deportations, and where do those deportations originate?

Mr. SIMPSON. Mr. President, the Senator is correct about the fact that only about 8 to 15 percent of the illegal undocumented population work in agriculture. That is correct.

With regard to what he defines as deportation, I respectfully say that of the 1 million-plus apprehensions—and there were 1 million point 2, I think, in the past year, we think we apprehend 1 out of 2 or 1 out of 3. But of those apprehensions, the great bulk—in fact, 95 percent of them go back on what is called voluntary departure. There is not a deportation that takes place.

Mr. McCLURE. I understand that a good many of them wait until the end of the season and turn themselves in so they get their way home paid by the taxpayers of the United States. That is perhaps another anomaly of the current situation. But, yes, I think a high percentage are indeed on voluntary departures.

Mr. SIMPSON. That is true and I would say that in those voluntary departures at the border, agriculture is rather heavily represented on that border, without question. But over 90 percent of the apprehensions are at the border and not internally.

Mr. McCLURE. I thank the Senator.

Mr. DENTON. Mr. President, I would first like to commend our distinguished colleague from Wyoming for

his unequalled perseverance in leading the drive for a crucial reform of our immigration laws. As usual, Senator SIMPSON's approach to the task has been a mix of logic, patience, compassion, and plain common sense.

When the effort to reform our immigration laws began approximately 10 years ago, we recognized the need to maintain control over our borders in order to ensure the social integrity of the Nation and to protect our economic stability. Now I believe that there is a more pressing problem; we must recognize our obligation to protect the security of the Nation.

Throughout the world, we are witnessing a rising tide of violence—violence directed predominantly toward the citizens and interests of the United Sates. Fortunately, we have experienced relatively little terrorist violence within our borders, but we must not grow complacent about the existence of the threat. If we continue to lose control over the flow of people across our borders, we will become a progressively easier target for internationally active terrorist organizations. Although strengthening our borders alone cannot protect us against the threat, it is an essential step toward that goal, and it is one that I hope we will undertake this year.

Mr. President, no one can seriously argue with the proposition that it is the promise of greater economic opportunity that draws the vast majority of illegal aliens into our country. As long as we maintain the current law which makes it illegal for an alien to work but legal for an employer to give that alien a job, then the flow of illegal immigration will persist.

Mr. President, despite all of the criticism that has been leveled at the effort to reform our immigration laws year after year, I believe that Senator SIMPSON's bill takes the most logical, effective approach to reducing illegal immigration by eliminating the economic magnet that draws people into our country illegally while enhancing the resources of our enforcement agencies. I am confident that this approach will return to us some semblance of control over our borders.

In an area as complex and controversial as immigration reform, it will be impossible, as Senator Simpson will attest, to satisfy every interested or affected group. Our goal, of course, is to enact a bill that will be effective while causing as little unnecessary hardship as possible. The bill attempts to do that by recognizing the reality that the population of illegal aliens within our society has, to a large extent, become a significant factor, both socially and economically.

In that regard, we must face the fact that, because of their unpredictable, weather-dependent harvest deadlines, growers of perishable commodities have become dependent on a highly mobile migrant work force, a large portion of which is made up of illegal aliens. These growers will be severely affected and may face economic ruin if they are unable to fill their harvesting needs from the domestic work force or acquire an adequate number of workers through the expanded temporary worker mechanisms provided in the bill.

In Alabama we have 450 to 500 commercial fruit farms. The most important of these crops economically for the State is the peach crop, which also is one of the most perishable. Alabama is also developing a large blueberry industry. Blueberries, too, are a very perishable crop.

All of these crops are very labor intensive. Thus Alabama farmers are dependent upon both a local work force plus a migrant work force which originates in Florida and works its way up the east coast. As Alabama becomes more and more industrialized, the local work force available to these fruit growers will decline and they will grow increasingly dependent on migrant workers. If these farmers do not have access to a highly flexible, readily available foreign work force, I am afraid that they will eventually face economic disaster.

I know that my distinguished colleague from Wyoming believes that the provisions already in the bill are sufficient to meet the needs of the growers of perishable crops. On the other hand, the farmers themselves present convincing arguments that they will need more flexibility as provided in Senator WILSON's amendment. I hope that we will make sure that we recognize the situation of the growers of perishable crops while, at the same time, providing adequate protection for our domestic work force and implementing sufficient incentives for the temporary workers to return to their country of origin when their work is completed. I believe Senator Wilson's amendment does all of these, and I strongly urge my colleagues to pass this important legislation with the Wilson amendment.

Mr. EVANS. Mr. President, I rise in support of the amendment offered by my colleague from California, [Mr. WILSON] which would augment the current H-2 provisions of S. 1200 by establishing a seasonal agricultural worker program for the perishable commodity industry.

I believe reform of the Nation's immigration laws is long overdue and I commend the Senator from Wyoming's [Mr. SIMPSON] invaluable contribution in this area. Immigration reform is premised on two very important objectives: to regain control of U.S. borders and to stop the exploitation of defenseless workers, S. 1200 contains substantive provisions to address the first objective such as employer sanctions and increased funding for our border patrol. In our efforts to achieve this second important objective we cannot turn our back on the needs of farmers in the perishable crops industry. This industry has relied heavily on foreign labor for approximately 50 years. We cannot ignore the reality that many of these workers are in the United States illegally. Furthermore, there is no guarantee that once we stem the flow of illegal immigration, adequate numbers of domestic workers will fill such jobs.

As currently drafted, S. 1200 fails to recognize the unique and legitimate needs of producers of perishable commodities. The pending amendment would eliminate the rigid aspects of the H-2 program that make it unacceptable to the production of perishable commodities.

Before highlighting the key provisions of the amendment I must emphasize that the nature of the perishable crops industry is heavily labor-intensive and strongly susceptible to changing weather conditions. These factors are essential in evaluating the adequacy of the H-2 provisions of S. 1200.

The proposed amendment would not supplant the H-2 provisons of S. 1200. Rather, it would supplement H-2 with a seasonal worker program available only to those involved with the production of perishable commodities. It would not be an open-ended program as many opponents allege. The Attorney General would admit foreign workers to perishable agriculture only after he determines, in consultation with the Secretaries of Labor and Agriculture, that there is an insufficient number of domestic workers to meet the needs of producers.

It is important to emphasize that the number of workers needed in the perishable commodities industry will not change. If this amendment is not adopted and we find, as I suspect we will, that an inadequate number of domestic workers are available, workers will be brought in anyway under H-2. The irony is that the existing program is simply unworkable, especially in the West, because of its time and mobility constraints. For example, under S. 1200 growers are required to predict weeks in advance how many workers they will need and when. The volatile nature of the perishable crops industry makes this requirement unrealistic.

In the State of Washington, cherries represent a significant part of the perishable comodities industry. They can be harvested in less than 2 weeks; however, they can be made unharvestable in an even shorter amount of time given the probability of rain. Weather, which is a most uncontrollable characteristic, can make crops such as peaches ripen much more quickly than anticipated. These fac-

tors are critical when considering the unique needs of this industry.

We must also consider the importance of the perishable commodities industry in light of our international trade efforts. The State of Washington, for example, employes about 30,000 workers during the harvest season. Fresh cherries have recently become an exportable item and we now export an estimated 20 percent of our apple crop to foreign nations. A substantial number of new jobs will be created with continued expansion of our export of perishable commodities.

There are a number of significant safeguards in the pending amendment. To participate in the program, growers would have to make a good faith effort to recruit domestic workers. In addition they would have to provide wages and working conditions that must be comparable to those given domestic workers. They would not be allowed to depress wages and working conditions for domestic workers. Growers would also have to provide housing or a housing allowance to foreign workers as well as workmen's compensation or its equivalent.

The amendment contains strong incentives to encourage foreign workers to return to their home countries by withholding a portion of their wages which would be returned to them through the U.S. consulate upon their departure from the United States in compliance with the terms of their visas.

Mr. President, in conclusion, the pending amendment is in the best interests of the Nation's perishable commodities industry, consumers, and both foreign and domestic workers. It is consistent with our essential objective of immigration reform because it would provide both foreign and domestic workers with adequate protections and guaranteed rights. I urge my colleagues to suport this most important addition to the existing H-2 provisions of S. 1200

Mr. SIMPSON. Mr. President, let me conclude just by saying that what Senator WILSON says shows the sensitivity of a man who was mayor of the municipality of San Diego. That I can understand. There is not any need to develop it further, except he is after the same approach I am: that is humane immigration reform. We are both on the same track. Hopefully, we can do it before we get to methods that are not humane or less fitting to our country, like 2,000 miles of barbed wire, "cactus curtains," or some other recommendations I have had made to me as chairman of the Immigration Subcommittee.

I admire the intensity of his feeling. I will not go any further. I do not believe we have any further persons to speak on our side of the issue.

Therefore, I move to table the Wilson amendment. The yeas and nays have already been called for.

The PRESIDING OFFICER. Does the Senator wish to table only the second-degree amendment and leave the first-degree amendment before the Senate, or does he wish to table the first-degree amendment which would take the second-degree one with it?

Mr. SIMPSON. I would prefer the latter approach.

The PRESIDING OFFICER. Then he would table the Hatch amendment as well?

Mr. SIMPSON. Yes, Mr. President, which would take both of them down.

The PRESIDING OFFICER. Does the Senator wish the yeas and nays?

Mr. SIMPSON. They have been requested. I renew that request.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Utah. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER [Mr. GORTON]. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—50

Andrews	Harkin	Pell
Biden	Hart	Pressler
Bingaman	Heinz	Proxmire
Bradley	Inouye	Quayle
Burdick	Johnston	Riegle
Chafee	Kasten	Rockefeller
Chiles	Kennedy	Roth
Cohen	Kerry	Rudman
Cranston	Lautenberg	Sarbanes
Danforth	Levin	Simon
Dixon	Lugar	Simpson
Dodd	Mathias	Specter
Durenberger	Matsunaga	Stafford
Eagleton	Melcher	Stennis
Ford	Metzenbaum	Weicker
Glenn	Moynihan	Zorinsky
Grassley	Packwood	

NAYS—48

Abdnor	Garn	Long
Armstrong	Goldwater	Mattingly
Baucus	Gore	McClure
Bentsen	Gorton	McConnell
Boren	Gramm	Mitchell
Boschwitz	Hatch	Murkowski
Bumpers	Hatfield	Nickles
Byrd	Hawkins	Nunn
Cochran	Hecht	Sasser
D'Amato	Heflin	Stevens
DeConcini	Helms	Symms
Denton	Hollings	Thurmond
Dole	Humphrey	Trible
Domenici	Kassebaum	Wallop
Evans	Laxalt	Warner
Exon	Leahy	Wilson

NOT VOTING—2

East Pryor

So the motion to lay on the table the amendment (No. 594) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

Mr. CHILES was recognized.

Mr. DOLE. Mr. President, may we have order,

The PRESIDING OFFICER. The majority leader is correct. The Senate will be in order.

Will Members and staff please take their conversation elsewhere or take their seats?

The Senate is still not in order. Senators will take their seats or cease their conversations.

The Senate is not in order.

SCHEDULE

Mr. BYRD. Mr. President, if the Senator will yield, I wish to ask some questions of the distinguished majority leader about the program for the remainder of the day.

Mr. CHILES. I yield.

Mr. DOLE. Mr. President, I thank the distinguished minority leader. It is my understanding that the Chiles amendment will be accepted. Then there is a possibility of turning to an amendment by the distinguished junior Senator from Massachusetts, which would take a couple of hours and maybe longer. That would be disposed of this evening.

Then the distinguished Senator from Idaho indicated he had an amendment to be disposed of rather quickly. That would still leave about six amendments, I understand, that require yeas and nays.

It is also my understanding that the managers would then go out tonight and try to complete action on the bill tomorrow, if I might ask that of the distinguished manager.

Mr. SIMPSON. Mr. President, there are about six amendments that would appear to call for a rollcall vote. There is an amendment of Senator KERRY, on which there is a proposed time agreement by a unanimous-consent request. I am not aware of what the outcome of that might be. I understood at one time that it was agreed that it would be 1½ hours, with 1 hour by the proponents and a half-hour for the opponents, with no amendment or any amendment procedures, to be culminated with a motion to table. That has not been presented as a unanimous-consent request yet.

After that, I would think we will have the McClure amendments, the English language amendment, and also a search warrant amendment which can become a bit contentious.

The remaining amendments should be within a good time limit.

But I would not indicate to you that we would finish before 8 or 9 o'clock. I think it would probably go further than that. Therefore, probably to come in tomorrow would be the best thing to do so people might accommodate themselves this evening.

Mr. DOLE. Mr. President, the majority leader would be prepared, if it was satisfactory to the managers of the bill, because I know of some Senators who have official commitments tomorrow, if those who have amendments were here tomorrow and could complete action on those amendments, we would then vote on those amendments on Tuesday, because I have already indicated there would be no votes on Monday, which is a Jewish holiday.

If that might be acceptable to those who have official plans starting tomorrow, maybe we could check that out between now and the next vote. So we will probably stay in until about 8 or 8:30 this evening and if those who have amendments were available tomorrow, if it were satisfactory to the managers and they have no objection, we could then postpone votes but complete action on the amendments and have the votes on Tuesday next.

Mr. BYRD. Will the distinguished majority leader then be willing to inquire as to what amendments may be called up and who the authors may be? That would help us. Then we could proceed to check with our cloakrooms to see if other Senators have amendments and we could get some idea now of what amendments were going to be called up and whether or not Senators would be willing to have time limitations on them. It might help the majority leader in the decision that he will make.

Mr. CRANSTON. If the majority leader will yield, I have one, two, or possibly three amendments, and I could bring up all of these tomorrow.

Mr. DOLE. Will there be rollcalls required on each?

Mr. CRANSTON. I am not certain; probably one. I am not certain yet. We will try to work them out with managers handling the bill.

Mr. KENNEDY. Mr. President, I have two amendments and the chairman of the subcommittee is familiar with both of them. One of them I believe goes to the heart of the whole legislation, and that is the legalization provisions. I did not understand earlier in the day that we might get into this process.

The other amendment is important, as well, and I have been in conference with the chairman of the committee on that.

Quite frankly, on the legalization issue, on that particular amendment, I would insist that we have an opportunity to have a discussion with Members here. It reaches to the heart of this whole legislation. We addressed this issue the last two Congresses we debated this bill. The two essential aspects are the enforcement provision and the legalization, and this amendment deals with that program. I think it is a very important issue.

I am glad to accommodate the leader on the question of time, but if you are going to go to a latter time, I would request at least that we have a reasonable chance to consider that and then move to a vote. But I am glad to accommodate the leader's request.

Mr. DOLE. Mr. President, we might be able to work out something for time on each side before the vote on that amendment.

Mr. SIMON. Mr. President, I have two amendments, both of which ought to be fairly brief and one of which would require a rollcall vote.

Mr. DOLE. As I understand it, Senator CHILES has an amendment, Senator HAWKINS has an amendment, Senator MCCLURE has two amendments, Senator CRANSTON has three amendments, Senator HART possibly has an amendment, Senator GRAMM has two amendments, Senator METZENBAUM——

Mr. METZENBAUM. I have three amendments.

Mr. DOLE. Three amendments; Senator KENNEDY has two amendments, Senator MOYNIHAN has an amendment, Senator EXON has one amendment.

Will that require a rollcall vote?

Mr. EXON. It very likely will require a rollcall, but I can be here to present it tomorrow.

Mr. DECONCINI. Will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. DECONCINI. Is it possible to resolve now whether we are going to have votes tomorrow or on Tuesday? If we are going to have them tomorrow, we should just say so.

Mr. DOLE. That is what we are trying to resolve now. Some want to do it tomorrow and some want to do it Tuesday.

Mr. SYMMS. Will the majority leader yield for a question?

Mr. DOLE. As I understand it those who are offering amendments and have indicated they have amendments will be available tomorrow.

I yield to the Senator from Idaho.

Mr. SYMMS. I thank the majority leader for yielding.

One of the things that concerns me is that we just had a vote here that was 48 to 50 which is devastating to the produce industry in the West. I hesitate to see us debate this on Friday when there will be a small group of Members present if there are no votes.

The employer sanctions that are in the bill now become a much bigger issue because of the way the vote just turned out on the Wilson amendment. I hope that if the employer sanctions amendment is brought up it would be voted on the day it is debated, because it is very important at this point. As the Senator from Massachusetts mentioned on the other amendment, it is right at the heart of the discrimination factor of this bill. I believe, with the way the last vote came out, that the stage is set for a lot of discrimination with the employer sanctions.

Mr. DOLE. I am inclined to believe, just checking with the managers, that they would prefer that we just do what we planned to do this evening: vote on the Kerry amendment and perhaps one McClure amendment and then come back tomorrow and just have another full day. Unless we can change that somehow, that will probably be the program.

Mr. SIMPSON. Mr. President, I think that the comanager and I have indicated that we would proceed with this bill. I believe people have made their plans based on that. I think we can dispose of the Chiles amendment and perhaps the Kerry amendment and the McClure amendment and then tomorrow we would process the bill and continue.

Mr. KENNEDY. I will be glad to enter into a time agreement on those two amendments.

Mr. DOLE. Let me get back to the distinguished minority leader, but it appears that we would have a session tomorrow.

Mr. BYRD. I thank the distinguished majority leader and I thank the distinguished Senator from Florida.

AMENDMENT NO. 596

(Purpose: to modify the definition of a special Cuban or Haitian entrant, and for other purposes)

Mr. CHILES. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The PRESIDING OFFICER (Mr. COHEN). The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 596.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, line 8, strike "December 31, 1980" and insert in lieu thereof "October 14, 1981".

On page 76, line 8, strike "January 1, 1981" and insert in lieu thereof "October 15, 1981".

On page 76, line 10, strike "December 31, 1980" and insert in lieu thereof "October 14, 1981".

Beginning on page 76 with line 11 strike out all through line 25 and insert in lieu thereof the following:

(ii) a national of Haiti who has established a record with the Immigration and Naturalization Service before October 15, 1981, and who was physically present in the United States on that date; or

On page 77, line 1, strike "(iv)" and insert in lieu thereof "(iii)".

Mr. CHILES. Mr. President, I offer an amendment that will extend the deadline for granting legal status to Cubans and Haitians who have been in the United States prior to October 15, 1981.

Everyone will recall the boatlifts of 1980 which brought thousands of Cubans and Haitians to Florida. Many of these people came to the United States with the understanding that they had this Nation's approval. Indecisiveness and lack of immigration policy by the administration resulted in thousands believing that they had free passage into this country.

Once in the United States, many of these people were given a special Cuban/Haitian entrant status by the administration. Almost all of these persons are known to the Immigration and Naturalization Service and they are recognized by the administration as a class who entered during the boatlift.

My amendment would simply extend the date in S. 1200 for granting legal status to this group from January 1, 1981 to October 15, 1981. This means that any Cuban or Haitian who entered the United States before October 15, 1981, who is still physically present in the United States, and who meets U.S. immigration eligibility requirements would be eligible for legal status.

The October date is important as it was then that the U.S. Government finally took definite action and started an interdiction program with the Haitian Government which authorized U.S. Coast Guard vessels to return undocumented Haitians to Port-au-Prince. This is a clear declaration of U.S. policy that it is illegal to enter without papers unless the alien has legitimate claims to asylum.

Mr. President, I want to stress that these people are known to the Immigration and Naturalization Service and have been recognized by our Government as a special class. They have been in a legal limbo awaiting further action by the U.S. Government. My amendment would provide the authority for our Government to give them legal status in the United States.

Mr. President, I have discussed this amendment with the chairman and ranking member of the committee.

Mr. SIMPSON. Mr. President, this is an issue of importance to the Senator from Florida and to the rest of us. I will speak for 1 minute.

All of the Cubans arriving prior to October 20, 1980, were given a very special Cuban-Haitian entrance status. All of those arriving after that date were determined to be illegal. The Haitians were given the status until December 1980, so I believe January 1, 1981, is an appropriate date. But the United States did not institute the policy of interdiction until October 1981, where we gave our first big signal as to what we intended to do. So I think a cutoff of October 15, 1981—and that is Senator HAWKINS' amendment—is not unreasonable. Legalization of those people should, I think, remain triggered because of the threat of illegal immigration from these countries, and until enforcement is in place that is going to remain quite great. But the entrants are in no danger of being deported at the present time or in the future, in any event.

Mr. CHILES. No. They are all loose, and working.

Mr. SIMPSON. Therefore, I am willing at least on this side of the issue to accept the amendment and yield to Senator KENNEDY.

Mr. KENNEDY. Mr. President, I think the chairman of the committee has made the case very well. I hope we will move forward with the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 596) was agreed to.

Mr. DOLE. Mr. President, has the distinguished Senator offered his amendment?

Mr. KERRY. Mr. President, I intend to.

Mr. DOLE. Mr. President, I understand this amendment will be offered by the distinguished junior Senator from Massachusetts, and that the chairman of the Armed Services Committee is willing to enter into a time agreement—an hour for the proponents, and a half-hour for the opponents. Then the Senator probably will move to table the amendment.

Mr. GOLDWATER. Mr. President, I very reluctantly agree. No. 1, I do not think this is a matter that is germane to the immigration bill; and, No. 2, I remind my friend from Massachusetts that this test is going to be conducted tomorrow. I do not care what happens in this body. The test is going to be conducted. Since I had my discussion first on the floor, I indicated to my friend from Massachusetts an hour for his presentation, although I said that we can bring General Abramson in here to run the whole show, and he could explain the whole thing in 10 minutes. That would be all right—and half an hour for our side. I do not like to hold up the Senate that long on something that I frankly do not see any need for, particularly when the test is going to be conducted tomorrow. This section will have absolutely no effect on it at all. But I am not going to oppose the time method which the chairman of the committee has agreed to, or that the leadership has agreed to. I just do not like to sit around here that long.

Mr. DOLE. Does the Senator object to that time agreement?

Mr. GOLDWATER. No. I cannot object to it.

Mr. DOLE. I make that request.

Mr. BYRD. What is the request?

Mr. DOLE. That on the amendment to be offered by the Senator from Massachusetts there be a time agreement of 1 hour for the proponents, ½ hour for the opponents, and that no amendments be in order to the amendment.

Mr. SYMMS. Reserving the right to object, will the distinguished majority leader cut that in half? We are trying to concentrate on immigration legislation. If you can cut that in half, it would be less in the way, and interfering with the normal duties of the Senate.

Mr. DOLE. As I understand it, may be cut more than half on this side, Hopefully, after the agreement is reached, it will not take an hour on that side. So I think we can probably do it rather quickly.

Mr. KERRY. Will the majority leader yield? Mr. Leader, I will endeavor to yield back as much time as possible. I doubt that we will use the full hour. I will certainly try not to.

Mr. BYRD. Mr. President, I have no objection if the request is as the distinguished majority leader said—no amendments to the amendment would be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Are we going to table it?

Mr. GOLDWATER. I wanted to make sure that the debate will end tonight, and we will not resume the debate Tuesday before a vote.

Mr. DOLE. Mr. President, no. We are going to vote on this in about 1 hour, I hope, or less.

AMENDMENT NO. 597

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], on behalf of himself, and Senators HART, KENNEDY, WEICKER, SIMON, CRANSTON, PELL, and LARKIN, proposes an amendment numbered 597.

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DELAY OF ANTI-SATELLITE WEAPON TEST.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the President of the United States and the head of the Soviet Union have agreed to a summit conference scheduled to convene in Geneva, Switzerland, on November 19, 1985;

(2) that conference will present an extraordinary opportunity for an agreement in principle on measures to control the arms race between the United States and the Soviet Union, including limitations on anti-satellite weapons; and

(3) a delay in the scheduled test of an anti-satellite weapon against an object in space by the United States until after the conclusion of the summit conference could greatly enhance the climate for fruitful discussions and facilitate the possibility for an accord on anti-satellite weapons.

(b) DELAY OF TEST.—Notwithstanding any other provision of law, the Secretary of Defense may not carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until after the conclusion of the summit conference between the President of the United States and the head of the Soviet Union referred to in subsection (a).

Mr. KERRY. Mr. President, I sent this amendment to the desk on behalf of myself and Senators HART, KENNEDY, WEICKER, SIMON, CRANSTON, PELL, and HARKIN.

I would like to say to the distinguished manager of the immigration bill that I recognize that it is not his choice nor really mine that we are discussing this amendment on this bill. If I had another vehicle, I would have chosen it. I appreciate the distinguished chairman of the Armed Services Committee for his willingness to permit this issue to be aired in this manner in order to have opposing views heard.

Mr. President, I know we visited this issue before. It is not a new issue in the Senate. It is not a new issue even to this session. The reason that I am asking the Senate to take a stand tonight, before tomorrow's afternoon test firing of an antisatellite weapon, is that I believe, and many of my colleagues share the belief, that we have the unique opportunity to be able to take a step that might—not guaranteed but that might—open the door to more fruitful negotiations, and that certainly would put the United States on the highest moral ground with respect to the arms race and issues of weapons in space.

This amendment is a straightforward attempt to enhance the climate of the summit by preserving the status quo on ASAT's for a mere 9 weeks. It is not an effort to say we will never test. It is not an effort to take away from the President the ability to test. It is simply an effort to say that in the interest of trying to achieve an arms control agreement, in the interest of hopefully limiting the opening up of the window of space to space weapons, we will take this opportunity as the Senate, which has already expressed itself in its effort to secure limitations on antisatellite weapons, that we will do so now in the hopes that those 9 weeks might afford us the opportunity to do a better job of restraining the growth in those weapons.

I do not have to tell any of my colleagues here, many of whom have served in public life far longer than I and in far more important positions, the importance of the opportunity for a summit meeting. It takes place infrequently. Obviously, this particular summit is perhaps one of the most important in recent memory in the opportunities that it affords us.

We seek a 9-week delay by the United States in the face of a status quo that has existed for some 15 years and a weapons system that the Soviets have not tested since 1982. All we are asking for is 9 weeks of cushion to say that the United States is going to make its best effort and put the best foot forward in order to try to limit the further development of weapons in space designed to target and kill satellite.

The first issue that this amendment strives to speak to is the posture of the United States as it enters the summit. Do we or do we not wish to be perceived by the world as the nuclear superpower that is willing to go an extra step to seek real controls or a superpower that brazenly pushes aside a simple opportunity to show restraint?

In testing a new military technology, a homing device fired from underneath the wing of an F-15 aircraft, we will be testing a weapon that I happily acknowledge is superior to weapons of the Soviet Union. But in so doing right before the summit, Mr. President, I believe we play into the hands of those who want to play the propaganda game of characterizing the United States as being responsible for an increase in the space race.

By contrast, a decision by the United States not to test the antisatellite weapons before the summit could put the United States in the posture of offering the Soviets a special incentive to put forward an agreement in principle on limiting ASAT's and other weapons and could go a long way to alter the tone in which the United States prepares for the summit.

This amendment does not, and I repeat, Mr. President, it does not, prevent the President from going ahead with an Asat test after the summit if the Soviet Union fails to take a responsible position in Geneva.

Nine weeks.

I ask my colleagues to consider that on two prior occasions the Senate has gone on record as wanting to limit ASAT's. It did it when the distinguished Senator from Virginia joined with Senator Tsongas, my predecessor, and it did it again this year when the distinguished Senator from Virginia set up a certification process which did allow tests but which made it clear that there were specific conditions under which those tests should be conducted.

The second thing this amendment tries to do: It strives to respond to the continuing congressional belief that our satellites are important to us for the preservation of the security of our country. The continued security of our satellites is absolutely essential to our ability for command and control, for intelligence, and it is essential, moreover, to almost all of the major military objectives that we have with respect to deterring nuclear war.

If we open space up to a race that will jeopardize those satellites we, in fact, begin to jeopardize our own deterrent ability and we diminish our current posture of security.

The later we take action, Mr. President, the longer that we wait, the more possible it becomes that the Soviet Union will develop more sophisticated antisatellite weapons as will we and the more impossible it becomes to secure some kind of restraint on this dangerous technology.

Mr. President, these facts are not at issue in this Congress. These facts have been accepted by the Senate. That is precisely why we require the President to endeavor to negotiate the strictest possible ASAT limitations consistent with the national security of this country.

On August 20, while the Congress was in recess, as many of us predicted would happen, President Reagan informed us that the United States planned to conduct the first test of its new F-15 launched miniature homing vehicle against an object in space. It should be noted we have had two tests with this particular system. One was classified as a success; the other as a partial success. They were against a point in space.

At the time that he made the announcement, the President certified, as required by law, that the United States had endeavored in good faith to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interests of the United States.

He also certified the other requirements with respect to carrying out a test. Specifically: he certified that pending agreement on such strict limitation, testing against objects in space by an antisatellite warhead of the United States is, in the language that Senator WARNER and others proposed that was passed by the Congress—that such a test must be necessary "to avert clear and irrevocable harm to the national security, that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on antisatellite weapons, and that such testing is fully consistent with the rights and obliga-

tions of the United States under the ABM Treaty of 1972."

Mr. President, to date there has been no close examination by this body of this certification. We pass a law. We require the President to certify. And yet no one in the Senate has formally examined that certification before this test takes place in such a way that we should decide whether or not we approve it.

Mr. President, I believe the certification does not accurately reflect reality and I even believe that it makes a mockery of reality in certain respects.

Let us just take a moment to review the facts.

First and most significantly, the planned test tomorrow—at least according to press accounts—does not come after the United States has conducted serious negotiations toward a treaty. As the President himself states in the certification document, the United States has been "unable to identify a specific ASAT proposal which meets the requirements defined by the Congress in 1984." Believing as it does that, in the words of the President's certification, "No arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its allies," the administration therefore—and we know this as a matter of record—has not undertaken negotiations on an ASAT treaty, which is specifically what the certification requires.

For the record, I would like to list at least five possible ASAT proposals the Reagan administration could have sought to negotiate, all of which would comply with the intent sought by Congress in the 1984 language. First, a ban on all testing, use and possession of all ASAT capability; second, a ban on testing, use and possession of dedicated ASAT's as opposed to all ASAT's—dedicated ASAT's; third, a ban on the use and testing but not the possession of dedicated Asat's; fourth, a ban on development or use of new types of ASAT's, no restrictions on existing ASAT systems; fifth, a ban on the use of ASAT's, no restrictions on possession or testing.

Now, I will concede there is some expert consensus that the first type of agreement is unattainable at the present time because some non-ASAT systems have some theoretical capability to serve as ASAT's. And we can point to the GALOSH system as an example of that. So residual capabilities would remain even if dedicated systems were banned.

But, Mr. President, the second type of agreement is something that we could negotiate if the administration desired, and it would help protect our satellites and it would limit competition in space weaponry. Even if the administration believes that verificiation problems prevent the second type of agreement, the second being a ban on testing and use of a dedicated Asat such as the system which the Soviets now have, then we could go into the third agreement or the fourth agreement or the fifth. Even the fifth type of agreement, despite its obvious limitations, is possible if the United States and Soviet Union chose to try to codify rules of the road.

Instead, the administration has said that no Asat proposal of any kind is in the national security interests of the United States and therefore has not sought to negotiate one—that is the clear reading of the language that has been submitted in the certification to the Congress.

Now, one reason that the administration gives for its refusal to negotiate an Asat Treaty is the issue of verification, that limits on Asat's are allegedly nonverifiable. But, Mr. President, I find it hard to believe how you can make that argument on the face of what we know today about the Soviet system by which assessment, Mr. President, we are now making the decision that we ought to go ahead and supposedly test. It is verification that has given us that very information. The truth is that despite the administration's claims that verification is an obstacle to any Asat agreement we know that they have a system. We know how big it is. We know how many tests have been conducted. We know how many of those tests have succeeded. We know how long it takes to intercept an object in space. We know in what orbital inclinations. We know they have not tested it in more than 3 years. We know from numerous nonclassified reports and testimony that in all it has been tested 20 times. We know it has failed to intercept a target 11 times, for an overall success rate of just 45 percent. We know the Soviet Asat is not exactly a modern state of the art weapon. It was introduced in 1968. We know it was lofted into orbit atop an SS-9 booster rocket, a large liquid fueled intercontinental ballistic missile, weighing more than 2,000 kilograms and 6 meters long. We know in each test it has been launched from Tyuratum into orbits with a narrow range of inclination. And we know that to test it the Soviets have launched satellites into orbits within the same range of inclination. We know it takes the Soviet ASAT one to two trips around the Earth before its orbit crosses that of the target and interception occurs. We know that it can only live for the period of those two revolutions and then because of its short life, because it is battery operated, it dies and it falls.

Mr. President, we know a great deal about the system and whatever the intent of the Soviet ASAT Program, it clearly does not today threaten most U.S. satellites. And that is a matter of record from various responsible officials in our military who have testified before our committees in a nonclassified fashion, and they have publicly stated that that level of threat is indeed minimal. The administration says it can reach 5,000 kilometers. We know it has never been tested at more than 2,400 kilometers. Now, that might enable the Soviet Asat system to threaten some few weather satellites and some military spy and communications satellites.

Mr. President, I am not saying to the distinguished Senator from Ohio or to the distinguished Senator from Virginia that this system cannot go up and knock down a couple of satellites. Yes, it can. But the majority of our most vital satellites are at much higher levels outside the range of this system. Mr. President, as sure as it has happened every time in the arms race, if we create a capability that is beyond that of the Soviet Union, they will surely follow.

There are also basic conceptual flaws in the Soviet system. First, the satellite can only be attacked when its ground track runs close to the launch site of the Asat system of the Soviet Union, a condition that is satisfied only for satellite orbits with inclinations higher than the latitude of the antisatellite's launch site. That only happens, Mr. President, twice a day, twice a day and there are delay periods of up to 6 hours or so, an average delay period of 6 hours before they can shoot.

When you put all this together, when you make a considered, rational judgment about U.S. security, about the threat to this Nation, it is difficult to understand how this particular system at this moment in time presents such a compelling and irrevocable danger to the United States that we cannot wait 9 weeks until the President sits down in Geneva and says to Mr. Gorbachev, "Are we really going to go ahead with this process?" I think in the interest of that effort we should take a second look. There is no reasonable military scenario arising between now and the summit meeting whereby the Soviet Asat threatens clear and irrevocable harm to the national security—clear and irrevocable harm to the national security.

Would it, if we went on interminably and they had an effective system? Yes, I would probably agree with the Senator from Ohio and others. But that is not what we are talking about. We are talking about whether or not at this moment in time that is the condition that exists.

I believe that the certification does not merit the stamp of approval of the U.S. Senate. I believe, instead, that a test of our Asat at this time against an object in space jeopardizes ultimately our national security; because if we do

not get an agreement, then our satellites will ultimately also be threatened. We have much to lose from this. We rely on our satellites for information that is vital to our national defense, from command and control of our military forces to early warning of military attack. Our military forces are far-flung. We have bases around the world, and the preponderance of our nuclear weapons is located beyond our shores. If our satellites were to be threatened, we would risk the decapitation of both nuclear and conventional forces, making it difficult for the United States to maintain a credible response to a sneak attack.

As the United States begins flying more frequent space shuttle missions to service, to fly, and to bring fresh crews to continuously inhabited space stations, the threat to the U.S. interests from Soviet deployment of ASAT technology will continue to grow.

The long-term damage to our strategic security from the further development of ASAT technologies by both sides thus far outweighs whatever short-term theoretical advantage the administration has claimed from going ahead with the testing of our current ASAT.

It is for these reasons of national security that we moved to request the President to negotiate an ASAT Treaty with the strictest possible limitations. I believe that it remains in the interests of our national security that we reach such an accord on ASAT.

Mr. President, every scientist and every expert who has looked at this system will tell each and every Senator that this system we are testing tomorrow is superior, vastly superior—if it works—to the system of the Soviet Union. Every time any side has unilaterally made a technological breakthrough in the arms race, the other side has followed. That history and pattern of action and reaction has been the history of the arms race.

We exploded the first atomic bomb. The Soviets followed in 1949.

In 1948, we unveiled the first intercontinental bomber capable of carrying nuclear weapons. The Soviets followed suit 7 years later.

In 1952, we exploded the first hydrogen bomb, and the Soviets followed the next year.

In 1957, the Soviets launched the first satellite into orbit and perfected the first intercontinental ballistic missile. The United States followed suit on both scores within a year.

In 1960, the United States fired the first submarine-launched ballistic missile. The Soviets followed suit 8 years later.

In 1964, the United States developed the first multiple-warhead missile, and in 1968 the United States tested the first multiple independently targetable reentry vehicle. The Soviets did not score that breakthrough until 1973.

In 1982, we successfully completed testing the first long-range cruise missile and began bomber deployments of this system. In 1984, we began deployment of submarine-launched cruise missiles. The Soviets are still racing to catch up.

This action and reaction is the history of the arms race. If we are serious about trying to stop that arms race, if we are serious about not wanting to militarize space, then why is 9 weeks too much for us to ask to delay a test which might make it irrevocable for us to go back? Why? Because an F-15 is a mobile, already-deployed platform for firing this missile. That means that if we are successful in this test and you are a Soviet planner, you will say to yourself, "Every F-15 in the United States military has a potential ability of being a platform for firing this missile," and the arms race is out of control, and the ability to verify can be lost, and the ability for reaching an accord to limit this technology is also lost.

Remember the planning and strategy about MIRV. The distinguished Senator from Arizona was here then, and it was argued then that MIRV is going to be our response to the Soviet defensive ability.

When we deployed the MIRV, the Soviets and the United States had already agreed to the ABM treaty, and there was at that time no defensive or offensive threat that mandated our doing it, but we did it anyway.

The result today is that because they have 70 percent of their weapons in land-based missiles, they have developed, by MIRVing, a counterthreat which in fact has put at risk our land-based missiles; and by making that decision, we exposed ourselves to a danger and lessened our security. We are paying the price of that decision today. Today, we are trying to get rid of it, and today there is not a strategic planner who does not say that it was a mistake to MIRV. But we did it because we did not have the courage or the gumption to say no at that time.

I liken this decision about antisatellite weapons to the same process. This is the time to try to say no. As everybody who has been following the issue knows, antisatellite weapons testing is not limited merely to antisatellite goals and purposes. Antisatellite testing is integrally tied to our SDI capacity, to tracking midcourse flights, to doing a host of things which we cannot do under the ABM Treaty but which we can do in antisatellite testing.

Therefore, we risk the danger that we tie the two so closely together that, given the Soviet situation with respect to SDI, we may make the probability of success at the talks a real impossibility.

Mr. President, I know that even if this amendment were to be adopted today, this would not stop the test, because this bill will not be through Congress in that period of time.

So that is not what we are doing here, and I do not pretend that is what we are doing here. What we are doing here is trying to execute one of the most solemn responsibilities we have as U.S. Senators and which this body alone fundamentally has because of our purview over treaties and our purview over the nuclear arms race because of the jurisdictions of the Foreign Relations Committee and the Armed Services Committee.

I think it is important for U.S. Senators who pass legislation that calls on us to have limits on antisatellite weapons; for U.S. Senators who talk about peace; for U.S. Senators who believe that this Nation takes daring steps to end the arms race; for Senators who watched John Kennedy in 1963 take that kind of step, with the limited test ban as a consequence—for those Senators to say to the President, by voting tonight for this measure: "Mr. President, won't you please entertain the thought of holding off for 9 weeks in the interest of putting the Soviet Union on the defensive, in the interest of hopefully keeping us out of space"?

I believe that is a worthy goal, and I am sorry it has to be tied to the immigration bill, but that is the only vehicle present, and the time is short. I believe that, in the interest of peace, it is worth it.

I was in Geneva during the recess, and I had occasion to talk to delegates of the Nuclear Nonproliferation Treaty Review Conference, from more than 125 nations. Universally, including our own allies, who may smile and say nice things publicly, behind the scenes they are concerned, desperately concerned, about this move we are about to make. They are desperately concerned that we may be on a course that may embroil them as a battleground, nuclear or otherwise, and that may make it impossible for them to give true meaning to something like the Nonproliferation Treaty.

So I ask my colleagues to consider and consider hard. I know that the Senator from Ohio is going to say that the Soviets have a system; they have had it for 17 years, and we do not have one. Mr. President, we had one. We were the first ones to do it.

We tested one and we decided it was not very good so we dismantled it—the Nike-Zeus—we dismantled it.

The Soviets began after we had started but they have not tested for 3 years. They have two launch pads from which they can currently put something up.

If anyone here were President of the United States and the Soviets shot one of our satellites from one of those two

pads and you know you have 5 or 6 hours before they can shoot again, you know and I know that something is going to happen in the course of those 5 or 6 hours to either resolve that problem or to not have it happen again.

If it does happen again, Mr. President, if it does happen again after 6 hours I do not believe there is a person here who would not consider the obliteration of Tyuratum, and deny them the ability to do it one more time.

Mr. President, when we talk about the abilities of the Soviets to knock down all our satellites, that is not a realistic problem today, but if we test tomorrow and if we cannot take that extra step to be able to prevent it, it may be the realistic problem, and it will be because we have not had the courage and we have not had the gumption to stand up and say that 9 weeks is worth the effort for peace.

Thank you, Mr. President.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. KERRY. I yield to the distinguished Senator from Colorado.

Mr. HART. I strongly support this amendment and the Senator from Massachusetts' efforts in this regard, and I think it is absolutely sound policy for this Nation. I wonder if the Senator from Massachusetts would kindly respond to a question or two.

First, does he contemplate this amendment as a referendum on whether this country ought to have an antisatellite capability?

Mr. KERRY. No; I do not contemplate this amendment as that. I contemplate it as a referendum on the issue of whether or not we should take a step now, under the existing situation, to try to prevent the need to have an antisatellite ability by limiting both nations' development of this technology.

Mr. HART. So, really the essence of this amendment at the present time is one of timing and the question really has to do with when a step ought to be taken, rather than whether it ought to be taken.

Mr. KERRY. The distinguished Senator from Colorado is absolutely correct.

Mr. HART. So the Senator from Massachusetts really intends to test the good faith of the Soviet Union and test the bargaining and negotiating process. This process has been the mainstream, bipartisan policy of this Nation since the 1960's that is, bilateral negotiations between the superpowers to seek limits and controls and on the spread of both offensive and defensive systems. Is that not correct?

Mr. KERRY. I would only change one word there which is to perhaps say whatever faith the Soviet Union would characterize good or not, whatever faith, and otherwise I absolutely agree.

Mr. HART. Does the Senator from Massachusetts believe that this country's security would be jeopardized by waiting until after the summit meeting to go forward with this test?

Mr. KERRY. This Senator, based on 4 years' experience in the military and serving at the nuclear-chemical-biological warfare school and whatever other attributes I can bring to the judgment, does not in any way feel that 9 weeks will jeopardize the security of the United States. It will enhance it.

Mr. HART. Finally, if I may ask the Senator, somewhat apart from the major intent of this amendment, if in fact the sole condition under which arms control can operate is verification—the national technical means of both nations to be able to detect whether the other nation is living up to the terms of an agreement. Can the Senator from Massachusetts suggest what possible reason there might be for this Nation to have an ability to blind or obliterate the Soviet Union's capability of verifying treaties that we might negotiate?

Mr. KERRY. I think there are a number. One obviously is our ability for star wars, our ability to put in a space-based defensive system regardless of what happens to the ABM treaty, and a second obviously is the belief in terms of policy that we are better off always achieving a technological superiority and holding on to those windows of superiorities rather than ever trying to achieve stability or parity and essential equivalency.

Mr. HART. The question I am trying to get at here is what possible security purpose would be served by pursuing a race to be able to deny one side or the other the ability to verify limits on treaties that might be negotiated?

Mr. KERRY. None that I can see.

Mr. HART. If I may say so, I think the Senator from Massachusetts is to be congratulated for calling this matter to the attention of the American people. I am afraid it is one of those situations where decisions have been made, tests will go forward; it will be one fairly important step away from the ability to reach an agreement at the summit, an agreement at Geneva and may pose, as the Senator from Massachusetts has already suggested, an irretrievable step.

I hope people will not merely approach this issue on a technological basis; that is, how capable is the Soviet system and how capable is ours? That is not the issue.

The issue is not even one of parity: they have an antisatellite capability, therefore, we have to have one.

The issue is a far deeper policy question and that is: what possible national security purpose can the ability to blind Soviet satellites have, except in the case where we are prepared to go to war?

I thank the Senator.

Mr. KERRY. I thank the distinguished Senator for his questions which point to the heart of the matter. I think the Senator from Colorado underscores clearly and very succinctly perhaps the bottom line, if you will, and I thank him for his question in doing so.

Mr. President, I reserve whatever time may remain. I inquire how much that is at this time?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. GOLDWATER. Mr. President, how much time remains?

The PRESIDING OFFICER. The opponents have 20 minutes.

Mr. GOLDWATER. And the proponents?

The PRESIDING OFFICER. The proponents have 25.

Mr. GOLDWATER. Twenty-five.

I yield 10 minutes to the Senator from Ohio and if he needs more just ask for it.

Mr. GLENN. I thank the Senator very much.

Mr. President, we all agree we would like to have a total and complete verifiable ban on antisatellite weapons.

If past history is any indication of our arms negotiating capacity at Geneva, however, that agreement is unlikely in the foreseeable future.

Therefore, I believe it is in the best interest of our national security for us to proceed with the testing of our own antisatellite system.

I would say in starting out, Mr. President, I dislike the position I am in very much, that of opposing the distinguished Senator from Massachusetts. Few in this body or in the House of Representatives have a more distinguished combat record, or have sacrificed more for this country, and feel more strongly about the need to control future warfare than Senator KERRY. And I feel much the same way. I have had a lot of combat, too, but I did not suffer as much as the distinguished Senator from Massachusetts. I know he is the recipient of I believe three separate Purple Hearts, and he has a very distinguished combat record.

The Senator has pointed out, Mr. President, the fact that we have stayed ahead in technology. He enumerated numerous instances where we have gone ahead, and where we have developed new weapons systems and the Soviets have followed behind.

I can only say that I am very thankful for that, and that it is not the other way around. If the Soviets had been ahead and we were the ones lagging along behind, history might not show that deterrence has worked as well as it has with us in the lead, as it would have with the Soviets in the lead.

Granted, our ASAT system, if it works, as the distinguished Senator from Massachusetts said, if it works, will be a superior system. But that "if it works" is what we are trying to find out with the test tomorrow.

Recent intelligence briefings, the latest of which was just yesterday, which some of us including the distinguished Senator from Massachusetts attended, showed the Soviets have been moving ahead with their Asat capabilities on several different fronts.

Now, what is our vulnerability to the Soviet antisatellite capability? The distinguished Senator from Colorado made the point that we are dependent on our national technical means for verifying everything the Soviets do, and they are dependent on the same thing against us. But they have the advantage of a subscription to Aviation Week and to the CONGRESSIONAL RECORD. So they have 98 percent of their job done for them. We do not have that.

What is at risk are our low-altitude satellites which give us the most detailed view of the Earth. These satellites can detect weaker electronic signals than we can from far out in space, they do our best photographic work, and they do ocean surveillance. These are the satellites that the distinguished Senator from Colorado referred to, and these are the satellites at risk with the Soviet system.

The very heart of our intelligence system is at risk when the Soviets have their antisatellite systems deployed.

What have the Soviets done or what are they doing in research? They cover at least four major areas of Asat technology.

The one antisatellite system they have deployed right now is the coorbital interceptor.

I will not try to explain this system in detail, but it is a launch vehicle that gets on the same orbital plane as the vehicle which it intends to attack, slowly overtakes it, and then destroys it.

A second system which they have is a direct-ascent interceptor, which in theory is similar to the miniature homing vehicle that we are trying to develop.

The Galosh, which the Senator from Massachusetts referred to, can be a direct-ascent interceptor. We do not know quite what it can do, but the best estimates are it may have a capability against our satellites.

Third, they are also developing directed energy weapons, such as lasers and particle beam weapons. These are not in place yet, but they are working on them. They would endanger our satellites.

Fourth, they are working on electronic countermeasures of sufficient power to damage or interrupt satellite functions.

So there are four major areas that they are working on now: coorbital interceptors, direct ascent interceptors, direct energy weapons, and electronic countermeasures.

What has gained the most attention is the coorbital interceptor. They have had it deployed since 1968, and they have conducted 20 tests of their coorbital Asat system.

The best estimates are exactly what the Senator from Massachusetts said, that only nine of these tests have been successful. Senator KERRY points with great pride to the fact that the Soviets have only been 45 percent successful.

But I submit, Mr. President, that is 45 percent more capability than we have in the United States of America. We have zero, because we dismantled our comparatively primitive system in the mid-1970's.

So to run a critique of the system of the Soviets and to point out its inadequacies when we do not even have a system to compare it with—we are zero; we are zero in our capability—leads me to believe that we should not postpone the scheduled test any longer, even for 8, 10, or 11 weeks.

The last test of their interceptor, it is true, was held in 1982, but that was the 20th test. We have conducted exactly one against a hole in space and our test vehicle did not have the homing device on board.

So they tested their orbital interceptor the last time in 1982. I guess perhaps we could read that a different way than was interpreted by the Senator from Massachusetts. I could interpret that to mean they are quite happy with their program and feel it is worthy of being deployed without any more tests. That may or may not be the case, obviously, I cannot speak for them.

The Soviet's coorbital interceptor has the ability to threaten all of our military intelligence satellites in low Earth orbit. Let us not confuse these satellites in low Earth orbit with the communications satellites in geosyncronous orbit. The satellites we would depend on the most for our national technical means—the low orbit satellites—are the very satellites that they would be able to take out most readily.

Now, whether they could do this within 24 hours, or a week, or even 2 weeks is not what is at issue here. The issue is that they have the capability to do this and, we have no capability to do it.

The other Soviet antisatellite research—on directed energy weapons, direct-ascent interceptors, and electronic countermeasures—put our satellites in higher orbits at some risk. However, we do not give them a whole lot of capability against our geosyncronous satellites at this time.

As I stated earlier, we have conducted one test of our antisatellite system in January 1984, and that was directed at a point in space, not at the target, and the miniature homing device was not even on board. So to assume that the Asat system we are currently developing is more flexible and effective than the current Soviet system may be a bit premature, because we have not even put our system to a real test yet, and that is really what we are talking about. There is no question the Soviets are interested in a moratorium because it would ensure them a unilateral advantage in Asat capabilities.

The Soviet squeals about how we should not upset this balance when there is no balance—all the balance is at their end of the scales—as far as I am concerned, should fall on deaf ears.

I think we would be much better off to look at the upcoming summit as an opportunity to negotiate with the Soviets, not by our own weakness or by our lack of testing, but by saying, "OK, we will go ahead and show we can hit an incoming satellite," and then by saying, "OK, you have a system and we have a system. Let us negotiate and both take our systems out of existence."

And we can do it from a position of strength at that time, of proven capability, not by going and saying we have forsworn testing against your system when we do not even have a capability.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Mr. Preisdent, will the Senator yield me 3 more minutes?

Mr. GOLDWATER. I am happy to yield 3 more minutes to the Senator from Ohio.

Mr. GLENN. I thank the Senator.

That, to me, would be a much more realistic negotiating position on which to go to Geneva. The Soviets must indeed laugh when they think they can force postponement of a system of ours that is a response to a system that they have had in place for some 17 years.

It would be just as ludicrous if we thought we could say to the Soviets,

> We have had aircraft carriers with a tremendous power projection capability for many, many years. Now, Soviet Union, you should not develop this weapon system. You should not develop aircraft carriers. You should not develop that kind of force projection because you have never had it before. It is going to upset a balance that previously was all on the side of the United States.

I am sure the Soviets would think that was preposterous.

A couple of years ago, I proposed that we not deploy our GLCM's ground launched cruise missiles, for a period of time because the Soviets had not deployed theirs. I thought that once we crossed that threshold, there would be a great deal of difficulty in verifying any future arms control negotiations. So I asked the deployment be put off for 90 days so we could

make one last attempt at negotiating with the Soviets.

But this is a different situation. This is a situation where the Soviets have an existing system. It is in place. We can question its capability, but even with the estimates of the distinguished Senator from Massachusetts of it being only 45 percent successful, that is 45 percent more capability than we have in this country. I think we can go to Geneva with a stronger position if we go with a system that has had at least one successful test. Hopefully, then, we can say, "We have a system and you have a system. Let's negotiate.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, if I may, I wish to ask the distinguished Senator from Ohio a question or two. What I would like to do, if I may, Mr. President, is talk about where we are today.

Mr. GOLDWATER. Mr. President, I believe the Senator indicated that this time would come off his time.

Mr. KERRY. Yes; I did indicate that.

The PRESIDING OFFICER. The Senator from Massachusetts is using time under his control.

Mr. KERRY. Mr. President, as we are here tonight on the eve of this test, it is true, is it not, that the current Soviet capability to knock down satellites is from the Tyuratum site and its current co-orbital system? That is today's ability—correct?

Mr. GLENN. Although we are getting into an intelligence area, I believe there is another site which they can launch from, but the majority of their capability is from the Tyuratum site.

Mr. KERRY. What the Senator is talking about with respect to direct energy, laser capability, direct descent capability, we are also working on—correct?

Mr. GLENN. We are, indeed.

Mr. KERRY. And with respect to today's decisionmaking, we must make a determination of current threat to the United States as it exists today. My question to the Senator is: If we are working on those systems as they are, if the only existing system is Tyuratum, and perhaps another site where the same kind of system could be launched, then the only threat to our satellites today is a system where you could have two shots, maybe three, and an interval of 4 to 6 hours; is that correct?

Mr. GLENN. When you speak of reload time, I am not willing to confirm or not confirm the times, although it takes a definite period of time to reload.

Mr. KERRY. This is from unclassified published sources, Scientific American magazine, and other things, where this has been pretty thoroughly discussed. Of course, I am taking my information from there. Assuming that is the range, we will agree at least there is a delay period.

Mr. GLENN. There is, indeed.

Mr. KERRY. The delay period is a delay period of hours.

Mr. GLENN. That is correct.

Mr. KERRY. In reality in terms of our decisionmaking and response after one or two satellites have been hit, we get some time to do some thinking before responding, do we not?

Mr. GLENN. I presume after our satellite has been hit, we would be doing a lot of very fast thinking.

Mr. KERRY. Or responding?

Mr. GLENN. That is the question. Are we going to start World War III after they take out one satellite? Would it be two satellites? Do we take out Tyuratum? After one satellite, or would it require two Satellites being blasted out of space? Would it be three? That is a horrendous decision that the President of the United States would have to make, as to whether we obliterate a major city in the Soviet Union after we lose one satellite or two or whatever. I say to the Senator from Massachusetts that I would much rather have the ability to take out one of their satellites if they take out one of our satellites. We cannot do that right now without the test and without developing our own system. That would be a more logical response that would not lead automatically to World War III.

Mr. KERRY. In the long run, Mr. President, I agree with the Senator from Ohio. I am not standing here making an argument that if we cannot get an agreement, if they continue to improve their system, we should not build a satellite system. I am not somebody who believes that we should not have the strongest defense of any nation on the face of this planet. Of course we should. But the issue is today's threat. Why, if that is the threat, is there a clear and irrevocable harm to the United States national security by not testing 9 weeks later? This very same threat that the Senator has just described in answer to my question has existed for 15 years. Why is there an irrevocable national security threat in 9 weeks?

Mr. GLENN. I agree completely with the Senator from Massachusetts. To put this off for 9 weeks is not going to do irrevocable damage. However, I think it indicates to the Soviets that every time they squeal about something we are willing to jump through hoops, and give more credibility to their squeals than I think is necessary. We put off for 17 years not developing our capability. Is 9 weeks more going to hurt us? No, probably not. But I want to see us get on with it. We need this capability. If we are going to reduce the risk of World War III by us not having to take our Tyuratum when they take out one or two of our satellites, I would much rather that we have the capability of taking out one or two of their satellites. Then maybe we can negotiate.

Mr. KERRY. I appreciate the Senator's comments. My only problem is if I were sitting in the Soviet Union making decisions and I must make a judgment about building or not building or trying to put the genie back in the bottle on a missile that fits under the wing of an F-15 that has a homing ability versus my coorbital ability, I would be worried, and it would be darned hard for me as a leader in that country to say to my people that I feel any more secure or more especially that I am in a position to negotiate from strength. I do not know a nation in the world that negotiates out of weakness. I do not want to and I do not think you can. But if we test this successfully and put them in the position of weakness, they then, just as we have throughout the arms race, will wait until they build the same system before they negotiate.

Mr. GLENN. How does the Senator feel he puts them in the position of weakness?

Mr. KERRY. We have been though the history of bargaining chips here ad infinitum. We know the history. Here we are with one more bargaining chip theory 9 weeks before summit with no increase in threat to the United States. The Senator said it himself. There is no difference in 9 weeks. The Senator also said it is not irrevocable harm. If it is not irrevocable harm, then the certification given us by the President of the United States is false.

Mr. GLENN. I am not here to verify what the President of the United States said. I have some doubts about some of that verification myself and about how hard they negotiated in Geneva. He certified they did. I am not here to really argue with him about it. But I think when we go to Geneva, we would be in a far better negotiating position if we had a successful satellite test under our belt to compare with their system, and then we can really negotiate from a position of equality, or at least partial equality. We will not have a deployed system, but we will have at least one test that shows proof of intent, which we do not have right now. It might fail.

Mr. KERRY. It may well fail, as the distinguished Senator says. I just cannot for the life of me understand why the President—I cannot say, "Mr. Gorbachev, I am willing to hold off 9 weeks, and if we do not get an agreement in Geneva, or you are not serious about talking, I am going to test the thing, and I am going to have Senator KERRY and others voting for it because you have it." It is not a huge loss.

I reserve the remainder of my time, Mr. President.

Mr. GOLDWATER. Mr. President, parliamentary inquiry: How much time does the proponent have left?

The PRESIDING OFFICER (Mr. CHAFEE). The proponent has 17 minutes.

Mr. GOLDWATER. If the proponent has 17 minutes left, how about the opponent?

The PRESIDING OFFICER. Eighteen minutes.

Mr. GOLDWATER. I will yield 3 minutes to my friend from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the memorandum for the Secretary of Defense and the certification be printed in the RECORD at this point in the debate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL DETERMINATION No. 85-19

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Pursuant to Section 205 of the Department of Defense Authorization Act, 1985, as enacted by P.L. 98-525, I hereby determine and certify that:

The United States is endeavoring in good faith to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States.

Pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security.

Such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons.

Such testing is fully consistent with the rights and obligations of the U.S. under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

You are directed on my behalf to report this determination and certification to the Congress.

You or your delegatee are authorized and directed to publish this determination and certification in the Federal Register.

RONALD REAGAN.

MV ASAT TESTING CERTIFICATION

On March 31, 1984, I submitted a Report to the Congress, in classified and unclassified forms, which detailed many of the considerations involved in analyzing possible limitations on anti-satellite weapons. As that report notes, any realistic and balanced consideration of this topic must take into account a number of problems. These problems include: the need for effective verification; the potential for breakout; the risks of disclosing sensitive information; the problems of definition of space weapons; the vulnerability of satellite support systems; and Soviet military space activity. In particular, it should be noted that definitional and monitoring difficulties plus the need to counter such satellites as the space-based, targeting elements of Soviet weapons systems contribute to the conclusion that a comprehensive ban that would seek to eliminate development, testing, deployment, and use of all means of countering satellites is not verifiable and not in our national security interest. Moreover, no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its Allies and that meet the congressionally mandated requirements of verifiability and consistency with the national security.

The United States is presently involved in negotiations at Geneva on a whole range of nuclear and space issues. At these negotiations, Ambassador Kampelman is, among other things, seeking to explore with the Soviet Union the merits of a strategic relationship characterized by a greater reliance on defenses.

We have been unable, to date, to identify a specific ASAT proposal which meets the requirements identified by the Congress in 1984. We are seriously exploring with the U.S.S.R. arms control arrangements intended to prevent an arms race in space while—we hope—easing a possible transition to a more reliable and effective deterrent posture for both sides. We will continue to study possible ASAT limitations in good faith to see whether such limitations are consistent with the national security interests of the United States. We are, therefore, acting in conformity with the first certification requirement.

The primary purposes of a United States ASAT capability are to deter threats to space systems of the United States and its Allies and, within such limits imposed by international law, to deny any adversary advantages arising from the offensive use of space-based systems which could undermine deterrence.

The USSR has the world's only operational ASAT system with an effective capability to seek and destroy critical U.S. space systems in near-earth orbit. In 1982, a test of this system was integrated into an exercise of Soviet strategic offensive and defensive forces. Moreover, the U.S.S.R. maintains a very large directed energy research program, including ground based lasers assessed to be capable of performing some ASAT functions. This program could also result in the launch of the first prototype of a space-based laser ASAT in the late 1980's or very early 1990's. In addition, since space systems are vulnerable to a broad range of threats from direct attack to electronic warfare to nuclear effects, the Soviet Union could have developed—without our knowledge—a variety of other means to attack our satellites.

There is also a growing threat posed by present and prospective Soviet satellites which, while not weapons themselves, are designed to support directly the U.S.S.R.'s terrestrial forces in the event of conflict. These include ocean reconnaissance satellites which use radar and electronic intelligence in efforts to provide targeting data for use in attacking U.S. and allied surface fleets. They also include photographic and electronic intelligence satellites which provide targeting data and other information useful in supporting Soviet land forces. These Soviet space assets constitute a clear threat to our national security and that of our allies.

The United States must take the steps necessary to avert a situation in which the Soviet Union has full freedom to conduct effective attacks on our space systems knowing that their space objects, including those that provide targeting data, are not vulnerable to U.S. attack. The resultant instability from this asymmetry creates a risk of irrevocable harm to the United States. U.S. development of a credible anti-satellite system is a necessary, integral part of the steps needed to avert this situation. Therefore, testing of the MV against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security of the United States and its allies.

The ASAT testing which we intend to undertake follows by twelve years the initiation by the U.S.S.R. of its testing of a coorbital ASAT system which has for some time been the world's only operational ASAT system. The Soviets, moreover, as noted above, have tested and, in some cases deployed, systems which have inherent ASAT capabilities. The existence of such Soviet capabilities and their testing effectively preclude the possibility that testing by the United States of its MV ASAT will constitute an irreversible step.

In addition, we believe that testing can constitute an incentive to the Soviet Union to reach agreements on a wide range of issues and thus would not impair prospects for a successful conclusion to the negotiations now underway.

The testing against objects in space of the U.S. F-15 MV ASAT system will not give the system the capability to counter strategic ballistic missiles or their elements in flight trajectory and will not constitute a test in an ABM mode. Therefore, such testing is not prohibited by the ABM Treaty.

RONALD REAGAN.

Mr. WARNER. Mr. President, I am looking here at the RECORD of the previous actions by this body on this question. On the amendment which I sponsored earlier, the vote was 74 to 9 in favor of the amendment. Subsequently, the Senate approved the Armed Services recommendation with respect to the conference on the authorization bill by 94 to 5. Those actions were taken at a time when we had full knowledge of the summit that was upcoming. Therefore, I ask my distinguished colleague from Massachusetts what has occurred in the interim that would justify the Senate of the United States, in view of those strong votes, to perform a complete reversal which would be regarded throughout the world as one of the greatest flip-flops in history? I suggest at this critical time when our President is preparing for the summit that the Congress in every respect should provide support such that this Nation is speaking with one voice. I think it would be extremely detrimental to the summit preparations if at this time the Senate—I am confident it will not do so—were to provide a flip-flop in the record of the vote on this issue.

Mr. KERRY. Mr. President, I would like to answer that. I would also like to yield 2 minutes to the Senator from Colorado.

Mr. HART. Mr. President, I am not sure I understand what the Senator from Virginia was trying to say. If he was suggesting that the vote on the conference report of the Defense Authorization bill was some sort of ratification for an antisatellite testing program, then I certainly do not under-

stand that assertion. I am sure, on reflection, he would not want that to stand.

Mr. WARNER. If the Senator will yield on my time——

Mr. HART. No. I am answering the Senator's question. To suggest this argument stressing that this Chamber should speak with one voice seems to me to fly in the face of the Jeffersonian notion about this Nation that people can have honest disagreements. If we are being told now that nobody can disagree with the President on anything having to do with defense or foreign policy because we are headed for a summit, then I do apparently not understand what the American system is all about. Certainly, with an issue having to do with nuclear arms or the one voice theory that we keep hearing about applied to policy for South Africa suggests that Senators of the United States cannot stand up and disagree with respect to discussion of an antisatellite test being conducted on what I believe is a phony certification, I certainly believe the Senator from Virginia might want to rethink his assertion.

Mr. WARNER. Mr. President, I would like to reply on my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I respect the distinguished Senator from Colorado. The authorizing conferees adopted a compromise position that permits a total of three Asat tests against an object in space through the end of fiscal year 1986. The conference report on the authorization bill was adopted in the Senate by a vote of 94-5.

Mr. HART. So 94 Senators would say go ahead, that was what they were voting for? I certainly do not believe they voted for that. I do not think many Senators looked at the line items in that bill and approved every one of them.

Mr. President, what we are addressing is a qualitative escalation of the arms race. There is one reason to have observation satellites—to verify what the other side is doing. It is because of our mutual capabilities to verify what the other side is doing that we have had any arms control at all.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. I yield such time as the Senator requires.

Mr. HART. I think the issue is a policy question, Mr. President, not a technological question. Do we want to get into a race that invalidates the ability to verify arms control agreements? That is the issue. Do we want to do it 9 weeks before we have a summit conference, ostensibly to help limit the nuclear arms race?

Well, I guess you can have the bargaining chip theory that unless we develop an Asat, we do not have anything to bargain with.

I do not happen to believe that.

I think this is a very serious question. This is not just another weapons system. This is a qualitative escalation of the nuclear arms race. Mr. President, if we get into the business of insisting everything the Soviets have, we have to have too, or that there should be no delay in going forward with a test whose timing was arbitrarily set in the first place, or if we believe genuinely we have been doing serious bargaining in Geneva to limit antisatellite weapons, then we believe in the tooth fairy.

This is not a vote on giving the President a mandate or whether we have strength or weakness or any other rhetoric that gets thrown around on the floor to obscure serious questions. This is whether the timing is right to go forward with a major step in the escalation in the arms race in a way we have never done before, which threatened the very ability to negotiate meaningful arms control.

I hope the Senate will sober up and throw the rhetoric aside and address the basic fundamental policy question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to briefly answer the question of the distinguished Senator from Virginia.

I voted among those 94 for a lot of different reasons, not the least of which there was a lot of good in it that we need. I also led the fight prior to that as an amendment to that report to try to prevent the satellite testing for a period of time, as the Senator knows. I gladly cosponsored with him the language which he just read, which I voted for in the final report.

I do not think it changes, as the Senator said, our ability to want still to create conditions whereby limitations on Asat's can be achieved.

Second, and perhaps more importantly, the distinguished Senator from Virginia and the 93 others all voted for a particular process, which is a matter of law today, which codified our intent that the President should adhere to the process.

The distinguished Senator from Ohio has already cast doubt on that process.

That is what is different. That is what has changed to say we should be here now debating this issue because the certification is not bona fide. There is not serious negotiation about Asat restrictions going on in Geneva nor has there been. We are not pursuing that policy.

Finally and just as importantly, at the time we took that vote, I do not believe the summit had been announced. This is a new opportunity. It is a new window. I think we ought to seize it, as the distinguished Senator from Colorado said.

It is an issue of policy. It really is an issue of policy. I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I rise to support the amendment offered by the Senator from Massachusetts. I do so as one who is not opposed in principle to a limited U.S. Asat testing program so long as it is undertaken as part of a serious effort to reach a verifiable agreement to constrain testing and deployment of Asat weapons.

A limited test program of our Asat system would not be enough for us to have confidence in the deployment of our Asat. So a limit on further testing and on deployment of our Asat would still be verifiable.

A moratorium on testing of our Asat so long as the Soviets do not test an Asat poses the problem that the Soviets would have little incentive to negotiate seriously on the details of an agreement in that circumstance. For they would have already accomplished their objective of stopping our Asat program before they sat down at the negotiating table.

So I have supported the three-test Asat testing compromise which has emerged from the Defense Authorization Conference the past 2 years, provided the President certified our intention to seek the strictest possible verifiable Asat limits before starting the limited test program. But I have not supported testing of our Asat without any serious attempt at negotiating restraints on these systems. For then we would be forgoing an opportunity to reduce the vulnerability of our critical command, control, communications, and intelligence satellites in return for a transitory advantage in placing similar Soviet satellites at risk. Without any Asat limits, we would be guaranteed a future in which essentially all space systems on both sides would grow ever more vulnerable.

Unfortunately, the Presidential certification sent to the Congress on August 20 does not inspire confidence in the administration's intention seriously to pursue Asat limits. Far from it. And the certification was apparently originally sent up so that the 15-day waiting period would expire and an Asat test would take place prior to Congress' return from its August recess. In that case we would have faced a fait accompli. Luckily, someone in the Defense Department did not count properly, so we do have this opportunity today to debate the certification and the administration's approach prior to the first Asat test against an object in space. That test is, according to news reports, now scheduled for tomorrow.

Mr. President, I think that we have to ask ourselves, "Why the haste in conducting this test?" Why bother to

do the test against an uninstrumented target, when presumably we want to get all the information we can from each test? Is not that a waste of money? Why rush to get the test in before the summit? If it is a failure, won't the President's hand actually be weakened? And just how troubled is this program technically? Apparently, the last test of our Asat against a point in space was not a success. Apparently, the Air Force keeps offering up this program for cancellation in the DOD's internal budget reviews, presumably an indication that they don't think that this will be the Asat system of choice in the long run.

In point of fact, if we and the Soviets reach a limited agreement in the future, banning our current Asat and the Soviets' current Asat, an extremely limited system which failed its last six tests before the Soviets declared their moratorium on further testing a couple of years ago, neither side may in fact be giving up much at all. Both sides will simply turn to the potentially far more effective Asat systems currently at the research stage, so long as testing and deployment of those systems remain unconstrained. So I hope we will do better than such a limited agreement on the current generation of Asat's if we and the Soviets ever seriously undertake negotiations in this area.

In summary, because I have concerns both about the administration's commitment to seeking Asat arms control constraints and about the haste with which this test has been put together, I am going to vote in favor of the Senator from Massachusetts' amendment. We need the time between now and the Geneva Summit to sort out our national policy on Asat arms control. I am not opposed in principle to our conducting some tests of our Asat system in the future provided it is done in the context of a serious attempt to negotiate Asat restraints and to deal with the growing problem of satellite vulnerability.

Mr. KENNEDY. Mr. President, I support Senator KERRY's timely amendment urging the President to postpone further testing of U.S. antisatellite weapons until after the summit in Geneva. I support this amendment for at least two reasons.

First, if the United States were to announce that, as a gesture of our good faith, we were to postpone this test, it would establish an atmosphere that would be more conducive to achieving real progress in arms control at the summit this November. The announcement last month that the United States planned to conduct such a test before the summit gave the Soviets an important propaganda victory in the world and allowed them to portray the United States as not being sincere in our efforts to achieve meaningful arms control agreements with the Soviet Union.

And second, I believe that continued testing of antisatellite weapons by either side jeopardizes the possibility of achieving a verifiable ban on antisatellite weapons in a future agreement with the Soviet Union. The United States is much more dependent—both in our national security and in our civilian life—on satellites than is the Soviet Union, and we would thus stand to lose more if each nation were to develop and to deploy weapons with the capacity to destroy the other's satellites. The time to achieve a verifiable ban on antisatellite weapons which, in my opinion, would be in the national security interests of the United States, is now, before either nation has completed its efforts to develop more accurate and more sophisticated and more reliable methods of destroying objects in space. Without testing, these new weapons cannot be deployed with any confidence that they would work. And after testing, it will be much more difficult to verify any agreement between the two nations not to deploy such weapons.

So the first step down this path is to support Senator KERRY's amendment. The next step is for President Reagan to respond to our concerns and to order that the test be postponed. There is no risk to the fundamental interests of the United States if such an action were to be taken by the President, and there is potentially much to be gained.

I urge my fellow Senators to support the Kerry amendment.

Mr. EAGLETON. Mr. President, I rise in support of the pending amendment to place a 9-week moratorium on the testing of antisatellite weapons [Asat] in space. This amendment should not be seen as a referendum on whether or not we should develop Asat technology. The question at hand is not even whether or not we should test Asat's in the future. The simple question is whether or not we should test our Asat technology now—tomorrow.

Tomorrow the Air Force intends to launch a new Asat weapon aimed, for the first time, at a space-based target. But everyone knows that the original test planned for tomorrow's launch has been scrapped. The Air Force originally planned to test the Asat against a multimillion dollar instrumental target satellite which was painstakingly designed over a number of years, to give the fullest possible data on the performance of the Asat. But the supersatellite is on the blink and the Air Force is now going to fire the Asat at an old, useless satellite. Obviously the test has been seriously degraded and will yield minimal data.

The Air Force has all but admitted that the only reason for prematurely conducting the test tomorrow is that the President wants to flex his military muscle before the meets with Mikhail Gorbachev at the summit in 9 weeks. In effect, the President wants to use the Asat test as a bargaining tool, which is exactly what he should not do at this time.

As we saw with MIRV's and with the cruise missiles, bargaining tools or chips that are allowed to proceed too far soon become building blocks.

Allowing this bogus test of our Nation's Asat technology to go ahead sends the wrong signal to the Soviets verily moments before a crucial summit between the superpowers' leaders. While we do not want to show weakness, we do want to show a pragmatic interest in reaching agreements about the weapons race in space.

I oppose the Asat test tomorrow and believe that its postponement until after the summit will enhance, not weaken, our Nation's negotiations.

Mr. GOLDWATER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 15 minutes and the Senator from Massachusetts 11 minutes.

Mr. GOLDWATER. Mr. President, I will not take long. The arguments have been made, and I think they are very succinct, against the amendment of the Senator from Massachusetts. The Senator from Colorado who participated in the conference report will remember that this was one of the most hotly contested arguments that we had. The House took a very strong position on a satellite and we had not taken such a strong position. Nevertheless, the decision was finally reached as related by the Senator from Virginia.

I agree with the Senator from Colorado, that we should discuss these things on the floor, even though the prerogative of foreign policy rests with the President, and even though attaching such an important amendment as this to an immigration bill I think is entirely, nongermane. But we will wait and see what happens to that.

Mr. President, I really believe the job of the U.S. Senate, the job of the Armed Services Committee, is to do our best to provide a strong United States. To me, that is paramount. I do not give a particular hoot about what the Russians think about what we do. The negotiations in Geneva, in my estimation, are going to be a total waste of time whether we conduct this test tomorrow, the next day, 9 weeks from now, or anytime. I think the attitude that prevails in the Soviet Union is the attitude that we should have in this country: That whatever we have to do to make this country strong enough to preserve our freedom we are going to do.

Here is s system of antisatellite that has been worked on for a long time. It was worked on for a long time and then abandoned. Now, tomorrow, an F-15 is going to take off and attempt to hit a target a little bit above the average target. We do not know if it is going to work. There is no way in the world for us to know it is going to work. If it does not work it becomes another ball game.

If it does work, then we have taken one more step in what we should be doing, providing for the strength of the United States and not forever worrying about what the head of the Soviet Union thinks about or what the Soviet military thinks about.

Personally, I do not think we are going to war, and I do not think that anything we are talking about here on the floor tonight is going to help prevent war.

Mr. President, I am going to move at the proper time to table this amendment. The vote will not come until Tuesday. I would hope that Members of the Senate would take advantage of the CONGRESSIONAL RECORD and read it.

Mr. President, I reserve the remainder of my time.

Mr. KERRY. Mr. President, I believe the order reads that we will have a vote this evening on this matter on a motion to table.

The PRESIDING OFFICER. There is no order presently to put a vote over until Tuesday.

Mr. KERRY. Mr. President, at this time I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I would like to summarize, if I may, for the proponents.

I listened to the very distinguished chairman of the Armed Services Committee, whom I respect enormously and who I know has nothing but the interests of this country in mind. I would like to think that we share that. I certainly share with him the belief that what we should do is whatever is necessary to preserve the strength of the United States. As I said earlier, we should indeed be second in defense to no nation in the world. But it is my judgment we are that today and we will be that 9 weeks from now if we vote to delay this test. In fact, we may even be less strong should this test be successful. So I would hope that my colleagues will vote to exercise their constitutional and appropriate prerogative to advise the President with respect to international policy. It is certainly within our purview to decide what systems we think ought to be part of our arsenal and what are not.

Mr. President, I yield back my time and again express my appreciation to the manager of the bill and regret indeed that this had to happen on his bill.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GOLDWATER. Mr. President, did the Senator yield back the time?

The PRESIDING OFFICER. The Senator from Massachusetts yielded back the remainder of his time.

Mr. GOLDWATER. Mr. President, I move to table this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back and the yeas and nays having been ordered, the question is on agreeing to the motion of the Senator from Arizona.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST], the Senator from Nevada [Mr. LAXALT], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—62

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Bentsen	Gorton	Packwood
Boschwitz	Gramm	Pressler
Bradley	Grassley	Quayle
Byrd	Hatch	Rockefeller
Chiles	Hawkins	Roth
Cochran	Hecht	Rudman
Cohen	Heflin	Simpson
D'Amato	Heinz	Specter
Danforth	Helms	Stennis
DeConcini	Hollings	Stevens
Denton	Humphrey	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	McConnell	

NAYS—34

Baucus	Hart	Metzenbaum
Biden	Hatfield	Mitchell
Bingaman	Inouye	Moynihan
Boren	Johnston	Pell
Bumpers	Kennedy	Proxmire
Burdick	Kerry	Riegle
Chafee	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Weicker
Gore	Matsunaga	
Harkin	Melcher	

NOT VOTING—4

East	Pryor
Laxalt	Stafford

So the motion to lay on the table the amendment (No. 597) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, if I may have your attention——

The PRESIDING OFFICER. Will the Chamber please be in order so that the manager of the bill might be heard? Will those Senators conversing please take their conversations which would mean themselves also to the cloakroom?

We are not going to proceed until the Chamber is in order.

The Senator from Wyoming, and may we please have attention in the Chamber so the Senator from Wyoming might be heard as to further procedures for this evening.

Mr. SIMPSON. Mr. President, I wish to take a moment to make some remarks before I yield to the Senator from Florida.

We will very shortly take the amendment of the Senator from Florida [Mrs. HAWKINS] and then an amendment of Senator MCCLURE which will be an up-and-down vote and then we will discontinue the activities for today and begin tomorrow at 9 a.m. with morning business. That is the intent in any event. Then we will be back on the bill as soon as that is concluded with Senator KENNEDY's amendment on legalization in midday, then the other amendments, and make every effort to, in fact, conclude the bill tomorrow. I am not aware of how many rollcall votes there might be. I would hope it will not be more than four. But in any event, I tell you that and it is not me pushing. The bill is the pending item of business.

Monday is a holiday from voting, and Tuesday we intend to go on toward Superfund and that activity.

So we would like to dispose of this, win, lose, or draw.

That is the information I can share with you at this time with regard to the bill.

I yield to the Senator from Florida.

AMENDMENT NO. 598

(Purpose: To authorize an immigration emergency revolving fund of $35,000,000 to be used to provide for an increase in border patrol or other enforcement activities of the Service, and for reimbursement of State and localities in providing assistance in meeting an immigrant emergency)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposed an amendment numbered 598.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . There are authorized to be appropriated to an immigration emergency revolving fund, to be established in the Treasury, $35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

Mrs. HAWKINS. Mr. President, this amendment should be familiar to the managers of the bill. They have seen it before, the last time the Senate considered immigration reform legislation back in May 1983. At that time, the managers recognized the need for such an amendment and graciously agreed to accept it without objection. Since the language of the amendment is identical and since the situation is the same, I hope that we can reach an similar accommodation on this go-round of the immigration bill.

The purpose of the amendment is to establish a $35 million contingency fund to be available in the event of a immigration emergency, such as Florida experienced in 1980.

The Mariel immigration emergency was a management disaster. The Federal Government could not makeup its mind whether it wanted to welcome the Marielitos with open arms, or whether it wanted to prevent Castro's illegal display. This wavering was reflected in the bureaucracy by chaos and confusion. As if the sheer magnitude of helping 120,000 people arrive and be assimilated into American society in a period of months were not grave enough, these problems were compounded by ambiguity over which Federal agencies has what powers to act, and a reluctance in some agencies to reprogram previously allocated funds for this new and expected contingency.

While we did it the hard way, we have gained some valuable experience from the Cuban boatlift. Over the last couple of years the administration has been developing a contingency plan to deal with immigration emergencies. That plan was completed several years ago. It outlines the options and authorities of those agencies called on in event of an immigration emergency. Although the plan draws on the experience of the 1980 boatlift, it has been drafted so that it applies to any other kind of an immigration emergency. I have had an opportunity to review this plan, and while I believe that the President needs additional authority to handle such emergencies, the current plan will greatly enhance the ability of the Federal Government to respond to such situations in a timely and effect manner.

While I would prefer to prevent such emergencies in the future, this kind of a plan is a good idea—just in case. However, implementing it requires immediate access to funds. During the Cuban boatlift in 1980, the lack of adequate funding at the critical outset of the emergency compounded the problems created by the boatlift. Local agencies were reluctant to use their funds for any unforseen contingency fearing they had no right to do so or would not be reimbursed.

My amendment addresses the problem of funding. It sets up a fund of $35 million that can be drawn on in the event that the President declares an immigration emergency. It does not expand the President's powers to deal with such an emergency. It provides him with the financial resources to employ his existing authorities effectively and promptly. The lack of funding for the immigration emergency contingency plan is its fundamental deficiency, and until the problem of adequate funding is solved the plan amounts to little more than a hollow, time-consuming exercise.

Finally there is one additional important point regarding my amendment—it will have no effect on the size of the Federal deficit. Because the use of this fund is contingent upon a Presidentially declared immigration emergency, it does not add one penny to budget outlays. As a result, there will be no effect on the budget deficit or the credit markets.

The fact that this amendment does not cost any money does not minimize its importance. This type of a contingency fund would be a vital tool in responding to any future immigration emergency—it will cut down on the confusion, chaos, and reluctance to act that characterized the 1980 Mariel Boatlift.

Mr. President, my amendment provides a reasonable and rational precaution against the kind of chaos that followed the Cuban boatlift—or that might follow any other immigration emergency.

This amendment is fair, and it is good policy. I urge my colleagues to give it their full support.

Mr. SIMPSON. Mr. President, in the 98th Congress, Senator HAWKINS, the ranking minority member of the subcommittee, and I agreed to this amendment. A similar version was approved by the conference committee. It simply provides, in the event of another Mariel Harbor-type emergency, that moneys will be available from an immigration emergency revolving fund to offset State and local costs to allow for an increase in enforcement activities.

I think it is true to state that it should have no impact on the budget issues, because the fund is contingent upon a Presidentially declared immigration emergency. Under this amendment, assistance will be provided when it is requested by the Attorney General after the emergency has been declared. That is my understanding.

Mrs. HAWKINS. That is correct.

Mr. SIMPSON. Mr. President, I am willing to accept the amendment. On behalf of the ranking minority member and comanager of the bill, we will accept the amendment.

Mrs. HAWKINS. I thank the Senator and the ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mrs. HAWKINS].

The amendment (No. 598) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 599

(Purpose: To express the sense of the Congress that the English language is the official language of the United States)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] on behalf of himself, Mr. BURDICK, Mr. GARN, Mr. THURMOND, and Mr. SYMMS, proposes an amendment numbered 599.

On page 125, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POLICY TOWARD THE ENGLISH LANGUAGE

(a) FINDINGS.—The Congress finds that—

(1) the United States has been and will continue to be enriched by the contributions of immigrants from diverse cultures;

(2) a common language, English, fosters harmony among our people, promotes political stability, permits the interchange of ideas, encourages societal accord, and unites us as a people committed to freedom and equality;

(3) the learning of the English language by our Nation's immigrants is vital to their participation in the economic, education, social, and political opportunities of our country; and

(4) a role of the Congress is supporting the bonds that unite our people, one of the most important of which is the use of the English language.

(b) POLICY. —It is the sense of the Congress that—

(1) the English language is the official language of the United States; and

(2) no language other than the English language is recognized as the official language of the United States.

On page 3, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. Policy toward the English language.

Mr. McCLURE. Mr. President, today I am offering an amendment to the immigration bill which expresses the sense of the Senate that English is the official language of the United States. I emphasize that it is a sense-of-the-Senate finding and statement of policy. It does not amend statutes. It does not have the effect of changing any of the laws of the land with respect to any other law that affects this issue.

Diversity and tolerance have always made this country great. As a nation of immigrants, we have had to forge our common commitment to freedom from many backgrounds, philosophies and ideals. The very fact that people from all countries and all walks of life have come to America and worked together for common goals is a testament of our strength.

But, Mr. President, while diversity has helped to make us strong, we must not lose sight of our common bonds. Every nation must have those practices which are shared by all citizens. I believe a common language is one of those practices.

For non-English-speaking immigrants, the learning of the English language is the first task to be mastered. This has been true for the last 200 years. I believe we do a grave disservice to immigrants if we allow them to believe they can fully participate in the many opportunities this country offers if they do not learn English. This simply is not true. If a person does not have a working knowledge of English, he cannot fill out a job application, cannot participate in community affairs, cannot be a good consumer. Not only is the immigrant himself shut out of our society, we as a nation suffer the loss of his contributions. If diversity has made us strong, we must have a means of communication to share that diversity. If I were to move to France tomorrow, how could I possibly expect to be a productive member of that nation if I were to continue speaking only English?

Mr. President, the purpose of this resolution is not to discourage, in any way, the ethnic and linguistic differences in this country. I support and encourage the rights of all Americans to preserve their cultural heritages. It is vitally important that we preserve our ability to welcome all people from all nations and learn from them. But I believe this is an entirely different issue from the preservation and promotion of English. Maintaining different cultural ties and traditions does not preclude the necessity to read, write, and speak English.

Our former colleague, Senator S.I. Hayakawa, has been widely quoted on this matter but I think his statements bear repeating. Senator Hayakawa said:

Language is a powerful tool. A common language can unify; separate languages can fracture and fragment a society. The American "melting pot" has succeeded in creating a vibrant new culture among people of many different cultural backgrounds largely because of the widespread use of a common language, English. Learning English has been the primary task of every immigrant group for two centuries. Participation in the common language has rapidly made available to each new group the political and economic benefits of American society. Those who have mastered English have overcome the major hurdle to full participation in our democracy.

Mr. President, similar language to this amendment has passed the Senate on two occasions, most recently on last year's immigration bill. I urge my colleagues to support my amendment.

Mr. SYMMS. Mr. President, I rise in support of the amendment offered by my colleague from Idaho. There are 14 sponsors in the Senate on the English language amendment who have been working hard to see the English language become the official language of the United States. We in this body were preceded in this effort by our two former distinguished colleagues, Senator Huddleston and Senator Hayakawa, who started paving the way for this in this country.

According to the law, Mr. President, a person must be able to read and write and speak English to become a citizen. Proficiency in English is required in order to participate in the American dream, to enjoy the full economic opportunities this Nation offers, and to enter into the political dialog which is not possible in many nations on Earth. In order to do all of this in America, a person must be able to use the English language.

We are in favor of preserving one's ethnic background when we stand to say we still want the common bond of English. We do not desire to destroy anyone's pride in their heritage. On the contrary. We encourage the learning of foreign languages and the preservation of cultural heritage. In fact, just this morning I had the distinct privilege in the Russell Building to see an award given to Jimmy Jausoro and his famous Orinkari dance troupe from Boise, ID. They were here and honored with a major national award in the arts. This is a cultural group, the Basques in Idaho, Nevada, Wyoming, Utah, the western States, and northern California. It is a very large group. They are very large in our State. They are a very important part of the fiber of heritage in our State. It is interesting that one of the leaders of that group is the secretary of state of the State of Idaho, Pete Cenarussa, who, when he started in the public school system in Idaho, he could not speak a word of English. Neither could his parents. He was instructed by his parents to go to school, learn English, come home, and teach the family English so they could survive. He later served with distinction in World War II as a pilot in the armed services in the U.S. Marine Corps, graduated from the University of Idaho, and served as speaker of the house of representatives in the State of Idaho. He always has said had it not been for the persistence of his parents to force him to learn English, he would never have been able to be the success he has become.

Mr. President, I am very proud of the Basques in Idaho, proud of the group that got the honor today, and proud of them for being great Americans. They all emphasize the importance of having their youngsters be able to come in and learn to participate in the English language so they can enjoy our society.

I compliment and thank my distinguished senior collegue for offering this amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to ask unanimous-consent to be named a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. My remarks will be very brief. In my home State of South Dakota—I think throughout this Nation—the common ladder to economic success has been the English language. Increasingly, efforts are underway to offer our young people bilingual education. These efforts are to be commended. However, we must not lose sight of our official language. One sure way to lock our young people into poverty situations is to neglect their need to learn the English language. Some States have amended their constitutions to provide English as the official language. We in the U.S. Congress must also stress the importance of the English language.

I strongly support this amendment. I think it is a very thoughtful one. I have cosponsored similar amendments to immigration reform bills. I think that is a very essential provision and ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I have been discussing this amendment with several Senators on the floor, and one suggestion has been made that might aid its passage. First of all, Mr.

President, I appreciate the comments that have been made. I recognize the difficulty of raising this issue. But I think it is an important issue. I hope that the Senate will speak on it. I hope for a nearly unanimous vote, although I know it will not be unanimous. But in an effort to reduce any controversy, it has been suggested that a change in the language in the amendment would assist its passage. Therefore, I ask to modify the amendment. In subsection (b) on the second page, which is the policy statement, to amend it to read as follows: "It is the sense of the Congress that the English language is the official language of the United States." period, deleting the balance of subparagraph (b).

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. McCLURE. I thank the Chair.

The amendment, as modified, is as follows:

On page 125, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POLICY TOWARD THE ENGLISH LANGUAGE.

(a) FINDINGS.—The Congress finds that—

(1) the United States has been and will continue to be enriched by the contributions of immigrants from diverse cultures;

(2) a common language, English, fosters harmony among our people, promotes political stability, permits the interchange of ideas, encourages societal accord, and unites us as a people committed to freedom and equality;

(3) the learning of the English language by our Nation's immigrants is vital to their participation in the economic, education, social, and political opportunities of our country; and

(4) a role of the Congress is supporting the bonds that unite our people, one of the most important of which is the use of the English language.

(b) POLICY.—It is the sense of the Congress that—

(1) the English language is the official language of the United States.

On page 3, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. Policy toward the English language.

Mr. McCLURE. Mr. President, let me make just this additional statement. The language I deleted refers to all other languages which I think is not an operative requirement of this amendment. But I would not want it to be read, that because we took that language out, we in any way wished to state the opposite, and that some other language is recognized as an official language.

I think it very clearly says on the face of it that the official language of the United States is the English language, and let us stand at that.

Mr. THURMOND. Mr. President, I rise in support of this amendment that declares the sense of the Congress that the English language is the official language of the United States and that no other language other than the English language is recognized as the official language of the United States.

This amendment was passed by a 3-to-1 margin when it was offered to the immigration bill in the 97th Congress. It was also included in the immigration measure that passed the Senate in the last Congress.

Language is indeed a unifying factor. It is a characteristic of a people that brings divergent interests and backgrounds into a whole. It is the basis of a society and creates a public culture.

We who live in this great Nation have greatly benefited from the sharing of the ideas and the melding of the customs of all of the immigrants who have come to our shores. This enrichment is made even greater from the sharing of a common basis: The use of the English language.

I urge my colleagues to join with me in supporting this resolution.

Mr. SYMMS. Mr. President, I rise in support of the amendment offered by my colleague from Idaho. I and the 14 cosponsors of S. 20, the English language amendment, have been working very hard to see English become the official language of the United States. We are preceded in this effort by our distinguished former colleagues, Senator Huddleston and Senator Sam Hayakawa.

Mr. President, according to the law, a person must be able to "read, write and speak English in ordinary usage" to become a citizen. In order to really participate in the American dream, to enjoy the full economic bounty this Nation offers and to enter into the political dialog which is not possible in many nations on Earth. In order to do all this in America, a person must use the English language.

We are in favor of preserving one's ethnic background. We do not desire to destroy one's pride in one's heritage. On the contrary, we encourage the learning of foreign languages and the preservation of cultural heritage. In fact, just this morning one of Idaho's best known Basques, Jimmy Jausoro, and his famous Orinkara dance troupe were here in Washington to be honored with a major national award in the arts. Here is a cultural group, which is large in Idaho, that has maintained its finest music and dance heritage. Although not Basque myself, I am proud of Jimmy and his group. I honor them for being true Americans who have preserved their great culture.

Mr. President, we cannot allow our great Nation to become divided as has our neighbor to the north and other nations which have a multiplicity of national languages. Language is the glue that holds a nation together and reduces suspicion among its citizens.

I urge my colleagues in this body to support Senator McCLURE's amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama [Mr. DENTON] be made an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOMENICI. Mr. President, since we are not going to have a record vote, I am not going to ask for one, I want the record to reflect that if we would have had such recorded vote, I would have voted no.

Mr. SIMON. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to.

Mr. SIMON. I simply want to join by saying if we were to have a record vote that would be my vote, too.

Mr. DOMENICI. I will state my reasons afterward so I will not have to keep anyone here.

The PRESIDING OFFICER. The record will reflect that if there were a record vote, the vote of the Senator from New Mexico and the vote of the Senator from Illinois would be no.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 599), as modified, was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, had this vote been a rollcall vote, I would have voted no, for the reason that I think it could be handled on a significantly different piece of legislation. It makes me somewhat uncomfortable to deal with it on this legislation, and therefore I voted no. I am fully aware that the vote would have been very near what it was the previous time we voted, which was, I believe, about 76 to 23. I am fully aware of that, but I just wanted to state that to clarify my position.

Mr. KENNEDY. Mr. President, I want to join with Senator SIMPSON in saying I, too, would have voted no on the amendment offered by Senator McCLURE.

Like him, I, too, felt that this bill was the wrong vehicle for this amendment—that it could be misunderstood.

I am gratified that the amendment was modified, but I still feel this legislation dealing with illegal migration and new enforcement policies is the

wrong bill and could be interpreted as a rather negative statement by some groups in our society.

Mr. SIMPSON. If I can have the attention of my colleagues, that will conclude the voting for tonight. We have two other amendments we will process very briefly. Then I believe the hour of convening is set at 9 a.m. At least, the majority leader and I were speaking of that time. Then we will be back on the bill after the conclusion of morning business.

The PRESIDING OFFICER. The chair has an inquiry. What does the manager mean by process?

Mr. SIMPSON. Yes, accepted by the majority and minority managers of the bill—one to be laid down and dealt with in the morning, one to be handled at the present time.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Will the Senator yield for a unanimous-consent request?

Mr. SIMPSON. I will.

Mr. McCLURE. Mr. President, I ask unanimous consent that the distinguished Senator from California [Mr. WILSON] be added as original cosponsor of the amendment just adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 600

(Purpose: To extend the income and eligibility verification system under section 1137 of the Social Security Act so as to provide for verification of immigration status in the cases of aliens applying for benefits under specified welfare and other programs)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposes an amendment numbered 600.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III add the following:

SEC. . VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.

(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAM.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) by redesignating paragraphs (4) through (7) of subsection (a) as paragraph (5) through (8), respectively, and inserting after paragraph (3) the following new paragraph:

"(4) the State shall require, as a condition of eligibility for benefits under any program listed in subsection (b), that each applicant for or recipient of benefits under that program must declare in writing, under penalty of perjury, whether or not the individual is a citizen of the United States, and, if not a citizen of the United States, the individual shall present alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contain the individual's alien admission number, or alien file number (or numbers if he has more than one number), and—

"(A) if such an applicant or recipient is not a citizen of the United States, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the alien's immigration status through an automated or other system (designated by the Service for use with States) that—

"(i) utilizes the alien's name, file number admission number or other means permitting efficient verification, and

"(ii) protects the alien's privacy to the maximum degree possible,

"(B) if the verification under subparagraph (A) does not indicate that the individual is in an immigration status permitting eligibility for benefits under the applicable program—

"(i) the State shall provide the alien with an opportunity to prove otherwise by submitting to the State documents establishing a satisfactory immigration status for the applicable program, photostatic or other similar copies of which documents shall be transmitted by the State to the Immigration and Naturalization Service for official verification, and

"(ii) the State may not deny, reduce, or terminate an individual's benefits under the program on the basis of immigration status without affording the individual the opportunity described in clause (i), and

"(C) if an individual has been determined (after the opportunity described in subparagraph (B)(i)) to be an alien in an immigration status which does not permit the individual to be eligible for benefits under the applicable program, the State shall deny or terminate the individual's participation in the program;"; and

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu "income and eligibility verification system".

(2) UNDER SSI PROGRAM.—Section 1631(e)(1)(B) of such Act is amended by striking out "subsections (a)(6) and (c)" and inserting in lieu thereof "(a)(4), (a)(7), and (c)".

(b) PROVIDING 90 PERCENT MATCHING FUNDS FOR NON-LABOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

"(A) 90 percent of so much of such expenditures as are for the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4),".

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) an amount equal to 90 percent of the sums expended during the quarter which are attributable to the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4); plus".

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 90 percent of so much of the reasonable expenditures of the State as are attributable to the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4)".

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) 90 percent of so much of such expenditures as are for the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4); plus".

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to pay to each State agency an amount equal to 90 per centum of the non-labor costs incurred by the State Agency in implementing and operating the immigration status verification system described in section 1137(a)(4) of the Social Security Act.".

(c) EFFECTIVE DATES.—

(1) INS ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under section 1137(a)(4)(A) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987.

(2) HIGHER MATCHING EFFECTIVE IN FISCAL YEAR 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

(3) USE OF VERIFICATION SYSTEM REQUIRED IN FISCAL YEAR 1989.—The amendments made by subsection (a) take effect on October 1, 1988. States have until that date to begin complying with the requirements imposed by those amendments.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the amendment pending at the desk be temporarily laid aside, and that it be the pending business when the Senate returns to consideration of S. 1200 tomorrow, September 13, 1985.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, before any more Senators leave the Chamber, might the Republican leader inform us whether there will be any more rollcall votes this evening, and what the prospects are for tomorrow?

Mr. DOLE. Mr. President, I will indicate that I am advised by the managers that there will be no more rollcall

votes this evening. There will be one amendment that will be accepted.

It is my understanding that we can proceed early tomorrow morning. There will be rollcall votes tomorrow and hopefully we can complete action on this bill between 3 and 4 o'clock in the afternoon.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. FORD. Mr. President, might I ask at what time the votes will take place?

Mr. DOLE. Mr. President, I hope we will not find it necessary to have a rollcall vote on every amendment. There are amendments on both sides. We will do our best to hold down the number of votes.

Mr. FORD. Mr. President, the Senator from Kentucky will be in Kentucky looking at a new source of energy, construction for which will be dedicated tomorrow. We hope it will give us a new source of energy. It is a new coal technology which is important to my State and other States. It is incumbent upon me to be there. I am afraid I will miss my first vote this year, if the Senate is not accommodating to stack the votes until Monday or Tuesday. I guess it is just beyond any realm of possibility to stack them until Tuesday.

Mr. DOLE. I will work with the distinguished minority leader to encourage our friends on both sides to have voice votes.

Mr. FORD. Mr. President, I appreciate the majority leader's comments. I hate to miss votes. If we could be accommodated, it would be important to several Senators on both sides who cannot be here tomorrow.

Mr. DOLE. I understand.

Mr. SYMMS. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMMS. Has a motion to reconsider the vote on the Hatch amendment been made?

The PRESIDING OFFICER. It has not been.

Mr. SYMMS. I make that motion and ask for the yeas and nays.

The PRESIDING OFFICER. The request is not in order unless the request is made by a Senator on the prevailing side.

AMENDMENT NO. 601

(Purpose: Express the sense of the Senate that the visa waiver pilot program will achieve highly desirable goals which are in the national interest)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself and Mr. WARNER, proposes an amendment numbered 601.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, insert the following immediately before line 20:

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the visa waiver pilot program authorized by the amendments made by this section will provide economic benefits, greater international understanding and cooperation, and more efficient use of consular resources, and that such goals are highly desirable and in the national interest. The Senate reaffirms its support for such program.

Mr. PRESSLER. Mr. President, for many years the administration, the travel and tourism industry, and the Senate have supported legislation which would waive the U.S. visa requirement in certain cases.

In 1982, I sponsored the original visa waiver amendment to the Immigration Reform and Control Act. This body passed that amendment unanimously, and has reaffirmed its support for visa waiver every year since.

In 1983, the Immigration Reform and Control Act again passed with the visa waiver provision. The House passed an amended version in 1984. The bill has not been signed into law because of controversy over other provisions in the bill—not visa waiver.

Once again we are going forward in an attempt to pass an immigration reform bill. And once again, I am pleased to see that the Senate supports the enormously important visa waiver provision. However, visa waiver has not been included in the immigration reform package now being considered by the House of Representatives. I ask my colleagues to join me in insisting that visa waiver be part of this legislation.

Today I am offering this amendment to express the sense of the Senate that the visa waiver provision be included in the final package when the respective House and Senate bills go to the conference committee. By recognizing the importance of this provision and reaffirming our support, we are sending a clear message to the conferees on this matter, so I urge my colleagues to support this amendment.

It is estimated that visa waiver would bring as many as 400,000 additional visitors into the United States from abroad, producing close to $300 million in U.S. tourism receipts. Based on these receipts, an estimated 7,000 to 8,000 travel-related jobs would be created and more than $16 million in tax receipts would be realized.

Our American embassies and consulates are often overwhelmed by processing visas. In some countries, backlogs are so bad that applicants cancel their travel plans to the United States.

The U.S. nonimmigrant visa requirements are among the most restrictive in the world. These restrictions retard our economic growth and serve as a self-imposed trade barrier against the United States. This restrictive approach increases our trade deficits and is very harmful to a very important U.S. industry. It is rather curious that, in the present atmosphere of growing protectionist sentiments and concern about our trade imbalance, we should add to our own problems by not enacting the visa waiver legislation into law. We are shooting ourselves in the foot if we fail to insist that visa waiver be retained in a House-Senate compromise on this important issue.

Mr. President, making travel to our country less restrictive will increase the number of visitors, reduce our trade deficit, add to our foreign exchange earnings, encourage economic growth, and break down another barrier to trade in tourism. The support of visa waiver legislation by this Senate is good commonsense and I ask my colleagues to support this amendment.

Mr. WARNER. Mr. President, I am pleased to join my good friend from South Dakota, Mr. PRESSLER, in commending the distinguished majority whip, Mr. SIMPSON, for his courage and foresight in including in this important immigration reform legislation provisions allowing visa waiver.

Earlier this year the Senator from South Dakota and I, along with the Senators from Tennessee, Mr. SASSER and Mr. GORE; Hawaii, Mr. INOUYE and Mr. MATSUNAGA; Utah, Mr. HATCH; Alaska, Mr. MURKOWSKI; Ohio, Mr. GLENN; New Mexico, Mr. BINGAMAN; AND Illinois, Mr. SIMON, introduced S. 825, a bill to provide visa waivers for nonimmigrant tourists from certain countries.

We undertook this effort with the full recognition that Congressman ROMANO MAZZOLI and Senator SIMPSON intended to reintroduce the legislation before us today.

Our objective in promoting visa waiver was not to detract in any way from the unyielding and devoted efforts of the distinguished Senator from Wyoming.

Our objective was to provide additional momentum to help bring the Congress to grips with this very important issue.

Today, we reaffirm our support for immigration reform legislation including visa waiver, and urge that when this bill goes to conference with the House of Representatives, every effort be made to retain visa waiver.

With trade deficits running at such a high level, the United States must do everything it can to bolster its exports.

Inbound foreign travelers represent the second largest export for the United States.

In fact it is estimated that as many as 400,000 additional visitors from abroad would gladly respond to the aggressive marketing appeals of the U.S. Travel and Tourism Administration and America's travel destinations were it not for the difficulties they face in obtaining nonimmigrant tourist visas.

Through the cooperative efforts of the Senator from Wyoming the Congress can help alleviate this problem.

The Senator from Virginia applauds the efforts and the leadership of the chairman of the Immigration Subcommittee, and is grateful to the Senator from South Dakota and others for their unyielding support of the visa waiver provisions of this bill.

Mr. President, I ask unanimous consent that my statement which appeared in the RECORD on March 18 of this year regarding visa waiver be printed at this point in today's proceedings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN W. WARNER

Mr. President, I am pleased to join with the Senator from South Dakota (Mr. Pressler), and the Senator from Tennessee (Mr. Sasser), to introduce the Visa Waiver Act of 1985, a bill providing limited waiver of the U.S. non-immigrant visa requirements.

As co-chairman of the Senate Tourism Caucus, Senator Sasser and I have urged for many years now the enactment of this legislation, and we have eagerly joined with Senator Pressler in his capacity as chairman of the Subcommittee on Business, Trade, and Tourism, to obtain for America's travel and tourism industry the important benefits this legislation holds.

ECONOMIC IMPACT

Mr. President, international travel to the United States in 1983: accounted for 21.7 million total foreign arrivals and receipts of $13.9 billion (including international transportation payments to U.S. carriers); netted this nation 706 percent of total world international arrivals (286.5 million) and 11.9 percent of global foreign tourism expenditures (96.2 billion); resulted in federal, state, and local tax revenues of more than $1.1 billion; directly and indirectly generated over 600,000 U.S. jobs; and accounted for one-third of business services exports.

Based on one study, adjusted to reflect current data and assumptions under last year's bill, it is estimated that the proposed legislation will add as many as 400,000 visitors from abroad.

These visitors will produce $300 million in tourism receipts.

Based on these receipts, an estimated 7,000 to 8,000 travel-related jobs would be created and more than $16 million in tax receipts would be realized.

The State Department in 1980 estimated that 70 percent of the non-immigrant visas are related to tourism and three percent related to business activities.

The American embassies and consulates are frequently overwhelmed by the processing of these visas.

In some countries, backlogs are so bad that applicants get angry and cancel their plans to travel to the United States.

The State Department has determined that, if the new law had been in operation in 1982, over $3 million in resources and over 120 positions abroad could have been used for other purposes.

POLICY AND THE NATIONAL INTEREST

Studies conducted in 1977 for the U.S. Travel Service, predecessor to the U.S. Travel and Tourism Administration, determined that "difficult entry procedures and/or difficulty in obtaining a visa" inhibited some foreign nationals from visiting the United States.

An average of 13.6 percent of potential visitors from five of the countries eligible under legislation pending that year anticipated these difficulties.

The percent of actual visitors reporting such difficulties ranged from 25 percent (France) to four percent (Netherlands).

Most western European countries eliminated visa requirements for Americans and other visitors during the post-World War II era.

At least 35 countries have eliminated this requirement.

The present law requires that all foreign nationals, except those from Canada and the Bahamas, possess a visa to enter the United States as a visitor.

But U.S. laws concerning tourism support a visa waiver program.

Under the International Travel Act of 1961, the Secretary of Commerce is directed to ". . . encourage the simplification, reduction, or elimination of barriers to travel, and the facilitation of international travel generally," and "to stimulate and encourage travel to the United States by residents of foreign countries. . . ."

Further, the National Tourism Policy Act of 1981 establishes a national tourism policy whose principal objective is to ". . . encourage the free and welcome entry of individuals traveling to the United States in order to enhance international understanding and good will. . . ."

CONCLUSION

The non-immigrant visa requirements of the United States are among the most restrictive in the world.

The restrictions serve as a trade barrier, retarding economic growth and inhibiting good will.

The proposed legislation is in the national interest and will promote inbound travel.

Making travel to the United States less restrictive will increase the number of visitors, add to our foreign exchange earnings, encourage economic growth and break down another barrier to trade in tourism.

Visa waiver legislation like this bill is aggressively supported by the administration.

It passed in both the House of Representatives and the Senate in the last Congress, and it is endorsed by virtually all segments of the travel and tourism industry.

Mr. President, I urge the support of my colleagues for this measure, and I am hopeful it will receive swift and early consideration in this body as well as in the House of Representatives, where Congressman Bill Boner has introduced identical legislation.

Mr. PRESSLER. Mr. President, I move adoption of the amendment.

Mr. SIMPSON. Mr. President, we feel we can accept the amendment since it reflects the intent of the committee regarding the visa waiver provision. I appreciate him offering it at this time.

I believe this amendment has been cleared on the minority side and is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 601) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, with regard to the Hawkins amendment which has been laid down, I ask unanimous consent that it be the pending business in the morning when we return to S. 1200.

NATIONAL HIGH-TECH MONTH

Mr. SIMPSON. Mr. President, having consulted with the minority leader, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 128, National High-Tech Month, reported today by the Committee on the Judiciary.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 128) designating the month of October 1985 as "National High-Tech Month."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACCOMPLISHMENTS OF THE HISTORIC SITES ACT OF 1935

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 299, a joint resolution recognizing the accomplishments of the passage of the Historic Sites Act of 1935.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 299) recognizing the accomplishments over the past 50 years resulting from the passage of the Historic Sites Act of 1935, one of this Nation's landmark preservation laws.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. JOHNSTON. Mr. President, I rise in support of House Joint Resolution 299. This joint resolution would recognize the act approved August 21, 1935, popularly referred to as the Historic Sites Act of 1935, for its substantial contributions over the past 50 years to the identification and protection of the Nation's cultural heritage.

Mr. President, the Historic Sites Act has played a vital role in preserving places important in American history, places that Americans are visiting every day in increasing numbers, such as Gettysburg, Jamestown, Valley Forge, and Fort Laramie. Prior to the enactment of this measure, there was no existing legislation which served to preserve historic properties such as these. Concerned that many of these historically invaluable structures would be lost forever to development, interested citizens and public officials worked together to develop "a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." It is due to their hard work and foresight that on August 21, 1935, President Franklin D. Roosevelt signed into law the Historic Sites Act.

Mr. President, this legislation authorizes the Secretary of the Interior, through the National Park Service, to record and document historic structures; to survey historical and archeological properties; and to acquire, restore, and manage properties of historical value. Additionally, it authorizes the National Park Service to build and maintain museums at historic sites as well as provide the public with educational and interpretative materials about their historic significance. The act is also responsible for establishing the National Park System Advisory Board, whose members are expert in park-related disciplines such as history, archeology, architecture, and natural science.

Fifty years after the enactment of the Historic Sites Act, millions of people are benefiting from its legacy as they visit our historic places and reflect on the events and values which helped to shape our country. It is indeed fitting on the occasion of its 50th anniversary that we recognize the accomplishments resulting from the passage of the Historic Sites Act of 1935. I urge my colleagues to join me in commemorating one of this Nation's landmark preservation laws.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TEXT OF THE GOVERNING INTERNATIONAL FISHING AGREEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which pursuant to Public Law 94-265 was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), (the Act), I transmit herewith the text of the Governing International Fishery Agreement between the Government of the United States and the Government of the People's Republic of China, which was signed at Washington on July 23, 1985.

This agreement is one of a series negotiated in accordance with the Act. It is the first such agreement to be concluded that incorporates the 1984 amendments to the Act, clearly establishing the relationship between a foreign nation's allocations requests and its contributions to the development of the U.S. fishery in which it is requesting allocations. This agreement will further the objectives of the Act and will serve to enhance relations between the United States and the People's Republic of China.

I recommend that the Congress give favorable consideration to this agreement at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *September 12, 1985.*

TEXT OF THE GOVERNING INTERNATIONAL FISHING AGREEMENT WITH THE POLISH PEOPLE'S REPUBLIC—MESSAGE FROM THE PRESIDENT—PM 78

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which pursuant to Public Law 94-265 was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), (the Act), I transmit herewith the text of the Governing International Fishery Agreement between the Government of the United States and the Government of the Polish People's Republic, which was signed at Washington on August 1, 1985.

This agreement is one of a series negotiated in accordance with the Act. It is a renegotiated agreement that will allow the fisheries relationship between the United States and the Polish People's Republic to continue when the agreement currently in force expires on December 31, 1985. It incorporates the 1984 amendments to the Act that clearly establish the relationship between a foreign nation's allocations requests and its contributions to the development of the U.S. fishery in which it is requesting allocations. This agreement will further the objectives of the Act and will permit the fishing industries of the United States and the Polish People's Republic to continue without interruption the cooperative fishery arrangements that have developed since the first such agreement was signed with the Polish People's Republic in 1977.

I recommend that the Congress give favorable consideration to this agreement at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *September 12, 1985.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 4:38 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 31. Joint resolution to designate the week of November 24 through Novem-

ber 30, 1985, and the week of November 23 through November 29, 1986, as "National Family Week".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1717. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of supplemental contract award dates for the period September 1, 1985, to October 31, 1985; to the Committee on Armed Services.

EC-1718. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1719. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Pakistan for defense articles estimated to cost in excess of $50 million; to the Committtee on Armed Services.

EC-1720. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to the United Kingdom for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1721. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the budget estimate, request, and information of the Board for fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-1722. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1723. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1724. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1725. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Comments Regarding Proposed Legislation: District of Columbia Cash Management Act of 1985"; to the Committee on Governmental Affairs.

EC-1726. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-1727. A communication from the Secretary of the Air Force and the Secretary of Agriculture, transmitting, pursuant to law, a report on the intention of the Departments of interchange jurisdiction of military and National Forest System lands; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1728. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the fiscal year 1986 budget; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-1729. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1730. A communication from the Under Secretary of State for Security Assistance, Science, and Technology, transmitting, pursuant to law, a report on the reallocation of certain funds; to the Committee on Appropriations.

EC-1731. A communication from the Benefits Program Manager, U.S. Army Community and Family Support Center, transmitting, pursuant to law, a report on the U.S. Army Element, Stars and Stripes Europe, Elective Annuity Contract for the plan year ending June 30, 1985; to the Committee on Armed Services.

EC-1732. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 138 of title 10, United States Code, to authorize the Secretary of Defense to enter into certain agreements to further the readiness of the military forces of the United States and other North Atlantic Treaty Organization countries and the Republic of Korea; to the Committee on Armed Services.

EC-1733. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1734. A communication from the Department of Labor transmitting, pursuant to law, a report entitled "Trade and Employment Effects of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

EC-1735. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforseen emergencies of a confidential nature; to the Committee on Finance.

EC-1736. A communication from the Secretary of Labor, transmitting pursuant to law, his determination in respect to a contract award; to the Committee on Governmental Affairs.

EC-1737. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the 1985 audit report for the American Ex-Prisoners of War; to the Committee on the Judiciary.

EC-1738. A communication from the Director of ACTION, transmitting, pursuant to law, new guidelines for the VISTA program; to the Committee on Labor and Human Resources.

EC-1739. A communication from the Acting Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice of a new Federal acquisition regulation; to the Committee on Government Affairs.

EC-1740. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the budget submission of the Board for fiscal year 1987 to the Committee on Labor and Human Resources.

EC-1741. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to the Federal Republic of Germany for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1742. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for the period April 1, 1984, through March 31, 1985; to the Committee on Commerce, Science, and Transportation.

EC-1743. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1744. A communication from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, and Installations), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to make permanent certain provisions relating to members of the Armed Forces missing in action; to the Committee on Finance.

EC-1745. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a Presidential determination with respect to Ethiopia; to the Committee on Foreign Relations.

EC-1746. A communication from the Deputy Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a final rule under the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

EC-1747. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to September 9, 1985; to the Committee on Foreign Relations.

EC-1748. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Out-

standing Liens Against Samuel C. Jackson Plaza Project Parcels"; to the Committee on Government Affairs.

EC-1749. A communication from the District of Columbia Auditor transmitting, pursuant to law, report entitled "Review of Transactions Between the University of the District of Columbia and the Office of the Secretary"; to the Committee on Governmental Affairs.

EC-1750. A communication from the Acting Records Office, U.S. Postal Service, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-1751. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend health maintenance organization authorities; to the Committee on Labor and Human Resources.

EC-1752. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1987 budget request of the Commission; to the Committee on Rules and Administration.

EC-1753. A communication from the Secretary of Transportation, transmitting drafts of proposed legislation: (1) to amend subtitle IV of title 49, United States Code, to reduce regulation of motor carriers of property, and for other purposes; (2) to amend subtitle IV of title 49, United States Code, to reduce regulation of surface freight forwarders, and (3) to amend subtitle IV of title 49, United States Code, to reduce regulation of interstate water carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 128: A joint resolution designating the month of October 1985 as "National High-Tech Month".

S.J. Res. 68: A joint resolution to designate November 21, 1985, as "William Beaumont Day".

S.J. Res. 139: A joint resolution to designate the week of December 1, 1985 through December 7, 1985, as "National Home Care Week".

S.J. Res. 141: A joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week".

S.J. Res. 155: A joint resolution to designate the month of November 1985 as "National Hospice Month."

S.J. Res. 159: A joint resolution to designate the rose as the national floral emblem.

S.J. Res. 173: A joint resolution to designate the month of September 1985 as "National Sewing Month".

S.J. Res. 186: A joint resolution to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Alex Kozinski, of California, to be United States Circuit Judge for the Ninth Circuit;

Ralph B. Guy, Jr., of Michigan, to be United States Circuit Judge for the Sixth Circuit;

Stephen H. Anderson, of Utah, to be United States Circuit Judge for the Tenth Circuit;

Ferdinand F. Fernandez, of California, to be United States District Judge for the Central District of California;

Glen H. Davidson, of Mississippi, to be United States District Judge for the Northern District of Mississippi;

Robert B. Maloney, of Texas, to be United States District Judge for the Northern District of Texas;

David Bryan Sentelle, of North Carolina, to be United States District Judge for the Western District of North Carolina;

Brain B. Duff, of Illinois, to be United States District Judge for the Northern District of Illinois; and

Donald James Quigg, of Virginia, to be Commissioner of Patents and Trademarks.

By Mr. GOLDWATER, from the Committee on Armed Services:

Robert B. Sims, of Tennessee, to be an Assistant Secretary of Defense.

(The above nomination was reported from the Committee on Armed Services with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WARNER, from the Committee on Armed Services:

Mr. WARNER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 30, 1985, at the end of the Senate proceedings.)

ROUTINE MILITARY NOMINATIONS WHICH HAVE BEEN PENDING WITH THE SENATE ARMED SERVICES COMMITTEE THE REQUIRED LENGTH OF TIME AND TO WHICH NO OBJECTIONS HAVE BEEN RAISED—SEPTEMBER 12, 1985

*1. In the Navy there are 6 appointments to the permanent grade of commodore (list begins with Lewis Mantel). (Ref. No. 4)

**2. In the Marine Corps Reserve there are 157 permanent appointments to the grade of lieutenant colonel (list begins with Paul D. Allen, Jr.) (Ref. No. 486)

*3. In the Navy there is 1 permanent promotion to the grade of rear admiral (Charles Francis Clark). (Ref. No. 488)

*4. Admiral Sylvester R. Foley, Jr., U.S. Navy, to be place on the retired list. (Ref. No. 499)

Total 165.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON:

S. 1630. A bill to substitute the employment of American citizens for Soviet nationals employed by the U.S. diplomatic mission or U.S. consular posts in the Soviet Union, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMON (for himself, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mr. DODD, and Mr. BRADLEY):

S. 1631. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of post-secondary foreign language instruction; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 1632. A bill to amend the Internal Revenue Code of 1954 to require that employers provide an extension of health plan coverage at group rates for family members of deceased, divorced, or Medicare-eligible workers; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1633. A bill to maintain the current tax on cigarettes on a permanent basis, and to distribute 50 percent of the proceeds of such tax to the States for preventive health programs; to the Committee on Finance.

By Mr. SPECTER:

S. 1634. A bill to amend the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

S. 1635. A bill to require the Federal Emergency Management Agency to update and distribute the publication entitled "Protecting Mobile Homes from High Winds"; to the Committee on Commerce, Science, and Transportation.

S. 1636. A bill to increase the maximum individual and family grant under the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

S. 1637. A bill to authorize funds for the Department of Commerce for use in the development of the next generation weather radar (NEXRAD); to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER:

S. 1638. A bill to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, Arizona; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 1639. A bill to authorize the minting of gold bullion coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HECHT (for himself, Mr. GARN, Mr. MATTINGLY, Mr. GRAMM, Mr. GORTON, Mr. HEINZ, Mr. D'AMATO, Mr. DOMENICI, Mr. ABDNOR, Mr. GRASSLEY, Mr. GOLDWATER, Mr. TRIBLE, Mr. WILSON, Mr. LUGAR, Mr. PRESSLER, Mr. LAXALT, Mr. STAFFORD, Mrs. HAWKINS, Mr. RIEGLE, Mr. SARBANES, Mr. PROXMIRE, Mr. CRANSTON, Mr. DODD, Mr. DIXON, Mr. SASSER, Mr. LEAHY, Mr. BENTSEN, Mr. DECONCINI, Mr.

HEFLIN, Mr. INOUYE, Mr. MOYNIHAN, Mr. PRYOR, Mr. MATSUNAGA, Mr. HOLLINGS, and Mr. EAGLETON):

S.J. Res. 197. Joint resolution to designate the week of October 6, 1985 through October 13, 1985 as "National Housing Week"; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. KENNEDY):

S.J. Res. 198. Joint resolution to designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GLENN (for himself, Mr. METZENBAUM, Mr. SIMPSON, Mr. KASTEN, Mr. FORD, and Mr. LEVIN):

S. Con. Res. 61. A concurrent resolution to commend Pete Rose on becoming the all-time Major League leader in base hits; considered and agreed to.

By Mr. KERRY (for himself, Mr. D'AMATO, Mr. KASTEN, Mr. MITCHELL, Mr. RIEGLE, Mr. HELMS, Mr. MCCLURE, Mr. SYMMS, Mr. HUMPHREY, and Mr. WALLOP):

S. Con. Res. 62. A concurrent resolution expressing solidarity with the Sakharov family in their efforts to exercise their rights of freedom of expression, of travel, and of communication, as guaranteed under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 63. A concurrent resolution expressing the sense of the Congress in support of the efforts of and participants in the Farmaid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON:

S. 1630. A bill to substitute the employment of American citizens for Soviet nationals employed by the United States diplomatic mission or United States consular posts in the Soviet Union, and for other purposes; to the Committee on Foreign Relations.

U.S. FOREIGN MISSIONS SECURITY IMPROVEMENT ACT

Mr. DIXON. Mr. President, today I am introducing legislation to require the Department of State to replace all Soviets employed at United States diplomatic and consular missions in the Soviet Union with United States personnel. This action is long overdue.

There are more than 200 Soviet citizens working in our Moscow Embassy, and the Department of State has confirmed that most, if not all, report to the KGB in one way or another. Think about that. Most of the approximately 200 Soviet citizens employed in the U.S. Embassy in Moscow are in a position to spy on our diplomatic corps on a daily basis. I am worried about that, Mr. President, and I think something needs to be done. Hiring Soviet citizens to work in our Embassy is an invitation to easy espionage. What really irritates me is the fact that the Soviets, as a general rule, do not allow American citizens in their Washington Embassy. I believe it's about time we start playing the game by the same rules.

I am also alarmed by revelations of stepped-up Soviet use of the chemical compound NPPD, a tracking agent used on individuals under KGB surveillance. This chemical is a known mutagen, a cancer-causing agent, and it may jeopardize the health and well-being of our diplomatic personnel in the Soviet Union. The United States asks a great deal from its Foreign Service officers. These individuals frequently find themselves in dangerous situations—situations often beyond their control. It is not unusual for diplomatic staff and Embassy personnel to be put under surveillance, and the use of various substances and devices to track the movements of individuals is widespread. But, Mr. President, it is certainly a matter of extreme concern when KGB methods place American Foreign Service officers and their dependents at a significant health risk. And this is exactly what has happened in Moscow. There is even a possibility that NPPD was used inside the American chancery by Soviet employees.

For these reasons, I am introducing the U.S. Embassy Security Improvement Act of 1985. This legislation would require the Department of State to replace all Soviet citizens in United States diplomatic or consular missions in the Soviet Union with American personnel at the earliest opportunity, unless the Secretary of State certifies that the Soviet citizen does not pose a significant threat to American security, or the Soviet employee is necessary to provide usual and customary services to Americans, and an American replacement would greatly reduce efficiency at the Embassy, or the Soviet worker is engaged in an occupation which precludes his or her entry into American diplomatic and consular missions in the Soviet Union. To carry out the goal of replacing Soviet workers, and to study and implement ways to improve security at other American missions in Eastern Europe, my legislation authorizes a sum not to exceed $12 million for fiscal year 1986 and $33 million for fiscal year 1987. These figures are based on State Department estimates.

There are over 200 probable Soviet agents employed in our diplomatic mission in Moscow. This represents a threat to our security, and it's a situation we should avoid. I believe we must focus more attention on embassy security in the Soviet Union and Eastern-bloc nations. Reducing Soviet accessibility to American diplomatic and consular missions represents a step in the right direction.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congres assembled, That this Act may be cited as the "United States Foreign Missions Security Improvement Act of 1985".

SEC. 2. The Secretary of State shall, at the earliest opportunity, replace Soviet nationals who are employed by the United States diplomatic mission or by United States consular posts in the Soviet Union with American citizens unless the Secretary determines and so certifies to the Congress every twelve months from the date of enactment of this Act for each such Soviet national whose employment is continued that—

(1) such Soviet national does not pose a significant threat to the Security of the United States;

(2) the employment of such Soviet national is necessary to provide usual and customary services to United States nationals, and the employment of a United States national as a replacement for such Soviet national would reduce to a significant extent the efficiency of operations at a United States diplomatic mission or consular post; or

(3) such Soviet national is employed in an occupation which precludes entry into the facilities of a United States diplomatic mission or consular post in the Soviet Union.

SEC. 3. There are authorized to be appropriated to the Secretary of State for the purpose of carrying out section 2 and for studying and implementing ways to improve security at United States diplomatic missions and consular posts in Eastern European countries $12,000,000 for the fiscal year 1986 and $33,000,000 for the fiscal year 1987.

By Mr. SIMON (for himself, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mr. DODD, and Mr. BRADLEY):

S. 1631. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction; to the Committee on Labor and Human Resources.

FOREIGN LANGUAGE ASSISTANCE FOR NATIONAL SECURITY ACT

● Mr. SIMON. Mr. President, our Nation may be the most self-centered of developed countries about language, much to our detriment in terms of national security, international trade, and intercultural understanding. A recent compilation by the U.S. Depart-

ment of Education lists 169 languages as critical to the national interest. The languages range from Bassa to French, from Yoruba to Japanese. The rationale is simple. In order to do business abroad—a priority with our current balance of trade problems—and to understand events in the world which affect our national security, we must break down language barriers.

Advances in physics, printed in German journals, do not reach our scientists in a timely way because of a multimonth lag in translating these technical texts, and frequently never reach us. Trade with Japan is hampered, in part, by our lack of understanding of their language and culture. Even our long-term European trading partners give preferential treatment to businesses that speak their languages.

Political disturbances around the world are often in areas about which our Nation does not have the knowledge or language expertise. Our responses are delayed and sometimes wrong because we lack that knowledge.

Currently, title VI programs in the Higher Education Act fund a small part of the 93 language and area studies centers which enable students and professionals to study 150 languages on the Department of Education's critical list.

We need to do more. Languages are best learned at an early age. Language requirements for entry into and graduation from postsecondary institutions are motivations for language training at lower grade levels. While I strongly support title VI programs, we need to do much more to strengthen our Nation's resources of language and area studies experts. We should introduce all students to another language and culture. This will help our business community, our national defense, and international understanding.

I am introducing legislation to encourage language study at both the precollege and college levels. This legislation was introduced in the House and passed that Chamber in 1984 by a margin of 265 to 120. A similar bill introduced today in the Senate cosponsored by Senators ROCKEFELLER, DODD, BRADLEY, and MOYNIHAN contains the following provisions:

Establishes a system of competitive grants among States for funding model foreign language programs to be run by local school districts and community colleges. A small portion of funding in this section is reserved for direct grants to local education agencies.

Authorizes grants to colleges and universities to reimburse them for part of the costs of providing foreign language instruction to students. This is to encourage colleges and universities to have language entrance and exit requirements, to encourage students to take more than 2 years of a language, and to encourage students to study one of the less commonly taught languages.

Authorizes grants to institutions or consortia of higher education institutions to establish intensive summer language programs for exceptional high school students and for elementary and secondary school foreign language teachers.

Authorizes grants to universities and consortia of universities to pay not more than half the costs of sending advanced language students abroad.

A Federal program of support established in the proposed legislation will initially total less than $75 million per year in outlays. The return will repay our investment many times over. Business, diplomacy, national security, international understanding—there is no price tag on these vital sectors of national life. I invite my colleagues to join me in encouraging foreign language study and proficiency.

Mr. President a few years ago I was able to get an amendment adopted to the Foreign Service Act of 1980, which called upon the Secretary of State to designate two Embassies in which everyone working had to speak the language of the host country.

Despite great reluctance from the State Department and others, I was finally able to get the amendment adopted.

Secretary of State Alexander Haig designated Senegal and Uruguay as the two countries.

I thought my colleagues might be interested in a letter I've received from Inspector General William C. Harrop of the State Department. I ask unanimous consent that his letter and a copy of the bill be inserted in the RECORD.

Clearly, our country, which is so deficient in foreign language skills, and our Foreign Service which, unfortunately, suffers from the same problem, ought to do more to require local language ability.

Exactly how we expand upon this experience, I will leave to my colleagues in the Foreign Relations Committee, but we should follow through.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Foreign Language Assistance for National Security Act of 1985".

SEC. 2. The Congress finds that—

(1) the economic and security interests of this Nation require significant improvement in the quantity and quality of foreign language instruction offered in the Nation's educational institutions, and Federal funds should be made available to assist this purpose;

(2) many endeavors in both the public and private sectors involving such matters as international relations or multinational business transactions require the skills of individuals with knowledge of foreign languages; and

(3) the educational institutions of the Nation should provide students with an understanding of the history and culture which influence the perspectives, values, and attitudes of the people of other countries, and foreign language instruction is one means of achieving this goal.

SEC. 3. (a) The Secretary shall make grants to State educational agencies whose applications are approved under subsection (b) in order that such agencies may fund model programs, designed and operated by local educational agencies, providing for commencement or improvement and expansion of foreign language study for students residing within their school districts. Any State whose application is approved shall receive an amount equal to the sum of (1) $275,000, plus (2) the product of $0.06 multiplied by the population of the State (as determined in accordance with the most recent decennial census). The amount described in the preceding sentence shall be made available to the State for two additional years after the first fiscal year during which the State received a grant under this section if the Secretary determines that the funds made available to the State during the first year of funding were used in the manner required under the State's approved application.

(b) Any State educational agency desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by local educational agencies, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected school district of the local educational agency shall be eligible to participate in any model program funded under this section (without regard to whether such children attend schools operated by such agency);

(3) provides assurances that, if the application of the State educational agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(4) provides that the local educational agency will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State educational agency.

(c)(1) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this section. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the

needs of such children) to expenditures for children enrolled in the public schools of the State or local educational agency.

(2) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children from private schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children which shall be subject to the requirements of this subsection. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State educational agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

(e)(1) From sums reserved for each fiscal year pursuant to section 11(b)(1) to carry out the provisions of this subsection, the Secretary is authorized to make grants to local educational agencies whose applications are approved under paragraph (3) in order that such agencies may support exemplary programs providing for commencing or improving and expanding foreign language study for students residing within their school districts.

(2) The Secretary may not approve any application for a grant under this subsection unless the Secretary determines that the exemplary program described in the application is consistent with the State programs approved under subsection (a) for the State in which the local educational agency is located.

(3) Each local educational agency desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Secretary may require.

SEC. 4. (a) The Secretary shall make grants to State agencies whose applications are approved under subsection (b) for the purpose of providing assistance to model programs designed and operated by community and junior colleges providing for the commencement or improvement and expansion of foreign language studies at those institutions. Any State whose application is so approved shall receive an amount equal to the sum of (1) $30,000, plus (2) the product of $0.01 multiplied by the population of the State (as determined in accordance with the most recent decennial census).

(b) Any State desiring to receive a grant under this section shall, through a State agency designated (in accordance with State law) for this purpose, submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by community and junior colleges, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected by the State agency for funding under this section;

(2) provides assurances that, if the application of the State agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(3) provides that the community and junior colleges will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State agency.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 5. (a)(1) The Secretary shall make grants to institutions of higher education to reimburse such institutions for part of the costs of providing undergraduate foreign language instruction to students at such institutions. Any institution of higher education desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

(2)(A) An institution of higher education shall not be eligible for a grant under this section for a fiscal year unless—

(i) the sum of the number of students enrolled at such institution in qualified postsecondary language courses on October 1 of that fiscal year exceeds 5 per centum of the total number of students enrolled at such institution; and

(ii) such institution requires that each entering student have successfully completed at least two years of secondary school foreign language instruction or requires that each graduating student have earned two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in a foreign language).

(B) For purposes of subparagraph (A)(i), the total number of students enrolled in an institution shall be considered to be equal to the sum of (i) the number of full-time degree candidate students enrolled at the institution, and (ii) the number of part-time degree candidate students who are enrolled at the institution for an academic workload which is at least half the full-time academic workload, as determined by the institution in accordance with standards prescribed by the Secretary.

(3) As a condition for the award of any grant under this section, the Secretary may establish criteria for evaluating programs assisted with funds under this section and require an annual report which evaluates the progress and proficiency of students in such programs.

(b)(1) Any institution of higher education which submits an application under this section for a grant for any fiscal year, and which has sufficient undergraduate enrollment in postsecondary language courses and foreign language requirements as required under subsection (a)(2), shall be eligible to receive an amount equal to the sum of the following:

(A) To provide assistance for the costs of postsecondary foreign language instruction at the level of the first or second year of postsecondary study of a language, an amount equal to—

(i) $30, multiplied by

(ii) the remainder, if any, of—

(I) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year, minus

(II) the number of students equal to 5 per centum of the total number of students enrolled at such institution.

(B) To provide assistance for the costs of foreign language instruction above the level of the second year of postsecondary study of a language, an amount equal to—

(i) $40, multiplied by

(ii) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year.

(2) Any institution which is eligible to receive an amount under paragraph (1) shall be eligible to receive an additional amount equal to $40 multiplied by the number of students enrolled (at any level of instruction) in any foreign language instruction in languages determined by the Secretary to be less commonly taught.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which an institution of higher education may receive under subsection (b), the amount of such grants shall be ratably reduced.

SEC. 6. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer intensive language training institutes for exceptional secondary school students. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of students, not to exceed one hundred and fifty, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of intensive instruction, which may include, but is not limited to, the languages described in section 8(b)(1);

(2) provides adequate assurance that students from any Federal region who wish to participate will be selected on the basis of aptitude in that language, as determined by appropriate testing and verified by their teachers, and of motivation;

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified students in the institute; and

(4) provides assurances that the program of intensive instruction will be developed and operated in close cooperation with secondary school teachers and administrators.

(c) The Secretary shall encourage, to the extent possible, diversity in the languages taught in institutes during any summer with the United States.

(d) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(e) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(f) If sums appropriated to carry out this section are not sufficient to permit the Sec-

retary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 7. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer language training institutes for the professional development of the proficiency of elementary and secondary school language teachers. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of teachers, not to exceed three hundred, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction;

(2) provides adequate assurance that teachers from any Federal region who wish to participate will be selected on the basis of recommendations from a principal or other supervisory official and a demonstrated commitment to the teaching of the language studied in the institute; and

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified teachers in the institute.

(c) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(d) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(e) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 8. (a) The Secretary shall make grants to institutions of higher education, or to consortia of such institutions, whose application is approved under subsection (b) for the purposes of providing assistance to enable advanced foreign language students to develop their language skills and their knowledge of foreign cultures and societies through study abroad. Such study abroad may be combined with an internship in an international business enterprise. Any institution or consortium whose application is so approved shall be eligible to receive a grant in an amount not to exceed one-half the cost of providing such assistance.

(b) Any institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of study abroad in any of the following areas:

(A) Latin America, the Caribbean, and Puerto Rico for the study of Spanish, Portuguese, and other major languages of that region;

(B) the Middle East for the study of Arabic and other major languages of that region;

(C) Japan for the study of Japanese;

(D) the People's Republic of China or the Republic of China for the study of Chinese;

(E) the Republic of Korea for the study of Korean;

(F) the Union of Soviet Socialist Republics for the study of Russian and other major languages of that region;

(G) Africa for the study of major languages of that region;

(H) South Asia for the study of Hindi and other major languages of that region;

(I) Eastern Europe for the study of major languages of that region; and

(J) Southeast Asia for the study of major languages of that region;

(2) provides adequate assurance that those who wish to participate will be selected on the basis of demonstrated proficiency in the language, as shown by testing comparable to that conducted by the Foreign Service Institute of the Department of State; and

(3) demonstrates that the program will provide the opportunity to combine language study with the study of journalism, international business, finance, economic development, science, engineering, political science, international studies, or other related areas and is open to students majoring in those areas if they can qualify under paragraph (2).

(c) Funds available to institutions under this section may be used to cover costs associated with the study abroad program, including tuition, fees, administration, and living expenses.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 9. No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in appropriation Acts.

SEC. 10. For purposes of this Act:

(1) The term "institution of higher education" means any institution of higher education, as defined under section 1201(a) of the Higher Education Act of 1965, which is located within a State, but does not include a community or junior college.

(2) The terms "community college" and "junior college" mean any institution of higher education, as defined under section 1201(a) of such Act, which is located within a State and which provides a two-year program for which awards an associate degree or which is acceptable for full credit toward a bachelor's degree.

(3) The terms "local educational agency" and "State educational agency" have the same meaning given such terms under section 198 of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "qualified postsecondary foreign language course" means a course of foreign language instruction which (A) is scheduled to meet at least five days each week for at least fifty minutes each day, or (B) provides instruction each week for a period of time equivalent to the period described under clause (A).

SEC. 11. (a) There are authorized to be appropriated for fiscal year 1986 such sums as may be necessary to carry out the provisions of this Act.

(b) There are authorized to be appropriated for each of the fiscal years 1987, 1988, and 1989—

(1) $35,000,000 to carry out section 3 of this Act of which $5,000,000 in each fiscal year shall be available to carry out subsection (e) of section 3;

(2) $4,000,000 to carry out section 4 of this Act;

(3) $11,000,000 to carry out section 5 of this Act;

(4) $5,000,000 to carry out section 6 of this Act;

(5) $10,000,000 to carry out section 7 of this Act; and

(6) $10,000,000 to carry out section 8 of this Act.

DEAR SENATOR SIMON: I know that you are primarily responsible for the provision of the Foreign Service Act of 1980 which set up the model post language program for two of our embassies abroad. We have recently inspected one of these posts, Dakar, Senegal, and I thought you would be interested in the following excerpt from our report:

The mission's status as a model language post has also contributed to the Embassy's exceptional performance in all areas. The model language program requires that all American personnel have prescribed levels of competence in French. Although the program has been in effect only two years, the Ambassador and virtually all personnel of the mission are convinced that the program has contributed significantly to the professional performance. The inspectors agree. Proficiency in French has clearly enhanced the ability of all officers and staff to gain access, gather information, communicate, and negotiate. While helping them to perform more effectively, the program has also helped them to adjust more easily to living overseas. Some agencies have not yet taken adequate account of the new model language requirements in their personnel assignment systems, resulting in prolonged delays in filling several highly skilled positions, such as the AID supervisory program officer and the Peace Corps doctor. However, the local AID and Peace Corps missions agree that French language capability in Senegal is important, although AID believes more flexibility is needed in implementing the language requirement.

The model language program is due or formal evaluation in early fiscal year 1986. While the benefits are hard to quantify, the inspectors conclude that the language requirement has made an important contribution to performance and morale in Dakar and should be continued.

I believe you can draw great pride from the results of your initiative.

Sincerely,

WILLIAM C. HARROP,
Inspector General, U.S. State Department.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished

colleague, Senator SIMON, in introducing legislation to improve the foreign language proficiency of our Nation's students and teachers. We have raised this issue before; Senator SIMON, then a Member of the House of Representatives, introduced similar legislation in the last Congress (H.R. 2708), while I introduced a companion measure in the Senate (S. 1795).

The steady decline of American foreign language proficiency has been well documented, most notably in three General Accounting Office studies and a 1979 report of the President's Commission on Foreign Language and International Studies. Each of these analyses concluded the decline in foreign language competency in this country poses significant problems for the success of our economy, educational system, and international relations.

Throughout this century there has been a steady decrease in the number of students studying foreign languages—paradoxically, during this same period, the United States assumed a leading role in international affairs. The President's Commission reported in 1979 that the percentage of school students studying a foreign language peaked in 1915 at 36 percent. That number had declined to 24 percent by 1966, and to just 15 percent by 1979. The Commission also noted that "8 percent of American colleges and universities now require a foreign language for admission, compared with 34 percent in 1966."

In "A Nation At Risk," published in 1983, the National Commission on Excellence in Education concluded that foreign language study "introduces students to non-English-speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education." The Carnegie Foundation for the Advancement of Teaching, and its president, Mr. Ernest L. Boyer, former chancellor of the State University of New York, concurred, in their fine report, High School: "In an increasingly interdependent world, foreign language study must be a vital part of the core of common learning."

Not only should students learn foreign languages, instruction should begin at an early age. The Carnegie Foundation report noted that there is no "right" time to learn a foreign language, and recommended that study begin by the fourth grade and continue through high school.

Our legislation would authorize $75 million annually to promote foreign language instruction for students and teachers at all levels of education. Some $30 million would be provided to State education agencies to support model foreign language programs, and an additional $5 million would be made available directly to local education agencies for demonstration projects and exemplary programs. Summer institutes would provide training for language instructors and hone the skills of outstanding high school students. Elementary and secondary schools, as well as junior and community colleges, would receive assistance to develop foreign language curricula. Colleges and universities with language requirements would receive supplemental Federal aid, and additional aid for programs offering less commonly taught languages such as Russian, Chinese or Japanese. Finally, this legislation would fund overseas study combining language programs with internships in international business.

This legislation addresses the diverse and complex aspects of foreign language instruction. Programs for elementary students will promote lifelong foreign language fluency. Programs for high school and college students will complement their studies of world literature and history, and help produce adults better able to compete in the world economy. In sum, this measure provides multiple and complementary solutions to a complex, chronic shortcoming.

Our ability to communicate with our allies, as well as our adversaries, is an important link in our security as well as our economic success. A small minority of the world's population speaks English as its native language. It is regrettable that this ethnically rich and culturally diverse Nation is fast losing its ability to talk to many of the other peoples of the world. I urge my colleagues to join me in this measure to improve our Nation's foreign language skills.●

● Mr. DODD. Mr. President, as a member of the Senate Subcommittee on Education, Arts, and Humanities and as cochair of the House/Senate International Education Study Group, I rise in strong support of the Foreign Language Assistance for National Security Act of 1985.

America is faced with a challenge that involves our national security, our economic prosperity, and our ability to conduct a realistic and successful foreign policy in the troubled times ahead. Yet this is not a challenge to develop more sophisticated weaponry or to conquer the far reaches of space. It is a challenge to improve our ability to understand and communicate with other nations.

Unfortunately, in the face of a world becoming more closely intertwined economically, politically, and militarily, the response of our Nation has been—to say the least—inadequate. At all educational levels, we are failing to produce American students with the foreign language skills necessary to meet this challenge. Make no mistake about it. Today's youngsters are tomorrow's diplomats, intelligence experts, and international business people. Yet we are failing to provide them with the skills necessary to compete with other nations in the political, military, and economic arenas. Through the passage of this legislation, Congress can help to reverse this trend, to guarantee that our Nation has the human resources necessary to protect our vital national interests, at home and abroad.

The Foreign Language Assistance for National Security Act represents a well-balanced attempt to deal with the critical lack of foreign language skills in our schools, and in our diplomatic, intelligence, and business communities. In order to stimulate foreign language training at the elementary and secondary levels, our legislation would authorize grants to States for the funding of model programs in local school districts. It would also provide grants to institutions of higher education which establish foreign language entrance or exit requirements, and which have at least 5 percent of their students enrolled in foreign language courses. These two programs are complementary, and provide an essential system of incentives for educational institutions to provide students with the skills they will need to succeed in business, in Government, and in everyday life.

Section 6 and 7 of our proposal would authorize the Secretary of Education to establish summer foreign language training institutes for exceptional high school language students and elementary and secondary language teachers. These institutes would help outstanding students become proficient in a language early on, and would encourage the introduction of innovative teaching techniques into the foreign language curricula of our Nation's schools. These provisions of the bill are essential if we are to begin to identify and train those whose outstanding aptitude for languages can serve America's interests in a variety of areas.

Section 8 of the bill would provide much needed Federal matching funds for advanced language study abroad. The "immersion method" of teaching languages and cross-cultural skills is the most effective means we have of instilling in students a comprehensive understanding of a particular country or region. The funds authorized under section 8 would be specifically targeted at students who plan to visit those Nations which are most important to the future security and prosperity of the United States. Again, as in sections 1 through 7, section 8 places primary emphasis on developing those human resources which our Nation will need to compete in the decades ahead.

As Adm. Bobby Inman, former Deputy Director of the CIA, told Congress in 1981, "the foreign language capability of our Nation is poor and

getting worse." This trend can be traced directly to our elementary and secondary schools, and to our colleges and universities. At the elementary level, fewer than 1 percent of our pupils currently receive any foreign language instruction. At the secondary level, only 15 percent of American students study a second language, and just 5 percent pursue these studies for more than 2 years. Only 10 percent of our postsecondary institutions require a foreign language for admission, and the vast majority mandate no language training during a 4-year undergraduate education. Most important, less than 1 percent of American students who are enrolled in foreign language programs study Chinese, Japanese, Arabic, and Russian, which together comprise 80 percent of the spoken languages of the world. It comes as no surprise then that there are more teachers of English in the Soviet Union than there are students of Russian in the United States.

It is also becoming increasingly clear that our Nation's diplomatic, intelligence, and economic efforts are being held hostage to this antiquated and ethnocentric national education policy. We have so few college graduates competent in foreign languages that the State Department can fill only 66 percent of the Foreign Service positions which require even minimum language competence. Of the 13,000 positions in the Department of Defense which require foreign language capability, only half are filled by individuals with the necessary language competence. In the CIA, the NSA, and the other intelligence agencies, we simply cannot find enough qualified linguists to staff our increasingly sophisticated network of data collection and analysis. In 1981, Admiral Inman told Congress that recruiting qualified individuals for intelligence positions "has been made difficult by the fact that many universities and colleges no longer have foreign language requirements as part of their mandatory curriculum. We need to be able to recruit and hire people who already possess capability in a foreign language."

In testimony before the House Subcommittee on Postsecondary Education, Maj. Gen. Richard Larkin, of the Defense Intelligence Agency, concurred. He stated that "this problem is directly related to the inability of our educational system to continue to provide the talent required for understanding foreign cultures and interpreting their behavior."

In the same congressional hearing, Craig Wilson, Special Assistant to the Secretary of Defense for Intelligence and Human Resources, concluded:

> The American population no longer presents us (the Defense Department) with a large talent bank of bilingual and multilingual people on which to draw to meet current and future needs . . . the problems, the shortfalls, won't be eliminated overnight.

In the economic sphere, we are similarly dependent on our ability to understand other languages and cultures. International trade now accounts for a full 25 percent of our gross national product. Forty percent of U.S. farmland produces for export, and 20 percent of U.S. industrial output is sold abroad. All told, one in five Americans depends on international trade for employment. Far more than at any previous time in our history, the economic decisions and actions of other countries are of central importance to our own national economic well-being. Most important, we depend more than ever on foreign markets of sustaining our sales, profits, and jobs.

I would ask my colleagues to consider the following examples of the commercial disasters which ignorance of other languages and cultures can help to create. When General Motors advertised its "Body by Fisher" car in Belgium, the slogan was described in Flemish as "Corpse by Fisher." Similarly, when Chevrolet tried to market its Nova model in Puerto Rico and Latin America, the company's advertising executives failed to realize that "No Va" is Spanish for "It Doesn't Go." And who can forget the Pepsi-Cola Co.'s use of its "Come Alive With Pepsi" advertising campaign in Taiwan. The literal translation of this slogan was "Pepsi Brings Your Ancestors Back From the Grave."

In order to avoid commercial blunders of this type in the future, our secondary schools and colleges need to produce potential business executives who are competent in foreign languages. Unlike our Defense and Intelligence Agencies, the American business community has no means to provide foreign language training to its new hires. As Richard McElheny, Director General of the U.S. and Foreign Commercial Service, told Congress last April:

> Language training in our schools and colleges * * * provides business with employees who have a head start and helps sell American products in world markets.

Without this essential language training, our pool of future business executives will be doomed to repeat the mistakes of the past.

Mr. President, when we consider the dearth of foreign language skills in our diplomatic, intelligence, and business communities, the need for congressional enactment of our legislation becomes clear. There is a direct connection between our poor language capabilities as a Nation, and the second-class status of foreign language education in our Nation's schools. This proposal does not call on the Federal Government to assume total responsibility for the foreign language education of our Nation's children. It simply recognizes that it is our responsibility to help create a pool of foreign language competent Americans which our government and business community can draw from in the future. Because the States have neither the resources nor the inclination to undertake this difficult task alone, congressional action in this area can act as a catalyst, encouraging States and localities to educate our children for the 21st century.

In closing, I would like to urge my colleagues to heed the ominous words of former U.N. Secretary General Kurt Waldheim:

> Many civilizations in history have collapsed at the very height of their achievement because they were unable to analyze their basic problems, to change direction, and to adjust to the new situations which faced them.

We, in Congress, have analyzed the basic problem, and now we have a chance to change direction. I hope my colleagues will not allow this opportunity to pass us by.●

● Mr. BRADLEY. Mr. President, I am pleased to join my colleagues, Senator DODD, Senator MOYNIHAN, and Senator ROCKEFELLER in supporting this important legislation offered by Senator SIMON. As Senator SIMON has already mentioned, our poor national performance with respect to foreign language learning places us at a considerable disadvantage in the areas of international commerce, international exchange of scientific and technical information, and intercultural communication and understanding. The unfortunate state of foreign language competence in the United States also has implications for the Nation's security. Our diplomatic, intelligence, and defense agencies have a prodigious appetite for persons with advanced training in foreign languages. The Federal Government has over 30,000 positions requiring foreign language competence, many of them requiring advanced skills. Year after year the Government experiences difficulty trying to fill these positions.

In the international trade arena, we have become painfully aware in recent years of the consequences of this lack of language expertise. A significant part of our trade difficulties with Japan stem in part from a fundamental dearth of knowledge about Japanese language and culture. While Japanese trade experts have invested considerable time and effort in learning our language and culture, U.S. trade experts have not made similar efforts to understand Japanese language and culture. Given the fact that we do not share a common cultural heritage with Japan, as we do with Western European trade partners, this lack of expertise will continue to work to the disadvantage of American companies who are seeking Japanese markets.

Mr. President, a variety of studies have appeared in recent years detail-

ing the dismal state of foreign language learning in our Nation's schools. While students in most European countries begin mandatory foreign language education during their elementary school years, studies suggest that only a modest proportion of our students study any foreign language at the secondary school level. Indeed, a 1980 study of high school diploma requirements found that only eight States require their high schools to offer foreign language instruction; none of these States require students to complete a single foreign language course as a prerequisite for graduation. The vast majority of our institutions of higher education do not require any foreign language competence as a prerequisite for admission. As James Perkins, chairman of the President's Commission on Foreign Language and International Studies, has noted:

> The hard and brutal fact is that our programs and institutions for education and training for foreign language and international understanding are both currently inadequate and actually falling further behind.

The report of the National Commission on Excellence in Education, "A Nation At Risk," recognized the importance of foreign language instruction for our Nation's future. According to the authors of this report, the study of foreign language introduces students to non-English-speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education. The Commission recommended that high school students complete at least 2 years of foreign language instruction and noted that true proficiency would require from 4 to 6 years of study.

In summary, Mr. President, we need to find the means to strengthen the country's pool of expertise in foreign language studies. The Foreign Language Assistance for National Security Act represents a sound, carefully reasoned approach to this problem. In an increasingly interdependent world, the ability of a nation to thrive economically, socially, and intellectually will depend on the ability of its citizens to communicate in a multilingual world. I commend Senator SIMON for his sponsorship to this bill and urge my colleagues to support this important piece of legislation.●

By Mr. HEINZ:

S. 1632. A bill to amend the Internal Revenue Code of 1954 to require that employers provide an extension of health plan coverage at group rates for family members of deceased, divorced, or medicare-eligible workers; to the Committee on Finance.

HEALTH INSURANCE CONTINUATION ACT

● Mr. HEINZ. Mr. President, today there are 35 million Americans for whom an accident or illness carries a special threat of financial disaster, unnecessary pain or disability—even death. These are the men, women, and children without health insurance. The problem of access to health insurance is not a new one, but the magnitude of the problem has increased. Between 1979 and 1983 alone, the ranks of the uninsured in this country swelled by more than 20 percent.

Mr. President, I am introducing legislation today—the Health Insurance Continuation Act—which focuses on the plight of one particular group, widowed or divorced spouses, and their children, whose health insurance has been provided under the umbrella of an employed spouse's group policy. For these people, death or divorce carries an additional loss, that of their health insurance coverage. These individuals often are ill-equipped to foot the bill for an expensive individual policy—assuming they can even find a policy to cover them.

At least part of the dilemma of the uninsured stems from a national preference for group insuring. Eighty-five percent of health insurance is obtained through the workplace, at group rates. A large percentage of families obtain their health insurance through the principal wage earner's employer. In a system so totally group oriented, it is easy to understand how a spouse's death—or a divorce—can leave a nonemployed person underinsured, at best, and more likely, completely uninsured. Individual health policies are far more difficult to obtain than in times past. When they are available, they almost always provide less coverage at substantially higher rates than the group policies.

The Health Insurance Continuation Act requires group health insurance plans to allow continued access to coverage for spouses and their dependent children who have been previously covered but, due to a change in family status, suddenly find themselves uninsured.

This bill is a modification of H.R. 21, legislation introduced in the House by Representative STARK, and incorporated with changes into the deficit reduction package approved by the Ways and Means Committee (H.R. 3128). While this bill will not help every uninsured individual, it will protect an estimated 5 million Americans.

In response to concerns raised by employers about H.R. 21, I have worked with the Washington Business Group on Health, the National Association of Manufacturers, and other groups to come up with a bill that is more acceptable to employer's. The bill that I am introducing today addresses their major concerns and has the full support of the American Association of Retired Persons, the Older Women's League, along with other national senior citizen and womens' organizations.

Mr. President, the Senate Special Committee on Aging, which I have the honor to chair, held hearings several months ago on the problems of the medically uninsured. Among those testifying at these hearings was an independent insurance broker who frequently encounters situations in which women find themselves without insurance due to changes in family status. She focused on three problem areas: women who lose their medical coverage as a result of the loss of their or their spouse's employment; women who lose coverage as a result of divorce or death of their spouse; and women who are not employed, are 65 or older, but not eligible for medicare, who cannot get coverage through private carriers. She described case after case in which her clients could not get adequate health insurance protection. All too often, these people were left at risk for enormous medical bills. For some of these women, insurance was especially difficult to obtain because of preexisting conditions or the very expensive premiums of individual policies.

Another witness at the committee's hearing told of her own problems in obtaining health coverage after the death of her husband. She thought her husband's policy would continue to protect her. But when she became ill and sent her claims in, she was told that she was no longer covered. Because she had cancer, nobody would insure her. Her medical bills exceed $5,000—all of which she is struggling to pay out of pocket.

In our investigation we found that not only is the lack of health insurance a financial burden, but it may actually be detrimental to health. People are reluctant to seek medical care when they are without insurance. The delay in seeking care can be costly, and even deadly. Moreover, there are an increasing number of hospitals that refuse to provide health care services to those without insurance before receiving some up-front payment, or a guarantee that payment will be forthcoming.

Mr. President, the bill I am introducing today denies the business tax deduction for group health insurance to all employers who fail to provide the option of 2 years of continuation coverage to the previously covered family members of deceased, divorced, or medicare-eligible workers. After 2 years, the individual will be offered the right to convert to an individual policy with the employer's group insurer.

Notification of eligibility for a continuation option would be made when a policy is issued. This option must be held open for a period of 60 days, with full coverage maintained in the inter-

im. Continuation coverage will not be conditional on any physical examination and will entitle the individuals to the same scope of benefits as similarly situated individuals provided under the group plan at the time of continuation. The insured spouse will pay both the employee and employer shares of the premium directly to the insurer, unless other arrangements are made. Premiums shall not exceed the combined employer/employee premiums assessed for each similarly situated group member.

Some may argue that this bill imposes a weighty financial burden on employers. Not true: continuation policies carry no new costs for an employer. Both the employee and employer expenses for the group coverage pass directly to the divorced spouse or widow. The administrative burden placed on employers to keep track of the newly covered individuals is very minimal.

Mr. President, this legislation offers the perfect opportunity for us to turn back to the private sector some of the responsibility for providing needed health care to Americans. It creates no hardship for employers or for the Federal Government and offers an avenue for assuring full access to health care for minor dependents. It creates a support for those dependents who need it for a period long enough to enable them to regain some stability and a means for self-support. I hope that my colleagues will see the merit of this bill and join me in seeking its passage. I ask unanimous consent that the text of the bill be inserted in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) IN GENERAL.—Subsection (i) of section 162 of the Internal Revenue Code of 1954 (relating to deduction for trade or business expenses with respect to group health plans) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) CONTINUATION COVERAGE.—

"(A) Requiring option of continuation coverage when qualified beneficiary would lose coverage.—The expenses paid or incurred by an employer for a group health plan shall not be allowed as a deduction under this section unless each qualified beneficiary who would lose coverage under the plan because of a qualifying event is given, in accordance with this paragraph, the option of electing continuation coverage under the plan.

"(B) ELECTION.—

"(i) ELECTION PERIOD.—The option of electing continuation coverage must be offered during a period that—

"(I) begins not later than the termination date (as defined in subparagraph (C)(ii)),

"(II) is of at least 60 days duration, and

"(III) ends not earlier than 60 days after the date the qualified beneficiary is notified under subparagraph (F)(iv) or the termination date, whichever date is later.

"(ii) EFFECT OF ELECTION ON OTHER BENEFICIARIES.—Unless otherwise specified in the election, any such election by a qualified beneficiary described in subparagraph (G)(ii)(I) shall be deemed to include an election of continuation coverage on behalf of any other qualified beneficiary whose coverage would, but for continuation coverage provided in accordance with this paragraph, be affected by the qualifying event.

"(C) QUALIFYING EVENT AND TERMINATION DATE.—For purposes of this paragraph—

"(i) A 'qualifying event' under a group health plan, with respect to a covered employee, is any of the following events if coverage of a qualified beneficiary under the plan would, but for continuation coverage provided in compliance with this paragraph, be terminated by the occurrence of the event:

"(I) The death of the covered employee.

"(II) The divorce or separation of the covered employee from the employee's spouse.

"(III) The covered employee becoming entitled to benefits under title XVIII of the Social Security Act.

"(ii) The term 'termination date' means, with respect to a qualifying event, the date on which coverage of a qualified beneficiary under a group health plan would be terminated under the plan but for continuation coverage provided in compliance with this paragraph.

"(D) TERMS OF CONTINUATION COVERAGE.—Any continuation coverage elected by or on behalf of a qualified beneficiary shall meet the following requirements:

"(i) NO REQUIREMENT OF INSURABILITY.—The coverage may not be conditioned upon, or discriminate on the basis of lack of, evidence of insurability.

"(ii) CONTINUED BENEFITS.—The coverage shall consist of coverage which is identical to the coverage provided under the plan to similarly situated beneficiaries under the plan with respect to whom a qualifying event has not occurred.

"(iii) PERIOD OF CONTINUED COVERAGE.—The coverage shall be for a period commencing upon the termination date and ending not earlier than the earliest of the following:

"(I) MAXIMUM OF TWO YEARS.—Two years after the termination date.

"(II) END OF PLAN.—The date on which the employer ceases to provide any group health plan to employees.

"(III) FAILURE TO PAY PREMIUMS.—The date on which there is a failure in making timely payment of any premium required under the plan with respect to the qualified beneficiary

"(IV) REEMPLOYMENT OR MEDICARE ELIGIBILITY.—The date on which the qualified beneficiary first becomes or could become, after the date of the election, a covered employee under any other group health plan or becomes entitled to benefits under title XVIII of the Social Security Act.

"(V) REMARRIAGE OF SPOUSE.—In the case of a qualified beneficiary described in subparagraph (g)(ii)(I), the date on which the beneficiary remarries and becomes (or could become) covered under a group health plan as the spouse of a covered employee.

"(VI) CHILD TURNING MAJORITY.—In the case of an individual who is a qualified beneficiary by reason of having been a covered dependent child of a covered employee, the date on which the individual ceases to be a covered dependent child of the covered employee.

"(iv) CONVERSION OPTION.—In the case of a qualified beneficiary whose period of continued coverage expires under clause (iii)(I), the plan must provide to the beneficiary, during the 180-day period ending on the date of expiration of the period of continued coverage, the option of enrollment under a conversion health plan otherwise generally available to beneficiaries under the plan.

"(E) PREMIUMS FOR CONTINUATION COVERAGE.—

"(i) AMOUNT.—The total premium charged by a group health plan with respect to any qualified beneficiary for continuation coverage under the plan shall not exceed the sum of employer premiums and employee premiums generally charged with respect to coverage under the plan of similarly situated beneficiaries with respect to whom a qualifying event has not occurred. The total of all premiums charged by the plan in any plan year may be based upon reasonably anticipated community costs for such plan year of the entire pool of covered employees and other beneficiaries under the plan, including qualified beneficiaries receiving continuation coverage under the plan under this paragraph.

"(ii) PAYMENTS.—The plan may provide for payment of the total premium by the qualified beneficiary receiving such coverage, or for payment of all or part of such premium by the employer or other party and payment of the remainder of such premium by such beneficiary. The plan shall provide for payment of any premium by a qualified beneficiary in monthly installments if so elected by the beneficiary. If an election is made during an election period but after the termination date, the plan shall permit payment of any premium for continuation coverage during the preceding period to be made within 34 days of the date of the election.

"(iii) PREMIUM DEFINED.—As used in this subparagraph, the term 'premium' means any amount payable with respect to the provision of coverage under a group health plan.

"(F) NOTICE REQUIREMENTS.—In accordance with regulations of the Secretary—

"(i) the group health plan must provide, at the time of commencement of coverage under the plan, for written notice to each covered employee and spouse of the employee (if any) of the rights provided under this paragraph;

"(ii) the employer of an employee under the plan must notify the group health plan administrator if the employee dies;

"(iii) each covered employee is responsible for notifying the group health plan administrator of the occurrence of any qualifying event (other than that described in subparagraph (C)(i)(I)) respecting that employee; and

"(iv) the group health plan administrator must notify each qualified beneficiary, within a period of 14 days after the date the administrator is notified concerning the occurrence of a qualifying event affecting that beneficiary, of—

"(I) the termination date with respect to the beneficiary, and

"(II) the beneficiary's right to elect continuation coverage under this paragraph and the election period established under subparagraph (B)(i) during which the beneficiary can exercise that right.

"(G) DEFINITIONS.—For purposes of this paragraph—

"(i) COVERED EMPLOYEE.—The term 'covered employee' means an individual who is (or was) provided coverage under a group health plan by virtue of the individual's employment or previous employment with an employer.

"(ii) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means, with respect to a covered employee under a group health plan, any other individual who, on the date before the date of a qualifying event for that employee—

"(I) is a beneficiary under the plan as the spouse of the employee and has been married to the employee for at least the immediately preceding 30-day period, or

"(II) is a beneficiary under the plan as a covered dependent child of the employee.

"(iii) COVERED DEPENDENT CHILD.—The term 'covered dependent child' means, with respect to a covered employee, an individual who meets the generally applicable requirements of the plan for treatment as a dependent child covered under the plan by reason of the coverage of the employee under the plan.

"(iv) GROUP HEALTH PLAN ADMINISTRATOR.—The term 'group health plan administrator' means, in connection with a group health plan, any person who provides for administrative functions relating to enrollment of individuals under the plan. For purposes of this subparagraph, the term 'person' includes one or more individuals, governments or agencies of the United States or any State or political subdivision thereof, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint ventures, joint stock companies, societies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 162(i) of such Code is amended by striking out "General rule" and inserting in lieu thereof "Coverage relating to end stage renal disease".

(c) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 1986.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 1987.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(d) NOTIFICATION TO COVERED EMPLOYEES.—At the time that the amendments made by this section apply to a group health plan described in section 162(i) of the Internal Revenue Code of 1954, the plan shall notify each covered employee, and spouse of the employee (if any), who is covered under the plan at that time of the continuation coverage required under paragraph (2) of that section. The notice furnished under this subsection is in lieu of notice that may otherwise be required under paragraph (2)(F)(i) of that section.●

By Mr. DURENBERGER:

S. 1633. A bill to maintain the current tax on cigarettes on a permanent basis, and to distribute 50 percent of the proceeds of such tax to the States for preventive health programs; to the Committee on Finance.

DISEASE PREVENTION AND HEALTH PROMOTION ACT

● Mr. DURENBERGER. Mr. President, today, I rise to introduce the Health Promotion and Disease Prevention Act of 1985. This legislation would maintain the current Federal cigarette tax at 16 cents per pack rather than letting it revert back to 8 cents per pack on October 1, 1985, as currently scheduled. S. 1633 would devote 8 cents of this 16 cents tax per pack to a trust fund to be distributed to the States for disease prevention and health promotion activities.

Mr. President, this bill represents somewhat of a turnabout for me. As you and my colleagues know, ever since I was first elected to the Senate, I have been opposed to increases in Federal excise taxes for cigarettes and alcohol. My sentiments have not changed. However, it appears inevitable that the tax will be increased this year and I put forth this proposal as a statement of where I think the money ought to go.

The momentum to reduce the deficit has driven the increased interest in the Federal cigarette tax. Many times I have argued that we should not try to solve the Government's fiscal problems at the margin by small increases as represented by this cigarette tax. It is not a "flash in the pan" when you consider the full extent of the Federal Government's fiscal problems. But, since my colleagues are so determined to use it, I decided to speak up and develop the alternative in S. 1633 for their consideration.

In the past, I have flatout opposed cigarette taxes for a number of reasons:

First, excise taxes on cigarettes and alcohol have and should remain the province of the States. The Federal Government since 1981 has been reducing its funding for State activities. Commensurately, State responsibilities in education, health, and other areas have increased. The Federal aid, as a percent of State revenues, declined from 31.7 percent in 1980 to 23.7 percent in 1984. By 1986, the ratio will be down to less than 22 percent and per capita figures show comparable declines.

The States, with "tax revolt" not a distant memory, have little "tax room." The public wants to see State sales, income, and property taxes kept down. The excise taxes are one of their only routes for enhancing revenue. Since 1940, the real Federal excise tax burden has fallen. This has provided additional taxing capacity. And, they have taken advantage of it. Between 1981 and 1982, 20 States raised cigarette taxes. This year, 14 States increased their cigarette taxes contingent upon the Federal tax falling back to 8 cents, while 11 States raised their cigarette taxes regardless of congressional action. My home State of Minnesota is in this position.

Second, I have always felt that excise taxes were particularly regressive. They are especially hard on the poor who can least afford the price increase yet tend to smoke more than the well-to-do. One study indicates that 26 percent of men in white-collar jobs now smoke, while 50 percent of their blue-collar counterparts do. Not only do these comparisons hold true for working women, but it appears that the number of blue-collar female smokers is increasing.

I am concerned that there will be cases where the higher costs of cigarettes will actually take food off the table. I realize that the price sensitivity of the poor will reduce the consumption of cigarettes with higher taxes. At the same time it is also true that many will keep on smoking at any cost.

Finally, I am a little wary of using the excise tax to control individual habits and lifestyle. It just seems to me that there have to be more direct and better ways. I support using the economic incentives of raising health insurance premiums for smokers. I introduced S. 357 which would do just that for Medicare part B. Also, I know Blue Cross is beginning to offer discounts to nonsmokers in a number of States, including my own State of Minnesota. Advertising, labeling, and other educational means are also effective and to date underestimated.

Regardless of these reasons, other than the tobacco State Senators, the tobacco industry, and the State legislatures, it is obvious that there is a little interest in letting the 16-cents per-pack excise tax for cigarettes revert back to the 8 cents. Therefore, I am forced to the conclusion that I should sacrifice my principles and offer this proposal.

I am not sanguine about the public health problem smoking represents. Every Surgeon General since 1965 has cited smoking as this Nation's No. 1 health risk. The data indicates without a doubt that cigarettes cause death and sickness. On the average, cigarette smokers lose 5½ minutes of life for each cigarette they smoke.

The statistics on the relation between particular diseases and smoking are devastating. Forty percent of the 565,000 heart disease deaths in this Nation are attributable to smoking. Equally, 5 percent of the 131,000 of the annual lung cancer deaths are due

to smoking. The list goes on. Just this year, the increased cigarette smoking by women, over the last decades will make lung cancer the leading cause of cancer deaths among women—surpassing breast cancer.

Besides this personal toll, smoking costs society more than $16 billion added health care costs and $50 billion in lost productivity and earnings.

Accounting for these factors and the inevitability of this tax increase, I propose we put the money where it can best advantage the health and welfare of those, particularly the poor, that we will be taxing the most—in disease prevention and health promotion. This Government currently spends woefully little on protective health. It has $110 billion in sick care treatment and research programs but currently devotes only $1 billion to wellness.

It is time we reassess our priorities. The savings we can reap and the improved quality of life for our citizens will be reflected in additional committment we can make to prevention. The testimony at a hearing I held in the Health Subcommittee of the Finance Committee last June clearly demonstrated that preventive health initiatives are effective, though they have been relatively ignored in the Medicare and Medicaid programs. Placing 8 cents of the cigarette excise tax here will put an additional $1.5 billion into preventive health. It will pay off many fold.

The initiative I propose in S. 1633 would not institute a new 1960's-like catagorical program. Instead, it would give the States the option to supplement existing Federal preventive efforts—the maternal and child health, preventive health, and alcohol, drug abuse, and mental health block grants—or to spend it on own particular preventive priorities. It is my hope that States would choose to devote some of these funds to public health efforts to discourage smoking by the young.

Since the poor will be proportionately paying the most and can benefit the most from preventive health initiatives of State and local government, I have developed for S. 1633 a funding formula which would be based on population and the number of individuals a State has with incomes below the poverty level.

Let me conclude by saying that once this "deficit crunch" is over, I would hope we will allow the States to "buy out" this tax much as I have proposed we do with the gas tax. Though, I suppose, such an alternative will not be feasible for the forseeable future.

Mr. President, I ask unanimous consent that a summary of S. 1663 and the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Disease Prevention and Health Promotion Act of 1985".

TAX ON CIGARETTES

SEC. 2. (a) RATE OF TAX.—Section 283(c) of the Tax Equity and Fiscal Responsibility Act of 1982 is amended by striking out "and before October 1, 1985".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to cigarettes removed after September 30, 1985.

DISEASE PREVENTION AND HEALTH PROMOTION TRUST FUND

SEC. 3. (a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to Trust Fund Code) is amended by adding at the end thereof the following new section:

"SEC. 9505. DISEASE PREVENTION AND HEALTH PROMOTION TRUST FUND

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Disease Prevention and Health Promotion Trust Fund', consisting of such amounts as may be appropriated or credited to the Disease Prevention and Health Promotion Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO DISEASE PREVENTION AND HEALTH PROMOTION TRUST FUND.—There is hereby appropriated to the Disease Prevention and Health Promotion Trust Fund an amount equal to 50 percent of the taxes received in the Treasury after September 30, 1985, under section 5701(b) (relating to tax on cigarettes).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Disease Prevention and Health Promotion Trust Fund shall be available, as provided in appropriation Acts, for grants to States for approved preventive health programs in accordance with the provisions of this section.

"(d) GRANTS TO STATES.—

"(1) AMOUNT OF GRANT.—Each State which complies with the requirements of this section for a fiscal year shall receive a grant for such fiscal year in an amount equal to—

"(A) the amount which bears the same ratio to 50 percent of the total amount appropriated for grants under this section for such fiscal year as such State's population bears to the total population of all the States receiving grants under this section for such fiscal year, plus

"(B) the amount which bears the same ratio to 50 percent of the total amount appropriated for grants under this section for such fiscal year as such State's poverty population bears to such State's total population, standardized such that the total amount under this subparagraph equals 50 percent of the total amount appropriated for grants under this section for such fiscal year.

"(2) POVERTY POPULATION.—For purposes of paragraph (1), the term 'poverty population' means those individuals whose family income is below the official poverty line for a family of that size, as established by the Office of Management and Budget.

"(3) STATE.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(e) USE OF GRANTS.—

"(1) IN GENERAL.—A State may use grants received under this section—

"(A) for any purpose for which funds could be used if received under title V of the Social Security Act (Maternal and Child Health Services Block Grant), part A of title XIX of the Public Health Service Act (Preventive Health and Health Services Block Grant), or part B of title XIX of the Public Health Service Act (Alcohol and Drug Abuse and Mental Health Services Block Grant); or

"(B) for carrying out a program of preventive health which the Secretary of Health and Human Services has approved, on the basis of the application submitted in accordance with subsection (f), as being within the priorities for preventive health established by the Surgeon General.

"(2) PROHIBITED USES.—No funds received under this section may be used for—

"(A) inpatient services, other than inpatient services provided to crippled children or to high-risk pregnant women and infants, or such other inpatient services as the Secretary of Health and Human Services has approved under section 504(b)(1) of the Social Security Act;

"(B) cash payments to intended recipients of health services;

"(C) the purchase or improvement of land, the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility, or the purchase of major medical equipment; or

"(D) satisfying any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(f) APPLICATION AND STATEMENT OF ASSURANCES.—

"(1) APPLICATION.—In order to receive payment for a fiscal year under this section each State shall submit an application to the Secretary of Health and Human Services. Each such application shall be in such form and submitted by such date as the Secretary of Health and Human Services shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of paragraph (2) and that the State will meet the requirements of paragraph (3).

"(2) PUBLIC HEARINGS.—After the expiration of the first fiscal year in which a State receives a payment under this section no funds shall be paid to such State for any fiscal year under this section unless the legislature of the State conducts public hearings on the proposed use and distribution of such funds for such fiscal year.

"(3) ASSURANCES.—As part of the annual application required by paragraph (1), the chief executive officer of the State shall certify that such State—

"(A) agrees to use the funds paid under this section in accordance with the requirements of this section;

"(B) agrees to establish reasonable criteria to evaluate the performance of entities which receive funds from the State from the payment made under this section, and to establish procedures for procedural and substantive independent State review of any failure by the State to provide funds for any such entity;

"(C) agrees to permit and cooperate with any Federal investigation undertaken in accordance with subsection (g);

"(D) has identified those populations, areas, and localities in the State with a need

for the services for which funds may be provided by the State under this section; and

"(E) agrees that Federal funds made available under this section for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under this section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary of Health and Human Services may not prescribe for a State the manner of compliance with the requirements of this paragraph.

"(4) DESCRIPTION OF INTENDED USE.—

"(A) The chief executive officer of a State shall, as part of the application required by paragraph (1), also prepare and furnish the Secretary of Health and Human Services (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under this section for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person, including any Federal or other public agency, during development of the description and after its transmittal. The description shall be revised, consistent with this section, throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this section, and any revision shall be subject to the requirements of the preceding sentence.

"(B) For purposes of subparagraph (A), if funds are to be used for purposes allowed under subsection (e)(1)(A), the description need only include the program under which the use of funds is authorized. If funds are to be used for purposes of a program described in subsection (e)(1)(B), the description shall include sufficient information with respect to the program to enable the Secretary of Health and Human Services to determine whether such program is within the priorities for preventive health established by the Surgeon General.

"(g) REPORTS, AUDITS, AND INVESTIGATIONS.—

"(1) ANNUAL REPORTS.—Each State shall prepare and submit to the Secretary of Health and Human Services annual reports on its activities under this section. Such reports shall be in such form and contain such information as the Secretary determines, after consultation with the States and the Comptroller General, to be necessary (A) to determine whether funds were expended in accordance with this section, (B) to secure a description of the activities of the State under this section, and (C) to secure a record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided. Copies of the report shall be provided, upon request, to any interested person, including any public agency. In determining the information that States must include in the report required by this paragraph, the Secretary may not establish reporting requirements that are burdensome.

"(2) AUDITS.—Chapter 75 of title 31, United States Code (relating to single audits), shall apply to funds paid to the States under this section.

"(3) INVESTIGATIONS.—

"(A) The Secretary of Health and Human Services shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this section in order to evaluate compliance with the requirements of this section and certifications provided under subsection (f).

"(B) The Comptroller General of the United States may conduct investigations of the use of funds received under this section by a State in order to insure compliance with the requirements of this section and certifications provided under subsection (f).

"(C) Each State, and each entity which has received funds from a payment made to a State under this section, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(D) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from a payment made to the State under this section or make an unreasonable request for information to be complied, collected, or transmitted in any form not readily available. This paragraph does not apply to the collection, complication, or transmittal of data in the course of a judicial proceeding.

"(h) WITHHOLDING OF FUNDS.—(1) The Secretary of Health and Human Services shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds under this section from any State which does not use such funds in accordance with the requirements of this section or the certification provided under subsection (f). The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur. The Secretary may not institute proceedings to withhold such funds unless the Secretary has conducted an investigation concerning whether the State has used such funds in accordance with the requirements of this section or the certification provided under subsection (f). Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(2) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this section or certifications provided under subsection (f).

"(3) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this section or certifications provided under subsection (f).

"(i) NONDISCRIMINATION AND CRIMINAL PENALTIES.—The provisions of sections 1908 and 1909 of the Public Health Service Act shall apply with respect to the use of funds paid to States under this section in the same manner as such sections apply with respect to the use of funds allotted to States under part A of title XIX of such Act (Preventive Health and Health Services Block Grant).".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"SEC. 9505. DISEASE PREVENTION AND HEALTH PROMOTION TRUST FUND.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1985.

BILL SUMMARY OF S. 1633—THE DISEASE PREVENTION AND HEALTH PROMOTION ACT OF 1985

Current law: The federal excise tax on cigarettes was set at 16 cents in 1982. This law sunsets on October 1, 1985 when the federal tax would revert back to 8 cents per pack.

S. 1633 will:

1. Retain the 16-cent cigarette tax.
2. Set up a Disease Prevention and Health Promotion Trust Fund to which 50 percent of the 16-cent tax would go.
3. Funds from the Trust Fund would then be distributed to the States to be spent on prevention programs.
4. States would be given the option of using the prevention funds to supplement the current prevention federal block grants (the Maternal Child Health, Preventive Health, and/or Alcohol Drug Abuse and Mental Health Block Grants) or to spend on new preventive health initiatives.
5. Funds will be distributed according to a formula based on each State's population and percent of residents below the poverty level.●

By Mr. SPECTER:

S. 1634. A bill to amend the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

DISASTER PLANNING GRANTS

Mr. SPECTER. Mr. President, it is also important that after a disaster strikes, there be sufficient plans and resources available to minimize damage and help the victims. I am therefore introducing a bill today which would increase the Disaster Preparedness Improvement Grant from $25,000 to $50,000. This grant provides funds through the Federal Disaster Assistance Administration to each State, on a matching basis, for maintaining and improving disaster plans and procedures. This legislation would also require the Federal Emergency Management Agency to submit a report to Congress at the end of 1 year assessing the adequacy of these funds for the development and maintenance of disaster plans.

The current grant limit of $25,000 has been in effect ever since the passage of the Disaster Relief Act of 1974. Since that time, the consumer price index has risen 110 percent. That level of inflation alone provides a basis for increasing the matching share to $50,000.

More importantly, the current level of funding is not sufficient to enable States to develop adequate disaster plans and procedures. On March 31, 1981, the Comptroller General submitted a report to the Subcommittee on Oversight and Review of the House Committee on Public Works and Transportation entitled "States Can be Better Prepared to Respond to Disasters." The report was based on the

General Accounting Office's study of seven States' emergency plans, which were developed or updated with Federal funds. The GAO found that a majority of State agencies has not developed standard operating procedures to determine how tasks would be performed in the event of an emergency. This failure exists despite the fact that detailed standard operating procedures have been found crucial to disaster response success. The GAO also found that none of the States had developed training programs to prepare State and local personnel to implement assigned tasks. In addition, in five of the States studied, local communities' emergency plans were not compatible with State plans.

Even though State disaster planning was found to be inadequate 4 years ago, the Federal Government has still not increased the Disaster Preparedness Improvement Grant above its 1974 level.

Samual Speck, the Associate Director of the Federal Emergency Management Agency for State and Local Programs and Support, has informed me that FEMA recently suggested to the Office of Management and Budget an increase in these grants from $25,000 to $50,000 because of the need for States to plan adequately for increased State and local funding and operational involvement in disaster response and recovery. Disaster preparedness and response is primarily the responsibility of State and local governments. It is only when an emergency situation is beyond the capability of local and State governments that the President declares a major disaster or an "emergency," thereby providing various types of Federal assistance under the Disaster Relief Act of 1974. However, in order to reduce the long-term burden on the Federal Government and to reduce the damage and loss of life caused by disasters, States need the resources to develop, maintain, and improve their disaster plans and procedures.

The General Accounting Office's report outlining the inadequacy of State planning and the Federal Emergency Management Agency's proposal to double the disaster preparedness improvement grant indicate their belief that States do not at this time have the resources necessary to develop adequate disaster plans. By increasing the Federal Government's grant to States from $25,000 to $50,000, we would be providing States with an incentive to increase their own spending and to develop and improve plans and procedures that are vital to the safety of the American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD as if read.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 201(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5131(d)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(b) Not later than one year after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall report to the Congress on the adequacy of State resources to carry out the provisions of section 201(d) of the Disaster Relief Act of 1974.

By Mr. SPECTER:

S. 1635. A bill to require the Emergency Management Agency to update and distribute the publication entitled "Protecting Mobile Homes from High Winds"; to the Committee on Commerce, Science, and Transportation.

MOBILE HOMES

Mr. SPECTER. Mr. President, today I am also introducing legislation that will help prevent the damage and loss of lives caused by natural disasters. Although we must be prepared to respond to and recover from emergencies, the most important action that we can take is to help avert tragedy before it strikes.

I am therefore introducing legislation that would require the Federal Emergency Management Agency to update the out-of-print 1974 pamphlet "Protecting Mobile Homes from High Winds" and to supply this pamphlet, through mobile home manufacturers, to every purchaser of a mobile home in the United States.

Mobile homes can become deathtraps during high wind situations and floods if they are not properly protected. To cite just one example of the gravity of the situation, in 1983 and 1984, 45 percent of all tornado deaths took place among mobile home occupants. Tornadoes are so dangerous to people who live in mobile homes that the National Oceanic and Atmospheric Administration recommends that when a tornado threatens, people should leave mobile homes immediately and head for the nearest shelter. If no shelter is available, even lying flat on the ground is safer than remaining in a mobile home during a tornado.

The Federal Emergency Management Agency believes that the Government's best opportunity to reduce the loss of lives and prevent injuries from tornadoes striking mobile homes is an enhanced public information and education effort targeted at mobile home occupants. FEMA is therefore preparing to reprint the excellent pamphlet "Protecting Mobile Homes from High Winds." This pamphlet includes information about the latest standards for tiedowns and structural strength, as well as improved design and construction performance standards for multipurpose mobile home park shelters.

It is important that all purchasers of mobile homes be informed about the danger they face during high winds and how to best protect themselves and their property. Unfortunately, the current budget only allows for approximately 20,000 pamphlets to be printed. Although any reprinting of this pamphlet after 11 years is certainly important, a far greater number of pamphlets are necessary. Last year, 295,000 mobile homes were purchased in the United States. Every one of these consumers needs to have this vital information. By supplying each mobile home purchaser with this pamphlet, the Federal Government will be taking an important, yet relatively simple step that will aid potential victims of disasters before they strike and thereby reduce the damage and loss of life that they cause.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Federal Emergency Management Agency shall—

(1) update the publication entitled "Protecting Mobile Homes from High Winds"; and

(2) provide for the distribution of such publication through mobile home dealers to all purchasers of new mobile homes.

By Mr. SPECTER:

S. 1636. A bill to increase the maximum individual and family grant under the Disaster Relief Act; to the Committee on Environment and Public Works.

INDIVIDUAL AND FAMILY GRANTS

● Mr. SPECTER. Mr. President, today I am introducing four pieces of legislation that are vital in order for this Nation to better prepare for and respond to the natural disasters that strike us every year. This legislation is designed to help people who have been hit by tragedy and to increase our preparedness so that tragedy can be averted.

Mr. President, the first piece of legislation that I am introducing today would increase the per-grant limit of the Individual and Family Grant Program from $5,000 to $10,000. This increase is needed in order to better assist the thousands of victims of natural disasters in the United States.

Pennsylvania and Ohio recently experienced a series of tornadoes that left $226 million of damage, thousands of people homeless, and almost 90 dead. I personally toured western Pennsylvania after this disaster and witnessed the horrible toll on the people who must face the loss of their

incomes, their farms, their homes, and their loved ones.

Many of these people are eligible for assistance from the Federal Emergency Management Agency. Federal aid to individuals comes in many forms, including temporary housing, assistance with mortgage and rental payments, disaster employment assistance, legal services, crisis counseling, and tax relief. In addition, many of the victims of these tornadoes and of other natural disasters are eligible for individual and family grants of up to $5,000 for immediate needs such as clothing, furniture, bedding, and other essentials. However, it is my belief that this $5,000 limit is out of date. It was enacted as part of the Disaster Relief Act of 1974. Since then, the limit would have needed to more than double in order to keep up with inflation. Unfortunately, the $5,000 limit has never been increased and is no longer enough to help many of the victims of natural disasters.

The bill which I am introducing will not affect the majority of grant applicants. The average IFG award in 1984 was $2,300. Thus, the $5,000 limit is adequate for most applicants and an increase would not change their grants at all. However, there are a number of applicants in virtually every disaster who require additional assistance. It is for these devastated victims that we need to increase the individual and family grant limit to $10,000.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD as if read.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 408(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178(b)) is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

(b) The amendment made by subsection (a) shall apply with respect to disasters occurring on or after May 1, 1985.●

By Mr. SPECTER:

S. 1637. A bill to authorize funds for the Department of Commerce for use in the development of the next generation weather radar [NEXRAD]; to the Committee on Commerce, Science, and Transportation.

WEATHER RADAR IMPROVEMENTS

Mr. SPECTER. Mr. President, I am also introducing legislation today that will hold the authorization level for the Commerce Department's funding of NEXRAD, next generation weather radar, at its fiscal year 1985 appropriations level of $19.75 million.

NEXRAD represents a major breakthrough in early storm warning. When completed, it will be a nationwide network of weather radar that will satisfy the needs of the Department of Commerce, the Department of Defense, and the Department of Transportation as well as their principal users. The NEXRAD system is designed to meet their needs into the 21st century by providing warnings of hazardous weather, flash flood predictions, general weather forecasts, ensuring safety of flight, water resource management, protecting resources on military installations worldwide, and planning military operations of the Air Force, Army, and Navy.

The NEXRAD system uses Doppler radar technology which is superior to conventional radar and increases leadtime for tornado warnings from 1 minute to an average of 20 minutes. An example if its importance occurred in 1979, during a Joint Doppler Operational Project experiment at Vance Air Force Base. The use of Doppler radar provided enough warning time of an approaching tornado and hailstorm to enable base personnel to protect 52 I-38 aircraft valued at more than $83 million, as well as their own lives. This example demonstrates the enormous potential that the NEXRAD system has to save lives and billions of dollars of property.

The original timetable for NEXRAD development scheduled production to begin in 1988 and continue through 1993. This schedule was based on the assumption that the Commerce Department, which currently supplies 60 percent of the NEXRAD funds, would spend $29.75 million on this program in fiscal year 1986. However, the Office of Management and Budget has recommended cutting fiscal year 1986 funds to $12.86 million. In order for the production of this important system to stay on schedule, a funding level equal to last year's appropriation of $19.75 million is needed.

NEXRAD development should not be delayed. NEXRAD is the only major breakthrough in storm warning visible in the coming years. Even if the current schedule is kept, the program will not be fully operational until 1993. The extra $7 million needed to keep funding at the fiscal year 1985 level rather than OMB's proposed authorization of $12.86 million will ensure that production of this vital system continues according to the original timetable. The money and lives that the NEXRAD system will save will quickly make up for the funds needed to keep it on schedule.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of enabling the National Oceanic and Atmospheric Administration, Department of Commerce, to carry out its public warning and forecast service duties under law, there is authorized to be appropriated for the next generation weather radar (NEXRAD) development, the sum of $19,750,000.

By Mr. GOLDWATER:

S. 1638. A bill to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, AZ; to the Committee on Energy and Natural Resources.

RELEASE OF RESTRICTIONS IN JEROME, AZ, LAND CONVEYANCE

● Mr. GOLDWATER. Mr. President, today I am introducing legislation which would allow the town of Jerome, AZ, to use the land it bought from the U.S. Government in 1915 for purposes other than park and cemetery use.

When the 40-acre parcel was purchased, Jerome was a bustling mining town with a population around 15,000. Under the authority of the act of September 30, 1890, which allowed the conveyance of public land for cemetery and park purposes, the town paid fair market value for the area in question. After the closing of the mines in the 1950's, the population decreased markedly so that it now numbers around 500. Less than 10 acres have been utilized and there is little likelihood that the remaining acreage will be needed for expansion of the cemetery.

Jerome would like to have the deed restrictions removed so that it can put the land to its best use and assist the community's economic development. The act of September 30, 1890, contained no express reverter provision and the 1915 land conveyance patent also does not contain an express reversionary clause.

The Department of the Interior has no objection to this proposal as it is written because it does not release the mineral interests of the United States or the right-of-way for ditches and canals contained in the 1915 patent. This is not a controversial bill and is one which I hope will receive timely committee action.●

By Mr. EXON:

S. 1639. A bill to authorize the minting of gold bullion coins; to the Committee on Banking, Housing, and Urban Affairs.

GOLD BULLION COIN ACT

Mr. EXON. Mr. President, I am pleased that President Reagan has finally altered his position on South Africa. However, like an overwhelming majority of the Congress, I would like to see the President go further. The anti-apartheid legislation approved by the House of Representatives takes a carrot and a stick approach. It provides for an escape from the imposi-

tion of severe sanctions if significant progress in dismantling apartheid is made.

The obvious purpose of both the congressional and Presidential efforts is to symbolically place the United States on the side of democracy in South Africa and to assist democratic forces by taking the profit out of apartheid. The weakness with the President's Executive order is that it does not bring continuing pressure on the South African Government to end its official policies of racial oppression.

One key provision of the anti-apartheid conference report which the President is unable to implement on his own initiative is section 18 of the report which authorizes the minting of American gold coins.

An array of American gold coins in the same sizes, weights, and purities as the South African Krugerrands would provide an American alternative to investment in South Africa. If the President is successful in his ban of the Krugerrand, then there will be at least $400 million in American investment looking for a place to go. It is best that that investment stay in the United States. In addition, American gold coins would enjoy instant acceptance on the world market as a direct competitor to the South African Krugerrand.

On March 7, I introduced the American Gold Bullion Coin Act. A day later Senators CRANSTON and DOLE introduced legislation based on the Lewis-Dixon gold coin bill. During the consideration of the Senate anti-apartheid bill, Senators, CRANSTON, DOLE, and I joined forces to attach legislation based on our gold coin bills to the Senate anti-apartheid bill. That amendment was accepted by the Senate leadership and unanimously adopted as a provision of a noncontroversial amendments package.

In the Anti-Apartheid Act conference, Congressman ANNUNZIO, the congressional expert on American coinage, embraced the Senate concept and added some excellent technical adjustments to improve the gold coin provisions.

The bill I introduce today is the product of the months of work that went into perfecting legislation to authorize the minting of American gold coins. The bill contains the exact provisions of title 18 of the Anti-Apartheid Act. I am hopeful that this legislation can be quickly considered and sent to the President for his signature.

By Mr. HECHT (for himself, Mr. GARN, Mr. MATTINGLY, Mr. GRAMM, Mr. GORTON, Mr. HEINZ, Mr. D'AMATO, Mr. DOMENICI, Mr. ABDNOR, Mr. GRASSLEY, Mr. GOLDWATER, Mr. TRIBLE, Mr. WILSON, Mr. LUGAR, Mr. PRESSLER, Mr. LAXALT, Mr. STAFFORD, Mrs. HAWKINS, Mr. RIEGLE, Mr. SARBANES, Mr. PROXMIRE, Mr. CRANSTON, Mr. DODD, Mr. DIXON, Mr. SASSER, Mr. LEAHY, Mr. BENTSEN, Mr. DECONCINI, Mr. HEFLIN, Mr. INOUYE, Mr. MOYNIHAN, Mr. PRYOR, Mr. MATSUNAGA, Mr. HOLLINGS, and Mr. EAGLETON):

S.J. Res. 197. Joint resolution to designate the week of October 6, 1985, through October 13, 1985, as "National Housing Week"; to the Committee on the Judiciary.

NATIONAL HOUSING WEEK

● Mr. HECHT. Mr. President, today, along with 36 of my colleagues, I am introducing a Senate Joint Resolution to proclaim the week of October 6-13, 1985 "National Housing Week."

The housing industry is the single most critical sector of our Nation's economy. I think it is safe to say that America cannot move ahead unless the housing industry is strong, vibrant, and healthy.

Over the past several decades, the housing industry has been a good economic indicator. Five recessions identified by the National Bureau of Economic Research since 1960 were preceeded by downturns in the housing starts and sales while each subsequent recovery was led by a pickup in housing activity.

The general recovery from our most recent experience with an economic downturn was again led by dramatic improvement in housing activity.

In conjunction with playing such a vital role in this Nation's economy, the housing industry has long served as an able partner with the Government in providing safe, decent, and affordable housing for Americans. Therefore, Mr. President, it is only fitting that Congress acknowledge their tremendous contribution to our society as well as their continuing commitment to housing and home ownership in America.●

● Mr. D'AMATO. Mr. President, I am pleased today to join as a cosponsor of this joint resolution which designates the week of October 6, 1985, through October 13, 1985, as "National Housing Week." My distinguished colleague, Senator HECHT, should be commended for this effort.

Over the past 50 years, the Federal Government has played a major role in advancing national housing policies in its partnership with the housing industry. We must continue to forge the combined commitment of the Federal Government with the strength and ingenuity of private enterprise to bring about decent housing for all Americans.

To own a home and live in decent housing strengthens the family, the community, and the Nation. It gives all Americans a stake in America. The task of providing safe and decent housing, however, requires our continuing commitment to help Americans attain the dream of homeownership. Tax incentives and legislative initiatives to promote home ownership and the availability of affordable housing must continue.

The Federal Government should take an active, advocacy role in housing development and rehabilitation; it should continue policies that help our citizenry fulfill this dream.

National Housing Week serves as a reminder to all Americans that we will not let this dream die. Therefore, it is appropriate, Mr. President, to designate October 6, 1985, through October 13, 1985, as National Housing Week. It reaffirms the national commitment to housing and home ownership, as well as a recognition of the economic opportunities created by housing in our communities.

The promise of a decent shelter has been an enduring dream for all Americans. We cannot let this dream die.●

By Mr. MATHIAS (for himself and Mr. KENNEDY):

S.J. Res. 198. Joint resolution to designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine"; to the Committee on the Judiciary.

SESQUICENTENNIAL YEAR OF THE NATIONAL LIBRARY OF MEDICINE

● Mr. MATHIAS. Mr. President, today I am pleased to introduce a joint resolution to designate 1986 as the Sesquicentennial Year of the National Library of Medicine, the world's largest and most distinguished collection of health science literature. It is located in Bethesda, MD.

The National Library of Medicine as we know it today began in 1836 as a collection of books in the Office of the Army Surgeon General. As the library grew, it became the Army Medical Library in 1922 and the Armed Forces Medical Library in 1952. The National Library of Medicine [NLM] was officially chartered in 1956 as the result of legislation introduced by Senators Lister Hill and John F. Kennedy.

From its modest origins, the Library has provided impetus to creative innovations in cataloging and documenting medical knowledge for future generations. In 1865, John Shaw Billings, one of our country's greatest bibliographers and librarians, assumed charge of this collection of medical manuscripts. Billings' expertise and unique method of cataloging provided the foundation of the Index Catalogue and Index Medicus, which remains one of the great contributions to medicine.

Among its accomplishments, the NLM has pioneered in developing the renowned Medical Literature Analysis and Retrieval System [MEDLARS]. The Library's computer-based MEDLARS search services are available online to researchers at biomedical libraries and other institutions through-

out the world. In research, education, and medical practice, more and more American health professionals are benefiting from these communications systems and services provided by the NLM.

The rapid access to biomedical information that the NLM makes possible has led to significant breakthroughs in the medical field. Many of the contributors to this progress enjoy little recognition or monetary reward. However, their findings, as documented through the efforts of the National Library of Medicine, have improved the health of all Americans.

I urge my colleagues to support this joint resolution and to participate in the commemoration of the Sesquicentennial Year of the National Library of Medicine.●

ADDITIONAL COSPONSORS

S. 246

At the request of Mr. DURENBERGER, the names of the Senator from Colorado [Mr. HART] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 246, a bill for the relief of Peter Lyn Johnson.

S. 573

At the request of Mr. GORE, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of sulfiting agents in certain foods, and for other purposes.

S. 576

At the request of Mr. DOLE, the names of the Senator from Nebraska [Mr. ZORINSKY] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 576, a bill to exclude from the Caribbean Basin Economic Recovery Act ethyl alcohol used for fuel which is merely distilled or denatured in a beneficiary country.

S. 625

At the request of Mrs. HAWKINS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 680

At the request of Mr. KASTEN, his name was added as a cosponsor of S. 680, a bill to achieve the objectives of the multifiber arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 737

At the request of Mr. DIXON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 737, a bill to amend the Immigration and Nationality Act to increase the immigrant quota for colonies and dependent areas.

S. 863

At the request of Mr. DANFORTH, the name of the Senator from Alaska [Mr. MURKOWKSI] was added as a cosponsor of S. 863, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal year 1986 and 1987, and for other purposes.

S. 950

At the request of Mr. HEINZ, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 950, a bill to amend the Communications Act of 1934 to promote fairness in telecommunications policy by providing for lifeline telephone service.

S. 987

At the request of Mr. EXON, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861–1865.

S. 1018

At the request of Mr. GORTON, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1018, a bill to amend the National Labor Relations Act to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.

S. 1093

At the request of Mr. MATHIAS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1093, a bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent.

S. 1097

At the request of Mr. DANFORTH, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1097, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

S. 1233

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. GOLDWATER], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1250

At the request of Mr. HEINZ, the names of the Senator from Tennessee [Mr. GORE], the Senator from Maine [Mr. MITCHELL], the Senator from Colorado [Mr. HART], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1277

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to provide that States may provide home or community-based services under the Medicaid Program without the necessity of obtaining a waiver.

S. 1335

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1335, a bill entitled "Money Laundering and Related Crimes Act of 1985."

S. 1371

At the request of Mr. LEVIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 1371, a bill to designate the portion of 15th Street, SW., Washington, DC, located between Maine and Independence Avenues as "Raoul Wallenberg Avenue."

S. 1450

At the request of Mr. HEINZ, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1450, a bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period.

S. 1451

At the request of Mr. CHAFEE, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], the Senator from Missouri [Mr. DANFORTH], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1451, a bill to allocate funds appropriated to carry out section 103 of the Foreign Assistance Act of 1961 for nutrition programs which reduce vitamin A deficiency.

S. 1456

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1456, a bill to recognize the Army and Navy Union of the United States of America.

S. 1459

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1459, a

bill to provide secure job opportunities to workers displaced by imports.

S. 1542

At the request of Mr. McCLURE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1542, a bill to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System.

S. 1543

At the request of Mr. MATHIAS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1543, a bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process.

S. 1582

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1582, a bill to amend the Securities Exchange Act of 1934.

S. 1619

At the request of Mr. WILSON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. ROTH], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1619, a bill to amend the Internal Revenue Code of 1954 to provide that section 7872 (relating to imputed interest on below-market loans) shall not apply to loans made to the State of Israel.

S. 1629

At the request of Mr. ZORINSKY, his name was added as a cosponsor of S. 1629, a bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations.

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 150

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. DENTON], the Senator from Texas [Mr. BENTSEN], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. SIMON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Florida [Mrs. HAWKINS], the Senator from Nebraska [Mr. EXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the month of March 1986 as "National Hemophilia Month."

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the names of the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arizona [Mr. GOLDWATER] were added as cosponsors of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 159

At the request of Mr. JOHNSTON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of Senate Joint Resolution 159, a joint resolution to designate the rose as the national floral emblem.

SENATE JOINT RESOLUTION 170

At the request of Mr. SIMON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. BURDICK], the Senator from Illinois [Mr. DIXON], the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. EAST], the Senator from New Mexico [Mr. DOMENICI], the Senator from Vermont [Mr. LEAHY], the Senator from West Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 170, a joint resolution to designate the month of March 1986 as "Music In Our Schools Month."

SENATE JOINT RESOLUTION 174

At the request of Mr. HEINZ, the names of the Senator from Montana [Mr. BAUCUS], the Senator from California [Mr. WILSON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 174, a joint resolution to designate November 18, 1985, as "Eugene Ormandy Appreciation Day."

SENATE JOINT RESOLUTION 189

At the request of Mr. HATCH, the names of the Senator from Nevada [Mr. LAXALT], the Senator from North Carolina [Mr. HELMS], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 191

At the request of Mr. BUMPERS, the names of the Senator from Maine [Mr. MITCHELL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Joint Resolution 191, a resolution to designate the month of October 1985 as "Learning Disabilities Awareness Month."

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE RESOLUTION 199

At the request of Mr. HEINZ, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Resolution 199, a resolution to urge the Senate of the United States to reject any tax reform proposal which would impose a tax on the annual increase in the value of permanent life insurance.

SENATE CONCURRENT RESOLUTION 61—CONGRATULATING PETE ROSE ON BECOMING BASEBALL'S ALL-TIME LEADING HITTER

Mr. GLENN (for himself, Mr. METZENBAUM, Mr. SIMPSON, and Mr. KASTEN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 61

Whereas Peter Edward Rose has become the all-time leader in base hits in the history of the American pastime, Major League Baseball, by surpassing the record of four thousand one hundred and ninety-one of the great Ty Cobb;

Whereas Pete Rose has played in more winning games than any other player in Major League history;

Whereas Pete Rose won three National League batting titles in 1968, 1969, and 1973;

Whereas Pete Rose was named National League Rookie of the Year in 1963, National League Most Valuable Player in 1973, and the World Series Most Valuable Player in 1975;

Whereas Pete Rose was named the National League Player of the Decade for the period 1970 through 1979 by the "The Sporting News";

Whereas Pete Rose has been named to the National League All-Star Team sixteen times, including ten straight years (1973 through 1982), and has started at five different positions in All-Star games;

Whereas Pete Rose has played in seven National League Championship Series and six World Series; and

Whereas Pete Rose holds all-time Major League records for most games played; for most at-bats; for most singles; for most hits by a switch-hitter; for most total bases by a switch-hitter; for most seasons of two hundred or more hits; for most seasons of one hundred and fifty or more games; and for highest fielding percentage by an outfielder for one thousand or more games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress to commend Peter Edward Rose on the achievement of becoming the all-time Major League leader in base hits and to recognize all the accomplishments and the inspirational manner in

which Pete Rose has played the game of baseball, the National Pastime.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to Peter Edward Rose.

SENATE CONCURRENT RESOLUTION 62—EXPRESSING SOLIDARITY WITH THE SAKHAROV FAMILY

Mr. KERRY (for himself, Mr. D'AMATO, Mr. KASTEN, Mr. MITCHELL, Mr. RIEGLE, Mr. HELMS, Mr. MCCLURE, Mr. SYMMS, Mr. WALLOP, and Mr. HUMPHREY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 62

Whereas, the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion and expression;

Whereas, this same Declaration states that "no one shall be subjected to arbitrary arrest, detention, or exile;" and that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondance;"

Whereas, the Declaration further states that "everyone has the right to freedom of movement and residence within the borders of each State," and that "everyone has the right to leave any country, including his own, and to return to his country;"

Whereas, the International Covenant on Civil and Political Rights provides that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence," and that "everyone shall be free to leave any country, including his own," and that "no one shall be arbitrarily deprived of the right to enter his own country;"

Whereas, the Final Act of the Conference on Security and Cooperation in Europe provided that each of the "participating states will respect human rights and fundamental freedoms, including the free of thought (and) conscience . . . for all," and recognized that all human rights "derive from the inherent dignity of the human person;"

Whereas, this same Act pledged that the participating states would "deal in a positive and a humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old;"

Whereas, the Act further commits participating states "to facilitate wider travel by their citizens for personal or professional reasons;"

Whereas, the Act specifically affirms the "right of the individual to know and act upon his rights and duties" under the agreement and affirms the positive role individuals play in the implementation of the Act;

Whereas, the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas, Nobel Laureate Andrei Sakharov, who, exercising his right as an individual to monitor compliance with the Final Act, had become a leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of the above-mentioned human rights agreements;

Whereas, his wife Elena Bonner, as a result of her efforts to exercise her right of self-expression, has been detained and charged with anti-Soviet agitation;

Whereas, Dr. Bonner is thought to be in urgent need of medical attention available only in the West;

Whereas, Dr. Sakharov is reported to have undertaken a hunger strike, to the point of endangering his health;

Whereas, communication between the Sakharovs in the Soviet Union and their children and stepchildren in the United States has been repeatedly interrupted, delayed, and tampered with by the Soviet authorities;

Whereas, the absence of reliable communications between the branches of the family has created serious doubt as to the state of well-being of Dr. Sakharov and Dr. Bonner;

Whereas, Mr. Alexei Semyonov, the stepson of Dr. Sakharov and the son of Dr. Bonner, has embarked on a hunger strike to dramatize the plight of his family and to protest the cruel obstruction of his efforts to communicate with his loved ones;

Whereas, Mr. Semyonov has demanded a visitor's visa to visit the Soviet Union so that he can reassure himself with his own eyes that his parents are alive and well: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of the Congress that, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe, the Soviet Union should drop all charges against Dr. Elena Bonner, restore to her and Dr. Andrei Sakharov the full rights to travel (domestic and international) and free expression, allow unimpeded correspondence between them and their relatives and friends in the West, and allow Alexei Semyonov permission to visit them in the Soviet Union.

The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the blatant and repeated violations of the Sakharov's rights by the Soviet authorities, and

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

The Secretary of the Senate shall transmit copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

SENATE CONCURRENT RESOLUTION 63—EXPRESSING APPRECIATION TO PARTICIPANTS IN THE FARMAID CONCERT

Mr. HARKIN submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 63

Whereas family farms have played a critical role in the history and development of the United States;

Whereas during the first 6 months of 1985, more than 43,000 mortgages on farms in the United States have been foreclosed;

Whereas over 200,000 jobs have disappeared due to the decline in the farm economy;

Whereas it is paramount that the contribution of agriculture to the United States economy be recognized and protected; and

Whereas the Farmaid Concert will focus national attention on the plight of the American farmer: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the efforts of the organizers of and participants in the Farmaid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people should be supported.

AMENDMENTS SUBMITTED

IMMIGRATION CONTROL ACT OF 1985

BAUCUS (AND WARNER) AMENDMENT NO. 593

Mr. BAUCUS (for himself and Mr. WARNER) proposed an amendment to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

On page 5, beginning with line 5, strike out all through the bottom of the page.

On page 2, in the Table of Contents, strike out the item relating to section 102.

HATCH AMENDMENT NO. 594

Mr. HATCH proposed an amendment to the bill S. 1200, supra; as follows:

On page 68, between lines 5 and 6, insert the following new section heading:

SEC. 125. SEASONAL AGRICULTURAL WORKER PROGRAM.

WILSON AMENDMENT NO. 595

Mr. WILSON proposed an amendment to amendment No. 594 proposed by Mr. HATCH to the bill S. 1200, supra; as follows:

In the proposed amendment, strike out all after "SEC. 125." and insert in lieu thereof the following:

SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has not intention of abandoning who is coming to the United States to perform seasonal agricultural serv-

ices in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as "the program") for the admission into the United States of seasonal agricultural workers (as defined in section 271(h)(2)).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his effort to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accomodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF "O" WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO "O" WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATIONS.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2)—

"(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspeneded. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trail or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment including planting cultural practices, production, cultivation, growing, and harvesting involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER THREE YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts under taken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—if—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) establishes that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorney General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is a qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust

fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

"(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

"(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "or"; and

(2) by adding at the end of the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(I) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program.".

CHILES AMENDMENT NO. 596

Mr. CHILES proposed an amendment to the bill S. 1200, supra; as follows:

On page 75, line 8 strike "December 31, 1980" and insert in lieu thereof "October 14, 1981".

On page 76, line 8 strike "January 1, 1981" and insert in lieu thereof "October 15, 1981".

On page 76, line 10 strike "December 31, 1980" and insert in lieu thereof "October 14, 1981".

Beginning on page 76 with line 11 strike out all through line 25 and insert in lieu thereof the following:

(ii) a national of Haiti who has established a record with the Immigration and Naturalization Service before October 15, 1981, and who was physically present in the United States on that date; or

On page 77, line 1 strike "(iv)" and insert in lieu thereof "(iii)".

(AND KERRY

KERRY (AND OTHERS) AMENDMENT NO. 597

Mr. KERRY (for himself, Mr. HART, Mr. KENNEDY, Mr. WEICKER, Mr. SIMON, Mr. CRANSTON, Mr. PELL, and Mr. HARKIN) proposed an amendment to the bill S. 1200, supra; as follows:

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DELAY OF ANTI-SATELLITE WEAPON TEST.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the President of the United States and the head of the Soviet Union have agreed to a summit conference scheduled to convene in Geneva, Switzerland, on November 19, 1985;

(2) that conference will present an extraordinary opportunity for an agreement in principle on measures to control the arms race between the United States and the Soviet Union, including limitations on anti-satellite weapons; and

(3) a delay in the scheduled test of an anti-satellite weapon against an object in space by the United States until after the conclusion of the summit conference could greatly enhance the climate for fruitful discussions and facilitate the possibility for an accord on anti-satellite weapons.

(b) DELAY OF TEST.—Notwithstanding any other provision of law, the Secretary of Defense may not carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until after the conclusion of the summit conference between the President of the United States and the head of the Soviet Union referred to in subsection (a).

HAWKINS AMENDMENT NO. 598

Mrs. HAWKINS proposed an amendment to the bill S. 1200, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . There are authorized to be appropriated to an immigration emergency revolving fund, to be established in the Treasury, $35,000,000 to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

McCLURE (AND OTHERS) AMENDMENT NO. 599

Mr. McCLURE (for himself, Mr. BURDICK, Mr. GARN, Mr. THURMOND, Mr. SYMMS, Mr. PRESSLER, Mr. DENTON, Mr. MATTINGLY, and Mr. WILSON) proposed an amendment, which was subsequently modified, to the bill S. 1200, supra; as follows:

On page 125, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POLICY TOWARD THE ENGLISH LANGUAGE.

(a) FINDINGS.—The Congress finds that—

(1) the United States had been and will continue to be enriched by the contributions of immigrants from diverse cultures;

(2) a common language, English, fosters harmony among our people, promotes political stability, permits the interchange of ideas, encourages societal accord, and unites us as a people committed to freedom and equality;

(3) the learning of the English language by our Nation's immigrants is vital to their participation in the economic, education, social, and political opportunities of our country; and

(4) a role of the Congress is supporting the bonds that unite our people, one of the most important of which is the use of the English language.

(b) POLICY.—It is the sense of the Congress that—

(1) the English language is the official language of the United States.

On page 3, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. Policy toward the English language.

HAWKINS AMENDMENT NO. 600

Mrs. HAWKINS proposed an amendment to the bill S. 1200, supra; as follows:

At the end of title III add the following:

SEC. . VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.

(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAMS.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) by redesignating paragraphs (4) through (7) of subsection (a) as paragraphs (5) through (8), respectively, and inserting after paragraph (3) the following new paragraph:

"(4) the State shall require, as a condition of eligibility for benefits under any program listed in subsection (b), that each applicant for or recipient of benefits under that program must declare in writing, under penalty of perjury, whether or not the individual is a citizen of the United States, and, if not a citizen of the United States, the individual shall present alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contain the individual's alien admission number, or alien file number (or numbers if he has more than one number), and—

"(A) if such an applicant or recipient is not a citizen of the United States, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the alien's immigration status through an automated or other system (designated by the Service for use with States) that—

"(i) utilizes the alien's name, file number, admission number or other means permitting efficient verification, and

"(ii) protects the alien's privacy to the maximum degree possible,

"(B) if the verification under subparagraph (A) does not indicate that the individual is in an immigration status permitting eligibility for benefits under the applicable program—

"(i) the State shall provide the alien with an opportunity to prove otherwise by submitting to the State documents establishing a satisfactory immigration status for the applicable program, photostatic or other similar copies of which documents shall be transmitted by the State to the Immigration and Naturalization Service for official verification, and

"(ii) the State may not deny, reduce, or terminate an individual's benefits under the program on the basis of immigration status without affording the individual the opportunity described in clause (i), and

"(C) if an individual has been determined (after the opportunity described in subparagraph (B)(i)) to be an alien in an immigration status which does not permit the individual to be eligible for benefits under the applicable program, the State shall deny or terminate the individuals's participation in the program;"; and

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu "income and eligibility verification system".

(2) UNDER SSI PROGRAM.—Section 1631(e)(1)(B) of such Act is amended by striking out "subsections (a)(6) and (c)" and inserting in lieu thereof "(a)(4), (a)(7), and (c)".

(b) PROVIDING 90 PERCENT MATCHING FUNDS FOR NON-LABOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

"(A) 90 percent of so much of such expenditures as are for the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4),".

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) an amount equal to 90 percent of the sums expended during the quarter which are attributable to the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4); plus".

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 90 percent of so much of the reasonable expenditures of the State as are attributable to the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4)".

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) 90 percent of so much of such expenditures as are for the non-labor costs of the implementation and operation of the immigration status verification system described in section 1137(a)(4); plus".

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to pay to each State agency an amount equal to 90 per centum of the non-labor costs incurred by the State agency in implementing and operating the immigration status verification system described in section 1137(a)(4) of the Social Security Act.".

(c) EFFECTIVE DATES.—

(1) INS ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under section 1137(a)(4)(A) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987.

(2) HIGHER MATCHING EFFECTIVE IN FISCAL YEAR 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

(3) USE OF VERIFICATION SYSTEM REQUIRED IN FISCAL YEAR 1989.—The amendments made by subsection (a) take effect on October 1, 1988. States have until that date to begin complying with the requirements imposed by those amendments.

PRESSLER (AND WARNER) AMENDMENT NO. 601

Mr. PRESSLER (for himself and Mr. WARNER) proposed an amendment to the bill S. 1200, supra; as follows:

On page 113, insert the following immediately before line 20:

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the visa waiver pilot program authorized by the amendments made by this section will provide economic benefits, greater international understanding and cooperation, and more efficient use of consular resources, and that such goals are highly desirable and in the national interest. The Senate reaffirms its support for such program.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. COHEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 12, 1985, in closed executive session in order to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. COHEN. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Devel-

opment of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 12, to hold an oversight hearing on Department of Energy's "Mission Plan for the Civilian Radioactive Waste Management Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE ORGANIZATION TASK FORCE

Mr. COHEN. Mr. President, I ask unanimous consent that the DOD Organization Task Force of the Committee on Armed Services be authorized to meet in executive session, during the session of the Senate on Thursday, September 12, to hold a meeting to discuss one of the chapters of the DOD Organization Staff Study.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, September 12, 1985, in order to conduct a hearing on the reauthorization of the Higher Education Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate, on Thursday, September 12, 1985, between the hours of 3 p.m. and 4 p.m. in order to mark up S. 616, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UTERO INTERVENTION

● Mr. HUMPHREY. Mr. President, on July 1, a hearing was held under the auspices of the newly-formed Pro-Life Action Task Force for Women, Children and the Unborn. The hearing investigated the most recent developments in fetal diagnosis and fetal surgery, and explored some of the ethical questions surrounding the new technologies.

Women and their children, both born and unborn, are continually faced with distressing circumstances, seemingly beyond their control and without resolution. This hearing is one of several that will examine the positive responses that are in fact available to these women. The testimony resulting from these investigations is being disseminated to State legislatures, the press and the public in an effort to inform them of the potentials and the drawbacks of in utero intervention. It is also our hope to focus public awarenness on the congenital conditions most easily remedied by fetal surgery—namely hydrocephalus and hydronephrosis.

We encourage the use of the hearing transcripts as pools of information from which future legislative and private initiatives can draw. These sources, we hope, will promote much-needed funding for research, provide moral and financial aid to families, and establish ethical guidelines for those involved in and affected by fetal surgery.

In utero intervention is still at an experimental stage. Yet steadily, the field has developed in conjunction with advances in diagnostic techniques, antilabor induction drugs, and fetology. Unique opportunities for aggressive, effective treatment of certain conditions now present themselves—as early as the 18th week of pregnancy.

Over 30 major developmental irregularities can now be detected by prenatal diagnostic tests. Of these, four conditions have been successfully corrected by fetal surgery on human patients, and several more have been remedied in animal patients. Results of the surgery have been striking. Rough estimates show that up to 80 percent of the hydrocephalic patients survive where previously death was imminent. Some of these require further postnatal treatment, but the surgery has served the important function of limiting brain damage. In addition, there are the inspiring cases like Sarah Lund's, where a complete cure seems to have been effected.

Currently, on the basis of the diagnostic information provided, women either abort the "defective" infant or opt to continue the pregnancy and commence appropriate postnatal treatment. The advent of new prenatal options may soon present a positive, middle-ground alternative to the two extremes of abortion and nontreatment. We must address and promote positive alternatives to abortion and suffering such as these if we truly are to become a healthy and caring nation.

Mr. President, I present to my colleagues the written testimony of Dr. Richard Depp, the noted fetal surgeon who has successfully operated in utero on a number of preborn infants. His testimony is especially enlightening about the techniques he uses and the ethical situations he faces. I also present a summary of the hearing.

The material follows:

TESTIMONY OF DR. RICHARD DEPP BEFORE THE "PRO-LIFE ACTION TASK FORCE FOR WOMEN, CHILDREN AND THE UNBORN" HEARING ON FETAL SURGERY

Good afternoon. I am Dr. Richard Depp, Professor of Obstetrics and Gynecology at Northwestern University Medical School and Director of the Division of Obstetrics at Prentice Women's Hospital in Chicago. I have been asked to apprise your Task Force on recent advances in fetal medicine, with particular reference to the technologies of fetal surgery. I have with me Julie Lunde and her daughter Sarah, who presented to my office with a diagnosis of fetal hydrocephalus.

The concept that the fetus is a patient, an individual whose medical or surgical problems are subject to medical or surgical treatment is certainly modern. This is primarily a function of recent availability of techniques allowing the physician to visualize, monitor, measure, and even recently assess responses to outside stimuli. As a consequence, we are now in a position where we must view the fetus seriously from a medical, legal and ethical standpoint as a patient.

Much of our progress over the past years had its foundation in the 1960's and 70's when a number of investigators began experimentation on the animal fetus in attempts to understand fetal physiology and in attempts to create animal models for human disease.

Our ability to potentially treat the fetus as a patient is the result, in many cases, of funding by national health agencies and foundations with interest in this area. Our instruments to assess fetal condition include recent availability of electronic fetal monitors, ability to withdraw amniotic fluid bathing the fetus, through the maternal abdomen to determine the presence of abnormal metabolites or chromosomes, or to measure fetal hormones in the maternal blood or urine. The development that has had the most profound effect on our approach to the fetus was the introduction of safe, non-invasive imaging techniques, such as real-time ultrasound which permits direct visualization of the living fetus. Using this technology, we can accurately delineate normal and abnormal fetal development with truly astounding detail. For those of you who have not visualized such an examination, it is much akin to a moving picture evaluation of the fetus.

We are only now beginning to attempt fetal surgery; the idea is only relatively new. In the 1960's, several investigators from Australia as well as the United States "surgically" treated the fetus with erhythroblastosis fetalis, a condition in which the fetus becomes severely anemic as a result of antibodies crossing from the maternal system. In the early 1960's, Liley demonstrated that intra-abdominal placement of blood in the fetus is effective in treating this condition, severe fetal hydrops. This inaugurated fetal "intervention". Not only are we able to treat the fetus surgically, but we are also able to treat the fetus from a medical vantage point. The most notable medical example is our ability to hasten lung development of the premature fetus by the administration of steroids to reduce the impact of respiratory distress syndrome, an entity which was responsible for the death of former President John F. Kennedy's child. Other conditions include fetal congenital hypothyroidism, another notable example.

With these new abilities comes additional responsibility on the part of the physician. Until recently, the fetus did not require a physician; the only requirement was an advocate or protector. Advocates have always been present but the grounds for advocacy were often religious, emotional and philosophical rather than diagnostic and thera-

peutic. The fact that correctable disorders can now be recognized, and in some cases managed by medical and surgical therapy, to some extent changes our priorities. It certainly raises complex ethical questions about risks and benefits, and about the rights of the mother and fetus as patients. We as physicians are only beginning to address these difficult issues.

In approaching the fetus with a potentially surgically correctable anomaly, a number of questions are raised. Until recently, the only question raised by the prenatal diagnosis of a fetal malformation, particularly those incompatible with life, was whether to abort the fetus or await delivery. With the advent of new technologies, therapeutic alternatives and prenatal diagnosis, such as changing the mode of delivery and even treatment before birth, assume new clinical significance.

Until recently, the rationale for determining how the prenatal diagnosis of any given fetal defect will affect perinatal management is quite simple. Lesions incompatible with postnatal life lead to spontaneous abortion or delivery. Most surgically correctable lesions are best treated after normal term delivery. It is the lesion which is progressive which leads to reversible or preventable disfunction of other organ systems which requires either early delivery or consideration of fetal surgery. I must emphasize at this point that, although the rationale for such surgical intervention is simple, our present experience, even though dramatically advanced over previous years, is still limited and therefore our views must be cautiously expressed. At this time, they are intended to serve only as a basis for discussion, investigation and refinement.

At the present time, three conditions are considered for possible surgical intervention prior to delivery. They are: posterior urethral valve syndrome, a condition primarily affecting the male fetus resulting in an obstruction of urine release from the penis. The result of this obstruction is progressive enlargement of the bladder and kidney collecting system. There is a secondary failure of fetal lung development because of the dramatic enlargement and expansion of the fetal bladder. The second condition commonly considered is obstructive progressive fetal hydrocephalus, a condition in which the ventricle, a fluid-filled space within the fetal head, enlarges progressively at the expense of brain tissue. A third condition, fetal diaphragmatic hernia, a condition wherein the abdominal contents spill into the fetal chest reducing the ability of the fetal lungs to develop and expand, has also been considered as a problem potentially treated surgically. This latter condition has, to my knowledge, not been treated in the human fetus as of this time.

There are several major points to be made regarding availability of fetal surgery. The first is that fetal surgery is, at this point, experimental with no proven benefit. We have much to learn. However, this should not make us hesitant to proceed with further investigation in this area. The long term objective is to provide the patient and the fetus with alternatives not presently available.

SUMMARY OF FETAL SURGERY HEARING

A hearing examining the relatively new medical field of fetal diagnosis and fetal surgery convened Wednesday, July 31 on Capitol Hill under the auspices of the recently formed Pro-Life Action Task Force For Women, Children and the Unborn. Chaired by Senator Gordon J. Humphrey (R-N.H.), the seven-Senator Task Force has formed to probe issues affecting women and their children—both born and pre-born.

Women and their children today face numerous distressing circumstances beyond their control and seemingly without resolution. The hearing was the first of several that will examine the positive responses to these circumstances that are in fact available. Directed at informing legislators, the press and the public of the potentials and drawbacks of in utero treatments, Senator Humphrey expects the hearing and resulting transcripts to serve as pools of information from which future legislation and private initiatives can draw. Senator Humphrey also noted that the hearing would ultimately demonstrate the importance of in utero operations as a positive alternative to the undesirable extremes of abortion and non-treatment.

One-year old Sarah Lund provided a striking example of the tremendous potential of fetal surgery. Early in 1984, Chicago perinatologists diagnosed Sarah, then only six months in her mother's womb, as suffering an advanced case of congenital hydrocephalus—or "water on the brain." The condition is characterized by a buildup of cerebrospinal fluid as a result of a block in canals exiting the brain. Prevented from reabsorbing into the blood stream, the fluid accumulates in the brain ventricles, compressing normal cells. The excess accumulation leads finally to mental retardation or death.

Sarah's own prognosis was bleak, given her abnormally bloated head—80 percent of which was filled with cerebrospinal fluid. Her condition confirmed by ultrasound, Dr. Richard Depp of Prentice Women's Hospital performed the surgery. When Sarah's skull later enclosed the shunt, Depp implanted a second. The shunt continues to drain the fluid into her abdomen through a tube lying just under her skin.

Sarah's hydrocephalus remains—doctors today know of no cure for the condition—and she will always require periodic revisions of the shunt system. But the operation is a tremendous success in that doctors averted much of the damage that might have occurred, and arrested many of the typical difficulties associated with hydrocephalus. Today, according to her mother, Mrs. Lund, Sarah "has a little bit of trouble with control of her head, but she is rolling over and smiling, and she is very alert. We just think the world is hers."

Surprisingly, and rather refreshingly, Mrs. Lund brushed off concerns about the dangers to her own health. Her fears, she noted, were exclusively for her child. "I wasn't thinking about myself at that time . . . (the pain) was all internal. I really turned into myself, you know, for the baby." Instead, Mrs. Lund's concerns centered on the risk to the life of her child—should the surgeon miss his target or should she (Mrs. Lund) spontaneously abort—and on whether the surgery would actually improve Sarah's condition.

In actual fact, the mother can expect to experience little long-term risk due to the operation. Mrs. Lund, however, described the temporary inconveniences of the surgery, including the nausea associated with anesthesia, the pain of the incision and needle, uterine contractions, and the thrashing of the now agitated baby. Nevertheless, the following morning Mrs. Lund returned home to await Sarah's birth ten weeks later.

Mrs. Lund, responding to Senator Humphrey's observations on the comparative newness of the technology and the lack of experience doctors have in the field, also emphasized that she and her husband were lucky to even discover that in utero options were available. Mrs. Lund also noted the difficulties involved in connecting with knowledgeable sources. As Senator Humphrey noted, Mrs. Lund attributed these difficulties to the lack of information available to doctors, the lack of surgeons with the requisite skills and the shortage of financial resources for research and patient support.

Sarah's doctor, Dr. Depp, in fact, is one of only a handful of fetal surgeons practicing in the relatively new field of fetal surgery. Doctors first intervened in utero in 1963 with transfusions to correct RH imbalances that subjected fetal red cells to attacks by the mother's immune system. Actual surgical intervention did not occur, however, until 1978 when a Harvard team of doctors surgically aspirated the hydrocephalic brain of a fetus. The surgery failed. Research continued, though, and in 1981, doctors in Denver, San Francisco and Richmond all performed successful operations for hydrocephalus, hydronephrosis and collapsed lungs respectively.

New techniques and technology facilitated the development of both fetal diagnosis and fetal surgery. Senator Humphrey noted the importance of the introduction of ritodrin, an anti-labor induction drug. As the primary complication involved in fetal surgery is spontaneous abortion of the fetus, the new drug alone has allowed tremendous advances in the field.

Depp also noted the importance of improved diagnostic methods that visualize and monitor the fetus, and even assess fetal neurological functions. The most profound development, by general consensus of doctors, is that of ultrasound, which enables delineation of fetal conditions with "truly astounding detail." Depp specifically cited new equipment with which "you can actually see the nasal hair on the nostrils of the fetus at twelve or thirteen weeks of pregnancy."

Dr. William Colliton, past Chairman of the OB-GYN department at Holy Cross Hospital, and Assistant Clinical Professor at George Washington University, elaborated upon the "astounding detail" available to the sonographer. An experienced sonograph user in his private practice, Colliton narrated a sector-scan film that showed the beating four-chamber structure of the heart (and the aorta pulsating in unison), vena cava, umbilical vein and cord, liver, eye orbits, nose, mouth, spinal column and ribs of a "twenty-eight weeker." These organs and structures, and others, a sonographer can detect and monitor in infants as young as twelve weeks.

Colliton's descriptions underscored the importance Depp attributes to the sonographer, and the complexity of the ultrasound technician's task. The fetal surgeon relies heavily on the "image" provided by the sonograph to visualize his patient and the target organ. Indeed, the very vitality and responsiveness to pain that characterize (indeed, humanize) the fetus in utero, render the sonographers' role critical and extremely difficult.

These revolutionary technologies have aided in the treatment of three conditions, in addition to the Rh factor imbalance. The first is hydrocephalus—the condition suffered by Sarah Lund. The second is hydronephrosis, an obstruction causing urine buildup in the bladder and kidney, resulting in damaged kidneys and underdeveloped

lungs. The third is fetal diaphragmatic hernia, where the abdominal contents push through a lesion in the diaphragm again inhibiting lung growth. Doctors have successfully treated this in animals, and it will most likely be the next operable condition. Depp also expressed optimism that mylomeningecele—the spinal sac condition often associated with spina bifida—will soon be operable.

Depp noted that despite the advances in the technology, fetal patients must meet certain criteria before he will intervene surgically. As Depp described, the infant's conditions must be detectible by available diagnostic tools such as sonography or amniocentesis. The condition must also be progressive, and as a result the prognosis for the child must be expected to worsen substantially if he/she does not receive aid. In addition, the condition must be operable. Any infant with a condition that has little or no chance of being remedied will not be operated on in utero. Finally, Depp refuses to operate on a patient who would benefit from post-natal treatment and yet suffer no significant risks due to a delay in such surgery.

Depp also discussed complications surrounding fetal surgery. Late diagnosis of the condition clearly will complicate the task of the surgeon. The fetus, of course, has no symptoms that are manifest exteriorly, so a mother rarely senses danger signals. That ultrasound is not readily available to many women further contributes to the frequency of late diagnoses. Misdiagnosis and incomplete diagnosis also obviously present problems and this too is exacerbated by the paucity of experienced and capable fetal surgeons and the shortage of funds.

Finally, there is the uncertainty that the surgery in fact, and alone, corrected the condition at hand. To this end an International Fetal Surgery Registry has been established under the direction of Edward Manning of the University of Manitoba—Winnepeg. Following a Krol Foundation Symposium on fetal surgery, the nation's most respected fetal surgeons committed themselves to pooling their information, experience and expertise in the Registry. The surgeons hope in this way to develop a substantial data base upon which scientific determinations can be made.

With the mind-boggling advances in technology come equally perplexing ethical questions. Depp, agreeing with Senator Humphrey that serious problems might result with respect to a fetal candidate selection process, cited concerns regarding the criteria for determining which infants are operable. Depp noted that the analysis of risks and benefits, and subsequent actions in response to this data, also pose critical moral questions. In addition, one must consider the rights of the mother who does not directly benefit from the operation, yet clearly retains status as a patient. Senator Humphrey later pointed out the practical difficulties, in addition to the ethical concerns, involved in compelling a mother unwilling to undergo surgery for the benefit of her infant.

The most significant question raised, however, involves the moral and legal status of the fetus—and Senator Humphrey directed much of the testimony toward this issue. The question involves determinations of the personhood status of the fetus, and the correlative matter of the rights due such an unborn person.

As a result of the advances in fetal treatment and techniques, the fetus now finds him or herself in the unaccustomed position of bearing operable conditions. The preborn child, now treatable, appears almost indistinguishable from other human beings who are similarly operable. Consequently, it is difficult not to posit a comparable right to treatment for the fetus. Depp notes that, as a result of the advent of new diagnostic techniques and fetal surgery, "we are now in a position where we must view the fetus seriously from a medical, legal and ethical standpoint as a patient."

As a result, we can easily posit sundry rights, including a right to life, for the unborn child. Indeed, Depp goes so far as to posit that his unborn patient is "at some point . . . a person." "So at that point, to me, I think I have a special responsibility to that individual."

Senator Humphrey also questioned extensively regarding the pain-killing techniques fetal surgeons use. Doctors anesthetize (which effectively renders the patient insensate to pain) or narcotize (inject a narcotic through a vein so that "you care less about pain") both the mother and the fetus. Depp narcotizes his patients—the woman and her child. The mother, then, experiences less pain due to the incisions and nausea. The fetus gets "sleepy" and becomes less active, making the placement of the catheter easier and less risky. Depp also confirms that the fetus on which he operates, feels pain, and this too justifies the narcotization of the infant. "They do feel. . . . they feel the needle and they move out of the way. They feel pressure. . . ."

The field of perinatology encounters the same ethical concerns regarding the status of the fetus. Perinatology, by definition, also deals with two patients—the fetus and the mother—though individual perinatologists may establish different "personhood" standards for the fetus. An informal definition might describe the discipline (a subspeciality of neonatology) as a combination of the fields of pediatrics and obstetrics. Dr. Gary Sheldon, a perinatologist from St. John's Hospital in St. Louis, Missouri, noted that the field concerns itself with problems during the pregnancy, and with difficulties around the birth. Indeed, Sheldon indicated many perinatologists consider their province to extend even before conception.

Sheldon, as did Depp and Colliton, termed the advent of sophisticated ultrasound imaging systems "the single most important advance" facilitating this new approach to the fetus as patient. The ability to visualize anatomic defects, track fetal motion, monitor growth and development and evaluate individual organs have all advanced the perinatologist's understanding of the pre-born infant.

Several conditions avail themselves to some degree of correction by the perinatologist. In addition to the operable conditions discussed by Depp, Sheldon discussed maternal diabetes mellitus (the mother suffers a diabetic condition that seriously affects the developing infant's health), intrauterine growth retardation and fetal functional cardiac abnormalities.

Sheldon also detailed various remedies available to the perinatologist faced with these conditions. Doctors may indirectly advance the health of the fetus by treating the mother, or it may directly address the fetal condition through numerous treatments aimed at the infant in utero. The first path involves improvement of maternal nutrition, restriction of maternal activity, and correction of maternal medical problems. Sheldon also emphasized the treatment of maternal diabetes condition as a therapy whose corollary purpose is to benefit the fetus.

Regarding the direct addressing of fetal conditions, Sheldon noted the operable conditions described by Depp. An additional, intriguing option involved the direct injection of nutrients into the amniotic fluid, allowing an infant with intrauterine growth retardation to increase nutrition intake. Sheldon also suggested variations in delivery mode (for example, a Caesarean delivery) and in delivery time (inducing labor before term to allow early post-natal treatment).

Paradoxically, the pre-born infants Depp and Sheldon labor to save, are yet candidates for abortion at the determination of the mother and a physician. As Senator Humphrey stressed, this paradox raises disturbing questions with respect to this nation's policy of allowing abortion on demand throughout the nine months of pregnancy. Senator Humphrey also emphasized that the advent of the new technological innovations examined in the hearing provide additional proof and confirmation for the belief that the fetus is a person guaranteed full status as a person with constitutional rights. Professor William May of Catholic University agrees. "I do not think that any subsequent development in medical technology will falsify the truth that we now know; namely, that there is in existence, from the time of the conception and fertilization, a new human life." Thus, regardless of the extent of our knowledge and understanding of the fetus, those rights, that status as person, are inherently due the infant. Any denial of these rights, then, merely represents society's refusal to attribute to the unborn child that which it inherently retains.●

STUDENT LOAN COLLECTIONS

● Mr. SIMON. Mr. President, I am inserting in the CONGRESSIONAL RECORD a letter sent to me by Dr. Ray A. Neff of Marshall, IL.

He points out what I hope is an isolated incident in the collection of student loans.

I have two concerns in the student loan area, in addition to sharing the concern that all of us have—that we collect loans from those who owe us money.

My first concern is that we are giving the impression that there is massive abuse of the student loan system and a high default rate. As a matter of fact, the default rate on student loans is appreciably lower than the default rate at banks on automobile loans.

That does not mean that that default rate should not be lower. I want to do everything I can to help lower it. But the impression abroad is that there is massive default, and that simply is not the case.

My second concern is the type of thing that Dr. Neff points out in his letter. I hope we will be careful not to impose an injustice on people in the process of seeing to it that just debts are paid.

I ask that Dr. Neff's letter be printed in the RECORD, and I urge my colleagues to read it.

The letter follows:

MARSHALL, IL, *August 19, 1985.*

Hon. PAUL SIMON,
Senate Office Building, Washington, DC.

DEAR SENATOR SIMON: I am emeritus faculty at Indiana State University, having retired in July of 1984. In 1973 I took sabbatical leave and did graduate work at Ball State University. At that time I took out a student loan through the Dulaney National Bank here in Marshall. I returned to Indiana State University in September of 1974 and over the next several years paid off the loan without delinquency of any kind.

In the Spring of 1984 I began to receive telephone calls from various persons claiming to represent the Illinois Loan Program demanding that I pay up on my student loan. They claimed that I owed over Ten Thousand Dollars. I informed them that my loan was completely paid and that their records were faulty. These persons were both hostile and rude. Several called me "a crook" and referred to me as "a leach."

In August of 1984 a man came to my door and attempted to force his way into my home. He claimed that he represented the Illinois Loan Program and had credentials which seemed to prove it. I refused him entry and called the police but by the time they arrived he was gone.

Subsequently I received a barrage of telephone calls from several persons, some claiming to be with the Illinois Loan Program and all abusive. I finally traced some of these calls to Van Rue Credit, 6141 North Cicero Avenue, Chicago, 60646. On February 15, 1985 I sent Van Ru Credit, by Certified Mail with return receipt, a letter telling them to cease and desist in their harassment of me. I cited the *Fair Debt Collection Practices Act* (15 USCS) and sent copies to the Attorney General of Illinois; the U.S. Attorney; Mr. David Lewis, Clark County States Attorney; and my attorney. Since then I have heard nothing additional from Van Ru Credit.

But now I am being harassed by a Ms. Rosalie Budd of National Legal Services of Chicago, an agency on which I can acquire no information. They have no listed telephone in Chicago nor does anyone seem to know of them. Ms. Budd knows about my personal affairs, my home ownership, my autos, and my bank accounts; she states that they will be seized if I do not pay up immediately. She does however seem to think that I am thirty-nine years old (I am sixty-one).

I recently met with my attorney and we looked into the Illinois Loan Program and the student loan program in general. What we learned was astounding.

For several years I have been hearing "horror stories" from former students who have had autos, stereos, television sets, and even a piano, seized in actions which would be, if they were as they described them, both immoral and illegal. Having dealt with students and their stories for a number of years I manifest a certain disbelief for I could not believe that such things were happening. The claims were that even when the notes were paid collections were demanded and in many instances received. Each instance described a stealthy approach by the collectors with seizures being made without due process.

I have attached a copy of an "Illinois Guaranteed Loan Program" "Interim Note." You will no doubt immediately notice that it is a cognivit note in which judgment is confessed in advance, all rights of the debtor waived, and property encumbered, even before money has been received.

The Fourteenth Amendment of the United States Constitution states, in part:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Cognivit notes, when held by State agencies violate this section of the Constitution. All Illinois Guaranteed Loan Program notes are such instruments and are illegal, and therefore uncollectible, paid or unpaid.

In the August 19, 1985 issue of *Time*, page 21, there is an article which states that the Internal Revenue Service will be withholding tax refunds to persons who they claim owe unpaid student loans. It is clear that the U.S. Government and the State of Illinois are attempting to do illegally that which they are prevented by the U.S. Constitution from doing legally. They will not test their case in court nor will they even pretend due process. I invite your attention to the wording of the student interim note attached which says in part:

"I hereby irrevocably authorize any attorney-at-law to appear for me in any court of record, in term time or vacation, at any time after default, and to waive issuance and service of process and confess judgment against me in favor of the holder hereof, for such amount as may appear to be unpaid hereon, together with interest, costs of suit and reasonable attorneys' fees, and to release all errors, waive all right of appeal and consent to the immediate execution upon such judgment . . ."

Under this note it is not necessary for the holder to even prove that money is owed but can collect ". . . such amount as may appear to be unpaid . . ."

I now request that you take whatever action is necessary to bring this horrible scheme to the attention of the Congress since I feel that what is being done is not only unconscionable but criminal. The United States Government and a number of state agencies are involved in what is tantamount to loan sharking.

Very truly yours,

RAY A. NEFF, Ed.D.●

THE FARM TRAGEDY

●Mr. BENTSEN. Mr. President, agriculture today is in a crisis unprecedented since the Great Depression of the 1930's. The statistical evidence of this is abundant. Exports, prices, and credit are all major problem areas.

Every new forecast by the USDA is worse than the one before. Exports this year are forecast to drop 16 percent from last year, and net farm income is forecast to drop 38 percent. Wheat prices in July were the lowest in 7 years, and wheat exports from Houston, the No. 1 wheat export port, are off 65 percent from last year. Cotton exports, much of which come from west Texas, are down from 500,000 bales a week last year to 50,000 bales per week now.

Many farmers are hanging on by a thread that is stretched to and beyond the breaking point. At today's low prices even a bumper crop may only be a break-even year for many farmers. The mountain of farm debt cannot be service, let alone repaid, when agriculture has a negative 15 percent return, which is what Federal Reserve statistics for 1984 show. The farm credit crisis is shaking even the cooperative Farm Credit System.

The statistical evidence of the problems in rural America are impressive, but there is also another side to the story. There is the human tale of individual tragedy repeated time after time after time in small towns all over the farm belt. We must not let ourselves get so buried in a mountain of dry figures that we lose sight of the real problem.

Mr. President, the human side of the farm problem is well illustrated in a short editorial written by Frank Ford of Hereford, TX. I ask that the editorial from the September issue of Acres, U.S.A. be printed in the RECORD as a reminder that our farm problems are people problems, not just statistical problems.

[From Acres, U.S.A., September 1985]

THE CLEANSED

(By Frank Ford)

We buried two young farmers today.

Two weeks ago I heard a top executive of one of the leading grain trading firms say in a radio interview that the "agricultural situation couldn't be straightened out until the system is cleansed (his word) of the (young) farmers with the high debt structures." This is current wisdom in much of our nation's leadership. We have a recovery now, but we can't pay as we go. We must depend upon the wealth from the privileged of the Third World to cover our bond issues and buy our T-bills so that we don't have to tax ourselves. Our wealthy can make the dollar go much farther on their trips in Europe. Executives can plot their corporate takeovers, further draining the money supply and keeping interest rates the highest in modern history. How does this relate to a small Texas community this day in January?

We buried two young farmers today. They loved the land, and they loved farming. They were fine, dedicated, hard working young men. Both in their late 20s had married the sweethearts that they had dated right here in our Texas town. Both were loving, open, giving, responsible husbands whose lives were an inspiration to their families and to all of us who had seen them grow up, active in such things as scouting, Future Farmers, and their church. One of these young fathers had just seen the birth of the fifth child by his beautiful young wife. I saw this precious family just a few weeks ago, full of joy and hope in the face of the depression in agriculture caused by, among other factors, crumbling exports because of our "strong" dollar.

He was a very good farmer . . . one of the best they say. He could not, however, make 16 hour days on the farm pay out. So he took a second job. One night recently, he was bringing a semi-trailer rig into our Texas town from a point up north. It was midnight. His brother-in-law had accompanied him on the trip to keep him company. This young man was the father of three

small children. We don't know whether there was an equipment failure or whether my young friend went to sleep from exhaustion. In a few tragic seconds, a rig went out of control, hit an abutment . . . Their small children cried at the funeral. It seemed like the whole town was there. There were many young farmers there. Perhaps unfriendly takeovers and huge deficits and "strong" dollars are more important. But our town hurts today, and we will for a long time.●

DEFENDER'S DAY

● Mr. D'AMATO. Mr. President, I rise today in honor of a glorious vision. On September 14, 1814, as morning dawned on Fort McHenry in Baltimore, Francis Scott Key was being held on a British ship in the harbor. From that ship we had witnessed a night of violence and tyrannical assault. When the sun rose—he saw a wondrous sight: the American flag was still waving in the breeze. Today we celebrate Defender's Day in honor of the efforts of patriotic men and women of America; in particular we honor Francis Scott Key.

Key had gone to the British to negotiate the release of Dr. William Beanes. Key successfully negotiated the release of Dr. Beanes, but, due to the fact that the British invasion plans of Baltimore had been discussed in Key's presence, the British held him until after the attack. Key was so moved after the invasion when he saw the American flag flying that he wrote a poem that started with 'O say can you see by the dawn's early light . . ."

I think we all know, or should know, the rest.

Shortly after the incident, Key went to see a friend, Mrs. J.H. Nicholson, and gave her a copy. Mrs. Nicholson then went to a printer and had the copy made into handbills. The original title was "The Defense of Fort McHenry" but soon gained popularity and was renamed "The Star-Spangled Banner."

Over the years, the song was to become the popular national anthem of the people. By the 1890's, it was specified to be played at all ceremonial events of the Army and Navy. On March 3, 1931, it officially became the national anthem of the United States of America.

It is the song that still brings tears to the eyes of millions of Americans, and I hope it continues to do so forever.●

EXPLODING MYTHS

● Mr. SIMON. Mr. President, some of the most thoughtful editorials that appear anywhere in the Nation are in the Los Angeles Times.

Recently it had an editorial titled, "Exploding Myths," in which they say the climate must be changed if we are to do what we should for the American people.

I could not agree more.

I ask that this fine editorial be printed in the RECORD, and I urge my colleagues to read it.

The editorial follows:

EXPLODING MYTHS

If government policies are based—as they seem to be—on the premise that the poor are lazy, then they must be rewritten from top to bottom. The myth that the poor shun work, when in fact many work harder than the well-to-do and for far less reward, did not stand up under the kind of close inspection involved in last week's Times report on poverty.

On another crucial point, a team of Times reporters wrote that the statistical picture for the poor is as grim now as in any recent time. In the latest federal count in 1983 there were 35.3 million poor people—one American in seven. That's an increase of 11 million in five years. And the poor are getting poorer. At last count the poorest Americans had only 60% of the money that they needed for life's basics. The most tragic statistic of all says that one-fourth of all children under 6 live in poverty. Half of black American children are poor.

Behind the statistics are real people. Hardworking people like Gilbert Maxwell, who cleans up at a shrimp-packing plant in Brunswick, Ga., for $10,800 a year. Or elderly people like Rob Green, 75, and his wife of Dawes Hollow, W.Va., who live on potatoes, beans, a little bacon and a few onions. Or the countless infants who die because their mothers did not eat well during pregnancy and seldom, if ever, saw a doctor.

Why has a country as rich as the United States done so little for its poor?

Programs first launched during the New Deal in the 1930s and then greatly expanded in the 1960s actually had some success in reducing poverty rates and lifting some of the poor into the middle class. But there were also enough failures to give government intervention a bad name. Presidents Gerald R. Ford and Jimmy Carter allowed inflation to eat away the value of anti-poverty aid. By the time Ronald Reagan became President, the political climate allowed deep cuts in programs providing job training and public-service employment, unemployment insurance, food stamps, compensatory education and nutrition for children.

That climate must be changed. If there is one myth that the Times research exploded, it is that there are undeserving poor who will not work. Most of the poor are women with children or the elderly or the infirm. Of the remaining poor, two-thirds work, and work hard—cleaning shrimp plants, making beds in hotels, picking up other peoples' garbage.

Specific steps that government could take to help lift some of the poor out of poverty or to cushion hardships for those who are still locked there include:

Providing welfare payments to the needy even when fathers remain in the home, to encourage families to stay together.

Enacting minimum federal standards for welfare benefits; they vary widely around the country.

Lightening the poor's tax burden by increasing the personal income-tax exemption.

Conducting more intensive experiments with "workfare"—requiring welfare recipients to do community work in return for their benefit checks—as long as they are not structured in ways that punish people for being poor.

Passing tougher child-support laws.

Encouraging corporations and local governments to provide reasonably priced child care. More subsidized day care would make entry-level jobs a reasonable alternative to a welfare check.

Encouraging family-planning programs rather than cutting their funds in endless debates over abortion.

In a series of lectures at Harvard University in April, Sen. Daniel Patrick Moynihan (D-N.Y.) outlined much of this program. He said during the lectures that Americans "are a surpassingly generous people, not least one supposes because we are, in the end, so blessed, so well-off generally." Faced with natural disasters, Americans aid families that they know to have been devastated. Poverty is our biggest national disaster, and the poor need that same spirit of sharing today.●

EXEMPTION FOR BONDS ISSUED BY ISRAEL FROM IMPUTED INTEREST TAX

● Mr. D'AMATO. Mr. President, I rise today to join in sponsoring, S. 1619, legislation offered by my good friend and colleague, the junior Senator from California. The bill he has offered would exempt bonds issued by the State of Israel from section 7872 of the Internal Revenue Code of 1952.

The Deficit Reduction Act of 1984 applied an imputed interest rate to certain below market-rate loans. Subsequently, Congress passed legislation amending the Act to relieve most of the onerous imputed interest provisions. Unintentionally, bonds issued by the State of Israel were not included under the amending legislation. This, of course, was a mere oversight; it would be unconscionable to tax those who want to help our good friend, the State of Israel.

In the volatile Middle East, the United States had had only one stable and trustworthy ally, the State of Israel. since the inception of Israel as a nation in 1948, Israel and the United States have shared a special relationship. This relationship is based upon shared values. These values include a dedication to individual rights and a belief in democracy. Government-sponsored economic and military aid, as well as assistance from the private sector, make the cornerstone of our concrete support. In return, Israel has offered the United States the use of military bases and storage facilities for our rapid deployment force's equipment. Most importantly, Israel is a stable democracy in a historically unstable region.

Israel's debt roughly equals its GNP. Its debt service is almost $4 billion per year, a billion of which is paid to the United States. Most of U.S. economic aid to Israel never leaves the U.S. Treasury because it repays principal and interest on past loans. Because of this, the Israel bonds program is an in-

tegral part of our Nation's total assistance to Israel. In 1984, the Israeli Bonds Agency sold $102 million worth of bonds in the United States.

My support for this legislation is strengthened by Israel's own efforts to stabilize its economy. It would be unfair and untimely to allow the enforcement of the imputed interest tax on Israel bonds. I commend the junior Senator from California for working so hard to rectify this problem, and I urge my colleagues to strongly support this legislation.●

GOVERNMENT PRINTING OFFICE

● Mr. HATFIELD. Mr. President, we have just celebrated Labor Day and it is, therefore, especially heartening to learn of a Government agency where a harmonious relationship exists between highly productive employees and a sensitive, progressive administration. I am referring to the Government Printing Office where management, under the leadership of Ralph Kennickell, the Acting Public Printer of the United States, and labor concluded wage negotiations and signed an agreement without requiring an arbiter for the first time in 6 years. Patience and goodwill on both sides characterized the 2 months of negotiations and were instrumental in the success of the talks.

The Government Printing Office is one agency which has welcomed with open arms the arrival of computers, video composition, and the latest printing and binding equipment. Every worker confronted with changes due to the arrival of the computer age has been afforded an opportunity for retraining. This successful adaptation to modern technology is good Labor Day news and should be noted by other agencies facing similar challenges.

For fiscal year 1985, the Government Printing Office has developed and authorized the largest, most comprehensive training plan in GPO history. It has established a consolidated, expanded employee counseling service in its Office of Personnel. It also has incorporated its Offices of Personnel, Equal Employment Opportunity, Safety, and Labor-Management under an Assistant Public Printer for Human Resources. Besides providing for more rational management, this reorganization has resulted in lower expenditures and, subsequently, more tax savings—welcome news indeed in this time of concern over Federal spending. Congratulations to the employees and management at the Government Printing Office.●

RESTORATION OF DEMOCRACY IN CHILE

● Mr. KENNEDY. Mr. President, September 11 in the United States has little special historical significance; but, in Chile, it represents the anniversary of the bloody coup which destroyed democracy. Twelve years ago, on September 11, 1973, tanks rolled down the broad boulevards of Santiago, jet fighters sent rockets into the Presidential palace, and troops forced thousands of civilians into makeshift prisons in the sports stadiums of Santiago.

The succeeding years have not seen a return to democracy. They have not seen an end to human rights abuse. They have not seen a restoration of civility in the conduct of political life in that country.

Instead, this year alone, the military dictatorship of General Pinochet has killed peaceful demonstrators. Its security forces and intelligence operatives have tortured political prisoners, kidnaped opponents, and left their bodies along roadsides.

Emergency powers were extended once again only this week, as last week's strike and protest demonstrated the national revulsion against the Pinochet regime and the common consensus demanding a return to democracy.

That consensus has been codified in a democratic opposition accord that unites the Democratic Alliance, the traditional political parties in Chile, and the Catholic Church. Under the moral leadership of Archbishop Fresno of Santiago, the opposition accords calls for a return to democracy.

On this anniversary of the destruction of democracy, I would hope that the United States, through the Department of State, would speak out unequivocably in support of the consensus for a speedy return to full democracy in Chile.

I am hopeful that our new Ambassador in Chile, a distinguished foreign service career diplomat, can help begin to present a different view of United States concerns in that country. There is undeniable support among the people of the United States for an end to the dictatorship in Chile. That view should also be transmitted by our Ambassador in his statements and by his actions.

The people of the United States have another reason for desiring to see a return to democracy. For it was the Pinochet regime which planned and then directed the assassination in 1976, of a Chilean diplomat, Orlando Letelier, on the streets of Washington, DC. That assassination also caused the death of a young American woman, Ronnie Karpen Moffett, who was riding in the Letelier car when it was destroyed by a bomb. Her husband, Michael Moffett also was seriously injured in that bombing.

The U.S. Federal court system found that the Chilean secret police has planned and executed the bombing. Every request for cooperation in bringing those responsible for that bombing to justice has been stonewalled by the Pinochet regime. That is another reason for the United States to emphasize our refusal to associate with the Pinochet regime and our demand for a return to democracy.

The Pinochet regime has not relented on its persecution of the Letelier family. Today's Washington Post reports that the sister of Orlando Letelier, Fabiola Letelier, was detained yesterday along with 30 people who were attempting to hold memorial ceremonies for former President Salvador Allende, who died 12 years ago in the military coup which placed Pinochet in power. I strongly urge the Reagan administration to pressure the Pinochet Government to release Fabiola Letelier, as well as those detained along with her, and to end the brutal repression of the Chilean population.

On this anniversary, I would hope that the Chilean regime would be reminded by the international community that we demand nothing less than a return to full democracy and respect for human rights.

I ask to have printed in the RECORD, articles from the Washington Post.

The articles follow:

[From the Washington Post, Sept. 12, 1985]

PINOCHET HITS OPPOSITION, DOES NOT REJECT ITS PLAN—CHURCH-BACKED PLEA FOR DEMOCRACY AT ISSUE

(By Martin Andersen)

SANTIAGO, CHILE, Sept. 11—In a speech marking the 12th anniversary of the bloody coup that brought him to power, Chilean President Augusto Pinochet took a hard line today on a church-backed plan for a return to democracy.

Gen. Pinochet demanded that opponents show they are interested in more than mere "conquest of power" and that attractive rhetoric be backed by "honest deeds."

In a 90-minute speech before about 2,000 military, diplomatic and governmental guests, the president lashed out at critics, saying, "Their anxiety for reaching power at any price makes them try to destabilize the government."

Pinochet said Chile would achieve "true democracy" only by adhering to the terms of an authoritarian constitution he pushed through in 1980 and seemed to step back from a more conciliatory position offered by officials last week on the opposition parties' proposal.

However, Pinochet, did not reject outright the proposed "national accord," as the 11-party agreement signed last month is known. Worked out under the sponsorship of Roman Catholic Cardinal Juan Francisco Fresno, it united opposition groups from across the political spectrum in a call for elections—although with no date specified.

Fresno is said to have stepped in to promote the agreement among the parties in an effort to head off spiraling street protests and political violence that have taken dozens of lives within the last year. The cardinal did not attend the diplomatic gathering. According to an unofficial church account, he stayed away after being informed of the response Pinochet would deliver.

Pinochet did say that among the signatories were sectors that "might have relevant

opinions on the institutional development" of Chile, but only if they could show they were interested in more than "just the mere conquest of power."

It was unclear whether these words reflected a subtle shift by the government toward negotiations with civilians. One theory was that the phrasing was part of a government effort to fragment the opposition by signaling a willingness to deal only with the more conservative parties.

"We cannot accept that behind a supposed democratic objective there is the expression and the advance of totalitarian communism," he said, "Some of those who signed this are responsible for the strategy designed to make Chile a mere satellite of the Soviet Union." The Communists were not a party to the accord, but the Marxist Socialists were.

Pinochet also lashed out at non-Marxist parties that, he said, "abandoned their principles" to make alliances against his government.

The opposition's proposal picked up another supporter last night in retired Air Force general Gustavo Leigh. He was a member of the original junta who stepped down several years ago after differing with Pinochet.

Pinochet said Chile was the only nation in history to liberate itself from "Soviet communism," and that because of this his country was the victim of unremitting attacks by groups "that will not accept defeat."

The general said his government attaches special importance to the U.S.-Chilean relations, which he said were based on "friendship, cooperation and mutual respect." He did not comment on the fact that the State Department recently praised the church-backed proposal for a return to democracy.

Santiago was blacked out twice tonight. A pro-government radio station said two power pylons near Santiago had been blown up. Four persons were reported injured in clashes with police in the poor neighborhood of La Legua and seven in the slum district of La Victoria.

At least 30 persons were detained while attempting to hold memorial ceremonies for Socialist expresident Salvador Allende, who died in the presidential palace during the 1973 coup. Among those arrested was Fabiola Letelier, a sister of Orlando Letelier, a minister in Allende's Cabinet who was assassinated in Washington in a bombing laid to agents of Pinochet's government in 1976.

[From the Washington Post, Sept. 11, 1985]

GEN. PINOCHET FACES A UNIFIED OPPOSITION

(By Martin Andersen)

SANTIAGO, CHILE, Sept. 10—Chileans mark the 12th anniversary of military rule here Wednesday as the opposition is expressing optimism that a new 11-party accord, encouraged by the Roman Catholic Church, may start a move back to democracy.

In the wake of antigovernment rioting last week that left 10 dead and scores more injured or arrested, opposition leaders await a definitive response to their two-week-old National Accord for the Transition to Full Democracy.

That response is expected during the anniversary speech of President Augusto Pinochet, the leader of the 1973 coup.

The accord, signed by all major opposition parties except the Communist, was announced by Cardinal Juan Francisco Fresno after several months of secret meetings between politicians and church representatives. Parties remain formally suspended or, in the case of those of the left, outlawed.

A political observer said the accord "astounded" members of the Pinochet government with a call for orderly transition to democracy that appears to have put Pinochet on the political defensive.

Although Pinochet has indirectly attacked the agreement—which had one junta member sputtering insults, later retracted, at Fresno—the government has left the door open to further discussion of it.

Nevertheless, the Interior Ministry announced today a six-month renewal of the emergency powers that Pinochet decreed during major protests two years ago. The 11-party accord calls for cancellation of those special police powers.

Foreign political analysts said the confused official signals reflected Fresno's success in setting a new political agenda for the return to civilian rule.

Pinochet's formula precludes any election until 1989, when the sole candidate would be picked by the military chiefs—and could be Pinochet.

By offering the accord as an alternative, the cardinal has gone beyond traditional church mediation efforts. Its terms call for restoration of political rights and general elections at a date to be negotiated. Until that time, Pinochet's authoritarian 1980 constitution would remain in place, subject to amendments.

Diplomats and political observers here agreed that the accord was a departure from previous opposition efforts, which tended to underestimate the strength of the current rule and to present demands it found unacceptable.

This time, under the direction of Fresno, the opposition's emphasis was on compromise, a rarity among Chile's traditionally fractious parties.

Fresno, awaiting a definitive governmental response, criticized a call by leftist groups and opposition labor leaders for what resulted in a bloody day of protest Sept. 4—the day on which elections were held in precoup Chile. Fresno also called off a memorial mass for a French priest killed in demonstrations last year.

According to Sergio Molina, one of three technicians who helped draft the accord, its tone will force Pinochet to negotiate or be seen as offering as an alternative "an institutionalized version of dictatorship.

"If he ignores us, unpredictable dynamics will be set in motion, and nobody will be able to use reasonable means to stop them," said Molina, who served in a Christian Democratic Cabinet in the mid-1960s.

Seven Cabinet ministers in the government of the late Marxist president Salvador Allende, overthrown in 1973, have announced their support of the plan. Among the signatories were two civilian groups that until recently supported Pinochet—the rightist National Party and a conservative union movement.

Some analysts report indications that the document has also created a wait-and-see attitude within the ranks of the armed forces—who are known to be nervously monitoring the human rights trials of former top military men in neighboring Argentina. The parties' accord calls for avoidance of retribution by either side in any future transition.

Fresno did not include the Communists in the negotiating sessions. Pinochet has repeatedly said he wants Marxism excluded from any future Chilean government.

The exclusion of the Communists was the biggest sticking point in the negotiations among the representatives of the other 11 parties, party leaders said.

In an interview, Molina said Communist Party participation in a civilian-run system was not "a priori" ruled out, but all parties would have to swear loyalty to democratic principles.

For the Communists, who adopted a strategy of "popular rebellion" in 1980, the accord may prove a formidable foil. Observers point out that the party, which traditionally was inclined to political alliances and fearful of isolation, is now relegated to the left margin of the political spectrum, along with the Revolutionary Leftist Movement guerrillas.

"The presence of the Communist Party could have disturbed others, and some of its declarations, inciting violence, were incompatible with the call for reconciliation," Molina said.

"The Communists say that in a democratic government they would act differently; we are saying that when we have power these will be the rules of the game." A few other Chilean parties proclaimed Marxism in the past, but they operated within the democratic system when it existed.

"The accord was a message to the military that the democratic opposition is also concerned about Communist activity, and that unlimited revenue will not be unleashed on the armed forces once the civilians take power," said a Western European diplomat.

The diplomat echoed a widely heard view following last week's violence that the outbreak did not overly strain Fresno's delicate efforts.

The observers said both the government and the opposition seem now to be trying to create dissent within the ranks of the other.

"The agreement isolates Pinochet, but it can be dangerous if he can get [the accord's] participants to fall into arguing among themselves, while at the same time the momentum gained by social mobilization through street protests is lost," said Jorge Schaulsohn, a lawyer and activist with the small, center-left Radical Party. "He did it in 1983."

Schaulsohn supports the accord, but said he worries that too much may be given away in order to outflank the government on the right. Exclusion of the Communist Party signals the isolation of the sectors that have been most combative against the military, he added.

ARTS AND THE HANDICAPPED

● Mr. PELL. Mr. President, during the recent Senate recess, I was pleased to see an article in USA Today in which Jean Kennedy Smith was interviewed about her work at the National Committee, Arts for the Handicapped. Mrs. Smith is a founding member of this innovative program and is the sister of our distinguished colleague from Massachusetts.

The National Committee is an educational affiliate of the John F. Kennedy Center for the Performing Arts. It has earned a superb national reputation for its outreach to young people with disabilities. The program effectively demonstrates that the arts can reach individuals who are challenged with handicaps and spark creativity and enthusiasm which may otherwise have gone unnoticed.

As the ranking minority member of the Subcommittee on Education, Arts and Humanities, I have a very special interest in this area and have the highest regard for the professional and compassionate approach that Mrs. Smith and the National Committee embody in their work.

I commend this article to my colleagues and ask that it be printed in the RECORD.

The article follows:

[From USA Today, Aug. 21, 1985]

(Topic: Arts & Handicapped—Jean Kennedy Smith, 57, is a founding member of The National Committee, Arts with the Handicapped. Long active in helping the handicapped, she is on the national education committee of the John F. Kennedy Center for the Performing Arts and was a recent recipient of the Jefferson Award. She was interviewed by USA Today's Barbara Reynolds)

IF YOU LOSE ONE SENSE, YOU DEVELOP ANOTHER

USA TODAY. You have been working with the handicapped for more than 10 years. How do art programs help them?

SMITH. Obviously, the arts are very important in everybody's life. Certainly children with disabilities should have an opportunity to enjoy and appreciate the arts and to create. And art is a very important educational tool. There are children who can learn through the arts—for instance, children with autistic problems. Children who don't speak can learn through puppets. They will talk through puppets.

USA TODAY. Do you have any specific success stories?

SMITH. Jason, a child in our arts festival program in Connecticut, was born blind with cerebral palsy. He can play the piano very well and can actually learn mathematics. It's a way to teaching because he has to learn notes. So it can be used for that. It can also be used to improve self-awareness, the confidence you get from doing your dramatic reading, your memory when you have to do something in a play, or your coordination when you're learning to dance.

USA TODAY. Haven't you had extraordinary success with ballet?

SMITH. One of our programs with the blind is with the Alvin Ailey Ballet Company. When those children first came in, I saw them. They felt they were falling off a ledge all the time. Gradually, they learned very effectively. Some of them are now in the regular dance course. It has a two-fold purpose: It's good educationally and it's good because it's fun.

USA TODAY. Do handicapped people bring an added dimension to art?

SMITH. In some cases, they certainly do. We have a project now in the Goldwater Hospital in New York, where there are adults who are mostly disabled either from a stroke or just being older, and they've been in the hospital for a while. We have a project there with PEN, a professional writers' group, and they had some of the most beautiful poetry. Some of these people who couldn't even speak, who had to tap it out on a machine, wrote beautiful poetry that really came from the depths of emotion—that the rest of us don't really feel.

USA TODAY. Are you saying that the handicapped, who have often lost a lot, gain sensitivity in other areas?

SMITH. That is very possible. I was recently in Ireland, and I saw a boy who was 17 and blind. He was in the pottery class. He made an incredible face from clay. It was absolutely beautiful. I suppose in his hands, his fingers, he has an extra sense that people who see don't understand. They often say you develop one side if you're missing another side. That could be true.

USA TODAY. What are some of your committee's projects?

SMITH. The first thing is our Special Arts Festival, where we have disabled and able-bodied children come together and celebrate the arts. The idea behind that is to have arts programs in the schools for children, and they have a day of festival. We now have one at the Kennedy Center, and have about 600,000 children involved in these festivals nationwide. Beyond that, we have special projects: the Alvin Alley Dance Project for the blind and visually impaired, a project for retired teachers to come back and help with the festival program, a project to teach creative writing in hospitals, a project with Humana Hospital to get the art from the festivals into hospitals, where patients pick the art they would like to hang in their room during their stay there.

USA TODAY. Have you expanded your programs to other countries?

SMITH. We have our international affiliate, which just started. We have 35 countries now affiliated with us. They are organizing festivals and taking on some of these projects. For example, we have the Young Playwrights' Project, which is from the Kennedy Center, where we have able-bodied and disabled students who will write about some form of disability, either together or separately.

USA TODAY. Although you are committed to mainstreaming the handicapped, how do you counter the perception that policy may be too costly and to bothersome to able-bodied people?

SMITH. It's not costly. There really isn't any additional cost involved, and I don't think that's what our sights should be tuned to. The idea is to open up these opportunities to these children who deserve it as much as any other child does. For instance, with the deaf children, Gallaudet is a very good university in Washington. Dance is very appropriate for all children, and the deaf are extremely good at it, as well as acting, and they should be given that chance. It's perhaps a little more work, but it's not a great amount of money.

USA TODAY. Does the general public understand the potential handicapped people can fulfill?

SMITH. Not completely. But more and more they are. In the last 10 years, it's changed quite dramatically, and people are beginning to understand that these children can, given the chance, do most everything.

USA TODAY. How did you get involved in this?

SMITH. I was the head of the Kennedy Center Education Committee in Washington. They were extremely interested in arts education, and they felt that the Kennedy Center could make a strong appeal in that direction. So when I was the chairman, I wondered what they did for children with handicaps. So we conducted a big, annual investigation with some other members of the board. We found that things were being done, but more or less in isolation throughout the country. We felt we could get these groups to make an impact, and we could increase public awareness that these children could do anything, given the chance. So we formed a committee for that, and there's been a tremendously positive reaction.

USA TODAY. Your elder sister Rosemary is mentally handicapped. Did that increase your interest in this problem?

SMITH. Yes, it definitely did. With Rosemary, it was very difficult for my parents to find many programs for mentally handicapped children. So I realized when she was growing up that this was a problem. It naturally interested me to see if there had been any development in this area. As you know, my sister Eunice has been very active and my brother John was very active in adopting legislation.

USA TODAY. You have some great examples of untapped talent.

SMITH. For instance, William Britt who was 30 years in a state institution. He was retarded, and then came back, lived in a halfway house, and has turned out to be a terrific painter. He now goes to a community college. He gets an A in art. One of his paintings he gave Gov. Cuomo and it's going to be at the mall in Albany. He has real talent there. I think there's a lot that we haven't even touched.

USA TODAY. Although Nancy Reagan is supportive of the handicapped, does President Reagan undo her good will by cutting the buget for programs for the handicapped?

SMITH. Well, we are supported by Congress. We are supported by discretionary funds form the Department of Education. We also raise private funds. The president has been supportive. We had a national festival at the White House a few years ago, where groups came from all over the country into Washington, to the Kennedy Center for three days, and we had a reception at the White House. The group was there and Mrs. Reagan addressed the group. She was very supportive.

USA TODAY. Do you support abortions when tests show a great potential for a child being born retarded or mentally impaired?

SMITH. I certainly don't

USA TODAY. Why not?

SMITH. Because if you talk to parents of children with handicapping conditions, in most cases they are exceptional people in evey way. We all take our chances with children, and you can never call it. You can have a perfectly well child who might turn out to be for you a disaster. I just think that's God's gift, and that everybody has strengths in some direction or another. So they can be a great consolation, really, as my sister has been to me, to all of us.

USA TODAY. What kinds of changes do you still think are needed to improve conditions for the handicapped?

SMITH. I would like to see more integration with the handicapped. I would like to see them brought into the mainstream more. I would like to end their isolation. I would like them to be accepted for what they are, not for stereotyped things, old-fashioned ideas people still have about somebody with a handicapping condition. That's why the arts are very helpful—they really do bring these children into the mainstream.

USA TODAY. You were recently awarded the Jefferson Award. Did that have special meaning to you?

SMITH. I couldn't believe I was going to get an award for something. This work really has been tremendously enjoyable and challenging to me. So I was thrilled to be getting an award for something I love doing. That's the funny part of it.

VERY SPECIAL ARTS

The National Committee, Arts with the Handicapped, an educational affiliate of the John F. Kennedy Center for the Performing Arts in Washington was founded in 1974. Some of the committee projects include:

Artists Unlimited: Works with Humana Hospitals in Louisville and New York City to establish a model for bringing the visual arts to hospitalized and handicapped persons.

Itzhak Periman Award: Designed to identify artists with disabilities and provide them with recognition and career assistance; open to young people between the ages of 10 and 21.

Pen Creative Writing: Conducts creative writing workshops for patients in hospitals and institutions in conjunction with the PEN American Center, an international association of writers.

REAP: Designed to tap the talents and energies of retired educators and other volunteers to assist in providing arts experiences to persons with disabilities in schools, institutions.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, the following determination has been made by the Select Committee on Ethics pursuant to its responsibilities under paragraph 4 of rule 35.

The Select Committee has received a request for a determination under rule 35 that Mr. Ronald R. Mierzejewski of the staff of Senator FRANK MURKOWSKI, be permitted to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute from August 18-31, 1985.

The committee determined that participation by Mr. Mierzejewski in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. Jefferson B. Seabright of the staff of Senator JOHN D. ROCKEFELLER IV, be permitted to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from August 18 to September 1, 1985.

The committee determined that participation by Mr. Seabright in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. David Jensen, Deputy Staff Director of the Majority Policy Committee be permitted to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 17 to 24, 1985.

The committee determined that participation by Mr. Jensen in the program in Taipei, Taiwan, at the expense of Soochow University, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Miss Elizabeth Arens, a member of the staff of the Labor and Human Resources Committee, be permitted to participate in a program in southern Africa, sponsored by the South Africa Foundation, from August 16-29, 1985.

The committee determined that participation by Miss Arens in the program in southern Africa, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Ms. Margaret M. Hunt, a member of the staff of Senator JEREMIAH DENTON, be permitted to participate in a program in southern Africa, sponsored by the South Africa Foundation, from August 17-29, 1985.

The committee determined that participation by Ms. Hunt in the program in southern Africa, at the expense of the South Africa Foundation, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Michael E. Hammond of the staff of Senator JAMES A. MCCLURE be permitted to participate in a program in the Republic of China, sponsored by Soochow University, from August 17-25, 1985.

The committee determined that participation by Mr. Hammond in the program in the Republic of China, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Ms. June Walton, of the staff of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, be permitted to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 17-25, 1985.

The committee determined that participation by Ms. Walton in the program in Taipei, Taiwan, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Robert J. Shapiro of the staff of Senator DANIEL P. MOYNIHAN, and Messrs. Douglas L. Miller and Kevin V. Schieffer, of the staff of Senator LARRY PRESSLER, be permitted to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from August 17-31, 1985.

The committee determined that participation by Mr. Shapiro, Mr. Miller, and Mr. Schieffer, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Joel S. Lisker, of the Subcommittee on Security and Terrorism staff, be permitted to participate in a program in South Africa, Mozambique, and Zimbabwe, sponsored by South Africa Foundation, from August 17-30, 1985.

The committee has determined that participation by Mr. Lisker in the program in southern Africa, at the expense of the South Africa Foundation, to discuss United States-South African relations, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. John Ritch of the Senate Foreign Relations Committee staff be permitted to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from August 18 through September 1, 1985.

The committee determined that participation by Mr. Ritch in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, to discuss United States-Chinese relations, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Miss Susan C. Schwab of the staff of Senator JOHN C. DANFORTH, be permitted to participate in a program in Mexico City, Mexico, sponsored by the American Chamber of Commerce in Mexico, from September 1-3, 1985.

The committee determined that participation by Miss Schwab in the program in Mexico City, Mexico, at the expense of the American Chamber of Commerce in Mexico, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. Randolph Collins of the staff of Senator CHARLES MCC. MATHIAS, Jr., be permitted to participate in a program in Taiwan, sponsored by Soochow University, from August 17-25, 1985.

The Select Committee received a request for a determination under rule 35 that Mr. William D. Phillips of the staff of Senator TED STEVENS, be permitted to participate in a program in South Africa, sponsored by the South Africa Foundation, from August 17–30, 1985.

The committee determined that participation by Mr. Collins in the program in Taiwan, at the expense of Soochow University, and the participation by Mr. Phillips in the program in South Africa, at the expense of the South Africa Foundation, was in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. Alex Echols of the staff of Senator ROBERT KASTEN be permitted to participate in a program in Toronto, Canada, sponsored by the Center for Legislative Exchange, from June 8–9, 1985.

The committee determined that participation by Mr. Echols in the program in Toronto, Canada, at the expense of the Center for Legislative Exchange was in the interest of the Senate and the United States.●

STIRRING THE POT AT CAMPBELL'S

● Mr. LAUTENBERG. Mr. President, corporate America is facing growing competitive challenges. Corporate management cannot assume that yesterday's solutions will work tomorrow.

The Campell Soup Co. is a large, old company led by President R. Gordon McGovern, that, clearly, is taking significant steps to adapt. It has decentralized, trying to marshal the imagination and responsiveness of entrepreneurs within the framework of a giant firm.

I might add, at the same time, Campbell's maintains a laudable commitment to Camden, the hard pressed city in New Jersey that is its home.

I ask that a recent article about the company and its management be printed in the RECORD.

The article follows:

THE REVENGE OF THE FORTUNE 500

(By Joel Kotkin)

Mark Sherman is a man obsessed by a radical marketing vision. The onetime proprietor of Gathering Winds, a tiny natural-foods company in upstate New York, he set off a year ago to seek a far more lucrative niche among the upscale shoppers of suburban Washington, D.C.

"As an entrepreneur, I go where the opportunities are," said the slender, 35-year-old Sherman as he inspected a supermarket kiosk stocked with prepared gourmet dishes—Sole Véronique, Chicken Salad Jacques—from his Today's Taste line. "There's a huge need for natural-food products for a market segment that isn't being served yet. Eldridge Cleaver used to say that you're either part of the solution or part of the problem. Here I'm effecting a solution in terms of fresh foods and the needs of the market."

Should this unrehabilitated child of the 60's as Sherman calls himself, succeed in his mission, the effect could be revolutionary indeed for the nation's booming $11-billion specialty-foods industry. By offering fresh, low-fat, low-salt prepared foods at the supermarket counter, Sherman would pose a major challenge to the delicatessens, gourmet shops, and restaurants that have been fattening themselves on a market now growing some 20% a year.

The real threat, however, is not Sherman's messianic marketing concept, but the power that stands behind it. For while Sherman considers himself a small-business man at heart and calls Today's Taste "a university for entrepreneurial learning," the people paying the tuition—and Sherman's fat consultant's fee—hail from one of America's most venerable corporate institutions: Campbell Soup Co.

Some executives at the Camden, N.J.-based giant, which had sales of $3.7 billion last year, think its prepared gourmet food experiment might blossom into a $100-million business over the next few years. And Sherman's pilot project is just one part of the company's wide-ranging drive to expand outside its mainstream grocery business—and into product lines hitherto dominated by small companies.

Much of this drive revolves around what Campbell marketing research director Tony Adams calls consumer "hot buttons"—buzzwords like "fresh," "healthful," and "high quality." Fresh Chef, for instance, a project now being test-marketed in the Denver area, offers a line of salads that, like Today's Taste, could end up competing with thousands of specialized food packagers, stores, and restaurants.

"There's a sense of entitlement [among consumers] for top-quality food that entrepreneurs have captured really well," explains Adams. "If we're not participating in this type of business, we could end up competing for only 50% of the food dollar. We cannot stick with our traditional business alone. We must find new directions."

"IT'S LIKE GULLIVER IS GETTING UP"

"New directions" is an innocuous-sounding phrase, but make no mistake: When a company the size of Campbell changes direction, small companies don't want to be in its path. And it isn't only food companies that need to look over their shoulders these days.

What is happening at Campbell reflects a broader trend among Fortune 500 toward a more sophisticated form of giantism. By marrying the inherent advantages of bigness with the customer-oriented marketing savvy characteristic of small organizations, these increasingly intelligent leviathans are threatening the long-range health of literally thousands of small entrepreneurial companies.

"I don't think a company can stay small today and survive," says veteran Florida-based consumer product developer Wilson L. Harrell (see "Profile of a Compulsive Entrepreneur," April, page 78). "Any major company today knows more about the niche business than the entrepreneur running the company. Used to be the major companies had a syndrome: If they didn't think of it, it couldn't be right. But so many new products in the past decade came out of small companies and big companies have found that buying or imitating is easier than developing internally."

Harrell, of course, is overstating the case. Not every large company in America has learned the art of niche-marketing, and many small companies have found ways to survive onslaughts by the giants (see sidebar, page 41). What's more, the much-ballyhood notion of "intrapreneurship"—the attempt to apply entrepreneurial techniques within large organizations—is no more than a fad in many companies and, like most fads, it may fade before it has much lasting effect.

When a major corporation does develop an entrepreneurial intelligence, however—or even an approximation of one—entrepreneurs in the same industry have serious cause for concern. One obvious example is microcomputers. Just a few years ago, Adam Osborne scornfully predicted that IBM Corp. could never adjust to the fast pace of the personal computer business. Yet within three years of setting up its separate Personal Computer business unit in Boca Raton, Fla., IBM established a dominant 40% market share in the $6.6-billion industry, helping to drive many smaller competitors, including Osborne's company, into bankruptcy.

And some innovation-conscious giants are doing more than just attacking markets created by smaller companies. Increasingly, they are introducing new products lines before their entrepreneurial competitors can get out of the starting gate.

Twenty years ago, the conventional wisdom was to ignore niche markets until someone else had proved there was a large business to be had. Former Faberge Inc. executive Bob Berglass, for example, remembers pleading with Faberge management to get into the men's hair-coloring business in the late 1960s. "They told me it wasn't a big enough category," recalls Berglass, now president and chairman of DEP Corp., a Rancho Dominguez, Calif., cosmetics manufacturer with sales last year of $18.7 million. "They said, 'Real men don't color their hair.' So out of the blue comes Grecian Formula, and all of a sudden, there's a $20-million-to-$2.5-billion business, and they own half of it."

Today, Berglass has firsthand evidence that large companies are much more aggressive. Early in 1984, DEP—a company based largely on a line of hair-styling gels—found itself competing with the styling mousse, a product introduced by cosmetics giant L'Oréal and soon followed by similar products from the likes of Revlon Inc. and Alberto-Culver Co. Despite its smaller size, DEP could not beat the giants to the punch.

"The big companies now realize they have to go into *every* possible category that can grow," Berglass says. "It's scary that the sleeping giants have woken up. It's like Gulliver is getting up—and the Lilliputians are getting nervous."

"WE WERE SCARED OF GETTING WIPED OUT"

What woke Gulliver up? What inspired a company like Campbell to move away from almost total reliance on its established product lines and toward a marketing strategy that challenges entrepreneurs for control of the food industry's key growth areas?

"We were scared of getting wiped out," explains Campbell president R. Gordon McGovern, the lanky 58-year-old marketeer who was promoted five years ago from the company's Pepperidge Farm Inc. subsidiary. "We sensed the world was changing. If we didn't pick up what the entrepreneurs were doing, we figured we'd end up like the dinosaurs."

Extinction might seem an unlikely fate for such a large and well-anchored compa-

ny. Yet when McGovern became president in 1980, there was ample cause for concern.

For decades, Campbell had relied on its superb manufacturing technology, its easy access to domestic and international raw materials, and its marketing and distribution power to dominate the condensed-soup market (in which it accounts for some 80% of U.S. sales). In addition—through in-house development or acquisitions—it had established itself as either the first or second player in such mass-market areas as canned beans, vegetable juice, pickles, and TV dinners.

By the early 1980s, however, many of these categories seemed to be losing consumer appeal. From 1975 to 1981, shipments of Campbell's classic line of "red and white" soups dropped from 55.5 million cases to 49 million; sales of the company's Swanson TV Dinners dropped from 16.4 million cases in 1975 to 10.5 million in 1982. In fact, over the past two years, sales of dry grocery items in general have been steadily decreasing, while other food sectors—notably restaurants and refrigerated items—have expanded. Meanwhile, sales of high-quality specialty foods are up from an estimated $6.8 billion to more than $11 billion since 1980, and—according to Frost & Sullivan, a New York City-based market research firm—they could hit $20 billion by 1990.

These trends helped keep Campbell's annual growth at 8% during the past 10 years, far below the industry average of 12% to 13%. Not surprisingly, the company's stock remained fairly flat throughout the period. "Campbell was very, very conservatively run—kind of like a utility company: low growth, low profitability," says William Leach, an analyst for the New York City-based securities firm Donaldson, Lufkin & Jenrette. "A friend used to say that following Campbell was like sitting and watching the grass grow."

Yet upper management seemed ill-prepared to switch gears. Harold Shaub, McGovern's predecessor, bristles at the suggestion that McGovern was brought in to revitalize a company in trouble, pointing out that Campbell remained dominant in its key markets and maintained exceptionally high bond credit ratings throughout his eight-year reign. "Stodgy? OK, let's accept that," says Shaub, now retired, who was known as a tight-lipped, production-oriented executive. "But the company served its consumers, its employees, and its stockholders very well. . . . I didn't think we needed a change, necessarily."

When McGovern—who was Shaub's personal choice as a successor, and who claims that Shaub did see problems on the horizon—took charge, this defensive attitude began to shift. "Before, our whole world was Camden," recalls Martin B. Buchalski, a 17-year company veteran who now runs the refrigerated-foods business unit. "McGovern changed all that. Our strategy became tied not just to what was happening here, but to what was happening in the outside world."

"When I got here, we were driven by the consumer about 5%," McGovern says bluntly. "We made the tomato soup and you bought it." If the company had not changed, he believes, "We would have lost units; we would have lost market shares, we would have been chasing cost advantages that would have been eroded by reduced volumes.

"I'm a biologist," he continues—he has an A.B. in biology from Brown University to go with his Harvard MBA—"and I think that ultimately, either you're growing or you're dying."

LOOKING FOR THE ENTREPRENEURIAL ITCH

Convinced that Campbell was missing the action in the food business, McGovern began looking for inspiration, not from within his own 116-year-old company, but from entrepreneurs like Murray Lender of Lender's Bagel Bakery and Mo Siegel of Celestial Seasonings Inc. "Both those guys taught me a lot," he says. "They had the right feedback systems. They were quick to act. It takes us too long to get things through management."

To overcome that weakness, McGovern broke Campbell into some 50 independent business units—averaging $50 million in sales—and gave each a charter to develop its own products. Each business unit has its own general manager who, as effective chief executive officer, has under him a marketing director, controller, and product development staff.

"McGovern lets the managers play on their own until he hears the glass break," observes one company insider. "Everyone goes out, comes up with ideas, and competes for resources. Each unit is run like an independent company except that McGovern plays the banker."

This decentralized system represents a dramatic shift from a past in which Campbell's research and development department in Camden worked in splendid isolation from the line managers charged with marketing their creations—a process that, not surprisingly, led to the development of products that were incompatible with actual market conditions. For instance, McGovern recalls the time that the R&D staff approached him at Pepperidge Farm with a frozen cheesecake they had been working on for two years. The cake was good—except that it tasted exactly like the competing Sara Lee products.

Now, innovation seems rampant at Campbell. In 1984 alone, the company introduced 92 new products, bringing its five-year total to 334—far more than such larger competitors at Beatrice, Nestle, and General Foods. And although not all the new products have been clear successes (some, such as Pepperidge Farm's Star War cookies, were notable failures), others have reaped spectacular rewards. Two new products introduced in 1983, Prego Spaghetti and Le Menu Frozen Dinners, already contribute a combined $450 million a year to Campbell's coffers.

From 1980 to 1984, the company's sales rose 43% while earnings climbed 57%. Its 11% sales growth last year was more than twice that of such competitors as General Mills, General Foods, and Nabisco Brands. Campbell's stock price has more than doubled in the past two years, to nearly 40 points above its highest level in the '70s.

These strong results, along with a flood of favorable publicity in the business press, have helped McGovern recruit a new cadre of tough, marketing-oriented executives. These young managers—who McGovern sees as central to the company's drive into new markets—are also the reason why Campbell is currently revising its compensation schemes along more entrepreneurial lines. Eventually, top executives may receive up to 50% of their pay in the form of incentive bonuses.

"We are looking for people who are not so crazy as to sell their house or their mother-in-law to start a business; we are looking for someone who has that kind of [entrepreneurial] itch, but doesn't want to go all the way," McGovern explains. "Can you succeed in these markets with that kind of person? I think you can."

SOUPING UP THE SOUPS

Real entrepreneurs—the kind who do go all the way—might well be skeptical: There are serious questions as to how fast Gordon McGovern, or anyone else, can change the culture of a corporate behemoth, assuming he can do it at all. Even if the changes are slow, however, and even if Campbell can never be truly entrepreneurial, a half-awake giant is more dangerous competition than a sleeping one.

McGovern's new breed of manager is most visible on such trendy projects as Today's Taste. Yet even in the supposedly safe soup area, Campbell's president—concerned about inroads by such specialty companies as Ogden Corp's Progresso Quality Foods and scores of smaller businesses—has brought in younger people with the marketing flair to deal with niche-oriented upstarts.

Larry A. Carpenter, a 29-year-old senior marketing manager in the soup business unit, epitomizes the sort of quasi-entrepreneuer now in ascendance in Camden. Clean-cut and immaculately pin-striped, Carpenter once considered launching his own company. Lured instead to Campbell from Procter & Gamble Co., he now claims that he is enjoying "the best of both worlds"—the autonomy and new-production orientation of a start-up combined with the security that comes from working at a huge, multinational corporation.

"Everybody in this age has that entrepreneurial desire," Carpenter says. "But I like the security of a company that's been around since 1869 and has sound financials."

Equally important, Campbell has given Carpenter major responsibility for the revitalization of a product line that last year accounted for nearly $1 billion in sales. During the past year, he has presided over an array of new product introductions, including several premium lines, such as Creamy Natural Soups. "This place is a marketer's dream," he says. "What mom-and-pop operation could give you these resources to develop new products?"

For Carpenter, it may be a dream—but for small soup companies, it is a nightmare come true. By going after regional, gourmet, and health-food markets, Campbell threatens to annex the few inches of the soup shelf it doesn't already control.

"Things seem to be happening at a frantic pace at Campbell," says a concerned Jody Graves, president of Real Fresh Inc., a Visalia, Calif., food packer that makes a line of specialty soups called Andersen's. "It's affected our business—and not in a positive way. It's getting tougher all the time to get that shelf space."

It is not hard to appreciate Graves's predicament. Campbell still has the same basic size advantage that has long made it the dominant force in soups. Now its new lines are competing for the same upscale customers who have been buying Andersen's Split Pea, Split Pea with Bacon, Tomato, and Cream of Potato soups.

Under such pressure, Real Fresh, whose sales slowed in 1983 and '84, has been forced to beef up its marketing operation, concentrating on its California base. "These days, it seems Campbell wants to be everywhere," observes Real Fresh district sales manager Don Wagner, who projects well under $10 million in sales for the Andersen's line in 1985 despite a recent upturn. "They have the bread-and-butter of condensed soups. They have the chunky soups. They have the

new creamy natural and the summer soups coming up.

"It's clear they want to be Mr. Soup, and they're marching out their specialty soups to do it. What can I say? Good marketing."

IF YOU CAN'T BEAT 'EM, BUY 'EM

In soups, obviously, Campbell has an edge; all it has to do is identify the niches and move in. But what happens when it goes after niches it knows nothing about, where the odds might favor David over Goliath? The easiest thing may be for Goliath to buy David, fatten him up, and turn him loose on any other upstarts in the neighborhood.

Acquisitions have helped increase the percentage of food-industry assets held by the 50 largest players from slightly more than 30% in 1950 to almost 60% today. From 1981 to 1984, there were more than 250 recorded mergers in the industry, with a total price tag of roughly $15 billion. Media attention has focused on the largscale mergers. Yet just as significant, perhaps, has been the giants' increasing interest in small companies. Over the past two years alone, some of the most promising entrepreneurial concerns—including Celestial Seasonings, Hain's Pure Food, Lender's Bagel Bakery, Häagen-Dazs, and ricecake maker Chico-San—have been swallowed up by larger companies eager to cash in on fast-growing niches.

"Companies are getting bought very early in their histories, with sales unually well under $50 million," observes Tomi Simic, vice-president of research for W.T. Grimm & Co., a Chicago firm specializing in mergers and acquisitions. "Will we ever see someone build another Campbell? I don't know. It's terribly hard to build a large company like that anymore."

Gordon McGovern agrees. In fact, given the new marketing acuity of the giants—as well as their long-standing financial and manufacturing leverage—he believes that small growth companies in the food industry now have three basic options: stay small, get acquired, or get crushed.

"We look at them once they come up on our screen," McGovern says." Once they get anywhere, they'll have five people offering them 25 times earnings. If they stay independent, they'll get crushed. Mid-size is the danger point. There won't be any small regional business puffing along on the margins anymore."

Many in the food industry think McGovern is right. If he is, things will get a lot tougher for entrepreneurs like Joseph Unanue.

Unanue is president of Goya Foods Inc., the nation's largest Hispanic-owned food company, based in Secaucus, N.J. Long the dominant player in its niche, with 1984 sales of just under $200 million, the family-owned Goya suddenly found Campbell in its backyard last year when McGovern's company acquired Casera Foods Inc., a longtime Goya competitor with sales of roughly $50 million. "When the news came, we all thought about it," Unanue admits. "When they do whatever they do, they'll come hitting hard—Campbell is a very good company and a very profit-minded company."

Yet despite his respect for Campbell, the Brooklyn-born Unanue radiates an almost eerie confidence. For one thing, he believes Hispanics will remain loyal to "the foods they grew up with." He also suspects that large companies will have trouble penetrating the network of small markets, or bodegas, that account for up to half the food purchases by Spanish speakers in such cities as New York. Finally, Unanue believes that as a public company, Campbell lacks the patience to expand Casera's market presence—now largely concentrated in Puerto Rico—onto the mainland. "Will [Campbell's] stockholders be happy about this," he asks with a shrug, "if it doesn't bring in the money right away?"

Unanue, however, may be living in the past. Under the type of managers who dominated large corporations in previous decades, there may have been a tendency for a company like Campbell to give up at the first sign of trouble. But Gordon McGovern is no green-eyeshade bean counter, unable to see beyond the next quarterly statement. He has shown a remarkable willingness to endure short-term losses for the promise of long-term profits.

Nor is it wise to underestimate the resources Campbell brings to Casera. For one thing, Campbell offers a ready-made national distribution system that can penetrate mainstream supermarkets across the country. In addition, Campbell has year-round access to high-quality raw materials at prices no smaller company can match. And using teams of manufacturing experts, Campbell has cut Casera's production costs by as much as 2% in one year—allowing it to hold the line on prices and appeal to budget-conscious consumers.

"Casera provides the authenticity, and they know the Hispanic market. We provide the new equipment, the operations experience, the industrial engineering," explains Kirk W. Leighton, the group general manager at Campbell with responsibility for the Casera operation. "They have all the markings of a predominant player, and we think we can help get them there."

THE IMPORTANCE OF BEING CAMPBELL

Casera may not get there overnight; it may be years before Goya Foods feels the pressure. But one of the most frightening things about a Campbell-size company is that, unlike a smaller competitor, it doesn't *have* to win in the short run. And it is Campbell's willingness to make mistakes and sustain losses, finally, that makes it such a threat to entrepreneurs.

When the company decided in 1981 to start marketing pure fruit juice, for example, it expected to emerge quickly as a dominant player. The competition consisted largely of small health-food companies and independent packers; none of Campbell's fellow leviathans seemed about to come out with the same product.

Yet Campbell's push into the blended fruit juice business—which grew 25% from September 1983 to September 1984—has been plagued by a series of major marketing mistakes. For one thing, the company rolled out production so cautiously that the Juice Works program has yet to achieve national distribution. And such major competitors as Welch Foods Inc. and Libby, McNeill & Libby Inc. had their own products out before the people in Camden knew what hit them.

"The concept was one of the best ever—to create a product that could compete with Hawaiian Punch and still be good for kids," recalls Gary Hess, general manager of Campbell's beverages business unit. "But we goofed around with it so long that we were no longer the first in the market."

"Doing things with Campbell has been hard," says Terry Simmers, president of Juice Bowl Products Inc.—a Lakeland, Fla., company acquired by Campbell in 1982—who has been involved in the Juice Works project. "Working in a small company, you're used to making quick decisions. But it takes so much trouble to move products through all the layers of decision making that sometimes you forget what you're deciding. I'm still trying to learn about that bureaucracy so I can get around it."

Other problems grew out of the company's inexperience with marketing fruit juices. Distribution was slowed because Campbell—used to being the big boy on the block—refused at first to give direct shipment discounts, and offered supermarkets lower-than-normal price promotions with higher-than-normal volume and advertising requirements. The strategy backfired when stores refused to be bullied: They didn't need Campbell for juice the way they did for soup. "We tried to impose our product without listening," admits Hess, who assumed control of the beverages unit in November 1984. "We shoved it down their throats, and they shoved it right back."

As a result of the delays, marketing blunders, and other problems, JuiceWorks is expected to reach only half the $80 million to $100 million in sales originally projected for 1985. Yet despite losses estimated to be in excess of $4 million, Hess and his team of young managers have been assured of continued corporate support—including a projected $20-million marketing war chest—for the JuiceWorks line.

To a student of large-company behavior, the decision looks like an admirable commitment to a long-term marketing vision. But to a smaller company seeking a sip of the juice business for itself, Campbell's persistence looks like nothing but trouble.

"They have so much money, they can toss those products out in the marketplace without understanding it," says Garry Scaife, vice-president and director of marketing of International Beverage Importers Inc., a tiny Westlake Village, Calif.-based concern that started marketing natural juices in 1980. "Sometimes just throwing money at problems doesn't solve them, but it sure doesn't hurt. Hell, I could probably retire with all the money they've spent learning the business."

Scaife's frustration with Campbell's ability to absorb its blunders is understandable. After selling his previous company, he put together some $300,000 to launch International Beverage. Seeking a marketing ploy to compensate for his limited budget, Scaife called his product Popeye Punch, licensing the trademark from King Features Syndicate. Unable to finance his own manufacturing, he had the new juice supplied by a local packer; as is customary for smaller companies, he sold it through food brokers. But soon his plans began to unravel.

Even as Popeye Punch was being introduced, Libby, Borden, and Campbell entered the same product category. Then came the kind of error a start-up with major competition simply cannot afford. A defect in the punch's blend caused a white ring to form around the edge of each juice bottle. Forced to pull his product off the market, Scaife spent several months looking for another formula, a process that cost him two seasons' worth of orders. Sales for 1984, which he had hoped would hit $2 million, failed to reach the $1-million mark. Losses mounted, and for the time being, Scaife has all but given up trying to penetrate the mass market.

"We have a good product," he complains, "but in many cases we can't even get onto the shelves. I hate hearing the supermarket guy say, 'I'd love to sell your product and I know it will sell, but because Campbell has a

million dollars to market JuiceWorks, you don't have a chance.'"

At first glance, Mark Sherman's Today's Taste project appears more misguided than Juice Works ever did—another example of the difficulty giant corporations have breaking into specialized markets. Indeed, Sherman's competitors seem to view it as something of a joke.

"The idea is very creative, but it is not going to work," scoffs Dominique D'Ermo, proprietor of Washington's swank Dominique's Restaurant, who recently branched out into canned gourmet soups. D'Ermo says that Today's Taste dishes—prepared in the early morning hours at a kitchen in Alexandria, Va., and costing as much as $7.95 each—run a high risk of deterioration during their trip to the supermarket. He doesn't believe they will ever achieve the quality demanded by upscale consumers. A *Washington Post* review echoes this concern, panning Sherman's Pasta Primavera as "gummy enough for any child to turn it to Play-Doh," and commenting that Today's Taste's Chicken Salad Jacques "led you to wish you tasted it yesterday."

"You simply can't industrialize the process like that," agrees Jeffrey Cohen, who maintains a kitchen at each of the two Washington, D.C., area locations of his Sutton Place Gourmet. Cohen credits much of the success of his own operation, which last year grossed some $9 million, to his personal involvement as owner-manager. "It has to come right out of your guts," he says. "You have to be the kind of person who would build his own house to get the view he wanted."

Maybe so. Maybe what Cohen calls "the entrepreneur's touch" is still the absolute key to turning opportunity into gold. But it is also true that entrepreneurs can't afford to be complacent anymore—because whatever happens with Today's Taste, Campbell isn't conceding the specialty-food market to anyone.

From one point of view, Sherman's Washington experience has been a financial and artistic disaster. The return rate on some Today's Taste entrees reached 40%, and losses have been severe. "I would not say it's a successful project," says Herbert Baum, president of Campbell's U.S. divisions. "It's a learning experience we can use for the future."

But use it Campbell will: As with JuiceWorks, the company hasn't been deterred by early failures. With the first trial completed, Sherman is leaving Washington, he will continue as project director, reporting to Marty Buchalski of the refrigerated-foods unit. In six months or so, a revised version of Today's Taste should be ready for another test. And smaller competitors have plenty of reason to fear that Campbell's awesome ability to withstand setbacks—and equally important willingness to adjust products to meet consumer preference—will win out in the long run.

"When you go to the casinos in Atlantic City," says Buchalski, "they have a 2% edge over the customer because they have more money. Well, that's the same with us. We have the wherewithal to keep rolling the dice. The entrepreneur has to put up his house."

SCHOOL PRAYER

● Mr. GLENN. Mr. President, I favor prayer in public schools—but let me be clear as to what I mean by prayer. By its nature, prayer is tied to the beliefs of each religious denomination, and the manner and content of prayer is a fundamental aspect of each person's faith. A prayer general enough to be acceptable to everyone would surely trivialize prayer for many students and make it offensive to others. After all, if prayer can be offensive to some for the words it includes, it can also be offensive to others for the words it omits. That is why I favor establishing a period of silence in our schools; a period in which students can reflect, meditate, or pray in the form and language prescribed by their individual consciences. I advocate a moment of silence during which students could engage in prayer that comes from the heart and from beliefs formed in the home, not a prayer selected by the local school board or superintendent.

I have long advocated and voted for a moment of silence for prayer or meditation at the beginning of each school day, but that is not what the resolution before us today calls for. It is a direct attack on the very basis of our constitutional system and the checks and balances our forefathers so wisely and judiciously included in the Constitution of our courts.

Senate bill 47 would deprive the Supreme Court and all other Federal courts of jurisdiction over any case involving voluntary school prayer, Bible reading, or religious meetings in public schools or public buildings. By doing so, this bill would violate the Constitution's supremacy clause which provides the Supreme Court with the authority to determine the constitutionality of Federal and State laws. By stripping the Supreme Court and the Federal courts of the jurisdiction to hear such cases, S. 47 effectively would allow State courts to ignore Supreme Court decisions and thus prevent this Nation from fulfilling its longstanding goal of creating a uniform rule of law.

While Congress does have the authority to regulate the appellate jurisdiction of the Supreme Court as well as the general jurisdiction of other Federal courts, this bill would go beyond to boundaries established by previous court decisions and basic constitutional principles. And I believe it does so intentionally and by design. After all, this bill is being offered because its sponsors know that they cannot muster the two-thirds vote they need in this body to pass a constitutional amendment permitting vocalized prayer in the public schools. So they are trying to get what they want through the back door: Stripping the Supreme Court of its jurisdiction in matters relating to school prayer and claiming that they need only a simple majority of the Senators to do so. But if this measure passes, the flood gates will be open—and we will be inundated by numerous other pieces of legislation seeking to strip the Supreme Court of its jurisdiction over any controversial matter. In short, if a simple majority vote of Congress can overturn decisions arrived at in the courts because lawmakers disagree with those decisions, then any legitimate judicial decision can, and likely will, be imperiled. As one of our leading newspapers put it in closing a recent editorial on this subject: "The Framers of the Constitution provided a perfectly good way to overturn Supreme Court interpretations of the Constitution: the amendment process."

But let's not fool ourselves. Court stripping may be the technical issue behind this legislation, but it is not the real issue. The real issue is whether or not we will impose vocalized prayer on the public schoolchildren of this Nation. And while I have always supported our children's right to pray silently anywhere and any time they choose, I have always opposed the institution of organized and vocalized prayer.

I believe organized prayer would violate America's time-honored tradition of separating church and state. In my view, religion should be fostered in our homes, families and churches—but not in those institutions run by the Government. Indeed, I believe that allowing our Government to intrude into religion is the surest way to jeopardize everyone's religious liberty.

Another reason for my stand on organized and vocalized prayer is that I do not believe that any vocalized group prayer can truly be voluntary. Given the strong peer pressure that exists among our youth, it is inescapable that many children would be placed in the awkward position of having to choose between their religious beliefs and their desire to be accepted by their classmates. An 8-year-old Jewish boy from Pittsburgh put it well in a letter he wrote to President Reagan. Recalling that his family had recently lived in another country, the boy wrote:

> In my school we had to say a prayer. Some of the children stood in the hall instead of saying the prayer. Everybody thought they were bad. One boy told me I was going to hell. Please don't make people hate me because I am Jewish. It made me feel terrible to say the prayer.

Mr. President, I am both a Christian and an elder in the Presbyterian Church. I treasure my faith—and I have always cherished the religious freedom that our Constitution provides. But I know that none of us wants to make our children—or our neighbor's children—feel terrible for remaining true to their religious beliefs. And in my view the way to keep that from happening is to urge our children to take their religion to heart and to protect their religious freedom. Allow our children to pray silently if they wish, but do not coerce them into participating in an organized prayer

written by school or Government officials.●

TRIBUTE TO HONOR KEN HOWARD

● Mr. DURENBERGER. Mr. President, on Monday, September 9, 1985, the federalism community lost a good friend and a strong advocate. Ken Howard, former Executive Director of the U.S. Advisory Commission on Intergovernmental Relations, died suddenly and unexpectedly in Madison, WI, after suffering a heart attack. He is survived by his wife, Karen, and their five children, David, Mark, Allison, Marcia, and Rebecca.

Ken Howard had a distinguished career which combined both public and private service. He graduated from Northwestern University and received a master's degree and a doctorate in public administration from Cornell University. Most recently, he had departed as Executive Director of the ACIR to become a principal of Chambers Associates. There, he was directing research on the problem of State and local funding of public infrastructure.

His professional accomplishments do not end there. He has held the positions of president of the National Association of State Budget Office during his service to the State of Wisconsin as budget director. He served as vice president of the American Society of Public Administration and would have become its president in 1986.

We who share the belief that the values of federalism are too often overlooked in the public policy process find the loss of one so knowledgeable on intergovernmental relations all the more untimely; for Ken Howard died, just as he was beginning to contribute the most. We shall miss him.●

GRADUATION ADDRESS OF CAPTAIN JOSEPH R. JOHN

● Mr. GOLDWATER. Mr. President, it gives me great pleasure to submit for the RECORD, and for all to read, a recent speech presented by Capt. Joseph R. John, a resident of San Diego.

The occasion of this address was the 1985 graduating class of Central Falls High School in Rhode Island. Captain John was invited to deliver this graduation speech not only because he attended Central Falls High school but also because as a graduate of Annapolis and Harvard, he distinguished himself in service to his country during war and now peace. A patriotic American, Captain John was there also to honor his mother, in whose name the Mrs. Michael John Fund was established upon her death last year, a scholarship that is awarded top students of Central Falls High School.

Mrs. Michael John, an immigrant, saw the nobility and sweetness of this land and the purity of its ideals. She loved her country and was dedicated to her family and had invincible strength in her faith in God.

Her son, Joe John, is made of the same mold, likewise a symbol of the virtues of honesty, fairness and hard work.

It is my belief that others will benefit from his inspiring and scholarly words, and I ask that his remarks may appear in the RECORD.

The remarks follow:

GRADUATION SPEECH 1985 CENTRAL FALLS HIGH SCHOOL, CENTRAL FALLS, RI

(By Capt. Joseph R. John)

To be asked to address this fine graduating class of 1985 is a great privilege indeed, ... a singular honor.

It is my understanding that one third of the students at Central Falls High School were born in other parts of the world: The Middle East, Europe, Southeast Asia, South America. When I attended Central Falls High School, the parents of more than half of the students were immigrants. This is a country of immigrants. The first immigrants as we all know, landed in the *Mayflower*, millions have followed. This ethnic mixture is the richness that makes our country of America unique, and gives us a special source of strength.

Your mothers and fathers understand and appreciate what our country has to offer. As my mother and father worked hard to help me succeed, your parents are working hard to help you succeed. You graduates, your families, your teachers and friends are what truely represent the character and the spirit of Central Falls: This one square mile city, embodies the richness and, the strength, of this extraordinary country.

The ethnic and religious diversity of Central Falls and its hard-working people, underscores the quality of family life, the belief in God and in country, and most particularly . . . . The vital importance of education . . .; this country's greatest asset . . . . President James Madison stated, "Knowledge will forever govern ignorance," with an education, you can open doors others will never even see.

My remarks this evening will focus on how education, country, and God, play a critical roll in enriching the quality of your life.

This evening, you are completing a stage of life, the commencement is just that; a beginning. You may think you've finished, but all the work behind you, is just the foundation on which to build your future. Whether it be: a job, college, a career, the military service, a family. Why it's enough to make you wish you had missed taking your final exam.

The word "graduation" means "step". This moment in your life is a stepping stone, and for many of you I trust, a step toward more education. These 12 years of education mean more than you realize.

A year before I graduated from CFHS, a guest speaker, Lt. Col. Chappie James, made a lasting impression on me. I shall never forget him, nor his words. Chappie James was a black man, born in Pensacola, Florida in 1920. By persistence and hard work, he earned his college degree in 1942. He then obtained his commission as a second lieutenant in the Army. He flew 101 combat missions in Korea; received the Massachusetts Chamber of Commerce award in 1954. Lt. Col. James spoke to us here in 1955, a year when Dwight D. Eisenhower was President and a year when we in Central Falls were listening to the music of Elvis Presley.

Subsequently he flew 78 combat missions in Vietnam: And was with a flight that shot down 7 Mig 21's, the highest total of any mission in Vietnam. He received the Freedom Foundation Medal on two occasions: in 1967, and again in 1968. In 1969 he was the recipient of the Outstanding Jaycee Award. In 1975 he was the first black to be promoted to four star rank: General Chappie James was given command of the North American Defense Command and of the U.S. and Canadian Defense Force in 1975. He retired and passed away in February 1978.

General James was widely known for his speeches on Americanism and patriotism, for which he was editorialized in numerous national and international publications.

He stated: "My mother used to say: 'Don't stand there banging on the door of opportunity, then when someone opens it, you say, "wait a minute, I've got to get my bags." You be prepared with your bag of knowledge, your patriotism, your honor, and when somebody opens that door, you charge in.'"

During the period when he was growing up, he was often discriminated against, people tried to knock him down, but he would come back fighting.

When others complained—he used to say, "I am, above all else, an American." Chappie James encouraged us to believe strongly in individual initiative and plain, old fashioned hard work.

To better ourselves by getting an education. He told us to shoot for the stars: and I would hope that you graduates would be as impressed as I was, by such determination and grit, nothing in the world can take the place of persistence and hard work.

Talent will not: nothing is more common than men and women with talent who fail to achieve success. I would tell each graduate not to be a quitter, I would tell each graduate to be persistent, to work hard, to believe in yourself.

I'm reminded of the story several years ago about a remarkable baseball pitcher, Bobo Newsom in the third inning of a key game, his manager called for time, and walked out to the pitcher's mound. "Bobo, I've got some sad news," he said. "Your father just died suddenly. I'm taking you out of the game."

There was a pause.

Very slowly, and with determination, Bobo Newsom, who was very close to his father, said: "Please, don't take me out of this game." The manager agreed, and Bobo went on to pitch one of the most remarkable games of his career, all the while, with tears in his eyes.

After the game, the manager asked Bobo how he could pitch under such tragic and sad circumstances. Bobo replied, "If my dad thought for one minute that I was a quitter, he would have died 20 years ago."

In order to better yourself, to excel you must be persistent and hard-working—whether it is to learn a skill like Bobo Newsom's or to use your own initiative to improve your education, like Chappie James.

The challenges that lie ahead for the human race will be met by thousands of bright, stalwart young men and women like youselves in whose minds are locked the ability and the creativeness to astound the world with bold new ideas. As Edison, Lind-

berg, Einstein, Neil Armstrong, and others have done before you.

America isn't great because of what our Government has done for people, America is great because of what our Government has permitted a free people to do for themselves.

Patriotism is a form of celebration. It is a sign of robust spirit, a sound self confidence, a sure sense of duty, a healthy confidence in doing well.

America is a great power and yet we have read in history that other great powers such as Rome declined and lost their greatness. We have learned that barbarians conquered Rome. The truth is, that Rome fell from an erosion of intelligence, and a decrease in articulate leadership and vision, because the brilliant emperors, senators, and their colleagues, produced increasingly fewer brilliant sons to lead Rome.

Rome fell, from a decrease in available bright, literate leadership. Our nation, our culture, depends upon wise, articulate, literate, sound judgment. We can no more survive with a deficient leadership than Rome did. And our leadership, ultimately is the citizenry.

You, and others like you, are the future of this noble country—what you do now—what you accomplish—will determine our direction in the next century. Think about it—man lives approximately 25,000 days. You have already lived 7,000 days on the average.

Yesterday—is a memory.

Tomorrow—is a dream.

Today—is reality.

Reality is the bridge between yesterday and tomorrow. What contribution will you make in life—in this brief time?

You must make a contribution to mankind. Whether it is the task of raising good, law abiding children, writing a great novel, or walking on the moon. I urge you to strive with persistence and hard work, with moral principles make your mark. Socrates said, "An unexamined life is not worth living."

Have you thought of the purpose of your life? George Bernard Shaw states: "Indifference is the essence of inhumanity."

Do you have; will you show, concern for your fellow man? In the Proverbs, it states: "When there is no dream, the people will perish."

Why settle for simple dreams, shoot for the stars. "Not to decide, is to decide." "How will you examine your life? Will you make a rational contribution?" Are you aware that, in the past, Central Falls has provided us with: U.S. Senators, Congressmen, cardinals, bishops, scholars, military leaders, business leaders, outstanding athletes, and many others who have gone on to achieve greatness?

Achievement is the knowledge that you have studied and worked hard and have done the best that is in you. Success has been defined as earning the praise of others, and . . . that praise is flattering, too. But it is not as important and as satisfying. As achievement . . . Always aim for achievement and forget about success. Success will naturally follow achievement.

Each graduate has a "choice", you have a "free will." You can be a force for good, or you can choose another path: The path of self-interest, the exploitation of others. America needs alert and sober men and women to wrestle with the vexing social and moral problems of our times.

My mother, for whom the "Mrs. Michael John Scholarship" is named, like so many other immigrants—like many of you, and your parents, saw the nobility and the sweetness of this land, the purity of its ideals.

America gave my mother the finest opportunity, the greatest joy of realizing a well-spent life in the glow of her family, in the celebrated freedoms of her adopted country of America, and in the invincible strength of her faith in God. She instilled these virtues in those of us who knew her. She was optimistic and she encouraged us always to work for good.

You graduates have lived these first 7,000 days. They are gone and will never return. What are you going to do with the remaining 18,000 days? Will you use them: Soberly? Productively? Honorably?

In service to your family, to your country, to God? Or will you go another way? You have to choose. You have the power of "free will." The time is upon each of you now at this commencement, this graduation. At this crucial "step" you are taking this evening.

Our nature still contains both good and bad—but the stakes and the risks increase with every generation. So, I'm going to ask a few things of you: study carefully both the benefits and the liabilities of what we pass on to you.

And keep a sharp eye on what your political leaders are doing. Let them hear your views on issues. Your generation will shape the course of our next century. Don't leave anything behind for which you would be hesitant to take credit and give credit for what is right with this country.

Today, despite our problems, we have more food per mouth, more clothes per body, more homes per family, more wages per worker, and more opportunities per dream, than any people that ever lived. But we must continue to work together, to be grateful for what we have. Instead of tearing down, build upon this foundation, of 12 years of education, because its important to the future of our country.

We need the attitude expressed in this closing poem: I saw them tearing a building down, a gang of men in a dusty room, with a yo heave ho and a lusty yell, they swung a beam and the side wall fell.

I asked the foreman if those men were as skilled as the men he'd hire if he were to build. He laughed and said, "Oh no indeed, common labor is all I need for those men can wreck in a day or two what builders had taken years to do."

I asked myself as I went my way, what kind of role am I to play? Am I the builder who builds with care? Measuring life by the rule and square? Or am I the wrecker who walks the town content with the role of tearing down?

And so graduates, march forward with cautious optimism . . . Grasp your diploma tightly, as a symbol of commitment to a goal America needs the type of builders and patriots each of you can be. Your place in this procession confirms that you are on your way.

I salute each one of you, and your families.

Good luck, best wishes, and God bless you.●

EXTENSION OF MEDICARE HOSPICE BENEFITS FOR ANOTHER 3 YEARS

● Mr. D'AMATO. Mr. President, I rise in support of legislation, S. 777, to extend hospice benefits under the Medicare Program for 3 more years. My distinguished colleague, Mr. HEINZ, chairman of the Senate Special Committee on Aging, has proposed this legislation in an effort to accommodate the needs of the most critically ill individuals of this country. I commend him for his efforts, and I lend him my full support in the endeavor.

The Hospice Program began as a grassroots, volunteer movement to compassionately care for terminally ill individuals. Interested and active individuals joined in a collective effort to address an issue that neither Government nor private industry previously had confronted—how to deal with the emotional and physical strains of terminally ill individuals and their families. With little funding and ad hoc administration, their efforts represent the core of charity and activism that has made this country great.

Hospice has grown and developed into a large interdisciplinary network. In some locations, hospice is entirely a volunteer, family and patient support program. In others, hospice has expanded into a larger operation—providing supportive, medical, and home care services. Regardless of what specific services a particular hospice offers, all hospices believe in the importance of meeting the needs of the terminally ill patient. With this goal in mind, hospices work together to provide a quality of service for a specialized group of individuals that is unmatched by any other kind of governmental or private effort.

Hospice also boasts of a significantly cost-effective operation. Major insurance carriers recognized the benefit of hospice a long time ago. The Federal Government was the last organization to recognize the effectiveness and efficiency of hospice services. However, CBO has confirmed what the private sector learned years ago. Hospice not only provides a service that otherwise is not provided, but it also saves a lot of money.

CBO projected that Medicare savings between 1982 and 1987 would amount to close to $100 million. With the huge Federal deficit, it does not make sense to overlook the significant cost savings of this program. While some optional medical services only provide opportunities for compounded medical treatment and, consequently, require additional Federal spending, the Medicare hospice benefit saves money. The nature of the program and the way the program is administered eliminate the possibility of Hospice becoming an extra expense. It serves as a needed worthwhile, and cost-effective approach to dealing with a seriously ill group of people.

Terminally ill individuals and their families deserve the special treatment and support that regular health care services do not provide. It is my belief that our Government was designed to

help individuals who need immediate help. I ask my colleagues to consider this thought and to reaffirm our responsibility to these individuals by supporting this legislation.●

DR. HERBERT SCOVILLE, JR.

● Mr. MOYNIHAN. Mr. President, I note with sorrow the recent passing of a distinguished native of New York, and a distinguished American—Dr. Herbert Scoville, Jr. a graduate of the University of Rochester, Dr. Scoville, was trained as a physical chemist. As such, he devoted much of his life to public service in the area of strategic weapons and arms control. He was the author of two books on nuclear issues: "Missile Madness" and "MX: Prescription for Disaster." For his efforts in increasing awareness of the importance of arms control Dr. Scoville received the Rockefeller Public Service Award in 1981.

As we recognize the 40th anniversary of the first, and hopefully the last, use of nuclear arms, public concern for control of nuclear weapons mounts. Dr. Scoville was concerned on a daily basis. I hope his thoughtful concern shall continue to inform us all, and guide us.

Mr. President, I ask that Dr. Scoville's obituary published in the New York Times be printed in the RECORD so others might learn of this fine American's life and perhaps join in his concern.

The obituary follows:

[From the New York Times, July 31, 1985]

HERBERT SCOVILLE JR., ARMS EXPERT; BECAME A CRITIC OF NUCLEAR POLICY

(By Neil A. Lewis)

WASHINGTON, July 30.—Herbert Scoville Jr., an authority in advanced military technologies who helped develop nuclear weapons and then, in the 1960's, became an articulate advocate of arms control, died today. He was 70 years old.

Dr. Scoville, who died at the Georgetown University Hospital, succumbed to cancer, according to the family.

Since 1979, Herbert (Pete) Scoville served as the president of the Arms Control Association, a private organization he had helped found.

Earlier, in Government service, he helped develop nuclear weapons as technical director of the Defense Department's Armed Forces Special Weapons Project from 1948 to 1955. He served as deputy director for research and technology in the Central Intelligence Agency from 1955 to 1963, and then as assistant director for science and technology in the Arms Control and Disarmament Agency until 1969.

PREPARED ARMS CONTROL PACTS

In the arms control post, he was responsible for developing positions on such matters as the 1963 treaty on a limited nuclear test ban, the 1969 treaty aimed at curbing the spread of nuclear weapons and the strategic arms limitation talks with the Soviet Union.

Since leaving Government service in 1969, he was a ubiquitous figure in the public debate over nuclear disarmament, new technologies in the arms field and United States relations with the Soviet Union concerning nuclear weaponry. A major theme of his work, according to associates, was that the key to nuclear stability lay in negotiations between the superpowers.

A native of New York City and a physical chemist by training, with a Ph.D. from the University of Rochester, Dr. Scoville was responsible for the technical aspects of espionage when he worked for the C.I.A., developing intelligence with satellites and high-flying planes.

CHANGE OF VIEWS IN C.I.A. SERVICE

At the C.I.A., associates said, he became convinced of the need to control nuclear weaponry. In 1958, he attended an international conference to discuss the possibility of a surprise nuclear attack and later wrote of the "oppressive weight" he and many participants felt about the obligation to do something to prevent the use of weapons that could destroy mankind.

After his stint with the Arms Control Agency, he devoted himself entirely to an effort to disseminate information about nuclear weapons, possible strategies for controlling them and the consequences of failing to do so.

In 1981, when he received the Rockefeller Public Service Award that is administered by Princeton University, he was cited for "mobilizing his energies, his scientific knowledge, and his political insight in an effort to create a public awareness of the importance of arms control to American and international security."

Dr. Scoville, who walked with a set of canes because of arthritis, was a familiar figure on Capitol Hill where his expertise was sought on the whole range of nuclear issues.

He was the author of "Missile Madness," a primer on nuclear war, published in 1970, and of "MX: Prescription for Disaster," in 1981.

In recent years, he took up the Reagan Administration on several issues, notably on whether a nuclear freeze could be verified and on the usefulness of the space-based defense program popularly known as "Star Wars." Dr. Scoville argued that it would be destabilizing and could violate the 1972 Antiballistic Missile Treaty.

Dr. Scoville is survived by his wife, the former Ann Curtiss of McLean, Va., and Taconic, Conn.; three sons, Anthony and Thomas, both of Washington, and Nicholas of Los Angeles, and a daughter, Molly Fitzmaurice of Washington.

The funeral will be private, but there will be a memorial service here sometime in September, according to the family.●

TRIBUTE TO A UNION PIONEER: BARBARA J. EASTERLING

● Mr. GLENN. Mr. President, on July 16, Barbara J. Easterling achieved a milestone in American labor history when she was elected as the first female national officer of the Communications Workers of America.

I take special pride in this accomplishment because Ms. Easterling has long been active in organized labor and in public affairs in Ohio. Indeed, she has been a member of the CWA local in Akron for 33 years.

Although Ms. Easterling's most recent attainment is exceptional, it is not the first time she has broken new ground in her career. She was the first woman ever elected to serve as vice president of the Ohio AFL-CIO. Also, she served a 4-year term as the only labor member of the Advisory Board on Education and Training to the Secretary of the Navy, a White House appointment.

Mr. President, earlier, in 1971, Barbara Easterling was appointed by John Gilligan, then Governor of Ohio, to serve as chief of the State's industrial relations labor division. That administrative unit of government is empowered to enforce Ohio's labor laws.

In addition, Ms. Easterling served as administrative assistant to CWA Vice President Marty Hughes in Ohio from 1978 to 1980. In August 1980, she was selected by then CWA President Glenn E. Watts to come to Washington and serve as his assistant.

Mr. President, Barbara Easterling comes from a family of dedicated trade unionists. I extend my congratulations to them in this special moment of celebration, and I wish this outstanding daughter of Ohio all the best as she embarks on what I am sure will be stimulating and challenging duties.●

ORDERS FOR FRIDAY

RECESS UNTIL 10 A.M.

Mr. SIMPSON. Mr. President, having conferred with the Democratic leader, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 10 a.m. on Friday, September 13, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATORS PROXMIRE AND MOYNIHAN

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow, there be two special orders in favor of the following Senators for not to exceed 15 minutes each: Senator PROXMIRE and Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 10:45 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President upon completion of routine morning business tomorrow, the Senate will resume consideration of S. 1200, the immigration bill, turning to the pending amendment by Senator HAWKINS.

At the conclusion of that, Senator KENNEDY will proceed with his amendments. There are several other identified amendments.

Rollcall votes can be expected throughout the Friday session; but I share with colleagues the belief that we could finish in midafternoon, with some degree of reasonable projection, which may quickly slip away.

That is my review; and if the minority leader has any inquiry to make and I can respond, I will try to do so.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I do not have any questions.

Mr. SIMPSON. Mr. President, I inquire of the Democratic leader if he has further business.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. I have no further business.

RECESS UNTIL 10 A.M.

Mr. SIMPSON. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until the hour of 10 a.m., Friday, September 13, 1985.

The motion was agreed to; and at 8:33 p.m., the Senate recessed until Friday, September 13, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1985:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Esther Kratzer Everett, of New York, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, vice Marie Sheehan Muhler, term expired.

U.S. SENTENCING COMMISSION

The following-named persons to be members of the U.S. Sentencing Commission for the time being and for the terms indicated, subject to the conditions prescribed by Public Law 98-473 of October 12, 1984, as amended, new positions.

For terms of 2 years:

Stephen G. Breyer, of Massachusetts.

Paul H. Robinson, of New Jersey.

For terms of 4 years:

Michael K. Block, of Arizona.

Helen G. Corrothers, of Arkansas.

George E. MacKinnon, of Maryland.

For terms of 6 years:

Ilene H. Nagel, of Indiana.

William W. Wilkins, Jr., of South Carolina.

William W. Wilkins, Jr., of South Carolina, to be chairman of the U.S. Sentencing Commission, new position.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Thomas R. Kinnebrew, xxx-xx-...-xxx-.../1100, U.S. Navy.

EXTENSIONS OF REMARKS

GREEK INDEPENDENCE DAY: IN CELEBRATION OF DEMOCRACY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. NEAL. Mr. Speaker, I would like to share with my colleagues a speech by one of my constituents, Miss Eleni Chamis, a first generation American of Greek ancestry. Her speech was inspired by her study of the ancient Greeks and a visit to her forefathers homelands.

The ancient Greeks, of course, are unmatched as an inspiration of song and verse. Their contributions to modern Western thought in philosophy, art, science, religion, and law are renowned. It can truthfully be said that all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks, in whose age was born the concept of democracy. It is constitutional democracy, after all, which has made possible the American way of life and enabled the United States to emerge as the greatest and most powerful nation of our age.

Mr. Speaker, I would also like to take this opportunity to solicit support for a resolution I recently introduced, House Joint Resolution 381, to mark the anniversary of Greek Independence Day on March 25, 1986, and every March 25 thereafter. The political relationship between our Government and the Greek Government today is somewhat strained. A joint celebration of Greek Independence Day would serve to reaffirm our common commitment to the democratic principles and the struggle for freedom from which our nations sprang. Moreover, it would strengthen our natural ties and reinvigorate the relations between our two nations.

HERITAGE, CULTURE, TRADITION

This is what our ancestors have passed down to us . . . our past, our history. What Greece has given us is the voice of justice ringing loud and strong. Greece has given us:

Herodotus, the father of history;

Hippocrates, the father of medicine;

Homer, the insurmountable poet and second-to-none analyst of human emotions;

Socrates, the model of respect for the laws, and the wisest and most unselfish of all teachers;

Plato, the sweetest philosophical personality;

Aristotle, the most profound mind of all time, who bestowed upon us the history of philosophy, botanology, anatomy, the fundamentals of logic, and the definitions of truth and judgement;

Solon, the father of law:

Pericles, the father of democracy;

Pythagoras, who laid the basis for higher mathematics;

Alexander, the great civilizer;

The epic of Marathon;

The Supreme Court, the highest instrument of all human justice possible;

The Rostrum of Pnyx, an unshakeable foundation of free speech;

The Parthenon, the supreme wonder of art. Not even a perfect imitation could have the same impact of this great accomplishment;

The Holy Bible in its absolute perfection;

The Divine Music of the Church which "lifts the fallen and helps him to face the spiritual dawn";

Chrysostom, Christianity's greatest apologist;

and the Grecian Philosophers for whom Jesus, on being informed that they were asking for an audience, proclaimed, "Now hath come the time for the Son of God to be glorified."

Will Durant wrote "All civilized nations in all that concerns the activity of the intellect, are colonies of Hellas" today. Through Greece and her history, our heritage has gained: our handicrafts; the processes of trade, industry, finance, and commerce; the techniques of mining; the essentials of engineering; the monotheistic idea; a democratic government; a trial by jury; civil liberties; our schools and universities; our stadiums; our athletics and Olympic Games; the conceptions of self-containment and self-control; Christian theology and practice; our literature; our alphabet and language; our literary genres: the ode, the novel, the essay, the oration, the history, the biography, and the drama; our chants and music; our sculptures and architecture . . . a whole world of knowledge.

Lord Byron was inspired to write in "Don Juan" when he stood atop the mountain, Marathon, filled with sadness and nostalgia in human history.

"The mountains look on Marathon—
And Marathon looks on the sea;
And musing there an hour alone,
I dream'd that Greece might still be free;
For standing on the Persians' grave.
I could not dream myself a slave."

On my trip to Greece last summer, I *saw* my heritage very much alive. I walked the same soil of Socrates, of Pericles, of Alexander. I sat on the mountain of the Pnyx and watched the "Sound and Light" show, which recreated Pericles' speech to the Athenians, the "marathon" run, the invasion of Greece by the Persians, and the burning of the Parthenon. On the way to Karpenisi to visit my mother's village, which she hadn't seen for forty years, I was sidetracked by a large "pazári." There were lambs skewing, merchants selling, people laughing, talking, and dancing.

In Athens, I watched the Evzones at the Tomb of the Unknown Soldier change guards every hour on the hour. I climbed the magnificent mountain of the Acropolis and gazed at the Parthenon, the most stupendous piece of architecture ever contructed. I strolled up the steep side of Mount Lycavetos to stare down on the most historical city in all the world.

Edith Hamilton writes in The Greek Way, "Of all that the Greeks did only a very small part has come down to us and we have no means of knowing if we have their best. It would be strange if we had . . . no sculpture comparable to theirs; no buildings ever more beautiful; no writings superior. We have only the ruin of what was; the world has had no more than that for well on two thousand years; yet these remains of the mighty structure are among our possessions today which we value as most precious."

"But in that antique world of Egypt and the early Asiatic civilizations, that world where the pendulum was swinging ever farther and farther away from all fact, something completely new happened. The Greeks came into being and the world as we know it, began."

This is my heritage and yours.

H.J. RES. 381

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1986, marks the one-hundred-and-sixty-fifth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1986, and each March 25 thereafter, is designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

CASE FOR THE RELIEF OF WAYNE GREENFIELD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. PANETTA. Mr. Speaker, I am reintroducing today a bill for the relief of a constituent of mine, Wayne Greenfield, of Pacific Grove, CA, who I believe is entitled to compensation for losses he has suffered as a result of actions of the Bureau of Land Management in the Department of the Interior.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On October 25, 1965, Mr. Greenfield purchased 22½ acres of land from a private party. The boundaries of the purchased property were estabiished by a Bureau of Land Management survey in 1963 and were duly recorded in the appropriate county courthouse in California. On October 21, 1974, Mr. Greenfield purchased 42½ acres of land by bid from a superior court sale of private property. Again, the boundaries of the property were based on the 1963 Bureau of Land Management survey. In 1979, the Bureau of Land Management resurveyed the property in question which resulted in the loss of approximately 5 acres of Mr. Greenfield's property. The lost property had a value of about $20,000, including timber and land value, and the value of two active springs. As a result of the same survey, Mr. Greenfield acquired some additional land. However, this land was worth only $5,000, leaving Mr. Greenfield with an unfair loss in land value of about $15,000.

I believe that Mr. Greenfield's loss is due to the results of mistaken actions by the Bureau of Land Management, and that his case warrants the pursuit of private legislation to redress his loss. I urge my colleagues to grant him the necessary relief.

H.R. —

A Bill for the relief of Wayne Greenfield

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Wayne Greenfield of Pacific Grove, California, the sum of $15,000 in full settlement of all claims of Wayne Greenfield against the United States for damages caused by an incorrect survey by the Bureau of Land Management of the Department of the Interior.

COURAGEOUS BANKERS IN MONTANA

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MARLENEE. Mr. Speaker, the crisis in agriculture continues to burden America, but through this crisis has come a strengthened alliance between farmer and banker.

We have a tremendous number of banks in Montana and elsewhere that have displayed the fortitude and courage to stick with customers. These bankers—who are suffering through the farm crisis along with agriculture producers—deserve commendations and encouragement and I would hope the Federal Reserve gives these banks the flexibility and incentives necessary to remain steadfast behind agricultural America.

I urge my colleagues to read the following letter from a banker in Terry, MT, who describes with compassion and intelligence the relationship between banker and farmer. It is a relationship built on trust, and I'm gratified to see that trust remains strong even through these current tough times.

It is with great pleasure I enclose this letter from Al Brubaker, president of the State Bank of Terry, and hope other farm banks and bankers will use the sentiment expressed here as role model until profit is restored to agriculture.

The letter follows:

JULY 19, 1985.

Hon. RON MARLENEE,
Congressman from Montana,
Washington, DC.

DEAR RON: This morning in the daily paper headlines were hundreds of millions of money being pumped into the agricultural credit banks to revitalize them after all their agricultural lending problems.

In all the furor and noise about Ag Lendi, and Ag problems there seems to be little thought given to the fact that there are a lot of us small banks scattered over the country who have been spending our lives and what money we have in building and operating institutions where practically our entire business is with agricultural operation or its related businesses. We have been during this time attempting to keep our customers going in adverse as well as good times. Many times we do this against our better judgment but knowing that our customers financial existence may depend on us. The end result that any number of banks are taking tremendous losses, some with complete loss of the bank. This has been accented in our area as well as yours because of continuing drought and insect invasion that no one could foresee or predict.

Now we and there are hundreds of us sit and wonder where in hell it is all going to end up. Other than the media which is like a wolf waiting for a dying steer for news of a bank closing no one pays a hell of a lot of attention to our plight. Our main street customers are going broke and in many cases the banks are taking heavy losses trying to shore them up. Our Ag land is losing its value and we have little if any production to market. A lot of the cattle are going to be sacrificed at a minimal price and it will cost a hell of a lot more to replace them if it ever does get back to normal in the drought area.

Do you sense why I am writing. Who in hell is worring about the banks that are trying to carry thru in the horrible mess.

Thanks for listening.

Sincerely,

AL BRUBAKER, *President.*

THE 100TH BIRTHDAY OF SARASOTA, FL

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MACK. Mr. Speaker, Sarasota, FL, the City of the Arts, part of my congressional district, will celebrate its 100th birthday in a centennial party that will last from November 1985 through April 1986. The timeframe coincides with the November 1885 arrival in the Sarasota area of Scottish, English, and American shareholders of the Florida Mortgage and Investment Co.

Although Sarasota was already sparsely inhabited prior to 1885, the Scots are generally credited with building the town.

Excerpts from early newspapers reveal that the early settlers were industrious. A July 8, 1886, report said:

Fifty to one hundred men have built since the first part of December 1885 (when they began) one hotel, one large store, one blacksmith shop, three boarding houses, one wharf and wharf house, one fish and oyster house, two new store buildings and twenty-three building houses.

The Scots had their priorities in order, according to this April 1, 1886, newspaper report: "Sarasota has organized a yacht club, and has over $200 subscribed for a boat house."

Commerce was vital to the early settlers. The Main Street dock was one of the first construction projects. It was necessary because all supplies were delivered to Sarasota via barges and boats.

Sarasota's tropical beauty reminded some travel writers of Europe and drew international visitors. It is that international influence that makes Sarasota different from other Southern communities.

In addition to the early Scot settlers, Sarasota was influenced by John Ringling from Europe and Mrs. Potter Palmer from Chicago. The circus people that Ringling brought in came from all over the world, and their influence makes Sarasota unique.

Special events are planned for each month of the formal celebration and include a Scottish parade, a formal Centennial Ball, a Ringling Brothers Circus parade, the re-premiere of "The Greatest Show on Earth," an international folk fair and coordination of the centennial with the annual Medieval Fair.

I would like to thank all the people who are participating in the celebration of Sarasota's 100th birthday. It thrills me to see the way our citizens are honoring their fine city and those who founded her and I am very proud to be their representative here in Washington.

CHARLESTON VIETNAM VET RECALLS HIS HOMECOMING

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HARTNETT. Mr. Speaker, as you know, this Nation recently observed both the 40th anniversary of the end of World War II and the 10th anniversary of the end of American involvement in the Vietnam war. Much was said about these events and the people whose lives were affected by the wars. During the month of August, when we were all back in our districts, I came across an article in my local paper which greatly impressed me. In this article Mr. W.M. "Buddy" Milligan, a resident of Charleston and a retired Marine aviator, recalled his homecoming as he returned from Vietnam. Below, I have inserted a copy of Buddy's comments for the consideration of my colleagues. I think you will find his comments inspiring.

CHARLESTON VIETNAM VET RECALLS HIS HOMECOMING

As a veteran myself, I have been slowly burning inside to write a letter to our news media concerning the Vietnam War anniversary and the Vietnam veterans. Last night while watching the local evening news on the 40th anniversary of V.J. Day I decided to quit procrastinating and vent my frustrations.

Two men, one a World War II vet and the other a Vietnam War vet, were being interviewed by one of our local news media personalities. The WWII vet explained how he returned to a hero's welcome from a grateful nation. The Vietnam War vet said that he was not even given a warm welcome and that he was made to feel ashamed to wear his uniform. Once again that same old rhetoric that we have been hearing for several years. Nobody thanked us, nobody appreciated what we did, afraid or ashamed to wear the uniform, we wasted our time in S.E. Asia and on and on. Well I don't know where this person returned to when he got back to the state, but I would be willing to bet it wasn't Charleston, S.C.

I would like to relay to the reading public my experiences. It was a warm April day in 1969 when a planeload of Vietnam veterans from all branches of the service touched down at El Toro Marine Corps Air Station, California. I was a young Marine aviator, having flown over 200 combat missions of which 104 were over North Vietnam. I had also spent the last four months of my tour serving as an advisor to the local Vietnamese district chief. I had a squad of Marines who, along with doctors and corpsmen, helped provide medical and dental assistance to the Vietnamese populace, as well as assisting the local government in establishing schools and adult education programs. It was sometimes dangerous but always rewarding work. Since I have been involved in combat many times both in the air and on the ground I feel that I can speak with knowledge and sincerity at least about my experiences and feelings about that unfortunate war. In any case, we had been flying for well over 12 hours with only a brief refueling stop in Hawaii. We were all tired but excited. As we began to exit from the Boeing 707 a tremendous ovation was heard coming from the tarmac. The local Marine and Navy dependents had spread a brief red carpet leading from the ramp and extending several feet. They stood on each side cheering us as we walked down the red carpet. It was absolutely the most gratifying feeling I could ever describe. It may not have been a ticker tape parade down Broadway, but the lump in our throats were there nonetheless. I will always be grateful for that warm American welcome as long as I live.

However, my welcome did not end there. I called my wife from the Long Beach Airport and told her that I would be home at 1:30 the next morning, which was the first flight out. The plane landed on a rainy spring night. I got to the doorway and looked down to see 14 members of my family and close friends at the bottom of the ramp. Of course I was sure that my immediate family would be there, but I had some great friends there also. They all, family and friends, made me feel like a king. It was a real hero's welcome and I've never pretended to be a hero. But my welcome did not stop there either. The next several days my phone was constantly ringing. My good friend Frank Renau gave me the keys to his beach house on the Isle of Palms for as long as my wife and I and our 2-year-old son, who is now a freshman football player at the Citadel, would like to stay. Thanks again Frank. Everywhere I went in Charleston I was given a warm welcome. When I went into the friendly tavern on Grove St. I had to put my money away because I was a Vietnam vet. I would like to say two things to all of my family and friends: Thank you from the bottom of my heart and God bless you all.

It would be fruitless for me to try and analyze the Vietnam War and its aftermath. Experts have tried and failed miserably in their attempts to do so. We constantly hear about the war we lost. I do not know how we can say we lost the war when we won all the major battles. The military certainly did not lose the war. The politicians gave it away at our last major battle—the one at the conference table. I think the news media have exhausted the issue. In fact, after watching that pitiful interview last night, I know they have.

I am also tired of the constantly whining Vietnam vet who is still waiting for the government or somebody to do something for him because the war "messed him up." The majority of us came back to lead productive lives. We are forging ahead to continue to make this nation the greatest in the history of mankind. My heart goes out to those who did not come back and to their families. They were the real heroes; they gave all they had—their lives.

I would like to end this letter by saying I am proud to be a Charlestonian; I am proud of my family and friends. I am proud to have served under Gen. William Westmoreland and last, but certainly not least, I am proud to have been called a United States Marine.

W.M. "BUDDY" MILLIGAN,
Charleston.

FUTURE COURSE OF SMALL BUSINESS ADMINISTRATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. DREIER of California. Mr. Speaker, although the budget battle for fiscal year 1986 is over, the debate over the future course of the Small Business Administration and its lending programs is not. In fact, the mere freeze enacted by the House and Senate Small Business Committees is essentially an effort to buy time until Congress decides which direction to lead the SBA into the future.

One thing is certain like the budget in general, Congress must set small business priorities. But that entails an understanding of the needs of the small business sector. If small business is to continue its status as a leader in growth and innovation, greater focus must be given to those businesses which produce a net benefit to the economy. The redistribution of scarce credit had its good intentions 30 years ago. But with today's more competitive and fast-changing market, small business requires less Government interference in credit markets and more sensitivity to the need for startup capital, regulatory relief, and a strong and vibrant economy in which to compete.

As the following article in the September 1985 issue of Dun's Business Month points out, Congress needs to make clearly defined distinctions between nondynamic small businesses and those on the cutting edge of our economy. In particular, it is new business which is the key to economic growth. As the author instinctively points out, "* * * governments looking for growth and innovation would be well advised to reduce the barriers facing the businesses of tomorrow."

SMALL BUSINESS: MYTH AND REALITY

(By Marc Levinson)

In the American pantheon, the small businessman is a major god. Entrepreneurs are our folk heroes, and politicians of all stripes praise the little firm as the source of jobs and innovation. Next August, a White House conference, mandated by Congress in the face of Administration opposition, will give Washington the opportunity to show its concern for small business in an election year. As President Reagan has said, "Historically, small business has provided much of the growth in jobs and innovation as well as being the supplier of services and deliverer of goods to virtually every farm, village, town and city in our nation."

Small business is assuming an increasing important role in the U.S. economy. Nearly 29% of the 2.25 million jobs created this year will be in firms with fewer than twenty employees, and more than half will be in firms with fewer than 100, according to Dun & Bradstreet data. From 1976 to 1983 more than 6.2 million jobs were created in small companies. New business incorporations in 1984 set a record of 634,000—twice the number of a decade earlier.

The dynamic nature of these small companies increases the efficiency of the economy. They promote growth not only by filling new economic needs, but also by going out of business when they can no longer compete. This survival of the fittest ensures that only the most efficient enterprises endure. At the same time, new entrants into markets dominated by corporate giants force the big firms to keep their costs in line and their prices competitve.

Nevertheless, the mythology about small business has far out distanced the reality. Some small businesses are budding large businesses, but the reality is that the overwhelming majority will always be small. And while the mythology correctly points to small business as the great source of innovation and new technology, the fact is that only a handful of small businesses are innovators. Says Marjorie Odle, a consultant to the Small Business Administration, "People tend to lump all small businesses together as if they were the same. But small businesses don't necessarily have much in common. You need to look at individual sectors, not at small business as a whole."

To put the contribution of small companies in perspective, it is important to examine the recent spurt of new small business formations against the background of basic changes in the American economy since the mid-1970s. These include:

The booming service sector. Employment in services has grown twice as fast as overall employment over the last decade, and 97% of service firms have fewer than 100 employees. Some 55% of service workers are in small firms, compared to only one in four manufacturing workers.

Deregulation. The restrictions, which once kept small firms from entering many industries, are largely gone, and new competitors abound. More than 13,000 trucking companies have started since deregulation in 1980. Since the Airline Deregulation Act of 1978, small commuter carriers have filled the gaps left when the end of government subsidies led larger carriers to abandon services. Deregulation of long-distance telephone service created a new industry of communications consultants who help firms find the cheapest way to call. In broadcasting, regulatory changes have allowed hundreds of low-power television stations to compete with the full-power stations usually controlled by major corporations. "The average low-power TV station has about seven employees," says consultant John Kompas. While the number of businesses started rose 11.1% from 1980 to 1983, the number of starts in deregulated industries grew 24.8%.

Changing economies of scale. The fervor of the past twenty years for mergers and integrated production has been reversed as business has learned that bigger is not necessarily better. Larger manufacturers increasingly subcontract work to smaller firms in order to lower labor costs and overhead and to gain the flexibility to switch suppliers. Greyhound Corp., the country's largest bus operator, is franchising some routes to entrepreneurs who can run them more efficiently. Says Greyhound Senior Vice President William McCracken, "We don't have any benefits from being so large, and there may be some disadvantages."

Technological change. "Mini mills," some with fewer than 100 workers, can underprice major steel manufacturers since the introduction of sophisticated small-scale equipment. Computerized typesetting has eliminated many production steps for periodicals. Word processors increase the efficiency of office workers, enabling small firms to accomplish as much as large ones used to.

High unemployment. Many new businesses are formed by workers who have lost jobs. That is one reason the number of firms with fewer than twenty employees soared from 1980 to 1982, while the number of larger firms declined.

Immigration. Legal immigration, which averaged about 400,000 people a year in the early 1970s, has run close to 600,000 annually since 1976, while uncounted illegal immigrants have entered the country. No statistics are available, but some experts believe the number of new businesses formed in areas such as New York and Los Angeles has increased due to immigration.

There is little doubt that small businesses are important in increasing competition, and they continue to provide a chance for the ambitious entrepreneur to make a mark. They may also reduce the severity of recessions, since they often adjust to hard times by cutting wages and hours rather than by laying off workers, as larger firms tend to. Nevertheless, the contribution of small business in the economy is frequently overstated.

Contrary to popular belief, corporations with more than 500 workers are still the major source of work in America, employing almost half the private-sector workforce. True, small businesses have created the majority of new jobs in recent years, but their relative performance owes less to the achievements of entrepreneurs than to the woes of large manufacturers. The nagging unemployment rate, which has been hanging at 7.3% for six months, reflects the troubles of the big industrial companies, which are operating at 80% of capacity. Observes Marjorie Odle: "Small buisnesses' share of new jobs depends upon how big business is performing. The share of jobs created is a much-touted statistic, but it really isn't very significant."

Since many small businesses have short life spans and are never counted in government statistics, it is difficult to find accurate data on small business employment. To determine employment growth, researchers must track millions of individual firms over time, often using information that cannot be verified. For many new companies there is no information at all available until they are in business for several years. Shell corporations established for legal or tax reasons complicate things further, since their employees are often family members who are not really in the workforce, or people who earn income elsewhere and simply channel it through the company.

A job in a small company on average adds less to the Gross National Product than a job in a large firm. In part, that is true because jobs in small businesses typically offer lower salaries than jobs with large companies, and are less likely to include pension plans and health insurance. Also, small firms are less capital intensive than large ones, so they usually produce less per worker.

The two-employee corner laundromat or the self-employed bookkeeper is a far more typical small enterprise than the fast-growing high-tech firm many politicians conjure up. David L. Birch, director of the Program on Neighborhood and Regional Change at the Massachusetts Institute of Technology, attracted wide attention to the employment gains in small firms in 1979, but he observes that job creation by small business is often misunderstood. "Most small businesses create no new jobs" after they have been in business for a year or two, Birch says. "Most get to three or four or five employees and stay at that level for the rest of their lives. Eighty percent of the growth is created by 12% of the firms." Predicting which small firms will grow and which will not is impossible, Birch adds.

The link between high tech and small business is real, but it is frequently exaggerated. Most high-tech firms start out small, but relatively few small business start-ups are in such cutting edge sectors as software and systems analysis. Leading the job creation parade from 1982 to 1984 were small firms in such prosaic industries as child care, construction and trucking. While 120,000 jobs were created in computer and data processing services, nearly four times that many were added in bars and restaurants.

Nor are those companies with fast employment growth necessarily the leaders in innovation. "Most of the innovation in manufacturing creates new wealth, not new jobs," insists David Birch. And the innovators are not necessarily small. Manufacturers facing competitive pressures are among the leaders in finding ways to increase efficiency. Among younger firms, the most innovative quickly outgrow the ranks of small business. A firm that stays small is probably supplying few jobs or few innovations.

Moreover, many small business jobs do not represent net employment growth. Instead, they are jobs that large corporations chose not to add, notes Joseph W. Duncan, chief economist for The Dun & Bradstreet Corporation. "In this expansion, unlike previous ones, big companies are not adding workers, they're not adding services," Duncan says. "They're outsourcing, buying outside supplies. The result of that is demand for small businesses."

Without a doubt, the increasing numbers of small firms make the economy more efficient. But the small firm's ability to adapt to changes more quickly than larger economic units may have some negative side-effects. Rapid adjustment means more hiring, more firing, more start-ups and closings, all leading to more job changes by workers. As a result, an economy with a larger share of the workforce in small firms may well have a higher underlying rate of unemployment.

New businesses, not small businesses per se, are generally the keys to healthy economic growth. Young companies are the ones most likely to provide the economy with fast job growth and innovation. But these very firms are the ones most neglected by government policy, despite the prevalent mythology that Washington is somehow helping new companies through a wide variety of programs.

If federal programs are any indication, much help to small business is often misplaced. The Reagan Administration unsuccessfully tried to eliminate the SBA's subsidized loan program, which authorized $3 billion for 21,272 small businesses last year. The recipients represent less than 0.5% of all small firms, and many are not really small: under SBA regulations, an appliance manufacturer with 1,000 workers, a watchmaker who employs 500, and a used-car dealer with $11.5 million in sales all qualify. Programs to buy goods and services from such "small" businesses accounted for 29% of federal purchases in fiscal 1983. The largest beneficiaries: building maintenance firms, which provide neither additional jobs nor technical innovations.

Similarly, the tax system, which is supposedly designed to help small firms by giving them lower rates, does not do the job that Congress presumably intended. Most of the tax benefit goes to older small firms rather than fast-growing young companies, because the new companies have a paucity of profits to tax. Observes economist Lawrence J. White of New York University's Graduate School of Business Administration: "If small is synonymous with start-up, then all of the stuff we have put into the tax code over the last twenty years is anti-small business. Most small businesses don't benefit from the investment tax credit or from accelerated depreciation, because you only benefit if you have profits. The only thing start-up businesses don't have is profits."

Even for profitable small companies, the benefit of a lower tax rate may be less than the competitive disadvantage from tax breaks favoring capital investment, which tend to favor big firms.

On the state level as well, politicians are climbing on the bandwagon to encourage small business. With much fanfare, Rhode Island and Pennsylvania, among others, have started small business loan programs, and most cities put together packages of state and federal grants to help local companies. Nearly half the cities responding to one recent survey offer tax reductions or deferrals to small firms.

But these programs often fall short of their ambitious goals. "You go back to these areas two or three years later and say, 'How many businesses have you helped?' and they say fifteen or thirty or forty," comments Frank Swain, chief counsel for advocacy of the SBA. "No doubt it's helped those fifteen or thirty or forty, but it's mostly a symbolic

thing." Cutting red tape and licensing requirements might be far more helpful, he adds.

No one speaks in the state capitols or halls of Congress for the interests of companies not yet formed, or for entrepreneurs so busy being creative they have no time to lobby. Yet it is they, not small companies in general, that offer the keys to the nation's economic future. Rather than handing out money and contracts to the companies that are here now, governments looking for growth and innovation would be well advised to reduce the barriers facing the businesses of tomorrow.

CONGRATULATIONS TO MORTON BAHR, CWA'S NEW PRESIDENT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MRAZEK. Mr. Speaker, on July 16, Mr. Morton Bahr was elected president of the Communications Workers of America, the world's largest telecommunications union. I take special pride in this accomplishment because "Morty" Bahr has been a resident of Port Washington and, therefore, one of my constituents.

Most significant, Morty Bahr made it to the top of CWA the old-fashioned way. He earned it! For more than 30 years he has been a dedicated trade unionist, serving as a rank-and-file activist, local president, union organizer, staff representative, assistant to the vice president and, for the past 16 years, a regional vice president and executive board member, before his elevation to the top post.

Mr. Speaker, those of us in New York have long been impressed with the intensity and sophisticated level of political involvement that have characterized Morty's stewardship as head of CWA's District 1. He played an important role in both the elections of New York Governors Hugh Carey and Mario Cuomo, helping to assure their victories in the primary and general elections.

I also want to take this occasion to congratulate Mrs. Florence Bahr and the family's two children and four grandchildren.

I recently became aware of an excellent newspaper article on Morton Bahr by Kenneth C. Crowe that appeared in Newsday.

It gives me great pleasure to share this article with my colleagues.

The article follows:

FROM SEAT OF PANTS TO PRESIDENT'S SEAT

(By Kenneth C. Crowe)

Two weeks ago, in one of rituals of the American dream come of age, Morton Bahr, who will be 59 on Thursday, sent his bank the final payment of the 25-year mortgage on his house in Port Washington.

Tomorrow in San Francisco, Bahr reaches another personal milestone: He is to be elected president of the 650,000-member Communication Workers of America at the union's 47th annual convention.

It is a union that reaches into every city, every hamlet, every cranny of the continental United States. Wherever there is telephone service, there are CWA members.

And Bahr brings to its top office a fervor for action and achievement that promises to transform him into one of the foremost labor leaders in the nation. In assuming the leadership of the CWA, Bahr faces the challenge of negotiating separate labor contracts in 1986 with the eight independent companies formed out of the disintegration of the Bell System.

For the past 10 years, American Telephone & Telegraph Co. bargained a national contract with the CWA, setting the wages and fringe benefits for more than 500,000 union members. The basis for a single national contract disappeared with the breakup of the Bell System, because some of these companies are competing among themselves now, and all are facing competition from nonunion firms.

The CWA also faces the formidable task of organizing those and other union-free companies in the communications field—among them, the giant International Business Machines Inc. IBM is emerging at AT&T's principal rival in the information industry in the United States.

Organizing has been at the core of Bahr's career.

Born in Brooklyn, Bahr grew up working at newsstands managed by his father in New York City and Jersey City. His entrance into the union movement come in 1944 during World War II as an 18-year-old radio operator in the Merchant Marine, a job that required joining the American Communications Association.

In 1947, Bahr went to work for Mackay Radio & Telegraph Co. in Manhattan, covered by the same union. In January, 1948, we went out on strike," Bahr said. "The strike lasted 90 days and the company broke the union."

The company filed a petition for a decertification election during the strike, he said. Since the union's leadership had not signed non-Communist affidavits, federal law blocked it from challenging the decertification—and Bahr and his co-workers found themselves without a union.

"They were difficult times for us," Bahr recalled. Supervisors imposed an immediate speed-up to increase productivity, and raises became meager, while at unionized companies wages were escalating. "That was a turning point in my life," he said, explaining how he was transformed into a union activist.

In 1951, Bahr became a member of a CWA organizing committee at Mackay Radio, but it took until 1954 for the company to be unionized again. Bahr's career as a union official began unexpectedly with that victory. "The national union called a mass membership meeting in Manhattan Center to elect officers," he said. "I wasn't a candidate, but someone nominated me and I was elected by acclamation."

Suddenly the president of the new 1,300-member CWA Local 1172, Bahr recalls saying, "What the hell do I do now?"

"I began to learn by the seat of my pants," he said. The process must have worked. In 1957, Bahr was assigned by the union to run a campaign to organize the 24,000 workers at the New York Telephone Co. into the CWA. Success came in 1961, marking the largest victory for any union in organizing private-sector employees since the 1930s.

Bahr was elected in 1969 to his current post as vice president of CWA District One, which covers 120,000 union members in New York, New Jersey and New England. During his tenure, District One doubled its membership, with organizing efforts that included enlisting into the union 900 nurses in Buffalo and 32,000 workers in New Jersey, who became the CWA's first public employees.

Extending his organizing zeal to the national level, Bahr has designed a strategy to unionize MCI Communications Corp., the country's second-largest long-distance telephone company, as well as the 29 communications equipment manufacturing plants owned by Northern Telecom, a Canadian company. Among the tactics, he said, will be a drive to "organize and energize" CWA members themselves, making them more aware of the union's contributions to the quality of their lives, and to urge them to pass that message along to friends, neighbors and relatives working at MCI.

"Seventy-five percent of our members are from the old Bell System," Bahr said. "They enjoyed relatively good years. Perhaps we got a little lazy. It was perhaps not necessary to have membership participation. Those days are gone. No longer is it acceptable to say that bowling takes precedence over the union meeting."

Bahr, who will be paid $90,000 a year, said he would be searching for methods to make union meetings more interesting. "My intention is to raise the credibility of the union," he said. "It is my objective to make the union an alternative source of information, believable information. We are going to try to reach members in the shops, the offices and the living rooms. We're going to explore the use of closed-circuit TV for membership meetings of the air, regionally and locally."

Interviews with a cross-section of public officials, union leaders and staff members—inside and outside the CWA—and industry executives showed that Bahr is generally admired by those he deals with.

"Morty works quietly. He doesn't make a lot of noise. You wake up one morning and see a tree growing outside your window. Morty planted the seed, nurtured it, and there it is," said Norman Adler, political action director of New York City's largest public employee union, District Council 37 of the American Federation of State, County and Municipal Employees.

Bahr played pivotal roles in winning organized labor's pre-primary endorsement of Gov. Hugh L. Carey in the 1978 election campaign and in the effort that won the Democratic gubernatorial primary for Mario Cuomo in 1982.

Adler said; "Morty going to the presidency of the CWA could open new spheres for the labor movement. To put a guy with his kind of political sophistication in charge of a union with substantial membership in the South has the potential for bringing [them] the kind of politics that the South hasn't seen for a long time—aggressive, innovative tactics."

Bahr said he has been traveling the country during the past six months, delivering his message on the importance of an active role for the CWA in politics. He tells his listeners. "Collective bargaining does not take place in a vacuum. It is impacted by what happens politically. The only way things are changed in this country is through political action.

"In 1981, the PATCO strike took place. For the first time in the history of this republic, a president of the United States broke a union and largely the American movement stood relatively idle while this happened. What this did was to send a telegram to every corporate board room that this is the time to take on the unions, the

president of the United States is showing the way. Shortly thereafter, the trend to concessionary bargaining began."

A telecommunications industry executive said that while Bahr, who led the seven-month strike against New York Telephone in 1971, is prepared for confrontations, he prefers to talk out and work out difficulties with management before they become insurmountable. "Not only is he progressive and possessed with the foresight as to where this business is going, but he was one of the first ones to say this is no longer the telephone business, this is the information industry and the CWA is only 40 percent of the action. He sees the structural changes."

Reflecting a view expressed by other union leaders, James Harold, treasurer of Nassau CWA Local 1104, said: "Morty Bahr is one of the premier labor leaders of this country. He is way ahead of his time in his thinking. He is kind of a shining star, and talent will always show."

Last September, Glenn Watts, 65, the CWA president since 1974, announced that he planned to retire a full year before his term expired, to give his successor time to prepare for the 1986 negotiations. The union's 22-member executive board selected Bahr as the consensus candidate for president. No opposition has emerged, assuring his election tomorrow.

Even before his formal election, Bahr has been elevated from New York politics to national politics. For example, he was invited to spend a Saturday in August with Sen. Edward Kennedy at the family compound in Hyannisport. Bahr has been a fervent Kennedy supporter for years, and Paul Kirk, a former Kennedy aide and now the Democratic national chairman, told him facetiously, 'I'd like to be in the room when you get the calls from Kennedy and Cuomo in 1987."

NAPLES 100TH BIRTHDAY

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MACK. Mr. Speaker, earlier this year, a group of citizens from the southwest Florida city of Naples, which I am privileged to report, banded together to organize the centennial celebration of their city on the pristine shores of the Gulf of Mexico.

Throughout the year, the centennial foundation has staged events to celebrate Naples' 100th birthday. I would like to do my part here in Washington by congratulating the centennial foundation and other local organizations for honoring their historic city so magnificently. I would also like to relate a brief history of Naples.

In 1876 John and Madison Weeks became the first permanent residents of Naples. For the next 10 years, there was little activity in the Naples area. In 1885 Gen. John S. Williams and Walter N. Haldeman, two Kentucky businessmen, set out on a search for a winter retreat along Florida's west coast. Later that same year they found their retreat and named their discovery "Naples," in memory of Williams' trip to Italy 30 years earlier.

During the next few years, a small settlement began to emerge. In fact, on this day 97 years ago, a local paper reported that 80 people were living in Naples. In the opening years of the 20th century, the population of Naples numbered barely 200. If Naples was to survive and prosper, something had to be done. The answer came in the roaring twenties when two men, Barron G. Collier and Edward Crayton, decided to put an end to Naples' isolation. By the end of the decade, these men had organized the construction of two railroads and a paved highway to the soutwest Florida coast. While this increased the flow of settlers, it wasn't until after World War II that the migration to Naples accelerated, increasing its size to over 5,500 people. Thanks to the strong and brave leaders and citizens of these early growing years, Naples is celebrating its centennial. And I am proud to represent the citizens of Naples today and note how much they love their fine city.

Many local organizations are contributing something to the celebration. The city's Quilter's Guild is making a huge historical quilt to be put on display in the Collier County Museum in September. Local Girl Scout troops did a project on Calusa Indian art and the Collier County Historical Society commissioned a new flag for the city council in July. The Gulf Shore Coin Brokers minted a Naples centennial coin and the Collier County Museum designed an electric historical map of Naples. These and other local organizations and individuals deserve special thanks for taking time to honor the founders of their city.

In addition to private contributions to the celebration, the city centennial foundation has scheduled four huge public events throughout the year, since no one is sure of the exact date Naples was founded. A Centennial Costume Ball was held during the weekend of February 16–18. During Memorial Day weekend, a 100th birthday party was held in downtown Naples. The Labor Day weekend included events celebrating Naples' links to the Gulf of Mexico. And on December 14, Naples will end this centennial year with the Grand Centennial Ball. The theme of the ball has been designated, "Beautiful Naples On-The-Gulf." The proceeds of these events will go toward building a new wing to the Collier County Museum.

Once again, I would like to thank everyone who is participating in the celebration of the 100th birthday. It is a high honor and a personal privilege to represent the fine people of Naples.

NEVADA WILDERNESS PROTECTION ACT OF 1985

HON. HARRY REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. REID. Mr. Speaker, Nevada is virtually the only State in the Nation that has not adopted wilderness legislation. The time for such inaction, however, has run out. It is important for us to design and pass legislation to preserve and protect the diverse needs and interests of Nevada and its people.

That's why today I introduced the Nevada Wilderness Protection Act of 1985, a well-balanced compromise that will meet the needs of Nevada and the Nation for generations to come.

In order to explain in detail the issue and my proposed resolution, I am attaching the text of my press release on this wilderness legislation:

REID INTRODUCES NEVADA WILDERNESS PROTECTION ACT OF 1985

WASHINGTON.—Rep. Harry Reid today introduced the Nevada Wilderness Protection Act of 1985—the product of diverse input and thousands of hours of study—to designate approximately 723,000 acres as wilderness.

During a speech to introduce the bill before the House of Representatives, Reid said, "This bill is a carefully balanced compromise in the best interests of the state and the nation; it is not a bill for special interests." Reid, who based his statement on visits to each area included in the bill, said his legislation preserves the crown jewels of Nevada's heritage while, at the same time, releases areas that might be important for mining, oil and gas exploration, powerline corridors, skiing and other development.

Reid participated in a four-day congressional tour of Nevada, organized by Rep. John Seiberling of Ohio, chairman, House Interior and Insular Affairs Public Lands Subcommittee, which started on June 28. Subcommittee members from Pennsylvania, Georgia and Oregon, as well as Nevada Sen. Chic Hecht and Rep. Barbara Vucanovich, joined Seiberling and Reid on the 1,800-mile trip around Nevada.

In introducing his bill, Reid indicated that Nevada has more than 100 national forest roadless areas, totalling 3.6 million acres and spanning 70 percent of the National Forests in the state. Pursuant to a 1980 court decision, such "de facto" roadless areas will remain under a cloud of uncertainty until Congress acts to "release" them or the Forest Service produces court-proof environmental studies.

Until a wilderness bill is passed, Reid said, 3.6 million acres of roadless land "will remain in limbo and development plans could be thwarted by lawsuits and appeals." Many areas and development proposals are currently being appealed or are in court. "My bill will settle the issue," Reid added, "by releasing more than 2.8 million acres of 'de facto' wilderness. That means that four out of every five acres now being treated as wilderness will become available for multi-purpose use." Therefore, according to Reid, "pristine areas will be protected and lands will be available for very positive benefits for mining, oil and gas, electric power and other industries."

While other legislation claims to be "conservative," Reid's bill is a truly conservative measure. "My bill will protect and conserve some of Nevada's remaining wild areas so that Nevadans can enjoy them like they always have," Reid stressed, "rather than allowing everything to be changed by future development, exploitation or possible neglect."

It was with "conservation" in mind that Reid has met with representatives of diverse interests, ranging from the Nevada Mining

Association to environmentalists to ranchers, hunters and skiers to seniors to elementary school students and others, to draft a compromise between conflicting and widely divergent wilderness proposals.

Those proposals ranged from the Friends of Nevada Wilderness coalition, 1.4 million acres; the Sierra Club, 1.3 million acres; the Forest Service RARE II wilderness, 810,000 acres, and their current draft proposal, 452,000 acres; the Nevada Mining Association's wilderness/wilderness study submission, approximately 300,000 acres; and other wilderness legislation introduced for Nevada, 137,000 acres.

After careful deliberation, Reid selected 10 areas for his 723,000-acre bill. Those areas are: Arc Dome, 146,000 acres; Boundary Peak, 8,900 acres; East Humboldts, 27,000 acres; Jarbidge Additions, 54,000 acres; Mt. Moriah, 88,000 acres; Mt. Rose, 33,000 acres; Ruby Mountains, 74,000 acres; South Snake (Wheeler Peak), 120,000 acres; Mt. Charleston, 47,000 acres; and Table Mountain, 125,000 acres.

In selecting these areas, Reid said, "It was very important to keep the interests of all Nevadans in mind." For example, Reid stressed, "I was very concerned about seniors." He said that many seniors have told him they're worried that wilderness areas will become prohibitive or inaccessible. "That's a myth," Reid said, "because the areas we're talking about are remote and rugged and do not have roads now. We're not talking about taking away roads from anyone because these areas don't have roads." Reid excluded areas with roads from his proposal. "In fact," Reid said, "my bill will help protect the very beauty of our state that so many seniors have enjoyed throughout their lives."

Finally, Reid emphasized the need to "refute some of the myths that are being circulated by certain wilderness opponents." Specifically, Reid noted:

Grazing will not be discontinued in wilderness. Reid's bill guarantees that livestock grazing can continue in accordance with guidelines worked out in 1980 with the National Cattlemen's Association.

Wilderness designation will not create clean air "buffer zones" around wilderness. The Reid bill prohibits buffer zones and, in any event, new wilderness areas by law are treated the same as nonwilderness national forest lands.

Wilderness will not impair water rights. Indeed, by protecting the headwaters of many streams, wilderness will guarantee that existing water flows and water quality are preserved for municipal and agricultural uses.

Wilderness will not impair national forest revenue-sharing with local governments because the current 75-cent-per-acre payment under the Payment in Lieu of Taxes Act will remain the same after wilderness designation.

Wilderness areas will permit hunting, fishing and trapping just as they are now. In fact, these opportunities may be increased because wilderness protects wildlife and fish habitat from the adverse effects of roadbuilding and other development.

Wilderness will not reduce the private land base in Nevada. The lands in question are National Forest lands and any private inholdings will remain private unless the landowner elects to swap or sell his inholding.

Reid asked the Public Lands Subcommittee to study carefully Table Mountain, Arc, Dome and Mt. Moriah for boundary adjustments relating to mineral exploration. Also, he wants the subcommittee to look closely at Mt. Rose because of various development projects being considered for that area.

THE FUTURE OF AFGHANISTAN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. DREIER of California. Mr. Speaker, today I am inserting an article from the August 1985 edition of the Reader's Digest about Afghanistan. The article, "Trained as a Terrorist—At Age Nine," presents a very vivid account and confirmation of reports that Afghan children are being spirited to the Soviet Union to undergo training as terrorists. It is very disturbing to read about how these children are indoctrinated to defy their country and even their parents and families.

The article raises the interesting question of what will happen to these children trained as terrorists. Although the Soviets may not be having much luck in suppressing the Afghan rebels, are they now trying to win by poisoning the hearts and minds of a future generation? If so, that bodes ill for the future of a free Afghanistan.

TRAINED AS A TERRORIST—AT AGE NINE

(By John Barron)

While gathering information about the ongoing war in Afghanistan, Reader's Digest Senior Editor John Barron learned of the legions of children who are being transported to the U.S.S.R. and trained as spies and assassins. Through his contacts with the freedom-fighting mojahedin, Barron was able to interview one such boy, who had been captured upon his return to Kandahar. What follows is the chilling account of that youth's corruption.

Naim was a beguiling child whose animated dark eyes and impish smile invited affection. At age nine, he was also a terrorist, intensively trained in the Soviet Union to spy, Sabotage and assassinate.

The transformation of a little boy into a Soviet robot programmed to kill began in late 1981, Naim's father, a communist political instructor and part-time military officer, told him that to be "a good Moslem" he must study under the Russians.

Frightened and fighting tears, Naim joined about 1000 other children rounded up for flights in military transports from Kabul airport to Tashkent in the Soviet Republic of Uzbekistan. The children ranged from bottle-fed infants to boys and girls as old as 15.

Many were orphans whose families had perished in the ongoing Soviet bombardment of Afghan villages. Others had been taken by force from their parents. Some had simply been abducted off the street. A few, like Naim, went with the assent of parents who expected to profit from collaboration with the Soviets.

In Tashkent the 50 or so babies disappeared; they were to be raised in Russia for eventual return to their homeland as Soviet agents or colonial administrators. The rest of the children were lodged in a large camp outside the ancient city. A tall metal fence encircling the complex was guarded by armed sentries.

Soviet instructors in military uniform spoke the children's native languages, Pashto and Farsi. From the beginning, they tried to mold the thought and behavior of the children with four simple themes:

Russia and Afghanistan are now one country and one people.

You are Moslem, and we are Moslem. We will teach you to be better Moslems.

The mojahedin [1] are not true Moslems. They are rebels and traitors who want to destroy your country. We want to defend your country.

If you study, obey us, and help us defend your country, you will have much money and power when you grow up.

Naim had heard the same from his Communist Youth Organization, a front for *Khad*, the Afghan secret police who are puppets of the KGB. So he had no reason to doubt the instructors.

INDOCTRINATION

Naim's first days in the Soviet Union were unhappy. Soviet discipline was harsh and the children were forbidden to talk to anyone but their own classmates. The least infraction brought a stinging slap on the face. And the meals of canned food, often not even warmed up, repelled him. At night he buried his face under his blanket and cried.

While pretending to teach the children to be "good Moslems," the Soviets actually endeavored to strip them of their fundamental Islamic values. Naim was soon to discover, for example, that alcohol—absolutely forbidden to Moslems—was freely available, that the trainees were encouraged to drink vodka and that the Russians applauded them for doing so. It was as if developing a taste for alcohol was a decisive step toward a better, more modern culture than their own.

Naim admits that he, too, drank alcohol, eager to please the Russian tutors, who had made him feel like a man. Eagerness, combined with a natural intelligence, made him one of the most apt pupils, even though he was one of the smallest and the training was demanding. Each day began with rigorous calisthenics followed by grueling runs. The children practiced hand-to-hand combat, including variations of jujitsu and karate. They learned to approach targets stealthily by slithering along the ground. They were taught how to dodge hostile patrols, take shelter in caves and mountain crevices, and survive in open terrain.

Instructions were thorough. The children were told, for example, that if a plane appeared and there was no place to hide, they should stand rigid, pretending to be a little tree. They should also close their eyes and clench their fists so their eyes and fingernails would not reflect sunlight.

ADVANCED TRAINING

Of all the drills, Naim liked firearms training the best. The crawling, fighting, hiding and the rest could have been boyish make-believe. Blindfolded, Naim could disassemble and reassemble an AK-47 assault rifle and TT 7.62-millimeter pistol as he was required to do. He had difficulty handling the rifle, which was almost as long as he

[1] Literally, the word *mojahedin* means holy warriors. But more often it is translated as freedom-fighters. The mojahedin are, in fact, devout Moslems. Nearly six years after the Soviet invasion, they still control three-quarters of the Afghan territory and have the allegiance of an even larger proportion of the population.

was tall. But he shot the pistol well enough at short range.

The basic training at Tashkent lasted three months, ending in early spring 1982. During this time, the Soviets made no attempt to imbue the children with loyalty to the Soviet Union per se. But they influenced them by teaching obedience, fanaticism and a militant nationalism that defined Soviet and Afghan interests as one and the same. And everything was done in the name of Islam.

When the Soviets selected about 650 trainees for more advanced study, Naim was proud to be among them. The chosen flew to Samarkand, another old Uzbek city, about 160 miles away. The school there was in an isolated compound of large white buildings. The instructors treated the children politely and patiently.

The curriculum consisted of five general subjects: disguise and deception, escape methods, clandestine communications, sabotage and assassination. Naim became an excellent actor who could deftly assume the role of a mute or that of a child with deformed limbs. He could convince adults that he was an orphan who wanted to work as a servant or enlist in anti-communist causes to avenge the murder of his parents. By such guise he could ingratiate himself with victims to be assassinated or infiltrate hostile areas to spy or commit sabotage.

Naim was taught signals by which to recognize other child-agents. Capture, he learned, never meant surrender. Always there would be a chance to escape by starting a fire, deflecting the attention of a guard, breaking away while being transferred, or playing sick. All else failing, he could confess, plead for mercy as a child and feign reformation.

TOY BOMBS

The Soviets also made Naim adept at handling and planting explosives, including powerful military mines that he could explode from afar by wire.

After Naim completed his training, he could competently kill by other means as well. He knew enough anatomy to plunge a knife where it would kill most quickly. He learned how to slip up behind a victim with his pistol and fire into the base of the skull or beneath the ear. He learned how to sneak up to buildings and toss grenades through windows.

But to Naim, "toy bombs" constituted the cleverest method of killing. He studied diagrams of a doll, a tambourine, a ballpoint pen and a watch, each loaded with explosives. The Soviets instructed him to make his way into mojahedin areas and sell such "toys" cheaply to other children. If necessary, he would explain that his father was a toy dealer. Later the disguised explosives would detonate, killing or mutilating anybody nearby. Such devices, the instructors said, would be made available back in Afghanistan by the Youth Organization.

The Soviets told Naim that he might be sent abroad to distribute comparably lethal gadgets. For foreign missions, they said, he would be rewarded with high pay and promotions.

The course at Samarkand also lasted three months. As the Russians intended, the training had stripped Naim of all boyish innocence and severed him from the spiritual moorings of his heritage, culture and family. It left him with only one conscious goal—to use everything the Soviets taught him in whatever they told him to do.

LESSONS APPLIED

In the summer of 1982, Naim returned to Afghanistan and was sent to the city of Kandahar. He promptly began working for the Youth Organization.

Reconnoitering the streets one day, he sighted some mojahedin and raced back to headquarters. Immediately, the Afghan military authorities dispatched tanks to attack. Even though the mojahedin destroyed two of the tanks and escaped, the Youth Organization commended Naim and presented him with a new pair of trousers.

On another occasion, he and two other children followed a youth suspected of being a mojahedin informant. In a market, they spotted the informant talking to a "rebel" and opened fire at them with pistols. They missed, but the Communist Party still was pleased.

About three months after his return, Naim went forth hoping to duplicate his earlier successes. Following directions from children on the street, he approached a group of mojahedin. They treated him as a pest and ordered him to go away. Then he heard a youth, who apparently recognized him as a Youth Organization member, shout that he was a spy.

Naim ran, with mojahedin in pursuit. As he tried to cock his pistol, it caught painfully in the flesh of his small hand. A bullet whistled over his head and he instinctively dropped to the ground. Next he felt himself scooped up and thrown over the shoulder of a fierce-looking guerrilla.

After intensive interrogation and verification of those aspects of Naim's story they could check, the mojahedin decided to take him into the mountains and try to rehabilitate him. Twice Naim fled, but the mojahedin soon recaptured him. Once he escaped, hid all night in a tree and remained at large more than three weeks before voluntarily returning to the mojahedin.

Naim is now almost 13. At a hidden mojahedin redoubt I talked to him for two days last March. In May, I interviewed him again for three days.

The story that emerged from intense questioning was consistent with the one Naim had told mojahedin interrogators three years ago. His answers were often accompanied by vivid gestures—sometimes he acted out bodily attacks on the enemy, or showed me how he had avoided a danger. Such graphic details coming from a child were frightening.

I also interrogated Hamim Gul, a recent defector from the Afghan secret police. He told about the training that Afghan children are undergoing in the Soviet Union, describing it much as Naim had.

What will happen to Naim and the hundreds of other children trained as terrorists with him? We do not know. Nor do we know how many more children have been spiritually deformed with the expectation that they will deform lives of people everywhere.

Naim is but a symbol of them all.

GETTING THE BUDGET MESSAGE

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. ECKERT of New York. Mr. Speaker, my constituent questionnaire this year asked the question: To reduce the budget deficit, which approach should Congress stress—raising taxes or cutting spending? Eighty-eight percent of those replying favored cutting spending.

Nationwide polls containing similar questions have brought similar results: Don't increase taxes, but cut spending to reduce the Government's red ink.

Mr. Speaker, the people know what needs to be done to slash our overwhelming budget deficit and head off the serious economic consequences it portends. It is time Congress got the message and gave up playing games with the budget and deficit.

A leading newspaper in western New York, the Batavia Daily News, recently carried an editorial message for Congress, entitled, "Dealing with Reality." I place it in the RECORD and urge that we in Congress prepare to follow its advice:

DEALING WITH REALITY

Are America and its leaders in Washington chasing their tails?

Bill Dunkelberg, Purdue University economist and frequent adviser to businesses and legislative groups, is afraid so and wonders if we really want to deal with the realities.

He observes that just four items—interest on the debt, defense, health and Social Security—make up more than 80 percent of government spending. But to many people they are also the untouchables.

"If we won't control these, we cannot control government spending," he says.

Consider the interest-on-debt factor.

Soon federal debt will amount to $2 trillion, up from less than $1 trillion in 1979. At an average interest of 10 percent, he observes, this debt will cost about $200 billion a year in interest payments, up from $120 billion this year.

Unable to cut spending more than $50 billion or so, he wonders where Congress "will find an extra $50 billion to $80 billion to pay interest to the holders of government bonds."

Well, some people say, we could tax the rich and cut defense. "Neither will work," says Dunkelberg.

"If we taxed every dollar made by those earning $100,000 or more a year we'd collect only $60 billion to $70 billion in revenue, hardly enough to balance the budget much less finance government largesse."

And that amount, he adds, assumes that the rich would still be willing to work. "People who earn big salaries often create jobs for the rest of us," he comments. "Why give them disincentives to work?"

Cut defense spending? "Unfortunately, we haven't learned to live together in peace, and some outlays are necessary." How much? "Alas, the politicians must decide this."

Today, defense spending amounts to about 6.5 percent of gross national product, our total income, up from 4.5 percent in President Carter's last year, but a lot less than we have given to defense over the past 30 years.

Health care now amounts to 11 percent of GNP, and that, Dunkelberg stresses, "is far more than we save or invest in new plant and equipment in a year."

The government pays more than 40 percent of the total, financed through tax revenues and borrowing. "Unless there is some real reform, this will only get worse," he says.

Social Security makes up the final of the four items that together make up four-fifths of government spending.

There is good reason for the difficulty in cutting Social Security, he observes. "It isn't a retirement program—it's a transfer program, taking money from workers and transferring it to retirees," he says.

As most people know, there is an increasing number of Americans in or heading toward those retirement years, and for them the numbers look good.

"If you retire today," Dunkelberg points out, "in about three years you will have received all of your—and your employer's—contributions during your work period, with about 5 percent interest."

After that, he says, "you're on the system," meaning you collect money you never saved and invested. He calculates that "by the year 2000 there will be only a few workers for every retiree." Contrast that with about 15 workers per beneficiary when the system was begun.

Well, you say, perhaps we really can GROW out of the deficit—produce so much and earn so much tax revenue that we'll simply overcome the problem.

Hardly. "It would require five years of growth at rates never achieved in our entire history for such a long period of time."

Unfortunately, he says, some politicians have in effect chosen to ignore the deficit problem by accepting such unrealistic assumptions.

"Congress still hasn't received the message," says Dunkelberg. That message, he says, is that consumers do not want to pay for everything government is doing.

"They want spending cuts. They do not want more borrowing, and they certainly do not want more inflation."

It unfortunately appears that there are too many untouchables in the political and bureaucratic sphere that keep rocking the ship of state.

REMEMBERING INDEPENDENCE DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. DORNAN of California. Mr. Speaker, Harry John November, a medical doctor and World War II veteran, and a Californian, wrote to me recently about current events and enclosed a poem he had written on July 4, 1985. The poem captures a love of this country and a recognition of those who have sacrificed so much for it in times of war. I was moved by this poem, and wish I had had it available to me before we went out of session for the Fourth of July.

The poem is entitled simply "Fourth of July, 1985." I am pleased to be able to share it with my colleagues and the American people:

FOURTH OF JULY, 1985

Who says that we should cringe
Before the fetid breath of evil men
Whose chosen prey are those unarmed?
Are we a nation so unhinged by every boastful threat
Of strutting, ranting knaves, we fold before their wind?
Who chants that vapid rune
And whispers in the dark, seducing weakened souls?
Only those obsequious buffoons who, ignorant of history,
Would dare declaim: Melt the iron from your spine
And let it sag, negotiate, adjudicate, equivocate,
Haul down the flag, don't fight!
Just tie a yellow ribbon, the sun will bleach it white.
Are they Americans or gaggles of cackling geese?
Do they equate the dust of those who fell
At Lexington and New Orleans, chickamouga, Gettysburg, in Belleau Wood and Chateau Thierry,
Guadalcanal and Normandy, soldiers, battle wrenched and weary
In the mountains of Korea and the jungles of Viet Nam: Do they equate Their dust
With grime and soot gathered on an empty shelf in some forgotten room,
Is that their querulous tune?
Not for me, that whining rune,
Nor yet the plaintive bleat of those who chant,
We must try to understand.
I understand full well!
Those pirates thirst to do me in,
That's all I need to know,
And I'll have none of it;
They would have me forget that freedom brings the highest price—beyond the reach of shrunken souls who quail before a pirate's threat,
Fearfully unwilling to pay the price of Liberty,
That quintessential rarity
Our forebears bought with blood.

ALFONSIN BETWEEN ROCK AND HARD PLACES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. LEHMAN of Florida. Mr. Speaker, Argentina is experiencing an extreme economic crisis that may threaten the newly reemerged democracy. For President Raul Alfonsin, domestic and international monetary difficulties have put a drain on popular confidence in his government. Aside from economic problems, the trials of the military junta leadership, under whose command thousands of innocent Argentines were tortured and murdered, has sparked a new round of right-wing violence. A report by James Anderson, a research associate of the Washington-based Council on Hemispheric Affairs, gives a valuable overview of the current situation in Argentina. The report is an abridgement of a longer article on the subject which recently appeared in COHA's biweekly publication, the Washington Report on the Hemisphere. I would encourage all of my colleagues to read Mr. Anderson's informative article.

TOUGH TIMES FOR ARGENTINA'S ALFONSIN

(By James Anderson)

A run on dollars by depositors involving several major Argentine private banks that dwarfed Ohio and Maryland's troubles, confusion over the government's closing of the nation's 11th-largest bank, stalled credit inflows from the International Monetary Fund [IMF] and a general strike by the country's powerful labor confederation have put President Raul Alfonsin between a rock and many hard places, with the popularity of his Radical Civic Union government plummeting as crucial congressional elections approach in November. Without an easing on at least one of these fronts, and given outbreaks of right-wing violence connected to the ongoing trials of former leaders of the military regime, Alfonsin faces a familiar volatile situation that served to bring down the previous civilian governments of Arturo Frondizi, Arturo Illia and Isabel Peron.

Even without the May 23 nationwide strike, called by the General Confederation of Workers [CGT] leadership, Alfonsin has his hands full seeking to bring the domestic economy under control and break a deadlock with Argentina's international creditor institutions. The main stumbling block is inflation, which has risen from 450 percent to 938 percent since the president took office in December 1983. Though committed under the terms of an austerity pact with the IMF to reduce inflation to 150 percent by the end of the year, few expect the government to make any significant inroads, particulary as long as it keeps indexing wages to 90 percent of the previous month's inflation rate.

Alfonsin's economic ministers have been unable or hesitant to initiate tough measures to tackle soaring prices; it was for this reason that former Economic Minister Bernardo Grinspun was sacked last March. But Grinspun's successor, Juan Sourrouille, carries little influence within Radical Party circles, and his austerity-minded messages are bound to gain few sympathetic ears amongst Radical deputies mindful of November's lower chamber elections, in which the party's slim majority is expected to face a difficult test.

The failure to break inflation and curtail public spending prompted the Fund to abrogate its September 1984 $1.4 billion pact with Argentina in March, putting some $500 million in standby credits for debt interest servicing on indefinite hold. Since then, the country has been able to pay only $50 million of an accumulated backlog of $1.43 billion in interest payments alone on the $48 billion foreign debt.

Inconclusive negotiations with IMF officials to restart the agreement—the most recent took place in Washington the week of May 20—have blocked the Fund's acceptance of a five-year economic program that would open the way for creditor banks to proceed with a comprehensive rescheduling of Argentina's servicing of its external obligations, and release some $4.2 billion in all-but-essential new monies. In a speech before Radical supporters in Buenos Aires last month, Alfonsin pledged to initiate a "war economy" to encourage bankers and gain some leverage over the inflation rate. He privately asked his ministers to draft proposals for slashing government spending by at least 12 percent, though many observers see cuts of 20 to 30 percent as a minimum step that could bring results. Layoffs of up to 30,000 state employees and a hiring freeze, as well as new income taxes, were envisioned as measures to trim the public deficit and spur the IMF talks along.

But the government's bungling in its closure of the Banco de Italia y Rio de la Plata—the eighth such institution closed by

the Central Bank in recent months for holding dangerous debt portfolios—produced an unexpected run on dollar deposits at both private and public institutions across the country that left international financiers skeptical of the soundness of the country's banking system.

Under the sway of impatient international creditors, the government also is continuing to cut defense expenditures; a wholesale reorganization of the armed forces command structure is underway in order to meet government spending targets. To come under the knife is the military's ambitious post-Falklands arms buying spree, as well as operational expenses. Public outlays for the armed forces will amount to an estimated three percent of gross domestic product in 1985, whereas the government's goal is to bring that figure to two percent—which would be a 15-year low.

But a perhaps-partisan report released in January by a team of researchers at England's University of Bradford charges that the real figure for the Argentine military's expenses runs up to eight percent of gross national product, largely owing to the weapon's-acquisition campaign. Argentina's "careful and sophisticated rearmament program," the report alleges, has given that nation's military an offensive capability against British forces arrayed on the tiny Falklands that would have been "impossible two years ago."

While such purchases and modernization may well run counter to austerity-minded economists in Buenos Aires and Washington, Alfonsin's government has given little indication that it is bent on curbing weapons purchases spurred by the perceived continuing British threat. In a lengthy speech before the Organization of American States May 16, Foreign Minister Dante Caputo lodged a highly-charged protest against Great Britain's May 12 inauguration of one of two runways located at its Falklands Mount Pleasant military airport, capable of accommodating large troop transport aircraft as well as advanced fighter craft. Stating that "the United Kingdom is creating a threat," Caputo warned that Argentina "feels obliged to take indispensable measures to protect its own security."

No one is yet declaring that current trends forbode for Alfonsin the fate that befell former Presidents Frondizi (1962), Illia (1966) and Peron (1976), when the armed forces felt obliged to take into its own hands a chaotic domestic economic situation, tattered relations with international creditors and rampant labor agitation. Still, right-wing paramilitary violence directed against government figures and installations, politicians and journalists—which nearly all believe is connected to coup-minded sectors within the armed forces—is emerging with renewed vigor.

THE 100TH ANNIVERSARY OF FORT MYERS, FL

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MACK. Mr. Speaker, from August 12, 1985, to March 23, 1986, the citizens of Fort Myers, a community in my southwest Florida congressional district, are celebrating the 100th anniversary of their city's founding. I would like to take this opportunity to relate a brief history of Fort Myers and describe a few of the events scheduled for the city's centennial celebration.

In 1841 Fort Harvis was constructed along the Caloosahatchee River as a base of operations against the Seminole Indians. A decade later, Fort Harvis went under a period of reconstruction and was renamed Fort Myers, in honor of Col. Abraham C. Myers. But 8 years later, the base was no longer needed, and Fort Myers was abandoned.

It wasn't until the late 1860's that settlers came to Fort Myers. The population slowly increased and in 1876 the citizens incorporated as an official community. That same year, the plot for Fort Myers was recorded in Key West, the county seat of Monroe County, and the name of Fort Myers was changed to just Myers. It was to legally remain Myers until 1901.

"Fort" Myers continued to grow and in 1885 the population numbered 349. It was during this same year that Thomas Edison came to Fort Myers. He fell in love with the city and became its most famous resident. On August 12, 1885, the citizens held an election of public officials, and on March 23, 1886, they obtained their city charter.

With two newspapers and several prospering businesses, Fort Myers grew steadily. By the start of the 20th century, 943 souls inhabited the city. With the aid of a building boom and the new coast railroad, the community flourished. This time of immense growth, the Boom Time, lasted through the roaring twenties. But these prosperous times came to an abrupt halt in 1929. Just like the rest of the Nation, Fort Myers suffered during the Great Depression. However, the citizens didn't give up, and in just a few years, they were back on their feet again. After World War II, Fort Myers began to grow again, and today it is a vibrant and proud community whose citizens haven't forgotten the brave men and women who wouldn't let their community stagnate.

City officials, including Mayor Art Hamel, kicked off the 100 year birthday celebration with a month long beard growing contest earlier this summer. Beginning July 10, 25 hairy contestants were judged August 10.

This month, the Fort Myers' Centennial Committee begins its series of events with a historical lecture at the local museum. October will boast a huge block party in downtown Fort Myers, an antique car show, and a tennis tournament. The Pioneer Dinner, honoring the older Fort Myers families, as well as the Sailing Regatta, will be held in November. An arts and crafts show will be on display throughout November and December.

In January 1986, the Centennial Committee has scheduled a children's poster contest, a golf tournament, and a fishing tournament. In February's annual Edison Pageant of Lights, volunteers will enter a special centennial float. And on March 23, 100 years after Fort Myers received its city charter, the committee will sponsor a huge barbecue at Exhibition Hall culminating in a grand fireworks finale.

I would like to thank the citizens for all they are doing to honor our community and those who founded it. I would also like to say what an honor and personal privilege it is to represent the fine citizens of Fort Myers.

SOUTHERN GOVERNORS, MAINLAND UNIONS AND HISPANIC ATTORNEYS SUPPORT RETENTION OF SECTION 936

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. FUSTER. Mr. Speaker, several very authoritative voices in the mainland have recently expressed their opposition to the proposal to repeal or substantially modify section 936.

There is no doubt that it is becoming increasingly clear to very important sectors of the American electorate that it would be foolhardy to change section 936. The following are some of the significant sectors which have recently expressed support for preserving section 936 as it is now:

The Newpaper Guild, at its recent 52d annual convention held in Pittsburgh, strongly urged both the President and the U.S. Congress to maintain section 936 of the IRS in its 1984 status.

The National Hispanic Bar Association, representing thousands of Hispanic lawyers across the Nation at its annual convention in New York last weekend, agreed to oppose the elimination of section 936.

In the next few days two of the largest unions in the mainland will be expressing their support for section 936.

Finally, the Southern Governors Conference, at its annual meeting in Miami, as reported in the San Juan Star of September 11, 1985, in a strongly worded resolution, supported the retention of section 936, highlighting the jobs and incomes generated in Puerto Rico and in southern States as a result of section 936.

I request that the following excerpts of that news story be printed in the CONGRESSIONAL RECORD:

The Hernández Colón administration had support Tuesday, in Puerto Rico's battle to defend Section 936 before Congress, from the Southern Governor's Conference in Miami.

The support came in the form of a resolution which stated the repeal of the industrial tax exemption would present the U.S. government with the "perplexing problem" of increasing aid to Caribbean nations while reducing benefits to a "part of America" in the same region.

The resolution, presented by Florida Gov. Bob Graham, opposes any changes in the current language of Section 936 of the U.S. Internal Revenue Code.

Section 936 allows local subsidiaries of U.S. firms to remit profits to parent companies without paying federal taxes. A proposal to eliminate the industrial tax exemption

is part of President Reagan's huge tax reform package now before Congress.

The resolution says Section 936 has been the foundation for economic development in Puerto Rico and has had its effect on the southern states because of proximity and trade between the two regions.

"There are great parallels between the economic history of Puerto Rico and that of the South as a whole—from rural, labor-intensive agricultural areas into urban and high-technology centers. Because of the proximity, the two-way trade between Puerto Rico and the Southern states has resulted in jobs and income in both locations," the resolution says.

It adds the president's tax plan seeks to change 936 in a way that would discourage new investments in Puerto Rico. It argues that the proposal comes at a time of reductions in federal aid and presents an added economic hardship to the island.

"It would present the perplexing problem of having the federal government extending benefits to Caribbean nations while reducing benefits to a part of America in the same geographic area. Finally, the proposed change would make difficult Puerto Rico's own initiative to use 936 monies as a special loan fund for CBI (Caribbean Basin Initiative) twinplant manufacturing."

THE OHIO ECONOMY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Ms. KAPTUR. Mr. Speaker, with international trade emerging as a priority issue in Congress, all of us benefit from thoughtful research on the subject. I would like to enter into the RECORD just such a piece recently written by one of my constituents. I hope my colleagues find it informative.

GLOBAL COMPETITION WILL SHAPE OHIO INDUSTRY

(By Borge R. Reimer, Executive Vice President, Dana Corp.)

From the 1860s to the 1960s, Ohio's manufacturers paced America's development as the world's industrial leader. Our largest cities and their major products were synonymous around the world: steel from Cleveland and Youngstown, rubber products from Akron, machine tools from Cincinnati, glass products from Toledo, consumer appliances from Dayton—and everywhere the manufacture of motor vehicles and motor vehicle parts. Ohio's industries were the workshop of America; and we had no reason to expect the future to be different.

Since the 1960's, in retrospect, "the future" has been anything but what we expected. In our national economy, imported manufactured goods now have one-third of the market in such key industries as steel, autos, and machine tools. Our overall trade deficit is an astronomical $130 billion, with little chance of improvement. And the impact of international competition on Ohio industry is clearly seen in our above-average unemployment rate, and below-average economic growth.

Certainly our economic base in Ohio goes well beyond traditional manufacturing industries. We have a solid foundation in service industries, and a growing presence in high-technology fields. But it is in manufacturing, which still employs 25% of all Ohioans, that we face the greatest change and greatest challenge. That is because the business environment itself has changed—to competition in global markets using world class technology applied through a global marketing strategy.

"Foreign competition" does not exist in today's world. The word "foreign" once implied something distant, something that need not concern us, something downright unpatriotic. But we've learned the hard way that the Japanese, for example (who export 55% of what their automotive industry produces, compared to our 3%), are not foreign competitors; they are *international* competitors. That reality must reshape our whole way of thinking about business.

As the result of technology, the world is shrinking (in an abstract way) at an ever faster rate. Transportation is just one example: the ocean flight that took Lindbergh 33½ hours in 1927 takes 3½ hours by Concorde today. Even more dramatic is the smaller world that electronics create. Satellites today can transmit information anywhere in the world. In the U.S. alone, tens of thousands of people work to process and link electronically-transmitted data. And through global networks of computers, we can communicate in real time using words, numbers, and graphics.

ANNUAL EXPORTS AND EMPLOYMENT RELATED TO MANUFACTURED EXPORTS

	Manufactured exports (millions)	Manufacturing employments		Total employment, including nonmanufacturing employment	
		Thousands	Percent of manufacturing employment	Thousands	Percent civilian employment
Ohio: [1]					
1976	$5,794	165.7	12.9	242.3	5.6
1977	6,028	153.2	11.5	231.2	5.2
1980	10,200	188.0	15.0	293.4	6.2
1981	10,353	179.6	14.7	284.0	6.2
United States:					
1976	83,098	2,125.4	11.3	3,452.1	4.0
1977	85,796	1,990.2	10.2	3,258.2	3.6
1980	151,216	2,639.3	12.8	4,808.3	4.8
1981	164,283	2,603.8	12.8	4,794.0	4.7

[1] Ohio's export-related manufactures were as follows in million dollars: 1976, 10,576; 1977, 11,047; 1980, 17,394; and 1981, 18,132. About 26 percent of the increase in Ohio's manufacturing production from 1977 to 1981 was generated by growth in export-related manufactures.

Source: U.S. Department of Commerce, International Trade Administation, Ohio Exports, August 1984.

As this technology shrinks the world, we are confronted with a global market. As a practical matter, this global market is really easier to approach than the purely domestic market of just a few years ago. Take the motor vehicle industry as an example. As the world gets "smaller," markets get smaller and the number of competitors shrinks. The survivors are truly international companies—thus, in the truck industry, you find companies like White/Volvo and Mack/Renault.

Faced with international competition in international markets, it is necessary to compare American (and Ohio) industry to our global competitors—whether the competition is in Germany or Brazil or Korea or Japan. The competitive scenario differs in specifics from industry to industry, but it's possible to make some generalizations on where we in American manufacturing stand in four critical areas:

(1) Quality. We were surpassed in some major industrial sectors by our international competition in the mid-1970's. Our quality is still increasing, but—up to now—at a slower rate than in other countries—where such rapid improvement was needed for effective global marketing.

(2) Price. The U.S. has long been the high-price producer, but only recently have we become concerned about the international implications. Price influences sourcing decisions, exports, and the willingness of international companies to set up their own operations here. In each instance, high prices make us a potential loser.

(3) Product Technology. This is our strong point, but the gap between us and the rest of the world is closing—to our disadvantage. The world market now expects technology and quality in any product, from any country, to be high.

(4) Manufacturing Technology. This is also basically a strong point. We have manufacturing technology equal to or better than that of anyone in the world. But some of our deficiencies in applying that technology make the scenario here similar to that in quality: some international competitors passed us in the mid-1970's.

That's our general international competitive position; and it's not in our favor. What can a business in Ohio do about it? I would suggest we realize that leadership in a global market centers on leadership in quality, in technology, and in low cost—in other words, *total quality* in everything we do and make. In the world market, total quality is not just the recipe for success; it's the necessity for survival.

For any company, the resources to achieve total quality are our people and our technology. Let's look at each in turn.

Every company has a personality, a system of shared values—a culture. In some companies this culture as an important ingredient of being a successful competitor is only dimly perceived, or is not perceived at all. Other companies make a real effort at reinforcing a culture. The people of any company will invariably perform up to—or down to—the expectations of their culture. If we stress the pursuit of total quality as a goal in everything we do in our companies, our people will be more than able to perform as their culture demands. If we make the commitment to total quality, the results will invariably follow. This change in mind alone will take us 80% of the way toward being viable, successful global competitors.

To handle the remaining 20% requires a different commitment. It is a truism that people can't outperform their tools. Most of our "tools" in Ohio industry are productive; but some of them are tied and can't meet the needs of today's global competition. Dedication to total quality in itself will not produce the desired results without the support of the latest in world class technology where required—technology such as robotics, CAD/CAM, computers, and flexible machining centers.

At Dana Corporation we have embarked on what we call "Project 90": a major effort to make us number one in technology, quality, and low cost in our global markets by 1990. Our corporate culture, which we call "The Dana Style," gives our people maximum individual responsibility and flexibility to pursue total quality. To provide the tools for that pursuit, we have committed in "Project 90" to over $200 million in new capital spending this year. And our future capital spending levels likely will be comparable. Not every company can spend the same amount; but every company can aspire to the same kind of commitment.

The implications of global competition are far-reaching. We in Ohio industry, and in American industry, have only begun to see

where these implications are taking us. But it is clear that we must act now to strengthen our competitive position. The old world in which Ohio industry was built is gone. It's up to every company to make the commitment to survive and prosper in the new one.

Manufactured Exports by State

State	Rank as exporter in 1981	Export value (million dollars) 1969	1972	1977	1981	Percent increase from 1977 to 1981	Estimated exports as percent of State production	Employment related to exports as percent of State employment
United States total		29,210	36,608	85,796	164,283	91	8.1	7.3
California	1	2,721	2,809	9,116	18,775	106	9.8	9.7
Texas	2	1,468	1,982	5,386	11,687	117	6.5	7.2
Illinois	3	2,343	2,902	6,313	10,369	64	8.2	6.9
Ohio	4	2,338	3,054	6,028	10,353	72	8.5	7.9
Michigan	5	2,613	3,522	6,937	10,275	48	9.8	7.6
New York	6	2,296	2,795	5,833	10,155	74	8.5	6.5
Washington	7	954	1,781	2,805	9,023	222	24.5	21.9
Pennsylvania	8	1,902	2,351	4,714	8,129	72	7.1	6.9
Massachusetts	9	818	920	2,310	5,096	121	10.6	8.6
Indiana	10	998	1,404	2,942	5,008	70	7.1	7.0
North Carolina	11	739	705	2,291	4,682	104	7.5	5.0
New Jersey	12	1,114	1,328	2,881	4,469	55	6.1	5.8
Wisconsin	13	785	916	2,132	4,031	89	7.4	7.4
Louisiana	14	396	541	1,494	3,725	149	6.4	6.6
Florida	15	426	567	1,583	3,352	112	9.1	6.6
Virginia	16	581	716	1,573	3,344	113	9.3	6.7
Tennessee	17	472	679	1,501	3,285	119	8.0	5.6
Connecticut	18	659	848	1,662	3,083	85	10.2	8.2
Missouri	19	634	577	1,682	3,013	79	7.3	6.2
Minnesota	20	492	654	1,605	2,730	70	7.7	7.1
Iowa	21	412	590	1,578	2,705	71	8.1	8.2
Georgia	22	428	580	1,419	2,505	76	5.3	4.8
South Carolina	23	254	312	1,150	2,230	94	8.0	5.5
Alabama	24	318	287	895	1,936	116	6.3	5.5
Kentucky	25	345	451	1,354	1,935	43	6.4	5.1
Oregon	26	240	237	906	1,724	90	9.2	9.0
Arizona	27	157	266	680	1,639	141	13.1	15.4
Arkansas	28	204	320	626	1,604	156	8.7	6.1
Kansas	29	241	283	689	1,517	120	5.7	7.6
Oklahoma	30	158	252	639	1,515	137	6.0	7.3
Colorado	31	157	245	668	1,283	92	7.5	8.6
Maryland	32	362	314	634	1,219	92	5.7	5.3
West Virginia	33	235	295	438	1,199	174	10.0	6.1
Mississippi	34	181	236	718	1,159	61	5.9	4.6
Nebraska	35	100	134	328	945	188	6.1	6.3
Alaska	36	33–48	(1)	374	653	75	33.4	32.5
New Hampshire	37	74	103	290	637	120	8.8	8.9
Rhode Island	38	110	107	297	586	98	7.7	6.8
Maine	39	77	83	232	498	114	5.5	5.6
Idaho	40	35	27	246	460	87	9.2	6.8
Utah	41	48	127	173	449	159	4.6	5.8
Delaware	42	124	128	155	375	142	4.1	3.7
Vermont	43	52	52	183	229	25	6.3	6.0
South Dakota	44	13	(1)	95	185	96	6.3	4.5
North Dakota	45	7	14	73	156	114	6.6	7.9
Nevada	46	10–25	7	31	105	238	6.8	5.1
Hawaii	47	10–25	(1)	26	96	265	2.7	2.3
New Mexico	48	16	18	37	64	73	2.0	.9
Montana	49	14	(1)	59	61	4	1.4	1.8
Wyoming	50	1–5	(1)	6	18	192	.6	

[1] U.S. total includes values withheld to avoid disclosure for individual companies or because estimate did not meet publication standards.—Not applicable.

Source: U.S. Department of Commerce, International Trade Administration, Ohio Exports, August 1984.

GENERAL VON STEUBEN—A REVOLUTIONARY WAR HERO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. ANNUNZIO. Mr. Speaker, September 17 marks the 255th anniversary of the birth of Gen. Friedrich Wilhelm von Steuben, one of the leading patriots and heroes of the American Revolution. As a native German, von Steuben's commitment to the principles of freedom and self-determination were aroused by the American struggle for independence, and he came to our shores to help in our struggle for liberty. Without the help of this valiant soldier, America's fight for independence would have been much more difficult.

Recruited in Paris by American Commissioners Benjamin Franklin and Silas Deane, after having achieved high standing for his military accomplishments with the Prussian Army, von Steuben arrived in Portsmouth, NH, on December 1, 1777. In January 1778, he was received with high honors by the Continental Congress at York, PA, and on February 23, he reported to Gen. George Washington at Valley Forge.

During the bitter cold days at Valley Forge, and at a time when the Colonies were suffering through military setbacks and low morale, von Steuben went to work and sustained the courage of his men, even contributing his private funds for their well-being. General Washington assigned him the task of training the Continental Forces, and the capable drill company which von Steuben formed and commanded was emulated throughout the ranks, enabling the American troops to overcome the strongest and most powerful fighting force in the world. For his efforts, on April 30, 1778, General Washington appointed him Inspector General of the Army with the rank of major general.

In the winter of 1778–79, von Steuben wrote the "Regulations for the Order and Discipline of the Troops of the United States," a monumental manual on the basics of drill and field service regulations, outlining the essentials of military procedure. This "blue book" served as the official Army manual until 1812; and through the use of this handbook and von Steuben's leadership, an Army of irregulars was transformed into a disciplined and organized combat unit.

In 1781, von Steuben continued his distinguished military career in America, by serving in the battle against Cornwallis in Virginia, and at the battle of Yorktown, where he commanded one of the three divisions of the Continental Army. In recognition and in appreciation of his services the State of New York awarded General von Steuben a $16,000 estate, and Congress granted him a pension of $2,500 for the rest of his life.

On Saturday, September 21, the United German-American Societies of Greater Chi-

cago will be sponsoring the 20th annual General von Steuben parade. The parade will step off at noon at Wacker Drive and Dearborn Street in downtown Chicago, and will proceed down Dearborn Street to the reviewing stand located at the Daley Center. Many scores of floats will join in this commemorative tribute to a gallant patriot, along with promoting the many contributions of Americans of German ancestry to the growth and strength of America.

This year, in conjunction with the parade, the United German Societies of Chicago will also sponsor a great 3-day German Festival from Friday, September 20, through Sunday, September 22. The celebration will take place at the Ludwig Mies Van der Rohe Plaza, at Leland and Western Avenues in Chicago, and will include live German music, German food, and many other events to highlight German traditional culture.

The members and officers of the United German American Societies of Greater Chicago have long been vital and creative citizens in their individual communities, helping to make the Chicago land area a better place to live. I congratulate them on their resourceful service to the city of Chicago, and I especially extend my warmest best wishes to Karl C. Laschet, general chairman and grand parade marshal, and all the members of the 20th Annual General von Steuben Parade Committee, who have worked so diligently and energetically to insure that this year's parade and salute to German Americans will be an overwhelming success. The names of the parade leadership and committee membership follow:

Karl C. Laschet, General Chairman & Grand Parade Marshal; Erich Himmel, 1 Vize-Praesident; Michael Bruckner, 2 Vize-Praesident; Betty Center, Korrespondenz Sekretaerin; Klara Winkler, Protokoll Sekretaerin; Helmut Schmidt, Schatzmeister; Helen Meiszner, Steuben-Parade Sekretaerin; Inge Himmel, Kornblumen Vorsitzende; Joseph Zottmann, Karten Schatzmeister; John Ahsmann, Archivar; Horst Seyferth, Rechts-Anwalt.

Directoren: Karl Kurz, Josef Anetsberger, Joseph Zottmann, Olga Tietz, Alfonse Schneeman, Anna Rusdeinsky, Elisabeth Kraus, Joseph Freiburger, Melvin Brandt, John Kraus.

Finanzkomitee: Inge Himmel, Henrietta Balles, Peter Kurtz, Fritz Baumgarth, Richard Guenther.

Mr. Speaker, on the occasion of the commemoration of the birth of the great Revolutionary War hero, General von Steuben, I extend my greetings and best wishes to all participants in this year's parade, along with all German-Americans who reside in the 11th Congressional District of Illinois which I am honored to represent, and Americans of German descent throughout the Nation, who are celebrating this inspiring event.

PARADISE LOST: NADINE GORDIMER TALKS ABOUT SOUTH AFRICA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. GARCIA. Mr. Speaker, the September 8 edition of the New York Times Magazine had an excellent article by South African novelist Nadine Gordimer. Ms. Gordimer provides some excellent insight on the problems that apartheid has created within the white community of South Africa.

At one point she says, "It is not true that the South African Government is bent on genocide, as some black demagogues have averred (the black man is too useful for that); but it is true that the unconscious will to genocide is there in some whites." Whether apartheid can be called a prescription for genocide or not, Ms. Gordimer shows us the various ways in which it wraps the perspective of those who use it as a protective measure.

I submit Ms. Gordimer's article for the perusal of my colleagues:

[From the New York Times Magazine, Sept. 8, 1985]

GUARDING 'THE GATES OF PARADISE'

(By Nadine Gordimer)

(Nadine Gordimer, the author of many novels and short-story collections, most recently, "Something Out There," has coproduced with Hugo Cassirer the film "Allan Boesak: Choosing for Justice" to be shown this fall on PBS)

We whites in South Africa present an undated version of the tale of the emperor's clothes; we are not aware of our nakedness—ethical, moral, and fatal—clothed as we are in our own skin. This morning on the radio the news of the withdrawal of more foreign diplomats from South Africa, and the continuing threat of the withdrawal by foreign banks, was followed by a burst of pop-music defiance by the state-owned South African Broadcasting Corporation, on behalf of Afrikaners and English-speaking whites. "Allies," yelled a disco idol, "We're allies, with our backs against the w-all. . . ."

There is an old misconception still current abroad: the Afrikaners are the baddies and the English-speakers, the angels among whites in our country. The categories do not fall so neatly into place. Not all Afrikaners support the state of emergency and the sadistic police and army actions that led up to it, and not all English-speakers would implode apartheid tomorrow if it were possible to prevail against the Afrikaner army that mans the Afrikaner fortress.

The misconception surprises me. Anyone who follows the reports of foreign press correspondents in South Africa must be aware that in November 1983, the Prime Minister, Mr. P.W. Botha, received an overwhelming "yes" vote for his new Constitution, with its tricameral parliament for whites, Indians and coloreds (people of mixed race)—and the total exclusion of the black majority. The referendum held was open to whites only, both Afrikaners and English-speakers; Mr. Botha could not have received a mandate if the English-speaking whites had voted "no." "Yes," they said, voting along with supporters of Mr. Botha's National Party. "Yes," they said, 23.5 million black people shall have no say in the central government of South Africa.

And "yes," said the Reagan Government too, entering into constructive engagement with a policy destructive of justice and human dignity, while mumbling obeisance to abhorrence of apartheid like those lapsed believers who cross themselves when entering a church.

There is no special position of non-Afrikaner whites in South Africa, nor has there been for a very long time.

The actual division among whites in our country falls between the majority—Afrikaner and English-speaking—who support the new Constitution, whether directly or circuitously, as a valid move toward "accommodating black aspirations" (let us not invoke justice), and the minority—English-speaking and Afrikaner—who oppose the Constitution as irremediably unjust and unjustifiable. Fewer Afrikaners than English-speakers oppose apartheid, but the English-speakers who uphold the central government of South Africa represent a majority in their language group.

When blacks speak about the "Boer" these days, they're not just referring to Afrikaners; the term has become a generic rather than an ethnic one. It is likely to refer to a mode of behavior, an attitude of mind, a position. The nomenclature encompasses all whites who voluntarily and knowingly collaborate in oppression of blacks. Not all Afrikaners are "Boer," and many English-speakers with pedigrees dating back to the 1820 settlers are. . . . States of mind and ways of life under crisis would be expected more or less to follow the lines of division, and I believe that states of mind do. Everywhere I go, I sense a relaxation of the facial muscles among whites who had appeared to be tasting the ashes of the good life when Soweto was on fire in the week before the state of emergency was declared in July. Approval of the state's action is not often explicit in my company, because it is known that I belong to the minority within the white minority that opposes the Constitution as a new order of oppression in contempt of justice, and sees the state of emergency as an act of desperation: a demonstration of the failure of the Government's atrocious "new deal" only a few months after it was instituted. The general feeling among whites is that fear has been staved off—at least for a while.

The police dogs are guarding the gates of paradise. Keep away from roads that pass where the blacks and the police-army are contained in their vortex of violence, and life can go on as usual. One can turn one's attention to matters that affect one directly and can be dealt with without bloodying one's hands: lobbying all over the world against disinvestment and sports boycotts. These are areas where sophisticated people understand one another in economic and leisure self-interests: for many, the only brotherhood that transcends nation and race.

There is a physical and mental cordoning-off of "areas of unrest." The police and army take care of the first matter, and that extraordinary sense of whiteness, of having always been different, always favored, always shielded from the vulnerabilities of poverty and powerlessness, takes care of the second.

As for the less worldly among the white majority, they express openly their approval of Government violence in the last few

months, and there is a group that believes there has not been enough of it. "The Government should shoot the lot." This remark was offered to my friend, the photographer David Goldblatt, in all crazy seriousness; there are whites in whose subconscious the power of the gun in a white man's hand is magical (like his skin?) and could wipe out an entire population more than five times as large as that of the whites.

In bizarre historical twinship, this is the obverse of the teachings of the mid-19th-century prophetess Nongqause, of the Xhosa tribe. Nongqause told her people that by following her instructions they could cause all those who wore trousers—the white men—to be swept away by a whirlwind. . . .

It is not true that the South African Government is bent on genocide, as some black demagogues have averred (the black man is too useful for that); but it is true that the unconscious will to genocide is there in some whites.

So is belief in the old biblical justification for apartheid, that blacks are the descendents of Ham, although even the Dutch Reformed Church has embarrassedly repudiated this. Over lunch on his fathers Transvaal farm recently, I met a handsome young Afrikaner on leave from military service. Grace was said. When the young man lifted his bowed head, he gave an exposition of biblical justification that was all his own, I think; blacks are the descendants of Cain and a curse on humankind. I did not rise to the bait; but my eyes must have betrayed that I could scarcely believe my ears. Later, among the women of the family, I was shown their new acquisition, a pristine white dishwasher that had replaced the black maid. The young Afrikaner took the opportunity to fire at me, "Yes, it's a good white Kaffir girl."

During the weeks that led up to the state of emergency, the Eastern Cape black townships had become ungovernable. Violence was horrific in the vicinity of Grahamstown. The white town of Grahamstown is the English 1820 Settlers' Association showpiece answer to the Afrikaner Voortrekker Monument at Pretoria. Soldiers and armored vehicles had taken the place of cultural festival visitors.

It was only when, closer to home, Soweto became a hell to which Johannesburg's black workers returned each night as best they could (buses would not venture farther than Soweto boundaries) that white faces in Johannesburg became strained. Until then, most whites in South Africa were in a state of anguish over the outcome of the New Zealand Government's determination to stop a rugby team's tour of South Africa.

The minority within the white minority did not have to wait for any declaration to be aware of an emergency beyond the nation's rugby fields. Some leaders had been warning for months that an uprising was inevitable; built into the new Constitution as its own consequence. Outstanding among them were Bishop Desmond M. Tutu; the Rev. Beyers Naudé, general secretary of the South African Council of Churches, and the Rev. Allan Boesak, president of the World Alliance of Reformed Churches and a founder of the United Democratic Front—who was detained in August on the eve of an illegal protest march and the widespread violence that followed.

Also there was Sheena Duncan of the Black Sash—a women's organization that has done more than any other source to expose the appalling forced removals of black rural people. Government policy has meant that in the past 25 years, one in ten blacks has been moved to make way for whites.

The Government was arresting trade union leaders and leaders of the United Democratic Front, an organization which recognizes no racial or color distinctions and stands for a unitary state in South Africa. And just as, abroad, one may mutter abhorrence of apartheid and go on funding it morally and materially, so the Government was busy reiterating a litany of dedication to consultation and change, while arresting almost every black leader with any claim to be consulted about change.

On the minority side of the dividing line between white and white, a new organization had grown in urgent response to the deployment of 7,000 troops against the people of the black township of Sebokeng, 40 miles south of Johannesburg, last October. This force included young army recruits. Resistance to conscription—while still rare—was suddenly no longer some fringe defection on religious grounds by a handful of Seventh-day Adventists, but a wave of revulsion against "defending one's country" by maiming, killing and breaking into the humble homes of black people.

In this horrifying domestic context, a group called the End Conscription Campaign held a three-day gathering in Johannesburg. A large crowd of young men and their families debated the moral issues of conscientious objection and defined their position not as pacifist but as a refusal to defend apartheid.

I gave a reading there of poetry by South African writers, black and white, in whose work, like that of playwrights, lately, resistance to military service has been the theme. The subject has to be handled gingerly, whether in poetry or platform prose; it is a treasonable offense in South Africa to incite anyone to refuse military service. The E.C.C. is not yet a mass movement, and maybe will not become one, but the Government is sufficiently alarmed by it to have detained several members.

Again, there is a strange historical twinship. Even after 1960, when the South African revolution may be said to have begun, the sons of liberal and left-wing families docilely accepted, force majeure, the obligation to do military service, if with a sense of resentment and shame. At the same time, whites who support black liberation have long wondered why blacks have not turned significantly against the informers and collaborators among their own people.

Now, young whites have a last found the courage to fulfill the chief provision blacks demand of them if they are to prove their commitment to the black cause: to refuse to fight to protect racism. Meanwhile, young blacks themselves have reached the stage of desperation that leads them to hunt down and destroy those who are their own people in terms of skin, but not loyalty.

Both developments—the first positive, the second tragic—are the direct result of the new Constitution. The blacks were not consulted about it, rejected it, and are now in a continuous state of rebellion, out of bottomless frustration at finding themselves finally cast out, in civic and even physical terms, from their own country. The Government deals with this rebellion by sending in white soldiers to terrorize blacks into temporary submission; young whites are confronted with the loathsome "duty" it was surely always clear racism eventually would demand.

For years, when one asked blacks why they allowed black policy to raid and arrest them, they would answer: "Our brothers have to do what whites tell them. We are all victims together." Now, black youths are confronted with what surely always was clear would be the ultimate distortion of their lives by apartheid: brothers, co-opted as police informers and city dignitaries by white power, becoming enemies.

Many of us who belong to the minority within the minority already were accustomed, before the state of emergency, to using the telephone for the kind of call not made outside thriller movies in your country.

When the South African Defence Force raided the capital of one of our neighoring countries, Botswana, earlier this year, we feared for the lives of black and white friends living in exile there.

For some days, we could piece together their fate only by exchanging guarded word-of-mouth news. For my fellow writer, Sipho Sepamia, the news was bad. He traveled across the border to Botwsana to the funeral of a relative murdered in the raid. We were nervous about his doing so, since the brutal raid—which resulted in indisciminate killing, so that even children died—was purportedly against African National Congress revolutionaries, and the demonstration of any connection with even random victims could rub off as guilt by association.

With the beginning of the state of emergency came mass arrests, and severe penalties of revealing without authority the identity of any detainee. The names we know are confined to those permitted by the police to be published. Who can say how many others there are? So our ominous kind of morning gossip has increased—and there remains the fear that the individual one calls may not answer because he or she has been taken.

Some of us have friends among those who are the accused in the treason trials in session or about to commence, mainly trade unionists and leaders of the United Democratic Front. I telephone my old friend, Cassim Saloojee, a social worker and an officer in the United Democratic Front. He is at home on bail after many weeks of detention before being formally charged with treason. One discovers, these days, that genuine cheerfulness exists, and it is a byproduct of courage. He has only one complaint, which is expressed in a way that catches me out—"I've been spending my time watching pornographic films," he says.

With my tactfully unshockable laugh, I sudddenly remember that active resistance to apartheid is "political pornography." The films he has been viewing are video cassettes of public meetings made by the United Democratic Front as records of their activities. They have been seized by the state. For the purposes of their own defense, the accused must study what may now be used as evidence against them. "Ninety hours of viewing. . . ."

The case is sub judice, so I suppose I cannot give here my version of whether the particular meetings I attended (the U.D.F. is a nonracial, nonviolent and legally-constituted movement) could possibly be construed as violent and treasonous, but I hope that among all that footage there is at least recorded the time when the crowd in a Johannesburg hall heard that there was police harassment of some supporters in the foyer, and, from the platform, Cassim Saloojee succeeded in preventing the crowd from streaming out to seek a confrontation that

doubtless would have resulted in police violence.

While writing this letter, I have received a call from Colin Coleman, a young white student at the University of the Witwatersrand, down the road, himself a veteran of detention. His brother is now in detention for the second time.

At last, after more than two weeks, Colin Coleman's parents have managed to get permission to visit Neil Coleman in prison. Like well over a thousand others, he has not been charged. The parents are founder members of the well-established Detainees' Parents Support Committee. This title and status indicate the enduring state of mind that prevails among white people like these, stoic but unintimidatedly active on the part of all prisoners of conscience, black and white, whether or not in the family.

Colin called to ask me to take part in a panel discussion on South African culture to be held by the students' Academic Freedom Committee. Irrelevant while we are in a state of emergency? Concurrently with engagement in the political struggle for the end of apartheid, there exists an awareness of the need for a new conception of culture, particularly among whites. Young people like Colin Coleman are aware that a *change of consciousness*, of the white sense of self, has to be achieved along with a change of regime, if, when blacks do sit down to consult with whites, there is to be anything to talk about.

The arts in South Africa sometimes do bear relation to the real entities of South African life in the way that the euphemisms and evasions of white politics do not. This is increasingly evident in the bold themes explored by blacks and whites in South Africa's theater and literature.

These are the states of mind of the majority of white South Africans, and of the minority within the white population. Within the first group, the majority, the preoccupations of the second are no more than newspaper stories you, too, read thousands of miles away: so long as the Caspir armored monsters patrol the black townships and even mass funerals are banned, the majority feel safe, since there is no possibility that they may be imprisoned for a too-active sense of justice, or find any member of their families or their friends in detention, on trial, or in danger of losing a life in right-wing terrorist attacks. There isn't any possibility that one of their lawyers might be gunned down, as was Victoria Mxenge, a member of a treason trial defense team, outside her home near Durban in July.

The conditions of life, for whites, are a different matter. Even those few whites who have members of their families in prison themselves continue to wake up every morning as I do, to the song of weaver birds and the mechanical-sounding whir of crested barbets in a white suburb. Soweto is only eight miles from my house; if I did not have friends living there, I should not be aware of the battles of stones against guns and tear gas that are going on in its streets, for images on a TV screen come by satellite as easily from the other side of the world as from eight miles away, and may be comprehended as equally distanced from the viewer. How is it possible that the winter sun is shining, the randy doves are announcing spring, the domestic workers from the backyards are placing bets on Fah Fee, the numbers game, with the Chinese runner, as usual every afternoon?

In terms of ways of life, conditions of daily living are sinisterly much the same of all whites, those who manage to ignore the crisis in our country, and those of whom it is the determining state of mind. Some go to protest meetings; others play golf. All of us go home to quiet streets, outings to the theater and cinema, good meals and secure shelter for the night. Meanwhile, in the black townships, thousands of children no longer go to school, fathers and sons disappear into police vans or lie shot in the dark streets, social gatherings are around coffins and social intercourse is confined to mourning.

The night the state of emergency was declared, I was at a party held at an alternative education center, the Open School, in the downtown area where banks and the glass palaces of mining companies run down into Indian stores and black bus queues. The school is directed by Colin and Dolphine Smuts (black, despite their Afrikaans surname), for black youths and children who study drama, painting, dance and music there—subjects not offered by Government's "Bantu" education. The occasion was a celebration: the school, which had been in danger of closure for lack of funds, was to receive a Ford Foundation grant. Colin had not known until the evening began whether the new ban gatherings might not be served on the celebration. Dolphine had gone ahead and prepared food.

There were polite speeches, music, drumming and the declamatory performance of poetry that has been part of resistance rhetoric since young people began to compose in prison during the Soweto uprisings in 1976 and which sets such gatherings apart from their counterparts in other countries. Soweto was sealed off by military roadblocks. Yet the black guests had come through somehow, thoroughly frisked in the "elegantly casual" clothes we all, black and white, wear to honor this kind of occasion. I asked a couple I had not met before what it was like to be in Soweto now, looking at them in the inhibited, slightly awed way one tries not to reveal to people who have emerged alive from some unimaginable ordeal. The man took a bite from a leg of chicken and washed it down with his drink. "In your street, one day it's all right. The next day, you can cross the street when a Caspir comes round the corner, and you'll die. It's like Beirut."

Yes, if you want to know what it's like here, it's more like Beirut than he knew. I remember a film I once saw, where the camera moved from destruction and its hateful cacophony in the streets to a villa where people were lunching on a terrace, and there were birds and flowers. That's what it's like. I also remember something said by a character in a novel I wrote ten years ago. "How long can we go on getting away scot free?"

THE EMERGING TRADE ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 11, 1985, into the CONGRESSIONAL RECORD:

THE EMERGING TRADE ISSUE

Trade is moving to the front rank of congressional issues for the first time since early in this century. Several developments have led to the increased interest. Our trade deficit is nearing $150 billion for 1985, and continues to spiral upward. In fact, the U.S. has become a debtor nation for the first time since 1914. Exporting industries, including agriculture, have been hit especially hard. Foreign governments erect barriers to our goods while flooding the U.S. with their exports. Much of our industrial capacity is being moved overseas. Lack of competitiveness by American industries is emerging as our central economic problem.

The reasons for our trade problems are clear. The high value of the dollar, caused largely by huge budget deficits, makes American goods expensive abroad and foreign imports cheap. Growth in American manufacturing productivity has also declined. Growth in productivity in Japan, France, and Germany greatly exceeded U.S. growth from 1980-83. Only about ⅔ of the manufacturing jobs lost in the last recession have been regained, and another 220,000 manufacturing jobs have been lost in 1985 alone. Our recent economic recovery preceded that of our major trading partners, leading to sluggish export growth for American companies. The cost of capital is about twice as much in the U.S. as in Japan, and our edge in research and development has eroded. Our educational system has lagged in producing high technology graduates and we have failed to pay sufficient attention to production technology, often leading in basic technology but failing to commercialize it. Huge debt levels in developing countries have forced them to cut back on imports, many of which come from the U.S. One study estimated that the drop in U.S. exports to Latin America cost 800,000 jobs in the U.S.

Foreign governments also use a variety of methods to help their industries and handicap U.S. companies in their markets. These range from overt methods, such as national purchasing policies and direct export subsidies, to more subtle means such as complicated customs rules and arbitrary product standards. There has also been a steady shift toward "bilateralism" and "managed trade." Nations now agree to open their markets to limited quantities of one another's products and to exclude those from all other countries.

For many years U.S. trade policy has been based on "comparative advantage," the idea that countries trade best in the goods they make best and cheapest. But this is true only in a competitive system of free trade. It may not work in a world where governments interfere heavily in the market place, internaitonal competition is sharp, currencies are misaligned, and huge debt restricts growth in developing countries.

Congress has traditionally been reluctant to get involved in trade policy. It usually asks the President to make more vigorous use of his powers to negotiate with other countries. There is a growing sense in Congress, however, that the administration does not have an effective trade policy. Congress views the world trade system as biased in favor of foreign competition. It sees trading rules that allow some countries to trade here with relative freedom compared to the way U.S. goods are treated in those ocuntries. As more industries demand that Congress protect them from foreign competition, pressure is growing for direct action to slow imports. About 300 protectionist bills have been introduced in Congress, and at least one of them has a good chance of passage. For the moment, the measures face

major obstacles, from the tight congressional schedule to a likely presidential veto.

To forestall passage of protectionist legislation, the President is moving toward a more aggressive international trade policy. It is unclear what specific steps he will take, however. The administration is split between those who want to maintain as free a trade policy as possible and those who feel that years of negotiating have resulted only in record trade deficits and loss of manufacturing competitiveness. Congress will respond to effective leadership. It wants the President to be tougher, but it also knows that it cannot force a trade policy upon him. The President must exercise strong leadership, and he must do it soon or his options will disappear.

The President can take several steps to help in the short term. At the least, ways must be found to open foreign markets to U.S. products. Congress is insisting on greater reciprocity in U.S. foreign trade. The President must invoke our trade laws aggressively to guarantee fair dealings with our trading partners. American trade laws must be modified to make it easier for American industry and workers to get relief. "Adjustment plans" to give companies and workers time to adapt to changed market conditions must be encouraged. Some industries may have to be protected temporarily through the use of import surcharges or quotas to allow them to modernize and become competitive.

In the longer term, we must address the fundamental causes of our trade problems. The best trade policy is a sound econmic policy. We must reduce the federal deficit and bring the dollar back into line with other currencies. We must accelerate our own productivity growth, which is far behind that of our principal competitors. We must also work to improve economic growth in developing countries. It is in our interest, as well as that of other developed countries, for developing countries to be able to purchase goods and services. We also cannot ignore unfair trading practices. We must work to build a fair, efficient sytem of world trade. The President must push hard for a new round of multilateral trade negotiations. We should also work to include under international rules trade in services, which is not now covered. Exchange rate instabilities must be reduced. The time has come to explore much closer coordination of national economic policies. No solution to trade problems is possible without the will of the Western nations to work together towards joint solutions. For that to happen, the U.S. must exercise strong leadership. One thing is certain: a harder U.S. trade policy will emerge in the coming months.

(Please help me update my mailing lists by notifying me of any incorrect or duplicate mailings).

H.R. 2970: EXPLANATION AND ANALYSIS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. GEKAS. Mr. Speaker, prior to the August recess I introduced H.R. 2970, legislation which would amend the Packers and Stockyards Act to extend the jurisdiction of the U.S. Department of Agriculture's Packers and Stockyards Administration to the poultry industry, primarily the broiler industry. The following is an analysis and background review of H.R. 2970, prepared by the Congressional Research Service:

ANALYSIS

INTRODUCTION

The basic intent of H.R. 2970 is to amend the Packers and Stockyards Act of 1921, as amended (7 U.S.C. 181), to extend the jurisdiction of the U.S. Department of Agriculture's (USDA) Packers and Stockyards Administration (P&SA) to the poultry industry, primarily the broiler industry. This report gives a brief legislative history of the P&S Act, discusses the major features of the proposed bill, and presents the views of the various groups that would be affected by the proposal if it became law. A side-by-side comparison of current law and H.R. 2970 is attached.

LEGISLATIVE HISTORY[1]

The Packers and Stockyards Act of 1921 was intended to cover livestock markets, the meat packing industry, and meat packers' poultry operations. The latter constituted the majority of the commercial poultry trade, and tended to be located throughout the country at livestock terminals. The meat packers' role declined, however, as live poultry marketing centralized and shifted to large metropolitan areas. Poultry dealers in those areas were not considered "packers" under the 1921 Act. As their marketing operations grew, metropolitan poultry dealers complained about unfair and deceptive practices in the industry. As a result, Congress amended the Packers and Stockyards Act in 1935 by adding Title V, which was intended to extend the Act's jurisdiction to all persons engaged in marketing live poultry in commerce.

Since the end of World War II, the poultry industry has changed from one of small, independent producers, into a highly integrated industry in which about 95 percent of broiler production occurs under growout contracts, or poultry growing arrangements. Under these arrangements, growers provide buildings, equipment, and labor; contractors, or integrators, provide the birds and the feed, process the birds, and market the end product.

After a P&SA study of the industry showed that the grower's bargaining position with integrators was limited, P&SA issued detailed poultry regulations in 1971. The regulations are designed to prohibit unfair practices in marketing poultry or in acquiring poultry from producers or growers. Currently, P&SA's regulation of the industry involves assuring that there are written contracts between growers and integrators; assuring that integrators provide full and complete accounting on contracts with growers to raise the poultry; assuring that scales have been tested and weigh accurately; assuring that poultry is weighed promptly and that weighing scale tickets are provided to producers; and preventing retroactively reduced contract payment terms and assuring that payments are made in accordance with contract terms.

PROPOSED CHANGES TO PACKERS AND STOCKYARDS ACT

Many industry analysis believe that Congress' intent in adding Title V to the Packers and Stockyards Act in 1935 was to give P&SA the same degree of authority over the poultry industry as it already had over the red meat packing industry. However, subsequent changes to the livestock sections of the Act did not include specific language pertaining to the poultry industry. Furthermore, the total restructuring of the industry that occurred in the 1950's and 1960's left the language of the 1935 amendment open to many different interpretations.

The rationale behind H.R. 2970 is that the poultry industry should be entitled to the same protections that have been extended to producers in other financially hazardous markets—namely, livestock producers under the Packers and Stockyards Act, and fruit and vegetable growers under the Perishable Agricultural Commodities Act (7 U.S.C. 499a-499s).

In essence, H.R. 2970 would add the poultry industry as it is currently structured to the language of the 1921 Act. The major provisions of the bill are prompt payment; a trust to assure payment to growers in the event of poultry firm bankruptcy; and authorization for P&SA to bring disciplinary proceedings against violators through administrative channels within the U.S. Department of Agriculture, not just through the Department of Justice as is currently the case.

Three major groups would be affected by the changes this bill would bring about if passed: the poultry growers, as represented by the National Grange and the American Farm Bureau Federation; the integrated slaughtering/processing firms, as represented by the National Broiler Council and the National Turkey Federation; and the Packers and Stockyards Administration.

With regard to the prompt pay provision, the poultry growers—both independents and those on contract to large vertically integrated firms—claim the need for prompt payment protection under law, especially as a result of recent poultry firm bankruptcies that have caused severe financial losses for some growers. According to both P&SA and the National Broiler Council, most firms pay their growers on time. However, P&SA and the poultry growers strongly believe that protection is necessary in those cases where there are problems.

The National Broiler Council and National Turkey Federation would support a prompt-pay provision only if the law would also clearly limit P&SA's monitoring of processors' contracts with independent growers. P&SA and a second circuit court of appeals panel have interpreted the current law to give the agency authority to review these agreements. The processor/integrator associations disagree with this interpretation.

The Council and the Federation are also opposed to the trust provision of the proposed legislation, claiming that banks and other lending institutions would be less willing to finance poultry processors knowing that some assets would be held in trust for repaying growers in the event of bankruptcy. Livestock producers have had the benefit of such a trust provision since 1976, and according to P&SA, there has been no notable lack of financing in the meat packing industry since the provision has been in effect.

Opinion is also divided on the proposal to give P&SA authority to bring disciplinary actions against violators through administrative proceedings within USDA. The National Grange and the American Farm Bureau Federation say that, although they dislike the idea of expanding Federal regulation, poultry growers should have the

[1] *Regulation of the Poultry Industry under the Packers and Stockyards Act*, General Accounting Office, Report No. RCED-84-110, April 1984.

same protection that livestock producers do. The benefits they cite are greater recourse in the case of unfair business practices, and speedier action through administrative channels than through the Department of Justice. P&SA says that since many packing firms now handle both red and "white" (poultry) meat, many of their disciplinary actions would be combined, and would not require budget or staff increases for the agency. According to P&SA, being able to handle complaints administratively instead of having to go through the Department of Justice would actually reduce costs. Furthermore, P&SA says that being able to take administrative action to correct small violations would permit the agency to better target the agency resources needed to pursue larger cases through the Department of Justice.

The National Broiler Council, representing processors, does not wish to see P&SA's jurisdiction expanded. It interprets the current law as authorizing P&SA to review live-poultry transactions only—sales of old breeding stock or old laying hens to firms for slaughter and processing. This accounts for only a small fraction of all transactions in the broiler and layer industry. The Council believes that the poultry industry is not in need of any additional regulation, and that any disagreements between growers and processors can be worked out under their contracts, without Government intervention.

[Background]

H.R. 2970, LEGISLATION AMENDING THE PACKERS AND STOCKYARDS ACT OF 1921 TO INCLUDE THE POULTRY INDUSTRY

TITLE I—DEFINITIONS

Adds specific definitions for the terms "poultry," "poultry product," "poultry grower," "poultry growing arrangement," and "live poultry dealer" to cover the entire poultry industry as it is currently structured.

TITLE II—PACKERS

SEC. 201—Adds language to provide that poultry slaughterers and poultry product processors, brokers, dealers and distributors would be treated the same as red meat firms under the act.

SEC. 202—Removes references to poultry handlers because the position no longer exists in the poultry industry, and clarifies that poultry dealers would be treated the same as red meat packers if found restraining commerce or creating a monopoly.

SEC. 203—Adds the term "live poultry dealer" to the section, which would make poultry firms subject to the same administrative action that USDA can currently take against red meat packers under this section.

SEC. 204—Adds the term "live poultry dealer" to Sec. 204 and Sec. 205, which clarifies that the provisions of these sections apply to poultry firms as well as to read meat packers.

SEC. 206—Creates a new section (Sec. 207) that gives trust protection to poultry sellers and growers like that provided for livestock sellers in Sec. 206. Also prohibits liens or other security interests on unpaid-for birds.

TITLE III—STOCKYARDS

SEC. 308—Adds language specifically giving poultry growers and sellers the same rights as livestock producers and buyers under this section.

TITLE IV—GENERAL PROVISIONS

SEC. 401-407—No change other than to delete the obsolete term "handlers" where it appears.

SEC. 408—Adds specific language on failure to pay for poultry or poultry products, or failure to pay accounts due under poultry growing contracts. This would provide for court injunctions against poultry firms the same as against red meat firms.

SEC. 409(a)—Creates a new Section 410, of which subsection (a) requires poultry dealers or packers buying live poultry for cash to make payment before the close of the next business day. Also requires live poultry dealers or packers obtaining live birds under a poultry growing contract to make full payment before the close of the seventh business day following the week of slaughter.

SEC. 409(b)—New subsection (b) permits credit extensions only between growers and purchasers engaging in real cash sales. Transactions under poultry growing arrangements and marketing agreements with independent growers would have to be completed within the time limits stipulated under subsection (a).

SEC. 409(c)—New subsection (c) would make any attempt to delay payment to poultry growers or sellers an "unfair practice" in violation of the Act.

TITLE V—LIVE POULTRY DEALERS AND HANDLERS

Title V is deleted because the provisions of H.R. 2970 would render them obsolete.

Adds specific language that would give USDA authority to halt the operations of insolvent poultry processors or allow them to continue only under certain prescribed conditions. Insolvency or processors involved in poultry growing arrangements would be covered by Sec. 206 and Sec. 410 of the Act, as amended by H.R. 2970. Bonding of persons engaged in buying poultry would not be required.

I would urge my colleagues to review the merits of this legislation and consider cosponsorship of H.R. 2970.

IMPORTS AND THE TEXTILE INDUSTRY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Ms. OAKAR. Mr. Speaker, together with nearly 300 of my colleagues, I am a cosponsor of the Textile and Apparel Trade Enforcement Act of 1985.

I would like to commend a recent article which appeared in the August 31, 1985, Washington Post, to those colleagues and friends who are not cosponsors of this legislation. Perhaps some areas of question might be clarified by this eloquent piece authored by two of our distinguished colleagues, Representatives JENKINS and BROYHILL.

I request that the text of the article be inserted in the RECORD at this point:

IMPORTS ARE KILLING THE TEXTILE INDUSTRY

The American fiber, textile and apparel industry and its 2 million workers face a crisis that not only threatens the industry's survival but dramatizes problems besetting our entire economy. The crisis can be summed up in a single word: "imports"—imports that have doubled in the last five years; imports that account for more than half the clothing consumers buy; imports that have cut industry jobs by 300,000 since 1979; imports that last year accounted for $16 billion of our trade deficit.

So it is difficult to understand the arguments of our colleague, Rep. Ed Zschau (R-Calif.), in opposing legislation to control the flood of imports ["Protection Isn't the Answer for Textiles and Apparel," op-ed, Aug. 13]. Zschau opposes the "Textile and Apparel Trade Enforcement Act of 1985," which we and 289 of our House colleagues plus 54 senators are proud to co-sponsors.

Measured against the severity of the import crisis, this legislation must be judged extremely modest.

First, it permanently concedes nearly 40 percent of the U.S. apparel market to imports. Autos, steel and semiconductors have never approached such import penetration.

Second, it continues to let imports grow faster than U.S. consumption.

Third, while the legislation does cut back on imports from major producing countries such as Japan, Korea, Brazil, Hong Kong and Taiwan, it accelerates import growth from developing countries such as Bangladesh that most need access to our markets.

Zschau asserts that the Multi-Fiber Arrangement (MFA), the multilateral structure for ensuring orderly textile and apparel trade, "has been an effective regulator of bilateral textile trade for years." Such a statement reveals an ignorance of the facts.

Last year imports grew 32 percent; in the last five years they have grown 100 percent. That kind of "effective regulator" will put the U.S. industry out of business by the early 1990s.

The sad litany of import-induced job losses, plant closings and devasted communities contrasts sharply with the industry's efforts to compete. Every year since 1970, the U.S. textile industry has invested at least $1 billion in modernization—$1.7 billion last year alone. Today, the U.S. textile and apparel industry is the most productive in the world.

Zschau says that improved productivity is the reason for rising unemployment in the industry. That is a myth. With imports growing far beyond consumption increases, it's obvious what has caused the loss of jobs.

Modernization of the industry in full cooperation with labor has, so far, allowed it to survive in the face of abysmally low wages and unfair trading practices in many exporting nations. Given the flood of imports, however, it is hard to see how companies can continue this vigorous commitment to capital spending. And it is impossible to see where displaced workers—well over half of whom are women and minorities, many in rural areas—will find alternative job opportunities.

The cruelest hoax of all is Zschau's assertion that consumers will suffer if imports are controlled. How could they suffer if they don't benefit from imports now? In department stores and mail order catalogs identical garments made in several countries—including the United States—often sell at exactly the same price. Where is the consumer benefit?

Zschau's misunderstanding of the basic facts is not surprising. He relied on data from the International Business and Economic Research Corporation, a Washington firm that is a registered foreign agent and lobbyist for at least 14 foreign governments and associations that account for nearly half of the textile and apparel imports into the United States.

The current system of controls on fiber, textile and apparel has collapsed—because of flaws in the system combined with lack of

enforcement. We hope Zschau will come to see the wisdom of this legislation as he has seen the wisdom of supporting the Wine Equity Act and the trade actions taken by the semiconductor industry, both aimed at controlling imports. Wine and semiconductors are big business in California, but so are cotton production (the largest cash crop in the state) and the apparel industry (with 110,000 workers and a payroll of $1.1 billion).

THE DANGERS OF MARIJUANA USE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. RANGEL. Mr. Speaker, as Congress reconvenes to take up its legislative agenda, I must take a moment, as chairman of the House Select Committee on Narcotics Abuse and Control, to report on what seems to be increasing convergence of thinking as to the dangers posed by the smoking of marijuana. While the chemistry and metabolism of marijuana are technical subjects they are important bases from which to begin.

Contrary to popular belief, the plant material of cannabis sativa, the marijuana plant, is quite complex, containing at least 421 individual compounds. Sixty-one of the chemicals which have been identified in the plant, cannabinoids, are specific to cannabis. Ten of these are now routinely quantified in identifying cannabis samples. When smoked, some of the chemicals are further transformed by burning into still other compounds.

Cannabis plant material differs widely in the amount of the principal psychoactive ingredient — delta-9-tetrahydrocannabinol, THC for short—contained, as well as in the proportions of other chemicals. Although the effects of cannabinoids other than delta-9-THC have been studied, much remains to be learned about their effects, both singly and in interaction with another. While, for many practical purposes, the percentage of delta-9-THC is a useful guide to the psychoactivity of a drug sample, other chemical ingredients may ultimately prove to be important in modifying THC's effects as well as because of their own impact on the body. A good deal of valuable basic research has been done on THC, but it should be emphasized that it is only one ingredient of the natural material.

However, while many of the questions associated with marijuana abuse remain unanswered, I agree with the conclusions of Dr. Norman H. Edelman, scientific consultant to the American Lung Association and a professor at the University of Medicine and Dentistry of New Jersey-Rutgers University Medical School. He stated in a recent column in USA Today that smoking marijuana is harful to the lungs and has the potential to cause lung disease among other pulmonary ill effects.

Most frightening in light of the recent findings as to the dangers associated with smoking marijuana, is that the select committee estimates that some 25 million people in the United States regularly use marijuana and as many as 40 million may be occasional users. A recent Ladies Home Journal survey reported that of the 86,000 readers contacted, 41 percent of the women under 25 indicated they are regular users of marijuana. Further, availability is at record levels nationwide as is the THC content of both the foreign and domestic product.

Dr. Edelman offers a timely and incisive analysis of the risks undertaken by those who smoke marijuana. I ask that his column be printed in the RECORD.

The column follows:

[From the USA Today, Aug. 9-11, 1985]

MARIJUANA USE POSES DANGER TO YOUR HEALTH

(By Norman H. Edelman)

The American Lung Association has reviewed the body of knowledge about marijuana accumulated over the last 15 years and has concluded that smoking marijuana is harmful to the lungs and has the potential to cause lung disease such as chronic bronchitis, emphysema and lung cancer.

The main psychoactive ingedient of marijuana, delta-9-tetra-hydrocannabinol (THC), which is responsible for the "high" is a fat-soluble substance that is stored in areas of high fat content, such as the lungs, liver, brain and reproductive organs. Five to seven days after smoking marijuana, half the dosage of THC is still present in the body—it can take up to a month for THC to leave the body completely.

Marijuana smoke contains more respiratory irritants than tobacco smoke and a 50 percent higher concentration of cancer-causing agent benzpyrene and benzanthracene.

Marijuana cigarettes have 12 times the "tar" and can generate 10 to 20 times as much carbon monoxide as tobacco cigarettes. Delicate lung tissue receives greater exposure to these harmful chemicals because marijuana smokers inhale more deeply and hold the smoke in their lungs longer.

Chronic marijuana smoking inflames the air passages and may lead to pharyngitis, sinusitis, and bronchitis. Young, heavy smokers of hashish and marijuana develop microscopic abnormalities in the cells lining their larger air passages, ordinarily seen only in older people who have smoked tobacco for 10 to 15 years.

These are the same abnormalities seen in people who develop lung cancer.

Smoking marijuana can impair the function of the special "defense" cells known as aveolar macrophages, which fight off infection in the lungs. Chronic marijuana smokers are more vulnerable to lung infections such as pneumonia, influenza, and the common cold.

Marijuana smoking is particularly hazardous for young people, whose lungs are still growing. The surgeon general has stated that marijuana smoking at this critical stage can also disrupt the normal development and functioning the cardiovascular, central nervous, reproductive, and immune systems.

Much more remains to be learned about the biologic effects of marijuana. It is well known that the progress of lung diseases is insidious, appearing slowly over many years. The full destructive impact of marijuana smoking on health has not yet been fully determined.

CONSUMER AND HOMEMAKING EDUCATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. SKELTON. Mr. Speaker, the home and family have been Federal priorities since the birth of our Nation. From early vocational education legislation to the Carl Perkins Vocational Education Act of 1984, Public Law 98-524, funding has been allocated for home economics education which focuses on strengthening of family life. Vocational consumer and homemaking education prepares youth and adults for the work of the home and family—the occupation of homemaking. These programs address the critical needs of persons to be equipped with basic living skills, and need to remain a priority if persons are to be wise consumers, productive workers, and effective family members. One example of the effectiveness of consumer and homemaking education is demonstrated through a recent assessment of student achievement of those competencies deemed necessary to perform effectively in the occupation of homemaker.

Consumer and homemaking education is planned instructional programs, services, and activities which prepare youth and adults for the occupation of homemaking and wage-earning occupations. The areas of instruction include human development and the family, consumer education, nutrition and food, clothing and textiles, housing and home management, and family and individual health. Professionals pride themselves in meeting the special needs of youth in public schools and underserved populations, for example, by offering programs in economically depressed areas, prisons, mental health facilities, and other centers of the disadvantaged and handicapped.

Consumer and homemaking education promotes educational excellence through innovative curriculum development, teacher education, research, and leadership programs of the Future Homemakers of America Vocational Student Organization. Evaluation of student learning as a result of their participation in these programs remains an integral part of consumer and homemaking education.

In Missouri, which I have the privilege of representing, it has been documented that students in consumer and homemaking programs attain competencies needed for the occupation of homemaking. A competency is knowledge, attitudes, and performance skills which enable one to function effectively in a specific occupation. As part of a larger project, a competency based test was developed to ascertain students' knowledge and attitudes related to the tasks performed in the homemaker occupation. This effort was sponsored by the home economics education section of the Missouri De-

partment of Elementary and Secondary Education and conducted by the Southeast Missouri State University.

Last year, students in a sample of the 381 school districts with consumer and homemaking education programs participated in a statewide assessment of their competencies for the roles of the homemaker. I would like to highlight some of the results.

High schools seniors who had 1 year of instruction in consumer and homemaking education scored significantly higher in terms of knowledge about the occupation than students just beginning their first year of instruction in consumer and homemaking education. Students with four or more semesters of instruction had greater knowledge of the tasks of the homemaker than students with less instruction.

In terms of their attitudes toward the occupation of homemaker, seniors with comprehensive consumer and homemaking education instruction held significantly more positive attitudes than those students beginning their coursework. Seniors with no consumer and homemaking education instruction held the least favorable attitudes. Students who had taken four semesters of comprehensive consumer and homemaking education were more favorable toward the occupation than those with less coursework.

Missouri's consumer and homemaking education programs do have an impact in guiding youth to attain competencies for the homemaker occupation. I would like to commend professionals for being on target in promoting economic growth, individual productivity, strengthened home and family life, and community outreach to underserved populations, and wish them future successes in accomplishing consumer and homemaking education program goals.

LITHUANIAN AMERICANS OF CICERO, IL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. LIPINSKI. Mr. Speaker, today I would like to share with my colleagues a resolution adopted by the Lithuanian Americans of Cicero, Ill, commemorating the Holocaust of the night of June 14, 1941, and the continuing genocide by the Soviet Union since 1940 against the Lithuanian people:

RESOLUTION

We, the Lithuanian Americans of Cicero, Illinois assembled this 9th day of June, 1935 at St. Anthony Parish Hall to commemorate the Holocaust of the night of June 14, 1941 and continuing genocide by the Soviet Union since 1940 against the Lithuanian people.

On the night of June 14, 1941 more than 40,000 Lithuanians were deported to Soviet concentration and labor camps where they perished from hunger and cold. At the end of World War II, more than one quarter of the Lithuanian population was exiled to Soviet concentration camps. Even today many Lithuanians suffer imprisonment and persecution for trying to exercise their human rights.

Now, be it resolved, That we agree with President Ronald Reagan's military program and ask Congress for its support; in particular Nicaraguan and Afghanistan freedom fighters;

We congratulate President Ronald Reagan on his trip to Europe to strengthen the ties between Americans and the free countries of Europe;

We ask the President and Congress to appoint a special commission to investigate the OSI activities as related to the constitutional rights of the accused and the OSI connection and cooperation with the KGB and other Soviet institutions;

We ask the President to make public the secret agreements that were made between the OSI and the Soviet government. We ask all representatives to support the Baltic Freedom Day Resolution that has been passed by the Senate (HJ263).

We request that this resolution be forwarded to the President of the United States, Vice President, Secretary of State, Secretary of Defense, Presidential Council, United States Senators from Illinois, Chairman of Senate Foreign Relations Committee, Congressman from our district, Chairman of the House Foreign Affairs Committee, other appropriate Congressional committees, and the news media.

STANLEY DUBAUSKAS,
Secretary of the Meeting.
ANDRIUS JUSKEVICIUS,
President of the Cicero Chapter of Lithuanian American Council and Chairperson of the Meeting.

THE SOVIETS BLINDSIDE U.S. MONITORING EFFORTS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. BROOMFIELD. Mr. Speaker, once again, the Soviets are playing dirty pool. Rather than complying with both the letter and the spirit of the SALT II accords, they are encrypting valuable transmissions from their missiles. They hope to foil any U.S. monitoring efforts of those important missile test flights. If any real understanding and arms control accords are to be agreed to by our two nations, encryption efforts of this type must be stopped. Using trickery is no way to promote trust and confidence. I want to commend an article on this subject to my colleagues in the Congress so that all of us can see the implications of these unfortunate test coding efforts.

In any international accords dealing with arms control, verification is a key element. While limited data encryption of missile telemetry is allowed under the SALT II accords, the agreement prohibits coding that hinders a nation's ability to verify compliance with certain critical provisions. Equally disturbing are allegations that the Soviet Union is building warheads, bombers and new missiles far in excess of the limits specified in the original treaty.

All in all, many Soviet activities regarding signed agreements generally undermine the fragile trust and confidence that has been building between our two nations in recent years. Soviet violations of the Helsinki Final Act are so blatant that many wonder if the Kremlin is capable of following the spirit and letter of any agreement. This is a serious question which must be asked by any administration intent on reducing the high levels of nuclear arms in the arsenals of our two countries.

With these deep concerns in mind, I recommend the following Washington Times article to my colleagues in the Congress. It is certainly food for thought:

SOVIET TEST CODING STYMIES U.S. MONITORING EFFORTS

(By Bill Gertz)

Soviet coding of missile test data has prevented the United States from identifying the characteristics of new and modernized ballistic missile systems and has created barriers for future arms treaties, a secret 1984 report on Soviet arms control violations says.

Critics opposed to spending enormous sums on U.S. technical spy systems to monitor Soviet missiles charge that the coding—called missile telemetry encryption—is an example of how the Soviet Union exploited U.S.-Soviet cooperation during the 1970s.

The report on "Soviet Non-Compliance with Arms Control Agreements" contains details of U.S.-Soviet diplomatic exchanges on the issue and reveals that the encryption has left U.S. spy systems unprepared to provide adequate verification of past arms control limits on intercontinental ballistic missiles.

The Reagan administration entered arms talks with the Soviet Union last March with public assurances that any agreements would be verifiable. Secretary of State George Shultz, in May 1984, stated that "provisions for effective verification of compliance by all parties" is a basic U.S. objective in the arms talks.

Regarding treaty compliance in Soviet missile tests of new SS-24 and SS-25 ICBMs and SSN-20 submarine-launched ICBMs, the report states that "in none of these cases are there alternative, normally available sources of data, a fact of which we must assume the Soviets are aware."

U.S. diplomats at a Geneva arms control commission warned the Soviets that telemetry encryption presents a "serious obstacle" to reaching any new arms agreements with the Soviets, the report states.

"Such encryption impairs the U.S. capabilities to verify compliance with key provisions of the SALT II Treaty, particularly those parts . . . establishing permissible characteristics of new and modernized ICBMs," the report says.

The SALT II treaty was signed in 1979 but never ratified by Congress. While questions of verification have persisted, both sides have agreed not to undercut the treaty's provisions. The treaty permits some telemetry encryption but prohibits coding that hinders the ability to verify compliance with certain provisions, such as limits on warhead-to-launcher weight ratios.

President Reagan reported to Congress in June that the United States will continue its "no undercut" policy and ordered the Pentagon to prepare a report by November outlining possible U.S. countermeasures to reported Soviet arms violations.

In addition to violating curbs on encryption, the Soviets also have been accused of building warheads, bombers, new missiles and defense systems beyond treaty levels.

Telemetry is data broadcast from computers located in missile nose cones to ground control centers during test flights. If left uncoded, it can provide details on missile size and accuracy.

The report reveals how Soviet negotiators to the Geneva Standing Consultative Commission on arms control dismissed U.S. objections to telemetry encryption. An unnamed Soviet commissioner, when asked why data was concealed on a test of the SS-25, denied the charge but added that both sides "have no strict obligations to act in accordance" with SALT II since it was never ratified.

The Soviet official tried to obtain details of U.S. monitoring capabilities by requesting that U.S. officials provide parameters of what information could not be picked up. The United States turned down the Soviet request since it would have allowed the Soviets to know the limits of U.S. electronic collectors and thus compromise the system's effectiveness, the report states.

Besides compliance-verification data telemetry intercepts from satellite reconnaissance can be used to determine a missile's potential threat and to formulate defensive measures.

Analysts believe U.S. technical intelligence collectors systems have already been compromised by Soviet telemetry encryption since the systems were designed specifically to verify compliance with arms control agreements.

Angelo Codevilla, an intelligence expert with Stanford University's Hoover Institution, said that during the era of detente the United States decided to invest billions of tax dollars in technical spy systems primarily intended for arms control verification.

"Nearly all of the technical systems were built to monitor the world conceived by Robert McNamara in the late '60s and [by] Henry Kissinger in the early '70s," Mr. Codevilla said in an interview. "That is to say, a world of stability and increasing cooperation between the United States and the Soviet Union . . . a largely predictable, peaceful world where space would be a sanctuary from which, by agreement and custom, intelligence systems would be allowed to operate."

Consequently, the U.S. intelligence community was divided among Pentagon planners who prefered conflict-oriented defense intelligence systems and technologists who wanted systems designed to verify arms agreements.

"So the question was to what extent do we take these billions away from the systems conceived according to this world, and devote them to systems built according to a very different perception of the world, systems that would not necessarily give you terribly fine pictures of silos, but systems that would allow you to target forces and increase command and control centers," Mr. Codevilla said.

The problem is that the U.S. systems were built without serious concern for Soviet capabilities to manipulate or frustrate them, Mr. Codevilla said. Technical systems were designed to monitor signal-to-noise ratios, electronic sensitivity, to collect high numbers of channels and for multiplex signal monitoring.

"These are important technical issues, but they never addressed the issue: the Soviets are going to find out something about your system, something about its existence, and given that knowledge, what are they going to do with it?" Mr. Codevilla asked. "How can you check on the extent to which they are using that channel to pass information to you and how do they modify their exposure to your system?"

Relying on intelligence collection to verify arms control agreements will present greater problems in the future as Soviet weapons systems, currently stationary and easily detectable by overhead satellites, become more mobile, Mr. Codevilla said.

"Most forces . . . in the Soviet Union, including missile forces, are terribly mobile," he added.

A CIA estimate released in June shows that by the mid-1990s, mobile land-based ICBMs will account for more than 12 percent of the total Soviet strategic arsenal.

Without adequate counterintelligence on technical systems, the United States will continue to be vulnerable to Soviet concealment practices such as telemetry encryption, Mr. Codevilla said.

SAKHAROV'S STEPSON ENDS HUNGER STRIKE UPON ASSURANCES FROM STATE DEPARTMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. GILMAN. Mr. Speaker, earlier today Alexei Semyonov, stepson of Nobel Laureate Andrei Sakharov, who along with his wife Dr. Yelena Bonner has been missing from their apartment in Gorky for quite some time, ended his 14-day hunger strike on their behalf. Having survived these past 2 weeks on only water, with no shelter from the elements in his makeshift living space near the Soviet Embassy here, Alexei Semyonov held a press conference today at which he reiterated his desire to learn of his parents' health and whereabouts. However, he stated that he was ending his hunger strike because he had received assurances from officials in the State Department that a high priority would be given to his parents' case by the administration before and during the Geneva summit meeting in November between President Reagan and Soviet Communist Party leader Mikhail Gorbachev.

His meeting with officials at the State Department is to take place this afternoon; I expect that the support Alexei has received from various Members of Congress over the past weeks has assisted in this effort. He still desires, however, to meet with President Reagan in order to personally convey his feelings about the direction in which his parents' situation should be approached.

Yesterday, Congressman FRANK (Mass.) and I introduced House Concurrent Resolution 186, a resolution requesting the President to make known to the Soviet Government the feelings of all of us on this matter. Expressing our deep concern and moral outrage at the lack of communications between Alexei, his sister Tanya Yankelevich and their parents, all signatory nations to the Helsinki Final Act are urged to express to Soviet authorities their desire for a reopening of familial contact.

I was pleased to learn that this resolution will be similarly introduced by Senator D'AMATO (NY) in the Senate today, with swift consideration anticipated by that body.

At this time, Mr. Speaker, I would like to take this opportunity to insert for my colleagues' review the text of Alexei Semyonov's remarks during today's press conference, as well as a recent Washington Post column by Mary McGrory about his courageous and dedicated efforts on behalf of his parents.

STATEMENT OF ALEXEI SEMYONOV

Today I am breaking my hunger strike which I started fourteen days ago. Yesterday, I was contacted by the State Department. I was informed that they are making it a high priority issue for the U.S. Embassy in Moscow to find the whereabouts of my parents and to reestablish communication with them. I was assured that the State Department will use every opportunity to resolve the case of my parents before the November summit. At this time, I think the continuation of my fast will not serve the purpose of helping my parents. Indeed, it could perhaps hamper the efforts of the State Department. My demands at the outset of my hunger strike were not satisfied. Thus, this is not the end of the struggle. My parents remain completely isolated and their fate is uncertain, governed by the whims of the KGB. We must continue all efforts to save them.

I am convinced that the United States should press the Soviet Government to release the Sakharovs before the November summit. Right now, the Soviet Government is involved in an extensive media campaign to blame the possible failure of the summit on the U.S. No one will be fooled by their rhetoric.

If the Soviet Union is indeed interested in constructive talks, in creating an atmosphere of good will at the summit, they should make improvements in the human rights area which are of grave and immediate concern to the West. Human Rights policy is the one true indicator of the Soviet's intentions; if they are not willing to make a humanitarian gesture of releasing my parents, living symbols of the struggle for human rights in the Soviet Union, then they are not interested in results at the Geneva talks; it will in fact be useless to accommodate them.

I still seek a meeting with President Reagan. I do not doubt his sincere commitment to human rights and to my parents. As the President himself stated on the occasion of my stepfather's sixty-fourth birthday, "Let all who cherish Dr. Sakharov's noble values, both governments and individuals, continue to press the Soviets for information about the Sakharovs and for an end to Soviet persecution of two of its most distinguished citizens." By meeting me, the President would come to understand the seemingly endless anguish of our family; it will also clearly show the lasting U.S. concerns for human rights.

In the continuing struggle for my parents I am grateful that I can count on the support of the United States Congress. I hope that Members of Congress will encourage the administration to vigorously pursue the resolution of the Sakharovs case.

My stepfather, Dr. Sakharov, has always enjoyed widespread support of the world scientific community. I hope that his colleagues will come to the aid of my parents in this tragic hour. The statement released by the National Academy of Science two days ago demonstrates the academy's understanding of the urgency of this situation. I count on their continuing efforts to win the release of my parents.

My parents are in mortal danger. The time to save them is now, before the November summit. Thank you for coming.

GORBACHEV'S OPPORTUNITY

Communist leader Mikhail Gorbachev is getting a fantastic pre-summit press. His interview with Time magazine, his long seance with six U.S. senators have created a picture of astuteness, flair and mastery that has the White House wailing for equal time.

His greatest opportunity for a public-relations triumph, however, is sitting in a beach chair on a Washington street corner. Alexsey Semyonov, the 29-year-old stepson of Andrei Sakharov, is in the second full week of a hunger strike undertaken to force the Soviet government into producing his parents, whom he last saw on a Soviet videotape in July. The stream of postcards from Gorki, the town to which Sakharov and his wife, Yelena Bonner, were exiled in 1980, abruptly ceased in April.

Semyonov decided on his hunger strike on Aug. 18, the birthday of his grandmother. She lives with him in Newton, Mass., and for the first time in his life, no cable came from his parents.

"It's impossible to imagine that somehow they could have forgotten. It never happened in the 29 years I have lived. My grandmother's birthday is the main event in the family."

Semyonov sent a cable to the Soviet Embassy threatening a fast if he could not see his parents. He flew here on Aug. 30 and settled in on the corner that is more than the requisite 500 yards from the embassy. He has been living on Perrier and cigarettes ever since and has lost 21 pounds.

The worst time of the day is when he crosses the street to use a hotel's facilities and has to pass a chocolate store.

He is a tall, mild, wan young mathematician. He says in his accented English, "I don't know if it will work, but I have to do something."

He has a homemade sign beside him: "I am on hunger-strike. Soviets, let me see my parents. Free Sakharovs." He is at his post every day from 8 a.m. to 6 p.m. He took time out yesterday to escort his grandmother to the White House to see Patrick J. Buchanan.

There has been no word from the Soviets, but the response from passers-by has been gratifying. "I was only there 15 minutes when a woman came with mineral water. Another secretary who works near here typed up a petition to the Soviet Embassy. We have hundreds of signatures."

Notables visit: Jason Robards, who played Sakharov in a television film; a deputation of congressmen.

"When I came to Washington before," he observes quizzically, "I used to have to make appointments with people. Now they make appointments with me."

Semyonov thinks it is a "disgrace and a scandal for all the U.S. press" that Time has a two-hour interview with Gorbachev and never raised the question of human rights.

"The media says Gorbachev is a pragmatic, energetic leader, but if he is pragmatic he should try to do something positive by changing at least something of the human rights record in the Soviet Union. It would cost the Soviet Union nothing and would show a desire to negotiate genuinely with the West.

"I agree completely with my stepfather's thinking that the system which disregards human rights and does not allow citizens to discuss problems of the country is a danger of starting a war. It is so when the question of war and peace is decided by a small group of bureaucracy."

Semyonov subscribes to the Reagan theory of the Soviet Union as the "evil empire"—and "if it continues for another 100 years with complete totalitarianism, it will spread."

The resolution of the Sakharov problem ties the Soviets in knots. Semyonov, who emigrated after the authorities warned they would draft him, explains that to the Kremlin, his stepfather is not just a dissident but a traitor to the establishment. Three times proclaimed a hero of the Soviet state, he was a scientist who became politicized by tests of the hydrogen bomb he created.

The Soviets know that their persecution of the saintly scientist costs them in world opinion, but they growl that Sakharov gave away state secrets, that to liberate him would be to bow to President Reagan. Sakharov is to them an agitator who misrepresents the contented Soviet people as yearning for freedom.

"It is racist and fascist to say that the Russians do not want liberty," says Semyonov. "It is in the Russian soul as in every human soul."

Gorbachev, who has demonstrated shrewdness and understanding of Western politics in the interviews, could really knock over the superpower Chessboard if he let the Sakharovs go—or at lesat permitted them to be seen by someone other than official Soviet cameramen.

A CONSERVATIVE CASE FOR SANCTIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. RICHARDSON. Mr. Speaker, the case for economic sanctions toward South Africa cannot be more thoughtfully stated than by our colleague Representative VIN WEBER, whose intellectual honesty is most apparent in the attached article I submit for the RECORD.

I ask unanimous consent that Mr. WEBER's piece in USA Today be inserted in the RECORD.

A CONSERVATIVE CASE FOR SANCTIONS

(By Vin Weber)

NEW ULM, MINN.—Conservatives have a responsibility to consistently support freedom, pluralism, and representative government around the world.

We have been able to take the moral high ground in opposing communist governments because their ideology attacks these values.

It is time to realize that supporting the South African government, where freedom, pluralism, and representative government are not recognized, undermines our moral opposition to communism.

Conservatives have supported the South African government because of its anti-communist stance. We have looked at South Africa strictly in East-West terms.

But in an attempt to oppose communism, we have supported a system that is polarizing South Africa, making it more difficult to achieve peace.

Freedom in South Africa does not mean violent revolution and a new totalitarianism. Support for economic pressure on the government of South Africa does not mean support for communist-aided insurgents who wish to destabilize Southern Africa.

The racial discrimination of apartheid denies freedom. Real reform means an end to forced separation of black families, an end to the ban on black property ownership, and basic civil liberties for all.

To the extent that we can effect any change in South Africa, sanctions are one part of a policy of increased pressure. They are more public and demonstrative than "constructive engagement," less damaging to the black economy than a total ban on trade, and substantial enough to exert some economic pressure on Pretoria.

We should not expect the immediate establishment of a Western-style democracy. South Africa is a nation of many minorities, and the rights of all its peoples must be protected.

As conservatives, we have argued we have a moral obligation to support the refuseniks in the Soviet Union, the refugees in Cambodia, the freedom fighters in Nicaragua. Our goal of freedom in South Africa is the same as our goal around the world.

Our foreign policy success depends upon extending freedom, pluralism, and representative government. It's time to turn our eyes to South Africa.

A TRIBUTE TO ROBERT VOIT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Robert Voit. I ask my colleagues to join me in honoring this tremendous individual. This year on October 4, 1985, the Boys and Girls Club of San Fernando Valley will present its 1985 Founders Award to Robert D. Voit, president, the Voit Co.

A graduate of the University of California at Berkeley, Robert Voit formed the Voit Co. in 1971. The initial project of this fledgling company was a modest two-building, two-story office complex in Woodland Hills. Since that time he has worked hard to see this venture grow into the highly successful property development and management business that it is today. Mr. Voit has been responsible for the development or renovation of more than 2 million square-feet of commercial and industrial properties.

Along with his successful business endeavors he has found the time do donate his abilities to important community organizations. He currently serves as first vice chairman of the San Fernando Valley Cultural Foundation and he is also on the board of the Valley Cultural Center. In ad-

dition, he has served on the board of the Pacific Boys Lodge.

It is my pleasure and honor to join with my colleagues and the Boys and Girls Club of San Fernando Valley to pay tribute to Robert Voit, a successful businessman and outstanding member of his community.

TAX REFORM HARMFUL TO HISTORICAL BUILDINGS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HUBBARD. Mr. Speaker, I received an excellent letter from one of my constituents, Mrs. Loretta M. Wyatt of Mayfield, KY, which I would like to share with my colleagues. Mrs. Wyatt has written to me about her opposition to the President's tax reform proposal as it relates to tax credits that are presently allowed for the renovation and restoration of old buildings in designated historical areas.

Loretta Wyatt mentions Hall Hotel in my hometown of Mayfield, KY, as a case in point. After its renovation, this hotel will be taxed at many times its present valuation. Loretta Wyatt also understands the long-term disadvantages of repealing these tax incentives.

Her letter follows:

MAYFIELD, KY,
July 10, 1985.

Hon. CARROLL HUBBARD,
House of Representatives,
Washington, DC.

DEAR MR. HUBBARD: One of the proposals which I understand is currently before the House Ways and Means Committee would do away with the tax credit which now makes it feasible to renovate and restore old buildings in designated historical areas. The proposed renovation of the Hall Hotel in Mayfield, KY, is a case in point. When it is completed it will go back on the tax books at many, many times its present valuation.

The same thing is a possibility for many of the currently deteriorating buildings in downtown Mayfield—as well as in thousands of other towns and cities, not only in our area but all over the country.

Instead of letting these buildings stand as empty eyesores until they eventually deteriorate to the point that they are condemned, the continuing tax incentive can help to restore great areas that otherwise would be abandoned. At the same time such restorations will put great sums of money back into their communities in the vast amounts of money used for materials and labor in the restorations.

If the recommendation to remove this tax credit comes out of the Ways and Means Committee, I hope you will see fit to use your influence as a member of the Banking, Finance and Urban Affairs Committee to restore it.

We have too many basically fine old buildings in the United States that we can't afford to have destroyed.

Yours very truly,

Mrs. LORETTA M. WYATT.

HOUSE JOINT RESOLUTION 320

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to voice my support for House Joint Resolution 320 designating November 24 through November 30 as "National Adoption Week."

Along with the 83 of my colleagues who are cosponsors of House Joint Resolution 320 I realize that the adoption of a child is a gift for which families are eternally thankful. With this in mind, Thanksgiving seems to be a particularly appropriate time to recognize all those involved in the adoption process—the child, the family, and the facilitating organization.

More than 2 million couples in this country are awaiting the joy of an adopted child. Most will wait an agonizing 5 to 7 years for a healthy, newborn infant. In addition, thousands of minority and "special needs" children are still waiting to be placed in permanent homes. It is a tragedy that so many of these children will be institutionalized or placed in orphanages this year.

Although Congress passed the Adoption Assistance and Child Welfare Act of 1980, which secured permanent homes for many "special needs" children, much still remains to be done. I am urging all of my colleagues to join me in cosponsoring this resolution as an excellent way to raise public awareness and highlight the unique problems of adoption. It could be the first step toward reducing the number of unwanted and unadopted children.

THE GROWING NEED FOR HUNGER RELIEF IN THE UNITED STATES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. LELAND. Mr. Speaker, over the last two decades, we have developed a network of programs designed to improve the availability of a nutritious diet for people with low incomes. I would be remiss in stating that we have not realized any success in meeting the intent of these programs. However, as chairman of the Select Committee on Hunger, it is my belief that the time has come for us to take a long hard look at current policy and determine how responsive these programs are today. In recent years, the prevalence of hunger in the United States has been documented in numerous reports; yet, to date, the Federal Government has not enacted program modifications which address the seriousness of the hunger problem. We have fallen short in our responsibility to maintain a strong line of defense against hunger.

I would like to share an article, authored by Representative LEON PANETTA, which appeared in "the New York Times" in September 9. Congressman PANETTA, who is chairman of both the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations and Nutrition and the Select Committee's Task Force on Domestic Hunger, clearly presents the magnitude of the hunger in America and offers us a viable means for alleviating this problem. I feel it imperative that we heed his message.

[From the New York Times, Sept. 9, 1985]

HUNGER IS GROWING, BUT RELIEF ISN'T

(By Leon E. Panetta)

WASHINGTON.—The key to the budget debate is knowing where to cut and where to invest in the battle for future savings. One fundamental lesson I've learned is that cutbacks in certain programs, such as those that feed the hungry, save no money at all. Hunger is so fundamental a problem, and has such a far-reaching effect on health and spirit, that even small investments today to combat it are likely to produce substantial long-term savings.

Alarm bells warning of increasing hunger are sounding, but few people seem to be listening. What was discounted a few years ago as shallow and anecdotal evidence about the growth of hunger and poverty is now turning up as cold, hard statistics. The situation is critical, especially for our children.

Recent Public Health Service studies indicate not only that the steady decline since 1965 in the infant mortality rate has virtually halted but that the mortality rate for infants from 1 to 12 months old appears to be increasing. It is in this period that nutritional and health measures play a large role in preventing death.

The Childern's Defense Fund reports that the black infant death rate increased in 1983, for the first time in more than a decade. Compared to white children, black children are twice as likely to die in the first year of life, be born prematurely or suffer low birth weight.

The latest available poverty statistics indicate that nearly one-fourth of all American children under 6 live in poverty—a four-year increase of 45 percent. More than 50 percent of black children under 6 and more than 40 percent of such Hispanic children live in poverty.

Physicians around the nation are reporting an increase in nutrition-related health problems in children, including instances of diseases usually found in third world countries.

Over the past 28 months, I have been involved in 16 hearings on the hunger issue in Washington and around America, visited dozens of soup kitchens and talked with many people involved with the problem. Their message has been so uniform that I have no doubt that it is true: The hunger problem is real and growing. It is a message confirmed by countless studies and surveys.

With all the talk about hunger, in recent years the Federal response has been inadequate.

Private-sector charities and food banks have responded generously to the crisis, but their efforts are falling short. Congress has staved off nutrition cutbacks sought by the Administration in addition to those enacted in 1981 and 1982, but has been largely unsuccessful in restoring funding to vital nutrition programs that serve our poorest citizens. Even President Reagan's conservative Task Force on Food Assistance recommend-

ed spending increases that have yet to be enacted.

The House took a positive step by passing the Hunger Relief Act of 1984. Despite the strongly bipartisan 364-39 vote, the Senate took no action and the bill died.

This year, a similar bill pending in the House Agriculture Committee faces an uphill battle for enactment. While not ending hunger, it would make a difference. Restoring some 1981 and 1982 cutbacks, it would mean a few more days a month that millions would not have to go without food or rely on soup kitchens, or a few more days a month that many children might concentrate better in school, or a few more days a month that parents could feed their families and still have utilities function in their homes.

Public and media attention to hunger hit its peak some time ago. If we do not heed the alarm bells now, we will lock in even greater social problems and dollar costs down the road. For our children, further delays could result in irreversible damage to their development.

There should be no place for the shame of hunger in this country.

H.R. 7, THE SCHOOL LUNCH AND CHILD NUTRITION ACT OF 1985, IS CRITICALLY NEEDED

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. TALLON. Mr. Speaker, I rise today in support of H.R. 7, the School Lunch and Child Nutrition Act of 1985, a measure that is critical to both the immediate well-being of America's children and the long-term health of our Nation.

The five child nutrition programs which will be extended through H.R. 7 have been very successful in improving the nutrition of pregnant women and children and are essential components in our national effort to combat hunger. Crucial to the continued success of these programs is the $121 million increase in funding, approved by the congressional budget resolution. This additional funding is vital if the WIC, School Lunch and Child Nutrition Programs are to remain cost effective and successful.

Mr. Speaker, like all of us here today, I am deeply concerned about our enormous and threatening national deficit. However, a real halt in deficit spending can only come about through legislation and spending that is geared toward long-term growth and efficiency. If we deny this modest sum requested, I fear this Nation will pay in the long run; in dollars, in productivity, and in the quality of life for many of our citizens.

The need for funding for WIC and child nutrition programs is tragically clear. In contrast to the administration's optimistic statistics, I contend that hunger is still a very real and devastating threat in my own State of South Carolina and in our Nation. The number of poor children in the United States is growing: there are one-third more poor children today than there were in the late 1970's.

The statistics on infant mortality and birth weight are equally distressing. The United States currently ranks 12th among developed nations in infant mortality, a sensitive indicator of a nation's overall health. In 1982, infant mortality claimed 42,401 victims in the United States, more than breast cancer, leukemia, or diabetes. In addition, in 1982, nearly a quarter of a million babies in the United States were born too small to have the best chance of a healthy survival. Such statistics clearly demonstrate the need for the WIC, school lunch and child nutrition programs, and the importance of congressional support for H.R. 7.

Numerous studies have shown that the WIC Program has been cost-effective. By administering to the immediate nutritional needs of low-income women and children through WIC, the Government is saved from providing long-term food, medical, and educational assistance. For every $1 spent in the WIC Program, $3 is saved in terms of later expenditures for care and treatment health costs.

The school lunch and breakfast programs have also proven to be cost-effective. H.R. 7 maintains the quality of the school lunch program for 3 million low-income children. Poor nutrition in school-age children can lead to poor physical growth, anemia, and poor behavior development, which can, in turn, stunt academic growth and performance.

As a Nation, we pride ourselves on our commitment to human development and economic growth. However, if we fail to provide adequate support and nourishment for America's children, we will forgo opportunities for new successes and continued development. In short, the potential for economic and social development exists. Whether this potential is realized depends, to a great extent, on our ability to focus our leadership, resources, and energy on solving the tragic problem of hunger and malnutrition.

PERSONAL EXPLANATION

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. GUNDERSON. Mr. Speaker, on rollcall 300 today, I was unavoidably absent while addressing the Labor Policy Association and the Employee Relations Committee of the Business Roundtable, on the subject of "Plant Closings" and H.R. 1616. Had I been present, I would have voted "aye."

FATHER GHEORGHE CALCIU

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. SMITH of New Jersey. Mr. Speaker, earlier today I had the privilege of joining Father Gheorghe Calciu at a press conference and later at a luncheon. I take this time this afternoon to welcome to America a true spiritual giant, a courageous defender of human rights, a man of God.

Released on August 4 by Romanian officials, Father Gheorghe Calciu has spent a total of 21 years in Romanian prisons on phony charges. He has endured beatings, deprivation of food and water, solitary confinement, painful separation from his wife Adrianne and son Andre and other forms of torture because of his unswerving commitment to Christ, the Gospel, and the highest moral principles.

Mr. Speaker, while we are all grateful to the Romanian authorities for releasing Father Calciu, his freedom should not be permitted to cloak or conceal the ongoing repression directed against believers in Romania. There are numerous reliable reports of new arrests and convictions of Christians, demolition of orthodox churches, police harassment of believers and other acts of religious persecution.

This past June, Congressmen FRANK WOLF, TONY HALL, and I visited Romania and met with key Government leaders including Stefan Andrei, Minister of Foreign Affairs, Ion Cumpanasu, Minister of Cults, various religious leaders and many others. We came away deeply impressed with the religious fervor of the people, deeply saddened with the harshness of the Government's policies.

Clearly, Father Calciu's emigration to the United States is a source of encouragement. He brings with him a saga of bravery and persistence that inspires. A story that must be told to the American people. He brings with him, the truth about Romania. We do well to listen.

At this point in the RECORD, I insert a brief statement from this morning's press conference by Father Calciu:

REMARKS OF FATHER GHEORGHE CALCIU

Dear friends, a conjunction of events, vastly different in themselves, has at this moment focused interest on me. On one side there is the inhumane communist government of Romania and on the other, the generous Christian action put in motion by people of good will.

But I am only a simple priest, formerly a professor at the Theological Institute of Bucharest. In the sermons given in the church where I was serving God, I did nothing more than protest against the undermining of religion and all human rights as practiced by the totalitarian regime which attacks directly the Christian faith and plots against a nation which has already suffered a lot because of her faith in God.

Of myself I am nothing, God but made me to stay the flow of evil in certain circles. In the Lord's vineyard I am only like that servant in the Gospel of Saint Luke, who was faithful to his Master and to whom the Master did not say: "Come at once and sit down at the table", but, rather said to him "Prepare supper for me first, till I eat and drink, and afterwards you shall eat and drink." (Luke 17:8). For, indeed, we the priests shall say "We are unprofitable servants, we have done that which was our duty to do." (vs.10)

Through all that you did for me, giving up your rightful comforts and peace, you obeyed a divine urge coming from the very depth of yourselves, for God is deeper in us

than we ourselves are, or in the words of Saint Augustine "interior me ipsum."

Thank you! You are a great and generous nation which has grasped the role the Divine Providence has entrusted you to play in the modern world. Your generosity makes me realize that you have recognized the political mistakes and taken measures to redress them. I am but one small voice issuing from the hearts of thousands which you saved from suffering and the power of the abominable fear in which they lived. Should they all be joined together, they would form a great chorus that should pierce the heart of the world.

I have no idea how to address myself to American hearts. My language is the language of suffering, and I am convinced that you can understand it.

Immigration is an individual solution but not the final answer for oppressed populations. By what you have done you have proven your great personal capacity for sacrifice and generosity. But you must act still more courageously and generously by awakening the conscience of those around you. "Shout from the roof tops" what up to now you have spoken quietly. Your voice in defense of the oppressed makes their suffering smaller. They feel they are not abandoned, somebody is concerned, somebody cares.

You will surprise many by your attitude and they will ask, "By what authority are you doing these things . . ." (Matt. 11:28). You can really do wonders because your voice is the voice of Jesus who calls mankind to freedom and dignity.

We all have one heart and in it we carry Christ, the cornerstone of our redemption and the flag of our victory over evil. I humbly offer you my heart and my love. I have no power and I can boast of no creative genius for by myself I have done nothing. It is you who have given me freedom for no other reason than to do good, and my gratitude is deep.

Nevertheless, it is hard for us to eat our daily bread in peace and rejoice in the quietude of our home as long as millions of oppressed peoples who trust you and believe in your power and generosity continue to suffer, calling for help.

Before your eyes the gates towards Christian endeavor stand wide open. You must sow these fertile fields even if the harvest may appear distant, sow for "One soweth and another reaps." (John 4:37).

May God Bless You All!

A BILL DEALING WITH TAX-EXEMPT ORGANIZATIONS INVESTMENT IN REAL ESTATE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MATSUI. Mr. Speaker, today, I am introducing a bill to help section 501(c)(3) tax-exempt organizations, pension funds, and Government retirement plans diversify their investment portfolios by enhancing their ability to invest in real estate. This bill will be particularly helpful to private foundations, charities and colleges and universities with relatively small endowments, and it will result in no revenue loss to the Treasury.

Currently, small foundations, charities, and educational institutions are denied opportunities available to larger tax-exempt organizations because they cannot pool their investments with pension funds. An investment in real estate available to a larger university, for example, is foreclosed to smaller entities that do not want to commit all or a large percentage of their endowments to a single investment. Consequently, these smaller organizations are unable to obtain the sound investment mix permitted by diversification.

Foundations, private colleges and universities, and other institutions are currently facing severe financial pressure. Federal budget cuts have diminshed tax incentives for certain contributions, reducing funds available for charities. We need to act to help these groups survive, especially the smaller ones. Facilitating investment diversification is one means of assistance.

Diversification of investment is essential to protect the corpus of tax-exempt organizations. For example, a prudent university or a foundation may prefer to own 10 percent of 10 buildings than to own 100 percent of 1 building. Because of current prohibitions on pooling investment funds with other tax-exempt organizations, smaller tax-exempt institutions are unable to obtain the diversification available to larger institutions and thus must limit their investment alternatives to bonds and securities. Reliance on these investment options alone caused many small tax-exempt institutions to suffer significant losses in the 1970's.

This bill, creating a new section 501(c)(24), erases that inequity. This new provision authorizes the establishment of a corporation or trust in which charities and pension funds may share ownership. The corporation or trust will be organized for the purpose of investing funds of tax-exempt entities in real estate. The tax-exempt shareholders or beneficiaries will retain control over the investment of their funds because the bill limits the total number of investors to 35 and requires that the investment manager be removed if a majority in interest so votes.

In addition, this bill provides that section 501(c)(24) organizations will be eligible for the acquisition indebtedness rules enacted in 1980 for pension plans, thus removing another inconsistency with respect to investment by tax-exempt organizations.

With Government funding of private foundations and other tax institutions decreasing, it is important to remove unfair and unreasonable restrictions on the investment opportunities of these organizations. This bill will facilitate such investments with no revenue loss to the Treasury as a result.

THIRTIETH ANNIVERSARY OF THE CONCEPTION OF THE U.S. ANTARCTIC PROGRAM

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. FUQUA. Mr. Speaker, today marks the 30th anniversary of the first day of planning for the 1957–58 "International Geophysical Year" [IGY] which initiated the U.S. Antarctic Program. Even by today's standards, I believe it is accurate to say that the IGY and the activities it spawned has been the most successful cooperative effort in the history of nations.

In 1983 I was privileged to head a congressional delegation to Antarctica to visit the research stations at McMurdo and South Pole. The group interviewed a number of the scientists from U.S. universities who were conducting research projects at those two stations. In addition, we inspected the logistic support provided by the U.S. Navy, the U.S. Coast Guard and the civilian contractor, Antarctic Services, Inc.

This brief exposure to the challenging and exciting frontiers of science being pursued on the hostile continent of Antarctica by dedicated men of many nations gave me a very deep appreciation for what has been done, and for what lies ahead. I salute all the scientists, technicians, and explorers who have challenged the elements to work to unlock the secrets contained in that frozen wonderland.

The continent known as Antarctica is a complex issue for the nations of the world. It comprises approximately 10 percent of the world's land area, even though most of it is covered with ice up to 2 miles thick. Sovereignty over the continent is an unresolved issue. Seven nations have claimed parts of the continent but, these claims are weak and are unrecognized by most nations. The territorial claims of three of the nations overlap substantially. Prior to the enactment of the Antarctic Treaty this was a source of some friction among the claimants and, in the event the Antarctic Treaty should ever become ineffective, it could lead to future international discord.

The Antarctic Treaty was initially proposed by the United States and it has been longstanding U.S. policy to lend strong support to making the treaty effective. It has also been longstanding U.S. policy that the U.S. presence in Antarctica shall be influential and solidly based on a balanced program of scientific research. For this reason, the conduct of the U.S. Antarctic Program has been assigned to the National Science Foundation to be operated under the general guidance of relevant Presidential directives, the most recent of which was issued by the President on February 5, 1982. Overall administration development of policy with respect to Antarctic issues is assisted by the multiagency Antarctic Policy Group [APG] chaired by the Department of State.

The treaty, proposed by the United States in 1958 entered into force in 1961. The

treaty accomplishes three significant things:

First, defuses tension over the claims issue during the life of the treaty;

Second, effectively demilitarizes the continent; and

Third, provides for free and open access to all parts of the continent for peaceful purposes.

The resources of the continent are largely a matter of speculation at the present time. Some exploitation of marine living resources, primarily whales and seals, has gone on for the past century. Overexploitation eventually led to conservation measures such as the International Whaling Convention [IWC] and the Convention for the Conservation of Antarctic Seals.

More recently, exploratory fishing for Antarctic fin fish and for a tiny crustacean, Euphousia Superba—commonly know as krill—which is a basic food source for fish, seals, whales and penguins—has begun by several nations. In recognition, the nations party to the Antarctic Treaty, concluded in 1981 a Convention for the Conservation of Antarctic Marine Living Resources. In preparation for the time in the distant future when Antarctic mineral resources might become known and economical to exploit, these nations are actively negotiating another agreement to provide for rational decisionmaking and control of such exploitation.

In the long run, however, the primary benefit to be derived by mankind from the continent is apt to be the results of years of painstaking scientific research that, bit-by-bit, pieces together a mosaic of understanding of the role of the polar regions in governing the environment or climate of the world. The major areas of research significant to understanding of the attributes of Antarctica include oceanography, geology, geophysics, marine biology, glaciology, and the atmospheric sciences.

In their influence upon the oceans, the weather, and the world's climate, both polar regions are important. The differences in the geographical configurations of the two regions are such that the Antarctic probably has the more significant impact.

One of the most important milestones outside the establishment of the original station at McMurdo was the dedication of the new Amundsen-Scott South Pole Station on January 9, 1975.

Congressman J.J. (JAKE) PICKLE represented us at that dedication 10 years ago and made the dedicatory remarks at the new research station honoring the first two explorers to reach the geographic South Pole—the Amundsen-Scott South Pole Station. He was a member of our Science and Technology Committee at that time.

This ceremony reinforced the commitment of the United States to carry out research and development by our country and other countries in that vast Antarctic continent. It is vitally important that we do so. For these past 30 years, I believe the United States has kept that pledge and has worked cooperatively with the other nations involved.

TRIBUTE TO RUTH BURGESS YATES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to a longtime friend of mine, Mrs. Ruth Burgess Yates, who died May 18, 1985, at Western Baptist Hospital in Paducah, KY.

Mrs. Yates, age 53, was the wife of Rev. Harry C. Yates, who, for the past 26 years, has been pastor of Farmington Baptist Church at Farmington, KY.

It has been my privilege to serve as State senator (1967–75) and Congressman (since January 1975) for Ruth and Harry Yates, two friends whom I have admired ever since I met them in 1963.

Ruth Yates was a talented, personable, and very attractive lady who loved her family, community, church, country and, yes, life itself. Maybe because my own parents were a Baptist minister and the wife of a Baptist preacher do I notice, more than some others, a husband-and-wife team who lead a church congregation in a specially effective manner. I repeat my admiration for Ruth and Harry Yates.

The life of Ruth Yates will not be remembered for financial or political or history-making accomplishments. However, her dedication to Christianity and her Creator, her influence on the many lives with whom she did come in contact, and her contributions as a citizen, wife, mother, and grandmother will certainly be remembered by all those who knew her.

Ruth Burgess Yates' two children are Alan Yates of Paducah, KY, and Diane Yates of Farmington. Mrs. Yates is survived by two sisters, Mrs. Paul Price of Mayfield, KY, and Mrs. Aylene Stoner of O'Fallon, IL; two brothers, J.T. Burgess and Bob Burgess, both of Collinsville, IL; and two grandchildren, Alana Yates and Colette Yates, both of Paducah.

I extend to Rev. Harry C. Yates and other family members my sympathy upon the untimely death, caused by cancer, of a beloved Kentuckian—Ruth Burgess Yates.

PERIKLIS HALKIAS, 1985 NATIONAL HERITAGE FELLOWSHIP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MANTON. Mr. Speaker, I am pleased to inform my colleagues in the Congress, that a constituent of mine, Periklis Halkias, a Greek clarinetist, is one of 12 master traditional artists chosen by the National Endowment of the Arts as a 1985 National Heritage fellowship winner. All the winners were nominated for national honors by the general public and judged by the advisory panel of the Folk Arts Program and the National Council on the Arts.

Mr. Halikias, who lives in Astoria, is recognized as one of the finest musicians of the Oriental style of clarinet playing. Letters of nomination regarding Mr. Halkias referred to his "extraordinary instrumental technique," and called him "a living archive of Greek music."

Mr. Halkias was born in the Epirot region of northern Greece and started playing the clarinet at the age of 10. In pre-World War II Greece, he regularly played in folk music clubs. Mr. Halkias came to the United States in 1964, and was soon established as a familiar figure in the Greek nightclubs in Manhattan and of course, is often seen in Queens. Mr. Halkias has passed along his love for music to his sons, who are both accomplished folk musicians.

Mr. Speaker, I know my colleagues join me and the people of Queens in congratulating Mr. Halkias. Periklis Halkias is an extraordinary man who is not only to be commended for his exceptional musical talent and skill, but for his commitment to his heritage and his community.

A TRIBUTE TO NICK T. POTTS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. DYSON. Mr. Speaker, I would like to take this opportunity to salute Nick Potts for the 45 years of dedicated and distinguished service he has given to his country. On August 30, Mr. Potts, who hails from Louisville, closes out a most remarkable career in jet engine repair, 43 years of which were undertaken at Patuxent Naval Air Test Center in Maryland's First Congressional District.

In 1940, at the age of 17, Nick joined the Navy and became a flight engineer aboard PBY's and PBM's, flying wartime missions in the both the Atlantic and Pacific. These were challenging times, as Nick and the members of his squadron ushered in the epoch of jet propulsion and radar tracking.

If Nick's responsibilities in wartime were rigorous, his duties in peacetime were immense. For Nick assumed the heavy burden of making sure that newly designed jet aircraft functioned properly.

In 1968, Nick concluded his military career and became the first civilian maintenance officer in the Navy, first at Weapons Systems Test Division, then at South Site Maintenance and most recently at ASW. Upon retirement last month, Mr. Potts was assistant maintenance branch head at the antisubmarine aircraft test directorate.

For his many accomplishments, the Naval Air Station's Commanding Officer designated August 30 as "Potts River Day." Nick shares this well-deserved honor with his wife Florence Marie Zawislak Potts and their six children: Barbara Jo Davis, Nicholas Thomas Potts, Jr., Lynn Marie Kelly, Janet Lee Olson, Judy Ann Potts, and Robert Edward Potts as well as their nine

grandchildren: Michael, Nicholas, Steven, Neely Marie, Kevin Lee, MacKenzie Marie, Jennifer Lynn, John Glenn, and Melissa Ann.

I extend my congratulations to Nick Potts on this occasion and wish him well in his future endeavors. His exemplary service to his country will long be remembered by his fellow military and civilian colleagues at Pax River and is greatly appreciated by his fellow Americans.

SEMENOV'S HUNGER STRIKE FOR THE SAKHAROVS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. FASCELL. Mr. Speaker, it is with great sorrow that I have read and heard the accounts of Alexey Semenov, now in his 14th day of a hunger strike to protest the isolation of his mother, Dr. Yelena Bonner and step-father, Dr. Andrei Sakharov. For over 2 months, Alexey has received no communications from his parents. For over 5 years, his parents have been held in exile in the closed city of Gorky, and for the past 6 months, Drs. Sakharov and Bonner have received no communications either by mail or telephone. It is not known whether they are in good health, or even alive.

Faced with this desparate situation, Semenov has resorted to undertaking a hunger strike across the street from the Soviet Embassy here in Washington. His only plea is to see his parents either in the West or in the Soviet Union.

I join Alexey Semenov in his plea. Ten years after the signing of the Helsinki Final Act, it is appalling that the Sakharovs are still denied the most vital of their human rights, the right to live in the country of their choice, to receive the medical attention they deem necessary; and the right to join relatives and friends within the country and be reunited with family outside the Soviet Union.

After years of medical problems and inadequate or no medical treatment, Dr. Sakharov, a recipient of the Nobel Peace Prize, should not be allowed to suffer and made to disappear. He and his wife deserve the care of doctors and of their loved ones.

My heart is with Alexey Semenov in his struggle and my strongest hope is that he might be permitted to see his parents and share a meal with his mother and step-father.

WILLIAM BEAUMONT DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. GEJDENSON. Mr. Speaker, I rise today to propose a commemorative resolution to designate November 21, 1985 as "William Beaumont Day."

As you may know, Dr. William Beaumont is one of the more important figures in the history of medical research. His landmark work in the field of human physiology vastly increased our store of knowledge on the human body. Dr. Beaumont's contributions to science continue to have great significance to the present day.

Born in Lebanon, CT, William Beaumont served in the U.S. Army as assistant-surgeon to the 6th Infantry, having joined at the commencement of the war of 1812. In 1822, serving as post surgeon of Ft. Mackinac, MI, Dr. Beaumont took on Alexis St. Martin as a patient. Under Beaumont's care, St. Martin survived an accidental bullet wound to the abdomen. However, although the would healed, it never completely closed. Taking advantage of this unusual circumstance, Beaumont studied the digestive system of his patient from 1825 to 1833. It is for this work that Dr. Beaumont is known.

This year marks the bicentennial of William Beaumont's birth. The Federation of American Societies for Experimental Biology recently observed the occasion with its "Beaumont Bicentennial Symposium." President Reagan personally congratulated the federation for its efforts. I urge my colleagues to honor the memory of a man who contributed so much to science and humanity be declaring November 21, 1985 "William Beaumont Day."

LOUIS R. VINCENTI, COMMUNITY BENEFACTOR

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MOORHEAD. Mr. Speaker, Pasadena, CA, has just lost one of its chief benefactors, Mr. Louis R. Vincenti, who died several days ago in the city he loved and served.

Louis Vincenti was one of those rare and gifted men who have time to achieve success in the private sector while serving with equal success the public welfare.

Much of the credit for the current vigor and beauty of downtown Pasadena belongs to Louis Vincenti. Back in the early 1960's when the naysayers were pronouncing the death knell over the decaying center of the city, Mr. Vincenti refused to stand by. He moved to support the downtown in voice and action. As president of Mutual Savings and Loan, he set an example by constructing the first major building on Colorado Boulevard in more than 15 years. He was the first chairman of the Pasadena Redevelopment Agency, taking the controversial entity through its occasionally troubled youth with skill and determination. With Mr. Vincenti at the helm, the PRA established a tradition of excellence and success that has proved one of the city's greatest stories.

Louis Vincenti also served the Tournament of Roses. He was involved with the educational needs of his city and State. He was a community asset of unquestioned merit. I am saddened by his death but grateful for his legacy of service and success.

EVENING TIMES CELEBRATES 100 YEARS OF PUBLICATION

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. ST GERMAIN. Mr. Speaker, as you well know, we can't always be in all of the places where news is happening. But it is important for all of us to know what is going on in the world that surrounds us.

On January 1, 1898, news began to surface out of Germany that the Iron Chancellor Bismarck was dead. Rhode Islanders, thousands of miles of ocean away, could not be at the Chancellor's side during his collapse. Nevertheless, they were kept well informed of every late-breaking detail regarding the fate of the man who once ruled all of Germany. Their source of information was a 10-page newspaper printed in northeast Rhode Island.

On January 1, 1969, U.S. troops were entrenched in a bloody war in Vietnam. Many Rhode Islanders would have to celebrate the new year without their loved ones, two continents away. But thanks to a local newspaper's front page picture of U.S. soldiers in Vietnam welcoming in 1969 with toasts of warm beer in their bunkers, many Rhode Islanders were afforded the opportunity to feel a bit closer to the ones they missed.

I would like to take this opportunity to share with my colleagues a little birthday praise for a newspaper that brought these, and thousands of other news items, to the doorsteps of Rhode Islanders throughout the years. Its name is the Evening Times of Pawtucket, RI, and it is celebrating its 100th anniversary of publication this year.

On April 30, 1885, George O. Willard began printing a small, 4-page, primitive-by-modern-standards newspaper in northeast Rhode Island. He called it the Evening Times. Its object was to inform its readers of the day's news while generating public attention toward pressing areas of social and economic concern.

One hundred years later, George Willard's little newspaper is still going strong.

With a booming circulation of 27,000, the Evening Times of Pawtucket has survived many of the setbacks and headaches responsible for the collapse of other daily newspapers. It stands today as a pillar of creative ideas in New England, anxious to fill any reader's palate with a full plate of local, national, and international news.

Throughout its 100 years of life, the Evening Times has changed ownership and even its name a few times, switching off between the Evening Times and the Times. What has remained, however, is that same ability to print the type of cutting edge stories that have kept residents of Pawtucket, Central Falls, Cumberland, Lincoln, See-

konk, the Attleboro's and most of northeast Rhode Island well-informed for so many years.

Mr. Speaker, throughout my tenure in public office I have been able to spot individuals and organizations that have a true feel for the community around them. The Evening Times is such an organization. It is a professional publication, well-written, well-edited, and well-designed. And, Mr. Speaker, I am sure that the best is yet to come.

THE PRESIDENT ON SOUTH AFRICA: TOO LITTLE, TOO LATE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mrs. COLLINS. Mr. Speaker, finally the President has determined that American foreign policy needs a single voice to speak out against South African apartheid.

Unfortunately, his single voice is not speaking loud enough to ever be heard by the millions of people suffering daily from the brutality of that racist system. He speaks softly and carries no stick at all. Not only has he been slow in supporting the very idea of economic sanctions against South Africa, but the idea he proposes at this late date is entirely inadequate. As a result, I must urge the Members of the Senate not to delay any further their crucial vote of approval on the compromise sanction bill.

The Congress, in an impressive bipartisan effort, has forged a powerful weapon—one that will cut deep into the heart of the South African economy, and its oppressive economic and social system.

But the President has rejected that weapon. Instead, he has chosen to inflict barely a flesh wound. And his Executive order will not allow any further sanctions—even when it becomes clear his plan will not work.

Furthermore, the President wants to wait for permission from the world trade community before he moves to ban krugerrand sales here.

Not only is this unprecedented, it is unnecessary. There is nothing that requires other countries to sanction our sanctions; to grant permission for this country to advance our ideals around the world.

What is clear from this move is that the President, in an effort to avoid a veto override, has chosen to short circuit the efforts of Congress and the will of a broad cross section of this country. He is out of step on this issue. He has lost credibility. After all, only 2 weeks ago, he told us the people of South Africa had overcome the very oppression that anyone can plainly see is really intensifying every day.

Now it seems that the President is accomplishing his one important goal—to speak to the Government of South Africa with one voice. He surely stands alone on this one. I implore the Senate to let him remain alone by voting to approve the compromise sanction bill.

A MARATHON OF HOPE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. FEIGHAN. Mr. Speaker, like hundreds of other Americans, Emily Eskra arrived at the Capitol today and was greeted by her Congressman. But unlike most of the citizens who came to see their national government in action, Ms. Eskra arrived on a tandem bicycle after a 450-mile ride and run. Emily Eskra made her marathon journey from Public Square in Cleveland, OH, to Washington in order to educate people about an often misunderstood disease: epilepsy.

More than 2 million Americans, including Ms. Eskra and her almost 2-year-old daughter Abby, suffer from the disease. Often, though, the pain of the seizures caused by the disorder can be a lesser source of discomfort than the frightened reactions the seizures provoke. "People are so afraid of people who have epilepsy," Ms. Eskra said recently, "because having a seizure is not a pretty sight."

Epileptic seizures can be controlled by medication, and most epileptics lead normal lives. Yet doctors estimate that as many as one-third of the epileptics in the country are not receiving treatment because of fear or ignorance.

By dramatically demonstrating that epilepsy need not be a disabling condition, Emily Eskra hopes to make life a little easier for her daughter and the hundreds of thousands of other children who have epilepsy. In her job as a gymnastics teacher at the YWCA in my hometown of Lakewood, OH, Emily Eskra demonstrates that freedom from disability every day. Through her 5-day odyssey, she hopes to reach a wider audience with her message of understanding.

While older views of epilepsy as a curse or as something to be ashamed of have become less common, similar myths about the disease still abound. I hope that by bringing Emily Eskra's story to the attention of my colleagues, I can offer some small assistance in her effort at public education. With as brave and loving teacher as Emily Eskra, I am confident that the effort will ultimately be a success.

I commend to my colleagues' attention the following article from the Cleveland Plain Dealer about Emily Eskra's "marathon of hope:"

A MARATHON OF HOPE—MOM'S OFF FOR DAUGHTER, EPILEPSY

(By Tracey L. Robinson)

It is said that there is no greater love than that between a mother and daughter.

When Emily Eskra, 24, of Lakewood, begins a 450-mile run and bike-a-thon for epilepsy from Public Square to the steps of the Capitol in Washington, D.C., she will be highlighting a special bond between her and her 1-year-old daughter, Abby. She begins her journey today at 8:30 a.m.

Both mother and daughter have epilepsy, a disorder caused by recurring electrical disturbances in the brain. The disorder causes seizures, which can be controlled by medication. Most victims lead normal lives.

More than 2 million Americans, or about 1 percent of the population, have epilepsy. Doctors estimate that one-third of the victims are not being treated out of fear or ignorance, according to the Epilepsy Foundation of Northeast Ohio.

Eskra and a friend, Lynn Brogan, will share a two-seater, 15-speed bike for their journey, which aims to increase public understanding of epilepsy.

Eskra's husband, Richard, will accompany the team in a mobile unit as they pedal to their destination. The children will be flown to Washington to meet their parents when they arrive Sept. 13.

The event is sponsored by the Epilepsy Foundation of Northeast Ohio and the Ciba-Geigy Pharmaceutical Co., which produces Tegretol, a medication for epilepsy.

Eskra said her most important goal was to try to make Abby's life a little easier by tearing down the stereotypes people had about people with epilepsy.

"People are so afraid of people who have epilepsy because having a seizure is not a pretty sight," Eskra said. Eskra, a gymnastics teacher, at the neighborhood YWCA, recalled the reaction of her pupils when a mild seizure overlook her thin-framed body.

"Afterward, the kids treated me so differently, as if I were going to break," she said.

She also spoke of the difficulty of hiring baby sitters for Abby because of their fear of the disorder.

Abby is a cherubic-looking toddler who gets a big bang out of plopping wet kisses on her brother, Brian, 2. She is unaware of her disorder except that she must take medication every day.

Abby inherited epilepsy from her mother. The disease is commonly inherited, although many doctors have observed that head injuries and high fevers might contribute to the disorder.

Eskra began to experience seizures when she was 18, after she suffered a head injury while teaching a gymnastics pupil to perform a back handspring.

Pat Nobili, executive director of the Epilepsy Foundation of Northeast Ohio, explained that people with epilepsy were sometimes denied jobs because employers thought they were a high risk.

In the past, people with epilepsy were commonly committed to institutions and forbidden to marry. In some cases, they were prevented from entering the country.

"It was seen as a curse," Nobili said. "It was something to be felt ashamed of."

That attitude has changed dramatically, she said, as more people became knowledgeable about epilepsy.

"I had a roommate in college who had epilepsy, and I used to laugh," Nobili said. "I was afraid of her. But it is not a laughing matter. I can really relate to her now and see why it is important to do something about it."

Nobili admitted that she was skeptical about Eskra's intentions for a run and bike-a-thon, wondering why one woman would want to take on such an event. But Eskra's convictions changed her mind.

"I know that this woman is very invested in this," Nobili said.

Eskra said, "I am doing what I have intended to do for a long time. Even though it's a year and a half later, I'm doing it."

"I saw the dedication that Emily had," said Brogan, 22, who also works at the Lakewood YWCA. Brogan heard her co-worker talk about her ideas for fund-raisers, and

she finally became convinced to join Eskra's effort.

Eskra has been involved in numerous fund-raisers for epilepsy, but decided that a run and bike-a-thon would be one way to get the word out "instead of beating a brass drum," she said.

Brogan and Eskra trained for the upcoming event by lifting weights, swimming and doing aerobics. This will not be a one-time effort, Eskra said. She is already looking forward to another long-distance journey.

"I can't stop," she said. "I cannot keep the public aware if I stop."

The spirited mother plans to keep a diary for her daughter and hopes one day Abby will bike with her.

"I want her to share this with me," she said. "This is for her."

THE RETIREMENT OF MR. DON SAVIO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. SKELTON. Mr. Speaker, recently, a leading citizen of my hometown of Lexington, MO retired after 35 years in the banking profession. Don Savio last month ended his banking career, the last 9 years of which he served as president of which was originally known as the Commercial Bank and later became the Charter Bank of Lexington, and finally, Boatman's Bank of Lexington.

During those 35 years, Mr. Savio not only served the community well and was active in civic affairs, but he made many friends and was the epitome of what a banker should be. He is a native Lexingtonion, a U.S. Army veteran, and a graduate of the graduate school of banking at the University of Wisconsin. He and his charming wife Annabelle have three daughters and three grandchildren.

I wish Annabelle and Don Savio the very best in the years ahead for a happy and fulfilling retirement.

ISRAELI MEDICINE AS A BRIDGE TO THE ARABS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. BROOMFIELD. Mr. Speaker, while the problems between Israel and her Arab neighbors will not disappear overnight, I am gratified to say that an innovative radio program on Israel's overseas Arabic service has provided medical advice and assistance to thousands of loyal listeners in the Arab world.

Through the medium of international broadcasting, Israel has rendered assistance to neighboring peoples in a way which would be impossible through official governmental channels. While encouraging progress is being made at present in the area of negotiations in the Middle East, a simple yet very effective technique such as this one is to be praised.

Through greater understanding among the peoples of the Middle East, peace will surely come to that turbulent part of the globe.

With these thoughts in mind, I commend the following article from the New York Times to my colleagues in the Congress.

ISRAELI BROADCAST "DOCTOR" IS A RADIO BRIDGE TO ARABS

(By Thomas L. Friedman)

JERUSALEM, August 31.—Ilani Basri is not a household name in Israel. In fact, few Israelis have heard of her.

But Mrs. Basri, 54 years old, has become one of the most widely listened-to Israeli voices in the Arab world today. She probably gets more mail from places like Saudi Arabia and Syria than anyone in Israel.

Since 1971 Mrs. Basri has had a program on the Israeli radio's Arabic service called "Doctor Behind the Microphone," and it has become a vehicle for the Arab-Israeli cooperation.

Twice a week Mrs. Basri, an Iraqi Jew who came to Israel in 1950, interviews Jewish and Arab doctors in Israel about the latest advances in treatments and medical technology in Israeli hospitals. After the interviews, Mrs. Basri invites her listeners throughout the Arab world to write to her—at a special post office box in Geneva or by any other route—with their medical problems.

300 LETTERS A MONTH

Each month 300 letters from Arab listeners find their way to Mrs. Basri's office. She translates them into Hebrew and refers them to specialists at Hadassah Hospital in Jerusalem or other Israeli medical centers.

The specialists answer the medical queries with whatever limited advice is possible, which Mrs. Basri translates into Arabic and broadcasts on her 30-minute program, or they ask the listener to send more medical records from a local doctor in order to better diagnose the problem. Those who send their records, and are determined by an Israeli specialist to be treatable, are invited by Mrs. Basri on the air to come to Israel, at their own expense.

Mrs. Basri personally arranges all visas through the Interior Ministry and accompanies everyone who comes to the hospital. Every year dozens of Arabs, including Kuwaitis, Qataris, Saudi Arabians, Libyans and Syrians, are quietly getting treatment in Israeli hospitals as a result of her program.

"Diseases don't know any boundaries," Mrs. Basri said, "and I don't feel that treatments should either."

Her efforts have won praise from Israeli doctors. "She is doing a remarkable job in improving relations between us and the Arabs," said Dr. Yaacov Shanon of Bikur Holim Hospital in Jerusalem, who has treated scores of Arab patients referred by Mrs. Basri.

"There is a new generation of very good young doctors in the Arab world, but not everyone has access to them," he added. "The cases that are coming to us are usually the most difficult ones from both a diagnostic and a therapeutic point of view."

Because of the problems involved for a Kuwaiti or a Syrian in traveling to Israel—a country with which their Governments are technically at war and to which a visit would be punishable by a long prison term—Mrs. Basri is discreet in her responses. Most listeners do not sign their letters to her by name but use their initials or a code name related to their illness.

On the air, Mrs. Basri may reply: "To the bird without wings in Kuwait, the doctor says he thinks he can treat you here. Please send me your passport details." Or: "To A. B. in Saudi Arabia, your visa has been approved by the Interior Ministry. You can pick it up at the Allenby Bridge on the Jordan River between Aug. 15 and Sept. 1. The visa is good for one month. Call me on arrival at Jerusalem, and I will take you to the doctor."

SOME PROMINENT LISTENERS

With its 1.2-million-watt transmitter, one of the most powerful in the Middle East, Israel's Arabic service reaches listeners from Morocco to Iraq. It is an open secret that it is tuned in at coffeehouses and in taxis in every Arab capital and Presidents Hafez al-Assad of Syria and Amin Gemayel of Lebanon are known to be regular listeners.

Edmond Sehayek, the director of the Arabic service, said his station received mail from across the Arab world, including frequent love letters to female newscasters. A Libyan military attaché even telephoned recently from a European embassy to complain about a commentary on the Libyan leader, Col. Muammar el-Qaddafi.

"More than half the mail, though, is for Ilana," Mr. Sehayak said. "Besides our main feature-newsreel, hers is our most popular show."

Every morning Mrs. Basri opens envelopes sent through Geneva or some other European capital or delivered by Arabs who have crossed the bridge from Jordan to the West Bank. There is no mail service between Israel and any Arab country except Egypt.

The letters are often desperate tales of disease, most of them eye, skin and fertility problems. Many writers send electrocardiograms, blood test results, dental charts and X-rays.

"I have medical records from hospitals all over the Arab world," said Mrs. Basri, displaying a sample from Mubaraak al-Kabeer Hospital in Kuwait.

A typical letter this week came from a 48-year-old Syrian woman. The letter, mailed in London, begins: "Dear Doctor Behind the Microphone: Salaam, and good health to you. I am paralyzed in my legs. I have been getting physical therapy, but I still have very bad pains. I heard you speaking about achievements in rehabilitation in Israel, and I want to know if I can be treated in your hospital. Please bring my letter to a doctor in Israel. I am ready to come."

SEEKING VISAS IN EUROPE

Each year, according to Foreign Ministry sources, hundreds of Arabs go to Israeli embassies in Europe and ask for visas to fly to Israel for treatment.

On the wall next to her desk Mrs. Basri has a picture of a Syrian girl and her father in Tel Hashomer Hospital in Tel Aviv. The man went to an Israeli embassy in Europe, got a visa and flew to Tel Aviv with his ailing daughter. Then he called Mrs. Basri.

"He told me his daughter was suffering from pains in the belly and a high fever and he could not get any doctor to get it to go away," Mrs. Basri said. "I told him, 'Stay at the hotel, I will come and pick you up.' In the meantime I called Professor Mordechai Prass, a specialist in internal medicine at Tel Hashomer. He treated her for familial Mediterranean fever. She stayed in the hospital for two weeks and came out fine. Before they left, they insisted that a photographer come and take this picture with the doctor."

The letters go on and on. A woman from Kuwait wants to consult a fertility expert about having a test-tube baby. A Saudi man says he heard Mrs. Basri's program in a taxi from Saudi Arabia to Jordan and wondered if she could do something for his eye problems.

Mrs. Basri got the idea for the program 14 years ago while lying in a heart-care unit in an Israeli hospital and noticing how much of the medical equipment was marked "Made in Israel." At the time she was a secretary at the Arabic service. She eventually convinced officials of the potential for such a program, and the files in her office bulging with handwritten Arabic letters are testimony to her intuition.

"But even I," Mrs. Basri said, "never thought the program would end up being such a live bridge that Arabs would use to cross into Israel."

THOMAS F. KEYES, JR., OUTSTANDING JURIST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. MORRISON of Connecticut. Mr. Speaker, today I ask my colleagues to join me in honoring Judge Thomas F. Keyes, Jr., who is retiring after 11 years of outstanding service as judge of Probate Court for New Haven and Woodbridge, in Connecticut's Third Congressional District.

During my 10 years as an attorney representing poor and elderly people in the New Haven area, I knew Judge Keyes as a fine jurist with a keen legal mind, who excelled in making fair decisions in difficult cases.

But in my view Judge Keyes' greatest contribution has been in humanizing the judicial process, which so often can be rigid and intimidating to those who find themselves within it.

Often the people who came before Judge Keyes were going through great difficulty, especially in cases involving estates, civil commitments, and contested guardianship. Many were elderly. Many were poor. Many were not represented by an attorney.

Judge Keyes made sure that everyone who came into his court was treated with courtesy and respect. Following his example, his probate court staff was always patient and helpful in assisting unrepresented people with their papers.

In the courtroom, Judge Keyes was unfailingly kind, thorough, and helpful. He listened carefully to everyone. Even people who did not prevail always felt that their viewpoints had been heard.

Judge Keyes has always had a special concern for the poor. Long before Connecticut had a civil fee waiver statute, he regularly waived fees for indigent people.

Judge Keyes has a long history of service to the community. He was the first legal aid director of New Haven, and he served as corporation counsel of New Haven during two city administrations. He is a member of the board of Saint Raphael's Hospital and a devoted communicant of Saint Aidan's Church.

Judge Keyes will be missed, but his probate court will be in good hands—he will be succeeded as probate judge by his son, John Keyes.

This Saturday night Judge Keyes' many friends and colleagues will be honoring him at a testimonial dinner in New Haven. I will be proud to join them on that occasion, and I am very proud to ask my colleagues to join me in honoring him here today.

MIXED CREDITS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mrs. JOHNSON. Mr. Speaker, among the many new approaches to restoring American competitiveness bursting on the scene in response to rising trade deficits is an initiative whose time has come. It's aggressive, it's nonprotectionist, it promotes exports while leveraging adherence to free trade principles, and it fights for American jobs.

I am talking about taking strong defensive action to counter mixed credits, a practice used extensively by our trading partners to unfairly subsidize exports by mixing regular financing with foreign aid grants. Currently, grant elements of less than 25 percent are prohibited under the OECD arrangement.

Today, I am reintroducing legislation to give teeth to our own defensive mixed credits program, which was established in 1983 but has not been pursued aggressively by either Eximbank or AID. The unfair use, or "abuse," of mixed credits to win export contracts is a major problem and its use by foreign countries is increasing despite our best efforts at negotiating an end to such practices.

In 1983, France offered $1.3 billion in support for her exporters, including $600 million in mixed credits. Britain increased its mixed credit activity to $800 million in 1984. Canada boasted a $900 million mixed credit fund in 1981. It has been estimated that American exporters are losing from $3.5 to $7 billion per year to foreign competitors due to a lack of fully competitive financing.

The Organization for Economic Cooperation and Development [OECD] estimated in 1980 that export subsidies among member countries reached $5.5 billion, including $2.6 billion in mixed credit activity. The OECD estimates that mixed credits offers will top the $6 billion mark this year.

The Coalition for Employment through Exports [CEE], a business, labor, and government group, estimated that its membership lost $7 billion in sales in a 9-month period during 1983–84.

The President's Task Force on International Private Enterprise estimated that the dollar value of mixed credits offered increased from $2 billion in 1982 to $3.5 billion in 1983. In addition to an increase in the amount and number of mixed credits offered, it found that the number of offering countries has also risen. Mexico and South Korea are beginning to use mixed credit financing to win exports. It found France to be the major culprit, with over 50 percent of reported mixed credit offers. While France has cut the size (dollar value) of the mixed credit offers since 1980, the number of offers has tripled.

It's time to fight fire with fire. We can't afford not to. If we are not competitive, we will lose our market share. U.S. mixed credits offers are defensive only and will give our negotiators leverage at the trade talks. But who are we kidding? Competitive financing will help level the playing field for our exporters.

NEW JERSEY BLACK ISSUES CONVENTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. RODINO. Mr. Speaker, I am very pleased to pay tribute to an event that will take place in New Jersey this weekend—the New Jersey Black Issues Convention.

The black issues convention was founded in 1983 to establish a network of communication and cooperation among representatives of black organizations in our State. It has sponsored a series of issue area workshops around the State designed to gather, analyze, and disseminate information on topics of concern to the black community. The convention drew 1,620 attendees last year, and this year's convention at the Somerset Hilton in Franklin Township promises to be an equally impressive gathering.

Rev. Jesse Jackson, founder of Operation PUSH and former Presidential candidate, will be the keynote speaker. The title of his September 14 address is the same as the theme of the convention: "Moving Up the Rough Side of the Mountain."

Other highlights will be a debate between the two gubernatorial candidates, Gov. Thomas Kean and Essex County Executive Peter Shapiro; and addresses by Earl Graves, publisher of Black Enterprise magazine and Rev. Tom Skinner of the Martin Luther King Center for Non-Violent Change.

Symposiums and issue panels will be held on the following topics: The movement to free South Africa; national budget, tax reform, and public policy; teenage pregnancy; the labor movement and the black community; minority business development; and equity and excellence in education.

Under the leadership of Newark Councilman-at-Large Donald Tucker, the New Jersey Black Issues Convention has brought together a consortium of statewide organizations, such as the State Conference of NAACP branches, the Council of Urban Leagues, the New Jersey Contingent of Black Local Elected Officials, and New Jersey Section of the National Council of Negro Women to provide informational

and educational services to the black community statewide.

Mr. Speaker, I know that all my colleagues join me in saluting the New Jersey Black Issues Convention. I am certain that this year's convention will be a tremendous success and will prove to be beneficial to all the participants.

THE NATIONAL SCHOOLBUS SAFETY ACT OF 1985

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. SMITH of Florida. Mr. Speaker, today I am introducing "The National Schoolbus Safety Act of 1985." My bill would require mandatory installation and use of seat belts in all new schoolbuses. This bill grew out of the need to improve the safety requirements that our children follow while riding back and forth to school each day and the belief that safety belts play an important role in saving lives.

The need for this bill is obvious. According to the U.S. Department of Transportation, motor vehicle accidents are the No. 1 killer of children under the age of 15. In 1983, 390,000 schoolbuses transported 21,500,000 pupils daily and traveled 3 billion miles over the course of the year. The National Safety Council estimated that 3,300 children were injured in schoolbus related accidents in 1983. In the 1984–85 school year, over 8,400 actual injuries to children were reported. It is quite likely that as many as 50,000 actual injuries to schoolchildren went unreported between 1973 and 1983.

Under my proposal, States would be required in 1 year to install seat belts in all new schoolbuses and to inspect all schoolbuses annually to ensure child safety to and from school. My bill will apply to every vehicle that is rented, leased, or owned by a school district and used for the transporting of schoolchildren. If the States do not institute such a program, Federal education funds would be withheld at the rate of 5 percent the first year, 10 percent the second year, and 15 percent the third and subsequent years. By the year 1995, all schoolbuses would be required to have seatbelts as standard equipment, or else all Federal education funding would be withheld.

Critics of this legislation maintain that the "Compartmentalization Theory" protects our children from injury. In 1977, new safety regulations raised the schoolbus seat to 24 inches and called for seat padding. It has been proven in frontal and rear end collisions that on impact this compartmentalization provides somewhat adequate protection. However, the biggest danger to schoolchildren is a rollover accident, when children are thrown around the bus or through its windows. A padded crash barrier would not keep the child in his compartment since the child would just fall off the seat into the aisle.

A group of 70 fourth grade schoolchildren from the University School of Nova University, Fort Lauderdale, FL, devoted their social studies class to the study of seatbelts on schoolbuses. I cannot share every letter with you. However, I would like to share some poignant insights only children could make. Marni Orlove writes, "Who cares about how much they cost. Parents care more about their children than the cost of seat belts." Lauren Levin writes, "When kids put on their seat belts in a car it becomes a habit. So kids should put [on] seat belts on every moving vehicle they ride." Rejoice Hanson writes, "At the head of the bus there's a sign that says 'your operator wears a seat belt for your safety,' but what good will that do for our children riding schoolbuses?" Ronnie Levin writes, "When Tylenol was poisoned they put safety caps on . . . In 1984, 15 people died on schoolbuses. I think the safety cap for schoolbuses would be seat belts."

Installation of seatbelts on schoolbuses is endorsed by many organizations, including: Physicians for Automotive Safety; National Coalition for Seat Belts on Schoolbuses; American College of Emergency Physicians; American Academy of Pediatrics; American Medical Association; and the American College of Preventive Medicine.

Seatbelts save lives. We hear so much about the dangers our children face, and most of those dangers are beyond our control. The lack of safetybelts on our schoolbuses is an unnecessary danger that we can control, and it is time to change that.

Laws for mandatory seatbelts for passenger automobiles have been passed or are now under consideration in every State legislature. Child restraint laws are commonplace in 49 out of 50 States. The mood of the Nation is to protect its citizens, especially its children, against one of the leading causes of death in the United States—automobile accidents.

I hope my colleagues will join me by cosponsoring this important legislation. For your benefit, the text of my bill follows:

H.R. 3305

A bill to establish restrictions on the provision of financial assistance by the Department of Education to educational agencies in States or other political subdivisions that do not impose certain requirements relating to the inspection and equipping with safety belts of schoolbuses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Schoolbus Safety Act of 1985".

SEC. 2. INITIAL SAFETY BELT AND INSPECTION REQUIREMENTS.

(a) DUTIES OF SECRETARY OF EDUCATION.—The Secretary of Education may not obligate or expend, with respect to any amount appropriated to the Department of Education that is allocated for the provision of financial assistance to any State educational agency or local educational agency that operates within a State that is not in compliance with the requirements of subsection (b) (as determined by the Secretary) and a political subdivision that is not in compliance with such requirements—

(1) more than 95 percent of such amount for any fiscal year beginning after the effective date of this Act;

(2) more than 90 percent of such amount for any fiscal year beginning with the second fiscal year beginning after the effective date of this Act; and

(3) more than 85 percent of such amount for any subsequent fiscal year.

(b) REQUIREMENTS FOR COMPLIANCE.—Any State or political subdivision within which any State educational agency or local educational agency operates shall require—

(1) the equipping with safety belts of each schoolbus first placed in service after the effective date of this Act; and

(2) the safety inspection of all schoolbuses at least annually by the appropriate State or local agency.

(c) LATE COMPLIANCE.—No additional reduction in funding shall be made under paragraph (2) or (3) of subsection (a) after the date on which the State or political subdivision within which the educational agency operates requires—

(1) the equipping with safety belts of each schoolbus first placed in service after such date; and

(2) the inspection of all schoolbuses at least annually by the appropriate State or local agency.

SEC. 3. FUTURE SAFETY BELT REQUIREMENTS.

The Secretary may not obligate or expend any amount appropriated to the Department of Education that is allocated for the provision of financial assistance to any State educational agency or local educational agency unless the State or political subdivision within which such agency operates has in effect a requirement that was effective on or before January 1, 1995, that—

(1) all schoolbuses shall be equipped with safety belts; and

(2) all schoolbuses shall be inspected at least annually by the appropriate State or local agency.

SEC. 4. PROVISION OF INFORMATION TO SECRETARY OF EDUCATION.

(a) STATE OR LOCAL HIGHWAY SAFETY PROGRAM IN EFFECT.—If the State or political subdivision within which any State educational agency or local educational agency operates has in effect a highway safety program for pupil transportation safety approved under section 402 of title 23, United States Code, the Secretary of Transportation, at least annually, shall provide the Secretary of Education with the information necessary to determine whether such State or political subdivision has in effect the requirements referred to in sections 2 and 3.

(b) NO STATE OR LOCAL HIGHWAY SAFETY PROGRAM IN EFFECT.—Any State educational agency or local educational agency that operates within a State or political subdivision where no highway safety program for pupil transportation safety has been approved under section 402 of title 23, United States Code, shall provide the Secretary of Education with the information necessary to determine whether such State or political subdivision has in effect the requirements referred to in sections 2 and 3.

SEC. 5. DEFINITIONS.

For purpose of this Act:

(1) The term "local educational agency" has the meaning given such term in section 1001(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381(f)).

(2) The term "safety belt" means an occupant restraint system consisting of lap belts.

(3) The term "schoolbus" means a passenger motor vehicle that is owned, operated, leased or otherwise hired by a school system for the purpose of transporting preprimary, primary, or secondary school students to or from such schools or events related to such schools.

(4) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(5) The term "State educational agency" has the meaning given such term in section 1001(k) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381(k)).

SEC. 6. EFFECTIVE DATE.

This Act shall become effective upon the expiration of the 1-year period beginning on the date of the enactment of this Act.

STUDENT LOAN MATERNITY DEFERRAL ACT OF 1985

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. WYDEN. Mr. Speaker, I am pleased to introduce H.R. 3249, the Student Loan Maternity Deferral Act of 1985.

This legislation will make the Higher Education Act of 1965 more flexible for the special needs of new mothers. It amends the Higher Education Act to allow women, during maternity, to have a 6-month period of deferment on repayment of Federal student financial aid loans.

Current law mandates that a student must begin repayment of Federal education loans 6 months after the end of a term of study, if the student will not be enrolled full time for the following term. In special hardship cases, such as injury or unemployment, an individual can reenroll on a part-time basis and maintain their loan deferral as well as be eligible to receive Federal financial aid.

The Student Loan Maternity Deferral Act will make maternity one of these conditions. Hence, new mothers would be able to take a leave from school, return after 6 months, and be eligible to attend school part time for a period of 6 months so that they can spend more time with their newborn.

A recent case in Wisconsin points out an inequity in current law. A woman took a semester off to have a baby and when she returned to school, she wished to continue as a part-time student. She did not want to take on a full course load because she wanted to spend time with her newborn son.

She hoped her situation would allow her to fall into the hardship category so that her loan would be deferred for a period of time. However, under current law, the physical incapacitation of maternity does not qualify a woman for loan deferral under the hardship definition.

By not extending the hardship definition for maternity, the Federal Government is discouraging women from having children while they are in school. If they do have a child, they feel they must return immediately to full-time education. The alternative: Begin payback on their Federal student loans.

The law was written to discourage students from unnecessarily prolonging their education and their financial debt to the Federal Government by taking too many leaves from full-time education. However, the law does not allow sufficient flexibility for the special circumstances of new mothers.

This change in the law is essential. It provides a new mother the flexibility needed to continue her education while spending important time with her child during the first months of life.

This change will not cost the Federal Government. It merely defers the student loan repayment for 6 months to allow the new mother additional time to balance her many financial and time commitments.

I ask my colleagues for their support for this simple and sensible adjustment in the law.

MSGR. PAUL E. METZGER RETIRES

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. APPLEGATE. Mr. Speaker, this coming Sunday, September 15, 1985, will mark the occasion of the retirement of one of the leading clergymen in my congressional district, as well as a very close personal friend, Msgr. Paul E. Metzger. He will conclude 42 years in the priesthood, including the last 26 years at St. John's Catholic Church in Bellaire, OH.

A native of New Philadelphia, OH, he studied at St. Charles Seminary in Columbus, OH for 8 years, followed by 4 years of theological study at Mt. St. Mary's Seminary in Cincinnati, OH. He was ordained by the late Bishop Joseph Hartley for the Columbus Diocese on April 17, 1943, and served 5 years as pastor of St. Mary's Church in Pine Grove, OH.

When the Diocese of Steubenville, OH was created, Bishop John King Mussion assigned Monsignor Metzger as pastor to Our Lady of Mercy Church at Carrollton, OH and St. Mary's Church in Morges, OH, and in 1953, appointed him as pastor of St. Joseph's Church in Wolfhurst, OH, where he served another 5 years before finally being transferred to St. John's in 1959.

Monsignor Metzger was placed in charge of the building and financing of the $300,000 second addition to St. John's High School and as director of the Diocesan Catholic Charities, a position he held for 18 years, Father Metzger also supervised the construction of St. John's Villa Children's Home. He also played a leading role in several other construction projects of the church over the years.

In addition to his work in the parish, Monsignor Metzger took an active part in civic affairs on the city and county level. A primary example of this is the leadership he provided as the orginator of Bel Capre, a housing project in which St. John's Church and the Bellaire Presbyterian churches cooperated to form the Bellaire Housing Foundation which constructed single homes and apartments to ease the housing shortage in the area. Father Metzger is also very active in many other housing projects designed for the care of the mentally retarded, the aged, and the handicapped.

On a more personal note, Father Metzger has served on my military academy selection committee for several years and has assisted me in the selection of many qualified young men and women for entrance to our military academies.

Mr. Speaker, as Monsignor Metzger begins his retirement, I would like to take this opportunity to congratulate him on this occasion and to thank him on behalf of so many people for the work he has performed over the years, his friendship, and his kindness in ways too numerable to mention here.

God speed, Monsignor Paul Metzger.

OUTSTANDING VA RESEARCH ON ANTI-EPILEPTIC DRUGS CITED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. COELHO. Mr. Speaker, I would like to commend the Veterans' Administration on the recent completion of a 6-year study of four major anticonvulsant drugs. The VA epilepsy cooperative study reported recently in the New England Journal of Medicine, was the largest long-term cooperative assessment of antiepileptic drug therapy ever undertaken. In the study, investigators compared the efficacy and toxicity of 4 drugs in 622 adults in 10 VA medical centers. Patients were randomly administered one of four drugs usually used to treat seizures in adults: carbamazapine, phenobarbitol, phenytoin, and primidone. They then were followed for 2 years, or until the drug failed to control seizures or caused unacceptable side effects.

As one who has epilepsy, I was very interested in the work being done by the VA, and recently had an opportunity meet with the study chairman, Dr. Richard Mattson, chief of neurology at the West Haven, CT, VA Medical Center and professor of neurology at Yale Medical School, to discuss his findings. Dr. Mattson found that 75 percent of those studied can be "adequately managed" with proper use of a single antiepileptic drug; however, new drugs and other treatments still are needed to treat the disorder. Dr. Mattson said his research team now plans to compare the effectiveness of valproic acid with carbamazapine. Valproic acid had not received Food and Drug Administration approval at the time of the first study. The results of the new

study will not be available for about 5 years.

The work being done by Dr. Mattson and his colleagues is just one example of the outstanding research being done by the Veterans' Administration and I believe my colleagues and the public should be aware of the many accomplishments of VA researchers. VA scientists have received awards, including two Nobel prizes, for research on hypertension, discovery of leukemia and cancer-inducing viruses in animals, and development of the CAT scanner. The VA's research program is authorized by Congress to promote high quality health care for our Nation's veterans. However, the Congress and the general public should know that through the efforts of physicians like Dr. Mattson and his colleagues, research conducted at VA medical centers around the country has enriched the quality of life, not only for veterans, but all of us.

HOSPITALS SHOULD PROVIDE AN OPEN DOOR TO PATIENTS REGARDLESS OF ABILITY TO PAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. BILIRAKIS. Mr. Speaker, last week, a matter of life and death came to my attention in the person of Gary Pouillon, a 25-year-old constituent in my Florida congressional district. Gary is suffering from sclerosing cholangitis, a fatal liver disease, and had been given only 1 to 4 weeks to live unless he received a liver transplant. After some research, a Boston Hospital, one of two in the country which perform this surgery, was located and a surgeon, bed, and liver were all waiting to save Gary's life. The Boston Hospital, however, refused to admit Gary for the necessary lifesaving procedure. What was the problem you might ask?

The unfortunate problem is that Gary is poor. Gary is on Social Security disability due to his disease. He did not have any private insurance because he and his family could not afford it, and the total cost for the operation and postoperative care was approximately $200,000. Thus, the hospital, without adequate assurance of payment, was unwilling to admit him.

What about Medicare and Medicaid, you might ask? That possibility was also researched by my staff and a hospital social worker and it was determined that Medicare and Medicaid would not provide coverage because the liver transplant operation is considered experimental. Local welfare agencies, similarly, follow the same guidelines as Medicare and Medicaid regarding this procedure. Finally, the Governor's office had no funds for this purpose, nor did any private organization.

I wanted to help Gary receive treatment and a second chance at life so I contacted Congressman MARKEY, who represents the district in which the hospital is located, and Congressman WAXMAN, chairman of the Energy and Commerce Health and Environment Subcommittee. I would like to personally commend both gentlemen for their willingness to help, for without their help Gary would have certainly died.

The intervention of these Congressmen, then, as well as my personal guarantee to raise $40,000, finally convinced the hospital to admit Mr. Pouillon. Gary is now receiving the life-saving treatment he so desperately needed. As a matter of fact, he shed a few tears of happiness as he managed to give me a weak "thank you" when I went to visit him.

This particular story had a happy ending because Gary is now receiving his treatment. However, this is, unfortunately, but one instance where a problem exists. While Gary's case presents a more complicated situation—the access of individuals to the most sophisticated technology—there are many reported cases where routine emergency services have also been denied because of an individual's inability to pay. What of these people who are in such life-threatening situations and do not have Congressmen and Senators intervening in their behalf? Are their lives any less worthy of saving?

Access to medical care should not be reserved for the well-to-do in this or any other society. As a matter of fact, I think it rather unfitting for the society that has been responsible for the greatest medical advances in history to deny some of its citizens access to the technology.

I believe that we should at least ensure that emergency medical services are available to all. For this reason, I have introduced legislation, House Concurrent Resolution 178, which seeks to promote this end. House Concurrent Resolution 178, introduced on July 26, 1985, expresses the sense of Congress on medical emergencies and states that hospitals should "provide an open door to patients regardless of ability to pay." I consider this bill a first step in defining access to our Nation's medical care system, and I urge all my colleagues to think about this resolution and the greater questions it raises. I am certain that you'll agree that there is probably no worthier piece of legislation to lend your name to than one which could help save lives, and I hope all my colleagues will join me in this effort by cosponsoring House Concurrent Resolution 178.

H.R. 2866—AN OPTION FOR FIREFIGHTERS AND LAW OFFICERS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. FORD of Tennessee. Mr. Speaker, on June 25, 1985, I introduced H.R. 2866, a bill to amend the Fair Labor Standards Act of 1938 to permit employees engaged in law enforcement and fire protection activities to take compensatory time off in lieu of receiving overtime pay.

As you know, earlier this year, the U.S. Supreme Court in Garcia versus San Antonio Metropolitan Transit Authority overruled its decision of 9 years in National League of Cities versus Usery and held that no constitutional limitation exists on the application of the Fair Labor Standards Act [FLSA] to employees of State and local governments. The holding in Garcia potentially subjects the full range of State and local government activities to the Federal minimum wage and overtime law.

There have been several bills introduced in the House that are attempting to erode the rights workers have fought so long to acquire. These bills attempt to "exempt or exclude" all employees of State and local governments from the overtime provision of the act. These attempts to exempt or exclude employees on a wholesale basis from the overtime and the minimum wage provisions of the act would be a step backward. For too long, employers have sought rigorous work schedule adjustments to meet manpower requirements without paying overtime compensation and/or employers have paid workers far below the established minimum wage.

My bill does not attempt to exempt or exclude workers from coverage under the act, but specifically provides an option for employees engaged in fire and law enforcement activities to take "comp" time off in lieu of overtime—only if pursuant to a contractual agreement made between the public agency and such employees individually or an agreement made as a result of collective bargaining by representatives of such employees and the public agency and only at the written request of the respective employee.

H.R. 2866 singles out firefighters and law enforcement officers, because of the nature of their daily hazardous activity. If fire and law enforcement agencies were required to adhere to the provision of the act, as it relates to overtime payments, State and local governments would be faced with vast manpower shortages as a result of employees attempting to use their accumulated overtime within the work period in which it was earned. As a result, public safety would be jeopardized and cities across the Nation could find themselves scurrying to develop innovative safety techniques in order to compensate for the vast manpower shortages. In addition, State and local governments would be faced with substantial overtime expenditures if their respective agencies were unable to schedule employees to take their accumulated compensatory time off within the pay period in which the overtime was earned.

Memphis city officials have advised me that compliance with the act could mean requiring a 15- to 20-percent increase in manpower. To the taxpayers of Memphis this could mean an additional $3 million for training and another $750,000 for overtime pay.

While H.R. 2866 is not a panacea, it will grant some relief to already strained city budgets. In addition the Garcia ruling has generated much confusion and could cause

substantial hardships to many State and local government employees, especially those involved in hazardous activities unless Congress grants relief.

Mr. Speaker I ask my colleagues to join me in support of this legislation so that we may quickly resolve this potentially grave situation.

BILL DOHERTY AND THE AFL-CIO'S FIGHT FOR FREEDOM

HON. JACK F. KEMP
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. KEMP. Mr. Speaker, bill Doherty and the American Institute for Free Labor have been champions of America and of freedom. Long before public attention in the United States turned to the threat of communism in this hemisphere, Bill Doherty and his AIFLD troops were devoting their hard work—and sometimes risking their lives—to advance and protect free labor movements in our sister American republics. And their work has paid off, in El Salvador, in Honduras, in Ecuador, and in every country where AIFLD has established a presence.

It has been my pleasure to work with Lane Kirkland and Bill Doherty, and to call them friends. Lane and I served together on the Bipartisan Commission on Central America and Bill served as an adviser. Their efforts were instrumental in fashioning bipartisan consensus and the sound policy guidance that came out of the Commission's work. Bill has appeared many times before the Foreign Operations Subcommittee, where I serve as the ranking Republican, to offer valuable testimony, counsel, and advice on U.S. foreign assistance programs throughout the region. His personal dedication to advancing the cause of democracy has been unceasing.

Mr. Speaker, this month's issue of Reader's Digest contains an article by Donald Robinson detailing some of the accomplishments of this remarkable American. I ask that the article be reprinted in the RECORD, as a salute to the freedom fighters of AIFLD and their determined commander, Bill Doherty.

The article follows:

BILL DOHERTY'S BLUE-COLLAR FREEDOM FIGHTERS

(By Donald Robinson)

Hours after U.S. troops landed on Grenada in October 1983, communist propaganda blasted the invasion as an "imperialist assault" on the Grenadan people.

A gutsy U.S. labor leader answered the communists' big lie. William C. Doherty, Jr., executive director of the AFL-CIO's American Institute for Free Labor Development (AIFLD), wangled his way into Grenada before the shooting had stopped and contacted the heads of two unions. Both had fought Grenada's Marxist dictators with Doherty's support. He told them that a resolution condemning the American landing was about to be introduced at an international labor conference in Barbados. The three raced to the meeting.

"What do you mean we were invaded?" the Grenadans declared. "We were rescued." When the resolution was defeated overwhelmingly, democratic unionists everywhere took heart.

A hidden army of Soviet and Cuban agents is seeking control of Latin America's 50-million-member labor movement. Command of the trade unions would give the Kremlin a pivotal weapon against pro-Western governments. AIFLD, a band of brave men and women led by Doherty for 23 years, is spearheading resistance not only to the communists but to right-wing extremists as well.

It's been a savage struggle. More than 50 of Doherty's allies have been murdered, including two of his closest aides, and Doherty has received many death threats himself. But despite the odds, AIFLD has won notable victories.

In Honduras it helped to recapture the fruit workers' union from the communists, who had stolen union elections by casting votes for countless "ghost" workers.

In Ecuador the communists got a stranglehold on the Confederation of Ecuadoran Workers (CFE), the major labor organization. CFE was so strong that no Ecuadoran worker could drive a truck without its approval. AIFLD helped organize the Ecuadoran Confederation of Free Trade Unions (CEOSL) to oppose the Marxists. When CFE called a general strike to topple the democratic government, CEOSL licked it. Today, every major union in Ecuador is led by pro-democratic elements.

The Marxist dictator of Surinam was forced to reorganize his cabinet last year to include labor and business representatives after a series of strikes and international protests spearheaded by AIFLD.

A strapping man of 58, Bill Doherty has white hair, a full beard and bright-blue eyes that make him look like Santa Claus. But he can be tough. One day in 1980, he drove 30 miles through Paraguayan jungle to a barbarous prison in Ypacaray that few, if any, North Americans had ever visited. There he demanded to meet with 19 union leaders incarcerated for advocating democracy. When soldiers pointed machine guns at him, Doherty promptly held a press conference.

"When I see this Hitler-like concentration camp, I think I'm in Havana," he told reporters who had accompanied him. "This is how Fidel Castro treats labor leaders." After the press published Doherty's remarks, rightist dictator Alfredo Stroessner released the labor leaders and later closed the prison.

Doherty is a quick-witted speaker. In 1956, he debated Chilean communist Clotario Blest before 2500 communications workers in Santiago. Doherty wanted the workers to affiliate with the pro-Western Postal, Telephone and Telegraph International (PTTI). Blest was bitterly opposed.

"Why do these well-dressed gringos come here, stay in first-class hotels, go to our best restaurants and tell us they represent the working class?" Blest sneered.

"Because we will not feel successful, Brother Blest," Doherty responded, "until you and all the workers in Chile dress well, stay in those hotels and eat the best meals. We're not here to destroy the capitalists. We want to live like them." The workers roared approval and voted to affiliate with the PTTI.

Doherty was born into the labor movements. His father was president of the National Association of Letter Carriers for 21 years. After air-combat duty during World War II, young Bill spent two years in a Catholic seminary before going to law school.

Doherty went to work in 1954 as Latin American representative of the PTTI. In those days, collective bargaining was nonexistent for most unions in Latin America; pay raises were obtained through rioting.

Determined to fight this, Doherty founded AIFLD and, with the backing of AFL-CIO president George Meany, built it into an activist organization that now has offices in 16 countries, a staff of 56 trade unionists and an $8-million annual budget. Ninety percent of its funds come from the U.S. Agency for International Development, the remainder from the AFL-CIO. Says Doherty: "Communists target organized labor for one reason—to secure power over foreign governments. We believe in a trade-union movement independent of governments, political parties, employers."

I recently traveled throughout Latin America observing AIFLD close up. Here's what I learned:

In war-torn El Salvador, AIFLD has helped organize 350,000 Salvadoran farmers and urban workers into democratic unions. With AIFLD's help, the farmers have forced cooperatives that buy land and pay workers to cultivate it.

The cost in blood of AIFLD's Salvadoran successes has been high. In January 1981, two AIFLD staffers and the director of the Salvadoran land-reform program were machine-gunned to death while drinking coffee in the Hotel Sheraton in San Salvador. But the AIFLD staff has resolved to say. "We want to make sure the blood of our colleagues was not spilled in vain," says Doherty.

In Guatemala, AIFLD has helped to revive a democratic labor movement enfeebled by repressive dictatorships. Doherty's people had to risk their lives to accomplish it. In 1970, Guatamalan soldiers broke into the house of Jose Estrada, an American citizen who was the AIFLD director, and dragged him off to prison.

The U.S. embassy obtained Estrada's release. But five days later his home was searched; his books and papers were confiscated. This time the U.S. embassy suggested he leave the country.

Estrada left, but returned a month later. By last year, when elections were held in Guatemala for an assembly to draft a constitution, several labor leaders ran for office, and one was elected.

Castro's Cuba is another battlefield. Working closely with Cuban exiles, AIFLD exposes the tyrannies of the regime. Not long ago, AIFLD raised an international furor that saved the lives of farmers sentenced to death for trying to organize a union in the Cuban sugar fields.

AIFLD is also in the vanguard of the struggle against the Marxist-Leninist government of Nicaragua. AIFLD has been working with Nicaraguan exiles in the United States and Latin America to rally international opinion against the Sandinista regime.

AIFLD's greatest effort is in education. To date, 469,067 trade unionists have studied comparative economic systems, union leadership, collective bargaining and theories of democracy under AIFLD teachers in 17 Latin American countries. AIFLD has brought more than 4000 labor leaders to the George Meany Center for Labor Studies in Silver Spring, Md. Many graduates of the

six-week course have risen high in the Latin American trade-union movement.

AIFLD has also helped establish hospitals, schools, credit unions and labor centers throughout Latin America. No project is too small. In Guyana, AIFLD representative John Heberle constructed a footbridge over a creek so children could get to school without dodging crocodiles.

Latin America's strong desire for democracy and economic aid and the efforts of AIFLD and similar organizations have had quite an impact. Six years ago, two-thirds of the people in Latin America and the Caribbean lived under dictatorships or military-dominated governments. Today, 90 percent of them live in democracies or under governments strongly leaning toward democracy.

House Majority Leader Jim Wright (D., Texas) and Rep. Jack Kemp (R., N.Y.), among our most knowledgeable legislators on Latin America, have praised AIFLD for its tireless work in fostering a democractic labor movement throughout the hemisphere. "It was the drive and commitment of Bill Doherty that made this possible," says Wright. Adds Kemp, "Freedom-loving people everywhere owe Doherty and his colleagues an eternal debt of gratitude."

INTERNATIONAL TRADE CHALLENGES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. BROOMFIELD. Mr. Speaker, my colleague, Representative TOBY ROTH, who serves as the ranking Republican member of the prestigious House Foreign Affairs Subcommittee on International Economic Policy and Trade, has emerged as one of the leading analysts in Congress of the international trade challenges confronting this Nation. Today, Congressman ROTH presented a major trade policy address before the Georgetown University Center for Strategic and International Studies. I commend his novel insights to my colleagues and insert in the CONGRESSIONAL RECORD the highlights of his thoughtful remarks.

FOREWORD BY THE HONORABLE MALCOLM BALDRIGE, SECRETARY OF COMMERCE

As the issue of trade grows in importance, so does the need to analyze the many factors contributing to the current crisis. In his address, "Trade Pursuits: the Baby-Boomer Edition," Congressman Toby Roth accomplishes this with real perception. As the ranking member of the House Foreign Affairs Subcommittee on International Economic Policy, Toby Roth is a leader in Congress in the development of United States trade policy. His experience has given him insight into the many ramifications of trade analysis and policy.

In his recent address before the Center for Strategic and Informational Studies, Congressman Roth notes that the strong dollar and international barriers to free trade get most of the blame for the country's current trade dilemma. But he argues that these two factors alone are not the sole source of the problem. Congressman Roth maintains that the U.S. must look beyond the external forces affecting the U.S. trade imbalance and examine the domestic readjustments that are needed as well. He provides a detailed analysis of the steps the nation must take to meet the current challenge to its leadership in world trade.

Congressman Roth urges the leaders of government and industry to recognize the realities of global trade and the importance of upholding international free trade. He sees the review of current business strategy and U.S. trade policy which the Congress, the Administration and U.S. industry now has underway as an oppportunity for developing the longrange planning needed to improve U.S. industrial competitiveness at home and abroad.

I commend Congressman Roth's remarks to anyone looking for a concise, well-balanced review of our trade situation, written by someone who will continue to play a major role in developing U.S. trade policy.

TRADE PURSUITS: THE BABY-BOOM EDITION

(An Address by Congressman Toby Roth)

Today I will address the most important issue before our country—the U.S. trade crisis. Although we are now witnessing a trade wild fire spreading out of control, concerned people in and out of government realize that the problem has been smoldering for a long time.

The red ink trade figures are splashed across the newspaper headlines every month. This year our trade deficit is expected to reach $150 billion—one-third of it with one country, Japan. Members of Congress are starting to panic and draconian stop-gap solutions are being thrown into the hopper.

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PINPOINTING THE SOURCE OF THE U.S. TRADE PROBLEM

We have all read many speeches and editorials focusing on the causes of our trade competitiveness crisis. Frequently cited as culprits are the high value of the dollar and Japan's nontariff barriers. Both of these factors are extremely important in the trade equation.

The value of the dollar

The strength of the dollar over the past few years has been extremely costly to many American industries—not only in our overseas markets but right here at home.

Take, for example, Caterpillar Tractor Company. Last week, I had a frank discussion with an industrialist contractor in my district who has purchased Caterpillar tractors for many, many years. But this year, instead of buying a Wisconsin-made tractor, he purchased four Japanese Komatsu tractors made over 5,000 miles away. It was not an easy decision to make given that Caterpillar has been a long-time reliable supplier. Nonetheless, a savings of $60,000 on each Japanese tractor is not easy to pass up. Komatsu is able to price its tractors at about 40 percent below Caterpillar simply because of the value of the dollar.

The correlation between the value of the dollar and Caterpillar's tractor sales is quite clear. Six years ago when the dollar was much weaker than today, Caterpillar's prices were head to head with the competition. Over the last few years as the dollar has soared, tractor sales have nosedived. The human price is very steep. Employment at Caterpillar has dropped to only 55 percent of what it was just six years ago.

This is only one example of many where American companies have been losing sales and workers because of the value of the dollar. For industries that are making price-sensitive products, the past few years have been extremely tough.

Japan's trade barriers

Another important source of our trade problems has been the intransigence of the Japanese in removing trade barriers for U.S. products. In sector after sector, the Japanese have found creative ways to bar American products from entering their market. For example, an American steak that costs $4.00 in Wisconsin costs $18.60 in Japan because of their tariffs and controlled distribution system.

WHAT STEPS NEED TO BE TAKEN?

(1) Downward pressure on the dollar

The burden of the "super dollar" hits businesses and manufacturers alike. The effect is the same as a 25 percent tax on exporters and a 25 percent subsidy for importers, making it extremely difficult for our companies to remain competitive. In my view, three things need to take place over the next two years to bring the dollar safely down to a more reasonable level:

(1) We need to pass a serious federal budget deficit reduction package.

(2) In addition to cutting the U.S. budget, the economies of Europe need to adopt policies more conducive to growth in order to bring the dollar down to a more competitive rate.

(3) And, thirdly, Japan needs not only to reduce its barriers to trade, but also to eliminate barriers to its capital markets. A more realistic dollar-yen alignment could help over the long-run to reduce our trade deficit.

(2) Tough negotiating with Japanese

The Japanese must realize that progress in eliminating nontariff barriers must be swift and not stretched out over the next five years or so. Patience is running very thin in the Congress.

(3) Improvement in the conduct of U.S. trade policy

There is considerable room for improvement in the conduct of U.S. trade policy:

(a) Trade Reorganization

We need a Department of Trade and one Cabinet member in charge. We can't afford to have officials from the State Department, the Commerce Department, the Treasury Department, and the U.S. Trade Representative's Office tripping over each other's luggage at Tokyo International Airport as they attempt to negotiate with the Japanese.

(b) Improving Export Controls

With respect to our export licensing operations, there are no less than seven agencies that review license applications for exporting. One report estimates the delays in export licensing costs more than $12 billion a year in lost exports. Two months ago, the President enacted the new Export Administration Act which mandates significant changes. The National Association of Manufacturers called it the most significant trade legislation of the decade. Key, however, is effective implementation of the new law.

(c) Amend Foreign Corrupt Practices Act

I also anticipate that this may be the year to amend the Foreign Corrupt Practices Act, which as presently written, costs the United States over $1 billion in lost sales each year. The FCPA is a well-intentioned law, but clarifying amendments would better serve U.S. trade interests.

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A MISSING PART OF THE PUZZLE

Understanding the origins and components of the trade crisis is the challenge that we have before us today. The problem is complex and the solutions are varied. But in my judgment a critical part of the puzzle is being overlooked. Even if the value of the dollar declines significantly and Japan eliminates all of its nontariff barriers tomorrow, American consumers will continue to import Japanese products in large quantities. If we are going to understand the nature of our competitiveness problem, we have to look at the unique spending patterns of the American consumers that have emerged within the last decade. We must consider the trade crisis on two fronts: first, what is happening in the U.S. market; and secondly, our competitiveness situation in exporting abroad.

I think that until we separate these two markets analytically, we will continue to miss the fundamental source of America's problem and we will fail in our policy prescriptions. Hidden in the trade deficit figures is a national buyer's strike. In the United States, domestic producers are losing their share of the market because of the "yuppie factor."

WHAT IS HAPPENING IN THE U.S. MARKET?

When you look at spending habits and who has the disposable income, it is the baby-boom generation. And for this segment of the market, price is not the determinant factor in a buying decision. Rather, the consumer makes a subconscious long-term evaluation of price based on how long the product is going to last, its aesthetic and prestige value, and its reliability. In short, quality is the number one determining factor. We see this buying pattern all around us.

Take, for example, automobiles. Last weekend I took a stroll through Georgetown. Only about one in twenty cars was American-made; almost all the rest were Japanese models. Now the residents of Georgetown don't have to be that concerned with price. But the automobile of choice was Japanese. So if price is not a consideration, why are Americans buying Japanese cars? Take note of these reports:

Consumer Reports conducted a survey of repairs made on new cars and found that of the 29 cars with the best results, all were foreign made. Of the 20 cars with the poorest results, all were American made.

Consumer Reports conducted a survey on recalls to correct safety defects for automobiles over a four-year period and found that 96 percent of the recalls were for American-made vehicles.

Let's take a look at another industry—the television and video equipment market:

In the 1960s, there were 25 American color TV manufacturers. By 1981, there were only 10 (five of which are foreign-owned.) And today, only 3 U.S. companies are major companies in the market. Eight Japanese firms account for one-third of U.S. sales.

Wage rates are not the reason for Japan's advances. By 1978, hourly wage rates for television manufacturing were the same in the U.S. and Japan. But because of automation, it costs Japanese firms only about half as much to assemble a T.V. The funds have gone into research and development. According to a report by Northwestern University, Japanese manufacturers spent approximately 3.5 percent of their total sales on R&D while American firms spent only 2.3 percent. Sony devoted almost 6 percent of its sales to R&D!

* * * * *

The characteristic that runs throughout these cases is the Japanese commitment to quality and to effective advertizing campaigns. Baby-boomers don't have time for comparison shopping. They will buy a product based on the experiences of their colleagues and based on glimpses from advertizing campaigns.

If we continue to approach our trade problems with Japan on the premise that our problems are solely due to the value of the dollar and trade barriers, the results will be the same as if we were ostriches with our heads in the sand. Our trade deficit with Japan is not a recent phenomenon. The United States has run a trade deficit with Japan every year since 1966—when our dollar has been strong and when it has been weak.

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To solve our competitiveness problem at home, much of the challenge and responsibility lands squarely on the shoulders of American industry. Companies are going to have to pay more attention to the details embodied in a quality product. And, company executives are going to have to devote more of their energies to winning the hearts and dollars of the baby-boom generation.

We are facing a tough challenge of worldwide industrial competition, and we have to mobilize our people to understand that. As Kenneth Butterworth, President of Loctite Corporation put it: "The attitude in this country is too much "thank God it's Friday" and not enough "thank God it's Monday."

If we are going to compete successfully, productivity gains have to be coupled with quality control. Japan has fine-tuned the quality control process in every step of the assembly line. We may think we are winning in a battle of words and promises with Japan, but we are losing on the shop floor. There may be something more to Japan's hesitancy to import American lemons.

The challenge overseas is different from the one confronting our domestic market. The demographics overseas are not the same, the consumers and product needs are much different. Price is *the* most significant factor when 70 percent of the world's consumers are living in developing countries. The value of the dollar is key, as are our government policies that affect export competitiveness and influence market access.

In sum, U.S. international competitiveness is being challenged on two different fronts. The trade deficit with Japan is symptomatic of a failure by American companies to anticipate the preference for quality and performance of the baby-boom generation. Typical knee-jerk responses to attempt to eliminate or curtail Japanese competition by protecting industries cannot in the long-run succeed in maintaining domestic market shares.

* * * * *

Americans have a tremendous capability to meet any challenge. We have all been raised with a strong competitive streak. Several years ago, Ezra Vogel of Harvard University awakened the boardrooms of America with his book, "Japan: No. 1." We will know that we have reached America's competitiveness goal when we look to our bookshelves and find a copy of the nation's new bestseller. Written by a Japanese professsor, the title will be: "America: No. 1."

ON THE ELECTION OF BISHOP BROWNING

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HEFTEL of Hawaii. Mr. Speaker, on Tuesday, September 10, Bishop Edmund Lee Browning, a resident of Hawaii, was elected presiding bishop of the Episcopal Church of the United States. Bishop Browning has long been noted for his courageous and sometimes controversial positions on social and moral issues. His perception of the role of his church in society is worth reflecting upon in this time when some individuals in America have abandoned fundamental principles of tolerance, benevolence and concern for the fundamental rights of all individuals.

Bishop Browning most recently criticized the system of institutionalized oppression and racism in South Africa. His support for the rights of the black majority of that beleaguered nation reflects his deep belief in the equality of mankind in the sight of God. With this motive in mind, his comments on the situation there carry much more credibility than those of U.S. clergymen and others who attempt to rationalize the diabolical inhumanity of apartheid.

Mr. Speaker, Reverend Bishop Browning has devoted his considerable energies to tearing down the barriers that separate the family of man. He has sought and gained common ground among religious groups whose beliefs differ from those of his church. His unwavering faith in the unity of man has given him the strength to address some of the most persistent and difficult questions facing our modern world community.

The new spiritual leader of the almost 3 million Episcopalians in America believes that religious institutions have a responsibility to observe and comment upon social, moral, and political issues. He brings an enlightened approach to this task to his new ministry. I rise to wish him the best in his new duties. His compassion and faith are an inspiration and source of hope in these times of division and uncertainty.

CONGRESSMAN WILLIAM M. THOMAS SALUTES SUNNY SCOFIELD

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. THOMAS of California. Mr. Speaker and my fellow Representatives, I would like to take a few moments of your time and bring to your attention the endeavors of a very special woman from my district, Mrs. Sunny Scofield.

Sunny Scofield exemplifies, through her hard work, civic activity, and unselfish devotion of her time many of the virtues we

all respect and admire. Winning the Golden Mike Award for her daily television program is only the beginning of a long list of achievements. In addition to her personal achievements, Sunny's community service demonstrates her true devotion to helping spread and promote civic involvement and voluntarism in Kern County.

Sunny has been the driving force behind a special program in Kern County, involving over 1,000 volunteers, to raise over $1 million for charity. She has also played an important role in sponsoring and producing informative television advertisements looking for people willing to help in volunteer programs. These programs include: Volunteers for helping crime victims; Junior Achievement volunteers to help teach young people valuable business skills; Volunteer Tutors to help combat adult illiteracy; and Volunteers to sponsor fine arts programs in Kern County. Sunny has served as the chairperson for Brotherhood Week in Kern County; honorary chairperson for Heart Sunday; and twice chairperson for the March of Dimes Mothers March, to name just a few.

Sunny has shown her community that she cares. Her kind of civic activism is the foundation on which our volunteer programs are built in this country, and I hope that others will learn from her example. Sunny Scofield is not only a pillar in her community, but an important part of the framework of our country, and I feel she deserves the highest praise from this body.

THE 50TH ANNIVERSARY OF OCEAN CITY AIRPORT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. HUGHES. Mr. Speaker, it is indeed a pleasure to call my colleagues' attention to the 50th anniversary of the Ocean City Airport, which was celebrated on Saturday, September 7, 1985.

The actual history of aviation in Ocean City goes back even beyond 1935. The first flight from the city was also New Jersey's first air mail service. On August 4, 1912, Marshall Reid donned jacket, vest, and tie to operate his biplane for a flight from Ocean City to Stone Harbor. This flight was just 7 years after Orville and Wilbur Wright's historic Kitty Hawk episode which introduced the world to the age of aviation.

The Ocean City Airport, in its present location, is the product of one of President Roosevelt's programs to build up the country's infrastructure during the Depression. Built under the WPA Program, the airport project provided jobs and helped stimulate the economy. Most of south Jersey's airports were built under this program.

Part of what makes the Ocean City Airport so special is its central location. Most airports are built far from the town they serve, while that of Ocean City falls within city limits. Though the airport is largely surrounded by developed property, it has proven a good neighbor and complaints have been minimal.

The airport's 50-year existence has not gone completely uninterrupted. In 1950, political disputes brought about the actual closing of the airport, much to the aviation buffs' dismay. During the same year, however, Ocean City Airport Associates, Inc., was formed. A nonprofit organization founded by Dr. F.B. Lane Haines, its aim was to rally in defense and support of the airport. Without the successful efforts of the group to ensure the existence and operation of the airport, Ocean City would be without one of its finest assets. Ron Reit deserves special commendation for his leadership and commitment throughout the years. He has been involved in the organization since its inception in 1951, and has served as president during his affiliation for a total of nearly 20 years.

This anniversary is a happy occasion because it is a testimony of Ocean City's lasting dedication toward the promotion of aviation. And, as one resident said, the airport "lends class to the community, setting it apart from other similar communities."

NATIONAL CHILD SAFETY WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Ms. OAKAR. Mr. Speaker, this week is National Child Safety Week. We have our colleague, Representative LEWIS, to thank for introducing this legislation and guiding it through the Congress.

As legislators, we are all aware of the need to heighten awareness to the problem of inadequate child safety. We must see to it that our constituencies are aware of how they can actively reduce the numbers of children which disappear from their homes every year. Americans must know how to promote child safety and how to look for signs that a child is existing in an unsafe environment.

Although much progress has been made in recent years in bringing the incidence of runaways, abused children, and the problems of child safety generally to the attention of the American public, it is essential that we do everything possible to encourage the growing momentum toward improving the safety of every child in this country.

Again, I commend Representative LEWIS for his introduction of this resolution and I look forward to this week being a productive one in educating the American people in this critical area.

TAKING THE SANDINISTAS AT THEIR WORD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1985

Mr. LAGOMARSINO. Mr. Speaker, during the debate on U.S. policy in Central America, a lot of attention has been given to the motives of the Sandinista Government of Nicaragua for spreading revolution in the region. As columnist Georgie Anne Geyer writes, there really should be no debate on the subject at all. All you need to do is read what the Sandinistas themselves have said.

I urge my colleagues to read the recent column by Ms. Geyer which appeared in the August 23 edition of the Wall Street Journal.

[From the Wall Street Journal, Aug. 23, 1985]

TAKING THE SANDINISTAS AT THEIR WORD

(By Georgie Anne Geyer)

MANAGUA, NICARAGUA.—In August 1979, only weeks after the Sandinistas took over Nicaragua, I was walking through the lobby of the Intercontinental Hotel at about 10 p.m. when I spotted Tomas Borge in an intense huddle with a group of important Latin American diplomats.

Stopping to overhear, I was amazed at what I was clearly hearing—and what the tough Mr. Borge, already minister of the interior, was making no effort to hide.

"Me," he was saying, "I would shoot all the Somocistas. But we won't because we do not want to turn the rest of the Latin American revolution against us. The fewer problems we have, the more Latin America will be attracted to us. The more problems we have, the less."

I stood there listening for two full hours, and the theme was as unmistakable as it was ungarnished. It was that the Nicaraguan revolution was the beginning of "the Latin American revolution." Indeed, that was the phrase that was repeated over and over and over.

Yet more than six years later, the debate over the Sandinistas' intentions still goes on with incongruous intensity. Conservatives in America, led by President Reagan, insist that the Sandinistas are indeed spreading their revolution by subverting their neighbors. Liberals, most notably in Congress, discover that the Sandinistas apparently never actually did use the phrase revolucion sin fronteras, or a "revolution without frontiers," and point to that as proof that the Sandinista revolution is a self-contained if souring one-party state with yearnings to social democracy, if only we gave them the chance.

What is so remarkable about being in this tumultuous isthmus—with El Salvador's increasingly successful democratization and Nicaragua's increasingly Eastern European kind of national silence—is that virtually no one here questions the Sandinistas' efforts and impassioned intent to spread their revolution.

The other Central American leaders simply "know" that there is Sandinista support for their guerrilla movements. "No, there is no doubt that Nicaragua is exporting revolution," El Salvador's Christian Democrat President Jose Napoleon Duarte told me in an interview in May in the Casa Presidencial. "[Nicaraguan President Daniel] Ortega himself said when he took the presidency, 'I'd talk with Duarte, but I'll continue to support the guerrillas.' "

As early as December 1983, Costa Rican President Luis Alberto Monge, a consummate democrat, told me, "In 40 years of Somocismo, we never had the threat that we have in four years of Sandinismo."

Specifically, he was referring to the Sandinistas' internal moves—within the same Costa Rica whose support had been the crucial factor to the success of the Sandinista revolution—to reconstitute the moderate Costa Rica Communist Party as a radical party designed to overthrow the Costa Rican government. Since then, not only have the Sandinistas been attacking across the border, killing two Costa Rican police officers, but an ominous series of kidnappings and robberies in San Jose bear the stamp of the formative years of other kindred guerrilla movements, such as the Salvadoran Farabundo Marti Liberation Front in the early 1970s and the Uruguayan Tupumaros in the late 1960s.

The amount of "proof" as to Sandinista subversion—proof in terms of documents or confessions or intelligence—is massive. On April 18, the Salvadoran military captured several leading guerrillas as well as highly important documents spelling out even more intimate contacts with Nicaragua, Cuba and Eastern Europe than they believed existed. The intelligence on the numbers of international guerrillas and terrorists living in Managua (groups like the lethal Colombian M-19 have virtual compounds here and even groups as obscure as Indian Sikh militants mysteriously but regularly pass through) is substantial.

But these kinds of "proof" are not, to many Americans, really proof. It is difficult, nay impossible, to photograph intent in its historic moment. It is hard for Americans to grasp the inner whispers of social process, usually so apparently motionless. Conspiracy is something compartmentalized in "Casablanca," not in a place as unlikely sounding as Tegucigalpa.

The struggle to figure out what acutally is happening in this once-simple isthmus—which now resembles the Balkans prior to World War I more than anything else—includes an interview with Nicaraguan Vice President Sergio Ramirez, who earnestly said to me: "This is a democracy." When—if one only studies the structure and the process that have been set up—one sees clearly that it is a totalitarian Marxist structure with all "rights" awarded from above instead of being innate in man, one sees that the process clearly does, and must, move across borders.

The Sandinistas are serious men and women. They have the right to create the kind of state they want; and they have the right to spread revolution, if that is their belief. In the last analysis, one can argue that one should show them the respect of taking them at their word and at their deed—it is somehow patronizing to deny their seriousness.

HOUSE OF REPRESENTATIVES—*Friday, September 13, 1985*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 12, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, September 13, 1985.

THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, the world surrounds us with so much activity and there seems to be so little time to reflect and pray. May the noise and pace and rush of daily events not cause us to miss Your presence and to hear Your still, small voice calling us to faithfulness, friendship, service, and peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 128. Joint resolution designating the month of October 1985 as "National High-Tech Month"; and

H.J. Res. 299. Joint resolution recognizing the accomplishments over the past 50 years resulting from the passage of the Historic Sites Act of 1935, one of this Nation's landmark preservation laws.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MOLINARI, for 60 minutes, on September 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. DREIER of California in one instance.

ADJOURNMENT

Mrs. MEYERS of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, September 17, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1995. A letter from the Auditor, District of Columbia, transmitting a report entitled: "Review of Transactions Between the University of the District of Columbia and the Office of the Secretary," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1996. A letter from the Auditor, District of Columbia, transmitting a report entitled: "Outstanding Leins Against Samuel C. Jackson Plaza Project Parcels," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2100. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes; with an amendment; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than September 18, 1985, for consideration of such portions of the bill and amendment as fall within its jurisdiction pursuant to clause 1(n) of rule X (Rept. 99-271, pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3309. A bill to amend title 10, United States Code, to provide for improved control of excess profits on negotiated defense contracts; to the Committee on Armed Services.

H.R. 3310. A bill to establish the National Commission for Utilization and Expansion of Language Resources; to the Committee on Education and Labor.

H.R. 3311. A bill to establish a program of drug benefits for the aged; to establish a Drug Benefits Council and other appropriate management controls to provide for the efficient administration of such program; and to require the conducting of certain studies and experiments, to enhance the capability of the Secretary of Health and Human Services to administer such program, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3312. A bill to amend the Internal Revenue Code of 1954 to reinstate the deduction for State and local taxes on gasoline and other motor fuels; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GONZALEZ introduced a bill (H.R. 3313) for the relief of Maria Consuelo Reyna; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1759: Mr. BERMAN.

H.R. 2954: Mr. FUSTER, Mr. MITCHELL, Ms. MIKULSKI, and Mr. PENNY.

H.R. 3065: Mr. SMITH of New Hampshire.

H.R. 3186: Mr. BROWN of California, Mr. LEHMAN of Florida, and Mr. GEKAS.

SENATE—*Friday, September 13, 1985*

(Legislative day of Monday, September 9, 1985)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind * * *. Thou shalt love thy neighbor as thyself.*—Matthew 22:37, 39.

* * * *Love is the fulling of the law.*—Romans 13:9.

Father in Heaven, there are so many starved for love and affection: children, youth, wives, husbands, parents, neighbors. There are people who never receive a tender, loving touch, a hug, or a gentle word. There are elderly living alone—widows and widowers—who have been shelved, often by their children. They are lonely, forgotten, untouched, starved for love. There are people on the Hill without affection—alone in a crowded office—untouched, unloved, like a robot on the assembly line of office routine. And, Father, despite all the attention they receive—deference wherever they move: press, cameras, lobbyists, constituents, tourists—there are probably Senators who are starved for affection. God of love, at a time when love has been demeaned, degraded, prostituted and reduced to sex, restore true love and its power and feeling, help us to love Thee and one another. Help us not to be afraid to show affection—to express love. In His name, Who is love incarnate. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order the two leaders have 10 minutes each. I reserve the time of myself and also the time of the distinguished minority leader.

That is to be followed by special orders in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] and the distinguished Senator from New York [Mr. MOYNIHAN] for not to exceed 15 minutes each, followed by routine morning business not to extend beyond the hour of 10:45 a.m., with statements therein limited to 5 minutes each.

Following routine morning business, the Senate will resume consideration of S. 1200, the immigration bill. Pending is amendment No. 600, the Hawkins amendment. Rollcall votes can be expected throughout the day's session. It is the intention of the majority leader, and I trust the managers of the bill, to complete action on S. 1200 today.

If that is done, then on Monday, as I have indicated, because of the Jewish holiday, there will be no votes. Votes will be postponed until Tuesday, September 17.

On Monday and Tuesday debate and possibly action on the Superfund legislation, S. 51, hopefully under a time agreement, will be completed, and, if not, will be completed on Wednesday.

Next week we will have before us a number of appropriations bills. I will be conferring with the distinguished chairman of the Appropriations Committee, Senator HATFIELD. It is my understanding we can expect to take up the HUD appropriations bill, the D.C. appropriations bill, and possibly next week another bill, Senate Joint Resolution 77, the Compact of Free Association. There is some need to dispose of that legislation in a timely fashion. There is a September 30 deadline.

It is also my hope that perhaps the following week we can spend time on farm legislation. Hopefully, we will have a bill out of the Senate Agriculture Committee by then.

We also, of course, have a series of other legislative items we need to address before October 10, which includes extending the debt ceiling and other important legislation.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TRIBLE). The Senator will state it.

Mr. KENNEDY. Is the immigration bill now before the Senate?

The PRESIDING OFFICER. No.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

STAR WARS DID NOT BRING THE SOVIETS BACK TO THE TABLE

Mr. PROXMIRE. Mr. President, again and again in talking with fellow Senators and Wisconsin constituents, I run into one consistent argument in favor of SDI or star wars. It is that the President's announcement of the Star Wars Program and his fervent support for it has brought the Soviets back to the bargaining table in Geneva. That is the prime argument in favor of star wars and it is as empty as a hot-air balloon. What connection is there between star wars and the presence of the Soviets at the bargaining table in Geneva? Consider the facts.

The facts are that the President's announcement of SDI was made 22 months, almost 2 long years before the Soviets came back to the table. Now, the Soviets may be slow to react. But are they that slow? In fact the President's announcement of SDI was made 9 months before they left the table at Geneva. Ponder that for a minute or two. The advent of star wars was 9 months, three-quarters of a year before the Soviets left the bargaining table at Geneva. Would it not seem far more logical to argue that the star wars announcement drove the Soviets away from negotiations than that it brought them into negotiations. Were they any significant technological breakthroughs for star wars before the Soviets returned to Geneva? Of course not. The program has barely begun. Breakthroughs, even tests that might document breakthroughs, are years away.

Mr. President, this Senator does not argue that SDI does not play a role at the Geneva talks. It does indeed. The Soviets have a concern about SDI, a very real concern. They have conceded that SDI research as such cannot be verified and therefore cannot affectively be prevented by a negotiated agreement. But they do want an agreement to stop testing, production and deployment of this antimissile defense. In fact, they have made this a cardinal tenet of any agreement to reduce offensive nuclear weapons. If SDI will not work, why are the Soviets so anxious to negotiate an end to it? A White House statement of January 3, 1985, that spells out our own; that is, the U.S. concern about a Soviet SDI reveals why the Soviets are anxious to negotiate an end to the American SDI. That White House statement declares that the Soviet Union could break out

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

51-059 O-86-28 (Pt. 17)

of the ABM Treaty and develop a nationwide ABM system in the next 10 years, and continues: "Were they to do so, as they could, deterrence would collapse and we should have no choices between surrender and suicide."

Let me repeat that. The White House said:

Were they to do so, as they could, deterrence would collapse and we should have no choices between surrender and suicide.

Let us take a look in the mirror. That statement drew an interesting picture of the United States psychological reaction to the remote possibility that the Soviets might, just might, sometime develop their own SDI. Is it not logical to expect that the Soviets might suffer the same vision of the collapse of their deterrence and their confrontation with the choice of surrender or suicide? Why not?

Of course, the White House statement is a gross overstatement of the potential threat of a Soviet SDI. The Soviets have a similar gross overestimate of the possibility of an American SDI. Neither side can or will achieve the technological miracle. Either could go broke trying to do so. Meanwhile, the uncertainty and instability, the nightmare threat continues.

Mr. President, I ask unanimous consent that an article entitled "Star Wars: Europe's Polite Waffle," by Wayland Kennet, a former British minister and member of the House of Lords, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAR WARS: EUROPE'S POLITE WAFFLE

(By Wayland Kennet)

Careful reactions in Western Europe to President Reagan's March 1983 "Star Wars" speech began late; there were few in the first year. The idea seemed farfetched; the president had often before been rescued by his staff from off-the-cuff remarks.

At the official level reactions are still not settled, and it is impossible to say what they will be. It would be laborious to catalogue in detail the present official positions: the catalogue would demonstrate, above all, waffle. When governments waffle, other friendly governments should know without being told that they mean: "We don't like and are embarrassed by your idea, but we don't want to say so too loud or too clear." That is what the European NATO governments are saying to the U.S. administration about the Strategic Defense Initiative—except the French who, as usual, have said exactly what they think.

The Reagan Administration, especially the Pentagon, misinterpreted the polite waffle and has gone on to mistake the reasons for which European governments are against SDI, believing that Europeans are worried about not being protected by SDI and that short-range missile defenses will therefore make them quite happy again, or that all Europe wants is a good helping of gravy from the train. This is a false or at least very partial understanding.

The general European attitude is summed up in the four points agreed upon by President Reagan and Prime Minister Thatcher at Camp David a few days before Christmas last year:

"The United States and Western aim is not to achieve superiority, but to maintain balance, taking account of Soviet developments.

"SDI-related deployment would, in view of treaty obligations, have to be a matter for negotiations.

"The overall aim is to enhance, and not to undermine deterrence.

"East/West negotiations should aim to achieve security with reduced levels of offensive systems on both sides. This will be the purpose of the resumed United States/Soviet negotiations on arms control."

These four points have been accepted de facto by all of European NATO as guidelines for further action. They will not be forgotten; any statement that contradicts them will weaken the Alliance, and any action that infringes them will destroy it.

In these points there is no mention of the present research phase, let alone of any support for it. Europeans may support it in the sense of agreeing that it is allowed by the ABM Treaty and that some response to Soviet research is prudent. But such support will only mean governments will refrain from forbidding firms and laboratories from bidding for U.S.-funded contracts.

It would in any case be a mistake to attribute much importance to these attitudes to the research phase. Europeans are inclined to ask one preliminary question about the SDI: what is our opinion about the end to be served by the means which we are invited to help develop? Not only can the end not justify the means, but the means cannot justify the end, and thus should not be allowed to define it. For if the end is wrong, or not known, then the means are also wrong. There is no point in researching how to do something one ought not to do, or which one cannot describe.

Informed political circles in Britain have been skeptical since learning, sometime in April 1983, that President Reagan's SDI speech had been made before consulting his defense secretary or the Joint Chiefs of Staff. We know this because very senior British defense officials were briefed by very senior U.S. defense officials the day before the speech about its contents, and SDI was not part of it.

There is no military demand for SDI in Europe, and before the president spoke there was no military demand for it in the United States. Nor has any military demand for it been made clear since, though some military men are seen to be obeying their commander in chief's orders. We are entirely against the acquisition of arms for which there is no military demand, and one wonders whether the industrial-bureaucratic complex may be becoming even more dangerous than the military-industrial one.

So there have been in Europe embarrassment, concern not to rock the NATO boat and not to make the negotiations in Geneva more difficult, unwillingness to see scarce money for military budgets sidetracked into fantasies, even a feeling not unlike the despondency with which we watched the United States in Vietnam, fighting a war that by definition could not be won. This was a difficult mixture of perceptions to digest.

To our relief, the Reagan-Thatcher four points were identifiably present in the Shultz-Gromyko joint statement of January 8. But then those in the Administration and the Geneva delegations who were attached to the full vision of SDI began to eat Shultz's words—and indeed the president's—and hopes sank.

On March 15 Sir Geoffrey Howe, the British foreign secretary, made a long and careful speech—at the Royal United Services Institute—setting out 15 questions and statements about SDI which the British government believed should be answered as soon as possible, well before the industrial and employment momentum in the United States built up. His 15 points are now as central to European opinion as Prime Minister Thatcher's four points. Each of them can be answered in several ways, but the following answers would probably not provoke very much dissent among informed West Europeans unconnected with the arms industry.

Could the process of moving towards a greater emphasis on active defenses be managed without generating dangerous uncertainty?

No. Imagine the months when one country is drawing toward the completion of an impermeable ABM system. Once it is achieved, it will be able to launch a first strike with impunity. The incitement to its opponent to launch a preemptive first strike at an optimum moment is much increased. The thought that both sides might reach that moment at the same time, thereby removing the incitement to the slower side to consider a preemptive first strike, is politically absurd. Such a simultaneity could only be arranged through detailed and trusting cooperation, which, if it existed, would be better put to achieving disarmament.

Would the establishment of limited defenses increase the threat to civilian populations by stimulating a return to the targeting policies of the 1950s?

Yes. As the number of ICBMs which each side felt sure would get through become lower, each side would have no choice but to rely more and more on countervalue retaliation. Perhaps there is no obvious reason why such a return should be thought a bad thing; the peace was kept in the 1950s by countervalue deterrence as well as in the 1970s by "flexible response." However that may be, the building of an impermeable ICBM shield would produce, late in this history, a balance analogous to that of the 1950s, and which could be produced now by simply reducing the number of ICBMs held by each side.

Would SDI weaponry be "survivable and cost-effective"?

It could possibly be survivable but only until the counterweapons catch up. We are only dealing with another bit of the arms race. And, as already noted, the cost-effective way to keep ICBMs from getting through is to reduce the number of ICBMs in existence.

What would be its psychological impact on the other side?

President Reagan answered this in the least-quoted part of his March 1983 speech: "I clearly realize that defensive systems have limitations and ambiguities. If paired with offensive systems they can be viewed as fostering an aggressive policy." Both superpowers are indeed currently engaged in massive development of offensive strategic weapons; the United States is developing six such systems.

This same point was made with even greater force in a White House statement of January 3, 1985. It states that the Soviet Union could break out of the ABM Treaty and develop a nationwide ABM system in the next 10 years, and continues: "Were they to do so, as they could, deterrence

would collapse and we should have no choices between surrender and suicide."

This is a very adequate account of the "psychological effect on the other side" from the point of view of an American imagining what an effective Soviet SDI would be like. It is strange how seldom such persons understand that the fear they might feel in the future is the fear the Soviets feel now. This argument is well understood by West Europeans who note—as no doubt the U.S. Administration does—that this is in fact the main argument used by the Soviets. This does not by definition make it a bad argument.

What are the chances that there would be no outright winner in the everlasting marathon of the arms race?

Overwhelmingly high. In the mid-1960s the Soviets were all for ABM defenses to cover their whole country, since it was a moral duty to defend one's people. At that time the United States went to great pains to persuade the Soviet Union that major area BMD would be destabilizing, alarming, and so forth. The effort at persuasion succeeded, and the Soviet Union is now playing the U.S. arguments of those days back to their originators. It is like a chess tournament in which the players change colors after each game.

But a wider section of world opinion is watching the match than 20 years ago, so it seems more likely the argument will come to rest, with the Soviets declaring that they would increase the penetration ability of their ICBMs as U.S. defenses built up. These statements give advance warning of a knight's move—the normal Soviet response; the castle and queen move would be to step up ICBM numbers. If President Reagan later breaks the SALT II restrictions, the Soviets will no doubt do that as well: in the arms race, no one is limited to one move at a time.

On this point, European public opinion is well-developed. No less than 84 percent of the British electorate believe that if the United States develops Star Wars the Soviets will follow suit—meaning a continuing arms race. Moreover, 84 percent also believe that the United States will develop Star Wars, whatever the NATO allies say.

How would protection be extended against the non-ballistic missile nuclear threat . . . aircraft, cruise missiles, battlefield nuclear weapons . . . covert action?

Although the presidential slogan remains "to render nuclear weapons impotent and obsolete," there have been no new proposals for defenses against any delivery systems except medium and long-range ballistic ones. If anything more were done, the system would cost even more. As proposed, the system will remain quite incapable of rendering nuclear weapons impotent and obsolete. Locking only one door of the house will not greatly inconvenience the keen burglar.

If it initially proves feasible to construct only limited defenses . . . would the holes in the dike . . . encourage a nuclear flood?

A major but limited system would encourage an increase in nuclear delivery systems and improvement of their penetration ability. Human nature says, "If you can shoot down two out of three, then I must have three times as many to be safe as I was."

Might it not be better to "protect key military installations" by increasing mobility and by submarine deployment?

Yes. It would be cheaper.

Might we find ourselves in a situation where the peace of the world rested solely upon computers and automatic decision-making?

Obviously so. All accounts agree that the earlier in an incoming missile's trajectory an intercept is attempted, the more it must be automatically controlled. The thought of human frailty is alarming, of electronic frailty even more so. But the thought of preprogramed boost-phase intercepts over Soviet territory (or vice versa) is absolutely terrifying.

A question of international law is concealed in this escalation of political terror. At what point in the trajectory of a ballistic missile rising from the territory or a submarine of one country does its intended destination become apparent to its opponent's computers? Not very early, and therefore the SDI envisages that the intercepts should commence before the intended designation is known: if all missiles whatsoever rising from the soil or submarines of the attacking country can be intercepted immediately, the opponent country's programming would be greatly simplified. But the political and strategic effect would be the same as that of destroying missiles on the ground. This ability puts the intended target-country willy-nilly into a first-strike, counterforce posture; and the effect on the originally attacking country can only be like that of a first-strike, counterforce posture as traditionally conceived. To give the impression of aiming to acquire a first-strike, counterforce capability has been considered a bad plan since the Soviet Union interpreted U.S. Defense Secretary Robert McNamara's doctrines that way in 1961 and 1962. That led directly to the Soviets' attempt to place intermediate-range ballistic missiles in Cuba: the last great superpower confrontation.

We shall have to ask ourselves not only whether the West can afford to have active defenses against nuclear missiles. We must also ask whether the enormous funds to be devoted to such systems might be better employed.

The opportunity cost of the arms race has long been one of the main arguments for ending it. The argument in the case of SDI is the same as usual, but the cost in question is greater than usual.

What would be the effect on all the other elements of our defenses, on which Western security will continue in large part to depend?

Either SDI would draw away a lot of money from existing defense arrangements, or the West would spend a lot more money on defense. Both alternatives are profoundly unwelcome to Europeans, who want to keep conventional defense up, as well as to do more to help poorer countries. "Enough is enough" is the view of European electorates.

Could . . . the vision of effective defenses over the horizon provide new incentives to both sides to start at once on reducing their present levels [of nuclear arms]?

Yes, certainly; the vision of each successive upward turn in the arms race could and should have stopped the arms race when it first began. (The fact that successive visions have not stopped it should now be the central concern of political philosophy.) That is true of the possibility, posed in the abstract. But actual threats never bring on cooperation between the threatener and the threatened.

The use of the words "start at once" reminds us of the claim now being made that the threat of SDI brought the Soviets back to the table in Geneva. It might, or it might not have; we shall not know for some time, if ever. To believe it did is to believe the reaction time in Moscow is even slower than we thought. The president's announcement of SDI was made 22 months before the Soviets came back to the table; it was actually made nine months before they even left it.

We should have to be sure the formidable task could actually be managed on a . . . basis [acceptable to both the United States and the Soviet Union].

Since the United States is richer and bears waste more easily than the Soviet Union, the latter consider higher arms levels automatically threatening. The dream of detente at high arms levels is glaringly incompatible with another dream even now to be found in some corners in Washington: that of spending the Soviet Union into the ground. It is certain that if mutual acceptability of strategic postures can be achieved at all it will be at a lower, not a higher, level of armaments.

Sir Geoffrey made this point in the course of saying how important it is that no one should break the ABM Treaty, and in this he speaks for European NATO as a whole. That treaty and SALT I are the only de jure agreements between the superpowers which do something toward meeting their obligations to the rest of the world under the Non-Proliferation Treaty. It is true that the ABM Treaty is only a piece of paper, and that it can be legally denounced with due warning. But the same applies to the North Atlantic Treaty. West European opinion is already aghast at the Reagan Administration's handling of Nicaragua: the mining of the ports, the flouting of the World Court, the charge that Irish terrorists get support from Nicaragua, and so forth. It is unlikely that the Alliance would survive a U.S. rupture of the ABM Treaty.

We must be sure that the United States guarantee to Europe would indeed be enhanced as a result of defensive deployments. Not only enhanced at the end of the process, but from its very inception.

There is of course no written U.S. guarantee to Europe that one can turn to and ask whether the force of these words would be strengthened or weakened by the proposed course of action. The guarantee is implicit in the presence of U.S. ground forces in Europe, and in the pattern of deployment of U.S. intermediate-range nuclear systems and naval forces.

The argument about whether SDI would make it more or less likely that these conventional and nuclear deployments would remain intact seems closely balanced at the moment. Some say that if SDI worked, the United States would be emboldened to be yet more protective towards Europe than now. Others say the United States would profit by the increased protection it enjoyed to give rein to the tendency, which is always present, to reduce or withdraw its European commitments. The minority which oposes NATO says, as it has said before, that the United States would be able to contemplate limited war in Europe with impunity.

Which assessment is true depends on who the American people elect, and this uncertainty is the price of democracy. Twice this century the United States, Britain, and France have together celebrated victory in world wars of European origin. But in both, Europe had to wait for U.S. assistance until the United States itself was attacked. The first time the British fought alongside France and Italy for two years, the second time quite alone for three years.

These memories are seldom mentioned, because of our self-destructive politeness.

But they are real. We do not, however, demand greater predictability of the United States because of them; we are ourselves unpredictable in our relations with our friends who are weaker, and we would certainly sooner have an unpredictable democracy on our side than a predictable tyranny.

In terms of NATO's policy of forward defense and flexible response, would we lose on the swings whatever might be gained on the roundabouts?

In other words: If the U.S. military presence in and on behalf of Europe were enfeebled, whether by the cost of SDI or by the United States lightening the political and financial burden of its European commitment, would the Soviet Union procure and deploy weapons in such a way as to threaten Europe selectively, and thus blackmail NATO as a whole?

Knowing the Soviet Union from closer than the United States, Europeans must answer yes. We certainly think that the Soviet Union would find it impossible to resist the temptation to increase its ability to browbeat and blackmail Europe.

The wrong way to prevent this happening would be for the United States to press on with SDI while the Europeans made up for the reduced U.S. strength in Europe by new procurements and deployments of their own. That would cost us all even more and mean even more weapons on the face of the earth, as well as in space. The right way would be disarmament.

Instead of helping to answer Sir Geoffrey Howe's questions about the desirability of SDI, U.S. Defense Secretary Caspar Weinberger asked European NATO governments to tell him within 60 days how they proposed to join the research.

The reactions to this request have ranged from the outright French rejection accompanied by a counterproposal, the "Eureka" program, to the German attitude of timid hankering. Britain is between the two. (Reports in the United States that Thatcher favors strategic defenses are mistaken). Norway is pretty much with Britain, tending towards France. The Danish parliament has instructed its government to have nothing to do with it. Italy has suggested that the United States start talking to the Soviet Union right away about where research becomes development. Outside Europe, Japan is close to Germany, Australia is close to France, and of course New Zealand, being in disgrace with the United States, has not been invited at all.

The invitation to Israel presents a special problem, since Israel's repeated flouting of U.N. resolutions and continued illegal occupation of foreign territory, despite European, and indeed U.S. pleas, makes any military association impossible for us. Like Nicaragua, this is a general problem of European-U.S. relations.

The debate on how to answer Weinberger's request (the 60-day ultimatum was withdrawn) is a difficult one. If anyone wants to develop rapid advances in computers, parallel processing, sensors, directed energy beams, cryogenics, and so forth, the cost-effective way to do it is directly, not as a by-product of a military procurement for which there has been no military demand. We clearly reject the proposition that any military activity can properly be undertaken for the civil spinoff it may yield.

It is precisely because of this feeling that France has proposed the Eureka research program, and Britain and Germany have agreed to join in. It would be European and civilian, and would deal with many of the same technologies as SDI. The possibilities of fruitful interfacing with SDI are obvious.

Although the history of European attempts at joint programs in applied research is not encouraging, there have been successes in pure research, particularly CERN (European Center for Nuclear Research). Every opportunity to overcome past shortsightedness must be welcomed.

The SDI crisis could become, if it is not already, the worst in NATO's history. In some ways it resembles the multilateral force crisis of the mid-1960s. That was shortlived, and the waves of ardent U.S. missionaries soon ceased trying to explain our own interests to us. This one has gone on longer already, and the missionaries show no sign of tiring. NATO itself is at stake, and two views of NATO have never been more sharply and dangerously in contrast; the naive view of NATO as a collection of countries with one single interest, equal and equally intense to all, and the realistic view which sees it as a collection of countries with overlapping but distinguishable interests which must be respected and reconciled. We know SDI would be terribly damaging to our interests, and we doubt that anyone can identify our interests better than we can. There is a widespread European opinion that it would also be damaging to U.S. interests, but we do not think we can identify those better than the United States can.

SDI concerns all the world and raises questions which are only now being identified. They are far from being answered in a way which could preserve NATO's unity. The answers, when they do come, will have to reflect the fact that SDI and disarmament are world concerns.

MYTH OF THE DAY: THAT FEDERAL BORROWING IS GOOD FOR THE ECONOMY AND TAXES ARE BAD

Mr. PROXMIRE. Mr. President, some administration officials, blinking at a $2 trillion national debt, are arguing that it is better to borrow than to increase taxes. They believe that raising taxes will retard economic growth while borrowing is neutral.

What a myth! This myth cannot be supported on economic or political grounds. It is a smokescreen, intended to obscure the uncomfortable fact that the national debt has doubled in 5 short years.

Look first at economics. What causes economic growth? That happy situation takes place when we bring new resources into use or when we make more effective use of those already available or some combination of both.

But if taxes are used to improve the technical capabilities of the American worker, that improves one of the fundamental underpinnings of growth. Such taxes would be pro-growth, not anti. The same argument would hold for borrowed money.

What counts then is not so much where the money comes from but how it is used. How has this administration used the enormous sums it has borrowed? It has used this money for two of the least productive types of Government spending—armaments and interest payments.

Somewhere in the neighborhood of 60 percent of the increased debt is directly attributable to the defense buildup and to the costs of carrying the additional debt. Sure, there are some technological spinoffs from defense work, but when compared to the money spent, the productive aspects are negligible. Interest payments do nothing to improve productivity but merely postpone the day of reckoning.

On political grounds, increased taxes are going to be a part of any package which really reduces the deficit. It is so large that even the administration cannot make more than a dent in it by recommending spending cuts. If the taxes imposed come from the right sources, from closing nonproductive loopholes, for example, then we could actually improve the prospects for growth by raising revenue.

To assert that taxes are antigrowth, while borrowing is somehow less dangerous, is myth making at the level of Aesop. Real antigrowth policies take money from productive uses, whether public or private, and put it to nonproductive use. At doing that, this administration is the champion.

TEMPTATION OF MADNESS

Mr. PROXMIRE. Mr. President, recently at the annual meeting of the American Psychiatric Association, Holocaust survivor and noted author Elie Wiesel described his experiences during the Holocaust and said he is trying to determine whether elements of madness exist today similar to those that existed during World War II.

Wiesel delivered his lecture to the American Psychiatric Association on the theme, "Temptation of Madness." Wiesel told the psychiatrists in the audience that he needed them to explain to him how so many people who suffered through the horrors of Nazi concentration camps could keep their sanity in the midst of the madness around them.

Wiesel noted, "Perhaps we discovered that to deny the present we could seek our refuge in the past."

Wiesel's intention in giving the speech was to link his past experiences with the present and warn that the type of madness that characterized events in World War II could arise again.

Wiesel emphasized that there are 41 wars now being waged around the world. He wondered to his audience if humanity is again giving in to the temptation of madness that took over during World War II.

History has shown that such madness surfaces periodically, Wiesel said, and he hoped that with the nuclear threat facing the planet today, this madness was not about to resurface.

The madness that Wiesel so fears is not as removed from today's world as

we would like to think. Wiesel cautioned, "The real enemy is not evil, like some believe, but indifference." It is this indifference that we must always guard against.

Mr. President, the warning of Elie Wiesel is timeless. History, indeed, has a pattern of repeating itself. Indifference to acts of genocide only increases the likelihood that the horrors of the Holocaust will be repeated.

The United States should act swiftly to ratify the Genocide Convention and ensure that the attitude of indifference that Mr. Wiesel rightly fears is never again allowed to develop. A strong international commitment to prevent and punish acts of genocide would guard against the threat of indifference.

Mr. President, the strong international commitment is there. The United States needs only to ratify the Genocide Convention to show that it stands firmly opposed to the type of brutality perpetrated in the Holocaust and that it is committed to prevent it from ever happening again.

Mr. President, I think we should recognize that the Senate, by an overwhelming vote late last year, pledged itself to take up the Genocide Convention early in the 99th Congress. We are no longer early in the 99th Congress. We have not taken it up. It has been recommended by the Foreign Relations Committee by a vote of 10 to 1. The leadership enthusiastically favors it. The President of the United States favors it. It seems to me, Mr. President, that the time to act on the Genocide Convention is certainly here.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR MOYNIHAN

The PRESIDING OFFICER. Under the previous order, the Senator from New York [Mr. MOYNIHAN] is recognized for not to exceed 15 minutes.

DEFECTION OF KGB AGENT

Mr. MOYNIHAN. Mr. President, in this morning's press we learn that the chief of the KGB station in London, a Mr. Oleg A. Gordievski, has defected to the British and has been granted asylum.

In consequence of his early conversations with British authorities, the Government there has ordered the explusion of 25 Soviet nationals from the United Kingdom on grounds of espionage.

Mr. David Goodall, a civil servant at the Foreign Office, is reported to have told the acting Soviet chargé d'affaires that "the nature and scale" of Soviet intelligence activities was "completely unacceptable." Thus the expulsions.

Mr. Goodall's statement reflects a realistic assessment that there is going to be a certain amount of intelligence activities by any embassy in any country. But when these activities shade over into espionage, and into the violation of law of the host country, the individuals involved become criminals. While diplomatic immunity prevents the prosecution of some of the persons involved, elemental national self-respect, and concern for the rights of citizens against whom such crimes are directed, requires the expulsion of these persons. The British have not hesitated to do this before and they have this week done it again.

With what contrast, Mr. President, we observe the behavior of our own Government with respect to Soviet espionage in this country.

Ten years ago, Vice President Nelson Rockefeller headed a Presidential Commission of Inquiry into the activities of the Central Intelligence Agency directed against—it was alleged—Americans. That Commission, established by President Ford, included among its members the man who is now President, Ronald Reagan.

Among the findings of the Commission which were published in June 1975, was an extraordinary revelation. The Rockefeller Commission determined that the Soviet Union had begun on a massive systematic basis to intercept telephone conversations in and about the New York City area—this from facilities provided them for use of their mission to the United Nations.

About the time the report was issued, I was nominated by President Ford to be the U.S. Permanent Representative at the United Nations. Vice President Rockefeller went out of his way then to see that I called on him in order to tell me, as a matter of great urgency, that I must understand that anything I would say on the telephone from the U.S. Mission on U.N. Plaza or the U.S. residence on the 42d floor of the Waldorf Towers would be listened to by the Soviet Union, by the KGB.

I took that matter with great seriousness; and I took it with great seriousness when, in December 1975, Mr. Arkady Shevchenko, the Deputy Secretary General of the United Nations for Political Affairs, and the highest ranking Soviet in the U.N. system, indicated his interest in defecting to the United States. In matters involving Shevchenko, I was at pains never to say a word on any of our telephones—as a matter of fact, on any telephone whatever—and confined myself very much to personal exchanges—mouth to mouth, you might say—in places where the possibility of being overheard was minimal. Madison Square Garden, incidentally, turned out to be an excellent place.

The reports from London today state that the defection of Mr. Oleg Gordievski is the most important defection since that of Shevchenko 10 years ago.

Mr. Shevchenko has since published a memoir, earlier this year, in which he discusses the events that led to his defection, the highest level Soviet defection in the history of the Soviet Union. Mr. Shevchenko was on anyone's short list of someone who might succeed Mr. Gromyko one day. He was a protege of Mr. Gromyko.

In "Breaking With Moscow," Mr. Shevchenko described how he would go out to Glen Cove, Long Island, in Nassau County, to Killingworth, a kind of summer estate that the Soviets own there—it is sensible to get out of Manhattan on occasion—and find that the attics and garages were stuffed with telephone interception equipment.

The Soviets later built a 22-story building in the Riverdale section of the Bronx, which, it turns out, is just a communications tower. They intercept and record the microwave telephone conversations that pass through in New York City. They do the same on 16th Street here in Washington, four blocks from the White House, in their Embassy, which happened to be the czarist embassy. If any Members of this body would like to see what they do on 16th Street, it is not hard, though one should hurry, however, because they will not be there long. For now, one could go up on the roof of the Washington Post building on 15th Street and look down at the array of atennae and telephone boxes and so on. You also find them in San Francisco atop their consulate there, which sits on a very high point in San Francisco.

Here in the Capital, the Soviets will soon move to Mount Alto, the highest point in Washington, where they have built a large new embassy, which will be one of the most important communications facilities in our country. From there, the Soviets will be listening in to every conversation that can be intercepted in their line of sight, and the line of sight includes the State Department, the Capitol, and U.S. Senate office buildings.

And we allow this. No Soviets are expelled, as the British were so quick to expell 25 Russians home yesterday.

We not only allow their espionage to continue; in a certain sense, we encourage it by letting the Soviets know that we know they are doing it and that we will not do anything about it.

This not only encourages the Soviets, but it encourages in them I expect a measure of contempt for us, contempt you can feel when you talk to people who deal with these matters. When a Soviet Embassy spokesman was asked recently by the Washington

Post, "What is this business of your taking Mt. Alto and all the things we hear," he replied, rather nicely, I thought, "You know, we didn't capture the site; we were given it."

When I came down to the Senate in 1977, at the start of President Carter's term, I introduced legislation saying that the President, if he has reason to believe that diplomats of foreign nations are engaged in illegal activities such as telephone interception, should ask them to stop. If they do not stop, he should declare them persona non grata and expel them. Mr. Carter would not do that. And I could not even get a hearing in the House and Senate Foreign Relations Committee.

When Mr. Reagan came in, in 1981, I introduced the legislation again. Again, the new administration opposed this.

In January of this year, at the start of Mr. Reagan's second term, I introduced the measure again, as S. 12. The State Department opposed enactment.

There is a very ominous quality to the opposition. Under the Carter administration, the Government began burying its telephone lines to defense contractors and people like that, and said, "We are going to defend the Government." But the public—well, somehow, that is different. They'll have to look out for themselves. Once in a hearing in the Select Committee on Intelligence when I was presiding, I asked the general counsel of the CIA, "Sir, is this activity going on?"

"Obviously, it is going on," he said.

I asked, "Does that not involve a violation of the fourth amendment rights of American citizens?"

"No," he said.

"No," I said, "How so?"

He said, "The fourth amendment only protects you against intrusions on your privacy by your own Government, not by the Soviet Government."

It led me to believe that gentleman went to slightly too good a law school.

In June, I offered the language of S. 12 as a floor amendment to the State Department authorization bill. Our distinguished chairman, the Senator from Indiana [Mr. LUGAR] and his not less distinguished and learned colleague, the Senator from Rhode Island [Mr. PELL], accepted this measure. There was no objection expressed to it. The bill went to conference where representatives of the Department of State and—well, I will just leave it at the Department of State—informed the conferees that it was the desire of the administration that this amendment be dropped, stating that it involves some unspecified risks to the Nation.

Now the language of the amendment, like S. 12 itself, states specifically that the President ought not expel foreign diplomats engaged in electronic eavesdropping if there are any national security reasons. If he does not want to do it, he just does not have to do it. The purpose and the language of the amendment is to indicate that the U.S. Senate thinks the fourth amendment rights of American citizens are violated by the Soviet Union when it listens, no less than they would be by the American Government when it listens.

It is explicitly illegal for the U.S. Government to involve itself in this sort of activity. But when it comes to the Soviet Government, well, the conferees just dropped the matter.

Yesterday's New York Daily News, the largest circulation newspaper in our country, and possessing one of the finest editorial pages, of great thoughtfulness and interest and reliability, ran an editorial which I should like to read into the RECORD. If I have a moment, Mr. President, I am going to read it, not ask that it be printed.

The editorial is entitled "It's for You, Ivan."

Are Russian agents listening in on your phonecalls? That's neither a joke nor a paranoid fantasy.

Then it says, as I have pointed out, that the Soviets have a batch of buildings on 67th Street in Manhattan, in Glen Cove and in the Bronx.

Their dishes can suck microwave phone transmissions right out of the air.

Federal agencies have guaranteed the confidentially of their conversations by buying more than $6 billion worth of secure phones—a single unit can go as high as $35,000. Ordinary folks have no such protection. That's why Moynihan is ringing alarm bells.

One issue is the invasion of privacy. If U.S. agents were wiretapping indiscriminately, there'd be a national hullabaloo. Little heads would roll. Yet no one in the State Department or Congress—with the exception of New York's Moynihan—gives a hoot when Soviet spies violate a highly prized constitutional right.

The other issue is national security. There's ample evidence the Russians eavesdrop on Wall Street financial and banking traffic, gathering information that could be used to hurt this nation. They also can listen to personal calls—a client confiding in his lawyer, an executive arranging a love affair—that can be used to blackmail.

Mr. President, we recently learned that our President, our greatly respected President, has issued an Executive order ordering that the car telephones used by high Government executives in this town be protected against eavesdropping by the Soviet.

Concern about this threat to Americans' civil liberties grows. An official of the National Security Agency, Mr. Walter G. Deeley, has raised it publicly. Let me say in 8 years on the Intelligence Committee, I do not remember a public statement of any sort from the NSA nor had we ever any sense that material was being given to the press from the NSA.

Mr. Walter G. Deeley said we are compromising the security of this country. He said we are going to need 500,000 phones at $35,000 each that are "user friendly." But, he said, that is not the point. The point is we are letting the Soviets invade the privacy and the confidentiality of the whole of society. And we do nothing about it.

Mr. President, I do not know where we go from here. I do not know what the world thinks about us. The British throw people out of their country for violating their rules. We will not.

I would like to remind the President, if I may, of the findings of the Commission headed by Vice President Rockefeller, that Mr. Reagan was involved in. The Commission was very clear on the point that possibilities of blackmail that are developing from Soviet espionage are real and immediate and must be attended to.

Ten years have gone by. We have done nothing. To the contrary, the biggest installation of all is about to begin on Mount Alto.

There is, I believe, an explanation why we do nothing. I don't know yet what the reasons are, but it requires an explanation. Blackmail may be one. Pusillanimous dispositions may be another. I ask, Mr. President, are we afraid of these people? Do we dare not tell them to stop? Is there any other reason?

We hear from the highest levels of our Government talk about Evil Empire, spy dust, we will show you.

Well, why do we not just tell Soviet agents in this country to stop violating the laws of the United States, including the Constitution thereof? Just stop.

If they do not, why do we not just tell them to get out, and tell them also to get their KGB agents out of the U.N. Secretariat in New York?

When Shevchenko came over a decade ago we picked up the names of all manner of KGB agents and activities in the U.N. Secretariat that were in clear violation of article 100, section 2 of the U.N. Charter which expressly forbids any member government giving directions to a national of that government who happens to be employed in the Secretariat.

Yet the KGB is all over the place. Mr. Shevchenko names them in his book. When they found out those names, once Mr. Shevchenko came, and the fact that he was involved with us became public, the Carter administration expelled them.

Margaret Thatcher is not afraid to do that. Nor was Edward Heath.

We are. We are beginning to behave like a nation that is afraid of our adversaries, afraid even to insist upon the elemental constitutional rights of Americans in this country.

Nelson Rockefeller 10 years ago told us the Soviets were listening in on our telephone conversations, and that it has taken place at a level increased beyond any imagination. At that time,

they had not opened their 22-story communications tower in Riverdale in the Bronx and at that point they had been given but certainly did not yet have Mount Alto where the new Embassy is going to be.

Today they do. And we do not dare say, "Stop it."

The British, on the other hand, do seem to mind, and the Soviets do not seem to be surprised. If a KGB station chief defects and gives out the names of people involved in illegal activity, and the British expel them, the Soviets do not say, "You can't do that." They got caught. They smile and chuckle, and off they go back to Moscow for a few weeks leave and another new assignment. It is part of their business.

Imagine the contempt on their part when they observe our administration shaking its fist in the face of communism—everywhere save in the People's Republic of China, where communism in apparently considered by our Government to be of a benign nature—while supinely submitting to the subversion of the integrity of the American telephone system by the Soviet Embassy itself.

Mr. President, this Senate and this Congress now, bears a measure of responsibility for complicity in this submission.

We adopted on this floor the measure, S. 12, that I introduced in January. It was taken to conference, and we dropped it.

Are we saying that we are afraid of the Soviets also? I put it this way: I mean, not just afraid of the scandal, the noise, the difficulty, the bad measure. The British with Margaret Thatcher did not hesitate to throw them out for less.

Is it possible that Nelson Rockefeller's forecast of blackmail is showing its effects here in Washington?

Remember, Mr. President, your telephone calls are listened to. Mine are. The distinguished Senator from Colorado [Mr. HART] who knows a very great deal about this matter is here on the floor. Most especially his telephone calls are monitored because they are more interesting—having to do with the future of American politics—than certainly those of this grayed Senator from New York.

Do we have a Government that distinguishes between itself and its people, that protects itself but does not care about its people?

I hope not, Mr. President.

I ask unanimous consent to have printed in the RECORD at this point the editorial from the Daily News, entitled "It's For You, Ivan."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Sept. 12, 1985]

IT'S FOR YOU, IVAN

Are Russian agents listening in on your phone calls? That's neither a joke nor a paranoid fantasy. Sen. Pat Moynihan points out that the Soviets have a batch of strategically located buildings—their UN mission on E. 67th St., a compound in Glen Cove, L.I., a tower on high ground in the Bronx, their embassy on a hill in Washington, D.C.—bristling with electronic gear. Their dishes can suck microwave phone transmissions right out of the air.

Federal agencies have guaranteed the confidentially of *their* conversations by buying more than $6 billion worth of secure phones—a single unit can go as high as $35,000. Ordinary folks have no such protection. That's why Moynihan is ringing alarm bells.

One issue is the invasion of privacy. If U.S. agents were wiretapping indiscriminately, there'd be a national hullabaloo. Little heads would roll. Yet no one in the State Department or Congress—with the exception of New York's Moynihan—gives a hoot when Soviet spies violate a highly prized constitutional right.

The other issue is national security. There's ample evidence the Russians eavesdrop on Wall Street financial and banking traffic, gathering information that could be used to hurt this nation. They also can listen to personal calls—a client confiding in his lawyer, an executive arranging a love affair—that can be used to blackmail.

Moynihan is pushing a measure allowing the feds to expose and deport foreign agents—even those with diplomatic immunity—caught at electronic surveillance. The administration rejects the bill, saying it already has the power. If so, why isn't it using it? The Reagan administration should wake up to what is potentially a serious threat to American.

Mr. MOYNIHAN. Thank you, Mr. President.

Mr. HART. Mr. President, will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield for a question.

Mr. HART. That is if the time situation permits.

Mr. President, I congratulate the Senator from New York on his, as usual, informative and provocative statement.

I was interested in observing in the press in the last 48 hours, comments on the bill that he was here today remarking upon and the defense of the administration to its failure to support, and resistance of this legislation was that it would give away vital secrets—I think "sources and methods" is the catch phrase.

Without getting into those sources and methods, I would be interested in the response of the Senator from New York to that allegation that we cannot as a government adopt the program that the Senator from New York has been advocating because to do so, to shut down an illegal interference, would give away the methods by which we do so. Is that correct?

Mr. MOYNIHAN. I thank the Senator from Colorado.

Let me tell the whole of the Senate to listen to one of these sources and methods. You can go up to the roof of the Washington Post building and you can look down at the interceptors on the top of the Soviet Embassy.

I revealed a secret perhaps, but I do not know the world was not ready for it.

An agent, a named officer of the FBI, has said that 40 percent of the Soviet Embassy personnel in Washington are involved in interception of telephone conversations. The FBI knows. They do not reveal that sort of thing to the press casually. They know who they are.

It is the same way, I am sorry to say, if you look at a biography of any individual in an embassy, ours or others, you know who the intelligence people are and you know who the technical people are. It is not that hard. We know.

We know and do not dare say. Or we do not dare say that we do not know. Either way it does not speak well of us.

There are constitutional rights of American citizens involved here. We do not take an oath when we come into this body to maintain wheat prices or see that mass transit moneys are appropriated, or whatnot. We take an oath to defend and uphold the Constitution of the United States, and that includes the fourth amendment.

And it is being violated and we are letting the administration tell us we need not worry.

Mr. HART. Mr. President, I thank the Senator from New York. I will just ask one further question along the same line.

Is it the judgment of the Senator from New York, given his years of experience on the Intelligence Committee, that we can in fact adopt the proposal which the Senator from New York is advocating without jeopardizing important sources and methods of our intelligence community?

Mr. MOYNIHAN. I believe it to be so. If I may say to my friend from Colorado, as he well knows, S. 12 provision dropped in conference specifically states that if the President decides that for national security reasons he should not expel persons involved, he does not have to. But the presumption in our policy should be to expel foreign agents engaged in such activity.

Let the President judge, but let the President hear that Congress does not like this, and would prefer a different policy be adopted before this matter becomes a scandal. It bespeaks a fear of confrontation, that of serious confrontation, not symbolic confrontation.

Stop breaking the law in the Nation's Capital, not just violating the law, but violating the Constitution.

I think at this time is not the end of the subject as far as I am concerned, and I hope the Senator from Colorado agrees with me that we should discuss it at greater length at another time.

Mr. HART. Mr. President, I thank the Senator from New York, and I certainly do agree. We would hope that at that time those advocating or defending the administration position would be prepared to do so on the floor of the Senate.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10:45 a.m. with statements limited therein to 5 minutes each. There is now less than 1 minute remaining.

Mr. MOYNIHAN. I ask unanimous consent that the period for the transaction of routine morning business be extended 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHNIC AMERICAN DAY

Mr. D'AMATO. Mr. President, I rise today to again draw attention to Ethnic American Day. As a cosponsor of Senate Joint Resolution 32, a resolution proclaiming September 15, 1985, as Ethnic American Day, I believe it is extremely important that we honor all Americans who, like myself, have roots in other countries around the world.

Ethnic American Day serves to remind us, just through its name, of two very important lessons. The world ethnic makes us realize that we are all of varying heritage. This was, and is, a new world that our parents and grandparents came to live in for the love of freedom. Through the symbolism of this day, we are all reminded of our heritage and encouraged never to forget what makes us different and special.

At the same time, it is not just Ethnic Day, but it is Ethnic American Day. The second word reminds us all that, although we were not originally indigenous to this country, we have now become Americans. We have not forgotten our cousins in foreign lands, but we have also found new families and friends in our new home.

America has truly been the land of opportunity, and part of what has truly enriched this country has been the wonderfully different cultures that have blended into this new melting pot. In my own State, representatives from all around the world can be found in Chinatown, Little Italy, Harlem, and elsewhere.

I am proud of both my heritage and my American birthright. All Americans—Asian, European, African, Middle Eastern, Latin American—should share this swelling pride and voice it on Ethnic American Day.

CRACKDOWN ON MARIJUANA

Mrs. HAWKINS. Mr. President, our entire Federal Government recognizes the need to crack down on domestic marijuana cultivation. Not only has the able Drug Enforcement Administration taken steps toward achieving the eradication of U.S. grown marijuana, but the entire Department of Justice has also mobilized its forces in this effort.

In a recent Washington Post editorial, these efforts are discussed, and the point is made that "While this country asks its Latin neighbors to take politically costly steps to stamp out their drug business, it behooves Americans to do something visible and major about their own." I couldn't agree more, and obviously, in light of most recent Federal actions, fellow Government officials agree with this assessment as well.

I was proud to have joined Senator STROM THURMOND recently in calling on the Department of Justice to take the necessary action to curb U.S. grown marijuana, by instituting a nationwide program of cannabis eradication. We took this opportunity to ask the Nation's Governors to form regional air operation task forces with the Federal Government to provide an invaluable deterrent in narcotics trafficking.

I am pleased that both agencies have acted expeditiously. The Department of Justice instituted Operation Delta 9—a 50-State raid on marijuana crops. This quick and effective action is to be commended, as is the bravery exhibited by the Federal law enforcement agents involved. There were, in fact, reports that agents were fired upon by defenders of the marijuana fields.

Mr. President, this is proof indeed that the traffickers in marijuana are no less harmful than the drug itself. The Washington Post editorial cites incontrovertible evidence of the destructiveness of marijuana, and concludes that increasing national awareness of the real dangers of this drug is the reason for declining marijuana consumption. As is stated in the Post:

> Now it seems that the country has reached an equilibrium on marijuana. Americans know it's unhealthy and use it less often. And they insist, properly, on enforcing the law against commercial production and distribution.

Mr. President, this is good news. But there are still unscrupulous drug producers, in our own country, who cultivate this harmful product for profit. It is encouraging that the Federal Government is embarking on this coordinated effort to enforce the laws against marijuana cultivation, sale and possession.

Mr. President, I ask that the Washington Post editorial entitled "The Crackdown on Marijuana," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CRACKDOWN ON MARIJUANA

When you see a picture of Attorney General Edwin Meese squinting at marijuana plants seized in a raid in the Ozark National Forest, you may be tempted to conclude, as one critic of the marijuana laws did, that Operation Delta-9—last Monday's 50-state raid of which the Ozark operation was part—was "just good propaganda." Certainly Mr. Meese understands that it is probably impossible to stamp out marijuana entirely. It is easily grown and in considerable demand. Possession and use of marijuana in small amounts is a minor offense now in most states.

Even so, we think Mr. Meese and his 2,200 federal, state and local comrades were not engaged in a quixotic enterprise. For one thing, while this country asks its Latin neighbors to take politically costly steps to stamp out their drug business, it behooves Americans to do something visible and major about their own. And if marijuana use is common, there is good evidence—about as good as is possible, considering that the activity is illegal—that marijuana use is less common in the 15-to-25 age group than it was a few years ago, and it may well be less common in older age groups as well.

So the predictions commonly made by marijuana advocates in the 1970s that the habit would become well-nigh universal have not come to pass. A dozen years ago you could not refute claims that marijuana smoking was harmless, and you had to concede that some of the claims made against it were exaggerated. But now, after a decade in which perhaps 30 million Americans have smoked marijuana, evidence of harm—harm on the order of that caused by tobacco and alcohol—is accumulating. It would not be surprising, then, in a nation where cigarette and liquor consumption is declining, if marijuana consumption were declining too.

In the 1970s it was said that marijuana, like alcohol, could not effectively be prohibited. But it was forgotten that, in the century up to repeal, alcohol use was vastly reduced in the United States, partly by legal prohibition, more by persuasion and the power of ideas. Alcohol use increased after repeal, but to nothing like the early 19th century levels. Now it seems that the country has reached an equilibrium on marijuana. Americans know it's unhealthy and use it less often. And they insist, properly, on enforcing the law against commercial production and distribution. Mr. Meese's raid in the Ozarks and Delta-9 serve a useful purpose not just in making the business of marijuana less secure but in underlining Americans' intention that this law should be enforced.

THE NEW PRESIDENT OF THE COMMUNICATIONS WORKERS OF AMERICA

Mr. RIEGLE. Mr. President, one of the most difficult transitions that any organization can experience is a change in leadership at the top. Unless both the organization and its new chief executive are flexible, the pass-

ing of the torch can be a difficult, painful exchange.

With this thought in mind, I want to call to my Senate colleagues' attention that the Communications Workers of America, one of our Nation's pre-eminent labor unions, has recently undergone in a successful manner this rite of passage. On July 16, in San Francisco, CWA elected Morton Bahr to succeed Glenn E. Watts as CWA's president.

Morty Bahr has achieved a national reputation that easily exceeds the geographical jurisdiction over which he presided. Indeed, his compassionate commitment to human causes and his masterful skill as an organizer are qualities that are widespread in appeal.

Mr. President, Morty Bahr has a big challenge ahead of him. The telephone workers who built and maintained the Bell System find themselves in a period of great uncertainty during the time of the telephone divestiture. The breakup of the telephone company has resulted in significant upheaval in the telecommunications workplaces of America, with much dislocation. As CWA prepares to enter next year its first round of post-divestiture collective bargaining, the union faces a major task.

I am hopeful that Morton Bahr will guide CWA to a successful resolution of next year's contract negotiations. Similarly, it is vital that under his guiding hand CWA continue its proud tradition of serving as an active voice for achieving the enactment of responsible public laws.

I am confident that Morton Bahr will provide inspired leadership for CWA during this new era of dynamic change. I wish him well as he embarks upon this challenging endeavor.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. GRASSLEY. Mr. President, as a cosponsor of the International Parliamentary Group for Human Rights in the Soviet Union [IPG], I want to express my strong support for Dr. Andrei Sakharov and Elena Bonner.

The Soviet Union's cynical refusal to provide information on the Sakharov's whereabouts or to allow independent observers to verify Dr. Sakharov's condition is in direct violation of the Helsinki accords and the Universal Declaration on Human Rights.

General Secretary Gorbachev has made great efforts to convince us that he stands for peace. How are we to respond when Mr. Gorbachev treats Dr. Sakharov, a Nobel Peace Laureate, in such a callous manner?

I have pledged to Sakharov's stepson, Alexei Semyonov, that IPG's 700 members in 16 countries will not cease their efforts on Dr. Sakharov's behalf until he and Elena Bonner are allowed to leave the Soviet Union.

I urge President Reagan to meet with Alexei Semyonov to demonstrate that the United States believes that human rights for people like Dr. Sakharov is at the cornerstone of our democracy.

IPG has contacted our colleagues in the French Parliament to ask that President Mitterand also meet with Alexei. We believe that the Sakharov's plight must be raised forcefully during Mr. Gorbachev's visit to France next month.

Agreements between the United States and the Soviet Union prove effective only in proportion to our commitment to enforce them. The Reagan administration must tell Mr. Gorbachev that the United States will not have confidence in Soviet promises until the U.S.S.R. lives up to its human rights commitments to Andrei Sakharov and Elena Bonner.

CWA PRESIDENT MORTON BAHR—INNOVATIVE LEADER FOR CHALLENGING TIMES

Mr. KENNEDY. Mr. President, at its 47th annual convention, the Communications Workers of America recently elected Morton Bahr as its new president. Mr. Bahr is a distinguished labor leader whose qualities of innovation and effectiveness have made an indelible impression on all of us who know him.

Indeed, we in Massachusetts are already aware of Morty Bahr's formidable leadership skills. For the past 16 years, he has served as CWA's vice president for the region of the United States that extends from New Jersey through Maine. During that period, Morty has provided bold, decisive directions for CWA to follow, and the union has benefited greatly from his experience.

In fact, his leadership ignited a period of major growth within CWA, with membership more than doubling during his tenure as head of the union's district 1.

Perhaps the best example of Morty Bahr's aggressive, foresighted tactics is his enduring commitment to organizing the unorganized, whether they work in the telecommunications field or in the public sector. Indeed, Mr. Bahr has been a pioneer within CWA in addressing the needs of State and local employees. He understands that public workers have the same dreams, goals, desires, and aspiration as private sector employees. In that connection, he played an indispensable role on behalf of CWA in enlisting into the union 32,000 public workers in New Jersey.

In addition to organizing, political activity has been at the core of Morty Bahr's career. He has been a delegate to the last three Democratic National Convention, and in 1980 he was a member of the National Democratic Platform Committee.

More than this, Morty Bahr has also been a special friend to me, and I am particularly grateful for the wise, counsel and support he has given to me over the years.

Mr. President, Morty Bahr is not only eminently qualified to be president of CWA, but he and the world's largest telecommunications union are a nearly perfect match.

CWA is a progressive, community-mined union. Its legislative agenda on Capital Hill is one of the most comprehensive of any national organization. It is also an activist union with grassroots rank-and-file members residing in all 50 States and in each of the 435 congressional districts of American.

At this special time for Morty Bahr, I also want to acknowledge his indispensable partner, Florence, and their two children. I know that they are proud of Morty's accomplishment and the success he has achieved.

As CWA approaches its golden anniversary, which will take place in less than 3 years, I am pleased that the leadership of this progressive union is in the capable hands of Morty Bahr. He is a thoughtful executive and a man of bold action. His proven track record is an invaluable asset to CWA and to the entire American labor movement, and I am honored to congratulate him on his extraordinary career and the new honor he has richly earned.

Mr. President, I ask unanimous consent to have printed in the RECORD a biographical profile of Morty Bahr, and the text of his eloquent acceptance speech at the CWA Convention in San Francisco last July.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CWA—A BIOGRAPHICAL PROFILE OF MORTON BAHR, PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO

Morton Bahr, the third president of the Communications Workers of America, brings more than three decades of experience to the task of leading the world's largest communications union. CWA represents more than 650,000 workers throughout the United States.

His election as CWA President on July 16, 1985 represents the latest milestone in a career that has been characterized by achievement and an uncompromising commitment to the trade union cause.

A Record of Accomplishment: Prior to his election to CWA's highest position, Bahr served for 16 years as Vice President of CWA's District 1 which includes New York, New Jersey, and the New England States. First elected, District 1 Vice President in 1969, Bahr's leadership ignited a period of major growth within the District, with membership more than doubling during his tenure.

Bahr has been instrumental in CWA's increased organizing efforts in the public sector. CWA's first major entry into public

sector organizing came in 1955 in District 1 when 5,000 New York City public workers chose CWA as their union. From that starting point, CWA has steadily increased its visibility in the public sector to a point where today the union represents some 80,000 public workers. And much of this public sector growth has come in District 1 under Bahr's guidance.

A Commitment to Organizing: Organizing has always been a top priority with Morton Bahr.

Bahr's first association with CWA came in 1951 when he joined the union's organizing campaign at Mackay Radio & Telegraph Company (now ITT World Communications) where he had been employed as a radio operator since 1947. He was instrumental in CWA's organizing victory at the company, became increasingly active in union affairs, and was elected President of CWA Local 1172 in 1954.

In December, 1957 Bahr joined the national CWA staff as an organizer, and his first assignment was to direct CWA's ambitious effort to bring some 24,000 workers of the New York Telephone Company's plant department into the union. His determination and commitment again paid dividends, the result being a major organizing victory for CWA.

In recognition of his leadership in the New York Telephone organizing drive, Bahr was named CWA's New York Director in 1961. He held that post for two years before being promoted to Assistant to the Vice President of District 1.

Bahr recalls the 1960s as both a time of turmoil and solidarity within CWA. The turmoil came as a result of attempts by the Teamsters to raid established CWA units in New York. Bahr directed the anti-Teamster campaigns for CWA. On every occasion when there was an attempted takeover by the Teamsters, CWA was the overwhelming choice of the workers, with the margin of CWA victories increasing with each election. Hence the solidarity, which grew out of turmoil.

That solidarity was further tested in 1971 when CWA staged an historic 218-day strike against New York Telephone. Some 55,000 workers honored the mammoth strike which Bahr believes finally paved the way for national bargaining with the pre-divestiture Bell System, a long-sought goal of CWA.

"They strike and the unity we showed and the ultimate victory we won, had a profound impact on our union, not just in New York, but nationwide," Bahr recalls. "It showed us what we could accomplish when we're unified, it raised our expectations of ourselves, and it showed the company, as it existed then, that national bargaining was an idea whose time had come."

With the national bargaining concept achieved, Bahr Served on CWA's bargaining committees each of the four times between 1974 and 1983 when coordinated bargaining between CWA and the pre-divestiture AT&T took place. Each of those efforts resulted in record-breaking contract settlements for CWA.

Looking To The Future: As a result of the historic AT&T divestiture, Bahr Says CWA members must "develop a new mindset about our jobs, our companies, and about our union."

An overriding objective of the Bahr presidency is an attempt "to constantly remind our members that the union plays a greater role in their quality of life than any other institution. We want the union to play a major role in the decision-making process of our member's lives, in everything from consumer purchases to political action."

"We must develop a vision for the future for our members that reassures them that they can count on their union through difficult times . . . that their union has the ability to shape events. We must present our members with a vision of what we want to be and what we can be."

Bahr believes CWA's future is filled with growth potential because:

CWA is the established union in the major growth sectors of our economy—white collar and information services.

Workers in the future will want security and advancement in the telecommunications industry, not just with a single job, department or company. They will look to the union to service those needs.

CWA's strength and reputation makes it an attractive union to professionals and women who are looking for improved employment opportunities.

CWA enjoys a strong presence in the fastest growing part of the labor movement—public workers.

Our union enjoys a position of strong political influence at the local, regional and national levels.

Community Service: Morton Bahr typifies CWA's longstanding reputation as the community minded union. He is a trustee of Nassau (N.Y.) Community College, a member of the Board of Governors of the United Way of America, and has served three years as labor chair for the Greater New York Blood Bank.

Bahr has been extremely active in Democratic Party politics at both the national and local levels. He was a delegate to the 1976, 1980, and 1984 Democratic National Conventions, and in 1980 he was a member of the National Democratic Platform Committee. He also chaired the statewide labor committees which played an integral role in the elections of New York Governors Hugh Carey and Mario Cuomo.

Born in Brooklyn, New York on July 18, 1926, Bahr graduated from Samuel J. Tilden High School. During World War II, he served as a radio officer in the U.S. Merchant Marine. He holds a Bachelor of Science Degree in Labor Studies from Empire State College.

He is married to the former Florence Slobodow. They have two children and four grandchildren. The Bahrs reside in Washington, D.C.

ACCEPTANCE SPEECH BY MORTON BAHR, CWA CONVENTION, JULY 16, 1985, SAN FRANCISCO, CA

Brothers and sisters, thank you . . . for your support and the confidence that you have expressed in me. But this recognition and honor could not have been possible without the hard work, trade union dedication and friendship of so many of my colleagues throughout the union.

And I also want to introduce my wife, Florence. I must admit that like the spouses of many elected union officials, she isn't altogether convinced that you've done us a favor.

But she's shared CWA's victories and defeats over many years, and she remains my most important advisor and thoughest critic.

I want to begin my remarks by paraphrasing the feelings Dr. Martin Luther King once expressed on an occasion similar to this:

"With an abiding faith in our union and an audacious faith in the future of the American Labor movement, I accept the awesome responsibilities of serving as your president."

It's said that the test of a great leader is to leave behind in others the same conviction, dedication and will to meet the challenges of the day. Glenn and Louis, you have met that test with flying colors.

On behalf of all of us in CWA and the international labor movement who have benefited so much from your leadership, thank you.

Last night, we paid tribute to your contributions to our union. But I want to offer my personal thoughts to the entire convention as we bid you farewell.

You have led this union through a great struggle. You have prepared us well for the massive challenges generated by divestiture, technological change and Reaganomics. You have shown us that we can stand successfully against unjust concessionary bargaining.

You have put into place the policies from which we build upon as we move from the Watts-Knecht era. And you set a new standard of unselfish union leadership which has led us to this moment. The unity and solidarity that we enjoy here is the single greatest, living memorial that could be erected in your name.

You deserve our gratitude, forever. . . .

Sisters and brothers, today the torch of leadership changes hands for only the third time in the short history of CWA.

And as we confront the challenges of our day, let's take courage from our history:

CWA was born out of the first nationwide telephone strike in 1947 which demonstrated the need for a strong union that could build unity among workers.

Since then, our union has grown from the cradle of struggle.

Our union has matured from our ability to change.

And today, CWA represents more than 650,000 workers. And we have broken new membership ground in the public and service sectors, organizing tens of thousands of public, health care and other workers.

We are poised for the future because CWA is the union of the future the technology union.

And technological change is touching the lives of nearly every worker in nearly every industry.

By 1990, for example, we estimate that more than 30 million jobs will require some level of technical skills.

So, let the past protect our tradition and heritage from which we gather so much strength.

But to reach our goals in the future, we must sail onward . . . sometimes with the wind and sometimes against the wind. But sail we must. We cannot lie at anchor in memories of the past, nor drift with the tides, wishing things were the way they used to be.

These are, indeed, "new times for new leaders."

When Jim and I discussed the objectives of our administration, we both immediately agreed that we must not allow our union to be frozen into inaction by fear of failure.

We intend to try new ideas. We intend to encourage initiative among the staff. We intend to reach out to the locals for experimentation. We intend to involve each individual member in the future of our union.

And where we have problems, I want to know about it so we can take corrective

measures. Because I pledge to you that "the buck really does stop here."

Now, we all should know what this union is against:

We are against the politics of insensitivity and selfishness.

We are against the economics of runaway industries and the nonunion/anti-union environment.

We are against the notion that government has no role in the battle for equal opportunity because women and minorities already have too many rights.

So, I want to outline what this union should stand for . . . . our vision of where we want to lead this union and why:

Next year's round of bargaining is our most immediate concern.

Negotiations with AT&T should look very much like it did in the past except that it will involve 200,000 workers instead of half a million. We will retain the national bargaining structure just like before, with negotiations on local contracts.

As most of you know, AT&T has decided to produce residential telephones in Singapore. . . . The first time AT&T has gone offshore to manufacture equipment. This decision is symptomatic of the national problem caused by so many U.S.-based companies which are trying to cut their production costs by going overseas. And it shows once again that we are not immune from the economic and political events which occur around us. As a result, negotiating stronger job security arrangements becomes an even higher priority.

But even though we face difficult circumstances, a sound working relationship exists between management and the union. I'm confident that we can reach a settlement that will be fair to us, and still permit the company to compete effectively in the new environment.

The situation with the seven regional companies is quite different.

They are doing very, very well. We should expect them to share their economic wealth with the workers who make their profits possible. "Take-backs," "give-backs" or any other form of erosion in our contracts are unacceptable.

And we are well aware of the inferior health programs—the so-called "flex benefits"—which have been imposed on management. We recognize that these "cafeteria-style" benefits are nothing more than an attempt to shift the cost of health care to the workers. We reject it out of hand.

The company tried to weaken our health benefits in 1983, and we sent them a message then. And we are going to give the same message to the regional companies . . . or AT&T . . . or general telephone . . . if they bring the same concessionary demands to the bargaining table in 1986.

Two-tiered wage systems pose the same dangers. These divisive pay plans strike at the very heart of the concept of "equal pay for equal work" and drive a wedge between workers. We will not allow our union to be split by two-tiered wage systems, and will not accept them in our contracts.

In our dealings with the regional companies, our priority goal has been to secure region-wide bargaining, where economic matters would be discussed at a single table with local negotiations in each bargaining unit as in the past. Most of the companies have agreed to some form of regional bargaining. They agree with us that State-by-State bargaining will result in leap frogging, delay and unnecessary confrontation.

But some regional companies still are insisting on localized bargaining. We serve notice on them that a return to the kind of charade-type negotiations that existed in the telephone industry before 1974 will be met with the appropriate response by our union.

Of course, many factors will come into play at the table: The shadow of competitors hovers in the background; regulatory bodies may try to interfere in the collective bargaining process: Divestiture will continue to evolve under Judge Greene's review; and our own members must quickly realize that a new day really has come to the telecommunciations industry.

But notwithstanding the fact that the regions are separate companies, this union intends to work hard to keep major benefits, such as pensions and health insurance, from slipping. We fought hard for these benefits over many years and intend to keep them as uniform as possible.

This union will undertake the appropriate strategy if some of the regional companies think they can break our unity at the bargaining table by trying to play off one group of our members against the other.

So, we are ready if management is going to challenge us. This national leadership team has been tested under fire many, many times in the past. And it would be very short-sighted of our employers if they think we are going to bend now.

Our response today to the actions of the regional companies could very well impact on negotiations for thousands of other workers. So, these principles also will guide our strategy in bargaining for all telecommunications units and for our other major contracts, particularly with the State of New Jersey when that agreement covering 34,000 public workers expires next year.

We have much preparation to do . . . research to undertake . . . communication to complete before we begin negotiations in 1986.

Organizing will become a priority activity that involves my personal attention.

Our union faces the future with hope and optimism. But the rest of the labor movement is in a fight for survival. Organized labor today represents less than 18 percent of the work force. Once mighty unions are shells of their former greatness. The same can happen to CWA if we allow ourselves to go into intellectual retirement.

As you know, IBM recently completed a deal where it can acquire up to 30 percent of MCI, the second largest long-distance company. Coupled with their ownership of Rolm and their videotex deal with CBS and Sears, IBM now has put together the pieces which make it a head-to-head competitor with AT&T.

They did it barely 18 months after divestiture.

IBM also is one of the most anti-union companies in the world. And the employees of MCI and Rolm must be having nightmares about being absorbed into the IBM culture.

I had planned to make this announcement later. But the speed of the IBM-MCI deal indicates that we must issue a timely response.

In September, we will be attending a meeting of the postal, telegraph and telephone international. I will at that time propose that a conference be held of union representatives from all the countries around the world where IBM has plants. I would like this meeting to take place as soon as possible after our 1986 bargaining is completed.

The purpose of the conference will be to analyze the global anti-union policies of IBM, set up a permanent clearinghouse of information and develop strategy to begin a worldwide coordinated organizing campaign against IBM.

We will combine the political economic and social strength of organized labor throughout the world in an effort to target specific IBM plants for organizing breakthroughs. We will label IBM as the J.P. Stevens of the international telecommunications industry.

This will be a long-term effort. It will require patience. But IBM—and all of the other non-union companies in the industry—will come to know that we are serious about protecting our union-won wages, fringe benefits and job security.

And, then, IBM's non-union threat will no longer hover over our bargaining table. We'll cast a giant shadow over them when CWA rises as the future of opportunity for IBM workers.

In the short term, we will focus our attention on the unorganized workers in the telephone industry and other telecommunications companies. And we serve notice on the regional companies that cooperation is a two-way street that doesn't just walk in the companies' direction. They cannot expect us to cooperate with them if they insist on a so-called "union free environment" in the operations of their unregulated subsidaries.

I further want to emphasize our commitment to bring the benefits of trade unionism to public workers. We will achieve membership breakthroughs among the hundreds of thousands of other public, health care and service workers in the nation.

Joe Beirne once held the notion that CWA could conduct a nationwide organizing campaign by turning each union member into an organizer because they live in nearly every community in the Nation. We must make his vision a reality if we are to survive the technological revolution.

We must intensify our political involvement, particularly at the local level.

The moral health of a nation is just as important as our economic health. But I fear our Nation's political life is dominated by people who preach about principles rather than living up to them.

As a result, I see a pattern of selfish insensitivity sweeping the country, and which emanates from the leadership of President Reagan and the Republican Party.

It is the kind of selfish insensitivity that asks, "Are you better off?", rather than your country. . . .

The kind of insensitivity that turns the Government agency of the workers—the National Labor Relations Board—into the enemy of the representatives of the workers.

That peace in the world can be achieved by building bigger and costlier nuclear weapons. . . .

That apartheid in South Africa will go away if we just shut our eyes and close our mouths. . . .

But what troubles me most is the growing selfish insensitivity in our country that has led to the unprecedented rise of hate groups committed to violence against anybody who doesn't fit into some twisted version of Aryan perfection.

I believe most Americans prefer Adlai Stevenson's definition of patriotism which is "the steady dedication of a lifetime," not frenzied outbursts of emotion.

That's why I'm convinced that America will return to its traditions of fair play. Jus-

tice and compassion for all. Until then, CWA and the rest of the labor movement must stand as a bulwark in the political arena against the conservative tides of selfishness and insensitivity.

We must open the doors of union leadership even wider.

I remember a time in the not too distant past when an invisible sign hung over the employment offices of every telephone company in America that warned, "Jews, blacks and other minorities need not apply."

Inside was another sign that said, "women wanted for cheap wages."

CWA was in the forefront of the battle to rip down both signs from the employment offices of the telephone industry and to open the doors of opportunity to all in every other industry in America.

And we can all take pride in CWA's record of support for human rights, whether at home or in such far away places as in South Africa and the Soviet Union.

Now, we must aggressively reach out to embrace all workers within the ranks of leadership in our union. Encouraging more working women and minorities to join us as full-fledged partners in CWA must rank as a top objective.

CWA will provide additional services and programs which encourage the involvement of all our members and their families in our union. I intend to recommend to the CWA executive board that, beginning in 1986, we offer child care at our national convention if a demonstrated need exists. And we strongly encourage similar programs to be developed in connection with district meetings and local membership meetings.

And the union will do more than offer child care.

We will bargain for the economic and social incentives that make it possible for women and minority workers to become more active in our union. And we must keep that objective in mind as we develop our bargaining demands.

We must close the communications gap that exists between the member and the union.

During my travels of the past 6 months, I've become convinced that we face a monumental communications task.

We will encourage a policy of agressively reaching out from every level of our union to our members and potential members. We must reach them on the shop floor, in the office and in their homes.

We must cultivate an image among our members that strengthens the union's credibility in their eyes. Union leaders at all levels must inspire trust and serve as an alternative source of information that is believed and respected communicating with our members is a year-round effort, not something we engage in during the political season or as bargaining approaches. We must become committed to compete in the arena of public opinion for the hearts of our members as well as their minds.

And our message must be the vision this union sees for the future; that CWA has the confidence to control events which shape the lives of our members and potential members, and that this union has the power to improve the worklife and family life of all Americans.

I've laid out an ambitious agenda.

Obviously, these objectives will not be reached soon . . . and certainly not by any one person or team of national union leaders.

That's why we must emphasize the concept of family within CWA as part of our program to involve all of the members of our union in our union.

We need you. . . .

We need all of you. . . .

We want your immediate family to become a part of your CWA family.

We want your spouses involved. . . .

We want your children involved. . . .

We will need their strength and support to help us revitalize our movement. . . . to help restore some of the idealism and energy that the labor movement used to have in its early days.

So, let us send this message to our employers, the politicians, the anti-union baiters, the news media and the workers who want to join with us in the future:

From this day forth, we are rededicating ourselves to building a stronger CWA and a stronger labor movement.

And whether we face the uncertainties of divestiture or the demands of the telecommunications revolution, CWA will turn today's challenges into the opportunities of tomorrow. . . .

Whether we confront an anti-union environment in the White House or the corporate board room, CWA will defend the right of all workers to enjoy the benefits of trade unionism. . . .

Whether we sail against the wind, or with the wind, CWA will speak out for the trade union principles which have brought so much progress to our Nation. . . .

And while others may write about the demise of the American labor movement, CWA will spark a renaissance of brotherhood and sisterhood within our ranks that proclaims:

We're committed. . . .

We're united. . . .

We're family. . . .

We're union . . . and we're damn proud of it.

Thank you.

ACTION NEEDED NOW ON ANTI-APARTHEID LEGISLATION

Mr. RIEGLE. Mr. President, the decision of the Reagan administration to impose limited sanctions against South Africa, while very late, still represents a positive step forward. This administrative action, however, makes no less critical the urgent need for Senate passage of H.R. 1460, the Anti-Apartheid Act of 1985.

The President's action signifies an important departure from the administration's policy of quiet opposition to apartheid, and likely influenced President Botha's decision to restore citizenship to the millions of South African blacks to whom it has been denied under that country's "homelands" policy.

While this symbolic departure from the ideology underlying apartheid is noteworthy, it is not nearly enough. The United States must insist that Pretoria move more aggressively toward dismantling apartheid.

Earlier this week, our Ambassador to South Africa, Herman Nickel, addressed the need for fundamental reform in South Africa by noting that:

We have gotten beyond the point where mere statements, or even just statements of intent are adequate. Things have to be seen to be happening. Negotiations have to be seen to be starting. Some of the key features of the apartheid system have to be seen to be abolished.

I strongly agree.

The United States must make clear to the white minority Government of South Africa that normal relations between our two countries cannot continue unless and until apartheid is dismantled and the central issue of political powersharing with the nation's black majority is addressed and resolved. I believe our Government can advance that cause by clearly demonstrating our opposition to apartheid, and by stating forcefully our view that Pretoria must engage in serious reforms and begin serious negotiations with black political leaders.

The President has appealed to Members of Congress to join him in presenting a unified position against apartheid. I believe that Senate passage of H.R. 1460 is the most appropriate way to respond to that call, and, in fact, would strengthen the President's position as an advocate for genuine reform in South Africa.

The close votes which have occurred in the Senate this week on the question of moving to a final vote on the Anti-Apartheid Act, are dramatic proof of the strong desire of this body to take action to address the deteriorating situation in South Africa.

While it is true that the Executive order of the President incorporates certain of the provisions contained in the pending legislation, some important differences exist.

First, H.R. 1460 would immediately impose a ban on the importation of Krugerrands, while the President would seek a ruling from GATT before a ban is imposed.

Second, the President imposes no deadline for making further racial reforms to avoid future sanctions. H.R. 1460, however, offers important incentives for action by calling for more severe sanctions within 1 year if no significant progress is made in eliminating apartheid.

Third, administratively imposed sanctions differ qualitatively from legislatively imposed sanctions. While the former can be put into effect one day and lifted the next, the latter, once signed by the President, has the force of law, and is not so easily undone.

The overwhelming bipartisan support for the pending legislation must be permitted to demonstrate itself in the Senate, just as it was demonstrated in the House. The President should encourage congressional participation on this critical issue in order to demonstrate the strong opposition of the American people to the inhumane policy of apartheid, and to do justice to the outrage felt in this country over the injustices currently being imposed on South Africa's black majority.

It is critically important that the President and the American people, through their elected representatives in the Congress, act as one in opposing apartheid. Prompt Senate passage of H.R. 1460 will cement that partnership, and will place this country more forcefully on the side of ending apartheid in South Africa forever.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business, if not morning business is closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1200, which the clerk will now state.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 600

Pending:

Hawkins Amendment No. 600, to extend the income and eligibility verification system under section 1137 of the Social Security Act, so as to provide for verification of immigration status in the cases of aliens applying for benefits under specified welfare and other programs.

The PRESIDING OFFICER. The pending question is amendment No. 600 of the Senator from Florida [Mrs. HAWKINS].

The Senator from Florida.

Mrs. HAWKINS. Mr. President, the amendment that is at the desk is an effort to strengthen the enforcement provisions in the immigration bill and at the same time allow the States and Federal taxpayers a portion of their hard-earned tax dollars to be put back in their own pockets.

The immigration bill we are considering today establishes the sense of Congress regarding two essential elements necessary to regain control of illegal immigration.

One of these elements is, "an increase in * * * enforcement activities of the Immigration and Naturalizations Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry."

The principle that underlies my amendment is simple: a person who has broken U.S. immigration laws and entered this country illegally should not have access to U.S. Government benefits that are paid for by U.S. taxpayers.

People want to come to the United States for many reasons. We have a waiting list. Some are fleeing persecution, and those we accept without reservation, and the Indochinese boat people are a good example, and the Mariel refugees. Others are looking to improve their lives for themselves, for their children, and for their grandchildren. The basis for our laws on legal immigration is family reunification. Only a small percentage of the aliens who want to live in the United States legally can do so without a family member being here before them. The first, second, fourth, and fifth preference categories are reserved for people related to U.S. citizens or permanent residents. This means that up to 80 percent of the people who enter the United States under the preference system are related to someone who is already in the United States in a legal status. Exceptions are sometimes made for people who will make a significant contribution to American society, and so forth. Gone are the days when we can afford to receive people simply because they want to live in the United States. Today, we can only reserve that privilege for people facing persecution or threats to their lives in their homelands.

The result, plain and simple, is that today it is difficult to get a visa to live in the United States for the purpose of becoming a permanent resident or a citizen. In some cases, the wait is months; in others, it is years. For this reason, hundreds of thousands if not millions of people try to enter the United States each year illegally.

These people are looking for a better life for themselves and their children, and who can blame them. The United States is not unsympathetic to these needs. That is one of the reasons why we give billions of dollars each year to foreign countries in foreign aid. And I urge my colleagues to review the foreign aid bill country by country and the amount of money given to each one of those countries by U.S. taxpayers.

But we have an obligation first to the people of the United States, the people who we were elected to represent. People who enter the United States illegally have broken the law, and increasingly we find that when they take jobs, they take them from Americans. The workplace for the illegal alien is no longer limited to the lettuce fields or fruit orchards of the San Joaquin Valley in California. There is evidence of illegals working in factory jobs and other positions that have little relation to the low pay and poor conditions of many of agricultural jobs that have been the mainstay of the illegal work force.

This Senator's view is that even with the recent dip in the unemployment rate, too many Americans, especially young Americans, are out of work, and that it is fundamentally unfair for people who have broken our laws and entered the United States illegally to hold a job at the expense of an American. We have an obligation to Americans first, and that is what this debate over enforcement in the bill is all about.

The debate over enforcement in the bill is a great responsibility for each and every Member to reflect upon as we vote on this bill.

The basis for enforcement in this bill is employer sanctions. I endorse this approach and have done so each of the previous two times the Senate has voted on immigration legislation. The lure that draws so many illegals to the United States is clearly the hope of a job that can provide a source of income for them and their family. Employer sanctions makes it illegal for an employer to hire a person who is in the United States illegally. If the lure that draws illegals here in the first place evaporates then so will the desire to come to the United States.

There is, however, another side to this issue, and that side is welfare and other Federal payments to illegals. Whether they are working or not, many of the illegals who are in the United States qualify for various types of Federal benefits, benefits they are not entitled to, benefits that are paid for by our tax paying constituents, benefits that contribute to the Federal deficit, which we read about on a daily basis.

If it is unfair and unlawful for illegal aliens to receive certain Federal benefits, then why shouldn't the Federal Government take aggressive action to cut down on the number of illegals who get these benefits. That question is all the more relevant when the potential savings for Federal and State governments could be in the billions of dollars and when the ability to do so is readily available.

That is the purpose of my amendment, and it affects such programs as Medicaid, Unemployment Compensation, Food Stamps, and Aid to Families and Dependent Children [AFDC].

First, this provision mandates that States require all recipients for such aid, declare in writing, under penalty of perjury, whether or not the individual is a citizen of the United States, and if not a citizen of the United States, the individual would have to present the appropriate documentation from the INS showing his or her alien admission or alien file number.

Second, if the applicant is not a U.S. citizen, the State is required to use the person's alien file or alien registration number to verify with the Immigration and Naturalization Service the alien's immigration status through a system that first, uses the alien's name, file or admission number to permit efficient verification; and second, protects the alien's privacy to the maximum degree possible.

Third, if the verification check reveals that the alien is ineligible for these benefits, the benefits shall not be reduced or terminated until the alien has had an opportunity to present documents establishing their eligibility.

Fourth, and most fairly, benefits shall be terminated for aliens who are ineligible.

Fifth, the INS is instructed to have the verification system available for use by the States by October 1, 1987—not 1985, 1987.

Last, as an incentive for States to implement this system, the Federal Government would provide 90 percent matching funds to States for the non-labor costs of implementing and operating this system.

The potential savings from this legislation is incredible. The INS has done some research and conducted several pilot projects on this and has found it to be both doable and worthwhile—worthwhile to the tune of $10.7 billion if a full program of eligibility verification were required for each State. Even if the INS' estimated savings are overly optimistic—by 100 percent or even 200 percent we would still have savings in the range of $2.5 billion to $5 billion. How can anyone blink at that savings when we are talking about the deficit?

In these days of budget consciousness we all need to be looking for ways to save money—and this does it in a big way. And it does it by making sure that people who should not be getting welfare payments do not get them.

The costs of setting up and running this program are minimal especially when compared to the astronomical savings potential.

Mr. President, this is an amendment designed to provide for efficient enforcement of our current laws. It does so while at the same time providing safeguards for the privacy of the individual. And the result could be budget savings in the billions of dollars.

I believe that we need this amendment now and I urge my colleagues to give it their full support.

Mr. SIMPSON address the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it has been a great and distinct pleasure to work with the Senator from Florida on immigration reform. She has been the most extraordinary helpmate that I have had. She is not just from a State deeply affected. Her State is the most deeply affected, obviously, by the impact of refugees and those we extend our heart and hand to and we should always be available to do that. Her State is affected by the impact of the Cuban-Haitain entrants. There is no one who pays more dogged attention to the difficulties of Florida that I know of. She corners me once in a while and says, "What are you doing about this in Florida? We are the most heavily impacted."

She considers all the issues of immigration, legal or illegal, and the issues of those seeking asylum such as the boat people, a whole array of different definitions applied to human beings that we deal with in the subcommittee. I thank her for that.

I know of the sincerity in all the things she has done on this issue and in the things she has done to assist in immigration reform.

I do know what the SAVE project is, systematic alien verification for entitlements. I think it is a remarkable program. I commend Commissioner Alan Nelson for implementing it. It is going to save this country big bucks.

My problem is, and I share it with you so that there will be no misreading of it, that three States now have demonstration projects. We have California, Colorado, and Illinois. It is making an impact. There are great savings to be accomplished in Illinois, California, and Colorado. They have chosen to do it and their State legislatures have authorized it. They have moved forward. I think that is great. I am very pleased with that.

We know what it does. The Senator has described it well. It allows the State public assistance programs and administering agencies to do a computer search of an alien's immigration status before granting that alien public assistance benefits. It relies on computerized access to the INS records.

I can tell you that those records were in disarray before Commissioner Alan Nelson came to the fore, and now the INS is becoming very adept at computer access, computerized records. It is long overdue, but they are doing a remarkable job.

Indeed, this can be applied to determine State welfare benefits or Federal benefits. The demonstration projects are being successful.

I guess what I am saying in all that laudatory commentary is that it is an important problem and the Senator addresses it skillfully. It is another evidence of our systems being gimmicked.

We know in California that when they said, "You are going to have to file this affidavit, or do this procedure before you gain public assistance," 43 percent of the applicants dropped at that point. That shows something, obviously, especially in California where there is a tremendous network of Federal, State, local, and municipal assistance to almost every kind of human being, legal or illegal. They are paying a heavy price for that. The influx of persons alone who come there solely to seek the benefits of assistance is one problem.

Another is the tremendous dependency that we find, especially among refugees, in California and Florida. That dependency rate is double and triple anything in the rest of the United States.

The potential savings are impressive.

My serious questions about the program are really these: Whether all States need it, whether the technology is actually efficient at this time to avoid mistaken denials of assistance benefits, and whether all the certain privacy issues have been resolved.

A bill similar to this amendment to amend the Social Security Act has been sent to the Finance Committee. That is another aspect: This amendment is not even a Judiciary Committee item.

I guess I am saying that I would prefer, under these circumstances and given my feeling about Federal-State relationships, that we allow the demonstration projects to continue in States that wish to do that. I think when the other States see what California, Colorado, and Illinois are coming up with in the way of just plain savings of bucks, they will be impressed by it. However, I would not want to see it come down as a Federal law at this time as part of this proposal. If we wish to do it, let us proceed with it. I would not resist allowing the States to do it. But let us continue the demonstration projects.

At this point in the debate, on this issue with this project, I will not vote in favor of the amendment and will resist it. But I do know fully what is intended. I just want to wait longer to see how the demonstration projects work in the States.

Mrs. HAWKINS. Mr. President, in working with the chairman of the subcommittee, he has been most helpful to my State and to all States with his expertise on this question. Of course, in Florida, we do have a great deal of experience in this matter.

If we adopt my amendment, however, it requires that each State sign up for the program with Federal funding absorbing 90 percent of the non-labor cost, and then that will help us to stop the movement from State to State. If a State is on a program now and finds out that a person is illegal, the alien can simply move to another State where the State is not on the program and they sign up there.

In the end, however, it is the Federal Government and it is the Federal deficit that we are always having to talk about.

I must say that the incentive is there. I have been following the programs that went into effect in the various States, with the INS asking people to sign on. The INS went into the States asking them to volunteer for an immigration verification program to show how much money could be saved in the welfare system concerning payments to illegal aliens. Some States did and some States did not. Some States may come on shortly.

It is my opinion that if we put it in Florida, that would be wonderful. But nothing prevents the people who will be denied from going to another State.

If we adopt my amendment, it will enable the Federal Government to document whether these people are illegal or not. It puts it into a national computer, a lot like the FBI has for missing children, missing automobiles, and missing whatever else.

I serve on the Agriculture Committee where we are laboring at the present moment, on food stamps. We have a terrible problem on food stamps with American citizens. It is not whether they are eligible but whether they are getting more than they need. They have to fill out all kinds of papers and they now have to say, "I am not lying on the application."

If an American citizen has to do that, I see no reason why an illegal alien should not have to go through a similar process. I hope we will have all States sign up for this program, giving them a method for the first time since I have been a Senator to be able to account for these people and as a result the States can determine whether they should give them the State benefits. It is twofold.

I cannot say enough about how shocked I think American citizens would be if they knew how easy it is for illegal aliens to get benefits, aid for dependent children, unemployment compensation, Medicaid, and food stamps, at a time when we are in rooms all over this Capitol having meetings trying to come within the budget, trying to cut a million here and a million there. I am giving the Senate an opportunity to cut billions, not millions. I think it was Everett Dirksen, a distinguished Senator who served in this body, who said, "A billion here, a billion there, and soon we are talking about real money." We are talking about real money.

I also think we are talking about a companion to employer sanctions. It is simply a reenforcement of the effort to stem the flow of illegal aliens into this country and to save a lot of the taxpayers' money as a result of evaluating an alien's eligibility for these benefits.

I certainly do not want to deny them to anyone who is eligible. We have language in the amendment when, if there is a question, we will allow the applicant to continue to receive the benefits until it can be documented once and for all that they are not. It is not unkind, it is not inhumane. It is doing Government business in a businesslike manner with the technology of the eighties. We have the ability. States have absolutely saved hundreds of millions of dollars. We have our State, Florida, going on the program shortly. We do not need to wait, as custodians of the Federal purse, while State after State finds out that this may or may not work; we better copy Illinois' program which has been fantastically successful and a model for the whole United States.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. MATTINGLY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment of the Senator from Florida. The Senator from Florida I think is well intentioned for the reasons that she has outlined on the floor this morning. She is, I am sure, very well aware of the pilot project, Project SAVE, which is in place now, developed by the INS to try to address the particular issue which she is addressing with her amendment. But it is entirely premature to take what is I think a useful and constructive idea and carve it into stone, as this amendment would do if it is accepted in this legislation, should the legislation pass, because the jury is out with regard to this proposal.

I would like to ask the Senator from Florida whether this particular amendment is supported by the INS.

Mrs. HAWKINS. I am told by the INS Commissioner that the pilot projects are over. They have tested this since the late seventies in California. Illinois and Colorado have been on the pilots since 1982. Florida, which is going on the program October-November, is the first step toward a permanent program. So there are no more pilots. They have learned enough.

Mr. KENNEDY. That is not exactly the question. The question is: Does the INS support this particular amendment? Does the Department of Justice urge us to accept this amendment? Has the Attorney General indicated so or has the head of the INS indicated support for this particular amendment?

Mrs. HAWKINS. As far as my experience as a U.S. Senator, if you had to get each agency's OK before we introduced legislation on this floor, we would still be talking about missing children, which we did in 1981. It took a long time to bring the Justice Department on board on that, and even longer to get the National Center For Missing Children. I found it my experience as a U.S. Senator to do what I think is the right thing, and tell these agencies what they should be doing, let us get on with it. I do not ask agencies if they want to do this. It has been my experience they do not like to do much other than what they have been doing the last 50 years. But since this experiment has been going on in California since the late seventies, and 1982 in Illinois and Colorado and is over, the pilot is over, the program is on board, this says all States come in, we are ready. I think it is our responsibility to vote for it.

Mr. KENNEDY. I gather the answer is no because if the INS supported this particular program, thought they had sufficient information on these studies, and had the capability to do it, they would have come before the Committee of the Judiciary and indicate that.

Mrs. HAWKINS. The Commissioner of INS supports the program. There is no official administration position, which is not unique on this issue at this point in time. We, therefore, have an opportunity to set position.

Mr. KENNEDY. Is the Senator saying INS supports the amendment of the Senator from Florida? Can we get a yes or no? Because I want to move this whole debate along a little bit. And if so, could the Senator explain it to other Members for their information?

Mrs. HAWKINS. The Commissioner supports the concept.

Mr. KENNEDY. I support the concept.

Mrs. HAWKINS. Commissioner Nelson cannot mandate the program for all 50 States. That is why we are here. In answer to the Senator's question, there is no official administration position as yet on this. I imagine that would come after we see what we are going to do with the immigration bill.

Mr. KENNEDY. I gather then now that the answer is no, there is no——

Mrs. HAWKINS. Not necessarily.

Mr. KENNEDY. If I may have regular order. I am going to inquire of the Senator from Florida and I welcome getting a response to my question, Does the administration support it, the answer is no. Does the INS, which has conducted this particular study? The answer is no. I gather from the response I have just received from the Senator from Florida, that when the INS was before the Judiciary Committee with the very extensive hearings that we had on this bill, the INS was not inquired of this particular proposal. I gather that is the fact as well.

Now, I would like to ask, as a practical fact, how would this particular amendment work? I am a citizen of the United States. I am unemployed. I lost my job. My unemployment has expired. I am an Anglo. And I walk into the regional office in Boston to apply for a certain kind of welfare benefits. They give me a sheet and they ask me whether I am a citizen. I say yes, I am a citizen, and I sign it. Do I get my benefits under this amendment?

Mrs. HAWKINS. Yes.

Mr. KENNEDY. I do?

Mrs. HAWKINS. Yes.

Mr. KENNEDY. All right; now I am an Hispanic, I walk in there and they ask me whether I am a citizen of the United States. I know I am a legal resident alien but I am not a citizen, so I say no. Now what happens? Does that individual, who has children at home and a sick member of their family at home, get the benefits?

Mrs. HAWKINS. If he is legal, yes.

Mr. KENNEDY. If I am an Anglo and I say that I am a citizen and I sign it, does anybody investigate whether I am a citizen or not?

Mrs. HAWKINS. No.

Mr. KENNEDY. And if I am Hispanic and I say I am a legal resident alien, not a citizen—I am a legal resident alien—am I investigated?

Mrs. HAWKINS. If you are Hispanic and a U.S. citizen, you are not.

Mr. KENNEDY. You are not investigated.

Mrs. HAWKINS. That is right. We believe you are telling the truth.

Mr. KENNEDY. Now, if I am a legal alien, do I get investigated? I am Hispanic, I am a legal alien. Do I get investigated? I am not a citizen.

Mrs. HAWKINS. Legal?

Mr. KENNEDY. A legal alien.

Mrs. HAWKINS. Yes; your number is checked.

Mr. KENNEDY. So if you are a legal alien, you are admitted, maybe under the refugee laws, you are admitted under the legal procedures of the Immigration Act because, for example, you have married a foreigner, you are legal, you are unemployed and you are a legal, you get investigated. Is that the result?

Mrs. HAWKINS. Not all legal aliens are eligible for benefits, such as students.

Mr. KENNEDY. I am talking about welfare. I am talking about food stamps.

Mrs. HAWKINS. Neither are all citizens eligible for student loan programs.

Mr. KENNEDY. I am well aware of that. But elaborate procedures have to be followed. We are talking about the essentials of life—food.

Mrs. HAWKINS. That is true.

Mr. KENNEDY. So if I am a legal alien and I happen to be Hispanic and I happened to marry an American and I am here legally and I am unemployed and I am poor—if I am Hispanic, under the Senator's amendment, I am automatically investigated.

Mrs. HAWKINS. I do not care if you are Hispanic or Austrian or whatever. You are an alien.

Mr. KENNEDY. Even though I am here legally?

Mrs. HAWKINS. And not a citizen.

Mr. KENNEDY. But I am here legally, married an American. I am unemployed, and that individual signs the card and says, "I am a legal resident alien," but still you run the numbers through the computer. Is that right?

Mrs. HAWKINS. We check the number. You bet.

Mr. KENNEDY. You do not check the citizens, do you? You do not check an American citizen who comes in, do you?

Mrs. HAWKINS. Check them how?

Mr. KENNEDY. You do not run a computer check on a citizen.

Mrs. HAWKINS. No. There is a Social Security number; and on the application for food stamps—we did it in 1981—they say, "We are not lying. We need the food stamps." We check all their data. My State is computerized for all United States-Florida citizens.

Mr. KENNEDY. So we rely on the computers. Is that correct?

Mrs. HAWKINS. We do.

Mr. KENNEDY. Can the Senator from Florida indicate how many legal resident aliens are not on the computers in this country at this time? Can the Senator answer that for me?

Mrs. HAWKINS. I do not know of anybody who can answer that.

Mr. KENNEDY. So you do not know how many legal resident aliens are not in the INS computers, do you? What is going to happen to those people? I am a legal resident alien. They check the number, and I am not on the computer. I have children at home who are hungry. Do I get the benefit, under the Senator's amendment?

Mrs. HAWKINS. If INS cannot respond within a certain time, under the Illinois pilot project, for example, they are presumed to be legal.

Mr. KENNEDY. To get back to my other question: How many legal resident aliens, according to the INS, are not on those computers? The Senator must know that.

Mrs. HAWKINS. It does not matter, because if INS cannot respond, they are going to be able to get them.

Mr. KENNEDY. If they are not on the computer, they have to be checked by hand, under the Senator's amendment. Is that correct?

Mrs. HAWKINS. No.

Mr. KENNEDY. How are you going to check it?

Mrs. HAWKINS. INS checks to see.

Mr. KENNEDY. How does INS check?

Mrs. HAWKINS. INS checks through computers.

Mr. KENNEDY. What if they are not on the computer?

Mrs. HAWKINS. If they are not on the computer, then they have the opportunity to come down in, get their benefit.

Mr. KENNEDY. Who comes down in?

Mrs. HAWKINS. The alien.

Mr. KENNEDY. Comes down in where?

Mrs. HAWKINS. Gets a chance to come down, prove that it is legal.

Mr. KENNEDY. A chance?

Mrs. HAWKINS. An opportunity. Just like a citizen comes down, after we verify all the data on citizens.

Mr. KENNEDY. The Senator says they check on a citizen——

Mrs. HAWKINS. They check on their data.

Mr. KENNEDY. What is the other data?

Mrs. HAWKINS. If he is unemployed, if he qualifies for AFDC, has 10 children or has 2.

Mr. KENNEDY. How many people go through the system now who fall into that category of not being a citizen and fall into the resident alien category? Clearly, if they are undocumented or are illegal, it is difficult to think that they would go through this process. How many go through it at the present time?

Mrs. HAWKINS. Through what system?

Mr. KENNEDY. Through the welfare system in the country, that we are going to have to prove through the INS that they are not on the computers and INS will have to check by hand.

Mrs. HAWKINS. We do not know, because we do not check it.

Mr. KENNEDY. Can the Senator come back to a response to a question, and that is how many now, according to INS, are resident aliens, legal resident aliens in the United States, who have been let in here as a matter of laws passed in the House and the Senate, signed by the President? They are legal and they are not on those computers. Can the Senator give me any idea of what that number could be?

Mrs. HAWKINS. It does not matter if they can——

Mr. KENNEDY. Can you answer the question? Is the answer that you do not know or do you have a number?

Mrs. HAWKINS. It does not matter.

Mr. KENNEDY. Tell me how many.

Mrs. HAWKINS. We do not know how many.

Mr. KENNEDY. Well, I can help the Senator on that.

Mrs. HAWKINS. This would certainly help.

Mr. KENNEDY. I can help the Senator on that issue, because as of March 25, 1985, Harlin Kiester was the chief of the index systems section, within the Office of Information Systems, Immigration and Naturalization Service, in Washington, DC, and has been an employee for 6 years of the INS. He is chief of the index systems section and is thoroughly knowledgeable about the MIRAC computer system. I will include in the RECORD his entire statement.

He said:

Even if the Government were to modify the program—

The meaning of that word will become self evident—

To retrieve this type of information—

The kind of information the Senator from Florida is talking about—

The data generated by such would be erroneous and misleading. William J. Polli, Chief, Records Operations Section, Records Management Branch, INS, has informed me that there are currently 6.2 million records that have not been entered into the system. This backlog has been increasing steadily since 1979. Even with his personnel attempting to key in the current information, along with a small amount of the backlog, they are unable to keep pace with the current records which are received at a rate of approximately 1.4 million per year. Therefore, even if the program were modified, there is no time frame which contains complete records and any search would yield inaccurate statistics.

If the Senator from Florida wants to offer an amendment to the appropriations bill to ensure that INS can get the funds to get this kind of information, put me on as a cosponsor.

I have worked with the INS over a period of years, and it is absolutely disgraceful the lack of support this body gives to them in terms of modernizing their information systems.

I have fought as a member of the Judiciary Committee and as chairman of the Judiciary Committee to give them adequate resources to do the job. But whenever we come on the floor of the U.S. Senate, the reply is, give them more border patrol but do not give the people working in service programs of the INS the kind of support they need. I would welcome the opportunity to work with the Senator from Florida to develop an informational base within INS to do the job she wants. I shall work with the Senator from Florida, I shall work with the chairman of the subcommittee to have the kind of hearings and fashion the kind of program that can achieve the objective of the Senator from Florida. But, Mr. President, I just fail to see how this amendment can be effective under existing circumstances.

Instead, I think it opens enormous opportunities for incredible abuses. I fail to see, with the people around this country who are interested in defrauding the Government because they are undocumented aliens and they are trying to cheat on the system, why they just would not write on their little card that they are a citizen so they do not get investigated.

The Senator from Florida has indicated that. You walk in, you are an undocumented alien, you are trimming on the system, you walk in there and fill that card out and say, "I am a citizen." So you get your benefits, no questions asked. It just is, I think, an ineffective way and subject to all kinds of abuse.

Mr. President, we can take more time going through this in terms of its particular application and how the procedure will work, but I think on the basis of this debate, it has not the support of the INS at this time, it has not the support of the Department of Justice. The fact remains that those who have the primary responsibility for the computer system say they cannot even keep up with the current backlog, they are well behind on legal and resident aliens. I think the system at this time is unworkable.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Harlin M. Keister, Jr.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DECLARATION OF HARLIN M. KEISTER, JR.

I, Harlin M. Keister, declare and say:

1. My name is Harlin M. Keister, Jr. and I am Chief of the Index System Section, within the Office of Information Systems, Immigration and Naturalization Service [INS], Central Office, 425 I Street, N.W., Washington, D.C. 20536. I have been an employee of INS for 6 years.

2. In my capacity as Chief of the Index Systems Section I am thoroughly knowledgeable about the MIRAC computer system.

3. MIRAC is programmed to retrieve individual files after an A number, or name and date of birth has been entered onto the system. The current program will not permit the user to enter the dates 1967 and up and then receive instructions to search for apprehensions within a set time frame.

4. In order for MIRAC to accomplish a search of this type the program would have to be modified. It would cost approximately $4,500 to modify the program in-house, to monitor the program's execution, and computer resource expenses. It would cost approximately $9,000 if the Government were to hire a contractor for this purpose. Additionally, it is estimated that it would take approximately 1 month to modify the program in-house and produce the requested statistics. It would take much longer than a month for a contractor to produce the statistics.

5. Even if the Government were to modify the program to retrieve this type of information, the data generated by such would be erroneous and misleading. William J. Polli, Chief, Records Operations Section, Records Management Branch, INS, has informed me that there are currently 6.2 million records that have not been entered into the system. This backlog has been increasing steadily since 1979. Even with his personnel attempting to key in the current information, along with a small amount of the backlog, they are unable to keep pace with the current records which are received at a rate of approximately 1.4 million per year. Therefore, even if the program were modified, there is no time frame which contains complete records and any search would yield inaccurate statistics.

I declare and swear under the penalty of perjury that the foregoing is true and correct.

HARLIN M. KEISTER, JR.,
Chief, Index System Section.

Mr. KENNEDY. Mr. President, I shall welcome the chance to work with the Senator from Florida on a better approach. At this time, Mr. President, I move to lay the amendment of the Senator from Florida on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from Florida on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. GARN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 59—as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—31

Andrews	Harkin	Mitchell
Biden	Hart	Moynihan
Chafee	Hatfield	Packwood
Chiles	Inouye	Pell
Cranston	Kennedy	Proxmire
Danforth	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Eagleton	Leahy	Simpson
Evans	Levin	Weicker
Gore	Mathias	
Gorton	Metzenbaum	

NAYS—59

Abdnor	Gramm	Nickles
Armstrong	Grassley	Nunn
Baucus	Hatch	Pressler
Bentsen	Hawkins	Quayle
Bingaman	Hecht	Riegle
Boren	Heflin	Rockefeller
Boschwitz	Heinz	Roth
Bradley	Helms	Rudman
Bumpers	Hollings	Sasser
Burdick	Humphrey	Specter
Byrd	Johnston	Stennis
D'Amato	Kasten	Stevens
DeConcini	Laxalt	Symms
Denton	Long	Thurmond
Dixon	Lugar	Trible
Dole	Mattingly	Wallop
Domenici	McClure	Warner
Exon	McConnell	Wilson
Glenn	Melcher	Zorinsky
Goldwater	Murkowski	

NOT VOTING—10

Cochran	Ford	Pryor
Cohen	Garn	Stafford
Durenberger	Kassebaum	
East	Matsunaga	

So the motion to lay on the table the amendment (No. 600) was rejected.

Mrs. HAWKINS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 602 TO AMENDMENT NO. 600

(Purpose: To express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. KENNEDY. Regular order, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mrs. HAWKINS, Mr. SPECTER, Mr. SASSER, Mr. ABDNOR, Mr. ANDREWS, Mr. DENTON, Mr. RIEGLE, Mr. DECONCINI, and Mr. WILSON, proposes an amendment numbered 602 to amendment numbered 600.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. WARNER. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read the amendment.

The assistant legislative clerk read as follows:

At the end of the amendment, add the following:

SEC. . POLICY TOWARD SOCIAL SECURITY TRUST FUNDS.

(a) FINDINGS.—The Congress finds that—

(1) public confidence in the Social Security system has been undermined by the acrimonious debates over deficit reduction;

(2) including Social Security Trust Funds in the Unified Federal Budget masks the true size of the federal deficit;

(3) Social Security is wholly funded by a separate payroll tax, is running a surplus, and does not contribute to the federal deficit;

(4) it is time to protect the integrity of both the Social Security program and the federal budget process by separating the two; and

(5) removing Social Security Trust Funds from the Unified Federal Budget will enable Congress to proceed with the responsibility of solving our massive budget deficit.

(b) POLICY.—It is the sense of the Senate that Congress should separate the Social Security Trust Funds from the Unified Federal Budget at the earliest possible date.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DOMENICI. I object.

The PRESIDING OFFICER (Mr. RUDMAN). Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, in an effort to try to expedite matters on this bill, I am going to withdraw my amendment temporarily. I will be offering it later in the day. It is a sense-of-the-Senate amendment that the Social Security Trust Funds be separated from, as President Reagan has requested, the unified Federal budget. I will be offering that amendment later on today. So, Mr. President, the yeas and nays have not been ordered on my amendment, and I therefore withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 603

(Purpose: To make the effective dates of certain verification procedures subject to findings in a GAO report)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], proposes an amendment numbered 603:

At the end of subsection (c) of the amendment, add the following new paragraph:

(4) Such sums as may be necessary are authorized for the Immigration and Naturalization Service to carry out the purposes of this section.

Mr. KENNEDY. Mr. President, the purpose of this amendment is to provide sufficient authorization so that we can ensure resources are available to make sure that INS computers are adequate to respond to the demands of this amendment. We will have time hopefully in the Judiciary Committee and in the Immigration Subcommittee, working with the Senator from Florida, to provide a figure that is realistic and we will make our efforts with the Appropriations Committee as well. But it does seem, now that the Senate has decided to go forward with this approach, that we ought to provide sufficient resources to obtain accurate statistics to achieve the objectives of the amendment. I have talked with the Senator from Florida. She appears to be agreeable to this proposal, as is the chairman of the Immigration Subcommittee, the Senator from Wyoming. I hope the Senate will accept the amendment.

Mrs. HAWKINS. I agree.

Mr. SIMPSON. Mr. President, that is quite acceptable to this floor manager.

Mr. KENNEDY. Finally, Mr. President, I would like to ask the Senator from Florida whether it is her intention and view that under this program if an alien applicant—a lawful permanent resident alien—is not found to be included in the INS computer, that within 10 days that person should automatically receive the benefits to which he may be entitled.

In other words, simply because his name may not appear in the INS computer, he won't be penalized or denied benefits he is entitled to?

Mrs. HAWKINS. Mr. President, I appreciate the concerns raised by the Senator from Massachusetts. The INS has informed me that it has been their experience in States with which they have agreements to presume that the alien is qualified if after a reasonable period of time the INS is unable, for one reason or another, to respond. I agree that this is a practical and useful approach to ensure that no one is denied a benefit or has their benefits unduly delayed as a result of the shortcomings of INS. It is my view that this is a reasonable precaution, and I hope and fully expect the INS to continue to encourage States to accept these kinds of reasonable precautions to ensure that people are not harmed as a result of a problem with INS or its data base.

Mr. KENNEDY. Mr. President, I would also like to share with the Senate an analysis and comment on project SAVE prepared by the Mexican American Legal Defense and Educational Fund. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND,
Washington, DC, March 13, 1985.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am enclosing a copy of a letter sent to INS Commissioner Alan Nelson regarding MALDEF's position on Project SAVE (Systematic Alien Verification for Entitlements). As you may recall, Commissioner Nelson indicated during his testimony on the INS Budget Hearings that MALDEF had participated in a press conference and supported the implementation of Project SAVE in Illinois.

In consulting with our Chicago office, a MALDEF attorney did attend the press conference, but did not participate in it, nor did MALDEF endorse the project. Moreover, it is clear that Project SAVE raises a number of problems and questions which are detailed in our letter to Commissioner Nelson.

Therefore, I would like to request that our letter to the Commissioner be included in the record of INS Budget Oversight Hearings. Any inquiries you could make regarding the questions raised by our letter would also be appreciated.

Thank you for your attention to this matter. If you have any further questions, please feel free to give me a call.

Sincerely,

HELEN C. GONZALES,
Associate Counsel.

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND,
Washington, DC, March 13, 1985.

Commissioner ALAN C. NELSON,
Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER NELSON: Recently Richard Fajardo, a MALDEF staff attorney, had occasion to hear your presentation during the INS budget oversight hearings before Senator Simpson's Subcommittee on Immigration and Refugee Policy. During your presentation you indicated that MALDEF had participated in a press conference in support of the announced implementation of Project SAVE (Systematic Alien Verification for Entitlements) in Illinois.

I have consulted with our Chicago office and have learned that at no time has MALDEF endorsed Project SAVE. Thus, I am writing to clarify MALDEF's position for the record. First, while we did attend the December, 1984 press conference, MALDEF did not participate in it. Moreover, in a short meeting after the conference, our Chicago attorney indicated to Illinois and INS officials that we would not support Project SAVE since implementation of the program has resulted in the denial of benefits to legal resident aliens fully entitled to such benefits. Finally, the project SAVE program appears to be in violation of an existing court order issued in *Roman-Ramirez* v. *Bernardi*, 82-C-2539 (1982).

Allow me to provide further details. In 1982, the INS began a prototype of Project SAVE in Illinois. The Illinois' Department of Labor (Ill DOL) was requested to refer the names of non-citizen applicants for unemployment compensation benefits to INS for verification of the applicants' immigration status. Aliens whose records could not be found within the INS computers were requested to appear at INS offices to clarify their status. Meanwhile, the Ill DOL denied unemployment benefits to aliens whose status were in question.

As a result of these practices, numerous permanent resident aliens, fully entitled to benefits, were being denied such benefits. MALDEF filed a class action suit in federal court on behalf of such immigrants. Roman-Ramirez, supra. A court order was issued which required:

(1) Benefits will not be denied an alien unless the unemployment claims adjudicator receives written confirmation from the INS that the green card, or other identification presented, is counterfeit or belongs to someone other than the claimant;

(2) If the INS delays in providing a written response, benefits will be issued in the same amount of time as for any other claimant, i.e., U.S. citizen or permanent resident.

(3) Under no circumstances will claimants be required to obtain INS verification on their own, i.e., the burden is on the Ill DOL and the INS to determine whether or not the alien is undocumented, hence ineligible for benefits.

The Court also ordered that Ill DOL provide to INS a list of persons who had been denied unemployment compensation benefits. The INS was required to reverify its records for all persons designated, and such review was to be made "in the best available method and . . . *will not rely exclusively on its computer check without a further manual review of its files in the Chicago District Office, as well as a review of the appropriate INS Office which would have the most accurate information for each applicant.*" *Roman-Ramirez, supra.* Agreed Order, Judgement and Decree (Oct. 1,1982) (emphasis added). A reverification of records for 600 aliens who had been denied unemployment benefits and who failed to appeal their denials indicated sixty two aliens (10 percent) had been improperly classified as undocumented aliens, and so were improperly denied benefits.

A manual search of INS records is especially important because, as a GAO report found, it is not clear whether persons for whom no computer records are found or who fail to appear at INS offices to clarify their immigration status are actually undocumented. A 1979 GAO review of a California Alien Verification Program made the following findings:

The INS offices in California initially identified 24 illegal aliens from local records and 112 aliens who "failed to appear" for a total of 136 who were thus denied benefits by the State of California. INS headquarters personnel, at our request, researched additional records maintained in Washington, D.C. and the following was found.

Of the 24 illegal aliens, 6 were determined to be legal, 3 illegal, and no records were found for 15.

Of the 112 aliens who "failed to appear," 44 were determined to be legal, 2 illegal, and 66 with no record.

In summary, out of a total of 136 aliens who were denied public assistance benefits after a search by INS of local records in California, 50 were later determined by INS to be legal, 5 illegal, and 81 with no records through a search of additional records maintained in Washington, DC.

INS—Records Management Problems: Hearings Before the Subcommittee on Information and Individual Rights of the House Committee on Government Operations, 96th Cong., 1st Sess. 578-79 (1979) (Appendix 25—Correspondence on GAO review of California's Alien Verification Program. Letter dated November 7, 1979 from GAO to the Subcommittee) (emphasis in the original).

The GAO report on the California project indicates that there is a strong likelihood that a substantial number of persons for whom no immigration records can be found are in fact legal residents. Thus, it is wrong to assume that persons whose records fail to appear in the INS computer files and who fail to appear before INS officials to clarify their status are undocumented aliens.

Unlike the Roman-Ramirez Court Order which requires a reverification, including manual searches, of aliens who were misidentified as undocumented aliens, Project SAVE only provides for a search of INS computer records. Where a record of immigration status is not found the alien is asked to appear before INS offices to clarify his or her status. This appears to place the burden on the individual to prove or clarify his or her status. SAVE does not provide for manual searches for records not found in INS computer files, although such searches may locate the records of many individuals and prevent delays or denials of benefits to persons eligible for them.

Let me also restate for the record that MALDEF did not participate in the December, 1984 press conference in which Governor Thompson and INS officials announced the implementation of Project SAVE. MALDEF's Chicago office was invited to attend the press conference and was told that Illinois and INS officials would announce a program to implement the 1982 Roman-Ramirez court order. However, the press conference presentations described a project which did not appear to implement the Roman-Ramirez court order. We informed Illinois and INS officials that we were not satisfied with the presentations made and we would have to investigate the program further.

It is quite apparent that Project SAVE will result in the delay or denial of benefits to many legal resident aliens, including many Hispanics. In addition, to the extent that only a small percentage of persons for whom records could not initially be located are later found to be undocumented aliens, the savings to participating states are overstated or will be a result of withholding benefits to persons who are legally entitled to such benefits.

In addition, the program raises other questions not elaborated above, including privacy issues (i.e., the propriety of gathering information about aliens and allowing state agencies access to such information) and discrimination in implementation (e.g., to what extent are all entitlement applicants required to submit to the immigration status checks, or are status checks limited to aliens and naturalized citizens, aliens only, or only certain ethnic minorities, etc.).

In closing, let me reiterate that MALDEF did not participate in the Chicago press conference, and we have not endorsed Project SAVE.

Sincerely,

HELEN C. GONZALES,
Associate Counsel.

PROJECT SAVE

The INS has initiated a Systematic Alien Verification for Entitlements program (project SAVE) to identify undocumented aliens seeking state and federal entitlements or services. However, a number of problems have surfaced in implementation of various pilot programs, in that some permanent resident aliens and naturalized citizens entitled to benefits were being denied such benefits.

1. What is Project SAVE?

The INS has started a new operation to identify undocumented aliens: Project SAFE. The INS will grant state agencies access to INS computer records. When a person applies for social services, such as unemployment compensation, AFDC, medical care, etc., a persons name is compared with INS computer records to check the applicants' immigration status.

The INS is promoting the program as a way for state governments to save money, since the state will not have to provide benefits to ineligible undocumented aliens.

2. How are undocumented aliens identified?

When a person applies for benefits, state personnel will access INS computer records and check the applicant's immigration status.

If no record of lawful U.S. entry exists in the INS computers, the person is sent a letter asking them to appear at the INS office to clarify their immigration status.

Persons for whom no record is found and who "fail to appear" to clarify their status are assumed to be undocumented and are denied benefits or social services.

3. I understand that because INS records are incomplete, legal residents have been incorrectly identified as undocumented, and so, are denied benefits.

A. You indicate in your testimony, that about 35 million persons are entered into you computer records. What kind of information is kept in these computer records?

Does this include only legal resident aliens? If so, does it include all legal resident aliens? If not, what percentage of aliens are included?

Do these records include aliens and naturalized citizens? If not, how are problems or questions regarding a naturalized citizen's status resolved?

B. What is the earliest date of entry recorded in INS computers?

Apparently, INS computer records do not include data for persons who legally entered the United States prior to 1972 (approximately). In any case, persons who entered in 1960 would not be in the INS data base.

C. What is the most recent date of entry recorded in the INS computers?

The names of persons who legally entered the United States most recently are not in the INS computer. Apparently, it takes about 1 year to enter such data in INS records.

4. As a result of such gaps in INS computer records, weren't a number of legal residents erroneously identified as undocumented and thus disqualified from receiving benefits to which they were entitled?

Yes. For example, in Illinois a pilot SAVE program to identify undocumented aliens who were applying for unemployment compensation benefits resulted in delays or denials of such benefits to legal resident aliens. A manual reverification of records for about 600 aliens who had been denied unemployment benefits and who failed to appeal their denials indicated sixty two aliens (10 percent) had been improperly classified as undocumented aliens, and so were improperly denied benefits.

5. In 1979, a GAO review of a California alien verification program found the following:

That of 24 aliens identified as illegal by INS, a further record search found that 6 were legal, 3 illegal and no records were found for 15.

A similar reverification of records for 112 persons who had "failed to appear" to clear up their immigration status, found that 44 were legal, 2 illegal, and 66 with no record. Unfortunately, all 112 had been denied benefits prior to the additional record search.

Can you assure this subcommittee that INS is conducting the additional record searches necessary to protect legal residents?

Note.—This GAO report suggests that there is a strong likelihood that a substantial number of persons for whom no immigration records can be found are in fact legal residents.

Thus, it appears erroneous for the INS to assume that persons for whom records do not appear in the INS computer files and who fail to appear before INS officials to clarify their status are undocumented.

5. Didn't an Illinois Federal court require the INS to provide for manual searches of records not found in the INS computer files?

Yes. In Roman-Ramirez versus Bernardi, the INS identified a number of persons who applied for unemployment compensation benefits as undocumented. The court required the INS to reverify its records for all persons denied benefits, and the review was to be made "in the best available method and . . . will not rely exclusively on its computer check without further manual review of its files in the Chicago District Office, as well as a review of the appropriate INS Office which would have the most accurate information for each applicant."

After the INS instituted the Federal court-ordered procedure, it was found that about 10 percent of those said to be undocumented were in fact documented aliens (62/600).

6. How did you calculate the cost saving to the country of some $10 billion?

I understand INS estimated cost savings of $58 million in unemployment compensation benefits to the State of Illinois, is that correct? If so, how were these cost savings calculated?

INS probably made estimates as follows:

(1) Did one week survey in an area with heavily concentrated Hispanic population.

(2) Estimated the number of persons identified as undocumented.

(3) Assumed each would receive the maximum amount of benefits.

(4) Extrapolated cost over a 1-year period (unemployed persons only receive 26 weeks of benefits.)

(5) Extrapolated similar savings to all Illinois offices.

Problems with estimates:

(1) Not all communities will have the same number of undocumented aliens.

(2) Not all persons will be entitled to same amount of benefits.

(3) Persons can only receive benefits for 26 weeks.

QUESTIONS ON THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM (SAVE)

(1) Please list all state, local, and federal agencies which are currently participating in systematic alien verification through use of computer matching and cross-indexing, including all cases involving so-called "routine use exceptions" to the Privacy Act.

In verifying eligibility of applicants for entitlements, exactly what information does INS release to state and local agencies?

(2) INS estimates that cost avoidances of $10.708 billion are potentially achievable through nationwide implementation of the SAVE Program.

Please explain estimates used by INS analysts in calculating cost avoidances related to the SAVE Program, specifically with respect to the average dollar amount per unentitled user, assumed rates of entitlement usage by undocumented immigrants, and estimates of the number of undocumented aliens residing in the U.S.

(3) It is our understanding that SAVE verification processes depend entirely on state and local agencies' access to applicants' "A" file numbers.

Please explain in detail the status of INS automated "A" files, and their use in the SAVE Program, specifically with respect to;

Estimated totals of aliens who have "A" numbers which, due to pre-1972 or post-1984 issuance dates, reportedly may not be included in INS' automated files, nationally, and for each District Office.

Numbers of permanent resident aliens whose "A" numbers were not available through computer search, but who have been subsequently determined to be eligible for entitlements after manual searches of files at the National, office, District office, or port-of-entry.

Status of asylees, refugees, and other aliens residing in the United States "under color of law" do not have INS "A" numbers. In these cases, how do SAVE operations in various locales alternatively verify these legally eligible aliens' status?

(4) Reports on SAVE operations indicate that, at least in some instances, non-citizens whose "A" numbers cannot be located through computer checks must, upon appearance at INS District Offices, file a G-641 information request form to verify their eligibility for entitlements.

Please provide information on the use of G-641 forms in SAVE operations, the average duration of G-641 information searches nationally and by District Office, and the District Offices' policies regarding G-641 fee collection related to SAVE verification requests.

(5) INS reports that, in pilot projects testing SAVE operations, approximately 90 percent of applicants referred to INS District Offices because of questionable eligibility status "failed to appear."

Are referred aliens who fail to appear denied entitlements in all cases? Please provide all available information on the rates of such failures of appearance among referred aliens, as well as INS estimates of the number of such aliens who are determined not to be eligible for entitlements. In addition, please provide any and all data on the number of "failed to appear" aliens who may be eligible for such entitlements, but who decide not to follow through with the verification process.

(6) Descriptions of the SAVE program suggest that only those applicants who identify themselves as non-citizens go through the verification procedures.

Are either state or INS officials afforded the discretion to require proof of citizenship of applicants who identify themselves as citizens? Please provide information on the number of citizens, or applicants who identify themselves as citizens, who have gone through the SAVE verification procedures.

The PRESIDING OFFICER. Is there further discussion of the amendment submitted by the Senator from Massachusetts? If not, the question is on agreeing to the amendment.

So the amendment (No. 603) was agreed to.

The PRESIDING OFFICER. The question before the Senate is on the amendment offered by the distinguished Senator from Florida, as amended by the amendment offered by the distinguished Senator from Massachusetts. The yeas and nays have been ordered.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the amendment offered by the distinguished Senator from Florida, as amended by the amendment offered by the distinguished Senator from Massachusetts.

The amendment (No. 600), as amended, was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 604

(Purpose: To terminate provisions relating to the unlawful employment of aliens if the Comptroller General reports that certain adverse conditions have resulted from carrying out such provisions)

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 604.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, line 14, strike out "five" and insert in lieu thereof "three".

On page 119, line 11, strike out "five" and insert in lieu thereof "three".

On page 121, between lines 6 and 7, insert the following:

(d) TERMINATION DATE FOR EMPLOYER SANCTIONS.—(1) The provisions of section 274A of the Immigration and Nationality Act shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (b), if—

(A) the Comptroller General determines, and so reports in such report, that a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment, the sole result of the implementation of employer sanctions; and

(B) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

(2) Any joint resolution referred to in clause (B) of paragraph (1) shall be considered in the Senate in accordance with subsection (f).

(e) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (d), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(f) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (d), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (d), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (d) has not reported such joint resolution at the end of the ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

Mr. KENNEDY. Mr. President, one of the central objections that has been raised again and again over this legislation—both during the extensive subcommittee hearings we have conducted over the past 4 years, as well as during the debates in both the Senate and House of Representatives—is the concern that the new employer sanctions authorized in this bill might result in job discrimination against certain American workers.

I stress the word "might," because we really don't know, and it is certainly not intended nor anticipated by the sponsors of this legislation. But the fears are real, and they are based upon bitter experience by many in our society—particularly by our Hispanic and Asian citizens. These are fears that I believe we simply cannot ignore.

The amendment I have sent to the desk is an effort to address these fears and to assure that Congress will act to rectify employer sanctions if a widespread pattern of job discrimination should develop in their implementation.

This amendment simply offers a guarantee, built into the statute, that Congress can act expeditiously to rectify any unintended discrimination. If, contrary to all the protections and intentions contained in the bill, new job discrimination does develop—and not just a few isolated cases of discrimination, but a widespread pattern of discrimination—then Congress can sunset employer sanctions.

If such a pattern of discrimination were to develop, I can't imagine that Congress wouldn't want to act. But unfortunately, Mr. President, the history of immigration laws tells us that once Congress acts on immigration, it is often decades before it acts again. And when there has been the potential for discrimination in our immigration laws, we know that discrimination has developed.

I spelled out the history of that in my opening statement 2 days ago.

So in fairness to those minority members of our society—who will surely be the most directly affected by the provisions of this legislation—we ought to deal with their fears of discrimination now, and not wait until after they develop and without any easy statutory mechanism to deal with them.

My amendment offers this assurance and a statutory guarantee that Congress can easily address the issue of discrimination should it arise.

It simply requires the General Accounting Office to undertake an independent study each year of the implementation of employer sanctions to determine if a pattern of discrimination has resulted. At the end of the third year, if the GAO finds that a widespread pattern of discrimination has developed over that period, it makes that determination to Congress.

Then Congress—both Houses—has the opportunity, through the expedited 30-day procedure, to adopt a joint resolution stating in substance that it approves the findings of the GAO, whereupon employer sanctions are terminated until Congress reenacts them with proper safeguards.

If the GAO does not find a pattern of discrimination, or if Congress disapproves of the GAO findings—or even ignores them—then employer sanctions will continue.

But, Mr. President, it is hard for me to imagine either the Senate or the

House failing to exercise the expedited parliamentary procedures offered in this amendment if the GAO does find a widespread pattern of discrimination. This legislative mechanism is the minimum assurance we should be willing to provide to those in our society who are understandably worried over the implementation of employer sanctions.

We dealt with this issue in the Judiciary Committee during the markup. This type of approach has been offered by me and other members of the Judiciary Committee a number of times. We have modified our approach to consider the various objections to previous amendments.

I have offered this type of amendment on each immigration bill that has been before us. It seems to me that it provides the minimum guarantee we should be willing to make.

I have had a chance to talk this over with the floor manager of the bill. He is very familiar with the approach that has been included in this amendment, and I welcome his observations about it.

Mr. SIMPSON. Mr. President, it is important for me to be able to say succinctly that this is quite acceptable to me, and let me explain why, in this context.

We all know that employer sanctions is the very key to immigration reform. There is no immigration reform, at least on the humane basis that Senator KENNEDY and I have tried to do it, without employer sanctions. No one has been more concerned about the possibility of employer sanctions perhaps causing new employment discrimination. Every one of us has been deeply concerned about that. That has been my abiding concern for 6 years. It was the abiding concern of the Select Commission. We all share that view.

We have examined that single issue in more than a dozen hearings which the subcommittee has held in the past 4½ years on that point alone. We examined the record of employment discrimination in the other Western countries of the world which have employer sanctions laws, and most do. We have read the GAO report which says that they do not work, and they do not work when they are just the cost of doing business. They work when they are tough, hard, and serious, and that is what we have in S. 1200; a cease and desist order, civil penalties, and up to $2,000 for the first offense, up to $5,000 for the second offense, up to $10,000 for the third offense. Finally, the egregious person who never wakes up and smells the coffee is faced with possibly a criminal sentence. Criminal sentences do not come in until you get to the repeat pattern or practice offender. That is the key to employer sanctions.

We never did really find substantial evidence that this bill alone would in any way increase employment discrimination; yet, it remains a well-founded concern even in my bosom. Nonetheless, we included in the bill provisions which assure close monitoring.

I hope everyone is aware of how much time we spent on that issue in trying to determine whether there was some kind of new employment discrimination.

By this bill, we involve the Equal Employment Opportunity Commission, the U.S. Commission on Civil Rights, and the Department of Justice in this monitoring process that is in S. 1200, as well as the GAO watchdog agency.

Congress is required to hold hearings within 60 days of the receipt of any report of a pattern of employment discrimination resulting from employer sanctions—and to discuss the legislative remedies. I think that is the essence of this amendment. It is the important part of it. We are looking at discrimination based solely on employer sanctions; and if that is there, we want to do something. It is not even quite a sunset. There is an expedited process which will be carried out, and I think it is important to know that it is a parliamentary process and we will do it.

Senator KENNEDY and I have spent a great deal of time trying to assure nondiscrimination. I believe it was full and very adequate protection against new employment discrimination. However—and this is the reason why I support and will accept the amendment—I am fully aware of the fears, rational or irrational, of some, especially in the Hispanic community and the civil rights community, that somehow new discrimination might occur. That is not my desire or my intent or my objective.

Again, we are not talking about discrimination based on alienage. That will be visited at a later part of the day. But I do not believe that immigration reform legislation is a proper vehicle for civil rights legislation, and that is what did occur in the House and the conference committee last year. There were provisions presented then about employment and discrimination in EEOC and a new agency of Government fashioned on the NLRB and those things which I do not think were appropriate because they never even passed when we debated the civil rights laws of 1964 and 1972.

So, I think Senator KENNEDY's amendment provides the protections that are sought by all of us concerned about discrimination without inserting a whole new concept of civil rights legislation into the bill. I deeply appreciate that, because I think that would be a tough one to hurdle if it got in there. I think Senator KENNEDY shares some of that concern, that we need not go to a new agency of Government. If that happens, I, and I think everyone else in this Chamber, believe that we would want to have a swift and expedited manner to address discrimination problems. I think Senator KENNEDY's 30-day expedited procedures for Congress to act is appropriate, and I accept it. In doing so, I assert that civil rights legislation should appear separately from an immigration reform bill, especially when we have tried so desperately to protect minorities in this country, and in this bill.

With that, I thank Senator KENNEDY for being a remarkable, positive force throughout. I do not want widespread discrimination to occur. If it does occur through employer sanctions, we shall trigger an expedited procedure instead of a whole new agency of Government that has never survived the legislative process. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the chairman of our Immigration Subcommittee for his support of this amendment.

The PRESIDING OFFICER. Is there further discussion? The Senator from Idaho?

Mr. SYMMS. Mr. President, I rise to support the amendment, but I would like to make some further points about the question of sanctions itself. I think that what the Senator from Massachusetts is doing certainly improves the situation of the way the bill is written in its current form. I think what we have to recognize is that what is happening with this legislation is the employer sanctions provisions are an attempt to halt illegal immigration into the United States and try to transfer the responsibility for law enforcement from the Government over to the private sector.

I know that some have sincerely argued that the sanctions in this bill, which include both civil fines up to $10,000, Mr. President, and criminal fines up to $3,000 and 6 months' imprisonment for employers hiring illegal workers, will in no way lead to discrimination based upon the ethnic group, race, or skin color. But I believe such discrimination will increase in two ways should these sanctions be passed.

I realize that the amendment of the Senator from Massachusetts is going to allow for a study. If I understand the bill correctly, and I think the distinguished chairman can correct me if I am wrong, in the first year, there will not be sanctions imposed on employers so there will be an opportunity for people to ease into this. I think that is a plus, and compliment the Senator from Wyoming for having that in the bill. But I think that we have to recognize what is going to

happen, and I shall just quote from the Heritage Foundation Issue Bulletin:

(1) Efforts to enforce existing antidiscrimination laws would be hindered by giving employers a first line of defense against accusations of discrimination. If a Mexican, for example, were to bring a case against a firm, the employer simply could state that he suspected the Mexican of being an illegal immigrant.

I think that is something we have to look very carefully at.

(2) Even law-abiding employers would tend to discriminate unwittingly against the foreign born in their "good faith efforts" to comply with the law. Foreigners would be transformed into a suspect class of workers; employers would thus scrutinize their credentials more thoroughly than those of other workers and make summary judgments regarding their legality.

I think that question is one that certainly legal scholars and the judiciary branch are going to have to look at. I personally believe lawyers are going to have a field day in discrimination cases if the sanctions are left in this legislation. I hope we will get them out of the legislation if we expect to have a workable bill.

It is only reasonable to assume that a potential employer will respond in this manner to Federal immigration legislation, particularly legislation such as this which provides for criminal penalties against employers. As the above-mentioned Heritage Bulletin states:

Time magazine recently reported that merely the prospect of a sanctions bill has "excited something resembling panic among many employers. A few factories in the Los Angeles area are already laying off workers they suspect may be in the U.S. illegally."

Mr. President, that may appeal to some people who read that article, but what it says to me is a Hispanic-born U.S. citizen who gets caught in this suspect situation could have a very difficult time obtaining gainful employment if this discrimination becomes rampant.

Although illegal immigration is a legitimate concern, and an area in which our policy must be reformed, our national immigration policy must not jeopardize the welfare of our own citizens.

I simply cannot condone or agree with the portion of this bill that assumes the employer sanctions can somehow answer this problem.

A second problem arises under such sanctions: employers are forced to become police officers. The sanctions shift onto business the burden of enforcing our immigration laws. We already have a governmental agency, the Immigration and Naturalization Service [INS], which is properly charged with preventing entry of illegal immigrants into the United States. Yet, while retaining that agency and its border patrols, this legislation essentially forces upon employers the responsibility of halting undocumented immigration.

We are asking American business men and women to carry out a responsibility that properly belongs to the Federal Government. By shifting the burden of this responsibility to the private sector, the Government is forsaking its duty to the public.

Sanctions such as these will hamper economic activity and growth because of this shift of responsibility and its resulting stringent requirements. When hiring new workers, businesses must take two steps under this bill: First, examine each job applicant's documents to verify that the applicant is a legal worker; and second, maintain records and documents for up to 5 years on each employee hired if a business hires more than three workers. As the Heritage Bulletin points out:

The law would apply equally to Wall Street banks hiring Harvard MBAs and to California hotels hiring bellboys and dishwashers. While [the bill] technically would make this optional, in fact, failure to keep employee records would constitute a legal presumption of guilt for businesses discovered to have an illegal alien in their employment.

Not only are we asking employers to become police officers when a Federal agency already exists to enforce our immigration policy, we are also creating for them a set of verification and paperwork requirements which go beyond the onerous. This will have a drastic effect on every part of the business sector.

Additionally, the small businessmen and women of Idaho and the Nation will be harmed disproportionately by these sanctions because, as the Small Business Administration stated in its 1984 report, "The State of Small Business," small business' percentage of Hispanic workers is almost twice that of large businesses: 6.5 percent as compared to 3.5 percent. As the Heritage Bulletin accurately states:

Because Hispanics are more likely than other workers to arouse INS suspicion, small businesses would be subject to greater harassment. Thus even small businesses with impeccable hiring practices would need to devote a greater proportion of their resources than the typical large firm to protecting themselves against prosecution.

These, Mr. President, are the reasons for which I must strongly oppose the employer sanctions provisions included in S. 1200. I do not mean, however, to detract from the untiring and courageous efforts of the Senator from Wyoming [Mr. SIMPSON] where he has made a good faith effort to pass needed immigration reform. I commend Senator SIMPSON for his hard work to improve the Nation's immigration policy, and I look forward to working with him to make sure all issues are addressed fairly in this legislation.

We must ensure, however, that U.S. immigration laws do not encourage discrimination against particular ethnic groups, that the Federal Government carries out its responsibility to enforce these laws, and that we do not hamper economic activity and growth by creating onerous burdens on employers through recordkeeping and verification requirements.

I know what will happen with many small businesses. Simply, in my opinion, I think the research will show what will happen. I know that the distinguished Senator from Massachusetts is making a good faith effort here.

I think it would be better to take these out on the front end right now and look at what we think will happen based on past performances. I think it would be much better to take the sanctions out now.

I can also count votes, and I think the Senator from Wyoming probably has the votes to keep the sanctions in.

But I believe we are going to rue the day that these sanctions are imposed in this bill and it is going to hurt the very people in the United States, some of the people we wish to help with the passage of this legislation.

I know many people personally in the Hispanic group who are U.S. citizens. They will be the ones who will feel the pain of discrimination when some small businesses and large businesses alike have individuals who in order to protect themselves from the threat of $10,000 fine simply will not hire anyone of a Hispanic origin that they have the slightest suspicion of who may be an illegal entrant into the United States.

I think that is most unfortunate. I think we should make serious consideration of still striking this entire sanctions section from the bill. It is not workable. It is totally in conflict with the civil rights legislation that we have put on the books in this great land of ours.

I would hope that before this is over that the least we could do would be to accept the Kennedy amendment, and that is a good start, but I would like to see it even go further than this.

I thank the chairman and I yield the floor.

Mr. SIMPSON. Mr. President, I greatly appreciate the remarks of the Senator from Idaho and this report also, because indeed it will be important to accept this type of procedure in lieu of something that might not be as workable.

I share only, and then I will conclude, that the employers of America indeed are watching. It is a critical thing to the employers of America, and the most pleasing part of the change of position in these last months has been the U.S. Chamber of Commerce who have embraced this bill now. It was not acceptable to them 2 years ago.

We now have an optional system of verification at first. We do not have a mandatory one. It is something that was fashioned for the employers of America—the Business Roundtable, the National Association of Manufacturers, and the National Federation of Independent Businesses—have all been very supportive and helpful, and they represent some of the largest small businesses in America.

I just share that and, of course, the employers under this bill—those who employ four or less—are less subject to some of the conditions. I share that.

I thank the Senator for his participation.

Mr. SYMMS. Mr. President, will the Senator yield for a question on that?

Mr. SIMPSON. I yield.

Mr. SYMMS. How is the amendment envisioned to work and who is going to decide if discrimination is in fact taking place in the workplace?

Mr. SIMPSON. That will be the Congress of the United States.

Mr. SYMMS. But based on what evidence?

Mr. SIMPSON. That will be on the basis of the reports that are in S. 1200 and the GAO report and a task force.

Mr. SYMMS. To go out in the field and try to make a fair determination?

Mr. SIMPSON. That is correct.

Mr. SYMMS. In other words, if I have this understanding correct, the first year this is on the books there will be no fines levied on employer sanctions?

Mr. SIMPSON. No.

Mr. President, as to the first year, the first 6 months will be an education period throughout the United States and the second 6 months will be a warning period, and there will be no fines within that period.

Mr. SYMMS. Then beyond the second violation in this period the employer would be fined, that is, in the warning period.

Mr. SIMPSON. That is correct, after the warning period.

Mr. SYMMS. So once the word gets out on the street, then you would not expect any discrimination the first year, then. But if in fact we get a report back to Congress that there is discrimination taking place, how soon then would the amendment trigger that the employer sanctions section of the bill will be altered or changed, or what will be the response?

Mr. SIMPSON. If we find that employer sanctions alone are responsible for discrimination in the United States?

Mr. SYMMS. Not alone are responsible, but they are making a contribution to it.

Mr. SIMPSON. If there is widespread discrimination caused by employer sanctions, is that what you are saying?

Mr. SYMMS. That is the question.

Mr. SIMPSON. Yes.

Mr. SYMMS. How soon will we get a response?

Mr. SIMPSON. We will have responses from two different ways. We will have the responses under S. 1200 which have to do with monitoring by EEOC, the Civil Rights Commission, that aspect, and then under Senator KENNEDY's amendment here we will have the GAO report and a task force to tell us if this is occurring.

If it is occurring, then there will be an immediate expedited process.

But there will be GAO reports every 18 months and the expedited process under this amendment.

Mr. SYMMS. I thank the Senator.

Mr. SIMPSON. I thank the Senator from Idaho.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Massachusetts?

● Mr. DIXON. Mr. President, I support the amendment of the Senator from Massachusetts which requires Congress to vote on sunsetting employer sanctions in 3 years, if the General Accounting Office finds a widespread pattern of discrimination resulting.

A major concern I have had for the past 3 years as the Senate has attempted to enact immigration reform legislation on three separate occasions is discrimination. More precisely, Mr. President, I feel strongly that Congress must be careful to ensure against the prospect that immigration reform be used as a means to discriminate against Hispanics and other minorities.

One persistent objection to employer sanctions has been the possibility that they could lead to increased discrimination against Hispanics and Asians. Senator KENNEDY's amendment is a reasonable, modest, well thoughtout approach to this problem. I urge its adoption.●

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 604) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 605

(Purpose: To substitute provisions regarding the legalization of aliens)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself and Mr. BINGAMAN proposes amendment numbered 605.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 68 with line 7, strike out all through line 7 on page 93 and insert in lieu thereof the following:

TITLE II—LEGALIZATION

LEGALIZATION

SEC. 201. (a) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"§ 245A. "Adjustment of status of certain entrants before January 1, 1981, to that of persons admitted for temporary or permanent residence

"SEC. 245A. (a) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for permanent residence if—

"(1) the alien applies for such adjustment during the twelve-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General,

"(2)(A) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1977, and has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1985, or

"(B) the alien entered the United States as a nonimmigrant before January 1, 1977, the alien's period of authorized stay as a nonimmigrant expired before Januay 1, 1977, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1977, and the alien has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1985, and

"(C) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof;

"(3) the alien was continuously physically present in the United States since the date of the enactment of the Immigration Reform and Control Act of 1985; and

"(4) the alien—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

Notwithstanding paragraph (1), an alien who (at any time during the one-year period described in paragraph (1) is the subject of an order to show cause issued under section 242, must make application under such paragraph not later than the end of the thirty-day period beginning either on the

first day of such one-year period or on the date of the issuance of such order, whichever day is later. An alien shall not be considered to have failed to maintained continuous physical presence in the United States for purposes of paragraph (3) by virtue of a brief, casual, and innocent absence from the United States.

"(b)(1) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(A) the alien applies for such adjustment during the twelve-month period described in subsection (a)(1);

"(B)(i) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1981, and has resided continuously in the United States in an unlawful status from January 1, 1981, through the date of enactment of the Immigration Reform and Control Act of 1985; or

"(ii) the alien entered the United States as a nonimmigrant before January 1, 1981, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1981, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1981, and the alien has resided continuously in the United States in an unlawful status from January 1, 1981, through the date of enactment of the Immigration Reform and Control Act of 1985; and

"(iii) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof;

"(C) the alien has been continuously physically present in the United States since the date of the enactment of the Immigration Reform and Control Act of 1985; and

"(D) the alien—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States,

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(iv) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States. Notwithstanding paragraph (1), an alien who (at any time during the one-year period described in subparagraph (A)) is the subject of an order to show cause issued under section 242, must make application under such paragraph not later than the end of the thirty-day period beginning either on the first day of such one-year period or on the date of the issuance of such order, whichever day is later. An alien shall not be considered to have failed to maintained continuous physical presence in the United States for purposes of subparagraph (C) by virtue of a brief, casual, and innocent absence from the United States.

"(2) During the period an alien is in the lawful temporary resident status granted under paragraph (1)—

"(A) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need, and

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(3) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence if the alien-

"(A) applies for such adjustment during the 12-month period beginning with the first day of the twenty-fifth month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(1) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States; and

"(D) can demonstrate that he either (i) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or (ii) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States. An alien shall not be considered to have lost the continuous residence referred to in subparagraph (B) by reason of an absence from the United States permitted under paragraph (2)(A). The Attorney General may, in his discretion, waive all or part of the requirements of subparagraph (D) in the case of an alien who is 65 years of age or older.

"(4) The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(C) at the end of the thirty-seventh month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (3) and such application has not been denied.

"(c)(1)(A) The Attorney General shall provide that applications for adjustment of status under subsection (a) or under subsection (b)(1) may be filed—

"(i) with the Attorney General, or

"(ii) with an organization or person designated under subparagraph (B), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) For purposes of assisting in the program of legalization provided under this section, the Attorney General shall designate qualified voluntary organizations and other qualified State, local, and community organizations and may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under Public law 89-732 or under Public Law 94-145.

"(C) Each organization or person designated under subparagraph (B) must agree to forward to the Attorney General applications filed with it in accordance with subparagraph (A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such organization or person may make a determination required by this section to be made by the Attorney General.

"(D) Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more then $10,000 or imprisoned not more than five years, or both.

"(E) The Attorney General shall provide for a schedule of fees to be charged for the filing of applications for adjustment under subsection (a) or under subsection (b)(1). The Attorney General shall deposit payments received under the preceding sentence in a separate account and amounts in such account shall be available, without fiscal year limitation, only to cover administrative expenses incurred in connection with the review of applications filed under this section.

"(2) The numerical limitations of section 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(3) The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not be applicable in the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(D)(i), (b)(3)(C)(i), and (b)(4)(B)(i), and the Attorney General, in making such determination with respect to a particular alien, may waive any other provision of such section other than paragraph (9), (10), (15) (except as it applies to the adjustment to lawful temporary resident status under subsection (a)), (23) (except for so much of such paragraph as relates to a single offense of simple possession of thirty grams or less of marihuana), (27), (28), (29), or (33), for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. For purposes of this section, an alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

"(4) During the six-month period beginning on the date of the enactment of this section, the Attorney General, in cooperation with qualified organizations and governments designated under paragraph (1) and the Secretary of Labor, shall broadly disseminate information respecting the ben-

efits which aliens may receive under this section and the requirements to obtain such benefits.

"(5)(A) The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a prima facie case of eligibility to have his status adjusted under subsection (a) or subsection (b)(1) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(i) may not be deported, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(B) The Attorney General shall provide that in the case of an alien who presents an application for adjustment of status under subsection (a) or subsection (b)(1) during such application period which application establishes a prima facie case of eligibility to have his status adjusted under such subsection, and until a final administrative determination on the application has been made in accordance with this section, the alien—

"(i) may not be deported, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(6) Notwithstanding the Federal Property and Administrative Act of 1949 (40 U.S.C. 471 et. seq.), the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of this Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section. This authority shall end two years after the date of the enactment of this Act.

"(d)(1) For purposes of subsection (a), (b)(1), or (b)(3), an alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation.

"(2) Any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside in the United States for purposes of this section.

"(e)(1) During the five-year period beginning on the date an alien is granted lawful temporary resident status granted under subsection (b)(1) and during the three-year period beginning on the date an alien is granted lawful permanent resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraph (2), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government,

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977, and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A), provide that the alien is not eligible for the programs of financial or medical assistance furnished under the law of that State or political subdivision.

Programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Vocational Education Act of 1963, Chapter 1 of the Education Consolidation and Improvement Act of 1981, the Headstate-Follow Through Act, the Job Training Partnership Act, and subparts 4 and 5 of part A of title IV of the Higher Education Act of 1965 shall not be construed to be programs of financial assistance referred to in subparagraph (A)(i). Programs authorized under the Public Health Service Act and title V of the Social Security Act shall not be construed to be programs of financial assistance referred to in subparagraph (A)(i).

"(2) Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983);

"(B) in the case of assistance furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act), or

"(C) in the case of medical assistance (i) for care and services provided to an alien who is under 18 years of age, (ii) for emergency services (as defined for purposes of section 1916(e)(2)(D) of the Social Security Act) or (iii) for services described in section 1916(a)(2)(B) of such Act (relating to services for pregnant women).

The eligibility, comparability, and any other State plan requirements of title XIX of the Social Security Act are superceded to the extent required to restrict the medical assistance in the manner described in subparagraph (C) and paragraph (1)(A)(ii). The Secretary of Health and Human Services, in coordination with the Attorney General, shall promulgate regulations in order to carry out subparagraphs (B) and (C).

"(3) For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(f)(1) The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate and with organizations and persons designated under subsection (c)(1)(B), shall prescribe—

"(A) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(B) such other regulations as may be necessary to carry out this section.

"(2) In prescribing regulations described in paragraph (1)(A), the Attorney General shall—

"(A) specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States and shall take into account absences due merely to brief and casual trips abroad;

"(B) provide for a waiver, in the discretion of the Attorney General, of the periods specified under subparagraph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien;

"(C) require that continuous residence in the United States must be established through documents, together with independent corroboration of the information contained in such documents; and

"(D) require that the documents provided under subparagraph (C) be employment-related if employment-related documents with respect to the alien are available to the applicant.

"(3) Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(g)(1) There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination. Such administrative appellate review shall be based upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3)(A) There shall be no judicial review of such a determination, unless the applicant has exhausted the administrative review described in paragraph (2).

"(B) There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106. Such review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive.

"(h) Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the Service for a period of not to exceed fifteen months to perform duties in connection with the adjustment of status of aliens under this section.".

(b) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1981, to that of persons admitted for temporary or permanent residence.".

(c) For reports on the legalization program provided under the amendment made by subsection (a), see section 405 of this Act.

CUBAN-HAITIAN ADJUSTMENT

SEC. 202. (a) The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent resi-

dence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigrant designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act and the Attorney General shall not be required to charge the alien any fee.

(f) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

SEC. 203. (a)(1) There are authorized to be appropriated for grants (and related Federal administrative costs) to carry out this section $1,000,000,000 (less the amount described in paragraph (2)) for fiscal year 1986 and for each of the three succeeding fiscal years.

(2)(A) Subject to subparagraphs (B) and (C), the amount described in this paragraph for a fiscal year is equal to the amount estimated to be expended by the Federal Government in the fiscal year for the programs of financial assistance, medical assistance, and assistance under the Food Stamp Act of 1977 for aliens who would not be eligible for such assistance under paragraph (1)(A) of section 249A(e) of the Immigration and Nationality Act but for the provisions of subparagraphs (B) and (C) of paragraph (2) of such section.

(B) For purposes of subparagraph (A), with respect to—

(i) fiscal year 1986, the amount estimated to be expended is equal to $30,000,000, and

(ii) fiscal year 1987, the amount estimated to be expended is equal to $300,000,000.

For subsequent fiscal years, the amount estimated to be expended shall be such estimate as contained in the annual fiscal budget submitted for that year to the Congress by the President.

Mr. KENNEDY. Mr. President, as I indicated at the outset of this debate, I believe a fundamental deficiency in the pending bill is its weakened provisions on the legalization program.

The bill before us is a retreat from the Humane and Flexible Legalization Program voted twice by the Senate—once by the House of Representatives—and recommended unanimously by the Select Commission on Immigration and Refugee Policy.

It is a retreat from the position that the sponsor of this legislation took himself only a few months ago during last year's conference committee on the previous immigration bill adopted by the Senate in the last session.

And it is a retreat from the fundamental principle upon which this legislation has always been based—the "three-legged stool," some have called it—requiring that we move simultaneously on: First, new enforcement provisions; second, implementation of employer sanctions; and third, the institution of a legalization program. These three actions were intended to go hand-in-hand—to be enacted simultaneously, and implemented together.

Mr. President, legalization is an essential corrollary to the implementation of employer sanctions. As we institute new enforcement policies, legalization allows us to wipe the slate clean, to deal humanely and responsibly with the problems of the past as we begin to deal more effectively with future illegal migration.

Rather than granting outright amnesty as in previous bills, the pending bill creates a nine member "Legalization Commission" to determine whether employer sanctions and the new enforcement provisions are in place and working to curtail illegal alien flow before a legalization program can be implemented. They must report within 1 year.

Even with the clarifying amendments adopted in committee, there are still many procedural questions about just how this Commission would work, and just what it would have to determine, before legalization is authorized—and on what grounds it is supposed to make its decision that employer sanctions are curtailing illegal migration.

It is an awkward procedure at best, with many uncertainties, and clearly walks away from a generous legalization program proposed in the previous bills Congess has passed.

What would happen to an undocumented alien who would otherwise be eligible for legalization, but is caught during the year or more the Commission was deliberating? Should he be deported if he has been for many years and has strong ties to the community, and would have been eligible for legalization? And the Commission's findings are inevitably subjective and judgmental, and subject to lawsuits.

Mr. President, the only sensible way to deal with this issue is to follow the Select Commission's recommendation that we move simultaneously on new enforcement strategies at the same time we also clean up the mess current law has created in a a large population of undocumented aliens. After all, it is the result of current law—the "Texas Proviso"—which has helped create the illegal alien problem—a law that says it is legal for an employer to hire an illegal alien, that has thrown a welcome mat for undocumented aliens to come to this country.

The amendment I am offering simply takes the compromise agreed upon in last year's conference committee, to establish a legalization program with a January 1, 1981, cutoff date, a two-track system, to be implemented at the same time, in a phased fashion, as employer sanctions are implemented.

It was a compromise that didn't go as far as I would have preferred, but it was a compromise reached just a few months ago; if it was good enough as a compromise last October, with Senator SIMPSON's support, it ought to be good enough for us now.

I hope the Senate will accept this amendment, which really reflects what we have supported in the past.

Mr. President, just to briefly sum up—the Members of this body have addressed this particular issue I know on two previous times, so they are familiar with the elements that are involved—and I am prepared to go swiftly to a vote.

Under the enforcement provision, as outlined by the chairman of the subcommittee, we have the date of the enactment of the bill and then 6 months later we have notification to various employers after 6 months, which would be a year before the enforcement mechanism is actually implemented. So we have a 12-month period.

That is the same that has been in previous bills. This was recommended by the Select Commission and that has been in previous bills and that is in the current bill.

On the other side is legalization. Previously, in the other two bills, we have had the date of enactment and 6 months thereafter we have the prepa-

ration by the INS. Six months for the implementation of the enforcement provisions, and 6 months for INS on legalization.

Then, after INS does the preparation for the Legalization Program, we have a 12-month period where those individuals who have come here prior to 1981 have the opportunity to adjust their status. You have to have been here prior to 1981 to be able to adjust your status. If this bill is accepted and passed, it will be 1985. We have 1982, 1983, 1984, and 1985, so they would have to have been here at least for those 4 years. And to be able to adjust their status and to go into a permanent resident alien position, they would have to have been here 3 years prior to that.

So we have the 4 years after 1981 and the 3 years prior to 1981 in order to be able to adjust their status to a permanent resident alien. If they have just been here, say, a year before 1981, they are temporary residents and there is a significant reduction in terms of any benefits they will be eligible for. They will be eligible for benefits if they have been here for 3 years before 1981, which would be a total of 8 years in the United States.

We recognize, and I believe it is an important recognition, that they will have to have been here in good standing, a member of the community. We have seen, in the past, where they have obviously paid the local taxes and paid into Social Security, and we have put those figures into the RECORD in previous debates about the amount they have paid in taxes.

But they will have to have been here for 8 years; otherwise, they would see a significant reduction in terms of benefits.

I do not intend to take the time of the Senate this afternoon to talk about what is happening to those in our society, the undocumented aliens, and the whole subterranean economy and the exploitations which have taken place and all the insidiousness that has been heaped upon these individuals who know if they run into some difficulty and are turned in by their employer they are deported, and what is happening to their children and their attitudes toward the whole process of the system in this country.

There is no question there is a subterranean economy with extraordinary exploitation and all the implications that has for our own society.

We are attempting, with this proposal, to make those individuals who have demonstrated from their past conduct a commitment to this country, a commitment to society, a commitment to their family and their community, and to insure that there will not be a constant sense of fear and to be able to, at that time, adjust their status and move toward citizenship. Then they are at least on the track to be able to make application for citizenship.

So, Mr. President, I hope that we can accept this amendment even though it was altered and changed as we moved through the conference committee process last year. The Commission established in the bill is going to have to make a judgment that the flow of immigrants into the United States has been curtailed. All of us are hopeful, if this is actually enacted into law, that there will be a curtailing of that. But, I, quite frankly, believe, and I think it has been demonstrated by an examination of the flow charts, that if the peso gets devalued 30 or 40 percent, you find a flood of undocumented aliens coming here from neighboring countries, or if there is continued conflict in Central America, that has as much of an effect in terms of flow lines and what is happening in the border areas.

I was talking to a distinguished Congressman who represents the Laredo, TX, area yesterday. He pointed out that last year there was a 125-percent increase in undocumenteds that have actually come across their border. They estimate that 1 out of 3 gets in here. But there has been a dramatic increase and there has almost been a 100-percent increase in the flow, as there has been a 100-percent increase in the Border Patrol.

Mr. President, I yield to the chairman of the committee.

Mr. SIMPSON. Mr. President, again a thoughtful review of a tough part of the bill, legalization; something I am very committed to, very much so, and I have been. It is a key to the operation.

I ought to perhaps refer to it as the four-legged stool. I remember the phrase about the three-legged stool, which is now with the fourth leg, which is employer sanctions, together with the other 3: some kind of verification process, increased and appropriate enforcement at our borders internally, and legalization.

So my problem with this amendment—and I speak against the amendment—is this: If legalization is going to occur before we have effective law enforcement in place and before that is achieved, then it is my feeling—and studies disclose—that the illegal population will immediately begin to grow again.

This will create only additional pressures for additional legalization. That is the problem.

These periodic legalizations then, in effect, would be almost a continuing repeal of the U.S. immigration laws. That is exactly what I see could occur.

Legalization in the absence of more effective enforcement is very likely to increase the illegal flow.

It was interesting as the Select Commission discussed setting a legalization date. We kept that confidential for a time when we picked January 1, 1980, as we did in the Select Commission, because we knew when people heard about a date, there would be a crush, a flow across the border saying, "Wait a minute, when did they set that date? When was that?"

If there are any kind of communications procedures that outdo Ma Bell or drums or smoke signals or anything else, it is what is going on in the United States with immigration. People here are seeking to get their relatives here, especially those who have been standing in line. That is how it works. That is why there are so many illegals in the issue when there are so many legals standing in line. That is why legalization must be done.

Legalization and the absence of effective enforcement is going to increase this flow.

Let me quote one sentence from the select commission report:

> Without more effective enforcement than the United States has had in the past, the legalization could serve as a stimulus to further illegal entry, and the select commission is opposed to any program that could precipitate such movement.

Public opinion rebels against amnesty. That is unfortunate. It became the center of a political campaign in Texas last year. That was unfortunate; 35-percent support versus 55-percent against, according to a November 1984 Gallup poll. That is sad.

An amendment to delete legalization entirely failed by only 38 votes in the U.S. House last year.

If we are going to enact legislation, we must be able to assure our constituents that we have effectively addressed the problem of illegal immigration, and that is the need that led to legalization in the first place. The Commission did set January 1, 1980, because they wanted a date that was before public discussion of the legalization beginning.

Again, the Select Commission stated, "The Commission does not want to reward undocumented, illegal aliens who may have come to the United States in part at least because of recent discussions about legalization."

The full Senate in the 98th Congress and the Senate Judiciary Committee this year rejected an attempt to advance this date beyond January 1, 1980. Moving up that date by 1 year would add hundreds of thousands more to the program. They would be those who had formed the least ties to the United States, who have acquired the fewest equities, and who have entered ahead of those abroad who have waited so long to legally enter.

Increasing the date upward would increase the financial stakes on States and localities. They certainly have an interest in this business.

Under the CBO estimate, the increased cost would be $100 million to $200 million per year.

With that, Mr. President, I would say that there is one dangling thread here. Some critics claim that the triggering of legalization will expose ineligible, illegal aliens to additional exploitation before legalization is triggered. I do respectfully reject those arguments on very brief grounds.

The real exploitation in America will occur if we do nothing. That is what will occur in America. The real exploitation will occur if we do not achieve effective enforcement. If legalization draws in new surges of illegal aliens, then we have a whole new generation of exploited aliens who come here to stay.

The bill does not penalize current employers of illegal aliens, but, rather, those who hire illegals after the bill is enacted. Mr. President, I hope you hear that carefully.

The bill does not penalize current employers of illegal aliens but, rather, those who hire illegals after the bill is enacted, new hires.

The Legalization Commission under S. 1200 is not required in any way to certify that employer sanctions and increased enforcement are somehow actually reducing illegal immigration; only that the enforcement mechanisms are in place, receiving adequate funding from this Congress, and it appearing that legalization will not be a stimulus for new illegal immigration. Thus, legalization will be triggered before the enforcement measures really start clamping down.

With that, Mr. President, I remain totally committed to a legalization program. That is why there was an agreement in the Judiciary Committee to start the legalization within 3 years if the Commission does not report any sooner, or terminate the Legalization Commission, which includes persons appointed by the President pro tempore of the Senate and the Speaker of the House, all of whom must be totally committed to the concept of legalization. I hope it will be much sooner than that. The reason for it is that we must have the enforcement properly in place or we will create a new surge. That is my concern and that is why I speak against the amendment.

MOTION TO RECONSIDER

Mr. KENNEDY. Mr. President, I move to reconsider the Hatch amendment.

Mr. SIMON. Mr. President, I move to lay that motion on the table.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EVANS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I would like to withdraw my motion to lay on the table.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is not in order while there is another amendment pending, and there is an amendment pending.

Mr. KENNEDY. Mr. President, I have outlined the differences between what is in the pending legislation and the amendment which I offered.

We have accepted, in the last's year bill, the concept of simultaneous enforcement and legalization.

If this legislation is enacted, all we are asking is that we keep both of those parts of the framework in tandem. If the amendment that I offer is accepted, both of those parts will be kept in tandem. I think it is important that we do that rather than referring this whole issue to a commission that is going to be guided by the word "curtail"—as well intentioned as those commisisoners may be. So I hope, Mr. President, that we would move toward accepting this amendment. It represents the compromise between the House and the Senate in the conference committee last October. Last year it was accepted by the Senator from Wyoming. So it seems to me that if it was good enough last fall on the basis of the merits, it ought to be good enough for us to be willing to accept it today.

Mr. SIMON. Will the Senator from Massachusetts yield?

Mr. KENNEDY. I would be glad to yield.

Mr. SIMON. I would just add that when Commissioner Nelson appeared before us, I asked him whether his statement of 2 years ago that they could move immediately on legalization was still valid, he said they could, they are ready to go on it. It just seems to me the Senator's amendment makes eminent good sense. I hope it will be adopted by the Senate.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there further debate? If not, the question is on agreeing to the amendment of the Senator from Massachusetts. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. GARN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 26, nays 65, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—26

Bentsen	Glenn	Levin
Biden	Gore	Matsunaga
Bingaman	Harkin	Melcher
Bradley	Hart	Metzenbaum
Cranston	Inouye	Pell
DeConcini	Kennedy	Rockefeller
Dixon	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Eagleton	Leahy	

NAYS—65

Abdnor	Hatch	Nunn
Andrews	Hatfield	Packwood
Armstrong	Hawkins	Pressler
Baucus	Hecht	Proxmire
Boren	Heflin	Quayle
Boschwitz	Heinz	Riegle
Bumpers	Helms	Roth
Burdick	Hollings	Rudman
Byrd	Humphrey	Sasser
Chafee	Johnston	Simpson
Chiles	Kasten	Specter
D'Amato	Laxalt	Stennis
Danforth	Long	Stevens
Denton	Lugar	Symms
Domenici	Mathias	Thurmond
Durenberger	Mattingly	Trible
Evans	McClure	Wallop
Exon	McConnell	Warner
Goldwater	Mitchell	Weicker
Gorton	Moynihan	Wilson
Gramm	Murkowski	Zorinsky
Grassley	Nickles	

NOT VOTING—9

Cochran	East	Kassebaum
Cohen	Ford	Pryor
Dole	Garn	Stafford

So the amendment (No. 605) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HART addressed the Chair.

Mr. SIMPSON. Mr. President, for the benefit of my colleagues—many of them asked about the schedule—let me try to assist or share some information as to what we are attempting to do in proceeding with this measure. I think the number of amendments is decreasing. Some have been taken care of, some have been withdrawn. So I think we can handle the business today—at least, that is still the intent of the minority manager and myself.

At this time, we will go to a colloquy, a very brief colloquy of Senator HATFIELD; then to Senator HART; then to Senator MCCLURE; which is the amendment with regard to search warrants; then to Senator CHILES; and then to Senator MOYNIHAN, which would be very swiftly taken; then a Metzenbaum amendment, a Simon amendment, or perhaps two, two other amendments that will be accepted, and we will proceed on that schedule.

Mr. LEVIN. Mr. President, as my friend knows there also will be an amendment that I will offer plus a colloquy which I think we are still trying to work up. That amendment may or may not be acceptable. We do not yet know. I do want to be on that list.

Mr. SIMPSON. May I ask my colleague and friend from Michigan if that is the amendment with regard to the northern border activities, or is there to be a colloquy also?

Mr. LEVIN. The colloquy relates to the northern border. The amendment relates to the question of legalization.

Mr. SIMPSON. Which is the subject of a discussion we are now having about a colloquy perhaps to supplant that.

Mr. LEVIN. No, I do not think that will supplant the amendment.

Mr. SIMPSON. I see.

Mr. LEVIN. The Hart amendment which is going to be offered is not a substitute for the amendment that the Senator from Wyoming and I spoke about this morning.

Mr. SIMPSON. I thank the Senator from Michigan.

With that, I recognize the Senator from Oregon for that colloquy or the beginning of it.

Is he prepared to do that or shall I go to Senator HART first.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. I thank the Chair.

AMENDMENT NO. 606

Mr. HART. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Colorado [Mr. HART] for himself and Mr. LEVIN proposes an amendment numbered 606.

Mr. HART. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 13, line 4, before the period insert "and unfair immigration-related employment practices".

Page 13, line 7, strike out "section" and insert in lieu thereof "sections".

Page 33, line 12, strike out all that follows the first period.

Page 33, after line 12, insert the following:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR IMMIGRATION STATUS.—

"(1) GENERAL RULE.—It is unfair immigration-related employment practice for a person or other entity to engage in a pattern or practice of discrimination against individuals (other than unauthorized aliens, described in section 274A(h)(2)) with respect to the hiring, or recruitment or referral for a fee, of individuals for employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of their status as United States citizens, as aliens admitted for permanent residence, as aliens admitted as refugees, as aliens granted asylum, or as aliens with lawful temporary resident status granted under section 202 of the Immigration Reform and Control Act of 1985.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees,

"(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964, or

"(C) discrimination under paragraph (1)(B) which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.

"(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term 'citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is granted lawful temporary resident status under section 202 of the Immigration Reform and Control Act of 1985, and

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section.

"(b) COMPLAINTS OF VIOLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The person filing a charge shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days. The Special Counsel shall notify each complainant of the notice required under the previous sentence.

"(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, and no charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection. The previous sentence shall not apply where a charge has been mistakenly filed and has been withdrawn.

"(c) SPECIAL COUNSEL.—

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice, but outside the Immigration and Naturalization Service, to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before immigration judges and the exercise of certain functions under subsection (i)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(5) STAFFING OF OFFICE OF SPECIAL COUNSEL.—In providing staffing for the Special Counsel, the Attorney General shall take into consideration the volume of charges filed with the Special Counsel under this section, as well as the complexity of those charges and the need for the conduct of investigations under the second sentence of subsection (d)(1).

"(d) INVESTIGATION OF COMPLAINTS.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 90 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS WHERE A PATTERN OR PRACTICE VIOLATION.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges a pattern or practice of discriminatory activity, has not filed a complaint before an immigration judge with respect to such charge within such 90-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel and the service of a copy thereof upon the person or entity against whom such charge is made. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an immigration judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) CONDUCT OF HEARINGS.—Hearings on complaints under this subsection shall be considered before immigration judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a full party to any complaint before an immigration judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the immigration judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF IMMIGRATION JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and immigration judges shall have reasonable access to examine evidence of any person or entity being investigated. The immigration judges by subpena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpena lawfully issued under this paragraph and upon application of the immigration judge, an appropriate district court of the United States may issue an order requiring compliance with such subpena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The immigration judge shall issue and cause to be served on the parties to the proceeding an order.

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the testimony taken, an immigration judge determines that that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practices.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(6), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the filing of a charge with an immigration judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals aggrieved against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to him of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment without reference to the practices of, or under the control of, or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the testimony taken an immigration judge determines that the person or entity named in the complaint has engaged or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEY'S FEES.—In amy complaint respecting an unfair immigration-related employment practice, an immigration judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee.

"(i) JUDICIAL REVIEW PROCEDURES.—

"(1) MODIFICATION OF FINDINGS OR ORDERS PRIOR TO FILING RECORD IN COURT.—Until the record in a case is filed in a court under this subsection, an immigration judge may at any time upon reasonable notice and in such manner as the judge deems proper, modify or set aside, in whole or in part, any finding or order made or issued by the judge.

"(2) PETITION OF COURT FOR ENFORCEMENT OF ORDER, PROCEEDINGS, REVIEW OF JUDGMENT.—The special Counsel may petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair immigration-related employment practice in question occurred or wherein such person resides or transacts business, for the enforcement of the order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceedings and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the immigration judge. No objection that has not been urged before the judge shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the judge with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the judge, the court may order such additional evidence to be taken before the judge and to be made a part of the record. The immigration judge may modify his findings as to the facts, or make new findings by reason of additional evidence so taken and filed, and the judge shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file his recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if applications was made to the district court, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) REVIEW OF FINAL ORDER ON PETITION TO COURT.—Any person aggrieved by a final order of an immigration judge under this section granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals in the circuit wherein the unfair immigration-related employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such a court a written petition praying that the order of the immigration judge be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the immigration judge, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the judge, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Special Counsel under paragraph (2), and shall have the same jurisdiction to grant to the aggrieved party such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a

decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the judge, the findings of the judge with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"(4) INSTITUTION OF COURT PROCEEDINGS AS STAY OF JUDGE'S ORDER.—The commencement of proceedings under this subsection shall not, unless specifically ordered by the court, operate as a stay of the immigration judge's order.

"(5) INJUNCTIONS.—The Special Counsel may, upon issuance of a complaint under this section charging that a person has engaged or is engaging in an unfair immigration-related employment practice, to petition any United States district court, within any district wherein the unfair immigration-related employment practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon such have jurisdiction to grant to the Special Counsel such temporary relief or restraining order as it deems just and proper.

"(6) AWARDING OF ATTORNEY'S FEES.—In any proceeding under this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs.".

Mr. HART. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon for the purposes of offering an amendment or making a statement without losing my right to the floor in the sequence of consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, first, I thank the Senator from Colorado, Senator HART, for his kindness in yielding to me for the purpose of making a brief statement and in accommodating my particular schedule.

Mr. President, I express very great appreciation to the Senator from Wyoming, the chairman of the subcommittee, Senator SIMPSON, and also the managers of the bill and other members of that committee, for incorporating a number of changes in the employment verification system in order to assure the citizens of this country that S. 1200 was not going to allow a "back-door" implementation of a national identification system.

Two years ago, I offered an amendment which granted Congress a "legislative veto" power over any Presidential proposal to implement a national ID card.

Section 121 of S. 1200 provides Congress with 2 years notice before any "major change" can be implemented. And it gives Congress a second look by requiring a specific appropriation for any major change in the system of identification established by this bill.

Mr. President, I would like Congress to consider that this is not just some minor point or some peculiar preoccupation on my part about a national ID card, because I think we are heading toward that with the Social Security card as a national identifier, because of the rapid technology that we are experiencing and because we are blindly, I believe, stumbling into a centralized governmental data bank.

Rapid technological change is allowing the power of government to grow silently and subtly, but I think the public is far more aware of this than many in Government realize because a 1984 Gallup poll showed that half of Americans believed that they have little or no privacy because our Government can learn anything it wants to about them.

Eighty-six percent said they feared Government will use confidential information for unauthorized purposes.

I believe those fears of the American public are entirely justified, for let us be mindful of the fact that the Federal Government today stores 4 billion files relating to individuals. HHS and Education have over 1 billion such files. Treasury has almost 1 billion. Justice has 200 million, and the Selective Service has 11 million.

The average American today has 18 to 20 files held on him or her by the Government. His or her name will appear in an estimated 39 governmental databanks.

The Social Security number has become precisely what the system's founders swore it would never be, a national identification card.

Seventy percent of the States use the Social Security number for driver's licensing purposes. Many States use the Social Security number as the identifier for criminal records shared with the FBI, or for even high school recordkeeping purposes.

Depending on where you live, Social Security numbers have been required to give blood, cash a check, obtain a library card, install a telephone, or attend a party at the White House.

In this Congress, I will introduce legislation requiring private industry to inform the individual whether Social Security number disclosure is mandatory or voluntary under the law. Today, not even this minimal protection exists.

There was much ado last year about Orwell's vision in "1984". I think George Orwell missed the mark—Big Brother Government has a twin: Big Business.

Today, people do not realize that there are 150 million credit information files—data on more than half the U.S. population; hundreds of millions of files held by the medical profession, insurance companies, consumer groups, and personnel files of corporations.

More than half of the American labor force is now employed in occupations related in some way to gathering, storing, processing, interpreting, or disseminating information.

We have all heard that the economy is really shifting from an industrial base to an information society.

But let us be mindful that the threat to individuals from technological encroachments by corporate forces is greater because business operates under fewer constitutional restrictions.

What might happen to all of the interconnected databanks of corporations when the Government finds a compelling purpose to access those files?

Let me emphasize that already the Government is arranging to access credit files to find tax evaders. What happens when the Government's request for computer information is wrapped in the flag of national security?

I might also point out that technology is being used here to cover up for the Government's failure to have in place an enforceable tax system.

Mr. President, the relentless march of technology is outpacing our ability to legislate protective safeguards. Again, we must ask ourselves that second question: Are today's technological changes setting the stage for greater governmental power, and, if so, what are we doing about it?

This is really, I think, the fundamental issue and why I think it is so important that the committee under the leadership of Senator SIMPSON, Senator KENNEDY, and others, has really rendered a very important service to our people by incorporating this action in their section of this bill. I commend them for it.

But that does not solve the entire problem, and I will speak more to that at a later date when I introduce specific legislation curtailing the uses of the Social Security number, and improving the privacy protections.

So I shall ask my colleague from Wyoming, the manager of the bill and the chairman of the Subcommittee on Immigration and Refugee Policy, to engage in a colloquy with me on the intentions of Congress with respect to the provisions in S. 1200 pertaining to the employment verification system.

Subsection c of section 121 of the bill involves the regulation of changes in the employment verification system. I am concerned that the language in this subsection could be used to implement a national identification card system, and therefore I have a few questions for my good friend from Wyoming.

First, it is the intention of the committee that the Social Security card, by the enactment of S. 1200, is to be a national ID card? Will the administration be permitted to propose an expanded use of the Social Security card

without complying with the 2-year notice requirement of (A)(ii)?

Mr. SIMPSON. Let me make clear to my esteemed colleague from Oregon that this committee does not intend to institute a national ID card through the enactment of this legislation. The language of S. 1200 does permit the formulation of a counterfeit-resistant Social Security card but it does not authorize any expanded use of the Social Security card other than as specified in the bill in "Documents Evidencing Employment Authorization" section. Numerous experts and committees have concluded that the Social Security card in its present state is easily counterfeitable and needs to be improved. This bill allows that. But this bill does not in any way expand the permissible uses of the Social Security card number other than allowing it to be one of the documents which may be used to evidence employment authorization for purposes of determining employment eligibility.

Mr. HATFIELD. I thank my friend. My second question involves the institution of demonstration projects permitting the use of a telephone verification system. I have read the language of S. 1200 and I am assured that the President may not institute such a system without complying with the 2-year notice clause.

Mr. SIMPSON. The President could only undertake limited demonstration projects relating to such a system. Furthermore, such a demonstration project could last no longer than 3 years.

Mr. HATFIELD. Would my colleague tell me whether the language permitting the institution of demonstration projects allows the President to broadly grant demonstration projects which would in effect institute a telephone verification system, while side-stepping the 2-year notice requirement?

Mr. SIMPSON. No it does not.

Mr. HATFIELD. And the demonstration projects which might institute a temporary telephone verification system, limited in scope and effect, would still be subject to the privacy of information requirements of the bill?

Mr. SIMPSON. My friend from Oregon is absolutely right. In fact, all of the provisions of S. 1200 fall within the protection of the Privacy Act of 1974, as amended.

Mr. HATFIELD. I have one more question for my friend from Wyoming. He was very gracious in the drafting of S. 1200 to accommodate one of my major concerns; namely, that the President could not implement major changes in the system of identification authorized by this bill without those changes being specifically funded through an appropriations measure. I read (C)(ii) of subsection (c) as stating that no major change may be implemented unless Congress specifically provides appropriations for that change. Am I correct in saying that the executive branch of Government could not institute a major change as defined by S. 1200 without a specific line appropriation?

Mr. SIMPSON. Let me respond to the Senator this way: The committee does not intend to allow the executive branch, through the transfer of funds from one account to the next, or through the use of funds appropriated for general administration purposes, to implement a major change. Each appropriations committee will have an opportunity to specifically consider the level of appropriations for any major change proposed by the President.

Mr. HATFIELD. Mr. President, the Senator from Wyoming has satisfied my concerns and I have no further questions. Senator SIMPSON has been a defender of the individual's liberty and privacy throughout his years as a practicing lawyer and his years in public service, and he has struck a fair balance between those rights and the need for an enforceable worker employment verification system.

Mr. President, I thank the Senator from Colorado again for his kindness in giving me this window in this afternoon's schedule.

Mr. HART. Mr. President, I appreciate the remarks of the Senator from Oregon, and it was indeed my honor to accommodate his very busy schedule.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is the pending business the amendment laid before the Senate by the Senator from Colorado?

The PRESIDING OFFICER. Yes, it is.

Mr. HART. I thank the Chair.

Mr. CRANSTON. Mr. President, I share very deeply the concerns expressed by the distinguished Senator from Oregon [Mr. HATFIELD] and I associate myself with his statement.

I would dissent at only one point.

I know the committee has tried hard to eliminate the risk and fear of a legislative and administrative process leading to national identity cards or internal passports.

This bill is free of imminent danger in that regard, but it is a first step in that direction.

I remain deeply concerned that because I continue to believe that the procedures in this bill will not work, cannot work, and will not solve our immigration problems, Congress will come back and take the next step, and the next, until the threat that the Senator from Oregon and I, and others, fear the most—interference with the personal freedom of our citizens to work and travel freely in our society, will materialize.

The use of employer sanctions as a vehicle to enforce immigration laws is the critical first step.

I hope that the step will never be taken.

The "discretionary" employer sanctions in this bill will inevitably invite employment discrimination, but they will not be effective to deter illegal immigration.

Those employers who depend on them will not, under the sanctions in this bill, stop hiring them.

Employers will be burdened, but the sanctions are not strict enough to be effective.

Only by increasing the burdens on employers can the sanctions be made more effective.

I am not suggesting this.

I am merely pointing out one of the internal problems of this bill.

Without an identity card, it will be impossible for employers to comply with the provisions of the bill. There are, and I have elsewhere suggested, alternative means of discouraging illegal immigration.

Mr. HART. Mr. President, during consideration of the immigration legislation during the 98th Congress, together with Senator LEVIN I offered an amendment dealing with "alienage discrimination." The amendment is premised upon widespread concern regarding employer sanctions. These sanctions, I am certain, are not included with the intent of producing discrimination against Hispanics, or, indeed, any other minorities, for that matter, and resident aliens.

But a side effect of the sanctions may well be discrimination against individuals qualified by law to work, but who are unjustly prevented from doing so.

How would such discrimination be manifested?

Employers fearful of sanctions will discriminate against individuals by:

Refusing to hire resident aliens authorized to work;

Preferring citizens in the hiring process;

Forcing noncitizens to verify status with INS before considering applications.

Is it inconceivable that such unintended discrimination will occur? Of course not.

First, there is a climate of fear and ignorance in certain sections of this country about noncitizens. There does seem to be a general association of the problem of illegal immigration with resident aliens despite their having arrived in this country legally.

Second, employers do not understand the complexities of immigration law. They have:

Erroneously believed that prior bills became law, they did not. Yet, discrimination against resident aliens occurred;

They have erroneously believed that Simpson-Mazzoli applied to current hires;

They have refused to recognize valid work authorizations of all kinds, from temporary permits to green cards they thought had to be green;

Third, we have the problem of faulty INS recordkeeping. INS records are woefully incomplete for recent and long-term aliens. Worse, INS takes weeks, and sometimes months, to resolve errors which exist.

Now, the sponsors of the pending legislation may argue that recordkeeping provisions providing good faith safeguards on compliance gives the employer an affirmative defense.

That may be true, but this defense helps the employer, not the job applicant.

Employers will discriminate to avoid sanctions altogether rather than trust the workings of the good faith safeguards in the context of litigation.

To avoid these problems, the Senator from Michigan and the Senator from Colorado believe the bill should be amended. Additional language should provide what existing laws and safeguards do not: protection against discrimination on the basis of alienage.

Title VII does not cover alienage discrimination.

Section 1981 of the Civil Rights Act of 1866 is not a trustworthy guardian of alien rights.

The law does not prevent State and local governments from discrimination against aliens under the political community exception to traditional strict scrutiny under equal protection.

I ask unanimous consent that a Congressional Research Service memorandum of law detailing these deficiencies be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 15, 1985.

From: American Law Division.

Subject: Comments on Legal Issues Raised by Draft of Staff Report on "Alienage Discrimination in Employment and Age Discrimination Agencies."

Reference is made to the inquiry made relative to the above. Specifically, your staff asked that we review a copy of the aforementioned draft report, prepared by the staff of the Subcommittee on Immigration and Refugee Policy, and provide our written comments on the legal issues raised there. Basically, that report surveys current federal law and court decisions with respect to the prohibition of discrimination based upon an individual's alienage or non-citizenship status, the history of past attempts to include protections against such discrimination in the federal civil rights laws, and the opinions of selected experts as to the prevalence of alienage discrimination in our society. Based on its finding and analysis, the staff report makes the following general conclusions:

(1) "There is significant coverage of alienage discrimination under current law; (2) there is very little evidence that alienage discrimination occurs with any frequency, nor is it commonly held that employer sanctions will cause such discrimination to occur; and (3) there is nearly universal opposition among employment discrimination experts to creating a new anti-discrimination agency."

This memorandum will examine the case law and related legal analysis that form the basis for the staff report's conclusion in (1) above. Because almost wholly founded on opinions revealed by staff interviews with scholars and others working in the employment field, the empirical and policy underpinnings for the conclusion in (2) and (3) above are beyond the scope of these comments.

The draft report correctly observes that under Title VII of the 1964 Civil Rights Act,[1] "alienage" is "not . . . one of the prohibited forms of employment discrimination." It also notes that in *Espinoza* v. *Farah Manufacturing Co.*,[2] the Supreme Court refused to equate "alienage" with "national origin" discrimination, which is covered, except in those circumstances where "discrimination on the basis of citizenship . . . has the purpose or effect of discrimination on the basis of national origin." Consequently, Title VII may be of rather limited utility in combatting alienage discrimination in employment.[3]

The report, however, finds that there is "significant federal statutory and case law" banning alienage discrimination under, among others, the Civil Rights Act of 1866. As currently codified at 42 U.S.C. 1981, that law in relevant part secures to "all persons . . . the same right . . . to make and enforce contracts . . . as white persons." First enacted in 1866 to enforce the anti-slavery ban of the Thirteenth Amendment, only to be re-enacted in 1870 following ratification of the Fourteenth Amendment, § 1981 has most often been applied in modern times as a remedy for racial discrimination in contracts of employment, public and private. In *McDonald Douglas* v. *Santa Fe Trail Transportation Co.*,[4] the U.S. Supreme Court affirmed that § 1981 was intended "to proscribe discrimination in the making and enforcement of contracts against, or in favor of, any race." Less well settled, however, is the extent to which the Act provides a safeguard against discrimination on nonracial grounds.[5]

The staff report cites the Fifth Circuit decision in *Guerra* v. *Manchester Terminal Corp.*[6] for the proposition that "an employment practice which discriminate(s) on the basis of citizenship (is) prohibited by section 1981," and indeed this appears to be the highest court to so hold. While representing a possible majority view, a number of courts have held to the contrary, finding racial animus a necessary predicate to § 1981 action, and the issue would seem unsettled at best. The courts, moreover, have most often sustained challenges to alienage discrimination in state employment.[7] There is less consensus, however, as to the legal status of discrimination against aliens by private parties. In *De Malherbe* v. *International Union of Elevator Constr.*[8] the court, noting that the protection of aliens stems from the 1870 re-enactment of that statute under authority of the Fourteenth Amendment, concluded that state action was required. Similarly in *Ben Yakir* v. *Gaylinn Associated, Inc.*,[9] the district court dismissed a § 1981 alienage discrimination claim by an Israeli citizen, stating that "this court has decided on several occasions that claims under section 1981 that attack private acts must allege racial discrimination."[10]

Schlei & Grossman,[11] on whom the staff report relies for its conclusions as to the adequacy of the § 1981 remedy, do not appear totally sanguine in their views on the subject. "The major drawbacks for plaintiffs if they are required to enforce their rights under § 1981 are the absence of any administrative remedy, the more stringent proof requirements, and possible statute of limitations problems. Furthermore, § 1981 might provide protection only to persons who can claim that the nature of discrimination was based on racial or color characteristics."[12]

Mr. HART. Mr. President, the legislation must be amended to remedy this deficiency in current law.

The Senator from Colorado, along with the Senator from Michigan, offered an amendment regarding alienage discrimination when the immigration bill was considered by the Senate in 1983. Although our proposal was not adopted, a similar amendment was adopted by the House on a 404-to-9 vote. When the conference report died last year, Senator SIMPSON recommended a hearing on alienage discrimination prior to the passage of a new bill in the 99th Congress.

It is the understanding of the Senator from Colorado that such a hearing was scheduled for the upcoming day or the upcoming week or two. It now

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[1] 42 U.S.C. 2000e *et seq.*

[2] 414 U.S. 86 (1973).

[3] One commentator, in discussing EEOC guidelines incorporating the *Espinoza* standards, put the matter thusly:

"A little reflection will indicate that this . . . in practice adds almost nothing to the general rule of nondiscrimination on basis of national origin. If the 'purpose' is national origin discrimination, the case is made with or without the alienage component. Similarly if a case can be made, by statistics or otherwise, that the 'effect' of an employer's citizenship requirement is to exclude a disparate proportion of Mexican-Americans, the same statistics would undoubtedly support a charge based on national origin discrimination as such, quite apart from the citizenship element. Accordingly, it is perhaps not surprising that no cases seem to have appeared since Espinoza and the revision of the guidelines in which a citizenship requirement has been relied upon by a plaintiff, on the theory that it was a pretext for national origin discrimination. Larson, *Employment Discrimination*, vol. 3, § 97.20 (Matthew Bender & Co. 1984)."

[4] 427 U.S. 273 (1976). *Johnson* v. *Railway Express Agency Inc.*, 421 U.S. 454 (1975).

[5] See, e.g., Schlei & Grossman, *Employment Discrimination Law*, pp. 675-8 (1983).

[6] 498 F.2d 641 (5th Cir. 1974).

[7] E.g., *Dougall* b. *Sugarman*, 339 F. Supp. 609 (S.D.N.Y. 1971), aff'd on other grounds, 413 U.S. 634 (1973); *Chavez-Salido* v. *Cabell*, 427 F. Supp. 158 (C.D. Cal. 1977), vacated and remanded on other grounds, 436 U.S. 901 (1978). Contra, *Cabell*, v. *Chavez Salido*, 454 U.S. 432 (1982).

[8] 438 F. Supp. 1121 (N.D. Cal. 1977).

[9] 535 F. Supp. 543 (S.D. N.Y. 1982).

[10] Cf., *Shah* v. *Mt. Zion Hospital & Medical Centers*, 642 F.2d 268, 272 n. 4 (9th Cir. 1981).

[11] *Supra*, note .

[12] *Id.*, at 325.

appears, as the Senator from Colorado understands, that even that hearing may have now been postponed. The problem is this: The hearing to deal with alienage discrimination will occur after the Senate completes action on the bill. This is why the Senator from Michigan and the Senator from Colorado are raising this issue at this time.

An administrative framework should be provided for litigating claims of discrimination on the basis of alienage. This framework would expand the authority of existing immigration judges and attorneys in the Justice Department.

The examples of discrimination against Hispanics, refugees, resident aliens, and others are known and well documented. The continuing problems with INS records are understood. The difficulties which employers have with understanding their obligations under existing imigration laws are legion. With the provision on employer sanctions contained in the pending bill, these problems will only grow worse.

The amendment which we are offering today is designed to focus public attention on this issue. It will offer our colleagues an opportunity to consider some of the issues which should be covered during the hearing next week. And, it will enable the Senator from Wyoming to discuss further how this issue might be handled.

First, the amendment bars unfair immigration related employment practices against individuals on the basis of their national origin or status as a U.S. citizen, permanent resident, refugee, asylee, or legalized temporary resident.

Second, the amendment establishes an Office of Special Counsel to investigate charges of discrimination based on the claimant's immigration status.

Third, the amendment empowers immigration judges to issue cease and desist orders if the judge determines that an employer is engaging in an unfair immigration-related practice.

This amendment does not establish a new bureacracy. The Special Counsel will be located in the Department of Justice.

The process is not open-ended. The amendment provides for a 90-day period for the Special Counsel to take action.

There will be no overlap between the Special Counsel and the EEOC. An individual will have the option of filing a claim with the EEOC or the Special Counsel, but not the ability to file before both, concurrently.

Discrimination against individuals on the basis of national origin does exist. The record is replete with examples, under current law, of firms "playing it safe" by checking only Hispanics for proof of work authorization. Playing it safe by refusing to hire Hispanics or other minorities. Playing it safe by checking Latinos for green cards. That, Mr. President, is not right. And the presence of employer sanctions can only make this situation worse.

Mr. President, this issue is important. It is, in fact, fundamental. And it is, in fact, one of constitutional rights and of civil liberties. It is a question of justice for people who are vulnerable to indignities and discrimination which the majority of Americans will never know.

In earlier debate, the Senator from Wyoming evinced some interest in working this problem out. I would appreciate hearing his reaction to the proposal of the Senator from Colorado and the Senator from Michigan on what we believe and many outside this Chamber believe to be one of the most serious problems that this legislation contains.

Mr. LEVIN. Mr. President, first I wish to commend my friend from Colorado and associate myself with his remarks.

As our friend, the chairman of the Subcommittee on Immigration, knows, I have been concerned about the possibility that employer sanctions will result in discrimination against legal aliens and American citizens. I entered into a brief colloquy with the chairman and the majority leader on Tuesday evening in which they agreed that the issue of discrimination is an important part of the issue of immigration reform and that the issue should be addressed by the Senate before the conference on any immigration bill begins.

Those of us who are concerned about this issue had requested that a hearing be held on employer discrimination. The chairman has agreed to hold a joint hearing with the House on the issue of employment discrimination. The joint hearing will provide a record in debuting this issue and determining the best apparatus for addressing the discrimination problem created by this bill. Senator HART and I and others who requested the hearing had hoped that the hearing would take place before the Senate considered S. 1200. In light of the fact that we are now moving forward on S. 1200, it is important that a legislative record be established in the Senate which reflects the importance of this issue and our intention to further pursue a legislative remedy after the joint hearing.

Mr. President, two types of discrimination may result from employer sanctions. First, employers seeking to avoid the consequences of hiring illegal aliens may simply refuse to hire foreign looking or foreign speaking persons. This type of discrimination—discrimination based really on national origin—is already covered by title VII of the 1964 Civil Rights Act which prohibits discrimination on the basis of national origin. There are, however, a number of major gaps in title VII coverage. As a result of these gaps in coverage, the potential for discrimination against foreign-looking persons which arises under this bill will not often be remediable. This is because title VII does not cover discrimination by employers who hire less than 15 workers and title VII does not cover discrimination for those hired for less than 20 weeks, which excludes most agricultural workers. Thus, title VII does not adequately protect those persons who may be discriminated against as a result of the employer sanctions established in S. 1200.

Second, prospective employees may be discriminated against on the basis of their alienage as a result of the employer sanctions provisions in S. 1200. Because the bill makes it unlawful to knowingly hire illegal aliens, employers may simply refuse to hire persons who are not U.S. citizens, although they are legally in the United States. While the bill establishes an affirmative defense to the charge of unlawfully hiring an illegal alien if the employer verifies that the employee is not an illegal alien, many employers may find it safer and easier to adopt a policy of refusing to hire persons who are nor U.S. citizens, although those persons are legally in the United States.

Mr. President, title VII does not prohibit discrimination based on alienage. In 1983, at Senator HART's request, the American Law Division of the Library of Congress prepared an analysis of the existing protections against discrimination based on alienage. In the analysis, Charles V. Dale stated:

> Another potential limitation on the effectiveness of a title VII remedy in the present context may be the Supreme Court ruling in *Espinoza* v. *Farah Manufacturing Co., Inc.* Although title VII renders national original an unlawful basis of discrimination, the Farah Court declined to find congressional intent to make discrimination against aliens in private employment unlawful. In a suit against an employer for failure to hire a Mexican citizen solely because of her alien status, the court unqualifiedly held that employment discrimination based on non-citizenship is not covered by title VII.

Mr. President, there is a need to provide some mechanism which will allow persons who are discriminated against by employers as a result of employer sanctions to obtain redress. The Senator from Wyoming has said that the issue of discrimination based on alienage is a "vexing, puzzling" one. I agree. The complexity of this issue should not prevent us from finding a legislative solution to any new discrimination which might develop as a result of employer sanctions before final approval of this legislation by the Congress.

The joint hearing to be held on the issue of employment discrimination will provide us with the detailed information we need.

Under an agreement reached Tuesday night between the majority leader

and the floor manager, we will be able, as a practical matter, to pursue this matter legislatively after the hearing and before any conference occurs with the House on immigration legislation. That is as it should be, because we cannot, in good conscience, finally approve legislation which imposes sanctions on employers for hiring illegal aliens without also providing remedies for those people we want to protect, who are discriminated against as a result.

Again, I congratulate my friend from Colorado for his leadership in this issue, his determination that we find a way of resolving it in a way that will help us do so successfully and effectively and not be counterproductive to our cause. That is what he is about here this afternoon, and I congratulate him on that strategy.

Mr. President, I ask unanimous consent that a letter from the Mexican American Legal Defense and Educational Fund to Senator SIMPSON regarding employment related discrimination be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MALDEF,
Washington, DC, July 16, 1985.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Please accept for your consideration this report and analysis on alienage discrimination in employment. This report carefully examines the extent (or lack) of protections to remedy discrimination against persons legally admitted to the U.S. who are eligible to work, but who are not American citizens. It also sets out numerous examples of existing discrimination against legal resident aliens and why we believe employer sanctions will exacerbate this problem.

Not surprisingly, our conclusions differ from those reached by your staff in their report to the Judiciary Committee. The staff report, rather than resolving questions that could be addressed in a hearing, points out the need for a hearing. Let me summarize a few of our findings.

1. Title VII does not protect individuals against discrimination on the basis of alienage, unless it is a pretext for discrimination on the basis of national origin. *Espinoza* v. *Farah Manufacturing Co.*, 414 U.S. 86 (1973). On this point we agree with the Staff Report on Title VII's coverage, although we note that national origin discrimination protections will not adequately protect legal resident aliens from discriminatory practices.

2. There is a serious dispute among the federal circuits and legal scholars whether Section 1981 of the Civil Rights Act of 1866 protects persons from discrimination on the basis of alienage.

This findings contradict the findings of the Staff Report. The Staff Report concludes that Section 1981 provides a remedy against alienage discrimination, citing *Guerra* v. *Manchester Terminal Corp.*, 498 F.2d 641 (5th Cir. 1974). To be sure, MALDEF wishes such was the state of the law. Unfortunately, at least two circuits have rejected the *Guerra* analysis and hold § 1981 does not provide a remedy against alienage discrimination, *see DeMalherbe* v. *International Elevator Construction*, 438 F.Supp. 1121 (N.D.Cal. 1977).

However, it is interesting that your staff has concluded that *Guerra* settles the issue and provides a remedy against alienage discrimination, yet does not support codifying the *Guerra* holding to explicitly prohibit alienage discrimination.

In any event, the dispute between circuits and legal scholar makes the law unclear, this should be clarified with language making alienage discrimination unlawful.

3. The problem of alienage discrimination is a real problem and prevents legally admitted resident aliens from many employment opportunities. We present a number of examples in the enclosed report.

4. It is clear from the House debates and from the Conference Committee debates that there is a consensus that any employer sanctions provision must include some form of anti-discrimination measures. The extent of the discrimination problem, and the extent of the measures needed to remedy the problem must be examined fully in a hearing on the issue. You yourself cited the lack of hearings on the issue as the reason for your reluctance to agree to many of the anti-discrimination measures proposed by the House conferees. How can you now proceed to a markup without having held at least one day of hearings on the discrimination issue?

It is important to note the problem of discrimination is not a "Hispanic" problem. While most of the examples delineated in our report involve Hispanics, many other immigrant groups will face discrimination of different sorts as a result of S. 1200: Asians, Haitians, Israelis, Poles, Pakistans and others.

It is also important to note that alienage discrimination also affects persons with different kinds of legal statuses. Refugees legally admitted to the U.S. are eligible, and encouraged to work and support themselves. Persons who apply for legalization may be required to be employed to avoid exclusion under the "public charge" provision. Permanent resident aliens who have waited patiently for legal admittance should also be allowed full opportunities in the work place.

To create a law which will cause employers to scrutinize and reduce the employment of aliens without adequate protections from such discrimination is bad enough, but to proceed with such legislation and not even hold hearings on the discriminatory impact of the legislation and the extent of anti-discrimination protection is unfair.

I, therefore, ask that you carefully consider the analysis and conclusions of the report; and I again respectfully request that hearings or consultations be held on the issue of discrimination.

Respectfully submitted,
RICHARD P. FAJARDO,
Acting Associate Counsel.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, again that has been a thoughtful review of a tough and puzzling issue. I remember well the Hart-Levin amendment or the Levin-Hart amendment in the last debate on this issue. What we are talking about is a new set of machinery in the Federal Government, a set of machinery that was rejected in previous civil rights legislation. I think that is what people want to remember here. This is in essence, if I am not mistaken, and I ask the sponsors if I could be corrected, the Frank amendment or great parts of the Congressman Barney Frank amendment, my former colleague from Massachusetts. Is that not what is embodied here?

Mr. HART. My recollection of the sponsorship in the House is not quite clear, but it is the amendment passed overwhelmingly by the House.

Mr. SIMPSON. I thank my friend and neighbor from Colorado. It was presented to the House on the basis that it was an antidiscriminatory piece of legislation, and indeed it is. It passed overwhelmingly very late one evening after another significant vote that preceded it. That is the Hart-Levin amendment proposal.

I say to you that the machinery in it, and what it creates, a separate system within the Government, a separate agency, was rejected during the civil rights debates of the past or it would have been part of the civil rights laws of the present.

I have always resisted it on the basis that if we are going to do civil rights legislation, let us do it, but let us not do it on an immigration reform bill where now, especially with what Senator KENNEDY has proposed and I have agreed to, there is a remarkable assurance that discrimination will not take place.

Again, I want to be sure that everyone is hearing clearly what we are talking about. We are not talking about discrimination based upon color of skin or national origin. Those things have been covered so magnificently by Congress in the past and will in the future remain covered.

We are talking about the thing called discrimination based on alienage, which is puzzling to scholars, and so, in a sense, vague, that some of the great civil libertarians of both Houses of Congress have not even dealt with it in the past 20 years. That is what makes it such an extraordinary, puzzling issue.

To do it in an example form so that people really do understand what we are talking about is very simple: I am an employer and two people are standing before me for a job. One is a United States citizen and the other a Canadian with a green card allowing him to work in the United States. I pick the U.S. citizen. I am subjected to a suit through the machinery of my Government by the permanent resident alien on the basis that I have discriminated against him or her on the basis of their alienage.

I do not think the American people are ready to favorably consider that and its ramifications.

The other ramification is if you have a colony of permanent resident aliens who like to hire permanent resident aliens, they will no longer be able to do that. They must hire U.S. citizens.

That is why we are going to have a hearing on it—because it is absolutely necessary we have a hearing on it. That is going to be a joint hearing. Congressman MAZZOLI and I are going to hold that hearing. It is my understanding it has been set.

I wish it could have been done before we proceeded on this bill, but all of us who have legislated know that as these windows flop open and close in this curious arena, you grab the hook as it goes by. We are going to be on the farm bill and the Superfund, and so on. The immigration window opened and we proceeded.

I have assured my colleague for Michigan and I assure my colleague from Colorado that will have another window for presentation of their concerns after we review the transcript of that hearing—either a resolution, a sense-of-the-Senate resolution, or whatever may be required to address the issue of discrimination based on alienage. The proposed amendment deals with both national origin and alienage discrimination. The bill, especially as amended by Senator KENNEDY, offers extensive protection against national origin discrimination:

First, an employee who complies with the verification procedures is afforded an affirmative defense against the penalties.

Second, an employer who wishes to discriminate is still subject to the penalties of the Civil Rights Act of 1964.

Third, the bill requires GAO to monitor the implementation of employer sanctions and report on any discrimination.

Fourth, if a pattern of discrimination arises, an antidiscrimination task force must develop legislative recommendations that are reviewed by the Congress in 60 days.

The ultimate solution is the new antidiscrimination procedure: Special provisions to permit the Congress to act to repeal or amend employer sanctions in a 30-day expedited procedure.

Mr. HART. If the Senator will yield, by way of response, first, I hope and I am sure the Senator from Wyoming did not intend to say that he sensed that the American people were not ready to address this issue, that we as parliamentarians and political leaders should address it, so far as the situation with respect to civil liberties is concerned. We have taken an oath to address issues of that sort to protect even one individual if a constitutional right is in question. In this case, this amendment is designed to address constitutional rights. So I do not think the Senator from Wyoming would want to press hard the argument that he senses that the American people are not willing or prepared for us to face this issue. That is beside the point.

Second, at issue here is not the good will and intention of the Senator from Wyoming and the Senator from Massachusetts. In fact, if we all could be assured that every discrimination question under this bill would be addressed by a forum of Senator SIMPSON and Senator KENNEDY, I think we would be satisfied that questions of discrimination would be fairly judged and liberties would be guaranteed. But we are going to turn this bill over to an administration of nameless and faceless people who may not have the same good intentions as the Senator from Wyoming and the Senator from Massachusetts. So what their intentions are, in the long run, so far as the individual on the street is concerned who is looking for a job, will matter very little.

Finally, to say that this machinery was considered in civil rights legislation in the 1960's and was rejected is irrelevant, with all due respect, to the argument before us. During the civil rights debates, we were not discussing labor relations or employer sanctions. We are discussing them now. All civil rights issues for all time were not resolved in the 1960's. As we legislate the rights and interests of citizens and noncitizens for years to come, we will have to address civil rights problems.

Even though the machinery created by this bill, not a bureaucracy but a limited capability, might not have been accepted in the 1960's, it does not mean that it should not be accepted in the 1980's in conjunction with new legislation affecting civil rights and liberties of citizens and noncitizens in this country.

Mr. SIMPSON. Mr. President, I would only add that we have given to permanent resident aliens the right to work in this country, the right to be employed. That is our promise to them when we give them the card, and we must meet that commitment.

What I say again to the Senator is that the American people would have difficulty understanding why you cannot have the hiring of a U.S. citizen over a permanent resident alien. You may not agree with that, but I submit that that has some bearing out in the real world, which is very simply addressed to the constituents that the Senator and I know from the West. For example: "What do you mean, I can't hire a U.S. citizen over a permanent resident alien if I want to and not have the Government sue me?" That is what I am speaking of.

Mr. HART. This amendment does not prevent that.

Mr. SIMPSON. This amendment indeed leads to that, and I have a problem with that.

The issue is that you do have to hire a permanent resident alien who is entitled to work right next to a citizen, but you do not need an entirely new Special Counsel of the United States of America, an agency-sized bureaucracy, and that is exactly what this amendment proposes. It is a Special Counsel system that has been presented each time during the civil rights debates and has been rejected each time in the civil rights debates. That is what I want to express; that is what I want to make clear.

If we are talking about the civil rights of the United States and the status of civil rights problems, the most grievous one in the United States is having no legislation. The most grievous civil rights violations in the United States in this area are taking place because we have nothing on the books. It is legal to hire an illegal, but it is illegal for an illegal to work. That is the law of the United States.

There are 2 to 12 million human beings wandering around in a never-never land, who are afraid to go to a hospital, except for a birth, afraid to go to an employer because they will be bounced out on their can. They are left out of consideration each time we try to kill this legislation. So do not miss the whole issue on immigration reform.

Mr. HART. I am sure the Senator knows that those sponsoring this amendment are not trying to defeat this bill. If we were, we would be arguing against the bill, and we are not doing that.

We are not trying to prevent a situation in which an employer can hire a citizen in this country and not be sued in the process. We are trying to avoid a situation where an employer gives the sanctions automatically, dismisses a resident alien who is entitled to work, and particularly in situations where that resident alien is brown, black, or Asian.

The Senator has admitted that this is a problem. He does not like our solution, but we have not yet heard anything that is.

Mr. SIMPSON. We have a magnificant solution which was adopted earlier this morning, and I hope we can see the naked truth, and we will follow it closely, which is our job.

Mr. SIMON. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. SIMON. As the Senator knows, I am new to this field, and I have been struggling with it. We are in the unusual situation of voting on a bill now and having hearings on the question of discrimination after we vote on the bill.

Candidly, I do not know whether the Hart-Levin amendment is the right answer or the wrong answer. But if we do not have some kind of tool to deal with this when we go to conference,

we will be in an exceedingly awkward situation.

It seems to me that we ought to be putting something on the books here so that when we go to conference, we can deal with this issue. If we fail to do that, we are really ducking what I sense is a very fundamental problem.

I do not have good answers to the questions of the Senator from Wyoming. I do not know whether the Hart-Levin amendment provides good answers. I hope that in the hearing we will come up with some. But I do not want to see us go to conference saying this is not a problem and we are not going to do anything.

Mr. SIMPSON. Mr. President, I have watched the work of the Senator from Illinois, and we are pleased to have him on the subcommittee. What he says is very authentic, and I hear it that way.

I wish it could be handled differently, but in this situation it could not be.

I assure the Senator, and it is obvious, that we are going to have a joint hearing on the issue of discrimination based on alienage. When we have it, it will be the first time in the history of the United States that we have held it. I have culled the records of the House of Representatives and I have culled the subcommittee's activities and the committee activities of a group of Congressmen of both parties, for whom I have the deepest respect, true civil libertarians; and there are about four paragraphs of references in the last 20 years to anything about discrimination based on alienage.

So it needs a full hearing, and it will have one. The House will have it before they proceed with immigration reform, and I know they will, because Representative RODINO has a bill, Representative LUNGREN has a bill, and Representative ROYBAL has a bill, and there are other bills they will process. They will deal with it. It will be the subject of conference activity, and it will be the subject of my activity, because I have assured Senator LEVIN that we will do something with it at the conclusion of the hearing.

Mr. LEVIN. Mr. President, if the Senator will yield, I want to make that point.

I think it is important to all of us that we did get the assurance from the Senator from Wyoming and the majority leader the other night that there would be a legislative window prior to any conference, where we could offer a bill, a resolution, or a sense-of-the-Senate resolution we thought appropriate and which we could debate at that time.

A window has been assured to us, and we can thank the Senator from Wyoming and the majority leader for arranging that window and making it available. That is something. I think it is significant to us.

We all agree that the logic here would have been better served if we had the hearing first and then the debate on the floor. We have accommodated that reality the best we can.

The Senator from Colorado made one critical point: That it is not the question of whether an employer picks a citizen over an alien that is at issue here. The issue is the new element of employer sanctions and whether or not an employer might not hire an alien just because it is safer, rather than because he would rather hire a citizen. It is not the question of two people standing in front of the employer. It is one person standing in front of the employer. It is the legal alien standing alone in front of the employer, not with a citizen at his side and the choices being presented. But the employer, taking the safer route, would say, "I don't want to hire you anyway, because you're not a citizen, even though a citizen is not competing with you for the job."

I agree with the Senator that it is a puzzling situation, and I appreciate the problem as to where the American people would be with regard to the juxtaposition of the two. It is troubling to many of us.

The other point is that I hope the hearing will not only address the alienage issue, so-called, but also the gap in title VII coverage, because here I think there would be unanimity.

We do not want people discriminated against because they look or sound foreign. Title VII prohibits that under national origin discrimination provisions, but it does not prohibit that for part-time workers, and it does not prohibit that for people who are applying to firms that hire less than 15 people.

So there are major gaps in the existing protections, and those protections, we find, will not be applicable; and we are very much concerned about any additional national origin discrimination which might be created as a result of these sanctions which would not have a remedy under title VII. I hope my friend will include that in the hearings which are coming up.

Mr. SIMPSON. Mr. President, I can assure you that that will come into play simply because of the confusion of terms. When we talk about discrimination based on alienage, people think we are talking about discrimination based on national origin. We have a most extraordinarly well-developed record on discrimination based on national origin, ethnicity, and color of skin. That is what we have been up to. That is what I have been up to for 4½ years. I have had 10 hearings or more, held by the subcommittee in the last 4½ years, that deal with discrimination based upon national origin, ethnicity, and color of skin.

It has been part of the civil rights debate for many years before I came here. There is no question about that. Information about a job applicant's alien status is not relevant to employer sanctions; only the employee's illegal alien status is what we are talking about with employer sanctions.

If an applicant can show citizen status, the employer will not be subject to sanctions for hiring the applicant. However, neither will the employer be subject to sanctions if he hires an applicant who can show legal alien status. That is what the bill says. That is what is here.

Therefore, knowledge of an applicant's alienage will not cause an employer who has no desire to discriminate against illegal aliens to begin to do so. But I assure my colleague that I will keep that in mind and embrace that as we go on into the hearing process in future legislation.

I thank the Senator from Michigan.

Mr. KENNEDY. Mr. President, I want to indicate that I fully support the objectives of the amendment offered by Senators HART and LEVIN. I also share the view of Senator SIMPSON that it is an extremely complex issue which came up late in the last Congress and helped to stall the conference committee's consideration of the immigration bill. Its full implications could not be determined.

That's why joint hearings have been scheduled, at my and several Senators' request, next week. I regret we had to begin consideration of this bill before we got the benefit of these hearings—but they are scheduled, and we will have the benefit of their results before final action on this legislation is taken by the House conference committee.

So, Mr. President, I support the objectives of the amendment and I am still hopeful we can work out a compromise.

Mr. BINGAMAN. Mr. President, I would just like to offer a few remarks while we are on the issue of discrimination, which is likely to result from the employer sanctions provisions of this bill.

A major concern of mine regarding S. 1200 deals with the lack of adequate protections to those American citizens who do not "look American," in particular those of Hispanic descent.

I am sure my colleagues are in agreement that we are opposed to discrimination and that we do not want more to occur as a result of this legislation.

However, I am not assured that we have afforded the necessary civil liberty protections to our minority Americans.

S. 1200 relies on the use of employer sanctions as a means to deter the influx of illegal aliens, and I agree that some method of deterrence must be instituted. But I believe that S. 1200 as now written takes this approach in the national interest, at the expense of individual constitutional rights.

Having recognized the possibility of discrimination, I believe we have an obligation to these Americans to take action now to minimize that possibility and to provide a reasonable process for redress of grievances that will surely arise.

Because of this concern I and several of my colleagues requested of the distinguished chairman of the Immigration Subcommittee a hearing on the issue of employer sanctions and discrimination.

I am very pleased that Senator SIMPSON has agreed to a joint hearing on September 18, next Wednesday, however it appears that we will be voting on final passage of S. 1200 without the benefit of that hearing record.

Therefore, at a minimum we need to improve what is in S. 1200 and I rise in support and am a cosponsor of Senator HART'S amendment to try and achieve some recourse for those who feel a violation of their rights due to employer sanctions.

As a Senator who comes from a State with a 1,950-mile border with Mexico, I am well aware of the opportunities and problems this situation creates. The problems are considerable: Air and water pollution, violence, drug trafficking, depressed economic conditions, and what we are trying to address today; immigration control and access.

I have serious reservations about the workability of employer sanctions and their unintended impacts, and I believe that we are only beginning to hear about the "weeding out" of illegal aliens by employers. I would hope that this body would give serious thought to supporting Senator HART'S amendment.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, it is certainly not the intention of those offering the amendment to defeat or hinder much-needed reform in the area of immigration legislation. Someday, hopefully soon, legislation will pass which is fair and balanced and the Senator from Wyoming will receive the credit he deserves for the years of long toil he has put into one of the most vexing public policy problems and challenges this country faces.

The sponsors of this amendment simply seek to avoid the situation where, once that day comes, either on an individual case basis or, even worse, or a firestorm basis, unintended consequences of this legislation lead to either wholesale discrimination of legal residents of this country, regardless of what the Senator says, primarily because of the color of their skin or the fact that they come from a nonwhite part of the world or an equally challenging situation of the sole individual who is discriminated against unfairly and unjustly. The Senator from Wyoming does not want that, nor do the sponsors of this amendment.

The sponsors of this amendment also do not want a highly negative vote on an issue we merely wish to preserve for the future. We do not wish to give up on this fight, as the Senator from Michigan said. The Senator from Wyoming very graciously agreed that the near term situation is required to guarantee that right.

I think the Senator from Michigan agrees that putting this question to a vote at this time and perhaps not receiving a majority vote or a strong vote in its favor might jeopardize that case. Therefore, with the agreement of the cosponsor of the Senator from Michigan, I withdraw the amendment.

Mr. SIMPSON. Mr. President, I thank the Senator from Colorado and I shall surely work with him to achieve the goal he speaks of, as I shall with the Senator from Michigan.

The amendment No. 606 was withdrawn.

AMENDMENT NO. 607

(Purpose: To prohibit an officer or employee of the Immigration and Naturalization Service from entering a farm without a properly executed warrant)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself and Mr. DECONCINI, Mr. GRAMM, Mr. SYMMS, Mr. CRANSTON, and Mr. BINGAMAN, proposes an amendment numbered 607:

On page 116, between lines 16 and 17, insert the following:

SEC. 304. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section (other than paragraph (3) of subsection (a)), in the enforcement of this act an officer or employee or the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant."

Mr. McCLURE. Mr. President, this amendment to the Immigration Reform and Control Act of 1985 (S. 1200) would require the Immigration and Naturalization Service [INS] to obtain a properly executed search warrant prior to entering a farm or other agriculture operation.

Currently, INS agents must obtain a warrant before entering any place of business with the exception of farms and ranches. This exception must not be allowed to continue. Farmers should be afforded the same rights and standards of protection that every other businessman enjoys under the fourth amendment of our Constitution which guarantees protection from unreasonable search and seizure.

Similarly, every farm worker is entitled to the same protection as every other worker in our society against the disruption that occurs when there is unwarranted and sometimes warrantless—without warrant—search of farm premises.

Simply because a farm is an easy mark offering the simplest and most cost efficient means of reaching quota objectives is no reason to apply a different set of rules. The lack of a search warrant requirement allows INS agents to concentrate their enforcement activities on agriculture, where 8 to 15 percent of the illegals in the country are currently employed. Although this small amount of undocumented workers are employed in agriculture, fully 50 percent of undocumented workers picked up by INS agents in the interior of the country are captured while working in agricultural occupations.

These figures show a distinct bias in INS enforcement activities and serve notice that farmers and farm workers are not receiving equal protection as envisioned in our Constitution. The INS contends that farm lands are "open fields" and their agents need not obtain consent or show probable cause that some criminal activity is occurring prior to entering a farmer's fields. Simply because they see a group of people working in a field, they operate under the assumption that those people have gained entry into the United States illegally. It is not until the agents enter the field that an illegal versus legal status can be determined.

Harassment of agricultural employers and employees by the INS has gone on for years. Harvesting operations have been disrupted when time was of the essence merely by the proximity of INS agents.

My amendment does not establish protection or set a precedent for farmers; it just guarantees them the same rights and privileges enjoyed by every other employer in our Nation. Likewise, employees will be protected from the humiliation of impulsive interrogation by the INS.

This legislation is needed, it has been passed by this body before by a vote of 2 to 1. It continues to be needed. Our system has failed in an important civil obligation, and if we are to live under the guaranteed proposition of the fourth amendment we must now take steps to correct this blatant injustice.

Mr. President, I do not intend to take long in the debate of this amendment because I believe all Members of the Senate are aware of the issues that are presented by the amendment and desire to correct it. While I understand that the Senator from Wyoming, the manager of the bill, will oppose the amendment upon the en-

treaty of the INS, I think it is important if we are going to have civil liberties guaranteed in this country that indeed, we should pass this amendment. This amendment has been cosponsored by original cosponsors DECONCINI, GRAMM, SYMMS, CRANSTON, and BINGAMAN. It is a bipartisan proposal on the part of those who joined me in this in an effort to guarantee that the civil liberties of those who work in the fields are just as important as the civil liberties of those who work in the factories.

Mr. DECONCINI. Will the Senator from Idaho yield?

Mr. MCCLURE. Mr. President, I am happy to yield.

Mr. DECONCINI. Mr. President, I am happy to support the amendment offered by Senator MCCLURE to require that our Nation's farms be treated just like other businesses and our Nation's farmworkers be treated just like other workers.

The amendment would require that agents of the Immigration and Naturalization Service and Border Patrol obtain a search warrant before they enter the premises of a farm or other outdoor agricultural operation. This amendment would overturn the so-called open fields doctrine which both agencies currently follow.

Before INS or Border Patrol agents enter a business such as a restaurant or textile mill, they must comply with the fourth amendment to the U.S. Constitution and obtain a search warrant. Search warrants are thus required in all industries other than agriculture. Contrary to common belief, these other industries employ the vast majority of illegal aliens employed in the United States. It is estimated that only 15 percent of employed illegal aliens are employed in agriculture. Yet 50 percent of the apprehensions occur in agriculture. It is obvious that INS and the Border Patrol have singled out agriculture for a much higher proportion of their attention because it is simply easier to apprehend people if you do not have to have a search warrant to enter the property on which they work.

This singling out of agriculture for special treatment is unfair to both the employees and the owners. In my opinion, it is also a violation of their constitutional rights.

Opponents of this amendment will argue that the "open fields" doctrine has been upheld by the Supreme Court. That decision, however, was rendered in a case involving the growing of illegal substances—marijuana—in a field, not the investigation of the presence of illegal aliens.

I contend there is a big difference between entering a field because you have a reasonable suspicion that illegal drugs are being grown there and entering a field simply because the workers on it have brown skin or a national origin from south of our border. The open fields doctrine as currently interpreted by INS and the Border Patrol does not require that agents have any probable cause to believe that illegal activity is taking place. There is no standard or requirement of probable cause.

There have been repeated instances of injuries and even deaths occurring to aliens fleeing these open field searches. These instances could be curtailed if the employer was allowed to participate in the search upon presentation of a search warrant as is the case in other businesses.

Opponents of the search warrant amendment have been unable to show that it will hinder legitimate enforcement activities. Several studies, including a recent one conducted by the National Center for State Courts, have shown that obtaining search warrants is not a deterrent to effective law enforcement.

The INS is busy outside the Chamber trying to buttonhole Members to insist that this amendment is going to curtail their ability to apprehend illegal aliens. The requirement of a search warrant does not hamper their efforts in all other business. The INS does not want to give proper Constitutional rights either to owners or to the potential undocumented aliens in agriculture. I have to conclude that they have accepted, perhaps unwillingly, the constitutional requirement to obtaining a search warrant whenever entering or desiring to enter any other businesses for the purpose of inspecting to see if illegal aliens are present.

Mr. President, I believe that it is important that our agricultural operations be treated equitably with other businesses.

I urge my colleagues to join in support of Senator MCCLURE's amendment and I am pleased that he has offered it once again.

I truly hope that the manager of the bill, the distinguished Senator from Wyoming, could see fit to accept this amendment, I know how strongly he feels about law enforcement and civil rights. I think that this amendment is consistent with his strong civil rights position and I am sure that he does not want a discrepancy as to the use of a warrant.

So I urge my colleagues and the manager of the bill to accept the amendment.

I thank the Senator.

Mr. SIMPSON. Mr. President, it is a harrowing position to rise in opposition to the American Farm Bureau and the American Civil Liberties Union. You really have a difficult time when you get into that particular pair of pliers. I have been there before and may return to the fray somewhat emaciated and decimated after we get through with this amendment, but I am going to speak against it anyway because I feel very strongly that even though I agree with the intensity and the feeling that is expressed, the fourth amendment limitation on unreasonable searches and seizures does not require a warrant to enter open fields.

The fourth amendment of the Constitution protects against unreasonable searches and seizures of "persons, houses, papers, and effects." And the Supreme Court, in April 1984, under the case of Oliver versus United States, ruled that the requirement for a search warrant does not apply to open fields.

There is absolutely no constitutionally protected right of privacy regarding open fields. Extending protection to open fields is not what drafters of the fourth amendment intended, and it would affect many areas of law enforcement.

The INS is not the only agency that is allowed to enter open fields without a warrant. I believe both Senator MCCLURE and Senator DECONCINI were prosecutors in their other lives. We have drug enforcement agency people who require searches of open fields without a warrant. We have local police who may enter open fields to look for drugs as was the situation in the Oliver case. We have officers of State, municipal, and local government, and Federal agencies who need to have a warrantless search of open fields, not just for workers and particularly agricultural workers, but to check for drug abuse situations, for burial of corpus delicti, other things such as that, or pursue a landing airplane suspected of carrying illegal substances or illegal aliens which is the norm now.

But let me share with you, as I conclude my arguments against the amendment, the INS does already require a warrant. They require a warrant to enter any factory, any business, or any residence. And this is important: They require a warrant to go into any farm house, any barn, any packing shed, any farmyard, and any other building contained in an outdoor agricultural operation. They require a warrant.

That was recently reaffirmed in a case in the ninth circuit this year, Le Duc versus Nelson.

This amendment would severely hamper the INS's ability to enforce immigration laws, while the American public overwhelmingly supports an end to illegal immigration.

The amendment, I think, sets a dangerous precedent for other law enforcement efforts, particularly for narcotics and controlled substances violations.

I guess the real irony for me is this: Under S. 1200 or under the proposal yesterday, we are trying to do something for agriculture employers. We

are trying to do something important so they can stay in business with perishable crops, not so very important perhaps with regard to the six basic commodities. We all recognize that in the debate.

Agricultural employers here, then, are at the point where they are requesting special Federal assistance. Unless I am missing something, this is what they are requesting, and they are getting—through S. 1200—special Federal assistance in obtaining agricultural labor. That is what we are up to. Then they come conversely and deny the INS and the Federal Government the ability to monitor the special programs which we will give them under this legislaiton. That is the true irony of the situation.

Finally, the civil rights activists apparently are claiming that the INS enters open fields merely at the sight of brown-skinned people working in the field, and that then such a discriminatory practice can be remedied by a search warrant requirement.

It is a very interesting statement, and I believe Senator McCLURE has stated that every other businessman enjoys protection under the fourth amendment. That statement is only true if the employer conducts his business indoors because if the employer conducts his business out-of-doors, then he does not have the fourth amendment protection as would the owner of a construction firm, as would a person as we showed in the debate last year where two blocks from this Capitol they arrested a construction work force and half of them were illegal, undocumented persons—that is two blocks from the U.S. Capitol—as we failed to deal with immigration reform and those persons continue to be exploited.

So those working in outdoor, unsecured areas—from any industry or business—are not subject to the protection of the fourth amendment.

Remember again that only 8 to 15 percent of illegal, undocumented persons work in agriculture.

So I think it is inaccurate to believe that the INS is simply cruising open fields or roads near open fields. They do not. They act on tips from employees or on evidence the growers have established a pattern or practice of illegal alien employment.

A search warrant requirement will not stop such practices. It will just delay them, merely slow them up because, as the informers' tips are eventually verified, then the warrant is procured. It may take a little longer. And the further terrible irony, if you really are a civil libertarian, we find there are indeed employers who move those persons when they see that occurring, either voluntarily or involuntarily they move those persons. So that will not end it.

Although the amendment will require a warrant only for farms and other agricultural operations, it will be the first step, I think, for law enforcement officials to fear toward requiring of a search warrant for all open areas, and that is why the Justice Department and the Drug Enforcement Agency have opposed the amendment.

I also state to you that the International Association of Chiefs of Police and other law enforcement officers have again restated their opposition to the amendment. I am fully aware of the feeling about that. But I just thought we should share here what may take place; we may well injure some of the important things we have to do regarding drug abuse.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. SIMPSON. I will indeed yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, I am pleased to support the amendment offered by my distinguished colleague from Idaho, Senator McCLURE. This amendment simply requires that agents of the INS obtain a search warrant before entering an open field.

For many years, farms have been an easy target for INS agents trying to meet a quota on illegals. Although less than 10 percent of the illegals in the country are employed in agriculture, over 50 percent of those taken into custody work on farms. The lack of a search warrant requirement has produced this unjustified and undesirable harassment of our Nation's farmers and farm employees.

The constitutionally guaranteed protection against unreasonable searches and seizures should not be applied selectively. All citizens have a right to that protection, and this amendment will preserve that right for the Nation's farmers and farmworkers.

Mr. President, there is not only a legal question at issue here but a human question as well. Anyone who has ever witnessed an INS raid can attest to the tremendous human tragedy involved.

When those agents enter a field, people fly in all directions like scared animals. Many flee because they face deportation and the loss of income to support their families. But many who flee are not illegal aliens; rather, they are U.S. citizens of Hispanic descent who simply panic at the sight of so many agents moving toward them. Moreover, many of those same U.S. citizens are frightened at the prospect of having to prove their citizenship.

For these reasons, I agree with my friend and colleague, Senator McCLURE, that the "open field" doctrine, under which these warrantless searches have been conducted, must be stopped. As the Senator noted in a recent letter:

> The open field doctrine is properly applicable, only to situations in which illegal activity or the "fruit of a crime" is clearly visible to law enforcement officials. The only thing that can be seen on farmland is people working in a field. To assume that they are doing so illegally because of the color of their skin and using this as justification for a warrantless entry onto private property, violates not only the farmer's rights but the farm worker's rights as well.

Mr. President, these warrantless searches are the only type of police-State activity of this nature allowed in the United States, and I commend Senator McCLURE for his efforts to correct this situation. I wholeheartedly support this amendment and urge its adoption by the Senate.

I thank the Senator from Wyoming.

Mr. WILSON. Mr. President, I rise in support of the amendment.

It strikes me that there is indeed an irony in this debate. Yesterday afternoon we consumed a considerable period of time engaged in lively debate on the subject of whether or not there is an adequate supply of domestic labor for the harvest of perishable commodities, and the critics of an amendment that would provide a seasonal worker program have protested that there is indeed and that such an amendment would threaten the livelihoods of Americans seeking to do stoop labor, apple pickers from Maine to Washington.

Now, is it not interesting that S. 1200, in affording this protection to the American farmer, targets them almost exclusively as a constituency for which the standard protections of the fourth amendment should be waived? And we are told that is justified on the basis of tips to the Immigration and Naturalization Service.

What this amounts to is a statement that those working in the fields can be presumed to be illegal aliens. That is the basis upon which it is deemed unnecessary to afford growers and those who work for them some special status that relieves us of any concern for their constitutional rights. We are to assume, notwithstanding the assurances yesterday afternoon that there is an abundant supply of domestic labor, meaning U.S. citizens, we are asked to assume that there is no need really to investigate, to justify what would otherwise be an illegal search and seizure, because we are, in effect, presuming that those working the fields are illegal aliens.

Mr. President, with friends like the U.S. Congress, farmers need few enemies. The kind of protections we are affording them through this legislation threaten to put them out of business. And without the saving amendment offered by the Senator from Idaho, what they face is continual harassment.

The proponent tells us that we are supposed to simply assume that by virtue of the fact that this activity takes place out of doors that the rou-

tine protections afforded other Americans under the fourth amendment are unnecessary. Well, Mr. President, I think we should reject that out of hand.

I think it is clear that a special case is made by S. 1200, one that is not justified by the facts, one that asks us to discriminate against farmers, against those with brown skin. Frankly, I do not think that the U.S. Senate should go on record in support of such a proposition. So I urge my colleagues, if they are concerned with fairness, to vote for fairness by voting for the McClure amendment.

I thank the Chair.

Mr. CRANSTON. Mr. President, I am a cosponsor of the amendment of the Senator from Idaho. I want to associate myself with his remarks. I think we need his amendment. It is a very important amendment to protect all sorts of rights in our society.

I also am delighted to associate myself with the remarks of my colleague from California, Senator WILSON, in regard to this amendment. I urge all of our colleagues to support the amendment.

Mr. DOMENICI. Mr. President, the amendment before us would require that officers of the Immigration and Naturalization Service obtain a search warrant prior to entering open fields to apprehend illegal aliens. It would ensure that farmers, ranchers, and farm and ranch workers are afforded the same protection against unreasonable and warrantless searches by INS agents as other businessmen and workers now enjoy. I rise in support of this amendment, which will remedy an injustice which results from the current law.

Under a Supreme Court case decided several years ago, agents of the INS are not required to secure search warrants before entering open fields. Currently, therefore, an INS agent must routinely obtain a search warrant before entering any place of business, except that place of business is a ranch or farm. The INS can raid the open fields of a farm or ranch without having probable cause to believe that the workers in those fields are illegal aliens.

This practice is arbitrary and discriminatory. It discriminates against ranches and farms and those people who work on ranches and farms. It severely disrupts farming operations, resulting in thousands of dollars in lost crops and man-hours annually.

The loophole that allows INS agents to enter farms and ranches without search warrants has led the INS to concentrate its enforcement efforts primarily on agriculture. While only 8 to 15 percent of the total number of illegal aliens in this country work on farms and ranches, nearly half of all INS apprehensions take place on farms and ranches. These figures reflect a distinct bias in INS enforcement activities against our ranch and farm industries.

A similar amendment was proposed to the immigration bill that was passed in 1983. I cosponsored that amendment, which was passed by a vote of 62 to 33. I am proud to cosponsor this amendment again. Let me add that this measure has been crafted so that it will not interfere with the ability of law enforcement agenices to enter fields where marijuana is being grown and seize those plants and arrest the growers. I encourage my fellow Senators to join me in voting in favor of this amendment to protect the rights of farmers, ranchers, and agricultural employees.

In closing let me thank the distinguished Senator from Idaho [Mr. MCCLURE] for his tireless efforts on behalf of this amendment. His commitment to remedying the injustice that results from the current law is to be applauded. I am proud to join him in sponsoring this measure.

Mr. MCCLURE. Mr. President, I will be very brief. As I said in my opening remarks, I think almost everyone is familiar with the issue. I think most Senators have already made up their minds how they will vote. Indeed, most Senators, the last time it was before this body, voted in favor of the amendment by a margin of 2 to 1, and I hope they will do so again.

But I do wish to respond just this much to the remarks the distinguished Senator from Wyoming made earlier. One is that somehow open fields are open game for law enforcement agencies regardless of what the subject matter may be. And I submit that is not what the law says and that is not what the Supreme Court said. In the Oliver case, they were dealing with the question of growing crops, plants growing in the field, marijuana plants in that particular instance. They were not talking about human beings' presence there and the search of the premises for people. They were talking about the search of the premises for growing plants. And there is a reason to make that distinction.

The reason I make it now is obviously to differentiate between law enforcement activities where they are trying to find growing plants and law enforcement activities when they are trying to determine the presence of illegal aliens.

But there is a similar tie to that. How do drug enforcement agencies find growing marijuana plants? They drive down the road or they fly over the field and they see something different and they immediately enter that field before it can be removed. Growing plants can be cut down and removed, and without a warrant they can do that. Typically, however, they probably discover evidence by a tip or otherwise and could get a search warrant and go there before the plants could be removed.

But we have carefully and narrowly focused this amendment so it does not deal with that question at all. It deals only with the enforcement of the provisions of this act. It does not extend to drug enforcement activities.

The second point that I think is valid in that connection is that indeed, as the Senator from Wyoming indicated, I probably would have said, or other people have said, that INS officials driving down the road see a work crew and stop and enter the field to determine their identity. Mr. President, they do that if the work force in the field does not have white skin. But if they have white skin, they just drive on. There is an invidious discrimination toward people who are not white skinned if they happen to be working in the field.

The Senator from Wyoming indicates, "Well, the same thing will happen. They just will get a warrant first and it will happen a few hours later."

Well, Mr. President, that is not necessarily true. Let me give you some information that has been given to me about some things that happened earlier this year in the State of Washington. And it did happen this year.

INS agents entered a farm in Othello, WA, four times in 1 month to search for what they suspected to be undocumented workers. Their last three trips into the field, without a search warrant, produced no undocumented workers. But, despite the fact it produced no undocumented workers, they did arrest two. And who did they arrest? Two Japanese citizens. Brown skinned, not white. They were arrested. What were they? They were agricultural exchange students from Japan who had a lawful right to be in the country. They entered the field to get to people who were not of white skin. They found some. They arrested them. They happened to be legally present, but they were not illegal aliens.

INS agents entered a field in Pasco, WA, for 29 straight days to search for undocumented workers.

On some occasions, the agents drove their trucks across the bean fields causing substantial damage to the bean crop.

Why should a farmer have to put up with that just because it happens that his workplace and his product is produced in a field rather than in a factory?

And remember that statistic a little earlier, that from 85 to 92 percent of the illegal aliens in this country are not employed in agriculture. They are employed elsewhere, where a search warrant is clearly required, and yet 50 percent of the arrests have been in agriculture because that is easier to do.

You do not have to get a search warrant. You do not have to have any more than a suspicion that somebody is there before you can then enter a field to harass the people who are there working.

Remember, this is not Government land that is being entered by Government agents. It is private land that is being entered without search warrants. If it were any other type of business or land in question, there could not be any entry on to the property. But because the INS believes that they have the right under the open field doctrine, they have the right to come on to the farmers' and ranchers' land as they please, it seems to me that we do have a need to act.

INS agents have used some of the most heavy-handed tactics in pursuit of what they believed to be undocumented workers. Neighbor farmers' fields have been entered by INS agents, again without a warrant, not where they were suspected to be but on the neighbor's land, in order to seal off the land of the farmer in question.

Entrances have been barred; fences and gates have been cut; workers, sometimes legal and sometimes illegal, have been handcuffed together and chained to trees. Why? Not because there is any presumption of guilt based upon anything other than the color of their skin and, upon occasion, because that worker does not speak English well.

I grew up in an area of Idaho where we depended upon seasonal farm labor as the labor demands during the year are uneven and worker demand at some periods of the year exceeds locally available labor.

Where did the workers come from? They came from Eagle Pass, TX. They were Hispanics, American citizens, most of whom did not speak English. Most of those who did speak English spoke with a heavy accent and spoke the English language poorly. Any INS agent would have perhaps been justified in asking whether or not they were illegal aliens. But just the color of their skin alone would make them suspect and, therefore, subject to the harassment that comes from a warrantless search. If INS has reasonable cause to believe, if they have a tip, that is sufficient; if they have information that leads them to believe, they can easily go to a magistrate, get a warrant, and enter those premises as they would if it were a packing shed or any other business enterprise.

As to the notion that has been suggested or only hinted at by the distinguished Senator from Wyoming that somehow you have to go get them now without a warrant because they will be moved before you can get to them if you do not, that simply defies reason. No farmer can simply move this crews around every hour on the hour or every half hour on the half hour, or any intermittent or short period of time without so disrupting the farming operation that it would be impossible for him to make any profit at all.

Mr. President, I sincerely believe that this amendment is both justified and necessary. I hope the Senate will once again vote in that manner when we vote on it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficent second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I will only take a moment of the Senate's time. I support this amendment. It seems to me that if this bill becomes law, the enforcement strategy of INS ought to be focused on the enforcement mechanisms provided in this legislation—the employer sanctions and in the other enforcement provisions which have been added by this legislation. That is where the focus of INS ought to be. That is the whole point of this legislation, to have employer sanctions as the new and principal enforcement strategy.

We have seen under court opinions in the past that if there are going to be INS sweeps, if they do it in the front office they have to get a search warrant. If they do it in the barn they have to get a search warrant. All the amendment of the Senator from Idaho is saying is if they do it in the fields they also ought to get a search warrant. He has made the case.

INS raids are subject, quite frankly, to the greatest kind of abuse—the most discriminatory kind of incidents. I think those are individuals who ought to be able to have some degree of protection because in so many instances, as the record has demonstrated, so many individuals who are subject to the kinds of actions of the INS are American citizens. They have constitutional rights. They ought to be protected. There ought to be a basic presumption in their favor because the overwhelming majority of those who do work in the fields are American citizens.

I think the case has been well made. I think this amendment will be an addition to the bill. I hope the amendment will be accepted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. LAXALT], the Senator from Vermont [Mr. STAFFORD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 39, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—51

Andrews	Gramm	Moynihan
Armstrong	Harkin	Nickles
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Quayle
Bingaman	Hawkins	Riegle
Boren	Hecht	Roth
Bumpers	Heflin	Sarbanes
Burdick	Helms	Sasser
Chiles	Humphrey	Simon
Cranston	Johnston	Stennis
D'Amato	Kasten	Stevens
DeConcini	Kennedy	Symms
Dixon	Levin	Warner
Domenici	Matsunaga	Weicker
Exon	McClure	Wilson
Goldwater	Melcher	Zorinsky

NAYS—39

Abdnor	Gore	McConnell
Boschwitz	Gorton	Metzenbaum
Bradley	Grassley	Mitchell
Byrd	Heinz	Murkowski
Chafee	Hollings	Nunn
Danforth	Inouye	Pressler
Denton	Kassebaum	Proxmire
Dodd	Kerry	Rockefeller
Dole	Lautenberg	Rudman
Durenberger	Long	Simpson
Eagleton	Lugar	Specter
Evans	Mathias	Thurmond
Glenn	Mattingly	Trible

NOT VOTING—10

Cochran	Garn	Stafford
Cohen	Laxalt	Wallop
East	Leahy	
Ford	Pryor	

So the amendment (No. 607) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 608

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 608:

On page 89, line 15, before the period insert the following: "or, such documents provided under clause (i) may include a rent receipt, bank book, utility bill, or an affidavit from a credible witness (such as a parish priest)."

Mr. CRANSTON. Mr. President, I supported the reasonable approach to legalization offered by the distinguished senior Senator from Massachusetts [Mr. KENNEDY] this morning

which reflected the considered judgment of the conference committee on this bill.

I regret the outcome of the vote on that. My interest stems from the fact that 50 percent of the undocumented workers in this country are estimated to be in California.

How many? No one knows.

Two million? Six million? Whatever.

It is fair to say that the legalization program in this bill will benefit only a small number of them.

And then, only if they are willing to risk the gamble of coming forward.

But, having made the decision to legalize certain undocumented workers, why impose arbitrary, inflexible standards which prevent somebody who is qualified for permanent resident status from proving continuous residence, in the way that any other individual charged with a burden of proof, is entitled to prove a fact?

S. 1200 now expresses the preference for employment documentation as probably the most reliable kind of proof of continuous residence.

I do not disagree with that.

I just do not want to see that preference lead to the writing of a regulation that would exclude other forms of documentation and proof. I do not disagree with the statement that employment documentation is probably the most reliable.

All this innocuous little amendment will do is provide that in the event such proof is unavailable, a person seeking to be legalized may submit other reliable evidence of their continuous residence: rent receipts, bank books, paid utility bills, and, importantly, affidavits from credible witnesses such as the parish priest, among other possible documentation.

I cannot believe that my good friend from Wyoming [Mr. SIMPSON], who has labored so long and hard over this bill in an effort to be fair, would not accept this amendment.

I am awaiting the acceptance of the amendment.

Mr. SIMPSON. Mr. President, I apologize for not being more attentive. I try always to be attentive when my colleagues are proposing amendments, especially if I am opposed to them. But that may not be so here.

If I understand the purpose of the Senator's amendment, it is to expand the forms of documentation that are permitted to prove residence in the United States. This is rent receipts, bank books, utility bills, individual affidavits——

Mr. CRANSTON. From credible people like the parish priest.

I agree with the statement in the measure that the best and most reliable kind of proof is employment documentation. I do not quarrel with that. But other forms can be reliable.

Let me just add if I may that it may well be that proof of employment is not available to someone who has quite convincing other forms of proof. Part of my concern is that the statement in the measure stressing the importance of employment documentation might lead to regulations that would bar other forms of evidence. I think that would be very unfair and very unfortunate.

Mr. SIMPSON. Mr. President, I started off a bit facetiously and I do wish to correct that. It is a serious amendment, and I think it deserves a serious response.

Let me tell you the problems with it and why. We are already going to have cottage industry in rent receipts and W-2 forms when we get to legalization. There is not any question. Anyone who does not believe that is missing what will happen.

Legalization is a pretty priceless gift we are extending from an extraordinarily generous people. So we are going to have that.

As I see this amendment, it would encourage an absolute hailstorm of funny paper and phony paper and unverified documents, and it would not be that way, of course, with a credible person. When you are talking about staying in the United States of America or legal residence, then indeed that is something that makes people do a lot of things to stretch the law.

Let me just say that I think the incentive for fraud in proving eligibility for legalization is already extraordinary. May we have order, please?

The PRESIDING OFFICER. The Senator is right. There will be order in the Senate. We will not continue until there is order.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, with regard to Senator CRANSTON's amendment, the incentive for fraud in proving eligibility for legalization is already great. In fact, it is extraordinary.

I think this amendment increases this incentive manyfold because S. 1200 in its present form requires independent corroboration of documents showing evidence of a person's presence in the United States since a certain date and many employment related documents are preferred under S. 1200.

Employment documents then prove a person's existence in a certain place for a certain period of time. Rent receipts and utility receipts and bills merely prove that a certain fee was paid to someone for a certain service or item, and they are not nearly as reliable.

I think a personal affidavit is a means of corroborating evidence on a document but certainly no substitute for the document itself as this amendment would provide.

I think, as we all know and we see in our daily lives the use of receipts, those who wish to gimmick the use of receipts have an excellent opportunity every time they take a cab ride. The cabby will hand you the receipt with the date and his name and the blank left which is an interesting thing. I do not know what it does for the cabby. I know what it does for the rider. He uses it or fills in the term or the amount if he chooses to do so.

Allowing personal affidavits, however, would also create in my opinion an incredible potential for fraud, for individuals could go into the business of being credible witnesses. I can almost imagine a credible affidavit shop for the right fee. We have it in marriage fraud. I just hesitate. I know that does not have a thing to do with what my friend from California has in mind. I see it as something very much like Senator ALAN CRANSTON—compassionate approach to what could be a problem. But I also see it as something that could be terribly, terribly abused. The legalization program is already rather unpopular in the public eye. We had a little more evidence of that.

If it is not to appear thoroughly bankrupt, I think we have to assure that the program does not just die or drown in a blizzard of easy to counterfeit, difficult to verify paper.

I would resist that amendment indeed.

Mr. CRANSTON. I wish to respond briefly just to say it would seem to me that all that the Senator from Wyoming has said about various forms of evidence or nonevidence of residence in the United States would apply to documents indicating employment. An employer would have a particular incentive to cooperate in forging of documents were they desirous of doing so because they would have a motive. They have an employee perhaps they would like to keep in this country even though that person is not here legally.

Mr. SIMPSON. Mr. President, I would emphasize that there is nothing in the bill to prevent the Attorney General from approving rent receipts or utility bills as documentation, if employment documents are not available. That is if they are not available. The bill says that the Attorney General shall decide just what documentation will be acceptable so long as employment documents are used first if they are available. I would think that would handle what I certainly know and I believe is intended.

Under the circumstances, I would certainly reject the amendment. I would be glad to work with the Senator later on it. We can change perhaps some certain language. But at the present time, I just cannot see us going to a blizzard of documents by people who are in extremity, and they are in extremity because they are looking for this extraordinary act of legalization. We want to have appropriate employment documents. If they

are not available, the Attorney General is able to go to these others, but I hate to put that in the law that we actually name a rent receipt, a bank book, a utility bill or individual affidavits which could be nothing more than all sorts of various subjects of abuse.

I hope the Senator might consider withdrawing the amendment. But I do not know how he feels about that.

Mr. CRANSTON. Mr. President, I withheld asking for the yeas and nays hoping that we would be able to find this acceptable. But since we are unable to, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. I would like to just add: I understand the concerns by the Senator from Wyoming. I know he has endeavored to be fair in all that he has sought to get into this bill. But what will be at issue on whether or not someone has been in this country for a time is a question of fact, and it seems to me that we should permit those seeking to establish their right to be in this country to present all the facts that would substantiate their case.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered.

Mr. SIMPSON. Mr. President, I move to lay on the table the amendment of the Senator from California.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. CRANSTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming to lay on the table the amendment of the Senator from California.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MOYNIHAN (after having voted in the affirmative). Mr. President, on this motion to table, I have voted yea. Were he able to be present, although he is necessarily absent, the Senator from Vermont [Mr. LEAHY] would have voted no. I respectfully ask that I might enter a live pair with him in that regard.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. LAXALT], the Senator from Vermont [Mr. STAFFORD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON], the Senator from Kentucky [Mr. FORD], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER (Mr. GOLDWATER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 6, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—82

Abdnor	Gorton	Mitchell
Andrews	Gramm	Murkowski
Armstrong	Grassley	Nickles
Baucus	Harkin	Nunn
Biden	Hart	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hawkins	Proxmire
Bradley	Hecht	Quayle
Bumpers	Heflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Helms	Roth
Chafee	Hollings	Rudman
Chiles	Humphrey	Sarbanes
D'Amato	Inouye	Sasser
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Denton	Kasten	Stennis
Dixon	Kennedy	Stevens
Dodd	Kerry	Symms
Dole	Lautenberg	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Warner
Evans	Mathias	Weicker
Exon	Mattingly	Wilson
Glenn	McClure	Zorinsky
Goldwater	McConnell	
Gore	Metzenbaum	

NAYS—6

Bentsen	Levin	Melcher
Cranston	Matsunaga	Simon

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Moynihan, for.

NOT VOTING—11

Cochran	Ford	Pryor
Cohen	Garn	Stafford
Eagleton	Laxalt	Wallop
East	Leahy	

So the motion to lay on the table amendment No. 608 was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. I thank the Chair.

Mr. President, I wish to ask at this time as to what the program for the rest of the day may be, and with particular regard to rollcall votes and amendments, if the distinguished assistant Republican leader is in a position to respond.

Mr. SIMPSON. Mr. President, I say to the minority leader that I appreciate his patience. I very much appreciate his patience as we have dealt with this rather complex legislation.

There is a time agreement being distributed, or at least sought, which might provide that we would have perhaps one additional rollcall vote—we may even be able to avoid that—which would be a time agreement that all amendments which are presently pending at the desk will be processed, either this evening by those who wish to process them, and I hope you would, or certainly perhaps on Monday, which is a day of no votes. No votes will be held on Monday but it will certainly be a day when we will be in business.

With that, we would then proceed to have a rollcall vote on Tuesday on all amendments, together with anything that might be involved with Senator WILSON and Senator HATCH, whatever that may be. No amendments would be available after Monday. The amendments would be stacked until Tuesday at a time certain, beginning at approximately 10 o'clock, with final passage of the bill at a time certain after the conclusion or disposition of the stacked amendments.

That is a time agreement which is being sought. My fellow manager of the bill and I are ready to proceed. There might be, as I say, one more rollcall vote. There may not be. In any event, we are seeking that kind of accommodation so that we would be available for a while more this evening, but those not involved in the amendments could be released, or leave the Chamber, the community, or whatever.

We would be here to process amendments on Monday but that would be it. There would be no amendments to the amendments and the debate would go on. That is being sought.

Mr. BYRD. I am willing to be helpful in any way I can be to work out the matter.

Mr. CRANSTON. In regard to the proposed agreement, I would like to find a way to accommodate a need I may have but may not have. Senator D'AMATO has an amendment on a formula for distribution of funds. If that carries, I will not have an amendment to offer. If it does not carry, I might have an amendment I would like to offer as an alternative. I would like to have that right reserved.

Mr. SIMPSON. I will certainly add that to the time agreement. The Senator says that is significant only as it relates to a pending amendment?

Mr. CRANSTON. That is right.

Mr. SIMPSON. Very well.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized, but I say to the Senator from Florida that the Senator from Nebraska would like to be yielded to.

Mr. HEINZ. I yield to the Senator from Florida.

Mr. CHILES. I am going to present an amendment that will be accepted, but I will wait.

Mr. HEINZ. Mr. President, may I have the attention of the managers of the bill?

I am at a point where I am prepared to offer the amendment that I earlier proposed to offer. I have not yet sent

it to the desk, and I want to ask the managers of the bill whether they are prepared for this amendment or would prefer that it be offered and considered at another time. I think we will be on the bill long enough for it to be taken up either later today or on Monday and voted on Tuesday.

Mr. BUMPERS. Does the Senator from Pennsylvania intend to offer his amendment today or Monday?

Mr. HEINZ. I want to get a sense from Senator SIMPSON as to whether he would want the amendment voted on today or on Tuesday. I want to accommodate him, because he has been on the floor for a long time and will be here longer. If he has another amendment that he thinks will be disposed of quickly, I will not offer this amendment now.

I say to the chairman of the committee, the Senator from Wyoming, that I believe this amendment will not draw any serious opposition. I have had lengthy discussions with Senators CHILES and DOMENICI, so that at least there will be the opportunity, should the Senate so desire, to preserve some aggregate accounting but still separate Social Security from the unified Federal budget.

Mr. SIMPSON. Mr. President, I inquire of the Senator from Pennsylvania: I understand that it has something to do with his committee work, that he feels he requires this type of indication from the Senate as to the sense of the Senate on this issue. Is that correct?

Mr. HEINZ. That is correct. The Finance Committee will be taking up, among other things, budget reconciliation on Tuesday next.

Mr. SIMPSON. Mr. President, that would mean that if we were to obtain a vote on this issue on Tuesday morning, that would be sufficient for the purpose of the Senator from Pennsylvania. Is that correct?

Mr. HEINZ. It would, if the amendment were taken up early on Tuesday.

Mr. SIMPSON. I think that is important as a matter of comity; 88 Senators voted on the last amendment, and from my knowledge at this outpost, I think the number will continue to decline swiftly. I think we are entitled to give our colleagues a vote on serious issues; 88 Senators voted on the last amendment, which is really quite admirable. But I am still fishing for the time agreement.

There are about four more amendments. Senator MOYNIHAN has an amendment which will be accepted. I do not have the complete list. Senator METZENBAUM has one on which I think we can reach an accommodation. I understand that he may press for a rollcall vote on another amendment. There is a Wilson amendment, a Simon amendment which may require a rollcall vote, a Levin amendment which may require a rollcall vote, an Exon amendment. That is it. I think rollcall votes will be required if we cannot reach an accommodation. Is that correct?

Mr. EXON. Mr. President, will the Senator yield?

Mr. HEINZ. Mr. President, does the Senator from Pennsylvania still have the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. HEINZ. Mr. President, I renew my request for some direction from the chairman of the committee. It would be the Senator's preference to offer the amendment right now, but I want to accommodate the chairman of the committee.

Mr. SIMPSON. What is the inquiry?

Mr. HEINZ. It is my preference to offer the amendment now, but I am willing not to offer it at this time but later or on Monday, depending on what suits the preference of the chairman of the committee.

Mr. SIMPSON. We have one more amendment that will require a rollcall vote this evening. As to the rest of them, I will accommodate the sponsors of the amendment to either do it this evening or Monday and stack the votes—and that is what I am seeking to do—for Tuesday morning beginning at 10 o'clock, with no further amendments to be in order, and to have ad seriatim votes, with a certain time limit if that is appropriate. We have done that before with this legislation. There would be final passage thereafter. It would include the various amendments now pending which we will not dispose of this evening, including the amendment by Senator HEINZ.

Mr HEINZ. That is, if I offer my amendment tonight, we will get a vote on it tonight. Is that the intention of the Senator?

Mr. SIMPSON. I hope we might be flexible enough to allow the rollcall vote to occur Tuesday morning.

Mr HEINZ. I am flexible. We have to get unanimous consent to do that.

Mr. SIMPSON. We are looking for a unanimous-consent agreement to take the amendment of the Senator from Pennsylvania and other amendments and have a rollcall vote on Tuesday morning on those amendments. I hope his amendment would belong in that category.

I ask Senator METZENBAUM whether he would be averse to having the debate on his amendment, and if he requires a rollcall vote, would he have that on Tuesday morning?

Mr. METZENBAUM. I have no objection, but I hope the Senator will accept my amendment.

Mr. SIMPSON. The Senator is working toward that.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. BUMPERS. With respect to the amendment of the Senator from Pennsylvania, so far as the unanimous-consent request which may be propounded along the lines suggested by the chairman is concerned, I want to reserve the right to offer either a perfecting amendment or an amendment in the nature of a substitute to the Heinz amendment. I am not sure that I will offer one, but nothing is at the desk; and I understood that the chairman said a moment ago that he wanted to vote on all the amendments that were at the desk and that no more amendments would be in order. Is the amendment of the Senator from Pennsylvania at the desk?

Mr. HEINZ. No, it is not.

Mr. BUMPERS. I would want to make a continuing objection so far as his amendment is concerned, to this extent: that I reserve the right to offer a perfecting amendment or an amendment in the nature of a substitute. Otherwise, I have no objection to the rest of the request.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. DOMENICI. As I understand it, the Senator's reservation is not really a reservation, because there is no unanimous-consent request pending. Is that correct?

Mr. BUMPERS. I was just making my views known.

Mr. HEINZ. Mr. President, in an effort to accommodate the Senator from Wyoming, I yield the floor.

AMENDMENT NO. 609

(Purpose: To require the Attorney General to conduct a study on the use of a telephone verification system for determining employment eligibility in the United States)

Mr. CHILES. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 609.

Mr. CHILES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, between lines 20 and 21, insert the following:

(g)(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility in the United States. Such study shall concentrate on those data bases that are currently available to the federal government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of workers for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, back up safeguards, and audit trail performance

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within 12 months of the date of enactment of this act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

Mr. WILSON. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. SIMPSON. Mr. President, I ask the Senator from California if he will yield for a moment.

The minority leader is present. If we cannot obtain a time agreement along the general lines I suggested, then it has to be the intent of the managers to pursue this legislation, and there would be additional rollcall votes. That is not in the form of some ghasty threat. It is the reality of the fact that we have other items coming before us—the Superfund and many other things. So if the unanimous-consent request cannot be fashioned along the conceptual lines I discussed, then I guess we will have to plow ahead—I do not know how else to say that—if we are going to proceed and get this measure completed.

Mr. EXON. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. EXON. Mr. President, I have been trying to get the floor to respond to a legitimate request from the managers of the bill.

I hope we will have enough consideration for the Senators who want to leave town to let them leave. Therefore, I hope that before we go ahead with any other amendments, we might at least propound a unanimous-consent request.

As the Senator from Wyoming knows, this Senator has been waiting patiently almost all day to offer an amendment which will not take a lot of time, and I will agree to a time agreement. I would only insist on submitting appropriate remarks and put off the vote to Tuesday. I just want the opportunity to offer the amendment today and make appropriate remarks. I hope we can pursue that and help out the managers of the bill in trying to accommodate those who have to leave.

Maybe we could have one more vote or whatever it is and come back on Monday and have votes on Tuesday.

Mr. SIMPSON. Mr. President, I do appreciate that. That is what we are working toward. I hope to share with my colleagues the minute I have information on that. It should be forthcoming. I understand it is being prepared. Then I shall propound it and we can discuss it further.

Mr. WILSON. Mr. President, pursuant to that time agreement, will the Senator from Wyoming yield so I may have a brief colloquy with him.

He has just stated that there is in process right now a proposal for a time agreement. Does the time agreement include a vote this afternoon on one of the Wilson amendments that relates to seasonal workers? I have another that relates to reimbursement that we could easily deal with on Tuesday.

Mr. SIMPSON. Mr. President, the Senator indicated he has an amendment. Is it Hatch-Wilson revisited?

Mr. WILSON. It is a substantial modification of the kind we had discussed this afternoon.

Mr. SIMPSON. Mr. President, the matter that the Senator and I discussed was not substantial.

Mr. WILSON. The Senator is not abusing the process?

Mr. SIMPSON. No, I am not, but indeed, we have protected the Senator in every instance and this Senator has been responsible for that, so I have no qualm about that.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I wonder if some of this colloquy could take place with the staff. I have a little amendment that is going to be accepted. I have been here 15 or 20 minutes. I would like to get it out of the way and clear the deck a little bit more.

Mr. President, the amendment I offer would require the Attorney General to conduct a study of the use of a phone verification system for determining the employment eligibility of job applications.

Such a study would analyze using existing Federal data in computers that could be accessed by the telephone to instantly verify the employment status of potential workers.

Mr. President, this study does not necessitate a workers identification card.

This study of a phone verification system would only concentrate on existing Federal data banks—that is, only numbers already in Federal computers, such as Social Security, green cards, and tax identification numbers.

My chief purpose of wanting such a study is to allow the Justice Department to carefully analyze a manner in which job applicants' employment eligibility can be verified without placing that burden on the employer. As I see it, the employer would only have to call an 800 number to be connected with the Federal computer, record the necessary identification numbers, and await the transaction code. This process is almost identical to that of a credit card verification. It would only take seconds, but would, most importantly, place the burden of verifying the worker's status on the Federal Government's data in the computer.

Mr. President, I strongly support employer sanctions. However, I am concerned about their potential effectiveness. I believe we must find a system of verifying the worker's status that is secure and efficient.

I feel strongly that we need a system that does not require the employer to be judge and jury in determining the worker's status.

And, we need a system that will establish a updated record that can be easily monitored to enforce employer sanctions.

I believe that phone verification system is such a system. But, I know some Senators have problems with such use of computers. That is why my amendment only authorizes a study. Let us let the Justice Department carefully scrutinize the worth of such a system. With a responsible study, we can then take a careful look at whether a phone verification system should be a viable part of employer sanctions.

Mr. President, I urge the adoption of the amendment.

Mr. SIMPSON. Mr. President, the Senator from Florida has presented that amendment appropriately. I have had problems with the original cost of a universal telephone system. It could be quite enormous. The Department of Labor indicated $333 million a year for the first 5 years and $200 million thereafter. I think Senator CHILES has recognized this by only requesting a study.

I think the telephone call-in system may well be a very effective way of doing things. The select commission looked at it. I think it has an appropriate ring to it, I might say. To implement such a system without knowing whether it would work would be expensive. A study would clarify that.

I appreciate the Senator's thoughtful approach to it. I believe his amendment can be acceptable, and I do accept it on behalf of this manager of the bill. I believe Senator SIMON will indicate his agreement.

Mr. SIMON. Mr. President, yes, I can speak for Senator KENNEDY. Those of us who serve on the subcommittee

think this is an excellent amendment and we shall be happy to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 609) was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 610

(Purpose: To require the Comptroller General of the United States to investigate ways to reduce counterfeiting of Social Security account number cards)

Mr. MOYNIHAN. Mr. President, I send an amendment on behalf of myself and Mr. D'AMATO to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] for himself and Mr. D'AMATO, proposes an amendment numbered 610:

On page 38, between lines 20 and 21, insert the following:

(g)(1) The Comptroller General of the United States, upon consultation with the Commissioner of Immigration as well as private sector representatives (including representatives of the financial, banking, and manufacturing industries), shall inquire into technological alternatives for producing and issuing social security account number cards that are more resistant to counterfeiting than social security account number cards being issued on the date of enactment of this Act by the Social Security Administration, including the use of encoded magnetic, optical, or active electronic media such as magnetic stripes, holograms, and integrated circuit chips. Such inquiry should focus on technologies that will help ensure the authenticity of the card, rather than the identity of the bearer.

(2) The comptroller general of the United States shall explore additional actions that could be taken to reduce the potential for fraudulently obtaining and using social security account number cards.

(3) Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and the Committee on the Judiciary and the Committee on Finance of the Senate a report setting forth his findings and recommendations under this subsection.

Mr. MOYNIHAN. Mr. President, in brief, in the 1983 Social Security Amendments, we required that a tamperproof, counterfeit-resistent Social Security card be produced by the Social Security Administration. They did, Mr. President, but I regret to say, and I think most Members that I have talked to agree, that what we have here is the same pasteboard card we have had for the past 50 years. An institutional bias exists in the Social Security Administration. It will not produce a Social Security card which an employer can immediately look at and have confidence in and say this is an authentic document.

The need for such a document is central to this legislation. We are imposing severe sanctions on the use of false documents for purposes of employment. The current Social Security card, easily counterfeitable, is sold in volumes on both sides of our borders. An official Government estimate is that some $15 billion a year in fraud could be involved.

Mr. President, there was a time when the Social Security card simply served the purpose of reserving an account of the individual worker in the Social Security Administration, but we are a long time past that. There was a long period during which the card actually said, "Not to be used for identification." But events have changed that, and in every area of our activities, we find the Social Security number is a convenient reference for individuals.

Persons who join the armed services today have their Social Security card as their official dog tag numbers. Students in college are given it for their bursar number. They are perfectly acceptable and perfectly confidential as long as numbers are not counterfeited and misused.

The technology of the last few years has allowed very rapid development of quite extraordinarily efficient and inexpensive devices for providing a card that can be automatically checked through telephone lines to the banks that issue credit cards. The devices are simple. They involve a magnetic tape, they involve algorithms, they involve holographs, they involve well-established technology. Your average credit card today with a holograph, with a magnetic tape, costs 8 cents apiece. This is not a large sum.

The individual worker, a young man or woman applying for a job can hand an employer a seriously responsible document, which is what a plastic or other form of card can be, with numbers and vast amounts of data that can be put on a magnetic tape on the back. Or with a holograph, if you want to make it more difficult to misrepresent.

It is the most elemental of matters and at any checkout counter in any supermarket in America, any airline counter, they simply take this card and run it through a small device and it is immediately confirmed as valid or invalid with respect to very rapidly updated information on whether the funds or the credit are still available to the card. The purpose of the proposal I have is to say, let us try to break out of past unavailing efforts and get the Social Security Administration to do this on its own. We would ask the Comptroller General, in consultation with the Immigration and Naturalization Commissioner and whomever he wishes to consult to inquire into the technological alternatives for producing and issuing Social Security account number cards that are generally resistant to counterfeit, and which by their nature can be used for a quick check as to their authenticity. This is clearly within the range of the capacity of the private sector—and should be for the Federal Government—in this most basic of insurance systems that relate directly to employment. In the overwhelming number of cases, the Social Security card will be the one bit of identification the young person of whatever age submits to an employer.

I would hope this could be adopted, and I hope that the Comptroller General will take it as a serious opportunity to put in place systems of verification—systems without which this legislation would work serious injustice on a great many young new workers and entering workers.

It is clearly within our technological ability. We only need to make the decision. We have made the decision as a society to use this number for a wide range of purposes, from military identification, as I say, to bursar number when you become a freshman at the State university. The opportunity is here and the need, I think, given the criminal penalties we are necessarily imposing in this law.

Mr. BENTSEN. Mr. President, will the Senator yield for a question?

Mr. MOYNIHAN. I am happy to yield to my friend from Texas.

Mr. BENTSEN. I compliment the Senator in what he is endeavoring to do here. I have supported this effort for a long time. I think it is a major step forward.

I can recall at a time when people reacted negatively to a national identification card; calling it an invasion of their civil rights.

I think that is one of the phoniest arguments I have heard.

Anytime I want to go down and cash a check they say, "Let's see your driver's license," and I have to reach in my pocket and show them my driver's license. I do not mind that at all, except for the photograph, and I must comply.

I recall visiting with the Social Security Administrator regarding implementing a noncounterfeitable Social Security card. He said: "There is no way you can do that. The cost would be horrendous."

Then I said, "Can you explain to me why almost every State has a driver's license; if they can do that, they can make a foolproof of Social Security card!"

I go down to a little country like Costa Rica, a wonderful little democracy. Anyone who comes there votes, has a card with a photograph identify-

ing that person; if Costa Rica is capable of doing it then so can we.

When someone says, "Show me that you are in this country legally, show me that you are a citizen of this country," I do not think it is any invasion of my privacy to pull out a Social Security card and prove it.

You know, if I am trying to support my credit with my driver's license to cash a check, then certainly when it comes to saying that "I want a job to say that I am a citizen of the United States or that I am legally in the United States," I do not understand why I should apologize for that or feel that it is any invasion of my privacy at all.

I congratulate the Senator in what he is trying to do and support him.

Mr. MOYNIHAN. I thank the Senator from Texas and reinforce the point that this is the job applicant's opportunity to prove who he is. Most any sizable employer will have a device that just electronically picks up the magnetic signal. If not the employer can go down to the nearest bank and do it or go the nearest shopping center and do it.

It does not involve any invasion of anyone's privacy. It is a document that allows you to establish your legitimacy in our social insurance system.

Mr. President, I have discussed this with our distinguished chairman and I have found him very responsive to it. I think we do accept the fact that is something to be given to the Comptroller General. The ramifications are wider than the Social Security Administration itself and besides, we have tried with the Social Security Administration and it does not work. We have a developed technology, as the Senator from Texas has said, that can work. My amendment asks that a simple study be conducted and that the Comptroller General have his report to us not later than 1 year from the day of enactment of the bill.

When the Social Security amendments were before us in 1983, we approved a provision to require the production of a new tamper-resistant Social Security card. The law, section 345 of Public Law 98-21, stated:

> The social security card shall be made of banknote paper, and (to the maximum extent practicable) shall be a card which cannot be counterfeited.

What a disappointment when late that year, the Social Security Administration began to issue the new card, and it became clear that the agency simply had not understood what Congress intended. The new card looks much like the old, a pasteboard card really much like the first ones produced by Social Security in 1936. It has the same design framing the name, nearly the same colors. It feels the same. An expert examining a card with a magnifying glass can certainly detect whether or not one of the new ones is genuine, but the average employer cannot distinguish a counterfeit card from the real article.

By so doing—or not so doing—the Social Security Administration did not succeed in protecting the integrity of the Social Security System, or American taxpayers from the massive amounts of fraud perpetrated with the help of counterfeit cards. Nor did they help the young Hispanic worker who needs a document that can quickly establish his legal status to an employer's satisfaction.

There is a history here. The Social Security Administration, from its early years, has resisted any use of the Social Security card for identification purposes. At one time, the card actually said it could not be so used.

In 1977, when I first proposed that we produce a new card, the Social Security Administration objected and the proposal was not adopted. I tried again and again, and succeeded only on the fifth try.

Or so I thought.

The use of counterfeit Social Security cards is costly. According to estimates by the Department of Health and Human Services and the Department of Transportation, crimes based on false identification, which frequently include counterfeit and fraudulently obtained Social Security cards, cost Americans more than $15 billion annually.

A new Social Security card—one very difficult to counterfeit and easily verified as genuine—could be manufactured at a very small cost. Today, the average high-technology-credit card with a magnetic stripe costs 8 cents to produce. A Social Security card could be designed along just these lines. The card could be highly tamper-resistant, and its authenticity could be readily discerned by the untrained eye. It must be seen as a special document; one which would be visually and tactilely more difficult to counterfeit than the current paper card.

The magnetic stripe would contain the encoded Social Security number, encoded with an algorithm known only to the Social Security Administration. A so-called watermark stripe could be placed over it, making it nearly impossible to counterfeit without technology that currently costs $10 million. The decoding algorithm could be integrated with the Social Security Administration computers.

Any employer could verify that the card was genuine with the simple hardware now used for credit cards at just about every airline and grocery checkout counter, magnetic card readers. The information is transmitted from the card to the reader, to verify if the card contains a valid coded number to be interpreted by the algorithm, and then, if necessary, the validity of that Social Security number could be verified by phone link with a central Social Security file.

Let me repeat. According to Malco, the largest manufacturer of credit cards with magnetic stripes, these cards cost 8 cents a piece, when purchased in quantities of 1 million or more. For a bit more, each card could include a hologram, which is also very difficult for counterfeiters to reproduce.

The new cards will not eliminate all fraudulent use of Social Security cards. But it will close down the shopfront operations in many border towns that flood America with false Social Security cards. And once implemented, a young worker could bring an employer a document which could be authenticated on the spot, and declare without trepidation, I am legal: I am eligible to work for you in the United States.

That is what the Congress intended in the 1983 legislation. Not a card to be authenticated solely by Immigration and Naturalization Service technicians, but a card to be sized-up by employers with relative ease and certainty.

Let's try again. Let's at least approve a study by the General accounting Office, in consultation with the Immigration and Naturalization Service and experts from business, of the technological alternatives now available to produce a more tamper-resistant Social Security card.

The study will tell us how we can produce a card that will help protect the integrity of the Social Security System, help the Naturalization and Immigration Service in its efforts to identify those living here illegally, and help the young Hispanic worker in his and her efforts to earn the living, and the dignity, to which every hardworking legal resident of this country is entitled.

Mr. SIMPSON. Mr. President, I do appreciate the continuing work of the Senator from New York. He and I have worked together on what to do about the integrity of the Social Security card, how to improve it and how to make it work without intrusion. As I understand the amendment, it would require technological alternatives for improving the security of the present Social Security card.

I think that is a very important question with regard to the immigration bill, particularly because so many current forms of identification are so thoroughly gimmicked. S. 1200 protects us against the specter of a national ID card. I know Senator MOYNIHAN has never felt that would be appropriate. I think that we do need to provide for the security of present documents.

This amendment is thoughtful and would allow us to study possible methods to achieve it. I am very pleased to

accept the amendment. I believe it is acceptable to the minority.

Mr. MOYNIHAN. I thank the distinguished chairman.

Mr. BENTSEN. Mr President, I would like to comment for about 5 minutes on the bill itself.

Mr. MOYNIHAN. Will the distinguished Senator from Texas allow me to have this amendment disposed of?

Mr. BENTSEN. Of course I would. I thought it had been accepted.

Mr. MOYNIHAN. Mr. President, I believe the Senator from Illinois wishes to indicate his acceptance.

Mr. SIMON. Thank you, Mr. President. I shall be brief.

Mr. President, on behalf of the minority on the subject we think it is an excellent amendment and are pleased to support it.

Mr. MOYNIHAN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 610) is agreed to.

Mr. MOYNIHAN. Mr. President, the Chair is being insistently agreeable, and in no way would we have it otherwise. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Will the Senator from Texas yield?

Mr. BENTSEN. I am delighted to yield.

Mr. LEVIN. I thank my friends.

Mr. President, I wish to engage in a brief colloquy with the chairman of the Subcommittee on Immigration relative to the need for more INS inspectors at Michigan ports on the northern border.

S. 1200 includes appropriations for increased border patrol and other inspection and enforcement activities of the INS. While I am all too familiar with the serious demands and needs of the southern border, I am concerned about the shortage of inspection personnel at the northern border as well. The Port of Detroit is the largest port of entry along the northern border. Complaints to my office are constant from both the traveling public and the business community about the long lines and intolerable wait at the Detroit-Windsor Tunnel, the Ambassador Bridge, and the Blue Water Bridge between Port Huron and Sarnia. One constituent wrote to me on April 26, 1985, that she and her family were "held captive for 2½ hours" on the Ambassador Bridge. According to my constituent, during this period, "* * * cars were boiling over, clutches were smelling, and cars were being towed off * * *." The lines are so long and intolerable that fist fights have broken out in the tunnel. People have become ill while waiting and have not been able to move their cars out of the tunnel for help.

Mr. President, business in the Michigan area is being discouraged and even lost due to the cost of these lengthy waits and inconvenience at the Detroit-Canada border. Michigan's economy cannot tolerate a hardship that can so easily be avoided. I need not tell the chairman that our trade with Canada is vast and vital. It is in the interest of both our nations to restore our mutual border to the effective industrial and international link it once was. A letter I received from St. Clair County, Michigan stated:

> At its meeting of August 28, 1985, the St. Clair County Board of Commissioners entered into considerable discussion on a problem that effects both the United States and Canada. The problem is the increasing amount of time that it takes to clear Customs and/or Immigration at various points of entry and specifically at the Blue Water Bridge between Port Huron and Sarnia. As you would appreciate, any delay has an impact upon the social and economic life of both countries, but as of late, the delay is becoming more and more apparent.

The problem can easily be identified. The volume of car and truck traffic at entry points in Michigan has increased dramatically. For instance, traffic volume at the Ambassador Bridge in Detroit has increased by more than one-half million in the past decade. The increase at the Detroit/Windsor Tunnel has been greater than 300,000 for that same period. Unfortunately, full-time inspection positions have been reduced by more than 33 percent during the past 10 years.

I realize that resources are limited and that a principal goal in authorizing increased funding for inspection and enforcement activities by the INS is the problem of illegal immigration at the southern border. I hope that the northern border will not be ignored because our needs are so great.

Can the chairman give me some assurance that the ports of entry on the northern border and specifically, the Port of Detroit and the Port of Port Huron, will receive some increase in the number of inspection personnel under this legislation?

Mr. SIMPSON. The Senator from Michigan is correct in assuming that most of the additional funds authorized to be appropriated under S. 1200 for inspection personnel will be directed to the southern border, where our shortages are the greatest. However, we recognize that increases in the number of people entering ports on the northern border might well create a need for more inspectors. I will ask the INS to look at the need for more inspectors at the Port of Detroit and the Port of Port Huron and to do everything possible to meet those needs.

Mr. LEVIN. Mr. President, on another point, I wish to briefly bring to the attention of the floor manager, a case which was decided less than 3 weeks ago by a Federal district court in California. It was the case of the International Union of Bricklayers and Allied Craftsmen versus Meese. In this case, the court decided that a B-1 visa is not available to indivduals who temporarily enter this country to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside of the United States. The court found that INS operations instruction 214.2(b)(5) which allowed a B-1 visa to be issued under this circumstance violated sections 101(a)(15)(B) and 101(a)(15)(H)(ii) of the Immigration and Nationality Act.

This INS regulation was promulgated in 1972. I would ask the floor manager if he can give me some assurance that the subcommittee will look into this issue, not to second guess the court, but to see whether this INS regulation which had been in effect for 13 years met a legitimate need which will now go unmet. Further can I have some assurance that in looking at this issue the subcommittee will consider the net impact of this INS regulation on jobs in this country held by Americans.

Mr. SIMPSON. I can understand the Senator's concern, and I assure him that the subcommittee will look into this issue with an eye to seeing whether a modification of the statute itself might be in order, taking into account the relevant employment concerns.

Mr. BENTSEN. Mr. President, this is not the first time we have discussed an immigration bill. I can think back to the time when TED KENNEDY, the Senator from Massachusetts, and the Senator from Mississippi, Jim Eastland, worked on an immigration bill.

I guess this is the third time I will have voted for Senator SIMPSON's bill.

I could give you probably 20 reasons not to vote for it, but none of them are good enough. I certainly do not like the idea of employer sanctions. I wish we could have come up with a better solution to it than that.

I hear some of my friends say add more border partrolmen. The people who say that, I believe have not traveled the border to the extent I have. There is no way you can put enough border patrolmen on the U.S. borders to stop people from coming into the United States.

I can take you and fly you over ranches in south Texas and I can show you paths across those ranches coming from the border and those are not paths made by cattle; those are paths made by people, moving across this country and moving into the interior of our country.

We have more illegal immigrants into this country than any other nation in the world. The estimate is 5.6 million. I do not know how that number is calculated. The very nature

of the problem makes it very difficult to define but we know it is millions and millions of people and we know we have lost control of our borders.

One of the primary requirements of a country is to have integrity of its borders and we have lost that.

We have the most generous quotas on immigration of any nation in the world and it is time that we stay within those quotas.

This is the third time that Senator SIMPSON's bill has been before us. I know that there are a variety of interests opposing this bill, each of them with what they consider a legitimate concern.

But what we have to look at is the whole picture, the overall benefit immigration control provides to our Nation. One-fourth of this world goes to bed hungry every night. Another fourth suffers from malnutrition. And half of them would move here tomorrow if they could, and I wish we could handle them. We are a compassionate people and we are a concerned people. I know what is written on the Statue of Liberty, but I also know when that was written. It was at a time when the West was not settled, and we desperately needed immigrants. But that time has passed. The West is settled. We have 8.1 million people in our country who are out of work, people who are looking for jobs.

America has changed. I think it is time that we respond to those who cry out for jobs, those who want a fair shake, those who want a chance to build a home for their families. We look at a trade deficit today that is probably going to be $150 to $160 billion. Last year it was $123 billion, the year before that approximately $70 billion.

That means that we are going to have increasing loss of jobs in this country as we make transitions to other types of occupations. This is no time for a great influx of immigrants to come to this country.

I hope that at this time we will once more pass this bill by an overwhelming majority and that that message will go forth to the House of Representatives and that you will see the same kind of reaction there, and once again we will restore the integrity of the borders of this country.

I congratulate my good friends, Senator SIMPSON and Senator KENNEDY, for the monumental work that they have done on this piece on legislation. I hope that the Members and my colleagues will support it and support it in great numbers.

AMENDMENT NO. 611

(Purpose: To express the sense of the Senate regarding ethanol imports)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of myself, Mr, SIMON, Mr. BUMPERS, and Mr. HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. SIMON, Mr. BUMPERS, and Mr. HARKIN proposes an amendment numbered 611.

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds and declares that—

(1) The Treasury Department's decision on August 28, 1985 to postpone until November 1, 1985 implementation of a 60-cent-per-gallon tariff on imported Brazilian ethanol would cause significant harm to U.S. agricultural and commercial ethanol industries, a loss of jobs in the ethanol and related industries, further deteriorate the U.S. balance of trade, pressure downward commodity prices even further and heighten the long-term threat of more U.S. dependence on imported oil;

(2) This decision clearly is counter to the explicit dictates of the Congress in the passage of Public Law 96-499 adopted by the Congress in 1980 and signed into law by the President;

(3) The potential amount of ethanol which could be imported under reduced tariffs before November 1, 1985 could equal the total amount of annual domestic ethanol production in the United States;

(b) It is therefore the sense of the Senate that—

(1) The 60-cent per gallon tariff on imported ethanol should be immediately implemented.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. EXON. Yes, without interrupting this part of the proceedings.

Mr. BYRD. Mr. President, I merely want to ask our good friend, the manager of the bill, Mr. SIMPSON, whether or not we could give our Senators word that there will be no more rollcall votes today. I do not have to leave. Some of our Members on both sides of the aisle have flights out of Washington and, as I understand it, if they do not get away within the next few minutes to make those flights, they will have to stay overnight and will not be able to leave today.

The distinguished Senator knows that I support his bill. I am not one of those who has to leave in this instance.

If we could have that agreement that there will be no more rollcall votes today, we could continue to work on an agreement looking toward Tuesday for final passage. I cannot assure that we will have an agreement, but I cannot assure we can have an agreement if we continue to have rollcalls.

Mr. SIMPSON. Mr. President, I am fully aware, not only in my capacity as manager of the bill, but as a Member of the leadership on this side, that it is hazardous business to become known as an unaccommodating chap. I really am not. I really would love to tell my colleagues right now to head for National Airport and Dulles. I cannot.

But that is not me delaying them. I am ready to stay here and process this bill and process the amendments to this bill, either tonight until 9 o'clock or whatever you have in mind, or all day Monday.

But I know one thing about legislating in this place after 6½ years. Once I make that decision, this Chamber will clear and we will be back in stringing this bill out on Tuesday and Wednesday and Thursday, and that is the way it will be. I am not going to be a part of that. I hate to be hardnosed, as they say in the game, but we are just going to keep processing. If people wish to filibuster or intrude or interfere, I guess we will just keep going, because I do not know any other way. And I will probably be looking forward to the expertise of the minority leader if he has any thoughts to help in the expedition of that process.

What I want to do is this: So there will be no mystery, no mystery at all, let me just share it with you once more. It would be a unanimous-consent agreement to process every amendment that is before us and allow people to leave these Chambers tonight. As soon as this unanimous consent is agreed to, Members may absent themselves and we will then deal—either this evening, or at the accommodation of the amendment proposers—with several amendments and I have them listed here. There is a Metzenbaum amendment, two Simon amendments, a Levin amendment, a Wilson amendment, which is a revisitation of the amendment of yesterday with a "substantial change"; another Wilson amendment; a D'Amato amendment which will be agreed to, perhaps; a Cranston amendment with a distribution formula; a Heinz amendment dealing with Social Security, an Exon amendment dealing with Brazilian ethanol imports; a Bumpers amendment, either perfecting or a substitute to the Heinz amendment; and a Simpson amendment which could be called the all-gunner amendment of some kind.

I then would have asked unanimous consent that any rollcall votes ordered past the hour of 6 this evening or on Monday, September 16 all day, or in relation to any amendments on S. 1200 be postponed to occur in the morning of Tuesday, September 17.

Originally that was proposed for 10 a.m. Senator KENNEDY and I have a refugee consultation at 10 a.m. on Tuesday. Since there is not a time agreement yet, I would propose that that would be at 12 noon, then, on Tuesday, the 17th, in the order in which the yeas and nays were ordered.

I would also have asked unanimous consent that there be 5 minutes of debate prior to each sequenced vote on Tuesday, to be equally divided, and that there would be no motion to recommit and that final passage would occur on S. 1200 without intervening

action, other than third reading, immediately following the last sequenced rollcall vote on Tuesday, September 17, and that paragraph 4 of rule XII be waived.

I present that. If that is not acceptable, we will plow ahead with all of the hazards that go with that.

Mr. BYRD. Mr. President, reserving the right to object, the agreement has not been cleared on either side, to my knowledge. I have not seen it yet.

Mr. EXON. Mr. President, does the Senator from Nebraska still have the floor? I am happy to yield to the managers of the bill for anything that they want to do.

Mr. SIMPSON. Mr. President, then, at this point, I would suggest the absence of a quorum.

Mr. BYRD. Mr. President, the Senator from Nebraska has the floor.

Mr. EXON. I did not yield for that purpose.

Mr. SIMPSON. Mr. President, let me review, since we are talking again here about order. I submit to the Senator from Nebraska that his amendment that he is speaking on now was presented last evening. Then I put him on the list. The list is one that has other people to appear before the Senator from Nebraska: Senator METZENBAUM with an amendment, Senator WILSON with an amendment, Senator SIMON with an amendment, Senator LEVIN with an amendment, Senator METZENBAUM, Senator D'AMATO, and then Senator EXON.

I am only saying that if now we are to proceed with the amendment of Senator EXON—and apparently we are; he presented it—I simply submit that I would be very pleased to accommodate the Senator if I could, but an amendment on the issue of Brazilian ethanol imports is not something I am familiar with in connection with immigration reform. I have read it. The Senator presented it to me. He was very good to present it to me this morning. It is not now out of order procedurally for him to do as he has done. It is perfectly appropriate. But it is certainly not part of the proposal, as people have been waiting in line very patiently on both sides of the aisle to deal with their particular issues.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. Mr. President, I hope that the remarks that we are making on this subject and the preceding discussion will not fall within the printing of the RECORD so as to interrupt the introduction of the amendment that I have accomplished a few moments ago.

I was a little bit surprised at the remarks being made by the manager of the bill. I think the manager of the bill should know that, with the possible exception of the Senator from Wyoming, the distinguished Senator from Massachusetts, and the distinguished Senator from Illinois, I believe this Senator has been on the floor more today than any other Member of this body. I suggest that I have been patiently waiting.

I was somewhat disturbed, frankly, when the manager of the bill did not object to the Senator from Pennsylvania standing up and offering an amendment that was out of order. The reason that I stood up, Mr. President, a few moments ago was that, after the Senator from Texas finished his discussion, there was no one on the floor that I could see, no one in their seats, no one standing, and we were wasting time once again. So I thought: What is wrong with the Senator from Nebraska proceeding with the introduction of his amendment?

I have the floor. I am going to do that, despite what might be the objections, legitimate or otherwise, of the Senator from Wyoming.

Mr. President, in 1980 the Congress, in an effort to promote a U.S. ethanol industry and in the interest of long-term energy security, set the import duty on fuel alcohol at roughly 60 cents per gallon. It was a responsible course of action to take. This measure was intended to lead us toward energy self-sufficiency and would provide new markets for our agricultural commodities.

However, in 1984, American importers soon began to capitalize on a loophole of their invention which would allow imported ethanol to be mixed with a small amount of toluene to avoid the U.S. tariff. The phony and devious theory was that a small amount of the chemical toluene added to ethanol made ethanol something other than ethanol, even though the new brew was employed for identical purposes.

On August 2 of this year our Customs Service belatedly closed this loophole and it appeared that this flood of foreign ethanol would be held back at last.

However, the Treasury Department began to intervene on the part of importers. As a compromise, the Customs Service and the Treasury Department agreed to a 90-day grace period before implementing the congressionally mandated tariff for this incoming ethanol until November 1.

Mr. President, a compromise and a sell-out of great proportions occurred. The Treasury Department compromised our integrity. The Treasury Department circumvented the will of Congress. The Treasury Department decided it knew what was best, regardless of the plans this body set out for our own energy independence and the marketing of our own agricultural products.

Exactly 2 years ago, I assisted with the groundbreaking ceremony of Nebraska's first major ethanol production facility in Hastings, NE. At that time all felt an enormous sense of accomplishment. Through the course of my Governorship in Nebraska, and with the help of the Congress, we had overcome obstacle after obstacle in our effort to provide a measure of energy self-sufficiency for America and new markets for American agricultural products.

Today, in light of recent developments, our ambition for developing ethanol is holding steady, but my optimism is challenged.

Ethanol production in the United States is being challenged on several fronts. What continues to amaze me is that challenges to domestic, commercial production of ethanol come not from technical problems or environmental concerns, but from our very own Government.

Recently I communicated my frustration on this matter to the President's Trade Representative, Mr. Clayton Yeutter. In my telegram to Mr. Yeutter I said:

> • • • It is evident that the Reagan administration cares more about the financial health of American international bankers and their insolvent foreign loans than the imminent bankruptcy of thousands of farmers, ranchers, and middlewestern small businessmen • • •.

I asked the Trade Representative to intervene in this matter and help implement the higher tariff immediately.

This tariff delay has severely harmed American ethanol producers. And it has, without a doubt, added insult to injury to America's farmers who face economic problems greater than any they have faced since the Great Depression.

Not only will this horde of Brazilian ethanol at minimal tariff cripple domestic ethanol production—this imported ethanol is actually fueling the steamroller of economic depression which is already crushing farms and small towns on its way to our larger metropolitan areas. These cheap, subsidized imports during this 90 day period could equal 1 whole year's worth of U.S. ethanol production.

With a wink and a nudge, the Treasury Department will allow up to 600 million gallons of ethanol to come into the U.S. almost duty free. This is the equivalent of 240 million bushels of corn and could depress corn prices by 15 cents per bushel.

Not only does this action devastate our domestic ethanol industry, but it will play a major role in our 1985 farm program. It could mean that the Commodity Credit Corporation would incur an additional obligation of perhaps hundreds of millions of dollars in corn loans, not to mention the 30 cents per bushel per year for storage and 25 cents per bushel per year for interest. Furthermore, deficiency payments will increase.

Our great Nation also loses in another, more direct way. Up to $350 milion in import duties will be lost.

The delay in reinstating the tariff is purely, unmistakably, and blatantly a windfall for a limited number of ethanol importers. It should be obvious that this windfall is not going to those who are interested in ethanol as a source of renewable fuels, nor is it going to people who are concerned about utilizing our farm products.

Mr. President, just the other day Vice President Bush declared that the President will get tough with our trading partners. He said, "No more Mr. Nice Guy". Well, here is a place where we can start.

It appears that the centerpiece of the President's forthcoming new trade policy will be aggressive enforcement of existing trade laws. That is exactly what I am asking for in this sense of the Senate resolution. The resolution does not recommend a new trade law. It simply says that the existing 60-cent-per-gallon tariff on imported ethanol should be immediately implemented.

I regret that this resolution has to be placed on this bill. However, we are already halfway through the 90-day grace period allowed by the Treasury Department ruling and that ruling must be reversed now.

It is tough enough to fashion sensible agricultural and energy policies for America without having to fight our Government. We must take a stand today for America's farmer and for energy sufficiency.

Mr. President, I urge adoption of the amendment.

Mr. President, I will be very happy to set over the vote on this until next Tuesday. I am about to ask for a rollcall vote. I want to fully cooperate with the manager of this bill, as I have, to get our colleagues released, those who wish to be released. That is why I have been patient all day long. That is why I took exception to the indication that when the Senator from Nebraska got up under the rightful Rules of the Senate, when no one else sought recognition, the indication was that I should have waited for somebody who was not here to present their amendment. I did not choose to do that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, one of the cosponsors desires recognition but I do not have the right to yield to him unless it is for a question.

The PRESIDING OFFICER. Will the Senator yield to the Senator from Illinois?

Mr. EXON. I yield to the Senator from Illinois.

Mr. SIMON. Is it not true as you were going about Nebraska and I was going about Illinois and my colleague, Senator DIXON was going about Illinois, that we found farmers in desperate straits and the last thing we need is the lowering of corn prices by ethanol from Brazil? Is that not correct?

Mr. EXON. The Senator from Illinois is so accurately correct.

Mr. SIMON. I thank the Senator from Nebraska. I commend him for his amendment.

Mr. EXON. Mr. President, I yield the floor.

Mr. ABDNOR. Mr. President, I share the frustration expressed by my distinguished colleague from Nebraska, Mr. EXON, about the current Federal policy as it applied to imported ethanol. This is another glaring example of how our current trade policies work against the American farmer.

I regret that the U.S. Treasury Department seems to be more concerned about the well-being of Brazilian agricultural interests than they are about the American farmer and rural America.

I commend Senator EXON for his continued efforts to assist with this issue and I urge my colleagues to join in this effort to place the Treasury Department on notice that we will not allow these types of stupid policies to continue. They are disastrous for America and for the American farmer.

Mr. SIMPSON. Mr. President, I want to express to the Senator from Nebraska an apology. He has been patient. Indeed, there was no activity on the floor when he determined to take that opportunity to present an amendment which he had been waiting to present for a day—a full day. I do extend that apology to him and thank him for his understanding.

Mr. EXON. If the Senator will yield, I thank him. An apology is not in order. I know the extreme patience that the Senator from Wyoming has. I appreciate his consideration. I just wanted to state my remarks for the record.

Mr. SIMPSON. I thank the Senator from Nebraska.

Let me just state that with regard specifically to the amendment, the finding here is not binding, although it might be considered, I understand, very significant in the litigation. The issue appears to be a very significant one. I think it deserves full consideration through the normal committee proceedings, a hearing and debate by those most deeply involved in it, those on the Agriculture Committee. I appreciate the offer of the Senator from Nebraska to consider that if we are able to stack votes and come to a Tuesday vote. I assure the Senator we will have a vote on the amendment. I will advise the Senator from Nebraska I will move to table the amendment, not to have an up-or-down vote but to table if we are able to take it to the Tuesday stacked votes. That may break down.

Mr. EXON. I would like a little bit of clarification. I had previously talked with the Senator from Wyoming. I discussed this with the Senator from Kansas, the majority leader, who supports it, because what we are doing in this sense-of-the-Senate resolution that I have sent to the desk is essentially the same request that the majority leader, Senator DOLE, and the chairman of the Foreign Relations Committee, Senator LUGAR, made to the Secretary of the Treasury within the last few days.

I am quite surprised that the Senator would move to table. I assumed there was general agreement on this.

I am certainly not objecting to the Senator's right to move to table, if that is what he wants to do.

We agree, do we not, that the vote will be held on Tuesday? I would rather vote this afternoon, if possible, but I suspect the Senator would rather do it on Tuesday to accommodate other Members, which the Senator and I have been trying to do all day.

Mr. SIMPSON. Will this issue still be topical in several weeks?

Mr. EXON. I would respond to that, with all due respect, it would not be. November 1 is the key date. As I said in my remarks, and perhaps the Senator from Wyoming was momentarily distracted, we are halfway through the grace period authorized by the Treasury Department, and each and every day that goes by without a clear and overwhelming expression from the Senate that something should be done is what makes it timely. We do not have the time to refer it to committee.

Mr. SIMPSON. Mr. President, under those circumstances, and if we are able to pass this bill and go to conference, this would not be a topical issue. Under those circumstances, since it is an expression the Senator wants to make and a clear one, I am willing to accept the sense-of-the-Senate resolution with regard to this particular matter. However, I must clear that with the minority.

Mr. EXON. It has already been cleared on this side.

Mr. SIMPSON. Then it is so accepted.

Mr. EXON. We seem to be in agreement. The yeas and nays have been ordered. Will we stack the yea and nay votes until Tuesday next?

Mr. DOLE. The Senator will take it without a rollcall vote. Is that right?

Mr. EXON. I requested and would like a rollcall vote. In order to accommodate as many Members as possible, I think it would better to put that off until Tuesday. But I am prepared to vote, if that is the will of the leader.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I indicate to the Senator from Nebraska that a rollcall vote is certainly his prerogative, and I would not move to table and I ask if he will agree to deal with that on Tuesday. If we are able to reach the accommodation to stack votes, it will be handled at that time. If not, of course, he will be protected with a rollcall vote at the time we are voting again.

Mr. EXON. I have no objection whatsoever. That is what I have been indicating to the leader all day long. I want a rollcall vote; it has been ordered; it is at the desk. We can have a rollcall vote now or Tuesday. We can stack it. We can do anything we want with it. I am trying to accommodate completely the leaders and the other Members of the body.

I understood the Senator to say that if we can get the stacking of votes on Tuesday, which he does not have yet, we would vote on it on Tuesday. Otherwise, if we plow ahead, as the leader of the bill might unfortunately be forced to do because he could not get the time agreement, I would anticipate that we would vote on it sometime this evening or on Tuesday, either of which is acceptable to this Senator.

Mr. SIMPSON. I thank the Senator.

AMENDMENT NO. 612

(Purpose: To improve housing for temporary agricultural workers)

Mr. METZENBAUM. Mr. President, I call up an amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair reminds the Senator from Ohio that the other amendment is still pending.

Mr. METZENBAUM. I ask unanimous consent that the amendment of the Senator from Nebraska be temporarily laid aside until that matter is resolved and that I be permitted to call up an amendment at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I call up an amendment which is at the desk, having to do with the subject of housing.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 612:

On page 44, line 19, insert "for a period of not to exceed two years from the date of enactment of this Act" after "permitted".

Mr. METZENBAUM. Mr. President, this amendment restores the principle that growers who use temporary foreign workers must provide those foreign workers with housing.

Under the current law, growers are required to do this, and it has not proved to be a major burden; but the bill changes the current standard by allowing housing allowance instead. That creates a number of problems.

Mr. President, I ask unanimous consent that my further remarks in connection with this matter be permitted before the conclusion of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that this amendment be set-aside and that it be dealt with on Tuesday, with or without a rollcall vote, depending upon whether or not the matter can be resolved with the managers of the bill; that if we cannot resolve it, the rollcall vote occur at such time as the rollcall votes occur on Tuesday, or such later time when other amendments dealing with this amendment are to be considered.

The PRESIDING OFFICER. The rollcall vote has not been called for, but, without objection, the request is granted.

Mr. SIMPSON. Mr. President, this matter of the growers has been a continuing discussion.

I understand that the amendment is to sunset, after 2 years, the provision permitting employers to provide a housing allowance, rather than housing, provided there is housing available in the area. I must say that I think that is too short a time. I think migrant labor housing in sufficient quantity is not presently available. It is certainly a heavy issue.

We provided in the bill for housing allowances, which would allow growers to pay an allowance so that the workers could rent quarters in town or wherever. The special temporary worker housing is preferable, but it does not exist in adequate amounts at the present time.

I see my two colleagues who are vitally concerned about the migrant temporary worker issue. It will take time to build that kind of housing. I agree with the Senator; I think it is necessary.

There are zoning problems in connection with housing. One of the most vexing public jobs I have held was with the planning and zoning commission.

Two years seems an insufficient amount of time. If the Senator from Ohio would increase the time limit to more appropriate years, I would certainly accept the amendment. Two years is not enough.

Mr. METZENBAUM. Mr. President, I point out to my distinguished colleague from Wyoming that at the present time the housing is required. The bill before us eliminates the housing and provides for housing allowances.

I think there is some merit to what the Senator is saying, that if you are going to build housing, it cannot be done overnight. That is the reason why I set the 2-year period. It is my view that it is an adequate time.

However, since I have already indicated that I am prepared to have this matter be set for a vote on Tuesday, I hope that, although I will not be here on Monday, sometime Tuesday morning he and I may be able to get together and resolve this matter on an amicable basis. I am presently prepared to tell him that I am willing to concede and go up as far as 2 years and 2 weeks, but we might go a little further than that if he twisted my arm.

Mr. SIMPSON. We might try 6 years and 2 weeks and see where we can go.

Mr. METZENBAUM. Mr. President, the bill changes the longstanding requirement that employers must provide housing to temporary foreign workers. This drastic weakening of the current requirement will not result in decent safe housing for foreign workers. The result will be quite the opposite.

First, there is no assurance that the allowance will be adequate. The bill requires only a reasonable allowance. What is reasonable? At the very least, there will be major problems in administering this vague standard and in enforcing compliance.

Second, it is totally unrealistic to assume that decent housing will be available in many rural areas where these workers will be employed. The bill provides that an allowance is permitted only if suitable housing is available in the proximate area of employment, Again, this language creates a vague, unenforceable standard. How far does the worker have to travel?

Finally, we have no assurance that the worker will use the allowance for housing—perhaps he or she will need it for food or medicial care. They may decide to sleep in the fields rather than take the time to find housing, travel to it and spend the allowance.

The result of all those factors is certain to be workers sleeping in ditches and plastic bags.

Why are we abandoning—in 1985—worker protections that have been in existence for many years? We should be going forward not backward in our concern about the working conditions of a group that has been historically exploited.

As I will explain further, this amendment does not reinstate the

housing requirement immediately. Since the H-2 Program will be expanded to some extent, it creates a 2-year delay to allow a realistic period for growers to develop housing to meet the requirement.

Mr. WILSON addressed the Chair.

Mr. METZENBAUM. Is the Senator from California addressing himself to this issue?

Mr. WILSON. Yes.

Mr. President, I simply wanted to confirm what the distinguished manager of the bill has stated. There are a number of States that do require housing.

The PRESIDING OFFICER. The Senator from California has not been recognized.

Mr. WILSON. I thought the Chair had recognized me.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, there are several States, typically those with the greatest experience in the use of seasonal workers, which have provided for housing. This subject is addressed in the amendment that we are going to propose. It was addressed in the amendment that was the subject of such discussion.

I say to the Senator from Ohio that the Senator from Wyoming is correct. There are other States which would be required, under the amendment that is to be proposed, to provide housing or a housing allowance, and that was done explicitly with the fact of life in mind that there are some which will have to make provisions.

So I simply observe that the Senator from Wyoming is correct in stating the case.

Mr. METZENBAUM. Mr. President, I just want to respond very briefly to my friend from California and point out that a housing allowance does not really solve the problem for a migrant worker. There are not that many Hilton Hotels or Sheraton Hotels or even Days Inns that are located in the rural areas where the migrant workers can use the housing allowance. I am afraid that what will happen is that he or she will get the housing allowance and will wind up sleeping in the ditch.

Before I say I am willing to strike that, I shall say that the law does not now provide for any housing allowance. It does have a requirement that housing be provided so that the legislation we had before—so that if we do not pass any legislation, then the housing has to be provided since this bill eliminates any provision for the housing and permits the housing allowance.

I think providing an extremely long time to provide that housing is totally unreasonable but, since the Senator from Iowa is such a reasonable person, perhaps between now and Tuesday, we can work out some compromise period closer to the 2-year period I have suggested. If the Senator from California and the Senator from Wyoming are their usual reasonable selves, perhaps we can work this matter out.

Mr. President, I say to the Senator from Wyoming that I had asked unanimous consent to set this matter over until Tuesday. I do not think there is anything further on it that I have to state, unless he does. It seems to me we are now back on the Exon amendment.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. DOLE. Mr. President, based on the conversation we just had with the distinguished minority leader and the manager of the bill on our side, I think it is safe to assume that there will be no more votes this evening. We will have to work out an order for rollcall votes beginning at 10 a.m. on Tuesday. We will try that on Monday.

I understand that those who have offered amendments are prepared to vote now. But there will be no more votes today.

So we will go over until noon on Monday, and after the special orders this will be the pending business.

Mr. SIMPSON. Mr. President, I thank the majority leader and the minority leader.

My colleagues have been very patient, and I appreciate that.

I say to the majority leader that with respect to Members who have amendments pending, we will arrange with their staffs to have the issues presented on Monday or Tuesday, at the mutual convenience of the parties.

We hope to arrive at some type of unanimous-consent agreement on Monday by which we would go to a time certain for a vote on Tuesday, and that is what we will strive for. But we will process the amendments on Monday and Tuesday, and the proponents of the amendments have indicated their willingness to do that.

We hope to extricate the Social Security amendment from the action, and that is a necessary thing.

That is a necessary thing. It is the thing that has delayed the progress. I assure those listening that I appreciate their patience and I hope we did not cause too much inconvenience to them on Friday afternoon. To all of those who have been inconvenienced on both sides of the aisle, I regret that.

AMENDMENT NO. 617

(Purpose: Technical amendment)

Mr. SIMPSON. Mr. Chairman, I have a technical amendment to require that the majority leader and the minority leader of the U.S. Senate be consulted by the President pro tempore before he appoints or nominates persons to be appointed members to the Commission on Temporary Agricultural Worker Programs and the Legalization Commission.

I submit that amendment and ask for its consideration.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. President, I remove my reservation.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 617:

Technical amendment: "To require that the majority leader and the minority leader of the U.S. Senate be consulted by the President pro tempore before he appoints or nominates persons to be appointed members of the Commission on Temporary Agricultural Worker Programs and the Legalization Commission."

1. On p. 62, line 11, after "Senate", insert: "after consultation with the majority leader and the minority leader of the Senate".

2. On p. 69, line 3, after "Senate", insert: "after consultation with the majority leader and the minority leader of the Senate".

The PRESIDING OFFICER. Is there further debate?

Mr. SIMPSON. Mr. President, after a review of S. 1200 and the intent of the two commissions, I am advised that that is really not a requirement at this time. I shall withdraw the amendment.

The amendment was withdrawn.

AMENDMENT NO. 618

Mr. SYMMS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] for himself, Mr. GOLDWATER, and Mr. TRIBLE, proposes an amendment numbered 618:

At the appropriate place, insert: "Notwithstanding any other provision of law or of this Act, no agency or instrument of the United States, or any corporation or other entity created by act of Congress shall extend any loan or other form of credit of whatever nature to any government or agency thereof, of any country in North America which allows access to its ports to any nuclear weapons delivery-capable Soviet naval vessel (except vessels in extremis) at any time after September 20, 1985."

Mr. SYMMS. Mr. President, the amendment is self-explanatory. I might say that it is cosponsored by the distinguished chairman of the Committee on Armed Services, Mr. GOLD-

WATER, and the distinguished occupant of the Chair, Mr. TRIBLE, and myself.

The purpose of the amendment is to address the growing problem within Mexico and Central America of Soviet intervention. I know that the distinguished Senator from Wyoming has worked long and hard on immigration legislation. I just had a discussion with one of the most respected Members of the Senate, Senator LONG of Louisiana, about the importance in the view of many Senators here of immigration legislation.

The significance of the amendment that is now pending before the Senate is that if, in fact, the Soviets continue their reckless expansion, as they have done ever since the end of World War II, of their sphere of influence and their orbit, no matter what kind of legislation this body passes, we are going to have a tremendous influx of more than immigrants but refugees who will be seeking political asylum from our good friends and neighbors south of the border.

I think the amendment significant when one reads in the press today that our friends in Mexico have invited a Soviet naval squadron to make a port call in Vera Cruz on October 4. I only say to my colleagues if an amendment of this nature is not acted on by the Congress and the U.S. Government does not take a firm stand on where we are with respect to our policy in our own hemisphere, in 1, 2, 3, or 4 years from now, it will be far too late because there will be a permanent Soviet squadron in Vera Cruz and it will be too late to act on an amendment such as this. So I offer this amendment.

I know the distinguished majority leader has said there can be no record votes on this amendment, but it is the intention of the author of this amendment to seek a record vote to the amendment on Tuesday. So I say to the manager of the bill that I would be willing to have this amendment set aside as pending business if the floor manager wants to act on the bill.

It is my intention that we should vote on this before this legislation is passed. It is totally, in my opinion, consistent with the efforts of the Senator from Wyoming to gain control of our borders, because without recognition of the international implications of Soviet expansionism into the Western Hemisphere, no immigration reform legislation is going to be able to stop the flood of refugees and immigrants that will come into this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, when they associated my name with that, I just trembled and went to pieces there. That is a provocative amendment. It certainly is. I am not a cosponsor of that amendment, I can assure you.

However, I am being humorous. That is my sword and my shield. The Senator from Idaho is quite serious. I know him. And the cosponsors are quite serious.

It would be very regrettable for me to deal with that issue on immigration reform. That would be something I could not do under any circumstances. But it is a very provocative issue. It is the pending business. Without going any further on that, we shall deal with it on Monday.

At this point, I indicate that we have failed to come up with a unanimous consent agreement. We have indicated that to the Members on both sides of the aisle.

We will proceed with the amendment process on Monday as we come in at noon, and we have already arranged for times. The proponents are ready and the managers will be ready to proceed at that time.

AMENDMENT NO. 599

(Purpose: To express the sense of Congress that the English language is the official language of the United States)

Mr. DOMENICI. Mr. President, I oppose this amendment to the immigration bill expressing the sense of the Senate that the English language be the official language of the United States. I wish to take a moment to state why.

My distinguished colleague from Idaho has highlighted some legitimate concerns. It is important that all Americans learn to speak English in order to take full advantage of all the benefits that this country has to offer. No one knows that better than I. My father came to this country as a young man. He never learned to write English because he was 14 when he arrived in Albuquerque, NM, from Italy. He came here to work in a grocery store owned by his uncle. The luxury of not working was never available to him. My father realized that he was at a disadvantage because of that fact, and that is why my father and mother were adamant that I go to school and stay in school and learn English. And I thank them every day of my life for that.

But this amendment won't remedy any of the problems which the Senator from Idaho has pointed out. It won't help anyone learn the English language. It won't improve our society. It won't lead to a more cohesive nation. In fact, it will create a more divided nation. This amendment is an insult to all Americans for whom English is not the first language now at this stage of their life and to all those Americans who would like to learn English but who can't for one reason or another.

You know, I come from a pretty unique State. New Mexico is a land where the Indians, the Hispanics, and the European settlers have come together to create a tricultural society. It's a State where nobody is in the majority, everybody is a minority. So we New Mexicans have had to learn to live together in harmony. It was not always easy, but we did it. We created something special out there through respect and understanding of our differences and by concentrating on our similarities. This amendment will only upset that delicate balance; it concentrates on our differences and ignores our similarities as people.

Do not forget that long before the Pilgrims landed on Plymouth Rock, Spanish was being spoken in New Mexico. The same is true of California, Florida, and Texas. And we don't know how long the Native American languages have been echoing through the mesas of New Mexico and the rest of this land. Far longer than the speakers of English have been here, that's for sure. Let us not insult the proud heritages of these people by assuming a position of linguistic superiority.

I oppose this amendment because it does nothing that it is supposed to do. It won't help a poor Italian grocer to learn how to write English. It won't help a Spanish-speaking person to learn how to speak English. It won't create a better, stronger, more cohesive American society. It will only insult those for whom a language other than English is a major part of their culture and their lives.

THE CALENDAR

Mr. SIMPSON. Mr. President, I inquire of the minority leader if he is in a position to adopt any of the following joint resolutions: Calendar Order No. 288, Senate Joint Resolution 68; Calendar Order No. 289, Senate Joint Resolution 139; Calendar Order No. 290, Senate Joint Resolution 141; Calendar Order No. 293, Senate Joint Resolution 173; and Calendar Order No. 294, Senate Joint Resolution 186.

Mr. BYRD. Mr. President, there is no objection to the items enumerated.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the calendar items just identified en bloc and agreed en bloc and all preambles be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, they are considered en bloc and agreed to en bloc.

WILLIAM BEAUMONT DAY

The joint resolution (S.J. Res. 68) to designate November 21, 1985, as "William Beaumont Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 68

Whereas November 21, 1985 marks the two-hundredth anniversary of the birth of William Beaumont;

Whereas Dr. Beaumont was a pioneer in American physiology through his study of the human digestive process;

Whereas Dr. Beaumont typified the prepared mind, the patient observer, and the brilliant investigator, who significantly expanded the peripheries of knowledge;

Whereas Dr. Beaumont embodies the zest for knowledge and devotion to reason which characterized the Nation during his lifetime;

Whereas physicians, scientists and researchers of associations, including the Federation of American Societies for Experimental Biology, the American Academy of Occupational Medicine, and the Association of Military Surgeons, continue in Beaumont's tradition and claim him as the founding father of such organizations;

Whereas several States honor his memory, including Connecticut, where he was born; Vermont, where he was licensed; Michigan, where he conducted his pioneering research; New York, where he practiced medicine and conducted research; and Missouri, where he built a thriving medical practice: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 21, 1985 is designated as "William Beaumont Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL HOME CARE WEEK

The joint resolution (S.J. Res. 139) to designate the week of December 1, 1985, through December 7, 1985, as "National Home Care Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 139

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, health counseling and education, and home-maker-home health aide services, is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving such services;

Whereas the Federal Government has supported home health services since the enactment of the medicare program, with the number of home health agencies providing services increasing from less than five hundred to more than five thousand; and

Whereas many private, public and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization and enabling such patients to remain independent: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 1, 1985 through December 7, 1985, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

NATIONAL TOURISM WEEK

The joint resolution (S.J. Res. 141) to designate the week beginning on May 18, 1986, as "National Tourism Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 141

Whereas tourism is vital to the United States, contributing to economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $210,000,000,000 in the United States during 1983, directly producing four million, six hundred thousand jobs, $45,800,000,000 in wages and salaries, and over $25,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1983 as measured by business receipts;

Whereas tourism contributes substantially to personal growth, education, and intercultural appreciation of geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as people throughout the world become aware of the outstanding cultural and recreational resources available across the United States, travel and tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 18, 1986, is hereby designated as "National Tourism Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL SEWING MONTH

The joint resolution (S.J. Res. 173), to designate the month of September 1985 as "National Sewing Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 173

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandising design, patternmaking, and textiles have had their genesis in the home and in elementary school home economics classes; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1985 is designated "National Sewing Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

The joint resolution (S.J. Res. 186) to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 186

Whereas there are one hundred and two historically black colleges and universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1985, through September 29, 1985, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for historically black colleges and universities in the United States.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolutions were agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Vice Adm. James A. Lyons, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVY

The assistant legislative clerk read the nomination of Vice Adm. James A. Lyons, Jr., to be admiral.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the nomination just identified be confirmed.

Mr. BYRD. Mr. President, let the RECORD show there is no objection from this side.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE KIDNAPING OF PRESIDENT DUARTE'S DAUGHTER

Mr. BYRD. Mr. President, I call up the resolution which is at the desk which was submitted by Senator KENNEDY, Senator LUGAR, Senator BIDEN, Senator PELL, and Senator BOREN.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 219) condemning the kidnaping of President Duarte's daughter.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I am sure that all Senators as well as all Americans were stunned to learn that President Duarte's daughter had been assaulted and kidnaped. This is an act of terrorism, pure and simple, and it shocks the conscience of civilized peoples throughout the world.

On an issue like this, all Americans are united. Our thoughts are with President Duarte and with the other members of his family—as are our prayers. And whether this is the act of common criminals or of political extremists, it is an outrage.

We join together today to express our anger, to extend our sympathies to President Duarte and his family, and to urge President Reagan to offer whatever assistance may be requested by the Government of El Salvador to locate Ines Guadelupe Duarte Duran, to secure her safe release, and to bring her kidnappers to speedy justice.

Let us pray that Ms. Duarte Duran will soon be released and allowed to return to her family.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 219

Resolved,

Whereas the oldest daughter of President Jose Napoleon Duarte of El Salvador, Mrs. Ines Guadelupe Duarte Duran, was assaulted and kidnapped yesterday in her home city of San Salvador;

Whereas the people responsible for the kidnapping are armed terrorists, in the course of the kidnapping, killed a driver and wounded a bodyguard; and

Whereas such acts of terrorism against innocent civilians deserve the condemnation of all civilized peoples throughout the world;

It is the sense of the Senate that:

The kidnapping of President Duarte's daughter is to be deplored in the strongest possible terms;

The individuals responsible for this unconscionable and unwarranted act of terrorism are to be condemned;

The sympathy and prayers of the American people are with the Duarte family and with the people of El Salvador during this ordeal; and

The individuals responsible for this crime should release Ines Guadelupe Duarte Duran immediately and safely.

The President of the United States should provide whatever assistance the government of El Salvador or the Duarte family may request to achieve the safe return of Mrs. Duarte Duran and to bring the kidnappers to justice;

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 444) to amend the Alaska Native Claims Settlement Act.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 61. A concurrent resolution to commend Pete Rose on becoming the all-time Major League leader in base hits.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 13, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 31. Joint resolution to designate the week of November 24 through November 30, 1985, and the week of November 23 through November 29, 1986, as "National Family Week."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-374. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services.

"RESOLUTION

"Whereas, the shipbuilding industry in Massachusetts is part of both the past and present history of the Commonwealth; and

"Whereas, the General Dynamics Quincy Shipyard recently observed its 100th year of operation and credits among its accomplishments more than 350 ships of all classes and types for the Navy; and

"Whereas, the extraordinary production records achieved during two world wars and thereafter include such proud naval vessels as the U.S.S. *Lexington I* and *II*, the *Wasp*, the *Massachusetts*, the *Nevada*, the *North Dakota*, the *Quincy*, the *Boston*, the *Des Moines*, the *San Diego*, the *Northampton*, and the nuclear-powered ships *Bainbridge* and *Long Beach;* and

"Whereas, many of these ships distinguished themselves at Pearl Harbor, Guadalcanal, Iwo Jima, Okinawa, the battles of the Coral Sea, Philippine Sea and Leyte Gulf; and

"Whereas, the last major Navy contract awarded to the Quincy yard is in the process of being completed and no new ship construction contracts have been awarded; and

"Whereas, major layoffs began in May of 1985 from a workforce of 6,200 skilled and unskilled workers; and

"Whereas, the addition of these workers to the ranks of the unemployed will add an undue hardship to their families, to the economy of the South Shore and the Commonwealth of Massachusetts; therefore be it

"*Resolved*, That the Massachusetts House of Representatives strongly supports the International Union of Marine and Shipbuilding Workers of America, locals 5, 90, and 151 and management officials of General Dynamics to secure naval contracts for the Quincy yard and requests the Secretary of the Navy and the Massachusetts congressional delegation to recognize the critical situation presently existing at the Forge River shipyard; and be it further

"*Resolved*, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Secretary of the Navy and the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-375. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Banking, Housing, and Urban Affairs.

"RESOLUTION

"Whereas, the current standard of living of many poor and elderly Americans is such that they are compelled to live in substandard housing and because of depressed finances are often unable to pay to adequately heat their living quarters; now therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact legislation that would give increased amounts of direct rental assistance to house poor and elderly citizens in the two, three and four-family homes of their communities through local housing and redevelopment authorities; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-376. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE JOINT RESOLUTION No. 18

"Whereas, International trade is an integral and vital part of the California economy, accounting for over one million jobs, 17% of our gross state product, and 25% of our agricultural sales; and

"Whereas, The United States and California have experienced rising and record international trade deficits over the past three years; and

"Whereas, These deficits have been responsible for lower economic growth, higher unemployment, widespread bankruptcies and foreclosures, and a substantial loss of export sales; and

"Whereas, California's agricultural industry has been particularly hard hit by successive declines in export sales of 21% in 1982 and another 8% in 1983; and

"Whereas, These growing trade deficits, unless they are soon reversed, may cause the permanent loss of export markets for California farmers and manufacturers; and

"Whereas, The rising burden of farm sector debt and loss of export markets threaten an increasing wave of farm foreclosures and bankruptcies; and

"Whereas, The economic hardships resulting from the massive trade deficits have brought, and will continue to bring, inordinate pressures on government for protectionist measures; and

"Whereas, Forty years of progress towards freer markets, expanding international trade, and vastly improved standards of living around the world would be jeopardized by increasing protectionism; now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress, and the Board of Governors of the Federal Reserve System of the United States to provide the strong, prompt, and decisive leadership necessary to reverse the growing U.S. trade deficits; and be it further

"Resolved, That the Legislature respectfully memorializes the President, the Congress, and the Board of Governors of the Federal Reserve System of the United States to exercise the monetary and fiscal policies necessary to reduce U.S. interest rates, to discourage foreign exchange market speculation which has contributed to an overvalued U.S. dollar, and to encourage other nations to assist in reducing the current lopsided U.S. trade deficit; and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Chairman of the Board of Governors of the Federal Reserve System, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-377. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION No. 17

"Whereas, The mix of foreign and domestic shipping at ports on the West Coast of the United States is an important aspect of the economic health and vitality of our nation and its respective states; and

"Whereas, The regulation of vessels and marine affairs which is not achieved by consensus and cooperation among the states and with the federal government causes confusion and conflict to vessel operators and can negatively impact state and federal efforts to increase the use of West Coast ports for foreign trade; and

"Whereas, Air emission standards imposed by various federal, state, and local entities are a complicated and confusing set of policies which affect domestic and foreign vessels differently; and

"Whereas, The Clean Air Act is an example of a law which is unclear as to whether the state and local jurisdictions are preempted from imposing vessel air emission standards; and

"Whereas, Seventy percent of vessel activities on the West Coast and almost 80 percent in California are by foreign flag vessels whose air emissions cannot be successfully regulated by state or local government; and

"Whereas, The practice has been for the United States to deal internationally with foreign governments regarding agreements concerning maritime issues, such as the safety of life at sea; and

"Whereas, Uniformity is desirable in vessel air emission standards so that it is not discriminatory against domestic vessels and their operators; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to undertake or to direct the United States Coast Guard to undertake a study on vessel air emission standards which recognizes the importance of uniformity and its effect on foreign trade; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Transportation, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM-378. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION No. 15

"Whereas, The federal Coastal Zone Management Act of 1972, as amended, was enacted to encourage the coastal states to establish and carry out effective and enforceable coastal management programs for the purpose of preserving, protecting, beneficially using, and developing coastal resources in a manner that promotes local, state, and national interests; and

"Whereas, The federal act provides for incentives, including financial assistance through grants to coastal states, and, once a state coastal program has been certified by the Secretary of Commerce as being in conformity with the act, requires all federal agencies conducting or supporting activities which affect the state's coastal zone to carry out those activities in a manner consistent with the approved state coastal program; and

"Whereas, The people of this state adopted Proposition 20 in 1972, and the California Legislature subsequently enacted the California Coastal Act of 1976, on the understanding that the federal act authorizes states with federally approved coastal management programs to review federal activities which affect the state's coastal zone for consistency with its own coastal program and provides financial assistance to California for the purpose of managing this nation's coastal resources in California; and

"Whereas, The California Legislature enacted the "McAteer-Petris Act" in 1969 creating the San Francisco Bay Conservation and Development Commission, and the Suisun Marsh Preservation Act of 1977, that formed the basis of the San Francisco Bay segment of California's Coastal Management Program for the purpose of managing this nation's coastal resources in San Francisco Bay; and

"Whereas, Nearly thirty million dollars ($30,000,000) of the fifty million dollars ($50,000,000) expended to prepare, adopt, and implement California's coastal program, which was approved by the United States Department of Commerce in 1977, has been provided to the state by the federal government under the authority of the federal act; and

"Whereas, California's coastal program established a unique partnership between state and local governments under which local governments assume much of the state's burden for managing coastal resources after local governments have prepared local coastal programs consistent with the policies of the California Coastal Act of 1976 and local protection programs consistent with the provisions of the Suisun Marsh Preservation Act of 1977 and the Suisun Marsh Protection Plan; and

"Whereas, The California Coastal Act of 1976 requires that not less than 50 percent of the funds received by the state pursuant to the federal act be used for the preparation, review, approval, certification, or implementation of local coastal programs; and

"Whereas, The State of California and its local coastal governments have made good progress in completing the local coastal programs required by the California Coastal Act of 1976 and the State of California and Suisun Marsh local governments have completed the local protection program required by the Suisun Marsh Preservation Act of 1977; and

"Whereas, The California Coastal Commission and the San Francisco Bay Conser-

vation and Development Commission have, in numerous cases, exercised the federal consistency review authority provided pursuant to the federal act, to ensure that federal activities are conducted in a manner which takes into account, and is protective of, state and local government interest and concerns; and

"Whereas, The authority of the federal government to provide financial assistance to California and the other coastal states will terminate in 1985 unless reauthorized by the President and the Congress; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reauthorize the Coastal Zone Management Act of 1972 so that California and other coastal states can continue to carry out their responsibilities to the citizens of the nation in wisely protecting, managing, and developing coastal resources; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-379. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION No. 4

"Whereas, While the National Academy of Sciences recommends that the 55 miles per hour speed limit be retained on most highways, some members felt that it would be appropriate to raise the speed limit on selected highways; and

"Whereas, Data reported by the State of Californnia to the Federal Highway Administration shows that compliance with the 55 miles per hour National Maximum Speed Limit is deteriorating in California; and

"Whereas, There is a common perception that public support for the 55 miles per hour National Maximum Speed Limit is eroding; and

"Whereas, Speeds are higher on most rural freeways as compared to urban freeways, while fatal and injury accidents are less frequent on rural freeways than urban freeways; and

"Whereas, The State of California can be sanctioned by the federal government when 50 percent or more of the traffic is reported as traveling at speeds greater than 55 miles per hour, resulting in the loss of twenty-eight million dollars ($28,000,000) of federal highway funds; and

"Whereas, The State of California can be sanctioned by the federal government if the state's 55 miles per hour maximum speed law is repealed, and this could result in a substantial loss of federal highway funds; and

"Whereas, There are three states which have been advised they are subject to federal sanctions; and

"Whereas, The Calfornia Highway Patrol has maintained wide-ranging routine and special enforcement programs in an effort to improve highway safety and avoid federal sanctions and approximately 1,000,000 violators are arrested annually, which is more than in any other state and is approximately twice the state total prior to the enactment of the 55 miles per hour speed limit; and

"Whereas, The 55 miles per hour National Maximum Speed Limit had become a dominant focus of the California Highway Patrol law enforcement efforts, with as many as two out of ever five arrests being for maximum speed violations, and although these efforts would be considered by the United States Department of Transportation during sanction negotiations, greater safety benefits may be possible if law enforcement resources were redeployed to driving under the influence or other violation problems; now, therefore, be it

Resolved by the Senate and assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to enact legislation to allow state legislatures to raise the maximum speed limit on selected freeways; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States"

POM-380. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION No. 34

"Whereas, United Airlines, the largest airline serving California and the employer of some 15,000 persons in the state, and Pan American World Airways have entered into an agreement whereby United Airlines will purchase Pan American's pacific division; and

"Whereas, The traveling public and the shipping public will benefit from direct, single-plane, and on-line connecting service from United Airlines among all 50 states, including 15 cities served in California, and the Far East; and

"Whereas, The acquisition furthers United States aviation policy by ensuring a strong United States flag presence in the Far East, thereby benefiting and expanding trade and commerce between California and the lucrative Far East marketplace; and

"Whereas, The acquisition will benefit both Pan American World Airways and United Airlines, will protect the employees of Pan American, including those employees in California who will be offered employment opportunities with United Airlines, and will expand the United Airlines workforce as additional feeder and international flights are added in California; and

"Whereas, The United Airlines-Pan American World Airways agreement is subject to the approval of the United States Department of Transportation and the President of the United States and delay in granting that approval will adversely affect travelers, shippers, employees, and travel agents; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the United States Secreary of Transportation Elizabeth H. Dole to expedite the application for approval of the United Airlines-Pan American World Airways agreement in order to preserve the competitive position of the United States in the Far East and to ensure a smooth transition, to reduce uncertainty for travelers, and to strengthen the economic and trade opportunities for the United States and, in particular, the State of California on the Pacific Rim, and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the United States Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-381. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 32

"Whereas, Section 1304 of the Tariff Act of 1930 (19 U.S.C. Sec. 1301 et seq.) requires that imported commodities of foreign origin, or their containers, be legibly and conspicuously marked to show the English name of the country of origin; and

"Whereas, These commodities are exempt from the country of origin markings where the product undergoes a substantial transformation due to further processing resulting in a new and different article of commerce with a different name, character, or use; and

"Whereas, In response to a February 11, 1985, United States Customs Service notice in the Federal Register, and after a request for comments on country of origin marking of imported pistachios, the California Pistachio Commission has presented significant and compelling evidence that imported pistachios are not substantially transformed in the United States; and

"Whereas, The country of origin marking should be required for imported pistachios because the roasting process does not substantially transform the raw product; and

"Whereas, Unmarked Iranian pistachios have been marketed in this country under such deceptive labels as 'Pride of California' and thereby capture 45 percent of the United States market and cost California growers $20 million in earning; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislative respectfully memorializes the Secretary of the Treasury and the Assistant Secretary of the Treasury for Enforcement and Operations to take immediate action to adopt the proposal noticed by the United States Customs Service in the Federal Register on February 11, 1985, as it specifically relates to pistachios; and be it further

"Resolved, That the Secretary of the Treasury and the Assistant Secretary of the Treasury for Enforcement and Operations recognize the urgency of this request and the deceptive marketing of imported Iranian pistachios; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President, to the Secretary of the Treasury, to the Assistant Secretary of the Treasury for Enforcement and Operations, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress."

POM-382. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION No. 3

"Whereas, It has been brought to the attention of the California Legislature through correspondence of the Order of St. Andrew the Apostle, a private nonprofit corporation with offices at the Greek Orthodox Archdiocese of North and South Amer-

ica, that the civil liberties of Greeks living in Turkey have been repeatedly threatened and denied; and

"Whereas, The California Legislature is justly proud of its long and unyielding commitment to the pervasive extension of freedom; and

"Whereas, The military junta headed by General Evren in Ankara has decreed that Turkish citizens of Greek descent cannot buy or sell real estate, thus creating the expectation that their homes and businesses will be confiscated; and

"Whereas, Turkish officials recently visited the worldwide center of Orthodox Christianity, known as Ecumenical Patriarchate in Constantinople and called Istanbul by Moslems; and

"Whereas, In this holy place, which corresponds to the Vatican, all sacred items are registered and declared the national property of Turkey; and

"Whereas, The famous Greek Orthodox School of Theology on the island of Halki, from which renowned religious leaders (including His All Holiness, Ecumenical Patriarch Demetrios I. and His Eminence, Archbishop Iakovos, Greek Orthodox Primate of the Americas) have graduated, is now a modest high school with a Turkish principal; and

"Whereas, While Turkish law prohibits any repair work to Christian churches, schools, businesses, or homes exceeding two hundred fifty liras (or less than two dollars) without a permit, such permits are systematically denied to Greek Orthodox residents of the country; and

"Whereas, There are continuous efforts to seize the income-producing properties willed by Greek Orthodox people to the famous hospital in Baluki, Istanbul, which treats all members of the community regardless of religion or nationality; and

"Whereas, At least 300 Greek Orthodox families were forced to flee Turkey last year because of these and other oppressive conditions; and

"Whereas, In addition, the ethnically Greek population of Turkey has dwindled from half a million at the turn of the century to fewer than 5,000, and 92 percent of those who remain are age 65 or older; and

"Whereas, These facts strongly suggest a Turkish policy of retrenchment and, indeed, of active persecution of those of Greek heritage; and

"Whereas, It is the intent of the California Legislature to urge that the United States government investigate these charges and, of substantiated, bring to bear upon the Turkish government appropriate economic and political pressure to correct the suppression of civil liberties; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to petition the Turkish government to effect the protection of the civil liberties of Orthodox Christians; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-383. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION No. 19

"Whereas, El Salvador, a small, densely populated country, has close to five million people in an area the size of Massachusetts; and

"Whereas, For decades, the country was run by and for the plantation owners, a small group of people of European descent traditionally referred to as the "Fourteen Families"; and

"Whereas, Popular unrest broke out during the army's massacre of between 10,000 and 30,000 Salvadoran citizens; and

"Whereas, The period between 1945 and 1979 was characterized by military rule, widespread corruption, fraudulent elections, and military repression of all political opposition; and

"Whereas, There occur continual instances of torture, mutilation, disappearances, and the individual and mass extrajudicial execution of men, women, and children from all sectors of Salvadoran society, perpetrated by extremist factions on all sides within and beyond the government; and

"Whereas, There has been a massive increase in the number of both internal and external refugees and displaced persons; and

"Whereas, During the last five years, as a result of the civil war, civilians have been killed in numbers totaling over 40,000, a figure constituting approximately one percent of the population and comparable to 1,750,000 civilian deaths in a country the size of the United States; and

"Whereas, The United States has an honorable tradition of accepting refugees from abroad who have suffered political repression during a period of civil conflict as demonstrated by the fact that the United States has granted extended voluntary departure status 15 times in the past 24 years, and the status currently is granted to Poles, Ethiopians, Afghans, and Ugandans; and

"Whereas, Thousands of refugees have fled El Salvador for fear of being harmed by the repression and hostilities that continue daily in the context of an internal civil strife; and

"Whereas, The United States, to date, has not fully accepted responsibility for its humanitarian obligation toward Salvadoran refugees, refusing to grant them political asylum or even extended voluntary departure status, and has forcibly repatriated over 35,000 people to El Salvador; and

"Whereas, Innocent men, women, and children are presently without a country and live with the realization that their return to El Salvador would once again place their lives in jeopardy in a country ravaged by an ongoing catastrophic civil conflict; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memoralizes the Congress of the United States to recognize that the refugees from El Salvador are "political refugees" and to grant them asylum or extended voluntary departure status, and to enact, as a temporary measure, the Moakley-DeConcini Bill; and be it further

"*Resolved,* That the Legislature emphasizes that the endorsement of these actions by the Congress of the United States is based upon a humanitarian concern for the refugees of El Salvador, and in no way constitutes support or opposition to any fraction currently involved in conflict within that nation; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-384. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION No. 9

"Whereas, The California Legislature has enacted comprehensive laws regulating programs for the delivery of prepaid and reimbursed health care, including health care service plans, nonprofit hospital service plans, and disability insurance; and

"Whereas, California's laws protect the interest of citizens enrolled in these health care programs by requiring financial solvency of the plans and insurers, adequacy of the care provided to our citizens as patients, freedom of choice in selecting the health care provider desired by the patient, and other elements supporting fiscal responsibility and good patient care; and

"Whereas, The federal Employee Retirement Income Security Act (ERISA) has preempted state laws in the regulation of health care plans and programs in order to assure uniform employee benefit plans throughout the United States, but this explicit preemption has precluded the states from mandating additional benefits or protections for employees; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending the Employee Retirement Income Security Act to narrow its preemption provisions to permit the states to enact legislation which will provide benefits in addition to the protections required by ERISA and encourage states to achieve parity between insured and self-insured benefits; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and representative from California in the Congress of the United States."

POM-385. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 19

"Whereas, The United States of America and the People's Republic of China in December 1978 simultaneously issued a joint communique on the establishment of diplomatic relations between the United States of America and the People's Republic of China, wherein the United States of America and the People's Republic of China agreed to recognize each other and to establish diplomatic relations as of January 1, 1979; and

"Whereas, The joint communique expresses that the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan; and

"Whereas, The California Legislature recognizes the friendly relations which have mutually existed between the people of California and the people of Taiwan, and therefore in 1983 on behalf of the people of the State of California through Senate Concurrent Resolution No. 40, Resolution Chap-

ter 120, extended to the people of Taiwan an invitation to join California as a sister state and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and to strengthen international understanding and good will; and

"Whereas, The People's Republic of China has expressed great interest in establishing friendship state relationships with states of the union in the United States of America in order to foster greater friendship and understanding between the United States and the People's Republic of China and to facilitate international trade and commerce between the two nations; and

"Whereas, Fourteen such friendship state relationships have been established between a Chinese province and an American state; and

"Whereas, Under the guidance of the principles as embodied in the joint communique on the establishment of diplomatic relations between the United States and China, numerous sister city relationships have been established between American and Chinese cities, among which are the sister city pairings of San Francisco-Shanghai, Los Angeles-Guangzhou, Oakland-Dalien, Sacramento-Jinan, and Long Beach-Qingdao; and

"Whereas, The people of Jiangsu Province of the People's Republic of China are desirous of entering into a friendship state relationship with the State of California in order to promote for mutual benefit the exchange of trade and commerce and the conduct of scientific, technical, agricultural, and educational programs which will enhance the potential for economic activity in California and Jiangsu; and

"Whereas, The Province of Jiangsu and the State of California share much in common in topography, climate, and industry; and

"Whereas, Jiangsu Province presents the opportunity for increased trade markets and the export of ideas, technology, products, and equipment from California, enhancement of international cooperation and communication, and social and cultural interchange which would facilitate understanding and goodwill between the citizens of California and Jiangsu Province; now, therefore, be it

"Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature, on behalf of the people of California, declares Jiangsu Province as a friendship state, extends to the people of Jiangsu Province of the People's Republic of China an invitation to join California as a friendship state, and commits to the establishment of programs which will further the friendship state relationship; and be it further

"Resolved, That the appropriate state officials are encouraged to immediately contact the government of Jiangsu in order to negotiate a friendship agreement between Jiangsu and California which furthers mutual understanding and strengthening of friendly relations, enhances international trade and commerce, and facilitates the exchange of culture, education, science and technology; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of Jiangsu Province, the Governor of California, and to each Senator and Representative from California in the Congress of the United States."

POM-386. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to the proposed Bureau of Land Management and Forest Service Land Interchange; to the Committee on Agriculture, Nutrition, and Forestry.

POM-387. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to wetlands land trade; to the Committee on Agriculture, Nutrition, and Forestry.

POM-388. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to Forest Roading; to the Committee on Agriculture, Nutrition, and Forestry.

POM-389. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to the National Fish Hatchery System; to the Committee on Commerce, Science, and Transportation.

POM-390. A resolution adopted by the Western Association of Fish and Wildlife Agencies urging Congress to reauthorize the Central, Western and South Pacific Fisheries Development Act with funding through FY 1988; to the Committee on Commerce, Science, and Transportation.

POM-391. A resolution adopted by the Western Association of Fish and Wildlife Agencies urging Congress to reauthorize the Magnuson Fishery Conservation and Management Act of 1976 with funding at the FY 1983 level of $7.5 million; to the Committee on Commerce, Science, and Transportation.

POM-392. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE NO. 17

"Whereas approximately 2,600,000,000 pounds of Alaska pollock is harvested annually, and much of this harvest is either taken by Japanese fishing vessels or purchased by the Japanese fishing industry from the American fishing industry; and

"Whereas Japanese industry utilizes approximately 70 percent of its supply of Alaska pollock for the production of surimi and surimi products, and a significant portion of this production is then exported to the United States, where surimi usage has risen from less than 1,000 tons in 1979 to 30,000 tons in 1984; and

"Whereas the American fishing industry receives approximately $.05 a pound for pollock, while the finished surimi products exported from Japan to the United States sell for approximately $1.75 a pound, aggravating the U.S. trade deficit that was $4,000,000,000 in 1984 for fishery products alone; and

"Whereas the capacity of the U.S. fishing fleet to harvest Alaska pollock has increased tremendously in recent years, with the American fishing industry harvesting almost 500,000 tons of pollock in 1984; and

"Whereas the surimi products presently used in the U.S. can be produced from just 102,000 tons of Alaska pollock; and

"Whereas Alaskan surimi is a wholesome food product, made from fresh-caught North Pacific pollock, and dollar for dollar has as much or more nutritional value than many traditional seafood products; and

"Whereas the U.S. Food and Drug Administration is requiring surimi marketed in the form of crab strips and other seafood analogue products to be inappropriately labeled as 'imitation,' and this labeling requirement would discourage sales of this nutritious product and the development of a new domestic industry; and

"Whereas surimi has great potential as a functional protein ingredient for many products in addition to seafood analogues, and the U.S. market for surimi in all forms continues to grow; and

"Whereas projections indicate that establishing a complete pollock surimi industry, including harvesting, processing, distribution and sales in the U.S., would produce a $6,000,000,000-a-year industry; and

"Whereas Alaska Pacific Seafoods in Kodiak, Alaska, in conjunction with the Alaska Fisheries Development Foundation, has demonstrated that top-quality surimi can be produced commercially in on-shore American facilities; and

"Whereas Alaska Pacific Seafood will produce an initial pack of 860,000 pounds of surimi for use by the Alaska Fisheries Development Foundation to encourage growth of the U.S. market for domestically produced surimi; and

"Whereas funding for this project was provided by the federal government through a Saltonstall-Kennedy grant to the Alaska Fisheries Development Foundation, with matching money and in-kind services provided by industry, fishing groups, and individuals;

"Be it resolved that the Alaska State Legislature expresses its appreciation for this project and gratitude for their support, to the United States Congress, the U.S. Department of Commerce National Marine Fisheries Service, and the many industry organizations, fishery groups, and individuals that contributed to the success of this project; and be it

"Further resolved by the Alaska State Legislature that it respectfully requests the United States Congress, the United States Department of Commerce National Marine Fisheries Service, and other concerned groups to continue their support for this project because it has the potential to encourage the full domestic use of the resources of the United States Fisheries Conservation Zone and to enhance the economic well-being of all persons in Alaska and in the other states of the nation; and be it

"Further resolved by the Alaska State Legislature that it respectfully requests the U.S. Food and Drug Administration in the U.S. Department of Health and Human Services to work with the seafood processing industry to develop a label other than 'imitation' to distinguish, as a consumer service, surimi products from traditional seafood products.

"Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; to the Honorable John C. Danforth, Chairman, Senate Committee on Commerce, Science and Transportation; to the Honorable Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; to the Honorable John B. Breaux, Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, House Committee on Merchant Marine and Fisheries; to the Honorable Malcolm Baldrige, Secretary, U.S. Department of Commerce; to the Honorable Margaret M. Heckler, Secretary, U.S. Department of Health and Human Services; to the Honorable David Stockman, Director, Office of Management and Budget; to the Honorable Frank E. Young, Commissioner, U.S. Food and Drug Administration; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the

Alaska delegation in Congress; to Chris Mitchell, Executive Director of the Alaska Fisheries Development Foundation; and to William G. Gordon, Assistant Administrator of the National Marine Fisheries Service, NOAA, U.S. Department of Commerce."

POM-393. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to oil and gas leasing in the Teshekpuk Lake special area; to the Committee on Energy and Natural Resources.

POM-394. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to oil and gas leasing in Bristol Bay; to the Committee on Energy and Natural Resources.

POM-395. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"LEGISLATIVE RESOLVE NO. 25

"Whereas Congress is now considering legislation that includes provisions concerning the foreign export of Alaskan crude oil; and

"Whereas there are proposals before Congress to change existing federal law that effectively prohibit the foreign export of Alaskan crude oil; and

"Whereas the export of Alaskan crude oil would improve the national security of the United States by strengthening the defensive capabilities of our Pacific Rim allies; and

"Whereas the export of Alaskan crude oil would encourage increased domestic oil exploration and development; and

"Whereas Japan, Korea, and Taiwan have each expressed interest in obtaining Alaskan crude oil to diversify their energy sources; and

"Whereas the export of Alaskan crude oil would decrease the federal trade deficit with these nations; and

"Whereas exporting Alaskan crude oil to these nations would mitigate panic buying in the spot markets, thus moderating the cost of petroleum products for all consumers; and

"Whereas it is far more costly to ship oil from Alaska through the Panama Canal and to the Gulf Coast than to ship directly to the Pacific Rim; and

"Whereas the additional cost of shipping Alaska's oil to the Gulf Coast and Eastern states imposes an unnecessary burden on the consumers of those states; and

"Whereas under the International Energy Agreement, the United States is required to export crude oil to participating nations in the event of a worldwide disruption of oil supplies;

"Be it resolved that the Alaska State Legislature respectfully requests the United States Congress to enact laws providing for the export of all Alaskan crude oil; and be it

"Further resolved that the Alaska congressional delegation is urged to continue using its best efforts to obtain passage of legislation permitting the foreign export of Alaskan crude oil.

"Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; the Honorable Robert Dole, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; the National Conference of State Legislatures; and the Council of State Governments."

POM-396. A resolution adopted by the Council of the City of Santa Clara, California relating to SB 1219, the operations of hydroelectric plants after the expiration of the initial licenses; to the Committee on Energy and Natural Resources.

POM-397. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to the net economic values of fish and wildlife; to the Committee on Environment and Public Works.

POM-398. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to endangered species; to the Committee on Environment and Public Works.

POM-399. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating commercial trafficking of wildlife parts; to the Committee on Environment and Public Works.

POM-400. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to burning toxic substances at sea; to the Committee on Environment and Public Works.

POM-401. A resolution adopted by the Western Association of Fish and Wildlife Agencies supporting the Wallop-Breaux Act (Public Law 98-269); to the Committee on Finance..

POM-402. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to the redefinition of "Sports Fish" as used in the Federal Aid in Sports Fish Restoration (Dingell-Johnson/Wallop-Breaux) Program to the Committee on Finance.

POM-403. A resolution adopted by the House of Representatives of the State of Oklahoma; to the Committee on Finance.

"HOUSE RESOLUTION NO. 1031

"Whereas, the petroleum industry is a vital part of this nation's economy; and

"Whereas, fluctuation in the price of petroleum due to worldwide production and market conditions can place the petroleum industry in and unstable position which, in turn, can have a very negative effect on this country's financial status; and

"Whereas, it would be catastrophic for this nation's petroleum producers if the international price of oil and other petroleum products should drop from the current level; and

"Whereas, some type of emergency safeguard to prevent the dire consequences which result from a decrease in the international price of petroleum products should be implemented; and

"Whereas, a proposal has been made by Senator David Boren that an import fee be placed on foreign oil and refined petroleum products imported into the United States; and

"Whereas, imposing such a fee if the international price of oil and other petroleum products declines would ensure that the petroleum industry in this country would not suffer economic disaster.

"Now, therefore, be it resolved by the House of Representatives of the 1st session of the 40th Oklahoma Legislature:

"That the Oklahoma House of Representatives does hereby memorialize the Congress of the United States to enact an import fee on foreign oil and refined petroleum products to be implemented if the international price of these products declines below current levels.

"That copies of this resolution be dispatched to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and members of the Oklahoma Congressional Delegation."

POM-404. A resolution adopted by the South Carolina Forestry Commission relating to the retention of capital gains treatment of timber, current treatment of various timber management expenditures, and reforestation investment credit and amortization; to the Committee on Finance.

POM-405. A resolution adopted by the Senate of the State of Alaska; to the Committee on Foreign Relations.

"SENATE RESOLVE NO. 3

"Whereas the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Japan, Canada, and the U.S.S.R. is now before the United States Senate for ratification; and

"Whereas, since the fur seal treaty has been in effect, the fur seal population has increased from 300,000 in 1911 to well over 1.2 million; and

"Whereas the fur seal treaty, the fur seal harvest, and the welfare of the Pribilof Aleut people are inextricably tied together in very complex ways, both culturally and economically; and

"Whereas the fur seal harvest on the Pribilof Islands has been taking place since the late 1700's; and

"Whereas the fur seal harvest remains the main source of income for the residents of the Pribilof Islands while efforts are made to diversify the local economy; and

"Whereas the fur seal harvest is no longer subsidized by the federal government and will be conducted privately on a self-supporting basis; and

"Whereas reputable scientists agree the fur seals are not an endangered species; and

"Whereas the treaty provides for a carefully studied, scientifically controlled harvest of two-year old subadult nonbreeding males only; and

"Whereas there is no scientific evidence to indicate the current level of the commercial harvest of subadult male seals contributes to any decline in the fur seal population, but to the contrary, evidence suggests that culling subadult males contributes to the overall health of the fur seal herd; and

"Whereas cooperative and strengthened research, education, management and enforcement programs are the keys to the conservation of the North Pacific fur seal and these activities can best be carried out through the fur seal treaty; and

"Whereas the National Audubon Society, a respected conservation organization with more than a half-million members, has endorsed the renewal of the fur seal treaty; and

"Whereas a national campaign, featuring misleading and inaccurate information, has been launched by various wildlife groups to convince the United States Senate to reject the treaty; and

"Whereas a hearing before the Foreign Relations Committee will afford the representatives of the Pribilof Islands an opportunity to refute the misleading charges made by the treaty opponents, and to present, under oath, substantiated, scientific information in support of the continuation of the fur seal treaty; and

"Whereas not to provide for a fair hearing on this issue would be disastrous for the

Aleut people and would open the way for special interest groups to attack other essential subsistence activities, such as trapping, whaling, and fishing;

"Be it resolved by the Senate that the United States Senate Committee on Foreign Relations is respectfully requested to hold prompt hearings on the Interim Convention on Conservation of North Pacific Fur Seals; and be it

"Further resolved that the United States Senate is respectfully requested to ratify the Interim Convention on Conservation of North Pacific Fur Seals.

"Copies of this resolution shall be sent to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable Robert Dole, Majority Leader of the Senate; to the Honorable Richard G. Lugar, Chairman of the Senate Committee on Foreign Relations; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, members of the Alaska delegation in Congress."

POM-406. A resolution adopted by the Western Association of Fish and Wildlife Agencies relating to the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-407. A resolution adopted by the Pennsylvania State Veterans' Commission condemning the efforts to erect a monument honoring anti-Vietnam war protestors; to the Committee on Veterans' Affairs.

POM-408. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE VETERANS EDUCATIONAL ASSISTANCE ACT OF 1984

"Whereas, the recently enacted Veterans Educational Assistance Act of 1984 does not provide for practical on-the-job training, and since 1944 literally hundreds of thousands of Massachusetts veterans have received some form of training under the 'G.I. bills'; and

"Whereas, historically, practical on-the-job training is accepted as the most successful method of preparing quality job recipients and many areas of skill and training are not available in educational institutions; and

"Whereas, some employers require a satisfactory period of on-the-job training and a high percentage of high school graduates do not desire on have aptitude for college; and

"Whereas, the cost of apprenticeship training has historically cost the government less and benefits accruing to American business and industry have been substantial; and

"Whereas, the need is present as pointed out by enactment of the Emergency Veterans Job Training Act of 1983; and

"Whereas, the interests of all those not desiring institutional education would best be served; therefore be it

"*Resolved*, that the Massachusetts House of Representatives hereby urges the Congress of the United States of America to amend the Veterans Educational Assistance Act of 1984 to include apprenticeship and on-the-job training programs; and be it further

"*Resolved*, that a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of the Congress, and the Members thereof from this Commonwealth."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Richard Kennon Willard, of Virginia, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1640. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of services performed by a physician assistant; to the Committee on Finance.

By Mr. WALLOP (by request):

S. 1641. A bill to extend various health research authorities, and for other purposes; to the Committee on Labor and Human Resources.

S. 1642. A bill to amend Health Maintenance Organization authorities; to the Committee on Labor and Human Resources.

S. 1643. A bill to extend various health services authorities, and for other purposes; to the Committee on Labor and Human Resources.

S. 1644. A bill to amend various health professional training authorities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. ABDNOR, Mrs. HAWKINS, Mr. D'AMATO, Mr. DURENBERGER, and Mr. ROTH):

S. 1645. A bill to delay a postal rate increase for subscription publications; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 1646. A bill to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to afford educational assistance under such chapter to certain eligible veterans after the expiration of the 10-year delimiting period; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself and Mr. ROTH):

S. 1647. A bill to amend the Tariff Act of 1930 to enhance the protection of intellectual property rights; to the Committee on Finance.

By Mr. MURKOWSKI:

S.J. Res. 199. Joint resolution to designate the month of November 1985 as "National Elks Veterans Rememberance Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABDNOR:

S. Con. Res. 64. Concurrent resolution expressing the sense of the Congress that the President should form a National Commission on the Farm Credit System to make recommendations to the Congress; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1640. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of services performed by a physician assistant; to the Committee on Finance.

MEDICARE COVERAGE OF PHYSICIAN ASSISTANT SERVICES

● Mr. GRASSLEY. Mr. President, I am introducing legislation today which will clarify and expand coverage of physician assistant services under the Medicare Part B Program. This piece of legislation will increase access to health care for Medicare beneficiaries without increasing the cost of the Medicare Program.

As my colleagues are aware, physician assistants services are covered under part B of Medicare when PA's render their service in a certified rural health clinic. Reimbursement to the employing clinic was authorized in 1977 by the Rural Health Clinic Services Act, Public Law 95-210. The Medicare Program also covers physician assistant services when provided in health maintenance organizations [HMO's]. Unfortunately, physician assistant services rendered in other settings to Medicare beneficiaries are not covered under part B.

In addition to the problems this creates for Medicare beneficiaries, the Federal Government is failing to reap the full benefit of the health manpower training programs by not covering physician assistant services under Medicare.

For instance, on July 19, the Senate unanimously passed the health manpower amendments of 1985. Included in this bill was an authorization to spend approximately $14 million over the next 3 years on physician assistant training programs, a worthwhile expenditure and one which I supported.

But due to the inconsistency in Federal policy, we are helping to educate health care professionals whose services are of no benefit to millions of Medicare beneficiaries. My legislation seeks to eliminate this problem by providing for the coverage of physician assistant services under part B of Medicare.

Because the States have the responsibility for determining the scope of practice for physician assistants within that State, my bill would cover only physician assistant services to the extent allowable under State law. In other words, my legislation would not usurp State authority to regulate the activities of physician assistants.

I also want to point out, Mr. President, that there is a significant difference between my bill and other pieces of legislation promoted by other health professionals. Specifically, my bill would not create a new provider

because reimbursement would be to the employing physician and not to the physician assistant. As my colleagues are aware, physician assistants are dependent health care practitioners who only practice under the direction and supervision of a physician. My bill maintains that supervisory relationship.

Furthermore, my bill calls for reimbursement for physician assistant services at a rate slightly lower than the reimbursement rate which would have been paid had the physician rendered the services. Because of the slighty lower reimbursement rate, the Congressional Budget Office has determined that the effect of the bill is revenue neutral.

The increased access and the resultant increased cost to Medicare are offset by the lower reimbursement rate of my bill. I want to make it clear that I do not consider physician assistant services to be of lesser value than physician services. However, I recognize that in today's budget climate, it is impossible to recommend legislation that would increase Medicare costs and expect it to be seriously considered.

For the benefit of my colleagues, I ask unanimous consent that a letter from the Congressional Budget Office to Congressman WYDEN regarding the budgetary impact of this legislation be included in the RECORD at the end of my statement. I also ask unanimous consent to insert a copy of an article from the Waterloo Courier on how current Medicare laws hamper the utilization of physician assistant services in rural Iowa.

Mr. President, physician assistants are highly educated, cost-effective members of the health care team. Their role in ensuring quality health care at affordable prices has been clearly demonstrated. Congress acted wisely in expanding the Medicare Program to cover physician assistant services performed in rural health clinics and health maintenance organizations. I trust my colleagues will join me in continuing that process by covering physician assistant services in other settings as well. My bill should serve to increase access of Medicare beneficiaries to quality health care, particularly in highly rural areas where shortages of physicians may exist.

I also wish to thank my distinguished colleague, Congressman RON WYDEN, for introducing identical legislation in the House of Representatives.

I ask unanimous consent that a copy of my bill, and the two documents mentioned earlier, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) SERVICES COVERED.—Section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J)(i) services furnished by a physician assistant (as defined in subsection (aa)(3)) which such physician assistant is legally authorized to perform under the State law or State regulatory mechanism of the State in which the services are performed, if such physician assistant is under the supervision of a physician described in subsection (r)(1), and

"(ii) services and supplies furnished as an incident to the services described in clause (i) which would be covered under subparagraph (A) if furnished by a physician or incident to a physician's professional service;".

(b) PAYMENT AMOUNT.—Section 1833(a)(1) of such Act is amended by striking out "and" before "(F)" and by adding at the end thereof the following: "and (G) with respect to services described in section 1861(s)(2)(J), the amounts paid shall be equal to 90 percent of the amounts which would otherwise be paid if such services were furnished by the physician under whose supervision the physician assistant furnishes such services.".

(c) PAYMENT TO BE MADE TO EMPLOYER.—The first sentence of section 1842(b)(6) of such Act is amended—

(1) by striking out "except that payment may be made (A)(i)" and inserting in lieu thereof "except that (A) payment may be made (i)";

(2) by striking out "or (B)" and inserting in lieu thereof "(B) payment may be made"; and

(3) by inserting before the period the following: ", and (C) payment shall be made to the employer of the physician assistant in the case of services described in section 1861(s)(2)(J)".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to services furnished in or after the fourth month which begins after the date of the enactment of this Act.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, November 5, 1984.

Hon. RON WYDEN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: In response to your letter of February 17, 1984, we have examined the costs of your draft legislation to extend Medicare coverage to physician assistants working in private practice settings. Under current law Medicare does not reimburse for services performed by a physician assistant (PA) if those services are normally performed by a physician. Under this proposal, PA services could be reimbursed at up to 90 percent of that allowed for the billing physician. In addition, the physician would be required to accept assignment for physician assistant charges.

Based on our review of your draft legislation, it is expected that no significant cost or saving to the government would be incurred as a result of enactment of this legislation. Although encouraging the use of PAs in the treatment of Medicare beneficiaries could foster competition and lead to lower prices in the long run, we expect the magnitude of those changes would be small during this decade. Our findings are based on the following considerations.

By definition, philosophy and state laws, PAs practice only under the supervision of a licensed physician. The proposed change does not encourage, or even allow, PAs to practice independently of physicians. In fact, under the proposed legislation PAs would continue to be employed by, supervised by, and billed under the practice of a licensed physician.

Medicare beneficiaries may prefer treatment from MDs rather than from PAs. Furthermore, the Medicare patient has only a small incentive to seek treatment from the lower priced PA. At the margin the patient pays a coinsurance of only 20 percent. For example, reduction in the charge for an office visit from $30.00 to $27.00 is a savings of only 60 cents to the Medicare patient, and this small difference frequently is paid by Medicaid or private Medi-Gap policies. Therefore, the proposed legislation is unlikely to create new demands by Medicare beneficiaries for PAs.

Many physicians may not enjoy practice styles that involve considerably less patient contact and considerably more personnel management. Therefore, physicians may demand and receive higher salaries for managing practices that involve the use of PAs. Physicians are unlikely to make major changes in their practice styles in response to changes in reimbursement that affect only the use of PAs for their Medicare patients.

Physicians currently employ PAs in their practices even though most private and public insurers do not allow separate billing for PAs.

There are fewer than 10,000 PAs in practice. Even if their use with Medicare patients is encouraged slightly by a change in payment practices, many additional PAs must be trained and licensed before their numbers can have a significant impact on Medicare outlays.

We would be pleased to respond to any questions you might have on this estimate. Your staff may contact Jack Rodgers (226-2820) with detailed questions.

Sincerely,

RUDOLPH G. PENNER,
Director.

[From the Waterloo Courier, June 30, 1985]

MEDICARE RULES, FEWER PATIENTS FORCE CLINIC TO PHASE OUT PHYSICIAN'S ASSISTANTS

(By Yvonne Beeler)

WEST UNION.—The first area medical clinic to incorporate physician's assistants into its daily medical practice has become the first clinic to eliminate them.

Barriers imposed by Medicare regulations and decreased patient flow have forced the West Union Medical Clinic to phase out two PAs employed at its facilities for eight years. One PA will leave Monday and the second will work until new employment is found.

"Regulations within Medicare are too restrictive for our family-type setting," according to Dr. David Freed, head of the West Union clinic.

Medicare will not reimburse a PA who has administered medical services to a Medicare patient. Additionally, Medicare requires a physician to have direct supervision over a PA.

"We were having two people seeing one patient, when only one was necessary," Freed noted.

Dr. Dennis Oliver, director of the PA training program at the University of Iowa, Iowa City, agrees with Freed in that Medicare payments have put a "damper" on the PA program since its inception.

Still, Oliver said there has been a yearly increase in the number of PA graduates, with 35 to 40 now graduating annually. About 215 are currently employed in Iowa.

West Union was the first community in Northeast Iowa to take advantage of the PA program. The PAs were hired eight years ago to help alleviate the patient load on physicians at the clinic.

But the patient flow has switched in recent years, and is now declining. Coupled with the Medicare barrier, Freed said the clinic was forced to make an economic decision and phase out the PAs. The clinic will still employ a PA at the Fayette satellite office because a "steady need" exists there.

The practice of employing physician's assistants began in the early 1970s as a means to provide medical services in rural Iowa, where communities were unable to recruit resident physicians.

PAs are not licensed doctors, but may perform routine medical tasks, including physicals and examinations. PAs cannot prescribe drugs, perform surgery or other medical services reserved for physicians.

West Union appears to be the only clinic in the area to eliminate its PAs. Oliver said he is not aware of other clinics following suit.

Between one and five PAs are now working in each of 11 area counties—Buchanan, Benton, Tama, Grundy, Butler, Bremer, Chickasaw, Franklin, Hardin, Howard and Mitchell. Between six and 10 PAs are employed in Fayette and Black Hawk counties. There are no PAs employed in Floyd or Winneshiek counties, Oliver reported.

Initially, PAs were finding jobs throughout rural Iowas. PAs are now moving into the metro hospitals, away from the smaller communities and rural health clinics.

"Most obvious, the convenience of medical service is no longer available (when a PA leaves)," Oliver said, referring to the shift in employment locations. "Less (medical) care is provided now with no PAs in the rural areas. Small towns are at a disadvantage because people must travel to a doctor, in spite of weather of other hinderances."

He noted the Medicare regulations have also contributed to the move of PAs into larger hospitals. Oliver said it seems more Medicare patients reside in smaller towns than in larger communities.

From the start, Medicare has always required that a doctor have direct supervision over all employees.

"This doesn't mean the physician must be standing over an employee's shoulder, just be readily available," according to Phil Chiuarelli, of the Health Care Financing Administration in Kansas City, which administers Medicare and Medicaid payments.

Despite the loss of the PAs, Freed is attempting to expand the number of offices operated by the West Union clinic. A satellite clinic in Calmar is scheduled to open this fall, with a doctor being recruited for that site.

"We'll definitely miss our PAs," Freed said. "They've been a big help to us and they leave highly recommended."●

By Mr. WALLOP (by request):

S. 1641. A bill to extend various health research authorities, and for other purposes; to the Committee on Labor and Human Resources.

S. 1642. A bill to amend Health Maintenance Organization authorities; to the Committee on Labor and Human Resources.

S. 1643. A bill to extend various health services authorities, and for other purposes; to the Committee on Labor and Human Resources.

S. 1644. A bill to amend various health professions training authorities, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH CARE LEGISLATION

Mr. WALLOP. Mr. President, today I am introducing a package of health care bills on behalf of Health and Human Services Secretary Heckler and the Reagan administration.

The Health Research Amendments of 1985, the Health Maintenance Amendments of 1985, the Health Services Amendments of 1985, and the Health Professions Amendments of 1985, represent an ongoing effort by the administration to provide a streamlined and cost-effective Federal involvement in national health care policy.

In July of this year, Secretary Heckler announced that the Nation's health spending increased at the slowest rate in 20 years during 1984, with the rate of growth dipping below double digits for the first time since 1965. Total health spending in 1984 was $387 billion, up 9.1 percent from 1983. The increase compares with spending growth of 10.6 percent in 1983 and 15.3 percent in 1980, the highest single-year increase. In addition, Secretary Heckler said, the total spending amount for 1984 represents 10.6 percent of gross national product, down from 10.7 percent in the previous year and the first decrease in health spending as a percentage of GNP since 1978. These bills are the fruits of the administration's procompetitive health policies. This legislation seeks to aim the Federal role in the direction which will continue these accomplishments.

The Health Maintenance Amendments of 1985 would eliminate Federal support for HMO's in an orderly fashion by repealing the authorities for Federal financial support for HMO's. In addition, this measure would eliminate, as of October of 1987, the requirement that each employer offer employees the choice of enrollment in an HMO if the employer offered other health benefits plans to the employees.

The HMO legislation was passed to encourage the development of HMO's both through marketing leverage and financial support. Since enactment of the act in 1973, the industry has grown dramatically. There were 72 plans with 3.5 million members when the act was passed. As of June 1984, the number of HMO's had grown to 311 with 15.2 million members. HMO's are now accepted in many areas as a cost effective means of delivering health care. It is, therefore, the administration's belief that there is little justification for continued Federal intervention in this market.

The Health Professions Amendments of 1985 would authorize the Secretary of Health and Human Services to insure loans under the Health Education Assistance Loans Programs through fiscal 1988. The bill would also enact a number of proposals designed to assist the Department of Health and Human Services in carrying out its health professions training responsibilities as effectively and efficiently as possible. In addition, the bill would eliminate health professions training categorical program authorities, including nursing authorities.

The Health Services Amendments of 1985 consolidates into a single block grant the Community Health Centers and Primary Care, Black Lung Clinics, Family Planning Services, and Migrant Health Services primary care programs. In addition, the measure reauthorizes the Adolescent Family Life Program, repeals the Health Planning authorities, reauthorizes the National Health Service Corps Field Program, and makes a number of other amendments to improve the efficiency of the health services programs.

The Health Research Amendments of 1985 would authorize appropriations for fiscal years 1986 through 1988 for National Research Service Awards and for assistance to medical libraries. The bill legislates only where legislation is needed. The NRSA's and aid to libraries are the only activities of the National Institutes of Health for which funds cannot be appropriated under the broad research mandate of section 301 of the Public Health Service Act. The bill would also enact a number of proposals designed to assist the Department of Health and Human Services in carrying out its health research responsibilities as effectively and efficiently as possible. The administration intends to seek appropriations for cancer, cardiovascular, lung, blood, and other health research activities based on the general research authority in section 301 of the Public Health Services Act.

Mr. President, I wish to commend Secretary Heckler and the administration for their efforts in controlling health care costs and for streamlining the Federal Government's involvement in the health care delivery system. While I support the general approach taken by the administration in those respective bills, each of the policy and program changes that are made do not necessarily reflect my

personal views or the position which I feel are in the best interests of my constituents in the State of Wyoming. I introduce this legislative package so that the administration's proposals in the area of public health can be made part of the debate on funding levels and programmatic structure.

I would ask unanimous consent that the administration's legislative package be printed in the RECORD following my statement.

There being no objection, the package was ordered to be printed in the RECORD as follows:

S.1641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Research Amendments of 1985".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

REPEAL OF REQUIREMENT FOR ONGOING STUDY OF THE HEALTH COSTS OF POLLUTION

SEC. 2. Section 304(d) (42 U.S.C. 242b(d)) is repealed.

AUTHORITY FOR CLINICAL RESEARCH TO EVALUATE THE EFFICACY OF MEDICAL PROCEDURES THROUGH THE NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND HEALTH CARE TECHNOLOGY ASSESSMENT

SEC. 3. The last sentence of section 305(b) (42 U.S.C. 242c(b)) is amended by striking out "or clinical research that is directly and principally designed to evaluate the efficacy of any therapeutic, diagnostic, or preventive health measure".

ELIMINATION OF REQUIREMENT FOR SUPPORT OF HEALTH SERVICES RESEARCH CENTERS

SEC. 4. Section 305 (42 U.S.C. 242c) is amended—

(1) by striking out subsection (d), and

(2) by redesignating subsections (e) through (i) as (d) through (h).

REPEAL OF REQUIREMENTS FOR DATA COLLECTION ON THE EFFECTS OF THE ENVIRONMENT ON HEALTH

SEC. 5. Section 306(l) (42 U.S.C. 242k(l)) is repealed.

APPROPRIATION AUTHORIZATIONS FOR ASSISTANCE TO MEDICAL LIBRARIES

SEC. 6. Section 390(c) (42 U.S.C. 280b(c)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $7,800,000 for the fiscal year ending September 30, 1986, $8,100,000 for the fiscal year ending September 30, 1987, and $8,300,000 for the fiscal year ending September 30, 1988" before the period.

REPEAL OF NATIONAL CANCER INSTITUTE BUDGET BYPASS PROVISION

SEC. 7. Section 404(a)(8) (42 U.S.C. 285(a)(8)) is amended—

(1) by striking out subparagraph (A), and

(2) by striking out the subparagraph designation "(B)".

INCREASED LIMIT ON CANCER AND HEART, LUNG, AND BLOOD GRANTS WITHOUT ADVISORY BOARD OR COUNCIL APPROVAL

SEC. 8. Sections 405(b) (42 U.S.C. 286(b)) and 419A(c) (42 U.S.C. 287h(c)) are each amended by striking out "$35,000" each place it occurs and inserting instead "$50,000".

LONGER SUPPORT PERIOD FOR NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

SEC. 9. The last sentence of section 406(b) (42 U.S.C. 286a(b)) is amended by striking out "three" each place it occurs and inserting instead "five".

ELIMINATION OF TASK FORCE ON ENVIRONMENTAL CANCER AND HEART AND LUNG DISEASE

SEC. 10. Section 402 of the Clean Air Act Amendments of 1977 (42 U.S.C. 4362) and section 9 of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (42 U.S.C. 4362a) are each repealed.

REPEAL OF REQUIREMENT FOR SUPPORT OF AT LEAST TEN SICKLE CELL DISEASE CENTERS

SEC. 11. Section 8(w) of the Orphan Drug Act (42 U.S.C. 287i nt.) is repealed.

CHANGES IN CERTAIN TITLES OF OFFICIALS AND A SUBCOMMITTEE OF THE NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

SEC. 12. (a)(1) The matter in section 434(b) (42 U.S.C. 289c-1(b)) preceding paragraph (1) is amended to read as follows:

"(b) In the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (hereinafter referred to in this section as the 'Institute') there shall be a Director, Division of Arthritis and Musculoskeletal and Skin Diseases, a Director, Division of Diabetes, Endocrinology, and Metabolic Diseases, a Director, Division of Digestive Diseases and Nutrition, and a Director, Division of Kidney, Urologic, and Hematologic Diseases, who, under the supervision of the Director of the Institute, shall be responsible for—".

(2) Section 434(b) (42 U.S.C. 289c-1(b)) is further amended by striking out "Associate" each place it occurs and inserting instead "Division".

(b) Section 434(c) (42 U.S.C. 289c-1(c)) is amended—

(1) in the first sentence, by inserting "and nutrition" after "digestive diseases",

(2) in the second sentence, by inserting "or in the fields" after "diseases", and

(3) in the third sentence, by inserting "or to the fields" after "diseases".

(c) The matter in section 434(d) (42 U.S.C. 289c-1(d)) preceding paragraph (1) is amended to read as follows:

"(d) The Director of the Institute, acting through the Director, Division of Arthritis and Musculoskeletal and Skin Diseases, the Director, Division of Diabetes, Endocrinology, and Metabolic Diseases, the Director, Division of Digestive Diseases and Nutrition, and the Director, Division of Kidney, Urologic, and Hematologic Diseases, shall—".

(d) Section 435(c)(1) (42 U.S.C. 289c-2(c)(1)) is amended by striking out "Associate Director for" and inserting instead "Director, Division of".

(e) The first sentence of section 436(b) (42 U.S.C. 289c-3(b)) and the first sentence of section 437(b)(2) (42 U.S.C. 289c-4(b)(2)) are each amended by striking out "Associate" and inserting instead "Division".

LIMITATION ON REQUIRED COORDINATION BY DIVISION DIRECTORS OF THE NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

SEC. 13. Section 434(b)(1) (42 U.S.C. 289c-1(b)(1)) (as amended by section 12(a)(2) of this Act) is further amended by striking out "the diseases for which the positions of the Division Directors were created" and inserting instead "arthritis, diabetes, and digestive and kidney diseases".

EXTENSION OF DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

SEC. 14. Section 437(l) (42 U.S.C. 289c-4(l)) is amended by striking out "1983" and inserting instead "1988".

APPROPRIATION AUTHORIZATIONS FOR NATIONAL RESEARCH SERVICE AWARDS

SEC. 15. The first sentence of section 472(d) (42 U.S.C. 289l-1(d)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $239,000,000 for the fiscal year ending September 30, 1986, $248,400,000 for the fiscal year ending September 30, 1987, and $257,600,000 for the fiscal year ending September 30, 1988" before the period.

EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

SEC. 16. Title IV is amended by adding after section 479 the following section:

"EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

"SEC. 480. (a) The Secretary may exempt from disclosure under section 552 of title 5, United States Code, data from a clinical trial conducted or supported by the Secretary if the Secretary determines that—

"(1) observations are still to be collected, recorded, or verified as part of the clinical trial,

"(2) the need for confidentiality of the data has been explicitly stated in an experimental protocol approved by an Institutional Review Board meeting the requirements under section 474,

"(3) the participants in the trial have been informed that an exemption will be sought under which data from the clinical trial will be kept confidential until all observations that are part of the clinical trial have been collected, recorded, and verified, and the participants have agreed to take part in the clinical trial under these conditions,

"(4) there are adequate procedures for analyzing interim data and monitoring safety to provide sufficient protection to the participants in the clinical trial, and

"(5) disclosure would jeopardize the conduct of the clinical trial.

"(b) For purposes of subsection (a), a 'clinical trial' means a study under which a drug or other health intervention is prospectively evaluated by utilizing human participants.".

FEDERAL FUNDING FOR TELEPHONE DATA SERVICE IN PRIVATE HOMES CONNECTED TO COMPUTER CENTERS

SEC. 17. Section 1348 of title 31, United States Code, is amended by adding at the end the following:

"(e) Appropriations are available to install telephones in private residences or for tolls or other charges for telephone service from private residences for dedicated data lines communicating with Government or Government supported computer centers.".

ELIMINATION OF UNNECESSARY REPORTS

SEC. 18. (a) Section 308(a) (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraph (1),

(2) in paragraph (3), by striking out "or (2)", and

(3) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(b) Section 1122 (42 U.S.C. 300c-12) is amended to read as follows:

"SUDDEN INFANT DEATH SYNDROME RESEARCH

"SEC. 1122. From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research which relates specifically to sudden infant death syndrome, and to research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome.".

(c) Section 27(c) of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(d) Section 154(e) of the Clean Air Act (42 U.S.C. 7454(e)) is amended by striking out the last sentence.

(e) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1980 (42 U.S.C. 3509) is repealed.

MODIFICATION OF REQUIREMENTS FOR REPORTS

SEC. 19. (a) Section 301(b)(4) (42 U.S.C. 241(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "an annual" and inserting instead "a biennial", and

(2) in subparagraph (D), by striking out "year" and inserting instead "period".

(b) Section 404(a)(9) (42 U.S.C. 285(a)(9)) is amended by striking out ", not later than November 30 of each year,".

(c) Section 434(e) (42 U.S.C. 289c-1(e)) is amended—

(1) in the first sentence, by striking out ", as soon as practicable, but not later than sixty days, after the end of each fiscal year,",

(2) in the first sentence, by striking out "an annual" and inserting instead "a biennial" and

(3) in the matter in the last sentence preceding paragraph (1), by striking out "annual" and inserting instead "biennial".

(d) Section 435(b) (42 U.S.C. 289c-2(b)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "(on or before November 30 of each year)".

(e) Section 439(e) (42 U.S.C. 289c-6(e)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "on or before November 30 of each year".

(f) Section 22(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(f) is amended—

(1) by inserting "biennially" after "submit", and

(2) by striking out "an annual report" and inserting instead "a report".

(g) Section 26 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 675) is amended by striking out "Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each" and inserting instead "The Secretary and the Secretary of Health and Human Services shall each biennially".

(h) Section 5(h) of the International Health Research Act of 1970 (22 U.S.C. 2103(h)) is amended by striking out "regular session" and inserting instead "Congress".

APPLICABILITY OF FEDERAL ASSISTANCE FINANCING SYSTEM TO ADDITIONAL FORMS OF FINANCIAL ASSISTANCE AND CONTRACTS

SEC. 20. Section 6 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (42 U.S.C. 3514) is amended—

(1) by striking out "grant" the first place it occurs and inserting instead "grant, other form of financial assistance, or contract",

(2) by striking out "grant" every other place it occurs and inserting instead "award",

(3) by striking out "grantee" each place it occurs and inserting instead "recipient",

(4) by striking out "Secretary of Health, Education, and Welfare" and inserting instead "Secretary of Health and Human Services, and

(5) by striking out "Department of Health, Education, and Welfare" and inserting instead "Department of Health and Human Services".

TECHNICAL AMENDMENTS

SEC. 21. (a) Sections 407(b)(4) (42 U.S.C. 286b(b)(4)) and 418(a)(6) (42 U.S.C. 287g(a)(6)) and the first sentence of section 419A(b) (42 U.S.C. 287h(b)) are each amended by striking out "501" and inserting instead "2101".

(b)(1) Section 472(a)(1)(B) (42 U.S.C. 2891-1(a)(1)(B)) is amended by striking out "and the research described in subparagraph (A)(vi)".

(2) Section 472(b)(1)(C) (42 U.S.C. 2891-1(b)(1)(C)) is amended by inserting "or (a)(1)(A)(iv)" after "(a)(1)(A)(iii)".

(c) Section 1202 (42 U.S.C. 300d-1) is amended by striking out "1205" and inserting instead "1201".

(d) Section 2(b)(2) of the Alcohol and Drug Abuse Amendments of 1983 is amended—

(1) in the matter preceding subparagraph (A), by striking out "Section 210" and inserting instead "Section 210", and

(2) by adding "and" at the end of subparagraph (C).

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Maintenance Organization Amendments of 1985".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

REPEAL OF AUTHORITIES FOR GRANTS, CONTRACTS, LOANS, AND LOAN GUARANTEES

SEC. 2. (a) Sections 1303, 1304, 1305, 1305A, 1306, 1309, 1313, 1315, and 1317 (42 U.S.C. 300e-2, 300e-3, 300-4, 300e-4a, 300e-5, 300e-8, 300e-12, 30e-14, and 300e-16) are repealed.

(b) Section 1307(b) (42 U.S.C. 300e-6(b)) is amended by striking out the second sentence.

(c) Section 1307(c) (42 U.S.C. 300e-6(c)) is repealed.

(d) Section 1307(d) (42 U.S.C. 300e-6(d)) is amended by striking out "for purposes of receiving assistance under this title" each place it occurs.

(e) Section 1308(a) (42 U.S.C. 300e-7(a)) is amended—

(1) by striking out paragraph (1),

(2) by striking out the paragraph designation "(2)",

(3) in subparagraph (B), by striking out "subparagraph (C)" and "subparagraph (D)" and inserting instead "paragraph (3)" and "paragraph (4)", respectively,

(4) in subparagraph (C), by striking out the clause designations "(i)" and "(ii)" and inserting instead "(A)" and "(B)", respectively, and

(5) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4).

(f) Section 1308(b) (42 U.S.C. 300e-7(b)) is amended—

(1) by striking out paragraph (1),

(2) in paragraph (2), by striking out the first sentence, and

(3) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(g) The first sentence of section 1308(e) (42 U.S.C. 300e-8(e)) is amended by striking out "to make loans under this title and".

ELIMINATION OF DUAL CHOICE REQUIREMENTS

SEC. 3. (a) Sections 1301, 1302, 1307(d), 1310, 1311, 1312, and 1318 (42 U.S.C. 300e, 300e-1, 300e-6(d), 300e-9, 300e-10, 300e-11, and 300e-17) are repealed.

(b) Section 1308(b) (42 U.S.C. 300e-7(b)) (as amended by section 2(f) of this Act) is further amended—

(1) by striking out paragraph (1), and

(2) by striking out the paragraph designation "(2)".

(c) Section 1531(8) (42 U.S.C. 300n(8)) is amended to read as follows:

"(8) The term 'health maintenance organization' means a public or private organization, organized under the laws of any State, which—

"(A) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalizations, laboratory, X-ray, emergency and preventive services, and out of area coverage,

"(B) is compensated (except for copayments) for the provision of the basic health care services listed in subparagraph (A) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided, and

"(C) provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).".

(d) Section 8902(l) of title 5, United States Code, is repealed.

(e) Section 1101(a) of the Social Security Act (42 U.S.C. 1301(a)) is amended by striking out paragraph (9).

(f) Section 1124(a)(2)(A) of the Social Security Act (42 U.S.C. 1320a-3(a)(2)(A) is amended by striking out "a health maintenance organization (as defined in section 1301(a) of the Public Health Service Act)" and inserting instead "an eligible organization (as defined in section 1876(b)".

(g) Section 1875(b) of the Social Security Act (42 U.S.C. 1395ll(b)) is amended by striking out "the operation and administration of health maintenance organizations authorized by section 226 of the Social Security Amendments of 1972,".

(h) Section 1876(b) of the Social Security Act (42 U.S.C. 1395mm(b)) is amended by striking out everything after "under the laws of any State," and inserting instead the following: "which meets the following requirements:

"(1) The entity provides to enrolled members at least the following health care services:

"(A) Physicians' services performed by physicians (as defined in section 1861(r)(1)).

"(B) Inpatient hospital services.

"(C) Laboratory, X-ray, emergency, and preventive services.

"(D) Out-of-area coverage.

"(2) The entity is compensated (except for deductibles, coinsurance, and copayments) for the provision of health care services to enrolled members by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health care service actually provided to a member.

"(3) The entity provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through contracts with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"(4) The entity assumes full financial risk on a prospective basis for the provision of the health care services listed in paragraph (1), except that such entity may—

"(A) obtain insurance or make other arrangements for the cost of providing to any enrolled member health care services listed in paragraph (1) the aggregate value of which exceeds $5,000 in any year,

"(B) obtain insurance or make other arrangements for the cost of health care services listed in paragraph (1) provided to its enrolled members other than the entity because medical necessity required their provision before they could be secured through the entity,

"(C) obtain insurance or make other arrangements for not more than 90 percent of the amount by which its costs for any of its fiscal years exceed 115 percent of its income for such fiscal year, and

"(D) make arrangements with physicians or other health professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians or other health professionals or through the institutions.

"(5) The entity has made adequate provision against the risk of insolvency, which provision is satisfactory to the Secretary.

Paragraph (1)(B) shall not apply to an entity which had contracted with a single State agency administering a State plan approved under title XIX for the provision of services (other than inpatient hospital services) to individuals eligible for such services under such State plan on a prepaid risk basis prior to 1970.".

(i) Section 1876(e)(3) of the Social Security Act (42 U.S.C. 1395mm(e)(3)) is amended—

(1) in subparagraph (A), by striking out "section 1302(8) of the Public Health Service act, other than subparagraph (C)" and inserting instead "paragraph (B)",

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(3) by inserting "(A)" after designating "(3)", and

(4) by adding at the end the following:

"(B)(i) For purposes of paragraph (A), the term 'community rating system' means a system of fixing rates of payments for health services under which rates shall be fixed on a per-person or per-family basis and may vary with the number of persons in a family but, except as authorized in clause (ii), the rates must be equivalent for all individuals and for all families of similar composition.

"(ii) The following differentials in rates of payments may be established:

"(I) Nominal differentials in such rates may be established to reflect differences in marketing costs and the different administrative costs of collecting payments from the following categories of members: Individual members (including their families), small groups of members (as determined under regulations of the Secretary), and large groups of members (as determined under regulations of the Secretary).

"(II) Nominal differences in such rates may be established to reflect the compositing of the rates of payment in a systematic manner to accommodate group purchasing practices of various employers.

"(III) Differentials in such rates may be established for members enrolled pursuant to a contract with a government authority under section 1079 or 1086 of title 10, United States Code, or under any other governmental program (other than the health benefits program authorized by chapter 89 of title 5, United States Code) or any health benefits program for employees of States, political subdivisions of States, and other public entities.".

(j) Section 1876(i)(3)(C) of the Social Security Act (42 U.S.C. 1395mm(i)(3)(C)) is amended to read as follows:

"(C) shall require the organization to protect its members from incurring liability for payment of any fees which are the legal obligation of the organization through—

"(i) a contractual arrangement with any hospital that is regularly used by the members of the organization prohibiting the hospital from holding any such member liable for payment of any fees which are the legal obligation of the organization,

"(ii) insolvency insurance, acceptable to the Secretary,

"(iii) adequate financial reserve, acceptable to the Secretary, or

"(iv) other arrangements, acceptable to the Secretary, to protect members,

except that the above requirement shall not apply if applicable State law provides the members of the organization with protection from liability for payment of any fees which are the legal obligation of the organization; and".

(k) Section 1902(e)(2)(A) of the Social Security Act (42 U.S.C. 1396a(e)(2)(A)) is amended by striking out "a qualified health maintenance organization (as defined in title XIII of the Public Health Service Act)" and inserting instead "an eligible organization (as defined in section 1876(b))".

(l) The first sentence of section 1903(g)(1) of the Social Security Act (42 U.S.C. 1396b(g)(1)) is amended by striking out "a health maintenance organization as defined in section 1876 or which is a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act)" and inserting instead "an eligible organization as defined in section 1876(b)".

(m) Section 1903(m)(1) of the Social Security Act (42 U.S.C. 1396b(m)(1)) is amended—

(1) by striking out subparagraph (B),

(2) by striking out the subparagraph designation "(A)",

(3) by striking out "a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act)" and inserting instead "an eligible organization (as defined in section 1876(b))", and

(4) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(n) Section 1903(m)(2) of the Social Security Act (42 U.S.C. 1396b(m)(2)) is amended—

(1) in subparagraph (E)(ii), by striking out "a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act)" and inserting instead "an eligible organization (as defined in section 1876(b))",

(2) in subparagraph (E)(iv), by striking out "designated as medically underserved under section 1302(7)" and inserting instead "that was designated as medically underserved under former section 1302(7)", and

(3) in subparagraph (F)(ii)(I), by striking out "a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act)" and inserting instead "an eligible organization (as defined in section 1876(b))".

(o) The amendments made by the preceding subsections are effective on October 1, 1987.

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Services Amendments of 1985".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

HANSEN'S DISEASE PROGRAM

SEC. 2. Section 320 (42 U.S.C. 255) is amended to read as follows:

"HANSEN'S DISEASE PROGRAM

"SEC. 320. (a) The Secretary—

"(1) shall provide care and treatment without charge at the Public Health Service facility in Carville, Louisiana, to any person suffering from Hansen's disease who needs and requests care and treatment for that disease, and

"(2) may provide for the care and treatment of Hansen's disease without charge for any person who requests such care and treatment.

"(b) The Secretary shall make payments to the Board of Health of Hawaii for the care and treatment in its facilities of persons suffering from Hansen's disease at a per diem rate, determined from time to time by the Secretary, which shall, subject to the availability of appropriations, be approximately equal to the per diem operating cost per patient of those facilities, except that the per diem rate shall not be greater than the comparable per diem operating cost per Hansen's disease patient at the Public Health Service facility in Carville, Louisiana.".

REPEAL OF AUTHORITY FOR MEDICAL EXAMINATIONS OF SEAMEN AND LONGSHOREMEN

SEC. 3. Section 324(a) (42 U.S.C. 251(a)) is amended—

(1) by adding "and" at the end of paragraph (1),

(2) by striking out the semicolon at the end of paragraph (2) and inserting instead a period, and

(3) by striking out paragraphs (3) and (4).

APPROPRIATION AUTHORIZATIONS FOR NATIONAL HEALTH SERVICE CORPS

SEC. 4. Section 338(a) (42 U.S.C. 254k(a)) is amended—

(1) by striking out "and" after "1983;", and

(2) by inserting "; $50,000,000 for the fiscal year ending September 30, 1986; $50,400,000 for the fiscal year ending September 30, 1987; and $50,800,000 for the fiscal year ending September 30, 1988" before the period.

ELIMINATION OF LIMIT ON FEE FOR CLINICAL LABORATORY LICENSES

SEC. 5. Section 353(d)(3) (42 U.S.C. 263a(d)(3)) is amended to read as follows:

"(3) The Secretary may require payment of fees for the issuance and renewal of licenses. Any fees collected shall be credited, to the extent specified in appropriation acts, to the appropriations used for clinical laboratory activities (as determined by the Secretary) and shall remain available until expended.

REPEAL OF HEALTH PLANNING AUTHORITIES

SEC. 6. (a) Title XV (42 U.S.C. 300k-1—300n-6) is repealed.

(b)(1) Section 2(f) (42 U.S.C. 201(f)) is amended by striking out "1531(1),".

(2) Section 314 (42 U.S.C. 246) is repealed.

(3) Section 332 (42 U.S.C. 254(c)) is amended—

(A) by striking out paragraph (1), and

(B) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(4) Section 332(f) (42 U.S.C. 254e(f)) is amended—

(A) by adding "and" at the end of paragraph (1),

(B) by striking out paragraph (2), and

(C) by renumbering paragraph (3) as (2).

(5) Section 333(b) (42 U.S.C. 254(b)) is repealed.

(6) Section 1302 (42 U.S.C. 300e-1) is amended—

(A) by striking out paragraph (6),

(B) by striking out the second sentence of paragraph (7), and

(C) by renumbering paragraphs (7) through (9) as (6) through (8).

(7) Section 1306(b) (42 U.S.C. 300e-5(b)) is amended—

(A) by striking out paragraph (5), and

(B) by renumbering paragraphs (6) through (8) as (5) through (7).

(8) Subsections (a)(1)(B) and (g) of section 1310 (42 U.S.C. 300e-9) are each amended by striking out "314(d)," and "1525,".

(9) Section 1621(b) (42 U.S.C. 300s-1(b)) is amended—

(A) in paragraph (1)—

(i) by striking out subparagraph (A), and

(ii) by redesignating subparagraphs (B) through (K) as (A) through (J),

(B) in paragraph (2)(A)(i), by striking out "subparagraph (D)" and inserting instead "subparagraph (C)", and

(C) in paragraph (2)(A)(ii), by striking out "subparagraph (E)" and inserting instead "subparagraph (D)".

(10) Section 1622(a)(1)(B) (42 U.S.C. 300s-1a(a)(1)(B)) is amended to read as follows: "(B) which is disapproved as a transferee by an entity designated by the chief executive officer of the State, or".

(11) Section 1624 (42 U.S.C. 300s-3) is amended—

(A) by striking out paragraph (12), and

(B) by renumbering paragraphs (13) and (14) as (12) and (13), respectively.

(12) The second sentence of section 1627 (42 U.S.C. 300s-6) is amended by striking out "shall report such noncompliance to the health systems agency for the health service area in which such entity is located and the State health planning and development agency of the State in which the entity is located and".

(13) Part D of title XVI (42 U.S.C. 300t) is repealed.

(14) Section 1641 (42 U.S.C. 300t-11) is amended by striking out everything after "under" and inserting instead the following: "which grants and technical assistance may be provided to hospitals in operation on the date of enactment of this part (1) for the discontinuance of unneeded hospital services, and (2) for the conversion of unneeded hospital services to other health service needed by the community.".

(15) Section 1642(b) (42 U.S.C. 300t-12(b)) is amended—

(A) by striking out paragraph (2),

(B) by renumbering paragraph (3) as (2), and

(C) by revising paragraph (2) (as so renumbered) to read as follows:

"(2)(A) The Secretary may not approve an application of a hospital for a grant if the Secretary is unable to determine that the cost of providing inpatient health services in the area in which the applicant is located will be less than if the inpatient health services proposed to be discontinued were not discontinued.

"(B) In considering application of hospitals for grants, the Secretary shall give special consideration to applications which will result in the greatest reduction in hospital costs within an area.".

(16) Section 1643 (42 U.S.C. 300t-13) is repealed.

(17) Section 1644 (42 U.S.C. 300t-14) is amended by striking out "and 1643".

(18) Section 2115(1)(B) (42 U.S.C. 300aa-14(1)(B)) is amended to read as follows: "(B) which is disapproved as a transferee by the State mental health authority or by another entity designated by the chief executive officer of the State, or".

(19) Section 1121(c) of the Social Security Act (42 U.S.C. 1320a(c)) is amended by striking out ", including health systems agencies (designated under section 1515 of the Public Health Service Act) and State health planning and development agencies (designated under section 1521 of such Act),".

(20) Section 1122(b) of the Social Security Act (42 U.S.C. 1320a-1(b)) is amended—

(A) in the matter preceding paragraph (1), by striking out "described in clause (ii) of subsection (d)(1)(B)",

(B) by striking out paragraph (2),

(C) by renumbering paragraph (3) as (2), and

(D) in the matter following paragraph (2) (as so renumbered), by striking out "or any such other agency" and "pursuant to the Public Health Service Act".

(21) Section 1122(d)(1) of the Social Security Act (42 U.S.C. 1320a-1(d)(1)) is amended—

(A) by revising paragraph (A) to read as follows:

"(A) the planning agency designated in the agreement described in subsection (b) had not been given notice of any proposed capital expenditure (in accordance with such procedure or in such detail as may be required by such agency) at least sixty days prior to obligation for such expenditure; or",

(B) in paragraph (B)(i), by striking out "or an agency so described", "or any other agency described in clause (ii)", "or any other agency described in clause (ii)", and "or in the area for which such other agency has responsibility", and

(C) in paragraph (B)(ii), by striking out "subsection (b)" and everything that follows through subclause (II) and inserting instead the following: "subsection (b), granted to the person proposing such capital expenditure an opportunity for a fair hearing with respect to such findings,".

(22) Section 1160(b)(2) of the Social Security Act (42 U.S.C. 1320c-9(b)(2)) is amended by striking out "(including health systems agencies and State health planning and development agencies)".

(23) Section 1861(v)(7)(A) of the Social Security Act (42 U.S.C. 1395x(v)(7)(A)) is amended by striking out "or area-wide".

(24) Section 1861(z)(2)(B) of the Social Security Act (42 U.S.C. 1395x(z)(2)(B)) is amended—

(A) by inserting "(if any)" after "submitted to the agency", and

(B) by striking out ", or if no such agency is designated, to the appropriate health planning agency in the State".

(25) Section 1883(b) of the Social Security Act (42 U.S.C. 1395tt(b)) is amended to read as follows:

"(b) The Secretary may not enter into an agreement under this section with any hospital unless, except as provided under subsection (g), the hospital is located in a rural area and has less than 50 beds.".

(26) Section 1884(b)(1)(C) of the Social Security Act (42 U.S.C. 1395uu(b)(1)(C)) is amended by striking out "with the findings of an appropriate health planning agency and".

(27) The National Health Planning and Resources Development Act of 1974 (42 U.S.C. 217a, nt, 229 nt, 291b nt, 300k, 300k nt, 300-14 nts and 300m nts) is repealed.

APPROPRIATION AUTHORIZATIONS FOR AND EXPANDED SCOPE OF PRIMARY CARE BLOCK GRANT

SEC. 7. (a) Section 1921 (42 U.S.C. 300y) is repealed.

(b) Section 1922 (42 U.S.C. 300y-1) is amended to read as follows:

"APPROPRIATION AUTHORIZATIONS

"SEC. 1922. For allotments under section 1924 there are authorized to be appropriated $550,100,000 for fiscal year 1986, $573,204,000 for fiscal year 1987, and $596,132,000 for fiscal year 1988.".

(c) Section 1923 (42 U.S.C. 300y-2) is repealed.

(d)(1) Section 1924(a) (42 U.S.C. 300y-3(a)) is amended by striking out "the amount granted for fiscal year 1982" and all that follows up to the period and inserting instead "the amounts provided by the Secretary from appropriations for fiscal year 1985 to the State and to entities in the State under section 1925, former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977 bore to the amounts provided by the Secretary from appropriations for fiscal year 1985 to all States and to entities in all States under those provisions."

(2) Section 1924(b) (42 U.S.C. 300y-3(b)) is amended by striking out paragraphs (2) through (4) and inserting instead the following:

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided for fiscal year 1985 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a) bore to the total amount provided for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms 'Indian tribe' and 'tribal organizations' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(3) Section 1924 (42 U.S.C. 300y-3) is amended by adding at the end the following:

"(c) To the extent that all the funds appropriated under section 1922 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1927 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1928(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.".

(e) Section 1925(a)(2) (42 U.S.C. 300y-4(a)(2)) is amended by striking out "if the Secretary determines that the State acted in accordance with section 1926(a)(1) and there is good cause for funds remaining unobligated".

(f)(1) The heading to section 1926 (42 U.S.C. 300y-5) is amended to read "USE OF ALLOTMENTS".

(2) Section 1926(a) (42 U.S.C. 300y-5(a)) is amended to read as follows:

"SEC. 1926. (a) Except as limited by subsection (b) or as provided by subsection (c), a State may use amounts paid to it under section 1925 (and amounts transferred under other provisions of law for use under this part) for—

"(1) assistance to community health centers that serve medically underserved populations,

"(2) health services for migratory and seasonal agricultural workers and their families,

"(3) voluntary family planning services and training of family planning personnel, and

"(4) health services for respiratory and pulmonary impairments in active and inactive coal miners.

Amounts provided for the activities referred to in the preceding sentence may also be used for related planning, administration, and educational activities.".

(3) Section 1926(b) (42 U.S.C. 300y-5(b)) is amended—

(A) in paragraph (1), by striking out "except in fiscal year 1983 in the case of a community health center which used funds provided under section 330 for fiscal year 1983 to provide such services" and inserting instead "other than inpatient services prescribed by the Secretary",

(B) by adding "or" at the end of paragraph (3),

(C) by substituting a period for ", or" at the end of paragraph (4),

(D) by striking out paragraph (5), and

(E) by striking out the last sentence.

(4) Section 1926 (42 U.S.C. 300y-5) is amended by adding at the end the following:

"(c) From the amounts paid to a State under section 1925 from amounts appropriated for a fiscal year, the State may transfer up to 10 percent for use under other block grants administered by the Secretary."

"(d)(1) Not more than 10 percent of the Federal funds available for a fiscal year for use by a State under subsection (a) may be used for administering those funds or for the planning of health services. The State will pay from non-Federal sources the remaining costs of administering those funds and of the planning of health services.

"(2) For purposes of the preceding paragraph, the term 'Federal funds available for a fiscal year' for use by a State under subsection (a) means the sum of—

"(A) the amounts paid to the State for that fiscal year under section 1925 less any amounts transferred by the State under subsection (c) of this section,

"(B) amounts paid by the Secretary to the State for that fiscal year under any other authority and transferred for use by the State under subsection (a), and

"(C) amounts reserved by the State under section 1925(a)(2) from the amounts paid to it for the preceding fiscal year, to the extent that those amounts were not used in determining the amounts that were used in that preceding fiscal year for administering funds or for the planning of health services.

"(e)(1) A State shall expend in fiscal year 1986 for voluntary family planning services and training of family planning personnel, from the amounts paid to it for fiscal year 1986 under section 1925 or under section 7(p)(2)(A) of the Health Services Amendments of 1985 (and from amounts transferred under other provisions of law for use under this part), a percentage proportion equal to at least 80 percent of the percentage proportion of the amounts provided to the State or to entities in the State under section 1925, former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977, from sums appropriated for fiscal year 1985, that were provided under former sections 1001, 1003, and 1005.

"(2) A State shall expend in fiscal year 1987 for voluntary family planning services and training of family planning personnel, from the amounts paid to it for fiscal year 1987 under section 1925 (and from amounts transferred under other provisions of law for use under this part), a percentage proportion equal at least 50 percent of the percentage proportion of the amounts provided to the State or to entities in the State under section 1925, former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977, from sums appropriated for fiscal year 1985, that were provided under former sections 1001, 1003, and 1005.

"(f)(1) A State shall expend in fiscal year 1986 for health services for migratory and seasonal agricultural workers and their families, from the amounts paid to it for fiscal year 1986 under section 1925 or under section 7(p)(2)(A) of the Health Services Amendments of 1985 (and from amounts transferred under other provisions of law for use under this part), a percentage proportion equal to at least 80 percent of the percentage proportion of the amounts provided to the State or to entities in the State under section 1925, former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977, from sums appropriated for fiscal year 1985, that were provided under former section 329.

"(2) A state shall expend in fiscal year 1987 for health services for migratory and seasonal agricultural workers and their families, from the amounts paid to it for fiscal year 1987 under section 1925 (and from amounts transferred under other provisions of law for use under this part), a percentage proportion equal to at least 50 percent of the percentage proportion of the amounts provided to the State or to entities in the State under section 1925, former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977, from sums appropriated for fiscal year 1985, that were provided under former section 329.".

(g)(1) Section 1927(a) (42 U.S.C. 300y-6(a)) is amended—

(A) in the third sentence, by striking out "in such form and", and

(B) in the fourth sentence, by striking out "the legislature of".

(2) Section 1927(b) (42 U.S.C. 300y-6(b)) is amended to read as follows:

"(b) No funds shall be allotted under section 1924 to a State for any fiscal year unless the State affords an opportunity for public comment on the proposed use and distribution of funds to be provided under section 1925 for that fiscal year.".

(3) Section 1927(c) (42 U.S.C. 300y-6(c)) is amended—

(A) in the matter preceding paragraph (1), by striking out "the chief executive officer of",

(B) in paragraph (2), by striking out "fiscal, managerial, and clinical performance of community health centers; and" and inserting instead "effective performance of entities which receive funds from the allotment of the State under this part.",

(C) by striking out paragraph (3), and

(D) in the last sentence, by striking out "services of community health centers by medically underserved populations, and to evaluate the performance of community health centers" and inserting instead "health services, and to evaluate the performance of entities which receive funds from the allotment of the State under this part". (4) Section 1927(d) (42 U.S.C. 300y-6(d)) is amended—

(A) by striking out "chief executive officer of the", "(in accordance with such form as the Secretary shall provide)", and "and the funds the State is required to obligate under section 1926(a)(4) for that fiscal year", and

(B) by inserting ", including a statement of goals and objectives, information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served, and the criteria and method to be used for the distribution of the payments" before the period.

(h)(1) The second sentence of section 1928(a)(1) (42 U.S.C. 300y-7(a)(1)) is amended—

(A) by striking out "the Secretary determines (after consultation with the States and the Comptroller General)" and inserting instead "the State determines",

(B) by striking out "and" at the end of clause (B), and

(C) by inserting ", and (D) to determine how the State has met the goals and objectives previously stated" before the period.

(2) The first sentence of section 1928(b)(2) (42 U.S.C. 300y-7(b)(2)) is amended by striking out "annually" and inserting instead "biennially".

(3) Paragraphs (5) and (6) of section 1928(b) (42 U.S.C. 300y-7 (b)) are repealed.

(i)(1) Section 1929 (a)(1) (42 U.S.C. 300y-8(a)(1)) is amended by striking out the last sentence.

(2) Section 1929(b) (42 U.S.C. 300y-8(b)) is amended—

(A) by striking out paragraph (1), and

(B) by striking out the paragraph designation "(2)".

(3) Section 1929(d)(1) (42 U.S.C. 300y-8(d)(1) is amended by inserting "study or" before "investigation".

(j) Section 1932 (42 U.S.C. 300y-11) is amended—

(1) by striking out subsection (b), and

(2) by striking out the subsection designation "(a)".

(k) Section 427(a) of the Federal Mine Safety and Health Act of 1977, and title X and subparts I and IV of part D of title III (30 U.S.C. 937(a) and 42 U.S.C. 300—300a-6a, 254a-1—254c, and 256a) are repealed.

(l) Section 427(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(c)) is amended by striking out the first sentence.

(m) Subparts II and III of part D of title III are redesignated as subparts I and II, respectively.

(n) Section 931(c) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 300a nt) is repealed.

(o)(1) Sections 3 and 4 of the Family Planning Services and Population Research Act of 1970 (42 U.S.C. 3505a and 3505b) are repealed.

(2) Section 2 of the Act (42 U.S.C. 300 nt) is amended—

(A) by adding "and" at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and adding instead a period, and

(3) by striking out paragraph (8).

(p)(1) Except as provided in paragraph (2), the amendments made by the preceding subsections are effective beginning with appropriations for fiscal year 1986.

(2)(A) If any State (as defined in the Public Health Service Act) has not, by thirty days before the beginning of any calendar quarter in fiscal year 1986, submitted an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1986 under subsection (a) of section 1924 of that Act, the Secretary of Health and Human Services may provide during that quarter all or part of the State's allotment under that subsection to the State or to entities in the State under any of the provisions of law referred to in that subsection as in effect before the date of enactment of this Act.

(B) If the Secretary of Health and Human Services provides amounts to a State or to entities in a State under paragraph (A) and the State subsequently files an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1986 under section 1924(a) of that Act, the allotment shall be reduced by the amounts the Secretary has provided under paragraph (A).

APPROPRIATION AUTHORIZATIONS FOR ADOLESCENT FAMILY LIFE DEMONSTRATION PROJECTS

SEC. 8. Section 2010(a) (42 U.S.C. 300z-9(a)) is amended—

(1) by striking out "and" after "1984,", and

(2) by inserting ", $14,706,000 for the fiscal year ending September 30, 1986, $15,206,000 for the fiscal year ending September 30, 1987, and $15,784,000 for the fiscal year ending September 30, 1988" before the period.

FISCAL AGENTS

SEC. 9. Title XXI is amended by adding at the end the following:

"FISCAL AGENTS

"SEC. 2116. The Secretary may enter into contracts with public or private entities to determine the amounts payable and make payments to persons who on behalf of the Public Health Service furnish health services to individuals, and to perform related functions as determined by the Secretary. The Secretary may advance funds to the entities to enable them to make such payments. The Secretary may enter into contracts under this section without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any provision of law requiring competition.".

ELIMINATION OF EXPENDITURE TIME LIMITATION UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

SEC. 10. Section 503(b) of the Social Security Act (42 U.S.C. 703(b)) is amended by striking out the second sentence.

LIMITED APPLICABILITY OF CERTAIN ADDITIONAL SPECIAL PAY TO PHYSICIANS IN THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

SEC. 11. (a) Section 208(a)(2) (42 U.S.C. 210(a)(2)) is amended—

(1) by inserting the subparagraph designation "(A)" after the paragraph designation "(2)",

(2) by inserting ", except as otherwise provided in subparagraph (B)" before the period, and

(3) by adding at the end the following:

"(B) A commissioned medical officer in the Regular or Reserve Corps may not receive additional special pay under paragraph (4) of section 302(a) of title 37, United States Code, for any period during which the officer is providing obligated service under section 338B (42 U.S.C. 254m), (or under former section 225(e) or 752). Such an officer serving during any other period may be provided additional special pay under that paragraph at the discretion of the Secretary up to the amounts described in that paragraph. The Secretary, in exercising his descretion under the preceding sentence, shall take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the officer concerned, and provisions of law relating to additional pay for Government physicians not in the uniformed services.".

(b) The second sentence of section 302(e) of title 37, United States Code, is amended by striking out "(a)(4) or".

(c) The amendments made by the preceding subsections shall not diminish benefits under an agreement entered into by an officer before the date of enactment of this Act.

CASH AWARDS FOR COMMISSIONED OFFICERS

SEC. 12. (a) Section 221(a) (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(15) Section 1124, Cash awards for suggestions, inventions, or scientific achievements.".

HEALTH CARE FOR INVOLUNTARILY SEPARATED COMMISSIONED OFFICERS AND DEPENDENTS

SEC. 13. Section 326 (42 U.S.C. 253) is amended by inserting after subsection (a) the following:

"(b) The Secretary may provide for health care for an officer of the Regular or Reserve Corps involuntarily separated from the Service (or for any dependent of the officer) for not more than one year from the date of separation if—

"(1) the officer (or dependent) was receiving health care at the expense of the Service at the time of separation, and

"(2) the Secretary finds that the officer (or dependent) is unable to obtain appropriate insurance for the condition for which he was receiving health care.".

REPEAL OF NARCOTIC ADDICT CIVIL COMMITMENT AND SERVICES AUTHORITIES

SEC. 14. (a)(1) Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411-3441) are repealed.

(2) Section 2 of Public Law 89-793 (42 U.S.C. 3401) is amended—

(A) in the first sentence, by striking out "charged with or" and "prosecution or", and

(B) by striking out the second sentence.

(3) Section 605 of Public Law 89-793 (42 U.S.C. 3401 nt) is amended by striking out the first and third sentences.

(b)(1) Chapter 175 of title 28, United States Code, is repealed.

(2) The table of contents to part VI of title 28, United States Code, is amended by deleting the matter referring to chapter 175.

(c)(1) Part E of title III (42 U.S.C. 257—261a) is repealed.

(2) Subsections (k) and (q) of section 2 (42 U.S.C. 201) are repealed.

(3) Subsection (j) of section 2 (42 U.S.C. 201) is amended by striking out "'habit-forming narcotic drug' or".

ELIMINATION OF UNNEEDED ADVISORY BODIES AND REPEAL OF OBSOLETE PROVISIONS

SEC. 15 (a) Sections 600 through 608 (42 U.S.C. 291-291h), sections 610 through 643A (42 U.S.C. 291j—291m-1), subsections (b) and (l) of section 645 (42 U.S.C. 291o), and title IX are repealed.

(b) Subsections (a), (d)(1), and (e) of section 609 (42 U.S.C. 291i) are each amended by inserting "former" before "section" each place it occurs.

(c) Section 645(j) (42 U.S.C. 291o(j)) is amended—

(1) by striking out "Surgeon General" each place it occurs and inserting instead "Secretary",

(2) by striking out "is to be" and inserting instead "was", and

(3) by inserting "former" before "section 602(a)(2)".

(d) Section 1602(e)(1) (42 U.S.C. 300q-2(e)(1)) is amended by inserting "former" before "section 626".

FOR-PROFIT ENTITIES AS GRANTEES UNDER VARIOUS PROGRAMS

SEC. 16. (a) Section 318(a) (42 U.S.C. 247c(a)), 318(b) (42 U.S.C. 247c(b)), and the matter in section 2002(a)(3) (42 U.S.C. 300z-1(a)(3)) preceding subparagraphs (A) are each amended by striking out "nonprofit".

(b)(1) The first sentence of section 1904(b) (42 U.S.C. 300w-3(b)) and of section 1915(b) (42 U.S.C. 300x-3(b)) are each amended—

(A) by adding "or" at the end of paragraph (3),

(B) by substituting a period for ", or" at the end of paragraph (4), and

(C) by striking out paragraph (5).

(2) The first sentence of section 504(b) of the Social Security Act (42 U.S.C. 704(b)) is amended—

(A) by adding "or" at the end of paragraph (3),

(B) by substituting a period for "; or" at the end of paragraph (4), and

(C) by striking out paragraph (5).

ELIMINATION OF UNNECESSARY REPORTS

SEC. 17. (a) Section 317(h) (42 U.S.C. 247b(h)) is repealed.

(b) Section 336A (42 U.S.C. 254i) is repealed.

(c)(1) Section 2111 (42 U.S.C. 300aa-10) is repealed.

(2) The first sentence of section 383(b) (42 U.S.C. 277(b)) is amended by striking out ", and the Secretary shall include in his annual report to the Congress a statement covering the recommendations made by the Board and the disposition thereof".

(d) Section 311(c) of title 37, United States Code, is repealed.

(e) Section 26(e)(2) of the Toxic Substances Control Act (15 U.S.C. 2625(e)(2)) is amended to read as follows:

"(2) The Administration and the Secretary shall—

"(A) define the term 'known financial interests' for purposes of paragraph (1), and

"(B) establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for review by the Administrator and the Secretary of such statements.".

TECHNICAL AMENDMENTS

SEC. 18. (a)(1) The first sentence of section 311(c)(1) (42 U.S.C. 243(c)(1)) is amended by striking out "or condition referred to in section 317(f)" and "involving or resulting from disasters or any such disease".

(2) The second sentence of section 311(c)(1) (42 U.S.C. 243(c)(1)) is amended by striking out everything after "health emergencies)" up to the period.

(b) Section 928(b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "(42 U.S.C. 247b(j)(1)(A))" and inserting instead "(42 U.S.C. 247b(j))".

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Professions Amendments of 1985".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

AUTHORITY TO INSURE HEALTH EDUCATION ASSISTANCE LOANS

SEC. 2. (a) The first sentence of section 728(a) (42 U.S.C. 294a(a)) is amended—

(1) by striking out "and" after "1983;". and

(2) by inserting "; $250,000,000 for the fiscal year ending September 30, 1985; and $100,000,000 for the fiscal year ending September 30, 1986, and each of the two succeeding fiscal years" before the period.

(b) The second sentence of section 728(a) (42 U.S.C. 294a(a)) is amended by striking out "1987" and inserting instead "1991".

CHANGES IN THE HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

SEC. 3. (a) Section 729(a) (42 U.S.C. 294(a)) is amended by inserting after the second sentence the following: "The annual and aggregate limits specified in the preceding sentences shall be reduced by any amounts received by the borrower as a scholarship under the National Health Service Corps Scholarship Program or under any program administered by the Department of Defense.".

(b)(1) Section 731(a)(2)(B) (42 U.S.C. 294d(a)(2)(B)) is amended by inserting "(not in excess of four years)" after "residency program".

(2) Section 731(a)(2)(C)(ii) (42 U.S.C. 294d(a)(2)(C)(ii)) is amended by inserting "(including any period in such a program described in subparagraph (B))" after "program".

(c) Section 731(a)(2)(C) (42 U.S.C. 294d(a)(2)(C)) is amended by striking out "or the 33-year period".

(d) Section 731 (42 U.S.C. 294d) is amended—

(1) by striking out subsection (c), and

(2) by redesignating subsection (d) as (c).

(e) The first sentence of section 732(c) (42 U.S.C. 294e(c)) is amended to read as follows: "The Secretary shall, pursuant to regulations, charge a premium for insurance on each loan under this subpart, payable in advance, at such times and in such manner as may be prescribed by the Secretary.".

(f) The first sentence of subsection (a) and of subsection (b) of section 734 (42 U.S.C. 294g) are each amended by inserting "collection or" before "default".

(g) The amendments made by subsections (b) and (c) of this section do not apply to any individual who has entered into a written agreement before the date of enactment of this Act for a loan insured under subpart I of part C of title VII of the Public Health Service Act.

CHANGES IN THE HEALTH PROFESSIONS STUDENT LOANS PROGRAMS

SEC. 4. (a)(1)(A) Section 741(b) (42 U.S.C. 294n(b)) is amended by adding at the end the following: "A student in a school of medicine or osteopathy who will graduate from the school after June 30, 1979, shall be eligible to receive a loan under this section after October 1, 1977, only if the student is of exceptional financial need (as defined by the Secretary in regulations).".

(B) Section 403(f) of the Health Professions Educational Assistance Act of 1976 (42 U.S.C. 294n nt) is repealed.

(2) Section 836(b)(1) (42 U.S.C. 297b(b)(1)) is amended—

(A) by striking out "and" at the end of clause (A), and

(B) by inserting before the semicolon the following: ", and (C) for a loan made after October 1, 1985, if the student will graduate from the school after June 30, 1988, is of exceptional financial need (as defined by the Secretary in regulations)".

(b)(1) Section 741(i) (42 U.S.C. 294n(i)) is amended to read as follows:

"(i) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring aginst cancellation of liability under subsection (d).".

(2) Section 836(c) (42 U.S.C. 297b(c)) is amended to read as follows:

"(c) Subject to regulations of the Secretary, a school may assess a reasonable charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (b)(4).".

(c) Sections 741(j) (42 U.S.C. 294n(j)) and 836(f) (42 U.S.C. 297b(f)) are each amended—

(1) in the first sentence, by striking out "may" and inserting instead "shall", and

(2) by striking out the second sentence and inserting instead the following: "The amount of any such charge shall be at six percent (calculated on an annual basis) of the outstanding loan amount plus costs of collection.".

(d)(1) Section 741 (42 U.S.C. 294n) is amended by adding at the end the following:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has met requirements specified by the Secretary in attempting to collect the loan. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires to bring a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

(2) Section 836 (42 U.S.C. 297b) is amended by adding at the end the following:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has met requirements specified by the Secretary in attempting to collect the loan. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires to bring a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

(e) Sections 743 (42 U.S.C. 294p) and 839 (42 U.S.C. 297e) are each amended by striking out "1987" each place it occurs and inserting instead "1990".

(f) Section 841 (42 U.S.C. 297h) is repealed.

(g) The amendments made by subsections (b) and (c) apply to loans made after the date of enactment of this Act.

REPEAL OF HEALTH PROFESSIONS ASSISTANCE AUTHORITIES

SEC. 5. (a)(1) Sections 702 (42 U.S.C. 292b), 720 (42 U.S.C. 293), 721 (42 U.S.C. 293a), 722 (42 U.S.C. 293b), and 725 (42 U.S.C. 293h), subpart V of part C of title VII (42 U.S.C. 294z and 294aa), and parts D, E, F, and G of title VII (42 U.S.C. 295—295h-7) are repealed.

(2) Section 701 (42 U.S.C. 292a) is amended—

(A) by striking out paragraphs (6) through (10), and

(B) by renumbering paragraphs (11) and (12) as (6) and (7), respectively.

(3) Section 705(d) (42 U.S.C. 292e(d)) is amended by striking out "scholarship, traineeship, loan," and inserting instead "loan".

(4) Section 707 (42 U.S.C. 292g) is amended by striking out everything after "Department," and inserting instead the following: "except that the authority to make a grant, enter into a contract, continue a grant or contract, or modify a contract under any program authorized by this title shall not be delegated to any administrator of, or officer in, a regional office or offices of the Department.".

(5) Section 724 (42 U.S.C. 293g) is amended to read as follows:

"REGULATIONS

"SEC. 724. The Secretary may make such regulations as he finds necessary to carry out the provisions of this part.".

(b)(1) Sections 801 (42 U.S.C. 296), 802 (42 U.S.C. 296a), 803 (42 U.S.C. 296b), 805 (42 U.S.C. 296d), 851 (42 U.S.C. 298), 854 (42 U.S.C. 298b-1), 855 (42 U.S.C. 298b-2), and 857 (42 U.S.C. 298b-4), subparts II through IV of part A of title VIII (42 U.S.C. 296e-296m), and subparts I and III of part B of title VIII (42 U.S.C. 297, 297-1, and 297j) are repealed.

(2) Part A of title VII (42 U.S.C. 296-296d) is amended by striking out the heading "Subpart I—Construction Assistance".

(3) Part B of title VIII (42 U.S.C. 297a-297g) is amended—

(A) by striking out the heading "Subpart II—Student Loans", and

(B) by striking out "subpart" each place it occurs and inserting instead "part".

(4) Section 853 (42 U.S.C. 298b) is amended—

(A) in the first sentence of paragraph (6), by striking out ", except that" and everything that follows up to the period,

(B) by striking out paragraphs (8) and (10), and

(C) by renumbering paragraph (9) as (8).

(5) Section 856 (42 U.S.C. 298b-3) is amended by striking out everything after "Services," and inserting instead the following: "except that the authority to make a grant or enter into a contract under any program authorized by this title shall not be further delegated to any administrator of, or officer in, any regional office or offices in the Department.".

(c) Section 501 (42 U.S.C. 290aa) is amended—

(1) by striking out subsection (g), and

(2) by redesignating subsection (h) as (g).

ELIMINATION OF REQUIRED REPORT ON THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 6. Section 338A(i) (42 U.S.C. 254l(i)) is repealed.

CLARIFICATION OF OBLIGATION UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR INDIVIDUALS WHO REFUSE SCHOLARSHIP PAYMENTS

SEC. 7. (a) Section 338D(a)(4) (42 U.S.C. 2540(a)(4)) is amended by striking out "in part" and inserting instead "in substantial part (as determined by the Secretary in regulations)".

(b) The amendment made by subsection (a) applies to all individuals who enter or have entered into a contract under section 338A of the Public Health Service Act (42 U.S.C. 254) before, on, or after the date of enactment of this Act.

REPEAL OF FUNDING REQUIREMENTS FOR CERTAIN PROFESSIONS UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 8. Section 338F(b) (42 U.S.C. 254q(b)) is repealed.

ELIMINATION OF UNNEEDED HEALTH PROFESSIONS EDUCATION REPORTING REQUIREMENT

SEC. 9. (a) Subsection (c) of section 708 (42 U.S.C. 292h) is repealed.

(b) Subsections (d) through (g) of that section are redesignated as subsections (c) through (e).

REPEAL OF UNNEEDED AUTHORITIES FOR STANDARDS CONCERNING PERSONS WHO ADMINISTER RADIOLOGIC PROCEDURES AND FOR FEDERAL RADIATION GUIDELINES

SEC. 10. The Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10001-10008 and 10001 nt) is repealed.

IMPROVED ENFORCEMENT OF REQUIREMENTS UNDER CERTAIN CONSTRUCTION PROGRAMS

SEC. 11. (a) Section 723 (42 U.S.C. 293c) is amended to read as follows:

"RECOVERY

"SEC. 723. (a) If at any time within twenty years (or withing such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under former section 720(a)—

"(1)(A) in case the facility was an affiliated hospital or outpatient facility with respect to which funds have been paid under former section 720(a)(1), the owner shall cease to be a public or other nonprofit agency that would have been qualified to file an application under former section 605,

"(B) in case the facility was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under former section 720(a)(1) or (3), the owner shall cease to be a public or nonprofit school, or

"(C) in case the facility was a facility with respect to which funds have been paid under former section 720(a)(2), the owner shall cease to be a public or nonprofit entity,

"(2) the facility shall cease to be used for the teaching or training purposes (or other purposes permitted under former section 722) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility with respect to which an event described in any of the paragraphs of subsection (a) occurs shall provide the Secretary written notice of the event not later than 10 days after the date on which the event occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined quarterly) equal to 150 percent of the average bond equivalent rate of the thirteen week Treasury bills auctioned at the end of the preceding calendar quarter.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date of the event, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the event,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may set in regulations) if the Secretary determines that there is good cause for waiving those rights.

"(e) The right of recovery of the United States under subsection (a) shall not prior to judgment constitute a lien on any facility.".

(b) Section 804 (42 U.S.C. 296c) is amended to read as follows:

"RECOVERY

"SEC. 804. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under this part—

"(1) the owner shall cease to be a public or nonprofit school,

"(2) the facility shall cease to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility with respect to which an event described in any of the paragraphs of subsection (a) occurs shall provide the Secretary written notice of the event not later than 10 days after the date on which the event occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined quarterly) equal to 150 percent of the average bond equivalent rate of the thirteen week Treasury bills auctioned at the end of the preceding calendar quarter.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date of the event, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the event.

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may set in

regulations) if the Secretary determines that there is good cause for waiving those rights.

"(e) The right of recovery of the United States under subsection (a) shall not prior to judgment constitute a lien on any facility.".

(c) Section 2115 (42 U.S.C. 300aa-14) is amended to read as follows:

"RECOVERY

"SEC. 2115. (a) If any facility with respect to which funds have been paid under the former Community Mental Health Centers Act shall, at any time within twenty years after the completion of remodeling, construction, or expansion or after the date of its acquisition—

"(1) be sold or transferred to any entity (A) which would not have been qualified to file an application under section 222 of that former Act or (B) which is disapproved as a transferee by the State mental health authority or by another entity designated by the chief executive officer of the State, or

"(2) cease to used by a community mental health center in the provision of comprehensive mental heatlh services,

the United States shall be entitled to recover from the transferor, transferee, or owner, the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The transferor and transferee of a facility that is sold or transferred as described in subsection (a)(1), or the owner of a facility the use of which is changed as described in subsection (a)(2), shall provide the Secretary written notice of the sale, transfer, or change not later than 10 days after the date on which the sale, transfer, or change occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the remodeling, construction, expansion, or acquisition of the project or projects.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined quarterly) equal to 150 percent of the average bond equivalent rate of the thirteen week Treasury bills auctioned at the end of the preceding calendar quarter.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date of the sale, transfer, or cessation, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the sale, transfer, or cessation,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may set in regulations) if the Secretary determines that there is good cause for waiving those rights.

"(e) The right of recovery of the United States under subsection (a) shall not prior to judgment constitute a lien on any facility.".

(d)(1) In the case of any facility that was or is constructed, remodeled, expanded, or acquired on or before the date of enactment of this Act (or within 180 days after the date of enactment of this Act), the period described in subsection (c)(2)(B)(i) of sections 723, 804, and 2115 of the Public Health Service Act (42 U.S.C. 293c, 296c, and 300aa-14) (as amended by the preceding subsections of this section) shall begin no earlier than 181 days after the date of enactment of this Act.

(2) The amendments enacted by the preceding subsections of this section shall not adversely affect other legal rights of the United States.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. ABDNOR, Mrs. HAWKINS, Mr. D'AMATO, Mr. DURENBERGER, and Mr. ROTH):

S. 1645. A bill to delay a postal rate increase for subscription publications; to the Committee on Governmental Affairs.

DELAY OF POSTAL RATE INCREASE FOR SUBSCRIPTION PUBLICATIONS

Mr. STEVENS. Mr. President, today I am joining my friends in introducing legislation that will delay for 6 months the recently announced postal rate increase as it affects subscription publications. This rate increase for subsidized mailers was agreed upon by the Board of Governors of the U.S. Postal Service during their September Board meeting.

As prudent as the Board decision was, unforunately, it still means that rural and small newspaper as well as school classroom publication publishers will be faced with an increase in the cost of sending out subscriptions by anywhere from 45 to 60 percent in approximately 4 weeks. Mr. President, these publishers simply cannot adjust that quickly to such a major postal rate increase, coming on top of an increase they already adjusted to in February of this year.

This is not a bailout or government largess. It is simply a wise policy of orderly withdrawal of a Federal subsidy in such a fashion so as not to cause the undue collapse in one of this Nation's treasures, the small and rural newspapers, as well as the educational publications of America.

This bill would cost approximately $40 million. The newspaper publishers of this Nation are competent businessmen and women and they understand the essential nature of reducing this national deficit, and they are willing to help. But, let's not reward their willingness by putting them out of business.

Mr. Chairman, I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There are authorized to be appropriated sufficient sums so that the rates for mail under former section 4358 of title 39, United States Code, shall remain at step 14 on the rate phasing schedule under section 3626 of such title through March 31, 1986.

● Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my good friend and colleague, Senator STEVENS. I commend him for his leadership on this issue.

This legislation responds to a recent decision by the Postal Service's Board of Governors that will have a tremendous impact on small newspapers and educational publications. The Board recently announced a rate increase, effective October 1, 1985, which will raise the cost of sending out subscriptions by 45 to 60 percent. This is on top of the rate increase which took effect in February of this year.

Mr. President, small newspapers and educational publications cannot adjust to such a rate increase on this short notice. They are locked into subscription rates based on expectations of substantially lower postal rates. Many of these outstanding publications could be forced out of business.

The bill which I am cosponsoring will delay this increase by 6 months. Although this legislation does not prevent this increase from occurring after that 6 month period, it will give small newspapers and education publications a chance to adjust their subscription rates and to budget for the increase.

I urge my colleagues to join in cosponsoring this legislation.●

By Mr. LEVIN:

S. 1646. A bill to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to afford educational assistance under such chapter to certain eligible veterans after the expiration of the 10-year delimiting period; to the Committee on Veterans' Affairs.

VETERANS EDUCATIONAL ASSISTANCE ACT

● Mr. LEVIN. Mr. President, today I am introducing legislation to provide for an extension of the eligiblity period for certain veterans to receive educational assistance. This bill addresses a situation faced by some of our veterans who are also married to members of the Armed Forces.

Congress has in the past recognized the sacrifices made by military spouses. The pressures of separation, frequent moves, and difficult living conditions are borne by military personnel and their families together. When military spouses are also former members of the military, they may face the additional problem of not being able to take full advantage of the educational benefits available to them by virtue of their having served in the Armed Forces.

Veterans affected by this legislation are currently given 10 years in which

to utilize their educational benefits. This 10-year period takes into account the fact that the restrictions of military life often prevent service men and women from attaining their educational goals during their years in the service. In some cases, however, the 10-year period is not enough. When eligible veterans are also married to a member of the Armed Forces, they continue under the same restrictions that they faced before leaving the military. These spouses may have left the service in the formal sense, but, for all practical purposes, they are still in the military. The military husband or wife may be assigned to a base in a remote area, too far from an institution offering a program appropriate to the veteran's educational objectives. If this situation continues for all or most of the 10-year eligibility period, it is hard to see how these veterans can utilize the educational benefits to which they are entitled.

Current law allows for an extension of the eligibility period only in cases of disability. The bill I am introducing today will allow the VA Administrator to extend the 10-year period for veterans who are also military spouses living with their husbands or wives and who are unable to pursue their chosen educational program because of where they live.

The Congressional Budget Office estimates that the costs of this bill would be insignificant. A relatively small number of people would be eligible for the extension for which the bill provides. But for those who would be affected, this bill will have a very significant impact. These veterans have served their country as members of the armed forces, and, in a sense, they continue to serve their country as military spouses. This legislation would help to ensure that they are not denied the opportunity to achieve their educational goals.

I ask unanimous consent that a copy of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled, That section 1662 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) Notwithstanding subsection (a) of this section, if—

"(A) an eligible veteran was last discharged or released from active duty on or after January 1, 1970,

"(B) the Administrator determines that, during the entire 10-year period applicable to the eligible veteran under such subsection—

"(i) the eligible veteran was married to a member of the Armed Forces and resided with the member at or near each permanent duty station to which the member was assigned during such period, and

"(ii) the eligible veteran was unable to pursue a program of education appropriate for the educational, professional, or vocational objective chosen by the eligible veteran because the veteran's residences were not within a reasonable commuting distance of an educational institution or training establishment (approved in accordance with chapter 36 of this title) offering such a program of education, and

"(C) the eligible veteran satisfies the application requirements prescribed in paragraph (2) of this subsection,

educational assistance may be afforded the eligible veteran under this chapter during the 4-year period beginning on the date the Administrator approves an application filed by the veteran as required under paragraph (2) of this subsection.

"(2) An eligible veteran described in paragraph (1) of this subsection shall submit to the Administrator an application under section 1671 of this title within one year after the earlier of—

"(A) the first date the veteran's spouse is assigned to a permanent duty station in the Armed Forces which is within a reasonable commuting distance of an educational institution or training establishment referred to in paragraph (1)(B)(ii) of this subsection;

"(B) the date the veteran's spouse is discharged or released from active duty;

"(C) the date the veteran begins to reside in a location which is within a reasonable commuting distance of an educational institution or training establishment referred to in paragraph (1)(B)(ii) of this subsection; or

"(D) the date the marriage to the veteran's spouse terminates.

An eligible veteran shall include with the application submitted under section 1671 of this title such additional information and documentation as the Administrator requires for the purpose of making determinations under paragraph (1) of this subsection.".

SEC. 2. The first sentence of section 1662(e)(2) of title 38, United States Code (as added by the first section), shall not apply in the case of any eligible veteran (as defined in section 1652(a)(1) of such title) who submits an application to the Administrator of Veterans' Affairs under section 1671 of such title within 1 year after the date of enactment of this Act.●

By Mr. LAUTENBERG (for himself and Mr. ROTH):

S. 1647. A bill to amend the Tariff Act of 1930 to enhance the protection of intellectual property rights; to the Committee on Finance.

INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT AMENDMENTS

● Mr. LAUTENBERG. Mr. President, I rise today to introduce the Intellectual Property Rights Enforcement Amendments of 1985, a bill to strengthen the enforcement of patents, copyrights, and trademarks in international trade. I am pleased to be joined by my distinguished colleague from Delaware [Mr. ROTH].

As the President's Commission on Industrial Competitiveness recently confirmed, America has no greater economic advantage than its technology and innovation. Yet, we will not reap the economic benefits of that technology unless we maintain an effective system for the protection of intellectual property rights, that is, patents, copyrights, and trademarks.

Developing new technology and innovation takes time, money and risk. The inventor needs an opportunity to reap a return, and our economy needs the opportunity to exploit American innovation.

Unfortunately, with increasing frequency, foreign firms are pirating American inventions, and then shipping those products back to the United States. The International Trade Commission estimated, back in 1982, that infringement of U.S. intellectual property cost Americans 131,000 jobs, in just five selected industrial sectors, and cost the Nation's businesses $5.5 billion in annual sales.

Since then, the problem has gotten worse. Piracy occurs in items as diverse as toy gremlins, optical waveguide fiber and amorphous metals.

One remedy is provided by section 337 of the Tariff Act of 1930. It gives the International Trade Commission the general power to exclude imports when the importer engages in "unfair methods of competition or unfair acts." The law has been used to keep out pirated products, but the law needs to be strengthened, and that is what our legislation would do.

Because the law was not designed specifically to protect intellectual property rights, it requires a complaining party to show that the imports threaten an efficient and economically operated domestic industry with destruction or substantial injury. Only then, can relief be granted.

Where trade affects the rights of patent, copyright, or trademark owners in the United States, there ought not be such obstacles to relief. To exclude certain imported goods, it should be enough that the articles infringe a patent, or are made abroad by the unauthorized use of a process that is patented here.

It should be enough that the imported article infringes a copyright, or that a product covered by a trademark was manufactured without the authority of the trademark holder. In other words, the bill covers the case of counterfeit trademarks. Much more controversial, and not addressed here, is the case in which products have bona fide trademarks, but enter through so-called gray market channels.

Intellectual property owners covered by the bill need not prove that a whole industry is threatened with destruction or substantial injury. Infringement is sufficient injury.

Also, an inventor would not have to prove that its industry is efficiently and economically operated. Indeed, some small high technology firms may not have the chance to get started,

and to become economical, before they are challenged by pirates.

The bill would make additional changes in section 337. It would require the ITC to act promptly on requests for relief pending the final resolution of a complaint. In cases where a key shipment of infringing goods is on its way, or a critical selling season is approaching, the failure of the ITC to act promptly inflicts harm on the intellectual property owners that is not easily remedied.

In order to overcome reluctance in the granting of temporary exclusion orders, the ITC is given the discretion to require the party seeking the order to put up a bond.

The bill also confirms the principle of finality of ITC judgments. There are cases, for example, where a party that is subject to an exclusion order for infringing a patent comes forth seeking a determination that it no longer infringes or seeks a modification of the order. The intellectual property owner is faced with additional litigation, to preserve the rights it so recently enforced.

The bill would confirm that the burden of proof in this subsequent proceeding is clearly on the party that was found in violation of the law. That party should be estopped from raising claims that could have been raised in the previous proceeding. It is my understanding that this is the rule today, but, the bill would enact this rule into statute.

The legislation also grants the ITC the power to order the forfeiture of articles. In principle, a general exclusion order is a powerful remedy, blocking the entry of goods, and forcing their return.

In reality, I am afraid, the Customs Service simply cannot and does not catch all infringing goods. When it does stop articles, it orders only that they be returned, and risks that there will be a second effort to import the goods, an effort that may elude detection. Forfeiture would make sure that pirates and counterfeiters do not have a second chance.

The legislation also speeds the granting of limited exclusion orders where a respondent defaults. The ITC may be justified in its current practice of establishing an adequate basis for a general exclusion order, even where respondents default, because of the broad nature of the remedy. However, where a party seeks a limited exclusion order, and a party defaults without good cause, relief should be forthcoming. Of course, securing a limited exclusion order when a party is in default should not preclude the complainant from securing a general exclusion order as well if a prima facie case is made.

Last, the bill increases the penalties for violation of cease and desist orders.

Mr. President, I should note that recently I joined Senator MATHIAS in introducing S. 1543, the Process Patent Amendment of 1985. Senator ROTH is also a cosponsor of that bill. It would make it a violation of domestic patent law to import, use or sell a product that is made abroad through the unauthorized use of a process that is patented here. Process patent reform is needed, to bring our law into line with that of other major industrial powers. It is needed to ensure the protection of our innovations, and the maintenance of incentives to innovate.

The bill we introduce today is a complement, and certainly not a substitute, for process patent law reform. The bill is a reflection of the breadth of the problem posed by the infringement of intellectual property rights, and the need for a variety of solutions.

Indeed, perhaps the greatest policymaking challenge is to increase respect of intellectual property in other nations, and in trade that does not involve the United States. When an American inventor's product is knocked off in one foreign country, and sold in another, U.S. exports are hurt.

We can condition certain trade benefits on adequate and effective intellectual property right protection. That was a provision of my bill last Congress, S. 2549, a provision that also found its way into the Trade and Tariff Act of 1984. But that approach depends on vigorous enforcement by an administration that may, unfortunately, be diverted by the pursuit of competing policy goals as well. In other words, Mr. President, a great deal of work needs to be done to raise international standards of intellectual property right protection.

I am not aware of any Member of this body who is not distressed by the flood of imports that have tipped our balance of trade. The causes of our trade imbalance are complex. Crafting a solution is not easy.

But, when the imports are pirated versions of American inventions, as is too often the case, there is no question that we should act and act firmly.

The legislation we introduce today will take action against unfair trade in counterfeit goods, pirated inventions, and copied works. I urge my colleagues to support this important amendment to our trade law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intellectual Property Rights Enforcement Amendments of 1985".

SEC. 2. (a) Subsection (a) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), is amended—

(1) by striking out "(a) Unfair" and inserting in lieu thereof "(a)(1) Unfair",

(2) by striking out "efficiently and economically operated",

(3) by striking out "prevent" and inserting in lieu thereof "impair or prevent", and

(4) by adding at the end thereof the following new paragraph:

"(2) For purposes of this section, the following acts in the importation of articles into the United States or in their sale are declared to be unfair and to have the effect or tendency to destroy or substantially injure an industry or to impair the establishment of an industry;

"(A) Unauthorized importation of an article which infringes a valid United States patent or the unauthorized sale of such an imported article.

"(B) Unauthorized importation of an article which—

"(i) was made, produced, processed, or mined under, or by means of, a process covered by a valid United States patent, and

"(ii) if made, produced, processed, or mined in the United States, would infringe a valid United States patent,

or the unauthorized sale of such an imported article.

"(C) Unauthorized importation of an article which infringes a valid United States copyright or the unauthorized sale of such an imported article.

"(D) Importation of an article which infringes a valid United States trademark, or the sale of such an imported article, if the manufacture or production of such imported article was unauthorized.".

(b) Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended—

(1) by striking out "subsection (d) or (e)" in subsection (c) and inserting in lieu thereof "subsection (d), (e), (f), or (g)",

(2) by striking out "subsection (d), (e), or (f)" in subsection (c) and inserting in lieu thereof "subsection (d), (e), (f), (g), or (h)",

(3) by striking out "subsections (d), (e), and (f)" in subsection (c) and inserting in lieu thereof "subsection (d), (e), (f), (g), or (h)",

(4) by striking out "If" in the first sentence of subsection (e) and inserting in lieu thereof "(1) If",

(5) by adding at the end of subsection (e) the following new paragraph:

"(2) Any person may petition the Commission for the issuance of an order under this subsection. The Commission shall make a determination with regard to such petition by no later than the date that is 90 days after the date on which such petition is filed with the Commission. The Commission may require the petitioner to post a bond as a prerequisite to the issuance of an order under this subsection.",

(6) by striking out "In lieu of" in subsection (f)(1) and inserting in lieu thereof "In addition to, or in lieu of,",

(7) by inserting "twice" after "of $10,000 or" in subsection (f)(2),

(8) by redesignating subsections (g), (h), (i), and (j) as subsections (i), (j), (k), and (l), respectively,

(9) by inserting after subsection (f) the following new subsections:

"(g) FORFEITURE.—In addition to taking action under subsection (d) or (e), the Commission may issue an order providing that an article imported in violation of the provisions of this section be seized and forfeited

to the United States. The Commission shall notify the Secretary of the Treasury of any order issued under this subsection and, upon receipt of such notice, the Secretary shall enforce such order in accordance with the provisions of this Act.

"(h) DEFAULT.—If—

"(1) a complaint is filed against a person under this section,

"(2) such complaint and a notice of investigation are served on such person,

"(3) such person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice,

"(4) such person fails to show good cause why such person should not be found in default,

"(5) the facts alleged in the petition establish a violation of the provisions of this section, and

(6) the complainant seeks relief affecting such person,

the Commission shall presume the facts alleged in the complaint and shall, upon request, issue relief under this section affecting solely such person, unless, after considering the effect of such an order of relief upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such an order of relief should not be issued.",

(10) by striking out "subsection (d), (e), or (f)" each place it appears in subsection (i), as redesignated by paragraph (8) of this subsection, and inserting in lieu thereof "subsection (d), (e), (f), (g), or (h)",

(11) by inserting "and no seizure shall be made of any article under subsection (g) until such determination becomes final if such bond is posted" after "becomes final" in subsection (i)(3), as so redesignated,

(12) by striking out "and (g)" in subsection (j), as so redesignated, and inserting in lieu thereof "and (i)",

(13) by striking out "notifies" in subsection (j), as so redesignated, and inserting in lieu thereof ", or order to seize, notifies",

(14) by striking out "Except" in subsection (j), as so redesignated, and inserting in lieu thereof "(1) Except",

(15) by adding at the end of subsection (j), as so redesignated, the following new paragraph:

"(2) If any person who has previously been found by the Commission to be in violation of this section petitions the Commission for a determination that the petitioner is no longer in violation of this section or for a modification or recision of an order under subsection (d), (e), (f), (g), or (h)—

"(A) the burden of proof in any proceeding before the Commission regarding such petition shall be on the petitioner, and

"(B) relief may be granted by the Commission with respect to such petition only on the basis of new evidence or evidence that could not have been presented at the prior proceeding.",

(16) by striking out "subsection (d), (e), or (f)" in subsection (k), as so redesignated, and inserting in lieu thereof "subsection (d), (e), (f), (g), or (h)", and

(17) by striking out "patent" each place it appears in subsection (k) and inserting in lieu thereof "patent, copyright, or trademark".

SEC. 3. The Act of July 2, 1940 (54 Stat. 724, chapter 515; 19 U.S.C. 1337a) is hereby repealed.●

● Mr. ROTH. Mr. President, today I join Mr. LAUTENBERG in introducing legislation which is designed to level the playing field with respect to the enforcement of U.S. intellectual property rights. As our economy and the international competitiveness of our industries become increasingly dependent upon U.S. ingenuity and technological innovation, it has become critical to ensure quick, effective, and meaningful protection for U.S. intellectual property, both at home and abroad. While it is becoming increasingly important to seek the recognition and enforcement of intellectual property rights by all nations, all such efforts must begin at home. Currently, it is more difficult for the U.S. owner of a U.S. patent, copyright, or trademark to secure relief against infringing imports than it is to secure relief against infringing products made in the United States. Although the laws were not intended to have this result, that is currently the effect.

Section 337 of the Tariff Act of 1930 has become one of the primary mechanisms for enforcing U.S. intellectual property rights against infringing imports, because it is frequently the only means of securing effective relief against infringing merchandise of foreign origin. However, because section 337 was originally designed to cover a broad range of unfair acts in the importation of goods into the United States, it contains several elements, in addition to an unfair act, which must be proven before relief will be issued. Many of these requirements make no sense in the context of the infringement of intellectual property. Moreover, these elements are not required by our international obligations, as evidenced by the fact that many of our trading partners do not require such showings for the exclusion of infringing imports.

In order to secure relief against infringing imports, the owner of U.S. intellectual property must prove, in addition to infringement: (a) The presence of a U.S. industry, (b) that the U.S. industry is efficiently and economically operated, (c) that the effect or tendency of the infringing imports is to destroy or substantially injure a U.S. industry, and (d) that the beneficial effect of the contemplated relief outweighs certain public interest considerations enumerated in the statute.

The bill which I propose today is designed to require that foreign companies seeking the benefits and profits of the U.S. market play by the same set of rules that our U.S. companies must observe.

The bill provides that injury under section 337 has been shown where a complainant has successfully shown infringement of a U.S. patent, copyright, or trademark—or the importation or sale of products made by a process which would infringe a U.S. process patent, if practiced in the United States.

The bill also contains several other amendments designed to make section 337 relief more meaningful to holders of U.S. intellectual property. First, the U.S. International Trade Commission [ITC], the agency responsible for administering the statute, is authorized to require that a complainant seeking a temporary exclusion order post a bond in the event that the complainant is not successful. This provision is intended to make it easier for the ITC to provide temporary relief when needed.

Second, the bill would require the ITC to act on requests for temporary relief within 90 days after a petition for such relief is filed. In cases involving seasonal markets, or where key shipments of infringing merchandise are pending, temporary relief should be used to prevent harm to the owners of the intellectual property in issue.

Third, the bill provides the ITC with greater flexibility in designing relief. The bill would allow the ITC to issue cease and desist orders in addition to exclusion orders, rather than in lieu of exclusion orders. The bill would also grant the ITC the authority to order forfeiture of merchandise found to be in violation of section 337. This would prevent harm to an intellectual property owner where goods have been imported during an investigation, or during the Presidential review period. The loss of a bond to the U.S. Government penalizes the importer, but provides no relief to the U.S. intellectual property owner if the goods are imported while under bond.

Fourth, the bill underscores the importance of the finality of ITC judgments, by providing that a party that has been found to be in violation of section 337 may seek an advisory opinion or modification of the order, only if the party first shows that it is presenting new evidence or evidence that could not have been presented during the course of the original investigation. It also codifies the requirement that a party seeking such action has the burden of proving that the product or process would not violate section 337.

A complainant that has successfully shown that a patent is valid and infringed should not, in the absence of a showing of good cause, be subject to the expense of additional proceedings to protect the value of the relief secured. This is the approach which the ITC has adopted in the past. This bill would strengthen those principles and enact such requirements into the statute.

Fifth, the bill provides that a complainant need not go to the expense of establishing a prima facie case in an administrative hearing, if the respondent or respondents are in default, and the complainant is seeking relief against only the defaulting parties.

Lastly, the bill increases the penalties for violation of cease and desist orders.

The Intellectual Property Rights Enforcement Amendments of 1985 is intended to be a complement, rather than a substitute for, legislation strengthening U.S. process patent laws.

In today's highly competitive international marketplace, we can no longer afford to pioneer new technology after new technology, while complacently allowing others to profit from the resources and efforts required for developing such innovation. This bill represents an important step in remedying this problem.●

By Mr. MURKOWSKI:

S.J. Res. 199. A joint resolution to designate the month of November 1985 as "National Elks Veterans Remembrance Month"; to the Committee on the Judiciary.

NATIONAL ELKS VETERANS REMEMBRANCE MONTH

● Mr. MURKOWSKI. Mr. President, as chairman of the Veterans' Affairs Committee, I rise to introduce a resolution to designate the month of November as "National Elks Veterans Remembrance Month."

There are over 1,650,000 members of the Benevolent and Protective Order of Elks assembled in 50 State groups. The Elks, founded in 1868, have always demonstrated a strong commitment to this Nation's veterans.

During their 1946 convention, the Elks National Service Commission made a solemn pledge, "So long as there are veterans in our hospitals, the Benevolent and Protective Order of Elks will never forget them." Today, the Elks and their ladies auxiliaries continue to honor that pledge, as they provide many services and programs to hospitalized veterans.

The Elks National Service Commission supervises activities in all 172 Veterans' Administration Medical Centers and nursing homes and domiciliaries. In addition to providing entertainment, occupational therapy assistance, and comfort to hospitalized veterans, the Elks have given financial support to hospital committees. For example, the Elks through hide gathering programs, donate tanned hides to the VA, the market value being in excess of $1 million annually.

In 1919, the Elks funded and built a 700-bed reconstruction hospital in Boston to receive wounded servicemen returning home after World War I. The hospital was donated to the Government and became a veterans' hospital.

During World War II, Elks lodges helped recruit aviation cadets and conducted courses that enabled thousands of men to qualify for flight training. When the Army needed help to recruit 45,000 men for Air Corps ground crews, the Elks recruited 97,000 men. The Elks have also been successful in recruitment drives for the Navy and for enlisting nurses for Veterans' Administration hospitals.

The Elks have recently gone nationwide with their "Adopt a Veteran Program." This program seeks volunteers to tend to hospitalized veterans who are without family or friends nearby. The volunteer makes regular visits, providing personal care items, letter writing, phone calls and in general tending to the veteran's needs in areas where the Government cannot. Last year, Elks "adopted" more than 15,000 veterans.

In recognition of the many services the Elks have rendered to this Nation's veterans, it seems fitting to designate the month of November as "National Elks Veterans Remembrance Month."

Given the spirit of volunteerism that has been sweeping across America in recent years—with much credit to the current Administration's Private Sector Initiatives Program—it is appropriate that we recognize one of this Nation's premier volunteer organizations. I urge my colleagues to join me in this effort, to say thank you to this fine organization, not only for the work they have done for veterans, but for the spirit they infused in America.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was orderd to be printed in the RECORD, as follows:

S.J. RES. 199

Whereas there are one million, six hundred and fifty thousand members of the Benevolent and Protective Order of Elks, assembled in fifty State groups;

Whereas the fraternal and benevolent society, founded in 1868, has demonstrated a strong commitment to the veterans of the Nation;

Whereas the pledge of the Elks National Service Commission first made in 1946, remains, "so long as there are veterans in our hospitals, the Benevolent and Protective Order of Elks will never forget them.";

Whereas the Elks and the Ladies Auxiliaries of the Elks provide many services and programs to hospitalized veterans;

Whereas the Elks National Service Commission provides volunteer services and assistance in all one hundred and seventy-two Veterans' Administration medical centers, and nursing homes and domiciliaries;

Whereas in addition to providing entertainment, occupational therapy assistance, and comfort to hospitalized veterans, the Elks have given financial support to hospital committees and have engaged in recruitment activities for the Armed Services;

Whereas the numerous contributions of the Benevolent and Protective Order of Elks on behalf of the veterans of the National deserve greater public recognition and awareness; and

Whereas recognition of the Elks by the Congress and President through enactment of legislation declaring the month of November 1985 as "National Elks Veterans Remembrance Month", would serve to create greater public recognition and awareness of the contributions of the fraternal society, to express the appreciation of the Nation for the service of the Elks, to inspire more responsive care to veterans of the Nation, and to reinforce that duty to American veterans is the responsibility of all: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1985 is designated as "National Elks Veterans Remembrance Month", and the President is authorized and requested to issue a proclamation calling upon all citizens, community leaders, interested organizations, and Government officials to observe such month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. DENTON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 418

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 418, a bill to amend the Internal Revenue Code of 1954 to exclude certain net capital gain of insolvent taxpayers from the alternative minimum tax.

S. 419

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for one-half of the expenses paid by a self-employed taxpayer for individual health insurance premiums.

S. 491

At the request of Mr. QUAYLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 491, a bill to improve debt-collection activities and default recoveries and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes.

S. 637

At the request of Mr. ZORINSKY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 637, a bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deductions in the tier 2 benefit if the employment is for his last nonrailroad employer.

S. 777

At the request of Mr. HEINZ, the names of the Senator from Massachu-

setts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice benefits under the Medicare program for an additional 3 years.

S. 779

At the request of Mr. HEINZ, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 779, a bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members.

S. 896

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 896, a bill to amend the Internal Revenue Code of 1954 to apply rural electric cooperative plans to the provisions relating to cash or deferred arrangements.

S. 980

At the request of Mr. TRIBLE, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 980, a bill to amend title I of the Housing and Community Development Act of 1974.

S. 985

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 985, a bill to protect the rights of victims of child abuse.

S. 1084

At the request of Mr. GOLDWATER, the name of the Senator from Iowa [Mr. HARKIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Missouri [Mr. EAGLETON] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

At the request of Mr. DURENBERGER, his name was added as a cosponsor of S. 1084, supra.

S. 1198

At the request of Mr. MITCHELL, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1198, a bill to establish in the Environmental Protection Agency a program of research on indoor air quality, and for other purposes.

S. 1249

At the request of Mr. HEINZ, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1249, a bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under medicare and medicaid.

S. 1381

At the request of Mr. QUAYLE, the names of the Senator from Tennessee (Mr. GORE), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1381, A bill to amend the General Education Provisions Act to improve and expand the Assessment Policy Committee.

S. 1439

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1439, A bill to amend title 39, United State Code, to provide that change-of-address order forms submitted to the Postal Service may be furnished to the appropriate State authority for purposes relating to voter registration.

S. 1450

At the request of Mr. HEINZ, the name of the Senator from Maryland [Mr. SARBANES], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1450, a bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period.

S. 1504

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan [Mr. LEVIN], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1504, a bill to assure that administrative law judges making determinations under the Black Lung Benefits Act receive compensation at a rate not less than that prescribed for GS-16 under section 5332 of title 5, United States Code.

S. 1540

At the request of Mr. DODD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1540, a bill providing a statutory basis for a budget that requires that any increase in outlays be financed by an equivalent increase in revenues, and for other purposes.

S. 1570

At the request of Mr. NICKLES, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1570, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours, to clarify the application of that act to volunteers, and for other purposes.

S. 1600

At the request of Mr. HEINZ, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 1600, a bill to provide that certain of the Social Security trust funds be excluded from the Federal budget process for fiscal years beginning on or after October 1, 1985, and to clarify that specifications and directions with respect to such trust funds may not be included in any concurrent resolution on the budget adopted with respect to fiscal years beginning after such date.

S. 1629

At the request of Mr. GRASSLEY, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1629, a bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 175

At the request of Mr. PROXMIRE, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as a cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week of August 25, 1985, through August 31, 1985, as "National CPR Awareness Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. DENTON, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. MATTINGLY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. INOUYE] were added as a cosponsors of Senate Joint Resolution 184, a joint resolution to authorize the Korean War Memorial, Inc., to erect a memorial in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 188

At the request of Mrs. KASSEBAUM, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. ANDREWS], the Senator from Kansas [Mr. DOLE], the Senator form Hawaii [Mr. MATSUNAGA], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 188, a joint resolution to designate July 6, 1986, as "National Air Traffic Control Day."

SENATE CONCURRENT RESOLUTION 64—RELATING TO A NATIONAL COMMISSION ON THE FARM CREDIT SYSTEM

Mr. ABDNOR submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 64

Whereas American agriculture remains in a severe economic recession;

Whereas this recession has jeopardized the financial condition of both lenders and borrowers of credit;

Whereas the Farm Credit System is a lender of one-third of the credit needs of American agriculture; and

Whereas investor confidence in the Farm Credit System securities is being eroded: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should, as soon as possible, form a non-partisan National Commission on the Farm Credit System to recommend reforms which will address the issues of ensuring adequate credit supplies and fair interest rates to farmers and ranchers,

(2) such Commission should transmit its recommendations to the President and the Congress within three weeks from the date of the passage of this resolution and thereafter at such times as the Commission deems appropriate, and

(3) such Commission should be composed of the Chairman or his selected representative of the House Committee on Agriculture, the House Committee on Banking, Finance and Urban Affairs, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Banking, Housing, and Urban Affairs; the Secretaries of Agriculture and Treasury or their representatives; the Chairman, Board of Governors of the Federal Reserve System or his representatives; the Governor of the Farm Credit Administration or his designee; one representative of each of the American Bankers Association and the Independent Bankers Association; one representative from a local entity within the Farm Credit System, and such other representative in the field of agricultural finance as the President deems appropriate to name. Such Commission shall not exceed twelve (12) persons.

Mr. ABDNOR. Mr. President, I rise to submit a concurrent resolution expressing the sense of the Congress that the President should form a National Commission on the Farm Credit System. This Commission would provide recommendations to the Congress within 3 weeks concerning necessary reforms to the farm credit system to ensure adequate credit supplies and fair interest rates to farmers and ranchers.

It is essential, Mr. President, that we rapidly bring together the best and most informed minds in the country to address this farm credit crisis. Prices are down, exports are down, land values are down, farm income is down, and now the farmers' and ranchers' primary source of financing is on the brink of collapse. Not since the Great Depression have American farmers and ranchers more needed or deserved the attention and understanding of their representative Government.

This is not a partisan issue, Mr. President. Without credit, farmers will simply be unable to put in next year's crop and that will yield an immeasurable tragedy for this Nation and millions of others in foreign countries dependent upon the United States as a supplier of food.

Let's get on with the job—now.

AMENDMENTS SUBMITTED

IMMIGRATION CONTROL ACT

HEINZ (AND OTHERS) AMENDMENT NO. 602

Mr. HEINZ (for himself, Mrs. HAWKINS, Mr. SPECTER, Mr. SASSER, Mr. ADBNOR, Mr. ANDREWS, Mr. DENTON, Mr. RIEGLE, Mr. DECONCINI, and Mr. WILSON) proposed an amendment to amendment No. 600 proposed by Mrs. HAWKINS to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. . POLICY TOWARD SOCIAL SECURITY TRUST FUNDS.

(a) FINDINGS.—The Congress finds that—

(1) public confidence in the Social Security system has been undermined by the acrimonious debates over deficit reduction;

(2) including Social Security Trust Funds in the Unified Federal Budget masks the true size of the federal deficit;

(3) Social Security is wholly funded by a separate payroll tax, is running a surplus, and does not contribute to the federal deficit;

(4) it is time to protect the integrity of both the Social Security program and the federal budget process by separating the two; and

(5) removing Social Security Trust Funds from the Unified Federal Budget will enable Congress to proceed with the responsibility of solving our massive budget deficit.

(b) POLICY.—It is the sense of the Senate that Congress should separate the Social Security Trust Funds from the Unified Federal Budget at the earliest possible date.

KENNEDY AMENDMENT NO. 603

Mr. KENNEDY proposed an amendment to amendment No. 600 proposed by Mrs HAWKINS to the bill S. 1200, supra; as follows:

At the end of subsection (c) of the amendment, add the following new paragraph:

(4) Such sums as may be necessary and authorized for the Immigration and Naturalization Services to carry out the purposes of the section.

KENNEDY (AND BINGAMAN) AMENDMENT NO. 604

Mr. KENNEDY (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1200, supra; as follows:

On page 118, line 14, strike out "five" and insert in lieu thereof "three".

On page 119, line 11, strike out "five" and insert in lieu thereof "three".

On page 121, between lines 6 and 7, insert the following:

(d) TERMINATION DATE FOR EMPLOYER SANCTIONS.—(1) The provisions of section 274A of the Immigration and Nationality Act shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (b), if—

(A) the Comptroller General determines, and so reports in such report, that a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment, the sole result of the implementation of employer sanctions; and

(B) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

(2) Any joint resolution referred to in clause (B) of paragraph (1) shall be considered in the Senate in accordance with subsection (f).

(e) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (d), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(f) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (d), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (d), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (d) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be di-

vided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

KENNEDY (AND BINGAMAN) AMENDMENT NO. 605

Mr. KENNEDY (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1200, supra; as follows:

Beginning on page 68 with line 7, strike out all through line 7 on page 93 and insert in lieu thereof the following:

TITLE II—LEGALIZATION

LEGALIZATION

SEC. 201. (a) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1981, TO THAT OF PERSONS ADMITTED FOR TEMPORARY OR PERMANENT RESIDENCE

"SEC. 245A. (a) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for permanent residence if—

"(1) the alien applies for such adjustment during the twelve-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General,

"(2)(A) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1977, and has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1985, or

"(B) the alien entered the United States as a nonimmigrant before January 1, 1977, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1977, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1977, and the alien has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1985, and

"(C) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof;

"(3) the alien was continuously physically present in the United States since the date of the enactment of the Immigration Reform and Control Act of 1985; and

"(4) the alien—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

Notwithstanding paragraph (1), an alien who (at any time during the one-year period described in paragraph (1)) is the subject of an order to show cause issued under section 242, must make application under such paragraph not later than the end of the thirty-day period beginning either on the first day of such one-year period or on the date of the issuance of such order, whichever day is later. An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of paragraph (3) by virtue of a brief, casual, and innocent absence from the United States.

"(b)(1) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(A) the alien applies for such adjustment during the twelve-month period described in subsection (a)(1);

"(B)(i) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1981, and has resided continuously in the United States in an unlawful status from January 1, 1981, through the date of enactment of the Immigration Reform and Control Act of 1985; or

"(ii) the alien entered the United States as a nonimmigrant before January 1, 1981, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1981, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1981, and the alien has resided continuously in the United States in an unlawful status from January 1, 1981, through the date of enactment of the Immigration Reform and Control Act of 1985; and

"(iii) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof;

"(C) the alien has been continuously physically present in the United States since the date of the enactment of the Immigration Reform and Control Act of 1985; and

"(D) the alien—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States,

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(iv) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States. Notwithstanding paragraph (1), an alien who (at any time during the one-year period described in subparagraph (A)) is the subject of an order to show cause issued under section 242, must make application under such paragraph not later than the end of the thirty-day period beginning either on the first day of such one-year period or on the date of the issuance of such order, whichever day is later. An alien shall not be considered to have failed to maintained continuous physical presence in the United States for purposes of subparagraph (C) by virtue of a brief, casual, and innocent absence from the United States.

"(2) During the period an alien is in the lawful temporary resident status granted under paragraph (1)—

"(A) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need, and

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(3) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the 12-month period beginning with the first day of the twenty-fifth month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States; and

"(D) can demonstrate that he either (i) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding

of the history and government of the United States), or (ii) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States. An alien shall not be considered to have lost the continuous residence referred to in subparagraph (B) by reason of an absence from the United States permitted under paragraph (2)(A). The Attorney General may, in his discretion, waive all or part of the requirements of subparagraph (D) in the case of an alien who is 65 years of age or older.

"(4) The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(C) at the end of the thirty-seventh month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (3) and such application has not been denied.

"(c)(1)(A) The Attorney General shall provide that applications for adjustment of status under subsection (a) or under subsection (b)(1) may be filed—

"(i) with the Attorney General, or

"(ii) with an organization or person designated under subparagraph (B), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) For purposes of assisting in the program of legalization provided under this section, the Attorney General shall designate qualified voluntary organizations and other qualified State, local, and community organizations and may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under Public law 89-732 or under Public Law 94-145.

"(C) Each organization or person designated under subparagraph (B) must agree to forward to the Attorney General applications filed with it in accordance with subparagraph (A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such organization or person may make a determination required by this section to be made by the Attorney General.

"(D) Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(E) The Attorney General shall provide for a schedule of fees to be charged for the filing of applications for adjustment under subsection (a) or under subsection (b)(1). The Attorney General shall deposit payments received under the preceding sentence in a separate account and amounts in such account shall be available, without fiscal year limitation, only to cover administrative expenses incurred in connection with the review of applications filed under this section.

"(2) The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(3) The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not be applicable in the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(D)(i), (b)(3)(C)(i), and (b)(4)(B)(i), and the Attorney General, in making such determination with respect to a particular alien, may waive any other provision of such section other than paragraph (9), (10), (15) (except as it applies to the adjustment to lawful temporary resident status under subsection (a)), (23) (except for so much of such paragraph as relates to a single offense of simple possession of thirty grams or less of marihuana), (27), (28), (29), or (33), for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. For purposes of this section, an alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

"(4) During the six-month period beginning on the date of the enactment of this section, the Attorney General, in cooperation with qualified organizations and governments designated under paragraph (1) and the Secretary of Labor, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.

"(5)(A) The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a prima facie case of eligibility to have his status adjusted under subsection (a) or subsection (b)(1) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(i) may not be deported, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized" endorsement or other appropriate work permit.

"(B) The Attorney General shall provide that in the case of an alien who presents an application for adjustment of status under subsection (a) or subsection (b)(1) during such application period which application establishes a prima facie case of eligibility to have his status adjusted under such subsection, and until a final administrative determination on the application has been made in accordance with this section, the alien—

"(i) may not be deported, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(6) Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et. seq.), the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of this Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section. This authority shall end two years after the date of the enactment of this Act.

"(d)(1) For the purposes of subsection (a), (b)(1), or (b)(3), an alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation.

"(2) Any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this section.

"(e)(1) During the five-year period beginning on the date an alien is granted lawful temporary resident status granted under subsection (b)(1) and during the three-year period beginning on the date an alien is granted lawful permanent resident status under subsection (2), and notwithstanding any other provision of law—

"(A) except as provided in paragraph (2), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government,

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977, and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A), provide that the alien is not eligible for the programs of financial or medical assistance furnished under the law of that State or political subdivision.

Programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Vocational Education Act of 1963, chapter 1 of the Education Consolidation and Improvement Act of 1981, the Headstart-Follow Through Act, the Job Training Partnership Act, and subparts 4 and 5 of part A of title IV of the Higher Education Act of 1965 shall not be construed to be programs of financial assistance referred to in subparagraph (A)(1). Programs authorized under the Public Health Service Act And title V of the Social Security Act shall not be construed to be programs of financial assistance refered to in subparagraph (A)(i).

"(2) Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) of (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983);

"(B) in the case of assistance furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act), or

"(C) in the case of medical assistance (i) for care and services provided to an alien who is under 18 years of age, (ii) for emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act) or (iii) for services described in section

1916(a)(2)(B) of such Act (relating to services for pregnant women).

The eligibility, comparability, and any other State plan requirements of title XIX of the Social Security Act are superseded to the extent required to restrict the medical assistance in the manner described in subparagraph (C) and paragraph (1)(A)(ii). The Secretary of Health and Human Services, in coordination with the Attorney General, shall promulgate regulations in order to carry out subparagraphs (B) and (C).

"(3) For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(f)(1) The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate and with organizations and persons designated under subsection (c)(1)(B), shall prescribe—

"(A) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(B) such other regulations as may be necessary to carry out this section.

"(2) In prescribing regulations described in paragraph (1)(A), the Attorney General shall—

"(A) specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States and shall take into account absences due merely to brief and casual trips abroad;

"(B) provide for a waiver, in the discretion of the Attorney General, of the periods specified under subparagraph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien;

"(C) require that continuous residence in the United States must be established through documents, together with independent corroboration of the information contained in such documents; and

"(D) require that the documents provided under subparagraph (C) be employment-related if employment-related documents with respect to the alien are available to the applicant.

"(3) Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(g)(1) There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination. Such administrative appellate review shall be based upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3)(A) There shall be no judicial review of such a determination, unless the applicant has exhausted the administrative review described in paragraph (2).

"(B) There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106. Such review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive.

"(h) Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Army Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the Service for a period of not to exceed fifteen months to perform duties in connection with the adjustment of status of aliens under this section.".

(b) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1981, to that of persons admitted for temporary or permanent residence.".

(c) For reports on the legalization program provided under the amendment made by subsection (a), see section 405 of this Act.

CUBAN-HAITIAN ADJUSTMENT

SEC. 202. (a) The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act and the Attorney General shall not be required to charge the alien any fee.

(f) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

SEC. 203. (a)(1) There are authorized to be appropriated for grants (and related Federal administrative costs) to carry out this section $1,000,000,000 (less the amount described in paragraph (2)) for fiscal year 1986 and for each of the three succeeding fiscal years.

(2)(A) Subject to subparagraphs (B) and (C), the amount described in this paragraph for a fiscal year is equal to the amount estimated to be expended by the Federal Government in the fiscal year for the programs of financial assistance, medical assistance, and assistance under the Food Stamp Act of 1977 for aliens who would not be eligible for such assistance under paragraph (1)(A) of section 249A(e) of the Immigration and Nationality Act but for the provisions of subparagraphs (B) and (C) of paragraph (2) of such section.

(B) For purposes of subparagraph (A), with respect to—

(i) fiscal year 1986, the amount estimated to be expended is equal to $30,000,000, and

(ii) fiscal year 1987, the amount estimated to be expended is equal to $300,000,000. For subsequent fiscal years, the amount estimated to be expended shall be such estimate as contained in the annual fiscal budget submitted for that year to the Congress by the President.

HART (AND LEVIN) AMENDMENT NO. 606

Mr. HART (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1200, supra; as follows:

On page 13, line 4, before the period insert "AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES".

On page 13, line 7, strike out "section" and insert in lieu thereof "sections".

On page 33, line 12, strike out all that follows the first period.

On page 33, after line 12, insert the following:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR IMMIGRATION STATUS.—

"(1) GENERAL RULE.—It is an unfair immigration-related employment practice for a

person or other entity to engage in a pattern or practice of discrimination against individuals (other than unauthorized aliens, described in section 274A(h)(2)) with respect to the hiring, or recruitment or referral for a fee, of individuals for employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of their status as United States citizens, as aliens lawfully admitted for permanent residence, as aliens admitted as refugees, as aliens granted asylum, or as aliens with lawful temporary resident status granted under section 202 of the Immigration Reform and Control Act of 1985.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees,

"(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964, or

"(C) discrimination under paragraph (1)(B) which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.

"(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is granted lawful temporary resident status under section 202 of the Immigration Reform and Control Act of 1985, and

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section.

"(b) COMPLAINTS OF VIOLATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The person filing a charge shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days. The Special Counsel shall notify each complainant of the notice required under the previous sentence.

"(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, and no charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection. The previous sentence shall not apply where a charge has been mistakenly filed and has been withdrawn.

"(C) SPECIAL COUNSEL.—

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice, but outside the Immigration and Naturalization Service, to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before immigration judges and the exercise of certain functions under subsection (i)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(5) STAFFING OF OFFICE OF SPECIAL COUNSEL.—In providing staffing for the Special Counsel, the Attorney General shall take into consideration the volume of charges filed with the special Counsel under this section, as well as the complexity of those charges and the need for the conduct of investigations under the second sentence of subsection (d)(1).

"(d) INVESTIGATION OF COMPLAINTS.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 90 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a compliant before such a judge.

"(2) PRIVATE ACTIONS WHERE A PATTERN OR PRACTICE VIOLATION.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges a pattern or practice of discriminatory activity, has not filed a complaint before an immigration judge with respect to such charge within such 90-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel and the service of a copy thereof upon the person or entity against whom such charge is made. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e)HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an immigration judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) CONDUCT OF HEARINGS.—Hearings on complaints under this subsection shall be considered before immigration judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this seciton.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a full party to any complaint before an immigration judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the immigration judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF IMMIGRATION JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and immigration judges shall have reasonable access to examine evidence of any person or entity being investigated. The immigration judges by subpena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpena lawfully issued under this paragraph and upon application of the immigration judge, an appropriate district court of the United States may issue an order requiring compliance with such subpena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The immigration judge shall issue and cause to be served on the parties to the proceeding an order.

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the testimony taken, an immigration judge determines that that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice,

then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirement of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(6), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the filing of a charge with an immigration judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals aggrieved against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to him of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment without reference to the practices of, or under the control of, or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the testimony taken an immigration judge determines that the person or entity named in the complaint has engaged or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEY'S FEES.—In any complaint respecting an unfair immigration-related employment practice, an immigration judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee.

"(i) JUDICIAL REVIEW PROCEDURES.—

"(1) MODIFICATION OF FINDINGS OR ORDERS PRIOR TO FILING RECORD IN COURT.—Until the record in a case is filed in a court under this subsection, an immigration judge may at any time upon reasonable notice and in such manner as the judge deems proper, modify or set aside, in whole or in party, any finding or order made or issued by the judge.

"(2) PETITION TO COURT FOR ENFORCEMENT OF ORDER, PROCEEDINGS, REVIEW OF JUDGMENT.—The Special Counsel may petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair immigration-related employment practice in question occurred or wherein such person resides or transacts business, for the enforcement of the order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceedings and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the immigration judge. No objection that has not been urged before the judge shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the judge with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the judge, the court may order such additional evidence to be taken before the judge and to be made a part of the record. The immigration judge may modify his findings as to the facts, or make new findings by reason of additional evidence so taken and filed, and the judge shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file his recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) REVIEW OF FINAL ORDER ON PETITION TO COURT.—Any person aggrieved by a final order of an immigration judge under this section granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals in the circuit wherein the unfair immigration-related employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such a court a written petition praying that the order of the immigration judge be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the immigration judge, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the judge, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Special Counsel under paragraph (2), and shall have the same jurisidiction to grant to the aggrieved party such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the judge, the findings of the judge with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"(4) INSTITUTION OF COURT PROCEEDINGS AS STAY OF JUDGE'S ORDER.—The commencement of proceedings under this subsection shall not, unless specifically ordered by the court, operate as a stay of the immigration judge's order.

"(5) INJUNCTIONS.—The Special Counsel may, upon issuance of a compaint under this section charging that a person has engaged or is engaging in an unfair immigration-related employment practice, to petition any United States district court, within any district wherein the unfair immigration-related employment practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon such have jurisdiction to grant to the Special Counsel such temporary relief or restraining order as it deems just and proper.

"(6) AWARDING OF ATTORNEY'S FEES.—In any proceeding under this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs.".

McCLURE (AND OTHERS) AMENDMENT NO. 607

Mr. McCLURE (for himself, Mr. DECONCINI, Mr. GRAMM, Mr. SYMMS, Mr. CRANSTON, and Mr. BINGAMAN) proposed an amendment to the bill S. 1200, supra; as follows:

On page 116, between lines 16 and 17, insert the following:

SEC. 304. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section (other than paragraph (3) of subsection (a)), in the enforcement of this act an officer or employee or the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant."

CRANSTON AMENDMENT NO. 608

Mr. CRANSTON proposed an amendment to the bill S. 1200, supra; as follows:

On page 89, line 15, before the period insert the following: "or, such documents provided under clause (i) may include a rent receipt, bank book, utility bill, or an affidavit from a credible witness (such as a parish priest)".

CHILES AMENDMENT NO. 609

Mr. CHILES proposed an amendment to the bill S. 1200, supra; as follows:

On page 38, between lines 20 and 21, insert the following:

(g)(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility in the United States. Such study shall concentrate on those data bases that are currently available to the Federal government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of workers for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, back up safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within 12 months of the date of enactment of this Act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 610

Mr. MOYNIHAN (for himself and Mr. D'AMATO) proposed an amendment to the bill S. 1200, supra; as follows:

On page 38, between lines 20 and 21, insert the following:

(g)(1) The Comptroller General of the United States, upon consultation with the Commissioner of Immigration as well as private sector representatives (including representatives of the financial, banking, and manufacturing industries), shall inquire into technological alternatives for producing and issuing social security account number cards that are more resistant to counterfeiting than social security account number cards being issued on the date of enactment of this Act by the Social Security Administration, including the use of encoded magnetic, optical, or active electronic media such as magnetic stripes, holograms, and integrated circuit chips. Such inquiry should focus on technologies that will help ensure the authenticity of the card, rather than the identity of the bearer.

(2) The Comptroller General of the United States shall explore additional actions that could be taken to reduce the potential for fraudulently obtaining and using social security account number cards.

(3) Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and the Committee on the Judiciary and the Committee on Finance of the Senate a report setting forth his findings and recommendations under this subsection.

EXON (AND OTHERS) AMENDMENT NO. 611

Mr. EXON (for himself, Mr. SIMON, Mr. BUMPERS, Mr. HARKIN, Mr. GRASSLEY, and Mr. DURENBERGER) proposed an amendment to the bill S. 1200, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds and declares that—

(1) The Treasury Department's decision on August 28, 1985 to postpone until November 1, 1985 implementation of a 60-cent per gallon tariff on imported Brazilian ethanol would cause significant harm to U.S. agricultural and commercial ethanol industries, a loss of jobs in the ethanol and related industries, further deteriorate the U.S. balance of trade, pressure downward commodity prices even further and heighten the long-term threat of more U.S. dependence on imported oil;

(2) This decision clearly is counter to the explicit dictates of the Congress in the passage of Public Law 96-499 adopted by the Congress in 1980 and signed into law by the President;

(3) The potential amount of ethanol which could be imported under reduced tariffs before November 1, 1985 could equal the total amount of annual domestic ethanol production in the United States;

(b) It is therefore the sense of the Senate that—

(1) The 60-cent per gallon tariff on imported ethanol should be immediately implemented.

METZENBAUM AMENDMENT NO. 612

Mr. METZENBAUM proposed an amendment to the bill S. 1200, supra; as follows:

On page 44, line 19, insert "for a period of not to exceed two years from the date of enactment of this Act" after "permitted."

GORTON AMENDMENT NO. 613

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 1200, supra; as follows:

On page 68, between lines 5 and 6, insert the following new section heading:

SEC. 125. TEMPORARY AGRICULTURAL WORKER PROGRAM.

WILSON AMENDMENT NO. 614

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to amendment No. 613 intented to be proposed by Mr. GORTON to the bill S. 1200, supra; as follows:

In the proposed amendment, strike out all after "SEC. 125." and insert in lieu thereof the following:

SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end of the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accommodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF "O" WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO "O" WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c) (2)—

"(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter do move and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carryout this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment including planting cultural practices production, cultivation, growing, and harvesting involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.— For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney general determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region, except until the end of the third year after the effective date of this Act, the Attorney General may not establish a numerical limitation on the number of such visas that may be issued at any given time in excess of 350,000.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER THREE YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts under taken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) establishes that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorney General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15) (O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such

steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(l) (8 U.S.C. 1258(l)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or"; and

(2) by adding at the end the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(i) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program.".

LEVIN (AND DECONCINI) AMENDMENT NO. 615

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill S. 1200, supra; as follows:

On page 93, between lines 7 and 8, insert the following:

(k)(1) The Congress finds that because equities exist in a certain group of persons who, while at present in the United States illegally, arrived prior to January 1, 1980, this Act provides the prospect for legislation for such group of persons who meet the eligibility requirements of this Act.

(2) It is not the purpose of this Act to deny employment or to otherwise prevent such group of persons from qualifying for legalization.

(3) Notwithstanding any other provision of law, the Attorney General shall prescribe regulations to permit any person who would be eligible for legalization under section 202 to remain in the United States and to engage in employment until the end of the application period described in subsection (a)(1).

WILSON AMENDMENT NO. 616

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill S. 1200, supra; as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. 125. SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new subparagraph;

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

"(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)(2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accommodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPOLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services

other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF 'O' WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO 'O' WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2)—

"(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region, except until the end of the third year after the effective date of this Act, the Attorney General may not establish a numerical limitation on the number of such visas that may be issued at any given time in excess of 350,000.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER 3 YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts under taken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Pro-

grams on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) established that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorny General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is a qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"((4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1)

Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or"; and

(2) by adding at the end the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(i) Conforming Amendment to Table of Contents.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program."

On Page 2, in the table of contents of the bill, insert after the item relating to section 124 the following new item:

"Sec. 125. Seasonal agricultural worker program."

On page 37, line 12, insert ", 101(a)(15)(O)," after "101(a)(15)(N)".

On page 60, line 1, insert "or 217" after "section 216".

On page 60, line 3, strike out "such section" and insert in lieu thereof "section 216 or subsection (b)(4) of section 217, as the case may be,".

On page 63, line 6, insert "and section 217" after "section 216".

On page 64, between lines 14 and 15, insert the following:

"(3) The Commission shall specifically review the following with respect to the seasonal agricultural worker program under section 217 of the Immigration and Nationality Act:

"(A) The standards described in subsections (b) (2), (3), and (4) of that section for the certification respecting seasonal agricultural workers.

"(B) What is the proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers.

"(C) Whether current labor standards offer adequate protection for domestic and foreign agricultural workers.

"(D) The availability of sufficient able, willing, and qualified domestic workers to meet the needs of agricultural employers.

"(E) The appropriate limit on the number of seasonal agricultural workers who may be imported into all agricultural regions in the United States at any given time, taking into consideration all relevant data, including that resulting from the experience of the Agricultural Labor Transition Program.".

On page 64, line 16, strike out "two years" and insert in lieu thereof "three years".

On page 64, line 19, insert "and seasonal" after "temporary".

On page 64, line 20, strike out "program under section 216" and insert in lieu thereof "programs under sections 216 and 217".

On page 64, line 24, strike out "subsection (b)(2)" and insert in lieu thereof "subsections (b) (2) and (3)".

On page 65, line 2, insert "and seasonal" after "temporary".

On page 65, between lines 12 and 13, insert the following:

"(5) on the appropriate limit on the number of seasonal workers who may be imported into all agricultural regions in the United States at any given time under section 217.

"(6) on the need to continue, improve, or eliminate the seasonal agricultural worker program established under section 217.

On page 66, on lines 11 and 12, strike out "in consultation with the Vice Chairman" and inserting in lieu thereof "in accordance with rules agreed upon by the Commission".

On page 68, line 4, strike out "27 months" and insert in lieu thereof "39 months".

On page 104, lines 20 and 21, strike out "216 (added by section 122(c)" and insert in lieu thereof "217 (added by section 125(b)".

On page 104, line 24, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 112, line 22, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 7, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 15, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 18, strike out "section 216 (added by section 122(f)" and insert in lieu thereof "section 217 (added by section 125(i)".

On page 113, between lines 19 and 20, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 114, line 9, strike out "paragraph (15)(0)" and insert in lieu thereof "paragraph (15)(P)".

On page 114, lines 22 and 23, strike out "paragraph (15)(0)" and insert in lieu thereof "paragraph (15)(P)".

On page 116, line 6, strike out "section 122(a)" and insert in lieu thereof "sections 122(a) and 125(b)".

On page 116, line 7, strike out "subparagraph (M)" and insert in lieu thereof "subparagraph (N)".

On page 116, line 8, strike out "subparagraph (N)" and insert in lieu thereof "subparagraph (O)".

On page 116, line 11, strike out "(O)(i)" and insert in lieu thereof "(P)(i)".

On page 121, line 10, strike out "section 217" and insert in lieu thereof "section 218".

SIMPSON AMENDMENT NO. 617

Mr. SIMPSON proposed an amendment to the bill S. 1200, supra; as follows:

On page 62, line 11, after "Senate" insert: "after consultation with the majority leader and the minority leader of the Senate".

On page 69, line 3, after "Senate" insert: "after consultation with the majority leader and the minority leader of the Senate".

SYMMS (AND OTHERS) AMENDMENT NO. 618

Mr. SYMMS (for himself, Mr. GOLDWATER, and Mr. TRIBLE) proposed an amendment to the bill S. 1200, supra; as follows:

At the appropriate place insert:

Notwithstanding any other provision of law or of this Act, no agency or instrument of the United States, or any corporation or other entity created by act of Congress shall extend any loan or other form of credit of whatever nature to any government or agency thereof, of any country in North America which allows access to its ports to any nuclear weapons delivery-capable Soviet naval vessel (except vessels in extremism) at any time after September 20, 1985.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on September 18, 1985, along with S. 1298, in Senate Russell Building, room 485, beginning at 9 a.m., on S. 1621, a bill to amend title 25, United States Code, relating to Indian education programs, and for other purposes. Those wishing additional information on this bill should contact Peter Taylor of the committee at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that there has been a change in the starting time of the full committee hearing scheduled before the Committee on Energy and Natural Resources, Tuesday, September 17, in room SD-366 in the Dirksen Senate Office Building in Washington, DC. The hearing will begin at 9:30 a.m. instead of 10 a.m.

This hearing will examine the impact of moratoria on Outer Continental Shelf leasing in Federal waters adjacent to the coastline of the State

of California. For further information, please contact Jeff Arnold at (202) 224-5205.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Anthony G. Sousa, of Hawaii, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1988, and Donna R. Fitzpatrick, of the District of Columbia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).

The hearing will take place Thursday, October 3, 1985, 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact David Doane or Gerry Hardy at (202) 224-5305.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development of the Committee on Energy and Nataural Resources has postponed the hearing it had scheduled for Wednesday, September 18, 1985, at 9:30 a.m. It will be rescheduled on a future date.

This was a hearing to receive testimony on S. 1517, a bill to amend the Low-Level Radioactive Waste Policy Act of 1980 to authorize continued financial and technical assistance of the Department of Energy to the regional low-level waste compact regions, and to revise the guidelines and procedures for the establishment and use of regional disposal facilities for low-level radioactive waste, and for other purposes. For further information, regarding this hearing, please contact Marilyn Meigs on the subcommittee staff at 202-224-4431.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the nomination of James C. Miller to be the Director of the Office of Management and Budget on Tuesday, September 24 at 10:30 a.m. in SD-342.

For further information, please contact Carol Fox at 224-4751.

ADDITIONAL STATEMENTS

NEW LEADERSHIP FROM CWA, AN OUTSTANDING "PUBLIC CITIZEN"

● Mr. PACKWOOD. Mr. President, shortly before Congress adjourned in August, the Communications Workers of America, the largest telecommunications union in the world, elected Morton Bahr to serve as its new president.

Although CWA is more than 47 years old, the union has had but three chief executives in its history. Its founding father, the late Joseph Anthony Beirne, served as president for more than 35 years. His successor, Glenn E. Watts, presided over the CWA for the last 11 years, until he retired voluntarily in mid-July.

On July 16, union delegates attending the CWA convention in San Francisco chose "Morty" Bahr to receive the mantle of leadership.

Mr. President, as the ranking member of the Senate Communications Subcommittee, I am well aware of the revolutionary changes that are taking place in the telecommunications industry. CWA members in Oregon and throughout the Nation are on the cutting edge of the dramatic technological breakthroughs that are altering our society.

In these times of change, CWA is fortunate to have chosen as its new leader a man who has the steadfastness and the vision to keep both feet on the ground while reaching for the stars.

Morton Bahr has established a reputation as an effective organizer, a competent administrator, and an astute participant in the political process.

Along a similar line, I am proud to have been allied with CWA during the last Congress in support of legislation to place a moratorium on the imposition of an access charge for telephone service. If that misguided proposal had been implemented, as first put forth by the Federal Communications Commission, it could have forced millions of consumers to give up their telephone.

Thanks in part to CWA's grassroots and Capitol Hill lobbying, the FCC modified its initial proposal. After a groundswell of public opinion, it became clear that Congress would not accept making telephone subscribers pay as much as double-digit amounts each month for the privilege of receiving a dial tone, regardless of the frequency of telephone use.

I am also pleased to have been of assistance in achieving the enactment of pension portability legislation which protected the net credited service rights of telephone company workers who changed employment subsequent to divestiture.

Mr. President, the CWA is a prime example of an outstanding "public citizen" in our pluralistic society, an effective organization that enhances the quality of life of all Americans.

At this time of leadership transition, I want to congratulate Morton Bahr on his election as president and wish him and CWA all the best in the coming years.●

COL. JAY P. SELLICK, 41 YEARS OF SERVICE TO THE U.S. ARMY AND HIS NATION

● Mr. SASSER. Mr. President, I rise today to honor a distinguished citizen from Tennessee who has spent 41 years in service to his country. He is Col. Jay P. Sellick.

On January 21, 1944, at the height of the greatest war in history, Jay Sellick enlisted in the U.S. Army. From that time, Jay Sellick rose through the enlisted ranks serving as an infantry platoon leader, an aviation officer, an aviation platoon leader, an adjutant, provost marshal, an assistant chief of staff, and command and general staff college instructor. Jay Sellick completed his career as commander of the 401st Military Police Camp with the rank of colonel.

On August 31, 1985, the Army lost one of its most selfless leaders when Col. Jay Sellick retired.

Colonel Sellick epitomized the concept of duty and devotion to his country. This is a man who was an active participant in projects even when not assigned to a unit. It is that spirit of duty that made this country great. Colonel Sellick's actions are living testimony to the tradition that made Tennessee the Volunteer State.

During his long career, Colonel Sellick witnessed many changes in the Armed Forces of this country, many were implemented due to his leadership. One of the primary areas where change has occurred due to his initiative is in the function of the military police.

In 1980, Colonel Sellick was the first U.S. Army Reserve-Troop Program unit officer awarded the honorary faculty award by the U.S. Army Military Police School. He is recognized throughout the Army as a leader and developer of doctrine covering military police activities, particularly those relating to enemy prisoner of war operations.

In closing, it is evident that Colonel Sellick's career in the Army can be summed up with the words spoken by General Douglas MacArthur at his farewell address to the cadets at West Point: "duty, honor, country."●

POOR AS DIRT

● Mr. GRASSLEY. Mr. President, I am pleased to bring to your attention

the lyrics and musical composition of Mike Butler, of Waterloo, IA.

For the last 6 years, this young man has made farming the topic of over 60 original songs. He seeks to establish an ever growing collection of compositions which portray farm society and which he refers to as farm music.

Mr. Butler's musical reflection of farm society and the concerns of farmers is perhaps best expressed in a recent lyric entitled "Poor as Dirt" which follows:

The lyrics follow:

"POOR AS DIRT"
(By Mike Butler)

Poor as dirt . . . that's how we used to be.
We had horses pullin plows. We had to live dirt cheap.
But now the tractor that I ride has all that horse power deep inside.
The work that I just did today. It used to take the month of May.
Through all those years of livin cheap.
I always thought I'd get to keep my dirt.
Poor as dirt . . . Poor as dirt . . . Poor as dirt.
This land is my land . . . I built this farm with my bare hands.
And to kick me off you're gonna have to find a better man.
Poor as dirt . . . take everything you need.
Just leave me poor as dirt . . . Poor as dirt . . . Poor as dirt.
Poor as dirt . . . that's how we lived our lives.
And as long as there was land to farm. We knew that we'd survive.
But now I'm into high finance. A man like me don't stand a chance.
I beat the floods and shook the drought. And now they come to run me out.
Through all those years of livin cheap.
I always thought I'd get to keep my dirt.
Poor as dirt . . . Poor as dirt . . . Poor as dirt.●

THE 1985 NATIONAL YOUTH OF THE YEAR

● Mr. PRYOR. Mr. President, next week, Elgin Clemons of Little Rock, AR, will compete as one of the five finalists for the 1985 National Youth of the Year Program, sponsored by the Boys Club of America and the Reader's Digest Foundation.

This 18-year-old youth will represent the Little Rock Boys Club, the State of Arkansas, and the southwestern region of Boys Clubs of America.

Recently, the Arkansas State Press News Service published an article about Elgin, which I would like to share with my colleagues, and I ask that it be printed in the RECORD.

I want to congratulate this outstanding young man and wish him well in the national competition.

The article follows:

LR TEEN TO REPRESENT SOUTHWEST IN BOYS CLUB NATIONAL YOUTH OF THE YEAR PROGRAM

Elgin R. Clemons, 18, a member of the William E. Thrasher Boys Club in Little Rock, AR, has been named one of five finalists in the 1985 National Youth of the Year program, sponsored by Boys Club of America and the Reader's Digest Foundation.

A resident of Little Rock, Clemons will represent the Southwest in the national finals in Washington, D.C., September 16-18. The National Youth of the Year will be installed by President Ronald Reagan, Honorary Chairman of Boys Club of America, at a White House ceremony on Wednesday, September 18.

"The Thrasher Boys Club came into my life at a time when I most needed it," Clemons said.●

ACHIEVEMENT IN VOLUNTARISM PROGRAM

● Mr. PRYOR. Mr. President, on September 17, 1985, the U.S. Department of Agriculture, the U.S. Department of Education, the Farmers Home Administration, and the Future Farmers of America will honor its winners in the annual Achievement in Voluntarism Program. One of those recipients is an Arkansas native, Keith Anthony Marshall of Lake City, AR.

Keith was instrumental in securing improvements to the city park in Lake City. He attended city council meetings at which he presented plans and a proposed budget for improvements to the park. Under this young man's supervision, the local FFA chapter constructed a full size basketball court, goals, and bleachers, as well as landscaping the existing park.

Perhaps his accomplishments are best summed up by Arkansas Public Service Commission member and former Lake City mayor Pat Qualls, whose letter I ask to have printed in the RECORD.

I commend this young man for his hard work and dedication to his community. He is a fine example of the American spirit of voluntarism.

The letter follows:

ARKANSAS PUBLIC SERVICE COMMISSION,
Little Rock, April 30, 1985.

Re Keith Marshall

NATIONAL ACHIEVEMENT AND VOLUNTARISM,
Applicant Review Board,
Lake City, Arkansas.

GENTLEMEN: Before being appointed to the Arkansas Public Service Commission, I served as the Mayor of Lake City from 1979 to 1984. During 1982 and 1983 I had the opportunity and privilege of working with Keith Marshall on the BOAC Project.

Keith, as BOAC Chairman, attended city council meetings at which he presented the plans and budget for making improvements and additions to the city park. Under Keith's supervision, leadership and motivation the BOAC Team constructed a full size basketball court, goals, bleachers and also did landscaping and repair to the existing park.

While most high school boys were spending their free time after school and on the weekends playing and driving around in an automobile, Keith spent that time working at the park. He contributed hundreds of hours of work toward improving the park.

Keith is a fine outstanding young man. His character and morals are of the utmost quality. He is a gentleman in every sense of the word. I would unequivocally recommend Keith Marshall for the National Achievement and Voluntarism Award.

Cordially,

Patricia S. Qualls.●

ORDERS FOR MONDAY

ADJOURNMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that on completion of its business today the Senate stand in adjournment until 12 noon on Monday, September 16, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

READING OF THE JOURNAL, RESOLUTIONS, AND CALL OF THE CALENDAR

Mr. SIMPSON. Mr. President, after conferring with the minority leader, I ask unanimous consent that when the Senate convenes on Monday, September 16, 1985, the reading of the Journal be dispensed with, no resolutions come over under the rule, and the call of the calendar be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, following the special order just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements limited therein to 5 minutes each and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, following routine morning business, it will be the intention of the majority leader to resume consideration of S. 1200, the immigration reform issue. There will be no votes during Monday's session due to the Jewish holiday Rosh Hashanah.

Mr. President, I indicate that there will be rollcall votes on Tuesday, September 17, 1985.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 16, 1985

Mr. SIMPSON. Mr. President, I move, in accordance with the order

previously entered, that the Senate stand in adjournment until 12 noon, Monday, September 16, 1985.

The motion was agreed to; and the Senate, at 6:49 p.m., adjourned until Monday, September 16, 1985, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate September 13, 1985:

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. James A. Lyons, Jr., xxx-xx-x... xxx-x... 1110, U.S. Navy.

EXTENSIONS OF REMARKS

EARLY ASAT TEST: A BAD MISTAKE

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. NEAL. Mr. Speaker, the Reagan administration has announced plans to conduct an antisatellite [Asat] weapons test today against a live target in space. This is being done earlier than previously planned in order, the administration says, to demonstrate American resolve. However, we must ask whether this would be only an action of bravado in defiance of logic and contrary to American security interests.

In a recent article in the Washington Post, Adm. Noel Gayler pointed out that the United States is far more dependent on its military satellites than are the Soviets for keeping track of activities of adversaries and for directing its armed forces, conventional and nuclear. The Soviet Asat system is feeble and does not threaten important U.S. military satellites. A successful Asat test by the United States surely would cause the Soviets to end their unilateral moratorium on Asat testing, scuttling hopes for a bilateral Asat treaty. Moreover, the Soviets would most certainly follow the U.S. lead and develop their own weapons systems to close the only effective window through which to view Soviet activities.

Mr. Speaker, it would be a mistake to brand Admiral Gaylor's criticism of the administration's Asat Program as political sniping. The retired admiral is a distinguished military leader who previously held the position of commander-in-chief of the Pacific forces and was director of the National Security Agency during the Nixon administration.

At this point, I would like to call the admiral's article to the attention of my colleagues and urge them to consider his advice.

[From the Washington Post, Sept. 8, 1985]

REAGAN'S ASAT BOOMERANG

(By Noel Gayler)

The Reagan administration appears intent on testing our newest anti-satellite weapon soon. Many observers think this move is part of a new get-tough offensive on the part of the United States, to get a leg up on the Geneva arms-control negotiations and the Reagan-Gorbachev summit. It seems more likely, however, that the timing was determined by the weapon program itself—never mind the consequences.

It's time to take a look at the consequences of making space still another battle area. We are shooting ourselves, not in the foot, but a lot closer to the head. Of course, we are responding to the current Soviet effort, itself a possible response to our own earlier capability. This cycle is a formula for continuing escalation of the arms race indefinitely.

In the past, none of these weapons has had a capability against many of the satellites that are most important to us. But when the Soviets match us again, as they inevitably will, then even in the outermost reaches of space there will be no sanctuary. Few satellites, military or civilian, will be safe. Our own space shuttle will be at risk. So will the Soviet manned space stations.

The crux of the issue for us is that we Americans are far more dependent on the use of space—at least for military purposes—than the Soviets are. We depend greatly on space for military communications, for command and control, for navigation and precise position-finding. The high accuracy we assume for certain missiles systems in our nuclear deterrent is dependent on satellites.

Most important of all, we need satellites to know what is going on. The detailed pictures we can take from space afford an extraordinary overview of every activity within the vast Soviet land mass. Not at all incidentally, satellites can give us a similar overview of other areas of the world—in time, for example, to detect and avert preparations for South Africa's nuclear weapons testing in 1977.

Nor is this all. Satellites can "see" enormous portions of the earth's surface. Equipped with radar, or infrared detectors or listening receivers, they can supplement photographs to fill in the whole picture. From our intelligence perspective, we would be almost helpless without them, in this complex technological world.

From the standpoint of the Soviets, the situation is quite different. We are an open society. Vast amounts of military, political and industrial information are available to anyone—including the Soviets—for the price of subscription to a technical journal. Congressional testimony, official publications, contractors' brochures and newspaper stories are another rich lode of information.

The Soviets hardly need satellites to observe us. We "tell them all about it," so far as our own affairs are concerned. It's even difficult to imagine why they bother with satellite surveillance of us, except, possibly to attempt to track ships at sea—no easy task.

The development of anti-satellite weapons on both sides will, therefore, hurt us far more than it will hurt them.

We are not talking here about the administration's Strategic Defense Initiative (SDI) or "Star Wars" proposal. Although some of the technology is applicable to both ASAT and Star Wars, the problems posed in developing an anti-satellite system are infinitely simpler.

What are these "anti-satellite weapons?" The earliest were nuclear-tipped rockets, fired in the general direction of the target, and killing with a nuclear blast. Some others are simply satellites, maneuvered into a collision with the target satellite. The present Soviet ASAT is of this kind. Some are so-called space mines: companion satellites orbiting in close proximity to the target that can be shown up instantaneously on command, taking the victim with them. And some, far less developed, are laser or energy beams. The beams may be directed in space from one satellite against another, or from the ground to the target via a mirror in space.

The current Soviet anti-satellite weapon, which has been around for a while, is a dog. No doubt the Soviets can and will do better, if we reach no agreement with them. But an agreement that prevented the further development of satellite killers by either side would be so much in our own American interest that, if we can get it, we should grab it. The Soviets' operational capability is minimal. Ours, potentially much better, is not yet fully developed. Now is the time to make a deal.

Can we trust the Russians? How can we verify such an agreement, once it is signed? Here the situation looks pretty good. A treaty stopping anti-satellite development would be readily verifiable. It's hard to hide activity in space. There's a cold black uncluttered background that makes detection easy. Satellite orbits are predictable, and orbital changes characteristic of anti-satellite tests stand out like a sore thumb. The characteristic dependence on specialized ground support is another giveaway.

Thus the very nature of space makes it unlikely that the Soviets would be able to develop a weapon clandestinely and then test it in space without our knowing about it. Moreover, even if they did develop an anti-satellite weapon, they would be unable to take out all our satellites simultaneously. So "breakout" of a significant ASAT capability, after clandestine development—that is, to be able to mount a surprise attack on a whole group of satellites—is totally unlikely.

Even if it made any sense to test our anti-satellite weapon, to do so in advance of the Geneva talks makes no sense when we have so much to lose and so little, relatively, to gain. Testing now won't compel the Soviets to shape up at Geneva to our liking; rather they will raise the ante. Those who have had experience negotiating with the Soviets know this is by far the likeliest outcome of an attempt to twist their arm publicly.

Then there are the civilian uses of space, growing in importance everyday. From exploration of the far universe, to unlocking the secrets of energy and matter, to assessing the resources of earth, space has become indispensable. Weather reporting, television, communications—all are dependent on it.

The practitioners in space from hard-headed administrators like James S. Beggs, administrator of NASA, and Roald Sagdeev of the Soviet Space Institute, dreamers like Isaac Asimov and Carl Sagan, cosmonauts and astronauts alike have spoken eloquently about the future of mankind in the cosmos. Surely we cannot wish to put all this at risk.

Nor is space the exclusive property of the Soviets and ourselves, or of East and West or even of the developed nations. It is the inheritance of all mankind. No one of us has an exclusive right to control it, and no one of us is likely to own the effective means to control it, however hard and recklessly we may try.

But there is a worse concern. Just as atomic weapons, once our sole possession, spread first to the Soviets and then to a

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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dozen nations, so will the capability to shoot down satellites. And with each player the risks will increase exponentially.

If we will look, we can see two roads into the future: one road perilous to ourselves and all others, the other leading to the peaceful use of space for all mankind.

If we will listen, we can hear the voices of sanity here, in Russia and around the world saying, "Put an end to the arms race in space".

And if we will stop—we and the Soviets—we can set an example that will keep space free of threat. Now is the time. Geneva is the place. Leadership is the key.

CONGRESSIONAL SALUTE TO GEORGE SHOICHI OKI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, I rise today to urge your special recognition of Mr. George Shoichi Oki, one of my most admired and well respected constituents who is being honored on August 23, 1985 as Agribusiness Person of the Year by the Sacramento Metropolitan Chamber of Commerce.

Throughout his life, George Oki has sought to serve the community in which he lives and in which he operates his business. A Sacramento native, he has resided here continuously, except for a 5-year period during World War II when his family was sent to an internment camp as part of the U.S. Government's policy against Americans of Japanese ancestry. After pursuing his education at the University of Oklahoma as a petroleum engineering major and after serving in the U.S. Air Force as a control tower operator, he returned to Sacramento at the end of the war with his brother, Richard, to help run the small family owned nursery business begun in 1907 by his father, Magoichi Oki.

As the result of many years of dedication and hard work, they built the Oki Nursery Company into one of the nation's 12 largest wholesale nursery industries. Today, the firm operates a massive 1-million-square-foot greenhouse complex at its Keifer Boulevard location in Sacramento and has expanded operations to San Jose, CA and to Portland, OR.

A strong community leader, George Oki serves as a board member on an impressive array of public service organizations and groups, including the Camellia Festival Association, the Matsuyama Sister City Corporation, the Sacramento Rotary Club, the Sumitomo Bank of Sacramento, the California Farm Bureau and the Sacramento Tree Foundation. Besides being a leader in the community and in the agricultural industry, George Oki has continued to demonstrate strong family ties. He and his wife, Joan, have been married 37 years and they have three children, George Samuel, Lorence and JoAnn and five grandchildren. The two sons are also executives in the family's nursery business.

On behalf of the people of Sacramento, I would like to take this opportunity to personally congratulate and commend George Oki on his outstanding contributions to our community and to his industry.

CONGRESSIONAL SALUTE TO JAPAN 85: THE PACIFIC CONNECTION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, Weinstock's department stores in California, Nevada and Utah are conducting an exciting 18-day celebration of Japanese culture that will enrich Americans of all ethnic backgrounds.

The festivity, entitled Japan 85: The Pacific Connection, will include exhibits, speeches, and displays all created to enhance American awareness of Japanese culture. Exciting pre-gala events will consist of a special performance of Madame Butterfly at the Community Center Theatre September 12 followed by a formal party, and Opening Day ceremonies September 13. Japan 85 will run from September 12 through September 29.

Mr. Speaker, Japan 85 is clearly full of fun and entertainment. Even more importantly, it serves to create an understanding and appreciation between different cultures; the crucial first step towards world peace.

Finally, Mr. Speaker, I would like to extend my warmest congratulations to Cheryl Nido Turpin, President and Chief Executive Officer of Weinstock's in Sacramento, California for the magnificent job she has done in organizing this enlightening and educational event.

CONGRESSIONAL SALUTE TO MAJ. GEN. DEWEY K.K. LOWE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, one of the most admired and respected citizens in the Sacramento metropolitan area, Major General Dewey K.K. Lowe, has been named deputy general manager of the Sacramento Municipal Utility District. This is an important event, Mr. Speaker, because it assures us that Dewey Lowe will remain with our community long after 1986, the year he was expected to retire from the military.

General Lowe is commander of McClellan Air Force Base's Air Logistics Center and his tenure has been marked by nothing less than efficiency and accomplishment. Over the past five years, he turned a base that was near closing into one of the top operations in the Air Force. In doing so, he improved the military readiness of our country and secured McClellan as a fixture in Sacramento's economy.

To many this comes as no surprise. Throughout his military career, Dewey Lowe has always demonstrated a high caliber of excellence—a fact clearly borne out by his many military decorations and assignments. He entered the U.S. Army Air Forces in 1943 and received his pilot wings and commission as a second lieutenant in February 1944. During service in World War II, the Korean War and the Vietnam War, Lowe's awards and decorations included the Distinguished Service Medal, the Legion of Merit, the Distinguished Flying Cross with two oak leaf clusters and the Bronze Star.

In short, Mr. Speaker, the directors of SMUD have selected a highly trained individual for this new position. He is a man respected by his colleagues in the military and loved by his friends and family in Sacramento. All of us wish him well.

CONGRESSIONAL SALUTE TO SACRAMENTO HISTORY CENTER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, I rise in honor of the newly constructed Sacramento History Center. This building not only houses countless artifacts from Sacramento's past, but as a reconstruction in red brick of the original 1854 City Hall and Waterworks Building, it also stands as a monument in its own right.

The grand opening of the Sacramento History Center coincides with the beginning of History Week in California's capital city. This nine-day celebration, sponsored by the County Historical Society, will include a native American exhibit and a special recognition of the California Almond Growers Exchange on their 75th anniversary.

The four galleries of the museum—Topomorphology, Community, Agricultural Technology, and the Eleanor McClatchy—feature a development of Sacramento as a diverse political and agricultural center of California. The creation of this museum will emphasize Sacramento's important place in the history of California and will help make local residents aware of their own history, which is so important in developing a community identity. Among the events scheduled for this opening week are live acts and plays from the early days of Sacramento, a display of classical agricultural machinery and a tribute to the late Eleanor McClatchy, a great Sacramento citizen and philanthropist.

Mr. Speaker, on this day I salute both those individuals who have contributed to the creation and development of the Sacramento History Center as well as those whom the History Center celebrates.

CONGRESSIONAL SALUTE TO MYRTLE OWEN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to offer my congratulations and best wishes to Myrtle Owen, who is being honored on August 30, 1985, as Resident of the Year representing nursing facilities throughout the Sacramento metropolitan area.

Myrtle Owen, a resident of the Somerset Convalescent Hospital, is receiving the award from the Therapeutic Activity Social Coordinators who describe the 95-year-old lady as someone who enjoys each day to its fullest and as a warm, loving person who is growing old graciously.

It is indeed rare to find an individual who lives and enjoys life one day at a time. They exude a bright glow in their thoughts and actions that warms our hearts and makes us feel happy and privileged just to have known them. Myrtle Owen is one such person. Her vitality and spirit are sources of inspiration to all who know her.

As part of her recognition, she will have a long-cherished desire fulfilled with an air trip to San Francisco and a tour of Fisherman's Wharf arranged by the East Yolo Rotary Club.

On behalf of the citizens of our community, I would like to commend Myrtle Owen for her enthusiasm and her love of life and wish her many more years of joy and happiness.

CONGRESSIONAL SALUTE TO PAUL HAGAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to commend Paul Hagan, an outstanding member of the Rancho Cordova community who is retiring after an exemplary career spanning 25 years as chief administrator of the Cordova Recreation and Park District.

Paul's hard work and cheerful manner has earned him the admiration of friends and the respect of colleagues, associates and residents throughout the Rancho Cordova area.

Paul has a long and impressive history of civic and professional involvement and recognition as well. Among his honors are the Harris Fellowship, which is the Rotary Club's highest award for outstanding community service, a prestigious state fellowship from the California Park and Recreation Society as well as two professional citations from that organization in 1966 and 1973. In addition, he has served the community as president of the Rancho Cordova Area Chamber of Commerce, the Rancho Cordova Rotary Club, the Rancho Cordova chapter of the United Service Organization and as chairman of the Sacramento chapter of the American Red Cross. He also has served as a member of the board of directors of the Cordova Community Council.

Last November, Rancho Cordova demonstrated its deep respect and appreciation for Paul's many years of dedicated service by renaming the 61-acre Cordova Community Park as Hagan Community Park.

The Sacramento and Rancho Cordova areas could never fully acknowledge all of the outstanding contributions Paul Hagan has made to our community. I join with all of Paul's family and friends in saluting him on a job well done and in wishing him a most enjoyable retirement.

PASSING OF CHARLES SANDMAN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. FLORIO. Mr. Speaker, Charles W. Sandman, Jr., served the people of the State of New Jersey for much of his life, which ended suddenly on August 26.

Our colleagues will recall his service in the House of Representatives from 1967 to 1974, a period just preceding my election to this body. But his record of service also included membership in the State legislature, superior court, and U.S. Army Air Corps in World War II.

A prominent figure in State politics, Mr. Sandman was the 1973 Republican nominee for Governor.

Our State has lost a dedicated and distinguished public servant. His passing was noted in a eulogy by the editors of the Record of Bergen County, and I would like to include it for the benefit of our colleagues.

The editorial follows:

CHARLES W. SANDMAN

The line on Charles Sandman was that you loved him or you hated him, but the truth was a lot more complicated. It was possible to dislike the style and substance of his campaigns for governor, or his blustering defense of President Nixon at congressional Watergate hearings, and still have affection for the cocky man with the broad grin and the gift for bouncing back from defeat. Mr. Sandman died of a stroke this week at the age of 63.

Ten years a state senator and eight years a member of Congress, Mr. Sandman was not one of your milquetoast Republicans. A resident of Cape May County, he spoke the language of rural New Jersey and he spoke it plain, in a raspy, often belligerent voice that could bristle with sarcasm and thunder with scorn. Robert Kennedy was "long-haired Bobby," draft-card burners were "treasonous," and former Gov. William Cahill, a longtime foe who was defeated by Mr. Sandman in the 1973 Republican primary, was nothing that would bear printing in a family newspaper.

The philosophy Mr. Sandman laid down in three campaigns for governor was straightforward. He was anti-abortion, anti-taxes, anti-crime, anti-big-government, anti-regional-zoning, and anti-school-busing. He was in favor of capital punishment and letting local communities do pretty much what they wanted. When he ran against Brendan Byrne in the general election of 1973, he warned that Mr. Byrne and the Democrats would "impose on our state an alien political philosophy and structure . . . allowing our state to fall into the hands of far-out leftists and wild theoreticians." Mr. Sandman lost 2-to-1 to Mr. Byrne, though his defeat had as much to do with Republican scandals in Trenton and Washington as with rejection of his philosophy. "If Abraham Lincoln had been in my place, he wouldn't have done any better," was his characteristically resilient view.

Six months later, more pugnacious than ever, he treated a nationwide television audience to the Sandman style during House Judiciary Committee impeachment hearings against President Nixon. For a time in the summer of 1974, he was one of Mr. Nixon's most visible defenders, a square-faced man with thick dark eyebrows who heaped scorn and ridicule on committee Democrats and accused them of offering no more than innuendo and circumstantial evidence. It didn't bother him that even some Republicans found his defense strident and ill-informed. "I have my disposition, and that's the only way I know how to act," he said. That fall, thanks largely to his defense of Mr. Nixon, he lost the congressional seat he had held since 1966.

So he moved on to the practice of law. "The impeachment was a disaster for me politically. But it was great from a business perspective," he said cheerfully, and he turned to rebuilding his career. When a stroke claimed him this week, he was a Superior Court judge, a job he was given by Governor Kean.

Almost everything about Mr. Sandman seemed larger than life. He had big hands and big shoulders, and he won a boxing scholarship to Temple University on the strength of highschool achievements as a middleweight Golden Gloves boxer. During World War II, after the bomber on which he was navigator was shot down over Pilsen, Czechoslovakia, he escaped from a German prison camp and made his way to Allied lines. He was a fighter, and you don't have to believe in all the things he fought for to mourn his passing.

OUR CONSTITUTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. WOLF. Mr. Speaker, Mrs. Mollie G. Pamplin, one of my constituents from Falls Church, VA, has written a patriotic prose selection entitled, "Our Constitution," which I would like to share with my colleagues. As we, as a nation, prepare to celebrate in 1987 the bicentennial of the U.S. Constitution, I hope Mrs. Pamplin's writing will cause each of us to reflect on our Constitution which has served as the foundation of our Nation for nearly 200 years.

OUR CONSTITUTION

(By Mollie G. Pamplin)

I speak for the American people,

I am the Constitution of the United States of America,

I was signed by thirty-nine men from twelve states on September 17, 1787.

My first ten amendments were ratified on December 15, 1791 and are known as the Bill of Rights. I have twenty-six amendments in all.

I have survived many momentous events. They have tested my strength and I have stood firm through them all.

Born of the American Revolution, I have lived through the War of 1812, the Civil War, the Spanish American War, World War I, World War II, the Korean Conflict and the Vietnam War.

I have seen forty Presidents, one who resigned from office, one who was appointed to office, four who were assassinated, four who had attempts made on their lives and three who died on our Independence Day. I have survived the great depression and several recessions. In good times and in bad I have stood strong.

I have given women the right to vote and guaranteed the civil rights of all citizens.

I guarantee your right to freedom of religion, to freedom of speech, freedom of the press, your right to peaceably assemble and the right to keep and bear arms.

How will you respond to your rights which I guarantee? Will you practice your religion but never press it upon others or deny them the right to practice theirs? Will you exercise your right to vote as the sacred privilege it is? Will you always be peaceable when you assemble? Will you keep and bear arms responsibly? Will you regard your right to free speech and a free press as a precious possession to be used and observed with Honor?

For more than two hundred years I have been the guardian of this Republic. Please protect me as you would your very life for I am your freedom.

GOVERNMENT EXCELLENCE

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. RAY. Mr. Speaker, in these days of billion dollar spending, it is rare that we hear of even one instance where the Government has done a good job. It is even more rare to hear that the Government—whether Federal, State or local—worked efficiently or effectively. That is why, when it happens in my district, I want to let you know about it.

Recently, the Department of Agriculture selected the Troup County Parks and Recreation Commission out of all the Southeast region of the United States to make a training film using the commission's ideas and methods of administering the Summer Lunch Program. They were selected because of their overall high quality management and work.

As a little bit of history, this program has been in existence for 14 years in Troup County. But in the years since the Troup County Parks and Recreational Commission took over its service, its organization has been called the best in the Southeast.

This commission is responsible for preparing approximately 800 lunches per day and delivers them to 13 different sites around the county so that low income children will have at least one balanced meal per day. The lunches are free and are critical to the nutritional needs of these children during their summer vacation.

This program—the Summer Food Service Program—is an extension of the School Lunch Program and serves the people of Troup County in an efficient and effective manner.

I want to congratulate and commend the Troup County Parks and Recreation Commisson for doing its part to make our Government a little better.

THE LOUISVILLE REDBIRDS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. MAZZOLI. Mr. Speaker, I bring to the attention of my colleagues the success of my hometown Louisville Redbirds baseball team which captured the American Association championship for the second time in a row.

The Redbirds, who are affiliated with the National League St. Louis Cardinals, moved to Louisville in 1982. Since then, A. Ray Smith, the team's owner as well as "chief cook, bottlewasher, and cheer leader," has made sure that summertime in the River City has never been so much fun.

The leadership, salesmanship, and, I should add, the showmanship of A. Ray Smith have made the Redbirds the biggest attendance draw in minor league baseball—and one of the biggest draws in all professional baseball.

Attendance the first year the Redbirds perched in Redbird stadium was 868,418. The Redbirds then set the all-time minor league attendance record of 1,052,438 in the 1983 season. While the Redbirds haven't broken their 1983 attendance record, the fans of our community—who cut their baseball eyeteeth back in the days when the Louisville Colonels, a Boston Red Sox farm club, were perennial Triple A champs—have come out in throngs to cheer their new "boys of summer."

Despite a rather shaky start, the 1985 Redbirds confounded the critics, won 12 of the last 24 games, and won the division title on the final night of the season. The Birds finished the season with a 74-68 record.

With Manager Jim Fregosi directing the action on the field, the Redbirds beat the Oklahoma 89'ers 4 games to 1 and brought the 1985 American Association pennant back to Louisville.

I speak for all citizens of our community in saying that we are all mighty proud of our Redbirds who are true winners in every sense of the word.

Hats off and a deep bow to Jim Fregosi and the team and to A. Ray Smith, Dan Ulmer, and all in the Redbirds' organization. Thanks for a great year!

HOW INSURED ARE YOUR SAVINGS?

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. LUNDINE. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in yesterday's Washington Post. The article, entitled "How Insured Are Your Savings?" by Hobart Rowen, addresses a serious problem which touches all Americans.

The subject of Mr. Rowen's column is the current system of Federal insurance for commercial and savings banks. The FDIC and FSLIC, which insure commercial institutions and thrifts respectively, are in need of reform. The safety and soundness of banks and thrift institutions is a fundamental principle upon which our banking system is based. But what about the soundness of the system that is designed to insure those institutions? As we are all aware, there have been a large number of bank and thrift failures over the last 2 years. The potential for disaster inherent in unstable banks was brought home earlier this year by the problems with State-insured institutions in Ohio and Maryland. While the Federal insurance funds are in much better shape than those two State funds, there is a lesson for us in these incidents.

While I do not endorse all of the solutions that are outlined in Mr. Rowen's article, I do think that they merit our attention. Action must be taken to strengthen the Federal deposit insurance funds. Mr. Rowen has written an important article, and those of us in Congress would do well to consider it carefully.

The article follows:

[From the Washington Post, Sept. 12, 1985]

HOW INSURED ARE YOUR SAVINGS?

(By Hobart Rowen)

On the radio the other day, a consumer adviser told listeners to invest in insured institutions. But if you can't, the voice said, make sure that the uninsured business is being conducted on a "sound basis."

Never mind the impracticality of the advice. (How could the average investor determine whether a business operation is sound?) The revealing underlying assumption was that if an institution is insured, one needn't question whether it's sound or unsound.

In a deregulated world, that psychology is precisely what encouraged many banks and savings and loan associations, competing for the consumer dollar, to take risks they would otherwise have found unacceptable.

Now there is a time bomb ticking away: the federal deposit insurance system may not be able to cope with potential runs on these institutions. There are hundreds of sick S&Ls shored up by the Federal Savings and Loan Insurance Corp. It provides depositors with federal insurance up to $100,000 in the same way that the Federal Deposit Insurance Corp. insures deposits at commercial banks.

On a realistic accounting basis, many S&Ls would in fact be bankrupt because of

their bad investments, notably in real estate. Because the cost of covering all potential losses far exceeds the FSLIC insurance fund of less than $4 billion, regulatory officials are talking of setting up a new agency empowered to borrow as much as $20 billion in private markets to augment the FSLIC's bail-out funds.

Another possible "solution" is a merger of the FSLIC into the FDIC, which would have the practical effect of wiping out the distinction between thrifts and banks. The FDIC is in a stronger position than the FSLIC. Nonetheless, it begins to appear that a merger would be a case of the halt aiding the blind.

A revealing new book, "The Gathering Crisis in Federal Deposit Insurance," by Ohio State University Prof. Edward J. Kane, says we have been lulled into thinking the FDIC and FSLIC provide a cheap, logical way of ensuring that the corner bank or S&L will be stable—or you can get your money back.

Kane has a gift for simple metaphor that brings the problem to life. He likens the fragility of the deposit-insurance system—one of the remaining legacies of the New Deal—to an old car that hasn't been well maintained. While still adequate for "light loads in flat country, it cannot be driven endlessly up and down steep interest-rate mountains without breaking down," he says.

"There is good reason to doubt either that the old car has many more interest-rate mountains left in it, or that it can be steered unharmed through the mine field of contemporary financial services competition."

At present, some 900 of the nation's 14,700 banks are on a "problem" list. That means, according to the FDIC rating system, that they run a significant risk of failure. The FSLIC doesn't even admit that it keeps a list, acknowledging only that 73 S&Ls disappeared last year, while 672 vanished in 1982 and 1983. The last time I mentioned these numbers, an FSLIC official protested to The Post that the public was being unnecessarily frightened by exaggerations.

Writes Kane: "The point that authorities don't want to face is that, however well the deposit-insurance system may have run in the past, it is headed for a bureaucratic breakdown. . . . Unless market discipline is reimposed on deposit institution risk-taking, the deposit-insurance bureaucracy will seize up at a most inopportune time."

Kane argues for dramatic changes—"trading in" the old deposit insurance "jalopy" before it cracks up with its passengers aboard. His "new model" would be one with reduced coverages and increased fees designed to force managers to make safer investments. He would gradually lower the basic insurance limit to $10,000 (then index it for inflation). Larger balances, in successive $10,000 slices, would be available at an increased insurance cost, to be paid for by the institutions or the depositors.

He believes Congress made a big mistake in 1980 when it boosted the insured account limit to $100,000. That was much more than the average householder needed, but in effect it enabled the banks to issue federally guaranteed debt that was in many ways superior to Treasury debt.

To be sure, a congressional resolution has reaffirmed that "the full faith and credit" of the federal government is behind the FDIC and FSLIC. That may guarantee savers against long-term losses, while the taxpayers pick up the check. But the resolution doesn't say just how it would work, or ensure that there won't be some panic while Congress acts to fulfill its promise.

Kane's proposals may be difficult for politicians to swallow. But his diagnosis of the problem rings true, and he makes a compelling case that the existing insurance system has been pushed beyond its capacity.

COMMODORE JOHN BARRY DAY 1985

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 112-member Ad Hoc Congressional Committee for Irish Affairs, I am pleased to join with the Ancient Order of Hibernians in commemorating a great Irish-American, Commodore John Barry. Under article XXIV of the constitution of the Ancient Order of Hibernians in America, today has been designated as "Commodore John Barry Day" in honor of the father of the American Navy.

While today we honor one distinguished Irish-American for his unique contributions to America—we are in fact honoring the entire Irish-American community for their countless contributions over our Nation's history.

John Barry was born in 1745 in County Wexford in Ireland. John Barry, as would be expected of someone affiliated with the Navy, took a love of the sea at the young age of 10. At the age of 30, he was commissioned as a captain in the Continental Navy of our Original Colonies. In fighting his adopted nation's Revolutionary War at sea, Commodore Barry defeated the British tender, the *Edward*, thus bringing to an American port, its first prize.

John Barry made invaluable contributions to America's successful quest for independence. Most noteworthy among his accomplishments was during the time when he commanded the frigate *Alliance* to victory in the last sea battle of the Revolutionary War. In 1793, George Washington called upon Barry to serve as the new U.S. Navy's first commissioned officer, thus earning him the honor we commemorate today—the father of the American Navy.

Irish-American organizations have been successful in achieving greater recognition for Commodore John Barry and other Irish-Americans who have made our Nation great. The Ancient Order of Hibernians is justifiably proud of the role it played in the 1981 law passed by Congress and signed by President Reagan honoring John Barry as the father of the American Navy.

On September 13, 1985, there are several noted ceremonies scheduled. One is at Constitution Park in Philadelphia, where Secretary of the Navy John Lehman will lay a wreath at the Barry statue there. Here in Washington, Deputy Chief of Naval Operations Thomas J. Hughes will join the AOH Commodore Barry Division of Washington, DC, in a noon wreath-laying ceremony.

I am proud to join in marking this important occasion honoring this important figure in American history. Let me also pay special tribute to two individuals with the Ancient Order of Hibernians who work to make Commodore Barry Day the important occasion it is. The first is the national president of the AOH, Joseph Roche; the second is Frank Duggan, who leads the Washington, DC, chapter of the AQH, and who gives hours of effort to the Barry Day celebration.

AN END TO APARTHEID

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. DREIER of California. Mr. Speaker, I think it's time for the United States to speak with one voice on South Africa. It's easy to stand up and say you're opposed to apartheid. We all are. But it's not so easy to stop apartheid overnight.

The Government of South Africa has made some progress in stopping apartheid. For example, black trade unions are increasing, giving blacks more power to bargain to get fair wages and improved working conditions. An all-white electorate overwhelmingly approved a new South African Constitution giving more political power to other races, including the establishment of a multiracial, tricameral Parliament.

And, just in the past few days, the Botha government has made several new proposals. President Botha has offered to extend citizenship to all blacks. Additionally, it has been proposed to end the repugnant pass laws that require blacks to carry passes to travel around South Africa.

It should also be noted that the black share of national income in South Africa is nearly 50 percent. Black South Africans already constitute the largest black middle class in Africa.

So there has been progress. Clearly, it's not enough, but it is a step in the right direction. The debate within South Africa is no longer whether or not to end apartheid, but how soon and what should be done at what time.

What the U.S. Government should be doing is supporting evolution to prevent a revolution in South Africa. Congress cannot change the laws of South Africa. We've tried before with other countries and failed miserably. Mozambique, Zimbabwe, Angola, and Nicaragua are now all in the Communist or Marxist camp. And, in the case of Iran, our demand for reform led the country into the hands of an extreme religious fanatic.

The measures we adopt about South Africa should express our repugnance with apartheid, but not attempt to topple the South African Government. A strong, growing economy is more helpful to South African blacks than putting a stranglehold on their economy.

I believe the President's Executive order is the right step for the United States to take. But, the Executive order does not have to be the end if progress in South Africa to end apartheid is not continued. Congress can still enact H.R. 1460, the

South African Anti-Apartheid Act, at a later date. Or, Congress could also come up with a totally new bill to respond to the quickly changing conditions in South Africa.

But the Executive order is our chance to act and to act now. Even the leader of the 6-million member Zulu nation, the largest racial group in South Africa, said: "* * * of all the possible types of economic sanctions which could be applied to South Africa, the sanctions announced by President Reagan probably rank among the most responsible that a Western head of state could push for."

We shouldn't pass up this opportunity to speak with one voice on South Africa. President Botha was at least right about one thing when he said that South Africa had become the victim of an internal political dispute over who could impose the toughest sanctions. Let's end this dispute and give the Executive order the chance to work.

SENATE—*Monday, September 16, 1985*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Praise ye the Lord. Praise, O ye servants of the Lord, praise the name of the Lord. Blessed be the name of the Lord from this time forth and for evermore. From the rising of the sun unto the going down of the same the Lord's name is to be praised. The Lord is high above all nations, and his glory above the heavens. Who is like unto the Lord our God, who dwelleth on high * * *.*— Psalm 113:1-5.

God of Abraham, Isaac, and Israel, on this first day of the Jewish New Year, we remember with profound gratitude the legacy left us by the Old Testament people of God: the Bible, monotheism, absolute morality in the Ten Commandments, and the messianic hope which guarantees that history is not capricious, but orderly, purposeful, meaningful. History is moving toward a glorious, cosmic consummation. Thank Thee for Jewish values which are a significant part of the foundation upon which our Nation is built. Give us to see, Lord, that we disregard these values to our national peril. As Thou didst call our Nation into existence, grant that we will fulfill its destiny in history to Thy glory. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, once again, we have heard a most appropriate prayer from our Chaplain, in view of the significance of this very holy day, the Jewish holiday Rosh Hashanah. As always, his prayers are most appropriate to the needs and exigencies of the day. It was beautifully said.

SCHEDULE

Mr. SIMPSON. Mr. President, there will be time for the two leaders under the standing order of 10 minutes each and a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

There will be routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

Following routine morning business, the Senate will resume consideration of S. 1200, the immigration bill. I remind my colleagues that there will be no rollcall votes today during this session due to the Jewish holiday Rosh Hashanah.

At the present time, let me share with my colleagues and with the Democratic leader that we do have an amendment pending at the desk. There are various other amendments. We are presently going to "shop"—I believe that is the phrase we use here—for an agreement that would call for rollcall votes on amendments to begin at 10 a.m. tomorrow, Tuesday, the 17th, with 5 minutes of debate equally divided to precede each vote, and provisions that there be no amendments to amendments that are considered today or were considered Friday for disposition on Tuesday or that might be handled tomorrow.

As other amendments are offered which would require a rollcall vote, there would be a separate agreement entered into whereby we would try to sequence those votes after the other votes, with the same 5 minutes of debate provided for before the amendment is voted upon. It is hoped that we might reach such an agreement. We have done that before on this vexing issue, and the majority leader and the minority leader had worked toward that before I came to this particular post.

I deeply appreciate the efforts of the Democratic leader, who has been most supportive of the legislation in each instance, to see if we could reach that type of arrangement whereby we would stack those votes. As I say, we have done that in the past on this legislation.

The Senator from Illinois [Mr. SIMON] will be the minority floor manager today, and we will deal with his amendments.

I encourage the Members who are within range of the Senate to come forward with their amendments today. This is the pending item of business. We will be here to process those amendments. Some amendments have been scheduled previously.

We have one or two amendments which in my definition would be nongermane, but that is not for me to determine, since there is no time agreement or other restriction here. It is hoped that we can deal with those without a great deal of delay and difficulty.

I hope we can resolve the activities of Senator HEINZ and Senator BUMPERS with regard to a Social Security amendment.

To others out there in the vapors who are thinking about creative and new and dazzling things to do here on the immigration reform bill, my request to you all would be to save it for the debt limit extension. I am sure you can see fit to do that. It will be more fun, your staff can be more creative, you will have more time to think about it, and it will be more diverse and novel as they proceed if they have that extra time.

So, instead of having too many amendments on this measure, I suggest to you and hope that you might heed that.

With that, I reserve the remainder of my time and I yield to the Democratic leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The Democratic leader is recognized.

TELEVISION IN THE SENATE

Mr. BYRD. Mr. President, when the first Senate met in 1789, and continuing through the first 5 years of the Senate's existence, the doors were closed. The public had no opportunity to view or listen to the debates.

So, for a glimpse into the first 5 years of the Senate, we cannot retire to the newspapers of that time.

We can only listen to the words that leap out at us from a reading of the journal that was kept by Pennsylvania Senator Maclay during the first 2 years. He ran for reelection at the end of that time, having been chosen as one of the class that was to have the 2-year term when the Senate first met, and he did not win his race for reelection. But for those 2 years, Maclay's Journal is about the only source to which we can go for a limited account of Senate debate. It would have been so interesting if we could have had television in those first 2 years of the Senate's existence.

It is somewhat amazing to learn how that first Congress took hold of the reins of decision and took action in establishing certain departments and making certain basic fundamental laws, as that Congress did indeed do, in launching the new Government.

Its record of accomplishments would probably outrank those of any other session. I have not taken the time or

had the time to personally attempt to compare the workload that was disposed of in those 2 years with the workload of any subsequent Congress. I raise that early Senate situation in order to preface a discussion of the present situation with respect to TV in the Senate.

Tomorrow the Senate Rules Committee under the chairmanship of Mr. MATHIAS will hold hearings on TV in the Senate, and the next day Mr. MATHIAS' committee will again have hearings on the subject of TV in the Senate.

Woodrow Wilson said, and I am not sure that I am quoting him accurately, but he said, in essence, that the informing function of the Congress is as important as is the legislative function. He was right about that.

We have only to look to the example of the Soviet Union to see an uninformed public. Public opinion in the Soviet Union is just what the leaders there want public opinion to be. The people in that country do not have unbiased access to factual information as does the American public.

Now, for politicians in this country to attain public office, there must be at least a certain degree of popularity with the voters. For a politician to be elected and reelected in this country he or she must be popular with the people back home, based on the facts as they see those facts and on the record as they can read the record.

A politician in this country has to be popular with the people. There is an informed public out there in the respective States of Senators running for reelection and election.

By contrast, being popular in the Soviet Union politically is to simply be popular with a half-dozen guys who are above you. Mr. Gorbachev suddently burst upon the political scene like a comet, and he is the General Secretary of the Soviet Union today. He did not get there by virtue of the vote of the people—the people in the Ukraine or the people in Moscow, or in the several districts throughout the Soviet Union. He did not get there by virtue of popular opinion or by virtue of the casting of ballots by the people. He got there because he stood in well with the powers above him—Mr. Andropov, Mr. Chernenko, and probably Mr. Brezhnev before them. That was the way of his accession to the top.

There is no such political comet in this country on the tail of which one may be thrust into the very top position in Government so quickly and by so few in whose hands the decision rests.

Here we have the U.S. Senate which is equal to the House of Representatives under the Constitution and vice versa, and the two of which are equal under the Constitution to each of the other branches, the judicial and the executive branch of the Government. But the Senate more and more is becoming again almost what it was in the first 5 years. That is an exaggeration and I mean it to be, but I say it to make a point. We do have the Senate galleries open. We do have the writing press in the galleries. Television correspondents can be there also, but they cannot bring this real live scene to the American people. This body is fast becoming an invisible policymaking force that the people cannot see unless they come to the galleries. The people can read the CONGRESSIONAL RECORD but it is said that Senators quite often doctor—and, of course, this includes the House Members as well—what was actually said. They go through the RECORD—and even their staffs do it, I am told—and they will alter it because that RECORD is going to be there for a million years. If this civilization should perish, somewhere that RECORD would be found. In the future eons of time, that RECORD will be be around. So Members want it to be grammatically correct.

The people out there every evening turn on TV and they see the President talking. They see Members of the other body on television. Television is, according to polls I am told, the medium which exceeds all other news media in providing the American people with most of their knowledge of current events.

The greatest problem with putting the Senate on TV is with the Senate rules—at least the problem in this Senator's view.

The toughest question to answer about TV is, how shall we have TV in the Senate, within the context of the Senate rules, and assure the minority of equal time? How can we be sure that, under the Senate rules, a Senator will not hold the floor for a day, thus preventing those on the other side of the question from having an equal opportunity to make their case on television?

That is one of the problems which we have to address. How do we do this? The Senate rules differ greatly from the House rules.

How do we manage this difficulty so that the Senate remains a body in which a Senator from a given State can still stand against the other 99 as long as he has the floor and observes the rules? How would that work on television?

Well, Mr. President, I have been reluctant to support TV in the Senate over the years because of the Senate rules being what they are. It was I who first authorized the only occasion when there was television coverage in the Senate, and that was at the time of the inauguration of the late Nelson Rockefeller to be Vice President of the United States. The majority leader at that time, Mr. Mansfield, was in the Far East and I was the assistant leader.

The first and only occasion when we had radio coverage of the Senate debates was when, as majority leader, I offered a resolution, joined in, I believe, by the then minority leader, Mr. Baker, authorizing radio broadcasting of the Panama Canal Treaty debate.

I wrote to Mr. MATHIAS some time ago asking for a committee hearing. Both he and Mr. FORD, the ranking Democrat, were agreeable to holding the hearings earlier than tomorrow. I asked that they be delayed until after the August recess. He and Mr. FORD granted the delay, and I thank both Senators.

So let us take the next step and the further step that needs to be taken to lift the curtains that separate the Senate from full public view. They were drawn back after 5 years of closed Senate sessions in the earliest days. Our forefathers did not have television then, but we have it now. And the curtains need to be lifted further; else the people's right to know will be denied.

Mr. SIMPSON. Mr. President, I realize Senator PROXMIRE is here for his special order, so my remarks will not even be consuming the remaining minutes of the majority leader's time.

But I do want to indicate my support of what Senator BYRD is saying. Indeed, I do remember his particular venture on the floor. My father was in the U.S. Senate at that time and I was in the gallery when he was doing that. It was in 1963 or 1964—I am not certain, but I remember at least one instance when indeed the Senator did have the floor for many hours and it was an educational process indeed.

I would just say, from my standpoint, I have been resistive to televising the Senate not at all because of what it can do—and all the things the Senator says are so real. My resistance comes from the more pragmatic view, and I speak as one who enjoys that medium. I do enjoy television and must say that I have a shred of ham in me and that comes out sometimes; sometimes crossing the line between good humor and smart aleck, but I always learn when I do that, too.

But my problem is a very simple one and I look toward the minority leader to see if we can resolve it. That problem is because of our unique rules—and no one knows them better than the minority leader does. My biggest problem with it all is that I can see, whether you represent the majority or minority, and you are involved in a hearing, or chairing one or sitting as ranking minority member, conducting something here in the Capitol complex in one of our hearing rooms, busy in your work chairing and working, and suddenly a staff member comes in and says, "My Lord, they are dealing

with the public lands right now! Somehow it came up. There is an amendment," or "There is an amendment on low sulfur coal," or "There is an amendment on high sulfur coal, or shoe imports, or textiles—things that affect us deeply in our individual capacities. And I can hear the statement, "You better get over there quick or they will wonder where you were tonight when they see the news."

So we are all going to shuffle our papers, spring from our chairs, and come over here to cover our bases. That is the most destructive part of it. That is the real one I have a problem with, knowing my workload, knowing how some of our colleagues on both sides of the aisle hold down four committee positions, which is absurd in my mind, and which the distinguished minority leader helped to correct. But that is the one concern that leaves me with the greatest puzzle about how properly to do it.

Indeed, if we had television—and I think we will have it—it will keep us from altering the RECORD.

The Senator from West Virginia mentioned a tad about that. We amend the RECORD here. People do not realize how we amend the RECORD here. But it is very real and even a recent court decision has upheld that rather unique practice. I think the American public would have less of that if they saw us here doing what we are doing with the cyclopic eye of television observing. Thank you.

Mr. BYRD. Will the Senator yield?

Mr. SIMPSON. Indeed.

Mr. BYRD. The Senator addresses the problem which has concerned me and which concerns other Senators. But along with legislation which I introduced to provide for television and radio coverage of the Senate, I also offered certain proposed rules changes, one or more of which would deal with the exact dilemma that the Senator has just stated. It would be simply this. The Senate would meet on Mondays, Wednesdays, and Thursdays; and on the days which the Senate did not meet, the committees would meet; so there would be whole days for committee meetings, days that would not be interrupted by rollcalls and quorum calls. There would then be no necessity for committees to meet on days of Senate floor action.

I thank the distinguished Senator.

Mr. President, I apologize for intruding on the time of the Senator from Wisconsin.

Mr. SIMPSON. Mr. President, I apologize.

Mr. PROXMIRE. Mr. President, no apology is necessary. I am delighted to hear this very interesting debate. My problem with television is that television is about the biggest waste of time in America. I think it is a terrible waste of time for people, whether they are young or old or middle aged. There are all kinds of more useful and constructive things we can do than sit in front of that crazy tube watching entertainment which is terribly repetitive, and I think we would find more of that if we watched Senate debate.

THE GENOCIDE TREATY

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. PROXMIRE. I am happy to. But I want to ask the distinguished acting majority leader a question before he leaves the Chamber. This is on another subject. This Senator, as the Senator from Wyoming, I am sure, can easily understand, was greatly disturbed when he saw a list of must legislation—those things we will do before sine die adjournment. The Genocide Treaty was not on it. What disturbs this Senator about that is that it is the only treaty that is listed on the Executive Calendar. It is a treaty, as the Senator knows, that is supported by the President of the United States, is supported by the Democratic leadership and the Republican leadership. We have a Senate resolution which promised and pledged that we would take it up early in the 99th Congress. "Early" has already gone.

Under these circumstances, it seems to me that it is shocking, and a shame that we do not have that schedule to take up just as soon as possible—certainly before we have sine die adjournment this year. I know the Senator from Wyoming is a supporter of the treaty. I appeal to him as a leader of the Republican Party, and hope that he can find a way to get at that schedule.

Mr. SIMPSON. Mr. President, let me respond just briefly.

Indeed, I understand the depth—the total depth—of feeling of the Senator from Wisconsin. I have watched this long before I came to the Senate—with regard to the Genocide Treaty. I feel just as strongly. I think it is important that we deal with it. I will assure the Senator from Wisconsin that I will in leadership—bipartisan leadership—activities, pledge to you my efforts to see that we deal with that indeed before sine die. I promise the Senator that.

Mr. PROXMIRE. Mr. President, I thank the distinguished leader very much. I deeply appreciate it.

Mr. President, may I yield to my good friend, the Democratic leader?

TELEVISION IN THE SENATE

Mr. BYRD. Mr. President, will the Senator repeat what he said about television?

Mr. PROXMIRE. I say that I am sure television is amusing for lots of people. It is a way they pass time. It is appalling that the average person in America spends 4 to 6 hours a day watching television. It is a terrible, terrible waste of time with all of the marvelous, constructive things that human beings can do in the short time we have on this Earth. We spend it sitting before a television set hypnotized somehow by watching a television over and over again. The Senator knows it is junk mostly. It is not always. Once in a while you can get a good program.

Last night my wife tells me that she was watching a program with Dustin Hoffman that was a superb program. Frankly, this Senator has not watched a program since January 1, 1985. I have not missed it.

Mr. BYRD. Well, I say to my friend that that is no plausible argument, in my judgment, I say respectfully, for opposition to televising the Senate. The Senator from Wisconsin has chosen to make politics his career. He is spending the best part of his life in serving the people in this body. So am I and so are others. This is the most important business of any to the American people, because Government impacts upon almost every tiny facet of the lives of the American people—indirectly or directly—every day. Surely, they should be entitled to an opportunity to observe as the issues of the day are being debated in the U.S. Senate. They have a right to be fully informed on developments affecting them here.

I agree with the Senator insofar as just sitting before the television set hour after hour after hour and watching some of the programs that are on. They are pathetic. But I would not use that adjective in describing, let us say, Alistair Cooke's series some years ago.

Mr. PROXMIRE. No, there are many good things. I have to go back years to find anything worthwhile.

Mr. BYRD. Those programs that were on public television some years ago, "Jude the Obscure," "The Gambler," "Elizabeth R.," "The Last of the Mohicans," "The Six Wives of Henry VIII," and so on, were great, great theater, and the parts were played out by the English actors, who were excellent.

Mr. PROXMIRE. I appreciate that. I might also point out, however, that some of the most concerned Americans are sitting in the gallery. They come all the way to Washington from West Virginia, Wisconsin, Wyoming, and elsewhere. They come here to watch the Senate debate. I am sure some of them are disappointed by the fact that there are only two or three Senators on the floor often. But I think they are the people who really make an effort, and probably get the most out of the Senate discussion and debate.

Mr. President, I will proceed, if I might. I thank the leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the time which I have been instrumental in taking from the Senator not be charged against him.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

KISSINGER WARNING: THREAT OF NUCLEAR WAR A GROWING DANGER

Mr. PROXMIRE. Mr. President, elder statesman Henry Kissinger offered our country some useful warnings in a recent interview about the future prospects of nuclear war. Secretary Kissinger agreed that the colossal nuclear arsenals of the superpowers provides a potent deterrent. But he warns against the widely accepted assumption that because the world have avoided a general world war in the 40 years of the nuclear age we can expect to continue to avoid nuclear war for the indefinite future. Kissinger contends that the military situation that prevailed in the last 40 years has changed. He offers three reasons for this quite different situation. Reason No. 1 is this: In the first 20 or 30 years of the nuclear age the United States enjoyed "a huge nuclear superiority." Second reason: Most of the crises were in areas where the two superpowers controlled most of the decisionmaking. Third, the weapons of the two sides only recently became very sophisticated.

Mr. President, the Kissinger warning deserves our attention. Why have we avoided nuclear war for 40 years? Not because we have been wise and cautious, not because we have restrained the arms race with strong arms control agreements, not because we have steadily improved our mutual understanding and cooperation with the Soviet Union, not because we have exercised farsighted policies that have stopped the spread of nuclear weapons. Why then have we avoided nuclear war? We have avoided nuclear war because we have been lucky. And as the Kissinger analysis suggests that luck is running out.

If we are to avoid nuclear war in the next 40 years, we will have to be more than lucky. What will it take? For starters it will take an end to the arms race—which as Mr. Kissinger implies is pushing the two superpowers more and more in the direction of—as he put it—"very sophisticated" nuclear arsenals. Why are sophisticated nuclear arsenals necessarily dangerous? First, they are dangerous because their complexity and speed makes the prospect of accidents much more likely such as fake warnings of nuclear attack, computer error, computer misinterpretation. Also the demands on crucial command and control can become overwhelming. Consider that both superpowers have hundreds of land-based missiles throughout their territory and scores of submarines and bombers scattered throughout the world. Each U.S. Trident submarine, for example, has the power to blow every major city in the Soviet Union into oblivion. So we have literally hundreds of separate and immensely destructive sources of overwhelming military power. The Soviet Union has a different but similarly complex, scattered and imperfectly coordinated destructive power.

Second, the nuclear arsenals are about to take another massive leap in destructive capacity—similar to the leap in power represented by the first nuclear bomb itself. This new technology greatly exceeds by many times the destructive power of the fusion and fission that gave the atomic and hydrogen bomb respectively their vast energy. And this brings in a new danger not mentioned by Kissinger. It is this: because the antimatter bomb releases many times more explosive power per pound than its nuclear cousin, it can provide an immense nuclear power in a very small and light warhead. What does this mean? It means it can be delivered very cheaply. The big cost of nuclear weapons has never been in the warheads, it has been in the missile, or submarine, or bomber that carries it. The antimatter bomb will make infinite destruction cheap. For the first time it will be within the economic capability of scores of nations that previously could not afford a nuclear arsenal.

If ever there were a time when antiproliferation policies were absolutely vital to world peace, it is now. Present antiproliferation policies are already too feeble. The recently announced United States agreement with China is just the latest example of the dangerous weakness or our antiproliferation policies. Remember the second Kissinger reason for no nuclear war in the past 40 years was that the two superpowers controlled decisionmaking in the crisis areas. If we permit antimatter nuclear arsenals scattered throughout the world, the two superpowers will, obviously, lose their control over areas of crisis. Sheer good luck has prevented nuclear war for 40 years. We will need rigorous advancement of arms control and antiproliferation in the next 40 years if civilization is to survive.

Mr. President, I ask unanimous consent that the interview with Dr. Henry Kissinger to which I referred be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

WAR GAMES

This interview of Henry Kissinger was conducted by Stephen Rosenfeld, deputy editorial page editor of the Washington Post.

Q. Here it is 40 years after the bomb. What is it that statesmen, practicing politicians who have actual responsibility for power, must know about the bomb?

A. They of course become very conscious of the consequences of a nuclear war. One of the first things you get briefed on when you are appointed to one of the top spots is the general consequences of a nuclear war.

Q. Does it scare you?

A. It awes you. And it shows you that you have a responsibility that no previous statesman has faced. . . . In the past you could always say that the consequences of defeat were worse than the consequences of war. You cannot say that with assurance in the nuclear age.

Q. Can awe become paralysis?

A. It's your duty to prevent paralysis, and yet it is also your duty to recognize that nuclear power is not the same as traditional military power. This is the dilemma. If you permit it to go to paralysis, then you're turning the world over to the most ruthless, to the one who can plausibly threaten.

So this is in the back of your mind. But it has also a contradictory result that in most concrete crises that arise you do not believe that they will turn into general war.

Q. What gives you that hope, that faith that a crisis won't go nuclear?

A. Well, partly because when you're an American, you know that you have the ultimate decision over the actions leading to nuclear war and you know that your nuclear threshold is very high, and you assume that that is equally true on the other side. But it is a curious phenomenon that in the period at least in which I was in office, I did not believe at any time that we were close to nuclear war. And I suspect this has been true throughout the nuclear age, except perhaps the Cuban missile crisis.

Q. Well, now we have an interview of President Nixon (in Time magazine) where he suggests that on at least four occasions he "considered" using nuclear weapons. He's referring to the Vietnam War, to the Soviets' threatening to take out China's nuclear facilities, to the India-Pakistan war and to the Middle East crisis of 1973. "Considered," of course, can mean many different things, but what are we talking about here?

A. I read that interview and frankly I was sufficiently concerned to talk to some of the other key decision makers of that period—Secretary of Defense Melvin Laird, Chairman of the Joint Chiefs of Staff Adm. Thomas Moorer, the two security advisers, Gen. Alexander Haig and Gen. Brent Scowcroft—to see whether their recollection coincided with mine. And so I can safely say that there was never a concrete occasion or crisis in which the use of nuclear weapons was considered by the government.

Q. In the Middle East war of 1973 there was a so-called nuclear alert on the American side. Is that not an aspect of nuclear diplomacy?

A. Technically it is not 100% correct to call it a nuclear alert. What happened was we received a message from [Soviet leader Leonid] Brezhnev inviting joint American-Soviet military action in Egypt, in effect against the Israelis, who had just trapped

the 3rd Egyptian army. Brezhnev added that if we did not agree to joint action, he would undertake unilateral action.

We were determined not to undertake a joint action or to permit a unilateral Soviet action. Those of us who were meeting—and at the point President Nixon chose not to participate—were attempting to convey to the Soviets that we would oppose their move into Egypt. And we wanted to take certain actions that they would pick up through their intelligence before we sent our reply.

There are five stages of readiness for our military forces; most are in defense condition 4 (with 1 the highest condition). In 1973 the Pacific theater, because of the legacy of the Vietnam War, was in defense condition 3.

During the Middle East alert, we went from defense condition 4 to defense condition 3 for the rest of the world. Some of the consequences are that some people on leave get called back to their bases, and some more bombers are put on alert and similar measures.

My guess is the high probability would have been that had the Soviets sent troops to Egypt, we would have responded with the 82nd Airborne Division in Egypt. Our ally was militarily stronger than their ally. And our judgment was that we could get more conventional forces into the area than they could.

Q. But you would not call this a nuclear alert?

A. It was a general alert that also alerted some nuclear forces. The best proof of that is that we did exactly the same thing in 1970 when Syria invaded Jordan and at that point the Soviet Union was not even directly involved. We wanted to generate enough cable traffic, enough alerting of forces to indicate we would do something. But we were far from a decision to go to nuclear war.

Q. Isn't there a sense that it's almost impossible, once you start getting into one of these very messy volatile crises, not to let come into your mind some of these "what if" questions? These ultimate nuclear questions?

A. It is of course true when you confront the Soviet Union, or when you even consider confronting the Soviet Union, you have to recognize that the nuclear threat increases. And, in fact, you cannot act as if you exclude the unclear threat or, paradoxically, you encourage it.

Q. Overall, have nuclear weapons been a help or a hindrance in the conduct of world affairs for great powers?

A. If it were not for nuclear weapons it is likely that there would have been a war between us and the Soviets. So it is almost certainly true that nuclear weapons have preserved the peace.

It is also true that if we continue the strategy that has got us these 40 years of peace, that some catastrophe somewhere along the line is going to happen and that therefore the big problem of our period is to build on this long period of peace so we have a structure that is different from the preceding one.

Q. Aren't you saying something paradoxical? You say the bomb has been an element to keep the peace over 40 years and yet if we go on as we are we risk a catastrophe. What do you mean by that?

A. In the first 40 years, first of all there were 20 years in which we had a huge nuclear superiority, maybe even 30 years. Secondly, most of the crises were in areas where the United States and the Soviet Union controlled most of the decision making. Finally, the weapons of the two sides only recently became very sophisticated.

HUMAN RIGHTS AND THE HELSINKI ACCORDS

Mr. PROXMIRE. Mr. President, last month marked the 10th anniversary of the Helsinki accords. For the West, the first decade brought both frustration and satisfaction.

Almost immediately after the Helsinki conference, Soviet leaders proclaimed that nothing the conferees signed justified criticism of the Soviet system or the Communist Party.

KGB agents cracked down on groups organized to monitor Soviet compliance with the Helsinki accords in Moscow, Lithuania, Armenia, Georgia, and the Ukraine.

The U.S. Helsinki Watch Committee reports that:

More than 100 people openly became members of the Helsinki groups and their affiliates. Today, 51 are incarcerated in prisons, labor camps, and psychiatric hospitals, or are serving terms in exile. Four have died after years of mistreatment in Soviet labor camps, and one was killed in an automobile accident under suspicious circumstances.

Twenty others have been released after serving sentences but live under the constant threat of a new arrest. Seventeen have emigrated to the West because of the threat of imprisonment.

Unfortunately, arrests of political dissidents represent only a few of the sordid Soviet restrictions on religious, intellectual, and individual liberties.

Clearly, the Soviet Union violates the Helsinki accords. Does this mean the pacts are worthless? No.

Mr. President, the Helsinki accords provide a valuable forum for discussing human rights violations, which even the Soviet Union cannot completely ignore. World opinion is important. The Soviet Union's defense of its behavior before the international community and its own people attests to the strength and success of the Helsinki accords.

Mr. President, the development of human rights protection is a slow and tedious process. Sadly, serious and savage violations still exist throughout the world. The Helsinki accords represent just one step in guaranteeing human rights. Other steps must follow.

The U.S. Senate must ratify the Genocide Treaty making clear to the world that the most fundamental of all human rights is the right to life.

Our ratification can have a profound influence on people all over the world by demonstrating that the United States is unalterably opposed to the heinous crime of genocide.

Mr. President, the United States signed the Helsinki accords. Let us again reaffirm our support for human rights by ratifying the Genocide Treaty.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is that the nuclear arms race between the two superpowers—the United States and the Soviet Union—is being conducted in a vacuum and has no effect on the spread of nuclear weapons to other nations.

It is a myth that both superpowers—and I repeat, both the United States and the Soviet Union—enjoy maintaining: That their stockpiling of nuclear weapons does not adversely affect efforts to contain the proliferation of nuclear weapons.

We are seeing the Reagan administration trying to foist that myth on other nations at the third international review conference in Geneva on the 1970 Nonproliferation Treaty.

The Nonproliferation Treaty pledges the 127 nonweapons states that have signed it not to acquire nuclear weapons. In return, the three nuclear weapons states that have signed it—the United States, the Soviet Union, and Great Britain—pledged to halt the nuclear arms race.

Have the nonweapons states lived up to their bargain? So far, yes. Have the weapons states lived up to their bargain? No way.

And now we have the Reagan administration telling the NPT review conference it will not halt the testing of nuclear weapons and trying to convince the other countries at the conference that our testing of nuclear warheads doesn't affect proliferation one way or another.

Are the other countries swallowing that line, Mr. President? No way.

They are angry and they have a right to be angry. The nonweapons states, particularly the nonaligned ones, feel that they have been cheated in this agreement.

Five years ago, in 1980, when we had the last NPT review conference, the nonweapons states were hopping mad that the weapons states had not curbed their appetite for nuclear arms.

Today, 5 years later, with arms control still at a standstill, the nonweapons states are simmering again. And the Soviets have scored a propaganda coup over us by halting the testing of nuclear weapons temporarily.

Mr. President, the NPT reveiw conference demonstrates once again how the superpower arms race undercuts our ability to halt the spread of nuclear weapons.

We seriously erode our credibility in convincing other nations to forgo nuclear weapons as long as we continue to stockpile nuclear arms.

When both superpowers build more sophisticated nuclear arms designed to fight limited nuclear wars, we only signal to nonweapons states that these arms have some attractive military utility.

When we develop smaller nuclear arms and at the same time ship conventional arms such as jet fighters to nonweapons states, we only increase the capability of more nations to deliver nuclear weapons to their targets.

Mr. President, this is one myth we cannot afford to perpetuate—if for no other reason than for the sake of our own national security.

The fact is the superpower nuclear arms race is posing a major hurdle to international efforts to halt the spread of nuclear weapons.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

THE HELSINKI ACCORDS

Mr. SIMON. Mr. President, I wanted to comment on one item that my colleague from Wisconsin talked about—and I agree with him on all three items—the Helsinki agreement signed 10 years ago.

In Moscow, there was a little group called the Helsinki Watch Group, which included Dr. Sakharov, the most distinguished member of the day.

But the one person who is yet in Moscow today is a 74-year-old gentleman by the name of Dr. Naum Meiman. For the record, his last name is spelled M-e-i-m-a-n. Dr. Meiman has stood for freedom there, and has had his home ransacked periodically by the KGB as a result. His wife has just had a fourth cancer operation. They would like to emigrate to Israel. They are being turned down for Soviet reasons and it is so ridiculous. It is these little irritants that get in the way of better relations between nations.

The Senator from Wisconsin joins me in working for a better relationship between the Soviet Union and the United States. It is absolutely imperative if our civilization itself is to survive.

In part, we have to do things: We have to tone down our rhetoric, we have to do constructive things.

It is also imperative that the Soviets do certain things. One of the important things they could do now is let Dr. and Mrs. Meiman, neither one of whom has long to live, emigrate to Israel and live out their few remaining days in freedom there. Why cannot a great, mighty nation like the Soviet Union do that?

I hope that those agencies in the Soviet Union who monitor this CONGRESSIONAL RECORD would do that.

I compliment the Senator on his statement.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SIMON. I am happy to yield.

Mr. PROXMIRE. I congratulate my friend. I could not agree with him more. That is exactly the step I hope the Soviet Union would take. As the Senator points out, these are two elderly people. All they are asking is a few years of life in freedom in Israel. As the Senator points out, that is the kind of thing we would like to accomplish.

Mr. SIMON. Mr. President, I thank the Senator.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so orderd.

NATIONAL FARM SAFETY WEEK

Mr. DOLE. Mr. President, the week of September 15-21 has been proclaimed by President Reagan as the 42d annual "National Farm Safety Week," cosponsored by the National Farm Safety Council and the U.S. Department of Agriculture. Farm Safety Week is an attempt to better inform the agricultural community about farm accident problems and to encourage use of effective, appropriate safety measures.

HEALTH + SAFETY = SUCCE$$

The theme for Farm Safety Week this year is "Health + Safety = Succe$$." This theme recognizes that farm-related accidents are still numerous and the severity of many of these accidents can be extremely costly not only to the farm families involved but also to their rural communities and the Nation as well.

The National Farm Safety council estimates that agricultural work related accidents caused approximately 1,700 deaths and 180,000 disabling injuries last year. While no separate figures are available for agriculture, the council also estimates that the direct and indirect costs of an average disabling work injury for all industries is approximately $12,000, and for a work fatality, $410,000. These expenses result from wage losses, medical costs, insurance costs, property damage, substitute labor, productivity losses, and so forth. In total, the council estimates the costs of accidents and fires to farming families approaches $5 billion annually.

Mr. President, although agriculture is the most productive industry in the United States, these statistics point out that it is also one of the most dangerous of occupations. During these difficult economic times affecting many in rural America, it is important to realize that a serious farm accident can cause personal grief for the family involved and mean the difference between financial success or failure of the farm or ranch operation.

WORKING TOGETHER

Mr. President, although National Farm Safety Week was established in 1944 as a safety program to combat accident losses impairing wartime agricultural production, the basic concept of the week has changed little over the years. It is a national effort to inform people in agriculture on the human and economic toll of accidents and measures that can be taken to prevent them. During the week, radios, newspapers, the extension service, 4-H and FFA groups, farm organizations, businesses and many others will be promoting safety and health tips. However, we should remember that safety is a year-round effort and I hope that all Americans will share in this commitment to increase their awareness of risk prevention and act in a safe and informed manner so that they can achieve success in their work and enjoy a better life.

MARY GRIMMEL—A LOYAL FRIEND AND TIRELESS SENATE AIDE

Mr. KENNEDY. Mr. President, the recent untimely death of Mary Grimmel deprived all of us who knew her in the Senate of a cherished friend and loyal colleague.

To know Mary was to admire and respect her as a tireless worker, and to love her as a friend. During her 20 years of outstanding service in my Senate office, she was a daily source of advice and help on countless issues. Her generous spirit and extraordinary dedication made her beloved by all the members of my staff, and she was a true and constant friend to me and to all the members of the Kennedy family.

All of us know that our Senate offices could not function without the skill and leadership of men and women like Mary Grimmel. We will miss her in the days and years ahead, but we will never forget her cheerful smile and her unselfish friendship. We shall always remember her special diligence and warm compassion—and her delightful common touch. To all of us, she was a symbol of the best in public service.

I extend my sympathy at this sad time to Mary's husband and her

family, and I ask unanimous consent that an article on Mary Grimmel from the Washington Post may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 3, 1985]

Mary Margaret Grimmel, 55, the office manager for *Sen. Edward M. Kennedy (D-Mass)* until she retired in 1982 with 21 years of service on Capitol Hill, died of cancer Aug. 31 at Northampton-Accomack Memorial Hospital in Nasawadox, Va.

Mrs. Grimmel, who lived in Nelsonia, Va., was born in Baltimore. She moved to the Washington area after her marriage in 1949 to Sidney E. Grimmel. The couple lived in Capitol Heights until moving to Nelsonia in 1982.

Mrs. Grimmel began her career as a congressional aide by working for former senator Benjamin Smith (D-Mass.), who was appointed to fill the unexpired term of John F. Kennedy after Kennedy became president in 1961. She joined Edward Kennedy's staff when he was elected to the Senate in 1962 to take the seat from which Smith had resigned.

Mrs. Grimmel was a member of St. Margaret's Catholic Church in Seat Pleasant. She also had been a member of the Congressional Bowling League and a volunteer with the Camp Fire Girls.

In addition to her husband, of Nelsonia, survivors include two daughters, Cheryl Moye of Whaleysville, Md., and Colleen Snyder of Takoma Park; her mother, Catherine Oliver of Baltimore, and three brothers, Cecil Oliver of Denver, Robert Oliver of Hagerstown, Md., and James Oliver of Baltimore.

JEWISH HIGH HOLY DAYS

Mr. DOLE. Mr. President, I want to take this opportunity today to extend my best wishes for a "Happy New Year" to all people of the Jewish faith.

"Rosh Hashannan"—literally the beginning of the year—marks the start of 5746. Along with Yom Kippur, these Jewish High Holy Days, remind everyone, regardless of religious belief, of Judaism's long, rich history and its legacy to the world.

There are many customs associated with the start of the Jewish New Year that reflect the values and dreams most of us hold.

During this season, Jews traditionally confess, and ask forgiveness for sins and pledge to lead better lives. Dipping apples in honey or eating honey cake to symbolize hope for a sweet year.

The traditional greeting during the Jewish New Year is L'Shanah Tovah Tikatevu, which means "May you be inscribed in the book of life."

Mr. President, I would like to offer a special "Shana Tova" to the thousands of Soviet Jews who remain there, despite their very great desire to emigrate. The High Holy Days are a fitting time for those of us who have spoken out and worked to convince the Soviet Government to relax their current restrictive emigration policy, to recommit ourselves to that worthwhile goal.

One of our most precious freedoms in America is the freedom to practice religion, whatever it may be, without fear. It is a freedom we would like the rest of the world to enjoy. And for those Soviet Jews who want to preserve their religion and traditions in Russia, or elsewhere, we offer our heartfelt wishes for continued strength and faith in the months ahead.

NATIONAL INDEPENDENT FREE PAPERS WEEK

Mr. DOLE. Mr. President, I want to join Senator GRASSLEY in paying tribute to the hundreds of independent free papers that serve communities throughout the Nation.

By affording small, local businesses the opportunity to advertise and promote their products and services, these free-circulation newspapers help sustain an essential element of the American economy.

Free-circulation newspapers aid more than just the merchant, however. They give consumers the chance to see all the competition—not just big businesses with big advertising budgets. And they provide an outlet for individuals to sell items or seek services through classified ads.

Mr. President, independent, free-circulation newspapers fulfill an important role in this country's wide-ranging array of media. And I want to wish the Independent Free Papers of America Association, which is celebrating the anniversary of its founding this month, continued and growing success.

POLL RESULTS SHOW U.S. DRUG USE TOPS SIXTIES LEVEL

Mrs. HAWKINS. Mr. President, a very disturbing report was featured recently in the Washington Post's Health Magazine. The title says it all: "Drug Use Tops 60's Level."

In this article, the results of a recent Washington Post-ABC News nationwide survey reveal that young Americans are experimenting with drugs far more than their 1960's counterparts. In the survey, half the individuals between the ages of 18 and 30 said they have tried marijuana and 1 in 5 said they have used cocaine. By contrast, among those aged 31 to 44—people who came of age when drug use first became widespread—only one-third said they had ever used marijuana, and only 1 in 12 reported having tried cocaine.

An additional, and even more troubling, statistic of this poll, is that while drugs started as a big-city problem a generation ago, the survey shows that marijuana and cocaine use have spread, expanding to the suburbs, small towns, and rural communities. Though drug use is still greatest in urban areas, and along the east and west coasts, it has risen sharply everywhere else in the United States as well.

Among those aged 18 to 30, 4 in every 10, whether they use the drug or not, felt that there should be no penalty for possession of small amounts of marijuana for personal use. Among those over 30, only 2 in 10 said it should be legalized. Oddly enough, though cocaine use has experienced the most dramatic increase, virtually no one participating in the survey expressed support for the legalization of cocaine; 9 percent of the younger group, and 5 pecent of the older group, indicated their support.

One positive result of the poll indicated that only 3 percent of the individuals surveyed admitted to current use of illicit narcotics. What it suggests is encouraging: While many people may experiment with drugs, relatively few stay with them.

It is assumed that because responses to the poll questions involving use of an illegal substance were voluntary, the amount of drug use they reveal may be understated. Even so, the increase attested to by the results of this poll is alarming. In general, the survey shows a great many young people involving themselves in an area that is foreign to most of their parents, and almost totally unknown to their grandparents. For example, among those in the survey aged 61 or older, only 2 percent said they have ever used marijuana and 1 percent said they have used cocaine. Only 1 percent in that age group said that they use either drug frequently, and only 3 percent said they have friends who use these narcotics.

Similarly, among those aged 45 to 60, only 8 percent said they have tried marijuana and 3 percent said they have used cocaine. None admit to being frequent drug users; only 3 percent said they use them occasionally. But among this group, 20 percent admitted to having friends who used either marijuana or cocaine.

Among people between 31 and 44 years old, 34 percent said they have used marijuana and 8 percent said they have tried cocaine; 4 percent admitted to being frequent or occasional users, and almost half—44 percent—said they have friends who used one of the drugs.

As for those aged 18 to 30, 49 percent said they have used marijuana, 20 percent said they have used cocaine, and 8 percent said they currently used one of the drugs frequently or occasionally. Two of every three said that they have friends who used one of the two drugs.

Among this last group, men and women reported having experimented

with marijuana to about the same degree. Men, though, are most likely to have tried cocaine, and are also more likely to be using either of the drugs today. In the 18- to 30-year-old age bracket, for instance, 53 percent of the men interviewed and 47 percent of the women say that they have used marijuana in the past; 25 percent of the men and 16 percent of the women said that they have used cocaine; 12 percent of the men in that age group but only 5 percent of the women admitted to using marijuana currently; for cocaine the figures are 5 percent among men and 2 percent among women.

These comparisons among generations indicated dramatically how much the drug problem has grown, especially in places that were not the least affected not long ago. We must continue to fight this dangerous trend and remain unrelenting in our efforts to curb the pervasiveness of illicit narcotics in our society. As chairman of both the Senate drug enforcement caucus, and the Senate Subcommittee on Children, Family, Drugs and Alcoholism, I will continue to do whatever I can to make young people aware of the danger and destruction of the use of drugs, until I see that statistics like the ones reported in this survey are decreased to zero use, by every age group.

Mr. President, I ask unanimous consent that the Washington Post-ABC News poll be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON POST-ABC NEWS POLL

More than one in four Americans admits having experienced with cocaine and almost one in ten admits having tried cocaine, according to a Washington Post-ABC News nationwide survey. And while very few say they use either drug today, substantial numbers of people say they have friends who do use them.

Q. Have you ever used marijuana or hashish . . . cocaine? Are you using marijuana or hashish . . . cocaine these days? Do any of your friends use marijuana or hashish . . . cocaine?

[In percent]

	Have used	Use now	Friends use
Marijuana or hashish	28	4	37
Cocaine	9	1	17

Q. How would you compare alcohol abuse to drug abuse in the community where you live: Which would you say is more of a problem?

[In percent]

	All people	Age 18 to 30	Age 31 and older
Alcohol is more of a problem	38	47	34
Drugs are more of a problem	36	37	35
Both equal/no difference	20	15	23
No opinion	6	2	8

Q. How much trouble have drugs caused in your family? How much trouble has drinking caused in your family?

[In percent]

	Drugs	Drinking
A great deal of trouble	4	16
A fair amount of trouble	2	10
A little trouble	3	7

From a nationwide telephone poll of 1,503 people, May 9–13.

[In percent]

	People aged 18 to 30	People over age 30
East	58	21
Midwest	44	17
South	40	15
West	67	17
Big cities	57	30
Suburbs of big cities	49	16
Small towns	49	13
Rural areas	39	14

STURGIS, SD, HONORS SQUIRE BROEL

Mr. PRESSLER. Mr. President, this Saturday, there will be a gathering in Sturgis, SD, to honor one of our State's finest citizens, Squire Broel, for 50 years of service as a fireman.

Squire began his fire-fighting career in 1935, when he was only 17 years old, in his hometown of Lesterville. Even before formally joining the local volunteer fire department, he and several teenage friends used to pitch in to help fight fires in the Lesterville area. On those occasions, Squire performed with so much enthusiasm that he was invited to join the department.

One of his first jobs as a volunteer fireman was squeezing into the trunk of a car, to serve as the "human hitch" for a chemical cart which had to be pulled to all fires. Hanging onto that cart while careening down country roads at 50 miles an hour in all kinds of weather took the kind of dedication and toughness that has marked all of Squire's subsequent career.

In 1951, he moved from Lesterville to Sturgis, to take up a job with the Fort Meade Veteran's Hospital Fire Department. In 1953 he became crew chief at Fort Meade, and in 1961 he was promoted to fire chief, a position he held until his retirement from Federal service in 1978.

Leaving his paid fire-fighting position, though, did not end Squire's fire-fighting career. He continues to serve with the Sturgis volunteer department and to teach fire safety in schools in several States.

Squire is a member of many organizations: the South Dakota Firemen's Association; Black Hills Safety Council; Black Hills Fire District—of which he is a charter member and past president; South Dakota Fire Chiefs' Association; and the International First Aid Association. In 1964 he was named Federal Civil Servant of the Year, and in 1977 was selected by the Keep South Dakota Green Association as Fireman of the Year.

In 1940, Squire married another native South Dakotan, Evelyn Hladky. Squire and Evelyn have three grown children—Larry, Carolyn, and Jean—and five grandchildren.

I know I speak for all South Dakotans in saying "thanks" to Squire for his five decades of dedicated service and "best wishes" to all the members of his family who have helped and supported him through these years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1200, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

AMENDMENT NO. 618

Pending: Symms Amendment No. 618, to provide that no agency or instrument of the United States, or any corporation or other entity created by act of Congress shall extend any loan or other form of credit of whatever nature to any government or agency thereof, of any country in North America which allows access to its ports to any nuclear weapons delivery-capable Soviet naval vessel (except vessels in extremis) at any time after September 20, 1985.

The PRESIDING OFFICER. The pending question is on amendment No. 618, by the Senator from Idaho [Mr. SYMMS].

Mr. SIMPSON. Mr. President, that is the pending business as per the agreement.

I yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that the name of the distinguished chairman of the Senate Committee on Banking, Housing, and Urban Affairs, the Senator from Utah [Mr. GARN], be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that the distinguished chairman of the Agriculture Committee [Mr. HELMS] be added as an original cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 619

Mr. SYMMS. Mr. President, I send to the desk a perfecting amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 619 to amendment numbered 618.

Add at the end of the Symms amendment numbered 618 the following additional section:

"Section —. Congress declares that the Monroe Doctrine should be and is the national policy of the United States of America."

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, do I correctly gather that there will be no real debate on that amendment or the perfecting amendment? Is that the intent of the sponsor?

Mr. SYMMS. No. The sponsor would like to debate the amendment at this time; but if the manager of the bill has other amendments, I am willing to temporarily lay aside the amendment so that he can go ahead and process the amendments.

I have a speech on the way over which I can work in at the pleasure of the Senator from Wyoming.

Mr. SIMPSON. I shall make some remarks on the amendment and ask that they appear appropriately in the RECORD after the argument by Senator SYMMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings occurred later in the day and are printed at this point by unanimous consent:)

Mr. SYMMS. Mr. President, at the appropriate place in the RECORD earlier today, I asked a unanimous-consent request that the distinguished chairman of the Banking Committee, Senator GARN, be added as a cosponsor to my amendment, and I would like to add to that unanimous-consent request that the distinguished chairman of the Agriculture Committee, Senator HELMS, be added to the amendment as an original cosponsor. And I would like to have my remarks continue on at that place in the RECORD right after I had the floor earlier today when I introduced the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, this amendment (No. 619) is sponsored by the chairman of the Armed Services Committee, Senator GOLDWATER, Senator TRIBLE, Senator GARN, and Senator HELMS. If other Senators wish to be a cosponsor, I will be pleased to add their names.

Mr. President, I wish to remind my colleagues what this amendment says. As I commented Friday when I introduced the amendment, it is basically self-explanatory, but I am going to reread the amendment and the perfecting amendment just to set the stage for my very brief remarks which I shall make in support of this amendment.

The amendment No. 618 reads:

At the appropriate place, insert: "Notwithstanding any other provision of law or of this Act, no agency or instrument of the United States, or any corporation or other entity created by act of Congress shall extend any loan or other form of credit of whatever nature to any government or agency thereof, of any country in North America which allows access to its ports to any nuclear weapons delivery-capable Soviet naval vessel (except vessels in extremis) at any time after September 20, 1985."

The perfecting amendment reads:

Add at the end of the Symms amendment numbered 618 the following additional section: "SEC. . Congress declares that the Monroe Doctrine should be and is the national policy of the United States of America."

Mr. President, I know the distinguished Senator from Wyoming, the floor manager of the bill, does not want to discuss this amendment or to debate it. I understand that floor managers and chairmen of committees normally take the position that they do not want to expand the debate to the particular subject on which they are working which would further complicate the passage of the legislation.

But, no matter how well-intended Members of the Congress of the United States are with respect to controlling the U.S. border, if we ignore the implications of the extension of the evil empire of the Soviet Union into the Western Hemisphere, no piece of paper, no law is going to stem the tide of people voting with their feet, seeking freedom in the United States. If most of the Members of this body were in the position of many people just south of the border, or fellow Americans who happen to be Mexican citizens instead of U.S. citizens, we, too, might feel constrained to vote with our feet and come into the promised land, the United States of America.

The purpose of the amendment is to say that we cannot in this hemisphere be a good neighbor to our friends in Mexico and have them think we are going to approve their flirtations with the Soviet Union, because if the Soviet Union makes it a habit of having their naval vessels make ports of call at Vera Cruz or other ports in Mexico, the Soviets will have an ultimate motive which will, of course, be to extend their revolution into Mexico.

Mr. President, I remember well a seminar in 1982 over in the Dirksen Building at which I had the privilege of introducing the dean of the Northwest delegation, the late Senator Scoop Jackson. He said that the Soviets and the Cubans are not interested in just El Salvador; their target is not just Nicaragua; it is not just Honduras or Costa Rica. The main Soviet target is Mexico, because once they can stir up a revolution in Mexico, it will have all kinds of spillover into the United States. I think it directly affects the implications of this legislation.

The purpose of this legislation has been stated very clearly and most eloquently by the authors and by the floor managers of this bill, and it is to help control the U.S. borders, a very noble and necessary cause. But if we ignore the other implications of geopolitical struggles of the Soviets in trying to extend their influence into this hemisphere, we will certainly find that the impact of this legislation, if it is to have any impact on controlling borders, will evaporate rapidly into thin air.

Mr. President, I want Senators to understand that a vote against these two amendments should be interpreted as a vote in favor of Soviet nuclear naval squadrons using Mexican ports and a vote against the Monroe Doctrine. I interpret votes against the amendments in this fashion, and I believe the American people would interpret them this way.

I hope the Senator from Wyoming, the floor manager of the bill, will not move to table this amendment, as he has said. I hope he will choose not to do that. I think it would be much better to vote straight up and down on this amendment and have a resounding, strong clean vote in the U.S. Senate. If the managers of the bill at a later time felt it were necessary to dispose of it in conference, that would be another matter. But for us not to send a strong signal would be a very bad mistake.

I have been advised by my press assistant that he has already received a call from someone from the Mexican press, very concerned, that the Mexicans may be making efforts already in Mexico to disinvite the Soviets. I do not know whether that is true at this point. It has not been confirmed to me yet by written statement. But I think that if it is true, it demonstrates that our friends south of the border, who sometimes on the surface holler about the Yankees in the North, down inside will respect us when we take a very strong stand.

Mr. President, if my two amendments receive a motion to table them, then a vote to table my amendments is a vote in favor of Soviet nuclear naval

squadrons using Mexican ports, and a vote against the Monroe Doctrine. The Monroe Doctrine has been the fundamental principle of American foreign policy for almost 162 years. I want Senators to be aware of how I and the American people will interpret their vote on my amendment. They will hear more about the Monroe Doctrine between now and November 4, 1985.

Mr. President, on September 14, 1983, President Reagan stated that the Soviet Union had "abrogated" the 1962 Kennedy-Khrushchev agreement by deploying "offensive weapons," including several types of nuclear delivery-capable vehicles and even probable nuclear storage and handling facilities, to Cuba.

Mr. President, Cuba is within the geographical area covered by the constraints of the Treaty for the Prohibition of Nuclear Weapons in Latin America, and the Soviet Union is a signatory to protocol II of the treaty recognizing those constraints. These Soviet offensive weapon deployments to Cuba raise concerns about whether the Soviets may already have also violated protocol II to the treaty. My distinguished colleague, the Senior Senator from Idaho, Senator McCLURE, charged the Soviet with violating protocol II to the treaty of Tlatelolco as early as 1983, by their nuclear deployment to Cuba.

Mr. President, the self-avowed Marxist-Leninist Sandinista government of Nicaragua, supported by Communist Cuba and the Soviet Union, has proclaimed a Marxist-Leninist "revolution without borders" throughout Central America.

The Sandinista government of Nicaragua reportedly requested that the Mexican Government invite the Soviet Union to send a Soviet naval squadron to visit Mexican ports as a gesture of Mexican solidarity with the Sandinista Marxist-Leninist "revolution without borders."

All Soviet naval squadrons are escorted by Soviet submarines, and all Soviet submarines are capable of firing from their torpedo tubes the long range, nuclear armed SS-N-21 cruise missile. Moreover, most major Soviet surface combatant naval warships carry nuclear weapons aboard. We have therefore got good reason to suspect that the Soviet naval squadron en route to Mexican ports carries nuclear weapons.

The reported Mexican diplomatic support for Castro's Cuba and evident solidarity with the Sandinista's Marxist-Leninist "revolution without borders" could result in the displacement of 10 million or more innocent refugee "feet people" from Central America, fleeing Marxist-Leninist revolution there across U.S. borders.

These 10 million or more Central American "feet people" refugees could vastly increase the U.S. illegal immigration problem. This bill is intended to deal with this whole problem of Mexican and Central American immigration. This would mean that we would not be discussing people who come here to work, who are only seeking employment to earn money to take back to their country to raise, feed, clothe, and house their families. The Soviet-Cuban-Nicaraguan "revolution without borders" we are talking about concerns people coming here to become permanent residents of the United States, as political refugees, and it could greatly compound our problem. The Mexican Government seems to be sympathizing with the Sandinistas by agreeing to invite the Soviet nuclear delivery capable naval squadron.

The Mexican Government reportedly also sympathizes with the Cuban attempt to create Latin American "debt bomb" by refusing to pay interest on bank loans, which could also add to regional economic and refugee problems.

The Mexican Government also seems to sympathize with the Sandinista in the Contadora negotiating process.

Mr. President, it is my opinion that it would be a wise and prudent move on the part of the President of the United States to request an urgent emergency meeting of the Organization of American States for the purpose of:

First, invoking the verification of violations and compliance enforcement provisions of the Treaty for the Prohibition of Nuclear Weapons in Latin America—the Treaty of Tlatelolco—and;

Second, for the purpose of determining whether Soviet-Cuban-Nicaraguan export of Marxist-Leninist revolution in the Western Hemisphere also constitutes violation of the terms of the 1962 Kennedy-Khrushchev agreement, as explained by President Kennedy on November 20, 1962.

Mr. President, I believe further that the President of the United States should request an "extraordinary consultation" meeting of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America, in order to investigate whether Mexico has violated the treaty or if the Soviet Union has violated Protocol II to the treaty, including a request for a report on a "special inspection" of the Soviet naval vessels visiting any Mexican or Cuban port to ascertain and verify whether nuclear weapons are aboard. I believe that in the event that nuclear weapons are detected aboard vessels of the Soviet naval squadron in either Mexico or in Cuba, that the President of the United States should request an urgent, emergency meeting of the signatory states of the Treaty for the Prohibition of Nuclear Weapons in Latin America, in order to determine if Mexico has violated the Treaty of Tlatelolco, and if the Soviet Union has violated Protocol II of the treaty and to discuss punitive measures resulting from such violations.

Mr. President, I say again, in summary, that the purpose of the amendment is very straightforward. The purpose of the amendment is to let our Mexican friends know that we will not tolerate their invitation of Soviet nuclear naval squadrons and continue then to make loans available and provide other acts of generosity to our friends in Mexico. The Mexican Government has to make up its mind at this point whether they are going to be friends of the United States or friends of the Sandinistas, the Castro Cubans, and the Soviet Bolsheviks. The Sandinistas are certainly no friends of ours. They are self-avowed Marxist-Leninists.

We cannot tolerate and will not tolerate their "revolution without borders" and will at least voice our objection and our appeal to our freinds in Mexico that they are running a high-risk operation by inviting the Soviets in, when the goal of the Soviets has long been, as the late Senator Jackson said, to stir up a revolution in Mexico so that the United States will have to face an Iranian type revolution or a Marxist-Leninist on our border in Mexico, which would create all kinds of severe problems with respect to our security.

In many ways, I believe that a revolution of a Marxist type and Leninist type in Mexico could bring about the situation where NATO could be threatened because American troops might have to be brought home from Europe to protect our own borders along the southern part of the United States.

There are all kinds of problems that would happen, with terrorist training in Nicaragua today, whether they were coming in legally or illegally, working in the United States, but infiltrating the country, and then starting to perform all acts of terrorism. Dangerous drugs of all kinds are being smuggled into the United States by Castro's Cuba and Sandinista Nicaragua.

There are all kinds of implications here.

I hope my colleague from Wyoming will reflect on this amendment. I offer it most sincerely, as a way to make a serious statement on the part of the Senate.

Maybe there could be some accommodation worked out with the distinguished Senator from Wyoming. But I would hope that he would give serious and long thought before offering a motion to table this because a motion to table this amendment certainly if it were tabled would send a very weak message from the U.S. Senate, a mes-

sage that says it is OK if Soviet ships are making ports of call in Mexico with nuclear weapons on board, it is OK that we are going to table the Monroe Doctrine, the fundamental principle of America Foreign policy.

Mr. President, I ask unanimous consent that the following three newspaper articles related to my amendment be printed in the RECORD.

First, the Washington Times, September 13, 1985, front page article by Bill Gertz entitled "Nuclear-Capable Soviet Ship Scheduled To Dock in Mexico";

Second, the Washington Times, September 13, 1985, by Fred Hiatt, entitled "Soviet Navy's First Port Visit to Mexico Set; and

Third, The Washington Post, September 16, 1985, by Bill Gertz, entitled "Amendment Would Squeeze Mexico To Bar Soviet Ships."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 13, 1985]

NUCLEAR-CAPABLE SOVIET SHIP SCHEDULED TO DOCK IN MEXICO

(By Bill Gertz)

A major Soviet warship capable of carrying nuclear weapons is expected to visit a Mexican port for the first time early next month, administration sources said yesterday.

The warship, which will be escorted by several other vessels, is said to be headed toward Veracruz on the Gulf of Mexico, the intelligence sources said.

The Defense Department declined to comment on the report.

But the Mexican port call will mark the first time a Soviet Navy group would have docked in Mexico, a department spokesman said.

"They've docked in Cuba, but I don't think they've ever gone to Mexico before," Pentagon spokesman Robert Percha said of past Soviet naval groups.

An administration source said the major ship of the group appeared to be a cruiser or Kashin-class guided-missile destroyer. Kashin-class ships run on non-nuclear gas turbine engines and were first deployed during the 1970s.

The source would not say if the warship carried nuclear weapons. But he said the contingent of ships included "a major warship, and major Soviet warships usually carry nuclear weapons."

Another defense expert said the Soviet naval group included a Kirov-class cruiser, the most modern Soviet battle cruiser and one capable of firing nuclear and non-nuclear cruise missiles.

If the Soviet ships carry nuclear arms, the port call would violate the 1967 Treaty of Tlatelolco, which was signed by 14 Latin American nations, including Mexico, the expert said. It outlaws the "any form of possession of any nuclear weapons" by the signatory states.

One of two additional provisions to the agreement that was signed by the United States and the Soviet Union states that the nuclear powers will observe 1967 treaty provisions that create, in effect, Latin Amerian "nuclear-free" zones. Cuba did not sign the agreement.

One defense expert said the Soviet naval group was invited by the Mexican government at the behest of the Sandinista regime in Nicaragua.

Mexican Embassy spokesmen Leonardo French-Iduarte said he had no information about the expected Soviet naval unit.

One congressional defense expert said the naval operation was part of an effort to embarrass the United States prior to the summit meeting between President Reagan and Soviet leader Mikhail Gorbachev in November.

In the past, Mexico has disagreed with U.S. polices in Central America, specifically U.S. efforts to isolate the Sandinista regime, but only recently improved its diplomatic relations with Nicaragua.

"All three nations are doing this in order to thumb their noses at American security concerns," said the congressional source.

The squadron of ships currently is preparing to leave for Mexico from ports in the Soviet Union, he said. It is not known if the Soviet ships will stop in Cuba to join Cuban naval forces.

Another government source, speaking on background, confirmed that the Soviet ships would make their first stop in Mexico at the east coast port of Veracruz, located on the coast about 500 miles south of Brownsville, Texas.

Soviet naval squadrons have sailed to Cuba every year since 1969. The groups normally consist of a sixship contingent, and last year the group included a Cuban submarine in maneuvers held in the Gulf of Mexico near New Orleans and Houston.

In the summer of 1984, a Soviet aviation cruiser, a destroyer and a Cuban frigate held the first joint Soviet-Cuban naval maneuvers in the Gulf of Mexico.

One defense expert said the expected Soviet naval visit to Mexico is the result of a retrenchment of U.S. policy toward the 1962 U.S.-Soviet exchange limiting offensive weapons in Cuba. In 1962, President Kennedy and Soviet leader Nikita Khrushchev agreed that the United States would not invade Cuba if the Soviets pledged not to introduce "offensive weapons" in Cuba. There also was an understanding that Cuba would not attempt to export revolution.

Last month, President Reagan stated that the Kennedy-Khrushchev exchanges "had no legal standing." The issue is expected to come up in the November summit.

But a 1982 State Department legal memorandum on the agreement urged the White House to regard the bilateral pact that grew out of the Cuban missile crisis as "legally binding understandings."

"In sum, it appears that the 1962 agreements recognize that we have the legal right to use reasonable and proportionate force to prevent placement of weapons in Cuba, which we perceive as directly threatening our security," the secret memo states. It was written while Alexander Haig was secretary of state. Mr. Haig had threatened to "go to the source"—a reference to Cuba—in order to curb Latin subversion.

[From the Washington Post, Sept. 16, 1985]

SOVIET NAVY'S FIRST PORT VISIT TO MEXICO SET

(By Fred Hiatt)

Two Soviet warships are expected to pay a port visit to Mexico for the first time next month, U.S. officials said yesterday. The State Department expressed "concern" about the visit in a message to the Mexican government.

The planned visit is "significant," one official said, because until now Soviet naval deployments to the Caribbean Sea have included port calls only in Cuba.

"Obviously, we're concerned about the Soviet ability to move their ships in and out of the Caribbean," a State Department official said. "Mexico is an independent country and they can do what they want, but we have made our concerns known."

A Kashin guided missile destroyer and a Krivak guided missile frigate are expected to visit the eastern Mexican port of Veracruz Oct. 4, U.S. officials said. The vessels are now in the North Atlantic Ocean steaming toward the Caribbean.

A spokesman for the Mexican Embassy here, Ricardo Ramirez, said he had no information about such a visit and that the naval attache here also had not been informed.

"I don't know what the big concern is about," Ramirez said. "I know that American ships have been in Mexico, and European ships, many times."

The Reagan administration has expressed concern in the past about what it calls Soviet efforts to increase the U.S.S.R.'s influence in Central America and the Caribbean region.

"This is a brand-new thing we haven't seen before," the official said "They have a blue-water navy now, and they're using it as you'd expect, for political presence."

Defense Department officials said that the Soviet navy has visited the Caribbean 24 times since it began conducting exercises there in 1969. Last year five ships—three warships, an oiler and a submarine—conducted exercises in the area and the year before that, the Soviets sent a helicopter carrier to the area for the first time.

The Soviet ships ordinarily exercise with Cuban vessels and then steam into the Gulf of Mexico, not far from Texas or Louisiana, on what Navy officials call a "presence mission."

[From the Washington Times, Sept. 16, 1985]

AMENDMENT WOULD SQUEEZE MEXICO TO BAR SOVIET SHIPS

(By Bill Gertz)

Sen. Steve Symms, R-Idaho, has introduced an amendment to an immigration bill that would cut off all new loans to Mexico if the Mexican government permits a squadron of Soviet naval vessels with nuclear weapons to dock at an east coast port next month.

The amendment was designed to pressure Mexico into altering its support for revolutionary Latin American states that indirectly create illegal immigrants to the United States through political refugees, an aide to Sen. Symms said yesterday.

"Sen. Symms believes that the Mexican encouragement of the Sandinista and Cuban Marxist-Leninist revolution without borders can only increase the influx of 'feet people' from the entire region into the United States illegally," said a Symms legislative assistant, who asked not to be identified.

The aide said the amendment was prompted by news reports that Mexico had invited a Soviet naval squadron, including ships capable of carrying nuclear weapons, to make a port call at the Mexican city of Veracruz.

Administration sources said last week the naval squadron would make the first port call by the Soviet navy to Mexico early next month.

The sources said the squadron would include an unspecified "major" Soviet warship and that such ships usually carry nuclear weapons.

There have been conflicting reports as to the type of ships that are expected to go to Mexico. Administration sources said the ships could be a Kashin-class guided-missile destroyer with support ships, Krivak-class frigates or Kirov-class cruisers.

All of these ships can carry nuclear-tipped missiles, according to Pentagon assessments of Soviet naval capabilites.

Mexico and 13 other Latin nations have banned nuclear weapons from their countries since 1967 through the Treaty of Tlatelolco. An additional provision of the treaty was signed by the Soviet Union pledging that the world's nuclear powers would observe the limits of the Latin American "nuclear-free" zones by not introducing nuclear weapons into the region.

The Symms amendment, expected to be discussed in the Senate today, states no loans or credits can be granted by any U.S. government agency or any entity created by an act of Congress to any country "which allows access to its ports to any nuclear-capable Soviet naval vessels" beginning Sept. 20.

On Friday, the Senate approved an amendment to the sweeping bill designed to curtail the flow of illegal immigrants requiring states to check the status of aliens applying for government benefits, including welfare, food stamps and Medicaid.

The proposal, sponsored by Sen. Paula Hawkins, R-Fla., was approved by a voice vote and is estimated would save taxpayers between $3 and $10 billion a year. A move to kill the proposal died on a 58-31 vote.

The Senate also rejected, 62-26, a proposal by Sen. Edward Kennedy, D-Mass., that would expand the number of illegal aliens eligible for amnesty. The bill, as sponsored by Sen. Alan Simpson, R-Wyo., would allow illegal aliens who have been in the United States since before Jan. 1, 1980, to become U.S. citizens.

The Kennedy proposal would have moved the amnesty date to Jan. 1, 1981.

Sen. Symms may introduce additional wording to the immigration bill amendment today that will call for emergency meetings of the Tlatelolco treaty signatories to investigate if the Soviet ship visit will violate the treaty.

The Symms aide said the amendment is part of a conservative political effort to counter the attempted "debt bomb"—a political idea dropped by Cuba's Fidel Castro last month that calls on some 30 Latin nations to renege on their estimated $360 billion debt to international banks.

The Mexican government owes $95 billion to foreign banks, including $27 billion to U.S. banks, and in recent months has been looking for ways to alleviate its debt repayments in the face of mounting domestic economic problems.

Mr. SYMMS. I yield the floor.

Mr. SIMPSON. Mr. President, I think all of us would share Senator SYMMS' concern over the Soviet attempt to project their naval presence in the region. But this proposal, in my mind, is not an appropriate way to deal with the issue and certainly is not appropriate to deal with the issue on this legislation. I know you have heard me say that before. But I could not say it with any greater clarity here than this is not the place for this amendment, just as I felt it was not the place to deal with the English language amendment.

It is a very sensitive issue as we deal with Mexico when we are talking about reform in our own immigration laws, especially when it has to do with illegal immigration.

Senator SYMMS has outlined a scenario of people coming to the great El Norte and it is true, and our job is not to clang shut our doors. Our job is to close the door to illegal immigration and thus we leave open the door to legal immigration—that is our history and heritage and our compassion. That is what we are about.

The United States has a terribly strong interest in Mexico's economic recovery and development. I submit that just this morning there was another article in the Washington Post with regard to difficulties that may arise about new loans to Mexico being in doubt, U.S. bankers saying that the performance is weak and not what they had anticipated.

That makes it even more difficult for a country running a deficit of some—I believe it was $96 billion—they have postponed repaying $96 billion and have indicated that they need another $2 or $3 billion and I think their quest for credit will be a very, very difficult one which puts pressure on Mexico and puts a lot of pressure on us.

I think we have a strong interest in Mexico's economic recovery and development, and under this proposal cutting off of United States loans or credits to Mexico on a government basis, or on a United States bank and financial institution basis, would certainly not at this time be in our national interest, even though I understand fully what is being attempted here.

I am also advised it has been suggested that the Soviet naval visit to a Mexican port would violate the Treaty of Tlatelolco, which established a nuclear-free zone in the Americas. I do not think that is fully correct. The negotiating history of that treaty apparently shows clearly that the treaty does not apply to port calls by ships that are capable of carrying nuclear weapons.

But in any event I do know this: It is a very tough issue. It is a very substantive issue. It is a very complex issue.

I wish the chairman of the Committee on Foreign Relations, Senator LUGAR, were here to add to the dimension of the debate. I am sure it has very serious consequences and I do not doubt that you have had a response from the Mexican Embassy today.

Indeed, it is going to require hearings. It is going to require debate in committee and markups by those Senators with the expertise in this area and particularly those Members on both sides of the aisle who are on the Foreign Relations Committee.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. SIMPSON. I certainly yield for a question.

Mr. SYMMS. I thank the Senator for yielding. I want to say I do not know—I think the Senator may have been off the floor, but among the distinguished sponsors of this amendment include both the chairman of the Armed Services Committee and the chairman of the Banking Committee. So there has been in both of those committees—of course, we will have a jurisdiction—some keen interest in it with the Banking having the responsibility of looking into the loaning institutions, and there is nothing about this amendment that would in any way jeopardize continued American loans for economic development in Mexico, as long as the Mexicans would not invite nor have the Soviet Navy making ports of call in Mexico with nuclear weapons. There is a way out of it that certainly could be arranged, I am sure. That is for the Mexicans to cancel the Soviet nuclear naval squadron visit.

I thank the Senator for yielding. I just wanted to make that observation.

Mr. SIMPSON. I appreciate, Mr. President, those comments, as further explanation.

After we deal with this issue and the yeas and nays have been asked for, at the appropriate time in the debate and at the time the issue is considered I will move to table not on the basis of any kind of debate of substance of the issue, because I am not prepared to deal with the Treaty of Tlatelolco, which is something I am not familiar with. But the Foreign Relations Committee needs to take this up. Those with expertise in this area need to take it up. It is obviously a critical, critical national issue with our most sensitive neighbor, and I mean that Mexico is a sensitive neighbor and one that we must deal with in a very sensitive way, and certainly with the Contadora process we must have their help. In fact, we will never solve anything in Central America unless Mexico is aboard.

In many ways in many countries in Central America we are still known as the gringos, and without the support and help of our marvelous neighbors to the south those issues will never be resolved. Unless we keep a very sensitive relationship with them, I really fear what could come. I say that without high drama. I just know that is the case.

I know the spirit and the intent of this because I know the way the Senator from Idaho follows the foreign policies of this country and especially as it relates to an area very close to home and that is Central America and Mexico, and I just feel that this is not

the time nor the place for this amendment.

Mr. SIMON. Mr. President, I join my colleague from Wyoming in suggesting this is not desirable.

Candidly, on the nuclear-free zone I do not know enough about it to know whether this violates that agreement or not. But it is certainly something that we should check out.

I think, however, the resolution is counterproductive. I think in general we, the United States, are trying to run our Government as effectively and as well as we can. We should hold to a minimum any attempts to try and dictate to other countries what they should be doing.

Rightly or wrongly, the United States is viewed in Latin America as a bully and an exploiter to a great extent.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. SIMON. Just 3 minutes and I will be pleased to yield to the Senator. Let me just finish my remarks.

Partially, that reputation as a bully and an exploiter is deserved, and partially is not deserved, but it is the reality, it is the perception.

If there is objection on the part of this administration for that Soviet ship visiting there, then what we should do is have at the ambassadorial level a quiet message given to the Government of Mexico. But what would be clearly counterproductive is for us to reinforce the bully image and say, "We do not want you to accept a Soviet ship into your harbors."

If one came into the United States, we would not let Mexico tell us what we could or should do.

I remember some years ago our family drove down the Pan American Highway to San Jose, Costa Rica, a trip I would not recommend to anyone today. But in San Jose, we visited with Jose Figueres, who was then the President of Costa Rica, who I had known slightly before. And in his living room was one autographed picture. It was an autographed picture of Hubert Humphrey. This was before I was ever in the U.S. Congress. It was right after Richard Nixon became President of the United States. I said, "I am curious, Mr. President, why do you have this autographed picture of Hubert Humphrey there?" He said, "We sense that Hubert Humphrey cares about us."

I think what we have to portray to Latin America today is that we care, not that we are trying to use them and manipulate them as some kind of pawn in an East-West struggle.

I am afraid, with all due respect to my friend from Idaho—and I respect his sincerity on this, and I certainly have no objection to the addendum on his original amendment—but I think it is counterproductive. I think Scoop Jackson was right in what he told you; that our former colleague was correct in saying this is an area of difficulty.

But Senator SIMPSON is also correct. If we cut back on loans and other programs of assistance to Mexico, inevitably you are going to encourage not discourage extremism. I think we have to recognize that Mexico and other countries in this hemisphere are going to do their own thing. Sometimes they are going to do things that we do not like. And we have to let them do that. I would just as soon that Soviet ship was not entering a Mexican port. But I think we have to let Mexico do her own thing.

If this administration feels strongly, let the message be conveyed quietly, not by a resolution from Congress. That kind of public display, an independent nation is going to resist and they are not going to want to look like they are buckling under to the United States.

So, I hope that we will reject this amendment. I know it is well-intentioned. I think it is counterproductive for what the Senator wishes to do.

I yield the floor.

Mr. SYMMS. Mr. President, I have known my good friend from Illinois, the distinguished junior Senator from Illinois, for many years now. We served together in the other body. But it just absolutely amazes me, the vision somehow of the establishment viewpoint here in Washington, DC, that has dictated our foreign policy, whether it be Republican or Democratic Presidents in the White House. But we seem to have a consistent foreign policy, and I think the distinguished Senator from Illinois in many ways gave the typical establishment argument—let us just leave everybody alone.

Now that is not the argument we heard around here last week when we were talking about South Africa. Then we were going to get in there and dictate to them. We are going to tell South Africa how to run their affairs. That is a different matter.

I have a foreign policy I think that I pretty consistently stay with. It is very simply: You support your friends and you oppose your enemies. I hope that Mexico will always be our friend. But I think if we start allowing their flirtations with a nation which is, obviously, the adversary of freedom in the world, the Soviet Union—they have averaged killing 500 people a day since the inception of their evil empire, averaged 500 people a day since 1917—then we are asking for trouble. We are asking for a Soviet supported Mexican Marxist—Leninist revolution; which would send into the United States precisely the huge influx of "Peet People" which we are presently trying to cope with in this bill.

Now, I do not know what it takes to have this Congress not have a double standard. It was only a few years ago that we were talking about how bad Mr. Somoza was. He is terrible. So this Congress voted aid to the Sandinistas. If I remember it correctly, $170 million of taxpayers' dollars of the United States went to finance the Communist Government of Nicaragua. Oh, General Somoza the dictator, he was terrible. That is what we heard all the liberals say, "He is terrible." They had three old World War II tanks in the Nicaraguan Army and 12,000 not too well-trained soldiers in the national police of the Nicaraguan Army. What do they have down there today? One hundred sixty modern Russian tanks, 12 Hind helicopters, over 120,000 armed men. There is some evidence there has been some chemical warfare—yellow rain—used in Nicaragua. They have massacred the Miskito Indians; they have persecuted the Nicaraguan Jews. Yet somehow we turn our back on that.

I would also like to point out to my colleagues that may be naive as to the leftist viewpoint that is carried out time part of the leadership, not all of the leadership put part of the leadership, of the Mexican Government. Foreign Minister Sepulveda is reported reliably to be a member of the board of trustees of an extreme left wing foreign policy institute in Mexico City which was orginally founded by Comintern. This left wing international institute may still be funded by the KGB, this institute of foreign policy in Mexico City. I do not have proof of that, but I have been reliably informed of this fact.

I simply say to my colleagues that it is about time that this Congress and this Senate take a stand for what it is we are for and what it is we are against. We are for enforcing the Monroe Doctrine, which means keeping our Bolshevik enemies out of the Western Hemisphere. That was what the October 1983 Grenada operation was all about.

I, for one Member of this Senate, am not in favor of having Soviet ships start making ports of call in Mexico if we are going to continue to finance, through our taxpayers' dollars, all kinds of loans to the Mexican Government and have our banks in this country financing business activities in the Mexican Government which we the taxpayers may end up having to eat someday if they do decide not to pay back those loans. I think there is a good case.

I just say that the double standard of this Congress applies to the very eloquent remarks that my friend, the Senator from Illinois, made. He made a very eloquent statement. That certainly was not what he was saying when the South Africa bill was on the floor. That was a different matter at that time. There was a totally different situation.

South Africa has opposed the extension of the Soviet empire into the African Continent. They have fought on our side in the two world wars and have been an ally of the United States, and yet it is OK to dictate to them by economic sanctions or other actions, to stop bank loans, to stop doing business with them, to do anything you can to kick them around, to make them do what we think—we, the moral policemen of the world think—should be done. But it is not all right to try to stand up to resist expansion of the Soviets' evil empire into the Western Hemisphere. That is what this is about. I am not in favor of a double standard of dictating sanctions to our anti-Communist allies, but not sanctioning the leftist Mexican Government when it attempts to flirt with thé Soviets and Castro and Ortega.

If we are going to have an immigration bill that is going to work, we had better not disavow our history of the Monroe Doctrine. We had better not disavow and ignore the history of what happens when there are Communist revolutions taking place, because there are 120 million people that live between the southern borders of the United States and the Panama Canal.

What happened when South Vietnam fell? You know, that was at a time when the liberal establishment in the United States was condemning the evil Government of South Vietnam and praising Ho Chi Minh as though he was some kind of a wonderful patriot and a nationalist and he only had to use those things that he used in order to achieve his goals. And I see a very similar parallel to that in some of the same arguments we hear today of whether or not we should support the anti-Communists in Central America. But in South Vietnam, the Communists finally did achieve a victory. The U.S. Congress pulled the plug and refused to support the South Vietnamese army who had actually had a victory in the spring of 1972. They had defeated the North Vietnamese army on the field of battle, they were well underway toward winning that war. They had already won the war. But they were well on their way to having security within their own borders, and the U.S. Congress pulled the plug. Of course, after that happened, over 10 percent of those people left that country. Millions of people had to walk out through neighboring Cambodia, Laos, or flee on leaky boats in the South China Sea. It was very difficult to get on leaky boats, and sail off into the South China Sea hoping that they might be rescued. But still about 10 percent of them got out. The same thing has been true in every single case where the Communists have taken over a country. There are 120 million people, Madam President, between here and the Panama Canal. If that Marxist-Leninist revolution expands into Mexico, anybody that stands here in this Congress that has any idea, or thinks we will not have huge refugee camps all along the border from Texas through Arizona and California, New Mexico, are just simply ignoring reality.

People are voting with their feet right now, not illegal aliens that come in to work—undocumented workers I am speaking of now—but people who are coming in to stay, to escape what they think is less of an opportunity for them to enjoy the fruits of their labors that they might get here in the United States.

Madam President, I ask unanimous consent to add Senator HECHT, from Nevada, and Senator D'AMATO of New York to the list of distinguished cosponsors of both my amendments. List of cosponsors is as follows: GOLDWATER, GARN, TRIBLE, HELMS, HECHT, and D'AMATO.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. SYMMS. I think it always boggles my mind. It stretches the imagination that somehow we have a double standard. If a country is an anti-Communist country, it seems like it is very easy for the United States and the establishment type thinking in this country to somehow think it is OK to be holier than thou, be the moral policemen, put sanctions on them, but if we are turning around talking about the threat of an expansion of a Marxist revolution, then, no, no, we just want to leave them alone, let them do exactly what they want to do and hope that problem will go away.

I hope this amendment will not be tabled. I will discuss this more before tomorrow with the Senator from Wyoming. But I think it would be a mistake to table this amendment. I think it would send a poor signal to table this amendment. I think it could be worked out. I am sure there might be some way that we can work this out so we can have a clean vote on this amendment, I say to the Senator from Wyoming, and still not have it interfere with what he wants to do with respect to this legislation. But this amendment is more important. The implication of it is that the United States of America is not going to stand by idly with absolutely no resistance to the extension of the Soviet empire into the Western Hemisphere. That is what the amendment is all about. I am saying, Madam President, that the immigration reform package itself, when and if it is passed, signed by the President, and put into law will not be worth the paper it is written on if our foreign policy has no definitive purpose with respect to our Central American and our North American policy here in this hemisphere. We must not ignore the reason why the Monroe Doctrine was passed in the first place. It was valid then. Those reasons are valid today.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, because my name was used here, let me take 2 minutes to respond to my good friend. I do not think we have a dual standard here. No. 1, in South Africa we have been working quietly, diplomatically for years and years and years with institutional racism. We have asked for change. That change has not come. Now we are saying for the reasons the Senator from Idaho—even though we differ on the conclusions—one of the reasons we are asking for changes is not only do we abhor institutional racism, but inevitably change is going to come. It is going to come peacefully or violently. If it comes violently, the extremist forces in South Africa are going to take over just as sure as you and I are sitting in this Senate Chamber today.

The second thing that has not been mentioned in the discussion here is while I would much prefer for symbolic reasons that those Soviet ships not visit Mexican ports, the reality is there are Soviet ships a lot closer than Mexican ports in international waters right now with nuclear weapons, much closer than those Mexican ports. So as far as an immediate security threat to the United States, that is not posed by that visit. But symbolically, I would sooner not see it happen. I would like to see our friends in Mexico not permit it. But that is a decision they have to make. I think we would be wise to work diplomatically. I would finally ask my good friend from Idaho whether he has talked to the State Department about this, and whether quiet diplomatic initiatives have been taken.

Mr. SYMMS. I have not discussed it with the State Department today. I was back in my State since I offered the amendment on Friday. No, I have not currently, although the State Department in the past did support similar language which was supportive of the principles that are implied in this amendment with respect to the Monroe Doctrine. The State Department does support the Treaty of Tlatelolco.

Mr. SIMON. There is no question they support the treaty. I have a question, and I do not know whether this violates the treaty or not.

Mr. SYMMS. I do not know what their position would be, but I would be shocked if the State Department would not support anything as simple or straightforward as this amendment. I hope they will. They have, in the past, supported the Monroe Doctrine and the Treaty of Tlatelolco. But consistent with State Department diplo-

macy in the past, they probably would start telling me all the reasons why this set of amendments at this particular time might add complications to their diplomacy. The Senator and I do not argue that it would, if they cannot get a good understanding with our friends in Mexico, and I quite agree with my colleague when he says there are Soviet nuclear-capable vessels much closer to the United States. That is the case. It is unfortunate that it is the case. But I also say that I think it is more than symbolism to have Soviet ships and nuclear weapons in Vera Cruz. Everywhere the Soviets go there is constant effort on their part to politicize the situation, and to extend KGB efforts and operations. I think if they start making a habit of having Soviet ships call on Vera Cruz, in a few years they will be well ensconced in Vera Cruz as a naval base, if it is consistent with what they have done in the past.

As the Senator knows, back to the question about the support of the State Department, I hope they would support it, but they might support it in its text standing on its own; whether they would with respect to the immigration bill, I do not know. But the State Department can not disavow the Monroe Doctrine. But the speech which I gave just a few moments ago urges the OAS to find out if the Mexicans and the Soviets are violating that treaty, and also the Kennedy-Khrushchev agreements. The President has earlier stated that the Soviets are violating the Kennedy-Khrushchev agreements, as I said earlier. I think that the Soviets are clearly violating those agreements, just as they violate every agreement they make. They are very untrustworthy people to make agreements with, because they simply have a different set of ethics and standards than we have, and a different set of moral values. Their idea of an agreement is to stall off their opposition while they can keep on achieving their goals. Finally, they use these agreements to further their aims, and to further their goals and aspirations. So I would like to find out the question of whether or not the Soviets are violating the treaty. If the Mexicans are inviting them in, maybe the Mexicans are violating the treaty. If that is the case, maybe we can enforce the treaty, and not need language here. But I think we need to focus on this. It is a very serious concern.

Mr. SIMON. Madam President, I agree with my colleague. We ought to find out whether in fact there is a treaty violation here. My guess is the general counsel of the State Department can tell us. We do not need to go to the OAS for that. But I concur with my colleague from Idaho in saying he would be amazed if the State Department favored this amendment. I would be amazed, too. I do not always agree with the State Department. But I think in this instance they would be correct.

I yield back my time.

Mr. SYMMS. I think I should say to my colleague, if he will yield further, that the State Department is firmly on record of being in favor of the Monroe Doctrine, and being in favor of the Treaty of Tlatelolco. The State Department supported my Symms Cuba resolution, which finally passed the Senate on August 11, 1982, and which reaffirmed the Monroe Doctrine. Of course, the State Department had to be reminded that the Monroe Doctrine is the fundamental principle of U.S. foreign policy.

So we do know that. They are firmly on the record on that. They are firmly on the record for supporting the treaty. I did not know what their viewpoint on these specific amendments would be, but I challenge the State Department to oppose these amendments.

Mr. SIMON. If my colleague will yield, I am in favor of that treaty. I am in favor of motherhood and apple pie. But that is really not the question.

The question is, is this resolution wise? As the Senator from Idaho states, the State Department probably would be against it, and I think for good cause.

Mr. SYMMS. The State Department should support the amendments. If the effect of these amendments is right and in the interests of the United States and our friends from Mexico, then they should be incorporated into the system of U.S. foreign policy. These amendments are already fully consistent with fundamental American foreign policy. Then there should be no problem to have them as part of this legislation. They are also consistent with the goals of the author of this legislation, the Senator from Wyoming, the Senator from Illinois, and others, who have worked long and hard to bring this bill to the floor.

The purpose of this bill is to help control the U.S. border. Is that not correct?

Mr. SIMON. That is correct.

Mr. SYMMS. But would the Senator allow the Soviets to become habitual visitors to the ports in Mexico and the Mexican Government to come closer to the Soviet Government? That will only hasten the day when we will have major problems within Mexico, and once that kind of a Marxist-Leninist revolution should break out it will have serious implications on the security of the U.S. borders. They will be right here. There will be thousands upon thousands and millions upon millions of people voting with their feet coming into the United States, no matter what we pass.

We all know that we as Americans are not going to sit at the border with machine guns and shoot down people who are seeking political asylum, trying to get into the United States. I cannot conceive of that ever happening. These people will be our friends, our fellow Americans, who will be walking over here with all their belongings and clothes on their backs, whatever they can carry with them, saying they are seeking political asylum to escape Marxist tyranny. Where have the Russians ever gone where they subsequently left? I have not seen them ever do that.

The United States has not tried to stay in a foreign country or tried to tell other countries how to run their affairs anyplace that we have been in combat. We have settled the issues and then left them to live in peace and harmony and mind their own business. We gave back Okinawa, the Philippines, Micronesia, where much American blood was spilled in World War II.

But that is not the case with the Soviet Union because their system is a failure. The only way communism can survive is to consume someone else's productivity. They cannot produce enough for their own Russian population.

Mr. SIMON. The Senator and I are in agreement that we do not want tyranny in Mexico. The question is whether this amendment furthers that cause or harms that cause that the Senator and I both agree on. Here there is a difference of opinion between the Senator from Idaho and the Senator from Wyoming and myself. The Senator from Wyoming and I feel this amendment would not be wise.

Mr. SIMPSON. Madam President, that concludes the debate on that amendment, which we will act upon tomorrow.

Madam President, let me clarify where we are. The majority leader has announced there will be no votes today out of respect for the Jewish holiday. There is no way to guarantee no procedural votes, but it certainly is the hope of the leadership there would be no votes. Indeed, that was the promise made. It was not part of a unanimous-consent agreement.

With that, we will deal with the amendment of Senator SYMMS on tomorrow when other votes are sequenced. At that time, tomorrow, with regard to that amendment, I will move to the appropriate time to table the amendment.

(Conclusion of later proceedings.)

Mr. SIMPSON. Mr. President, after consultation with the Senator from Idaho, I ask unanimous consent that his amendment and the perfecting amendment be temporarily set aside, and I shall reserve my remarks with regard to that amendment and the perfecting amendment until the Senator from Idaho has presented his argument and his remarks on the amendment and the perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. With that, Mr. President, I yield to the comanager of the bill this morning, the Senator from Illinois [Mr. SIMON], a member of the Subcommittee on Immigration and Refugee Policy.

I indicate to him that it is a distinct pleasure to work with him. As a new member of the subcommittee, he has given a great deal of earnest effort and thought to it, and I appreciate that.

I believe the Senator has an amendment to propose.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 620

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 620.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 123, after line 19, insert the following:

"SEC. 406. PRESIDENTIAL AUTHORITY TO DELAY PORTIONS OF ACT AFTER CONSULTATION WITH PRESIDENT OF MEXICO."

(a) The President, after consultation with the President of the Republic of Mexico, may suspend any or all portions of this Act for not longer than 90 days, if the President believes it would be in the interest of either or both countries to postpone enactment of such provisions.

Mr. SIMON. Mr. President, this is a very simple amendment. It simply says that the President of the United States would have the authority to postpone the effective date of any portion or all portions of this act by 90 days. There are two reasons for offering this amendment.

The first and I think the less important is that we may have some complications either with the Immigration and Naturalization Service or some other complications internally that would make it desirable to postpone the effective date temporarily.

The second and more substantial reason is that we have to deal with our sister nation to the south of us, Mexico. We are taking a unilateral action that is going to have very substantial economic consequences with Mexico.

The amendment says the President, after consultation with the President of the Republic of Mexico, may suspend any or all portions of this act for not longer than 90 days if the President believes it would be in the interest of either or both countries to postpone enactment of such provisions.

It just seems to me that we have to recognize there may be some severe consequences particularly along the border—not far from your home, Mr. President, in southern California—that we ought to permit Mexico and the President of the United States to work out. Maybe they are not going to be those kinds of problems. If that is the case, this particular amendment can do no harm. It may also be that there are other problems, some of the problems that were proposed, Mr. President, by you when you offered your amendment the other day, that a 90-day delay would give both the administration and Congress a chance to take care of whatever details may need changing as a result of the passage and the enactment of this particular legislation.

It just seems to me it is prudent to do this. The President is not President of my political party but he is my President, and I think we should give this additional authority to the President of the United States. It can do no harm. It may do substantial good.

So I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, as I understand the amendment now the Senator has amended that to read suspension for not longer than 90 days. Is that correct?

Mr. SIMON. That is correct.

Mr. SIMPSON. I believe originally the Senator sought 180 days on that measure.

In either event, Mr. President, this can best be described as an extraordinary amendment. As I read it, merely because the President—after consulting with the President of Mexico—determines that it would be in the interest of Mexico and not necessarily the United States of America, he could suspend for 90 days all of the improvements in enforcement capability provided in this bill and that could then be accomplished totally independent of Congress. That is indeed extraordinary in every sense.

And that is what this amendment says. That is what it does, that if it would be in the interest of Mexico and not necessarily in the interest of the United States the suspension could take place.

I think to me our responsibility in this body is to serve the interest of the United States of America and to recognize always the interest of other countries. But I think to signify that if this were not in the interest of Mexico that it would be suspended is a real departure from everything that we do as a sovereign nation. Once we get into that particular concept of things where Congress has made its decision by law and put the law on the books with an effective date and then 90 days or 180 days or whatever period after that time it could be suspended, then that is very difficult to comprehend.

That does not mean we do not take the views of Mexico into our consideration, or that we do not listen to them, or that we do not hear them.

I have been to Mexico City, I have visited with former President Jose Lopez Portillo. I have visited with President Miguel de la Madrid Hurtado. I visited with my fine friend, the foreign minister, Bernardo Sepulveda. It is always accompanied by a most gracious and warm and delightful discussion and when it is concluded it is always the same ending of the discussion, whether it be with the President of Mexico or with, I would add, Jorge Bustamonte a fine academician, an interesting man who resists most forms of immigration reform.

And the issue is very simple. When you say to them, "What is it that you want us to do with regard to our internal policies on immigration reform as a sovereign nation," they say, without exception, "We would not interfere with you in any way. That is your business. That is not for us to decide. You are a sovereign nation. It would be wrong for us to enter that decision."

So, then you visit with them some more and say, "Yes, but if that were not the case, what would you have us do in the United States of America?"

"Well, we just do not want to be part of that. We would not want you to be making those decisions for us as to what we are doing in Mexico."

And they are doing some things in Mexico because one of their plagues in Mexico is an illegal, undocumented population from the south. How ironical. From Honduras, El Salvador, Nicaragua, Costa Rica, and all the world they come to Mexico first and then through Mexico to our country.

So, they are discussing some internal indentifiers. They have some very restrictive laws against legal documented workers—not illegal, but legal documented workers.

That is their affair. If we were to intrude in that in any way we would bring chaos to this hemisphere. It is the same when we believe that this could take place here.

When I conclude my remarks with those fine Mexican officials, I always say to them, "But what are we going to do about your people who are there illegally?" They say, "Well, just be sure that they are not exploited and that they are treated fairly."

I say, "How do we do that when they are there illegally?"

Then there is always a rather whimsical reference to the fact that that is a problem, is it not? And indeed it is, and it is a problem of dimension of 1.2 million coming across our southern border last year from 92 different nations who are exploited people in many senses, and that is reality.

But I can conceive of no reason whatever why the people of the United States should wish their present tattered immigration laws to be enforced less effectively and if we get some kind of immigration reform why that measure should be treated any less effectively.

I have absolutely no doubt that that is what the American people would believe could have happened if this amendment were to pass.

I think, finally, Mr. President, if circumstances would make a change in the immigration law desirable here, that should be accomplished in the normal constitutionally described fashion, and that is through the enactment of legislation and the involvement of both Congress and the President. That is the way to do that, in a normally, constitutionally prescribed fashion, and not through this means of suspension of a portion of the act, if, in the interest of either country, it were not in their best interest.

So I hoped that perhaps this amendment would not confront us today, but I understand the personal depth of feeling of the Senator from Illinois. He does wish to request the yeas and nays, and, at the appropriate time, let the record show, I will respectfully move to table this amendment and hope that it will be rejected as an extraordinary departure from the usual legislative activity.

Mr. WILSON. Will the Senator from Wyoming yield?

Mr. SIMPSON. Indeed.

Mr. WILSON. Mr. President, I ask my friend from Wyoming whether, in the course of these warm and gracious conversations he shared with us, he has had the occasion to ask of those with whom he visited in Mexico City what plan they have to address this monumental problem to the United States, which he has so courageously and steadfastly addressed in his legislative effort?

Mr. SIMPSON. Mr. President, there are no plans that the United States of Mexico has expressed to me, other than the continual discussion of things that never seem to get resolved. We are told that the Secretary of State and Foreign Minister are to have a consultation and discussion on things like water, trade zones, petroleum, and border areas, finance, and immigration, and they meet together and nothing ever is addressed in those areas.

I think it is quite obvious, if the population is to double in the next 17 years, to take care of just that population with jobs will require more jobs than there are in the industrialized world today. So I can only assume that they might feel that it is to their best interests that the United States is here and that their people will come here and that they hope that they might come here and do that.

I am one who says that does not really cause me a great deal of pain, if you really want to know that. However, what does cause me pain is that I believe that those people who come here should come here and be legal, instead of illegal. I am always rather fascinated at the editorial responses and cartooning and heart-tugging that goes on that our border was simply to be an open border for people who need to come here because they are seeking a better life. That will be the way it will always be in this country.

But we might be about our business and assure that those who do come here are in legal status rather than illegal status. That is the key to the entire legislation.

Mr. WILSON. Mr. President, I quite agree with the observations that have been made by the distinguished manager of this legislation with respect to the amendment that is proffered now by our friend from Illinois. As the Senator from Illinois has pointed out, my home is in southern California. And, because of that, we have enjoyed a special relationship with our neighbors to the south. Our traditions and our heritage are very largely Hispanic, not just in streat and place names, but Mexican holidays are celebrated, not officially, in California, but with the sympathy and good humor that exists between people who have had close ties.

So it is with some warmth that we respond to many of the initiatives that emanate from below the border. In particular, in my capacity as the mayor of San Diego, I had occasion to work very closely with Mexican officials on common problems. They are, in fact, good friends and good neighbors, in many instances.

Having said that, I reluctantly observed that the Senator from Wyoming is correct in his observation. I am aware of no plan to address this problem by the Government of Mexico, and we have, in fact, an open border now. It is not officially open, it is factually open, which is why the Senator from Wyoming has spent so much of his time and energy trying to perfect immigration reform legislation that would bring to the United States not just those of Mexican ancestry, but, as he pointed out, Salvadorans, Nicaraguans, Guatemalans, Costa Ricans, and Hondurans, those who are refugees from the turmoil that apparently exists in Central America.

I might, by way of observation, add this fact: While an official U.S. observer of the Salvadoran election of President Jose Napoleon Duarte in El Salvador, one of the interesting sidelights of that trip was to learn, in a nation presumably of 5 million population, three-quarters of a million are no longer there. We learned this in the course of inquiries that were made into the elaborate electoral practices that were devised to conduct a free and honest election. Not quite 20 percent of the population has fled the country and most of them have fled to the United States through Mexico. And this was confirmed by repeated conversations with those standing in those long lines to vote. I would ask if they had any family in the United States, and the response was, "Si, hermana en Houston; hermano en San Diego."

Mr. President, the Senator from Wyoming is correct in the rather gentle way he stated it when he says that he has inferred that the Government of Mexico believes it to be in their interest that the current situation exists. It is, to put it in the plainest terms, a safety valve for the Government of Mexico to see the kind of massive illegal immigration that has become a fact of life continue; a safety valve to allow those whom the Mexican economy evidently cannot employ to find their way to perhaps employment but almost decidedly a better way of life, except in the instances that the Senator from Wyoming has pointed out. Their illegal status makes them vulnerable and many of them are subject to the cruelest exploitation. Almost all of them are subjected to exploitation in the first instance by the smugglers who smuggled them into the country at a high cost, not just in pesos and dollars, which amounts to between $500 and $1,500 per head, but also in terms of what they are required to endure in the way of indignity and danger. Indeed, no one should have to live like that; no one should have to live in the constant fear of detection or in constant fear of abuse. And it does not necessarily end when they have been successfully smuggled into the country.

Recently, Congressman DANIEL LUNGREN made headlines in southern California when he visited the living places of illegal immigrants, those who are afraid to live in quarters provided for migrant farm workers and who, instead, set up hidden not-even shacks but holes in the ground where they live in conditions that would appall you and me, and should; where they live in less-in-human conditions because they are, in fact, required by their constant apprehension to do so. They fear detection. They fear deportation.

So when the Senator from Wyoming says that he wishes those who come would come legally rather than illegally, his sentiment is one that decent people must share with him.

I raised the question to my friend from Wyoming not entirely as a rhetorical question, though I knew, or at least felt I knew, what his answer would be because he and I have the same information.

I think that it is a problem that we share with our friends in Mexico City. It is a source of embarrassement to many of my Mexican friends that this situation exists. Indeed, they are aware their nation may very well be experiencing a brain drain, that some of their best people, certainly those with tremendous gumption, have risked a great deal to come and to bring their families in the dead of night under the threat of the kind of exploitation and abuse that I have described.

They know that is not right and yet they seem helpless to do very much about it. At the very least, not much has been done about it. That remains true since the discovery of huge oil and gas reserves in Mexico which presumably cast them in a new economic light.

My friend from Illinois offers an amendment today, I am quite sure, because this is ambitious legislation, it is complex, it is far-reaching, and it will have great impacts. I gather that what the Senator is trying to say to us is that not all those impacts are yet known, and that we should exercise some caution in taking a step to bring about immigration reform on a broad and comprehensive a basis as is proposed in S. 1200.

No one could disagree with that observation. It is one I share, and it is one the Senator from Wyoming shares. Yet, although the Senator from Wyoming and I have disagreed, I hope with good humor and with a common spirit of trying to redress a major problem. I think the Senator from Wyoming in his expressed opposition to the amendment offered by the Senator from Illinois makes a valid point. Whether I agree with his legislation or not, it is legislation that should not depend upon whether or not it causes difficulty to the Government of Mexico. I will tell you that if this legislation is passed, it will be seen in Mexico City as causing difficulty because it will be seen as at least a partial closing of that safety valve. The plain fact of the matter, to put it as simply as possible, is that it is in the interest of the United States to control its borders. It certainly is in the interest of the United States to bring about immigration reform. Whether I agree with the exact method that is being proposed by the Senator from Wyoming, there can be no disagreement with the requirement, nor the need for action to bring about immigration reform.

I do not know what direction there may be for the kind of unilateral executive suspension of a law passed by the Congress that is proposed in the amendment by the Senator from Illinois. I will simply say to the Senator that while caution is required in dealing with legislation as far reaching as this the basic thrust of this legislation cannot help but cause discomfiture to the Republic of Mexico because it is an instance where I think we are compelled to recognize that the interests of the United States are not the same as those of the interests of Mexico. They do not coincide. The first duty that is owed by the Members of this body is to advance the interest of the United States. However much I may question the effectiveness in this legislation in achieving it, there can be no question as to that fundamental fact and that fundamental duty.

I thank the Chair.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, if I may respond briefly to my two friends and colleagues from Wyoming and California, it may very well be without precedent. Frankly, I do not know, but if it is precedent shattering, it is a good new precedent that we set here giving the President a little authority when we are dealing with something that has a strong relationship with another country. I think the Senator from California hit it right on the head when he said this illegal immigration is at the present time a safety valve, and we are going to be partially closing that safety valve. That is going to present problems for Mexico particularly at the border. I see no harm in asking the President of the United States to consult Mexico. We are not turning this decision over to the President of Mexico. We are turning this decision over to the President of the United States, and simply asking that he consult with Mexico.

There has been on the part of Mexican officials a reluctance to discuss candidly the problem for the very reason the Senator from California pointed out so ably. There is embarrassment. There is an awkwardness about the whole thing. There is no question about it. But once a bill is passed, we are past the point of awkwardness or embarrassment. We have to deal with realities.

I think the President of the United States ought to have a chance to work with Mexico on this.

If I may ask my colleague from Wyoming, if we were to change this to a sense of the Senate, a sense of the Congress that within 30 days after the enactment of this the President should consult with the President of Mexico, and then if the President of the United States feels some additional legislation or modification of anything is desirable, that he report that to Congress. It in effect does the same thing, not quite the same, but it moves away from what I want to avoid; that is, simply unilateral action that does not take into consideration Mexico's concerns at all here. I think they are very well taken. Will the Senator from Wyoming have any reaction to that kind of a modification?

(At this point Mr. WILSON assumed the chair.)

Mr. SIMPSON. Mr. President, if the Senator from Illinois is saying that if this measure passes there be a consultation, that we direct a sense-of-the-Senate conditional language, a sense of the Senate that there be a consultation of the President of the United States and the President of Mexico within 30 days after final passage of this proposal or this legislation, I would not have any qualm about that. If it goes on to say that as a result of that consultation something must be postponed until something is corrected, I have a great deal of difficulty with that. If you are saying that the recommendations or things that come from that consultation are to be expressed to Congress for their consideration, I can accept that. But I cannot accept the suspension of portions of the act. It just says portions, you can suspend employer sanctions, and go ahead with another portion of it. It is just that the legislation does not work that way. If it is felt that consultation is important, I concur. If recommendations are important to the Congress, I concur in that, but nothing that would be in the form of a suspension or direction can I concur with.

Mr. SIMON. Mr. President, I learned a long time ago in this business if you cannot get a whole loaf, take a half a loaf. I think we can work something out along this line. I will work with the Senator from Wyoming on the language.

I would like to withdraw the amendment that I just offered.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. SIMPSON. Mr. President, I want to assure the Senator from Illinois that I will work with him on that. I think we can resolve that. We might also schedule it at the next meeting of Secretary Shultz and Foreign Minister Sepulveda. They meet together every year and maybe we can work it in with that. Let us work on some language.

Mr. President, I assure the Senator I will certainly try to do that. There are many things, and we can work on those during the course of the day. I am pleased that the Senator has withdrawn the amendment. Let us see if we can work toward a common result of consultation.

Mr. SIMON. Mr. President, I thank the Senator from Wyoming.

AMENDMENT NO. 621

Mr. SIMON. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 621.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE VI—IMMIGRATION EXCLUSION AMENDMENTS ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Immigration Exclusion Amendments Act of 1985".

REVISION OF GROUNDS FOR EXCLUSION

SEC. 602. (a) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following:

"(m) Any alien who is seeking to be issued a visa as a nonimmigrant alien described in section 101(a)(15) and who a consular officer or the Attorney General knows, or has reasonable grounds to believe, is likely to engage after entry into the United States in—

"(A) any activity which is prohibited by the laws of the United States relating to espionage or sabotage,

"(B) any other criminal activity which endangers public safety or national security, including any activity that has as a purpose of forceful, violent, or unconstitutional opposition to, or overthrow of, the Government of the United States, or

"(C) any terrorist activity,

shall be ineligible to receive such a visa and shall be excluded from admission into the United States.".

(b) Section 101(a) of such Act (8 U.S.C. 1101) is amended by adding at the end thereof the following new paragraph:

"(43) The term 'terrorist activity' means organizing, abetting, or participating in a wanton or indiscriminate act of violence with indifference to the risk of causing death or serious bodily injury to individuals not taking part in armed hostilities.".

(c) Section 212 as amended by subsection (a) is further amended by the following:

"(n) Notwithstanding any other provision of this Act, no one shall be denied a nonimmigrant visa because of his or her lawful political beliefs, activities, or associations."

On page 2, at the end of the table of contents, add the following:

TITLE VI—IMMIGRATION EXCLUSION AMENDMENTS ACT OF 1985

Sec. 601. Short title.
Sec. 602. Revision of grounds for exclusion.

Mr. SIMON. Mr. President, this is a matter of controversy. I do not want to mislead anyone. This changes our temporary visa laws so that we avoid the embarrassment that we have inflicted upon ourselves unnecessarily. It says that basically people are not going to be denied temporary visas because of their political views.

I would add, Mr. President, that it also adds an additional cause for exclusion—terrorist activities.

When we passed the original McCarran Act, terrorist activities were not part of the international scene. So it does have that provision, which I think everyone would agree with.

It says notwithstanding any other provision of this act, no one shall be denied a nonimmigrant visa because of his or her lawful political beliefs, activities, or associations.

Mr. President, let me give you a small list of the names of people who have been denied temporarily at least, or would have been deemed excludable, under the McCarran Act:

Pierre Trudeau, former Prime Minister of Canada; Graham Greene, English novelist; Carlos Fuentes, former Ambassador of Mexico to France and noted novelist; Farley Mowat, Canadian writer who wrote the book "Never Cry Wolf." He protested 20 years ago because B-52's were flying over his nature preserve and 20 years later he was going to come down and give a lecture in the United States about wolves. He found he was on the excluded list because he had protested those B-52's.

When Canada protested because we would not let him in, we relented. But the distinguished writer refused to come to the United States and has not been here since.

Gabriel Garcia Marquez, Nobel laureat author; Czeslaw Milosz, Nobel laureate poet.

Here is one that happens to involve my State of Illinois. Leszek Kolakowski. He teaches at the University of Chicago and at Oxford University. On the list it says, "Are you or have you ever been" and so forth "a member of the Communist Party?" He writes down, "Yes." He is a former Communist. But he also helped to create the Solidarity Union. Yet he goes through needless delays every time he has to go from Oxford to the University of Chicago.

Jorge Amado, Brazilian novelist; Nino Pasti, former NATO general and Italian senator; Dario Fo, Franca Rama, Italian playwrights; Dennis Brutus, South African poet, who now lives in Illinois; Hortensia de Allende, widow of Salvador Allende Gossens, former President of Chile.

Mr. President, the list goes on. All we have done is cause ourselves needless embarrassment.

I remember back when I was in the Army and stationed in Germany. I went over to London. When I was in London, I visited Hyde Park where people get up on little soap boxes and give speeches about whatever they want to give speeches about. Someone was literally on his box giving his speech. He was the head of the Communist Party in London. He was giving a speech about the virtues of communism.

Mr. President, I remember this little lady with a cockney accent shouted at him, "How come we cannot make a speech in Moscow like you are making in London?"

Or course, what she was getting at was the basic difference between our systems, that we do have freedom. We should not follow the Soviet example when it comes to these visas. It just does not make sense.

In the Soviet Union, there is suppression of ideas, as there is in a lot of other dictatorships. The real difference between the United States and other countries is not the geography that we have, not our standard of living.

Once in a while I read in a magazine that we have 1½ bathtubs per person and they only have two-thirds of a bathtub per person, or whatever the statistics are.

But that is not the real difference. If you were to give STEVE SYMMS or PETE WILSON or the distinguished Senator from Wyoming three bathtubs, three times as many bathtubs per person as our system provides, we would choose our system because of freedom. That is what the whole thing is about.

For us to needlessly deny people a chance to come into the United States I just think is an embarrassment. If anyone is involved in criminal activity, exclude them. If they are involved in terrorist activities, exclude them. We do add terrorist activities to the list.

But if someone has criticized the United States, such as B-52's flying over his land, or someone has political views contrary to ours, or if in the case of Mrs. Allende when the Roman Catholic diocese invited her to come and speak to the United States and we said no, she could not come, that is ridiculous. That is not what we stand for.

I stress, Mr. President, that my amendment applies only to nonpermanent visas, not the permanent visas. In the nonpermanent visa, let us not deny people the right to come and visit the United States because they happen to have views that are contrary to the usual policies of the United States.

Mr. President, I think this amendent makes sense.

Mr. President, I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. I yield the floor.

Mr. SIMPSON. Mr. President, certainly what Senator SIMON says has a great deal of importance. There is not anyone here, perhaps not in the Chamber at present, who would not feel that we should go back and redirect our attention to a very important section of the Immigration and Nationality Act. That is what the Senator was quoting from. That is section 212 of the INA, the Immigration and Nationality Act.

That section has to do with general classes of aliens ineligible to receive

visas and excluded from admission and waivers of inadmissibility.

All I can tell you is when the Select Committee on Immigration and Refugee Policy, which consisted of 16 spirited people who were not known for their lack of attention toward civil rights and civil liberties, got to the issues that are contained in section 212, we just stopped dead in our tracks.

We said there could not be anything which could divert us more from dealing with illegal immigration and trying to correct that situation if we get into the problems with the INA which have to do with legal immigration. I can assure you that debate did not last long because all you have to do is look at the first few categories of aliens who are ineligible to receive visas and be excluded from admission to the United States under any circumstances, but always legally—we are talking about legally—and we have the definitions of aliens who are mentally retarded, aliens who are insane, aliens who have had one or more attacks of insanity.

What is that in this day and age? It is difficult to know an attack of insanity.

Aliens inflicted with psychopathic personality or sexual deviation or a mental defect.

What is that under current parlance? Where does that fit with homosexuality? Where does that fit? We find if you are going to be expelled from this country or excluded from admission on sexual deviation, I doubt that you are going to tell that to the admitting officer.

So, then, you take that issue of sexual preference into the area of mental defect. Where will that go? I have not the slightest idea where that goes, but I have enough problems with illegal immigration in this bill to know that I do not need to handle that one here.

Then go on to aliens who are narcotic drug addicts or chronic alcoholics, those inflicted with any dangerous or contagious diseases—that will command a debate in this place that will bring us to a halt as we deal with AIDS and various forms of sexually contracted diseases, the whole thing.

Then you come on down through it and then have a response, but there are 33 exclusions in there. We have the Nazi Party, the Communist Party, paupers or professional beggars or vagrants—aliens convicted of crimes of moral turpitude. I could never figure that out when I was city attorney of Cody, WY, but I do know it sounded very interesting. I do know that.

It includes aliens who have been subject to deportation, arrest, or stowaways. The Senator is proposing to change only one exclusion and I understand that. That is section 28. That is aliens who are at any time or have been members of any of the following classes—who are anarchists, who advocate or teach or are members or affiliated with any organization that advocates or teachers opposition to all organized government, aliens who are members or affiliated with the Communist Party of the United States—or any other totalitarian party of the United States, the Communist Political Association, the Communist or any other totalitarian party of any State of the United States—on into any further definition within that.

I think that this amendment—and I know the spirit in which it is intended—is something that strikes at the feelings of justice of the Senator from Illinois. But this amendment on this bill will greatly complicate it. I am going to put legislation regarding legal immigration into the hopper as soon as we finish this exercise of illegal immigration—win, lose, or draw—because I did not come here for the purpose of dabbling in illegal immigration for 6 years of my life. It was not an issue I sought. But in getting into it and trying to keep illegal immigration separate from legal immigration, I had a man spend 2 months on rewriting the INA. When I put that in, you will hear a response, I can assure you, because that is the most larded act, the most exceedingly complex and gimmicked piece of legislation on the books of the United States—more complex than the Internal Revenue Code.

There are types of visas called 1-B, C, D, E, F, J, (A)—all coming from the creative minds of immigration counsel down through the decades. And they are a skilled lot, I can tell you that. Representative MAZZOLI and I found that out. There are no bounds to what they seek in the way of rather extraordinary definition within the INA.

But let me say this: We purposely omitted any substantial changes in the system of legal immigration in the bill, principally at the request of Chairman RODINO who was a member of the Select Commission on Immigration and Refugee Policy. That amendment, in truth, has been on that understanding. That is not to say that the bill will fail or it is a "killer amendment". I have not used that phrase in the bill and will not. But the select commission determined not to deal with the issue, any issue within the exclusionary area, knowing that it would only make much more complex and difficult the task of producing any kind of workable legislation to address illegal immigration. If some provisions need revision, the question of how to revise those will be extremely difficult, as I have already expressed, as I quote to you some of what they are, working on those proposals for the consideration of the new big bill, which is a complete rewrite of the INA.

I do want to have the Senator hear that I think that when we use the term "freedom of speech," sometimes this is a misleading description of this area of exclusion, because even those who are held excludable under this section can have their views published or broadcast or televised in the United States. I think it is very important that the Senator hear this. The aliens are being excluded not for what they have said or will say but for their membership in organizations which are a threat to the national security of the United States as expressed in a law we ought to be changing at some point and which we shall address ourselves to. But this is the key. This is an issue which is going to require a complete hearing record, which is not now present but which we should develop.

But then please know what happened with the so-called McGovern amendment of 1978. That already acts as a significant constraint on the United States' excluding someone based on his or her membership in one of those organizations. Because it says, and this is the McGovern amendment:

> The Secretary of State should, within 30 days after receiving an application for nonimmigrant visa by any alien who is excludable by reason of membership or affiliation with a proscribed organization but who otherwise is admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien.

That is a waiver there and that is used and used quite often. The Secretary of State, under the McGovern amendment, must favorably recommend a visa for someone who is subject to an ideological exclusion unless he finds the admission would be "contrary to the security interests of the United States." Then the Secretary must send a certified finding to the Speaker of the House, the Foreign Relations Committee of the Senate, and the burden is clearly upon the Secretary of State to prove that the alien is dangerous.

I think we want to be certain also that we are aware that last year, 26,000 people came forward under these provisions and only 600 were excluded. The exclusions were waived for over 25,000 of them. Six hundred of them were excluded and remained excluded, were not able to receive the waiver under the McGovern amendment. Under our present system, 25,400 received the waiver and visitor visas and came to the United States.

To me, that seems like a very generous thing. That did happen in the United States and when we get to some of the famous excluded aliens, such as Carlos Fuentes and Gabriel Garcia Marquez and Farley Mowat, they are sometimes allowed to enter—most of them are allowed to enter under the McGovern amendment. What they choose to do by their action is criticize the United States, re-

ceive another forum, and enter in the hope of making an ever larger market for whatever their views are and their books that they intend to write about this country.

I think we want to keep that in mind and, like the other general questions about legal immigration, I hope we might consider this after disposal of S. 1200 and after a fuller record has been developed through the usual processes of committee hearings and markups and that type of activity. Since this amendment does so much and deal only with legal immigration and not illegal immigration, I think it appropriate that I move to table the amendment at the appropriate time, but without limiting in any way further debate on this issue.

Mr. SIMON. Mr. President, just briefly, in response to my distinguished colleague from Wyoming, again, and I have said this before, I have great respect for what he has been doing. He has been working in this area where, candidly, there are no votes for him in Wyoming for all his work on this immigration issue. It is a service to the country that he is performing, and he has done an exceptional job.

I disagree with his conclusions. First of all, when he separates the legal and illegal, that this bill deals only with the illegal, the reality is that it also deals with legal immigration. The Hong Kong quota, for example, is dealt with in this legislation. That is legal immigration. And when he talks about all the other problems that we have in the exclusion area—mental defects, sexual preference, alcoholism, drug use, moral turpitude, and so forth—it is complicated and I do not want to at this point complicate this bill, but the reality is precisely as he has said, just about everyone who applies for that waiver eventually gets it anyway and all we cause ourselves is needless embarrassment, and the delay is significant.

I remember a group of Japanese in 1978 who were opposed to nuclear weapons. They wanted to come to the United States to appear at the U.N. special session on disarmament, they wanted to come over and protest against any use of nuclear weapons by the two superpowers or anyone else, and they were excluded. They probably could have received a waiver, but by that time the special conference of the United Nations was over. What did we gain? Nothing.

Now, I do disagree fundamentally with my good friend when he says this is not a restriction of freedom of speech. It is not enough to say someone's views can be printed in a pamphlet or he could appear on television or be heard on radio or have his article appear in the newspaper. If you were to tell me that a meeting is going to be held in Cheyenne, WY, and my views could be permitted there by television or radio or something like that but the law would not permit me to attend personally to express my views, that is a restriction on freedom of speech, no question about it. And it is a needless restriction on freedom of speech.

Sometimes we talk about the melting pot strength of America, and I heard it the other day as we were debating this bill. I think there are people who think the melting pot strength of America refers to some kind of a breeding process where the Poles, the Italians, the Mexicans, the Germans, and Africans, and others come here and this polyglot nation becomes one nation. The melting pot strength of America is not a breeding process. It is people coming here, giving their ideas and in this cross-fertilization of ideas we have the ablity to select what is good and what is sound. That is what Jefferson, Madison, and the others had in mind. Whenever anyone restricts that freedom of speech, restricts that ferment of ideas, they are attacking something that is very fundamental in this country. And our law now in this area attacks it.

The select commission, even if it were to be the final arbiter here—obviously it is not—voted on the question "Should the present grounds be retained?" The yeas were 3 and the nays were 13. "Should Congress reexamine grounds for exclusion presently set forth in the Immigration and Naturalization Act?" The yeas were 13, no one in opposition. There was, as I am advised, a separate subcommittee formed of the Attorney General and Elizabeth Holzman, former Member of the House of Representatives, and they finally decided not to include anything because of its complications. I understand why you do not want to get into some of these very complex questions, but when it comes to basic freedom of speech, there I think we ought to be able to act. This is an immigration bill. We ought to be able to move.

Again, so there is no misunderstanding of what my amendment does, it does not touch on mental defects, sexual preference, alcoholism, dope addiction, moral turpitude, or all the other things that are categorized in the law. It does not apply to permanent visas. We are only talking about nonimmigrant visas, temporary visas. And my amendment in addition to the terrorist provisions, with which I think everyone would agree, says,

> Notwithstanding any other provisions of this Act, no one shall be denied a nonimmigrant visa because of his or her lawful beliefs, activities, or associations.

It has been my observation, Mr. President through the years that freedom is easier to give away than to retain, and we ought to do everything we can to retain that freedom. Any time we unnecessarily restrict that freedom we do something that is wrong. I remember—and this goes back some years ago when I was a very young journalist—a fellow—and I do not remember the name—who represented Gerald L.K. Smith's outfit out in Kansas teaching anti-Semitism, antiblack, you know, all kinds of things I do not believe in, the sheriff of our county announced that he was not going to be able to speak in our county. What the sheriff said was very popular.

But I contacted the sheriff—and I wrote a little editorial about it, too, I have to confess—and I said,

> It is not up to you, Sheriff, to decide who speaks and who does not speak. In this free country we let everyone speak.

And so finally they let the gentleman come in, and I think 10 or 12 people showed up and we survived. With all the poison that that person wanted to perpetuate and promote, no harm was done. We would have done much more harm trying to prevent that person from speaking.

Does it make sense for us to prevent an author who protests B-52's going over his land from speaking down here? Of course not. Does it make sense for us to say that Pierre Trudeau is excluded? Of course not. Does it make sense to say Graham Greene cannot speak in our country? Of course not. That is what my amendment says. My amendment says let us live up to freedom of speech. Let us protect it. I hope it will receive a favorable vote from this body.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, that was a very important and moving series of remarks, and I agree with them. I voted not to address the exclusionary proceedings on this bill, but I voted to readdress the exclusionary conditions in some subsequent form when we deal with the INA reauthorization. There is not any question about that. I am just saying not here, not at this time. The Senator is absolutely right saying that we should reexamine—I believe that was the phrase—the exclusions under the INA. I voted for that. But reexamination means all of them, not just number 28. And some of them are goofy. So let us go into them, which I agree to do.

The Senator and I have an interesting role here. I will be here for 5 more years, God willing, and the Senator for 4——

Mr. SIMON. Five.

Mr. SIMPSON. Five. And whether I am in the majority or minority, I pledge to work with the Senator to revise the exclusionary rules, all 33 of them, which are really off the wall in some cases, but not here because the only way to reexamine this issue and the exclusions of INA is when we have all the hearings. We have not "reexamined the issue" until we do that. I

think it is very important that that be done.

What the Senator says is true, but what he says is also pungent, to the effect that you can cross-fertilize your ideas in the United States without ever being physically present here. We know that works, or we would not have various parties and factions within the United States. Certainly, it is more important to be here.

As an old journalist—and the Senator indicates that, and I recall that—and a fellow legislator at the State level, to hear the debate always on the first amendment is always one that kind of stimulates my juices. I believe in it deeply and will fight for it, even though we happen to be a peculiar category of human beings, created by the New York Times versus Sullivan decision, which is known as "raw meat." Those are public officials who must prove all sorts of activity to fend ourselves away from the unknown source unless we prove actual malice.

To think that the first amendment of the United States was spread upon the Constitution to protect some guy sitting in a basement in Philadelphia who was cranking out seditious literature. That is what the first amendment of the United States was. Now we use it to protect panderers and child porn and politicians who can expend their own personal wealth to get here. That is a first amendment right. If you are wealthy, you can blow your whole bank roll to get to Congress, and that is somehow protected under the first amendment.

I do not believe those two items had very much to do with one another back in the days of the Founding Fathers.

Those are the alarums and diversions and the excitement we get into which would make Thurber proud, to see what we put into the first amendment, and which would make Mencken giggle, and it makes me wonder.

The first amendment is a critical and vital thing to this Nation and always will be, but not if we dilute it to cover some of the absurdities we see covered by creative lawyers and dazzled defendants and pained plaintiffs.

I assure the Senator that we will deal with this. There are things within those 33 exclusions that appall me, but they are on the books and nobody has taken them off.

I am sure there are many civil libertarians like my colleague from Illinois and like me, but I do not want to deal with it here. I believe we have had enough debate on extraneous issues.

The present occupant of the chair [Mr. SYMMS] has a fascinating issue to be presented to me soon. He will do that in a moment. The Senator from Pennsylvania has an issue with regard to Social Security to be dealt with here.

There is nothing I can do to prevent that activity, because we do not have a time agreement on the bill.

Any time you open the box of 33 exclusions, even for the marvelously bright and thoughtful, compassionate, and interesting ways the Senator suggests, this is not the place, without having had the hearings and debate.

Mr. SIMON. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. SIMON. I appreciate the Senator's pledge to get into all these exclusions.

The difficulty is that I sense that when we get into all these exclusions, we are really getting into all kinds of land mines, and my experience in the Senate is that what may emerge is nothing. I may be wrong.

In this area, where we are talking about free speech—and it has nothing to do with child pornography and all these other issues—we are talking about people who would be excluded because they have said or done something or associated with a group that takes a position contrary to our national policy.

I think it is a very fundamental question, and I believe that the majority of the Members of this body and the other body would think it should be changed. It is a needless embarrassment to our company. I hope we can move on it now, but I respect the opinion of the Senator from Wyoming and I appreciate his willingness to take it up at some point in the future.

Mr. SIMPSON. I thank the Senator. I appreciate the tenor of the debate.

Mr. President, I move to table this amendment by Senator SIMON and ask that it be set aside for a vote at a time certain.

The PRESIDING OFFICER. The Senator would have to withhold the tabling motion unless he wishes action on the amendment at this time.

Mr. SIMPSON. Mr. President, is the Chair indicating that the tabling motion could be renewed at the time of the presentation of the amendment for rollcall vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Then, let the record disclose that at that time the Senator from Wyoming will move to table the amendment.

The PRESIDING OFFICER. The record will so show.

Mr. HEINZ. Mr. President, as I understand the situation, the Simon amendment will be voted on tomorrow, and it is now in order to offer another amendment.

The PRESIDING OFFICER. The Simon amendment is still pending.

Mr. HEINZ. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 622

Mr. HEINZ. Mr. President, I send an amendment to the desk for Mrs. HAWKINS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for Mrs. HAWKINS, proposes an amendment numbered 622:

On page 125, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POLICY AND FINDINGS.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 623

(Purpose: To express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget)

Mr. HEINZ. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] on behalf of himself and Mrs. HAWKINS, Mr. SPECTER, Mr. SASSER, Mr. ABDNOR, Mr. ANDREWS, Mr. DENTON, Mr. RIEGLE, Mr. DECONCINI, and Mr. WILSON, proposes an amendment numbered 623 to amendment numbered 622.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike the words:

"SEC. 601. POLICY AND FINDINGS"

and add in lieu thereof the following:

SEC. 601. POLICY TOWARD SOCIAL SECURITY TRUST FUNDS.

(A) FINDINGS.—The Congress finds that—

(1) public confidence in the Social Security system has been undermined by the acrimonious debates over deficit reduction;

(2) including Social Seurity Trust Funds in the Unified Federal Budget masks the true size of the federal deficit;

(3) Social Security is wholly funded by a separate payroll tax, is running a surplus, and does not contribute to the federal deficit;

(4) it is time to protect the integrity of both the Social Security program and the federal budget process by separating the two; and

(5) removing Social Security Trust Funds from the Unified Federal Budget will enable Congress to proceed with the responsibility of solving our massive budget deficit.

(B) POLICY.—It is the sense of the Senate that the Congress should separate the Social Security Trust Fund from the Unified Federal Budget at the earliest possible date.

Further, it is the sense of the Senate that regardless of the budgetary treatment of any Federal program, to address fiscal policy, Congressional and Presidential budget documents may, in addition to Unified Federal Budget totals, include total national levels of taxation, spending, and indebtedness.

Mr. HEINZ. Mr. President, this is the amendment that I announced on Friday I would offer.

It has to do with taking the Social Security Program as we know it—the Old Age and Survivors Program, the Disability Insurance Program, those three trust-funded elements of the Social Security Act—and separating them from the unified Federal budget.

Let me explain briefly to my colleagues why I believe this is an important thing for us to do.

Several weeks ago, we ruled that the Social Security Program was out of balance with the fiscal year 1986 budget; and we ruled it out of balance because we came very near to wrecking our entire deficit reduction effort over the COLA freeze. This is not by any means the first year we nearly lost deficit reduction in an attempt to consider Social Security in the budget process. In 3 of the last 5 years we have had a stormy time considering Social Security in the budget.

Finally, this year we have, by our actions, separated it once again from the budget process There is no COLA freeze in the budget resolution that the House and Senate acted on. So we have separated Social Security in fact, but we have not separated it by law, at least not until 1992 when, as we decided in 1983, we would then separate the Social Security trust funds from the unified budget.

Mr. President, 15 years ago back in 1967–68, when people knew that Social Security was not a part of the budget and when Social Security policy reflected the needs of the Social Security Program, that and that alone, public confidence in Social Security as a program for both the present and for the future was very high indeed.

And we ignore at great peril to this body and most important to the Social Security system and all who either depend upon it or who contribute into it in the expectation of receiving Social Security benefits at some future point—we ignore at our peril how important public confidence is to this program.

Why is that? It is because each younger generation must believe, indeed they must sincerely and deeply believe, because roughly 7 percent of their paycheck is being taken week in and week out to support the Social Security system, that they are in fact going to receive benefits someday. If they do not believe that, they are not going to be willing to contribute to continue to support a program that gives their parents and their grandparents an essential measure of independence and dignity.

We are 1 day short of 1 month after the 50th anniversary of the actual signing into law of the Social Security Program. For 50 years this program has kept its promises, and when you think about all the other Government programs that we have had and all the promises that people, not just in Congress but outside of Congress, have made for all of those programs, it is a pretty rare thing when one Government program has kept its promises for five decades in a row.

Very few other programs, if any, that I know of, Mr. President, have so well performed the mission that they have been charged to accomplish.

But at the same time, over the last 15 years, since the time that Lyndon Johnson took Social Security and put it into the so-called unified Federal budget, during those 15 years Social Security has been rather badly tossed around in the annual budget debate and, as illustrated by every public opinion poll since then, public confidence has steadily drained away from this program, in spite of the fact that the program is meeting its performance goals. It is a guaranteed source of a portion of retirement income. It is a program that meets a need. It is a program that is broadly supported by the American people. But when you ask, "Do you have confidence that that program is going to be there when you retire?" The answer is far too many of the American people say it is just not going to be there when they retire. Far too many doubt that they will ever receive a penny of what they have put into it.

So, that precious public confidence is something that we have to work hard to restore, and it is my view that we have an opportunity right now to help restore it. The first task in that restoration is to separate the Social Security trust funds, the three programs, health insurance, disability insurance, and old age and surviviors, from the unified Federal budget as they were back in 1967, so that those trust funds will not get us caught up in the annual Federal budget debate and, in addition, in undermining the confidence in the Social Security system, run us to the edge of undermining our ability to do a job on the Federal budget and the huge deficits that we face.

As I said, we know that as a practical matter Social Security is no longer in the budget, but I really wonder if anyone else, besides the Members of the House and the Senate and the President, the people inside the beltway, I wonder if anyone outside the beltway really know that we are doing with Social Security. We still have not separated it out of the President's annual submission. We still have not subtracted its income and outlays from the totals in the budget resolution, and we still have not clarified that we are not going to discuss it in the reconciliation instructions.

So the truth is, Mr. President, that for all intents and purposes, Social Security is still in the budget even though we pledged by our action not to touch it, and, frankly, this is a secret we do not need to keep any longer, it is a secret we should not keep any longer.

I think it is time to let that particular cat out of the bag and take Social Security out of the budget.

And so the resolution I have sent to the desk would declare our intent to do that at the first opportunity, and it sets the record straight that the Senate wants to separate the Social Security from the unified budgets and will act to do so not only as soon as practical from a legislative standpoint, but as soon as practicable from the standpoint of whether we choose October 1, 1985 or October 1, 1986, in any event, as soon as we can possibly do so.

I would only add, Mr. President, that this is not only a bipartisan Senate initiative, there are people on both sides of the aisle who support this, but I can also announce that it is a Presidential initiative.

When just before the end of July a number of us were down at the White House discussing the budget resolution—indeed, I think the Senator from Wyoming was present at the time—the President declared that the Social Security old age and survivors program should not be touched as part of the budget process, and since a number of us had at that point been looking for an across-the-board approach to controlling Government spending, I raised the issue with him:

"Mr. President," I said, "does that mean that in addition just to keeping Social Security from being in any respect reduced, its growth slowed, or any other effect modified in the course of the budget process, that you would favor taking Social Security out of the unified Federal budget and treating it separately the way we did prior to 1968?"

He said, "Yes." He said, "I believe that, and I believe we should do it as soon as possible."

So this is an initiative that Republicans support, Democrats support, and the President supports.

I think since the time is short, it is time to get down to business. I believe we must act soon to separate the Social Security trust funds from the unified Federal budget while it still only conceals a small portion of the Federal deficit.

We must move quickly before we become so reliant on the surpluses that we now are growing annually in the Social Security trust funds that we become inured to having the Social Security system obscure the true deficit pictures, to make the deficit look smaller than it is when we are unable to wean ourselves away from fiscal flamboyance.

Next year, in fiscal 1986, Social Security will earn a $16.8 billion profit or surplus, and that means that the deficit will look $16.8 billion smaller than it actually is. By the time it is scheduled to be separated from the unified budget in 1992, Social Security will be masking nearly $100 billion a year in deficits. That is $100 billion of excess spending that we will not pay for with the income tax and addiction of spending, and, given the difficulties Congress has had dealing with the budget deficit so far, I would think an additional $100 billion worth of spending on top of that would be increasingly hard as an addiction to overcome.

Mr. President, some of my colleagues may wonder specifically what is the purpose of my amendment. Since it is a sense-of-the-Senate resolution, it will not actually change the law if we adopt it, as I expect we will.

I might explain to my colleagues that I did consider a substantive amendment. I considered offering an amendment that would separate Social Security either this October 1, 1985 or next October 1, 1986, but I decided against it largely for tactical reasons. This is a Judiciary Committee bill. This amendment is nongermane to Senator SIMPSON's bill which, in the Senate, is no barrier to its consideration, even though Senator SIMPSON, I suspect, wishes it was.

Nonetheless, when he goes to conference with the House, the fact of the matter is that he will be going to conference with the House Judiciary Committee. They do have rules of germaneness in the House and there is no likely or practical process that substantive legislation could ever be adopted in the House as a result of a measure adopted on this bill passed by the Senate and sent to them.

So I have opted for a sense of the Senate resolution because it will allow us to express our desires and it will also not raise falsely the hopes of Members of the Senate.

I also believe that there will be an opportunity, perhaps as early as this week, for the committee of jurisdiction in the Senate, that is the Finance Committee, to address this issue substantively as a part of the reconciliation bill. And indeed it is my intention to press hard in the Finance Committee, of which I am a member, to actually incorporate, if we can, legislation dealing with the substance of this issue so that we may move those Social Security funds from the unified trust fund at the earliest practical date. So I urge my colleagues, Mr. President, to join me in a vote to declare that it is the intent of the Senate to separate Social Security from the unified Federal budget and restore the integrity of both the Social Security Program and the Federal budget process.

Mr. President, there are a number of cosponsors of this amendment: Mrs. HAWKINS, Mr. SPECTER, Mr. SASSER, Mr. ABDNOR, Mr. ANDREWS, Mr. DENTON, Mr. RIEGLE, Mr. DECONCINI, and Mr. WILSON, among others. That may not be an inclusive list.

Mr. President, I ask unanimous consent that an extremely incisive article from the New England Economic Review, published by the Federal Reserve Bank of Boston, and authored by Alicia H. Munnell, entitled "Social Security and the Budget," which analyzes in great depth quite briefly and succinctly the reasons in favor of separating Social Security from the unified budget, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New England Economic Review, July/August 1985]

SOCIAL SECURITY AND THE BUDGET

(By Alicia H. Munnell)

Recent comments about the impact of potential social security cuts on the federal budget deficit reveal considerable confusion over the role played by the trust funds in federal finance. This confusion may reflect not only the somewhat complicated interaction between social security and the rest of the federal government, but also the changes over time in the budgetary status of the social security trust funds. Until fiscal 1969, the financial activity of social security and other trust funds was reported separately from the administrative budget; after fiscal 1969, trust fund activity was integrated with other federal functions and the total reported as the unified budget. Beginning in fiscal 1993, the social security trust funds are scheduled once again to be removed from the unified budget accounting and reported separately.

This article will explore the issue of the appropriate budgetary treatment of the social security trust funds and the relevant role for the social security program in the current deficit debates. To provide some background, section one describes the interaction between social security and the rest of the federal government and summarizes the history of the changing accounting treatment of the social security trust funds. The second section measures the contribution of social security trust fund activity to the net financial status of the federal government. The third section reviews the traditional arguments for and against reporting social security separately from other federal transactions and explores the implications for this debate of the projected accumulation of substantial reserves in the social security trust funds.

Two major conclusions emerge from this analysis. First, the traditional way of measuring the impact of the social security trust funds on the unified budget deficit has significantly understated the amount by which these programs have reduced the Treasury's required borrowing from the private sector. Second, the projected unprecedented build-up of trust fund reserves adds a new and compelling argument to the arsenal of reasons for reporting the activities of the social security trust funds separately from the rest of the budget as is scheduled to occur after 1992 under current law. Moreover, the date at which this separation is slated to occur should be accelerated so that these assets, which are designed to pay for future social security benefits as the baby boom generation retires, do not distort decisions about social security or the rest of the budget.

I. THE SOCIAL SECURITY TRUST FUNDS

The first social security trust fund was created for old-age and survivors insurance (OASI) by the 1939 amendments to the Social Security Act.[1] Additional trust funds were subsequently established when disability insurance (DI) was added to the system in 1956 and when the medicare programs were enacted in 1965.[2] Because social security has been financed on approximately a pay-as-you-go basis, the trust funds have been used to provide a buffer against brief unanticipated economic fluctuations, rather than to build up large earnings reserves to pay a substantial portion of future benefits. The dedicated payroll taxes, which finance social security's retirement, disability and hospital insurance (HI) programs, are transferred from the Treasury's general fund, where they are received, to the respective social security trust funds, where they are used to pay benefits and cover administrative expenses.[3] To the extent that social security income exceeds outgo, trust fund surpluses are invested in debt obligations of the federal government, and the interest earned on accumulated assets provides an additional source of income to the trust funds.

From the inception of the social security program until 1969, the most commonly used concept of federal government finances, the administrative budget, did not include the operations of the federal trust funds such as OASI, DI, medicare, highway, unemployment and others. Historically, these funds were shown separately because they had their own dedicated revenues. A consolidated cash statement, which included trust fund transactions, was published but received little attention. A third measure of government finances, the federal sector of the national income accounts published by the Department of Commerce, also included trust fund activity but was not the focus of annual budget deliberations.[4]

The turning point came in 1967 when for the first time the President emphasized the spending and deficit figures from the consolidated cash budget and the national income accounts as well as the traditional administrative budget. The Administration particularly highlighted the national income accounts, arguing that economists preferred this measure to gauge the impact of government spending on the economy. Republicans charged, however, that the President's enthusiasm for the national income accounts figures sprang less from their relevance for economic analysis than from the fact that they showed the lowest deficit of the three budget concepts (table 1).[5]

Charts not reproduced in the Record; footnotes at end of article.

TABLE 1.—RECEIPTS, OUTLAYS, AND DEFICITS UNDER ALTERNATIVE BUDGET CONCEPTS, FISCAL YEAR 1967

[Billions of dollars]

Budget concept	Receipts	Outlays	Deficit
National income accounts	167.1	169.2	2.1
Consolidated cash budget	168.1	172.4	4.3
Administrative budget	126.9	135.0	8.1

Source: "Shaping a Simpler Budget," reprinted from Business Week, Aug. 5, 1967, in James W. Davis, Jr., ed., Politics, Programs, and Budgets (Prentice-Hall, 1969), pp. 18–21.

With newspapers and wire services having three sets of budget totals to pick from, all published in the budget document and all discussed and explained during extensive news conferences, the result was a rash of conflicting headlines. The New York Times and The Washington Post featured the national income accounts figures, following the Administration's lead. United Press International led its story with the consoldiated cash budget. The Associated Press stressed the administrative budget.

In an attempt to avoid such confusion in the future, President Johnson created the President's Commission on Budget Concepts in March 1967. The Commission issued its report in the fall of that year recommending that a unified summary statement be used to replace the three competing and confusing budget concepts.[6] This approach meant that the financial operations of the various federal trust funds would be shown together with those of other government programs in a single budget. Since the recommendations were unanimous and no legislation was required to implement the change, the first so-called unified budget was presented for fiscal year 1969. The effect in that year of including the social security trust funds was to transform a $1 billion deficit into a $3 billion surplus.

The Congress subsequently gave its implicit approval to the unified budget in the Congressional Budget and Impoundment Control Act of 1974. This legislation established procedures for the Congress to develop federal budgets independently of the President. By including the activities of the federally administered trust funds in the scope of the programs to be covered by the new procedures, the Congress implicitly endorsed a comprehensive budget concept.[7]

Debate over the budget concepts subsided until February 1981 when the Administration proposed several cuts in social security benefits as part of its first budget proposal. Most of these proposals were subsequently included as part of the Omnibus Budget Reconciliation Act of 1981, which was signed into law on August 13, 1981. The social security minimum benefit, student benefit, lump-sum death benefit, as well as a number of other existing benefit provisions, were eliminated or severely restricted by the passage of that legislation.

In May 1981, the Administration announced a significantly more dramatic package of benefit reductions for the OASDI programs. The proposals were wide-ranging, but the ones that would have had the largest and most immediate effect included: reducing the early retirement benefit from 80 percent to 55 percent of the full benefit beginning in 1982; adjusting the benefit formula for only one-half the wage growth during the period 1982–87 so that benefits would decline as a percent of preretirement earnings; and making disability determinations solely on the basis of medical considerations, rather than on a combination of medical and vocational factors. The fact that these proposals were projected to reduce long-run costs by 88 percent more than the Social Security Trustees' estimate of the long-run deficit fueled suspicion that OASDI financing problems were being used as an excuse to cut back on social security as a means of restoring balance to the unified budget.[8]

In response to the perceived dangers to the social security program, numerous attempts were made in the Congress either to make social security and medicare more visible within the unified budget or to remove them altogether from the budgetary process. Senators Eagleton and Stennis introduced and amendment to the Economic Recovery Tax Act of 1981 that would have required the financial projections and assumptions for OASDI and medicare to be displayed more prominently in the unified budet. The amendment was passed by the Senate, but dropped in conference. Senator Eagleton reintroduced the proposal in connection with legislation that culminated in the Social Security Amendments of 1981.[9] Again the amendment was passed by the Senate, but dropped in conference.

Members of the Congress continued to worry that the large deficits in the unified budget would spark further efforts to cut back on social security. The tension reached a peak in May 1982 when the Senate Budget Committee included $40 billion of "unspecified" changes in social security as part of a plan to reduce the budget deficit over the next three years. The Committee did not specify whether the reduction would come from benefit cuts or tax increases, but did say that it was the expected outcome of recommendations due later in the year from the National Commission on Social Security Reform, the group that had been appointed by the President and the Congress to resolve social security's immediate and long-term financing problems. This effort to force further social security changes in order to reduce the budget deficit was met with such strong opposition that the proposal was promptly dropped and the matter never came to a vote in the Senate.

Finally, the National Commission on Social Security Reform considered the issue of the appropriate relationship between social security and the rest of the government's financial activities. The Commission concluded in its 1983 report that the trust funds should be removed from the unified budget and this proposal was included in the Social Security Amendments of 1983.[10]

As the law now stands, social security and medicare are to be displayed more prominently in the budget until fiscal 1992—that is, shown as a separate numbered account rather than as subcategories of income security and health—and then social security and hospital insurance are to be removed completely from the budget beginning in fiscal 1993. (Supplementary medical insurance, which is financed by premiums and general revenues rather than by earmarked payroll taxes, would remain part of the budget but would be shown as a separate major category.)

II. EFFECT OF SOCIAL SECURITY TRUST FUNDS ON THE BUDGET

Regardless of how the social security trust funds are reported, their receipts and outlays have a significant impact on the overall financial status of the federal government and on the demands of the Treasury in the private credit markets. Measuring the impact would be a straightforward and noncontroversial exercise if trust fund revenues consisted only of payroll tax receipts and outlays consisted only of benefit payments and administrative expenses; then federal fiscal activities could be summarized by two separate and distinct accounts—one presenting the receipts and outlays of the social security trust funds and one showing the financial transactions for the rest of the government. In this setting, the excess of social security tax receipts over benefit payments and administrative expenses would be the appropriate measure of the trust funds' contribution to the rest of the federal budget.

In reality, however, interpreting the impact of social security on the federal budget is complicated by numerous intragovernmental transactions between the trust funds and the Treasury. A picture of the federal government's financial activities for fiscal 1986 is presented in table 2, which shows that in addition to $256 billion of earmarked payroll taxes and other contributions, the OASDHI trust funds will receive $18 billion in intragovernmental transfers from the Treasury. These transfers consist primarily of interest paid on the trust funds' holdings of outstanding government debt and contributions paid by the federal government in its role as an employer. During the same period, the trust funds will transfer $1 billion to the Treasury to cover interest on "normalized" or advance tax transfers from the Treasury.

TABLE 2.—SOCIAL SECURITY, OTHER FEDERAL PROGRAMS, AND THE UNIFIED BUDGET, FISCAL YEAR 1986 [1]

[In billions of dollars]

Item	Social Security	Other Federal programs	Unified budget
Receipts	274	539	
Direct	256	538	794
Intergovernmental	18	1	
Outlays	251	742	
Direct	250	724	974
Intergovernmental	1	18	
Surplus or Deficit	+23	−203	−180

[1] Social security includes the old-age and survivors insurance (OASI), disability insurance (DI), and hospital insurance (HI) trust funds.

Source: 1985 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds; 1985 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Historical Tables and Appendix of The Budget of the United States Government, Fiscal Year 1986 (GPO, 1985).

Since most of the intragovernmental transfers are netted out when the trust fund accounts and other federal accounts are consolidated into the unified budget, most analysts evaluate the contribution of the social security trust funds to federal finances as simply the difference between the direct receipts and outlays of the trust funds. For example, both the Social Security Administration and the Congressional Research Service calculate social security's fiscal 1986 contribution to the unified budget as the difference between receipts of $256 billion and outlays of $250 billion.[11] Thus, according to the conventional analysis, in 1986 OASDHI trust funds are projected to reduce the unified budget deficit by $6 billion.

While direct receipts and outlays are the relevant numbers for constructing the unified budget, they do not provide the correct answer to the question whether the deficit in the rest of the federal budget would have been larger or smaller without the activity of the social security trust funds.

The clearest example of why the intragovernmental revenues and outlays should be included along with the direct activities of the trust funds is the case of interest pay-

ments from the Treasury to social security on the trust funds' holdings of government debt, which will amount to $7 billion in fiscal 1986 (table 3). The crux of the issue is whether this payment is simply a transfer among different sectors of the federal government that would not occur in the absence of social security or an outlay that would have to be paid to the public if it were not paid to the trust funds.

TABLE 3.—SOCIAL SECURITY RECEIPTS AND OUTLAYS, FISCAL YEAR 1986

[In billions of dollars]

Item	OASI	DI	HI	Total
Receipts	197.8	19.0	56.9	273.7
Direct	186.3	17.8	51.5	255.6
Payroll taxes	182.5	17.5	51.5	251.5
Income from taxation of benefits	3.8	0.3	(1)	4.1
Intragovernmental	11.5	1.2	5.4	18.1
Interest	3.8	0.5	2.9	7.2
Employer contributions made by the Federal Government	2.5	0.2	1.3	4.0
Contributions for military wage credits	3.5	0.3	0.1	3.9
Other [2]	1.7	0.2	1.1	3.0
Outlays	182.4	20.5	48.1	251.0
Direct	181.7	20.4	47.8	249.9
Benefit payments	177.9	19.5	47.1	244.5
Administrative expenses	1.7	0.8	0.7	3.2
Payments to railroad retirement account [3]	[4]2.1	0.1	(4)	2.2
Intragovernmental [5]	0.7	0.1	0.3	1.1
Surplus or deficit	+15.4	−1.5	+8.8	+22.7

[1] Not applicable.
[2] Includes reimbursements for uninsured persons receiving OASDHI benefits and income tax credits allowed against payroll tax contributions. These credits will be eliminated after 1989.
[3] Although payments from OASDI to the Railroad Retirement Account are technically intragovernmental transfers, they are traditionally included as direct outlays of the federal government because they represent reimbursement for benefits paid by the Railroad Retirement Board to private citizens.
[4] The HI trust fund received a payment of $0.3 billion from the Railroad Retirement Account in 1986. This amount is netted out of OASI transfers to the Railroad Retirement Account.
[5] Intragovernmental outlays consist primarily of interest on normalized tax transfers.

Source: 1985 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds; 1985 Annual Report of the Board of Trustees of the Federal Hospital Insurance Fund; Historical Tables and Appendix of The Budget of the United States Government, Fiscal Year 1986 (GPO, 1985).

In resolving this issue, it is important to remember that the assets in the trust fund reflect past trust fund surpluses. When in earlier years trust fund revenues exceeded the amount needed to pay benefits and administrative expenses, this excess was loaned to the Treasury in order to cover expenses in the rest of the budget. If it is assumed that these deficits in the general fund would have occurred without the surplus in the trust funds, then the government would have had to look to the private sector rather than to the social security system to cover the shortfall.[12] Under this scenario, the Treasury would have to pay the interest to the private holders of the government debt rather than to the trust funds. In other words, interest payments from the general fund to the OASDHI trust funds are an inescapable financial commitment that directly reflects previous deficits in the non-social security portion of the federal budget; the fact that some of the debt is held by the social security system reduces the size of the unified budget deficit and the financial demands of the federal government on the private economy. Therefore, the social security trust funds' effect on federal finances should be calculated including interest received on trust fund assets and not just on the basis of the direct sources of revenue. The rationale for including the other components of the intergovernmental transactions in the same manner is summarized in appendix A. With these amounts included, the surplus or deficit in the trust funds becomes the relevant measure of the social security system's contribution to the unified budget deficit. Hence, in fiscal 1986 the social security system will reduce the unified budget deficit by $23 billion.

Chart 1 shows, from the beginning of the program in 1937 to the present, the net financial position of the combined OASDHI trust funds using the alternative definitions of revenues and outlays discussed above. The preferred measure, which includes intra-governmental transactions, indicates that the social security system has run annual surpluses in 39 of the last 49 years. Over the same period, the non-social security portion of the federal budget ran deficits in 43 years; in 31 of the 43 deficit years social security surpluses reduced the size of the shortfall and in two of the 43 years, 1949 and 1969, the excess of revenues over outlays in the social security trust funds more than offset the deficit in the rest of the budget to produce an overall surplus in the unified accounts. In total, the social security trust funds have reduced the deficit or increased the surplus in the general fund in all but 10 of the last 49 years (chart 2 and the underlying budget data presented in appendix B). Stated another way, over the entire 49-year span, total social security revenues of $2,238 billion have exceeded outlays of $2,180 billion, to produce $58 billion of OASDHI assets at the end of fiscal 1985.

III. ARGUMENTS FOR AND AGAINST INCLUSION IN A UNIFIED BUDGET

Since social security trust fund transactions can alter the budget picture, it is important to consider whether the Congress and the public should be provided with a single unified budget or with a presentation that separates the transactions of these trust funds from the rest of government activity.[13] This question is more than just an issue of accounting. For while it is true that the impact on the economy of any given level of trust fund and other government activity will be the same regardless of how the numbers are reported, policymakers may well be affected by the form of the reporting and hence the reporting itself may ultimately influence the level of government activity.

Since the 1967 President's Commission on Budget Concepts is responsible for the current system of comprehensive accounting, it is an obvious place to look for the arguments in favor of including the social security trust funds in a unified budget. The main arguments for comprehensiveness, which permeate all the Commission documents, are the desire to eliminate the confusion associated with three competing budget concepts and to construct a budget that provides an aggregate measure of the impact of the federal sector on the economy. In addition, the staff paper on budget coverage cited four specific reasons why the trust funds should be included in the budget concept.[14] First, even though the social security programs do not require annual appropriations, the Congress is responsible for legislating tax rates and benefit formulas and changes in these provisions are made almost every year. Second, the government is ultimately responsible for assuring the financial solvency of these programs. Third, excluding the trust funds will distort priorities, since these programs receive more generous financing and less year-to-year scrutiny than programs included in the administrative budget. Finally, allowing emphasis to be placed on a budget that excludes the trust funds creates an incentive to invent new trust funds in order to reduce totals in the administrative budget.

The Commission's most convincing point is that policymakers need some aggregate measure of federal budget activity in order to assess the potential impact of total government spending and taxing on the economy. Excluding social security from this measure makes no sense, since the retirement, disability, and hospital insurance programs currently account for 25 percent of annual federal outlays and 34 percent of federal tax revenues.

Satisfying the need for a comprehensive budget figure for economic analysis does not mean, however, that the social security trust funds must be included in the annual budget considered by the Congress. The federal sector national income and product accounts are published quarterly and offer a very comprehensive picture of federal government transactions. Moreover, because this concept presents government fiscal transactions on an accrual rather than a cash basis, it offers the most useful measure of the impact of the federal sector on the economy. Economists and others will continue to use this concept in their efforts to assess alternative fiscal scenarios, regardless of whether or not the social security trust funds are included in the totals of the annual budget document.

The argument that social security must be in the budget document because the Congress is required to adjust the benefit and tax schedules on almost an annual basis is no longer relevant. The nature of the cash benefits programs has changed dramatically since the time of the Commission's report, when frequent adjustments were required on both the tax and benefit sides of the program in order to keep the provisions up to date with increases in prices and real wages. The 1972 Social Security Amendments introduced automatic cost-of-living adjustments for social security benefits and automatic increases in the maximum amount of earnings counted for benefit and contribution purposes to reflect rising average wages. These automatic adjustments combined with provisions in the 1977 Amendments produced a system under which benefits as a percentage of preretirement earnings will remain constant over time. On the financing side, as a result of the 1983 Amendments, revenues are projected to be sufficient to cover outlays well into the next century under the intermediate economic and demographic assumptions of the Social Security Trustees. In short, in the absence of unforeseen events, the Congress should have no need to adjust either OASDI benefit or tax schedules for a long time.

The case for excluding social security from the unified budget rests on the nature of the retirement, disability, and hospital insurance programs. These programs are self-supporting, financed by dedicated payroll taxes and other contributions, and hence, should not be pitted against other programs that must compete for scarce general revenues. The annual budget process is designed to force policymakers to make choices among alternative expenditures, giving preference in the budget period to one type of program over another, and to decide how these expenditures are to financed. Since social security outlays are based on past earnings histories and benefit promises stretch into the distant future, this program is not an appropriate part of the competitive budget process.

Moreover, the social security program embodies a moral, if not a legal, commitment to maintain the level of promised benefit.[15] Firms design supplementary pension plan provisions and individuals make irreversible lifetime decisions on the basis of an expected level of social security protection. Any changes in these promised benefit levels should be made gradually over a long period of time in order to give businesses and individuals an opportunity to revise their plans. Proponents of separate reporting conclude that the temptation to change social security benefits abruptly to accommodate other federal tax or spending decisions is significantly reduced if social security is not part of the unified budget.

In addition to these conventional arguments, the projected emergence of large surpluses in the social security trust funds provides new reasons to report the financial status of the social security system separately from the rest of federal receipts and expenditures. According to the Office of the Actuary of the Social Security Administration, the surpluses in the three social security trust funds should total $483 billion over the next 10 years (table 4). In the longer run, the current OASDI financing scheme calls for the buildup of trust fund reserves to continue for the next 35 years, which will produce trust fund balances equal to nearly 27 percent of GNP by 2020.[16] These accumulated reserves are then scheduled to be drawn down to cover annual deficits after 2020. As shown in chart 3, the projected annual surpluses are considerably larger and more persistent than anything experienced in the past, and the way in which they are reported could have a significant impact on the level of government taxing and spending in coming years.

TABLE 4.—PROJECTED SOCIAL SECURITY SURPLUSES, FISCAL YEARS 1985–1994 [1]

[In billions of dollars]

	OASDI			HI	Total
	OASI	DI	Total		
Fiscal year:					
1985	4.2	.5	4.7	3.9	8.7
1986	3.9	1.0	5.0	12.9	17.8
1987	9.3	−1.0	8.4	15.0	23.3
1988	29.6	.3	29.9	9.3	39.2
1989	37.9	1.0	38.9	8.0	46.9
1990	46.6	4.0	50.6	6.7	57.3
1991	54.4	5.8	60.3	4.3	64.6
1992	59.7	6.5	66.2	1.2	67.4
1993	69.8	7.5	77.3	−1.5	75.8
1994	78.8	8.3	87.1	−5.2	81.9
1985–94	394.2	33.9	428.4	54.6	483.0

Note: Totals may not add due to rounding.

[1] These projections are based on the intermediate (Alternative II–B) set of economic and demographic assumptions in the 1985 Trustees' Report. This alternative assumes that the average annual unemployment rate will decline steadily from 6.9 percent to 5.9 percent between 1985 and 1994 and that the real earnings differential will average 1.2 percent during this period.

Source: U.S. Social Security Administration, Office of the Actuary, Steven F. McKay, "Estimated Short-Range Operations of the OASI, DI and HI Trust Funds on the Basis of the 1985 Trustees' Report Assumptions," April 8, 1985, Memorandum, Table 8.

The first issue associated with the enormous trust fund buildup is one of fiscal discipline. If the social security trust funds remain part of the unified budget, so that the large surpluses projected for the next 35 years are reported in a manner that makes them appear available to finance general expenditures, they could reduce incentives to constrain costs in the non-social security portion of the federal budget. That is, by taking the pressure off the Congress to carefully scrutinize the merits of alternative spending proposals, the social security surpluses could encourage the financing of marginal projects and produce a higher level of total government spending than would have otherwise occurred.

The second issue is related to the foregoing question of fiscal discipline but involves some longer run considerations. These pertain to the OASDI financing arrangements over the next 75 years, which call for the accumulation of large reserves that are scheduled to be drawn down to finance annual social security deficits as the baby boom generation retires.[17] This is not the place to discuss the merits of the proposed funding plan, but simply to point out that for the social security surpluses to produce a net positive accumulation of resources at the federal level, they must not be offset by deficits in the non-social security portion of the budget.[18]

If the payroll taxes earmarked to pay future retirement and disability benefits are used to cover current outlays from the general fund, then the government debt held by the trust funds will be nothing more than paper claims. When the baby boom generation retires after the turn of the century, the trust funds will redeem their claims on the Treasury in order to pay promised benefits. The Treasury, however, will not have accumulated resources to meet its obligations, but rather will be forced to raise taxes at that time to pay off its debts. Thus, the full burden of supporting the beneficiaries will come from the future taxpayers—just as if the system had been financed on a pay-as-you-go basis all along. In this event, the only accomplishment of the proposed OASDI funding plan would be to shift the composition of federal revenues over time—with payroll tax receipts financing general government expenditures during the period of social security accumulation and general revenues financing social security benefits when trust fund assets are redeemed during the period of decumulation. Reporting social security trust fund activity separately from the rest of the federal budget, so that OASDI taxes do not appear available for general spending purposes, will give the best chance for the buildup of reserves in the trust funds.[19] This increase will produce real government saving that can then be used to finance future benefits.

IV. CONCLUSION

The financial activities of the social security trust funds have had a significant impact on the federal budget. Indeed, conventional analyses have consistently understated the extent to which trust fund surpluses have reduced the amount the Treasury has had to borrow in the private credit markets. A comprehensive appraisal of OASDHI receipts and outlays reveals that the social security system has, since its inception in 1935, provided a net contribution of $58 billion to the general fund of the Treasury. Moreover, over the next ten years, the surpluses in the trust funds are projected to equal almost $500 billion.

The possible distorting effects of the large projected trust fund surpluses, the fact that the programs are self-financed with earmarked taxes and represent a moral commitment to continue to pay the benefits upon which people have made irreversible lifetime decisions, constitute compelling arguments for treating social security differently from other government programs. Social security should not be subject to annual Congressional review where changes are proposed merely to accommodate other non-social security budgetary decisions, nor should social security's projected buildup of reserves be appropriated for current non-social security expenditures.

Removing social security from the unified budget does not mean that the Congress relinquishes control over the program. Instead, it should merely reduce the likelihood that changes are proposed solely in response to short-run budgetary pressures, rather than in the interests of sustaining the nation's retirement income system. In short, reporting social security separately from other federal programs should lead to more rational decisionmaking, and, with the advent of large trust fund surpluses, the sooner the separation occurs the less chance for social security to distort other federal fiscal decisions or for other federal decisions to thwart social security's long-run financing plan.

APPENDIX A. RATIONALE FOR TREATING INTRAGOVERNMENTAL TRANSACTIONS BETWEEN THE SOCIAL SECURITY TRUST FUNDS AND THE TREASURY AS DIRECT RECEIPTS AND OUTLAYS OF THE FEDERAL GOVERNMENT

In addition to interest on their holdings of government debt, the social security trust funds receive transfers from the Treasury to cover payroll tax contributions from the federal government in its role as an employer, noncontributory wage credits for military service, and a few miscellaneous items. On the expenditure side, the trust funds transfer to the Treasury payments to the Railroad Retirement Account and interest on normalized tax transfers. This appendix provides the rationale for treating these intragovernmental transactions as receipts and outlays of the federal government when assessing the contribution of the OASDHI trust funds to the unified budget.

I. Intragovernmental Receipts

(a) Employer contributions made by the federal government: All temporary federal employees have been covered under OASDHI since 1951, and all military personnel have been similarly covered since 1957. In 1982, HI coverage was extended to all federal employees. As a result of the Social Security Amendments of 1983, all federal workers hired after 1983 will be covered by OASDI in addition to HI. These federal workers and their employer pay OASDHI taxes at the same rate as private sector participants in order to qualify for future social security benefits. Hence, the government must make periodic transfers to the OASDHI trust funds in an amount equal to the employer's share of the payroll taxes owned on its employees' covered wages.

As a result of the extension of social security coverage to newly hired federal employees, Congress is currently exploring options for redesigning the Civil Service Retirement System (CSRS) to incorporate the costs and benefits of this coverage. In response to a Congressional request, the Congressional Research Service developed five alternative designs for the new plan, each structured to maintain the total employer normal cost of the entire retirement program (including the cost of social security coverage) at its current level.[20] All five of the proposals require lower CSRS contributions and benefits for the newly covered workers than those provided for federal employees not covered by social security. Thus, payroll taxes paid by the federal government to the OASDHI trust funds represent an inescapable portion of the cost of employing federal workers. Since the Treasury would have had to finance accruing benefit obligations through the CSRS in the absence of social security coverage, these transfers should be

included with the direct activities of the trust funds when assessing the impact of OASDHI on federal finances.

(b) Contributions for military wage credits: Members of the armed forces have been regular contributing members of the social security since 1957; before that time, various special provisions provided for gratuitous wage credits that entitled military personnel to benefits and, in particular cases, entitled their survivors to survivors' benefits. Current members of the armed forces pay regular payroll taxes on earnings and, in addition, are given noncontributory wage credits for each quarter of military employment after 1956. These credits, in effect, raise the average monthly earnings used in the computation of monthly and lump-sum retirement payments by taking into account up to $300 per quarter of remuneration in kind.

Until 1983, payments from the Treasury to the trust funds to finance noncontributory military wage credits were made as the benefits became due. The Treasury transferred annual level payments, amortized to 2015, to the trust funds to finance current benefit obligations arising from noncontributory credits for service before 1957. In addition, the Treasury made annual variable payments to cover the current cost of benefits and administrative expenses arising from such credits granted after 1956.

The 1983 Social Security Amendments changed the financing basis of all noncontributory wage credits for military service. In May 1983, the existing amortized payment schedule for credits resulting from service before 1957 was replaced by immediate, full payment by the Treasury to the OASDHI trust funds of the present value of all future benefits arising from these credits. The Treasury also transferred to OASDHI an amount equivalent to the combined employer-employee OASDHI taxes, plus interest, on the noncontributory credits for the period 1957–83. Since the amount of the former payment was determined on an estimated basis, periodic adjustments will be required to assure that the Treasury accurately reimburses the trust funds for the cost of providing these benefits; the adjustments will be made in fiscal 1986 and every fifth year thereafter. The trust funds are now reimbursed annually for the OASDHI employer-employee taxes on all noncontributory wage credits for military service.

Transfers from the general fund for military-service wage credits represent contributions from the federal government, made as employer of miltary personnel, to finance future benefit obligations that arise from that employment. Since such a large portion of military pay is provided by remuneration in kind, these wage credits are necessary in order for the federal government to provide military service personnel with an adequate level of social security benefits. Thus, these transfers are analogous to payroll taxes paid by employers and therefore should be included along with the direct activities of OASDHI when evaluating the impact of social security on federal finances.

(c) Other intergovernmental receipts: The Social Security Amendments of 1983 contained a provision designed to treat the self-employed in much the same manner as employees and employers are treated for payroll and income tax purposes. Before 1984, the total OASDHI contribution rate faced by the self-employed was approximately 75 percent of the combined employer-employee rate. The 1983 Amendments raised the self-employed payroll tax rate to the combined employer-employee rate beginning in 1984, and provided self-employed individuals with an income tax deduction equal to one-half of their total payroll tax contribution beginning in 1989. This deduction parallels the present provision which allows employers to deduct as a business expense the payroll taxes they pay on their employees' wages. During the transition period between 1984 and 1989 when the deduction becomes available, the self-employed will contribute payroll taxes at a rate lower than the combined employer-employee rate.

In 1984, self-employed persons were allowed a payroll tax credit of 2.7 percent of covered wages and thus contributed 11.3 percent instead of the scheduled 14.0 percent. They will receive similar credits of 2.3 percent for 1985 and 2.0 percent for 1986–89. From 1984 to 1989, however, appropriations from the Treasury to the OASDHI trust funds are based on the full employer-employee tax rates that apply in each year. As a result, in fiscal 1986 the Treasury will transfer approximately $2 billion to the OASDHI trust fund to compensate for the revenue loss to the trust funds associated with the difference between payroll tax rates applicable to the self-employed and the combined employer-employee rate.

OASDHI earnings credits will accrue in each year between 1984 and 1989 as if payroll taxes had been contributed according to the full scheduled employer-employee contribution rate. Hence, these transfers should be included with the direct activities of the trust funds when assessing the impact of OASDHI on federal finances.

Intragovernmental Outlays

(a) Payments to the Railroad Retirement Account: The Railroad Retirement Act of 1974 provides for a system of coordination and financial interchange between the Railroad Retirement program and the OASDHI programs. Under provisions of this Act, transfers between the Railroad Retirement Account and the trust funds are made annually in order to place each trust fund in the same position in which it would have been if railroad employment had always been covered under social security. In 1986, OASDI will transfer approximately $2.3 billion to the Railroad Retirement Account and the Railroad Retirement Account will transfer $300 million to HI, resulting in a net payment by OASDHI of approximately $2.0 billion. Since these funds represent reimbursement for benefits paid by the Railroad Retirement Account to private citizens, they are traditionally treated as direct expenditures of the OASDHI trust funds when assessing the contribution of OASDHI to the federal budget.

(b) Interest on normalized transfers: Before 1983, payroll taxes collected by the federal government were transferred to the trust funds immediately upon receipt. Beginning in May 1983, estimated total collections for each month are credited to the trust funds on the first day of the month.[21] As the actual collections are received during the month, they are deposited in the general fund of the Treasury. The trust funds reimburse the Treasury for the interest costs attributable to these advance transfers.

OASDI will pay approximately $1 billion in interest costs attributable to advance tax transfers in 1986. Without advance transfers from the Treasury, the social security trust funds might be required to look elsewhere for a source of advance revenues if trust fund balances were too low to meet benefit payments, which are generally made in the early part of each month. Similarly, the Treasury would be free to use the money involved in the advance transfer for other purposes. Thus, the interest costs associated with this transaction represent a legitimate expense of OASDI and should be included with direct OASDHI expenditures when assessing the impact of the social security trust funds on the federal budget.

APPENDIX B.—DEFICITS AND SURPLUS OF THE SOCIAL SECURITY TRUST FUNDS, OTHER FEDERAL PROGRAMS, AND THE UNIFIED BUDGET, FISCAL YEARS 1937–86 [1]

[In billions of dollars]

Fiscal year	Social Security		Other Federal programs		Unified budget
	Without intragovernmental transactions	With intragovernmental transactions	Without intragovernmental transactions	With intragovernmental transactions	
1937	0.3	0.3	−3.0	−3.0	−2.8
1938	.4	.4	−1.6	−1.6	−1.2
1939	.5	.5	−4.4	−4.4	−3.9
1940	.5	.6	−3.4	−3.5	−2.9
1941	.6	.7	−5.5	−5.6	−4.9
1942	.8	.8	−21.3	−21.3	−2.5
1943	1.0	1.0	−55.5	−55.6	−54.6
1944	1.1	1.2	−48.6	−48.7	−47.6
1945	1.0	1.2	−48.3	−48.4	−47.3
1946	.9	1.0	−16.8	−17.0	−15.9
1947	1.0	1.2	2.6	2.4	3.6
1948	1.1	1.2	10.7	10.5	11.8
1949	1.0	1.3	−.4	−.7	.6
1950	1.3	1.6	−4.3	−4.6	−3.0
1951	1.6	1.8	4.6	4.3	6.1
1952	1.5	1.9	−3.0	−3.4	−1.5
1953	1.4	1.8	−7.9	−8.3	−6.5
1954	1.2	1.7	−2.4	−2.8	−1.2
1955	.6	1.1	−3.6	−4.1	−3.0
1956	.9	1.5	3.0	2.5	3.9
1957	.1	.8	3.3	2.6	3.4
1958	−.2	.5	−2.6	−3.3	−2.8
1959	−1.4	−.7	−11.4	−12.1	−12.8
1960	−1.0	−.2	1.3	.5	.3
1961	−.4	.4	−2.9	−3.8	−3.3
1962	−2.1	−1.3	−5.1	−5.9	−7.1
1963	−1.6	−.8	−3.1	−4.0	−4.8
1964	−.3	.6	−5.6	−6.5	−5.9
1965	−.7	.2	−.7	−1.6	−1.4
1966	−.8	.2	−2.9	−3.9	−3.7
1967	2.7	4.5	−11.4	−13.1	−8.6
1968	.8	2.7	−25.9	−27.8	−25.2
1969	1.3	4.3	1.9	−1.1	3.2
1970	3.0	6.5	−5.8	−9.4	−2.8
1971	−.7	3.4	−22.3	−26.5	−23.0
1972	−1.3	2.8	−22.1	−26.2	−23.4
1973	−2.2	2.0	−12.7	−16.9	−14.9
1974	.6	5.4	−6.7	−11.5	−6.1
1975	−1.5	4.0	−51.8	−57.2	−53.2
1976	−8.0	−2.3	−65.7	−71.5	−73.7
1977	−9.9	−3.7	−43.8	−49.9	−53.6
1978	−9.6	−3.6	−49.4	−55.4	−59.0
1979	−6.4	−.4	−33.7	−39.7	40.2
1980	−6.3	0	−67.5	−73.8	73.8
1981	−8.3	−1.4	−70.6	−77.5	−78.9
1982	−13.0	−5.2	−115.0	−122.8	−127.9
1983	−27.9	6.0	−179.9	−213.8	−207.8
1984	−11.6	3.7	−173.7	−189.0	−185.3
1985	−5.3	8.7	−217.0	−231.0	−222.2
1986	5.4	22.7	−185.4	−202.7	−180.0

[1] Social security includes the old-age and survivors insurance (OASI), disability insurance (DI), and hospital insurance (HI) trust funds.

Note: Totals may not add due to rounding.

Source: 1985 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds; 1985 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Historical Tables, Budget of the United States Government, Fiscal Year 1986 (GPO, 1985); and author's calculations.

FOOTNOTES

[1] Before 1940, social security was financed through a special "Old-Age Reserve Account" in the Treasury. Appropriations were made to this account from payroll tax revenues received by the Treasury net of administrative expenses. After the social security program was declared constitutional in 1937, it was no longer necessary to maintain an implicit separation between the tax and benefits activities. As a result, the 1938 Advisory Council advocated the establishment of a trust fund for the OSAI program, which would receive automatic appropriations from the Treasury. This recommendation was adopted in the 1939 Amendments.

[2] Medicare is composed of two parts—hospital insurance (HI), which pays for inpatient hospital care, limited stays in skilled nursing facilities, and home health services, and supplementary medical

insurance (SMI), which pays for physicians' and hospital outpatient services. The programs are financed through separate trust funds, each with a distinct source or revenue. Hospital insurance is financed by earmarked payroll taxes in a manner similar to the OASI and DI programs. SMI derives its income from premiums paid by participants and from general revenues. Hence, SMI will be excluded from the definitions of medicare and social security as they are used throughout this article.

[3] As a result of the 1983 Amendments to the Social Security Act, the Treasury began transferring the estimated amount of each month's payroll tax receipts to the OASI, DI and HI trust funds at the beginning of the month. Before this legislation, payroll tax receipts were transferred to the trust funds as they were received. The Deficit Reduction Act of 1984 reinstated the traditional practice for the HI trust fund, although OASI and DI will continue to receive transfers on the first day of the month.

[4] For more detail about these alternative budget concepts, see the Budget of the United States Government, Fiscal Year 1969 (Government Printing Office, 1968), Special Analysis A, pp. 464-472.

[5] See "Shaping a Simpler Budget," reprinted from Business Week, August 5, 1967, and Eileen Shanahan, "Major Revisions in Budget Asked to End Confusion," reprinted from The New York Times, October 8, 1967, both in James W. Davis, Jr., ed., Politics, Programs, and Budgets (Prentice-Hall, 1969), pp. 18-27.

[6] Report of the President's Commission on Budget Concepts (GPO, 1967).

[7] For a complete legislative history of the budgetary treatment of the social security trust funds, see David Koitz, "Social Security and the Unified Budget" (Congressional Research Service, March 1984), mimeo, pp. CRS-5 to CRS-10. The following discussion draws very heavily on Koitz' study.

[8] The Administration's May 1981 proposals would have reduced long-run costs by 2.86 percent of taxable payrolls, based on the central "Alternative II" economic and demographic assumptions underlying the 1980 Trustees' *Report*. The long-run deficit as reported by the system's Trustees under these same assumptions amounted to only 1.52 percent of taxable payrolls. Hence, the proposed reductions of 2.86 percent exceeded the projected deficit of 1.52 percent by 1.34 percent of taxable payrolls or 88 percent. The 1981 Trustees' *Report*, issued on July 2, 1981, revealed a somewhat larger long-run deficit, equal to 1.82 percent of taxable payrolls. The Administration's proposed reductions exceeded even this updated estimate of the long-run deficit by 57 percent.

[9] The major provisions of the 1981 Amendments were the introduction of interfund borrowing among the social security and hospital insurance trust funds and the restoration of the minimum benefit for current beneficiaries.

[10] A majority of the members of the National Commission recommended that the OASI, DI, HI, and SMI trust funds be removed totally from the budget. A modified version of this recommendation, which called for the OASI, DI, HI and SMI trust funds to be displayed more prominently in the unified budget until fiscal 1988 and then for the OASI, DI, and HI trust funds to be removed totally from the budget process thereafter, was incorporated into the social security legislation that passed the House in March 1983. The final version of the bill, which delayed the date for taking social security out of the budget until fiscal 1993, represented a compromise between the House and the Senate. For further information, see *Report of the National Commission on Social Security Reform* (GPO, January 1983), pp. 2-24 and 2-25; and John A. Svahn and Mary Ross, "Social Security Amendments of 1983: Legislative History and Summary of Provisions," *Social Security Bulletin*, Vol. 46, July 1983, pp. 3-48.

[11] See Koitz, "Social Security and the Unified Budget," pp. CRS-19 to CRS-21 and U.S. Social Security Administration, Office of the Actuary, Steven F. McKay, "Comparison of Trust-Fund Accounting Versus Unified-Budget Accounting," February 7, 1985, Memorandum.

[12] David Koitz of the Congressional Research Service argues that the weakness with the proposed approach is the assumption that other federal spending and income decisions were developed in isolation from the financial operations of the social security programs. He questions whether the New Deal spending policies in the late 1930's ignored the receipts flowing into the social security program or whether World War II taxation policy would have been the same without the surpluses in the social security trust funds. Koitz concludes that the social security program has had a three-fold effect on government finances; the surpluses have not only reduced government borrowing in the private sector as argued in this article, but they have also allowed non-social security taxes to be somewhat lower and permitted spending to be somewhat higher than they otherwise would have been. Since it is impossible to know the relative magnitude of each of these effects, Koitz believes that focusing on the direct activites of the trust funds provides a more reliable indicator of the program's impact on the unified budget. These views were expressed in a detailed response to an earlier draft of this article.

[13] The main arguments for and against including social security in the federal budget are summarized in Koitz, "Social Security and the Unified Budget." For further discussion, see Robert M. Ball, *Social Security Today and Tomorrow* (Columbia University Press, 1978), pp. 308-310; *Social Security in America's Future: Final Report, National Commission on Social Security* (GPO, March 1981), pp. 306-307 and 356-358; Robert J. Myers, "Inclusion of Operations of Social Security and Medicare Trust Funds in the Unified Budget" Memorandum No. 53, National Commission on Social Security Reform, September 1982, mimeo; and *Report of the National Commission on Social Security Reform*, pp. 2-24 and 2-25.

[14] Staff paper, "Coverage of the Budget," in President's Commission on Budget Concepts, *Staff Papers and Other Materials Reviewed by the President's Commission* (GPO, 1967), pp. 161-169.

[15] The United States Supreme Court in 1960 (Flemming V Nestor, 363 US 603, 1960) said that "The social security system may be accurately described as a form of social insurance, enacted pursuant to Congress' power to spend money in aid of the 'general welfare.'" However, the Court went on to say that the rights of a beneficiary "cannot be soundly analogized to that of a holder of an annuity whose right to benefits is bottomed on his contractual premium payments."

[16] The precise date at which the accumulation ceases and the drawing down of assets begins can be defined in three ways. In nominal terms, even though outlays exceed tax income after 2015, fund assets continue to grow until 2030 as a result of interest income and the drawing down of trust fund assets occurs after 2030. If income and outlays are expressed in constant dollars or as a percent of GNP, then interest enables the fund to continue growing for only five years after outlays exceed tax income and the value of fund assets declines after 2020. Since the size of the trust fund relative to GNP offers the most relevant indicator of the impact of trust fund behavior on the economy, this measure will be used in the following discussion. For the data underlying these figures, see U.S. Social Security Administration, Office of the Actuary, Harry C. Ballantyne, A.S.A., *Long-Range Estimates of Social Security Trust Fund Operations in Dollars*, Acutarial Note 125, May 1985.

[17] It seems fair to say that the Congress did not deliberately seek to have the system accumulate reserves, but rather this development was the largely inadvertent product of a 1977 plan to restore financial solvency to the program over a 75-year period and a minor modification of that plan contained in the 1983 Amendments. These amendments produced the accumulation by accelerating a scheduled 2011 tax rate increase to 1988 and 1990, so that taxes are raised just as social security costs relative to taxable payroll are slated to decline.

[18] For a detailed discussion of the possible implications of accumulating large social security surpluses, see Alicia H. Munnell and Lynn E. Blais, "Do We Want Large Social Security Surpluses?" *New England Economic Review*, September/October 1984, pp. 5-21.

[19] A bill (S. 724) that would accelerate the removal of the OASDHI trust funds from the federal budget process was introduced on March 20, 1985 by Senators Paula Hawkins, Daniel Moynihan and Donald Riegle. Under this legislation, which is currently pending before the Committee on the Budget and the Committee on Governmental Affairs of the United States Senate, the social security trust funds would be reported separately from the rest of the federal budget beginning in fiscal 1987.

[20] *Designing a Retirement System for Federal Workers Covered by Social Security*, prepared by the Congressional Research Service for the Committee on Post Office and Civil Service of the U.S. House of Representatives (GPO, 1985).

[21] Beginning in August 1984, advance transfers of HI tax receipts were discontinued.

Mr. ANDREWS. Mr. President, I rise today to express my support of my colleague's sense of the Senate resolution. As a long-time advocate of Social Security, and as a cosponsor of S. 1600, I would strongly urge Members of the Senate to vote for this measure.

Removal of Social Security from the unified budget is a necessary and proper step if the Congress is to avoid transforming this issue into a political football during future debates over the budget and the Federal deficit. It is a necessary step and one that is based on sound logic. In addition, it is a concept which has the support of the Administration. For these reasons, I urge my colleagues to support Senator HEINZ in his effort.

● Mr. ABDNOR. Mr. President, I am pleased to join my colleague from Pennsylvania, Senator HEINZ, in recognizing the need for this body to address the inequities which are brought about as a result of the political wrangling over Social Security as a budget issue. I commend my colleague for taking the lead in eliminating once and for all the tendency of Congress to play politics with our elderly's hard-earned Social Security benefits.

There are good reasons for shielding Social Security from the vagaries of the budget process. Social Security, after all, is based on the notion of an intergenerational compact in which workers pay taxes on their wages to cover benefits for current retirees in return for a promise that they and their families will be protected now and in the future.

The compact is the only thing that justifies financing the system by a tax that falls relatively heavily on low- and moderate-income workers. Clearly, Social Security is a system which should not be tampered with lightly.

Shifting Social Security out of the unified budget now rather than in 1993 is the surest way of guaranteeing that Congress will not arbitrarily raid the trust funds to cover long-term shortfalls elsewhere in the budget. I, for one, am committed to protecting, not only the financial security, but also the peace of mind that Social Security provides for the elderly citizens of my State of South Dakota.●

Mrs. HAWKINS. Mr. President, I am pleased to join my distinguished colleague from Pennsylvania in this effort to remove Social Security from the unified budget.

Mr. President, I think that it is important to remind my colleagues that under current law, Social Security is already scheduled to be separated from the unified budget effective fiscal year 1993. So, Congress has already spoken on this issue. But the senior citizens of this country need it

to be separated now. In March of this year, I introduced legislation to accelerate the separation so that it would be effective for the next budget process. We must stop terrifying Social Security recipients year after year during the budget process by kicking Social Security around like a political football.

Prior to 1969, Social Security was not part of the unified budget. Since its inclusion, we have witnessed numerous proposals to reduce some types of Social Security benefits primarily for the purpose of meeting short-term budgetary goals. Social Security is self-supporting since the trust funds are financed through the system's own tax, and benefits are provided only through the resources of the trust funds. Therefore, Social Security should not be weighed against other Federal programs which compete for scarce general funds.

Once we remove Social Security from the unified budget, our elderly citizens, the majority of which are on fixed incomes, would no longer have to live with the fear that payment of Social Security benefits or the cost-of-living increase is conditional upon the status of the overall Federal budget rather than solely upon the financial condition of the trust funds.

Mr. President, I urge my colleagues to join us in this effort so that the elderly of this Nation will be assured that Social Security is not only an independent program, but is also solvent.

(Mr. HELMS assumed the chair.)

Mr. SIMON. Mr. President, just briefly, I wish to say I support the amendment by the Senator from Pennsylvania. The history of this, I think if we are candid, goes back to the Korean war—and I regret to say those of us on the floor all remember that very vividly—when Harry Truman, to his credit said, "Let's tax ourselves," and we went through the Korean war without an increase in the deficit or an increase in inflation. When we got involved in the war in Vietnam, President Johnson, for reasons I think we understand but which were not in the national interest as we look back on it, saw that that deficit did not look good being in the Vietnam war. There were some substantial surpluses in Social Security and he wanted that bottom line to look better, so we ended up with a unified budget that, in fact, was taking Social Security funds not directly into the Vietnam war, but to make that total budget look better. And we were in fact creating some long-range problems.

I think we would be much better off with the Social Security trust funds off separately. I would have one question for my friend from Pennsylvania if he would yield, if I may have his attention. I see by the smile on his face he has heard another Simpson witticism here and my colleague from Wyoming is loaded with them.

But I know that Senator BUMPERS has been interested in actually doing this by statute and not simply kind of a hortatory resolution that does not have any solid impact even though it is the sense of this body. If, in fact, there is agreement by everyone and if, after consulting with the Senator from Arkansas, and the chairman and the ranking member of the Senate Finance Committee would agree, why do we not go to enacting this? It seems to me the sooner the better.

Mr. HEINZ. Well, the Senator makes an excellent point. First, it is my view that the easiest, quickest, and most effective way for Congress to act on the substantive legislation of removing Social Security well prior to 1992 from the unified budget is for that legislation to be a part of the reconciliation bill. The reconciliation bill ultimately is privileged.

For the changes to be made, they need to be made in committee. It is very difficult, as I know the Senator knows, to amend a reconciliation bill on the floor. It is subject to a variety of points of order. The Senate Finance Committee in going to start the markup of its reconciliation bill at 9:30 tomorrow morning.

And it seems to me since there are some people who believe sincerely that the Social Security trust fund should always be a part of the unified Federal budget, and who will speak in opposition to either this resolution or substantive law, that while I do not in any sense attempt or want to foreclose debate on the issue, we have debated it on many occasions, that the chances of moving either with a substantive amendment on this kind of legislation or with a free-standing bill which could be subject at least to extended debate—I am confident we have votes to shut off filibuster—would preempt any opportunity to act to take the Social Security trust fund off budget or separate it from the unified budget effective this October 1985.

I would like to preclude that possibility.

Mr. SIMON. If the Senator will yield further, and I thank him for it. If, for some reason, it does not end up on the part of a reconciliation resolution, would the Senator from Pennsylvania get together with my colleague from Arkansas—and I want to be a cosponsor—so that we can move on this thing and not delay it further? It seems to me it is clearly in the interests of the senior citizens, of Social Security, and of a sound fiscal system that we take an honest look where we are. Once Social Security is there, we are getting a distorted view of what the budget is.

Mr. HEINZ. To respond to my friend from Illinois, the day after the President announced his support of taking Social Security out of the unified budget, I introduced substantive legislation—I think it was S. 1600—to do so. If, for some reason, we are unsuccessful in reconciliation, I will certainly press ahead with the substantive legislation which was cosponsored by a significant number of Members of this body, and which I believe tracks similar House legislation.

Mr. SIMON. I thank the Senator.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HEINZ. Mr. President, I renew my request for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, I know we have additional business to come to in a moment. But let me just say I must share with you that I wish this could have come up on some other measure. But I am also a realist enough to know that when we bring up Social Security in this Chamber, we want to be careful, protect our arms and legs, get out of the way, and yet see if we can crush more Democrats or more Republicans on either side of the issue. It is a fascinating adventure to watch.

It is not always clean, and so we are going to do another one of those. Far be it from me to stand in the way of a 100-to-0 vote. I guess I can salvage something knowing at least it will be a sense-of-the-Senate resolution instead of a piece of the statute that could just gum up in some way or another something when we get to conference—if we are ever able to get there—but it is fascinating to watch this come up. I really think it can be summarized in about one sentence: We want the Social Security money but we just do not want to count it. I guess that is the essence of the debate. I guess we will have that debate. There was a reason to do it in a unified budget. It involves so darned much money to omit it, it misrepresents the Federal budget activity and results in irrational economic planning. That happens to be my view. But as I say, we will go ahead to a final vote and I will be right there scrambling with the rest of them to get out of the way.

These trust funds are one of the largest and fastest growing components of our entire Federal budget. Excluding them, I think, undermines the value of the budget as a comprehensive financial plan. I think removing it might lower the projected deficit figures in the next few years. But we will not have to worry about that. There will be plenty of it there for us because we do not do any of the heavy lifting around here because the heavy

lifting is in Social Security, the defense budget, Medicare, Medicaid, military retirement, civilian retirement, and veterans' benefits. That is where the heavy lifting is.

We do not do any heavy lifting in here. We slap Amtrak around, UDAG, and SBA. But we do not do the heavy lifting because when we try to do that, the mailroom breaks down. Then people write us about the deficit, accuse us, and say, you know, "What are you up to?" Yet when we try to do anything at all constructive in these areas, the mailroom breaks down. That is the way it is.

I just happen to believe that Social Security and Medicare are so out of whack they ought to be constantly subject to budgetary review to identify unnecessary duplicative activities in the same way that every other Federal program is. But I see in the final product here we have a fine ending on it. It says it is the sense of the Senate that regardless of the budgetary treatment of any Federal program addressing fiscal policy, congressional and Presidential budget documents may in addition to unified Federal budget totals include total national levels of taxation, spending, and indebtedness.

I see the fine hand there of Chairman PETER "PETE" DOMENICI. I appreciate what Senator HEINZ, and Senator DOMENICI, and Senator CHILES have all done and hopefully Senator BUMPERS has been involved in this as well. I am not privy to all of the activities which led to this thing that will pass by 100 to nothing—if we are all here. But I do appreciate the work of Senator HEINZ, Senator DOMENICI, Senator CHILES, and Senator BUMPERS, and only wish it could have been dealt with on the extension of the debt limit where we can deal with about 400 other things.

Mr. HEINZ. Mr. President, will my friend from Wyoming yield?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I will not take much time. I think the Senator from Wyoming, as always, has raised some pertinent points. I would just like to introduce into the RECORD my thoughts on those points. One thing that the Senator from Wyoming may not have meant to say was that removing Social Security and separating it from the unified Federal budget would make the Federal budget deficits look lower than they would otherwise be.

Since it is a fact that the Social Security trust funds are running a surplus, in fact removing Social Security from the Federal unified budget will state the deficit as larger as we now state it. To my view that is an unbalanced, positive development. It means that we will not be obscuring the truth with the rest of the Federal budget, and we knew it was bad to begin with but the fact is it is worse than we thought.

I think, therefore, separating Social Security from the unified budget gives a truer picture. I will not go quite so far as to call it truth in budgeting. But it does help in that regard.

One of the other arguments—and I have had long discussions with the chairman of the Budget Committee, Senator DOMENICI, and others on this point—is what does having Social Security separate from the unified budget mean in terms of our ability to review the programs that are part of the Social Security Trust Fund? The answer is by separating Social Security from the unified Federal budget we do not give up in any way, shape, or form our ability as a Congress to review the effective functioning of Medicare or disability insurance, or of the old age and survivor program.

To the contrary, those programs will remain part of the jurisdiction of the appropriate committee. Given, for example, the tremendous amount of funds change in the Medicare program, with the diagnostic related prospective payment system being in the process of being fully implemented, I feel confident that programmatic review will continue on a national basis.

What will be different about that programmatic review are the changes in Social Security, Medicare, and the disability program in those trust funds will not be driven for so-called budget or fiscal policy reasons.

Some may say, "Senator, we do have a budget program. Why would it not be good to be able to help solve that budget problem by addressing the Social Security trust funds?"

My most abbreviated answer to that question is that anybody who believes that we will ever taken money out of the Social Security Trust Fund and permanently apply it as spending for welfare, spending for the defense budget, paying interest on the national debt, paying for some of the discretionary programs, I think is deluding themselves. Nobody is ever going to support this taking money out of the Social Security trust funds to pay for some other program. I do not know of a single person in this body who would support that.

Therefore, when anyone says that the budgetary impact of Social Security on the budget is somehow important and is real, the fact is that it is illusory unless you actually can take the savings and apply them, either to reducing taxes, reducing the deficit, or reducing spending, and no one is ever going to do that.

What is likely if we do not separate the Social Security trust funds is that we will continue to mask the size of the deficit; we will continue to make very little progress in addressing other spending accounts in the Federal budget; and we will be 5 years from now exactly where we are today, which is facing $200 billion deficits.

But even if that were not to be the case, and I hope it is not the case, the fact is that while you may have some short-run apparent mitigation of the Federal budget deficits, as long as Social Security moneys are trust funded—and they always will be—then any saving in the Social Security trust funds will only ultimately, as a surplus develops, be disposed of in one of three ways: either Social Security tax rates will be cut, Social Security benefits will be increased, or Social Security trust fund surpluses will be saved, as many of us would like to anticipate but we are somewhat skeptical of, until the year 2015 or 2020, at which point the baby-boom generation starts retiring and we start paying out of this surplus that we hope will be there.

I would like to believe, as one of the members of the Social Security Commission, that indeed Congress will find that a $1 trillion or $2 trillion—that is trillion, not billion—surplus built up in the 1990's and the early turn of the century is going to be off limits. That is like believing that a troop of first-graders, given free run of the candy store for a week, will not touch any of the sweets in it. I wish I could trust all of those first-graders to go on a hunger strike for a week in a candy store, but somehow I do not believe that is likely to happen, anymore than I believe the best intentions of Congress over the next 20 years will ignore that surplus.

I just want to emphasize there may be some very short-term argument for keeping the status quo, but over the long term, it is all smoke, and status quo, as the President has often suggested, is leading to more difficulties.

Mr. SASSER. Mr. President, I am pleased to join my distinguished colleague from Pennsylvania, Mr. HEINZ, in cosponsoring legislation which will once and for all remove the Social Security trust funds from the unified budget.

For one-half of a century, the Social Security System has been the hallmark of this Government's commitment to a safe and secure retirement for our elderly citizens. Yet, in the past 5 years, the program has witnessed an assault on its coffers by those seeking to rectify the misguided fiscal policies of an administration which has plunged this Nation into debtor status.

In the name of budget deficit reduction, the Social Security trust funds have proved to be fertile ground for those seeking to justify failed economic policies and a distorted social agenda.

Indeed, genuine confusion within the highest ranks of this administration over whether or not to include

Social Security benefit cuts in a deficit reduction strategy earlier this year nearly killed sensitive negotiations over a first concurrent budget resolution for the upcoming fiscal year.

All in all, the atmosphere of fear and uncertainty which has been created over the past 5 years has worked to seriously undermine the psychology of security and permanence which characterized the Social Security System for nearly five decades. By involving Social Security in deficit reduction negotiations, we have effectively diminished the perceived viability of the system.

Today, millions of younger working Americans have serious doubts over Social Security being there when they retire. Today, millions of elderly citizens worry about reductions in benefits which represent their sole source of income.

It is time that we take this issue out of the politically volatile budget arena. The Social Security trust funds are comprised of payroll taxes contributed by employers and employees alike. These funds are used to pay out benefits to those who are eligible through years of hard work. It is truly a social insurance scheme.

Social Security neither contributes to nor is responsible for the budget deficit. They are separate trust funds, and in fact within the confines of the unified budget, they actually make the deficit appear smaller than it is.

But the volatility of the issue demands that we treat the Social Security Program on strict financial accountability terms. The congressional budget is a political document. Thus, it seems essential to this Senator that we separate the two. For these reasons, I rise to endorse the resolution before us today. I encourage my colleagues to support this effort.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not speak to the amendment today. I compliment the distinguished floor manager for his comments. I say to my good friend from Pennsylvania that while I certainly do not favor what the sense-of-the-Senate resolution indicates should be the unified budget for the budget for the treatment of various accounts, I will not address that today at all. I just would like to know where we stand in terms of the bill and the amendment since I was not here late Friday afternoon—I guess I left about 5:30—and the proposals centering around the unanimous consent for Tuesday and all of these amendments apparently that did not get finalized.

I just have a couple of questions. Mr. President, the pending Heinz amendment in the second degree has had the yeas and nays ordered on it. My first inquiry is: Will there be any votes today on that amendment or any amendments pertaining to the pending bill?

Mr. SIMPSON. Mr. President, in accordance with the previous order, there are no votes today on any subject because of the Jewish holiday.

The PRESIDING OFFICER (Mr. NICKLES). That unanimous-consent agreement was reached with respect to votes today.

Mr. DOMENICI. Second, are there any unanimous-consent agreements that have any effect on the length of debate on this amendment today, or, if it is not voted on today and will still be the pending business tomorrow, are there any unanimous-consent agreements with respect to the debate tomorrow?

The PRESIDING OFFICER. There has been no unanimous-consent request agreed to.

Mr. DOMENICI. I thank the Chair.

Mr. SIMPSON. Mr. President, are we now going to the amendment of the Senator from Idaho?

Mr. SYMMS. I just wanted to inquire if it would be appropriate at this time.

DESIGNATION OF THE ROSE AS THE NATIONAL FLORAL EMBLEM

Mr. SIMPSON. I might say, Mr. President, I have two proponents under a unanimous-consent request to turn to a calendar item designating the rose as the national floral emblem. That should not take but a moment, I certainly hope.

If I may, I will ask my colleagues from Louisiana and Alabama if we can proceed with a 12-minute debate limitation on that. Since they are here in the Chamber, I would like to accommodate them.

Mr. SYMMS. I am happy to accommodate the distinguished floor manager. I might say that some of his constituents as well as some of my own, the Northwest Florist Association, met yesterday in Sun Valley. I am sure they would like to have the rose in its proper place.

Mr. SIMPSON. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of calendar item 292, Senate Joint Resolution 159. I have not yet conferred with the minority leader. I want to be certain we have his agreement to proceed.

Mr. President, that item is to designate the rose as the national floral emblem. I ask that it be considered under an overall 12-minute debate limitation and that no amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 159) to designate the rose as the national floral emblem.

Mr. JOHNSTON. Mr. President, as the Senate begins consideration of Senate Joint Resolution 159, a resolution to designate the rose as our national floral emblem, I wish to share with my colleagues the thoughts of an anonymous author which I find especially appropriate to this occasion:

In spite of centuries of disturbances, upheavals and turmoils, the rose has persisted and improved to become an ever-living symbol. That come what may, beauty shall not perish from the earth, and that of all the works of men, none is greater. That in the trials and tribulations, through which he has passed, he has still found time—nay made time—to produce the modern rose as a permanent memorial to all that is good and beautiful in life. For while the rose lives, so will men's thoughts turn from horrors, fears, devices and stratagems, to return to the beauty which abides in the mind, and urges him to produce that which is better and more beautiful.

Mr. President, I believe we may gain inspiration to address the more complex and difficult issues facing this body by turning briefly to one of simplicity and grace, a resolution to acknowledge the position of honor that the rose has long enjoyed in our culture.

America's infatuation with the rose is at least as old as our Republic itself. In fact, George Washington, our first President, was also our first rose breeder. One of the varieties he developed, the Mary Washington rose, is still enjoyed today in gardens across the Nation. Furthermore, the rose has been selected to decorate the White House and innumerable other American landmarks and memorials. Three First Ladies, Nancy Reagan, Betty Ford, and Pat Nixon, have all had roses named in their honor and today these roses flourish in the Rose Garden of the White House.

Fifty-two Senators have cosponsored this resolution, demonstrating that the designation of the rose as our national flower has a wide bipartisan and geographical support. And this is rightly so. I have no doubt that it is time to make the rose our national flower.

Finally, Mr. President, I would like to take a minute to express my appreciation to the distinguished Senator from South Carolina [Mr. THURMOND] and, I might say, to his lovely wife, Nancy, who, in tandem with my wife, Mary, has been very instrumental in getting this bill to the point where it is.

The Senator has lent his support to this resolution and has been of invaluable support in seeing that this matter was expeditiously considered by the

full Judiciary Committee. I sincerely hope we will have similar cooperation in obtaining full Senate and House support.

I might add, Mr. President, that my hometown of Shreveport, LA, is the headquarters of the American Rose Society. I would like to think it is the capital of the rose itself.

Mr. President, it is with a great deal of pleasure that I thank my colleagues for their approval of this matter. I know, I am confident, that the rose is an appropriate and a great national symbol.

Mr. HEINZ. Mr. President, will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Mr. President, I should be glad to yield, but I think we are under a 12-minute time limitation agreement.

Mr. HEINZ. Will he yield 30 seconds?

Mr. JOHNSTON. If my colleague will permit.

Mr. HEFLIN. I will, Mr. President.

Mr. HEINZ. I commend the Senator from Louisiana for recognizing that both Louisiana and Pennsylvania roses, along with roses from the 48 other States, are most prized. My home State, the Commonwealth of Pennsylvania, takes great pride in the amount of roses produced and shipped throughout the United States. I ask that my name be added as a cosponsor.

Mr. JOHNSTON. I would be delighted to and I so ask unanimous consent, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

A NATIONAL FLORAL EMBLEM

Mr. HEFLIN. Mr. President, today we are considering a resolution which would designate the rose as our national floral emblem.

This resolution came before the Judiciary Committee last week, and I freely admit that I questioned it a bit. After all, our Nation can boast of a veritable cornucopia of beautiful flowers. For instance, my home State, Alabama, has chosen the camellia as its State flower. Also among the ranks of State flowers are the carnation, the flowering dogwood, the magnolia, the violet, the sunflower, and even mistletoe, among many others.

In fact, we have so many beautiful flowers that I even thought of suggesting to my colleagues on the Judiciary Committee, somewhat tongue in cheek, that, instead of a single national floral emblem, we designate a different flower for each day of the week. In that way, we could recognize at least seven different flowers for their unique qualities, by, for instance, designating the rose as the national flower of Sunday, the camellia as the national flower of Monday, and so on. Of course, in my heart, I knew this was an unworkable solution, even though one of my distinguished colleagues on the committee suggested that I was really looking for a national bouquet.

In the United States, we are blessed with a wide variety of flowers which could each have strong arguments made on their behalf as our "National Flower."

In fact, it was just a little more than 3 years ago, on September 1, 1982, that I was awarded life membership in the Alabama Marigold Society. At that time, the members of that society requested that we designate the marigold as the national flower, so, as a member, I am sure my colleagues can see that I do have conflicting feelings about this matter. Still, there is no question that the rose has universal support, for it is bountiful in all States.

We deal with a myriad commemorative designations in the Senate, and I do not, for a moment, even want to suggest that we should not do so. Many of these place needed attention on problems or focus our efforts on issues that deserve heightened visibility. Nor do I desire to impugn the resolution in question, for, after all, flowers are an important part of many of our national traditions.

I do believe, however, that we should also look at these commemorative designations in a way that is congruent with our dealings concerning major substantive issues before this body. In this light, I have done some checking and found that a very large proportion of the commercial roses available in this country are imported roses. South America, and particularly Colombia, are, I am told, very large suppliers of our roses. I believe it would be fitting, if we designate the rose as our "National Flower," that we urge our florists and nursery companies to act to bring about more domestic commercial production of roses.

All in all, Mr. President, I have decided that the rose is an appropriate flower to designate as our "national floral emblem." It is a beautiful flower, a symbol of fragrance, loveliness, and romance. Whether the particular rose in question is the traditional red, or if it is white, pink, or yellow, or one of the more modern varieties, such as lavender or orange, it is one of the more widespread symbols of beauty in our society. The rose is, indeed, a living work of art, a masterpiece fashioned by our Creator which should make us, as the saying goes, "stop and smell the roses," and, in so doing, make us stop and admire God's production of beauty.

Mr. President, as you can see, during my consideration of this resolution, I have gone through a variety of thought processes. To symbolize this, and to tell the story of this resolution, along with Peck Fox of my staff and I have drafted a short poem.

Roses are red,
Violets are blue,
Why must I choose
Between these two?

Marigolds and dogwood,
Camellias and more,
All flowers are beautiful
And made to adore.

But today there are deficits,
And farm bills and trade,
Aren't these the subjects
On which decisions should be made?

Still, if on a Nation's flower
A few moments we spend,
We might be refreshed and
Come down to Earth again.

Besides, to select a flower
As America's might not be bad,
Because we sure don't want
To make the garden clubs mad.

But all flowers are delicate
Each can refresh and amuse,
And that is the reason
I feel no flower should lose.

Still the rose is universal,
Its support has a strong voice,
So there should be no question
That the rose is the choice.

So let us raise our voices, and
Proclaim with all our power
That the rose is more than beautiful—
It is "America's Flower."

Mr. JOHNSTON. Mr. President, roses are red, violets are blue, HEFLIN should be a coauthor of this bill, too. And with his permission, I ask unanimous consent that his name be added as a coauthor.

Mr. HEFLIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I especially appreciate the very eloquent words of my distinguished colleague from Alabama. They do in fact in Alabama, as well as in Pennsylvania, raise some beautiful roses. I am sure, after the speech of my friend from Alabama today, there will be a resurgence of raising roses all around this land.

Mr. SYMMS. Will the Senator yield?

Mr. JOHNSTON. Yes, indeed.

Mr. SYMMS. Mr. President, I came to the floor determined to amend this bill to have the Idaho State flower, the syringa, be the national flower, but after the eloquent speeches of my two distinguished friends, I have decided to withhold my amendment and compliment them both. I think the Senator from Alabama was absolutely outstanding.

Mr. JOHNSTON. Mr. President, I thank my colleague. I move the question.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time.

The joint resolution (S.J. Res. 159) was read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 159), together with its preamble, is as follows:

S.J. RES. 159

Whereas the study of fossils has shown that the rose has been a native wild flower in America for over thirty-five million years;

Whereas the rose is grown today in every State;

Whereas the rose has long represented love, friendship, peace, and the devotion of the American people to their country;

Whereas the rose has been cultivated and grown in gardens for over five thousand years and is referred to in both the Old and New Testaments;

Whereas the rose has for many years been the favorite flower of the American people, has captivated the affection of human kind, and has been revered and renowned in art, music, and literature;

Whereas our first President was also our first rose breeder, one of his varieties being named after his mother and still being grown today; and

Whereas the United States is without a national flower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. I thank my colleagues. I am pleased to dispose of that thorny issue.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The Senate resumed consideration of the bill.

Mr. SIMPSON. Mr. President, I believe there is a pending motion of the Senator from Idaho.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Idaho.

(The remarks of Mr. SYMMS and Mr. SIMPSON at this point relating to amendment No. 619 are printed earlier in the RECORD.)

AMENDMENT NO. 624

(Purpose: To require the Federal Government to reimburse State governments for the cost of incarcerating in State prisons illegal aliens and Marielito Cubans who commit felonies)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

First, is there any objection to temporarily setting aside the pending amendment? Hearing none, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. HATCH, Mrs. HAWKINS, Mr. CHILES, Mr. MOYNIHAN, Mr. WILSON, Mr. JOHNSTON, Mr. BENTSEN, Mr. CRANSTON, Mr. LAUTENBERG, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SPECTER, Mr. INOUYE, Mr. BOREN, and Mr. SIMON, proposes an amendment numbered 624.

Mr. D'AMATO. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. .(a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any illegal alien or Marielito Cuban who is convicted of a felony by such State.

(b) An illegal alien referred to in subsection (a) is any alien convicted of a felony who is in the United States unlawfully and—

(i) whose most recent entry into the United States was without inspection, or

(ii) whose most recent admission to the United States was a nonimmigrant but—

(A) whose period of unauthorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the imprisonment was imposed.

(c) A Marielito Cuban convicted of a felony referred to in subsection (a) is a national of Cuba who—

(i) was allowed by the Attorney General to enter the United States in 1980,

(ii) after such entry committed any violation of State law for which a term of imprisonment was imposed, and

(iii) at the time of such entry and such violation was not an alien lawfully admitted to the United States—

(A) for permanent residence, or

(B) under the terms of an immigrant visa or a nonimmigrant visa issued, under the laws of the United States.

(d) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) This amendment shall become effective on October 1, 1985.

Mr. D'AMATO. Madam President, our amendment is essentially the same amendment that I offered, and that the Senate passed by vote of 55 to 40, the last time we considered immigration reform.

Our amendment reimburses the States for the cost of incarcerating the 5,000 or more illegal aliens and Marielito criminals, convicted of felonies and now in State prison. It offers us the opportunity to provide desperately needed assistance to our seriously overcrowded State prisons.

More than that, it recognizes that these alien felons are a Federal, not a State, responsibility. If we had a truly effective immigration policy, these individuals would never have been let into the country in the first place. If the Immigration Service had enough detention space, the States could parole such individuals to the INS pending deportation. But we have no effective control of our borders, and INS detention centers are filled to bursting.

While I appreciate Senator SIMPSON's commendable and good faith efforts to address this problem, S. 1200 offers our overcrowded prisons only the possibility of assistance and relief, and postpones the granting of any assistance at all for at least 3 years.

Madam President, the prisons do not need promises and possibilities. They need action, they need help, and they need it now. Today, we learned from the Justice Department that the population of our Nation's overcrowded State prisons increased by nearly 23,000 inmates, or almost 1,000 inmates a week in the first half of this year. The increase for the first half of 1985 is so great that it nearly equals the total for all of 1984.

No one can say that the States are not doing their share to respond to this crisis. Expenditures on State prisons are at an all-time high of $7.2 billion per year. But despite their best efforts, the States are losing ground. Last year, 17,365 convicted criminals were released from State prisons, not because they were rehabilitated or had served their sentences, but simply because of prison overcrowding.

In virtually every State, the illegal alien felon problem, brought about by Federal immigration policies, only makes the States' problems worse. It is time that we accept our responsibility for adding to the States' burden. More than 3,000 illegal aliens, and more than 1,700 Marielito Cuban felons released from Castro's prisons in 1980, have been convicted of felonies and are now adding to the overcrowding in our State prisons.

The States did not create this situation. The Federal Government did.

S. 1200 does not adequately deal with this issue:

First, at a time when prison overcrowding is at its worst, S. 1200 would delay even the possibility of help reaching our State prisons for 3 more years; and

Second, by including prisons in a social welfare block grant, S. 1200 forces prisons to compete for funds that may or may not be adequate, and creates the serious possibility that our overcrowded prisons will not receive any assistance at all.

The amendment I offer today, with the cosponsorship of so many of my colleagues, simply takes the language concerning reimbursement for prisons out of the block grant. Doing this accomplishes four important objectives:

First, our amendment guarantees that prisons will receive assistance;

Second, it provides assistance immediately, not, as S. 1200 does, after a 3 year delay;

Third, our amendment continues assistance as long as there is an illegal alien felon problem. It does not terminate, as in S. 1200, after only 3 years; and

Fourth, it provides reimbursement not only for the 3,000 illegal alien felons, but for the more than 1,700 Marielito Cuban felons, who are among the most violent criminals in prison today.

Madam President, I thank the many Senators who have agreed to cosponsor this amendment. I thank them because supporting this amendment guarantees our States much-needed help in their fight to make our communities safe, and to deal with the epidemic of crime. Supporting this amendment recognizes the Federal responsibility for causing the illegal alien felon problem in the first place, and our responsibility to do something about this problem now, and not 3 or more years from now.

The language of S. 1200 supports the possibility of providing help to our States. Why not then simply guarantee that this promise of help is kept? That is what our amendment seeks to do.

This immigration bill is going to have a tremendous impact on our States. For us not to help the States now with that part of their prison overcrowding that the Federal Government brought about would be a tragedy.

Madam President, I urge my colleagues to vote in favor of this amendment, and I ask for the yeas and nays on my amendment. Thank you, Madam President.

Madam President, I will conclude by saying that I believe this is a proper role for the Government to assume, and its proper responsibility. The Federal Government cannot leave to States to do alone that which they are being burdened with today. Some States are facing a greater burden than others. This amendment will give the States their proper recompense for the large sums of money they are presently expending on those criminals whose entry the Federal Government failed to stop. It will very dramatically help them with the problems they face in providing proper law enforcement protection.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Madam President, we are revisiting an issue here through the activities of the Senator from New York. I think it is good to do that, but I want to indicate that we already have reimbursement of State incarceration costs for felon illegal aliens and felon Marielitos in our bill. That is in S. 1200, please understand that. It comes directly from the conference language of the conference which failed. That conference committee has provided the subject of much that we have been dealing with here, and much that will be dealt with in the House.

Senator D'AMATO's concern is because our provision is included in the general reimbursement provisions for reimbursement of legalized alien benefit costs, and public assistance. I believe he is indicating that this will not be available for 3 years and actually, legalization could be triggered in a year or less under the bill, under the conditions of the legalization commission.

I think he is indicating that the States need their money now. I understand that. Please understand that if this bill does not float, does not go through both bodies, there will not be anything in there for incarceration or anything else.

I am opposing the amendment for one reason only: Not, certainly, because of his definition of those who are covered—I think that is important, what he has done with his definition of covered criminals—but simply because we have already provided for it in S. 1200. If the amendment is passed to authorize additional immediate funding, it will add $50 million to $70 million to the cost of the bill. I have discussed that with the Senator from New York and, in his vigorous and spirited way, which I have come to know and admire, he still feels that this is a necessary procedure to go through.

There are funds in S. 1200 for reimbusing State costs. They exist within the capped entitlement grant. There are enough funds there for both State public assistance costs and State incarceration costs; at least that is what CBO told us in June when they testified before us. I do not think we should have reimbursement funds capped for all other items except incarceration costs.

A figure of $600 million was calculated to include prison costs. I would say if the amendment is successful when we do vote on it, it would be my intention at the conclusion of this debate to insert a separate amendment at the appropriate time to ensure that there is not a twice-paid reimbursement here, to delete certain sums from the authorization bill. I shall handle that separately. Double reimbursement is my principal concern.

Let me say also, to correct the record, that Marielito felons are not covered in S. 1200. The Marielito felons are reimbursed in the Refugee Act authorization. That is now pending here and has passed in the House, but we do reimburse for illegal alien felons in S. 1200. I do want to clarify that.

I thank the Senator from New York.

Mr. SIMON. Madam President, let me say in behalf of Senator KENNEDY, who is ranking member of the subcommittee, and myself on this side of the aisle, we do not find the amendment objectionable and we can support it.

Mr. D'AMATO. Madam President, I would like to say, first of all, that I thank the distinguished Republican whip, my colleague from Wyoming, for his graciousness in attempting to work out an accommodation to this very vexing problem. I am very mindful of the constraints with respect to cost. He has worked so diligently over the years to bring this to the point where, hopefully, we will have an immigration bill. Notwithstanding that, I cannot believe that OMB would seek to oppose this bill, which takes so many important considerations and aspects, to urge a Presidential veto, because we are seeking what I know to be correct and what my colleague from Wyoming, I am sure, finds no objection to—the reimbursement for actual expenditures made by the States for the incarceration of illegal aliens and Marielitos, who have been committed to State facilities for the commission of serious crimes, felonies.

Many of these, the Marielitos in particular, are the worst of criminals. They give to the State systems the greatest problems. You can ask warden after warden, in State after State, about the way they exacerbate their problems.

Having said all that, I hope that we can include this amendment, that it will be passed overwhelmingly, and that we will not reduce the cap, because I think all of those dollars are going to be absolutely essential, the dollars in the cap, plus this direct reimbursement proposal. It is one of the ways in which we can be truly responsive to the crisis that our States, which have been heavily impacted by illegal aliens, will face. New York has estimated we will have about 600,000 illegal aliens in the city of New York alone. That is a population far greater than some of my colleagues have in their States. But this is a problem that many States face, not just New York. I thank my colleague for his graciousness in undertaking a review of the proposed legislation that we submit today.

Mr. SIMPSON. Madam President, this amendment also will be sequenced in a time certain yet to be determined.

I believe that Senator WILSON had indicated that he was ready to proceed. I see no other of my colleagues ready to present an amendment so, at this time, I suggest the absence of a quorum.

Before doing that, let me urge my colleagues to come forward with

amendments. We are processing them and some have been modified and will be accepted. The yeas and nays have been asked on more than several and we shall proceed here as the managers of the bill to consider the amendments. I urge my colleagues that today would be an excellent time to proceed because tomorrow we get back into the crush of legislative business—and the leader has indicated that we will proceed with Superfund and Superfund comes in quite a package this time. I think there are 39 amendments to Superfund. So we are building toward a remarkable record of amending in this place.

I say if you feel so disposed, build toward the extension of the debt limit as you think carefully about amending anything other than the Immigration Reform and Control Act. And tell your friends, and thank you very much.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 625

Mr. SIMON. Madam President, I have an amendment which I send to the desk and ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report, if there is no objection to setting aside the pending amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 625.

On page 123, after line 19, insert the following:

"SEC. 406. SENSE OF THE CONGRESS—

It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislation or administrative changes that may be necessary as a result of the enactment of this legislation."

Mr. SIMON. Madam President, this amendment is self-explanatory. I am offering it in place of the amendment I offered earlier which I withdrew. My distinguished colleague from Wyoming opposed that amendment. We have worked out language that I believe is agreeable. It does call for consultation between the United States and Mexico on the ramifications of this amendment and a report to Congress from the President. I think it avoids some of the harshness of unilateral action on our part.

Mr. SIMPSON. Madam President, again I appreciate the skills of the Senator from Illinois in pursuing something that he deeply believes necessary. We have reached accommodation, but I would ask if the Senator might modify his amendment to include on the last line where he states "as a result of" to inset the words "the consultation and". Then it would read, "the enactment of this legislation." So it would read, "After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and of the enactment of this legislation."

Mr. SIMON. That is certainly the intent of our language, anyway, and I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator send a modification to the desk?

The modified amendment reads as follows:

On page 123, after line 19, insert the following:

"SEC. 406. SENSE OF THE CONGRESS—

It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administration changes that may be necessary as a result of the consultation and the enactment of this legislation."

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 625), as amended, was agreed to.

Mr. SIMPSON. Madam President, let me just add that I do hope that the time limit is appropriate for both Chief Executives. It may be a crush to do that. We shall deal with the reality of it at that time. I am sure that the message will be conveyed. I worry about the time being appropriate enough, to have 90 days to consider such legislation. That is my only concern.

Mr. SIMON. Madam President, there is nothing mandated here. My instinct is that 90 days is adequate; but if they consult in 91 days, or 92, or 96, obviously they are not violating any statute. I think this is a workable and flexible enough arrangement.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

AMENDMENT NO. 616

Mr. WILSON. Mr. President, I call up amendment No. 616 to S. 1200 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment No. 616:

(The text of the amendment is printed in the RECORD of Friday, September 13, 1985, at page S11488.)

Mr. WILSON. Mr. President, the modification is a simple one. It affects the definition of those covered as seasonal agricultural workers as that term is defined in page 11 of the amendment at line 22 after the word "harvesting." The other words that follow would be deleted so that the definition of someone engaged in the services in connection with perishable commodities would include services in agricultural employment including planting cultural practices, production, cultivation, growing, and harvesting.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. 125. SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M);

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"SEC. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

"(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)(2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as

a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed.

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accommodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPOLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF 'O' WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO 'O' WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the association and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2)—

"(1) EXPEDITED PROCEDURES.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term 'seasonal agricultural services in perishable commodities' means services in agricultural employment including planting, cultural practices, production, cultivation, growing, and harvesting involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region, except until the end of the third year after the effective date of this Act, the Attorney General may not establish a numerical limitation on the number of such visas that may be issued at any given time in excess of 350,000.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER 3 YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) established that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorney General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(l) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is a qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(O) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust

fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or"; and

(2) by adding at the end the following new paragraph:

"(20) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217(h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(i) Conforming Amendment to Table of Contents.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item:

"Sec. 217. Seasonal agricultural worker program."

On Page 2, in the table of contents of the bill, insert after the item relating to section 124 the following new item:

"Sec. 125. Seasonal agricultural worker program."

On page 37, line 12, insert ", 101(a)(15)(O)," after "101(a)(15)(N)".

On page 60, line 1, insert "or 217" after "section 216".

On page 60, line 3, strike out "such section" and insert in lieu thereof "section 216 or subsection (b)(4) of section 217, as the case may be,".

On page 63, line 6, insert "and section 217" after "section 216".

On page 64, between lines 14 and 15, insert the following:

"(3) The Commission shall specifically review the following with respect to the seasonal agricultural worker program under section 217 of the Immigration and Nationality Act:

"(A) The standards described in subsections (b) (2), (3), and (4) of that section for the certification respecting seasonal agricultural workers.

"(B) What is the proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers.

"(C) Whether current labor standards offer adequate protection for domestic and foreign agricultural workers.

"(D) The availability of sufficient able, willing, and qualified domestic workers to meet the needs of agricultural employers.

"(E) The appropriate limit on the number of seasonal agricultural workers who may be imported into all agricultural regions in the United States at any given time, taking into consideration all relevant data, including that resulting from the experience of the Agricultural Labor Transition Program.".

On page 64, line 16, strike out "two years" and insert in lieu thereof "three years".

On page 64, line 19, insert "and seasonal" after "temporary".

On page 64, line 20, strike out "program under section 216" and insert in lieu thereof "programs under sections 216 and 217".

On page 64, line 24, strike out "subsection (b)(2)" and insert in lieu thereof "subsections (b) (2) and (3)".

On page 65, line 2, insert "and seasonal" after "temporary".

On page 65, between lines 12 and 13, insert the following:

"(5) on the appropriate limit on the number of seasonal workers who may be imported into all agricultural regions in the United States at any given time under section 217.

"(6) on the need to continue, improve, or eliminate the seasonal agricultural worker program established under section 217.

On page 66, on lines 11 and 12, strike out "in consultation with the Vice Chairman" and inserting in lieu thereof "in accordance with rules agreed upon by the Commission".

On page 68, line 4, strike out "27 months" and insert in lieu thereof "39 months".

On page 104, lines 20 and 21, strike out "216 (added by section 122(c)" and insert in lieu thereof "217 (added by section 125(b)".

On page 104, line 24, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 112, line 22, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 7, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 15, strike out "section 217" and insert in lieu thereof "section 218".

On page 113, line 18, strike out "section 216 (added by section 122(f)" and insert in lieu thereof "section 217 (added by section 125(i)".

On page 113, between lines 19 and 20, strike out "Sec. 217." and insert in lieu thereof "Sec. 218.".

On page 114, line 9, strike out "paragraph (15)(0)" and insert in lieu thereof "paragraph (15)(P)".

On page 114, lines 22 and 23, strike out "paragraph (15)(0)" and insert in lieu thereof "paragraph (15)(P)".

On page 116, line 6, strike out "section 122(a)" and insert in lieu thereof "sections 122(a) and 125(b)".

On page 116, line 7, strike out "subparagraph (M)" and insert in lieu thereof "subparagraph (N)".

On page 116, line 8, strike out "subparagraph (N)" and insert in lieu thereof "subparagraph (O)".

On page 116, line 11, strike out "(O)(i)" and insert in lieu thereof "(P)(i)".

On page 121, line 10, strike out "section 217" and insert in lieu thereof "section 218".

Mr. WILSON. The modification makes amendment 616 conform to the definition that was agreed to the other day by the sponsor of the amendment.

That definition is agreeable to the manager of S. 1200.

Mr. President, having made that modification, let me address briefly the amendment itself. It will not take a great amount of time to do so because we have dealt at length with the amendment; it sought to bring about the creation of a new program for seasonal workers employed in perishable agriculture. With the exception of one major substantive change, the amendment that we debated Thursday will be the amendment that I ask support for when we vote tomorrow. That single major change, that substantive change is in response to fully half the debate I heard in criticism of my proposal on Thursday. The charge was made that the amendment was openended, that it provided for an unlimited number of seasonal workers coming into the United States.

The criticism was that without a cap, this limitless horde would threaten the employment of American workers. We have dealt more than adequately, I think, with the charge of a threat to the American workers. There is a threat to the worker and to the employer; but in the case of the worker, if he seeks to work outside the field of perishable agriculture, he is prohibited from participating in the seasonal worker program for 5 years and loses escrowed wages. The penalty is severe. I think it will be persuasive.

Perhaps even more basic is the escrow provision itself, by which I refer to the withholding of 20 percent of the seasonal worker's wages, which are returned to him only upon personal application in the country of origin from which he was recruited, within 30 days after his leaving perishable agricultural employment in the United States.

Mr. President, I spoke of responding to the stated complaint that there was no cap, no numerical limit, upon the number of workers who could enter the United States under a seasonal worker program. The amendment I have called up contains such an amendment. There is a cap. It sets an explicit limit of 350,000 temporary visas at any one time to bring seasonal workers for the harvest of perishable commodities within the United States.

I am not at all confident that that number will prove adequate. Yet, those who are in the business of growing perishable commodities are so desperate for assurance that they will have timely harvest assistance that they make this concession, knowing that it may prove to be an inadequate number—one considerably below for the harvest of all the different perishable commodities, the 200-plus perishable commodities that are grown in the many States of the United States.

I think this cap goes to the basic complaint that there is no cap. What is more, it takes effect immediately. In that respect, it goes far beyond even the statement of principles that the administration sent along with their statement of support for the creation of a seasonal worker program.

It will be recalled that in the statement of principles accompanying the letter of Attorney General Ed Meese, dated September 12, there was a requirement that a cap be set by the Attorney General after some 2 years of experience with this legislation.

This amendment goes far beyond that requirement, Mr. President. It sets the cap right now, at the time of enactment. From the first day of the legal seasonal worker program, there will be a numerical limit upon workers entering the United States for the harvesting of perishable commodities. It will be possible to alter that cap after 3 years only by reducing it or by adjusting it upward only 20 percent. But if the Attorney General wishes to do so, he may reduce the number, reduce that numerical cap, after considering the 3-year history of the program, after considering the efforts by the Department of Labor to recruit domestic workers, and after revealing the recommendations of the Immigration Commission that is set up by S. 1200.

Mr. President, I hope that tomorrow, when they vote, those who either voiced a criticism or were persuaded by the criticism that this amendment should be rejected and a seasonal worker program not created because there was no numerical cap will recognize that with this cap in place they have the assurance they sought, and that it is only fair now to the growers, to the consumers of perishable commodities, and to all those who intervene in the chain of distribution between the two, to enact a program that will create the assurance of timely harvest help for those in the risky business of growing perishable commodities.

Mr. President, I will say only this much more: There has been a great deal of concern expressed on the floor in debate on this measure about the economic requirements of this industry, and rightfully so. There has been a certain amount of debate about the degree to which seasonal workers might constitute some threat to the employment of other Americans, and rightly so. But I do not think enough attention has been paid to the humanitarian aspects that are clearly implicit in legalizing work which has been done in this country illegally by those who are willing to risk being illegal to do it.

Earlier today, I heard the distinguished manager of this measure, its sponsor, the Senator from Wyoming, again make the point he has made on many occasions, that in response to conversations with American officials, he said, "We wish to bring your citizens to our country, but legally, not illegally."

The reason he feels keenly about this, I know, is in no small part prompted by a concern which I share, by knowledge I share with him, that those who come illegally are vulnerable. They are prey to coyotes, the smugglers, who, having extracted extortionate sums as their fee for smuggling these people into the United States, threaten to disclose their whereabouts to la migra, to the Immigration authorities from whom these poor, work-seeking emigrants flee, with the terror of those who know they are about to lose their livelihood and be deported not to a country they do not wish to return to but at a time they do not wish to return.

So this cap is offered, yes, to secure a program that will provide assistance which is desperately needed to assure the survival of an industry, but also to give the kind of assurance that men and women who are willing to work, and work hard, in the sun and in the weather, will at least have the peace of mind to know that their hard work will not be interrupted by a raid, that there will be no swooping down upon them in the fields, that they will not be compelled to live in holes, like animals, fleeing from other animals hunting. This is a situation we should not tolerate in the United States.

For that reason, as well as the reasons that relate to the employment of the tens of thousands of people not included in the definition of a seasonal worker but whose livelihood is derived from the harvest—those in the packing sheds, those in the trucking yards, and those in the wholesale and retail markets—I will ask tomorrow, and I ask now, the very earnest consideration which calls out for the enactment of this amendment as part of any humane immigration reform act.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, again the Senator from California has been very thoughtful, as he always is in this arena.

Let me ask a question, for my own clarification. I recall that the term "seasonal agricultural services in perishable commodities" was limited in the first amendment, the Hatch-Wilson amendment, and somehow it was omitted. Now there has been a modification to the Wilson amendment, which has been presented, which now says that the "Term 'sea-

sonal agricultural services in perishable commodities' means services in agricultural employment, including planting, cultural practices, production, cultivation, growing, and harvesting involving perishable commodities—as defined by regulations of the Secretary of Agriculture."

Now, I inquire of the Senator if it is his understanding, as it is mine, that this amended definition includes only field workers?

Mr. WILSON. Yes; that is my understanding.

Mr. SIMPSON. That is correct.

Mr. WILSON. And that is my intention.

Mr. SIMPSON. Therefore, then, those who we had in there originally, those involved in drying, packing, packaging, freezing, that was back to the language, I believe, that was from the Fair Labor Standards Act. So those persons other than as indicated in the amendment are not included here. Is that correct?

Mr. WILSON. That is correct, with this slight exception. As the Senator knows, in certain perishable commodities there are certain amounts of drying and packing in the field, just as a matter of getting the fruits or vegetables from the field or orchard into the packing shed. Beyond that, no.

What we are saying is that it is field workers, as the Senator has indicated. We are not talking about those whose work begins in the packing shed and takes the chain of distribution forward from there.

Mr. SIMPSON. That is important to me to at least have that for my own information. Is the term cultural practice a term of use or art within the area of perishable commodities or seasonal agricultural surpluses?

Mr. WILSON. Yes; I think what we are talking about there is an effort to not say cultivation alone but, for example, such things as irrigation, the collateral agricultural field efforts.

Mr. SIMPSON. Let me say, Mr. President, that we have had really quite a spirited debate on this issue, and even though I asked for that clarification as if I were supportive, that is not so.

This change or this alteration to the previous Hatch-Wilson amendment, I think, does prove one point and indeed I know that the phrase open-ended has caused concern to my colleague from California and I understand that, and I have used that, and this is to remedy that, I am well aware.

But I think it does prove the point that the amendment has heavy numbers because here is the first time we have been presented with the amount of human beings that we are talking about, and this amendment is to cap these numbers at 350,000.

Let me ask the sponsor of the amendment, the amendment imposes a cap of 350,000 workers at any time. I think it says "at any given time." Does this mean that more than 350,000 workers could be admitted during the calendar year? Does that mean that?

Mr. WILSON. Yes; it means 350,000 at any one time. We are contemplating occurrence of harvest needs in different parts of the country.

Mr. SIMPSON. The cap is imposed for a 3-year period, as I read the amendment. Does that mean that the number of seasonal agricultural workers admitted could increase after the first 3 years? Is that possible or likely?

Mr. WILSON. The only way it could be increased is if under emergency provisions the Attorney General, considering all factors, were to try to give emergency relief. He could increase it in a very limited way. But other than that, it cannot be increased.

Mr. SIMPSON. That increase in a limited way would be in accordance with the amendment with the growers petitioning and the Attorney General responding. Is that correct?

Mr. WILSON. That is correct.

Mr. SIMPSON. I have some trouble with the specific part of that amendment in that area. But I guess more importantly I have trouble with the entire amendment. I am not trying to be a sharpshooter. But in page 13 of the amendment, it says that the Attorney General shall establish at the end of the third year after the effective date a numerical limit on the total number of seasonal agricultural workers to be admitted to all employment regions in the United States under the program in any given time. Then it tells what he should take into consideration to assess that limit, and that limit could be higher or lower, as I see that, without question. I ask that. It seems obvious to me that that could be higher or lower than 350,000. That concerns me, I think, under the language.

But in any event, without prolonging the debate, we are now looking at an extraordinarily large number, and recall that it would only become the limit after really 3 years. There would be unlimited growth for a time, heavy numbers. We had several discussions and consultations with agricultural economists, with Phil Martin, for whom I have the greatest respect, at the University of California, at Davis. He estimates that there are 300,000 farm workers in California, and in a recent survey found 30 percent of them to be illegal. California then would appear to need, under those figures, only 90,000 temporary workers if employer sanctions are passed.

It is indeed true, and I hope all recognize that, the other Western States, Oregon, Washington, Arizona, Idaho, also, would need foreign labor, but their demand together would not equal that of California.

I think that this 350,000 person limit could likely even perhaps increase the number of foreign workers in perishable commodities.

It has been said recently in this debate, in and out, how many would come and how many would be involved? Some have said that there would only be 200,000 to 300,000 workers.

I still have the deepest problems with a grower certification, and I will not use the phrase open ended any more, except I believe that it will go beyond that limit in accordance with the review of the proposed amendment, but the problems of grower certification, instead of a government adjudication of the grower's need, are there still. There is no labor certification or adverse effect wage tests before the Wilson worker is admitted and no method to decrease the size of the Wilson program.

Mr. WILSON. Mr. President, will the Senator yield on that point?

Mr. SIMPSON. I yield.

Mr. WILSON. Let me make clear, as I obviously have failed to do so, that the only change between this amendment and the one we debated at length on Thursday is the numerical cap. All of the protections that are contained in the Thursday amendment are repeated. This is virtually the same amendment but with the numerical cap. So there is the same protection against the employer-grower of a perishable commodity of an adverse wage. There is the same protection in terms of housing, of workers' compensation. All of those things apply with respect to the number, and I hope I did not misstate this. I thought the Senator's question dealt with the 3-year period.

There is a cap during that 3-year period. After that, the Attorney General does have discretion. But in every instance, the first thing that he has to consider in deciding what the new numbers will be is the availability of domestic workers.

(Mr. HEINZ assumed the chair.)

TIME-LIMITATION AGREEMENT

Mr. SIMPSON. Mr. President, may I come back and give further time to the Senator from California? I see the Democratic leader is present. I would like to inquire as to whether it might be possible to get to the consideration of a time agreement for at least portions of the amendments that have been worked on today and would ask the minority leader if he has any comment about the proposed unanimous-consent agreement.

Mr. BYRD. Mr. President, I have carefully looked over the proposed agreement. If the distinguished assistant Republican leader would feel disposed to remove the references to rollcalls made in the agreement, I would have no objection to it, rather than to order rollcall votes by unanimous consent.

Mr. SIMPSON. Mr. President, on each of those amendments as proposed in the unanimous-consent agreement, the yeas and nays were specifically called for.

Mr. BYRD. In that event, then, Mr. President, I have no objection to the request as it reads.

Mr. SIMPSON. May I propound the proposed agreement?

Mr. BYRD. Yes, I have no objection.

UNANIMOUS-CONSENT AGREEMENT—S. 1200

Mr. SIMPSON. Mr. President, I ask unanimous consent that at the hour of 2 p.m., Tuesday, September 17, 1985, the Senate proceed to 5 minutes of debate only, to be equally divided on amendment No. 611, offered by Senator EXON to S. 1200, to be followed by a rollcall vote in relation to the Exon amendment.

I further ask unanimous consent that, immediately following the disposition of the Exon amendment, the Senate proceed to 5 minutes of debate only, to be equally divided on amendment No. 618, offered by Senator SYMMS, to be followed by a rollcall vote in relation to the Symms amendment.

I ask unanimous consent that following the vote in relation to the Symms amendment No. 618, if amendment 618 is not tabled, the Senate proceed to 5 minutes of debate only, to be equally divided, to amendment No. 619 offered by Senator SYMMS on S. 1200, to be followed by a rollcall vote on or in relation to the Symms amendment No. 619.

I also ask unanimous consent that, immediately following the disposition of the Symms amendment, as amended, if amended, the Senate proceed to 5 minutes of debate only, to be equally divided on amendment No. 621, offered by Senator SIMON, to be followed by a rollcall vote in relation to the Simon amendment.

I ask unanimous consent that, immediately following the disposition of the Simon amendment, the Senate proceed to 5 minutes of debate only, to be equally divided on amendment No. 624 offered by Senator D'AMATO, to be followed by a rollcall vote in relation to the D'Amato amendment.

I ask unanimous consent that, following the disposition of the D'Amato amendment, Senator SIMPSON be recognized to offer an amendment deleting funding from another section of the bill.

Finally, I ask unanimous consent that no amendment to the amendments or in relation to these amendments be in order.

Mr. WILSON. Mr. President, reserving the right to object, let me direct a question to the distinguished manager. The Senator is seeking now a time agreement for the balance of the amendments on the immigration bill?

Mr. SIMPSON. No, Mr. President, I am seeking only unanimous consent to vote on the issues that have already been debated fully as of this date. There will be no time agreement on the amendment the Senator is speaking on at this present time or the reimbursement of funding. They will all be open ended and will be dealt with tomorrow.

Mr. WILSON. Open ended?

Mr. SIMPSON. I am using up the phrase. But that would be only specifically these that have rollcall votes requested without further debate, other than what is provided for, being required.

The PRESIDING OFFICER. Is there objection? The Chair hears none, it is so ordered.

The text of the agreement follows:

Ordered, That on Tuesday, September 17, 1985, at the hour of 2:00 p.m., the Senate proceed to the consideration of the Exon amendment, No. 611, to S. 1200, on which there shall be 5 minutes of debate only, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Ordered further, That immediately following the disposition of the Exon amendment, the Senate proceed to the consideration of the Symms amendment, No. 618, on which there shall be 5 minutes of debate only, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Ordered further, That following the vote in relation to the Symms amendment No. 618, if the amendment is not tabled, the Senate proceed to the consideration of the Symms amendment, No. 619, on which there shall be 5 minutes of debate only, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Ordered further, That immediately following the disposition of the Symms amendment, as amended, if amended the Senate proceed to the consideration of the Simon amendment, No. 621, on which there shall be 5 minutes of debate only, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Ordered further, That immediately following the disposition of the D'Amato amendment, No. 624, on which there shall be 5 minutes of debate only, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Ordered further, That following the disposition of the D'Amato amendment, the Senator from Wyoming [Mr. SIMPSON] be recognized to offer an amendment deleting funding from another section of the bill.

Ordered further, That no amendments to, or in relation to, the aforementioned amendments shall be in order.

(At this point procedure orders for Tuesday were entered, which are printed at the conclusion of today's proceedings.)

Mr. SIMPSON. Mr. President, if I may return to the colloquy with my friend from California. I thank the Senator from California for allowing me to accommodate the leader and get that unanimous consent. The Senator had a question.

Mr. WILSON. My question had to do with the time agreement.

AMENDMENT NO. 616, AS MODIFIED

Mr. SIMPSON. With regard to the amendment, I believe I had largely concluded my remarks, but I would emphasize once again that even though it is certainly a good faith effort at getting to some of the arguments that came up, indeed, I feel that it is a step that should not be taken for many reasons which were emphasized in the original debate. However, I appreciate the patience and the persistence of the Senator from California.

But I certainly will speak against the amendment as being something that we do not need to return to if we properly use the terms in S. 1200 as they are drafted.

I thank the Senator.

Mr. SIMON. Mr. President, I shall be very brief.

I join my colleague from Wyoming in opposing the amendment offered by my friend from California, Senator WILSON. It is an accurate portrayal to say this is no longer open ended. It is also an accurate portrayal as my colleague from Wyoming has said when he calls it massive. Since it will only be 350,000 at one time, potentially this could be 500,000, 700,000 total. It is very interesting when we had the Bracero Program. The total number admitted during 1964 under the Bracero Program was 200,022. So you are talking about a number that is significantly larger than under the Bracero Program. Two things have changed since the Bracero Program went out of business in 1964.

One is there has been a lot of mechanization in agricultural production. You now can pick tomatoes with machines, for example, so that the demand ought to be down.

Second, we have increased unemployment in this country. Agricultural unemployment is up. I do not have the figure for 1985. But the figure for 1984 is 13½ percent annual average unemployment in the agricultural sector.

So we are talking about an amendment that is massive. If we were talking about an amendment that had a cap of 100,000 total per year, something like that, while I would not favor even that kind of an amendment, that would be understandable. But to say 350,000 at any one time, or maybe 500,000 or 700,000 for the year or way more than double the amount that we had in the last year of the Bracero Program, that is virtually open ended. Technically, it is not. Technically, my friend from California is correct. But he is stretching things for the growers in California. Illinois, and elsewhere. I understand it. I understand where he is coming from on this. But I think it is not in the national interest to do this. I will join Senator SIMPSON in opposing this amendment.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, let me simply point out to my good friends from Wyoming and Illinois whatever number of Americans are daily employed in the United States, however many tens of millions that may be, in calculating that figure, the Department of Labor has not, to my knowledge, added up. In betting a cumulative total, they do not multiply by 365 to determine the total number of people employed in the country. So I really do not understand why 350,000 at one time is such a revelation.

It is a relevant measure. I must say it is a tiny, tiny fraction not only of the total number of jobs in this country, but even the total number of jobs in agriculture. Indeed, of those that are involved in the harvest of perishable commodities, it is by the USDA calculation a good deal less than half.

So I can only say that this legislation is necessary. The objection of my colleagues that it was open ended, they have conceded it is no longer true. It is not open ended. It is capped. It is capped at perhaps something less than needed. But at the very least it will provide us for the basis in experience so that a workable program can exist.

Mr. President, if I may now, I wish to address a second amendment, one that has depth, and to make a brief statement in support of that. That too will be voted upon tomorrow.

Mr. President, the amendment that I address now is one that I am offering that provides States and localities guarantees similar to those provided the Federal Government in S. 1200, the Immigration Reform and Control Act of 1985.

You will recall that in an effort to reduce the costs of the legalization program to the Federal Government, S. 1200—that is the cost to the Federal Government—specifically precludes those granted temporary status from federally funded public assistance for 6 years. While the Federal Government gets 6 years protection from increases in Federal public assistance resulting from legalization, State and local governments are only protected for 3 years.

S. 1200 provides Federal payment to States of up to $600 million, per year for 3 years to reimburse States for the costs of public assistance and the costs of imprisonment of illegal aliens convicted of a felony.

At first blush, it would appear that States could pass legislation similar to Federal legislation excluding those seeking legalization from State public assistance. However, as stated in an article by Carolyn Waller, "Unequal Protection: Public Benefits, Public Policy and Aliens," the Supreme Court tends to allow Congress to limit benefits to discourage immigration but finds unconstitutional "State laws that restrict the eligibility of aliens from welfare benefits merely because of their alienage."

Therefore, my amendment resolves the "double standard" that allows the Federal Government 6 years protection from new public assistance costs resulting from legalization and protects State governments for only 3 years.

To resolve this double standard, my amendment extends the reimbursement program from 3 to 6 years—allowing excess funds to be carried over throughout the 6-year period. The amendment also provides an additional $600 million for each of the 3 new years of coverage. Finally, this amendment stipulates that reimbursement is only for actual expenses and any surplus funds after 6 years will never leave the Federal Treasury.

Mr. President, I am told that the 3-year reimbursement program to States was provided in S. 1200 because this is similar to the provision of the Refugee Assistance Act. Additionally, that 3 years should allow for assimilation and that while refugees came for refuge, typically the unauthorized individuals came to work and typically have been working.

Mr. President, I sincerely wish that this hopeful prognosis will prove true; however, despite these assertions the Federal Government will be protected from new public assistance costs for 6 years. Additionally, the CBO report used to determine the number of aliens that will be legalized indicates that State and local costs will peak during years 4, 5, and 6.

Mr. President, this amendment extends the $600 million annual reimbursement program contained in S. 1200 for 3 years. I do this despite the fact that based on the Congressional Budget Office estimate, the total cost for 6 years is estimated to be $1.645 billion and the bill presently includes $1.8 billion.

These additional funds will be expended only if costs incurred by States exceed CBO projections. Otherwise, the funds will never leave the Treasury. However, Mr. President, if there is one certainty that has clearly emerged from efforts to produce immigration legislation, it is the complete uncertainty as to just how many illegal aliens actually reside in the United States.

In fact, the same CBO report that projects the number of illegal aliens in the United States eligible for legalization under S. 1200 at 570,000 states that: "The estimates presented here are very uncertain." If the Budget Office is incorrect in the many assumptions it used, such as ages, sex, and number of illegal aliens in the country, "actual costs of the alternatives costed here could be well above or below CBO's estimates."

For this reason and because State costs will peak during years 4, 5, and 6, it is important to include extra funds. Thus, if the actual numbers are double the CBO projection of 570,000, our States and localities will have a guarantee that the Federal Government will help bear the burden of the costs during the 6-year period these individuals are ineligible for Federal public assistance. Similarly, if the CBO numbers prove correct, then aside from allowing Federal reimbursement for 6 years instead of 3 this amendment will cost the Federal Government not one penny more than the $1.8 billion contained in S. 1200.

In sum, while I commend the distinguished chairman, Mr. SIMPSON, for his efforts to provide appropriate reimbursement to States, I am offering his amendment to eliminate the clear and unjustifiable double standard in S. 1200 by allowing protection for Federal, State, and local governments for 6 years. Additionally, because of the high levels of uncertainty in the projected number of aliens, this amendment offers a guarantee of $600 million for each of the 6 years. It is important to remember that should the CBO numbers be accurate, this amendment will cost nothing as adequate funds are presently in S. 1200 and the money authorized by this amendment would, if not expended never leave the Federal Treasury.

For these reasons, I urge your "yes" vote on this amendment.

Mr. President, we do not want double standards and we certainly do not wish to afford the Federal Government a protection that is not afforded to State and local governments who, with a different and less elastic tax base, will face the necessity to participate in the cost of legalizing what is at present illegal immigrant population.

I thank the Chair.

Mr. GORTON. Mr. President, I rise once again to join my colleague from California, Senator WILSON, in sponsoring an amendment which would establish a seasonal agricultural worker program for the perishable commodity industry.

This amendment has been revised further to alleviate concerns that the seasonal agricultural worker program would be an open-ended guest worker program. Further, to guarantee that this would not be the case, this new amendment would place a national cap of 350,000 on the number of temporary foreign workers that can be allowed in our country at any one time for the first 3 years after enactment of S. 1200. You will recall that under the terms of the previous seasonal agricultural workers amendment, which was tabled by a very narrow margin last Thursday, the numerical limit to be set on the total number of seasonal agricultural workers to be admitted into the United States under the program

would have been left up to the Attorney General's discretion.

It is important to keep in mind that, under this amendment, if the Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, determines that there is an adequate number of able, willing, and qualified domestic workers to meet the needs of the perishable commodity industry, than no foreign workers would be admitted. The Department of Labor would be appropriated $10 million a year to assist in the recruitment of domestic workers willing to work in the perishable commodities industry. This amendment requires the systematic recruitment of domestic workers right up until the time foreign workers are hired and permitted to come into the country. The statutory language of this amendment is clear that admission of the workers is discretionary, not mandatory. This amendment explicitly sets forth factors that the Attorney General must consider in deciding whether to admit any workers, including the availability of domestic agricultural labor, the historical employment needs of agricultural labor, and the recruitment efforts undertaken by the Secretary of Labor to seek out available domestic workers.

It the Attorney General determines that workers are needed, he would then establish a numerical limitation on the number of visas to be issued on a monthly basis for each of the 10 regions established throughout the United States. Only if the Attorney General determined that extraordinary and unusual circumstances have resulted in a significant change in a grower's need for workers or in the availability of domestic workers who are able, could the numerical limitation of workers be increased. This increase would be limited to an amount not to exceed 20 percent of the total number authorized for admission into all regions.

It is clear that this seasonal agricultural worker program would not take jobs away from American workers, nor will it create a new Bracero Program. Under the program established by this amendment, workers would receive temporary legal status, workmen's compensation, housing, adverse effect wage rates, and all Federal and State labor standard protections. That was not the case under the Bracero Program. In addition, workers would be able to move freely from grower to grower within the designated region without the restriction of a contract. The lack of a contract not only would enable them to move in response to crop emergencies but also in response to higher wages dictated by the emergency demand for workers. The workers would benefit from higher wages allowed by a free market system.

Opponents of this amendment also argue that it would result in a vast influx of foreign workers who would never return to their homeland. This amendment, however, contains several measures to limit the number of workers admitted and to ensure the return of those workers to their homeland. Workers would be given visas that would, in most instances, admit them to work for a period not to exceed 9 months. As I previously mentioned, during the first 3 years after enactment of this bill, the total number of workers admitted under this program at any given time could not exceed 350,000. Strong incentives are provided to encourage workers to return to their countries of origin by withholding 20 percent of their wages which would be returned to them through the U.S. consulate in their country of origin upon their return and proof of compliance with terms of the visa, including the requirement of continuous employment in perishable agriculture. If workers are not continuously employed, they must leave the United States. Failure to do so within 30 days of their last verifiable employment could result in forfeiture of their withheld wages. Growers would be required to assist the Attorney General in tracking and monitoring the movements of workers admitted under the program by notifying the Attorney General within 72 hours of hiring or terminating the employment of any seasonal worker under the program.

Mr. President, the adoption of this amendment is vital not only to the perishable commodities industry, but to the entire Nation. Perishable crops are grown in every State and represent nearly $23 billion in value to farmers, workers, and consumers. This new seasonal agricultural workers program would preserve a vital sector of American agriculture and tens of thousands of related jobs—jobs held by American workers, such as truck drivers, processing plant workers, and retail and wholesale grocers.

In order to establish a truly comprehensive and successful immigration policy, we must address the unique and legitimate needs of a significant segment of American agriculture. The perishable commodities industry would be seriously harmed by S. 1200. The H-2 Program contained in this bill is simply not flexible enough to meet the unique needs of perishable crops, which are labor-intensive and highly sensitive to changing weather conditions. This amendment would establish a complementary seasonal worker program which would be a safety valve available only to those in the perishable commodity industry. It does not undermine or restrict the H-2 Program; it does meet the specific needs of an important element of our agricultural community.

Growers of perishable crops throughout the Nation have traditionally relied heavily on foreign labor. We must face the reality that a large percentage of these workers are in the United States illegally and there is no guarantee that enough domestic workers will step forward to fill these jobs once illegal immigration is under control.

Unlike producers of field grains who use mechanical harvesters, the perishable crop industry, which is comprised largely of small family farms, is labor intensive and a large number of workers is required to harvest the crops. Fruit and vegetable harvesting is physically demanding, unpleasant work, and even at reasonably high wages, the industry has not attracted sufficient number of domestic workers. If the Immigration Reform and Control Act of 1985 is to establish a realistic and workable immigration policy, it must not force farmers to choose between hiring illegal workers and losing their crops. The choice should be between hiring domestic workers if available and, if not, hiring legalized foreign workers in a program that meets the needs of the perishable grower and provides protections for both foreign and domestic workers.

The H-2 worker program included in S. 1200 is simply not usable for the thousands of farmers involved in many kinds of perishable agricultural production. The H-2 Program would still tie the worker to a particular grower, thus preventing the movement from grower to grower that is essential when perishable producers face changing climatic conditions. The H-2 Program also continues the requirement that the grower predict, weeks in advance, when and how many workers will be needed. This is unrealistic considering the harvest volatility of perishable crops.

In addition, the H-2 Program's 72-hour emergency provisions would be unworkable because the size of the program would prevent the Department of Labor from making fast decisions. Because the emergency provisions are triggered at key periods of need, the Department of Labor could not process petitions, make decisions and recruit workers from a foreign country in 72 hours. In most instances, additional workers would have to be obtained in a lesser period of time.

To give you an example of just how susceptible perishable crops are to the vagaries of weather, last fall an unexpected cold spell occurred toward the end of the apple harvest in central Washington. Within 2 hours the apples were frozen on the trees and could not be harvested. In Brewster, WA, two growers alone lost 200,000 boxes of apples valued at approximately $2 million.

Cherry growers in Washington State's Yakima Valley fared better last year and they provide a perfect illustration of fruit growers' fluctuating labor needs. As I mentioned last Thursday, the growers were faced with an impending rainstorm during the cherry harvest and had to triple their work force in a matter of hours. They were able to do so, and the crop was saved. This undoubtedly would not have been the outcome if the growers had attempted to use the H-2 Program in S. 1200. Only a seasonal agricultural worker program that allows workers to move freely from grower to grower during the harvest period can insure the availability of an adequate workforce in a timely manner if a critical need exits.

Frankly, the same number of workers will be needed no matter what we do. If domestic workers are not available and the new seasonal agricultural worker program is not enacted, H-2 workers will be brought in. If, as I believe, H-2 is not workable in the perishable commodity industry because of its time and mobility constraints, the danger is that, in order to stay in business, farmers will resort to the present practice of hiring illegal workers—precisely the problem we are trying to avoid.

Mr. President, what we wish to do is change a present system which has the United States filled with illegal workers. We can only do that and preserve an important part of our economy if we recognize the perishable commodity industry's special needs and take men and women who are now working illegally and give them an opportunity to work legally.

This amendment is in the best interests of consumers, domestic workers, and the foreign workers themselves. In my view, this amendment is consistent with the goals of the Immigration Reform and Control Act of 1985. It will help ensure that the thousands of farmers who are involved in the multibillion dollar perishable commodity industry are not forced out of business. I urge my colleagues to give this amendment their full support.

Mr. SIMPSON. Mr. President, the Senator from California is obviously as anxious as I am to leave. I have just a few comments.

This amendment is eminently more reasonable than 100 percent Federal reimbursement. I appreciate that very much. That will come up again in the House. It did come up here once in the Senate, and I believe that amendment failed by a vote of about 57 to 37 on 100 percent Federal reimbursement. Indeed, this is more reasonable than that.

Why we put in the 3-year period, and I helped to choose that, is because it was chosen to mirror the period we chose for reimbursement of refugees. But realizing that aliens and refugees are so separate and apart, with legalized aliens we should have less public assistance since they come here specifically for the purpose of work. They are not fleeing persecution based on race, religion, national origin, or membership in the social or political organization. There is a lot of difference.

Furthermore, they will not be legalized if they are likely to become a public charge. I think that is important.

I think S. 1200 contains more funds, obviously more than the CBO estimated was necessary for the reimbursement in our hearing in June with CBO, so our bill provided that the unused funds in one fiscal year might be used in the following fiscal year. I gather the Senator has no problem about that.

If funds are unexpended in year 1, if the need is not there, then they will be held over and used in the subsequent fiscal year.

Mr. WILSON. The Senator is correct.

Mr. SIMPSON. That is the understanding of the Senator as to the method by which he proposes the amendment.

Mr. WILSON. Yes, that is correct.

Mr. SIMPSON. The concern of the sponsor that the 6-year period of ineligibility for Federal benefits might be reflected in the State cost of reimbursement can be, I think, accommodated. In year 1 the CBO estimated no cost to the States so S. 1200 did not start reimbursement until the year 2, and then the 3 years of reimbursement lasting over the years 2, 3, and 4, according to the unused funds likely to be left over, and the year 5 will also see reimbursement funds available.

I have a proposal in this area that perhaps we can review tomorrow. I ask the accommodation of the Senator, since we are not going to get a vote on this anyway until tomorrow, hopefully—and one never knows in this game. I will visit with him and see perhaps if we cannot reach something which does assure the counties, municipalities, and communities of the United States.

Please be assured in S. 1200 we have an allocation formula that really gets the money to where the problem is, to States with the high ratio of illegals, with the high number of illegals. States like California, Florida, and Texas will receive the greater part of the moneys. I worked toward that.

I do not want to see anything that overreimburses the States.

Adding an additional year on the $600 million might, when we see what part of the reimbursement funds is involved, be worked out.

In any event, I appreciate the good faith of the Senator with regard to a critically important thing to his State and to the other States which are most heavily impacted by illegal immigration.

Mr. WILSON. I thank the Senator.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON EVALUATION OF FEDERAL JUVENILE DELINQUENCY PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which we referred to the Committee on the Judiciary:

To the Congress of the United States:

The Administrator of the Office of Juvenile Justice and Delinquency Prevention has recently submitted to me a copy of the *Eighth Analysis and Evaluation of Federal Juvenile Delinquency Programs* as required by Section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), as amended. This letter fulfills the statutory requirement to respond to the Congress concerning this document and its recommendations.

The report makes four recommendations for improving Federal juvenile delinquency prevention policy. As you know, I have proposed that the Juvenile Justice and Delinquency Prevention Program be terminated at the conclusion of fiscal year 1985. Nonetheless, each of the recommendations will be implemented to the extent possible with respect to funds appropriated in fiscal year 1985 and before.

RONALD REAGAN.

THE WHITE HOUSE, *September 16, 1985.*

ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompany-

ing report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of Public Law 91-230, as amended (20 U.S.C. 1209(d)), I herewith transmit the 1984 annual report of the National Advisory Council on Adult Education.

RONALD REAGAN.

THE WHITE HOUSE, *September 16, 1985.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-409. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION No. 31

"Whereas, imported red fire ants, accidentally brought to the United States from South America through the port of Mobile in the 1930s, have since spread to eleven southern states and Puerto Rico; and

"Whereas, their travel path and climatic tolerance portend eventual invasion, if unchecked, of all of the warmer regions of this continent; and

"Whereas, being carnivorous insects, the ants prey on poultry and small livestock; and in human beings, their fiery, swarming stings can cause allergic reactions or can result in the infection of the characteristic pustules that form on the skin of victims; and

"Whereas, agriculture losses in affected southern states have resulted from reductions in useable grazing acreage, the spoilage of fodder for livestock, the destruction of selected field crops such as soybeans, the destruction of citrus trees and predation on insects beneficial to the citrus industry, damage to farm and mowing machinery, the discouragement of field labor, and the impairment of agricultural commerce due to periodic quarantines; and

"Whereas, recreational activities have been disrupted by the invasion by red fire ants of rural and urban parklands, school playgrounds, and athletic fields; and

"Whereas, the potential economic benefits of red fire ant control or eradication would far outweigh the expense of such efforts; of note is the case of soybeans, where 107 million acres are infested nationwide at a loss of up to nine bushels per acre and six dollars or more per bushel, a staggering figure which illustrates the magnitude of the economic drain that is occurring in the absence of adequate combative measures; and

"Whereas, federal actions in response to imported red fire ants have been more negative in effect than positive; the U.S. Environmental Protection Agency [EPA] banned the application of one insecticide, Mirex, in 1978, and the application of another, Chlordane, in 1979, and federal courts have since halted the use of Ferriamicide; and

"Whereas, corresponding to this series of prohibitions, parallel affirmative efforts aimed at identifying effective and acceptable means of control or eradication have been sorely deficient; and

"Whereas, increased research, particularly in the border region of Brazil, Argentina, and Paraguay where the red fire ants originated, has the potential for significant payoffs; expansion of the ants' habitat beyond this range is inhibited by unknown natural factors, and yet entomologists eager to study the phenomenon are thwarted by the unavailability of federal grants with which to pursue this promising line of scientific investigation; and

"Whereas, the states of Texas and Florida have joined in cooperative South American research on natural checks to red fire ant infestation; and

"Whereas, ample federal funding for this and other types of research would speed the solution of measures to suppress the proliferation of imported red fire ants in the United States; and

"Whereas, the United States Department of Agriculture has proposed a decrease in expenditures in this area from five million dollars to three hundred thousands dollars.

"Therefore, be it resolved that the Legislature of Louisiana memorializes the Congress of the United States to pursue the acceleration of research efforts of the United States Environmental Protection Agency, the United States Department of Agriculture, and other federal agencies relating to the control and eradication of imported red fire ants.

"Be it further resolved, that a copy of this Resolution shall be transmitted to the Secretary of the United States and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-410. A resolution adopted by the Reformed Church in America relating to the economic condition of the farmer; to the Committee on Agriculture, Nutrition, and Forestry.

POM-411. A resolution adopted by the American Legion, Department of Illinois, relating to retaining the Great Lakes Naval Center and the O' Hare Reserve Forces Facility; to the Committee on Armed Services.

POM-412. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Appropriations.

"RESOLUTION No. 165 (LS)

"Be it resolved by the legislature of the territory of Guam:

"Whereas, the Guam Department of Education since its inception in the early 1950's has been authorized to participate in the Federal Impact Assistance Program under United States Public Law 81-874; and

"Whereas, since fiscal year 1970 up to and including fiscal year 1984, payments to Guam have continually left unpaid balances yearly, according to the records of the Guam Department of Education, which balances now total Seventeen Million Eight Hundred Three Thousand, Three Hundred Seventy-two Dollars and Ninety-eight cents ($17,803,372.98); and

"Whereas, it was the intent of the United States Congress in creating the Impact Aid Program to reimburse the participating school districts of the states and territories for expenditures of school districts in the rendering of educational services to eligible federally connected students in elementary and secondary education programs, according to amounts set by the United States Congress; and

"Whereas, the territory of Guam has consistently incurred per pupil expenditures above and beyond the per pupil reimbursement received from the Federal Government; and

"Whereas, Since the early 1970's Guam has continually experienced economically depressed conditions: the cost of living continues to be one of the highest in the nation while the per capita income of its inhabitants is among the lowest nation wide; the government of Guam revenue has not been adequate to meet expansion and improvement needs of its school system; and significant standardized results in student achievement as measured by the Science Research Associates Test in 1984 indicate a tremendous need to improve the educational service provided the students of Guam; now, therefore be it

"Resolved, that the eighteenth Guam Legislature, on behalf of the people of Guam, respectfully request Congressman Ben Blaz, Guam's Delegate to the United States Congress, to submit on behalf of the people of Guam an appropriation request of Seventeen Million Eight Hundred Thousand Dollars ($17,800,000) to pay the Guam Department of Education the current outstanding balance due from the Federal Government; and be it further

"Resolved, that the United States House of Representatives and the Senate be respectfully petitioned to grant the Government of Guam the funds requested herein so that the quality of the educational program for the young people in Guam can be properly enhanced; and be it further

"Resolved, that the Speaker certify to, and the Legislative Secretary attest the adoption hereof, and the copies of the same be thereafter transmitted to the Vice-President of the United States and President of the Senate, Mr. George Bush; to Speaker of the U.S. House of Representatives Thomas P. O'Neill, Jr.; to Mr. William J. Bennett, Secretary of Education; to Mr. Richard Montoya, Assistant Undersecretary of the Interior; to Senator Mark O. Hatfield, Chairperson of Senate Appropriations Committee; to Congressman Jamie L. Whitten, Chairperson of House Appropriations Committee; to Senator Daniel K. Inouye, Member of Senate Appropriations Committee; to Senator James A. McClure, Chairperson of Senate Subcommittee on Interior of the Appropriations Committee; to Congressman Sidney R. Yates, Chairperson of the House Subcommittee on Interior of the Appropriations Committee; to Congressman Augustus F. Hawkins, Chairperson of House Education and Labor Committee; to Congressman Ben Blaz, Guam's Delegate to the U.S. House of Representatives; to Mrs. Gloria B. Nelson, Director, Department of Education; Mr. Vicente T. Pangelinan, Chairman, Board of Education; and to the Governor of Guam."

POM-413. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE CONCURRENT RESOLUTION No. 132

"Whereas, many communities are still under the Federal Emergency Insurance Rating System and are having difficulty in qualifying for regular Federal Flood Insurance Rates prior to September 1, 1985.

"Therefore, be it resolved that the Legislature of Louisiana memorializes the Congress of the United States of America to extend the Federal Emergency Flood Insurance Program for an additional three years through 1988.

"Be it further resolved that a copy of this Resolution shall be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives, to each member of the Louisiana

congressional delegation, and to the Plaquemines Parish Commission Council."

POM-414. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 112

"Whereas, the only hazardous waste burn site presently approved by the federal government is that off the coast of Louisiana in the Gulf of Mexico; and

"Whereas, under a proposed plan subsidized by the federal government, ships loaded with industrial toxic waste would be allowed to burn PCB's, chlordane, and other toxic chemicals at this site in the Gulf of Mexico off our coast; and

"Whereas, burning toxic waste in shipboard incinerators may release an array of toxic chemicals into the marine environment which may pose dangers to human health and the marine environment; and

"Whereas, according to the United States Coast Guard, if a chemical spill from an incinerator ship occurred, the toxic chemicals spilled at sea would be impossible to retrieve or isolate from the marine environment.

"Therefore, be it resolved that the Legislature of Louisiana memorializes the Congress of the United States expressing support of H.R. 1295 which would impose up to a three year moratorium on ocean incineration of hazardous waste during which time it is hereby requested that a comprehensive analysis of the impact of at sea incineration on human health and the marine environment be completed.

"Be it further resolved that a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-415. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 131

"Whereas, Congressional Act of 1928 recognized the need to provide flood protection, bank stabilization, channel stabilization, and protection of navigable waters for areas along the lower Mississippi River; and

"Whereas, the Mississippi River and Tributaries Project under this Act has effectively reduced the devastation of both lives and property along the Mississippi River and has maintained an effective system of navigable waters which greatly benefits the commerce and industries of the entire United States; and

"Whereas, there is a gap in this massive protection system in the most vital area of the entire Mississippi River and that is near the mouth of the Mississippi River from the vicinity of Bohemia, Louisiana to the Baptiste Collette Bayou resulting in this area not being part of the federal flood control area under the Mississippi River and Tributaries Project; and

"Whereas, it is important that flood protection, flood control, and protection of navigable waters be extended in this area to redue loss of lives and to prevent property damage and to protect the navigable waters of the area and a most vital artery near the mouth of the Mississippi River, the Gulf of Mexico; and

"Whereas, the creation of comprehensive flood protection and protection of navigable waters is supported by the Mississippi River Commission, the United States Corps of Engineers, the Louisiana Department of Transportation and Development and the Plaquemines Parish Commission Council, governing authority of the parish of Plaquemines, wherein is located the above mentioned gap in the protection system in the vicinity of Bohemia, Louisiana to Baptiste Collette Bayou.

"*Therefore, be it resolved* that the Legislature of Louisiana memorializes the Congress of the United States to amend the National Flood Act of 1928 for flood control and improvement of the lower Mississippi River by amending said Act to add the following language:

"The project for flood control and improvement of the lower Mississippi River adopted by Act of Congress approved May 15, 1928 and as amended by subsequent Acts is hereby modified and expanded to provide protection, bank stabilization, channel stabilization and protection of navigable waters for the area on the east bank of the Mississippi River from the vicinity of Bohemia, Louisiana, to Baptiste Collette Bayou and incuding the levees of the Orleans Levee Distirct and the Grand Prairie Levee District.

"*Be it further resolved* that a copy of this Resolution shall be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives, to each member of the Louisiana congressional delegation, and to the Plaquemines Parish Commission Council."

POM-416. A resolution adopted by the Federated States of Micronesia; to Committee on Energy and Natural Resources.

CONGRESSIONAL RESOLUTION No 4-32, C.D.1, FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA, FIRST SPECIAL SESSION, JULY 8-JULY 27, 1985

A resolution respectfully requesting the Congress of the United States, in approving the compact of free association between the United States and the Federated States of Micronesia, to carefully consider the freely expressed wishes of the people of the federated states of Micronesia, and disapprove or revise any proposed amendments, such as those approved by the United States House of Representatives Committee on ways and means, which materially change important substantive provisions in the compact of free association as negotiated; expressing the sense of Congress that it could not reapprove the compact with any such amendments; and expressing gratitude to those Members of the United States Congress who have devoted time and effort to try to have the compact approved in a form consistent with the originally negotiated principles of the compact and Unted States trusteeship obligations.

Offered by Senator Bethwel Henry et al.
Date: July 24, 1985.
Adopted: July 24, 1985.

HENRY C. ASUGAR,
Chief Clerk, FSM Congress.

FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA, FIRST SPECIAL SESSION, 1985, CONGRESSIONAL RESOLUTION No. 4-32, CDI

A resolution respectfully requesting the Congress of the United States, in approving the Compact of Free Association between the United States and the Federated States of Micronesia, to carefully consider the freely expressed wishes of the people of the federated States of Micronesia, and disapprove or revise any proposed amendments, such as those approved by the United States House of Representatives Committee on Ways and Means, which materially change important substantive provisions in the Compact of Free Association as negotiated; expressing the sense of Congress that it could not reapprove the Compact with any such amendments; and expressing gratitude to those Members of the United States Congress who have devoted time and effort to try to have the Compact approved in a form consistent with the originally negotiated principles of the Compact and United States Trusteeship obligations.

Whereas, under article 6 of the Trusteeship Agreeement for the Former Japanese Mandated Islands, the United States pledged that it would promote the development of the inhabitants of the Trust Territory toward self-government or independence in accordance with the freely expressed wishes of the Territory's people, and that it would promote the economic, social, and educational advancement of the Territory and its people; and

Whereas, in acts of self-determination, the people of the Federated States of Micronesia freely expressed their desire to enter into the Free Association with the United States through a plebiscite and approval of the Compact of Free Association by their State and National legislatures; and

Whereas, the people of the Federated States of Micronesia approved the Compact in the belief that the United States would not attempt to unilaterally, materially, and detrimentally alter terms which were the product of nearly 20 years of hard negotiations conducted on the basis of good faith and mutual respect; and

Whereas, while having many concerns with respect to the Compact provisions, the Congress of the Federated States of Micronesia nevertheless unanimously approved the Compact of Free Association without any effort to unilaterally amend it because the Congress recognized the Compact was the carefully balanced result of arduous negotiations; and

Whereas, major amendments to the Compact of Free Association which drastically impacted upon the sovereignty and potential progress and economic development of the Federated States of Micronesia had been proposed by the United States House of Representatives Committees on Interior and Insular Affairs and Foreign Affairs; and

Whereas, it is the understanding of the Congress of the Federated States of Micronesia that the Committee on Foreign Affairs and the Committee on Interior and Insular Affairs of the United States House of Representatives have achieved a consensus on these proposed amendments to present to the full House; and

Whereas, while the Congress of the Federated States of Micronesia has not had the opportunity to review the actual consensus amendments, it is the understanding of the Congress that in arriving at the consensus the two committees carefully considered the serious concerns of the people of the Federated States of Micronesia and either eliminated or favorably revised deleterious amendments; and

Whereas, it is the understanding of the Congress of the Federated States of Micronesia that at the same time the Interior and Foreign Affairs Committees were arriving at this consensus, the Committee on Ways and Means of the United States House of Representatives approved proposed amendments to the Compact which would eliminate the tax and tariff benefits contained within the Compact; and

Whereas, the Ways and Means amendments would remove benefits necessary for the development of our Nation's economy and destroy a careful balance between grants and development incentives which was one of the keystones of the Compact and the result of years of planning and negotiation; and

Whereas, the Ways and Means amendments appear to have been based solely on short-term provincial objectives, with little if any thought given to the long-term economic viability or political stability of emerging governments in the Trust Territory; and

Whereas, the Ways and Means amendments would be fundamental and destructive changes to the Compact which would frustrate our people's hope for future progress and development; and

Whereas, the Ways and Means amendments would conflict with not only the freely expressed wishes of the people of the Federated States of Micronesia, but also with the United States Trusteeship Agreement obligations to promote economic advancement in Micronesia; and

Whereas, the amendments reportedly approved by the United States House of Representatives' Committee on Ways and Means, and other amendments materially changing substantive provisions of the Compact as negotiated, would require a new plebiscite and resubmission of the Compact to the State and National legislatures in the Federated States of Micronesia, and very probably result in the rejection of the Compact of Free Association by the Federated States of Micronesia; now, therefore,

Be it resolved by the Fourth Congress of the Federated States of Micronesia, First Special Session, 1985, That the Congress respectfully requests the Congress of the United States, in approving the Compact of Free Association, to carefully consider the freely expressed wishes of the people of the Federated States of Micronesia, the concerns and comments voiced by our people's democratically chosen representatives, and their own Nation's obligations under the Trusteeship Agreement, and then disapprove or revise any proposed amendments, such as those approved by the United States House of Representatives' Committee on Ways and Means, which materially change important substantive provisions in the Compact of Free Association as negotiated; and

Be it further resolved, That the Congress of the Federated States of Micronesia hereby expresses the sense of the Congress that it could not, in good conscience and in view of its responsibilities to the people of the Federated States of Micronesia, reapprove the Compact with the deleterious proposed amendments described above; and

Be it further resolved, That the Congress hereby expresses its gratitude to those Members of the United States Congress who have devoted time and effort to try to have the Compact approved by their Congress in a form consistent with the originally negotiated principles of the Compact and United States Trustreeship obligations; and

Be it further resolved, That certified copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the Chairmen of the United States House of Representatives' Committees on Foreign Affairs, Interior and Insular Affairs and Ways and Means, the President Pro Tempore of the United States Senate, and the President of the Federated States of Micronesia."

POM-417. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION No. 89

"Whereas, Louisiana has more waterfowl refuge areas than any other state in the Mississippi flyway; and

"Whereas, Louisiana is noted for its wildlife management programs and the interest that the sportsmen of the state exhibit with respect to this natural resource; and

"Whereas, Louisiana, in cooperation with the United States Fish and Wildlife Service, has worked diligently to properly manage this resource and has spent millions of dollars in the research, development, and enhancement of waterfowl in this state; and

"Whereas, Louisiana sportsmen have requested an extended waterfowl season to coincide with the experimental season recently concluded in the state of Mississippi.

"*Therefore Be It resolved* that the Legislature of Louisiana memorializes the Congress of the United States to urge the United States Fish and Wildlife Service to grant Louisiana permission to extend the waterfowl season to January 31 of each year.

"*Be it further resolved* that a copy of this resolution be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-418. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 106 (LS)

"Be it resolved by the legislature of the Territory of Guam:

"Whereas, the main source of water supply for the island of Guam is located in the Northern end of the island; and

"Whereas, during the dry season or droughts the distribution system becomes severely taxed by attempting to pump water to the Southern communities; and

"Whereas, the need for surface water sources has been proven to be a much needed facility to adequately serve the Southern communities; and

"Whereas, the Fena Reservoir is the prime location for a surface water source which is controlled by the United States Navy; and

"Whereas, the Navy sells water to the Public Utility Agency of Guam for distribution to the villages of Agat and Santa Rita and for other villages where the civilian water system is unable to deliver adequate supply; and when the civilian water system is unable to deliver adequate supply; and

"Whereas, the land upon which the Fena Reservoir is located was seized by the Federal Government from the people of Guam strictly for military use; and

"Whereas, the military seized the Fena Reservoir area because this is the best area to collect ground water on Guam; and

"Whereas, a sound water supply system is necessary to support the continued growth of the Territory; and

"Whereas, the absence of a sound water supply system severely restricts the economics growth of the Territory; and

"Whereas, the land surrounding the Fena Reservoir is prime agricultural land which, if developed, would greatly lessen the Territory's dependence on agricultural imports; and

"Whereas, the Federal Government had, in the past, released assets of a utility such as the power generation facility to the Government of Guam; and

"Whereas, the Federal Government has been consistent in demanding that the Territory be economically independent; and

"Whereas, Undersecretary Richard Montoya has been publicly stating that the Territory of Guam should make every effort to "do things for itself before asking for handouts"; and

"Whereas, water is a necessary resource for such economic development; and

"Whereas, Guam cannot become economically independent for so long as Navy continues to control the only significant ground water supply on the island; and

"Whereas, there is no reason the United States Navy should not become a customer of the Public Utility Agency of Guam; now, therefore, be it

"Resolved, that the members of the Eighteenth Guam Legislature, recognizing that the natural resources of the Territory of Guam rightfully belong to the people, hereby request that the Federal Government release the Fena Reservoir and the lands surrounding it, not actually used for ammunition storage, to the Government of Guam so that the people of Guam will not have to pay for water which is rightfully theirs; and be it further

"Resolved, that the members of the Eighteenth Guam Legislature request that Guam's Washington Representative, Congressman Ben Blaz, introduce legislation to accomplish the following by amendment using essentially the following language:

"That Subsection (f) of Section 2409a of Title 28, United States Code, is amended by inserting, 'except for an action commenced by the Government of Guam' after 'section' and by inserting after the first sentence the following: 'Any civil action under this section by the Government of Guam may be commenced regardless of when such action accreed.' Such subsection is further amended by striking out 'Such' and inserting in lieu therefore 'For purposes of this subsection, an' "; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of Interior; to the Secretary of the Department of Defense; to the President of the United States; to the Secretary of the Navy; to Congressman Ben Blaz; to the Speaker of the United States House of Representatives; to the President of the United States Senate; to the Commander Naval Forces Marianas and to the Governor of Guam."

POM-419. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION No. 100
BY MR. NUNEZ AND REPRESENTATIVE PATTI

"Whereas, the world crude oil refining industry is changing dramatically as several foreign nations, traditionally exporters of crude oil, subsidize refinery construction and operation, and become exporters of vast quantities of refined oil products, much of which is expected to be imported to this country; and

"Whereas, the U.S. crude oil refining industry is supplying a depressed market and has recently made substantial investments ranging to the hundreds of millions of dollars to modernize, meet federal and state environmental mandates, and handle the

changing quality of crude oil to be refined; and

"Whereas, this nation's crude oil refining capacity has decreased twenty-two per cent in the last five years, one hundred and ten refineries have closed in the United States over that same period, and refineries that have remained open are operating at an average of only seventy-seven per cent capacity; and

"Whereas, projections show that fifty more U.S. refineries will close between now and 1990, reflecting a loss of over one-half of our domestic refineries in one decade; and

"Whereas, Louisiana, the nation's third largest refining state, has felt the impact of these world and national trends, as the state's refineries close and those that continue to operate do so at reduced capacities as low as forty per cent, causing major employee lay-offs throughout the state; and

"Whereas, Louisiana's refineries have directly represented payrolls of over two hundred million dollars annually in the state, and every one dollar of earnings in this industry has created three dollars of additional earnings elsewhere in our state; and

"Whereas, Louisiana's refineries have employed over twelve thousand Louisianians directly, and studies show that for every new job created or lost in the state's refining industry almost six 'indirect' jobs are created or lost throughout our state; and

"Whereas, Louisiana and the nation have a strong economic, as well as national defense interest, in maintaining a healthy domestic crude oil refining industry; and

"Whereas, the import of great quantities of foreign-subsidized refined crude oil products will have a tremendous and lasting impact on this nation's and Louisiana's refining industry, and OPEC nations are now placing two million barrels of petroleum products per day on the world market; much of it for sale in the United States.

"Therefore, be it resolved that the Legislature of Louisiana memorializes the Congress of the United States to request a thorough study, utilizing the appropriate congressional and executive agencies, on factors affecting the world oil-refining industry, the extent of national subsidies of foreign refining operations, and the impact of dramatic increases in foreign-subsidized refined products imports on this nation's refining industry and possible legislative options to encourage a healthy domestic crude oil refining industry.

"Be it further resolved that the Congress of the United States is memorialized to distribute the report to each member of Congress as well as to the President of the United States, and appropriate executive branch officials.

"Be it further resolved that a copy of this Resolution be transmitted to the Secretary of the United States Senate and Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-420. A resolution adopted by the Council of the City of Shelby, OH, proclaiming Wednesday August 14, 1985, as "Social Security Day"; to the Committee on Finance.

POM-421. A resolution adopted by the Council of the City of Denton, TX, requesting Congress to continue the General Revenue Sharing Program under the Local Government Fiscal Assistance Act as the Senate has proposed to do; to the Committee on Finance.

POM-422. A resolution adopted by the Cumberland County Board of Commissioners of Fayetteville, NC, relating to the Textile and Apparel Trade Enforcement Act of 1985; to the Committee on Finance.

POM-423. A concurrent resolution adopted by the legislature of the State of Louisiana; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION No. 61

"Whereas, redevelopment of historic properties in Louisiana has been greatly encouraged by the availability of the twenty-five percent investment tax credit which is available for renovation of historic properties; and

"Whereas, renovations in Louisiana which were eligible for the tax credit have exceeded two hundred eighty million dollars in value since 1981; and

"Whereas, these renovations create construction and permanent jobs in the estate, while preserving architecturally buildings and enhancing the quality of life; and

"Whereas, the tax credit program enables the private investor to participate in the revitalization of the inner city, and therefore is a cost-efficient method of renewing vital areas of our downtown areas; and

"Whereas, the twenty-five percent investment tax credit is one of the few tax benefits available for renovation of residential rental units in historic properties, and it is therefore important in the creation of additional housing stock; and

"Whereas, there are approximately thirty thousand structures in Louisiana's forty-seven historic districts which may be eligible for the twenty-five percent investment tax credit; and

"Whereas, the economic stimulation and jobs created by these renovations is badly needed in Louisiana; and

"Whereas, the federal government has proposed eliminating the twenty-five percent investment tax credit as part of the effort to control the federal deficit; and

"Whereas, renovators, civic officials, developers, and preservationists are joining together to support the continuation of the twenty-five percent investment tax credit.

"Therefore, be it resolved, That the legislature of Louisiana memorializes the Congress of the United States to support enthusiastically the continuation of the twenty-five percent investment tax credit for renovation of historic properties.

Be it further resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and to the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-424. A resolution adopted by the legislature of the Territory of Guam; to the Committee on Finance.

"RESOLUTION No. 167 (LS)

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, U.S. Public Law 92-603, amending Title XIV of the Social Security Act, did not and still does not extend the benefits of the Supplemental Security Income (SSI) Program for the Aged, Blind and Disabled to qualified residents of Guam; and

"Whereas, there are approximately 930 residents of Guam who are receiving public assistance under Programs for the Aged, Blind and Disabled, and there are many other potentially eligible residents who deserve fuller and more expanded benefits under the Supplemental Security Income (SSI) Program; and

"Whereas, residents of the fifty (50) states of the United States and Guam's neighboring islands of the Commonwealth of the Northern Marianas, who are eligible and have applied for assistance under the SSI Program, are now enjoying the Program's full benefits; and

"Whereas, in the same manner, the benefits of the Federal Supplemental Unemployment Benefits Program under U.S. Public Law 98-21, are now being enjoyed by all the fifty (50) states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, except the Territory of Guam which is excluded under Section 3306(j) (1) and (2) of the Federal Unemployment Tax Act, as amended; and

"Whereas, the people of Guam firmly believe in the right to equal treatment and entitlement of any and all citizens or residents of the United States, to the benefits available to them from the United States Federal Government without regard to race, color, creed, economic situation, or geographical location or remoteness from the United States mainland; now, therefore, be it

"Resolved, that the Eighteenth Guam Legislature respectfully request the Honorable Ben Blaz to introduce the appropriate remedial or amendatory legislation, or provision in the Omnibus Bill of 1985, to extend the benefits of the Supplemental Security Income (SSI) Program and the Federal Supplemental Unemployment Benefits Program to the Territory of Guam; and be it further

"Resolved, that the Eighteenth Guam Legislative request the Governor and Lieutenant Governor of Guam, through their Washington, D.C. Office, the Department of Public Health and Social Services, the Department of Labor, and the Department of Revenue and Taxation, to seek the support of the Federal Government, specifically the U.S. Department of Health and Human Resources, U.S. Department of Labor, the Internal Revenue Service, and the U.S. Department of Interior, in the speedy passage and enactment of these needed remedial or amendatory legislations; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Ben Blaz, Guam's Delegate to the U.S. Congress; to the Speaker of the U.S. House of Representatives; to the President of the U.S. Senate; to the Secretary of Health and Human Resources; to the Secretary of Labor; to the Secretary of Interior; to the Commissioner of Internal Revenue Service; to the Lieutenant Governor of Guam; to the Governor's Special Assistant in Washington, D.C.; to the Director of Public Health and Social Services; to the Director of Labor; to the Director of Revenue and Taxation; to the President of the United States and to the Governor of Guam."

POM-425. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Finance.

"HOUSE JOINT RESOLUTION No. 1030

"Whereas, on July 25, 1985, the Ways and Means Committee of the United States House of Representatives approved H.R. 3128, known as the "Deficit Reduction Amendments of 1985"; and

"Whereas, H.R. 3128 contains provisions that would require all states to extend Aid to Families with Dependent Children—Un-

employed Parent Program (AFDC-U) benefits to the categorically eligible, an option currently left to the discretion of each state; and

"Whereas, the Fifty-fourth General Assembly of the State of Colorado enacted House Bill No. 1436, 1984 Session (L. 84, Ch. 218), which eliminated eligiblity for public assistance payments for the AFDC-U Program; and

"Whereas, The purpose of H.R. 3128 is to effect a reduction in the federal deficit; and

"Whereas, The staff of the House Ways and Means Committee estimates that requiring states to provide benefits to needy two-parent families where the principal wage earner is unemployed will cost the federal government some $400 million over three years; and

"Whereas, The states should retain the option of providing AFDC-U benefits depending upon the circumstances present in a given state rather than having such a decision mandated at the federal level without regard to issues and concerns which are better evaluated at the state level; and

"Whereas, The provisions of H.R. 3128 dealing with the AFDC-U Program fail to achieve a true reduction in the federal deficit while unjustifiably infringing upon state authority over public assistance; now, therefore,

"Be it resolved by the House of Representatives of the Fifty-fifth General Assembly of the State of Colorado, the Senate concurring herein:

"That we, the members of the Fifty-fifth General Assembly of the State of Colorado, urge the House of Representatives and Senate of the United States to reject the provisions of H.R. 3128 recently approved by the House Ways and Means Committee requiring states to pay assistance moneys to eligible persons under the AFDC-U Program.

"Be it further resolved, That copies of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States and to the members of Congress from the State of Colorado."

POM-426. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Foreign Relations.

"SENATE CONCURRENT RESOLUTION No. 101

"Whereas, the Consortium for Service to Latin America has been formed by representatives of the private and public sectors in Latin America and the United States to meet the education, training, and employment needs of participating Latin America countries; and

"Whereas, the consortium provides a full cycle of services including needs assessment, specifically tailored education and training courses at educational institutions in the United States, on-the-job training and observation in U.S. businesses, leadership and re-entry training, assistance with job placement in Latin America, and assistance to Latin America governments and/or training institutions; and

"Whereas, a number of Louisiana educational instititions and Louisiana businesses will participate in the consortium's program.

"Therefore, be it resolved that the Louisiana Legislature commends the efforts of the consortium for Service to Latin America to the United States Congress for the consortium's important contribution to improve educational and business relations between this country and Latin America, and memorializes Congress, and particularly the Louisiana delegation, to support and assist the activities of the consortium whenever possible.

"Be it further resolved that a copy of this Resolution be transmited to the Secretary of the United States Senate and the Clerk of the United States House of Representatives, and to each member of the Louisiana Congressional delegation, as well as to Dr. William Arceneaux, Commissioner of Higher Education for the Louisiana Board of Regents, and President and Chairman of the Board of Consortium for Service to Latin America."

POM-427. A resolution adopted by the Council of the City of Macon, GA, supporting efforts to bring about a peaceful solution to the South African problem; to the Committee on Foreign Relations.

POM-428. A resolution adopted by the Council of the City of Eden Prairie, County of Hennepin, MN, urging Congress to continue their efforts to halt the persecution of the Baha' minority in Iran; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 1648. A bill to amend title XVIII of the Social Security Act to make permanent the hospice benefit, to increase the payment amount for hospice care, and to make hospice care an optional service under the Medicaid program; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. GOLDWATER):

S.J. Res. 200. A joint resolution to provide for the erection of an appropriate statue or other memorial in or near the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAWKINS:

S. Res. 221. A resolution expressing the sense of the Senate that the President should establish a National Commission on International Trade Policy to study and make recommendations for redressing the current imbalance in international trade; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 1648. A bill to amend title XVIII of the Social Security Act to make permanent the hospice benefit, to increase the payment amount for hospice care, and to make hospice care an optional service under the Medicaid Program; to the Committee on Finance.

HOSPICE IMPROVEMENT AND EXTENSION ACT

● Mr. HEINZ. Mr. President, today, I am introducing a bill, entitled the Hospice Improvement and Extension Act of 1985, that will substantially strengthen the Medicare hospice benefit. This new legislation will make hospice care a permanent, more accessible option for those in need through three fundamental changes.

First, this legislation will strike the sunset provision, thereby making the hospice benefit a permanent feature of Medicare. Currently, the hospice benefit can be continued only until October 1, 1986. The permanent extension of this sunset provision has prevented the full implementation of this benefit, as many hospice programs choose not to apply for Medicare certification for fear that the benefit will disappear in the near future.

Second, this bill will increase reimbursement rates for hospice care by $15 a day, bringing Medicare reimbursement closer to the actual cost of providing hospice care than it is today.

Third, this bill will make hospice care a permanent option under Medicaid. Congress' intent in including the sunset language in the original hospice authorizing legislation was to let hospice prove itself, giving us a chance to evaluate whether hospice care would actually live up to its promises of compassion and cost efficiency.

In order to properly evaluate the cost effectiveness of the hospice benefit, Congress required the Secretary of Health and Human Services to study the issue and report back to the Congress with its findings by September 30, 1983. While the Secretary has yet to conduct this important study, hospice care has proven itself through the experience of Medicare beneficiaries. The facts just haven't waited for departmental findings.

The experience of the Medicare Program and the testimony of dozens of families who experienced the aid of hospice care first hand make it crystal clear that, indeed, hospice care is cost effective, it is compassionate, and it aids families and patients in more ways than legislators on Capitol Hill or personnel at the Department of Health and Human Services or at OMB can ever fully know second hand.

I think it's time that we accept the overwhelming evidence of the need and importance of hospice care and that we consider hospice the permanent Medicare benefit it should be, rather than extending the benefit in bits and pieces while waiting for an HHS study that we may never see.

The second part of this bill, which increases reimbursement rates for hospice, is just as critical as the first to the success of the hospice benefit. Unless Medicare payment rates are

raised to a more realistic level, the availability of Medicare hospice care will always fall far short of the need for this care. When the Congress enacted the original hospice legislation, we anticipated that the new benefit would serve over 31,000 individuals in just the first year of implementation. But we learned at a Senate Finance Committee hearing last fall—nearly 1 year after the program's implementation date—that fewer than 1,000 terminally ill beneficiaries actually had received the hospice benefit. Six months later, the number of Medicare hospice patients had increased fivefold to over 5,100—still far below the expected beneficiary level.

No inflation adjustments have been made to the rates for hospice care since they were first published in 1983. The Health Care Financing Administration has estimated that the home health market basket index will increase by 15 percent from 1984 to 1986. The reimbursement increase that I am advocating will barely meet this increase in the cost for services that make up hospice care—including routine home care and inpatient care.

And to make matters even worse, reliable cost reports just aren't available—and probably won't be available for some time—on which HCFA can base any cost increases.

Hospice care is unique and costs much less than does hospital care for the same patients. If we continue to pinch pennies for these services, we will only have to pay more for hospital care, since hospice will not be available for all those who need it.

Currently, 21 percent of Medicare Program outlays are spent on reimbursement for health care services used in the last 6 months of life. Cancer is the second most frequent cause of death of persons age 65 and older. Hospice care, which provides services to terminally ill beneficiaries whose life expectancy is 6 months or less, can care for many of these individuals at much less than the cost of hospital care. These two facts alone should tell us that we need to fully utilize the most cost-effective ways of meeting the health care needs of those in the last few months of life. But there's another reason, too, why reimbursement rates for hospice care should be increased.

While Medicare has long paid for many services, like laboratory procedures and pacemaker implants, at higher rates than they cost to provide, Medicare pays an average of $20 less a day for hospice care than it costs to actually deliver that care. In some areas of the country, as in Missouri, the Medicare payment rates actually fall short by an average of $50 a day.

Last, the absence of authority to add hospice care as a comprehensive Medicaid-covered service has prevented States from maximizing the cost effectiveness of hospice and has caused problems for many hospice providers. I believe many States would be willing to provide expanded home coverage to terminally ill patients, but are unable to do so without extending this coverage to the entire State. This bill enables States to provide this service more easily and with greater flexibility than in the past.

As a longstanding advocate of hospice care, and one of the principal sponsors of the original authorizing legislation, I firmly believe that we should be hesitant no longer about going full forward with hospice care, including making hospice care a permanent Medicare benefit, increasing the reimbursement rates under Medicare, and including hospice as a Medicaid option.

We must continue to seek creative, cost-effective ways of delivering needed health care to Medicare beneficiaries. Hospice care works for the Federal Government because it costs less than hospital care for the same patients. It works for beneficiaries and their families, as my colleagues can see by the tesitmony I am including with this bill to be printed in the RECORD.

This is a combination that doesn't come along too often. Repealing the sunset, increasing the reimbursement rates, and including hospice care as a Medicaid option will allow the Federal Government, hospice providers, and families and their loved ones in need of hospice care to commit themselves to the promise of this care without fear that it will be unavailable tomorrow.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD, accompanied by testimony I received in 1982 by the husband of a young woman who spent her final weeks in hospice care. I believe this testimony more clearly describes the way hospice care provides for the needs of cancer patients and their families than any formal reports or findings ever could.

I hope my colleagues will join me in this effort to make hospice care a real option for those in need.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) ELIMINATION OF SUNSET.—Section 122(h)(1) of the Tax Equity and Fiscal Responsibility Act of 1982 is amended—

(1) in subparagraph (A)—

(A) by striking out "(h)(1)(A) Subject to subparagraph (B), the" and inserting in lieu thereof "(h)(1) The", and

(B) by striking out ", and before October 1, 1986"; and

(2) by striking out subparagraph (B).

(b) INCREASE IN PAYMENT OF DAILY RATES FOR HOSPICE CARE FOR FISCAL YEAR 1986.—(1) Section 1814(i)(1)(B) of the Social Security Act is amended to read as follows:

"(B) Notwithstanding subparagraph (A), for hospice care furnished during fiscal year 1986—

"(i) the daily rate of payment per day for routine home care shall be $68.17, and

"(ii) the daily rate of payment for other services included in hospice care shall be the daily rate of payment recognized under subparagraph (A) as of July 1, 1985, increased by $15.".

(2) Section 1814(i)(1)(C) of such Act is amended by striking out "1985" and inserting in lieu thereof "1986".

(c) MEDICAID OPTIONAL SERVICE.—(1) Section 1905(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (17);

(B) by redesignating paragraph (18) as paragraph (19); and

(C) by inserting after paragraph (17) the following new paragraph:

"(18) hospice care (defined in section 1861(dd)(1)) provided by a hospice program (as defined in section 1861(dd)(2)); and ".

(2) The amendments made by paragraph (1) shall be effective with respect to services furnished in calendar quarters beginning on or after the date of the enactment of this Act.

TESTIMONY OF BILL LUCKOCK

When my wife Nancy first got sick in the Winter of 1979, it was thought to be a bronchial condition, but later on it was determined (July '80) to be oat cell lung cancer. She first went to Dr. Jacobs for treatment and had chemotherapy, radiation therapy and was in the hospital for two weeks; then, she went through outpatient chemo clear through that first year with moderate success. It looked pretty good at first. Towards the end of her illness, in August of '81, she was sent to Montefiore Hospital and it was determined there that she would never live more than a month. After a week in Montefiore, Dr. Jacobs suggested that we look for other places to be, either at home or elsewhere because there was no more treatment for her. It would have been extremely difficult at home; there is just too much of medication and shots, constant care that she needed. It just couldn't have been done at home. At that point, he suggested the Hospice. My wife was aware of what the Hospice was, I wasn't. It was her decision to come to the Hospice, so we talked it over and everyone was quite satisfied, and here we came.

While she was in the Hospice, she was quite content. For the first two weeks, she was able to get up and move about—she wasn't confined to her bed, which she really enjoyed—she could go outside in the wheelchair, go throughout the building. The last week, she was confined to her bed, and there the care was just magnificent—there isn't anymore I can say about the care—the nurses were just fantastic. Everyone on the staff were just very caring people, and they would do anything at all day or night, any problems that came up, they were right there to make things easier for Nancy, which made things easier for me.

Nancy and I talked from the beginning of her illness; about how sick she really was. The only thing she didn't know was that in the last few months, exactly how sick she was and how long she would live. By the time she came to the Hospice, she knew that she only had a few weeks left. When she was in the hospital at Montefiore, she was extremely despondent—fits of depression, crying—and when she arrived at the

Forbes Hospice, just the attention that people gave her—that they actually cared and thought of her—changed her attitude entirely.

The depression ceased, rarely did she cry—but she didn't want to go home either—she knew she was dying, and said here is the best place. At one time, she said that she didn't think that it would be a healthy environment for our daughter in the house in the future—how would she feel if her Mother had died in the house and she thought she would have tears later on about that. So, being away from the house and yet in an environment where we could come to see her and be with her—that seemed to satisfy Nancy's needs and our nine year old daughter Kirstin's needs.

Kirstin knew her mother was sick all along, but not to the extent of her illness. There was some reading material that I was given about death of a parent. I began to talk to her and I think she started to understand what was really happening. We sat down and talked about it one night; I told her that her mother would probably not be coming back home to live with us—that she was extremely ill and she accepted it as much as a child could accept it. I really don't think she became aware of the fact that her mother was actually dead, until quite a while later. We were doing something that normally the three of us would do—I believe we were going to the mountains, and she started crying. We talked about why she was crying, and she told me that she missed her mom, and that was one of the first times that she actually explained to me why she missed her mom, that she was dead, and she was "stuck" with me. She has grown quite a bit since then; she has matured a lot; she accepted the fact that her mother is dead; she goes to the grave site with me—she is a little bit upset, but not extremely so.

Nancy's father lost his wife to cancer, and he still can't accept Nancy's death through cancer; he still takes it very very hard. We call each other every two weeks, and write letters back and forth. We have been down to see him at least a half dozen times—he is retiring this year, and can spend a lot more time with his granddaughter.

I think I would be in serious financial difficulty if it were not for the Hospice. The charge at the Hospice was about three fifths (3/5) the price of the hospital. She was there for 22 days. There is no way that I could have financially handled the hospital bill. My Blue Cross plan paid for the time in the Hospice. If it weren't for the Hospice, I would have had to take my wife back to the hospital—there was no other option—towards the end of her life, when she had to be on the oxygen continuously and the shots were coming so close together—the pain was bad—every hour/15 minutes to an hour. There is no way that I could have done this at home, or anywhere else. In the hospital, one of the biggest complaints she had was—when she was in pain, she pushed the buzzer for the nurse, they wouldn't come down—I kept a chart of all her shots—at one time, they were lagging well by a half an hour over the time period—and the shots were spaced pretty well apart—one hour/two hours, three hours, but I got the impression because she was dying, that they actually didn't want to associate—it's not one of the most pleasant things to be in a room with someone who is dying; the apprehensions, or whatever you feel, I do believe that one of the reasons why her medication was not always on time was because of this.

I know that Nancy thought a great deal of this place . . . she talked a lot about it. On her 32d birthday, she thought just of having her parents in. But her brothers and sisters, uncles and all of her family and the nurses brought a cake in and ice cream, a little wine and had a party for her. She was extremely pleased; she was even more pleased when everyone left except the staff, and she had some wine with them—she had a pretty good birthday—she really appreciated that.

I know that Nancy thought a great deal of this place . . . she talked a lot about it. The last thing she said was (it was her birthday) that she wanted a TNS unit donated to the Hospice—she told me to make sure I do that. She cared for this place . . . the Hospice did so much for her, she wanted to do something in return."●

By Mr. THURMOND (for himself and Mr. GOLDWATER):

Senate Joint Resolution 200. Joint resolution for the erection of an appropriate statue or other memorial in or near the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II; to the Committee on Veterans' Affairs.

COMBAT GLIDER PILOT MEMORIAL

Mr. THURMOND. Mr. President, I rise to introduce a joint resolution to provide for the erection of an appropriate statue or other memorial in Arlington National Cemetery, or along the approach to Arlington National Cemetery, to honor individuals who were combat glider pilots during World War II. I am pleased that Senator GOLDWATER has joined me in sponsoring this legislation.

Mr. President, today there are approximately 1,500 survivors of the 6,000 combat glider pilots trained for action during World War II. Gliders were used to land men and material behind enemy lines during the airborne invasions of Sicily, Burma, Normandy, southern France, Holland, Luzon, and Wessel, Germany. Gliders were also used to resupply the surrounded 101st Airborne Division during that division's gallant defense of Bastogne. The casualty rate among these glider pilots was approximately 35 percent. The use of gliders in the Bastogne operation was one of the best kept secrets of World War II.

I think it is appropriate, therefore, that a memorial of some type be established in or along the approach to Arlington National Cemetery. The memorial need not be an expensive one, but merely one which pays proper tribute to these pilots and to the contributions and sacrifices they made for our Nation.

Under the provisions of this bill, the design, plans, and location of the statue or other memorial authorized shall be subject to the approval of the American Battle Monuments Commission, the National Capital Planning Commission, and the National Commission on Fine Arts.

Mr. President, I urge that the Senate give this resolution early consideration.

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. DENTON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 1325

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 1325, a bill to amend titles XVIII and XIX of the Social Security Act to require second opinions with respect to certain surgical procedures as a condition of payment under the Medicare and Medicaid programs.

S. 1393

At the request of Mr. ABDNOR, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1393, a bill to provide for study of the use of unleaded fuel in agricultural machinery, and for other purposes.

S. 1451

At the request of Mr. CHAFEE, the names of the Senator from California [Mr. CRANSTON], the Senator from Maryland [Mr. MATHIAS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1451, a bill to allocate funds appropriated to carry out section 103 of the Foreign Assistance Act of 1961 for nutrition programs which reduce vitamin A deficiency.

S. 1470

At the request of Mr. HUMPHREY, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. ANDREWS], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1470, a bill to require the Secretary of Health and Human Services to establish the National Adoption Information Clearinghouse.

S. 1478

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi [Mr. STENNIS] and the Senator from Louisiana [Mr. LONG] were added as cosponsors of S. 1478, a bill to amend section 2316 of the Deficit Reduction Act of 1984 to make the application of the revised wage index developed

under that section prospective and to provide for periodic updating of that index.

S. 1489

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 1489, a bill to amend title XVIII of the Social Security Act with respect to the payment amount for ambulatory surgical procedures, and for other purposes.

S. 1513

At the request of Mr. BAUCUS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1513, a bill to amend the Internal Revenue Code of 1954 to allow monthly deposits of payroll taxes for employers with monthly payroll tax payments under $5,000, and for other purposes.

S. 1565

At the request of Mr. NICKLES, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1565, a bill to require the Secretary of Agriculture to conduct a study of alternatives for providing agricultural credit during the 1986 through 1989 fiscal years.

S. 1585

At the request of Mr. MATTINGLY, the names of the Senator from Illinois [Mr. DIXON] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 1585, a bill to amend the Internal Revenue Code in order to clarify the right of cooperatives to net earnings and losses among patronage allocation units, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. QUAYLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "National Children's Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 132, a joint resolution designating October 1985, as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 141

At the request of Mr. SASSER, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week."

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 159

At the request of Mr. JOHNSTON, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate the rose as the national floral emblem.

SENATE JOINT RESOLUTION 181

At the request of Mrs. HAWKINS, the names of the Senator from California [Mr. CRANSTON] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness Week."

SENATE JOINT RESOLUTION 191

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 191, a resolution to designate the month of October 1985 as "Learning Disabilities Awareness Month."

AMENDMENT NO. 577

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Amendment No. 577 intended to be proposed to S. 51, a bill to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and for other purposes.

AMENDMENT NO. 607

At the request of Mr. McClure, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Amendment No. 607 proposed to S. 1200, a bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes.

AMENDMENT NO. 618

At the request of Mr. SYMMS, the names of the Senator from Utah [Mr. GARN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Amendment No. 618 proposed to S. 1200, a bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes.

SENATE RESOLUTION 221—RELATING TO TRADE DEFICITS OF THE UNITED STATES

Mrs. HAWKINS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 221

Whereas billions of dollars in market opportunities for United States businesses are lost because of the unfair and unreasonable trading practices of other trading Nations;

Whereas unfair trade practices have significant impact on domestic employment and growth;

Whereas throughout the world countless subsidies and nontariff barriers to trade undermine the efforts of our most competitive companies in agriculture, steel, high-technology goods, communications, services, pharmaceuticals, and numerous other markets to sell abroad, although foreign Nations have access to our markets;

Whereas numerous efforts to achieve both multilateral and bilateral agreements to open foreign markets to American products and services have not produced adequate remedies to our trade problems;

Whereas current trends in our balance of trade indicate that our trade deficit will continue to increase in the future over the current record levels;

Whereas an effective trade policy can be established only through the achievement of consensus on the relevant issues, a consensus which does not currently exist on the issue of international trade; and

Whereas the President needs to take immediate action to rebuild the consensus on the issue of international trade: Now, therefore, be it

Resolved, That (a) it is the sense of the Senate that—

(1) the President of the United States should establish a National Commission on International Trade Policy to study the scope and impact of the trade imbalance and to make recommendations for establishing a new consensus for our long-term trade policy;

(2) the membership of the Commission should be chosen by the President from members of the private sector and government who are experts on the issues of international trade;

(3) the President should establish the National Commission on International Trade Policy not later than January 1, 1986; and

(4) the Commission should report its findings and recommendations to the President not later than January 1, 1987.

(b) The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mrs. HAWKINS. Mr. President, every Member of this body is aware of the current crisis facing our economy in the form of the unprecedented trade deficits that we have been running in recent years. Last year's trade deficit amounted to $130 billion. In individual sectors of the economy the trade deficit has created dislocation and unemployment. For example, the shoe industry, the textile industry, the timber industry, the automobile industry, and the wine industry have all asked for relief from imports during the last few years.

The pressures the unprecedented foreign trade deficit has brought upon our domestic economy have resulted in the destruction of the consensus that use to exist on issues related to international trade. Criticisms have been expressed about many aspects of our trade policy. These criticisms include

complaints about the system for resolving trade grievances, our negotiating tactics with foreign nations, and of the international trade structure under the General Agreement on Tariffs and Trade [GATT]. I am sure that my colleagues are familiar with these complaints because they have heard them from their constituents just as I have during the recess in August.

The cumulative effect of these complaints about the trade deficit have resulted in a determination in the Congress that we should address the problems facing us in international trade. The President has expressed his willingness to address these pressing questions, as well. I hope that the immediate effort to resolve the current balance-of-trade deficit will prove successful without undermining our goals for developing a long-term trade policy that will have universal support. This long-term policy should not allow the events of recent years to recur.

Thus, Mr. President, I am introducing a sense-of-the-Senate resolution urging the President to establish a National Commission on International Trade Policy. My resolution leaves considerable discretion to the President to determine the design and membership of the Commission. I hope that the President would announce the formation of the Commission before the end of this year and that the Commission would report its findings and recommendations to the President before the end of next year. I believe that this is the shortest possible time that we can expect to have such a commission study and report on such a complex subject as international trade. The goal of the Commission should be to submit a proposal that will rebuild the consensus that used to exist on the issue of international trade. The recommendation should be forward looking and take into account the interests of all sectors of our economy. It is only through this kind of long-term, consensus-building approach that we can develop a trade policy that will serve us well in the years to come after we resolve the immediate crisis and prevent the recurrence of this imbalance in our trade accounts. I hope that President Reagan and my colleagues in the Senate will give this resolution their highest consideration as we move forward with our discussions on the questions of international trade.

AMENDMENTS SUBMITTED

IMMIGRATION CONTROL ACT

SYMMS AMENDMENT NO. 619

Mr. SYMMS (for himself, Mr. GARN, Mr. HELMS, Mr. HECHT, Mr. TRIBLE, and Mr. GOLDWATER) proposed an amendment to amendment No. 618 proposed by him to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

Add at the end of the Symms amendment numbered 618 the following additional section:

"SEC. . Congress declares that the Monroe Doctrine should be and is the national policy of the United States of America."

SIMON AMENDMENT NO. 620

Mr. SIMON proposed an amendment to the bill S. 1200, supra; as follows:

On page 123, after line 19, insert the following:

"SEC. 406. PRESIDENTIAL AUTHORITY TO DELAY PORTIONS OF ACT AFTER CONSULTATION WITH PRESIDENT OF MEXICO.—(a) The President, after consultation with the President of the Republic of Mexico, may suspend any or all portions of this Act for not longer than 90 days, if the President believes it would be in the interest of either or both countries to postpone enactment of such provisions."

SIMON AMENDMENT NO. 621

Mr. SIMON proposed an amendment to the bill S. 1200, supra; as follows:

At the end of the bill, add the following:

TITLE IV—IMMIGRATION EXCLUSION AMENDMENTS ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Immigration Exclusion Amendments Act of 1985".

REVISION OF GROUNDS FOR EXCLUSION

SEC. 602. (a) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following:

"(m) Any alien who is seeking to be issued a visa as a nonimmigrant alien described in section 101(a)(15) and who a consular officer or the Attorney General knows, or has reasonable grounds to believe, is likely to engage after entry into the United States in—

"(A) any activity which is prohibited by the laws of the United States relating to espionage or sabotage,

"(B) any other criminal activity which endangers public safety or national security, including any activity that has as a purpose of forceful, violent, or unconstitutional opposition to, or overthrow of, the Government of the United States, or

"(C) any terrorist activity, shall be ineligible to receive such a visa and shall be excluded from admission into the United States.".

(b) Section 101(a) of such Act (8 U.S.C. 1101) is amended by adding at the end thereof the following new paragraph:

"(43 The term 'terrorist activity' means organizing, abetting, or participating in a wanton or indiscriminate act of violence with indifference to the risk of causing death or serious bodily injury to individuals not taking part in armed hostilities.".

(c) Section 212 as amended by subsection (a) is further amended by the following:

"(n) Notwithstanding any other provision of this Act, no one shall be denied a nonimmigrant visa because of his or her lawful political beliefs, activities, or associations."

On page 2, at the end of the table of contents, add the following:

TITLE VI—IMMIGRATION EXCLUSION AMENDMENTS ACT OF 1985

Sec. 601. Short title.

Sec. 602. Revision of grounds for exclusion.

HAWKINS AMENDMENT NO. 622

Mr. HEINZ (for Mrs. HAWKINS) proposed an amendment to the bill S. 1200, supra; as follows:

On page 125, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POLICY AND FINDINGS.

HEINZ (AND OTHERS) AMENDMENT NO. 623

Mr. HEINZ (for himself, Mrs. HAWKINS, Mr. SPECTER, Mr. SASSER, Mr. ABDNOR, Mr. ANDREWS, Mr. DENTON, Mr. RIEGLE, Mr. DECONCINI, and Mr. WILSON) proposed an amendment to amendment No. 622 proposed by Mr. HEINZ (for Mrs. HAWKINS) to the bill S. 1200, supra; as follows:

In the pending amendment, strike the words

"SEC. 601. POLICY AND FINDINGS"

and add in lieu thereof the following:

SEC. 601. POLICY TOWARD SOCIAL SECURITY TRUST FUNDS.

(A) FINDINGS.—The Congress finds that—

(1) public confidence in the Social Security system has been undermined by the acrimonious debates over deficit reduction;

(2) including Social Security Trust Funds in the Unified Federal Budget masks the true size of the federal deficit;

(3) Social Security is wholly funded by a separate payroll tax, is running a surplus, and does not contribute to the federal deficit;

(4) it is time to protect the integrity of both the Social Security program and the federal budget process by separating the two; and

(5) removing Social Security Trust Funds from the Unified Federal Budget will enable Congress to proceed with the responsibility of solving our massive budget deficit.

(B) POLICY.—It is the sense of the Senate that the Congress should separate the Social Security Trust Fund from the Unified Federal Budget at the earliest possible date.

Further, it is the sense of the Senate that regardless of the budgetary treatment of any Federal program, to address fiscal policy, Congressional and Presidential budget documents may, in addition to Unified Federal Budget totals, include total national levels of taxation, spending, and indebtedness.

D'AMATO (AND OTHERS) AMENDMENT NO. 624

Mr. D'AMATO (for himself, Mr. HATCH, Mrs. HAWKINS, Mr. CHILES, Mr. MOYNIHAN, Mr. WILSON, Mr. JOHNSTON, Mr. BENTSEN, Mr. LAUTENBERG, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SPECTER, Mr. INOUYE, Mr. BOREN, Mr.

CRANSTON, and Mr. SIMON) proposed an amendment to the bill S. 1200, supra; as follows:

At the appropriate place insert:

SEC. . (a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any illegal alien or Marielito Cuban who is convicted of a felony by such State.

(b) An illegal alien referred to in subsection (a) is any alien convicted of a felony who is in the United States unlawfully and—

(i) whose most recent entry into the United States was without inspection, or

(ii) whose most recent admission to the United States was a nonimmigrant but—

(A) whose period of unauthorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the imprisonment was imposed.

(c) A Marielito Cuban convicted of a felony referred to in subsection (a) is a national of Cuba who—

(i) was allowed by the Attorney General to enter the United States in 1980,

(ii) after such entry committed any violation of State law for which a term of imprisonment was imposed, and

(iii) at the time of such entry and such violation was not an alien lawfully admitted to the United States—

(A) for permanent residence, or

(B) under the terms of an immigrant visa or a nonimmigrant visa issued,

under the laws of the United States.

(d) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) This amendment shall become effective on October 1, 1985.

SIMON AMENDMENT NO. 625

Mr. SIMON proposed an amendment to the bill S. 1200, supra; as follows:

On page 123, after line 19, insert the following:

"SEC. 406. SENSE OF THE CONGRESS.

"It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation."

WILSON AMENDMENT NO. 626

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill S. 1200, supra; as follows:

On page 93, line 12, strike out "three" and insert in lieu thereof "six".

On page 95, line 9, strike out "three" and insert in lieu thereof "six".

Beginning on page 96, line 5, strike out "Any" and all that follows through "made." on line 8 and insert in lieu thereof the following: "Any amount paid to a State for any of the following fiscal years and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made, as follows: Amounts appropriated for the first, second, third, fourth, and fifth fiscal years, as described in subsection (a), shall remain available for the next five, four, three, two, and one fiscal years thereafter, respectively.".

ADDITIONAL STATEMENTS

WEEKLY BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for the week of September 9, 1985, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., September 16, 1985.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1985 and 1986. The estimated total of budget authority, outlays, and revenues for each fiscal year are also compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current though September 13, 1985. The report is submitted under section 308(b) and in aid of Section 311(b) of the Congressional Budget Act.

No changes have occurred since my last report.

With best wishes,

Sincerely,

JAMES BLUM
(For Rudolph G. Penner).

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONG., 1st SESS. AS OF SEPT. 13, 1985

[In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
FISCAL YEAR 1985				
Current level [1]	1,062.2	946.4	736.5	1,823.8
Budget resolution S. Con. Res. 32	1,062.1	946.3	736.5	[2] 1,847.8
Current level is:				
Over resolution by	.1	.1		
Under resolution by			[3]	24.0
FISCAL YEAR 1986				
Current level [1]	618.9	719.4	792.8	1,823.8
Budget resolution S. Con. Res. 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by				
Under resolution by	450.8	248.2	2.9	255.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlements or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in S. Con. Res. 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $1,823,800,000,000.

[3] Less than $50,000,000.

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS., AS OF SEPT. 13, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
FISCAL YEAR 1985			
I. Enacted in previous sessions:			
Revenues			736,650
Permanent appropriations and trust funds	686,253	607,885	
Other appropriations	542,981	516,642	
Offsetting receipts	−182,025	−182,025	
Total, enacted in previous sessions	1,047,209	942,502	736,650
II. Enacted this session:			
Famine relief and recovery in Africa (Public Law 99–10)	784	289	
Appropriations for the MX missile (Public Law 99–18)		79	
Agriculture supplemental appropriation (Public Law 99–71)	1,000		
Federal supplemental compensation phaseout (Public Law 99–15)	160	160	
Statue of Liberty—Ellis Island Coin Act (Public Law 99–61)	18	16	
Contemporaneous recordkeeping repeal bill (Public Law 99–44)			−150
United States-Israel Free Trade Act (Public Law 99–47)			[1]
State Department authorization (Public Law 99–93)			−1
Supplemental appropriations bill (Public Law 99–88)	(13,029)	(3,369)	
Offsetting receipts	(−48)	(−48)	
Bill total	12,981	3,321	
Total, enacted this session	14,943	3,865	−151
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action			
Total, current level as of Sept. 13, 1985	1,062,152	946,368	736,499
1985 budget resolution (S. Con. Res. 32)	1,062,100	946,300	736,500
Current level is:			
Over budget resolution	52	68	
Under budget resolution			1
FISCAL YEAR 1986			
I. Enacted in previous sessions:			
Revenues			792,800
Permanent appropriations and trust funds	717,652	631,009	
Other appropriations		185,348	
Offsetting receipts	−162,006	−162,006	
Total, enacted in previous sessions	555,645	654,351	792,800
II. Enacted this session:			
Appropriations for the MX missile (Public Law 99–18)		368	
Famine relief and recovery in Africa (Public Law 99–10)		421	
Statue of Liberty—Ellis Island Coin Act (Public Law 99–61)	−15	31	
Contemporaneous recordkeeping repeal bill (Public Law 99–44)			13
United States-Israel Free Trade Act (Public Law 99–47)			−8
State Department authorization (Public Law 99–93)			2
Supplement appropriations bill (Public Law 99–88)	36	3,138	
International Security and Development Cooperation Act (Public Law 99–83)	−25	−25	
Federal supplemental compensation phaseout (Public Law 99–15)			10
Total, enacted this session	−4	3,932	17
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS., AS OF SEPT. 13, 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund	110	110	
Claims, Defense	165	161	
Payment to the Foreign Service retirement trust fund [2]	(161)	(161)	
National forest system	64	52	
Range improvements	10	7	
BLM: Miscellaneous trust fund	(1)	(1)	
Payments to air carriers, DOT	54	50	
Retired pay—Coast Guard	352	318	
Maritime, operating-differential subsidies		303	
BIA: Miscellaneous trust funds	4	4	
Social services block grant	2,700	2,700	
Family social services	550	550	
Guaranteed student loans	3,267	2,606	
Higher education facilities loans and insurance	18		
Government payment for annuitants	1,606	1,448	
Retirement pay for PHS officers	84	78	
Medicaid	17,910	17,579	
Medical facilities guarantee and loan fund	25		
Payments to health care trust funds [2]	(19,761)	(19,761)	
Special Milk Program	12	7	
Child nutrition programs	4,059	4,039	
Federal unemployment benefits and allowances	75	74	
Advances to the unemployment trust fund [2]	(516)	(516)	
Special benefits (general retirement and Federal employee retirement)	260	259	
Black lung disability trust fund	1,035	1,035	
Supplemental security income	7,587	7,587	
Special benefits for disabled coal miners	752	752	
Assistance payments	6,783	6,783	
Child support enforcement	436	436	
Payments to social security trust funds [2]	(497)	(497)	
Veterans insurance and indemnities	10	9	
Veterans readjustment benefits	1,006	963	
Veterans compensation	10,076	9,269	
Veterans pensions	3,951	3,631	
Veterans burial benefits	144	144	
Salaries of judges	82	81	
Fees and expenses of witnesses	42	32	
Compensation of the President	(1)	(1)	
Payment to the civil service retirement trust fund [2]	(4,621)	(4,621)	
National wildlife refuge fund	6	6	
General revenue sharing [2]	(4,567)	(4,567)	
Total, entitlements	63,235	61,070	
Total, current level as of Sept. 13, 1985	618,877	719,353	792,817
1986 budget resolution (S. Con. Res. 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budet resolution			
Under budget resolution	450,823	248,247	2,883

[1] Less than $500,000.
[2] Interfund transactions do not add to budget totals.
Note: Numbers may not add due to rounding.●

ACID RAIN

● Mr. CHAFEE. Mr. President, the September 14, 1985, edition of the Washington Post gave us another grim reminder of the damage caused by acid rain. In an op-ed article entitled "The Continuing Scourge of Acid Rain" the author, Mr. Coleman McCarthy, pointed out the devastating effects this pollution has had on the waters of my State of Rhode Island. For the last two Congresses the Environment and Public Works Committee, on which I serve, has reported legislation that drastically cuts emissions of sulfur dioxide which causes acid rain. Both bills have been stopped on the Senate floor by those who believe these sulfur dioxide controls will cause massive unemployment in the high-sulfur coal fields and increased electricity rates in the Midwest where much of the SO_2 is emitted.

Mr. President, the acid rain problem is only getting worse. When our committee again considers the reauthorization of the Clean Air Act later in this session we must redouble our efforts to develop legislation that will put a stop to this most serious environmental problem. At this point I ask to insert the article in the RECORD.

The article follows:

THE CONTINUING SCOURGE OF ACID RAIN

(By Colman McCarthy)

CHARLESTOWN, RI.—For Kenneth Borst, waterways like the Perry Healy Brook are where he would rather fish for trout than for facts. The brook courses through a viridescent woodland about a mile north of the Atlantic coast in an area of beauty that has been home to the Narragansett tribe for centuries. Acid rain is destroying Perry Healy Brook.

Late the other afternoon, Borst, a professor of chemistry at Rhode Island College for the past 22 years, took a visitor a hundred yards off a backwoods road to a bend in the brook. A fallen log extended across the five feet of water. In his hand, Borst held a chartbook in which one page was devoted to the acidification findings of a citizen who monitors the brook.

For the past year, Borst has been the leader of an environmental project that regularly samples water from 38 streams and ponds in Rhode Island. Two of the 38 are acid dead. Eleven, including Perry Healy, are critical. Nineteen are endangered.

Borst, a fisherman who throws back his trout "because they are too valuable to be caught only once," lingers in the woods to talk about the scourge of acid rain: "Looking at this from a Rhode Island point of view, we're being dumped on, in plain language. Ohio is the principal culprit. Its plants are the biggest supplier of acid rain here. It would be nice if we could say, 'Ohio, clean up your dirt,' but it won't happen. The utilities and lobbies will cry that it's too costly,"

The cry has been heard for years. So has another one: More study is needed. Borst and his volunteers took that to heart by taking to the woods. They learned locally what has been well documented nationally—that acid rain, which is mostly oxides of sulfur and nitrogen, is a threat that is getting worse each year.

It isn't only waterways and forests. A new study from the Environmental Protection Agency and the Army Corps of Engineers reports that acid rain is corroding buildings. It found that about $5 billion worth of structural damage in 17 states occurs annually.

Last October President Reagan promised to "continue as fast as we can with research" on acid rain. Speediness isn't needed. The research was on hand when Reagan came to office. It was in 1980 that the public began learning about acid rain from the studies done in the 1970s. Five years ago, the Adirondacks of New York were a disaster area of lakes turned sterile by acid rain. Part of the reaction then was: what's the uproar? It's only a few fish. That echoed the line from the oil spills of the 1970s: it's only birds.

The devastation of acid rain begins with the killing of algae and plankton, natural fish foods. The fish are food for such wildlife as otter, mink and waterfowl. While the fish die and the animals starve, tree and crop growth are slowed. And now, with buildings being damaged, the question is, what's next?

Clean air, once thought to be free like the moon and stars, is now known to be costly beyond anyone's earlier estimates. In 1980, the Audubon Society of Rhode Island pledged to "insist that the controls on acid-emitting industries be tightened, and understand that there will be continuing economic price for this. It is not, and will not be, easy to convince most people that anything is happening when they can't see it and the industrial and job market is immediately affected by controls."

Congress is among the unconvinced. In this session, two acid-rain control bills were introduced in the Senate and House. One required that sulfur-dioxide emissions be reduced by 10 million tons over a 10-year period, the other by 8 million. Both bills were defeated. Enough acid can be found in streams of Rhode Island to load batteries of every limousine on Capitol Hill, but the political power of the utilities remains greater than that of the environmentalists.

In the courts, six northeastern states brought suit against EPA to require polluting states to reduce their emissions. The Clean Air Act taken lightly by EPA, provides relief for states wanting to protect themselves from pollution that floats in crosswind. In late July, a Federal judge ordered the agency to obey the law.

The news this summer is the confirmation that acid rain isn't only a curse on New England. Lakes in the Rockies, Sierras and Cascades have been declared vulnerable to poisonous emissions from smelters up to 600 miles away. Florida's lakes were found to have high acidity.

None of that surprises Prof. Borst. He has been saying all along that the expenses of stopping acid rain must be shared by the whole nation. Tiny Rhode Island, the worst hit, ought to be among the first to get relief.●

ORDER OF PROCEDURE ON TUESDAY

Mr. SIMPSON. Mr. President, having conferred previously with the Democratic leader, I ask unanimous consent that, at the hour of 10 a.m., on Tuesday, September 17, the Senate begin consideration of S. 51, Superfund, for the purpose of debate only. I further ask unanimous consent that the Senate then stand in recess between the hours of 12 noon and 2 p.m. on Tuesday, September 17, 1985.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, the control of the time on the amendments specificated would be in accordance with the usual form, I would assume.

Mr. SIMPSON. Mr. President, the control, is the Senator referring to the manager's control of the amendment in the discussion?

Mr. BYRD. The authors of the amendments and the manager, if the manager is opposed.

Mr. SIMPSON. Mr. President, yes.

The PRESIDING OFFICER. Is there further reservation?

Mr. BYRD. I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 9 a.m., on Tuesday, September 17, 1985.

I further ask unanimous consent that, following the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator PROXMIRE and Senator HART.

Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with statements limited therein to 5 minutes each.

By unanimous consent, at 10 a.m., the Senate will begin 2 hours of debate on S. 51, Superfund. The Senate will stand in recess between the hours of 12 noon and 2 p.m. on Tuesday for the weekly party caucus and luncheon.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, it is understood that the last two sentences are not a part of the request.

Mr. SIMPSON. I have not propounded those, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. For purposes of information, under the previous unanimous-consent order, we will go into the debate with the five rollcall votes in relation to S. 1200, the immigration bill, to occur in the sequence ordered. Additional rollcall votes can be expected throughout Tuesday's session.

I wish to thank very much the Democratic leader for his help and assistance in reaching this accommodation. A little bit of acceleration is deeply appreciated by the managers on both sides of the aisle. I thank the Senator very much.

Mr. BYRD. Mr. President, the distinguished Senator is welcome. I am happy to be able to cooperate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. SIMPSON. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to, and at 6:39 p.m., the Senate recessed until tomorrow, Tuesday, September 17, 1985, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1985:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

William Robert Graham, of California, to be Deputy Administrator of the National Aeronautics and Space Administration, vice Hans Michael Mark, resigned.

COMMUNICATIONS SATELLITE CORPORATION

Michael A. McManus, Jr., of New York, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1987, vice Robert M. Garrick, term expired.

IN THE COAST GUARD

The following Reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant:

Thomas P. Vieten
David L. Maxson
Ronald V. Blake
Thomas A. Messeder, Jr.
Charles W. Holman
Gary E. Dahmen
Debra K. McCulloch

The following Regular officers to be members of the permanent commissioned teaching staff of the Coast Guard Academy as instructors in the grades indicated:

To be lieutenant commander

Leonard J. Kelly
Joseph B. Egan

To be lieutenant

Robert J. Fuller

The following-named officer to be a permanent commissioned officer in the Coast Guard in the grade of chief warrant officer, W3, having been found fit for duty while on the temporary disability retired list:

Neal D. Shadix

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

CHAPLAIN

To be lieutenant colonel

Abramowitz, Marc A., xxx-xx-xxxx
Adams, Richard L., xxx-xx-xxxx
Axelrod, Harold, xxx-xx-xxxx
Colbert, Douglass C., xxx-xx-xxxx
Cottingham, John G., xxx-xx-xxxx
Davis, Charles J., xxx-xx-xxxx
Davis, Kenneth K., xxx-xx-xxxx
Flaska, John A., Jr., xxx-xx-xxxx
Gleaton, Cal D., xxx-xx-xxxx
Goodwillie, David H., xxx-xx-xxxx
Guerra, Joseph L., xxx-xx-xxxx
Hanson, Eugene R., xxx-xx-xxxx
Hufham, William L., xxx-xx-xxxx
Imberi, Anthony M., xxx-xx-xxxx
Jagielski, James J., xxx-xx-xxxx
Kohn, Homer L., xxx-xx-xxxx
Lincoln, John F., xxx-xx-xxxx
Malley, John C., xxx-xx-xxxx
McRoberts, Marvin A., xxx-xx-xxxx
Mumper, Edward J., xxx-xx-xxxx
Naughton, Thomas J., xxx-xx-xxxx
Parker, Wilbur D., xxx-xx-xxxx
Saddler, Jesse G., xxx-xx-xxxx
Samsa, Bertin L., xxx-xx-xxxx
Sanford, Gary T., xxx-xx-xxxx
Seifried, Kenneth A., xxx-xx-xxxx
Simeone, Francis P., xxx-xx-xxxx
Sirotko, Theodore F., xxx-xx-xxxx
Smith, Frederick C., xxx-xx-xxxx
Smith, Gerald H., xxx-xx-xxxx
Spiegel, Robert H., xxx-xx-xxxx
Stevens, Raburn L., xxx-xx-xxxx
Sydnor, Calvin H., III, xxx-xx-xxxx
Tarbet, Robert M., Jr., xxx-xx-xxxx
Wedel, Larry R., xxx-xx-xxxx
Wiens, Curtis J., xxx-xx-xxxx
Wilkins, Lafayette T., Jr., xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

Altenburg, John D., Jr., xxx-xx-xxxx
Byler, Charles A., xxx-xx-xxxx
Canner, Demmon F., xxx-xx-xxxx
Casida, Gary V., xxx-xx-xxxx
Dean, Larry R., xxx-xx-xxxx
Denny, Michael C., xxx-xx-xxxx
Edlefsen, Gregory L., xxx-xx-xxxx
Elliott, Harold W., xxx-xx-xxxx
Gasperini, Richard H., xxx-xx-xxxx
Gonzales, Robert F., xxx-xx-xxxx
Greenhaugh, John C., xxx-xx-xxxx
Hansen, Donald L., xxx-xx-xxxx
Hennessey, David L., Jr., xxx-xx-xxxx
Hiltbrand, Lance K., xxx-xx-xxxx
Hough, Richard J., xxx-xx-xxxx
Jackson, Robert H., Jr., xxx-xx-xxxx
Jackson, Robert T., Jr., xxx-xx-xxxx
Kirk, William C., xxx-xx-xxxx
Meixell, John T., xxx-xx-xxxx
Murphy, James J., xxx-xx-xxxx
Newberry, Robert D., xxx-xx-xxxx
Norton, James M., xxx-xx-xxxx
OBrien, Kevin E., xxx-xx-xxxx
Osgard, James L., xxx-xx-xxxx
Ott, Robert M., xxx-xx-xxxx
Porter, Steven M., xxx-xx-xxxx
Ramsey, William B., xxx-xx-xxxx
Rosenblatt, James H., xxx-xx-xxxx
Shull, David A., xxx-xx-xxxx
Smith, James J., xxx-xx-xxxx
Smith, Paul C., xxx-xx-xxxx
Tyrrell, John P., xxx-xx-xxxx
Ward, Lawrence M., xxx-xx-xxxx
Williams, Larry D., xxx-xx-xxxx
Youmans, Robert A., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Adnot, John, xxx-xx-xxxx
Allen, Robert C., xxx-xx-xxxx
Atkins, James L., xxx-xx-xxxx
Baens, Hector S., xxx-xx-xxxx
Baldwin, Phillip E., xxx-xx-xxxx
Bantz, Eric W., xxx-xx-xxxx
Barnhill, Danny R., xxx-xx-xxxx
Baskin, Toney W., xxx-xx-xxxx
Brown, Carl D., xxx-xx-xxxx
Broyles, Richard L., xxx-xx-xxxx
Byrne, William R., xxx-xx-xxxx
Chaffin, Jack C., Jr., xxx-xx-xxxx
Condos, William R., Jr., xxx-xx-xxxx
Copeland, Randolph L., xxx-xx-xxxx
Cragun, William H., xxx-xx-xxxx
Davila, Ricardo, xxx-xx-xxxx
Dean, Ward, xxx-xx-xxxx
Dempsey, Glenn B., xxx-xx-xxxx
Derderian, Sarkis S., xxx-xx-xxxx
Dice, William H., xxx-xx-xxxx
Donnerstein, Richard L., xxx-xx-xxxx
Douglas, Benjamin, xxx-xx-xxxx
Engler, Renata J., xxx-xx-xxxx
Faleski, Edward J., xxx-xx-xxxx
Fallon, William F., Jr., xxx-xx-xxxx
Fitzpatrick, James E., xxx-xx-xxxx
Frumkin, Kenneth, xxx-xx-xxxx
Galang, Juliana I., xxx-xx-xxxx
Gatrell, Cloyd B., xxx-xx-xxxx
Geer, Michael R., xxx-xx-xxxx
George, Christopher B., xxx-xx-xxxx
Gordon, Richard E., xxx-xx-xxxx

Griffith, James C., xxx-xx-xxxx
Guzman, Hector R., xxx-xx-xxxx
Harper, Michael G., xxx-xx-xxxx
Harrison, Shannon M., xxx-xx-xxxx
Harris, Albin W., xxx-xx-xxxx
Hayslip, Clifford C., Jr., xxx-xx-xxxx
Heffess, Clara S., xxx-xx-xxxx
Holland, John C., xxx-xx-xxxx
Hollis, Harris W., Jr., xxx-xx-xxxx
Hollsten, Donald A., Jr., xxx-xx-xxxx
Hoover, David L., xxx-xx-xxxx
Ibrahim, Nadia M., xxx-xx-xxxx
Jackson, Michael H., xxx-xx-xxxx
Jenkin, Frederick D., xxx-xx-xxxx
Jennings, Stephen A., xxx-xx-xxxx
Johnson, James F., III, xxx-xx-xxxx
Johson, Robert M., xxx-xx-xxxx
Jones, Gary C., xxx-xx-xxxx
Jones, Robert E., xxx-xx-xxxx
Kaup, Danny P., xxx-xx-xxxx
Keeling, James H., III, xxx-xx-xxxx
Kirkwood, Alfred J., xxx-xx-xxxx
Knight, James A., xxx-xx-xxxx
Koo, Cha O., xxx-xx-xxxx
Kunath, Arthur M., xxx-xx-xxxx
Lane, Richard J., xxx-xx-xxxx
LaPorta, Anthony J., xxx-xx-xxxx
Law, Eleanor S., xxx-xx-xxxx
Lee, Kenneth A., xxx-xx-xxxx
Lin, Ernie E., xxx-xx-xxxx
Madan, Shireen A., xxx-xx-xxxx
Maroldo, Thomas V., xxx-xx-xxxx
Marsella, Richard C., xxx-xx-xxxx
McBride, Dane C., xxx-xx-xxxx
McCarty, Joseph P., xxx-xx-xxxx
McGuinness, John P., xxx-xx-xxxx
McMurdo, Strathmore K., Jr., xxx-xx-xxxx
Mena, Hernando, xxx-xx-xxxx
Mendenhall, Milton T., xxx-xx-xxxx
Miller, Ivan L., Jr., xxx-xx-xxxx
Mobley, William C., xxx-xx-xxxx
Moffett, Paul M., xxx-xx-xxxx
Mohr, Lawrence C., Jr., xxx-xx-xxxx
Moody, Joe M., Jr., xxx-xx-xxxx
Moore, David W., xxx-xx-xxxx
Moore, John J., Jr., xxx-xx-xxxx
Moritz, Dennis M., xxx-xx-xxxx
Mork, Thomas J., xxx-xx-xxxx
Morton, Berry E., II, xxx-xx-xxxx
Mueller, Edward, J., xxx-xx-xxxx
Nash, William C., xxx-xx-xxxx
Nguyen, Duong, xxx-xx-xxxx
Oleshansky, Marvin, xxx-xx-xxxx
Orourke, Timothy J., xxx-xx-xxxx
Owens, Brian D., xxx-xx-xxxx
Parker, Allan L., xxx-xx-xxxx
Parker, James W., xxx-xx-xxxx
Patterson, Harlan S., xxx-xx-xxxx
Patterson, John H., Jr., xxx-xx-xxxx
Powers, John M., xxx-xx-xxxx
Rahman, Muhammad S., xxx-xx-xxxx
Raible, Steven J., xxx-xx-xxxx
Rajagopal, Krishnan R., xxx-xx-xxxx
Rajashekara, Sulukunte N., xxx-xx-xxxx
Ramirez, Manuel F., xxx-xx-xxxx
Ranlett, Robert D., xxx-xx-xxxx
Redd, Richard A., xxx-xx-xxxx
Reyna, Troy M., xxx-xx-xxxx
Rosavazquez, Cesar, Jr., xxx-xx-xxxx
Russell, Henry P., xxx-xx-xxxx
Sanders, Leonard R., xxx-xx-xxxx
Schoomaker, Eric B., xxx-xx-xxxx
Schoonover, Edwin D., xxx-xx-xxxx
Shanahan, Dennis F., xxx-xx-xxxx
Shemonsky, Natalie K., xxx-xx-xxxx
Skoog, Steven J., xxx-xx-xxxx
Smith, Kathleen J., xxx-xx-xxxx
Snyder, Bruce A., xxx-xx-xxxx
Stallings, Roosevelt J., xxx-xx-xxxx
Stanton, Robert P., xxx-xx-xxxx
Strampel, William D., xxx-xx-xxxx
Strand, Jens A., xxx-xx-xxxx
Sweet, Brian R., xxx-xx-xxxx
Taylor, Richard J., xxx-xx-xxxx
Thomassen, Thom S., xxx-xx-xxxx
Thompson, Andrew M., xxx-xx-xxxx
Traylor, Michael T., xxx-xx-xxxx
Vandam, Bruce E., xxx-xx-xxxx
Weber, Patricia L., xxx-xx-xxxx
Weisbrod, Howard G., xxx-xx-xxxx
Weisman, Idelle M., xxx-xx-xxxx
West, Sterling G., xxx-xx-xxxx
Whitehead, Myron E., xxx-xx-xxxx
Woodford, Carroll S., xxx-xx-xxxx
Wynder, Steven G., xxx-xx-xxxx
Zaloznik, Arlene J., xxx-xx-xxxx
Zarinczuk, James, xxx-xx-xxxx
Zielinski, Henry J., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Austin, Melvin J., xxx-xx-xxxx
Bondra, Daniel L., xxx-xx-xxxx
Bryant, Arthur W., xxx-xx-xxxx
Cheek, Dalmer D., Jr., xxx-xx-xxxx
Deleon, Eladio, Jr., xxx-xx-xxxx
Donnelly, Jerome C., xxx-xx-xxxx
Evans, John R., xxx-xx-xxxx
Holt, Craig W., xxx-xx-xxxx
Klos, Chester P., xxx-xx-xxxx
Linguiti, Wayne M., xxx-xx-xxxx
Oneal, John R., xxx-xx-xxxx
Robinson, Davis S., xxx-xx-xxxx
Rudd, Jimmie G., xxx-xx-xxxx
Slominski, Martin W., xxx-xx-xxxx
Smith, David W., xxx-xx-xxxx
Thaler, Melvin N., xxx-xx-xxxx
Thompson, James R., xxx-xx-xxxx
Whigham, Rebecca E., xxx-xx-xxxx
Whitsitt, John A., xxx-xx-xxxx
Woodard, Thomas, xxx-xx-xxxx

EXTENSIONS OF REMARKS

LET'S STOP THE FLOOD OF HI-TECH TO THE COMMUNISTS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1985

Mr. BROOMFIELD. Mr. Speaker, for many years, America has been telling our European allies that sensitive Western technology was routinely being diverted to the Eastern bloc. Finally, our friends are waking up to this reality. A series of spy scandals in Europe convinced them that the bloc was actively collecting Western technology. As the following article reveals, our allies are now deeply concerned about the hemorrhage of sensitive military relevant technology that is flowing to the East.

Over the years, America has applied pressure on our allies regarding this technology problem. We have urged stricter controls and limitation of technology transfer to the East.

We urged our allies to help us retain the West's edge over the East in research and innovation. We must never forget that technology has both civil and military purposes. We must always remember that economic relations with the East must be compatible with the security interests of the alliance.

Sad but true, commercial greed and negligence, in dealing with the security interests of the West, have been the stimulus for some of this illegal technology transfer.

While Cocom is doing a good job in restricting technology transfer, we must always do more. Already, the KGB and East bloc intelligence services are more aggressively collecting technology.

We must work together with our allies to tighten the control of sensitive technologies which could strengthen the Eastern industrial base and benefit the Soviet military efforts. Let's be sure we are not selling the rope to the East on which the West will someday be hung.

With these concerns in mind, I commend the following article from the West German newspaper, the German Tribune, to my colleagues in the House.

TECHNOLOGY: THE EAST BLOC STEPS UP ITS INDUSTRIAL ESPIONAGE

Industrial espionage is increasing. And it is expected to increase even more now that Cocom, the body which controls technology exports to the East Bloc, has imposed tighter restrictions.

The importance of industrial espionage to the East Bloc is shown in East Berlin's merger of four groups into a new department of science and technology.

This new section is staffed by a new breed of scientists, technicians and engineers—a new generation of intelligence gatherers.

Willy Wimmer, defence policy specialist of the CDU/CSU parliamentary party in Bonn, says German firms are simply cutting themselves out of the market by allowing sensitive research data to be "shipped East by the suitcase."

The IFS security research institute in Munich has acquired a check list used by Soviet agents in the early stages of sounding out company data of Western manufacturers.

It seems to indicate there is no such thing as a detail too minute to be considered significant in industrial espionage.

Details range from the firm's product range to managerial biodata, energy consumption and planned output on a war footing.

The Bavarian Industrial Security Association (BVSW) has handled one caller after another since interest was prompted by the KGB spy case at Messerschmitt-Bölkow-Blohm in Munich.

Manfred Rotsch, 60, worked as an engineer for nearly 20 years at MBB, where as a head of department he had access to technical data of the NATO multi-role combat aircraft Tornado.

What Rotsch related to Moscow has already exceeded the worst fears, and investigations are still in progress.

BVSW business manager Hans-Joachim Lange says the affair has been extremely useful from his point of view. Cases of this kind generate widespread awareness of the full extent of the problem.

Herr Wimmer attributes to departmental failures and undermanning the fact that well over 20,0000 people in private enterprise whose work involves sensitive information have not been adequately screened.

Shortcomings of this kind even appear to have occurred at firms that manufacture sensitive equipment under contract for the Bundeswehr or other government departments.

Rotsch was certainly not the only top agent who slipped through the screening procedures of West German security clearance.

For three years Gerhard Prager, a GDR computer spy, supplied East Berlin with tapes full of production, planning and manpower data from IBM in Stuttgart until his cover was blown in 1968.

Engineer Jürgen Reichwald, who plied East Bloc intelligence with engine construction and testbed data for six years from Mortoren- und Turbinen-Union in Munich, seems not to have had much difficulty either.

GDR agent Reiner Paul Fülle worked under cover for years as a cost accountant for the GWK, the state-owned nuclear fuel reprocessing agency.

He sold information for which he was paid at least DM132,000 by the Ministry of State Security in East Berlin.

His cover was only blown when East Berlin agent Werner Stiller defected to the West in 1979 and spiked his former colleague's guns.

Since Stiller's defection it has been clear the Eastern intelligence activity is concentrated on industry, science and technology.

The East Berlin Ministry has merged four departments into a science and technology section manned by highly qualified scientists, technicians and engineers.

They represent a new breed of intelligence gatherers: men and women who have taken over from the old guard of apparatchiks and military men.

West German security authorities have no doubt there will be a massive increase in industrial espionage, due in part to the restrictions on legal technology transfer to the East, increasingly imposed under U.S. pressure by Cocom in Paris.

Cocom's main role may be to prevent leakage of militarily relevant technology, but what is militarily relevant is often a matter of interpretation.

US Defence Secretary Caspar Weinberger feels even kiddies' electronic toys ought to be blacklisted. As one insider puts it: "You can use a chess computer to control missiles."

Yet despite the Cocom list East Bloc procurement specialists constantly find ways of obtaining what they want. It's the packaging that does it: sensitive equipment bought via Western figure-heads and nominee companies and exported via other countries.

Industrial espionage is the alternative. Now East Bloc industrial planners are going all-out for nationalisation and the use of robots along Western lines they are keenly interested in microelectronics and computers.

In a 32-page report the BVWS has outlined in detail further favourite targets for industrial espionage. They include "effective methods of motor fuel production," "organizational development models" and even "improved shift capacity utilisation."

East Bloc intelligence agencies take a long, hard look at potential agents before recruiting them to gain access to the information required, says ex-CID officer Georg Pohl.

As business manager of the ASW, which represents seven German industrial security agencies, he knows what he is talking about.

"Before *they* enlist people," he says, "they screen them much more thoroughly than we do."

They are particularly interested in personal details of the potential agent's private life, such as debts, expensive hobbies, girlfriends, upsets about not being promoted and arguments with superiors.

Recruiting officers seldom immediately say who they are and what they want.

Building up an agent who may take 10 or 12 years to reach the job envisaged (and access to sensitive information) may take time but is more effective in the long run.

Herr Pohl feels there is a wide range of people who are liable to be subjected to pressure: "Every manufacturing or service company that can hold its own and run at a profit these days is a target for industrial espionage."

Munich lawyer Peter Kragler, a leading legal specialist, says it is a dangerous mistake to assume the risk of industrial espionage is limited to managerial staffs.

Problems start well below the executive level: among sales staff, in the marketing

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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department, at trade fairs, in the mailing department, in accounts and, of course, the computer department.

Industrial espionage, says Daimler-Benz chief executive Werner Breitschwerdt, "is a problem we are going to have to devote more attention to in future.

"There is probably much more leakage from our research and development units than we imagine."

AUGUST RÄUBINGER.

BONN, MAY 4, 1985.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 17, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 18

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1298, to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and S. 1621, to revise the Indian Education Act Amendments of 1978 by defining the eligibility of children who attend the Bureau of Indian Affairs funded schools.
SR-485

9:30 a.m.
Rules and Administration
To continue hearings on S. Res. 29 and S. Res. 81, measures to set forth regulations to implement television and radio coverage of Senate Chamber proceedings.
SR-301

Select on Intelligence
Closed briefing on intelligence matters.
SH-219

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Foreign Relations
To resume hearings on the Supplementary Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex (Treaty Doc. 99-8), signed at Washington on June 25, 1985.
SD-419

Judiciary
To hold hearings on S. 1437, Designer Drug Enforcement Act.
SD-226

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 985, to protect the rights of victims of child abuse.
SD-G50

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on the economic effects of certain trade measures.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on environmental concerns in multilateral development bank projects.
SD-192

Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on enumeration of undocumented aliens in the decennial census.
SD-342

Judiciary
To hold hearings on pending nominations.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to consider certain reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for Fiscal Year 1986, focusing on the guaranteed student loan program.
SR-428A

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 19

9:00 a.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Alliance.
SD-419

9:30 a.m.
Armed Service.
Manpower and Personnel Subcommittee
To hold open and closed hearings to review wartime medical readiness.
SR-232A

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of L. William Seidman, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.
SD-538

Commerce, Science, and Transportation
To hold hearings on record labeling.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings to review the Federal Energy Regulatory Commission notice of proposed rulemaking on Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol.
SD-366

Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

1:30 p.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Alliance.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
Business meeting, to mark up H.R. 3011, appropriating funds for fiscal year 1986 for the Department of the Interior and related agencies.
SD-192

Armed Services
To hold hearings on H.R. 664, to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States.
SR-222

Finance
To hold hearings to review the state of the U.S. forest products industry.
SD-215

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income

protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

4:00 p.m.
Select on Intelligence
Closed briefing on the Gorbachev succession.
SH-219

SEPTEMBER 20

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the economic deregulation of the trucking industry.
SR-253

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider certain reconciliation expenditures as imposed by S. Con. Res. 32, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1986, 1987, and 1988, and revising the congressional budget for fiscal year ending September 30, 1985.
SD-366

Labor and Human Resources
To hold hearings on the impact of Grove City legislation on private education.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for wildlife refuge programs.
SD-406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on Middle East arms.
SD-419

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 23

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a one-percent growth rate for exporting countries.
SD-215

SEPTEMBER 24

9:00 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on innovative approaches in industrial energy efficiency.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Environment and Public Works
Business meeting, to consider certain reconciliation expenditures as imposed by S. Con. Res. 32, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1986, 1987, and 1988, and revising the congressional budget for fiscal year ending September 30, 1985.
SD-406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on child fitness and health programs.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:30 a.m.
Environment and Public Works
To hold hearings on the nominations of Orson G. Swindle III, of Georgia, to be Assistant Secretary of Commerce for Economic Development, and Jennifer J. Manson, of Virginia, and Lawrence J. Jensen, of Virginia, both to be Assistant Administrators of the Environmental Protection Agency.
SD-406

Governmental Affairs
To hold hearings on the nomination of James C. Miller III, of the District of Columbia, to be Director of the Office of Management and Budget.
SD-342

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

SEPTEMBER 25

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungry.
SD-430

SEPTEMBER 26

9:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation to meet reconciliation expenditures as imposed by S. Con. Res. 32, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1986, 1987, and 1988, and revising the congressional budget for fiscal year ending September 30, 1985.
SR-418

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all of the Soviet bloc countries.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold closed hearings on international airport security and terrorism.
SR-253

Finance
To hold hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on the General Agreement on Tariffs and Trade (GATT).
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on financing of foreign military sales.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 209, the Federal Debt Recovery Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on intelligence
Closed briefing on international terrorism.
SH-219

SEPTEMBER 27

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on the economic deregulation of the trucking industry.
SR-253

SEPTEMBER 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

OCTOBER 1

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airport safety, focusing on windshear, aircraft inspection, and air traffic control safety.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on pension policy implications of the President's tax proposals of fringe benefits and retirement savings.
SD-430

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the exploitation of runaway children.
SD-628

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

OCTOBER 2

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy.
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.
SD-485

OCTOBER 3

9:00 a.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Alliance.
SD-419

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Anthony G. Sousa, of Hawaii, to be a Member of the Federal Energy Regulatory Commission, and Donna R. Fitzpatrick, of the District of Columbia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).
SD-366

Governmental Affairs
To hold hearings on the President's management initiatives and related measures.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

1:30 p.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Alliance.
SD-419

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 8

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1310, the Clean Campaign Act.
SR-253

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, of Washington, each to be a Member of the Marine Mammal Commission.
SR-253

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

10:00 a.m.
Commerce, Science and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on the Philippines.
SH-219

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SD-628

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 22

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445 and S. 1225, bills to revise certain provisions of the

Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

OCTOBER 23

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 24

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

OCTOBER 31

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430

CANCELLATIONS

SEPTEMBER 17

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

SEPTEMBER 18

9:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Immigration, Refugees and International Law on anti-discrimination provisions of S. 1200 and H.R. 3080, Immigration Reform and Control Act of 1985.
2237 Rayburn Building

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1517, Low-Level Radioactive Waste Policy Act Amendments.
SD-366

OCTOBER 3

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O sing unto the Lord a new song, for he has done marvelous things!—Psalm 98:1.

Gracious God, as the morning comes new every day, so are Your blessings new to us. We are grateful for the gifts that brighten the day, that restore our faith, that make satisfying our lives. We are grateful for friends who support us and whose love encourages and sustains. We are thankful for families who nurture and forgive and with whom we can share the bonds of love. For Your wonderful gifts, O God, we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate has passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 68. Joint resolution to designate November 21, 1985, as "William Beaumont Day";

S.J. Res. 139. Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as "National Home Care Week";

S.J. Res. 159. Joint resolution to designate the rose as the national floral emblem;

S.J. Res. 173. Joint resolution to designate the month of September 1985 as "National Sewing Month";

S.J. Res. 186. Joint resolution to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week"; and

S. Con. Res. 62. Concurrent resolution expressing solidarity with the Sakharov family in their efforts to exercise their rights of freedom of expression, of travel, and of communication, as guaranteed them under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe.

REPORT ON HOUSE JOINT RESOLUTION 388, CONTINUING APPROPRIATIONS, 1986

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-272) on the joint resolution (H.J. Res. 388) making continuing appropriations for fiscal year 1986, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

LET'S MOVE ON SUPERFUND

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, among the most pressing tasks before the House is the reauthorization of the Superfund Program. On September 30, the authority for our abandoned hazardous waste cleanup law will expire. EPA has already begun scaling back its cleanup efforts. If we fail to reauthorize the 5-year program soon, we face the prospect of some of these projects coming to a halt altogether. Stop-gap funding will cripple the momentum we have worked so hard to establish over the past 2½ years.

We need a tough, responsible Superfund reauthorization bill that this Congress and the American people can support, and we need it now. H.R. 2817, the bill reported by the Energy and Commerce Committee and now before the Public Works and Transportation Committee, is such a bill. It would strengthen current law considerably, increasing the program's funding sixfold to $10 billion. It is a good compromise bill and our best vehicle for moving forward expeditiously on the Superfund issue.

Mr. Speaker, this program has already seen its share of politics. Let's move on Superfund.

AN AMERICAN HELD HOSTAGE IN LEBANON 18 MONTHS: ANOTHER MARKS 6 MONTHS IN CAPTIVITY

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, yesterday marked the 18th month William Buckley, a U.S. Foreign Service officer, has been held hostage in Lebanon.

September 16 also marked the sixth month of captivity for Terry Anderson, the Associated Press bureau chief in Beirut.

Last Saturday was the 250th day Father Lawrence Jenco, head of Catholic Relief Services in Beirut, has been held hostage in Lebanon.

Rev. Benjamin Weir, a Presbyterian minister, will mark 500 days of captivity on Friday, September 20.

Tomorrow will be the 100th day Thomas Sutherland, dean of the American University Agriculture School, has been held hostage in Lebanon.

Today is the 112th day of captivity for David Jacobsen, director of the American University Hospital in Beirut.

Peter Kilburn, the American University librarian, disappeared 287 days ago today.

Lest we forget, the hostage crisis in Lebanon is now in its 550th day, more than 100 days longer than the Iran hostage crisis 5 years ago. Suppose, just suppose, Mr. Speaker, you and I were among the seven. Would we be wondering if our friends were doing enough to rescue us?

SUSAN AKIN OF MISSISSIPPI CROWNED MISS AMERICA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am pleased to announce that the new Miss America, crowned Saturday night in Atlantic City, is from my hometown of Meridian, MS. Susan Akin has become the fourth Mississippian to win the title. She has all the qualities and talents to be an outstanding representative of the young women in America.

I hope to be able to host a reception for Susan here on Capitol Hill in the next few weeks. Mr. Speaker, if my colleagues are nice to me in the meantime, I might let them meet Miss America.

AMERICA SLOW TO RESPOND TO SOVIET VIOLATIONS

(Mr. ECKERT of New York asked and was given permission to address the House for 1 minute.)

Mr. ECKERT of New York. Mr. Speaker, Sunday, under questioning by CBS News correspondent Leslie Stahl on "Face the Nation," Secretary of Defense Casper Weinberger admitted that 8 days earlier the Soviets had once again violated a 1947 accord providing for onsite military inspection in Germany by detaining and harassing American military personnel at gunpoint.

In light of the Soviets' brutal murder of Major Nicholson on March 24 and the subsequent additional violations of that agreement—and the absence of any strong American response—it may not be surprising that the Soviets continue to demonstrate utter contempt for their treaty obligations, but are we going to adopt a policy of not taking Soviet abuses seriously simply because contemptible behavior is their norm? That is what we seem to be doing. The Defense Department and the White House stood silent when faced with this latest Soviet outrage. Not a word until forced to speak. That raises serious questions about American honor.

Mr. Speaker, on May 9 the House of Representatives voted by a margin of 322 to 93 to call upon the President to expel the Soviet Ambassador unless the Soviets apologized for the brutal murder of Major Nicholson. They have not apologized. Nor have they made amends to the family of Major Nicholson. They continue to violate the agreement. They continue to be arrogant and abusive. They continue to harass American military personnel.

The President hasn't expelled the Soviet Ambassador. Nor has he taken any comparable action. It is time to ask the President: "When are we going to take effective action that will demonstrate to the Soviets that America will not tolerate such conduct?"

CONGRESS MOVES TO ADDRESS TRADE IMBALANCE PROBLEMS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, this is not the first nor will it be the last speech given in this body protesting the lack of a fair and effective trade policy for the United States of America. In fact, I believe our mounting trade deficit will become the front-burning issue for months to come, and well it should be. Certainly, our concern over the national debt and our efforts to achieve a balanced budget should remain issues of grave importance to this Nation, and especially to its future generations; but the realistic fact is that the possibility of serious deficit reduction has passed for this session of Congress. What remains is the opportunity for the administration, as well as the 99th Congress, to pass constructive legislation that will address our trade deficit. Mr. Speaker, I am afraid that anything less will mean the loss of literally millions of American jobs and the continued erosion of our Nation's industrial base.

As one who is not willing to sit idly by and watch our national security be threatened by the loss of those industries that become even more important in times of national crisis, I pledge my support for a trade policy that is both fair for America and its allies, and more importantly, for the men and women whose only voice in the Federal bureaucracy is their elected Congressmen and Senators. It is the American people who have the most to lose if no action is taken. In this trade issue, they are the only special interest, and it is the obligation, and I might add the duty, of this Congress to keep their interest at heart.

The administration advocates the practice of "free trade," but I question whether our Nation's current trade policy is really one of free trade. When the markets of America are open to goods made in other countries, yet the markets in those countries are closed to American-made products, is that free trade? Or when a foreign nation subsidizes its products so they can be sold at a lower price than American products, is that free trade? Or better yet, is it even fair trade? The answer is "no," and yet, that is the policy the administration continues to accept in dealings without trading partners. Maybe I should say the nations who continue to flood our American markets, because like true free trade, partnership is a two-way street, but currently the traffic is only going one way, and the cost is plain and simple—American jobs.

Mr. Speaker, let me commend my colleagues in this body who have recognized the serious threat being posed by the current trade imbalance. The House and Senate are answering the call of the American people for immediate action on this problem, but with no help from the administration, which continues to be led blindly down the one-way street of free trade. Many of the measures currently pending before Congress are essential to the livelihood of America's industrial base and for the jobs of millions of Americans throughout the 50 States. I trust the administration will see the real necessity for a constructive policy on trade and will join with Members of Congress to pass needed legislation before more Americans lose their jobs, and industry in America is a thing of the past.

DEFICITS LEAD TO A NEW ANOMALY—THE -ILLION IMMUNITY

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, this Government is only days away from borrowing our second trillionth dollar. Two trillion dollars of debt!

Now, the word "trillion" doesn't seem to mean anything to anybody. Trillion sounds like billion which sounds like million. We've been talking in -illions around here for so long that everybody has developed -illion immunity.

Well, big deficits may not mean much to this spend-happy Congress. But they mean a lot to America's children. Thanks to the decisions of this Congress and of recent Congresses, every child born in America next year will start his or her life almost $9,000 in debt.

And it doesn't end there! Thanks to the toothless budget resolution approved here in August, this Congress has decided to add another $1,000 to each child's debt for every year that passes.

This is a sad legacy this Congress is leaving our Nation's youth.

INTRODUCTION OF THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1985

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I am pleased to announce that today I am introducing the Freedom of Information Public Improvements Act of 1985. Developed with the guidance of the Society of Professional Journalists, the bill sets a bold agenda for strenthening the Freedom of Information Act.

First enacted in 1966, the Freedom of Information Act was a landmark in the struggle for a more open government. Since that time, the public has benefited from the act in countless ways, including exposures of wasteful Defense expenditures, consumer health risks, and abuses of power by the CIA and FBI.

As we approach the act's 20th anniversary, it seems only appropriate that we address problems that have arisen—problems which prevent the act from achieving its full potential for public good.

My bill would make a number of substantive changes by tightening exemptions for national security, internal personnel, and financial institution information. The bill also makes procedural changes to ensure that requesters get their information in a timely fashion and at a fair price. Specifically, the bill establishes penalties for agency delay in FOIA compliance, expands sanctions against employees who deliberately obstruct the law, and mandates a uniform system of fee waivers for those requesters benefiting the public.

There has been a lot of talk, especially from the administration, that the Freedom of Information Act needs to be curtailed. Mr. Speaker, let's remember the value of the act and work to strengthen it. I urge my colleagues to cosponsor this legislation.

FLAWED WHITE HOUSE ECONOMICS MAKES UNITED STATES A DEBTOR NATION

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, for the first time in more than 70 years, America has tragically become a debtor nation.

The trade deficit has occurred, in large measure, because of two reasons: First, a weak trade policy on the part of our trade negotiators; and second, a flawed economic policy. Our trade negotiators sell wheat for less than it is worth and buy foreign cars for more than they are worth, and they call it "Yankee ingenuity."

Our economic policy, comprised of a half-baked, failed notion called trickle-down economics, has forced up real interest rates to a point where they are higher than they have been in half a century, and that in turn has, of course, resulted in an inflated dollar which has wreched our trade policy.

Mr. Speaker, White House economic policy has made America a debtor nation.

NATIONAL HISPANIC HERITAGE WEEK CELEBRATION

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to salute Hispanics across the country for their significant contributions to the history of our Nation as we celebrate National Hispanic Heritage Week.

This week is a celebration of the diversity of the Hispanic community in the United States and a recognition of its achievements in the fields of science and technology, education and scholarship, public service and leadership, military service and valor, arts and culture, and sports and entertainment. It is a tribute to the Hispanic community's full, equal, and dynamic participation in American society.

I join Mexican-Americans in my district in commemorating their legacy and traditions. The League of United Latin American Citizens' annual Fiesta de las Flores in El Paso, the University of Texas at El Paso, and El Paso Community College's Hispanic Heritage Week activities, and the fiestas patrias in Pecos, El Paso, and neighboring Ciudad Juarez, Chihuahua, all add to the ambiente of this time. More importantly, they affirm a strong spirit of independence, demonstrate pride and unity, and reflect a strong commitment to the future of the Hispanic community.

Nowhere is this spirit so evident as in the works of the great El Paso artist, Manuel Gregorio Acosta, whose exhibition I am hosting this week in commemoration of National Hispanic Heritage Week. El Paso, TX, is the largest city on the United States-Mexico border, and its largely Hispanic population has a major influence on the community's cultural, social, and economic life. The Acosta exhibit is part of a national tour of the paintings funded by the city of El Paso and the Burlington Northern Foundation. This exhibit depicts the rich diversity of the Hispanic culture of the Southwest, and I urge all of my colleagues to view it.

Mr. Speaker, I hope all of my colleagues will join me in honoring Hispanics across the land.

THE REPUBLICAN AGENDA FOR WORKING WOMEN—A PR ROAD SHOW

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the Republicans are very, very good at having PR events, especially when it comes to women, because they have nothing legislatively that they can say to working women, so today they announced another massive PR event. They are going on the road with a great road show, with all sorts of speakers talking about the wonderful things they have done for working women outside the home.

I have just looked at this agenda, and I am amazed at some of their oversights. I am sure they are going to want to correct it. First of all, they forgot to tell working women that this administration has in the President's tax reform bill a proposal where they can pay more taxes for the privilege of working outside the home. Yes, they are bringing back the marriage penalty, and I do not think that is the idea that most women would have when they think of opportunity. Nevertheless, they are giving them this opportunity of paying more.

They are giving them lots of other opportunities to work for less than they are worth. In fact, one of their star speakers is Linda Chavez. She is speaking on pay equity, and even though her salary is set on a comparable scale in the Federal Government, she does not approve of it for anybody else, thank you very much; she is going to give them the opportunity to go to work at the minimum wage.

So I really find this whole thing quite amazing. With the money they have, I guess they figure they can buy support one way or the other. I find it shocking, and I think the women of America who are working are much smarter than to be buying into this little PR road show.

PRESIDENT SERVES FRENCH WINE AS WE BECOME A DEBTOR NATION

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, last week, almost 5 years into his Presidency, President Reagan announced a "get tough" policy on trade. He finally seemed to acknowledge that many of our trading partners are taking unfair advantage of America's free trade philosophy; but just yesterday, at a White House luncheon for regional broadcasters, the President served his guests a very expensive wine, a very expensive French wine. How expensive? About $50 a bottle in your average restaurant. It was so expensive, I cannot even pronounce its name.

Now, Mr. Speaker, this might seem trivial to some, but of course not to those who make a big deal out of South African baseball caps; and it is not trivial to the grape growers in Ronald Reagan's home State of California or in my home district in the central valley, either.

In fact, there is currently action pending before the ITC to deal with the unfair trading practices of foreign wine producers, and we need the administration's support.

It is particularly interesting that the President would serve this very expensive French wine on the very day that the United States became for the first time in 70 years a debtor nation.

Mr. Speaker, the Presidency, as we all know, is a very symbolic office, and I hope in the future the President of the United States will support America's wine industry, not the French wine industry.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *September 14, 1985.*
Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5, rule III of the rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 12:20 p.m. on Monday, September 16, 1985 as follows:

(1) Said to contain a message from the President wherein he transmits a report on the recommendations of the Office of Juvenile Justice and Delinquency Prevention; and

(2) Said to contain a message from the President wherein he transmits the 1984 Annual Report of the National Advisory Council on Adult Education.

With kind regards, I am,
Sincerely,
BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

EIGHTH ANALYSIS AND EVALUATION OF FEDERAL JUVENILE DELINQUENCY PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Monday, September 16, 1985, at page 23843.)

1984 ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Monday, September 16, 1985, at page 23843.)

ADMINISTRATION'S TRADE POLICY TEARING APART FABRIC OF AMERICAN INDUSTRY

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, the men and women in America's work places are, in increasing numbers, understanding that this administration's unyielding, stubborn free trade policies are tearing the very fabric of American industry apart, from steel to glass, to high tech, and from textiles to shoes, the American worker stands on shaky ground.

Mr. President, in the battle of international trade, your free trade stance has stacked the deck in favor of foreign competition. That is hard to understand, but what is unbelievable is the fact that your administration, through the Export-Import Bank, is currently financing the development of coal projects around the world.

In the last 5 years, America's Export-Import Bank has provided almost a billion dollars in loan and loan guarantee aid to develop coal mines in Australia, Turkey, Mexico, Yugoslavia, Zimbabwe, and most principally, Colombia, along with other foreign countries.

The bottom line is lost jobs, more lost jobs, in America's coal fields.

Is it not time, Mr. President, that our trade laws and trade policies stand up for America? We need fair trade now.

SYNFUELS CORPORATION RUSHES THROUGH NEW CONTRACTS

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, in July the House decisively voted to take away the remaining funds available to be spent by the Synthetic Fuels Corporation, but very quickly that corporation made clear to the public and to the Congress that it intended to go ahead and make several major financial commitments the taxpayers will have to honor if they go forward.

Several of us immediately wrote the President of the United States asking him to have his appointees stop such action and stop what we believe would be a waste of the taxpayers' dollars. The response so far has been a deafening silence.

Therefore, tomorrow the Energy and Commerce Committee will take steps to further discourage the signing of those contracts and those financial commitments.

In our deficit reduction package, we will include an effort to block the 11th-hour contracts that might be rushed through in defiance of the will of the House of Representatives. Although there is a constitutional question about the Government's ability to abrogate its contracts, we can and will take away the Government's consent to be sued. This is a fine legal distinction and an extraordinary step, one which we ordinarily would not take, but that corporation, that Government agency, simply has not gotten the message.

Potential award recipients are hereby warned, signing these last-minute contracts carries a large risk. We are determined to stop spending and to reduce the deficit.

MR. PRESIDENT, FREEZE ALL SPENDING

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, for 5 years the Reagan administration has been telling us that less government is better government, and that the Government can't continue to spend more than it takes in.

Many of us in Congress couldn't agree with you more, Mr. President. But every time we try to clamp a freeze on Government spending—which affects all the sacred cow's, including your own—your administration has always objected. And you've gotten your way.

And so, the Government is borrowing much more money today than it did when your administration took over. Our country has just established itself as a debtor nation for the first time in 71 years. The Federal debt has reached $2 trillion and is expanding at a rate of $200 billion a year.

Meanwhile, I read with amazement a news report that your administration has just approved a loan guarantee of $72 million to a Saudi billionaire to produce an oil substitute that will be far more expensive than the oil it is suppose to replace. And Mr. President, you've just appointed a new head for a million-dollar-a-year Government agency that's in charge of managing the Government's paperclips and paperwork.

Mr. President, you tell us that we must trim Federal fat. Meanwhile, you're contributing to some of the biggest spending boondoggles ever.

What's wrong, Mr. President? I'm hoping you'll give us some straight answers at your press conference tonight. I'm hoping you'll say, "Let's freeze all spending."

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT ON H.R. 3128

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, September 17, 1985, to file a report on H.R. 3128.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object.

Mr. Speaker, under my reservation, I will yield to the gentleman from South Carolina to tell us what kind of a rule the committee has in mind, whether the Republican members of the committee have been advised of his request and are aware of the rule that is going to be passed and what amendments are going to be made in order under the rule.

I yield to the distinguished gentleman.

Mr. DERRICK. Mr. Speaker, I thank the gentleman.

We are still hearing testimony on the rule up there now, so I cannot tell the gentleman what kind of a rule it will be. I have spoken with one Member of the Republicans on the Rules Committee, the gentleman from Mississippi [Mr. LOTT], who has no objection. I have not spoken with the rest of them.

As to be able to give the gentleman the particulars of it, we are still hearing testimony on it, so I cannot tell the gentleman.

I would suggest, although I cannot speak for the Rules Committee, that there probably will be some amendments made in order.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I thank the gentleman.

I am advised that the Republican leadership has a very strong interest in making certain amendments in order, particularly one by the gentleman from Ohio, and without the assurances that those might be granted, my inclination would be to object to the gentleman's request.

I yield to the distinguished gentleman.

Mr. DERRICK. Well, I regret that I cannot give the gentleman those assurances. I can tell the gentleman that we are hearing testimony. I am sure that it will receive fair consideration, but I cannot give assurances what the rule will be. I do not know.

Mr. FRENZEL. I thank the gentleman.

Further reserving the right to object, Mr. Speaker, under these conditions, until the minority has a little clearer fix on what is happening——

Mr. DERRICK. Mr. Speaker, will the gentleman yield further?

Mr. FRENZEL. I yield to the gentleman.

Mr. DERRICK. Mr. Speaker, if I can go back up and ask the other Members of the minority if they agree, would the gentleman withdraw his objection?

Mr. FRENZEL. I would at that time; but now, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AN UPDATE ON THE CABELL COUNTY DROPOUT PREVENTION PROGRAM

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, not too long ago, I introduced my colleagues to a dropout prevention program that is in effect in Cabell County, WV.

In March 1982 a task force committee was established to review the problem of students leaving school prior to the completion of their school program. The results indicated that approximately 21 percent of students in Cabell County were leaving school before the completion of their school program.

Therefore, a county educational decision was reached to address this particular problem through the utilization of ECIA chapter 2 funds for the 1982–83 school year. A preventive program was established.

The Dropout Prevention Program, initiated by Cabell County Schools in 1982, involves teachers, students, parents, and other citizens in its quest to reduce the dropout rate and even to bring dropouts back into school.

The program targets potential student dropouts as early as the elementary level and attempts to instill into these students the proper habits which make school a turnon rather than a turnoff.

It reaches out to junior high students with low grades and/or low interest in school activities by offering alternate courses of study such as prevocational courses.

The Cabell County Public School's Dropout Prevention Program zeroes in on those students who have reached the legal age, 16, to leave school. JROTC, alternative vocational programs, tutor/advisers, the opening of school libraries after school hours, and an overall concern from teachers, fellow students, and others show the potential dropout that there are those who do care and want that student to get an education.

Each school has a parent advisory committee which offers suggestions and help in providing alternatives and added interests to students. At one school, a successful experiment was conducted with an automatic calling machine to contact homes of students who were habitually absent or tardy.

The tutor/adviser at each school is particularly helpful in getting low achievers back on track with their studies and involved with extra curricular school activities.

All teachers have been asked to join the dropout prevention team by offering suggestions or passing on information to the tutor/adviser on students they feel are leaning toward leaving school before graduation.

The overall project is funded through ECIA chapter 2 and includes staff members with assignments directly connected with the program. They include the project coordinator, tutor/advisers, and educational ombudsman and part-time tutors in libraries.

But, the success of the program also signifies the community support it receives and the overall awareness that the school system in Cabell County does care about its students and wants to go the extra mile for a student in providing a strong educational foundation.

I believe that the statistics show the success of the Cabell County Dropout Prevention Program. Tracking the number of high school and junior high school dropouts chronologically, the records show that the number of dropouts has declined from 276, 20.13 percent in 1980–81, 307, 21.19 percent in 1981–82, 197, 15.15 percent in 1982–83, and 235, 19.37 percent in 1983–84, to 192, 15.14 percent in 1984–85. Furthermore, one aspect of the program is designed to encourage dropouts to return to school. This, accompanied by the above declining dropout rate, exemplifies the effort put into and the progress made by my fellow West Virginians in Cabell County.

These people care, and with the help of Federal funding, they are able to work together to do something about the dropout problem. We in Congress must not ignore this problem or the success that this type of program can achieve. We have to face the fact that 85 percent of all jobs in the next decade will require vocational or technical training. Furthermore, we must face the realization that a teen droput has little to no chance of success in the complex world of the 1990's. As representatives of the people of this Nation, we have a responsibility to address this problem. We must not shirk this responsibility. I urge my colleagues to review any legislative measures which would address this national dilemma.

PERSONAL EXPLANATION

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, in recent days, questions have been raised in the press about my flying in corporate aircraft. As I have stated from the first time this issue was raised and I was made aware of the rules governing this matter, I have made restitution to the company and amended my financial disclosure forms to reflect the receipt of transportation from my district.

On Friday, September 13, 1985, I filed my amended disclosure forms and also remitted to the Corporation a check in the amount of $1,127.00 for the cost of the flights.

I deeply regret this error on my part, due to a misunderstanding of the relevant House rules, and I believe I have now acted in a forthright and expeditious manner to correct the error.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2904

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that my name may be removed as a cosponsor of H.R. 2904.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 18, 1985.

□ 1230

EARTHQUAKE HAZARDS REDUCTION ACT AUTHORIZATIONS, FISCAL YEARS 1986 AND 1987

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 817)

to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1986 and 1987, and for other purposes; with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House numbered 3, insert "35,578,000".

In lieu of the matter proposed to be inserted by the amendment of the House numbered 4, insert "$37,179,000".

Page 2, line 20, of the House Amendment, strike out "and" and insert "and".".

SEC. 7. Section 2(b)(3) of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (Public Law 99-73) is amended by striking "(7), and (8)" and inserting in lieu thereof "and (7)".

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. DANIEL). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I urge passage of S. 817, the Earthquake Hazards Reduction Act of fiscal year 1986 and fiscal year 1987 as amended by the other body.

This bill first passed the Senate on April 17, was amended by the House on June 24, and sent back to the Senate.

The bill as amended on July 31, represents an agreement reached by both the House Committees on Science and Technology, and Interior and Insular Affairs and the Senate Committee on Commerce, Science and Transportation. In particular, the bill would authorize the earthquake prediction and monitoring program at U.S. Geological Survey at a level of about $500,000 more than the House-passed bill, to a level of $35,578 million. Also, the Earthquake Program at the Federal Emergency Management Agency is reduced slightly below the fiscal year 1985 appropriation level. Other earthquake research programs conducted at the National Science foundation and the National Bureau of Standards would be maintained at the fiscal year 1985 appropriation level

Finally, this bill would authorize the written plan for the National Earthquake Hazards Reduction Program to be updated every 3 years.

Mr. Speaker, since the bill before us allots a total authorization level of $69,433 million, which is slightly below the fiscal year 1985 appropriation level, and since all other matters of controversy within the legislation have been resolved, I urge adoption of this bill.

S. 817 EARTHQUAKE ACT

	House passed version June 24, 1985 [1]	Senate passed version April 17, 1985 [1]	President's request 1986 [2]	Senate passed version July 31, 1985 [1]
FEMA	$5.596	$5.705	$5.596	$5.596
USGS	35.044	35.578	34.603	35.58
NSF	27.760	28.700	28.700	27.760
NBS	.499	.499	.000	499
Total	68.899	70.482	[2] 68.899	69.433

[1] 4.5-percent increase for fiscal year 1987.
[2] Such sums as may be necessary for fiscal year 1987.

Note.—Additional provision in bill—update of the 5-yr plan: Senate-passed verison July 31, 1985 would update the plan every 3 yrs.

Mr. LUJAN. Mr. Speaker, I also urge passage of S. 817, the Earthquake Hazards Reduction Act of fiscal year 1986 and fiscal year 1987 as amended by the Senate.

This bill is the result of work by both Houses which dates back to April 17, It is the result of a compromise position between the House versions, which supported the fiscal year 1986 request, and the Senate version, which is slightly below the fiscal year 1985 level. I feel this bill balances the need for the program with the very real concerns over Federal spending.

Mr. Speaker, the committees have negotiated this position and all matters of controversy have been resolved. I join the distinguished chairman of our committee in urging adoption of this bill.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection

A motion to reconsider was laid on the table.

FEDERAL FIRE PREVENTION AND CONTROL ACT AUTHORIZATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 818), an act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill

The Clerk read the Senate amendment to the House amendment, as follows:

Page 1, line 2, of the House engrossed amendment, strike out "$22,953,000" and insert "$22,037,000".

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from Florida [Mr. FUQUA] to explain the bill.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I urge passage of S. 818, the Federal Fire Prevention and Control Act for fiscal year 1986, as amended by the other body. The bill first passed the Senate on April 17, was amended by the House on June 24 and sent back to the other body.

This bill, as amended on July 31, represents an agreement reached by both the House Committee on Science and Technology and the Senate Committee on Commerce, Science and Transportation. In particular, the bill would restore full funding for the Travel Stipend Program. The Stipend Program pays for a firefighter's travel expenses to the National Fire Academy. Other programs at the National Fire Academy would be authorized at slightly below the fiscal year 1985 freeze level. Programs at the U.S. Fire Administration would be authorized at a level of $9 million, about $700,000 less than the fiscal year 1985 freeze.

Mr. Speaker, since this bill before us allots a total authorization level, that would be slightly less than the fiscal year 1985 freeze level and since all other matters of controversy within the legislation have been resolved, I urge adoption of this legislation.

S. 818 FIRE ACT

	House passed version June 24, 1985	Senate passed version Apr. 17, 1985	President's request 1986	Senate passed version July 31, 1985
USFA	$9.736	$9.236	$7.685	$9.0
NFA	13.217	12.800	11.637	13.037
Total	[1] 22.953	22.036	19.322	[2] 22.037

[1] Same as fiscal year 1985 appropriations.
[2] With full funding of travel stipend program.

Mr. LUJAN. Mr. Speaker, I join the chairman of our committee in urging passage of S. 818, the Federal Fire Prevention and Control Act. As you have heard, this legislation is slightly more than the fiscal year 1986 request, but only because the full funding for the Travel Stipend Program has been restored. Mr. Speaker, we agree with the unanimous-consent request for this bill. This recognizes the overall national role of the Fire Prevention Program and the National Fire Academy.

The other authorizations of this program represent a savings to the taxpayers and I urge its approval.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the request made by the gentleman from Florida [Mr. FUQUA] to accept S. 818, as amended by the Senate. This bill does represent an agreement between both the House and Senate authorizing committees. I am very pleased to say

that it also fully supports the Travel Stipend Program for volunteer and professional firefighters to attend courses at the National Fire Academy in Emmitsburg, MD. I wish to express my appreciation to Senator GORTON and Senator RIEGLE for their leadership within the Senate Subcommittee on Science, Technology and Space. They have been particularly akin to priorities of the House Subcommittee on Science, Research and Technology, and very amiable in negotiating a strong position expressing the support of Congress for the Federal role in fire prevention and control.

I urge the immediate adoption of S. 818, as amended.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

GOVERNMENT SECURITIES ACT OF 1985

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2032), to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Government Securities Act of 1985".

(b) FINDINGS.—The Congress finds that transactions in government securities, as commonly conducted, are affected with a public interest which makes it necessary—

(1) to provide for the integrity, stability, and efficiency of such transactions and of matters and practices related thereto;

(2) to impose limited regulation of government securities brokers and government securities dealers generally;

(3) to require appropriate financial responsibility, recordkeeping, and reporting requirements;

(4) to impose requirements necessary to make such regulation effective; and

(5) to achieve effective coordination of the issuers and regulators interested in the government securities markets,

in order to protect investors and the national credit and to insure the maintenance of fair, honest, and liquid markets in such securities.

SEC. 2. ESTABLISHMENT OF THE GOVERNMENT SECURITIES RULEMAKING BOARD.

The Securities Exchange Act of 1934, hereafter in this Act referred to as "the Act", is amended by inserting after section 15B thereof (15 U.S.C. 78o-4) the following new section:

"GOVERNMENT SECURITIES

"SEC. 15C. (a)(1) It shall be unlawful for any government securities broker or government securities dealer (other than a registered broker or dealer) to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security unless such government securities broker or government securities dealer is registered in accordance with this subsection.

"(2)(A) A government securities broker or government securities dealer may be registered by filing with the Commission an application for registration in such form and containing such information and documents concerning such government securities broker or government securities dealer and any persons associated with such government securities broker or government securities dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Within 45 days of the date of the filing of such application (or within such longer period as to which the applicant consents), the Commission shall—

"(i) by order grant registration, or

"(ii) institute proceedings to determine whether registration should be denied.

"(B) Proceedings instituted pursuant to subparagraph (A)(ii) shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within 120 days of the date of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for the conclusion of such proceedings for up to 90 days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

"(C) The Commission shall grant the registration of a government securities broker or government securities dealer if the Commission finds that the requirements of this section are satisfied. The Commission shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (c) of this section.

"(3) Any provision of this title (other than section 5 or paragraph (1) of this subsection) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce is used in connection therewith shall also prohibit any such act, practice, or course of business by any registered government securities broker or registered government securities dealer or any person acting on behalf of such government securities broker or government securities dealer, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith.

"(4) The Board of Governors of the Federal Reserve System, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any government securities broker or government securities dealer, or class of government securities brokers or government securities dealers, from any provision of this section or the rules thereunder, including the rules of the Government Securities Rulemaking Board, if the Board of Governors of the Federal Reserve System finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of this title.

"(5) Any registered government securities broker or government securities dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission.

"(6) If the Commission finds that any registered government securities broker or government securities dealer is no longer in existence or has ceased to do business as a government securities broker or government securities dealer, the Commission, by order, shall cancel the registration of such government securities broker or government securities dealer.

"(b)(1)(A) Not later than 120 days after the date of enactment of the Government Securities Act of 1985, the Board of Governors of the Federal Reserve System shall establish a Government Securities Rulemaking Board (hereinafter in this section referred to as the 'Board'), which shall perform the duties set forth in this section.

"(B) The Board shall be composed initially of nine members appointed by the Board of Governors of the Federal Reserve System. The initial members of the Board shall serve as members for a term of two years, and shall consist of—

"(i) three individuals who are not associated with any government securities broker or any government securities dealer (other than by reason of being under common control with, or indirectly controlling, any broker or dealer which is not a government securities broker or government securities dealer), hereafter in this subsection referred to as 'public representatives', at least two of whom are representative of investors in government securities;

"(ii) three individuals who are associated with and representative of government securities dealers that are monitored by and report daily to the Federal Reserve Bank of New York; and

"(iii) three individuals who are associated with and representative of government securities brokers and of government securities dealers other than those described in clause (ii).

"(C) Prior to the expiration of the terms of office of the initial members of the Board, an election shall be held, under rules adopted by the Board (pursuant to paragraph (2)(A) of this subsection), of the members to succeed such initial members.

"(2) The Board shall propose and adopt rules to administer the Board and to effect the purposes of this title with respect to transactions in government securities effected by government securities brokers and government securities dealers as follows:

"(A) Such rules shall establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of government securities brokers and government securities dealers. Such rules shall provide (i) that the membership of the Board shall at all times be equally divided among representatives of the classes of persons set forth in clauses (i), (ii), and (iii) of paragraph (1)(B) of this subsection; and (ii) that at least two of the public representatives on the Board are representative of investors in government securities. Such rules shall also specify the term members shall serve.

"(B) Such rules shall provide for the operation and administration of the Board, including the selection of a Chairman from among the members of the Board, the compensation of the members of the Board, and the appointment and compensation of such

employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this section.

"(C) Such rules shall provide that each government securities broker and government securities dealer shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Such rules shall specify the amount of such fees and charges.

"(D) Such rules shall establish standards providing safeguards with respect to the financial responsibility and related practices of government securities brokers and government securities dealers including, but not limited to, the acceptance of custody and use of customers' securities, the carrying and use of customers' deposits or credit balances, and the transfer and control of government securities in repurchase agreements and similar transactions.

"(E) Such rules shall prescribe records to be made and kept by government securities brokers and government securities dealers and the periods for which such records shall be preserved.

"(F) Such rules shall require government securities brokers and government securities dealers to make and disseminate reports, furnish copies of records, and file financial statements (which may be required to be certified by an independent public accountant) and other information concerning their financial condition. Such rules may prescribe the form and content of such financial statements and the accounting principles and accounting standards used in their preparation.

"(G) Such rules shall define the term 'separately identifiable department or division', as that term is used in section 3(a)(44) of this title, in accordance with specified and appropriate standards to assure that a bank is not deemed to be engaged in the business of buying and selling government securities through a separately identifiable department or division unless such department or division is organized and administered so as to permit independent examination and enforcement of applicable provisions of this title and the rules thereunder, including the rules of the Board. A separately identifiable department or division of a bank may be engaged in activities other than those relating to government securities.

"(H) Rules under subparagraphs (A) through (G) of this paragraph shall be proposed and adopted by the Board within 180 days after the establishment of the Board. Such rules shall thereafter be published for public comment by the Board of Governors of the Federal Reserve System and the Board of Governors of the Federal Reserve System shall take final action upon such rules within one year after such establishment.

"(3) If the Board determines, based upon its experience with rules adopted under paragraph (2) of this subsection, that the rules which are authorized to be proposed and adopted under paragraph (2) of this subsection are not sufficient to effect the purposes of this title, the Board may propose and adopt rules establishing standards relating to the operational capability of government securities brokers and government securities dealers and to the training, experience, competence, and other qualifications of natural persons associated with government securities brokers and government securities dealers.

"(4) If the Board of Governors of the Federal Reserve System determines that the rules which are authorized to be proposed and adopted under paragraph (2) of this subsection are not sufficient to effect the purposes of this title, the Board of Governors of the Federal Reserve System may, by rule, with respect to transactions in government securities effected by government securities brokers and government securities dealers—

"(A) regulate the amount of deposit that shall be initially required and subsequently maintained in connection with the purchase, sale, or carrying of any government security; and

"(B) after consultation with the Secretary of the Treasury, establish requirements relating to when-issued trading in government securities by government securities brokers and government securities dealers.

"(5)(A) Rules proposed and adopted under paragraphs (2), (3), and (4) of this subsection shall be designed to prevent fraudulent and manipulative acts and practices and to protect the integrity, liquidity, and efficiency of the market for government securities, investors, and the public interest.

"(B) Rules proposed and adopted under paragraphs (2) and (3) of this subsection shall not be designed to permit unfair discrimination between customers, issuers, government securities brokers, or government securities dealers, to fix minimum profits, to impose any schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by government securities brokers or government securities dealers, to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Board, or to impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

"(C) In proposing and adopting rules under this section, the Commission, the Board, and the Board of Governors of the Federal Reserve System—

"(i) shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers; and

"(ii) may determine, to the extent consistent with the public interest, the protection of investors, and the purposes of this title, not to apply, in whole or in part, certain rules under this section, or to apply greater, lesser, or different standards, to certain classes of government securities brokers, government securities dealers, or persons associated with government securities brokers or government securities dealers.

"(6) The Board of Governors of the Federal Reserve System shall have the same functions, powers, and duties with respect to the Board as the Commission has with respect to the Municipal Securities Rulemaking Board under sections 17(a)(1), 17(b), 19(b), and 19(c) of this title, and the Board shall have the same duties and responsibilities as the Municipal Securities Rulemaking Board has under such sections.

"(7) If the Commission or the Secretary of the Treasury comments in writing on a proposed rule or proposed rule change of the Board that has been published for comment, the Board of Governors of the Federal Reserve System shall respond in writing to such written comment before approving the proposed rule or proposed rule change.

"(c)(1) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security in contravention of any rule of the Board.

"(2) The Commission, by order, shall censure, place limitations on the activities, functions, or operations, suspend for a period not exceeding 12 months, or revoke the registration of any government securities broker or government securities dealer, if it finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation, is in the public interest and that such government securities broker or government securities dealer, or any person associated with such government securities broker or government securities dealer (whether prior or subsequent to becoming so associated), has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4).

"(3) Pending final determination whether any registration under this section shall be revoked, the Commission, by order, may suspend such registration, if such suspension appears to the Commission, after notice and opportunity for hearing, to be necessary or appropriate in the public interest or for the protection of investors.

"(4)(A) The Commission, by order, shall censure or place limitations on the activities or functions of any person associated, or seeking to become associated, with a government securities broker or government securities dealer, or suspend for a period not exceeding twelve months or bar any such person from being associated with a government securities broker or government securities dealer, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) or paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4).

"(B) It shall be unlawful for any person as to whom an order entered pursuant to subparagraph (A) of this paragraph or paragraph (5) of this subsection suspending or barring him from being associated with a government securities broker or government securities dealer is in effect willfully to become, or to be, associated with a government securities broker or government securities dealer without the consent of the Commission. It shall be unlawful for any government securities broker or government securities dealer to permit such a person to become, or remain, a person associated with him without the consent of the Commission, if such government securities broker or government securities dealer knew, or, in the exercise of reasonable care should have known, of such order.

"(5) With respect to any government securities dealer for which the Commission is not the appropriate regulatory agency, the appropriate regulatory agency for such gov-

ernment securities dealer may sanction any such government securities dealer in the manner and for the reasons specified in paragraph (2) of this subsection and any person associated with such government securities dealer in the manner and for the reasons specified in paragraph (4) of this subsection. In addition, such appropriate regulatory agency may, in accordance with section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), enforce compliance by such government securities dealer or any person associated with such government securities dealer with the provisions of this section and the rules thereunder, including the rules of the Board. For purposes of the preceding sentence, any violation of any such provision or rule shall constitute adequate basis for the issuance of any order under section 8(b) or 8(c) of the Federal Deposit Insurance Act, and the customers of any such government securities dealer shall be deemed to be 'depositors' as that term is used in section 8(c) of that Act. Nothing in this paragraph shall be construed to affect in any way the powers of such appropriate regulatory agency to proceed against such government securities dealer under any other provision of law.

"(6)(A) The Commission, prior to the entry of an order of investigation, or commencement of any proceedings, against any government securities dealer or person associated with any government securities dealer for which the Commission is not the appropriate regulatory agency for violation of any provision of this section, and the rules thereunder including any rule of the Board, shall—

"(i) give notice to the appropriate regulatory agency for such government securities dealer of the identity of such government securities dealer or person associated with such government securities dealer and the nature of and basis for such proposed action; and

"(ii) consult with such appropriate regulatory agency concerning the effect of such proposed action on sound banking practices and the feasibility and desirability of coordinating such action with any proceeding or proposed proceeding by such appropriate regulatory agency against such government securities dealer or associated person.

"(B) The appropriate regulatory agency for a government securities dealer (if other than the Commission), prior to the entry of an order of investigation, or commencement of any proceedings, against such government securities dealer or person associated with such government securities dealer, for violation of any provision of this section or the rules thereunder including the rules of the Board, shall—

"(i) give notice to the Commission of the identity of such government securities dealer or person associated with such government securities dealer and the nature of and basis for such proposed action; and

"(ii) consult with the Commission concerning the effect of such proposed action on the protection of investors and the feasibility and desirability of coordinating such action with any proceeding or proposed proceeding by the Commission against such government securities dealer or associated person.

"(C) Nothing in this paragraph shall be construed to impair or limit (other than by the requirement of prior consultation) the power of the Commission or the appropriate regulatory agency for a government securities dealer to initiate any action of a class described in this paragraph or to affect in any way the power of the Commission or such appropriate regulatory agency to initiate any other action pursuant to this title or any other provision of law.

"(7) The Board of Governors of the Federal Reserve System is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise, in furtherance of the purposes of this title, to remove from office or censure any member or employee of the Board who, the Board of Governors of the Federal Reserve System finds, on the record after notice and opportunity for hearing, has willfully (A) violated any provision of this title or the rules and regulations thereunder, including the rules of the Board, or (B) abused his authority.

"(d)(1) Periodic examinations of government securities brokers and government securities dealers to assess compliance with this title and the rules thereunder shall be conducted by—

"(A) a registered securities association or a registered national securities exchange, in the case of government securities brokers and government securities dealers who are members of such association or exchange; and

"(B) the appropriate regulatory agency for any government securities dealer, in the case of all other government securities dealers.

"(2) An appropriate regulatory agency, registered securities association, or a registered national securities exchange shall make a report of any examination conducted and, on request, furnish the Commission or the Board of Governors of the Federal Reserve System a copy thereof and any data supplied to it in connection with such examination. Subject to such limitations as the Board of Governors of the Federal Reserve System, by rule, determines to be necessary or appropriate in the public interest or for the protection of investors, the Commission and each appropriate regulatory agency, registered securities association, and registered securities exchange, shall make available to the Board, on request, a copy of any report concerning examinations of government securities brokers or government securities dealers made pursuant to this paragraph or section 17(c)(3) of this title.

"(e) Nothing in this section shall be construed to impair or limit the power of the Commission or the Board of Governors of the Federal Reserve System.".

SEC. 3. STUDY OF TRADING SYSTEM FOR GOVERNMENT SECURITIES.

(a) REQUIREMENTS FOR STUDY.—The Comptroller General, in coordination and consultation with the Board of Governors of the Federal Reserve, the Secretary of the Treasury, and the Commission, shall study the nature of the current trading system in the secondary market for government securities, including—

(1) the extent and form of availability of bids and asks for government securities transactions on a real time basis;

(2) the extent and form of the availability of government securities brokers' services in the secondary market; and

(3) whether quotations for government securities and the services of government securities brokers are available on terms which are consistent with the public interest, the protection of investors, and the purposes of this title.

(b) PUBLIC HEARINGS.—In addition to the collection of information through surveys, public document review, interviews, and other information-gathering methods, at least one joint public hearing shall be held during the course of conducting the study.

(c) REPORT AND RECOMMENDATIONS.—The report of the Comptroller General shall be submitted to the Congress no later than six months after the date of enactment of this Act.

SEC. 4. CONFORMING AMENDMENTS.

(a) DEFINITION OF EXEMPTED SECURITY.—Paragraph (12) of section 3(a) of the Act (15 U.S.C. 78c(a)(12)) is amended to read as follows:

"(12)(A) The term 'exempted security' or 'exempted securities' includes—

"(i) government securities, as defined in paragraph (42) of this subsection;

"(ii) municipal securities, as defined in paragraph (29) of this subsection;

"(iii) any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian;

"(iv) any interest or participation in a single trust fund, or a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with a qualified plan as defined in subparagraph (C) of this paragraph; and

"(v) such other securities (which may include, among others, unregistered securities, the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'.

"(B)(i) Notwithstanding subparagraph (A)(i) of this paragraph, government securities shall not be deemed to be 'exempted securities' for the purposes of sections 15A and 17A of this title.

"(ii) Notwithstanding subparagraph (A)(ii) of this paragraph, municipal securities shall not be deemed to be 'exempted securities' for the purposes of sections 15, 15A, and 17A of this title.

"(C) For purposes of subparagraph (A)(iv) of this paragraph, the term 'qualified plan' means (i) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, (ii) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, or (iii) a governmental plan as defined in section 414(d) of such Code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to the satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries, other than any plan described in clause (i), (ii), or (iii) of this subparagraph which (I) covers employees some or all of whom are employees within the meaning of section 401(c) of such Code, or (II) is a plan funded by an an-

nuity contract described in section 403(b) of such Code.".

(b) DEFINITION OF "SELF-REGULATORY ORGANIZATION".—Section 3(a)(26) of the Act (15 U.S.C. 78c(a)(26)) is amended—

(1) by striking out "or (solely" and inserting in lieu thereof "(solely"; and

(2) by inserting before the period at the end thereof ", or (solely for purposes of section 23(b) of this title) the Government Securities Rulemaking Board established by section 15C of this title".

(c) DEFINITIONS OF APPROPRIATE REGULATORY AGENCY.—Section 3(a)(34) of the Act (15 U.S.C. 78c(a)(34)) is amended—

(1) by inserting "or a government securities dealer" after "municipal securities dealer" in subparagraph (A);

(2) by inserting "and government securities dealers" after "municipal securities dealers" in subparagraph (A)(iv); and

(3) by redesignating subparagraph (F) as subparagraph (G) and inserting after subparagraph (E) the following new subparagraph:

"(F) When used with respect to the Government Securities Rulemaking Board, the Board of Governors of the Federal Reserve System.".

(d) DEFINITION OF STATUTORY DISQUALIFICATION.—Section 3(a)(39) of the Act (15 U.S.C. 78c(a)(39)) is amended—

(1) in subparagraph (B)—

(A) by inserting "or other appropriate regulatory agency" after "Commission"; and

(B) by striking out "or municipal securities dealer" and inserting in lieu thereof "municipal securities dealer, government securities broker, or government securities dealer", and

(2) in subparagraph (C)—

(A) by striking out "or municipal securities dealer" and inserting in lieu thereof "municipal securities dealer, government securities broker, or government securities dealer"; and

(B) by inserting ", an appropriate regulatory agency," after "Commission".

(e) ADDITIONAL DEFINITIONS.—Section 3(a) of the Act is further amended by adding at the end thereof the following new paragraphs:

"(42) The term 'government securities' means—

"(A) securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States;

"(B) securities which are issued or guaranteed by corporations in which the United States has a direct or indirect interest and which are designated by the Secretary of the Treasury for exemption as necessary or appropriate in the public interest or for the protection of investors;

"(C) securities issued or guaranteed as to principal or interest by any corporation the securities of which are designated, by statute specifically naming such corporation, to constitute exempt securities within the meaning of the laws administered by the Commission; or

"(D) for purposes of section 15C, any put, call, straddle, option, or privilege on a government security other than a put, call, straddle, option, or privilege—

"(i) that is traded on one or more national securities exchanges; or

"(ii) for which quotations are disseminated through an automated quotation system operated by a registered securities association.

"(43) The term 'government securities broker' means a broker engaged in the business of effecting transactions in government securities for the account of others, but does not include any corporation the securities of which are government securities under subparagraph (B) or (C) of paragraph (42) of this subsection.

"(44) The term 'government securities dealer' means any person (including a separately identifiable department or division of a bank) engaged in the business of buying and selling government securities for his own account, through a broker or otherwise, but does not include—

"(A) any person insofar as he buys or sells such securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business;

"(B) any corporation the securities of which are government securities under subparagraph (B) or (C) of paragraph (42) of this subsection; or

"(C) a bank, unless the bank is engaged in the business of buying and selling government securities for its own account other than in a fiduciary capacity, through a broker or otherwise.

If the bank is engaged in such business through a separately identifiable department or division (as defined pursuant to section 15C(b)(2)(H) of this title) the department or division and not the bank itself shall be deemed to be the government securities dealer.

"(45) The term 'person associated with a government securities broker or government securities dealer' or 'associated person of a government securities broker or government securities dealer' means—

"(A) when used with respect to a broker or dealer, any partner, officer, director, or branch manager of such government securities broker or government securities dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such government securities broker or government securities dealer, or any employee of such government securities broker or government securities dealer; and

"(B) when used with respect to a government securities dealer which is a bank or a separately identifiable department or division of a bank, any person directly engaged in the management, direction, supervision, or performance of any of the government securities dealer's activities with respect to government securities, and any person directly or indirectly controlling such activities or controlled by the government securities dealer in connection with such activities.

"(46) The term 'registered broker or dealer' means a broker or dealer registered or required to register pursuant to section 15 or 15B of this title, except that in paragraph (3) of this subsection and sections 6 and 15A the term means such a broker or dealer and a government securities broker or government securities dealer (other than a bank or a separately identifiable department or division of a bank) registered or required to register pursuant to section 15C of this title.".

(f) ENFORCEMENT BY NATIONAL SECURITIES EXCHANGES.—Subsections (b)(1), (b)(6), and (d)(1)(B) of section 6 of the Act (15 U.S.C. 78f(b)(1), (b)(6), (d)(1)(B)) are each amended by inserting "including the rules of the Government Securities Rulemaking Board," after "regulations thereunder," each place it appears.

(g) SRO MEMBERSHIP.—Section 15(b)(8) of the Act (15 U.S.C. 78o(b)(8)) is amended—

(1) by inserting "registered or" after "any broker or dealer";

(2) by inserting "section 15, 15B, or 15C of" after "register pursuant to"; and

(3) by striking out "an exempted security or".

(h) RULEMAKING BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f) of the Act (15 U.S.C. 78o-3(f)) is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) Nothing in subsection (b)(6), (b)(11), or (g)(3) shall be construed to permit a registered securities association to make rules concerning any transaction by a broker or dealer in a municipal security or a government security.

"(3) Nothing in subsection (e) shall be construed to apply to any transaction in a government security.".

(i) EXAMINATIONS.—Section 17(b) of the Act (15 U.S.C. 78q(b)) is amended—

(1) by inserting "registered government securities brokers, registered government securities dealers, and" after "All records of"; and

(2) by striking out "or registered municipal securities dealer" and inserting in lieu thereof "registered municipal securities dealer, registered government securities broker, or registered securities dealer".

(j) FILING OF AND ACCESS TO DOCUMENTS.—Section 17(c) of the Act (15 U.S.C. 78q(c)) is amended—

(1) by striking out "and municipal securities dealer" in paragraph (1) and inserting in lieu thereof "municipal securities dealer, government securities broker, and government securities dealer";

(2) by adding at the end of such paragraph the following new sentences: "The Government Securities Rulemaking Board shall file with each agency enumerated in section 3(a)(34)(A) of this title and with the Secretary of the Treasury copies of every proposed rule change filed with the Board of Governors pursuant to section 15C(b)(6) and 19(b) of this title.";

(3) by striking out "or municipal securities dealer" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "municipal securities dealer, government securities broker, or government securities dealer"; and

(4) by adding at the end thereof the following new paragraph:

"(4) The Commission or the appropriate regulatory agency may specify that documents required to be filed with the Commission or such agency pursuant to this subsection may be retained by the originating clearing agency, transfer agent, municipal securities dealer, or government securities dealer or filed with another appropriate regulatory agency. The Commission or the appropriate regulatory agency (as the case may be) making such a specification shall continue to have access to the document on request.".

(k) BURDENS ON COMPETITION.—Section 23(a) of the Act (15 U.S.C. 78w(a)) is amended—

(1) by inserting "and the Board of Governors of the Federal Reserve System" after "Commission" each place it appears in paragraph (2);

(2) by inserting "or the Board's" after "Commission's" in paragraph (2);

(3) by inserting "and the Board of Governors of the Federal Reserve System" after "Commission" the first, second, and fourth place it appears in paragraph (3);

(4) by inserting "(including review pursuant to section 15C(b)(6) of this title)" after

"section 19(b) of this title" in paragraph (3); and

(5) by inserting "or the Board of Governors of the Federal Reserve System" after "Commission" the third place it appears in paragraph (3).

(l) COURT REVIEW OF FEDERAL RESERVE BOARD RULES.—Section 25(b)(1) of the Act (15 U.S.C. 78y(b)(1)) is amended by inserting "or a rule of the Board of Governors of the Federal Reserve System promulgated pursuant to section 15C of this title" after "17A, or 19 of this title".

(m) ADDITIONAL AMENDMENTS ADDING REFERENCES TO GOVERNMENT SECURITIES AND GOVERNMENT SECURITIES BROKERS AND DEALERS.—(1) Sections 15(b)(4)(B) and 17(f)(1) of the Act (15 U.S.C. 78o(b)(4)(B) and 78q(f)(1)) are each amended by inserting "government securities broker, government securities dealer," after "municipal securities dealer," each place it appears.

(2) Section 15(b)(4)(C) of the Act of (15 U.S.C. 780(b)(4)(C)) is amended by striking out "or municipal securities dealer," and inserting in lieu thereof "municipal securities dealer, government securities broker, or government securities dealer,".

(3) Section 23(b)(3) of the Act (15 U.S.C. 78w(b)(3)) is amended—

(A) by inserting ", government securities brokers and government securities dealers" after "municipal securities dealers" each place it appears; and

(B) by inserting ", government securities broker, or government securities dealer" after "municipal securities dealer".

(n) ADDITIONAL AMENDMENTS ADDING REFERENCES TO THE GOVERNMENT SECURITIES RULEMAKING BOARD.—(1) Section 15(b)(4) of the Act (15 U.S.C. 78o(b)(4)) is amended by striking out "or the rules of the Municipal Securities Rulemaking Board," each place it appears in subparagraphs (D) and (E) and inserting in lieu thereof "including the rules of the Municipal Securities Rulemaking Board and the rules of the Government Securities Rulemaking Board,".

(2) Section 15A of the Act (15 U.S.C. 78o-3) is amended by striking out "the rules of the Municipal Securities Rulemaking Board," each place it appears in subsections (b)(2), (b)(7), and (h)(1)(B) and inserting in lieu thereof "including the rules of the Municipal Securities Rulemaking Board and the rules of the Government Securities Rulemaking Board,".

(3) Section 19(e)(1)(A) of the Act (15 U.S.C. 78s(e)(1)(A)) is amended by striking out "thereunder, the rules of the self-regulatory organization, or, in the case of a registered securities association, the rules of the Municipal Securities Rulemaking Board" and inserting in lieu thereof "thereunder (including the rules of the Government Securities Rulemaking Board and, in the case of a registered securities association, the rules of the Municipal Securities Rulemaking Board), or the rules of the self-regulatory organization".

(4) Section 19(g)(1) of the Act (15 U.S.C. 78s(g)(1)) is amended—

(A) by inserting "(including the rules of the Government Securities Rulemaking Board)" after "regulations thereunder"; and

(B) by striking out "and the provisions of the rules of the Municipal Securities Rulemaking Board" and inserting in lieu thereof "(including the rules of the Municipal Securities Rulemaking Board)".

(5) Paragraphs (1) and (4) of section 19(h) of the Act (15 U.S.C. 78s(h)(1), (4)) are each amended—

(A) by inserting "(including the rules of the Government Securities Rulemaking Board)" after "rules or regulations thereunder"; and

(B) by striking out "or any provision of the rules of the Municipal Securities Rulemaking Board" in subparagraph (B) and insert in lieu thereof "(including any provision of the rules of the Municipal Securities Rulemaking Board)".

(6) Paragraphs (2) and (3) of section 19(h) of the Act (15 U.S.C. 78s(h)(2), (3)) are each amended—

(A) by inserting before the semicolon at the end of subparagraph (A) the following: "including the rules of the Government Securities Rulemaking Board)";

(B) by inserting "or" after "this title," in subparagraph (B); and

(C) by striking out "or the rules of the Municipal Securities Rulemaking Board" in subparagraph (B) and inserting in lieu thereof "(including the rules of the Municipal Securities Rulemaking Board or the rules of the Government Securities Rulemaking Board)".

(7) Subsections (a) and (d)(1) of section 21 of the Act (15 U.S.C. 78u(a), (d)(1)) are each amended—

(A) by inserting "(including the rules of the Municipal Securities Rulemaking Board and the rules of the Government Securities Rulemaking Board)" after "rules or regulations thereunder";

(B) by inserting "or" after "with a member,"; and

(C) by striking out "or the rules of the Municipal Securities Rulemaking Board,".

(8) Section 21(e)(1) of the Act (15 U.S.C. 78u(e)(1)) is amended—

(A) by inserting "(including the rules of the Municipal Securities Rulemaking Board and the rules of the Government Securities Rulemaking Board)" after "rules, regulations, and orders thereunder";

(B) by inserting "and" after "with a member,"; and

(C) by striking out "the rules of the Municipal Securities Rulemaking Board,".

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a), effective on the date of enactment of this Act—

(1) the Securities and Exchange Commission may prescribe rules pursuant to section 15C(a)(2) of the Securities Exchange Act of 1934 (as amended by section 2 of this Act), relating to the registration of government securities dealers;

(2) the Board of Governors of the Federal Reserve System may establish the Government Securities Rulemaking Board pursuant to section 15C(b)(1) of the Securities Exchange Act of 1934 (as so amended); and

(3) the Government Securities Rulemaking Board may propose and adopt rules pursuant to section 15C(b) of the Securities Exchange Act of 1934 (as so amended).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado [Mr. WIRTH] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2032, as amended, the Government Securities Act of 1985. This bill was ordered reported by the Committee on Energy and Commerce on July 31, 1985, by a voice vote, without opposition. It was developed by a bipartisan group of Members, under the leadership of the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, and the ranking minority member of the committee, Mr. BROYHILL.

I want to acknowledge at the outset the extraordinary efforts of members of the Subcommittee on Telecommunications, Consumer Protection and Finance who worked to develop the legislation: The gentleman from New Jersey, Mr. RINALDO, the gentleman from Washington, Mr. SWIFT, and the two gentlemen from Ohio, Mr. LUKEN and Mr. OXLEY.

We believe this legislation is necessary to protect investors and restore confidence in our markets. It addresses a serious deficiency in the supervision of our financial markets—a deficiency that has resulted in losses of over $900 million to investors since 1977 and has shaken confidence in our financial system as a whole.

I am sure your are aware of the most recent examples. In March of this year, the failure of ESM Government Securities, a small, unregulated Government securities dealer, resulted in more than $300 million in losses to savings and loan institutions and other investors.

Ohio's largest State-chartered savings and loan, Home State Savings Bank, lost $150 million in transactions with ESM. When it became known that Ohio's $130 million State insurance fund could be wiped out by Home State's losses alone, depositors with funds at other State-chartered thrifts panicked. We saw a run by depositors in that State—something we have not witnessed since the 1930's. Few thrifts had sufficient funds on hand to meet large-scale withdrawals, and the Governor of Ohio ordered the closure of all 71 State-chartered thrifts until the panic subsided. Ohio is still sorting through the fallout.

The savings and loan industry was not the only group hard hit by ESM's failure. Cities and local governments throughout the country that had invested taxpayers' funds with ESM were also losers. The cities of Beaumont, TX, and Toledo, OH, each lost $20 million, and three counties in the State of Washington lost a total of $17 million.

ESM failure set off a reaction in the Government securities market that soon led to the bankruptcy of another unregulated Government securities firm in New Jersey—Bevill, Bresler and Schulman Asset Management

Corp.—which cost 9 banks and 45 thrifts more than $240 million.

The losses from ESM and Bevill, Bresler occurred because of a serious gap in the supervision of our capital markets. While most securities broker-dealers must register with the Securities and Exchange Commission, dealers who trade only Government securities (Treasury securities and Government agency securities such as Fannie Mae's) are totally outside the bounds of Federal supervision. Consequently, a firm like ESM was able to engage in fraudulent practices for years. In fact, the evidence shows that ESM thwarted SEC investigators for more than 7 years before its collapse.

The lack of supervision in the Government securities market is even more disturbing in view of the fact that it is the largest securities market in the world. The Federal Reserve Board reports that the monthly trading volume for the largest Government securities dealers is more than $1.5 trillion—about 15 times the total volume of transactions in corporate securities on the stock exchanges and over-the-counter markets. It is also the most important market to our national economy. Through this market, the U.S. Government raised an average of $4 billion a day in 1984.

As we saw this spring, failures in this market can have international consequences. On March 19, 1985, just after ESM's failure and the crisis in Ohio, the dollar had its biggest drop in 15 years, and the price of gold jumped $35. The Financial Times of London titled an article on the U.S. financial system, "The Fear That More Dominoes May Fall." Confidence in the U.S. financial system was shaken around the world.

During consideration of these issues by the Subcommittee on Telecommunications Consumer Protection and Finance, there were some who lobbied against adding any safeguards to this market. One Government securities dealer testified that the problems at ESM and Bevill, Bresler resulted from the failure of investors (thrifts and municipalities) to take steps to protect themselves and, therefore, regulation of dealers was not necessary. Others argued that we should not legislate because no system can prevent fraud.

While fraud may be impossible to eliminate completely, there are certain minimum steps we can and must take to prevent unscrupulous dealers from placing investors, depositors, our financial institutions and our taxpayers' money at risk. We can register these dealers so we know who they are. We can require dealers to keep accurate books and records and submit to audits and inspections, making it more difficult for them to conceal fraud. We can require them to have adequate capital so they have some cushion against volatile interest rates. And we can require them to take steps to assure the safekeeping of investors' securities. All of these are standards with which other securities broker-dealers comply, and there is no reason why dealers in the world's biggest market should be free from these minimum responsibilities.

This bill would put these safeguards in place by creating a new industry self-regulatory organization called the Government Securities Rulemaking Board under the oversight of the Federal Reserve Board which would write rules to protect the integrity of the market. It requires that all Government securities dealers register with the SEC and gives the SEC and bank regulatory agencies power to enforce the rules.

Mr. Speaker, I noted at the outset that this bill is the product of a bipartisan partnership of members of the committee who believe it is a critical step toward restoring confidence in our financial markets. I also want to acknowledge the cooperation we have had in this effort from Members outside the committee. The gentleman from Illinois, Mr. ROSTENKOWSKI, and the gentleman from Mississippi, Mr. WHITTEN, worked closely with us in our deliberations on the legislation.

I would also note that the gentleman from the District of Columbia, Mr. FAUNTROY, and the Subcommittee on Domestic Monetary Policy have played a key role in educating Congress on the Government securities market. We have worked with the Committee on Banking and have welcomed the support of many of its members for the steps we are taking in the legislation.

We have also worked closely with the gentleman from Georgia, Mr. BARNARD, whose Subcommittee on Commerce, Consumer and Monetary Affairs of the Committee on Government Operations held extensive hearings on the recent failures of ESM and Bevill, Bresler. Those hearings further demonstrated the need for increased supervision of Government securities dealers and other participants in the market.

This bill will provide safeguards for investors. It will go a long way toward restoring confidence in a market that is critical to our economic health. It will help to maintain the liquidity and efficiency of this important market, which is of paramount importance to the effective, low-cost financing of the national debt. I strongly urge its passage.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this legislation and join with the gentleman from Colorado [Mr. WIRTH], chairman of the Telecommunications, Consumer Protection and Finance Subcommittee in moving this matter forward. He has done an excellent job.

I think everyone here is aware of the recent failure of ESM Securities in Florida and Bevill, Bresler, Shulman in my home State of New Jersey. These failures have underscored the fact that changes are needed in the largely unregulated Government securities market.

This legislation seeks to close this regulatory gap and prevent another Government securities failure by establishing a new Government Securities Rulemaking Board under the supervision of the Federal Reserve. Mandatory rulemaking by the new board would focus upon recordkeeping, registration, and financial responsibility.

Mr. Speaker, the Subcommittee on Telecommunications, Consumer Protection and Finance spent an extensive amount of time in an attempt to accommodate the concerns of the Federal Reserve Board, the SEC, and primary and secondary dealers. So we did our homework and we examined all facets of this problem.

I believe that the Members and staff, particulary Members like the gentleman from North Carolina [Mr. BROYHILL], the ranking minority member of the full Committee on Energy and Commerce, and the gentleman from Michigan [Mr. DINGELL], chairman of the full Committee on Energy and Commerce, and everyone else involved should be commended for their efforts and the manner in which they approached an extremely serious problem. The bill that we are considering today is drafted so as to provide a fair and sound regulatory framework. At the same time, it does not impose excess rigidity or needless duplicative requirements. It is drafted to protect the integrity and efficiency and the liquidity of the Government securities market.

Any costs to the system should be minimal. In fact, no one can come up with any accurate estimate of costs, because they are going to be practically nothing.

We also have to bear in mind that doing nothing, after the market weaknesses we have experienced, adds tremendous costs to the marketing of securities. So everyone on this subcommittee felt that it was an accepted fact that something had to be done, and something should be done, before another failure occurs.

I urge my colleagues to join me and the chairman of the subcommittee, the gentleman from Colorado [Mr. WIRTH], and the gentleman from North Carolina [Mr. BROYHILL], and the gentleman from Michigan, [Mr. DINGELL], chairman of the full committee, in supporting this very important and needed piece of legislation.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Ohio.

Mr. OXLEY. I thank the gentleman for yielding and would simply add my voice in support of this legislation.

Those of us in Ohio I think particularly are very familiar with what has happened and the publicity that has resulted from the closing of savings and loans throughout Ohio because of the ESM collapse. This legislation, it seems to me, is a response to that very difficult situation that we face in the State of Ohio and that the State of Maryland is now facing.

We came through it relatively well, but there is clearly an indication from the strength of the dollar throughout the entire world that a seemingly small problem that developed in the State of Florida, spread to Ohio, could have an effect on worldwide markets, and that is why this legislation is so important.

I have to congratulate the chairman of the subcommittee as well as the full committee for what I consider to be a classic example of the legislative process at work. We had testimony from experts in the area, including Chairman Volcker from the Federal Reserve and Chairman Shad of the SEC, and testimony from different commercial dealers, during the drafting of this legislation. This is a very positive move in trying to see to it that this kind of situation does not happen again.

I think we can all be proud of our committee for the product that we have on the floor today. I am pleased to be a cosponsor and ask all of my colleagues to support this very meaningful and worthwhile legislation.

I yield back to the gentleman from New Jersey.

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I am pleased to yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, I want to congratulate Chairman DINGELL, Congressman WIRTH, and the Energy and Commerce Committee on their timely response to a serious problem. The market for U.S. Government securities has not been operating in a manner that adequately protects the interests of investors. The failure of securities dealers has led to financial panics not experienced in this country since the 1930's. Action is clearly called for.

The Committee on Ways and Means has an interest in the efficient operation of the market for U.S. Government securities that extends beyond mere jurisdictional concern. The policies of this administration and this Congress result in unprecedented peacetime deficits. These $200 billion deficits must be financed by selling new securities and huge amounts of existing debt must be refinanced on a continuing basis.

This House, by approving the budget resolution for fiscal year 1986, has passed and sent to the other body a resolution to increase the debt ceiling to over $2 trillion. The efficiency of the U.S. Government securities market has an impact on the cost to the American public of paying interest on this debt. Any development affecting the marketing of U.S. Government securities falls within the scope of our committee's responsibilities for debt management under the Second Liberty Bond Act.

There is no reason to believe that the regulatory framework developed in the Energy and Commerce Committee's bill before us will adversely impact the U.S. Government securities market. Indeed, the influence could be positive if investor confidence is enhanced. However, the Committee on Ways and Means would be concerned if a new regulatory apparatus hindered the development of new and innovative methods the Treasury Department might use to market its securities. The Committee on Ways and Means will want to monitor the evolution of a new regulatory process from this perspective.

The Committee on Ways and Means did not request sequential referral of H.R. 2032 because of our heavy schedule of tax and trade legislation and because of the need to solve expeditiously many of the problems in securities markets. We will nonetheless have a continuing interest in this matter so that we can retain the most efficient debt management system possible for the Government, and one that protects the interests of investors in that market.

□ 1245

Mr. RINALDO. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the full committee, the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill. This is a bill that I originally cosponsored, and I support it now here in its amended form. It is an important measure. It does address a major problem.

The markets in U.S. Government and Federal agency securities are the largest and most efficient securities markets in the world, and it is important that we maintain the efficiency, soundness, liquidity, and depth of the Government securities market. This is crucial to the viability of our economy since transactions in Government securities are the principal means of financing our national debt.

Mr. Speaker, we have already heard in the debate today where the failure of certain securities firms have had a profound and negative effect on financial institutions in other parts of the country. The fact is that our committee found that these failures were usually precipitated by fraudulent activity, by misleading financial statements, failure to maintain adequate books and records, lack of net capital requirements, and customer ignorance of the type and effect of the transactions in which they were engaging.

This legislation establishes a minimal regulatory framework to address the problem, and I maintain that it is necessary, it is essential, it is needed, and I urge the quick passage of this legislation.

Mr. WIRTH. Mr. Speaker, I yield 5 minutes to the distinguished delegate from the District of Columbia [Mr. FAUNTROY] who will speak on behalf of the Committee on Banking, Finance and Urban Affairs.

Mr. FAUNTROY. Mr. Speaker, I am pleased to join with my colleagues from the Committee on Energy and Commerce in support of H.R. 2032, a bill which responds to the need for effective regulation of the Government securities market. This bill will restore confidence. It is cost effective. More importantly, it represents the combined judgment of a very large number of overseers, regulators and participants in the Government securities market as the best way of assuring that the most efficient market in the world remain safe, sound and able to support the needs in Government finance and the Federal Reserve's conduct of monetary policy.

The Committee on Banking, Finance and Urban Affairs, through its Subcommittee on Domestic Monetary Policy, has long had an interest in the Government securities market because of its impact on credit availability, interest rates, and potential effects on the Federal Reserve's ability to conduct monetary policy. As early as March 1982, the Subcommittee on Domestic Monetary Policy began an inquiry into problems associated with Federal debt management which was shortly followed by additional hearings that resulted in a request to the General Accounting Office for a comprehensive study of the Government securities market.

Much of the work done by the GAO in response to that request is incorporated into both this bill and its report. I am pleased that our committee and the Committee on Energy and Commerce have been able to develop a bill which reflects so much of these efforts. Our cooperative spirit is a sign of the capacity of Congress to respond in a deliberate and thoughtful fashion to a potentially devastating financial crisis long before it occurs. While we have had several untoward events over the past few years whose portents warn of much greater tragedies were we to fail to act, I think it is fair to state that our combined committees have acted with reasonable dispatch and consideration in assuring protection for participants in these markets.

For all of this, however, I must nonetheless state that investors in every market must continue to use prudence and common sense. Much of what we saw in the losses by failures of unregulated, undercapitalized, and unscrupulous dealers was carelessness, greed, and misplaced trust by investors. This bill does not substitute for prudence and common sense. It does, however, provide additional safeguards that prudent investors can use. I would hope that investors will take full advantage of them.

The shock waves that went through all financial markets and which ultimately resulted in the failure of a statewide private insurance fund for depository institutions is a statement of the importance of the Government securities market. It is also a statement of the need for expeditious consideration of this bill. While the Government securities themselves are absolutely free of default risks, we have learned that their use as the underlying security in a derivative product, like a repurchase or reverse repurchase agreement, may not be so riskless. Thus, there is a need to develop a standard for evaluating the financial position of a dealer and for the handling of records and customer securities, as well as to establish both standards and a registration process for determining who is a dealer.

H.R. 2032, as reported, accomplishes these goals through a new, but limited, self-regulatory organization under the oversight of the Federal Reserve. Aside from some details which deal primarily with housekeeping-type matters, this approach is almost identical to that which was proposed by myself to my own subcommittee.

Were we to not act, potential investor fear and uncertainty might very well lead to higher interest rates and difficulties in debt financing. It is my own hope, however, that the approach which was adopted in this bill will enhance market confidence and thus offset any costs which a regulatory scheme must necessarily impose, even if they are as small as they are expected to be.

Thus, it is with a great deal of pleasure that I join in supporting this bill. I also want to thank Chairman DINGELL and Chairman WIRTH for agreeing to reserve time for the Banking Committee and for their splendid cooperation with all of the members of my subcommittee and the full committee.

Mr. WIRTH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. LUKEN] who has been so helpful in the development of this important legislation.

Mr. LUKEN. Mr. Speaker, I rise today in support of H.R. 2032, the Public Securities Act of 1985.

The markets in U.S. Government and Federal agency securities are the largest and most efficient securities markets in the world. Our national debt is financed through the Government securities market and Government securities are an essential weapon in the implementation of monetary policy by the Federal Reserve Board.

But there are serious weaknesses in the regulatory framework that governs the Government securities markets. For example, brokers and dealers who effect transactions exculsively in Government securities are exempt from the broker-dealer registration provisions of the securities laws and are not required to become members of a self-regulatory organization under the oversight of the Securities and Exchange Commission.

Moreover, the Federal Reserve Bank of New York, to whom the 36 primary dealers in Government securities report voluntarily, has no statutory authority or other basis on which to conduct onsite inspections of nonbank secondary dealers.

These gaps in regulation have been a contributing factor in the failures of a number of unregistered Government securities dealers. These failures include, during the past 8 years, Winters Government Securities in 1977, Hibbard & O'Connor Government Securities in 1979, Drysdale Government Securities and Lombard-Wall in 1982, as well as ESM Government Securities, Inc. and Bevill, Bresler & Shulman Asset Management Corp. during 1985.

Most Government securities are purchased by institutional investors, including financial institutions, municipalities, corporations, and pension funds. Individual investors hold only 9 percent of outstanding Government securities.

Why should the general public be concerned about the failure of a few Government securities dealers? Here's why.

It has now been more than 6 months since the collapse of an obscure Government securities dealer in Fort Lauderdale, FL, ESM, forced the temporary closing of 71 thrift institutions in the State of Ohio, left millions of innocent depositors without access to their savings for more than 3 months, and brought about a major restructuring of Ohio savings and loans.

But these failures reach far beyond the immediate victims, by threatening our Nation's financial system and undermining investor confidence. For example, the ESM financial crisis sent the price of gold soaring and the value of the dollar crashing on international markets.

We have an opportunity to act decisively today to prevent future ESM's and future Bevill Breslers by bringing brokers in Government securities under mandatory Federal regulatory supervision for the first time.

The bill, as reported by the Energy and Commerce Committee, would provide for the creation of a new nine member Government Securities Rulemaking Board comprised of representatives of Government securities dealers and investors in Government securities.

The Board would be supervised by the Federal Reserve Board, which would have the power to approve or disapprove its rules. Fed Chairman Paul Volcker advocated this regulatory framework in testimony before the Telecommunications Subcommittee last June.

The legislation directs the rulemaking board to issue mandatory regulations in critical areas identified by numerous witnesses before the subcommittee. These include: Registration of all dealers, recordkeeping requirements, and financial responsibility.

For the first time, all Government securities dealers would be required to register with the SEC, although the Federal Reserve and the SEC would have the authority to exempt certain dealers. In addition, and most importantly, the SEC would be given authority to enforce the rules of the Board and the Federal Reserve.

In practical effect, this means that the SEC would have authority to inspect the financial records of any Government securities dealer at any time.

If the Commission had possessed such authority in 1977, the SEC's enforcement agents, who were hot on the trail of ESM, would have uncovered the massive fraud that ESM was able to perpetrate on the American public for so long and would have corrected the problems that existed or shut the firm down. And the financial crisis that resulted would have been avoided.

Instead, because they lacked the authority, they spent 4 years in court in an unsuccessful attempt to gain access to ESM's books. Then, in 1981, the Commission incredibly called off its investigators and dropped pursuit of the matter entirely.

The legislation we have before us today addresses major shortcomings in Federal supervision of the Government securities market and goes a long way toward assuring the kind of protection that investors and the American public have a right to expect but have not received from the Federal Government.

I ask my colleagues to support this important measure.

Mr. WIRTH. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, as a cosponsor of the Government Securities Act of 1985, I urge my colleagues to support this important legislation. Prompt action on this bill is needed to restore investor confidence in the Government securities market and to provide for the efficiency and integrity of

the market in U.S. Treasury securities. The successful operation of this market is especially essential to the conduct of fiscal and monetary policy, due to our ongoing need to finance the Federal debt.

The recent failures of two small unregulated dealers, ESM Government Securities and Bevill, Bresler & Schulman have provided dramatic evidence of the inability of the SEC and other Federal and State regulators to prevent serious failures in the Government securities market. These were not isolated incidents; we have witnessed a pattern of bankruptcies caused by unsupervised, speculative trading practices and the failure to conform to strong financial standards.

Smooth trading in Federal securities is absolutely essential, as the national debt multiplies. There is an explosive risk in leaving this portion of the securities market unmonitored. I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I commend the chairman of the subcommittee, the gentleman from Colorado [Mr. WIRTH] and the ranking minority member, the gentleman from New Jersey [Mr. RINALDO] for their leadership on this issue.

Mr. RINALDO. Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, it is not my intention to rain on what is obviously a very popular and attractive picnic that has been presented to us today. In fact, I must give my congratulations to the committee and all of the capable and distinguished people who have worked on this bill.

Clearly, there was a problem; the committee reacted in the best way that it could.

It is also fair to say, Mr. Speaker, that the committee received little or no cooperation from the Department of the Treasury whose case I now raise. Faced with that lack of cooperation, the committee did what it had to do on a bipartisan and unanimous basis.

However, the Treasury, I am informed, has seen the error of its ways and wishes to present legislation that it thinks can remedy the problem that the committee perceived and that the public has perceived in such a way that it does not interfere with their responsibility of managing the public debt and in such a way that it does not increase the cost to the taxpayers of that public debt.

One of the problems that Treasury sees is this new Government securities marketing board with extra authority, a brand new commission; Treasury believes that the controversial bill could add billions of dollars to the deficit by increasing the cost of financing the public debt.

Earlier in the year the Congress asked the SEC to study the problem and did so in consultation with the Federal Reserve and Treasury.

Those three agencies agreed that an acceptable approach would be to have Treasury and not the Federal Reserve Board make the rules to provide for more effective regulation of the Government securities market. It has already been stated by another participant in this debate that the SEC Chairman, of course, has that feeling.

The Treasury's market is the largest market in the world. We wish it were not so. We wish we did not have to borrow and roll our debt as frequently as we do. As long as we have to, it is our obligation both to make it a safe market and to make it an efficient one at the very least possible cost for the taxpayers.

I believe that the Treasury has seen the error of its ways, that it will present to the Congress within a few weeks a bill which will do, I think, what the committee wishes to do but do it in a way that does not inhibit or add extra cost to the Treasury's management of the problem.

Therefore, Mr. Speaker, I felt compelled to raise the Treasury's cause and its ideas before this body.

I shall not ask for a vote on this.

□ 1300

Mr. Speaker, I believe that the committee has done a good job; it is proceeding in good faith and there is nothing wrong with the bill that cannot be straightened out elsewhere, and for that reason, I will not request a recorded vote.

I should like to invite the Members' attention to the problem that this may cost the taxpayers an awful lot of money, and that therefore we should look for perhaps an enhancement of the bill as it moves through the legislative process.

The letter referred to earlier follows:

THE SECRETARY OF THE TREASURY,
Washington, DC, September 16, 1985.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you of the Administration's strong opposition to H.R. 2032, the "Government Securities Act of 1985." H.R. 2032 would establish a new regulatory agency and a new system of regulation for the government securities market. We plan to submit legislation in the next few weeks that will meet the essential regulatory objectives of H.R. 2032 in a manner less disruptive of the market for United States Treasury obligations and therefore less likely to lead to increased debt financing costs to the United States taxpayer and larger budget deficits.

H.R. 2032 is designed to respond to problems that have arisen as a result of recent failures of a few small unregulated dealers in the government securities market. As a result of these failures some institutional investors have suffered financial loss. A careful study of the Governments securities market has led us, and others, to conclude that additional regulatory oversight is necessary. We have reached this conclusion because we believe that the maintenance of unquestioned integrity of the market in United States Treasury obligations is essential to management of the public debt.

However, H.R. 2032 goes far beyond what is needed to maintain the integrity of the market for Treasury securities, establishing a new regulatory system for government securities and a new quasi-governmental regulatory body, the "Government Securities Rulemaking Board." The broad powers of that Board and of the Board of Governors of the Federal Reserve System, which would have oversight responsibility over it, would duplicate the Treasury's debt management responsibilities and impose unnecessary and burdensome regulation on the government securities market. Furthermore, we are concerned that this legislation, which impacts severely on an essential financial function of the federal government, has not been the subject of any consideration by those in Congress with expertise in that area, in particular the House Ways and Means Committee.

The Treasury has been charged by Congress with the efficient management of the public debt. Under the public debt statutes, the Treasury currently issues regulations and imposes certain restrictions on government securities dealers to assure the integrity and efficiency of the market. However, because of recent events, there is a need to broaden the Secretary's authority in order to assure effective compliance with standards that should be met by all dealers in Treasury securities. Treasury believes a legislative proposal along these lines and consistent with the regulatory proposal agreed to by the Treasury, the Federal Reserve, and the Securities and Exchange Commission earlier this year would be the most effective means of securing the integrity of the government securities market.

The market for Treasury securities is largely an institutional one for which the extensive regulatory regimes currently in place for other securities are not appropriate. Passage and implementation of H.R. 2032 would establish duplicative jurisdiction over this market, with resulting confusion and uncertainty. Higher financing costs to the United States taxpayer and higher budget deficits would inevitably follow. Because of the serious problems this legislation would pose, I would not recommend that the President sign the bill if enacted in its present form.

We urge the House to postpone further consideration of H.R. 2032 until these issues, and Treasury's proposed response, can be given full consideration.

Sincerely,

JAMES A. BAKER III.

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the bill H.R. 2032 responds to a string of spectacular disasters in the Nation's Government securities market. Because small, thinly capitalized, unregulated Government securities dealers currently may engage in transactions with other regulated institutions, as well as with local governments and other public and private investors, un-

sound and fraudulent practices can send, and indeed have sent, shock waves throughout the financial community and the economy. Although the fraud provisions of the Federal securities laws apply to exempted Government securities, the ability of the SEC to prosecute fraudulent activities of Government securities dealers after the fact has done little to prevent losses or restore confidence lost as a result of failures in this important market.

In May 1982, shock waves, like those triggered by the March 1980 silver market collapse, reverberated through Wall Street after it was announced that Drysdale Government Securities, Inc., was unable to pay $270 million in interest accrued on Government bonds that it had borrowed in repo transactions with Chase Manhattan Bank. Initially, Chase Manhattan refused to pay that interest to its 30-odd securities firm customers, thereby placing them in jeopardy. Had Chase Manhattan finally not agreed to pay, there would have been widespread disruption in the market.

In hearings before a House Banking Subcommittee, Federal regulators described the Drysdale collapse as an "aberration." They said that the market was capable of healing its own wounds and that no regulatory cure was needed.

In 1984, however, a staggering $155 million pretax loss from a $2 billion speculative position in Treasury bonds was disclosed by the Nation's largest insurance broker, Marsh & McLennan Cos. Before we could piece together what happened there, Lion Capital Group taught a bitter lesson to an impressive roster of stunned school districts by filing for chapter 11 and leaving them unable to touch millions of dollars in Treasury securities they lent to Lion because of its promise of above-average returns.

This year ESM Government Securities, Inc., and Bevill, Bresler & Schulman failed within weeks of one another for a total combined loss to investors, local governments and savings and loans of over $500 million. All of Bevill, Bresler's affiliated securities concerns were put into receivership and losses greatly exceeded early estimates of $198 million. The list of its creditors includes 45 savings and loans and 9 banks, including three Maryland thrifts and the D.C. government. ESM's failure resulted in losses of over $300 million and triggered a run by depositors that forced the temporary closing of 71 Ohio thrift institutions and saw our citizens once again standing in depression-type lines outside financial institutions.

We cannot allow fraud and proven bad business practices in our financial markets.

We have been exploring solutions to these market failures over the past 2 years. We have talked with the Committee on Banking and the Committee on Ways and Means, the Federal regulators, market professionals and investors. The Government Securities Act represents our best judgment as to the least intrusive, most coordinated, and most cost-efficient way to restore confidence in the government securities market and protect our citizens from further instances of fraud and rascality.

H.R. 2032 is cosponsored by 36 Members of the House from both parties.

Mr. Speaker, I want to commend my distinguished colleague, the chairman of the subcommittee, the gentleman from Colorado [Mr. WIRTH]; the gentleman from New Jersey [Mr. RINALDO] and the distinguished gentleman from North Carolina [Mr. BROYHILL] for the outstanding work that they have done in bringing this legislation to the floor.

Mr. Speaker, the Treasury Department alleges that H.R. 2032 represents congressional overreaction to "recent failures of a few small unregulated dealers" and that only "some institutional investors have suffered financial loss. I want to observe that the distinguished gentleman from Minnesota [Mr. FRENZEL] has behaved in a most gentlemanly and appropriate fashion here, and I commend him for the fashion in which he has discussed this legislation.

I would observe that the Treasury has not been so afflicted with the factual approach.

Failures of Government securities dealers have been going on under Treasury's nose since 1977 and have cost investors approximately $1 billion in losses.

These failures included:

Winters Government Securities, Inc. (1977).
Hibbard & O'Connor Government Securities, Inc. (1982).
Drysdale Government Securities, Inc. (1982).
Comark, Inc. (1982).
Lombard-Wall, Inc. (1982).
Lion Capital Group, Inc. (1984).
RTD Securities, Inc. (1984).
ESM Government Securities, Inc. (1985).
Bevill Bresler Schulman Asset Management Corp. (1985).
Parr Securities Corp. (1985).

Among the more prominent of these failures were Drysdale, Lion, ESM, and Bevill Bressler.

Drysdale's customers incurred over $300 million in losses. This firm was bankrupt on the day it opened its doors.

The failure of Lion in 1984 resulted in losses of $40 million to about 60 institutions.

ESM, an unregistered Government securities dealer located in Fort Lauderdale, FL, failed in March 1985, with losses of over $300 million to investors. About $200 million of the $300 million of ESM losses were incurred by two Ohio savings and loan associations, triggering a run on Ohio's thrift institutions.

Bevill Bressler, an unregistered Government securities dealer located in New Jersey, failed in April 1985, with customer losses of as much as $235 million to a list of creditors including 45 savings and loans and 9 banks, including three Maryland thrifts and the D.C. government. As a result of their dealing with Bevill Bressler, three Government securities dealers, Brokers Capital, Ltd., Midwest Government Securities, and Collins Securities Corp., incurred aggregate losses of over $9.7 million and failed or were liquidated.

These comments do not include the misery that has been occasioned to depositors and the savings and loan systems in Ohio and in Maryland, where the losses have been directly attributable to failures in the regulatory systems with regard to Government securities dealers.

It is very clear, Mr. Speaker, that such customer losses are not something that can lightly be tolerated.

The Treasury Department's efforts to trivialize these losses and failures is an insult to the American public and to the intelligence of this body.

The Treasury Department also says that this legislation has not been the subject of any consideration by those in Congress with the relevant expertise. I find this an odd statement for them to make. Securities and exchanges have been under the jurisdiction of the Committee on Energy and Commerce since 1935. The Banking Committee, which has jurisdiction over the Federal Reserve and the conduct of monetary policy, has been working with us and is on the floor today supporting H.R. 2032. The Ways and Means Committee has also reviewed the bill and the House Report 99-258 and were consulted by committee staff and the Office of the Parliamentarian. I have talked personally with Chairman ROSTENKOWSKI. A member of that committee, Mr. MATSUI, has expressed the support of the Ways and Means Committee for H.R. 2032. The Treasury Department's representations vis-a-vis Ways and Means are just plain false.

Treasury likewise says that we should stop the train and wait for them to develop their own legislation. My response is: "Where have they been?"

We have been working on this for over 2 years and this particular bill was introduced in April. All the while, Treasury has been naysaying legislation and now expects us to accept their newly found beliefs. What they propose strikes me as too little, too late. One of the cosponsors of H.R. 2032, Mr. SWIFT, the gentleman from Washington, wrote an op-ed article for

the August 4, 1985, New York Times, "Fed, Not Treasury, Should Take the Lead," handily putting the Treasury's arguments to rest. The article will be included in the RECORD at the close of my remarks.

The Treasury also says this is going to adversely affect the financing of the national debt, a statement which is factually incorrect, as rebutted by the testimony of the chairman of the Federal Reserve Board in his appearance before our committee.

I would observe that this is one of the few areas where freebooters may enter, do business to suit themselves, extort large sums of money from the public, fly the town by night, and leave behind them calamity in their wake.

Interestingly enough, the Federal Government years ago found it necessary to regulate securities dealers. There is literally no difference in the behavior and the functioning of a securities dealer dealing with government bonds and one dealing with State bonds or local obligations, but one is regulated and one is not. Guess which one is not? The ones which this bill would regulate and the ones which are bringing about serious economic disasters in the wake of their misbehavior.

Let it be clear: It is not simply undercapitalization; it is not simply misfortune which has brought these events about. It is fraud, criminal misbehavior as well as diligent application of simple incompetence.

We all agree that it is high time that the Congress do something about this. The Treasury says, however, for us to wait and to allow them to develop their own legislation. The Committee has sought to have them bring forth some recommendations; instead, they sat in their tent, and sulked, and have refused to assist and cooperate. We have had to seek elsewhere for the advice which was necessary.

I say with collapses bringing down savings and loan systems, causing losses to local governments, causing untold hardship to citizens across the country, it is time that something be done without waiting for the lackadaisical Treasury Department, which apparently is concerned more with its in-house concerns than it is with the protection of the American investing public. The Congress is simply compelled to do something.

Business Week has had some extraordinarily interesting remarks on its May 28, 1984, editorial page, which I think merit quoting at this particular time. Their comments were really very simple. They said:

The public and the firms themselves cannot tolerate the kind of lax financial practices that have caused a string of failures since the Drysdale Government Securities collapse two years ago. The Marsh & McLennan fiasco indicates that the market is still too freewheeling for its own good. The market needs minimum capital requirements for all dealers, tougher reporting rules, and stricter control over repurchase agreements. If the dealers do not police themselves, the government will.

They also went on to say in the rest of the editorial, that the Government should. Now, this is not a voice of the far left; it is a voice out of the financial mainstream; this is Business Week.

I would urge my colleagues to recognize that the time for tolerating misbehavior in this market; the time for permitting folks to bring disaster and misfortune upon innocent citizens everywhere, to cause collapse of financial institutions because of misbehavior, to escape the ordinary regulatory process and to behave in a fashion which is generally accepted as intolerable for this group is now passed.

The Treasury's importuning of us to delay while they come forth with some sort of program whose character and nature is unknown to us and whose purposes are unclear is, I think, irresponsible.

I would urge my colleagues to support this bill.

FED, NOT TREASURY, SHOULD TAKE THE LEAD

(By Al Swift)

Financial failure can be a powerful educational tool. Bank failures in the early 1930's taught us something about bank investment policies that had been missed by contemporary economics. In the same way, the failures this spring of E.S.M. Government Securities Inc. and Bevill, Bresler & Schulman Inc., both unregulated Government securities dealers, have shown us the regulatory gaps in the marketplace.

This trillion-dollar market is vital to the Treasury for financing the Federal debt, to the Federal Reserve Board for carrying out monetary policy and as a primary arena for institutional investors. Yet, we have no consistent Federal oversight, no uniform standards of conduct or capitalization, no accurate idea even of how many firms are dealing in Government securities.

We do know that when things go wrong in this marketplace, they go wrong in a big way. The failure of E.S.M. alone resulted in losses of more than $300 million for small institutional investors and many municipalities. This, in turn, scared international markets, leading to the biggest drop in the dollar in 15 years.

Unfortunately, E.S.M. and Bevill, Bresler are only the latest in a series of scandals in Government securities that includes—in just the last three years—the failures of Lombard Wall, Lion Capital Group and Drysdale Government Securities. After each collapse, we were told by Government experts that the failure was an aberration, that investors would now beware and that no regulatory corrections were needed.

Testifying before the House Telecommunications and Finance subcommittee last month, an acting Assistant Secretary of the Treasury, John Neihenke, said that the Treasury was "opposed to additional legislation . . . We are, of course, concerned about losses stemming from the [recent] failures. However, there has been no perceptible impact on the Government securities market from these failures."

Thus, while investors and financial institutions have lost close to $1 billion in this market since 1982, the Treasury—as an issuer of the securities—has found no cause for complaint. Mr. Neihenke went on to state that if Congress insists upon reforms, "any legislation which is enacted should recognize Treasury's responsibility for regulating and monitoring this market, and continue to vest such regulatory oversight responsibility with the department."

Some oversight! If the Treasury was indeed policing the beat, what went wrong? According to Mr. Neihenke, it was the fault of the deputies: "The victims of E.S.M. were institutional investors, thrifts and municipalities, which are subject to regulation at the Federal or state level."

It seems the Treasury wants to have it both ways. It does not want legislation, but should there be any, it wants to be in charge. It claims jurisdictional responsibility for the Government securities marketplace, but should anything go wrong, somebody else should have been more vigilant.

In contrast, the Federal Reserve chairman, Paul A. Volcker, has recommended, constructively, that the Federal Reserve be given lead responsibility for the market, and that it be aided by a self-regulatory organization (of Government securities brokers, dealers and investors) with rule-making authority over financial standards and market practices—subject to a Fed veto.

This approach makes sense, and is reflected in legislation passed this past week by the Energy and Commerce Committee. The Fed has the greatest hand-on expertise in Government securities and wields a great deal of acknowledged authority over the 36 primary dealers that handle the vast majority of the business. A self-regulatory organization would allow for continuous oversight by a responsible peer group.

It is also important to bring into play the Securities and Exchange Commission's experience in combating securities fraud. When E.S.M. and Bevill, Bresler collapsed, the S.E.C. was first on the scene. But the S.E.C. should be required to institute minimal registration for all dealers and be granted audit and investigatory powers, all of which should help head off fraud before it occurs.

The S.E.C. chairman, John Shad, and others have asserted that regulation of Government securities could add as much as $2 billion a year to the cost of financing the nation's debt. Let me reassure the chairman that neither his own staff nor market participants believe this figure. The true amount would be a tiny fraction of $2 billion, and would be in line with the costs of other financial regulatory agencies.

The subcommittee has worked closely with the primary dealers and other market participants in developing a consensus for legislation. It has also received technical advice from the New York Fed and the S.E.C. Any rule making should also have the benefit of the treasury's views, and a formal consultative process with both the Treasury and the S.E.C. should be followed before the Federal Reserve passes on any rules promulgated by the self-regulatory organization.

To many investors, the Government securities market today is still an unmapped territory of confused jurisdiction and regulatory gaps. In westerns, the bad men always flocked to towns with a weak sheriff. It's time we brought some prudent oversight to these financial badlands, where the writ of law still does not run.

Mr. WIRTH. Mr. Speaker, I yield one-half minute to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. First, Mr. Speaker, let me commend the chairmen of the committees that have brought this bill to the floor. I want to say that, not just the smaller players in this business are the culprits; the major, most prestigious institutions manipulate the Treasury bond market, and as a member of the Committee on Agriculture, I believe that we should also deal with the U.S. Treasury bond futures market which is closely related to the cash market, and is heavily manipulated as well.

Mr. WIRTH. Mr. Speaker, I yield myself the remaining minute.

Mr. Speaker, I will be placing into the RECORD a response to the comments made by the Department of the Treasury. I appreciate the statements made earlier by the gentleman from Minnesota [Mr. FRENZEL] and his understanding of the Treasury being Johnny-come-lately to this issue. We had asked them for months and months for their assistance; it was not forthcoming.

They have now gotten into this; they say they have a plan. I would also urge Treasury to please not be a Johnny-come-lately to the facts. They continue to emphasize what they say are cost figures which are specious and untrue. They have been quoted as talking about billions of dollars—cost figures which have been totally disabused in testimony before the subcommittee in response to questioning by the gentleman from Washington [Mr. SWIFT].

So the cost issue raised is specious. The argument that the bill would interfere with their responsibilities is also specious. The Treasury has no experience, no responsibility in regulating securities dealers; no experience in registering and checking on their past histories; no experience in inspecting books and records of dealers and conducting investigations for fraud and other securities laws violations; no experience in setting minimum capital requirements nor in setting requirements for customer protection. Treasury is an issuer, not equipped to do what the gentleman from Michigan suggests that this legislation is supposed to do.

I thank all of my colleagues for the great help on this legislation.

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Mr. RINALDO. Mr. Speaker, I yield myself 1 minute, to say that it should be pointed out on the record that this is not an omnibus and instrusive regulatory scheme, that it is a regulatory scheme that was dictated by the testimony at the hearings, a regulatory scheme that establishes specific and narrow requirements of registration, recordkeeping and reporting and net capital requirements, something that for those who attended the hearings, people recognize something that was very, very definitely needed.

When we talk about costs, I do not think that the gentleman from Minnesota, my good friend, actually in his statement came up with any indication or scintilla of evidence whatsoever to indicate that there would be the kinds of costs that he mentioned occur as a result of this legislation getting enacted into law.

I think, above all else, we have to recognize that these responsibilities are responsibilities that investors and the public expect, that they need, deserve, and are entitled to.

Mr. RODINO. Mr. Speaker, as an original cosponsor of the Government Securities Act of 1985, I am pleased to rise in support of this much needed legislation.

The market for the securities of the U.S. Government is the largest in the world. Record setting levels of Federal deficits have increased its size even more. The efficient functioning of this market requires a high level of investor confidence—confidence that we can retain only if Government securities dealers maintain the highest standards of accurate disclosure, performance, and financial soundness and accountability.

In the 98th Congress, the Committee on the Judiciary became aware of the regulatory vacuum in this area. The Subcommittee on Monopolies and Commercial Law held bankruptcy hearings relating to certain issues involved in Government securities dealer's bankruptcy cases which revealed the lax, and in some instances fraudulent, business practices that had developed in this industry. These hearings heightened my concerns about the lack of regulation in this area and the need for greater financial and investor protection requirements.

Unfortunately, we have seen the demise of two government securities dealers in recent months—one in my home State of New Jersey, the other in Florida. These cases have added to a lack of investor confidence in the market.

At a time when all of us are anxious to minimize unncessary and costly Government regulation, the approach taken by this bill is a sound one. It creates an industry self-regulatory organization—the Government Securities Rulemaking Board—as the primary rulemaking body. The Board of Governors of the Federal Reserve System is responsible for overseeing these rulemaking activities. Enforcement responsibilities are shared by a number of existing government agencies—in particular the Securities and Exchange Commission—that will maintain a list of all registered firms. Another very much needed change is the imposition of minimal recordkeeping requirements that will permit better surveillance of the industry.

I am very pleased to add my voice in support of this very important legislation. I want to commend the gentleman from Michigan and the gentleman from Colorado for their efforts in bringing this matter to a vote in a timely fashion.

Mr. BARNARD. Mr. Speaker, I rise in strong support of H.R. 2032, the Government Securities Act of 1985.

This past spring, the Commerce, Consumer and Monetary Affairs Subcommittee of Government Operations, which I chair, conducted a comprehensive investigation and held oversight hearings into the failures of two Government securities dealers: ESM Government Securities of Fort Lauderdale, FL, and Bevill, Bresler & Schulman of Livingston, NJ. Between our ESM hearing on April 3 and our BB&S hearing on May 15, the country witnessed the collapse of four other Government securities dealers. Unless H.R. 2032 is enacted, I am convinced that there will be many such failures.

Mr. Speaker, the Commerce, Consumer and Monetary Affairs Subcommittee's investigation and hearings did, of course, examine the adequacy of current supervision of the Government bond markets. But because the subcommittee has oversight jurisdiction for our banking system, we also focused heavily on the impact of Government securities fraud on the Nation's financial institutions.

A subcommittee report on our investigation is currently in preparation and will be considered next month. But in view of today's vote on H.R. 2032, I thought it would be useful to describe a few of our central findings:

First, at the present time, governmental and private sector supervision of Government securities transactions is grossly inadequate. A principal cause of this inadequacy is that under current law, Government securities transactions are generally exempt from day-to-day scrutiny of the SEC and the NASD. While these agencies can investigate Government securities trades if evidence of fraud is present, they have insufficient authority to examine these transactions on a day-to-day basis. Systematic examination authority is essential if fraud and wrongdoing are going to be detected at a sufficiently early stage to premit corrective action;

Second, although recent cases of Government securities fraud involved smaller, so-called secondary dealers, even the transactions of primary dealers require more effective scrutiny. While the Federal Reserve receives regular reports from and exercises oversight of these primary dealers, their cooperation is voluntary. It must be made mandatory.

Finally, and this is the key point I wish to make, billions of dollars in Government securities are purchased each year by the Nation's federally insured financial institutions. Many thrift institutions and commercial banks suffered extensive losses in the failures of ESM and Bevill Bresler. We all know that the ESM failure precipitated the crisis among Ohio's 71 privately insured thrift institutions. What is not so commonly known is that the Maryland privately insured thrift industry was an indirect casualty, as well. Moreover, all of the Nation's

private deposit insurance systems have suffered major defections because of the domino effect of the fraud at ESM.

In the Bevill Bresler collapse, the Commerce, Consumer and Monetary Affairs Subcommittee's investigation discovered that 80 savings and loans, 14 national banks, 14 federally insured nonmember banks, and 4 Fed member banks are likely to suffer combined losses of $353 million.

Accordingly, enactment of H.R. 2032 is essential not just to protect the integrity of Government securities markets, but to protect the safety and soundness of the thousands of banks and thrifts that trade in these instruments.

I strongly urge support for the legislation.

Mr. LEVIN of Michigan. Mr. Speaker, I rise to express my strong support of H.R. 148, the Michigan Wilderness Heritage Act of 1985. I am proud to be a cosponsor of this important legislation, and I extend my thanks to my colleague from Michigan, Mr. KILDEE, for his tireless efforts in helping to preserve what is left of Michigan's wilderness lands.

My support for this bill is rooted in my belief that there is a clear and growing danger to wilderness lands throughout the United States. Of late, we have heard more and more of the ravages of reckless industrialization and deforestation. Rarely valued monetarily, the loss of the ecosystem services provided freely by these areas entail real social and economic costs. In my own State of Michigan, which possesses more Forest Service land than any other State east of the Mississippi, I have myself witnessed the gradual despoilment of the land. H.R. 148 provides us with an opportunity to stem the tide of this despoilment. In sum, H.R. 148 would designate 90,000 acres of northern Michigan as wilderness. Wilderness status means no construction of roads or buildings, no mining, logging, or other activities which would alter the land's natural conditions.

The proposed wilderness areas, grouped by national forest, are: Huron-Manistee National Forest the Nordhouse Dunes, 3,000 acres; Ottawa National Forest, Sylvania, 19,200 acres, Sturgeon River Gorge, 14,700 acres and McCormick Experimental Forest, 17,000 acres; Hiawatha National Forest, Rock River Canyon, 5,000 acres, Big Island Lakes, 5,000 acres, Delirium, 11,000 acres, Carp River, 11,000 acres, Horseshoe Bay, 3,900 acres, Government Island, 210 acres, and Round Island, 380 acres.

I also want to add that while H.R. 148 protects these 90,000 acres, at the same time it reiterates the rights of sportsmen, hikers, and researchers, to name a few, to enjoy and study the land. Indeed, this is the whole purpose of the legislation; to maintain these last strands of virgin forest for the present and future generations to enjoy.

Again, I wish to thank my colleague for championing this legislation, and I urge support for H.R. 148.

Mr. RINALDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. WIRTH] that the House suspend the rules and pass the bill, H.R. 2032, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF EFFORTS OF ORGANIZERS AND PARTICIPANTS IN FARMAID CONCERT IN CHAMPAIGN, IL

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 185) expressing the sense of the Congress in support of the efforts of the organizers of and participants in the FarmAid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people.

The Clerk read as follows:

H. CON. RES. 185

Whereas family farms have played a critical role in the history and development of the United States;

Whereas, during the first 6 months of 1985, more than 43,000 mortgages on farms in the United States have been foreclosed;

Whereas over 200,000 jobs have disappeared due to the decline in the farm economy;

Whereas it is paramount that the contribution of agriculture to the United States economy be recognized and protected; and

Whereas the FarmAid Concert will focus national attention on the plight of the American farmer: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the efforts of the organizers of and participants in the Farmaid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people should be supported.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Oregon [Mr. WEAVER] will be recognized for 20 minutes and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the terrible plight of American agriculture is unprecedented in modern history. House Concurrent Resolution 185, simply expresses the sense of Congress in support of the efforts made by the organizers of the FarmAid Concert. This concert will be held in Champaign, IL, on September 22. The purpose of this event is to bring to the attention of the American people the impact of the current farm depression on rural America.

Senator TOM HARKIN has introduced companion legislation, Senate Concurrent Resolution 63 in the other body.

Mr. Speaker, we owe special thanks to performer Willie Nelson. The deep concern he and other performers share for the family farmer brought about this concert. Another performer, Neil Young, agreed to assist in coordinating talent for the concert. The timing will afford the American people the opportunity to understand more fully the plight of the family farmer.

Mr. Speaker, my aide, Bill Sparks, has written a song recorded by Neil Young, and I believe it will be performed at this concert. The title of the song is "Going, Going, Gone." Those are the words of the auctioneer, auctioning off the farms of our Nation. The plight of hard-working, efficient farmers is heard in the sad but loving lyrics of this fine song.

Nashville Network, along with a group of commercial TV stations, will broadcast the concert live. Ninety-five percent of all homes in America will be able to see all or part of the concert.

The depth and extent of the current crisis in American agriculture is common knowledge to many of my colleagues and to those living in rural America. FarmAid will make urban America more aware of the current agricultural depression. Mr. Speaker, I, therefore, urge passage of House Concurrent Resolution 185.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 185, expressing the sense of the Congress in support of the efforts of the organizers and participants in the FarmAid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people.

I have the privilege of representing 58 counties in Kansas. My congressional district produces more wheat than any other State. Beef cattle, grain sorghum, and corn are also vital cornerstones of the economy in my district. We have harvested a near record crop of wheat and we will be harvesting a huge crop of feed grain this fall. Yet,

even with these good crops, income is still too low for farmers to make ends meet. Our exports continue to decline and the U.S. Government continues to build inventories of grain that will depress prices for years to come.

During the August recess, I visited all 58 counties that I represent. Repeatedly, I was asked by farmers, "Do they really know how bad it is out here in farm country?" To that end, spreading the word about the seriousness of economic conditions in farm country, the FarmAid Concert will be very beneficial and the organizers of that effort should be commended for their efforts to bring the problems of the farmer to the attention of the general public.

One of the serious questions concerning the concert is what to do with the money raised at the concert. It has been pointed out that agriculture's debt is so large that if we raise $40 million it will barely pay the interest for 1 day on the farmer's debt. As the ranking Republican on the Department Operations Research and Foreign Agriculture Subcommittee, it was recently called to my attention that the U.S. Department of Agriculture has a program through the USDA Extension Service that provides financial counseling, crisis management, and general support to distressed farmers. The program is currently only operational in 12 States. It would be of great service to the American farmer if this program could be extended to all 50 States and expanded in scope. However, because of limited budget, the Agriculture Committee was unable to expand funding for this program.

I can think of no better use for the money raised by the FarmAid Concert than to put it to use providing counseling to distressed farmers. And I can think of no better organization than the Federal Extension Service in our fine land-grant schools who have been serving American farmers since 1914 to implement and use the FarmAid money wisely. I urge the organizers of the concert to take a look at the extension program as possible use for the money raised.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of House Concurrent Resolution 185, expressing the sense of the Congress in support of the efforts of the organizers of and participants in the FarmAid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people.

Agriculture is our Nation's largest and most basic industry. America's farmers have given our people the world's best diet at cost which—in comparison with the average consumer's earnings—really constitute a farmer subsidy to the general public. One of the chief reasons this country has been able to grow and make progress in many areas has been the growing efficiency of its farmers and the other segments of agriculture. When agriculture is depressed, the farmer and his family suffer—but they do not suffer alone. There is distress in the agricultural supply industries and in businesses on hundreds of main streets around the Nation. And in the long run, a depressed and demoralized agriculture would be very bad economic news for the entire Nation.

Much of the agriculture today is in trouble today because of a combination of factors and forces that lie largely outside the areas that farmers themselves can control. The causes of today's problems include the general worldwide recession of the early 1980's, which depressed markets for American products, the strength of the dollar in recent years, the practices of some competing nations in world markets, and continuing surpluses of some commodities.

Perhaps the most glaring sign of the problems facing many segments of American agriculture today is the drastic decline which has taken place in farmland values. Losses in land values in recent years—beginning in 1981—have been the most severe since the Great Depression.

Behind the gloomy statistics lies a story of stark tragedy for thousands of families and hundreds of rural communities.

I congratulate the organizers and the participants in this FarmAid Concert because their efforts will certainly help to raise the consciousness of the American people about the plight of our Nation's farm families and about the way this economic adversity not only affects their health, happiness, and well-being, but also sends waves of unrest into various other sectors of our society.

Mr. Speaker, I urge the Members to join me in support of House Concurrent Resolution 185.

Mr. GROTBERG. Mr. Speaker, many of the Nation's farmers are in trouble. They're suffering from years and years of temporary first-aid measures in places where major surgery actually should have been performed.

But we're hopefully headed for the road to recovery, as Congress prepares to debate a new farm bill.

In the meantime, however, farmers will be getting some additional help through the Nation's first FarmAid Concert to be held September 22 at the University of Illinois—Champaign-Urbana, IL.

This FarmAid benefit concert is being produced by country music legend Willie Nelson to not only raise funds to aid distressed farmers, but also to put the spotlight on the plight of the American farmer. Willie Nelson and Illinois Gov. James Thompson, who've been spearheading the effort, deserve much credit.

Besides Willie Nelson, there is a list of 48 other performers who have pledged their time to perform at this worthwhile benefit. More than 77,000 tickets for the 12-hour event were sold within 72 hours, showing the grassroots support for this benefit, which organizers hope will raise $40 million for debt-ridden American farmers.

Agriculture, Mr. Speaker, is the Nation's largest industry and biggest employer in my district. Some 2.5 million people in the United States work in some area of Agriculture or Agribusiness. Agriculture is not just a rural issue, it's also an urban issue. When farmers are facing tough times, it also affects other businesses dependent on farm family patronage.

The plight of our farmers is a crisis that should concern all Americans.

Today we have a measure before us expressing congressional support for efforts by organizers and participants of the FarmAid Concert to heighten the public's awareness of the trouble many of our farm communities face. I urge the support of House Concurrent Resolution 185.

Mr. WEAVER Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WEAVER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 185.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection .

MICHIGAN WILDERNESS HERITAGE ACT OF 1985

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 148) to designate certain public lands in the State of Michigan as wilderness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Michigan Wilderness Heritage Act of 1985".

SEC. 2. In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131), the following lands in the State of Michigan are hereby designated as wilderness, and therefore as components of the National Wilderness Preservation System—

(a) "subject to valid existing rights and reasonable access to exercise such rights" certain lands in the Manistee National Forest, comprising approximately three thousand acres as generally depicted on a map entitled "Nordhouse Dunes Wilderness—Proposed", dated July 1985, and which shall be known as the Nordhouse Dunes Wilderness;

(b) certain lands in the Ottawa National Forest, comprising approximately eighteen thousand three hundred twenty five acres

as generally depicted on a map entitled "Sylvania Wilderness—Proposed", dated July 1985, and which shall be known as the Sylvania Wilderness;

(c) certain lands in the Ottawa National Forest, comprising approximately fourteen thousand eight hundred and fifty acres as generally depicted on a map entitled "Sturgeon River Gorge Wilderness—Proposed", dated July 1985, and which shall be known as the Sturgeon River Gorge Wilderness;

(d) certain lands in the Hiawatha National Forest, comprising approximately five thousand acres as generally depicted on a map entitled "Rock River Canyon Wilderness—Proposed", dated July 1985, and which shall be known as the Rock River Canyon Wilderness;

(e) certain lands in the Hiawatha National Forest, comprising approximately five thousand five hundred acres as generally depicted on a map entitled "Big Island Lake Wilderness—Proposed", dated July 1985, and which shall be known as the Big Island Lake Wilderness;

(f) certain lands in the Hiawatha National Forest, comprising approximately twelve thousand four hundred acres as generally depicted on a map entitled "Mackinac Wilderness—Proposed", dated July 1985, and which shall be known as the Mackinac Wilderness;

(g) certain land in the Hiawatha National Forest, comprising approximately three thousand nine hundred acres as generally depicted on a map entitled "Horseshoe Bay Wilderness—Proposed", dated July 1985, and shall be known as the Horseshoe Bay Wilderness;

(h) certain lands in the Hiawatha National Forest, comprising approximately twelve thousand acres as generally depicted on a map entitled "Delirium Wilderness—Proposed", dated July 1985, and which shall be known as the Delirium Wilderness;

(i) certain lands in the Hiawatha National Forest, comprising approximately two hundred and fourteen acres as generally depicted on a map entitled "Les Cheneaux Wilderness—Proposed", dated July 1985, and which shall be known as the Les Cheneaux Wilderness;

(j) certain lands in the Hiawatha National Forest, comprising approximately three hundred and seventy-seven acres as generally depicted on a map entitled "Round Island Wilderness—Proposed", dated July 1985, and which shall be known as the Round Island Wilderness;

(k) certain lands in the Ottawa National Forest, comprising approximately sixteen thousand eight hundred and fifty acres as generally depicted on a map entitled "McCormick Wilderness—Proposed", dated July 1985, and which shall be known as the McCormick Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas except that with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Michigan and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Michigan; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Michigan;

(2) with respect to the National Forest System lands in the State of Michigan which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Michigan reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Michigan are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Michigan for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Michigan which are less than five thousand acres in size.

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Michigan lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness.

SEC. 7. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to wildlife and fish in the national forests in Michigan.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WHITLEY], and I would like to thank the gentleman and his committee for their excellent cooperation with the Committee on the Interior and Insular Affairs in bringing this bill to the floor.

Mr. WHITLEY. Mr. Speaker, the bill, H.R. 148, to designate certain public lands in the State of Michigan as wilderness was referred to the Agriculture Committee on Tuesday, September 10, 1985, for the period ending Tuesday, September 24, 1985. Following my remarks I am including for the RECORD a copy of the letter written on September 5, 1985, asking for referral of the bill to the Agriculture Committee.

Mr. Speaker, speaking on behalf of the Agriculture Committee, we have no objection to the House now considering H.R. 148. However, in the event there is a conference with the Senate concerning the matters acted upon in this bill, the Agriculture Committee will request to be represented.

Mr. Speaker, I thank the gentleman from Ohio [Mr. SEIBERLING] for his co-

operation and the cooperation of the full Interior and Insular Affairs Committee with our committee.

COMMITTEE ON AGRICULTURE,
Washington, DC, September 5, 1985.
Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I respectfully request referral to the Committee on Agriculture of the bill H.R. 148, to designate certain public lands in the State of Michigan as wilderness, and for other purposes. Unfortunately, the bill was not referred to this Committee when it was introduced on January 3, 1985.

H.R. 148 proposes the designation of certain wilderness areas within the National Forests located in the State of Michigan. This Committee's jurisdictional interest in the Nation's forests is established under clause 1(a)(13) of House Rule X, which specifically includes forestry in general and forest reserves other than those created from the public domain in the Committee's jurisdiction. I understand that roughly 90% of the National Forest land involved in H.R. 148 is acquired land, not public domain land. Thus, the jurisdiction of this Committee in the proposed legislation is clear.

If H.R. 148, or comparable legislation, should be reported by the Committee on Interior and Insular Affairs, I request that it be referred to the Committee on Agriculture.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 148, the Michigan Wilderness Heritage Act of 1985. As reported by our committee, the bill would designate approximately 92,416 acres of national forest land as wilderness, most of which is located in Michigan's Upper Peninsula.

Mr. Speaker, in discussing this bill I believe it should first be pointed out that the wilderness proposals of H.R. 148 are very modest. Although Members may not be aware of it, Michigan has more national forest land—2.7 million acres to be exact—than any State east of the Mississippi River. And yet to date, not a single acre has been designated as wilderness. H.R. 148 attempts to balance the wilderness/nonwilderness ledger somewhat by designating 3.3 percent of the national forests in Michigan as wilderness. And while that acreage may seem meager in comparison with the wilderness in other States, the wilderness proposals of the bill are significant because they are truly representative of the broad range of ecosystems which exist in the State.

For example, the proposals include two scenic islands in Lake Huron; a dunes ecosystem on the Lake Michigan shoreline and a lovely 7-mile stretch of the Lake Huron shoreline.

And let me digress, Mr. Speaker. I spent many of my boyhood summers on an island off the southern shore of Lake Huron, and at that time, and even after World War II, one could travel most of the shore of the Upper Peninsula on the Lake Huron side, and everywhere were beautiful, pristine beaches, with fir trees and conifers in the background and the beautiful blue of Lake Huron before. Today, with the exception of these stretches that we are dealing with here, practically all of them are now developed and subdivided and allotted up into summer homes. And that is fine. I think that is something that is part of our heritage. But I think it is also part of our heritage that we should preserve some of these pristine areas. And, fortunately, because they were in the national forest, we have been able to do so, and that certainly applies to the 7-mile stretch of Lake Huron that I have just mentioned.

It also includes a lowland river/swamp ecosystem that provides excellent boating; the Hiawatha National Forest's largest and most productive great blue heron rookery; two scenic river canyons bounded by towering cliffs and several areas containing lake chains which afford outstanding canoeing. As such, the bill protects a microcosm of the landforms which exist in north and central Michigan and will ensure that those areas are available for future generations to enjoy in their natural state. The wilderness proposals also preserve important habitat for bear, moose, bobcat, otter, bald eagles, great blue herons, and other wildlife species that thrive in roadless and undeveloped land.

Mr. Speaker, like others in this Chamber, this bill has a special meaning for me because as I just mentioned, I was fortunate to be able to spend a portion of my youth in the Upper Peninsula. Many of my summers were spent at our family's home on an island in Lake Huron near Hessel, MI, just a short distance from the proposed Les Cheneaux Wilderness. I also know Round Island and have gone by the Horseshoe Bay area many times. It is therefore especially gratifying to me that this bill will preserve the two small islands and a magnificent stretch of the Lake Huron shoreline. I am also familiar with the types of Upper Peninsula terrain that are contained in many of the other wilderness proposals of H.R. 148, and am delighted that we still have an opportunity to protect some virgin stands of timber and representative landforms.

□ 1325

Again, when I was a boy, there were magnificent virgin stands of hemlock so large that they gave the impression that one usually only associates now with the redwood forests in California, and they are all gone, having fallen beneath the logger's ax, except for the very small fragments that would be preserved by this legislation.

Such preservation is especially appropriate at a time when the Michigan Forest Products Industry Development Council, which by the way supports this legislation, is engaging in efforts to revive the timber industry in the Upper Peninsula and increase logging activities. The industry's planned expansion will bring needed jobs to the area and assist in revitalizing the local economy, but, if logging is to increase, it is also important to set aside representative areas for protection in their natural state.

Finally, in discussing this legislation, I think it is important to dispel some of the myths about wilderness which have been circulated in the Upper Peninsula and which may have generated unwarranted opposition to H.R. 148.

For example:

Wilderness will not result in any private land being confiscated or condemned by the Federal Government. To begin with, most of the lands in H.R. 148 are already owned by the Forest Service and the Wilderness Act specifically prohibits condemnation. The rights of any private inholders are further protected pursuant to section 1323 of Public Law 96-487 and by the Wilderness Act.

Hunting, fishing and trapping are not prohibited in wilderness. Indeed, the protection of habitat for game species is one of the prime reasons why we designate wilderness areas, and both section 7 of H.R. 148 and our committee report so note.

Wilderness designation will not lead to the creation of protective buffer zones around wilderness areas, and section 6 of H.R. 148 specifically underscores that point. Nonwilderness activities can occur right up to the boundaries of the wilderness, and, indeed, many of the wilderness boundaries of the areas designated by the bill are formed by roads, powerlines or other nonwilderness features.

The wilderness proposals of H.R. 148 will not significantly impact the timber supply in the Upper Peninsula. The 11 areas contained in the bill represent less than 3 percent of the commercial forest land base in the Ottawa and Hiawatha National Forests and less than one-half of 1 percent of the total commercial forestland. In fact, the Michigan Forest Products Industry Council has endorsed the bill.

Wilderness will not impose stricter air quality standards. The national forest lands and most other lands in Michigan are currently designated class II for purposes of the Clean Air Act and will remain class II after wilderness designation unless the State of Michigan upgrades them. I should note that no State has ever upgraded an area from class II to class I.

In summary, Mr. Speaker, I believe H.R. 148 is highly meritorious legisla-

tion, which deserves our unqualified support. I would like particularly to commend our colleague, DALE KILDEE for the excellent job he has done in putting this legislation together and for refining it to meet some of the concerns which surfaced at our hearings. Michigan wilderness legislation has been pending in the House since 1980, and I am happy that we are finally moving it forward. I urge my colleagues to join me in supporting the bill.

Mr. Speaker, before I conclude, I want to say one other thing. Tomorrow is the last day for a very fine member of the staff of the House Interior Committee, and a member of the staff of my subcommittee, Andy Wiessner, who is moving to Colorado with his family.

He has had an absolutely unequaled record as a staff member in working on wilderness legislation, not to mention many other important pieces of legislation such as grazing legislation, and the Federal Land Policy and Management Act in the 1970's. I regret very, very deeply that he is leaving our subcommittee as do, I am sure, all the other members of the staff. He has been invaluable to me. His knowledge is encyclopedic; his legal mind is sharp, and he is an indefatigable worker, and I just thought the record ought to so indicate.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DAVIS] whose district contains 10 of the 11 areas in the bill.

Mr. DAVIS. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 148, the Michigan Wilderness Heritage Act. As has been said, there are 92,000 acres that are being set aside as wilderness areas in this particular bill, of which approximately 89,000 acres are in my congressional district, the Upper Penninsula of Michigan.

Ten of the 11 tracts are in this area. We depend, in my congressional district, upon our natural resources for our very survival, whether we are talking about the forest products industry; the only iron ore mines in Michigan are in my district; the only copper mine, which is now closed, is in my district; tourism, which is very dependent upon natural resources. These things are so important to the economy of our area, that I must oppose this bill. For if we take away the 89,000 acres as possible multiple-use from those industries in my district, I do not think we have served the people of my district nor the people of the State or of the Nation well.

Some of the acres that are proposed in this particular legislation were not even part of the RARE II study. We have gone beyond some of those areas that have been designated, and they are incorporated in this particular bill. When you look at the area that I represent with an unemployment rate right now that is approximately 15 percent, and in many instances it runs much higher than that, and when you do depend on your natural resources, I think that it is important that we preserve these natural resources so that we can use them for economic development.

In my particular district, 42 percent of all the land is either owned by the Federal Government, the State government or local government. I understand that when you go out West there are States that have much more acreage that is under control of the Government, but in our particular area, we consider that 42 percent of the area is much too much. So I will urge my colleagues to oppose this bill. Again, I do not think it is in the best interest of the constitutents that I represent, and I guess I would have to say that beyond this particular bill, the 92,000 acres, I am very concerned about possibly the next go around. I recognize that 92,000 acres in the total context of the acreage that I represent is not a large amount. but I want to serve notice on the Congress that we must be very, very careful should there be any further attempt to designate any more acres in the area that I represent.

I recognize that this bill will probably pass the House handily, as most wilderness bills have, but I must continue to oppose it because the economy of our area is such that we do not want to lose any of these areas to wilderness areas.

I would now like to engage the chairman of the subcommittee, Mr. SEIBERLING, in a colloquy on one particular issue.

Mr. Speaker, is it the understanding of the gentleman from Michigan that you have language in the bill now that takes care of a particular problem of a constituent of mine, a Mr. Macke, who did have access to and a hunting camp on private property that was sold to the Forest Service, and subsequent to that the Forest Service has taken away that right for him to use this camp and that this particular language now will allow him to be able to use that? Is that correct, Mr. Chairman?

I yield to the gentleman for his response.

Mr. SEIBERLING. Yes, the committee has excluded the land in question from the Rock River Canyon Wilderness, and we have asked the Forest Service to issue Mr. Macke a special use permit so that he can continue to use his hunting camp, and that is set forth in the committee report as being the intent of the committee.

Mr. DAVIS. I would further ask of the gentleman from Michigan will the committee or committee staff follow up with the Forest Service to see that the committee's intentions in the language are followed up?

I yield to the gentleman for his response.

Mr. SEIBERLING. We will certainly do everything we can to see that that is the case. I would like to say one more thing. First of all, I want to say that I commend the gentleman for his assiduousness in devoting his efforts to the needs of his constituents as he used them, and it was in response to that that we did have the committee go up there and have a field inspection and listen to some of the local people give us their thoughts.

□ 1335

I would also say that we have no thought or plans for another round of wilderness designations in the State of Michigan, and as far as I know, nobody else does. I just want to give the gentleman that assurance.

Mr. DAVIS. I appreciate that, and I only hope that future Congresses will feel the same way.

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Let me say, Mr. Speaker, that I want to again commend him for the outstanding role he has had in putting together this legislation.

Mr. KILDEE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to be the sponsor of H.R. 148, the Michigan Wilderness Heritage Act of 1985.

H.R. 148 designates as national forest wilderness some 92,000 acres, about 3.3 percent of Michigan's three national forests.

Michigan has more Forest Service land than any other State east of the Mississipi, but currently has no national forest wilderness.

The 11 areas to be designated wilderness include unique examples of Michigan's varied flora, fauna, and geography.

Some of the last remaining stands of virgin forest in Michigan and the many rare and threatened plant species found in these areas provide habitat for bald eagles, moose, black bear, white-tailed deer, sandhill cranes, great blue herons, and many other varieties of wildlife,

The areas contain river canyons hundreds of feet deep filled with wild rivers, waterfalls and wetlands; Lakeshore sand dunes and beaches; winter ice caves of magnificent beauty and chains of granite-rimmed lakes.

I, too, have enjoyed the beauty of the Upper Peninsula, and I, too, with the gentleman from Michigan [Mr. DAVIS] want to make sure that we have a balance in this bill.

From the very beginning we tried to strike a balance with this legislation between the development and the reservation of Michigan's majestic forests.

Proof that we have achieved that balance is the endorsement of H.R. 148 by a bipartisan group of 12 of Michigan's congressional representatives, and by

Michigan Gov. James Blanchard, a former Member of this body, by

The Sierra Club and Wilderness Society

And the Michigan forest products industry development council.

The Forest Products Council, composed of representatives of the major timber-producing and using companies in Michigan, advises Governor Blanchard in his drive to expand Michigan's timber industry.

The council's 14 to 1 vote to endorse H.R. 148 demonstrates an understanding by the timber industry that the designation of these small wilderness areas will not adversely affect the continued growth of the timber industry in Michigan.

The 92,000 acres in H.R. 148 comprise less than two-tenths of 1 percent of Michigan's commercial timber land.

Public hearings on the Michigan Wilderness Heritage Act were held by the Subcommittee on Public Lands both here in Washington and in Michigan's Upper Peninsula, where the majority of the land to be designated wilderness is located.

I want to reiterate that while the gentleman from Michigan [Mr. DAVIS] and I do disagree on this bill, it was through his efforts that we did take the subcommittee to the Upper Peninsula to hear the considerations of those people, and we did find that there were certain concerns that we could be more sensitive to, and the bill addresses those concerns.

In addition to the strong support for the bill expressed by the majority of witnesses, several witnesses raised concerns regarding the establishment of buffer zones around the proposed wilderness areas.

Some worried about the continued access of hunters, fishermen, and other sportsmen to the areas.

Others questioned the ability of owners of valid existing rights, such as oil and gas leases, to exercise those rights inside the wilderness areas.

We added several amendments during the subcommittee markup to address the concerns raised at the public hearings.

Section 6 of the bill precludes the establishment of buffer zones around the proposed wilderness areas.

Section 7 makes reference to the pertinent section of the Wilderness Act of 1964 which retains the jurisdiction of the Michigan Department of Natural Resources over the wildlife management of these areas assuring sportsmen continued access to hunt, fish, trap, hike, and enjoy other outdoor activities in the wilderness.

I would like to express my deep appreciation to my good friend and colleague from Michigan, GUY VANDER JAGT, for his close cooperation in addressing the concerns of some of his constitutents who are owners of the subsurface rights underlying the Nordhouse Dunes area in his district.

Working with Mr. VANDER JAGT, in addition to language in the bill, the Interior Committee staff drafted an excellent committee report which provides the Forest Service with some broad direction in how it can undertake the delicate balance of protecting the wilderness values of the Nordhouse Dunes while allowing the subsurface owners reasonable access to exercise their right to develop the oil and gas deposits, should it prove economically viable.

The Forest Products Council endorsed H.R. 148 with the condition that standard release language be added to the bill.

Such language will release for future timber harvest some 22,000 acres currently in wilderness study areas.

Section 5 of H.R. 148 contains the standard release language requested by the Michigan timber industry.

Mr. Speaker, we have no intention of doing anything to these areas. We want to keep them just the way they are now—much as they were when they came from the hand of God.

Unlike many other pieces of legislation that we consider, H.R. 148 will not have any visible human effect.

But it will have an invaluable effect of preserving these last vestiges of wilderness in Michigan for the benefit and enjoyment of future generations.

Mr. Speaker, I feel happy to have worked with all the people involved in this bill, even those who were opposed to it, because in every instance they were honorable in addressing their concerns on this bill. I personally believe that we have a very well-balanced bill.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I want first personally to congratulate the chairman of the committee, who has provided many years of outstanding work toward the preservation of our lands and the concerns of balance between the environment and industry, and I have been very honored to have supported his legislation over the years, and to the gentleman from Michigan [Mr. KILDEE], the sponsor, who is a former State senator. We served together with Mr. DAVIS, and the Congressman following me, Mr. HENRY. We are all four former State senators here today who helped lead a movement on the environmental concerns and quality of Michigan on water and clean air and clean water. I sponsored a resource recovery act myself in Michigan, and led in some work in cleaning up some lakes.

Mr. Speaker, I rise in support of H.R. 148, the Michigan Wilderness Heritage Act of 1985.

This is an important piece of legislation for Michigan, especially as there is not a single acre of Michigan's vast national forest tracts which is part of the National Wilderness Preservation System, a system that gives the necessary strong protection to wilderness areas. Areas in the bill which now are outside the National Forest System are overused.

We are not talking here about a lot of land. It's under one-third of 1 percent of Michigan's total land base. It's less than 1 percent of the Michigan Upper Peninsula's land base, where the great majority of the proposed wilderness areas are located. The land proposed for wilderness designation in the bill is just under 3 percent of the State's national forest land. It's just one-fifth of 1 percent of all of Michigan's commercial forest land.

Michigan's economy clearly will benefit from the designation of additional wilderness areas through enhanced tourist business.

I also would like to point out that, as much as possible, private property within the proposed areas has been excluded.

The Michigan wilderness bill would establish a wilderness component of a land use program that is a balance of environmental protection and sensible development. Many people enjoy Michigan's natural resources through autos, snowmobiles, powerboats, and other vehicles, and extensive efforts are made to assure such opportunities. But there also should be areas where the canoe, showshoe, and hiking boot prevail as the primary means of travel, thus safeguarding significant natural areas and wildlife habitats.

Mr. Speaker, I have long been a proponent of sound environmental policy throughout my public career. While a member of the Michigan Senate, I authored the State's resource recovery act and led a cleanup of Michigan's dying recreational lakes. In that same vein, I would like to urge my colleagues to support the Michigan wilderness bill.

The Roman lawyer and satirist, Juvenal, once said: "Nature and wisdom always say the same." Mr. Speaker, I consider approval of the Michigan wilderness bill a wise investment in our future.

□ 1345

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I, too, would like to express special thanks and commendations to my colleague, the gentleman from Michigan [Mr. KILDEE], who for years has sought to reach this point on this very critical measure. I think, as can be determined from the various comments we have heard, there is great and broad and deep support for this measure in our delegation, and I think the gentleman deserves a special commendation for the years of effort he has given to bring us to this point.

I would also like to express appreciation to the chairman of the subcommittee, who made a special effort to ensure that the subcommittee went to the areas affected and went to extra great lengths to ensure that the peculiar concerns of the people most directly affected, as opposed to those who perhaps might be less directly affected, were given equal attention.

Mr. Speaker, I rise in support of H.R. 148, the Michigan wilderness bill. One of the great blessings which we who live in Michigan enjoy, and encourage our friends from other States to come and enjoy, is the abundance and beauty of our natural resources—our beautiful lakeshores, precious wetlands, and awesome forests. It is of critical importance that as we move to improve our State's economic diversity by developing our forestry and mineral industries, that a portion of these lands remain preserved and undeveloped.

H.R. 148 strikes an appropriate balance of the variety of demands on our State's national forest lands:

The bill involves about 3 percent of Michigan's total national forest lands; planned use of the remaining 97 percent can and should go forward in a way that balances the competing uses of the resources of our national forest lands.

The particular concerns about the management of wildlife and the potential of closing these lands to Michigan's many hunters, trappers, and fishers are addressed by reemphasizing provisions of the Wilderness Act that leave wildlife management in the hands of the Michigan Department of Natural Resources.

Undoubtedly, the most difficult issue surrounding this bill involves the rights of the mineral owners in the Nordhouse Dunes area. Those rights—and the right to exercise them—have been specifically protected in the bill. The language of the report addresses specific recommendations to the Forest Service as to how this should be done.

Finally, concerns have been raised by the Forest Service and others about the necessary maintenance of an earthen dam in the Delirium Wilderness area. The dam provides sufficient water levels in Sylvester Pond to protect the habitat rich with wildlife. Language has been included in the report, specifically directed at the Forest Service, to permit necessary maintenance of the dam, including use of mechanized equipment.

Each of these provisions has been carefully crafted. Obviously, they must be as carefully followed in the implementation. But the bill represents a fine balance of difficult and important interests, and a tremendously worthwhile endeavor to protect and preserve our State's natural heritage.

Mr. Speaker, I join my colleagues from Michigan in urging adoption of H.R. 148, the Michigan wilderness bill.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am opposed to H.R. 148, the Michigan wilderness bill. The bill exceeds the Forest Service's RARE II recommendations by more than 40 percent and exceeds the more recent recommendations being made as a result of the very comprehensive forest management planning process.

The Member in whose district 10 of the 11 areas are located is also opposed to the excessive acreage in the bill. As one who is also attempting to work out a statewide wilderness bill, I am opposed to any process which does not fully consider the views of the Member elected to represent the area.

I am also greatly concerned over the way in which the bill addresses the privately owned mineral rights underlying the Nordhouse Dunes area. While I am aware of the language added to the bill expressly recognizing "valid existing rights," this is an area of law which is not yet fully tested or defined. My State of Nevada is blanketed with similar mining and mineral interests which may or may not be compatible with true wilderness protection and I am concerned over the way we are addressing these areas.

It will be argued that the Nordhouse Dunes is a very small area, particularly by our Western standards. It is only 3,000 acres but I believe it is no less important to the overall question of what is a valid existing right, and what must the owners do to develop their claims or mineral interests.

There are over 1,900 acres of privately owned reserved mineral rights underlying the area, in addition to 675 acres of State-owned mineral rights—over 86 percent of the area. Oil and gas deposits have been found near the area, and recent seismic surveys indicate a good possibility of such underlying deposits. The owners of these minerals have testified in our committee that they wish to exercise their rights to develop the oil and gas potential of the area—an action which is not compatible with wilderness particularly due to the area's very small size and the extent of the private ownership.

Our committee has made a modest attempt at guaranteeing their rights to extract the oil and gas by including an amendment making the area subject to "valid existing rights" and the right to "reasonable access to exercise those rights."

I believe it is important to note for the record that the committee report also addresses this issue starting on page 4 and explains the quandary we have placed the Forest Service and the mineral owners in.

The report reads;

What rights may constitute "valid existing rights" is a question of law which the Committee does not attempt to define. The extent of the nonfederally-owned mineral rights are determined in part by the terms of the deeds by which the owners acquired the rights, and by federal, state and local laws and regulations. By protecting valid existing rights, the Committee makes no express or implied determination regarding the nature or extent of the title to such rights.

The report refers directly to the amendment in section 2(a) of the bill and outlines some recommendations on what steps the Forest Service might follow. It is important to emphasize that these are only recommendations which do not blind the Forest Service or impose any additional constraints on the owners of the mineral rights. In fact, I believe the designation of the area as wilderness should not change the process the owners should go through or make it any more or less difficult for them to drill in the area, As I understand it, the terms of their original deeds are the prevailing requirements.

With these unanswered questions, one might ask why the committee designated the area as wilderness in the first place? The issue was raised in committee and many of us opposed the designation. It was also pointed out that the ultimate solution may be to purchase the mineral rights—the cost of which could be considerable.

I personally believe the best solution would have been not to designate the area. There are many other management alternatives which the Forest Service could use to protect the beauty of the area without so directly infringing on the rights of the mineral owners.

I urge my colleagues to oppose the bill for all the reasons I have stated. There is no great urgency to pass the legislation and more time should be spent drafting a more acceptable bill.

Mr. BONIOR of Michigan. Mr. Speaker, it is my pleasure to rise before the House today in support of H.R. 148, the Michigan wilderness bill. I would first like to commend the leadership of my colleague DALE

KILDEE for his diligence in delivering congressional action on the wilderness bill.

This bill is consistent with past congressional actions for preserving wilderness areas from certain development activities. The Wilderness Act of 1964, and the Forest Management Act of 1976, initiated systems by which forest lands would be reviewed and their usage designated.

During the process of land designation outlined by these two acts, controversy ensued over the management of lands not specifically designated as wilderness. These lands were considered ripe for harvest by the timber industry, but vital to the maintenance of local econsystems and wildlife habitats by environmentalists.

After 7 years of stalemate, Members of the 98th Congress drafted release language which outlined for the Forest Service how it was to manage remaining defacto wilderness lands. As a result of this release language, new State wilderness bills began to be passed. The passage of the Michigan wilderness bill is a continuation of a process Congress first started in 1964, and refined in the early 1980's. This bill would allow Michigan to join the ranks of 21 other States that have already asked Congress to set aside land in their States as wilderness.

H.R. 148 includes approximately 90,000 acres of national forest land in Michigan. This represents 3 percent of the 2.7 million acres of national forest land in the State, and a very small fraction of the Michigan Department of Natural Resources' estimate of 17.5 million acres of forested land in the State.

While this may be a small percentage of Michigan's vast land resources, it includes some of the State's finest remaining wildlands. Sylvania, a popular vacation spot for urban recreationalists from Milwaukee and Chicago, is teaming with eagles and waterfowl, otters, and within it stands Michigan's largest red pine.

The McCormick tract, a recent addition to the National Forest System, warrants the specific protection of H.R. 148 as this area contains one of the few remaining stands of virgin Hemlock and white pine in the State. It is also the site of ongoing integrative forest studies research by many of the State's acclaimed ecologists.

The Nordhouse Dunes are set aside under this bill for the protection of threatened plant species, as are the breathtaking precipices bordering Sturgeon River Gorge.

This bill has gained the support of both environmentalists and forest industrialists. I think this is important because although wilderness designations prohibit road construction, off-road vehicles, and logging, the wilderness designation is still a multiuse philosophy which restricts as little as possible, while maintaining a primary goal to preserve a unique ecosystem intact.

Critics of this legislation say these lands do not warrant special protection. But, it was Congress itself which first acted to guarantee preservation of these national treasures of nature. The unique areas included in this bill will add to the already diverse ecosystems contained in the national wilderness system.

One should not think these lands are locked up, however. Hunting, fishing, trapping, backpacking, and other nonmotorized recreational activities are allowed. U.S. Forest Service fire control, insect and disease control and medical evacuations; mineral and oil and gas exploration will be allowed to companies with subsurface rights, if they agree to proceed in a manner compatible with the preservation of the wilderness areas.

This bill does not seek to lock up these lands. Rather, it aims to ensure their availability for generations to come.

Wilderness is a part of our heritage. Our forefathers plunged into the depths of the wilderness at Jamestown. They tamed it to give them sustenance in their quest to establish a new home on this wild continent. We must preserve wilderness areas so that we can be reminded of the challenges that were overcome by our predecessors to make our country great. As Thoreau said, "In wilderness is the preservation of the world." So it is that we should find in the wilderness the preservation of our heritage.

Man, being of nature, needs to go back to nature from time to time to be reminded of the simplicity and beauty from which he arose. We must recognize that our roots as a species lie in wilderness lands. H.R. 184 seeks to preserve those roots which nourish us, for without them, we cannot survive.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 148, the Michigan Wilderness Heritage Act of 1985. I am a cosponsor of this important legislation which designates as national forest wilderness some 92,000 acres. Although Michigan has more Forest Service land than any other State east of the Mississippi, it has no national forest wilderness.

There are 11 areas to be designated as wilderness under H.R. 148. These areas provide habitat for some of the last remaining stands of virgin forests in Michigan. Many rare and threatened plant species found in these areas provide habitat for bald eagles, moose, black bear, white-tailed deer, sandhill cranes, Great Blue herons, and many other varieties of wildlife. The areas also contain river canyons hundreds of feet deep, wild rivers, waterfalls and wetlands, lakeshore sand dunes and beaches, winter ice caves, and chains of granite-rimmed lakes.

Mr. Speaker, I feel that H.R. 148 presents a balance between the development and conservation of Michigan's forest. This is demonstrated by the endorsement of this measure by a bipartisan group of 12 Michigan representatives. In addition, this important legislation has been endorsed by Michigan Governor James Blanchard, the Sierra Club and Wilderness Society, and the Michigan Forest Products Industry Development Council.

Earlier this year the Interior Committee held hearings on H.R. 148 in Washington and Michigan's Upper Peninsula. Following the hearings the committee added amendments to the bill which reiterate sportsmen's right to hunt, fish, and trap in the proposed areas, preclude the establishment of buffer zones around the areas, and emphasize the ability of owners of valid existing rights, such as oil and gas leases, to exercise those rights. Language was also added to the bill for the release of 22,000 acres for future timber harvest which are currently in wilderness study areas that will not be designated as wilderness by this legislation. The boundaries of the proposed wilderness areas have been carefully drawn to exclude private property wherever possible while improving the Forest Service's ability to protect the fragile and varied ecosystems found in these areas.

I urge my colleagues to support passage of H.R. 148, the Michigan Wilderness Heritage Act of 1985. I enjoy the beauty the State of Michigan offers and hope it can be preserved for future generations.

Mrs. VUCANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 148, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR CERTAIN SUBCOMMITTEES OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY NEXT AND THURSDAY NEXT

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the following subcommittees of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule of the House.

The Subcommittee on Public Buildings and Grounds on Wednesday, September 18, 1985; and

The Subcommittee on Aviation on Thursday, September 19, 1985.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FEDERAL TRADE COMMISSION AUTHORIZATION ACT OF 1985

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2385) to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Federal Trade Commission Authorization Act of 1985".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Federal Trade Commission Act.

SEC. 2. UNFAIR ACTS OR PRACTICES.

Section 5(a)(1) (15 U.S.C. 45(a)(1)) is amended (1) by inserting "(A)" after "(1)", and (2) by adding at the end thereof the following:

"(B) An act or practice in or affecting commerce shall be considered to be an unfair act or practice under subparagraph (A) if—

"(i) such act or practice causes or is likely to cause substantial injury to consumers; and

"(ii) such substantial injury (I) is not reasonably avoidable by consumers; and (II) is not outweighed by countervailing benefits to consumers or to competition which result from such act or practice.

Any determination under the preceding sentence regarding whether an act or practice is an unfair act or practice shall take into account, in addition to other relevant factors, whether such act or private violates any public policy as established by Federal or State statutes, common law, practices in business or industry, or otherwise. This subparagraph shall not have any force or effect, and shall not be taken into account, in connection with the enforcement of any State law which prevents persons, partnerships, or corporations subject to the jurisdiction of the State from engaging in unfair acts or practices.".

SEC. 3. REVIEW OF CERTAIN CEASE AND DESIST ORDERS.

Section 5(m)(2) (15 U.S.C. 45(m)(2)) is amended by adding at the end thereof the following new sentence: "The court in such action against such defendant also shall review, if requested by any party to the action, the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice of the respondent which was the subject of such proceeding constituted a violation of subsection (a).".

SEC.4. PREVALENCE OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES OR FALSE ADVERTISEMENTS.

Section 18(a) (15 U.S.C. 57a(a)) is amended by adding at the end thereof the following new paragraph:

"(3) The Commission may issue a notice of proposed rulemaking with respect to any unfair or deceptive act or practice or any false advertisement (as defined in section 15(a)(1)) only if—

"(A) the Commission has issued two or more cease and desist orders regarding such unfair or deceptive act or practice or such false advertisement; or

"(B) any other information available to the Commission provides the Commission with reason to believe that a pattern of such unfair or deceptive acts or practices or such false advertisements exists.".

SEC. 5. CIVIL INVESTIGATIVE DEMANDS.

Section 20 (15 U.S.C. 57b-1) is amended—

(1) in subsection (a)(2), by striking out "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission";

(2) in subsection (a)(3), by striking out "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission";

(3) in subsection (a)(7), by striking out "unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission";

(4) in subsection (b), by striking out "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission"; and

(5) in subsection (c)(1), by striking out "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission".

SEC. 6. RESTRICTION OF COMMISSION AUTHORITY RELATING TO AGRICULTURAL COOPERATIVES.

The Federal Trade Commission Act is amended by redesignating sections 24 and 25 as sections 26 and 27, respectively, and by inserting after section 23 the following new section:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 26, as so redesignated in section 6, is amended to read as follows:

"SEC. 26. To carry out the functions, powers, and duties of the Commission there are authorized to be appropriated $63,900,000 for fiscal year 1986, $64,200,000 for fiscal year 1987, and $64,300,000 for fiscal year 1988.".

SEC. 8. DISAPPROVAL OF FTC RULES.

(a) AMENDMENT.—The Federal Trade Commission Act is amended by inserting after section 24, added by section 6, the following:

"SEC. 25. (a) The Commission, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(b) Any final rule of the Commission shall become effective in accordance with its terms unless before the end of the period of 90 days of continuous session of Congress after the date such final rule is submitted to the Congress a joint resolution disapproving such final rule is enacted into law.

"(c)(1) If a final rule of the Commission is disapproved in accordance with this section, the Commission may promulgate another final rule which relates to the same acts or practices as the rule which was disapproved. Such other final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the disapproved final rule; or

"(ii) such rulemaking record and any record established in supplemental rulemaking proceedings conducted by the Commission; and

"(B) may contain such changes as the Commission considers necessary or appropriate.

Supplemental rulemaking proceedings referred to in subparagraph (A)(ii) may be conducted in accordance with section 553 of title 5, United States Code, if the Commission determines that it is necessary to supplement the existing rulemaking record.

"(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to Congress in accordance with subsection (a).

"(d) Congressional inaction on a joint resolution disapproving a final rule of the Commission shall not be construed—

"(1) as an expression of approval of such rule, or

"(2) as creating any presumption of validity with respect to such rule.

"(e)(1)(A) For purposes of subsection (b), continuity of session is broken only by an adjournment sine die at the end of the second regular session of a Congress.

"(B) The days on which either House of Congress is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the period specified in subsection (b).

"(2)(A) In any case in which a final rule of the Commission is prevented from becoming effective by an adjournment sine die at the end of the second regular session of the Congress before the expiration of the period specified in subsection (b), the Commission shall resubmit such rule at the beginning of the first regular session of the next Congress.

"(B) The period specified in subsection (b) shall begin on the date of a resubmission under subparagraph (A).

"(f) For purposes of this section:

"(1) The term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Federal Trade Commission dealing with the matter of , which final rule was submitted to Congress on is disapproved.', the first blank being filled with the subject of the rule and such further description as may be necessary to identify it, and the

second blank being filled with the date of submittal of the rule to the Congress.

"(2) The term 'rule' means any rule promulgated by the Commission pursuant to this Act other than a rule promulgated under section 19(a)(1)(A).".

(b) CONFORMING AMENDMENT.—Section 21 of the Federal Trade Commission Improvements Act of 1980 (15 U.S.C. 57A-1) is repealed.

SEC. 9. INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS.

(a) GENERAL RULE.—The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commisison Act (15 U.S.C. 41 et seq.) for fiscal year 1986, 1987, or 1988, for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, at least sixty days before any such proposed action, or, if such advance notice is not practicable, as far in advance of such proposed action as is practicable.

(b) NOTICE.—The notice required in subsection (a) shall include the name of the agency involved, the date upon which the Federal Trade Commission will first appear, intervene, or submit comments, a concise statement regarding the nature and purpose of the proposed action of the Commission, and, in any case in which advance notice of sixty days is not practicable, a concise statement of the reasons such notice is not practicable.

SEC. 10. NATIVE AMERICAN ARTS AND CRAFTS.

The Federal Trade Commission shall investigate the marketing of imitation Native American arts, crafts, and jewelry. The Commission shall, upon the expiration of eighteen months after the date of the enactment of this Act, report to the Congress on the investigation made under the preceding sentence. The Commission shall develop and distribute a consumer information brochure designed to assist consumers in identifying imitation Native American arts, crafts, and jewelry. The brochure shall be completed and distribution begun not later than six months after the date of the enactment of this Act.

SEC. 11. LIFE CARE HOME STUDY.

(a) STUDY.—The Federal Trade Commission shall conduct a study of unfair and deceptive practices in the life care home industry, including practices engaged in by life care homes. Within 2 years of the date of the enactment of this section, the Commission shall report the findings and conclusions of the study to Congress. If the Commission finds a rulemaking is warranted under section 18 of the Federal Trade Commission Act, the Commission shall, promptly after completion of the study, initiate a trade regulation rule proceeding under such section 18 respecting unfair and deceptive acts or practices in the life care home industry. If the Commission determines a rulemaking is not warranted, the Commission shall include in the report to Congress the reasons for such determination.

(b) DEFINITIONS.—For purposes of subsection (a):

(1) The term "life care home" includes the facility or facilities occupied, or planned to be occupied, by residents or prospective residents where a provider undertakes to provide living accommodations and services pursuant to a life care contract.

(2) The term "life care contract" includes a contract between a resident and a provider to provide the resident, for the duration of such resident's life, living accommodations and related services in a life care home, including nursing care services, medical services, and other health-related services, which is conditioned upon the transfer of an entrance fee to the provider and which may be further conditioned upon the payment of periodic service fees.

SEC. 12. NURSING HOME STUDY.

(a) GENERAL RULE.—The Federal Trade Commission shall continue studying unfair and deceptive acts and practices in the nursing home industry, including practices engaged in by nursing homes. Within one year of the date of the enactment of this section, the Commission shall report to the Congress the findings and conclusions of the study. If the Commission finds a rulemaking is warranted under section 18 of the Federal Trade Commission Act, the Commission shall, promptly after the completion of the study, initiate a trade regulation rule proceeding under such section 18 respecting unfair and deceptive acts or practices in the nursing home industry. If the Commission determines a rulemaking is not warranted, the Commission shall include in the report to Congress the reasons for such determination.

(b) DEFINITION.—For purposes of subsection (a), the term "nursing home" includes a residential facility that provides convalescent or chronic nursing care, or both, for persons unable to care for themselves.

SEC. 13. PREDATORY PRICING.

(a) The Federal Trade Commission shall submit to the Commission on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate the information specified in subsection (b) of this section every 6 months during each of the fiscal years 1986 and 1987. A report containing such information shall be submitted when the Commission submits its annual report to the Congress during each of such fiscal years and such report may be included in the annual report. A separate report containing such information shall be submitted 6 months after the date of submission of any such annual report. Each such report shall contain such information for the period since the last submission under this section.

(b) Each report shall list and describe, with respect to instances in which predatory pricing practices have been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission;

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include copies of all consent agreements and complaints executed by the Commission referred to in the report. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The descriptions required under this subsection shall be as complete as possible. The report shall include any evaluation given to the potential impacts of predatory pricing upon businesses (including small businesses). The report shall not reveal the identity of persons or companies complained about or those subject to investigation that have not otherwise been made public.

SEC. 14. EFFECTIVE DATES, APPLICABILITY OF AMENDMENTS.

(a) GENERAL RULE.—Except as otherwise provided in this section, the provisions of this Act, and the amendments made by this Act, shall take effect on October 1, 1985.

(b) SECTION 2.—

(1) The amendments made in section 2 shall apply only to—

(A) cease and desist orders issued by the Federal Trade Commission under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) on or after October 1, 1985; and

(B) rules for which advance notices of proposed rulemaking are published in the Federal Register by the Commission under section 18(b)(2)(A) of such Act (15 U.S.C. 57a(b)(2)(A)) on or after October 1, 1985.

(2) The amendments referred to in paragraph (1) shall not be construed to affect in any manner any cease and desist order issued on or after October 1, 1985, if such order is issued in accordance with a remand, from a court of appeals of the United States or the Supreme Court of the United States, of any cease and desist order issued by the Commission before such date.

(c) SECTION 4.—

(1) The amendment made in section 4 shall apply only to rules of the Federal Trade Commission for which advance notices of proposed rulemaking are published in the Federal Register by the Commission under section 18(b)(2)(A) of the Federal Trade Commission Act (15 U.S.C. 57a(b)(2)(A)) on or after October 1, 1985.

(2) In the case of any rule of the Commission which has not become final before October 1, 1985, but for which such advance notice has been published before such date, the Commission shall include with its submission of such rule to the Congress under section 25 of the Federal Trade Commission Act a statement describing the extent of the prevalence of occurrences of the unfair or deceptive act or practice, or the false advertisement, which is the subject of such rule.

(d) SECTION 8.—Section 25 of the Federal Trade Commission Act, as added by section (8), shall apply with respect to final rules of the Commission promulgated after October 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. FLORIO] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

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measures I am recommending today—directed at treating the symptoms by curing the causes of this trade crisis—will require a dedicated effort. But the rewards will be enormous: A future of jobs, industrial competitiveness, leadership, and prosperity.

This is the way America will recapture control of its own destiny and our own future.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10 a.m., with statements therein limited to 5 minutes each.

VOLUNTARY REFUND POLICY FOR SPARE PART PURCHASES

Mr. GOLDWATER. Mr. President, earlier this year on the 20th of June, I made a floor statement commending the Boeing Co. for its announcement of an unprecedented spare parts refund policy for its dealing with the Pentagon. In that statement, I called on all members of the defense industry to join Boeing and make a similar commitment.

Today I am pleased to report that several major defense contractors have now agreed to a similar, voluntary refund policy for spare parts purchased by the Government. I would like to give public recognition to those companies and also recognize Dr. James P. Wade, the new Assistant Secretary of Defense for Acquisition and Logistics for his efforts in promoting this policy throughout the defense industry.

The Boeing policy, which was directly aimed at putting an end to the so-called spare parts horror stories, guarantees the Government a full refund of the purchase price of any spare part bought from Boeing for a price less than $100,000 which the Defense Department later determines to have been overpriced—subject to a reasonable time limitation. This is a "no questions asked" policy—if the Government says the price was too high, the money is refunded and that's the end of it. No arguments—just a complete refund.

Not long after Boeing announced their policy, other major contractors made similar commitments. General Electric, McDonnell Douglas, Grumman, Raytheon, General Dynamics, and Martin Marietta all voluntarily offered the Government similar refund policies.

The Defense Department, through the efforts of Dr. Wade, combined the best aspects of each of these unsolicited proposals into a single comprehensive refund policy which was then sent out to our top 30 defense contractors. As of today, I am advised that the following companies have signed up to this new policy: Martin Marietta, Raytheon, Sperry, Rockwell, Westinghouse, United Technologies, RCA, Boeing, Lockheed, GTE, Allied, and General Dynamics.

Mr. President, I wish to publicly commend each of these companies for making this voluntary commitment. In my opinion, this confirms what I have always believed about the vast majority of those who make up our defense industry—that they are honest, patriotic citizens doing their very best for their country. And they want to put an end to these horror stories just as quickly as you and I do.

I would also like to commend Dr. Wade for his personal efforts in promoting this very favorable agreement between industry and the Pentagon. Dr. Wade is the first person to hold the Office of Assistant Secretary of Defense for Acquisition and Logistics, and in my opinion, he is off to an excellent start. Having served very ably as the Assistant Secretary of Defense for Development and Support and the Principal Deputy Under Secretary of Defense for Research and Engineering, Dr. Wade brings a wealth of ability and experience to his new post. I congratulate him on his promotion and wish him every success in what is bound to be a very challenging and important position.

DEAN PHILLIPS

Mr. HATCH. Mr. President, although I did not have the opportunity to get to know Dean Phillips as well as I would have liked, I was fortunate to have worked with him on several legislative matters. Dean was a courageous individual, courageous in his military achievements, courageous in his leadership in difficult public policy issues, and courageous in his fight against the disease that recently took his life. It was my privilege to have known and worked with Dean Phillips, a genuine American hero and patriot. I ask unanimous consent to place in the RECORD an outstanding article that recently appeared in the Washington Post on Dean Phillips.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BONDING OF WAR

On Monday morning the Army, which he had served so valiantly, buried Dean K. Phillips with the full panoply of military honors that was his due. This much-decorated citizen soldier and fellow Vietnam veteran was laid to rest in his uniform, the ribbons on his chest a solemn testament to the professionalism he had brought to his calling in the now distant rice paddies of an earlier and more troubled era. In the end the ravages of cancer were able to effect that which another formidable, though less insidious, enemy had been unable to accomplish almost 20 years previously. Throughout it all, Dean's courage served as a beacon to all of us who loved and admired him.

As his friends and family gathered at the grave site in a stand of pines beneath a slate gray August sky in Arlington National Cemetery to pay their last respects, I reflected on what his passing meant to me and on the special covenant that binds men who have experienced the horrors of war. I had been to see him one last time shortly before he died, not because we were particularly close, but because ours was a kinship forged in the bloody crucible of Vietnam, and because I felt an urgent need to honor him for what he had endured. He had by then become a shell of his former robust self, the cataclysmic virulence of the cancer having almost run its course, but his handshake remained firm and his thinking clear.

He had been to see "Rambo" several weeks earlier, which he disliked for a number of reasons, among them the facile way the picture treated death and the distortedly romantic gloss it placed on combat. Dean knew better, and we discussed the new patriotism and the so-called revisionist view of Vietnam at length. He had enlisted in the Army in the mid-'60s despite having been granted a student deferment to attend law school, and he had refused a commission out of a desire to serve in the ranks. Often at odds with the Army as an institution, he nevertheless passionately loved its soldiers, and his service in Vietnam earned him two Silver Stars, two Bronze Stars and a Purple Heart. He told me that he did not understand the cyclical view of patriotism, and he was realistic enough to know that no amount of revisionism could erase the obloquy returning veterans faced as they attempted to enter the mainstream of society in the late '60s and early '70s. He had devoted the remainder of his professional life to easing that transition by his tireless work as an attorney on issues affecting veterans.

I spent several hours with Dean that sultry summer afternoon, and I watched him mask his pain as he acted the good host and tended to the needs of his company. I could see also by his conversation and demeanor that he was putting his house in order and preparing himself for the final battle. As I readied myself to leave, he took my hand in both of his and told me that he hoped he had been able to do some good for mankind in the time he had been given. I do not know if his final words to me were a question or a declaration, but I was only able to squeeze his hands by way of affirmation in what I now regard as a woefully inadequate response.

Dean Phillips died at home with his family a month later, beaten but not bowed by an enemy whose onslaughts he was powerless ultimately to turn aside. He was 42 years old and left behind grieving parents, a loving wife and daughter, and a 2-year-old son who will develop at best only a vicarious insight into his father's enormous stature.

He is gone now, joined at last with his beloved brothers whose names appear on the Vietnam Memorial, most of whom died themselves in their teens and early twenties well before their time, like Dean, and I am as yet unable to derive any meaning or take any solace from his death. I know only that he touched my heart, and I am richer for having shared his life.

DAVID BRODY

Mr. HATCH. Mr. President, it has been one of my pleasures in Washing-

ton to have worked closely with many outstanding individuals of varying interests and perspectives. There is none, however, whom I admire more than Dave Brody, Washington Representative for the B'nai B'rith Anti-Defamation League. Dave is a consummate professional, the paragon of effective Washington lobbyist. He is honest and forthright and the sort of individual in whom a Member can rely for sound information and counsel regardless of their agreement or disagreement on any given issue. It was thus with great satisfaction that I recently read an outstanding thumbnail sketch about Dave in the September 14, 1985, issue of the National Journal. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Journal, Sept. 14, 1985]

MAKING MATCHES MEANS ACCESS

(By Dick Kirschten)

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many people talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

'It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aricraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in match-making, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Brody noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicans and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire," he said.

The matchmaker is obviously well matched to his calling.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. NICKLES. Mr. President, I would like to take a few minutes to address the continued harassment of the Soviet Jews by the Soviet Government. The congressional call to conscience has been going on for 9 years and it seems like a long time. However, this does not even begin to compare with the years of waiting that many of the Soviet Jews have endured in the hopes of one day being able to leave the Soviet Union and join relatives in another country.

I remember when Mikhail Gorbachev became the new leader in the Soviet Union. It was thought at that time that he would be more sympathetic to the rights of the Soviet Jews. If he is sympathetic, we have not seen evidence of it. The statistics show that based on the first half of 1985, there has not been much change in emigration levels from that of last year. As many of us remember, last year produced the lowest level of Jewish emigration since the movement began almost 20 years ago.

Because of the great role that Mikhail Gorbachev plays in the lives of the Soviet Jews, a letter was circulated by one of my colleagues. This letter, which I signed, was sent to President Reagan asking him to discuss the issue of human rights when he meets with Mr. Gorbachev in November. It is my sincere hope that the President will be able to heed this request and include this vital issue on the agenda for the upcoming talks.

Three months have elapsed since I spoke before this body regarding the Vainerman family. I am sad to report that during this time the Vainermans have waited without any further word regarding their request. Three months is a very long time to wait for something when you have already waited for 5 years.

It appears as though more and more attention is being focused on the human rights violations throughout the world. Although the news is disturbing, I am glad that it is being reported. It is important that we do not forget those individuals who are struggling for their rights, while we as Americans are freely enjoying ours. One of the rights that we do enjoy is being able to speak out against such abuses. It is not only a freedom, but I believe it is also a duty that should not be taken lightly. At this point, the most that we can do is continue to speak out, and to continue to educate others regarding the violations in other countries.

I would encourage my colleagues to continue to remember not only the Soviet Jews, but individuals all over the world who are struggling to survive in countries that do not grant them the freedoms they deserve. We

agricultural cooperatives and marketing orders. The bill also directs the Commission to undertake numerous studies and reports to Congress on enforcement efforts. While I question the need for some of these requests, especially where in the nursing home instance, the study has been independently initiated by the FTC and is already ongoing. They do signal congressional concern over potential illegal conduct and seek to encourage Commission involvement in these areas, within its current jurisdiction and subject to its enforcement discretion.

Finally, I would like to associate myself with the concern of the gentleman from North Carolina, the ranking Republican of the committee, with respect to legislative review and veto of Commission rules. Although a provision is included in the bill providing for review of FTC rules, the provision as currently written is not effective because it does not contain expedited procedures. These procedures are necessary in order for the Congress to successfully disapprove a rule, if the circumstances so dictate. In other words, this provision has no bite to its bark.

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Mr. Speaker, I want to take just a moment to commend and thank the outgoing Federal Trade Commission Chairman, James Miller, for the leadership and direction he brought to the Commission. Under his stewardship the FTC has regained the trust and confidence of Congress. I wish him every success as Director of the Office of Management and Budget.

Mr. Speaker, while I am somewhat disappointed that a request to include expedited legislative review procedures in the bill was not favorably acted upon, I remain hopeful that something can be worked out in conference.

I urge passage of the bill.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. LENT. I am happy to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, at the outset I want to commend the chairman and ranking Republican of the Energy and Commerce Committee on bringing us a noncontroversial and bipartisan FTC bill. It's long overdue. The FTC has been without an authorization since 1982 for a variety of reasons, including the professions and legislative veto issues.

Mr. Speaker, I also want to take this opportunity to commend the Chairman of the FTC, James Miller, on his outstanding stewardship at the Agency and his persistence in pushing for an authorization before he goes on to head the Office of Management and Budget. The administration is fortunate to have a person of his intelligence and abilities.

Having said all that, let me say that I regret this is coming to us under suspension instead of the open rule requested by the Chairman of the Energy and Commerce Committee. I think it's a little ironic that this bill fell victim to a one-member veto in the Rules Committee over the issue of whether there should be a congressional veto of FTC regulations. And it's even more ironic that this bill was held up not because its provisions were particularly objectionable, but because the other body had included some special rules provisions with its legislative veto.

Mr. Speaker, all this fuss might be justified if the other body were attempting to foist some new procedures on the House, but the fact is that this House has previously agreed to nearly identical expedited procedures when it enacted the 1980 FTC Act. The other body also has a provision in its bill permitting limitation amendments on appropriations bills to block regulations which both Houses may have previously disapproved. But that's something this House had been doing for its first 194 years before the Democratic caucus decided to restrict us in 1983.

Mr. Speaker, I would suggest that if the Rules Committee were really concerned about these expedited procedures that will give teeth to the legislative veto for FTC rules, then it would have granted a rule that made in order the amendment of the gentleman from North Carolina [Mr. BROYHILL]. He had a legislative veto amendment that had been fashioned in consultation with Rules Committee staff that should have been acceptable.

That's the way to deal with provisions in the other body's bill: Give the House a chance to work its will on this issue before we go to conference. But, I suspect there are those who fear what the result would be. Two years ago the Rules Committee attempted to delete the FTC legislative veto from the bill, and that amendment was overwhelmingly rejected by a voice vote. I hope our conferees will agree to some form of expedited procedures for these joint resolutions of disapproval so that the legislative veto will have real teeth and be a credible deterrent against arbitrary and capricious agency regulatory actions.

Mr. LENT. Mr. Speaker, I want to thank the gentleman for his contribution and say that I heartily agree with the sentiments the gentleman has expressed here this afternoon.

Mr. FLORIO. Mr. Speaker, I would just like to publicly express my appreciation to the gentleman from New York [Mr. LENT], the gentleman from North Carolina [Mr. BROYHILL] and the gentleman from Michigan [Mr. DINGELL] for their cooperation in putting together this consensus piece of legislation. It is long overdue and I hope it passes very quickly.

Mr. BROYHILL. Mr. Speaker, today the House will have the opportunity to consider legislation reauthorizing the Federal Trade Commission.

Since 1982, the Commission has functioned without an authorization, without congressional guidance and statutory direction. For almost 3 years those who are subject to the Commission's expansive jurisdiction to police "unfair or deceptive acts or practices" and "unfair methods of competition" have had to operate hampered by the uncertainty of the Commission's authority.

During this time, the Congress has struggled with numerous issues affecting the Commission's jurisdiction and ability to pursue certain activities. The debate over the proper role of the Commission to regulate the activities of professionals is a case in point.

Today, with the passage of this legislation, the Congress will be able to remove that "cloud" of uncertainty and will reaffirm and direct the Commission's authority and function in several areas. I have repeatedly urged this step and welcome it today.

The Federal Trade Commission Authorization Act of 1985, H.R. 2385, contains several provisions which help to delineate the rulemaking and adjudicative authority of the Commission.

Section 2, for example, would clarify the Commission's authority over "unfair acts or practices." This term is the basis of the Commission's consumer protection jurisdiction, and since its inclusion in law in 1938 with enactment of the Wheeler-Lea Act (52 Stat. 111) has never been defined.

Section 2 of the bill sets out several criteria the Commission must use in determining that a particular act or practice is "unfair." First, the FTC must find that the activity in question causes, or is likely to cause, substantial injury to consumers. Once injury is found, the FTC must assess whether it is outweighed by countervailing benefits to consumers and competition. A final determination must also be made that the injury is not reasonably avoidable by consumers.

This definition will lend predictability and certainty to the Commission's "unfairness" authority to the benefit of not only those who fall within the FTC's jurisdiction, but to consumers as well.

The bill also contains a provision which will help to delineate the rulemaking authority of the Commission. Section 4 would incorporate a requirement that a showing of "prevalence" be made before the FTC could embark on an industrywide rulemaking proceeding. Specifically, the Commission would be required to find that an activity to be regulated must be a prevalent one within the industry. Such a finding could be made if several cease-and-desist orders prohibiting the practice had been issued or sufficient information is available to the FTC to demonstrate that a pattern of such practice exists.

This provision will help to ensure that the Commission will regulate only in those areas where substantial abuse exists, not in instances where isolated or insignificant violations have occurred. In effect, the prevalence requirement will discourage the FTC from issuing rules where no demonstrated need to regulate exists.

Another rulemaking reform which I believe should be included in this bill is a legislative review procedure for FTC rules. Since the Supreme Court's decision in Immigration and Naturalization Service Versus Chadha held legislative veto unconstitutional, rules issued by the Commission have not been subject to legislative review and veto. Given the breadth of the Commission's jurisdiction to regulate, I believe it imperative that an effective and workable legislative review devise be incorporated in law.

While section 8 of the bill would provide for a 90-day congressional review and, when appropriate, disapproval of FTC rules through the passage of a joint resolution, the provision is a paper tiger. The mechanism set out in section 8 is ineffective because it has no expedited procedures to ensure that a rule will be considered in a timely manner. Without these procedures, it will be practically impossible for Congress to disapprove a rule.

Although a request was made to the Rules Committee to include expedited procedures in section 8, this request was not acted upon. I do hope that we can achieve a workable legislative review procedure in conference.

Despite the fact that this issue remains unresolved, I am pleased that the House will act on an authorization bill today.

I should mention that the bill before us contains no provision delineating the Commission's authority over professionals. A consensus has been reached on the proper role of the Commission in this area and specific statutory language appears unnecessary.

This consensus confirms the FTC's existing authority to protect consumers and competition from certain practices engaged in by professionals. This consensus also recognizes the proper role of the States in licensing and setting the appropriate functions or tasks of professionals.

The debate over this issue has been a lengthy and difficult one since strong competing issues are involved. I am pleased that it has been resolved in a way which will protect consumers against potentially harmful, anticompetitive restraints, which, if unchecked, could lead to higher prices, reduced choice in professional services, and restricted access to important information.

Mr. Speaker, in closing, I would like to commend FTC Chairman James Miller, for his dedication and unwavering commitment to the Commission's goal of protecting consumers and competition. His effort has directed the FTC along a sensible and astute path. His endless work and perseverance is appreciated and he will be certainly missed. We wish him well in his new endeavor as the Director of the Office of Management and Budget.

Thank you, Mr. Speaker.

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. FLORIO] that the House suspend the rules and pass the bill, H.R. 2385, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. FLORIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1078) to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Trade Commission Act Amendments of 1985".

UNFAIR METHODS OF COMPETITION

SEC. 2. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following:

"(n) The Commission shall not have any authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such methods of competition would be held to constitute State action.".

AGRICULTURAL COOPERATIVES

SEC. 3. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating section 24 and section 25 as section 26 and section 27, respectively, and by inserting after section 23 the following new section:

"SEC. 24. (a) For purposes of this section, the term 'Capper-Volstead Act' means the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq.).

"(b) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Capper-Volstead Act, is not a violation of any of the antitrust Acts or this Act.

"(c)(1) Before issuing a complaint under section 5 against any agricultural cooperative on the basis that such cooperative has violated any of the antitrust Acts or has used an unfair method of competition in or affecting commerce, the Commission shall—

"(A) provide the Secretary of Agriculture with a copy of the proposed complaint not less than fifteen days before the complaint is issued; and

"(B) consult with the Secretrary of Agriculture regarding the possible applicability of the Capper-Volstead Act to the conduct of the cooperative.

"(2) The Commission shall not issue any such complaint unless—

"(A) it has considered any comments regarding such complaint which have been submitted by the Secretary of Agriculture under this subsection; and

"(B) it has reason to believe that the Capper-Volstead Act does not provide an exemption for the conduct which is the basis of such complaint.

"(3) If the Commission makes a modification to any such complaint after it has provided the Secretary of Agriculture with a copy of the complaint pursuant to (1)(A) of this subsection, the Commission shall not, with respect to such modification, be required to comply with the provisions of paragraphs (1) and (2) of this subsection unless such modification substantially expands the original basis for the issuance of the complaint.

"(4) The Secretary of Agriculture shall designate those officials and employees of the Department of Agriculture who may have access to documents or information received from the Commission under this subsection. Officials and employees of the Department of Agriculture shall be subject to the same requirements and penalties regarding confidentiality of such documents and information and disclosure of the existence of an investigation or consideration of a complaint as apply to officials and employees of the Commission.

"(5) Unless specifically authorized in writing by the Commission (or by any official or employee of the Commission designated by the Commission), no official or employee of the Department of Agriculture may request information relating to such complaint from any proposed respondent or any third party before the issuance of such complaint.

"(6) After any such complaint is issued, the Secretary of Agriculture may file with the Commission a written statement regarding the applicability of the Capper-Volstead Act to the action or method which is the basis of such complaint. The Commission shall include such statement in the record of the proceeding regarding such complaint.

"(7) No decision of the Commission to consult with the Secretary of Agriculture in accordance with the provisions of this subsection shall be construed to imply that the Commission has made a determination that it has reason to believe that any agricultural cooperative has violated or is violating any of the antitrust Acts or has used an unfair method of competition in or affecting commerce.

"(8) The provisions of this subsection shall not create any new basis for direct or collateral challenge to any complaint issued by the Commission.

"(d) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

COMPENSATION IN PROCEEDINGS

SEC. 4. (a) Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is repealed, and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) Section 18(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting in lieu thereof "subsection (h)".

by making U.S. commodities relatively more expensive on world markets.

However, Boschwitz said recently that the interrelationship between cutting farm prices and reducing the deficit has not been well understood by others on the Agriculture Committee.

"Senators really aren't very entrepreneurial," said Boschwitz, who also suggested that his colleagues undervalue that ability of farmers to grasp the logic behind a market approach to agricultural policy. "I'm willing to take chances. I'm a gambler and I think most farmers are too. Give me an upside, I like that," he said.

Indeed, Boschwitz still draws lessons from the days when he founded his home improvement business, Plywood Minnesota. Struggling in the beginning, he recalls lowering his prices so much that he became an industry pariah.

That experience, he added, led him to an important realization: "When the price came down, there was a market for it."

William Lesher, an economist on the Agriculture Committee staff when Boschwitz arrived, remembered that Boschwitz was relatively ignorant about farming or agricultural policy issues then.

Said Lesher, who now is a consultant, "I think he has progressed remarkably well. He has worked harder than most to the point that now he has a better grasp of the issues than most on the committee. The way he did it was by asking questions."

Lesher also credited Boschwitz with "bringing a new dimension to the debate" by coauthoring with Sen. David Boren, D-Okla., a farm bill built around the addition of lowering U.S. farm prices while protecting farm income through transition payments, designed to phase out about the time exports would be expected to start booming.

For the time being, at least, Boschwitz has abandoned the transition payment idea, while continuing to insist on the dual principle of lowering farm prices and maintaining an interim income safety net.

Indeed, Boschwitz seems little fazed by occasional indications that others on the committee may have tired by now of his proselytizing.

During one contentious committee meeting, Sen. Edward Zorinsky of Nebraska, the panel's ranking Democrat, interrupted Boschwitz. "Let's vote," said Zorinsky.

Snapped Boschwitz, "I will continue, Senator. That's not for you to say, Let's vote.' "

THE RETIREMENT OF GEN. JOHN W. VESSEY, U.S.A., CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. DURENBERGER. Mr. President, on the 30th of this month, a great American, a great patriot, and a great soldier will retire from active service. In 46 years in the Army, Jack Vessey has seen it all. From World War II, through the cold war, through Korea and Vietnam to the age bounded by nuclear deterrence and low intensity conflict. He has kept his vigil through thousands of national crises and contributed his wisdom to thousands of critical decisions. Warrior—statesman—leader. He is a soldier's soldier—a general's general—and a Minnesotan's Minnesotan. His career is the epitome of the standard, duty, honor, country.

General Vessey will receive a shower of well-deserved accolades in the coming weeks. To those I wish but to add the simplest—yet most powerful praise of one soldier to another, "well done." Steve Berg's piece in the Minneapolis Star and Tribune is an excellent tribute to this great man and I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star and Tribune, Aug. 25, 1985]

NATION'S TOP SOLDIER PREPARES FOR ASSAULT ON WALLEYES

(By Steve Berg)

WASHINGTON, DC.—On the last day of September, Gen. John W. Vessey Jr. will cease to be the nation's most powerful soldier, closer perhaps to the president than any of his predecessors and, thus, closer to the nuclear button than any U.S. general in history.

He will become, instead, Jack Vessey of Crow Wing County, Minn., fisher for walleyes.

"I'm looking forward to getting back up there," Vessey said during a rare interview in his Pentagon office last week. He confessed a special affection for his native state and reflected on his three years as chairman of the Joint Chiefs of Staff and his 46 years in the Army.

Among his sentiments are sadness and regret over the deaths two years ago of 241 Americans in the bombing of a marine barracks in Lebanon, and acknowledgment that sending troops to the Beirut airport may have been a mistake, that the chiefs "knew that in advance."

Vessey, 63, is retiring more than eight months early. He had wanted to depart last June to keep a promise to his wife, Avis, who long has hoped for a retreat from official Washington to a full-time retirement at their lakeside home.

But the TWA hostage crisis intervened. Now, by the time the bags are unpacked, the leaves will have begun to change and the winds will be chilly off Little Whitefish Lake. Still there will be fish to catch and grass to cut and a future to ponder.

Vessey leaves Washington with high marks, even from some of the Pentagon's stiffest critics. He's viewed with "very high respect," said Rep. Les Aspin, D-Wis., one of Congress' top military experts.

But Vessey also departs in near anonymity. Few outside the military's top circle know his name or know the tale of his remarkable rise from private to four stars and beyond.

Few realize that he began the rise to the military's highest office with a commission on a bloody Italian beach, not on the parade ground at West Point. Few recall that Vessey fibbed about his age to enlist at 16, and has been in the Army longer than anyone now serving. Or that he will be the last chairman to have fought in World War II.

Few know about the dark morning in South Vietnam when Vessey rallied a demoralized battalion, one that responded to his personal demonstration of bravery by repelling—at some points hand-to-hand—a massive surprise attack, killing 423 enemy soldiers.

"He's been dirty and bloody . . . and he's worked his way up," said Lt. Col. Tony Palermo, a Marine and former aide who finds it hard to disguise his loyalty. "There won't be anymore like him."

Vessey never has flaunted his storybook career. Rather, he has sought to hide it, to seek shelter from any hint of celebrity.

Despite his closeness to President Reagan, Vessey has resolutely avoided partisan politics. His speeches nearly always to friendly audiences, make few headlines. His testimony to Congress has been bland. He has granted few interviews to the press and, even then, has added little meat to the bones of his spare but intriguing one-page Pentagon biography.

"I don't think the American people, particularly in peacetime, want to see their generals splashed around on the front page," he said, smiling broadly, his uniform shirt open at the collar, his blue eyes darting toward the portrait of Gen. Omar Bradley, the "GI's general," that hangs near his desk.

Friends say that Vessey, too, likes to consider himself a soldier's soldier. "He's the most honest, real, down-to-earth person I've ever met," said Gen. Charles Gabriel, the Air Force chief of staff. "That's one of the beauties of Jack Vessey. From the time he was a sergeant, I'm sure he has been the same Jack."

Another friend compared Vessey's classic Minnesota stoicism and subtle humor to that of Bud Grant, the Vikings football coach. "He's like Bud, only with a better team."

Although entitled to wear nine rows of ribbons, including the Distinguished Service Cross, the military's second-highest award, Vessey often wears only one. Once, when a kid asked where he got his medals, Vessey replied, "In a Crackerjack box."

Vessey described his attitude with a chuckle: "If by the time we leave, we've built our defensive wall a little higher and stronger, then we will have done our thing, and we should just do it and shut up."

Vessey has needed his humor and his cool attitude over the past few years and, associates say, has displayed them at tense moments. There have been many.

He oversaw a massive infusion of money aimed at restoring muscle and pride to the military. He fought for the MX missile and "Star Wars." He insisted that the Pentagon, not the White House, direct the Grenada invasion. Despite criticism that the operation lacked coordination, he is gratified, given the haste of the venture.

During Vessey's tenure, terrorists bombed U.S. troops in Lebanon and West Germany. The Soviets shot down a Korean airliner and killed a U.S. Army observer in East Germany. Spies were discovered in the Navy. The Pentagon was found to be paying hundreds of dollars for toilet seats and ashtrays, which, in turn, exposed wider scandals involving wasteful and fraudulent defense contracts. Critics grumbled about Vessey's cautiousness and lack of innovation.

Vessey appears stoic about all that. "We don't learn new lessons," he said. "We relearn old lessons that we haven't paid attention to."

His head bows and his voice quiets when he is questioned further about Lebanon. It was the low point of his tenure.

Most often it's a mistake to use superpower troops as part of a peacekeeping force, he said. "As a general rule, we knew that in advance . . . and this is not the first time that lesson has been learned."

But the administration had "great expectations" for peace in Lebanon, he said. And

the Marines represented an investment, a deposit of "earnest" in hopes of fostering confidence within the Lebanese army and government.

In the end, however, "We had a peacekeeping force where there was no peace . . . and we were caught in the middle of it," he said.

Did he advise Reagan against sending U.S. troops? He won't say. It wouldn't be professional to disclose his private advice. Highly placed associates, however, confirmed that Vessey advised against the Lebanon venture.

Indeed, much of his counsel has been for restraint. Often during the Reagan years, traditional roles have been reversed, military advisers arguing for caution against more adventuresome views from civilians on the right.

Vessey and the chiefs, for example, also argued against scrapping the SALT II treaty, or expanding the U.S. role in Central America beyond maneuvers or against any imprudent deployment of U.S. forces in the Persian Gulf.

"I am absolutely, unalterably opposed to risking American lives for some phony sort of military and political objectives that we don't understand," he said two years ago.

Vessey was born June 29, 1922. His mother, Katherine Roche, came from an old Irish family in St. Paul. His father, Jack, was of English and Scottish stock, and worked as an agent for the Minneapolis, Northfield and Southern railway.

Young Jack, as he was called, was the first of seven children. The family lived in Lakeville until he was 13, then moved into a two-story stucco house on Weenonah Place, a small, tidy street just off 50th St. and 34th Av. in south Minneapolis.

"It was the nicest little street in the country," said Vessey's mother, 83, who since has moved into a retirement home not far away. "It was only one long block, and so quiet. The kids played ball in the street. It was just like the kids were growing up in a small town."

Friends remember Vessey as a Tom Sawyer figure—entertaining younger kids by pretending to swallow goldfish, holding the rope while older boys hoisted a cow onto the roof of the Lakeville school, playing "America" on the harmonica while standing on his head.

A few at Roosevelt High School thought Jack Vessey had "too much vinegar." But he was popular and had a serious side, too. "He didn't waste time hanging around street corners," recalled Howard Olson, a longtime friend. "Most of the time he was a no-nonsense guy."

He worked on the yearbook and in student government, was captain of the swim team and manager of the stage crew. He took keen interest in Boy Scouts and in the activities at nearby Lake Nokomis Lutheran Church. His mother recalls giving up serving Sunday night dinner to her family because the house was mobbed with teen-agers stopping over on the way to church youth meetings.

He also took a keen interest in Avis Funk, a striking blond girl with a bent toward art. He would correspond with her throughout the coming war and marry her afterward.

Vessey adored his father. They shared the same dead-pan humor and repeated the same corny jokes nearly every night at dinner. By the late 1930s, however, his father's health began to fail. His kidneys had not been right since the damp and muddy trenches of France in World War I. He was developing diabetes.

Together, they took a car trip to Oregon, along the way sharing what fathers and sons share. The father showed his boy the Army post where he had signed up to become a Doughboy in 1917.

He thought it was fine that Young Jack had joined the Minnesota National Guard, despite lying about his age. No one quite knows what motivated Young Jack to sign up, although one could envision him in 1939, a kid off the Wheaties box, hair slicked down, a giant gold R on his maroon letter sweater, sipping a chocalate malted at the Nickle Nook and telling his buddies, "Gosh, wouldn't it be swell to give those Nazis what they deserve?"

Eventually, on a cold February morning in 1941, Vessey marched off to prepare for war. He was home on leave when Pearl Harbor was attacked, and had to depart again, quickly.

"We were all out in the front yard saying goodbye," said his sister, Pat Vessey. "I looked around and my Dad was missing. I went into the house and he was sitting in a chair, tears rolling down his face. I'd never seen him cry before. He told my Mom, 'I'll never see that boy again.' "

He died as Young Jack headed toward the fighting in North Africa. The 34th Division, made up largely of Minnesota and Iowa boys, helped push the retreating Germans out of the desert and into Italy.

By the time their "Red Bull" division reached the beaches at Anzio, just south of Rome, Vessey had risen to first sergeant. "He was fair and firm and always stood up for his men," recalled Jim Gregg, mess sergeant in Vessey's artillery outfit.

"Once he came and told us that the captain was worried that the men would climb out of the foxholes and start running when the shelling got bad again. He said we should stay in our foxholes, but if anyone looked nervous, he could get them sent farther back. Then he said to me, 'If anybody says we're not *all* scared, he's a damn liar.' "

Days later, the Germans launched a counterattack. Hitler instructed his generals that "The men will fight with a solemn hatred . . . The battle must be hard and without pity (and Anzio) will drown in the blood of the Anglo-Saxon soldiers."

Bodies piled up. The U.S. 5th Army suffered 70,000 casualties in the first four months of 1944. Vessey's mother received word that "Of the 14 or 18 men closest to Jack, only six were left."

Suffering attrition, the Army commissioned Vessey a lieutenant and sent him to the front lines to direct artillery fire. An Army doctor sent Vessey's mother a photo. Jack was dancing a jig. "Later," she said, "I asked the doctor if that's how Jack got his commission, and he got real upset. He said Jack was just so happy after what he had been through."

After the war, Vessey considered entering the seminary. He remains a devout Lutheran, reading the Bible daily and occasionally attending Bible study sessions in the Pentagon.

He admits that it's a struggle to reconcile his religious beliefs and his job. Killing and starting wars are probably immoral, he has said, but there's probably no immorality in hoping to deter war by preparing for it.

Indeed, he has championed Reagan's military buildup.

As for assigning a special immorality to nuclear weapons, Vessey says that nations cannot uninvent them. "God invented golf to teach us something about life," he has said. "The ball is where it lies."

One of his toughest moments as a soldier came on an early March morning in 1967, when he rallied his battalion against an attack by 2,000 enemy troops against his force of 300 in Vietnam. Despite his wounds, he assisted as a cannoneer as the six-hour battle raged, lowering the barrels of the howitzers and firing point blank into the onrushing attackers, sometimes as they clung to the guns.

Vessey, of course, doesn't talk of the incident. Even close friends and relatives never have heard the details. According to Army records, Vessey finally spotted a group of enemy rocket launchers that were inflicting severe damage. "He seized a grenade launcher, moved into an open area and knocked out three of the insurgents' weapons," the citation states.

"He told me that that was the first time he thought it was time to get out of the Army," his mother recalled. "It was probably his closet call."

Ten years after the war's end, Vessey concedes mixed feelings over Vietnam. Those who consider the war a tragic misadventure might be "a little bit right," he said. But so might those who believe that politicians kept the U.S. from a victory that could have—and should have—been won.

He told of a recent trip to Thailand, knowing he would meet some of the Thai troops that fought with him in the futile battle for Laos. "I went there with a little fear and trepidation," he said. "One of the ones I saw was a lieutenant. I remembered when he lost his leg. He came out on his peg leg and greeted me and put his arms around me and talked about the war in Laos, 'Laos was Communist now (he told me), but I wasn't fighting for Laos, I was fighting for Thailand.'

'So, it wasn't all a failure," Vessey said, "it wasn't all in vain."

He has risen through the ranks by blending his experience as a mud soldier with his obvious savvy for command and his subtle talent for military politics. He became a lieutenant colonel without a college degree, then got a diploma from the University of Maryland when he was 41 and a master's from George Washington University at 45. He was 49 when he decided to become a helicopter pilot.

He's 5-9 and a trim 160 pounds. He runs nearly every morning, plays a solid game of handball despite two game knees, has a passion for golf and talks expertly about the migration of walleyes between Mille Lacs and Little Whitefish.

He learned to speak and write Korean when he commanded U.S. forces in South Korea in the 1970s and retains a keen interest in Korea. When President Carter proposed to remove U.S. troops from South Korea in 1977, Vessey warned that war could result. One of his deputies used harsher words. Carter fired him, but eventually changed his mind on pulling out the troops.

Vessey's career suffered its first real setback in 1979. Carter passed him over, selecting one of Vessey's former deputies as Army chief of staff. The military establishment was stunned. But the young officer, Gen. Edward Meyer, named Vessey as his assistant, and Vessey got his first taste of high level Pentagon duty.

By 1982, his lake home was finished and he and Avis were eager to retire. But Defense Secretary Caspar Weinberger met him as he returned from a trip to South America, telling him that the president wanted to see him right away. Vessey wondered what had gone wrong in South America. He was

manner and to the same extent as in the case of any other rule of that House.

"(i) Except as provided in subsection (1) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(j)(1)(A) Except as provided in subparagraph (B) of this paragraph if the committee to which a joint resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within thirty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in the House in writing by one-fifth of the Members, duly chosen and sworn, and in the Senate by motion of the majority leader supported by the minority leader, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees.

"(k)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding any rule of the Standing Rules of the Senate (except rule XXII) or any rule of the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable.

"(3) Debate on a joint resolution shall be limited to not more than ten hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to, or motion to recommit, the joint resolution is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

"(l) If a joint resolution has been reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.".

(b) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended to read as follows:

"CONGRESSIONAL REVIEW OF RULES

"SEC. 36. (a) For purposes of this section, the term—

"(1) 'appropriate committee' means either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Commerce of the House of Representatives, as the case may be;

"(2) 'joint resolution' means a joint resolution which does not contain a preamble and the matter after the resolving clause of which is as follows: 'That the Senate and the House of Representatives disapprove the rule entitled , transmitted to the Congress by the Federal Trade Commission on , 19 .', the blank spaces being filled with the appropriate title of the rule and the date of transmittal of the rule to the Congress, respectively; and

"(3) 'rule' means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A) of this Act and any interpretive or procedural rule.

"(b)(1) Except as provided in subsection (g)(1) of this section, on the day the Commission forwards to the Federal Register for publication a recommended rule, the Commission shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended rule under this subsection whether the appropriate House is in session, stands in adjournment or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended rule, the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

"(c)(1) Notwithstanding any other provision of law, no recommended rule may become effective until the expiration of a period of ninety days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives, except that such rule may not become effective under this paragraph if within such ninety-day period a joint resolution with respect to such rule has become law.

"(2) For purposes of this subsection—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the ninety-day period referred to in this subsection if the adjournment is for more than five days.

"(d) Notwithstanding any other provision of law, any rule subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(e) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(f) Congressional inaction on, or rejection of, any joint resolution shall not be deemed an expression of approval of the rule involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(g)(1) If a recommended rule of the Commission does not become effective because of an adjournment of Congress sine die before the expiration of the period specified in subsection (c)(1) of this section, the Commission may resubmit the recommended rule at the beginning of the next regular session of Congress. The ninety-day period specified in the first sentence of section (c)(1) shall begin on the date of such resubmission, and such rule may only become effective in accordance with this section. The Commission shall not be required to forward such rule to the Federal Register for publication, if such rule is identical to the rule transmitted during the previous session of Congress.

"(2) If a recommended rule of the Commission is disapproved under this section, the Commission may issue a recommended rule which relates to the same acts or practices as the disapproved rule. Such recommended rule—

"(A) shall be based upon—

"(i) the rulemaking record of the recommended rule disapproved by the Congress; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule.

"(3) After issuing a recommended rule under this subsection, the Commission shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (b)(1) of this section, and such rule shall only become effective in accordance with this section.

"(h) The provisions of this subsection, subsection (a) (1) and (2), subsection (e), and subsections (i) through (l) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions, and they supersede other rules only

to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(i) Except as provided in subsection (l) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(j)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within thirty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in the House in writing by one-fifth of the Members, duly chosen and sworn, and in the Senate by motion of the majority leader supported by the minority leader, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees.

"(k)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) when a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding any rule of the Standing Rules of the Senate (except rule XXII) or any rule of the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable.

"(3) Debate on a joint resolution shall be limited to not more than ten hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to, or motion to recommit, the joint resolution is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

(l) If a joint resolution has been reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.".

(c) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended to read as follows:

"CONGRESSIONAL REVIEW OF RULES

"SEC. 17. (a) For purposes of this section, the term—

"(1) 'appropriate committee' means either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Commerce of the House of Representatives, as the case may be;

"(2) 'joint resolution' means a joint resolution which does not contain a preamble and the matter after the resolving clause of which is as follows: 'That the Senate and the House of Representatives disapprove the regulation entitled , transmitted to the Congress by the Federal Trade Commission on , 19 .', the blank spaces being filled with the appropriate title of the regulation and the date of transmittal of the regulation to the Congress, respectively; and

"(3) 'regulation' means any regulation promulgated by the Commission pursuant to this Act, other than any regulation promulgated under section 18(a)(1)(A) of this Act and any interpretive or procedural regulation.

"(b)(1) Except as provided in subsection (g)(1) of this section, on the day the Commission forwards to the Federal Register for publication a recommended regulation, the Commission shall transmit a copy of such regulation to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended regulation under this subsection whether the appropriate House is in session, stands in adjournment or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended regulation, the Secretary of the Clerk shall transmit a copy of such regulation to the appropriate committees.

"(c)(1) Notwithstanding any other provision of law, no recommended regulation may become effective until the expiration of a period of ninety days after the date on which such regulation is received by the Secretary of the Senate and the Clerk of the House of Representatives, except that such regulation may not become effective under this paragraph if within such ninety-day period a joint resolution with respect to such regulation has become law.

"(2) For purposes of this subsection—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only an an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the ninety-day period referred to in this subsection if the adjournment is for more than five days.

"(d) Notwithstanding any other provision of law, any regulation subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a regulation unless such regulation has become effective in accordance with this section.

"(e) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(f) Congressional inaction on, or rejection of, any joint resolution shall not be deemed an expression of approval of the regulation involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(g)(1) If a recommended regulation of the Commission does not become effective because of an adjournment of Congress sine die before the expiration of the period specified in subsection (c)(1) of this section, the Commission may resubmit the recommended regulation at the beginning of the next regular session of Congress. The ninety-day period specified in the first sentence of section (c)(1) shall begin on the date of such resubmission, and such regulation may only become effective in accordance with this section. The Commission shall not be required to forward such regulation to the Federal Register for publication, if such regulation is identical to the regulation transmitted during the previous session of Congress.

"(2) If a recommended regulation of the Commission is disapproved under this section, the Commission may issue a recommended regulation which relates to the same acts or practices as the disapproved regulation. Such recommended regulation—

"(A) shall be based upon—

"(i) the regulation-making record of the recommended regulation disapproved by the Congress; or

"(ii) such regulation-making record and the record established in supplemental regulation-making proceedings conducted by the Commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing regulation-making record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the regulation.

"(3) After issuing a recommended regulation under this subsection, the Commission shall transmit such regulation to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (b)(1) of this section, and such regulation shall only become effective in accordance with this section.

"(h) The provisions of this subsection, subsection (a) (1) and (2), subsection (e), and subsections (i) through (l) of this section are enacted by Congress—

each hazardous substance for the calendar year immediately preceding the submission of the Hazardous Substances Inventory form:

"(i) the stack or point-source emissions;

"(ii) the estimated fugitive or non point-source emissions of the hazardous substances;

"(iii) the discharge into the surface water or groundwater, the treatment methods, and the raw wastewater volumes and loadings; and

"(iv) the discharge into publicly-owned treatment works;

"(D) the quantity and methods of disposal of any wastes containing the hazardous substance, the method of onsite storage of such wastes, the location or locations of the final disposal site of such wastes, and the identity of the transporter of such wastes;

"(E) the month and year that the information on the Hazardous Substances Inventory was compiled and the name, address, and emergency telephone number of the person responsible for preparing the information.

For the purposes of this paragraph, facility owners and operators may utilize readily available data collected pursuant to other State and Federal environmental laws.

"(4) Each person who submits a form pursuant to the requirements of this subsection shall attach thereto a copy of the Material Safety Data Sheet, required pursuant to the Occupational Safety and Health Act, pertaining to the hazardous substance that is reported in the form.

"(5) The Hazardous Substances Inventory shall be distributed by the facility owner or operator to, at a minimum, the President; State and local emergency and medical response personnel; the State police, health and environmental departments; area police and fire departments; area emergency medical services; area hospitals; and area libraries.

"(6) The President, for the purposes of this subsection, shall establish a toll-free telephone number, operating twenty-four hours per day, that is computer accessible, to respond to telephone inquiries concerning the Hazardous Substances Inventory and the information contained therein. Within sixty days of establishment of such a telephone line, the President shall inform appropriate State and local officials.

"(7)(A) The President may verify the data contained in the Hazardous Substances Inventory form using the authority of section 104(e) of this Act.

"(B) Information submitted under this subsection shall be treated as information submitted under section 104(e) and shall be subject to the provisions of section 104(e)(2).

"(8) Any person who knowingly omits material information or makes any false material statement or representation in the Hazardous Substances Inventory, shall, upon conviction, be fined not more than $25,000 or imprisoned for not more than one year, or both.

"(9) Nothing in this subsection shall be construed to limit the ability of any State to require submission of information related to hazardous substances, or to require additional distribution of the Hazardous Substances Inventory form from facilities operating within its borders.

"(i)(1) Every two years after the date of enactment of the Superfund Improvement Act of 1985, the National Toxicology Program, in consultation with appropriate Federal agencies, shall review new and existing chemicals and compile a list of substances to supplement those referred to in subsection (h), taking into account, at a minimum, the reactivity, toxicity, volatility, carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, and production levels of the chemical.

"(2) Within one hundred and eighty days after publication of the list compiled by the National Toxicology Program, the President shall promulgate such list of substances as those requiring preparation and distribution of the Hazardous Substances Inventory under this Act, unless the President demonstrates that a particular hazardous substance does not present a risk equal to or greater than those substances referred to in subsection (h)(1). In the event that the President decides not to list a hazardous substance, the President shall, with opportunity for public notice and comment, state the basis on which the hazardous substance was not considered to present a risk sufficient to warrant preparation and distribution of the Hazardous Substances Inventory.".

SCOPE OF PROGRAM

SEC. 107. (a) Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking that language between the word "environment" the third time it appears and the period and inserting in lieu thereof a period and the following: "The President shall give primary attention to those releases which may present a public health threat. The President may authorize the owner or operator of the vessel or facility from which the release or threat of release emanates, or any other responsible party, to perform the removal or remedial action if the President determines that such action will be done properly by the owner, operator, or responsible party".

(b) Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(3) The President shall not provide for a removal or remedial action under this section in response to a release or threat of release—

"(A) of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;

"(B) from products which are part of the structure of, and result in exposure within, a facility; or

"(C) into public or private drinking water supplies due to deterioration of the system through ordinary use.

"(4) Notwithstanding paragraph (3) of this subsection, to the extent authorized by this section the President may respond to any release or threat of release if in the President's discretion it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.".

STATUTORY LIMITS ON REMOVALS

SEC. 108. Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "six months" and inserting "one year" in lieu thereof and inserting before "obligations" the following: "or (C) continued response action is otherwise appropriate and consistent with permanent remedy,".

STATE CREDIT

SEC. 109. (a) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "The President shall grant the State a credit against the share" and all that follows down through the end of such section 104(c)(3) and inserting in lieu thereof the following: "In determining the portion of the costs referred to in this section which is required to be paid by a participating State, the President shall grant the State a credit for amounts expended or obligated by such State or by a political subdivision thereof after January 1, 1978, and before December 11, 1980, for any response action costs which are covered by section 111(a) (1) or (2) and which are incurred at a facility or release listed pursuant to section 105(8). Such credit shall have the effect of reducing the amount which the State would otherwise be required to pay in connection with assistance under this section.".

(b)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such State will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract or cooperative agreement under the last sentence of subsection (d)(1).".

FUNDING OF REMEDIAL ACTION AT FACILITY OPERATED BY A STATE OR POLITICAL SUBDIVISION

SEC. 110. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by amending section 104(c)(3)(C)(ii) to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of any sums expended in response to a release at a facility, that was operated by the State or a political subdivision thereof, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances therein. For the purpose of subparagraph (C)(ii) of this paragraph, the term 'facility' does not include navigable waters or the beds underlying those waters."; and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Superfund Improvement Act of 1985, in excess of 10 per centum of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

SELECTION OF REMEDIAL ACTIONS

SEC. 111. Section 104(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(4)(A) The President shall select appropriate remedial actions determined to be necessary to carry out this section which, to the extent practicable, are in accordance with the national contingency plan and which provide for cost-effective response. In evaluating the cost-effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

"(B) Remedial actions in which treatment which significantly reduces the volume, toxicity or mobility of the hazardous substances is a principal element, are to be preferred over remedial actions not involving such treatment. The offsite transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action, where practicable treatment technologies are available.

"(C) Remedial actions selected under this paragraph or otherwise required or agreed to by the President under this Act shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants from the environment and of control of further release at a minimum which assures protection of human health and the environment. Such remedial actions shall be relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant.

"(D) No permit shall be required under subtitle C of the Solid Waste Disposal Act, section 402 or 404 of the Clean Water Act, or section 10 of the Rivers and Harbors Act of 1899, for the portion of any removal or remedial action conducted pursuant to this Act entirely onsite: Provided, That any onsite treatment, storage, or disposal of hazardous substances, pollutants, or contaminants shall comply with the requirements of subparagraph (C).

"(E) Subject to the requirements of this paragraph, the President shall select the appropriate remedial action which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats.".

STATE AND FEDERAL CONTRIBUTIONS TO OPERATION AND MAINTENANCE

SEC. 112. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(5) For the purposes of paragraph (3) of this subsection, in the case of ground or surface water contamination, completed remedial action includes the completion of treatment or other measures, whether taken onsite or offsite, necessary to restore ground and surface water quality to a level that assures protection of human health and the environment. With respect to such measures, the operation of such measures for a period up to five years after the construction or installation and commencement of operation shall be considered remedial action. Activities required to maintain the effectiveness of such measures following such period or the completion of remedial action, whichever is earlier, shall be considered operation or maintenance.

"(6) During any period after the availability of funds received by the Trust Fund under sections 4611 and 4661 of the Internal Revenue Code of 1954 or section 221(b)(2) or section 303(b) of this Act, the Federal share of the payment of costs for operation and maintenance pursuant to paragraph (3)(C)(i) or paragraph (5) of this subsection shall be from funds received by the Trust Fund under section 221(b)(1)(B).".

SITING OF HAZARDOUS WASTE FACILITIES

SEC. 113. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraph:

"(7) Effective three years after the date of enactment of the Superfund Improvement Act of 1985, the President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that the State will assure the availability of hazardous waste treatment or disposal facilities acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act with adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the State during the twenty-year period following the date of such contract or cooperative agreement and to be disposed of, treated, or destroyed.".

COOPERATIVE AGREEMENTS

SEC. 114. Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking all of the existing paragraph (other than that added by this Act) and substituting the following:

"(d)(1) Where the President determines that a State or political subdivision has the capability to carry out any or all of the actions authorized in this section, the President may, in the discretion of the President and subject to such terms as the President may prescribe, enter into a contract or cooperative agreement and combine any existing cooperative agreements with such State or political subdivision (which may cover a specific facility or facilities) to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed from the Fund for the reasonable response costs and related activities associated with the overall implementation, coordination, enforcement, training, community relations, site inventory and assessment efforts, and administration of remedial activities authorized by this Act. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.".

ACCESS AND INFORMATION GATHERING

SEC. 115. Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "(2)" and inserting "(5)" in lieu thereof and by striking all of existing paragraph (1) and inserting in lieu thereof the following:

"(1) For the purposes of determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title, any officer, employee, or representative of the President, duly designated by the President, or any duly designated officer, employee, or representative of a State, is authorized where there is a reasonable basis to believe there may be a release or threat of release of a hazardous substance—

"(A) to require any person who has or may have information relevant to (i) the identification or nature of materials generated, treated, stored, transported to, or disposed of at a facility, or (ii) the nature or extent of a release or threatened release of a hazardous substance at or from a facility, to furnish, upon reasonable notice, information or documents relating to such matters. In addition, upon reasonable notice, such person either shall grant to appropriate representatives access at all reasonable times to inspect all documents or records relating to such matters or shall copy and furnish to the representatives all such documents or records, at the option of such person;

"(B) to enter at reasonable times any establishment or other place or property (i) where hazardous substances are, may be, or have been generated, stored, treated, disposed of, or transported from, (ii) from which or to which hazardous substances have been or may have been released, (iii) where such release is or may be threatened, or (iv) where entry is needed to determine the need for response or the appropriate response or to effectuate a response action under this title; and

"(C) to inspect and obtain samples from such establishment or other place or property or location of any suspected hazardous substance and to inspect and obtain samples of any containers or labeling for suspected hazardous substances. Each such inspection shall be completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, tenant, or other person in charge of the place from which the samples were obtained a receipt describing the sample obtained and, if requested, a portion of each such sample. If any analysis is made of such samples, a copy of the results of the analysis shall be furnished promptly to the owner, operator, tenant, or other person in charge, if such person can be located.

"(2)(A) If consent is not granted regarding a request made by a duly designated officer, employee, or representative under paragraph (1), the President, upon such notice and an opportunity for consultation as is reasonably appropriate under the circumstances, may issue an order to such person directing compliance with the request, and the President may ask the Attorney General to commence a civil action to compel compliance.

"(B) In any civil action brought to obtain compliance with the order, the court shall, where there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance: (i) in the case of interference with entry or inspection, enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection, unless under the circumstances of the case the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or not in accordance with law; and (ii) in the case of information or document requests, enjoin interference with such information or document requests or direct compliance with orders to provide such information or documents, unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or not in accordance with law. The court may assess a civil penalty not to exceed $10,000 against any person who unreasonably fails to comply with the provisions of paragraph (1) or an order issued pursuant to paragraph (2).

issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease-and-desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Commission before the date of enactment of this Act.

(c) The provisions of section 24(c) of the Federal Trade Commission Act, as added by section 3 of this Act, shall apply only to complaints issued by the Federal Trade Commission under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) on or after the date of enactment of this Act.

(d) The amendments made by sections 6 and 12 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

MOTION OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLORIO moves to strike out all after the enacting clause of the Senate bill, S. 1078, and to insert in lieu thereof the provisions of H.R. 2385, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 2385, was laid on the table.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMTRAK REAUTHORIZATION

The SPEAKER pro tempore. Pursuant to House Resolution 263 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2266.

The Chair designates the gentleman from Michigan [Mr. KILDEE] as Chairman of the Committee of the Whole and requests the gentleman from California [Mr. MINETA] to assume the chair temporarily.

□ 1410

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2266) authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a Commission to study the financial status of Amtrak, and for other purposes, with Mr. MINETA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. FLORIO] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2266, legislation that would reauthorize Amtrak, our nation's passenger railroad.

This is an important piece of legislation for it allows Amtrak to maintain its existing level of service while encouraging the railroad to continue to improve its efficiency.

The administration initially proposed to eliminate all Federal funding for Amtrak. The practical effect of this proposal would be the elimination of all rail passenger service in the United States on October 1. The administration has argued that States and localities, or the private sector, would take over Amtrak's profitable lines.

There is no evidence to justify support for the administration's claim. The President of the Association of American Railroads has stated that he knows of "no interest expressed by any freight railroad" and that it would be "hard to believe that any freight railroad would be interested in getting back into that service."

Similarly, the Northeast Corridor Commuter Rail Authorities Committee announced that its members have neither the physical assets nor the financial resources to pick up any service on the Northeast Corridor.

Fortunately, the administration recognized the need to continue rail passenger service in the agreement it reached with the Senate on the budget. That agreement assumes a funding level for Amtrak adequate to maintain all existing routes.

It is important to understand why we need Amtrak. Twenty million passengers ride the railroad.

In the Northeast, for instance, the loss of Amtrak will result in unmitigated disaster in the region. Amtrak carries 17,500 people a day between Washington and New York. All the airlines combined carry only 12,000 people daily. The highways and airports of the Northeast are already packed, and 17,500 additional passengers a day would make a bad situation impossible to bear.

Additionally, the commuter authorities of the Northeast would have to assume tremendous costs to cover maintenance previously shared with Amtrak. For example, New Jersey Transit would have to pay an additional $47 million a year to maintain the portion of the Northeast Corridor that it uses.

Outside the Northeast, about half of all Amtrak passengers earn a family income of less than $20,000 annually and more than one-third of all non-Northeast passengers are over 55 years of age. Without Amtrak, these citizens would be forced to take either more costly, more frightening or less comfortable modes of transportation. Moreover, Amtrak is often the only mode of transportation that can operate during huge snowstorms, saving many communities, particularly in the West, from being isolated.

By all standards, Amtrak's financial performance has improved greatly in recent years—ridership is up and the railroad's subsidy, in constant dollars, is 26.6 percent less this year than that for fiscal year 1981. Furthermore, Amtrak's revenue to cost ratio has increased from 48 percent to 56 percent in the last few years. This legislation requires Amtrak to improve its revenue to cost ratio to 61 percent by the end of fiscal year 1986.

This bill reauthorizes Amtrak at a level 10 percent below Amtrak's fiscal year 1985 funding level.

To ensure continued levels of service and safety, the bill includes an important provision. Unless funds are otherwise available to operate the Amtrak system at present levels of service, maintenance, and equipment overhauls, Amtrak is required to use funds designated for nonoperational capital projects to maintain the system. Maintaining safe and efficient service is obviously the backbone of Amtrak's continued success. Taking too large a bite out of Amtrak will force the railroad to defer maintenance on many of its facilities, such as its track and equipment. The result of this deferral will mean greater safety hazards and less efficient service for Amtrak's passengers. If we allow this to happen, the railroad will be paralyzed and the long term effects will be devastating. This provision is designed to prevent this vicious cycle of deferred maintenance from occurring.

Furthermore, there is another provision which makes clear that this bill should not result in reduction of frequency of service on those lines which have three or fewer trains running in either direction each week, as long as

the trains meet the statutory criteria for continuation.

I should note that the bill had strong bipartisan support in the committee.

Amtrak is a critical part of our national transportation system. If Amtrak were eliminated, the disastrous effects would be felt throughout the United States. This is a good bill for it allows Amtrak to provide its important service yet it also recognizes the need to reduce the deficit by reducing Amtrak's authorization.

I urge my colleagues to vote in support of this bill.

□ 1415

Mr. LENT. Mr. Chairman, I yield myself such time as I shall consume.

Mr. Chairman, I rise in support of H.R. 2266 which reauthorizes Amtrak for fiscal year 1986 and commend the gentleman from New Jersey, the chairman of the Subcommittee on Commerce, Transportation, and Tourism.

This bill authorizes $616 million for Amtrak for fiscal year 1986. This level of authorization represents a 10-percent reduction from the level of Federal funding Amtrak received in fiscal year 1985. On Wednesday of last week, the House passed the Department of Transportation fiscal year 1986 appropriations bill. That bill reduced Amtrak's appropriation by 11.4 percent of the appropriations which Amtrak received in 1985. It is my understanding that an amendment will be offered to bring H.R. 2266 in line with the appropriations bill.

This year, when the Federal deficit is of such major importance and concern, Congress has been carefully scrutinizing all federally funded programs, looking for ways to improve their efficiency, reduce their expenditures and, thereby, save the taxpayers' money. For this reason, Amtrak must shoulder its fair share in our effort to reduce the deficit.

During hearings before the Subcommittee on Commerce, Transportation, and Tourism, the Secretary of Transportation, Mrs. Dole, outlined a number of steps that could be taken to further increase Amtrak's efficiency and to reduce its reliance on Federal funding. Suggestions to increase Amtrak's efficiency were also put forward by Graham Claytor, the President of Amtrak, in Amtrak's 1985 legislative report.

H.R. 2266 includes some of the suggestions which were made for increasing Amtrak's revenues. For example, section 4 of the bill allows Amtrak to compete for preferred contract carrier status in the Federal Government's discount program for Federal employees traveling on official business. Amtrak's inclusion in this program should result in additional revenues for Amtrak and considerable savings to the Government.

A number of other suggestions have also been made which would make savings in Amtrak's operational costs. I feel that some of these suggestions have great benefit. One example, which was submitted to the subcommittee as a method by which Amtrak could reduce its costs, would be for Amtrak to employ all of its own workers.

Presently, Amtrak directly employs workers only on the Northeast Corridor and on its auto train service. These workers are paid on an hourly basis. On Amtrak's other routes, it contracts with private carriers, utilizing selected maintenance and crew services of those private carriers. Amtrak reimburses the carriers for the costs of providing these services. Most of the private carriers' crews are paid according to the miles they travel, instead of the hours they work. If Amtrak directly employed these crews, it could save $30 million per year.

This is just one of many examples of changes which could be made to further improve Amtrak's financial performance. I hope that Amtrak and members of the appropriate rail labor organizations will give this change serious consideration.

Finally this bill establishes a Commission to study—

First, the ability of Amtrak to continue to improve, or accelerate the improvement of its financial performance;

Second, the short-term and long-term needs of Amtrak; and

Third, alternative methods of funding Amtrak.

The study commission is required to report back to Congress on March 30, 1986. This report is to contain a detailed statement of the findings and conclusions of the commission, together with the commission's recommendations for such legislation as it considers appropriate. This study should help Congress to work with Amtrak in order to provide legislation so that Amtrak can become less reliant on Federal taxpayers' dollars.

The record of Amtrak shows that Graham Claytor, President of Amtrak, is doing a truly outstanding job in running this Nation's passenger railroad. In the last few years, Amtrak has consistently improved its revenue to cost ratio. That ratio improved from 48 to 56 percent in 1984 and is anticipated to improve to 58 percent this year and 60 percent in 1986. This performance should be commended and encouraged to continue. Yet, given the huge Federal deficit the United States is presently facing, it is essential for Amtrak to have tools needed to become an even more efficient operation.

In conclusion, Mr. Chairman, I support H.R. 2266 because I believe that it achieves our goal of reducing the Federal deficit while at the same time maintaining the most efficient nationwide rail passenger service possible.

Thank you, Mr. Chairman.

Mr. FLORIO. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I thank the chairman of the committee for yielding time to me and I rise in very firm support of H.R. 2226.

The original plan which would have called for just dropping Amtrak altogether, hoping that somebody would buy it, would have been a disaster because it would have meant that America would have been the only developed country in the world with no intercity rail passenger transportation. It would have been a disaster simply because of the heavy impact on low-income and elderly passengers.

Forty-seven percent of long-distance commuters have family incomes of under $20,000, and 36 percent of long-distance commuters are 55 years old or older.

Had this plan gone through—and I thank the members of the committee for their perseverance in getting us this authorization—had it gone through, we would have eliminated the sole mode of transportation for 22 million passengers in 500 communities in this Nation.

Those who proposed just dismantling Amtrak by offering it out for sale with no bidders evidently did not take into account that it would have placed excessive burdens on the airports had this kind of proposition gone through.

And most importantly, if it were not for Amtrak, we would have 25,000 more people joining 8½ million people who are unemployed.

I am in strong support of this legislation. I would not have supported the cuts to the extent that they are made, but nevertheless we are preserving a very effective system.

I have two interesting comments from constituents that I wanted to put into the RECORD. One says "Government officials may not ride Amtrak, but many Americans do, not only in the Northeast Corridor but throughout this land."

Then another says, "To destroy Amtrak, a going concern that has taken 14 years to build, once dismantled it probably can never be replaced."

There is a big difference between holding down expenses and liquidating a program concerned with over $3 billion in capital investments and over 30,000 skilled employees. I commend the members of the committee for getting this authorization bill through.

Let me just end up with this one quote that I thought was simply fascinating because it begins to put our priorities in order:

"(2) The United States district court for the district in which the release has occurred or threatens to occur shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $10,000 for each day in which such violation occurs or such failure to comply continues.".

NATIONAL CONTINGENCY PLAN—HAZARD RANKING SYSTEM

SEC. 120. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" immediately following "105." and by adding the following at the end thereof:

"(b) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985, the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as 'the National Hazardous Substance Response Plan' shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Improvement Act of 1985 relating to the selection of remedial action.

"(c) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985 and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, United States Code, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than eighteen months after the date of enactment of the Superfund Improvement Act of 1985 and such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priority List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue to full force and effect.".

NATIONAL CONTINGENCY PLAN

SEC. 121. (a) Section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as redesignated by this Act, is amended by striking "at least four hundred of" when it appears.

(b) Section 105(8)(B) is further amended by striking the phrase "at least" following the word "facilities" the second time it appears and by inserting "A State shall be allowed to designate its highest priority facility only once." after the third full sentence thereof.

FOREIGN VESSELS

SEC. 122. Section 107(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "(otherwise subject to the jurisdiction of the United States)".

STATE AND LOCAL GOVERNMENT LIABILITY

SEC. 123. Section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(d)" and adding the following new language:

"(2) No State or local government shall be liable under this title for costs or damages as a result of non-negligent actions taken in response to an emergency created by the release of a hazardous substance, pollutant, or contaminant generated by or from a facility owned by another person.".

CONTRACTOR INDEMNIFICATION

SEC. 124. Section 107(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after paragraph (1) the following new paragraph and redesignating the succeeding paragraph accordingly:

"(2) The Administrator may, in contracting or arranging for response action to be undertaken under this Act, agree to hold harmless and indemnify a contracting party against claims, including the expenses of litigation or settlement, by third persons for death, bodily injury or loss of or damage to property arising out of performance of a cleanup agreement to the extent that such claim does not arise out of the negligence of the contracting party.".

NATURAL RESOURCE DAMAGE CLAIMS

SEC. 125. (a) Section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(f)" and by adding at the end thereof the following new paragraphs:

"(2)(A) The President shall designate in the National Contingency Plan published under section 105 of this Act the Federal officials who shall act on behalf of the public as trustees for natural resources under this Act and section 311 of the Clean Water Act. Such officials shall assess damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act for those resources under their trusteeship, and may upon request of and reimbursement from a State and at the Federal officials' discretion, assess damages for those natural resources under a State's trusteeship.

"(B) The Governor of each State shall designate the State officials who may act on behalf of the public as trustees for natural resources under this Act and section 311 of the Clean Water Act and shall notify the President of such designations. Such State officials shall assess damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act for those resources under their trusteeship.

"(C) Any determination or assessment of damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act made by a Federal or State trustee in accordance with the regulations promulgated under section 301(c) of this Act shall have the force and effect of a rebuttable presumption on behalf of the trustee in any judicial proceeding under this Act or section 311 of the Clean Water Act.

"(D) The President shall promulgate the regulations required under section 301 of this Act not later than six months after the enactment of the Superfund Improvement Act of 1985.".

(b) Section 111(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following: "No money in the Fund may be used for the payment of any claim under subsection (a)(3) or subsection (b) of this section in any fiscal year for which the President determines that all of the Fund is needed for response to threats to public health from releases or threatened releases of hazardous substances.".

(c) Section 111(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is repealed.

CONTRIBUTION AND PARTIES TO LITIGATION

SEC. 126. Section 107, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection to read as follows:

"(l)(1) In any civil or administrative action under this section or section 106, no claim for contribution or indemnification may be brought until after entry of judgment or date of settlement in good faith. Nothing in this subsection shall diminish the right of any person to bring an action for contribution or indemnification in the absence of a civil or administrative action under this section or section 106.

"(2) After judgment in any civil action under section 106 or under subsection (a) of this section, any defendant held liable in the action may bring a separate action for contribution against any other person liable or potentially liable under subsection (a). Such an action shall be brought in accordance with section 113. Except as provided in paragraph (4) of the subsection, this subsection shall not impair any right of indemnity under existing law.

"(3) When a person has resolved its liability to the United States or a State in a judicially approved good faith settlement, such person shall not be liable for claims for contribution under paragraph (2) of this subsection regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others to the extent of any amount stipulated by the settlement.

"(4) Where the United States or a State has obtained less than complete relief from a person who has resolved its liability to the United States or the State in a good faith settlement, the United States or the State may bring an action for the remainder of the relief sought against any person who has not so resolved its liability. A person that has resolved its liability to the United States or a State in a good faith settlement may, where appropriate, maintain an action for contribution or indemnification against any person that was not a party to the settlement. In any action under this paragraph, the rights of a State or any person that has resolved its liability to the United States or a State shall be subordinate to the rights of the United States. Any contribution action brought under this paragraph shall be brought in accordance with section 113.".

FEDERAL LIEN

SEC. 127. Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(m)(1) All costs and damages for which a person is liable to the United States under subsection (a) of this section shall constitute a lien in favor of the United States upon all real property and rights to such property belonging to such person that are subject to or affected by a removal or remedial action.

"(2) The lien imposed by this subsection shall arise at the time costs are first incurred by the United States with respect to a response action under this Act and shall continue until the liability for the costs (or a judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the statute of limitations provided in section 113(e).

"(3) The lien imposed by this subsection shall not be valid as against any purchaser, holder of a security interest, or judgment

lien creditor until notice of the lien has been filed in the appropriate office within the State (or county or other governmental subdivision), as designated by State law, in which the real property subject to the lien is physically located. If the State has not by law designated one office for the receipt of such notices of liens, the notice shall be filed in the office of the clerk of the United States district court for the district in which the real property is physically located. For purposes of this subsection, the terms "purchaser" and "security interest" shall have the definitions provided in section 6323(h) of title 26, United States Code. This paragraph does not apply with respect to any person who has or reasonably should have actual notice or knowledge that the United States has incurred costs giving rise to a lien under paragraph (1) of this subsection.

"(4) The costs constituting the lien may be recovered in an action in rem in the United States district court for the district in which the removal or remedial action is occurring or has occurred. Nothing in this subsection shall affect the right of the United States to bring an action against any person to recover all costs and damages for which such person is liable under subsection (a) of this section.".

DIRECT ACTION

SEC. 128. (a) Section 108 (c) and (d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: Provided, That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: Provided further, That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under section 107 or 111 of this Act or other applicable law.".

(b) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

VICTIM ASSISTANCE DEMONSTRATION PROGRAM

SEC. 129. (a) Section 111(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "and" at the end of the paragraph (5); by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and by adding the following new paragraph:

"(7) the costs of grants under subsection (m), not to exceed a total of $30,000,000 per fiscal year, to be provided out of funds received by the Trust Fund under section 303(b).".

(b) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(m)(1) In the case of any geographic area (as identified by the Agency for Toxic Substances and Disease Registry) for which a health assessment or other health study performed under section 104(i) indicates that—

"(A) there is a disease or injury for which the population of such area is placed at significantly increased risk as a result of a release of a hazardous substance;

"(B) such disease or injury has been demonstrated by peer reviewed studies to be associated (using sound scientific and medical criteria) with exposure to a hazardous substance; and

"(C) the geographical area contains individuals within the population who have been exposed to a hazardous substance in a release,

the State in which such area is located may apply to the Administrator of the Environmental Protection Agency to operate an experimental demonstration assistance program under this subsection.

"(2) From areas nominated under paragraph (1) the President shall select, during each of fiscal years 1986 and 1987, no less than five or more than ten areas for demonstration assistance programs under this subsection. Such selections shall be made in the discretion of the President, taking into account—

"(A) the experience of State and local governments in administering programs which deal with the regulation of toxic chemicals and hazardous substances; and

"(B) the representative nature of the hazardous substance releases and exposures in terms of the identities and toxic characteristics of the substances found, the manner and degree of exposure, the scientific and medical method used to determine such exposure, and the seriousness and duration of the diseases or illnesses caused.

"(3) For each area selected under paragraph (2) the State shall establish and operate for a period of not less than three years or more than five years a program of medical assistance to individuals who, according to health assessments or other studies done under section 104(i) have been placed at significantly increased risk of disease or injury due to exposure to a hazardous substance from a release. The President shall make a grant for each such area in an amount of not less than $1,000,000 nor more than $10,000,000 per fiscal year (and a total for all such grants of not more than $30,000,000 per fiscal year), but in no event shall grants be made in fewer than five States.

"(4) Programs funded pursuant to this subsection shall not provide assistance in the case of any area or class of individuals in which a solvent responsible party who may be liable under section 107 is paying compensation for claims or otherwise providing medical assistance, comparable (though not necessarily identical in scope or duration) to assistance under this subsection. If a party has accepted liability for such claims or assistance, no assistance shall be available under this subsection even though the party may not have commenced assistance at the time of an application by a State.

"(5) A program established and operated under this subsection shall provide the following assistance:

"(A) appropriate medical screening, examination and testing (in accordance with sound medical procedures) as necessary to determine the presence in individuals of the disease or injury for which the population of the geographic area is at significantly increased risk;

"(B) for individuals with no present symptoms of such disease or injury, a group medical benefits policy providing the reasonable costs of periodic medical screening, testing or examination (in accordance with sound medical procedures), as necessary to determine the presence of such symptoms; and

"(C) for individuals with present symptoms of such disease or injury (or who develop such symptoms)—

"(i) reimbursement of the out-of-pocket costs of related medical expenses in connection with such disease or injury previously incurred and not recovered from any other public or private source, and

"(ii) a group medical benefits insurance policy providing the reasonable costs of sound medical and surgical treatment and hospitalization resulting from such disease or injury (which according to health assessments or other health studies under section 104(i), is associated with exposure to a hazardous substance in a release in the geographical area). Such a policy shall be subject to an annual deductible of $500, with no copayment requirement or annual or lifetime limitation on expenditures other than those referred to in paragraph (3).

"(D) Such policies provided under subparagraphs (B) and (C) shall be secondary to, and provide for nonduplication of benefits with, any other policy or coverage, public or private, for which such individual is eligible. The benefits or coverage of such other policy shall be those determined to be in force as of thirty days prior to the date the State applies for area designation.

"(E) Assistance under this subsection shall be provided on the condition that the costs thereof in connection with any individual pursuing a claim against a potentially responsible party shall be repaid to the Fund out of the proceeds of any award (including punitive damages) or settlement of such claim.

"(6)(A) The President, with the assistance of the Agency for Toxic Substances and Disease Registry, beginning January 1, 1987, shall submit annual reports to the Congress on the implementation and effectiveness of this victim assistance demonstration program, including an evaluation of the effectiveness of each of the State programs established under the subsection. The final report shall also address the relationship of this demonstration program to other public and private mechanisms that may exist to carry out the same or similar functions.

"(B) Each State selected to operate a demonstration program under this subsection shall submit to the President and the Congress, not later than January 1, 1990, a

hardly enough to make a dent in the soaring merchandise trade deficit, which rose $3.5 billion in the second quarter to a record $33 billion.

For years, the service sector has been able to carry larger merchandise trade deficits, but this year's record imbalance is far too high to be offset by the service sector.

Last year's current account deficit was $101.5 billion, while the figure for 1985 is expected to reach $120 billion. It has already reached $62.1 billion in the first six months of the year.

With the heavy debt to foreigners, the United States can no longer look to the inflow of interest payments from America's overseas investments to cover the trade balances. Instead, economists are concerned that U.S. interest payments to overseas investors will make it as hard to bring down the balance-of-payments deficit as it is to lower the merchandise trade deficit.

Commerce Secretary Malcolm Baldrige said in June that it appeared the United States had become a debtor nation for the first time since 1914, and yesterday's figures confirmed that. But the Commerce Department said no official confirmation will be available until the end of the year.

THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I am pleased to join my colleague, JERRY KLECZKA, in sponsoring the Freedom of Information Public Improvements Act of 1985, a set of FOIA amendments drafted by the Society of Professional Journalists.

As chairman of the Subcommittee on Government Information, Justice, and Agriculture, I have been actively involved with proposals to amend the FOIA. The history of FOIA legislation during the last two Congresses shows that there is tremendous controversy surrounding the FOIA. The subcommittee's hearings last year demonstrated that there is little agreement on the nature of the problems with the act. Despite this lack of agreement, I think there is some common ground and that compromise is possible.

This bill, prepared by the Society of Professional Journalists, fills an important gap in the debates over the FOIA. None of the current bills deals adequately with the problems faced by those who use the FOIA to request documents. Proposals from the Reagan administration are principally designed to allow agencies to limit the availability of government information. The business community has presented useful amendments, but these only address the procedural problems faced by submitters of confidential business information.

Some existing bills—including my own bill (H.R. 1882)—do contain provisions that would make it easier for requesters to use the FOIA. But no comprehensive package of changes to help requesters has been offered. Now with the Freedom of Information Public Improvements Act of 1985, we have a set of amendments designed to address the shortcomings of the act as viewed from the perspective of active users of the law.

I do not mean to suggest that this bill is perfect. It needs study and review as do other bills. But this proposal will provide some balance to the legislative debates and will help us to fashion a workable compromise.

I intend to begin more active consideration of FOIA legislation immediately. I will work with all interested parties to develop compromise legislation that will be acceptable to all. Hearings will be held on proposed legislation before any formal subcommittee action, but no hearings are scheduled at this time.

CODIFICATION OF TITLE 8, UNITED STATES CODE, "ALIENS AND NATIONALITY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am today introducing a bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the office to prepare and submit to the Judiciary Committee of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a copy of the draft report to accompany the bill should contact: Edward F. Willett, Jr., Law Revision Counsel, House of Representatives, H2-304, House Annex No. 2, Washington, DC 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than October 31, 1985.

THE ARMENIAN GENOCIDE AND AMERICA'S OUTCRY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 60 minutes.

Mrs. JOHNSON. Mr. Speaker, there have been few events in history that have evoked American sympathy and concern as did the Armenian genocide in Ottoman Turkey 70 years ago. But what is generally not known by our citizens or indeed by our colleagues in the Congress is the extent of American involvement in this tragedy as early as 35 years prior to the most brutal massacres of 1915-23.

It is for the purpose of reacquainting ourselves with this forgotten period of American history that I have requested this time on the House floor. The theme of this special order—the Armenian Genocide and America's outcry—stresses the efforts of the Congress over a period of 24 years to bring about an end to the killings and offer relief to the suffering.

House Joint Resolution 192, a resolution still pending before us, would commemorate the deaths of some 1.5 million Armenians during this period. To the dismay of many of us in the Congress, there has been a concerted attempt by the present Government of Turkey to see to it that the Armenian genocide be unremembered and that this commemorative resolution be defeated.

It goes without saying that the present Republic of Turkey is a valued NATO ally and that our two countries enjoy good relations with one another. This resolution is not in any way intended to slight Turkey or even to imply that modern Turkey had any involvement whatsoever in the tragic events under the Ottoman regime. For this very reason, it is unfortunate that modern Turkey has chosen to read into the resolution that which is not there.

Those who oppose the resolution claim that it is not the role of U.S. Congress to involve itself in writing history. Mr. Speaker, our Government has a proud record of speaking out repeatedly against the crimes committed under the Ottoman regime. Dating back at least to 1880, U.S. State Department officials in the Ottoman empire witnessed the excesses visited upon the Armenian population and cabled this information back to Washington. Our own ambassadors pleaded with Ottoman officials to stop the massacres. Our Secretaries of State were constantly expressing concern about these events. Seven U.S. Presidents during three decades offered America's sympathy to the Armenian sufferers. A U.S. Federal agency—Near East Relief—was formed to channel American humanitarian relief into this troubled region.

Most importantly for our purposes, the 54th and 66th Congresses adopted resolutions expressing outrage at the atrocities and calling for relief to the stricken. The rediscovery of these resolutions is extremely important to all of us in the Congress. A vote in favor of House Joint Resolution 192 this year can now be based on precedent—the historical precedent set by those of our antecedents in this body who lived during this tragic period and were made aware on a daily basis of the events unfolding in Asia Minor.

At the time these events were taking place, it would have been unthinkable to suggest that the Armenian population of Ottoman Turkey had not been specifically targeted for mass slaughter. Yet, there are those presently in the U.S. Government who are substituting their own judgment for that of eyewitnesses and contemporaneous of-

ficials and who now declare that the history of these events is ambiguous. In 1982, the U.S. State Department issued this statement: "Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." After 9 months of pressure, the Department finally said that the statement was not intended as a statement of policy, and that U.S. policy on the matter had not changed. The problem we still face is that we are left guessing as to what the U.S. policy is on this matter.

Just 2 weeks ago a U.N. Human Rights Subcommission accepted a new study which recognized the Armenian genocide. The study, entitled "Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide," was opposed by the Government of Turkey because of the Armenian reference. Nonetheless, by a vote of 14 to 1 with 4 abstentions, the report was received with the Armenian genocide reference intact. The most significant aspect of the U.N. subcommittee vote was that the delegate from the United States voted in favor of accepting the report. I am encouraged that the United States gave its endorsement and I interpret this as a departure from previous attempts to cloud the history of the Armenian genocide.

There is nothing ambiguous about the Armenian genocide. The issue here is simply one of fact, and we in the Congress are seeking to affirm that which was established by prior Congresses in 1896 and 1920. We are trying to remember a very important period for all Americans. As I stated on June 4 prior to a suspension vote on House Joint Resolution 192, our ally relationship with modern Turkey must not require us to deny what is very real in the lives of our own people as a fact. We have a duty to maintain the integrity of our history and to shape U.S. policy according to that record.

Earlier this year we were shaken by the visit to the Bitburg Cemetery and its implications regarding the rewriting of history at the request of a NATO ally. We should be equally troubled by the revisionism taking place surrounding the Armenian genocide. The Congress can ill afford to be viewed as willing to denigrate the judgment of two prior Congresses and to deny American history. On the contrary, we should take great pride in the unprecedented outpouring of sympathy and material support for those Armenians who suffered, just as we have embraced the causes of the African famine and the Cambodian tragedy in recent years.

Above all, we have an obligation to remember events such as the Armenian genocide, so that future perpetrators do not read our unremembering as a willingness to turn a blind eye toward mass human destruction.

Mr. Speaker, at this time I yield to my colleague from California [Mr. PASHAYAN].

Mr. PASHAYAN. I thank the gentlewoman for yielding and for her remarks on this whole subject. Mr. Speaker, I thank Congresswoman JOHNSON for reserving the time for this special order today. I think it is critical that our colleagues be made aware of the level of congressional involvement in the issue of the Armenian genocide prior to and at the time the atrocities were taking place. In order for us to vote responsibly on the resolution before us in this Congress, we must take into account the actions taken by the Congresses in place then.

I am struck by the revelation today that the 54th Congress adopted a resolution in 1896 deploring what it referred to as the Armenian outrages by Ottoman Turkey. The rediscovery of this resolution is historic. It proves what many of us have been saying all along—that the U.S. Congress recognized the atrocities committed against the Armenian people at the time they were taking place. This recognition is underscored by the clause in the resolution that reads: "Whereas the American people, in common with all Christian people everywhere, have beheld with horror the recent appalling outrages and massacres of which the Christian population of Turkey have been made victims". The 54th Congress went even further by calling for decisive measures to be taken "to stay the hand of fanaticism and lawless violence."

Twenty-four years later, the Congress was still profoundly concerned about the fate of the Armenians in Ottoman Turkey. The 5 years from 1915 to 1920, during which the greatest destruction of the Armenian population took place, moved the Senate to adopt Senate Resolution 359, introduced by then-Senator Warren G. Harding. While the resolved clause of the resolution extends congratulations to the newly formed independent Armenian republic that had been formed after the war, the first two whereas clauses demonstrate recognition by the Senate of the atrocities that had taken place. Those clauses read:

Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which Armenian people have suffered; and

Whereas the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia; and

Whereas the independence of the Republic of Armenia has been duly recognized by the Supreme Council of the Peace Conference and by the Government of the United States of America: Therefore be it

Resolved, That the sincere congratulations of the Senate of the United States are hereby extended to the people of Armenia on the recognition of the independence of the Republic of Armenia, without prejudice respecting the territorial boundaries involved; and be it further

Resolved, That the Senate of the United States hereby expresses the hope that stable government, proper protection of individual liberties and rights, and the full realization of nationalistic aspirations may soon be attained by the Armenian people; and be it further

Resolved, That in order to afford necessary protection for the lives and property of citizens of the United States at the port of Batum and along the line of the railroad leading to Baku, the President is hereby requested, if not incompatible with the public interest, to cause a United States warship and force of Marines to be dispatched to such port with instructions to such Marines to disembark and to protect American lives and property.

This year, some 89 years after Congress first recognized the destruction of the Armenians, we are asked simply to commemorate this event by passing House Joint Resolution 192. Amazingly, there are a few individuals in the Congress who say we should defeat this resolution because these events did not take place. There are some in Congress who say we should defeat this resolution because Congress should not write history. We say to those Members that passage of House Joint Resolution 192 would in fact be an affirmation by the Congress of its own record of 89 years. A call for the defeat of House Joint Resolution 192 is in fact a rewriting of our history, the kind we normally associate only with the most undesirable of motivations.

A very important point that needs to be stressed is that House Joint Resolution 192 deals only with a fact of Armenian history. It is not an attempt to change history in any way. Nor is it an attempt to allocate blame. The amendment I introduced to clarify that the Armenian genocide took place during the Ottoman regime was an effort to make clear that the present Government of Turkey had nothing to do with the atrocities.

We have an obligation to listen to the voices of our predecessors in the 54th and 66th Congresses. We are obligated to respect their contemporaneous judgment and to remember with pride and gratitude their attempts to raise national consciousness about the atrocities against the Armenian people. If we are to maintain our credibility as a body of fair-minded individuals we must not turn our backs on our own congressional history. We must approve House Joint Resolution 192 when it returns to the floor for a vote.

Mr. Speaker, I would ask the gentlewoman whether, in her opinion, the resolution in any way would damage the defense structure of NATO?

ment, or order to take such action as may be necessary to correct the violation or to apply appropriate civil penalties under this Act: Provided, however, That no district court shall have jurisdiction under this section to review any challenges to response action selected under section 104 or any order issued under section 104, or to review any order issued under section 106(a).

"(b) No action may be commenced under subsection (a) of this section (1) prior to ninety days after the plaintiff has given notice of the violation or disposal (A) to the President; or (B) to the State in which the alleged violation or disposal occurs; and (C) to any alleged violator of a standard, regulation, condition, requirement, or order; or (2) if the President or State has commenced and is diligently prosecuting an action under this Act or the Solid Waste Disposal Act to require compliance with such standard, regulation, condition, requirement, or order.

"(c) In any action commenced by the President or a State, under this Act or under the Solid Waste Disposal Act, in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and such applicant is so situated that the disposition of the action may, as a practical matter, impair or impede such applicant's ability to protect that interest, unless the President or the State shows that the applicant's interest is adequately represented by existing parties.

"(d) In any action under this section, the United States or the State may intervene as a matter of right.

"(e) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(f) Nothing in this Act shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any standard or requirement relating to hazardous substances or to seek any other relief (including relief against the President or a State agency).".

ADMINISTRATIVE CONFERENCE RECOMMENDATION

SEC. 139. The Congress finds that recommendation 84-4 of the Administrative Conference of the United States (adopted June 29, 1984) is generally consistent with the goals and purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and that the Administrator should consider such recommendation and implement it to the extent that the Administrator determines that such implementation will expedite the cleanup of hazardous substances which have been released into the environment.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 140. (a) Section 221 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "as provided in this section" in subsection (a); striking paragraphs (2) and (3) of subsection (b); and by striking subsection (c).

[(b) Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

["AUTHORIZATION OF APPROPRIATIONS

["SEC. 303. (a) The authority to collect taxes under chapter 38 of the Internal Revenue Code of 1954, together with the sums authorized to be appropriated under subsection (b), shall total $7,500,000,000 during the five-fiscal-year period beginning October 1, 1985.

["(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund for fiscal year—

["(A) 1981, $44,000,000,
["(B) 1982, $44,000,000,
["(C) 1983, $44,000,000,
["(D) 1984, $44,000,000,
["(E) 1985, $44,000,000,
["(F) 1986, $206,000,000,
["(G) 1987, $206,000,000,
["(H) 1988, $206,000,000,
["(I) 1989, $206,000,000, and
["(J) 1990, $206,000,000,

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A) through (I) as has not been appropriated before the beginning of the fiscal year involved.".

["(b) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

["(1) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

["(2) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

["(c) EXPENDITURES FROM RESPONSE TRUST FUND.—

["(1) IN GENERAL.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof of this Act) as in effect on the date of the enactment of the Superfund Improvement Act of 1985, including—

["(A) response costs,
["(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,
["(C) claims for injury to, or destruction or loss of, natural resources, and
["(D) related costs described in section 111(c) of this Act.

["(2) LIMITATIONS ON EXPENDITURES.—At least 85 per centum of the amounts appropriated to the Response Trust Fund shall be reserved—

["(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and
["(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).".]

TITLE II

[TAX EXEMPTION FOR ANIMAL FEED SUBSTANCES

[SEC. 201. (a) EXEMPTION FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (b) of section 4662 of the Internal Revenue Code of 1954 (relating to definitions and special rules with respect to the tax on certain chemicals) is amended by adding at the end thereof the following paragraph:

["(5) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

["(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

["(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

["(i) used in a qualified animal feed use by the manufacturer, producer or importer,
["(ii) sold for use by any purchaser in a qualified animal feed use, or
["(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

["(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

["(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

[(b) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

["(3) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

["(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, without regard to subsection (b)(5), and
["(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(5) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

[(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect upon the date of enactment of this Act.]

AMENDMENTS OF THE INTERNAL REVENUE CODE OF 1954

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Superfund Revenue Act of 1985".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. 5-YEAR EXTENSION OF TAX ON PETROLEUM AND CERTAIN CHEMICALS; CERTAIN EXEMPTIONS.

(a) 5-YEAR EXTENSION; TERMINATION IF FUNDS UNSPENT OR $7,500,000,000 COLLECTED.—

(1) IN GENERAL.—Subsection (d) of section 4611 (relating to termination) is amended to read as follows:

"(d) TERMINATION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the tax imposed by this subsection shall not apply after September 30, 1990.

"(2) NO TAX IF UNOBLIGATED BALANCE IN FUND IS MORE THAN $1,500,000,000.—If, on September 30, 1988, or September 30, 1989—

"(A) the unobligated balance in the Hazardous Substance Superfund exceeds $1,500,000,000, and

"(B) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $1,500,000,000 on September 30, 1989, or September 30, 1990, respectively, if no tax is imposed under section 4001, 4611, or 4661 during calendar year 1989 or 1990, respectively,

then no tax shall be imposed under this section during calendar year 1989 or 1990, as the case may be.

"(3) NO TAX IF AMOUNTS COLLECTED EXCEED $7,500,000,000.—

"(A) ESTIMATES BY SECRETARY.—The Secretary as of the close of each calendar quarter (and at such other times as the Secretary determines appropriate) shall make an estimate of—

"(i) the amount of taxes which will be collected under sections 4001, 4611, and 4661 and credited to the Hazardous Substance Superfund, and

"(ii) the amount of interest which will be credited to such Fund under section 9602(b)(3),

during the period beginning October 1, 1985, and ending September 30, 1990.

"(B) TERMINATION IF $7,500,000,000 CREDITED BEFORE SEPTEMBER 30, 1990.—If the Secretary estimates under subparagraph (A) that more than $7,500,000,000 will be credited to the Fund before September 30, 1990, no tax shall be imposed under this section after the date on which the Secretary estimates $7,500,000,000 will be so credited to the Fund.

"(4) PROCEDURES FOR TERMINATION.—The Secretary shall by regulation provide procedures for the termination under paragraph (2) or (3) of the tax under this section and section 4661.".

(2) CONFORMING AMENDMENT.—Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (relating to expiration of revenue provisions) is repealed.

(b) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

(1) IN GENERAL.—Section 4662 (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) TAX-FREE SALES.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT REQUIRED.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) CREDIT OR REFUND WHERE TAX PAID.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if—

"(i) a tax under section 4661 was paid with respect to any taxable chemical, and

"(ii) such chemical was exported by any person,

credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) CONDITION TO ALLOWANCE.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that such person—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable chemical, or

"(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(2) REFUND OR CREDIT.—Paragraph (1) of section 4662(d) (relating to refund or credit for certain uses) is amended—

(A) by striking out "the sale of which by such person would be taxable under such section" in subparagraph (B) and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" in the last sentence and inserting in lieu thereof "imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (e) of this section)".

(c) EXEMPTION FOR CERTAIN RECYCLED CHEMICALS.—

(1) IN GENERAL.—Section 4662(b) (relating to exceptions and other special rules) is amended by adding at the end thereof the following new paragraph:

"(7) RECYCLED CHROMIUM, COBALT, AND NICKEL.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661(a) on any chromium, cobalt, or nickel which is diverted or recovered from any solid waste as part of a recycling process (and not as part of the original manufacturing or production process).

"(B) EXCEPTION FOR IMPORTS.—This paragraph shall not apply to the sale of any chromium, cobalt, or nickel which is diverted or recovered outside the United States and then imported into the United States.

"(C) CERTAIN PERSONS NOT ELIGIBLE.—

"(i) IN GENERAL.—This paragraph shall not apply to any taxpayer during any period during which the taxpayer is a potentially responsible party for a site which is listed on the National Priorities List published by the Environmental Protection Agency under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, except that such period shall not begin until the Administrator of the Environmental Protection Agency notifies the taxpayer that the taxpayer is such a party.

"(ii) EXCEPTION WHERE TAXPAYER IS IN COMPLIANCE.—Clause (i) shall not apply to any portion of the period during which the taxpayer is in compliance with each order, decree, or judgment issued against the taxpayer with respect to the site in any action or proceeding under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, or both.

"(D) SOLID WASTE.—For purposes of this paragraph, the term 'solid waste' has the meaning given such term by section 1004 of the Solid Waste Disposal Act, except that such term shall not include any byproduct, coproduct, or other waste from any process of smelting, refining, or otherwise extracting any metal.".

(2) CREDIT OR REFUND.—Paragraph (1) of section 4662(d), as amended by subsection (b)(2), is amended by inserting "(b)(7) or" before "(e)" in the last sentence thereof.

(d) TAX EXEMPTION FOR ANIMAL FEED SUBSTANCES.—

(1) IN GENERAL.—Subsection (b) of section 4662 (relating to definitions and special rules with respect to the tax on certain chemicals), as amended by subsection (c)(1), is amended by adding at the end thereof the following paragraph:

"(8) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

"(i) used in a qualified animal feed use by the manufacturer, producer or importer,

"(ii) sold for use by any purchaser in a qualified animal feed use, or

"(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

"(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

"(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

(2) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

"(3) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia, without regard to subsection (b)(5), and

"(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(5) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 203. IMPOSITION OF SUPERFUND EXCISE TAX.

(a) IN GENERAL.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—SUPERFUND EXCISE TAX

"Subchapter A. Imposition of tax.
"Subchapter B. Taxable transaction.
"Subchapter C. Taxable amount; exempt transactions; credit against tax.
"Subchapter D. Administration.
"Subchapter E. Definitions; special rules.

"SUBCHAPTER A—IMPOSITION OF TAX

"Sec. 4001. Imposition of tax.
"Sec. 4002. Termination.

was an act of deliberate sabotage, that some people obviously mad, obviously insane, attempted to poison that whole town.

The implications of this are horrendous. Obviously, a salad bar is a place where anyone can approach the food that other people are going to eat, very easily and without suspicion. If you went into a restaurant kitchen and tried to poison the food in the kitchen, you might be caught and certainly be seen.

Any person can pass through a salad bar, getting their own food, and it would not be difficult to sprinkle salmonella bacteria in the dressing or on the lettuce; and this is obviously what happened.

I asked the FBI for an investigation; I alerted the authorities in the State, and of course the health authorities had done an intensive investigation of it, but had come to no conclusion. As a matter of fact, they thought it was the food handlers. Well, the food handlers, that is nonsense. Salmonella is not passed around by people; it is ingested in food.

I tried to wake the Nation and my State to this terrible situation, because somebody was out there, somebody was out there who was willing to take the lives of an entire town; 10,000 population in their hands and threaten them. Can you imagine?

Can you imagine the poisoning of a city's water supply? Well, this was the same thing. The poisoning of in effect the city's food supply.

Now at the same time that I made that speech on the floor of the House, describing this deliberate poisoning of The Dalles, I put also some paragraphs about a religious cult that has established itself in the southern part of Wasco County in a ranch there, a large ranch called the Big Muddy Ranch. This religious cult is called the Rajneesh, after its guru called the Bagwan Shree Rajneesh, about 3,000 people adherence to the cult live there now.

At the time of the poisoning of The Dalles, the Rajneeshis were bringing in from all over the Nation street people; the poor unfortunates who were here in Washington, DC, for example, living on the streets, nor busing them into Rajneeshpuram—that is the city that they established in the Big Muddy Ranch.

We thought they were bringing them there to vote them in the election; because the Rajneeshis has said they would like to take over the county of Wasco because they were in some arguments and conflicts with the county over building permits and other things; and indeed we think they were going to try to vote these street people, although when it came down to it, such an uproar occurred in Oregon that they ended up not voting the street people, and things quieted down.

There was really warfare between the people of Wasco County and the Rajneeshis at the time. Ma Anand Sheela, their leader, the personal secretary to the Bhagwan, said on the very weekend of the major outbreak of salmonella in The Dalles, was quoted in the press—I have actually seen her on television making these statements—she said: "If one of us goes, we will kill 15 Oregonians." She said: "We will have the heads of 15 Oregonians," and this was repeated.

So there was war between the Rajneeshis and the people of Oregon and the people of Wasco County, and so I thought that was certainly a motive that they would have for poisoning this entire town, as horrendous an act as that was.

I had no concrete evidence, although my investigation led me to believe that it was likely the Rajneeshis had done it; I had no evidence, but I just put in a speech that day last March: "The Goings On in Rajneeshpuram," with the street people and the statements of Ma Anand Sheela, so that the authorities would be alerted.

Can you imagine if this would happen in other towns of our country, if mad people of any stripe decided to do the same thing? It could disrupt our entire society.

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So I thought that we should act swiftly. I felt that the information I had I could not live with unless I related it, so I made that speech.

I continued my investigation. I had never had a doubt in my mind that the town of The Dalles was poisoned by salmonella, and I never really had a doubt in my mind that the Rajneeshees or some of them, did it. It would have taken 8, 10, or 12 people to conduct this salmonella poisoning in that week in The Dalles, and I assumed it was probably the leaders of the Rajneesh cult.

So the authorities told me that it was difficult to solve something like this without an informer. I called a press conference shortly after my speech and I said that it would require a stool pigeon to really solve this, what I believe to be, a crime.

Last night, at a press conference in Rajneeshpuram, the leader of the sect—I would never have guessed this—the Bhagwan Shree Rajneesh himself, the guru, accused his followers, some of his followers, who have absconded to Europe just this weekend, with committing the act of salmonella poisoning in The Dalles. He should know. I do not know whether he was a party to it or not, but he should certainly know, and he has accused his followers. So although I never had a doubt in my mind that it was done and that they did it, I can tell you that it is good to be vindicated. I was accused in Oregon of being too rash. I am very careful. I make thorough investigations before I take on anything, particularly of this nature, and I am pretty sure of myself. And now the Bhagwan Shree Rajneesh has accused certain of his cult associates not only of the salmonella poisoning in The Dalles but the bombing in the Hotel Portland that they own, an act that I figured they had done, as well, the burning of an office in the courthouse at The Dalles, an act that we thought they had done as well.

Now, what happened was that this weekend, Ma Anand Sheela, a 35-year-old women, who was a spokesperson for the Rajneeshees, and has been for several years and personal secretary to the Bhagwan, she left, and hurriedly. Her husband and children are already in Europe. And the Bhagwan thinks that she took around $55 million with her or has salted it away in Swiss bank accounts already. That kind of money this cult has. They have invested almost $110 million in the Rajneeshpuram establishment now. So I would not doubt that we are talking about that kind of money. Some people may think that stealing $55 million is a worse crime. And I agree that it is a pretty rough crime. But I have to emphasize that the poisoning of an entire town, think of that vicious act, that horrendous act, how vulnerable we are to people like this. And so I believe it is the salmonella poisoning of The Dalles that we should find the evidence from the Bhagwan, indict, these people who have absconded to Europe, extradite them, prosecute them and, if proven guilty in a court of law, give them severe punishment.

The people who left with Ma Anand Sheela include the Rajneeshpuram Mayor, Swami Krishna Deva. He is a young man who first attracted my attention to this cult. I saw him on television a couple years ago, and he was looking into the camera and he said, "We don't want to take over Oregon, but if we have to, we will take over Oregon." I did not like that statement at all. And instead of just being bemused by this cult that wore red robes and a picture of the Bhagwan around their necks and danced around and threw flowers, I began to see these people as dangerous people.

I wrote the mayor, Swami Krishna Deva, who is one of those who has now absconded to Europe, and I asked him what he meant by, "We don't want to take over Oregon, but we will take over Oregon."

He said, "We already have taken over Oregon. We have done it with joy and love."

Yes, Mayor Krishna Deva, you certainly did. You took over Oregon for a while, with hatred and crime. That is

what you did. And the people of Oregon, who were accused of being bigots and intolerant, have been vindicated, as well, because the people of Oregon saw these people as dangerous and evil, and they were right, they were right. I do not want to see religious intolerance, and I will oppose it at any time. I am one of the most tolerant people that you can find. But when good men refuse to act when they see evil, then we are all in trouble. And I saw evil in this religious cult.

So, among the others who absconded to Europe was the Rajneesh Foundation International treasuer, Ma Shanti Bhadra. I wrote Ma Shanti Bhadra in April and I asked her if she knew anything about the salmonella poisoning in The Dalles. I though I was being fair. I had asked everyone else if they knew anything about it. I did not want to select out the Rajneeshees as if they were already proven quilty, and I said, "If you know anything about it, I would like to know. Help us in our investigation."

I received this letter in return. It is on stationery called Rajneesh Medical Corp.

One of the things I had said in my investigation was that anybody can produce salmonella, just set a couple chickens out in the back yard for a couple of days in the Sun, you will probably get salmonella in them. But it is very helpful to have a medical laboratory and careful measuring devices in order to get just the right amounts and easily transport them and put them in salad bars, to bring down illness upon an entire town.

So I said the Rajneeshees had a medical laboratory, and was it not an interesting coincidence and convenience.

Well, this letter, under the stationery letterhead "Rajneesh Medical Corp., P.O. Box 8, Rajneeshpuram, OR" it says:

JIM WEAVER,
Congressman, Fourth District.

BELOVED MR. WEAVER: Love.

Your letter abounds with the same kind of stupidities as all your other statements on this issue up until now. After accusing persons in this community and this corporation in particular of deliberately poisoning hundreds of people, you have the nerve to write to ask our assistance in uncovering a mystery which has already been investigated by every appropriate county, State and Federal agency. They found no evidence of sabotage.

Well, they should have. I certainly did.

Good for Ma Shanti Bhadra.

Beloved Mr. Weaver. Love. Your letter abounds with . . . stupidities . . .

As I say, Ma Shanti Bhadra is one of those who has absconded to Europe, apparently with the guru's $55 million.

Others have gone, too. Ma Anand Puja, Ma Prem Savita, Ma Deva Rika, Ma Prem Patipada, Ma Anand Durga, Ma Prem Homa. They are called the dowager duchesses of Rajneeshland. They are "wonderful" people. They are just "wonderful" people.

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Now, the truth is out. The truth is out. The Bhagwan has had his top cadres, his top people, those who led this frightening organization down their path of crime; it has made him angry, and so now he has accused these, Ma Anand Sheela, Ma Shanti Bhadra, the very ones who called the people of Oregon bigots. They denied any knowledge of these crimes and called us bigots for even thinking they might have done it. Their guru, the top boy has turned stool pidgeon on them, and has accused them of the salmonella poisoning in The Dalles, and he should know; he should know. He has accused them as well of arson, wire tapping, and bombing and taking the money and putting it in Swiss bank accounts. It was their money I guess; I do not know how they got it.

The Bhagwan you know has 80 Rolls Royces. I flew over the Rolls Royces in a helicopter, or rather Rajneeshpuram in a helicopter. I saw them. A real nice place. It is nice to have 80 Rolls Royces. I am not quite sure why he would want that many.

The reason I was over there flying over Rajneeshpuram in a helicopter, a Bureau of Land Management helicopter, is that I was investigating the land swap that was proposed between the Bureau of Land Management and the Rajneeshies. I find absolutely nothing wrong with the actions of the Bureau of Land Management. They have been trying to make this land swap for a number of years, well before the Rajneeshies came and settled at the Big Muddy Ranch.

They continued, the BLM, to see it in the public interest, and from their point of view, it still was. What they did not see and what I had not seen until I got over there to make my investigation was that the whole complexion of the land had changed. Now we had a city there of thousands of people. These are huge, rolling hills. There are ravines and canyons. The country is magnificient but very difficult to live in and ranch. They had built this city there.

The real estate values had changed, and the land that the Rajneeshies would have received for the land that they would give up to the BLM in the checkerboard configurations of land in those areas, was the critical land along the John Day River. One of the great rivers of Oregon. Land that gave them access to other developable areas, and had they been able to get this land from the BLM, they would have been able to develop a much larger city; put huge developments along the John Day River.

Now, some people have pointed out that Oregon has land use laws to prohibit that kind of thing; indeed we do. But you have got to remember, if an individual owned the Big Muddy Ranch, sure, he would be bound by those land-use laws. But the city, an official city of Oregon, Rajneeshpuram, owned that land in effect. And a city creates its own zoning laws. It must win a lawsuit, which they probably will, first, but that lawsuit they tell me is almost certainly to go the way of the Rajneeshies.

If that is the case, the Rajneeshies could have developed that land without many problems, and they could have put tens of thousands of housing units there along the John Day River. I suddenly saw that, flying over in a helicopter and boating the John Day and walking along it. Climbing the mountains there and looking down on it. I said, my gosh, this is a huge real estate development. It is not just swapping bare land, arid desert land, for more arid desert land. It is now swapping arid desert land for prime real estate development land.

Most importantly, it could threaten the environmental quality of the John Day River, one of the great rivers. Deep canyons; we are making wildernesses out of some of the areas. The State of Oregon had condemned the ranches across the river from Rajneeshpuram just because they were afraid it would be developed and detract from the John Day River horrendously.

So I called up the Bureau of Land Management and I said, "Look, this land swap, I did support it earlier, but I do not any more. It is a terrible thing. I will hold a hearing, I am chairman of the General Oversight Committee of the Interior Committee. I will hold a hearing and show that this land is worth tens of millions of dollars more than you are getting." The BLM saw the light immediately, and immediately canceled the proposed land swap and I commend the BLM for this. They went into this honestly, and when they saw the implications, they immediately canceled the proposed land swap.

I wonder, this is just pure speculation, but I wonder if these dowager duchesses, Ma Anand Sheela and Ma Shanti Bhadra and others who absconded to Europe with all those millions of dollars, I wonder if perhaps if they were waiting for that land swap and, because they saw the tens of millions of dollars they could make from that real estate development, and when it was blown up, when I blew up that land swap, they said, "OK, nothing here for us anymore, we are going to take off." Because it was just what? Ten days after the land swap was withdrawn that these Rajneesh lead-

priated to the Response Trust Fund shall be reserved—

"(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of CERCLA, and

"(B) for the repayment of advances made under subsection (d), other than advances subject to the limitation of subsection (d)(2)(B).

"(d) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Superfund, as repayable advances, such sums as may be necessary to carry out the purposes of the Superfund.

"(2) LIMITATIONS ON ADVANCES TO SUPERFUND.—

"(A) AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Superfund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts described in paragraph (1) of subsection (b) which will be transferred to the Superfund during the following 12 months.

"(B) ADVANCES FOR CERTAIN COSTS.—The maximum aggregate amount advanced to the Superfund which is outstanding at any one time for purposes of paying costs other than costs described in section 111 (a)(1), (2), or (4) of CERCLA shall not exceed 15 percent of the amount of the estimate made under subparagraph (A).

"(C) FINAL REPAYMENT.—No advance shall be made to the Superfund after September 30, 1990, and all advances to such Fund shall be repaid on or before December 31, 1990.

"(3) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Superfund (or when required by paragraph (2)(C)).

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

"(e) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

"(1) GENERAL RULE.—Any claim filed against the Superfund may be paid only out of the Superfund.

"(2) COORDINATION WITH OTHER PROVISIONS.—Nothing in CERCLA or the Superfund Improvement Act of 1985 (or in any amendment made by either of such Acts) shall authorize the payment by the United States Government of any amount with respect to any such claim out of any source other than the Superfund.

"(3) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Superfund is unable (by reason of paragraph (1)) to pay all of the claims payable out of the Superfund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(b) CONFORMING AMENDMENTS.—

(1) Subtitle B of the Hazardous Substance Response Revenue Act of 1980 (relating to establishment of Hazardous Substance Response Trust Fund) is hereby repealed.

(2) Paragraph (11) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(11) 'Fund' or 'Trust Fund' means the Hazardous Substance Superfund established by section 9505 of the Internal Revenue Code of 1954;".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end thereof the following new item:

"Sec. 9505. Hazardous Substance Superfund."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 1985.

(2) SUPERFUND TREATED AS CONTINUATION OF OLD TRUST FUND.—The Hazardous Substance Superfund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Hazardous Substance Response Trust Fund established by section 221 of the Hazardous Substance Response Revenue Act of 1980. Any reference in any law to the Hazardous Substance Response Trust Fund established by such section 221 shall be deemed to include (wherever appropriate) a reference to the Hazardous Substance Superfund established by the amendments made by this section.

SEC. 205. REPEAL OF POST-CLOSURE TAX AND TRUST FUND.

(a) REPEAL OF TAX.—

(1) Subchapter C of chapter 38 (relating to tax on hazardous wastes) is hereby repealed.

(2) The table of subchapters for such chapter 38 is amended by striking out the item relating to subchapter C.

(b) REPEAL OF TRUST FUND.—Section 232 of the Hazardous Substance Response Revenue Act of 1980 is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 206. INDUSTRIAL DEVELOPMENT BONDS FOR HAZARDOUS WASTE TREATMENT FACILITIES.

(a) IN GENERAL.—Paragraph (4) of section 103(b) (relating to certain exempt activities) is amended—

(1) by inserting ", facilities subject to final permit requirements under subtitle C of title II of the Solid Waste Disposal Act for the treatment of hazardous waste," after "solid waste disposal facilities" in subparagraph (E), and

(2) by adding at the end thereof the following new sentence: "For purposes of subparagraph (E), the terms 'treatment' and 'hazardous waste' have the meanings given to such terms by section 1004 of the Solid Waste Disposal Act.".

SEC. 207. REPORT ON METHODS OF FUNDING SUPERFUND.

Not later than January 1, 1988, the Comptroller General of the United States or his delegate shall study and report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to various methods of funding the Hazardous Substances Superfund, including a study of the effect of taxes on the generation and disposal of hazardous wastes.

Mr. STAFFORD. Mr. President, the bill now before the Senate has been considered by three committees: The Committee on Environment and Public Works, which I am privileged to chair; the Committee on Finance; and, the Committee on Judiciary. I am pleased to say that S. 51 was discharged from one of those committees and reported favorably from each of the other two with only one dissenting vote.

This bill enjoys broad support among both Members of the Senate and outside groups with an interest in the Superfund Program. One reason this bill enjoys such support is because it is a moderate proposal which makes only modest changes in a vitally necessary law.

The reason we are proposing only modest changes is because Superfund is a fundamentally sound law which now is working well. What it needs most is more money and more time. Those are the two essential elements of S. 51.

PURPOSE AND SUMMARY

S. 51, as amended, amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide $7.5 billion in additional funding over a 5-year period.

The overriding purpose of S. 51 is to expand and accelerate the Federal Government's program to clean up and otherwise protect the public health and environment from releases of hazardous substances and wastes. To this end, S. 51 not only provides additional money and time, but makes changes in the law which improve the pace and direction of those cleanup efforts.

I hope additional improvements can be made on the floor through a series of amendments I intend to offer. Title I of the bill establishes cleanup standards to be applied so that human health and the environment is protected in every circumstance; a health program to assure that at each Superfund site a thorough review and assessment is made of the threats posed to human health; a chemicals testing program to develop adequate information on frequently encountered hazardous substances; and a grant program to assist States that wish to establish demonstration systems of assistance for victims of hazardous substances and wastes.

BACKGROUND AND NEED

The modern chemicals technology which has contributed so greatly to this Nation's standard of living has also left a legacy of hazardous substances and wastes which pose a serious threat to human health and the environment. By some estimates, there are over 20,000 abandoned hazardous waste sites in the United States. In large areas, drinking water supplies are contaminated by synthetic organic chemicals, including a large number of supplies which rely upon groundwater, a resource generally thought to be safe from contamination. Unfortunately, the Environmental Protection

Agency estimates that for ground water systems serving less than 10,000 persons, 1 of every 6 supplies is contaminated by volatile organic chemicals and nearly 1 of every 3 of the larger systems.

It was to deal with such problems that the Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which quickly came to be known as the "Superfund." The law authorized a 5-year, $1.6-billion program to clean up releases of hazardous substances, pollutants and contaminants. It also created a new health agency, the Agency for Toxic Substances and Disease Registry, located within the Department of Health and Human Services. The bulk of the cleanup program, however, was delegated to the Environmental Protection Agency.

During the 5 years which have passed since enactment of the Superfund law, public concern has intensified. In some areas and States, public opinion polls show that the public is more concerned over the problem of hazardous substances and wastes than any other domestic issue.

The Environmental Protection Agency has now embarked on a program to clean up 115 Superfund sites per year and estimates that it will be called upon to react to up to 200 emergencies annually. The Assistant Administrator has testified that a 5-year extension of this program would require an additional $5.3 billion. But this estimate fails to take into account other important and substantial demands on the fund. It does not, for example, allow leeway for the payment of any claims for natural resource damages, one of the law's most important, but still unimplemented, components. The estimate also does not allow any room for increase in the cost of cleanup per site beyond the current estimate, even though the Agency's previous projections have climbed in the past 4 years from $2.5 million per site to $6.5 million in 1984 and, most recently, $8.3 million. Finally, the estimate assumes that between now and 1990, which is the expiration date of the 5-year extension, there will be no inflation. Based on this, it seems clear that even a simple extension of the current program will require substantially more than $5.2 billion. With the addition of new responsibilities in this bill (estimated by the Agency to cost $1 to $1.5 billion over 5 years), the committee concluded that an appropriate 5-year funding level was $7.5 billion, as contained in the reported bill.

STATEMENT OF PRINCIPLES

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 was designed to help address many of the problems faced by our country as a result of toxic chemical contamination. The statute does not and is not intended to replace other laws which provide the regulatory foundations to address a variety of these toxic chemical concerns or provide victims with the rights to recover for damages, or obtain other relief. The existing statute and this reauthorization are structured to complement these laws and add to the remedies available to injured parties and other citizens.

The Superfund is founded on certain fundamental objectives. These are:

First, it is to provide ample Federal, State and citizen authority for cleaning up and preventing releases of hazardous substances, pollutants and contaminants.

Second, it is to assure that those responsible for any damage, contamination, environmental harm or injury from hazardous substances bear the costs of their actions and do not transfer them to others, whether through contract, sale, transportation, disposal, or otherwise;

Third, it provides a fund to finance response actions where a responsible party does not clean up, cannot be found or cannot pay. This fund has been based primarily on contributions from those who have been generally associated with such problems in the past and who today profit from products and services associated with such substances; and

Fourth, to provide adequate compensation to those who have suffered economic, health, natural resource, and other damages.

If these objectives can be and are realized through administration of the law, both by the executive branch and the judicial branch, the major objective of the statute will be accomplished: To provide an incentive to those who manage hazardous substances or are responsible for contaminating sites to avoid releases and to make maximum effort to clean up or to mitigate the effects of any such release.

Both the President and the courts should constantily bear in mind that this is a law directed at all toxic threats, whether air, water, or waste, and without regard to the specific use if any, to which the chemical or organism was to be used; pesticides are covered as well as PCB's, mining wastes as well as spent solvents, and organisms as well as chemicals. Individuals and society are to be protected from all of these and made whole when protection has failed.

FUNDING LEVEL

A great deal of the debate over Superfund's eventual cost has centered on the number of sites that will, upon inspection, exceed the EPA threshold score and, as a result, be listed on the National Priorities List. As of April 10, 1985, a total of 540 sites had been listed and an additional 276 had been proposed for listing. The EPA estimates that a total of 1,800 sites will eventually be listed on the NPL, but concedes in its recent report to Congress (the "301" studies) that "if EPA were to undertake a targeted, systematic discovery and investigation effort * * * the size of the program could increase substantially." After identifying several categories of sites that have not been targeted (such as municipal landfills, mining waste sites, and leaking underground storage tanks), the report concludes that "if even a small fraction of these sites requires Superfund response, then funding needed to address them would overwhelm the central estimates currently projected for the Superfund program."

The administration requested, but the Committee on Environment and Public Works rejected, a request that the law be extended for 5 years at a cost of only $5.3 billion. Several related factors were cited by the administration in support of a relatively slower pace of spending. First, it asserted that if the program were expanded too quickly, money would be wasted because of inability to manage the quality of the work performed. Second, according to EPA Administrator Lee Thomas, "the inability of the analytical laboratory industry to further increase its capacity for organic sample analysis and high hazard sample analysis constitutes another major limitation on more expansion * * *." Third, according to EPA's "301" studies, "there is concern about the extent to which fully permitted treatment, storage and disposal facilities will be available to dispose of Superfund waste * * *." Fourth, the Administrator said it has encountered a shortage of experienced personnel with specialized skills. Finally, the Administrator asserted that the capacity of the States to provide funds for their share of Superfund activities would constrain.

The committee examined these assertions and concluded that while they did not justify restraining Superfund to a $5.3 billion level, they did warrant a more cautious increase. Thus, the Committee on Environment and Public Works reported S. 51, as did the Committee on Finance, with a 5-year level of $7.5 billion.

Mr. President, before commenting on some of the specific provisions of S. 51 as reported, I would like to make an observation regarding the law's liability standard.

Superfund imposes a standard of strict, joint, and several liability for those who manufacture, transport, dispose of, apply or in any other way engage in activity which results in the release of hazardous substances. Such individuals are engaged in abnormally dangerous activities and should be held to the standard of care which assures that they exercise the highest degree of care which is possible.

pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

2004. A letter from the Administrator of the General Services Administration, transmitting a draft of proposed legislation to revise certain provisions of chapter 57, title 5, United States Code, relating to the subsistence allowances of Government civilian employees while performing official travel, and for other purposes; to the Committee on Government Operations.

2005. A letter from the Assistant Secretary, Department of the Interior, transmitting a draft of proposed legislation to authorize an increase in the appropriation ceiling for the North Loup Division, Pick Sloan Missouri Basin Program, NE; to the Committee on Interior and Insular Affairs.

2006. A letter from the Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notice of the proposed final rules under the Coastal Zone Management Act, pursuant to Public Law 96-464, section 12; to the Committee on Merchant Marine and Fisheries.

2007. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend section 3109 of title 5, United States Code, to clarify and improve the Government-wide authority for the appointment and compensation of experts and consultants as Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

2008. A letter from the Secretary of Transportation, transmitting a draft of three legislative proposals: To amend subtitle IV of title 49, United States Code, to reduce regulation of motor carriers of property, and for other purposes; to amend subtitle IV of title 49, United States Code, to reduce regulation of surface freight forwarders and brokers, and for other purposes; to amend subtitle IV of title 49, United States Code, to reduce regulation of interstate water carriers, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted September 16, 1985]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6. A bill to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; with amendments (Rept. 98-251, Pt. 2). Ordered to be printed.

[Submitted September 17, 1985]

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 388. Joint resolution making continuing appropriations for the fiscal year 1986, and for other purposes. (Report 99-272). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. House Concurrent Resolution 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farm Aid Concert to be held in Champaign, IL, to bring the current crisis in American agriculture to the attention of the American people. (Rept. No. 99-273). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 6 to the Committee on Merchant Marine and Fisheries extended for a period ending not later than Sept. 23, 1985.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, and Mr. HUCKABY):

H.R. 3314. A bill to provide for a fair and equitable disposition to certain coastal States of certain Federal Outer Continental Shelf revenues; to the Committee on Interior and Insular Affairs.

By Mr. CLINGER:

H.R. 3315. A bill amending the Powerplant and Industrial Fuel Use Act of 1978 with respect to the conversion of Federal facilities to coal; to the Committee on Energy and Commerce.

By Mr. GUARINI (for himself, and Mr. WEISS):

H.R. 3316. A bill to amend title 23, United States Code, to make special provision for withdrawal of approval of the Westway highway project and for approval of substitute highway and transit projects; to the Committee on Public Works and Transportation.

By Mr. IRELAND:

H.R. 3317. A bill to amend the False Claims Act, and title 18 of the United States Code regarding penalties for false claims, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 3318. A bill to direct the Administrator of General Services to construct a Federal office building for the Social Security Administration and other Federal agencies in Wilkes-Barre, PA: to the Committee on Public Works and Transportation.

By Mr. KLECZKA (for himself, and Mr. ENGLISH):

H.R. 3319. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. ROBINSON:

H.R. 3320. A bill to provide for procedures for approval of congressional committee foreign travel, and for other purposes; to the Committee on House Administration.

By Mr. RODINO:

H.R. 3321. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 389. Joint resolution to designate the week of October 7 through October 13, as "National Trout Week"; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H. Con. Res. 191. Concurrent resolution expressing the support of the Congress for a peaceful return of democratic rule in Chile; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OXLEY:

H.R. 3322. A bill for the relief of the estate of Commodore Perry Miller; to the Committee on the Judiciary.

By Mr. RUSSO:

H.R. 3323. A bill for the relief of Alexander Lockwood; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 3324. A bill for the relief of Angel Maldonado-Valverde, Lusila Delgado de Maldonado, Francisco Maldonado-Delgado, Dora Luz Maldonado-Delgado, and Jose Luis Maldonado-Delgado; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 370: Mr. GONZALEZ.

H.R. 604: Mr. PACKARD.

H.R. 776: Mr. RODINO.

H.R. 822: Mr. OBEY, Mr. MCCURDY, Mr. GUNDERSON, Mr. CLINGER, and Mr. HAMMERSCHMIDT.

H.R. 1021: Mr. SUNIA.

H.R. 1059: Mr. ANDREWS.

H.R. 1207: Mr. LANTOS.

H.R. 1318: Mr. HAMMERSCHMIDT and Mr. HUNTER.

H.R. 1356: Mr. FAWELL, Mr. DAUB, Mr. MORRISON of Washington, Mr. TAUKE, Mrs. BURTON of California, Mr. HERTEL of Michigan, Mr. DEWINE, Mr. BADHAM, Mr. WEISS, Mr. TOWNS, Mr. BROWN of California, Mr. DYSON, Mr. CONYERS, Mr. KINDNESS, Mr. VALENTINE, Mr. OLIN, Mr. RODINO, Mr. CARR, Mr. WEBER, Mr. BONIOR of Michigan, Mr. MARKEY, Mr. ARMEY, and Mrs. BENTLEY.

H.R. 1538: Mr. MCEWEN.

H.R. 1619: Mr. DORGAN of North Dakota.

H.R. 1875: Mr. BEVILL, Mr. AKAKA, Mr. SILJANDER, Mr. DYMALLY, Mr. DIOGUARDI, Mr. BATEMAN, and Mr. HUBBARD.

H.R. 1991: Mr. COURTER and Mr. FAWELL.

H.R. 1992: Mrs. SCHNEIDER and Mr. FAWELL.

H.R. 2157: Mr. OXLEY, Mr. MITCHELL, and Mr. EVANS of Iowa.

H.R. 2451: Mr. SKEEN, Mr. HORTON, Mr. FISH, Mr. MOORE, Mr. TORRICELLI, Mr. CRAIG, and Mr. DOWDY of Mississippi.

H.R. 2583: Mr. LIGHTFOOT, Ms. KAPTUR, Mr. CHAPPIE, Mr. KOLTER, Mr. SHAW, Mr. RITTER, Mr. STENHOLM, and Mr. ANDERSON.

H.R. 2683: Mr. LAFALCE.

H.R. 2854: Ms. OAKAR, Mr. LELAND, Mr. BONER of Tennessee, and Mr. BRYANT.

H.R. 2861: Mr. YATES, Mr. LIPINSKI, Mr. MITCHELL, Mrs. COLLINS, Mr. STARK, Mr. MRAZEK, Mr. SEIBERLING, Mr. DELLUMS, Mrs. BOXER, Mr. WHITEHURST, Mr. FOGLIETTA, Mr. RANGEL, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, Mrs. BURTON of California, Mr. MORRISON of Connecticut, and Mr. WEISS.

H.R. 2879: Mr. LEHMAN of California.

H.R. 3006: Mr. DAUB, Mr. ROSE, and Mr. YOUNG of Florida.

H.R. 3035: Mr. MARTINEZ, Mr. ACKERMAN, Mr. ANDREWS, and Mr. TRAFICANT.

H.R. 3040: Mr. BRYANT.

H.R. 3041: Mr. THOMAS of California, Mr. DIXON, Mrs. COLLINS, Mr. FUSTER, Mr. LEVINE of California, Ms. OAKAR, Mr. BEVILL, Mr. MATSUI, and Mr. LAGOMARSINO.

H.R. 3043: Mr. ROBERT F. SMITH, Mr. FISH, Mr. DASCHLE, Mrs. BENTLEY, Mr. ARCHER, Mr. GINGRICH, Mr. ARMEY, Mr. BORSKI, Mr. VALENTINE, and Mr. BARTON of Texas.

H.R. 3087: Mr. RAHALL, Mr. BATES, Mr. LEVINE of California, Mr. LELAND, Mr. GRAY of Illinois, Mr. LEHMAN of Florida, Mr. MARKEY, Mr. HAYES, Mr. MRAZEK, Mr. GREEN, Mr. WEBER, Mrs. BURTON of California, Mrs. COLLINS, Mr. FROST, Ms. OAKAR, Mr. FAUNTROY, Mr. BONER of Tennessee, and Mr. ANDREWS.

H.R. 3098: Mr. BIAGGI.

H.R. 3099: Mr. FROST, Mr. CROCKETT, Mr. HOYER, and Mr. BERMAN.

H.R. 3127: Ms. OAKAR and Mr. WEAVER.

H.R. 3132: Mr. RUSSO, Mr. HOWARD, Mrs. COLLINS, Mr. FAZIO, Mr. STRATTON, Ms. KAPTUR, and Mr. TORRICELLI.

H.R. 3190: Mr. ACKERMAN, Mr. FROST, Ms. KAPTUR, Mr. SMITH of Florida, Mr. CROCKETT, and Mr. BERMAN.

H.R. 3263: Mr. DE LUGO, Mr. RODINO, and Ms. OAKAR.

H.J. Res. 178: Mr. MCEWEN.

H.J. Res. 200: Mrs. BOXER, Mrs. KENNELLY, Mr. DREIER of California, Mr. MCCAIN, Mr. BOUCHER, Mr. LEVINE of California, Mr. VOLKMER, Mr. GREGG, Mr. ANDREWS, Mrs. MEYERS of Kansas, Mr. EMERSON, Mr. SPENCE, Mr. BROWN of California, Mr. BROOKS, Mr. FRANK, Mr. WALGREN, Mr. GEJDENSON, Mr. YOUNG of Missouri, Mr. CHANDLER, Mr. TAUZIN, Mr. STENHOLM, Mr. CAMPBELL, Mr. REID, Mr. FOLEY, Mr. SISISKY, Mr. PICKLE, Mr. STUMP, Mr. WHEAT, Mr. RUDD, Mr. SKELTON, and Mr. TORRES.

H.J. Res. 218: Mr. LOWRY of Washington, Mr. QUILLEN, Mr. STUDDS, Mr. HORTON, Mr. DIOGUARDI, Mr. ROBINSON, Mr. FAUNTROY, Mr. HANSEN, Mr. HARTNETT, Mr. NOWAK, Mr. SMITH of New Hampshire, Mr. LATTA, Mr. LEHMAN of Florida, Mr. JEFFORDS, Mr. TAUZIN, Mr. BEDELL, Mr. FUSTER, Mr. STAGGERS, Mr. CRAIG, Mr. LUNGREN, Mr. LIVINGSTON, Mr. JONES of North Carolina, Mr. KEMP, Mr. LIPINSKI, Mr. TAYLOR, Mr. TRAFICANT, Mr. DONNELLY, Mr. TRAXLER, Mr. MACK, Mr. HYDE, Mr. LEHMAN of California, Mrs. BENTLEY, Mr. SPRATT, Mr. CARPER, Mr. SUNDQUIST, and Mr. BARNES.

H.J. Res. 244: Mr. WORTLEY, Mr. GILMAN, Mrs. KENNELLY, Mr. HAMMERSCHMIDT, Mr. RODINO, Mr. ROBERTS, Mr. MITCHELL, Mr. RAHALL, Mrs. COLLINS, Mr. ROSE, Mr. FUSTER, Mr. HUGHES, Mr. FAZIO, Mr. FAUNTROY, Mr. OBERSTAR, Mr. WEBER, Mr. DWYER of New Jersey, Mr. CROCKETT, Mr. WEISS, Mr. WILLIAMS Mr. MARKEY, and Mr. OWENS.

H.J. Res. 266: Mr. MCKERNAN, Mr. HALL of Texas, Mr. CHANDLER, Mrs. BOXER, Mr. FOLEY, Mrs. BURTON of California, Mr. MILLER of Washington, Mr. KASTENMEIER, Mr. NELSON of Florida, Mr. BURTON of Indiana, Mrs. SMITH of Nebraska, and Mr. WIRTH.

H.J. Res. 288: Mr. LELAND, Mr. BOSCO, Mr. SMITH of New Jersey, Mr. MATSUI, Ms. OAKAR, Mr. HOYER, Mr. BONER of Tennessee, Mr. OBERSTAR, Mr. COBLE, Mr. FISH, Mr. WEBER, Mr. HOWARD, Mr. MAZZOLI, Mr. MCEWEN, Mr. HENDON, Mr. GORDON, Mr. FASCELL, Mr. STRANG, Mr. BLAZ, Mrs. BENTLEY, Mr. ORTIZ, Mr. STALLINGS, Mr. PERKINS, Mr. WHEAT, Mr. BENNETT, Mrs. LLOYD, Mr. SILJANDER, Mr. PORTER, Mr. LIVINGSTON, Mr. PURSELL, Mr. BREAUX, Mr. MINETA, Mr. YATRON, Mr. MURPHY, Mr. JEFFORDS, Mr. BEREUTER, Mr. YOUNG of Florida, Mr. CARNEY, Mr. ANTHONY, Mr. LIPINSKI, Mr. ROWLAND of Georgia, Mr. CLINGER, Mr. UDALL, Mr. ROBERT F. SMITH, Mr. SCHUMER, Mr. MARTIN of New York, Mr. ANDERSON, Mr. ARCHER, Mr. ROYBAL, Mr. SISISKY, Mr. SPRATT, Mr. SCHUETTE, Mr. ATKINS, Mr. HERTEL of Michigan, Mr. LOTT, Mr. BRYANT, and Mr. PICKLE.

H.J. Res. 296: Mr. KOLBE, Mr. COUGHLIN, Mr. LOTT, Mr. MOLLOHAN, and Mr. WOLPE.

H.J. Res. 313: Mr. WORTLEY, Mr. BARNARD, Mr. SLAUGHTER, Mr. CHANDLER, Mr. GALLO, Mr. SUNDQUIST, Mr. CAMPBELL, Mrs. HOLT, Mr. MICHEL, Mr. LUJAN, Mr. FIELDS, Mr. HALL of Texas, Mr. WATKINS, Mrs. LLOYD, Mr. WHITLEY, and Mr. DELAY.

H.J. Res. 347: Mr. PASHAYAN, Mr. PURSELL, Mr. LEWIS of Florida, Mr. KANJORSKI, Mr. HORTON, Mr. VOLKMER, Mr. DAUB, Mr. LAGOMARSINO, Mr. O'BRIEN, Mr. BLILEY, Mr. GRAY of Illinois, Mr. YATES, Mr. FUSTER, Mr. DORNAN of California, Mr. ROE, Mr. SOLOMON, Mr. DYSON, Mr. BONIOR of Michigan, Mr. FROST, Mr. HUGHES, Mr. FUQUA, Mr. SMITH of Florida, Mr. JEFFORDS, Mrs. BURTON of California, Mr. LIVINGSTON, and Mr. BEREUTER.

H.J. Res. 350: Mr. BEDELL, Mr. BRYANT, Mr. CHAPPELL, Mr. CLINGER, Mr. CONYERS, Mr. COOPER, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DIXON, Mr. DORNAN of California, Mr. FAZIO, Mr. FUQUA, Mr. GARCIA, Mr. GORDON, Mr. GUARINI, Mr. HATCHER, Mr. HAYES, Mr. JONES of Tennessee, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCKERNAN, Mr. MCMILLAN, Ms. MIKULSKI, Mr. MURPHY, Mr. NEAL, Mr. O'BRIEN, Mr. ORTIZ, Mr. PACKARD, Mr. RODINO, Mr. ROE, Mr. ROTH, Mr. STUMP, Mr. SUNIA, Mr. SYNAR, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VENTO, Mr. WILSON, and Mr. YOUNG of Missouri.

H. Con. Res. 41: Mr. HUNTER, Mr. YATRON, Mr. COYNE, and Mr. EMERSON.

H. Res. 165: Mr. JONES of Oklahoma.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2904: Mr. FRENZEL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

204. By the SPEAKER: Petition of Dr. Aminul I. Chowdhury, a citizen of Bangladesh, relative to the matter of Export Link versus The World Bank; to the Committee on Banking, Finance and Urban Affairs.

205. Also, petition of Mayor, city of Fallon, NV, relative to safe drinking water; to the Committee on Energy and Commerce.

206. Also, petition of Peter J. Cojanis, Washington, DC, relative to divorce; to the Committee on the Judiciary.

207. Also, petition of Fraternal Order of Border Agents, Mission, TX, relative to Customs and Drug Enforcement Administration officers; jointly, to the Committees on the Judiciary and Ways and Means.

208. Also, petition of Massachusetts Highway Users Conference, Boston, MA, relative to extending the Superfund law; jointly, to the Committees on Energy and Commerce, Public Works and Transportation and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3128

By Mr. QUILLEN:

—On page 115 of H.R. 3128 as reported on September 11, 1985, delete lines 7 through 13.

By Mr. SMITH of New Jersey:

—Immediately after section 149, insert the following new section (and conform the table of contents):

SECTION 150. MEDICARE PAYMENT FOR THERAPEUTIC SHOES FOR INDIVIDUALS WITH SEVERE DIABETIC FOOT DISEASE.

(a) COVERAGE UNDER PART B.—Section 1861(s) of the Social Security Act (42 U.S.C. 139,x(s)) is amended—

(1) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively,

(2) by striking out "and" at the end of paragraph (9),

(3) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(4) by inserting after paragraph (10) the following new paragraph:

"(11) therapeutic shoes for individuals with severe diabetic foot disease, if—

"(A) the shoes are prescribed by a physician who certifies that the individual is under a comprehensive plan of care related to the individual's diabetic condition, and

"(B) the shoes are fitted and furnished by a certified pedorthist, a certified orthotist, or other qualified individual (as established by the Secretary), and

"(C) the shoes have been subjected to a review by a peer review organization to determine whether of not the qualifying criteria have been met.".

(b) LIMITATION ON BENEFIT.—Section 1833 of such Act (42 U.S.C. 1395) is amended by inserting after subsection (e) the following new subsection:

"(f) In the case of therapeutic shoes described in section 1861(s)(11)—

"(1) no payment may be made under this part for the furnishing of more than one pair of shoes for any individual for any calendar year, and

"(2) with respect to expenses incurred in any calendar year, no more than $375 shall be considered as incurred expenses for purposes of subsections (a) and (b).".

(c) MODIFICATION OF EXCLUSION.—Section 1862(a)(8) of such Act (42 U.S.C. 1395y(a)(8)) is amended by inserting ", other than therapeutic shoes furnished pursuant to section 1861(s)(11))" before the semicolon.

(d) CONFORMING AMENDMENTS.—Sections 1864(a), 1965(a), 1902(a)(9)(C), and 1915 (a)(l)(B)(ii)(I) of such Act (42 U.S.C. 1395aa(a), 1395bb(a), 1396a(a)(9)(C), 1396n(a)(1)(B)(ii)(I)) are each amended by striking out "paragraphs (11) and (12)" and inserting in lieu thereof "paragraphs (12) and (13)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to therapeutic shoes furnished on or after January 1, 1986.

By Mr. SWINDALL:

—Page 38, strike out lines 11-19 and insert the following new subsection:

(3) REPORT.—The Secretary of Health and Human Services shall report to Congress, no later than 16 months after the date of the enactment of this Act, on the effect of the

the Superfund Program more important. Fully 99 of the 850 sites on the National Priority List for Superfund cleanup are in New Jersey. The most dangerous site in the country, the Lipari landfill, is located in the suburbs of Camden. There is not one county in New Jersey free of abandoned toxic waste sites which threaten human health and the surrounding environment.

Not one site in New Jersey has been totally cleaned up. Cleanup work has begun on only 20 of the 99 sites on the Superfund list in New Jersey. New Jersey needs a bigger, faster paced Superfund Program. So do many other States around the country. By way of example, States like New York have a total of final and proposed sites of 59; California has 60; Ohio has 29; Pennsylvania has 59; Texas has 26; Minnesota has 39; and the total of just these few States is more than 280 sites that need prompt and immediate action.

In my State, and around the Nation, the Government is losing its credibility and the public is understandably frustrated and angry. There is just not enough money at current funding levels to make a dent in the problem.

In addition, in the 5 years we have had experience with the Superfund Program, as well as the Defense Department's toxic waste cleanup program, we have identified areas in which they must be strengthened and improved.

It is time to move faster, to rid our environment of the toxics that are poisoning our land and water, and threatening our citizens. That is why extension and improvement of the Superfund Program is so important to New Jersey and the Nation.

Mr. President, S. 51 provides funding over the next 5 years for the Superfund Program of $7.5 billion, more than four times as much as the current Superfund Program. Funding will be derived from two sources. An excise tax is levied on manufacturers that have sales receipts of more than $5 million per year in manufactured goods or raw materials. This broad-based tax would raise approximately $6 billion of the $7.5 billion of the expanded fund. I supported the efforts of Senators BENTSEN, MITCHELL, CHAFEE, BRADLEY, and others, on the Finance Committee, to develop a broader based tax to help pay for an expanded Superfund.

The remaining $1.5 billion would be raised through an extended tax on feedstocks and petroleum. Additional moneys would be added to the fund through cost recovery from parties responsible for cleanup, from interest collected on the fund, and from the postclosure liability fund.

Mr. President, S. 51 clearly addresses an issue that has hindered State efforts to set up their own superfunds. Because of a suit filed in New Jersey, which questioned the right of a State to tax the same sources taxed by the Federal Superfund, State Superfund programs have had a cloud over them. This has certainly been the case in New Jersey, where the State was extremely reluctant to spend funds out of our spillfund without this litigation being settled. S. 51 strikes the so-called preemption language in existing law which created this legal ambiguity. Approval of the bill will end years of litigation and free States to conduct aggressive cleanup programs with their own funds.

Mr. President, beyond increasing the size of the Superfund, S. 51 also makes important improvements to the current program.

S. 51 includes new health provisions that direct and authorize funds for the testing of toxic chemicals most commonly found at Superfund sites. It requires that health assessments be done at every site listed on the National Priority List, and that a more effective program be established for providing information to citizens who are worried about the health ramifications of exposure to nearby Superfund sites.

Mr. President, S. 51 also contains provisions to speed cleanup at Federal facilities. The extent of the contamination at hundreds of Federal facilities is just now coming to light.

The Federal facility amendments in S. 51 would require an expanded oversight role by the EPA. Inclusion of a Federal facility site on the national priority list would trigger schedules for cleanup at the site. These schedules would be implemented through interagency agreements, and accompanied by reports to Congress on the status and budgetary needs for completing cleanup and assuring long term operation and maintenance at sites at which interagency agreements are to be made.

Under S. 51, EPA would be required to concur in the selection of cleanup actions to be taken at Federal facilities. S. 51 also empowers EPA to issue corrective action orders at Federal facilities. Finally, this section of the bill reaffirms the original language of statute: That all provisions applicable to private parties are applicable to Federal facilities.

When the Senate begins its consideration of amendments, I intend to offer an amendment that will expand the Federal facility reporting requirements under this provision.

Mr. President, the bill also contains citizen suit provisions that provide citizens with the right to sue in Federal court to enforce nondiscretionary duties and to enforce standards, regulations, orders, and other requirements under the act. This provision is an important step in improving the tools that citizens have to ensure that the Superfund is implemented fairly and effectively.

Mr. President, I deeply appreciate the willingness of the members of the Environment and Public Works Committee to work in crafting an improved Superfund program, and one which is responsive to New Jersey's needs, as well as other States across the Nation. During the committee's markup of a Superfund extension bill in 1984, I offered a number of amendments, which were adopted at that time, and are carried over into this year's bill.

Key among those amendments are two designed to address ground-water contamination problems, prevalent in New Jersey and elsewhere around the country. Fully 60 percent of New Jersey's drinking water comes from ground water, and in the southern part of the State upward of 90 percent does. Contaminants leaching out of toxic waste sites threaten to contaminate our ground water, a precious resource in our drought plagued State.

My amendments requires EPA to clean up contaminated ground water and surface water as part of remedial action at Superfund sites, and mandate that EPA provide household replacement water, as well as drinking water, when contaminated water supplies or water supply systems are replaced by the agency.

S. 51 also contains several other amendments I sponsored in 1984 which refine Federal-State relationships under Superfund. The first of these provisions allows a State to spend its own money to conduct early cleanup at a Superfund site, with the assurance that it will be reimbursed by the fund for authorized expenditures. This amendment encourages States to use their own funds to move faster than the Federal program might permit, without being penalized for doing so.

The second of these provisions extends the statute of limitations for natural resources damage claims, which expired last December, before EPA issued regulations to inform State applications for reimbursement. The absence of these regulations made it impossible for States to submit acceptable applications for the money to which they are entitled under Superfund. However, this year, in recognition that public health risks must take priority in securing cleanup funds, S. 51 was amended to include a limitation on funds for natural resources damage claims.

Mr. President, I also want to express my appreciation to the chairman and other members of the committee for their cooperation in working with me this year on amendments to S. 51 to improve emergency planning and access by the public to information about chemicals in their communities.

These amendments stem from a hearing held by the Senate Environment and Public Works Committee in

February in the wake of a spate of chemical releases in New Jersey and the tragedy in Bhopal, India. I requested that this hearing be held in New Jersey to investigate what could be done to minimize the risks associated with chemical releases into the atmosphere. New Jersey poses a great challenge in this regard, because it is the most densely populated State in the Nation and is the third largest producer of chemicals in the United States. In addition to these emergency response issues, data collected by the Library of Congress for the committee indicated that daily exposure to chemicals emitted by chemical facilities was of sufficient magnitude and regularity, that these releases should be reported to the public.

Based on this hearing, the committee adopted two amendments that I sponsored to S. 51 in February.

These provisions would improve the notification and penalties provisions of the existing Superfund program by requiring immediate notification of State and local officials in the event of a release of a "reportable quantity" of a hazardous substance covered by Superfund. S. 51 strengthens the penalties for failure to notify by establishing civil penalties of up to $75,000 per day and increasing criminal penalties to up to 5 years in jail.

The lessons of the past year have underscored the importance of effective reporting requirements, and tough penalties for failure to report releases. Nowhere was this clearer than in West Virginia this summer when a toxic cloud of aldicarb oxime from a Union Carbide facility hung over the plant for 20 minutes before response officials were notified. It was another 20 minutes before the local community was notified, at which time the cloud had moved through the community, sending more than 130 workers and residents to area hospitals.

I intend to offer an amendment with Senators HUMPHREY, HEINZ, and MOYNIHAN to supplement these provisions and the emergency response provisions in Superfund when the Senate takes up amendments to the bill.

The second provision adopted by the committee establishes a hazardous substance inventory, to help assess the extent to which the public is exposed to chemicals which may have long-term, adverse impacts on the public health. The committee will be refining this provision, section 106, during consideration of S. 51. I very much appreciate the chairman's support for these provisions.

Finally, Mr. President, I want to thank the chairman for working with me and Senator MITCHELL on legislation to establish a viable indoor air pollution and radon detection and mitigation program within EPA.

Mr. President, the committee has produced a sound bill which should enjoy the support of the Senate. During consideration of the bill, several amendments may be offered to increase the size of the Superfund Program and improve other aspects of the program. These amendments pose a difficult choice for those of us who serve on the committee, and have worked so closely together to fashion S. 51. However, Mr. President, I intend to support amendments to further strengthen the bill, including amendments to increase the size of the fund.

In closing, Mr. President, I want to express my personal appreciation for the evenhanded and nonpartisan manner in which the Senator from Vermont conducted committee consideration of this bill and, in fact, the equitable and considerate manner in which he conducts all committee business. The Senator from Vermont has always gone out of his way to encourage me to participate in committee consideration of this bill and all committee work. For this I extend my deepest appreciation.

Mr. STAFFORD. Mr. President, will the Senator yield to me very briefly?

Mr. LAUTENBERG. Indeed I will, Mr. President.

Mr. STAFFORD. I simply wish to express my appreciation to the able Senator from New Jersey for his very kind words and my deep appreciation for all of the effort that he has made in helping us conduct committee business in the Environment and Public Works Committee this year. It has been a special pleasure for me personally to work with the Senator from New Jersey and I want him to know that.

Mr. LAUTENBERG. I thank the Chair.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, the Superfund Improvement Act of 1985 is the embodiment of a national commitment to achieve a large and very important national goal.

The Superfund legislation passed in 1980 was this Nation's mechanism to begin the work of cleaning up the hazardous substances releases and toxic waste sites which endanger the lives of American citizens.

From that beginning, we developed the means to consider the scope of the problems ahead, and we began the early stages of correcting them. With the legislation we consider today, this Nation will get down to business. We are resolved to rid ourselves and future generations of dangers that have been ignored for too long—tragedies that are waiting to happen unless we respond firmly to this national priority.

Before I discuss some of the important provisions of this bill, I want to acknowledge a number of our colleagues for the long hours and hard work they have devoted in getting us to this critical point of progress:

First, I recognize our chairman, the distinguished Senator from Vermont [Mr. STAFFORD] and the work he has done there. It has been a pleasure to work with him. There has been a virtual absence of partisanship in that committee. You do not really have a Republican or a Democratic position, you have a bipartisan position as to what we think is best for our country.

I recognize, too, the chairman of the Finance Committee [Mr. PACKWOOD] and the majority leader [Mr. DOLE] and the minority member of the Finance Committee [Mr. LONG] and my friend from New Jersey who has just finished speaking here [Mr. LAUTENBERG].

The bill before us today, S. 51, reauthorizes Superfund for another 5 years for a total of $7.5 billion. This is an increase in the authorized funding, which is justified by the increased cost of cleanup and the fact that the problem of uncontrolled releases of hazardous substances is greater than we envisioned 5 years ago when Superfund was first enacted.

In order to raise this sum of money, the Finance Committee voted to put in place an excise tax on manufactured goods. The Superfund excise tax we are talking about applies to goods either made in this country or imported into the country. Exports are exempt from the tax.

In other words, if this product is going to be shipped overseas, the tax is taken off it. If the product is being shipped into the country, the tax is placed on it.

The Superfund excise tax is both fair and simple. It is fair because hazardous waste dumps are a problem caused by manufacturers of every stripe. Chemical companies may produce chemicals; but other manufacturers use them and dispose of them. For example, there are estimates that, of the top 25 companies identified as parties responsible for the Stringfellow site in California, one of the worst dumps, there is not a chemical company among them—not one.

Even manufacturers that have not directly contributed to hazardous waste sites benefit from hazardous waste. I should like to find one manufacturer that does not use chemicals in any form. The Superfund excise tax seeks to recognize the national nature of the Superfund problem and spread the funding burden to manufacturers across the country.

As I said, the Superfund excise tax is also simple. It has been designed to keep additional paperwork to an absolute minimum. By and large, companies will be able to compute this tax with the same information that they use to figure their income tax. We have also minimized the number of

Think of the gross injustice of that collapse in farm prices of the past year. A year ago, farmers were in the fourth year of netting literally nothing on their invested capital. In 1981, for the first time in 50 years, that is since 1931, the net return on farm investment was negative. That is, it was actually less than nothing. It was a loss. The year 1982 was worse, another loss. The year 1983, again, the farmer suffered through no return at all on his capital. In 1984, the American farmer on the average suffered his fourth straight year of no return. And what happened since 1984? The prices farmers receive today for the foodstuffs and feed they produce have fallen by a shocking 13.7 percent in one year.

Mr. President, in the view of this Senator, this represents the most blatant example of economic injustice in our country, ever.

Here we have farmers who have complied with every requirement necessary to make a living in a free enterprise, capitalistic society. They have met every standard with flying colors. But what do they get for this sterling performance? Answer: A true, full fledged, depression. And mark my words, this time there are very few incompetent, inefficient farmers left. The farmers losing their farms are among the most efficient in the world.

After all, what should it take in our free economic system to earn a living? First, it should take hard work. Does a farmer work hard? The University of Wisconsin has estimated that the dairy farmers in my State work an average of 10 to 12 hours per day, 7 days a week, 52 weeks a year. And, it is hard work. They milk their cows twice a day. They plant and harvest their feed. They repair and maintain their equipment. They keep extensive books, Many of them use computers. And it is not always pleasant work, unless you have a yen to shovel and spread cow manure.

Of course, hard work is not enough. Many people work hard and earn very little. To justify substantial income in our free enterprise society takes a capital investment. Does the farmer make a capital investment? He does and a big one. The average Wisconsin farmer, for instance, invests well over $200,000. In many States, the average farm investment is considerably higher.

So, I agree that hard work and invested capital should be no guarantee of success in our system. The hard-working investor has to be smart. He has to be productive and efficient. Is the American farmer productive? Is he efficient? Mr. President, here is where the American farmer really shines. There is literally no significant group in American society that has improved their productivity more than the American farmer. None. How do we measure productivity and efficieny? There is a simple and objective test. You measure productivity by how much a worker produces in a man-hour. Today, one American farmer produces more than three American farmers produced 30 short years ago. This country used to be a nation of farmers. In the last century, most of the people in this country lived and worked on farms. Today, less than 3 percent of the American people work on farms. And yet, that tiny percentage of our people produce so much food that we export 20 percent of our food. Our food is so abundant that the average American family today spends less on food than the American family has ever spent in our history, and far less than persons spend on food in any country in the world, ever, in all recorded history. Americans have the most bountiful and abundant diets on Earth. And yet we spend only about 15 percent of our income on food. In Europe, the typical family spends about 25 percent of their income on food. In Asia, more than 50 percent. Consider: What makes America the world's great economic juggernaut? Why is America far and away the world's No. 1 economic power? The great advantage the United States has in economic competition with other countries is not in industry or commerce or finance, or high technology. It is in agriculture. Our prime economic advantage over our superpower rival, the Soviet Union, is right down on the farm. Listen to this—the Soviets require more than 30 percent of their people to work on farms. We require less than 3 percent. Any yet we produce 20 percent more food than they do.

So there you have it. Our farmers work hard. They make a big investment. They are extraordinarily productive and efficient. And what do they get for it? For four successive years they have enjoyed literally no return at all on the average on their invested capital. Their hard, efficient labor brings them less—far less than the minimum wage. And in the past year they have suffered a catastrophic double-digit drop of more than 13 percent in the miserly price they receive for their work.

As sockless Joe Simpson said about 100 years ago, "It's time the farmers should raise less corn and more hell."

DO AMERICAN SCIENTISTS CHOOSE DEATH OVER LIFE?

Mr. PROXMIRE. Mr. President, why do American scientists agree to devote their genius to the nuclear arms race? A big part of the answer was disclosed in a fascinating article in the Sunday magazine of the New York Times on August 11. William Broad a science reporter for the Times wrote the article. It tells the story of a 30-year-old scientific genius named Peter Hagelstein. Hagelstein zipped through the Massachusetts Institute of Technology [MIT] undergraduate and graduate school with great distinction. At the tender age of 24 in 1979 he joined a group of young hot-shot scientists at the Government's supersecret nuclear weapons lab at Livermore, CA. Hagelstein had an aversion to nuclear weapons. Why then did he zoom from Boston and MIT to California and the most advanced nuclear weapons lab in the world? Science reporter Broad says it was because Hagelstein wanted to use those marvelous facilities not for any military use, but for biomedical purpose. Hagelstein dreamed of discoveries that would apply x rays and lasers to curing cancer and prolonging life. The Livermore lab had uniquely powerful lasers that in the words of William Broad "would allow the holographic imaging of tiny molecules from the human body, providing clues to the riddle of cancer." Along the way, however, Hagelstein got caught up in a very different quest—and ended up inventing not a medical, but a military laser. Hagelstein found that if he was to use this costly Livermore equipment, he would, of course, have to use it for the purpose for which the Government provided it: and that was to develop more advanced nuclear weapons. How was Hagelstein hooked? He simply saw the challenge the Government wanted him to work on as an interesting physics problem. And so at the age of 24, in 1979 Peter Hagelstein came up with an inspired idea for a laser device which became a key component in the Nation's Star Wars Program and which has been heralded as the most innovative idea in nuclear weaponry since the hydrogen bomb. Hagelstein developed a nuclear-pumped x-ray laser designed to fire beams thousands of miles at the speed of light to destroy adversary missiles. The idea was tested in 1980. Broad reports that it helped inspire President Reagan's star wars speech.

Mr. President, what irony and tragedy we see here. One of the country's most brilliant young scientists dreams of saving life and curing cancer. He has the genius to make such a life-saving breakthrough. This Congress in its appropriations for the Livermore lab has created the equipment and the facilities necessary to achieve this life-saving objective. But the talent of the scientific genius and the purpose of the equipment is twisted to aim it in exactly the opposite direction. Instead of saving life, the dazzling scientific achievement advances the nuclear arms race. What a pathetic tragedy.

Of course, if we all saw it the way I have described it, there would be no problem. Peter Hagelstein and his fellow scientists are decent, sensitive human beings. Some of them have few

doubts that their star wars mission will save lives by protecting this country's citizens against nuclear attack. Some including Hagelstein are not so sure. For those of us who see the strategic defense initiative or star wars as an impossible dream and a mischievous acceleration of nuclear war it is a special tragedy. Think of it—the marvelous scientific genius of this country on the very brink of breakthroughs in the medical field that could prevent the agony, heartbreak and death from cancer and other diseases. And what do we do with this marvelous scientific genius? We divert it to lethal military purposes. We squander it. If ever in human history there has been a cosmic struggle between life and death, it is here and now. It is in the struggle for the genius and the soul of such as Peter Hagelstein. So far death is winning.

Mr. President, I ask unanimous consent that the article to which I have referred by William Broad in the Sunday magazine section of the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRET BEHIND STAR WARS

(By William J. Broad)

Peter Hagelstein sought a biomedical use for X-rays and lasers. But, in a top-secret Government lab, weaponry became the aim.

In the military, they are known as "skunk works"—an elite band of scientists and engineers laboring in secrecy on important projects. At the Lawrence Livermore National Laboratory, a Federal site for the design of nuclear weapons and other advanced technologies, about 45 miles east of San Francisco, they are known variously as "O Group" or "Lowell's group" (after Lowell Wood, the founder). They are "eccentric and extraordinarily bright," says a high Livermore official. To a critic within Livermore who opposes the contruction of new weapons, they are "bright young hotshots who are socially maladjusted. All their time and energy is spent on science."

I am at the Livermore laboratory to find out about O Group: young scientists, mostly in their 20's, at the forefront of the Pentagon's five-year, $26 billion search for an antimissile shield, known officially as the Strategic Defense Initiative and popularly as "Star Wars." The "Star Wars" venture is one of the biggest research programs in the history of Western civilization, an effort rivaling the Manhattan Project, which gave birth to the first nuclear weapon, and the Apollo moon program.

Unlike the Manhattan Project, which was shrouded in secrecy, the controversial "Star Wars" theory has been subjected to detailed public scrutiny. Yet, prior to May 1984, the time of my visit to Livermore, little was known about O Group, the creative heart of the weapons lab, or about its legendary Peter Hagelstein, who in 1979, when he was 24, came up with an inspired idea for a laser device which became a key component in the nation's "Star Wars" program and which has been heralded as the most innovative idea in nuclear weaponry since the hydrogen bomb.

Hagelstein's nuclear-pumped X-ray laser, the group's most dazzling success in the world of nuclear design, is meant to fire deadly beams across the heavens at the speed of light to destroy enemy missiles. First tested in a secret underground explosion in 1980, it helped inspire President Reagan's "Star Wars" speech of March 23, 1983, and has also helped to bring the Russians back to the negotiating table in Geneva.

As it turns out, Livermore's two dozen or so Star Warriors are anything but humorless scientists. They seem addicted to soft drinks and ice cream, and delight in black humor and pranks. Taking off on a greeting-card commercial, they like to say the bombs of Livermore are the way to "send the very best." They also like to tell the story of the time some of the lab's scientists slipped a 20-pound lead brick into Lowell Wood's briefcase. Wood unknowingly lugged it around the country for months until they let him in on the joke. A big, powerfully built man in his early 40's with a full beard and a crease in his nose, Wood is a protégé of Edward Teller, principal developer of the H-bomb. He founded O Group in the early 1970's.

Most of the members of "Lowell's group" are proud to lend their talents to the design of a new generation of nuclear arms. Their common goal is to use their technical skills to protect the nation from the horrors of nuclear war. They argue not only with critics who say that a switch to defense will touch off an expensive round of new offensive weaponry to penetrate the shields, but also with those who say that a nation with a good shield might be tempted to launch a first strike against an enemy's missiles. They do not see themselves as atomic scientists doomed to repeat the mistakes of the past. "We're working on weapons of life, ones that will save people from the weapons of death," says Larry West, who designs both supercomputers and nuclear weapons.

To West and his fellow researchers, Hagelstein's story is a saga of epic proportions. Hagelstein's name is often on the lips of O Group members. It is clear that unlike many of his peers, Hagelstein is a scientist for whom music and literature, as well as the ironies and ambiguities of life, are not mere distractions from the all-consuming goal of uncovering the powerful abstractions of science. He ran marathons in college and was on the swim team. He played the piano. He played violin in a string quartet during his freshman year at the Massachusetts Institute of Technology, joining its symphony orchestra. He loves French literature, not in translation but in the original French.

He appears to be the group's resident mystic and genius—elusive, brooding, like a character out of a Dostoyevsky novel. In fact, at his lowest moments after breaking up with his girlfriend, who was opposed to his working on nuclear weapons, his stereo played nothing but requiems by Brahms, Verdi and Mozart. Lowell Wood remembers that Hagelstein's office sounded like a funeral parlor.

"He's an insomniac in general, but especially before important meetings," says Andy Weisberg, a close friend at the lab who designs nuclear war games to try to see if the Russians can outwit a defensive shield. "He works incredible hours the day before and then can't sleep, and shows up looking like a dead fish."

Larry West, a jovial extrovert, recalls with awe how Hagelstein in the 1970's had "millions of things . . . to do, all of which were very exotic and relied on the most advanced physical theory. He didn't even have a physics background. He learned the most advanced quantum physics by simply reading the technical literature, which was amazing. He worked that way for about seven or eight years."

Hagelstein, I am told, never wanted to work on weapons—not in the beginning at least. He wanted to win the Nobel Prize by creating the world's first laboratory X-ray laser, a device that would have no use in war but wide application in biology and medicine.

Regular light is made up of electromagnetic waves of many different frequencies and phases that often interfere with one another, just as waves on the ocean surface often cancel each other out. In contrast, waves of laser light have exactly the same frequency and direction and are perfectly in step with one another. They are a pounding rhythm of powerful light.

For decades the quest in laser making has been to construct devices of ever shorter wavelength. Whereas wavelengths of visible light range from about 7000 to 4000 angstroms (an angstrom is about 4 billionths of an inch), X-rays—which are not visible—are thought to measure less than 100 angstroms. A brilliant success in the X-ray region would be the achievement of a laser with a wavelength of 1 angstrom. Shorter wavelengths pack more punch. X-rays have 100 to 10,000 times more energy than visible light and react with matter in a different way. Light, for instance, does not penetrate human flesh while X-rays do.

Hagelstein's challenge was to use Livermore's powerful laboratory lasers, such as the Novette, to produce a laser in the neighborhood of 1 angstrom. His idea when he arrived at Livermore was that radiation of this extremely short wavelength would allow the holographic imaging of tiny molecules from the human body, providing clues to the riddle of cancer. Along the way, however, he got caught in a very different quest—and ended up inventing not a medical but a military laser.

For days, I try to track down Hagelstein at his many haunts, but with no success. Instead, I talk to his peers and learn something of the weapons lab, and atomic metropolis of 8,000 people in a dry California valley of gentle hills and country roads. It was cofounded in the 1950's by Edward Teller and is today made up of hundreds of buildings and laboratories—a square mile of concrete, glass and asphalt surrounded by barbed wire and armed guards.

One the fourth day of my visit, Hagelstein suddenly appears at the door of the small library in the Livermore complex that has become my "office."

He is taller than I expected (just over six feet), and not the painfully thin, ascetic man I imagined him to be. But his complexion is pale and his manner withdrawn. His shyness is unmistakable. He apologizes for not stopping by sooner.

Hesitantly at first, he tells his story. Peter Hagelstein grew up in Los Angeles and showed an early talent for mathematics, which his father, a mechanical engineer, encouraged. His parents broke up when he was about 10, and he eventually went to live with his mother.

At Canoga Park High School, he excelled in math, history and the humanities, playing violin and viola and starting to write music. "I came to the conclusion that the interesting compositions were too hard to play and the ones I could play were too dull," Hagelstein recalls. "So I started writ-

The bill also includes an amendment that I offered on the siting of hazardous waste facilities.

A critical step in the implementation of a rational, safe hazardous waste program is the creation of new facilities employing the most advanced waste management technologies. But to establish newer, improved facilities, sites on which these facilities can operate must be found and made available. Although most States have enacted or have pending some forms of siting legislation, few, if any, have developed policies and siting programs that will assure continued facility capacity in the long term. Recognizing that, as a general rule, States are not moving aggressively to avoid the creation of future Superfund sites, an amendment on siting of hazardous waste facitities was adopted by the Committee on Environment and Public Works.

This section of the bill provides that, effective 3 years after enactment, a State shall not receive Superfund money for remedial actions unless the State provides assurances that there will be adequate capacity and access to RCRA-approved facilities for the treatment or disposal of all of that State's hazardous wastes for the next 20 years.

The availability of funds for removal actions is not affected. The short-term, emergency cleanup of, for example, a roadside spill or a stack of drums that are about to explode could proceed. What will be withheld are funds for "remedial actions," the long-term, permanent cleanup of sites on the National Priority List.

To avoid a cutoff of funds, each State is required to develop State policies and siting programs that will make the best use of existing facilities in the short term and will assure continued facility capacity in the long term. The details of the siting process will differ depending on the circumstances of each State.

A site in every State is not required. In some cases, multistate efforts may be appropriate. Use of binding agreements through interstate compacts guaranteeing access to a facility is only one example of how a State may provide the requisite assurances. State or local ownership and operation of facilities or contracts with private facilities may also suffice.

The rationale for this requirement is straightforward: Superfund money should not be spent in States that are taking insufficient steps to avoid the creation of future Superfund sites. Pressures from local citizens place the political system in an extremely vulnerable position. Local officials have to respond to the fears of local citizens. The broader social need for safe hazardous waste management facilities often has not been strongly represented in the siting process. A common result has been that facilities have not been sited, and there has been no significant increase in hazardous waste capacity over the past several years. While everyone wants hazardous waste managed safely, hardly anyone wishes it managed near them. This is the NIMBY syndrome (not in my backyard). Yet if the RCRA and Superfund Programs are to work—if public health and the environment are to be protected—the necessary sites must be available.

Mr. President, in conclusion, S. 51 is a good bill. It is a bill that deserves to be enacted into law. As a member of both the Committee on Environment and Public Works and the Committee on Finance, the two committees that have written and recommended passage of this bill, I urge my colleagues to support it. Time is of the essence. The issues of public health and environmental protection are too important to ignore. We have an opportunity to enact a fivefold expansion of the current Superfund and to correct many of the problems that have plagued EPA's management of the program. It is an opportunity we must not squander.

Mr. MITCHELL. Mr. President, we bring to the Senate today the Superfund Improvement Act of 1985. This bill is significant in several respects.

First, and most important, it embodies a continued commitment by the Federal Government to the protection of the health and welfare of the people of this country from the dangers of uncontrolled hazardous substances in the environment. The Superfund law enacted in 1980 is a public health statute. We have made a judgment with the bill before us today that the current law is fundamentally sound, its purposes worthy, and its provisions workable.

Second, this bill represents a judgment that the principle of liability upon which the law is based, that those responsible for harm to health and the environment should be held accountable for that harm, continues to be appropriate.

Third, this bill represents a continued commitment to dealing with uncontrolled hazardous substances in the environment even when a responsible party cannot be found, by providing an expanded fund to finance such cleanups.

Fourth, this bill makes improvements in the Superfund Program based on our first 5 years of experience with its implementation.

In 1980, the Superfund bill faced many obstacles to its passage. As we stand here today in 1985, much of the opposition to the basic concept of the establishment of a liability regime and a fund has dissipated. The continuation of both aspects of the law is no longer an issue. This is gratifying, in a sense, to those of us who stood before this body in 1980 and warned that the legacy of past haphazard waste disposal represented perhaps the most serious public health and environmental threat in our modern history. There is, however, no consolation in having been correct in our assessment of the need for the Superfund Program. We did not in fact understand 5 years ago the true dimension of the threat of uncontrolled toxic substances in the environment.

Since the passage of Superfund we have learned that the current estimate of abandoned waste sites across this country is at least 22,000 and growing. EPA anticipates that the national priorities list of the worst sites in the country, thus eligible for Superfund money, will grow to 1,500 or 2,500 over the next several years. According to EPA, "depending on assumptions about the size of the national priorities list, the average cost of a remedial action, and the level of responsible party contributions to cleanup actions, future funding needs could range from $7.6 billion to $22.7 billion, in 1983 dollars." This estimate of needs is based only on the more traditional waste sites and the more obvious hazardous releases into the environment. There are, however, a number of emerging problem areas which could expand dramatically the needs of the program, according to EPA. These include currently operating hazardous waste facilities which are expected to close soon, municipal landfills, industrial landfills, mining waste sites, leaking underground storage tanks, contamination from agricultural uses of pesticides and radioactive sites.

It is clear by any estimate that is used that the problem is even more of a health threat than the Congress thought, and that even this reauthorization of the law for an additional 5 years will be only another step in addressing it, not a complete solution. Indeed, until our modern technology advances to a point that we minimize dramatically the hazardous byproducts of our industrialized society, we can reduce but not eliminate the risk posed by hazardous waste.

Nevertheless, this is a strong piece of legislation which continues what we set in motion in 1980, at an accelerated pace, but one which is in fact realistic.

I would like to discuss in greater detail the aspects of this bill which are most significant in my view.

STRICT LIABILITY

One of the integral parts of the Superfund law is the standard of care, strict liability, which is imposed on those who generate, transport, store or dispose of hazardous substances. S. 51 retains that high standard of care. Under the standard of strict liability, the Federal Government does not dictate how a business must act, what it should make, how it should transport

its products, or what means of disposal it should use. It does, however, determine in advance what the legal consequences of such activities may be if they result in harm.

When the members of the Committee on Environment and Public Works first looked at the problem of uncontrolled releases of hazardous substances into the environment in 1980, we were confronted with a basic policy consideration: Who should be held liable and under what standard of liability? It was clear even 5 years ago that the Federal Government was not in a position to simply fund 100 percent of the remedial action required to make thousands of abandoned chemical dumpsites safe for surrounding communities. It was also clear then that waste sites were only part of the problem. An equally alarming problem was the devastating effect of ongoing releases of toxic chemicals into the environment through spills, discharges and intentional dumping.

Not only did we feel that the Federal Government could not fund by itself the necessary cleanup, we also felt that the Federal Government should not remedy by itself the consequences of dangerous activities by private parties.

We adopted the concept of strict liability for a number of reasons, the principal ones being fairness and equity. By imposing strict liability on the person creating a hazard, the Superfund law assures that those who caused the harm bear the cost of that harm, and encourages the elimination of as many risks as possible to avoid liability.

This standard of care is a concept well-recognized and accepted in courts of law for over 100 years. The leading case from which strict liability was developed, Rylands against Fletcher, articulated the theory in this way in 1868:

> We think that the true rule of law is that the person who for his own purposes brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and if he does not do so is prima facie answerable for all the damage which is the natural consequence of its escape.

Since that decision was handed down, the concept of strict liability has been adopted in every State in this country. Even the few jurisdictions which reject Rylands against Fletcher by name have accepted the principle of the case under the guise of other theories; most frequently, those courts impose the same strict liability rule under the theory of nuisance.

The acceptance of the strict liability concept as the majority rule in this country is reflected in the adoption of strict liability by the American Law Institute as early as 1936. A second restatement was adopted in 1976. I would like to quote it, and remind this body that this was written before the Superfund law was even envisioned.

The second restatement says:

> One who carries on an abnormally dangerous activity is subject to liability for harm to the person, land or chattels of another resulting from the activity, although he has exercised the utmost care to prevent the harm.
>
> The liability stated in this section is not based upon any intent of the defendant to do harm to the plaintiff or to affect his interests, nor is it based upon any negligence, either in attempting to carry on the activity itself in the first instance, or in the manner in which it is carried on. The defendant is held liable although he has exercised the utmost care to prevent the harm to the plaintiff that has ensued. The liability arises out of the abnormal danger of the activity itself, and the risk that it creates, of harm to those in the vicinity. It is founded upon a policy of the law that imposes upon anyone who for his own purposes creates an abnormal risk of harm to his neighbor, the responsibility of relieving against that harm when it does in fact occur. The defendant't enterprise, in other words, is required to pay its way by compensating for the harm it causes, because of its special, abnormal and dangerous character.

This principle was not created in 1980 in the first Superfund law. It existed before 1980 in every State in the Union. The Congress simply made the judgment in 1980 that the principle of strict liability should be extended uniformly to activities involving hazardous substances. This standard of care has been effective in the past 5 years in securing numerous judgments and settlements with private parties at hazardous waste sites across the country, a result which could not have been achieved under a less demanding standard of liability such as negligence.

The standard of liability impsed under Superfund is derived from the standard of liability imposed under section 311 of the Clean Water Act, which is strict, joint and several. Courts have held that where appropriate, liability under Superfund may be joint and several, as a matter of Federal common law. This principle has been applied by courts on a case-by-case basis where the harm caused by hazardous substances is indivisible. When a responsible party can establish to the court's satisfaction that its contribution to a site, and therefore, its cleanup, is divisible, joint and several liability will not be impsed. This application is consistent with the restatement second of torts that:

> (1) Damages for harm are to be apportioned among two or more causes where
>
> (a) there are distinct harms, or
>
> (b) there is a reasonable basis for determining the contribution of each cause to a single harm.
>
> (2) Damages for any other harm cannot be apportioned among two or more causes.

It has been suggested by some that the use of joint and several liability is an extraordinary tool which is unfair in concept and punitive in its implementation. However, as the Administrator of the EPA, Lee Thomas, has stated, it is an extraordinary tool for an extraordinary problem. I believe that the Government has used this tool with restraint, and that its continued use is important to the enforcement program.

One proposed change to the law is a mandatory apportionment scheme under which the burden of proof would fall on the Government to establish the portion of the harm for which each party is responsible, and apportion the cleanup costs accordingly. While this may have a surface appeal, the impacts of such a change on the Superfund Enforcement Program would be far-reaching.

The Department of Justice as well as the Environmental Protection Agency have testified on this issue. According to the EPA, "a mandatory apportionment scheme would severely impair the effectiveness of the Superfund Enforcement Program. Substituting an apportionment scheme for the strict, joint and several liability regime established under the existing statute would delay cleanups and increase costs, without providing substantially increased fairness in cost apportionment among responsible parties."

I ask unanimous consent that a detailed description of the negative impacts of apportionment written by the Environmental Protection Agency be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

VICTIM COMPENSATION

Mr. MITCHELL. Mr. President, as many of the Members of the Senate recall, a provision of the 1980 bill approved by the Committee on Environment and Public Works provided compensation for medical expenses to persons injured by exposure to hazardous substances in the environment. Two alternative remedies were provided, an administrative system for reimbursement of out-of-pocket medical expenses and burial benefits, and a Federal cause of action in district court to recover the same expenses, as well as compensation for pain and suffering.

Under threat of a filibuster in the waning days of the 96th Congress, the proponents of our committee bill dropped that provision for compensation of human victims, and retained only compensation for damage to publically-owned natural resources.

Thus, for the past 5 years, we have had the incredible and unjustifiable standard that says that if certain property is damaged by hazardous waste release, there can be compensation; but if a human being is damaged by the same release, there can be no compensation from this fund.

ecution. We should be ashamed of that record.

Now that the Genocide Treaty is on the Senate Calendar we ought to correct that record by ratifying the treaty as soon as possible.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR HART

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

THE TRADE CRISIS: A STRATEGY FOR AMERICAN COMPETITIVENESS

Mr. HART. Mr. President, our Nation is in the worst trade crisis in more than half a century. America enjoyed an unbroken string of trade surpluses from 1891 to 1970. But last year we suffered a record trade deficit of $123 billion. Without comprehensive action, that figure will expand in 1985 and beyond.

The costs of this crisis to our workers and businesses are unacceptable. By some estimates, our Nation has already lost 3 million trade-related jobs. Nearly every kind of business—whether steel, soybeans, or software—has lost trade-related markets and profits.

Our precipitous decline in trade assaults America's self-esteem. From the assembly lines in Illinois, to the farms of Iowa, to the laboratories of New England, Americans feel that our ability to compete has disappeared. Managers no longer feel they can expand markets through better marketing. Workers no longer feel they can compete with their foreign counterparts. Americans sense they are losing in a competition with rules stacked against them and an outcome rigged by invisible forces. The result is an outpouring of frustration and anger that is justified and compelling.

What should we do? Fundamentally, it is a question about our vision of America's future. If we allow the trade crisis to continue, we will surely condemn our Nation to a future of fewer jobs, smaller markets, lower incomes, and shrinking expectations. Yet, if we simply accept the 300 protectionist bills submitted this year, we will be treating only symptoms and not causes. We will be hiding from the economic realities of today instead of investing in the innovations, workers, businesses, and profits of the future.

Unfortunately, the debate over trade has polarized in precisely these terms. One side would do nothing; the other would settle for anything. Both are driven by old, rigid ideologies. Both ignore the root causes of the crisis.

At one extreme—represented by the President's actions or lack of actions of the past 4 years—we hear assurances that no policy is the best policy. Driven by "laissez faire" dogmatism, the White House insists it is in our best interest to surrender to global market forces and unfair foreign practices. Only extreme political pressure in recent weeks has forced the President to reconsider his passive and indifferent stance.

The administration has consistently refused to take action to strengthen our trade performance. It tried to eliminate assistance to trade-dislocated workers. It slashed export promotion programs. It rejected existing authority to fight unfair trade practices. The President ignored his own commission's recommendations for a national competitiveness strategy. His budgets have requested $686 billion in deficit spending, and boosted the price of our dollar—and thus the price of our exports—by 40 percent. The President insists this over-valued dollar—the single largest cause of our trade collapse—is good for America. While it may be good for the wealthy few who do their shopping overseas, the high dollar means joblessness and bankruptcy for families and businesses here at home.

By refusing to take action, this unilateral free trade position has left us with an economy increasingly driven by foreign trade strategies and foreign industrial policies.

Faces with the vacuum created by this administration's record of willful inaction, many well-meaning legislators of both political parties have, understandably, focused on the symptoms of the crisis—the trade imbalances, the silent factories, the chronic unemployment, the migration of families looking for a decent income, the flood of foreign products. Their concern shows a genuine commitment to the economic security and personal well-being of their constituents.

Unfortunately, most of these approaches ignore the disease itself. They recommend import restrictions and tariffs—some of which exceed those in the disastrous Smoot-Hawley bill of the 1930's. They limit their attack to unfair foreign practices, ignoring the estimates of some economists that these practices account for only about 10 percent of our trade deficit. And instead of tapping America's strengths—our ingenuity, energy, and leadership—these legislative approaches seek merely to match unfair foreign restrictions.

But, restricting trade is costly to Americans. Our Nation has achieved our high standard of living, in part, through a high consumption of imports. Taxing those imports guarantees higher prices, renewed inflation, and lower prosperity for American consumers. Trade restrictions overvalue the dollar even further, and make our exports even less competitive. And unconditional trade relief for specific American industries guarantees retaliation from competitors that will hurt our farmers and cost jobs in other industries.

But there is a better vision for our future. By addressing the true causes of our trade problems, we can maintain low inflation and win back American jobs. By taking comprehensive action, we can shape America's future rather than hide from it. Most of all, we can return control over America's economic destiny to our workers and businesses.

Today I would like to suggest the outlines of a comprehensive trade policy designed as a frontal assault against the real forces now crippling our ability to compete, and as a means for the United States to reclaim its traditional leadership in international economic relations.

The legislation representing this policy will attack the major factors contributing to our trade crisis:

The overvalued dollar;

The collapse of Third World demand for our products;

Unfair trading practices by other nations and weak enforcement of American trading rights;

Declining competitiveness of U.S. industries; and

The absence of an effective program to assist American firms and workers in adjusting to changing economic forces.

The Omnibus bill's first goal will be to correct the current imbalance between our dollar and other currencies. The overvalued dollar bars us from competitively pricing our exports and subsidizes foreign imports. According to many economists, this overvaluation is the single largest cause of our trade deficit.

Our record $200 billion budget deficit is the primary reason for the dollar's high value. But there are other causes. The dollar's status as the world currency means foreign nations must buy dollars to repay their internaitonal loans; as they do, the price of our currency increases. In addition, many nations—such as Japan—restrict entry to their capital markets, which artificially weakens their currencies.

Forty years ago, the world's currency markets faced even greater turmoil. But with strong Presidential leadership, the United States led the way at the Bretton Woods conference to a more stable monetary arrangement. This legislation proposes a New Bretton Woods, under the auspices of the International Monetary Fund, to bring currencies back into line while preserving a flexible exchange rate system. It also directs the President to adopt strategies for intervention in foreign exchange markets and for achieving more stable relationships among the world's major currencies.

The bill's second objective is to help remedy the debt and recession crises in the world's lesser developed and newly industralized countries. These nations have historically absorbed 40 percent of our exports. But the ability of these nations to purchase our products has fallen dramatically. Latin America provides a prime example.

Today Latin America owes international banks over $350 billion. Much of that debt has been refinanced by the IMF on the condition of strict austerity measures. These agreements have been reached at a considerable cost. The debtor nations must constrict domestic spending and promote their exports. As a result, their purchases of American exports have dropped, and their goods are increasingly competing with American products here at home and around the world.

The result is a dramatic decline in our trade balance with these nations. Between 1981 and 1984, the U.S. trade balance with Japan deteriorated by slightly more than $18 billion. But during the same period, our trade balance with Latin America deteriorated by $23 billion. In all, the Overseas Development Council estimates the United States has lost nearly 1.4 million jobs due to economic decline within the lesser developed and newly industrialized nations.

Protectionism would only exacerbate the plight of the debtor nations—many of which are fledgling democracies—by shutting down U.S. markets to their exports. My legislation will help these nations expand their economies and make debt payments without adding to internal political instability. This policy recognizes that Third World nations represent the strongest potential market for expanding U.S. exports.

The bill links expanded aid—through investment and debt recycling assistance—to increased American access to Third World markets. The bill would create a program similar to the Cooley Loan Program of the 1950's. It would recommend selling surplus agricultural products for foreign local currencies; it would then recycle those currencies by giving the developing nations grants that help expand U.S. investment. The bill expands the powers of the Overseas Private Investment Corporation, and extends trade privileges—like those in the Caribbean Basin Initiative—to other nations. It also calls for a new, multilateral ageement to prevent the IMF from imposing austerity measures that threaten new democracies.

The bill's third section calls for stronger multilateral and bilateral sanctions against blatantly unfair foreign trading practices.

First, the bill will direct the U.S. Trade Representative to seek the extension of GATT to world trade in services, high technology, and intellectual property—areas largely ignored by the current GATT. Under GATT, these industries and products will then be entitled to national treatment, which requires each nation to treat our products as if they were produced and marketed under the rules that govern their own industries.

Second, this legislation takes a new approach to defending our trading rights abroad. The bill provides strong sanctions against nations that fail to agree to expanded trade rules. This legislation withholds or revokes trade concessions—such as most favored nation status—until trading partners abandon practices that restrict competitive trade.

Unlike current law, which requires Presidential action before sanctions take effect, my legislation would automatically invoke sanctions upon a finding by the International Trade Commission that a trade competitor is engaging in an unfair practice. The President could only suspend these sanctions by certifying that negotiations to remedy the situation were underway. Yet unlike some protectionist measures currently in Congress, the sanctions could only be triggered by specific unfair trade practices—not by arbitrarily determined trade balances between nations.

Conditions under which these sanctions will be imposed include: Failure to adhere to existing GATT rules or bilateral agreements; failure to extend GATT to key economic sectors; and failure to act against counterfeitors and pirates of intellectual property.

Third, the bill requires the International Trade Commission to clarify which practices actually constitute injury or unfairness to American industries. Once these thresholds are crossed, trading partners will face a choice: negotiate an end to their practices, or suffer sanctions.

The bill's fourth goal is to close the trade deficit by improving the productivity and competitiveness of American workers and industry. Such a competitiveness strategy is indispensable to a sound trade policy.

The bill would establish a National Commission on International Competitiveness, which would include representatives from both the public and private sector, and from all trade-related agencies of the Federal Government. The Commission would monitor and report annually on the competitive posture of our trade-related industries. It would propose reforms in our antitrust laws to allow for research and development consortia. And it would recommend national goals and means for reducing capital costs, training workers, and improving productivity. These and other provisions will help American industries focus on products and services that exploit our natural advantages in technology and know-how.

Ultimately, our Nation must establish industry-wide modernization agreements—compacts brokered by the President among labor, management, and private capital. Under such compacts, labor would condition wage demands on profitability or productivity. In return, workers would receive long-term job guarantees. Management would agree to such guarantees in exchange for commitments to work force stability. Management would also commit to direct investment in plant, equipment, and training in long-term lines of private credit. If necessary, the Federal Government could guarantee such loans, but only on the condition that the guaranteed capital be productively invested.

Export promotion is another key to improving our trade competitiveness. This omnibus legislation will expand and reform current promotion programs. It will shift more resources to countering predatory export financing by our trade competitors. And it will promote small business exports through State and regional assistance programs.

The final goal of the bill is to ensure that our workers will not be held hostage to changes in the global market that are beyond their control. Absent such action, public pressure for protectionsim will be irresistible, and an expanding world trade system will be unsustainable.

This legislation will increase funding for the Trade Adjustment Assistance Program while requiring that affected industries develop realistic adjustment plans. These adjustment contracts would be developed in conjunction with the Department of Labor, financed with a small, universal tariff, and phased out over a 3- to 5-year period.

History and common sense make certain truths self-evident.

Our prosperity is inextricably linked to global prosperity, which depends on expanding trade. When trade shrinks, so does America's standard of living.

Expansion of American exports is within our control—by curing the overvaluation of the dollar; by strengthening those who consume our products, as with the Marshall plan; by making our industries more competitive; and by ensuring competitors treat our products as openly as we treat theirs.

We can lead and sustain an expanding system of world trade only so long as our workers are cushioned from the costly vicissitudes of a dynamic world economy.

Today's trade crisis is so severe that inaction is inexcusable and mere palliatives are inadequate.

There is no quick fix. Those who insist otherwise run the risk of deceiving American men and women who are in pain and looking for answers. The

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measures I am recommending today—directed at treating the symptoms by curing the causes of this trade crisis—will require a dedicated effort. But the rewards will be enormous: A future of jobs, industrial competitiveness, leadership, and prosperity.

This is the way America will recapture control of its own destiny and our own future.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10 a.m., with statements therein limited to 5 minutes each.

VOLUNTARY REFUND POLICY FOR SPARE PART PURCHASES

Mr. GOLDWATER. Mr. President, earlier this year on the 20th of June, I made a floor statement commending the Boeing Co. for its announcement of an unprecedented spare parts refund policy for its dealing with the Pentagon. In that statement, I called on all members of the defense industry to join Boeing and make a similar commitment.

Today I am pleased to report that several major defense contractors have now agreed to a similar, voluntary refund policy for spare parts purchased by the Government. I would like to give public recognition to those companies and also recognize Dr. James P. Wade, the new Assistant Secretary of Defense for Acquisition and Logistics for his efforts in promoting this policy throughout the defense industry.

The Boeing policy, which was directly aimed at putting an end to the so-called spare parts horror stories, guarantees the Government a full refund of the purchase price of any spare part bought from Boeing for a price less than $100,000 which the Defense Department later determines to have been overpriced—subject to a reasonable time limitation. This is a "no questions asked" policy—if the Government says the price was too high, the money is refunded and that's the end of it. No arguments—just a complete refund.

Not long after Boeing announced their policy, other major contractors made similar commitments. General Electric, McDonnell Douglas, Grumman, Raytheon, General Dynamics, and Martin Marietta all voluntarily offered the Government similar refund policies.

The Defense Department, through the efforts of Dr. Wade, combined the best aspects of each of these unsolicited proposals into a single comprehensive refund policy which was then sent out to our top 30 defense contractors. As of today, I am advised that the following companies have signed up to this new policy: Martin Marietta, Raytheon, Sperry, Rockwell, Westinghouse, United Technologies, RCA, Boeing, Lockheed, GTE, Allied, and General Dynamics.

Mr. President, I wish to publicly commend each of these companies for making this voluntary commitment. In my opinion, this confirms what I have always believed about the vast majority of those who make up our defense industry—that they are honest, patriotic citizens doing their very best for their country. And they want to put an end to these horror stories just as quickly as you and I do.

I would also like to commend Dr. Wade for his personal efforts in promoting this very favorable agreement between industry and the Pentagon. Dr. Wade is the first person to hold the Office of Assistant Secretary of Defense for Acquisition and Logistics, and in my opinion, he is off to an excellent start. Having served very ably as the Assistant Secretary of Defense for Development and Support and the Principal Deputy Under Secretary of Defense for Research and Engineering, Dr. Wade brings a wealth of ability and experience to his new post. I congratulate him on his promotion and wish him every success in what is bound to be a very challenging and important position.

DEAN PHILLIPS

Mr. HATCH. Mr. President, although I did not have the opportunity to get to know Dean Phillips as well as I would have liked, I was fortunate to have worked with him on several legislative matters. Dean was a courageous individual, courageous in his military achievements, courageous in his leadership in difficult public policy issues, and courageous in his fight against the disease that recently took his life. It was my privilege to have known and worked with Dean Phillips, a genuine American hero and patriot. I ask unanimous consent to place in the RECORD an outstanding article that recently appeared in the Washington Post on Dean Phillips.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BONDING OF WAR

On Monday morning the Army, which he had served so valiantly, buried Dean K. Phillips with the full panoply of military honors that was his due. This much-decorated citizen soldier and fellow Vietnam veteran was laid to rest in his uniform, the ribbons on his chest a solemn testament to the professionalism he had brought to his calling in the now distant rice paddies of an earlier and more troubled era. In the end the ravages of cancer were able to effect that which another formidable, though less insidious, enemy had been unable to accomplish almost 20 years previously. Throughout it all, Dean's courage served as a beacon to all of us who loved and admired him.

As his friends and family gathered at the grave site in a stand of pines beneath a slate gray August sky in Arlington National Cemetery to pay their last respects, I reflected on what his passing meant to me and on the special covenant that binds men who have experienced the horrors of war. I had been to see him one last time shortly before he died, not because we were particularly close, but because ours was a kinship forged in the bloody crucible of Vietnam, and because I felt an urgent need to honor him for what he had endured. He had by then become a shell of his former robust self, the cataclysmic virulence of the cancer having almost run its course, but his handshake remained firm and his thinking clear.

He had been to see "Rambo" several weeks earlier, which he disliked for a number of reasons, among them the facile way the picture treated death and the distortedly romantic gloss it placed on combat. Dean knew better, and we discussed the new patriotism and the so-called revisionist view of Vietnam at length. He had enlisted in the Army in the mid-'60s despite having been granted a student deferment to attend law school, and he had refused a commission out of a desire to serve in the ranks. Often at odds with the Army as an institution, he nevertheless passionately loved its soldiers, and his service in Vietnam earned him two Silver Stars, two Bronze Stars and a Purple Heart. He told me that he did not understand the cyclical view of patriotism, and he was realistic enough to know that no amount of revisionism could erase the obloquy returning veterans faced as they attempted to enter the mainstream of society in the late '60s and early '70s. He had devoted the remainder of his professional life to easing that transition by his tireless work as an attorney on issues affecting veterans.

I spent several hours with Dean that sultry summer afternoon, and I watched him mask his pain as he acted the good host and tended to the needs of his company. I could see also by his conversation and demeanor that he was putting his house in order and preparing himself for the final battle. As I readied myself to leave, he took my hand in both of his and told me that he hoped he had been able to do some good for mankind in the time he had been given. I do not know if his final words to me were a question or a declaration, but I was only able to squeeze his hands by way of affirmation in what I now regard as a woefully inadequate response.

Dean Phillips died at home with his family a month later, beaten but not bowed by an enemy whose onslaughts he was powerless ultimately to turn aside. He was 42 years old and left behind grieving parents, a loving wife and daughter, and a 2-year-old son who will develop at best only a vicarious insight into his father's enormous stature.

He is gone now, joined at last with his beloved brothers whose names appear on the Vietnam Memorial, most of whom died themselves in their teens and early twenties well before their time, like Dean, and I am as yet unable to derive any meaning or take any solace from his death. I know only that he touched my heart, and I am richer for having shared his life.

DAVID BRODY

Mr. HATCH. Mr. President, it has been one of my pleasures in Washing-

ton to have worked closely with many outstanding individuals of varying interests and perspectives. There is none, however, whom I admire more than Dave Brody, Washington Representative for the B'nai B'rith Anti-Defamation League. Dave is a consummate professional, the paragon of effective Washington lobbyist. He is honest and forthright and the sort of individual in whom a Member can rely for sound information and counsel regardless of their agreement or disagreement on any given issue. It was thus with great satisfaction that I recently read an outstanding thumbnail sketch about Dave in the September 14, 1985, issue of the National Journal. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Journal, Sept. 14, 1985]

MAKING MATCHES MEANS ACCESS

(By Dick Kirschten)

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many people talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

'It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aricraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in match-making, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Brody noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicans and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire," he said.

The matchmaker is obviously well matched to his calling.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. NICKLES. Mr. President, I would like to take a few minutes to address the continued harassment of the Soviet Jews by the Soviet Government. The congressional call to conscience has been going on for 9 years and it seems like a long time. However, this does not even begin to compare with the years of waiting that many of the Soviet Jews have endured in the hopes of one day being able to leave the Soviet Union and join relatives in another country.

I remember when Mikhail Gorbachev became the new leader in the Soviet Union. It was thought at that time that he would be more sympathetic to the rights of the Soviet Jews. If he is sympathetic, we have not seen evidence of it. The statistics show that based on the first half of 1985, there has not been much change in emigration levels from that of last year. As many of us remember, last year produced the lowest level of Jewish emigration since the movement began almost 20 years ago.

Because of the great role that Mikhail Gorbachev plays in the lives of the Soviet Jews, a letter was circulated by one of my colleagues. This letter, which I signed, was sent to President Reagan asking him to discuss the issue of human rights when he meets with Mr. Gorbachev in November. It is my sincere hope that the President will be able to heed this request and include this vital issue on the agenda for the upcoming talks.

Three months have elapsed since I spoke before this body regarding the Vainerman family. I am sad to report that during this time the Vainermans have waited without any further word regarding their request. Three months is a very long time to wait for something when you have already waited for 5 years.

It appears as though more and more attention is being focused on the human rights violations throughout the world. Although the news is disturbing, I am glad that it is being reported. It is important that we do not forget those individuals who are struggling for their rights, while we as Americans are freely enjoying ours. One of the rights that we do enjoy is being able to speak out against such abuses. It is not only a freedom, but I believe it is also a duty that should not be taken lightly. At this point, the most that we can do is continue to speak out, and to continue to educate others regarding the violations in other countries.

I would encourage my colleagues to continue to remember not only the Soviet Jews, but individuals all over the world who are struggling to survive in countries that do not grant them the freedoms they deserve. We

must continue to voice our concern in the hope that one day we will see an end to these abuses.

U.S. FOCUSES DRUG BATTLE ON PRE-TEENS

Mrs. HAWKINS. Mr. President, in the Miami Herald recently there was a particular informative article on the recent focus of drug control efforts at grade school students.

Mr. President, as unbelievable as it is, it is a fact that directing drug education efforts at children younger than 12 years old is necessary. As Dr. Carlton Turner, chief of the administration's drug prevention and education programs is quoted as saying:

> We're going down to a very early age. Twelve is too old. If you're going to try to educate them at 12 and above—forget it. You've lost the war.

Numerous agencies and individuals of the Federal Government have been involved in this effort. The Department of Education has sent education supplies to more than 50,000 elementary schools across the country, introducing an estimated 3 million fourth, fifth, and sixth graders to the dangers of drug abuse. The National Institute on Drug Abuse recently issued findings indicating that many children begin experimenting with drugs at 11, and that most are exposed to adult drug users years earlier. The First Lady has been extraordinary in her commitment to ensuring adequate drug abuse information to grade schoolchildren, as she has already logged 60,000 miles visiting schools and drug rehabilitation centers in 44 cities. She remains determined in her goal to protect children from the horrors of drug abuse. As she is quoted as saying:

> It strikes me as odd to see little boys in Cub Scout uniforms and little girls in jumpers learning about drugs that many adults haven't even heard of * * * the scene was both terrifying and encouraging.

Individuals and groups in the private sector are also joining in this effort, among them numerous celebrities. Their influence can be enormous. As Rev. Jesse Jackson pointed out during a speech before a junior high school group, movie stars, athletes, and rock 'n' roll singers should be urged to join in the antidrug campaign. "If Mr. Prince and Mr. Stevie Wonder and Mr. Boy George go a certain way, they're going to take a lot of people with them," said Reverend Jackson.

Mr. President, I commend these individuals, these groups, and all those who continue to try to prevent the destruction of our children by illicit narcotics.

In the universal war against drug abuse, it has become necessary to form a new frontline—to educate grade schoolchildren to the dangers of drugs. As chairman of the U.S. Senate Subcommittee on Children, Family, Drugs and Alcoholism, I, too, will continue in efforts to eradicate drug abuse in our Nation.

THE ROSE AS THE NATIONAL FLOWER

Mr. KENNEDY. Mr. President, I want to take this opportunity to say how pleased I am with the action by the Senate yesterday in approving legislation to designate the rose as America's national flower.

The rose is the name of a beautiful flower, and it is also the name of a beautiful mother. I called my mother last evening to tell her the news. She celebrated her 95th birthday in July, and let me just say that yesterday's action by the Senate has made her extremely happy.

We may well ask, what has all this to do with immigration? Well, my mother's grandmother, my great-grandmother, was also named Rose. She was born in County Wexford, and she made that grim trip to America during the Irish potato famine of the 1840's. In a sense, they were the boat people of their era, and those who survived that perilous crossing called the Atlantic Ocean the "Bowl of Tears."

And so my ancestor, that 19th century Rose of Ireland, found her way to Boston, where she met another Irish immigrant, named Thomas Fitzgerald. And they had a son named John Fitzgerald, who became a customs clerk, a State senator, a Congressman, and then mayor of Boston. And he had a daughter whom he named Rose, and whom he called his Irish Rose.

We, all of us, are a nation of immigrants, and I hope that all of us, as we vote on this legislation, are mindful of that great heritage.

The 198TH ANNIVERSARY OF THE CONSTITUTION

Mr. SIMON. Mr. President, I rise today to recognize the anniversary of the U.S. Constitution. One-hundred and ninety-eight years ago today, 55 men emerged from the summer heat of Philadelphia with the final version of a document that would change the world. That summer of 1787 the Constitution of the United States was born. I am pleased to join my colleagues in honoring the work of these men and in celebrating the anniversary of our Constitution.

Our Constitution has been successful for so many years because of two fundamental principles—flexibility and limitations of power. The framers of this unprecedented document realized that while they could not anticipate the changes of the modern world, they had to provide a flexibility for the future. Today, we each admire, as James Michener wrote, its "constant ability to change with a changing world."

But while the framers realized that they could not foretell the future, they were all too familiar with the specter of the past. The Founding Fathers knew the corruption that accompanies absolute power and, therefore, they developed a careful system of checks and balances on the power of their new government.

This summer, several students battled the summer heat of Illinois and other States, to write an essay on the Constitution. The topic for this contest was "The Powers and Limitations of Congress." I received many fine papers from students throughout Illinois. I would like to share some of the thoughts of the finalists of this contest.

There were many thoughtful examples of the separation of powers among these papers. Debra Dowell of Chicago discussed the differences between House Members and Senators.

> The founders protected rights with checks on majority rule by setting up limitations in Congress. Representatives are directly responsible to their constituents. The Senate's longer term, higher qualifications for office in both age and length of citizenship, and larger constituency indicate the founder's idea of the Senator's role as enlightened statesmen. We have kept the principle of some differences between the Houses to protect ourselves from the political winds of short-lived zeal.

Susan Matt of Downers Grove, IL, explains the historical rationale for these checks and balances:

> To twentieth century Americans, scenes of governmental chaos seem a little fantastic. However, the authors of the Constitution knew that in the not too remote past, governmenal disorder abounded. Therefore, their desire for stability was both an expression of ideals in harmony with the ideals of the Age of Enlightenment and also the expression of ideas in opposition to the historical realities familiar to the framers. In the past century, for instance, kings had been replaced by Cromwell and Cromwell by kings . . .

Another finalist, Mark Strong of Arlington Heights, IL, discussed how the powers of Congress and the President have expanded and changed with the use of checks and balances over time.

> Due to the changing needs of a growing nation and influence by key people in the early years, the power of Congress has grown immeasurably. As the power of Congress has grown, so has its dependence upon the executive for leadership.

Other essays such as the one by James Nucci of Hanover Park, IL, illuminated our duties as citizens to understand the Constitution.

> Continued and informed acquaintance with its granting and limiting language then is an obligation of that greater number of us as citizens . . . (for) the powers of Congress can be very great. They must be handled with care, and this is why the United States of America is where it is today. With Con-

gress' continued success the United States will continue to grow and prosper.

Maureen Mooney of Harvard, IL, continues the argument for the public's need for studying the Constitution. "The U.S. Constitution provides a backbone for our Government and for our country. Only when we consider how important this paper is will we realize its value to us individually, as well as a nation. We, as citizens, should strive to learn more about our Government and use this knowledge in a positive way."

But, as I read the words of these young people, I see the best of example of what makes our Constitution so unique—its special ability to pass the blessings of liberty, and a sense of freedom and hope, from one generation to the next.

The essays by these students are filled with hope for the future, and a feeling that each writer will have the freedom to pursue these dreams. These feelings of hope and freedom are the same feelings our Founding Fathers must have felt as they traveled home from Philadelphia with their new Constitution 198 years ago.

In the summer heat of Philadelphia in 1787 the flame of liberty was preserved forever by this new Constitution and each new generation basks in the warmth of this freedom and hope.

EFFECTIVE WORK OF SENATOR BOSCHWITZ ON FARM LEGISLATION

Mr. COCHRAN. Mr. President, it was a pleasure to read such a complimentary article about my friend, Senator RUDY BOSCHWITZ, and his effective work in our Committee on Agriculture in a recent edition of the Minneapolis Star and Tribune.

As we have considered and debated the issues involved in the writing of a new farm bill, Senator BOSCHWITZ has been a very thoughtful and hard working participant.

I need to correct, however, one inaccurate statement in this article. It is suggested that strains have grown between Senator BOSCHWITZ and me, and other southern committee members, because of differences over cuts in the costs of commodity programs. We surely have disagreed on some matters, and we probably will in the future; but, there is no strain on our friendship nor is there any diminution in the feeling of respect that I and others on the committee have for the distinguished Senator from Minnesota.

I ask that a copy of this fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star and Tribune, Aug. 4, 1985]

BOSCHWITZ EMERGES AS MAJOR FIGURE IN DRAFTING OF 1985 FARM LEGISLATION

(By Finlay Lewis)

WASHINGTON, DC.—During his early years on the Senate Agriculture Committee, few accused Rudy Boschwitz of being a heavyweight.

That has changed—to the surprise of many and the irritation of some.

Echoing the common assessment of those with an interest in the 1985 farm bill, Carl Schwensen, executive vice president of the National Association of Wheat Growers, said of Boschwitz late this week, "I think he has devoted more study to the subject—and to the various programs and situations in which those programs would operate—than any other senator."

Boschwitz has emerged as a major figure in drafting the farm bill, which despite his efforts remains stalled in both the Senate and House Agriculture committees.

Entering the Senate as a freshman Republican from Minnesota in early 1979, Boschwitz was regarded as something of a joke when he took his committee seat.

What could a city slicker know about such things? Moreover, no one had to stick him with the assignment to this sleepy backwater of a committee. He asked for it, of all things. Observers chalked it up to the naive exuberance of a neophyte. He would learn, they said.

Indeed, he has. No one is laughing now at Boschwitz, who once sent giggles through the agricultural community when out of curiosity he grabbed an electrified prod used to train cows.

As Boschwitz acknowledged later, that was a shocking experience. But it was no more shocking than the praise that was unexpectedly heaped on him during a Senate debate last week by one of the most liberal and fiercely partisan Democrats in that chamber, Tom Harkin of Iowa.

No two members of the Senate Agriculture Committee disagree more on the 1985 farm bill than Harkin and Boschwitz. Yet Harkin said that Boschwitz possesses "more knowledge of the intricacies of what the tradeoffs are and what the impacts are of various options . . . that we can make than anybody on the committee, including myself."

Not everyone shares Harkin's admiration Boschwitz has not hidden his determination to protect or promote Minnesota's agricultural interests. Several times that has meant attacking proposals or existing programs that he says he believes give undue advantage to other regions.

There reportedly are growing strains between Boschwitz and Sen. Thad Cochran, R-Miss., and other southern committee members who dispute Boschwitz's claims that crops such as rice and cotton are being insulated from budget cuts in comparison with wheat and feed grains.

Boschwitz's overall impact on the farm bill is uncertain, in part because of his willingness to take up losing causes, such as his dairy amendments, and in part because the contents of the legislation remain unsettled.

Nonetheless, Boschwitz's attention to detail, his understanding of the interaction of different aspects of federal farm programs and the resulting effect on the budget, and his diligence on a committee noted for absenteeism have paid off.

Last month, for example, the committee appeared headed toward opening a loophole in an important provision written to penalize farmers who persist in plowing erodible land. With several questions. Boschwitz stopped the drift toward the weaker language sought by Sen. John Melcher, D-Mont. Eventually, the committee wound up taking a somewhat tougher stand than originally proposed.

More recently, Sen. Robert Dole of Kansas, the Republican majority leader, offered a compromise plan on one of the most controversial farm bill issues—income subsidies for wheat and feed grain farmers.

Boschwitz said that he would insist those growers be treated on an equal footing with cotton and rice producers. Dole, possibly aware that the committee had become badly polarized over the issue, withdrew his compromise, but he acknowledged to reporters later that cotton and rice "have so many advantages."

Then, last week, Boschwitz won a modified victory on another issue, which, if it becomes law, could pave the way eventually to a major change in the current system of supporting wheat and feed grain prices through relatively high, rigid loan rates.

On a 14–1 vote, the committee agreed to include in the bill a provision for flexible loan rates that would rise and fall with world market prices. However, the language for implementing the provision was so hedged with conditions that its immediate impact on federal policy would be uncertain.

Again, it was a question of equity, since an identical "marketing loan" provision had been adopted by the committee for cotton and rice.

The marketing loan principle is central to Boschwitz's approach to the farm bill, since he sees it as the key to restoring U.S. farmers' competitiveness in world commerce. Harkin and some other farm state senators would seek that goal by maintaining high U.S. prices and then using export subsidies in competition with other grain-selling countries for foreign markets. Their approach also would entail mandatory production controls to make sure that farmers, spurred by the high price, would not overproduce.

But, for Boschwitz, the only approach that makes practical sense involves cutting U.S. prices, confident in the notion that U.S. farmers can out-produce and out-sell competitors. Production controls also would have no place in a ideal Boschwitz world governed by the law, of supply and demand.

Boschwitz chafes over the committee's reluctance to embrace his approach but stops far short of accusing his colleagues of political gutlessness. Clear to him, but apparently not to the others is what he describes as the "tremendous upside" of his vision of a farm economy moving in harmony with a free marketplace. By that, Boschwitz means that the potential loss of farm income owing to lower loan rates could be more than offset by increased demand.

In view, that together with his confidence in an imminent decline in the dollar's value, offers the prospect of a "great bonus" for U.S. exporters. And with that statement, Boschwitz underscored his dual role as a member of both the Agriculture and Budget committees.

As a budget Committee conferee in negotiations with the House, Boschwitz helped shape last week's compromise. In the view of some analysts, the budget agreement is significant because it will help slow federal borrowing to finance the deficit and thus serve to weaken the dollar, the strength of which is said to have crippled farm exports

by making U.S. commodities relatively more expensive on world markets.

However, Boschwitz said recently that the interrelationship between cutting farm prices and reducing the deficit has not been well understood by others on the Agriculture Committee.

"Senators really aren't very entrepreneurial," said Boschwitz, who also suggested that his colleagues undervalue that ability of farmers to grasp the logic behind a market approach to agricultural policy. "I'm willing to take chances. I'm a gambler and I think most farmers are too. Give me an upside, I like that," he said.

Indeed, Boschwitz still draws lessons from the days when he founded his home improvement business, Plywood Minnesota. Struggling in the beginning, he recalls lowering his prices so much that he became an industry pariah.

That experience, he added, led him to an important realization: "When the price came down, there was a market for it."

William Lesher, an economist on the Agriculture Committee staff when Boschwitz arrived, remembered that Boschwitz was relatively ignorant about farming or agricultural policy issues then.

Said Lesher, who now is a consultant, "I think he has progressed remarkably well. He has worked harder than most to the point that now he has a better grasp of the issues than most on the committee. The way he did it was by asking questions."

Lesher also credited Boschwitz with "bringing a new dimension to the debate" by coauthoring with Sen. David Boren, D-Okla., a farm bill built around the addition of lowering U.S. farm prices while protecting farm income through transition payments, designed to phase out about the time exports would be expected to start booming.

For the time being, at least, Boschwitz has abandoned the transition payment idea, while continuing to insist on the dual principle of lowering farm prices and maintaining an interim income safety net.

Indeed, Boschwitz seems little fazed by occasional indications that others on the committee may have tired by now of his proselytizing.

During one contentious committee meeting, Sen. Edward Zorinsky of Nebraska, the panel's ranking Democrat, interrupted Boschwitz. "Let's vote," said Zorinsky.

Snapped Boschwitz, "I will continue, Senator. That's not for you to say, Let's vote.' "

THE RETIREMENT OF GEN. JOHN W. VESSEY, U.S.A., CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. DURENBERGER. Mr. President, on the 30th of this month, a great American, a great patriot, and a great soldier will retire from active service. In 46 years in the Army, Jack Vessey has seen it all. From World War II, through the cold war, through Korea and Vietnam to the age bounded by nuclear deterrence and low intensity conflict. He has kept his vigil through thousands of national crises and contributed his wisdom to thousands of critical decisions. Warrior—statesman—leader. He is a soldier's soldier—a general's general—and a Minnesotan's Minnesotan. His career is the epitome of the standard, duty, honor, country.

General Vessey will receive a shower of well-deserved accolades in the coming weeks. To those I wish but to add the simplest—yet most powerful praise of one soldier to another, "well done." Steve Berg's piece in the Minneapolis Star and Tribune is an excellent tribute to this great man and I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star and Tribune, Aug. 25, 1985]

NATION'S TOP SOLDIER PREPARES FOR ASSAULT ON WALLEYES

(By Steve Berg)

WASHINGTON, DC.—On the last day of September, Gen. John W. Vessey Jr. will cease to be the nation's most powerful soldier, closer perhaps to the president than any of his predecessors and, thus, closer to the nuclear button than any U.S. general in history.

He will become, instead, Jack Vessey of Crow Wing County, Minn., fisher for walleyes.

"I'm looking forward to getting back up there," Vessey said during a rare interview in his Pentagon office last week. He confessed a special affection for his native state and reflected on his three years as chairman of the Joint Chiefs of Staff and his 46 years in the Army.

Among his sentiments are sadness and regret over the deaths two years ago of 241 Americans in the bombing of a marine barracks in Lebanon, and acknowledgment that sending troops to the Beirut airport may have been a mistake, that the chiefs "knew that in advance."

Vessey, 63, is retiring more than eight months early. He had wanted to depart last June to keep a promise to his wife, Avis, who long has hoped for a retreat from official Washington to a full-time retirement at their lakeside home.

But the TWA hostage crisis intervened. Now, by the time the bags are unpacked, the leaves will have begun to change and the winds will be chilly off Little Whitefish Lake. Still there will be fish to catch and grass to cut and a future to ponder.

Vessey leaves Washington with high marks, even from some of the Pentagon's stiffest critics. He's viewed with "very high respect," said Rep. Les Aspin, D-Wis., one of Congress' top military experts.

But Vessey also departs in near anonymity. Few outside the military's top circle know his name or know the tale of his remarkable rise from private to four stars and beyond.

Few realize that he began the rise to the military's highest office with a commission on a bloody Italian beach, not on the parade ground at West Point. Few recall that Vessey fibbed about his age to enlist at 16, and has been in the Army longer than anyone now serving. Or that he will be the last chairman to have fought in World War II.

Few know about the dark morning in South Vietnam when Vessey rallied a demoralized battalion, one that responded to his personal demonstration of bravery by repelling—at some points hand-to-hand—a massive surprise attack, killing 423 enemy soldiers.

"He's been dirty and bloody . . . and he's worked his way up," said Lt. Col. Tony Palermo, a Marine and former aide who finds it hard to disguise his loyalty. "There won't be anymore like him."

Vessey never has flaunted his storybook career. Rather, he has sought to hide it, to seek shelter from any hint of celebrity.

Despite his closeness to President Reagan, Vessey has resolutely avoided partisan politics. His speeches nearly always to friendly audiences, make few headlines. His testimony to Congress has been bland. He has granted few interviews to the press and, even then, has added little meat to the bones of his spare but intriguing one-page Pentagon biography.

"I don't think the American people, particularly in peacetime, want to see their generals splashed around on the front page," he said, smiling broadly, his uniform shirt open at the collar, his blue eyes darting toward the portrait of Gen. Omar Bradley, the "GI's general," that hangs near his desk.

Friends say that Vessey, too, likes to consider himself a soldier's soldier. "He's the most honest, real, down-to-earth person I've ever met," said Gen. Charles Gabriel, the Air Force chief of staff. "That's one of the beauties of Jack Vessey. From the time he was a sergeant, I'm sure he has been the same Jack."

Another friend compared Vessey's classic Minnesota stoicism and subtle humor to that of Bud Grant, the Vikings football coach. "He's like Bud, only with a better team."

Although entitled to wear nine rows of ribbons, including the Distinguished Service Cross, the military's second-highest award, Vessey often wears only one. Once, when a kid asked where he got his medals, Vessey replied, "In a Crackerjack box."

Vessey described his attitude with a chuckle: "If by the time we leave, we've built our defensive wall a little higher and stronger, then we will have done our thing, and we should just do it and shut up."

Vessey has needed his humor and his cool attitude over the past few years and, associates say, has displayed them at tense moments. There have been many.

He oversaw a massive infusion of money aimed at restoring muscle and pride to the military. He fought for the MX missile and "Star Wars." He insisted that the Pentagon, not the White House, direct the Grenada invasion. Despite criticism that the operation lacked coordination, he is gratified, given the haste of the venture.

During Vessey's tenure, terrorists bombed U.S. troops in Lebanon and West Germany. The Soviets shot down a Korean airliner and killed a U.S. Army observer in East Germany. Spies were discovered in the Navy. The Pentagon was found to be paying hundreds of dollars for toilet seats and ashtrays, which, in turn, exposed wider scandals involving wasteful and fraudulent defense contracts. Critics grumbled about Vessey's cautiousness and lack of innovation.

Vessey appears stoic about all that. "We don't learn new lessons," he said. "We relearn old lessons that we haven't paid attention to."

His head bows and his voice quiets when he is questioned further about Lebanon. It was the low point of his tenure.

Most often it's a mistake to use superpower troops as part of a peacekeeping force, he said. "As a general rule, we knew that in advance . . . and this is not the first time that lesson has been learned."

But the administration had "great expectations" for peace in Lebanon, he said. And

the Marines represented an investment, a deposit of "earnest" in hopes of fostering confidence within the Lebanese army and government.

In the end, however, "We had a peacekeeping force where there was no peace . . . and we were caught in the middle of it," he said.

Did he advise Reagan against sending U.S. troops? He won't say. It wouldn't be professional to disclose his private advice. Highly placed associates, however, confirmed that Vessey advised against the Lebanon venture.

Indeed, much of his counsel has been for restraint. Often during the Reagan years, traditional roles have been reversed, military advisers arguing for caution against more adventuresome views from civilians on the right.

Vessey and the chiefs, for example, also argued against scrapping the SALT II treaty, or expanding the U.S. role in Central America beyond maneuvers or against any imprudent deployment of U.S. forces in the Persian Gulf.

"I am absolutely, unalterably opposed to risking American lives for some phony sort of military and political objectives that we don't understand," he said two years ago.

Vessey was born June 29, 1922. His mother, Katherine Roche, came from an old Irish family in St. Paul. His father, Jack, was of English and Scottish stock, and worked as an agent for the Minneapolis, Northfield and Southern railway.

Young Jack, as he was called, was the first of seven children. The family lived in Lakeville until he was 13, then moved into a two-story stucco house on Weenonah Place, a small, tidy street just off 50th St. and 34th Av. in south Minneapolis.

"It was the nicest little street in the country," said Vessey's mother, 83, who since has moved into a retirement home not far away. "It was only one long block, and so quiet. The kids played ball in the street. It was just like the kids were growing up in a small town."

Friends remember Vessey as a Tom Sawyer figure—entertaining younger kids by pretending to swallow goldfish, holding the rope while older boys hoisted a cow onto the roof of the Lakeville school, playing "America" on the harmonica while standing on his head.

A few at Roosevelt High School thought Jack Vessey had "too much vinegar." But he was popular and had a serious side, too. "He didn't waste time hanging around street corners," recalled Howard Olson, a longtime friend. "Most of the time he was a no-nonsense guy."

He worked on the yearbook and in student government, was captain of the swim team and manager of the stage crew. He took keen interest in Boy Scouts and in the activities at nearby Lake Nokomis Lutheran Church. His mother recalls giving up serving Sunday night dinner to her family because the house was mobbed with teen-agers stopping over on the way to church youth meetings.

He also took a keen interest in Avis Funk, a striking blond girl with a bent toward art. He would correspond with her throughout the coming war and marry her afterward.

Vessey adored his father. They shared the same dead-pan humor and repeated the same corny jokes nearly every night at dinner. By the late 1930s, however, his father's health began to fail. His kidneys had not been right since the damp and muddy trenches of France in World War I. He was developing diabetes.

Together, they took a car trip to Oregon, along the way sharing what fathers and sons share. The father showed his boy the Army post where he had signed up to become a Doughboy in 1917.

He thought it was fine that Young Jack had joined the Minnesota National Guard, despite lying about his age. No one quite knows what motivated Young Jack to sign up, although one could envision him in 1939, a kid off the Wheaties box, hair slicked down, a giant gold R on his maroon letter sweater, sipping a chocalate malted at the Nickle Nook and telling his buddies, "Gosh, wouldn't it be swell to give those Nazis what they deserve?"

Eventually, on a cold February morning in 1941, Vessey marched off to prepare for war. He was home on leave when Pearl Harbor was attacked, and had to depart again, quickly.

"We were all out in the front yard saying goodbye," said his sister, Pat Vessey. "I looked around and my Dad was missing. I went into the house and he was sitting in a chair, tears rolling down his face. I'd never seen him cry before. He told my Mom, 'I'll never see that boy again.' "

He died as Young Jack headed toward the fighting in North Africa. The 34th Division, made up largely of Minnesota and Iowa boys, helped push the retreating Germans out of the desert and into Italy.

By the time their "Red Bull" division reached the beaches at Anzio, just south of Rome, Vessey had risen to first sergeant. "He was fair and firm and always stood up for his men," recalled Jim Gregg, mess sergeant in Vessey's artillery outfit.

"Once he came and told us that the captain was worried that the men would climb out of the foxholes and start running when the shelling got bad again. He said we should stay in our foxholes, but if anyone looked nervous, he could get them sent farther back. Then he said to me, 'If anybody says we're not *all* scared, he's a damn liar.' "

Days later, the Germans launched a counterattack. Hitler instructed his generals that "The men will fight with a solemn hatred . . . The battle must be hard and without pity (and Anzio) will drown in the blood of the Anglo-Saxon soldiers."

Bodies piled up. The U.S. 5th Army suffered 70,000 casualties in the first four months of 1944. Vessey's mother received word that "Of the 14 or 18 men closest to Jack, only six were left."

Suffering attrition, the Army commissioned Vessey a lieutenant and sent him to the front lines to direct artillery fire. An Army doctor sent Vessey's mother a photo. Jack was dancing a jig. "Later," she said, "I asked the doctor if that's how Jack got his commission, and he got real upset. He said Jack was just so happy after what he had been through."

After the war, Vessey considered entering the seminary. He remains a devout Lutheran, reading the Bible daily and occasionally attending Bible study sessions in the Pentagon.

He admits that it's a struggle to reconcile his religious beliefs and his job. Killing and starting wars are probably immoral, he has said, but there's probably no immorality in hoping to deter war by preparing for it.

Indeed, he has championed Reagan's military buildup.

As for assigning a special immorality to nuclear weapons, Vessey says that nations cannot uninvent them. "God invented golf to teach us something about life," he has said. "The ball is where it lies."

One of his toughest moments as a soldier came on an early March morning in 1967, when he rallied his battalion against an attack by 2,000 enemy troops against his force of 300 in Vietnam. Despite his wounds, he assisted as a cannoneer as the six-hour battle raged, lowering the barrels of the howitzers and firing point blank into the onrushing attackers, sometimes as they clung to the guns.

Vessey, of course, doesn't talk of the incident. Even close friends and relatives never have heard the details. According to Army records, Vessey finally spotted a group of enemy rocket launchers that were inflicting severe damage. "He seized a grenade launcher, moved into an open area and knocked out three of the insurgents' weapons," the citation states.

"He told me that that was the first time he thought it was time to get out of the Army," his mother recalled. "It was probably his closet call."

Ten years after the war's end, Vessey concedes mixed feelings over Vietnam. Those who consider the war a tragic misadventure might be "a little bit right," he said. But so might those who believe that politicians kept the U.S. from a victory that could have—and should have—been won.

He told of a recent trip to Thailand, knowing he would meet some of the Thai troops that fought with him in the futile battle for Laos. "I went there with a little fear and trepidation," he said. "One of the ones I saw was a lieutenant. I remembered when he lost his leg. He came out on his peg leg and greeted me and put his arms around me and talked about the war in Laos, 'Laos was Communist now (he told me), but I wasn't fighting for Laos, I was fighting for Thailand.'

'So, it wasn't all a failure," Vessey said, "it wasn't all in vain."

He has risen through the ranks by blending his experience as a mud soldier with his obvious savvy for command and his subtle talent for military politics. He became a lieutenant colonel without a college degree, then got a diploma from the University of Maryland when he was 41 and a master's from George Washington University at 45. He was 49 when he decided to become a helicopter pilot.

He's 5-9 and a trim 160 pounds. He runs nearly every morning, plays a solid game of handball despite two game knees, has a passion for golf and talks expertly about the migration of walleyes between Mille Lacs and Little Whitefish.

He learned to speak and write Korean when he commanded U.S. forces in South Korea in the 1970s and retains a keen interest in Korea. When President Carter proposed to remove U.S. troops from South Korea in 1977, Vessey warned that war could result. One of his deputies used harsher words. Carter fired him, but eventually changed his mind on pulling out the troops.

Vessey's career suffered its first real setback in 1979. Carter passed him over, selecting one of Vessey's former deputies as Army chief of staff. The military establishment was stunned. But the young officer, Gen. Edward Meyer, named Vessey as his assistant, and Vessey got his first taste of high level Pentagon duty.

By 1982, his lake home was finished and he and Avis were eager to retire. But Defense Secretary Caspar Weinberger met him as he returned from a trip to South America, telling him that the president wanted to see him right away. Vessey wondered what had gone wrong in South America. He was

shocked when Reagan, after a 15-minute chat, asked him to be chairman of the joint chiefs.

A reluctant Vessey told the president of his wife's wish to return to Minnesota. Reagan asked him to change her mind. With a tear in her eye, Avis Vessey told her husband that God finally was punishing him for lying about his age. The Vesseys moved into Quarters Six at Fort Myer, Va. The stately chairman's residence comes with three servants and a chauffeur-driven staff car. This was the top.

The top, however, can be grueling, particularly after 46 years of soldiering. Avis Vessey has worried about her husband's stamina, friends say, and about the crazies who roam the world looking for targets. Many in Washington worry about that.

"You look at the flash points on a map and it looks like the world has chicken pox," she said. "There are no easy days for him . . . The family has been so neglected for the last 10 years. Maybe now we'll have a private life."

The Vesseys have two sons and a daughter and two grandchildren. They have been gone from their home state for more than four decades, but say they still feel like Minnesotans. The general confesses a special affection for a place he considers unique because of its climate, heritage and culture. He's a faithful listener to Garrison Keillor's radio show, "A Prairie Home Companion," and an unrepentant teller of Ole and Sven jokes.

At the Pentagon, Vessey will be remembered as a chairman who elevated the staff to a high level of influence with an administration, admittedly, inclined to seek advice from military leaders.

He also has used his low-key personality to soothe interservice jealousies, rather than to push for reorganizing the Pentagon's top structure.

"Any time you want something to work in a relationship between human beings, you have to work at the relationship," he said, "You can't legislate it. The president can get his military advice from reading 'Beetle Bailey,' and I suspect maybe some presidents have, and I suspect that sometimes it might not be a bad place to look. But you can't legislate confidence."

Vessey has been quiet about his plans for the future. The Minnesota National Guard has reserved an office for him at Camp Ripley, a short drive from his home. And there'll be a modest museum filled with the memorabilia of Minnesota's most significant military figure.

Friends say Vessey might like to teach. Once he joked to an aide, however, asking him to find two spots on corporate boards, one on the East Coast and one on the West, each with golf privileges. Perhaps it wasn't a joke.

The PRESIDING OFFICER. The Chair, in his capacity as Senator from Alaska, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SUPERFUND IMPROVEMENT ACT OF 1985

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of S. 51 for purposes of debate only.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike out all after the enacting clause, and insert the following, and from the Committee on Finance, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in roman type.)

That this Act may be referred to as the "Superfund Improvement Act of 1985".

TITLE I

INDIAN TRIBES

SEC. 101. (a) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by striking "and" at the end of paragraph (31), striking the period at the end of paragraph (32), and adding a new paragraph as follows:

"(33) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and";

(2) in paragraph (16) by striking "or" the last time it appears and by inserting before the semicolon at the end thereof the following: ", any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe".

(b) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by section 109 of this Act, is amended by adding at the end thereof the following: "In the case of remedial action to be taken on land or water held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe (if such land or water is subject to a trust restriction on alienation), or otherwise within the borders of an Indian reservation, the requirements of this paragraph for assurances regarding future maintenance and cost-sharing shall not apply, and the President shall provide the assurance required by this paragraph regarding the availability of a hazardous waste disposal facility.".

(c) Section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by section 114 of this Act, is amended by inserting "or Indian tribe" after the phrase "political subdivision" each time that phrase occurs.

(d) Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (a) by inserting "or an Indian tribe" after "State";

(2) in subsection (f) by inserting after "State" the third time that word appears the following: "and to any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation:"; by inserting "or Indian tribe" after "State" the fourth time that word appears; by adding before the period at the end of the first sentence the following: ", so long as, in the case of damages to an Indian tribe occurring pursuant to a Federal permit or license, the issuance of that permit or license was not inconsistent with the fiduciary duty of the United States with respect to such Indian tribe"; and by inserting "or the Indian tribe" after "State government";

(3) in subsection (i) by inserting "or Indian tribe" after "State" the first time it appears; and

(4) in subsection (j) by inserting "or Indian tribe" after "State" the first time it appears.

(e) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (b) by inserting before the period at the end thereof the following: ", or by any Indian tribe or by the United States acting on behalf of any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation";

(2) in subsection (c)(2) by inserting "or Indian tribe" after "State";

(3) in subsection (f) by inserting "or Indian tribe" after "State"; and

(4) in subsection (i) by inserting after "State," the following: "and by the governing body of any Indian tribe having sustained damage to natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation,".

(f) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new section:

"INDIAN TRIBES

"SEC. 116. The governing body of an Indian tribe shall be afforded substantially the same treatment as a State with respect to the provisions of section 103(a) (regarding notification of releases), section 104(c)(2) (regarding consultation on remedial actions), section 104(e) (regarding access to information), section 104(i) (regarding cooperation in establishing and maintaining national registries), and section 105 (regarding roles and responsibilities under the national contingency plan and submittal of priorities for remedial action, but not including the provision regarding the inclu-

sion of at least one facility per State on the national priority list).".

COMMUNITY RELOCATION

SEC. 102. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provision of assistance identical to that authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974: Provided, That the costs of such assistance shall be paid from the Trust Fund;".

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting before "authorized by subsection (b) of this section," the phrase "for permanent relocation or".

OFFSITE REMEDIAL ACTION

SEC. 103. Section 101(24) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking the last sentence of the paragraph; striking the period after "welfare" the third time that word appears, and inserting a semicolon in lieu thereof, striking "or" before "contaminated materials" and inserting "and associated" in lieu thereof; and inserting before the period after "environment" the third time that word appears, the following: ", as well as the offsite transport and offsite storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials.".

ALTERNATIVE WATER SUPPLIES

SEC. 104. Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, is amended by striking the period at the end of paragraph (30) and inserting in lieu thereof a semicolon; and by adding after new paragraph (33) the following new paragraph:

"(34) 'alternative water supplies' includes, but is not limited to, drinking water and household water supplies.".

IMPROVEMENTS IN NOTIFICATION AND PENALTIES

SEC. 105. (a) Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) inserting "(1)" after "immediately notify"; and

(2) inserting after "of such release" the following: ", and (2), in the case of any such release of a hazardous substance with a reportable quantity of one pound or less or any release of any other hazardous substance in a quantity determined by the President by regulation to potentially require emergency response, all State and local emergency response officials identified under any local contingency plan or otherwise likely to be affected by the release".

(b) Section 103(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) inserting after "appropriate agency of the United States Government" the following: "(or, in the case of a release to which subsection (a)(2) applies, any appropriate State or local emergency response official)"; and

(2) striking "$10,000 or imprisoned for not more than one year, or both." and inserting in lieu thereof "$25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than $50,000 or imprisoned for not more than five years, or both).".

(c) Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(g)(1) In addition to any other relief provided, whenever on the basis of any information available to the President the President finds that any person is in violation of subsection (a) or (b) of this section the President may assess a civil penalty of not more than $10,000 for each failure to notify the appropriate agency. The penalty under this subsection shall increase to not more than $25,000 for a second violation by the same person, not more than $50,000 for a third violation by the same person, and not more than $75,000 for a fourth or subsequent violation by the same person.

"(2) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

"(3) In determining the amount of any penalty assessed pursuant to this subsection, the President shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

"(4) Any person against whom a civil penalty is assessed under this subsection may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the President. The President shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the President may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

"(5) The President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(6) Action taken by the President pursuant to this subsection shall not affect or limit the President's authority to enforce any provision of this Act: Provided, however, That a failure to notify the appropriate agency which is penalized administratively under this subsection shall not be the subject of a criminal penalty under subsection (b) of this section.".

(d)(1) Section 103(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "$20,000" and inserting "$25,000" in lieu thereof.

(2) Section 106(b) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "$5,000" and inserting "$10,000" in lieu thereof.

HAZARDOUS SUBSTANCES INVENTORY

SEC. 106. Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by this Act, is further amended by adding after "Notice, Penalties" in the title to section 103: ", and Inventory". Section 103 is further amended by adding at the end thereof the following new subsections:

"(h)(1) Each facility owner or operator that (A)(i) manufactures a hazardous substance (as defined in section 101(14) of this Act), or (ii) stores six thousand kilograms or more of such hazardous substance, and (B) has ten or more full-time employees, shall complete and distribute a Hazardous Substances Inventory form as published under paragraph (2) of this subsection within 180 days after the enactment of the Superfund Improvement Act of 1985 and every twenty-four months thereafter, or more often as changed circumstances require. For the purposes of this subsection, a mixture containing more than 1 per centum of any hazardous substance covered by this section shall be considered a hazardous substance.

"(2) The President shall publish the Hazardous Substances Inventory form in the Federal Register within sixty days after the date of enactment of the Superfund Improvement Act of 1985. Publication of such form shall be exempt from the requirements of the Paperwork Reduction Act and Office of Management and Budget Circular A-40 (title 5 of the Code of Federal Regulations, part 1320).

"(3) The Hazardous Substances Inventory form shall provide for submission of the following information for each hazardous substance:

"(A) the description of the use of the hazardous substance at the facility, including, but not limited to, the quantity of the hazardous substance produced or consumed at such facility;

"(B) the maximum inventory of the hazardous substance stored at the facility, the method of storage, and the frequency and methods of transfer;

"(C) for each of the following, the annual and monthly total emissions or discharge of

each hazardous substance for the calendar year immediately preceding the submission of the Hazardous Substances Inventory form:

"(i) the stack or point-source emissions;

"(ii) the estimated fugitive or non point-source emissions of the hazardous substances;

"(iii) the discharge into the surface water or groundwater, the treatment methods, and the raw wastewater volumes and loadings; and

"(iv) the discharge into publicly-owned treatment works;

"(D) the quantity and methods of disposal of any wastes containing the hazardous substance, the method of onsite storage of such wastes, the location or locations of the final disposal site of such wastes, and the identity of the transporter of such wastes;

"(E) the month and year that the information on the Hazardous Substances Inventory was compiled and the name, address, and emergency telephone number of the person responsible for preparing the information.

For the purposes of this paragraph, facility owners and operators may utilize readily available data collected pursuant to other State and Federal environmental laws.

"(4) Each person who submits a form pursuant to the requirements of this subsection shall attach thereto a copy of the Material Safety Data Sheet, required pursuant to the Occupational Safety and Health Act, pertaining to the hazardous substance that is reported in the form.

"(5) The Hazardous Substances Inventory shall be distributed by the facility owner or operator to, at a minimum, the President; State and local emergency and medical response personnel; the State police, health and environmental departments; area police and fire departments; area emergency medical services; area hospitals; and area libraries.

"(6) The President, for the purposes of this subsection, shall establish a toll-free telephone number, operating twenty-four hours per day, that is computer accessible, to respond to telephone inquiries concerning the Hazardous Substances Inventory and the information contained therein. Within sixty days of establishment of such a telephone line, the President shall inform appropriate State and local officials.

"(7)(A) The President may verify the data contained in the Hazardous Substances Inventory form using the authority of section 104(e) of this Act.

"(B) Information submitted under this subsection shall be treated as information submitted under section 104(e) and shall be subject to the provisions of section 104(e)(2).

"(8) Any person who knowingly omits material information or makes any false material statement or representation in the Hazardous Substances Inventory, shall, upon conviction, be fined not more than $25,000 or imprisoned for not more than one year, or both.

"(9) Nothing in this subsection shall be construed to limit the ability of any State to require submission of information related to hazardous substances, or to require additional distribution of the Hazardous Substances Inventory form from facilities operating within its borders.

"(i)(1) Every two years after the date of enactment of the Superfund Improvement Act of 1985, the National Toxicology Program, in consultation with appropriate Federal agencies, shall review new and existing chemicals and compile a list of substances to supplement those referred to in subsection (h), taking into account, at a minimum, the reactivity, toxicity, volatility, carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, and production levels of the chemical.

"(2) Within one hundred and eighty days after publication of the list compiled by the National Toxicology Program, the President shall promulgate such list of substances as those requiring preparation and distribution of the Hazardous Substances Inventory under this Act, unless the President demonstrates that a particular hazardous substance does not present a risk equal to or greater than those substances referred to in subsection (h)(1). In the event that the President decides not to list a hazardous substance, the President shall, with opportunity for public notice and comment, state the basis on which the hazardous substance was not considered to present a risk sufficient to warrant preparation and distribution of the Hazardous Substances Inventory.".

SCOPE OF PROGRAM

SEC. 107. (a) Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking that language between the word "environment" the third time it appears and the period and inserting in lieu thereof a period and the following: "The President shall give primary attention to those releases which may present a public health threat. The President may authorize the owner or operator of the vessel or facility from which the release or threat of release emanates, or any other responsible party, to perform the removal or remedial action if the President determines that such action will be done properly by the owner, operator, or responsible party".

(b) Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(3) The President shall not provide for a removal or remedial action under this section in response to a release or threat of release—

"(A) of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;

"(B) from products which are part of the structure of, and result in exposure within, a facility; or

"(C) into public or private drinking water supplies due to deterioration of the system through ordinary use.

"(4) Notwithstanding paragraph (3) of this subsection, to the extent authorized by this section the President may respond to any release or threat of release if in the President's discretion it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.".

STATUTORY LIMITS ON REMOVALS

SEC. 108. Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "six months" and inserting "one year" in lieu thereof and inserting before "obligations" the following: "or (C) continued response action is otherwise appropriate and consistent with permanent remedy,".

STATE CREDIT

SEC. 109. (a) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "The President shall grant the State a credit against the share" and all that follows down through the end of such section 104(c)(3) and inserting in lieu thereof the following: "In determining the portion of the costs referred to in this section which is required to be paid by a participating State, the President shall grant the State a credit for amounts expended or obligated by such State or by a political subdivision thereof after January 1, 1978, and before December 11, 1980, for any response action costs which are covered by section 111(a) (1) or (2) and which are incurred at a facility or release listed pursuant to section 105(8). Such credit shall have the effect of reducing the amount which the State would otherwise be required to pay in connection with assistance under this section.".

(b)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such State will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract or cooperative agreement under the last sentence of subsection (d)(1).".

FUNDING OF REMEDIAL ACTION AT FACILITY OPERATED BY A STATE OR POLITICAL SUBDIVISION

SEC. 110. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by amending section 104(c)(3)(C)(ii) to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of any sums expended in response to a release at a facility, that was operated by the State or a political subdivision thereof, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances therein. For the purpose of subparagraph (C)(ii) of this paragraph, the term 'facility' does not include navigable waters or the beds underlying those waters."; and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Superfund Improvement Act of 1985, in excess of 10 per centum of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

SELECTION OF REMEDIAL ACTIONS

SEC. 111. Section 104(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(4)(A) The President shall select appropriate remedial actions determined to be necessary to carry out this section which, to the extent practicable, are in accordance with the national contingency plan and which provide for cost-effective response. In evaluating the cost-effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

"(B) Remedial actions in which treatment which significantly reduces the volume, toxicity or mobility of the hazardous substances is a principal element, are to be preferred over remedial actions not involving such treatment. The offsite transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action, where practicable treatment technologies are available.

"(C) Remedial actions selected under this paragraph or otherwise required or agreed to by the President under this Act shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants from the environment and of control of further release at a minimum which assures protection of human health and the environment. Such remedial actions shall be relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant.

"(D) No permit shall be required under subtitle C of the Solid Waste Disposal Act, section 402 or 404 of the Clean Water Act, or section 10 of the Rivers and Harbors Act of 1899, for the portion of any removal or remedial action conducted pursuant to this Act entirely onsite: Provided, That any onsite treatment, storage, or disposal of hazardous substances, pollutants, or contaminants shall comply with the requirements of subparagraph (C).

"(E) Subject to the requirements of this paragraph, the President shall select the appropriate remedial action which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats.".

STATE AND FEDERAL CONTRIBUTIONS TO OPERATION AND MAINTENANCE

SEC. 112. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(5) For the purposes of paragraph (3) of this subsection, in the case of ground or surface water contamination, completed remedial action includes the completion of treatment or other measures, whether taken onsite or offsite, necessary to restore ground and surface water quality to a level that assures protection of human health and the environment. With respect to such measures, the operation of such measures for a period up to five years after the construction or installation and commencement of operation shall be considered remedial action. Activities required to maintain the effectiveness of such measures following such period or the completion of remedial action, whichever is earlier, shall be considered operation or maintenance.

"(6) During any period after the availability of funds received by the Trust Fund under sections 4611 and 4661 of the Internal Revenue Code of 1954 or section 221(b)(2) or section 303(b) of this Act, the Federal share of the payment of costs for operation and maintenance pursuant to paragraph (3)(C)(i) or paragraph (5) of this subsection shall be from funds received by the Trust Fund under section 221(b)(1)(B).".

SITING OF HAZARDOUS WASTE FACILITIES

SEC. 113. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraph:

"(7) Effective three years after the date of enactment of the Superfund Improvement Act of 1985, the President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that the State will assure the availability of hazardous waste treatment or disposal facilities acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act with adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the State during the twenty-year period following the date of such contract or cooperative agreement and to be disposed of, treated, or destroyed.".

COOPERATIVE AGREEMENTS

SEC. 114. Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking all of the existing paragraph (other than that added by this Act) and substituting the following:

"(d)(1) Where the President determines that a State or political subdivision has the capability to carry out any or all of the actions authorized in this section, the President may, in the discretion of the President and subject to such terms as the President may prescribe, enter into a contract or cooperative agreement and combine any existing cooperative agreements with such State or political subdivision (which may cover a specific facility or facilities) to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed from the Fund for the reasonable response costs and related activities associated with the overall implementation, coordination, enforcement, training, community relations, site inventory and assessment efforts, and administration of remedial activities authorized by this Act. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.".

ACCESS AND INFORMATION GATHERING

SEC. 115. Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "(2)" and inserting "(5)" in lieu thereof and by striking all of existing paragraph (1) and inserting in lieu thereof the following:

"(1) For the purposes of determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title, any officer, employee, or representative of the President, duly designated by the President, or any duly designated officer, employee, or representative of a State, is authorized where there is a reasonable basis to believe there may be a release or threat of release of a hazardous substance—

"(A) to require any person who has or may have information relevant to (i) the identification or nature of materials generated, treated, stored, transported to, or disposed of at a facility, or (ii) the nature or extent of a release or threatened release of a hazardous substance at or from a facility, to furnish, upon reasonable notice, information or documents relating to such matters. In addition, upon reasonable notice, such person either shall grant to appropriate representatives access at all reasonable times to inspect all documents or records relating to such matters or shall copy and furnish to the representatives all such documents or records, at the option of such person;

"(B) to enter at reasonable times any establishment or other place or property (i) where hazardous substances are, may be, or have been generated, stored, treated, disposed of, or transported from, (ii) from which or to which hazardous substances have been or may have been released, (iii) where such release is or may be threatened, or (iv) where entry is needed to determine the need for response or the appropriate response or to effectuate a response action under this title; and

"(C) to inspect and obtain samples from such establishment or other place or property or location of any suspected hazardous substance and to inspect and obtain samples of any containers or labeling for suspected hazardous substances. Each such inspection shall be completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, tenant, or other person in charge of the place from which the samples were obtained a receipt describing the sample obtained and, if requested, a portion of each such sample. If any analysis is made of such samples, a copy of the results of the analysis shall be furnished promptly to the owner, operator, tenant, or other person in charge, if such person can be located.

"(2)(A) If consent is not granted regarding a request made by a duly designated officer, employee, or representative under paragraph (1), the President, upon such notice and an opportunity for consultation as is reasonably appropriate under the circumstances, may issue an order to such person directing compliance with the request, and the President may ask the Attorney General to commence a civil action to compel compliance.

"(B) In any civil action brought to obtain compliance with the order, the court shall, where there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance: (i) in the case of interference with entry or inspection, enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection, unless under the circumstances of the case the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or not in accordance with law; and (ii) in the case of information or document requests, enjoin interference with such information or document requests or direct compliance with orders to provide such information or documents, unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or not in accordance with law. The court may assess a civil penalty not to exceed $10,000 against any person who unreasonably fails to comply with the provisions of paragraph (1) or an order issued pursuant to paragraph (2).

"(3) Nothing in this subsection shall preclude the President from securing access or obtaining information in any other lawful manner.

"(4) Notwithstanding this subsection, entry to locations and access to information properly classified to protect the national security may be granted only to any officer, employee, or representative of the President who is properly cleared.".

HEALTH-RELATED AUTHORITIES

SEC. 116. (a) Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(i)", by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), and by adding the following new paragraphs:

"(2) The Agency for Toxic Substances and Disease Registry shall provide consultations upon request on health issues relating to exposure to hazardous or toxic substances, on the basis of available information, to the Environmental Protection Agency, State officials, and local officials. Such consultations to individuals may be provided by States under cooperative agreements established under this Act.

"(3)(A) The Administrator shall perform a health assessment for each release, threatened release or facility on the National Priority List established under section 105. Such health assessment shall be completed not later than two years after the date of enactment of the Superfund Improvement Act of 1985 for each release, threatened release or facility proposed for inclusion on such list prior to such date of enactment or not later than one year after the date of proposal for inclusion on such list for each release, threatened release or facility proposed for inclusion on such list after such date of enactment. The Administrator shall also perform a health assessment for each facility for which one is required under section 3019 of the Solid Waste Disposal Act and, upon request of the Administrator of the Environmental Protection Agency or a State, for each facility subject to this Act or subtitle C of the Solid Waste Disposal Act, where there is sufficient data as to what hazardous substances are present in such facility.

"(B) The Administrator may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator providing such information and requesting a health assessment. If such a petition is submitted and the Administrator does not initiate a health assessment, the Administrator shall provide a written explanation of why a health assessment is not appropriate.

"(C) In determining sites at which to conduct health assessments under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous substances, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in subparagraph (E).

"(D) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this section. The Administrator of such Agency shall include the same recommendation in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assessments carried out under this paragraph.

"(E) For the purposes of this subsection and section 111(c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(F) At the completion of each health assessment the Administrator shall provide the Administrator of the Environmental Protection Agency and each affected State with the results of such assessment, together with any recommendations for further action under this subsection or otherwise under this Act.

"(G) In any case in which a health assessment performed under this paragraph (including one required by section 3019 of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.

"(4) Whenever, in the judgment of the Administrator, it is appropriate on the basis of the results of a health assessment, the Administrator shall conduct a pilot study of health effects for selected groups of exposed individuals, in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population. Whenever in the judgment of the Administrator it is appropriate on the basis of the results of such pilot study, the Administrator shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects for the population exposed to hazardous substances in a release or suspected release.

"(5) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Administrator shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness or unique character of identified diseases or the likelihood of population migration from the affected area.

"(6) The Administrator shall conduct a study, and report to the Congress within two years after the date of enactment of the Superfund Improvement Act of 1985, on the usefulness, costs, and potential implications of medical surveillance programs as a part of the health studies authorized by this section. Such study shall include, at a minimum, programs which identify diseases for which an exposed population is at excess risk, provide periodic medical testing to screen for such diseases in subgroups of the exposed population at highest risk, and provide for a mechanism to refer for treatment individuals who are diagnosed as having such diseases.

"(7) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this Act, including, but not limited to—

"(1) provision of alternative water supplies, and

"(2) permanent or temporary relocation of individuals.

"(8) In any case which is the subject of a petition, a health assessment or study, or a research program under this subsection, nothing in this subsection shall be construed to delay or otherwise affect or impair the authority of the President or the Administrator of the Environmental Protection Agency to exercise any authority vested in the President or such Administrator under any other provision of law (including, but not limited to, the imminent hazard authority of section 7003 of the Solid Waste Disposal Act) or the response and abatement authorities of this Act.

"(9)(A) The Administrator shall, within six months after the date of enactment of the Superfund Improvement Act of 1985, prepare a list of at least one hundred hazardous substances which the Administrator, in his sole discretion, determines are those posing the most significant potential threat to human health due to their common presence at the location of responses under section 104 or at facilities on the National Priority List or in releases to which a response under section 104 is under consideration. Within twenty-four months after enactment, the Administrator shall prepare a list of an additional one hundred or more such hazardous substances. The Administrator shall not less often than once every year thereafter add to such list other substances which are frequently so found or otherwise pose a potentially significant threat to human health by reason of their physical, chemical, or biological nature.

"(B) For each such hazardous substance listed pursuant to subparagraph (A), the Administrator (in consultation with other agencies and programs of the Public Health Service) shall assess whether adequate information on the health effects of such substance is available. For any such substance for which adequate information is not available (or under development), the Administrator, in cooperation with the Director of the National Toxicology Program, shall assure the initiation of a program of

research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance. Where feasible, such program shall seek to develop methods to determine the health effects of such substance in combination with other substances with which it is commonly found. Such program shall include, but not be limited to—

"(i) laboratory and other studies to determine short, intermediate, and long-term health effects;

"(ii) laboratory and other studies to determine organ-specific, site-specific, and system-specific acute and chronic toxicity;

"(iii) laboratory and other studies to determine the manner in which such substances are metabolized or to otherwise develop an understanding of the biokinetics of such substances; and

"(iv) where there is a possibility of obtaining human data, the collection of such information.

"(C) In assessing the need to perform laboratory and other studies, as required by subparagraph (B), the Administrator shall consider—

"(i) the availability and quality of existing test data concerning the substance on the suspected health effect in question;

"(ii) the extent to which testing already in progress will, in a timely fashion, provide data that will be adequate to support the preparation of toxicological profiles as required by subparagraph (F) of this paragraph; and

"(iii) such other scientific and technical factors as the Administrator may determine are necessary for the effective implementation of this subsection.

"(D) In the development and implementation of any research program under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry and the Administrator of the Environmental Protection Agency shall coordinate such research program implemented under this paragraph with the National Toxicology Program and with programs of toxicological testing established under the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act. The purpose of such coordination shall be to avoid duplication of effort and to assure that the hazardous substances listed pursuant to this subsection are tested thoroughly at the earliest practicable date. Where appropriate, in the discretion of the Administrator and consistent with such purpose, a research program under this paragraph may be carried out using such programs of toxicological testing.

"(E) It is the sense of the Congress that the costs of research programs under this paragraph be borne by the manufacturers and processors of the hazardous substance in question, as required in programs of toxicological testing under the Toxic Substances Control Act. Where this is not practical, the costs of such research programs should be borne by parties responsible for the release of the hazardous substance in question. To carry out such intention, the costs of conducting such a research program under this paragraph shall be deemed a cost of response for the purposes of recovery under section 107 of such costs from a party responsible for a release of such hazardous substance.

"(F) Based on all available information, including data developed and collected on the health effects of hazardous substances under this paragraph, the Administrator shall prepare toxicological profiles sufficient to establish the likely effect on human health of each of the substances listed pursuant to subparagraph (A). Such profiles shall be revised and republished as necessary, but no less often than once every five years. Such profiles shall be provided to the States and made available to other interested parties.

"(10) All studies and results of research conducted under this subsection (other than health assessments) shall be reported or adopted only after appropriate peer review. In the case of research conducted under the National Toxicology Program, such peer review may be conducted by the Board of Scientific Counselors. In the case of other research, such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Administrator on the basis of their reputation for scientific objectivity and the lack of institutional ties with any person involved in the conduct of the study or research under review. Support services for such panels shall be provided by the Agency for Toxic Substances and Disease Registry.

"(11) In the implementation of this subsection and other health-related authorities of this Act, the Administrator is authorized to establish a program for the education of physicians and other health professionals on methods of diagnosis and treatment of injury or disease related to exposure to toxic substances, through such means as the Administrator deems appropriate. Not later than two years after the date of enactment of the Superfund Improvement Act of 1985, the Administrator shall report to the Congress on the implementation of this paragraph.

"(12) For the purpose of implementing this subsection and other health-related authorities of this Act, the President shall provide adequate personnel to the Agency for Toxic Substances and Disease Registry, which shall be no fewer than one hundred full time equivalent employees.

"(13) The activities described in this subsection and section 111(c)(4) shall be carried out by the Agency for Toxic Substances and Disease Registry established by paragraph (1), either directly, or through cooperative agreements with States (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include the provision of consultations on health information, and the conduct of health assessments, including those required under section 3019 of the Solid Waste Disposal Act, health studies and registries.".

(b) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (n) of this section and section 104(i)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(c) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(n) For fiscal year 1986 and for each fiscal year thereafter, not less than 5 per centum of all sums appropriated from the Trust Fund or $50,000,000, whichever is less, shall be directly available to the Agency for Toxic Substances and Disease Registry and used for the purpose of carrying out activities described in subsection (c)(4) and section 104(i), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act. Any funds so made available which are not committed by the beginning of the fourth quarter of the fiscal year in which made available shall be made available in the Trust Fund for other purposes.".

(d) The last sentence of section 3019(b)(2) of the Solid Waste Disposal Act is amended to read as follows: "If so requested, the Administrator of such Agency shall conduct such health assessment.".

(e) Section 104(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) striking "the Surgeon General of the United States" and inserting in lieu thereof "the Secretary of Health and Human Services";

(2) inserting in the second sentence thereof after "of said Agency" the following: "(hereinafter in this subsection referred to as 'the Administrator')";

(3) striking "chromosomal testing" in subparagraph (D) and inserting in lieu thereof "appropriate testing".

PUBLIC PARTICIPATION

SEC. 117. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(j) Before selection of appropriate remedial action to be undertaken by the United States or a State or before entering into a covenant not to sue or to forebear from suit or otherwise settle or dispose of a claim arising under this Act, notice of such proposed action and an opportunity for a public meeting in the affected area, as well as a reasonable opportunity to comment, shall be afforded to the public prior to final adoption or entry. Notice shall be accompanied by a discussion and analysis sufficient to provide a reasonable explanation of the proposal and alternative proposals considered.".

LOVE CANAL PROPERTY ACQUISITION

SEC. 118. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection as follows:

"(k) In determining priorities among releases and threatened releases under the National Contingency Plan and in carrying out remedial action under this section, the Administrator shall establish a high priority for the acquisition of all properties (including nonowner occupied residential, commerical, public, religious, and vacant properties) in the area in which, before May 22, 1980, the President determined an emergency to exist because of the release of hazardous substances and in which owner occupied residences have been acquired pursuant to such determination.".

ADMINISTRATIVE ORDERS FOR SECTION 104(B) ACTIONS

SEC. 119. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection as follows:

"(l)(1) If the President determines that one or more responsible parties will properly carry out action under subsection (b) of this section, the President may enter into a consent administrative order with such party or parties for that purpose.

"(2) The United States district court for the district in which the release has occurred or threatens to occur shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $10,000 for each day in which such violation occurs or such failure to comply continues.".

NATIONAL CONTINGENCY PLAN—HAZARD RANKING SYSTEM

SEC. 120. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" immedately following "105." and by adding the following at the end thereof:

"(b) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985, the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as 'the National Hazardous Substance Response Plan' shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Improvement Act of 1985 relating to the selection of remedial action.

"(c) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985 and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, United States Code, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than eighteen months after the date of enactment of the Superfund Improvement Act of 1985 and such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priority List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue to full force and effect.".

NATIONAL CONTINGENCY PLAN

SEC. 121. (a) Section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as redesignated by this Act, is amended by striking "at least four hundred of" when it appears.

(b) Section 105(8)(B) is further amended by striking the phrase "at least" following the word "facilities" the second time it appears and by inserting "A State shall be allowed to designate its highest priority facility only once." after the third full sentence thereof.

FOREIGN VESSELS

SEC. 122. Section 107(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "(otherwise subject to the jurisdiction of the United States)".

STATE AND LOCAL GOVERNMENT LIABILITY

SEC. 123. Section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(d)" and adding the following new language:

"(2) No State or local government shall be liable under this title for costs or damages as a result of non-negligent actions taken in response to an emergency created by the release of a hazardous substance, pollutant, or contaminant generated by or from a facility owned by another person.".

CONTRACTOR INDEMNIFICATION

SEC. 124. Section 107(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after paragraph (1) the following new paragraph and redesignating the succeeding paragraph accordingly:

"(2) The Administrator may, in contracting or arranging for response action to be undertaken under this Act, agree to hold harmless and indemnify a contracting party against claims, including the expenses of litigation or settlement, by third persons for death, bodily injury or loss of or damage to property arising out of performance of a cleanup agreement to the extent that such claim does not arise out of the negligence of the contracting party.".

NATURAL RESOURCE DAMAGE CLAIMS

SEC. 125. (a) Section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(f)" and by adding at the end thereof the following new paragraphs:

"(2)(A) The President shall designate in the National Contingency Plan published under section 105 of this Act the Federal officials who shall act on behalf of the public as trustees for natural resources under this Act and section 311 of the Clean Water Act. Such officials shall assess damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act for those resources under their trusteeship, and may upon request of and reimbursement from a State and at the Federal officials' discretion, assess damages for those natural resources under a State's trusteeship.

"(B) The Governor of each State shall designate the State officials who may act on behalf of the public as trustees for natural resources under this Act and section 311 of the Clean Water Act and shall notify the President of such designations. Such State officials shall assess damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act for those resources under their trusteeship.

"(C) Any determination or assessment of damages to natural resources for the purposes of this Act and section 311 of the Clean Water Act made by a Federal or State trustee in accordance with the regulations promulgated under section 301(c) of this Act shall have the force and effect of a rebuttable presumption on behalf of the trustee in any judicial proceeding under this Act or section 311 of the Clean Water Act.

"(D) The President shall promulgate the regulations required under section 301 of this Act not later than six months after the enactment of the Superfund Improvement Act of 1985.".

(b) Section 111(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following: "No money in the Fund may be used for the payment of any claim under subsection (a)(3) or subsection (b) of this section in any fiscal year for which the President determines that all of the Fund is needed for response to threats to public health from releases or threatened releases of hazardous substances.".

(c) Section 111(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is repealed.

CONTRIBUTION AND PARTIES TO LITIGATION

SEC. 126. Section 107, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection to read as follows:

"(l)(1) In any civil or administrative action under this section or section 106, no claim for contribution or indemnification may be brought until after entry of judgment or date of settlement in good faith. Nothing in this subsection shall diminish the right of any person to bring an action for contribution or indemnification in the absence of a civil or administrative action under this section or section 106.

"(2) After judgment in any civil action under section 106 or under subsection (a) of this section, any defendant held liable in the action may bring a separate action for contribution against any other person liable or potentially liable under subsection (a). Such an action shall be brought in accordance with section 113. Except as provided in paragraph (4) of the subsection, this subsection shall not impair any right of indemnity under existing law.

"(3) When a person has resolved its liability to the United States or a State in a judicially approved good faith settlement, such person shall not be liable for claims for contribution under paragraph (2) of this subsection regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others to the extent of any amount stipulated by the settlement.

"(4) Where the United States or a State has obtained less than complete relief from a person who has resolved its liability to the United States or the State in a good faith settlement, the United States or the State may bring an action for the remainder of the relief sought against any person who has not so resolved its liability. A person that has resolved its liability to the United States or a State in a good faith settlement may, where appropriate, maintain an action for contribution or indemnification against any person that was not a party to the settlement. In any action under this paragraph, the rights of a State or any person that has resolved its liability to the United States or a State shall be subordinate to the rights of the United States. Any contribution action brought under this paragraph shall be brought in accordance with section 113.".

FEDERAL LIEN

SEC. 127. Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(m)(1) All costs and damages for which a person is liable to the United States under subsection (a) of this section shall constitute a lien in favor of the United States upon all real property and rights to such property belonging to such person that are subject to or affected by a removal or remedial action.

"(2) The lien imposed by this subsection shall arise at the time costs are first incurred by the United States with respect to a response action under this Act and shall continue until the liability for the costs (or a judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the statute of limitations provided in section 113(e).

"(3) The lien imposed by this subsection shall not be valid as against any purchaser, holder of a security interest, or judgment

lien creditor until notice of the lien has been filed in the appropriate office within the State (or county or other governmental subdivision), as designated by State law, in which the real property subject to the lien is physically located. If the State has not by law designated one office for the receipt of such notices of liens, the notice shall be filed in the office of the clerk of the United States district court for the district in which the real property is physically located. For purposes of this subsection, the terms "purchaser" and "security interest" shall have the definitions provided in section 6323(h) of title 26, United States Code. This paragraph does not apply with respect to any person who has or reasonably should have actual notice or knowledge that the United States has incurred costs giving rise to a lien under paragraph (1) of this subsection.

"(4) The costs constituting the lien may be recovered in an action in rem in the United States district court for the district in which the removal or remedial action is occurring or has occurred. Nothing in this subsection shall affect the right of the United States to bring an action against any person to recover all costs and damages for which such person is liable under subsection (a) of this section.".

DIRECT ACTION

SEC. 128. (a) Section 108 (c) and (d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: Provided, That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: Provided further, That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under section 107 or 111 of this Act or other applicable law.".

(b) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

VICTIM ASSISTANCE DEMONSTRATION PROGRAM

SEC. 129. (a) Section 111(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "and" at the end of the paragraph (5); by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and by adding the following new paragraph:

"(7) the costs of grants under subsection (m), not to exceed a total of $30,000,000 per fiscal year, to be provided out of funds received by the Trust Fund under section 303(b).".

(b) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(m)(1) In the case of any geographic area (as identified by the Agency for Toxic Substances and Disease Registry) for which a health assessment or other health study performed under section 104(i) indicates that—

"(A) there is a disease or injury for which the population of such area is placed at significantly increased risk as a result of a release of a hazardous substance;

"(B) such disease or injury has been demonstrated by peer reviewed studies to be associated (using sound scientific and medical criteria) with exposure to a hazardous substance; and

"(C) the geographical area contains individuals within the population who have been exposed to a hazardous substance in a release,

the State in which such area is located may apply to the Administrator of the Environmental Protection Agency to operate an experimental demonstration assistance program under this subsection.

"(2) From areas nominated under paragraph (1) the President shall select, during each of fiscal years 1986 and 1987, no less than five or more than ten areas for demonstration assistance programs under this subsection. Such selections shall be made in the discretion of the President, taking into account—

"(A) the experience of State and local governments in administering programs which deal with the regulation of toxic chemicals and hazardous substances; and

"(B) the representative nature of the hazardous substance releases and exposures in terms of the identities and toxic characteristics of the substances found, the manner and degree of exposure, the scientific and medical method used to determine such exposure, and the seriousness and duration of the diseases or illnesses caused.

"(3) For each area selected under paragraph (2) the State shall establish and operate for a period of not less than three years or more than five years a program of medical assistance to individuals who, according to health assessments or other studies done under section 104(i) have been placed at significantly increased risk of disease or injury due to exposure to a hazardous substance from a release. The President shall make a grant for each such area in an amount of not less than $1,000,000 nor more than $10,000,000 per fiscal year (and a total for all such grants of not more than $30,000,000 per fiscal year), but in no event shall grants be made in fewer than five States.

"(4) Programs funded pursuant to this subsection shall not provide assistance in the case of any area or class of individuals in which a solvent responsible party who may be liable under section 107 is paying compensation for claims or otherwise providing medical assistance, comparable (though not necessarily identical in scope or duration) to assistance under this subsection. If a party has accepted liability for such claims or assistance, no assistance shall be available under this subsection even though the party may not have commenced assistance at the time of an application by a State.

"(5) A program established and operated under this subsection shall provide the following assistance:

"(A) appropriate medical screening, examination and testing (in accordance with sound medical procedures) as necessary to determine the presence in individuals of the disease or injury for which the population of the geographic area is at significantly increased risk;

"(B) for individuals with no present symptoms of such disease or injury, a group medical benefits policy providing the reasonable costs of periodic medical screening, testing or examination (in accordance with sound medical procedures), as necessary to determine the presence of such symptoms; and

"(C) for individuals with present symptoms of such disease or injury (or who develop such symptoms)—

"(i) reimbursement of the out-of-pocket costs of related medical expenses in connection with such disease or injury previously incurred and not recovered from any other public or private source, and

"(ii) a group medical benefits insurance policy providing the reasonable costs of sound medical and surgical treatment and hospitalization resulting from such disease or injury (which according to health assessments or other health studies under section 104(i), is associated with exposure to a hazardous substance in a release in the geographical area). Such a policy shall be subject to an annual deductible of $500, with no copayment requirement or annual or lifetime limitation on expenditures other than those referred to in paragraph (3).

"(D) Such policies provided under subparagraphs (B) and (C) shall be secondary to, and provide for nonduplication of benefits with, any other policy or coverage, public or private, for which such individual is eligible. The benefits or coverage of such other policy shall be those determined to be in force as of thirty days prior to the date the State applies for area designation.

"(E) Assistance under this subsection shall be provided on the condition that the costs thereof in connection with any individual pursuing a claim against a potentially responsible party shall be repaid to the Fund out of the proceeds of any award (including punitive damages) or settlement of such claim.

"(6)(A) The President, with the assistance of the Agency for Toxic Substances and Disease Registry, beginning January 1, 1987, shall submit annual reports to the Congress on the implementation and effectiveness of this victim assistance demonstration program, including an evaluation of the effectiveness of each of the State programs established under the subsection. The final report shall also address the relationship of this demonstration program to other public and private mechanisms that may exist to carry out the same or similar functions.

"(B) Each State selected to operate a demonstration program under this subsection shall submit to the President and the Congress, not later than January 1, 1990, a

report on the implementation and effectiveness of its program.".

FUND USE OUTSIDE FEDERAL PROPERTY BOUNDARIES

SEC. 130. Section 111(e)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting before the period a colon and the following: "Provided, That money in the Fund shall be available for the provision of alternative water supplies (including the reimbursement of costs incurred by a municipality) in any case involving groundwater contamination outside the boundaries of a federally owned facility in which the federally owned facility is not the only potentially responsible party.".

STATUTE OF LIMITATIONS

SEC. 131. (a) Section 112 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking subsection (d) and relettering the following subsection.

(b) Section 113 of the of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(e)(1) No claim may be presented, nor may any action be commenced under this title—

"(A) for the cost of response, unless that claim is presented or action commenced within six years after the date of completion of the response action: Provided, however, That within the limitation period set out herein a State or the United States may commence an action under this title for recovery of any cost or costs at any time after such cost or costs have been incurred;

"(B) for damages under subparagraph (C) of section 107(a), unless that claim is presented or action commenced within six years after the date on which final regulations are promulgated under section 301(c) or within three years after the date of the discovery of the loss and its connection with the release in question or the date of enactment of this Act, whichever is later; or

"(C) for any other damages, unless that claim is presented or action commenced within three years after the date of discovery of the loss and its connection with the release in question or the date of enactment of this Act, whichever is later: Provided, however, That the time limitations contained in this paragraph shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him nor against an Indian tribe until the United States, in its capacity as trustee for the tribe, gives written notice to the governing body of the tribe that it will not present a claim or commence an action on behalf of the tribe or fails to present a claim or commence an action within the time limitations specified in this subsection. No claim may be presented or action be commenced under this subparagraph for any damages, if prior to the date of enactment of the Superfund Improvement Act of 1985, the statute of limitations which would otherwise apply under this paragraph has expired.".

"(2) No action for contribution may be commenced under section 107 more than three years after the date of entry of judgment or the date of the good-faith settlement.

"(3) No action based on rights subrogated pursuant to section 112 by reason of payment of a claim may be commenced under this title more than three years after the date of payment of such claim.".

JUDICIAL REVIEW

SEC. 132. Section 113(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"SEC. 113. (a)(1) Review of any regulation promulgated under this Act may be had upon application by any interested person in the Circuit Court of Appeals of the United States for the District of Columbia or in any United States court of appeals for a circuit in which the applicant resides or transacts business which is directly affected by such regulation. Any such application shall be made within one hundred and twenty days from the date of promulgation of such regulation, or after such date only if such application is based solely on grounds which arose after such one hundred and twentieth day. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

"(2)(A) If applications for review of the same agency action have been filed in two or more United States courts of appeals and the President has received written notice of the filing of the first such application more than thirty days before receiving written notice of the filing of the second application, then the record shall be filed in that court in which the first application was filed. If applications for review of the same agency action have been filed in two or more United States courts of appeals and the President has received written notice of the filing of one or more applications within thirty days or less after receiving written notice of the filing of the first application, then the President shall promptly advise in writing the Administrative Office of the United States courts that applications have been filed in two or more United States courts of appeals, and shall identify each court for which he has written notice that such applications have been filed within thirty days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the President, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the President. Upon notification of such selection, the President shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the President, the record shall be filed in the United States court of appeals which remanded such action.

"(B) Where applications have been filed in two or more United States courts of appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph (A), the other courts in which such applications have been filed shall promptly transfer such applications to the United States court of appeals in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which an application with respect to any agency action has been filed, including any court selected pursuant to subparagraph (A), may transfer such application to any other United States court of appeals for the convenience of the parties or otherwise in the interest of justice.".

PRE-ENFORCEMENT REVIEW

SEC. 133. (a) Section 113(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking the word "subsection" and inserting in lieu thereof the words "subsections," and inserting "and (f)" after "(a)".

(b) Section 113 is further amended by adding at the end thereof the following new subsections:

"(f) No court shall have jurisdiction to review any challenges to response action selected under section 104 or any order issued under section 104, or to review any order issued under section 106(a), in any action other than (1) an action under section 107 to recover response costs or damages or for contribution or indemnification; (2) an action to enforce an order issued under sections 104 or 106(a) or to recover a penalty for violation of such order; or (3) an action for reimbursement under section 106(b)(2).

"(g) In any judicial action under section 106 or 107, judicial review of any issues concerning the adequacy of any response action taken or ordered by the President shall be limited to the administrative record. The only objection which may be raised in any such judicial action under section 106 or 107 is an objection to the response action which was raised with reasonable specificity to the President during the applicable period for public comment. In considering such objections, the court shall uphold the President's decision in selecting the response action unless the decision was arbitrary and capricious or otherwise not in accordance with law. If the court finds that the President's decision in selecting the response action was arbitrary and capricious or otherwise not in accordance with law, the court shall award the response costs or damages or other relief being sought to the extent that such relief is not inconsistent with the national contingency plan. In reviewing alleged procedural errors, the court may disallow costs or damages only if the errors were so serious and related to matters of such central relevance to the action that the action would have been significantly changed had such errors not been made.".

(c) Section 106(b) of such Act is amended by inserting "(1)" after "(b)" and adding a new paragraph at the end thereof to read as follows:

"(2)(A) Any person who receives and complies with the terms of any order issued under subsection (a) may, within sixty days of completion of the required action, petition the President for reimbursement from the Fund for the reasonable costs of such action, plus interest. Any interest payable under this paragraph shall accrue on the amounts expended from the date of expenditure at the same rate that applies to investments of the Fund under section 223(b) of this Act.

"(B) If the President refuses to grant all or part of a petition made under this paragraph, the petitioner may within thirty days of receipt of such refusal file an action against the President in the appropriate United States district court seeking reimbursement from the Fund.

"(C) To obtain reimbursement, the petitioner must establish by a preponderance of the evidence that it is not liable for response costs under section 107(a) and that costs for

which it seeks reimbursement are reasonable in light of the action required by the relevant order: Provided, however, That a petitioner who is liable for response costs under section 107(a) may recover its reasonable costs of response to the extent that it can demonstrate, on the administrative record, that the President's decision in issuing the order was arbitrary and capricious or otherwise not in accordance with law. In any such case, the petitioner may be awarded all reasonable response costs incurred by the petitioner pursuant to the portions of the order found to be arbitrary and capricious or otherwise not in accordance with law.".

NATIONWIDE SERVICE OF PROCESS

SEC. 134. Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by this Act, is amended by adding the following new subsection:

"(h) In any action by the United States under section 104, 106, or 107, process may be served in any district where the defendant is found, or resides, or transacts business, or has appointed an agent for the service of process.".

PREEMPTION

SEC. 135. Section 114 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking subsection (c) and relettering the following subsection accordingly.

FEDERAL FACILITIES CONCURRENCE

SEC. 136. Section 115 of the Comprehensive Environmental, Compensation, and Liability Act of 1980 is amended by inserting before the period at the end thereof a colon and the following: "Provided, That with respect to a Federal facility or activity for which such duties or powers are delegated to an officer, employee or representative of the department, agency or instrumentality which owns or operates such facility or conducts such activity, the concurrence of the Administrator (and the responsible State official where a cooperative agreement has been entered into) shall be required for the selection of appropriate remedial action and the administrative order authorities of section 106(a) are hereby delegated to the Administrator".

FEDERAL FACILITIES COMPLIANCE

SEC. 137. Title I of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public Law 96-510) is amended by adding at the end thereof the following new section:

"FEDERAL FACILITIES

"SEC. 117. (a) FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.—The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain all information submitted under section 3016 of the Solid Waste Disposal Act regarding any Federal facility and notice of each subsequent action taken under this Act with respect to the facility. Such docket shall be available for public inspection at reasonable times. Three months after establishment of the docket and every three months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the docket during the immediately preceding three-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the Docket under this subsection.

"(b) ASSESSMENT AND EVALUATION.—Not later than eighteen months after the date of enactment of the Superfund Improvement Act of 1985, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility for which information is required under section 3016 of the Solid Waste Disposal Act. Following such preliminary assessment, the Administrator shall where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases.

"(2) include such facilities on the National Priorities List maintained under such plan. Such evaluation and listing shall be completed not later than twenty months after such date of enactment.

"(c) RIFS AND INTERAGENCY AGREEMENT.—

"(1) RIFS.—Within one year after the inclusion of any facility on the National Priority List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator, commence a remedial investigation and feasibility study for such facility.

"(2) INTERAGENCY AGREEMENT.—(A) Within six months after completion of each such remedial investigation and feasibility study, the Administrator shall review the results of such investigation and study and shall enter into an interagency agreement with the head of the department, agency, or instrumentality concerned for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. All such intergency agreements shall comply with the public participation requirements of section 104(j). Such agreement shall require that substantial continuous physical onsite remedial action is commenced at each facility which is the subject of such an agreement within twelve months after the agreement is entered into.

"(B) Each interagency agreement under this paragraph shall include, but shall not be limited to—

"(i) a review of alternative remedial actions and selection of construction design by the Administrator;

"(ii) a schedule for the completion of each such remedial action; and

"(iii) arrangements for long term operation and maintenance of the facility.

"(3) COMPLETION OF REMEDIAL ACTIONS.—Remedial actions at facilities subject to interagency agreements under this section shall be completed as expeditiously as practicable from the date the interagency agreement was entered into. Each agency shall include in its annual budget submissions to the Congress a request for funding adequate to complete remedial action, and a review of alternative agency funding which could be used to provide for the costs of remedial action. The request shall also include a statement of the hazard posed by the facility to human health, welfare and the environment and identify the specific consequences of failure to begin and complete remedial action.

"(4) ANNUAL REPORT.—Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to—

"(A) a report on the progress in reaching interagency agreements under this section;

"(B) the specific cost estimates and budgetary proposals involved in each interagency agreement;

"(C) a brief summary of the public comments regarding each proposed interagency agreement; and

"(D) a description of the instances in which no agreement was reached.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached.

"(d) TRANSFER OF AUTHORITIES.—Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by Executive order of the President or otherwise, to any other office or employee of the United States or to any other person.

"(e) APPLICATION OF REQUIREMENTS TO FEDERAL FACILITIES.—All guidelines, rules, regulations, procedures, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priority List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned and operated by a department, agency, or instrumentality of the United States in the same manner and to the extent as such guidelines, rules, regulations, and criteria are applicable to other facilities, except for any requirements relating to bonding, insurance, or financial responsibility. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, procedures, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.".

CITIZEN SUITS

SEC. 138. Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new section:

"CITIZEN SUITS

"SEC. 118. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on such person's behalf—

"(1) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the Eleventh Amendment to the Constitution, who is alleged to be in violation of any standard, regulation, condition, requirement, or order which has become effective pursuant to this Act; or

"(2) against the President for failure to perform any act or duty under this Act which is not discretionary with the President.

Any action under this subsection shall be brought in the district court for the district in which the alleged violation occurred. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such requirement, to order the President to perform such act or duty, as the case may be, or to order such person in violation, of any standard, regulation, condition, require-

ment, or order to take such action as may be necessary to correct the violation or to apply appropriate civil penalties under this Act: Provided, however, That no district court shall have jurisdiction under this section to review any challenges to response action selected under section 104 or any order issued under section 104, or to review any order issued under section 106(a).

"(b) No action may be commenced under subsection (a) of this section (1) prior to ninety days after the plaintiff has given notice of the violation or disposal (A) to the President; or (B) to the State in which the alleged violation or disposal occurs; and (C) to any alleged violator of a standard, regulation, condition, requirement, or order; or (2) if the President or State has commenced and is diligently prosecuting an action under this Act or the Solid Waste Disposal Act to require compliance with such standard, regulation, condition, requirement, or order.

"(c) In any action commenced by the President or a State, under this Act or under the Solid Waste Disposal Act, in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and such applicant is so situated that the disposition of the action may, as a practical matter, impair or impede such applicant's ability to protect that interest, unless the President or the State shows that the applicant's interest is adequately represented by existing parties.

"(d) In any action under this section, the United States or the State may intervene as a matter of right.

"(e) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(f) Nothing in this Act shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any standard or requirement relating to hazardous substances or to seek any other relief (including relief against the President or a State agency).".

ADMINISTRATIVE CONFERENCE RECOMMENDATION

SEC. 139. The Congress finds that recommendation 84-4 of the Administrative Conference of the United States (adopted June 29, 1984) is generally consistent with the goals and purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and that the Administrator should consider such recommendation and implement it to the extent that the Administrator determines that such implementation will expedite the cleanup of hazardous substances which have been released into the environment.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 140. (a) Section 221 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "as provided in this section" in subsection (a); striking paragraphs (2) and (3) of subsection (b); and by striking subsection (c).

[(b) Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

["AUTHORIZATION OF APPROPRIATIONS

["SEC. 303. (a) The authority to collect taxes under chapter 38 of the Internal Revenue Code of 1954, together with the sums authorized to be appropriated under subsection (b), shall total $7,500,000,000 during the five-fiscal-year period beginning October 1, 1985.

["(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund for fiscal year—

["(A) 1981, $44,000,000,
["(B) 1982, $44,000,000,
["(C) 1983, $44,000,000,
["(D) 1984, $44,000,000,
["(E) 1985, $44,000,000,
["(F) 1986, $206,000,000,
["(G) 1987, $206,000,000,
["(H) 1988, $206,000,000,
["(I) 1989, $206,000,000, and
["(J) 1990, $206,000,000,

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A) through (I) as has not been appropriated before the beginning of the fiscal year involved.".

["(b) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

["(1) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

["(2) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

["(c) EXPENDITURES FROM RESPONSE TRUST FUND.—

["(1) IN GENERAL.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof of this Act) as in effect on the date of the enactment of the Superfund Improvement Act of 1985, including—

["(A) response costs,

["(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

["(C) claims for injury to, or destruction or loss of, natural resources, and

["(D) related costs described in section 111(c) of this Act.

["(2) LIMITATIONS ON EXPENDITURES.—At least 85 per centum of the amounts appropriated to the Response Trust Fund shall be reserved—

["(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

["(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).".]

TITLE II

[TAX EXEMPTION FOR ANIMAL FEED SUBSTANCES

[SEC. 201. (a) EXEMPTION FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (b) of section 4662 of the Internal Revenue Code of 1954 (relating to definitions and special rules with respect to the tax on certain chemicals) is amended by adding at the end thereof the following paragraph:

["(5) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

["(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

["(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

["(i) used in a qualified animal feed use by the manufacturer, producer or importer,

["(ii) sold for use by any purchaser in a qualified animal feed use, or

["(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

["(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

["(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

[(b) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

["(3) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

["(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, without regard to subsection (b)(5), and

["(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(5) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

[(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect upon the date of enactment of this Act.]

AMENDMENTS OF THE INTERNAL REVENUE CODE OF 1954

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Superfund Revenue Act of 1985".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. 5-YEAR EXTENSION OF TAX ON PETROLEUM AND CERTAIN CHEMICALS; CERTAIN EXEMPTIONS.

(a) 5-YEAR EXTENSION; TERMINATION IF FUNDS UNSPENT OR $7,500,000,000 COLLECTED.—

(1) IN GENERAL.—Subsection (d) of section 4611 (relating to termination) is amended to read as follows:

"(d) TERMINATION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the tax imposed by this subsection shall not apply after September 30, 1990.

"(2) NO TAX IF UNOBLIGATED BALANCE IN FUND IS MORE THAN $1,500,000,000.—If, on September 30, 1988, or September 30, 1989—

"(A) the unobligated balance in the Hazardous Substance Superfund exceeds $1,500,000,000, and

"(B) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $1,500,000,000 on September 30, 1989, or September 30, 1990, respectively, if no tax is imposed under section 4001, 4611, or 4661 during calendar year 1989 or 1990, respectively,

then no tax shall be imposed under this section during calendar year 1989 or 1990, as the case may be.

"(3) NO TAX IF AMOUNTS COLLECTED EXCEED $7,500,000,000.—

"(A) ESTIMATES BY SECRETARY.—The Secretary as of the close of each calendar quarter (and at such other times as the Secretary determines appropriate) shall make an estimate of—

"(i) the amount of taxes which will be collected under sections 4001, 4611, and 4661 and credited to the Hazardous Substance Superfund, and

"(ii) the amount of interest which will be credited to such Fund under section 9602(b)(3),

during the period beginning October 1, 1985, and ending September 30, 1990.

"(B) TERMINATION IF $7,500,000,000 CREDITED BEFORE SEPTEMBER 30, 1990.—If the Secretary estimates under subparagraph (A) that more than $7,500,000,000 will be credited to the Fund before September 30, 1990, no tax shall be imposed under this section after the date on which the Secretary estimates $7,500,000,000 will be so credited to the Fund.

"(4) PROCEDURES FOR TERMINATION.—The Secretary shall by regulation provide procedures for the termination under paragraph (2) or (3) of the tax under this section and section 4661.".

(2) CONFORMING AMENDMENT.—Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (relating to expiration of revenue provisions) is repealed.

(b) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

(1) IN GENERAL.—Section 4662 (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) TAX-FREE SALES.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT REQUIRED.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) CREDIT OR REFUND WHERE TAX PAID.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if—

"(i) a tax under section 4661 was paid with respect to any taxable chemical, and

"(ii) such chemical was exported by any person,

credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) CONDITION TO ALLOWANCE.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that such person—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable chemical, or

"(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(2) REFUND OR CREDIT.—Paragraph (1) of section 4662(d) (relating to refund or credit for certain uses) is amended—

(A) by striking out "the sale of which by such person would be taxable under such section" in subparagraph (B) and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" in the last sentence and inserting in lieu thereof "imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (e) of this section)".

(c) EXEMPTION FOR CERTAIN RECYCLED CHEMICALS.—

(1) IN GENERAL.—Section 4662(b) (relating to exceptions and other special rules) is amended by adding at the end thereof the following new paragraph:

"(7) RECYCLED CHROMIUM, COBALT, AND NICKEL.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661(a) on any chromium, cobalt, or nickel which is diverted or recovered from any solid waste as part of a recycling process (and not as part of the original manufacturing or production process).

"(B) EXCEPTION FOR IMPORTS.—This paragraph shall not apply to the sale of any chromium, cobalt, or nickel which is diverted or recovered outside the United States and then imported into the United States.

"(C) CERTAIN PERSONS NOT ELIGIBLE.—

"(i) IN GENERAL.—This paragraph shall not apply to any taxpayer during any period during which the taxpayer is a potentially responsible party for a site which is listed on the National Priorities List published by the Environmental Protection Agency under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, except that such period shall not begin until the Administrator of the Environmental Protection Agency notifies the taxpayer that the taxpayer is such a party.

"(ii) EXCEPTION WHERE TAXPAYER IS IN COMPLIANCE.—Clause (i) shall not apply to any portion of the period during which the taxpayer is in compliance with each order, decree, or judgment issued against the taxpayer with respect to the site in any action or proceeding under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, or both.

"(D) SOLID WASTE.—For purposes of this paragraph, the term 'solid waste' has the meaning given such term by section 1004 of the Solid Waste Disposal Act, except that such term shall not include any byproduct, coproduct, or other waste from any process of smelting, refining, or otherwise extracting any metal.".

(2) CREDIT OR REFUND.—Paragraph (1) of section 4662(d), as amended by subsection (b)(2), is amended by inserting "(b)(7) or" before "(e)" in the last sentence thereof.

(d) TAX EXEMPTION FOR ANIMAL FEED SUBSTANCES.—

(1) IN GENERAL.—Subsection (b) of section 4662 (relating to definitions and special rules with respect to the tax on certain chemicals), as amended by subsection (c)(1), is amended by adding at the end thereof the following paragraph:

"(8) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

"(i) used in a qualified animal feed use by the manufacturer, producer or importer,

"(ii) sold for use by any purchaser in a qualified animal feed use, or

"(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

"(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

"(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

(2) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

"(3) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia, without regard to subsection (b)(5), and

"(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(5) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 203. IMPOSITION OF SUPERFUND EXCISE TAX.

(a) IN GENERAL.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—SUPERFUND EXCISE TAX

"Subchapter A. Imposition of tax.
"Subchapter B. Taxable transaction.
"Subchapter C. Taxable amount; exempt transactions; credit against tax.
"Subchapter D. Administration.
"Subchapter E. Definitions; special rules.

"SUBCHAPTER A—IMPOSITION OF TAX

"Sec. 4001. Imposition of tax.
"Sec. 4002. Termination.

"SEC. 4001. IMPOSITION OF TAX.

"(a) GENERAL RULE.—A tax is hereby imposed on each taxable transaction.

"(b) AMOUNT OF TAX.—Except as otherwise provided in this chapter, the amount of the tax shall be .08 percent of the taxable amount.

"SEC. 4002. TERMINATION.

"(a) IN GENERAL.—No tax shall be imposed under this section after December 31, 1990.

"(b) NO TAX IF FUNDS UNSPENT OR $7,500,000,000 COLLECTED.—No tax shall be imposed under subsection (a) during any period during which no tax is imposed under section 4611(a) by reason of paragraph (2) or (3) of section 4611(d), except that section 4611(d)(3) shall, for purposes of this subsection, be applied by substituting 'December 31, 1990' for 'September 30, 1990' each place it appears.

"(c) PROCEDURES FOR TERMINATION.—

"(1) PRORATION OVER TAXABLE PERIOD.—In the case of any taxable period which begins before and ends after the date of any termination under this section, the tax imposed by section 4001 (and the credit allowable under section 4013) for such taxable period shall be equal to an amount which bears the same ratio to the amount of such tax (and credit) for such taxable period (determined without regard to the termination) as—

"(A) the number of days in such taxable period up to and including the date of termination, bears to

"(B) the number of days in such taxable period.

"(2) OTHER PROCEDURES.—The Secretary shall by regulation provide such procedures for a termination under this section as the Secretary determines necessary.

"SUBCHAPTER B—TAXABLE TRANSACTION

"Sec. 4003. Taxable transaction.
"Sec. 4004. Taxable person.

"SEC. 4003. TAXABLE TRANSACTION.

"(a) IN GENERAL.—For purposes of this chapter, the term 'taxable transaction' means—

"(1) the sale or leasing of tangible personal property in the United States by a taxable person in connection with a trade or business, or

"(2) the importing of tangible personal property into the customs territory of the United States by a taxable person.

"(b) EXEMPT TRANSACTIONS.—For exempt transactions, see section 4012.

"SEC. 4004. TAXABLE PERSON.

"Except as otherwise provided in this chapter, for purposes of this chapter, the term 'taxable person' means—

"(1) in the case of a taxable transaction described in paragraph (1) of section 4003(a), the manufacturer of the tangible personal property, and

"(2) in the case of a taxable transaction described in paragraph (2) of section 4003(a), the importer of the tangible personal property.

"SUBCHAPTER C—TAXABLE AMOUNT; EXEMPT TRANSACTIONS; CREDIT AGAINST TAX

"Sec. 4011. Taxable amount.
"Sec. 4012. Exempt transactions.
"Sec. 4013. Credit against tax on sales and leases.

"SEC. 4011. TAXABLE AMOUNT.

"(a) SALE.—For purposes of this chapter, the taxable amount for any sale shall be the price (in money or fair market value of other consideration) charged the purchaser of the property by the seller thereof—

"(1) including items payable to the seller with respect to such transaction, but

"(2) excluding the tax imposed by section 4001 with respect to such transaction.

"(b) IMPORTS.—For purposes of this chapter, the taxable amount in the case of any import shall be—

"(1) the customs value plus customs duties and any other duties which may be imposed, or

"(2) if there is no such customs value, the fair market value (determined as if the importer had sold the property).

"(c) LEASES.—For purposes of this chapter, the taxable amount in the case of any lease shall be the gross payments under the lease.

"(d) CONTAINERS, PACKING AND TRANSPORTATION CHARGES; CONSTRUCTIVE SALES PRICE.—Under regulations, rules similar to the rules of subsections (a) and (b) of section 4216 (relating to containers, packing and transportation charges, etc., and constructive sales price) shall apply in computing the taxable amount.

"(e) SPECIAL RULE WHERE SALE OR LEASE PAYMENTS RECEIVED IN MORE THAN 1 TAXABLE PERIOD.—

"(1) SALES.—In the case of a sale where the consideration is received by the seller in more than 1 taxable period, the taxable amount for each such taxable period shall include that portion of the taxable amount which is includible in the gross income of the taxable person for purposes of chapter 1 for taxable years ending with or within such taxable period (or would be so includible if it were not excludable from gross income).

"(2) LEASES.—In the case of a lease with a term which includes more than 1 taxable period, the taxable amount for each such taxable period shall include the gross lease payments received by the taxable person during such taxable period.

"SEC. 4012. EXEMPT TRANSACTIONS.

"(a) IMPORTS OF $10,000 OR LESS.—No tax shall be imposed under section 4001 on any tangible personal property imported into the customs territory of the United States as part of a shipment (within the meaning of section 498(1) of the Tariff Act of 1930; 19 U.S.C. 1498(1)) the aggregate taxable amount of which is $10,000 or less.

"(b) EXPORTS.—Under regulations, no tax shall be imposed under section 4001 on the sale of any property which is to be exported outside the United States.

"(c) GOVERNMENTAL ENTITIES AND EXEMPT ORGANIZATIONS EXEMPT FROM TAX ON SALES AND LEASES.—

"(1) GOVERNMENTAL ENTITIES.—No tax shall be imposed under section 4001 on the sale or leasing of any tangible personal property by the United States, any State or political subdivision, the District of Columbia, a Commonwealth or possession of the United States, or any agency or instrumentality of any of the foregoing.

"(2) EXEMPT ORGANIZATIONS.—No tax shall be imposed under section 4001 on the sale or leasing of any tangible personal property by any organization which is exempt from tax under chapter 1, unless the taxable transaction is part of an unrelated trade or business (within the meaning of section 513).

"SEC. 4013. CREDIT AGAINST TAX ON SALES AND LEASES.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by section 4001 for any taxable period on taxable transactions described in paragraph (1) of section 4003(a) an amount equal to the greater of—

"(1) .08 percent of the qualified inventory costs of the taxable person for the taxable period, or

"(2) the amount of the tax imposed by section 4001 on such taxable transactions, to the extent such amount does not exceed $4,000.

"(b) LIMITATION BASED ON TAX LIABILITY; CARRYFORWARD OF EXCESS CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—The amount of the credit allowed by subsection (a) for any taxable period shall not exceed the liability for tax imposed by section 4001 for such period.

"(2) CARRYFORWARD OF EXCESS CREDIT.—If the credit allowable under subsection (a) for any taxable period exceeds the limitation imposed by paragraph (1), such credit shall be carried to the succeeding taxable period and added to the credit allowable under subsection (a) for such succeeding taxable period.

"(c) QUALIFIED INVENTORY COSTS.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'qualified inventory costs' means the costs of tangible personal property included in the inventory of tangible personal property manufactured by the taxable person.

"(2) COMPUTATION OF COSTS.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in this paragraph, qualified inventory costs shall be computed in the same manner as costs are computed for purposes of determining the inventory of a manufacturer under section 471.

"(B) EXPENSING RATHER THAN DEPRECIATION OR AMORTIZATION.—Qualified inventory costs for any taxable period shall not include the amount of any allowance for depreciation or amortization but shall include any amount paid or incurred during such taxable period for tangible personal property acquired or leased incident to, and necessary for, production or manufacturing operations or processes.

"(C) SPECIAL RULE FOR LONG-TERM CONTRACTS, ETC.—If, under a taxable person's method of accounting for purposes of chapter 1, qualified inventory costs (other than costs to which subparagraph (B) applies) are computed in a manner other than the manner described in subparagraph (A), such costs shall be computed under such taxable person's method of accounting unless the Secretary by regulation provides otherwise.

"(d) SPECIAL RULE FOR TAXPAYERS UNDER COMMON CONTROL.—

"(1) IN GENERAL.—All persons which are—

"(A) members of the same controlled group of corporations (within the meaning of section 52(a)), or

"(B) under common control (within the meaning of section 52(b)),

shall be treated as 1 person for purposes of applying the $4,000 amount under subsection (a)(2).

"(2) ALLOCATION OF $4,000.—The $4,000 amount under subsection (a)(2) shall be allocated among persons described in paragraph (1) in such manner as the Secretary may prescribe by regulations.

"SUBCHAPTER D—ADMINISTRATION

"Sec. 4021. Liability for tax.
"Sec. 4022. Return requirement; taxable period; depositary requirements.
"Sec. 4023. Regulations.

"SEC. 4021. LIABILITY FOR TAX.

"The taxable person shall be liable for the tax imposed by section 4001.

"SEC. 4022. RETURN REQUIREMENT; TAXABLE PERIOD; DEPOSITARY REQUIREMENTS.

"(a) RETURN REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in this subsection, each taxable person shall

file a return of the tax imposed by section 4001 for any taxable period not later than—

"(A) the due date (including extensions) for filing the taxpayer's return of tax under chapter 1, or

"(B) if there is no return of tax under chapter 1, the due date (including extensions) under chapter 1 for a taxable year which is the calendar year.

"(2) EXCEPTION FOR SALES OR LEASES OF $5,000,000 OR LESS.—A taxable person shall not be required to file a return for any taxable period for taxable transactions described in paragraph (1) of section 4003(a) if the aggregate taxable amount for such transactions is $5,000,000 or less (determined on an annual basis).

"(3) OTHER EXCEPTIONS.—The Secretary may by regulation exempt any taxable person from the requirement of paragraph (1).

"(b) TAXABLE PERIOD.—For purposes of this chapter, the term 'taxable period' means—

"(1) the taxable person's taxable year for purposes of chapter 1, or

"(2) if there is no taxable year for purposes of chapter 1, the calendar year.

"(c) DEPOSITARY REQUIREMENTS.—

"(1) IN GENERAL.—In the case of any person with respect to whom a tax is imposed under section 4001 for any taxable period on any taxable transaction described in paragraph (1) of section 4003(a), such person shall make quarterly deposits of the estimated amount of such tax for the succeeding taxable period.

"(2) SPECIAL RULE FOR 1ST TAXABLE PERIOD.—Notwithstanding paragraph (1), a deposit shall be required for the first taxable period of any taxable person to which this chapter applies if the gross receipts of such person during the first taxable year ending before such taxable period from the sale or leasing of tangible personal property manufactured by such person exceed $50,000,000.

"SEC. 4023. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this chapter.

"SUBCHAPTER E—DEFINITIONS; SPECIAL RULES

"Sec. 4031. Definitions; special rules.

"SEC. 4031. DEFINITIONS; SPECIAL RULES.

"(a) MANUFACTURING.—For purposes of this chapter—

"(1) PRODUCTION INCLUDED.—The term 'manufacturing' includes the production of tangible personal property, including raw materials.

"(2) CERTAIN ACTIVITIES NOT INCLUDED IN MANUFACTURING.—The term 'manufacturing' does not include—

"(A) the furnishing of services incidental to storage or transportation of property,

"(B) the preparation of food in a restaurant or other retail food establishment, or

"(C) the incidental preparation of property by a retailer or wholesaler (including routine assemblage).

"(b) MANUFACTURER.—The term 'manufacturer' includes any producer of tangible personal property (including raw materials), but does not include any person conducting an activity described in subsection (a)(2).

"(c) PERSON.—For purposes of this chapter, the term 'person' includes any governmental entity.

"(d) UNITED STATES.—For purposes of this chapter, the term 'United States', when used in a geographical sense, includes a Commonwealth and any possession of the United States.

"(e) TANGIBLE PERSONAL PROPERTY.—For purposes of this chapter, the term 'tangible personal property' does not include unprocessed agricultural products or unprocessed food products.

"(f) UNPROCESSED AGRICULTURAL PRODUCTS.—The term 'unprocessed agricultural product' includes timber and fish.

"(g) CUSTOMS TERRITORY OF THE UNITED STATES.—The term 'customs territory of the United States' has the meaning given such term by headnote 2 of the General Headnotes and Rules of Interpretation of the Tariff Schedules of the United States (19 U.S.C. 1202).

"(h) TAX ON IMPORT IN ADDITION TO DUTY.—The tax imposed by section 4001 on the importing of any tangible personal property shall be in addition to any duty imposed on such importation.

"(i) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 and any similar provision of law which requires an internal revenue tax collected by the United States to be paid to a Commonwealth or possession of the United States shall not apply to any tax imposed by section 4001.".

(b) APPLICATION OF CERTAIN PENALTIES.—

(1) FAILURE TO FILE RETURN OR PAY TAX.—Paragraph (1) of section 6651(a) (relating to addition to tax) is amended by inserting "section 4022 (relating to Superfund excise tax)," before "subchapter A of chapter 51".

(2) NEGLIGENCE PENALTY.—Section 6653(a) (relating to negligence or intentional disregard of rules and regulations) is amended—

(A) by inserting ", by chapter 30 (relating to Superfund excise tax)," after "subtitle B" in paragraph (1) thereof, and

(B) by striking out "Windfall Profit" in the heading thereof and inserting in lieu thereof "Certain Excise".

(3) FAILURE TO MAKE DEPOSITS.—Section 6656 (relating to failure to make deposit of taxes or overstatement of deposits) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR SUPERFUND EXCISE TAX.—For purposes of subsection (a), in the case of the tax imposed by section 4001, the tax required to be deposited shall be equal to the lesser of—

"(1) 90 percent of the tax imposed by section 4001 during the taxable period on taxable transactions described in paragraph (1) of section 4003(a), or

"(2) the amount of such tax imposed during the preceding taxable period (determined on an annual basis).

Paragraph (2) shall not apply if no tax was imposed during the preceding taxable period.".

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting before the item relating to chapter 31 the following new item:

"Chapter 30. Superfund excise tax.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply with respect to taxable amounts received in taxable periods beginning after December 31, 1985.

(2) SPECIAL RULE FOR IMPORTS.—In the case of imports, the amendments made by this section shall apply to articles entered, or withdrawn from warehouse, for consumption after December 31, 1985.

(3) SPECIAL RULE FOR TAXABLE PERIOD INCLUDING JANUARY 1, 1985.—In the case of any taxable period which begins before January 1, 1985, and ends after January 1, 1985, the tax imposed by section 4001 of the Internal Revenue Code of 1954 (and the credit allowable under section 4013 of such Code) for such taxable period shall be equal to an amount which bears the same ratio to the amount of such tax (and credit) for such taxable period (determined as if such tax and credit had been in effect for the entire taxable period) as—

(A) the number of days in such taxable period after December 31, 1985, bears to

(B) the number of days in such taxable period.

SEC. 204. HAZARDOUS SUBSTANCE SUPERFUND.

(a) IN GENERAL.—Subchapter A of chapter 98 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9505. HAZARDOUS SUBSTANCE SUPERFUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Hazardous Substance Superfund' (hereinafter in this section referred to as the 'Superfund'), consisting of such amounts as may be—

"(1) appropriated to the Superfund as provided in this section, or

"(2) credited to the Superfund as provided in section 9602(b).

"(b) TRANSFERS TO SUPERFUND.—

"(1) IN GENERAL.—There are hereby appropriated to the Superfund amounts equivalent to—

"(A) the taxes received in the Treasury under section 4001 (relating to Superfund excise tax),

"(B) the taxes received in the Treasury under section 4611 or 4661 (relating to taxes on petroleum and certain chemicals),

"(C) amounts recovered on behalf of the Superfund under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (hereinafter in this section referred to as 'CERCLA'),

"(D) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

"(E) penalties assessed under title I of CERCLA, and

"(F) punitive damages under section 107(c)(3) of CERCLA.

"(2) TRANSFER OF CERTAIN OTHER FUNDS.—There shall be transferred to the Superfund—

"(A) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year, and

"(B) the unobligated balance in the Post-closure Liability Trust Fund as of October 1, 1985.

"(c) EXPENDITURES FROM THE SUPERFUND.—

"(1) IN GENERAL.—Amounts in the Superfund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 of CERCLA (other than subsection (j) thereof) as in effect on the date of the enactment of the Superfund Improvement Act of 1985, including—

"(A) response costs,

"(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

"(C) claims for injury to, or destruction or loss of, natural resources, and

"(D) related costs described in section 111(c) of CERCLA (other than paragraph (7) thereof).

"(2) LIMITATIONS ON EXPENDITURES.—At least 85 per centum of the amounts appro-

priated to the Response Trust Fund shall be reserved—

"(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of CERCLA, and

"(B) for the repayment of advances made under subsection (d), other than advances subject to the limitation of subsection (d)(2)(B).

"(d) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Superfund, as repayable advances, such sums as may be necessary to carry out the purposes of the Superfund.

"(2) LIMITATIONS ON ADVANCES TO SUPERFUND.—

"(A) AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Superfund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts described in paragraph (1) of subsection (b) which will be transferred to the Superfund during the following 12 months.

"(B) ADVANCES FOR CERTAIN COSTS.—The maximum aggregate amount advanced to the Superfund which is outstanding at any one time for purposes of paying costs other than costs described in section 111 (a)(1), (2), or (4) of CERCLA shall not exceed 15 percent of the amount of the estimate made under subparagraph (A).

"(C) FINAL REPAYMENT.—No advance shall be made to the Superfund after September 30, 1990, and all advances to such Fund shall be repaid on or before December 31, 1990.

"(3) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Superfund (or when required by paragraph (2)(C)).

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

"(e) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

"(1) GENERAL RULE.—Any claim filed against the Superfund may be paid only out of the Superfund.

"(2) COORDINATION WITH OTHER PROVISIONS.—Nothing in CERCLA or the Superfund Improvement Act of 1985 (or in any amendment made by either of such Acts) shall authorize the payment by the United States Government of any amount with respect to any such claim out of any source other than the Superfund.

"(3) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Superfund is unable (by reason of paragraph (1)) to pay all of the claims payable out of the Superfund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(b) CONFORMING AMENDMENTS.—

(1) Subtitle B of the Hazardous Substance Response Revenue Act of 1980 (relating to establishment of Hazardous Substance Response Trust Fund) is hereby repealed.

(2) Paragraph (11) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(11) 'Fund' or 'Trust Fund' means the Hazardous Substance Superfund established by section 9505 of the Internal Revenue Code of 1954;".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end thereof the following new item:

"Sec. 9505. Hazardous Substance Superfund."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 1985.

(2) SUPERFUND TREATED AS CONTINUATION OF OLD TRUST FUND.—The Hazardous Substance Superfund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Hazardous Substance Response Trust Fund established by section 221 of the Hazardous Substance Response Revenue Act of 1980. Any reference in any law to the Hazardous Substance Response Trust Fund established by such section 221 shall be deemed to include (wherever appropriate) a reference to the Hazardous Substance Superfund established by the amendments made by this section.

SEC. 205. REPEAL OF POST-CLOSURE TAX AND TRUST FUND.

(a) REPEAL OF TAX.—

(1) Subchapter C of chapter 38 (relating to tax on hazardous wastes) is hereby repealed.

(2) The table of subchapters for such chapter 38 is amended by striking out the item relating to subchapter C.

(b) REPEAL OF TRUST FUND.—Section 232 of the Hazardous Substance Response Revenue Act of 1980 is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 206. INDUSTRIAL DEVELOPMENT BONDS FOR HAZARDOUS WASTE TREATMENT FACILITIES.

(a) IN GENERAL.—Paragraph (4) of section 103(b) (relating to certain exempt activities) is amended—

(1) by inserting ", facilities subject to final permit requirements under subtitle C of title II of the Solid Waste Disposal Act for the treatment of hazardous waste," after "solid waste disposal facilities" in subparagraph (E), and

(2) by adding at the end thereof the following new sentence: "For purposes of subparagraph (E), the terms 'treatment' and 'hazardous waste' have the meanings given to such terms by section 1004 of the Solid Waste Disposal Act.".

SEC. 207. REPORT ON METHODS OF FUNDING SUPERFUND.

Not later than January 1, 1988, the Comptroller General of the United States or his delegate shall study and report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to various methods of funding the Hazardous Substances Superfund, including a study of the effect of taxes on the generation and disposal of hazardous wastes.

Mr. STAFFORD. Mr. President, the bill now before the Senate has been considered by three committees: The Committee on Environment and Public Works, which I am privileged to chair; the Committee on Finance; and, the Committee on Judiciary. I am pleased to say that S. 51 was discharged from one of those committees and reported favorably from each of the other two with only one dissenting vote.

This bill enjoys broad support among both Members of the Senate and outside groups with an interest in the Superfund Program. One reason this bill enjoys such support is because it is a moderate proposal which makes only modest changes in a vitally necessary law.

The reason we are proposing only modest changes is because Superfund is a fundamentally sound law which now is working well. What it needs most is more money and more time. Those are the two essential elements of S. 51.

PURPOSE AND SUMMARY

S. 51, as amended, amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide $7.5 billion in additional funding over a 5-year period.

The overriding purpose of S. 51 is to expand and accelerate the Federal Government's program to clean up and otherwise protect the public health and environment from releases of hazardous substances and wastes. To this end, S. 51 not only provides additional money and time, but makes changes in the law which improve the pace and direction of those cleanup efforts.

I hope additional improvements can be made on the floor through a series of amendments I intend to offer. Title I of the bill establishes cleanup standards to be applied so that human health and the environment is protected in every circumstance; a health program to assure that at each Superfund site a thorough review and assessment is made of the threats posed to human health; a chemicals testing program to develop adequate information on frequently encountered hazardous substances; and a grant program to assist States that wish to establish demonstration systems of assistance for victims of hazardous substances and wastes.

BACKGROUND AND NEED

The modern chemicals technology which has contributed so greatly to this Nation's standard of living has also left a legacy of hazardous substances and wastes which pose a serious threat to human health and the environment. By some estimates, there are over 20,000 abandoned hazardous waste sites in the United States. In large areas, drinking water supplies are contaminated by synthetic organic chemicals, including a large number of supplies which rely upon groundwater, a resource generally thought to be safe from contamination. Unfortunately, the Environmental Protection

Agency estimates that for ground water systems serving less than 10,000 persons, 1 of every 6 supplies is contaminated by volatile organic chemicals and nearly 1 of every 3 of the larger systems.

It was to deal with such problems that the Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which quickly came to be known as the "Superfund." The law authorized a 5-year, $1.6-billion program to clean up releases of hazardous substances, pollutants and contaminants. It also created a new health agency, the Agency for Toxic Substances and Disease Registry, located within the Department of Health and Human Services. The bulk of the cleanup program, however, was delegated to the Environmental Protection Agency.

During the 5 years which have passed since enactment of the Superfund law, public concern has intensified. In some areas and States, public opinion polls show that the public is more concerned over the problem of hazardous substances and wastes than any other domestic issue.

The Environmental Protection Agency has now embarked on a program to clean up 115 Superfund sites per year and estimates that it will be called upon to react to up to 200 emergencies annually. The Assistant Administrator has testified that a 5-year extension of this program would require an additional $5.3 billion. But this estimate fails to take into account other important and substantial demands on the fund. It does not, for example, allow leeway for the payment of any claims for natural resource damages, one of the law's most important, but still unimplemented, components. The estimate also does not allow any room for increase in the cost of cleanup per site beyond the current estimate, even though the Agency's previous projections have climbed in the past 4 years from $2.5 million per site to $6.5 million in 1984 and, most recently, $8.3 million. Finally, the estimate assumes that between now and 1990, which is the expiration date of the 5-year extension, there will be no inflation. Based on this, it seems clear that even a simple extension of the current program will require substantially more than $5.2 billion. With the addition of new responsibilities in this bill (estimated by the Agency to cost $1 to $1.5 billion over 5 years), the committee concluded that an appropriate 5-year funding level was $7.5 billion, as contained in the reported bill.

STATEMENT OF PRINCIPLES

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 was designed to help address many of the problems faced by our country as a result of toxic chemical contamination. The statute does not and is not intended to replace other laws which provide the regulatory foundations to address a variety of these toxic chemical concerns or provide victims with the rights to recover for damages, or obtain other relief. The existing statute and this reauthorization are structured to complement these laws and add to the remedies available to injured parties and other citizens.

The Superfund is founded on certain fundamental objectives. These are:

First, it is to provide ample Federal, State and citizen authority for cleaning up and preventing releases of hazardous substances, pollutants and contaminants.

Second, it is to assure that those responsible for any damage, contamination, environmental harm or injury from hazardous substances bear the costs of their actions and do not transfer them to others, whether through contract, sale, transportation, disposal, or otherwise;

Third, it provides a fund to finance response actions where a responsible party does not clean up, cannot be found or cannot pay. This fund has been based primarily on contributions from those who have been generally associated with such problems in the past and who today profit from products and services associated with such substances; and

Fourth, to provide adequate compensation to those who have suffered economic, health, natural resource, and other damages.

If these objectives can be and are realized through administration of the law, both by the executive branch and the judicial branch, the major objective of the statute will be accomplished: To provide an incentive to those who manage hazardous substances or are responsible for contaminating sites to avoid releases and to make maximum effort to clean up or to mitigate the effects of any such release.

Both the President and the courts should constantly bear in mind that this is a law directed at all toxic threats, whether air, water, or waste, and without regard to the specific use if any, to which the chemical or organism was to be used; pesticides are covered as well as PCB's, mining wastes as well as spent solvents, and organisms as well as chemicals. Individuals and society are to be protected from all of these and made whole when protection has failed.

FUNDING LEVEL

A great deal of the debate over Superfund's eventual cost has centered on the number of sites that will, upon inspection, exceed the EPA threshold score and, as a result, be listed on the National Priorities List. As of April 10, 1985, a total of 540 sites had been listed and an additional 276 had been proposed for listing. The EPA estimates that a total of 1,800 sites will eventually be listed on the NPL, but concedes in its recent report to Congress (the "301" studies) that "if EPA were to undertake a targeted, systematic discovery and investigation effort * * * the size of the program could increase substantially." After identifying several categories of sites that have not been targeted (such as municipal landfills, mining waste sites, and leaking underground storage tanks), the report concludes that "if even a small fraction of these sites requires Superfund response, then funding needed to address them would overwhelm the central estimates currently projected for the Superfund program."

The administration requested, but the Committee on Environment and Public Works rejected, a request that the law be extended for 5 years at a cost of only $5.3 billion. Several related factors were cited by the administration in support of a relatively slower pace of spending. First, it asserted that if the program were expanded too quickly, money would be wasted because of inability to manage the quality of the work performed. Second, according to EPA Administrator Lee Thomas, "the inability of the analytical laboratory industry to further increase its capacity for organic sample analysis and high hazard sample analysis constitutes another major limitation on more expansion * * *." Third, according to EPA's "301" studies, "there is concern about the extent to which fully permitted treatment, storage and disposal facilities will be available to dispose of Superfund waste * * *." Fourth, the Administrator said it has encountered a shortage of experienced personnel with specialized skills. Finally, the Administrator asserted that the capacity of the States to provide funds for their share of Superfund activities would constrain.

The committee examined these assertions and concluded that while they did not justify restraining Superfund to a $5.3 billion level, they did warrant a more cautious increase. Thus, the Committee on Environment and Public Works reported S. 51, as did the Committee on Finance, with a 5-year level of $7.5 billion.

Mr. President, before commenting on some of the specific provisions of S. 51 as reported, I would like to make an observation regarding the law's liability standard.

Superfund imposes a standard of strict, joint, and several liability for those who manufacture, transport, dispose of, apply or in any other way engage in activity which results in the release of hazardous substances. Such individuals are engaged in abnormally dangerous activities and should be held to the standard of care which assures that they exercise the highest degree of care which is possible.

During the reauthorization of Superfund, many individuals and organizations sought to be excepted from this standard of liability. Each of them made a good case. Cleanup contractors believe they should be held to a lesser standard because they are engaged in a societally beneficial activity. Methane operators say the same, as do those individuals who neutralize or otherwise treat hazardous waste.

But the truth of the matter is that we all believe that we are engaged in societally beneficial behavior. Those who manufactured electronic components which were cleansed with solvents that contaminated groundwater and still later caused the deaths of children from juvenile leukemia believed they were engaged in societally beneficial behavior, I am sure. So did chemical manufacturers who produced and sold the pesticide which now contaminates the ground waters of Long Island and Wisconsin, I expect. Similarly, the companies which owned and operated the smelters whose emissions poisoned the nervous systems of nearby children probably thought that they were contributing to the national security of the United States. And in each case they may be correct.

The issue is not whether the activity is societally beneficial. The issue is whether it is abnormally dangerous. What the Congress declared in enacting the Comprehensive Environmental Response, Compensation and Liability Act of 1980 was that conduct which results in the release of hazardous substances into the environment is an abnormally dangerous activity for which a person should be held strictly, jointly, and severally liable.

In some instances this had led to a result which appears harsh. But the alternative is even harsher. It may be unfair, from a cleanup contractor's perspective, for him to be held to the CERCLA standard of liability and forced to pay for personal injuries. But it is even less fair to say that those costs should be borne by the victims, whose only connection with the enterprise is their injury.

Is it more fair for the child stricken with leukemia to pay for his medical bills or for the person who released the solvents to do so?

Is it more fair for the taxpayers to pay to cleanse a contaminated aquifer or the companies which deposited the waste to do so?

My answer to these questions is simple. The person who caused the damage should bear the cost of cleaning it up, including the cost of making its victims whole.

There is one specific area where this subject has recurred time and time again. That is when an individual is in compliance with a permit. Polluters contend that because they were doing what the law did not prohibit or what the law allowed, they should not be liable.

It is a bitter irony to this Senator that the thousands of enterprises who have sought—sometimes with great success, almost always with limited success—to weaken environmental laws now constantly contend that they should be protected from liability by compliance with the softened regulations. Mining companies who sought and won an exemption from the hazardous waste requirements now seek to be immunized from liability as well. Chemical companies who sought to make the best available technology requirements of the Clean water Act only those which are "economically achievable" now say that this weakened requirement justifies a lesser standard of liability. Companies which won relaxation of statutory and regulatory requirements for manufacturing, transporting, storing, and disposing of poisonous wastes because these would cost too much money now seek immunity from damages which result from these relaxations.

This is understandable. These firms are in the business of making a profit, which is as it should be. But they are also in the business of handling materials which can and do have lethal consequences when released into the environment. The costs of such releases should be borne by them, so they have an incentive to avert and minimize releases and harm.

These were the principles in 1980, and they are embodied in S. 51 as well. The only change has been with respect to State and local governments. Even that change is very narrow and justifiable because of the special duties and obligations which fall on government. Governments acquire title or possession of property involuntarily; banks and other businesses do not. Governments are obliged to respond to toxic chemical emergencies to protect the public health and safety; chemical and other companies are not. Governments could, if they so choose, confer absolute immunity on themselves through the exercise of the sovereign's prerogative; individuals cannot.

For these reasons and others, the reported bill alters the law's liability standards for units of State and local government. But for all others, the standard remains, as it should, unchanged.

Mr. President, I would now like to explain a few technical provisions of S. 51 as reported from the Finance Committee, from my committee, and after review by the Senate Judiciary Committee.

ACCESS AND INFORMATION GATHERING

Section 115 of the bill clarifies and strengthens the President's authority under section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to gain access at Superfund sites and to obtain information regarding hazardous substances, pollutants, and contaminants associated with those sites. It is of critical importance because the existing statute provides access and information gathering authority, but no explicit means to enforce such authority. Therefore, to enforce the authority the President must rely on other laws, which do not necessarily apply to Superfund substances, or on other provisions of CERCLA which provide implicit enforcement authority. This section of S. 51 will provide the President with clear enforcement mechanisms for CERCLA access and information gathering authorities that are similar to the authorities in other laws, such as the Resource Conservation and Recovery Act.

Access sometimes is necessary for sampling to determine the nature and extent of the contamination or to undertake the response action itself. Many times response actions have been severely hampered because parties refused EPA access to, or adjacent to, the facility. Some examples include Western Processing in Seattle, WA; Stringfellow in Glen Avon, CA; OMC in Waukegan, IL; Pepper Steel, in Medley, FL; and many others. Fund response action at the New Lyme site in Ashtabula County, OH, was also delayed because certain responsible parties refused to provide the Environmental Protection Agency with information regarding the materials sent to the site.

The section contains several important changes to the existing authority, including:

Subsection (1) makes explicit what has been implicit: The authority for the President to gain access or obtain information for the purposes of choosing or undertaking a response action.

Subsection (1)(A) clarifies and expands the kinds of information that the President may obtain and the parties from whom it may be obtained.

Subsection (1)(B) makes explicit the authority for the President to gain access not just to the Superfund site itself, but also adjacent to the site or to any "other place or property" associated with the hazardous substances, or where there is a release or threatened release or where entry is needed to properly determine or undertake a response action.

Subsection (1)(C) explicitly authorizes the President to inspect and obtain samples from the site itself or other places or locations where hazardous substances are suspected or are located. Subsection (1)(B) and this subsection are especially important because at many sites both soil and groundwater contamination extend beyond the actual property boundaries of the site. It is necessary to determine

the extent of the contamination before the proper remedy can be chosen.

Subsection (2) is the enforcement authority previously mentioned. Subsection (2)(A) provides EPA with the authority to issue administrative orders directing compliance with a request for access or information. Additionally, it authorizes EPA to ask that the Department of Justice commence a lawsuit to compel compliance. Subsection (2)(B) provides that in such a lawsuit the court, in appropriate circumstances, shall issue an injunction prohibiting interference with the exercise of EPA's authority or directing compliance with an administrative order. It also provides that the court may assess a civil penalty against any person failing to comply with a request or an administrative order.

These important changes will strengthen EPA's ability to obtain consensual compliance with access or information requests and to obtain compliance through administrative or judicial means when consent is not forthcoming. Moreover, when forced to compel compliance, EPA's statutory authority will be clear.

ADMINISTRATIVE ORDERS

Section 104(b) of the Comprehensive Environmental Response, compensation and Liability Act of 1980 currently authorizes the President to conduct a variety of investigations, studies, and information gathering activities. Remedial investigations and feasibility studies [RI/FS], are performed to serve as the basis for choosing the appropriate extent of remedy.

In many circumstances it may be appropriate for potentially responsible parties to conduct the RI/FS. They are more likely to conduct cleanup if they are involved in the decision concerning the appropriate remedy.

This amendment authorizes the President to issue section 104(b) administrative orders on consent to these parties for conduct of RI/FS.

Current law authorizes the President to issue administrative orders under section 106 if there is a finding of "imminent and substantial endangerment".

Because section 104(b) orders would not require findings of imminent and substantial endangerment, their use could speed up the issuance of orders by avoiding delay due to debate over the existence of endangerment. Thus, new 104(b) will increase the likelihood that private parties will agree to conduct the RI/FS.

Also, the Government's oversight can be most effectively conducted when parties conducting the RI/FS are subject to an administrative order.

Finally, private party conduct of the RI/FS and cleanup will free up Government resources to address other sites.

FEDERAL LIEN PROVISIONS

The provisions of S. 51 as reported would impose a Federal lien for Government response costs on real property subject to a Superfund cleanup. A statutory lien would allow the Federal Government to recover the enhanced value of the property and thus prevent the owner of the property from realizing a windfall from fund cleanup and restoration activities. The lien would be perfected as of the date security interest holders learned, or should have learned, of the commencement of a Government response action at a Superfund site.

New section 107(m) does not specify what priority a Superfund lien would have with respect to other liens or security interests. This will allow the courts to decide the relative priority of a Superfund lien.

Mr. President, the bill now before the Senate is the product of 18 months of concerted effort by the Committee on Environment and Public Works, together with 5 years of oversight of the Superfund Program. There has not been any period of time since the date of Superfund's enactment on December 11, 1980, to today that the committee has not devoted attention to the important and new undertaking by the Environmental Protection Agency. After a difficult and at times controversial beginning, the program has gathered momentum and is soundly managed. This bill will help increase that momentum and cure the few flaws which the committee has uncovered since 1980. This bill deserves the full support of every Member, regardless of philosophy or party, and I hope and believe each of you will agree.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am very pleased to rise in support of S. 51, the Superfund Improvement Act of 1985. It is a special pleasure for me to stand in the well today, as the Senate turns to consideration of this bill. Since joining the committee, I have had no higher priority than seeing the Senate strengthen and extend the Superfund Program.

Funding for the Superfund Program will expire in just 14 days. Superfund revenues are virtually depleted and the Environmental Protection Agency has essentially shut down the program. It will obligate no new funds for cleanup at our toxic waste sites until the Congress reauthorizes Superfund. We are at the 11th hour and we must act promptly to minimize disruption to the Superfund Program.

Anticipating this potential situation, the senior Senator from Vermont brought a Superfund extension bill up in the Environment and Public Works Committee in 1984. With his leadership, the committee reported a bill to the full Senate for consideration last year, before we adjourned. Unfortunately, that bill was never scheduled for Senate action.

Mr. President, Senator STAFFORD introduced S. 51 on January 3, 1985, the very first day of the 99th Congress, to try and ensure that the clock would not run out on Superfund. I was proud to join him as an original cosponsor.

The Senate Environment and public Works Committee approved this bill on March 1. But it has taken almost 7 months for S. 51 to make its way through the Senate Finance and Judiciary Committees, and to the Senate floor. This delay in consideration of S. 51, and the failure of the House of Representatives to approve a Superfund authorization bill, makes it certain that we will have to take some temporary action to keep the program alive, until we can finalize a bill and send it to the President for his signature.

However, Mr. President, we would not be here today, considering this bill, if it were not for the diligence, concern, and persistent efforts of my colleague from Vermont, Senator STAFFORD, chairman of the Environment and Public Works Committee.

I want to take this opportunity to express my appreciation to the Senator from Vermont, my esteemed chairman, for his unwavering support for bringing this bill before the Senate. I commend him for his efforts.

In this, Mr. President, Senator STAFFORD was joined by the distinguished ranking minority member of the Environment and Public Works Committee, the Senator from Texas, Senator BENTSEN, who has played a critical role in shaping the bill before us in both the Environment and Public Works and Finance Committees. I would also like to commend the chairman and ranking minority member of the Environmental Pollution Subcommittee, Senators CHAFEE and MITCHELL, and other members of the committee anxious to see Senate action on this bill, for their support of the committee leadership in moving this bill through committee. Many of these members would be here this morning were it not for a very important markup which is taking place in the Finance Committee, on which they also serve.

The strong support S. 51 enjoys in the Senate is evidenced by the fact that 63 of my colleagues joined me in a letter, which I authored earlier this year to Senator DOLE, the majority leader, urging him to schedule the Superfund Improvement Act for full Senate action.

Mr. President, the cleanup of abandoned toxic waste sites is a pressing national need and it is a top priority for New Jersey. In no other State is

the Superfund Program more important. Fully 99 of the 850 sites on the National Priority List for Superfund cleanup are in New Jersey. The most dangerous site in the country, the Lipari landfill, is located in the suburbs of Camden. There is not one county in New Jersey free of abandoned toxic waste sites which threaten human health and the surrounding environment.

Not one site in New Jersey has been totally cleaned up. Cleanup work has begun on only 20 of the 99 sites on the Superfund list in New Jersey. New Jersey needs a bigger, faster paced Superfund Program. So do many other States around the country. By way of example, States like New York have a total of final and proposed sites of 59; California has 60; Ohio has 29; Pennsylvania has 59; Texas has 26; Minnesota has 39; and the total of just these few States is more than 280 sites that need prompt and immediate action.

In my State, and around the Nation, the Government is losing its credibility and the public is understandably frustrated and angry. There is just not enough money at current funding levels to make a dent in the problem.

In addition, in the 5 years we have had experience with the Superfund Program, as well as the Defense Department's toxic waste cleanup program, we have identified areas in which they must be strengthened and improved.

It is time to move faster, to rid our environment of the toxics that are poisoning our land and water, and threatening our citizens. That is why extension and improvement of the Superfund Program is so important to New Jersey and the Nation.

Mr. President, S. 51 provides funding over the next 5 years for the Superfund Program of $7.5 billion, more than four times as much as the current Superfund Program. Funding will be derived from two sources. An excise tax is levied on manufacturers that have sales receipts of more than $5 million per year in manufactured goods or raw materials. This broad-based tax would raise approximately $6 billion of the $7.5 billion of the expanded fund. I supported the efforts of Senators BENTSEN, MITCHELL, CHAFEE, BRADLEY, and others, on the Finance Committee, to develop a broader based tax to help pay for an expanded Superfund.

The remaining $1.5 billion would be raised through an extended tax on feedstocks and petroleum. Additional moneys would be added to the fund through cost recovery from parties responsible for cleanup, from interest collected on the fund, and from the postclosure liability fund.

Mr. President, S. 51 clearly addresses an issue that has hindered State efforts to set up their own superfunds. Because of a suit filed in New Jersey, which questioned the right of a State to tax the same sources taxed by the Federal Superfund, State Superfund programs have had a cloud over them. This has certainly been the case in New Jersey, where the State was extremely reluctant to spend funds out of our spillfund without this litigation being settled. S. 51 strikes the so-called preemption language in existing law which created this legal ambiguity. Approval of the bill will end years of litigation and free States to conduct aggressive cleanup programs with their own funds.

Mr. President, beyond increasing the size of the Superfund, S. 51 also makes important improvements to the current program.

S. 51 includes new health provisions that direct and authorize funds for the testing of toxic chemicals most commonly found at Superfund sites. It requires that health assessments be done at every site listed on the National Priority List, and that a more effective program be established for providing information to citizens who are worried about the health ramifications of exposure to nearby Superfund sites.

Mr. President, S. 51 also contains provisions to speed cleanup at Federal facilities. The extent of the contamination at hundreds of Federal facilities is just now coming to light.

The Federal facility amendments in S. 51 would require an expanded oversight role by the EPA. Inclusion of a Federal facility site on the national priority list would trigger schedules for cleanup at the site. These schedules would be implemented through interagency agreements, and accompanied by reports to Congress on the status and budgetary needs for completing cleanup and assuring long term operation and maintenance at sites at which interagency agreements are to be made.

Under S. 51, EPA would be required to concur in the selection of cleanup actions to be taken at Federal facilities. S. 51 also empowers EPA to issue corrective action orders at Federal facilities. Finally, this section of the bill reaffirms the original language of statute: That all provisions applicable to private parties are applicable to Federal facilities.

When the Senate begins its consideration of amendments, I intend to offer an amendment that will expand the Federal facility reporting requirements under this provision.

Mr. President, the bill also contains citizen suit provisions that provide citizens with the right to sue in Federal court to enforce nondiscretionary duties and to enforce standards, regulations, orders, and other requirements under the act. This provision is an important step in improving the tools that citizens have to ensure that the Superfund is implemented fairly and effectively.

Mr. President, I deeply appreciate the willingness of the members of the Environment and Public Works Committee to work in crafting an improved Superfund program, and one which is responsive to New Jersey's needs, as well as other States across the Nation. During the committee's markup of a Superfund extension bill in 1984, I offered a number of amendments, which were adopted at that time, and are carried over into this year's bill.

Key among those amendments are two designed to address ground-water contamination problems, prevalent in New Jersey and elsewhere around the country. Fully 60 percent of New Jersey's drinking water comes from ground water, and in the southern part of the State upward of 90 percent does. Contaminants leaching out of toxic waste sites threaten to contaminate our ground water, a precious resource in our drought plagued State.

My amendments requires EPA to clean up contaminated ground water and surface water as part of remedial action at Superfund sites, and mandate that EPA provide household replacement water, as well as drinking water, when contaminated water supplies or water supply systems are replaced by the agency.

S. 51 also contains several other amendments I sponsored in 1984 which refine Federal-State relationships under Superfund. The first of these provisions allows a State to spend its own money to conduct early cleanup at a Superfund site, with the assurance that it will be reimbursed by the fund for authorized expenditures. This amendment encourages States to use their own funds to move faster than the Federal program might permit, without being penalized for doing so.

The second of these provisions extends the statute of limitations for natural resources damage claims, which expired last December, before EPA issued regulations to inform State applications for reimbursement. The absence of these regulations made it impossible for States to submit acceptable applications for the money to which they are entitled under Superfund. However, this year, in recognition that public health risks must take priority in securing cleanup funds, S. 51 was amended to include a limitation on funds for natural resources damage claims.

Mr. President, I also want to express my appreciation to the chairman and other members of the committee for their cooperation in working with me this year on amendments to S. 51 to improve emergency planning and access by the public to information about chemicals in their communities.

These amendments stem from a hearing held by the Senate Environment and Public Works Committee in

February in the wake of a spate of chemical releases in New Jersey and the tragedy in Bhopal, India. I requested that this hearing be held in New Jersey to investigate what could be done to minimize the risks associated with chemical releases into the atmosphere. New Jersey poses a great challenge in this regard, because it is the most densely populated State in the Nation and is the third largest producer of chemicals in the United States. In addition to these emergency response issues, data collected by the Library of Congress for the committee indicated that daily exposure to chemicals emitted by chemical facilities was of sufficient magnitude and regularity, that these releases should be reported to the public.

Based on this hearing, the committee adopted two amendments that I sponsored to S. 51 in February.

These provisions would improve the notification and penalties provisions of the existing Superfund program by requiring immediate notification of State and local officials in the event of a release of a "reportable quantity" of a hazardous substance covered by Superfund. S. 51 strengthens the penalties for failure to notify by establishing civil penalties of up to $75,000 per day and increasing criminal penalties to up to 5 years in jail.

The lessons of the past year have underscored the importance of effective reporting requirements, and tough penalties for failure to report releases. Nowhere was this clearer than in West Virginia this summer when a toxic cloud of aldicarb oxime from a Union Carbide facility hung over the plant for 20 minutes before response officials were notified. It was another 20 minutes before the local community was notified, at which time the cloud had moved through the community, sending more than 130 workers and residents to area hospitals.

I intend to offer an amendment with Senators HUMPHREY, HEINZ, and MOYNIHAN to supplement these provisions and the emergency response provisions in Superfund when the Senate takes up amendments to the bill.

The second provision adopted by the committee establishes a hazardous substance inventory, to help assess the extent to which the public is exposed to chemicals which may have long-term, adverse impacts on the public health. The committee will be refining this provision, section 106, during consideration of S. 51. I very much appreciate the chairman's support for these provisions.

Finally, Mr. President, I want to thank the chairman for working with me and Senator MITCHELL on legislation to establish a viable indoor air pollution and radon detection and mitigation program within EPA.

Mr. President, the committee has produced a sound bill which should enjoy the support of the Senate. During consideration of the bill, several amendments may be offered to increase the size of the Superfund Program and improve other aspects of the program. These amendments pose a difficult choice for those of us who serve on the committee, and have worked so closely together to fashion S. 51. However, Mr. President, I intend to support amendments to further strengthen the bill, including amendments to increase the size of the fund.

In closing, Mr. President, I want to express my personal appreciation for the evenhanded and nonpartisan manner in which the Senator from Vermont conducted committee consideration of this bill and, in fact, the equitable and considerate manner in which he conducts all committee business. The Senator from Vermont has always gone out of his way to encourage me to participate in committee consideration of this bill and all committee work. For this I extend my deepest appreciation.

Mr. STAFFORD. Mr. President, will the Senator yield to me very briefly?

Mr. LAUTENBERG. Indeed I will, Mr. President.

Mr. STAFFORD. I simply wish to express my appreciation to the able Senator from New Jersey for his very kind words and my deep appreciation for all of the effort that he has made in helping us conduct committee business in the Environment and Public Works Committee this year. It has been a special pleasure for me personally to work with the Senator from New Jersey and I want him to know that.

Mr. LAUTENBERG. I thank the Chair.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, the Superfund Improvement Act of 1985 is the embodiment of a national commitment to achieve a large and very important national goal.

The Superfund legislation passed in 1980 was this Nation's mechanism to begin the work of cleaning up the hazardous substances releases and toxic waste sites which endanger the lives of American citizens.

From that beginning, we developed the means to consider the scope of the problems ahead, and we began the early stages of correcting them. With the legislation we consider today, this Nation will get down to business. We are resolved to rid ourselves and future generations of dangers that have been ignored for too long—tragedies that are waiting to happen unless we respond firmly to this national priority.

Before I discuss some of the important provisions of this bill, I want to acknowledge a number of our colleagues for the long hours and hard work they have devoted in getting us to this critical point of progress:

First, I recognize our chairman, the distinguished Senator from Vermont [Mr. STAFFORD] and the work he has done there. It has been a pleasure to work with him. There has been a virtual absence of partisanship in that committee. You do not really have a Republican or a Democratic position, you have a bipartisan position as to what we think is best for our country.

I recognize, too, the chairman of the Finance Committee [Mr. PACKWOOD] and the majority leader [Mr. DOLE] and the minority member of the Finance Committee [Mr. LONG] and my friend from New Jersey who has just finished speaking here [Mr. LAUTENBERG].

The bill before us today, S. 51, reauthorizes Superfund for another 5 years for a total of $7.5 billion. This is an increase in the authorized funding, which is justified by the increased cost of cleanup and the fact that the problem of uncontrolled releases of hazardous substances is greater than we envisioned 5 years ago when Superfund was first enacted.

In order to raise this sum of money, the Finance Committee voted to put in place an excise tax on manufactured goods. The Superfund excise tax we are talking about applies to goods either made in this country or imported into the country. Exports are exempt from the tax.

In other words, if this product is going to be shipped overseas, the tax is taken off it. If the product is being shipped into the country, the tax is placed on it.

The Superfund excise tax is both fair and simple. It is fair because hazardous waste dumps are a problem caused by manufacturers of every stripe. Chemical companies may produce chemicals; but other manufacturers use them and dispose of them. For example, there are estimates that, of the top 25 companies identified as parties responsible for the Stringfellow site in California, one of the worst dumps, there is not a chemical company among them—not one.

Even manufacturers that have not directly contributed to hazardous waste sites benefit from hazardous waste. I should like to find one manufacturer that does not use chemicals in any form. The Superfund excise tax seeks to recognize the national nature of the Superfund problem and spread the funding burden to manufacturers across the country.

As I said, the Superfund excise tax is also simple. It has been designed to keep additional paperwork to an absolute minimum. By and large, companies will be able to compute this tax with the same information that they use to figure their income tax. We have also minimized the number of

taxpayers by providing a generous exemption for small companies.

Finally, the Superfund excise tax has the significant advantage of what trade experts term "border neutrality." Since imports would be taxed and exports exempted, American companies will not be put at a competitive disadvantage against foreign companies as a result of this tax.

On balance, our choices are harsh and limited. A major role for general revenue is impossible in my opinion. Increases in the feedstock tax are inequitable and unwise. Waste taxes can play a role but not a pivotal role.

I must say when we started out trying to find a way to pay for this, that is where we hit, on a waste tax. We found it had a diminishing return and we found it inadequate in order to raise sufficient money for this purpose. The only real option is the one we have chosen—the development of this broad-based revenue source.

The amendments reported by the Committee on Environment and Public Works clarify the uses for the Superfund so that the funds are properly directed to reduce the hazards of abandoned waste sites. The proper scope of the program, remedial action selection, and other amendments will produce a more focused and effective Superfund Program.

An amendment to section 104 response authorities is of particular interest to me and to the State of Texas. This remedial action alternative language helps resolve a difficult problem for those involved in cleanup of hazardous substances. Under Superfund as originally written, it is unclear how clean a Superfund site must be before remedial action can be considered complete. S. 51 clarifies that, at a minimum, all remedial actions must assure protection of human health and the environment. This is the same performance standard required under the Solid Waste Disposal Act for hazardous waste disposal facilities.

S. 51 also clarifies that the design standards contained in section 3004 of the Solid Waste Disposal Act do not have to be applied to all Superfund sites. The size, topography, geology, hydrology, and mix of wastes at Superfund sites all vary considerably and a uniform remedy may not be the best solution for each of these sites. The most effective use of Superfund is for remedial actions to be relevant and appropriate to the circumstances of a specific site. This amendment to section 104 provides needed flexibility while assuring that human health and the environment will be adequately protected.

S. 51 also addresses the problems faced by remedial action contractors, who are finding it increasingly difficult to buy insurance for their Superfund activities. Without this insurance some of these contractors may choose not to seek Superfund contracts to clean up sites and the pace of cleanup could decline.

S. 51 provides that the EPA may include an indemnification provision in these remedial action contracts so that the EPA would act as an insurer of the contractors' actions. During a hearing held by the Committee on Environment and Public Works on the insurance issue, the contractors expressed their view that this discretionary authority would not be sufficient to keep them interested in Superfund contracts nor would it provide enough assurances to insurance companies so they would continue to issue insurance policies covering Superfund cleanup activities.

In response to these concerns, I introduced an amendment, cosponsored by the chairman of the committee, that would make such indemnification provisions mandatory in remedial action contracts. In this way, the contractors are assured that they will be indemnified for their nonnegligent actions and remedial actions at Superfund sites can continue apace.

S. 51 contains many other important provisions that will greatly enhance our ability to bring this critical national problem under control. Passage of this measure will be one of the most effective acts we could take to protect ourselves, our environment, and future generations from the threat of toxic contamination.

Mr. STAFFORD. Mr. President, before the most able Senator yields the floor will he yield to me for a second?

Mr. BENTSEN. I am delighted to yield at this point to the chairman.

Mr. STAFFORD. Mr. President, I want the RECORD at this point to show how much I have enjoyed working with the very able Senator from Texas over the years. One of the reasons our committee has been a bipartisan or nonpartisan committee and able to work together is the way the Senator from Texas has conducted himself as the ranking member and, before that, as the chairman of the Transportation Subcommittee when I served on it as the ranking member under his leadership. I want him to know how much I have enjoyed the years we have been able to serve together and how much I think the Senator from Texas has contributed over the years to the work of this subcommittee.

Mr. BENTSEN. Mr. President, I am very pleased at those comments. I must say as the years have passed, I have become more convinced of the advantages and values of seniority.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Vermont [Mr. STAFFORD], chairman of the Environment and Public Works Committee, for the work he has done on Superfund. We had some differences on amendments and we were able to work them out with him. I think we improved the bill. He was very cooperative, as he always is on matters of public interest. I commend him for the fine leadership he has shown on this important matter.

Mr. STAFFORD. Will the Senator yield briefly?

Mr. THURMOND. I am happy to yield.

Mr. STAFFORD. Mr. President. I want to express my appreciation for the cooperation the most able Senator from South Carolina [Mr. THURMOND], chairman of the Committee on the Judiciary and President pro tem of the Senate, has extended to us in working out mutually agreeable amendments which, for the Senator from South Carolina, myself, and the members of the committee, I shall be offering at the earliest opportunity as noncontroversial amendments. It has been a joy to work with the Senator.

Mr. THURMOND. I thank the Senator very much.

Mr. BENTSEN. Mr. President, I wish to say to the Senator that if we had that kind of cooperation we get from the Senator from South Carolina in working out our amendments, this democratic process would work much better and faster.

Mr. THURMOND. I thank the Senator. That is the way we ought to work for the good of the general public and that is what we have done here.

Mr. CHAFEE. Mr. President, the bill we are considering today, the Superfund Improvement Act of 1985, addresses one of the most important issues facing us today: How to speed up and improve the Federal program that is dedicated to cleaning up the thousands of sites that are contaminated with hazardous substances and toxic chemicals. Many of these sites present immediate threats to the health and safety of citizens all across the country. Too many of these sites present an equally dangerous, though less obvious, threat to the environment and the ground water that many of us use for drinking water.

Most Superfund sites are a tragic legacy of improper management and disposal of toxic wastes. Last year it became clear that the Resource Conservation and Recovery Act (RCRA), the Federal law governing the handling and disposal of such wastes, needed to be strengthened. Bold action was needed to prevent the creation of a new generation of Superfund sites. As author and floor manager of the 1984 RCRA amendments, it was reassuring to see that this body recognized the need and unanimously approved that legislation. Similarly, earlier this year, we unanimously approved amendments to the Clean

Water Act that will, among other things, institute new controls on toxic chemicals that have been finding their way into our precious rivers, lakes, bays, and oceans.

As we take bold steps regarding the future, we must take equally bold steps to address the errors of the past. That is what today's bill, S. 51, is all about.

Many of us recognized in 1980, when we first created Superfund, that the $1.6 billion, 5-year program was woefully inadequate. However, those figures were agreed to as part of a compromise that was necessary to even begin the program. Today, no one disputes the need to continue the program nor the need to greatly expand it. Although we are focusing on a new 5-year bill, it is widely acknowledged that the job of cleaning up these sites and protecting the public health will take much more than 5 additional years. Many of us believe that the ultimate cost will be even greater than the $10 billion or $13.5 billion fund that is being urged by some.

The Committee on Environment and Public Works, in agreeing to a $7.5-billion figure for the next 5 years, considered how to get the maximum cleanup progress. If EPA receives too much money in too short a period of time, I am uncertain that agency personnel could manage all the contracting work efficiently and money meant for cleanup could be squandered. At a $7.5-billion level, we will be expanding the current program almost five-fold and spending an average of $1.5 billion each year for the next 5 years. The Committee on Environment and Public Works and the Committee on Finance rejected the administration figure of $5.3 billion as too low to get the job done.

Expanding the program from $1.6 billion to $7.5 billion is a significant step and should provide for a more aggressive program when compared to the last 5 years. Such an increase will also set the stage for continued growth of the program.

Unlike the situation that existed when Superfund was first created in 1980, in the face of heavy opposition, the program now enjoys broad support. What is controversial is how Congress will raise billions of dollars in additional money needed to clean thousands of sites contaminated with toxic chemicals.

The controversy really boils down to two choices: Impose a broad-based tax that spreads the burden evenly through society, or impose a tax on those who generate hazardous waste.

The Senate is likely to take the broad-based approach; the House of Representatives appears ready to support some form of a "waste-end" tax on toxic material itself.

While a waste-end tax on toxic material is appealing on the surface—after all, why should not those who produce toxic substances foot the bill for cleaning up the mess that comes from its disposal?—further consideration shows such a levy is unworkable and counterproductive, for these reasons:

A waste-end tax creates incentives for unscrupulous producers of toxic material to avoid the levy by illegal dumping. Through RCRA, Congress has imposed severe restrictions on disposal of hazardous waste. Since waste-end taxes would be collected when toxic material is delivered to a RCRA-approved site, some producers would seek to avoid the tax by improper disposal.

Because a waste-end tax would encourage producers of toxic waste to seek ways of avoiding the levy, it is difficult to predict with certainty that the needed revenue could be raised; indeed, such a tax could prove insufficient to meet the needs of Superfund. The likelihood of a revenue shortfall is the most troublesome aspect of pending proposals to use waste-end taxes to finance all or part of the Superfund. If we want a $7.5 or $10 billion fund and plan on $1.5 billion or more of that coming from waste and taxes, we will undoubtedly be disappointed and will end up with a much smaller fund than predicted and needed.

A waste-end tax could well play havoc with regulation by the Environmental Protection Agency of hazardous waste generation and disposal. For valid reasons, all pending waste-end tax proposals would assign duties of collection to the Internal Revenue Service. But having a second Federal agency, the IRS, involved in decisions affecting the disposal of toxic waste would certainly lead to new confusion, making the EPA's job that much more difficult. Similarly, the constant changes in, and challenges to, EPA regulations would make it difficult for the IRS to administer the tax and issue its own regulations.

It is for these reasons that the Senate Finance Committee overwhelmingly rejected a waste-end tax when it recently considered extension and expansion of Superfund. Instead, the committee voted to raise $7.5 billion over the next 5 years by imposing a small excise tax on manufactured goods.

A broad-based tax on industry leaves no incentive for producers of toxic substances to avoid the law or resort to methods of disposal which could further damage the environment. Because such a tax is collected generally, the revenue base is assured. Finally, a broad-based tax would not force the IRS and the EPA to work at cross-purposes.

Existing law was enacted to put a stop to past practices of midnight dumping and unsafe disposal of hazardous waste. As appealing as a waste-end tax is at first blush, it could, in the end, encourage a new round of illegal dumping. As such, Congress should reject it.

The importance of Superfund is twofold. First, it provides a fund to finance direct action by the Government to clean up dangerous sites. Second, and perhaps even ore importantly, it establishes a legal system of liability and enforcement tools to make sure that those who produced the hazardous substances and those who created the threats to our health and environment must pay for cleanup of these sites. Fund-financed cleanups are intended to be a supplement to cleanups by private, responsible parties. Aggressive enforcement of the law will assure adherence to the oft-cited principle that "polluters must pay."

Mr. President, most of the Superfund comes from special taxes that were created specifically for the fund. Unless the Senate, the House, and the President act quickly, the authority to collect those taxes will expire on September 30 of this year and fund-financed cleanups will grind to a halt. Fortunately, the Senate is acting in a timely manner and the liability and enforcement provisions of the law will continue to be in effect.

If, as appears likely, the House of Representatives fails to pass a bill before September 30, and the Congress doesn't send a bill to the President by that date, the EPA and the Department of Justice should use their continuing authority to force cleanups by private responsible parties.

A simple 1-year extension of the law would be a mistake. The existing program needs to be expanded and strengthened. The need is now, not next year.

The overriding purpose of S. 51 is to expand and accelerate the Federal Government's program to clean up and otherwise protect the public health and environment from releases of hazardous substances and wastes. To this end, S. 51 not only provides additional money and time, but makes changes in the law which improve the pace and direction of cleanup efforts. Title I of the bill will establish cleanup standards to be applied so that human health and the environment is protected in every circumstance; a health program to assure that at each Superfund site, a thorough review and assessment is made of the threats posed to human health; a chemicals testing program to develop adequate information on frequently encountered hazardous substances; and a grant program to assist States that wish to establish demonstration systems of assistance for victims of hazardous substances and wastes.

The bill also includes an amendment that I offered on the siting of hazardous waste facilities.

A critical step in the implementation of a rational, safe hazardous waste program is the creation of new facilities employing the most advanced waste management technologies. But to establish newer, improved facilities, sites on which these facilities can operate must be found and made available. Although most States have enacted or have pending some forms of siting legislation, few, if any, have developed policies and siting programs that will assure continued facility capacity in the long term. Recognizing that, as a general rule, States are not moving aggressively to avoid the creation of future Superfund sites, an amendment on siting of hazardous waste facitities was adopted by the Committee on Environment and Public Works.

This section of the bill provides that, effective 3 years after enactment, a State shall not receive Superfund money for remedial actions unless the State provides assurances that there will be adequate capacity and access to RCRA-approved facilities for the treatment or disposal of all of that State's hazardous wastes for the next 20 years.

The availability of funds for removal actions is not affected. The short-term, emergency cleanup of, for example, a roadside spill or a stack of drums that are about to explode could proceed. What will be withheld are funds for "remedial actions," the long-term, permanent cleanup of sites on the National Priority List.

To avoid a cutoff of funds, each State is required to develop State policies and siting programs that will make the best use of existing facilities in the short term and will assure continued facility capacity in the long term. The details of the siting process will differ depending on the circumstances of each State.

A site in every State is not required. In some cases, multistate efforts may be appropriate. Use of binding agreements through interstate compacts guaranteeing access to a facility is only one example of how a State may provide the requisite assurances. State or local ownership and operation of facilities or contracts with private facilities may also suffice.

The rationale for this requirement is straightforward: Superfund money should not be spent in States that are taking insufficient steps to avoid the creation of future Superfund sites. Pressures from local citizens place the political system in an extremely vulnerable position. Local officials have to respond to the fears of local citizens. The broader social need for safe hazardous waste management facilities often has not been strongly represented in the siting process. A common result has been that facilities have not been sited, and there has been no significant increase in hazardous waste capacity over the past several years. While everyone wants hazardous waste managed safely, hardly anyone wishes it managed near them. This is the NIMBY syndrome (not in my backyard). Yet if the RCRA and Superfund Programs are to work—if public health and the environment are to be protected—the necessary sites must be available.

Mr. President, in conclusion, S. 51 is a good bill. It is a bill that deserves to be enacted into law. As a member of both the Committee on Environment and Public Works and the Committee on Finance, the two committees that have written and recommended passage of this bill, I urge my colleagues to support it. Time is of the essence. The issues of public health and environmental protection are too important to ignore. We have an opportunity to enact a fivefold expansion of the current Superfund and to correct many of the problems that have plagued EPA's management of the program. It is an opportunity we must not squander.

Mr. MITCHELL. Mr. President, we bring to the Senate today the Superfund Improvement Act of 1985. This bill is significant in several respects.

First, and most important, it embodies a continued commitment by the Federal Government to the protection of the health and welfare of the people of this country from the dangers of uncontrolled hazardous substances in the environment. The Superfund law enacted in 1980 is a public health statute. We have made a judgment with the bill before us today that the current law is fundamentally sound, its purposes worthy, and its provisions workable.

Second, this bill represents a judgment that the principle of liability upon which the law is based, that those responsible for harm to health and the environment should be held accountable for that harm, continues to be appropriate.

Third, this bill represents a continued commitment to dealing with uncontrolled hazardous substances in the environment even when a responsible party cannot be found, by providing an expanded fund to finance such cleanups.

Fourth, this bill makes improvements in the Superfund Program based on our first 5 years of experience with its implementation.

In 1980, the Superfund bill faced many obstacles to its passage. As we stand here today in 1985, much of the opposition to the basic concept of the establishment of a liability regime and a fund has dissipated. The continuation of both aspects of the law is no longer an issue. This is gratifying, in a sense, to those of us who stood before this body in 1980 and warned that the legacy of past haphazard waste disposal represented perhaps the most serious public health and environmental threat in our modern history. There is, however, no consolation in having been correct in our assessment of the need for the Superfund Program. We did not in fact understand 5 years ago the true dimension of the threat of uncontrolled toxic substances in the environment.

Since the passage of Superfund we have learned that the current estimate of abandoned waste sites across this country is at least 22,000 and growing. EPA anticipates that the national priorities list of the worst sites in the country, thus eligible for Superfund money, will grow to 1,500 or 2,500 over the next several years. According to EPA, "depending on assumptions about the size of the national priorities list, the average cost of a remedial action, and the level of responsible party contributions to cleanup actions, future funding needs could range from $7.6 billion to $22.7 billion, in 1983 dollars." This estimate of needs is based only on the more traditional waste sites and the more obvious hazardous releases into the environment. There are, however, a number of emerging problem areas which could expand dramatically the needs of the program, according to EPA. These include currently operating hazardous waste facilities which are expected to close soon, municipal landfills, industrial landfills, mining waste sites, leaking underground storage tanks, contamination from agricultural uses of pesticides and radioactive sites.

It is clear by any estimate that is used that the problem is even more of a health threat than the Congress thought, and that even this reauthorization of the law for an additional 5 years will be only another step in addressing it, not a complete solution. Indeed, until our modern technology advances to a point that we minimize dramatically the hazardous byproducts of our industrialized society, we can reduce but not eliminate the risk posed by hazardous waste.

Nevertheless, this is a strong piece of legislation which continues what we set in motion in 1980, at an accelerated pace, but one which is in fact realistic.

I would like to discuss in greater detail the aspects of this bill which are most significant in my view.

STRICT LIABILITY

One of the integral parts of the Superfund law is the standard of care, strict liability, which is imposed on those who generate, transport, store or dispose of hazardous substances. S. 51 retains that high standard of care. Under the standard of strict liability, the Federal Government does not dictate how a business must act, what it should make, how it should transport

its products, or what means of disposal it should use. It does, however, determine in advance what the legal consequences of such activities may be if they result in harm.

When the members of the Committee on Environment and Public Works first looked at the problem of uncontrolled releases of hazardous substances into the environment in 1980, we were confronted with a basic policy consideration: Who should be held liable and under what standard of liability? It was clear even 5 years ago that the Federal Government was not in a position to simply fund 100 percent of the remedial action required to make thousands of abandoned chemical dumpsites safe for surrounding communities. It was also clear then that waste sites were only part of the problem. An equally alarming problem was the devastating effect of ongoing releases of toxic chemicals into the environment through spills, discharges and intentional dumping.

Not only did we feel that the Federal Government could not fund by itself the necessary cleanup, we also felt that the Federal Government should not remedy by itself the consequences of dangerous activities by private parties.

We adopted the concept of strict liability for a number of reasons, the principal ones being fairness and equity. By imposing strict liability on the person creating a hazard, the Superfund law assures that those who caused the harm bear the cost of that harm, and encourages the elimination of as many risks as possible to avoid liability.

This standard of care is a concept well-recognized and accepted in courts of law for over 100 years. The leading case from which strict liability was developed, Rylands against Fletcher, articulated the theory in this way in 1868:

> We think that the true rule of law is that the person who for his own purposes brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and if he does not do so is prima facie answerable for all the damage which is the natural consequence of its escape.

Since that decision was handed down, the concept of strict liability has been adopted in every State in this country. Even the few jurisdictions which reject Rylands against Fletcher by name have accepted the principle of the case under the guise of other theories; most frequently, those courts impose the same strict liability rule under the theory of nuisance.

The acceptance of the strict liability concept as the majority rule in this country is reflected in the adoption of strict liability by the American Law Institute as early as 1936. A second restatement was adopted in 1976. I would like to quote it, and remind this body that this was written before the Superfund law was even envisioned.

The second restatement says:

> One who carries on an abnormally dangerous activity is subject to liability for harm to the person, land or chattels of another resulting from the activity, although he has exercised the utmost care to prevent the harm.
>
> The liability stated in this section is not based upon any intent of the defendant to do harm to the plaintiff or to affect his interests, nor is it based upon any negligence, either in attempting to carry on the activity itself in the first instance, or in the manner in which it is carried on. The defendant is held liable although he has exercised the utmost care to prevent the harm to the plaintiff that has ensued. The liability arises out of the abnormal danger of the activity itself, and the risk that it creates, of harm to those in the vicinity. It is founded upon a policy of the law that imposes upon anyone who for his own purposes creates an abnormal risk of harm to his neighbor, the responsibility of relieving against that harm when it does in fact occur. The defendant't enterprise, in other words, is required to pay its way by compensating for the harm it causes, because of its special, abnormal and dangerous character.

This principle was not created in 1980 in the first Superfund law. It existed before 1980 in every State in the Union. The Congress simply made the judgment in 1980 that the principle of strict liability should be extended uniformly to activities involving hazardous substances. This standard of care has been effective in the past 5 years in securing numerous judgments and settlements with private parties at hazardous waste sites across the country, a result which could not have been achieved under a less demanding standard of liability such as negligence.

The standard of liability impsed under Superfund is derived from the standard of liability imposed under section 311 of the Clean Water Act, which is strict, joint and several. Courts have held that where appropriate, liability under Superfund may be joint and several, as a matter of Federal common law. This principle has been applied by courts on a case-by-case basis where the harm caused by hazardous substances is indivisible. When a responsible party can establish to the court's satisfaction that its contribution to a site, and therefore, its cleanup, is divisible, joint and several liability will not be impsed. This application is consistent with the restatement second of torts that:

> (1) Damages for harm are to be apportioned among two or more causes where
>
> (a) there are distinct harms, or
>
> (b) there is a reasonable basis for determining the contribution of each cause to a single harm.
>
> (2) Damages for any other harm cannot be apportioned among two or more causes.

It has been suggested by some that the use of joint and several liability is an extraordinary tool which is unfair in concept and punitive in its implementation. However, as the Administrator of the EPA, Lee Thomas, has stated, it is an extraordinary tool for an extraordinary problem. I believe that the Government has used this tool with restraint, and that its continued use is important to the enforcement program.

One proposed change to the law is a mandatory apportionment scheme under which the burden of proof would fall on the Government to establish the portion of the harm for which each party is responsible, and apportion the cleanup costs accordingly. While this may have a surface appeal, the impacts of such a change on the Superfund Enforcement Program would be far-reaching.

The Department of Justice as well as the Environmental Protection Agency have testified on this issue. According to the EPA, "a mandatory apportionment scheme would severely impair the effectiveness of the Superfund Enforcement Program. Substituting an apportionment scheme for the strict, joint and several liability regime established under the existing statute would delay cleanups and increase costs, without providing substantially increased fairness in cost apportionment among responsible parties."

I ask unanimous consent that a detailed description of the negative impacts of apportionment written by the Environmental Protection Agency be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

VICTIM COMPENSATION

Mr. MITCHELL. Mr. President, as many of the Members of the Senate recall, a provision of the 1980 bill approved by the Committee on Environment and Public Works provided compensation for medical expenses to persons injured by exposure to hazardous substances in the environment. Two alternative remedies were provided, an administrative system for reimbursement of out-of-pocket medical expenses and burial benefits, and a Federal cause of action in district court to recover the same expenses, as well as compensation for pain and suffering.

Under threat of a filibuster in the waning days of the 96th Congress, the proponents of our committee bill dropped that provision for compensation of human victims, and retained only compensation for damage to publically-owned natural resources.

Thus, for the past 5 years, we have had the incredible and unjustifiable standard that says that if certain property is damaged by hazardous waste release, there can be compensation; but if a human being is damaged by the same release, there can be no compensation from this fund.

We authorized instead of that a study of the adequacy of existing remedies to compensate persons injured through exposure to toxic substances in the environment.

The group which conducted the study was composed of representatives of four major legal organizations, the American Bar Association, the American Law Institute, the American Trial Lawyers Association, and the National Association of Attorneys General. Their report concluded:

This review of existing causes of action and barriers to recovery has shown that although causes of action do exist for some plaintiffs under some circumstances, a private litigant faces substantial substantive and procedural barriers in an action to recover damages for personal injury or property damage due to hazardous wastes, particularly where the individual claims are relatively small.

The study group made 10 recommendations, one of which was an administrative system of compensation. The bill before us does not fully implement that recommendation. Rather, it establishes a demonstration program of administrative victim assistance. I personally believe that such a program could be and should be operated in every State of the Nation, because no State is immune from the human health threat of hazardous substances in the environment.

However, this demonstration program would make available only $30 million per year up to ten areas of the country selected by the Environmental Protection Agency. Several limitations have been incorporated into this provision to address concerns raised by Members of this body and by other interested parties. The most obvious is, of course, the limited demonstration nature of the program, and the dollar limitation. This program can last no longer than 5 years and can spend no more than $30 million a year. The Congress must make an affirmative judgment to continue this program during the next authorization of the Superfund law. Otherwise, it will expire.

Other limitations include: A requirement that any fund expenditure under this program be repaid from a judgment or settlement received by a person for medical expenses; a requirement that this remedy be used only when a solvent responsible party is not available; a requirement that the benefits of this program are available only to those who have no other form of health insurance, either public or private; and the use of private insurance companies, not a new Federal bureaucracy, to administer the assistance programs.

I do not want to mislead anyone as to the adequacy of this provision as an ultimate solution. It is a bare minimum, designed to provide a safety net for those who are truly without recourse when injured by a toxic chemical in the environment. It is a pilot program designated to determine whether a mechanism for victim assistance can work without the drastic impacts predicted by its detractors.

I ask unanimous consent that a description of the provision be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF VICTIM ASSISTANCE DEMONSTRATION PROGRAM—(SECTION 129 OF S. 51)

FUNDING

Funding of $30 million per year is authorized from the general revenue contribution to the Trust Fund for five years, a total of $150 million of the $7.5 billion Fund.

ELIGIBILITY

A geographic area for which a health assessment has been performed which reaches specified conclusions may be nominated by the State in which it is located for participation in a victim assistance demonstration program.

Section 116 of S. 51 already requires the Agency for Toxic Substances and Disease Registry to perform a health assessment at each site on the National Priorities List within two years and at sites nominated by individuals and doctors.

A health assessment is defined in S. 51 as an assessment of the potential risk to human health posed by an individual waste site. This determination is based on factors such as the nature and extent of contamination, the pathways of human exposure, the size and susceptibility of the community which is exposed, and identification of health effects assocated with the substances at a site. This information will be used to make a determination as to whether a hazardous substance at a site is associated with an illness in the surrounding community.

Section 129 specifies that in order for an area to be eligible, its health assessment must indicate that:

(1) There is a disease or injury for which the population of that area is at significantly increased risk as a result of the release of a hazardous substance;

(2) Such disease or injury has been demonstrated to be associated with exposure to a hazardous substance; and

(3) The area contains indiviudals who have been exposed to a hazardous substance in the environment.

SELECTION

From the areas nominated, the President will select no less than five and no more than ten areas for demonstration programs. The selection must take into account the extent of the problem at a given site and the experience of the State and local government in administering hazardous waste programs.

VICTIM ASSISTANCE

A State selected to operate an assistance program for a particular site will provide medical testing and certain health insurance benefits to members of the exposed population who have no other source of health insurance. The mechanism for providing assistance will be insurance policies which are secondary to all other coverage carried by an individual.

Persons who have a disease or injury identified in the health assessment document as being associated with the substance to which the individual has been exposed are eligible for past out-of-pocket medical expenses relating to that illness, and a secondary insurance policy for future out-of-pocket expenses relating to that illness.

Persons who have been exposed but have no present symptoms of an identified illness are eligible for a secondary insurance policy for periodic medical screening to determine the presence of the illness in the future.

LIMITATIONS

All insurance benefits are secondary to all other coverage available to a person in the exposed population. It is estimated that approximately 90% of the U.S. population has some form of medical benefits from a private or public source.

For private insurance policies, the determination as to whether a person has primary health insurance will be made as of thirty days prior to the date a State nominates an area for participation. This will guard against the modification or cancellation of an existing policy in expectation of benefits from this program.

No double recovery is allowed. The proceeds of any claim against a responsible party must be repaid to the Fund by any individual who has received assistance under this program.

Assistance under this provision is not available where a solvent responsible party is paying compensation or has accepted liability for medical assistance.

EVALUATION

The President is directed to submit annual reports, starting in FY 1987, on the implementation of this program, including an evaluation of each of the State programs.

Each participating State is directed to submit a report to the President and the Congress by January 1, 1990 on the implementation of its program.

Mr. MITCHELL. Mr. President, there are several additional modifications that we have made to improve the implementation of the program based on our experience. Most notable is the increased funding for the cleanup of those sites for which no responsible party can be found. Other significant changes in the law include an explicit directive to EPA to clean up all sites to levels that are protective of human health and the environment, and mandated health studies at all national priorities list sites.

Mr. President, I cannot emphasize strongly enough that this is a public health statute. A delay in the reauthorization of this law could mean literally continued harm to persons exposed to these toxic chemicals in the environment. This result can be avoided, and I am confident that we will act expeditiously to avoid it.

EXHIBIT 1

What are the enforcement program concerns related to eliminating joint and several liability? What will elimination of this standard of liability do to our present enforcement program? How would mandatory apportionment schemes be implemented?

ANSWER

As described in detail in the answer to question number 4, below, a mandatory apportionment scheme would severely impair the effectiveness of the CERCLA enforcement program. Substituting an apportionment scheme for the strict, joint and several

liability regime established under the existing statute would delay cleanups and increase costs, without providing substantially increased fairness in cost apportionment among responsible parties.

Under the theory of joint and several liability as currently interpreted by the courts, responsible parties have the task of apportioning costs among themselves, unless they can demonstrate to the court's satisfaction that the costs are divisible. An apportionment scheme would instead require courts or the Federal government to apportion the cost of cleanup among parties, or between responsible parties and the Fund, based on largely subjective factors and on evidence presented by the parties and the government.

Apportionment schemes would be most detrimental to the enforcement program if they authorized apportionment in advance of the government's action to compel responsible parties to undertake a cleanup. Under the existing system, courts may apportion costs following an adjudication of liability and a determination that parties are jointly and severally liable.

The specific drawbacks of a mandatory apportionment scheme are:

Delayed cleanups;

Reduced incentives for collective action and negotiation and an increased chance of litigation;

Complex administration; and

Inadequate consideration of fairness among different types of responsible parties.

The following sections discuss these drawbacks.

DELAY OF CLEANUP

EPA would have to determine the appropriate share of cleanup costs for each responsible party at a site before it could negotiate with responsible parties or litigate for cleanup. The government would then have to negotiate with each party individually. Even Fund cleanup would be more costly and slower because of the need to obtain the additional evidence during the Fund cleanup that would be needed for cost recovery actions. Evidence preservation may require, for example, the EPA's contractor perform a complete sampling and analyses of every drum during a removal action.

The government would be required to make a number of additional factual showings. For example, it would be under a much more difficult burden to show who put what substances where, whether particular substances migrated and to where they migrated, the cost of cleaning up particular substances, and the toxicities of particular substances both alone and in conjunction with other substances at the site. In many cases, EPA could not sustain this burden at all, because of the destruction or loss of responsible party records or because the waste management practices used at the site caused an indivisible harm. Thus, Section 106 actions would be made impracticable or impossible in many cases by the high costs of obtaining evidence and the increased time that it would take to get it. The unavailability of private party actions under Section 106 would in turn increase the burden on the Fund and on EPA's ability to undertake and manage response actions.

IMPACT ON NEGOTIATIONS

Apportionment discourages cooperation among responsible parties. Under joint and several liability, the government negotiates with PRPs as a group. Joint and several liability provides the incentive necessary to reach a collective settlement. This incentive would be destroyed if each party could be held liable for no more than a specific share.

Rather than assuming the responsibility for cleanup and negotiating costs among themselves, responsible parties would litigate with the government concerning the fairness of the apportionment scheme and of the scheme's application to them. Responsible parties are thus encouraged by apportionment to wait and fight the government's case against each of them.

COMPLEXITIES OF ADMINISTRATION

No single factor is likely to be adequate for apportioning costs among responsible parties. Apportionment schemes suggested for CERCLA have generally involved a mix of factors.

The following are typical of the factors suggested in apportionment schemes:

Ability of the parties to demonstrate that their contribution to a discharge, release or disposal of a hazardous waste could be distinguished;

The amount of hazardous waste involved;

The degree of toxicity of the hazardous waste involved;

The degree of involvement by the parties in the generation, transportation, treatment, storage or disposal of the wastes;

The degree of care exercised by the parties with respect to the hazardous waste concerned, taking into account the characteristics of such hazardous wastes; and

The degree of cooperation by the parties with Federal, State or local officials to prevent any harm to public health or the environment.

Application of the criteria would involve, for each party, answering complex factual questions and making subjective judgments on each criterion. Responsible parties are likely to seek administrative or judicial review of administrative decisions made by the government even if the government's determinations are entitled to some persumption of validity.

The standards used for assessing the degree of toxicity or hazardousness under an apportionment scheme would likely be subject to intense criticisms from responsible parties. For example, EPA received objections from commenters in developing the toxicity standards for use in listing sites on the NPL, because of the broad range of substances and effects that might be considered. Comparisons between different types of hazards may be viewed as subjective. The objections were the basis for criticisms of the NPL, which simply helps to identify priorities for cleanup. If the factors will be used to determine the extent of cleanup costs, they are likely to be a more intensive focus of criticism, disagreement, and, ultimately, litigation.

In any case, EPA resources would be diverted from identifying the appropriate remedy and overseeing cleanup to performing economic allocations among responsible parties and carrying out investigations designed for litigation needs.

Moreover, a mandatory apportionment scheme would require the government to sue all PRPs at a site, including de minimis parties, to get a complete cleanup or complete recovery of costs. This would present significant logistical problems at larger sites that have large number of PRPs and would lead to further unaffordable delay.

In addition, as a result of mandatory apportionment the government might be forced to develop or review response plans from each party that are tailored to its individual obligations. This could lead to insurmountable coordination problems with multiple parties working at the same site.

FAIRNESS AMONG RESPONSIBLE PARTIES

Our experience with responsible parties apportioning costs among themselves at sites has been good. Initially they disagree as to what methods are fair. Eventually, however, they negotiate a consensus. There is no reason to believe that an apportionment scheme imposed by the government will be viewed as any more fair than one which they develop themselves.

Determination of fairness are highly subjective, and no single government scheme is likely to be acceptable to all parties. For example, contributors of low-volume, high-toxicity wastes are likely to favor a volumetric approach, while contributors of high volumes of comparatively innocuous wastes are more likely to object to it.

In sum, although the concept of apportionment is attractive, the practical difficulties of a mandatory apportionment scheme would substantially interfere with attainment of the goals of CERCLA. Incentives for private party cleanup before litigation would be reduced, and the government would not be able to implement an apportionment scheme that is markedly more reasonable, fair, or efficient than apportionment as currently practiced by the parties and the courts. Apportionment before judgment would necessarily be based on inadequate base of information.

Mr. STAFFORD. Mr. President, I thank the able and distinguished Senator from Maine for his contribution to the development of the legislation we have before us and for his contribution over the years to the Committee on Environment and Public Works in many ways, especially in environmental fields. His understanding of the judiciary and the legal problems is probably the best of anyone on our committee and has been especially valuable to the committee and its work over the years since he has become a Member.

Mr. President, we hope that we may be in a position before 12 o'clock, when we understand the Senate will recess for 2 hours, to act on the committee amendments by unanimous consent. That has not yet been cleared, but it will be the chairman's intention to move, with the proper phraseology, that we do that before 12 o'clock, if clearance occurs.

In the meantime, for the committee, the chairman points out to Senators or members of their staffs who may be listening to the proceedings this morning that there are a number of amendments to this measure which have been worked out and can be dealt with promptly by the committee.

It is this Senator's understanding that we will revert to this measure when we have concluded work on the immigration bill this afternoon. I am unable to say what time that may occur; but in the hope and with the reasonable expectation that that may occur before it is time to close business for the day, I urge Senators and staff who may be listening to these proceed-

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ings for them that if they have amendments which we believe we can deal with on a prompt basis, they be available late this afternoon so that we can dispose of as many amendments as possible.

Mr. President, in view of the time we still have available, let me touch on some of the amendments which we hope we can dispose of today, in order to save the time of the Senate tomorrow.

There are the amendments agreed to between this Senator and members of the Committee on Environment and Public Works and Senator THURMOND and member of the Committee on the Judiciary with respect to some modest changes in S. 51 which the Judiciary Committee has suggested, as individual members, and which Senator THURMOND and I have agreed to, which I propose to offer on his behalf and mine this afternoon.

There are State standards, and amendments affecting them possibly to be offered by Senator HART. I should say parenthetically that things change so fast on a matter like this that I may recount some amendments which actually will not be put forward. But these as we understand it at the moment are likely amendments. There may be an amendment with respect to Government inheritance of sites. This amendment would exempt State and local governments from liability claims and cases where they unknowingly acquired property containing existing hazardous waste sites. That may be offered either by the committee or by Senator BENTSEN. There may be an amendment offered by the committee or Senator HEINZ with respect to post-closure liability fund.

This amendment would either repeal the post-closure fund or require modification that it be studied. The Senator from Vermont, chairman of the committee, may offer an amendment with respect to trigger overincrease. This amendment would increase the ceiling level within the fund at which point taxation would temporarily cease until obligations increased—in other words, not to impose tax when the money was not necessary.

We understand in the committee that Senator KASTEN may have a possible amendment. We also understand that Senator BENTSEN, who may be joined by the committee or the committee acting jointly, will offer an amendment with respect to methane recovery operators. We further understand that Senator WEICKER may offer an amendment with respect to lead studies. There may be an amendment offered by the committee with respect to hazardous substances inventory.

There may be an amendment offered by this Senator, Senator BENTSEN, and others with respect to risk retention programs. This amendment would enable companies to organize or pool together to provide self-insurance. The intent is to address the unwillingness of insurers to underwrite environmental pollution policies. There likely will be an amendment offered by Senator BRADLEY with respect to the use of lead solder. The committee, Senator BENTSEN, or all of us may jointly offer an amendment with respect to State and local responsibility.

There likely will be an amendment offered by Senators MITCHELL and LAUTENBERG with respect to requiring EPA to study effects of indoor air pollutants with emphasis on radon gas, a matter on which I believe the able Senator from Maine has held a hearing. These are some of the amendments which may be offered, and they are all relatively noncontroversial and in the opinion of this Senator as chairman of the committee will require very little time for disposition.

Mr. GORE. Mr. President, today we begin debate on S. 51, the Superfund Improvements Act of 1985. In my opinion, this is one of the most important pieces of legislation that this Senate will consider.

As my colleagues are all aware, the original Superfund law—the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA]—was passed in 1980 in the final days of the 96th Congress. The legislation was the product of a long and deliberative process, during which the Congress and the Nation as a whole had become painfully aware of the great threat posed to our health and safety by abandoned hazardous waste sites.

It doesn't seem that long ago that the tragedy of Love Canal was first brought to the attention of the American public. Indeed, as a freshman Member of the House of Representatives in 1977, I participated in one of the first congressional hearings on Love Canal. Although we were somewhat new to the issue, it did not take long for those of us in Congress at that time to realize that Love Canal was only a small manifestation of a much, much larger problem.

Numerous hearings in the Congress soon revealed that for decades the Earth had been utilized as a garbage can for all the hazardous and toxic wastes that American industry could produce. Because no accurate records had been kept of the sites and the wastes that went in them, it was difficult to gauge exactly how large the problem was. Nonetheless, we knew that the thousands of sites of which we were aware were simply ticking time bombs waiting to explode. Something had to be done.

The answer that we came up with was the Superfund. To be sure, it was not a perfect solution; but it was a start. And more than anything else, it represented a commitment on the part of the Congress to make certain that the many dangerous hazardous waste sites located throuhout this country would in fact be cleaned up.

I was one of the principal authors of the Superfund law in 1980, and I take a special point of pride in it. I believe that it is a good law and one that has worked remarkably well over the last 5 years despite all the troubles that have plagued its administration. It has helped us begin to come to grips with the realities of our national hazardous waste problem and to rectify the tragedies that the indiscriminate disposal of waste can cause.

Today, as we being our debate on this legislation, the question is not whether we should reauthorize the Superfund, but what improvements must be made to the law to ensure that it is as effective as it can be. I believe that we have an obligation to the people of this country to make the Superfund as strong as it possibly can be.

The original Superfund plan was designed to raise a total of $1.6 billion over a 5-year period. Our experience with the program since its creation, however, has demonstrated beyond doubt that much, much more is needed. Indeed, it was clear very soon after the fund's establishment that $1.6 billion was not enough even to begin to clean up the 410 hazardous waste sites that were included on the original national priorities list. Today, that list exceeds 800 sites—and it is growing.

The broad dimensions of our hazardous waste problem were starkly illustrated by a report issued last December by the Environmental Protection Agency pursuant to section 301 of CERCLA. The purpose of that report was to review the effectiveness of the Superfund and to evaluate the future needs of the fund.

The findings of that report were incredible. EPA estimated that the national priorities list will eventually contain between 1,500 and 2,500 sites. EPA's baseline estimates, using its current program experience, was that the list will actually increase to approximately 1,800 sites. And remember these are only the very worst sites in the country. There are tens of thousands of other sites out there that are not on the list. The national priorities list is just the tip of the iceberg.

As disturbing as the number of priority sites was EPA's estimate of the cost to clean these sites up. EPA concluded that the future funding needs of the Superfund Program could range from $7.6 billion to $22.7 billion in fiscal year 1983 dollars. Specifically, EPA estimated that $11.7 billion would be needed to address the 1,800 sites that the agency anticipates will eventually comprise the national priorities list. Clearly, this is a far cry from the $1.6 billion raised by the present program.

Even more frightening are the estimates produced by the Congressional Office of Technology Assessment. In a report released in April of this year, OTA stated that the national priorities list could reach as many as 10,000 sites. The cost to clean up these sites would be staggering: $100 billion in OTA's opinion.

Regardless of which figures you believe, one thing is indisputable: The size of the Superfund will have to be increased—and it must be increased dramatically. I intend to support a greatly expanded Superfund, and I urge my colleagues to do the same.

In addition to increasing the amount of money in the Superfund itself, we must make sure that the law is as strong as it can be with regard to its liability and enforcement provisions. During the course of the deliberations on S. 51 there will likely be several attempts to weaken the provisions of the law. We must not let these attempts succeed. Indeed, if anything, we should seek to strengthen the law. We must make sure the EPA is equipped with every tool it needs to persuade those parties responsible for the waste to clean up the sites or to force them to pay for any cleanups that EPA must conduct itself. To do otherwise would be foolhardy.

Mr. President, I think that the duty of this body to enact the strongest possible Superfund bill is very clear. We know the size of the problem that confronts us. And we know what we must do about it. It is now time for us to do it.

FEDERAL FACILITIES

Mr. PROXMIRE. Mr. President, the Environment and Public Works Committee included almost all of S. 517 as the new Federal facilities section of Superfund.

I introduced S. 517 on February 27 with Senators HART, DIXON, SIMON, and GORE, and with the support of the National Wildlife Federation & Environmental Policy Institute.

Senator HART offered S. 517 during committee markup.

With my language, Superfund for the first time treats Federal wastesites, civilian and military, in the same way as private ones.

Under its terms, EPA is put on a schedule for assessing and ranking Federal sites. Affected Federal agencies are required to begin remedial actions for those sites so seriously polluted that they are included on the national priority list.

EPA enters into interagency agreements with those Federal agencies with priority sites, insuring cleanup as expeditiously as practicable.

I also favored inclusion in Superfund of my provision which authorized legal actions by EPA against Federal agencies which fail or refuse to comply with site cleanup requirements. Although this was omitted by committee, the newly added citizen suit section should provide an adequate substitute for enforcing agency compliance.

Mr. President, existing law requires Federal cleanup but almost none takes place because a series of Executive orders effectively nullify Defense Department compliance.

Unfortunately over 450 military installations contain seriously contaminated sites. Although the exact number of federally owned or operated toxic wastesites is still unknown, estimates by the National Wildlife Federation put the total as high as 1,400.

Even worse, the entire Defense Department completed only 11 remedial actions against toxic wastesites in an almost 10-year period. Civilian agencies performed no better.

The new Federal facilities section should change this dismal record and convert Uncle Sam into Mr. Clean.

I thank my colleagues once again for including it in the bill.

Mr. STAFFORD. Mr. President, unless there is someone else who wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I wish to remind Members and staff who may be listening that it is the hope and expectation of the chairman of the Committee on Environment and Public Works that we will have an opportunity late in the afternoon to dispose of noncontroversial amendments. We would appreciate the cooperation of Senators who have such amendments in accomplishing that desire.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. EVANS].

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The Senate resumed the consideration of S. 1200, to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

AMENDMENT NO. 611

(Purpose: To express the sense of the Senate that the 60-cent per gallon tariff on imported ethanol should be immediately implemented)

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of the Exon amendment, No. 611 to S. 1200, to be equally divided and controlled by a rollcall vote in relation thereto. Who yields time?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum, with the time of the quorum to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, What is the matter presently before the Senate and what time agreements have been entered into? And is time now running?

The PRESIDING OFFICER. The Exon amendment, No. 611, is before the Senate. There will be 5 minutes of debate divided equally. The quorum call was divided equally between sides.

Mr. EXON. I yield myself that portion of the 2½ minutes that might be necessary.

Mr. President, since the time is extremely limited, let me say that the sense-of-the Senate amendment that we are about to vote on simply and directly tells the Department of the Treasury that the Senate wants Treasury to implement past tariff restrictions on imported ethanol to be instituted forthwith. The bottom line on this situation is that on or about October 4 of last year, Treasury granted an 80-day waiver to Brazil, which they have been taking advantage of, that is currently allowing them to dump nearly a year's supply of ethanol into this country between August and November 1. This action must be reversed by executive action now, as each day's delay is devastating to the domestic ethanol interests, and also to the related agricultural interests that are suffering terribly now with the declining prices.

Mr. President, I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, in response to the sponsor of the amendment, I agreed during the previous debate to accept this amendment. I do so once again. If the sponsor requests a rollcall vote, there is really nothing I can add except that the issue will be moot by the time we get to any kind of conference and get to that point. So,

unless someone else wishes to speak, I would say that we vote in favor of the amendment ringingly—I believe that is what the sponsor is seeking—and it will not become part of anything that will be conferenceable because it will not be timely.

Mr. EXON. Mr. President, I thank my friend and colleague, the distinguished leader of the overriding bill on which this amendment is placed. I agree with him. I simply say that I know this bill is not likely to become law by November 1. We are using this vehicle only to send a message that I think is the overwhelming opinion of the U.S. Senate that something must be done.

I am following up on a letter of a similar nature that was sent to the Secretary of the Treasury by the distinguished majority leader and the distinguished chairman of the Committee on Foreign Relations sometime ago. I hope that we have an overwhelming vote in favor. Let me say that there are Members of the body who are delayed from coming to the floor from other meetings. I simply would ask that the statements by those people be printed in the RECORD.

Mr. GRASSLEY. Mr. President, I wholeheartedly join in cosponsoring this amendment offered by Senator EXON and I urge my colleagues to vote in favor of it. We need to send a strong signal to the administration that congressional efforts and intent to improve farm income by developing new markets through a growing ethanol industry and to encourage our own energy self-sufficiency must not be circumvented.

As you know, Federal as well as State governments have invested considerable time and money toward encouraging the growth of the ethanol industry. Foremost in my support for these efforts were the benefits that farmers could reap through larger markets. Another primary concern was the need to set the United States on a course toward energy self-sufficiency. This Government assistance has consisted of tax exemptions for the sale of ethanol/gasoline blends, as well as loan guarantees for ethanol projects.

Congress then took steps to impose a special duty on imported fuel ethanol in order to offset these tax exemptions. Presently, this duty equals 60 cents per gallon plus a 3-percent ad valorem tax.

Subsequent Customs Service letter rulings greatly undermined congressional intent. These rulings created a huge loophole which would allow massive imports of ethanol if it were mixed with as little as 7 percent toulene or other additives.

I joined a number of my colleagues in protesting these rulings, and on August 2, 1985, Customs announced that they were reversing its earlier ruling and that the 60-cent-per-gallon duty will be applied to ethanol imports mixed with other additives.

The problem, however, is that this mixed ethanol can continue to be imported duty free into the United States until November 1, 1985. This will result in a flood of ethanol imports.

Estimates vary, but I have seen estimates as high as 1 billion gallons as to the amount of ethanol that could enter the United States if all the reliance claims that have been filed go through unchecked. This could cost American farmers 25 cents per bushel of corn and deal a severe blow to the ethanol industry. It would also undermine the administration's goal of controlling Government spending and reducing Federal deficits. The cost of the Government farm programs would skyrocket and hundreds of millions in import duties would be lost.

These duties must be imposed immediately, and I urge my colleagues to join us in sending this strong signal.

Mr. WILSON. Mr. President, I am a member of the Senate Agriculture Committee who has worked long and hard to ensure that American farmers are given the opportunity to develop needed outlets for their production and to compete fairly in the world market. Nevertheless, I rise in opposition to the resolution introduced by my colleague from Nebraska, Mr. EXON, urging that the 60-cent tariff per gallon on renewably derived ethanol imported for use as fuel be imposed immediately. The fuel ethanol issue is an extremely complex one, and the outcome could have extremely important implications for the citizens of California and other States where domestic fuel ethanol supplies are not now available and will not be available for the foreseeable future.

I do not wish to dwell on the specifics of the controversy surrounding the recent customs rulings concerning the dutiable status of certain fuel ethanol/petrochemical blends. I understand that these rulings date back to early January 1984, and that Customs' attorneys had the opportunity to evaluate at least six different requests during that period. The Commissioner of the Customs Service specifically stated back in December of last year that he was administratively unable to close the blends loophole, and S. 575 was introduced early this year to address that fact. However, as a result of an outcry by certain domestic fuel ethanol interests, the Customs Service revoked its rulings on August 2. Since then, the Court on International Trade has made two separate rulings, the most recent being handed down yesterday, on the propriety of the Customs grandfather decision which gave certain firms, with letter rulings and contracts based on good faith reliance on those rulings, until November 1 to bring product in subject to the 5-percent ad valorem duty, as opposed to the 60-percent duty under TSUS 901.50. It is my understanding that the court denied a preliminary injunction which was sought by certain domestic ethanol producers to prohibit the importation of ethanol. I believe that Congress should let the courts decide the merits of Customs' decision.

The resolution before us is important because it raises some questions about the proper approach to fuel ethanol imports, in light of some very recent regulatory developments regarding gasoline lead content. These new regulations, promulgated by the EPA early this year, require a 90-percent reduction in gasoline lead content by next January—from 1.1 grams per leaded gallon to 0.1 grams per leaded gallon. This massive reduction in lead levels has caused many gasoline refiners and blenders—especially the independents who must compete with the major petroleum companies—to seek out cost competitive, environmentally acceptable, and efficient new sources of octane. The success of these independent gasoline marketers in obtaining such sources of octane could very well determine their economic survival, and will certainly have an impact on the price motorists pay for their gasoline, and on the type of emissions that are spewed into their air. These issues are of great concern to the citizens of my home State of California.

It has been asserted that the impact of Customs' August 28 ruling will be to allow 600 million gallons of Brazilian ethanol to enter the United States almost duty free, which is the equivalent of 240 million bushels of U.S. corn and could depress corn prices by 15 cents per bushel. If I had evidence that this in fact were the case, I would be one of this resolution's strongest supporters. However, my review of the situation reveals not only that the volume of imported ethanol likely to come into the United States by November 1 will be far less than 600 million gallons, but also that the vast majority of these imports will flow into areas of the country where the U.S. fuel ethanol industry is not able to market.

The reality of this situation is that California, New York, Pennsylvania, and other high population areas on both coasts are clearly outside the marketing zone of the fledgling U.S. ethanol industry. U.S. ethanol producers currently require not only the Federal tax exemption to be competitive, but also depend on roughly 30 State tax exemptions. Because California, New York, and Pennsylvania and many other States do not have such tax exemptions and because the additional cost of transporting the ethanol from the midwest to these markets is substantial, imported ethanol coming

into these areas will not displace domestically produced ethanol. In fact, imports brought into States such as California can help reduce the huge octane gap created by the EPA lead phaseout decision—roughly 60 billion gallons of alcohol equivalent will be needed over the next decade, while the domestic industry's capacity stands at only 60 million gallons. Such imports could actually benefit the U.S. ethanol industry by ensuring that petroleum refiners and blenders do not commit to other forms of octane enhancers which would then prevent them from accepting ethanol several years from now when they have succeeded in expanding domestic production.

I am a strong believer in finding new domestic outlets for our farmers. I know the fuel ethanol industry is an important part of this strategy. Furthermore, I am committed to finding environmentally acceptable ways to enable our gasoline marketers to meet the octane gap created by the EPA's lead phaseout directive. Finally, it is critical to provide motorists with an efficient, competitively priced octane enhancing component.

I am painfully aware that we must be always alert to other countries attempting to take advantage of our open trading system, and harming our domestic industries in the process. However, in this particular instance, I believe that the interests of U.S. farmers, the ethanol industry, motorists, and our environment are advanced by allowing the responsible importation of fuel ethanol, particularly in areas of the United States where domestic ethanol supplies cannot reach.

It is my understanding that the current duty on imported fuel ethanol was imposed in the 96th Congress in the Omnibus Reconciliation Act of 1980. I know that I, and many of my colleagues, have not had the opportunity to review the appropriateness of the duty on imported ethanol in the hearing process or through debate on the floor. I hope that we have the opportunity at a later date to give this important issue the careful deliberation it deserves. Nevertheless, in the meantime, I would respectfully urge my colleagues to oppose this particular resolution.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment of my colleague from Nebraska, Senator EXON, which expresses the sense of the Senate that the 60-cent-per-gallon tariff on imported ethanol should be immediately implemented.

Customs has allowed imports of ethanol/toluene blends to enter this country duty free for the past 6 months and will continue to enter duty free until November 1. The amendment before us today directs the Customs Service to immediately restore the congressionally mandated tariff on ethanol imports. I was astounded to learn of this indiscretion from farmers while I was at the Minnesota State Fair. And once the facts became clear, I was outraged.

Let me provide the Senate with a chronology of the events leading to this situation. In 1980, Congress, as part of an effort to promote a decentralized U.S. ethanol industry to provide for long term national energy security, imposed a 50-cent-per-gallon duty on ethanol imports. This was reaffirmed in 1984 as a part of the Deficit Reduction Act when we increased the exemption from 5 cents per gallon to 6 cents and raised the tariff accordingly to 60 cents.

On July 5, 1984, a letter was sent to the U.S. Customs Service from the U.S. Ambassador to Brazil, Diego Ascencio, requesting a letter ruling of dutiable status of anhydrous ethanol with additives to be used as gasoline additives. Mr. Ascenio wrote, "What the Brazilians are interested in is finding some formula to export a product of alcohol, but which is different enough to qualify for a lower tariff."

Later that month, it was reported that Brazil was considering exporting ethanol to the United States mixed with gasoline additives in order to circumvent the ethanol tariff.

On September 12, 1984, a letter was sent by Arthur P. Schifflin, Chief of the Central Classification Branch of the U.S. Customs Service, allowing 80 to 90 percent ethanol blended with benzene, toluene, and xylene to qualify for a duty of 5 percent ad valorem, rather than the fuel ethanol duty of 3 percent ad valorem plus 60 cents per gallon.

From January through June 1985, private letter rulings were issued by the Area Director of the Port of New York John J. Martuge interpreting the Tariff Schedule of the United States [TSUS] and the September 1984 letter to allow 92 to 93 percent ethanol mixed with 7 to 8 percent toluene to be imported subject only to the 5 percent ad valorem duty.

From the time these letter rulings were issued through August 2, 1985, 20 million gallons of ethanol blended with toluene entered the United States from Brazil duty free.

On August 2, 1985, the U.S. Customs Service, under pressure from the U.S. ethanol industry, reversed its earlier interpretation of the two items of the TSUS and revoked the letter rulings permitting ethanol-petrochemical blends to qualify for the lower, 5 percent ad valorem duty. Customs also stated that "with respect to any entries made after the effective date of the instant ruling, Customs would consider all facts and evidence in connection with claims of reliance on the ruling previously issued." The question that remained unanswered was how much of this blended ethanol would enter the United States free of the 60-cent duty.

Then on August 27, 1985, the Customs and U.S. Treasury compromised on the August 2 decision. Customs announced it will allow a 90-day grace period (until November 1) for entry of imported ethanol blend at the lower duty. It is estimated that anywhere from 30 million to 600 million gallons of ethanol blend, contracted prior to August 2, could enter the country at the lower duty under this restricted grandfather clause.

The effect of the higher estimate is staggering to a federal government with a deficit the size of ours and to the American agricultural economy that is in as bad a shape as ours is in.

Corn and feedgrains. 600 million gallons of ethanol is the equivalent of 240 million bushels of corn. This loss of consumption would depress corn prices by at least 15 cents per bushel and reduce farm income by $1 billion.

Farm program. The CCC would acquire this quantity of grain at an initial outlay of about $1 billion—plus 30 cents per bushel per year for storage and 25 cents per year per bushel for interest. Furthermore, deficiency payments would increase.

Lost revenues. Up to $350 million in import duties would be lost to the general treasury. Because imported ethanol is eligible for State as well as Federal subsidies established to benefit the domestic industry, State treasuries would also suffer.

Domestic ethanol industry. The domestic industry would be virtually shut down under the onslaught of ethanol imports.

In Minnesota, we have two small plants operating at 4.5 million gallons capacity. But we also have 11 proposed plants totaling over 40 million gallons. Record corn crops are projected this fall. Minnesota's projected harvest is a record 750 million bushels. It is essential for Minnesota farmers to have markets for their products. Customs has jeopardized the establishment of a strong ethanol industry in Minnesota.

We in this body are all to aware of the problems in the farm sector of this Nation. I urge my colleagues to support the Exon amendment and send a clear, strong signal to the American farmer, and an equally strong signal to the Treasury Department to immediately impose the 60-cent duty on ethanol imports.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. SIMPSON. Mr. President, I shall yield to the Senator from Minnesota 30 seconds if he wishes.

The PRESIDING OFFICER. All time has expired.

Since all time has expired, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 15—as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—82

Abdnor	Glenn	Mitchell
Andrews	Goldwater	Moynihan
Armstrong	Gore	Murkowski
Baucus	Grassley	Nickles
Bentsen	Harkin	Nunn
Biden	Hart	Packwood
Bingaman	Hawkins	Pell
Boren	Hecht	Pressler
Boschwitz	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Helms	Quayle
Byrd	Hollings	Riegle
Chafee	Johnston	Rockefeller
Chiles	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Cranston	Kennedy	Simon
Danforth	Kerry	Simpson
DeConcini	Lautenberg	Specter
Denton	Laxalt	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Matsunaga	Trible
Eagleton	McClure	Warner
Exon	McConnell	Zorinsky
Ford	Melcher	
Garn	Metzenbaum	

NAYS—15

Bradley	Gramm	Roth
Cochran	Hatch	Rudman
D'Amato	Humphrey	Wallop
Evans	Mathias	Weicker
Gorton	Mattingly	Wilson

NOT VOTING—3

East	Hatfield	Inouye

So the amendment (No. 611) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 618

(Purpose: To provide that no agency or instrument of the United States, or any corporation or other entity created by act of Congress shall extend any loan or other form of credit of whatever nature to any government or agency thereof, of any country in North America which allows access to its ports to any nuclear weapons delivery-capable Soviet naval vessel (except vessels in extremis) at any time after September 20, 1985)

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the Symms amendment, No. 618, on which there will be 5 minutes of debate, to be equally divided and controlled, to be followed by a rollcall vote on or in relation thereto.

Mr. SYMMS. Mr. President, I ask the distinguished manager whether it is his intention to move to table both amendments.

Mr. SIMPSON. No.

Mr. SYMMS. We do not need two votes on this. It is really one amendment.

Mr. SIMPSON. It will be my intention to move to table the first-degree amendment.

Mr. SYMMS. So the vote will be on that.

Mr. President, I say to my colleagues that what this amendment does to this: It is totally consistent with the purpose of the authors of the bill, and that is to help control the borders of the United States. I think that we in this body are most naive if we think that this legislation is going to help control our borders if Soviet expansionism continues in the North American Continent and in Central America.

It is a very clear effort on the part of the Mexican Government to cozy up to the Sandinistas by inviting the Soviet fleet to make ports of call in Vera Cruz.

I would like to have this issue aired separately, as the distinguished chairman has discussed. I believe it is consistent with the legislation, however.

I also think it is important that we vote on it now, that we send a strong signal now that we do not take kindly to the flirtation between the Mexican Government and the Soviets, that we have a clear-cut foreign policy to support our friends and to encourage our friends in Mexico not to support our enemies.

● Mr. PELL. Mr. President, I oppose and urge that we table this amendment which, if adopted, would damage our always sensitive relationship with Mexico and our other neighbors in North America. Furthermore, it could backfire and result in the banning of our nuclear capable vessels from these very same ports.

Mexico is a sovereign and independent nation, very much aware of the important role it plays in the world, especially in the Western Hemisphere. The days of the Big Stick are over. Mexico has the right to conduct its own affairs and a visit by Soviet naval ships does not constitute a threat to the United States. It is a quantum leap from a visit by naval ships to the establishment of a permanent naval squadron in Vera Cruz. Mexico has nothing to gain from that other than the wrath of the United States, its most important partner.

Under the Treaty of Tlatelolco, which established a nuclear-free zone in the Western Hemisphere, a permanent nuclear capability would surely be out of the question. The nuclear powers, including the Soviet Union and the United States, are pledged under additional protocol II to the treaty to respect the treaty in all of its express aims and provisions. It would be a violation of a solemn commitment for the Soviets to introduce nuclear weapons into the region. We and the other parties would be correct to object strenuously. I would expect the Mexicans, who took the lead in development of the treaty, to be among the strongest in refusals to allow the development of nuclear weapons by an outside power.

However, there is another aspect to this matter. The United States has steadfastly maintained the right of the nuclear nations to the transit through the region of ships and aircraft which may or may not be carrying nuclear weapons. This right includes port visits, and the United States has consistently rejected previous Soviet attempts to have transit and transport rights on port visits considered inconsistent with the treaty. Thus, for us to try to penalize Mexicans in the event of visits by Soviet ships would be to undermine our own well-considered position and could, indeed, cause us to be hoisted with our own petard.

Finally, we should be careful not to exaggerate the importance of the naval visit. A consequence of high-profile rhetoric and a stern rebuke like this could very well result in consequences far more damaging to United States-Mexican relations than a visit by Soviet naval vessels.●

A DANGEROUSLY PRECIPITOUS ACTION

● Mr. BIDEN. Mr. President, the possibility that the Soviet Union might obtain porting privileges in Mexican harbors would be a matter of grave concern. Thus it is that a rumor to this effect has moved the Reagan administration to address the Mexican Government with a firm declaration of United States interests, delivered through bilateral diplomatic channels. It is as yet, however, entirely unclear whether this rumor has any foundation. Possibly the rumor is only that; possibly Soviet porting privileges are under discussion inside the Mexican Government.

What we can know at this point, however, is that if the issue is indeed under consideration at this point, efforts by the Congress to intimidate the Mexican Government would be likely to have only one effect; and that is to back the Mexicans into a corner and move them toward approving such a decision as a way of affirming their independence from the United States.

The amendment under consideration would cut off United States loans to Mexico if porting privilege were granted to Soviet nuclear-capable vessels. Such a cutoff would have three effects. First, it would terminate some $1 billion in yearly agricultural sales to

Mexico, financed by CCC credits. Second, it would prevent some $200 to $300 in annual Eximbank credits that finance United States-Mexican trade. Third, it would end a $10 million a year narcotics program designed to stem the flow of drugs into the United States.

It requires no great analytic skill to discern that each of these cutoffs would directly damage American interests. They would also, of course, damage the Mexican economy. But even that represents indirect damage to American interests, for the Mexican Government's ability to repay some $30 to $40 billion in bank loans to the United States and its ability to stem the tide of economic refugees into the United States are dependent upon improved strength in the Mexican economy.

No one in this body would deal lightly with the issue of Soviet porting privileges in Mexico. And no one in this body should deal lightly with the overall importance of Mexico to the United States. For both of these reasons, the Senate should not today act hastily on the basis of an unsubstantiated rumor, when such action might well have the effect of moving Mexico in the very direction we wish to avoid and thus toward a period of difficulty in United States-Mexican relations that neither nation can afford.

Let us allow the administration and the Mexican Government time to handle this matter on a discreet diplomatic level, recognizing that Congressional action should be contemplated in the light of substantiated facts rather than provocative rumors. If such action is called for, there will be ample time.●

Mr. SYMMS. Mr. President, I would like to restate the issues in my amendments. A vote to table my amendments is a vote in favor of Soviet nuclear naval squardrons in Mexico and a vote against

The Monroe Doctrine, the most fundamental principle of American foreign policy.

Mr. President, the Washington Post has blacked out all reporting for the last 5 days on my amendments, but the American people know which way to vote on this issue, and the American people will be informed about how Senators voted.

Mr. President, I ask unanimous consent that some excerpts from an excellent book related to my amendment be printed in the RECORD. The exerpts are from the book entitled "James Monroe: An Appreciation—Highlights of His Life and the Monroe Doctrine," by Miles P. DuVal, Jr., captain, U.S. Navy, retired.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAMES MONROE: AN APPRECIATION—HIGHLIGHTS OF HIS LIFE AND THE MONROE DOCTRINE

(By Miles P. DuVal, Jr., Captain, U.S. Navy, Retired)

(The opinions or assertions of the writer contained herein are those of a private individual and are not to be construed as official expressions or as reflecting the views of the Department of the Navy or of the James Monroe Memorial Foundation.)

To: Our Early Statemen Who Made the United States Great

This book has been published by The James Monroe Memorial Foundation from the Jessie Ball DuPont Fund and the Helen Marie and Jaquelin E. Taylor Fund.

FOREWARD

The unauthorized surrender to Panama in 1978 by the United States of its sovereign control over the strategic Panama Canal and its indispensable protective frame of the Canal Zone, in spite of the overwhelming opposition by the American people, was one of the gravest errors in American history.

Quickly followed in 1979 by the overthrow by subversive forces, with Cuban and Panamanian support, of the constitutionally elected government of Nicaragua, violence has developed into an alarming series of planned events, which include the deep humiliation of the United States in Iran, Soviet occupation of Afghanistan, terroristic violence in El Salvador, and ominous threats to other countries of the Americas.

These lawless occurrences have served to attract attention to early American history, especially the Monroe Doctrine, for the protection of the entire Western Hemisphere, particularly in the Caribbean danger zone.

Fortunately, Capitan DuVal, a recognized historian of the Panama Canal, has presented in brief form the highlights of the remarkable career of President James Monroe and the essential features of the Monroe Doctrine for the protection of the entire Western Hemisphere.

I join in the timely appeal for the "universalization" of the Monroe Doctrine as the "doctrine of the world."—Jesse Helms, United States Senator, Washington, DC., April 28, 1980.

AUTHOR'S PREFACE

The published works on James Monroe are voluminous but few tell the story of his life and the Monroe Doctrine in brief and simple terms.

The preparation of this study has been a truly thrilling experience enabling me, in a way, to re-live some of the episodes in Monroe's eventful life.

For their helpful cooperation, I am indebted to:

Mrs. Helen Marie Taylor, President of the James Monroe Memorial Foundation, "Meadowfarm", Orange, Virginia;

Mrs. Mamie Vest, Roanoke, Virginia, who designed this publication in association with Mrs. Helen Marie Taylor;

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Mrs. Alis Loehr of Fredericksburg, Virginia; and the staff of the James Monroe Law Office Museum and Memorial Library of Fredericksburg, Virginia;

Honorable Lucas D. Phillips, of Leesburg, Virginia; and Captain Frank A. Manson, U.S. Navy, Retired, eminent naval historian; and Colonel Samuel T. Dickens, U.S. Air Force, Retired.

I wish to express my special appreciation to Dr. Harry Ammon of Southern Illinois University at Carbondale, Illinois, for his 1971 monumental volume: *James Monroe: The Quest for National Identity.*—Miles O. DuVal, Jr., Washington, DC, April 28, 1981.

National honor is national property of the highest value. The sentiment in the mind of every citizen is national strength.—James Monroe,[1] First Inaugural Address, March 4, 1817.

. . . the Monroe Doctrine centers around the Isthmus of Panama. . . . Alfred Thayer Mahan,[2] Naval Historian and Strategist.

The Monroe Doctrine is not a policy of aggression: it is a policy of self defense. . . . It still remains an assertion of the principle of national security.—Charles Evans Hughes,[3] Secretary of State.

PROLOGUE

When the War for American Independence started in 1775, the thirteen English colonies were located in the narrow strip between the Atlantic Ocean and Appalachian highlands from Massachusetts to Georgia, but our far-visioned leaders at that time were already thinking continentally. At the end of the Revolutionary War in 1783 the territory of the United States extended westward to the Mississippi River, northward to Canada, and southward to the Spanish Floridas. With the Louisiana Purchase of 1803, the young republic was well on the way toward its further westward expansion.

Following the example of the United States, Latin American colonies, taking advantage of wars in Europe, declared their independence and by 1822 some had been recognized by the United States.

After the downfall of Napoleon in 1814, certain European nations began considering intervening in Central and South American revolutions to restore control over the liberated colonies to Spain. In addition, Czarist imperialism was extending its influence southward from Alaska, reaching as far as Fort Ross, which is about 50 miles north of San Francisco.

Concerned about the proposals of European powers and Czarist expansions, President James Monroe, following the warning in the Farewell Address of George Washington and after the most careful consideration, boldly proclaimed in his annual message to the U.S. Congress on December 2, 1823, three major principles governing the foreign relations of the United States, initially known as the "principles of President Monroe" but later as the Monroe Doctrine.

Those principles were:

(1) "No further European colonization in the New World;"

(2) "Abstention" by the United States from European "political affairs"; and

(3) Opposition by the United States to European intervention in the governments of the Western Hemisphere.[4]

What are the highlights of Monroe's life and the story of how he attained great fame by becoming the architect of the famous Monroe Doctrine?

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[1] *Inaugural Addresses*, p. 32.

[2] *Seager*, p. 488.

[3] *Clark*, p. 179.

[4] *Encyclopaedia Britannica*, 1974, Vol. 12, p. 388.

VII: PRESIDENT OF THE UNITED STATES, LAST 2 YEARS, 1823–1825, AND THE MONROE DOCTRINE

In mid 1823, President Monroe, deeply concerned about the extension of Czarist imperialism southward from Alaska and diplomatic reports of proposed intervention by European powers of the Holy Alliance to restore the former Spanish colonies to their mother country, saw a solution in dispatches received from Richard Rush, U.S. Minister in London. In these, Rush outlined an offer by British Foreign Minister, George Canning for a British-United States joint declaration.

When Secretary Adams returned from New England in October, Monroe showed him the Rush dispatches and the next day left Washington for his home, "Oak Hill, in Loudoun County, to reflect on a matter that he instinctively recognized as "momentous," and without discussing it with Adams. He saw the underlying question involved as one of despotism versus liberty for the Western Hemisphere and felt that the time for proper action had come.

On October 17, he forwarded the diplomatic reports on these matters to both former Presidents Jefferson and Madison stating that his own impression was that the United States "ought to meet the proposal of the British govt., and to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies (in Latin America), by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us." [27]

In a most thoughtful letter, Jefferson replied on October 24, stating that the question presented by the reports sent him represented "the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us." [28]

Emphasizing the timeliness of such action, Jefferson continued: "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe, our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be, to make our hemisphere that of freedom." [29]

Madison replied on October 30 approving Monroe's main ideas and stating that with British co-operation the United States "have nothing to fear from the rest of Europe." [30]

Fortified by the support of his two immediate predecessors, President Monroe then drafted, at his palatial home, "Oak Hill," the principles designed to meet the situation for inclusion in his seventh annual message to the Congress.

After extensive discussions in his cabinet starting on November 7, President Monroe, on December 2, 1823, in that message to the Congress, promulgated his policy for Hemispheric protection in what was initially known as the "principles of President Monroe" but by 1852 became known as the Monroe Doctrine. Significant parts of the message follow:

"In the discussions to which this interest has given rise, . . . the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power." [31]

"We owe it, therefore to candor and to the amicable relations existing between the United States and those Powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous our peace and safety. With the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But, with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing, them, or controlling, in any other manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States." [32]

"Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, . . . is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every Power; submitting to injuries of none." [33]

Much has been published as to who was or was not the author of the principles promulgated by Monroe. Their major features trace back to American experience in colonial wars, Jefferson's forecast [34] in 1793, Washington's Farewell Address in 1797, and John Quincy Adams' development of the non-colonization principle.[35] But it was President Monroe who had the vision, ability, initiative and courage to make the declaration at a crucial period in history.

To make clear the importance of the Monroe declaration as a measure of self-defense for U.S. foreign policy, its seven major points for the Western Hemisphere are reiterated:

1. The *"American continents,"* which include North, South and Central America, are not subject to future colonization by any European powers;

2. Any attempt by the *"allied powers"* to extend their system to "any part" of this hemisphere would be *"dangerous to our peace and safety;"*

3. "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere;"

4. As to Spanish colonies that had declared and maintained their independence and had been recognized, the United States "could not view any interposition for the purpose of oppressing them or of controlling in any manner their destiny, *by any European power*, in any light other than as the manifestation of an *unfriendly disposition towards the United States;"*

5. The United States declared that it was "impossible that the *allied powers* should extend their political *system to any part of either continent* without *endangering our peace and happiness"* and that the United States would not "behold such interposition by the allied powers in any form with indifference;"

6. It was "the true policy of the United States" to leave the revolted colonies and Spain to themselves to resolve their own problems;[36] and

7. In regard to Europe, the crucial point was that the United States should not interfere in the internal concerns of any of its Powers.[37]

In 1823, the "allied powers" were Austria, France, Russia and Prussia, known as the Holy Alliance. Spain and her former colonies were not included.

Strongly supported in the Congress, enthusiastically received by the People of the United States, understood in the newly liberated countries of the Americas, hailed in Great Britain and discussed in the chancelleries of Europe, the doctrine became a cornerstone of United States foreign policy for generations. Daniel Webster described it as "a bright page in our history" that "did honor to the sagacity of the Government, . . . elevated the hopes, and gratified the patriotism of the People." [38]

But Monroe was not satisfied with only one pronouncement of his "principles." In his eighth and last annual message to the Congress on December 7, 1824, he included a strong followup. In this he stressed that the new Latin American states are "settling down under Governments elective and representative in every branch, similar to our own," that we have "no concern in the wars of European Governments," that it is to the interest of the United States to "preserve the most friendly relations with every power," and that in regard to our Latin American neighbors "it is impossible for the European Governments to interfere in their concerns."[39]

Viewed in perspective, the Monroe Doctrine was a "diplomatic declaration of independence" [40] for the United States as well as an "absolute guarantee" [41] of the "security and future independence" of Latin American countries and policy for Hemispheric defense.

In the midst of his work on his "principles" and concern over the election of his successor, President Monroe found relief during the late summer of 1824 by the first visit to America after the Revolution of General Lafayette, who was universally welcomed as the "Guest of the Nation." He entertained the general first in the White House and later at "Oak Hill."

One of the vital matters in which Monroe, along with Jefferson, had for many years been interested was suppression of the slave trade and the repatriation in Africa of free negroes by the American Colonization Society. In appreciation of President Monroe's support, the society's director named its first settlement Monrovia, which city remains as the capital of Liberia.

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[27] *Clark*, p. 97.
[28] *Ibid.*
[29] *Ibid.*
[30] *Ibid.*, p. 99.
[31] *Annals*, p. 14.
[32] *Ibid*, p. 22; also *Clark*, pp. 102-3; and *Ammon*, pp. 487-88.
[33] *Ibid*, p. 23.
[34] *Clark*, p. 12.
[35] *Perkins*, p. 8.
[36] *Clark*, pp. 4-5.
[37] *Annals*, p. 23.
[38] *Clark*, p. 110.
[39] *Richardson*, Vol. 28, p. 829.
[40] *Ammon*, p. 491.
[41] *Ibid.*, p. 478.

Recognizing that the end of his administration was not far distant, in his last annual message to the Congress he also expressed his feelings at the approaching departure which he welcomed: "having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and intelligence with which they have been surmounted. From the present prosperous and happy state I derive a gratification which I cannot express. That these blessings may be preserved and perpetuated will be the object of my fervent and unceasing prayers to the Supreme Ruler of the Universe." [42]

When on March 4, 1825, he was succeeded by his Secretary of State, John Quincy Adams, ex-President Monroe could retire to "Oak Hill" and occupy himself with his farm, his papers, his books and his friends.

IX: SELECTED APPLICATIONS OF MONROE DOCTRINE 1824-1979

During the Monroe Administration starting in 1824 with Colombia there have been numerous situations between Latin American and European or other countries involving the principles of the Monroe Doctrine. The most frequent though not most crucial cases were those relating to Cuba, Mexico, Venzuela and Haiti.

A great U.S. naval leader who, in his early manhood, saw the Monroe Doctrine promulgated was Commodore Matthew C. Perry (1794-1858). After return from his historic voyage to open Japan, he made a most significant address in New York on March 6, 1856, foreseeing that the United States in time would take over the islands of the vast Pacific and place the Saxon race on the eastern shores of Asia and that her "great rival in future aggrandizement (Russia)" would extend "her power to the coasts of China and Siam." Then, obviously referring to the earlier Czarist southward movement from Alaska, he predicted that the "Saxon and the Cossack will meet once more, . . . on another field" in a struggle that would determine the "freedom or the slavery of the world."

Reflecting and extending the vision of Monroe beyond Europe and the Americas, he stated that "despotism or rational liberty must be the fate of civilized man." [44]

One of the most serious challenges the Monroe Doctrine ever faced was that in Mexico in 1863 when France, taking advantage of the U.S. Civil War, actively supported the establishment of Archduke Maximilian of Austria as the Emperor of Mexico.

After Lee's surrender at Appomatox on April 9, 1865, the United States sent an army of some 50,000 to the Rio Grande under General Sheridan. Other measures that followed finally persuaded Emperor Napoleon III of France to withdraw his troops in the spring of 1867 with the result that Maximilian was overthrown by Mexican forces and on June 19 executed.

Another major case was an 1895 dispute between Great Britain and Venezuela concerning the latter's boundary with British Guiana. In a note for the British Government on July 20, Secretary of State Olney discussed the Monroe Doctrine extensively in relation to the Guiana question urging arbitration, which evoked a lengthy response. President Cleveland, fully realizing the "responsibility incurred" and the "consequences" that could follow, in a special message to the Congress on December 17, transmitted significant parts of the correspondence and called for an appropriation to cover the expenses of a Presidential Commission to ascertain the facts and expressed his determination to "resist by every means" [45] British aggression over Venezuelan territory. Result: a peaceful solution was resolved.

The eminent diplomatic historian, Samuel Flagg Bemis, described the Spanish-American War as the "Great Aberration of 1899." [46] Among its consequences was the predominance of the United States in the Caribbean and Central America coupled with assurance of U.S. control over the Isthmian Canal.

In 1903-04, the same period when Panama gained its independence from Colombia and ceded the Canal Zone to the United States, difficulties developed between Venezuela and European countries over monetary claims, resulting in a pacific naval blockade by Great Britain, Germany and Italy against Venezuela.

In his annual message to the Congress on December 6, 1904, President Theodore Roosevelt asserted that "chronic wrongdoing, or an impotence which results in general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force [it] . . . to the exercise of an international police power." [47]

It was only natural after the default in 1904 of Dominican Republic bonds that this event threatened to bring about another Venezuelan type of crisis. To meet that situation, President Theodore Roosevelt in 1905 announced what was known as the "Roosevelt Corollary" [48] to the Monroe Doctrine by the United States accepting the responsibility for supervising customs receipts and the payment of debts—a policy that made possible the eventual abandonment of the policy of intervention and rescission of the "Corollary." [49]

After reports that a Japanese fishing company proposed to lease a large tract of land from Mexico facing Magdalena Bay in lower California well located for constructing a naval base, the U.S. Senate in 1912 adopted the Lodge Resolution stating that the "United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes." Thus this policy application to an Asiatic country as well as European became "part and parcel of the Monroe Doctrine." [50]

In 1938, President Franklin D. Roosevelt described his policy in regards to Latin American countries as that of the "good neighbor." [51] That action meant the ending of protectorates and, eventually, a weakening of the United States in its position in exclusive sovereign control over the U.S. Canal Zone and Panama Canal.

In 1935, the governments of the American Republics at Buenos Aires, in the interest of Hemispheric solidarity, agreed to what amounted to the Pan Americanization of the Monroe Doctrine and started upon a 12 year search for a "security umbrella." The result was the adoption in 1947 of the Inter-American Treaty of Reciprocal Assistance, generally known as the Rio Treaty. It condemned war, agreed that the threat of or use of force is inconsistent with the UN Charter, and that an armed attack against an American state was considered an attack on "all the American States." [52]

This met the problems of direct aggression but not those of infiltration and subversion that characterize the operations of the international revolutionary movement.

In an effort to meet such threats, the Tenth Inter-American Conference at Caracas, Venezuela, March 1-28, 1954, adopted a "Declaration of Solidarity for the Preservation of the Political Integrity of the American States against International Communist Intervention." [53]

That measure condemned the international communist movement as constituting intervention in American affairs, expressed the determination of American states to protect their independence against such intervention, and declared that the "domination or control of the political institutions of any American State" by that movement "would constitute a threat" to their sovereignty and independence, calling for a meeting of consultation to consider appropriate action under existing treaties. The declaration proved insufficient but did lay the foundation for a wider support of the Monroe Doctrine.

Starting in 1959 with the establishment of a Marxist-Leninist regime in Cuba, followed by the Cuban Missile crisis [54] in 1962, Panamanian mob attacks on the U.S. Canal Zone in January 1964, and a military overthrow of a socialistic government of Brazil later that year, Congressional leaders became increasingly concerned about indirect "subversive aggression" against countries of the Western Hemisphere.

To meet those challenges, the House of Representatives, following the aim of the 1947 Rio Treaty and the words of President Franklin D. Roosevelt in 1935 to make the Monroe Doctrine a "joint concern of all the American republics," on September 20, 1965, adopted by a decisive vote a most significant resolution. It expressed the sense of the House (1) that any "subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security" as set forth in the acts and resolutions of the American Republics; and (2) that any one or more of the contracting parties to the Rio Treaty may, "in the exercise of the individual or collective self-defense" resort to the use of "armed force under the declarations and principles" established by the American Republics to "forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere." [55]

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[42] *Richardson*, Vol. 2, p. 832.

[44] *Perry*, p. 28, contains full text of this prophecy; also in *Morison*, p. 429.

[45] *Clark*, p. 170.

[46] *Bemis*, p. 463.

[47] *Clark*, p. 174.

[48] *Bemis*, p. 528.

[49] *Dozer*, p. 20.

[50] *Bemis*, p. 535.

[51] *Ibid.*, p. 774.

[52] Department of State Publication 3380. Inter-American Treaty of Reciprocal Assistance, proclaimed December 9, 1948, p. 23.

[53] Department of State *Bulletin*, Vol. XXX, No. 774 (April 26, 1954), p. 638.

[54] *Lazo*, pp. 335-417 contains extensive discussion.

[55] *Congressional Record* (89th Congress), Vol III, Pt. 18 (Sept. 20, 1965), pp. 24347-64.

In spite of this action by the House of Representatives, situations in the strategic Caribbean continued to develop with covert support from the communist beachhead in Cuba, the first overthrow after the Panama Canal giveaway being that in 1979 in Nicaragua.

EPILOGUE

The influence of Monroe can now be evaluated objectively. It transcends the boundaries of Virginia and, indeed, of the United States, Europe and the Western Hemisphere.

Were it possible for him to return to earth, he would see his labors far more enduring than he probably realize, that they would be.

As to his 1823 "principles," he would find them a major element in U.S. diplomatic history, universally known as the Monroe Doctrine, with his name thus immortalized.

In regard to the Louisiana Purchase, he would see that vast area extended to the Pacific and subdivided into states on the "same footing" as the thirteen original states.

As to the Florida Acquisition, he would find it as vital parts of our union of States retaining many evidences of its Spanish origin.

In regard to the United States, he would see it extended westward into the vast Pacific with control over "multitudes" of its islands and northward to include Alaska.

As to the entire world, he would find it divided along the lines that he foresaw into two antagonistic camps with the United States as the leader of the Free World and the U.S.S.R. of its socialist empire, and engaged in a gigantic struggle the outcome of which could determine the freedom or the slavery of the world.

It was the Declaration of Independence prepared by Jefferson that made the United States a nation; the U.S. Constitution, largely the contribution of Washington and Madison, that provided a government to implement its objectives; and the Monroe Doctrine that set the course to follow through the "ocean of time" then opening.

Indispensable in properly meeting the challenges as grave domestic and foreign crisis continue to mount, especially in the strategic Caribbean and the Middle East, is a return to the study of basic American history and the fundamental principles that made the United States the greatest power the world has ever seen. This includes the re-assertion by the President and the Congress in clear and forceful terms of the principles of the Monroe Doctrine in a call for its universalization to make it the "doctrine of the world."[56]

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I yield.

Mr. KENNEDY. Would the effect of the amendment be that it would also eliminate the guest worker program from Mexico as well, so that that would be terminated?

Mr. SYMMS. I am not certain. The effect of the amendment is aimed at credit.

Mr. KENNEDY. The Senator wants to cut off credits. Why not cut out the whole guest worker program and really put the pressure on?

[56] *Van Alstyne*, p. 594, quoting the words of Woodrow Wilson.

Mr. SYMMS. The effect of the amendment would be that the Soviet fleet would not be calling at Vera Cruz if this amendment were adopted, because it would send a strong signal that the Mexican Government would understand, that the United States will not be tolerant and stand idly by while Soviet vessels steam into ports in Mexico. I think that the Mexican Government, under those circumstances, would see the wisdom of not having the Soviet fleet come into their ports.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. Mr. President, how much time do I have in opposition?

The PRESIDING OFFICER. Two and a half minutes.

Mr. SIMPSON. Let me take 30 seconds.

This is a critically important foreign policy issue. There is no question about that. I think it needs hearings in the Foreign Relations Committee. Senator LUGAR would agree. This is an inappropriate vehicle at this time—sending all of the wrong messages—as we deal with the critical issue of illegal immigration.

I yield to the Senator from Virginia, my friend, Mr. WARNER.

Mr. WARNER. Mr. President, I rise in strong opposition to the Symms amendment for several reasons. First and foremost, this amendment has implications on the operation of our U.S. Navy; that is, it could be so interpreted. Right now we are encountering difficulties with our own ships, which are nuclear capable, making port calls in New Zealand. It is a very sensitive issue elsewhere throughout the world. It is important for our ships to be able to make these port calls. This amendment, if it were adopted, would be used as a precedent, I think, to complicate the operation of our own fleet.

Second, the President, in a speech to the European Parliament in Strasbourg, France on May 8, 1985, spoke of the need to increase military-to-military contact between the United States and the Soviet Union. As I read the spirit of this amendment, it could preclude a Soviet ship calling at a U.S. port as a part of an exchange visit between the United States and a Soviet naval unit. Such a result would be inconsistent with the President's objective to enhance the military-to-military link between the two superpowers.

Last, Mr. President, this amendment would ban U.S. agricultural and Exim-Bank credits to Mexico. I am informed that we export to Mexico over $1 billion in agricultural products and hundreds of millions of dollars of industrial equipment. It appears that this amendment would have an adverse effect on that trade by barring the necessary financing arrangements.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. WARNER. I yield.

Mr. SYMMS. Mr. President, only if the Soviet Navy makes ports of call. It does not have anything to do with New Zealand. The Senator should not confuse this issue. There is a big difference between the Soviet Navy and the U.S. Navy, and the values of these two systems. I think it also reinforces our dedication to the Monroe Doctrine and another great Virginian as is the Senator from Virginia.

Mr. WARNER. I believe we should refer to the language of the amendment. It says, "* * * allows access to its ports to any nuclear weapons delivery-capable Soviet Naval vessel." This is a very sensitive issue which could have an adverse impact on our own fleet operations. This amendment could establish a precedent that would impede those operations.

The PRESIDING OFFICER. All time has expired.

Mr. SIMPSON. Mr. President, I move to table the first degree amendment of Senator SYMMS, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming to lay on the table the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll. The Chair would observe that it would be helpful for the reading clerk if all Members voted from their seats.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER (Mr. EVANS). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—66

Andrews	Dixon	Johnston
Baucus	Dodd	Kassebaum
Bentsen	Dole	Kennedy
Biden	Domenici	Kerry
Bingaman	Durenberger	Lautenberg
Boschwitz	Eagleton	Leahy
Bradley	Evans	Levin
Bumpers	Exon	Lugar
Burdick	Glenn	Mathias
Byrd	Goldwater	Matsunaga
Chafee	Gore	Melcher
Chiles	Gorton	Metzenbaum
Cochran	Harkin	Mitchell
Cranston	Hart	Moynihan
Danforth	Heinz	Murkowski
DeConcini	Hollings	Nunn

Packwood	Rockefeller	Simpson
Pell	Roth	Specter
Pressler	Rudman	Stafford
Proxmire	Sarbanes	Stevens
Quayle	Sasser	Warner
Riegle	Simon	Weicker

NAYS—30

Abdnor	Hatch	McClure
Armstrong	Hawkins	McConnell
Boren	Hecht	Nickles
Cohen	Heflin	Pryor
D'Amato	Helms	Symms
Denton	Humphrey	Thurmond
Ford	Kasten	Trible
Garn	Laxalt	Wallop
Gramm	Long	Wilson
Grassley	Mattingly	Zorinsky

NOT VOTING—4

East	Inouye
Hatfield	Stennis

So the motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 621

(Purpose: To provide exclusionary language to deal with certain undesirable aliens)

The PRESIDING OFFICER. The next amendment to be voted upon is amendment No. 621 offered by the Senator from Illinois [Mr. SIMON]. There will be 5 minutes of debate to be equally divided, to be followed immediately by a vote.

The Senator from Illinois.

Mr. SIMON. Mr. President, this is a simple amendment which says that notwithstanding any other provision of the act, the nonimmigrant visa for a visitor should not be denied to anyone because of their political beliefs.

I remember when I was in the Army stationed in Germany. I visited Hyde Park in London. There on the square, along with every kind of religious and political belief, a Communist leader was standing giving his speech.

A little lady with a cockney accent asked, "Why can't we speak in Moscow like you are speaking in London?"

That is the essence of what we stand for. We stand for freedom. Yet in our nonimmigrant visas, we shoot ourselves in the foot and embarrass ourselves over and over and over again.

Who has been on the list of people ineligible to come to our country? There have been people like Pierre Trudeau; Graham Greene, the British novelist; the Mexican Ambassador to France; a Canadian author, Farley Mowat, who wrote the book, "Never Cry Wolf." He wrote the book because B-52's were flying over his timbered land and he was going to come to the United States to lecture and we would not let him in.

Back in the sixties, a group of Japanese citizens wanted to come to the United States to protest U.S. policy on nuclear weapons and we would not let them in. All we are doing is embarrassing ourselves.

The one thing we stand for is freedom. We should not be moving in the opposite direction with our visas. I am pleased to say I have cosponsors on this amendment from both sides of the aisle.

I yield whatever time may be left to the ranking member of the minority on the Immigration Committee, Mr. KENNEDY.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join as a cosponsor of the Simon amendment. I want to give assurance to the Members of this body that this proposal was reviewed in the Select Commission. There was a total review of our immigration exclusion policies. Although this does not go as far as the Select Commission recommended, it is completely consistent with the spirit of the Select Commission; so there has been a thorough review.

Second, we are considering provisions in this legislation that deal with visa waivers, G-4 visa cases, Hong Kong quotas, so it is appropriate that we consider this on this bill.

We voted on gasohol, we are going to vote on Social Security, we have voted on the parts of call of the Soviet Navy. In comparison, this amendment is a related question. It reaches, again, I think, at the heart of what this country is all about.

We complain about the Soviet system because of its monolithic teaching in terms of its political ideology. We want to show that a democratic society and system is open and flexible in comparison. The Simon amendment deals with any of the cases which can be realistically thought of as a threat to our country or terrorists. We are talking about the exchanges of ideas and speech which are enshrined in our Constitution. I hope this amendment will not be defeated.

Mr. SIMPSON. Mr. President, as you know, I have the same concerns about the exclusions in the Immigration and Nationality Act as does my friend from Illinois. I say this is not the place to examine this issue which has solely to do with legal immigration. There are 33 exclusions in the law as to how we prohibit people coming to the United States—psychopathic personalities, sexual deviants, mental defects, terms that we do not even know the meaning of in the present day. It is time to revisit that, but not here. I have promised hearings, and we will have hearings.

The Select Commission promised only to reexamine the issue. I pledge we will do that. We will do that. We will have hearings, produce a bill, we will have a rewriting of the INA. I have that bill ready to go when we finish our work on the issue of illegal immigration.

The issue is the McGovern amendment, providing for a waiver of exclusion, is already in force to take care of these people. The waiver works. I shall tell you how it works. Last year, there were 26,000 people covered under these exclusionary provisions and 25,400 of them were admitted with a waiver. So only 600 people were ultimately excluded from the United States out of the 26,000 originally excluded because the McGovern amendment does work. Therefore, I pledge we will have hearings later.

It is not an issue of free speech; it is an issue of archaic and arcane exclusions in the law and I hope we can deal with it at some other place and time, but not here.

Mr. DECONCINI. Will the Senator yield?

Mr. SIMPSON. I am happy to yield.

Mr. DECONCINI. I am not sure how many applications were made and how many were approved. Does the Senator from Wyoming have any estimate of the average time for those to be filed?

My point is that the Senator from Wyoming makes a good case to revisit this, but I wonder if it has not been used, perhaps, by INS as a philosophical reason not to let some people in, which ought not to be the primary purpose, in my judgment. I wonder if the Senator can enlighten us on that.

Mr. SIMPSON. Mr. President, the Secretary of State makes the recommendation for waiver. As far as I know, it is done rather swiftly. Oftentimes, we will find the people seeking the notoriety that goes along with their feelings about the United States, and their objections to this country, and their attempts to gain notoriety and perhaps fame for their cause. That is an important part of it.

The PRESIDING OFFICER (Mr. MATHIAS). All time for debate has expired.

Mr. SIMPSON. Mr. President, I move to lay on the table the Simon amendment.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Simon amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE]

and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 30—as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—66

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Bentsen	Gorton	Packwood
Boschwitz	Gramm	Pressler
Bumpers	Grassley	Pryor
Burdick	Hatch	Quayle
Byrd	Hawkins	Rockefeller
Chafee	Hecht	Roth
Chiles	Heflin	Rudman
Cochran	Heinz	Sasser
Cohen	Helms	Simpson
D'Amato	Hollings	Specter
Danforth	Humphrey	Stafford
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Thurmond
Dole	Long	Trible
Domenici	Lugar	Wallop
Durenberger	Mattingly	Warner
Evans	McClure	Weicker
Ford	McConnell	Wilson

NAYS—30

Baucus	Harkin	Melcher
Biden	Hart	Metzenbaum
Bingaman	Johnston	Mitchell
Boren	Kennedy	Moynihan
Bradley	Kerry	Pell
Cranston	Lautenberg	Proxmire
Dodd	Leahy	Riegle
Eagleton	Levin	Sarbanes
Exon	Mathias	Simon
Gore	Matsunaga	Zorinsky

NOT VOTING—4

East	Inouye
Hatfield	Stennis

So the motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 624

(Purpose: To require the Federal Government to reimburse State governments for the cost of incarcerating in State prisons illegal aliens and Marielito Cubans who commit felonies)

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the D'Amato amendment, No. 624, on which there will be 5 minutes of debate, to be equally divided and controlled, to be followed by a rollcall vote in relation thereto.

Mr. METZENBAUM. Mr. President, I wonder if the Senator from New York would be kind enough to permit me to call up an amendment out of order which has been worked out with the sponsor. There will not be any lengthy debate. I will not do it if the Senator objects to it.

Mr. D'AMATO. I would like to comply if there will be no rollcall vote.

Mr. METZENBAUM. There will not be a rollcall vote.

Mr. D'AMATO. I have no objection.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Ohio may be permitted to call up an amendment at this point, notwithstanding the unanimous-consent agreement. I wish to call up an amendment pending at the desk and offer an amendment thereto and to act in connection therewith, and it is my anticipation that there will be no rollcall vote.

Mr. WALLOP. Mr. President, reserving the right to object, can the Senator give us any idea how long this will take? Some of us have scheduled the rest of the afternoon on the basis of the coming vote.

Mr. METZENBAUM. Three minutes.

Mr. WALLOP. I have no objection.

The PRESIDING OFFICER. Does the Senator from Ohio intend that this time shall be taken from the time of the Senator from New York—from the 5 minutes allotted for debate on the amendment of the Senator from New York?

Mr. METZENBAUM. No; I am not really even asking for 3 minutes. I am asking that I may go forward at this point, and in response to the Senator from Wyoming, I indicated that it would take about 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object——

Mr. METZENBAUM. Mr. President, the Senator from Wyoming [Mr. SIMPSON] has indicated to me that it is his preference to go forward with the D'Amato amendment at this point, and under those circumstances I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have debated this issue not only this week but also 2 weeks ago. It calls for the Federal Government to reimburse States for the actual cost incurred for the incarceration of illegal aliens who have committed felonies, who are in State custody, as well as Marielitos. It is simple and straightforward. It is what should be the law.

There is a block grant, but, notwithstanding that, that may not go into operation for 3 years. It is the responsibility of the Federal Government with respect to immigration. It is not the responsibility within the domain of the States, and therefore the issue is clear-cut. There is no need for further debate.

I yield back the remainder of my time.

Mr. SIMPSON. Mr. President, I appreciate very much what Senator D'AMATO has done with the language regarding for whom we are to reimburse the States, and that is the illegal alien felons. I have no problem with that, and I appreciate working with him on that redefinition.

The only problem with the amendment is that if we take away the issue of the changed language, with which I agree totally, we find here that Senator D'AMATO is asking for $50 million now, and I think that eventually we should reduce the figures of reimbursement. At a future time, I will do that. That is my objection to the amendment.

I am fully aware that the amendment probably had a charmed life before and may have again. We must revisit that issue. You cannot be paid twice out of the kitty, and we will revisit that later.

The PRESIDING OFFICER. Is there further discussion? Is all time yielded back? If all time is yielded back, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—74

Abdnor	Gore	McClure
Andrews	Gorton	McConnell
Armstrong	Gramm	Melcher
Bentsen	Harkin	Metzenbaum
Biden	Hart	Moynihan
Bingaman	Hatch	Murkowski
Boren	Hawkins	Nickles
Boschwitz	Hecht	Nunn
Bumpers	Heflin	Pressler
Burdick	Heinz	Pryor
Byrd	Helms	Quayle
Chiles	Hollings	Riegle
Cochran	Humphrey	Rudman
Cranston	Johnston	Sarbanes
D'Amato	Kassebaum	Sasser
DeConcini	Kasten	Simon
Denton	Kennedy	Stafford
Dole	Kerry	Stevens
Domenici	Lautenberg	Symms
Durenberger	Laxalt	Thurmond
Eagleton	Levin	Trible
Evans	Long	Warner
Exon	Mathias	Weicker
Ford	Matsunaga	Wilson
Garn	Mattingly	

NAYS—22

Baucus	Goldwater	Rockefeller
Bradley	Grassley	Roth
Chafee	Leahy	Simpson
Cohen	Lugar	Specter
Danforth	Mitchell	Wallop
Dixon	Packwood	Zorinsky
Dodd	Pell	
Glenn	Proxmire	

NOT VOTING—4

East	Inouye
Hatfield	Stennis

So the amendment (No. 624) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, at this time I would like to ask the distinguished majority leader what the schedule is for the rest of the day with respect to rollcall votes.

Mr. DOLE. Mr. President, I am advised by the manager of the bill on this side that he may be completed with all except the Heinz-Bumpers amendments maybe by 5:30 this afternoon. Then we will attempt to figure out some way to resolve those issues. If not, I am advised that if it was satisfactory to the managers of the immigration bill, who would like to complete this bill this evening, that we could bring up the Superfund bill between 6 and 8 o'clock this evening. A number of Senators have engagements off the Hill. Superfund amendments, I am told, could be handled without votes during this period by Senators STAFFORD and BENTSEN. Then if we resolve the one remaining issue on immigration, we could complete that by 8 o'clock or shortly thereafter.

Mr. STAFFORD. I assume we have at least five or six amendments. When we get the floor again on Superfund we could call up amendments which were not controversial and which would only require voice votes.

Mr. BYRD. Mr. President, would the distinguished majority leader make an estimate as to whether we would be finished between 6 and 9 o'clock?

Mr. SIMPSON. Mr. President, the best I can inform the leaders is that we have a Cranston amendment which will be resolved, a Metzenbaum amendment, and a Heinz amendment, which is very difficult for me to deal with on immigration reform. I hope we can do something with that. It does not fit here in any sense.

We have Senator LEVIN with a colloquy and perhaps an amendment.

I do feel, having talked to Senator, WILSON and Senator LEVIN, if a rollcall vote is required, we can finish those items before 7 o'clock, I think without question. I do not see further spirited debate. We had debate yesterday and for several days previous to that.

We can be ready, I think, for a final passage vote by 7 o'clock, again depending on the dispositon of the Heinz Social Security proposal.

Mr. DOLE. Mr. President, in looking over my little card, there are a number of meetings this evening between 6 and 8. I am fearful that there might be some Members who have several meetings to attend who have to leave at 6 or maybe shortly thereafter. Maybe between 6 and 8:30 would be of help to Members.

Mr. BYRD. Good.

Mr. DOLE. I would be willing to assure Members at this time that there would be no rollcall votes between 6 and 8:30. I understand there will be no problem with voice votes. Hopefully by 6:30 we may have finished the immigration bill. If that is the case and final passage should be ordered, we can do that when we come back.

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAUCUS. Does that mean that there will be votes after 8:30 this evening, Mr. President?

Mr. DOLE. If we dispose of the immigration bill prior to 6:30 I would advocate no votes after 8:30, but go ahead and dispose of all the Superfund amendments we can by voice vote and come back in the morning and start over. If that is an incentive, I would indicate again that if we can complete action on the immigration bill by 6:30, including final passage, that would be the last vote this evening. We could then still handle amendments to the Superfund by voice vote.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized to offer an amendment.

Mr. SIMPSON. Mr. President, I am not going to offer that amendment. It is an amendment that would have come after Senator D'AMATO's amendment. I admire what he has done, and it is helpful. I still feel there is a question about double reimbursement for the States on those kinds of criminals within State institutions. I believe we will work that out in conference. We have reached an accord on the reimbursement of legalization and the funding of the bill in another subsequent amendment which will be accepted.

The PRESIDING OFFICER. The Senator from Wyoming does not have to offer his amendment as provided by the previous order.

The question now recurs on the amendment of the Senator from California [Mr. WILSON].

Mr. SIMPSON. Mr. President, if I may, I will ask the Senator from California to defer to the Senator from Ohio who has an amendment which will be acceptable.

Mr. WILSON. Mr. President, I am happy to defer.

Mr. METZENBAUM. I thank the Senator from California and the Senator from Wyoming.

AMENDMENT NO. 612

(Purpose: To improve housing for temporary agricultural workers)

Mr. METZENBAUM. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the Wilson amendment be temporarily laid aside?

Mr. METZENBAUM. Mr. President, I do.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM. Now, Mr. President, I ask that the amendment of the Senator from Ohio be called up at this time for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 612.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 19, insert "for a period of not to exceed two years from the date of enactment of this Act" after "permitted".

Mr. METZENBAUM. Mr. President, this is an amendment that was debated last week. It has to do with the temporary housing provisions of the bill. I have the feeling that the temporary housing provisions should be limited in time. My amendment limits that to a 2-year period. The managers of the bill have indicated that there may be a reason for a longer period. We have come to an agreement for a period of 3½ years plus an additional year to be granted by the Attorney General in the case of specific employers.

AMENDMENT NO. 612, AS MODIFIED

Mr. METZENBAUM. Mr. President, I send the amendment, as modified, to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 612, as modified.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment, as modified, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordred.

The amendment, as modified, is as follows:

On page 44, line 19, insert "for a period of not to exceed three and one-half years from

the date of enactment of this Act" after "permitted".

On page 44, line 23, delete the period and add the following after "employment": ": *provided, however,* That the period specified in this paragraph may be extended for a particular employer by not more than one year by the Attorney General if the employer demonstrates that, despite all reasonable good faith efforts, initiated as soon as practicable after the enactment of this Act, furnishing of housing has been delayed due to failure to receive regulatory approval from State or local governmental entities."

Mr. METZENBAUM. Mr. President, this is an amendment that has been worked out but I would like the assurance by the Parliamentarian that the language is correct and the modification is appropriate before I ask for action on the amendment.

The PRESIDING OFFICER. The Senator from Ohio may modify his amendment as long as the yeas and nays have not been ordered.

Mr. METZENBAUM. The Senator from Ohio is aware of that rule. I therefore ask unanimous consent that I may modify the amendment. My amendment is a modification. I ask that my amendment be so modified.

The PRESIDING OFFICER. It is so modified.

Mr. METZENBAUM. Mr. President, I think we are ready to act in connection with this amendment. It is my understanding that the managers of the bill are ready to accept the amendment as modified.

Mr. SIMPSON. Mr. President, Senator METZENBAUM has amended his original proposal to sunset the right of employers of temporary agricultural workers to provide a housing allowance rather than the actual housing. He has amended from 2 years to 3.5 years, with a possibility of a 1-year extension beyond that, with the approval of the Attorney General if there are particular difficulties with zoning or other governmental regulations. That is the proposal. Is that correct?

Mr. METZENBAUM. That is correct. The 1-year extension applies to individual employers, not an across-the-board extension.

Mr. SIMPSON. And the Attorney General is involved with that decision instead of the Department of Labor. That would give the employers 4½ years, if necessary, to get the housing built. With that improvement mechanism, I can accept the amendment.

Mr. METZENBAUM. I thank my friend from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 612, as modified) was agreed to.

Mr. METZENBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 616

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from California.

Mr. WILSON. I thank the Chair.

Let me first inquire whether or not the unanimous-consent agreement that was propounded can be acted on. I do not know whether either side has yet completed the check.

Mr. SIMPSON. Mr. President, let me advise the Senator from California that it will take about another 5 minutes to determine whether we are able to obtain that unanimous-consent agreement, which will be 1 hour of debate on the Wilson amendment to be equally divided and that no amendment be in order to that amendment. The time, of course, could be yielded back. Then we would proceed to a vote on the Wilson amendment.

That is being presented to our colleagues. Therefore, at this time, with his concurrence, I shall suggest the absence of a quorum. We should have a response.

Mr. WILSON. I would suggest the absence of a quorum, Mr. President—

Mr. METZENBAUM. Mr. President, I shall object to that only that I may make some arguments against the Wilson amendment and not be limited by the time limitation.

The PRESIDING OFFICER. The Senator from California still holds the floor. If he does not yield for the purpose and he has suggested the absence of a quorum, the clerk will call the roll.

Mr. WILSON. I yield to the Senator from Ohio for a question.

Mr. METZENBAUM. Would the Senator from California have any objection to the Senator from Ohio debating this issue at this point while the Senator from California and the Senator from Wyoming are seeking unanimous consent for a time limit?

Mr. WILSON. No, Mr. President, none whatever. I would be happy to allow the Senator from Ohio to do that. It is only I hope, for our purposes to give time to secure unanimous consent.

I also observe that what we are seeking to do is to afford each side a half hour under the unanimous-consent agreement. But I have no objection to using the time for the debate of the bill in the interval.

Mr. METZENBAUM. Will the Senator from California yield for another question?

Mr. WILSON. Yes, Mr. President.

Mr. METZENBAUM. Am I correct in my understanding that this is the same amendment he previously offered, although in this case, the 350,000 cap is on the number of temporary workers?

Mr. WILSON. The amendment offered is virtually the same as that which was debated Thursday, with the exception that a single major substantive amendment has been made, or a change has been made. The change is the one that was the subject of a great deal of discussion and debate on Thursday. It had to do with the statement or the charge that the amendment contained an open-ended authorization for seasonal workers to enter the United States.

The change is to place a numerical cap for a period of 3 years upon the number of workers admitted for the harvesting of perishable agricultural products. That number is 350,000.

At the conclusion of the 3-year period, the Attorney General would then have a requirement placed upon him by the legislation that he determine what actual need is. That means he would, by consideration of the number of stated criteria in the law, beginning with the consideration of the availability of domestic workers, determine whether that number of 350,000 exceeds the need or is less than the need. He would then proceed to set a new cap.

The only variation from that would be for purposes of emergency, and again, that emergency is determined in the law by stated criteria.

Mr. METZENBAUM. Is this Senator correct that the 350,000 cap is at any one time; that during that period, we could have several million migrant workers come in, but provided that at no one time is there more than 350,000 in the United States?

Mr. WILSON. It is true that the figure of 350,000 is the limit at any one time just as, when we quote the Bureau of Labor statistics on employment or unemployment figures, it is the number of actual jobs involved or the people employed or unemployed at that one time. We do not multiply by 365 days the number of people who are employed.

To the other part of the Senator's question, is it conceivable that we could have several million people come in during a period of a year under this amendment, that is inconceivable. In fact, the number 350,000 is substantially less than half of the total workers which the Department of Agriculture estimates to be the minimum requirement for picking and harvesting of perishable commodities.

Mr. METZENBAUM. The fact is that we could have 350,000 workers, some of them go back, and we could have a continual turnover and we might have as many as 1 million or 1½ million during that 3-year period. That is entirely conceivable, is it not?

Mr. WILSON. What is conceivable is that we would have as many as 350,000 at a single time and over the 3-year period, it would be very difficult to say what the total number of different individuals comprising that limit would be.

Mr. METZENBAUM. I thank the Senator from California.

Does the Senator from California yield the floor so the Senator from Ohio may proceed?

Mr. WILSON. Yes, Mr. President, with the understanding that if we have news of the agreement, we shall be pleased to have the Senator from Ohio yield back.

Mr. METZENBAUM. I have no objection to doing that, Mr. President, but I do want to say that the Senator from Ohio does wish to be heard on this matter and does not wish to be placed in the position of objecting to the unanimous-consent agreement which limits the amount of debate, which would preclude my having adequate time to debate.

Mr. WILSON. Mr. President, may I inquire of the Senator from Ohio how much time he wishes to debate?

Mr. METZENBAUM. I do not know. I do not have a filibuster or anything of that kind in mind, but I do have a few things on my mind that I would like to share with my colleagues and the Senator from California.

Mr. WILSON. That is fine. I have no objection to that. I simply want to make clear the reason that the manager and I have agreed to have an hour is to afford Members of the body, who have indicated a desire to vote on this measure, an opportunity to do so, so that they can be available for other obligations. I yield to the Senator from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. QUAYLE). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I did not speak to this issue the other day, and afterwards I had some concerns as to why I did not; pressure from obligations kept me from doing so, but this amendment is sort of in tandem with some of the trade legislation we have pending around the Senate, only in the trade legislation we are trying to keep foreign workers from stealing American jobs in foreign countries. This amendment makes it possible for foreign workers to come in and take jobs that Americans could otherwise hold.

The argument is made that American workers do not want those jobs, will not take those jobs. I reject that argument. I question how hard an effort has been made to obtain workers to do those jobs. I think it is a bad amendment. The purpose is simply to legalize the current system by enacting a massive migrant foreign worker program. The workers will be allowed to stay in the United States not a month, not 2 months, not 3 months, no, 9 months each year, 9 months a year, wandering from one employer to the next, taking jobs from American workers, working at low wages and in poor working conditions. That is precisely the current system, and that is what I thought we were trying to change in this law.

Examine what is in this bill now. There is a transitional program that allows growers to retain a total illegal workforce for 1 year, then to decrease it by a third for each of 2 years. And the legalization program provides that it will occur as soon as the Commission acts but not longer than 3 years. During that period the workers will be available to provide agricultural work. There is an expanded H-2 program, and that on its own without anything more in this bill would allow an enormous expansion of workers. So what we have is that the growers have come to the Congress and said, "We want a seasonal worker program to allow 350,000 more workers into the country."

Oh, yes, I should point out the seasonal worker that we are talking about is going to be here for up to 9 months. That is a pretty long season. If you travel across the country, I suppose you catch all the different seasons of the year. This amendment makes it possible for American workers to be deprived of the opportunity to have a job and earn a living. Why? What is there about the corporate farmer, the large agricultural farmers who say they have the right to import this labor? What efforts have they made? What evidence is there that they have gone out of their way to try to hire people from other parts of the country who would like to work on those farms? How can we face the American worker and tell him or her, "Congress has just authorized hundreds of thousands of foreign workers coming into the country each year and take his or her job? What kind of Senate is willing to sit by and not only permit imports to take away American workers' jobs but permit imported workers to take away the jobs of Americans? Why? Why is this necessary?"

It is not necessary, as a matter of fact. It is the wrong thing to do. This bill ought to have a preface to it. The preface ought to extol the power of big agriculture in this country. They have lived for years by knowingly employing hundreds of thousands of illegal workers and now they have the audacity to insist that the price of this bill is to make it possible for them to bring in up to 350,000 illegal workers at any one time for a period of 3 years, and then the number that the Attorney General sets at the end of that 3-year period.

Think about it. This amendment is nothing more than putting into the law a system which is based upon massive flaunting of our immigration laws, only now the Congress of the United States is being called upon to make all of that legal. Listen to what the Secretary of Labor had to say recently. Said he:

> I must express strong concerns about the potential adverse effect that a new large-scale flow of unskilled alien workers would have on our most disadvantaged workers, unskilled youths, especially blacks and Hispanics whose unemployment is a continuing cause of serious concern.

Unemployment has been high in agriculture—13½ percent in 1984, 14.3 percent currently. With the expanded temporary worker program, it will only go higher. Not only the Secretary of Labor has spoken to this suject, but there was a Select Commission on Immigration which reported to the Congress in 1981. It said at that time, "Most commissioners have concluded that the commission should not recommend the introduction of a large-scale temporary worker program." At another point the commission stated, "The commission believes that any slight expansion in the number of temporary workers admitted should be within the existing H-2 Program."

This is no slight expansion. It is a massive one.

Now, it is interesting that in the Senate, when we have a problem and we do not want to bite the bullet, we appoint a Commission; we figure that Commission will be fair, unbiased and judicial, it will hear all sides, and it will come in with its recommendation.

Well, the Commission has come in with its recommendation, and instead of abiding by the Commission's report the amendment of the Senator from California would totally flaunt that Commission report and go to exactly the opposite extreme.

Now, the growers say "Well, the Americans won't take the jobs in the field." I say nonsense. Unemployment in agriculture is high. Massive employment of illegal aliens only keeps working conditions bad and wages low.

American agricultural workers will accept the jobs that are available, provided they pay a decent wage and provided there are decent working conditions. Growers say that legalization will not make any difference. That is nonsense, too.

Will people flock to the cities because they are suddenly legal? Of course not. Will they uproot their families and change their lives totally? Of course not. The growers say that they need a massive pool of foreign workers or the crops cannot be picked. Let us take a look at the figures at the present time.

The currrent H-2 Program in this country uses 20,000 temporary agricultural workers each year. Let me read the numbers from various States. Total jobs certified under the program in 1984, 20,071; Arizona, 319; California, 443; Maryland, 146; West Virginia, 686; and so on, right down the list.

It is a small program now that is being expanded, and this provision that is already in the bill will expand it greatly. The fact is that the new

program could expand the current H-2 Program 10 times over.

Only if you are totally willing to ignore the interests of American workers, and only if you are willing to guarantee that there will be a huge work force of exploited, poorly treated foreign labor, can you provide any basis to vote for this amendment. But if you believe that the American worker is entitled to protection from foreign imports—only in this case, imports of foreign workers who will work for subminimum wages—you have to vote against this amendment. There is not any logical reason under the Sun to be for the Wilson amendment.

I am aware of the close vote the other day. That does not not make it right. I am not sure that my colleagues are aware of the fact that what we are doing is taking jobs away from American workers by importing foreign workers. I do not find that much less distasteful than I find foreign workers taking away the jobs of American workers if they are located in some far distant country.

I hope this body will see fit to again reject the amendment of my distinguished colleague from California.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Members of this body know we have debated this issue at considerable length on an earlier amendment offered by the Senator from California last week. I believe the chairman of the committee has made the case against it, along with other Members of the Senate.

Last week, we went into some detail as to exactly what this particular amendment would do. First of all, we explained to the Senate the provisions included in this legislation that deal with the issues which have been raised by the Senator from California dealing with perishable crops. That issue was considered for a great deal of time by the subcommittee and by the full Judiciary Committee. It appears to me that the recommendations which have been included in the pending legislation, which already provide for a fast track consideration of H-2 requests for perishable crops.

I believe that the steps that have been recommended in this legislation will deal with any of the types of emergencies that are being used as a justification for the Wilson amendment. I commend the chairman of the subcommittee for incorporating these in this legislation.

There is also a provision in here to establish a transition period, so that those in the past who have employed illegal aliens, there would at least be a phasing down or an adjustment period, which I think is extremely generous.

Mr. President, I think that the steps that have been taken by the members of the committee and that have been included in this legislation really deal with the challenge which has been put to the Senate by the Senator from California.

Mr. President, the amendment offered by Senator WILSON is really the same amendment that the Senate rejected last week, but this time with a cap of 350,000. He says that is to counter the argument that his foreign temporary worker program was open ended. Well, 350,000 is as close to throwing the doors wide open as its possible to do—especially when we consider that even during the last years of the Bracero Program, the number was only slightly higher than 200,000, and labor needs have been substantially reduced since then through technology.

The sponsors say this amendment isn't a new Bracero Program, and in one sense they are right: It doesn't even have the minimal proctections that the Bracero Program had. They simply throw the door open, making a foreign worker look for any job he can find in the geographical areas in which he is allowed, and fend for himself.

But in another far more important respect, this amendment creates precisely the fundamental flaw of the Bracero Program: Namely, contrary to the so-called protections in the amendment, it will have the same impact upon American wages and labor conditions that the Bracero Program had.

This fundamental flaw was succinctly reviewed last year by Monsignor Higgins of the U.S. Catholic Conference—and he should know, because he served as one of the members of the panel commissioned by President Eisenhower's Secretary of Labor, James Mitchell, whose recommendations finally led to the end of that program.

I ask unanimous consent that excerpts of this statement be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT OF MSGR. GEORGE HIGGINS, CONSULTANT, U.S. CATHOLIC CONFERENCE

To put the present situation in the proper perspective, a brief review of the Bracero Program is, I think, in order. In enacting Public Law 78, Congress intended to accomplish two basic objectives—to obtain agricultural workers from Mexico to meet seasonal, temporary labor shortages and to ensure that our own domestic farmworkers would not be adversely affected by the employment of these workers.

The first objective was achieved for at its peak nearly 500,000 Mexican temporary workers were brought in. The second objective protecting the domestic work force from the effects of the Mexican importation was not achieved.

Ostensibly, adequate safeguards were provided. The law prohibited the importation of workers unless the Secretary could certify that, (A) sufficient domestic workers who were able, willing, and qualified were not available at the time and place needed to perform the work for which such workers were being recruited, (B) the employment of such workers would not adversely affect the wages and working conditions of domestic agricultural workers, (C) reasonable efforts had been made to attract domestic workers at wages and standard hours of work comparable to those offered foreign workers. However, the Secretary of Labor found it extremely difficult to administer these provisions.

Experience under the Bracero Program clearly demonstrates that the requirement that the importation of foreign workers not have an adverse effect on the wages and working conditions of the domestic work force is a meaningless condition. The record shows that under that program the importation of foreign workers had a seriously adverse effect on domestic labor standards. The Mitchell committee found that the Bracero Program which guaranteed growers at no administrative expense to themselves, an unlimited supply of cheap and docile labor was having a disastrous effect on the American labor force.

The report of the Mitchell committee made it abundantly clear that the Bracero Program had seriously hurt American citizens. The injury to domestic farmworkers was evident from no matter what angle the committee viewed the situation. Despite the efforts of the Department of Labor to require employers to recruit qualified U.S. workers, Mitchell consultants found many indications that domestic farmworkers were losing out to foreign labor. So strong were the preferences of some growers for a captive labor force that in some areas almost all of the seasonal work in certain occupations was performed by foreign workers. Even those domestic workers who were employed found the duration of their jobs shortened because the availability of foreign workers, particularly at peak harvest times, had compressed the work season.

Where foreign workers were used in large numbers, wage rates were prevented from rising to levels they would have attained if no foreign workers had been admitted. The very knowledge on the part of growers and workers that foreign workers were available weakened the domestic workers' bargaining position. Statistics compiled by the Mitchell consultants showed that wage rates in occupations and areas employing foreign workers had lagged behind the rising wage level for domestic farmworkers generally. They also showed that users of foreign workers often paid their domestic workers less than employers who did not use foreign workers.

Faced with these considerations, the Mitchell consultants concluded that renewing the program would postpone the adoption of necessary reforms and tend to increase rather than diminish domestic labor shortages. Accordingly, they recommended that the program be phased out as quickly as possible.

Mr. KENNEDY. Mr. President, today's problems are not much differ-

ent. Wages and labor standards of those engaged in perishable crops are still low. We know what the unemployment rate is. It is virtually double the national average, and in the off-season it doubles once again.

These are Americans, Mr. President; these are individuals with families, who are attempting to provide for their families, and who are unemployed.

I was talking last week to a distinguished Representative from Laredo, TX, who pointed out that they had 34 percent unemployment in his congressional district. These are American citizens or they would not be considered to be on the unemployment list.

What we are being asked to do here this afternoon by the Senator from California is to provide 350,000 foreign guest workers, when during the last year of the Bracero Program we only had 200,000. He is asking for 350,000 guest workers.

Mr. President, if this body accepts this amendment, 350,000 Americans will lose their jobs. We hear a great deal in this body about the problems of jobs and unemployment. We have heard a great deal, as we should, about the problems we are facing in our trade deficit and what that has meant in terms of losing jobs in the United States. But here we are taking jobs from Americans.

Finally, make no mistake about it: The Wilson amendment, if it is accepted, will sound the death knell for any immigration reform because of the position which has been taken by the chairman of the House Judiciary Committee and one, quite frankly, that I find makes a good deal of sense, is that this will really make a sham of this whole piece of legislation.

On the one hand, we are supposedly enacting employers' sanctions, to deal with the problems of undocumented aliens coming into the United States and taking American jobs, perhaps being exploited, and working for inadequate wages. We are trying to say that that is what this entire legislation is about; and, on the other hand, we say that we are going to take 350,000 guest workers in here also to take American jobs. Anybody who can tie together the logic of those two positions will have an extraordinary sense of logic.

But, Mr. President, that will be the effect of this amendment, the loss of American jobs, the loss to American families, and depressed wages.

As I said, we have already had a pilot program, so to speak, about what will happen under this amendment, and that was the bracero program, and the bracero program had some protections included in it that aren't even in this amendment. And we saw the exploitation that took place, what the impact it had on American workers and wages.

That record has been laid out in committee hearings, but that was a few years ago, and the memory of this body is short.

So, Mr. President, I would hope that this amendment would not be accepted. I believe that it is effectively a killer amendment. I think any of those Members of the Senate who have followed this issue over a long and difficult period of time know how complex the issues are in trying to fashion a balanced bill.

This effectively turns this bill on its head.

I know that there are perhaps those who want to kill the bill and, therefore, will vote in favor of this amendment.

I do not question in my own mind that that will be the effect—it will sound the death knell for this bill. I have my own concerns about the bill for entirely different reasons, which I have outlined at the outset of the debate, and I will speak to briefly to those at the conclusion of the debate.

So, Mr. President, I hope we will move to an early vote and that the amendment will be defeated.

Mr. WILSON. Mr. President, I call up amendment 616.

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 616, AS MODIFIED

Mr. WILSON. All right.

Mr. President, then I send a modification to the desk. The modification is at the desk. It is 613.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 68, between lines 5 and 6, insert the following new section heading:

SEC. 125. TEMPORARY AGRICULTURAL WORKER PROGRAM.

Mr. WILSON. Mr. President, I now send to the desk an amendment in the second degree.

Mr. SIMPSON. Mr. President, may I ask for the yeas and nays? There is one amendment presented to us. I do not have a desire at this time to present any other amendment. But we do know what the pending amendment is, and I do not believe there is any requirement for further proceedings.

Mr. President, if I were to ask for the yeas and nays on the Wilson amendment, would that not foreclose the issue?

The PRESIDING OFFICER. The Senator certainly has the right to ask for the yeas and nays.

Does the Senator make that request?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, if I may ask the Senator from California to yield for the purpose of withdrawing my request for the yeas and nays, I shall leave that to the sponsor of the amendment and then if the sponsor will explain where we are procedurally, as he has just done so to me privately we can proceed.

Mr. WILSON. I thank the Senator from Wyoming.

Mr. President, what we are seeking to do here very simply is to fill the tree.

I have offered with the modification the first-degree amendment. I now ask for the yeas and nays on the amendment, after which it will be my intention to offer a second amendment and ask for the yeas and nays on that as well.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 614

(Purpose: To provide a seasonal agricultural worker program for employment in perishable commodities)

Mr. WILSON. Mr. President, I now send an amendment to the desk in the second degree, amendment No. 614.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 614 to amendment No. 616.

Mr. WILSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the proposed amendment, strike out all after "SEC. 125." and insert in lieu thereof the following: SEASONAL AGRICULTURAL WORKER PROGRAM.

(a) PROVIDING NEW "O" NONIMMIGRANT CLASSIFICATION FOR SEASONAL AGRICULTURAL WORKERS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by this Act, is further amended—

(1) by inserting "and other than seasonal agricultural services in perishable commodities described in section 217(h)(1)" in subparagraph (H)(ii) after "section 216(h)(1)";

(2) by striking out "or" at the end of subparagraph (M):

(3) by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform seasonal agricultural services in perishable commodities (as defined in section 217(h)(1)).".

(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—Chapter 2 of title II is amended by adding after section 216 the following new section:

"Sec. 217. ADMISSION OF SEASONAL AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF SEASONAL AGRICULTURAL WORKER PROGRAM.—The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereafter in this section referred to as 'the program') for the admission into the United States of seasonal agricultural workers (as defined in section 217(h)(2).

"(b) ADMISSION OF SEASONAL AGRICULTURAL WORKERS.—A petition to import an alien as a seasonal agricultural worker (as defined in section 217(h)(2)) may not be approved by the Attorney General unless the petitioner certifies to the Attorney General the following:

"(1) SEASONAL AGRICULTURAL EMPLOYER IN PERISHABLE COMMODITIES.—

"(A) NATURE OF PETITIONER.—The petitioner employs (or contracts for the employment of) individuals in seasonal agricultural services in perishable commodities, or is an association representing such employers or contractors.

"(B) REQUIREMENTS OF PETITIONS.—For each month concerned and for each agricultural employment region (designated under section 217(i)(1)) in which the petitioner is operating, the petition must specify—

"(i) the total number and qualifications of individuals in seasonal agricultural services in perishable commodities required in each month, and

"(ii) the type of agricultural work required to be performed by these workers.

"(2) WILL MAKE RECRUITING EFFORT.—The petitioner will make a good faith effort to recruit (as required by the Attorney General in regulations) in the area of intended employment, including the listing of employment opportunities with the appropriate office of a governmental employment service, and will accept for employment able, willing, and qualified workers referred by such office to perform seasonal agricultural services in perishable commodities until the commencement of the seasonal agricultural services for which the petitioner has recruited.

"(3) REPORT ON RECRUITMENT.—In the case of a petitioner that has employed seasonal agricultural workers during the previous 12 months, the petitioner will provide a summary of his efforts to recruit domestic workers to perform seasonal agricultural services in perishable commodities during that period.

"(4) ADEQUATE WORKING CONDITIONS.—The petitioner will provide such wages and working conditions as will not adversely effect the wages and working conditions of United States workers similarly employed

"(5) HOUSING.—The petitioner will furnish housing for nonimmigrants described in section 101(a)(15)(O) or, at the petitioner's option and instead of arranging for suitable housing accomodations, will substitute payment of a reasonable housing allowance to the provider of the housing, but only if the housing is otherwise available within the approximate area of employment.

"(6) NOTICE TO ATTORNEY GENERAL OF EMPLOYMENT.—The petitioner will notify the Attorney General of the entering into, or termination, of an employment relationship with a seasonal agricultural worker not later than 72 hours of the time the relationship is entered into or terminated.

"(7) EMPLOYMENT ONLY IN SEASONAL AGRICULTURAL EMPLOYMENT IN PERISHABLE COMMODITIES.—The petitioner will not employ a seasonal agricultural worker for services other than seasonal agricultural employment in perishable commodities.

"(8) LIMITATION ON THE USE OF "O" WORKERS IN PERISHABLE COMMODITIES.—The petitioner will not employ (or petition for the employment) of a nonimmigrant in any job opportunity under section 101(a)(15)(O) for seasonal agricultural services in perishable commodities when an application for employment in that job opportunity under section 101(a)(15)(N) is pending or approved.

"(9) JOB INFORMATION DISCLOSURE TO "O" WORKERS.—The petitioner shall, upon request, disclose in writing to seasonal agricultural workers when an offer of employment is made, the place of employment, the wage rates, the employee benefits to be provided, and any costs to be charged for each of them, the crops and kinds of activities for which the worker may be employed, and the anticipated period of employment.

"(c) SUSPENSION OF CERTIFICATION.—The Attorney General shall suspend a petitioner's certification under subsection (b) if any of the following conditions exist:

"(1) LABOR DISPUTE.—There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2) VIOLATION OF TERM OF PREVIOUS CERTIFICATION.—

"(A) IN GENERAL.—The employer at any time during the previous two-year period employed seasonal agricultural workers and the Attorney General has determined, after notice and opportunity for a hearing, that the employer at any time during that period—

"(i) substantially violated an essential term or condition of the labor certification under subsection (b) with respect to the employment of domestic or nonimmigrant workers, or

"(ii) has not paid any penalty for such violations which have been assessed by the Attorney General.

"(B) DISQUALIFICATION LIMITED TO ONE YEAR.—No employer may have its certification suspended under clause (A) for more than one year for any violation described in that clause.

"(3) NOT PROVIDING FOR WORKERS' COMPENSATION.—The employer has not provided the Attorney General with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a seasonal agricultural worker, and a labor certification with respect to such a worker, may be filed by an association representing seasonal agricultural employers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If such an association is a joint or sole employer of seasonal agricultural workers, the certifications obtained under this section by the association may be used for the job opportunities of any of its members requiring such workers to perform agricultural services of a seasonal nature for which the certifications were obtained.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual member of such an association is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the member, the suspension shall apply only to that member and does not apply to the association unless the Attorney General determines that the association or other member participated in, or had knowledge of and derived benefit from, the violation.

"(4) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—If an association representing agricultural employers as an agent, joint employer, or employer is determined to have committed an act that under subsection (c)(2) results in the suspension of certification with respect to the association, the suspension shall apply only to the asociation and does not apply to any individual member of the association unless the Attorney General determines that the member participated in, or had knowledge of and derived benefit from, the violation.

"(e) EXPEDITED ADMINISTRATIVE APPEAL OF SUSPENSION OF CERTIFICATION UNDER SUBSECTION (c)(2)—

"(1) Expedited procedures.—The Attorney General shall provide for an expedited procedure for the review of a suspension of certification under subsection (c)(2) or, at the applicant's request, for a de novo administrative hearing respecting the suspension. In the case of a request for such a review or hearing, the Attorney General shall provide that the review or hearing take place not later than 72 hours after the time the request is submitted.

"(f) HEARING DE NOVO BEFORE THE U.S. DISTRICT COURT.—

"(1) JURISDICTION.—On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Attorney General from suspending the complainant's certification under the program and to order the reinstatement of complainant's certification if it is improperly suspended. In such a case, the court shall determine the matter de novo and the burden is on the Attorney General to sustain his suspension.

"(2) PRECEDENCE OF CASES.—Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(g) MISCELLANEOUS PROVISIONS.—

"(1) AUTHORITY.—The Attorney General is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(2) APPROPRIATE DOCUMENTATION.—The Attorney General shall provide for such endorsement of entry and exit documents of seasonal agricultural workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(3) PREEMPTION.—The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State

or local law regulating admissibility of nonimmigrant workers.

"(h) DEFINITIONS.—For purposes of this section:

"(1) SEASONAL AGRICULTURAL SERVICES IN PERISHABLE COMMODITIES.—The term "seasonal agricultural services in perishable commodities' means services in agricultural employment including planting, cultural practices, production, cultivation, growing, and harvesting involving perishable commodities (as defined by regulations of the Secretary of Agriculture).

"(2) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means a nonimmigrant described in section 101(a)(15)(O).

"(3) CARIBBEAN BASIN.—The terms 'Caribbean Basin' and 'Caribbean Basin Countries' include those countries eligible to be designated by the President as 'beneficiary countries' under section 212(b) of the Caribbean Basin Economic Rocovery Act (19 U.S.C. 2702(b)).

"(i) ESTABLISHMENT OF NUMERICAL LIMITATIONS BY AGRICULTURAL EMPLOYMENT REGION.—

"(1) ESTABLISHMENT OF AGRICULTURAL EMPLOYMENT REGION.—For purposes of the administration of the program the Attorney General shall designate not more than 10 agricultural employment regions within the United States. The entire United States shall be encompassed by the area of all such regions.

"(2) NUMERICAL LIMITATIONS.—After considering the factors described in paragraph (3), if the Attorney General determines that seasonal agricultural workers are required for a month for an agricultural employment region, the Attorney General shall establish a numerical limitation on the number of nonimmigrant visas that may be issued for such workers for that month for that region, except until the end of the third year after the effective date of this Act, the Attorney General may not establish a numerical limitation on the number of such visas that may be issued at any given time in excess of 350,000.

"(3) FACTORS IN DETERMINATION.—In making the determination and establishing numerical limitations under paragraph (2), the Attorney General shall—

"(A) base the determinations and limitations on petitions filed under section 217(b)(1),

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A), and

"(D) consult with the Secretary of Agriculture.

"(4) NUMERICAL LIMITATIONS AFTER THREE YEARS.—The Attorney General shall establish at the end of the third year after the effective date of this Act, a numerical limit on the total number of seasonal agricultural workers to be admitted into all employment regions in the United States under the program at any given time. In establishing a numerical limit under this paragraph, the Attorney General shall—

"(A) consider petitions filed under section 217(b)(1) during the preceding years of the program,

"(B) take into consideration the historical employment needs of agricultural employers and the availability of able, willing, and qualified domestic labor,

"(C) take into consideration the recruitment efforts undertaken by the Secretary of Labor under section 404(d)(1)(A),

"(D) consult with Secretary of Agriculture, and

"(E) consider the recommendation of the Commission on Agricultural Worker Programs on a numerical limit as provided under section 124(c)(5).

"(5) CHANGES IN NUMERICAL LIMITATIONS IN EXTRAORDINARY CIRCUMSTANCES.—

"(A) INADEQUATE MONTHLY AND REGIONAL LIMITATIONS.—If—

"(i) a numerical limitation has been established under paragraphs (2) or (4) for a region for a month, and

"(ii) a petitioner described in section 217(b)(1) establishes that extraordinary and unusual circumstances have resulted in a significant change in the petitioner's need for seasonal agricultural workers specified in the petition or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the petitioner may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under paragraphs (2) and (4) to accommodate the circumstances.

"(B) DETERMINATION.—The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate monthly and regional numerical limitation. The Attorney General may expand the number of workers admitted into the region for which the application is approved by transferring seasonal agricultural workers from another region with a lesser need or by admitting additional workers from foreign countries. In the event the limit on the admission of seasonal agricultural workers for all regions in the United States established under paragraph (4) has been reached at the time the application alleging extraordinary and unusual circumstances is filed, the Attorney General shall follow the procedures in subparagraph (C).

"(C) INCREASE IN THE NUMERICAL LIMITATION ESTABLISHED BY THE ATTORNEY GENERAL.—If—

"(i) a numerical limitation on the admission of seasonal agricultural workers into all employment regions has been established by the Attorney General under paragraph (4) and

"(ii) a petitioner described in section 217(b)(1) establishes under the provisions of subparagraphs (A) and (B) that extraordinary and unusual circumstances require an increase in the numerical limitation, the Attorney General may provide for an increase in the appropriate numerical limitation in an amount not to exceed 20 percent of the total number authorized for admission into all regions. Any such increase authorized by the Attorney General shall terminate upon the end of circumstances requiring it and shall not result in a permanent expansion of the numerical limit established by the Attorney General under paragraph (4).

"(j) ENTRY OF SEASONAL AGRICULTURAL WORKERS.—

"(1) ANNUAL TIME LIMITATION.—An alien may not be admitted to the United States as a seasonal agricultural worker under section 101(a)(15)(O) for a period of more than nine months in any calendar year. An alien admitted under section 101(a)(15)(O) during any calendar year will not be eligible for readmission into the United States until he has returned to his country of origin for a period of 3 months.

"(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a seasonal agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term of condition of such previous admission.

"(k) WAGES AND WORKING CONDITIONS.—The Attorney General, in consultation with the Secretaries of Agriculture and Labor, shall establish through regulation appropriate wages and working conditions as will not adversely affect the wages and working conditions of United States workers similarly employed in the area of intended employment.

"(1) ALLOCATION AND USE OF VISAS UNDER THE PROGRAM.—

"(1) IN GENERAL.—Nonimmigrant visas for seasonal agricultural workers, within the numerical limitations established under subsection (i)(2), shall be made available as follows:

"(A) PREVIOUS WORKERS.—Visas shall first be made available to qualified nonimmigrants who have previously been admitted as seasonal agricultural workers and who have fully complied with the terms and conditions of any such previous admission, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(B) OTHERS.—Any remaining visas shall be made available to other qualified nonimmigrants.

"(C) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a seasonal agricultural worker is not entitled to a nonimmigrant visa as such a worker by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided a nonimmigrant visa as such a worker if the spouse or child also is a qualified as such a worker.

"(D) NO INDIVIDUAL EMPLOYER VISA PETITION REQUIRED.—An alien admitted pursuant to section 101(a)(15)(o) shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program.

"(E) NO LIMITATION TO PARTICULAR EMPLOYER OR CROP.—A nonimmigrant visa issued under the program shall not limit the geographical area (other than by agricultural employment region) within which a seasonal agricultural worker may be employed or limit the type of seasonal agricultural employment services, in perishable commodities, the worker may perform.

"(F) DISQUALIFICATION FROM FEDERAL ASSISTANCE.—A seasonal agricultural worker under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(G) ALLOCATION OF VISAS TO CARIBBEAN BASIN COUNTRIES.—The Attorney General, in consultation with the Secretaries of State and Agriculture, shall establish through regulations the allocation of visas to workers in specific countries under this section. A percentage of the visas issued shall be allocated to qualified workers in countries located in the Caribbean Basin.

"(m) TRUST FUND FOR PROGRAM ADMINISTRATION.—

"(1) ESTABLISHMENT.—The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration of the program and to provide a monetary incentive for seasonal agricultural workers in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this subsection.

"(2) PAYMENTS INTO TRUST FUND.—In the case of employment of a seasonal agricultural worker under the program—

"(A) EMPLOYER PAYMENT.—The employer shall provide for payment into the trust fund established under this subsection of an amount equivalent to 11 percent of the wages of the worker.

"(B) WORKER PAYMENT.—There shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to 20 percent of the wages of the worker.

"(C) WAGES DEFINED.—For purposes of this paragraph, the term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1954, except that for these purposes paragraph (1) of that section shall not apply.

"(3) USE OF AMOUNTS IN TRUST FUND.—

"(A) EMPLOYER PAYMENTS AND INTEREST.—Except as provided in paragraph (B), amounts paid into the trust fund, and interest thereon, shall be used for the purpose of administering the program.

"(B) WORKER PAYMENTS.—Amounts described in paragraph (B) paid into the trust fund with respect to a worker and interest thereon shall be paid to the worker if—

"(i) the worker applies for payment within 30 days of the last day of employment under the program (as verified by the Attorney General) at the United States consulate nearest the worker's residence in the country of origin, and

"(ii) the worker complies with the terms and conditions of the program, including the obligation to be continuously employed (or actively seeking employment) in seasonal agricultural employment in perishable commodities.

"(4) EXPANSION OF CONSULATES.—The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404 (8 U.S.C. 1101), as amended by sections 101(b) and 102(b) of this Act, is further amended by adding at the end the following new subsections:

"(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SECRETARY OF LABOR.—(1) There are authorized to be appropriated to the Secretary of Labor for each fiscal year, beginning with fiscal year 1986, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary services which might otherwise be performed by seasonal agricultural workers described in section 217, and

"(B) of monitoring terms and conditions under which such temporary and seasonal agricultural workers (and domestic workers employed by the same employers) are employed in the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS FOR SECRETARY OF AGRICULTURE.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1986, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under section 217.".

(d) PROHIBITING ADJUSTMENT OF STATUS OF TEMPORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8 U.S.C. 1255(c)), as amended by sections 113(a) and 122(e)(1) of this Act, is further amended by adding at the end the following new paragraph:

"(4) An alien (other than an immediate relative specified in section 210(b)) who entered the United States classified as a nonimmigrant under section 101(a)(15)(O).

(2) Section 248(1) (8 U.S.C. 1258(1)), as amended by section 122(e)(2), is further amended by striking out "(K) or (N)" and inserting in lieu thereof "(K), (N), or (O).".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) of this section apply to petitions and applications filed under section 217 of the Immigration and Nationality Act on or after the first day of the twelfth month beginning after the date of the enactment of this Act (hereafter in this section referred to as the "effective date").

(f) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(O) and 217 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(g) DEPORTATION OF SEASONAL AGRICULTURAL WORKERS FOR FAILURE TO BE EMPLOYED OR SEEK EMPLOYMENT.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or "; and

(2) by adding at the end the following new paragraph:

"(2) entered the United States as nonimmigrants under section 101(a)(15)(O) and failed to be continuously employed or actively seeking employment in seasonal agricultural employment in perishable commodities (as defined in section 217 (h)(1) in accordance with the usual and customary employment patterns and practices.".

(h) SENSE OF CONGRESS RESPECTING ADVISORY COMMISSION.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and the governments of other appropriate countries and advise the Attorney General regarding the operation of the seasonal agricultural worker program established under section 217 of the Immigration and Nationality Act.

(1) Conforming Amendment to Table of Contents.—The table of contents is amended by inserting after the item relating to section 216, as added by section 122(h), the following new item.

"Sec. 217. Seasonal agricultural worker program.".

Mr. WILSON. Thank you, Mr. President.

Mr. President, I rise this afternoon on behalf of an amendment that will sound familiar to Members of this body. It is virtually identical to what was debated at length on Thursday of last week with one single major substantive change, and that change is in response to what occupied perhaps half of the debate or at least half of the criticism leveled by the proponents of the amendment against it and has to do with the charge that in an effort to create a seasonal worker program, this amendment would leave virtually open-ended, virtually without limitation the number of workers that could be brought into the United States as temporary workers who harvest perishable commodities.

Mr. President, the single change, the major substantive change of which I speak is that there is in this amendment offered this afternoon a cap, a numerical cap limiting to 350,000 the number of workers who may be in the United States at one time as legal temporary workers for the harvest of perishable commodities.

Mr. President, as I say fully half of the debate last week was concerned with that.

Let us dispense with that. This is not open ended. For the first 3 years of its existence this new program will have that limit, 350,000. At the conclusion of the 3-year period, the Attorney General is directed by the amendment to determine whether that number of 350,000 is adequate, whether it exceeds need or whether it is less than need. But in determining what the new cap shall be, he is required to set a cap, considering stated objective criteria in the law, the first of which is the availability of domestic workers.

Mr. President, growers of perishable commodities are in a very risky business. They would prefer hiring domestic workers for reasons that are obvious. Indeed, they do hire those domestic workers who are available. The fact, Mr. President, is that the Senator from Ohio, a nice man, is flatly misinformed on this point. There is simply an inadequacy and has historically been inadequacy of domestic workers who were willing to do this kind of work. It is difficult work. It is hard work. Often it is done in hot weather. It is for that reason that those who receive rather handsome wages are entitled to do so. We make no pretense that they do not earn the money.

I see my colleague from the State of Washington wincing slightly. Perhaps he thinks I should not have emphasized that this is hard, manual labor. It is. These are not machine-picked crops. They are perishable commodities. They cannot be mechanically harvested as can wheat or other crops with which my colleagues are familiar. There are some 200-plus perishable commodities that must be picked by hand. When we say perishable, we are not talking about those that can ripen on a tree and remain there for perhaps a month without injury. We are talking about those that must be harvested immediately when ripe as a function of weather, not the certification by the Secretary of Labor, or the crop risks being lost.

Those who are concerned with this amendment in terms of its being a killer amendment, the thrust of the remarks of my colleague from Massachusetts I think should review a little history. They should consider what happened in the House of Representatives last year because we were being told that with this amendment this bill cannot become law because it will not pass the House of Representatives.

Mr. President, history teaches us that this bill passed last year by five votes in the House of Representatives, but the amendment, virtually the same amendment before us this afternoon without the cap, passed by 56 votes. It is entirely arguable that this measure would not have passed in the House of Representatives last year without the perfecting amendment that created or sought to create a seasonal worker program.

Mr. President, I rise on behalf of 53,000 small farm families—farms—who grow perishable commodities in this country.

These are not large corporate operations. They are small. In many cases, they are 20 or 30 acres. Virtually all are under 200 acres. But let me just say to those in the audience, those of my colleagues who last week voted against this measure because some of those family farmers had been misinformed and had expressed to them the fear that this legislation would take away the H-2 provisions upon which they depend: That is simply not the case. This legislation leaves untouched the existing H-2 provisions.

It is true that Senator SIMPSON's bill makes changes, and there is a need to streamline that unwieldly and from the standpoint of perishable commodities it is unworkable legislation. But for those who wish the H-2 process to continue, it continues to exist because this amendment makes no change in it. What it does is afford to those farm families a choice. They can either continue with H-2 if it has worked for them, or if they are dealing with truly perishable commodities, those which need to be picked immediately if they are not to be lost, then they have the choice of this seasonal worker program.

Mr. President, let me add one point here that I think has received inadequate response. The fact of the matter is this is a humanitarian change. I listened with almost wry amusement as those of good heart but little information seek to paint this in terms of a new bracero program. It is anything but that. Recently Congressman LUNGREN made headlines in southern California by visiting in southern California holes in the Earth that were the living places of seasonal workers who because they are illegal fail to take advantage of housing that is afforded them. They are afraid to go to housing that is provided for them by growers because they fear a raid by the INS.

Mr. President, no one should have to live that way. No one should have to live in that fashion seeking to make a decent living in constant fear of apprehension. Let me say that the differences between this and the Bracero Program of many years ago are numerous, obligations are imposed upon the employer, and rights are given to the workers that simply did not exist under the old Bracero Program. Housing or housing allowance is provided. That was never true under the Bracero Program, or at least if so, it was volunteered by the grower. This is mandated by law. Workers Compensation or other insurance is mandated by this amendment. None was mandated by the Bracero Program. Workers may not under this legislation receive an adverse-effect wage which is to say that they may not be paid any less than the prevailing wage which has to be above the minimum wage, so the charge that these workers will contribute to a worsening of economic conditions and worsening conditions for American counterparts is flat nonsense.

Mr. President, in the interest of time and because others wish to be heard on this measure, let me simply say it leaves intact the H-2 provisions and offers a new choice to growers. It affords decent working conditions to foreign workers who no longer will have to be smuggled into the country by coyotes who extract $1,500 per person, and then continue to extort more from them. It will allow the survival of an industry, and if Mr. METZENBAUM is concerned as indeed we all should be with the loss of jobs overseas, let me tell the Senator that the effect of the failure of this amendment will be that not only will growers move their operations out of the country, but what we will lose as well are the tens of thousands of jobs in the packing sheds, in the truck yards, in the wholesale and retail grocery markets all between the fields and the ultimate consumer—whose livelihoods depend upon the timely adequate harvest of perishable commodities—will depend on the success of this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from Wyoming has struggled and campaigned through at least three Congresses with skill, care, thoughtfulness, and wit to deal with a terrible and depressing national problem. The present system of immigration and naturalization has broken down almost completely. It is without effective control. It has resulted in the presence in the United States of millions of illegal aliens here to seek employment, and often as a result of being badly exploited, and living hand to mouth in an underground existence.

The cure which has been proposed by the distinguished Senator from Wyoming is a new law which offers better and more effective controls over our borders, deals with the problem of seeking of employment by illegal aliens by providing for sanctions against employers who knowingly hire and utilize them, and which also provides for amnesty for people who have effectively become Americans by being here for an extended period of time and by having contributed to our society.

The problem which the Senator from Wyoming and his bill have given to a number of Members in this body, myself and the Senator from California include, is that we represent a number of basic, distinguished, and hard-working American farmers who grow crops which are highly labor intensive and which cannot be harvested by the use of machinery.

At the present time, they are forced to use large numbers of these illegal aliens, some of whom are clearly mistreated, in order to keep their businesses literally in operation because of an immense lack of interest in this kind of occupation on the part of many citizens. And so the solution is this amendment.

Had the Senator from Ohio studied the issue more carefully, he would have recognized how eloquent were the statements he made a moment ago on behalf of this amendment. He spoke of the way the present system, the use of vast numbers of aliens, depresses working conditions not only for those aliens but for many citizens as well. He stated that our amendment seeks to allow 350,000 illegal aliens to work in the United States.

It does exactly the opposite. It seeks to allow 350,000 legal workers in the United States, subject to the protection of all of the laws of the United States and the various States if, and only if, it is determined by the Attorney General that citizens are unavailable for these jobs.

He speaks of the benefits provided by the present system, the huge corporate farms. He certainly is not speaking of the farms in my State or in the State of the distinguished Senator from California, where, almost without exception, these farms are small, very, very modest in size, and run by individual families.

The solution to the problems which the Senator from Wyoming seeks to solve is, of course, to encourage a better system, to prefer the hiring of

citizens, and to permit the hiring of aliens for this kind of work only when citizens are not available, and subject to all of the protections of the laws of the United States with maximum encouragement for these noncitizens to return to their countries of origin when their work has been completed.

That is precisely what this amendment does. It prefers citizens. It limits the number of aliens in any event. It provides for the protection of those aliens while they are at work. It is the only guarantee that the family farms which we represent will be able to harvest their crops and provide them for the good, for the betterment, of the American people.

I am disappointed or puzzled, Mr. President, in only one respect in this connection. The Senator from Wyoming is so thoughtful and has worked so hard on this proposal that I fail to understand why it is that he continues to oppose an amendment which is such a vital necessity to a measurable number of Senators from States represented in this body. Almost without exception our colleagues accept the statements of Senators about conditions and needs in their own States. We are thoroughly and 100 percent convinced that the system proposed in this bill will not work for our States. It will result in one of two undesirable consequences: either we will continue to have employers who violate the law, or we will have a large number of farms which simply have to go out of business. They simply will be unable to plant, to grow, and to market the kind of products they do at the present time.

The amendment is thoughtful. It is limited. It is full of protections. It prefers citizens. And, Mr. President, it should be accepted by the sponsors of this bill and by the vast majority of the Members of this body.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I rise in support of the amendment offered by my colleague from California and associate myself with the remarks of my senior colleague from the State of Washington. This amendment, which would establish a seasonal agricultural worker program for the perishable commodities industry, is vital for our States and a number of others.

As Governor of the State of Washington, I had many occasions to attempt to better the conditions of those who worked in the perishable commodities industry. We worked hard and with some considerable success at improving the housing, the sanitation, and the availability of workmen's compensation to those migrant workers, both American and aliens, guestworkers, who came to help harvest Washington's crops.

I visited those camps on a number of occasions and have for many years visited, talked with, and I think understand something of the problems of our orchardists, most of whom, as pointed out by my colleagues, are small farmers, small businessmen.

My colleague from Massachusetts suggested that somehow this would have the effect of throwing American workers out of an opportunity to have a job; that it would be an amendment that would in the worst interest of unemployed American workers.

Let me suggest to my colleague from Massachusetts that many of the unemployed in the State of Washington are in the timber industry and in the timber counties of our State. Those are located in the northwest corner of Washington, basically on the Olympic Peninsula.

In order for one of those unemployed workers to take advantage of 2 or 3 days of emergency harvest, they would have to travel over one toll bridge, one toll ferryboat ride, and 9 hours on the highway to get from their homes to this orchard for harvest.

You may not quite understand the distances in the West, but that is the equivalent of starting from Boston and going through Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland and arriving in Washington, DC, for 2 days of work. Hardly a practical idea.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. EVANS. Yes.

Mr. KENNEDY. Is the Senator suggesting that it is a shorter ride to come from Central America than to make that trip? I fail to follow the logic of the Senator's argument, saying that it is going to be a long trip for unemployed timberworkers. Is the Senator trying to suggest that it will not be a long trip to come from Central or South America to go up there for those 2 days of work as well?

Mr. EVANS. Many of these workers follow on from one crop to another. But it is not very practical for that man who has worked in the timber industry, who has lived all his life on the Olympic Peninsula, to start going from one crop to the next. If he chooses to do so, then I think this amendment does not do damage at all to that American worker. With the amendment adopted, the work would first go to American workers. It does not displace but it only augments the H-2 Program. It handles the problem. The legislation simply does not handle that emergency crop necessity when you get into a weather situation or another situation where even 72 hours is too long a period of time.

Mr. KENNEDY. Will the Senator yield?

Mr. EVANS. Yes.

Mr. KENNEDY. How is the worker in Mexico going to know what the weather is going to be in northern Washington? I have listened to the arguments out here that under the procedures which have been outlined in this bill, which is a 72-hour certification in the program, that that is not going to be capable of dealing with the problem because the weather is going to change, change in a matter of hours or days. How in the world is some agricultural worker going to know down in Mexico what the weather is going to be so he will know to go up there? This provision, unlike the H-2 provision, makes no survey about what the job needs are in those particular areas.

I know everyone wants to conclude on this, but I do want to mention that the figures I put in on unemployment rates were the unemployment figures for the agricultural workers in those areas and not the total State figures. They were supplied to us by the Department of Labor and the Department of Agriculture.

Mr. EVANS. Many of those who are classified as unemployed, of course, are unemployed for a portion of the year and are employed for a portion of the year. The portions of the year they are employed for are exactly those times of harvest. They are unemployed for the rest of the year.

I think the figures do not add up.

Mr. President, I think it is time to vote. I would suggest that those workers do not, as the Senator has stated, all come from Mexico.

They are on a migrant trail and are available at much quicker times and at much shorter distances than he suggests.

Mr. President, once again, I support the amendment offered by my colleague from California [Mr. WILSON] which would establish a seasonal agricultural worker program for the perishable commodities industry.

The amendment has been revised to address the key issue raised during the debate concerning the open-endedness of the proposal. The major criticism levied against the amendment was that without some sort of cap, a limitless number of guest workers would displace or domestic supply of labor.

The revision establishes a national cap of 350,000 on the number of temporary foreign workers allowed in the country at any one time for the next 3 years.

Adoption of the amendment is essential to the well-being of the perishable commodities industry. It is a unique industry and highly volatile to changing weather conditions.

The perishable commodities industry has relied heavily on foreign workers for approximately 50 years. Once the flow of illegal immigration has been stemmed there is no guarantee that adequate numbers of domestic workers will fill such jobs.

The amendment would supplement the H-2 Program. It would not replace

it. It is available only to those involved in the production of perishable commodities.

Time requirements of S. 1200 are unrealistic and unresponsive to the perishable commodities industry. Under the legislation, growers are required to predict weeks in advance how many workers they will need and when they will need them.

In the State of Washington, cherries represent a significant part of the perishable commodities industry. They can be harvested in less then 2 weeks. However, they can become unharvestable after a day of rainfall. Other examples include peaches, plums, and apricots. An unexpected hot spell can ripen these perishables in a matter of days.

H-2's existing 72-hour emergency provisions intended to resolve the need for workers earlier than anticipated is simply inadequate in light of the nature of the industry. This emergency provision is only available when the Department of Labor determines that a critical need exists. There is always the possibility that the Department of Labor couldn't render a decision within 72 hours.

Even if the Department of Labor made a decision within 72 hours the necessary paperwork, such as visas, documentation, and the employment contract would have to be approved. Foreign workers would also have to be recruited. It is highly unlikely that all this could be done within 1 week.

As I have mentioned, cherries are highly susceptible to rain. Last June in Washington State, farmers in the Yakima Valley had to triple their work force in a matter of hours because an impending rainstorm threatened the harvest. The crop would never have been harvested if the farmers used H-2.

The amendment has numerous safeguards: to participate in program, growers have to make a good faith effort to recruit domestic workers. They must also provide wages and working conditions comparable to those given domestic workers. They would not be able to depress wages and working conditions for domestic workers. Growers would also have to provide housing or a housing allowance to foreign workers as well as workmen's compensation or its equivalent.

The amendment has strong incentives to encourage foreign workers to return to their home countries by withholding a portion of their wages which would be returned to them through the U.S. Consulate upon their departure from the United States.

In conclusion, I must highlight that the revision to the Wilson amendment which caps the number of temporary foreign workers in the United States at 350,000 further clarifies that this is not an open-ended guest worker program. This cap should also be viewed together with the amendment's other safeguards. The Attorney General still has the authority to determine, in consultation with the Secretary of Labor, that there is an adequate number of able domestic workers to meet the needs of the perishable crops industry and thus no foreign workers will be admitted.

The pending amendment is essential to the well-being of the perishable commodities industry. I strongly believe it is equally essential to the interests of consumers and both foreign and domestic workers. It is consistent with our objective of immigration reform because it would provide both foreign and domestic workers with adequate protections and guaranteed rights.

I urge my colleagues to support this amendment as revised to the existing H-2 provisions of S. 1200.

The PRESIDING OFFICER (Mr. WALLOP). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have not participated in the debate today, so my remarks will be very short, because I think I have said what I intended to say as we dealt with this on the first go-round. Let me just state that we are told that this is a change, and it certainly is. The change is one that I think proves the point, that the amendment is a very large guest worker program.

Yesterday, there was discussion in the debate that many of you were not privy to because of the holiday we were recognizing. Nevertheless, it was a good debate.

We were told that the 350,000-person limit would only apply to a particular point in time in any month. The number of actual admissions in any calendar year could be much higher, particularly because not one of the workers under the Wilson amendment may remain in the country for longer than 9 months. I think it is important that we recognize the number of actual admissions in any calendar year will be much higher.

In addition, the cap of 350,000 only applies to the first 3 years of the Wilson program. After that, a section of the amendment kicks in and allows the Attorney General to set any limit he finds necessary—any limit he finds necessary—on the program.

When I asked that question, I was told, yes, the limit could be higher than 350,000 after 3 years. I believe that. That is the reason I have always resisted this amendment.

The amendment is directed allegedly to the perishable fruit industry, yet the irony of it is that there are people who have listened to this debate who somehow think that it has something to do with agriculture in their States, yet they come from States that use solely the H-2 Program, States that have never had any desire to use illegal, undocumented persons—or anybody illegal—are involved here, in this debate, as if this were critical to their State.

I could run through the list of States. I need not do that. I do not want to make any attempt to say that someone is not hearing correctly what we are saying. Let me say to my colleagues that there are 20 States that use the existing H-2 Program and have no desire to get into any other kind of program and they deal with perishable fruit. That is apples in the Northeast and apples in the Midwest. There is no requirement whatsoever to use illegal, undocumented workers in those areas because they use the H-2 Program. They have used it for years and it works. I have never had any problem trying to recognize California and their special needs or Washington and their special needs. What I have a lot of problem recognizing is why that should apply to the entire United States of America.

Again, without question, and we can get into semantics all we want to, but we are talking about an open-ended and broad-based program when we are told, as we were in the debate yesterday, yes, the limit could be higher and certainly will be higher after 3 years. And, indeed, it will. It is an extraordinary number. Please recall that in hearings we were told that there were 300,000 farm workers in California. A recent survey found 30 percent of them to be illegal.

All right, that is the case, and no one challenges that. Then California appears to need only 90,000 temporary workers if employer sanctions are passed.

Then please remember, as you hear other States enter the debate—Oregon, Washington, Arizona, Idaho—that they would also need foreign labor, and that is true. But their demand altogether would not equal California's. I think it is important that we remember that. There are many growers in that State that use the H-2 Program and have found that a very workable program.

So, here we are with the fact that the reason this Senator from Wyoming resists, in response to an inquiry, and opposes this amendment, and I appreciate the remarks of the Senator from Washington because I have had a deep admiration and respect for him—he has been a remarkable addition—both of the Senators from Washington have; both of them are an extraordinary addition to this place.

The reason I continue to resist the amendment is what we put into S. 1200. What we put into S. 1200 was, in essence, Panetta-Morrison revisited. If you will, go back and look at the original Panetta-Morrison amendment as it passed the House by a substantial vote—45 or 56-vote margin, something

like that—and then find out what happened in conference. We came back from conference and passed what had failed after 10 days, a Panetta-Morrison-Simpson amendment. That was voted on by Mr. PANETTA and Mr. MORRISON and Mr. SIMPSON. And that is exactly what is in S. 1200 word for word. It matches what I have always said.

I could never satisfy the perishable fruit growers. "There ain't no way." Anything I would do, they would vote against. Anything I would propose, they would reject, and they have. I hate to get down into that kind of attitude. It is not one of petulance, because to me, this is not a killer amendment. I do not perceive it as that. I perceive it as a difficult thing to deal with in conference; you betcha. It is going to be that. Especially when the chairman of the House Judiciary Committee has already made his statements about foreign guest worker temporary programs. It is going to be tough to deal with. Anybody who is in favor of immigration reform had best see that.

But it is not a killer amendment. I do not spend my time legislating with high drama; I try to use facts. But I can tell you, Mr. President, that the amendment will make it extremely difficult to deal with. The irony of it is, should it pass, that we have then disregarded exactly what we did in S. 1200, which is Panetta-Morrison-Simpson, which came out of the conference that failed. So we are going to find out that we have gone to a grower certification instead of a Government adjudication of the growers' needs.

We have no labor certification or adverse-effect wage test before the Wilson worker is admitted. We have no method to decrease the size of the Wilson program, and that is a feature specifically suggested by most thoughtful people on the issue.

Then the final curiosity is that what we provided in S. 1200 was all done for the perishable fruit people. And what did we do for the perishable fruit people? I can tell you what we did for them. Let us just review that so we see it.

We gave them a seasonal worker program, and it was limited. So what does it do? It was designed specifically to address the express concerns of the growers of perishable commodities. What we did for them was this: We gave them a 72-hour labor certification of U.S. workers. If the U.S. workers show up and are not qualified, they have a 72-hour labor certification.

We gave them a 72-hour admission procedure if the promised U.S. workers do not show up at all. And we gave them a certification in the case of changed climatic circumstances.

Then we gave them a procedure to allow those H-2 workers to remain in the country for a brief period of time after the expiration of their contract in order to respond to emergency situations. That is what we did in S. 1200.

It was not enough, and whatever we would do would not be enough.

Let me conclude my remarks: It was said, and I know you all heard—at least, if not, I would refresh your memory—that indeed we are going to find higher numbers than 350,000 per year. We are going to find in the event that this amendment is going to allow an increase in the cap or the Attorney General's cap in the event of extraordinary or unusual circumstances. The elbowroom in this bill to provide for that is very real. The amendment is a continual squeeze on the Attorney General. If one were wearing such a cap as has been described as an item of apparel, it would be mashed, to say the least. That is exactly what will happen to it.

A final comment. Some say, as it was said about the H-2 Program—and magnificently expanded and streamlined as we did in the conference and then in S. 1200—that "no perishable commodities grower can predict his date of need 65 days in advance." That has been a rather significant theme. This is true for some commodities. That is why even the current H-2 Program, regardless of this bill, allows a grower to slow down the arrival of H-2 workers 9 days or earlier before his date of need. Even the most extraordinarily active perishable grower starts to have an excellent idea about when the harvest will start. The current users of the H-2 Program commonly predict their date of need early and then they slow down the arrival of workers if necessary.

And so in S. 1200 the H-2 Program would retain all of that flexibility and allow for improvement. What is does not obtain apparently is the willingness of those in the perishable food industry to use the H-2 Program, and I do not blame some of them; they have had to deal with Departments of Labor in all administrations that tried to drive them goofy; they put it on them and took it away from them and dangled it at them. But that was previous Secretaries of Labor in all sorts of administrations with all sorts of philosophies. They managed to scotch it, to make it tough, make them sue and put them through the hoops. And that is why we have this flexibility, to allow for improvement. And again the cap on the Wilson program is less firm than it appears, I can assure you, Mr. President. That has already come out in the debate. And yet the flexibility of the H-2 Program, the streamlined, new H-2 Program under S. 1200 is much more significant than ever characterized by its critics.

So with that, I think Senators want to pay careful attention to the fact that they are going toward, in my mind, huge numbers of foreign workers in the United States. I am not going to call it a return to the bracero program, but I am going to say that it is a return to something we have not had since the late fifties and sixties. That is the peril of the amendment. Forget what we do with it. I assure Senators that the reasons I resist it are very clear to me. But where does it all stop?

Of all the constituent groups that grapple—and there are plenty of them and I have grappled with all of them. I feel like Hercules with the multiheaded Hydra. I have grappled with them all—there is no way to satisfy the perishable fruit growers. I can accommodate American Hispanics, I can accommodate the American AFL-CIO, I can accommodate the American Farm Bureau, I can accommodate even the ACLU. I can accommodate employer groups, Chambers of Commerce, I can accommodate and work with almost everybody in the whole spectrum of immigration reform, but there is one group that will never ever, ever be satisfied and will wait in the wings. If this passes, it will not be enough; they will do a number on the House one more time. That is the stuff Senators are dealing with when they get to this crew. They are heavy hitters; they spend big bucks, and they are quite effective, thank you.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I will take 30 seconds.

I hope they are effective. I hope they are as effective as the Senator from Wyoming. I think he has earned their respect. I will only tell him that survival makes people try very hard to win, and that is hanging in the balance, survival. I join with those asking for the vote.

Mr. SIMPSON. Mr. President, I agree with that totally—survival does activate the glands, but let me tell you what activates it more—greed. That is exactly what we have, because I tell you what is going to happen when you do not get immigration reform and it all gets hung up in the shoals. You are not going to find anything acceptable to the perishable fruit growers. You are going to find exploitation deluxe. You are going to find the status quo. At least that is one thing they deal with in their midnight chambers, the status quo. And I know because I have talked with them and shared some time with them, Democrat and Republican alike. They say, "SIMPSON, this just can't go on, but this we need, and that we need. Oh, yes, you are right, it cannot go on."

Well, that is what is going to go on. Then I will be here. And I assure you, Mr. President, as we gear up for whatever it is—I did not seek this job, but

whatever it is we gear up for in future years, if we do nothing, then at least I want them to know that I will be glad to listen again to whatever they have to propose and see where it is that eventually they may be willing to deal with the realities of the game. It is not survival but greed.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ZORINSKY (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from North Carolina [Mr. EAST]. If he were present and voting, he would vote "yea." If I were voting, I would vote "nay." I therefore withhold my vote.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—51

Abdnor	Gore	Mitchell
Armstrong	Gorton	Murkowski
Baucus	Gramm	Nickles
Bentsen	Hatch	Nunn
Boren	Hawkins	Pryor
Boschwitz	Hecht	Quayle
Bumpers	Heflin	Riegle
Cochran	Helms	Rudman
D'Amato	Hollings	Sasser
DeConcini	Humphrey	Specter
Denton	Kassebaum	Stevens
Dole	Laxalt	Symms
Domenici	Leahy	Thurmond
Evans	Lugar	Trible
Exon	Mattingly	Wallop
Garn	McClure	Warner
Goldwater	McConnell	Wilson

NAYS—44

Andrews	Ford	Melcher
Biden	Glenn	Metzenbaum
Bingaman	Grassley	Moynihan
Bradley	Harkin	Packwood
Burdick	Hart	Pell
Byrd	Heinz	Pressler
Chafee	Johnston	Proxmire
Chiles	Kasten	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerry	Sarbanes
Danforth	Lautenberg	Simon
Dixon	Levin	Simpson
Dodd	Long	Stafford
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Zorinsky, against.

NOT VOTING—4

East	Inouye
Hatfield	Stennis

So the amendment (No. 614) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO VITIATE YEAS AND NAYS

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The question is on the first-degree amendment.

Mr. SIMPSON. Mr. President, I believe there was a motion to accept the yeas and nays on an underlying amendment, which I believe the Senator wishes to vitiate.

The PRESIDING OFFICER. The yeas and nays have been ordered on the underlying amendment.

Mr. WILSON. Mr. President, the Senator from Wyoming is correct. I ask unanimous consent to vitiate the request of the yeas and nays.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The question recurs on the amendment. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California (No. 616).

The amendment (No. 616), as modified, was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, for the benefit of my colleagues, it would appear that we have perhaps one other amendment that would require a rollcall vote. That is the amendment of the Senator from Michigan [Mr. LEVIN]. We will know shortly on that. Then there will be an amendment of the Senator from California on reimbursement on which we have reached an accord. That will be accepted. Then there will be an amendment of Senator HEINZ which is still pending with regard to Social Security. I still await some disposition of that which may yet come. We shall see.

Mr. MOYNIHAN. Mr. President, will the distinguished assistant majority leader yield for a question in way of an observation? If the amendment of the Senator from Pennsylvania is called up and is made a rollcall vote, there will be an amendment offered in the same area from this side by the Senator from New York.

Mr. SIMPSON. Mr. President, at this time I am not certain as to whether the amendment of the Senator from Pennsylvania will be presented.

Perhaps I should yield to the majority leader, my colleague. It is obviously something that does not have very much to do with immigration reform. Yet it is something that the Senator is deeply desirous of having a rollcall vote on in a timely fashion. But as far as the immigration bill is concerned there is an amendment by the Senator from Michigan [Mr. LEVIN]. I believe we can then move on to final passage. We have already outlined a window from 6:30 to 8:30 this evening. So I yield to the majority leader. That is the status of the immigration bill.

Mr. DOLE. Mr. President, it is my understanding that there would be a lengthy discussion if in fact either side offered Social Security amendments. I am not certain whether that is the case or not. Obviously, it would be my hope that we could set aside Social Security amendments on the immigration bill, and maybe agree to have some freestanding debate on this issue. But if that is not the case, then I think I am not certain what the distinguished senior Senator from Louisiana has in mind. But he indicated earlier today that he would like to be heard. So if we can complete action on the bill by 6:30, including final passage, then we would go to the Superfund legislation for a couple of hours with no rollcall votes.

There would be no additional rollcall votes after we complete the immigration bill. But if we do not complete the immigration bill by 6:30 then we have a 2-hour window where we can take up amendments on Superfund. That can be dealt with, without a rollcall. And then we can come back at 8:30, go back on the immigration bill which essentially at that time I guess would be the Social Security amendments unless something else is offered such as South Africa, trade, debt ceiling, prayer, abortion, or some of the other areas that are germane to immigration. [Laughter.] Maybe just a package deal would be all right.

So hopefully we can dispose of the immigration bill by 6:30, if that is of any comfort. It probably is not.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, for the purpose of the proceeding, I ask unanimous consent that the pending amendment be temporarily laid aside for the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 628

(Purpose: To provide for the status of aliens before legalization)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DECONCINI, and Mr. BENTSEN, proposes an amendment numbered 628.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 93, between lines 7 and 8, insert the following:

(k)(1) The Congress finds that because equities exist in a certain group of persons who, while at present in the United States illegally, arrived prior to January 1, 1980, this Act provides the prospect for legalization for such group of persons who meet the eligibility requirements of this Act.

(2) It is not the purpose of this Act to deny employment or to otherwise prevent such group of persons from qualifying for legalization.

(3) Notwithstanding any other provision of law, the Attorney General shall prescribe regulations to permit any person who would be eligible for legalization under section 202 to remain in the United States and to engage in employment until the end of the application period described in subsection (a)(1).

Mr. LEVIN. Mr. President, in addition to Senators DECONCINI and BENTSEN, I ask unanimous consent that the name of Senator BINGAMAN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have basically reached a conclusion in this bill, although we have not finally adopted it yet, that we are going to delay the legalization process for 3 years. We have a fairly narrow identified group of people who are here illegally, who have been here since before 1980, and we have said in the bill as it now stands that we believe that these people should be eligible for legalization. They have to wait 3 years. We have decided not to speed up that process. We decided, by defeat of the Kennedy amendment, that the legalization process should begin in 3 years. But the sanctions that are in this bill for hiring people who are here illegally begin in 6 months.

So we have a very unusual anomaly in this bill. We have a situation in which people who are going to be eligible for legalization, in this bill, rightly or wrongly, who are going to be eligible for legalization because they have been here long enough, are still not going to be hireable, cannot be hired legally, during this 3-year interim period.

The anomaly is this: What is going to happen to people who are eligible for legalization while they are waiting? Can they be hired legally? Are they going to be deported, although they are eligible for legalization 3 years down the road?

I cannot believe that it is the intention of this bill that we are going to make it illegal to hire somebody whom we are going to legalize a few years down the road. I cannot believe that we want to hold out the promise of legalization to people and then—that promise for many who cannot be hired.

This bill has reached a balanced compromise position. We have told a group of people who are here long enough to establish roots and have some equities, "You are going to be eligible for legalization. Wait 3 years."

In the name of common sense, we cannot then make it illegal to hire those people in this interim period. Common sense dictates that once we have reached the conclusion that they are going to be eligible for legalization, we not then take back what we already have given by saying, "But you can't work while you're waiting."

Mr. CRANSTON. Mr. President, will the Senator yield for a question?

Mr. LEVIN. I yield.

Mr. CRANSTON. Mr. President, I think the Senator has made a very eloquent and compelling case for the amendment. The bill, in its present form, would put people in limbo, where they are promised legalization and cannot work, and it would work a great injustice upon them, and upon their present and prospective employers, who might face new sanctions for hiring them.

My question is this: Would it not also work an injustice on taxpayers, because without being able to maintain employment those people would then probably go on welfare, and those costs for the public would be created?

Mr. LEVIN. That possibility is a very real one, and I thank the Senator for pointing it out.

There are many reasons not to put these people, this limited specific group of people we have identified, who have equities, into a never-never land, into a limbo world, where we say, "You are going to be eligible, but you can't be legally hired." We should not do it. In the name of common sense, we should not do it. In the name of consistency in the bill, we should not do it. In the name of fairness, we should not do it.

I am delighted, by the way, that a number of groups, including the Bar Association, have indicated support for this amendment.

One other word about this group of people: The Commissioner of Immigration and Naturalization has said, according to the New York Times of September 10, that "persons with more than 5 years of illegal residence in the United States would appear to have demonstrated a type of commitment" to this country needed to qualify for legal resident status.

That is the compromise we have reached. We have said:

If you have been here long enough to put down roots and to have this kind of contact with this country; if you have been here before 1980; if you have been here consistently since, we are going to make you eligible for legalization.

In the name of common sense, we should not create this state of limbo, this never-never land, where people whom we have decided are eligible for legalization are not legally hired.

This amendment does not seek to set forth the black-letter law as to how we should solve this anomaly. Instead, it directs the INS, by regulation, to provide that people who are going to be eligible for legalization should also be legally hired and not be subject to deportation.

Mr. President, I do not know that we have a time agreement, except informally. I indicated to the majority leader that I thought we could utilize 15 minutes, and I believe that the Senator from Arizona wants to use part of the time. Unless Senator SIMPSON wants to speak now, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I thank the distinguished Senator from Michigan.

Mr. President, I urge support for the Levin-DeConcini amendment to the Immigration Reform and Control Act of 1985. The amendment is necessary in order to achieve the stated purpose of the bill—to provide a humane approach to immigration reform.

I am as uncomfortable as anyone else in the United States with legalizing those who came to the United States illegally. I do not believe in rewarding lawbreakers or ignoring violations of our immigration law. It is my firm conviction that if this legalization is enacted, it will never be repeated. Let those who would seek to take unfair advantage of our generosity and humanity be forewarned. We will not repeat this extraordinary gesture.

But, Mr. President, in taking this step of legalizing those illegal aliens with the most equity and roots in the United States, we must be both fair and thorough. I believe we must admit that in the past we have done a very poor job of enforcing our immigration laws. Our failures in this regard have occurred for many reasons. Our policy of enforcement at our borders and our ports of entry has been lax and capricious. We have failed to enforce the terms of our visas for students and tourists. We have allowed several industries in the United States to become dependent on the employment of illegal aliens. All of these factors

have contributed to the present situation of an estimated 5 to 12 million people being in the United States illegally. We cannot and should not attempt to deport all of these people. I do not believe we have the resources or the will to implement massive national enforcement sweeps and deportations.

This legislation attempts to attack the illegal immigration problem in a new way. We would remove the economic magnet that draws people to the United States by denying them jobs. Although, I believe that this approach will increase discrimination against Hispanics and others of recent foreign ancestry, I think that if we are going to try this approach we should couple it with an inclusive legalization program to start the sanctions with a clean slate.

I support Senator LEVIN's efforts to see to it that those with reasonable expectations of being eligible for the legalization program are not subject to arbitrary and capricious apprehensions and deportations. I believe it is unfair to subject individuals who have already been continuously in the United States for at least 6 years to what amounts to the luck of the draw. A chance encounter with a Federal immigration official or State or local law enforcement officer would lead to denial of eligibility for a program that would have already been passed by Congress and that would appear in the laws and statutes of the United States.

The circumstances would also change under this bill for those with reasonable expectations of being eligible for the legislation program. Not only would the sanctions be in effect denying them the opportunity to work, but now to be eligible they should have to avoid detection of 9 years rather than 6.

Mr. President, the Levin amendment is an integral part of a human immigration reform policy. I urge all of my colleagues to resist the temptation to punish and penalize those who have come here illegally. I urge them to start the sanctions, if that is their decision, with a fresh start of immigration policy. Let us not implement a program of round-ups and deportations simply to deny those with the firmest roots in the United States the opportunity to become Americans.

Mr. President, I hope the Levin amendment can be adopted because it makes eminent sense. It is a fair approach. It really is granting voluntary status to those who can show that they have been here since 1980. I know it is the intent of the sponsor of the bill, Senator SIMPSON, that the Commission will in fact legalize these people some period of time during that 3 years. It seems to me a reasonable approach to adopt this amendment.

Mr. SIMPSON. Mr. President, let me quickly state the position of this manager. The Senator from Michigan, in his most extraordinary and unique way, has riveted upon a tough situation. I wish that perfection were part of immigration reform legislation. It is not. It reflects the human condition. We know more about our imperfections than we do our perfections. I know what he is trying to do, but let me tell you, Mr. President, that this amendment will greatly weaken the concept of triggered legalization. There is no question it cannot do anything else.

And that is what the Senate accepted on Friday by a vote of 65 to 26, the concept of triggered legalization. What it would do is effectively begin legalization immediately. There is no other way do describe it. It would begin legalization immediately by giving certain apprehended aliens the right to stay in the country and legally engage in employment. That is why we have appointed a legalization commission. That is why we have strived toward a triggered legalization.

This amendment also obviously requires some kind of entire adjudication by the INS on every apprehended alien who claims to qualify for legalization. The INS should provide nothing less to those people if they are to receive a benefit of legal stay and work authorization that could last for up to 3 years.

The potential for abuse in this provision is tremendous, and that statement, ironically, is as well intentioned by this Senator as anything I would do that would appear to be mean spirited. There is not any question about the potential for abuse. If every alien apprehended claims eligibility, the INS would not have sufficient facilities to detain them while their claim was being adjudicated. We would have to parole aliens out of detention while adjudicating their claims. It would be effectively releasing the people you just apprehended. If an illegal alien is released, you may be assured that it is unlikely you will see that illegal person again.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. SIMPSON. So we have the legalization commission designed so that the legalization will start once the new enforcement starts to take effect. Thus, if the enforcement is effective, the legalization will be triggered and these folks will be protected. If the enforcement continues to be ineffective, these folks will not be at risk because of the ineffectiveness of enforcement.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. SIMPSON. Yes.

Mr. DECONCINI. Is it the position of the Senator from Wyoming that because of our very lax enforcement now, if this bill is adopted and becomes law with the Commission without the Levin amendment, these people do not have to worry about it because they are not being picked up now and they will not be picked up then? Is that the defense for not trying to do something for them?

Mr. SIMPSON. Mr. President, that is a likely possibility.

Mr. DECONCINI. So we are at risk that we will continue the lax enforcement policies. Does it not make sense to the Senator from Wyoming to try to not have the pressure on any greater enforcement but to grant some kind of a direction to INS on how they ought to proceed? I think that is all the Senator from Michigan is suggesting.

Mr. SIMPSON. Mr. President, I know what the Senator from Michigan is seeking, and it comes from the spirit of the man. But we are dealing with people who are here illegally. They came to the United States illegally. They knew the risks, and they are here, and that is where we are in the United States. That is never going to change. I wish it were not that way but it is that way. We are dealing with an illegal population and we are saying to them—and I can pledge and have—we hope that enforcement does get up to speed because the minute it does, we are going to trigger legalization. That seems to be a concept embraced in this Chamber. That is what I am for. That is what the Senator from Arizona is for. That is what we all are for—when enforcement is in place and working and functioning, that we will trigger legalization. At that point, these people will no longer be at risk. That is what I am up to. And there are going to be persons who are here illegally, who knew the risks, who are not going to receive the extraordinary benefits of U.S. citizenship. That is just the way it is. I wish it were not that way. They will not even receive the extraordinary benefits now of permanent resident alien status. I wish that were not the case but that is the way it is.

Mr. SYMMS. Will the Senator yield for a question? Does the Senator care to speculate from what areas of employment most of these people will be deported if he prevails and the Senator from Michigan loses?

Mr. SIMPSON. Mr. President, I can show you where we find illegal undocumented persons in employment in the United States, and remember that the vast majority of persons who are apprehended as being illegals are in a procedure called voluntary departure. Ninety to 95 percent of them leave the United States voluntarily.

Mr. SYMMS. It appears that without the Levin amendment, what will happen is the INS will go out and round up a few people, they will get thrown out and the others that they

do not find will be fortunate enough to eventually become legal residents of the United States. It is highly discriminatory, it appears to this Senator, without the Levin amendment.

Mr. SIMPSON. Mr. President, on the border of the United States is where a great number of apprehensions take place, and the voluntary departures take place in the border area of the United States. But if the Senator from Idaho is speaking about the use of illegal undocumented persons or where they are or what industries, I can tell him that they are in assembly lines and agriculture and service industries, and they are in the internal part of the United States. The largest interior population is in Chicago, IL. A great number of El Salvadorans and Mexican illegals are in that area. The greatest majority of apprehended aliens have been in the United States less than 2 years; 70 to 90 percent of them have been here less than 2 years. Most are apprehended coming into this country.

The INS has told us—and I think shared it with Senator Levin—that they are not going to be conducting sweeps or roundups in residential areas in the interior of the United States. That is not their policy. They are not doing that now, nor are the resources available to them to do that. That is the situation with regard to this issue. When legalization is triggered, protections are provided for those who may apply. That is what this bill says. However, legalization is not triggered until the effective enforcement is in place; otherwise, the legalization will simply draw in untold numbers of additional persons and illegal aliens. So until there is effective enforcement, there will be much risk to these people who have been here for more than 5 years, have equity, have U.S. citizen children. We are not really doing much deporting of illegal undocumented persons who have U.S. citizen children.

We do not do that. We are not that kind of country. That is why we are gummed up in illegal immigration as we are. We do not like to do those things. But after there is effective enforcement, the legalization will be triggered.

We have loaded the Commission. You could not have a more loaded Legalization Commission, all of them committed to the issue. All of them must be from the ranks of those who favor legalization. And those people will be, then, protected.

I wish there were some other way to describe that, but there is no other way to describe it and it is sad. That is the way it is.

Mr. LEVIN. Mr. President, first, I thank my friend from Wyoming for his kind words.

The issue here is indeed a question of whether it makes sense to say that people are eligible for legalization tomorrow but that they cannot be hired today. That is the question. The tomorrow happens to be 3 years, but sanctions kick in 6 months. So during that 2½-year period, that maximum 2½-year period, between the time sanctions kick into place and the last time that we can begin the legalization process, we have a never-never land. We have employers who cannot hire people, although they are going to be eligible for legalization. We do not want sanctions to apply to employers, for heaven's sake, for hiring people who are going to be legal a month or a year, no more than 2½ years out. It does not make sense to do that.

My friend says we cannot be perfect, and he is right. And he has tried hard, and I know this, in taking on an enormous load, to make the effort to be as perfect as we can be. But we can improve the bill, even though we cannot achieve perfection. We surely did improve the bill. We can make it consistent internally.

Two new things have been added to the bottom line point the Senator adds. He says the bottom line is these people are here illegally. That is true. But the bill has decided that people who have been here since before 1980 are going to be eligible for legalization. That is a new, critical fact. And it makes no sense to tell people who are eligible for legalization, who the chief sponsor of the bill says should be eligible for legalization, it makes no sense to tell employers and employees alike that it is going to be illegal to hire those people that this bill says are going to be eligible for legalization. That is the new fact, that plus the sanctions going into effect. We have a new fact here.

It seems to me that the only logical way to avoid this terrible never-never world that we are going to create for that 2½-year period would be to tell the INS that they provide a means so that people who are going to be eligible for legalization should also be eligible to be hired.

I thank Senator DECONCINI for his support, Senator BENTSEN, and Senator BINGAMAN. And I also again commend my friend from Wyoming. He has taken on an extraordinarily difficult burden and I do not know of too many Senators who would be willing to carry the burden he has carried on this bill. I think he has done an extraordinary job in a very difficult area. I do think we can improve it by the adoption of this pending amendment.

Mr. KENNEDY. Mr. President, I shall take just a moment to urge the Senate to accept the amendment of the Senator from Michigan. I think the best way to deal with this particular problem is to put on the same track employer sanctions and the legalization program. We have debated that issue earlier. The Senate has made a decision on it. But for some reason, we have a skewed situation so that employer sanctions go in at one time and legalization at a different time. The amendment of the Senator from Michigan is just saying, let us not do an injustice to those individuals who are eligible for the legalization program.

I think the case for this amendment has been effectively made the voluntary agencies deeply concerned over the status of these undocumented aliens, and I ask unanimous consent that their statement in support of the amendment be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, I do think it makes sense and does not provide too much of an administrative burden. I think it is an important correction if this amendment is accepted and I hope that we accept it.

EXHIBIT 1

NATIONAL OFFICE
MIGRATION AND REFUGEE SERVICES,
Washington, DC, September 16, 1985.

DEAR SENATOR: We write to you as organizations involved in immigration affairs to urge your support for an amendment sponsored by Senator Carl Levin to S. 1200, the pending Immigration Reform and Control Act, as well as an amendment potentially to be offered by Senator Howard Metzenbaum to reduce the period of time between enactment and the start of a legalization program.

These amendments are of fundamental importance to our constituencies. Under S. 1200, there will be a legalization program three years after enactment, or sooner if "triggered" by the Legalization Commission established in the bill. The Levin amendment in particular provides for an essential protection from deportation to undocumented persons who would clearly qualify for legalization, and who are apprehended prior to the official start of this program.

This amendment is required for the following reasons:

(1) Without it, qualified potential legalization applicants, if apprehended, will be deported before they even get a chance to apply for legalization. As the Committee Report on S. 1200 states, such qualified individuals would be offered by INS only "the choice of immediately leaving the United States or being placed in deportation proceedings." (p. 49) In fact, absent legislation to the contrary, INS has little choice but to deport legalization-qualified individuals before the legalization program begins.

(2) The amendment eliminates unnecessary disruption in employment. Without the amendment, legalization-eligible undocumented persons long employed in the U.S. can be removed from their jobs in the service industry, in agriculture, or in whatever sector they may be employed, and can then be deported. To uproot such individuals at this time would cause tremendous disruption in the lives of many, many people.

(3) The amendment avoids the waste of limited INS resources in the deportation of individuals who are going to qualify for legalization anyway. As the Committee Report notes, one of the reasons for the le-

galization program in the first place is that the U.S. is "unlikely to obtain as much enforcement for its dollar if the Immigration and Naturalization Service attempts to locate and deport those who have become well settled in this country, rather than to prevent new illegal entry." (p. 16)

It has been argued that to continue such deportation after enactment would simply be "business as usual." This ignores the fact that the whole purpose of S. 1200 is to alter significantly the conduct of immigration affairs. Upon enactment of S. 1200, *at least* two major new additions will be added to the immigration landscape: employer sanctions and legalization. The individuals who might benefit from Senator Levin's amendment, contrary to the status quo, would feel the additional enforcement pinch of employer sanctions should they lose or wish to change their jobs. But, in addition, the existence of an impending legalization should govern the treatment of those who would likely qualify for it.

The Levin amendment is not an early acceptance program for legalization. Its beneficiaries are conferred no permanent status by the measure. Once the legalization program formally begins, they will be subject to the same scrutiny and requirements as any other legalization applicant.

We urge your strongest support for these vital amendments.

Sincerely,

United States Catholic Conference, Church World Service of the National Council of Churches, Hebrew Immigrant Aid Society, American Civil Liberties Union, National Hispanic Bar Association, National Conference of Black Lawyers, Arizona Farmworkers Union, Mexican American Legal Defense and Educational Fund, National Council of La Raza, American Immigration Lawyers Association, Lutheran Immigration and Refugee Service, League of United Latin American Citizens, World Relief of the National Association of Evangelicals.

Mr. SIMPSON. Mr. President, I think we can go to a vote. I really appreciate the comments of my friend from Michigan as he speaks about things that do not make sense in immigration reform. I can tell him they really do not.

It does not make sense to leave 2 to 12 million people in an illegal status in the United States and we do that every time we duck this issue. Who is helping out there? Two to twelve million people and the conflict is heavy. Two to twelve million people are holding the sack and they have been holding it for 4 years in the United States of America. That does not make sense at all. It sure does not to me. That is really never-never land.

It is a wretched, tough situation, but immediate legislation is not going to solve the problem in this instance. I respectfully urge that we reject the amendment.

I shall move to table when the Senator has concluded.

Mr. LEVIN. Mr. President, let us make sure that we understand this does not provide for immediate legalization, it does not change the status of those people in any way. It just provides that the INS should, by regulation, make sure that we do not do something inconsistent with the left hand that we decided to do with the right hand when we decided that folks should be eligible for legalization in 3 years.

I thank my friend from Wyoming and I thank also the Senator from Massachusetts for his support.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator HATFIELD be added as a cosponsor.

The PRESIDING OFFICER. Withoug objection, it is so ordered.

Mr. SIMPSON. I move to lay the amendment on the table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Michigan. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced yeas 54, nays 41—as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—54

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Boschwitz	Hawkins	Pressler
Burdick	Hecht	Proxmire
Byrd	Heflin	Quayle
Chafee	Heinz	Roth
Chiles	Helms	Rudman
Cochran	Hollings	Simpson
Cohen	Humphrey	Specter
D'Amato	Johnston	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Thurmond
Dole	Long	Trible
Durenberger	Lugar	Wallop
Evans	Mathias	Warner
Ford	Mattingly	Weicker
Garn	McConnell	Zorinsky

NAYS—41

Baucus	Boren	DeConcini
Bentsen	Bradley	Dixon
Biden	Bumpers	Dodd
Bingaman	Cranston	Domenici
Eagleton	Kerry	Packwood
Exon	Lautenberg	Pell
Glenn	Leahy	Riegle
Gore	Levin	Rockefeller
Gramm	Matsunaga	Sarbanes
Harkin	McClure	Sasser
Hart	Melcher	Simon
Hatch	Metzenbaum	Symms
Kassebaum	Mitchell	Wilson
Kennedy	Moynihan	

NOT VOTING—5

East	Inouye	Stennis
Hatfield	Pryor	

So the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have consulted with a number of Senators on both sides of the aisle and I think the program for the rest of the evening is that there will not be much of a program. There will be no more rollcall votes. It is my hope that the distinguished manager of the bill might be able to complete action on immigration amendments. Then we could go on to the Superfund for 20 or 25 minutes as there are four or five amendments that can be agreed to rather quickly. Then we could go out until 9:30 a.m. tomorrow morning. That would leave pending the amendment by Senator HEINZ, a sense-of-the-Senate resolution on taking Social Security off budget.

It would be my hope that we could save the Social Security amendments until we get to the debt ceiling, which will not be but another 10 days. I understand the distinguished chairman of the Finance Committee is not excited about that possibility but he would not be surprised if he had an amendment or two on the debt ceiling.

Hopefully, both Senator HEINZ and Senator BUMPERS might be willing to hold their fire on Social Security for another day and permit the managers, who have done an outstanding job on the immigration bill, to go to third reading tomorrow morning. We will set a time for the vote on final passage of the immigration bill and then go back to the Superfund.

There will be no more rollcall votes on anything this evening.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I was wondering if I could make an inquiry of the distinguished floor manager of the bill on the subject of rebuttal presumption.

I would like to ask the distinguished manager a question. That is if he can explain how the affirmative defense and rebuttal presumption are sup-

posed to work. If he could make that explanation, I would appreciate it. I yield for that purpose.

Mr. SIMPSON. Mr. President——

Mr. SYMMS. I have two questions to ask.

Mr. SIMPSON. If the Senator wishes to ask the questions, I will certainly try to respond.

Mr. SYMMS. I want to know in the employer verification system if it eliminates documents where the employer will have to determine the status, how that is going to work?

Mr. SIMPSON. Mr. President, the employment verification system under the bill outlines the documents that an employer must check to determine the immigration status of his employees if he wants the benefit of the affirmative defense. Employers who follow the verification procedures then will have an affirmative defense if undocumented aliens are found in their employ.

The employers of four or more who fail to follow the verification procedures for all employees are then presumed to have knowingly hired any undocumented aliens found in their employ.

The presumption then can be rebutted if the employer presents clear and convincing evidence to the contrary. That is in the statute.

Mr. SYMMS. I thank the distinguished Senator very much.

How does this clear and convincing evidence standard in the presumption compare to the standard of the Government having to prove a violation of the employer sanction provisions?

Mr. SIMPSON. Mr. President, the employer sanction civil penalty may be assessed if a judge determines by a preponderance of the evidence that a violation has occurred. That is the normal standard for a civil penalty. This is a lesser standard than employers must meet to rebut the presumption.

The applicable language from the committee report is on page 32. I would refer the Senator to that. It says:

> These presumptions may be rebutted by presentation of "clear and convincing" evidence that such an employer . . . did not knowingly hire . . . an unauthorized alien. An employer who has not complied with the verification procedure may, for example, rebut the presumption if it can demonstrate that its employment procedure as applied are reasonably likely to avoid the employment of unauthorized aliens. An employer may not merely plead ignorance—wilful or unwilful—in order to overcome the presumption.

We felt that was very necessary. Various employer groups in the United States seemed to accept that.

Mr. SYMMS. Well, I thank the distinguished floor manager very much. If the employer then fails to check the records of all employees and that employer does not have the affirmative defense available for him for the employer sanctions violation—in other words, if they check them all and then they have those defenses, otherwise what would the situation be?

Mr. SIMPSON. That is designed to discourage discriminatory practices. With Senator KENNEDY's amendment—which I agreed to and supported—nondiscrimination practices and reports on discrimination are things that were done to discourage discrimination.

Mr. SYMMS. So, in other words, if an employer only asks Hispanic employees for documentation, he would then lose part of his defense?

Mr. SIMPSON. That is correct.

Mr. SYMMS. Thus, an employer who only checks the documents of Hispanic employees would be presumed to have knowingly hired an undocumented alien if such alien is later found to be in his employ?

Mr. SIMPSON. Mr. President, I want to hear that question again to be sure I respond properly.

Mr. SYMMS. The Senator responded yes to the previous question, in which I said an employer, who asks only Hispanic employees for documentation to verify the legal immigrant status and records that status, does not have an affirmative defense if one of his employees later turns out to be an undocumented alien, whether or not the person's documents were checked. And the Senator said that is correct.

Mr. SIMPSON. That is correct.

Mr. SYMMS. Thus, what I am saying, then, is that the employer who only checks Hispanic would be presumed to have knowingly hired undocumented aliens if such an alien is found in his employ. So, in other words, the Senator's purpose is protection of a discrimination.

Mr. SIMPSON. That is correct. Again, that is to discourage discrimination.

Mr. SYMMS. However, if an undocumented alien was one of the Hispanic workers whose records were checked and recorded and the employer produces these records to the immigration judge in a proceeding with the employer sanctions violations, would not such records be clear and convicing evidence to rebut the presumption the undocumented aliens were knowingly hired?

Mr. SIMPSON. I think it, indeed, would be very much that case.

Mr. SYMMS. If this is so, is not the purpose of a rebuttable presumption defeated and do not these provisions encourage discrimination verification of job applicants?

Mr. SIMPSON. Mr. President, the purpose of the rebuttable presumption is to encourage employers to check the documents of all employees. That is the purpose. The fact that an employer will not receive the benefit of an affirmative defense if he fails to follow the verification procedures with respect to all employees will discourage a selective checking and discrimination.

Mr. SYMMS. So what the Senator is saying, then, is that it is the intent of the authors of the legislation that if, in fact, an employer makes a good faith effort consistently and checks all the records of each applicant for a job, it would be presumed, then, that they did not knowingly hire an undocumented, illegal worker?

Mr. SIMPSON. Mr. President, under those circumstances, there would be no presumption against him and he would have an affirmative defense.

Mr. SYMMS. I thank the Senator very much for his time.

Mr. SIMPSON. I thank the Senator from Idaho for his thoughtful work throughout.

The Senator from California, I believe, has an amendment.

AMENDMENT NO. 629

(Purpose: To provide State legalization impact-assistance grants for six fiscal years, and for other purposes)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAMM). The Senator is advised there are two amendments that would have to be set aside by unanimous consent before the consideration of his amendment would be in order.

Mr. WILSON. Mr. President, I ask unanimous consent that the pending amendments be set aside temporarily.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from California [Mr. WILSON], for himself, Mr. DURENBERGER, Mr. MOYNIHAN, and Mr. CRANSTON, proposes an amendment numbered 629.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 93, line 12, strike out "$600,000,000 for each of three" and insert in lieu thereof "$300,000,000 for each of the first two".

On page 93, line 14, before the period insert a comma and the following: "and $600,000,000 for each of the next four fiscal years".

On page 95, line 9, strike out "$600,000,000 for each of the three fiscal years" and insert in lieu thereof "$300,000,000 for each of the first two fiscal years and "$600,000,000 for each of the next four fiscal years".

Beginning on page 96, line 5, strike out "Any" and all that follows through "made." on line 8 and insert in lieu thereof the following: "Any amount paid to a State for any of the following fiscal years and remaining

unobligated at the end of such year shall remain available to such State for the purposes for which it was made, as follows: Amounts appropriated for the first, second, third, fourth, and fifth fiscal years, as described in subsection (a), shall remain available for the next five, four, three, two, and one fiscal years thereafter, respectively.".

Beginning on page 94 with line 13, strike out all through line 7 on page 95 and insert in lieu thereof the following:

(2)(A) The amount of the allotment to a State under this section for a fiscal year shall bear the same proportion to the total allotments to States under this section for such fiscal year as the number of eligible legalized aliens (as defined in subsection (i)(3)) in such State that are applying for public programs of assistance (for which such aliens were not disqualified under section 202(h) at the time of such assistance) bears to the total number of such aliens that are applying for such assistance in all States.

Mr. WILSON. Mr. President, having discussed this yesterday with the distinguished manager of the bill, I will not take the time to repeat what is in the RECORD. I will only say that the mechanics of this amendment is to provide reimbursement to State and local governments for costs that they incur through meting out public assistance to those who become legalized citizens through the passage of S. 1200.

The mechanics are, simply, in the first year, $300 million is made available for that purpose, and in the second year $300 million, and in each of the ensuing 4 years—that is, years 3, 4, 5, and 6—following legalization there would be $600 million provided.

Let me hasten to add that only money actually expended will be reimbursed. Otherwise, funds authorized will not leave the U.S. Treasury. This is to afford protection to State and local taxpayers for the cost of public assistance that are meted out to the recipients of that public assistance who become legalized during the first 6 years after legalization. In this respect, it parallels the provisions of S. 1200, which hold the Federal Government harmless from application for public assistance during that same 6-year period.

Mr. President, I really do not need to take more time, other than I do wish to say I am offering this amendment on behalf of myself, Senator CRANSTON, Senator DURENBERGER, and Senator MOYNIHAN.

Additionally, there is a provision which Senator CRANSTON had crafted which we are folding into this measure with the concurrence of the manager. It is one that relates to the formula for distribution and would give the major share of that reimbursement as it should follow in accordance with the number of those legalized under S. 1200. I thank Senator CRANSTON for that.

Mr. CRANSTON. I am delighted that we have been able to agree on language which, in my judgment, substantially improves the fairness of the funding formula for reimbursement to States and their subsidiary governments for some of the costs they will incur under this bill.

Given the 6-year prohibition on Federal assistance to those legalized, the entire burden of public assistance—if needed—will fall on States and their subsidiaries.

While the D'Amato amendment, which I supported, addressed any costs resulting from imprisonment in prisons or jails, this amendment covers direct public assistance and health care subsidies, primarily furnished through services, rendered by county hospitals.

I know Los Angeles County is very concerned about that.

The amendment replaces a more complex formula that could have caused serious problems with one that allocates the available funds to States, based on their proportionate share of those legalized.

This new formula will help a great deal, and I am very grateful to the managers for accepting it.

Mr. SIMPSON. Mr. President, the amendment of the Senator from California is a thoughtful one. We have worked together in trying to resolve it. We want to see that reimbursement is made and that money is available to take care of the legalization costs.

I just wish to add, as I accept this amendment, that the expenses of welfare benefits to legalized aliens are a shared expense. Because the States receive sales taxes and property taxes and income taxes and other benefits from these "illegal taxpayers," the States should therefore share some cost of the benefits distributed to the legalized aliens. This amendment provides a reasonable Federal contribution for the 6 years during which legalized aliens are prohibited from receiving Federal welfare benefits. The total sum to be made available, $3 billion, is within the limit accepted by OMB on a previous bill. I can accept the amount.

Mr. President, I wish to clarify the position of those Members who have accepted the amended language to section 203(b)(2)(A) of S. 1200, which alters the formula for distributing the legalization reimbursement funds to the States. While the new formula is based on the actual payments that States make to eligible legalized aliens participating in programs of public assistance, we are in no way suggesting that the Federal Government should be responsible for all costs incurred by States in providing public assistance to eligible legalized aliens. This formula seems the most equitable under the circumstances, but it is not an endorsement of the concept of 100 percent Federal reimbursement.

Mr. WILSON. Mr. President, the amendment provides that the maximum reimbursement to State and local governments will not exceed the funds authorized by the amendment, even if the actual costs of such State and local public assistance should exceed the funding authorized by the amendment.

Mr. CRANSTON. Mr. President, that is also my understanding. The amendment substantially improves the distribution formula.

Mr. WILSON. Mr. President, I thank the distinguished manager. I really have nothing more to add.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 629) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I feel like the old bailiff in the court having called three times for additional activity. I do not believe there are any more amendments to the immigration bill, except the two that are pending, and those are the Heinz amendment and the Hatch amendment. I feel quite certain there will be other amendments in that particular area, as it deals with Social Security.

Mr. President, for the edification of colleagues, we will likely have another amendment or two on immigration, depending on what will take place. There is no time agreement. Of course, the bill is open. There will be a colloquy with Senator LEVIN, some technical amendments, and perhaps one or two other amendments. But at this point, from the standpoint of the managers of the bill, I think we have grappled with the tough issues. The toughest one of all, however, is getting to final passage. The Senate will work its will on whether to dabble further with Social Security on the immigration bill. I hope we will resolve that and I will certainly work to do that.

I believe that concludes the activity on the immigration bill at this time from this corner.

SUPERFUND IMPROVEMENT ACT OF 1985

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 51, Superfund, not to exceed 8:30 p.m. this evening for the purpose of considering amendments to be disposed of without rollcall votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 630

Mr. STAFFORD. Mr. President, I have a series of eight purely technical amendments to S. 51, seven of which have been requested by the Environmental Protection Agency to assure that the language in the bill not create any unnecessary complications or undesirable results. The eighth corrects a minor problem in the existing law.

Mr. President, the managing minority member of the committee has asked me to go ahead. He is temporarily engaged elsewhere, but he joins me in offering these amendments, which I send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD], for himself and Mr. BENTSEN, proposes amendments numbered 630.

Mr. STAFFORD. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 59, lines 19 and 20, strike out the phrase, "a facility" and insert in lieu thereof: "residential buildings or business or community structures".

On page 116, lines 23 and 24, strike out the phrase, "or disposal" each time it appears, and on line 24, strike "or" before "(B)".

On page 109, following line 14, insert the following new section 135 and renumber the following sections accordingly:

"NOTICE OF CERLCA ACTIONS

"SEC. . Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(i) NOTICE OF ACTIONS.—Whenever any action is brought under this Act in a court of the United States by a plaintiff other than the United States, the plaintiff shall provide a copy of the complaint to the Attorney General of the United States and to the Administrator.".

On page 71, after line 8, insert the following:

"(5) No person required to provide information or documents under this Act may claim that the information is entitled to protection under this section unless such claimant shows that:

"(A) the claimant has not disclosed the information to any other person, other than to an employee of the claimant or a person who is bound by a confidentiality agreement or to a person to whom the data has been supplied on a confidential basis in compliance with this Act, and the claimant has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures;

"(B) the information could not reasonably be discovered by anyone other than such persons in the absence of disclosure; and

"(C) knowledge of such information gives the claimant an opportunity to obtain a signficant advantage over competitors who do not know such information and disclosure of the information is likely to cause substantial harm to the claimant's competitive position.

"(6) The following information with respect to any hazardous substance as defined in section 101(14) shall not be entitled to protection under this section:

"(A) The chemical name, CAS number, trade name, and common name of the hazardous substances;

"(B) The physical properties of the substance, including its boiling point, melting point, flash point, specific gravity, vapor density, solubility in water, and vapor pressure at 20 degrees celsius;

"(C) The hazards to health and the environment posed by the substance, including physical hazards (such as explosion) and potential acute and chronic health hazards;

"(D) The potential routes of human exposure to the substance at the facility, establishment, place, or property being investigated, entered, or inspected under this subsection.

"(E) The location of disposal of any waste stream;

"(F) The identity and quantity of any waste stream;

"(G) Any monitoring data or analysis of monitoring data pertaining to disposal activities;

"(H) Any hydrogeologic or geologic data; and

"(I) Any groundwater monitoring data.".

On page 118, following line 19, insert the following new section:

PROCUREMENT PROCEDURES

SEC. . Title 1 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section at the end thereof:

"PROCUREMENT PROCEDURES

"SEC. . Notwithstanding any other provision of law, any executive agency may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a civil or criminal action under this Act, whether or not the expert is expected to testify at trial. The executive agency need not provide any written justification for the use of procedures other than competitive procedures when procuring such expert services under this Act and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solitictation or synopsis with respect to such procurement.".

On page 94, strike lines 14-25, and on page 95, strike lines 1-15, and substitute the following:

"(c) In any case where a person liable under section 107 is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code, or where with reasonable diligence jurisdiction in the Federal Courts cannot be obtained over a person liable under section 107 likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility for that person. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the person liable under section 107 if any action had been brought against such person by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by such person.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount of the monetary limits of the policy of insurance, guarantee, surety bond, letter of credit, or similar instrument provided by the guarantor to the person liable under section 107: *Provided,* That nothing in the subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to the person liable under section 107 including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: *Provided further,* That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under section 107 or 111 of the Act or other applicable law."

On page 161, after line 14, insert the following new section:

"HAZARDOUS MATERIALS TRANSPORTATION

"SEC. . (a) Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "within ninety days after the date of enactment of this Act" in the first sentence and inserting in lieu thereof "by June 1, 1986,"; and by inserting the words "and regulate" before the words "as a hazardous material".

"(b) Section 306(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the words "and regulation" after "prior to the effective date of the listing".

On page 71, line 8, after the first period insert the following: "Notwithstanding any other provision of law, all requirements of the Atomic Energy Act and all executive orders concerning the handling of restricted data and national security information, including "need to know" requirements, shall be applicable any grant of access to properly classified information under any provision of this Act, including section 103.".

Mr. STAFFORD. Mr. President, as I said earlier, these are purely technical amendments which have been agreed to by the committee. They are offered by the Senator from Vermont for himself and the Senator from Texas [Mr. BENTSEN], as ranking minority member of the committee. I urge their adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the amendments be considered and voted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 630) was agreed to.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 631

(Purpose: To clarify the liability of the United States for releases from facilities in which munitions-producing equipment is owned by the Department of Defense)

Mr. STAFFORD. Mr. President, I send an amendment to the desk in behalf of the Senator from Wisconsin [Mr. KASTEN]. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD], for Mr. KASTEN, proposes an amendment numbered 631.

Mr. STAFFORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, after line 19, insert the following new section and renumber succeeding sections accordingly:

"DEDICATED DEFENSE PRODUCTION

"SEC. . Section 101(20) of the Comprehensive, Environmental, Response, Compensation, and Liability Act of 1980 is amended by adding the following subparagraph:

"( ) in the case of a facility containing any hazardous substance resulting from manufacturing operations dedicated to the production of munitions or ordnance parts for the Department of Defense (or any subdivision thereof) using equipment owned by such Department or subdivision, the term "owner or operator" shall include the United States Government;".

Mr. STAFFORD. Mr. President, the amendment that I have sent to the desk in behalf of Senator KASTEN has as its purpose to assign responsibility and liability to the Federal Government for the cost of cleanup of hazardous substances and other remedial actions at various sites. This responsibility should not apply exclusively to a private party who may have operated a Federal plant that is largely owned by the Government and operated in compliance with Federal guidelines.

● Mr. KASTEN. Mr. President, I have an amendment to S. 51 which I believe is not controversial. It has been cleared on both sides of the isle.

Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, commonly known as Superfund, Congress charged the Environmental Protection Agency with the responsibility of identifying and cleaning up hazardous waste dumps around the Nation.

The overriding concern of this legislation is to protect public health and safety. This means not only cleaning up surface contamination, but also subsurface and off site damage that may be caused by the improper disposal of toxic wastes.

It has become apparent since Congress enacted this legislation that far greater resources are required to adequately protect the public and the resources we all depend on.

Unfortunately, progress has been very slow in cleaning up existing sites. The reasons for this delay are varied, but I believe we will address three of the key reasons as the Senate reauthorizes this key legislation.

First, the funds available to cleanup abandoned sites must be greatly increased. Second, we must shorten the time that responsible parties can spend delaying action to cleanup contamination that they are responsible. And third, the Federal Government must begin to take responsibility for those sites that it is responsible for.

It is this third category that my amendment will address today. I believe that it is time for the Federal Government to begin to live up to the same obligations to protect public health that other producers are expected to comply with.

Specifically, this amendment addresses the cleanup of hazardous wastes that were produced by a partnership between the Government and private industry.

The purpose of my amendment is to assign responsibility and liability to the Federal Government for the costs of cleanup of hazardous substances and other remedial actions at such sites. This responsibility should not apply exclusively to the private party who may have operated a plant that is largely owned by the Government, and operated it in compliance with Federal guidelines.

Under this amendment, responsibility and liability is assigned to the Government on the basis of its ownership of the facility, property, and equipment used in producing a product and the resulting hazardous wastes.●

Mr. STAFFORD. Mr. President, on this side of the aisle, we are prepared to accept the Kasten amendment.

Mr. BENTSEN. Mr. President, I have worked on this amendment with the chairman of the committee and the staff. We think it is an appropriate amendment and we are prepared to accept it. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 631) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 632

Mr. STAFFORD. Mr. President, I send an amendment to the desk on behalf of myself and Senator BENTSEN and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD], for himself and Mr. BENTSEN, proposes an amendment numbered 632.

Mr. STAFFORD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

STATE AND LOCAL GOVERNMENT LIABILITY

S. 51 is amended by—

(1) On page 88, line 14, inserting after "release" the following: "or threatened release"; and

(2) On page 88, line 7 inserting "(a)" immediately before "Section";

(3) On page 87, line 21, inserting the following:

"(b) Section 101(20) is amended by inserting immediately before the semicolon at the end of clause (A) the following: 'nor does such term include a unit of state or local government which acquired ownership or control involuntarily through bankruptcy, foreclosure, tax delinquency, abandonment, or similar means of alienation;'.".

"(c) Section 101(20) is further amended by deleting clause (iii) and substituting the following: '(iii) in the case of any facility, title or control of which was conveyed due to abandonment, bankruptcy, foreclosure, tax delinquency or similar means to a unit of state or local government, any person who owned, operated or otherwise controlled activities at such facility immediately beforehand.'."

SITES INHERITED BY STATE AND LOCAL GOVERNMENTS

Mr. STAFFORD. Mr. President, there are circumstances when State and local governments find themselves as the owners or operators of sites which are the subject of Superfund responses against their own volition. In some cases this may be due to the automatic shifting of title to real property due to nonpayment of taxes. In others, it may be that a facility has been abandoned and the responsibility shifted away from the original owner or operator to the State or local government. These are not cases where the law intended that governments bear the liability burdens of Superfund, even though they are technically "owners or operators" under the current definition of the law.

I am offering an amendment which would change that definition in recognition of the unique position which units of State and local governments occupy with respect to these facilities. My amendment would exempt units of State and local governments in cases where title or control has shifted to them by virtue of abandonment, bankruptcy, tax delinquency, foreclosure or similar means. The amendment does

not diminish the liability of these governments with respect to sites which they might have owned or operated in their own right. But it does not recognize the unique status of governments in terms of their obligation to protect the public, health, welfare and safety, during the course of which they sometimes acquire ownership or control for reasons unrelated to the disposal of hazardous substances.

In addition, my amendment would make one technical amendment to S. 51. The bill as reported holds State and local governments to a fault-based standard of care when they are responding to actual releases of hazardous substances. My amendment extends this same standard to cases where the release was merely threatened, thus allowing government to act to avert danger to the public before it has the opportunity to materialize.

I know of no opposition to or controversy associated with this amendment and hope that it can be adopted.

Mr. President, I know of no opposition or controversy associated with this amendment and on this side of the aisle we are prepared to accept it.

Mr. BENTSEN. Mr. President, this covers the situation, as the chairman said, where local governments inherit property, so to speak, through foreclosure or whatever route it might be, and develop a toxic waste site, and they would not be determined owner-operators under the provision of this law.

We have no objection to that amendment at all. It is a good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 632) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 633

Mr. STAFFORD. Mr. President, on behalf of myself and Senator BENTSEN, I send an amendment to the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD], for himself and Mr. BENTSEN, proposes an amendment numbered 633.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without obligation, it is so ordered.

The amendment is as follows:

POLLUTION LIABILITY INSURANCE

Add the following at the end thereof:

"TITLE III

"AMENDMENTS RELATED TO THE INSURANCE OF POLLUTION LIABILITY

"SEC. 301. The Comprehensive Environmental Compensation and Liability Act of 1980 is amended by adding the following at the end thereof:

'TITLE IV—POLLUTION INSURANCE

"SECTION 401. This Title may be cited as the "Pollution Liability Insurance and Risk Retention Act".

DEFINITIONS

'Sec. 402. (a) As used in this Title—

'(1) "insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under applicable State or Federal law;

'(2) "pollution liability" means liability for injuries arising from the release of hazardous substances, pollutants or contaminants;

'(3) "risk retention group" means any corporation or other limited liability association taxable as a corporation, or as an insurance company, formed under the laws of any state

'(A) whose primary activity consists of assuming and spreading all, or any portion, of the pollution liability or of its group members;

'(B) which is organized for the primary purpose of conducting the activity described under subparagraph (A);

'(C) which is chartered or licensed as an insurance company and authorized to engage in the business of insurance under the laws of any State; and

'(D) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.

'(4) "purchasing group" means any group of persons which has as one of its purposes the purchase of pollution liability insurance on a group basis; and

'(5) "State" means any State of the United States or the District of Columbia.

'(b) Nothing in this Title shall be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State, and the definitions of pollution liability and pollution liability insurance under any State law shall not be applied for the purposes of this Act, including recognition or qualification of risk retention groups or purchasing groups.

'Sec. 403. (a) Except as provided in this section, a risk retention group is exempt from any State law, rule, regulation, or order to the extent that such law, rule, regulation, or order would—

'(1) make unlawful, or regulate, directly or indirectly, the operation of a risk retention group except that the jurisdiction in which it is chartered may regulate the formation and operation of such a group and any State may require such a group to—

'(A) comply with the unfair claim settlement practices law of the State;

'(B) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers and surplus line insurers, brokers, or policyholders under the laws of the State;

'(C) participate, on a nondiscriminatory basis, in any mechanism established or authorized under the law of the State for the equitable apportionment among insurers of pollution liability insurance losses and expenses incurred on policies written through such mechanism;

'(D) submit to the appropriate authority reports and other information required of licensed insurers under the laws of a State relating solely to pollution liability insurance losses and expenses;

'(E) register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process, and, upon request, furnish such commissioner a copy of any financial report submitted by the risk retention group to the commissioner of the chartering or licensing jurisdiction;

'(F) submit to an examination by the State insurance commissioner in any State in which the group is doing business to determine the group's financial condition, if—

'(i) the commissioner has reason to believe the risk retention group is in a financially impaired condition; and

'(ii) the commissioner of the jurisdiction in which the group is chartered has not begun or has refused to initiate an examination of the group; and

'(G) comply with a lawful order issued in a delinquency proceeding commenced by the State insurance commissioner if the commissioner of the jurisdiction in which the group is chartered has failed to initiate such a proceeding after notice of a finding of financial impairment under subparagraph (F) of this paragraph;

'(2) require or permit a risk retention group to participate in any insurance insolvency guaranty association to which an insurer licensed in the State is required to belong;

'(3) require any insurance policy issued to a risk retention group or any member of the group to be countersigned by an insurance agent or broker residing in that State; or

'(4) otherwise discriminate against a risk retention group or any of its members, except that nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

'(c) The exemptions specified in subsection (a) apply to—

'(1) pollution liability insurance coverage provided by a risk retention group for—

'(A) such group; or

'(B) any person who is a member of such group;

'(2) the sale of pollution liability insurance coverage for a risk retention group; and

'(3) the provision of insurance related services or management services for a risk retention group or any member of such a group.

'(d) A State may require that a person acting, or offering to act, as an agent or broker for a risk retention group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

PURCHASING GROUPS

SEC. 404. (a) Except as provided in this section, a purchasing group is exempt from any State law, rule, regulation, or order to

the extent that such law, rule, regulation, or order would—

'(1) prohibit the establishment of a purchasing group;

'(2) make it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its member, advantages, based on their loss and expense experience, not afforded to other persons with respect to rates, policy forms, coverages, or other matters;

'(3) prohibit a purchasing group or its members from purchasing insurance on the group basis described in paragraph (2) of this subsection;

'(4) prohibit a purchasing group from obtaining insurance on a group basis because that group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time;

'(5) require that a purchasing group must have a minimum number of members, common ownership or affiliation, or a certain legal form;

'(6) require that a certain percentage of a purchasing group must obtain insurance on a group basis;

'(7) require that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker residing in that State; or

'(8) otherwise discriminate against a purchasing group or any of its members.

'(b) The exemptions specified in subsection (a) apply to—

'(1) pollution liability insurance, and comprehensive general liability insurance which includes this coverage, provided to—

'(A) a purchasing group; or

'(B) any person who is a member of a purchasing group; and

'(2) the sale of—

'(A) pollution liability insurance, and comprehensive general liability coverage;

'(B) insurance related services; or

'(C) management services;

to a purchasing group or member of the group.

'(c) A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

'APPLICABILITY OF SECURITIES LAWS

'SEC. 405. (a) The ownership interests of members in a risk retention group shall be—

'(1) considered to be exempted securities for purposes of section 5 of the Securities Act of 1933 and for purposes of section 12 of the Securities Exchange Act of 1934; and

'(2) considered to be securities for purposes of the provisions of section 17 of the Securities Act of 1933 and the provisions of section 10 of the Securities Exchange Act of 1934.

'(b) A risk retention group shall not be considered to be an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

'(c) The ownership interests of members in a risk retention group shall not be considered securities for purposes of any State blue sky law.' "

Mr. STAFFORD. Mr. President, I am pleased to offer an amendment with Senator BENTSEN to the pending legislation to reauthorize the Superfund Program that will facilitate the ability of companies engaged in the generation, treatment, disposal, and storage of hazardous substances and hazardous wastes to obtain pollution liability insurance coverage. I am pleased to have as a cosponsor of this amendment, as I said, the ranking minority member of the committee, the distinguished Senator from Texas [Mr. BENTSEN].

As testimony before the Committee on Environment and Public Works graphically demonstrated, pollution liability insurance is becoming increasingly difficult to obtain. This is posing difficulty for all companies, and particular difficulty for the many firms who must meet the insurance requirements of the Resource Conservation and Recovery Act as well as other firms who participate as contractors, architects, and engineers in the cleanup of Superfund sites. Many of the reasons for the unavailability of pollution liability insurance have nothing to do with the Superfund law. However, the unavailability of insurance is frustrating the goals not only of the Superfund law, but other environmental statutes as well. I urge the Senate to adopt this amendment because it will provide an alternative way through which companies may obtain pollution liability insurance.

Amendment No. 225 would authorize the creation of risk retention programs for insuring environmental impairment liability. The effect of this amendment would be to allow groups of individuals or firms to share liability for damages caused by pollution of the environment. If private insurance is available or the commercial insurance market revives, individuals would still be free to purchase that coverage, and many would undoubtedly choose to do so. But, if commercial insurance is not available, they would be able to band together to provide their own pollution liability insurance coverage.

The authority to establish pollution liability risk retention groups authorized by this amendment is virtually identical to the authority to insure product liability risks granted under the Product Liability Risk Retention Act of 1981, 15 U.S.C. 3901, et seq. So we are not proposing an entirely new insurance scheme under this amendment; rather we are extending the concept of group self-insurance to a new category of risk—pollution liability. Congress passed the Risk Retention Act of 1981 because at that time product liability insurance was unavailable, or was offered at prices which were not reasonable and affordable, particularly to small businesses. Today, we face a similar, if not more acute, problem with regard to the availability of commercial pollution liability insurance. Therefore, it seems to us that authorizing self-insurance programs for pollution liability risks represents a modest but important step to facilitate the ability of firms to insure these risks.

This amendment is not a panacea for all problems created by the lack of pollution liability insurance. It simply creates the authority for companies to establish group self-insurance programs. Thus, while this amendment does not provide any quick solution to the lack of commercial pollution liability insurance markets, it provides a mechanism under which companies can take steps to insure these risks.

This amendment establishes no Federal regulatory authority and requires no expenditure of Federal funds. It will have no effect upon the Federal deficit. While this amendment establishes no Federal regulatory authority to license insurance companies, it does not effect the liability insurance requirements established under the Resource Conservation and Recovery Act. Any person or firm which is required to obtain pollution liability insurance under that act will still be required to maintain pollution liability coverage in the amount specified under regulations issued pursuant to that act.

It is important to note that a pollution liability risk retention group is authorized to sell only pollution liability insurance and may offer that insurance only to its own members. It may not sell insurance to the public and it may not offer automobile, life or health insurance either to its own members or the public. Thus, the insurance authority granted under this amendment is limited to insuring the pollution liability risks of firms who join together to establish a risk retention group.

One other feature of the bill deserves mention. In addition to authorizing risk retention groups, the amendment also authorizes establishing pollution liability "purchasing groups." A purchasing group is a group of firms who join together to purchase pollution liability insurance on a group basis. If their experience, safety standards, or technology demonstrate that they are a preferred risk, the group may be able to obtain pollution liability insurance coverage on a favorable basis. The amendment provides that a pollution liability purchasing group is exempt from all regulations which prohibit or restrict the sale of insurance on a group basis.

Finally, it should be noted that pollution liability is defined in the amendment as "liability for injuries arising from the release of hazardous substances, pollutants or contaminants." We intend that this definition be broadly construed to cover all liability arising out of pollution or contamination of the environment. This amendment authorizes coverage for sudden and accidental, as well as gradual pollution claims.

Mr. BENTSEN. Mr. President, I have been advised that we have had an inquiry concerning this particular amendment and a possible objection to it by one of the Members.

Mr. President, I ask unanimous consent that it be laid aside at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. It would be the belief of the Senator from Vermont that the pending business in the Senate when we return to Superfund would be the amendment which I offered a few minutes ago with Senator BENTSEN.

The PRESIDING OFFICER. The Senator is correct.

Mr. STAFFORD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 634

(Purpose: To prohibit the use of lead pipes, lead solder, and lead flux in drinking water system)

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself and Mr. LAUTENBERG, proposes an amendment numbered 634.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE III—LEAD FREE DRINKING WATER

SHORT TITLE

SEC. 301. This title may be cited as the "Lead Free Drinking Water Act".

SAFE DRINKING WATER ACT AMENDMENTS

SEC. 302. (a) IN GENERAL.—Part B of Title XIX of the Public Health Service Act is amended by adding ats the end thereof the following new section:

"PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX

SEC. 1417. (a) IN GENERAL.—

"(1) PROHIBITION.—Any pipe, solder, or flux, which is used after the date of enactment of the SDWA of 1985, in the installation or repair of—

"(A) any public water system, or

"(B) any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system,

must be lead free (as defined in subsection (d)). This paragraph shall not apply to leaded joints necessary for the repair of cast iron pipes.

"(2) PUBLIC NOTICE OF ADVERSE EFFECTS.—Each community public water system shall provide notice, developed in consultation with the Administrator, to all users of the system with respect to—

"(A) the adverse health effects of exposure to lead, including a description of those populations which may be particularly sensitive to such exposure; and

"(B) any means reasonably available to such users for mitigating lead exposure from drinking water, taking into consideration the need to conserve water.

"(b) STATE ENFORCEMENT.—

"(1) ENFORCEMENT OF PROHIBITION.—The requirements of subsection (a)(1) shall apply to all States effective 24 months after the date of the enactment of this section. States shall enforce such requirements through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

"(2) ENFORCEMENT OF PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a)(2) shall apply to all States effective 24 months after the date of the enactment of this section.

"(c) PENALTIES.—If the Administrator determines that a State is not enforcing the requirements of subsection (a) as required pursuant to subsection (b), the Administrator may commence a civil action under section 1414(b).

"(d) DEFINITION OF LEAD FREE.—For purposes of this section, 'lead free' means solders and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than 6.0 percent lead.".

(b) CIVIL ACTION.—Section 1414(b) of the Public Health Service Act is amended—

(1) in the matter preceding paragraph (1), by inserting ", or with section 1417," after "or 1416"; and

(2) in paragraph (1), by inserting ", or under section 1417" after "subsection (a)".

(c) NOTIFICATION TO STATES.—The Administrator of the Environmental Protection Agency shall notify all States with respect to the requirements of section 1417 of the Public Health Service Act within 90 days after the date of the enactment of this Act.

BAN ON LEAD WATER PIPES, SOLDER, AND FLUX IN VA AND HUD INSURED OR ASSISTED PROPERTY

SEC. 303. (a) PROHIBITION.—(1) The Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs may not insure or guarantee a mortgage or furnish assistance with respect to newly constructed residential property which contains a potable water system unless such system uses only lead free pipe, solder, and flux.

(2) For purposes of paragraph (1), "lead free" means solders and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than 6.0 percent lead.

(b) EFFECTIVE DATE.—Subsection (a) shall become effective 24 months after the date of the enactment of this Act.

LEAD SOLDER AS A HAZARDOUS SUBSTANCE

SEC. 304. (a) IN GENERAL.—Section 2(f)(1) of the Federal Hazardous Substances Act is amended by adding at the end thereof the following:

"(E) Any solder which has a lead content in excess of 0.2 percent.".

(b) LABELING.—Section 4 of the Federal Hazardous Substances Act is amended by adding at the end thereof the following:

"(k) The introduction or delivery for introduction into interstate commerce of any lead solder which has a lead content in excess of 0.2 percent which does not prominently display a warning label stating the lead content of the solder and warning that the use of such solder in the making of joints or fittings in any private or public potable water supply system is prohibited.".

"(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 24 months after the date of the enactment of this Act.

Mr. BRADLEY. Mr. President, the amendment I send to the desk is on behalf of myself and my colleague from New Jersey, Mr. LAUTENBERG. The purpose of the amendment is to prevent further lead contamination of our Nation's drinking water.

Mr. President, we have long been aware that lead is a dangerous substance which seriously threatens public health. But we are only beginning to learn of the full health hazards associated with elevated lead levels in the blood. The risk of high blood pressure in adults, impairment of the central nervous system, retardation of learning ability in children, and birth defects all argue for prompt action to reduce the level of lead in our environment; and, that is precisely what this amendment will accomplish.

Most of the recent public attention has focused on the lead content in gasoline as a source of environmental contamination. I have spoken many times on the Senate floor on the most efficient manner in which to address this issue. But another source of lead merits our attention as well—that of lead in our drinking water. In fact, a 1983 EPA report entitled "The Health Hazards Associated With the Use of Lead To Transmit Drinking Water" clearly describes a "correlation between high concentrations of lead in drinking water and high blood levels." The report goes on to state that lead ingested from water can be a significant source of lead in humans.

Therefore, Mr. President, we know that lead is a health hazard. We also know that if lead is in drinking water it will end up in our bloodstream. But how does it get into our water and what can we do to stop this? The EPA has concluded that lead enters drinking water primarily as a result of the corrosive action of water on pipes, fittings, and solder. Several factors come into play. Two of the most important being the age of the plumbing system and the corrosiveness of the water. The highest levels are found in new systems with corrosive water that is allowed to stand for several hours. For example, the first several draws of water in the morning would be most contaminated. However, levels in

excess of the maximum contaminant level are not restricted to such circumstances.

How widespread is this problem? Mr. President, I first learned of this problem because in my home State of New Jersey we have confirmed cases of lead leaching into drinking water in Ocean County in amounts exceeding the EPA standard. However, it is important to note that this is truly a national problem. An informal survey performed by members of my staff revealed that 22 out of 29 States contacted have experienced difficulties with lead leaching into drinking water. The States not reporting any problems also admitted to not having performed extensive sampling. We questioned States from Maine to Texas to California. Leading the way in combating this problem are the States of Oregon, Wisconsin, Minnesota, New York, Massachusetts, and Delaware who have already banned the use of lead solder and pipes in potable water systems. The States of California and Virginia are considering similar legislation; and, I add, they have confidently predicted passage of such legislation. If EPA follows the recommendation of the National Academy of Sciences and reduces the level of lead acceptable in drinking water, as they are expected to do, the number of States which have contamination problems is sure to increase. In fact, the scope of this problem is international in nature with Denmark, West Germany, Great Britain, and the Netherlands all prohibiting the use of lead in drinking water systems.

Mr. President, now we return to the critical question, What can be done to rectify this problem? My amendment is a simple and effective vehicle for dealing with this problem. It attacks the issue from four vantage points, that of public water systems, private wells, new home construction, and plumbing repairs. First, it requires that States ban the use of lead solder and pipes in any new construction or repair of public water systems. Failure to implement such a ban could result in civil action by the Administrator against the State. Second, it prohibits the issuance of FHA mortgages to any newly constructed home which utilizes lead pipes or solder in its water delivery lines. Third, it mandates the Consumer Product Safety Commission to require a warning label on all packages of lead solder in order to protect unsuspecting homeowners who opt to perform some plumbing tasks on their own. Fourth, it requires that community public water systems carry out an information campaign to make people aware of the potential hazards associated with lead in drinking water and the steps being taken to avoid further problems.

Mr. President, alternatives to lead solder exist. They are distinguishable from lead solder; and are equally if not better able to provide an effective seal without adverse health consequences. Cost is not an issue since using alternate solders and pipes will result in a mere $10 increase in the price of a new home. This is a negligable amount when considering the health benefits to be gained. The logic is overwhelming to pursue the course of action I have outlined. Actually, there is no reason to retain lead as an acceptable material to be used in the transmission of potable water.

Mr. President, we place great emphasis, as a nation, on safe drinking water. In fact, we have recently passed legislation to amend the Safe Drinking Water Act which authorized $130 million for fiscal year 1986. Often, safe drinking water requires the use of expensive measures such as the addition of anti-corrosive chemicals or fancy purification methods. What I am proposing are simple, inexpensive, preventative steps we can take to avoid further contamination of our drinking water supplies. We are not asking anyone to rip up old plumbing systems. Rather, we focus on arresting the problem before it progresses further by limiting ourselves to new construction and repair. The choice is clear cut; do we take action, as a nation, to avoid further lead contamination or do we wait and run the risk of increased health hazards?

Mr. President, let me emphasize that three important questions were answered at hearings conducted by the Committee on Environment and Public Works on the Safe Drinking Water Act amendments and our Lead-Free Drinking Water Act. Is lead in drinking water a health hazard? Is lead contamination of drinking water widespread? What can be done to avoid the leaching of lead into drinking water? The witnesses were State public health officials, scientists, and engineering consultants. It is both accurate and fair to say that these witnesses spoke as one; each was against the use of lead pipes and lead solder in potable water systems. One witness went so far as to recommend a fivefold decrease in the EPA lead standard. Mr. President, as I have mentioned, we are virtually assured that EPA will continue to lower the drinking water lead standard. Again, this begs for us to act now to avoid future problems by eliminating sources of lead in drinking water.

Let me remind you, Mr. President, that often the biggest problems are encountered in new homes. These homes are usually owned by young couples with young children—children who are particularly susceptible to the adverse effects of lead. I hope my colleagues will join me in supporting this effort to protect our drinking water from further lead contamination.

Mr. President, that is the amendment. I thank the distinguished chairman of the committee for his interest. I know this was originally due to be offered several months ago and the Senator suggested that I pause, not offer it, and we would hold a hearing in the committee. A hearing was held. I think the bill has been improved as a result of that process.

Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from New Jersey, Senator BRADLEY, in offering this amendment to ban the future use of lead in water supply systems. This amendment is a revised version of our bill, S. 1197, and is intended to complement the Safe Drinking Water Act Amendments of 1985 approved in May by the Senate.

The Safe Drinking Water Act serves to protect the public against contaminants in drinking water. Our amendment seeks to assure that water cleansed of lead and other contaminants is not despoiled by lead while being transported to water taps.

Two and a half years ago, EPA determined that the largest source of lead in drinking water comes from the corrosion of pipes that carry water supplies. What this means is that no matter how much lead is taken out of drinking water by water supply companies, tap water will be contaminated as lead from lead pipes and lead solder connecting pipes is dissolved in drinking water on its way to the tap.

This problem may be exacerbated by acidified sources of drinking water. The low PH of the water—its acidity—makes the water more "aggressive" and thus more likely to corrode lead from pipes. New York, Minnesota and parts of eastern Canada already warn residents to run their water before using it, and advise pregnant women against its use altogether.

Numerous studies have demonstrated that infants and young children are especially susceptible to lead. Lead causes nervous disorders, learning disabilities, and weakens tolerance to disease. In addition, exposure to high levels of lead can cause cancer and birth defects.

It is clear that we must do everything possible to cut back on human exposure to lead, whether it is in drinking water, automobile exhausts or in paint and other products.

Our amendment is a positive step forward in accomplishing that goal. It prohibits the use of lead pipes, solder, and fluxes in repairs and installation of public drinking water systems. The amendment would require States to enforce the ban through State or local plumbing codes or other appropriate means. Any State which fails to implement the ban within 2 years will risk civil action by the EPA Administrator.

In addition, no new construction will be eligible for guaranteed or insured mortgages from the Veterans Administration or the Department of Housing

and Urban Development unless the water system uses lead free piping, solder, and flux. Lead free is defined as materials containing not more than 0.2 percent lead.

The bill also requires that public water supply systems, in consultation with the EPA, conduct an information campaign to notify users of their systems of the adverse health effects of lead and the means by which users can reduce the lead in their water supplies. The bill further requires notification through the use of labeling on lead pipes or lead solder sold in retail establishments. The intent of these labels is to inform the public that the use of lead in drinking water systems is prohibited under Federal law. The consumer product safety commission will enforce this provision through its network of field inspectors.

Mr. President, this amendment does not call for the retroactive removal of lead pipes or pipes containing lead. It simply requires that new pipes or pipes that are repaired do not contain lead. It is supported by a number of organizations and associations concerned about lead regulation, including the National Association of Full Service Plumbing, Heating, Cooling and Piping Product Wholesalers, which has members whose businesses will be impacted by this amendment. However, it recognizes that there are alternatives to lead and those alternatives should be used.

Mr. President, in my home State of New Jersey, lead from solder in drinking water pipes has been identified as a major source of exposure to lead. In one study, exposure to lead in drinking water was greater than exposure to lead from automobile emissions along major highways. The preliminary findings of a report by the New Jersey Department of Environmental Protection indicate that the problem is extensive: of 590 wells tested in Beachwood, NJ, 220 showed lead above the 50 ug/l maximum contaminant level set under the Safe Drinking Water Act. This pattern is repeated in many other areas of the Northeast and the Northwest.

Action has been taken to ban lead solder in Oregon, Wisconsin, Washington, Delaware, and New York, as well as in Denmark, West Germany, Great Britain and the Netherlands. Given the national and international character of our economy, we should protect citizens across the country by adding the United States to the list.

Mr. President, the problem of lead contamination in our Nation's drinking water is not new, and it will not simply disappear. If anything, it will get worse. As time passes, deterioration of lead pipes will continue to pose a serious health problem. This subject deserves our immediate attention. It is my hope that the Senate will approve this important amendment.

Mr. STAFFORD. Mr. President, on behalf of the majority, and especially in view of what the Senator from New Jersey has said, and the hearings which the committee held in respect to this matter, we are prepared to accept the Senator's amendment.

Mr. BENTSEN. Mr. President, on behalf of the minority, I think the Senator from New Jersey offered a very excellent amendment, and I am pleased to support it.

Mr. BRADLEY. Mr. President, I move the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 634) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3244. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 187. Concurrent resolution condemning the kidnaping of Ines Guadelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 444. An act to amend the Alaska Native Claims Settlement Act;

H.J. Res. 128. Joint resolution designating the month of October 1985 as "National High-Tech Month"; and

H.J. Res. 299. Joint resolution recognizing the accomplishments over the past 50 years resulting from the passage of the Historic Sites Act of 1935, one of this Nation's landmark preservation laws.

The enrolled bill, S. 444, was subsequently signed by the President pro tempore [Mr. THURMOND].

At 3:48 p.m., a message from the House or Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 817) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1986 and 1987, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 818) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3244. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 187. Concurrent resolution comdemning the kidnaping of Ines Guadelupe Duarte Duran, daughter of President Jose Napoleon Duarte of El Salvador.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 17, 1985, she has presented to the President of the United States the following enrolled bill:

S. 444. An act to amend the Alaska Native Claims Settlement Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1754. A communication from the Chairman of the D.C. Council, transmitting, pursuant to law, a copy of D.C. Act 6-73; to the Committee on Governmental Affairs.

EC-1755. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of his intention to activate the new U.S. Space Command on September 23, 1985, in Colorado Springs, Colorado; to the Committee on Armed Services.

EC-1756. A communication from the Director of the Office of Personnel Management transmitting a draft of proposed legislation to improve government-wide authority to appoint and compensate experts and consultants as Federal employees; to the Committee on Governmental Affairs.

EC-1757. A communication from the Acting U.S. Postal Service Records Officer, transmitting, pursuant to law, notice of the Postal Service's participation in three computer records matching programs; to the Committee on Governmental Affairs.

EC-1758. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, certification that the Phoenix weapons system is essential to the national security and a current unit cost increase of 44 percent; to the Committee on Armed Services.

EC-1759. A communication from the Administrator of GSA transmitting a draft of proposed legislation to change the methods of reimbursement and remove the statutory ceilings for traveler's subsistence expenses for Government civilian employees; to the Committee on Governmental Affairs.

EC-1760. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to increase the appropriation ceiling for the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

EC-1761. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for audit requirements for State and local governments; to the Committee on Labor and Human Resources.

EC-1762. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Chapter 2 of the Education Consolidation and Improvement Act of 1981; to the Committee on Labor and Human Resources.

EC-1763. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter ended June 30, 1985; to the Committee on Armed Services.

EC-1764. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation, transmitting, pursuant to law, Appendices to the Comprehensive Strategy Report; to the Committee on Energy and Natural Resources.

EC-1765. A communication from the Director of the Office of Legislative Affairs, AID, transmitting, pursuant to law, a justification for an increase in foreign assistance for Mauritius for fiscal year 1985; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (by request):

S. 1649. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to make temporary and part-time appointments of certain health care personnel for periods in excess of 1 year; to the Committee on Veterans Affairs.

S. 1650. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees; to the Committee on Veterans Affairs.

By Mr. GORTON (for himself and Mr. HEINZ):

S. 1651. A bill to extend for an additional 3 years the existing suspension of duty on p-hydroxybenzoic acid; to the Committee on Finance.

By Mr. HEINZ:

S. 1652. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. MURKOWSKI):

S. 1653. A bill to provide for a fair and equitable disposition to certain coastal States of certain Federal Outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. DENTON, Mr. DURENBERGER, Mr. LEAHY, Mr. MURKOWSKI, Mr. GARN, Mr. DOMENICI, Mr. BUMPERS, Mr. HEINZ, and Mr. BYRD):

S. 1654. A bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. BURDICK, Mr. DECONCINI, Mr. DODD, Mr. STENNIS, Mr. DOLE, Mr. EAST, Mr. FORD, Mr. HATCH, Mr. HOLLINGS, Mr. HEINZ, Mr. MCCLURE, Mr. MITCHELL, Mr. NICKLES, Mr. PRYOR, Mr. THURMOND, Mr. DENTON, Mr. D'AMATO, Mr. MATTINGLY, Mr. COCHRAN, Mr. MCCONNELL, Mr. LEVIN, Mr. DIXON, Mr. LAUTENBERG, and Mr. EAGLETON):

S.J. Res. 201. A joint resolution to designate the week beginning September 22, 1985, as "National Needlework Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Res. 222. A resolution expressing the support of the Senate for the agreement by opposition political parties in Chile calling for a transition to full democracy in that country, and for other purposes; to the Committee on Foreign Relations.

By Mr. QUAYLE:

S. Con. Res. 65. A concurrent resolution establishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (by request):

S. 1649. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to make temporary and part-time appointments of certain health-care personnel for periods in excess of 1 year; to the Committee on Veterans' Affairs.

TEMPORARY AND PART-TIME APPOINTMENTS OF CERTAIN HEALTH-CARE PERSONNEL

● Mr. MURKOWSKI. Mr. President, S. 1649, a bill to amend title 38, United States Code, to authorize the Veterans' Administration to make temporary and part-time appointments of certain health-care personnel for periods in excess of 1 year.

Mr. President, I rise to introduce, by request, a bill which would authorize the Veterans' Administration to make temporary and part-time appointments of certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses for periods in excess of 1 year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1649

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 4114(a)(1) of title 38, United States Code, is amended by inserting "certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses," after "dental auxiliaries," in clause (A), and by inserting ", certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses" after "dental auxiliaries" in clause (B);

(b) Section 4114(a)(2) of title 38, United States Code, is amended by striking out "paragraph (1) of section 4104" and inserting in lieu thereof "paragraphs (1) and (3) of section 4104";

(c) Section 4114(a)(3)(A) of title 38, United States Code, is amended—

(1) by striking out "and" after "physician assistants,";

(2) by inserting after "dental auxiliaries" the following: ", certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses"; and

(3) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(d) Section 4114(a)(3)(B) is amended by inserting after "dental auxiliaries," the following: "certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses,".●

By Mr. MURKOWSKI (by request):

S. 1650. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees; to the Committee on Veterans' Affairs.

AUTHORIZATION OF CERTAIN DISCIPLINARY ACTIONS ON CERTAIN PROBATIONARY HEALTH CARE EMPLOYEES

● Mr. MURKOWSKI. Mr. President, S. 1650, a bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director of the Veterans' Administration or designee regarding disciplinary actions on certain probationary title 38 health care employees.

Mr. President, I rise to introduce, by request, a bill which would clarify the authority of the Chief Medical Director or designee to accept, reject, or modify recommendations made by professional standards boards as a result of their reviews of the performance of probationary medical professionals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1650

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4106(b) of title 38, United States Code, is amended to read as follows:

"(b) Appointments under section 4104(1) of this title shall be subject to a probationary period of two years. The record of performance of each person serving under such appointment may be reviewed at any time during that period by a board or boards appointed in accordance with regulations issued by the Administrator. Procedures governing the review of employee performance during the probationary period shall be established in regulations issued by the Administrator. The board(s) shall recommend to the Chief Medical Director, or designee, action consistent with the ability of the employee, as determined by the board(s), to perform efficiently. The Chief Medical Director, or designee, may accept, reject, or modify the recommendation of the board(s). If the Chief Medical Director, or designee, takes action not recommended by the board(s), a statement of the reasons therefor shall be prepared and made part of the record."●

By Mr. HEINZ:

S. 1652. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

EXCLUSION OF AMOUNTS UNDER QUALIFIED GROUP LEGAL SERVICES PLANS

● Mr. HEINZ. Mr. President, today I am introducing legislation to extend the tax exclusion for employer-provided prepaid group legal services which under current law will expire on December 31, 1985. Section 120 of the Internal Revenue Code excludes from the gross income of employees the amount of employer contributions and the value of benefits associated with employer-provided prepaid group legal services plans. This provision was originally enacted in 1976 for 5 years, and has been extended on two previous occasions.

The President's tax reform proposal, so-called Treasury II, calls for the permanent extension of the tax exclusion for employer-provided prepaid group legal services. I rise today to introduce a bill which continues this exclusion. I know I speak for my colleagues in both Houses when I say that we all seek legislation to create a simpler, fairer, and more efficient tax system. However, given the enormity of the task, the Congress most likely will not be able to enact tax reform legislation before this exemption expires at the end of this year. As evidenced by its inclusion in Treasury II, employer-provided group legal services has gained wide support. Therefore, I introduce this bill to ensure that those employees who benefit from these plans may continue to rely on them while the Congress considers broad-based reform.

Employer-provided group legal service plans serve a valuable social purpose by providing working people with access to service they might otherwise not be able to afford. The benefits provided vary by plan, but most are relatively simple and routine legal services: General legal advice, assistance with real estate matters, wills, family problems, consumer and debt problems, personal bankruptcies, and representation for misdemeanors and traffic matters. Employer provision through a prepaid plan can save employees lost time, expense, and uncertainty in seeking their own legal counsel, and provide them with information which may actually reduce the need for litigation later to settle disputes.

Mr. President, more than 13 million people: Employees, their spouses and dependents, are covered under group legal service plans according to the National Resources Center for Consumers of Legal Services. Yet, the revenue loss associated with this tax benefit remains relatively small, only $40 million in 1985 according to OMB estimates. This is largely because of the low cost and limited benefits associated with these plans.

In recognition of the growing number of people who have come to rely on this important employee benefit, I urge my colleagues to join me in supporting the tax exclusion for group legal services.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 120 of the Internal Revenue Code of 1954 (relating to exclusion for amounts received under qualified group legal services plans) is amended by striking out subsection (e) and by redesignating subsection (f) as subsection (e).●

By Mr. STEVENS (for himself, Mr. DENTON, Mr. DURENBERGER, Mr. LEAHY, Mr. MURKOWSKI, Mr. GARN, Mr. DOMENICI, Mr. BUMPERS, Mr. HEINZ, and Mr. BYRD):

S. 1654. A bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases; to the Committee on the Judiciary.

PENALTIES TO BE IMPOSED ON CONVICTED SPIES

● Mr. DURENBERGER. Mr. President, I am most pleased to cosponsor this bill, introduced by my good friend and colleague from Alaska, Senator STEVENS. You might call this bill the Take the Fun Out of Spying Act of 1985. Its intent is to make spying less likely to succeed and less profitable once a person is caught.

We are faced with a new breed of spies, ones who will sell their country down the river for money and kicks. They have no ideology, no beliefs, no goals beyond life in the fast lane. Where spying may once have been a crime of politics, now it attracts the same people as drug smuggling.

We need new approaches to the detection and apprehension of these new spies. The Senate Select Committee on Intelligence is currently reviewing the whole range of U.S. counterintelligence and security programs to see what improvements are needed in those areas. The Stilwell Commission in the Defense Department is doing the same thing for that part of the Government. And the Intelligence Committee is meeting with cooperation and encouragement from all the officials with whom we have consulted, from the NSC to the FBI, CIA, and the military services. I have high hopes that before this year is out, we will see real progress on several fronts.

The bill we are introducing today is part of that progress. The reward system that it sets up will encourage people to come forward to the authorities when a person with classified information starts offering it to our enemies. We have seen in recent espionage cases that it is often the friends and relatives of a spy who understand what really is happening when that person takes vacations in Eastern Europe or spends hours riding aimless-

ly around on back roads or brings stacks of papers home from work. Providing that information to the authorities can put some more spies behind bars, or help our counterintelligence units to frustrate those espionage activities.

Once a spy is caught and convicted, the rest of this bill will take away any pot of gold that a spy might think would still be at the end of the rainbow. All the proceeds and paraphernalia of spying will be the subject to forfeit. So will the proceeds of notoriety be forfeited under this bill. There will be no spies getting rich on magazine or television interviews, or movie contracts. Not that many do now, but we must make it clear to the foolish and desperate people who may see spying as a road to solvency or riches that this is really the road to nowhere. This bill will help send that message.

One important aspect of this bill to note is that it applies strictly to spies for foreign countries. This is not a "leak" statute; it is no threat to the civil liberties of whistle blowers. This bill is designed to apprehend and punish spies, the people to whom our country is of so little concern that they will sell defense secrets to the KGB, or the GRU, or the Polish intelligence service, or East Germany, or China. The bill is properly limited to the most important threat.

I look forward to passage of this bill as soon as possible. Senator LEAHY and I have both cosponsored this bill, as has our Intelligence Committee colleague Senator MURKOWSKI. My guess is that our committee as a whole would be happy to endorse this legislation, and I hope that the Judiciary Committee will find it similarly laudable.

We cannot undo overnight the changes of a generation that have eroded love of country and given too many Americans no higher ideal than "looking out for No. 1." But passage of legislation like this may at least make the point that, to paraphrase William Jennings Bryan, "thou shalt not crucify our country upon a cross of gold."●

Mr. BYRD. Mr. President, I am pleased to join with Senator STEVENS today in introducing legislation which would stiffen the penalties which may be imposed on convicted spies.

I have often said that there is no more heinous crime than that which is committed by individuals who would sell out and betray this country. Enactment of this legislation would create a further deterrent to such despicable activities.

Articles which have appeared in the press concerning the so-called Walker espionage case have alleged that the primary motivating factor in that case was pure and simple greed, a desire to make money from the sale of sensitive U.S. defense information. The bill which I am cosponsoring today would simply seek to attack that motive by requiring that convicted spies would have to forfeit anything of value that they receive as a result of their espionage activities. And if any potential spy believes he might also be able to profit even further from his activities by writing a book or selling a television story about what he has done, this legislation would deal with that kind of exploitation as well: The proceeds from the sale of such publication or broadcast rights may also have to be forfeited by the convicted spy.

Finally, this legislation would establish a reward fund to encourage people who know about espionage activities by others to bring that information to the attention of the proper authorities: The U.S. Government would be authorized to pay up to a half million dollars for information leading to the arrest and conviction of spies.

We simply cannot stand idly by and witness the slow hemorrhaging of our most vital national secrets to our adversaries. This bill would constitute a major step forward in our effort to stop these crimes.

I applaud the continuing interest of my colleague from Alaska [Mr. STEVENS] in this urgent national problem, and I urge the prompt processing and enactment of this legislation.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. ABDNOR, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 653, a bill to name the Federal Building located at 1200 Pennsylvania Avenue, NW., Washington, DC, as the "Ariel Rios Memorial Federal Building."

S. 670

At the request of Mr. PELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 670, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 887

At the request of Mr. DOLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1223

At the request of Mr. ARMSTRONG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Indiana [Mr. QUAYLE], the Senator from Tennessee [Mr. GORE], the Senator from Vermont [Mr. LEAHY] the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1223, a bill to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war.

S. 1305

At the request of Mr. TRIBLE, the name of the Senator from Oklahoma [Mr. BOREN], was added as a cosponsor of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S. 1440

At the request of Mr. STEVENS, the name of the Senator from New Mexico [Mr. BINGAMAN], was added as a cosponsor of S. 1440, a bill to restrict smoking to designated areas in all U.S. Government buildings.

S. 1448

At the request of Mr. CHILES, the name of the Senator from California [Mr. CRANSTON] was added as cosponsor of S. 1448, a bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, for highway safety and for other purposes.

S. 1537

At the request of Mr. NICKLES, the name of the Senator from Vermont [Mr. LEAHY] was added as cosponsor of S. 1537, a bill to amend title IV of the Higher Education Act of 1965 to provide standards for students for maintaining satisfactory progress as a condition for assistance under that title.

S. 1544

At the request of Mr. ROTH, the name of the Senator from Montana [Mr. BAUCUS] was added as cosponsor of S. 1544, a bill to extend the Trade Adjustment Assistance Program to place such program on a sound financial basis and to reform such program to emphasize the retraining of workers.

S. 1601

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1601, a bill entitled the "Rural Transportation Equity Act of 1985."

SENATE JOINT RESOLUTION 74

At the request of Mr. THURMOND, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month."

SENATE JOINT RESOLUTION 117

At the request of Mr. LEVIN, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Ohio [Mr. GLENN], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 117, a joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 139

At the request of Mr. HATCH, the names of the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. DENTON], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 139, a joint resolution to designate the week of December 1, 1985 through December 7, 1985, as "National Home Care Week."

SENATE JOINT RESOLUTION 149

At the request of Mr. DIXON, the names of the Senator from Ohio [Mr. GLENN], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mrs. HAWKINS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. RIEGLE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of September 15, 1985 through September 21, 1985, as "National Dental Hygiene Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. DODD, the names of the Senator from Rhode Island [Mr. PELL] the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Missouri [Mr. EAGLETON], the Senator from Texas [Mr. BENTSEN], the Senator from Mississippi [Mr. STENNIS], the Senator from Delaware [Mr. BIDEN], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Texas [Mr. GRAMM], the Senator from Alaska [Mr. STEVENS], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 152, a joint resolution to recognize both Peace Corps Volunteers and Peace Corps on the agency's 25th anniversary, 1985–86.

SENATE JOINT RESOLUTION 171

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 171, a joint resolution proposing an amendment to the Constitution of the United States with respect to the length of the term of office of the President and Vice President and the number of terms a President may serve.

SENATE JOINT RESOLUTION 178

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to designate the week of April 13, 1986, through April 19, 1986, as "Hemochromatosis Awareness Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. EXON], the Senator from Alabama [Mr. DENTON], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating the week beginning January 12, 1986 as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 194

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 194, a joint resolution to designate the week beginning October 1, 1985, as "National Buy American Week."

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. DIXON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution to congratulate the Society of Real Estate Appraisers on the 50th anniversary of its founding.

AMENDMENT NO. 611

At the request of Mr. DIXON, his name was added as a cosponsor of amendment No. 611 proposed to S. 1200, a bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes.

AMENDMENT NO. 621

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of amendment No. 621 proposed to S. 1200, a bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes.

AMENDMENT NO. 624

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of amendment No. 624 proposed to S. 1200, a bill to amend the Immigration and Nationality Act to effectively control unauthorized immigration into the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 65—PROVIDING FOR EXPEDITED CONSIDERATION OF CERTAIN BILLS AND JOINT RESOLUTIONS SUBMITTED BY THE PRESIDENT

Mr. QUAYLE submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 65

Resolved by the Senate (the House of Representatives concurring), That (a) if the President, at the time the President approves any appropriations bill, transmits to both Houses of the Congress, one or more special messages in accordance with subsection (b) proposing to rescind all or part of any item of appropriation provided in the appropriation bill, such special messages shall be considered in accordance with the provisions of this resolution.

(b)(1) Each special message transmitted under subsection (a) shall specify, with respect to each item of appropriation (or part thereof) proposed by the message to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a) of the Impoundment Control Act of 1974 (2 U.S.C. 683(a)).

(2) Each special message transmitted under subsection (a) shall be accompanied by a draft bill or joint resolution that would, if enacted, rescind each item of appropriation (or part thereof) proposed by the message to be rescinded.

(c)(1)(A) On the day on which a special message proposing to rescind an item of appropriation is transmitted to the House of Representatives and the Senate under subsection (a), the draft bill or joint resolution accompanying such special message shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by the Members of the House designated by the majority leader and the minority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by the Members of the Senate designated by the majority leader and the minority leader of the Senate. If either House is not in session on the day on which a special message is transmitted, the draft bill or joint resolution shall be introduced in that House, as

provided in the preceding sentence, on the first day thereafter on which such House is in session.

(B) A bill or joint resolution introduced in the House of Representatives or the Senate pursuant to subparagraph (A) shall be referred on the date of introduction to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 5 calendar days of continuous session of the Congress after the date on which the bill or joint resolution is introduced. A committee failing to report a bill or joint resolution within the 5-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of a bill or joint resolution introduced in a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 10th calendar day of continuous session of the Congress after the date of the introduction of the bill or joint resolution in such House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the bill or joint resolution is agreed to by such House.

(2) If prior to the passage by one House of a bill or joint resolution introduced in that House under this section, that House receives a bill or joint resolution containing the same provisions from the other House pursuant to subparagraph (C) of paragraph (1), then—

(A) the procedure in the House receiving the bill or joint resolution with respect to the bill or joint resolution introduced in that House shall be the same as if the bill or joint resolution had not been received from the other House; but

(B) the vote on final passage shall be on the bill or joint resolution of the other House.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion to postpone, made in the House of Representatives with respect to the consideration of a bill or joint resolution under this section, and a motion to proceed to the consideration of other business, shall not be in order. A motion further to limit debate shall not be debatable. It shall not be in order to move to table or to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) All appeals from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this paragraph, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other bills and joint resolutions in similar circumstances.

(4)(A) a motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, expect that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to table or to recommit a bill or joint resolution under this section is not in order.

(d) No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) For purposes of this section—

(1) "item of appropriation" means any numerically expressed amount of budget authority set forth in an appropriation bill;

(2) "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations;

(3) "appropriation Act" means any appropriation bill that has been approved by the President and become law;

(4) "budget authority" has the meaning given to such term in section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2)); and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 5-day and 10-day periods referred to in subsection (c) of this section. If a special message is transmitted under this section during any Congress and the last session of the Congress adjourns sine die before the expiration of 10 calendar days of continuous session (or a special message is transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 5-day and 10-day periods referred to in subsection (c) of this section shall commence on the day after such first day.

(f) The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

● Mr. QUAYLE. Mr. President, it would be easy but not productive to dwell at length on the fiscal crisis threatening our Nation, to expound further on the staggering deficits of the past or to emphasize once again that, even with the overoptimistic assumptions built into the last budget resolution, future deficits are even more frightening than those of the past. Those of us concerned with the prospect—or should I say the reality—of a $2 trillion national debt and worried about the not so distant future when it will be $3 trillion, must do more than curse the fates or command the tide to recede. We must not only vote for fiscally prudent options, whether on budget resolutions, appropriations, or entitlement bills, but we must also examine our congressional procedures to determine how we may counteract the drift toward extravagance that seems to afflict our processes.

I am today introducing, for appropriate referal, a concurrent resolution that, if adopted, could make a significant contribution toward congressional fiscal responsibility without encountering the difficult constitutional and passionate political objections that seem to surround line-item veto proposals. Let me make clear, however, that this proposal does not diminish my enthusiasm for Senator MATTINGLY's line-item veto proposal.

My proposal is a simple one. Using the rulemaking powers of each House, it guarantees an up-down vote on rescission bills submitted by the President under specified conditions. More specifically, my concurrent resolution provides that, if the President signs an appropriations bill containing one or more items of which he disapproves, he may send a special message to Congress proposing the rescission of all or any part of an item of appropriation

contained in that bill. A bill, or bills, implementing the President's message would be introduced in both Houses and referred to the Appropriations Committees. These committees would be limited to determining whether the President's message met the conditions for expedited consideration in the resolution and would then report the bill to the floor without amendment. The bill would be guaranteed consideration on the floor with no amendments in order. I invite my colleagues attention to the text of the concurrent resolution which deals with the many technical points required to carry out such a procedure.

Let me take a few minutes to explain why I think such a procedure is necessary as one important approach to dealing with our deficit problem. I want to emphasize immediately that I recognize that my proposal is no cure-all for our deficit problems, but it will have some restraining effect on the amounts we spend—and in our current situation of staggering deficits, we must utilize every available mechanism that will promote fiscal responsibility.

Historically, the pressures for spending came from the executive branch, and the legislature served as the mechanism for restraint. In those early days of our Republic, the legislature had the painful and difficult task of raising taxes in order to finance expenditures, and they did that with great reluctance. In fact, we know that our representative form of government is derived from the ability of Parliament to refuse to vote funds for the King's use unless he agreed to redress popular grievances.

But the growth of democracy has changed that old relationship between executive and legislature, and expenditure of money has become a popular function for the legislature—especially when unconstrained by the need to raise equivalent revenues. Nowdays, the pressure for restraint more often comes from the executive than the legislature so that over the last few decades we have been searching for ways to prune out the extravagances that seem to get included in the congressional appropriations process where the opportunities for what is euphemistically called logrolling frequently overwhelm the cries for economy.

President Nixon tried to prune the budget through an expansion of the impoundment process that was rejected by both the courts and the Congress. The Congress tried a different approach in title X of the Congressional Budget and Impoundment Control Act of 1974, through a system of deferrals and rescissions, but that system has not served the desired function. While that statute authorizes the President to submit rescission proposals, it does not ensure that such proposals receive congressional consideration—and in fact they do not. Though President Reagan submitted 242 rescission proposals as a part of his fiscal year 1986 budget, not one has had a record vote in the Senate. It is, of course, true that many rescission proposals are incorporated into regular or supplemental appropriations bills, but it remains a fact that such proposals have no guarantee of separate consideration by the House or the Senate as a body.

The special procedures of section 1017 of the Budget Act have not worked to bring rescissions to the floor for consideration and that weakness must be corrected. The purpose of my proposal is to ensure serious congressional reconsideration of those items of appropriations that the President considers excessive or unnecessary. We have all voted for appropriation bills without being committed to every item that is included. My proposal will require Congress to give careful consideration to those items in an appropriations bill of which the President disapprove. If the President believes that an appropriation is unnecessary or excessive, it does not seem unreasonable to require Senators and Congressmen to vote publicly on the need for that item.

It is my belief that this process will make it easier to eliminate unnecessary spending without making any change in our constitutional balance of powers. I invite all my colleagues, both supporters and opponents of the line-item veto, to support this concurrent resolution as one means of promoting fiscal responsibility.●

SENATE RESOLUTION 222—CALLING FOR A TRANSITION TO FULL DEMOCRACY IN THE GOVERNMENT OF CHILE

Mr. DODD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 222

Whereas a military government headed by General Augusto Pinochet has ruled Chile since 1973, denying Chileans their civil liberties and outlawing or suspending all Chilean political parties;

Whereas violence has repeatedly broken out in Chile in protest of the military rule;

Whereas the Government of Chile has made no commitment for an early return to civilian rule, and Geneal Pinochet has relied in the past on the divisions within the anti-Government opposition to continue in power;

Whereas eleven political parties representing 80 percent of the electorate have recently reached an agreement which moderates their demands on the Pinochet government and provides for a return to civilian government;

Whereas the agreement, known as the National Accord for the Transition to Full Democracy, proposes the legalization of political parties, the return of exiles, the restoration of full civil liberties, and the holding of generl elections at a date to be negotiated; and

Whereas the Government of Chile has made no definitive response to the agreement: Now, therefore, be it

Resolved, That the Senate hereby expresses its support for the agreement reached by opposition political parties in Chile calling for a transition to full democracy and urges the Government of Chile to take steps to begin to carry out this transition.

● Mr. DODD. Mr. President, the bad new from Chile is that the Pinochet Government still holds sway and continues to rule with an iron hand. Indeed, just a few short days ago, September 11 to be exact, the people of that politically beleaguered land marked the 12th anniversary of the demise of the Allende government at the hands of their military leaders.

The good news from Chile is that its military rulers are now under increasing internal pressure to restore democratic procedures and respect for civil liberties. That pressure comes from across the political spectrum—left to right and right to left—and from the Catholic Church which has been instrumental in securing agreement among Chile's democratic opposition.

Mr. President, as a result of this effort, the Pinochet regime now confronts a unified democratic opposition, encompassing some 11 political parties and representing approximately 80 percent of the electorate. This is the significance of the recently announced national accord for the transition to full democracy. According to Lydia Chavez, the New York Times correspondent in Santiago, this is "* * * the first time such a broad spectrum of the opposition had agreed on the rules for a return to civilian government."

Some of the principal features of the national accord include a call for the creation of an electoral register, the legalization of political parties, the direct election of the President and the Congress; and for a mixed economy and respect for private property. Moreover, in a bow to the military, the accord "rules out collective trials for human rights abuses," but at the same time it demands the full restoration of civil rights and political freedoms.

Mr. President, because of the importance of this political development in Chile, I am introducing today a resolution which will put the Senate on record in support of the national accord and in urging the Pinochet government to implement it without further delay.

The democratic opposition in Chile has taken a major step forward in its efforts to return Chile to the democratic column. It needs and deserves our help and support. And I know from recent conversations with a variety of Chilean political spokesmen that a resolution along the lines which

I am introducing today will be both beneficial and constructive.

I hope my colleagues will give this resolution the urgent consideration it deserves.●

AMENDMENTS SUBMITTED

SUPERFUND IMPROVEMENT LEGISLATION

DECONCINI AMENDMENT NO. 627

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; as follows:

On pages 88-89, strike out section 124 of the bill. On page 118, following the line 8, insert the following:

CONTRACTOR LIABILITY AND INDEMNIFICATION

SEC. . Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new section:

"CONTRACTOR LIABILITY AND INDEMNIFICATION

"SEC. 119. (a) Notwithstanding the provisions of section 114 of this title, no response action contractor shall be liable under this title or under any other Federal or State law or under common law to any person for injuries, costs, damages, expenses, or other liability (including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, or economic loss) which result from any release or threatened release of a hazardous substance or pollutant or contaminant from a facility.

"(b) The exemption from liability provided under subsection (a) of this section shall not apply where—

"(1) a release or threatened release was caused by conduct of the response action contractor which was negligent or reckless or constituted intentional misconduct; or

"(2) the response action contractor is also a person against whom an action could be brought under section 106 with respect to any release or a person who would be liable under section 107(a) with respect to any release or threatened release.

"(c)(1) The Administrator may agree to hold harmless and indemnify any response action contractor meeting the requirements of this subsection against any liability (including the expenses of litigation or settlement) arising out of the contractor's performance in carrying out a response action under this title, but only to the extent that—

"(A) the contractor has made reasonable efforts to obtain liability insurance coverage;

"(B) any liability arising out of the contractor's performance exceeds the available insurance coverage; and

"(C) such liability was not caused by conduct of the contractor which was grossly negligent or reckless or constituted intentional misconduct.

"(2) The provisions of this subsection shall apply only with respect to a response action carried out under a written contract or agreement with—

"(A) the Administrator;

"(B) another Federal agency; or

"(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 104(d)(1) of this title.

"(3) The provisions of this subsection shall not be subject to sections 1301 or 1341 of title 31 or section 11 of title 41 of the United States Code.

"(d) Nothing in this section shall affect the liability under this title or under any other Federal or State law of any person other than a response action contractor.

"(e)(1) A person is a 'response action contractor' under this section if such person is carrying out any response action under this title (including any evaluation, planning, design, engineering, construction, equipment, or ancillary services in connection with such response action) with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from a facility, under a written contract or agreement with—

"(A) the Administrator;

"(B) another Federal agency;

"(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 104(d)(1) of this title; or

"(D) any person against whom an action could be brought under section 106 with respect to such release, or any person who would be liable under section 107(a) with respect to such release or threatened release.

"(2) For purposes of this section, the term 'response action contractor' includes any person retained or hired by a response action contractor to provide any services relating to a response action.".

IMMIGRATION CONTROL ACT

LEVIN (AND OTHERS) AMENDMENT NO. 628

Mr. LEVIN (for himself, Mr. DECONCINI, Mr. BENTSEN, Mr. BINGAMAN, and Mr. HATFIELD) proposed an amendment to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

On page 93, between lines 7 and 8, insert the following:

(k)(1) The Congress finds that because equities exist in a certain group of persons who, while at present in the United States illegally, arrived prior to January 1, 1980, this Act provides the prospect for legalization for such group of persons who meet the eligibility requirements of this Act.

(2) It is not the purpose of this Act to deny employment or to otherwise prevent such group of persons from qualifying for legalization.

(3) Notwithstanding any other provision of law, the Attorney General shall prescribe regulations to permit any person who would be eligible for legalization under section 202 to remain in the United States and to engage in employment until the end of the application period described in subsection (a)(1).

WILSON (AND OTHERS) AMENDMENT NO. 629

Mr. WILSON (for himself, Mr. DURENBERGER, Mr. MOYNIHAN, and Mr. CRANSTON) proposed an amendment to the bill S. 1200, supra; as follows:

On page 93, line 12, strike out "$600,000,000 for each of three" and insert in lieu thereof "$300,000,000 for each of the first two".

On page 93, line 14, before the period insert a comma and the following: "and $600,000,000 for each of the next four fiscal years".

On page 95, line 9, strike out "$600,000,000 for each of the three fiscal years" and insert in lieu thereof "$300,000,000 for each of the first two fiscal years and $600,000,000 for each of the next four fiscal years".

Beginning on page 96, line 5, strike out "Any" and all that follows through "made." on line 8 and insert in lieu thereof the following: "Any amount paid to a State for any of the following fiscal years and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made, as follows: Amounts appropriated for the first, second, third, fourth, and fifth fiscal years, as described in subsection (a), shall remain available for the next five, four, three, two, and one fiscal years thereafter, respectively.".

Beginning on page 94 with line 13, strike out all through line 7 on page 95 and insert in lieu thereof the following:

(2)(A) The amount of the allotment to a State under this section for a fiscal year shall bear the same proportion to the total allotments to States under this section for such fiscal year as the number of eligible legalized aliens (as defined in subsection (i)(3)) in such State that are applying for public programs of assistance (for which such aliens were not disqualified under section 202(h) at the time of such assistance) bears to the total number of such aliens that are applying for such assistance in all States.

SUPERFUND IMPROVEMENT ACT

STAFFORD (AND BENTSEN) AMENDMENT NO. 630

Mr. STAFFORD (for himself and Mr. BENTSEN) proposed an amendment to the bill S. 51, supra; as follows:

On page 59, lines 19 and 20, strike out the phrase, "a facility" and insert in lieu thereof "residential buildings or business or community structures".

On page 116, lines 23 and 24, strike the phrase, "or disposal" each time it appears, and on line 24, strike "or" before "(B)".

On page 109, following line 14, insert the following new section 135 and renumber the following sections accordingly:

"NOTICE OF CERLCA ACTIONS

"SEC. . Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(i) NOTICE OF ACTIONS.—Whenever any action is brought under this Act in a court of the United States by a plaintiff other than the United States, the plaintiff shall provide a copy of the complaint to the At-

torney General of the United States and to the Administrator.".

On page 71, after line 8, insert the following:

"(5) No person required to provide information or documents under this Act may claim that the information is entitled to protection under this section unless such claimant shows that:

"(A) the claimant has not disclosed the information to any other person, other than to an employee of the claimant or a person who is bound by a confidentiality agreement or to a person to whom the data has been supplied on a confidential basis in compliance with this Act, and the claimant has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures;

"(B) the information could not reasonably be discovered by anyone other than such persons in the absence of disclosure; and

"(C) knowledge of such information gives the claimant an opportunty to obtain a significant advantage over competitors who do not know such information and disclosure of the information is likely to cause substantial harm to the claimant's competitive position.

"(6) The following information with respect to any hazardous substance as defined in section 101(14) shall not be entitled to protection under this section:

"(A) The chemical name, CAS number, trade name, and common name of the hazardous substances;

"(B) The physical properties of the substance, including its boiling point, melting point, flash point, specific gravity, vapor density, solubility in water, and vapor pressure at 20 degrees celsius;

"(C) The hazards to health and the environment posed by the substance, including physical hazards (such as explosion) and potential acute and chronic health hazards;

"(D) The potential routes of human exposure to the substance at the facility, establishment, place, or property being investigated, entered, or inspected under this subsection.

"(E) The location of disposal of any waste stream;

"(F) The identity and quantity of any waste stream;

"(G) Any monitoring data or analysis of monitoring data pertaining to disposal activities;

"(H) Any hydrogeologic or geologic data; and

"(I) Any groundwater monitoring data.".

On page 118, following line 19, insert the following new section:

PROCUREMENT PROCEDURES

SEC. . Title 1 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section at the end thereof:

"PROCUREMENT PROCEDURES

"SEC. . Notwithstanding any other provision of law, any executive agency may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a civil or criminal action under this Act, whether or not the expert is expected to testify at trial. The executive agency need not provide any written justification for the use of procedures other than competitive procedures when procuring such expert services under this Act and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.".

On page 94, strike lines 14-25, and on page 95, strike lines 1-15, and substitute the following:

"(c) In any case where a person liable under section 107 is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code, or where with reasonable diligence jurisdiction in the Federal Courts cannot be obtained over a person liable under section 107 likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility for that person. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the person liable under section 107 if any action had been brought against such person by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by such person.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount of the monetary limits of the policy of insurance, guarantee, surety bond, letter of credit, or similar instrument provided by the guarantor to the person liable under section 107: *Provided*, That nothing in the subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to the person liable under section 107 including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: Provided further, That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under section 107 or 111 of the Act or other applicable law.".

On page 161, after line 14, insert the following new section:

"HAZARDOUS MATERIALS TRANSPORTATION

"SEC. . (a) Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking 'within ninety days after the date of enactment of this Act' in the first sentence and inserting in lieu thereof 'by June 1, 1986,'; and by inserting the words 'and regulate' before the words 'as a hazardous material'.

"(b) Section 306(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the words 'and regulation' after 'prior to the effective date of the listing'.".

On page 71, line 8, after the first period insert the following: "Notwithstanding any other provision of law, all requirements of the Atomic Energy Act and all executive orders concerning the handling of restricted data and national security information, including 'need to know' requirements, shall be applicable any grant of access to properly classified information under any provision of this Act, including section 103.".

KASTEN AMENDMENT NO. 631

Mr. STAFFORD (for Mr. KASTEN) proposed an amendment to the bill S. 51, supra; as follows:

On page 47, after line 19, insert the following new section and renumber succeeding sections accordingly:

"DEDICATED DEFENSE PRODUCTION

"SEC. . Section 101(20) of the Comprehensive, Environmental, Response, Compensation, and Liability Act of 1980 is amended by adding the following subparagraph:

"( ) in the case of a facility containing any hazardous substance resulting from manufacturing operations dedicated to the production of munitions or ordnance parts for the Department of Defense (or any subdivision thereof) using equipment owned by such Department or subdivision, the term "owner or operator" shall include the United States Government;".

STAFFORD (AND BENTSEN) AMENDMENT NO. 632

Mr. STAFFORD (for himself and Mr. BENTSEN) proposed and amendment to the bill S. 51, supra; as follows:

STATE AND LOCAL GOVERNMENT LIABILITY

S. 51 is amended by—

(1) On page 88, line 14, inserting after "release" the following: "or threatened release"; and

(2) On page 88, line 7 inserting "(a)" immediately before "Section";

(3) On page 87, line 21, inserting the following:

"(b) Section 101(20) is amended by inserting immediately before the semicolon at the end of clause (A) the following: 'nor does such term include a unit of state or local government which acquired ownership or control involuntarily through bankruptcy, foreclosure, tax deliquency, abandonment, or similar means of alienation;',".

"(c) Section 101(20) is further amended by deleting clause (iii) and substituting the following: '(iii) in the case of any facility, title or control of which was conveyed due to abandonment, bankruptcy, foreclosure, tax delinquency of similar means to a unit of state or local government, any person who owned, operated or otherwise controlled activities at such facility immediately beforehand.'."

STAFFORD (AND BENTSEN) AMENDMENT NO. 633

Mr. STAFFORD (for himself and Mr. BENTSEN) proposed an amendment to the bill S. 51, supra; as follows:

POLLUTION LIABILITY INSURANCE

Add the following at the end thereof:

"TITLE III

"AMENDMENTS RELATED TO THE INSURANCE OF POLLUTION LIABILITY

"SEC. 301. The Comprehensive Environmental Compensation and Liability Act of 1980 is amended by adding the following at the end thereof:

'TITLE IV—POLLUTION INSURANCE

'SECTION 401. This Title may be cited as the "Pollution Liability Insurance and Risk Retention Act".

DEFINITIONS

'SEC. 402. (a) As used in this Title—

'(1) "insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under applicable State or Federal law;

'(2) "pollution liability" means liability for injuries arising from the release of hazardous substances, pollutants or contaminants;

'(3) "risk retention group" means any corporation or other limited liability association taxable as a corporation, or as an insur-

ance company, formed under the laws of any state

'(A) whose primary activity consists of assuming and spreading all, or any portion, of the pollution liability or of its group members;

'(B) which is organized for the primary purpose of conducting the activity described under subparagraph (A);

'(C) which is chartered or licensed as an insurance company and authorized to engage in the business of insurance under the laws of any State; and

'(D) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.

'(4) "purchasing group" means any group of persons which has as one of its purposes the purchase of pollution liability insurance on a group basis; and

'(5) "State" means any State of the United States or the District of Columbia.

'(b) Nothing in this Title shall be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State, and the definitions of pollution liability and pollution liability insurance under any State law shall not be applied for the purposes of this Act, including recognition or qualification of risk retention groups or purchasing groups.

'SEC. 403. (a) Except as provided in this section, a risk retention group is exempt from any State law, rule, regulation, or order to the extent that such law, rule, regulation, or order would—

'(1) make unlawful, or regulate, directly or indirectly, the operation of a risk retention group except that the jurisdiction in which it is chartered may regulate the formation and operation of such a group and any State may require such a group to—

'(A) comply with the unfair claim settlement practices law of the State;

'(B) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers and surplus line insurers, brokers, or policyholders under the laws of the State;

'(C) participate, on a nondiscrimatory basis, in any mechanism established or authorized under the law of the State for the equitable apportionment among insurers of pollution liability insurance losses and expenses incurred on policies written through such mechanism;

'(D) submit to the appropriate authority reports and other information required of licensed insurers under the laws of a State relating solely to pollution liability insurance losses and expenses;

'(E) register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process, and, upon request, furnish such commissioner a copy of any financial report submitted by the risk retention group to the commissioner of the chartering or licensing jurisdiction;

'(F) submit to an examination by the State insurance commissioner in any State in which the group is doing business to determine the group's financial condition, if—

'(i) the commissioner has reason to believe the risk retention group is in a financially impaired condition; and

'(ii) the commissioner of the jurisdiction in which the group is chartered has not begun or has refused to initiate an examination of the group; and

'(G) comply with a lawful order issued in a delinquency proceeding commenced by the State insurance commissioner if the commissioner of the jurisdiction in which the group is chartered has failed to initiate such a proceeding after notice of a finding of financial impairment under subparagraph (F) of this paragraph;

'(2) require or permit a risk retention group to participate in any insurance insolvency guaranty association to which an insurer licensed in the State is required to belong;

'(3) require any insurance policy issued to a risk retention group or any member of the group to be countersigned by an insurance agent or broker residing in that State; or

'(4) otherwise discriminate against a risk retention group or any of its members, except that nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

'(c) The exemptions specified in subsection (a) apply to—

'(1) pollution liability insurance coverage provided by a risk retention group for—

'(A) such group; or

'(B) any person who is a member of such group;

'(2) the sale of pollution liability insurance coverage for a risk retention group; and

'(3) the provision of insurance related services or management services for a risk retention group or any member of such a group.

'(d) A State may require that a person acting, or offering to act, as an agent or broker for a risk retention group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

PURCHASING GROUPS

'SEC. 404. (a) Except as provided in this section, a purchasing group is exempt from any State law, rule, regulation, or order to the extent that such law, rule, regulation, or order would—

'(1) prohibit the establishment of a purchasing group;

'(2) make it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its member, advantages, based on their loss and expense experience, not afforded to other persons with respect to rates, policy forms, coverages, or other matters;

'(3) prohibit a purchasing group or its members from purchasing insurance on the group basis described in paragraph (2) of this subsection;

'(4) prohibit a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time;

'(5) require that a purchasing group must have a minimum number of members, common ownership or affiliation, or a certain legal form;

'(6) require that a certain percentage of a purchasing group must obtain insurance on a group basis;

'(7) require that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker residing in that State; or

'(8) otherwise discriminate against a purchasing group or any of its members.

'(b) The exemptions specified in subsection (a) apply to—

'(1) pollution liability insurance, and comprehensive general liability insurance which includes this coverage, provided to—

'(A) a purchasing group; or

'(B) any person who is a member of a purchasing group; and

'(2) the sale of—

'(A) pollution liability insurance, and comprehensive general liability coverage;

'(B) insurance related services; or

'(C) management services;

to a purchasing group or member of the group.

'(c) A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

'APPLICABILITY OF SECURITIES LAWS

'SEC. 405. (a) The ownership interests of members in a risk retention group shall be—

'(1) considered to be exempted securities for purposes of section 5 of the Securities Act of 1933 and for purposes of section 12 of the Securities Exchange Act of 1934; and

'(2) considered to be securities for purposes of the provisions of section 17 of the Securities Act of 1933 and the provisions of section 10 of the Securities Exchange Act of 1934.

'(b) A risk retention group shall not be considered to be an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

'(c) The ownership interests of members in a risk retention group shall not be considered securities for purposes of any State blue sky law.'."

BRADLEY (AND LAUTENBERG) AMENDMENT NO. 634

Mr. BRADLEY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill S. 51, supra; as follows:

At the end of the bill add the following new title:

TITLE III—LEAD FREE DRINKING WATER

SHORT TITLE

"SEC. 301. This title may be cited as the "Lead Free Drinking Water Act".

SAFE DRINKING WATER ACT AMENDMENTS

"SEC. 302. (a) IN GENERAL.—Part B of title XIV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX

"SEC. 1417. (a) IN GENERAL.—

"(1) PROHIBITION.—Any pipe, solder, or flux, which is used after date of Enactment of the SDWA of 1985, in the installation or repair of—

"(A) any public water system, or

"(B) any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system.

must be lead free (as defined in subsection (d)). This paragraph shall not apply to leaded joints necessary for the repair of cast iron pipes.

"(2) PUBLIC NOTICE OF ADVERSE EFFECTS.—Each community public water system shall provide notice, developed in consultation with the Administrator, to all users of the system with repect to—

"(A) the adverse health effects of exposure to lead, including a description of those populations which may be particularly sensitive to such exposure; and

"(B) any means reasonably available to such users for mitigating lead exposure from drinking water, taking into consideration the need to conserve water.

"(b) STATE ENFORCEMENT.—

"(1) ENFORCEMENT OF PROHIBITION.—The requirements of subsection (a)(1) shall apply to all States effective 24 months after the date of the enactment of this section. States shall enforce such requirements through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

"(2) ENFORCEMENT OF PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a)(2) shall apply to all States effective 24 months after the date of the enactment of this section.

"(c) PENALTIES.—If the Administrator determines that a State is not enforcing the requirements of subsection (a) as required pursuant to subsection (b), the Administrator may commence a civil action under section 1414(b).

"(d) DEFINITION OF LEAD FREE.—For purposes of this section, 'lead free' means soldiers and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than 6.0 percent lead.".

"(b) CIVIL ACTION.—Section 1414(b) of the Public Health Service Act is amended—

(1) in the matter preceding paragraph (1), by inserting ", or with section 1417," after "or 1416"; and

(2) in paragraph (1), by inserting ", or under section 1417" after "subsection (a)".

"(c) NOTIFICATION TO STATES.—The Administrator of the Environmental Protection Agency shall notify all States with respect to the requirements of section 1417 of the Public Health Service Act within 90 days after the date of the enactment of this Act.

BAN ON LEAD WATER PIPES, SOLDER, AND FLUX IN VA AND HUD INSURED OR ASSISTED PROPERTY

SEC. 303. (a) PROHIBITION.—(1) The Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs may not insure or guarantee a mortgage or furnish assistance with respect to newly constructed residential property which contains a potable water system unless such system uses only lead free pipe, solder, and flux.

(2) For purposes of paragraph (1), "lead free" means solders and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than 6.0 percent lead.

"(b) EFFECTIVE DATE.—Subsection (a) shall become effective 24 months after the date of the enactment of this Act.

LEAD SOLDER AS A HAZARDOUS SUBSTANCE

SEC. 304. (a) IN GENERAL.—Section 2(f)(1) of the Federal Hazardous Substances Act is amended by adding at the end thereof the following:

(E) Any solder which has a lead content in excess of 0.2 percent.".

"(b) LABELING.—Section 4 of the Federal Hazardous Substances Act is amended by adding at the end thereof the following:

"(k) The introduction or delivery for introduction into interstate commerce of any lead solder which has a lead content in excess of 0.2 percent which does not prominently display a warning label stating the lead content of the solder and warning that the use of such solder in the making of joints or fittings in any private or public potable water supply system is prohibited.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 24 months after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 17, in executive session to mark up legislation to reduce the deficit for fiscal years 1986, 1987, 1988, and House Joint Resolution 372, to increase the statutory limit on the public debt; as well as other pending legislation and to consider and act on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Committee on Armed Services and the Defense Committee of the Bundestag of the Federal Republic of Germany be authorized to meet in executive session during the session of the Senate on Tuesday, September 17, to hold a meeting to discuss security issues of mutual concern.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during this session of the Senate on Tuesday, September 17, between the hours of 11 a.m. and 12 p.m., to mark up S. 616, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 17, to hold an oversight hearing on the moratoria on OCS leasing in Federal waters adjacent to the coastline of the State of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, to hold a hearing on S. 727, a bill to clarify the application of the Public Utility Holding Company Act of 1935 to encourage cogeneration activities by gas utility holding company systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 17, 1985, in order to conduct a hearing on the reauthorization of the Higher Education Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE KIDNAPING OF INES GUADALUPE DUARTE DURAN

● Mr. DODD. Mr. President, I want to take this opportunity to express my profound personal dismay over the brutal and senseless kidnaping of Ines Guadalupe Duarte Duran, eldest daughter of President Duarte of El Salvador. At the same time, I want to commend my colleagues in both the House and Senate for the prompt passage of resolutions condemning this criminal act and offering the full support of the United States in helping to secure Mrs. Duarte Duran's safe return.

These expressions of deep congressional concern are very real. Just as real is the sense of relief in learning that the President's daughter is still alive and that she has spoken to her father.

Mr. President, the kidnaping of Mrs. Duarte Duran, which resulted in the loss of two innocent lives, serves as yet another tragic testimony to the fact that, despite President Duarte's efforts to bring peace and democracy to this nation, it is violence and terrorism which still govern in El Salvador. And if we have learned anything from the recent history of El Salvador, it is that all factions, whether they be of the left or of the right, consistently demonstrate a propensity to employ violence as a preferred method of imposing their will upon others. The result is a continuous pattern of terrorism from which no one is spared.

Mr. President, I recently telephoned President Duarte to convey my deepest concerns for the safety of his daughter. He knows my prayers are with him and his family.●

CITIZENSHIP DAY, CONSTITUTION WEEK, AND INTERNATIONAL DAY OF PEACE

● Mr. D'AMATO. Mr. President, I rise today in honor of three separate, yet intertwined, days, September 17, 1985, marks Citizenship Day, the beginning

of Constitution Week, and the International Day of Peace. These events occur simultaneously because each one supports the other—without the order imposed by the Constitution, citizenship would become worthless. Without the support of a citizenry, the Constitution would never reach out beyond its own philosophical boundaries into the realm of practical application. Without the hope of peace in our world, we have nothing to offer our citizens or their children.

On September 27, 1787, 39 delegates to the Constitutional Convention signed the Constitution. Now, 198 years later, we celebrate a strong Federal system and a healthy system of checks and balances that protect the rights of the States of our citizens. This makes it very appropriate that we should also celebrate Citizenship Day at the same time. When so many in this world are denied such basic freedoms as individual expression, self-determination, and freedom to practice their own religion, we should be proud to stop and reflect upon our fortunes as citizens of this great Nation, and we should salute the great framework that so forcefully protects those rights we cherish so much.

However, it would prove most detrimental if we stopped there and presumed that we were an isolated island. This day, the third Tuesday of September as declared by the U.N. General Assembly, also serves as International Day of Peace. At this time, we are reminded that though we endjoy many privileges—we still have a long way to go toward establishing tranquility worldwide.

Days like this are meant to heighten our awareness of our rights and the integrity of our Federal Government's respect for those rights.●

WHISTLEBLOWERS

● Mr. SIMON. Mr. President, the American Legion magazine had an editorial on whistleblowers that makes a great deal of sense.

I believe we have to encourage those who are Federal employees who see abuses to stand up instead of discouraging them, as we now do.

I have been impressed time and again with Ernest Fitzgerald and the good work he is doing, but I am concerned that there are so few Ernest Fitzgeralds that come forward.

As I am inserting into the RECORD the American Legion editorial, let me note at the same time that that magazine is much improved over when I first started receiving it many years ago.

I ask that the editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

FEAR OF REPRISAL

Despite the federal government's system of protection for "whistleblowers" against fraud and waste over the past two and a half years, there's been no rush to report the abuses.

The latest investigation by the U.S. Merit Systems Protection Board discovered that only 25 percent of the government workers who claimed knowledge of illegal or wasteful action even bothered to report the incident. The two major reasons for such apathy were the belief that nothing corrective would happen anyway, and that the loyal employees calling the foul balls would experience reprisal rather than reward.

Of those federal employees who had the courage to blow the whistle in 1983, the study noted, 23 percent said they were victims of reprisal or threats of reprisal. The study concluded that federal laws are not enough to encourage "whistleblowing," and urged federal agencies to develop their own programs to halt waste and fraud, while finding ways to protect the finger-pointers.●

SQUIRE BROEL HONORED FOR COMMUNITY SERVICE

● Mr. ABDNOR. Mr. President, this weekend one of my constituents, Squire Broel of Sturgis, will be honored for 50 years of service as a fireman in South Dakota.

Squire started his fire-fighting career at the precocious age of 17, in his hometown of Lesterville, a small community in the southeastern part of our State. Apparently thinking that the town's volunteer fire crew was a bit too slow in getting to a fire, Squire and a teenage friend joined in to help push the fire wagon. In fact, they pushed with so much vigor that, when one of the older volunteers slipped and fell, they pushed the wagon right over him. Fortunately, the man wasn't hurt, and the fire was put out. And Squire's enthusiasm was noted and rewarded, with an invitation to join as a full-fledged member of the volunteer crew.

Fifty years later and he's still going strong, with the same spirit and enthusiasm he showed on that day in Lesterville.

In the interim, Squire married Evelyn Hladky—the 50th anniversary of that event will be coming up in just 5 years—and had three children: Larry, married and with two children of his own in Walla Walla, WA; Caroyln, who lives with her husband, Tom McDonald, and two children in Rapid City; and Jean, who lives with her husband, Al Lehn, and their daughter here in the Washington area.

He also moved from Lesterville to Sturgis, at the other end of South Dakota, where the Broels have lived since 1951.

But one thing never changed. Squire has been a firefighter, and one of the best, for all these 50 years. In 1978 he retired after 27 years of service with the Fort Meade Veterans Administration hospital fire department, the last 17 of those years as fire chief. And he remains a volunteer fireman with the Sturgis department, as he has been since moving there.

Squire's service to his community and State have been noted on many past occasions. In 1964, he was named Federal Civil Servant of the year, and in 1967 he was selected as "Boss of the Year" in Sturgis. The Keep South Dakota Green Association picked him as Fireman of the Year in 1977.

But I suspect that Squire feels the same way I do about one thing—there is no honor as great as being respected and loved by the people of your own community. That respect and love is being shown this weekend in the town of Sturgis where Squire is getting some much-deserved recognition.

My congratulations to Squire and to Evelyn, for 50 years of a job well done.●

DOCTOR BEHIND THE MICROPHONE

● Mr. SIMON. Mr. President, much of the news from the Middle East is not good, but a story by Thomas L. Friedman in the New York Times on September 1, tells about Mrs. Ilana Basri who has a radio program that reaches into the Arab world that builds bridges between the Arab-Israeli community.

I thought it was a moving, heartwarming story.

We need more examples like this in both the Arab and Israeli communities.

I urge my colleagues to read it, if they have not and ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 1, 1985]

ISRAELI MEDICAL ADVISER IS RADIO ENVOY TO ARABS

(By Thomas L. Friedman)

JERUSALEM, Aug. 31—Ilana Basri is not a household name in Israel. In fact, few Israelis have heard of her.

But Mrs. Basri, 54 years old, has become one of the most widely listened-to-Israeli voices in the Arab world today. She probably gets more mail from places like Saudi Arabia and Syria than anyone in Israel.

Since 1971 Mrs. Basri has had a program on the Israeli radio's Arabic service called "Doctor Behind the Microphone," and it has become a vehicle for Arab-Israeli cooperation.

Twice a week Mrs. Basri, an Iraqi Jew who came to Israel in 1950, interviews Jewish and Arab doctors in Israel about the latest advances in treatments and Medical technology in Israeli hospitals. After the Interviews, Mrs. Basri invites her listeners throughout the Arab world to write to her—at a special post office box in Geneva or by any other route—with their medical problems.

300 LETTERS A MONTH

Each month 300 letters from Arab listeners find their way to Mrs. Basri's office. She translates them into Hebrew and refers them to specialists at Hadassah Hospital in Jerusalem or other Israeli medical centers.

The specialists answer the medical queries with whatever limited advice is possible, which Mrs. Basri translates into Arabic and

broadcasts on her 30-minute program, or they ask the listener to send more medical records from a local doctor in order to better diagnose the problem. Those who send their records, and are determined by a Israeli specialist to be treatable, are invited by Mrs. Basri on the air to come to Israel, at their own expense.

Mrs. Basri personally arranges all visas through the Interior Ministry and accompanies everyone who comes to the hospital. Every year dozens of Arabs, including Kuwaitis, Qataris, Saudi Arabians, Libyans and Syrians, are quietly getting treatment in Israeli hospitals as a result of her program.

"Diseases don't know any boundaries," Mrs. Basri said, "and I don't feel that treatments should either."

PRAISE FROM DOCTORS

Her efforts have won praise from Israeli doctors. "She is doing a remarkable job in improving relations between us and the Arabs," said Dr. Yaacov Shanon of Bikur Holim Hospital in Jerusalem, who has treated scores of Arab patients referred by Mrs. Basri.

"There is a new generation of very good young doctors in the Arab world, but not everyone has access to them," he added. "The cases that are coming to us are usually the most difficult ones from both a diagnostic and a therapeutic point of view."

Because of the problems involved for a Kuwaiti or a Syrian in traveling to Israel—a country with which their Governments are technically at war and to which a visit would be punishable by a long prison term—Mrs. Basri is discreet in her responses. Most listeners do not sign their letter to her by name but use their initials or a code name related to their illness.

On the air, Mrs. Basri may reply: "To the bird without wings in Kuwait, the doctor says he thinks he can treat you here. Please send me your passport details." Or: "To A. B. in Saudi Arabia, your visa has been approved by the Interior Ministry. you can pick it up at the Allenby Bridge on the Jordan River between Aug. 15 and Sept. 1. The visa is good for one month. Call me on arrival in Jerusalem, and I will take you to the doctor."

SOME PROMINENT LISTENERS

With its 1.2-million-watt transmitter, one of the most powerful in the Middle East, Israel's Arabic service reaches listeners from Morocco to Iraq. It is an open secret that it is tuned in at coffeehouses and in taxis in every Arab capital, and Presidents Hafez al-Assad of Syria and Amin Gemayel of Lebanon are known to be regular listeners.

Edmond Sehayek, the director of the Arabic service, said his station received mail from across the Arab world, including frequent love letters to female newscasters. A Libyan military attaché even telephoned recently from a European embassy to complain about a commentary on the Libyan leader, Col. Muammar el-Qaddafi.

"More than half the mail, though, is for Ilana," Mr. Sehayak said. "Besides our main feature-newsreel, hers is our most popular show."

Every morning Mrs. Basri opens envelopes sent through Geneva or some other European capital or delivered by Arabs who have crossed the bridge from Jordan to the West Bank. There is no mail service between Israel and any Arab country except Egypt.

The letters are often desperate tales of disease, most of them eye, skin and fertility problems. Many writers send electrocardiograms, blood test results, dental charts and X-rays.

"I have medical records from hospitals all over the Arab world," said Mrs. Basri, displaying a sample from Mubaraak al-Kabeer Hospital in Kuwait.

A typical letter this week came from a 48-year-old Syrain woman. The letter, mailed in London, begins: "Dear Doctor Behind the Microphone: Salaam, and good health to you. I am paralyzed in my legs. I have been getting physical therapy, but I still have very bad pains. I heard you speaking about achievements in rehabilitation in Israel, and I want to know if I can be treated in your hospital. Please bring my letter to a doctor in Israel. I am ready to come."

SEEKING VISAS IN EUROPE

Each year, according to Foreign Ministry sources, hundreds of Arabs go to Israeli embassies in Europe and ask for visas to fly to Israel for treatment.

On the wall next to her desk Mrs. Basri has a picture of a Syrain girl and her father in Tel Hashomer Hospital in Tel Aviv. The man went to an Israeli embassy in Europe, got a visa and flew to Tel Aviv with his aling daughter. Then he called Mrs. Basri.

"He told me his daughter was suffering from pains in the belly and high fever and he could not get any doctor to get it to go away," Mrs. Basri said. "I told him, 'Stay at the hotel. I will come and pick you up.' In the meantime I called Professor Mordechai Prass, a specialist in internal medicine at Tel Hashomer. He treated her for familial Mediterranean fever. She stayed in the hospital for two weeks and came out fine. Before they left, they insisted that a photographer come and take this picture with the doctor."

The letters go on and on. A woman from Kuwait wants to consult a fertility expert about having a test-tube baby. A Saudi man says he heard Mrs. Basri's program in a taxi from Saudi Arabia to Jordan and wondered it she could do something for his eye problems.

Mrs. Basri got the idea for the program 14 years ago while lying in a heart-care unit in an Israeli hospital and noticing how much of the medical equipment was marked "Made in Israel." At the time she was a secretary at the Arabic service. She eventually convinced officials of the potential for such a program, and the files in her office bulging with handwritten Arabic letters are testimony to her intuition.

"But even I," Mrs. Basri said, "never thought the program would end up being such a live bridge that Arabs would use to cross into Israel."

HISTORY CORRUPTED: THE MYTH OF SMOOT-HAWLEY

● Mr. HEINZ. Mr. President, it gravely concerns me that every time someone in the administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trade partners with their subsidies, barriers to imports and other unfair practices, others, in the Congress immediately react with speeches on the return of the Smoot-Hawley Tariff Act of 1930, and the dark days of blatant protectionism and depression.

Take, for example, a statement by the Senator from Rhode Island [Mr. CHAFEE] which appeared in the RECORD on June 17. Senator CHAFEE first asserts that an overvalued dollar is primarily responsible for the current trade deficits. Second, he expresses his concern that Congress might enact legislation, like Smoot-Hawley, in order to alleviate our trade problems. Third, he adds that this would have a devastating effect on the U.S. economy, because Smoot-Hawley had a devastating effect on the economy in the 1930's. In fact, Senator CHAFEE goes so far as to state that "the Smoot-Hawley Tariff Act * * *, without question, led to the Great Depression."

Mr. President, despite my admiration for the Senator from Rhode Island, I find myself unable to agree with him on this issue. First, while Senator CHAFEE is correct in citing the excessive value of the dollar as the main contributing factor to our trade deficit, he fails to mention that underlying the dollar's strength and high interest rates is an enormous budget deficit. Nor does he mention the way market access barriers affect U.S. exports abroad.

This question aside, it seems that for many of us that Smoot-Hawley has become a code word for protectionism and, in turn, a code word for the depression. Yet when one recalls that Smoot-Hawley was not enacted until more than 8 months after the October 1929 economic collapse, it is hard to conceive how it could have "led to the Great Depression." Indeed, for those of us who sometimes wonder about the ability of Congress to make any changes in our economy, the changes supposedly wrought by this single bill in 1930 appear fantastic.

Historians and economists, who usually view these things objectively, realize that the truth is a good deal more complicated, that the causes of the depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than the article Senator CHAFEE placed in the RECORD implies. A 1983 study by Donald Bedell publicly explodes the myth of Smoot-Hawley through an economic analysis of the actual tariff increases in the act and their effects in the early years of the depression. The study points out that the increases in question affected only $231 million worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930-32 duty-free imports into the United States fell at almost the same percentage rate as dutiable imports; and that a 13.5-percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, is not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. It made a bad situation worse. But it was also clearly not re-

sponsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of free trade. Mr. President, I have placed this study in the RECORD previously. Indeed, the Senator from South Carolina [Mr. HOLLINGS] cited it in his recent appearance before the Finance Committee on textile legislation. However, the continuing appearance of these articles erroneously blaming Smoot-Hawley for everything bad that has happened since 1930 dictates bringing it to Senators' attention once again. Sort of a refresher course, if you will. Hopefully, this study will help us to clean up the rhetoric so often associated with Smoot-Hawley and provide for a more sophisticated and accurate view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, Members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an eonomic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or more than 8 months following the 1929 financial collapse. Many observers are tempted simply to repeat "free trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicions, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passsage of the Act did in fact trigger or prolong the Great Depression of the Thirties, that it had nothing to do with the Great Depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt Administration initiatives regarding foreign trade until well into his Administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover Administration thought them. However, when all the numbers are examined we believe neither President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the Twenties and Thirties?

In 1919, 66 percent of U.S. imports were duty free, or $2.9 Billion of a total of $4.3 Billion. Exports amounted to $5.2 Billion in that year making a total trade number of $9.6 Billion or about 14 percent of the world's total. See Chart I below.

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929–33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$89.5	$76.3	$56.8	$55.4
U.S. international trade	$9.6	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	9.3	7.6	5.9	5.1	[1] 5.6

[1] Series U., Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same Chart I it can be seen that U.S. imports amounted to $4.3 Billion or just slightly above 12 percent of total world trade. When account is taken of the fact that only 33 percent, or $1.5 Billion, of U.S. imports was in the Dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 Billion number which is barely 1.5 percent of U.S. GNP and 4 percent of world imports.

What was the impact? In dollars Dutiable imports fell by $462 Million, or from $1.5 Billion to $1.0 Billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50 percent. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "damage" number of $231 Million; spread over several hundred products and several hundred countries!

A further analysis of imports into the U.S. discloses that all European countries accounted for 30 percent or $1.3 Billion in 1929 divided as follows: U.K. at $330 Million or 7½ percent, France at $171 Million or 3.9 percent, Germany at $255 Million or 5.9 percent, and some 15 other nations accounting for $578 Million or 13.1 percent for an average of 1 percent.

These numbers suggest that U.S. imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29 percent of U.S. imports divided as follows: China at 3.8 percent, Japan at $432 Million and 9.8 percent, and with some 20 other countries sharing in 15 percent or less than 1 percent on average.

Australia's share was 1.3 percent and all African countries sold 2.5 percent of U.S. imports.

Western Hemisphere countries provided some 37 percent of U.S. imports with Canada at 11.4 percent, Cuba at 4.7 percent, Mexico at 2.7 percent, Brazil at 4.7 percent and all others accounting for 13.3 percent or about 1 percent each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 Million spread over the great array of imported products which were Dutiable in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from $103.4 Billion in 1929 to $89 Billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 0.2 percent of U.S. GNP in 1930 for example ($231 Million on $14.4 Billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. Self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that world trade declined by 18 percent by the end of 1930 while U.S. trade declined by some 10 percent more or 28 percent. U.S. foreign trade continued to decline by 10 percent more through 1931, or 53 percent versus 43 percent for world-wide trade, but U.S. share of world trade declined by only 18 percent from 14 percent to 11.3 percent by the end of 1931.

Reference was made earlier to the Duty Free category of U.S. imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did Dutiable goods through 1931 and beyond: Duty Free imports declined by 29 percent in 1930 versus 27 percent for Dutiable goods, and by the end of 1931 the numbers were 52 percent versus 51 percent respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity

of the developing international economic crisis Smoot/Hawley had only a minimal impact and and international trade was a victim of the Great Depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929–1933 is examined and when price behaviour world-wide is reviewed, and when particular Tariff Schedules of Manufacturers outline in the legislation are analyzed.

Before getting to that point another curious aspect of the "villian" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50-60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the Twenties and Thirties:

1. The international trading system of the Twenties bears no relation to the interdependent world of the Eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. As indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the Eighties; characterized largely then by "caveat emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. imports were Duty Free in 1929 and beyond, placed overall international trade for Americans in the Twenties and Thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the Twenties and Thirties could no more visualize the world of the Eighties than we in the Eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villian" theory often attributed to Smoot/Hawley is an incorrect reading of history and a mis-understanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by-year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the Reconstruction Finance Corporation, Federal Home Loan Bank Board, brought in a Democrat President with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation a stimulation of business, new labor laws and social security legislation.[1]

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was conviced that international tade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the Most Favored Nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the Twenties and Thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role can not responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used members thrown out about Smoot/Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

CHART II.—UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	[1] 12.5

[1] Series U. Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot/Hawley was the first "protectionist" legislation of the Twenties, and the end of 1933 saw an equal drop in trade that Smoot/Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising Act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot/Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early Thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80% compared to world-wide growth of 15%. Imports grew by 68% and exports climbed by a stunning 93%. U.S. GNP by 1939 had developed to $91 Billion, to within 88% of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. In any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific Schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit volume thus emphasizing the decline value. In addition, it must be remembered that as the Great Depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific Schedules, No. 5 which includes Sugar, Molasses, and Manufactures of, maple sugar cane, sirups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes Wood and Manufactures of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothespins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, Cotton Manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal. Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with Silk Manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behaviour are relevant.

[1] Beard, Charles and Mary, New Basic History of the United States.

One is Schedule 2 products which include brick and tile. Another is Schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the Gross Private Investment number. From $16.2 Billion annually in 1929 by 1933 it has fallen by 91% to just $1.4 Billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is Petroleum products. By 1933 these products had decreased in world price by 82% but Smott/Hawley had no Petroleum Schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all Schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured and measurable impact the Tariff Act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villian" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the Act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the Act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the Act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the Act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 Billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world-wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the Twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just $231 Million of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 Million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports:

The preponderance of history and facts of economic life in the international area make an affirmative response by the "villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "mea culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the Eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks Conferences on monetary policy, the World Bank and various Regional Development Banks, for example, is a record unparalleled in the history of mankind.

But in the Twenties and Thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the Eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the Eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the Thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious mis-reading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.●

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION ACT

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator GOLDWATER as a cosponsor of S. 1084, legislation authorizing funding for the Corporation for Public Broadcasting.

The Corporation for Public Broadcasting provides funds for production and programming to America's public radio and television stations. These independent, noncommercial broadcasting stations provide educational and cultural enrichment for a growing audience. Nearly 100 million people use public television every week. This legislation ensures that public television continues the development and production of such outstanding programs as "Sesame Street," "Nova," "Macneil/Lehrer Newshour," the "American Playhouse Series," and "Congress: We the People."

Public television plays an important role in the education of our children. Children's programs account for 60 percent of all programming. Children in 32 million households view public television on a regular basis. Public television also plays a valuable role in classroom instruction, supplementing formal study in reading, math, and science for 10 million students each week. In addition, public television provides worthwhile programming dealing with teenage alcohol and drug abuse.

Federal support accounts for less than 18 percent of the total annual funding for public broadcasting. Through the advance authorization process, public broadcasting stations are able to conduct planning and develop programming in a stable environment. Funds for the Corporation for Public Broadcasting are currently authorized through fiscal year 1986 at $130 million. S. 1084 authorizes appropriations of $200 million in 1987, $214 million in 1988, $228 million in 1989, and $244 million in 1990. Over the 4-year period, this level of funding is $43 million less the President's budget proposal. In addition, S. 1084 authorizes funding for the Public Telecommunications Facilities Program [PTFP] at $24 million for each of the fiscal years 1986 through 1988.

This legislation will help to assure the availability of quality educational and cultural television programming in our Nation. I hope my colleagues will join in supporting its passage.●

NATIONAL CHILD CARE WEEK

● Mr. D'AMATO. Mr. President, I wish to call attention to the fact that this is National Child Care Week. There are no resources in this world that are more precious than our children. The future of our Nation rests in the hopes and dreams of our young people, and we must take major steps to ensure that these dreams reach fruition. In order to achieve this goal, I would like to focus on two aspects—the physical care of our children in

child care centers and the safety of our children.

Why? It is estimated that as many as 3 million children a year are either physically, emotionally, or sexually abused. Additionally, 1.8 million children are reported missing each year and 150,000 may never return home—never. Among teenagers, 5,000 American youths can be expected to take their lives this year and almost 2 million will make the attempt. Thousands of children come home every day from school to lock themselves in an empty house and await the return of their parent or parents who have to work to make ends meet.

When I take a look at these statistics, I am dumfounded. We have wiped out polio, controlled whooping cough, made leaps and bounds in the early detection and prevention of birth defects, and yet we have virtually ignored the safety of our children.

Child abuse crosses social, economic, racial, cultural, and occupational boundaries. As many as 80 percent of abused children may in turn abuse their children. The nightmare is self-perpetuating. Studies have linked child abuse to juvenile delinquency and adult criminal behavior. This link is costly as well as tragic. The average cost to retain a juvenile delinquent in a public detention facility averages $16,500 per year, and $14,000 for an adult in a State penal facility. Studies have tied over half of the cases of teenage prostitution to family sexual abuse and subsequent running away.

Once these children run away, things do not get better. Furthermore, many of these children are not actual runaways—they are snatched off of playgrounds, backyards, and neighborhood streets. Sometimes they are taken by absolute strangers; sometimes they are taken by a parent. Figures are hard to come by, but it is believed that each year as many as 20,000 to 50,000 are taken by a divorced or separated parent, 20,000 to 50,000 are believed to be taken by complete strangers. About 5,000 are later found murdered and sexually abused.

It is astounding that we have allowed hundreds of thousands of children to slip through society's fingers to abuse and neglect, or even worse. To help combat this national epidemic, I have introduced the National Child Protection Act, S. 142. This legislation would establish child care center guidelines and a national information center on child abusers, so they cannot move from State to State to continue preying on the innocent and helpless. Also, I cosponsored the Missing Children's Act to facilitate FBI assistance in pursuing missing children, and I supported the Child Pornography Act of 1984 to strike back at those depraved individuals who defile our children.

As we pass tougher laws, we must also bring about better and more available child care supervision. Since the percentage of women in the work force has grown from 24 percent in 1970 to 44 percent in 1984, the number of children with working mothers has soared into the millions. However, the availability of affordable child care has not increased as rapidly. Only 400 employers nationwide provide onsite child care, which is one of the most productive and cost-effective means to bring about lower turnover rates, reduce absenteeism, and improve morale. Dr. Deanne Tate of the University of Texas esimates that for every $1 invested in onsite child care the employer reaps a $3 to $6 profit. That is why I introduced S. 1125, the Onsite Day Care Privatization Act. My bill is designed to use tax credits to induce businesses to establish onsite child care facilities to help working mothers and their children. It is my hope that this would allow more women to work and at the same time know that their children are safe and nearby.

Realizing that this may not provide immediate results for all those who are in need of such services, I also introduced S. 756, legislation to increase the dependent care tax credit. This bill increases the maximum credit from 30 to 40 percent for those making $10,000 or less in annual adjusted gross income—those least able to afford child care.

All of these efforts are designed to upgrade the care we provide our children. When one considers the numbers involved here it becomes heartbreaking. When one child is molested, one child beaten, one child placed on the street for prostitution, if one child commits suicide from the abuse he or she could no longer stand, then we have failed as responsible adults and have dashed the hopes and joys of our future generation.

We must never forget that the innocence of a child is one of the world's few, true miracles, and we must not let it be defiled no matter what the cost.●

TRIBUTE TO TED WEBB

● Mr. SYMMS. Mr. President, every once in a while a person comes along whose tenacious desire to succeed in the face of real competition inspires us all. I would like to bring such a person to the attention of my colleagues.

Ted Webb of Marsing, ID is a small, hometown druggist who runs the classic small town drugstore. Sixteen miles away is a large mall with two drugstore competitors. Ted is in a very competitive business, but he succeeds because he gives first-class service: the kind that tells the customers that they come first. Ted has learned the secret to a successful business.

More amazing is the fact that Ted is rearing 13 children. As a widower with seven children he married his present wife with six children of her own. Last year Ted and his wife had seven children in college. They had to succeed in their business. In addition, Ted serves on the local school board and the housing committee as well as on the board of directors of the community health clinic.

I salute Ted Webb as a great American and as a person that I am proud to recommend to my colleagues in this body.

I submit for the RECORD an article from Idaho Business Review relating to Ted Webb.

The article follows:

SMALL TOWN DRUGGIST FOLLOWS TRADITION

(By Patricia R. McCoy)

MARSING.—City dwellers with a doctor's prescription to be filled must usually head for one of the major chain stores, but Marsing still has a traditional, privately-owned drugstore.

Ted Webb has operated that drugstore since December, 1966.

"About half my sales are from prescriptions, and the rest from the cosmetics, gifts, jewelry, toys, candy, greeting cards, magazines and other items I stock," the pharmacist said.

"We're on the main highway to California, which brings a lot of people through this area," he said. "That really helps business.

"Marsing has a large migrant population, which keeps my monthly business pretty even during the year," he said. "Most merchants do most of their business in the winter, but not me."

Operating a small town business requires community involvement, Webb said. He is on the Marsing School Board and the housing committee, and serves on the board of directors of the community health clinic. In addition, he's rearing 13 children.

"My first wife died several years ago, and I remarried," he said. "I had seven children, and my present wife had six. Between the two of us, we had seven children in college last year. That really kept our noses to the grindstone."

Marsing is only 16 miles from Karcher Mall, where there are two drugstores.

"This is a very competitive business, and 16 miles isn't far," he said. "Even so, a lot of Marsing residents find me more convenient. I serve a lot of people from Jordan Valley, Ore., and those enrolled in the Marsing Job Corps program."

A druggist in a small town such as Marsing knows almost everyone in town, said Webb. He places a lot of importance on personal friendships and customer services.

"I do a lot of after-hours and Sunday prescription work," he said. "I carry accounts for good customers.

"I've never let anyone without medication they really need," said Webb. "I've gotten a lot of bad debts that way. If I were just in this for the money, I could do a lot, but I have to live with myself, too, so I've done things to help people."

Webb is the son of longtime Melba pharmacist Ed Webb, who used to substitute for his son after retirement and before his death last year. The son counts close to 51

years in the business for himself, including his childhood.

"Pharmacists didn't use to discuss prescriptions with patients, but today we're a primary source of information," he said. "Some years ago I called a doctor to ask if he was aware that a certain patient was allergic to penicillin when the patient was given a prescription based on that drug. I got a scolding for asking questions, but the man could have died if I hadn't.

"Today we're expected to be able to warn patients about possible side effects, including those that come from taking the medication with other drugs they may be on, and tell them how to take the medication," Webb said. "A pharmacist may be more aware than the doctor is of what other drugs the patient is taking, since there may be more than one physician treating that person but we fill all the prescriptions.

"We have reference books to look all this information up in, and the State of Idaho requires 15 hours of continuing education each year," he said. "You also have to read a lot of journals to keep up with it all."

He notes that he sells more vitamins and health foods than in past years.

"I'm also having constant visits from salesmen trying to interest me in a computerized prescription-dispensing system," he said. "Bigger stores in the larger cities are using them, and we'll probably all have them in the future."

Webb keeps his store well-stocked with common drugs, and has a computerized telephone link with his Boise supplier. He can order in more unusual prescriptions with only a one day's delay.

"Perishable drugs are kept in a refrigerator," he said. "All drugs are dated. The drug companies will take expired medications back if they're returned within a certain time limit."

The building on Marsing's main street which Webb occupies has been a drug store since the late 1940s. Prior to that time, it was a variety store.

"There was a soda fountain here when I first took over, but I took that out," he said.●

BUD McCALL

● Mr. SYMMS. Mr. President, I wish to bring to the attention of my colleagues in the Senate a great American entrepreneur and friend from northern Idaho, Bud McCall. Bud mines garnets which he pulverizes into a very much sought after sand because of its hardness. The garnet sand is used in emery boards, sophisticated water filtration devices, and modern extra-high pressure sandblasting units used in cutting thick steel.

The amazing thing about Bud's operation is its success when conventional wisdom says that such enterprises should fail. But Bud hasn't heard the conventional wisdom and goes ahead with lots of hard work and good management. About 20 percent of his sales are to foreign countries. In 1984 he sold about 14,400 tons of garnet sand and the demand just keeps increasing.

Mr. President, I commend Bud McCall to you as an American who knows what makes the American dream come true and sets out with hard work to make it succeed. I ask that an article pertaining to Bud McCall's garnet sand business be printed in the RECORD.

The article follows:

GARNET SAND BUSINESS GLITTERS—DEMAND FOR PRODUCT GROWS

(By Bill London)

Bud McCall is in an enviable business position. He owns Emerald Creek Garnet Milling Co. of Fernwood, Idaho. His product, garnet sand, is increasingly in demand as more uses are found—in abrasives and filtration—for this pulverized gemstone rock. Most importantly, his mining and milling company is the only one of its kind in the Western U.S.

"We're at full capacity now," McCall said. "We're selling all we can make."

McCall began in the garnet business in 1971 when he bought the Emerald Creek Mine, four miles east of Fernwood in rural Benewah County Eight years later, he purchased the only other garnet mine in Idaho (just a few miles away) and consolidated both into one corporation.

The corporation (of which McCall owns 99 percent of the stock) operates four dredging operations and two mills. Only one of the dredge mines is working land owned by the family corporation. The others are on private land and in the National Forest, and so a royalty of about 10 percent of the value of the finished sand is paid to the landowners.

To remove the garnets from the creekbed locations, workers first strip the dirt and plants from the site. Using a huge bucket on a drag line, they dump everything above bedrock—the rocks, sand, dirt, and garnets—into a washer that separates the sand and small garnets from the larger garnets (half inch in diameter or more) and the rocks. The dirt is later replaced and the land replanted.

Garnets are beautiful clear purple gemstones, much heavier than the surrounding sand. Some of the garnets are Star Garnets, valuable crystals often mounted in rings and found in only two locations worldwide: India and North Idaho. The star effect is the result of light being reflected from minute imperfections in the stone. When held to sunlight, polished Star Garnets reveal four, or rarely, six-pointed stars shining inside.

The largest raw garnets, mixed with rock and dirt, are hauled to two nearby sites where rockhounds, for a small daily fee, can search them out. The larger garnets are the most easily cut and polished, and so are in demand for jewelry-making.

The small garnets, mixed in the creekbed sand, are hauled to the company's jig plant, where the two are separated by weight. The raw small garnets are then trucked to one of the company's two milling plants. There the raw purple stones are crushed to various uniform sizes, then bagged and shipped worldwide.

McCall reported that about 20 percent of their sales are to foreign countries. In 1984, they sold 14,400 tons of garnet sand, with an average price of $40 per ton. The demand for garnet sand has been rising steadily since the first Idaho mine opened in the 1940s, McCall said, "but the demand has really grown in the last ten years."

"They keep thinking of new uses for it," continued McCall, a 49-year-old Benewah County native. The traditional use for garnet sand, mounting on sandpaper and emery boards, has remained. But now the heavy sand is added to sophisticated water filtration devices and sandblasters, including the modern extra-high pressure units that can cut thick steel with water and garnet sand.

McCall works alongside his employees driving trucks and repairing the heavy machinery. His 35 employees are granted lots of independence to oversee their own work, and that has resulted in high worker morale, he reported.

"I put a lot of faith in these employees," McCall said. "I don't fight with the people who work here." He must be doing something right, since the worker turnover rate (less than one person per year resigns) is impressively low.

For the future, McCall is content to keep mining garnets. "We'll keep going as long as we can," he said. "I think there's enough garnet here for a generation or two."●

PIPE AND TUBE IMPORTS

● Mr. BENTSEN. Mr. President, I would like to bring to the attention of my colleagues an international trade matter of great concern to me.

As we are all aware, our trade deficit reached $123 billion last year and is estimated to exceed that figure this year. The deficit represents a hemorrhage of our national wealth, an erosion of our manufacturing base, and a gradual decline in our standard of living. Along with 11 of my colleagues, I have introduced legislation designed to prevent foreign countries from running trade surpluses with our country and to gradually bring our trade account back into balance.

Although new legislation will help close the trade deficit, it is also crucial that the Government continue to make every effort to maintain and improve the effectiveness of existing trade laws, agreements, and programs. An important example is the U.S./EC pipe and tube arrangement.

Mr. President, the original U.S./EC pipe and tube arrangement was concluded in October 1982. It was designed to prevent the importation of unfairly traded pipes and tubes from the EC by establishing import levels for those products. But it proved to be unforceable by our country. As a result, with my former colleague, Senator Tower, I proposed legislation specifically granting the necessary enforcement authority to the Government. That legislation was enacted as part of last year's trade bill.

In December of last year this law was used to prevent EC violations of the arrangement, first, through a temporary embargo of steel pipes and tubes from the European Community, and then, early this year, through negotiation of a new pipe and tube arrangement incorporating strict enforcement capability. However, our negotiators agreed to higher import levels in the new arrangement than under the 1982 arrangement.

The new pipe and tube arrangement is scheduled to expire at the end of 1986. It is expected that negotiations to extend it will begin late this year in

conjunction with the renegotiation of the carbon steel arrangement with the EC, which expires at the end of this year.

In these renegotiations, Mr. President, the EC probably will seek to renegotiate specific terms of the pipe and tube arrangement. I am concerned that our negotiators may agree to new terms that will further undermine the arrangement. In my opinion, we should avoid further weakening of the arrangement in order to prevent unfair and serious damage to our pipe and tube industry.

In fact, it appears that the Government is continuing to have difficulty maintaining the effectiveness of the pipe and tube arrangement. The Commerce Department's recent decision to grant a "short-supply exception" to the arrangement is one example. Another is the Department's decision in January of this year to release embargoed pipe and tube products outside the limits of the new arrangement. In view of these developments, I am concerned about the strategy the Government is following to prevent unfair trade practices from injuring the domestic pipe and tube industry.

It is of the utmost importance that the United States ensure that the pipe and tube arrangement remains effective. I urge the Commerce Department and our Special Trade Representative, Ambassador Yeutter, to hold the line on the terms of the arrangement and to seek its extension at the same time as the carbon steel arrangement is extended.

Mr. President, I shall be watching the progress of these talks, and I urge my colleagues to join me in expressing concern to the administration with regard to this matter.●

LET THEM GO TO SOUTH AFRICA

● Mr. METZENBAUM. Mr. President, in its edition of September 17, 1985, the Washington Post published an excellent article entitled "South Africa: The Reality of Its Law." The author of that article, Judge Nathaniel R. Jones of the U.S. Court of Appeals for the Sixth Circuit, is an old and valued friend of mine who recently visited South Africa under the auspices of the Lawyers' Committee for Civil Rights Under Law.

Judge Jones, a distinguished American jurist, was clearly shocked by what he found in that tragic country. "The picture I saw," he wrote, "is a disgrace to a civilized society. I am amazed that it has taken the United States and the other civilized nations wedded to the rule of law this long to call South Africa to account."

What did Judge Jones witness?

"I talked to clergymen who were taken from their homes in the middle of the night by authorities, jailed and beaten. While in jail, they were forced to review their recent sermons and to explain why they conducted funeral services for various persons in the townships. At the end of their detention, they were warned by police to make no further references to President Botha or the Nelson Mandela."

And that's not all—far from it.

"Mothers," Judge Jones wrote, "related the events surrounding the detention of their sons and husbands, whose whereabouts they still don't know. Homes were broken into and searched by police, occupants terrified and brutalized in the process of being detained."

Mr. President, we have spent many hours on this floor debating in great detail the strategic, economic, and political issues with regard to South Africa. But to understand the reality of what it is to live as a black South African, it is necessary to understand what Judge Jones is telling us. "What must be understood," he pointed out, "is that the system of apartheid is more than a word. It is a cruel system of life enforced by whips, police dogs, guns, detentions, arson, torture, disappearances, and death. It is a system of life that distorts human nature, as did American slavery. To those who quarrel with this conclusion, I say, let them go to South Africa."

Mr. President, I commend the article by Judge Jones to the attention of my colleagues and ask that it be printed in its entirety in the RECORD.

The article follows:

[From the Washington Post, Sept. 17, 1985]

SOUTH AFRICA: THE REALITY OF ITS LAW

It has become a ritual for some persons to preface their views on apartheid by noting an abhorrence of it. They then proceed to argue for measures that will ensure its continuation. That scenario rang in my ears during the eight days I recently spent in South Africa as a legal observer for the Lawyers' Committee for Civil Rights Under Law at proceedings held in connection with the treason trial of 16 members of the United Democratic Front.

As I thought about those disclaimers I also recalled President John F. Kennedy's famous Berlin Wall exhortation: "Let them come to Berlin." To those who view apartheid as merely a word, I kept thinking, "Let them come to South Africa."

I saw the apartheid laws applied in the raw, as well as the effects of their long-term enforcement. It is more than a word. The picture I saw is a disgrace to a civilized society. I am amazed that it has taken the United States and other "civilized" nations wedded to the rule of law this long to call South Africa to account.

Included among the network of apartheid laws are the Population Influx Act and the Internal Security Act of 1982. The latter sanctions official conduct which deeply offends the American notion of fairness and due process by controlling movement by blacks, and it prohibits freedom of association and speech.

Under our Constitution the majority may rule, but the rights of minorities are protected. It is under the power the minority arrogates unto itself in South Africa that blacks are detained, tortured, banned and convicted in the courts for acts that our Constitution and Bill of Rights clearly protect. In the enforcement of the Internal Security Act, 16 officials of the United Democratic Front, a nonracial political umbrella organization, have been indicted for treason and terrorism. The indictment, consisting of 600 pages, accuses the defendants, of among other things:

Attending the Albert Luthuli Memorial Service, where Nelson Mandela was praised as being "the new symbol of hope for a better South Africa" and a prqyer was offered in which Mandela, Luthuli and others were referred to as "our heroes."

Attending various meetings where songs and slogans were sung and uttered, pamphlets distributed which are characterized as "revolutionary," "inflammatory" and "bellicose."

Issuing publications and pamphlets that are critical of the government and call for an end to apartheid.

Engaging in other forms of conduct that "embarrassed" the state.

Allowing themselves to be "used" knowingly or unknowingly, by organizations that have been outlawed.

For these actions the defendants are on trial for treason and terrorism, which could result in long terms or death.

The United Democratic Front publicly opposed a new constitution for a government that had no black participation and gave blacks no power or rights to participate. This opposition by the UDF was straightforward and open. But it brought that organization into conflict with the Internal Security Law enacted by a parliament in which the black majority population had no voice, and which was enforced by a government wedded to the notion of minority white domination.

The indictment has been attacked by the defendants' brilliant legal team. A highly regarded jurist, President Judge John Milne of the Supreme court of the Province of Natal, is presiding over this case. What must be borne in mind are the limited options available to a judge in the South African system. The contrast with the American system of justice is most striking. No judicial review of legislative enactments as unconstitutional. Parliament is supreme. No matter how unwise or offensive judges may find the laws to be, they are powerless to strike them down. Thus, they operate in a virtual straitjacket.

In the treason cases, the options open to Milne are to declare that the indictment is too vague, that the defendants have been impermissibly joined in the single conspiracy count or that the various counts of the indictment lack sufficient particulars to put the defendants on notice as to the charges against which they must defend. The judge can order the indictment dismissed or amended, and has since my visit issued his ruling; on balance it upholds the claims of the defendants. But none of his options has anything to do with the policy of the law or the merits of the charges.

Considering all of this, one is forced to again look at the laws enacted by parliament and their enforcement. The arbitrariness inherent in the laws becomes all the more offensive. For example, Section 28 of the Internal Security Act permits preventive detention if it is suspected that a person is likely to endanger "the maintenance of law and order." Section 29 authorizes detention for interrogation for unlimited periods of time.

I talked to clergymen who were taken from their homes in the middle of the night by authorities, jailed and beaten. While in jail they were forced to review their recent sermons and to explain why they conducted funeral services for various persons in the townships. At the end of their detention they were warned by police to make no further references to President Botha or to Nelson Mandela. Mothers related the events surrounding the detention of their sons and husbands, whose whereabouts they still do not know. Homes were broken into, searched by police, occupants terrified and brutalized in the process of being detained.

I was one of a five-person party arrested by the South African police and charged with violating the Emergency Order by visiting a black township in Fort Beaufort. The brandishing of weapons by a dozen or more riot police was menacing enough, but clearly the most distressing event was the search the police conducted of the automobile in which we were traveling. They carefully examined the luggage and briefcases of my South African hosts for outlawed documents and literature. Had they possessed any, my friends would have faced serious charges and long prison terms.

The march is on in those townships for uprooting of the network of repressive apartheid laws and the installation of procedures that will build a legal framework more in keeping with norms of due process and equality.

Those in this country who, for "practical" reasons, argue against application of external pressures against South Africa need to consider the reality of apartheid. There is more involved than jobs and something much more fundamental than the economic security of a relative handful of blacks. What must be understood is that the system of apartheid is more than a word. It is a cruel system of life enforced by whips, police dogs, guns, detentions, arson, torture, disappearances and death. It is a system of life that distorts human nature, as did American slavery. To those who quarrel with this conclusion, I say, let them go to South Africa.●

NOTING H.L. MENCKEN WRITING AWARD TO MR. TIM GIAGO

● Mr. ABDNOR. Mr. President. I am proud to bring to the attention of my colleagues the very special honor which has been bestowed upon Mr. Tim Giago, publisher of the Lakota Times, by the H.L. Mencken Foundation. Tim publishes the largest weekly Indian Newspaper in the Nation and since its inception has dedicated his energies to the betterment of native Americans. He was also one of the founding forces of the Native American Press Association and has won numerous awards from the National Press Association and the South Dakota Press Association.

Tomorrow, Mr. Giago will be presented the H.L. Mencken Writing Award for 1985 in special ceremonies at the National Press Club. In announcing the award the foundation stated that: "His columns demonstrate compelling emotion and compassion. The writer conveys some of the pain and unfairness that Indians on reservations live with, without being oversentimental."

As a member of the Oglala Sioux Tribe, Tim has always exhibited the courage of his forebearers in addressing in his direct way the trials and tribulations of native Americans in South Dakota and our Nation. We in South Dakota are proud of our native son and the important role that he plays in South Dakota and our Nation. I know that he would like to share this important moment with his dedicated wife and partner, Doris. I would like to extend my warmest congratulations to both Tim and Doris for the magnificent job that they do in bringing to the forefront the views and concerns of native Americans. There could be no worthier a recipient of the H.L. Mencken Award than Mr. Tim Giago and I am pleased that he has been accorded this honor.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. STAFFORD. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, September 18, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. STAFFORD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator SPECTER and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STAFFORD. Mr. President, I ask unanimous consent that, following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STAFFORD. Following routine morning business, the Senate will resume consideration of S. 1200, the immigration bill.

Following the final disposition of S. 1200, the Senate will resume consideration of S. 51, the Superfund bill. Votes may be expected during the day's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. STAFFORD. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until Wednesday, September 18, 1985, at 10 a.m.

The motion was agreed to; and the Senate, at 7:49 p.m., recessed until Wednesday, September 18, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1985:

DEPARTMENT OF DEFENSE

The following-named persons to be members of the Board of Regents of the Uniformed Services University of the Health Sciences for terms expiring June 20, 1991:

Carol Johnson Johns, of Maryland, vice Lauro F. Cavazos, term expired.

Mario Efrain Ramirez, of Texas, vice William R. Roy, term expired.

DEPARTMENT OF COMMERCE

Paul Freedenberg, of Maryland, to be an Assistant Secretary of Commerce, vice Lawrence J. Brady, resigned.

DEPARTMENT OF LABOR

Roger Dale Semerad, of Maryland, to be an Assistant Secretary of Labor, vice Frank C. Casillas, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Hazel M. Richardson, of California, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1988, vice Eleanor Thomas Elliott, term expired.

AFRICAN DEVELOPMENT FOUNDATION

Mark L. Edelman, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1991, reappointment.

COMMUNICATIONS SATELLITE CORPORATION

Neal B. Freeman, of Virginia, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1988, reappointment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Jeffrey I. Zuckerman, of Maryland, to be general counsel of the Equal Employment Opportunity Commission for a term of 4 years, vice David L. Slate, resigned.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Ford Barney Ford, of Virginia, to be a member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 1990, vice Frank F. Jestrab, term expired.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Barbara J. H. Taylor, of Maryland, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1990, vice Gordon M. Ambach, term expired.

NATIONAL CREDIT UNION ADMINISTRATION

Roger William Jepsen, of Iowa, to be a member of the National Credit Union Ad-

ministration Board for the remainder of the term expiring August 2, 1987, vice Edgar F. Callahan, resigned.

NATIONAL LABOR RELATIONS BOARD

James M. Stephens, of Virginia, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1990, vice Robert P. Hunter, term expired.

NATIONAL SCIENCE FOUNDATION

William J. Merrell, Jr., of Texas, to be an assistant director of the National Science Foundation, vice Floyd James Rutherford.

SECURITIES AND EXCHANGE COMMISSION

Joseph A. Grundfest, of the District of Columbia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1990, vice Charles L. Marinaccio, term expired.

UNITED NATIONS

The following-named persons to be representatives and alternate representatives of the United States of America to the 40th Session of the General Assembly of the United Nations:

Representatives:

Vernon A. Walters, of Florida.

Herbert Stuart, Okun, of the District of Columbia.

Daniel A. Mica, U.S. representative from the State of Florida.

Gerald B. H. Solomon, U.S. representative from the State of New York.

John Davis Lodge, of Connecticut.

Alternate representatives:

Patricia Mary Byrne, of Ohio.

Hugh Montgomery, of Virginia.

Joseph Verner Reed, of New York.

Robinson Risner, of Texas.

IN THE ARMY

The following-named officer for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

Reade, William F., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3370:

ARMY PROMOTION LIST

To be colonel

Ackerman, Kenneth, G., xxx-xx-xxxx
Adams, Gary L., xxx-xx-xxxx
Adams, Henry W., xxx-xx-xxxx
Adkison, Donald L., xxx-xx-xxxx
Agee, Damon W., xxx-xx-xxxx
Agrafiotis, Chrys C., xxx-xx-xxxx
Ahola, Leo A., xxx-xx-xxxx
Alewel, Roger L., xxx-xx-xxxx
Alford, Paul D., xxx-xx-xxxx
Allen, Gordon K., xxx-xx-xxxx
Allen, Gregory S., xxx-xx-xxxx
Allen, Herbert R., xxx-xx-xxxx
Alton, Jack E., xxx-xx-xxxx
Alvarez, Abraham P., xxx-xx-xxxx
Ambrose, William P., xxx-xx-xxxx
Amendolare, Joseph, xxx-xx-xxxx
Amoroso, Francis J., xxx-xx-xxxx
Anaya, Gabriel, xxx-xx-xxxx
Andersen, Karl K., xxx-xx-xxxx
Andersen, Robert D., xxx-xx-xxxx
Anderson, Grieg L., xxx-xx-xxxx
Anderson, Harold J., xxx-xx-xxxx
Anderson, Richard K., xxx-xx-xxxx
Andrew, Michael A., xxx-xx-xxxx
Andryczyk, Roman W., xxx-xx-xxxx
Appleby, John, xxx-xx-xxxx
Applegate, William, xxx-xx-xxxx
Argo, Ulon C., xxx-xx-xxxx
Arico, Eugene P., xxx-xx-xxxx
Armer, Walter D., xxx-xx-xxxx
Armistead, Bobby H., xxx-xx-xxxx
Armstrong, Arthur R., xxx-xx-xxxx
Armstrong, Jack R., xxx-xx-xxxx
Armstrong, Robert C., xxx-xx-xxxx
Arnett, Jack D., xxx-xx-xxxx
Arnold, Jonathan A., xxx-xx-xxxx
Artman, Robert H., xxx-xx-xxxx
Asay, Wayne W., xxx-xx-xxxx
Atkins, Summer W., xxx-xx-xxxx
Aubrey, John E., xxx-xx-xxxx
Bacon, Roger A., xxx-xx-xxxx
Balden, Hugh G., xxx-xx-xxxx
Bailey, Robert T., xxx-xx-xxxx
Baird, Carl D., xxx-xx-xxxx
Baker, Darrel P., xxx-xx-xxxx
Baker, Milton L., xxx-xx-xxxx
Banks, Randolph C., xxx-xx-xxxx
Barker, Larry C., xxx-xx-xxxx
Barlow, Gregory P., xxx-xx-xxxx
Barnett, William O., xxx-xx-xxxx
Barnhart, David S., xxx-xx-xxxx
Bartlett, General T., xxx-xx-xxxx
Barton, Kenneth P., xxx-xx-xxxx
Batchelor, Thomas J., xxx-xx-xxxx
Bauerle, James L., xxx-xx-xxxx
Beane, Melton E., xxx-xx-xxxx
Beauchamp, Gordon L., xxx-xx-xxxx
Becker, John B., xxx-xx-xxxx
Becker, Philip M., xxx-xx-xxxx
Beckham, Clarence L., xxx-xx-xxxx
Beckman, William P., xxx-xx-xxxx
Beedle, Donald R., xxx-xx-xxxx
Begick, Paul, Jr., xxx-xx-xxxx
Belcher, Charles R., xxx-xx-xxxx
Belveal, Charles E., xxx-xx-xxxx
Bennett, Robert W., xxx-xx-xxxx
Benson, James W., xxx-xx-xxxx
Beretta, Ronald J., xxx-xx-xxxx
Berger, Baruch M., xxx-xx-xxxx
Berner, Robert A., xxx-xx-xxxx
Best, Paul R., xxx-xx-xxxx
Bester, Douglas B., xxx-xx-xxxx
Bicanovsky, John E., xxx-xx-xxxx
Bielot, Richard J., xxx-xx-xxxx
Biles, Derwood C., xxx-xx-xxxx
Bingham, Bruce B., xxx-xx-xxxx
Blair, Jimmy S., xxx-xx-xxxx
Blanchette, Joel G., xxx-xx-xxxx
Blaney, James G., xxx-xx-xxxx
Blankenship, Robert, xxx-xx-xxxx
Blocklinger, Hans F., xxx-xx-xxxx
Bobek, Stanley E., xxx-xx-xxxx
Bodine, Thomas B., xxx-xx-xxxx
Boitel, Earl C., xxx-xx-xxxx
Boleware, Garland W., xxx-xx-xxxx
Bonanno, Frank C., xxx-xx-xxxx
Bonar, James S., xxx-xx-xxxx
Bonner, Joseph C., xxx-xx-xxxx
Boone, Daniel R., xxx-xx-xxxx
Boozer, Ted L., xxx-xx-xxxx
Borcher, Dale H., xxx-xx-xxxx
Borden, Charles A., xxx-xx-xxxx
Bosch, Hans A., xxx-xx-xxxx
Bourassa, Jerry D., xxx-xx-xxxx
Bowen, Crayton M., xxx-xx-xxxx
Boyd, Lonnie G., xxx-xx-xxxx
Boyle, John F., xxx-xx-xxxx
Bradley, David K., xxx-xx-xxxx
Bradley, Paul R., xxx-xx-xxxx
Bradshaw, Philip L., xxx-xx-xxxx
Brancazio, John A., xxx-xx-xxxx
Brandt, Robert J., xxx-xx-xxxx
Brantley, Shelby K., xxx-xx-xxxx
Broadway, Buddy S., xxx-xx-xxxx
Brock, Robert F., xxx-xx-xxxx
Browder, James G., xxx-xx-xxxx
Brown, Elbert L., Jr., xxx-xx-xxxx
Brown, Gerald V., xxx-xx-xxxx
Brown, James M., xxx-xx-xxxx
Brown, James O., xxx-xx-xxxx
Brown, Joel A., xxx-xx-xxxx
Brown, John R., xxx-xx-xxxx
Brown, Maynard, Jr., xxx-xx-xxxx
Brown, Willard G., xxx-xx-xxxx
Bruh, Brian M., xxx-xx-xxxx
Bryan, Alan J., xxx-xx-xxxx
Buch, Floyd H., xxx-xx-xxxx
Buchanan, Gale A., xxx-xx-xxxx
Buckman, Donald K., xxx-xx-xxxx
Bultman, Roger C., xxx-xx-xxxx
Bunker, Edward A., Jr., xxx-xx-xxxx
Bunn, Gary L., xxx-xx-xxxx
Burch, Earl B., Jr., xxx-xx-xxxx
Burdo, Anthony J., xxx-xx-xxxx
Burgess, Howard J., xxx-xx-xxxx
Burgoyne, C., xxx-xx-xxxx
Burner, Melvin T., xxx-xx-xxxx
Burnette, George W., xxx-xx-xxxx
Burnhope, Kenneth D., xxx-xx-xxxx
Burnstein, Clifford, xxx-xx-xxxx
Burr, Ronald P., xxx-xx-xxxx
Butler, Leroy N., xxx-xx-xxxx
Byrd, Floyd E., xxx-xx-xxxx
Byrd, William L., xxx-xx-xxxx
Byrne, Michael E., xxx-xx-xxxx
Bystrowski, Stanley, xxx-xx-xxxx
Cahill, Bernard J., xxx-xx-xxxx
Calagaz, Frank J., Jr., xxx-xx-xxxx
Calhoun, Clarence A., xxx-xx-xxxx
Call, Sidney B., xxx-xx-xxxx
Calt, Eugene F., xxx-xx-xxxx
Camacho, Salvador, xxx-xx-xxxx
Campbell, Dean J., xxx-xx-xxxx
Campbell, Donald F., xxx-xx-xxxx
Cantrell, Clifford, xxx-xx-xxxx
Capps, Richard G., xxx-xx-xxxx
Caputo, Brian R., xxx-xx-xxxx
Carlyle, Robert L., xxx-xx-xxxx
Carter, Billie C., xxx-xx-xx...
Carter, Donald R., xxx-xx-xxxx
Carter, Merrill R., xxx-xx-xxxx
Carter, Raymond J., xxx-xx-xxxx
Carter, Richard O., xxx-xx-xxxx
Casellasjovet, Rafa, xxx-xx-xxxx
Cates, Johnny E., xxx-xx-xxxx
Caton, Douglas E., xxx-xx-xxxx
Caughman, James K., xxx-xx-xxxx
Caulkins, Lawrence, xxx-xx-xxxx
Chain, Bela J., Jr., xxx-xx-xxxx
Chase, Neil W., xxx-xx-xxxx
Chavanne, John E., xxx-xx-xxxx
Cheeves, Charles L., xxx-xx-xxxx
Chin, James R., xxx-xx-xxxx
Chiodini, Louis J., xxx-xx-xxxx
Chitwood, Michael R., xxx-xx-xxxx
Christy, Donald E., xxx-xx-xxxx
Chun, Howard H., xxx-xx-xxxx
Claggett, Michael B., xxx-xx-xxxx
Clary, John F., xxx-xx-xxxx
Clegg, Peter W., xxx-xx-xxxx
Clements, William J., xxx-xx-xxxx
Clifton, Charles E., xxx-xx-xxxx
Clifton, Claude E., xxx-xx-xxxx
Cochrane, Stephen T., xxx-xx-xxxx
Colonosorio, Pedro, xxx-xx-xxxx
Combest, Ronald R., xxx-xx-xxxx
Combs, Paul H., xxx-xx-xxxx
Conlon, Joseph F., xxx-xx-xxxx
Contos, Spiro J., xxx-xx-xxxx
Cooper, Carl B., xxx-xx-xxxx
Cooper, Donald A., xxx-xx-xxxx
Cordero, Miguel A., xxx-xx-xxxx
Couture, Roland W., xxx-xx-xxxx
Covino, Robert P., xxx-xx-xxxx
Cox, Thomas F., xxx-xx-xxxx
Coyne, Henry F., xxx-xx-xxxx
Cross, Charles H., xxx-xx-xxxx
Cross, Ronald W., xxx-xx-xxxx
Crutcher, Donald R., xxx-xx-xxxx
Cunningham, John D., xxx-xx-xxxx
Curell, John D., xxx-xx-xxxx
Curry, Truman A., xxx-xx-xxxx
Cuschieri, Joseph M., xxx-xx-xxxx
Daddona, Richard A., xxx-xx-xxxx
Darbyshire, David W., xxx-xx-xxxx

Dattilo, Anthony D., xxx-xx-xxxx
Daugherty, Kenneth, xxx-xx-xxxx
Davis, Alec C., xxx-xx-xxxx
Davis, Homer E., xxx-xx-xxxx
Davis, Jack L., xxx-xx-xxxx
Davis, John C., xxx-xx-xxxx
Davis, John E., xxx-xx-xxxx
Dean, William J., xxx-xx-xxxx
Decker, Dale H., xxx-xx-xxxx
Defrieze, Harold R., xxx-xx-xxxx
Degroat, Arthur B., xxx-xx-xxxx
Deleissegues, R., xxx-xx-xxxx
Delong, Alvin R., xxx-xx-xxxx
Demarco, Richard M., xxx-xx-xxxx
Denbraven, Donald, xxx-xx-xxxx
Derdeyn, Conrad J., xxx-xx-xxxx
Dixon, Albert D., xxx-xx-xxxx
Dixon, James H., xxx-xx-xxxx
Dodge, Ira D., III, xxx-xx-xxxx
Dolan, Robert, xxx-xx-xxxx
Donald, Carroll D., xxx-xx-xxxx
Douglas, John W., xxx-xx-xxxx
Drew, Garland A., xxx-xx-xxxx
Drolla, John C.D., xxx-xx-xxxx
Duffie, John B., xxx-xx-xxxx
Dupre, Charles C., xxx-xx-xxxx
Durst, Wesley N., xxx-xx-xxxx
Eagerton, John D., Jr., xxx-xx-xxxx
Eagon, Herbert B., Jr., xxx-xx-xxxx
Eckstrom, Ivan P., xxx-xx-xxxx
Ecuyer, Richard J., xxx-xx-xxxx
Edgar, Walter B., xxx-xx-xxxx
Eidson, David E., xxx-xx-xxxx
Eisenman, Theodore, xxx-xx-xxxx
Ellis, Howard W., xxx-xx-xxxx
Elmore, James L., xxx-xx-xxxx
Encarnacao, John B., xxx-xx-xxxx
Ence, Randy J., xxx-xx-xxxx
Engstrand, Raymond, xxx-xx-xxxx
Epperson, Thomas J., xxx-xx-xxxx
Eskijian, Gregory, xxx-xx-xxxx
Etheredge, Roy F., xxx-xx-xxxx
Fagone, Joseph S., xxx-xx-xxxx
Faircloth, Joseph S., xxx-xx-xxxx
Fanelli, Nicholas A., xxx-xx-xxxx
Farmer, Arthur J., xxx-xx-xxxx
Faust, Ramon B., xxx-xx-xxxx
Ferris, James J., xxx-xx-xxxx
Fidurski, Richard S., xxx-xx-xxxx
Filek, Robert L., xxx-xx-xxxx
Finlayson, John D., xxx-xx-xxxx
Fioretti, Ray E., xxx-xx-xxxx
Fisher, Harold G., xxx-xx-xxxx
Fisher, Ronald R., xxx-xx-xxxx
Fleenor, Paul M., xxx-xx-xxxx
Flint, Fred R., xxx-xx-xxxx
Flores, Manuel R., xxx-xx-xxxx
Fox, Neal D., xxx-xx-xxxx
Francis, William G., xxx-xx-xxxx
Franke, George E., xxx-xx-xxxx
Franke, Loren W., xxx-xx-xxxx
Fraser, Howard D., xxx-xx-xxxx
Fray, William C., xxx-xx-xxxx
Frederick, Carrol J., xxx-xx-xxxx
Fredrick, Kent L., xxx-xx-xxxx
Frost, John W., xxx-xx-xxxx
Furman, Leroy F., xxx-xx-xxxx
Gaeta, Joseph J., xxx-xx-xxxx
Gallitis, Vilnis, xxx-xx-xxxx
Galanti, Philip J., xxx-xx-xxxx
Gallego, Gibert A., xxx-xx-xxxx
Garrett, William A., xxx-xx-xxxx
Gault, Billy F., xxx-xx-xxxx
Gay, Robert W., xxx-xx-xxxx
George, Chalmer D., xxx-xx-xxxx
Gerhardt, Edward H., xxx-xx-xxxx
Gershner, Leon, xxx-xx-xxxx
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WITHDRAWAL

Executive nomination withdrawn from the Senate by the President September 17, 1985:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Peter Douglas Keisler, of Connecticut, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, vice Maria Pornaby Shuhi, term expired, to which position he was appointed during the last recess of the Senate, which was sent to the Senate on January 3, 1985.

EXTENSIONS OF REMARKS

OPPOSITION TO JOB CREATION: A CONSERVATIVE IDEOLOGY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LEVIN of Michigan. Mr. Speaker, for the past 6 months I have had the privilege of chairing the House Democratic Caucus Task Force on Job Training. This task force was constituted to take a hard look at the need for job training and retraining across America, how we are currently meeting that need, and what changes must be made to face the economic challenges of the future. As part of this effort, we have held a series of meetings with recognized experts in the employment field. Today, I would like to share with my colleagues some particularly pointed remarks made by Dr. Sar Levitan to our task force this past June. Dr. Levitan is the founder and director of the Center for Social Policy Studies at the George Washington University. At this time I would ask for unanimous consent to insert Dr. Levitan's remarks into the RECORD:

OPPOSITION TO JOB CREATION: A CONSERVATIVE IDEOLOGY

(By Dr. Sar A. Levitan)

An underlying vision of the American welfare system as it evolved over the past half century is an abiding belief that the nation is not condemned to passive acceptance of inequality of opportunity, forced idleness, and poverty. The designers of the welfare system have assumed that our future is not predetermined, but can be molded by our energies, resources, and faith in the American future.

In contrast, applied to job creation and economic opportunity, the conservative ideological vision of the welfare system can be reduced to three simple propositions:

1. The poor and the unemployed are not trying hard enough;

2. Help to the unemployed and the poor encourages indolence, and is therefore an obstacle to self-sufficiency; and

3. Given poverty and unemployment is the fault of individuals, federal intervention is counterproductive. Society would presumably gain a great deal more by allowing the haves to keep most of their income and wealth because they would, of course, invest in productive enterprises rather than spending their resources boosting the consumption of the indolent. The added investment will create more jobs, and as we all know, rising tides lift all ships (or is it yachts?). Anyway, poverty and unemployment are inevitable and there isn't much that we can do for the poor.

THE POOR ARE NOT TRYING

At the heart of the conservative opposition to federal job creation initiatives lies the suspicion that the poor and unemployed are morally different from the rest of Americans—that they do not share the values and aspirations of working Americans, that they do not respond to the incentives and opportunities of the market in the same way as the more prosperous. Although a very old idea, the association of poverty and unemployment with deviance seems to acquire new life with every generation.

Conservatives seldom question whether deviant lifestyles are of the poor's own choosing or simply reflect the harsh realities of deprivation. They are content to believe that the poor are unmotivated and unwilling to work unless coerced to do so. It follows, therefore, that even an affluent and compassionate society should limit assistance only to the truly needy poor, those who cannot work and support themselves. The rest can fend for themselves because according to the Reagan-Murray vision of the world, there are plenty of jobs available for anyone seeking work.

The most vivid examples of the conservatives' refusal to acknowledge labor market realities can be found in President Reagan's faith in job availability amidst postwar record unemployment. During the worst recession since the Great Depression, he clung to the theme that opportunities for work abound:

Pick up the Sunday paper and look at the number of help wanted ads. Here are employers begging for employees, taking ads out for them at a time of the highest unemployment that we've known since the war. (Ronald Reagan, December 18, 1982)

In the great metropolitan centers . . . you count as many as 65 pages of help wanted ads. . . . These newspapers ads convinced us that there are jobs waiting and people not trained for those jobs. (Ronald Reagan, October 4, 1982)

The administration's only concession to widespread joblessness lay in the acknowledgment that workers with a record of sustained unemployment may lack the skills to obtain available jobs.

Charles Murray, whose views have received widespread acclaim in conservative circles, seems to hold similar views. According to Murray, in the good old days before society developed programs to aid the unemployed and the poor, any physically able person could find a job to support himself and his family. George Gilder, whose star has recently been overshadowed by Charles Murray, carried this belief in the availability of jobs even further. Following an old economic theorem that supply creates its own demand, Gilder contended that individuals can "create their own jobs" because "the supplies of work and human capital can engender their own demand."

During the past 15 years our economy has generated an unprecedented number of jobs, but not enough for all those who seek work. The pious declarations of the 1946 Employment Act and the 1978 Full Employment and Balanced Growth Act notwithstanding, public policy has not been directed toward providing jobs for all. On the contrary, during the past two decades a number of factors have contributed to creeping unemployment. The unemployment rate during each of the succeeding peaks of the business cycle has registered a higher unemployment rate than the preceding peak. The rate of unemployment declined to 3.4 percent in the late 1960s, rose by about a percentage point during the peak of recovery from the 1974-75 recession, and now, 30 months into the recovery from the 1981-82 recession, unemployment still hovers between 7 and 7½ percent.

In May 1985, the Bureau of Labor Statistics reported that 8.4 million persons, accounting for 7.3 percent of the labor force, were seeking but could not find jobs. In addition, 5.9 million persons sought full-time work but had to settle for half-rations because there was not any full-time work available. There were some 2 million more people in this category in May 1985 than there were 31 months after the recovery started in 1975. Similarly, the 1.1 million discouraged workers exceeded the comparable number in 1977 by about 300,000. All this tells us a story of loose labor markets where millions of people cannot find full-time work. Clearly unemployment is not due to the failure of the idle to seek work, as President Reagan asserts, but because jobs are not available for all those who desire work.

In mid-1983 when more than 10 million Americans were actively looking for work, President Reagan focused on the Horatio Alger dream of unlimited opportunities for self-advancement rather than on the problems of those who were seeking work. One could hardly disagree with President Reagan's hope that "this remains a country where someone could always get rich."

Dreams are fine, but we should not lose sight of reality. Regrettably, opportunities to get rich are limited only to the very few. On the other hand, there are millions of people who labor, some full-time year-round and still remain poor. In 1983, the latest year for which such data are available, more than 9 million Americans were in the labor force, including 2 million who worked full-time year-round remained poor. The image of the lazy and unmotivated choosing poverty in order to avoid work is irrelevant to this large body of improverished Americans, whose devotion to the work ethic is tested to a far greater degree than that of more affluent workers.

The persistence of secondary labor markets, barriers to entry in selected occupations, and discriminatroy employment practices all limit opportunities for advancement and self-sufficiency through work. Current labor market conditions strongly support the hypothesis that the labor market is segmented, offering relatively high wages, good working conditions, job security, and chances for advancement to the majority of American workers while providing the rest with low pay, poor working conditions, unstable jobs, and few promotion opportunities. Because workers in secondary markets are often forced to accept intermittent employment their incomes tend to fall short of their fulltime earnings capacity and thus below the poverty line. Moreover, since the working poor frequently hold unskilled jobs, they are unlikely to upgrade their skills in their current jobs that would assist them in

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the transition from secondary to primary labor markets. The existence of primary and secondary markets side by side leaves unskilled workers trapped in dead-end jobs in which their motivation and effort have no appreciable impact on future advancement or capacity for self-support.

Patterns of labor market segmentation are strengthened and influenced by racial discrimination and barriers to occupational entry that hinder the advancement of disadvantaged minorities. Some progress has been made as direct result of federal mandates and interventions, towards reducing the prevalence of discriminatory employment practices. Nonetheless with rising levels of educational attainment and aggregate unemployment, the use of credentials or licensing requirements as barriers to entry into the primary labor market probably has increased in recent years. Both factors continue to frustrate the efforts of the disadvantaged to pull themselves out of poverty.

Perhaps the most frequently cited example of how government limits opportunity and creates poverty and idleness is that favorite conservative whipping boy, the minimum wage. Critics of federal minimum wage legislation contend that recent increases have priced many low-skilled workers, particularly minority and teenage jobseekers, out of the labor market. Whereas the federal minimum wage remains too low to lift many employed persons out of poverty even when full-time work is available, its opponents believe that a sizable number of the unemployed in poor households would gain access to earned income in the absence of a statutory minimum wage.

Attempts to measure accurately the relationship between a statutory wage floor and aggregate employment levels have been inconclusive and often contradictory. The implications of lowering or eliminating the minimum wage are particularly difficult to assess because this wage protection has become inextricably intertwined with the nation's social welfar system. While continuing to fulfill its original function of preventing rampant wage exploitation, the minimum wage also remains the most direct and comprehensive policy tool to improve the lot of the working poor. An excessively narrow focus on the probable elimination of some jobs obscures these broader benefits of a federal minimum wage.

Few jobs in the secondary labor market, where most low-wage workers are concentrated, are stable enough to ensure full-time, full-year employment. For these workers the federal minimum wage remains the last line of defense before slipping into abject poverty. Elimination of the wage floor, favored by many conservatives, would undoubtedly save a few jobs, but at the expense of swelling the ranks of the impoverished. Required to pay a minimum wage, some employers may be encouraged to invest more in the training of their workers, thus raising productivity and enhancing the employability and self-sufficiency of these workers.

For prospective workers, the federal minimum wage provides an incentive to rely on earnings rather than on welfare. Torn between the known benefits of dependency and the risks of an unstable job market, these workers are more likely to choose the latter if the monetary reward is sufficiently high. Lowering it to an ineffective level—since January 1981 the real minimum wage, adjusted for inflation has declined by 2.3 percent—could have reduced work incentive and made welfare the more attractive alternative. A society that places a high value on the work ethic should also be willing to pay a price for inducing the poor to work.

The potential benefits of the current administration's proposals to lower the minimum wage to increase job prospects among unemployed youth are similarly limited. In loose labor markets such action may have the effect of displacing older workers to fill newly created jobs. Attempts to combat youth unemployment by lowering the minimum wage provides a mixed blessing for the poor; any advantages for the young may be gained at the expense of their elders.

HELPING THE POOR AND THE UNEMPLOYED ENCOURAGES INDOLENCE

Having made the claim that the poor suffer deprivation by choice, or at least by virtue of their own inadequacies, opponents of government assistance in aid for the poor and the unemployed also develop what they view as a logical corollary—federal efforts to help the poor are counterproductive. The result is: we cannot assist the poor and the unemployed even if they need our aid, because federal interventions inevitably constitute a hinderance instead of a help.

According to President Reagan, welfare is one of our major problems because it destroys "self-reliance, dignity and self-respect . . . the very substance of moral fibre." The alternative has been term "earned dignity" or "dignity of achievement"—the dignity that is obtained when one achieves "that modest well-being presumed within the grasp of honest effort" and that is meaningful only if accompanied by censure of failure and "a strong sense of the shameful."

Charles Murray makes this a point a central theme of his Losing Ground. He tells the story of Harold and Phyllis (who may replace Romeo and Juliet in conservative literature). Both are unskilled and deficiently educate. In the good old days, if Phyllis made a "mistake" and became pregnant, Harold would marry her, take a menial and low-paying job, and presumably, the couple woud live happily ever after. His assumption is that jobs were available and that all able-bodied persons could find work. As long as the choice for able-bodied persons was between work and starvation, presumably they all worked. the social fabric began to unravel when the welfare system moved beyond aiding the truly needy to providing assistance to the working poor. This view encourages indolence and condemns the welfare system to failure.

HELPING THE POOR AND THE UNEMPLOYED IS COUNTERPRODUCTIVE

Convinced that the poor and unemployed are responsible for their situation and that government aid exacerbates their plight, true believers in laissez faire arrive at the inevitable conclusion that poverty is an unavoidable natural state of affairs, accepting the notion that some individuals must fail even in the most affluent society. The penalties of failure cannot be softened, they contend, because government intervention to alter market outcomes would diminish the rewards for achievement and undermine the motivation and moral character of those it sought to help.

Implicit in this view is the belief that government programs have merely displaced prior private efforts and that the withdrawal of federal aid would result in no net loss, and possibly a net gain, of resources available to combat the nation's social problems.

The conservative thesis of private initiative and charitable giving appears more clearly at odds with the record. Prior to government intervention, private voluntary activities managed to provide only the most modest relief and assistance to portions of the poor population. These efforts were the least effective in areas with high concentrations of low-income households and seldom moved beyond the provision of minimal temporary aid to improve the poor's prospects for self-support. The inadequacy of private help, if not its complete breakdown, generated the need for government intervention under the New Deal. As government responded to unmet basic needs, there is no convincing evidence that charitable contributions suffered a corresponding decline.

The 1983 Economic Report of the President, prepared while joblessness reached its postwar peak, reflects the strength of the philosophical bias against federal programs to expand employment and broaden economic opportunity. Although it voiced support for training to assist the structurally unemployed, the report implicitly rejected the job creation proposals of "well-meaning" members of Congress with the statement that "only a balanced and lasting recovery can achieve a substantial reduction in unemployment." (Ronald Reagan, September 9, 1982)

Throughout his political career President Reagan has opposed federal job creation programs, arguing that they generate unproductive work and weaken the national economy. With a litany of references to "make-work jobs" and "quick fix" responses to recession, his administration has portrayed public employment initiatives as dismal failures that led to long-term economic decline. Even when the unemployment rate reached double-digit figures in September 1982, the president offered the following assessment of jobs programs:

Actually, what we're talking about is building a solid base for the economy as the method of providing the jobs the unemployed need, and providing them on a more or less permanent basis instead of just a quick flurry that does no real good but leaves us closer to the brink of disaster than we were before.

The presumption that the poor shirk work responsibilities is most explicit in workfare initiatives that require welfare recipients to work off the support they receive. Workfare programs could be both successful and beneficial if they offered the dignity or the experience of constructive employment to the AFDC population which realistically may be capable of self-support. Given careful screening, pre-employment counseling and sufficient incentives, welfare recipients could go far toward developing positive work habits and escape poverty. The provision of meaningful jobs at their existing wage scale could induce welfare recipients to voluntarily opt for workfare, eliminating some of the more distasteful associations of the programs with punishment for perceived moral deviance.

The existing welfare system gives partial recognition to the interrelationships between work and welfare, helping many Americans and allowing some flexibility for movement in and out of the labor market. Yet sharp restrictions on aid to the working poor, exacerbated by the Omnibus Budget Reconciliation Act of 1981, still confine some recipients to dependency and threaten to create a permanent underclass. A public policy that expects low-income Americans to make rational calculations regarding the costs and rewards of work as compared to welfare must ensure that work is more re-

munerative than welfare. Past federal approaches to combat poverty have fallen far short of this fundamental goal.

To minimize conflicts between work and welfare, federal programs in aid of the poor must recognize the limitations of private labor markets in offering employment opportunities that permit the unemployed and the working poor to escape poverty. The world of opportunity, upward mobility, and adequate wages envisioned by conservatives does not exist for large segments of the low-income population.

A LESSON WE SHOULD HAVE LEARNED

One of the clearest lessons arising out of America's experience with the welfare system is that poverty cannot be eliminated solely through a reliance upon income transfers. Income maintenance certainly is an essential component of any comprehensive antipoverty effort, but a strategy relying upon transfers alone can neither enhance self-sufficiency nor avoid conflicts in labor markets.

In a society in which the wages of millions of workers are too low to lift them out of poverty, the provision of adequate cash assistance to the nonworking poor, if unaccompanied by incentives to supplement assistance with earnings, inevitably raises serious questions of equity and generates strong political opposition among taxpayers. In addition, income transfers large enough to lift low-income households above the poverty threshold, if not tied to work effort, would trigger large drops in labor force participation or force massive public expenditures to the nonpoor in order to preserve acceptable work incentives. Political and economic realities have contributed to the demise of successive guaranteed income schemes during the past two decades and demonstrate the need for federal strategies that assist both the working and dependent poor.

While the rhetoric of the Great Society and subsequent initiatives have often placed heavy emphasis on the expansion of economic opportunity for the less fortunate, this promise has never been fulfilled through a sustained and adequate commitment of societal resources. Many of the dilemmas posed by the welfare system—perverse incentives discouraging work by welfare recipients, neglect of the needs of the working poor, high youth and minority unemployment, and burgeoning costs of universal entitlements—arise from an inadequate emphasis on the extension of employment opportunities. Beyond fundamental guarantees of equal access and civil rights, the welfare system's attempts to broaden opportunity have relied upon relatively small and often sporadic investments in job training, public employment, compensatory education, and meaningful work incentives. These initiatives, despite yielding promising results, have fallen far short of their necessary role as equal partners with income maintenance in advancing the goals of the welfare system. To help the millions of the unskilled and deficiently educated, it is necessary to recognize that work and welfare go together as an appropriate public policy.

The difficulties associated with the expansion of economic opportunity through the welfare system are substantial, ranging from the technical and economic to the cultural and political. Certainly the heavy reliance upon transfer programs in recent years reflects the fact that assurances of income security tend to be less threatening to established interests and therefore easier to adopt than broader efforts to open avenues to self-support and economic advancement. Yet if the nation is to avoid the debilitating effects of its emphasis on income maintenance, there is no alternative to reviving the promise of opportunity and the creation of jobs. When the nation discards today's prevailing negativism it should turn to this urgent task of broadening access to opportunities for work and self-advancement for all Americans.

THE TRADE CRISIS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. SEIBERLING. Mr. Speaker, the huge trade deficits which have accumulated under the Reagan administration have become a "front burner" issue on both sides of the aisle in the Congress. Even the Reagan administration, which has long turned a deaf ear to calls for constructive action on the trade crisis, is at last readying a trade package for consideration.

The President and the Congress have available to them a wide range of responses to the trade crisis. Clearly, there are strong pressures for enactment of "protectionist" legislation. Under limited circumstances, temporary quotas or tariffs may be a useful short-term solution to import competition for specific industries. It would be catastrophic if our key industries, such as auto, steel, rubber, textiles, electronics, footwear, and so on, were to collapse because of the flood of imports. Congress cannot sit idly by and let this happen. Limited import restrictions can and have bought time to enable domestic industries to retool to maximize production efficiency and quality to enable them to compete on an equal footing with their foreign counterparts.

But broad-brush legislation designed essentially to punish foreign countries for their trade practices in general, rather than dealing with specific industries and specific trade problems, seems to me to run a substantial risk of being counterproductive. At a minimum, enactment of such legislation could well provoke sharply retaliatory responses from the affected countries, prompting them to shut their doors even tighter to American exports. That would be in nobody's best interests.

It's evident that the key contributor to the trade problem we face is the adverse impact of the imbalance between the dollar and foreign currencies. Our strong dollar acts as an export "tax" on American products shipped overseas, making them less competitive in foreign markets. And the strong dollar acts as an import "subsidy" for underpriced foreign products, giving them a strong price advantage in American markets.

Since the strong dollar is being fueled by our huge Federal deficits, our first course of action must be to reduce the deficit. That is going to take fair and balanced action to stem the hemorrhage of Federal revenue which began with the ill-planned 1981 Reagan "supplyside" tax fiasco. It is also going to take further reductions in Federal spending, and we are going to have to begin with the out-of-control Reagan defense budgets.

Next, we need to promote efforts to find jobs for, and retrain workers who have lost their jobs because of import competition. The administration's position in this respect has been one of callous indifference, seeking large cuts in the Job Training Partnership Act, and the termination of the Trade Adjustment Assistance Program, both of which provide assistance to dislocated workers. We have simply got to recognize that our workers are a resource of enormous value and potential, but that the job of retraining and relocating dislocated workers cannot be left solely to the private sector, as the Reagan administration apparently wants to do. The House Democratic caucus task force on employment and training, on which I serve, is in the process of putting together a comprehensive recommendation for employment and training programs, and I hope the Congress will translate those recommendations into legislation.

Unfortunately, the Reagan deficits have left the Congress severely limited in its ability to fund new programs to deal with the dislocations caused by the trade crisis. In an August 22, 1985, column in the Arkon Beacon Journal, David Broder notes that many respected economists are increasingly concerned that the economy is beginning to stagnate. As Border points out, the "standard Keynesian prescription for dealing with a recession is to cut taxes and/or increase Government spending and thereby stimulate demand, in hopes of bringing the economy out of its nose dive." But the huge deficits which have occurred as a result of 5 years of Reaganomics have left the Government with no room to apply such remedies.

At a July meeting of Senator GARY HART'S Center for a New Democracy, discussions centered on alternatives to such traditional Federal pump priming, with the consensus being that, absent governmental flexibility to deal with a recession, the Government should encourage increased flexibility in the labor market.

One solution, advocated by Pat Choate of TRW, is to upgrade the existing U.S. Employment Service in order to better match dislocated workers with existing jobs. Choate noted that the matching system "is barely functioning. Only 7 percent of jobseekers receive counseling, only 2 percent receive training and less than 25 percent are eventually placed in jobs." Choate also argued for better retraining programs, including tax stimuli for employer retraining and job creation.

According to the Broder article, another solution, advocated by Prof. Martin Weitzman of MIT, is "shifting the basic compensation system so that less of a worker's income comes as wages and more as profit-sharing. That way, he said, fewer people would be laid off in the next recession and more firms would survive."

I agree with Professor Weitzman's assessment. In fact, I have reintroduced legis-

lation to encourage the implementation of just such a gain sharing system. Under my bill, the Productivity Improvement Act of 1985 (H.R. 1183), employers would be offered a tax credit of up to 10 percent of the bonus wage in the first year of operation. The advantages of such a system are clear. Employees would be encouraged to maximize their productivity on the assembly line, since the bonus would reflect such productivity growth. Over the past decade, American productivity has grown only 23 percent, while Japanese productivity has grown over 100 percent. By giving workers a vested interest in productivity growth, American manufacturers can close the gap.

Such a bonus wage can also promote job security. In times of economic decline, manufacturers would have an opportunity to reduce the bonus wage—without cutting the base pay itself—and keep workers on line, instead of laying them off to maintain profits. The resulting job security cannot help but to produce greater employee loyalty and a vast improvement in employer-employee relations.

An article in the August Dun's Business Month provides further substantiation of the potential benefits of this kind of bonus wage system. Although acknowledging resistance to these plans, many companies have found them extremely useful. A GAO study of some 1,000 companies with compensation tied in part to productivity growth, found a 30-percent savings in labor cost; 81 percent of the respondents reported improved labor-management relations, nearly 50 percent had fewer grievances, and nearly 40 percent reported lower absenteeism and turnover.

Mr. Speaker, the breath and depth of our trade imbalance demands action from the Congress. We cannot ignore the problem, but we should not, in our haste to alleviate it, take action which we will come to regret. We should vigorously explore constructive ways of retraining and relocating dislocated workers. We should improve the services offered by our employment service. And we should be willing to offer incentives to improve productivity in the workforce and improve labor-management relations.

The full text of the David Broder and Dun's Business Month articles follow:

[From the Beacon Journal, Aug. 22, 1985]

DESIRABLE GOAL: MORE FLEXIBILITY FOR LABOR

WASHINGTON.—In 1981, the year the last recession began, the federal government had a deficit of $78 billion. Two years later, when that recession had run its course, the deficit had almost tripled to $207 billion.

This year, according to the latest Congressional Budget Office estimate, the deficit will be $210 billion. If another recession hits and the pattern of the past holds, one can imagine annual deficits ballooning by the end of the Reagan administration to the staggering level of more than one-third of a trillion dollars a year.

That nightmare possibility has entered the discussion in Washington because of the recent spate of nervous economic indicators.

On successive days last week, you could read that business sales dropped, inventories rose, factor output and capacity utilization stagnated and home construction slumped. While few economists were predicting a recession, the head of Chase Econometrics said, "There is no reason to expect a major improvement."

Rudolph Penner, the head of CBO, said, "The economic outlook remains very uncertain," and he warned that with deficits in this time of general "prosperity" running at more than $200 billion a year, they "don't allow any margin for safety if the economy performs worse than expected."

All this makes it pertinent to ask just what this country would do if the economy staggers into another slump under the burden of the incredible debt accumulated during the Reagan years.

The standard Keynesian prescription for dealing with a recession is to cut taxes and/or increase government spending and thereby stimulate demand, in hopes of bringing the economy out of its nose dive. That is what Reagan did in 1982 and eventually it worked—but at terrible cost to the budget.

At a session last month of his personal think tank, the Center for a New Democracy, Sen. Gary Hart, D-Colo., assembled a group of people to see if they had any ideas other than traditional "pump-priming" remedies. When I read the transcript of that session, I realized that there are other options. But all of them would require more courage and imagination than either Congress or this administration has shown.

The main point that emerged was that—lacking flexibility to apply traditionally fiscal stimulus—the government should try to promote increased flexibility in the labor market.

That point was stressed by economic consultant and author Pat Choate of TRW, economics writer Robert Kuttner and Professor Martin Weitzman of the Massachusetts Institute of Technology. It was that point to which Hart, eyeing a second bid for the presidency in 1988, seemed most responsive.

How do you get more flexibility in the job market?

Choate offered several practical answers. Improving the existing U.S. employment service is one way to get a better match of people and jobs. Today, he said, "that system is barely functional. Only 7 percent of job-seekers receive counseling, only 2 percent receive training and less than 25 percent are eventually placed in jobs."

The problem, he said, is miserliness. "For example, fewer than half of all, states have computerized offices. The Department of Labor still exchanges information about job vacancies between states by mailing it to Albany, N.Y., where it's sorted by hand and then mailed out again to the individual states."

Choate estimated the cost of computerizing the system—as presidents as far back as Richard Nixon have talked of doing—at $60 million. The time to make that investment is now, not after the next recession has begun.

Both Choate and Kuttner argued persuasively that, whether there is a recession or not, retraining of today's workers for tomorrow's jobs has to be given higher priority. One way to do it is to shift some unemployment compensation funds into training programs and even subsidized re-employment. Another is to change the tax law so that employers get the same write-offs for improving their employees' skills as they do for modernizing their plant and equipment.

Weitzman offered a more far-out notion: shifting the basic compensation system so that less of a worker's income comes as wages and more as profit-sharing. That way, he said, fewer people would be laid off in the next recession and more firms would survive.

Hart provided a public service by launching the discussion on steps now that would ease the pain of the next recession. But it will take more than discussion. We better recognize that the familiar medicine of counter-cyclical deficit spending has been squandered by the foolish fiscal policies of the past five years. If we don't find new medicine, we may not recover next time.

[From Business Month, August 1985]

SPREADING THE BONUS BUCKS

(By Daniel Forbes)

A change is occurring in the compensation of hourly employees. Bonuses—once reserved for top executives, salesman and occasionally for middle managers—are now for everyone.

With a few exceptions, such as Chrysler's award of $500 to all employees in celebration of its record 1984 sales, companies are paying bonuses to workers in lieu of raises or as their share of productivity improvements. Gain-sharing bonuses have been around for decades, but new industries such as airlines and banks have started using them. "The next horizon for gain sharing is formerly regulated companies such as utilities," says James Lagges of consultants A. T. Kearney, Inc., and "beyond that come large financial service organizations—anything with a lot of paper pushing."

Bonuses in the form of lump sum payments (LSPs) instead of permanent raises are a product of the worst recession in postwar history and soaring unemployment. Don Hirsch, vice president of corporate labor relations for Kroger Food Stores maintains, "This is the time for management to strive to be competitive. We've got to make the most of it while the pendulum is swinging our way. Because it will swing back eventually."

And LSPs are a relatively painless way for companies to save money and for unions to save face. As Audrey Freedman, labor market specialist for The Conference Board points out, "The LSPs look like they are more than they are. They look good for both management and the union leadership—they are noticeable and you get a bigger bang for the buck."

Starting in October 1983, with a groundbreaking three-year agreement between Boeing Co. and the International Association of Machinists, a wide-ranging array of unions have agreed to LSPs. According to the Bureau of Labor Statistics, auto workers, paper workers, government employees, meatpackers and truckers are among the major unions that accepted LSPs with meager or no raises in the past eighteen months.

Often bonuses are in lieu of wage increases in the first year or more of a multi-year contract. General Electric recently settled with the UE and the IUE for LSPs of 3% in the first year of the contract and a 3% wage increase in the last two years.

McDonnell Douglas Corp., after a bitter seventeen-week strike, settled with the UAW for bonuses of 3% a year, period. Boeing gave LSPs of 3% a year and COLAs of 3% a year. Kroger agreed on LSPs with the United Food and Commercial Workers in various sites. One in rural Georgia—to cite the least generous—called for sums of as little as $1,000 spread over three years with wages remaining steady.

The primary savings for employers in LSPs come from eliminating the compounding of wage gains in the next year. Tom Baker, district president of the IAM unit that negotiates with Boeing, notes that an LSP would have to be 3% in the first year, 6% in the second and 9% in the third to match annual raises of 3%. The IAM calculates that one major aerospace company saved an average of $2,665 per employee a year by giving bonuses in the first two years and a raise in the third year instead of a raise each year. On top of that the next contract talks begin at an hourly wage base that does not include the bonus.

Another major savings is in overtime and fringe benefit costs, otherwise known as "flow-through" increases. With no raise in the base rate, overtime, vacation and holiday pay, military and jury duty and pension contributions are all proportionally less. Kroger's Hirsch reports that the supermarket chain's bonus bargain saved 15%-to-18% a year of the wage increase by eliminating flow-through increases. Similarly, economist John Zalusky of the AFL-CIO estimates that GM is saving 18%-to-20% a year on the wage increase with the LSPs instead of a dollar equivalent permanent wage increase. Kroger's Hirsch has bought concessions from unions on overtime, night premiums and holiday pay by using bonuses as a sweetener. In Columbus, Ohio, Kroger scaled back Sunday pay to time and a half from double time, got other contract concessions and no wage increases in exchange for bonuses of roughly $1,000 each in the first two years and under $500 in the third. "It speeds up the whole negotiating process," Kroger's Hirsch contends.

In many cases, union members find bonuses hard to resist. The LSP is a nice hunk of change that workers do not otherwise find easy to accumulate, with the flow-through losses paling in significance. As Alan Lee, director of collective bargaining for the UFWC says, "We didn't necessarily recommend ratification [of the Kroger contract], but it may be a case of the membership being short-sighted." Tom Baker, district president of the IAM unit that negotiates with Boeing, adds, "It's no coincidence that that $745 comes right before Christmas."

Baker also points out that at the time of the settlement, District 751 had 8,000 members on lay off, tahe State of Washington had the third highest unemployment in the nation, and the Seattle area the highest in the state. Boeing spokesman Jim Morrison says simply that, "With wage increases and uncapped COLAs over the prior 15 years, by 1983 a janitor was making $23,000 a year. We had to ask how long we could have these without pricing ourselves out of the market."

The UAW local at McDonnell Douglas's Long Beach, California plant accepted a bonus only as a last resort. The company had no new orders in early 1984, and the UAW membership had lost some $7,000-to-$10,000 in wages in the longest strike in aerospace history (the union struck primarily to avoid the bonus arrangement). When some 1,200 members returned to work under the threat of dismissal, says local president Bob Berghoff, "We had to go back, otherwise the company might have had so many people cross [the picket line], they could have voted the union out. But we'd do it again if we had to."

The unions obviously prefer wage hikes. Reggie Newell, an IAM economist says, "We oppose bonuses as a matter of principle, but we've had to accept them. The only alternative was to strike." In May, the Transport Workers Union membership narrowly rejected a tentative pact with American Airlines that offered an LSP of $750 in the first year, $1,000 in the second and $1,500 in the third in lieu of increases. As one member put it, "After taxes you don't get much, and once the bonuses end, you're still making the original wage."

A separate but related development is a renewed emphasis on gain sharing (GS) plans. Gain sharing is moving from manufacturing to such paper intensive environments as bank back offices and repetitive labor environments as hospital laboratories. Security Pacific Corp., Maryland National Bank and a major Canadian insurance company among others, have instituted GS for its word processors. And GS has spread from department to department at St. Lukes Hospital, Kansas City, Missouri, starting in the production-type departments and now encompassing top executives.

Typically, GS plans are based on improvements over historical productivity levels, with awards paid in cash to groups of employees according to a predetermined formula. Most plans cover either all employees or a large group to avoid the appearance of pitting employees against each other.

The most popular are: Improshare, invented by consultant Mitchell Fein, which measures output per man hour of labor; Scanlon plans that base bonuses on the ratio of payroll costs to sales; and Rucker plans, which are marketed by the Eddy-Rucker-Nickels Co., based on the ratio of payroll costs to sales, minus the cost of materials and supplies—a rough approximation of net operating income. Improshare's Fein reports that in its first year at a New Jersey hospital, a GS plan gained both the workers and the hospital $1.1 million each.

Whether or not GS improves productivity is debatable. A 1985 Conference Board survey of 1,000 large industrial firms found that of the roughly 25% of them that had GS programs in effect, no significant productivity gains were reported. But the author of the study, economist Audrey Freedman, thinks the result may be due to survey design. A General Accounting Office study of some 1,000 GS plans found that those in operation more than five years averaged almost 29% savings in work force cost and those with under five years averaged savings of 8.5%. The GAO also cites improved labor relations among 81% of respondents, 47% had fewer grievances and 36% had less absenteeism and turnover.

Obiviously, peer pressure to perform is one of the central tenets of GS programs. And while it is certainly a factor, says Improshare's Fein, "Peer pressure won't run the shop; it's exaggerated. You can't escape the unpleasant duties of management."

And GS plans are remarkably popular with employees. Firestone Tire & Rubber Co. proposed dropping its GS plan when workers at its Hamilton, Ontario plant received no GS bonuses for a considerable time due to a depressed tire market and a jumbled product line. But the rubber workers insisted on keeping it, citing improved morale and smoother labor relations.

Indeed, if the McDonnell Douglas Long Beach plant workers are any indication of future trends, GS plans may in the end supplant LSPs. After the bitter strike at the plant over LSPs in lieu of raises (where workers now clock out in different lines depending on whether they crossed picket lines or not and fist fights are not unknown), an investigation of gain sharing is on the agenda for the next round of talks, at the union's insistence. Says UAW local president Berghoff, "Any form of gain sharing would be better than the status quo. If the company is sincere, it will bring people together. We"ll make them rich if they treat us right!"

HILLSDALE HAY, INC.—A RESOURCEFUL MARKET FOR HAY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. PURSELL. Mr. Speaker, recently, when I was home during the August recess, I met with some farmers in my district in order to better understand the issues facing them. I am pleased to return to Washington and relate to the Congress how one group in Michigan is trying to improve the farmers' economic situation. These men have formed the Hillsdale Hay, Inc. This organization will allow farmers to buy stock in the company which will hold weekly hay auctions beginning in November. I am submitting an article on this project printed in the Michigan Farmer and hope it will be an inspiration for other hay farmers in the Nation:

[From the Michigan Farmer, Aug. 17, 1985]

A NEW WAY TO MARKET HAY

(By Dick Lehnert)

What started as a project to provide more opportunity to farmers in Hillsdale County has blossomed into what might be a bonanza for all of Michigan.

It's a market. A market for hay.

The next two weeks may be critical ones. By Sept. 1, the organizers of Hillsdale Hay, Inc., need to know who wants to sell how much hay and when. They plan to hold weekly auctions, in Litchfield, during the strong part of hay sales season, mid-November to mid-March.

To participate in the hay sales, you must become a member of Hillsdale Hay, Inc., and that costs $100. It's a one-time investment in stock.

In addition, a sales commission of 10% will be charged, but that can be returned to members as dividends if the corporation does well. The board of directors met Aug. 1 and decided that all who sign up before Sept. 1 will pay a 9% sales commission instead of 10%.

If you want to be part of the action, you should contact Max Drake, 77 N. Broad St., Hillsdale, MI 49242. The office phone is (517) 437-3735.

Drake is Hillsdale Hay's "ag resource person." He's been involved in the project since its inception a year ago. He explained the project's history and his role in it.

Originally from Ohio, where he was manager of the Northern Ohio Breeders Association for 35 years, he retired and moved to Reading.

About a year ago, Hillsdale County's Industrial Development Commission, realizing that agriculture was the leading industry in the county, sought a federal grant to research ways to develop that industry more fully.

A committee was formed, chaired by County Extension Director Jim Pelham, to

take a hard look at agriculture. Members included Bob Sloane, Jonesville, owner of the Granery; Charles Zieler, Hillsdale poultryman; Jerry Raker, Litchfield vegetable and bedding plant grower; Keith Brown, Jonesville dairyman; Randall Wigen, Reading corn grower; Ron Newton from Reading elevator; and Rex Smith, a Waldron banker.

Their mission: "They were to look at the total agriculture of Hillsdale County and try to find opportunities for further development."

Drake was "recalled from retirement" to work half-time on the project.

Hay became a leading candidate early. "It had excellent potential as a cash crop," Drake said. "It does better than corn and soybeans now."

In addition, 50% of the farmers in the county are part-timers. This was seen as a plus for hay, since these may be candidates for a summer labor-intensive crop.

Then there was the nature of the county itself. Named Hillsdale for its hills and dales, the land is erodible when under a heavy row crop regimen.

"High corn and bean prices have led to the plowing of land that never should have been plowed," Drake said. "Some is losing 30 tons and more of soil a year. It's to steep even to no-till."

Not surprisingly, the county Soil Conservation Service, the Soil Conservation District, and the Agricultural Conservation and Stabilization Service are enthusiastic about the hay idea.

The project encountered some problems. A meeting held last November drew only 100 people, a disappointing turnout. Drake theorizes now that perhaps local farmers may be unequipped to handle hay, or that cash rents are still high enough to encourage them to rent out their ground instead of farming it themselves.

But there was one big plus. Those who attended the meeting came not just from Hillsdale County but from eight others.

Hillsdale is not the first county to target hay as a desirable crop. In the Thumb, hay would be a good addition to soil-damaging rotations heavy on sugar beets and navy beans. The Cooperative Extension Service and Soil Conservation Districts there have tried to encourage more alfalfa because of its benefits to the soil.

But usually the efforts fail. Not only does hay require its own complement of equipment, there is another big problem: How does one market this bulky stuff in a non-livestock area?

What Hillsdale Hay is doing may be the answer. Drake expects this auction could draw hay from a wide area. "There is no good hay market in the tri-state area," he says. Still, a lot of hay moves through that area into forage-deficit dairy areas in the South and to horses in Kentucky.

Drake says farmers wanting to sell cash hay should think in those terms. With hay possibly in short supply in Michigan this year because of dry weather, a lot of hay may find a local market.

But hay-sellers should think in the long term as well. Drakes hopes they'll support this market now—when it needs support to get going—and that they'll plan on it when growing hay in future years.

Those looking to a Southern hay market should grow alfalfa with some timothy in it. That satisfies the horse market. They should bale in heavy bales—55 pounds and bigger—to make shipping easier.

It should be green in color and free from dust and mold.

Perhaps in the future, some enterprising person may choose to start a hay compacting business in association with the Litchfield auction.

Right now, one service will be offered that will allow those with top quality hay to prove it and get paid for it.

Hillsdale Hay, Inc., is working with Litchfield Analytical Services, a private laboratory that, for $10, provides near-infrared analysis (NIR). The service is fast, Drake said.

NIR tells what the feeding value of hay is—how much protein it has, how digestible it is, etc. In the future, Drake said, perhaps a scale will be used to label hay according to relative feeding value (RFV). "Good hay, tested is worth $10 to $20 a ton more," he says.

The board of directors of Hillsdale Hay is made up of the following people:

President Raymond Oates, Waldron, a hay grower and hay dealer; vice-president Joe Griner, Horton (Jackson County); Secretary-treasurer Paul Birdsall, Hillsdale, a school teacher who makes 300 acres of hay during the summer; and directors Rex Ryan, Hillsdale; Gary Miller, Eden Ohio; Don Hoopes, Quincy (Branch County); John Ellingson, Britton (Lenawee County): Bob Sloane, Jonesville; and Jim Emens, Waldron.

As the list of directors shows, this project is bigger than Hillsdale County.

From a purely local standpoint, Hillsdale promoters hope that Hillsdale County will be a big winner from this project. Hillsdale Hay's slogan is "Don't wash away; go to hay!"

For the first time this year, the county fair will have a hay judging. Exhibitors show a bale plus a wafer, and Litchfield Analytical Service tests samples free.

But right now, Drake is seeking support from wherever he can find it. The key is making the hay market work, getting enough tonnage consigned so 400 or 500 tons can be auctioned weekly. Minimum consignment is one ton.

Once established, the market may do something no other force has been able to do:

Get farmers, in Hillsdale County and elsewhere, to grow alfalfa on the land that should be protected from the debilitating effects of row crops. Clearly, the land needs it. Maybe the lack of price for corn, plus the benefit of a sales point for hay, will turn the picture.

A REPUBLICAN WAR ON POVERTY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GINGRICH. Mr. Speaker, a few weeks ago the Washington Post printed an editorial by Mr. Frank Gregorsky entitled "A Plan for a Republican War on Poverty." I urge my colleagues to review this article.

[From the Washington Post, Sept. 2, 1985]

A PLAN FOR A REPUBLICAN WAR ON POVERTY

(By Frank Gregorsky)

Item: On June 3, a study by the Children's Defense Fund sketched a crisis for black children. The CDF called for more jobs for teens, more subsidized housing, and more birth-control clinics. A CDF staffer priced the desired agenda at $14 billion.

Item: Last week the Commerce Department confirmed the sharpest one-year drop in poverty in 16 years. It was tied to last year's 6.8 percent surge in real GNP growth, which was induced by tax reduction rather than by make-work or social welfare programs.

Is the glass half empty or half full? Those taking the half-full view could cite additional indicators: infant mortality rates below their 1980 levels; stepped-up collections of child support from delinquent fathers; one of every five new jobs since 1982 going to a black person.

Then again, some of what the CDF said should shake us up: Only 67% of America's black children have an employed parent, compared to 86% of white children . . . In 1982, over 55% of all births to black women were out of wedlock . . . Among black women under age 20 the proportion was 86% . . . Eight out of every 10 white children live in two-parent families; only 4 out of 10 black children do . . . Black children are . . . four times as likely to be murdered . . ."

High GNP growth will not be enough. To judge from new data on the ineffectiveness of much welfare spending, neither will ambitious federal programs. What we will have is an irresistible force—economic growth—eventually meeting an immovable object—hard-core poverty, and a culture of dependency that Franklin Roosevelt called "a narcotic, a subtle destroyer of the human spirit."

When it comes to poverty, conservatives and administration supporters say the glass is half full, while CDF and its liberal allies blame the president for a glass half empty. What should be discussed is whose agenda is more likely to fill the glass.

The glass could be filled by an agenda that promotes individual enterprise, public safety and traditional values. Indeed, 20 years after the launching of the Great Society, it is surprisingly easy to envision a Republican war on poverty. It might consist of:

Tax Relief: The president's tax-simplification package would drastically reduce the federal tax burden on the under-$15,000 group. For helping low-income working families, it was the only tax plan to earn a perfect rating from the House Select Committee on Children, Youth and Families. It helps to make work more rewarding than welfare.

Enterprise Zones: Owning a small business is one of the greatest work incentives and family-strengtheners in history. Enterprise zones have twice passed the Senate and even won Walter Mondale's blessing. But the House blocks them.

Job Training: The administration, with the Job Training Partnership Act, replaced leaf-raking with skill-making. Over half the trainees find permanent jobs in the private sector. This approach can be expanded: Bob Woodson of the National Center for Neighborhood Enterprise suggests making relief payments available in lump sums for training programs or as risk capital for starting a business.

Youth Opportunity Wage: Willing workers age 16–21 should not be subject to regular minimum-wage laws when looking for temporary summer jobs. The National Conference of Black Mayors agrees, recognizing that the chance to begin learning the skills and attitudes of job-holding means more in the early period than how much one gets paid.

Public Housing: The most responsible tenants should get to manage the properties,

with the chance to buy them over time. In experimental cases, drugs, vandalism and vacancies have dropped sharply. Look to England: Margaret Thatcher's Tories have a housing strategy that has created anti-property tax and pro-free market political support among lower-income former Laborite voters.

Stopping Crime: Serious crime was falling even before the effects of the anti-crime legislation pushed through Congress in 1984 were felt. But it will always be worst in poor neighborhoods. No group that speaks out "for the poor" is too credible if it lacks a plan to further cut crime rates. Yet how many Republicans think to market their tough stance on crime as real concern for poor America?

There would be universal support for a crackdown on violent juveniles. Their offenses at present do not count toward a "police record." That means hardened criminals don't technically start their hardening until age 18. But stiff sentences early prevent crimes later. This is called "targeted sentencing," and innocent poor children would be alive today if there were more of it.

When it comes to welfare-state approaches to poverty, the liberals are intellectually bankrupt. The government is just plain bankrupt. Fighting poverty these days means accommodating both fiscal reality and human nature. The new poverty numbers should be the foundation from which Republicans innovate—using approaches they already happen to be comfortable with.

WHY AMERICA CAN'T COMPETE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. YOUNG of Alaska. Mr. Speaker, sometimes when Congress yells the loudest about something, it's our own fault. Right now, when everyone is clamoring for trade barriers because our goods can't compete abroad, small businesses are being shut down by bureaucracies established and charged with carrying out laws by Congress and the States. Instead of embracing entrepreneurship and the creation of new wealth through new ideas, the legacy of an overzealous legislating spree is killing opportunity in the land of opportunity. The following story, if it fails to do anything else, should make the blood boil in any red-blooded American. The article, entitled "A Lot Abalone" appeared in the August 23, 1985 National Review, and I ask that it be inserted in the RECORD in its entirety.

The article follows:

[From the National Review, Aug. 23, 1985]

A LOT ABALONE

(By Harrison L. Moore)

The middle of August, 1984. The roar from the beat-up orange International Harvester forklift drowns out other sounds of new construction on Monterey's Cannery Row. Sitting straight up at the controls of the forklift, his curly white hair contrasting with a deep tan, George Lockwood, 49, shouts orders as he loads abalone tanks aboard a two-section flatbed tractor-trailer. His sweating crew watches the boss intently, quickly responding to each command to align the grey fiber-glass tanks piled one on top of the other in the wood-framed shipping crates. At each movement, the old forklift belches another blue cloud into the air.

The truck Lockwood is loading will haul the 24 tanks in this shipment north to Oakland. There another giant forklift will transfer the entire platform onto a sea-going barge. Lockwood is leaving Monterey. A decade before he had set out to create a new industry. He would raise abalone, one of the world's most expensive shellfish, on a mass scale "like chickens and turkeys." It was a risky proposition, but he succeeded, at least with abalone. But the state of California and the 55 different government agencies that claimed the right to interfer in some critical way in Lockwood's business proved too much of a challenge. So today he is heading for the Kona coast of Hawaii, where he has been promised a more hospitable reception.

An abalone is a mollusk, similar to a clam but with only half a shell, that thrives in the waters off California. If takes eight years to grow to maturity, then measures about eight inches across the length of its oval shell and weighs about four pounds. Abalone meat rates as a delicacy, particularly appeciated by the Japanese, and only the fanciest restaurants in California serve it. It is customarily deep-fried in bread crumbs, like Wiener schnitzel, and in fact tastes a bit like veal. The abalone catch today, however, is only 10 per cent of what it was twenty years ago. The meat can cost more than $25 per pound, and restaurant patrons rarely pay less than $20 for a very thin slice.

In the early Seventies, the continuing decline in the abalone harvest inspired Lockwood to consult with a poultry geneticist about the possibility of breeding the things and raising them commercially. They speculated about a process of highly controlled nutritional, environmental, and genetic conditions. With $250,000 in seed money from a handful of investors, Monterey Abalone Farms was born.

Lockwood assumed that his time would be spent on research and business development. By 1975, he had perfected novel techniques for spawning and raising abalone in his lab, and he now stood ready to enter the production stage. After raising an additional $1 million, he remodeled an old sardine cannery on Monterey's Cannery Row. Then, "as soon as it became obvious that we were a business," the government got involved.

First, Lockwood had to get a business license from the city of Monterey, then a kelp harvester's license, a wholesale fish dealer and preserver's license, and an oyster grower's permit. But the California Coastal Commission (CCC) wouldn't approve the necessary land-use permits without the consent of the California Regional Water Quality Control Board (WQCB). The WQCB wouldn't consent.

Since its start in 1974, Monterey Abalone Farms had discharged sea water containing the abalone's natural eliminations into the ocean. Because of the multi-stage filtering and treatment process used by Lockwood, the discharged water was cleaner than when drawn from the bay. That didn't matter. The WQCB's position was that the abalone could not do on land what they did in the ocean without a waste-discharge permit. The WQCB dealt with Monterey Abalone Farms as if it were a sewage-treatment facility and required Lockwood to fill out the same thirty-page form as the city of Los Angeles.

Next came the Monterey County Health Department, which is charged with enforcing regulations on the taking of oysters, mussels, clams, and scallops—but not abalone. Those other shellfish take bacteria out of the water and store it in their guts. The abalone doesn't. Moreover, you don't eat the abalone gut. Health Department officials overlooked these points and decided to investigate Lockwood's operation. He spent the better part of a month proving to them that abalone was biologically different from the other shellfish and convincing them that the omission of abalone from their mandate was not merely an oversight. "When you do something new," says Lockwood, "bureaucracies don't know how to handle you."

Lockwood's system required a supply of undenatured alcohol, as well as some drugs and antibiotics for testing and treating the abalone. To get them he had to apply for permits and face inspections from the U.S. Treasury Department, the Food and Drug Administration, the Justice Department's Drug Enforcement Administration, and California's Board of Pharmacy.

In ths spirng of 1975, the National Marine Fisheries Service, a federal agency, advised Lockwood that the most effective way to sterilize water is to bubble ozone through it at a low-concentration level. At the concentration involved, ozone is harmless to people, though it can make them lightheaded, in which case they should leave the area. The feeling quickly disappears. Monterey Abalone Farms bought a small ozone generator, and though neither Lockwood nor anyone else had ever felt any effects from the ozone, he allowed only two employees into the room in which it was used.

Early one morning a few months later, inspectors from the California Division of Industrial Safety (CAL-OSHA) showed up at the abalone farm and said they had been tipped off to a severe ozone hazard inside. Once the CAL-OSHA men had gotten in, Lockwood realized they didn't have any ozone-monitoring equipment. The chief inspector revealed that they intended to conduct a wall-to-wall safety inspection of all aspects of his business. Lockwood replied that since that was neither the expressed purpose of their visit nor the reason he'd allowed them in, they would have to leave. They refused and quickly cited Lockwood for 13 violations. Lockwood appealed all thirteen.

One violation cited was a standard conveyor belt hauling crates from the first to the second floor. It didn't have enough protective covering. An employee might catch a finger in the pulleys or the belt drives. The conveyor belt wasn't worth the cost of rebuilding it, so Lockwood removed it. A month later, an employee developed a hernia from lugging a heavy carton upstairs.

Eventually, two inspectors showed up with ozone-monitoring equipment. They found lower levels of ozone than in the air of Los Angeles. Lockwood won ten of the 13 appeals.

Next Lockwood found that the same government that was regulating him planned to become his biggest competitor. The California Department of Fish and Game wanted to cultivate shellfish. In 1976, it hired away Monterey Abalone's chief biologist, who had been privy to Lockwood's proprietary secrets about growing abalone. Should the state—with its great resources—exploit those secrets, Monterey Abalone Farms would be finished.

Lockwood sought from Fish and Game a promise that its new employee would not be involved in raising abalone. Fish and Game refused. Lockwood filed suit. Fish and Game backed down.

But the government still wanted to compete with Monterey Abalone Farms. The California Sea Grant Program, administered by the National Oceanic and Atmospheric Administration, started out as a good idea—a congressionally funded bridge between academia and industry for the practical application of oceanographic knowledge. Toward the end of 1976, however, Lockwood got wind of Sea Grant-funded abalone research being done at the University of California at Santa Barbara. The purpose of Sea Grant, he'd been assured by the director, was not to duplicate our compete with private-sector work but to open new areas.

Nevertheless, when the university refused to reveal the nature of its Sea Grant research, Lockwood got suspicious. He filed a formal demand under the California Freedom of Information Act for the relevant papers on the Santa Barbara project. He had been right. The Sea Grant people had in fact targeted taxpayers' dollars to create competition with Monterey Abalone Farms. The people running Sea Grant maintained that abalone was too valuable a resource for its cultivation to be left in the hands of private individuals.

Lockwood protested to Louisiana Congressman John Breaux, who had sponsored the Sea Grant legislation. Early in 1978, more than a year after Lockwood had first heard about the Santa Barbara project, Breaux called a meeting in his Washington office with Lockwood and the national director of Sea Grant. After several hours of questioning, Breaux pointed his finger at the national Sea Grant boss and fulminated, "We're not giving you money to compete with private enterprise." Sea Grant backed down.

Despite spending 60 per cent of his time throughout the last half of the 1970s dealing with the regulators, by 1980 Lockwood actually had his business running. Among his best customers were French restaurants that preferred tender, young two-inch abalone. But as soon as he started shipping the two-inchers in quantity, the Fish and Game Department pounced. By selling undersized abalone Lockwood was violating wildlife protection laws. But they aren't wildlife, he protested, they're farm-grown stock.

Doesn't matter, said the Fish and Game folks, we can't tell cultivated from wild ones, and if we permitted you to sell two-inchers other people would slip wild ones by us. They claimed "administrative convenience"—judicious enforcement is more trouble than a blanket prohibition. So Lockwood headed to Sacramento. There the staff attorneys for the state legislature declared that they never intended for the Fish and Game Department to regulate farmed marine stock. Lockwood later negotiated this point into the 1982 Aguaculture Development Act.

As excessive regulation eroded economic growth in California, demands for relief shook Sacramento. In 1979, the legislature enacted a bill creating the Office of Administrative Law (OAL) charged with screening every regulation for compliance with seven criteria. The seven points stipulated in part that the regulation be consistent with the agency's authority, that it be necessary, that it be written in clear English that it not adversely affect small business. With prospects for an improved regulatory environment, Lockwood believed his problems were behind him. In 1980 he went searching for coastal property to grow kelp to feed his creatures.

He found some down the coast, south of Monterey. Since the California Coastal Commission had zoned this piece of land for agriculture, he assumed his project would qualify. The Coastal Commission, however, maintained that aquaculture was an industrial use and rejected his petition. A few months later, the state legislature passed the Aquaculture Development Act of 1982, which defined aquaculture as agriculture. It didn't help. Sure, said the CCC, Lockwood could go ahead with his abalone farming. But he couldn't put up any buildings to house his breeding tanks or production facilities because that would constitute a "commercial" use of the land zoned only for agriculture.

Lockwood could have fought and won. But he felt that, given the CCC's attitude, it would have been a Pyrrhic victory. "We could beat them here and there," he says now, "but they have the final word. When the system says 'No,' you go elsewhere."

In July 1984, Hawaiian Abalone Farms, George Lockwood president, broke ground at its new Kona coast facility, featuring newly perfected technology. Governor George Ariyoshi was there to welcome Hawaii's newest industry.

THE FINANCIAL STATEMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year that I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial statements in May of each year, I continue to file this more detailed family financial report. In this way, my constituents are kept fully and completely informed concerning my financial status.

Romano L. and Helen D. Mazzoli

STATEMENT OF FINANCIAL WORTH AS OF DECEMBER 31, 1984

Cash on deposit:	
Lincoln Federal Savings & Loan, account 10373390	$3,923.53
Northern Virginia Savings & Loan, account 5-99-76	1,360.44
Northern Virginia Savings & Loan, account 05-18-00241	811.67
Northern Virginia Savings & Loan, M.M. account 05-96-1906	2,578.24
Government Services S&L, Money Fund account 80-450336-2	2,642.70
Sergeant At Arms, U.S. House of Representatives 5348	2,521.73
Total	13,838.31
Individual retirement accounts:	
Liberty National Bank & Trust Co. IRA account 01-527329	7,308.80
Lincoln Federal Savings & Loan, IRA account 1-01-205323	2,379,55
Lincoln Federal Savings & Loan, IRA account 1-01-205694	2,156.84
Total	11,845.19
Bonds and Treasury bills:	
U.S. Government Bonds, series E	1,671.96
U.S. Treasury bill, account GS7-2-400-40-3938-01	10,000.00
U.S. Treasury bill, account GT5-1-400-40-3938-01	10,000.00
Total	21,671.96
Real property:	
939 Ardmore Dr., Louisville, KY:	
Assessed Value	42,000.00
Less: Mortgage, The Cumberland S&L Association	7,319.75
Total	34,680.25
1030 Anderson St., Alexandria, VA:	
Assessed Value	109,200.00
Less: Mortgage, Cowger & Miller Co	44,750.27
Total	64,449.73
Cash surrender value of life insurance policies:	
American United Life Insurance Co., policy 1011729	4,432.70
American United Life Insurance Co., policy 1116312	520.14
Total	4,952.84
Federal employees retirement system: Accumulated contributions	$59,775.70
Automobiles (assessed value):	
1965 Rambler	200.00
1973 Chevrolet	1,199.00
Total	1,399.00
Household goods and miscellaneous personal property	8,000.00
Total assets	220,612.98
Miscellaneous liabilities	1,000.00
Net assets	219,612.98

INCOME AND EXPENSES FOR CALENDAR YEAR 1984

Income:	
U.S. Teasury bills (EP5-2-400-40-3938-01; EY6-2-400-40-3938-01; FRO-2-400-40-3938-01; GA6-2-400-40-3938-01)	1,921.10
Liberty National Bank & Trust Co. IRA account 01-527329	665.81
Lincoln Federal Savings & Loan, account 37339-5	213.36
Lincoln Federal Savings & Loan, IRA account 1-01-205323	223.43
Lincoln Federal Savings & Loan, IRA account 1-01-205694	156.84
American United Life Insurance Co., policy 1116312	22.73
American United Life Insurance Co., policy 1011729	17.59
Northern Virginia Savings & Loan, account 5-99-76	66.24
Northern Virginia Savings & Loan, account 5-18-241	77.30

Northern Virginia Savings & Loan, account 05-96-1906	78.24
Government Services Savings & Loan, account 80-450336-2.	396.34
Government Services Savings & Loan, account 01-112091-0.	7.93
Total interest and dividends	3,846.91
Honorariums:	
Agricultural Producers, Inc	1,000.00
National Grocer's Association	250.00
Brookings Institution	250.00
National Association of Broadcasters	1,500.00
Northern Ky. Chamber of Commerce	300.00
American Committee on Intl. Personnel	1,000.00
Pfizer Chemical Co	1,000.00
Tobacco Institute	1,000.00
California Farm Bureau Federation	1,500.00
Agricultural Producers, Inc	1,000.00
Motion Picture Association of America	2,000.00
Total honorariums	10,800.00
Salary:	
U.S. House of Representatives (R.L. Mazzoli)	73,366.68
V.V.K.R., Inc. Architects (Helen Mazzoli)	25,361.10
Total salaries	98,727.78
Gross income	113,374.69

1985 INCOME TAX RECAPITULATION (FEDERAL, STATE, AND LOCAL)

Federal:	
Gross income	112,012.00
Adjustments to income	9,348.00
Adjusted gross income	102,664.00
Deductions and exemptions	15,816.00
Taxable income	86,848.00
Tax withheld	26,915.00
Tax due	26,469.00
Refund	446.00
Kentucky:	
Tax withheld and tax credit	3,682.00
Tax due	3,317.00
Refund	265.00
Virginia:	
Tax withheld	1,171.00
Tax due	671.00
Refund	500.00
Louisville & Jefferson County:	
Tax due	396.00

REMARKS BY W. CLARK DURANT III

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. PURSELL. Mr. Speaker, I would like to submit for the RECORD a speech delivered by Legal Services Corporation Board Chairman, W. Clark Durant III, when the LSC Board was sworn in on June 24. In reading Mr. Durant's speech, I was inspired and encouraged that LSC will be headed in a positive direction that will truly help the needy in this Nation.

REMARKS BY W. CLARK DURANT III

What is it that we do here today? We celebrate a moment, a moment and an opportunity pregnant with possibilities. It is a significant moment, but not for the generally reported reason. It is not because this is the first confirmed Board of Directors for the Legal Services Corporation in four years. There have been confirmed Boards in the past and there will be confirmed Boards in the future (although given the lengthy process, perhaps not again in my lifetime). So what then is the significance of this moment? It lies, as do so many things these days, in the vision of Ronald Reagan.

In his usual fashion President Reagan makes possible new hopes and new directions for all of us, yes even all of us concerned about legal services, if we will but stand back, pause a moment, and dream. For our dream is grounded in a profound sense of justice and love for the least of our brethren. And like the dream of Martin Luther King it is rooted in a sense of what is good about America. And what is good is that our creativity combined with a special kind of courage can bring about a more abundant, efficient, compassionate and effective delivery of dispute resolution services to individual poor people than now exists. If we are to meet the challenge of maximizing access to justice for the poor, we must tap into the abundant resources of the human spirit and but discover the rich viens of generoisity, innovation, creativity, and giving, so characteristic of the traditional American entrepreneur.

How can we dare to dream such things when the Legal Services Corporation always hovers under a seemingly dark cloud? We dream it because Ronald Reagan has encouraged us all, by the example of his courage, to ask basic questions about the purpose and effects of government programs. He asks such questions, as do we, not in a mean spirited way, but in a generous way, in a way that allows us to maximize the potential within each of us. They are radical questions but they are fundaments. We must ask them if we are serious about equal access to justice for poor people.

The works of Charles Murray, George Gilder, and others should give us pause about the effectiveness and compassion of many of the social programs of the sixties, including legal services. Do these programs really liberate and empower people to lead lives of upward mobility, dignity and opportunity? Are we really any closer to equal access to justice? Have we unleashed or shackled the entrepreneurial energies of our free, diverse, beneficient, selfless and prosperous people to help us insure that justice comes to all our brothers and sisters.

Murray and Gilder are not alone. Senator Edward Kennedy at Hofstra University this past March noted: "The mere existence of a program is no excuse for its perpetuation . . . whether it is a welfare plan or a weapons system, the unexamined program is not worth keeping . . . and good intentions cannot redeem bad results. Too many of our public service jobs and public assistance programs have done too little to break the cycle of poverty and dependence . . . and too often they have proved to be counterproductive."

What is important in any examination of a program is the spirit of the inquiry. For this Board and me it is a benevolent spirit; it is a spirit embodied with an open heart and an open soul. Our public policy will change only because generous people care, care enough to ask honest questions, care enough to be open to a broad vision of the delivery of legal services.

Edgar and Jean Cahn, the former Deans of the Antioch School of Law, noted once that poverty lawyers can unwittingly become part of the vast bureaucracy charged with the care and tending of the poor and thereby lack accountability to the poor. In some instances legal service programs have been gravely unresponsive to major needs, concerns, and grievances of the client population—as unresponsive as the very institutions that have been a source of injustice to the poor. The Cahn's go on to note that legal advocacy can be emancipating; it can compel accountability in a manner which enhances the capacity of individuals to cope on their own, to secure justice, and to avoid injury. But we will not bring justice to the poor by a wholesale importation of attorneys to swell the ranks of those care-taking officials who presently help to perpetuate dependency. The key guarantee that legal representation will not be used as a form of manipulation to generate dependency is to be found in the time-honored nature of the lawyer-client relationship—a relationship which makes the lawyer the employee of the client, accountable to the client and retained to use his professional skills as an advocate on behalf of his client's best interest. But the client retains the ultimate power to determine what that best interest is.

Inexplicably, lawyers for the poor seem to feel freer to discard this fundamental relationship—perhaps because they are not paid by the client, perhaps because they perceive the client as powerless to do anything about it. Thus in the case of the poor, the lawyer may feel that he can, with impunity, impose his own will and his own convictions as to what is "best for his client." And in some instances—where law reform units, research centers, or academic institutions have become involved—there is no identifiable client, present or prospective, to whom one need feel accountable. That accountability is imperative. That accountability can bring growth and opportunity to the delivery of legal services. That accountability affirms the intrinsic value of every client as a child of the Lord.

I strongly support the provision of legal assistance in civil matters to those individuals unable to afford them. Likewise, I strongly support reauthorization of the Legal Services Corporation, something that has not occurred since 1979. But it saddens me that in recent mark-up proceedings on our Act, the House Judiciary Committee so completely ignored the Republican minority in crafting a bill. For the first time in the history of the Legal Services Corporation there has been a total absence of bi-partisan support in the House Judiciary Committee. The reason is clear. All earlier bills were designed to establish a consensus and to insure the political and operating independence of the Corporation. This bill does not do this. I hope action on the floor of the House, in the Senate, and in the conference committee will bring a different result. I hope this Board will see a bill that we can ask the President to sign. And I thank with great affection all those in the House and Senate who are working to bring this to pass. We are all available to help.

Two final notes. Last March the President spoke at St. John's University. He called this the age of the entrepreneur. Indeed, we should at every turn encourage the ability of entrepreneurs to be a part of the delivery of legal services. I have seen imagination and dedication in existing LSC programs. I reach out to ask people in the field how can we stimulate private sector initiatives to expand our service to the poor. How can we

open the doors of our own profession to allow a broader participation in the delivery of justice? How can we allow the principles of the opportunity society to expand our resources for the poor for the resolution of disputes? Last February I was privileged for the first time in my life to sit in the House Chamber to hear our President give his State of Union Address. He called upon the nation, upon us, to untake a Second American Revolution of hope and opportunity, to be "an America of compassion that opens its heart to those who cry out for help. We accept the challenge to participate in a revolution creating and maintaining an opportunity society for all, a society that does not ignore the plight of the less fortunate.

I think Gavin Miller, the former President of the Los Angeles County Bar Association is quite right when he says that we must end the "Holy War" over legal services. There is much good that needs to be done and can be done when there is a shared vision of the good that can be attained. As we search always for ways to do what we do better, let us not be afraid of the new and untried. For only with such can there be growth and opportunity. Let us be humble in the debate to define the good and, as the President suggested in the closing line of his address, let us go forward with unity, justice and love.

AIR SAFETY AND THE FEDERAL AVIATION ADMINISTRATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GINGRICH. Mr. Speaker, while we need to reform much of the Federal Aviation Administration [FAA], the central points made by Adm. Donald Engen, Administrator of the FAA, in the article below from the September 16 Washington Post, are correct. It is an injustice to scare people off of safe airplanes and onto the less safe highway. This article is well worth my colleagues' attention.

THE SKIES ARE NOT UNSAFE

(By Donald D. Engen)

In his recent column ["The Unsafe Skies," op-ed, Sept. 3] Carl Rowan expressed understandable concern about aviation safety today. But many of his specific statements were so inaccurate and unfounded that some clarification is in order.

There have been a number of unfortunate and unrelated international aviation disasters this year. Because no common set of causes has been established, corrective action taken in one case will probably have little bearing on other cases.

Nevertheless, aviation safety demands continuing attention to even the smallest details. It seems that some vital details have difficulty fitting into Carl Rowan's vision of the world.

Rowan claims that because of airline deregulation and reduced fares, airlines may have cut safety expenses to make financial ends meet.

The possibility of this occurring is something the Federal Aviation Administration has followed very closely since deregulation. And for that reason, we inspect airlines having financial or managerial difficulties with particular vigor, and have an ongoing program to help identify these airlines at an early stage.

During the past year, for example, FAA safety-related inspections have resulted in the suspension or revocation of the operating certificates of 17 airlines. I will not hesitate to ground an airline if its safety performance does not meet our standards.

By every measure, aviation safety has improved in the years since deregulation. Comparing the five-year periods before and after deregulation, the total flight hours increased by 15 percent after deregulation, to over 55 million, while the total accident rate declined by 18 percent, and the fatality rate declined by 34 percent.

Rowan alleges that "'a lot of controllers are overworked, some are incompetent and some are drinking and using drugs on the job. . . .'' He provides no evidence to support these charges.

The FAA is vigilant about these serious problems. We are implementing the best available rehabilitation programs where appropriate, and we have strong disciplinary programs wherever we confront such problems. Our penalties affecting safety-related positions are more stringent than those affecting other groups of employees.

We will work with our people, but we will not knowingly allow any impaired performance to endanger the flying public.

Rowan notes that some air traffic controllers are "management people who went into airport towers during the air traffic controllers strike of 1981." The implication is that these managers aren't qualified to direct air traffic. On the contrary, they were seasoned air traffic controllers who rose through the ranks; in fact, they are among the most qualified controllers in the world.

Rowan concluded that "we just demand that our government act, setting a safety standard for the world." The plain fact is that the United States does set the aviation safety standard for the world. Air transportation has become so safe, thanks in great part to the leadership of our nation, that we are shocked any time an aviation accident occurs.

SERVICE TO OTHERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding act of public service performed by one of my constituents, Linda Wiezeorek. Ms. Wiezorek went above and beyond the call of duty in assisting a couple of stranded motorists. Her actions reflect her excellent character and the good Samaritan attitude that is so much a part of America. We should commend her.

[From the Lompac (CA) Record, Sept. 11, 1985]

SERVICE TO OTHERS

Twice this month, Valley residents learned of good deeds performed by its citizens. Both examples speak highly of us all.

In the first instance, two San Francisco motorists cited the action of an unnamed Lompoc teacher who stopped to aid a family stricken with misfortune. The family, stranded with a failing car, was penniless, hungry and desperate enough to post a sign at a roadside stop asking for aid. They waited until 10 p.m. to no avail.

The San Francisco couple who related the story noted with amazement the fact that a Lompoc woman stopped at that hour to offer her assistance. The couple watched as the local woman rescued the family, paid for needed gasoline, wrote them a check for traveling money and left them the fried chicken she had been taking home to her son.

It was an act so astonishing the couple wrote the Record in thanks. They never named the good samaritan but her actions spoke so clearly that several people called the newspaper to supply the name. Los Berros teacher Linda Wiezorek was characteristically humble when asked if it was her.

"Personally I didn't do anything that anyone else wouldn't have done," she said. "Sure, it might have been a sham," she continued, "but I felt it was authentic." An observation borne out by the fact the family kept the check instead of immediately cashing it, said Wiezorek.

"If this is the kind of citizens you have in your town," wrote Mr. and Mrs. Turner of San Francisco, "the next time we drive south we will go out of our way to see and stay overnight in your city."

IAFPE TO HOLD CONGRESSIONAL RECEPTION ON GANDHI DAY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GARCIA. Mr. Speaker, I would like to include in the RECORD a press release from my friends and the Indian American Forum for Political Education. The Forum's president, Dr. Joy Cherian, and a member of its board of directors, Dr. Oliver Wilson, have worked closely with my office on a number of activities concerning the Indian American community.

This year in particular, the United States has placed an increased emphasis on its relationship with India. There have been a variety of events from cultural—the festival of India—to political—Prime Minister Rajiv Gandhi's visit to the United States—that have helped us gain a better understanding of India's people and culture.

The IAFPE has been active in promoting a greater understanding between India and the United States for a number of years. I hope my colleagues have the opportunity to get to know more about the IAFPE and the excellent work it does on behalf of India, the United States, and the Indian American community.

IAFPE TO HOLD A CONGRESSIONAL RECEPTION ON GANDHI DAY

The Indian American Forum for Political Education (IAFPE) will hold a Congressional luncheon reception on Capitol Hill in Washington, DC on October 2, Mahatma Gandhi's birthday.

According to an IAFPE press release, this program, "A Salute to the U.S. Congress," is designed to show the appreciation of Indian-Americans for the efforts of the U.S. Congress which helped to preserve family reunification rights, higher educational

grants, small business programs, and equal employment opportunities. IAFPE is also impressed with the recent Congressional efforts to improve India-U.S. relations.

The reason for selecting October 2 to hold this function is to emphasize the values of Gandhian principles in the modern world and to promote an increasing awareness among U.S. legislators about the contributions of Indian-Americans to the American society. For details of this program, contact Dr. Shailendra Kumar, 3726 Rhode Island Ave., Brentwood, MD 20722 (Telephone: 301/864-6556) (day) or 301/299-3503 (evening))

A FEW WORDS ABOUT THE INDIAN-AMERICAN FORUM FOR POLITICAL EDUCATION

Introduction

As Indian-American develop long-term interests in the U.S. political system, it becomes necessary for them to educate themselves in order to make intelligent decisions. The Indian-American Forum for Political Education (IAFPE), which was established on October 11, 1982, will serve as an instrument for such an education process. This non-partisan educational organization has chapters in several states around the country and is the only national association for political education of American citizens and residents of Asian-Indian origin.

Purposes and Functions

The major purposes of the Forum are to function as a catalyst in promoting political awareness and developing civic consciousness and to provide opportunities for learning various aspects of issues affecting the lives of individuals of Indian origin residing in the United States of America. This learning process is to take place through discussion sessions on contemporary civic, economic, and political developments.

Although no political activities are planned, the Forum will attempt to influence and encourage participants toward appropriate political initiatives when the necessity arises. Therefore, the educational activities will be result-oriented. The meetings of the Forum may attract political leaders who are interested in educating Forum participants about various local, national, and international issues and in hearing the concerns and opinions of the participants. Eventually these two-way informal exchanges of ideas among the active participants of the Forum and political leaders will develop an atmosphere of mutual respect and understanding. The good will and political awareness emerging from these contacts can be utilized for the benefit of all participants whenever they face problems either as individuals or as members of the community. Political leaders, conversely can receive support and advice from Forum participants whenever the need community support in activities such as election and passage of legislative proposals.

TEACHING THE STORY OF THE HOLOCAUST

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. OBEY. Mr. Speaker, I am inserting in the RECORD an excellent article by Anthony Podesta which appeared in the Wisconsin Jewish Chronicle on September 13.

This article puts in correct perspective the obligation we have as a society to make certain our children are constructively exposed in the classroom to important lessons of history, one of which is the history of the Holocaust.

I commend this article to my colleagues.

NO, MRS. SCHLAFLY, HOLOCAUST EDUCATION ISN'T CHILD ABUSE

(By Anthony T. Podesta)

In commemoration of the 40th anniversary of the end of World War II, President Reagan presented Nazi death camp survivor Elie Wiesel with the Congressional Gold Medal of Achievement.

In his remarks at the White House ceremony, Reagan praised Wiesel's life-long dedication to preserving the memory of the six million Jews who perished in that war—and underscored this nation's pledge to teach "every new generation of Americans the story of the Holocaust."

But there is a growing number of people in this country who don't want Reagan to carry out that pledge. The controversy going on in our schools right now is not how to teach the story of the Holocaust, but whether to teach it at all.

The object of this debate is a course for eighth and ninth graders called "Facing History and Ourselves: The Holocaust and Human Behavior." Developed with federal funds, and taught in both private and public schools around the country, it explores the history of antisemitism and the events and conditions leading up to the Third Reich's reign of terror. The course also covers another—but less well-known—atrocity, the massacre of almost a million Armenians 30 years earlier in Turkey.

EXTREMIST ATTACKS

Recently, "Facing History" has come under increasing attack by extremists. Some, like the hate group Liberty Lobby, argue that the Holocaust is a "myth," and that those who speak about it are "liars." The Liberty Lobbyists are mounting a campaign that urges the governor of New Jersey to withdraw his endorsement of the course, calling it "Anti-Defamation League propaganda" and "filth."

Much more troubling however, is a broad-based effort by national organizations on the right, such as Phyllis Schlafly's Eagle Forum, and the Pro-Family Forum. These groups also want the course cancelled, but for very different reasons.

In her new book "Child Abuse in the Classroom," Schlafly singles out "Facing History" as too controversial and deceitfully designed to change students' attitudes on political and social issues. In a recent issue of Pro-Family Forum's newsletter, a former school board member from Camden, Maine, claims that teaching such a course is a form of "child abuse."

These critics object to students being asked to write personal journals about what they have thought about or learned in the course. Those opposed to the course say it's a violation of the Hatch Amendment, a federal law which prohibits "psychological testing" without parental permission.

The amendment, whose regulations were issued by the Department of Education last year, is being misused by groups on the right to censor classroom discussions of any subject they don't like. Sex education, drug and alcohol prevention courses, the problem of teenage suicide, even evolutionary biology, are all targets of their censorship campaign.

ATTACKING THINKING

Apparently, Schlafly and other self/supported censors believe that independent thinking—and grappling with moral questions—is a form of "psychological testing." They're using the diary of a student who took the course to explain why "Facing History" should not be taught.

"Life used to be easy," writes the student, "there always seemed to be an answer to everything . . . In these past four months, however, I have been forced to think. It hasn't been easy."

No one has ever said that learning about the tragedies of history is "easy." But teaching students about these troubling events is not "child abuse" in the classroom. It's an integral part of education—and the purpose of education is to teach the students how to make up their own minds, and form their own sense of judgment and morality.

Sheltering students from controversial issues, or troubling historical events, leaves them less prepared to face the difficult questions of citizenship in a democratic society. Not teaching them about the Armenian massacre, or the Holocaust, or the more recent genocide in Cambodia, deprives them of knowledge they need to prevent such atrocities in the future.

We must not allow Schlafly and her fellow extremists to erase the memory of the Holocaust. It is too important a lesson for all of us.

SUPERFUND BILL MUST BE STRENGTHENED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. FLORIO. Mr. Speaker, as my colleagues know, several House committees are now in the process of considering legislation to reauthorize the Superfund Program. The Energy and Commerce Committee recently reported a bill (H.R. 2817) which many have criticized because it includes provisions which are substantially weaker than the reauthorization legislation (H.R. 5640) adopted overwhelmingly by the House last year, 323 to 33.

I voted against the Commerce Committee's bill because I believe it will not result in satisfactory cleanup of toxic waste sites. The bill fails to incorporate several crucial and fundamental reforms of the Superfund Program. Such provisions as the establishment of a strict, mandatory schedule for cleanup and strong uniform national cleanup standards are vital if we are to rescue this troubled program and make it an effective cleanup effort. These provisions were included in last year's House Superfund bill but were fatally weakened in the bill approved by the Commerce Committee.

I bring to my colleagues' attention a recent editorial published in the Los Angeles Times which urges the House to remedy the significant weaknesses in the legislation:

[From the Los Angeles Times, Sept. 4, 1985]

CLEANING UP THE CLEANUP

Congress has less than a month to clean up the complex issues that stand in the way

of a proper cleanup of toxic dumps whose chemicals threaten the nation's health and water supplies.

The federal Superfund law, which will expire Sept. 30, sorely needs tougher standards and deadlines and far more money for a job far bigger than it looked five years ago when the fund was created.

But legislation now before Congress is not the answer, partly because it would give too much discretion to the Environmental Protection Agency to decide when cleanups should begin, how soon they would have to be completed, and how clean is clean.

And it may well be that the country would be better off in the long run if Congress gave itself more time to write a strong bill instead of rushing to get a weak bill into law.

The House Energy and Commerce Committee has approved a bill co-sponsored by its chairman, Rep. John D. Dingell (D-Mich.), and Rep. James T. Broyhill (R-N.C.). The bill is not as bad as environmentalists portray it, but neither is it as tough as one sponsored by Rep. James J. Florio (D-N.J.). Florio's bill is far more precise about what the EPA would have to do, and when. The House Public Works Committee, which shares jurisdiction on the issue, could help get the better legislation back on the track by approving Florio's bill.

Even if the questions of deadlines and standards are resolved, two would remain: How much will the cleanup cost, and who will pay?

At present the Superfund is financed partly out of general revenues, but largely from a tax on chemicals. The chemical industry raises the legitimate point that it has not created all the toxic waste by itself, and that industrial users of chemicals should share the costs by paying a tax of their own.

The Senate Finance Committee version of the Superfund bill relies heavily on an excise tax on manufacturing—an approach opposed by the White House. The House is considering a variety of approaches—the manufacturing tax, an increased contribution from the general fund and a waste-end tax on toxic products brought to a dump. The waste-end tax has the advantage of encouraging a search for better, safer ways than landfills to dispose of toxic wastes. In one sense the tax would conflict with itself. It might prevent future problems, but it would mean less money for correcting mistakes of the past. The conflict could be cured with a mix of revenue sources. The federal government could also do a far better job of recovering cleanup costs from corporations that have contributed to the dumping.

No one dreamed when the present $1.6-billion Superfund was created in 1980 that it would have to cover 22,000 dumps. The Senate measure calls for spending $7.5 billion over the next five years; the House figure is $10.1 billion. The Environmental Protection Agency says that it could not spend more than $5 billion even if Congress appropriated more. Florio says that it could if Congress ordered it to.

The most serious problem for the Superfund now is time. In a matter of days the measure must go through three House committees, the full House and the full Senate. That is hardly enough time to clear up such side questions as how many sites have been cleaned up, let alone the more pressing question of tighter deadlines under which the EPA would be required to clean up the thousands of sites that still have not been touched.

Haste, in this case, can leave a lot of waste. It would be far more prudent for Congress to extend the existing Superfund for one year and take the time that it should have taken this year to concentrate on passing the toughest possible bill. The fact that next year will be a congressional election year should help raise its environmental consciousness.

FIRST PRESBYTERIAN CHURCH CELEBRATES 150TH ANNIVERSARY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. PURSELL. Mr. Speaker, 1985 marks the 150th anniversary of the First Presbyterian Church of Plymouth, MI, my home town. During those years the church has been regarded as one of the mainstays of the community providing both moral guidance and social consciousness. In addition, it's history is rich with several anecdotes about the church.

In 1836 the church was destroyed by fire. But curiously, the church Bible and pulpit were untouched by the flames. Church members state that the items were saved when they fell to the basement when the sanctuary floor collapsed. While some called this a miracle, Mr. Ripley at least thought it deserved recognition in Ripley's "Believe it or Not."

In the early years the church wielded a strong moral influence over its members and the community. Records show that in the 1800's members were chastized for drunkenness and dancing. In 1922, the church opposed a local theater showing Sunday movies. The leaders complained that the theater was enticing children from Sunday vespers. During the late 1920's and early 1930's the church provided more social and educational activities including box socials and "penny suppers" for those hurt by the Depression.

I congratulate the church and its members on its 150th anniversary and its rich history. The church has an important place in Plymouth's history and should not be forgotten.

TERRORIST PLANS IN EL SALVADOR REVEALED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LAGOMARSINO. Mr. Speaker, further terrorist plans in El Salvador have been revealed following the capture of a leading Communist Party figure. The captured leftist, Americo Mauro Araujo Ramirez, is reported to be a member of one of the groups making up the FMLN, the Salvadoran guerrilla front. According to Araujo, the guerrilla organizations plan to increase military actions and acts of sabotage to damage the Salvadoran economy. He also reportedly told authorities of plans to use Communists infiltrated in such groups as the Committee of Mothers of Political Prisoners and Missing and in the nongovernmental Salvadoran Human Rights Commission [CDHES].

I urge my colleagues to read the following report taken from the September 5 issue of the Salvadoran newspaper La Prensa Grafica.

PCES LEADER CAPTURED, REVEALS "TERRORIST PLANS"

[San Salvador La Prensa Grafica in Spanish, Sept. 5, 1985]

A leader of the Communist Party of El Salvador [PCES] and second in command after Jose Shafick Handal has been captured by the national Police and has revealed terrorist plans.

A police spokesman yesterday identified him as Americo Mauro Araujo Ramirez, who was known in the Armed Forces of Liberation [PCES-FAL] as Commander Hugo. He also used the false names of Americo Duran Flamenco, Mario Americo Duran Ordonez, and Francisco Lopez Santos. He is a sociologist and he confessed that he is an active member of the PCES. He is second in command after Jorge Shafick Handal in the Secretariat of the Central Committee.

He added that he is a member of the political commission and coordinator of political-military chiefs of that clandestine organization which is part of the FMLN. He said that he is an adviser in the implementation of strategic plans, in charge of information and documentation of the intelligence commission, and PCES-FAL representative in the FMLN.

He confessed that the subversive organizations are currently planning: (1) an increase of military actions and sabotage to further harm the national economy; (2) the reactivation and consolidation of professional and trade union cadres by using the Coordinating Board of Solidarity With Workers (CST), the Committee for 1 May, and the National Association of Salvadoran Teachers 21 June as means of propaganda, and by using communists infiltrated in the Independent Movement of Salvadoran Professionals, in solidarity and support groups such as the Committee of Mothers of Political Prisoners and Missing, and in the nongovernmental Salvadoran Human rights Commission (CDHES), and by infiltrating some agricultural cooperatives, the national university, and other front organizations.

He said that in December 1984, the FMLN appointed him political-military official of the metropolitan area. He said that in addition to the previous tasks, one of his main tasks was to obtain logistics aid for the various war fronts and to recruit new members to join the clandestine activity.

He added that he joined the PCES in 1960 as a member of the so-called Vanguard of the Salvadoran Youth, which in 1972-1973 became the Union of Patriotic Youths and later the Salvadorn Communist Youth under PCES leadership.

In 1962 he received a scholarship to attend the famous Patrice Lumumba University in Moscow, where he received extensive Marxist political-ideological training. He returned to El Salvador in 1967. He has gone to Cuba twice and has also gone to Nicaragua carrying out missions of the PCES-FAL and the FMLN-FDR to coordinate political-diplomatic work and economic aid from the various international solidarity committees.

Regarding the Zona Rosa case, Araujo Ramirez said that in March 1985, he, as representative of the PCES-FAL, attended a meeting of the Unified Revolutionary Directorate (DRU) that was also attended by Mario Gonzalez from the Revolutionary Party of Central American Workers [PRTC], chief of the "Mardoqueo Cruz," Urban Commandos, and "Tomas" of the National Resistance—Armed Forces of National Resistance in a restaurant of the Zona Rosa of San Benito. When they noticed that U.S. citizens were eating there, they decided to carry out an attack against them. They informally "drew straws" among themselves as to which of the terrorist organizations would carry out the action, and the action fell on the PRTC.

The prisoner gave extensive information of future terrorist plans that involve the PCES-FMLN. He said that in the new reorganization of the direction of the FMLN-FDR, the PCES-FAL has hegemony due to ideological disagreements within the other subversive organizations.

It has been reported that Commander Hugo and the respective initial investigations have been turned over to a military investigative court.

SLOUCHING TOWARD DEMOCRACY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GARCIA. Mr. Speaker, Peter Bell of the Carnegie Endowment for International Peace, the former president of the Inter-American Foundation, has written a poignant article on United States-Chilean relations. I am submitting it for the RECORD for my colleagues perusal.

[From the Los Angeles Times, Sept. 11, 1985]

CHILE'S DEMOCRATIC STIRRINGS NEED A BOOST

(By Peter D. Bell)

Twelve years ago today the Chilean military overthrew the elected government of Socialist President Salvador Allende in a bloody coup. Gen. Augusto Pinochet, who led the coup, is still in power, and his intransigence has become the central fact of political life in Chile. The Chilean people are now confronting that reality. The time is ripe for the United States to confront it as well.

Many politically moderate Chileans had hoped that the military regime would be an interim, caretaker government. They soon realized that Pinochet's commitment to a "protected" democracy—one from which the left was eliminated—was in fact a formula for perpetuating his dictatorship. His belief that Christian Democrats are stalking horses for communists and socialists has led to the harassment, detention, torture and exile of thousands of Chileans, not only of the left but also of the center.

Through most of the past 12 years (the Carter Administration being the exception) the United States has supported Pinochet. The argument for doing so usually favored the general's presumed ability to keep order over the uncertainty about who would succeed him—sticking with the devil we know. A recent Reagan Administration review of relations with Pinochet, however, has resulted in a subtle adjustment, a shift from easy to uneasy friendship. Some policymakers are looking at Pinochet and seeing Anastasio Somoza. They fear that Pinochet's rabid anti-communism may actually advance communism by driving moderates into the left or out of the political equation altogether.

Pinochet, 69, and apparently in good health, seems determined to stay in office for life. Pinochet's constitution, approved five years ago in a questionable plebiscite, calls for a presidential referendum in 1989, but also provides for only one nominee—one chosen by the military junta. If Pinochet has his way, he will be "elected" president until 1997, which would put his rule now at the halfway point.

Within the last month, however, there have been signs that the military is not as untouchable as analysts have portrayed it, and even more encouraging signs that the political opposition is closing ranks and becoming more pragmatic.

In early August there was a purge of the National Police, supposedly for death-squad activities. It revived Air Force commander Fernando Matthei's warning of a year ago: If a transition to democracy does not begin soon, "we will end up destroying the armed forces more efficiently than any Marxist infiltration can."

Then, two weeks ago, the democratic opposition showed that it is ready to put the national good above partisan differences. With the blessing of Cardinal Juan Francisco Fresno, the leader of 11 parties, from conservative to left-of-center, agreed to work for direct presidential and congressional elections in 1989. Tens of thousands of ordinary Chileans are now adding their signatures to this "National Accord," which the State Department has hailed as "positive, pragmatic and forward-looking."

One hopes that State's response reflects a serious rethinking of Administration policy toward Chile. For five years the Reagan Administration has pursued a course of "quite diplomacy." That meant showing friendliness toward Pinochet (for example, through joint naval maneuvers and renewed U.S. support for multilateral bank loans) and keeping silent in public about human-rights abuses, while trying discreetly to persuade him to reduce the repression. Pinochet, of course, got the better part of the bargain. He treated Reagan's policy as a display of U.S. support and turned a deaf ear to any U.S. criticism made in private.

The Administration is still unwilling to risk an open break with Pinochet, but it is no longer comfortable with being viewed as giving him unqualified support. Pinochet, who is not a subtle man, remains convinced that, when push comes to shove, the White House will stand by him. In mid-June he again showed his disrespect for Reagan's softness on repression: He lifted a seven-month state of siege in return for U.S. support of a crucial loan package, then immediately decreed a state of emergency that reinstated most of his repressive powers.

If the United States is serious about promoting democracy in Chile, it must make a decisive, effective change in its policy, which so far has been ambivalent and unproductive. It can no longer presume that Pinochet will agree to a political opening of his own accord. Nor should the United States try to force him out. It is the Chileans' responsibility to forge a democratic transition; the "National Accord" is an attempt to do this. What the United States can do is use its leverage to prevent further repression.

The Administration's good words for the accord should mark the beginning of a policy that strongly, consistently and publicly demonstrates the U.S. commitment to democracy in Chile. We should make it clear to Pinochet that we support this new opportunity for free and public political expression, and that we will not be silent if he attempts to suppress it. Such a policy would increasingly distance the United States from Pinochet, and put us on the side of the overwhelming majority of Chileans, who see free and fair elections as the way out of their national tragedy.

NATIONAL UNICEF DAY

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BATES. Mr. Speaker, this year, Halloween is National UNICEF Day. UNICEF [the United Nations Children Fund] will help children in 115 developing countries around the world. They will provide food, medicine, education, and immunization from such preventable diseases as measles, tuberculosis, and polio. These diseases are now killing millions of young children around the world each year.

UNICEF will be beginning its annual fundraising drive in nearly every congressional district during the week of Halloween. In my district, San Diego children will be participating in the "Coins for Kids" program, sponsored by the county board of education.

The San Diego activities will be kicked off with our first annual black-tie gala Bal Masque at the Hotel del Coronado on October 26.

The children of the world need and deserve our support. By becoming involved in these activities throughout the United States, you can help improve their lives.

THE CONSUMER BANKING ACT OF 1985

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. SCHUMER. Mr. Speaker, earlier this year I introduced an omnibus banking bill called the Consumer Banking Act of 1985. This legislation is intended to ensure that as deregulation, legislative, and regulatory changes, and technological developments radically transform our banking system, financial institutions remain responsive to the needs of consumers.

One of the key provisions of the legislation would establish State-based Financial Consumers' Boards. These organizations would act as an institutional watchdog for consumers' interests; representing citizens in financial services matters before regulatory agencies, legislatures, and the courts, and informing bank customers of these actions. The organizations would also con-

duct surveys on a variety of banking issues, and disseminate information such as shoppers' guides to financial services, as well as assist citizens in resolving consumer complaints.

At a press conference held the day the legislation was introduced, Ralph Nader eloquently explained the urgent need for this legislation and the philosophy underlying it. His remarks focus particularly on financial consumer boards and the role they can play in the modern financial world, detailing experience in several States with consumer boards active in public utility issues. I urge my colleagues to read Mr. Nader's remarks and I ask that they be inserted in the RECORD at this time.

STATEMENT BY RALPH NADER, PRESS CONFERENCE, THE CONSUMER BANKING ACT OF 1985, JUNE 4, 1985, WASHINGTON, D.C.

The Consumer Banking Act of 1985 is landmark legislation that addresses the major citizen, neighborhood, civil rights, and small business concerns raised by the current restructuring of banking institutions and the dramatic changes in banking industry practices. Although banking deregulation has increased competition, it has also had adverse impacts—confusion over increasingly complex deposit and loan instruments, greater risks for borrowers with variable rate loans, and reduced access to both deposit and credit services for certain bank customers, especially persons of modest means and residents and small businesses located in less affluent neighborhoods or slow growth areas. The legislation introduced today by Congressman Schumer contains carefully crafted reforms that would curb these adverse impacts, yet still allow banks plenty of room to adopt new technologies and compete among themselves and against non-bank competitors.

The philosophy underlying the Consumer Banking Act of 1985 has four premises. First, banks should be prohibited from overreaching. Hence, the need for limits on check holds and safeguards on adjustable rate mortgages. Second, full disclosure is necessary for effective marketplace competition. Thus the need for comprehensive disclosure on deposit services. Third, banking institutions should be subject to public benefit requirements that are commensurate with the advantages that such institutions receive. These requirements should be structured to maximize the productive impact that banks can have on local communities and advance the goal of equity for persons of modest means. Fourth, whenever possible, citizen empowerment mechanisms should be established to enable citizens to inform and protect themselves. Hence, the need to establish state-based Financial Consumers' Boards (FICUBs).

There is mounting citizen concern that financial institutions are not being run in a responsible manner and are not adequately serving citizen and local community needs. During the last several years the collapse and bailout of financial institutions has occurred at an accelerating pace. Front page stories include the LDC debt crisis, the dramatic collapse of savings and loans in Ohio and Maryland, the record number of banking failures in 1984, the Continental Bank bailout, the Baldwin-United debacle, and the recent bankruptcy of several securities dealers. The recent collapse of non-federally insured savings and loans in Ohio and Maryland and the Continental Bank bailout have demonstrated in dramatic fashion that depository institutions are critically dependent on government backing. The key government props are federal deposit insurance and the Federal Reserve's lender of last resort facility. Two recurring themes in these failures are insider dealing and speculative investments far removed from local community credit needs.

Citizens have drawn two fundamental lessons from this experience. First, depository institutions are not subject to normal market discipline and therefore must be regulated for safety and soundness purposes. Second, federally insured depository institutions, given the government props they receive, are the proper subject for public benefit requirements. The broad range of citizens organizations that support this legislation believe that public benefits should be defined in terms of local community investment and access to banking services for persons of modest means.

Perhaps the most important section of the Consumer Banking Act is Title VI, which would authorize the chartering within each state of a citizens' association with a mandate to inform and represent citizens in financial service matters. These proposed associations, which have been termed "Financial Consumers' Boards" (FICUBs), would be analogous to the Citizens' Utility Boards (CUBs) which have been established in Wisconsin, Illinois, Oregon, and California to represent citizen interests in utility matters. FICUBs, like CUBs, would be democratically controlled membership organizations funded by membership contributions.

A FICUB would be given the right to insert enclosures encouraging citizens to join the association in the deposit account statements that federally insured depository institutions mail to their customers. As the CUB experience has shown, this insert privilege is a crucial, cost-effective means to build a membership base. Although a FICUB's insert privilege would be limited to banks, its mandate to represent citizen interests would cover the full spectrum of financial services providers, including finance companies, mortgage companies, insurance companies, retailers, check cashiers, and securities firms.

A charter mandate of a FICUB would have the following three elements:

No. 1, to disseminate information and advice to citizens on specific financial services offered in their local market. FICUB would publish shoppers' guides for specific financial services, including mortgage loans, consumer loans, deposit accounts, home owners' insurance, auto insurance, and life insurance. These guides would contain not just rate and term data, but also advice to educate citizens, and warnings concerning hidden charges and other sharp practices.

No. 2, to represent citizen and local community interests before agencies, the legislature, and the courts; and in negotiations with individual financial service providers. FICUB would be an advocate for stronger consumer protection, community reinvestment, and civil rights laws in the financial area and more effective agency enforcement of such laws. FICUB would have the resources and technical expertise needed to be an effective citizens advocate on such complex and diverse financial issues as: (1) insurance rate-making proceedings (consumer intervention is virtually non-existent); (2) monitoring mortgage loan data to determine patterns of discrimination; (3) monitoring finance companies and mortgage companies that take advantage of low income, high risk persons who need credits; (4) legislative remedies for lower income persons denied access to the deposit and payment system by virtue of high fees and non-price barriers; (5) unfair or deceptive deposit or credit practices that are not prohibited by existing regulation; (6) challenging the lending records of depository institutions that fail to reinvest in their local communities: (7) crafting cogent public interest positions on the fundamental questions raised by financial deregulation.

No. 3, to assist citizens in the resolution of consumer complaints. FICUB would become a focal point for the handling of consumer complaints related to financial service matters. This will directly benefit citizens, since the efforts of finanical regulators to resolve consumer complaints are at best lethargic. Equally important, review of consumer complaints would place FICUB in close contact with new problems which citizens encounter in a rapidly evolving financial services environment. This continuous feedback concerning citizens problems will make FICUB more effective both as an advocate and as a source of information.

FICUB is a concept whose time has arrived for two basic reasons. First, there is a growing demand for information and advice on financial services. Financial deregulation and technological change have unleashed a growing array of new and increasingly complex financial services. This has brought consumer confusion and marketplace inefficiency, just the opposite of the intended goal of deregulation. Moreover, consumers have deeply rooted concerns about the manner in which their credit applications are handled and information on their credit histories is disseminated. Just last week Federal Trade Commission Chairman James Miller reported that credit problems are the number one source of consumer complaints to the FTC.

Citizens need precise facts to facilitate comparison shopping and avoid hidden fees, but also unbiased advice so that they can understand such complex products as adjustable rate mortgages, whole life insurance, or split rate money market accounts. FICUB would meet this need by publishing shoppers' guides for various financial services. Unlike most financial institutions which increasing market their services to "upscale consumer," FICUB would tailor its information and advice to citizens of modest or average means.

Second, there is growing recognition that financial regulators have only a limited capacity to represent citizen and local community interests. As financial deregulation has increased the volatility of financial institutions and reduced the margin for error, financial regulators, both state and federal, have of necessity channeled more and more of their agency resources to safety and soundness (solvency) regulation. Given the constraints on agency budgets, the financial regulators have been forced to divert resources away from consumer protection and community reinvestment efforts. Under the Reagan Administration the effect of resource constraints has been reinforced by ideological hostility or apathy towards consumer protection and community reinvestment action.

Against this background of dwindling regulator commitment to consumer protection and community reinvestment, the self-education, self-representation, and self-sufficient features of FICUB are very compelling. Moreover, even if financial regulators were to devote more resources to consumer protection and community reinvestment,

they would find it increasingly difficult to adjust their regulations fast enough to keep pace with the rapid rate of innovation in financial service markets. Another great value of FICUB in an era of financial deregulation is its flexibility and ability to respond quickly.

FICUB represents a fundamental structural reform from the perspective of banking accountability. It creates a citizens empowerment mechanism that can: (1) resolve many citizen concerns with financial services by self-help methods, without resorting to unsympathetic financial regulators; and (2) provide a stronger advocate for regulation in cases where legislation or agency action is required.

KERMAN, CA, AND KANNAMI, JAPAN—SISTER CITIES

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. COELHO. Mr. Speaker, on October 12, 1985, Mayor Harry Pedersen of Kerman, CA, and Mayor Hiro Nakamura of Kannami, Japan, will participate in a ceremony establishing Kerman and Kannami as sister cities.

Last year, a delegation of city officials and citizens from Kannami visited Kerman. During their stay, they were able to experience American culture and learn firsthand about the prolific agricultural industry in the Kerman area. After returning home, Mayor Nakamura invited a similar delegation from Kerman to visit his city. Over 30 city officials and citizens of Kerman have accepted the invitation, and will arrive in Japan in early October. The highlight of their trip will be a ceremony in the Kannami Worker's Gymnasium at which the two cities will sign documents cementing their official relationship as sister cities.

I would like to commend the citizens of Kerman and Kannami for bridging the 6,000 miles of ocean that separates their two cities with a bond of friendship that undoubtedly will last for many years to come. The leaders of our world can learn a valuable lesson in international relations from these citizens: People, regardless of where they come from, can overcome national and cultural boundaries and become good friends—thus furthering the cause of world peace.

As Kerman's representative in the U.S. Congress, I would like to extend my best wishes to Mayor Nakamura and all the citizens of Kannami, and commend them, along with the citizens of Kerman, for their important grassroots effort aimed at furthering international friendship and understanding. I know that both Kerman and Kannami will benefit in many ways from this undertaking.

ATTORNEY GENERAL MEESE TARGETS DOMESTIC MARIJUANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. RANGEL. Mr. Speaker, the issue of domestically cultivated marijuana has been a priority of the Select Committee on Narcotics Abuse and Control which I chair and will continue as such throughout the 99th Congress. Increased production estimates, the violence of the growers, and the increased availability of domestic marijuana has necessitated ongoing scrutiny by the select committee. While the most recent report of the National Narcotics Intelligence Consumer Center [NNICC] indicates that domestic marijuana accounts for 11 percent of the marijuana consumed by Americans, down from last year's statistic of 15 percent, the select committee and I continue to consider the issue of domestic marijuana as a serious threat to the well-being of Americans regarding both health and law enforcement.

In the course of the 98th Congress I visited the marijuana producing regions of California and Hawaii to ascertain the severity of the marijuana problem and to obtain a local perspective on the issue. During select committee field hearings in Redding, CA, in July 1983 and during a briefing in Honolulu, HI, in January 1984, two centers for the trade, I heard firsthand how the increase in marijuana production was creating unprecedented law enforcement problems, and how violence by and among growers had increased, particularly as growers sought to protect valuable high potency sinsemilla marijuana plants.

The report which issued and detailed the Redding and Honolulu data concluded that.

There appears to be little doubt that the illicit cultivation of marijuana in the United States is a problem of great magnitude. There is equally little doubt that the efforts to stop such enterprises leaves much to be desired.

I stressed at that time the need for the Federal commitment to domestic marijuana eradication to increase, specifically to providing States with more DEA funding for their eradication efforts.

This call for greater Federal involvement did not go unheeded. Attorney General Meese in a recent column in USA Today outlined the administration's most recent crackdown on domestic marijuana cultivation and some of the arguments advanced for making the eradication of domestically grown marijuana a top law enforcement priority.

Whether the eradication blitz, as it was called by Mr. Meese, can or will be sustained for any meaningful period of time is a matter for speculation. However, if it be for but 1 week out of the year, results similar to those of this summer's campaign surely send the message to the growers and those along the chain of distribution that our laws will be enforced and that this illegal enterprise will not be tolerated.

The Attorney General in his column offers a timely and incisive analysis of the eradication blitz and several of the public health and law enforcement concerns which prompted it. The numbers concerning how many plants to date have been confiscated and destroyed are impressive. I will hope that in the future, prior notification of operations such as this will be dispensed with in order to maximize the yield of the confiscated crop while minimizing the dangers to our law enforcement personnel.

The column follows:

[From USA Today, August 9-11, 1985]

THESE GROWERS ARE CRIMINALS

(BY EDWIN MEESE III)

This week Federal agents joined more than 300 State and local law enforcement agencies in searching out, uprooting, and destroying marijuana plants that had been growing in hidden plots in every State.

As of Thursday, our eradication blitz had resulted in the destruction of 342,635 plants.

This effort will continue, because the Reagan administration is very serious indeed about the war on drugs, and particularly on marijuana production.

That is the message we want to send, as emphatically as possible, to criminal growers within our own borders and to governments abroad.

Marijuana is too often regarded as a harmless drug. Actually, recent medical studies show it has a very serious impact on health. Consider.

Its active ingredient, THC, causes disease-fighting cells in the body to grow more slowly, move more slowly, and respond poorly to invading disease.

Reaction time for motor skills, such as driving drops an average of 42 percent after smoking one marijuana cigarette.

Smoking 5 marijuana cigarette a week has the same effect on the respiratory system as smoking 112 tobacco cigarettes.

Harmless? Hardly.

What's more, the criminal cultivation of marijuana is invariably accompanied by other serious crimes, including crimes of violence, as growers and their associates go to any lengths to protect their efforts to harvest, transport, and market their crop.

Those involved don't care who gets hurt in the process, thus innocent citizens can become victims of this criminal activity without any warning.

A significant fraction of the domestic crop is grown on Federal lands, where people on backpacking trips, picnics, fishing, or hunting expeditions can stumble onto a plot rigged with booby traps, or where growers use guns to injure those who get too close.

Trip-wired explosive devices, bear traps, punji stakes, fish hooks dangling at eye level—these are weapons of the criminal grower. We cannot permit it.

We will continue to tear up and destroy the plants wherever we encounter them. The growers should know we consider them criminals and together with State and local law enforcement agencies we will do everything in our power to send them to prison.

HONORING JOHN HUERTA FOR CONTRIBUTIONS TO THE COMMUNITY AND THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me in honoring Mr. John Huerta for his commitment to justice and civil rights.

I have had the pleasure of knowing John for many years during which time he has distinguished himself as an advocate for civil rights. He has done an admirable job serving the Mexican American Legal Defense and Education Fund [MALDEF] as an associate counsel since 1980. On September 18, 1985, MALDEF will host a farewell reception for John as he leaves to pursue other interests.

Previous to joining MALDEF he served as a Deputy Assistant Attorney General in the Civil Rights Division for the U.S. Department of Justice. He is a former professor of law at the University of California, Davis from 1973 to 1977.

John is a graduate of California State University at Los Angeles and earned his law degree from the University of California, School of Law (Boalt Hall), Berkeley in June 1968. He is a member of the State Bar of California, the District of Columbia Bar, American Bar Association, Hispanic Bar Association, and the Los Angeles County Bar Association. He has been admitted to practice before the California Supreme Court and the U.S. Supreme Court.

He has lectured extensively on civil and human rights to professional, civil rights and university groups throughout the United States and Latin America.

Mr. Speaker, I rise here in the House today to recognize the contributions John Huerta has made to the community. His services will be missed by MALDEF, but I have no doubt that John will continue to work vigorously for civil rights and justice. I wish him all the best in his new endeavors.

THE 90TH ANNIVERSARY OF CHIROPRACTIC HEALTH CARE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BORSKI. Mr. Speaker, I wish to invite my colleagues to join me in recognizing a significant event in the American tradition of maintaining sound health habits: the 90th anniversary of the origin of chiropractic health care.

Ninety years ago this week, September 18, 1895, the first chiropractic patient was examined and treated. On that date Daniel David Palmer, the father of chiropractic, conducted a spinal examination and administered a chiropractic manual adjustment to Harvey Lillard, a janitor by trade, of Davenport, Iowa.

From that singular beginning until today, chiropractic health care has made an invaluable contribution to the public well being. Like other specialists in the health care field—such as dermatologists, dentists, and podiatrists—doctors of chiropractic specialize in the care of the spine. The spine is certainly one of the most sensitive, complex, and important parts of the human anatomy. Who has not experienced the discomfort of back pain? It is estimated that 8 of 10 Americans suffer a back problem at some time during their lives.

Without the trained body of experts that make up the chiropractic community, the spinal health of this Nation would be severely undermined. For example, time lost from work due to back problems contributes immeasurably to a lower industrial productivity.

I commend the thousands of chiropractors in the United States and abroad for their determination and desire to serve the health needs of all people. Probably no single segment of the health care profession has fought such a persistent battle over the years against adversaries in medicine, hospitals, legislatures of the land, and even the Government of the United States. In the face of opposition ranging from harassment to outright illegal boycotts, doctors of chiropractic have stood firmly to protect their right to serve the millions of people who seek their care and expertise.

I would like to recognize the chiropractic profession for its steadfast defense of these principles and for its continued adherence to strengthening the education and training of new chiropractors. Today, chiropractors are licensed to practice in all 50 States. Their education must consist of a total of six academic years following high school graduation. Two of these years must be in a preprofessional college curriculum followed by 4 years in residence in a chiropractic college. The Council on Chiropractic Education is recognized as the national accrediting agency by the U.S. Department of Education.

Chiropractic health care fits well in a time when people are more concerned than ever with maintaining good health, practicing prevention through moderation of lifestyles and observing stricter discipline in nutrition and exercise. With medical and hospital costs soaring, observing and practicing a sound health care maintenance program is a rational and prudent philosophy for all to consider.

Please join me in wishing all doctors of chiropractic and their professional associations—the International Chiropractors Association and the American Chiropractic Association—many more successful years in serving the health needs of the public.

A FARM BILL CRITERION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GRADISON. Mr. Speaker, I take this opportunity to call my colleagues' attention to the thought-provoking editorial from Saturday's Washington Post.

Soon, the House will consider the farm bill. Without question, much of American agriculture is in bad shape. As we approach the farm bill debate, we should recognize that much of the current problem stems from our Rube Golberg agriculture policies, so aptly illustrated by this editorial, and it is not likely to be lessened by more of the same.

The Post's editorial should serve as a stark reminder that we have a significant opportunity to redirect U.S. agricultural policy. We can set Federal agricultural policy on a clear path away from Government subsidies and toward the marketplace, which is the criterion against which I plan to evaluate the new farm legislation.

The best way to solve America's chronic farm problem—overcapacity—is a gradual, compassionate transition to a market-based farm sector.

[From the Washington Post, Sept. 14, 1985]

COWPATH

There are, give or take a few moos, 11 million dairy cows in this country. That's at least a million more than are needed to produce the dairy products that consumers are prepared to buy. As science continues to produce new feed additives, growth hormones and breeding techniques, fewer and fewer cows will be needed. Congress recognizes that it has to curb the cost of keeping all these surplus cows in clover. But the farm bill approved this week by the House Agriculture Committee suggests that the road to reform is likely to be as crooked as a cowpath.

The most straightforward way to reduce dairy production would be to continue reducing gradually the dairy price supports that, when they were sharply increased in the late '70s, gave rise to the current surpluses. That approach has strong bipartisan support in the Senate. But letting market forces work, even gradually, requires Congress to admit it cannot foresee every contingency and ease every adjustment—an admission that the House committee is apparently reluctant to make.

The House bill, drafted with help from the National Milk Producers Federation, starts from the presumption that the most humane way to lead a cow to slaughter is to pay its owner for doing so. Such a diversion program did succeeed in temporarily slowing surplus accumulations last year, although not without disruptive effects in some localities. Paying farmers to cut herds, however, costs money, and farm programs already cost billions. So the bill levies an assessment—essentially a producertax—on all milk still produced.

Why would dairy farmers want to pay themselves to cut their own production? One reason is that not all farmers would be equally affected. Relatively efficient farmers would end up paying most of the tax, while those on the verge of going out of

business would tend to benefit. But the committee has also thoughtfully provided higher price-support levels to reimburse producers for their contributions to the diversion program.

Higher price supports, however, also mean that consumers end up paying much more for milk. That would add billions to family grocery bills as well as to the cost of government food programs for the needy. It would also cause consumers to buy fewer dairy products, and that means bigger surpluses. To keep that from happening, the bill set up a dairy product research and promotion effort—to be financed by another increase in the producer tax.

Of course, sending thousands of dairy cows to slaughter is likely to drive down red-meat prices. To deal with that, the bill requires the federal government to cut purchases of other surplus commodities for donation to local school programs and buy red meat instead. Of course, you'd still have to worry that, since school lunches are already loaded with red meat, localities would then cut back their own purchases of red meat. Maybe you could require school kids to eat more. Or make them take doggy bags home to their parents. Of course, then the parents might buy less, but maybe you could add another requirement . . . Or maybe you could junk the committee bill and start over.

NATIONAL ACCORD FOR THE TRANSITION TO FULL DEMOCRACY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. ROTH. Mr. Speaker, on August 25, 11 of the principal political parties of Chile signed a National Accord for the Transition to Full Democracy. The accord is significant for a number of reasons: First, it rejects violence as a means of political action. By so doing, the accord signatories reject the participation of the Communist Party in the political process. Second, previous demands by the Democratic Alliance for the immediate removal of President Pinochet and the institution of a provisional government are dropped. Third, the emphasis in the document is to provide for an effective democratic transition process.

Chilean political opposition leaders have criticized the procedures now set up by the 1980 constitution for the election of the President and representatives. The principal items of the accord include: a call for legalizing political parties, construction of electoral registers, and electoral laws that will permit direct elections of the President, senators, and deputies.

In a September 2 statement, the Government of Chile viewed the accord process as a positive contribution by its signatories.

On September 12, Representative MICHAEL BARNES introduced House Concurrent Resolution 188 which commends the accord. However, I believe that as presently worded, the resolution is counterproductive to a peaceful transition process in Chile. While commending the signatories of the accord, it is unnecessarily inflamatory.

If the intent of a congressional resolution is to serve as a positive element in Chile's democratic transition process, I see no useful purpose in making derogatory remarks. The accord is a very positive development as is its reception by the Pinochet government. The U.S. Congress should use this opportunity to also serve as a positive catalyst and not detract from recent developments.

Consequently, I am today introducing a resolution which not only commends the signatories of the accord for their efforts to achieve a peaceful return to democracy, but also encourages the Government of Chile and the accord signatories to engage in direct dialog on the measures contained in the accord.

H. CON. RES. —

Concurrent resolution expressing the support of the Congress for a peaceful return of democratic rule in Chile

Whereas on August 25, 1985, Cardinal Juan Francisco Fresno brought together 11 political parties to sign a National Accord for the Transition to Full Democracy in Chile;

Whereas the Accord signatories repudiate violence as a method of political action;

Whereas the measures prescribed by the Accord call for free and fair elections and a political process that will ensure a return to democratic rule; and

Whereas the Government of Chile views the Accord as a positive contribution by its signatories: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the efforts of democratic forces in Chile to achieve a peaceful return to democratic government, and expresses its view that the National Accord for the Transition to Full Democracy in Chile is an important first step toward that goal. Furthermore, the Congress encourages the Government of Chile and the signatories of the Accord to engage in direct dialogue and discussions as an important second step toward democratic rule.

CONSIDER THE REALITIES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues, the following editorial from the Lompoc Record (Wednesday, August 28, 1985), regarding the need for American testing of an antisatellite weapon. Given the facts in this instance (including the knowledge that the Soviets currently possess the world's only operational ASAT system, and have moved closer to attaining a highly capable ground-based laser ASAT system), I concur with the analysis provided by the Lompoc Record when it states, "Failing to develop an American counter would only mean that, in a crisis, the Soviets could strike at the eyes, ears, and communications voice of American intelligence and the U.S. Armed Forces while the United States would be unable to respond in kind."

I support the President's decision regarding the need for ASAT testing, as approved by the Congress in the fiscal year 1985 and 1986 DOD authorization bills, and recommend the following editorial to my colleagues.

[From the Lompoc Record, Aug. 28, 1985]

CONSIDER THE REALITIES

The Reagan administration is proceeding with plans for a third test of an anti-satellite missile, overriding in the process objections from domestic critics and the Soviets alike. The debate offers some instructive insights into the mindset of everyone involved.

The Soviets rationale for opposing development of an American anti-satellite missile is, of course, rather obvious. For the record, the Soviets keep talking about preventing the "militarization of space," as if about 80 percent of their own activities in space dating back to the early 1960s were not conducted chiefly for military purposes. Their actual, immediate objective is to preserve their present monopoly on operational anti-satellite weapons.

An even more urgent motivation was suggested on Sunday by Georgi Arbatov, member of the Soviet Communist Party's Central Committee and frequent spokesman for the Kremlin. Mr. Arbatov described the scheduled test of a U.S. anti-satellite missile as a "new, very dangerous step in the arms race . . . endanger(ing) the arms control process because it is a part of the 'Star Wars' concept."

The germ of truth in this propagandistic rhetoric is the link between anti-satellite systems and the technology that could one day protect Americans from a Soviet missile attack. As one Defense Department official put it recently, "Virtually any anti-ballistic missile system is going to have a capability against satellites as well. So if you actually did ban means of attacking satellites, you would be banning the SDI (Strategic Defense Initiative)."

Some domestic critics of the Reagan administration's strategic programs share (for different reasons, of course) the Soviets' opposition to development of an American ASAT weapon and U.S. defenses against ballistic missile attack. Rep. George E. Brown Jr., D-Calif., who led opposition in the House to more testing of the anti-satellite missile, would prefer a U.S.-Soviet agreement banning testing, production, and deployment of anti-satellite weapons. That happens to be the official Soviet position as well.

Unfortunately, there is virtually no way that compliance with such an agreement could be monitored with sufficient certainty to prevent Soviet cheating. The existing Soviet system for attacking American satellites employs easily concealable warheads lifted into space by ordinary rocket boosters of the sort used routinely for Soviet space launches. Hundreds of these warheads could be manufactured in secret while the rocket boosters were produced openly without betraying any violation of a ban on anti-satellite weapons.

In addition, the Soviets are working on laser and particle-beam weapons that could destroy satellites from ground stations. None of the arms-control enthusiasts nipping at Mr. Reagan's heels have suggested ways to identify such ground facilities as indisputable violations of an anti-ASAT treaty.

As against the obviously hostile intent of the Soviet Union and the wishful thinking of Rep. Brown and others who would put their faith in arms control, the Reagan administration had to consider hard realities in deciding whether to order more tests of the anti-satellite missile. First, the Soviets already had an operational system. Granted its technology is a bit crude but the system nevertheless succeeded in at least 18 of 27 known tests from 1969 to 1983.

Failing to develop an American counter would only mean that, in a crisis, the Soviets could strike at the eyes, ears, and communications voice of American intelligence and the U.S. armed forces while the United States would be unable to respond in kind. Secondly, no treaty banning such weapons could be adequately verified. And, as Mr. Arbatov and his superiors so obviously recognize, stopping the American anti-satellite weapons program would likely cripple research into a future defense against nuclear ballistic missiles.

Viewed from these perspectives, the Reagan administration would have been grossly negligent in not proceeding with additional tests of an anti-satellite missile system. Experience during the last decade and a half has shown conclusively that neither unilateral restraint nor unenforceable treaties protect America's security.

TECHNOLOGY AND THE HANDICAPPED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BROWN of California. Mr. Speaker, today I would like to bring to the attention of my colleagues contributions made by the National Aeronautics and Space Administration to the ever expanding technology base in this country and how it impacts on the handicapped. The American space program utilizes the finest materials, talent, and information. The constant searching for breakthroughs has led to outstanding discoveries which spill over into many areas of society.

NASA plays more than a passive role in fostering civilian applications for their evolving technologies. To the contrary, NASA has an aggressive program to apply space technology to help the handicapped. Unfortunately, industry is slow to pick up on NASA's lead. For example, there exists a wheelchair, designed by NASA, made out of composite materials which is half the weight of an ordinary wheelchair. Clearly, a lightweight wheelchair would lessen the burden on millions of handicapped, as well offer greater mobility. Yet technology transfer to the private sector is stunted by corporate hesitancy to improve on a wheelchair they consider already good enough.

I believe that the employability of the handicapped will increase in direct proportion with the number, and availability, of handicapped assistance devices. And technology, coupled with an aggressive public awareness campaign to dispel myths about the handicapped, is the formula which will turn the tide of centuries of discrimination.

Over the last few years, programs have proliferated to meet the call of employing the handicapped. For one, the National Challenge Committee of the Disabled, founded and spearheaded by Mary Doremus, was organized to promote handicapped awareness, acceptance, integration, and independence. Mrs. Doremus is determined to make individuals with disabilities full working partners in the Nation's economic system. The administration has also launched the National Initiative on Technology and the Disabled. This initiative, being promoted by Margeret Heckler, Secretary of the Department of Health and Human Services, will seek to draw on the technological expertise of the aerospace industry to voluntarily develop devices for specific handicapped needs.

This week we celebrate the abilities of the handicapped with Inspire 85, a festival being held in Washington, DC, designed to exhibit and showcase the accomplishments of disabled Americans in sports, recreation, cultural arts and employment. Inspire 85 is an event sponsored by the President's Committee on the Employment of the Handicapped. These programs, and many others like them, are part of a groundswell of support for the Nation's handicapped.

Naturally, the Federal Government will continue to play a role in transferring practical technology to aid the handicapped. But if a significant transfer is to take place, and thereby greater employment, it will require the concerted efforts of government, special interest groups, and private industry. An effort on this scale would improve the lives of the disabled, as well as the lives of those they depend on. Rather than just another Federal expense, investing in the disabled will prove financially beneficial in the long run.

Below are three more examples of technology that were developed with space technology. While these devices represent great hope for the handicapped, they are of little use if they remain on NASA's shelves:

A device developed from research conducted by the Man-Machine Integration Branch of NASA, is the versatile portable speech prosthesis [VPSP]. There are an estimated 2 million people in the United States with speech impairments. The VPSP is the first communication aid to rely on synthesized speech. Its versatility allows it to accommodate a variety of input devices including single-switch, multiple-switch, joystick, or other keyboard controls which physically limited people have the ability to use. The VPSP uses a microcomputer with a phoneme speech synthesizer and a specially designed television screen. It can be used to transmit up to 10 words a minute with single-finger typing. It has been successfully tested as a proof-of-concept system and is currently available for commercial development.

For the approximately 1.8 million deaf people in the United States, a new pair of eye-glasses, developed at Gallaudet College in conjunction with NASA, allows deaf people to understand and converse with people who don't know sign language. The eye-glasses, called a Speech Autocuer, primarily enhances a deaf person's lip-reading abilities. By sending automatically derived visual cues in real-time to a wearable eyeglass display, it allows deaf people to distinguish between sounds which appear alike. This device is commercially available, but its cost is quite high. Presently, Medicare/Medicaid will not cover it.

Finally, by instituting the maneuvering system used by astronauts to drive the Lunar Rover during the Apollo missions, NASA, along with Johnson Engineering Corp. and the Veterans' Administration, has developed the unistik. It allows the severely handicapped the ability to drive an automobile. In most instances transportation is a great barrier to leading a normally productive life as a handicapped person. The unistik controls electric motors of a standard vehicle with a two-axis joystick and a fly-by-wire type of control used in spacecraft. By moving the joystick in various ways, one can carry out such activities as steering, braking, and accelerating with just the movement of a hand.

Mr. Speaker, each of these devices, and many others, are capable of tapping the hidden resources of the handicapped. I urge my colleagues to pay closer attention to the true potential of the handicapped, and through their achievement, the value to our society. The Federal Government should never halt its assistance to the disabled, yet if we are ever to reduce the handicapped's dependency we must aggressively seek ways of utilizing one of America's greatest untapped resource—the handicapped.

HONORING MR. ROBERTO GRACIA FOR OUTSTANDING SERVICE TO THE COMMUNITY AND THE STATE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has distinguished himself in his community and State.

Mr. Roberto Gracia of Sacramento, CA, has served as chief of equal employment office, for the State employment development department, since 1981, following a progressive career in State service that began in 1969 as a job agent in southern California.

An outstanding employee, Mr. Gracia has always found the time and the energy to work with various community groups involved with increasing educational and employment opportunities for young Californians.

As chairman of the State planning committee for the 1984 and 1985 Chicano and Latino Youth Leadership Conferences, Mr. Gracia has once again demonstrated his commitment and leadership in coordinating the weeklong conference held in Sacramento. His example serves as a positive role model to the participating high school

students and to the many volunteers and supporters of the conference.

Several of my constituents have participated in this annual conference and I am pleased to note that the positive experience and support that students receive under leadership of Mr. Gracia is very encouraging to the parents in my district.

On September 18, 1985, members of the communtiy from throughout California will convene in Sacramento to honor the dedication and outstanding job that Mr. Gracia has performed as chairman of the conference for the past 2 years.

Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Roberto Gracia for the honors being presented to him by grateful parents, students, and the numerous community leaders and organizers for his contributions and support for the development and education of our young people.

THE BILL COSBY SHOW

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GRAY of Pennsylvania. Mr. Speaker, the State of Pennsylvania and the city of Philadelphia have both had a long tradition of producing men and women of distinction—people who have left their mark on the pages of American history.

Today I wish to pay homage to a man whose name has become synonymous with fatherhood in this country—Dr. William Henry Cosby, Jr.

Every Thursday night an estimated 40 million Americans tune in to "The Bill Cosby Show" to follow the ups and downs, and joys of the "Huxtables"—a family of four daughters and one son patterned after Cosby's own children. Many families across this Nation have come to identify with Heathcliff, Clair, Theo, Rudy, Denise, and Vanessa. Indeed, the show has been called therapy for some.

Bill Cosby has come a long way from the days in 1962 when he took a leave of absence from Temple University to earn $5 a night as a standup comic at the Cellar, a coffeehouse in Philadelphia. Just recently, Newsweek magazine described him as "a one man multimedia phenomenon." He can claim credit for 22 albums, 10 films, scores of nightclub appearances and concerts.

Mr. Cosby, who holds a doctorate in education from the University of Massachusetts, has not forgotten his roots or the friends he grew up with in Philadelphia's Germantown neighborhood. For the past several years, he has been an integral part of Temple University's public relations program, making commercials which highlight the excellent programs and curricula at this outstanding Philadelphia institution of higher education.

And there are other examples of Cosby's unselfish commitment to his hometown. Recently, he emceed a benefit concert for the victims of a disastrous fire which wiped out 60 homes and left hundreds homeless.

On Tuesday, September 24, the city of Philadelphia will salute this fine American and native son at the Academy of Music. I know my colleagues will join me in paying tribute to a man who has not only entertained millions, but has served as an inspiration and positive role model for our Nation's young people.

MACALESTER COLLEGE CELEBRATES 100 YEARS OF SERVICE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. VENTO. Mr. Speaker, 100 years ago this month, a new liberal arts college opened its doors to its first class of freshman students. Since that day a century ago, Macalester College of St. Paul, MN, has graduated thousands of students who have gone on to achieve distinction in every walk of life; from the ministry to medicine, from art to science, and from education to government and public service. The college's orginal benefactor, Charles Macalester, envisioned the establishment of a liberal arts college which would train young men for the ministry. Thirty-six students were enrolled under the guidance of an original faculty of six professors in 1885. Today, Macalester's student body stands at 1,700 men and women, 10 percent of whom come from 1 of 72 foreign countries. This represents one of the largest percentages of foreign students on any American campus of comparable size. Additionally, over one-third of Macalester's students go abroad to study at some point in their academic careers. Macalester College also has a sizable contingent of National Merit Scholars from across the country. Many of Macalester's graduates later go to graduate schools in medicine, law, and various other professions. Last year, one of these students, Walter Mondale, even ran for President.

While many of Macalester's students have gone on to achieve notoriety, so too have many of Macalester's fine faculty members. Before being elected to public office, young Hubert Humphrey spent several years teaching political science at Macalester where he instilled a commitment to public service in countless students. Another Macalester professor, Dr. G. Theodore Mitau, who also served as chancellor of the Minnesota State College system inspired three generations of Macalester students during an illustrious teaching career.

Macalester College could not have survived and thrived over these past 100 years had it not been for the steady guidance of outstanding leadership. Former presidents of the college, such as Dr. James Wallace, Dr. Arthur Flemming, Dr. John B. Davis, Jr., and others laid the groundwork that insured that Macalester College would be in the ranks of the finest small liberal arts colleges in the Nation. Macalester's new president, Dr. Robert M. Gavin, Jr., has continued the college's commitment to the liberal arts.

During the early 1980's, as enrollments in private colleges across the country have leveled off and in some cases even declined, Macalester has planned for the future. This planning has been made possible through the generous support of the college's alumni as well as private foundations and corporations from Minnesota and throughout the country. Minnesota, and indeed the Nation, have been enriched because of Macalester College. While Macalester celebrates its 100th birthday this month and a century of service, we look forward to many future years of achievements and contributions from this outstanding institution.

WESTWAY TRADE-IN LEGISLATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GUARINI. Mr. Speaker, together with my colleague TED WEISS, I'm pleased to introduce legislation which will guarantee that New York can build a new highway on the west side of Manhattan and provide aid to its crippled mass transit system at the same time.

Under my bill, if Mayor Koch and Governor Cuomo choose to trade in Westway, Federal funding for alternate highway and mass transit projects would be guaranteed. Specifically, New York would receive a $220 million annual appropriation from the highway trust fund for these substitute highway and mass transit projects. This annual appropriation would continue until the estimated Federal share of the cost of building Westway, as specified in the 1983 interstate cost estimate, has been expended. Since the 1983 cost estimate put that amount at approximately $1.71 billion, all of the funds for a Westway trade in would be paid out in 8 years.

Many Westway supporters have said they would consider a trade in if Federal funding for substitute projects was certain.

Just yesterday in the New York Times it was reported that Governor Cuomo said: "If funds for a trade-in were made as certain and as reliable as funds for regular highway projects" he could "find better purposes than this particular Westway project" for the funds.

My bill will make it very clear to Westway supporters that trade in is a reliable option and it's time to find those "better purposes."

Westway supporters also claim that New York is not assured the same level of Federal support which Congress has already authorized for Westway. With my bill, New York would receive the full trade-in value for Westway. Moreover, the State would receive its 85 percent Federal financing for substitute highway and transit projects without another congressional appropriation. Therefore, there would no basis for the additional assertion that obtaining

trade-in funds would be hindered by anti-New York sentiment in Congress.

Ensuring Federal funding for these substitute highway and mass transit projects will not only benefit New York residents, it will benefit residents of the region and city residents throughout the Nation as well. Under current law substitute highway projects are funded from the highway trust fund, whereas substitute transit project funding comes from general revenues. By funding both substitute highway and mass transit projects from the highway trust fund, mass transit improvements in New York would not require an increase in our general revenues. Furthermore, mass transit projects in other States would not be competing with Westway trade-in projects for Federal funding.

As the trade-in deadline nears we must do all we can to enhance this option. New York must know that our commitment to trade in and sound transportation planning is real. By supporting this legislation we will be making a real commitment to New York which will benefit the entire Nation. It will be evident that last week's overwhelming vote against Westway was not a vote against New York but a vote against a boondoggle. On these grounds, I urge your support for this necessary and timely legislation.

CENTENNIAL OF AMERICAN INTERNATIONAL COLLEGE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BOLAND. Mr. Speaker, my congressional district is fortunate to be the home of many exceptional institutions of higher education. One of these, American International College [AIC] of Springfield, MA, is in the midst of a celebration of its centennial. I want to join with the many friends of AIC in offering my congratulations on a century of achievement in the field of education.

AIC was founded in Lowell, MA, in 1885 by a group of ministers concerned with the education of French Canadian individuals in the area. The college moved to Springfield in 1888, and with that move came a broadening of the authority contained in the college's charter. Although AIC's origins are in another city, its roots are in Springfield. The relationship between the college and the community in which it resides has been a mutually beneficial one and the citizens of Springfield regard AIC's success as a source of considerable civic pride.

From its inception, AIC has had what I consider to be a unique ability to tailor its programs to meet the needs of its students. In so doing, it has performed a valuable service not only to the city of Springfield and the Commonwealth of Massachusetts, but to the entire Nation as well. In its early years, AIC specialized in providing the training necessary for citizenship to persons new to the United States. Immigrants from 42 nations received the instruction in English, U.S. history, civics and associated cultural skills they needed to become effective citizens in communities throughout the country. After World War II, the college took the steps necessary to accommodate the influx of veterans seeking higher education and added a program designed to expand the training opportunities available to teachers. Countless children of the baby boom generation have been taught by individuals prepared by AIC. Recognizing the special needs of servicemen, AIC set up programs of instruction available to active duty military personnel in Massachusetts and at bases around the globe. Today, thousands of AIC graduates throughout the world are productive members of their communities because of the opportunities made available to them by the college.

Mr. Speaker, AIC's centennial reminds us of the integral place that educational institutions have in our communities. Institutions like AIC serve so consistently and effectively that we may be at times tempted to take them for granted. I want to assure President Harry Courniotes and the faculty, staff, and students of this great institution that AIC's 100th birthday will also serve to remind us to resist that temptation. The enterprise in which they are engaged is among the most important in our society. I want to wish them continued success as they inaugurate the college's second 100 years.

H.O. "SONNY" DAVIS RETIRES AS POLICE CHIEF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LEWIS of California. Mr. Speaker, it is with great pride that I rise today to recognize a gentleman who, through his remarkable career, has had a great impact on the citizens of Barstow, CA: Mr. H.O. "Sonny" Davis.

For 34 years, Sonny Davis has served the city of Barstow as a member of its police force and, since May 1970, as its chief of police. This year, Sonny will retire from the force and Barstow will be loosing one of its most dedicated officers.

I could recite the many citations and awards bestowed upon this man, for they are numerous. I could tell you of Chief Davis' extensive training, for his knowledge goes far beyond expertise. I could describe Sonny's dedication to his family, his community and his Nation, for he has truly committed himself to guarding the safety and well-being of his fellow man. All this I could do, as many others have and will, for Sonny Davis has been an inspiration to colleagues, friends, and family.

However, Mr. Speaker, I would just like to take this time to join with the citizens of Barstow in saying thank you to Chief Sonny Davis for having the courage and the dedication to be one of the finest members of his community, and to wish him all the best for a healthy and happy retirement.

SICKLE CELL POSTER CHILD LaTOYA WILLIAMS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BROWN of California. Mr. Speaker, I would like to bring to the attention of my colleagues an exceptional young lady in my home district. Her name is LaToya Williams, and she has been selected as this year's Sickle Cell Anemia Poster Child of the Inland Counties. This young woman has shown great courage in dealing with this genetic disorder.

As you are aware, sickle cell anemia is a serious blood disorder which often results in intense pain. One in six hundred black Americans suffers from this disease, and sickle cell anemia accounts for over 80,000 deaths annually throughout the world. Great strides are being made in the prevention of and supportive care for those with sickle cell anemia, but we are a long way from finding a practical cure.

While medical science is still far from a satisfactory solution to sickle cell anemia, two recent breakthroughs show promise. The first, sustained blood transfusions with compatible red blood cells suppresses the symptoms of sickle cell anemia. Unfortunately, this form of treatment is reserved for extreme cases, because transfusions cause progressive iron overload and blood volume overload. These conditions invariably result in a number of internal complications.

The second approach, bone-marrow transplantation, has been very successful, but carries with it the risk of failure in a substantial percentage of patients and the possibility of graft-versus-host disease in others. There is a chilling 30 percent chance that a patient undergoing a transplant will not survive. We in Congress have a responsibility to help even these odds for LaToya and the some 70,000 Americans inflicted with sickle cell diseases.

Mr. Speaker, LaToya, the daughter of Essie Williams, is like most children of 7. She attends the third grade at Mountain View School in San Bernardino. When she is not in school, LaToya loves to ride her bike and play with her dolls. She's active, outgoing, and friendly. Fortunately, LaToya has not had any serious problems because of her condition.

I commend the Sickle Cell Organization of the Inland Counties for their efforts in helping to comfort and aid those afflicted with sickle cell anemia. They have also been instrumental in bringing this issue public attention. Let us joint the Sickle Cell Organization, and groups like them, to work toward a final end to this dreaded disease.

CONFUSING SCHOOL WITH EDUCATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GINGRICH. Mr. Speaker, a recent article in Newsweek by Robert J. Samuelson accurately describes the real dilemma we face in our education system today.

I urge my colleagues to take this essay to heart. It's essential that we reduce the bureaucracy which is stifling our education system.

BACK-TO-SCHOOL ECONOMICS

(By Robert J. Samuelson)

It's the start of a new school year: 57 millon Americans—one out of every four of us—are trooping back to the classroom. Perhaps no other people place so much faith in schools. But our illusion is that we deeply value education when actually we often don't. Education confers understanding, knowledge and competence; schools confer degrees. If you grasp that distinction, you may understand why so much of today's education debate is sterile.

Ever since the gloomy conclusions of the National Commission on Excellence in Education in 1983, we've been bombarded with reports exhorting us to improve our schools. Fine. But none of these studies has examined how we already spend our edcuational investment. Since World War II education spending has roughly doubled; in 1984 it was 6.7 percent of the gross national product. Much of our spending has been and is wasted. Unless we confront this waste—and I'm skeptical we will—our education debate is mostly a fraud.

We often invest in schooling, not education. Specifically, we subsidize too many students to try college. The money would be better spent on preschool, primary- and high-school education, where student skills and self-esteem are shaped. Moreover, the ease of going to college undermines our high schools; it reduces pressures for students to do well. And our bureaucratic public schools compound the waste; in the past decade they've spent more without significantly improving educational quality.

The result is a society that produces more and more degrees that mean less and less. Some high-school graduates today are barely literate. I am not saying (as some would) that better schools can solve all our social problems. Most of these are not of the school's making. Roughly one in five children is now, by the government's measure, poor. And, in a competitive world, our economic vitality increasingly depends on the competence of our work force. But if schools did not create these problems, good schools will help us handle them—and bad schools will make them worse.

Our infatuation with quantity schooling subverts the requirements of quality education: competent teachers and motivated students. If the picture of mismanagement seems overdrawn, consider these facts:

Higher education now accounts for about two-fifths of all education spending. Before World War II the proportion was about one-fifth. By one estimate, two-thirds of high-school graduates try some post-high-school education, including community colleges. But many drop out, and colleges increasingly are attempting to make up for earlier learning deficiencies. At many colleges, one-quarter to one-third of freshmen take remedial-reading, writing or mathematics courses. Meanwhile, 59 percent of 11th graders report they typically do less than an hour of daily homework.

In the 1970s public-school spending per student (adjusted for inflation) rose 25 percent. But student test results didn't improve significantly, and the money wasn't used to attract better teachers by raising salaries. Adjusted for inflation, the average salary ($22,000 in 1984) is lower than in 1970. No one really knows where the extra money went or why it didn't help. Typical explanations are: more special education and bilingual teachers, more curriculum coordinators, more assistant principals or, more simply, more administrators.

The education debate largely ignores these realities because they're inconvenient. They call into question many of our basic ideas about education policy. The whole point of the postwar expansion of state-university systems was to make college accessible to everyone. In 1950 college studens were split between private and public institutions; now nearly four-fifths go to state schools, where the cost to students covers only about a quarter of total costs. Spread over four years, tuition, room and board fees (about $3,200 annually) slightly exceed the price of the average new car.

Our education system is not universally rotting; its diversity reflects society's strengths and weaknesses. But it is much less than it could be, and unless we face the basic problems, it won't get much better. For example, we can't raise teacher quality simply by stiffening academic requirements, although that's needed. Schools can hire only teachers who are available. Getting better teachers means paying them more. A 25 percent compensation increase (thought inadequate by many experts) would cost $15 billion, 10 percent of today's public-school spending. Where's the money to come from?

Even if we could afford massive new government spending—and we can't—it would be undesirable. Mostly, we need to make better use of what we're already spending. States need to raise their university standards and focus subsidies on the neediest students. Bluntly, this means shutting down some campuses and passing the savings backward to preschool, elementary- and secondary-school programs. And, somehow, public schools need to be jolted out of their lethargic ways. They're inefficient little monopolies, with students as their captive customers.

Poor Prospects: Is any of this likely? I doubt it. When the Reagan administration proposed modest cutbacks in college-student assistance, there were howls of protest. In Minnesota, Gov. Rudy Perpich asked his legislature to permit public-school students to transfer to schools outside their home districts. The idea was to have school districts compete with each other—to prod them to educate more effectively. Otherwise, they might lose students and state aid. School boards, administrators and teachers' unions mobilized against the proposal; most of the plan was rejected.

Our education debate is vapid because it avoids the issues that threaten the vested interests of educators and challenge popular wisdom. But, in the end, we will get the schools we deserve. Students react to the cues society sends. If society doesn't value teachers, why should students value learning? If getting to the next level of schooling is made easier, than why work harder? Somehow we got hooked on the idea that more schooling would bring us, as individuals and a society, more economic security and higher status. It's a charade. In this case, a little less schooling might produce a lot more education.

A TRIBUTE TO DR. FRED BROCKMAN, SUPERINTENDENT OF FARMINGDALE SCHOOLS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LENT. Mr. Speaker, in today's rapidly changing society, America's educational system faces great challenges in preparing our children to become the leaders of tomorrow. Proficiency in the basics of reading, writing and arithmetic is essential; however, it has become increasingly apparent that students must have a solid background in computers, communications, and technology in order to prepare them for today's modern world.

At this time, I would like to take the opportunity to recognize the contributions of an individual who has taken bold, innovative strides toward progress in education. That individual is Dr. Fred Brockman, superintendent of the Farmingdale, NY, School District. On September 26, Dr. Brockman will be honored by his family, friends, and colleagues at a testimonial dinner on the occasion of his retirement.

During his 8 years as superintendent, Dr. Brockman has served as an articulate spokesman for education at county and State levels, and he has made outstanding achievements toward better education, especially in the areas of curriculum development.

Widely recognized as a leader in his field, Dr. Brockman broadened the depth and scope of the school district's curriculum to include a new computer literacy program for grades kindergarten through 12, improved elementary sciences classes, and an introduction to foreign languages program for grade 7.

He also established the alcohol awareness program for grades kindergarten through 12, the district-wide composition program, and the elementary summer remedial program.

An innovator in new ideas, Dr. Brockman sought to modernize the school district's administrative and managerial functions as well. In that effort, he initiated the planned program budgeting system, as well as a revised, updated business administration computer system.

Dr. Brockman is credited with developing a legislative liaison program to provide regular communication with State and Federal legislators, as well as dedicating considerable time and effort to improving the partnership with business and industry in order to strengthen the educational bond within the community.

Dr. Brockman is a shining example of how one individual can make a difference in our society. His commitment and devo-

tion to excellence in education is worthy of the highest commendation, and I extend to him my deepest gratitude and appreciation for his many years of hard work and achievement as superintendent of the Farmingdale School District. I'd like to join his many friends and colleagues in congratulating Dr. Brockman on this memorable occasion and in wishing him continued health and happiness in the years ahead.

JACQUES LESSTRANG: GREAT LAKES MAN OF THE YEAR

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. PURSELL. Mr. Speaker, I rise to pay tribute to my very good friend, Jacques LesStrang who has been named "Great Lakes Man of the Year" by the eight Great Lakes States and the Canadian Provinces of Ontario and Quebec.

It is a great pleasure for me to call the attention of my colleagues to this tremendously talented individual.

Jacques LesStrang is recognized worldwide as one of the Nation's outstanding and most widely quoted authors on the Great Lakes-St. Lawrence Seaway system. He is senior editor and publisher of the highly respected maritime journal, Seaway Review. For over 15 years, 1952-69, he served as president and creative director of an international marketing firm which carried his name, with offices in Michigan and London, England, and with clients in seven foreign countries. His work has been published in 16 languages and includes subjects on marketing—both domestic and international—government and economics/transportation. He is listed in the Marquis' "World Who's Who."

Jacques LesStrang is the first American to receive the "Great Lakes Man of the Year" award. This extraordinary man who deserves to be known as the "conscience of the Great Lakes" is the first person ever to be honored with both the "Writer of the Year" and "Man of the Year" in the same year.

His contributions to the development of better understanding between the United States and Canada on common issues and objectives for the Great Lakes and the St. Lawrence Seaway cannot be equaled.

It is with great admiration of Jacques LesStrang that I insert an article from the Charlevoix County Press, Boyne City, MI, describing his accomplishments in the RECORD:

LESSTRANG NAMED GREAT LAKES MAN OF YEAR

Author and Publisher Jacques LesStrang has been named Great Lakes Man of the Year by the eight Great Lakes states and the Canadian Provinces of Ontario and Quebec.

Functioning through the Great Lakes/St. Lawrence Maritime Forum, those governments recognized LesStrang's editorial and personal contributions to the region's maritime industry by identifying him as the first American to receive this bi-national honor. LesStrang, publisher of Seaway Review, the transportation business magazine of the Great Lakes/St. Lawrence region and the author of several books on the Great Lakes maritime industry, was also named "Maritime Writer of the Year" for 1985 by the American merchant marine industry at Portland, Oregon. That award was presented by the Propeller Club of the United States at its annual conference late last year.

The citation to LesStrang, which was presented in Toledo, Ohio, called him "a driving force in creating the awareness, both in North America and abroad, of the Great Lakes/St. Lawrence Seaway System, influencing decision makers and the public on matters relating to Great Lakes shipping while at the same time being one of the most widely quoted authors on maritime matters in North America."

The citation indicated that in 1980 he was chosen by the Ontario government "as the only American citizen to sit on Ontario's Great Lakes/Seaway Task Force chaired by Ralph Misener."

In Great Lakes maritime affairs, the citation stated, "where most are government officials or association executives, we sometimes forget that Jacques LesStrang is a private businessman, an independent entrepreneur who must make ends meet each month and each issue of his magazine. (Nonetheless) he freely shares his ideas, his information, and most important, his time to the benefit of the System.

"As the water of the Seaway flows steadily to the sea, the written words of Jacques LesStrang flow far past the borders of our two great countries and have been a marvelous modifier of opinion and outlook toward our mutual waterway.

"When Seaway folk heroes are created and ballads are written, if they are not from the hand of Jacques LesStrang, I am sure they will be from the thoughts and the words of this man who deserves to be known as 'the conscience of the Great Lakes'."

LesStrang is the author of Seaway, Book-of-the-Month Club non-fiction selection, 1978, originally published by Superior Publishing Company, Seattle, as a Salisbury Press book. Seaway was subsequently released in full-size softcover by Harbor House Publishers and is being reissued later this year.

He is also the author of Lake Carriers which was published as a slip-cased companion to Seaway also by Superior Publishing. Lake Carriers was reprinted under the title Cargo Carriers by Crown Publishers and has since been reissued as a full-size softcover by Harbor House Publishers.

LesStrang has also authored many Congressional reports on Great Lakes matters and is frequently read into the CONGRESSIONAL RECORD. LesStrang has been published in sixteen languages on subjects of international marketing, government and transportation economics.

Seaway Review maintains offices in its own building at 221 Water Street, Boyne City, Michigan. LesStrang, a 1949 graduate of George Washington University and a 1951 University of Michigan graduate, maintains a residence on Harbor Island, Glen Arbor, Michigan.

PRESIDENT'S COMPROMISE POSITION ON SOUTH AFRICA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. GOODLING. Mr. Speaker, I would like to go on record today as commending President Reagan for his compromise position on the issue of sanctions against the South African policy of apartheid. I feel that the President has sent a clear message to President Botha and his government that continuation of this policy is unacceptable.

Mr. Reagan has implemented nearly all of the sanctions proposed by Congress. It is my hope that we have not pushed too far, too fast. Perhaps we should remember our own humbling experience, in the not too distant past.

In conclusion, I would like to voice my sincere desire that the President's Executive order sends the desired message to the South African Government, without destroying the economic base upon which it and all its citizens, black and white, depend.

THE SANCTUARY MOVEMENT ON TRIAL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. MOAKLEY. Mr. Speaker, ever since the outbreak of civil war in El Salvador, I have been very concerned about the plight of the Salvadoran refugees who have fled the violence and danger that exists in their homeland. Some 500,000 Salvadorans are currently displaced in their own country, many living in displaced persons camps. Nearly 300,000 have fled to seek refuge in neighboring countries such as Honduras, Costa Rica, and Mexico. And nearly 500,000 have come to the United States to wait out the storm.

If apprehended in this country, Salvadorans usually face detention and deportation. I believe that it is wrong and inhumane at this time to deport these people back into the heat of battle.

In response to the current levels of violence and civil unrest in El Salvador, I have introduced legislation (H.R. 822) which would temporarily suspend the detention and deportation of Salvadorans now in the United States for approximately 2 years. The suspension will allow time for the General Accounting Office to conduct a study concerning the general conditions that face the Salvadoran refugees and the overall conditions in El Salvador. Senator DENNIS DECONCINI has introduced identical legislation in the U.S. Senate.

Mr. Speaker, I would like to share with my colleagues an excellent article, written by my former colleague from Massachu-

setts, Robert F. Drinan, S.J., on the issue of Salvadoran refugees. Father Drinan is currently a professor of law at the Georgetown University Law Center in Washington, DC. While serving in the Congress, Father Drinan was a courageous advocate for human rights. He continues in that role today. I would like to submit for the RECORD Father Drinan's article which appeared in America magazine:

[From America, Aug. 24, 1985]

THE SANCTUARY MOVEMENT ON TRIAL

(By Robert F. Drinan)

On Oct. 15, 1985, 12 church-related officials, including three Catholic nuns and two Catholic priests, will go on trial in a Federal court in Phoenix for harboring aliens from El Salvador. The trial and the verdict will reflect the jury's reactions to the Government's clandestine surveillance of religious sanctuary groups in Arizona, the sincerity of the religious feelings of those accused of crime and the fairness of the policy of the Immigration and Naturalization Service (I.N.S.), which denies asylum or refugee status to almost all Salvadorans.

The estimated number of Salvadorans now in the United States ranges from 300,000 to 500,000. The I.N.S., understandably anxious to stop this vast migration, deports thousands of Salvadorans each year. But the sympathy for these people is increasing in the United States, as the opposition to U.S. military intervention in El Salvador intensifies. On March 24, 1982, the second anniversary of the murder of Archbishop Oscar Romero, the sanctuary movement was officially born in Tucson, Ariz. It is now a part of the life of 200 congregations in 12 denominations in 30 states. Although the term "sanctuary" suggests some legal or historical validity for the concept, sanctuary as a legal doctrine was terminated by Henry VIII and has never held any real place in American law. But offering sanctuary, at least symbolically, is mandated in Leviticus and is recommended in the Letter to the Hebrews: "Be not forgetful to entertain strangers, for thereby some have entertained angels unawares."

The proponents of sanctuary insist that many, perhaps most, Salvadorans now in the United States desire asylum because they are refugees, as defined in international law and by the 1980 Refugee Act passed by Congress. That law gives refugees status to every alien in the United States who can claim a "well-founded fear" of persecution or death if he or she returns to his or her own country. The I.N.S. and the State Department claim, on the contrary, that there is little evidence that the Salvadorans who are returned to that country are persecuted or even treated badly. The evidence on this last point is in dispute, although the overall situation in El Salvador continues to be unbelievably bad.

By mid-1984, close to one-fourth of the 4.9 million people of El Salvador were either refugees outside their borders or were internally displaced, and the International Commission of the Red Cross was providing services to 105,000 displaced persons in conflict zones in El Salvador. Seven hundred and fifty thousand fled the country in the 1980-84 period. An additional 500,000 fled their homes but not their borders. Another 200,000 displaced persons are not even registered with the Government. In El Salvador at the present time almost 25 percent of the people have been displaced. In Afghanistan that figure is only 16 percent. During the worst days of the Vietnam War the number of internal refugees never exceeded 8 percent of the population.

In addition, Tutela Legal, an agency associated with the Archdiocese of San Salvador, reported that 2,024 civilans were killed in 1984. This is a decrease from the 5,142 killed in 1983, but the likelihood of injury to civilians by the army or the guerrillas is still very high. Nor is there much hope for prosecution of those who have committed the crimes. The conviction of the murderers of the four American churchwomen is the only successful prosecution in recent times. Even President Jose Napoleon Duarte recently spoke of the "culture of terror" in his country.

The I.N.S. nonetheless feels that the appalling conditions in El Salvador do not warrant the granting of asylum or even a period of Extended Voluntary Departure (E.V.D.). In 1984, the I.N.S. processed 13,373 asylum applications from Salvadorans; only 328 (2.5 percent) were granted. The proponents of asylum for the Salvadorans claim that the I.N.S. is acting contrary to a protocol on refugees agreed to by the United States. In 1984, for example, 40,621 petitions for asylum were considered from all countries; 8,277 or 20.4 percent were granted.

Through a Freedom of Information Act request, the political asylum project of the American Civil Liberties Union (A.C.L.U.) obtained the list of 8,500 Salvadorans who were sent back to their country. This list was compared with a listing of 15,000 known victims of violence in El Salvador. Dozens, even hundreds, of cases of harm coming to returnees where discovered. But this evidence is not free from doubt and is not entirely reconcilable with some conclusions reached by the State Department.

The sanctuary movement feels that E.V.D. should be granted for two years, as provided for in the bills proposed by Senator Dennis DeConcini (D., Ariz.) and Representative J. Joseph Moakley (D., Mass.). Virtually every religious denomination in the nation, including the U.S. Catholic Conference, favors the enactment of this measure. Legal experts can point to 15 groups with a status comparable to the Salvadorans who have been given E.V.D. over the past 25 years. The United States allowed 25 percent of Filipinos requesting asylum to remain, 61 percent from Iran, 51 percent from the Soviet Union, 33 percent from Poland, 39 percent from Rumania but only 2.5 percent from El Salvador and 0.4 percent from Guatemala.

The implications of what Congress intended by enacting the 1980 Refugee Act are not free from doubt or controversy. Federal court judges are wrestling with this question. at least one Federal court in California has ruled that a former right-wing military official from El Salvador, who feels that he would be killed or injured if he returned, is entitled to asylum. But there is still no clear consensus on what the law should mean for the thousands of peasants who have fled from El Salvador, somehow got across Mexico and who now, residing in all of the major cities of the United States, are begging for some relief from uncertainty and fear generated by their existence in a legal no man's land.

There is credible evidence that the I.N.S. and the Reagan Administration could be more generous at least in granting E.V.D. The United Nations High Commission for Refugees in 1982 seems to have said that those fleeing El Salvador are bona fide political refugees. The Administration insists, however, that Salvadorans come to the United States only for economic gain and not to escape political oppression. The proponents of asylum counter that the Administraion is denying asylum because to grant it would be to contradict its constant boast that things have improved greatly in El Salvador and that the citizens of that democracy should return there. The Reagan Administration can plainly be faulted for disregarding a clear mandate placed by Congress in the 1984-85 State Department Authorization Act that Salvadorans be granted E.V.D.

The already complex moral and legal issues involved in asylum, E.V.D. and the religious motivation of those helping aliens will be further complicated in the trial in Phoenix by the secret infiltration of the Government into the religious groups allegedly harboring aliens in a manner contrary to Federal law.

I saw the ominous implications of this infiltration when I participated in a day-long forum on this topic in Phoenix in June. The forum attracted 600 spellbound persons who for over four hours listened to speakers reflect on the fact that the Federal Government had spied on several church groups in Arizona.

The facts are unbelievable. Without a warrant and in all probability in violation of regulations of the Justice Department, the I.N.S. hired two paid informants, Jesús Cruz and José Morales, to infiltrate the sanctuary movement. Pretending to be men of faith and believers in asylum for refugees, these two men tape-recorded Bible-study meetings and a wide variety of activities carried on in Protestant and Catholic churches in Arizona. With hidden microphones the Government, through its two informants, collected and produced 40,000 pages of secretly taped conversations of church workers.

On the basis of the evidence clandestinely obtained by the informants, the Government on Jan. 14, 1984, indicted 16 persons (now reduced to 12) on 91 counts. Sixty refugees, mostly campesinos now scattered throughout the United States, were named as unindicted co-conspirators. The special U.S. Attorney in charge of the case, Donald Reno, conceded in a pretrial hearing that the information obtained from the concealed recording devices is "asbolutely essential" for the prosecution of the cases.

Those involved in the sanctuary movement are understandably outraged at what was done to them. Some of them will concede that they have engaged in civil disobedience but claim nonetheless that clandestine wiretapping without a warrant violates their rights under the Fourth and possibly under the First Amendments. In a protest against the warrantless surveillance, the A.C.L.U. said in a brief that "pastors and parishoners are entitled to at least as much First Amendment due process as pornographers."

If the evidence were suppressed because of its tainted origin, the case would probably collapse. It seems unlikely, however, that Judge Earl Carroll will stop the case by throwing out the fruits of the warrantless search. But such a search has never in all of American history been carried out against religious groups. No cases can be found where the Government clandestinely infiltrated the Mormons or the "Moonies" in order to get an indictment and a conviction. Some clergy were probably wiretapped during the Vietnam War and during the early years of the civil rights movement. But the 21 lawyers and the 12 sanctuary de-

fendants have discovered no case where the Federal Government employed informers without a warrant to infiltrate a religious movement over an extended period of time and, on the basis of the information obtained by these "spies," produced indictments.

The closest case is probably the Camden 28. In that case in 1973, 28 religiously motivated persons invaded a Federal draft board. Because of an informant working within the group, the Federal officials knew of the projected break-in and immediately arrested all of those who trespassed on Federal property. The jury acquitted all of the defendants because the jury apparently felt that the Government had infiltrated a religious organization to an intolerable degree.

That the warrantless infiltration is unprecedented does not yield many answers as to its constitutionality or propriety. Everyone at the Phoenix meeting was still stunned that the Government did it. There is enormous sympathy for Sister Darlene Nicgorski, who has been indicted, and for the Rev. John Fife, a distinguished Protestant minister, also indicted. But is the Government prevented by law or by the Constitution from investigating a group of churches if it feels that some church members are clearly in violation of a precise Federal statute that makes it a crime to "harbor" certain kinds of aliens?

Lawyers for the defendants in Phoenix have been searching for evidence that the framers of the First and Fourth Amendments must have intended to ban surreptitious searches of churches by the Government. After all, the founding fathers would have wanted to prevent any repetition of the searches and seizures carried out by the officers of the crown in Tudor England designed to suppress and destroy the literature of both Catholics and Puritans. The authors of the Constitution must have intended that the separation of church and state must mean that the churches can carry out their works of mercy for refugees without having their words and deeds recorded by clandestine informants. But history and law are silent as to whether the intrusive tactics of the I.N.S. are so shocking to one's sense of fairness that the suit should be dropped.

The I.N.S. responds, of course, by stating that it is investigating only the nonreligious aspects and activities of the churches and that no entrance into anything sacred was attempted. But the participants in the sanctuary movement do not find this explanation satisifactory. All of their words and deeds, whether sacred or secular, merit privacy because they were done in a church-related context and by people who have a right to be free from betrayal by a Government agent who receives their trust and then abuses it.

Theologians and jurists who are following the Phoenix case fear that if even one item of evidence derived from the clandestine surveillance is used against the 12 defendants, a terrible precedent will have been established in American law.

No one can predict very confidently how the Phoenix sanctuary trial will play out. The trial, with a predicted length of six weeks, will involve tangle elements of U.S. policy in Central America, a misguided pattern of law enforcement and a parade of witnesses who will testify, if allowed, to their strong opposition to the war that the United States is waging in El Salvador. Many of the critics of the sanctuary movement assert that the movement is just another way for the actors involved to articulate their opposition to what the United States is doing in Central America. That allegation has some truth, but many of the courageous persons involved in sanctuary are obviously helping the refugees because of their sincere religious commitment to the poor and to the powerless.

It is not clear that the trial in Phoenix will resolve many of the questions involved in the Refugee Act of 1980. Those issues are being litigated in cases involving Haitians, Cubans and others. Eventually only Congress can bring into existence a clear, comprehensive and credible policy on how the United States should handle the many categories of refugees and aliens.

Until that day occurs, the nation should be grateful to those people who extended hospitality and love to refugees from El Salvador. They are like the laity and clergy in Finland, Denmark, Bulgaria and Norway who hid the Jews. They can be compared to those who defied the fugitive slave law of 1850 and eventually persuaded Congress to change it. They are the ones who remind us that the very existence of the United States required the kind of protest against Government for which 12 brave people in Phoenix will soon go on trial.

SI SE PUEDE Y SI PODEMOS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. STARK. Mr. Speaker, it is my great pleasure to rise today and recognize a local organization of volunteers in Hayward, CA, who provide essential services to the Hispanic community. The name of this distinguished organization is La Familia Counseling Service.

September 21 marks the 10th anniversary of the founding of La Familia Counseling Service. This group was formed as the result of a grassroots community organizing effort to provide bilingual/bicultural mental health services for Hispanics. Since its inception, La Familia Counseling Service has expanded its role in the community and now provides programs in the areas of counseling and community services, community education and information, specialized youth counseling, case management services for the developmentally disabled, and children's day treatment services. For its excellent service to various ethnic groups who traditionally have lacked access to more traditional services, La Familia Counseling Service has been recognized by Alameda County, the city of Hayward, regional center of the East Bay, United Way of the Bay Area, and many private foundations.

I applaud the fine job La Familia Counseling Service has performed in providing fundamental services to local communities. I believe groups such as La Familia Counseling Service provide leadership and services at the level where they are most effective and visible—at the community level. La Familia Counseling Service has certainly shown, and Congress should certainly recognize, that it lives up to its motto—"Yes, we can do it!"

WALTER KANER OF NEW YORK IS HONORED FOR 33 YEARS OF SERVICE TO NEEDY, HANDICAPPED, AND HOMELESS CHILDREN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Walter Kaner, who is being honored at a gala dinner at the Swan Club in Glenwood Landing, NY, on September 22, for his 33 years of loving service to the children of New York.

Walter Kaner writes a colorful, informative, and well-read column about the people and happenings of Queens, Brooklyn, and Long Island. His words have captured our interest and imagination since 1977, in the pages of the New York Daily News; before that, his column graced the Long Island Press.

But Mr. Kaner's involvement in his community goes far beyond his fine writing. Over the past 33 years, he has brought love and joy into the lives of more than 85,000 handicapped, homeless, and needy children. Last month alone, the Walter Kaner Children's Foundation made it possible for 2,000 kids to spend some time at the Rockaway's Playland amusement park. A day of fun, rides, hot dogs, and cotton candy is more than a treat for these youngsters. Mr. Kaner's Fun In The Sun Outing was a first for many of these kids—a time of joy, a time to be like every other child in the neighborhood, a moment to be remembered and treasured.

Mr. Speaker and my distinguished colleagues, holidays are not always warm and loving celebrations in the lives of homeless or underprivileged children. Want and loneliness do not abate simply because of the date on the calendar. But every year, Walter Kaner hosts a Thanksgiving/Christmas party, where children can experience the laughter and the fun that should be a part of every childhood, and where every one of them receives a special gift. Last year, as in the past, the gala was held at Antun's in Queens Village, and children came from 55 hospitals, orphanages, children's shelters, and health and welfare centers to share in this festive celebration.

Mr. Speaker, Walter Kaner's list of awards and accomplishments is a long and distinguished one. He has informed and served his community for many years. He is a recipient of the Long Island Distinguished Leadership Award, and his invaluable contributions to New York children have been publicly praised by Presidents Nixon, Carter, and Reagan. He is respected, admired, and loved by the city of New York, and by millions of people across this country.

But the jewel in Mr. Kaner's crown is surely his love for children in need. And for three decades, he has set about alleviating that need. Through his efforts, more than 85,000 children have received perhaps

the only gift they will get that year; tasted some of the joy and hope every child should know; and had a special day of fun, freely given to them by a very special person.

Mr. Speaker, I would like to take this moment to ask all of my distinguished colleagues in the U.S. House of Representatives to join with me now in commending Walter Kaner, for his outstanding contributions to the needy, homeless, and handicapped children of New York.

THE DAIRY SANITY PLAN: OLIN-MICHEL SUBSTITUTE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. BROWN of California. Mr. Speaker, in a few days we will be debating the 1985 farm bill. In this debate, we will be asked to fashion a policy which assures and vital farm sector, insures a steady supply of affordable food to consumers, and minimizes Federal outlays. This is a difficult task, given the dire conditions which beset the farm community and the large surpluses in many areas which will require large Federal outlays, at least under current farm programs.

In no other sector is this task as difficult as in the dairy sector. We have seen Federal inventories of dairy products grow in recent years as a result of purchases made to keep dairy prices artificially high. Current surpluses owned by the Government are excessive and total 114 million pounds of butter, 551 million pounds of cheese, and 868 million pounds of nonfat dry milk. Federal outlays to purchase and store these surpluses have risen from $224 million in 1979 to an estimated $2 billion in 1985. In the process, the Federal Government has become the largest single dairy market, purchasing nearly 10 percent of the dairy production over the last 4 years. Consumers have paid as well; retail prices are held artificially high, costing us about $2 billion a year in higher dairy prices.

We have a dairy sector in transition, and Congress has added to this instability with five pieces of legislation in the last 5 years. The most recent approach to a "permanent" solution to bring dairy production into line with dairy consumption was passed about 2 years ago. Since that program expired on April Fools' Day of this year, dairy production has crept upward again, and we are faced with the need to find yet another "permanent" solution.

The permanent solution being proposed this year is called the Dairy Unity Plan. This plan would charge dairy producers for the cost of paying dairy farmers not to produce or to pay them to go out of business. Dairy producers would also pay for the costs of Government dairy purchases, the cost of a marketing research program, and the cost of a dairy product promotion plan. To pay for this, dairy farmers would be assessed between 63 cents and $1.82 for every 100 pounds of milk—hundredweight—produced.

Having dairy farmers pay their way out of the problem seems logical and fair—until we examine who actually pays the bill for these programs.

First, the dairy unity plan would increase the dairy support price from its current level of $11.60 to $13.09 per hundredweight by fiscal year 1990. Then, the dairy unity plan increases the cost of the fluid milk in most of the country by between 7 cents and $1.03 per hundredweight.

These increases will raise consumer prices, and commercial sales will decrease. This will most directly affect low-income consumers dependent upon Federal food and nutrition programs such as the Food Stamp Program and the Women, Infants, and Children [WIC] Feeding Program. With little likelihood that these programs will get more funding, an increase in consumer prices will squeeze the low-income consumer more than any other part of the consuming public. But in the end, all consumers will pay for the cost of the dairy unity plan with an estimated $10 billion in increased dairy prices over the next 5 years.

Will the House approve a plan that, in the midst of an expensive dairy surplus, increases the cost of dairy products and decreases commercial sales? Will the House approve a plan that places a greater burden on food stamp and WIC recipients? Will the House approve a plan that increases the cost of fluid milk by $1 in Florida, $1 in Louisiana, 80 cents in Tennessee, 47 cents in Indiana, 40 cents in Kentucky and Illinois, 34 cents in Ohio, 30 cents in New York, and so on?

Or will the House take a direct approach and enact a genuine, permanent approach to lower support prices until the surplus is at manageable levels, increasing commercial sales and paying back the consumer for the years of excess that the consumer has financed? I plan to support such an approach, contained in the Olin-Michel substitute, when we debate dairy policy in a few days.

Let's replace the dairy unity plan with the dairy sanity plan.

GRASS-ROOT PLEAS STIR LAWMAKERS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. LELAND. Mr. Speaker, I would like to share with my colleagues two insightful articles regarding South Africa which appeared in the Washington Post yesterday.

The first article, "Grass-Root Pleas Stir Lawmakers," deals with how interest in the South African policy of apartheid has grown in the United States and how this increased interest spurred organizations, Congress, and the President into action.

The second article, "Apartheid Dims Success," describes how the highest ranking black executive at Rank Xerox's South African corporate headquarters views apartheid and its effects. While Mr. Wellington Mnikati enjoys more economic wealth than most blacks in South Africa, he is not isolated from apartheid.34

You may be a senior manager at Rand Xerox," Wellington Mnikati said, "but no matter how successful you may appear, at the end of the day you're black, and they don't miss a chance to tell you you're black."

I urge my colleagues to read the following articles.

[From the Washington Post, Sept. 16, 1985]

GRASS-ROOT PLEAS STIR LAWMAKERS

GOP CONSERVATIVES DEMANDED REAGAN SHIFT ON SOUTH AFRICA

(By Edward Walsh)

Last March, flying home to Kentucky, Sen. Mitch McConnell, a conservative Republican in his second month in the Senate, read a national news magazine account of the growing violence in South Africa.

McConnell, who graduated from the University of Louisville in 1964 just as the civil rights movement reached its peak with enactment of the Voting Rights Act, says he was struck by the basic justice of the cause of South African blacks in their struggle against apartheid.

Back in Washington, the new senator asked his staff to explore the issue. Within a month a bill to impose economic sanctions against the white-minority government of South Africa was introduced by McConnell and Sen. William V. Roth (R-Del.). This legislation was among numerous sanctions bills from which were forged the measure that forced President Reagan to reverse his long-standing opposition to sanctions.

McConnell's decision to seize on South Africa for his first major foreign policy foray was among the many small signs that the Reagan administration's policy of "constructive engagement" in South Africa was being swamped in a rising tide of public and political dissatisfaction.

Long an issue of deep concern to U.S. blacks and Democratic liberals, the plight of South Africa's black majority began to draw the attention of lawmakers like McConnell and some of his equally conservative Republican colleagues in the House.

"Bipartisan" became the watchword to describe the rising tide, and by the time it crested late this summer, Reagan and the other architects of constructive engagement had been forced into a politically untenable position. Faced with certain defeat in the Senate, Reagan, in McConnell's words, "completely caved," abandoning his long-standing policy by signing an executive order imposing a milder form of sanctions than those contained in the sactions legislation that had been headed for overwhelming approval despite a veto threat.

Democrats, who charge that the Reagan executive order is riddled with loopholes, would disagree sharply with McConnell's description of the presidential about-face. But whether Reagan's limited sanctions are seen as a genuine new policy initiative or a ploy to buy time for a failed policy, there is widespread agreement that a fundamental shift has taken place in public and congressional sentiment and in the terms of the debate over U.S. policy toward South Africa.

"The executive order transformed the issue from whether to apply sanctions to

which sanctions are the most effective," said Rep. Stephen J. Solarz (D-N.Y.).

How this came about—how South Africa, apartheid and sanctions moved to the forefront of the American political stage in the summer of 1985—is a case study in the rise of political forces in the age of global media coverage.

Widely scattered events in Washington and Pretoria converged over a relatively short time and were linked in U.S. living rooms by simultaneous media coverage. Prominent politicians such as Sen. Edward M. Kennedy (D-Mass.), who made a highly publicized trip to South Africa in January, played important roles, but so did protesters who were arrested outside the South African Embassy in Washington, and anonymous black youths who were killed by security forces during violent demonstrations in South Africa.

Finally, a new generation of conservative Republicans, arguing that there was no future for themselves or their party in being seen as defending the South African government, joined the liberal Democrats in demanding something more than constructive government.

Whether Reagan, vacationing at his California ranch in August, was aware of the forces closing in on his policy is not known, but by the time he returned to Washington in early September he had been isolated from all but the most extreme elements of his party in Congress. The executive order followed a short time later.

Nothing was particularly new about the issues, and for years liberal Democrats, such as Solarz, a former chairman of the House subcommittee on Africa, had been trying to get the public to pay attention. Still, South Africa and the proper U.S. response to apartheid remained for in the political background.

Several factors contributed to the rise in public awareness of the issues, Solarz said, beginning with the award of the Nobel Peace Prize last October to Bishop Desmond Tutu, a moderate spokesman for South Africa's black majority who suddenly found himself with a vastly enlarged audience.

A month later, a group of U.S. black leaders launched a movement that had an even larger impact on the political debate surrounding the South Africa issue. Alarmed by the deteriorating situation in that country, they formed the Free South Africa Movement and began a daily series of demonstrations and acts of civil disobedience outside the South African Embassy here. Over the next nine months, more than 3,000 antiapartheid demonstrators—including 22 members of Congress—were arrested in the peaceful protests, which were usually recorded by televison camera crews. The demonstrations spread to other cities.

From the beginning, said Randall Robinson, executive director of TransAfrica and national coordinator of the Free South Africa Movement, the protests were part of a two-track strategy aimed at forcing a shift in U.S. policy. While the protests and daily arrests generated growing public awareness of the issues, antiapartheid leaders in Congress pushed sanctions legislation.

The Reagan administration was pursuing its constructive engagement policy as quietly as possible, Robinson said, and they key was to bring the issues to public awareness. "We never doubted from the beginning what the public's response would be," he said.

The direction of this strategy was not immediately clear to even a veteran of the antiapartheid movement such as Solarz.

"When they first embarked on this, it wasn't clear to me how violating the laws of the District of Columbia was going to bring about changes in South Africa," Solarz said. "In retrospect, they were far more effective than all my speaches on the floor of the House."

The parallels between the tactics of the Free South Africa Movement and the U.S. civil rights movement in the 1960s were obvious and did not go unnoticed by a group of young conservative House Republicans, among them Rep. Vin Weber (R-Minn.), chairman of the Conservative Opportunity Society and Solarz's ideological opposite.

"We talked a lot about the South Africa issues," Weber said. "A majority felt that if this going to be a high-profile issue, we don't want to be in the position of defending South Africa in a knee-jerk fashion.

In December, Weber and other members of the Conservative Opportunity Society sent a letter to the South African ambassador warning that they would support a tougher U.S. line unless more progress was made toward dismantling apartheid.

The conservatives' letter, Robinson said, was "extremely important" not only in broadening support for action on the issue but also in "projecting a message to the nation that this is not a squabble between parties for political gain but people saying together that apartheid is wrong."

Weber and the other young Republican conservatives were motivated not only by strong personal opposition to apartheid but by the stakes for their party if it were to achieve majority status. They were particularly concerned about the impact on young voters if Republicans were seen as clinging to an increasingly discredited policy.

In the Senate, McConnell argued to colleagues that he owed his election to younger voters, many of them supporting a Republican for the first time, and that there was no question about where these voters stood on the apartheid issue.

"The issue is of symbolic importance to the younger generation, black and white, and has the most potential to radicalize the campuses again," McConnell said.

Weber, 33, and McConnell, 43, recalled living through the civil rights struggles of the 1960s in explaining how they read the political landscape surrounding the South Africa issue, particularly as it would be seen by younger voters.

"All of us under the age of 40 were politicized during that time we had the great civil rights struggles of the 20th century," Weber said. "There is a consensus among the under-40 voters that that struggle was justified and significant. No serious person in our generation argues about civil rights and the role of government."

Said McConnell:

"In the 1960s, when I was in college, civil rights issues were clear. After that, it became complicated with questions of quota and other matters that split people of goodwill. When the apartheid issue came along, it made civil rights black and white again. It was not complicated."

That is precisely the calculation that Robinson and other leaders of the Free South Africa Movement made in November—that once the issue moved to the political forefront there was no question about the public's response.

According to Ann Welch, research director of the Conference on Issues and Media, a private organization based in Alexandria that monitors national news coverage of political issues, South Africa—events there and related political developments in the United States—has dominated the national news agenda since mid-July. In the two weeks ending Sept. 8, which was the day before Reagan signed the executive order, South Africa accounted for 11.5 percent of national news coverage, more than double the attention paid to the second-ranking issue, U.S.-Soviet relations, Welch said.

"The American audience has to be primed to really look at another place in the world," she said. "It's the tying of issues overseas to events in this country. The fact that black leaders started the protests last November got the public's attention, and quickly a lot more people were willing to look at South Africa beyond the violence they saw on television. Even before the violence escalated, you had a lot of people saying we have to make a decision on this issue."

According to Robinson, the "priming" of the American public on South Africa has only begun. The protests and the pressure for additional change in U.S. policy will continue, he said.

But although sharply critical of Reagan's response to the events of the last 10 months, Robinson said he sees in the broad support generated by the antiapartheid movement even among conservative Republicans such as Weber and McConnell evidence of eventual success.

"I think we can measure progress made and not made over the last 20 years by the behavior of the nation on this issue," he said. "National values were improved by the civil rights movement, a beachhead was erected. I think the nation does not want to go back to what we were. This is a clear measure of how little we want to go back."

Apartheid Dims Success

Black Must Shrink Dreams to Ghetto-Size

(By Glenn Frankel)

Soweto, South Africa.—For now it is just a vacant lot in one of the more affluent sections of this black city, but in a few months Wellington Mnikati hopes to build a new house here.

The house should have been the fulfillment of a dream—Mnikati designed it himself, and it will have a two-car garage, a bedroom for him and each of his three children and a study. But Mnikati's dreams are too big to fit into the confined world of Soweto and the small slot fashioned for blacks like him by South Africa's system of racial segregation called apartheid.

He wants the freedom to escape the ghetto and live wherever he can afford to on the substantial income he earns as the highest ranking black executive at Rank Xerox's South African corporate headquarters. He wants to send his children to integrated public schools. And he wants to be able to vote for those who determine his taxes and his future.

Most of all, he wants to escape the enforced inferiority of being a black man in a world where whites wield virtually total control.

"You may be a senior manager at Rank Xerox," Mnikati said, "but no matter how successful you may appear, at the end of the day you're black, and they don't miss a chance to tell you you're black."

Mnikati is one of a small but growing number of blacks to have made it in the white man's world. Middle-class, politically moderate and sophisticated, he is among those whose support South Africa's white-ruled government must capture if it is ever

to fashion a workable deal over the country's future with its black majority.

Although he is proud of his personal achievements, Mnikati is far, from satisfied with the pace of change in this country. He is deeply angry over the injustices he and his family suffer daily, is deeply worried about the future, and fears that his own position will grow worse as time passes.

That anger and fear, which he shares with the vast majority of his fellow urban blacks, help explain why the government's new proposals this week on restoring citizenship for blacks and abolishing restrictions on urban movement have done little to narrow the yawning gap between white "reforms" and black aspirations.

"As far as I can see, it means I get to have a passport, and that's where it ends," Mnikati said. "We still won't really be South African citizens. Citizenship means certain responsibilities and rights. But [South African President Pieter W.] Botha has made it clear we are not going to have any say in the administration of this country."

He said he fears that the end of "influx control" will only create more slumps because the government will not construct the new housing needed for the flood of black migrants from rural areas. "There will be too many people chasing too few houses," he said. "Then the whites will turn around and say, 'I told you so.' "

In many ways Mnikati could pass for a successful executive anywhere in the world. He wears dark business suits to the office and on weekends switches to jeans and sometimes a "Team Xerox" sweatshirt. There are two cars in the driveway, a Toyota Cressida supplied by the company and an Audi for his wife. A video cassette player dominates the living room.

But there are crucial differences between Mnikati, 41, and the white world within which he operates. He is required by law to reside in segregated townships such as Soweto. Although he has lived in urban areas all his life, he must carry at all times his "passbook" entitling him to live here and to work in "white" Johannesburg or face jail and a fine.

The most important differences concern his children, aged 12, 9 and 6. By law they must attend the segregated public schools where much of their education is in a tribal language rather than the English they will need to advance in the increasingly sophisticated business world they will face after graduation.

Even the government concedes that the education in these schools is inferior to that of whites. To try to close the gap, Mnikati takes his oldest daughter Dipuo to Johannesburg each Saturday for private English and math lessons. He could send the children to integrated private schools, but tuition is high, he said, and the schools are too far away for the children to live at home.

Disruptions caused by a year of political violence have compounded the problem. None of the children wears the uniform to school these days for fear of being assaulted on the street by young activists enforcing school boycotts.

Tear gas was lobbed into Dipuo's schoolyard a few weeks back, by soldiers enforcing regulations against students "loitering" out doors. Some days the schools are closed without notice, and the children have to make their way home unescorted. Mnikati lives in fear that they will be picked up by police and arrested, as more than 1,600 students have been in recent weeks.

"From day to day you're never too sure," he says. "When you get home at night and they're all there, you heave a sigh of relief."

The only whites his children see regularly are the soldiers patrolling Soweto in armored vehicles, and Mnikati said he worries that his children will grow up hating whites and fearing them. He tries to teach them that whites are people like they are and that they should not hate nor feel inferior. At the same time, however, he knows whites can hurt his children, stifle their future or wreck their self-esteem. "Sometimes I wonder if I am making a mistake in teaching my kids that everyone is the same," he said.

Mostly he has tried to prepare his children for what he knows will be a rough career road ahead. "Blacks have to be 50 percent better, if not twice as good as whites to get the same position," he said. "So I have to guide my kids."

Mnikati's own attitudes toward whites are an ambivalent mixture of resentment, envy and, always, suspicion. There are few friendships among his coworkers, and only one white has invited him to her home.

"A lot of white people make the right noises," he said. "The question is when it comes to the crunch, when you're faced with the prospect of having a black neighbor, will you still make the same noise?"

Wellington Mnikati pulled himself up from poverty with less than a high school education. He drove himself through a series of low-level jobs, starting as a janitor in a cigarette factory and working up to senior wages clerk in a construction firm.

He left for Rank Xerox when it was clear that he never would rise to an accountant's position even though he was doing an accountant's work because that classification is reserved for whites.

"I could only give instructions to white women in the form of suggestion," he recalls.

He managed to get his high school diploma at night and is now one course away from a bachelor's degree in business.

At Rank Xerox he is personnel manager, and he is proud of his company's record on equal employment opportunities. But he always feels the tension between being black and being a corporate manager.

"It would be easier for my white counterpart to make an economic decision to fire blacks because at the end of the day he goes home in the opposite direction, while I would go home in the same direction with the same people I just fired," he added.

As political unrest continues, Mnikati fears that the tension between the two worlds in which he lives—the corporate world and Soweto—will only worsen. He feels trapped between young black radicals whose cry for freedom he sympathizes with but who see him as a capitalist enemy, and a system he despises yet is increasingly identified with.

"I am an outsider in both worlds," he said. "You understand the situation and you sympathize with the kids, but at the same time you feel like a piece of meat in a sandwich."

That was one of the main reasons Mnikati had decided to sell his old house in the township of Moroka and build a new one in Diepkloof Extension, a wealthier new area a few miles closer to Johannesburg and more removed from Soweto's turbulent center.

But even the new area is not sealed off from the reality of Soweto. Most of the schools in Diepkloof have been closed much of this year due to boycotts and violence. A few blocks away from Mnikati's lot stands the burned shell of the once-grand house of a community councilman. It was destroyed by a mob that branded him a collaborator with white rule.

Down in a valley a few minutes away is a collection of squalid, all-male barracks, mounds of garbage piled against the walls, where blacks from rural areas are housed while they work on annual contracts. The men who reside there, cut off from families and friends, prowl the streets at night.

On his way home from taking his daughter to her Saturday lessons, Mnikati always buys a Johannesburg Star so he can glance at the real estate ads for whites. He and his wife Cannie often take a Sunday drive to view open house displays in newly developed white suburbs.

There, among freshly painted, two-story houses with balconies and trim yards, is where Wellington Mnikati's real dreams reside.

Other blacks go too, he said, despite the fact they cannot buy. "A lot of us just go there to drool," he said.

Sipping tea in his living room, Mnikati paused briefly to glance at his children. Then he reiterated his impatience: "We are the people feeling the pinch, so we don't have the luxury of waiting until whites see the light," he said. "All I'm asking for is to untie the one hand from behind my back."

REMEMBERING COMMODORE BARRY, FATHER OF THE U.S. NAVY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. McGRATH. Mr. Speaker, it is with great pride that today we remember Commodore John Barry, who on September 13, 1981, was proclaimed "Father of the U.S. Navy" by a joint resolution of Congress.

Born in Ireland in 1745, John Barry came to the Colonies as a young man who had a great love and skill of the sea. In December 1775, Barry was commissioned as a captain in the Continental Navy and given command of the brig *Lexington.* It was not long afterwards that Barry defeated a slew of British frigates in America's war for independence. Hence, Barry was hailed as a hero throughout the Colonies.

In 1783, following the end of hostilities, Barry was appointed to oversee the building of the frigate *United States,* a sister ship of the *Constitution.* He commanded the frigate for several years and in 1793 was appointed by George Washington to be the U.S. Navy's senior and first commissioned officer. It was at this time that Barry gained the unofficial title as the "Father of the American Navy." Having been instrumental in the establishment of the Navy Department, the opening of many shipyards and starting training programs for new officers, Barry earned the title of commodore shortly before his retirement in 1801.

Mr. Speaker, in his time, Commodore Barry was often denied meaningful education and appointments because of his

Catholic beliefs. His title of "Father of the American Navy" was often taught to school children as belonging to other individuals because of his religion. However, through thorough research and dedication of groups such as the Ancient Order of Hibernians in America, Commodore Barry is now rightfully recognized as the true "Father of the U.S. Navy."

DEPARTMENT OF DEFENSE WASTE IS INTOLERABLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. APPLEGATE. Mr. Speaker, reports in the media last week indicate that the Department of Defense is continuing their blatant and total disregard of the outrage and criticism of the American people and this Congress by continuing their past policy of purchasing spare parts at prices that are obscene.

It never ceases to amaze me how DOD seems to think they are a sanctimonious and separate branch of the Government, not answerable to anyone.

It has been over 1 year now since it was discovered the American taxpayer was paying for coffee pots costing $7,622 and toilet seats that were over $600. In spite of all the debate on this subject since then, the 1985 Air Force parts catalog still lists these excessively priced items.

Let met cite a few examples: A copilot's seat, $26,937; windshield wiper motor, $2,212; the stationary pane of a pilot's window, $3,755; the sliding portion of the same window, $2,607; a "no smoking" light, $382; and the coffee pot, still $7,622.

The waste here is incredible, obscene, and intolerable. These tax dollars should be stretched, not squandered. I am again asking DOD to cease this practice immediately or else face the prospect of legislation subjecting all parts purchases to congressional approval. This may be ridiculous and time delaying, but the taxpayers must be protected and if not by Congress, then by who.

BULGARIAN REPRESSION OF TURKS AND MOSLEMS

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. DioGUARDI. Mr. Speaker, I rise today to condemn the systematic repression of Turkish-Bulgarians by the Government of Bulgaria. As is the case in virtually all Communist nations, human rights have been ignored and widespread repression exists for the good of the state.

Bulgarian repression of Turks and Moslems is not new, however, it has greatly intensified over the last 20 months. The Helsinki Watch issued a report in August of this year and while it is difficult for foreigners to have access to information in Bulgaria—the Bulgarian authorities deny Western reporters access to scenes of transgressions—it is clear that tragic and often fatal injustices are occurring.

According to the report, troubles began when the Bulgarian Government aggressively pursued a policy of destroying Turkish ethnicity in Bulgaria and assimilating them into the totalitarian state. According to the Helsinki Watch, "* * * the Bulgarian Government conducted a gun-point assimilation campaign to force ethnic Turks to change their Turkish/Moslem names to Slavic/Christian names." Turks were presented with census forms with new names that bore no resemblance to their own.

Moslem names are essential to the Turks' religious practices. Efforts to be Bulgarized were resisted. Unfortunately, this resistance often ended in tragedy. Demonstrations by Turks were met with army troops, tanks, and bulldozers. According to reports Turkish men were beaten and killed; women were raped.

The Turkish minority in Bulgaria consists of over one million people. The Christian Science Monitor has estimated that more than 5,000 have been killed and that over 10,000 are held in a special prison in Belene.

On the eve of the new session of the United Nations General Assembly, let us call for an end to this repression. The Congress of the United States has rightfully pronounced its disgust and anger against the South African Government's policy of apartheid. Let us not forget that there are similarly oppressive governments around the world, and that we as a Nation will not tolerate their repugnant regimes. I call upon the Bulgarian Government to show us that they support peace and better relations and they can do so by ending the ethnic liquidation of Turkish-Bulgarians.

THE OLDEST TRUCKING FIRM IN AMERICA

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1985

Mr. DWYER of New Jersey. Mr. Speaker, the Sixth Congressional District of the State of New Jersey has many reasons to be proud. It is an outstanding area, leading the Nation in many fields. It is the home of Rutgers University, corporate headquarters to many pharmaceutical and high tech businesses, and home to 526,000 hardworking and dedicated persons.

But, what my colleagues might not know is that the Sixth District also is home to the oldest active trucking firm in the United States.

Van Brunt & Son, Inc. of Old Bridge, NJ, has been operating in the central New Jersey area since 1837. Now, after 148 years, it is still going strong. The company has an interesting history, which I would like to share with my colleagues today.

Originally called the Matawan Stage Line, it was a stagecoach line which met steamboats that operated between New York City and Keyport, NJ. In 1887 it was bought by William Van Brunt and assumed its current name. Around the turn of the century, the line was operated to haul cargo and provide taxi service.

Then, in 1912, Van Brunt bought his first truck, a 1912 Federal, which was followed by a series of Pierce Arrows and Packards. The business grew rapidly, and was principally involved in hauling farm products from central New Jersey to New York and westward to Pennsylvania.

Following William Van Brunt's death in 1937, the business was run by his son, Harvey. In 1963, Harvey Van Brunt retired and sold the business to Fred Hermann, who continues to operate it today. Hermann conducted a modernization program, replacing the firm's old facility in Matawan with the current terminal in Old Bridge and has continously updated his trucking equipment.

Today, Van Brunt & Son continues to operate as a successful trucking firm, running a modern and efficient business. But, it is careful never to forget the long and proud history it enjoys as the oldest trucking firm in the Nation.

SENATE—*Wednesday, September 18, 1985*

(Legislative day of Monday, September 16, 1985)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, in grace and mercy infuse the heart of each Senator, cleansing every motive which contradicts public trust and implanting the desire and the will to selfless leadership. Save them from political rationalization which justifies anything less than the finest statesmanship. Move them to attitudes and actions which will prove cynical critics false and nurture confidence in government. Sovereign Lord, imbue the Senate with pervasive dedication and determination to honor and fulfill public stewardship. Remind them that faithfulness is far more virtuous than success. In His name whose selfless love includes all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I ask that the minority leader's time be reserved as well as any time I do not use.

That will be followed by special orders in favor of the distinguished Senator from Pennsylvania [Mr. SPECTER] and the distinguished Senator from Wisconsin [Mr. PROXMIRE].

There will then be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m. with statements limited therein to 5 minutes each.

Following morning business, the Senate will resume consideration of S. 1200, the immigration bill.

I understand that we have finished all the immigration amendments. We can go to final passage, except there is sort of a contest about who can offer a Social Security amendment to the immigration bill. It is not germane at all. It has no place on this bill. I would hope that all Members who want to demonstrate they are the strongest on Social Security can save that amendment until the debt ceiling bill. If that can be accomplished, we can have final passage of the immigration bill any time today. We will try to set a time for the vote on final passage when all Members who can be present are present. I know at least two Members are attending a funeral this morning. We will try to accommodate those two Members and other Members as well.

If we are unable to finish the immigration bill immediately, we could set it aside temporarily and do some work on the Superfund. There are still 25 or 30 amendments pending on Superfund, some being highly controversial. I would like to finish Superfund today. However, I doubt that that will happen, because we will not be in session much beyond 6 o'clock because each side of the aisle has important functions tonight. So it will be an early evening.

We also hope to take up the D.C. appropriations bill sometime today. As I understand, that is going to take about 45 minutes. There will be a rollcall vote.

Mr. President, there may be other little things which we can fill in the schedule with.

Mr. President, later today I will be meeting Senator BYRD and with the House leadership; the Speaker, and the Republican leader of the House, Congressman MICHEL, to discuss the agenda for the remainder of the year. In other words, when do we adjourn?

Hopefully, we can give some information to our colleagues in the next few days on what we were able to accomplish.

Frankly, Mr. President, there are not too many bills that must be passed before adjournment can take place. Obviously, there are some that Members would like to have passed, and maybe they can be passed, but maybe they would not get action on the House side this year.

The tax reform bill, of course, is the one big question. The President would still very much like us to complete our work on that measure this year. I do not quarrel with that. In fact, I would like to accommodate the President.

But if, in fact, we can conclude action on nearly everything else, the question then becomes whether we should wait 30 days for the House to take action on the House bill or whether we should adjourn and take the tax bill up early next year.

No judgment has been reached. The President would still like us to act. If the House would act and get it to us earlier than November—in fact, I am advised by the chairman of the Finance Committee if it can reach us by October 15—Senator PACKWOOD then indicates we could possibly complete action before Thanksgiving.

In any event, Mr. President, as everyone knows, adjournment dates are always later than expected. We will have a meeting, as I said earlier, on that subject this afternoon.

Again, I see no way to avoid a session on Friday at this point.

Mr. President, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the Executive Calendar of Adm. Ronald J. Hays.

Let me indicate, before anything transpires, that I have cleared this with the distinguished minority leader and he has no objection to proceeding on this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the nomination.

NAVY

The assistant legislative clerk read the nomination of Adm. Ronald J. Hays, to be admiral.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for not to exceed 15 minutes.

S. 1655—UNFAIR FOREIGN COMPETITION ACT OF 1985

Mr. SPECTER. Mr. President, I am today introducing legislation to expand even further the ambit of S. 236, the Unfair Foreign Competition Act of 1985. When Senators HEINZ, BYRD, KENNEDY, and others joined me in introducing S. 236 earlier this session, we sought to give American industries direct access to Federal courts to promptly halt the injurious import of dumped and subsidized products, and to deter future dumping and subsidy.

The present bill makes several improvements upon S. 236 to accommodate concerns which have been voiced about venue, standing, and preferred remedies. More significantly, the bill would now extend the central component of S. 236's approach—a private right of action and the availability of swift injunctive relief—to include not only dumping and subsidy but to Customs fraud as well.

Mr. President, this is that rarity among trade bills: A bill which is cosponsored by both Majority Leader DOLE and Minority Leader BYRD, and toward which the President is favorably disposed. Although no final commitment was given to me, I had an opportunity to discuss this bill with the President on July 31, 1985.

When I discussed this bill with President Reagan, he was very interested in it as a nonprotectionist means of responding to our trade crisis.

When advised that this bill did not enact any new limitations on imports but sought only to give an effective means of enforcing existing remedies, the President expressed the tentative opinion that it sounded like an appropriate measure.

Given the President's favorable attitude toward vigorous enforcement of existing trade laws—which is the very heart of my bill—I think it is safe to say that this bill—if, as, and when enacted—would not face the Presidential veto that the President has virtually promised to exercise in the event Congress passes a protectionist bill. That is the beauty and the practicality of this bill: tangible, significant, and effective relief for the hardest hit American industries, by virtue of vigorous private enforcement in Federal court, not resort to protectionism.

The evidence is plain that enormous quantities of dumped and subsidized products, and goods which violate the Customs laws, are entering this country every year. Equally clear is that the current laws prohibiting such imports are—for various reasons—not being effectively enforced.

Illegal dumping, subsidy, and Customs fraud have cost hundreds of thousands of Americans their jobs in recent years. Yet present laws prohibiting dumping, subsidy, and Customs fraud have been little if any help to the critically injured American industries. Proceedings brought before the International Trade Commission typically consume months or even years, by which time dumpers have captured new markets and gathered huge illgotten profits. Indeed, even when the ITC last year recommended that new tariffs and quotas be imposed on foreign steel because of clear evidence of widespread dumping, the President rejected the recommendation in favor of voluntary restraints.

By the Government's own admission, Customs fraud is rampant with regard to textiles, apparel, computer software, hand tools, sugar, electronics, automotive products, chemicals, petrochemicals, agricultural products, pharmaceutical products, and other industries. Illegal dumping is severely injuring American steel, chemical, glass, textile, electronics, agriculture, rubber and cement industries, among others. Foreign subsidies injure American manufacturers of footwear, steel, textiles, apparel, glass, wool, leather, tires, cement, sugar, iron, railway cars, and other products.

When interested Members of the U.S. Senate and the House of Representatives take a look at this list of egregious violations of law currently unremedied, it is my thought that there will be an overwhelming majority in both Houses that will come forth and support this kind of reasonable targeted, and directed remedy.

The bill I introduce today would in no way interfere with the administration's pursuit of voluntary import restraints. It would offer no new tariffs or quotas or protectionist barriers. It would not displace any existing remedies through the ITC or otherwise. Rather, it would reduce the pressures for resort to such disfavored measures, by allowing vigorous enforcement of laws already on the books.

Mr. President, there is nothing like the vigor of private plaintiffs when it comes to enforcement of trade laws or other means of self-help which have long been demonstrated to be the most effective way to get enforcement and action by those who are most directly affected and injured. We have many decades of evidence of this with regard to private enforcement of our antitrust laws. The theory that private plaintiffs would find strong incentive to bring such antitrust suits—and in so doing would both recoup deserved compensation for their injuries and advance strong national public policy interests—certainly has proved correct. There is no reason that the same would not be true of private suits to enforce our international trade laws.

The reality is that many interest groups have received appropriate enforcement and justice when resort could be made to the courts. It is vital to take the enforcement of such trade laws out of the realm of politics, be it the political considerations which engulf the executive or legislative branches—as, for example, the President's overruling of the findings of the ITC. Blacks and women have received justice when they could take their cases to the courts. So, too, will American industry receive justice when laws can be enforced through the judicial process and there is not a situation where American industry is sacrificed on the altar of foreign policy.

As noted, the bill broadens the approach of S. 236 in an extremely important way, by providing for private suits to enforce not only the existing dumping and subsidy laws but the Customs laws as well. Violations of the Customs law are flagrant, widespread, and extremely debilitating to some of our most basic domestic industries: textiles, apparel, footwear, and many others.

Customs violations are rampant in several pernicious forms. Massive country of origin fraud occurs, whereby a country which has reached its permissible quota for a given item or product circumvents the quota by transshipping the continued imports through another country which has not yet reached its quota. Most commonly—indeed, in hundreds of thousands of cases—imports are fraudulently mislabelled. Given the sheer volume of imports and the limited resources of the Customs Service, many imported textiles, apparel and footwear simply are declared to be something which they are not, or are immensely underdisclosed in number—again, in order to evade quotas fixed by the administration.

Domestic textile, apparel and footwear manufacturers and their employ-

ees pay a very heavy toll for these illegal imports. Beyond the individual injury, our national goals and policies are thwarted. In my State alone, more than 15,000 textile jobs were lost in the last year.

Mr. President, we should not be surprised by recent protectionist calls for new tariffs against goods from countries with large trade surpluses with the United States. I sympathize with the frustrations which lead to such efforts, even as I question their appropriateness. The way to avert such counterproductive measures is to enforce the trade laws which already are in place. This bill will greatly increase the enforcement of those laws, by letting injured American businesses go directly to Federal court—just as they can for violations of the antitrust laws—and seek quick injunctions against continued illegal importation.

The legal process is well attuned to this kind of an effective remedy. The case of Marathon versus Mobil Oil is an illustration of a case which involved a complex, factual legal situation which was decided by the U.S. district court in Cleveland in the course of some 6 weeks. It is important to emphasize that once such injunctions are issued they stay in effect and no goods can be shipped in violation of those prohibitions while any appeal is pending. That is so because the order of the district court remains in effect unless and until a supersedeas is ordered, which is not a practical reality given the requirement of posting a bond and the substantial sums of money involved in these matters. Similarly, the Federal discovery procedures lend an excellent avenue for injured U.S. interests to seek discovery from any importer who wants to utilize our markets. If importers wish to do business in the United States, they ought to be subject to the jurisdiction of our courts for equitable relief. They ought to be subject to telling specifically what has happened in terms of subsidies or dumping or in terms of the circuity and violations of the Customs laws which are applicable in so many situations.

This is an effective remedy because it does not address the problem after the fact. It stops goods from coming into this country before they can displace American products and American jobs.

We desperately need the vigorous private enforcement this bill would spur if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports. Accordingly, I urge my colleagues to join Senator DOLE, Senator BYRD, and others in supporting this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unfair Foreign Competition Act of 1985".

SEC. 2. Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

SEC. 3. (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801.

"(A) No person shall import or sell within the United States any article manufactured or produced in a foreign country if:

(1) such article is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article; and

(2) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the United States.

"(B) any interested party who shall be injured in his business or property by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter.

"(C) In any action brought under subsection (B), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of the action, including reasonable attorney's fees.

"(D) The standard of proof in any action filed under this section is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (A), or upon a final determination adverse to the defendant by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the manufacturer of the article is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(E) Whenever it shall appear to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas to that end may be served and enforced in any district of the United States.

"(F) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(G)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673–1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(H) If a defendant in any action brought under subsection (B) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (B) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(I)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(J) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(K) For purposes of this section—

"(1) The terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph), the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy."

"(L) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(M) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International

Emergency Economic Powers Act (50 U.S.C. 1702).".

SEC. 4. It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

SEC. 5. Chapter 95 of Title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Private Enforcement Action

"(a) Any interested party who shall be injured in his business or property by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592) may bring a civil action in the district court of the District of Columbia or in the Court of International Trade, without respect to the amount in controversy.

"(b) Upon proof by an interested party that he has been damaged by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930, such interested party shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into the United States of the articles or products in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of suit, including reasonable attorney's fees.

"(c) For purposes of this section—

"(1) The term 'interested party' means—

"(A) a manufacturer, producer, or wholesaler in the United States of a like or competing product, or

"(B) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product or a competing product in the United States;

"(2) The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930; and

"(3) The term 'competing product' means a product which competes with or is a substitute for products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930.

"(d) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(e) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for not to exceed 15 minutes.

FEEBLE ADMINISTRATION POLICIES IN PREVENTING NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, what constitutes the least likely threat of nuclear war? An attack by the Soviet Union on the United States. Such an attack is very unlikely. It would be a sure act of suicide. The Soviets know that. How much of our multibillion dollars of annual nuclear weapons spending do we pour into preventing such an attack? Very nearly 100 percent. Almost all of it. Then, what constitutes the most likely threat of nuclear war? The spread of nuclear weapons over the next 20 or 30 years to more and more countries. Some of the newly nuclear armed countries are the fiefdoms of aggressive, irresponsible dictators who have frequently used terrorists as instruments of military policy. How much of our resources have we devoted to preventing this most likely threat of nuclear war? Practically none.

It is a shocking but irrefutable fact that two recent actions by this country have been especially dangerous in making nuclear proliferation more likely. The first action is the abysmal lack of antiproliferation safeguards in the agreement President Reagan has signed with the biggest Communist country in the world, the Peoples Republic of China. When we transfer our dangerous nuclear technology know-how to another nation, we should insist on the strongest possible assurance that the nation which receives this nuclear technology will not make it available to other countries. But is that always the case? Is it true in this instance? After all, are we not selling this nuclear technology for peaceful purposes? Are we not transferring it to a nuclear weapons state? The Chinese already have a nuclear arsenal. So where is the danger? Well, there is a danger and a big one. The danger is because China is, indeed, a nuclear weapons state. It has already proliferated nuclear technology. It has assisted Pakistan, South Africa, and Brazil in developing nuclear weapons in the past, the technology we provide to China is technology she does not have. Sure, it is intended for the peaceful purpose of producing electricity. But what is the byproduct of that peaceful production? Weapons grade plutonium. Why is that significant? It is significant because the one ingredient most Third World countries need to produce nuclear weapons is weapons grade plutonium. So China can sell this peaceful U.S. technology with the weapons grade plutonium byproduct to Libya, to Iran, to Syria, to North Korea, or elsewhere. Would we sell weapons grade plutonium to this murderer's row? Not in a million years.

Well, how do we prevent that? The best way is not to sell the technology. But, if we are to sell it to China, we should insist that we have a firm promise by the Chinese not to pass the technology on to other nations—not to proliferate. Do we have such a promise? The administration's Ambassador is reported to have said he does have this promise from the Chinese, orally. That, I submit, is worth absolutely nothing. Do we have a public promise by a Chinese leader? No, we do not. Do we have a written affirmation by a Chinese leader? No. All we have is the privately conveyed word of an American Ambassador. With all due respect to the Ambassador and with complete belief in his sincerity, his word is not enough. Why not? It is not enough for one simple reason. He cannot deliver on it. Only the Chinese, not an American Ambassador, can make a firm promise for China. But if that promise is not made publicly and in writing, it is worth absolutely nothing.

Is there a court of law in America that would hold any buyer responsible for safeguarding a product in accordance with a seller's desires when the only pledge from the buyer to safeguard the product is conveyed by an agent of the seller? Of course not. If there is no public commitment from the buyer, no signed statement by the buyer, the seller has no recourse at all—none.

The second action by the administration that makes nuclear proliferation more likely is its refusal to negotiate a comprehensive test ban treaty. Former Secretary of Defense and Attorney General Elliot Richardson has written recently that most nonweapon states see negotiation as the key to the good faith arms control negotiations which represent the super powers' part of the world's efforts to restrain the spread of nuclear weapons. We have made the promise in two treaties the United States has signed. By refusing to keep the promise, we torpedo the U.S. side of the nonproliferation program.

Mr. President, I ask unanimous consent that the article to which I have referred by Elliot Richardson in the Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME TO STRENGTHEN EFFORTS TO HINDER NUCLEAR PROLIFERATION

(By Elliot L. Richardson)

On August 27, the 126 nations that are party to the Treaty on the Non-Proliferation of Nuclear Weapons will gather in Geneva to review what arms control has, or more pointedly has not, acheived to date.

At stake will be the future of multilateral efforts to constrain nuclear weapons and to keep local wars from becoming global confrontations.

The review conference is likely to be a contentious affair. The 1970 treaty is an inherently lopsided document, under which only the United States, the Soviet Union, Great Britain, France and China are permitted to possess nuclear weapons.

In return for this restraint by the non-nuclear parties, the nuclear weapons states have pledged under Article VI to pursue good-faith negotiations leading to disarmament. Nothing could be more damaging to the non-proliferation regime than for the

nuclear weapons states to assume an air of complacency, as if their pale efforts to reduce nuclear arms should satisfy the rest of the world that they had lived up to their end of the bargain.

At the second of the five-year treaty review conferences, in 1980, the failure of the weapons states to live up to their disarmament pledge made agreement on a final document impossible. Since then the United States has broken off negotiations with the Soviet Union and Britain on a comprehensive test-ban treaty, which most non-weapons state see as the key step to fulfilling Article VI obligations.

The Soviets walked away from both strategic and theater nuclear arms negotiations, then returned with a prickly attitude and no new proposals. And the Reagan administation's emphasis on the Strategic Defense Initiative has added fuel to an already intense Soviet-American arms competition in outer space.

If these trends are not reversed soon, the non-proliferation treaty may well not survive beyond 1995, when its signatories must decide whether to renew it.

The alternatives are downright frightening. Experts estimate that by the year 2000 more than 30 countries will have the capability to build nuclear weapons if they so choose. The detonation of a single nuclear weapon in a volatile region, such as the Middle East or South Asia, could spark a global nuclear holocaust.

Even short of this, the development of nuclear capabilities by more and more countries clouds the international climate, raises the stakes in regional disputes and further unravels the postwar system of norms and institutions that has prevented small conflicts from escalating into World War III.

A report that was issued last June by the United Nations Association of the USA provides a series of specific recommendations for US policy that would help reassure the world that we are serious about arms control.

The report, "Nuclear Proliferation: Toward Global Restraint," was the end product of a nationwide study that for the first time involved a broad cross-section of American society in a detailed examination of the policy questions that are involved in trying to control the spread of nuclear weapons.

The study urges the United States to resume and seriously pursue test-ban treaty negotiations with the Soviet Union and Britain, drawing in the other nuclear weapons states if possible. After quiet consultation with the Soviet Union, Japan and other European allies, the United States should propose a moratorium on nuclear-weapons testing while test-ban treaty negotiations are in progress.

Finally, if it proves impossible to reach agreement on a moratorium on testing, the United States should discuss with the Soviet Union the possibility of parallel unilateral moratoriums and should be prepared to stop testing first. Once achieved, a test ban treaty should be opened for signature by all countries.

At the same time, major new efforts should be made to reach an agreement to halt the production of fissionable material for weapon purposes. This would comply with the arms control requirements of the treaty and directly affect the availability of nuclear weapons material for other nations. If production is stopped, the United States and the Soviet Union should try to induce the other nuclear weapons states to do likewise.

Cooperative international efforts have been remarkably successful in slowing the growth in the number of countries that choose to build nuclear weapons. An edifice of international institutions, treaties and export agreements has been constructed, and has helped make the acquisition of nuclear weapons technically more difficult and politically more risky. But we must avoid complacency or a false sense of security.

It is time to redouble multilateral efforts to inhibit further proliferation before it is too late, and the first step is to rekindle public concern here in the United States.

RAUL HILBERG'S "THE DESTRUCTION OF THE EUROPEAN JEWS"

Mr. PROXMIRE. Mr. President, the New York Times Book Review on August 11 reported the extraordinary achievement of Raul Hilberg, a historian who has devoted his life to studying the Holocaust.

Mr. Hilberg has revised his classic work, "The Destruction of the European Jews," which first appeared in 1961. The book now stands at three volumes and over 1,200 pages.

"The Destruction of the European Jews" is described by its publisher as the definitive work on the Holocaust. The Times reviewed the book as "thorough and careful" scholarship and calls the writing "clear, readable, and often graceful."

Hilberg systematically analyzes the Holocaust, beginning with a history of Western anti-Semitism. He charts the formation of a bureaucracy and a mechanism for killing the Jews. He explains how that mechanism worked. Hilberg is especially interested in the psychology of the perpetrator. He examines the savagery and moral corruption of the Nazis. He analyzes the irrational hatred behind the "Final Solution," the violent scheme to annihilate the entire Jewish race.

The sheer number of archival facts and eyewitness accounts Hilberg marshalls makes this book one of the great works in the field.

Today there is strong interest in the Holocaust. When Hilberg's first edition appeared in 1961 it went virtually unnoticed.

I applaud the accomplishment of Mr. Hilberg. The history of the Holocaust has been his career and his consuming passion. "A lifetime is not sufficient to do it justice," he once said.

Raul Hilberg's interest in the Holocaust stems from his fortunate escape from Vienna with his parents in 1939. He is determined that the Holocaust not be forgotten. As early as the late 1940's when he was in college, Hilberg has been driven to refute those who would downplay or deny the significance of Hilter's genocide against the Jews.

Mr. President, the memory of the Holocaust has not died and interest in the subject is stronger than ever.

For this reason it is inexplicable that the Genocide Treaty has not yet been ratified.

Other nations wonder why the United States, with it long tradition of protecting human rights, will not sign this basic human rights treaty.

The time has come to remedy this error. The Genocide Treaty will be taken up soon by the Senate. I urge my colleagues to consider that 96 nations have already signed this treaty.

If the United States has truly learned the lessons of the Holocaust we will ratify the Genocide Treaty this year. Millions have died in this country at the hands of bigoted fanatics. We who love justice have no right or reason not to ratify this treaty.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, one of the myths which seems to be clinging for dear life around here is that President Reagan is committed to arm control.

Well, let's take a look at the facts behind this myth.

I defy any Member to show me a single arms control treaty Ronald Reagan has publicly supported. There may be one, but I have not found it.

Did he support the 1963 Limited Test Ban Treaty President Kennedy signed, which banned above-ground nuclear testing? No. He opposed that.

Did he support the 1968 Nonproliferation Treaty President Johnson signed, which has tried to halt the spread of nuclear weapons? No. He opposed that. During the 1980 campaign, he said that nuclear proliferation isn't "any of our business."

Did he support the 1972 SALT I Agreement and the ABM Treaty President Nixon signed? No.

Did he support the 1974 SALT understanding President Ford reached with the Soviets at Vladivostok? No; not that one.

What about the Peaceful Nuclear Explosions Treaty President Ford also signed in 1976? No. He opposed that one also.

Did he support the SALT II Treaty President Carter signed. No. He promised to "ship that thing back to the Soviets in Moscow." Actually, that boat never left the harbor. Once in office, Mr. Reagan realized the value of SALT II and decided to abide by it even though he continued to oppose it publicly.

So what has happened since Mr. Reagan took office? Well, during his first term we had practically a total collapse in arms control negotiations with the Soviets. We have not seen anything that bad since the cold war days.

By the time the 1984 campaign rolled around, Mr. Reagan decided to try to patch things up and at least get

the arms control talks back on track. But in the meantime he has proposed a program that will surely sound the death knell for arms control. It is called star wars.

Star wars and arms control do not mix. Plain and simple. The star wars missiles defense scheme President Reagan wants this country to plunge into will kill arms control.

And we are beginning to discover that fact in Geneva, where the arms control talks are going nowhere fast.

Is President Reagan committed to arms control? The record shows that is a myth.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

THE PRESIDENT'S TRADE MISUNDERSTANDING

Mr. BAUCUS. Mr. President, last night the President of the United States demonstrated a disturbing lack of knowledge and concern about our international trade situation. His apparent failure to understand the basic facts and his unwillingness to recognize their implications should make all of us very concerned.

DEBTOR NATION

When he was asked last night for his opinion on the status of the United States as a net debtor nation, he seemed not to even understand the question, understand the concept of a net debtor nation. Consequently, he certainly missed the significance of the question.

A nation is a net international debtor if it owes more to foreign countries than they owe to it. This is not the same as having a trade deficit. In previous years, we filled the gap between exports and imports with interest and dividends earned on investment abroad. We had a trade deficit, but we still owed less to others than they owed to us. The President missed this distinction.

Throughout the 19th century, the United States was a debtor nation. We drew heavily on foreign capital to finance our industrial development. Factories and railroads were all built with capital from abroad.

But by the end of World War I, the United States had become a net creditor, and with very few exceptions, our creditor position grew larger every year—until 1983.

It has taken less than 4 years for the Reagan administration to squander the credit built up over more than 60 years.

In 1983, the United States was still a net creditor of some $106 billion. In 1985, we will owe the rest of the world nearly $100 billion!

I repeat, Mr. President: Up to 1983, over a period of 60 years, the United States had been a net creditor nation, and at that time we still were a net creditor nation of some $106 billion. But this year, 1985, we will owe the rest of the world nearly $100 billion. We will be the world's largest debtor nation. I repeat: The United States will be the world's largest debtor nation.

That, Mr. President, is not supposition. Those are real numbers.

Does it matter? Not if you believe that foreign investors will be willing to pour ever-larger amounts of money into the United States; not if you believe that foreign investors will lend us the money to pay them the interest on our debt to them. I do not believe that. I do not believe we can forever borrow to pay interest on our debt.

TRADE DEFICIT

The President not only thought the phrase "debtor nation" referred to the trade deficit; he did not think the trade deficit was much of a problem.

He said we should not worry about losing jobs in manufacturing or mining because we were gaining jobs in the travel industry! I am happy to have us gain jobs in the travel industry—but why must they make up for jobs in American basic industries? The President did not mention that we are losing jobs in high-tech. He did not mention that farmers are losing export markets.

The President also tried to change the subject to the budget deficit. But he did not mention that his budget policies have made us the all-time champion international borrower. He did not mention that our need to suck in capital from abroad has driven the dollar to an artifically high level.

To President Reagan, there seems to be no such thing as an "overvalued dollar." There is only a "strong" dollar—a dollar that is a source of pride. I have said before and I will say again, the high dollar may be a source of pride to the President, but it is a source of pain to America's farmers and to her working men and women.

In summary, I believe that international trade is a means to expanding the wealth of all nations—the United States and our trading partners. I represent an agricultural State. The wheat farmers of Montana recognize their dependence on the health of the international trading system.

But they also recognize that all of us are dependent on a healthy domestic economy. The farmer will not survive if we lose our industries. The farmer cannot survive if he is forever shut out of foreign markets.

Free trade cannot be a one-way street. If our wheat, logs, tobacco, computers, aircraft cannot get into other markets, then our Government must fight. We need an administration that will fight for fair treatment of U.S. products.

Mr. President, the Constitution gives the power to regulate commerce to Congress. We, in turn, have delegated great power to the President. We do so because we believe a single leader can take faster and better targeted action than can a body of 535 people. But, Mr. President, we do not abdicate. If the President of the United States sees no problems, Congress will act to remedy those Congress sees.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCCONNELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

DEFENSE AND THE NATIONAL WELFARE

Mr. DENTON. Mr. President, I rise to address an article that appeared on the front page of the Washington Post dated September 17, 1985, and the implications of that article. It was headlined "5-Year Pentagon Budget Plan Facing $300 Billion in Trims."

The subheadline is, "Sea Change in Rearmament Underway."

The article goes from page 1 to page 8, and indicates we are going to have a sea change in defense policy.

It contains the statement that an unidentified Department of Defense aide said, "Cap has seen the writing on the wall," and that there would be no Weinberger versus OMB rematch fight.

Secretary Weinberger assured me personally late yesterday that that statement misrepresents his position, and that as Secretary of Defense he does not, as is charged, "appear to be resigned to seeing his budget slashed."

The article, however, does mark a phase in the U.S. state of affairs on which I want to remark. If there is a sea change affecting the security of the United States, such as an interruption in the buildup required by the United States to provide for the common defense to protect its interests in the security sense, I believe that we should not let the moment pass without remarking upon it. Indeed, Mr. President, in my opinion such a moment is at hand.

For the past 6 or 7 years, we have seen a defense budget with real growth of over 5 percent from year to year. It is the first time in many years we have seen such a growth. I believe that objective opinion would indicate

that that growth has not offset the buildup of the Soviet Union, nor has it eliminated the dangerous disparity that had developed. That growth did, however, hold out the promise of real progress, not only progress in our own rebuilding of our security, but progress in the estimates of other governments as to the sincerity of the United States as a leader for the protection of freedom around the world.

There is some truth in the article's implication that much reluctance is encountered on the part of the Congress in continuing to build up our defense spending. Many Members of the House are now unwilling to abide by the DOD authorization bill conference report, and they have threatened to pass a requirement that appropriations be reduced by $10 billion to $292 billion, rather than the $302 billion agreed to by the conference. That threat and that effort may well be successfully quashed. I hope so.

The press is reporting that in general DOD and OMB are giving in to political reality and media pressure, and not fighting to continue the essential program of strengthening America's defense. The article I quoted is one case in point.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

5-YEAR PENTAGON BUDGET PLAN FACING $300 BILLION IN TRIMS

SEA CHANGE IN REARMAMENT UNDER WAY

(By George C. Wilson)

President Reagan's rearmament program is undergoing a fundamental restructuring as White House and Defense Department leaders scramble to adjust to what they estimate will be a slash of at least $300 billion in the next five-year defense plan, administration officials said yesterday.

"We're in a sea change," said one veteran of the Pentagon budget battles.

Despite the new austerity, Pentagon officials said, the military services are trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the armed services to fight, particularly a long war.

To cope with the new budget reality, the Army will buy less ammunition, the Navy will buy fewer ships, the Air Force will cancel marginal programs and the Marine Corps will reassess its modernization program.

The White House's Office of Management and Budget, in its recently published "Mid-Session Review of the 1986 Budget," projected $291 billion less for defense in fiscal 1986 through 1990 than Reagan had earmarked for his rearmament effort as recently as April.

White House officials said that Defense Secretary Caspar W. Weinberger this year, in contrast to the past when he appealed to Reagan for more money, appears to be resigned to seeing his budget slashed. "Cap has seen the writing on the wall," said an aide in agreeing there would be no Weinberger versus OMB rematch fight.

Pentagon officials who have been involved in the feast-and-famine cycles of defense funding through several administrations predicted that the real cut for that five-year period will be more than $400 billion.

Weinberger and his deputy, William H. Taft IV, rather than dictate cuts, have directed the armed services to slash their budgets for the next five years in proportion to what they have received in the past, Pentagon officials said.

Critics said changes in the rearmament program are so extensive that civilian rather than military leaders should reassess current strategy and make the necessary reductions. Weinberger in his 4½ years of running the Pentagon has concentrated on raising record amounts of money rather than directing how the services spend it.

The White House, in making its projections, assumed the Defense Department would receive annual increases of 3 percent above inflation from Congress, and even that is an overly optimistic assumption in the view of many congressional leaders. Congress' funding cuts have been brought on by the increasing federal deficit and fears that the Pentagon was not spending its money wisely.

Taft, in one directive issued on a recent Thursday, urged the armed services to find savings of $228 billion by the following Monday for the five-year, fiscal 1986-90 period, Pentagon officials said.

The Army, Pentagon sources said, will not say so publicly, but to save billions it has virtually abandoned Reagan's objective to buy and stockpile enough ammunition to fight in Europe for 60 days.

In doing so, officials said, the Army is using an argument Congress made in questioning the stockpiling. U.S. allies have only enough ammunition to fight about 20 days, goes the argument, so why should the Army spend billions to fight alone for 60 days?

As for the Navy, said one Pentagon critic, "it will get its 600 ships by 1990, but they will be carriers and rowboats because of budget constraints." The Congressional Research Service has issued a report by Ronald O'Rourke that said the Navy will not be able to afford the 137 cruisers and destroyers Navy leaders said they needed to protect carriers and other ships.

The publication Defense Week said yesterday that the Navy is proposing to buy three rather than five DDG51 class destroyers a year as part of its response to the budget crunch. Stretchouts in other ship programs are in prospect, Pentagon officials said, including submarines.

The Air Force already has agreed to cancel two aircraft procurement programs, the Fairchild T46 trainer and the Sikorsky HH60, a Blackhawk helicopter modified for special operations, such as landings behind enemy lines.

And, according to Pentagon officials, the Air Force is looking for more cuts. Deploying the small, mobile Midgetman missile would cost more than deploying more giant, silo-busting MX rockets, Air Force officials said, in acknowledging that retrenchment is throwing a different light on strategic choices.

The Marines want to buy a new fleet of assault aircraft, designated the JVX, but the price tag of $40 billion to $50 billion for 550 of the "tilt-rotor" planes is giving Pentagon officials second thoughts as they look ahead at years of relative austerity when they had counted on years of plenty, sources said.

In April, the OMB predicted annual increases in defense money would range from 8.8 percent 13.4 percent from fiscal 1986 through 1990, not allowing for inflation. In its Aug. 30 mid-session review, OMB forecast annual increases between 3.9 percent and 7.2 percent. Under White House inflation assumptions, this would provide for a real growth of about 3 percent for fiscal 1987 through fiscal 1990.

Mr. DENTON. I consider the article an example of misinformation, perhaps disinformation, which tends to influence public perception. Since many in this body and in the House read the Washington Post it does tend, fortunately or unfortunately, to influence the Congress.

I am sorry to report that such efforts by the leading media in the country, including the New York Times, the Washington Post, the LA Times, and the three networks, have been extremely successful in leading the Congress around by the nose with a ring, in identifying what issues are important at any given moment. Indeed, in my view, Mr. President, they make the news and they create the issues of the moment here in the minds of too many of our colleagues.

I am afraid that Mr. Gorbachev gets better press than Mr. Weinberger. The Soviets get much better press than the Government of South Africa.

President Reagan is portrayed as the head of a superpower very much like that of the Soviet Union. Too many cartoons portray two hands pushing missiles in the middle of the table, one differentiated from the other simply by the symbol of the hammer and sickle on the one and the American flag on the other, as if the parties involved are identical in merit.

Such a portrayal is at the base of the fundamental misportrayal.

Regarding the Federal budget and the share being given to defense, I must say that it should be noted by the media that when President Kennedy came to office we were spending roughly twice as much on defense as we were on human resources, on social and welfare programs. Specifically, in 1960 we spent 52.2 percent of the Federal budget on defense and 28.4 percent on social and welfare programs.

Today, under President Reagan, we are spending the reverse, 49.6 percent of the Federal budget on social programs and only 26.5 percent on defense.

I wonder if there is a responsible member of the media who really believes that today there are that many fewer threats to our security or to our economic interests related to our security position around the world than these were 25 years ago.

I find it difficult to believe that I could find such a person.

Nonetheless, the portrayal, or misportrayal, goes on, and with evident success. We have vastly decreased our

emphasis on defense and increased it on social and welfare programs. Many people would have us balance the budget on the back of defense.

Our spending on social and welfare programs has not only been ineffective in eliminating poverty and hardship in our country, but it has bred dependence on the Federal dole. The dole is characterized by waste and inefficiencies as great as, if not greater than, those so highly publicized in defense spending.

A famous economist, Dr. Thomas Sowell, who happens to be a black gentleman, out at the Hoover Institution, has stated repeatedly, regarding the inefficiencies of the welfare program, that if one-third of the money appropriated to help the poor were to reach the poor, we would have no one left in poverty. That is a true statement, I have learned from my experience in this body.

I have also learned, in dealing with our welfare programs, that there is tremendous unaccountability. We do not know who gets what from what source. We have an escalating slope of spending in the social field and nothing like that in the defense field; indeed a slowly decreasing slope in defense spending is projected for the future.

The slope of the increase in social spending has been increasing so that the figure on the charts chronologically is asymptotic. It is a tremendously increasing slope, like going backward up a ski slope.

That increasing social spending is not principally money going to the poor; much of it goes to people who are not poor. For example, 40 percent of Government benefits goes to households with incomes under $10,000. Twenty-eight percent of Government benefits goes to households with incomes $10,000 to $20,000. The remaining 32 percent of Government benefits goes to households with incomes above $20,000, most of it to the $20,000 to $40,000 range. Thus nearly 60 percent of all benefits goes to people who are not poor.

Many of those programs are good, but we cannot do all good things from the Federal pot. We must, however, do one good thing from the Federal pot: that is to permit our people to survive, to permit our freedoms to survive.

If I were to deliver a junior Senator of the State of Alabama state of the Union message, I would have to say that things are chaotic and dangerous, and getting worse. We have gone from a real growth in defense spending, overdue, to a freeze after inflation and the rumored House action would mean an actual reduction after inflation.

That indication for the future comes just before a summit meeting between the President and the Soviet leader, in the midst of arms talks with the Soviets. It reflects a beguilement with Gorbachev's charms that is both erroneous and dangerous, not justified, as the British experience of recent days demonstrates.

I simply want to note, as one Member of this body, that I hope we do not follow the Post, the New York Times, the three networks, as we followed them in some other well-intended but doomed policies with respect to how bad the Government of South Vietnam was, how bad the Government in Iran was, how bad the Governments in Cuba and in China and in Nicaragua in the old days were. In each of those cases, and in many others not accounted for here, with no apologies and with many of the Members of this body and the House having been on board, we went over the cliff on those bad policies.

I hope that we do not do the same in the case of the South African sanctions. I hope that we do not replace an imperfect and flawed regime with an unspeakably bad one.

I hope that we do not follow the trend in defense spending that the press that I mentioned seems so in favor of. I wish my colleages would stop paying so much attention to what those parts of the media are saying. Many of my colleagues do not seem to realize that the people of our country are not listening to those networks and those newspapers. If they were, Mondale would be President rather than Reagan.

I hope that my colleagues will remember that there are people back home who do not agree with balancing the budget on the back of defense, who do believe that the key to balancing the budget is a compassionate and efficient and realistic overhaul of our welfare programs.

Thank you, Mr. President.

DEATH OF CURTIS MARSHALL HUTCHINS

Mr. COHEN. Mr. President, one of Maine's most well-known business and civic leaders died this week, and I want to take a moment to bring his accomplishments to the attention of my colleagues.

Curtis Marshall Hutchins had a unique combination of diverse elements which set him apart from the crowd. He was a man of action and passion, an energetic and innovative business leader who used his energy and talents to improve the Maine pulp and paper industry.

Curtis was also a man of thought and reflection, a committed outdoorsman who never outgrew his love for the beauty and solitude of the Maine woods. His eclectic range of interests included the arts, salmon fishing, community improvement, public service, and many different kinds of philanthropy.

Curtis' gave his guidance and counsel generously to me when I decided to run for Congress in 1972, and he has been a valued friend for the years since. Most recently, I worked closely with Curtis on one his major interests in recent years, the Roosevelt Campobello Island Commission, a group dedicated to preserving the beauty and historical significance of President Franklin D. Roosevelt's former home on Campobello Island, a structure now jointly preserved by the United States and Canada.

The Maine forestry industry, as well as the lives of countless individuals, were greatly enriched by Curtis, and I extend my sympathetic regards to his three children who survive him.

I would ask that an article from the Bangor Daily News be included describing Curtis' career in greater detail.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bangor (ME) Daily News, Sept. 14-15, 1985]

CURTIS M. HUTCHINS, CIVIC LEADER, DIES

Curtis Marshall Hutchins, a dynamic figure in Bangor business and cultural circles for more than a half century, died Sunday at the Eastern Maine Medical Center after a brief illness. He was 78.

At the time of his death, he was chairman of the board of the Dead River Group of Companies, a business concern with which he had been associated during most of his adult life.

He was born in Boston in 1907, the same year in which his father founded the Dead River Co. in Maine. After graduating from Williams College in 1928, he studied forestry at the University of Maine while working in the Maine woods.

He became president of Dead River Co. in 1935 and held that post until 1957.

During that same period, he served as president of the Bangor and Aroostook Railroad Co. from 1943 through 1957 and chairman of the railroad's board of directors from 1952 through 1957.

He was president of the St. Croix Paper Co. at Woodland from 1959 through 1963.

It was typical of Hutchins that he always found time for community service. He was a member of the Bangor City Council in 1941 though 1943 and served as chairman or mayor during his third year on the council. Also in 1943, he served a term in the Maine Legislature.

He served with the U.S. Navy during World War II.

Generous with his his time and talents, he was for years a prominent fixture with countless civic and charitable organizations, contributing not only his prestige but valuable business acumen.

His personal interests were as varied and widespread as his business enterprises. He was supportive of the arts and the owner of an extensive art collection, which he enjoyed sharing with various institutions.

He never outgrew his fascination for the Maine woods and spent time whenever his schedule allowed at this favorite sport of salmon fishing. Only Friday evening he had attended a supper of the Mirimachi Salmon Club at Boestown, New Brunswick, at which

he was publicly recognized for his life-long contributions to the sport.

He spent part of Saturday picnicking with former baseball great Ted Williams, a friend of many years.

His wife of 53 years, Ruth Rich Hutchins, died in December 1984.

Survivors include a son, Christopher Hutchins, Bangor; and two daughters, Hope Hutchins Blackburn, New York, and Hilda Hutchins McCollom, Chevy Chase, Md.

Funeral arrangements will be announced by Brookings-Smith Funeral Home, Bangor.

[From the Bangor (ME) Daily News, Sept. 17, 1985]

FRIENDS, ASSOCIATES REMEMBER DEEDS AND FRIENDSHIP OF CURTIS HUTCHINS

(By Nancy Remsen)

Curtis Hutchins was a man of great stature, measured not in inches but in deeds, leadership and respect.

His death on Sunday left a void in many places in Bangor, in eastern Maine, in the state, in New England and in neighboring Canada, according to his many friends and associates.

At 78, Hutchins was still active in business, in charitable efforts and in sporting activities. He was chairman of the Board of Dead River Group of Companies, commissioner for the Roosevelt Campobello International Park, a trustee of the College of the Atlantic at Bar Harbor, a member of the University of Maine Pulp and Paper Foundation, and a trustee for the Bangor Theological Seminary.

In death, he left people abruptly, one with a letter half written to him, an organization about to bestow an award on him, others with seats on committees they will have to fill.

Most will miss his industrious efforts on their behalf—be it in influencing the direction of Merrill Bank, persuading fellow leaders of paper companies to go along with clean-up regulations or serving as the catalyst for revitalization in downtown Bangor.

But all who spoke of Hutchins Monday also said they will miss a warm and generous friend.

His adult children, Christopher, Hilda and Hope, Monday recalled a Christmas in their childhood when their father read in a newspaper about a woman of little means and many children who had all the presents she had purchased stolen on the eve of the holiday.

"He got all the kids to contribute," recalled Hilda McCollum. "He made sure the lady got all the money," she said.

Generosity came naturally to Hutchins, and he didn't need public thanks. His son of Bangor stressed that "he really did care about Maine and Bangor. He wasn't just doing what he thought was appropriate" for a man of his means and position, his son said.

Benefactor is the word that Arthur Johnson, president of the University of Maine at Orono, used to describe Hutchins. His gifts to that institution were substantial Johnson said, listing professorships that he endowed, scholarship funds he provided, gifts of art and major contributions to support the performing arts center, the College of Forest Resources and the Pulp and Paper Foundation.

It wasn't just money. It was time. Time to have lunch with Greg Brown and other professors at Forest Resources and give advice on programs and research. It was time after to send a thank-you note.

And it was friendship. "I always appreciated Curtis' warmth. He was a great guy. He came to trust me. That moved me personally," said Stanley Marshall of the Pulp and Paper Foundation.

"I'm really going to miss him personally," concluded UMO President Johnson.

"I thought the world of him," said Wayne Glick, head of the Bangor Theological Seminary which also benefited from Hutchins' time and money. He made the "leadership gift" for the new student center under construction at the seminary which will be named for his wife, Ruth.

But that isn't all he gave to the seminary, Glick said. There were other gifts, given when needs arose. He demanded only excellence, not recognition, Glick said.

"He always did what he urged others to do," said Fred Scribner, a Portland attorney who was associated with Hutchins on business, political and charitable matters. "He was never one just looking out for his own interest."

He felt people in business "had an obligation" to serve in government, Scribner said. He took his own advice, serving on the Bangor City Council and in the Maine Legislature. He was urged to accept a position in the Eisenhower administration, Scribner said, but it wasn't the right time for him to leave Maine.

"In all of his endeavors . . . he soon reached a place of leadership," Scribner also said.

He was well respected as president of the New England Council, an organization established to provide the region with a unified voice on economic and business issues, recalled Gardner Caverly, a fellow council member. "He was highly regarded and highly respected."

Donaldson Koons, who served as chairman for the Environmental Improvement Board, the predecessor to the Board of Environmental Protection, recalls Hutchins as "the strongest, most thoughtful, carefully reasoning member of the commission."

And he credits Hutchins, before becoming a board member, with quietly persuading representatives of the paper industry to go along with an accelerated timetable for cleaning up rivers.

"I never asked him about it," Koons said, but the change in the attitude of the major paper companies came shortly after Hutchins, then of Scott Paper Co., visited with Koons.

Hutchins was on the Environmental Improvement Board when the licenses for Maine Yankee were considered. Although he was an industry representative, Hutchins "had the interest of the state uppermost in his mind," Koons said.

Hutchins also was one of the most influential members of the board of directors of Merrill Bank during his 40 years as a board member, according to William Bullock, chairman and president of Merrill Bankshares. He has a key role in shaping the bank into what it is today, Bullock said.

"He was a unique individual" who made contributions to his community while developing a national reputation, Bullock said.

He also was well-known in eastern Canada. Hedard Robichaud of the Roosevelt Campobello International Park Commission said he knew well of Hutchins before he was appointed as a commissioner. "He contributed to the development of the lumber industry in our province," said the New Brunswick resident.

Hutchins brought with him to the commission his "long experience in business," Robichaud said. And, "he was a great friend to all of us."

Over the years, Hutchins has received a number of honors and was scheduled to get another on Oct. 2—the Vernon P. McFadden Award from the Eastern Maine Development Corp. This award recognizes an "outstanding contribution toward improving the quality of life for citizens and communities in eastern Maine."

Michael Obey of EMDC said Monday that "Curtis Hutchins gave more, perhaps than any other single individual, towards improving life in eastern Maine. He was a great business and civic leader. His loss to the region and the state is great."

SENATOR QUAYLE'S FIGHT AGAINST DRUG AND ALCOHOL ABUSE

Mrs. HAWKINS. Mr. President, Senator DAN QUAYLE of Indiana is a valued member of my Subcommittee on Children, Family, Drugs and Alcoholism, and has joined other concerned colleagues in the Senate in efforts to combat alcohol and drug abuse.

Recently, Senator QUAYLE appeared as a guest newspaper columnist, and I would like to request unanimous consent that his comments on substance abuse be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOIN FIGHT AGAINST DRUG, ALCOHOL ABUSE

(Editor's Note: The youngest U.S. Senator ever elected to represent Indiana, Dan Quayle at midterm already has a major piece of enacted legislation to his credit, and he has been in the forefront of Congressional efforts to reduce the federal deficit, simplify the U.S. tax code and contain spiraling health care costs. He has also worked to win Indiana a fairer portion of the federal dollar. Quayle is the third-ranking Republican on the Labor Committee and chairs its Subcommittee on Employment and Productivity. He also served on the Labor Subcommittee on Alcoholism and Drug Abuse and has sponsored the VOLS program in Indianapolis—for Voluntarism: Opportunities for Leadership and Service. As a member of the Labor Subcommittee on Education, Arts and Humanities, Quayle has sponsored legislation to reauthorize the Adult Education Act, a major weapon in the fight against illiteracy. He serves on the Armed Services Subcommittees on Military Construction, on Sea Power and Force Projection and on Strategic and Theater Nuclear Forces. Quayle and his wife, the former Marilyn Tucker of Indianapolis, have three children.)

Today the number one killer of 16- to 24-year olds is drunk driving. Each year thousands of young lives are lost needlessly to alcohol and drugs, and those numbers are growing. It is a national tragedy that requires immediate action, and here in Indiana, we are confronting the problem head on.

As chairman of the Senate Labor and Human Resources Subcommittee on Employment and Productivity and as a member of the Subcommittee on Family, Children, Drugs and Alcoholism, I am painfully aware of the severity of this growing problem. Alcohol and drug abuse poses serious, often

permanent risk to an individual's mental and physical health. It also alters and impairs one's ability to function in a productive capacity in the workplace. That's not to mention the tragic effect it has on families and friends.

There is a grave need for increased public awareness of the risks and effects of substance abuse and, as importantly, where to get help for alcohol and drug problems.

In response, for the last four school years in a row, I have sponsored the VOLS Conference (for Voluntarism Opportunities for Leadership and Service) for Indiana's high school students. The goal of my VOLS Conference is to show students from all across our State how they too can get involved in efforts to help rid their communities and schools of alcohol and drug abuse.

The only way we can effectively fight against alcohol and drug abuse is if all of us pitch in to do our part. More public awareness and greater involvement is the key to prevention.* * * Many individuals, companies and organizations in Indiana donate their time, expertise, resources and facilities for my VOLS Conferences each year. This spirit of voluntarism on behalf of their fellow citizens in order to make their communities better places in which to live, have made my VOLS Conferences possible and successful.

Since I held my first VOLS Conference in 1981, other worthwhile community organizations and projects have been developed to address these needs. In 1982, students at Center Grove High School in Johnson County launched the first Students Against Drunk Driving (SADD) chapter in Indiana, and since then, they have sponsored substance abuse awareness programs involving other high schools in our State. The Governor's Task Force to Reduce Drunk Driving was also formed in 1982, and last summer I was proud to join with them in sponsoring the first annual Hoosier's Against Drunk Driving (HADD) Conference for Indiana high school students.

Ultimately, the success of these initiatives depends on the diligence of our high school students who must put the knowledge and perspective gained at these Conferences to good use by working with their peers in anti-substance abuse volunteer programs in their local communities.

My VOLS Conference and other related programs are steps in the right direction, but more still needs to be done. I am cosponsor of legislation which would designate the week of December 15 through 21, 1985, as "National Drunk and Drugged Driving Awareness Week." For the past three years during this week, hundreds of individuals throughout this country have participated in programs and activities aimed at increasing public awareness to the dangers of driving while under the influence of alcohol and/or drugs. They have included proclamations by state and local officials, improved drunk driving laws, implementation of dial-a-ride programs, establishment of task forces and anti-substance abuse campaigns and increased enforcement efforts. In addition, we have seen recently more attention being aid to alcohol and drug abuse in television and radio public service announcements and newspaper and magazine advertisements. All of these contributions to greater public awareness will help to make the difference.

The young people today represent the leaders of tomorrow. We cannot risk the future of America by ignoring the alarming and persistent problem of alcoholism and drug abuse. We must all pitch in the fight against substance abuse—for their sakes and ours.

S. 1654—PENALTIES TO BE IMPOSED ON CONVICTED SPIES

Mr. STEVENS. Mr. President, several measures have been introduced in Congress which respond to the serious problem of treasonous espionage. Today I am introducing an additional proposal which is aimed at the prime motivation for the majority of these crimes. It would force the forfeiture of the proceeds from acts of espionage. In addition, it would offer a reward for providing information to stop espionage.

The recent rash of cases in which individuals were apprehended for selling secrets has brought this problem before the public eye. This focus of attention has helped us to address the problem and to look for ways to bring it under control. The systems which provide security for our Nation, however, are very complex. Therefore, plugging the holes which let information slip out requires a response on several levels. What I am proposing today responds to the most basic motivation for this crime. By denying perpetrators the profits of their infamy we can knock the legs out from under espionage.

There are three parts to this legislation. The first requires the forfeiture of all proceeds resulting from commission of any espionage felony. Existing law allows the same treatment for the proceeds resulting from illegal activity by drug dealers and other racketeers. The second extends forfeiture to any proceeds resulting from publication of the stories of convicted spies, or productions based upon their crimes. Existing law provides the same for Federal felonies involving physical harm to victims. The final provision establishes rewards for information leading to the arrest and conviction of spies. The maximum award is $100,000; any amount over $10,000 must be approved at the highest level of the Justice Department.

It is my hope that we may move quickly on this proposal. The language of this legislation has already been reviewed and approved by the Justice Department. It is drafted to conform with similar provisions of existing statutes. I am happy to say that several of my colleagues have joined me in sponsoring this bill. There can be no more appropriate step in our effort to combat espionage. It is the logical response to the sale of our national security. If we can take away the lure of profit, we strike at the heart of the problem.

Mr. President, I ask unanimous consent that the name of Mr. ZORINSKY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 794 of title 18, United States Code, is amended by inserting at the end thereof the following:

"(d)(1) Any person convicted of a violation of this section or of any other felony in violation of the provisions of this chapter shall forfeit to the United States any money or other property involved in or obtained as a result of such a violation, any money or other property, real or personal, which represents the proceeds of or which is traceable to such money or property, and any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation.

"(2) In any case in which money or property subject to forfeiture under this subsection, as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty;

the person shall forfeit to the United States any other property up to the value of the property described in this subsection.

"(3) The court, in imposing sentence on a person for a conviction of a violation of this section or of any other felony in violation of this chapter, shall order that the person forfeit to the United States all property described in paragraph (1) or (2) of this subsection.

"(4) The provisions of subsections 413 (c) and (e) through (o) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 853 (c) and (e)—(o)] shall apply to property subject to forfeiture under this subsection, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this subsection.

"(e)(1) Upon motion of the United States Attorney made at any time after conviction of a person for an offense under this section or for any other felony in violation of this chapter, and after notice to any interested party, the court shall, if the court determines that the interest of justice so requires, order such person to forfeit to the United States all or any part of proceeds received or to be received by the person, or by a transferee of that person, from a contract relating to the depiction of such offense in a movie, book, newspaper, magazine, radio or television production, or live entertainment or presentation of any kind, or an expression of the person's thoughts opinions, or emotions regarding such offense.

"(2) An order issued under this subsection shall require that any other person with whom the person convicted of such an offense contracts pay to the Attorney General

any proceeds due under such a contract to the person so convicted.

"(3) Proceeds paid to the Attorney General under this subsection shall be paid into the general fund of the Treasury of the United States.

"(4) As used in this subsection, the term "interested party" includes the defendant, any transferee of proceeds due to the defendant under the contract referred to in paragraph (1), and any person with whom the defendant has so contracted.

"(f)(1) The Attorney General of the United States, at his discretion, is authorized to pay an amount not to exceed $100,000 as a reward for information—

"(A) leading to the arrest or conviction of any person for the commission of a felony in violation of this chapter or for a conspiracy or attempt to commit a felony; or

"(B) leading to the prevention, frustration, or mitigation of the effect of a felony in violation of this chapter.

"(2) The Attorney General or his delegate shall determine whether an individual furnishing information described in paragraph (1) is entitled to a reward under this section and the amount to be paid, except that the authority to pay a reward of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, or the Director of the Federal Bureau of Investigation. A determination made by the Attorney General or his delegate under this subsection shall be final and conclusive, and no court shall have jurisdiction or power to review it.

"(3) No officer or employee of the United States or of any State or local government who, while in the performance of his or her official duties, furnishes the information described in paragraph (1) shall be eligible for a reward under this subsection.

"(4) There are authorized to be appropriated such sums as are necessary for the payment of rewards under this subsection."

COUNTERESPIONAGE LEGISLATION

Mr. MURKOWSKI. Mr. President, the satisfaction I feel today in joining with my colleague from Alaska, Senator TED STEVENS, as a cosponsor of this counterespionage legislation is bittersweet indeed.

It is, of course, a pleasure to work in concert with Senator STEVENS on an issue of critical importance to our national security. As chairman of the Defense Appropriations Subcommittee, Senator STEVENS is well aware of the costly consequences of espionage activities conducted against the United States. For my part, I have viewed the damage resulting from spying from my vantage point as a member of the Select Committee on Intelligence.

The step we are taking today is bitter because it reflects the fact that there continues to exist a small element of American citizens who are willing and prepared to spy for foreign governments and compromise the security of our country. The existence of such individuals is severely compounded by the espionage-related activities of foreign agents—particularly those from the Soviet Union—operating within the United States.

As has been pointed out by Senator STEVENS in his introductory remarks, the legislation we are introducing today is intended to deny to the perpetrators of espionage the financial benefits they might otherwise expect to gain. The legislation includes three specific proposals:

First, it requires that convicted spies forfeit all proceeds from their espionage activities; second, it also requires that any proceeds from publication or television rights to the story or interviews of convicted spies be forfeited; and third, it provides for the establishment of a new fund to reward those whose information leads to the arrest and conviction of spies.

The attention of the American people to the problem of espionage has been heightened greatly in the wake of the Walker case involving charges that several members of this family had spied for the Soviet Union for some 20 years. The recent action of Great Britain in expelling 25 Russian citizens on the charge that they had engaged in espionage activity has served to underscore the real and present threat posed by foreign agents.

The Reagan administration and the Congress have taken this challenge to heart, and have begun to address the problem in the tough, no-nonsense fashion it deserves. The Senate Intelligence Committee, for example, is conducting a comprehensive review of the Soviet intelligence threat and United States counterintelligence and security programs. The committee has been responsible for promoting legislation that calls for numerical equivalence between United States and Soviet Embassy personnel—Cohen-Leahy amendment—and imposes travel restrictions on certain U.N. Secretariat employees—Roth amendment.

In addition, I was cosponsor of a proposal by Senators DURENBERGER and LEAHY to add funds to enhance security countermeasures at U.S. Embassies and other facilities abroad. A number of other initiatives affecting security clearances, and an expanded polygraph program for Defense Department personnel working on highly sensitive programs have been enacted by Congress.

The proposal that is made here today by Senator STEVENS adds a useful and necessary component to this package of counterespionage legislation. I strongly support its adoption, and I am confident that it will receive the bipartisan endorsement of the Senate that it deserves.

Mr. DOMENICI. Mr. President, the recent revelations of major spy rings operating in this country has given pause to everyone who is concerned about the security of the United States. These spies have made this country more vulnerable to the menace of foreign powers who are opposed to our way of life and the principles for which we stand. They have endangered the safety of every person in this country. While not expressing any personal opinion about the merits of any pending criminal cases, I hope that our judicial system deals severely with any individual who is found to have violated the antiespionage laws of this country.

The question that pops up in every one of these cases is "Why did they betray their country?" Many of the individuals involved are people who appeared to have a distinguished record of service to this Nation or who expressed a deep sense of patriotism to the United States. These people are not inspired by ideology to betray their country. Mr. President, I would suggest to my colleagues that greed, pure and simple, is the motive. These people are driven by their desire for money to commit treason against the United States. To counter this desire, we must take the profit out of espionage.

In order to ensure that spies are prevented from enjoying the benefits of their ill-gotten proceeds of espionage activities, I am joining the distinguished Senator from Alaska [Mr. STEVENS] in introducing a bill to force convicted spies to forfeit all proceeds from their espionage activities to the Federal Government. Any of the spy's property that was used to commit espionage also would be forfeited. Similar statutes apply to drug dealers and other racketeers. It seems logical, therefore, that we would subject spies, who represent just as serious a threat to our Nation, to the same penalty.

This bill also would permit a court to order that any money paid to a convicted spy for the rights to his story or speaking engagements be forfeited to the Government. This would prevent a convicted spy from getting rich by selling the book rights or television rights to his story or by charging a fee for interviews. A similar Federal law applies to other Federal felonies involving physical harm to victims. Many States also have laws which prevent persons convicted of violent crimes from profiting from the sale of the rights to their story. Not only will this provision help remove the profit from espionage, it also will take some of the "celebrity" out of spying.

Finally, this bill will assist law enforcement agencies in identifying and locating persons involved in espionage by authorizing the Attorney General of the United States to pay a reward of up to $100,000 to private citizens who provide information which leads to the arrest or conviction of spies or to the thwarting of espionage activities. The Customs Service has a similar provision to combat smugglers, and many States and localities have followed the lead provided by Albuquerque, NM, in establishing crime stoppers programs, which offer rewards

for information leading to the apprehension of a wide variety of criminals. The rewards that this program would offer are certainly far less than the cost of espionage activity to the United States.

We must put a stop to espionage activity in this country. The first step in that effort must be to take away the motive for spying. We must ensure that spying doesn't pay. The Senate now has a bill before it that does exactly that. I hope that we can act on this bill quickly, and I encourage all of my colleagues to support this bill.

DAVE BRODY: MAKING MATCHES MEANS ACCESS

Mr. MATHIAS. Mr. President, over the years many Senators have benefited from the advice and counsel of David Brody, the Washington representative of the Anti-Defamation League of B'nai B'rith. I know that many of my colleagues share the respect and affection I feel for this knowledgeable and experienced advocate, not only for American Jewish concerns, but also for civil rights, civil liberties, and the other qualities that characterize the highest values in American life.

An article in the September 14 edition of the National Journal spotlights one of the reasons why Dave Brody has been such an effective legislative representative for more than three decades. Entitled "Making Matches Means Access," the article by Dick Kirschten discusses Dave's role as a facilitator or catalytic force, bringing together people who ought to know one another. Long before network became a verb, Dave Brody was networking, and he continues to do so even today.

Mr. President, in order to share with my colleagues this short essay on one of Washington's remarkable men, I ask unanimous consent that the article "Making Matches Means Access" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAKING MATCHES MEANS ACCESS

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many peole talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

"It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And, even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aircraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in matchmaking, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Body noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicians and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened, that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire," he said.

The matchmaker is obviously well matched to his calling.—Dick Kirschten

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it is my hope that we can move ahead with the immigration bill. As I understand, the distinguished Senator from Illinois has an amendment that deals with immigration. He is on his way to the floor. I hope we can dispose of that.

Hopefully, the distinguished Senator from Pennsylvania [Mr. HEINZ], will agree to postpone consideration of his amendment until some future time. It would not in any way jeopardize his right to pursue it on the debt ceiling bill or anywhere else. We could finish action on the immigration bill in the early afternoon and then turn back to the Superfund legislation. Perhaps we can do the D.C. appropriations bill this evening. Keep in mind that we will recess early in the evening, probably around 6 o'clock.

As I understand, that is the only other immigration amendment outstanding. We will be in contact with Senator HEINZ to see if he will postpone consideration of his Social Security amendment, which does not belong on the immigration bill in the first instance. If he will do that, I think those on the other side might be willing to postpone their amendments until some future time.

Mr. SIMPSON. Mr. President, I thank the leader. He has accommodated me in every instance, as well as the Democratic leader, with regard to immigration reform. Anyone who follows the legislative process knows that after a 4½-day debate of a bill, especially with some amendments which have been well fought and well thought and controversial, that if we

leave a bill like that without any time limits or without any further attempts at adept and adroit dabbling, we will pay a dear price for it. It is tenuous enough as it is.

I have suggested to Senator HEINZ that he place his amendment on a separate piece of legislation with a certainty that it will be offered on that piece of legislation and not on the Immigration Reform and Control Act. As a reasonable person, I hope he will consider that.

I see there is one more amendment, as I gather, and then some technical amendments with another colloquy. That would be about the extent of the Immigration Reform and Control Act and, in one way or another, we can get to some type of vote on final passage.

There is no question but what the stumbling block is the Heinz amendment. We ought to put it where it ought to be and not somewhere else.

The PRESIDING OFFICER. Does the Senator wish to have the bill brought before the Senate and have the clerk report at this time?

Mr. SIMPSON. Mr. President, I think for purposes of meeting the order of yesterday, we should put the bill before the body.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, S. 1200, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Heinz Amendment No. 623 (to Hawkins Amendment No. 622), of a perfecting nature, to express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget.

Mr. KENNEDY. Mr. President, I have just listened to the majority leader, who has now left the Chamber, and also my friend, the floor manager of the bill.

I know that the Senator from Illinois [Mr. SIMON], was prepared to offer this amendment earlier in the day. When we came back, we were supposed to address the immigration bill at 11 o'clock. There had to be some understanding to set aside the pending amendment, some understanding with the principle sponsor of that amendment, the Senator from Pennsylvania.

At this point, I want to indicate, however, both to the majority leader and the floor manager, that I would not be prepared to entertain any consent agreement that the amendment of the Senator from Illinois is going to be the final amendment on the immigration bill. We did see a very dramatic alteration and change in this legislation late yesterday afternoon.

I spelled out during the debate on the amendment of the Senator from California my concerns about the amendment and what it would do to the thrust of this legislative proposal.

I want to make the record very clear that this may very well not be the end of the discussion concerning the amendment of the Senator from California. I did not, by my silence, want to indicate my accord with the observation of the majority leader or the floor manager.

I am quite prepared to see the beginning of debate on the Simon amendment. I have been here now for about 1½ hours waiting to go ahead. I just want to have it understood by the Membership that the Senator from Illinois was prepared much earlier to address this issue. It is not delay on his part that we are addressing it well after the hour we were supposed to be debating the immigration bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STAFFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the Pastore rule, I be permitted to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRADE POLICY

Mr. BYRD. Mr. President, last night, I listened to the President's remarks about the trade crisis. Of course, the President did not describe it as a crisis. It is easy to understand that no President wants to describe the whole of international economic policy under his administration as being in a state of crisis. What did concern me was his description of the current situation. He said that there was "a false impression that a trade imbalance means we are a debtor nation."

He went on to echo comments made in an interview yesterday by Labor Secretary Brock. The Secretary and the President both seemed to praise the fact that for the first time since 1918, we are now a debtor nation. They said this was a healthy sign of foreign confidence in the American economy.

The President began to describe the statistical "errors" that lead some people to fret about the trade deficit, but he quickly concluded that there were "a lot of technical things" that we need not go into that obscured the picture. In fact, he pointed out that the United States had been running a trade deficit from 1790 to 1875 and that positive trade balances and American surpluses were something of a recent fluke.

Well, these are alarming assertions. I have great respect for the President and I believe that he is unquestionably sincere, but I must say that I was shocked at the extent to which his remarks on trade betray a failure to appreciate the fundamental challenge that we face in the international market. I am concerned that the President does not appear to appreciate some of the guiding precepts that determine that market.

The trade deficit and the balance of payments are necessarily related. Why are foreigners investing in the United States at record rates to the extent that they now own more assets in this country than we own abroad? Very simply, they are attracted by high interest rates caused in part by the Federal deficit and they have plenty of dollars to spend in buying American obligations precisely because of that trade deficit.

The President is fond of reminiscing, and I would encourage him to remember back just 10 years ago, when the price of oil was putting billions of American dollars into the hands of foreign oil barons. What did they do with that money? The best place for them to spend dollars was where they got them, so they bought American debt and invested their money here. Now everyone else has benefited from our $123 billion trade deficit and many foreigners hold dollars, so they come back to this country with dollars that they earned by selling us their goods, and they loan us our own dollars to pay the debts we have incurred.

Mr. President, let us see if we can clarify this situation, as to why this is different from the early years of our republic. In the period the President mentioned, before the industrial revolution, we were like any developing nation—we were spending more than we earned to grow. We borrowed and bought foreign goods and services because we were growing—because we were building the great industrial nation we have today. But the trade deficit now is structurally different. Today, we buy foreign goods because American products are made too costly by an overvalued dollar, and we borrow foreign captial—not to build new factories and create new jobs—but to pay off the record deficits that have

accumulated under this administration.

In fact, President Reagan, the trade numbers and the balance of payments do give an accurate picture. For the past 5 years President Reagan has not made a major address on trade policy. Some of us have been concerned that the administration did not have a trade policy. But last night I learned that the truth is even worse—this administration and this President do not even believe there is a problem.

The President used the term "protectionism" any number of times last night. But there was another phrase he totally omitted. That was the phrase, "national security." Despite repeated questions about trade policy, he never once associated international economic security with national security. He said absolutely nothing that would indicate that he sees a necessary connection between our strength in the international market and our strength and security as a nation. He did say that he would avoid a "mindless stampede toward protectionism." And he did say he supported a new round of trade talks.

Is that all there is? Is that all the administration's policy amounts to? What does that mean for America's basic industry? At a time when the trade deficit could exceed $150 billion this year, is this the administration's program for assuring a world-class American economy?

Last year I warned that this administration's policies were doing what two world wars and a depression could not do—they were making America into a debtor nation. Now we have achieved that dubious status—the administration's own economists tell us that we are in hock to the rest of the world. We are exporting jobs at the rate of 25,000 for every $1 billion of the trade deficit. The President feels that these problems are completely unrelated, and he says nothing about how these developments threaten our economic security.

Last week, when rumors flew about the administration's belated efforts to develop a trade policy, I was glad, and I am sure we all were, to welcome the President to this vital issue. He has been absent from the trade policy debate for 5 years, and I was hopeful that we could begin to work together in a bipartisan way—traditional in the formation of trade and international policy in this country—to do what was best.

But last night's statement leave me no doubt that the administration has not yet come to the trade debate. They do not seem even to understand the terms of that debate, and they do not seem to understand that we neither have free trade nor fair trade. We keep hearing all of this business about "protectionist" legislation, and "protectionism." Well, Mr. President, if being protectionist means that we are trying to protect American jobs, American workers, and American industries, to keep those jobs from being exported abroad and also to keep this Nation secure from the standpoint of its military security, then "protectionism" is not too bad a word.

I am concerned about American jobs, I am concerned about the national security of this country, and I am concerned about the economic security. But if fighting to protect American jobs from unfair trade practices that are already and have long been in vogue in some of our other trading countries is "protectionism," then, good, call me a protectionist. That is fine. That is not a bad word in my lexicon. So, some may say that I am a protectionist. I am interested in free trade, I am interested in fair trade and we are not getting either—neither free trade nor fair trade.

And as to the shiboleth that, if we do this or we do that to protect certain American industries from extinction we will initiate a trade war and there will be retaliation, leaves me cold, just dead cold. We are already in a trade war. We have been in such a war for a long time. We are told that if we act to protect American workers in our heavy industries there will be retaliation and a trade war. Well, if we are going to listen to that argument and believe it, then we are blind to the fact that our trading partners have already been bleeding us to death.

That is exactly what is wrong now in part. Certain other countries are engaging in trade practices that are unfair, and that is a major reason why we are going to have a $150-billion trade deficit this year, and why we had a $123-billion trade deficit last year. The war has been going on. Cannon have already been firing to the right and to the left of us and we have been riding into the valley, not with "the 600" but with losses of millions of jobs of American workers.

I think we have to consider defending ourselves, defending our own workers, defending our own industries. Look at what has happened to the steel industry, the ferroalloy industry, the glass industry, the leather goods industry. Oh, I know we are selling more hamburgers than ever before, and we are gaining in service jobs. That is fine and I hope we can continue to gain in the service sector. I want us to continue to export goods, but we cannot build battleships and aircraft carriers and M-1 tanks and missiles and armored vehicles with hamburgers. We have to have steel. We must not let ourselves become dependent on other countries for the steel that this country might need in an emergency of general mobilization.

So I do not cast aspersions upon the service industries. We want all U.S. industries to grow, but this country under this administration has put at the fore of its interests and concerns that which we call national security, national defense. And there are several first lines of national defense. One is the education of our young people. Another is "protection"—I will use that bad word. I will not attempt to clean up the record to remove it, however—protection of our basic heavy industries if we are going to continue to be a superpower. We are just kidding ourselves; we are not having fair trade, and we are not having free trade. Perhaps it is a one-way street. Perhaps some of the other countries are enjoying free trade but they are also engaging in unfair trade practices toward the United States.

Apparently nobody can get the ear of this administration on this matter. I have said these things to the President when sitting right across the table from him at the same time the distinguished Senator from South Carolina raised the question of textile imports and what is happening to our textile industry.

I brought up the subject of ferroalloys, for example. Nobody at the White House seems to know what I am talking about. The Secretary of the Treasury does know; he listened very carefully to my concerns one day in my office. I know that my message got through to him and he has also expressed concern.

I close by saying again I was very disappointed in what the President said last night. I want fair trade. I want free trade. I want all of these things, but we are not getting them. If we do not hear the cannon shots that are whistling over our heads and landing in the Waterloo field of bankruptcy and destruction of our basic industries in this country, then we are very hard of hearing. We all should get hearing aids. That might help just a little bit—especially if the administration will also do so.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

ORDER OF PROCEDURE

SUPERFUND IMPROVEMENT ACT OF 1985

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 51, Superfund, for a period not to extend beyond the hour of 2:30 today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. STAFFORD. I further ask unanimous consent that at the hour of 2:30, the Senate resume consideration of S. 1200, the immigration bill, that there be 1 hour of debate on the Simon amendment sunsetting the Wilson agricultural provisions, that it be equally divided, and that no amendments be in order to the Simon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Finally, Mr. President, I ask unanimous consent that following the conclusion or yielding back of time on the Simon amendment the Senate proceed to a vote in relation to the Simon amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

SUPERFUND IMPROVEMENT ACT OF 1985

The Senate resumed consideration of the bill, S. 51.

Pending: Amendment No. 633 by Mr. Stafford and Mr. Bentsen to provide an alternative way through which companies may obtain pollution liability insurance.

Mr. STAFFORD. Mr. President, it is the recollection of the Senator from Vermont that the last item of business in front of the Senate in connection with the so-called Superfund legislation yesterday was an amendment to the pending bill which had been offered by the Senator from Vermont for himself and the Senator from Texas [Mr. BENTSEN], the ranking member of the committee.

The PRESIDING OFFICER (Mr. COHEN). The Senator is correct.

Mr. STAFFORD. My recollection is that that amendment had been stated and is the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. STAFFORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. It is the understanding of the Senator from Vermont that by unanimous consent he could, for Mr. KASTEN and others, offer a second-degree amendment to the pending amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO 635

(Purpose: To clarify that the activities of pollution liability risk retention groups are limited to coverage of pollution liability risks)

Mr. STAFFORD. In that event, Mr. President, I send an amendment to the desk that I am offering for Mr. KASTEN, Mr. DANFORTH, and Mr. HOLLINGS as a second-degree amendment to the pending amendment. I ask unanimous consent that it be stated and that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD] for Mr. KASTEN, Mr. DANFORTH, and Mr. HOLLINGS, proposes an amendment numbered 635 to amendment numbered 633.

Further amend by inserting "(c)" at the end of Section 402 and adding a new subsection as follows:

"(c) The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or purchasing group to provide coverage of any other line of insurance."

Mr. STAFFORD. Mr. President, the amendment that has been offered by me for the Senator from Wisconsin [Mr. KASTEN] and others involves insurance matters traditionally within the jurisdiction of the Senate Commerce Committee. That is the reason why, in this instance, I have offered that amendment on behalf of Senator KASTEN and his colleagues.

● Mr. KASTEN. Mr. President, the amendment offered by the distinguished Senator from Vermont [Mr. STAFFORD] and cosponsored by the distinguished Senator from Texas [Mr. BENTSEN] authorizes the establishment of pollution liability risk retention groups. This amendment involves insurance matters traditionally within the jurisdiction of the Senate Commerce Committee. It utilizes the principles of the Product Liability Risk Retention Act, which I introduced with Senator PACKWOOD, and which was enacted into law in 1981, after being reported by the Commerce Committee.

As a consequence, I have reviewed this amendment, along with other members of the Commerce Committee, and I rise today to support this proposal, as well as to express the support of my colleagues, Senator DANFORTH, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking minority member of the committee. While recognizing this as a matter of Commerce Committee jurisdiction, we think this amendment makes sense. We recognize that pollution liability insurance is becoming increasingly difficult to obtain, and we think that utilization of the principles of the Product Liability Risk Retention Act is a sound approach to this problem.

However, during our review of this proposal, the concern was expressed to us that the authority granted under the amendment could be abused and that groups might attempt to offer automobile, life, or other lines of insurance not related to insuring pollution liability risks. Although we are sure that the sponsors of this amendment did not intend any such loophole, and we do not think the language of amendment No. 225 would permit offering other lines of insurance Senator DANFORTH, Senator HOLLINGS, and I would like to propose a perfecting amendment to avoid any ambiguity regarding the scope of the authority granted under this amendment.

This clarifying amendment simply provides:

The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or a purchasing group to provide coverage of any other line of insurance.

The purpose of this amendment is only to reenforce the intent of this proposal: that the activities of a pollution liability risk retention group are to be limited to coverage of pollution liability risks. This amendment will assure that this authority is not used to avoid State regulation of the sale of automobile, life, accident and health, or other lines of insurance to group members or to the public.●

Mr. STAFFORD. Mr. President, I am pleased to accept the clarifying amendment offered by the Senator from Wisconsin.

He is correct in stating that our intent regarding this amendment was to limit its authority to the coverage of pollution liability risks. I think the text and structure of the amendment already limits the authority of a pollution liability risk retention group to coverage of only pollution liability risks, but I am pleased to accept this clarifying amendment so that its scope is unambiguous. It is clearly not intended to authorize anyone to offer automobile, life, or health insurance to the public; it is limited solely to the coverage of pollution liability risks. The clarifying language will make its scope crystal clear.

Mr. President, for the majority, I am prepared to accept the Kasten amendment which I have offered to the amendment which Senator BENTSEN and I have proposed to the Senate.

Mr. BENTSEN. Mr. President, for the minority, I think the Senator's amendment is a good one. What it does in effect is help protect the jurisdiction of the Commerce Committee and limit the liability here to pollution

liability risks. We have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. STAFFORD. Yes.

Mr. SYMMS. Does this amendment speak anything to the problem of what happens after the fact? In other words, let us say that somebody goes and takes over and cleans up a site. Then it passes specifications.

Mr. STAFFORD. Maybe I could explain briefly what the amendment does.

Mr. SYMMS. That would be great.

Mr. STAFFORD. What the amendment proposes to do, because it is getting to be so difficult for those who are engaged in the business of cleaning up dump sites to get insurance, is allow those who are engaged in dump site cleanup as contractors to coinsure themselves if they want to and if there are enough of them to band together to do that. It does not allow them to get into the business of insurance in any way or to go beyond their own operations. What it is designed to do is give them some protection against lawsuits against themselves by banding together in a group to coinsure each other.

Mr. SYMMS. It does not have any liability limitation?

Mr. STAFFORD. No, Mr. President.

Mr. SYMMS. That will be addressed in another amendment.

Mr. STAFFORD. That is true.

Mr. BENTSEN. Mr. President, all it does is allow banding together to insure in a business that cannot buy insurance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 635) was agreed to.

Mr. STAFFORD. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I know of no further desire on the part of Members to debate the main amendment (No. 633).

I am prepared to have the Chair put the main amendment before the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 633) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 636

(Purpose: To require a study of and report on the sources and extent of lead poisoning in children from environmental sources)

Mr. WEICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 51.

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 636.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 51 is amended by adding on page 84, before line 15, a new subsection as follows:

"(f) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1986, submit to the Committee on Environment and Public Works of the U.S. Senate and the Committee on Energy and Commerce of the U.S. House of Representatives, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information:

(1) An estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

(2) An estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

(3) A statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

(4) Methods and alternatives available for reducing exposures of children to environmental sources of lead.

Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking System of the National Priorities List.

The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substances Response Fund."

Mr. WEICKER. Mr. President, I rise today to offer this amendment to S. 51, the reauthorization of the Environmental Protection Agency's Superfund Program.

Lead poisoning of children has been recognized as a threat to the Nation's health for decades. Yet exposure to lead is still the most prevalent and preventable of childhood health problems. A survey conducted between 1976 and 1980 found that 675,000 children between the ages of 6 months and 5 years have concentrations of lead in their bodies in excess of toxic levels defined by the Centers for Diseases Control.

Scenes of comatose and physically impaired children poisoned by lead after eating paint chipped from the walls of inner-city housing has been replaced by a more insidious poisoning—that from long-term exposure to low levels of lead. This exposure exhibits no immediate symptoms but results in eventual mental impairment, loss of physical ability and the development of behavioral and emotional problems that endure for life.

Exposure to lead from gasoline and paint is being addressed. But residual exposure to environmental sources of lead continues and the health effects are considered devastating. Health authorities across the Nation have repeatedly seen the same children poisoned by lead from contaminated soil around the children's homes.

A single source of lead-contaminated soil in a playground or around a row house has been known to poison not only the same child repeatedly, but also successive generations of children who play or live within the contaminated area.

My staff has investigated and found dangerously high levels of lead in the soil throughout the city of Hartford, CT. A day care center's playground in Hartford was identified this summer with lead contaminated soil as a result of chipped paint accumulating in the soil. The city of Boston, MA, finds 300 to 400 lead poisoned children each year in the city. Up to 200 of these children were so badly poisoned they were hospitalized.

In one case, during the last 8 years, 14 children, residing as part of an extended family in a large house, have been poisoned by lead. The children, ranging in age from 1 to 3 years, have been hospitalized more than 2 weeks at a time for treatment of lead poisoning. Today, the family lives in a lead-free home but is surrounded by a yard polluted with lead. Thus, the health and the lives of the children remain threatened and hospital bills continues to mount.

Mr. President, the welfare of the Nation's children is a concern we all share. The continuing problem of childhood environmental lead poisoning should be an active component of the Nation's effort to clean the environment and insure the health of future generations of Americans. It is with these concerns that I ask the EPA to focus on this problem, beginning with a comprehensive report on the scope of the lead problem.

This amendment directs EPA and the Agency for Toxic Substances and Disease Registry to report to Congress the following information by March 1, 1986:

First, the number of children exposed to environmental sources of lead in high enough concentrations to cause adverse health effects;

Second, an estimate of the number of children exposed to lead according to the source of lead;

Third, a statement of the long-term consequences for public health of unabated exposures to environmental sources of lead which includes mental and physical impairments and death; and

Fourth, methods and alternatives for reducing the exposure of lead to children.

This report will be funded from within the existing hazardous substances response fund since its subject is so clearly under the authority of the EPA.

Mr. President, I want to thank my colleague from Vermont, Senator STAFFORD, my colleague from Texas, Senator BENTSEN, and the members of the Environment and Public Works Committee for their recognition of the continuing need to eliminate threats to the Nation's health from environmental pollution. I urge my colleagues to support this amendment.

Mr. STAFFORD. Mr. President, I support this amendment and find it an important step in continuing to reduce the threat to the children of this Nation from lead poisoning. Such a report from EPA I believe will aid in controlling an important environmental hazard to this Nation's health. I urge its adoption and, for the majority, I am prepared to accept it.

Mr. BENTSEN. Mr. President, the Senator from Connecticut has a longstanding record in the health, education, and welfare of children. This is just one more example of that concern. I think it is helpful. I think the study is necessary so that we better understand the dimensions of the problem and what we can do to prevent it. I am delighted to support it.

Mr. WEICKER. Mr. President, I thank my colleagues.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 636) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 637

(Purpose: To terminate taxes allocated to the Superfund at such time as $5,700,000,000 has been credited to the Superfund and to limit the amount which may be expended from the Superfund during any fiscal year)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 637.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, line 16, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 125, line 20, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 10, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 13, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 18, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 135, line 21, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 155, between lines 14 and 15, insert the following:

"(3) LIMITATION ON AMOUNTS EXPENDED DURING ANY FISCAL YEAR.—The amounts expended from the Superfund shall not exceed—

"(A) $600,000,000 during fiscal year 1986,

"(B) $900,000,000 during fiscal year 1987,

"(C) $1,200,000,000 during fiscal year 1988,

"(D) $1,500,000,000 during fiscal year 1989, and

"(E) $1,500,000,000 during fiscal year 1990.

Mr. SYMMS. Mr. President, this amendment is very simple. I have some comments I should like to make about the bill in general. However, first I would like to explain what the amendment does. It is an amendment I offered earlier in the Senate Finance Committee. It simply reduces the amount of money that will be spent in this legislation. I call it the 6-9-12-15 amendment. What is being proposed in the legislation before the Senate is that the EPA go from a $300 million program, which we now have in effect, instantaneously to a $1.5 billion program. I think the problem we face is very simple. If we in fact go to a $1.5 billion program, we should know whether or not we are going to spend the money effectively.

Mr. President, I support the idea and the effort of cleaning up hazardous waste sites, but I do not support going from a $300 million program to a $1.5 billion program in the first year. We have not yet established that we have answered some of the questions within this legislation.

Mr. President, without losing my right to the floor, I ask to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, it was just brought to my attention by the distinguished chairman of the Committee on Environment and Public Works, the Senator from Vermont, that we are not going to discuss the Finance Committee's side of this, or amendments on that point, today, and we will discuss that later. But I should like to make some comments in general about the bill, if it suits the chairman.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. SYMMS. I yield.

Mr. STAFFORD. First, I appreciate the Senator's understanding of the position in which I have found myself and his withdrawing the amendment for the time being. Certainly, this would be an appropriate time for general comments on the bill.

Mr. SYMMS. I thank the Senator very much. My apologies. I did not understand that we are under that agreement.

As to my amendment, I am happy to have my colleagues aware of it. I am just taking a very basic approach to say, with the amendment I have withdrawn, that if the Federal Government and the Congress of the United States deem that it is important to spend taxpayers' money to clean up toxic waste dumps—most of us support that general concept—that if we spent $300 million in fiscal year 1985, and if $600 million is enough to spend in 1986, and if $900 million is enough to spend in 1987, and if $1.2 billion is enough to spend in 1988, and if $1.5 billion is enough to spend in 1989, I think we will get more done in terms of cleanup if we ease our way into it rather than going in whole hog. This is the kind of thing that causes us a great deal of problems with the total Federal budget.

First of all, Mr. President, I think S. 51 makes too much money available, especially under the present circumstances. This is a time we need to reduce and hold the line on spending, and it does not make sense to have more money available than can be used prudently. By their own estimates, EPA cannot use effectively more than $1 billion per year. If that is what they think they can use effectively, they should not have more than that.

I propose a more modest funding schedule that would eventually end up where the committee has tried to get Congress. I am going to propose that we work our way up to $1.5 billion, and I hope that by that time we will have

some of the bugs worked out on this so that it will not be such a terrible boondoggle and waste of money to the taxpayers of this country.

To date, the record indicates that Superfund has not been managed too well. It has cost $1.6 billion to clean up six sites—$1.6 billion to clean up six sites.

By attempting to bury our waste disposal problems under a blizzard of deficit dollars, we are guaranteeing waste, inefficiency, and probably corruption. Superfund is a classic pork barrel opportunity, and overfunding improves that opportunity.

I do not think we yet know the scope of the Superfund problem. EPA estimates that there are 22,000 sites, and GAO estimates 300,000 sites. I have not worked that out; but at the rate we have gone so far in cleaning up the first six sites for $1.6 billion, that sounds like a tremendous amount of money and a tremendous undertaking.

We do not have a satisfactory funding mechanism in place as yet. The current feedstock tax would probably eventually drive a significant share of our manufacturing capacity, and the jobs it provides, offshore. That is why the distinguished Senator from Texas and the distinguished Senator from Wyoming came up with the plan that is within this bill and which has raised a great deal of controversy. It has opposition from the administration. It has substantial opposition from other Members of the Senate, because people do not want to start a new kind of tax. All I am saying is that we do not have a satisfactory method in place as yet for funding.

The proposed new financing schemes leave something to be desired. They provide the opportunity for off-budget taxes which, if the experience of other countries is any indication, will become wealth-consuming monsters.

It is no secret that many people with a great deal of respect and credibility believe that the value added tax has been the driving force that has enabled Europeans to go Socialist, because of the power of the value added tax and its hidden nature.

The other problem I see in this legislation is that strict joint and several liability is not working.

Transaction costs exceed actual costs of cleanup work. For example, in the Conservation Chemical case, pretrial attorneys' fees have been estimated at $5 to $11 million and actual cleanup costs at $6 million.

I do not know whether that bothers my colleagues, but I assume that it does bother them. I know that it would bother the people in America if they focused on this Superfund question, to find out that 50 percent of the money to clean up hazardous waste sites is being spent to pay attorneys to litigate.

I am bothered by the fact that our Government collects for the cost of hazardous waste site cleanup solely on the basis of availability, without regard to actual contribution to the problem. Whatever happened to the idea of fairness?

In my own State of Idaho, the specter of liability for environmental problems caused long ago is hampering negotiations to reopen at least one mine that would produce an important strategic mineral. Reopening this mine would give us an assured domestic supply and put people to work in my State. The people who want to purchase the property will not do so unless they can be guaranteed that they are only responsible and liable for any future damage they might do to the environment. They do not want to take on the liability of what has happened in the past. I think that is an issue we will have to address before this legislation should pass the Senate.

I have been urged to offer an amendment to Superfund that would free a new purchaser from liability for hazardous wastes created by a predecessor. This, it seems to me, is a simple, straightforward, fair amendment. However, I have been told by colleagues around here who are more experienced than I am that there is no way that kind of amendment can be adopted. If we cannot adopt that, how do we think we are ever going to get to the bottom of this problem?

The insurance industry testified before the Committee on Environment and Public Works that they foresee liability from Superfund cleanup greater than the industry's assets. If the liabilities are greater than the industry's assets, I think those of us here have to limit that liability in some way. A compromise has to be worked out so that if people use prudent judgment—and the prudent man rule would apply—we could work out some agreement, so that a company could take the risk and engage in the effort to clean up toxic waste sites.

If people cannot insure it, how are the contractors going to be able to do the job? No responsible contractor will attempt a Superfund cleanup job without adequate insurance. They cannot take that kind of risk.

It seems to me that Superfund cleanup is going to be stalled until the insurance issued is resolved. So until we resolve the insurance issue, why should we try to raise and spend $1.5 billion a year, if it is going to be tied up in litigation and attorneys' fees?

I do not think the duty of the U.S. Senate or the U.S. Congress in general is to provide some kind of giant fund to pay attorneys to sue each other, to provide the Lawyers' Relief Act.

The provision for victims' compensation is another open-ended invitation to litigation. While the present law provides wonderful opportunities for litigation and waste, it really does not provide much incentive for effective cleanup of our hazardous waste sites.

This thing is a lawyer's dream as it is now, with the $300 million. Give them $1.5 billion and do not answer the liability question, and I think it is an open invitation. In fact, I say to my colleagues that the attorneys were salivating in the Public Works Committee at the thought that we might pass this. The room was jammed with people thinking about the new accounts they would have and how much money they would be able to make with litigation from this $1.5 billion fund. We would be paying half of that to lawyers to sue each other.

I am afraid that in the present form Superfund should not be called Superfund. We probably should call it the lawyers slush fund. We need to clean up our environment, and I agree with that, including hazardous waste sites. First we need to clean up the Superfund legislation and get this in the situation where we can actually take the taxpayers' money, take the money, whether we settle on the current proposal of the small, very, very broad-based tax, whether we settle on that, or whether we make some amendment that is satisfactory with the administration or satisfactory with the other Members of the body.

I do not have the answer to that right now, but I am saying that before this is over we have to solve some of those questions or those people who believe that somehow we are going to get much done with respect to the cleaning up of toxic waste dumps are going to be sadly disappointed because there are too many roadblocks here, and this provides the mechanism for an awful lot of lawsuits and for tremendous litigation expenses to the public and very little will be done toward actually cleaning up the waste sites that some of my colleagues are so concerned about and there is so much interest in taking care of.

Mr. President, I yield the floor.

Mr. STAFFORD. Mr. President, it is the understanding of the Senator from Vermont that we will have until 2:30 p.m. to proceed on amendments affecting S. 51, the Superfund bill.

I believe that the able Senator from New Jersey [Mr. LAUTENBERG] has an amendment, and we would like to dispose of that if we can by 2:30 p.m. and if time allows also an amendment by Mr. BAUCUS of Montana.

AMENDMENT NO. 638

(Purpose: To improve Community Emergency Preparedness and Response)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MATTINGLY). The amendment will be stated.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself, Mr. HUMPHREY, Mr. HEINZ, Mr. MOYNIHAN, and Mr. BRADLEY, proposes an amendment numbered 638.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, after line 16, insert the following and renumber succeeding sections accordingly:

SEC. . Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(d) EMERGENCY PLANNING.—(1)(A) The President shall publish a list of extremely hazardous substances, taking into account the toxicity, reactivity, volatility, flammability, and usage of such substances. For the purposes of the preceding sentence, the term "toxicity" shall include any acute or chronic health effect which may result from an acute exposure to the substance. The President shall review, and modify as necessary, such list not less often than every two years. Such list shall identify each extremely hazardous substance and shall establish a quantity of each such substance which, if released at a facility, would likely pose an imminent and substantial endangerment to the public health or to the environment. Facilities that have present such a quantity of such a substance shall notify the Governor in accordance with paragraph (2)(A).

"(B) Within 30 days after enactment of the Superfund Improvement Act of 1985, the President shall publish an initial list of substances and quantities as described in subparagraph (A), which shall be the same as substances and quantities listed by the Council of the European Communities in its "Council Directive of June 24, 1982, on the Major Accident Hazards of Certain Industrial Activities, Annex III", published in the Official Journal of the European Communities, August 5, 1982.

"(2)(A) Not later than 90 days after the date of enactment of the Superfund Improvement Act of 1985, or not later than 60 days after any revision of the list, each owner or operator of a facility (other than motor vehicles, rolling stock, or aircraft) that has present a quantity of a substance that requires notification under paragraph (1) shall notify the Governor of the State in which such facility is located that such facility is subject to the requirements of this subsection. The Governor may designate additional facilities that shall be subject to the provisions of this subsection.

"(B) Not later than 180 days after the date of enactment of the Superfund Improvement Act of 1985, the Governor of each State shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the Governor may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the Governors of each potentially affected State may designate emergency planning districts and emergency planning committees by agreement. Im making such designation, the Governor shall indicate which facilities designated under subparagraph (A) are within such emergency planning district.

"(C) Not later than 210 days after such date of enactment, the Governor shall appoint members of an emergency planning committee for each emergency planning district. Each Committee shall include representatives of the public, appropriate State and local organizations, and owners and operators of facilities designated under subparagraph (A). In making such appointments, the Governor shall consider persons who would be expected to play a major role in the event of a release of an extremely hazardous substance, such as elected officials, law enforcement and firefighting personnel, public health, medical, hospital, and environmental protection personnel, civil defense personnel, transportation officials, and representitives of broadcast and print media. Interested persons may petition the Governor to modify the membership of such committee. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

"(D) Each emergency planning committee shall complete preparation of emergency plans in accordance with the subsection not later than two years after such date of enactment. The committee shall review such plan at least annually, or as changed circumstances in the community or at any facility may require.

"(E) Each emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required, and the means for providing such additional resources.

"(F) Each emergency plan shall include (but is not limited to)—

"(i) identification of facilities designated pursuant to subparagraph (A) that are within the emergency planning district, and identification of routes likely to be used for the transportation of substances listed pursuant to subparagraph (A);

"(ii) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;

"(iii) designation of a community emergency coordinator and a facility emergency coordinator, who shall make determinations necessary to implement the plan;

"(iv) procedures providing reliable, effective, and timely notification by the facility emergency coordinator and the community emergency coordinator to persons designated in the emegency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements under section 103 (j),;

"(v) methods for determining the occurrence of a release, and the area or population likely to be affected by such release;

"(vi) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

"(vii) training programs, including schedules for training of local emergency response and medical personnel; and

"(viii) methods and schedules for exercising such plan.

"(G) The owner or operator of each facility designated pursuant to subparagraph (A) shall—

"(i) within 210 days after such date of enactment, notify the emergency planning committee for the emergency planning district in which such facility is located that a facility representative will participate in the emergency planning process;

"(ii) promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur; and

"(iii) upon request from the emergency planning committee, promptly provide information to such committee necessary for developing and implementing the emergency plan.

"(H) The National Response Team shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than 150 days after such date of enactment.

"(I) The Regional Response Teams shall review and comment upon such emergency plans or other issues related to preparation, implementation, or exercise of such plan upon request of the emergency planning committee. Such review shall not delay implementation of such plans.

"(3) The President may order a facility owner or operator to comply with paragraph (2)(A) and (G) of this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.".

On page 58, after line 20, insert the following and renumber succeeding sections accordingly:

SEC. (a) Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following new subsections:

(i) MATERIAL SAFETY DATA SHEETS AND EMERGENCY INVENTORY.—(1) Each owner or operator of a facility at which a hazardous chemical is produced, used, or stored shall file a Material Safety Data Sheet and Emergency Inventory form, as published under paragraph (3) of this subsection, not later than 180 days after enactment of the Superfund Improvement Act of 1985 for such hazardous chemical with the emergency planning committee established under section 105(d), for the area in which such facility is located and the Governor of the State in which the facility is located. In addition, the Emergency Inventory form shall be filed with the Environmental Protection Agency. If no emergency planning committee exists for the area in which a facility is located, the Governor of the State in which the facility is located shall designate appropriate area officials to receive the Material Safety Data Sheet and Emergency Inventory form. The Governor of the State in which a facility is located shall notify owners and operators of facilities required to comply with the provisions of this subsection.

"(2) Whenever a Material Safety Data Sheet is revised (as required under regulations under the Occupational Safety and Health Act of 1970) each such facility owner or operator shall file, as promptly as practicable, but not later than 90 days after such revision, the revised material safety data sheet. On an annual basis, or whenever a significant change occurs in the amount or presence of the hazardous chemical located at the facility, such owner or operator shall file a new Emergency Inventory form with the recipients designated in paragraph (1).

"(3) The President shall publish the Emergency Inventory form in the Federal Register within 90 days of the enactment of the Superfund Improvement Act of 1985. The Emergency Inventory Form shall provide for an estimate of the maximum amounts of the hazardous chemical present at the facility at any time during the preceding calendar year (in ranges), a brief description of the use or storage of the hazardous chemical at such facility, and the location of the hazardous chemical at such facility.

"(4) The Material Safety Data Sheets and Emergency Inventory forms shall be made available by the emergency planning committee to the public upon request. If no emergency planning committee exists for the area in which the facility is located, the Material Safety Data Sheets and Emergency Inventory forms shall be made available to the public by the Governor of the State in which the facility is located upon request.

"(5) Nothing in this subsection shall be construed to limit the ability of any State or locality to require submission or distribution of information related to hazardous substances.

"(6) The President may establish quantities for hazardous chemicals below which no facility at which a hazardous chemical is produced, used, or stored shall be subject to the provisions of this subsection.

"(7) The President may order a facility owner or operator to comply with this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"(j) EMERGENCY NOTIFICATION.—(1) The owner or operator of any facility at which a release occurs in an amount requiring a report under subsection (a) shall immediately provide notice of such release to the community emergency coordinator for the emergency planning committees, established pursuant to subsection 105(d), for any area likely to be affected by the release and to the Governor of any State likely to be affected by the release. If an emergency plan prepared pursuant to section 105(d) does not exist, an operator shall instead provide notice to the emergency response authority of the affected jurisdictions.

"(2) Notice under paragraph (1) shall include (to the extent known at the time of the notice)—

"(A) the chemical name or identity of any hazardous substance involved in the release;

"(B) an estimate of the quantity of any such hazardous substance that was released into the environment;

"(C) the time and duration of the release;

"(D) the medium or media into which the release occurred;

"(E) the nature of the health or safety hazard posed by any substance released to the population as a whole and to sensitive populations, and the likely symptoms of exposure at different levels and types of exposure (unless such information is readily available to the emergency coordinator pursuant to the emergency plan);

"(F) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the emergency coordinator pursuant to the emergency plan); and

"(G) the name and telephone number of the person or persons to be contacted for further information.

"(3) As soon as practicable after a release to which this subsection applies, such owner or operator shall provide a follow-up notice (or notices, as more information becomes available) updating the information required under paragraph (2), and including additional information with respect to—

"(A) actions taken to respond to and contain the release;

"(B) any known or anticipated acute or chronic health risks associated with the release, and

"(C) where appropriate, advice regarding medical attention necessary for exposed individuals.".

(b) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding at the end thereof the following new paragraphs:

"(35) 'hazardous chemical' means, for purposes of section 103(i), any substance which is treated as a 'hazardous chemical' pursuant to the Occupational Safety and Health Administration's hazard communication standard (codified in July 1985 in 29 CFR 1910.1200), except that the following substances shall not be treated as a 'hazardous chemical' for such purposes:

"(A) any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

"(B) any manufactured item that contains a hazardous chemical present as a solid which does not result in exposure to the hazardous chemical under normal conditions of use;

"(C) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

"(D) any substance to the extent it is used in a laboratory, hospital, or medical facility under the direct supervision of a technically qualified individual;

"(E) any substance to the extent it is used in routine agricultural operations; and;

"(F) any substance to the extent it is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 or the Natural Gas Pipeline Safety Act of 1968:

"(36) 'Material Safety Data Sheet' means a material safety data sheet developed for a hazardous chemical pursuant to the hazard communication regulations promulgated under the Occupational Safety and Health Act of 1970 (codified in July 1985 at 29 CFR 1910.1200).".

Mr. LAUTENBERG. Mr. President, I am offering this amendment on behalf of myself, and Senators MOYNIHAN, HUMPHREY, HEINZ, and BRADLEY. The amendment is designed to improve community emergency planning around facilities handling hazardous chemicals. The amendment is modeled on S. 1531, the Community Emergency Preparedness and Response Act of 1985, which I introduced on July 30.

Mr. President, our amendment builds upon the emergency response provisions in Superfund. It provides a framework for improving and integrating facility and community planning and emergency response efforts, establishing training programs for emergency response officials, and for educating the public about what to do in the event of a toxic release into the environment. The amendment recognizes that the responsiblility for emergency preparedness and response planning and implementation rests with the States and affected localities, but provides Federal technical assistance when appropriate.

The amendment stems from a hearing held by the Senate Environment and Public Works Committee in February, 1985 in the wake of the tragedy in Bhopal, India, and a number of serious releases in this country. Testimony before the committee, from firemen, State and local emergency response personnel, Federal officials and industry representatives confirmed the need to improve local notification, planning and response capabilities for dealing with releases of hazardous substances that are dangerous to the public and environment.

Mr. President, 1 year ago, Bhopal, India was unknown. Now it is a name and a place known to people all over the world. It is a name that strikes terror in the hearts of millions who live or work near a chemical plant.

Since the Bhopal incident, there have been a series of less serious, but significant, releases in the United States that suggest that we are far from immune from such dangers. Clearly, we must take every step to prevent such occurrences. But, in the event of a chemical release, we should be better prepared to respond.

Hundreds of the victims in Bhopal could have been spared their lives or injuries if they had known of the hazard around them and known how to respond. Many more lives could have been saved it a communication system had been in place to alert residents of Bhopal about the release. That is true of chemical releases in our country as well.

Our amendment is designed to improve our ability to respond to these incidents. To improve local emergency preparedness planning, the bill requires that the Environmental Protection Agency prepared a list of extremely hazardous substances.

The foundation of this list will be the "Seveso list" developed by the European Economic Community as part of its directive on major accident hazards. The directive was approved by EEC members in 1982, following a major dioxin accident in Seveso, Italy.

Facilities which handle substances on this list of specified amounts would be required to participate in community emergency response planning. The Seveso list is considered to be an initial list for purposes of emergency planning, and can be modified by EPA, to add or delete substances.

Shortly after the Seveso list is published in the Federal Register and facilities have notified the Governors in the States in which they are located, Governors are to designate planning districts within their States for areas

likely to be affected by releases from such facilities and appoint local emergency planning committees to prepare emergency response plans and establish or improve training programs for local emergency response and medical personnel.

The Federal role is primarily technical; in developing the list of extremely hazardous substances and providing guidance and technical assistance to emergency planning committees, and review and comment on local emergency response plans upon request.

In addition, the amendment would require immediate notification upon the release of a reportable quantity under Superfund. Facilities experiencing such a release would be required to notify the National Response Center, as provided under current law, but also would have to notify the appropriate emergency planning committees, their Governor, and in the absence of planning committees, State and local emergency response officials. Unlike EPA's existing notification regulations, notification must be immediate. This notification shall be accompanied by specific information pertaining to the substances released and appropriate response measures. Follow up notification of actions taken to respond to and contain a release would be required as soon as practicable after the release.

This notification requirement simply expands upon a provision I authored in S. 51. The SE requirements are expected to provide a means for the local planning committees, the Governor, and the National Response Center to track facilities that may have a record of releases, and should serve as an aid in designating additional facilities to participate in community emergency planning. These notification requirements are effective immediately upon enactment of the Superfund Improvement Act of 1985.

Finally, Mr. President, the facilities that handle substances covered by OSHA's hazard communication standard would be required to submit the material safety data sheets required under that standard, and an annual estimate of their inventories of the substances covered by the OSHA standard, and location, and basic uses and storage information about such substances, to local emergency planning committees, the State, and EPA, which shall make this information available to the public.

This provision will make information about hazardous substances present in a community available to emergency response personnel and the public through the MSDS and emergency inventory. This provision is vital to our first responders—the firefighters, police, and emergency personnel—who must put their lives on the line to respond to chemical emergencies.

Mr. President, there are a number of additional points that I would like to make for purposes of legislative history. This amendment provides no specific authorization from the Superfund for expenditures related to carrying out its provisions. However, it is expected that funding for emergency response and training will continue to come from the fund, and be sufficient to support the additional activities of the national response teams and regional response teams under this provision.

The amendment is structured to allow existing planning areas and plans to be incorporated into the district and committee planning process. To the extent that a State or a locality has an effective plan, the committees and communities can use this plan.

The substances covered by the material safety data sheet and emergency inventory requirements in the community right-to-know provisions of the amendment are more numerous than the substances on the Seveso list. The reason for this is straight forward. What our workers are entitled to know in handling hazardous substances, our firefighters should know. They are essentially workers who work under the worst conditions—fires, spills, and other releases involving hazardous chemicals and other materials. The list of extremely hazardous substances, on the other hand, which trigger facilities for emergency planning, can be shorter and more focused on the risks to the larger community.

The Seveso list was chosen as an appropriate starting point for triggering emergency planning because of its widespread acceptance as a list of substances that pose an extreme threat to the public and environment. In a report from the Congressional Research Service, the Seveso list is described as a list "composed of chemicals generally recognized as being of significance in the event of an uncontrolled or sudden release. Experts from several countries generated and agreed to the list. The chemicals are not restricted to those of acute toxicity, but include many of those of possible long-term toxicity, e.g. dioxin. Finally, the experts collectively decided upon quantities of concern for each chemical." I request that the remainder of the report from the CRS and the accompanying Seveso directive be printed in the RECORD at the conclusion of my remarks.

Mr. President, I shall request that additional material be printed in the RECORD at the conclusion of my remarks.

In crafting the amendment, it was brought to our attention that biannual exercise of plans keeps a community prepared and attentive to changes in the community and turnover among emergency response personnel. While we did not believe it was appropriate to dictate how often different communities should practice their plans, the emphasis should be upon keeping these plans, people plans and not paper plans, which requires practice and continual public education.

The role of the community is critical in the planning process. The amendment provides that the public be represented on the planning committees, be given opportunity to participate in meetings on the plan, and have opportunity for comment. The committees are expected to play an active role in reaching out and bringing the public into the process.

In an Environment and Public Works Committee field hearing in Newark, NJ this winter, several residents of the industrial area of Linden expressed surprise about emergency response procedures in the city. They were unsure where to go, whom to call, and what to do in the event of a chemical release. It is imperative that residents learn of hazards in their midst and be able to respond in the case of a mishap.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD: The New Jersey emergency services form for consideration in developing the "right-to-know" provisions of the amendment are an important element in this process. These provisions provide for distribution of material safety data sheets and emergency inventory forms to the planning committees and the State EPA is to receive the emergency inventory. The information submitted is to be made available to the public by the planning committee or State uniform emergency inventory form, also the excellent series by Stuart Diamond of the New York Times on the tragedy in Bhopal. The New York Times series provides a persuasive argument that releases of hazardous substances are widespread, and that the elements that lead up to catastrophic release and failed response are common to the manufacture and use of these substances throughout the world.

Today we recognize that we cannot afford to play Russian roulette with hazardous chemicals, and bank on being able to respond without coordinated emergency response efforts. The Environment and Public Works Committee has already taken steps to respond to emergency planning and response needs. The amendments in S. 51 improve notification requirements under Superfund and stiffen penalties for noncompliance.

Mr. President, this amendment complements those provisions.

This amendment is supported by our firefighters, labor, public health, environmental, religious, and consumer groups. These include the 170,000 members of the International Association of Firefighters, the National Lung

Association, AFSCME, the AFL-CIO, the U.S. Conference of Mayors, and a large coalition of environmental groups. This morning, the International Association of Fire Chiefs passed a unanimous resolution on behalf of their 9,000 members which is consistent with this amendment.

Mr. President, I ask unanimous consent that a letter written on behalf of this amendment by this coalition, a letter by Mr. Ed Hennessy, chairman of the Allied Corp., one of New Jersey's largest companies and the fire chiefs' resolution, be printed in the RECORD, along with other materials at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I understand that this amendment is acceptable to the managers of the bill. I urge my colleagues to adopt this amendment.

EXHIBIT 1

FIREFIGHTING, LABOR, HEALTH, ENVIRONMENTAL, AGRICULTURAL, RELIGIOUS, CITIZEN AND CONSUMER ORGANIZATIONS STRONGLY SUPPORT SUPERFUND HAZARDOUS SUBSTANCE INVENTORY AND EMERGENCY PREPAREDNESS AND RESPONSE PROVISIONS

DEAR SENATOR: On December 3, 1984, more than 2,000 citizens were killed and 200,000 injured in Bhopal, India, when the toxic cloud of methyl isocyanate from a Union Carbide manufacturing facility spread over the sleeping city. Following the Bhopal tragedy, the worst industrial accident in history, the American public asked, "Could it happen here?"

Today, we know it can. According to the Congressional Research Service, approximately 75 percent of all Americans live in the vicinity of facilities which handle, treat, or store hazardous chemicals. Recent chemical releases in this country, especially in the release on August 11 from another Union Carbide facility in Institute, West Virginia, have underscored the lack of adequate public information about hazardous substances and the health hazards associated with exposure to them. In addition, life-threatening inadequacies in emergency response capabilities also have become apparent.

In response to these chemical disasters, the Senate Environment and Public Works Committee incorporated a provision establishing a Hazardous Substances Inventory in S. 51, the Superfund Improvement Act of 1985.

The Hazardous Substances Inventory would provide information about chemical use, storage, and releases into the air and environment from facilities handling hazardous substances. Covered facilities also would attach Material Safety Data Sheets, required by the OSHA Hazard Communication Standard, to the inventory form in order to provide information about the health hazards and safe handling of these substances.

The inventory is to be used by local, state, and federal agencies to improve toxic chemical management by monitoring location and use, as well as tracking regular environmental releases of these substances. It is to be made widely available to the public, including emergency response officials, who sorely need this information to plan for and respond to toxic chemical releases.

In addition, in late July, Senators Lautenberg, Moynihan, and Humphrey introduced S. 1531, the Community Emergency Preparedness and Response Act of 1985. They intend to offer an amendment similar to S. 1531 when the full Senate takes up the Superfund reauthorization this fall. This legislation builds upon the emergency response provisions of Superfund by providing a framework for improved community preparedness and notification around facilities that handle hazardous substances.

S. 1531 mandates that a priority list of hazardous substances be developed by the Environmental Protection Agency and that designated facilities, which store, handle or manufacture these substances, participate in emergency response planning. The Governors of each state are responsible for designating planning districts in areas where releases from such facilities might endanger public health of the environment. Local emergency planning committees subsequently would be established to prepare emergency response plans and ensure that local emergency response personnel are trained to carry out the plans successfully. This legislation provides federal technical assistance where appropriate, but relies upon the states and localities to take primary responsibility for developing plans for protecting their citizens.

The undersigned firefighting, labor, health, environmental, agricultural, religious, citizens, and consumer organizations strongly support the Hazardous Substance Inventory in S. 51, and the emergency preparedness amendment to be offered when the full Senate takes up S. 51. The events of recent months have illustrated dramatically the need for strengthening the information requirements and emergency response capabilities under Superfund. The adoption of these provisions could literally mean the difference between life and death for the citizens of this country and for those who must respond to chemical releases.

We urge you to support these important provisions when S. 51 is brought to the Senate floor.

Sincerely,

Mike Kerr, American Federation of State, County and Municipal Employees; Richard Duffy, International Association of Firefighters; Fran Dumelle, American Lung Association; Greg Humphrey, American Federation of Teachers; Mary Lou Licwinko, Association of Schools of Public Health; Len Simon, U.S. Conference of Mayors.

Julia A. Holmes, League of Women Voters; Linda Tarr-Whelan, National Education Association; Lori Rogovin, American Association of University Women: Janet Hathaway, Public Citizen's Congress Watch; Diane VanDe Hie, National Association of Local Governments on Hazardous Waste; Robert Alpern, Washington Office, Unitarian Universalist Association of Congregations in North America; Allen Spalt, Rural Advancement Fund; Haviland C. Houston, General Board of Church and Society, United Methodist Church; Rick Hind, U.S. PIRG; Eric Jansson, National Network to Prevent Birth Defects.

Linda Golodner, National Consumers League; David Mallino Industrial Union Department, AFL-CIO; Jeff Tryens, Conference on Alternative State and Local Policies; Gene Kimmelman, Consumer Federation of America; Leslie Dach, National Audubon Society; Jay Feldman, National Coalition Against the Misuse of Pesticides; Shirley Briggs, Rachel Carson Council; Charles Lee, United Church of Christ Commission for Racial Justice: Bill Klinefelter, United Steel Workers of America; Victoria Leonard, National Women's Health Network.

Ken Kamlett, National Wildlife Federation; Martha Broad, Natural Resources Defense Council; Anthony Guarisco, International Alliance of Atomic Veterans; Geoff Webb, Friends of the Earth; John O'Connor, National Campaign Against Toxic Hazards; Norman Solomon, Fellowship of Reconciliation; Ann F. Lewis, Americans for Democratic Action; Cathy Hurwit, Citizens Action; Blaise Lupo, Clergy and Laity Concerned.

Fred Millar, Environmental Policy Institute; Scott Martin, League of Conservation Voters; Joseph R. Hacala, S.J., Jesuit Social Ministries, National Office; Kathleen Tucker, Health and Energy Institute; David Zwick, Clean Water Action Project; Dan Becker, Environmental Action; Sally Timmel, Church Women United; Ralph Watkins, Church of the Brethren.

RESOLUTION

Whereas: The IAFC recognizes the need that emergency service personnel have a right-to-know the known or potentially hazardous and toxic materials to be encountered in response to emergency incidents, and

Whereas: The IAFC recognizes the need for industry handling known or suspected hazardous or toxic materials to make a positive effort to assist and support fire departments with training and education programs for fire and rescue personnel responding to incidents involving their products, and

Whereas: The IAFC recognizes that potential or known hazardous chemicals can lead to health hazards, and should be regulated, and

Whereas: The IAFC recognizes that even small amounts of potential or known hazardous chemicals can lead to health hazards, and

Whereas: The IAFC recognizes that hazardous or toxic substances which may present acute and/or chronic adverse health hazards to fire and rescue personnel must be identified and reported, and

Whereas: The failure of the Federal Hazardous Communication Law to adequately address this subject has caused many of our states and localities to adopt stringent right-to-know legislation,

Therefore be it Resolved: That the IAFC supports the enactment of Federal fire service right-to-know legislation in order to establish a more uniform means of planning and/or responding to emergencies dealing with potential releases of hazardous substances which, may present an imminent or substantial danger to fire and rescue personnel, and be it further

Resolved: That the IAFC supports Federal legislation that recognizes the need for the fire department to have concise, relevant, manageable information that will be of practical use by emergency response agencies, and be it further

Resolved: That industry, including users and suppliers provide a regularly updated inventory to allow for adequate preplan for emergency responses, and be it further

Resolved: That any Federal legislation will establish minimum standards and that no state or local government shall be prohibited from the enactment of more strin-

gent right-to-know legislation, and be it further

Resolved: That any and all right-to-know legislation shall cover at least those hazards and toxic substances which are now regulated and defined under OSHA's hazardous communication standards, and be it further

Resolved: That this Resolution will provide guidance to the IAFC Board of Directors.

ALLIED CORP.,
Morristown, NJ, September 12, 1985.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR FRANK: I appreciate the opportunity Allied representatives had to share their experience and comments with your staff as the Community Emergency Preparedness and Response Act, S. 1531, was being drafted.

Allied supports the enactment of S. 1531. It is consistent with our long-standing endorsement of the concept of making community officials and residents aware of potentially dangerous materials in nearby facilities and having in place carefully devised procedures to be followed in the event of an emergency.

Those provisions complement the "hazardous materials inventory" requirement which you added to S. 51 in the Environment and Public Works Committee. We hope you will modify that provision so that, as in S. 1531, it is targeted to facilities handling extremely hazardous substances. Finally we urge that the language make it clear that estimates can be used to satisfy emissions reporting requirements when exact data are unavailable.

We look forward to working further with you and your staff on this important legislation.

With best wishes,
Sincerely,

EDWARD L. HENNESSY, Jr.,
Chairman of the Board.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 30, 1985.

To: Senate Committee on Environment and Public Works, Attention: Liz Barratt-Brown.

From: Michael M. Simpson, Analyst in Life Sciences, Science Policy Research Division.

Subject: A list of chemicals of concern.

Based upon our previous conversations, my understanding is that you are interested in a preliminary list of chemicals generally recognized as being of significance in the event of an uncontrolled and sudden release. It is understood that, as with many specific components of proposed legislation, this list would not be construed as final and unchangeable, but would serve as the starting point for discussion. While any components of a list (by being either on or off it) could engender debate, the chemicals on this list would be limited to those which are generally recognized by experts and bodies of experts as significant in the event of an uncontrolled and sudden release. Finally, because generally there is more uncertainty and controversy associated with the specification of chemicals of long-term toxicity (e.g., are carcinogenic, mutagenic, or teratogenic), the list would be composed mostly of chemicals of acute toxicity.

There are millions of known chemicals, and tens of thousands in commerce. Further, as pointed out in the National Academy of Sciences' (NAS) report of 1984, Toxicity Testing—Strategies to Determine Needs and Priorities, there are large gaps of knowledge about the health effects of most of these chemicals. Finally, the assigned time constraint and finite research resources of the Cogressional Research Service necessarily would have resulted in a limited invetigation.

Both the National Institute for Occupational Saftey and Health, and the American Chemical Society, maintain extensive computerized data bases of chemicals and their observed health effects. These organizations can be contacted to provide a list of chemicals of specified toxicity. An extensive search with scores of specified toxicities would probably require a significant allocation of time and other resources. Specifying the toxicities could be controversial. And the health effects data gaps noted by the NAS would prevent the list from being complete and final.

Rather than attempt to generate a list of specific chemicals of specified toxicities, my approach was to review lists of chemicals of concern compiled by experts and bodies of experts. There are several of such lists, including that compiled by the United Nations Environment Program, and by the Office of Environmental and Scientific Affairs of the World Bank. Following a review of several of these lists, the enclosed list was selected as being most suited to your perceived needs.

The enclosed Council of the European Communities list is composed of chemicals generally recognized as being of significance in the event of an uncontrolled and sudden release. Experts from several countries generated and agreed to the list. The chemicals are not restricted to those of acute toxicity, but include many of those of possible long-term toxicity, e.g., dioxin. Finally, the experts collectively decided upon quantities of concern for each chemical.

I trust this information will be useful to you in starting and focusing discussion about legislation to prevent injuries and damage from chemical accidents. Please call me at 287-7010 when I can be of further assistance.

COUNCIL DIRECTIVE ON MAJOR ACCIDENT HAZARDS OF CERTAIN INDUSTRIAL ACTIVITIES

The Council of the European Communities:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,[1]

Having regard to the opinion of the European Parliament,[2]

Having regard to the opinion of the Economic and Social Committee,[3]

Whereas the objectives and principles of the Community environment policy were fixed by the action programmes of the European Communities on the environment of 22 November 1973,[4] and 17 May 1977,[5] and having regard in particular to the principle that the best policy consists in preventing the creation of pollution or nuisances at source; whereas to this end technical progress should be conceived and directed so as to meet the concern for the protection of the environment;

Whereas the objectives of the Community policy of health and safety at work were fixed by the Council resolution of 29 June 1978 on an action programme of the European Communities on safety and health at work,[6] and having regard in particular to the principle that the best policy consists in obviating possible accidents at source by the integration of safety at the various stages of design, construction and operation;

Whereas the Advisory Committee on Safety, Hygiene and Health Protection at Work, set up by Decision 74/325/EEC,[7] has been consulted;

Whereas, the protection of the public and the environment and safety and health protection at work call for particular attention to be given to certain industrial activities capable of causing major accidents; whereas such accidents have already occurred in the Community and have had serious consequences for workers and, more generally, for the public and the environment;

Whereas, for every industrial activity which involves, or may involve, dangerous substances and which, in the event of a major accident, may have serious consequences for man and the environment, the manufacturer must take all necessary measures to prevent such accident and to limit the consequences thereof;

Whereas the training and information of persons working on an industrial site can play a particularly important part in preventing major accidents and bringing the situation under control in the event of such accidents;

Whereas, in the case of industrial activities which involve or may involve substances that are particularly dangerous in certain quantities, it is necessary for the manufacturer to provide the competent authorities with information including details of the substances in question and high-risk installations and situations, with a view to reducing the hazards of major accidents and enabling the necessary steps to be taken to reduce their consequences;

Whereas it is necessary to lay down that any person outside the establishment liable to be affected by a major accident should be appropriately informed of the safety measures to be taken and of the correct behaviour to be adopted in the event of an accident;

Whereas, if a major accident occurs, the manufacturer must immediately inform the competent authorities and communicate the information necessary for assessing the impact of that accident;

Whereas Member States should forward information to the Commission regarding major accidents occurring on their territory, so that the Commission can analyze the hazards from major accidents;

Whereas this Directive does not preclude the conclusion by a Member State of agreements with third countries concerning the exchange of information to which it is privy at internal level other than that obtained through the Community arrangements for the exchange of information set up by this Directive;

Whereas disparity between provisions already applicable or being prepared in the various Member States on measures to prevent major accidents and limit their consequences for man and the environment may create unequal conditions of competition and hence directly affect the functioning of the common market; whereas the approximation of laws provided for in Article 100 of

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[1] OJ No C 212, 24.8.1979, p. 4.
[2] OJ No C 175, 14.7.1980, p. 48.
[3] OJ No C 182, 21.7.1980, p. 25.
[4] OJ No C 112, 20.12.1973, p. 1.
[5] OJ No C 139, 13.6.1977, p. 1.
[6] OJ No C 165, 11.7.1978, p. 1.
[7] OJ No L 185, 9.7.1974, p. 15.

the Treaty should therefore be carried out in this field;

Whereas it seems necessary to combine this approximation of laws with action by the Community aimed at attaining one of the Community objectives in the field of environmental protection and health and safety at work; whereas, in pursuance of this aim, certain specific provisions should therefore be laid down; whereas, since the necessary powers have not been provided by the Treaty, Article 235 of the Treaty should be invoked,

Had adopted this directive:

Article 1

1. This Directive is concerned with the prevention of major accidents which might result from certain industrial activities and with the limitation of their consequences for man and the environment. It is directed in particular toward the approximation of the measures taken by Member States in this field.

2. For the purposes of this directive:

(a) *Industrial activity* means:

Any operation carried out in an industrial installation referred to in Annex I involving, or possibly involving, one or more dangerous substances and capable of presenting major-accidents hazards and also transport carried out within the establishment for internal reasons and the storage associated with this operation within the establishment,

Any other storage in accordance with the conditions specified in Annex II;

(b) *Manufacturer* means: Any person in charge of an industrial activity;

(c) *Major accident* means: An occurrence such as a major emission, fire or explosion resulting from uncontrolled developments in the course of an industrial activity, leading to a serious danger to man, immediate or delayed, inside or outside the establishment, and/or to the environment, and involving one or more dangerous substances;

(d) *Dangerous substances* means: For the purposes of Articles 3 and 4, substances generally considered to fulfill the criteria laid down in Annex IV; for the purposes of Article 5, substances in the lists in Annex III and Annex II in the quantities referred to in the second column.

Article 2

This Directive does not apply to the following:

1. Nuclear installations and plant for the processing of radioactive substances and material;

2. Military installations;

3. The manufacture and separate storage of explosives, gunpowder and munitions;

4. Extraction and other mining operations;

5. Installations for the disposal of toxic and dangerous waste which are covered by Community Acts in so far as the purpose of those Acts is the prevention of major accidents.

Article 3

Member States shall adopt the provisions necessary to ensure that, in the case of any of the industrial activities specified in Article 1, the manufacturer is obliged to take all the measures necessary to prevent major accidents and to limit their consequences for man and the environment.

Article 4

Member States shall take the measures necessary to ensure that all manufacturers are required to prove to the competent authority at any time, for the purposes of the controls referred to in Article 7 (2), that they have identified existing major-accident hazards, adopted the appropriate safety measures, and provided the persons working on the site with information, training and equipment in order to ensure their safety.

Article 5

1. Without prejudice to Article 4, Member States shall introduce the necessary measures to require the manufacturer to notify the competent authorities specified in Article 7: If, in an industrial activity as defined in Article 1 (2)(a), first indent, one or more of the dangerous substances listed in Annex III are involved, or it is recognized that they must be involved, in the quantities laid down in the said Annex, such as: Substances stored or used in connection with the industrial activity concerned; products of manufacture; by-products; or residues; or if, in an industrial activity as defined in Article I (2)(a), second indent, one or more of the dangerous substances listed in Annex II are stored in the quantities laid down in the second column of the same Annex.

The notification shall contain the following:

(a) information relating to substances listed, respectively, in Annex II and Annex III, that is to say: The data and information listed in Annex V; the stage of the activity in which the substances are involved or may be involved; the quantity (order of magnitude); the chemical and/or physical behaviour under normal conditions of use during the process; the forms in which the substances may occur or into which they may be transformed in the case of abnormal conditions which can be foreseen; if necessary, other dangerous substances whose presence could have an effect on the potential hazard presented by the relevant industrial activity.

(b) information relating to the installations, that is to say: The geographical location of the installations and predominant meteorological conditions and sources of danger arising from the location of the site; the maximum number of persons working on the site of the establishment and particularly of those persons exposed to the hazard; a general desciption of the technological processes; a description of the sections of the establishment which are important from the safety point of view, the sources of hazard and the conditions under which a major accident could occur, together with a description of the preventive measures planned; the arrangements made to ensure that the technical means necessary for the safe operation of plant and to deal with any malfunctions that arise are available at all times.

(c) information relating to possible major-accident situations, that is to say: Emergency plans, including safety equipment, alarm systems and resources available for use inside the establishments in dealing with a major accident; any information necessary to the competent authorities to enable them to prepare emergency plans for use outside the establishment in accordance with Article 7 (1); the names of the person and his deputies or the qualified body responsible for safety and authorized to set the emergency plans in motion and to alert the competent authorities specified in Article 7.

2. In the case of new installations, the notification referred to in paragraph 1 must reach the competent authorities a reasonable length of time before the industrial activity commences.

3. The notification specified in paragraph 1 shall be updated periodically to take account on new technical knowledge relative to safety and of developments in knowledge concerning the assessment of hazards.

4. In the case of industrial activities for which the quantities, by substance, laid down in Annex II or III, as appropriate, are exceeded in a group of installations belonging to the same manufacturer which are less than 500 metres apart, the Member States shall take the necessary steps to ensure that the manufacturer supplies the amount of information required for the notification referred to in paragraph 1, without prejudice to Article 7, having regard to the fact that the installations are a short distance apart and that any major-accident hazards may therefore be aggravated.

Article 6

In the event of modification of an industrial activity which could have significant consequences as regards major-accident hazards, the Member States shall take appropriate measures to ensure that the manufacturer: revises the measures specified in Articles 3 and 4, informs the competent authorities referred to in Article 7 in advance, if necessary, of such modification in so far as it affects the information contained in the notification specified in Article 5.

Article 7

1. The Member States shall set up or appoint the competent authority or authorities who, account being taken of the responsibility of the manufacturer, are responsible for: Receiving the notification referred to in Article 5 and the information referred to in the second indent of Article 6; examining the information provided; ensuring that an emergency plan is drawn up for action outside the establishment in respect of whose industrial activity notification has been given; and, if necessary, requesting supplementary information; ascertaining that the manufacturer takes the most appropriate measures, in connection with the various operations involved in the industrial activity for which notification has been given, to prevent major accidents and to provide the means for limiting the consequences thereof.

2. The competent authorities shall organize inspections or other measures of control proper to the type of activity concerned, in accordance with national regulations.

Article 8

1. Member States shall ensure that persons liable to be affected by a major accident originating in a notified industrial activity within the meaning of Article 5 are informed in an appropriate manner of the safety measures and of the correct behavior to adopt in the event of an accident.

2. The Member States concerned shall at the same time make available to the other Member States concerned, as a basis for all necessary consultation within the framework of their bilateral relations, the same information as that which is disseminated to their own nationals.

Article 9

1. This Directive shall apply to both new and existing industrial activities.

2. "New industrial activity" shall also include any modification to an existing industrial activity likely to have important implications for major-accident hazards.

In the case of existing industrial activities, this Directive shall apply at the latest on 8 January 1985.

However, as regards the application of Article 5 to an existing industrial activity, the Member States shall ensure that the manu-

facturer shall submit to the competent authority, at the latest on 8 January 1985, a declaration comprising: Name or trade name and complete address; registered place of business of the establishment and complete address; name of the director in charge; type of activity; type of production or storage; an indication of the substances or category of substances involved, as listed in Annexes II or III.

4. Moreover, Member States shall ensure that the manufacturer shall, at the latest on 8 July 1989, supplement the declaration provided for in paragraph 3, second, subparagraph, with the data and information specified in Article 5. Manufacturers shall normally be obliged to forward such supplementary declaration to the competent authority; however, Member States may waive the obligation on manufacturers to submit the supplementary declaration; in that event such declaration shall be submitted to the competent authority at the explicit request of the latter.

Article 10

1. Member States shall take the necessary measures to ensure that, as soon as a major accident occurs, the manufacturer shall be required:

(a) To inform the competent authorities specified in Article 7 immediately;

(b) To provide them with the following information as soon as it becomes available: The circumstances of the accident; the dangerous substances involved within the meaning of Article 1 (2)(d); the date available for assessing the effects of the accident on man and the environment; the emergency measures taken.

(c) To inform them of the steps envisaged: To alleviate the medium and long-term effects of the accident; to prevent any recurrence of such an accident.

2. The Member States shall require the competent authorities:

(a) To ensure that any emergency and medium and long-term measures which may prove necessary are taken;

(b) To collect, where possible, the information necessary for a full analysis of the major accident and possibly to make recommendations.

Article 11

1. Member States shall inform the Commission as soon as possible of major accidents which have occurred within their territory and shall provide it with the information specified in Annex VI as soon as it becomes available.

2. Member States shall inform the Commission of the name of the organization which might have relevant information on major accidents and which is able to advise the competent authorities of the other Member States which have to intervene in the event of such an accident.

3. Member States may notify the Commission of any substance which in their view should be added to Annexes II and III and of any measures they may have taken concerning such substances. The Commission shall forward this information to the other Member States.

Article 12

The Commission shall set up and keep at the disposal of the Member States a register containing a summary of the major accidents which have occurred within the territory of the Member States, including an analysis of the causes of such accidents, experience gained and measures taken, to enable the Member States to use this information for prevention purposes.

Article 13

1. Information obtained by the competent authorities in pursuance of Articles 5, 6, 7, 9, 10 and 12 and by the Commission in pursuance of Article 11 may not be used for any purpose other than that for which it was requested.

2. However this Directive shall not preclude the conclusion by a Member State of agreements with third countries concerning the exchange of information to which it is privy at internal level other than that obtained through the Community machinery for the exchange of information set up by the Directive.

3. The Commission and its officials and employees shall not divulge the information obtained in pursuance of this Directive. The same requirements shall apply to officials and employees of the competent authorities of the Member States as regards any information they obtain from the Commission.

Nevertheless, such information may be supplied: In the case of Articles 12 and 18; when a Member State carries out or authorizes the publication of information concerning that Member State itself.

4. Paragraphs 1, 2 and 3 shall not preclude the publication by the Commission of general statistical data or information on matters of safety containing no specific details regarding particular undertakings or groups of undertakings and not jeopardizing industrial secrecy.

Article 14

The amendments necessary for adapting Annex V to technical progress shall be adopted in accordance with the procedure specified in Article 16.

Article 15

1. For the purposes of applying Article 14, a Committee responsible for adapting this Directive to technical progress (hereinafter referred to as 'the Committee') is hereby set up. It shall consist of representatives of the Member States and be chaired by a representative of the Commission.

2. The Committee shall draw up its own rules of procedure.

Article 16

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which may be determined by the chairman according to the urgency of the matter. It shall decide by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where these are in accordance with the opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or in the absence of an opinion, the Commission shall forthwith submit a proposal to the Council on the measures to be adopted. The Council shall act by a qualified majority.

(c) If the Council does not act within three months of the proposal being submitted to it, the measures proposed shall be adopted by the Commission.

Article 17

This Directive shall not restrict the right of the Member States to apply or to adopt administrative or legislative measures ensuring greater protection of man and the environment than that which derives from the provisions of this Directive.

Article 18

Member States and the Commission shall exchange information on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences; this information shall concern, in particular, the functioning of the measures provided for in this Directive. Five years after notification of this Directive, the Commission shall forward to the Council and the European Parliament a report on its application which it shall draw up on the basis of this exchange of information.

Article 19

At the latest on 8 January 1986 the Council shall, on a proposal from the Commission, review Annexes I, II and III.

Article 20

1. Member States shall take the measures necessary to comply with this Directive at the latest on 8 January 1984. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

Article 21

This Directive is addressed to the Member States.

Done at Luxembourg, 24 June 1982.

F. AERTS, *For the Council The President.*

[Annex I]

INDUSTRIAL INSTALLATIONS WITHIN THE MEANING OF ARTICLE 1

1. Installations for the production or processing of organic or inorganic chemicals using for this purpose, in particular: alkylation, amination by ammonolysis, carbonylation, condensation, dehydrogenation, esterification, halogenation and manufacture of halogens, hydrogenation, hydrolysis, oxidation, polymerization, sulphonation, desulphurization, manufacture and transformation of sulphur-containing compounds, nitration and manufacture of nitrogen-containing compounds, manufacture of phosphorus-containing compounds, formulation of pesticides and of pharmaceutical products.

Installations for the processing of organic and inorganic chemical substances, using for this purpose, in particular: distillation, extraction, solvation, mixing.

2. Installations for distillation, refining or other processing of petroleum or petroleum products.

3. Installations for the total or partial disposal of solid or liquid substances by incineration or chemical decomposition.

4. Installations for the production or processing of energy gases, for example, LPG, LNG, SNG.

5. Installations for the dry distillation of coal or lignite.

6. Installations for the production of metals or non-metals by the wet process or by means of electrical energy.

[Annex II]

STORAGE AT INSTALLATIONS OTHER THAN THOSE COVERED BY ANNEX I

("Isolated Storage")

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between the installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major-accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than approximately 500 m.

Substances or groups of substances	Quantities (tonnes) >	
	For application of articles 3 and 4	For application of article 5
1. Flammable gases as defined in Annex IV(c)(i)	50	[1] 300
2. Highly flammable liquids as defined in Annex IV(c)(ii)	10,000	100,000
3. Acrylonitrile	350	5,000
4. Ammonia	60	600
5. Chlorine	10	200
6. Sulphur dioxide	20	500
7. Ammonium nitrate	[2] 500	[2] 5,000
8. Sodium chlorate	25	[2] 250
9. Liquid oxygen	200	[2] 2,000

[1] Member States may provisionally apply Article 5 to quantities of at least 500 tonnes until the revision of Annex II mentioned in Article 19.
[2] Where the substance is in a state which gives it properties capable of creating a major-accident hazard.

[Annex III]

LIST OF SUBSTANCES FOR THE APPLICATION OF ARTICLE 5

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between the installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major-accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than approximately 500 m.

Name	Quantity (>)	CAS No.	EEC No.
1. 4-Aminodiphenyl	1 kg	92-67-1	
2. Benzidine	1 kg	92-87-5	612-042-00-2
3. Benzidine salts	1 kg		
4. Dimethylnitrosamine	1 kg	62-75-9	
5. 2-Naphthylamine	1 kg	91-59-8	612-022-00-3
6. Beryllium (powders, compounds).	10 kg		
7. Bis(chloromethyl) ether.	1 kg	542-88-1	603-046-00-5
8. 1,3-Propanesultone	1 kg	1120-71-4	
9. 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD).	1 kg	1746-01-6	
10. Arsenic pentoxide, Arsenic (V) acid and salts.	500 kg		
11. Arsenic trioxide, Arsenious (III) acid and salts.	100 kg		
12. Arsenic hydride (Arsine).	10 kg	7784-42-1	
13. Dimethylcarbamoyl chloride.	1 kg	79-44-7	
14. 4-(Chloroformyl) morpholine.	1 kg	15159-40-7	
15. Carbonyl chloride (Phosgene).	20 t	75-44-5	006-002-00-8
16. Chlorine	50 t	7782-50-5	017-001-00-7
17. Hydrogen sulphide	50 t	7783-06-04	016-001-00-4
18. Acrylonitrile	200 t	107-13-1	608-003-00-4
19. Hydrogen cyanide	20 t	74-90-8	006-006-00-X
20. Carbon disulphide	200 t	75-15-0	006-003-00-3
21. Bromine	500 t	7726-95-6	035-001-00-5
22. Ammonia	500 t	7664-41-7	007-001-00-5
23. Acetylene (Ethyne)	50 t	74-86-2	601-015-00-0
24. Hydrogen	50 t	1333-74-0	001-001-00-9
25. Ethylene oxide	50 t	75-21-8	603-023-00-X
26. Propylene oxide	50 t	75-56-9	603-055-00-4
27. 2-Cyanopropan-2-ol (Acetone cyanohydrin).	200 t	75-86-5	608-004-00-X
28. 2-Propenal (Acrolein).	200 t	107-02-8	605-008-00-3
29. 2-Propen-1-ol (Allyl alcohol).	200 t	107-18-6	603-015-00-6
30. Allylamine	200 t	107-11-9	612-046-00-4
31. Antimony hydride (Stibine).	100 kg	7803-52-3	
32. Ethyleneimine	50 t	151-56-4	613-001-00-1
33. Formaldehyde (concentration > 90%).	50 t	50-00-0	605-001-01-2
34. Hydrogen phosphide (Phosphine).	100 kg	7803-51-2	
35. Bromomethane (Methyl bromide).	200 t	74-83-9	602-002-00-3
36. Methyl isocyanate	1 t	624-83-9	615-001-00-7
37. Nitrogen oxides	50 t	11104-93-1	
38. Sodium selenite	100 kg	10102-18-8	
39. Bis(2-chloroethyl) sulphide.	1 kg	505-60-2	
40. Phosacetim	100 kg	4104-14-7	015-092-00-8
41. Tetraethyl lead	50 t	78-00-2	
42. Tetramethyl lead	50 t	75-74-1	
43. Promurit (1-(3,4-Dichlorophenyl)-3-triazenethio-carboxamide).	100 kg	5856-73-7	
44. Chlorfenvinphos	100 kg	470-90-6	015-071-00-3
45. Crimidine	100 kg	535-89-7	613-004-00-8
46. Chloromethyl methyl ether.	1 kg	107-30-2	
47. Dimethyl phosphoramidocyanidic acid.	1 t	63917-41-9	
48. Carbophenothion	100 kg	786-19-6	015-044-00-6
49. Dialifos	100 kg	10311-84-9	015-088-00-6
50. Cyanthoate	100 kg	3734-95-0	015-070-00-8
51. Amitron	1 kg	78-53-5	
52. Oxydisulfoton	100 kg	2497-07-6	015-096-00-X
53. 00-Diethyl S-ethylsulphinylmethyl phosphorothioate.	100 kg	2588-05-8	
54. 00-Diethyl S-ethylsulphenylmethyl phosphorothioate.	100 kg	2588-06-9	
55. Disulfoton	100 kg	298-04-4	015-060-00-3
56. Demeton	100 kg	8065-48-3	
57. Phorate	100 kg	298-02-2	015-033-00-6
58. 00-Diethyl S-ethylthiomethyl phosphorothioate.	100 kg	2600-69-3	
59. 00-Diethyl S-isopropylthiomethyl phosphorodithioate.	100 kg	78-52-4	
60. Pyrazoxon	100 kg	108-34-9	015-023-00-1
61. Pensulfothion	100 kg	115-90-2	015-090-00-7
62. Paraoxon (Diethyl 4-nitrophenyl phosphate).	100 kg	311-45-5	
63. Parathion	100 kg	56-38-2	015-034-00-1
64. Azinphos-ethyl	100 kg	2642-71-9	015-056-00-1
65. 00-Diethyl S-propylthiomethyl phosphorodithioate.	100 kg	3309-68-0	
66. Thionazin	100 kg	297-97-2	
67. Carbofuran	100 kg	1563-66-2	006-026-00-9
68. Phosphamidon	100 kg	13171-21-6	015-022-00-6
69. Tirpate (2,4-Dimethyl-1,3-dithiolane-2-carboxaldehyde 0-methylcarbamoylox-ime).	100 kg	26419-73-8	
70. Mevinphos	100 kg	7786-34-7	015-020-00-5
71. Parathion-methyl	100 kg	298-00-0	015-035-00-7
72. Azinphos-methyl	100 kg	86-50-0	015-039-00-9
73. Cycloheximide	100 kg	66-81-9	
74. Diphacinone	100 kg	82-66-6	
75. Tetramethylenedi-sulphotetramine.	1 kg	80-12-6	
76. EPN	100 kg	2104-64-5	015-036-00-2
77. 4-Fluorobutyric acid	1 kg	462-23-7	
78. 4-Fluorobutyric acid, salts.	1 kg		
79. 4-Fluorobutyric acid, esters.	1 kg		
80. 4-Fluorobutyric acid, amides.	1 kg		
81. 4-Fluorocrotonic acid.	1 kg	37759-72-1	
82. 4-Fluorocrotonic acid, salts.	1 kg		
83. 4-Fluorocrotonic acid, esters.	1 kg		
84. 4-Fluorocrotonic acid, amides.	1 kg		
85. Fluoroacetic acid	1 kg	144-49-0	607-081-00-7
86. Fluoroacetic acid, salts.	1 kg		
87. Fluoroacetic acid, esters.	1 kg		
88. Fluoroacetic acid, amides.	1 kg		
89. Fluenetil	100 kg	4301-50-2	607-078-00-0
90. 4-Fluoro-2-hydroxybutyric acid.	1 kg		
91. 4-Fluoro-2-hydroxybutyric acid, salts.	1 kg		
92. 4-Fluoro-2-hydroxybutyric acid, esters.	1 kg		
93. 4-Fluoro-2-hydroxybutyric acid, amides.	1 kg		
94. Hydrogen fluoride	50 t	7664-39-3	009-002-00-6
95. Hydroxyacetonitrile (Glycolonitrile).	100 kg	107-16-4	
96. 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin.	100 kg	19408-74-3	
97. Isodrin	100 kg	465-73-6	602-050-00-4
98. Hexamethylphosphoramide.	1 kg	680-31-9	
99. Juglone (5-Hydroxynaphthalene-1,4-dione).	100 kg	481-39-0	
100. Warfarin	100 kg	81-81-2	607-056-00-0
101. 4,4'-Methylenebis (2-chloroaniline).	10 kg	101-14-4	
102. Ethion	100 kg	563-12-2	015-047-00-2
103. Aldicarb	100 kg	116-06-3	006-017-00-X
104. Nickel tetracarbonyl.	10 kg	13463-39-3	028-001-00-1
105. Isobenzan	100 kg	297-78-9	602-053-00-0
106. Pentaborane	100 kg	19624-22-7	
107. 1-Propen-2-chloro-1,3-diol-diacetate.	10 kg	10118-72-6	
108. Propyleneimine	50 t	75-55-8	
109. Oxygen difluoride	10 kg	7783-41-7	
110. Sulphur dichloride	1 t	10545-99-0	016-013-00-X
111. Selenium hexafluoride.	10 kg	7783-79-1	
112. Hydropen selenide	1Q kg	7783-07-5	
113. TEPP	100 kg	107-49-3	015-025-00-2
114. Sulfotep	100 kg	3689-24-5	015-027-00-3
115. Dimefox	100 kg	115-26-4	015-061-00-9
116. 1-Tri(cyclohexyl) stannyl-1H-1,2,4-triazole.	100 kg	41083-11-8	
117. Triethylenemelamine.	10 kg	51-18-3	
118. Cobalt (powders, compounds).	100 kg		
119. Nickel (powders, compounds).	100 kg		
120. Anabasine	100 kg	494-52-0	
121. Tellurium hexafluoride.	100 kg	7783-80-4	
122. Trichloromethanesulphenyl chloride.	100 kg	594-42-3	
123. 1,2-Dibromoethane (Ethylene dibromide).	50 t	106-93-4	602-010-00-6
124. Flammable substances as defined in Annex IV (c) (i).	200 t		
125. Flammable substances as defined in Annex IV (c) (ii).	50,000 t		
126. Diazodinitrophenol	10 t	7008-81-3	
127. Diethylene glycol dinitrate.	10 t	693-21-0	603-033-00-4
128. Dinitrophenol, salts	50 t		609-017-00-3
129. 1-Guanyl-4-nitrosaminoguanyl-1-tetrazene.	10 t	109-27-3	
130. Bis (2,4,6-trinitriphenyl) amine.	50 t	131-73-7	612-018-00-1
131. Hydrazine nitrate	50 t	13464-97-6	
132. Nitroglycerine	10 t	55-63-0	603-034-00-X
133. Pentaerythritol tetranitrate.	50 t	78-11-5	603-035-00-5
134. Cyclotrimethylene trinitramine.	50 t	121-82-4	
135. Trinitroaniline	50 t	26952-42-1	
136. 2,4,6-Trinitroanisole.	50 t	606-35-9	609-011-00-0
137. Trinitrobenzene	50 t	25377-32-6	609-005-00-8
138. Trinitrobenzoic acid.	50 t	35860-50-5 129-66-8	
139. Chlorotrinitro-benzene.	50 t	28260-61-9	610-004-00-X
140. N-Methyl-N,2,4,6-N-tetranitroaniline.	50 t	479-45-8	612-017-00-6
141. 2,4,6-Trinitrophenol (Picric acid).	50 t	88-89-1	609-009-00-X
142. Trinitrocresol	50 t	28905-71-7	609-012-00-6
143. 2,4,6-Trinitrophenetole.	50 t	4732-14-3	
144. 2,4,6-Trinitroresorcinol (Styphnic acid).	50 t	82-71-3	609-018-00-9
145. 2,4,6-Trinitrotoluene.	50 t	118-96-7	609-008-00-4
146. Ammonium nitrate [1].	5000 t	6484-52-2	

Name	Quantity (>)	CAS No.	EEC No.
147. Cellulose nitrate (containing > 12.6% nitrogen).	100 t	9004-70-0	603-037-00-6
148. Sulphur dioxide	1000 t	7446-09-05	016-011-00-9
149. Hydrogen chloride (liquefied gas).	250 t	7647-01-0	017-002-00-2
150. Flammable substances as defined in Annex IV(c) (iii).	200 t		
151. Sodium chlorate(1).	250 t	7775-09-9	017-005-00-9
152. tert-Butyl peroxyacetate (concentration > 70%).	50 t	107-71-1	
153. tert-Butyl peroxyisobutyrate (concentration > 80%).	50 t	109-13-7	
154. tert-Butyl peroxymaleate (concentration > 80%).	50 t	1931-62-0	
155. tert-Butyl peroxy isopropyl carbonate (concentration > 80%).	50 t	2372-21-6	
156. Dibenzyl peroxydicarbonate (concentration > 90%).	50 t	2144-45-8	
157. 2,2-Bis (tert-butylperoxy) butane (concentration > 70%).	50 t	2167-23-9	
158. 1,1-Bis (tert-butylperoxy) cyclohexane (concentration > 80%).	50 t	3006-86-8	
159. Di-sec-butyl peroxydicarbonate (concentration > 80%).	50 t	19910-65-7	
160. 2,2-Dihydroperoxypropane (concentration > 30%).	50 t	2614-76-8	
161. Di-n-propyl peroxydicarbonate (concentration > 80%).	50 t	16066-38-9	
162. 3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxacyclononane (concentration > 75%).	50 t	22397-33-7	
163. Methyl ethyl ketone peroxide (concentration > 60%).	50 t	1338-23-4	
164. Methyl isobutyl ketone peroxide (concentration > 60%).	50 t	37206-20-5	
165. Peracetic acid (concentration > 60%).	50 t	79-21-0	607-094-00-8
166. Lead azide	50 t	13424-46-9	082-003-00-7
167. Lead 2,4,6-trinitroresorcinoxide (Lead styphnate).	50 t	15245-44-0	609-019-00-4
168. Mercury fulminate	50 t	20820-45-5 628-86-4	080-005-00-2
169. Cycloterramethyl-eneterranitramine.	50 t	2691-41-0	
170. 2,2',4,4',6,6'-Hexanitrostilbene.	50 t	20062-22-0	
171. 1,3,5-Tariamino-2,4,6-trinitrobenzene.	50 t	3058-38-6	
172. Ethylene glycol dinitrate.	50 t	628-96-6	603-032-00-9
173. Ethyl nitrate	50 t	625-58-1	007-007-00-8
174. Sodium picramate	50 t	831-52-7	
175. Bariom azide	50 t	18810-58-7	
176. Di-isobutyryl peroxide (concentration > 50%).	50 t	3437-84-1	
177. Diethyl peroxydicarbonate (concentration > 30%).	50 t	14666-78-5	
178. tert-Butyl peroxypivalate (concentration > 77%).	50 t	927-07-1	

[1] Where this substance is in a state which gives it properties capable of creating a major accident hazard

NB: The EEC numbers correspond to those in Directive 67/548/EEC and its amendments.

[Annex IV]

INDICATIVE CRITERIA

(a) Very toxic substances: Substances which correspond to the first line of the table below; substances which correspond to the second line of the table below and which, owing to their physical and chemical properties, are capable of entailing major-accident hazards similar to those caused by the substance mentioned in the first line:

LD 50 (oral) (1) mg/kg body weight	LD 50 (cutaneous) (2) mg/kg/body weight	LC 50(3) mg/l (inhalation)
LD 50 < 5	LD 50 < 10	LC 50 < 0.1
5 < LD 50 < 25	10 < LD 50 < 50	0.1 < LC 50 < 0.5

(1) LD 50 oral in rats.
(2) LD 50 cutaneous in rats or rabbits.
(3) LD 50 by inhalation (four hours) in rats.

(b) Other toxic substances: The substances showing the following values of acute toxicity and having physical and chemical properties capable of entailing major-accident hazards:

LD 50 (oral) (1) mg/kg body weight	LD 50 (cutaneous) (2) mg/kg/body weight	LC 50(3) mg/l (inhalation)
25 < LD 50 < 200	50 < 50 < 400	0-5 < LC 50 < 2

(1) LD 50 oral in rats.
(2) LD 50 cutaneous in rats or rabbits.
(3) LD 50 by inhalation (four hours) in rats.

(c) Flammable substances:

(i) *flammable gases:* Substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20 °C or below:

(ii) *highly flammable liquids:* Substances which have a flash point lower than 21 °C and the boiling point of which at normal pressure is above 20 °C;

(iii) *flammable liquids:* Substances which have a flash point lower than 55 °C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create major-accident hazards.

(d) Explosive substances: Substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

[Annex V]

DATA AND INFORMATION TO BE SUPPLIED IN CONNECTION WITH THE NOTIFICATION PROVIDED FOR IN ARTICLE 5

If it not possible or if it seems unnecessary to provide the following information, reasons must be given.

1. Identity of the substance
Chemical name
CAS number
Name according to the IUFAC nomenclature
Other names
Empirical formula
Composition of the substance
Degree of purity
Main impurities and relative percentages
Detection and determination methods available to the installation
Description of the methods used or references to scientific literature
Methods and precautions laid down by the manufacturer in connection with handling, storage and fire
Emergency measures laid down by the manufacturer in the event of accidential dispersion
Methods available to the manufacturer for rendering the substance harmless
2. Brief indication of hazards
—For man:
—Immediate.
—Delayed.
—For the environment:
—Immediate.
—Delayed.

[Annex VI]

INFORMATION TO BE SUPPLIED TO THE COMMISSION BY THE MEMBER STATES PURSUANT TO ARTICLE II

Report of Major Accident:
Member State:
Authority responsible for report:
Address:
1. General data:
Date and time of the major accident:
Country, administrative region, etc.:
Address:
Type of industrial activity:
2. Type of major accident: Explosion—— Fire—— Emission of dangerous substances——.
Substance(s) emitted:
3. Description of the circumstances of the major accident:
4. Emergency measures taken:
5. Cause(s) of major accident:
Known: (to be specified)——.
Not known: Information will be supplied as soon as possible——.
6. Nature and extent of damage:
(a) *Within the establishment:*
Casualties: ——killed; ——injured; ——poisoned.
Persons exposed to the major accident ——.
Material damage ——.
The danger is still present ——.
The danger no longer exists ——.
(b) *Outside the establishment:*
Casualties: ——killed; ——injured; ——poisoned.
Persons exposed to the major accident ——.
Material damage ——.
Damage to the environment ——.
The danger is still present ——.
The danger no longer exists ——.
7. Medium and long-term measures, particularly those aimed at preventing the recurrence of similar major accidents (to be submitted as the information becomes available).

[Annex VII]

STATEMENT RE ARTICLE 8

The Member States shall consult one another in the framework of their bilateral relations on the measures required to avert major accidents originating in a notified industrial activity within the meaning of Article 5 and to limit the consequences for man and the environment. In the case of new installations, this consultation shall take place within the time limits laid down in Article 5(2).

[From the New York Times, Jan. 28, 1985]

THE BHOPAL DISASTER: HOW IT HAPPENED

(By Stuart Diamond)

NEW DELHI, Jan. 27.—The gas leak at a chemical plant in central India on Dec. 3 that killed at least 2,000 people was the result of operating errors, design flaws, maintenance failures and training deficiencies, according to present and former employees, company technical documents and the Indian Government's chief scientist.

Those are among the findings of a seven-week inquiry begun by reporters of The New York Times after the leak of toxic methyl isocyanate gas at a Union Carbide plant in Bhopal, India, produced history's worst industrial disaster, stunning India and the world. Among the questions the tragedy raised were how it could have happened and who was responsible.

The inquiry involved more than 100 interviews in Bhopal, New Delhi, Bombay, New York, Washington, Danbury, Conn., and Institute, W. Va. It unearthed information not available even to the Union Carbide Corporation, the majority owner of the plant where the leak occurred, because the Indian authorities have denied corporate representatives access to some documents, equipment and personnel.

EVIDENCE OF VIOLATIONS

The Times investigation produced evidence of at least 10 violations of the standard procedures of both the parent corporation and its Indian-run subsidiary.

Executives of Union Carbide India Ltd., which operated the plant, are reluctant to address the question of responsibility for the tragedy, in which about 200,000 people were injured. The plant's manager has declined to discuss the irregularities. The managing director of the Indian company refused to talk about details of the accident or the conditions that produced it, although he did say that the enforcement of safety regulations was the responsibility of executives at the Bhopal plant.

When questioned in recent days about the shortcomings disclosed in the inquiry by The Times, a spokesman at Union Carbide corporate headquarters in Danbury characterized any suggestion of the accident's causes as speculation and emphasized that Union Carbide would not "contribute" to that speculation.

SUMMARY OF IRREGULARITIES

A review by The Times of some company documents and interviews with chemical experts, plant workers, company officials and former officials disclosed these and other irregularities at Bhopal:

When employees discovered the initial leak of methyl isocyanate at 11:30 p.m. on Dec. 2, a supervisor—believing, he said later, that it was a water leak—decided to deal with it only after the next tea break, several workers said. In the next hour or more, the reaction taking place in a storge tank went out of control. "Internal leaks never bothered us," said one employee. Indeed, workers said that the reasons for leaks were rarely investigated. The problems were either fixed without further examination or ignored, they said.

Several months before the accident, plant employees say, managers shut down a refrigeration unit designed to keep the methyl isocyanate cool and inhibit chemical reactions. The shutdown was a violation of plant procedures.

The leak began, according to several employees, about two hours after a worker whose training did not meet the plant's original standards was ordered by a novice supervisor to wash out a pipe that had not been properly sealed. That procedure is prohibited by plant rules. Workers think the most likely source of the contamination that started the reaction leading to the accident was water from this process.

The three main safety systems, at least two of which, technical experts said, were built according to specifications drawn for a Union Carbide plant at Institute, W. Va., were unable to cope with conditions that existed on the night of the accident. Moreover, one of the systems had been inoperable for several days, and a second had been out of service for maintenance for several weeks.

Plant operators failed to move some of the methyl isocyanate in the problem tank to a spare tank as required because, they said, the spare was not empty as it should have been. Workers said it was a common practice to leave methyl isocyanate in the spare tank, though standard procedures required that it be empty.

Instruments at the plant were unreliable, according to Shakil Qureshi, the methyl isocyanate supervisor on duty at the time of the accident. For that reason, he said, he ignored the initial warning of the accident, a gauge's indication that pressure in one of three methyl isocyanate storage tanks had risen fivefold in an hour.

The Bhopal plant does not have the computer system that more sophisticated operations, including the West Virginia plant, use to monitor their functions and quickly alert the staff to leaks, employees said. The management, they added, relied on workers to sense escaping methyl isocyanate as their eyes started to water. That practice violated specific orders in the parent corporation's technical manual, titled "Methyl Isocyante," which sets out the basic policies for the manufacture, storage and transportation of the chemical. The manual says: "Although the tear gas effects of the vapor are extremely unpleasant, this property cannot be used as a means to alert personnel."

Training levels and requirements for experience and education had been sharply reduced, according to many plant employees, who said the cutbacks were the result, at least in part, of budget reductions.

The staff at the methyl isocyanate plant, which had little automated equipment, was cut from 12 operators on a shift to 6 in 1983, according to several employees. The plant "cannot be run safely with six people," said Kamal K. Pareek, a chemical engineer who began working at the Bhopal plant in 1971 and was senior project engineer during the building of the methyl isocyanate facility there eight years ago.

There were no effective public warnings of the disaster. The alarm that sounded on the night of the accident was similar or identical to those sounded for various purposes, including practice drills, about 20 times in a typical week, according to employees. No brochures or other materials had been distributed in the area around the plant warning of the hazards it presented, and there was no public education program about what to do in an emergency, local officials said.

Most workers, according to many employees, panicked as the gas escaped, running away to save their own lives and ignoring buses that sat idle on the plant grounds, ready to evacuate nearby residents.

A TOP PRIORITY

At its headquarters in Danbury, the parent corporation said last month: "Union Carbide regards safety as a top priority. We take great steps to insure that the plants of our affiliates, as well as our own plants, are properly equipped with safeguards and the employees are properly trained."

Over the weekend in response to questions from The Times, a corporate spokesman described the managers of the Indian affiliate as "well qualified" and cited their "excellent record," adding that because of the possibility of litigation in India "judicial and ethical rules and practices inhibit them from answering questions."

However, the spokesman said: "Responsibility for plant maintenance, hiring and training of employees, establishing levels of training and determining proper staffing levels rests with plant management.

RESPONSIBILITY FOR SAFETY

V.P. Gokhale, the chief operating officer of Union Carbide India Ltd., in his first detailed interview since Dec. 3, would not comment on specific violations or the cause of the accident, but he said the Bhopal plant was responsible for its own safety, with little scrutiny from outside experts.

The Indian company has one safety officer at its headquarters in Bombay, Mr. Gokhale said, but that officer is chiefly responsible for keeping up to date the safety manuals used at the company's plants.

Despite the Bhopal plant's autonomy on matters of safety, it was inspected in 1982 by experts from the parent company in the United States, and they filed a critical report.

In the interview, however, Mr. Gokhale contended that the many problems cited in the 1982 report had been corrected. "There were no indications of problems," he said. "We had no reason to believe there were any grounds for such an accident."

Mr. Gokhale, who became managing director of Union Carbide India in December 1982 and has been with the company 25 years added: "There is no way with 14 factories and 28 sales branches all over the country and 9,000 employees that I could personally supervise any plant on a week-to-week basis."

At perhaps a dozen points during a two-hour interview, he spoke his answers into a tape recorder, saying he would inform the parent corporation's Danbury headquarters of what he had said. He also made notes of some of his comments and said he would send them to Danbury for approval by Union Carbide lawyers.

RELATIONSHIP OF THE COMPANIES

The precise relationship between Union Carbide's American headquarters and its Indian affiliate is a subject that Mr. Gokhale and other company officials have refused to discuss in detail. But an understanding of that relationship is a key element in pinpointing responsibility for the disaster at Bhopal. Lawyers from both the United States and India say it is also central to the lawsuits brought by Bhopal residents damaged by the accident.

Although the situation remains unclear, some evidence of the relationship between the Indian and American companies has begun to emerge. The United States corporation has direct representation on the Indian company's board. J. M. Rehfield, an executive vice president in Danbury, sits on that board, Mr. Gokhale acknowledged, as do four representatives of Union Carbide Eastern Inc., a division based in Hong Kong. Mr. Gokhale said the board of directors reviews reports on the Indian affiliate's operations.

Moreover, some key safety decisions affecting Bhopal were reportedly made or reviewed at the corporate headquarters in Danbury.

Srinivasan Varadarajan, the Indian Government's chief scientist, said his staff had been told by managers of the Bhopal plant that the refrigeration unit designed to chill the methyl isocyanate, which he said was very small and had never worked satisfactorily, had been disconnected because the

managers had concluded after discussions with American headquarters that the device was not necessary.

A spokesman at corporate headquarters in Danbury, Thomas Failla, said: "As far as we have been able to establish, the question of turning off the refrigeration unit was not discussed with anyone at Union Carbide Corporation."

The methyl isocyanate operating manual in use at Bhopal, which was adapted by five Indian engineers from a similar document written for the West Virginia plant, according to a former senior official at Bhopal, says: "Keep circulation of storage tank contents continuously 'ON' through the refrigeration unit."

And a senior official of Union Carbide India said few if any people would have died Dec. 3 had the unit been running because it would have slowed the chemical reaction that took place during the accident and increased the warning time from two hours to perhaps two days.

Workers said that when the 30-ton refrigeration unit was shut down, electricity was saved and the Freon in the coils of the cooling unit was pumped out to be used elsewhere in the plant.

Mr. Gokhale specifically declined to answer questions about the refrigeration unit.

EMPLOYEES CRITICIZE MORALE

Many employees at the Bhopal plant described a factory that was once a showpiece but that, in the face of persistent sales deficits since 1982, had lost much of its highly trained staff, its morale and its attention to the details that insure safe operation.

"The whole industrial culture of Union Carbide at Bhopal went down the drain," said Mr. Pareek, the former project engineer. "The plant was losing money, and top management decided that saving money was more important than safety. Maintenance practices became poor, and things generally got sloppy. The plant didn't seem to have a future, and a lot of skilled people became depressed and left as a result."

Mr. Pareek said he resigned in December 1983 because he was disheartened about developments at the plant and because he was offered a better job with Goodyear India Ltd. as a divisional production manager.

Mr. Gokhale termed the company's cost-cutting campaign simply an effort to reduce "avoidable and wasteful expenditures."

The corporate spokesman in Danbury said Union Carbide has "an ongoing operations improvement program which involves, among other things, a regular review of ways to reduce costs." He said Union Carbide India was involved in such programs, "but the details of those programs at the Bhopal plant are not known to us."

The spokesman added: "Financial information supplied to us indicated that the Bhopal plant was not profitable."

In the absence of official company accounts, details of the accident and its causes have been provided by technical experts such as Dr. Varadarajan and Mr. Pareek and by three dozen plant workers, past and present company officials and other people with direct knowledge of the factory's operations. Many of them agreed to be interviewed only on condition that they not be identified. Most of the workers knew little English and spoke in Hindi through an interpreter.

They provided some documents but often relied upon their recollections because many plant files and even public records have been impounded by the Indian authorities investigating the accident.

POTENTIAL FOR SERIOUS ACCIDENT

Nearly all those interviewed contended that the company had been neither technically nor managerially prepared for the accident. The 1982 inspection report seemed to support that view, saying the Bhopal plant's safety problems represented "a higher potential for a serious accident or more serious consequences if an accident should occur."

That report "strongly" recommended, among other things, the installation of a larger system that would supplement or replace one of the plant's main safety devices, a water spray designed to contain a chemical leak. That change was never made, plant employees said, and on Dec. 3 the spray was not high enough to reach the escaping gas.

The spokesman in Danbury said the corporation had been informed that Union Carbide India had taken "all the action it considered necessary to respond effectively" to the 1982 report.

Another of the safety devices, a gas scrubber or neutralizer, one of the systems said to have been built according to the specifications used at the West Virginia plant, was unable to cope with the accident because it has a maximum design pressure one-quarter that of the leaking gas, according to plant documents and employees.

The third safety system, a flare tower that is supposed to burn off escaping gases, would theoretically have been capable of handling about a quarter of the volume of the leaking gas were it not under such pressure, according to Mr. Pareek. The pressure, he said, was high enough to burst a tank through which gases must flow before being channeled up the flare tower. The tower was the second system described by technical experts as conforming to the specifications used in West Virginia.

In any case, the pressure limitations of the flare tower were immaterial because it was not operating at the time of the accident.

GUIDELINES FOR DESIGN

A former executive at the Bhopal plant said the parent corporation had provided guidelines for the design of the scrubber, the flare tower and the spray system. But detailed design work for those systems and the entire plant, he said, was performed by Humphreys & Glasgow Pvt. Ltd. of Bombay, a subsidiary of Humphreys & Glasgow Ltd. of London, a consulting company based in London. The London company in turn is owned by the Enserch Corporation of Dallas.

The spokesman in Danbury said the Union Carbide Corporation had provided its Indian affiliate with "a process design package containing information necessary and sufficient" for the affiliate to arrange the design and construction of the plant and its equipment.

The spokesman said the corporation had only incomplete information on the scrubber, flare tower and other pieces of equipment, and he declined to comment on their possible relationship to the accident.

It was unclear whether the limitations of the safety systems resulted from the guidelines provided by the Union Carbide Corporation or from the detailed designs.

Employees at the plant recalled after the accident that during the evening of Dec. 2 they did not realize how high the pressures were in the system. Suman Dey, the senior operator on duty, said he was in the control room at about 11 p.m. and noticed that the pressure gauge in one tank read 10 pounds a square inch, about five times normal. He said he had thought nothing of it.

Mr. Qureshi, an organic chemist who had been a methyl isocyanate supervisor at the plant for two years, had the same reaction half an hour later. The readings were probably inaccurate, he thought. "There was a continual problem with instruments," he said later. "Instruments often didn't work."

LEAK FOUND BUT TEA IS FIRST

About 11:30 P.M., workers in the methyl isocyanate structure, about 100 feet from the control room, detected a leak. Their eyes started to water.

V. N. Singh, an operator, spotted a drip of liquid about 50 feet off the ground, and some yellowish-white gas in the same area. He said he went to the control room about 11:45 and told Mr. Qureshi of a methyl isocyanate leak. He quoted Mr. Qureshi as responding that he would see to the leak after tea.

Mr. Qureshi contended in an interview that he had been told of a water leak, not an escape of methyl isocyanate.

No one investigated the leak until after tea ended, about 12:40 a.m., according to the employees on duty.

Such inattention merely compounded an already dangerous situation according to Dr. Varadarajan, the Government scientist.

He is a 56-year-old organic and biological chemist who holds doctoral degrees from Cambridge and Delhi universities and was a visiting lecturer in biological chemistry at the Massachusetts Institute of Technology. He heads the Council of Scientific and Industrial Research, the Government's central research organization, which operates 42 national laboratories.

In the two weeks after the accident, Dr. Varadarajan said, he and a staff gathered from the research council questioned factory managers at Bhopal, directed experiments conducted by the plant's research staff and analyzed the results of those tests. Some of the experiments were conducted on methyl isocyanate that remained at the Bhopal plant after the accident, he said, and some were designed to measure the reliability of testing procedures used at the factory.

Dr. Varadarajan said in a long interview that routine tests conducted at the Bhopal factory used a faulty method, so the substance may have been more reactive than the company believed.

For example, he said, the Bhopal staff did not adequately measure the incidence in methyl isocyanate or the possible effects of chloride ions, which are highly reactive in the presence of small amounts of water. Chlorine, of which chloride is an ion, is used in the manufacture of methyl isocyanate.

Dr. Varadarajan argued that the testing procedure used at Bhopal assumed that all of the chloride ions present resulted from the breakdown of phosgene and therefore the tests measured phosgene, not chloride ions. Phosgene is used in the manufacture of methyl isocyanate, and some of it is left in the compound to inhibit certain chemical reactions.

When his staff secretly added chloride ions to methyl isocyanate to be tested by the factory staff, Dr. Varadarajan said, the tests concluded that 23 percent of the chloride was phosgene.

"As yet," the scientist said, "Union Carbide has been unable to provide an unequivocal method of distinguishing between

phosgene and chloride" in methyl isocyanate.

The Union Carbide spokesman in Danbury said: "Tests for chloride-containing materials, including chloride ions in the tank are made routinely."

Dr. Varadarajan said his staff had produced its own hypotheses of the accident's causes after Union Carbide failed to provide any, even on request.

The spokesman in Danbury said that a team of "exceptionally well qualified" Chemists and engineers from Union Carbide had been studying the accident for seven weeks "and still has not been able to determine the cause." He added:

"Anyone who attempts to state what caused the accident would be only speculating unless he has more facts than we have and has done more analysis, tests and experiments than we have. Anyone who speculates about the cause of the accident should conspicuously label it as speculation."

Dr. Varadarajan's analysis, along with internal Union Carbide documents and conversations with workers, offers circumstantial evidence for at least one explanation of what triggered the accident.

There were 45 metric tons, or about 13,000 gallons, of methyl isocyanate in the tank that leaked, according to plant workers. That would mean the tank was 87 percent full.

Union Carbide's spokesman in Danbury said the tank contained only 11,000 gallons of the chemical, "which was well below the recommended maximum working capacity of the 15,000-gallon tank."

However, even that lower level—73 percent of capacity—exceeds the limit set in the Bhopal operating manual, which says: "Do not fill MIC storage tanks beyond 60 percent level." And the parent corporation's technical manual suggests an even lower limit, 50 percent.

The reason for the restrictions, according to technical experts formerly employed at the plant, was that in case of a large reaction pressure in the storage tank would rise less quickly, allowing more time for corrective action before a possible escape of toxic gas.

For 13,000 gallons of the chemical, the amount reported by the plant staff, to have reacted with water, at least 1.5 tons or 420 gallons of water would have been required, according to Union Carbide technical experts.

But those experts said that an analysis of the tank's contents had not disclosed water-soluble urea, or biuret, the normal product of a reaction between water and methyl isocyanate.

Furthermore, all of those interviewed agreed that it was highly unlikely that 420 gallons of water could have entered the storage tank.

HYPOTHESIS ON THE CAUSE

Those observations led Dr. Varadarajan and his staff to suggest that there may have been another reaction: water and phosgene.

Phosgene, which was used as a chemical weapon during World War I, inhibits reactions between water and methyl isocyanate because water selectively reacts first with phosgene.

But Dr. Varadarajan said his study had found that the water-phosgene reaction produced something not suggested in the Union Carbide technical manual: highly corrosive chloride ions, which can react with the stainless steel walls of a tank, liberating metal corrosion products—chiefly iron—and a great deal of heat.

The heat, the action of the chloride ions on methyl isocyanate, which releases more heat, and the chloride ions' liberation of the metals could combine to start a runaway reaction, he said.

"Only a very small amount of water would be needed to start a chain reaction," he said, estimating the amount at between one pint and one quart.

Beyond its routine checks for the presence of chloride, the corporate spokesman said in Danbury, Union Carbide specifies that tanks be built of certain types of stainless steel that do not react with methyl isocyanate.

He did not say whether the specified types of stainless steel react with chloride ions.

Dr. Varadarajan said his hypothesis had been confirmed by laboratory experiments in which the methyl isocyanate polymerized, or turned into a kind of plastic, about 15 tons of which was found in the tank that leaked.

OTHER CONTAMINANTS POSSIBLE

But that is not the only possible explanation of the disaster at Bhopal. Although water breaks down methyl isocyanate in the open air, it can react explosively with the liquid chemical in a closed tank. Lye can also react with it in a closed tank, but in the gas naturalizer, or scrubber, a solution of water and lye neutralizes escaping gas. Beyond water and lye, methyl isocyanate reacts strongly, often violently, with a variety of contaminants, including acids, bases and metals such as iron.

Most of those contaminants are present at the plant under certain conditions. Water is used for washing and condenses on pipes, tanks, and other equipment colder than the surrounding air. Lye, or sodium hydroxide, a base, is sometimes used to clean equipment. Metals are the corrosion products of the stainless steel tanks used to store methyl isocyanate.

Union Carbide Corporation's technical manual on methyl isocyanate, published in 1976, recognizes the dangers. It says that metals in contact with methyl isocyanate can cause a "dangerously rapid" reaction. "The heat evolved," it adds, "can generate a reaction of explosive violence." When the chemical is not refrigerated, the manual say, its reaction with water "rapidly increases to the point of violent boiling." The presence of acids or bases, it adds, "greatly increases the rate of the reaction."

SOURCES OF CONTAMINANTS

Investigators from both Union Carbide, India and its parent corporation have found evidence of at least five contaminants in the tank that leaked, according to nuclear magnetic resonance spectrographs that were obtained by The New York Times and analyzed by two Indian technical experts at the request of The Times. Among the contaminants, a senior official of the Indian company said, were water, iron, and lye.

The water came from the improperly sealed pipe that had been washed, workers speculated, or perhaps was carried into the system after it had condensed in nitrogen that is used to replace air in tanks and pipes to reduce the chance of fire.

In the days before the accident, workers said, they used nitrogen in an unsuccessful attempt to pressurize the tank that leaked on Dec. 3. The nitrogen is supposed to be sampled for traces of moisture, but "we didn't check the moisture all the time," Mr. Qureshi said.

During the same period, the workers said, they added lye to the scrubber, which is connected to the storage tanks by an intricate set of pipes and valves that are supposed to be closed in normal working conditions but that workers said were sometimes open or leaking.

Dr. Varadarajan said he was particularly troubled that, in the absence of what he considered sufficient basic research on the stability of commercial methyl isocyanate, it was stored in such large quantities. "I might keep a small amount of kerosene in my room for my stove," he said, "but I don't keep a large tank in the room."

The Union Carbide Corporation decided that it would be more efficient to store the chemical in large quantities, former officials of the Indian affiliate said, so that a delay in the production of methyl isocyanate would not disrupt production of the pesticides of which it is a component.

Many plants store methyl isocyanate in 52-gallon drums which are considered safer than large tanks because the quantity in each storage vessel is smaller. The chemical was stored in drums at Bhopal when it was imported from the United States. Tank storage began in 1980, when Bhopal started producing its own methyl isocyanate.

The Union Carbide technical manual for methyl isocyante suggests that drum storage is safer. With large tank storage, it says contamination—and, therefore, accidents—are more likely. The drums do not typically require refrigeration, the manual says. But it cautions that refrigeration is necessary for bulk storage.

TRAINING WAS LIMITED

Although the storage system increased the risk of trouble at Bhopal, the plant's operating manual for methyl isocyanate offered little guidance in the event of a large leak.

After telling operators to dump the gas into a spare tank if a leak in a storage tank cannot be stopped or isolated, the manual says: "There may be other situations not covered above. The situation will determine the appropriate action. We will learn more and more as we gain actual experience."

Some of the operators at the plant expressed disatisfaction with their own understanding of the equipment for which they were responsible.

M.K. Jain, an operator on duty on the night of the accident, said he did not understand large parts of the plant. His three months of instrument training and two weeks of theoretical work taught him to operate only one of several methyl isocyanate systems, he said. "If there was a problem in another MIC system, I don't know how to deal with it," said Mr. Jain, a high school graduate.

Rahaman Khan, the operator who washed the improperly sealed pipe a few hours before the accident, said: "I was trained for one particular area and one particular job. I don't know about other jobs. During training they just said, 'These are the valves you are supposed to turn, this is the system in which you work, here are the instruments and what they indicate. That's it.' "

IT WAS NOT MY JOB

As to the incident on the day of the accident, Mr. Khan said he knew the pipe was unsealed but "it was not my job" to do anything about it.

Previously, operators say, they were trained to handle all five systems involved in the manufacture and storage of methyl isocyanate. But at the time of the accident, they said, only a few of about 20 operators

at Bhopal knew the whole methyl isocyanate plant.

The first page of the Bhopal operating manual says: "To operate a plant one should have an adequate knowledge of the process and the necessary skill to carry out the different operations under any circumstances."

Part of the preparatory process was "what it" training, which is designed to help technicians react to emergencies C.S. Tyson, a Union Carbide inspector from the United States who studied the Bhopal plant in 1982, said recently that inadequate "what if" training was one of the major shortcomings of that facility.

Beyond training, workers raised questions about lower employment qualifications. Methyl isocyanate operators' jobs, which once required college science degrees, were filled by high school graduates, they said, and managers experienced in dealing with methyl isocyanate were often replaced by less qualified personnel, sometimes transfers from Union Carbide battery factories, which are less complex and potentially dangerous than methyl isocyanate operations.

MAINTENANCE TEAM REDUCED

The workers also complained about the maintenance of the Bhopal plant. Starting in 1984, they said, nearly all major maintenance was performed on the day shift, and there was a backlog of jobs. This situation was compounded, the methyl isocyanate operators said, because since 1983 there had been 6 rather than 13 operators on a shift, so there were fewer people to prepare equipment for maintenance.

As a result of the backlog, the flare tower, one of the plant's major safety systems, had been out of operation for six days at the time of the accident, workers said. It was awaiting the replacement of a four-foot pipe section, they said, a job they estimated would take four hours.

The vent gas scrubber, the employees said, had been down for maintenance since Oct. 22, although the plant procedures specify that it be "continuously operated," until the plant is "free of toxic chemicals."

The plant procedures specify that the chiller must be operating whenever there is methyl isocyanate in the system. The Bhopal operating manual says the chemical must be maintained at a temperature no higher than 5 degrees centigrade or 41 degrees Fahrenheit. It specifies that a high temperature alarm is to sound if the methyl isocyanate reaches 11 degrees centigrade or 52 degrees Fahrenheit.

But the chiller had been turned off, the workers said, and the chemical was usually kept at nearly 20 degrees centigrade, or 68 degrees Fahrenheit. They said plant officials had adjusted the temperature alarms to sound not at 11 degrees but at 20 degrees centigrade.

That temperature, they maintained, is well on the way to methyl isocyanate's boiling point, 39.1 degrees centigrade, or 102.4 degrees Fahrenheit. Moreover, Union Carbide's 1976 technical manual warns specifically that if methyl isocyanate is kept at 20 degrees centigrade a contaminant can spur a runaway reaction. The manual says the preferred temperature is 0 degrees centigrade, or 32 degrees Fahrenheit.

If the refrigeration unit had been operating, a senior official of the Indian company said, it would have taken as long as two days, rather than two hours, for the methyl isocyanate reaction to produce the conditions that caused the leak. This would have given plant personnel sufficient time to deal with the mishap and prevent most, if not all, loss of life, he said.

The methyl isocyanate operating manual directs workers unable to contain a leak in a storage tank to dump some of the escaping gas into a 15,000-gallon tank that was to remain empty for that purpose. But the workers on duty said that during the accident they never opened the valve to the spare tank, and their supervisors never ordered them to do so. The workers said they had not tried to use the spare tank because its level indicator said it was 22 percent full and they feared that hot gas from the leaking tank might spark another reaction in the spare vessel.

The level indicator, according to the operators on duty that night, was wrong. The spare tank contained only 437 gallons of methyl isocyanate, not the 3,300 gallons indicated by the gauge.

Nonetheless, standard procedures had been violated. The operating manual says, "Always keep one of the storage tanks empty. This is to be used as dump tank during emergency." It provides that any tank less than 20 percent full be emptied completely.

The spokesman in Danbury said, "Our investigators did find some MIC in a spare tank," adding: "We do not know when and how the MIC got into the spare tank."

[From the New York Times, Jan. 30, 1985]

THE DISASTER IN BHOPAL: WORKERS RECALL HORROR

(By Stuart Diamond)

BHOPAL, INDIA, Jan. 24.—About 12:40 a.m. on Dec. 3, a worker at the Union Carbide pesticide plant here went to investigate a growing leak of methyl isocyanate. As he stood on a concrete slab above three large, partly buried storage tanks holding the chemical, the slab suddenly began to shake beneath him.

"There was a tremendous sound, a messy boiling sound, underneath the slab like a caldron," the worker, Mr. Dey, later recalled, "The whole area was vibrating."

He said he started to run away, heard a loud noise behind him, turned to look and saw 60 feet of concrete at least 6 inches thick crack. "The heat was like a blast furnace," he said. "I couldn't get within six feet of it."

GAS HEADS FOR THOUSANDS

He then heard a loud hissing sound, he said, and saw gas shoot out of a tall stack connected to the tank and form a white cloud that drifted over the plant and toward nearby neighborhoods where thousands of residents slept.

"I panicked," he said. "Everybody panicked."

Mr. Dey, a tall, soft-spoken man who has worked at the plant for five years, was among about a dozen workers and supervisors interviewed who were at the plant in the hours before and after a leak of methyl isocyanate, a chemical more toxic than cyanide that was used at the plant to make pesticide. The leak went out of control and caused the worst industrial accident in history, killing at least 2,000 people and injuring 200,000 in this central Indian city.

TOXICITY WAS UNDERESTIMATED

Nearly all the workers interviewed were making their first public statements since the disaster. They gave their accounts in Hindi through an interpreter; some declined to be identified.

Virtually all the workers said they knew methyl isocyanate was dangerous and some said they knew it could be fatal, but the dozen workers said they underestamated its toxicty. No one said he knew it could kill many people quickly.

The Union Carbide Corporation technical manual for methyl isocyanate is pointed on the hazards of the chemical and states that it "may cause fatal pulmonary edema," which is an accumulation of fluid in the lungs. But although the manual was distributed to managers that handle methyl isocyanate at the Bhopal plant and was seen by some of the workers there, most of the factory's employees had not read or understood it, according to former technical officials at the factory.

WORKERS EXPECTED SLOW DAY

The hours before the accident, the workers said, unfolded this way:

About 100 workers reported for duty on the eight-hour shift beginning at 2:45 p.m. on Sunday, Dec. 2.

The production plant to make methyl isocyanate had been shut down since Oct. 22, the workers recalled, and they were not particularly busy. In addition, they said, most major maintenance was now being done on the day shift during the week.

Outside the walled factory, it was a typical Sunday afternoon in the teeming old city of Bhopal, local residents later recalled. The open-air market was bustling; some of the vendors, as usual, were calling out their items for sale from carts and small booths on narrow streets.

Across the street from the factory, children played in the dirt outside the slum huts crammed together in a community called Jai Prakash Nagar.

Inside the factory, workers said, the pesticide Sevin was being produced. The Sevin plant, after having been shut down for some time, had been started up again about a week before but was still running at far below normal capacity, the workers said.

To make the pesticide, carbon tetrachloride is mixed with methyl isocyanate and alpha-naphthol, a coffee-colored powder that smells like mothballs.

The methyl isocyanate, or MIC, was stored in the three partly buried tanks, each with a 15,000-gallon capacity.

NITROGEN LEAKED OUT

Workers had not been able to use the methyl isocyanate in one of the tanks, No. 610, to make the pesticide for more than a week, they said, because they could not get the chemical out of the tank. Every time they tried to push it out and into the Sevin plant by pumping in nitrogen, they said, the nitrogen leaked out somewhere; they did not know where.

The methyl isocyanate supervisor on duty during the second shift of Dec. 2, the workers said, was Gori Shankar, who had arrived two months before from a Calcutta battery factory owned by Union Carbide India Ltd., which also owns the Bhopal plant. The company is owned 50.9 percent by the Union Carbide Corporation of Danbury, Conn.

About 9:15 p.m. Mr. Shankar telephoned one of the methyl isocyanate operators, Rahaman Khan, who was in the plant's canteen having tea, Mr. Khan recalled. Mr. Shankar could not be reached for comment on the workers' accounts, and plant officials declined to put The New York Times in touch with specific employees.

Mr. Khan said Mr. Shankar asked him to come to the MIC area of the plant and clean a pipe.

The pipe, about 25 feet long and 8 feet off the ground, led from a device that filtered

crude methyl isocyanate before it went into the storage tanks, Mr. Khan said. Inside the pipe was a valve that had been closed.

VALVE HAD NOT BEEN SEALED

Mr. Khan and several other workers said Mr. Shankar told him to open a nozzle on the pipe and put a water hose in to clean the inside.

"He came along with me and stayed there while I did the procedure," Mr. Khan said. "I connected a hose to the pipe to be cleaned and opened a drain."

It was about 9:30 p.m., he recalled.

Mr. Khan said he noticed that the closed valve had not been sealed with a slip blind, a metal disc that is inserted into pipes to make sure that water does not leak through the valve. Valves were notorious for leaking at Bhopal, the workers said.

They knew, they said, that water reacted violently with methyl isocyanate. Page 67 of the MIC operating manual for Bhopal says: "Isolate the equipment positively by inserting suitable blinds. Isolation by valve or valves is not to be relied upon."

Mr. Khan said he and Mr. Shankar left the area while the pipe was being cleaned.

Unattended, water flowed into the pipe, out pipe drains and onto the floor, where it entered a floor drain, Mr. Khan and other workers recalled. The water was to continue to flow, the workers said, for about three hours.

According to Mr. Khan, it was the only pipe in the methyl isocyanate unit being washed during the second shift that day.

"I DIDN'T CHECK TO SEE"

"I knew that valves leaked," said Mr. Khan, who has a high school education and less training than the amount orginally established for methyl isocyanate plant operators.

"I didn't check to see if that one was leaking," he said. "It was not my job."

Many workers said they believed water from the unsealed valve was the most likely trigger for the accident that came hours later.

Shakil Qureshi, the methyl isocyanate supervisor on duty at the time of the accident, said later: "If water caused this accident, it is the fault of the management of Union Carbide. In fact, it is all our faults."

He said it would have been extremely difficult to check whether the valve was leaking; the plant, he said, did not have the proper instruments.

He said he found out later that there was no indication in notes on the daily maintenance log to insert a slip blind, although there was a note to wash the pipe.

"But the daily notes are always vague," he said.

PRESSURE OF GAS RISES BUT CAUSES NO ALARM

About 10:30 p.m., the workers on duty prepared for the change in shifts that was to occur about 15 minutes later, some of them recalled. Among other things, they said, they logged the pressure indicated on the gauge in the control room for MIC tank No. 610.

It was two pounds per square inch—normal, they said.

Operators said they did not record the temperature of the tank. "For a very long time we have not watched the temperature," one worker said. "There was no column to record it in the log books."

Operators said the temperature of the methyl isocyanate was usually nearly 20 degrees centigrade, or 68 degrees Fahrenheit, although the plant's operating manual specifies that it be kept below 5 degrees centigrade, or 41 degrees Fahrenheit. Sometimes in the summer, operators said, the methyl isocyanate storage tank temperature indicator went off the scale, which was 25 degrees centigrade at the maximum, or 77 degrees Fahrenheit.

About 11 p.m., Mr. Dey later recalled, he noticed that the pressure gauge for Tank 610 read 10 pounds per square inch—five times what it had been half an hour earlier.

Mr. Dey, who was in the control room and was the senior operator on duty, said he had thought nothing of it; it was still a relatively normal pressure.

Half an hour later, Mr. Qureshi, whose office is across the hall from the control room, had the same reaction, he later recalled—he thought one of the two readings was faulty. "Instruments often didn't work," he said. "They got corroded. Crystals would form on them."

About 11:30 p.m., workers in the methyl isocyanate area said, they realized that there was a methyl isocyanate leak somewhere: Their eyes began to tear. Detecting leaks by the effect of the gas on the eyes was standard procedure at the plant, and at least one leak a month was detected this way at the plant, they said.

"We were human leak detectors," Mr. Dey said. The practice violated procedures laid out in the technical manual.

The workers began to look for the source of the leak, they recalled.

V.N. Singh, one of the workers, said he and the others walked around the MIC structure, which looks like a small refinery, and spotted a drip of liquid about 50 feet off the ground and some yellowish-white gas accompanying the drip.

"It was a small but continuous drip," he said.

While the other workers kept looking at it—they later said they thought they had found the source but were not certain—Mr. Singh said he went by himself to inform Mr. Qureshi.

He said it was about 11:45 p.m.

According to Mr. Singh, he told Mr. Qureshi of a leak of methyl isocyanate, although this is in dispute: Mr. Qureshi later said he had been told only of a water leak.

Mr. Singh recalled that Mr. Qureshi told him he would deal with the leak after the next tea break, scheduled about 12:15 a.m.

Until tea time, the workers said, they continued to inspect the area. Then all of the MIC workers had tea together in the control room about 100 feet away from the storage tanks. The workers said they talked about the leak, among other things, over tea.

WORKERS REALIZE IN PANIC LEAK IS OUT OF CONTROL

It was in the five minutes after the tea break ended at 12:40 a.m., the workers said, that the enormity of the accident became known. They began to panic both because of the choking fumes, they said, and because of their realization that things were out of control.

"Things were happening very fast," Mr. Dey said.

First, Mr. Dey said, he glanced at the temperature gauge for Tank 610 in the control room and noticed that it had risen above 25 degrees centigrade, or 77 degrees Fahrenheit, the top of the scale.

The pressure gauge for the tank, meanwhile, was rapidly moving toward 40 pounds per square inch, the point at which an emergency relief valve on the MIC tank bursts open, according to the workers.

Within seconds, Mr. Dey said, he went to Mr. Qureshi's office and told him that the pressure in Tank 610 was rising rapidly.

He then rushed to the storage tanks to investigate, he said, and saw the concrete over the tanks crack as MIC turned from liquid to gas and shot out the stack, forming a white cloud. Part of it hung over the factory, the rest began to drift toward the sleeping neighborhoods nearby.

Mr. Dey raced back to tell Mr. Qureshi in the control room, he said, "I told Qureshi there was a massive MIC leak that could not be controlled."

Mr. Dey said he looked at the pressure gauge in the control room for Tank 610 again; the indicator was off the scale, above 55 pounds per square inch, he said.

It was about 12:45 a.m., he said.

At that time, Mr. Qureshi later recalled, he ordered all water sources in the area shut off and ordered water sprayed on the leak to break down the MIC. It was at this point, the workers said, that the water used to clean the pipe on the previous shift was, after about three hours, turned off.

But the leak did not stop, Mr. Qureshi recalled, and the effect of the MIC became more pronounced by the minute—workers eyes began to hurt and tear more excessively; some began to cough, they said.

Someone sounded an alarm by breaking its glass, workers said. Mr. Dey said he made an announcement on the factory loudspeaker that there was a large MIC leak and that people should leave.

Workers were running around in panic, shouting "massive MIC leak," Mr. Dey recalled.

Within a minute or so, the fire brigade arrived on trucks and turned on several hydrants to put a water curtain around the escaping gas, the workers said. But the curtain, they said, reached only about 100 feet high while the gas was escaping from the top of a stack 120 feet high and was shooting another 10 feet into the air.

It was about 12:50 a.m.

Mr. Dey said he then turned on the vent gas scrubber, a device designed to neutralize escaping toxic gas. The scrubber had been under maintenance; the flow meter indicated there was no caustic soda flowing into the device, Mr. Dey said.

He said it was not clear to him whether there was actually no caustic soda in the system or whether the meter was broken. Broken gauges were not unusual at the factory, workers said.

In fact, the gas was not being neutralized but was shooting out the vent scrubber stack and settling over the plant.

One reason the scrubber was not working, technical experts later said, was that the temperature and pressure of the gas far exceeded the design limits of the scrubber. The temperature of the escaping gas was at least 121 degrees centigrade, or 250 degrees Fahrenheit, according to the plant's technical specifications for the valve that burst on the storage tank. The MIC operating manual for the Bhopal plant says the scrubber should not be operated above 70 degrees centigrade, or 158 degrees Fahrenheit, for extended periods.

Meanwhile, K. V. Shetty, the plant superintendent for the shift, had come racing over from the main gate on a bicycle, workers said.

"He came in pretty much in a panic," Mr. Dey said. "He said, 'What should we do?'"

Mr. Shetty, who declined to be interviewed, was on the administrative and not

the technical side of the factory, the workers said.

Inside the factory, the white cloud of methyl isocyanate engulfed the production plant and started wafting toward the control room.

Nearly all members of the plant staff began to leave—everyone but Mr. Qureshi, Mr. Shetty and the six MIC plant operators working that shift, the workers said. Those fleeing looked at the wind direction indicator, a large sock on a pole, and ran into the wind, the workers later recalled.

Four buses were parked by the road on which workers ran to escape, the workers recalled. There was a provision for drivers to man the vehicles and drive them to the nearby neighborhood, loading some residents aboard and having the rest follow, workers said. But the buses stood idle, the workers said.

"Everybody was busy running away," one operator said.

CONTROL ROOM ENGULFED AS ALL EFFORTS FAIL

About 1 a.m., Mr. Qureshi said, he telephoned S. P. Choudhary, the assistant factory manager. The workers said Mr. Choudhary said to turn on the flare tower, which is designed to burn off escaping gas.

Mr. Qureshi gave the instruction to workers, they recalled, and Mr. Dey said he told Mr. Qureshi that turning on the flare with all that gas in the air would cause a huge explosion.

Mr. Dey said Mr. Qureshi then remembered that a four-foot, elbow-shaped piece of pipe was missing from the flare anyway. It had corroded and was to be replaced.

The workers said they considered other alternatives, such as dumping the escaping gas into a spare storage tank. One of the three tanks, No. 619, was supposed to be empty, but it was not; it also contained MIC, as did No. 611, the workers said.

The workers said they then grabbed their oxygen masks and tanks.

About 1:30 a.m., MIC began to engulf the control room and the adjoining offices, Mr. Qureshi recalled. He said he could not find an oxygen mask and cylinder in his office. Someone had taken his, he said, so he ran out of the control room and ran off.

"I thought I was going to die," he said.

Mr. Dey put on his oxygen gear and went to look for Mr. Qureshi in the MIC cloud but could not find him.

"I couldn't see two feet in front of me, the cloud was so thick," he said.

In the meantime, Mr. Qureshi recalled, he had found a clear area, scaled a six-foot fence topped by barbed wire and had broken his leg as he landed. He was taken to a hospital later that morning.

Mr. Dey said he went upwind and waited, periodically putting on his oxygen gear to go back to the control room and check the instruments.

At 2 a.m., he said, the pressure and temperature gauges were still off the top of their scales. He continued to go back and forth, and when he checked the area at 2:30 A.M., he said, the gas that had begun shooting out of the stack nearly two hours earlier had stopped coming out.

Jagannathan Mukund, the factory manager, arrived at the plant about 3 A.M. and sent a man to tell the police about the accident because the phones were out of order, the workers said. They said the police were not told earlier because, they said, the company management had an informal policy of not involving the local authorities in gas leaks.

Meanwhile, people were dying by the hundreds outside the factory. Some died in their sleep. Others ran into the cloud, breathing in more and more gas and dropping dead in their tracks. Thousands of animals also died. By dawn, doctors at nearby hospitals would be piling bodies in spare rooms for lack of space.

By 3:30 A.M., the gas had dispersed from the MIC plant.

Mr. Dey said he went back into the control room and watched it continue to float out over nearby communities .

He sat there, he said, until the middle of the next afternoon.

"There was," he said, "nothing else to do."

A STAGE SET FOR A DISASTER

BHOPAL, India, Jan. 24.—The dozen workers interviewed after the Bhopal accident later maintained that the stage for disaster had already been set when they reported for duty at the sprawling chemical plant on Dec. 2, a mild and relaxed Sunday afternoon in the central Indian city.

A refrigeration unit designed to keep the methyl isocyanate cool and nonreactive had been shut off and chemical was warmer than allowed by the plant's operating manual, they said. The staff and its training, they said had been reduced, and important instruments, including pressure gages, were unreliable.

At the same time, the workers said, maintenance at the plant had been curtailed and new supervisors and operators were in key positions. A cost-cutting program at the money-losing plant, they contended, was jeopardizing safety.

Two of the plant's major safety systems to handle escaping gas—a gas neutralizer and a flare tower to burn it off—were not designed to withstand pressure anywhere near that of the methyl isocyanate in this accident, technical experts said. A water spray system was not high enough to reach and contain the escaping methyl isocyanate, the workers said.

The ill-fated methyl isocyanate storage tank had been overfilled, with the consequence that the pressure would rise faster in an accident, the experts added.

In all, there were already more than half a dozen violations of plant procedures by the day of the accident; more were to occur during the accident itself, according to workers, technical experts and former Union Carbide officials.

Company and plant officials and managers in the United States and in India generally declined to comment on such actions and allegations. They characterized any suggestion of the causes as speculation.

[From the New York Times, Jan. 31, 1985]

DISASTER IN BHOPAL: WHERE DOES BLAME LIE?

(By Robert Reinhold)

BHOPAL, INDIA, Jan. 24—A few weeks before the gas leak at the Union Carbide factory, it had been granted an "environmental clearance certificate" by the state pollution control board.

It was a routine clearance required by the central Government of India, and it was readily granted since, in the words of a board official, "only slight modifications were needed" in the plant's emission controls.

In fact, the plant was soon to suffer a chemical reaction that spewed lethal methyl isocyanate gas across this central Indian city in the early hours of Dec. 3, leaving more than 2,000 dead and 200,000 others injured.

The aftermath has brought much soul-searching and finger-pointing over who was ultimately responsible for the tragedy. Plant workers, technical experts and former Union Carbide officials have described a deterioration of safety standards at the plant that, they say, helped provoke a disaster.

The tragedy has also led many to accuse the state pollution board—as well as many other agencies of the state and central Government responsible for monitoring industry—for not having adequately monitored the plant.

Their failure, many have said, has raised questions about the ability of India, which is already an industrial power, and its fast-developing states to regulate the new industry they seek. And it has led many to say that the responsibility for the deaths must be shared by the Government.

ENFORCEMENT LEFT TO STATES

Under Indian law, industrial licenses are issued by the Ministry of Industry of the Government in New Delhi. But enforcement of worker safety, environmental and other rules is left largely to the state governments.

The department of labor in Madhya Pradesh, the state of which Bhopal is the capital, employs 15 factory inspectors to monitor more than 8,000 plants spread over the vast state, the largest in India.

According to an official of the inspector's office, they lack the most basic instruments, even typewriters and telephones in some regional offices, and must travel by public bus and train on their rounds.

The Bhopal office, which is reponsible for monitoring the Union Carbide plant, has only two inspectors, both mechanical engineers with little knowledge of chemical hazards.

Inspection records show that they made many visits to the plant after internal leaks and other mishaps, but recommended only minor remedial recommendations, generally urging the company to follow its own operating procedures more closely.

Similarly, the Madhya Pradesh air and water pollution control board has acquired not a single instrument to measure air pollution, nor has it hired any new staff, since the central Government passed its first air-pollution law more than two years ago.

Almost all government officials interviewed maintained that they were not responsible for looking after the methyl isocyanate tank that leaked, and they pointed the finger elsewhere.

An official of the state labor department's division of industrial health and safety said the factory inspectors' job was limited to looking after safety devices to protect workers.

"We do not design, maintain and operate plants," he said. "We only check to see there are enough protective masks and safety guards."

Similarly, U.K. Tiwari, chairman of the pollution-control board, said his agency lacked responsibility because methyl isocyanate, called MIC, was not a normal emission of the factory and therefore was not monitored at all. Indeed, he said, the factory's regular noxious emissions were "almost nothing."

"This was an accident," he said. "In the normal working of the factory there was almost no emission of this gas. Normal monitoring would not have foreseen this at all. This was a failure of safety equipment."

The top official of the Madhya Pradesh government is the Chief Minister, Arjun Singh, a politician who has held the job since 1980. That is when Union Carbide started manufacturing MIC, which is used to make all the pesticides produced at the factory, a few miles from Mr. Singh's house.

Mr. Singh was himself affected by the gas at his large home in the new part of Bhopal. In an interview there, he contended that the burden rested with the company to inform the local authorities about potential hazards.

"It is the basic responsibility of the company to make the community aware of it," he said. "I have not seen anything so far to show this was done."

SOME COMPANY OFFICIALS FACE CRIMINAL CHARGES

So far, Mr. Singh's Government has brought criminal charges against several officials of Union Carbide, including Warren M. Anderson, chairman of the Union Carbide Corporation of Danbury, Conn., and Keshub Mahindra and V. P. Gokhale, chairman and managing director respectively of Union Carbide India Ltd. The Union Carbide Corporation owns 50.9 percent of Union Carbide India, which owns the Bhopal plant.

In addition, charges have been brought against Jaganathan Mukund, the factory manager, and S. P. Choudhary, the assistant factory manager. All have been released on bail.

Mr. Singh has also accepted the resignation of his labor minister, Sunder Patidar, and dismissed the chief inspector of factories, C. P. Tyagi, who Mr. Singh said had renewed the factory's license annually without acting on reports of safety lapses from the labor department.

Did the Chief Minister accept any personal responsibility?

"In a way I am responsible for everything," he replied. "But there must be some level at which the persons most closely concerned have to have greater responsibility than me."

He agreed that Madhya Pradesh's industrial and environmental safeguards were deficient.

"Most of these rules were framed quite a long way back," he said. "They certainly need updating in view of new processes."

If it was the plant management's duty to inform the public about the nature of their plant, they clearly failed to discharge it.

Not even Dr. M. N. Nagu, director of public health for the state, knew anything about the poison gas that was to leave thousands of Bhopal residents, including himself, choking, gasping for breath and half blinded.

Indeed, even with the first bodies piling up at Hamidia Hospital, he said, a factory doctor told him that the gas was not lethal and that it caused only eye and lung irritation.

"They said it's not so toxic to create any problem," Dr. Nagu said.

"I said, 'What are you talking about—people are coming in dying.' "

MANY OFFICIALS KNEW LITTLE OF THE CHEMICAL

Nor did Bhopal's part-time Mayor, Dr. R. K. Bisarya, also a physician, know much about MIC. Neither did Ranjit Singh, the chief administrative officer of the Bhopal district and the man chiefly responsible for contingency plans in case of disasters. There was none in case of a leak from Carbide.

"I had no idea," he said. "I knew they made pesticides, but I did not know what the ingredients were, and I have never heard of a compound called MIC."

The police superintendent, Swaraj Puri, said he first learned of MIC, with his eyes and lungs burning, at about 3:30 A.M. on Dec. 3, when he was informed of it by K. V. Shetty, the plant superintendent for the shift four hours after the leak began.

"We made him spell it," Mr. Puri said.

These officials said nobody at the company suggested a simple antidote of covering the face with a wet cloth. Had that been known in advance, they said, many lives might have been saved.

The seeds of the accident were planted in 1972 when, under Government pressure to reduce imports and loss of foreign exchange, the company proposed to manufacture and store MIC at the plant.

What the company told the central and state Governments about the potential hazards of this process is unclear, since all records have been impounded by an official inquiry.

The New Delhi Government's Ministry of Industry granted the MIC license, No. C/11/409/75, on Oct. 31, 1975.

This was just two months after the issuance of the Bhopal development plan on Aug. 25, 1985. That plan, which had the force of law, required that "obnoxious industries," including manufacture of pesticides and insecticides, be relocated to an industrial zone 15 miles away.

"Obnoxious industries which are likely to pollute the atmosphere are often located on the leeward side, so as to save habitated areas from harmful effects of such industries," the 1975 report stated, adding that at the proposed new industrial area, "the prevailing winds will carry obnoxious gases away from the city area."

The plan was not followed. The factory stayed, and soon slum dwellings and even middle-income housing were being built nearby.

The development plan was devised under M. N. Buch, then commissioner and director of town and country planning for the state and a former secretary of environment and administrator of the Bhopal municipal corporation.

In an interview, Mr. Buch, who recently resigned from the Indian administrative service, said he ordered the Carbide plant to relocate in 1975.

"The risks of a pesticide formulation plant are very different from a plant that manufacturers the basic material for pesticides," he said. "with such a plant, it no longer becomes a question of whether people should live across the street. It becomes a question of whether people should live within many miles of the plant.

"I would not have permitted the plant to locate there," Mr. Buch said, adding that the plant was responsible for the deaths. But he also charged that the Government carried an "equivalent vicarious responsibility" for what he called its failure to monitor the plant and to follow the master plan.

The plan called for the Carbide site to be converted to housing and light commercial use. It also called for 2,560 hectares, or 6,325 acres, of new housing by 1994, so as to eliminate the shanty slums that crop up everywhere.

So far, he went on, only a few hundred hectares of housing have been built. "Therefore, they allowed these slums to come up," he said.

Mr. Buch said he did not know why his order to relocate the plant was ignored; he said that soon after, he took another job for unrelated reasons.

N. V. Patwardhan, the current director of the town-country planning commission, declined to comment, saying the matter was under judicial inquiry.

HOUSING SPRANG UP AROUND THE NEW PLANT

In any case, as Carbide built its MIC unit, the population in the shadow of its plant grew rapidly.

The local government granted construction permits on June 5, 1976, seven months after the MIC license was granted, to Sant Kanwar Ram Nagar, a housing development near the plant, and construction loans were given by the Madhya Pradesh housing finance corporation a year later. Some individual building permits were granted in the neighborhood as recently as 1983.

Other housing sprang up, all with government sanction. At the same time, unauthorized slums inched closed to the Carbide factory. One, Jai Prakash Nagar, spread out right in front of the main gate of the factory, giving leaky shelter to about 700 families and 3,000 people at the time of the accident.

If the nontechnical political and civil authorities in Bhopal were unaware of the latent volcano in their midst, why did the technical and industrial agencies involved in licensing and monitoring the plant also suspect nothing?

And why was so little action taken in the face of several signs, including one fatal accident at the plant in 1981, that all was not well inside the plant?

Industrial licenses are issued by the Ministry of Industry in New Delhi, after consultation with several other agencies, such as in this case the Ministry of Chemicals and Fertilizers, the directorate a general of technical development, the Ministry of Agriculture and its Central Pesticides Board, as well as the Madhya Pradesh state government.

Just what Union Carbide disclosed about the hazards of MIC production when it applied a dozen years ago is unclear. The application predated India's air and water pollution laws. Also unclear is how much scrutiny the central Government gave the application.

"This is a big weakness in the process," said a former official of the Department of Industry in New Delhi. "The depth of scrutiny is so shallow and so superficial. I would not be at all surprised if they did not realize what it was about, and just said it would generate employment in Madhya Pradesh."

Even so, an official of the Madhya Pradesh department of industries said there were some in the department who objected to the plant location. But, be added, they were overruled by nontechnical people and the plant applications were recommended to the central Government.

"It is not carbide's fault," he said "We did not tell them what to do. They never refused to install what we asked. They were never advised what was needed."

Under current central Government rules, all letters of intent to issue an industrial license to a company with foreign collaboration require the company to take "adequate steps" to prevent air, water and solid pollution, as well as "adequate industrial safety measures" to the satisfaction of the state government involved.

The letter also stipulates that no new or expanded industrial activity should take place within the urban limits of cities of over one million or within the municipal limits of cities over 500,000 population. Bhopal's population today is estimated at 800,000.

Only last June 21, less than six months before the accident, the Ministry of Industry in New Delhi ordered that no license should be granted unless the state director of industries confirmed that the site has been "approved from the environmental angle."

But none of this was in place in 1975, when the plant got its license.

Once licensed by the central Government, the Carbide factory was theoretically monitored by the state government under four main national laws: the Factories Act of 1948, the Insecticides Act of 1968, the Water Act of 1974 and the Air Act of 1982.

Thus far, the Madhya Pradesh government has placed the burden of blame on its labor department, which enforces the Factories Act, aimed mainly at providing safe working conditions for plant workers, rather than protecting the general public.

The dismissal of the chief factory inspector, Mr. Tyagi, has incensed the factory inspectors' office, based in Indore, 120 miles southwest of Bhopal.

Mr. Tyagi declined to comment, but another member of the inspectors' office described the conditons under which factory inspectors must operate in Madhya Pradesh with the proviso that he not be identifed.

Each inspector, he said, has responsibility for more than 150 factories, triple the standard recommended by the International Labor Organization.

Each is given a quota of 400 inspections a year, to be done in only 200 or so working days. Moreover, he added, they are expected to travel about this large state by public transportation.

"Factories are almost always located outside of cities," he said. "Often we must ask for a car from the factory owner to get there. We go in his vehicle, and then sometimes we must prosecute him."

Frequent requests or better support from the state government have gone unheeded, the staff member said. They have no hygiene laboratory and few instruments.

"We don't even have instruments to collect samples," he said. "All we can say is there is dust and you stop it. It is very difficult to prove in a court of law because we don't know what the normal level is."

Moreover, inspectors have little authority to order that unsafe conditions be remedied, apart from going to court. That process often takes years and then the fines are minimal. The official recalled a recent case in which factory managers were fined 2.50 rupees each, or 20 cents, for each infraction.

Much of the machinery purchased by textile, cement and other factories in the state is antiquated and cheaply made, he said, and management usually tries to get away with whatever it can. The inspector comes into the picture only after production has begun.

The Indian Factories Act explicitly authorizes the individual states to make rules requiring written previous permission from the chief inspector of factories before a factory site is chosen and construction begun. More than 36 years after the act was passed, the Madhya Pradesh government has still not written such rules.

"The industries department never tells the factories they must get a license from us," the staff member of the inspectors' office said. "We must tell them."

As for Union Carbide, he said that by comparison to the safety violations committed by other plants in the state, Carbide was considered almost a model citizen. It had only one fatal accident in recent years, while one steel plant had 25 in one year and deaths were common in other plants, he said.

Carbide was never prosecuted for its lapses.

Since the MIC unit opened in 1980, the factory inspectors did periodically check the three MIC storage tanks.

But they did not have the proper equipment, so they relied on ultrasonic tests performed by the company itself. The inspectors also checked to determine that the safety valves on the tanks would open to release gas in case of a pressure buildup.

The official noted with an ironic smile that they worked all too well Dec. 3.

After the fatal accident on Dec. 24, 1981, in which an illiterate worker died after taking off his face mask when splashed with phosgene, the Central Labor Institute in Bombay, operated by the New Delhi Government, sent an investigator.

The director of the institute, the official said, concluded that the plant's safety equipment was of international standards and that the plant posed no significant problem.

Nonetheless, the death of the worker, Ashraf Mohammad Kahn, prompted an investigation by the state labor department. It appointed Dr. S. Siddiqui, a professor at the local science college, Vigyan Mahavidyalaya, on Feb. 10, 1982.

He delivered his report on March 5, 1984, and it concluded that the worker died from his own mistake, but also that there was poor coordination between the production and the maintenance staff, which allowed him to open a pipe that was not cleared of deadly phosgene.

The Siddiqui report went unattended by the state labor department for seven months. Even a reminder from the Chief Minister on Dec. 11, more than one week after the Dec. 3 leak, brought no immediate response, according to his office, and the matter remained "inert" for more than a week more.

For that, several officials of the labor department, including its secretary, Arun Kumar, were suspended.

The current secretary of both the state labor and industries departments is Manish Bahal. He declined substantive comment on allegations of lapses in his departments, saying he did not want to pre-empt the judicial inquiry.

But he said the manufacturing process was left to companies. "We are not there to check manufacturing," he said. "We are not there to run the factory."

An inquiry into Mr. Khan's death was also undertaken by the state agriculture department in 1982 at the request of his brother. The inquiry was completed last summer and reached conclusions similar to those of Professor Siddiqui. But no action was taken until after the disaster in December.

The spokesman for Chief Minister Singh, Sudeep Banerjee, said the state planned soon to prosecute Union Carbide under the Pesticides Act, which gives the states authority to protect workers involved in the manufacture, formulation, transportation, distribution and application of pesticides.

Neither did the environmental authorities pay close attention to the plant. When the MIC unit was added in 1980, the plant was required to build a 22-acre solar evaporation pond for its toxic waste, so that its toxic effluent was theoretically nil.

In fact, since the factory was running at only 30 percent of capacity, its production of waste was much less than expected.

PLANT'S POLLUTION NOT CONSIDERED MAJOR

But the state pollution control board did raise objections about the discharge from Carbide's storm drain, which emptied into a drainage ditch outside the plant.

Monthly samples, tested for biological oxygen demand, pH relative acidity and other indicators, showed it to be polluted, though the board never tested it for toxicity, a board worker said.

The worker said the plant was "given one or two reminders, but they never did anything about it." He said the plant's own data almost always was below the acceptable levels.

Compared with the extensive pollution caused by other industries, the drain was "not considered a major problem," he said, and no court action was taken.

Still, a few years ago, several animals died near the Carbide drain. The company paid the owners, and there was little further worry about it.

"After that it became routine that if an animal died of old age the owner would throw it in the effluent and ask Carbide for money," the pollution worker said.

The state air and water pollution control board operates with a staff of 262 in five regional offices, with a laboratory here in Bhopal. It is charged with monitoring "outlets for sewage of trade effluent" into streams and wells.

This means it must regularly cover not only 200 major and medium-sized industries but also 90,000 smaller ones, as well as municipal waste discharge.

Moreover, unlike environmental agencies in the United States, the board has no authority to order a polluter to desist. It must, like the factory inspectors, go through a long court procedure.

A Bhopal journalist, Raajkumar Keswani, had been warning of potential disaster at the plant in his now defunct Hindi weekly, Rapat.

These warnings, along with complaints from unions representing Carbide workers, resulted in a debate in the Madhya Pradesh legislative Assembly on Dec. 21, 1982.

One member suggested that the plant should be moved to a "safer place."

With Chief Minister Singh present, the then state labor minister, Tara Singh Viyogi, gave this response:

"Mr. Speaker, this plant was established here in 1969 with an investment of 250 million rupees [$20 million at current rates]. It is not a small piece of a stone that I can shift from one place to another."

He added, "There is no danger to the city, nor do I find any symptoms of it."

Mr. Viyogi, now a textile labor union leader in Gwalior, about 200 miles north of Bhopal, denied in an interview any responsibility for the accident.

"I never imagined it," he said. "It was beyond my thinking that it could happen."

He said he had personally visited the plant three times and was satisfied with its safety measures, feeling that any leak could be stopped—if the measures, he said, were used properly.

"My information was not wrong," he said. "What I said at the time was that if the instruments worked properly and they used them properly, it would have stopped the leak."

[From the New York Times, Feb. 3, 1985]

THE DISASTER IN BHOPAL: LESSONS FOR THE FUTURE

(By Stuart Diamond)

BHOPAL, INDIA.—In this teeming central Indian city where an industrial gas leak in December killed more than 2,000 people, the problems and dilemmas faced by multinational companies in developing countries come into sharp focus.

Vendors sell, dried cow-dung for fuel while nearby factories install automated solar-energy devices. A business executive does financial statements on a computer while outside his window two men clothed in little more than rags try to push a rice-laden wooden cart out of a drainage ditch.

At the airport on the edge of town, a jet lands on a wavy asphalt runway; the luggage is sometimes carried away on a cart pulled by a bullock. A new television transmission tower looms over the countryside; in front of it, a woman in a sari carries gravel for construction in a basket on her head.

OLD WAYS NOT REPLACED

The advances that have made India an industrial power have, in most areas, not replaced previous methods. Instead, the new technology forms a veneer on a continuum of life styles and perceptions that stretch into the past.

In this setting, the Union Carbide Corporation and its Indian affiliate, Union Carbide India Ltd., built in Bhopal a complex pesticide factory where, on Dec. 3, a leak of methyl isocyanate caused the worst industrial accident in history. In addition to those killed, 200,000 people were injured.

The accident, many Indian technological experts and others say, has raised questions about doing business in the third world—not only for the multinational companies but for the host countries as well.

'A LOT OF RISKS'

"Western technology came to this country but not the infrastructure for that technology," said Dr. S.R. Kamat, a prominent Bombay expert on industrial health and the hazards of development.

"A lot of risks have been taken here," he said. "Machinery is outdated. Spare parts are not included. Maintenance is inadequate. Bhopal is the tip of an iceberg, an example of lapses not only in India but by the United States and many other countries."

Since the accident, scientists, Government officials, policy makers, medical experts, cultural specialists and business leaders—including officials from Union Carbide—have converged on the city to glean the lessons of Bhopal. The city, they say, has become a laboratory for the study of how industrial companies can better conduct business in the third world—and what steps might be taken to avoid a repetition of what happened here.

Interviews with more than a hundred specialists, officials, residents of Bhopal and others suggest that several lessons have already begun to emerge. These are some of the issues being discussed:

Hazardous facilities often pose added risks in developing nations, where skilled labor and public understanding are often lacking. Special training is needed to compensate for these extra risks.

Public education is critical in developing countries, where people often do not understand the hazards of toxic substances. Repeated drills and clear warning signals are needed.

The more rural areas of the developing world should not be used to test complex new technology.

A sense of urgency about all safety problems and attention to worst-case possibilities—routine in industrial countries but often not transferred to developing countries—should be part of worker training, especially in plants with a high turnover of personnel.

The company headquarters should audit its plants in developing countries frequently, perhaps more often than it audits plants at home.

Sophisticated backup safety systems, often installed in industrial nations, are needed to compensate for lapses in training and staff in developing nations, where they are needed more.

Company executives should be technically—not just administratively—trained in businesses that use toxic materials; such training can compensate for a lack of technical know-how in the local plant staff.

Many areas of the developing world are growing rapidly and without zoning laws. Suitable buffers should be placed around the factory to prevent the dangers of crowding.

Cultural differences between foreign and host countries should be considered. If preventive maintenance is a new concept it, should be more thoroughly taught.

Host governments should closely and continually inspect hazardous factories and their managements, enforcing strict and quick sanctions for safety lapses.

In making agreements with multinational companies, the governments of developing countries should consider only those technologies that can be safely handled in the long run. It may be necessary to change laws that mandate turning factories over to local control completely.

INDIA IS STILL EAGER TO INCREASE TECHNOLOGY

Many technological experts note that India has tried to use new technology to solve its problems of food and medical care and that companies such as Union Carbide have been well-regarded as helping India to achieve those goals.

Thus, despite the anger generated by the Bhopal accident, it is clear, they say, that multinationals do not face wholesale expulsion from India—although there is talk among state and central Government officials of nationalizing the Bhopal plant, which is on Government-leased land.

And while there have been official statements that the Bhopal plant will not again make hazardous materials, many here believe that the plant will reopen. The jobs are needed in a country where unemployment is high and there is no welfare system; those without jobs often must beg or face starvation.

"People here say: 'We have already lost 2,000 lives. Must we lose 2,000 jobs too?" said Paul Shrivastava, a native of Bhopal and an associate professor of management at the New York University Graduate School of Business Administration, who returned home to study the accident.

Officials in India note that multinational companies provide the country with technology, skill, capital and equipment that might otherwise take years to develop indigenously. The Government, they say, is keen to continue joint ventures between Indian interests and foreign companies.

India and other countries provide multinational companies with benefits in return, according to a wide variety of studies in the United States. The companies have gained large new markets and have often been able to produce products inexpensively because of a cheap labor force and fewer requirements to install expensive environmental and worker-protection equipment, those studies said.

In December, the Government approved 194 projects between Indian and foreign companies, according to the Indian Investment Center, a Government-sponsored group that tries to encourage investment.

Those included, it said, 47 from the United States, the most of any country. The projects involved production of batteries, computer parts, steam turbines, oil-drilling tools and even a plant to make phosgene, a poison that is used in making methyl isocyanate, or MIC.

In the last two years, agreements have been reached for four new Union Carbide plants: a battery plant; one to produce calcium carbide, which is used in making battery materials; one to bottle specialty gases such as helium and argon, and one to make equipment that separates oxygen from the atmosphere for bottling.

TECHNOLOGY SPREAD THIN ON AN ANCIENT CULTURE

There are many success stories of advanced technology in India, many specialists say. The country's airlines run a busy and virtually accident-free schedule, nuclear reactors supply electricity, Indian scientists and engineers do advanced research in chemistry, physics and biotechnology.

The country has the third-largest number of technical students in college in the world, after the United States and the Soviet Union, according to a United Nations study two years ago.

But the country has 750 million people and many technological industries to support, the Indian experts say. The considerable technical skill, they say, is spread thin.

A recent study, "Multinationals and Self-Reliance," by the Indian Institute of Public Administration in New Delhi found that of 1,695 top employees at seven leading foreign drug companies here, more than a quarter were only high school graduates.

The new Prime Minister, Rajiv Gandhi, has said that he wants more technology to help his country develop. Last month a study by the Birla Institute of Scientific Research, a respected private research unit, concluded that the growth of India's technological progress was much less than that in many other countries. It said India had the financial resources to grow faster.

Dr. Shrivastava, the New York University professor, said the ability to handle new technology here is more a question of training and management than basic ability and discipline.

"Much more attention must be paid to the support systems for new technology and the culture in which it exists before the technology is located here," he said.

Bhopal has grown swiftly since it was made the capital of the state of Madhya Pradesh in 1956. But there is only one telephone for every thousand people, according to state officials; most of the population has running water for only a few hours a day, and there are few street signs, traffic lights, washing machines, hair dryers, computers or automated equipment of any kind.

On the narrow, crowded streets of Bhopal's old city, 2,000 years of civilization fight for space. Cows, goats, scooters, buses, cars, carts, bicycles, water buffalo, three-wheeled taxis, horse-drawn carriages, men in business suits and women in tribal dress travel

in both directions on 12-foot-wide thoroughfares hemmed in by shops with wares in the line of traffic.

When Union Carbide decided to build a factory in Bhopal, many people familiar with its development say, the city was a technological ingenue.

"When we set up this plant, we used workers just out of the agricultural age," said Kamal K. Pareek, the senior project engineer during the building of the factory's MIC facility in the late 1970's. "You just can't afford to do anything wrong in a factory like this. There are safety devices, but a high level of skill and understanding is needed to use them properly.

"What we needed," he continued, "were people who had grown up with technology, not workers who have had technology imposed on them by economic circumstances."

He and other technology experts said there was a big difference between someone educated in sciences and someone who has grown up understanding technology.

"People here have the ability to operate by rote, and the capacity for providing rote skills exists," Dr. Shrivastava said. "But that is not the same as saying that new technology can be handled in all its dimensions."

Key among the problems is the lack of emphasis on preventive maintenance, the Indian technological experts said. "The idea of spending money now to save money later is a concept completely alien in what is basically a subsistence economy," said Kiran Rana, a chemical engineer and native of Kashmir in northern India who now lives and works in the United States.

"We Indians start very well," Mr. Pareek said, "but we are not meticulous enough to follow up adequately."

ACCIDENT MAY CHANGE GOALS FOR TECHNOLOGY

Officials here say that because of the accident they will more closely match what multinationals have to offer with the needs of the country. And particularly for toxic industries, they say, there will be much more examination of each plan from both the supply and the operational veiwpoints.

"Concern about hazards will be a major part of the scrutiny of new proposals from now on, particularly when chemical processors are involved," said L.K. Jha, a Government economist and former industrial adviser to the Prime Minister.

"We have the technical capability to handle any kind of technology," he said, "but we must insure that the more hazardous kinds are handled only by the most competent people and not in a routine fashion."

He added that training levels for complex industrial plants had been inadequate, particularly for low-level employees. Government inspections, he said, will be increased.

Such vigilance, many Indian officials and experts say, is long overdue. India has adequate environmental protection laws on the books, they say, but the laws have often not been enforced.

Since the accident, many experts here have begun to question whether the Bhopal pesticide plant and other enterprises like it really perform the service that was specified under agreements with the Government allowing them to operate here: to transfer technological know-how to India.

"An unfortunate assumption has been made—that when technology arrives here, it is transferred," said S.K. Goyal, head of the Corporate Studies Group, a Government-sponsored New Delhi University unit that studies corporate responsibility.

"We are finding that the technology often just gets transferred to the premises of the subsidiary, not into the society as a whole," he said. "it stays within the walls of the factory."

Moreover, Indian experts are now saying, most of India is still rural and thus requires a different kind of technology than that which multinational corporations have provided in the past. What is needed, they say, is smaller-scale technology that is appropriate to small rural businesses and does not disrupt the social and cultural norms.

This idea, called "appropriate technology," is a subject of dispute among specialists who are trying to help developing countries progress. On the one side are those who argue that the smaller, less-efficient technologies are less disruptive to local values; the other group says that such a path is too slow and will not appreciably raise the standard of living of the people as much as is possible with industrialization and high technology.

Some Indian technology officials contend that there is too much emphasis on high-powered goods and services while much of the country needs simple conveniences of life, such as a pulley to draw water from wells and a simple stove made from metal drums. Millions of people with such needs, they say, live in places like Bhopal, where new technology has not yet been integrated into the existing culture.

Some also question whether the issues raised by the disaster will bring effective action.

"This was a tragic accident," said K.L. Sahu, who collects official statistics on births, deaths, diseases and other aspects of life in Bhopal and the surrounding districts from a small government office in the city.

"But industrial countries like yours," he said, "may be more upset than people here. Two thousand people died in one place, but many more people die in smaller accidents.

"It will take a year or so," he added, "for this tragedy to be washed from the minds of the people. After that, many of the things we talk about now may be forgotten."

Mr. BYRD. Mr. President, I want to express my support for the amendment offered by the distinguished Senator from New Jersey and I am pleased to join him in cosponsoring this amendment. This amendment addresses the fundamental issue of improving community planning and emergency response efforts in the event of a toxic release into the environment.

The need to improve community planning and emergency response procedures has been underscored by the Bhopal disaster and the recent chemical releases in this country, such as the August 11, 1985 aldicarb oxime release in Institute, WV. While the responsibility for emergency preparedness and response planning and implementation rests primarily with the States and local governments, this amendment provides for improved integration of planning and emergency response efforts between a facility and a community and for appropriate Federal technical assistance through the national response team. Through such improvement we can insure increased public health and safety.

In addition, this amendment requires immediate notification to the National Response Center of toxic releases and followup notification of actions taken to respond to and contain a release to all appropriate authorities. The delays in emergency response procedures constitute a major public health threat. Such a requirement as contained in this amendment is essential to the protection of the general public.

There are over 11,000 chemical plants in this country. Many of these plants are in or near major population centers. While the prevention of toxic chemical releases must remain a primary concern, without a well-prepared emergency response system, the health and lives of large segments of the public may be endangered. This amendment will improve the development of community emergency plans and the ability to implement such emergency response procedures in the event of a toxic release.

I wish to commend my distinguished colleague from New Jersey for his fine efforts on this issue. I am pleased to support this amendment.

Mr. STAFFORD. Mr. President, I congratulate the most able and distinguished Senator from New Jersey for his amendment, which I am pleased to support, and I ask unanimous consent that I be added as a cosponsor for the amendment, as well as Senators BYRD and ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, this amendment would require facilities that handle certain extremely hazardous chemicals to notify local emergency response officials that they do so, and to inform these officials of the health hazards posed by the chemical and of appropriate response actions in the event of an accident. It also requires these facilities to let local officials know when they do have an accident.

The amendment places corresponding duties on local officials to develop emergency response plans.

Mr. President, these requirements are not unduly burdensome, and they will help protect the public from serious chemical accidents.

I urge my colleagues to support this amendment and, Mr. President, for the majority I am prepared to accept it.

Mr. LAUTENBERG. I thank the manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 638) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I believe we are now prepared if the Senator from Montana wishes to offer an amendment that we understand he has.

AMENDMENT NO. 639

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. STAFFORD, Mr. BENTSEN, and Mr. GLENN, proposes an amendment numbered 639.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Tha amendment reads as follows:

Page 87, line 16, delete the closed quotations.

Page 87, after 16, insert the following:

"(d)(1) This subsection applies to facilities—

"(A) which as of July 1, 1985, were not included on, or proposed for inclusion on, the National Priorities List; and

"(B) at which special study wastes described in sections 3001(b)(2)(B) or (3)(A) of the Solid Waste Disposal Act or any leachate from abandoned mine sites are present, including any such facility from which there has been a release of a special study waste or leachate, except that this subsection shall not apply to a facility which does not involve the presence of any such waste or leachate in any significant quantity.

"(2) Pending revision of the hazard ranking system under subsection (c), no facility to which this subsection applies may be added to the National Priorities List unless the Administrator makes the following specific findings, based on facility-specific data:

"(A) as to the status of studies by the Environmental Protection Agency on such waste under the Solid Waste Disposal Act and of regulation of such waste under subtitle C thereof;

"(B) as to the extent to which the hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility;

"(C) as to the quantity, toxicity, and concentration of hazardous substances that are constitutents of any speical study waste at, or release from, such facility, the extent of or potential for release of such hazardous constituents, and degree of risk to human health or the environment posed by the release of such hazardous constituents at such facility: *Provided,* That the findings in this subparagraph shall be based on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility; and,

"(D) that based on the findings in subparagraph (C), the degree of risk to human health or the environment posed by such facility is equal to or greater than the risk posed by facilities at which no special study waste is present and which are proposed for inclusion on the National Priorities List.

A person may be subject to liability under sections 106 or 107 under this Act for any waste or release referred to in paragraph (1) of this subsection at any facility to which this subsection applies only if the specific findings required under this paragraph with respect to that facility have been made and such suit against such person supports each specific finding with appropriate facility-specific data. This paragraph shall not apply to any facility that is included on the National Priorities List pursuant to a hazard ranking system revised in accordance with subsection (c) so as to incorporate the factors identified in subparagraphs (C) and (D) of this paragraph.

"(3) Following the Administrator's completion of the applicable special waste study required under section 8002 (f), (m), (n), (o), or (p) of the Solid Waste Disposal Act, and the determination required under section 3001(b)(3)(C) or, in the case of a special study waste described in section 3001(b)(2)(B), the authorization of regulations by Congress pursuant to section 3001(b)(2)(B)), of such Act, if a special study waste is not hazardous waste listed under section 3001 of the Solid Waste Disposal Act, the waste stream, or one of the constituents thereof, may not be deemed to be a hazardous substance unless such waste, at the facility in question, has one of the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act.

"(4) Nothing in this subsection shall be construed to limit the authority of the Administrator to remove any facility which as of July 1, 1985, is included on the National Priorities List from such List, or not to list any facility which as of such date is proposed for inclusion on such list.

"(5) Nothing in this subsection shall be construed to limit the authority of the Administrator or the Attorney General from seeking abatement of an imminent and substantial endangerment under section 106(a).".

Mr. BAUCUS. Mr. President, I rise today to offer an amendment with my distinguished colleagues from Vermont [Mr. STAFFORD], Texas [Mr. BENTSEN], and Utah [Mr. GARN] in cosponsoring this amendment to S. 51, the Superfund Improvement Act of 1985. This amendment adds a new subsection (d) to section 105 of CERCLA, and builds upon a provision already contained in section 120 of S. 51.

As one of the cosponsors of the amendment which was adopted by the Environment and Public Works Committee and is now contained in section 120 of the bill, I want to clarify its background and intent. I also want to acknowledge the support of my cosponsor, Senator DOMENICI, with whom I offered the amendment in the committee. In addition, I want to explain in some detail the intent and purpose behind the related "Special Waste Findings" amendment that is being offered by Senators STAFFORD and BENTSEN and on behalf of myself and other members of the Environment and Public Works Committee.

SECTION 120—NATIONAL CONTINGENCY PLAN (HAZARD RANKING SYSTEM)

The purpose of section 120 of the bill is to assure that the Environmental Protection Agency undertakes a systematic, unbiased, and open reassessment of the hazard ranking system [HRS] which it currently uses to determine the sites that should be included on the national priorities list. I am concerned that the current hazard ranking system may not accurately assess the relative degree of risk to human health and the environment posed by sites and facilities subject to review. I do not prejudge that question, but I do think EPA needs to take a very hard look at the HRS in a formal review process, and the committee has agreed.

My concern arose initially after learning of a report by TRC consultants that had challenged the technical validity of the EPA hazard ranking system—the so-called MITRE model. While I cannot say whether the TRC consultants' specific critique is or is not technically valid, I do think it raises a significant number of potentially important questions about the adequacy of the present hazard ranking system need to be examined carefully in an open process that takes into account public comment.

My concern has deepened upon learning that EPA has asked MITRE—and apparently only MITRE—to review and critique the TRC report which had criticized the MITRE model. This hardly seems like the kind of independent, open-minded review and assessment for which I had hoped.

Thus, I think more than ever section 120 needs to be enacted. There are several related points about this provision that I want to underscore.

First, this provision creates a nondiscretionary duty for the Administrator to act within 12 months. Likewise, the amendments of the hazard ranking system required by this provision must be effective within 18 months. Both of these requirements are mandatory, not merely directive; if ignored by EPA, the requirements may be enforced by citizen suit.

Second, the provision requires that amendments to the hazard ranking system be adopted in accordance with a specified informal rulemaking procedure. The purpose of this requirement is to assure that EPA will solicit, seriously consider, and respond thoughtfully to public comment on the inadequacies of hazard ranking system and how the model can be improved to accurately assess the relative risks posed by hazardous waste sites and facilities.

Third, the provision requires the revised hazard ranking system to go into effect no later than 18 months after this bill is enacted. This means that after the effective date of the revised hazard ranking system, newly listed sites can be added to the NPL only in accordance with the revised system. In other words, once it is in effect EPA may not disregard the new HRS or

give it only limited weight in NPL listing decisions. The Agency must list higher ranked sites in preference to lower ranked sites under the amended system.

Fourth, the existing hazard ranking system would continue in effect until the revised system is in place. Thus, the provision should not disrupt progress to clean up existing NPL sites or preclude EPA from listing new sites in the interim until the HRS is revised as required by section 120 of the bill.

"SPECIAL WASTE FINDINGS" AMENDMENT

Since the committee reported out its "Superfund Improvement Act of 1985," several concerns have been raised that have convinced me and my colleagues on the committee that additional amendments are needed.

First, some of those who reviewed section 120 of the bill expressed dismay that the final sentence of new section 105(c) of the act might be construed to require EPA to continue to use the present HRS without any revision for 18 months. This was not the intent at all. The intent was only to allow EPA to continue to use that system—or to modify it if the Agency chooses—until the required revision goes into effect in 18 months.

Second, it was also maintained by some that section 120 provides no standard for EPA to use in deciding how to revise the HRS. I do not entirely agree with this concern, since section 120 specifically states that amendments to the HRS—

shall assure, to the maximum extent feasible, that the [HRS] accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review.

I believe this is the standard that must guide EPA in revising the HRS under section 120 of the bill, as reported from the committee. However, in order to further clarify the intent of this provision, the "Special Waste Findings" amendment makes clear that:

Quantity, toxicity, and concentration of hazardous constituents, not merely total volume of waste must be considered to accurately assess risk; and release, exposure, and risk data are to be evaluated on a site-specific basis without reliance on inappropriate assumptions or general theories.

Thus, the final sentence of paragraph (2) of new subsection 105(d) indicates that the HRS should be revised, as provided in subsection 105(c), to incorporate these factors.

The third concern that was raised about section 120 of the committee bill related specifically to the so-called "special wastes" that are described in sections 3001 of the Solid Waste Disposal Act. It was argued that until the HRS is revised to assure that the foregoing factors are weighed accurately, some high volume, low toxicity waste sites posing low risk might be listed on the NPL in preference to other, potentially more serious sites. This concern was underscored by the subsequent decisions by the U.S. Court of Appeals for the District of Columbia in the companion Eagle-Picher cases (No. 83-2259, et. seq.).

The Eagle-Picher decisions presented the Congress with a difficult problem. On the one hand, we did not want to prevent EPA from listing and achieving expedited cleanup of sites posing a genuine and substantial threat to human health or environment, regardless of whether they involve special study wastes. That is the very function of Superfund, and in my State of Montana, there appear to be a number of waste sites—including special study wastes that pose just such a concern. The Silver Bow Creek site is just such an example where I have actually pushed to have the site expanded downstream. I have supported and continue to support these cleanup efforts.

On the other hand, Congress has recognized that these special study wastes warrant separate attention and evaluation, and as of this date, EPA has not completed its long overdue mandated studies on these wastes. Given scarce funds, we need to concentrate on the sites of greatest concern, and the committee was not convinced that the present MITRE model would produce that result. For these reasons, we felt we could not simply ratify the Eagle-Picher decisions for the future.

Thus, in the "Special Waste Findings" amendment that is offered on behalf of the committee, a balance has been struck. Until the HRS is properly revised, special study waste sites—including abandoned mine site leachate may be listed on the NPL only if the Administrator of EPA makes the required specific findings based on facility-specific data. Liability for costs, damages, or penalities may be imposed for the sites which are so listed, but only if the requisite specific findings have been made and only if the Administrator in court supports each of these specific findings with appropriate facility-specific data. The Administrator's authority to seek emergency abatement orders under section 106(a) has been preserved, as well as his authority under section 104 to spend fund moneys to clean up pollutants and contaminants.

By establishing this balance, the amendment will assure that: no delay occurs in cleaning up sites presently listed on the NPL; the MITRE model will be revised to accurately reflect comparative risk on a site-specific basis; in the interim, special study waste sites—or abandoned mine drainage areas—could be listed on the NPL if they present a genuine and substantial risk, but certain safeguards would be put into place to assure that proper site-by-site assessment of risk is undertaken before this is done and that higher priority sites are listed first; and EPA's emergency authorities under section 104 and 106(a) of CERCLA would remain available to deal with these sites, when appropriate. However, liability for costs, damages, and penalties for special study wastes and releases at such sites and areas not listed as of July 1, 1985, would be imposed under sections of 106 and 107 of the act only after EPA makes the necessary specific findings and offers the necessary site-specific data to support these findings in court.

Finally, the amendment makes clear that once EPA completes its special studies on these wastes—and determines whether or not to list them as hazardous wastes under section 3001 of the Solid Waste Disposal Act, the waste streams which are not found to be hazardous—and the constituents of these waste streams—will not be treated as hazardous substances under CERCLA. The only exception is for those wastes which flunk the characteristic tests listed or identified under section 3001 of the Solid Waste Disposal Act.

Mr. President, this amendment is very simple. Essentially, under present law, the hazard ranking system that the EPA utilizes under Superfund is set up so that if a certain hazardous waste material is found in any degree, essentially, at a site, the system assumes that that same waste material is found proportionately throughout the entire site. This causes some practical problems at some mine sites because, even though a hazardous waste is found at a certain location, it is confined to that location; that is, it is not spread throughout the entire site.

So this amendment would direct the EPA, utilizing this hazard ranking system, to first engage in an examination to determine the extent to which the hazardous waste is throughout the entire site so that we have a more accurate representation and a more accurate picture of the degree to which the material is actually in the site.

It is my understanding that this amendment has been cleared. In fact, I am very proud to have as cosponsors of my amendment the distinguished chairman of the committee, Mr. STAFFORD, as well as the ranking member of the committee, Mr. BENTSEN.

Mr. BENTSEN. Mr. President, the current hazard ranking system does not always work to give the highest ranking score to the most dangerous site. For this reason the bill requires EPA to revise the model and use the more accurate formulation in the future.

The sponsors of this provision are also aware, however, that there are a number of sites which may be "caught in the middle" between the old and

new rules—sites which have been proposed for listing but which have not yet been listed as of the date of passage of this bill will still be judged under the existing criteria. Indeed, under the reported bill, the new rules, whenever they may be finalized, will not apply to sites already on the proposed list.

This is not to say, however, that the Administrator should not exercise prudent discretion in determining when to order the commencement of an RIFS for a mining site proposed for listing but not yet listed, or what the content of an order would be. The Administrator may choose, for instance, in the example of a mine tailings pond for which he believes the hazard ranking system score is much higher than the actual degree of risk to the public health, to await the outcome of the HRS revision before proceeding with an RIFS.

Mr. STAFFORD. Mr. President, the chairman of the committee seldom opposes an amendment which he cosponsors. We have examined this amendment in the course of its production and had a part in it. We believe it is a meritorious amendment. For the majority, we are prepared to accept it.

Mr. LAUTENBERG. Mr. President, on the minority side, I agree with the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 639) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 640

Mr. LAUTENBERG. Mr. President, I am pleased to offer an amendment for my colleagues, Senator MITCHELL and Senator BRADLEY, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], on behalf of Mr. MITCHELL, Mr. LAUTENBERG, Mr. BRADLEY, Mr. BAUCUS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SPECTER, and Mr. HEINZ, proposes an amendment numbered 640.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 161, after line 14, add the following new title:

TITLE IV—INDOOR AIR QUALITY RESEARCH

SEC. 401. SHORT TITLE.—This title may be cided as the "Indoor Air Quality Research Act of 1985".

SEC. 402. FINDINGS.—The Congress finds that—

(1) indoor air exposures account for a significant portion of total human exposures to hazardous pollutants and contaminants in the environment;

(2) various scientific studies have suggested that indoor air pollution, including exposure to naturally occurring chemical elements such as radon, poses a significant public health and environmental risk;

(3) high levels of radon have been measured within structures throughout the country and within the Reading Prong;

(4) existing Federal indoor air quality research programs are fragmented and underfunded;

(5) the Environmental Protection Agency's programs on indoor air quality and radon have been hindered by a lack of clear statutory authority for conducting research on indoor air quality; and

(6) an adequate information base concerning potential indoor air quality problems, including exposure to radon, does not currently exist and should be developed by the Federal Government.

SEC. 403. INDOOR AIR QUALITY RESEARCH PROGRAM.—

(a) DESIGN OF PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a research program with respect to indoor air quality, including radon. Such program shall be designed to—

(1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment;

(2) coordinating Federal, State, local, and private research and development efforts relating to the improvement of indoor air quality; and

(3) access appropriate Federal government actions to mitigate the environmental and health risks associated with indoor air quality problems.

(b) PROGRAM REQUIREMENTS.—The research program required under this section shall include—

(1) research and development concerning the identification, characterization, and monitoring of the sources and levels of indoor air pollution, including radon, which includes research and development relating to—

(A) the measurement of various pollutant concentrations and their strengths and sources,

(B) high-risk building types, and

(C) instruments for indoor air quality data collection;

(2) research relating to the effects of indoor air pollution and radon on human health;

(3) research and development relating to control technologies of other mitigation measures to prevent or abate indoor air pollution (including the development, evaulation, and testing of individual and generic control devices and systems);

(4) demonstration of methods for reducing or eliminating indoor air pollution and radon, including sealing, venting, and other methods that the Administrator determines may be effective;

(5) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, for the purpose of developing—

(A) methods for assessing the potential for randon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, porosity of soil, and the radon content of soil; and

"(B) design measures to avoid indoor air pollution; and

(6) the dissemination of information to assure the public availability of the findings of the activities under this section.

(c) ADVISORY COMMITTEES.—The Administrator shall establish a committee comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality and an advisory group comprised of individuals representing the States, the scientific community, industry, and public interest organizations to assist him in carrying out the research program for indoor air quality.

(d) IMPLEMENTATION PLAN.—Not later than ninety days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program under this section. Such plan shall also be submitted to the EPA Science Advisory Board, which shall, within a reasonable period of time, submit its comments on such plan to Congress.

(e) INTERIM REPORT.—No later than one year after the date of this Act, the Administrator shall prepare an interim report providing—

(A) a preliminary identification of the locations and amounts of radon in structures across the United States, and

(B) guidance and information materials based on the findings of research of methods for mitigating radon.

(f) REPORT.—

(1) Not later than two years after the date of enactment of this Act, the Administrator shall, in consultation with advisory committees and groups identified in subsection (c), submit to the Congress a report assessing—

(A) the state of knowledge concerning the risks to human health associated with indoor air pollution, including naturally occurring chemical elements such as radon;

(B) the locations and amounts of indoor air pollutants, including radon, in residential, commercial, and other structures throughout the country;

(C) the existing standards for indoor air pollutants, including radon, suggested by Federal or State governments or scientific organizations and the risk to human health associated with such standards;

(D) the research needs and relative priority of these needs;

(E) the potential effectiveness of possible government actions necessary to mitigate the environmental and health risks associated with indoor air quality problems, including radon, in existing and in future structures,

and making such recommendations as may be appropriate.

(2) In developing such report, the Administrator shall consult with the National Academy of Sciences on the scientific issues regarding the quality of indoor air and the risks to human health associated with indoor air pollution.

(g) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and the related reporting, information dissemination, and coordination activities specified in this section.

Nothing in this section shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

(h) AUTHORIZATIONS.—There are authorized to be appropriated to carry out the activities under this section not to exceed $3,000,000 for each of the fiscal years 1986 and 1987.

Mr. LAUTENBERG. Mr. President, I am pleased to offer this amendment with my colleagues, Senator MITCHELL and Senator BRADLEY, to provide for an indoor air quality research program within the EPA. Our amendment combines elements of two bills, S. 1198, the Indoor Air Quality Research Act, which I sponsored with Senators MITCHELL and STAFFORD, and S. 1593, the Radon Assessment and Reduction Act, which I introduced with Senator BRADLEY in July.

Our amendment addresses an issue of growing concern in New Jersey and the Nation, indoor air pollution and radon exposure. We have made great strides in monitoring and protecting the air we breathe outdoors through the Clean Air Act. While this work is far from complete, and we need to strengthen and more fully implement the Clean Air Act to regulate emissions into the atmosphere, we have barely begun to address indoor air pollution.

Almost no work has been done to assess the quality of the air we breathe indoors, in our homes and at work. The limited amount of study conducted on specific contaminants indicates that indoor air pollution may present health hazards previously unimagined. There is a tremendous amount that we need to learn about the sources, health effects, and means of mitigating indoor air pollutants.

An indoor air pollutant of immediate and serious concern is radon. Naturally occurring radon gas is released into the atmosphere from rocks and soils, and dissipates without resulting in health hazards. However, when radon enters buildings through basements and spaces in foundations, with restricted ventilation, it concentrates, reaching levels which can have dire health consequences for those exposed.

The colorless, odorless, radioactive decay products, known as radon daughters, can be inhaled directly, or adhere to other particles we inhale, such as dust and smoke. Once in the lungs, radioactive particles are emitted and damage lung tissues. The health effects of exposure to radon are well documented. We know that long-term, high-level radon exposure causes lung cancer.

The Environmental Protection Agency has estimated that 5,000 to 20,000 lung cancer deaths per year in the United States may be attributable to radon exposure. There are approximately 100,000 annual lung cancer deaths. This means that up to a fifth of the Nation's lung cancer deaths annually may be precipitated by radon exposure. Because of the long latency period of radon-induced lung cancer, and because emphasis on increased insulation of homes heightened only in the 1970's, an increase in the incidence of lung cancer due to radon exposure can be expected in the next 5 to 10 years. Yet no comprehensive effort is underway to assess the extent of the radon problem, and how to deal with it.

Mr. President, accidentally, we have recently discovered that an extensive radon belt exists in the mid-Atlantic region, crossing through eastern Pennsylvania and parts of New Jersey and New York. It is frightening how this radon belt came to light. A worker at a nuclear powerplant in eastern Pennsylvania set off a radiation monitor when he was entering the plant. Investigators, seeking to determine the source of his exposure, detected radon levels in his home that were far higher than any ever found in the United States. Because of high radon levels in his home, this man and his family were receiving radiation equivalent to having 455,000 chest x rays in a single year.

While this may be a unique situation, the number of homes that may be contaminated with radon is too large to continue to ignore. New Jersey environmental officials have estimated that 250,000 homes and businesses may be affected in New Jersey alone.

Indoor air pollution is not a local or regional concern. Radon contamination is a serious problem throughout our country, from Maine to Colorado. The Congress should act to address this health hazard and other health hazards posed by indoor air pollutants.

Despite concern at EPA, it has yet to establish an adequate program of research on indoor air pollution, citing a lack of statutory authority to conduct such studies. Our amendment would provide that authority, and direct the Agency to implement work in this important area.

The amendment mandates that the EPA Administrator establish a comprehensive research program to assess and collect data on health risks associated with indoor air pollutants, methods for measuring indoor air pollutants, and control technologies and mitigation measures. The EPA is also charged with demonstrating mitigation measures, a task it has already undertaken in 18 homes in Pennsylvania. Together with the Secretary of Housing and Urban Development, EPA would research new construction methods for preventing indoor air and radon contamination.

In addition, the Administration of EPA is to serve as the coordinating member of interagency efforts in this area, and establish a blue ribbon advisory committee, composed of members of the scientific community, the States, and other parties.

The Administrator, after consultation with the advisory committee, is required to report within 2 years to Congress a summary of the state of knowledge of the indoor air pollution and radon problem, the need for further study, and possible mitigation measures. Also included in this report would be an assessment of the extent of the hazard on a national basis.

The Administrator is also charged with issuing an interim report within 1 year to provide a preliminary identification of locations and amounts of radon in structures across the United States. The Agency must also issue guidance and information materials based on methods for mitigating radon.

Mr. President, our amendment provides $3 million in fiscal years 1986 and 1987 for EPA to conduct this research. This complements recent action by the Senate Committee on Appropriations, which recently adopted an amendment I offered to the fiscal year 1986 HUD-independent agencies bill providing $2 million to EPA for this purpose.

The very serious nature of the hazards of indoor air pollution demand that we embark on a comprehensive, national program to research the hazards of indoor air pollution.

In the meantime, citizens should take all available steps to check for radon in their homes, and reduce their exposure to it if unhealthy concentrations are detected. Mitigation measures include sealing of cracks and spaces in foundations, installation of ventilation devices, and installation of an impermeable layer between the foundation and the soil. Currently, no Federal assistance is available to help mitigate radon hazard. However, in response to my inquiries, the Federal Emergency Management Agency has indicated that States can apply for disaster relief assistance through the Disaster Relief Act if the eligibility criteria of the act are met. FEMA assistance can include grants and loans for temporary housing and installation of venting and sealing measures.

Mr. President, I ask unanimous consent that a letter from the general counsel of FEMA to me addressing these issues be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, this letter confirms that radon can be addressed by the Agency through the Disaster Relief Act. It is my hope that States and localities will, with the aid of the interim report issued by EPA, be aggressive in identifying and miti-

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gating radon exposure in radon hotspots, and applying for disaster assistance if they are unable to meet the needs of their citizens.

Mr. President, I urge my colleagues to support this amendment.

The letter follows:

EXHIBIT 1

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, September 12, 1985.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Your staff has requested our legal interpretation as to whether the Disaster Relief Act of 1974, as amended, included authority which would be applicable in responding to the release of radon gases.

The Disaster Relief Act could be used by the President to respond to a disaster caused by radon. It could constitute a disaster or emergency under our legal interpretation of "other catastrophe" in Section 102 of the Act.

The Governor of the affected state would have to determine that the disaster or emergency was beyond local and State capabilities and that Federal assistance under the authority of the Disaster Relief Act (Public Law 93-288) was needed. For an "emergency" declaration, the President would have to determine that Federal emergency assistance was necessary ". . . to *supplement* State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster." For a "major disaster" declaration there would have to be ". . . *damage* of sufficient severity and magnitude to warrant major disaster assistance under the Act." (emphasis added) A Governor requesting major disaster assistance under PL 93-288 would have to take appropriate action under State law and direct execution of the State emergency plan. The Governor also would have to make a commitment of State and local obligations and expenditures for alleviating the damage, loss, hardship or suffering resulting from the disaster.

At this point we do not have a sufficient body of knowledge as to the nature of the health threat, the extent of the problem and a recommended solution, to determine if response under the Disaster Relief Act would be an appropriate Federal action.

Sincerely,

GEORGE JETT,
General Counsel.

Mr. MITCHELL. Mr. President, Senators LAUTENBERG, BRADLEY, BAUCUS, LEAHY, MOYNIHAN, SPECTER, HEINZ, and I are pleased to offer an amendment to establish in the Environmental Protection Agency a program of research on hazardous contaminants in the indoor air and exposure to radon gas.

I have discussed this amendment with the distinguished Senator from Vermont [Senator STAFFORD]. Senator STAFFORD, Senator LAUTENBERG, and I introduced this important legislation as S. 1198 in May of this year.

Since enactment of the Clean Air Act 15 years ago, we have made great progress in the protection of air quality and the control of air pollution. The Clean Air Act has focused on the quality of air outdoors. The majority of Americans, however, spend most of the day indoors. We have done little to assess the kinds of pollutants that may exist indoors or to determine the health effects of exposure to such pollutants.

The limited information we have today results from research into specific pollutants such as formaldehyde, asbestos, and radon gas. EPA has identified a range of health effects from these and other pollutants, including lung cancer, respiratory illness, and skin and eye irritation. A recent report by the EPA Science Advisory Board concluded that exposure to toxic air pollutants may be as great indoors as it is outdoors.

Among the most serious indoor air pollutants is radon gas. Radon is a naturally occurring element found in soils and granite rock. The EPA estimates that exposure to radon may result in between 5,000 to 20,000 lung cancer deaths per year throughout the country. Radon gas is a serious problem in Maine, as well as other parts of the country.

Despite clear evidence of the serious health effects of indoor air pollution, the EPA has done little to develop a comprehensive and coordinated program of research to address the problem. In testimony to the Environment and Public Works Committee this spring, the Agency proposed to discontinue in fiscal year 1986 work on indoor air quality and radon which is currently underway. EPA termed this work a "low budget priority."

EPA announced last week tentative plans to conduct a national survey of radon. I am pleased that EPA has, at last, acknowledged the seriousness of the radon problem. This proposed survey, however, falls far short of the balanced and complete program of research on indoor air and radon which is needed. Further, we have no assurance that EPA will not slide back to its old position that radon and indoor air pollution is a low priority.

The amendment before us today has three major objectives. First, the EPA Administrator is to establish a research program to analyze data, coordinate the related activities of other agencies, and assess possible approaches to control indoor air pollution and radon problems.

Second, EPA is to submit to Congress within 2 years a report summarizing knowledge about this problem, needed further research, and potential actions to mitigate health effects. An interim report, focusing specifically on radon, is required within 1 year.

Finally, funding of $3 million is authorized to be appropriated for the EPA for the 1986 and 1987 fiscal years.

I want to stress that this legislation does not authorize the EPA Administrator to carry out any regulatory program or any activity other than research and development.

A comprehensive approach to assessing the nature of the problem, such as my amendment proposes, is a modest but important first step in dealing with the problem before it reaches unmanageable proportions.

Mr. President, I am very pleased to report that this legislation has received substantial support since its introduction earlier this year.

Last month, the Committee on Environment and Public Works held a field hearing on this important issue in my home State of Maine. Witnesses testifying at this hearing encouraged prompt action to adopt this legislation.

In addition, 14 of my colleagues have cosponsored S. 1198. And, several national organizations, including the National Lung Association, have endorsed this legislation.

Finally, the Senate Appropriations Committee has provided $2 million for research on indoor air quality in the fiscal year 1986 budget for the Environmental Protection Agency. The amendment before us will provide the EPA with clear legislative authority and direction for use of these funds.

Mr. President, I hope my colleagues will join me in supporting this important legislation.

Mr. BAUCUS. Mr. President, this amendment would authorize EPA to conduct research into ongoing problems dealing with indoor air quality, and in particular, radon pollution.

We have not been doing enough in this area to develop control technologies or other mitigation measures to prevent or abate radon pollution.

This amendment will clearly set forth EPA's responsibilities in this area.

In 1979, hazardous radiation was discovered in Butte, MT. At that time, I asked the General Accounting Office to prepare a report concerning the Butte situation.

The GAO report indicated that there was a lack of coordination among Federal agencies working on these problems. There was no central depository of information showing how similar problems had been approached in the past and what techniques have been successful in alleviating hazardous substance problems.

Since the Butte situation arose, EPA has conducted research into naturally occurring radon gas hazards in Butte and other areas throughout the country. But, this approach has not been coordinated. This amendment will require EPA to identify the scope of the problem. Then EPA will be charged with finding ways to reduce the risk to people with houses located in potentially hazardous areas.

This amendment is long overdue. The threat of hazardous radon gas is

not unique to Butte, MT. It occurs all over the United States.

This amendment would take a critically important step toward ending this threat to public health.

I commend my colleagues, Senators MITCHELL, LAUTENBERG, and BRADLEY for their leadership on this important issue. I ask for its concurrence and adoption as part of the reauthorization of Superfund.

Mr. BRADLEY. Mr. President, it is with great pleasure that I rise in support of this amendment which will establish a clear statutory authority for EPA to conduct a research program on indoor air quality. This amendment has been developed jointly by Senator MITCHELL, Senator LAUTENBERG, and me to meet serious environmental problems by my State which may soon become apparent in many other areas.

A problem of particular concern in my home State of New Jersey has been that of radon gas contamination of indoor air. Radon is a naturally occuring, radioactive gas which is produced from the decay of radium. Radon in the outdoor environment does not usually exist at high enough concentrations to be a health hazard. However, it has been known to enter into homes by first, diffusing through the soil and then seeping through cracks, drains, or other openings in the basement, A serious situation exists if the radon then accumulates in the home thereby increasing the risk to residents of lung cancer due to long-term exposure.

EPA has performed studies which show that areas of the country with high radium levels in the soil are particularly prone to elevated indoor radon levels. The Reading Prong, which extends from Pennsylvania, through New Jersey and into New York is such an area. Unfortunately, we don't yet know now many of these regions exist throughout the country. One measure of the severity of the problem is that between 5,000 and 20,000 out of the 120,000 annual lung cancer deaths in the United States are caused by radon.

Mr. President, It is important to note that a targeted research program will be highly effective in mitigating many existing problems and avoiding future ones. As I have described the manner in which radon can enter a home it is obvious that the rate of such entry is influenced by many factors. Some of these are the radon content of the soil, the porosity and moisture content of the soil, as well as the construction of the home itself. Technologies for reducing indoor radon levels exist and include methods ranging from soil removal to increased venting of the home. Let me emphasize that it is much more expensive to correct an existing radon problem than it is to build a house or office building in such a way as to avoid possible future problems. I am extremely pleased that our amendment directs, EPA, in cooperation with the Department of Housing and Urban Development, to develop preventative measures.

EPA will develop with HUD techniques to assess whether land with radon present is likely to contaminate new construction on that site. In addition, the agencies will work together to develop building design measures to avoid indoor pollution in general. Such action will be valuable both to builders and future homeowners to ensure a safe living environment at the lowest possible cost.

Mr. President, it is absurd that we as a nation pride ourselves in reducing to the greatest extent possible potential health hazards and yet have no coherent research program to deal with this deadly, yet manageable contaminant. Each year that we delay an additional 5,000 to 20,000 Americans die needlessly. I ask my colleagues to join with us and support this most worthwhile endeavor which will result in immediate, cost-effective relief for the many Americans presently suffering the consequences of radon contamination.

Mr. STAFFORD. Mr. President, we know of the concern of the able Senator from New Jersey, Mr. LAUTENBERG, in the matter of radon gas in households. We know of the concern of our colleague, Senator MITCHELL, who has conducted a hearing for the committee in Maine on this same subject, and we know of Mr. BRADLEY's concern, the other able Senator from New Jersey. We have examined the amendment offered by Mr. LAUTENBERG for himself, Mr. MITCHELL, and Mr. BRADLEY, and we believe it to be a meritorious amendment. For the majority, we are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 640) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I am pleased that the Senate is taking up the Superfund bill today. This year the Senate has already approved a reauthorization of the Safe Drinking Water Act and the Clean Water Act. With the passage of Superfund, the Senate will have acted on three critically important pieces of environmental legislation.

The Superfund Program—while faced with early difficulties—has become an ever improving cleanup program. Successful implementation of the Superfund Program is one of EPA's highest priorities—and Lee Thomas deserves much credit for the progress that has been made to date. Lee Thomas has led the way in stabilizing imminent threats of uncontrolled hazardous waste sites through Superfund removal actions and by using Superfund remedial authorities to effect longer term site cleanups.

EPA has initiated the cleanup process at hundreds of national priority list sites. It should be noted that the U.S. Army Corps of Engineers is involved in Superfund through managing remedial site design, the U.S. Geological Survey is involved through their provision of technical expertise on ground water and the Federal Emergency Management Administration is involved through its relocation activities. While EPA and other agencies have done a good job in getting the Superfund Program off the ground, certain improvements are needed to enhance future cleanup actions.

There are possibly 20,000 hazardous waste sites located in the United States. Many of these sites are small but some are large enough to be significant environmental problems. The Superfund Program must be geared up in a responsible manner in order that cleanups can proceed at a faster pace with less cost to the Government and to the private sector. While the pace of cleanup actions needs to be increased—accelerating the program pace too much, too soon, could also reduce drastically the level of State participation in the Superfund Program. Congress and EPA must not push the fund beyond its limits.

One area of the Superfund effort that could be improved is the current settlement policy. I strongly feel that EPA and the private sector could be doing more to bring about settlements in a more timely and equitable manner. I do not believe that we need to have Superfund forever, but it seems reasonable to believe that Superfund will be with us through the end of this century. In that case, now is our chance to provide some leadership and direction to EPA.

Many observers have noted that it is unfair for Congress to leave entirely to EPA the task of creating a sensible policy out of the conflicting themes that exist in Superfund and out of very confused and skimpy legislative direction. Congress now has a new opportunity for formulating legislative language that would allow EPA to move in new and different directions. One of the most important things we can do in that regard is to streamline the settlement process. I trust we can accomplish this task.

I look forward to completing the floor debate on Superfund and I trust that the House and Senate can conference this bill in a timely manner so we can get right on with the problem at

hand—cleaning up waste sites in the United States. That is our only and real goal.

Mr. STAFFORD. Mr. President, while I still have the floor, noting that at 2:30, in 3 minutes, the Senate, I believe, is going back on the immigration bill, I would say that we have no more amendments which we can dispose of in the 3-minute period. But I hope that Senators and staff members who may be listening could anticipate, assuming the immigration bill is finally disposed of this afternoon, that whatever time exists between the end of consideration of the immigration bill and about 6 o'clock will be available to us for Superfund, and there are other amendments which would not involve lengthy debate that we would like to dispose of during the remainder of the afternoon whenever we get back on this bill.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1200, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 641

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 641.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. TERMINATION DATE FOR CERTAIN AGRICULTURAL PROVISIONS.—

(a)(1) The provisions of section 125 of this Act and amendments made by such section shall terminate 90 calendar days after receipt of the report described in Sec. 124(c) of this Act unless there is enacted within 90 calendar days a joint resolution stating in substance that Congress approves the continued applicability of the provisions of section 125 and amendments made by such section.

(2) Any joint resolution referred to in paragraph (1) of this subsection shall be considered in the Senate in accordance with subsection (c).

(b) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (a), a motion to proceed to the consideration of any such joint resolution after it has been reported appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) EXPEDITED PROCEDURES IN THE SENATE.—For purposes of subsection (a), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (a), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith and;

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (a) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

Mr. SIMON. Mr. President, this is a fairly simple amendment which sunsets the amendment of our friend and colleague from California after 3 years. At the end of 3 years, this bill right now calls for the end of employer sanctions; it calls for the Commission to report; and it makes sense to me that we sunset these provisions along with the report of the Commission like we do at the end of employer sanctions.

Frankly, what is involved here for decision, one which has been a close decision for this body, is where we go on this whole question of agricultural workers.

Senator KENNEDY and I and many others have fears about what we are doing. My colleague from California believes that it is in the best interest of this country and it will not suggest the problems that we suggest.

But no one knows. So it makes sense that we say if we are going to go ahead, let us put a 3-year time limit on the Wilson agricultural provisions, let us take a look at the program then. Then, at the end of this 3-year time limit, we call for a privilege congressional motion. We have a 90-day window in which this legislative body can act. We at least will not indefinitely put in jeopardy American agricultural workers and those who come in from other countries as guestworkers.

I would simply remind you, Mr. President, that what the amendment of the Senator from California now provides is 350,000 workers at any one time may come in to the United States. We do not know whether that means 500,000, 600,000, 700,000. The bracero program in 1964, the last year of its operation, had a total of 200,000.

So we are talking about a significant expansion of our agriculture program which will be even greater than bracero program.

That program was terminated because of the abuses.

I would point out that Secretary of Labor James Mitchell, serving under a Republican administration, in 1959 had a study of the bracero program which said this:

> Studies of the Department of Labor have shown the wage rates paid to domestic workers by farmers who use Mexicans are generally lower than those paid by nonusers for comparable work in the same area. This indicates that employers of foreign labor frequently do not make the same effort as other employers in competing for domestic farm workers.

Mr. President, I think it is fairly clear that we are going to face a problem here. My friend from California, for whom I have great respect, does not agree with that. Why not, then, do the same thing we do with employer sanctions? Why not have a termination at the end of 3 years? Congress can then look at it.

That is also the time, as I indicated earlier, when the commission will report. I think it is a logical step. I would urge my colleagues in this body to accept this amendment.

Mr. KENNEDY. Mr. President, as I understand it, we have a time limitation agreement, do we not?

The PRESIDING OFFICER. The Senator is correct. There is 1 hour's time, equally divided.

Mr. KENNEDY. Will the Senator from Illinois yield me 7 minutes?

Mr. SIMON. Yes, Mr. President.

Mr. KENNEDY. Mr. President, I support the Simon amendment. It seems to me it would be a wise policy decision to accept the Simon amendment. A great deal of thought and attention went into the fashioning and the shaping of this legislation. The issue of foreign temporary workers has been debated over the period of the last 5½ days. The thrust of this legislation deals with legalization and employer sanctions, and already provides for generous H-2 provisions for agricultural growers.

There have been a number of issues and questions raised during the course of the hearings on this bill, during the markup in the full committee, and here, on the floor, about the impact of employer sanctions, whether they could be used in a discriminatory way. As one who has followed immigration legislation over a long period of time, I pointed out to the Senate that whenever we have had provisions in the law that could be used in a discriminatory way in the area of immigration, they have been. That is the history of the American statutes on immigration. It is tragic, but it is true, and we have learned that from history.

So, after a good deal of consideration, the chairman of the Subcommittee on Immigration and the floor manager of the bill was finally prepared to accept the sunsetting of employer sanctions should there be a discovery by the General Accounting Office that there was widespread discrimination because of their implementation. We would revisit that particular issue after a 3-year period. That has been accepted now by the Senate.

There were those who believed that it would not be used in a discriminatory way; there were others who believed it had the potential. So I think the Senate wisely made the decision to say, well, we shall revisit that issue after a 3-year period; we shall understand from the actual implementation whether the worst fears had been realized or whether they were exaggerated.

That, I think, was a very responsible position. Now we have had a very heated debate and discussion on what the impact would be of providing 350,000 additional foreign farm workers to come in and work on 3 percent of the farms of this country. We have all the attendant fears of, one, displacing American workers with the unemployment that we have at the present time among agricultural workers—agricultural workers who work in the perishable food industry. I, quite frankly, think, that given the past record on the bracero issue, that is going to happen under this Wilson amendment. I fear that it will.

There are those who say that it will not because of the protections that are included in the Wilson amendment. But that amendment will have a profound impact, Mr. President, could have a profound impact on hundreds of thousands of Americans who are working today and their families. But the Simon amendment says, why not follow the same approach we used in the area of employer sanctions to determine whether or not the worst fears of creating a new bracero program will be realized as the result of a 3-year experimentation.

It seems to me, Mr. President, to be a responsible, sound position, which those who are concerned about the whole question of undocumented aliens coming into this country and threatening the marketplace for American jobs think that we ought to consider and act favorably on.

The distinguished chairman of the Subcommittee on Immigration has outlined in very considerable detail the steps which are included in this legislation to respond to what I think are the legitimate concerns of growers—the expedited procedures that have been outlined and the other steps which have been included earlier in the RECORD.

I certainly hope and urge that this body would accept the Simon amendment. We are all reminded today of the very important communication that we have received, all of us, from the National Committee for S. 1200, which includes former President Jerry Ford and a very distinguished group of Republicans and Democrats alike, who have been concerned with this issue for some period of time. I ask unanimous consent that that be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

Hon. EDWARD M. KENNEDY,
Senate Office Building, Washington, DC.

DEAR SENATOR: Senator ALAN K. SIMPSON is again sponsoring an immigration reform bill in the Senate. S. 1200 would substantially overhaul and strengthen our country's outdated immigration law. S. 1200 has the support of the President and incorporates the recommendations of the three preceding administrations.

You know that immigration into the United States is an urgent issue; poll after poll shows that it is high on the list of things Americans care about. Most polls also show Americans opposed to unlimited immigration and in favor of permitting only legal immigrants to work here. S. 1200 responds to this desire by making it against the law to knowingly hire illegal aliens.

Once again, however, an array of special interest organizations will be trying to obstruct this urgently needed reform. We urge you to listen instead to our newly-unemployed, our poor, our youth, our own disadvantaged minorities—people who can't get work because the jobs are taken—and give your full support to Senator SIMPSON and this effort to reform immigration law.

NATIONAL COMMITTEE FOR S. 1200—(THE IMMIGRATION REFORM AND CONTROL ACT OF 1985)

Gov. Richard D. Lamm, chairman.

President Gerald R. Ford, cochairman.

The Honorable Leonard S. Woodcock, cochairman.

The Reverend Theodore Hesburgh, cochairman.

The Honorable Shirley Temple Black, former U.S. Ambassador.

Walter D. Huddleston, former U.S. Senator.

The Honorable Robert L. Yost, former U.S. Ambassador.

Robert C. McNamara, former Secretary of Defense and president of World Bank.

The Honorable Thomas C. Mann, former U.S. Ambassador.

Frederic C. Hamilton, chairman, Hamilton Bros. Oil Co.

John K. Waters, general, U.S. Army (Ret.).

Richard W. Hanselman, chairman, Genesco, Inc.

Maxwell D. Taylor, general, U.S. Army (Ret.)

The Honorable Marshall Green, former U.S. Ambassador.

The Honorable Adolph W. Schmidt, former U.S. Ambassador.

Kingsley Davis, senior research fellow, Hoover Institution.

T. Willard Fair, the Urban League, Miami, Florida.

John H. Tanton, chairman, Federation for American Immigration Reform.

Theodore H. White, author.

James E. Davis, chairman, Winn Dixie Stores.

Dr. Sidney Hook, senior fellow, Hoover Institution and emeritus, professor of philosophy, New York University.

William E. Colby, former Director, C.I.A.

Gen. Leonard F. Chapman, Jr., former Commissioner, I.N.S.

Anna G. Chennault, author, Asian scholar.

Richard C. Brockert, president, United Telegraph Workers, AFL-CIO.

John V. Lindsay, former mayor, New York City.

Warren E. Buffett, chairman of the board and CEO, Bershire Hathaway Inc.

Lester R. Brown, president, Worldwatch Institute.

A.C. Wedemeyer, general, United States Army (Ret.).

Malcolm R. Lovell, Jr., the Hudson Institute and George Washington University.

W.D. Best, Brotherhood of Railroad Signalmen.

Helen W. Milliken, former first lady of Michigan.

William French Smith, former attorney General of the U.S.

The Honorable Joseph V. Corcoran, State senator, Indiana.

Richard Salvatierra, columnist, retired U.S. Foreign Service officer.

Fred L. Hartley, chairman, Unocal Corp.

Griffin B. Bell, former Attorney General of the U.S.

Frank Drozak, president, Seafarers International Union of North America, AFL-CIO.

Cyrus Vance, former Secretary of State.

Charlton Heston, actor.

Paul Ehrlich, bing professor of population study, Standford University.

The Honorable Robert McClory, former U.S. Congressman and ranking member of the Judiciary Committee.

Francis G. Knight, Director, U.S. Passport Office (Ret.).

The Honorable Shelby Cullom Davis, former U.S. Ambassador and chairman, Heritage Foundation.

Russel W. Peterson, chairman, Global Tomorrow Coalition.

Stuart Northrup, chairman, Huffy Corp.

Clifton C. Garvin, Jr., chairman, Exxon Corp.

Mr. KENNEDY. The basic thrust of their mailgram is that we ought to resist special interest amendments on this bill. Quite frankly, no matter how you skin it, with the acceptance of the Wilson amendment, we are accepting a special interest amendment. And that is for the growers.

This body has been charged with trying to do something about illegal immigration and the flood of migrants coming to this country in ways which threaten the jobs of Americans and we ought to be about that and not, I believe, be accepting a pig in a poke, so to speak. That is the opportunity to add 350,000 more foreign workers in agricultural America when we have the significant unemployment that we have at the present time.

I hope that this body will be willing to accept this amendment that is being proposed by the Senator from Illinois. We shall be back again in 3 years addressing immigration issues. This is consistent with that. It will be the responsibility of the Judiciary Committee and other interested Senators to address both the findings of the agricultural commission which has been included in this legislation, as well as the GAO reports on the question of discrimination. So it is entirely appropriate that this body address that issue again.

Under the procedures included in the Simon amendment, we will give the assurance that we will get an up-or-down vote so the majority of the Members can exercise their will.

There will be an opportunity for protracted delay or for unreasonable action on the floor of the Senate. This is a sensible amendment, it is responsible, and I believe it is absolutely essential if we are going to insure that this bill is truly an immigration bill and not just a welfare bill for growers.

I reserve the remainder of my time.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, I yield myself such time as I shall require.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mr. WILSON. Mr. President, what is being offered now is a deliberate attempt to scuttle a new program literally within hours after Congress has enacted it. It is offered in the guise of a fair revisitation after a fair period of time. The analogy has been made, Mr. President, to another provision of S. 1200, the Kennedy provision, that requires not a sunset but a reexamination of employer sanctions after a 3-year trial period to determine whether or not, in the experience of the General Accounting Office after their examination, there has been discrimination against U.S. citizens as a result of the application of employer sanctions.

Mr. President, let me say not at all parenthetically that that is a wise provision, because I fear there may well be discrimination. But that serious reservation about the Immigration Reform Act has nothing whatever to do with the seasonal worker program—nothing—and no one can pretend that it does. But if you are in fact trying to make that analogy, the analogy then should be to a provision which Mr. SIMON has not offered. It would be one which does not sunset the seasonal worker program, but, rather, requires that it be considered again after a 3-year period. Then as in the case of the Kennedy provision, it would require affirmative action to end the program, if that be the wisdom of Congress at that time.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. WILSON. The Senator will yield on the Senator's time at the conclusion of his remarks.

Now, Mr. President, let me respond to the rhetorical question offered by my friend from Illinois in his effort to try to tie this to, and make the false analogy of, employer sanctions. What he is saying is, since there will not be employer sanctions, why should there be a seasonal worker program?

Why? I should think it would be obvious after so many days, so many hours of debate, that the reason it is necessary is precisely to avoid the very situation we now have. We do not have employer sanctions at the present time. We do have foreign workers, in the fields and orchards of the United States, but they are there illegally.

Mr. President, nothing is going to change the need that growers have for the harvest of perishable commodities, not in 3 years, not in 300. But the fact is what we are talking about is another need that will not change. Nothing is going to change the need for these workers, who are willing to risk a great deal to come in, in the dead of night, fearing danger, as wisely they should, fearing the extortionate practices of the "coyotes," as experience has taught them they must, in order to work.

Now, is it right or is it fair, Mr. President, that these people, who are simply seeking to earn an honest living, should be compelled to do so illegally?

Should they be so frightened of their apprehension by the Immigration and Naturalization Service that they refuse even to use the housing provided for them by growers for fear of being raided by the INS? Should they be compelled instead, to avoid that, to literally go to earth, to live in holes in the earth like animals in order to avoid being caught and deported?

Mr. President, nothing in 3-years' time will change the need of growers to supplement domestic labor, nothing in 3-years' time will change the need of workers for protections they never had under the bracero program and that they do not have now.

Mr. SIMON speaks of the report of George Mitchell, Secretary of Labor in a Republican administration, commenting on the bracero program. This amendment was designed to remedy the deficiencies of the bracero program. There were no worker protections under the bracero program. There were no employer obligations. Is that where we wish to return?

This is not a bracero program—that much is clear. And since the specific point in the Mitchell report that has excited my friend from Illinois was a finding that braceros tended to contribute to an adverse-effect wage, well, let me remind him that this legislation strictly prohibits an adverse-effect wage. Or to take it out of the jargon and put it in understandable English, it means that growers cannot pay a wage to any worker, foreign seasonal worker, under this program which would tend to depress wages below the prevailing wage rate being paid to domestic workers, and that clearly is above the minimum wage. How far above the minimum wage? Well, one example I have learned recently is that date harvesters in the Coachella Valley are making $26,000 to $27,000 a

year. They earn it. No one begrudges it to them. Nor do they begrude them the status of being legal.

Now, if my friend from Illinois had offered something similar, if he had said that 3 years after receiving the report that is required by S. 1200 from the Temporary Agricultural Worker Commission, I say to him we do not really need his reminder because the law specifically provides exactly what is going to happen. Not only in S. 1200 relating to H-2 and relating to the transitional program, but in the amendment which I offered, which the Senate enacted yesterday, there is a similar requirement for seasonal workers, and specifically the Commission is required to consider and report to the Congress whether or not they have established a proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers. I am quoting from the language of the amendment. They are further, quoting from the language of the amendment, required to report to us whether current labor standards offer adequate protection for domestic and foreign agricultural workers, whether or not the availability of sufficient, able, willing, and qualified domestic workers will meet the needs of agricultural employers.

That is what the amendment provides, that amendment which this amendment would seek to undo. Congress is going to get a report. Congress can then, on the basis of the information adduced by the Commission and laid before us, make a reasoned judgment. Incidentally, although I do not think this was the intention of the proponent of the amendment, what he is asking us to do is not after 3 years but after 2, when, as a practical matter, the basis for our experience would be a single year's experience.

Now, I can think of no greater travesty than to automatically sunset a program for which clear need has been demonstrated after 1-year's experience, not on the basis of a review of adequate experience but automatically; not in the way that Congress is being asked to review employer sanctions for evidence of discrimination and then take affirmative action to correct the program if necessary, but automatically without thought, without care, for the fact that it will return those workers, once again made illegal, to their holes, reduce them to the status of animals, hiding from the INS.

My God Almighty, is that what the Senate of the United States calls a deliberate process? I would call it a disgrace.

Mr. President, good intentions are not enough. We have taken a great deal of time, and quite properly so, to consider complex legislation. There has been a great deal of misinformation offered. If not deliberately to confuse, at least it has been offered all through the debate on this legislation. We have been told that this program will end the H-2 program, and of course it clearly offers only an alternative, a choice for growers. We have been told that the cap on seasonal workers, which apparently will never be sufficient to satisfy those who fear this provision and want no program, is also a cap on H-2, and that is also untrue.

Mr. President, there will be no change in the need for these workers. There will be no change in the need for protections that workers are not now afforded. There will be no change in the requirement that the Senate act deliberately if it is to act responsibly. But what we are asked to do instead is to now approve an automatic sunset that could be overturned only by a joint resolution of this body. Do not tell me that an expedited motion is a great protection. It is not. We are asking for a procedure that will involve the affirmative action of both Houses of Congress and the President's signature be required to overturn an automatic sunset of this provision after inadequate experience when all the evidence at the present time points to the need and to the continued need.

Mr. President, I think we have given this subject not too much time but the time that it requires. I think we should give this well-intentioned, perhaps, amendment what it deserves, and that is flat rejection.

(Mr. DANFORTH assumed the chair.)

Mr. GORTON. Will the Senator yield some of his time to me?

Mr. WILSON. The Senator will be delighted to yield to my distinguished colleague from the State of Washington such time as he desires.

Mr. GORTON. Mr. President, I rise to oppose this amendment by the distinguished Senator from Illinois and join with my friend and colleague, the Senator from California.

On Thursday last, the merits of the policy embodied in the amendment which this amendment seeks to limit were debated at length and defeated by a very narrow margin.

Those of us who felt that we were right from the point of view of policy and in dealing with an urgent need of a number of our productive constituents were not satisfied with that vote. We made certain changes in the amendment and brought it up again on Monday and yesterday. For that reason, I suppose it would be appropriate for us to complain about the Senator from Illinois asking for another revisiting to this particular issue about which he feels strongly.

I do feel, however, that the dynamics and the changes which took place between Thursday and Tuesday did so because Members more carefully considered the merits of our proposal and that as consideration has lengthened, more and more of them will come to our views on it.

Therefore, I urge my colleagues to defeat this amendment by an even larger number than they approved yesterday's proposal by the Senator from California. We are still dealing with precisely the same problem.

Three years from now, the need for harvest labor in fruits and other fresh produce will not be any less than it is today. I suppose it is possible that some magic, new machine might be invested which would do the job automatically and easily and without any significant amount of labor, but it is unlikely that that will take place.

This amendment does not seek to sunset the entire Immigration Reform and Control Act in 3 years, which would of course result in a reconsideration of this issue, but only one part of it, with considerably less than 3 years of experience, as the Senator from California has pointed out.

I believe that the political process has worked well in this debate. It is quite clear that if the growers had their way, the amendment with which we were dealing yesterday and are dealing with today would have been written quite differently—without a cap, perhaps without a number of the other limitations it contains. But the objections of the Senator from Illinois and the Senator from California, not to mention the Senator from Wyoming, have been met to the maximum possible extent in a numerical employment which is relatively low, much lower than the number of illegal immigrants now engaged in this kind of business, and in a series of protections for people who will be permitted to come into the United States and engage in these harvest activities when that permission is granted— a set of requirements or restrictions which will greatly increase the quality of their working conditions and the method of their treatment, and, of even greater importance, the requirement that this program is subsidiary to the rights and opportunities of citizens of the United States who may wish to engage in this activity, either permanently or on a temporary basis.

It seems to me that we have crafted a thoughtful and reasonable approach to a very real problem.

Mr. President, it does continue to puzzle me, I must say, that Members of this body from States unaffected directly by this amendment are so adamant: why it is that a relatively large group of highly productive American farmers should be documented as special interest, by implication an illegitimate special interest, whose needs, necessities, and contributions to their country not only can safely be ignored

but also ought to be ignored. We have not normally characterized the other groups which have shown interests in this, on one side or another, to represent illegitimate special interests, whatever interests they represent.

In one sense, of course, they are all special. They are particular groups of Americans who are not the whole of all Americans. So, in that sense, is the group of growers we represent. They are, however, an admirable group of people who work hard, most of whom are small farmers, most of whom own their own farms, who grow crops which are greatly appreciated by Americans and often are exported to other countries to help our balance of payments, who offer employment opportunities, who are willing to do so under far more severe controls than are effectively applied today. They are a constructive group of people. They have made a reasonable request.

Their needs will not dissappear in the course of the next 3 years, and there is no justification for changing yesterday's vote and for limiting them to a period of time vastly inadequate for them to change their way of life, vastly inadequate for them to deal with the very real problems they have.

This bill, the primary author of which is the distinguished Senator from Wyoming, contains very important American policies of immigration, of naturalization, of who shall live here, of who shall work in the United States.

It is vital that we proceed with the debate. I wish we could conclude that debate and pass this bill without the consideration of any extraneous amendments whatsoever. We may or may not succeed in doing that. But the issue raised here is one that is vitally and intimately connected with the substance of the bill itself.

In adopting the amendment yesterday, we have already accomplished something which I am firmly convinced improves the scope and the justice of the entire bill. I believe firmly that it is needed. It is moderate in its programmatic aspects. It should be a part of an immigration bill, and we should reject this attempt simply to reverse yesterday's decision and get on with the final passage of legislation, which is greatly needed by the people of the United States.

Mr. WILSON and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the chance to comment on the amendment of the Senator from California. I tried to engage in a debate on this amendment on three different occasions and was unable to do so.

I want to ask the Senator——

Mr. WILSON. I will be happy to yield.

Mr. KENNEDY. I understand that I have the floor.

Mr. WILSON. I merely wish to make the offer.

Mr. KENNEDY. I ask, on my time, for a brief response from the Senator from California.

Before asking the question, I make this point: When it came to employer's sanctions, I tried to persuade the chairman of the Immigration Subcommittee to completely sunset employers' sanctions and then revisit that issue on the floor of the Senate, under expedited produced. On that issue I would have been delighted if we had followed the same procedure for dealing with employers' sanctions because of the danger of discrimination that has been included in the Simon proposal. But that was not acceptable, and so we had to settle on a modified sunset provision.

I ask the Senator if he would be willing to accept an approach on this issue the way we did it with regard to employers' sanctions, so that we would definitely revisit this issue in a 3-year period.

Mr. WILSON. I would be happy to do so. In fact, I was going to ask the Senator from Illinios whether or not he would be interested in offering a substitute to that effect, because what we are talking about is nothing more than what the amendment now provides.

Mr. KENNEDY. We will have an opportunity if the Senator wants to visit with the Senator from Illinois on some form of a substitute. Does the Senator want to describe briefly, if he could do so on his time so the manager will have a reasonable period to comment on it, to say what the Senator would be prepared to offer?

Mr. WILSON. To do essentially what my amendment requires now which is to respond to the stated requests for a report and if in fact on the basis of the report there is need for elimination, need for revision, then Congress has that basis before it and can act but not an automatic sunset.

Mr. KENNEDY. I do not have the Senator's amendment in front of me but as I recall that judgment or determination was going to be made by the Attorney General. Am I not correct?

Mr. WILSON. No; the report by the Commission on Temporary Workers is made to Congress.

Mr. KENNEDY. That is correct. But under the Senator's amendment there are no expedited parliamentary procedures and after the report comes in the Attorney General makes the decision whereby that number will be increased or decreased, if I remember the amendment correctly. Am I not correct?

Mr. WILSON. With respect to the cap, that is the sole discretion of the Attorney General. But let me answer the Senator's question because the Commission that is created by S. 1200 is one whose duties were added to by the amendment that we enacted yesterday, and it enacts virtually parallel provisions so that those requirements which are now visited with respect to the H-2 Program would apply to the Seasonal Worker Program as well. That makes some sense because in fact they are parallel; they are at least alternatives with respect to temporary agricultural workers.

Mr. KENNEDY. If the Senator would respond, is he saying now that rather than giving that particular authority to the Attorney General he would give that authority to an expedited procedure and for the Congress to make that judgment?

Mr. WILSON. The report——

Mr. KENNEDY. If he will answer that question, I will be glad to state it again. It could be answered yes or no.

Mr. WILSON. Go ahead, state it again, and I will try to begin again in response.

Mr. KENNEDY. Let me ask the question. Under the amendment which was accepted with regard to employer sanctions, the ultimate judgment and decision, if a pattern of discrimination developed, would be made by Congress under an expedited procedure. That was my amendment with regard to employer sanctions. Is the Senator from California willing to follow that same procedure with regard to the Wilson amendment? Yes or no.

Mr. WILSON. No.

Mr. KENNEDY. Then I wish I saved myself the time. That answers the question. That is why it is essential that we have the Simon amendment.

Mr. President, the fact of the matter remains, in response to my good friend from Washington about these being small family farmers and they should not be discriminated against, well, they are not being discriminated against under the existing provisions of the bill as drafted by the Senator from Wyoming. He has included in this bill an expedited H-2 procedure, a fast track for applications in terms of perishable agricultural products. They are all in there. They are all in here after a long series of hearings and examination of this issue. They are being provided for.

Let me just make a final comment about whether this is a Bracero Program or not. It is a Bracero Program and the Senators from California and Washington may not want to admit it and say that it is not but, it is. If it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

Mr. President, under the Bracero Program—which was bad enough—there was nonetheless the requirement for domestic recruitment as a prerequisite to approval of application for farmworkers. They had to go on out and find if there are American

workers before they go and contract for foreign workers. Under bracero they did. But not under WILSON's amendment.

Two, must the Department of Labor certify there is a shortage of U.S. workers; that is, there is a shortage of U.S. workers to perform that job? Was there such a requirement under bracero? Yes. Is there a requirement under Wilson, no.

Under the Bracero Program was the Department of Labor asked to certify that there will be no adverse effects on U.S. working conditions?

Make no mistake abut it, we are talking about American jobs for American families. You can try to talk about it another way but that is what we are talking about.

That is why this protection was put in the Bracero Program, and even with that requirement, it did not work. But is that kind of provision under Wilson, no.

The Wilson program provides generally that employee wages and working conditions shall not adversely affect U.S. working conditions, but no requirements are set out and no certification requirement is mandated and effectively no enforcement of that particular provision. I will include the rest of the comparisons in the RECORD.

I ask unanimous consent that an analysis prepared by the Farmworker Justice Fund be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

COMPARISON OF THE LABOR PROTECTIONS UNDER THE BRACERO PROGRAM AND THE WILSON GUESTWORKER PROPOSAL

[Note.—Even the infamous Bracero program provided substantial protections for workers (on paper). These protections were included in the authorizing legislation, Public Law 82–78 ("P.L. 78"), the United States-Mexico Migrant Labor Agreement of 1951 ("MLA") or in the Standard Work Contract ("SWC").]

Protections	Bracero	Wilson	Comment
Domestic Recruitment			
1. Is domestic recruitment a prerequisite to approval of an application for foreign workers?.	Yes (§ 503(3), PL–78)	No	Under the Wilson proprosal the grower is not required to attempt to recruit U.S. workers until after his application for foreign workers is approved.
2. Must the Department of Labor certify that there is a shortage of U.S. workers?.	Yes (§ 503(1), PL–78)	No	There is not provision for certification by DOL or any other government agency as to availability of U.S. workers.
3. Must DOL be asked to certify that there will be no adverse effect on U.S. working conditions?.	Yes (§ 503(2), PL–78)	No	The Wilson program provides generally that employers offer wages and working conditions that will not adversely affect U.S. working conditions. But no specific requirements are set out and no certification requirement is mandated.
4. Are U.S. workers guaranteed terms at least comparable to those provided to foreign workers?.	Yes (§ 503(3), PL–78)	No	There is no provision ensuring that growers will not offer better terms to favored foreign workers.
5. Must available U.S. workers be hired after the season has begun?.	Yes (Art. 9, MLA)	No	There is no provision giving preference to U.S. workers.
6. Is there a prohibition against the use of foreign workers as strike breakers?.	Yes (Art. 22, MLA)	Yes	
7. Is there a prohibition against the use of foreign workers by growers who also employ undocumented workers?.	Yes (§ 505, PL–78)	No	
Foreign Recruitment			
8. Is foreign recuritment governed by an intergovernmental agreement?.	Yes (§ 501, PL–78)	No	
9. Are foreign workers guaranteed subsistence expenses while traveling to worksite?.	Yes (§ 501(4), PL–78)	No	
10. Are foreign workers free to accept employment with any grower who has obtained approval to use foreign labor?.	Yes (§ 501(5), PL–78)	Yes	Under the Bracero program, the workers signed contracts with the employer of their choice at the border. Thereafter they are obligated to work for that employer. Under the Wilson proposal the workers would enter without any employment contract or commitment.
Employment Standards			
11. Are the foreign workers guaranteed a written contract?	Yes (SWC)	No	As noted, the Standard Work Contract (incorporated by reference into the United States-Mexico Agreement) was required of all employers.
12. Are the foreign workers guaranteed employment for a minimum period?.	Yes (Art. 16, MLA)	No	
13. Is the grower's compliance with the employment contract guaranteed by the U.S. government?.	Yes (Art. 32, MLA)	No	
14. Is DOL authorized to set a special minimum wage, above the prevailing rate, if necessary to avoid adverse wage effects?.	Yes(Art. 15, MLA)	Yes	
15. Are the foreign workers guaranteed employer-provided housing?	Yes (Art. 2, SWC)	No	Under the Wilson proposal the grower may give the workers a daily housing allowance, with which they would have to try to locate their own housing.
16. Are foreign workers guaranteed occupational injury insurance?	Yes (Art. 3, SWC)	Yes	
17. Are foreign workers guaranteed that tools and equipment will be provided without charge?.	Yes (Art. 5, SWC)	No	
18. Are foreign workers guaranteed that meals will be provided at cost?.	Yes (Art. 6, SWC)	No	
19. Does the program include specified enforcement procedures to prosecute violations?.	Yes (Art. 30, MLA)	Yes	All enforement is through the Attorney General. Wilson workers are ineligible for federal legal services.
20. Are employer required to pay the costs associated with obtaining the documents necessary for the aliens' admission?.	Yes (Art. 20, SWC)	Maybe	Employers must pay a percentage of wages into a trust fund for administration of the program.
21. Is there express recognition of the aliens' right to organize and bargain?.	Yes (Art. 21, MLA)	No	
22. Does the government representing the foreign workers have a right to refuse to let workers labor in regions where there may be discrimination against foreign nationals?.	Yes (Art. 8, MLA)	No	

CONCLUSION

The Wilson amendment differs from the old Bracero program chiefly in the legal protections it does not offer to the workers involved. The sponsor would have us believe that these protections are unnecessary. But, many of the same farm enterprises which were involved in scandalous exploitation of workers under the Bracero program will be eligible to participate in the Wilson program. Absent these legal protections, the workers will have to rely on the good will and honest business practices of their employers.

Evidence presented to Congress two years ago to support passage of the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"), shows that such reliance will be misplaced when it comes to many farm employers. The Farmworker Justice Fund, Texas Rural Legal Aid and the Migrant Legal Action Program presented more than 100 recent examples of serious labor violations by growers, associations and large agribusiness operations. The Committee on Education and Labor, which reported the AWPA, concluded that: "Evidence received by the Committee confirms that many migrant and seasonal agricultural workers remain today, as in the past, the most abused of all workers in the United States." [H. Rep. No. 97-885, at 2.]

In such circumstances, adoption of the Wilson program would be irresponsible and unconscionable.

Mr. KENNEDY. Mr. President, that is what we are talking about. It can have a serious impact on the employment hundreds of thousands of American workers who in most instances are in the poorest sector of our economy, where you have significant unemployment already, and depressed wages. Americans are the ones who are going to lose jobs.

And with regard to the needs of the growers, the Senator from Wyoming has spelled out in this legislation how their interests have already been protected, rather generously I think.

So I think this amendment is essential. I think it is necessary. I think it is reasonable, and I would hope that it would be accepted.

I withhold the remainder of my time.

Mr. SIMON. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Illinois has 11 minutes; the opposition has 8 minutes.

Mr. SIMON. Mr. President, I yield 7 minutes to the Senator from Wyoming.

Mr. METZENBAUM. Mr. President, would the Senator from Illinois be good enough to reserve the Senator from Ohio some time? We have 11 minutes; take 7.

Mr. SIMPSON. Mr. President, I would require less than 7 minutes. If I will be notified by the opponents of the amendment when I use 5 minutes, I will yield back the remainder.

Mr. SIMON. All right.

Mr. SIMPSON. Mr. President, I knew we would revisit that issue with some spirit and I have been sitting it out because there comes a point in all legislating when you take your lumps; you take your lumps and move on to something new. That is the way it is and should be. But in the U.S. Senate I have to change all my former ideas with 13 years of legislating in Wyoming because in this place nothing ever dies.

There is a form of eternal life here with every amendment and every bill and it is eternal because downtown are eternal people and they will always be with us in whatever administration and whatever role. They are known as special interests, and they will never change and they are good and they are bad and they are ugly. They are like human beings. In fact they are human beings, and so enough of that.

But I say to you that this amendment I believe strikes a reasonable balance. I support the amendment. It strikes a reasonable balance between the interests of producers of perishable commodities and those concerned with a large-scale guest worker program which has always been my concern. I have shared that with the Senator from California. There is no question about that.

The Simon amendment does allow these persons to be here at any given time and provides for extraordinary or unusual circumstances, and leads us back to a point where we use the agricultural commission under S. 1200 which is good. Do not miss what that is. That is an excellent proposal of 12 persons appointed by the Speaker of the House, the President pro tempore, the Secretary of Agriculture, and the Secretary of Labor. They are going to recommend things, and among the things they will recommend are what we do with temporary workers in the United States.

The composition of the Commission will be fair and let me quote from S. 1200:

SEC. 124. COMMISSION ON *TEMPORARY* AGRICULTURAL WORKER PROGRAMS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a commission (hereinafter in this section referred to as the "Commission") to be composed of 12 members—

(A) two to be appointed by the Attorney General,

(B) two to be appointed by the Secretary of Labor,

(C) two to be appointed by the Secretary of Agriculture.

(D) three to be appointed by the Speaker of the House of Representatives, and

(E) three members to be appointed by the President pro tempore of the Senate.

(2) In appointing individuals as members, the Attorney General, the Secretaries of Labor and Agriculture, the Speaker, and the President pro tempore shall assure that members include some individuals who are representative of represent labor organizations for agricultural workers and some individuals who are representative of represent agricultural employers of nondomestic workers. Appointments to the Commission shall be made in a manner that provides for balanced representation of the various interests in the matters considered by the Commission.

I expect to have some influence in the members appointed by the President pro tempore. It will be a balanced Commission.

So, here we are with this proposal and please understand and see what it is that has attended the immigration reform bill since its first attempts. This bill will not pass the Senate by the margin it did in the past because of the various persons who seek some kind of perfection. It is interesting how we expect perfection in our legislation but we do not expect perfection in our lives, and it is more interesting when it is Congress that should be perfecting itself. It is a good way to get it off yourself and just say, "I am in turmoil here; something should be perfect, so why should not something be perfect if 535 guys get to mess around in it?" It will never be that way. I can assure you.

Because the extraordinary thing you will watch on the final rollcall vote is that those who have amended and amended and amended will vote against the measure. That will become very evident to you as you come to see the final rollcall vote. They are saying, "We want to help you perfect your bill." And I can say that that kind of assistance is about like having the Boston Strangler massage your neck.

(Laughter.)

Now, that is where we are with this particular measure right now. I think the Senator from California will vote for this bill if this proposal of his stays in it. That may cause 10 others to jump ship. Someone will say, "I liked your bill until they put that amendment on and now I cannot support it any more." That is the way this works. That is where we are with regard to this.

And, as the Heinz amendment remains the pending business, people will get more creative and more skilled and more innovative, as they think of ways to do this or that to be assured that they can finally vote for it, and they regretfully then decide that they they cannot. I have been there in 20 years of legislating and that is where this one is slowly going.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. SIMPSON. I yield myself 1 more minute.

The Senate of the United States does have a responsibility. It is a very clear one and we have met it twice. And it is to do something about illegal immigration and try to preserve our heritage of legal immigration, and that is what the bill is about. That responsibility will be met only when you address the issue because, by doing nothing in these times with this issue, you will find that this country will pay a dear price. It does not have anything to do with xenophobia or racism or ill-spiritedness or mean-spiritedness. The first duty of a sovereign nation is to control its borders. We do not. We ought to be about our business.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. I ask that the Senator from Illinois yield me 2½ minutes.

Mr. SIMON. I yeild 2½ minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Wilson amendment does exactly what everyone of us in this body says publicly we will not do. It deprives Americans of an opportunity to work.

There has been a lot of talk around here about importing products. And when we import products we say we are taking jobs away from Americans and, indeed, that is true. But the Wilson amendment makes it possible to import people to take away the jobs of Americans.

I have only one description for the amendment: I think it is un-American; I think it is anti-American.

I have difficulty in comprehending how anybody can stand on the floor of the Senate—I do not understand how 51 people voted for this amendment—to make it possible for jobs of Americans to be taken away from them so that somebody may come from another country to take those positions so they could earn a living to support their family.

I think the Wilson amendment has taken a reasonable bill and has done exactly what the Senator from Wyoming has indicated, and that is it has changed it in such a way that many of us who had supported it up until this point find it impossible to support with the Wilson amendment. In fact, I believe, with the Wilson amendment in it, it should be defeated.

Now, the Senator from Illinois has come along with a proposal. His proposal would say, "Let it only last for a period of 3 years until the Commission report." I think that is in the area of compromise. I think it does have a reasonable approach to it. With it, I could see myself voting for the bill; without it, I think I and others would find this bill goes beyond the point of where it can merit our support.

I would just like to address myself to one other item, and that is the argument is made that this is needed in order to harvest the crops. I would point out that the bill provides that the definition of seasonal agricultural services includes planting as well as production. That goes a long way beyond the question of harvesting of the crops.

I believe that the Simon amendment provides a reasonable solution. It does not make a bad amendment a good amendment, but it makes it tolerable, and we know that it would come to a conclusion at a point certain in time.

The PRESIDING OFFICER. The Senator's 2½ minutes have expired.

Mr. METZENBAUM. I yield the floor.

Mr. WILSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Two and a half minutes for the Senator from Illinois and 8 minutes for the Senator from California.

Mr. WILSON. Mr. President, I yield myself 4 minutes.

Mr. President, first of all, Senator KENNEDY is, to be charitable, flatly inaccurate in his characterization of this bill. He has ignored not only the history but the plain text of the amendment. The protections that are afforded workers in this include housing or a housing allowance. They include insurance. They include a legal requirement that no adverse wage be paid and, indeed, adverse wages are not.

I am not going to spend more time on it because he is just wrong. I do not understand how anyone can stand on this floor and make bald misstatements.

Now, to my friend from Illinois, I said I was going to make him an offer, and I intend to do so. I certainly was not prepared to accept what the Senator from Massachusetts was offering as presumably equal treatment. But what I will say is that if the Senator from Illinois is interested in an action that would provide for the report that comes back to Congress under the amendment from the Commission on Temporary Agricultural Workers, and if that Commission recommends change and he wishes an expedited procedure on that, then I would be delighted to work with him on that.

What I am not willing to do, for obvious reasons—reasons that relate to fairness and that relate to the kind of misstatements that I have heard on this floor—I am not willing to say we will have either an automatic sunset or that we will put the question with the burden of proof on the proponents of this program when, in fact, my expectation is that the recommendations that come back with the report from the Commission will be for some minor adjustment, but for continuation of a seasonal worker program.

Now, if the Senator from Illinois wishes to engage in a substitute that would promote fairness and take cognizance of the fact that the need for this legislation will continue to exist—whether the number is right or wrong, we will not know until we have had some experience; or if it is determined by the Commission in its report a need for some change, we will not know until then—but if he wants to say that there shall be an expedited procedure for congressional review and action upon recommendations of the Commission, then I have no problem accepting that. But that is a very, very different matter from what is being offered here.

Mr. SIMON. Will the Senator yield.

Mr. WILSON. Yes; within our 4 minutes.

Mr. SIMON. I appreciate the offer, but, frankly, it is pretty weak soup. I am going to take a lot of water in that soup, but I do not want soup that is almost all water.

The reality is that the Commission is going to be stacked 9 to 3 against our position, as I read the legislation and look at that Commission. So that I am unwilling to accept that.

It just seems to me that a 3-year sunset, waiting for that Commission, and a commission that is stacked in your favor, is still weighing things in your direction. I think the minimum we ought to be asking for is a 3-year sunset.

If that goes down, if this body thinks that is not desirable, I will abide by the judgment of this body. But I am not willing to dilute the soup more than it already is.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. WILSON. Mr. President, I yield myself an additional 2 minutes.

Mr. President, the Commission is not one of my making. It was the work of the sponsor of the legislation, the Senator from Wyoming. I have not made the same analysis of the composition of the Commission as has the Senator from Illinois. I do not reach the same conclusion.

I will simply say that what the Senator from Illinois has offered is patently unfair. It is not based on evidence, nor is it intended that in 3 years that action shall be based on evidence. The sunset is automatic. This is not a process of deliberation. It is a process of execution.

And all that the Senator will achieve from it I am sure he will not wish to achieve when it happens. If in fact it were to happen because he will be asking those workers so desperate for work who are willing to come and risk danger to themselves and their families to continue to live in the night, to go back to the holes, to be denied the dignity of living out in the open doing honest work however hard that work is. That is all that the Senator will achieve. The Senator will have a reversion to the status quo that we have today. We do not have employer sanctions. We do have illegal workers. It is a sick situation, one that is within the power of Congress to cure. But the Senator's automatic sunset would return us to that dismal state of affairs.

Mr. President, I move to table the pending amendment of the Senator from Illinois, or I will at the conclusion of his time.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Until all time has been yielded back or the time has expired, the tabling motion is not in order.

The Senator from Illinois.

Mr. SIMON. Mr. President, I will be brief. No. 1, on the commission, to the credit of my colleague from Wyoming, he has put in there that members of the commission shall represent labor organizations for agricultural workers, two appointed by the Attorney General, two by the Secretary of Labor, two by the Secretary of Agriculture, three by the Speaker of the House, and three by the President of the Senate. That, my friends, I think stack that commission in favor of what the Senator from California wants.

Second, the reality is that while the Senator can talk about people earning $26,000 as farm workers from other countries, that is not typical. We have 13.5 percent unemployment among agricultural workers in this program. When we get to this point 3 years from now—it is 3 years, not 2 years—if we get to that point 3 years from now and the program is working well, it is clear that the growers of this country have enough political clout that they are not going to have any trouble getting that program extended. What we do call for is an automatic review. That is not asking too much on a program that comes in here and is going to say 350,000 foreign workers at any one time which can mean 500,000, 700,000. We do not know.

The PRESIDING OFFICER. All time of the Senator from Illinois has expired.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. WILSON. Mr. President, the concern I have heard expressed for jobs is one that I share. I will tell you that if we are to have no legal seasonal worker program, it will not only eliminate many of their jobs, but it will make it impossible for the growers of perishable commodities to harvest in a timely fashion. We will see tens of thousands of jobs disappear in my State alone—I suspect hundreds of thousands is a correct figure across the Nation—not just in the fields but in the entire chain of this distribution from the fields to the ultimate consumer, in the packing sheds, in the freezing plants, in the truck yards, in the retail and the wholesale markets. All of those in the entire chain of distribution and marketing will see their jobs disappear as in fact these farms can no longer make it such as it can will probably go offshore. That should be of concern to the Senator from Ohio.

But let me say the Senator from Illinois I think means well but is guilty of a misstatement when he says all it requires is an automatic review. It requires an automatic review without consideration. It is an automatic sunset unless there is a stay of execution and the burden of proof to stop this is upon the action of both Houses of Congress and the President of the United States.

Mr. President, need will continue, the need for the workers will continue, the workers' need for protection will continue, and the jobs of those who depend upon timely harvest will continue to need to be protected. American consumers will continue to want fresh fruits and vegetables. One of the ways we are affecting the balance of payments favorably is by the export of perishable commodities. The basic merits of this legislation I think have been abundantly debated in the preceding days. For that reason, I move to table the pending amendment of the Senator from Illinois.

The PRESIDING OFFICER. All time of the Senator from California has expired.

Mr. WILSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York [Mr. MOYNIHAN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 40, nays 56, as follows:

Rollcall Vote No. 188 Leg.]

YEAS—40

Abdnor	Gorton	McConnell
Armstrong	Gramm	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hatfield	Quayle
Cochran	Hawkins	Rudman
D'Amato	Hecht	Stevens
DeConcini	Heflin	Symms
Denton	Helms	Thurmond
Dole	Hollings	Trible
Domenici	Humphrey	Wallop
Evans	Laxalt	Warner
Garn	Lugar	Wilson
Goldwater	Mattingly	
Gore	McClure	

NAYS—56

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Bentsen	Grassley	Nunn
Biden	Harkin	Packwood
Bingaman	Hart	Pell
Bradley	Heinz	Pressler
Bumpers	Inouye	Proxmire
Burdick	Johnston	Riegle
Byrd	Kassebaum	Rockefeller
Chafee	Kasten	Roth
Chiles	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Cranston	Lautenberg	Simon
Danforth	Leahy	Simpson
Dixon	Levin	Specter
Dodd	Long	Stafford
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Zorinsky
Exon	Melcher	

NOT VOTING—4

East	Pryor
Moynihan	Stennis

So the motion to lay on the table was rejected.

(Later the following occurred:)

Mr. PACKWOOD. Mr. President, I am going to propound a unanimous-consent request to have my vote rerecorded on the last vote. I have checked it with the minority leader and majority leader. I have just come back from the White House. It had been my intention to vote for the amendment. I did not realize it was a motion to table. So I voted, indicating that I wished to table it. I did not know. Had I known it was a motion to table, I would have voted no. I ask unanimous consent to have my vote recorded that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. It will not change the outcome. I have just checked with the minority leader and he had said just make sure to mention that I had checked with him.

(The above tally has been corrected to reflect the foregoing order.)

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

Mr. SYMMS. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I make the point of order that a quorum is present, based on the previous vote.

The PRESIDING OFFICER. The Chair has no authority to count.

Mr. KENNEDY. Based upon the previous vote.

The PRESIDING OFFICER. The Chair has no authority.

The assistant legislative clerk continued the call of the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is to ordered.

The question is on agreeing to the motion to table the motion to reconsider.

The motion to table agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 641) was agreed to.

AMENDMENT NO. 623

(Purpose: Heinz Amendment No. 623 (to Amendment No. 622), of a perfecting nature, to express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget)

The PRESIDING OFFICER. The question recurs on amendment No. 623, offered by the Senator from Pennsylvania [Mr. HEINZ]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. WEICKER]. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I ask the Chair if we are now on the Heinz Social Security amendment. Is that the pending business?

The PRESIDING OFFICER. That is correct. That is the pending business.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the amendment that is offered by the Senator from Pennsylvania. I want to comment briefly on it because I feel very strongly that it is

important for us to move ahead and take the Social Security items out of the unified budget and do so in advance of 1993 when otherwise this would occur.

I want to address a question, if I may, to my colleague from Pennsylvania, because I think we are really not taking quite the step here we should by having this in the form of a sense-of-the-Senate resolution. Because a sense-of-the-Senate resolution really does not change anything, as he well knows, and so I am wondering if he would be of a mind to modify his amendment to give it the force of law rather than to offer it as a sense-of-the-Senate resolution which basically really does not do the job for us. I am happy to yield for a response.

Mr. HEINZ. I thank the Senator for yielding.

Mr. President, as I pointed out to my colleagues on Monday, there was a very specific reason that I offered this as a sense-of-the-Senate resolution. As I pointed out on Monday, and I recognize that only a few of our colleagues were present on Monday, with no votes having been scheduled, we had before us a bill that is neither a Finance Committee bill nor a Ways and Means Committee bill. It is a Judiciary Committee bill in both bodies, and I had seriously considered offering a legislative amendment to this legislation.

I felt that nothing would be gained by that in terms of being able to actually change the law.

I am under no illusions that a Finance Committee amendment has ever prevailed in the House Judiciary Committee in the history of the relationships between our two bodies.

Second, I am under no illusions, while I hope and expect we will once again pass this bill, that there is going to be anything other than a very lengthy consideration, if indeed the House passes a companion measure of the Simpson bill in conference between the House and Senate should they ever get there. As we all know, they had probably the world's longest conference last year.

So I, as a practical matter, did not view this as a really legitimate legislative opportunity to achieve a legislative goal.

The second reason that I felt it would be advisable to have a sense-of-the Senate resolution, which I have offered, is that there are a number of ways which we have never debated on how to handle not just the jurisdiction of the Finance Committee—that is protected no matter what we do—but how it will be handled vis-a-vis consideration or not by the Budget Committee.

Frankly, there is a big turf war right behind this amendment between the Budget Committee and everybody else, and since there are a number of options that I have not had a chance to talk to other similarly minded colleagues about in terms of the best way to handle it, such as, for example, if we were to pass legislation effective in 1985, there would be under certain circumstances a $16.8-billion hole in the Finance Committee and in the congressional reconciliation process that I am not sure we all fully considered how to deal with.

So, as a first step, seeing that we could accomplish as a practical matter no more than we will be able to accomplish on this vote, and, second, seeing some other issues that I think the supporters and cosponsors of this approach need to consider jointly, I felt that this was the best alternative.

Mr. RIEGLE. I thank my colleague and, as he knows, I am supportive in this effort in that I am a cosponsor of the amendment. I just want to take it a step further. It would be my feeling that the House, I think, is supporting, by a very substantial bipartisan majority at this stage of the game, taking the step. I do not think the jurisdictional problem will necessarily get in our way. Any vehicle that we choose to try to attach something to later on down the line—debt limit, or whatever—I think presents hazards unique to that particular vehicle, as there are hazards to this one, as he mentioned.

But it seems to me that we ought to track S. 1600 and we ought to put it right straight on the table. If we are going to vote on it, it seems to me we ought to vote on the real thing and not something that really is much less than that.

So I would like to—if we are going to debate it now, bring the issue forward, and have an up-or-down vote—I would like to strongly urge that we vote on this in a legislative form. See if we have the votes. If we do, send it to conference. If there is a conference report that comes back, I think this probably would be acceptable to the House. I would like to try and see. If it is not, there is no guarantee it might be on another bill.

If my recollection is right, when S. 1600 was referred, it was not referred to the Finance Committee. I think it was referred to Budget and to Governmental Affairs, if I am not mistaken.

Mr. HEINZ. The Senator is correct.

Mr. RIEGLE. So it seems to me, the Senator is protected in the sense that a second-degree amendment is in place, so no one else can offer a perfecting amendment. But I would like to urge, as a person who is a cosponsor with him and wants to accomplish the same purpose, to modify his amendment. The Senator has the freedom that none of the rest of us have and that is, he could ask unanimous consent to modify the amendment and give it legislative force. And I would like to strongly urge that he do that. Because I think that is what people are waiting for, an awful lot of the people in the country that support this effort, that you and I and others want to move ahead. I think as long as we are going to go through the exercise and take the time, we ought to make it real rather than a sense-of-the-Senate resolution which is, when people look at it, not real. The purpose is good, but the substance is missing.

Mr. HEINZ. Will the Senator yield?

Mr. RIEGLE. Yes, I am happy to yield.

Mr. HEINZ. I think the Senator makes a lot of cogent points. As I say, I carefully considered that alternative. It seems to me—and this is the conclusion I had come to earlier in my thinking on the way to handle this amendment—that the appropriate vehicle for this entire issue is reconciliation, because reconciliation goes to the Budget Committee. Indeed, the House of Representatives is, as I understand it, amending through the reconciliation process in the Ways and Means Committee the moving up of the date at which we will take Social Security and set it aside from the unified budget.

In terms of the practicality of the situation, let me suggest this: I think there are a lot of our colleagues who want to either express themselves or vote on the issue. I would really like to hurry up and vote on the issue.

Let me say, it will take 15 or 20 minutes to vote on this issue. It has been debated on Monday and it will be debated some today. The sooner we vote on it, the sooner it will be in order for the Senator from Michigan or me, or any other of our colleagues, if they want, to offer S. 1600 or some other version of it. I certainly would support S. 1600. It is my bill. I am not going to back off from that or some similar version of it.

But I think we could really move the business of the Senate ahead if we first voted on this and then we can vote on S. 1600 or some similar version of that, if that is the Senator's or anybody else's desire.

Mr. RIEGLE. I hear what the Senator is saying. If the second-degree slot were open, I would offer S. 1600 as an amendment, because I think that is what we ought to vote on.

But let me tell you what my concern is. My concern is, I do not want to mislead anybody. And I think there is some danger here that, if we act on a sense-of-the-Senate resolution, there is likely to be the impression created that we have really done something and done something that has the force of law or that, in fact, is going to change things. And a sense-of-the-Senate resolution will not do that.

So I guess I am a little concerned. I do not want to send a false signal out to people, who really are concerned about this issue, that we have taken a

step when, in fact, we can use the same amount of time, simply change the language, put it in statutory form, and let us see where the Senate stands.

I hope the Senate would decide by a majority vote to support that. But that is real. That has teeth in it. It has meaning and it does not mislead anybody.

Mr. HEINZ. As the Senator knows, there is no intent on my part to mislead anybody on this. I made it very clear what the intent of this is. I also believe that it is advantageous for us all to get the Senate on record as quickly as possible. I do not know what would happen with our colleagues in terms of allowing us to proceed to a vote if we were to take up a substantive amendment. I know some of the Budget Committee people are going to be very upset about it. And they are going to be upset one of these days when we are going to do this.

But I think the sooner we get on record here as to what the will of the Senate is, frankly, the more realistic those people who, for one reason or the other, do not believe that Social Security should be separated as it used to be from the unified budget, the sooner those people are going to be realistic.

As the Chinese proverb says, "The journey of a thousand miles begins with a single step." What I am really proposing to all of us is, let us take the step and maybe right after that, we can take a leap. Well, let us take that first step.

Mr. RIEGLE. I will just conclude as follows. I have drafted the language that would be required if we were to put this in legislative form. I would urge you to think about this. We are not at the point yet where we are about to vote. But I would like to ask the Senator to consider, before this vote comes, the possibility of making that change which no one else could make. It has to be the sponsor of the amendment to make that change.

Mr. HEINZ. Let me say, I really want to get a vote on this the way it is written. I think the Senator makes a fine suggestion, but one I am not able to accommodate at this time. My view is, let us vote on this. If we want to move to substantive legislation, then let us have another vote.

Mr. RIEGLE. Well, I wish I could persuade the Senator and it is my view, he is certainly, at the moment, unpersuaded.

But I would hope that we would do this with the force of law. I think it is too easy for people to think if you just take the step with a sense-of-the-Senate resolution that we have really done something concrete when, in fact, that will not be the case.

I would much rather this issue not become more confused and the Senators who may be ambivalent about it not have a chance to appear to vote for something that is corrective when in fact it is not. I think I would rather put the hard vote out right at the beginning, that is direct, forthright, changes the law, and let everybody bite into that vote with their eyes open, yes or no. I hope that there are sufficient votes to pass it to take it out of the budget. But to go down any kind of side road or indirect effort here that will not have that effect, I think really is not the best route. So I hope at least the Senator would think about it before we conclude the debate.

Mr. HEINZ. If the Senator will yield, let me respond to him in this way: I would be perfectly willing to do as the Senator suggests, but with one further stipulation, and that is that it be linked to a unanimous-consent request to limit debate.

Mr. RIEGLE. The Senator has no problem with me on that. I am not interested in any debate of any more than a reasonable minimum so that those that want to be heard could be heard. But I certainly would be quite prepared to enter into that kind of an agreement with the Senator.

I would hope, within a relatively short period of time, we could settle the issue. But I would be supportive of the suggestion he has made.

Mr. HEINZ. I thank the Senator.

Mr. LONG. Will the Senator yield for a question?

Mr. HEINZ. The Senator from Michigan has the floor.

Mr. RIEGLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I wish to address myself to the subject. I first would like to ask a question of the Senator from Pennsylvania about his amendment. Does this amendment seek to separate from the unified budget disability insurance as well as the Social Security insurance?

Mr. HEINZ. The Senator is correct.

Mr. LONG. Would the amendment separate out Medicare as well?

Mr. HEINZ. The Senator is correct.

Mr. LONG. So my understanding is the amendment would cover about $270 billion of Government spending.

Mr. HEINZ. Very possibly.

Mr. LONG. In the current fiscal year, about $174 billion Social Security old-age and survivor benefits, $20 billion of disability, $49 billion of Medicare, about $23 billion of supplemental benefits.

Mr. HEINZ. It would not cover every element of the Social Security Act. It would cover the trust fund, what we in the vernacular refer to as the trust fund, DI, SSI, and OASI. It would not cover supplemental medical insurance. The Senator is correct.

Mr. LONG. I thank the Senator. That is what I wanted to know—how far the amendment goes. I will address myself to the amendment.

Mr. President, it seems to me that if the Senator favors this type of approach, it really ought to start with consideration in the Finance Committee, of which the Senator is a very valued member, because that committee does have responsibility over Social Security. I think that the Finance Committee ought to be accorded the opportunity to recommend to the Senate whatever it thinks about this measure. It might want to hold hearings.

But in any event, the committee should recommend to the Senate what its thinking is and what the answer should be. Furthermore, this is an important matter as far as the Budget Committee is concerned, and I think the Budget Committee should be entitled to consider the matter and make its recommendation before we decide.

The thought that concerns me about this, Mr. President, is that it is a serious matter when we separate this much from the budget. My understanding is that in the current fiscal year, about $270 billion of spending is involved out of a total budget of almost a $1 trillion of spending. That amounts to more than 27 percent of Government spending. If the Budget Committee is not to consider this in arriving at its recommendations for spending and tax totals and for changes in spending and taxes, then the Budget Committee will not be performing what was supposed to be its responsibility; that is, to consider the overall levels of Federal spending, its impact on public and private debt and the impact on the economy in general.

If the Budget Committee is not to consider the sum total of our fiscal situation, then I see no real point in having the Budget Committee or the budget process. What is the point of it if it is not going to try to recommend to us a level of taxing and a level of spending which would be fiscally responsible and would meet fiscal and monetary problems generally? To separate the Social Security funds out, which represent more than a quarter of this Government's overall spending, and an even higher portion of taxing, in my judgment would mean that the budget process would be an act in frustration from that point forward.

I have not been a great enthusiast of the budget process. I have many times expressed my frustration that the budget process has not been able to achieve its objective; that is, to move us toward a balanced budget, and to bring fiscal responsibility to this Government. But if it is not able to do what we intended for it when it does have the right to look at all expenditures and all taxes and other sources of revenue, then I see no hope of it doing the job if we are going to sepa-

rate out what amounts to roughly one-quarter of all the taxing and one-quarter of all the spending, including some of the things that we are trying diligently to control and bring within reason. For example, we on the Finance Committee had no desire to cut back on spending for Medicare. Yet as a matter of responsibility because the Budget Committee called upon us to do that, the Senate Finance Committee has met, and as of last night, we recommended, an $11.8 billion reduction in spending in Medicare over the next 3-year period seeking to carry out our part of our responsibility toward bringing spending more into line with the revenue that we raise.

I have been disappointed that the Budget Committee did not see fit to join me. I feel they should lead the charge against divesting themselves of this responsibility, because in my judgment if that committee cannot look at all Government spending and all Government revenues, then the task of trying to recommend what we ought to do with regard to what is left would, I believe, be a very frustrating one, and it sets the stage for separating out other things—such things as Superfund, the airport and highway trust funds, or Railroad Retirement. Following the same principle, they could be separated from the budget.

Either we have a process which has the potential of controlling spending and bringing spending into line with revenues, or else we do not. In my judgment, Mr. President, if this amendment is agreed to, it will commit the Senate to do the kind of thing which the Senator would seek to do only as a sense-of-the-Senate proposal. The Senator has made it clear to us that he does not mean to sell it just as some idle wish or hope—he expects that the Senate would seek to follow through and to make the Senate keep the commitment that the Senator would initiate in this instance.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I was only able to hear the conclusion of the remarks of my colleague from Louisiana. But I want to commend him for the remarks which he has just made. There is no more serious problem facing us in the country today than the budget deficits. I have had the feeling throughout this week as I listened to the discussion not only of this matter but of many others that we are in this city living in a dream world. We seem to believe that we can continue to run huge budgetary deficits without ultimately having to pay the price in terms of devastation to the entire economy.

Mr. President, I will vote against the proposal believing that insofar as we had hoped to achieve something by the budget process and have not been able to do it up to this point, that the potential of doing it hereafter will be so greatly reduced that from my point of view those working in the budget field will be engaging in an act of frustration. Therefore, Mr. President, when the vote comes I expect to vote against the proposed sense-of-the-Senate resolution.

We are soon, and within the same 30-day period, going to be celebrating two milestones in this country: One we have already crossed, we have become a net debtor nation in terms of our trade balance for the first time in many, many years. We will shortly be reaching the $2 trillion national debt mark. I have just been trying to figure out what that means in terms of its impact on the economy. I can tell you, for example, that it means that in my State all of the individual income taxes paid by all the citizens of my State will only pay the interest on the national debt for probably a little over a week. I think that is a figure some people can understand. I just have had an opportunity to go across my State talking with business leaders, talking with farmers, talking with small business people, and talking with those who worked in our factories or who have previously worked in our factories.

I can tell you that the economic conditions are grave indeed. We have concerned ourselves in the past in this body with the possible default on the debt of the underdeveloped nations to our banking institutions and what that would mean. Yet we have not awakened to what will happen if we have a collapse of the credit system for agricultural credit in this country. There is over $214 billion now owed by our farmers.

Some $71 billion is owed by those leveraged at 70 percent and more. An equal amount is owed by those who are leveraged between 40 and 70 percent.

There are deep economic problems in the export sector of this country, which, if allowed to continue, will sap the economic strength of this country forever. We are losing great export industries, basic production industries of this country, every week because of the failure to export our products. As long as the dollar is overvalued to the extent that it is, of course, all of us in this body understand that relationship to the size of the national deficit.

Those who think we can simply bring those great businesses back into existence once the value of the dollar falls back to its rightful place are dreaming. We cannot destroy those companies that go away and then 10 years later recreate them in terms of the research that will have to go on, in terms of product development, in terms of keeping the skilled labor, tools, capital, machinery, and the rest. They will be forever gone.

Yet it seems to me that too many in this city are going along under the false impression that we have some sort of recovery in the country, that there is not an illness in our economy that is daily sapping more and more of our strength.

It is a frustrating experience to see lack of action. We had high hopes before the August recess that something could have been done. A very responsible proposal came from this particular body, the leadership of this body. I would say that I want to commend the majority leader in particular for making that attempt, the deficit reduction package that would have had more than $70 billion in savings, which would have enabled us to not hold any hearings on the budget, even entitlements being off limits. It had additional benefits in it that would not burden the American taxpayer, the import fee on oil, for example. It would have been a great help to the economy and would have stimulated economic activity.

I am very distressed that while many of us hoped that the Speaker of the House and the President of the United States would sometime get together on economic policy, the first time they came together with unanimity was to kill a very responsible proposal.

So I am concerned, Mr. President. I wonder how long are we going to wait. Do any of us seriously believe that we can continue to run the kind of budget deficits we have now without sapping the strength of this economy? Do any of us really believe that? Yet, what have we done when it comes down to taking real action that will do something about it, that will get our income and our outflow back in balance?

Do any of in this body seriously believe that the standard of living and the economic opportunity for our children and our grandchildren can be maintained when we allow this country to fall into debtor nation status in terms of our trade balance?

Yet we really go on as if nothing has happened.

Now we have a proposal in the midst of what should be our grappling to do something about the budget deficits. We are going to have to soon vote on this floor on a $2 trillion national debt limit. Let me say right now that is something this Senator will not vote for, not until we have enacted significant additional reductions in deficits, at least along the lines of those previously presented by the Senate itself, very responsible proposals that have been presented in the past and which were rejected both at the White House and on the other side of the Capitol, or until we can find some mechanism that will force us to ratchet down the spending and bring it in line with the revenues that are available.

In the midst of all of that discussion and what should be our first priority in this body, getting the economy back in line, somehow removing that cancer that is eating away at the heart of the American economy, we have a proposal to take off budget something like one-third of all expenditures, potentially, in this country, to take it off budget, to pretend that it does not exist, that we will no longer be able to scrutinize all levels of spending. I realize there is a gray area in the language of this proposal. It does not exactly spell out whether or not Medicare and Social Security could be included in reconciliation any more. It leaves that up in the air. It leaves that question to be resolved in the future.

But by saying that we should remove from the unified budget all of these programs—Social Security, Medicare, and the rest—to sort of take them off the table and hide them under the tablecloth someplace where we cannot really see what is going on with them, so that they will not be in the headlines anymore, so that there will not be scrutiny focused upon them anymore, is clearly an attempt to reduce the financial scrutiny by Congress and the American people of almost one-third of the spending of this Government.

I do not think that even those who think at this moment that they are for this proposal would be for it if they would think of the long-term consequences.

I believe in the integrity of the Social Security trust fund. Things have been done in the past that should not have been done that overburdened that trust fund and have at times interfered with health and security.

It is because I am concerned about its security and its soundness and the need for it to be there when those who are working now reach retirement age, and those who depend upon it already should be able to continue to be able to depend upon it, that I oppose this proposal.

I heard someone the other day say this proposal could have some popularity because the senior citizens of the country might be misled into thinking that if Congress were to take it out of the budget, take it off the table, sweep it under the tablecloth where it will not be looked at so much in the future, that it might somehow benefit them. I do not believe that is true. I think in the long run, it is not going to be in the interest of the senior citizens, not be in the interest of the security and soundness of the Social Security fund itself. It is going to be contrary to those long-range interests.

What is its impact upon budgetary responsibilities which we must bear in this Chamber? How in the world can we say that we have enhanced the scrutiny of the budget, that we have enhanced financial restraint by removing from the unified budget approximately one-third of all the spending?

Someone said to me the other day that this is a train that is moving that has great political appeal. All I can say is that it is an irresponsible train. This Senator does not want to be on board when irresponsibility is the goal and the aim.

If we are going to remove from the reconciliation process and the budgetary process one-third of all the spending, then let us finish the job. I have doubts that this amendment will be brought to a vote. I think we should talk about it for a few days. If we are irresponsible enough to bring it to a vote, we ought to finish the job.

I have an amendment drawn to remove defense, remove education, and remove agriculture. Let us just dismantle all of it. Let us take all the spending and all the budget off the table and hide it under the tablecloth so the American people will not know what is going on. If we are going to be irresponsible, let us not be halfway irresponsible. Let us be so irresponsible that everybody will know that the U.S. Senate is not serious about this budget process. Let us take one-third of all the spending and hide it from the scrutiny of the committees appropriately designated in this Congress to look at it.

I urge my colleagues to do a lot of thinking before they get on board this irresponsible train that will head us in the wrong direction at the very time that we need to be taking responsible action to deal with the budgetary financial crisis of this country and the cancer that is eating away at the health of our economy.

I hope that this will not be brought to a vote. I hope that my colleagues will do a lot more thinking about it before they ever cast a vote to remove from the unified budget any significant portion of spending in this country.

I say that again while renewing my commitment to the security of the Social Security system, to the sanctity of it as a separate trust fund, to protect it against any improper use or draining of any of its funds away from those who paid into it and those who are entitled to its benefits. But let us not take off the table, let us not take away from scrutiny, an important part of the budget of this country at the very time in which the entire Nation is still waiting for us to take responsible action to get the budget deficits under control.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Oklahoma for permitting me to have the floor.

VISIT TO SENATE BY DELEGATION FROM THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. DOLE. Mr. President, we have with us today some very special guests, that I would like to introduce to the Senate—a delegation of six Members of the National People's Congress of the People's Republic of China.

The leader of the delegation is the distinguished vice chairman of the standing committee of the National People's Congress, His Excellency Wang Renzhong.

It is a double pleasure for me to introduce this distinguished group to the Senate. I am always pleased, of course, to welcome parliamentary visitors from friendly and important nations, and certainly the People's Republic of China ranks among our most important friends.

But there is a second, more personal, reason I am pleased to welcome Vice Chairman Wang and his colleagues. As the Members of the Senate know, I led a delegation of seven Senators to China last month, at the invitation of the National People's Congress. Vice Chairman Wang served as our official host on that occasion. So it is fitting that I begin today, and over the next several days, to repay a part of the hospitality that the Vice Chairman and all the other Chinese leaders we met showed to us during our trip.

I believe the distinguished minority leader wishes to say a few words, after which we will recess for a few minutes so that the Members of the Senate may have a chance to greet our guests personally.

Mr. BYRD. Mr. President, I join with the distinguished majority leader in welcoming as our guests these visitors from the People's Republic of China. I, as Senator DOLE, had the occasion to visit the People's Republic of China in 1980, when I was majority leader. At that time, I went as an invitee of these gentlemen. We are happy today to have them visit the U.S. Senate and we look forward to our continuing visits and discussions with them throughout the rest of the day and tomorrow.

I thank the distinguished majority leader for yielding and I yield the floor back to him.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the names and the official titles of each of our distinguished guests and, in addition, members of the supporting staff. There are probably about 10 to 11 members of supporting staff.

Again let me indicate our personal pleasure and our thanks to our distinguished visitors for the many courtesies extended to us when we were in the People's Republic of China just 3 weeks ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DELEGATION FROM THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Head of delegation: H.E. Mr. Wang Renzhong, Vice Chairman, Standing Committee, National People's Congress, People's Republic of China and Chairman, Financial and Economic Committee, N.P.C.

Deputy heads: Mr. Wang Habin, Secretary-General, Standing Committee N.P.C.; Chairman, Commission of Legislative Affairs, Standing Committee N.P.C.; and Mr. Huan Xiang, Member of the Standing Committee, N.P.C.; Vice Chairman, Foreign Affairs Committee, N.P.C.

Members: Mr. K.H. Ting, Member of the Standing Committee, N.P.C., President of China Christian Council; Mr. Liu Nianzhi, Member of the Standing Committee, N.P.C., Vice-Chairman, All-China Federation of Industry and Commerce; and Dr. Lin Lanying (Ms) Deputy to the National People's Congress Vice-Chairman, China Association for Science and Technology.

Supporting staff; Mr. Shi Guobo, Director, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Cao Zhiqing, Secretary to H.E. Mr. Wang Renzhong; Mr. Zhao Xixin, Counsellor, American and Oceanian Affairs Department, Foreign Ministry; Mr. Yin Zuojin, Deputy Director, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Zhang Xiaobu, Deputy Division Chief, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Zhang Zai, Minister, Embassy of P.R.C. in U.S.A.: Mr. Jiang Chenzong Counselor of Embassy of P.R.C. in U.S.A.; Mr. Zhang Yuanyuan, Deputy Division Chief, Translation Department, Foreign Ministry English Interpreter; Mr. Zen Zhanshen, Medical Doctor; and Mr. Wang Fuqing, Security Officer.

Senate staff; Ms. Jan Paulk, Director of Interparliamentary Services and Ms. Yvonne Hopkins, Assistant Director of Interparliamentary Services.

Department of State: John Linn, Interpreter.

Department of Defense: LTC Robert S. Bludworth, U.S. Army Senate Liaison Office; LTC Morris Boyd, U.S. Army Senate Liaison Office; SSG Bartolome Vigo, U.S. Army; SSG Peter McBride, U.S. Army; and Sgt. Douglas Meyer, U.S. Army.

RECESS

Mr. DOLE. I ask unanimous consent that we may stand in recess for 3 minutes so we may properly greet our guests.

[Applause, Senators rising.]

There being no objection, the Senate, at 5:13 p.m., recessed until 5:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DENTON].

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The Senate continued with consideration of the bill.

Mr. BUMPERS. Mr. President, first, I want to echo what some of my colleagues, especially Senator RIEGLE, have said about the pending amendment. I regret that we are bringing up a sense-of-the-Senate resolution and not allowing the Senate to vote on a substantive provision. What we have here is a nonbinding resolution. I have been guilty of it, but I sometimes wonder why we debate nonbinding Senate resolutions here.

If the Members of this body really believe that the Social Security trust fund, at least the OASI fund or maybe the OASDI fund, should be removed from the unified budget, that is what we ought to vote on. What we are doing with this resolution is saying that our hearts are in the right place but we are not going to do anything real about it.

I think almost everybody in America, elderly and young alike, would like to see the Social Security trust fund taken out of the unified budget. But this resolution that we are about to vote on—and I intend to vote for it—does nothing.

Why are we not offering a legislative amendment that accomplishes what we all say we want to accomplish? Why was an amendment in the second degree offered simultaneously with the amendment in the first degree to prevent another Senator from offering an amendment to legislatively mandate the removal of the Social Security trust fund from the unified budget? I frankly do not understand why this parliamentary maneuver was used. I certainly am not impugning anybody's motives, but I do not understand why we had to carefully fill up the amendment tree with two nonbinding resolutions that would prevent either Senator RIEGLE or me or some other Senator from offering a legislative mandate on this issue.

This Social Security issue is not germane to the immigration bill. I do not like the idea of burdening the immigration bill with an amendment dealing with Social Security, but I do know one thing; this nonbinding resolution was not offered in lieu of a legislative mandate for lack of support in this body. In my opinion, if a legislative mandate is offered, it will pass unless the leadership takes strong exception to it. The President has now announced his support for removing the Social Security trust fund from the unified budget.

It was a tragedy when Lyndon Johnson tried to tell the American people that we could fight the Vietnam war and not pay for it. He said, "Yes, you can have both guns and butter." He could make this appear to be true by putting Social Security in the unified budget. And so what did that do? At that time, the Social Security trust fund was taking in a lot more money than it was paying out. It was running a healthy surplus. By putting the Social Security trust fund—with its surplus—in the unified budget, he made it appear that we were financing the Vietnam war. The people of this country were confused about this then and they may still be confused about it. Of course, the trust fund couldn't be tapped to finance the war but including these surpluses in the unified budget made it look like we were really paying for the war, rather than borrowing the trust fund surpluses to do so.

Now, Lyndon Johnson was from this side of the aisle: I say this to point out that even though he was a good Democrat, he made a mistake in my opinion in putting Social Security into the unified budget.

The second reason he did it is because he promised the American people a balanced budget and there was no earthly way to make the budget appear to be balanced except by putting a healthy Social Security trust fund, with its surpluses, in the unified budget. In 1967, it looked well, we had a balanced budget, and that is the last "balanced budget" we have had in this country.

The Social Security Act is very broad. It is more than just OSI. It is more than just monthly checks to 35 million people on Social Security. It is more than Medicare. There are all kinds of programs covered by the Social Security Act. I personally would prefer just taking the OASI and perhaps OASDI out of the unified budget.

Why should we do this? Why is the American Association of Retired People, the largest organization of elderly Americans in America, in support of doing this? Why do they want the Social Security trust fund removed from the unified budget? Well, my guess is that they do not want the funds people are paying into the Social Security trust fund to appear like it is available for any other purpose. It isn't available to fund anything else. But every time the Social Security fund runs a surplus, it looks to some people like these funds might be used for other purposes than Social Security. This undermines confidence in the sanctity of these trust funds.

I have paid the maximum Social Security contribution all my life and hope there will be something left in the fund when I reach retirement age. I have never paid a dime into the Social Security trust fund to be used for any other purpose and no one else does either. I paid into it because I thought it was a good program that requires people to save for their old age.

It is a travesty, it is deceitful, and it is misleading to leave that trust fund hidden in a unified budget so that young people can't see that it's running a healthy surplus. President Reagan has told young people that they may receive full benefits when they turn 65. They have believed this and worried about it. If we were not going to take Social Security out of

the unified budget for any other reason, we ought to take it out so that young people, who are just now entering the work force, can see the fund standing on its own, self-supporting, on a daily basis and see whether or not it is healthy.

I am going to tell you a deep-seated suspicion I have and it is only a suspicion. But the suspicion is that there are some Members of this body who do not want to take Social Security out of the unified budget because instead of having roughly a $215 billion deficit this year, we would have closer to a $225 billion deficit. They do not want the American people to know what the real budget deficit is—a deficit that is disguised by the surpluses being run by the Social Security trust fund. Everybody knows we are, in effect, using whatever surplus there is in the Social Security Trust Fund to cut the deficit figure.

In addition, there are Senators who say that if you take the Social Security trust fund out of the budget and you drive the deficit figure up to its true level, there will be more pressure in the Senate to cut spending or raise taxes. I do know that it will force the public to face up to the true nature of the deficit.

So you have a coalition supporting these two positions in the Senate. Collectively, there may be enough Senators to keep this amendment from passing. I think it will pass. But what we should do here is do something real, not just pass a resolution. Unfortunately, we are prevented from doing so by a first- and second-degree amendment being offered simultaneously.

Mr. BOREN. Will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BOREN. The Senator from Arkansas just talked about the pressures to make cuts in some of these social programs. If we were to move these items off budget, including Medicare—it is my understanding we would not include Medicare in this proposal to move if off budget?

Mr. BUMPERS. Well, since there is no amendment before us which makes clear what would be taken out of the budget and what would be left in, I can't answer the Senator. As the Senator knows, you have hospital insurance, you have disability insurance, and you have unemployment compensation covered by the Social Security Act.

Mr. BOREN. If we were to take all of those off, not just retirement benefits, I presume that they would no longer be able to be a part of the budget reconciliation process?

Mr. BUMPERS. That is a question to which I do not know the answer. Insofar as I know, that is one of the $64 questions here. In my opinion, the Social Security trust fund certainly should be taken out and maybe the disability insurance fund as well. None of those things ought to be subjected to the reconciliation process.

Mr. BOREN. So it would make it impossible then for us. We made some savings in the area of Medicare, and of course we face the potential problems down the road if we do not make some additional adjustments in the Medicare Program, as we both know.

I just do not understand—I ask the Senator from Arkansas to explain—how in the world it is going to encourage us to take the action needed in order to make the Medicare Program sound and get the budget deficits down if we take that off the table. I presume that if we took defense out of the unified budget, it would lessen our ability to cut defense spending or if we took agriculture, education—I mentioned the possibility that I might finish the job. If we take a third of the items off budget, that I might finish the job and take the other two-thirds off. I just wonder how this is going to help us. I am completely in agreement with the Senator from Arkansas that I support the sanctity of the trust fund. I do not want to see us unfairly on the backs of the retired balance the budget in that fashion. But I am concerned that we remove from scrutiny in the budget process, the reconciliation process, everything that might go along with it, including Medicare, because I think that might make it more difficult for us to have the political courage to take some of the steps necessary to get that system in sound shape.

Mr. BUMPERS. Mr. President, let me answer that this way. There is an old saying "that truth will set you free." Truth will also sometimes get you in a lot of trouble. But in this particular case it seems to me that if we want to be honest with the American people and with ourselves, we can set those trust funds aside and there would be nothing in that action that would keep us from legislating whatever we have to legislate to improve the soundness of any of those funds.

For example, Medicare is subject to the reconciliation process. As a matter of practical politics, OASI is not. Is that a fair statement?

Mr. BOREN. I think that is correct.

Mr. BUMPERS. That is my own judgment of the political realities.

In the reconciliation process for Medicare, we are doing a number of things, not the least of which is freezing physicians' fees. I ask the Senator from Oklahoma: If Medicare were a separate trust fund, not a part of the unified budget, what would prohibit Congress from taking this very same action regarding physicians' fees and therefore improving the fiscal health of the Medicare system?

Mr. BOREN. I should think it would be much less likely that we would do that, because you would not get credit for reducing the deficit—and there is great pressure to reduce the deficit—and then I think it is the same thing. If we were to take defense out of the budget and would say we are going to save money wherever we can, and we get no credit for reducing the deficit when we did it, I think the driving force for getting the deficit down in the example cited—I think it is much more likely in our taking that action which has the end benefit of helping the Medicare system.

This is why I said earlier that before we go beyond the retirement funds themselves, we should consider this carefully, because I am concerned about the soundness of Medicare. I am concerned because I have compassion and sympathy for those who must depend upon their Medicare benefits. I am not sure that they are going to be benefited in the long run if we do not have as much pressure exerted on us to make that system sound.

Mr. BUMPERS. How many people does the Senator think know that the surplus funds of the Social Security System make the deficit look smaller than it is?

Second, how many people does the Senator think would approve of this?

Mr. BOREN. I do not think that portion of it is a very advisable thing. I think the budget deficit should be given publicly as the current budget. Current services should not be able to include the help from the Social Security fund to unrealistically reduce the deficit. On the other hand, I am concerned that we not go off limits in the process of reducing spending in part of the budget.

As the Senator knows, we have revolving funds to pay back on agricultural loans, when a loan is made. Yet, that is part of the unified budget process. I worry that we might be exempting from scrutiny areas where we could have saving. Perhaps there is a sincere difference of opinion.

Mr. BUMPERS. I appreciate the Senator's candor and his concern about this issue. But is there not an element of deceitfulness about including the Social Security trust fund surpluses in the budget? Would it really be more difficult to deal with the viability of the Medicare system if we keep it hidden in the unified budget?

Mr. BOREN. I say to the Senator that I guess we have a different view of when we hide something. I think we are much more likely to hide something from public view and hide its problems when we take something out of the unified budget. I think that all elements of spending should be in the unified budget. Then the American people get a clear idea.

I am concerned about taking almost a third of what we commonly refer to as the entitlement programs out of the

unified budget. I think that comes close to hiding it from the scrutiny of the American people, and I am concerned about that.

I will do everything possible to strengthen the sanctity of the Social Security System and of those trust funds and to keep them from being dipped into for purposes for which they are not intended. I think the citizens have legitimate concerns.

I am disappointed that this administration has yet to appoint a permanent director and custodian for those funds. That is something about which they should be concerned. But I think there are other things we should be considering; and I hope that before any Member of this body introduces a legislative approach on this matter, we might think through very carefully the manner in which that legislation should apply.

Mr. BUMPERS. I would like to ask another question of the Senator: The chief actuary for the Social Security Administration says that there can be a surplus in the Social Security trust fund by 1994 of $639 billion. My question is this: If that turns out to be correct, does the Senator think we should use that money in any way to balance the budget? Does he think we should use the money to make the Social Security trust fund more sound and leave it where it is to meet future obligations? Or, No. 3, does he think we should cut the payroll tax to the Social Security trust fund to reduce these surpluses?

Mr. BOREN. I say to the Senator that I do not think it should be raided to provide for other elements of the budget, for spending for other programs.

When I was Governor of Oklahoma, I faced—as I am sure the Senator did when he was Governor of Arkansas—the temptation on the part of those who wanted to increase current spending and wanted to raid funds that had helthy balances at that time. They were shortsighted, because they did not look down the road 15 or 20 years to the ultimate obligations those funds would have to meet.

So, of course, I would oppose any dipping into of those funds for any purposes other than the purposes for which the payments were made originally.

Mr. BUMPERS. I do not mind telling the Senator that I think that those surplus funds in 1994 should never be used to balance the budget or to reduce the deficits. Those funds come from Social Security payroll taxes, paid for the exclusive use of funding the program. They are not and should not be used, directly or indirectly, for any other purpose.

The Social Security law says that this money is going to be paid into the fund for a specific purpose and that is to take care of our elderly. But, if we had a $639 billion surplus in the trust fund now, it would appear that we have a $430 billion surplus instead of a $220 billion deficit. That is what is deceptive about keeping Social Security in the budget.

I respectfully disagree with the Senator from Oklahoma on this issue, because I think including Social Security in the unified budget conceals the true size of the mammoth Government deficits and undermines confidence in the Social Security system itself.

One of the most exhilarating events of my life was when I spent an hour with Harry Truman. I was Governor of my State at the time. He said:

Don't ever hesitate to tell the people the truth. They can handle it.

Thomas Jefferson said the same thing a long time before Harry Truman said it. The truth is that we are using surpluses in the Social Security trust fund to hide the true size of the deficits.

We can't use these funds to pay for any program other than Social Security, and we shouldn't make it appear in any way that we can.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. BOREN. Surely, the Senator does not mean to imply that we are taking money out of the Social Security trust fund and using that money to, say, fund the defense program or something else. We are not actually transferring any funds out of the Social Security trust fund.

Mr. BUMPERS. I understand that. But it is all in a gigantic pot in the budget document. It is all in the budget. I understand that we keep a separate account of the Social Security trust fund, but it is not clear in the budget that we do.

Mr. BOREN. We have not moved any of that money out of that trust fund. It is all there.

Mr. BUMPERS. If the Social Security trust fund takes in $10 billion more in 1986 than it pays out, that $10 billion will be reflected in the bottom line on the deficit. If the deficit really is $220 billion, $220 billion will never show up anyplace in the budget; $210 billion will be the deficit figure because, in reaching the bottom line total, the surplus in the Social Security is included.

Mr. BOREN. I agree with what the Senator from Arkansas has just said on that point. So far as the bookkeeping is concerned, in terms of shielding the public from the full amount of the deficit, I am in agreement with him. I think we should say the real deficit, which is minus, setting aside the amount in surplus in trust funds, and it would be an add-on of so much. When we report in the press what the real deficit is, it should be done in that way.

But I am concerned about us taking Medicare and others and not making them subject to any kind of a budgetary process and full scrutiny. I still think, though, it is one thing to say that it changes the amount of the total reflected deficits. It is another thing to say that the integrity of the fund is being violated anyway by, say, taking $10 billion and transferring that out of the Social Security trust fund and moving it over here to pay for the defense program or to pay for mass transit or something else.

I do not think that is happening. I certainly do not think we should ever allow that to happen.

Mr. BUMPERS. What happens to that money?

Mr. BOREN. It is in the trust fund. It is accounted for.

Mr. BUMPERS. But it is a bookkeeping entry. The money looks like it is being used to reduce the deficit. Would the Senator not agree with that?

Mr. BOREN. The money is not being used. I think you would say that the figures are being moved on a page of paper but the trust fund and the accounting of the trust fund is separately maintained. It is there. That is the reason you say the trust fund is so much of the surplus. If indeed taking all the current operating surplus out of the trust fund this year and using it to fund something else, there would not be any surplus left.

Mr. BUMPERS. That is the effect of what we are doing here. It is true that there is a separate accounting of the Social Security Program. We know exactly how much is coming into the trust fund and how much is going out. But anytime there is more coming in than going out, we show that as credit on the deficit and it reduces the deficit figure by that amount. Does the Senator agree with that?

Mr. BOREN. It reduces the deficit as popularly reported. I do not think it should be popularly reported that way. I think it should be clear that is in the trust fund and that money has not been transferred to reduce our current account shortfall. It is there. It is in the trust fund. Because it is in the trust fund and has not been moved or spent to reduce the cost of any other program, it is very reasonable. I think the Senator is right on his one statement, that it should not be then used to mislead the public into underestimating the actual size of the current services deficit.

Mr. BUMPERS. Let me make one other point. We are always debating here the financial health of this fund. The American people do not understand this debate. I mentioned a moment ago the young workers in this country believe that the financing of Social Security is questionable and

that benefits may not be paid fully when they turn 65.

If you had a trust fund separated from the budget for all the world to see, and you could see that the trust fund was in some difficulty I am sure we'll take prompt action to fix it. If someone came before the Senate, and moved that we give Social Security recipients a 10-percent cost-of-living increase, we'd say, "Look, you do that and you are going to run the Social Security trust fund into the red." Do you think that would be a legitimate point? I think it would be. Yet now Social Security is hidden in the budget. When you increase benefits, you do not have a clear idea how that will affect the fund. The Finance Committee may know. But 230 million Americans do not know.

I just think this is like truth in lending. You should have the interest rate right out there hitting you in the face so you know exactly what interest rate you are going to pay. I think we must prove that the Social Security trust fund is a sacred trust fund. Including it in the budget deceives and confuses the American people.

To summarize my argument, I ask why did we put Social Security in the trust fund? Why was it put in the budget in the first place? Why was it put in the budget? To balance the budget? No one said that he was putting the Social Security trust funds in the budget so it would be easier to keep track of the program or so it would be easier for the American people to understand it. We know why it was put in the unified budget. Historians know why it was put in. It is no secret. It was put in to make it appear that we were financing the Vietnam war, so it would appear that we would not have to raise taxes to finance the war, so people would not turn against the war. Incidentally, if we had financed the war, maybe there would have been less delay in reaching a remarkable consensus in this country about that war.

That is a separate historical vignette. But I have never known anyone to say they thought anything good ever came out of this trust fund being hidden in the unified budget.

I do not want to do something precipitous here. None of the amendments I have seen would mandate that this action be taken tomorrow.

I believe that Alcoholics Anonymous has a good idea, that is if you are going to join you have to admit you are an alcoholic. I think the Catholics have a good idea in saying you should go to confession. I think it is therapeutic.

I think it also is therapeutic for the Senate to stand on its feet and face up to the deficits. We can do this by taking Social Security out of the unified budget.

So, Mr. President, returning to whence I came, I intend to vote for this amendment for the same reason that I voted for the budget resolution. It is the only thing here to vote on, but it is certainly not what I want to vote on. I am hoping the House of Representatives will send us legislation on this subject. I am hoping the House of Representatives will send us a bill that does what we all say we want to do here. Then we will have a real debate here about whether we are going to honor what is the overwhelming sentiment in this country about Social Security and the deficit. Then we can resolve this once and for all.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I have great respect for the Senator from Arkansas, as he well knows, and I can count on one hand the number of times in which I found myself in disagreement with him on any major issue because I think he is one of the most able Members of this body, certainly one of the most sincere, and I have very, very great regard for him. But I must disagree with him at least in part in this matter.

I think it is misleading to think that or to allow anyone in this country to think that we have been in the process of transferring funds out of the Social Security Trust Funds to pay for other items in Government. The fact is that by law, by law, any surplus in the Social Security trust fund must be invested in interest-earning Government securities. That is the law. That is the statute. You can check and find the cite. The law is not being violated, money is not being transferred out of the Social Security trust fund instead of being invested in Government securities and being spent for other purposes. It just is not happening and if anyone started to try to do it this Senator would be one of the very first on this floor to oppose it to try to protect the sanctity of the Social Security trust fund from being raided in that manner. It would be absolutely wrong.

I also would have no objection whatsoever if the amount of the deficit as popularly reported in the press would reflect the greater number so that the surplus in the Social Security trust fund could not be used to mask in any way or reduce the magnitude of the current services deficit.

I think the Senator from Arkansas is right on that point that we should look at the full amount of the deficit, that we should not fool ourselves into thinking that the current services deficit is any lower than it really is.

But I think we are in a situation in this country in which we have an economic emergency in which we must confront the actions that we take on the floor of the Senate with one thought in mind and that is we are making any kind of procedural change, and this is a procedural change. It is a bookkeeping change. It could ultimately result in the change in the Budget Act in the reconciliation process. It is the kind of technical change that is not going to be widely understood one way or another out across the countryside in this country.

But we should ask ourselves this question because we know the forces at work within this body, within the Senate, and within the House of Representatives. We know the forces that are at work with this administration or any administration, the pressures that are applied to the White House and to the executive branch. There are obviously tremendous pressures at work within our system that bring us and pull us toward greater and greater budgetary deficits. There are pressures to spend more and tax less.

There is not a Member of this body who has been in politics long enough to work his or her way up the ladder to be elected to the Senate that does not know that it is certainly always more popular to say, yes, when someone comes with some worthy idea or project that they want funded than it is to say, no. By the same token there is no one here that does not understand that when it comes to making someone pay the taxes to pay the bill that it is much more popular to say, "No, I am not going to tax you and make you pay the bill."

The road to political success in many ways is paved with actions that add up to fiscal irresponsibility and budgetary irresponsibility. That is well known by all of us, but sadly it is wrecking the country.

I talked to an economist the other day and I gave him my hypothesis that this country could not go on with the kind of deficits we have now very much longer without a serious crack developing in some key sector of this economy that might impact the banking system to the point that it would cause a national economic crisis. I do not know how much longer we can go on. I mentioned agriculture as one sector, I could mention energy as another, basic manufacturing as another. How long can we go on with a severe economic depression in the basic commodities of this country, the basic productive commodities, without it spilling over to the rest of the economy?

I asked this very eminent economist whether or not he thought we could have a debacle, if we could go over a cliff, if we could have a basic disruption of our financial system. He said:

No, Senator, I don't think that is going to happen. I think the more likely scenario is that 25 years from now, after a process of slow erosion in our standard of living, we are going to wake up much like the British and find that we are no longer one of the preeminent nations of the world economically in terms of our own standard of living. We will have had a trade imbalance for so long, we will have lived beyond

our means for so long that ultimately our children and grandchildren will have that kind of reduced economic opportunity and we will no longer have that place among the role of nations that we enjoy today.

I have thought about that a lot. And maybe he is right. Maybe that is the more likely scenario. But the question is not are we going to have some kind of chaotic problem that reaches a crisis proportion because of our failure to deal with the underlying budget deficits, trade deficits, the other structural problems in our economy—the lack of improvement in our educational system to improve levels for economic productivity, our low rate of savings—the question is not are we going to have problems as a result, the question is are we going to experience the kind of slow erosion that he described, will 25 years from now lead us into second-class nationhood in terms of our economic strength or are we going to have a more serious crisis sooner?

Either way, it is not a very acceptable or reassuring alternative. In some ways, I am not sure that the scenario spelled out by the economist is not worse for this country. The kind of slow erosion that takes place is the kind of problem that eats away at the fiber of this country that we do not really deal with. It is the kind of thing we push off until the next day.

This Congress and our Government and our system are notorious for acting only when a crisis comes. And if it is a slow erosion that eats away the strength of this country rather than a crisis, we are less likely to deal with it. And perhaps it is that kind of decline in the standard of living and strength in the security of our country that our children and grandchildren will have to live with because it is more of a certainty if it is a day-by-day erosion that we will have to deal with rather than some sort of cataclysmic crisis that we are forced to face as a democratic institution.

Now I say that in all seriousness, because I think that, since the problem confronting us is of such a great magnitude and since we have been so irresponsible in both political parties and in both the Congress and the executive branch, not only in this administration but previously as well, in dealing with the financial problems of this country and shoving things under the rug and putting off solving the problem until tomorrow, we must weigh any action we take on this proposal or any other by asking the question: Is it going to set in motion forces and pressures which make it more likely or less likely that we will take the action we need to take to bring spending under control, to bring financial soundness back to our country and to get the deficit reduced?

In my mind, I think back to the question I was asked, for example, about the physician fees and other actions we have taken—several billion dollars has been saved out of the Medicare Program—some of those changes I voted for and some I have not. I tried to be sensitive. I tried to be compassionate to those that are dependent upon the system. At the same time, I have to save them. The only way it is going to help anyone is to have it and have it financially sound enough that it survives.

As to the question of whether or not we should take this sort of action, will it enhance the likelihood that we will make the changes and make the savings to shore up the system and further reduce the overall budgetary deficits of this country to take all of these programs out of the reconciliation process, to take them out of the budget process as we know it? My assessment of that is that it will not. That it will make it less likely that we deal in a responsible way with the problems in those systems, will make it less likely that we will make the savings that are necessary to shore up the financial soundness of those programs on which so many of our fellow citizens depend, and on which those who are now drawing them someday hope that they will have the opportunity to place some degree of reliance.

So I think we have to think long and hard about how we take this action. If this were a sense-of-the-Senate resolution that simply said, "in reporting what the actual current services deficit is, we should no longer be able to subtract the surplus in the Social Security trust fund in order to report to the American people the true amount of the deficit," I would support that. But if it is to be interpreted as a proposal to remove from scrutiny, to remove from the budget process, to take approximately one-third of all the spending in this country out of the budget, sweep it under the table, hide it away, no longer have it out where it can be seen by everyone on the part of the budgetary process, treat it in a way which will make it less likely for us to take the actions that we need to shore up the system, then I do not think that is a very responsible thing for us to do.

I know it is politically popular in the short term. I know there may be some people that would misunderstand why I am going to vote even against this sense-of-the-Senate resolution. I agree with the Senator from Arkansas, it has no impact. It is not binding. It is not going to change one thing. It is not going to change the bookkeeping system. It is simply an expression and has the same weight as the speeches just made by the Senator from Arkansas and Senator from Oklahoma. Neither one of our speeches, or the speeches made earlier by the Senator from Pennsylvania and the Senator from Louisiana, none of them have the force of law. Neither will this expression of the sense-of-the-Senate.

So I suppose you could say that perhaps I should not be so alarmed about it since it is not going to have any effect one way or the other. I am alarmed because I think it might set in motion forces that would eventually bring us to statutorily take action that might be unwise.

I hope that those who feel so strongly about the sanctity of the Social Security trust fund, as does the Senator from Arkansas and as does this Senator from Oklahoma, and those who also feel very strongly about truth in budgeting, who want to alert the people of this country to the grave dangers posed by the deficit—I certainly am one of those Senators and I think the Senator from Arkansas as well—I hope that those who share in common those two beliefs would think long and hard about the proper mechanism for making any changes in the way in which we now approach the budget. And I hope, sincerely, the principle by which we will make these judgments and by which we would draft any latter legislative proposal, the goal would be for us to take an action which will not only preserve the sanctity of the truth fund, but one which will also set in motion the maximum amount of political force possible to cause us to take those actions that will be responsible to hold down total Government spending and to protect the security and economic soundness of those trust funds in the long range. Only then will we truly be doing a favor to our senior citizens. Only then will we be truly meeting our responsibilities, our very grave responsibilities, at this particular time in terms of the condition of the American economy, to the fellow citizens who sent us here.

Mr. BUMPERS. Mr. President, I do not want to belabor this issue. I assume that we are ready to vote unless there are other Senators who wish to speak on this.

I want to make two or three final observations. No. 1, when there is a surplus in the trust fund—and the Senator from Oklahoma is absolutely correct about this—it is a separate fund and a separate accounting is made of it. But if there is a $10 billion surplus in the Social Security fund, do you know what happens to it? The U.S. Government borrows it to finance the deficits.

The Treasury Department does not go out and sell evidence of indebtedness to the public. Nobody else has a shot at that money. The Federal Government borrows it, issues an evidence of indebtedness to the Social Security trust fund, it takes that money and finances general Government programs. If the Government is paying a 10-percent interest rate—incidentally the U.S. Government gets a bargain-base-

ment rate on money it borrows from the Social Security trust fund—the Government pays that interest to the Social Security fund. Assuming the interest rate is 10 percent on that $10 billion, the $1 billion in interest it pays to the Social Security trust fund is just transferred from the Federal Treasury over to the Social Security trust fund. Yet, in the budget process, it looks like this transaction is a wash. But, we have two figures: gross interest payment on the national debt, and net interest payments by the Government. Gross interest payments this year are $181 billion. Net interest payments are only about $130 billion. There is roughly a $50 billion difference between gross and net interest on payments.

Do you know why there is a difference? The gross interest payments include the total amount the Federal Government pays in interest, which includes the billions of dollars in interest payments to trust funds I just mentioned. Net interest is the amount the Federal Government takes in from the Farmers Home Administration loans, Small Business Administration loans, and other kinds of loans that the Government is collecting interest on. This includes interest payments the Social Security fund is being paid by the Treasury. We collect $50 billion. We pay out $180 billion. So the net interest that we are paying is $130 billion but we are really paying much more than this to finance the deficits.

So we are not only making it appear that the surplus trust funds are available to reduce the deficit, we are taking interest payments out of one pocket, and putting it in another, making it look like we are paying less in interest to finance the deficit. You talk about robbing Peter to pay Paul. The public is not deciding what the interest rates paid to borrow surplus Social Security funds ought to be. Uncle Sugar decides and they pay the Social Security trust fund whatever the T-bill rate is.

Finally, the Social Security tax is about 8 percent on employers and 8 percent on employees. It is a regressive tax. There is no one on the Finance Committee who does not understand the difference between progressive and regressive tax rates. In this country even President Reagan has said he believes in a progressive tax rate. We ought to have a progressive tax system to finance the operations of the Government, but here we are relying, in effect, on a regressive tax system to avoid using our progressive tax system.

So I think we ought to remove Social Security from the budget, so I will not belabor all the points I have already made.

Are we ready to vote or are we holding the floor for some reason? Are we ready to vote?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, I have listened with interest and understanding to the concerns of my colleagues expressed today that this resolution, while admirable, carries no legislative authority. I would like to address those concerns by announcing that I plan to offer substantive language to the debt limit legislation which will change the law and remove Social Security from the unified budget immediately.

I introduced the first bill in the Senate this year to separate Social Security and I am convinced that this matter should now be voted on by the full Senate. Let me remind my colleagues that the Senate has already approved the separation when we passed the Social Security Amendments of 1983. It is already in the law to be removed. My amendment will simply make the separation effective immediately.

I appreciate the efforts of my distinguished colleague from Pennsylvania and his resolve on this important and timely issue. I invite all of my colleagues to join with me in offering an amendment to the debt ceiling to remove Social Security from the unified budget—which will send a message to Americans that the Social Security trust funds are independent, solvent, and not subject to the budgetary whims of Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:58 p.m., a message from the House Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1078. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 148. An act to designate certain public lands in the State of Michigan was wilderness, and for other purposes; and

H.R. 2032. An act to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farm Aid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 148. An act to designate certain public lands in the State of Michigan as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2032. An act to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farm Aid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

George D. Gould, of New York, to be Under Secertary of the Treasury; and

Charles O. Sethness, of Massachusetts, to be an Assistant Secretary of the Treasury.

(The above nominations were reported from the Committee on Finance with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. DOLE, Mr. COHEN, Mr. DIXON, Mr. HEFLIN, Mr. HEINZ, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BYRD, and Mr. D'AMATO):

S. 1655. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the unfair competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

By Mr. SYMMS:

S. 1656. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

By Mr. ROTH (by request):

S. 1657. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. COCHRAN) (by request):

S. 1658. A bill to amend the Debt Collection Act to permit the Attorney General to retain private counsel for the litigation of select debt collection cases; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1659. A bill to provide for the termination of ocean dumping of sewage sludge, to establish user fees under the Ocean Dumping Permit Program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DENTON (for himself, Mr. THURMOND, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. DECONCINI, Mr. EAST, Mr. FORD, Mr. GRAMM, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. SYMMS, and Mr. EXON):

S. 1660. A bill to grant a Federal charter to the Confederate Memorial Association; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 202. Joint resolution designating November 1985 as "American Liver Foundation National Liver Awareness Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, and Mr. COCHRAN):

S.J. Res. 203. Joint resolution designating November 6, 1985, as "Ignacy Jan Paderewski Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 223. A resolution to express the sense of the Senate regarding automobile carriers; to the Committee on Finance.

By Mr. GORE:

S. Con. Res. 66. A concurrent resolution expressing the sense of the Congress that procurement of the new U.S. weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. DOLE, Mr. COHEN, Mr. DIXON, Mr. HEFLIN, Mr. HEINZ, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BYRD, and Mr. D'AMATO):

S. 1655. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the unfair competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER and the text of the legislation appear earlier in today's RECORD.)

By Mr. SYMMS:

S. 1656. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

AMORTIZATION OF BUS OPERATING RIGHTS

● Mr. SYMMS. Mr. President, today I am introducing legislation to provide tax treatment for bus route operating rights comparable to rules enacted in 1981 for truck route operating rights. This change is needed because of deregulation of intercity buses, enacted in 1982.

Identical legislation was introduced in the House and Senate during the 98th Congress. Hearings were held on the bill in both the House Ways and Means Committee and the Senate Finance Committee. Unfortunately there was not sufficient time to act on the legislation prior to adjournment in spite of its merits.

The issue for buses is identical to that facing the trucking industry following trucking deregulation in 1980. From 1935 to 1980 the Interstate Commerce Commission granted a limited number of certificates of operating authority to motor carriers. Persons wishing to enter the motor carrier business or expand the motor carrier business often would purchase operating authorities from an existing trucking company. Substantial amounts were paid. The operating rights provided a substantial part of a carrier's asset structure, and a source of loan collateral.

Because of trucking deregulation, provided by the Motor Carrier Act of 1980, truck route operating rights issued by the ICC became virtually worthless. The tax rules applicable to loss of value of a Government license because of deregulation were not entirely clear in 1981. As a result, in 1981 Congress approved legislation allowing trucking companies to deduct over a 5-year period their basis in the operating rights.

The bill I am introducing today provides the same treatment for bus operating rights. In 1982, the President signed into law the Bus Regulatory Reform Act of 1982, which deregulated intercity buses. This important deregulation bill allows intercity bus companies to enter routes, expand routes, drop routes, and change routes without Federal barriers. Prior to bus deregulation, bus operators were required to acquire route operating rights prior to providing service on a particular route. Issuance of bus operating authorities was highly restricted. As with motor carrier operating rights, bus operating rights were bought and sold for significant sums, used as collateral for loans, and constituted an important part of the capital costs of the company.

The Bus Regulatory Reform Act changed that. By allowing virtually free entry of bus companies into routes of their choice, the existing route operating rights became virtually worthless.

The bill I am introducing today applies to owners of bus operating rights as of November 19, 1982—or persons who acquired the rights after that date as a result of a binding contract in effect on November 19, 1982—the date bus deregulation was signed into law by the president. It allows the owner of the operating rights to deduct ratably over 60 months its adjusted basis in the bus operating authority. The bill requires proper adjustment to the carrier's basis in the operating authority. The bill also contains provisions assuring comparable treatment for noncorporate carriers, comparable to provisions applicable to motor carriers contained in the Technical Corrections Act of 1982.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR BUS OPERATING AUTHORITY.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1954, in computing the taxable income of a taxpayer who, on November 19, 1982, held one or more bus operating authorities, an amount equal to the aggregate adjusted basis of all bus operating authorities held by

the taxpayer on November 19, 1982, or acquired subsequent thereto pursuant to a binding contract in effect on November 19, 1982, shall be allowed as a deduction ratably over a period of 60 months. Such 60-month period shall begin with the later of the month of November 1982 or the month in which acquired, or, if later, at the election of the taxpayer, the first month of the taxpayer's first taxable year beginning after November 19, 1982.

(b) DEFINITION OF BUS OPERATING AUTHORITY.—For purposes of this section, the term "bus operating authority" means—

(1) a certificate or permit held by a motor common or contract carrier of passengers and issued pursuant to subchapter II of chapter 109 of title 49 of the United States Code, and

(2) a certificate or permit held by a motor carrier authorizing the transportation of passengers, as a common carrier, over regular routes in intrastate commerce, and issued by the appropriate State agency.

* * * * *

(d) SPECIAL RULES.—

(1) ADJUSTED BASIS.—For purposes of the Internal Revenue Code of 1954, proper adjustments shall be made in the adjusted basis of any bus operating authority for the amounts allowable as a deduction under this section.

(2) CERTAIN STOCK ACQUISITIONS.—

(A) IN GENERAL.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which a corporation—

(i) on or before November 19, 1982 (or after such date pursuant to a binding contract in effect on such date), acquired stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) would have been able to allocate to the basis of such authority that portion of the acquiring corporation's cost basis in such stock attributable to such authority if the acquiring corporation had received such authority in the liquidation of the acquired corporation immediately following such acquisition and such allocation would have been proper under section 334(b)(2) of such Code,

the holder of the authority may, for purposes of this section, allocate a portion of the basis of the acquiring corporation in the stock of the acquired corporation to the basis of such authority in such manner as the Secretary may prescribe in such regulations. The preceding sentence shall not apply if an election under section 338 of such Code is in effect with respect to the corporation described in clause (i):

(B) TREATMENT OF CERTAIN NONCORPORATE TAXPAYERS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which—

(i) a noncorporate taxpayer or group of noncorporate taxpayers on or before November 19, 1982, acquired in one purchase stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) the acquisition referred to in clause (i) would have satisfied the requirements of subparagraph (A) if the stock had been acquired by a corporation,

then, for purposes of subparagraphs (A) and (C), the noncorporate taxpayer or group of noncorporate taxpayers referred to in clause (i) shall be treated as a corporation. The preceding sentence shall apply only if such noncorporate taxpayer (or group of noncorportate taxpayers) on November 19, 1982, held stock constituting control (within the meaning of section 368(c) of the Internal Revenue Code of 1954) of the corporation holding (directly or indirectly) the bus operating authority.

(C) ADJUSTMENT TO BASIS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, proper adjustment shall be made to the basis of the stock or other assets in the manner provided by such regulations to take into account any allocation under subparagraph (A).

(3) SECTION 381 OF THE INTERNAL REVENUE CODE OF 1954 TO APPLY.—For purposes of section 381 of the Internal Revenue Code of 1954, any item described in this section shall be treated as an item described in subsection (c) of such section 381.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years ending after November 18, 1982.●

By Mr. ROTH (by request):

S. 1657. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Governmental Affairs.

REORGANIZATION ACT AMENDMENTS

● Mr. ROTH. Mr. President, I am introducing, by request, proposed legislation entitled the "Reorganization Act Amendments of 1985." This bill extends through December 31, 1988, the President's authority to submit to Congress reorganization plans making organization changes in the executive branch. The authority, which expired in April 1981, was renewed last year for only 2 months and expired again on December 31, 1984.

Since 1939, every President except one has been authorized to submit reorganization plans to Congress for review and approval. This reorganization authority provides an expedited process for consideration by the Congress of reorganization plans submitted by the President. During periods when this reorganization authority is not in effect, the President is required to follow the traditional legislative process in order to make even minor changes in entities or functions which have been established by legislation.

The last time a President had reorganization authority for an extended time was the 3-year period provided by the Reorganization Act of 1977, which was later extended a year but finally expired in April 1981. Under this authority, President Carter submitted 10 reorganization plans, all of which were accepted by Congress. Late last year the Congress amended the 1977 act to grant the President a 2-month extension of the reorganization authority until December 31, 1984. The President submitted no new reorganization plans during this brief period.

The 1984 amendments, however, made several changes to the congressional process established by the 1977 act, the most notable being the requirement for a joint resolution of approval in order for a plan to go into effect. The 1977 act provided for a one-House veto of proposed plans, a procedure invalidated by the Chadha decision.

The 1984 amendments also extended the time allowed for consideration of a reorganization plan from 60 to 90 days and prohibited the President, through a reorganization plan, from either renaming an executive department or creating a new agency outside of an already existing executive department or independent agency. In addition, the President was required to include in the message accompanying each plan a section providing the Congress essential information on when and how the plan would be implemented.

Thus, the Congress has set the stage for enactment of a simple extension of the reorganization authority provided by the bill I am introducing today. The legislation is part of the administration's management legislation initiatives that the President submitted to the Congress on July 31, 1985.

President Reagan, like his predecessors, recognizes the importance of this time-tested management tool in bringing about desirable organization change in the executive branch. Extending the reorganization authority for 4 years will facilitate this administration's ongoing effort to reduce cost and improve the efficiency of the Federal Government.

I urge that the Senate give this proposal its prompt and favorable consideration.●

By Mr. ROTH (for himself and Mr. COCHRAN) (by request):

S. 1658. A bill to amend the Debt Collection Act to permit the Attorney General to retain private counsel for the litigation of select debt collection cases; to the Committee on Governmental Affairs.

DEBT COLLECTION ACT AMENDMENTS

● Mr. ROTH. Mr. President, today Senator COCHRAN and I are introducing, by request, legislation entitled the Debt Collection Act Amendments of 1985. This legislation is part of a package of eight bills which comprise the administration's antifraud enforcement initiative, designed to greatly strengthen the Federal Government's ability to detect and prosecute fraud.

An important element in the Government's campaign to prevent waste, fraud, and abuse in Federal programs is the ability to recover debts owed to the United States. The Debt Collection Act Amendments of 1985 are designed to enhance the Federal Government's efforts to collect these debts by permitting the Attorney General to retain private sector counsel to aid in the prosecution of such cases.

The amount of delinquent debt owed to the United States is staggering. The Office of Management and Budget has reported that $19.9 billion in nontax delinquent debts are owed to the United States; $6.2 billion of this amount is more than 6 years overdue. Our failure to recover these amounts on a timely basis seriously impairs the Government's chances of ever collecting. We cannot continue to permit these debts to go uncollected with annual deficits of $200 billion and a national debt of $2 trillion. We must recover every cent that is owed to the United States from those who have the ability to pay those debts.

The Congress took a major step to strengthen debt collection when it enacted the Debt Collection Act of 1982, legislation reported by the Government Affairs Committee which I chair. This legislation permitted the Federal Government to charge interest and penalties on delinquent debt, to offset the wages of Federal employees having delinquent debt, to report delinquent debtors to credit bureaus to affect credit ratings, and to contract with private collection agencies to pursue recovery. Now the administration has called for further action to enhance our ability to litigate these delinquent debt cases when all other recovery efforts have failed.

The Department of Justice is generally responsible for conducting the Government's litigation, and agencies are required to refer litigable claims of $600 or more to the Department of Justice for legal action, including Federal debt collection cases. The Department, through its U.S. attorney offices around the country, now must respond to the substantial debt caseload, but its staff and resources are limited and must be committed to the more important civil, violent criminal and narcotics trafficking cases also pending. In September 1984, more than 124,000 debt cases were pending at the Department.

The bill I am introducing today would provide outside assistance to aggressively litigate these unpaid debt cases. It would extend the resources of the Department of Justice by permitting the Attorney General to retain private sector counsel to aid in the prosecution of these cases and to contract for such services under the terms and conditions he deems necessary and appropriate, including the amount of or method for calculating the fee to be paid. It is anticipated, however, that such fee will be paid as a percentage of the amount successfully collected. Thus no appropriations are required for implementation.

To facilitate prompt implementation of the act, the Attorney General's decisions on the law firms to be retained would not be subject to judicial review in any court; and the ordinary statutes and regulations governing contract awards, including the Contract Disputes Act, would not apply to such decisions. This is intended to assure that the choice of counsel is not delayed by litigation brought by disappointed bidders.

To ensure that cases are promptly referred to private sector counsel, the Federal creditor agency would be permitted to refer cases directly to the law firm approved by the Department of Justice without having to route the case through the Department. Further, so that the Federal Government retains ultimate control and supervision over the litigation of these cases, provision is made for the withdrawal of a claim from private counsel or the termination of a contract with private counsel if the Attorney General finds such action to be in the public interest.

Finally, private counsel retained under the act would be required to report to the Department of Justice periodically on their progress and be subject to the Fair Debt Collection Practices Act. I would add that the use of private sector counsel is intended to supplement, not supplant other agency collection efforts on using private collection agencies.

Similar legislation was sponsored in the last Congress by Senator ALFONSE D'AMATO. When the Governmental Affairs Subcommittee on Energy, Nuclear Proliferation, and Government Processes considered this issue in the 98th Congress, testimony indicated that it was critical to effective debt collection that debtors know that ultimately they will be sued if they do not repay their loans. Unfortunately, many debtors today refuse to meet their debt obligations, confident that they will never be legally pursued by the Government.

This legislation, S. 1668, passed the Senate in July 1984 but no further action was taken. Senator D'AMATO introduced the same bill (S. 209) earlier this year. The Subcommittee on Energy, Nuclear Proliferation, and Government Processes will be holding a hearing on the D'Amato bill late this month at which time the bill I am introducing today will also be considered.

Mr. President, the efficient and effective management of Government is one of the primary concerns of the members of the Governmental Affairs Committee. Therefore, we welcome the administration's initiative and look forward to working together to further improve the debt collection process. I ask unanimous consent that the bill and a section-by-section analysis of it be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Debt Collection Act Amendments of 1985."

SEC. 101. Section 3718 of Title 31, United States Code, is amended—

(1) in subsection (b), by inserting "or (e)" after "subsection (a)";

(2) by inserting the following new subsection:

"(e)(1) The Attorney General may make contracts retaining private counsel to furnish collection services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee. The provisions of the Federal Property and Administrative Services Act of 1949 (FPASA), 40 U.S.C. § 471 *et seq.*, the Contract Disputes Act of 1978 (CDA), 41 U.S.C. § 601 *et seq.*, and the Federal Acquisition Regulations (FAR) shall not apply to contracts entered into between the Attorney General and private counsel pursuant to this section. In entering into such contracts retaining private counsel to furnish collection services, the Attorney General shall have discretion to determine with whom he wishes to contract. The Attorney General's decision to contract with any individual shall be unreviewable in any court or administrative body, state or federal.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547(2) of Title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with collection services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract at any time and for any reason whatsoever, such decision to terminate being placed within the discretion of the Attorney General. The Attorney General's decision to terminate a contract with a private counsel shall not be subject to review by any court or administrative agency, state or federal;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision requiring the private counsel to transmit periodically to the Attorney General and the head of the executive of legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the reporting period and the progress made during the reporting period in collecting the claim under the contract; and

"(D) a provision allowing the Attorney General, or his delegate, to resolve any dispute between the agency and the private counsel arising out of such contract. The Attorney General's decision with respect to such dispute shall not be subject to review by any court or administrative body, state or federal.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing collection services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act."

SEC. 102. Section 3719 of Title 31, United States Codes, is amended by adding after (a)(1)(F) the following new subsection:

"(G) the number and total amount of claims referred to private lawyers under contract to furnish collection services and the total number of claims and the total amount collected."

DEBT COLLECTION ACT AMENDMENTS—SECTION-BY-SECTION ANALYSIS

This title amends the Debt Collection Act, 31 U.S.C. 3718, to permit the Attorney General to retain private counsel for the litigation of select debt collection cases.

Section 101 grants the Attorney General this new authority by adding a new subsection (e) to section 3718. Subparagraph (A) of that subsection vests the Attorney General with the authority to make contracts with private counsel to litigate debt collection cases. Such contracts shall contain such terms as the Attorney General feels are necessary, including provision for the payment of a fee. It is envisioned that the private counsel will be paid a percentage of the amount it succeeds in collecting.

The Attorney General's decision as to which law firm, or firms, to retain shall not be subject to judicial review in any court and the ordinary statutes and regulations governing contract awards, including the Contract Disputes Act, shall not apply to such decisions. This will facilitate the prompt implementation of this new authority, ensuring that the choice of counsel is not delayed by litigation brought by disappointed bidders.

Subparagraph (2) provides that the head of any agency may refer cases directly to such private counsel as the Attorney General has retained. It is envisioned that once the Attorney General has retained a particular law firm to litigate a particular class of debt cases in a certain district, the client agency may refer such cases directly to such law firm and need not route the cases through the Department of Justice.

Subparagraph (3) simply provides that notwithstanding the current statute giving the Attorney General plenary authority to represent the United States in litigation, 28 U.S.C. 516, 518(b) and 519, a private counsel may represent the United States these types of debt collection cases.

Subparagraph (4) sets forth the terms which the Attorney General may include in any such contract. Subparagraph (4)(A) permits the Attorney General to terminate a contract with any private counsel at any time and for any reason whatsoever. This decision shall not be subject to judicial review. Subparagraph (4)(B) permits the Attorney General to withdraw a claim from private counsel and litigate it directly when he finds such action to be in the public interest.

Under subparagraph (4)(C), the Attorney General may require periodic reporting by the private counsel. Finally, under subparagraph (4)(D), the Attorney General shall be authorized to resolve any dispute which may arise between the client agency and the private counsel.

Subparagraph (5) provides that a private counsel retained pursuant to this authority shall be considered a debt collector for purposes of the Fair Debt Collection Practices Act, 15 U.S.C. 1692a(6), and so shall provide the procedural protections and safeguards which that law requires.

Section 102 of the bill amends the existing reporting requirement in the Debt Collection Act to require agencies that utilize private counsel to report on the number of claims referred and the total amount collected.●

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1659. A bill to provide for the termination of ocean dumping of sewage sludge, to establish user fees under the ocean dumping permit program, and for other purposes; to the Committee on Environment and Public Works.

OCEAN DUMPING AMENDMENTS

● Mr. ROTH. Mr. President, today I am introducing legislation for myself and as a cosponsor my distinguished colleague from Delaware [Mr. BIDEN]. The legislation would amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended.

I feel that we must end the use of our Nation's coastal and ocean waters as sewage waste dumpsite. Even though many communities have made as serious effort to develop safe and efficient land-based disposal alternatives, I am disgusted that I must continue to argue against ocean dumping. I am here because several municipalities are still dumping sewage sludge at the 12-mile sewage sludge dumpsite in the North Atlantic.

Mr. President, on April 1, 1985, the EPA announced the denial of petitions filed by the nine municipal sludge dumpers for redesignation of the 12-mile site. The EPA requested that all municipal sludge dumpers submit schedules for achieving 100 percent phaseout of the 12-mile site, and to begin shifting their dumping operations from the 12-mile site to the deepwater municipal sewage sludge site [DMSDS], also known as the 106-mile site. All communities have complied with these EPA requests.

Mr. President, we in Delaware believe that the ocean disposal of harmful wastes should end once and for all. We must insure the preservation of our valuable marine resources. Although the intent of EPA's action is a good one and I support it wholeheartedly, I feel it does not go quick and far enough. The EPA allows communities to continue dumping of sludge until an alternative can be found to accommodate these wastes. What have these communities been doing since 1981 when we believed all dumping would cease? The EPA was sued by a dumper, lost the case, and failed to appeal a decision that was considered erroneous by many, and now, the phaseout of ocean dumping has been extended until 1987, to allow the communities time to construct ocean-dumping barges.

Mr. President, this whole issue keeps dragging out and dragging out. I do not want to see any slipping, there should be no need for that.

I urge all communities to work together and to develop policies and practices that can solve this problem, as our neighbors to the North in Pennsylvania and some parts of New Jersey have developed alternative uses for this practice. Worldwide, we are assisting developing nations to adopt technologies which exploit wastes for use as a fuel in rural areas, but nationally, we are still dumping sewage sludge in the ocean. Mr. President, we must develop initiatives that will allow these alternatives to become common practice in our Nation. My bill provides for these initiatives.

The Ocean Dumping Amendments of 1985 would prohibit the dumping of harmful sewage sludge after 18 months after the date of the enactment of the bill. In addition, no sewage sludge may be dumped after December 31, 1990, nor may any municipality that at the present time does not participate in the ocean dumping of sewage sludge be permitted to do so. The act would also establish a user fee system under the ocean-dumping law, and would prevent the use of funds authorized under any provision of Federal law to be used to finance the construction or operation of an incineration ship.

Mr. President, my bill is not a complicated or unreasonable measure. It provides an incentive to all communities to take a serious look at responsible land disposal alternatives, and to make good-faith efforts at cleaning up sewage sludges and elimination of the ocean-dumping option. We must change our ways of disposing of these wastes. We cannot continue to use the ocean as a waste dumpsite.●

● Mr. BIDEN. Mr. President, I am pleased to join my distinguished senior colleague from Delaware [Senator ROTH] in introducing a bill addressing the problem of the dumping of municipal and other wastes into the ocean for disposal.

We have been fighting this practice for several years and, quite frankly, thought we had it under control when, in 1977, Congress passed an amendment to the Marine Protection, Research and Sanctuaries Act, more commonly and easily called the Ocean Dumping Act. The amendment was supposed to halt the dumping of sewage sludge which degrades the environment or endangers human or marine life by the end of 1981.

At the time of the passage of the amendment, more than 250 communities disposed of their sewage wastes by hauling them out to sea and pushing them overboard. By 1981, over 240 of the towns and cities which used this means had switched to other practices. Unfortunately, the ones that remained were big dumpers; in fact, during the expected phaseout period, the total amount of sludge that was dumped in the ocean actually increased from 4.6 million wet tons to 7.6 million wet tons.

With the deadline to end ocean dumping approaching, the remaining communities went to court to keep the barges sailing. Unfortunately, the dumpers won the first round in court, and the Environmental Protection Agency, dropping its longstanding commitment to end ocean dumping, failed to appeal the decision. In effect, the EPA ran away from the clear congressional intention on ocean dumping, and instead allowed continued dumping and even went so far as to look for additional sites to designate for the dumpers. That is where we stand today, and why I have joined Senator ROTH in introducing this bill.

Mr. President, you will notice that the bill itself is very short and to the point. I believe it makes clear what Congress intended to see achieved by passing the 1977 amendment—the end to harmful ocean dumping.

As my senior colleague has stated, the bill addresses five issues. First, the dumping of harmful sewage sludge in the ocean would be prohibited 18 months after enactment of the bill.

Second, all sewage sludge dumping will be banned after 1990. The 4-year phase out period provides current ocean dumpers with the opportunity to carefully review their options in using other disposal methods and develop them to the extent that when the 1990 deadline approaches they will not be forced to turn to the courts again for emergency relief action.

Third, user fees would be imposed on ocean-dumping operations to recover the Federal costs related to their activities, such as the designation of sites, ensuring the compliance with permit terms, and environmental monitoring of the dumpsite.

Fourth, new ocean-dumping permits cannot be issued. Communities that do not now use ocean dumping as a means of disposal would not be allowed to start operations in the interim, before the bans on harmful sludge dumping or all sewage sludge dumping, take effect.

Finally, funds authorized under the Ocean Dumping Act cannot be used to pay for the costs of ocean-dumping operations.

I would also like to point out an additional clause which bans the use of Federal funds for the construction or operation of incinerator vessels until final rules regulating their activities are adopted. Although this would seem to make sense to my colleagues, the Maritime Administration has extended loan guarantees to a company for the construction of two ocean incineration vessels, even though there is no assurance that the designs the vessels used will prove to be acceptable under the final ocean incineration rules adopted by the EPA. This amendment makes sure that additional vessels will not be built at taxpayer expense until it becomes clearer what standards these vessels are expected to meet, or if there will be a market for their services.

Mr. President, I must make clear my disappointment that we even have a need for this bill at this time. I believe alternatives to the dumping of wastes in the vulnerable waters of our oceans should have been given serious consideration by current dumpers years ago. All but 8 of the 250 municipalities which were dumping in 1977, found practical alternatives by the end of 1981.

I find the argument that the oceans are the only place for the disposal of municipal wastes to be shortsighted and irresponsible. Shortsighted, because there should be no doubt that the oceans are not a bottomless pit which can absorb everything thrown into it. Irresponsible, because it would be impossible to correct damage that would result from continued ocean dumping.

Mr. President, near the end of the 98th Congress, I considered offering the Ocean Dumping Act Amendments of 1984, as approved unanimously by the House, as an amendment to legislation pending at that time. However, I recognized that in the crunch at the end of the session, opponents would have been able to effectively kill it by discussing its provisions at length, and instead accepted the assurances of the chairman of the Environmental Protection Subcommittee that this issue would receive a high priority during the 99th Congress.

The House appears ready, once again, to pass its version of the Ocean Dumping Act reauthorization. I am pleased by the increased attention the Senate Environment and Public Works Committee has given to this issue during this session, and I look forward to further progress toward reporting a bill to the Senate.

I hope the committee will take the bill my colleague and I have introduced into consideration as the reauthorization bill is developed, and we can move closer to the day in which the intention of Congress expressed by the 1977 amendment actually comes about.

Mr. President, I do not wish to repeat all the statements made by my colleague from Delaware. Suffice it to say that we find—all Delawareans find unacceptable, and vehemently oppose the EPA's acquiescence to the sludge dumpers over the last 3 years. We will continue to work together to get harmful sludges out of the oceans and to stop the EPA's practice for looking for the most convenient out-of-sight-out-of-mind solution to difficult problems.●

By Mr. DENTON (for himself, Mr. THURMOND, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. DECONCINI, Mr. FORD, Mr. GRAMM, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. SYMMS, and Mr. EXON):

S. 1660. A bill to grant a Federal charter to the Confederate Memorial Association; to the Committee on the Judiciary.

FEDERAL CHARTER TO THE CONFEDERATE MEMORIAL ASSOCIATION

● Mr. DENTON. Mr. President, I rise today to introduce legislation to grant the Confederate Memorial Association a Federal charter, thereby providing the organization with the congressional recognition it so well deserves.

Mr. President, the War Between the States represents a part of our rich heritage which should be remembered by all Americans. One organization which has worked to preserve this part of our national heritage is the Confederate Memorial Association.

The association was organized and incorporated under the laws of the District of Columbia in 1907, and functions as the umbrella organization representing all manner of Confederate historical and curatorial organizations. Organizational support comes from, among others, the Sons of Confederate Veterans, the United Daughters of the Confederacy and the Children of the Confederacy. Membership of the United Daughters of the Confederacy is 27,829 members, with 783 chapters in 31 States, and members in all 50 States; the membership of the Sons of Confederate Veterans is 8,157, with 171 camps in 22 States, and members in all 50 States; and the membership of the Children of the Confederacy is 24,311 members, with 237 chapters in 14 States, and members in all 50 States. The association is open to membership without regard to race, color, religion, regional or national origin.

The noble objectives of the association include a continuing commitment, on a national basis, to:

First, perpetuate southern culture and history, including the memory of the patriotic deeds of the men and women of the Southern States (soldiers and civilians) during the War Between the States from 1861 to 1865;

Second, maintain the Confederate Memorial Hall, the centerpiece of the

association's public purpose, and the only shrine to the Confederacy in the Nation's Capital;

Third, preserve and maintain the Confederate Memorial Hall as a public historical library and a museum gallery of historical relics and memorabilia commemorating southern history and culture;

Fourth, encourage the preservation of historic sites and the construction and preservation of buildings, halls, and monuments commemorating southern culture and history;

Fifth, preserve and promote the education of the history of the war and of southern culture and history generally;

Sixth, participate, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interest.

The Confederate Memorial Association is an organization that merits the recognition of the Congress, recognition which has previously been extended to five War Between the States era organizations recognizing individuals of northern heritage—that is, the Grand Army of the Republic; the Ladies of the Grand Army of the Republic; the Legion of Valor of the United States of America, Inc.; the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic; and the Sons of Union Veterans of the Civil War.

Mr. President, I believe that it would be appropriate for the Congress to grant a Federal charter to this organization. Recognition of the Confederate Memorial Association will represent an important step forward in the preservation of our common American heritage and history. The bill is currently cosponsored by Members of this body and I urge my remaining colleagues to support the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Confederate Memorial Association, organized and incorporated under the laws of the District of Columbia in 1907 is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Confederate Memorial Association (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and, more broadly, shall include a continuing commitment, on a national basis, to—

(1) perpetuate southern culture and history, including the memory of the patriotic deeds of the men and women of the Southern States (soldiers and civilians) during the War between the States from 1861 to 1865;

(2) maintain the Confederate Memorial Hall, the centerpiece of the corporation's public purpose, and the only shrine to the Confederacy in the Nation's Capitol;

(3) preserve and maintain the Confederate Memorial Hall as a public historical library and a museum gallery of historical relics and memorabilia commemorating southern history and culture;

(4) encourage the preservation of historic sites and the construction and preservation of buildings, halls, and monuments commemorating southern culture, and history;

(5) preserve and promote the education of the history of the war and of southern culture and history generally;

(6) participate, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interests.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(71) The Confederate Memorial Association".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.●

By Mr. HATCH:

S.J. Res. 202. A joint resolution designating November 1985 as "American Liver Foundation National Liver Awareness Month"; to the Committee on the Judiciary.

AMERICAN LIVER FOUNDATION NATIONAL LIVER AWARENESS MONTH

Mr. HATCH. Mr. President, today I introduce the American Liver Foundation National Liver Awareness Month resolution.

Liver diseases are the fourth national leading cause of death in the United States between the ages of 15 and 65. Over 100 known liver diseases affect 25 million Americans and claim 50,000 lives each year. Many of the most serious liver diseases could be prevented if the public were better informed about the importance of the liver, its functions and the serious damage that can be caused by virus, environmental pollutants, drugs, alcohol, and inborn abnormalities.

Liver transplants are the only known treatment for many liver diseases, yet the lack of organ donors, especially for babies and small children, will mean that more children will die than will receive liver transplants. Generating public support for increased research to supplement funding by the National Institutes of Health can only be accomplished if the public is informed of the needs. The American Liver Foundation is the major national voluntary organization dedicated to educating the public about liver diseases, their prevention, and finding cures for the full array of these diseases that attack the young and old alike.

Congressional enactment of this resolution and a Presidential proclamation declaring November 1985 as the American Liver Foundation National Liver Awareness Month, will focus national attention on these insidious diseases that put untold suffering and an estimated $10 billion economic burden to our Nation. I am hopeful that all of my colleagues in the Senate will join me in supporting this awareness resolution.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, and Mr. COCHRAN):

S.J. Res. 203. Joint resolution designating November 6, 1985, as "Ignacy Jan Paderewski Day"; to the Committee on the Judiciary.

IGNACY JAN PADEREWSKI DAY

● Mr. MURKOWSKI. Mr. President, today I am introducing a joint resolution to designate November 6, 1985 as "Ignacy Jan Paderewski Day." I join with Representative SIKORSKI in offering this joint resolution to honor the great musician and Polish patriot, Ignacy Jan Paderewski on the 125th anniversary of his birth.

Paderewski's life was marked by extraordinary success in both the arts of music and diplomacy. He first rose to international acclaim as a concert pianist, and was noted for his stirring performances. Paderewski toured throughout Europe and the United States and was considered the world's foremost pianist of his time.

The artist's accomplishments did not end with his musical career, however. He was also an active statesman whose diplomacy led to the creation of a geographic Poland after World War I. During that war he helped raise an army of 27,000 Polish citizens to fight alongside U.S. forces. Through his skillful diplomacy, Paderewski gained the support of President Woodrow Wilson who included the establishment of an independent Poland with access to the sea in his famous Fourteen Points. When the war ended, Paderewski was asked by the allies to head up Poland's first sovereign government.

Upon Paderewski's death in 1941, President Franklin Roosevelt recognized his accomplishments by allowing his remains to be temporarily buried in Arlington cemetery until Poland is once again free. He was named an honorary member of the American Legion, and was the only foreign civilian ever to receive that distinction. I urge my colleagues to join with Representative SIKORSKI, Senator COCHRAN, Senator INOUYE and me in cosponsoring this joint resolution to honor a truly exceptional man in the history of art and diplomacy.●

ADDITIONAL COSPONSORS

S. 259

At the request of Mr. DANFORTH, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 259, a bill to protect the public interest in stable relationships among communities, professional sports teams and leagues and in the successful operation of such teams in communities throughout the Nation, and for other purposes.

S. 274

At the request of Mr. DENTON, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 727

At the request of Mr. HEINZ, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 727, a bill to clarify the application of the Public Utility Holding Company Act of 1935 to encourage cogeneration activities by gas utility holding company systems.

S. 827

At the request of Mrs. HAWKINS, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 1033

At the request of Mr. KERRY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1033, a bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a veterans' computerized job bank program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes.

S. 1062

At the request of Mr. PRESSLER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1062, a bill to amend chapter 73 of title 38, United States Code, to establish a program to require comprehensive research on, studies of, and a review of the professional literature on potential physiological and psychological health problems affecting Vietnam veterans, and to require training for Veterans' Administration personnel in counseling, screening, testing, evaluation, treatment, therapy, readjustment, and rehabilitation relating to the unique medical and psychosocial needs of Vietnam veterans, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1296

At the request of Mr. MATHIAS, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1296, a bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language.

S. 1509

At the request of Mr. CRANSTON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1509, a bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance under the All-Volunteer Force Educational Assistance Program for pursuit of a program of education by correspondence.

S. 1569

At the request of Mr. MITCHELL, his name was added as a cosponsor of S. 1569, a bill to amend title XVIII of the Public Health Service Act to encourage health promotion and disease prevention through the implementation

of a coordinated national nutrition monitoring system.

S. 1629

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1629, a bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations.

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1654, a bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases.

SENATE JOINT RESOLUTION 149

At the request of Mr. DIXON, the names of the Senator from Connecticut [Mr. WEICKER], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of September 15, 1985 through September 21, 1985, as "National Dental Hygiene Week."

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 181

At the request of Mrs. HAWKINS, the names of the Senator from Idaho [Mr. MCCLURE] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. BYRD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week."

SENATE JOINT RESOLUTION 194

At the request of Mr. METZENBAUM, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from South Dakota [Mr. ABDNOR], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. EAST], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. SIMON], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. MELCHER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Montana [Mr. BAUCUS], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Massachusetts [Mr. KERRY], the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Lousiiana [Mr. JOHNSTON], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 194, a joint resolution to designate the week beginning October 1, 1985, as "National Buy American Week."

SENATE JOINT RESOLUTION 198

At the request of Mr. MATHIAS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 66—REGARDING PROCUREMENT OF THE NEW U.S. WEATHER RADAR SYSTEM

Mr. GORE submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 66

Whereas weather radar systems currently operated by civil and military agencies are based on 1950's technology, are rapidly deteriorating, are increasingly costly to maintain, are man-intensive, and do not provide an adequate level of warning;

Whereas severe weather disturbances in the United States disrupt the economy through serious impacts on transportation, agriculture, defense, and industry, and cause an average annual economic loss of $20,000,000,000 and an average annual loss of life approaching one thousand;

Whereas experimental weather radar systems using new technology have proven exceptionally valuable in detecting, monitoring, and giving early warning of severe storms, flash floods, and other life-threatening natural hazards, on a local, statewide, and national basis;

Whereas an advanced weather radar system is now being developed, using the new technology, which will reduce significantly the loss of life and properly associated with severe weather;

Whereas the Nexrad requirements of the involved Federal agencies represent a hard-won consensus of the system capabilities required to protect public safety and national security;

Whereas these requirements have formed the basis over the past five years for development of integrated prototype Nexrad radar systems by the United States private sector;

Whereas Nexrad technologies have demonstrated the capability to detect windshear, a major cause of aviation fatalities, and the deployment of Nexrad would greatly increase the safety of the flying public;

Whereas since 1979 the Nexrad procurement has been guided by the Office of Management and Budget's circular A-109, which is aimed at maximizing private sector competition and minimizing waste in large Federal procurements;

Whereas the A-109 process has led to free and open competition for Nexrad development by any company capable of meeting the system requirements at the lowest cost;

Whereas the Nexrad program to date has kept on schedule, led to enhanced interagency cooperation, and decreased estimated lifecycle costs;

Whereas further delays in procuring this next-generation weather radar system [Nexrad] will increase both costs and risks to the public safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that procurement of the new United States weather radar system, Nexrad, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense.

SENATE RESOLUTION 223—REGARDING AUTOMOBILE CARRIERS

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 223

Whereas United States vehicle imports from Japan, which had previously been limited by the revised voluntary restraint program, were running at 1.85 million units a year;

Whereas with the lifting of the automobile quota, these imports are now projected to increase to at least 2.3 million units this year, or 21.5 percent of the entire United States automobile market;

Whereas the United States is by far the largest single vehicle market for Japan;

Whereas Japanese commercial interests currently control over two-thirds of the world's car carrier fleet and account for more than two-thirds of all worldwide vehicular movements;

Whereas of the total number of ships carrying vehicles from Japan to the United States, one-third are Japanese flag vessels, two-thirds are flag of convenience vessles either owned or controlled by Japanese firms, and none are United States flag vessels;

Whereas United States flag vessel operating costs are competitive with Japanese flag vessel operating costs on a voyage-by-voyage or any other comparative basis;

Whereas Japanese flag vessel costs are actually greater than those of flag of convenience ship operators;

Whereas Japan's dominance of seaborne vehicle transportation is thus not a result of a competitive advantage but is a direct result of commercial cargo preference practiced between Japanese vehicle manufacturers and the Japanese ship owners;

Whereas the Japanese Government has indicated that while all vehicle exports to the United States are transported on Japanese controlled ships, there is little the Government of Japan is willing to do to enable United States participation;

Whereas it is apparent that commercial considerations in the Japan/United States vehicle trade are secondary to the interests and policies which the Japanese Government has chosen to condone;

Whereas it is only fair that United States flag carriers be permitted to participate in this vehicle transportation industry since it is the billions of dollars paid by United States consumers that make this trade possible;

Whereas participation by United States flag carriers in this trade should be on the same terms as participation by Japanese flag carriers;

Whereas United States shipping companies stand willing to build their additional vehicle carriers in Japan so as to make their carrier operations cost competitive;

Whereas United States participation in the vehicle carrier trade would create additional jobs for United States merchant seamen;

Whereas the preference of a reasonable number of United States flag vehicle carriers and the maintenance of United States seafaring jobs is an important national security matter; and

Whereas participation by United States carriers in this vehicle trade would help to reduce the growing and troublesome trade deficit between the United States and Japan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately take action to initiate bilateral negotiations with the Japanese Government to open up the vehicle carrier trade between the United States and Japan to include participation by United States shipping firms in long-term, core vehicle transportation contracts; and

(2) the President should report to the Congress on the progress of such negotiations within 90 days after the date on which the Senate agrees to this resolution.

AMENDMENTS SUBMITTED

SUPERFUND IMPROVEMENT ACT

KASTEN (AND OTHERS) AMENDMENT NO. 635

Mr. STAFFORD (for Mr. KASTEN, for himself, Mr. DANFORTH, and Mr. HOLLINGS) proposed an amendment to amendment No. 633 proposed by Mr. STAFFORD (and Mr. BENTSEN) to the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; as follows:

Inserting "(c)" at the end of Section 402 and adding a new subsection as follows:

"(c) The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or purchasing group to provide coverage of any other line of insurance."

WEICKER AMENDMENT NO. 636

Mr. WEICKER proposed an amendment to the bill S. 51, supra; as follows:

S. 51 is amended by adding on page 84, before line 15, a new subsection as follows:

"(f) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1986, submit to the Committee on Environmental and Public Works of the U.S. Senate and the Committee on Energy and Commerce of the U.S. House of Representatives, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information:

(1) An estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

(2) An estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

(3) A statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

(4) Methods and alternatives available for reducing exposures of children to environmental sources of lead.

Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking System of the National Priorities List.

The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substances Response Fund."

SYMMS AMENDMENT NO. 637

Mr. SYMMS proposed an amendment to the bill S. 51, supra; as follows:

On page 124, line 16, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 125, line 20, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 10, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 13, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 18, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 135, line 21, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 155, between lines 14 and 15, insert the following:

"(3) LIMITATION ON AMOUNTS EXPENDED DURING ANY FISCAL YEAR.—The amounts expended from the Superfund shall not exceed—

"(A) $600,000,000 during fiscal year 1986,

"(B) $900,000,000 during fiscal year 1987,

"(C) $1,200,000,000 during fiscal year 1988,

"(D) $1,500,000,000 during fiscal year 1989, and

"(E) $1,500,000,000 during fiscal year 1990.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 638

Mr. LAUTENBERG (for himself, Mr. HUMPHERY, Mr. HEINZ, Mr. MOYNIHAN, Mr. BRADLEY, Mr. BYRD, Mr. ROCKEFELLER, and Mr. STAFFORD) proposed an amendment to the bill S. 51, supra; as follows:

On page 87, after line 16, insert the following and renumber succeeding sections accordingly:

Sec. . Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(d) Emergency Planning.—(1)(A) The President shall publish a list of extremely hazardous substances, taking into account the toxicity, reactivity, volatility, flammability, and usage of such substances. For the purposes of the preceding sentence, the term "toxicity" shall include any acute or chronic health effect which may result from an acute exposure to the substance. The President shall review, and modify as necessary, such list not less often than every two years. Such list shall identify each extremely hazardous substance and shall establish a quantity of each such substance which, if released at a facility, would likely pose an imminent and substantial endangerment to the public health or to the environment. Facilities that have present such a quantity of such a substance shall notify the Governor in accordance with paragraph (2)(A).

"(B) Within 30 days after enactment of the Superfund Improvement Act of 1985, the President shall publish an initial list of substances and quantities as described in subparagraph (A), which shall be the same as substances and quantities listed by the Council of the European Communities in its "Council Directive of June 24, 1982, on the Major Accident Hazards of Certain Industrial Activities, Annex III", published in the Offical Journal of the European Communities, August 5, 1982.

"(2)(A) Not later than 90 days after the date of enactment of the Superfund Improvement Act of 1985, or not later than 60 days after any revision of the list, each owner or operator of a facility (other than motor vehicles, rolling stock, or aircraft) that has present a quantity of a substance that requires notification under paragraph (1) shall notify the Governor of the State in which such facility is located that such facility is subject to the requirements of this subsection. The Governor may designate additional facilities that shall be subject to the provisions of this subsection.

"(B) Not later than 180 days after the date of enactment of the Superfund Improvement Act of 1985, the Governor of each State shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the Governor may designate existing political subdivisions or multijurisdictional planning organiza-

tions as such districts. In emergency planning areas that involve more than one State, the Governors of each potentially affected State may designate emergency planning districts and emergency planning committees by agreement. In making such designation, the Governor shall indicate which facilities designated under subparagraph (A) are within such emergency planning district.

"(C) Not later than 210 days after such date of enactment, the Governor shall appoint members of an emergency planning committee for each emergency planning district. Each Committee shall include representatives of the public, appropriate State and local organizations, and owners and operators of facilities designated under subparagraph (A). In making such appointments, the Governor shall consider persons who would be expected to play a major role in the event of a release of an extremely hazardous substance, such as elected officials, law enforcement and firefighting personnel, public health, medical, hospital, and environmental protection personnel, civil defense personnel, transportation officials, and representatives of broadcast and print media. Interested persons may petition the Governor to modify the membership of such committee. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

"(D) Each emergency planning committee shall complete preparation of emergency plans in accordance with this subsection not later than two years after such date of enactment. The committee shall review such plan at least annually, or as changed circumstances in the community or at any facility may require.

"(E) Each emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required, and the means for providing such additional resources.

"(F) Each emergency plan shall include (but is not limited to)—

"(i) identification of facilities designated pursuant to subparagraph (A) that are within the emergency planning district, and identification of routes likely to be used for the transportation of substances listed pursuant to subparagraph (A);

"(ii) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;

"(iii) designation of a community emergency coordinator and a facility emergency coordinator, who shall make determinations necessary to implement the plan;

"(iv) procedures providing reliable, effective, and timely notification by the facility emergency coordinator and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements under section 103(j),;

"(v) methods for determining the occurrence of a release, and the area or population likely to be affected by such release;

"(vi) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

"(vii) training programs, including schedules for training of local emergency response and medical personnel; and

"(viii) methods and schedules for exercising such plan. "(G) The owner or operator of each facility designated pursuant to subparagraph (A) shall—

"(1) within 210 days after such date of enactment, notify the emergency planning committee for the emergency planning district in which such facility is located that a facility representative will participate in the emergency planning process;

"(ii) promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur; and

"(iii) upon request from the emergency planning committee, promptly provide information to such committee necessary for developing and implementing the emergency plan.

"(H) The National Response Team shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than 150 days after such date of enactment.

"(I) The Regional Response Teams shall review and comment upon such emergency plans or other issues related to preparation, implementation, or excercise of such plan upon request of the emergency planning committee. Such review shall not delay implementation of such plans.

"(3) The President may order a facility owner or operator to comply with paragraph (2)(A) and (G) of this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.".

On age 58, after line 20, insert the following and renumber succeeding sections accordingly:

Sec. (a) Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following new subsections:

(i) MATERIAL SAFETY DATA SHEETS AND EMERGENCY INVENTORY.—(1) Each owner or operator of a facility at which a hazardous chemical is produced, used, or stored shall file a Material Safety Data Sheet and Emergency Inventory form, as published under paragraph (3) of ths subsection, not later than 180 days after enactment of the Superfund Improvement Act of 1985 for such hazardous chemical with the emergency planning committee established under section 105(d), for the area in which such facility is located and the Governor of the State in which the facility is located. In addition, the Emergency Inventory form shall be filed with the Environmental Protection Agency. If no emergency planning committee exists for the area in which a facility is located, the Governor of the State in which the facility is located shall designate appropriate area officials to receive the Material Safety Data Sheet and Emergency Inventory form. The Governor of the State in which a facility is located shall notify owners and operators of facilities required to comply with the provisions of this subsection.

"(2) Whenever a Material Safety Data Sheet is revised (as required under regulations under the Occupational Safety and Health Act of 1970) each such facility owner or operator shall file, as promptly as practicable, but not later than 90 days after such revision, the revised material safety data sheet. On an annual basis, or whenever a significant change occurs in the amount or presence of the hazardous chemical located at the facility, such owner or operator shall file a new Emergency Inventory form with the recipients designated in paragraph (1).

"(3) The President shall publish the Emergency Inventory form in the Federal Register within 90 days of the enactment of the Superfund Improvement Act of 1985. The Emergency Inventory form shall provide for an estimate of the maximum amounts of the hazardous chemical present at the facility at any time during the preceding calendar year (in ranges), a brief description of the use or storage of the hazardous chemical at such facility, and the location of the hazardous chemical at such facility.

"(4) The Material Safety Data Sheets and Emergency Inventory forms shall be made available by the emergency planning committee to the public upon request. If no emergency planning committee exists for the area in which the facility is located, the Material Safety Data Sheets and Emergency Inventory forms shall be made available to the public by the Governor of the State in which the facility is located upon request.

"(5) Nothing in this subsection shall be construed to limit the ability of any State or locality to require submission or distribution of information related to hazardous substances.

"(6) The President may establish quantities for hazardous chemicals below which no facility at which a hazardous chemical is produced, used, or stored shall be subject to the provisions of this subsection.

"(7) The President may order a facility owner or operator to comply with this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"(j) EMERGENCY NOTIFICATION.—(1) The owner or operator of any facility at which a release occurs in an amount requiring a report under subsection (a) shall immediately provide notice of such release to the community emergency coordinator for the emergency planning committees, established pursuant to subsection 105(d), for any area likely to be affected by the release and to the Governor of any State likely to be affected by the release. If an emergency plan prepared pursuant to section 105(d) does not exist, an operator shall instead provide notice to the emergency response authority of the affected jurisdictions.

"(2) Notice under paragraph (1) shall include (to the extent known at the time of the notice)—

"(A) the chemical name or identity of any hazardous substance involved in the release;

"(B) an estimate of the quantity of any such hazardous substance that was released into the environment;

"(C) the time and duration of the release;

"(D) the medium or media into which the release occurred;

"(E) the nature of the health or safety hazard posed by any substance released to the population as a whole and to sensitive populations, and the likely symptoms of exposure at different levels and types of exposure (unless such information is readily available to the emergency coordinator pursuant to the emergency plan);

"(F) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the emergency coordinator pursuant to the emergency plan); and

"(G) the name and telephone number of the person or persons to be contacted for further information.

"(3) As soon as practicable after a release to which this subsection applies, such owner or operator shall provide a followup notice (or notices, as more information becomes available) updating the information required under paragraph (2), and including additional information with respect to—

"(A) actions taken to respond to and contain the release;

"(B) any known or anticipated acute or chronic health risks associated with the release, and

"(C) where appropriate, advice regarding medical attention necessary for exposed individuals.".

"(b) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding at the end thereof the following new paragraphs:

"(35) 'hazardous chemical' means, for purposes of section 103(i), any substance which is treated as a 'hazardous chemical' pursuant to the Occupational Safety and Health Administration's hazard communication standard (codified in July 1985 to 29 CFR 1910.1200), except that the following substances shall not be treated as a 'hazardous chemical' for such purposes:

"(A) any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

"(B) any manufactured item that contains a hazardous chemical present as a solid which does not result in exposure to the hazardous chemical under normal conditions of use;

"(C) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

"(D) any substance to the extent it is used in a laboratory, hospital, or medical facility under the direct supervision of a technically qualified individual;

"(E) any substance to the extent it is used in routine agricultural operations; and;

"(F) any substance to the extent it is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 or the Natural Gas Pipeline Safety Act of 1968:

"(36) 'Material Safety Data Sheet' means a material safety data sheet developed for a hazardous chemical pursuant to the hazard communication regulations promulgated under the Occupational Safety and Health Act of 1940 (codified in July 1985 at 29 CFR 1910.1200).".

BAUCUS (AND OTHERS) AMENDMENT NO. 639

Mr. BAUCUS (for himself, Mr. STAFFORD, Mr. BENTSEN, and Mr. GLENN) proposed and amendment to the bill S. 51, supra; as follows:

Page 87, line 16, delete the closed quotations.

Page 87, after line 16, insert the following:

"(d)(1) This subsection applies to facilities—

"(A) which as of July 1, 1985, were not included on, or proposed for inclusion on, the National Priorities List; and

"(B) at which special study wastes described in sections 3001(b) (2)(B) or (3)(A) of the Solid Waste Disposal Act or any leachate from abandoned mine sites are present, including any such facility from which there has been a release of a special study waste or leachate, except that this subsection shall not apply to a facility which does not involve the presence of any such waste or leachate in any significant quantity.

"(2) Pending revision of the hazard ranking system under subsection (c), no facility to which this subsection applies may be added to the National Priorities List unless the Administrator makes the following specific findings, based on facility-specific data:

"(A) as to the status of studies by the Environmental Protection Agency on such waste under the Solid Waste Disposal Act and of regulation of such waste under subtitle C thereof;

"(B) as to the extent to which the hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility;

"(C) as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at, or release from, such facility, the extent of or potential for release of such hazardous constitutents, and the degree of risk to human health or the environment posed by the release of such hazardous constituents at such facility; *provided that*, the findings in this subparagraph shall be based on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility; and,

"(D) that based on the findings in subparagraph (C), the degree of risk to human health or the environment posed by such facility is equal to or greater than the risk posed by facilities at which no special study waste is present and which are proposed for inclusion on the National Priorities List.

A person may be subject to liability under sections 106 or 107 under this Act for any waste or release referred to in paragraph (1) of this subsection at any facility to which this subsection applies only if the specific findings required under this paragraph with respect to that facility have been made and such suit against such person supports each specific finding with appropriate facility-specific data. This paragraph shall not apply to any facility that is included on the National Priorities List pursuant to a hazard ranking system revised in accordance with subsection (c) so as to incorporate the factors identified in subparagraphs (C) and (D) of this paragraph.

"(3) Following the Administrator's completion of the applicable special waste study required under section 8002(f), (m), (n), (o), or (p) of the Solid Waste Disposal Act, and the determination required under section 3001(b)(3)(C), or, in the case of a special study described in section 3001(b)(2)(B), the authorization or regulations by Congress pursuant to section 3001(b)(2)(B)), of such Act, if a special study waste is not a hazardous waste listed under section 3001 of the Solid Waste Disposal Act, the waste stream, or one of the constituents thereof, may not be deemed to be a hazardous substance unless such waste, at the facility in question, has one of the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act.

"(4) Nothing in this subsection shall be construed to limit the authority of the Administrator to remove any facility which as of July 1, 1985, is included on the National Priorities List from such list, or not to list any facility which as of such date is proposed for inclusion on such list.

"(5) Nothing in this subsection shall be construed to limit the authority of the Administrator or the Attorney General from seeking abatement of an imminent and substantial endangerment under section 106(a).".

MITCHELL (AND OTHERS) AMENDMENT NO. 640

Mr. LAUTENBERG (for Mr. MITCHELL, for himself, Mr. LAUTENBERG, Mr. BRADLEY, Mr. BAUCUS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SPECTER, and Mr. HEINZ) proposed an amendment to the bill S. 51, supra; as follows:

On page 161, after line 14, add the following new title:

TITLE IV—INDOOR AIR QUALITY RESEARCH

SEC. 401. SHORT TITLE.—This title may be cited as the "Indoor Air Quality Research Act of 1985".

SEC. 402. FINDINGS.—The Congress finds that—

(1) indoor air exposures account for a significant portion of total human exposures to hazardous pollutants and contaminants in the environment;

(2) various scientific studies have suggested that indoor air pollution, including exposure to naturally occurring chemical elements such as radon, poses a significant public health and environmental risk;

(3) high levels of radon have been measured within structures throughout the country and within the Reading Prong;

(4) existing Federal indoor air quality research programs are fragmented and underfunded;

(5) the Environmental Protection Agency's programs on indoor air quality and radon have been hindered by a lack of clear statutory authority for conducting research on indoor air quality; and

(6) an adequate information base concerning potential indoor air quality problems, including exposure to radon, does not currently exist and should be developed by the Federal Government.

SEC. 403. INDOOR AIR QUALITY RESEARCH PROGRAM.

(a) DESIGN OF PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a research program with respect to indoor air quality, including radon. Such program shall be designed to—

(1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment;

(2) coordinate Federal, State, local, and private research and development efforts relating to the improvement of indoor air quality; and

(3) assess appropriate Federal government actions to mitigate the environmental and health risks associated with indoor air quality problems.

(b) PROGRAM REQUIREMENTS.—The research program required under this section shall include—

(1) research and development concerning the identification, characterization, and monitoring of the sources and levels of indoor air pollution, including radon, which includes research and development relating to—

(A) the measurement of various pollutant concentrations and their strengths and sources,

(B) high-risk building types, and

(C) instruments for indoor air quality data collection;

(2) research relating to the effects of indoor air pollution and radon on human health;

(3) research and development relating to control technologies or other mitigation measures to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems);

(4) demonstration of methods for reducing or eliminating indoor air pollution and radon, including sealing, venting, and other methods that the Administrator determines may be effective;

(5) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, porosity of soil, and the radon content of soil; and

"(B) design measures to avoid indoor air pollution; and

(6) the dissemination of information to assure the public availability of the findings of the activities under this section.

(c) ADVISORY COMMITTEES.—The Administrator shall establish a committee comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality and an advisory group comprised of individuals representing the States, the scientific community, industry, and public interest organizations to assist him in carrying out the research program for indoor air quality.

(d) IMPLEMENTATION PLAN.—Not later than ninety days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program under this section. Such plan shall also be submitted to the EPA Science Advisory Board, which shall, within a reasonable period of time, submit its comments on such plan to Congress.

(e) INTERIM REPORT.—No later than one year after the date of this Act, the Administrator shall prepare an interim report providing—

(A) a preliminary identification of the locations and amounts of radon in structures across the United States, and

(B) guidance and information materials based on the findings of research of methods for mitigating radon.

(f) REPORT.—

(1) Not later than two years after the date of enactment of this Act, the Administrator shall, in consultation with advisory committees and groups identified in subsection (c), submit to the Congress a report assessing—

(A) the state of knowledge concerning the risks to human health associated with indoor air pollution, including naturally occurring chemical elements such as randon;

(B) the locations and amounts of indoor air pollutants, including randon, in residential, commercial, and other structures throughout the country;

(C) the existing standards for indoor air pollutants, including radon, suggested by Federal or State governments or scientific organizations and the risk to human health associated with such standards;

(D) the research needs and relative priority of these needs;

(E) the potential effectiveness of possible government actions necessary to mitigate the environmental and health risks associated with indoor air quality problems, including radon, in existing and in future structures,

and making such recommendations as may be appropriate.

(2) In developing such report, the Administrator shall consult with the National Academy of Sciences on the scientific issues regarding the quality of indoor air and the risks to human health associated with indoor air pollution.

(g) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and the related reporting, information dissemination, and coordination activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

(h) AUTHORIZATIONS.—There are authorized to be appropriated to carry out the activities under this section not to exceed $3,000,000 for each of the fiscal years 1986 and 1987.

IMMIGRATION CONTROL

SIMON AMENDMENT NO. 641

Mr. SIMON proposed an amendment to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. TERMINATION DATE FOR CERTAIN AGRICULTURAL PROVISIONS.—

(a)(1) The provisions of section 125 of this Act and amendments made by such section shall terminate 90 calendar days after receipt of the report described in section 124(c) of this Act unless there is enacted within 90 calendar days a joint resolution stating in substance that Congress approves the continued applicability of the provisions of section 125 and amendments made by such section.

(2) Any joint resolution referred to in paragraph (1) of this subsection shall be considered in the Senate in accordance with subsection (c).

(b) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (a), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (a), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (a), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith and;

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (a) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resoltuion is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resoluion, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on October 2, 1985, in Senate Russell 485, beginning at 10 a.m., on S. 1558, a bill to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada, and for other purposes. Those wishing additional information on this bill should contact Peter Taylor, staff director, John Vance, staff attorney, or Patricia Zell, staff attorney, of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 18, between the hours of 10 a.m., and 12:30 p.m., and 3 p.m., and 5 p.m., to mark up S. 616, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WILSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in closed session, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in order to receive testimony concerning S. 1437, a bill to amend the Controlled Substances Act relating to "Designer Drugs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in executive session, in order to consider legislation to reduce the Federal deficit, for the fiscal years of 1986, 1987, and 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in order to receive testimony on the attached nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. WILSON. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, at 2 p.m., to hold a hearing on enumeration of undocumented aliens in the decennial census.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SALT II TREATY

● Mr. CHAFEE. Mr. President, today I joined with my colleagues, Senators BUMPERS, LEAHY, and HEINZ in sending a bipartisan letter to President Reagan urging continuation of the policy of interim restraint and continued support of the unratified SALT II treaty.

Today the U.S.S. *Alaska* goes to sea trials. This means that unless the United States dismantles the launchers of a Poseidon submarine or 14 minuteman III's we would surpass the SALT II subceiling of 1,200 MIRV'ed. In June of this year, the Senate by a vote of 90 to 5, passed a sense of the Senate resolution reiterating its determination to abide by the SALT limits and our policy of interim restraint.

I am, therefore, pleased to announce that as the *Alaska* readies for her trials, the U.S.S. *Sam Rayburn*—a Poseidon submarine—is in the final stages of dismantlement, assuming that the United States will not exceed existing SALT II limits.

This important decision by the President to take compensating action for the deployment of the *Alaska* is in the best interest of U.S. security and will heighten the prospect for renewed arms control negotiations in Geneva. I believe that common ground between the United States and the Soviet Union exists and must be pursued on the subject of interim restraint. Both countries have functioned within the SALT II limits with only minor infractions; we must now seek to strengthen this interim framework until a new arms agreement is achieved, a process that may well take several years.

I ask that the text of our letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 18, 1985.

President RONALD W. REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our strong support for your decision to meet with Secretary Gorbachev in Geneva in November and to urge that arms control have a high priority in your agenda for the talks. This meeting provides an important opportunity for both sides to overcome the stalemate in the Geneva negotiations, discuss fundamental U.S. concerns about Soviet compliance with arms control obligations, and consider ways to halt the erosion in existing restraints.

You and your advisers have counseled caution about expectations for the outcome of this meeting. We believe, however, that there is the potential for agreement on at least one important aspect of arms control: interim restraint policy.

We firmly agree with your declaration on June 10 that "despite the Soviet record over the last years, it remains in our interest to establish an interim framework of truly mutual restraint on strategic offensive arms as we pursue . . . the ongoing negotiations in Geneva". Your June decision to dismantle a Poseidon submarine when the USS Alaska goes to sea trials was an important initiative that enhances U.S. security interests and forms the basis to strengthen the interim restraint regime at the summit. It is clearly in our interest to keep the Soviets from exceeding the SALT II MIRV ceilings and SALT I submarine limits, which they currently are observing.

While we all remain hopeful for a new arms agreement soon, we agree with your assessment that it could well be several years before a new agreement is reached. Accordingly, it is important that the existing interim framework be strengthened to last until such an agreement can be reached. A breakdown of these limits would only accelerate the arms competition and damage U.S. security interests.

While both the U.S. and the Soviet Union have made unilateral statements at different times regarding their interim restraint policy, there has been no joint agreement on this vitally important issue. Given the similarity in the public statements made by both sides, agreement on a common position should be possible. This could also be joined by language dealing with avenues for resolving concerns about compliance with specific aspects of existing agreements.

We encourage you to pursue and seek agreement on the issue of interim restraint policy with Secretary Gorbachev in your upcoming meeting in Geneva. We wish you all the best for a successful summit.

Sincerely,

JOHN H. CHAFEE.
PATRICK LEAHY.
DALE BUMPERS.
JOHN HEINZ.●

MISSILE DEFENSES FOR NATO?

● Mr. QUAYLE. Mr. President, one of the issues in the current debate over the President's strategic defense initiative [SDI] is what it can contribute to our defense and that of our allies in the near-term. The program's critics argue that the program has nothing to offer for our allies and that in the

near-term there are no programs of interest for our security.

Such criticisms, though, are shortsighted. As former Under Secretary of the Navy and Packard Commission member R. James Woolsey argues in a recent article in Armed Forces Journal International, SDI could be critical in our efforts to prevent the worst in Europe.

Currently, the Soviet trump card in any European crisis will be to use SS-20's, SS-21's, SS-22's and SS-23's in precise, discriminate attacks against NATO's airfields, depots, and command and control centers. Many of these missiles, Woolsey points out, now are or soon will be accurate enough to destroy their targets with conventional or chemical warheads alone. Thus, the Soviets will be able to threaten NATO's key military assets without going nuclear and do so even after NATO's recent efforts to improve its active and passive defenses.

SDI could help but only if a portion of its funding is devoted to a serious effort to develop antitactical ballistic missile [ATBM] defenses. Such defenses would not violate the ABM Treaty. Indeed, the Soviets are fielding such systems in their SA-10 system and are close to deploying another in their SA-X-12.

Mr. President, as the Senate considers the value of SDI, it is critical that it understand what near-term pay-offs are possible. In the hopes that wider distribution of Mr. Woolsey's article will clarify the true opportunities SDI offers, I ask that the full text of his article be printed in the RECORD.

The article follows:.

MEMO FOR: SDI SUPPORTERS AND CRITICS
RECOMMENDATION: TRY COLLECTIVE SECURITY

(By R. James Woolsey)

The debate over the Strategic Defense Initiative—Star Wars, if you like—has deteriorated into a national and indeed an Alliance-wide version of a grouchy old married couple's favorite spat—their pastime on evenings when there's nothing on television. The first time an outsider witnesses it, such a spat may seem mildly interesting, if only for its vigor—in spite of the well-worn and oft-stated positions of the adversaries. But if such an observer, through boredom or otherwise, should chance to offer a suggestion—a compromise perhaps—he runs the severe risk that both the husband and wife will turn angrily on him. To tell the truth, they are really very comfortable with their spat. Indeed, if you must know, they often have it even on evenings when there *is* something on television. It's their favorite thing to do.

Such a couple may, indeed should, be left alone to their pursuit of happiness. But—in spite of the hazards of intervention—the more hot-tempered critics of, and the more exotic dreamers about, strategic defense deserve no such deference. Their current spat is about the number of hypothetical satellites carrying boost-phase interceptors that can, or should, dance on the head of a constellation. In general, this is all getting tedious; it has created the impression that only physicists and metaphysicians have a role in the SDI debate.

In deciding how to deal with the SDI issues, the rest of us would be well advised to start from the proposition, well explicated by Albert Wohlstetter in the current issue of *Foreign Affairs*, that the Soviets would far prefer to advance their cause with the least possible risk to themselves. Thus it is far less likely that we will be hit by a bolt-from-the-blue attack by zillions of Soviet ICBMs than by militarily-backed political blackmail, terrorism, chemical warfare, conventional attack against a NATO flank, or—if nuclear weapons should be used—limited regional use of a few such weapons against military targets. Being able to defeat, and hence to deter, these sorts of threats should have a high priority. It is important, then, that parts of the technology now being investigated for the Strategic Defense Initiative could be quite relevant to blocking some of these Soviet moves.

For example, in Europe today the Soviets are deploying a new generation of tactical ballistic missiles with ranges up to around 500 miles—all of shorter range than the famous SS-20. They can be equipped not only with nuclear but also with chemical warheads; they also either have, or in the near future will have, the accuracy to carry effective sophisticated conventional warheads—e.g., those designed to destroy runways. Thus, these tactical ballistic missiles are an important Soviet trump card in any crisis in Europe. Within minutes they can strike NATO's airfields, depots, and command and control centers even in a *non*-nuclear war, and they make possible an effective end-run around NATO's recent hard-won and long-overdue improvements in air defenses.

The Soviets are quite far along in their own work on defense against tactical ballistic missiles—their new SA-X-12 defensive missile can be so used. Tests of defensive systems against tactical ballistic missiles, if conducted properly, do not violate the ABM treaty; the latter deals explicitly with systems tested against *strategic* missiles.

This year the White House, the Department of State, and the Secretary of Defense in his *Annual Report* have all stressed that defense against non-nuclear tactical ballistic missiles is an important aspect of strategic defense. But virtually no funds have been committed to such a program. It would seem that—at a time when Western European and Congressional support for some of the more ambitious goals and exotic approaches of SDI is reluctant, at best—there would be real utility in using the SDI program to solve an important and immediate military problem for the Alliance.

European fears about SDI leading to a Fortress America could be assuaged if the US and its Allies were to make a serious effort, together, to develop tactical ballistic missile defenses for NATO. Politically, it would seem useful to try to bring under the SDI umbrella those Members of Congress and Europeans who would favor enhancing NATO's conventional defenses and who might favor defensive deployments consistent with the current provisions of the ABM treaty, but who remain skeptical about space-based leak-proof defenses of population.

An effort to develop antitactical ballistic missile defense would not make it necessary for those who are particularly keen for, and hopeful about, SDI's more ambitious and long-range objectives to renounce such hopes. Indeed, some of the same technology that would be relevant to an effective defense against the longer-range Soviet tactical ballistic missiles, particularly the SS-23s, could also be applicable in a more ambitious form to defend against SLBMs and ICBMs—e.g., airborne optical sensors and fast kinetic-energy interceptors.

Cohesion within NATO and bipartisan support for the defense program in Congress are essential for either successful modernization of our military forces or successful arms negotiations with the Soviets. Why can't those SDI supporters and critics who at least agree on this, and on the importance of improving NATO's conventional defenses, also agree on making *anti-tactical* ballistic missile defense an important part of the SDI program?

These groups may still disagree about the likely cost and feasibility, even the desirability, or more ambitious SDI deployments, but there is time enough for research, arms negotiations, or both to resolve those disputes.

In the meantime, SDI supporters need to ask themselves whether it would really compromise their ideals to use their program to deal with a serious threat to NATO that provides somewhat less technical challenge than does building a perfect space-based defense. And critics need to examine whether they are so opposed to SDI that they can't even stand to have it associated with an objective that most of them support strongly—improving NATO's conventional defenses. Both sides in the debate now have an important choice to make—they can solve a real and immediate military problem, or they can join the spat.

HENDERSONVILLE FREE PRESS

● Mr. GORE. Mr. President, 10 years ago this week, the Hendersonville Free Press published its first edition.

The Free Press was founded on the principle that a free newspaper reaching every home would best serve the needs of a growing community. For the first time, it offered businesses a way to promote their goods and services to all. Such advertising, in turn, has enabled the Free Press to continue weekly delivery for a decade.

This is Constitution Week as well as National Newspaper Week, so it seems especially fitting to salute the Hendersonville Free Press. Since the days of Benjamin Franklin and Poor Richard's Almanac, small community newspapers have formed the core of journalistic freedom in America.

Under the guidance of its founder, Norma Condra, the Hendersonville Free Press has exemplified the commitment to truth, fairness, and professionalism that makes the American newspaper such a remarkable institution.

On behalf of Tennessee and the Congress, I commend the Free Press and its entire staff for their continuing contribution to our society.●

PRIVATE ENFORCEMENT OF UNFAIR COMPETITION STATUTE

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of

a bill, S. 1655, which provides for private enforcement of the Unfair Competition Statute in the event of unfair foreign competition. This needed legislation has been introduced by my distinguished colleague from Pennsylvania. This bill will create a private right of action for victims of unfair trade practices.

Mr. President, I was dismayed and shocked as I heard witnesses describe to me the illegal and unfair practices of our trading partners at the recent Joint Economic Committee hearings I chaired in New York on international trade relations. These practices include foreign nations subsidizing targeted industries, dumping their products into the U.S. marketplace, and using fraudulent methods to circumvent U.S. customs laws. The use of these methods is to the detriment of U.S. businesses as these foreign nations increasingly capture an even larger share of our market.

U.S. companies neither discourage, nor are afraid of, competition, but they must not be forced to compete against those who insist upon using illegal methods of competition. It is for these reasons that we need to strengthen our present laws. U.S. companies need a swift and viable remedy to correct these injustices.

Mr. President, I believe that this legislation will be a significant step to correct these unfair trade practices. The creation of a private right of action will allow private parties to immediate file a suit in Federal district court or the Court of International Trade and seek a speedy remedy, namely an injunction.

Mr. President, a look at our trade deficit is a constant reminder that we need the type of action that this legislation offers. I urge my colleagues to expeditiously act on this important legislation.●

MULTIFAMILY MORTGAGE PASSTHROUGH SECURITY

● Mr. D'AMATO. Mr. President, I am pleased to rise in recognition of a significant development in the secondary mortgage market. The Federal Home Loan Mortgage Corporation, Freddie Mac, recently introduced the first mortgage-backed security backed exclusively by newly originated multifamily loans.

Freddie Mac was the pioneer in the secondary market for conventional multifamily loans in 1972. Since that time, Freddie Mac has purchased almost $3 billion in multifamily loans. This latest security, however, creates the first on-going program to finance exclusively the purchase of newly originated multifamily mortgages. This approach involves no Federal subsidy, but merely taps the capital markets more effectively.

I believe most of my colleagues would agree that there is a shortage of rental housing units in this country. Freddie Mac's unique program is a major step toward alleviating this shortage and providing a greater flow of funds into the multifamily sector of the housing market at potentially lower interest rates. The mortgages backing the new multifamily security will represent a variety of multifamily dwellings, including high-rise and low-rise buildings, garden apartments, and townhouse apartments with a minimum of five units.

The first offering of the multifamily security will represent approximately $800 million in multifamily mortgages. I was especially pleased to learn that 21 percent of the $800 million represent multifamily properties in my State of New York. I also was pleased to learn that Freddie Mac contemplates marketing $100 million of this first security issuance to European investors. This will be the first time any secondary market participant has taken an entire deal of mortgage passthrough securities to be sold internationally and tapped a new source of additional mortgage funds.

Freddie Mac's new multifamily mortgage security is one more item on a long list of accomplishments that represent its continuing commitment to providing affordable housing for all Americans. Freddie Mac should be commended for another fine effort.●

INTERIM RESTRAINT

● Mr. LEAHY. Mr. President, on June 10, 1985, President Reagan made an historic decision. After years of criticizing the SALT II treaty, he announced his intention to continue to abide by the provisions of the unratified treaty. Specifically, the President directed the Department of Defense to "deactivate and disassemble" the missile launchers on an existing Poseidon submarine as the seventh *Ohio* class missile-firing submarine, the U.S.S. *Alaska*, puts to sea. By this action, the United States will remain within established SALT MIRV'd launcher ceilings. His decision came after a 90–5 vote of the Senate for an amendment my friends, Senators BUMPERS, CHAFEE, HEINZ, and I introduced supporting that policy.

Today, as the *Alaska* begins her sea trials, the launchers on an older Poseidon submarine, the U.S.S. *Sam Rayburn* are in fact being dismantled. I am as convinced now as I was 2 years ago when Senator BUMPERS and I began building a bipartisan coalition to save existing arms limits, that preserving the SALT regime is in the national security interest of the United States.

Yet Mr. President, there are many within the administration and even in Congress who believe the President's June decision was a bad one. These same people would like to see this Nation unilaterally break through the SALT limits at the earliest available opportunity.

Indeed, in the spring of 1986, they will have two such opportunities to try to destroy interim restraint. The United States will be in a position to surpass the SALT ceilings at that time, either by exceeding the subceiling of 120 bombers armed with cruise missiles or by failing to undertake further dismantling when the eighth Trident submarine, the U.S.S. *Nevada*, begins sea trials.

It is time that President Reagan separate the arms control process from ideological and bureaucratic struggles within his administration. He can do so, while strengthening the current mutual observance of SALT, by seeking Mr. Gorbachev's agreement in Geneva to preserve the existing arms control limits.

That is why I, along with my distinguished colleagues, Senators BUMPERS, CHAFEE, and HEINZ, have today written President Reagan urging him to seek an unambiguous understanding at the summit to continue observing the SALT treaties pending the conclusion of a new arms agreement.

As we state in our letter: "While both the United States and the Soviet Union have made unilateral statements at different times regarding their interim restraint policy, there has been no joint agreement on this vitally important issue. Given the similarity in the public statements made by both sides, agreement on a common position should be possible. This could also be joined by language dealing with avenues for resolving concerns about compliance with specific aspects of existing agreements."

By this act alone, the President can at the very least insure that the efforts of our negotiators will not be overtaken by the acceleration of a new arms race—an arms race that will not strengthen the security of the United States.

It is time for President Reagan to take the arms control initiative away from the Soviet leader. Agreement between the superpowers to continue interim restraint may well be the vital ingredient to gain time for meaningful progress at the negotiating table. It is certainly worth trying for in Geneva.●

ANNIVERSARY OF AIR FORCE

● Mr. D'AMATO. Mr. President, I rise today in honor of the 38th birthday of the U.S. Air Force. I salute this youngest branch of the military that has become one of our most strategically important services. The development of the Air Force has been both rapid and astounding.

In 1907, only 4 years after the Wright brothers flew the first plane, the aeronautical division of the Army was established. It was not the first time the American military had used aviation. In the Civil War, the Union Army had used balloons to detect troop movement, and in the Spanish-American War, the U.S. Army used balloons on San Juan Hill to track artillery fire. Two years after the aeronautical division was established, the Wright brothers delivered the first army plane at a cost of $30,000. It set a record with a flight that lasted 1 hour 12 minutes 40 seconds and flew 42.5 miles per hour. Today, the F-111 can fly as high as 59,000 feet and as far as 2,925 miles, all at 1,850 miles per hour. We've come a long way, but that advancement took time.

It was not until World War I that the aircraft really became a weapon. At the beginning of that war, fliers were still scouts, but when Anthony H. G. Fokker perfected a machine gun that could fire between the revolving propeller blades the friendly relationship between fliers soon ended. Enemy pilots began to seek one another out for dogfights in the sky.

Due to this competition, planes developed rapidly during World War I. At the beginning of the war, an aircraft could fly 90 miles per hour; by the end they could fly more than 150 miles per hour. The United States had entered the war with almost no air power, but Congress moved swiftly and appropriated $640,000,000 for military aviation.

By World War II, it had become clear that one would need to rule the sky if one were to maneuver quickly and safely on the gound and at sea. At the height of the Army Air Force's strength during the war there were 2,411,000 members and 80,000 planes. These planes dropped 2 million short tons of bombs and destroyed 40,000 enemy planes.

The United States realized just how significant the role of air power had become. In 1947, the United States created the U.S. Air Force as a separate department. Today, the USAF includes missiles as well as planes. Particularlly with the inclusion of ICBM's in our arsenal, the USAF represents an amazingly sophisticated and lethal fighting force. We honor it today, we respect it, and I, as a father of four, pray that its great power can be used, but only as a deterrent—a deterrent to preserve peace for our world and our children. Only through our strength can our future be ensured.●

DEFENSE SPENDING PRIORITIES

● Mr. BUMPERS. Mr. President, yesterday's Washington Post carried a disturbing news story on this administration's defense spending plans that illustrates its dangerously misplaced defense priorities. It indicates that once again, the Pentagon will overemphasize glamorous high-tech weapons of little value and short-change our real defense needs: readiness items, such as ammunition, trucks, and spare parts; increased training; and new but less glamorous weapons. Coming in the light of the President's claim that the military strength of the United States is inferior to the U.S.S.R. shows there is real cause for concern about the fundamental management of U.S. forces at the highest levels in this country.

According to the Post article, which echoes stories from other sources in recent weeks, the Defense Department recognizes that their overoptimistic spending plans for the next 5 years are unrealistic in this era of mega-deficits, and they are restructuring their spending plans. I applaud their recognition of these fiscal realities, and I recognize that the cuts will not be easy for them to make. If it is any consolation to them, they are experiencing a milder version of the same disease that has ravaged their sister agencies in the civilian side of Government for the last several years.

To quote from the story, the Pentagon is;

> Trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the services to fight, particularly a long war.

I might point out that a long war in this case means one that will last longer than 3 weeks.

According to the story, the Army will abandon its plans to buy and stockpile enough ammunition to fight in Europe for 60 days. Now everyone recognizes that we are short on ammunition. Giving up on trying to increase our current stocks is the same as conceding right now that we intend to lose if a conventional war breaks out in Europe We'll either have to surrender or we'll have to go nuclear—and either of those choices I call losing.

How are we supposed to get our allies to do more in the reserve ammunition area if we give up on our own plans? This undercuts the very important initiatives that our esteemed Senator SAM NUNN has launched to get our allies to stockpile more ammunition.

I ask that a copy of the Post article be placed in the RECORD.

Yet at the same time these cuts in ammunition, in spares, in training, and other areas will take place, the President will still spend billions on high-tech glamor weapons that either are useless, dangerous, or won't work. The administration will ask for $1.8 billion for 12 MX missiles, that will be vulnerable to a Soviet first strike. The administration will ask for almost $5 billion for star wars, which is the most ill-conceived program this country has ever embarked upon. Even if star wars worked perfectly, it wouldn't do a thing to stop Soviet bombers and cruise missiles.

Why are we funding such systems at the same time we are starving essential needs?

Well, as Harry Truman's little wooden sign that sits on President Reagan's desk says, "The Buck Stops Here." These decisions are the responsibility of the President and his people, who have a distorted view of basic military realities. The President showed last evening, his fundamental misunderstanding of military realities when he said:

> I have to say that the United States, in spite of some of the misinformation, that has been spread around, the United States is still well behind the Soviet Union in literally every kind of offensive weapon, both conventional and in the strategic weapons.

Where does the President get this information? Perhaps, disturbingly, he gets it from his National Security Adviser, Robert "Bud" McFarlane, who just the day before told the Air Force Association that:

> The Soviet Union has established an offensive building program which has placed us at a disadvantage at every measure in strategic nuclear power.

The President and his chief military adviser are just plain wrong, and I don't understand how we were "back and standing tall" a short time ago, and now, after $500 billion more has been spent, we're behind.

What is probably most worrisome is that they are probably making their decisions on defense spending, defense policy, and arms control on the basis of these assertions. It certainly appears evident in the Post story about how this administration will trim its defense spending plans.

It's just not true that we are behind the Soviets in every category as the President asserts, and I wish that he and his advisers would get their facts right and quit putting America down. We're strong. We have defense problems, and we need to work on them, but we're not behind the Soviets across the board.

For example:

We lead the Soviets in the most important measure of strategic capability, the total number of strategic warheads, by about 11,500 to 9,500.

We lead the Soviets in submarine missile warheads, 6,100 to 2,500. We lead the Soviets in Mirved SLBMS, 648 to about 300. Our sub-based missiles are much more accurate than their Soviet counterparts. And our subs are much quieter.

We lead the Soviets in bomber weapons, 3,500 to less than 1,000. We lead the Soviets in cruise missiles, both quantitatively and qualitatively.

We lead the Soviets in strategic technology. We have far more solid-propellant missiles, our accuracies are generally better, our subs are quieter, we keep more of our forces on alert.

Even in conventional forces, where I think we should be putting more emphasis, there are areas where we have important leads, such as:

In tankers, which are crucial for extending the reach of all our air capabilities, we outnumber the Soviets 645 to 50. And each of those 645 is significantly more capable than the Soviets. What's more, we are putting new engines on a lot of our tankers, making them even more capable.

In airlift, we have far more airlift capability than the Soviets, both quantitatively and qualitatively. The Soviets have just build their first jumbo transport plane, which we have had for 15 years.

The Soviets have nothing comparable to our MLRS system, which I am proud to say is made with pride in Arkansas.

The Soviets are behind us in overall naval capabilities. We still outspend them in this area. We have more carriers than they do, they are larger, and they are far more effective. What's more, the Soviets aren't even in the same league as we are in naval air capabilities.

Every Chairman of the Joint Chiefs has for over 10 years, has stated that they wouldn't consider trading our defense posture for the Russians.

Mr. President, I could go on and on, but I think the point is clear. The President and his advisers are seriously mistaken when they claim the Soviets are ahead of us everywhere. That kind of attitude is affecting our defense planning priorities, having us spend too much on MX and star wars and enough on ammunition and trucks. We do have defense problems, but not the ones the President describes.

The article follows:

5-Year Pentagon Budget Plan Facing $300 Billion in Trims

SEA CHANGE IN REARMAMENT UNDER WAY

(By George C. Wilson)

President Reagan's rearmament program is undergoing a fundamental restructuring as White House and Defense Department leaders scramble to adjust to what they estimate will be a slash of at least $300 billion in the next five-year defense plan, administration officials said yesterday.

"We're in a sea change," said one veteran of the Pentagon budget battles.

Despite the new austerity, Pentagon officials said, the military services are trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the armed services to fight, particularly a long war.

To cope with the new budget reality, the Army will buy less ammunition, the Navy will buy fewer ships, the Air Force will cancel marginal programs and the Marine Corps will reassess its modernization program.

The White House's Office of Management and Budget, in its recently published "Mid-Session Review of the 1986 Budget," projected $291 billion less for defense in fiscal 1986 through 1990 than Reagan had earmarked for his rearmament effort as recently as April.

White House officials said that Defense Secretary Caspar W. Weinberger this year, in contrast to the past when he appealed to Reagan for more money, appears to be resigned to seeing his budget slashed. "Cap has seen the writing on the wall," said an aide in agreeing there would be no Weinberger versus OMB rematch fight.

Pentagon officials who have been involved in the feast-and-famine cycles of defense funding through several administrations predicted that the real cut for that five-year period will be more than $400 billion.

Weinberger and his deputy, William H. Taft IV, rather than dictate cuts, have directed the armed services to slash their budgets for the next five years in proportion to what they have received in the past, Pentagon officials said.

Critics said changes in the rearmament program are so extensive that civilian rather than military leaders should reassess current strategy and make the necessary reductions. Weinberger in his 4½ years of running the Pentagon has concentrated on raising record amounts of money rather than directing how the services spend it.

The White House, in making its projections, assumed the Defense Department would receive annual increases of 3 percent above inflation from Congress, and even that is an overly optimistic assumption in the view of many congressional leaders. Congress' funding cuts have been brought on by the increasing federal deficit and fears that the Pentagon was not spending its money wisely.

Taft, in one directive issued on a recent Thursday, urged the armed services to find savings of $228 billion by the following Monday for the five-year, fiscal 1986-90 period, Pentagon officials said.

The Army, Pentagon sources said, will not say so publicly, but to save billions it has virtually abandoned Reagan's objective to buy and stockpile enough ammunition to fight in Europe for 60 days.

In doing so, officials said, the Army is using an argument Congress made in questioning the stockpiling. U.S. allies have only enough ammunition to fight about 20 days, goes the argument, so why should the Army spend billions to fight alone for 60 days?

As for the Navy, said one Pentagon critic, it "will get its 600 ships by 1990, but they will be carriers and rowboats because of budget constraints." The Congressional Research Service has issued a report by Ronald O'Rourke that said the Navy will not be able to afford the 137 cruisers and destroyers Navy leaders said they needed to protect carriers and other ships.

The publication Defense Week said yesterday that the Navy is proposing to buy three rather than five DDG51 class destroyers a year as part of its response to the budget crunch. Stretchouts in other ship programs are in prospect, Pentagon officials said, including submarines.

The Air Force already has agreed to cancel two aircraft procurement programs, the Fairchild T46 trainer and the Sikorsky HH60, a Blackhawk helicopter modified for special operations, such as landings behind enemy lines.

And, according to Pentagon officials, the Air Force is looking for more cuts. Deploying the small, mobile Midgetman missile would cost more than deploying more giant, silo-busting MX rockets, Air Force officials said, in acknowledging that retrenchment is throwing a different light on strategic choices.

The Marines want to buy a new fleet of assault aircraft designated the JVX, but the price tag of $40 billion to $50 billion for 550 of the "tilt-rotor" planes is giving Pentagon officials second thoughts as they look ahead at years of relative austerity when they had counted on years of plenty, sources said.

In April, the OMB predicted annual increases in defense money would range from 8.8 percent 13.4 percent from fiscal 1986 through 1990, not allowing for inflation. In its Aug. 30 mid-session review, OMB forecast annual increases between 3.9 percent and 7.2 percent. Under White House inflation assumptions, this would provide for a real growth of about 3 percent for fiscal 1987 through fiscal 1990.

ORDERS FOR THURSDAY

Mr. HEINZ. Mr. President, I believe that concludes the business of the Senate for today. Therefore, I will propound a series of unanimous-consent requests which have been cleared with the leadership on the other side.

RECESS UNTIL 10 A.M.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Thursday, September 19, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

Mr. HEINZ. Further, Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. HEINZ. Mr. President, following the execution of the special order just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1200

Mr. HEINZ. Following the conclusion of routine morning business, the Senate will resume consideration of S. 1200, the immigration bill.

Mr. President, the majority leader advises that rollcall votes are expected throughout the day.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. HEINZ. Finally, Mr. President, I ask unanimous consent that the Senate now stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:12 p.m., recessed until Thursday, September 19, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1985:

U.S. INSTITUTE OF PEACE

The following-named persons to be Members of the Board of Directors of the United States Institute of Peace for terms of 4 years expiring January 19, 1989, new positions.

Dennis L. Bark, of California.

Evron M. Kirkpatrick, of Maryland.

DEPARTMENT OF AGRICULTURE

Vance L. Clark, of California, to be Administrator of the Farmers Home Administration, to which position he was appointed during the last recess of the Senate, vice Charles Wilson Shuman, resigned.

FEDERAL ELECTION COMMISSION

Thomas John Josefiak, of Virginia, to be a member of the Federal Election Commission for a term expiring April 30, 1991, to which position he was appointed during the last recess of the Senate, vice Frank P. Reiche, term expired.

DEPARTMENT OF STATE

Hugh Montgomery, of Virginia, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, to which position he was appointed during the last recess of the Senate.

Herbert Stuart Okun, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, to which position he was appointed during the last recess of the Senate.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Robert E. Rader, Jr., of Texas, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1991, to which position he was appointed during the last recess of the Senate, vice Timothy F. Cleary, term expired.

John R. Wall, of Ohio, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1987, to which position he was appointed during the last recess of the Senate, vice Robert A. Rowland.

CONFIRMATION

Executive nomination confirmed by the Senate September 18, 1985:

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. Ronald J. Hays, [redacted]/1310, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Wednesday, September 18, 1985*

The House met at 11 a.m.

The Reverend Robert L. Tate, rector, Christ Episcopal Church on Capitol Hill, Washington, DC, offered the following prayer:

Almighty God, source of all goodness and love, so guide the leaders of the nations of the Earth, and especially the elected Representatives of the United States of America gathered here today, that the words they speak may echo Your Holy Word, and the laws which they enact may correspond to Your Holy Law. Inspire, we pray, the Members of this House with the spirit of wisdom and truth, that they may be worthy of their high calling as servants of the American public, and may work diligently to establish peace and justice for all Your people, through Jesus Christ our Lord, who lives and reigns with You, in the unity of the Holy Spirit, one God, for ever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. ROBERT L. TATE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I wish to express my profound gratitude to you and to our Chaplain, Reverend Ford, for having given the opportunity today to say the official prayer as the chaplain of the day to Rector Robert L. Tate of the Christ Episcopal Church here in Washington on the Hill.

As my colleagues could see, he is a mere 34 years of age, but one of the most inspiring figures I have seen in the ministry. I think that we are most privileged today in the House to have had the prayer offered in behalf of the Congress and the country by this inspired, young minister, so imbued with his calling that anyone within his area of influence cannot help but be susceptible to it.

He has an illustrious record of preparation. He graduated summa cum laude from Princeton and the Yale School of Divinity. He is married to a graduate of Brown University who is teaching at the Cathedral here in Washington.

So it is most inspiring to see this young minister, a man of God truly speaking, so dedicated, because I think it is the greatest insurance we have in our country for our own continued and ultimate well being and ultimate salvation.

Christ Episcopal Church is the most historic church in Washington. It was the first congregation established around 1794 in an old tobacco warehouse. I invite my colleagues to visit the present Christ Episcopal Church. It is here on the Hill near the Marine Barracks. You will be inspired and hopefully will establish some communication and friendship with Rector Robert Tate.

THE 40TH ANNIVERSARY OF FOUNDING OF UNITED NATIONS

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, this year marks the 40th anniversary of the founding of the United Nations. Dozens of laudatory speeches and celebrations will be held this week to hail the occasion.

But I wonder why everyone is celebrating?

In truth, what the record of the past four decades shows is that the United Nations is a far different organization today then when it was founded with 50 nations in 1945.

In the beginning, the United Nations dared to stand up to Communist aggression and even go to battle to preserve freedom for a small, helpless nation, South Korea.

Today, with its membership swelled to 159 nations, the United Nations does not possess the strength or unity to chastise global adventurism anywhere and, instead, has become a platform for some of the most virulent anti-Americanism seen anywhere on this Earth.

If the United Nations were to be graded on its success in its founding goals of promoting freedom, fostering international peace and aiding in the development of ties between diverse countries in the world, it would receive an "F" for failure on all counts.

We should not be celebrating but instead calling for reform or, possibly, the dismantlement of this organization which has failed in 40 years to accomplish what it set out to do.

LET US REOPEN THE BUDGET DEBATE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, last night President Reagan spoke again about foreign trade, but again he offered nothing to reduce $200 billion deficits, nothing to lower interest rates, and nothing to bring down the value of the dollar.

These deficits have turned our country, for the first time in 71 years, into a debtor nation. They cause the dollar to be overvalued by as much as 40 percent, which means a 40-percent advantage for Japan and other foreign competitors.

Mr. Speaker, it is a copout, a delusion, to pretend we can solve our trade problem without addressing our budget problems. I say to my colleagues, Democrats and Republicans, free traders and protectionists, let us deal honestly and courageously with these deficits.

I would propose that we reopen the budget debate and make a bold, honest and bipartisan attempt to deal with deficits. Otherwise, we are only kidding ourselves about trade, imposing hardship on farmers and workers, and leaving the cost and even greater pain to our children.

REVOLUTION BEYOND OUR BORDERS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, recently there have been a number of unsubstantiated charges made by the Government of Nicaragua that the U.S. Government has participated in state-sponsored terrorism against the Marxist Sandinista regime currently in power in Nicaragua. Nothing could be further from the truth, and in fact it is the Sandinistas who have supported terrorist acts against their neighbors in an attempt to destabilize the entire region.

The true extent of the Sandinistas' lies and hypocrisy is revealed in a recent publication by the Department of State entitled "Revolution Beyond Our Borders—Sandinista Intervention in Central America," which has been sent to every Member's office. I recommend this publication as required reading for every Member of Congress

who is truly interested in understanding the situation in Central America.

This report refutes claims by the Sandinistas that they never engaged in aggression against their neighbors by detailing Sandinista efforts to unify guerrilla groups in El Salvador, Honduras, and Guatemala; provision, train, direct and advise guerrillas in El Salvador; insert guerrilla groups into Honduras, and sustain radical antidemocratic parties and associated armed elements in Costa Rica.

This demonstrates why the United States was forced to end its previously friendly relations with the Government of Nicaragua and instead support the freedom fighters in order to halt the Sandinista policies of aggression against their neighbors.

□ 1110

THE NEED FOR A SENSIBLE TRADE POLICY AND THE WILL TO IMPLEMENT IT

(Mr. LUNDINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNDINE. Mr. Speaker, in his news conference last night, President Reagan said:

> For almost two years now, I have been begging our allies and trading partners in the GATT to join with us in another round of trade talks to again eliminate whatever holdovers there are of discrimination against someone else's products getting into their country or subsidizing the sale at less than production cost in other countries.

Do not beg, Mr. President. You should insist that we and our trading partners level the international trade playing field. The United States has the largest market in the world and the strongest military on the globe. This is a President who is willing to commit troops to Central America and to put nuclear weapons in space, yet he refuses to take trade actions to force our trading partners to open their markets to U.S. goods, stop their unfair trading practices, and come to some reasonable accommodation on the grossly inflated value of the U.S. dollar.

We cannot rely on begging our partners to get things done. Nor should we. Our trading partners need our market more than we need theirs. We need leadership. We need a sensible trade policy and the tough commitment from our President to implement it. Since the President refuses to do so, Congress must now take the leadership to develop a trade strategy that can reduce the disastrous $150 billion Reagan trade deficit in the years to come.

THE LESSON OF THE CITRUS-PASTA WAR

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the United States fought a trade war this summer, and we won it.

In response to unfair European Economic Community tariffs on U.S. citrus products, the President raised the U.S. tariff on European pasta which is subsidized for export to this country.

After some angry rhetoric and high level discussions, a truce was declared. The pasta tariff was suspended until October 31 and the EEC has agreed to eliminate the pasta subsidy and give fair tariff treatment to U.S. citrus.

Mr. Speaker, the citrus-pasta war serves as a small example of how this country can achieve fair trade without resorting to legislated protectionism. The lesson learned this summer will now be applied to Japanese restrictions on United States leather and tobacco and on EEC restrictions of canned fruit imports. We must put our trading partners on notice: unfair trade practices will be met by a swift U.S. response.

Mr. Speaker, in considering trade legislation, let us work to strengthen the hand of our U.S. Trade Representative so he may negotiate for market access and an end to unfair foreign trade practices. But let's not enact mindless protectionist measures that simply allow American companies to avoid the pressures of foreign competition.

CONFUSION WITHIN THE ADMINISTRATION ON TRADE ISSUES

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, last week the Vice President said, regarding the administration's position on trade, "We have made it clear that we are not kidding. No more Mr. Nice Guy." Last night the President warned, in terms of trade, against starting down a slippery slope of impulsive acts and imprudent judgment.

Well, which one is the administration's position? There is confusion here. But there is worse than confusion within the administration, there is insensitivity.

The President last night also talked about a mindless stampede toward protectionism.

Mr. Speaker, there has been another mindless stampede going on in this country—the loss of several million industrial jobs and losses on the farmlands of America. We have to worry about them as well as not repeating the mistakes of Smoot-Hawley. Mr. President, I say, in response to your talk of last night and your comments at your press conference, that to protect America is not protectionism.

THE THREAT OF A REPEAT OF SMOOT-HAWLEY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last night the President was right when he warned the American people of a mindless stampede toward protectionism which will lead to a reenactment of the Great Depression. As the President stated, the Depression of the 1930's was brought on by snowballing protectionist legislation, symbolized by the highly restrictive Smoot-Hawley tariff.

No one meant to write Smoot-Hawley in the 1930's, and after learning the lessons of the Depression in the 1930's, I believe no one intends to write another, but pressure is building in the Congress to reconstruct Smoot-Hawley piece by piece. The first piece may be a textile and apparel bailout. The next piece may be a footwear bill or possibly a 25-percent surcharge. Bit by bit we will find ourselves slipping down the slope of Smoot-Hawley protectionism right into a depression.

Our economy is the healthiest in the world. That is why the world wants to invest its money here. We have created over 8 million jobs since 1980 while Europe has lost jobs.

Mr. Speaker, let us not ruin this fine economic performance by reconstructing Smoot-Hawley protectionism.

Mr. Speaker, the President understands that you cannot compensate for the long-term loss of international markets by our most productive industries by giving the false promise of short-run gains for our less productive and less competitive industries.

THE NATIONAL DEBT—MORE THAN AN ACCOUNTING PROBLEM

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, unlike my colleague, the gentleman from Texas, I saw the President's news conference last night as an attempt to dismiss our Nation's new status as a debtor nation as little more than an accounting problem. My concern is that Mr. Reagan does not understand the problem nor does he understand the dangers we now face as a debtor nation.

Our new debtor status is something that has been confirmed, not by

economists and politicians, but by the President's own Secretary of Commerce in his report this week which shows that America now owes more than is owed to us.

If Mr. Reagan would travel to my hometown of Osceola, AR, and stand at the gates of its closed textile mills, where over 900 citizens lost their jobs last year because of current economic policy, and talk to those citizens who are without work because of it, he would know the severity of this problem.

Mr. Speaker, what we need is Presidential leadership, not rhetoric and excuses about accounting errors.

CONGRESS SEEKS HELP FROM THE PRESIDENT ON TRADE PROBLEMS, NOT JUST INTEREST

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. President, I was concerned in reading the statement made by the President last night. It does seem quite apparent that he seeks to dismiss a very serious problem, the fact that for the first time in 72 years we have become a debtor nation, as some kind of bookkeeping error.

We should welcome the President's newly apparent interest in the trade deficit. We would welcome his help in redressing it. Instead of saying what he is for, however, he seems to content himself with warning against what he calls a "mindless stampede toward protectionism."

None of us wants to engage in protectionism or to start trade wars. However, there is a bill pending, the Gephardt-Bentsen bill, which is not protectionist. It is antiprotectionist. It deserves our support, and that of Mr. Reagan.

This bill provides an effective remedy to discourage foreign protectionism against U.S. exports. That is the kind of legislation on which we need help. It would provide a standby tariff which we hope never would have to be applied. The tariff would be applicable only against those countries which export a disproportionate share into our markets and systematically discriminate against U.S. products in their markets.

We would give any such country due official notice and 1 year of grace, during which time we would ask that they would level the playing field and allow our imports in their markets on exactly the same terms we give theirs. If during that time they did so, no tariff would apply; only if they persisted in face of our entreaties would it apply. That is antiprotectionism.

The President said last night that he asks Congress to work with him, not against him. I am glad he is working on the problem at all, but I would just turn it around. We in the Congress ask the President to work with us, not against us, as we try to make our own free trade policies truly reciprocal and halt our slide down this "slippery slope" of the loss of American jobs.

BAD ADVICE ON MOZAMBIQUE FROM THE STATE DEPARTMENT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I think we have a great President, but I think he is getting some very bad advice from the State Department.

Tomorrow at the White House President Reagan will visit with Mr. Machel, who is the Communist dictator of Mozambique. In Mozambique there is a bunch of people who are freedom fighters. They are called the Renamo forces. They are doing everything in their power to regain their country in the name of freedom.

Mr. Machel is a Communist dictator who is putting people in dungeons, who is violating all kinds of human rights, and who is deeply in bed with the Soviet Union. He received over $1 billion in direct military aid from the Soviet Union, and most recently, on August 27, he signed another agreement with the Soviet Union. Yet this House was asked in the foreign aid bill, by the State Department, to give military and economic assistance to Mr. Machel, even though he is tied very closely to the Soviet Union.

Mr. Speaker, I think this is a terrible policy our State Department is asking our President to follow. We should be suporting the Renamo forces, people who are fighting and dying for freedom. They have been doing very, very well. They control about 70 percent of the country right now, and the only areas they do not control are the urban areas. With just a little help from the free world, they could topple that Communist government and put Mozambique back in the free world column. But instead of helping them, we are bringing the Communist dictator to the White House tomorrow. It is a very bad precedent. Those people who have a chance to regain their country should be supported, like our friends, the Contras, are supported in Nicaragua and in Central America. We have a double standard that is being applied here, one that we should change.

Mr. Speaker, the Renamo forces, according to the CIA, have a chance to win, and we should support them.

PRESIDENT'S SELF-SATISFACTION IN AIDS EPIDEMIC TERMED AS INAPPROPRIATE

(Mr. WEISS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, last night in response to a reporter's question, the President for the very first time spoke publicly about the AIDS epidemic. He seemed inappropriately self-satisfied with the role of the administration in funding research efforts to find answers to this dread disease.

The sad fact, Mr. Speaker, is that the funding increases over the past 3 years have resulted solely from congressional action in the face of opposition from the administration.

Mr. President, the AIDS epidemic is exploding all over this country. Thirteen thousand cases have been diagnosed. Half of those people have died. It is beginning to cut across the entire fabric of American society—heterosexuals as well as homosexuals. It is doubling at the rate of once every 10 months. By the end of next year, according to the Office of Technology Assessment of the Congress, there will be 40,000 Americans diagnosed as having AIDS.

Mr. President, this is not the time for self-satisfaction. Now is the time for Presidential leadership for more funds for research, for care and treatment, and for public education.

CRS ISSUES BRIEF ON SEVEN AMERICANS HELD HOSTAGE; 551ST DAY OF CRISIS

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, I wish to commend to the attention of my colleagues a new issues brief from the Congressional Research Service concerning the Americans held hostage in Lebanon.

The brief is a thorough and concise record of the circumstances surrounding the kidnaping of seven Americans off the streets of Beirut beginning March 16, 1984, with the seizing of William Buckley, a U.S. Foreign Service officer.

Today marks the 551st day William Buckley has been held hostage in Lebanon.

Rev. Benjamin Weir was kidnaped 498 days ago.

Father Lawrence Jenco has been held hostage for 254 days as of today.

Terry Anderson, the Associated Press bureau chief in Beirut, was kidnaped March 16, 186 days ago.

Today is the 113th day of captivity for David Jacobsen, the director of the American University Hospital.

One hundred days ago today, Thomas Sutherland, dean of the American University Agriculture School was taken hostage.

Today also marks the 288th day since the disappearance of Peter Kilburn, the American University librarian.

Mr. Speaker, the hostage crisis in Lebanon is now in its 551st day, 4 months longer than the Iran hostage crisis 5 years ago. If I thought they could hear me, I would cry out: "Hang in there Yanks. We will not forget you not a solitary single one of you. Hang in!"

REVEREND WEIR RELEASED, BUT SIX AMERICANS STILL HELD IN LEBANON

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, we have reports today confirming that the Reverend Benjamin Weir, who has family living in my district, has been freed by his kidnapers in Lebanon.

At this point, the details are sketchy, but I have been told by the Presbyterian Church that Reverend Weir is already in this country, and will appear at a press conference tomorrow.

Reverend Weir has been a captive since May 8, 1984. I know that during that time his family has stood by him, never losing their faith in God, and Ben Weir. I am happy today for Reverend Weir, and for his family.

At the same time, we must not forget that six Americans remain in captivity. Six Americans who should be free. Now that Ben Weir is out, we must redouble our efforts to get the remaining six out of their unwarranted captivity. Our colleague, the gentleman from Illinois [Mr. O'BRIEN], has led this effort with determination and I wish to commend and thank him for that leadership.

I send my good wishes to the Weirs; and my prayers and hopes to the other families.

□ 1125

DEFICIT REDUCTION

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, we all know that the success or failure of our efforts to cut the deficit rests on reconciliation, the enforcement arm of the budget.

The Democratic majority in the House will make or break deficit reduction by what you do with reconciliation. It looks to me like you're going to break it, turn it into cosmetic jewelry with no worth, no value at all.

When we want to cut spending. You want to tinker with it. We want to freeze spending. You want to add to it.

The deficit reduction bill that the Rules Committee walked away from yesterday had to few spending reductions, but it had over $1 billion in spending increases. You just can't resist pulling out the Government credit card whenever you get the chance, but doing it on a bill called the deficit reduction amendments is a bit too much.

Democrats have been down here in the well day after day slamming the President for not tackling tough issues. Yet what we have in this House is a clear failure to face the most difficult problem before us: Deficit reduction. Let's exercise the jaws a little less and legislate a lot more.

JOY AND SADNESS OVER OUR HOSTAGES IN LEBANON

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I also come to the well today to commend my colleague, the gentleman from Illinois, GEORGE O'BRIEN, for the excellent work he has done to keep before us in this Chamber and before the other body and the American people the plight of our seven hostages cruelly imprisoned somewhere in Lebanon. If the call of Reverend Weir's wife to the news media saying that he has finally been released in Lebanon is true, then it is a moment of great joy for his family, but at the same time a painful moment of wrenching sadness for William Buckley's family. Our diplomat Mr. Buckley was taken several months before Benjamin Weir. He has been a hostage now for over a year and a half, 551 days.

As the gentleman from Illinois, GEORGE O'BRIEN, has carefully pointed out to us again and again the exact count of days all of the seven have been held; 551 days for William Buckley stands in vivid comparison to the 444 days that our U.S. Embassy hostages were held in Teheran.

There is substantiated evidence that William Buckley, during the early months of his captivity, was treated quite viciously by his captors. I hope that has changed. I hope they will show mercy to the AP newsman, Terry Anderson, held for 186 days so that Terry can come home and then use his news reporting skills to keep before the world the plight of the other five. He may have no knowledge of them until he is released.

There is the Catholic priest, Father Larry Jenco from Illinois held 254 days. He went to Beirut as the head of the Catholic Relief Services, a good samaritan as is Benjamin Weir. Reverend Weir has given his all or 32 years to minister the men and women and children of all faiths in Lebanon. Peter Kilburn, 288 days of suffering. David Jocobson from my county of Orange 113 days, and Tom Sutherland now 100 days of captivity this day. All three serving at American University when taken by force as hostages.

We appeal as a Congress to the mercy of those in Lebanon who worship the same one God we do, to release our six other hostages so that we can get on with the peace process in the Middle East and so that we can continue the humanitarian aid that we as Americans extend to all people throughout the world.

Again I thank the gentleman from Illinois, GEORGE O'BRIEN, for his leadership.

PERVASIVE DOUBLE STANDARD USED TO JUDGE UNITED STATES POLICY ON NICARAGUA

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, first of all, let me just mention that Mr. David Jacobsen of my district is one of those being held. I join with the gentleman from Illinois [Mr. O'BRIEN] and others in hoping that those who are holding them will hear our words and heed our request.

Mr. Speaker, we are clearly faced with a threat to our international system; that is the existence of a pervasive double standard that is being used to judge the United States' policy with respect to Nicaragua. Although we have long debated the matter on Nicaragua. I would encourage my colleagues to review the State Department's September 1985 "Revolution Beyond Our Borders." The paper is without question, an excellent reference source.

Contrary to what the opponents have characterized as "President Reagan's misguided crusade to save the world from tiny Nicaragua," the evidence is quite clear that Nicaragua is thoroughly involved in supporting efforts to destabilize Central America. An amendment to the Intelligence Act of 1983, suggests "that activities of the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central America Region and that the Governments of Cuba and Nicaragua refuse to cease those activities." The latter part of the statement even seems to be a plea by the Congress for change by those governments.

The strange notion is that both the United States and Nicaragua and Cuba are playing the same game; that we

are all somehow engaged in trying to alter governments by the use of force and that we are all committing a form of state-sanctioned terrorism. Those who hold out the fallacy that America is the principal problem in Central America are simply denying the permissibility or obligatory right to come to the defense of nations whose peoples are struggling for freedom. Unfortunately, these same critics of U.S. actions will probably never acknowledge the aggression which prompted such a response in the first place.

Mr. Speaker, such criticism is without balanced judgment in understanding what the real threat is to peace and freedom for the people of Central America. United States policy toward Nicaragua must be viewed in the overall Central America context, where we have an interest in the development and preservation of stable societies able to sustain social, economic, and political change.

PRESIDENT REAGAN HAS CHANGED HIS TUNE ON TRADE POLICIES

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. In 1980, when the trade deficit was a whopping $35 billion, here's what candidate Ronald Reagan had to say about the issue:

For too long our trade policies have been geared toward helping our foreign trading partners. Now we have to put the United States back on the world export map. We helped to pull other countries out of the post-World War Two chaos—it is time to remedy our own crisis. Trade, especially exporting, must be high on the list of our Nation's priorities. The Republicans will put it there to insure the long-term health of the economy.

Wait, there's more—

We should have more free trade but trade must be a two-way street. Free trade should be reciprocal, and we should not be expected to stand idly by while other countries impose barriers to our manufacturers' and farmers' exports.

Mr. Speaker, judging from the President's statements last night, he sure has changed his tune in the last 5 years.

SENSE OF CONGRESS RESOLUTION FOR NEW GATT CONFERENCE

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, last night in his press conference, the President stated that he has been pleading with American trading partners for several years to hold a new round of multilateral trade negotiations, known as the GATT talks.

Today I am introducing a sense of the Congress resolution calling on the President to promptly take whatever actions are needed to bring about a new GATT conference. Such a meeting has not taken place since 1979, despite the disastrous state of world trade in recent years.

Before the House and the Senate begin consideration of some possible self-destructive legislation, the President must have the opportunity to try to make corrections in the conference room and not on the trade battlefield. A new GATT conference would not tie the hands of the President to any specific action, but instead permit him to address all different areas of trade at the same time. Presently there are some 300 different pieces of protectionist legislation in the Congress.

By adopting this resolution, we can demonstrate the resolve of Congress for a world trade conference. We can give the President the ammunition he needs to force our own trading partners to come to the bargaining table.

THE PRESIDENT TALKS ABOUT GENEVA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I commend the President for his candor, at last evening's press conference. I believe he openly shared with us some of his personal thoughts on the upcoming meeting in Geneva with Mr. Gorbachev.

While I hope that progress will be made at the talks, I know that arms control is only one of many issues which divide our two nations. The continuing violation of the human rights of Soviet Jewry is of major concern to our Government. We have differences with the Soviets over chemical warfare matters along with the question of East and West troop levels in Europe.

Who can forget the murder of Major Nicholson and the ongoing incidents directed against United States observers in East Germany?

What can we do about regaining the freedom of the Afghan people?

The activities of Soviet intelligence agents in the United States are of great concern to Americans. Soviet spying efforts in London were widespread enough for the British Government to send a pack of KGB agents back to Moscow.

I would hope that the upcoming talks will be a serious forum for addressing these continuing problems of which arms control is only one of many issues. I hope that the meeting is more than a forum for Mr. Gorbachev to display his public relations skills for the media. As former Foreign Minister Gromyko one said, "Mr. Gorbachev has a nice smile, but iron teeth." While he may smile a lot, Soviet policy continues to be as aggressive as ever.

I firmly believe that actions speak louder than words. I am looking for a real shift in Soviet attitudes if better relations are to develop.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, 1986

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

Mr. EDWARDS of Oklahoma reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. DELLUMS). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONTINUING APPROPRIATIONS, 1986

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Thursday, September 12, 1985, I call up the joint resolution (H.J. Res. 388) making continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 388

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1986;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986;

District of Columbia Appropriation Act, 1986;

Energy and Water Development Appropriation Act, 1986;

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1986;

Department of the Interior and Related Agencies Appropriation Act, 1986;

Legislative Branch Appropriation Act, 1986;

Department of Transportation and Related Agencies Appropriation Act, 1986; and

Treasury, Postal Service, and General Government Appropriation Act, 1986.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1985, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1985, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1985, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1985.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1985, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1985.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1985, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(6) No appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1985.

(b)(1) Such amounts as may be necessary for projects or activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate, for which provision was made in the following appropriation Acts:

Foreign Assistance and Related Programs Appropriation Act, 1985;

Military Construction Appropriation Act, 1985; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985 and section 101(k) of Public Law 98-473.

(2) No appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1985.

(c) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1985, for which provision was made in the Department of Defense Appropriation Act, 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate: *Provided*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1985 or prior years, for the increase in production rates above those sustained with fiscal year 1985 funds or to initiate, resume or continue any project, activity, operation or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1985: *Provided further*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further*, That the appropriations or funds made available or authority granted pursuant to this subsection for procurement of MX missiles shall be in accordance with and subject to all the limitations, restrictions, and conditions set forth in the Department of Defense Authorization Act, 1986 (S. 1160) conference agreement and provided for in the conference report (H. Rept. 99-235) filed in the House of Representatives on July 29, 1985.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1985, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 14, 1985, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. No provision in any appropriation Act for the fiscal year 1986 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorization or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 106. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 1 hour.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 388) and that I may include extraneous and tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. CONTE] for the purpose of debate only. Pending that, I yield myself such time as I may require.

Mr. Speaker, I wish to express my thanks to my colleague, the gentleman from Massachusetts [Mr. CONTE], the ranking Republican on the Appropriations Committee, and to the leadership on both sides for their cooperation in letting us bring up this continuing resolution.

Mr. Speaker, the continuing resolution that we bring before you today continues what is essential. It is necessary to continue the orderly operations of the Government into the new fiscal year—which begins October 1, 1985. While this date is 12 calendar days away, there are only 5 legislative days between now and October 1 on which votes have been scheduled in the House.

It is essential that this resolution be passed. As this day nine bills have passed the House, but only two bills have passed the Senate. Given the current situation, it seems unlikely that any regular appropriation bills will be signed into law by October 1.

This is a very straightforward continuing resolution. There are no special provisions and no special funding levels for any programs. The resolution simply carries forward the Government until November 14 or until appropriation bills are enacted.

The philosophy of the resolution before you is as follows:

Provides the lowest reasonable level of interim funding to allow for continued operation of Government programs until final decisions about bills are made.

Is of relatively short duration—6 weeks.

Automatically disengages when regular annual bills are enacted.

Contains no extraneous provisions which more properly should be considered with regular bills.

Under the resolution funding levels are as follows:

For bills which have passed both House and Senate, the funding level for activities is the lower of the two bills. These bills are energy and water development and legislative branch.

For bills which have passed the House only, the funding level for activities is the House bill or the current rate, whichever is lower. These bills include the following:

First, Agriculture; second, Commerce, Justice, State, and the Judiciary; third, District of Columbia; fourth, Housing and Urban Development-Independent Agencies; fifth, Interior; sixth, Treasury-Postal Service; and seventh, Transportation.

For bills which have not passed the House, the funding level for activities is the current rate. At the present time those bills include the following:

First, foreign assistance which has been reported to the House. Second, military construction which was ordered reported today and will be filed today. Third, Labor, Health and Human Services and Education which has been marked up in subcommittee and is likely to be reported next week. Fourth, defense which is likely to be marked up in subcommittee next week.

Mr. Speaker, the resolution provides for the continuation of the existing provisions of law regarding the prohibition of federally funded abortions and the prohibition against preventing the implementation of programs of voluntary school prayer and meditation in the public schools. These provisions would remain in effect during the duration of the continuing resolution.

Timely enactment of this resolution allows more time to work on the regular annual 1986 appropriations bills. We hope to clear as many of the regular bills as possible during the effective dates of this resolution.

I urge the adoption of the resolution.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague.

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for yielding. I rise to enter into a brief colloquy with the chairman of the Appropriations Committee.

Mr. Chairman, the continuing resolution extends the so-called Boland amendment, section 8066(a) of Public Law 98-473, is that correct?

Mr. WHITTEN. That is correct. The continuing resolution does not specifically address the Contra issue. Its effect is to continue the Boland provision contained in the 1985 defense appropriation bill, just as the other restrictions and limitations in the 1985 Defense Act are continued.

□ 1140

I go further, however, and say the reason we held up the supplemental appropriation bill was trying to give the two sides a chance to agree on language, and it was agreed on.

So the supplemental appropriation bill provided $27 million for humanitarian assistance to the Contras to remain available for obligation until March 31, 1986, and modified the Boland provision to allow humanitarian assistance and the exchange of intelligence information for the Contras. The funds and the language in the supplemental bill remain in effect. The continuing resolution does not change in any manner the enacted supplemental.

Mr. BONIOR of Michigan. I thank the chairman. Through the extension of the Boland amendment, accordingly, the House prohibits any new funding, over and beyond that which we specifically made available in the fiscal year 1985 supplemental, except as such money would subsequently specifically be sought by the administration and specifically approved by congressional action. And in essence, what we are saying through the Boland amendment is simply that United States policy with respect to Nicaragua is too important to be funded through any reprogramming or any other avenues except a clear and specific vote by this Congress.

I thank the chairman.

Mr. WHITTEN. May I say the purpose of all of this is for a period of 6 weeks. There is no increase involved and no changes other than the modification which I mentioned, which the Congress approved in the supplemental.

Mr. BONIOR of Michigan. I thank the chairman.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering the first continuing resolution for fiscal 1986.

The Chairman and the members of the committee are to be commended for presenting the House with the cleanest continuing resolution that I have ever seen.

In the past, we have sometimes based our continuing resolution rates on such questionable standards as reported bills and the President's budget estimates.

There are no such provisions in the resolution before us today.

Accordingly, the resolution has my support, and no objection from the administration.

The resolution continues appropriations for projects and activities until November 14, 1985, or until an appropriation is enacted, whichever occurs first.

Nine appropriation bills for fiscal year 1986 have passed the House: Agriculture, Commerce-Justice-State-Judiciary, District of Columbia, Energy and Water Development, Housing and Urban Development, Interior, Legislative, Transportation, and Treasury-Postal Service.

Projects and activities in these bills are continued at rates which are determined by the status of the bill on the first day of the fiscal year.

Where a bill has passed the House and the Senate as of October 1, a project or activity is continued at the lesser amount and under the more restrictive authority.

A project or activity included in only the House or the Senate bill is continued at the rate provided in that bill or the current rate, whichever is lower, and under the current terms and conditions.

No new general provision shall take effect unless it is included in identical form in the House and Senate bills.

Where a bill has passed only the House as of October 1, a project or activity is continued at the House rate or the current rate, whichever is lower, and under the current authority and conditions.

Appropriations are not available to initiate or resume any project or activity not funded in fiscal 1985.

Projects and activities in three of the fiscal year 1985 appropriation bills are continued at the current rate, and under the current terms and conditions. Those bills are: foreign assistance; Labor-HHS-Education; and military construction.

The Labor-HHS rate also includes the following activities for which provision was made in the continuing resolution for fiscal 1985;

Activities under the Public Health Service, Act;

Refugee and entrant assistance activities;

Foster care and adoption assistance activities;

Emergency immigrant education activities; and

Activities under the Follow Through Act.

Projects and activities in the Department of Defense which were conducted in fiscal 1985, and for which provision was made in the Defense Appropriation Act for fiscal 1985, are continued at the current rate and under the current terms and conditions, which include the so-called Boland amendment.

Funds for procurement of MX missiles are subject to all of the limitations, restrictions, and conditions set forth in the 1986 Defense authorization conference agreement and conference report as filed in the House.

No provision which makes a 1986 appropriation contingent upon the enactment of authorizing or other legislation shall be effective during the period covered by the continuing resolution.

Mr. Speaker, I will vote for the resolution, and I can recommend that my colleagues do likewise.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES

The fiscal year 1986 appropriation bill for the Department of Agriculture, Rural Development and Related Agencies, H.R. 3037, passed the House on July 24. As of today, the other body has not yet taken action on this measure.

In light of this situation, our committee is recommending that the Department of Agriculture and related agencies receive funding after September 30 in accordance with section 101(a) of the continuing resolution. This section provides levels of funding at the current fiscal year 1985 rate, or at the rate provided for in levels contained within the fiscal year 1986 House-passed bill, whichever is lower.

Though we are some $5 billion below 1985-enacted levels overall in the 1986 bill, in most accounts we are at or slightly over 1985 levels. And so, in general, USDA and its related agencies will receive continued funding at the current rates.

I join the distinguished chairman of our committee in expressing my hope that we will soon see final action on the regular fiscal year 1986 appropriation bill before this joint resolution expires on November 14.

The House has passed the fiscal year 1986 bill, H.R. 2965. The Senate subcommittee has not yet marked up the bill.

Programs are funded at the House-passed level or the current rate, whichever is lower, and under the fiscal year 1985 conditions.

No new programs or new general provisions are allowed.

The House-passed ban on participation in abortion litigation by the Legal Services Corporation is not included. It could be restored to the resolution if the Senate passes the fiscal year 1986 bill with identical language.

All current restrictions on the Legal Services Corporation and the Federal Trade Commission would be continued. The Corporation restrictions include bans on assistance to illegal aliens, participation in class action suits, and lobbying. The resolution would continue 1980 FTC Authorization Act provisions dealing with agricultural cooperatives and marketing orders and trademarks.

CR—DEFENSE

Defense Rate: Same as 1985—$277.2 billion.

Section 101(c) continues appropriations at the current rate, and under the current terms and conditions, for projects and activities which were conducted in fiscal 1985, and for which provision was made in the Defense Appropriations Act for fiscal 1985.

Funds for procurement of MX missiles shall be subject to all of the limitations, restrictions, and conditions set forth in the 1986 Defense authorization conference agreement and conference report as filed in the House.

Funds for National Guard and Reserve equipment are available at the current rate until the 1986 Defense Appropriations Act is passed by the House.

Funds for SDI or star wars are at the $1.4 billion level as against the $2.7 billion authorized for 1986.

Asat limitations in the 1985 bill remain in force but since no tests are scheduled before the expiration of the continuing resolution, the language becomes moot. The language, however, is in place, and funds are limited to the 1985 level of $37.4 million rather than the $200 million requested in 1986 for research and development.

No funds were provided for procurement or facilities for binary gas in 1985 and none would be available under this resolution. The 1985 level for research—$18.4 million—would be available.

ENERGY AND WATER DEVELOPMENT

The energy and water development appropriations bill for fiscal year 1986 passed the House of Representatives on July 16, and passed the Senate on August 1.

Under the terms of the continuing resolution, programs and activities funded in the Energy and Water Development measure would continue at the lower of the House-passed or Senate-passed rate.

Neither House has passed the fiscal year 1986 bill.

Programs included in the fiscal year 1985 Foreign Assistance Act are continued at the current rate and under the current terms and conditions.

No new programs or projects are allowed.

Israel will get $1.2 billion in economic support funds, which will be obligated in its entirety by the end of October under the terms of Public Law 99-83, the International Security and Development Cooperation Act of 1985. Foreign military credit sales in the amount of $1.4 billion for Israel would be apportioned according to the duration of the continuing resolution. Two billion dollars in economic and military assistance to Egypt would also be apportioned.

Current restrictions on population programs and abortion are continued, including restrictions in the Supplemental Appropriations Act [Public Law 99-88]. These include bans on aid to programs involving coercive abortion or involuntary sterilization.

All country restrictions are continued, including bans on aid to Angola, Cambodia, Cuba, Iraq, Libya, Laos, Vietnam, South Yemen, and Syria.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES

As my colleagues are aware, the fiscal year 1986 appropriation bill for the Department of Housing and Urban Development and independent agencies, H.R. 3038, passed the House on July 25. As of today, the other body has not yet scheduled floor action on this measure although the Appropriations Committee has completed action on the bill and filed its report 3 weeks ago.

In light of this situation, our committee is recommending that the Department of Housing and Urban Development and 16 independent agencies receive funding after September 30 in accordance with section 101(a) of House Joint Resolution 388. This section provides levels of funding at the current fiscal year 1985 rate or at the rate provided for in the fiscal year 1986 House-passed bill, whichever is lower. And in the $56.3 billion 1986 bill, I would like to point out that we are below fiscal year 1985-enacted levels in most accounts.

I am hopeful that we will soon see final action on the regular fiscal year 1986 appropriation bill, and that the funding provision for these important agencies will disengage from the continuing resolution before it expires on November 14.

Our committee has taken every possible and responsible action to ensure that the essential programs, projects, and activities at HUD, EPA, NASA, NSF, FEMA, the Veterans' Administration, and each of the independent agencies continue at a reasonable and operable rate until such time as we have reached agreement with the other body and have a separate 1986 bill signed into law by the President.

However, I would like to point out to my colleagues that there are still a number of unresolved programmatic issues on which our committee has deferred funding decisions pending action by the appropriate authorizing committees. These include EPA's Superfund and construction grants programs.

I urge my colleagues on the authorizing committees to join us in taking swift and responsible action to ensure the continuation of these essential environmental activities in fiscal year 1986.

H.J. RES. 388 CONTINUING RESOLUTION, FISCAL YEAR 1986: INTERIOR SECTION

The Interior appropriations bill passed the House on July 31, 1985. To date, the Senate has taken no action on the bill. The Interior Appropriations Subcommittee could act on the fiscal year 1986 bill this week.

This continuing resolution mandates that programs and activities in the Interior bill will be funded in these 45 days at the fiscal year 1985-enacted level or at the House-passed level; whichever amount is lower.

As far as funding programs in the Interior bill, this continuing resolution is fairly straightforward. However,

there is one general provision carried forward in this continuing resolution that may be of concern to several Members. As provided in the fiscal year 1985 continuing resolution, the ban on leasing in the Outer Continental Shelf off the California coast and Georges Bank in the North Atlantic is continued in force. Based on a preliminary agreement, the House-passed Interior bill did not include the OCS leasing ban.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. Speaker, as the Members know, we have not yet considered the fiscal year 1986 Labor/HHS bill here in the House. Therefore, for the Departments of Labor, Health and Human Services, and Education, this bill provides for all programs at the rate provided for in the fiscal year 1985 Labor/HHS bill, public law 98-619. This continuing resolution also provides at the current rate for several programs carried in last year's continuing resolution: Health planning programs, refugee and entrant assistance, emergency immigrant education, and the Follow Through Program.

Mr. Speaker, this is as clean a continuing resolution as we've ever seen. I want the Members to know that I am sure it is the intention of the distinguished gentleman from Kentucky, BILL NATCHER, and it is certainly my own, to bring the Members a separate Labor/HHS bill as soon as possible, and this resolution, that carries us forward into November, in no way affects our ability to make decisions for fiscal year 1986.

LEGISLATIVE

House and Senate have passed fiscal year 1986 bills. Conference not yet scheduled.

House or Senate items contained only in that respective House's version of the fiscal year 1986 bill are continued at the current rate or the rate in the 1986 bill. Whichever is lower, and under the fiscal year 1985 authority and conditions.

Joint items are continued at the lower of the House or Senate 1986 bills, and under the more restrictive authority.

No new programs or projects are allowed.

TRANSPORTATION

The Transportation appropriations bill for fiscal year 1986 passed the House of Representatives on September. No action on this measure has yet been taken by the Senate.

Under the terms of the continuing resolution, programs and activities funded in the transportation measure would continue at the lower of the House-passed or current rate, and under such conditions and restrictions as are in effect during fiscal year 1985.

Because in most cases the funding levels contained in the House-passed Transportation appropriations bill for fiscal year 1986 are the same as, or lower than, the levels enacted for fiscal year 1985, most programs would be continued at the level in the fiscal year 1986 bill. In those few areas where the current rate is lower, such as FAA operations, this continuing resolution will not be in effect a sufficiently long time as to create a problem. In any case, current FAA personnel levels would be maintained.

HOUSE JOINT RESOLUTION 388 CONTINUING RESOLUTION, FISCAL YEAR 1986: TREASURY SECTION

The Treasury-Postal Service appropriation bill passed the House on July 30, 1985, and has been reported by the Senate committee. Action on the floor is expected soon.

This continuing resolution mandates that programs and activities in the Treasury bill will be funded in these 45 days at the fiscal year 1985-enacted level or at the House-passed level; whichever amount is lower.

This formula has an unusual application for the Treasury bill because of actions taken by the House. During markup of the regular fiscal year 1986 bill, the subcommittee did not add back the 5-percent pay cut assumed in the budget estimates. At the time of the markup, the President had not submitted the budget amendment which in effect withdrew the pay cut proposal. Therefore, several programs and activities in this bill will operate on the House-passed levels even though conference action later on is expected to rectify the situation.

However, most law enforcement agencies will not be affected and will operate on the fiscal year 1985-enacted levels with no curtailment of services. Even without the 5-percent salary increase, the Internal Revenue Service, the Customs Service, and the Bureau of Alcohol, Tobacco and Firearms have been allocated higher funding levels in the fiscal year 1986 bill.

As for the general provisions, the bill would carry the standard abortion rider for Federal health benefits and the prohibition against Customs Service closings or consolidation. And pursuant to an agreement reached in the fiscal year 1985 supplemental appropriations bill, the ban on Office of Personnel Management "RIF" regulations will not be in effect.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would just like to clarify a point with the gentleman, if I could.

The limitation that is in the bill with regard to MX missiles that refers to the Department of Defense Authorization Act of 1986, now it is my understanding that there are severe problems within the Democratic caucus about getting that bill out here to the floor, and that the reason why we do not have the authorization enacted is because we have not been able to overcome those problems within the majority caucus.

My question is why was that one section taken out to the exclusion of all others? There were a number of provisions in there. For instance, cleaning up procurement practices at the Department of Defense. Why did we single out only the MX missile portion of the bill and not look at some other provisions in there that may be of equal importance to many of the Members of this body?

Mr. CONTE. That was a very controversial matter, as the gentleman will recall, and it was debated at great length here in the House, and finally an agreement was reached between the House and the other body in the authorization bill. As the gentleman mentioned, we are awaiting action now on that conference report here on the floor.

Mr. WALKER. If the gentleman will yield further, my concern is not necessarily as it relates to the continuing resolution, but that we will set a pattern here. If, for example, the majority never does resolve their differences so that we can get that authorization bill to the floor, I am not certain that I am wholly comfortable with having had this one provision singled out, and maybe set a precedent that that is the only thing from the defense authorization that we are going to deal with in the appropriation process at a later date.

Is that a valid concern, or are we, in fact, going to go through a scenario of having appropriation bills at a later date which, in fact, will not follow the authorization of the House?

Mr. CONTE. I hope not. But the provision does support the position of the House. There has been precedent for such provisions in the past.

The continuing resolution is only for 45 days, and hopefully within that time the defense appropriation bill will be on the floor of the House.

We have had a problem in that the chairman of that subcommittee has been very ill, and hopefuly he will be back by then and we will be acting.

But I hope that authorization conference report will pass.

Mr. WALKER. If the gentleman will yield further, let me say my problem is with the authorizaton process, because I think we do have a conference report. It seems to me that the House should act on that conference report.

The fact is that as a result of a disagreement within the majority caucus, we have been unable to act upon that authorization report. I am somewhat concerned about the fact that we are now going to single out pieces of it and begin to bring those out as a part of the appropriation process, not having had an opportunity to deal with the

authorization conference report that I think should have been brought to the floor several weeks ago.

I appreciate the gentleman's comments.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. I am glad to yield to the chairman of the committee.

Mr. WHITTEN. My colleague, Mr. CONTE, is absolutely correct. We try to honor agreements that have been reached already by the Congress in the supplemental bill and in certain other actions of Congress. The current rate for the MX is much higher than agreed upon in the authorization conference on the MX, and we have followed that action by holding the procurement of MX missiles to 12 in fiscal year 1986. It is my understanding this is presently agreeable to the administration.

In this we try to accede to the places where the Congress has acted.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding. I have just one question.

In California right now, we have a rather controversial question of offshore drilling. Some of us have always opposed moratoria and have, in fact, opposed the tentative agreement that was reached between the Secretary and some Members of our delegation prior to the time that the Secretary then discovered that he could not continue to support it.

It is my understanding that this 45-day continuing resolution continues the moratoria language that was contained in the last year's continuing resolution which in effect means that it only will be in law unless further action is taken for another 45 days.

It is also further my understanding that the Department of Interior has no intention of attempting to go out to lease on any of these tracts, and cannot because of previous legislation for a period extending past the 45 days.

Can the gentleman tell me whether my statement is correct as far as he understands it?

Mr. CONTE. Yes, I think the gentleman from California is correct.

If the Interior bill has only passed the House as of October 1, then the moratorium in current law would be extended until November 14.

If the bill has passed the House and the Senate as of October 1, then current law no longer applies, and the terms and conditions are the more restrictive provision in the House or Senate bill.

However, no new general provisions in the House or Senate bills shall take effect unless they are in identical form in both bills.

Mr. LUNGREN. I understand that, and I would just like to say for the record that some of us who have never supported the moratorium in the past, if we do not object to this bill or vote against it do not want to be interpreted as supporting a moratorium for the first time. We understand the decisions that your committee had to go through in trying to keep this as clean a bill as possible, and the best way to do that was to extend current law.

So I would like to congratulate the committee for as clean a bill as I think I have seen around here. I know that the gentleman shares with me the sad feeling that this is not the way we ought to do legislation around here. The gentleman has commented on that many times and the chairman has commented on that many times. It seems unfortunately that continuing resolutions are becoming the rule rather than the exception, and I hope that at some point in time the Congress can get its act together and not go through this episode on a 45-day schedule or a biyearly schedule.

But I understand the bind the committee is in and I appreciate the gentleman for at least outlining what the situation is with respect to that provision in the Interior section of the bill.

Mr. CONTE. I want to thank the gentleman.

I might say, if there are no further speakers, if this passes right now we may go down in the "Guiness Book of Records" for the shortest period of time in passing a continuing resolution.

Mr. FRENZEL. Mr. Speaker, however neutral this continuing resolution is intended to be, or said to be, it is, by its nature, deserving of a negative note.

Continuing resolutions are nothing but a copout. They are required because we didn't do our job, as required by law, in the time allowed. In addition, even in the unlikely event that they contain no new boondoggles, nor new Members' pet but unwarranted projects, they preserve all the old boondoggles and old Members' pet, but unwarranted, projects.

It is also true that this resolution accepts provisions of appropriations bills that have passed the House, but have not been enacted, which not only shatter the President's budget, and the limits of good sense, but also exceed the House's own budget when supplemental appropriations are figured.

In all respects, House Joint Resolution 388 deserves a resounding "no" vote.

Mr. SMITH of Iowa. Mr. Speaker, the continuing resolution for fiscal year 1986 (H.J. Res. 388), which we are considering today is for 6 weeks and terminates on November 14, 1985. There are departments, agencies and programs under the sections of the resolution that I am responsible for (the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies) that will be held to a lower level of funding than is advisable and that most Members of the House and Senate would want for fiscal year 1986. Although it would be better if these departments and agencies knew exactly how much money they will have, it was not possible to go through each of these programs one at a time. Also the levels of funding might be changed as a result of negotiations with the administration. However, the continuing resolution is for only a 6 weeks period and hopefully before it expires, there will be final action on the fiscal year 1986 Appropriations Bill for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies (H.R. 2965) that will eject those programs from the resolution. H.R. 2965 passed the House July 17 and is pending in the Senate. Hopefully the Senate will consider the bill and pass it soon and thus remedy the whole situation.

One such problem area is the Legal Services Corporation where the level of funding under all bills is the same as last year's level. This situation leaves no room for cost of living increases for personnel or inflation increases for individual programs. That means that there will not be such increases or that there must be reductions in other areas of the Legal Services Program. There is a considerable difference of opinion as to how this problem should be handled. The best remedy would be for the House and Senate to pass an authorization for the Legal Services Corporation for fiscal year 1986 which would deal with these kinds of questions. The last authorization for appropriations for the Legal Services Corporation expired at the end of fiscal year 1980, and enactment of a new authorization would be a way for all Members of the House and Senate to express their views on this and other matters. Although the administration is opposed to any federally funded legal services program, at least we would know how a majority of the House and Senate feel about the components and priorities of the whole program even if such a bill are vetoed. However, since action on such a bill appears to be uncertain at this time, it would be advisable that Congress proceed with the regular appropriations bill for fiscal year 1986 as fast as possible to settle this matter and that the Legal Services Corporation take no action until we have had an opportunity to deal with this issue in a definitive manner.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 156, not voting 6, as follows:

[Roll No. 308]

YEAS—272

Ackerman	Fish	McCurdy
Akaka	Flippo	McDade
Alexander	Florio	McHugh
Anderson	Foglietta	McKinney
Andrews	Foley	Meyers
Annunzio	Ford (MI)	Mica
Anthony	Ford (TN)	Mikulski
Applegate	Fowler	Miller (CA)
Aspin	Frank	Miller (OH)
Atkins	Frost	Mineta
AuCoin	Fuqua	Mitchell
Barnes	Garcia	Moakley
Bateman	Gaydos	Molinari
Bedell	Gejdenson	Mollohan
Beilenson	Gephardt	Montgomery
Bennett	Gibbons	Moody
Berman	Gilman	Moore
Biaggi	Gonzalez	Morrison (CT)
Bliley	Goodling	Morrison (WA)
Boehlert	Gordon	Mrazek
Boggs	Gradison	Murtha
Boland	Gray (IL)	Myers
Boner (TN)	Gray (PA)	Natcher
Bonior (MI)	Green	Neal
Bonker	Guarini	Nelson
Borski	Hall (OH)	Nichols
Bosco	Hamilton	Nowak
Boucher	Hammerschmidt	O'Brien
Boxer	Hatcher	Oakar
Breaux	Hawkins	Oberstar
Brooks	Hayes	Obey
Broomfield	Hefner	Olin
Brown (CA)	Heftel	Ortiz
Bryant	Hillis	Owens
Burton (CA)	Horton	Panetta
Bustamante	Howard	Parris
Carper	Hoyer	Pashayan
Carr	Huckaby	Pease
Chandler	Hutto	Pepper
Chappell	Jeffords	Perkins
Clay	Jenkins	Pickle
Clinger	Johnson	Price
Coelho	Jones (NC)	Pursell
Coleman (TX)	Jones (OK)	Quillen
Collins	Jones (TN)	Rahall
Conte	Kanjorski	Ray
Conyers	Kaptur	Regula
Cooper	Kennelly	Reid
Coughlin	Kildee	Richardson
Coyne	Kleczka	Ridge
Crockett	Kolter	Rinaldo
Daniel	Kostmayer	Rodino
Darden	LaFalce	Roe
Daschle	Lantos	Rogers
Davis	Lehman (CA)	Rose
Dellums	Lehman (FL)	Rostenkowski
Derrick	Leland	Roukema
Dicks	Levin (MI)	Rowland (GA)
Dingell	Levine (CA)	Roybal
DioGuardi	Lewis (CA)	Rudd
Dixon	Lipinski	Sabo
Donnelly	Livingston	Savage
Dowdy	Lloyd	Schneider
Downey	Lowery (CA)	Schumer
Duncan	Lowry (WA)	Seiberling
Durbin	Lujan	Sharp
Dwyer	Lundine	Siljander
Dymally	MacKay	Sisisky
Dyson	Manton	Skeen
Early	Markey	Skelton
Edgar	Marlenee	Slattery
Edwards (CA)	Martin (NY)	Smith (FL)
Emerson	Martinez	Smith (IA)
Erdreich	Matsui	Smith (NE)
Evans (IL)	Mavroules	Smith (NJ)
Fascell	Mazzoli	Solarz
Fazio	McCloskey	Spratt
St Germain	Traficant	Whitley
Stangeland	Traxler	Whitten
Stark	Udall	Williams
Stokes	Valentine	Wilson
Stratton	Vander Jagt	Wise
Studds	Vento	Wolf
Sundquist	Visclosky	Wolpe
Swift	Volkmer	Wortley
Tallon	Walgren	Wright
Taylor	Watkins	Yates
Thomas (GA)	Waxman	Yatron
Torres	Weiss	Young (AK)
Torricelli	Wheat	Young (MO)
Towns	Whitehurst	

NAYS—156

Archer	Glickman	Oxley
Armey	Gregg	Packard
Badham	Grotberg	Penny
Barnard	Gunderson	Petri
Bartlett	Hall, Ralph	Porter
Barton	Hansen	Ritter
Bates	Hartnett	Roberts
Bentley	Hendon	Roemer
Bereuter	Henry	Roth
Bilirakis	Hertel	Rowland (CT)
Boulter	Hiler	Russo
Brown (CO)	Holt	Saxton
Broyhill	Hopkins	Schaefer
Bruce	Hubbard	Scheuer
Burton (IN)	Hughes	Schroeder
Byron	Hunter	Schuette
Callahan	Hyde	Schulze
Campbell	Ireland	Sensenbrenner
Carney	Jacobs	Shaw
Chapman	Kasich	Shelby
Chappie	Kastenmeier	Shumway
Cheney	Kemp	Shuster
Coats	Kindness	Sikorski
Cobey	Kolbe	Slaughter
Coble	Kramer	Smith (NH)
Coleman (MO)	Lagomarsino	Smith, Denny
Combest	Latta	Smith, Robert
Courter	Leach (IA)	Snowe
Craig	Leath (TX)	Snyder
Crane	Lent	Solomon
Dannemeyer	Lewis (FL)	Spence
Daub	Lightfoot	Staggers
DeLay	Loeffler	Stallings
DeWine	Lott	Stenholm
Dickinson	Luken	Strang
Dorgan (ND)	Lungren	Stump
Dornan (CA)	Mack	Sweeney
Dreier	Madigan	Swindall
Eckart (OH)	Martin (IL)	Synar
Eckert (NY)	McCain	Tauke
Edwards (OK)	McCandless	Tauzin
English	McCollum	Thomas (CA)
Evans (IA)	McEwen	Vucanovich
Fawell	McGrath	Walker
Feighan	McKernan	Weaver
Fiedler	McMillan	Weber
Fields	Michel	Whittaker
Franklin	Miller (WA)	Wirth
Frenzel	Monson	Wyden
Gallo	Moorhead	Wylie
Gekas	Murphy	Young (FL)
Gingrich	Nielson	Zschau

NOT VOTING—6

Addabbo	de la Garza	Rangel
Bevill	Long	Robinson

□ 1210

Messrs. RUSSO, DEWINE, DORGAN of North Dakota, FRANKLIN, OXLEY, and KEMP changed their votes from "yea" to "nay."

Mr. MARKEY changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KASTENMEIER. Mr. Speaker, due to death in the family, I was absent for the following rollcall votes. Had I been present, I would have voted: "aye" on rollcall No. 297; "no" on rollcall No. 298; "no" on rollcall No. 299; "aye" on rollcall No. 300; "aye" on rollcall No. 301; "aye" on rollcall No. 302; "no" on rollcall No. 304; "aye" on rollcall No. 305; "no" on rollcall No. 307.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 262 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, with Mr. SLATTERY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 12, 1985, section 4 was open to amendment at any point.

Are there any further amendments to section 4 of H.R. 7?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. INCLUSION OF WHOLE MILK AS A SCHOOL-LUNCH BEVERAGE

Section 9(a) of the National School Lunch Act is amended by inserting after the first sentence the following: "In addition to such other forms of milk as the Secretary may determine, such lunches shall offer whole milk as a beverage.".

The CHAIRMAN. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS.

Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

The CHAIRMAN. Are there any amendments to section 6?

The Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS

Section 9(b) of the National School Lunch Act is amended by inserting after paragraph (5) the following new paragraph:

"(6) Any child who is a member of a household under the food stamp program or a member of an AFDC assistance unit (under the aid to families with dependent children program under part A of title IV of

the Social Security Act), in a State where the standard of eligibility for such assistance does not exceed 130 per centum of the income poverty guidelines, shall be served a free lunch and breakfast without further application or eligibility determinations. For the purposes of any verification under paragraph (2)(C), proof of receipt of food stamps or AFDC shall be sufficient.".

The CHAIRMAN. Are there any amendments to section 7?

The Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. LIMITATION ON MEAL CONTRACTING.

Section 9 of the National School Lunch Act is amended by inserting at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service unless such company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible children.".

The CHAIRMAN. Are there any amendments to section 8?

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 5, after line 22, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 9. ELIMINATION OF 1986 ADJUSTMENT TO REIMBURSEMENT RATES IN THE SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS.

(a) SPECIAL ASSISTANCE.—Section 11(a) of the National School Lunch Act is amended in paragraph (3)(A) by striking out "July 1, 1982" and inserting in lieu thereof "July 1, 1987".

(b) CHILD CARE FOOD PROGRAM.—Section 17 of the National School Lunch Act is amended—

(1) in subsection (f)(3)(A) by striking out "July 1 of each year" and inserting in lieu thereof "July 1, 1987 and each subsequent July 1"; and

(2) in subsection (f)(3)(B), by striking out "July 1 of each year" and inserting "July 1, 1987 and each subsequent July 1".

(c) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(b) of the National School Lunch Act is amended—

(1) in paragraph (1) by striking out "each January 1" and inserting in lieu thereof "on January 1, 1987 and each subsequent January 1"; and

(2) by inserting at the end of paragraph (4)(B) the following sentence: "Such rates should not be adjusted to reflect changes in costs or prices during the period January 1, 1985 through January 1, 1986.".

(d) SCHOOL BREAKFAST PROGRAM AUTHORIZATION.— Section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966 is amended by adding a new sentence at the end thereof as follows: "No such annual adjustment shall be made July 1, 1986.".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HAWKINS. Mr. Chairman, reserving the right to object, we have not been furnished with copies of the amendment on this side. I request that we be provided with this amendment and the ones which follow. Otherwise, we would have to object to taking them up without reading them.

Will the gentleman comply with that request, please?

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield, I believe that the committee chairman has received a copy. It is entitled, "COLA Freeze." I do apologize to the chairman. We had provided copies of all of these amendments last week. I think both the majority and the minority of the committee had expected this bill not to come up until later today or tomorrow, and so I would inquire of the chairman of the committee as to whether he now has a copy of the amendment.

Mr. HAWKINS. We have received copies, and I appreciate that. I thank the gentleman.

Mr. BARTLETT. I thank the gentleman.

Mr. HAWKINS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, let me first put this amendment in the context of H.R. 7 and of the entirety of the school lunch programs. Last week during the debate, the House I think began to understand that a combination of the changes in H.R. 7 and these programs plus current law would cause the entirety of the national school lunch programs and the other programs that are amended by H.R. 7, would cause these entitlement programs to increase over the next 5 years beginning in fiscal year 1986 at the rate of approximately 6 to 7 percent a year.

Now, that 6 to 7 percent a year assumes the same number of recipients. So if the number of recipients were to increase, the increases would be greater.

Mr. Chairman, the result of that is that at the end of 5 years, if the House passes H.R. 7 today, and makes none of the modifications that will be proposed in this amendment and others, the result of that will be at the end of 5 years an unintended, I think, 36-percent increase of some $2 billion.

This, Mr. Chairman, is the first entitlement program that I can recall this House has considered this session, either to amend or to reauthorize.

□ 1220

The largest entitlement program in this section, the National School Lunch Program, is a permanently authorized program and, therefore, it is very seldom the House gets an opportunity to examine that program and determine if there are some ways to improve it so as to limit the rate of increases.

Mr. Chairman, the entitlement programs in the aggregate, as this House so well knows, are the single largest cause of the increases in the Federal deficit, constituting some 52 percent of Federal spending, and I think the House would prefer to deal with all of the entitlement programs in the aggregate, but that is not one of our options. All we can do today is to consider this program and then to hope that in many ways, as it will, modifications in this entitlement program will lead to modifications in others.

Mr. Chairman, in the context of this amendment, even if combined with all the other amendments, this amendment will not reduce spending at all. It will not reduce payments, it will not reduce spending. This amendment is a 1-year freeze on the automatic COLA's that otherwise would to into effect on July 1, 1986. Nor does this amendment eliminate COLA's. It only provides for a 1-year freeze or a respite from those COLA's that have increased the cost of these programs year after year.

Mr. Chairman, this would not lower expenditures. It would merely lower the rate of increases.

Now, school meal costs or reimbursements have been increased every year on July 1, at a calculated rate based on various indices. Between 1979 and 1983, school meal costs actually rose 7 percent, but the Consumer Price Index adjustment for the COLA was increased 32 percent. Between 1979 and 1983, total subsidies for free meals, if you include the producer's index and the commodity index, total subsidies increased 21 percent, but the cost only increased 7 percent.

So in many ways, Mr. Chairman, this change, this 1-year COLA freeze, a modest proposal, would really allow only a 1-year catch-up of some of the increases in cost.

These COLA's do not apply specifically to the students or to the recipients themselves but they are institutional programs, institutional reimbursements that are made to the school district. All that we are saying in this COLA freeze for 1 year is that for 1 year the Government woud recoup some of the overreimbursement that has been made in past years.

Let me repeat the numbers again. A 21-percent average increase in the reimbursements, versus a 7-percent increase in cost between 1979 and 1983. This amendment would not recoup those costs but would merely provide for a 1-year freeze.

Now, it is too early to——

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would bar the adjustment for inflation which is made in the reimbursement rates for the child nutrition programs. It would amount to a cut of $38 million in funding for fiscal year 1986, $250 million for fiscal year 1987, and $273 million for fiscal 1988.

May I, first, place the amendment in focus with respect to the overall budget problem?

H.R. 7 only attempts to reauthorize five expiring programs. It does not include all of the programs indicated by the gentleman from Texas on his now famous chart, which I think gives a false impression, an impression of busting the budget.

Unfortunately, this does not attempt to do that. We have scaled it down twice before this, in previous sessions, in 1983 and again in 1984. We have constantly reduced the amount for these programs. And the current proposal again reduces the amount.

After having documented the need for this program before the Budget Committee, the Budget Committee has indicated to us that H.R. 7 is completely within the limits of the Budget Committee and also the budget conference report, as reported by both the House and the Senate. So we are not doing anything fantastic. We are simply complying with the budget resolution as to the amounts.

Now, as to the merit of the amendment itself, 87 percent of the funds for child nutrition is earmarked to provide meals for poor children; therefore, the burden of this amendment is not on those who come from wealthy families but on the poor and the most needy among the children of this Nation.

These programs, despite what has been said, have already been cut. They were cut by one-third in 1981 and since that time, for a cumulative total of over $5 billion over this period of time. Now, that is a very disproportionate amount. No other program has been cut as much.

So with this amendment the gentleman is again picking upon a program that has constantly been cut since 1981. If that is a contribution to budget deficit reduction, this program has already suffered I think disproportionately more than any other.

The gentleman from Texas seems to be inconsistent in his desire to reduce the deficit. He has himself supported as much as $10 billion increase, in defense, in spite of busting the limits of the budget resolution in that instance, and in this instance he has a great fidelity for reducing the deficit. That inconsistency, it seems to me, is unwarranted in this instance.

There is a practical situation involved, as well, in the amendment. The school year has already begun. Contracts have been signed. Cafeteria workers have been hired on the basis of existing contracts. Food suppliers have already been contracted with, on the basis of the continuation of the current law, making allowance for the inflation factor.

This amendment would upset these contracts. It would simply mean that before the school year has been completed, they would have to take recognition of the fact that they have not made adjustments for inflation and try to readjust those contracts.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I will be glad to yield to the gentleman, just briefly, however.

Mr. BARTLETT. I thank the gentleman for yielding, and not for the purpose of debating our differences but to clarify that this amendment does not affect the current school year. It would affect the COLA scheduled for July 1, 1986. So it would take effect in the 1986-87 school year, and school districts would then have almost a full 12-month notice that there would not be that increase built into their budget. I wanted the gentleman to understand that.

The CHAIRMAN. The time of the gentleman from California [Mr. HAWKINS] has expired.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was here and heard the gentleman offer his amendment. We serve together on the Education and Labor Committee and I know of his deep concern for education. We have our differences. But I never thought we would have a difference in this area. I respect and share the gentleman's concern for education. The subject of this proposal is child nutrition. We as a nation are concerned with nutrition of people all over the world, and have responded in generous fashion—and properly so. However, when it comes to dealing with the young folks of our own country, we sometimes find a penurious attitude, as reflected in this amendment.

Clearly this amendment would only exacerbate an already diminished situation. We have lost some $5 billion to date since 1981. This amendment would only further the cuts and reduce the program.

We look at the young folks today, and we know that the nutrition program is working and so we witness their nutrition improving. An see it in their well being. It is this very effort by our country over the years that has helped develop a better mind and body for our young folks.

The gentleman argues—and I understand his concern—the budget deficit which is clearly an important concern to all of us. If we are to cut, certainly do not pick on a nutrition program for the children. It is a miserly attitude. It is something that should be rejected out of hand. The argument cannot be made that the budget resolution is constrictive. The fact is, the budget resolution permits adjustments for inflation.

The gentleman, if he is concerned about budget deficits should look to the time he voted for $10 billion more for defense. And I have no quarrel with defense expenditures, but here we are, in the process of emasculating a program that has served our Nation well and has kind of taken the sting our of the pocket of poverty that existed in our Nation over the years.

I am not saying that every program functions in perfection. But no program in Government operates in perfect fashion. Let us not, as a matter of policy, cut in a cruel fashion the way this amendment suggests. We should not be cutting. We should be increasing. And I sincerely hope and pray that the Members of this august body will reject the gentleman's amendment, and I sincerely hope that the gentleman would, upon reflection, recognize the error of his ways and perhaps withdraw his amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, a strange thing happened on the way to something. I am not sure what it was. But when we started this year, there was a great deal of talk in the Congress that, as a matter of fact, the least we were going to do was freeze across the board; and then we were going to go beyond that. So in my first service on the Budget Committee, we passed a budget on the House side, which did not do that at all. The Senate passed a budget that did not do that at all. And then they got together in conference, and that was the most amazing thing I have ever seen, because in conference the President got what he wanted, no new taxes, no freeze on Social Security, the House got what they wanted, increases in domestics, the Senate got what they wanted, increases in defense, and they came back and told us:

> We are not only going to save as much as we said we were when it left the Budget Committee originally but, as a matter of fact, we are going to save more, even though all three sides got what they wanted.

That is an amazing thing.

Well, at that time I suggested some things, including what is being offered now, to the Budget Committee and the Finance Committee, that if you are truly going to freeze the entire budget, I want you to know the areas where you will be least devastating in the nutrition area. But as I indicated, they did not decide to do that at all. As a matter of fact, they said some areas get COLA's, they said you must have COLA's in defense, you must have 3 percent in the out years, and so

forth. So now we are saying defense and everything else can have increases, but when it comes to cost-of-living increases for nutrition programs, the answer is "no," you take a freeze.

I am not here to defend that kind of budgeting. I would not want to go out and tell the public that somehow or other I voted for a budget that increased in many areas but in one of the most important areas, which is nutrition, we decided a freeze would be all right.

Well, let us look at the COLA situation in relationship to what we have done in the last several years. Every COLA that has been given, every program that has a COLA, you can make the same argument that the gentleman from Texas has made now. You can do that in Social Security. You can say it far outstripped what we gave in relationship to what the figures should have been. But look at it in this context: With the reconciliation of 1981, the Child Nutrition Program, which represents less than one-half of 1 percent of the entire Federal budget, took 4 percent of the cut. One-half of 1 percent of the entire budget took 4 percent of the total cut. In short, the nutrition program enacted in 1981 was approximately 10 times greater in cuts than an across-the-board freeze.

□ 1235

So do not look at what may have happened as far as COLA's are concerned; put it in the proper context, and look what has happened in reductions that took place in the whole nutrition program. Then you will discover as a matter of fact that you are spending less than what those so-called inflated COLA's would have given you.

Second, if you make this cut, and I am assuming it is across-the-board, except milk; I say that for the dairy producers—if you make this cut and you are talking about a school breakfast program, and you are talking about a summer feeding program, who makes that up? You are not talking about some school district that may go out and increase taxes, et cetera. You are talking about some programs that are carried on differently.

Let me just wind it up by indicating that the inflation adjustment will be in the range of 4 to 5 percent we are told in 1986. Again, keep in mind in 1981, even though it represented one-half of 1 percent of the total budget, nutrition took 4 percent of the cuts.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I thank the Chair.

Mr. Chairman, I take this time to address the suggestion so often raised among some of our colleagues that no one goes hungry in America.

About a week ago, coincidentially, on the same day this bill was scheduled for consideration. I was going to the place where I live here in Washington, five blocks from the Capitol, about 9 o'clock. There was a little child who lives two doors from me named Tony. He was crying. I approached him, asked how he was doing, and he told me that earlier in the day someone jumped him in his words, beat him up, and stolen his bicycle.

I was trying to comfort him in neighborly terms, during which time I learned that he was hungry. I asked Tony when he ate last, and he said yesterday at noon. I learned that his last meal he had was the day before at school, and that he had not eaten on this particular day because he had missed because his bicycle had been stolen.

There are many children today, maybe even thousands within the shadow of this Capitol where we sit in comfort during the debate on this bill, who only get one meal a day and it is provided to them at school by the program that we are debating this day. I expect that that figure is multiplied thousands of times across our land in numerous situations in every town in America.

Some of the people who are crying loudest about the budget have concern about the budget as all of us do who are here debating it. But we should not lose sight of the fact that in this great land where we are debating a budget of almost $900 billion that we should not lose sight of the fact that many of our citizens; namely, young children, only get one balanced meal a day which is provided to them by the School Lunch Program through the school that they attend. I urge all of my colleagues to take this fact into consideration and not lose sight of the fact that while we must attend and give consideration to the needs of the budget, that we should also give consideration to the needs of our citizens.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the hungry and needy schoolchildren in this country are not the real cause of the deficits. Very often when we come to programs for the needy we raise the specter of the deficit. Now, I recognize that consistency is not a strong virtue in this House, but it is something that we should strive for, at least. A certain sensitive consistency.

I have enormous respect for the gentleman from Texas [Mr. BARTLETT]. He and I worked together last year on a bill that no one said could pass. We worked well together on that, and I appreciate that work. But as all of us at times are inconsistent, so can he be. Just on June 18 of this year, he voted for $10 billion extra for the Defense Department; really beyond that which the budget resolution called for. He was not for a freeze there.

I recognize that he feels defense is a very high priority, but Mr. Weinberger's extra dollars in the last 5 years did not come from revenue, they came from filching dollars from other programs. They came from filching dollars from schoolchildren, from pregnant women, and from the poor. That is where he got the dollars. I can figure that. There is no extra revenue; he had to get the money from other programs. That is where he got those dollars. By supporting an amendment like this, we are telling him, "Here is our blessing on that; get some more of your dollars from this program." That is where the dollars will go; we know that. That is the record of the last 5 years.

In real life I was a schoolteacher. I taught school, and I can recall one incident in my life that really made me a strong supporter of this program. I was raised in a family where stealing was considered a very, very terrible offense. I found out that in my home room there in high school that my students were having their lunches stolen. Every day someone's lunch was being stolen, and that really outraged my sense of justice. So I really went to work on that and I found the culprit. I nailed the culprit. I called him in. And while his stealing was wrong, let me tell you this: He never got a breakfast in the morning. His first task when he came to school in the morning was to get something to eat. But he had a certain honor. He said, "Mr. Kildee, I never steal from the same person in the same week."

Do not take this food away from kids. For gosh sake, there are other ways to save money.

Mr. TAUKE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is very difficult to support any amendments that affect the child nutrition programs. But I am compelled to come to the floor in support of this amendment because I believe it is imperative that we only provide increases in spending in those areas where we have strong need to do so.

I think that the opponents of this amendment have made some good points. But they have also been guilty of using some very faulty arguments in opposing the amendment offered by the gentleman from Texas. What we have done on defense may or may not be relevant, but it does appear to me that it is misleading and wrong for those who are arguing in opposition to this amendment to solely base the argument on the assertion that if we do not spend the money for this, we will spend it for defense. You voted for an increase for defense, they say, and

now we ought to vote for an increase for this. I did not vote for any increase for defense, and I do not think I have voted for an increase for any program this year. But whether or not the rest of my colleagues have voted for an increase in those programs is not particularly relevant here. What is relevant is this: When we do not have any money in the Treasury, can we justify increases in this program? Will the program fail in its mission if we do not provide more money?

I have heard nobody in opposition to this amendment stand up and explain why we have to have a cost-of-living adjustment in this program in order to maintain the program, provide food for starving children, provide food for children who are not starving but maybe want a lunch. Nobody has bothered to do that.

Nor have they bothered to look at what has happened to the program during the past several years.

□ 1245

In fact, what has happened is that we have given cost-of-living adjustments in this program that have far exceeded the cost of food purchased for the program. The cost of meals under this program have increased very slightly. Between 1979 and 1983, for example, there was a 7-percent increase in the cost of providing a meal, while the index under which this program got increases went up 21 percent.

So we have increased the money for the program far faster than the cost of food has gone up. If one looks at what has happened during the last year, and if one projects what is going to happen for the next year, the cost of food is not going up, ladies and gentlemen, the cost of food is going down.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, could the gentleman also tell me that the cost of equipment is going down, not up, and the cost of labor is going down, not up?

Mr. TAUKE. I would be happy to respond to the gentleman.

First, we are not talking about equipment in this particular portion of the program.

Mr. GOODLING. We are talking about cost-of-living increases.

Mr. TAUKE. I have not yielded to the gentleman.

The second point that I am trying to make is that we have here limited dollars. Of course, I would love and I am sure the gentleman would love to not just give a cost-of-living adjustment for the program but to double it, give everybody free meals. But the point is that we have limited dollars within which to work.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. No, I will not.

We have limited dollars within which to work, and when we have limited dollars within which to work, we have to make tough decisions. There has not been any case made for increasing the expenditures, except to say that if we do not increase the expenditures, we are going to be taking food from starving children. Not true.

The fact is that the program will be maintained.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I would be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's response because no matter how you slice it, the fact is that it is between those years of 1979 to 1983, which is the last time for which we have the figures, total school meal costs have only increased 7 percent, but the reimbursement by the Federal Government to the school districts in institutional entitlement has been increased by 21 percent.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has expired.

(On request of Mr. BARTLETT and by unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, will the gentleman continue to yield?

Mr. TAUKE. I would be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, we are not going to emasculate the program or even reduce the program, but only reduce the rate of increase. This amendment would still permit a rate of increase, with a 1-year breather for the COLA, not even to catch up completely to that disparity, but just a 1-year breather.

Mr. TAUKE. I thank the gentleman for his point.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Iowa. He has put his finger right on the basic issue that we are talking about, the discipline of the House. If we are going to begin to increase this program, housing, Customs, IRS collectors, water projects, defense then increased and spendings continue to dominate this House. We are losing our discipline in respect to the deficit. We as a nation are borrowing 20 percent of our revenue. Our general fund will pay out $130 billion on the interest alone in 1986 on the national debt.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has again expired.

(On request of Mr. PURSELL and by unanimous consent, Mr. TAUKE was allowed to proceed for 3 additional minutes.)

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I suggest that yes, it is a great program. I have been a former teacher and I have been on the Committee on Education and Labor, and I can name a hundred great programs and so could you and so could all of us. We have 435 Members here. But if discipline breaks down here, I think what it's suggesting is that all bets are off on the Defense bill, which is yet to come. When that Defense bill comes up, what are we going to do? Are we going to allow the $10 billion increase in defense over 1985? We must be consistent an say "no" to increased spending.

Mr. PANETTA. Mr. Chairman will the gentleman yield?

Mr. TAUKE. I would be happy to yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, sometimes I am never quite sure whether we are in the House of Representatives or in an Alice-in-Wonderland situation. We are operating under a budget resolution which provides exactly for the growth that is involved here. That is the budget resolution. We either stand by that budget resolution or we do not. We cannot pick and choose and say, "Oh, in this area I am going to support the budget resolution, and in this area I am not."

This bill meets the budget resolution, period. Now, we either stand with that or we do not.

Mr. PURSELL. Mr. Chairman, will the gentleman yield further?

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I do not happen to support the budget resolution because we are only talking about $39 billion savings in the budget.

We are talking about a freeze at 1985 levels. That is a different figure than the House budget resolution.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I do not know that it is all that crystal clear that there is some page of the budget resolution that contemplates an increase in these programs at the rate that they are being increased. In fact, there is no such one single page. The fact of the matter is that the budget resolution in many ways becomes very, very vague, as it does in this area.

The fact is that there is nothing in the budget resolution which would suggest that we control these costs. Nowhere, when the budget was voted on, and I do not support that budget either, did anyone say, "That means a 36-percent increase in the cost of these programs." I do not believe there is a Member of this House who believes that.

Mr. TAUKE. I thank the gentleman for his point.

Mr. Chairman, I want to conclude by saying, ladies and gentlemen, that regardless of what we do in other programs, when we look at this program, we must apply rigorous standards, as we do to every program, and say, "Is it absolutely necessary to have increases in spending?"

In view of the fact that we have more than overcompensated for increases in food costs in the immediate past, in view of the fact that food costs are going down, and in view of the fact that we have heard nothing suggesting that the removal of the cost-of-living adjustment for 1 year would in any way stymie this program, I think we should accept the Bartlett amendment.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the particular amendment that is being offered today on the House floor for a variety of reasons.

First of all, I have to say that when we are talking about spending money of any sort on the Federal level, we are obviously dealing with prioritization, of how important an individual issue to an individual Member. It so happens that in my particular case the priority of feeding children and giving them a decent meal so that they do not go hungry is pretty high up there.

What are we talking about in terms of the specifics of the legislation? We are talking about 87 percent of the money that we are voting on going to poor, to hungry children, to children that I go up and down the hollows and see go around a lot of times in rag tails, without a decent meal except what they get when they go to school. This is the kind of thing we are talking about.

What are we talking about when we deal with where the cuts are going to come from? The distinguished gentleman from Iowa, I know, has a great concern on this issue. What we are talking about is cutting one of two things. We are talking about cutting either the number of people who are getting the food, or the quality of the food.

All right. If those are the two things that we are talking about cutting, in what type of situation are we? What type of situation are we in to cut?

In 1981, one-third of this program was cut out in that particular type of legislation we had back then. We absorbed a heavy cut at that particular time period. Now they talk about how much increase these programs have gotten.

I ask the distinguished gentleman if he would please take a look and see that, in fact, this legislation ties the price of food. If the price of food goes up, then the COLA goes up. So when we talk about a 21-percent increase over the past several years that we have had, if it has gone up by 21 percent it is because the food has gone by 21 percent.

□ 1255

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding, and I have asked him to yield not for the purpose of debate but for clarification.

In fact, the COLA under this program is adjusted according to the CPI, not according to the cost of food. The difficulty with this is that the meal costs have gone up only slightly, but the CPI has gone up a dramatic amount, and thus we have the disparity.

Mr. PERKINS. Mr. Chairman, I have just a further point for clarification. It is my understanding that it is the CPI based upon how you provide food costs away from home; is that not correct?

Mr. BARTLETT. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, the gentleman is correct. That includes restaurants, both expensive and inexpensive. It is the CPI, under the food-away-from-home, that is the adjustment. That has increased by 32 percent for those years, and the reimbursement under this program has increased by 21 percent. But school meal cost have only increased 7 percent in that time. That is the disparity we are discussing.

I am not seeking to recapture that entire disparity but only to provide for a 1-year freeze or a 1-year breather to perhaps recapture 3 percent or 3½ or perhaps some much smaller amount than that.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PERKINS. Mr. Chairman, reclaiming my time, I would say that it is my understanding that it is a weighted balance from the variety of the different away-from-home costs, so it is not just restaurant costs. And what we are talking about here is in fact a program that is tied with this away-from-home cost to the price of that away-from-home food. That is all it is, purely and simply.

What are we talking about in these terms? When you are away from home, what is it going to cost you if you are going to get some sort of meal? What we say here is that we are providing at that particular price, the most lean price that we can get in essence, some sort of increase to keep up with that increase in the cost because of inflation. That is all we are talking about.

We are not talking about a new program. We are not talking about any sort of massive new aid for children. We want to keep the children who are out there eating the same food, with the same number of children, and not have a reduction in the number of children or the kind of food they eat. Purely and simply, you can slice it any way you want to, what we are talking about here today is children. Children are the issue that is before the House and the Congress of the United States of America.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. PERKINS was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, first of all, the discussion is very, very misleading. Someone is throwing around the figure of 7 percent. There is no justification whatsoever for it. Those figures are not available anywhere. You cannot go to the Agriculture Department or you cannot go anywhere and get a figure, as a matter of fact, that the cost-of-living increase over that period of years was 7 percent. It does not exist.

Second, I would tell my friend, the gentleman from Iowa [Mr. TAUKE], as a matter of fact that I am not for a universal free meals program and I am not for 25-cent reduced-price meals. If he would have been here earlier in my career, he would have found out that I was the Member, as a matter of fact, who fought against both.

But let me point out also that the important thing is that the best figure we have at the present time is $1.50. That is the average cost of these meals. That figure, I say to my dear colleagues, is going up every year, every year, and every year. Just go and

get the statistics. And that figure includes about 70 cents for labor.

So let us not look at percentages here and percentages there. The cost to produce a meal, the average meal in the United States, has consistently gone up, and now the average cost as of last year was a buck and a half. That has gone up since that time, and as a matter of fact, that is an average cost. In some places it costs much more.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I want to congratulate the gentleman from Pennsylvania [Mr. GOODLING] for a very important and impressive statement, and I want to underline what he said when he talked about labor.

We are talking here about some of the most underpaid people in this country. People who know what the wage schedule is and people who prepare and serve food in these school kitchens ought to understand that that is part of what we are talking about. It is not simply the cost of food. We do not buy it and throw it at the kids. People have to cook it, people have to serve it, and people have to clean up after it, and we are talking about a very underpaid group of people to begin with.

So when you deny a cost-of-living increase, you are saying to the school district, I assume, "Don't give those people who work in that food preparation, in the cleaning up, and in the serving an increase that year, because they are just not going to get one."

So, Mr. Chairman, I thank the gentleman from Pennsylvania because I believe he has provided real leadership on this.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have great respect for my colleague, the gentleman from Texas, and I have been very impressed with this thorough work on the charts that he presents to us. But if I may be allowed to scramble a little Shakespeare, I would like to say that the expense of his scholarship and thoroughness is a "waste of shame."

It is a waste of shame because he expends it in the wrong place. We never see him bring the charts and the diagrams forward when we are talking about waste where there should be cuts made, and that is in the defense area. Even in circumstances where we were discussing inordinate costs for nuts and bolts purchased by the defense contractors, or ashtrays, toilet seats, and coffee pots, our colleague, the gentleman from Texas, never came forward with his charts.

It is a waste of shame because he never bothered to come forward and discuss the facts concerning the MX missile, which most experts have agreed is not vital to our defense. It is a closing of the window of vulnerability in one case, or it is a bargaining chip in another, but they have never really said that it was vital to our defense. Our colleague did not come forward to challenge the expenditure of $74 million for each MX missile or talk about the fact that each one of those MX missiles requires a superhardened silo which will cost another $150 million per missile. So each MX missile costs $74 million, plus $150 million, and the charts and the graphs never came forward to point out the absurdity of that expenditure for a weapon which we do not really need in our defense arsenal to begin with.

It is also a waste of shame because of the fact that he has chosen to do a very thorough job on attacking programs which are primarily aimed at children. It has been documented recently that of all the people who receive entitlement programs, our children are the ones who are now getting the least amount from our Government and who have the greatest needs. These are programs to feed hungry children.

I will not pretend that the children of my district are like those in Ethiopia, but it is 1 of the 10 poorest districts in the country. I think, in terms of family income, my district ranks 10th among the poorest. In New York City we have 3 other districts which are among the 10 poorest, so we have 4 congressional districts in New York City which are among the 10 poorest districts in the country with respect to family median income. These are children who are hungry. I am not going to say it is like Ethiopia, that they are starving and they will not survive. But they are hungry, and a consensus was reached in the country that the nutritionally starved, those who are getting enough in their bellies but who are still not getting the proper nutrition, should be made a priority, that if we do not feed children properly when they are young if they do not get the right nutrition, then their ability to learn and their capacity for learning is diminished. Other types of problems psychologically and physically arise as a result, and problems arise medically which later on we pay for through Medicaid. I think the attempt to lower the cost of Medicaid was one of the motivating factors which led to an increased emphasis on programs which provide sound nutrition for young children. So we will pay now or we will pay more later.

It is a waste of scholarship because we cannot afford to pay for what would happen if we did not provide or if we do not continue to provide adequate nutrition programs.

Finally, I would like to thank again our colleague, the gentleman from Pennsylvania, for setting the record straight about the credibility and reliability of statistics that are being thrown at us. We really do not have sound statistics to show that the increases are that great, but more important than that is the fact that when we talk about increases, we must ask, what is the base? The base is 1981–82 when the cuts were made, when these programs took a disproportionate amount of the cut to begin with. We have cut a program drastically, and now we are talking about the percentages of increases from year to year, which really means that with these increases we are trying to get back to a reasonable state of appropriation that existed in 1980.

So what is at stake is the provision of a program for those who have been deemed to be those most in need in our society right now, the children of America, the children who are under attack. And they are under attack in order for us to sort of balance the budget and reduce the deficit when there is no sincerity among those who argue that the children must wait until the deficit is taken care of or the budget is balanced.

There is no sincerity there, Mr. Chairman, because those same people refuse to recognize the fact that the real waste is in defense.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. GUNDERSON. Mr. Chairman, I beg, as I guess we all do, the indulgence and the attention of the Members because I think there are a number of things that need to be said on this bill. And there are a lot of things that need to be said about this particular amendment.

This, make no mistake about it, is the key amendment that will be considered in H.R. 7. If any of the amendments are going to pass, this is the one that ought to pass. And, it is the only amendment left in front of us that I am going to support. Other amendments will suggest that what we ought to do means tests, and that we ought to cut the cash commodities and all that sort of thing. I do not happen to agree with those amendments.

And my position has been significantly misrepresented over the weekend. Let me make it very clear that I do not agree with the other amendments that are going to be offered and I am not going to support them, but I think this amendment has merit. I think it ought to be considered, and I call it to the attention of the Members.

A lot of Members are getting up here in debate and saying that because somebody votes to increase defense,

they cannot vote to have a freeze in child nutrition. In all due respect, we all have different priorities. I happen to have different priorities than the gentleman from Texas, but let's respect his.

Many of us in this body, Democrat and Republican alike, who believe that the budget we passed in this Congress was inadequate, and that what we ought to do in terms of a justifiable, consistent public policy is begin with a freeze on everything. Then, above and beyond that, make cuts. I challenge anybody in this House to take a look at my voting record thus far, because they will find that consistency in my record. I have voted for a freeze on defense, I will consistently vote for a freeze on defense in fiscal year 1986, and I will vote for that freeze in other programs as well.

Now, the fact that this Congress is making a mistake in increasing defense authorizations does not justify that we then abandon any effort at fiscal responsibility in this Congress and let every program increase carte blanche, whatever we want the cost of living to be.

Let us understand as well that the amendment before us at this point in time does not freeze the child nutrition programs and does not freeze the School Lunch Program. This particular amendment simply freezes the rates.

If you have a small school in your district of, say, 300 students and next year the enrollment goes up to 325, you are going to get reimbursement for all 325 children if they participate in the School Lunch Program. We do not freeze the program at the present level. We freeze the rate. So each School Lunch or Child Nutrition Program will be able to respond. They will simply have to, in 1986–87, respond at the same level they are doing in 1985–86, because on July 1 of this year they received a 4½-percent increase in rates.

Now, I would also suggest to the Members that if they look at the facts on the adjustment in rates that occurred on July 1 of this year, they will find that something very interesting happened. In terms of the cash subsidy, we actually had an increase of from 12 to 12½ cents. In terms of the commodity subsidy, we actually had a decrease from 12 to 11¾ cents. Why? Because the cost of food in this country has gone down.

So to suggest that the cost of food is going up and, therefore, we have to have a cost-of-living increase in the rates because, if we do not have that, the programs are going to be decimated simply does not stand up to the facts that are before us.

What we are talking about, if we have a one-time freeze in rates, 1986 to 1987, would be a savings, according to the Congressional Budget Office, of $26 million the first year, $199 million the second year, and $236 million the third year. That is the calculation from the Congressional Budget Office.

Now, I would suggest this when you listen to the arguments that are put up against this:

First, that you cannot freeze this because you are not freezing defense, I would suggest that we freeze all of them.

Second, people are going to suggest that food prices are going up, and I think I have indicated that that is not the case.

□ 1310

Third, a number of my colleagues have tried to make the allegation, "Well, Mr. GUNDERSON, in committee you offered an amendment that provided for funding for the School Milk Program, a restoration that cost $15 million.

"Now, we agreed to that, but we are going to eliminate that if you talk about a freeze, because you are being hypocritical."

First of all, I think that is poor politics and poor policy if that game is going to be played. That amendment was being done from a public policy perspective, and let me talk about that. The special School Milk Program will cost $15 million. That was added back in committee because everyone on both sides of the aisle recognized that an oversight and a mistake in Gramm-Latta in 1981, where the policy decision was made on milk in school programs.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent, Mr. Gunderson was allowed to proceed for an additional 3 minutes.)

Mr. GUNDERSON. Mr. Chairman, the policy argument in 1981 was that we would include the milk in the total school lunch reimbursement. I support that. For the most part, we ought not to have a special fund for milk. What we ought to have, however, and recognize, is that those young people, preschool, kindergarten children, who go half days and do not participate in the School Lunch Program, were thereby eliminated from participation in school milk because they did not participate in the school lunch. All we were saying in that amendment, a corrective amendment, is that every student ought to be allowed to participate in school milk, either through the school lunch, or if not the school lunch, the School Milk Program.

Now, I would suggest, everyone take a look at what I am supporting here in the freeze. Then take a look at that other special milk amendment, and we are more than living at a freeze in terms of overall cost outlays. I would suggest that consistency is on my side.

I would invite my colleagues on both sides of the aisle to recognize this is the key amendment. This is the time Democrats and Republicans alike will determine whether or not we believe the budget resolution that passed this House is inadequate and whether or not the fairest way to deal with the issue of the deficit is to start with an across-the-board freeze and then deal with cuts above and beyond that if we so choose.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. Now that I have completed that statement, I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I appreciate the gentleman's explanation of why he had to vote for extra money for milk. Those of us who did not vote for Gramm-Latta I guess are not compelled to try to undo its mistakes.

Mr. GUNDERSON. Incidentally, I would reject that, because every argument that has been made on your side of the aisle is that we are trying to correct all the cuts that were made in Gramm-Latta on the school lunch. So I do not think your side agrees with the argument the gentleman just made.

Mr. FRANK. Well, if the gentleman will yield further to me, having given me 14 seconds, which I deeply appreciate before the gentleman interrupted me, if he would yield further, I would just say that we do not feel any great compulsion to single out particular things on the basis of something similar that was stated before when we started; but since the gentleman has brought up milk and he talked about his consistency in voting for defense and keeping it down, in my judgment since I have gotten here, the gentleman and I have often debated the dairy program, the dairy program as I understand it is not a nonmeans test of entitlement, it has been an antimeans test of entitlement; the bigger you are, the more money you get.

I wonder if the gentleman would describe to us his cost-cutting record with regard to the dairy program since the gentleman came here in 1981, which is a program which in sheer fiscal terms blinds the School Lunch Program in terms of its impact on the budget.

Mr. GUNDERSON. Mr. Chairman, I cannot believe the gentleman would give me the opportunity to answer that question.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for an additional 3 minutes.)

Mr. GUNDERSON. Mr. Chairman, I welcome the additional 3 minutes to talk about one of my favorite subjects

and to indicate to my colleague, the gentleman from Massachusetts, exactly what has happened in the dairy program.

We are going to get into the farm bill debate a little bit earlier than I expected. But let us talk about what happened in 1983. At that point in time, we had a $2.5-billion annual expenditure for the Dairy Price Support Program in this country. I did not justify that. I do not think anyone else does.

Mr. FRANK. Mr Chairman, will the gentleman yield?

Mr. GUNDERSON. Yes.

Mr. FRANK. That was 1983 the gentleman was talking about?

Mr. GUNDERSON. That was $2.5 billion.

Mr. FRANK. As a result of the legislation the gentleman voted for in 1981 when we had a chance to vote the other way, the gentleman has picked a convenient starting point.

Mr. GUNDERSON. Well, let me explain the program to the gentleman. The fact is that if you take a look at dairy price supports, and the gentleman very well knows they have gone down from $13.10 in 1981 to $11.60 at the present time. There has been no increase in support to the dairy farmers of this country.

Second, above and beyond that, we passed a diversion program which saved the American taxpayers over a billion dollars in the first year alone of that program.

Third, we are going to have a farm bill appear next week that is going to have a dairy provision which is going to bring the taxpayer cost of the dairy support program down to $800 million. I think the dairy farmer will consistently tell you that he has more than done his job to support the efforts of budget reduction and deficit reduction in this country and it is a record I can be very, very proud of in that regard.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to my colleague, the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I have sat here while three or four or perhaps more Members have talked about consistency vis-a-vis the defense program or milk or other things. It seems to me that there are decisions and priorities that this House has to make. It seems to me the inconsistency is on the other side for those who have, and I believe probably will when we get another chance, vote to reduce the increases in the defense program and it seems to me that for the sake of consistency they should be willing not to reduce the School Lunch Program, but at least to limit the rate of increase.

As the gentleman has said during his debate, in fact we are debating one amendment, that single solitary amendment that would improve and reduce the rate of increase by limiting at 1 year's worth of COLA on this one program. There is no other item before this House. It is only that attempt to begin to try to put the Federal increase in the deficit into some sort of perspective and to try to put some limits on it. That is the only bill that is before us.

For those who want to cut defense, leaving aside the argument on national security, I would hope they would also find some ways to at least limit the rate of increase in other programs.

I thank the gentleman for yielding.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

I think here we should not mix apples and oranges. There is only one issue here. The cost of producing a meal is going up. If you get your statistics, you will see that. The average cost is now a buck and a half. That was last year. It has gone up since that time.

Why does it go up? Well, there are many reasons it goes up. Food is just one of the smaller ones probably, but it goes up because labor goes up, repairs go up, everything they do goes up and that price is going up, too.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 7 and in opposition to this amendment. Let me try to bring this issue back to what we are talking about in terms of the program that is involved here in terms of nutrition benefits for children, but also the budget question as well. All of these have been raised during this debate. I think they need to be addressed.

Let us talk about the budget issue first of all. Now, I realize that every Member can have their own particular budget. Four hundred thirty-five Members can have their own particular agenda and this may or may not fit into their particular guidelines. I recognize that; but as an institution, we adopted a budget resolution. It was adopted by the House. It was adopted by the Senate. That budget resolution provided additional funds for nutrition purposes, because both the House and the Senate recognized the importance of dealing with this issue. So from a budget resolution perspective and from the perspective of the Budget Committee, this bill meets those targets, period.

Now, you can all argue your own particular agenda, but from the point of view of the budget resolution that passed the House, that passed the Senate, and that we are now abiding by as an institution, this bill meets that target.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, is the gentleman suggesting that the House-Senate conference report that saves only $39 billion is really going to address the deficit that we face in 1987 and 1998?

Mr. PANETTA. I am not going to debate that issue.

Mr. PURSELL. I am just asking the gentleman the question.

Mr. PANETTA. I have made the point that this fits the budget resolution. If the gentleman wants to make a different point that somehow it does not fit the budget resolution, I am pleased to hear it; otherwise, I am not going to yield.

Now, second, with regard to nutrition programs, make no mistake about it, these programs have taken their cuts. If you want to cut programs, we have cut these programs. In 1981 we cut $12 billion over 4 years from nutrition programs. We cut it from the food stamp program, about $7 billion and $5 billion from these particular programs.

So there is no question that these programs have taken their share of the cuts. As a matter of fact, 3 million children go without school lunches today as a result of those cuts, 1 million of whom are poor children.

Third, with regard to the budget question, we are talking about the cost of living formula. This amendment does not guarantee any savings. It essentially says you are not going to have a cost of living formula.

Now, as we all know in a cost of living formula, if the price, if the cost of food services goes down, you do not get a cost-of-living increase because it has gone down. If it goes up, then you do.

So it seems to me to leave the formula in place merely reflects what in fact the cost of food services will be. That is a legitimate formula.

Now, yes, I know that there have been efforts to cut COLA's across the board and there is a lot of debate on that, but we did not do it. We did not do it on defense. We did not do it with regard to retirees. We do not do it with regard to indexing in the tax structure. We have not done it on highways.

So the argument now is that this is the place to start with children in School Lunch Programs. Children today in our society in this country are the new poverty class. One out of four children is below the poverty line. We are talking about a transition in our society that we had better be aware of. One out of four children is in poverty. We are going to pay for that.

You are talking about saving money. Let me tell you what the cost will be if we continue a society in which we do not meet those nutrition needs. We already know from the WIC Program what the results are. Every dollar we spend on the Women's, Infants' and Children's Feeding Program, we save $3 in health care costs.

Do not kid yourselves. You are going to pay one way or the other and it makes much more sense to invest in good nutrition programs than to have to pay in Medicaid costs to take care of a low-weight birth baby or to take care of a child that is born disabled or to pay for compensatory education in schools or to pay for disabled children in schools. That is the cost.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I want to thank my colleague for making, I think, one of the most significant statements that could be made on this program.

I was a little lost when I first came in. I did not know whether we were talking about frozen milk——

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. MITCHELL, and by unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

Mr. MITCHELL. Mr. Chairman, I said that I was a little confused when I came in. I did not know whether we were talking about frozen milk, which is not bad, ice milk, or freezing children literally, or whether we were talking about freezing them psychologically in terms of stunting their growth physically.

I have asked the gentleman to yield to me, and without ascribing motives to anyone, certainly not to the maker of the amendment, but I think this is a time when we ought to really understand what is going on. All the cuts that we have talked about and imposed throughout this session of Congress on the part of many Members of this House are not designed to tackle the deficit. They are designed to end programs.

I say to the gentleman from California [Mr. PANETTA], I do not care what the gentleman says, how assiduously he and his Budget Committee members have worked to come up with cuts, certain people in this House just are not going to be satisfied. They are ideologically opposed to our Government meeting its responsibilities to certain of our citizens. That is the bottom line.

I am not impugning any motives to the gentleman. I deliberately said that I would not do that. I said that some Members have that as their objective.

If we go along with this, we are going to cut and cut and cut until they have achieved their objective; no programs for the poor, no programs for children, no programs for senior citizens, but monstrous programs for a military that is designed to maim and kill.

I thank the gentleman for yielding

Mr. Chairman, I rise in support of H.R. 7, which would extend through fiscal 1988 five expiring School Lunch and Child Nutrition Programs and also targets new funding for fiscal 1986 for the expansion of proven programs.

It is argued that current law provides generous nutrition benefits to children. It is said that the commitment to child nutrition can be kept through a maintenance of overall fiscal year 1985 funding levels and that there are flaws that need to be corrected. This administration is correct in saying that there are flaws in the program. The flaws arose because of the budget cuts in the Child Nutrition Programs enacted in 1981 that are still having an impact and that we have yet to correct. H.R. 7 proposes to correct these flaws.

After the 1981 cuts, there was a drop of 3 million children in the School Lunch Program with a great many being from low-income families. Some 2,700 schools had to discontinue participation in the School Lunch Program and some 400,000 children and 800 schools stopped participating in the School Breakfast Program.

In February of this year, a physicians' task force found that the problem of hunger in the United States is now more widespread and serious than at any time in the last 10 to 15 years. According to the U.S. Bureau of the Census, there are 1 million more children eligible for free and reduced-price meals than there were in 1981, but there has been no increase in the number of free and reduced-price meals served.

In the 98th Congress, we tried to correct the inequities brought about from the 1981 cutbacks. We tried to combat the rising problem of hunger in the United States. The effort was said to be excessive, containing inadequacies, crippling, budget busting. And now, at this very moment, H.R. 7 asks for an increase in funding of $121 million—a much smaller increase as compared to the $370 million increase passed by the House last year that the Senate failed to act on. Yet, it is still excessive, inadequate, crippling in the eyes of some.

How long will we continue to play these games at the expense of our children? There are those that need to be honest with themselves instead of pretending to be in support of these programs and the intent of the legislation while introducing weakening amendments that chip away at the very infrastructure of the program.

How long will we, in support of this legislation, have to fight to feed our children? It is time to rectify this situation. H.R. 7 is the way.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I would be pleased to yield. I would like some time to conclude my remarks, but I will be pleased to yield.

Mr. TAUKE. Mr. Chairman, I will get the gentleman more time if I can. I thank the genteman for yielding.

The gentleman raised several important points in relation to the WIC Program and others which I think it should be noted are not affected by this amendment.

I agree with the gentleman that we need to maintain and support those programs.

My question to the gentleman is this: What is the practical impact of not giving a cost-of-living adjustment in this particular program, or what is the practical impact on the program if we adopt the Bartlett amendment?

Mr. PANETTA. The practical impact is a cut if food service costs go up.

Mr. TAUKE. Mr. Chairman, will the gentleman yield further?

Mr. PANETTA. I am pleased to yield.

Mr. TAUKE. I contend that is not correct. My contention is that because the cost of food has in fact been declining and because the cost-of-living adjustments have been greater than the cost of food purchases, have gone up faster than the cost of food purchases, that the program will be maintained at current levels without the cost-of-living adjustment for 1 year.

I guess that is the argument which I do not think has been focused on very well this morning.

Mr. PANETTA. The gentleman wins either way. I mean, if seems to me you should support this kind of amendment if the argument is that the costs are going to do down, then the gentleman has absolutely nothing to fear. My concern is that the cost may go up.

Mr. TAUKE. Mr. Chairman, will the gentleman yield further on that point?

Mr. CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. TAUKE, and by unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

□ 1325

Mr. TAUKE. That is just the point. The cost-of-living adjustment is not based on what the cost of food is. The cost-of-living adjustment by which this program is indexed is based on an index that does not have anything to do with the costs in the programs.

It seems to me that we can maintain the program.

Mr. PANETTA. My understanding is that it maintains the cost of providing food services, and that, it seems to me, that has everything to do with this program.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding. Maybe the gentleman is an expert. Members over there talk about food only.

Is this a program in which the food is prepared by volunteers out in the open? Do the kids come to tents in the field, and nice ladies in the neighborhood make it for free so that we don't have any maintenance costs, and we don't have any heating costs, or any food preparation costs? Because I get the sense that Members over there think somehow that the food is automatically prepared, automatically prepares itself, and the kids just eat it, and there is not anybody else involved, because all we hear about is the cost of food, not anything about the cost of labor or any other costs.

Do we have a lot of volunteers making this food for nothing?

Mr. PANETTA. As the gentleman well knows, this is all done by school employees who are trying to prepare this food within a school situation, and struggling for equipment and costs within that kind of situation.

So that is the purpose of having this cost increase, to try to meet that additional cost that one can anticipate. If it goes down, then admittedly we will not have to worry about the cost increase. But that is the purpose.

If I could take the remaining time to complete my remarks, I have taken much more time than I anticipated, but let me just say this: We are seeing serious statistics around the country in terms of the shameful hunger that is taking place. Let us recognize that it is happening in soup kitchens, it is happening in food pantries, and we see it in the statistics impacting on infants throughout the country.

We do a lot of talking about dealing with hunger in this institution. I do not think there is a Member here that is not concerned about the hunger problem. We do a lot of talking and we form select committees. We pass resolutions. But it is time to do something and this does something.

We do not just talk about it here. We need time to take action. This is the right thing to do from a budget point of view. It is the right thing to do from a human point of view, and it certainly is the right thing to do from a national point of view.

I yield back the balance of my time.

Mr. PURSELL. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I will be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding just briefly because I think it is important for everyone to understand the facts.

The 7-percent increase in school meal costs is based on the total cost of a meal, representing food, labor, and other inputs. It was an analysis that has been done, that is available to all Members by the U.S. Department of Agriculture and it is based on all inputs.

On the other hand, the adjustment that has been made has been the 21-percent adjustment based on the cost at commercial food outlets, and that is where the disparity is.

I thank the gentleman.

Mr. PURSELL. I thank the gentleman and I rise in support of the amendment.

I just wanted to read into the RECORD the appropriation level since the so-called Gramm-Latta fight happened in 1981. At that time, the appropriation was $2,045 million. Since that time, the increase in this program during the same period when enrollments in schools went down—in 1982, the appropriation was $2 billion. In 1983, it went to $2.2 billion, and the appropriation in 1984 went to $2.3 billion. The 1986 budget which we are discussing today, the appropriation is $2.7 billion. Hardly any reductions.

So if you look at the increases that we have provided in this program, we are talking about $670 million additional money. All we are trying to do is maintain a reasonable level of appropriations for a very important program.

I think that has to be balanced off in the context of the deficit including 1986, 1987, and 1988.

So somewhere there has to be a common denominator, and if every subcommittee starts coming in here and adding money to housing, adding money to clean water, and water projects, and defense budgets, and so forth, I just think we have lost our sense of consistency and fiscal discipline. This freeze amendment is a fair and responsible fiscal position. Let's control our spending. Let's keep our eye on the staggering deficit.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

Mr. Chairman, I would hope that we would reject this amendment to freeze the reimbursement level for the School Lunch Program. I would hope that we would do it because we ought not to engage in misleading people who are listening to this debate, and we ought not to engage in misleading ourselves, because this is not a free freeze. This is not a freeze that you can impose without doing harm to the children who participate in this program, because the simple fact that we freeze the Federal reimbursement rate to the schools does not mean that that is the end of the decisions that must be made.

All of us come from areas where school districts are tugged and pulled between the decisions they must be making and declining revenue and what kinds of programs to offer. And the School Lunch Program goes into that equation.

As we withdraw our support, we have already seen around this country that schools have made a determination that they are better off not offering a program at all, or raising the cost to the paying children.

But more importantly, what we are seeing is the very children who need this program the most have dropped out, and they have not returned in the same numbers that we have seen the paying children start to come into this program.

For the poor children enrolled in this program, for many of them, this program provides one-third to one-half of their dietary requirement. This is where they get their nutrition.

For those of you who were not here or who have not read the studies, one of the reasons we have this program is to try to allow those children to fully develop their intellectual capabilities. Study after study after study told us what happens to hungry children in the schoolroom. It is not just that they do not learn, but they become restive, they become unsettled, and they spill over into the time of the other children in the program and they make teaching much more difficult. And when we looked at why that happened, clearly it was a lack of proper nutrition for so many of those children who were being sent to school hungry or were not receiving any kind of nourishment throughout the school day.

This is a crucial program. It is a crucial program at a time when this country is becoming more awakened to not only the problems of hunger in Ethiopia, but the problems of hunger in the United States. As the gentleman from California pointed out, children are the fastest-growing class of poor people in this country today. Through no fault of their own, they find out that they are poor. The most desperate group of people we find are the working poor who are trying to find and meet their food consumption needs throughout the month. So many of them are out of food.

What happens to their children? The School Lunch Program is the support system for that group. To suggest that somehow you can vote for this and it is free, it is not. The impact is direct, and the impact is immediate upon those school districts that must then determine what is the allocation that they are prepared to make at the local level.

So I would hope that Members of the House would understand that, and that they would reject this amend-

ment, because it is a devastating amendment.

We were told that the cuts of 1981 would have no impact. In fact, what we know is they have driven millions of children out of the program.

I suggest to you that this freeze translates to a cut in this program, and again we will see the very children that so many people say they want to help, the ones who are called truly needy by the President, they were called truly poor, the poorest of the poor, the desperately poor, those are the children that are enrolled in this program. The question is whether or not we are going to serve them or whether or not we are going to engage in some kind of political doubletalk where we tell our constituents we are really concerned about them, but in fact we vote against them.

So I would hope we would reject the amendment.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I think it is important to try and remember where we have come from since 1981.

We have been asked, and this committee has made significant, and some would say substantial cuts in the child nutrition programs over that period of time. But they were done very skillfully, and they were done in a way to keep this program as a meaningful one for the children of this country.

Notwithstanding that, there has been a large number of children who have been dropped from the program because their schools have dropped the program. The question is, How much more can we cut back in the child nutrition programs without doing even more drastic harm?

First I think it is important to keep in mind what we are talking about when we talk about the cost-of-living increase. We are not talking about the normal CPI. We are talking about the cost-of-living increase which is hued toward what the actual costs are in the School Lunch Program. There is no debate that there will be an increased cost in that program. The CBO estimates it will be 4.6 percent. The administration estimate, using cost-of-living increase data, is a 5.2-percent increase for fiscal 1986.

With this in mind, we ought to ask ourselves what will happen if we do freeze the child nutrition programs and do not allow that modest increase to take place. I think it is important to understand how the School Lunch Program works.

The School Lunch Program reimburses the cities and towns for the free lunches, the reduced lunches, and the paid lunches. If we were to reduce the amount of money going to the communities, the school districts would have an option. They either heap the increased costs to them onto the paid lunches, or else they ask for tax increases.

We must all speak from our own experience in our own States and communities. In Vermont, due to the cutbacks already made, we have a number of schools dropping out of the School Lunch Program, leaving many children without that option. Others are staggering on. An estimated 60 percent of the schools in Vermont are either breaking even or losing money. We are having problems throughout Vermont in raising additional revenues for our schools. Already they are being forced to make choices between important components of their school program. The freeze being considered here could force even more of these schools to drop out of these valuable programs.

If we continue to cut back we are likely to lose a large number of our School Lunch Programs. The arguments have been very forcefully made by the Members who have talked before me about the problems we are having nationwide with nutrition. The budget resolution reflects that concern and that priority by allowing increases in these programs to try to ameliorate the serious nutrition problem in this country.

The question then is what will we do if we continue to scale back on these programs, modest as these changes may appear to be. Once you put all these proposals together, you end up with serious problems which we are beginning to see in the rural areas now.

As modest as this amendment may seem to be, it could be the most critical and cruel amendment that we have facing the School Lunch Program today.

□ 1340

Mr. ARMEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I had not intended to participate in this discussion. Indeed, in all due respect to the gentleman from Wisconsin and the gentleman from Massachusetts, I really believe perhaps we have milked this discussion enough. Nevertheless, there were some comments made during the discussion that I felt compelled to respond to. Earlier there were some comments made about sincerity, more explicitly, no sincerity.

I am not quite sure what was intended, but from where I was sitting it seemed that the implication was that the framers of the amendment were lacking in sincerity. I felt that that was perhaps a little inaccurate.

I listened to the gentleman from Kentucky talking about the children in the hollows of Kentucky, and I felt the compassion, the understanding, and the sincerity. Indeed, I believe there is sincerity on both sides. Quite, I think, commendable sincerity.

Before I comment on the gentleman from Texas' amendment I would like to also respond to another point, a point which was made that perhaps there were people on this side of the aisle that were ideologically opposed to the Government's fulfilling of its responsibility to some of its citizens. I would suggest that perhaps everybody that has been involved in this discussion is ideologically committed to the Government fulfilling its responsibility to all the American citizens. The question is really more a matter of not ideological commitment or lack of commitment but a question of the understanding of where the responsibility lies.

In that regard, I was gratified and encouraged by the discussion that focused so much of the attention, I think, so rightly, on the poor in America and the need to feed the poor and to do so with compassion and to concentrate scarce resources, as we have here a case of scarce resources, to be allocated among the competing ends, both within this appropriation bill or in others; to concentrate on the youngsters.

Having made these comments, I would like to also commend the gentleman from Texas. He gives us all a lesson in how to frame and how to defend an amendment.

I appreciate the fine work of the gentleman and his sincerity, and I am happy to yield to him the rest of my time.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's kind words. As the debate winds down, I would like to bring the debate back to some of the crucial points. Point No. 1, this Child Nutrition Program is an entitlement program that is permanently authorized.

So as to the argument that we should not be making amendments today, there are no other opportunities to amend permanently authorized entitlement programs. That is one of the difficulties with the perpetual growth of these programs.

No. 2 is that this amendment does not emasculate or cut the program at all but merely reduces the rate of increase of COLA's for 1 year.

But, No. 3, there has been a great deal of speaking out for the rights of low-income citizens, low-income children. I think it is time that someone on this House floor spoke for those low-income children, because those low-income children have parents who, if we continue the $200 billion deficits, Federal deficits, will be out of a job

next year. And those low-income children have parents who cannot afford to buy a house because interest rates go up because this Congress cannot get its house in order. And those low-income children will be subject to the ravages of inflation again until this Congress begins to look at the programs one program at a time and to reduce the $1.5 trillion debt that is hanging over the heads of those children. And it is time that someone speak up for those low-income children and give them a chance, give them a chance to get a job when they graduate, and to buy a home when they want to buy a home, and to be saved from inflation when they become senior citizens.

I thank the gentleman for yielding.

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I would be happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. I thank the gentleman for yielding.

Mr. Chairman, the issue really is not the question of the sincerity of the framers of the amendments but, rather, the intent. They would have us believe that this is an amendment, by freezing the School Lunch Program, that would not hurt anybody, would not cause any pain or suffering, that simply because of the fact that food prices have been going down slightly or have been stable that therefore there will not be a cost-of-living increase in this program.

In fact, that is wrong. Food prices and commodities are a small part of the program, and clearly the cost of preparing meals is another factor.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2½ additional minutes.)

Mr. ATKINS. Mr. Chairman, will the gentleman yield further?

Mr. ARMEY. I yield to the gentleman.

Mr. ATKINS. I thank the gentleman for yielding further.

Mr. Chairman, the issue is not whether those meal prices are going down, because they are not. No meal prices in this country are going down. But even assuming some kind of precipitous drop in the cost of food in this country, what would then happen is that the food, that the local school districts would be reimbursed less and the money would go back to the Treasury. But what would happen is, as GAO has predicted and everybody else who has looked at this, if you put a freeze on and the price goes up, as everybody knows, the price of meals will go up, and this amendment is accepted, we will see hundreds of thousands of poor children denied adequate nutrition because one of two things will happen. Either they will reduce the number of children in the program, they will reduce the amount or the quality of the food.

So let us not pretend that this is an amendment that is harmless, that because of some stability in the price of food, would not cause any pain and suffering. Let us understand this amendment for what it is: It is an effort and a very deliberate effort to deny adequate nutrition to poor children in the School Lunch Program. We have already done that with Gramm-Latta in 1981.

Mr. ARMEY. Mr. Chairman, reclaiming my time, because I do believe we have gone on very long here, I would like to reclaim my time and close up.

I just wanted to thank the gentleman for correcting the record and making clear to me that he was talking about intent instead of sincerity on this side, because indeed it was the word "sincerity" or lack of sincerity that was stated several times over, and I am sure that nobody there intended to question the sincerity of Members on this side, nor to call into question any ideological commitment that we may not have regarding the responsibility of this Congress to the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Tennessee. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, back in 1981 our President promised the very poor of the poorest of this Nation a safety net. I think we all would agree that in 1981 during the Gramm-Latta debate on the budget cuts there were some on this side of the aisle, and I was one, who reluctantly said that the Gramm-Latta amendment would be adopted by the House. We accepted those severe cuts, and as one who chaired the Subcommittee on Public Assistance and Unemployment Compensation, we have had the opportunity since 1981 to go out to the different States and to the different cities and to see and evaluate the real impact that these 1981 severe budget cuts have had on the poor.

For us to be here today and talk about the school lunch and nutrition programs for the poor, I would just like to ask the chairman of the committee: When we talk about this freeze under this amendment offered by Mr. BARTLETT, is it not true that we are talking about 87 percent of the children that we are talking about are the poorest of the poor, some $1.30 per day per meal goes directly to those who are not paying any funds at all, who are the poorest of the children of this Nation, and only 24 cents comes from paying students.

I strongly oppose this amendment and support the School Lunch and Child Nutrition Amendments of 1985.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. FORD of Tennessee. I yield to the chairman of the committee.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, the documentation in the committee was that 87 percent of the money goes to poor children.

That is not, in my opinion, debatable. Surely every member on the committee knew about it. This is not just a matter of whether or not there is an increase being advocated by the committee.

The Bartlett amendment is an actual cut. Regardless of the question of inflation, it is pretty obvious that if inflation goes up, this cut will be much deeper; and if the cost of living does not go up or down, as has been implied, then this reimbursement would go down.

So that is clear. That is not debatable.

Mr. FORD of Tennessee. In other words, this amendment today would not be even-handed if you are talking about the people that President Reagan talked about in 1981 in trying to protect. We do not want those to slip through the safety net.

I would urge my colleagues not only to think in terms of that safety net that our President promised.

Mr. HAWKINS. Mr. Chairman will the gentleman yield further?

Mr. FORD of Tennessee. I yield to the chairman of the committee, the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, may I put to rest one point which I think has been incorrectly raised, and that is the pitting of this type of program against defense items.

No one on this side, as far as I know, certainly not the sponsors of this particular proposal, are suggesting that somehow the money that might be saved in this program would be used in defense or that the defense money which might be escalated would be taken away from this program. We are simply suggesting, and I think we should end this dichotomy, that we are pitting one program against another. We are simply suggesting on the basis of the testimony before the committee that we should deal with these programs on the basis of the individual merit of each of the programs.

If there is an item in the defense program that is meritorious, that is warranted, then that should be the merit upon which we would deal with that item. In the same way, we ask you to deal with this on the basis of its

merit and not to pit it one against the other.

I think this has gone on too long. I think it is to the detriment of those of us, some of us, who vote for the increase in many defense items. Some of us are the biggest spenders because we not only vote in the defense bill for certain increases, and I am guilty of some of those increases, but we also look at the humane aspects of some of the domestic programs. We dealt with the amendment of the gentleman from Wisconsin [Mr. GUNDERSON] who actually increased an amount in this bill. But he definitely documented a need for that increase in the milk program to kindergarten children.

We dealt with that on the basis of merit. I am a little surprised today that others will not be as consistent in dealing with these issues on the basis of merit and not whether it is domestic versus the Defense appropriations.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. FORD] has again expired.

(By unanimous consent, Mr. FORD of Tennessee was allowed to proceed for 3 additional minutes.)

Mr. FORD of Tennessee. Hopefully, my colleagues on this side of the aisle will protect the safety net that the President has talked so much about. But as I close, I would like to point out that many of my colleagues have already discussed today the governmental agencies that have released reports within the last 2 or 3 years addressing the real impact on the nutrition program and the impact it has had upon the children of this Nation. We heard from the physicians' task force which was headed up by Dr. Larry Brown at Harvard University which indicated to us that somewhere between 15 and 20 million people in this country every month go hungry for some 2 days out of a month.

Also, we were able to back that information up with the Congressional Research Service as well as the Congressional Budget Office, that showed us that the trend of poverty among children in this Nation has doubled between the years 1972 and 1984. We are talking about more than 14 million children or 22.2 percent of all children in this Nation today who are living below proverty. If we look closely at this amendment, Mr. Chairman, which is before us today, we will see that poor children of this Nation will be impacted the greatest. Passing this amendment up would not protect the safety net that the President told the American people and promised the poor of the poor. The children of this Nation who are not here with us today, who do not have those lobbyists, who can't talk to their Representatives, ought to be protected through the voices of this House of Representatives.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support the bill offered by the chairman of the committee and to reject this amendment which is before us now.

□ 1355

Mr. BARTLETT. Will the gentleman yield?

Mr. FORD of Tennessee. I yield to the gentleman.

Mr. BARTLETT. If the gentleman would yield briefly, and I respect what the gentleman has said and respect the gentleman from Tennessee a great deal; we have worked on a lot of legislation together. On the issue of the safety net, so that the record will be clear, this amendment would not affect that. There is no low-income child that would be denied a free lunch; every low-income child below 130 percent of poverty would continue to be entitled to a free lunch and any child below 185 percent of poverty would continue to be provided with a reduced-price lunch. This amendment would make no change in that whatsoever.

Mr. VENTO. Will the gentleman yield?

Mr. FORD of Tennessee. I would be happy to yield to my colleague.

Mr. VENTO. I thank my friend from Tennessee for his statement, and I want to point out that he is precisely right in pointing out this does affect low-income students much more adversely.

A freeze means a projected cut of a half a cent for regular students in the lunch program, but it means a cut of 4½ cents for poor children because the Federal Government pays more for low-income individuals.

So notwithstanding the comments of our friend from Texas, this I think focuses in on what the actual effect of his amendment is in terms of low-income students, and those are precisely the students that need that type of support and deserve the support of Members of this body.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened very intently to the debate, and I think there have been some very good points made on both sides of the aisle. I think the gentleman from California [Mr. HAWKINS] has made a very important point.

I think it is sad and not in keeping with the principles of good debate when we have an issue like this and we start comparing it to the military budget. I think it should be based on its own merits, and I think the gentleman from Tennessee [Mr. FORD] makes a very serious, serious point when he says that the President assured us that we did not want to shred the safety net.

I called the superintendent of schools for my district during the course of the debate, because I probably know less about this subject than anybody that has talked here today. I asked him what the impact would be in my district and would there be a chance that some children would be missing a meal? He assured me that yes, indeed, there would be some.

So in keeping with the President's promise that we do not want to shred the safety net, this is one Republican that is saying, I am in doubt. Because I am in doubt, I am going to vote in favor of the children.

We have found ourselves, this Congress, very generous in helping the starving of the world; and I played an active role in some of those bills, and I was proud of that; but for God's sake, we have a similar responsibility to those in this country, and I applaud those on both sides of the aisle for the way the debate has been handled. For myself, I am going to go with the President and his promise that we do not want to shred that safety net; I am going to vote against the amendment.

Mr. GILMAN. Will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman.

Mr. GILMAN. Mr. Chairman, I want to speak out to you today in opposition to this freeze amendment. We cannot afford to reduce the scope of the child nutrition programs if we are to maintain a strong commitment to the health and welfare of this Nation's most valuable resource, its children.

Last year, the House passed reauthorizing legislation for these programs by an overwhelming vote of 343 to 72. This year's bill, at one-third of the cost of last year's, is a fiscally responsible bipartisan initiative providing for modest program growth targetted to individuals who are most in need. As others have mentioned, the recently approved House/Senate budget package specifically makes available the authority and outlays for the program restorations included in H.R. 7.

Eliminating the cost-of-living adjustment for the child nutrition programs for even one year will have a detrimental impact. It will result in a significant weakening of the health and nutrition benefits of these programs. We have to remember that 22-percent of the children in this country are poor.

Accordingly, I encourage my colleagues to vote against any amendment that would prevent needy children from receiving adequate nutrition.

Mr. MOLINARI. Mr. Chairman, I yield back the balance of my time.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, after listening to the speeches and certainly the intent of

the gentleman from Tennessee [Mr. FORD], it is with some mixed emotion that I rise in support of the Bartlett amendment, but I do just that.

Later this week, we will have a farm bill on the floor that will reduce from the baseline—not a freeze, but reduce from the baseline some $7.9 billion from the agricultural programs that are involved in the production of the food.

It is tough to do that at a time when the agricultural economy is in its lowest depths since the Depression, but we are going to do that.

What is even tougher for me to do is to make those reductions and still have $150 billion deficits as far as the eye can see after we do it. Looking out into my colleagues' eyes today, I know that much of what I am saying has substantial agreement.

A lot of people are concerned about the deficit today; each of us, as we have come back from our districts, have suddenly become concerned because of what we see the deficit doing to all of the American people, from the poorest of the poor to those in the middle classes that are not able to take care of themselves.

The issue today is a freeze; not an increase, not a cut, but a freeze. I would never come before my colleagues if I believed that this amendment or any of these amendments was going to do that which has been suggested it will do. If I am doing that, then I will be judged wrong by the acts that come afterwards.

I would never support taking food from the mouths of starving children, but I think what we are talking about today is kids whose families earn $26,000 and more. What about the 65 percent of the family day care home participants who are over 185 percent of the poverty level and yet receive the equivalent of a free meal? What about approving Federal increases under the name of cost of living in amounts greater than the costs have actually increased, which I believe is at least partially true in this amendment.

Now, the bottom line is deficit reduction, and if in fact this package does not take care of feeding the poorest of the poor and the hungry, let us address that. I believe, not intentionally, but at least from the standpoint of trying to approach fairness and equity, the point is stretched, Mr. Chairman, when you suggest that cost-of-living adjustments straight across the board for the programs in question are taking food and money from the mouths of starving children.

That is why I support these amendments; I think they are fair; I think that we have got to do it in defense and this Member has owned up to that; we have got to do it in agriculture; and if in fact we are doing it to the least among us, then it is going to be up to us to design programs to do something about a fairer program for the poor.

Today, I believe the Bartlett amendment makes eminent good sense. It is fair; it is equitable, and will give us that impetus for some of the rest of us to do that which we are going to be asked to do where we can really make some major changes in the budget.

For these reasons, I do support the Bartlett amendment and hope my colleagues will also.

Mr. HAWKINS. Will the gentleman yield?

Mr. STENHOLM. I will be happy to yield to the chairman.

Mr. HAWKINS. If the cost of a meal goes up and there is no adjustment for inflation, does the gentleman agree that it is necessary for the money to come from someplace because of the cost-of-living adjustment? The gentleman said that a freeze is exactly a freeze.

If the cost of living goes up, the cost of furnishing that meal in the school district also goes up: Where does the gentleman suggest that those expenditures will come from?

Mr. STENHOLM. By making changes in the fundamental approach to the School Lunch Program to see that those who truly need it get it.

Mr. Chairman, I am speaking from the mouths of the women, the ladies, the men who work in the school lunch rooms in the 17th District of Texas who say we are putting too much money into the program feeding people that do not need it.

Mr. HAWKINS. Does the gentleman know this, that 87 percent of the money in these programs goes to the poor?

Now let us say that 13 percent go to those other groups. The gentleman is talking about 87 percent; you said that you are supporting this on the theory that you are not taking food from the mouths of poor children.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. HAWKINS. If the gentleman will continue to yield, does the gentleman honestly, and I certainly have full confidence in the gentleman's integrity, but does the gentleman really believe that you are supporting this amendment on the basis that no poor child will be deprived of a meal?

Mr. STENHOLM. Yes, sir.

Mr. HAWKINS. You do?

Mr. STENHOLM. Yes, sir. I do.

Mr. HAWKINS. Well, I am afraid that the gentleman just has not listened to the debate; and I regret that the gentleman was not present in the Committee on Education and Labor where the superintendent of schools in the State of Texas had written to this committee indicating that such a freeze would deprive children in the State of Texas.

Now, apparently the gentleman disagrees with that.

□ 1405

Mr. STENHOLM. I certainly do, because I pay more attention to those who work in school lunchrooms and the schoolteachers who teach our children over what in fact is happening in the School Lunch Program than I do to anyone else who may lobby, or what have you. I believe, in all sincerity, that we can meet their needs.

Mr. HAWKINS. Well, we can thank those who have been testifying before the committee on this program; those who are supporting these nutrition programs.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. GOODLING] is recognized.

There was no objection.

Mr. GOODLING. I just want to make sure, as we close the debate on this issue, that we are focusing properly on what we should be focusing on because we have had a lot of discussion on things that really are not too relevant.

The issue is simply this: The cost of producing a meal each year is going up. The White House is telling us it will probably be about 5.2 percent this year. CBO says probably about 4.6. But the statistics show that the cost of producing a meal is going up. Whether food is cheaper in your area has no concern to this debate. It may be cheaper in your area, it may be more expensive in other areas. It depends totally on the cost of labor to get it to you. But we are not talking strictly about the cost of food. We are talking about how much it costs to produce a meal. Each year it goes up. CBO and the administration is saying it will go up again this year.

Second, if you believe the safety net version, if you believe that we have a responsibility to feed the free and reduced price people, I would say to the gentleman who just spoke, you cannot talk about a reimbursement to paying customers. We do not reimburse paying customers. What we do, we offer reimbursement to try to keep the School Lunch Program going. If we do not, with the exception of three States, nobody has to feed free and reduced price youngsters. Nobody.

Let me tell you our experience in 1981. We found a drop of about 3 million people, many of those, most, probably, were free and reduced price youngsters because the person with the money could pay any amount he wanted to pay for a la carte. We reimbursed each meal simply to keep the program going because we have said that we have a responsibility to feed the free and reduced price meal.

Let me give you two examples which I have given over and over again in my district. After 1981, one district dropped the National School Lunch Program. No big deal. It is a very affluent district. I do not have many, but that one is. And so they were not feeding any free and reduced price. Nobody got hurt. Well, they did get hurt, nutritionally, because I know what many of them bought in lieu of the National School Lunch Program. But very close by, a district that had 1,300 free and reduced price youngsters dropped the National School Lunch Program because of our cuts. They could not afford to keep it going. And so the end result was, 1,300 youngsters not only not nothing at breakfast at home, or anything perhaps in the evening, they got nothing at lunch either, or they did not get a school breakfast program, because they dropped out of the program.

I want you to understand we reimburse to keep the National School Lunch Program going, not reimburse students who are not needy. We decided that we should feed the free and reduced. The cheapest way we know is to keep a national school lunch program going. I do not know of a cheaper way than that, because if you single out those 1,300 students among 7,000 or 8,000 students and you say we are going to set up some kind of a program to take care of them, how do you do it as cheaply as we now do it? Reimbursement is to keep the program going, not to feed nonneedy children. If we do not keep the programs going, then, please, do not talk about safety nets, because except three States there is no safety net. Free and reduced price youngsters just do not get a nutritious meal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 284, not voting 7, as follows:

[Roll No. 309]

AYES—143

Archer	Callahan	Dickinson
Armey	Carney	DioGuardi
AuCoin	Chandler	Dreier
Badham	Cheney	Eckert (NY)
Barnard	Coats	Edwards (OK)
Bartlett	Cobey	Fawell
Barton	Coble	Fiedler
Bateman	Combest	Fields
Bilirakis	Craig	Franklin
Bliley	Crane	Gallo
Boulter	Daniel	Gekas
Broomfield	Dannemeyer	Gingrich
Brown (CO)	Darden	Gradison
Broyhill	Daub	Gregg
Burton (IN)	DeLay	Grotberg
Byron	DeWine	Gunderson
Hansen	Meyers	Shaw
Hartnett	Michel	Shumway
Henry	Miller (OH)	Shuster
Hiler	Miller (WA)	Siljander
Hillis	Monson	Skeen
Holt	Montgomery	Slaughter
Hunter	Moore	Smith (NE)
Hyde	Moorhead	Smith (NH)
Ireland	Nichols	Smith, Denny
Kasich	Nielson	Smith, Robert
Kindness	Oxley	Snowe
Kolbe	Packard	Snyder
Kramer	Parris	Solomon
Latta	Pashayan	Spence
Leath (TX)	Penny	Stenholm
Lent	Petri	Strang
Lewis (CA)	Porter	Stump
Lewis (FL)	Pursell	Sweeney
Lightfoot	Ray	Swindall
Livingston	Ridge	Tauke
Loeffler	Ritter	Taylor
Lott	Roberts	Thomas (CA)
Lowery (CA)	Rogers	Thomas (GA)
Lujan	Roth	Vander Jagt
Lungren	Roukema	Walker
Mack	Rowland (CT)	Weber
Martin (IL)	Rudd	Whittaker
McCandless	Saxton	Wolf
McCollum	Schaefer	Wortley
McEwen	Schuette	Young (FL)
McGrath	Schulze	Zschau
McMillan	Sensenbrenner	

NOES—284

Ackerman	Dingell	Howard
Akaka	Dixon	Hoyer
Alexander	Donnelly	Hubbard
Anderson	Dorgan (ND)	Huckaby
Andrews	Dornan (CA)	Hughes
Annunzio	Dowdy	Hutto
Anthony	Downey	Jacobs
Applegate	Duncan	Jeffords
Aspin	Durbin	Jenkins
Atkins	Dwyer	Johnson
Barnes	Dymally	Jones (NC)
Bates	Dyson	Jones (OK)
Bedell	Early	Jones (TN)
Bellenson	Eckart (OH)	Kanjorski
Bennett	Edgar	Kaptur
Bentley	Edwards (CA)	Kastenmeier
Bereuter	Emerson	Kemp
Berman	English	Kennelly
Biaggi	Erdreich	Kildee
Boehlert	Evans (IA)	Kleczka
Boggs	Evans (IL)	Kolter
Boland	Fascell	Kostmayer
Boner (TN)	Fazio	LaFalce
Bonior (MI)	Feighan	Lagomarsino
Bonker	Fish	Lantos
Borski	Flippo	Leach (IA)
Bosco	Florio	Lehman (CA)
Boucher	Foglietta	Lehman (FL)
Boxer	Foley	Leland
Breaux	Ford (MI)	Levin (MI)
Brooks	Ford (TN)	Levine (CA)
Brown (CA)	Fowler	Lipinski
Bruce	Frank	Lloyd
Bryant	Frost	Lowry (WA)
Burton (CA)	Fuqua	Luken
Bustamante	Garcia	Lundine
Campbell	Gaydos	MacKay
Carper	Gejdenson	Madigan
Carr	Gephardt	Manton
Chapman	Gibbons	Markey
Chappell	Gilman	Marlenee
Chappie	Glickman	Martin (NY)
Clay	Gonzalez	Martinez
Clinger	Goodling	Matsui
Coelho	Gordon	Mavroules
Coleman (MO)	Gray (IL)	Mazzoli
Coleman (TX)	Green	McCain
Collins	Guarini	McCloskey
Conte	Hall (OH)	McCurdy
Conyers	Hall, Ralph	McDade
Cooper	Hamilton	McHugh
Coughlin	Hammerschmidt	McKernan
Courter	Hatcher	McKinney
Coyne	Hawkins	Mica
Crockett	Hayes	Mikulski
Daschle	Hefner	Miller (CA)
Davis	Heftel	Mineta
de la Garza	Hendon	Mitchell
Dellums	Hertel	Moakley
Derrick	Hopkins	Molinari
Dicks	Horton	Mollohan
Moody	Rose	Tallon
Morrison (CT)	Rostenkowski	Tauzin
Morrison (WA)	Rowland (GA)	Torres
Mrazek	Roybal	Torricelli
Murphy	Russo	Towns
Murtha	Sabo	Traficant
Myers	Savage	Traxler
Natcher	Scheuer	Udall
Neal	Schneider	Valentine
Nelson	Schroeder	Vento
Nowak	Schumer	Visclosky
O'Brien	Seiberling	Volkmer
Oakar	Sharp	Vucanovich
Oberstar	Shelby	Walgren
Obey	Sikorski	Watkins
Olin	Sisisky	Waxman
Ortiz	Skelton	Weaver
Owens	Slattery	Weiss
Panetta	Smith (FL)	Wheat
Pease	Smith (IA)	Whitehurst
Pepper	Smith (NJ)	Whitley
Perkins	Solarz	Whitten
Pickle	Spratt	Williams
Price	St Germain	Wilson
Quillen	Staggers	Wirth
Rahall	Stallings	Wise
Regula	Stangeland	Wolpe
Reid	Stark	Wright
Richardson	Stokes	Wyden
Rinaldo	Stratton	Wylie
Robinson	Studds	Yates
Rodino	Sundquist	Yatron
Roe	Swift	Young (AK)
Roemer	Synar	

NOT VOTING—7

Addabbo	Gray (PA)	Young (MO)
Bevill	Long	
Frenzel	Rangel	

□ 1420

Mr. DORNAN of California changed his vote from "aye" to "no."

Mr. DICKINSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS.

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act is amended—

(1) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1986, and on each subsequent July 1, the Secretary shall prescribe and annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(b) CHILD NUTRITION PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 is amended—

(1) in paragraph (A) by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1986, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

The CHAIRMAN pro tempore. Are there any amendments to section 9?

Hearing none, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.

Section 12 of the National School Lunch Act is amended by inserting at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to school food authorities for programs under this Act and under the Child Nutrition Act of 1966 may be used, as determined by the local educational agency, to support nonprofit nutrition programs for the elderly (including programs funded under the Older Americans Act).".

The CHAIRMAN pro tempore. Are there any amendments to section 10?

Hearing none, the Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM.

The National School Lunch Act is amended by inserting at the end thereof the following new section:

"STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM

"SEC. 24. The Secretary shall conduct a study to consider the feasibility of making the school lunch program a universal program for all children and to consider various methods of operating a self-financing school lunch program for all children, including reserving a separate source of revenue for any such program. The Secretary shall submit a report of such study to the Congress, together with any recommendations or proposals for legislation, by January 1, 1988.".

The CHAIRMAN pro tempore. Are there any amendments to section 11?

Mr. BARTLETT. Mr. Chairman, I have an amendment after line 24 to create a section 12. Is that in order at this time?

The CHAIRMAN pro tempore. Yes, it is.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. SIMPLIFICATION OF PROGRAM ADMINISTRATION.

The National School Lunch Act is amended by inserting at the end thereof the following new section:

"SIMPLIFICATION OF PROGRAM OPERATIONS

"SEC. 25. The Secretary shall conduct an analysis of program requirements under this Act and the Child Nutrition Act of 1966 to identify program changes that would simplify program operation at the local level. Within one year after the date of the enactment of this Act, the Secretary shall report the results of such analysis, together with any recommendations or proposals for legislation, to the appropriate committees of the Congress.".

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BARTLETT] is recognized for 5 minutes in support of his amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, we have looked at the amendment on this side and have no objections to the amendment.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, we also have studied this amendment. I wish to commend the gentleman from Texas for offering this amendment. I think it is an excellent one, and we accept it.

Mr. BARTLETT. I thank the chairman for this support of this amendment.

Mr. Chairman, I will not take very much time, but would just say that one of the problems, again and again, that school districts tell us they have in administering this program is the enormous cost of the complications and the paperwork and the requirements that are sent to the school districts in a rather detailed manner.

This would require the Secretary to conduct an analysis of those detailed program requirements and report back to the Congress what program changes can be made to simplify the program from the perspective of the local government level.

That is, I think, the nexus of the amendment and what is important to focus on. It is not the purpose of this amendment to simplify the program from the perspective of the local government level.

That is, I think, the nexus of the amendment and what is important to focus on. It is not the purpose of this amendment to simplify the program from the perspective of the Federal Government, although that may be a result, but to simplify the implementation of the program at the school district level.

I thank the chairman and the ranking member for accepting the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to section 12?

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. ELIMINATION OF ASSISTANCE FOR NONNEEDY CHILDREN UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.

(a) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS.—

(1) Section 11(a) of the National School Lunch Act is amended—

(A) in paragraph (2) to read as follows:

"(2)(A) The special assistance factor prescribed by the Secretary for free lunches shall be 132.50 cents. The special assistance factor for reduced-price lunches shall be 40 cents less than the special assistance factor for free lunches.

"(B) A two-cent supplemental payment shall be made for each free and reduced price lunch served in a school food authority which, in school year 1984-1985 received a two-cent supplemental payment under this section for each free and reduced price lunch served in the program.";

(B) in paragraph (3) (A) by—

(i) striking clause (i); and

(ii) redesignating clauses (ii), (iii), and (iv) as (i), (ii), and (iii), respectively.

(2) The first sentence of section 14(f) of the National School Lunch Act is amended by striking "national average payment" and inserting in lieu thereof "special assistance factor".

(3)(A) Section 11 of the National School Lunch Act is amended by striking out the heading and inserting in lieu thereof "APPORTIONMENT TO STATES".

(B) Section 4 of the National School Lunch Act is repealed and section 11 of the National School Lunch Act (as amended by this section) is redesignated as section 4.

(4) Section 6(a)(2) of the National School Lunch Act is amended by striking "section 4 of this Act and the amount appropriated pursuant to sections 11" and inserting in lieu thereof "section 4".

(5) Section 7 of the National School Lunch Act is amended in the first sentence of subsection (a)(1) by striking out "agricultural commodities and other foods" and inserting in lieu thereof "food and providing meals".

(6) Section 4 of the Child Nutrition Act of 1966 is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting in clause (i) "free or at a reduced price" after "breakfasts served";

(ii) in clause (ii) by striking out ", for reduced-price breakfasts, or for breakfasts served to children not eligible for free or reduced-price meals," and inserting in lieu thereof "or for reduced-price breakfasts,"; and

(B) in subsection (b)(1)(B), by striking out the last sentence thereof.

(7) Section 8 of the National School Lunch Act is amended—

(A) in the second sentence by striking out "agricultural commodities and other foods" and inserting in lieu thereof "foods and provide meals";

(B) in the next to the last sentence, by striking out "national average" and inserting "special assistance"; and

(C) in the last sentence, by striking out "section 11" and inserting in lieu thereof "section 4".

(8) Section 4(d) of the National School Lunch Act, (as redesignated by this section) is amended by striking out "including those applicable to funds apportioned or paid pursuant to section 4 but excluding the provisions of section 7 relating to matching,".

(9) Section 12(f) of the National School Lunch Act is amended by striking out "national average payment rates prescribed under sections 4 and 11" and inserting in lieu thereof "payments prescribed under section 4".

(b) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE CHILD CARE FOOD PROGRAM.—

(1) Section 17 of the National School Lunch Act is amended—

(A) by amending subsections (c) (1), (2), and (3) to read as follows:

"(c)(1) For purposes of this section, the payment rate for free lunches and suppers and the payment rate for reduced-price lunches and suppers shall be the same as the payment rates for free lunches and reduced-price lunches under section 4 of this Act (as adjusted pursuant to section 4(a) of this Act).

"(2) For purposes of this section, the payment rate for free breakfasts and the payment rate for reduced-price breakfasts shall be the same as the national average payment rates for free breakfasts and reduced-price breakfasts respectively, under section 4(b) of the Child Nutrition Act of 1966 (adjusted pursuant to section 4(a) of this Act).

"(3) For purposes of this section, the payment rate for free supplements shall be that in effect on September 30, 1985, and the payment rate for reduced-price supplements shall be one-half the rate for free supplements (adjusted pursuant to section 4(a) of this Act).";

(B) in subsection (f)(3)(A) by striking out ", except that reimbursement shall not be provided under this subparagraph for meals or supplements served to the children of a person acting as a family or group day care home provider unless such children" and inserting in lieu thereof ". Reimbursements shall be provided under this subparagraph only for meals and supplements served to children who".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, the purpose of this amendment, and this amendment is likely to be substantially more controversial than the amendment that was just accepted, is to eliminate what is called in the vernacular the middle-class subsidies of the School Lunch Program.

Mr. Chairman, let me take a minute to explain how the School Lunch Program works and how it reimburses lunches for children.

First, there are those school lunches that are reimbursed for children who are poor; that is, their families earn less than 130 percent of the poverty level. That reimbursement would not be affected one whit by this amendment.

Second, there is that program that is called the reduced-price lunch in which children whose families earn between 130 percent and 185 percent receive a reduced-price lunch. Those children are also in the poor or the near-poor category, and their subsidies and their lunches would not be affected one whit.

But 50 percent of the children who are served school lunches under the Federal School Lunch Program fall into a different category.

Since the incomes or the salaries of the Members of the House of Representatives are a matter of public record, those are the children of every Member of this body. Those are the children whose parents have no means test at all. They earn over 185 percent of the poverty level, with no outside limit, so those are the children whose parents may earn $20,000 a year or $50,000 a year or $100,000 a year or $200,000 a year.

□ 1440

Mr. Chairman, the tragedy of the present program is that those children or those parents are being reimbursed by the Federal taxpayers at the rate of 25 cents per meal for every meal that they eat. So when Members of this body reach into their pockets and give their children 75 cents or 90 cents for a meal, either here or in their home districts, the Federal taxpayers add another 25 cents to it.

There has been a great deal of debate today about the needs of low-income families and children who would otherwise be hungry. This amendment would reduce or eliminate the cash subsidy for the children who are not low-income and who would not otherwise go hungry.

Mr. Chairman, the program is divided into two parts. Half of it, or 12½ cents, is paid in the form of commodities, and 12½ cents is paid in the form of cash, straight out of tax dollars. My amendment would not affect the commodities or the commodity reimbursement to school districts. It would only eliminate the cash subsidy. It is an amendment that in days of scarce resources, I think this Congress ought to accept. We ought to say for the first time that the purpose of the school lunch program is to provide free or reduced-price lunches to low-income students and not to middle-income students and not to upper-income students.

Let me give the Members some statistics just from last year, Mr. Chairman. Last year 42.4 percent of the School Lunch Program was provided for free lunches for low-income students, 6.8 percent was provided for reduced-price lunches for near-poor students, but a majority of the lunches served, 50.8 percent, was provided for non-needy students.

Mr. Chairman, that is over 2 billion full-priced lunches every year that the taxpayers reimbursed at the rate of 12½ cents in cash and 12½ cents in commodity subsidies.

Mr. Chairman, this is also offered in the context of the other amendments that were for reductions. I would just urge the House to consider the enormous increases that are built into these entitlement programs in light of the deficit. We understand that the House has rejected other amendments, so now we come down to one that does not bring the program back to neutral, that does not bring the program back to a freeze, but all it does is to reduce $287 million for the first year out of the cost of these programs. And it does not take that money out of any low-income student. It does not reduce any proverty level child or any child who is less than 185 percent of proverty. This merely will eliminate the 12½ cents cash subsidy that is paid for every child and for every paid lunch, no matter the income.

Mr. Chairman, this amendment provides a change in the school lunch program whose time has come.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the consequences of this amendment would be even more devastating than any of the other amendments that have been presented so far and have been rejected. The implication, first of all, that only children from high-income families would be affected if the high-income subsidy is eliminated is not really correct.

First of all, the money or the reimbursement does not go to the individual; it goes to the school district. This money goes to support the basic infrastructure of the program. So we are talking now about the very heart of the school lunch program.

Let me deal in just very simple arithmetic. Let us assume that a school in a school district had 80 percent paying students and 20 percent of the so-called poor students, those who have reduced-price lunches or those who do not pay for their meals at all. Now, under this amendment, that school would lose that 80 percent because they are paying students. They would lose the 80 percent, and that would be devastating to that School Lunch Program. They would find it uneconomical to operate, so the 20 percent who are needy would then be deprived of the school lunch.

We have a great number of schools obviously in this category, and it does not have to be 80 percent. It could be much lower; it could be 40 percent or 50 percent. If they lost these paying students, then obviously the program would be crippled. That is the consequence of this amendment.

We tried it in 1981. That was really the mandate of the Gramm-Latta proposal in 1981. It was adopted. It was tried, and as a result of that, 3 million children dropped out of the program. That was the actual experience under this amendment, as tried in 1981. There is no reason why it would be any different now.

But even in addition to this, in my opinion, this is a very serious attack on American education because this is the beginning of saying that families should contribute to education based strictly on their income, that there are individuals that should pay for these services within a school. So we begin to stratify the students and stigmatize them. If parents should pay for the meals, why would the parents not also be asked to pay for the textbooks? Why would they not also be asked to pay for the transportation that is furnished? We can get all sorts of logical consequences as a result of this type of reasoning?

But, Mr. Chairman, I think the immediate impact, and the seriousness of this amendment, is that while it seems to indicate that you can make certain students pay and this will help defray the cost it is quite the contrary; it simply cripples the School Lunch Program and it will deprive all of the children, rich and poor alike, of the School Lunch Program.

Mr. Chairman, I think this is a serious amendment to consider, and I think the consequences indicate that it should be rejected.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think the chairman of the committee was very kind when he said that this would have a more devastating effect than any other amendments on the program. This would destroy the National School Lunch Program. That is how devastating it would be.

Let us keep in mind that in 1981 we only cut 5½ cents in the basic cash support and we lost 3 million students. That was only 5½ cents. Now, just figure what will happen when we are talking about 12½ cents.

Let us make sure that we understand, first of all, that at the present time we have 12½ cents in cash, we have 11.7 cents in entitlement commodities, and then we have another 10 cents in bonus commodities. You could make the same argument, I suppose, for commodities that you are making now if you want to do away with the cash payment. But you say, "Oh, no, they are surplus," et cetera. Let me tell the Members that they go out as an Agriculture Department and buy those commodities in order to distribute them. So you are looking at a situation where, if you truly believe that the National School Lunch Program is important, you have to find a way to subsidize that program in order to keep it going.

As I said the other day, this all started back when we decided that it was necessary to recruit for World War II, and, lo and behold, we found that that was a difficult thing to do because the nutrition of those we were trying to recruit was so bad that, as a matter of fact, we had a difficult time getting a standing army, in the true sense of the word. That was true not only of those who came from poor backgrounds but those who came from middle and higher income backgrounds also. So the Congress decided at that time that we thought a National School Lunch Program was necessary.

We said it was necessary also through the years to have a National School Lunch Program so we could insist that youngsters who cannot purchase a meal would have an opportunity for a nutritious meal. We made that decision as a Congress.

If we were to adopt this amendment, we would say to the local school district that we are giving them an out; we are giving them an opportunity not to feed free and reduced-price lunches to people because there is no way under the Sun they are going to be able to raise local taxes to do just that. Those low-income folks are not the people who would scream. It would be the other people who would do the screaming, and the free and reduced-price youngsters would be left by the wayside.

We have to understand that we do not reimburse for paying customers. We reimburse to keep a program going that we happen to think is a very, very important program.

Let me say again that we reduced by 5½ cents in 1981 and we lost 3 million students. Let me also remind the Members that in many areas those who dropped out of the National School Lunch Program were those who were feeding 20, 30, 40, and 50 percent free and reduced-price lunches. If you are feeding all free and reduced-price lunches, this amendment does not bother you at all. If you do not feed any, you probably are from an affluent school district that is so affluent that it could probably make up the difference. But, let me say, that if you are feeding 20, 30, 40, 50, or 60 percent free and reduced-price lunches, your school district is in real trouble if you decide to adopt this amendment at this particular time.

Again let me say that in Pennsylvania, if we were to adopt this amendment, we are talking about a reduction of $12 million to the State of Pennsylvania. This is not Texas. We are not growing in Pennsylvania. We are an old industrial State. We are having a tough time making ends meet. Our Secretary of Labor and Ambassador Yeutter tell us to tell our people to go and get other jobs, but we do not know where to send them. Things are filling up in Texas, too. But it is also true in Texas. This hurts not just in Pennsylvania.

The gentleman who is in charge of the food service in Texas says this in a letter to me:

> The purpose of this letter is to express my concern about the proposed 12¢ cut in section 4 funds for the National School Lunch Program. The elimination of section 4 would cause local school districts to increase the price charged to paying students, which would have a negative effect on participation. In 1981–82, after a 5½¢ reduction in reimbursement for paid lunches from the previous year, statewide participation decreased by more than 4,000,000 paid lunches. This represented a loss in average daily participation of 23,700 students. Of course, a 12¢ cut would cause an even greater loss in participation.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, the gentleman goes on to say in his letter:

> My real concern with the elimination of section 4 is the affect it would have on the many schools in Texas and throughout the nation that serve a small percent of free and reduced-price meals. These schools would have no incentive to participate in the National School Lunch Program if section 4 were eliminated. Once these schools have dropped the program, the nutritional integrity of their food service operation would be severely hampered, since they would no longer be required to offer lunches which meet certain nutritional standards.

More importantly, Mr. Chairman, free and reduced-price youngsters would not have to be fed except in three States in this Nation.

I hope that every Member will look very, very seriously at what this amendment would do to their local school districts. I have statistics for all of our States. I do not have statistics broken down for school districts.

Again let me remind the Members that it will be devastating if you are caught in that area that feeds 20, 30, 40, 50, or maybe 60 percent free and reduced-price youngsters, because that 12 cents is going to take away all of that infrastructure support. Again, let me remind the Members that the cost of meals and the cost to produce and serve meals is going up, not down.

So, Mr. Chairman, we have a serious problem with this amendment, and I would certainly hope that the Members will look carefully before making this leap because it will adversely affect their school districts. It will affect all school districts in this country; I do not care which school district it is.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I wish to associate myself with the gentleman's remarks.

I feel very strongly that this is probably the worst amendment as far as the destruction of the School Lunch Program. I know that in my own State it is going to have serious ramifications on our schools and school dis-

tricts and could lead to many of them closing if this amendment should pass. So I want to say that I agree wholeheartedly with the proposition that the gentleman has made.

□ 1455

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat confounded over what is happening today. The gentleman from Texas [Mr. BARTLETT], who is a valued member of the Education and Labor Committee, seems to persist in his efforts to dismantle a program that has worked very effectively over the years.

I would suggest that we go to the origin of the legislation. It did not develop easily nor did it occur overnight. The problem was carefully looked at. It existed for a long time. There was a ground swell, slow, but eventually enveloping the mentality of our Nation and the Congress. As a result of it, the Congress developed this program that has been in effect for some number of years and working very effectively.

Why attempt to emasculate it now? The fact is the problem still exists. It will continue to exist as the result of successive generations going to school. Our concern for the nutrition and well-being of the young children of our Nation has not diminished. Our concern for the young children of the world has not diminished. It is manifested in so many ways by the things that we do for people throughout the world.

So it kind of boggles my mind when I see amendment after amendment being offered that would have the net effect of destroying or diminishing this valued program.

Of course, there are statistics. It has been said by the gentleman from Pennsylvania [Mr. GOODLING] that there was a loss of some 3 million lunches when we cut the program by 5 cents, If we eliminated all the payments now it would result in some 6 million less lunches, and 18,000 schools dropping out of the program, so in a true sense you are dismantling the program. I simply just do not understand it.

Is the gentleman suggesting that we go back to where we were, even though in piecemeal fashion? In any event I think we have done enough damage to these programs since 1981. Why should we continue to erode whatever benefits there are today?

As far as the needy question is concerned, let me tell you an experience that I have had. I was a young man during the Depression in our Nation. We know who was on welfare. We called it home relief in those days and those folks, the recipients of home relief, were psychologically burdened and they were looked upon in a disdainful manner. Happily, my folks never did get to that state, although my mother worked as a charwoman for $8 a week to keep body and soul together and I shined shoes to produce another couple dollars a week. My father had not worked in 4 successive years; but really, the notion of being on home relief was abhorrent, and so be it in this matter—imagine the feelings of the children if only the needy were singled out for free lunches.

Imagine the psychological trauma that would be inflicted on the young folks. These concerns were considered and discussed time and time again in the formulation of the program.

Once again we find a constant effort to diminish the funding. I just do not understand it.

Mr. GOODLING. Mr. Chairman, will the gentleman yield,

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. GOODLING. This amendment would cost the gentleman's State almost $11 million.

Mr. BIAGGI. Pardon me?

Mr. GOODLING. This amendment would cost the gentleman's State almost $11 million.

Mr. BIAGGI. I appreciate that, but irrespective, I am talking about philosophy, policy, and that is what should be the determination.

Of course, if you cut funding in a fashion which the gentleman's amendment proposes, I think most States will suffer very grievous injury.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield,

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. BARTLETT. Mr. Chairman, I respect the gentleman a great deal. We have worked on a lot of amendments together, but I think it does come down to philosophy. Should the Federal taxpayers pay a subsidy for the lunches of children who are not poor? We have agreed that we should pay a subsidy and a free lunch for children who are poor. This amendment would eliminate the subsidy for children who are not poor, with no means test at all. Perhaps later there will be amendments to provide a means test for the middle-income subsidies; but I think the gentleman is correct. It does come down to philosophy as to what Federal tax money should be used to pay for, poor kids or not poor kids.

Mr. BIAGGI. I understand the difference of opinion and I respect the gentleman's perspective.

The CHAIRMAN pro tempore (Mr. SWIFT). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. But clearly, the question is simple. We have a program that has been in place for a long time. It works. We have seen the product. Go to schools today and you see the young folks nourished. They look it. You see it on their faces.

I can tell you, it was not always that way. So clearly I would urge the defeat of this amendment.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I would just like to say to the author of the amendment that we are talking about, it was mentioned earlier that this will not impact the poor students, that we have already dealt with that with the last amendment.

I do not know what the elimination of the 12-cent cash payment, what effect that would have, but the total elimination of the 24 cents would mean about 5.8 million children in 18,000 school districts, and we are talking about maybe over half a million poor children who would suffer from this amendment that is before the House today.

The CHAIRMAN pro tempore. The time of the gentleman from New York has again expired.

(At the request of Mr. BARTLETT, and by unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield, it is really a difference as to whether we should provide this 12-cent subsidy in cash and 12 cents in commodities, whether we should provide that subsidy to low-income children or to all children, the gentleman's children, mine, all children, without regard to income.

I would suggest, I do not know what the 5 million is that the gentleman suggests, but the fact is that perhaps school lunch prices would increase for middle-income students and upper income students, but it would not increase by one whit for low-income students.

Mr. FORD of Tennessee. Mr. Chairman, if the gentleman will yield further, I can appreciate what the gentleman is trying to accomplish in this amendment, but I think we are coming to the table with a strong appetite, but that appetite is also going to spread and we are going to reach out and pick up some additional poor children that we are trying to protect under the bill that is being offered by the committee.

AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARTLETT

Mr. ARMEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. ESTABLISHING INCOME GUIDELINES FOR SUBSIDIZED MEALS UNDER THE SCHOOL LUNCH AND BREAKFAST PROGRAMS.

(a) APPORTIONMENTS TO STATES.—Section 4(b) of the National School Lunch Act is amended—

(1) in subparagraph (1)(A) by inserting "free, reduced-price, or subsidized" after "number of"; and

(2) in paragraph (2) by inserting "free, reduced-price, or subsidized" after "for each" both places it appears.

(b) DIRECT FEDERAL EXPENDITURES.—Section 6 of the National School Lunch Act is amended—

(1) in the third sentence of subsection (b) by inserting "free, reduced-price, and subsidized" after "lunches" both places it appears; and

(2) in subsection (e) by inserting "for free, reduced-price, and subsidized lunches" after "in lieu thereof,".

(c) INCOME GUIDELINES.—Section 9(b) of the National School Lunch Act is amended—

(1) in the first sentence of subparagraph (1)(A) by striking out "free and reduced-price" and inserting in lieu thereof "free, reduced, price, and subsidized"; and

(2) by inserting after the fourth sentence of subparagraph (1)(A) the following new sentence: "The income guidelines for determining the eligibility for subsidized lunches for any school year shall be 250 percent of the applicable family-size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with subparagraph (B)."; and

(3) in subparagraphs (2)(A) and (B) by striking out "free and reduced-price" each place it appears and inserting in lieu thereof "free, reduced-price, and subsidized"; and

(4) in subparagraph (2)(B)—

(A) by striking out "reduced-price meal eligibility" and inserting in lieu thereof "subsidized meal eligibility"; and

(B) by inserting "or reduced-price" after "free" in the last sentence; and

(5) in paragraph (4) by striking out "free lunch or a reduced-price" and inserting in lieu thereof "free, reduced-price, or subsidized".

(d) ELIGIBILITY REQUIREMENTS.—Section 9(d) of the National School Lunch Act is amended by striking out "free or reduced-price" both places it appears and inserting in lieu thereof "free, reduced-price, or subsidized."

(e) SPECIAL ASSISTANCE.—Section 11(e) of the National School Lunch Act is amended—

(1) by striking out "and" both places it appears after "free lunches" and inserting in lieu thereof a comma; and

(2) by inserting "and the average number of children who received subsidized lunches" after "reduced-price lunches" both places it appears.

(f) COMMODITY ASSISTANCE.—Section 11(f) of the National School Lunch Act is amended by striking out "free or reduced-priced" and inserting in lieu thereof "free, reduced-price, or subsidized."

(g) APPORTIONMENT TO STATES.—Section 4(b) of the Child Nutrition Act of 1966 is amended—

(1) in clause (1)(A)(ii) by striking out "breakfasts served to children not eligible for free or reduced-price meals" and inserting in lieu thereof "subsidized breakfast"; and

(2) in the last sentence of subparagraph (1)(b) by striking out "breakfast served to a child not eligible for free or reduced-price meals" and inserting in lieu thereof "subsidized breakfast."

(h) This section shall take effect July 1, 1986.

Mr. ARMEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, I think this is an appropriate time for me to offer this as a substitute, because we are talking here about a philosophy and perhaps a question of equity and fairness. I applaud the efforts of the gentleman from Texas [Mr. BARTLETT]. I think the gentleman is moving in the right direction.

I have offered an amendment, though, that might modify that effort and perhaps be a little less controversial than the Bartlett amendment.

I think a big part of the question that we have seen debated today and we saw debated earlier on an amendment was a tremendous amount of understanding and compassion and concern and, yes, sincerity, to what extent should we take these very, very scarce Federal dollars that are in so much competition with so many other competing programs and find a way to make them most available and first available to the poor children of America in this program.

Unfortunately, there are not enough dollars so that we can do everything.

If I can review just a little bit of the work that the gentleman from Texas [Mr. BARTLETT] did in his dialog, there really are three steps in this program; the first step being for those families who make below 130 percent of the poverty line, where their children do in fact get a free lunch, totally free to the individual family. These, I imagine, are the children that we see in the rural areas of Kentucky.

I have had the opportunity to drive through the wonderful State of Kentucky and I have seen some wonderful horse ranches and suspect that perhaps the families there live above the 130 percent of the poverty line. I suspect they can probably very likely afford to pay for their own children's lunches.

So while we want to leave intact the availability of lunches for these poor youngsters, there is again the reduced-price lunches for those families who make between 130 and 185 percent of the poverty line and they get a reduced price.

Then there are the students whose families make 185 percent of the poverty line who are classified as paid, but still receive 25 cents subsidy and 10 cents commodity subsidy.

I do not even want to take the opportunity away from these youngsters. But where can we draw the line? How high should a family income be while they still qualify for some subsidies for their youngsters' school lunch?

Obviously, we can take a look at the Members of this House. We all make a rather substantial income. When this bill first came into our committee, I was shocked to realize something I did not know, both as a professor making around $45,000 a year and then now as a Member of Congress making over $70,000 a year. My four schoolchildren each receive a 35-cent subsidy for their lunch. I do not need that subsidy for my youngsters. I do not want that subsidy for my youngsters. I would prefer not to have the poor wage earner in America paying higher taxes to support a higher budget and higher spending levels so that mine can have what they do not need and what I am perfectly capable of providing them and others as well.

So we are talking here really about a situation that exists in the form of a negative income transfer from the poor to the rich. I do not think anybody in this House wants the continuation of that kind of transfer.

When we see those youngster walking through the hollows, we have to remember their mothers and their fathers are earning incomes and they are paying taxes and those taxes do indeed support the entire budget and support my youngsters' school lunches. I do not think that is fair and I think that point has been eloquently made.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. Yes.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I want to understand the gentleman's substitute. It would be to means test this extra cash subsidy, is it 250 percent of the poverty level, is that the gentleman's intent?

Mr. ARMEY. Right.

Mr. BARTLETT. If the cash subsidy would be paid, it would be only for those persons who earn less than 250 percent of the poverty level?

Mr. ARMEY. Right.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman.

Mr. ARMEY. If indeed a family makes 250 percent or more of the poverty level, the school would still get its 10 cents commodity bonus, but the individual student would not receive the 25 cents subsidy.

I think that is a fair place in which to draw the line, a place that concentrates the revenues, scarce as they are, in support of the youngsters who really need it the most and whose parents are least able to provide for them a paid lunch in part or in whole.

I would suspect that perhaps members of the committee on the other side might find this a good compromise between the Bartlett position and their own and I would hope they would accept it.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the substitute and the amendment.

Mr. Chairman, as Alice observed somewhere during the proceedings after she went through the looking glass, "It gets curiouser and curiouser."

The gentleman said that he was going to give us an amendment that was less controversial. How an amendment that would require the parents of every public school child in the country to make a disclosure of their family income to the school if it operated a school lunch program could be less controversial than anything else that has been suggested on this floor is beyond me.

Now, it is apparent from the gentleman's plaintive cry for redirecting resources from "the rich to the poor" that he woefully lacks a knowledge of how the program works and how it is supported at the local school district level. When we talk about school children leaving the program, that will not be done because they or their parents will voluntarily leave. We talk about programs that will close up if you put these kinds of limitations on and turn this into a poverty program.

It really startles me that the gentleman from Texas persists in his efforts after all of these years of this program to turn this into a poverty program.

The gentleman from Pennsylvania has explained the history of it. The gentleman from California, the chairman of the committee, has explained it.

This was not a poverty program. It was adopted in 1946 and it said in that bill that it was a program to safeguard the health and well-being of the Nation's children. It did not say poor children, rich children, middle class, it said children.

Now, why did they do something that strange? The why is very simple. Epidemiologists became fascinated with where and what numbers of people were disclosed during the period of the maximum draft during World War II who could not pass a basic physical to serve in any of our armed services for conditions that clearly were being identified by medical authorities as being the fault of bad nutrition during their formative years.

Congress said we might have to fight another war. They were prophetic, because just 5 years later we were back in another war with the draft going again and they said:

We are not going to let this happen to this country again. At least we are going to try to interrupt the problem of bad nutrition for the children in these schools by intercepting then and use the school system as a device for that and provide at least some basic nutrition for all these children and see what happens.

□ 1510

Since 1946, the program has worked very well.

In 1962, one of my liberal colleagues, in 1962, a gentleman who then was characterized as a very liberal person for this side, instead of treating all of the children the same said let us now have a reduced-price lunch program, and that is when the reduced price came in.

I get the impression from some people who talk about this legislation that they think it was something they did during the poverty program that got expanded to the middle class. It got concentrated within the program in terms of how much they paid to the school for their lunch, but never in how much was paid to the school to operate the program. Never at any time since 1946, except for a short period of time when the unfortunate result of Gramm-Latta was to produce a short period of reduction in this money, have we ever had in the program a time when we attacked the money that goes to the school to maintain the program.

Here is where the lack of understanding of the program comes in. You can stand on this floor and plead for the poor people all you want, and how you want to help the poor kids. But if you give them a chit or a token for a meal, and there is no lunch program at the school they attend to spend it, you have given them nothing. They cannot take it to McDonald's. They cannot take it down to the local greasy spoon. They cannot cash it in. It has no value to them.

If you want to offer a free or reduced priced lunch to the low-income children, there has to be a lunch provided in that school, that day, that they can stand in line to get and pay the free or reduced price for.

That is what it all comes down to. Crassly put, if the nonpoor children are not involved in the program, commonsense tells you that what happened in the short period of Gramm-Latta repeats itself, that school districts faced with finding other resources in times of great scarcity at the local school district level will not be able to find money to keep the lunchroom open. So the people, as the gentleman from Pennsylvania [Mr. GOODLING] referred to in his school, that has only 20 percent poor children, those 20 percent get zilch. The children who can afford it will find an alternative way to get meals.

I urge we reject both the amendment and the substitute.

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the Armey amendment which would target assistance to the students from the lower and middle class and end the cash subsidy to those families which make over 250 percent of the poverty level.

I have seen the face of hunger in this country. Many Members have seen the face of hunger. I have seen children in the last several years still suffering from diseases resulting from malnutrition. There is deep, biting, searing hunger in this Nation for many, and we do not meet our responsibility to promote the general welfare unless we address that problem. The problem has grown more acute, despite opposing contentions, and it is time to rededicate ourselves to rectifying this situation.

The Armey amendment proposes to add, a much-needed component of fairness to the School Lunch Program. Is it fair to end a cash subsidy for targeted groups and, therefore, cut millions of poor and middle-income children from the program? For every penny cut, there is a 1-percent decline in those that participate in the program. Without these paying students participating, the basic infrastructure of the School Lunch Program is lost. If cuts are made, many lunch programs will cease and all children in the community, including poor children, lose access to the National School Lunch Program.

H.R. 7, as it now stands, is fiscally responsible. It is in full conformity with the House budget resolution. There is no argument with the contention that good health is essential for the well-being of our families. Our children presently in the School Lunch Program have benefited because we have recognized the need for the continued Federal role in addressing hunger and food assistance. Those of us in the Congress must take the lead in insuring that the needs of our citizens are met. Let us not retreat from this commitment. Accordingly, let us show a strong support for this commitment and vote against the Armey amendment.

AMENDMENT OFFERED BY MR. PETRI TO THE AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARTLETT

Mr. PETRI. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI to the amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. BARTLETT: Page 1, line 14, strike out "and".

Page 1 line 17, strike out the period and insert in lieu thereof "; and".

Page 1, after line 17, insert the following: (3) at the end of subsection (e) by inserting the following new sentence: "Commodity assistance shall be available for all lunches served in schools participating in the school lunch program.".

Mr. PETRI. Mr. Chairman, this really just splits the cake in half so far as this amendment is concerned by re-

storing to the program in the case of all meals offered through the School Lunch Program participation in the Commodity Program.

Some of these commodities, of course, are purchased in the commercial market. Others are available because they are surplus commodities such as are in Government warehouses. In any event, those commodities, if they were not distributed to school children, would end up being wasted.

It seems to me that that, as a result, would not be a savings. It would simply move the cost in a different direction, and we can help young people by distributing this food. And it seems to me as a result that we should continue to allow the Commodity Program purchases and the distributions to continue for all people regardless of whether they are above or below the poverty line.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Texas.

Mr. ARMEY. By your amendment, do I understand then we would keep in the commodity subsidy for all students, irrespective of the income level, and that indeed the school lunch program itself would then have a 22½-cent commodity subsidy for even the students who pay for their own lunch?

Mr. PETRI. That is correct. That subsidy of 21¾ cents or what ever the amount would be of the subsidy would apply for the rich student and the poor student. So long as they ate in that cafeteria, the school would get that money.

Mr. ARMEY. I think the gentleman has crafted a very good amendment here, and if I might comment on it, that subsidy to the school program should, I think, in that case alleviate some of the concerns about the extent to which the programs may be jeopardized by those students who may choose to drop out. And indeed, if I could comment on that, in the experience that we had from 1981 to 1985, I do not believe the dropout experience was all that much. Indeed, it was not so totally related to the increased costs. We had an enrollment decline and that had a big impact on the dropout. We had high-tuition school exclusion, and we had the net effect of verification.

The fact of the matter is many, many higher-income Americans, middle- and higher-income American, when asked to verify that they need it, simply say no, I do not need it, I will not fill out the verification and decide that instead certainly they will pay for their youngster's lunch, because indeed they do not need it. They do not choose it.

So, in fact, the projections were for a decline and indeed we had a greater enrollment than what was projected. So we really have not experienced, in fact, that much of a decline, jeopardizing programs.

The gentleman would certainly add insurance to the stability of the program and to the youngsters' ability to have the program in place so they could have their lunch. I would be more than happy to accept the gentleman's amendment in light of your further observation that indeed through other programs we buy the commodities anyway, and it is a question of warehousing them or distributing them to school programs. I think it is a good amendment and I commend you for offering it.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue is getting more and more confused. I am not quite sure where to start.

We are now being told that it is all right to accept the tax dollars to go out and buy commodities to distribute it to the paying customers. But it is not all right to give them cash, because that is just what we would do if we were to accept this amendment.

Keep in mind, the 10-cent bonus commodities are truly surplus. But I will guarantee that an awful lot of the 11 cent plus are not surplus. We go out and purchase them because we think it enhances—I am not sure why we do it. The gentleman from Michigan [Mr. FORD] and I have been trying to get away from this purchase of commodities and give them the cash, and let them do it back in their own District. But that is what we do.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I think the gentleman is talking me out of accepting the amendment to my amendment.

Mr. GOODLING. Well I think I should. I think you should be consistent. I think if you are saying that somehow or other we should not try to keep the program going because we are giving tax dollars to people who can afford to pay for the lunch themselves, then you should not accept the gentleman's amendment, because his amendment does take tax dollars and gives those tax dollars to those who could afford to pay for their lunch, according to you, because we go out and buy, not necessarily surplus commodities, but we go out and buy what we think we should be distributing. It may be a lot of hamburger and that is good for your State.

Mr. ARMEY. If the gentleman again will yield, I might make the point though, the distinction is that it is the commodity subsidy to the program as opposed to the cash subsidy.

Mr. GOODLING. Yes, and all I am saying is what is the difference.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding because I want to help clarify this issue. First of all, I tend to agree with the gentleman from Pennsylvania's general philosophy that if we are going to cut out 12½ cent cash commodities, 12½ cent cash subsidies, either way you are frankly going to decimate the program. I think the amendment is simply too strong and devastating from that perspective.

But there is a justification for commodity subsidy as opposed to cash subsidy, and if you talk to any of your school administrators about your school lunch programs they will tell you, as mine have consistently told me, please do not cut out the commodities subsidies because frankly, the Federal Government buying in essence surplus commodities at high-volume rates can provide a heck of a lot more commodity for the dollar than we in our local school districts can taking that same amount of dollar and going out and then purchasing it.

Mr. GOODLING. I will take back my time. It is not often that we disagree, but that is not correct.

In the bonus commodities, you get butter, cheese, cheese mozzarella, cheese processed, honey, milk, nonfat dry, rice, milk, all surpluses, and that is a bonus.

Mr. GUNDERSON. Exactly.

Mr. GOODLING. However, what the gentleman is talking about in his amendment, he is not touching bonuses.

Mr. GUNDERSON. I did not say that.

Mr. GOODLING. He is talking about those that we go out and purchase, that are not necessarily surpluses, in most cases are not surpluses. And we go out and buy those commodities.

But let me tell you what your school food services people, and they are beginning to have a change of heart on this whole thing, say. Originally, they thought that it was the best to get all and, of course, they wanted all. But let me tell you what happens.

When we go out and we buy the commodity, it means first of all they do not buy that commodity in their local district or where they are probably going to get better quality. The cost involved is on the Federal level. We buy it, we store it, we ship it, we then ship it to the State. The State then stores it. The State then pays the freight to get it onto the school district. The school district then, lo and behold, in many instances, has to send it back out and have it processed.

Now if you can show me how anything can be more expensive than that

whole thing, I do not know. But that is not the point that I am arguing.

The point I am arguing, if you have a philosophy, which I understand the two gentleman from Texas have, a philosophy that says you do not try to save the school lunch program, that that is not important because we know that you have to make sure that the paying customer is participating in order to keep that national school lunch program, then you have to be consistent. Then you do not take tax dollars in cash, or you do not take tax dollars in commodities. Give them their bonus commodities, but, you see, then we will get those who make $70,000 and above. They seem to know how, the group who is a family of four, and I know some lovely families of four. I have one of my own and my whip has one. But let me tell you, a family of four, when you are talking about $18,000, is a little bit different than a family of four when you are talking about $70,000.

I get into this argument all of the time.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. All I am trying to point out to you in relationship to your accepting this amendment is that it is not consistent with your philosophy, because we use tax dollars to buy those commodities in order to distribute them, many of which are not surplus commodities. All bonuses are surpluses, but those other commodities are not.

But let me get back to some of the other issues in relation to the gentleman's amendment. It is difficult to stand up and argue that hey, somehow or other there should not be any tax dollars going to $27,000 families of four and above. That is difficult to argue.

But let me point out several things in relationship to the gentleman's amendment. First of all, in your "Dear Colleague," I guess the thing that scares me most about your amendment is that we really do not have any statistics. We really have no way of knowing. In your "Dear Colleague," you say that there will be people who will get up and say that you are going to devastate the program in relationship to free and reduced-price youngsters, and that is not so. That is the way you say in your amendment.

All I say is I do not have any statistics. You may be right. We never had this before. I have no statistics to prove whether you are right or whether you are wrong.

I do know that every time you reduce your reimbursement by 1 cent to the paying customer, you lose 1 percent of the participants in the school lunch program. I do know that after reconciliation in 1981 we lost 3 million students. Why? In most instances because the schools dropped the national school lunch program. That eliminated them from having to worry about free- and reduced-priced meals.

One other question and concern that I have. I am not quite sure how this works. You now added a fourth tier.

□ 1525

I am assuming now that everyone in your school district, in my case it will be most everyone with one or two school districts excepted, will have to bring in some kind of verification. In other words, in order for the school district to get the reimbursement, they will have to prove to the Secretary that, as a matter of fact, those people are not making more than $27,000.

I assume that is what the gentleman is saying.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(By request of Mr. ARMEY and by unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I would be happy to yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, first of all I would like to address the question of my philosophy. My philosophy is very simple in this case: Yes, I want to see the School Lunch Program for the youngsters who need it; yes, I understand we have to have a program in place; yes, I see a difference between commodities that are purchased and moved even if they are bought, purchased, and moved, the incremental cost for that is rather nominal for these few additional students; yes, I understand we do not want the poor families to be paying higher taxes to support a program that feeds the children of relatively wealthy families, at least upper and middle income families.

As far as the dropoff figures are concerned, and I do not know where the gentleman got these figures, but I do not find figures that say, from the Department of Agriculture, that there were 3 million. I find 2 million. We can quibble about these figures.

Mr. GOODLING. Taking back my time, I read from the gentleman from Texas' school lunch and child nutrition director, in 1981-82, after a 5½-cent reduction in reimbursement for paid lunches from the previous year:

> Statewide participation decreased by 4 million paid lunches. This represented a loss in average daily participation of over 23,000 students. Can you imagine then what a 12-cent cut would do?

I think I can document those figures. In fact, I have them here and can show them to the gentleman. They are not my figures.

You know, we get figures from OMB, we get figures from the Agriculture Department. Those are usually tough to get.

Mr. ARMEY. If the gentleman will yield, obviously we are going to have a conflict in figures. I think we need to go then to the principle. I again lay the principle on the table: Should the children and the parents of the children of the poor families in America be asked to pay taxes so that we can provide free lunch to the children of families who are making 250 percent or more of the poverty level? It is that kind of regressive transfer that is satisfactory to the gentleman?

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has again expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Again, I want to make it clear that we do not have a subsidy for paying customers. That has been something that has been thrown around here year, after year, after year. The Congress of the United States, as was pointed out by Mr. FORD, never talked about poor children; we never talked about free and reduced when they introduced the legislation. They talked about poor nutrition. They said it ought to do something about poor nutrition. We had to have a hammer over the heads of the local districts. They said that hammer was that if you are going to get reimbursement, you must participate in the national School Lunch Program. If you do not participate, you do not have to feed anybody. Many school districts after 1981 did just exactly that. So there are an awful lot of people.

My statistics that I was reciting come from the Congressional Research Service, the Library of Congress. They might even be more legitimate than from the Agriculture Department.

They indicated that in 1981 there were 26 million. They indicated that in 1982 there were 23 million. Now, if my arithmetic is correct, that is 3 million.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, again, I would hope that we would oppose the amendment and the substitute and the amendment thereto, I think Mr. GOODLING has pointed out the inconsistencies in the amendment to the substitute. But let me suggest to you that the substitute and the previous amendment, the underlying amendment, are simply here

to gut the program. It is as if we have learned nothing since 1981. The evidence is clear and the evidence is convincing that when we cut the cash subsidy to the paid lunch programs under some notion that somehow we were providing an unjustified subsidy, both paid and poor children dropped out of the program. The paying children have started to come back, but the poor children have stayed away. Then when you take in the substitute, it is not the notion that somehow this is fairness and equity. We know about this kind of documentation. The Reagan administration ran a pilot program among poor children, among the free lunch programs. And they found out that the vast majority of their savings did not come from waste, fraud, and abuse but came from the legitimately qualified poor children who dropped out because their parents were intimidated or would not send the verification and the documentation to those school districts, and about 7 percent of the children dropped out of that program.

If you extrapolate that nationwide, you are talking about almost 1 million children who would continue to drop out because of that kind of intimidation. This amendment is designed for one purpose and one purpose only, and that is to gut this program.

That is what the substitute does. The amendment, the underlying amendment that deals with taking away the paid meal, I will tell you what else it does. It is a foolish amendment, because if you have so much concern for poor children, I assume you would be back here suggesting that if the local districts did not feed these poor children that we should. But I have not seen anybody suggest that in an amendment to cushion those districts or to cushion those poor children. The fact of the matter is, as Mr. GOODLING pointed out, numerous districts simply made the decision to close down the lunch program for poor children; rich or poor, they closed down the program and poor children had nowhere else to go.

Let us also understand something, that in many instances not only are the poor children a minority within the power structure of the school district, they happen to be minority children with a minority in the power structure of the school districts. And a good number of school districts around this country have decided they are not going to feed poor children, or black children, or Hispanic children, or other minorities. They simply decided politically they will take their money and they will do something else with it.

That is why we keep paying children in the School Meals Program. I had an amendment several years ago to do exactly what you wanted to do. But what became clear was that, if those children fled the program, school districts would make a political decision which would disenfranchise poor children from the right to have nutrition, from the right to have an equal opportunity to learn and a nutritional balance so they could do that.

That is the history of this program, and we ought not to deny it. We ought not to deny that that is the decision that local districts have made each and every time. They did not make the decision, "Oh, we will run a little program over here for the poor children, we will run a nice program, we will make sure that happens." They dropped them. They dropped them like a hot potato. Why? Because we cut 5 cents.

Now we are talking about cutting 12 cents. And when we get done cutting the 12 cents, we are taking the program where Mr. BARTLETT just had an amendment to ask for a simplification study, and we are going to make it more complicated. So we are not just going to punish the poor children, we are not just going to punish the rich children, we are going to punish the school districts now, because they are going to have to go through a program that this administration has already repudiated.

Do you start to get the drift of my conversation here? These amendments to the substitute are just flawed on their face. They have been tried the entire 10 years I have been in the committee. We have been over this ground, and each and every time the detriment has run to the poor children of this Nation, the very children that this administration tried to suggest that they cared about in terms of the safety net. This is the untying of the safety net, this is the one that is going to allow an awful lot of children who have nowhere else to go for half of their daily requirements in terms of nutrition, they are going to go right through this net and hit the ground. And I've got news for you, not one of you is going to come forward and suggest that we augment the budget to pick those children up and to feed them. The school districts that have 10 or 20 percent of these children in their school districts are not going to do it, because the politics of this Nation at the moment are elsewhere. So you can join up and throw these children to the ground or you can stick with the committee bill and understand that this is how we pay the overhead.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Let me tell you that these paying children contribute $1 billion to this program. It would be far more expensive for you to make the decision that we should feed poor children and only poor children because in fact the paying children are helping with the overhead and the totality of the costs of this program. So we have an amendment that, if you look at it from the bottom, the top, or sideways, it makes no sense, and the Congress ought to reject it.

We have been over this ground, we have tried these test programs, we have had them from the Senate and the House. All of them, all of them have been a flop, except for one thing that they have done.

So open up your eyes, they have punished poor children. That has been the end result every time we have approached this subject.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

Mr. Chairman, the bottom line here is, whatever approach you take, these kinds of amendments get at the infrastructure that is necessary to be sure that a school lunch program is offered.

Mr. MILLER of California. Exactly.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. BOLAND and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. That is exactly the point. There is a certain cost for a district to maintain the overhead and the integrity of the program, and if we rip out part of that cost there is no evidence that it is being made up elsewhere.

Mr. PENNY. Mr. Chairman, would the gentleman further yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman this is the mechanism that we have used over time to ensure that the School Lunch Program is in place.

Mr. MILLER of California. Exactly.

Mr. PENNY. Any dismantling of this funding is going to make it less likely that school lunch programs will be in existence. So it is not fair to make an argument that somehow we are only affecting wealthy students or wealthy families by making this kind of a reduction, but you are in fact voting to eliminate programs, and when you eliminate programs you are denying eligibility to a decent lunch to poor children across America. I oppose the amendment and speak in support of the committee provisions.

Mr. MILLER of California. Let me just say to my colleague that he is ab-

solutely on point. You know, the difference between rich and poor is that the rich people have a lot of alternatives. If my son does not get a school lunch, he can go to Burger King or McDonalds, or we can pack him a lunch, or I can take him out to lunch. He has a zillion alternatives.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Poor children do not have alternatives. Because the majority of the poor people, working poor people who are trying to stay in the marketplace, they run out of food at the end of the month, they run out of food at the end of the week. They do not have the alternative that the Miller boys have. So the people who are being punished, as you point out, each and every time we have done this, the program has been eliminated and the poor children have suffered because there is no alternative.

You know, we are going to have the agriculture bill up here, and not everyone in that program is going to be a poor, bankrupt farmer. You have to put together the coalition. In this case, this is the only way we can maintain the program. To do less than this is to be more expensive.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California.

Mr. Chairman, I would like to say that when we look at the trends among children in this Nation and if we look at the information and data provided by Mr. MILLER earlier, when we talk about 14 million or 22.4 percent of all the children in this Nation who are living below the poverty level, we know we are addressing the nutrition program today. But we ought to even be about the business of addressing the real problem that children are faced with, and this just happens to be one of them. If we cut this nutrition program or cut the cash payments to the nutrition program, we will be doing nothing but adding on to the additional 1 million or 1.5 million children who would be suffering below the poverty level.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendments.

Mr. Chairman, the House has struggled with this section of the bill. I think we have struggled with it, with three different proposals, any one of which would have an improvement over the way and the philosophy that the program is run now. I have listened carefully to the debate. Some have said that somehow the School Lunch Program is not or should not be a poverty program. I would contend that the American people I do not think agree with that, that the School Lunch Program should provide for school lunches and in some cases school breakfasts for low-income children who otherwise would be hungry. Others have said that either my original amendment passes, or if the gentleman's substitute passes, somehow that would mean a price increase for schoolchildren in paying for their lunch. Mr. Chairman, it would mean a price increase for schoolchildren who are not poor perhaps; perhaps it would mean that your children and mine would be required to pay $1 for a school lunch that costs $1. It has been said that the paid lunches, that is of the nonneedy students, contribute $1 billion a year to the cost of running the program.

The fact is that is not precisely so. Those children pay $1 billion approximately to purchase their lunches. The only difficulty is, the Federal taxpayers pay another $250 million for those same lunches for those same schoolchildren who are not needy.

□ 1540

It comes down to a question of philosophy; whether the Armey amendment is accepted, or my amendment is accepted, it comes down to the question of, do we want to continue to pay 12 cents in cash, collected from all of the taxpayers, rich and poor alike, to subsidize lunches for children who are not poor.

Now, there are a lot of ways to eliminate that. We can eliminate it, as my amendment does; or we can, as the gentleman from Texas has suggested, we could say, OK, we will subsidize that 12 cents per lunch only for those children who are from families of 250 percent over the poverty level.

Now, would that require everyone to fill out a form? No. Or an application or statement of income? It would only say that those children who are eligible for that subsidy simply be required to do what all the other children do who are eligible for a subsidy; and to say and to state their income; no additional paperwork other than what is in the program right now.

Now, there are a lot of ways to control costs in the School Lunch Program. I have offered five amendments, many of which came from the committee and many of which came originally from the ranking Republican member of the committee; either at the budget committee or in the full committee.

In all of them there is an objection to it on this basis or an objection to it on that basis. The bottom line comes down to, the program is, I think, unintentionally, by this Congress, including current law and H.R. 7, the program will increase in its cost at approximately 6 to 7 percent a year assuming the same number of recipients. That is feeding no additional low-income children.

So somehow, whether it is the committee or the Congress or the full House, or at some point in the program, if we are going to save the School Lunch Program for the entire Nation, we are going to have to make some modest reforms so we can control its cost.

Now, someone has said from time to time that somehow all of these amendments, all they do is gut the program or eliminate the program. In fact, amendments like this may well be the savior of the program, because of House of Representatives passed a bill last year that also went nowhere, and perhaps if we continue to pass unrealistic legislation that makes changes such as in the 6-cents School Breakfast Program that need to be made, but if we do not adjust the cost, and, Mr. Chairman, the School Lunch Program will continue to become an anachronism; we will not get any changes made either here or in the other body, or finally into law.

So I would suggest that in many ways, it is those of us who are trying to make some reforms to turn the focus of the School Lunch Program to assisting low incomes students that will ultimately save the program.

Mr. LOTT. Will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. LOTT. Mr. Chairman, I would like to join the gentleman from Texas [Mr. BARTLETT] in supporting the Armey amendment. I do not know the details of the School Lunch-Child Nutrition Program that those gentlemen that serve on the committee know; I have got a lot of questions about it, and I have been listening to some of the debate here.

I am certainly very interested in what the gentleman from Pennsylvania [Mr. GOODLING] has to say, but the fact remains.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 2 additional minutes.)

Mr. LOTT. Will the gentleman continue to yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. LOTT. Mr. Chairman, under this program clearly the cost is going to go up year after year. I do not think there is any doubt about that, and I cannot support that type of increase with the questions I have about the way some of the program is run.

The second part is, clearly there are some people that are entitled or eligible for the school lunch program that are not in the poverty level. That is

what the gentleman from Texas is trying to get at.

I cannot defend to my constituents how the majority of the children in my hometown, a blue collar town, shipyard workers, that type of person; the majority of their children would be eligible for the School Lunch Program even though they could pay for those lunches unless there is some limitation.

Maybe this is not the best way to do it, but I do know this; there is general dissatisfaction with the fact that the School Lunch Program is supposed to be targeted, I thought, for poor children, is as a matter of fact also going to children in the moderate-income level almost.

Certainly, at 250 percent of poverty level is not too much to ask for. There must be some restrictions. Let us make sure the program is aimed at the children that are genuinely in need of the school lunch program, and that are generally poor children and not allow it to continue to go to those that are not needy.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought we had just accepted, 30 minutes ago now, the amendment of the gentleman from Texas to simplify the program.

If there has been any confusion and chaos introduced, it seems to me that it has been in the last 30 minutes. The situation is, we have an attempt to try to correct or to sanitize one amendment after the other.

Mr. ARMEY attempted to sanitize Mr. BARTLETT's amendment, which is devastating and flawed; then Mr. PETRI comes in and tries to purify Mr. ARMEY's amendment.

So we have a series of attempts to rewrite this bill based on ad hoc reasoning on the floor of the House, which I submit is not the way we should be legislating. Our legislation should be based on testimony by expert witnesses, committee deliberations, analyzing and reviewing for the purposes of improvement legislation within the committee is jurisdiction and then by the Members from the various committees that have had some experience in this field, and understand the devastating effect that the original amendment would have on this program. Certainly Mr. ARMEY, in trying to correct it commits, in my opinion, the same mistake; to say that $27,000 income of a family today is a high income bracket does not square with the facts of life.

Now, obviously, it sounds good; we might attempt to give it some consideration, but it has been stated over and over again that when you do away with the paying students, you affect the infrastructure of the program. You destroy the program because you make it less economical; it is much harder to operate; and once you destroy the program, you destroy it not only for the wealthy, the so-called wealthy who have other alternatives, but you also destroy it for the poor people; for the poor children, children who come from the lower socio-economic level of our society.

Now, we already have three classes that we deal with, which is unfortunate. As the gentleman from Michigan [Mr. FORD] said, this program originated in 1946; it was not originated as a welfare program; even the students who pay reduced amounts or do not pay at all was an issue that came up in the 1960's and we went in that direction.

We now have three classes: The poor, those who are half-rich and then those who are supposed to be rich. Now this amendment would introduce those who are richer than the rich.

So we are beginning to stratify the program and to tell children who come to American schools that you are now going to be identified in terms of the homes from which you come.

The gentleman from Texas [Mr. BARTLETT] says: Well, it is easy; just eliminate those $27,000 and over. How do you eliminate them? You have to have some verification, and in doing so, you have to ask everybody, What is your income? You cannot eliminate them unless you can identify them. Nobody is going to come forward and volunteer.

So it introduces a system of documentation, of verification in which you have to find someway in this system to require some documentation of verification from everybody.

Now, are you going to ask the wealthy to turn their tax forms over? How can their financial status be verified? Are you going to simply accept the fact that everybody is truthful and everybody is going to come forward and volunteer.

So it introduces more confusion, chaos, and in my opinion, a very un-American system into American education.

I am sure that if I had introduced the Armey amendment to begin with, Mr. ARMEY might have looked at me and said, "You are introducing an element of socialization. You are going to take from the rich and you are going to give to the poor. You are going to redistribute the wealth in America."

Well, I do not think that is what he intended to do, but it sounds like he is attempting to do that in this program, and this creates a very confusing, chaotic situation, when it really is not.

So the Basic issue is this: Do the Members really support the program? We know that there are some reforms that could be made; and some have been made, but this is not the way to do it.

□ 1550

Those of us, let us say, in this House who have children in public schools, are we to say that our children are not, in a sense, adequately supported by us? Those who have high incomes certainly are going to pay much more toward public education. So it is not true that they are getting a free ride. None of us will be getting a free ride. Those of us who are perhaps fortunate to have high incomes certainly are paying much more of our income proportionately than are the poor who get the reduced-price or free lunches. So we are paying. We are paying more in State taxes, we are paying more in property taxes, and so forth. So it is not true that there is a free ride even for those in the so-called high-income brackets.

So I think that we should look upon this program as it was looked upon when it was originated in 1946, as a national policy. It is a national policy of this Nation to provide nutrition, to provide a healthy body for an individual who has a capacity for learning. That is a national policy. If a person is hungry, there is not much motivation to do anything else. We are not going to gut these nutrition programs by introducing these novel ideas that mean well but unfortunately have a very disastrous consequence. I ask the body to reject all three amendments because it is merely an attempt to rearrange the decks on the Titanic. Neither one adds anything that has not been thought of before. I think the overall effect of them, even as they are attempting to amend them, would be devastating to the program.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again we are at one of those places where it appears as though there is no length to which this House will not go to spend money, because literally what we are talking about here in the Armey amendment and the Petri amendment that is attached to it is the question of whether or not the poor should pay taxes to fund a subsidy to the rich. That is what this is all about. The Armey amendment says that people making more than $27,000 a year should not receive a subsidy from the taxpayer, and the Petri amendment says, yes, and particularly it should not be a cash subsidy. In other words, the poor should not have to pay taxes in order to give additional cash through the Government to the rich.

And what do we hear argued here on the House floor? "Well, of course they should. Why, the rich pay a lot of additional in taxes. There are all kinds of reasons why the poor ought to give some of this to the rich. And forget about the deficit, my friends. Forget about the fact that we have got $200

billion worth of deficit. Of course, in that deficit year, we ought to fund the rich. We ought to be giving as much as possible to the rich in this program."

I just heard arguments here a little while ago talking about the poor, how this program ought to be directed toward the poor. I agree with that. But how you can come 180 degrees now and oppose the Armey amendment that suggests all the money ought to go toward the poor and we ought to stop subsidizing the rich is beyond me. But that is exactly what we are doing. If you do not accept the Armey amendment, what you are suggesting is that the taxpayers of this country ought to subsidize the children of the $50,000 a year lawyer who sends his kids to the public schools, that they ought to be subsidizing the children of the $75,000 a year Congressman who sends his kids to public school, that they ought to be subsidizing the $100,000 a year doctor who sends his kids to the public school, that they ought to be subsidizing David Rockefeller's kids, or whoever is out there; if they are going to the public schools, by golly, the $17,000 a year working family in this country ought to subsidize them.

That is just terrible. That is rotten government. And it is particularly rotten government at a time when you have got multibillion dollar deficits. And I think it is high time that we understand that that is indeed a real problem. The deficit problem is real. Here is a chance to save $188 million and do so by saying we are not going to subsidize the rich out of taxpayer's money. That is precisely what you are able to do if you vote for the Armey amendment and the Petri amendment. We will stop subsidizing the rich with taxpayers' money, we will save a little money on the deficit, and we will reserve the program for the poor. If you vote differently, then all I have got to say is, we will find any way here to spend the money, because that is precisely what we are going to be doing, we are going to be spending $188 million to give the rich additional subsidies.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and the amendment.

There is an old saying, "Don't let your mouth write a check that your butt can't cash."

I think there is one particular thing we should all be discussing here. I have never seen so many emotional speakers on the floor of the House when we start talking about children, nutrition, poverty, educational opportunity, hunger, rights. But when we start talking about foreign aid and when we start talking about the defense areas, I never hear anybody rise and discuss the deficit and busting the bank, the Treasury.

Now, if you listened to the last impassioned speaker—and I certainly respect his ability to orate and articulate—I would like to say this: If you were not apprised of the issue, you might be dissuaded from a position of common sense. Here is the position we are dealing with: At bottom here and at stake is the fact that somewhere in the Halls of this Congress the Members here took at issue educational opportunity and that it be fair and equal for all. What happened in 1981 is they emasculated this particular program, and if this particular bill goes without any amendments, it will restore less than 25 percent of those cuts made in 1981.

Now, let us look at $188 million. And let us look to maybe next week, when you will be on the floor with $10 billion additional for those $700 toilet seats.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I will not yield at this time. I would like to maintain my time to make my point. I believe there has been an adequate time to discuss the particular amendment that has been offered and the substitutes.

My position is strictly this: This committee has taken an endless amount of time in deliberating the issues, and since 1946 this particular Congress has steadfastly offered and insured educational opportunity and to make sure that hungry kids just do not learn, that that would be stricken, perhaps, in the greatest nation of all. They have risen to a point when in 1981 we took a big step backward.

Now, two wrongs are not going to make a right. I believe the gentleman here is well qualified. He understands the educational position. But there is a bottom at the core of this, a philosophical difference. I am not so sure we are really hearing the truthful messages here, that we are now being fragmented on issues that are not really at the core.

So let us not be confusing poverty with the positions that are so-called manifest at this point on the other side.

My position is right to the point. I think that the chairman of this committee, the members of this committee, has reviewed all of these factors. They have taken on probably the best measure they possibly can to ensure an equal educational opportunity for all and no demagoguery is going to infringe upon that.

And, finally, to maybe restore the very dangerous acts that were taken in 1981.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment to my substitute amendment.

Mr. Chairman, I will not take 5 minutes. I believe this debate has gone on long enough. I think the point is clearly made. I think my friend from Pennsylvania, Mr. WALKER, made it very well. The question is: At what point do we draw the line?

Now, I did not define the poverty line. I understand that $27,000 a year is not wealthy. But the poverty line is drawn, and I have said if you are going to 250 percent of that, then you ought to be able to pay that additional 12 cents on your youngster's lunch. I am not establishing a fourth category. I am putting a lid on the third category. I am saying there has got to be a place where we can draw a line in this country on spending, because if we cannot do that and if we cannot do it at 12 cents a day for the youngsters of the family that is making 250 percent of poverty, we cannot draw the line, then inflation goes out of control, spending is out of control, taxes are out of control, and those families out in the hollows of Kentucky who are having so much difficulty right now will be so far in debt trying to pay their taxes that they will not be able to buy the other two meals a day that their youngsters need.

We have to be very careful about that. When you substitute a paternalistic redistribution of income in America from the poor to the rich, then the victim is the truly needy in America, and I say that is not fair. I am asking the Members of this House, with me, to find a place where you can draw a line on spending, where you can draw a line on taxing, give the American wage-earner the right to keep the income they earn. That is a far better thing than taking it away from the poor and transferring it to the rich, as this program would do.

PARLIAMENTARY INQUIRY

With those statements, Mr. Chairman, I would like to ask a parliamentary inquiry, because, quite frankly, I am not sure where we are on this. But I suspect that where we are now is at a point where I might appropriately call for a vote on the Petri amendment to my substitute amendment.

The CHAIRMAN pro tempore. That is the first vote. The Committee will vote first on the Petri amendment to the Armey substitute for the Bartlett amendment.

Mr. ARMEY. If it is in order at this time, Mr. Chairman, I would like to yield back the remainder of my time and ask for that vote.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, I rise today in opposition to the this substitute amendment or any amendment which would eliminate or reduce the cost subsidy for nonneedy students. As originally enacted in 1946, a major purpose of the National School Lunch Program was to enhance the nutri-

tion of the Nation's children. The program was developed as a public health and educational service and not as a welfare or income transfer program. The elimination or reduction of the current case subsidy for all school lunches would change this 40-year-old success story into another welfare program stratified by class and income. The cash subsidy is paid to the schools to support the basic infrastructure of the program for all students. If the subsidy is eliminated, the Congressional Budget Office estimates that 17,900 schools will be forced to end participation in the School Lunch Program. As a result over 5 million students will not have access to any type of School Lunch Program. On behalf of all children in the Seventh Congressional District of Georgia, where in the 1983–84 school year over 9 million meals were served under the National School Lunch Program, I urge my colleagues to defeat this amendment and retain this important nutrition service.

Even J.R. Ewing, a constitutent of the author of the amendment, would vote against this.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

My colleagues, this amendment, in large measure, and particularly the arguments of some in support of it, indicate to me a real—and I do not say this lightly—lack of understanding of how this program works, number 1, and, beyond that, how taxing policy in America works.

There has been some objection expressed in the well to a tax policy that appears to tax the poor so that rich kids can get reduced-price lunches. Well, to begin with, we do not tax the poor in this country, because the poor do not have enough income to tax. But let us say that the question is, Should we tax lower-middle-income kids in order that rich children have access to reasonably priced nutrition? The answer is yes, oh, sure, we should, because our taxing system is universal and it taxes the lower-middle-income family and the rich family, and under the genius of our tax system the rich family pays a lot more for lunch for lower-middle-income kids than the lower-middle-income family has to pay in taxes to feed the rich kids. You see, it is simple. And I think most Americans understand that. They understand that, of course, rich and lower-middle income should be taxed alike and that we should take money out of the Treasury to help pay for reasonably priced nutritional lunches for all kids, rich and poor alike.

So one needs to understand the genius of the American tax system.

And then another point I might offer my colleagues is this: This is a good business practice. Many of our colleagues on the other side of the aisle have convinced many colleagues on my side of the aisle that we ought to run this Government more like a business. Well, in this program we do. We use the reduced prices for the upper-middle-income kids as what American business calls a loss-leader item. We use it to get the other kids in the door. Without it, the other kids cannot get in the door because the program shuts down. Unless you have all of the kids coming in, many of them buying the lunches, even at a slightly reduced price for the well-off kids, you cannot keep the doors open. The best businesses in America use that theory. So we want to continue to use it for this program, which has become one of the shining examples of how our schools can do more than simply educate our children. They can check for their good health, they can provide them with good nutrition. And, yes, they can even provide us with our star center fielders or quarterbacks for our favorite sports teams. The schools can do a great deal. And one of the reasons they can do it, my friends, is because the American people have understood the genius of having our children well fed and the genius of a tax system that takes from lower middle, upper middle, and the rich alike, puts it in a pool and then takes the money and shares it with all of our children.

□ 1605

These amendments would begin to rupture that system, so I urge my colleagues to look very, very closely at these amendments. When you do, I hope you will join us in voting "no."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] to the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman pro tempore announced that the noes apeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 254, not voting 6, as follows:

[Roll No. 310]

AYES—174

Archer	Burton (IN)	Courter
Armey	Callahan	Craig
Badham	Campbell	Crane
Barnard	Carney	Daniel
Bartlett	Carper	Dannemeyer
Barton	Chandler	Daub
Bateman	Chappell	DeLay
Bennett	Chappie	DeWine
Bentley	Cheney	Dickinson
Bereuter	Clinger	DioGuardi
Bilirakis	Coats	Dornan (CA)
Bliley	Cobey	Dreier
Boulter	Coble	Duncan
Breaux	Coleman (MO)	Eckert (NY)
Broomfield	Combest	Edwards (OK)
Broyhill	Coughlin	Emerson
Fawell	Mack	Schaefer
Fiedler	Madigan	Schneider
Fields	Martin (IL)	Schuette
Franklin	Martin (NY)	Schulze
Frenzel	McCain	Sensenbrenner
Gallo	McCandless	Shaw
Gekas	McCollum	Shumway
Gingrich	McEwen	Shuster
Goodling	McGrath	Siljander
Gradison	McKernan	Skeen
Gregg	McMillan	Skelton
Gunderson	Meyers	Slaughter
Hansen	Michel	Smith (NE)
Hartnett	Miller (OH)	Smith (NH)
Hiler	Miller (WA)	Smith, Denny
Hillis	Molinari	Smith, Robert
Holt	Monson	Snowe
Hopkins	Montgomery	Snyder
Huckaby	Moore	Solomon
Hughes	Moorhead	Spence
Hunter	Morrison (WA)	Stangeland
Hutto	Myers	Stenholm
Hyde	Nelson	Strang
Ireland	Nichols	Stump
Jeffords	Nielson	Sundquist
Johnson	O'Brien	Sweeney
Kasich	Oxley	Swindall
Kemp	Packard	Tauke
Kindness	Parris	Tauzin
Kolbe	Pashayan	Taylor
Lagomarsino	Petri	Thomas (CA)
Latta	Porter	Vander Jagt
Leach (IA)	Ray	Vucanovich
Leath (TX)	Regula	Walker
Lewis (CA)	Ritter	Weber
Lewis (FL)	Roberts	Whitehurst
Livingston	Roemer	Whittaker
Loeffler	Rogers	Wolf
Lott	Roth	Wortley
Lowery (CA)	Rowland (CT)	Wylie
Lujan	Rudd	Young (FL)
Lungren	Saxton	Zschau

NOES—254

Ackerman	Derrick	Hatcher
Akaka	Dicks	Hawkins
Alexander	Dingell	Hayes
Anderson	Dixon	Hefner
Andrews	Donnelly	Heftel
Annunzio	Dorgan (ND)	Hendon
Anthony	Dowdy	Henry
Applegate	Downey	Hertel
Aspin	Durbin	Horton
Atkins	Dwyer	Howard
AuCoin	Dymally	Hoyer
Barnes	Dyson	Hubbard
Bates	Early	Jacobs
Bedell	Eckart (OH)	Jenkins
Beilenson	Edgar	Jones (NC)
Berman	Edwards (CA)	Jones (OK)
Biaggi	English	Jones (TN)
Boehlert	Erdreich	Kanjorski
Boggs	Evans (IA)	Kaptur
Boland	Evans (IL)	Kastenmeier
Boner (TN)	Fascell	Kennelly
Bonior (MI)	Fazio	Kildee
Bonker	Feighan	Kleczka
Borski	Fish	Kolter
Bosco	Flippo	Kostmayer
Boucher	Florio	Kramer
Boxer	Foglietta	LaFalce
Brooks	Foley	Lantos
Brown (CA)	Ford (MI)	Lehman (CA)
Brown (CO)	Ford (TN)	Lehman (FL)
Bruce	Fowler	Leland
Bryant	Frank	Lent
Burton (CA)	Frost	Levin (MI)
Bustamante	Fuqua	Levine (CA)
Byron	Garcia	Lightfoot
Carr	Gaydos	Lipinski
Chapman	Gejdenson	Lloyd
Clay	Gephardt	Lowry (WA)
Coelho	Gibbons	Luken
Coleman (TX)	Gilman	Lundine
Collins	Glickman	MacKay
Conte	Gonzalez	Manton
Conyers	Gordon	Markey
Cooper	Gray (IL)	Marlenee
Coyne	Gray (PA)	Martinez
Crockett	Grotberg	Matsui
Darden	Guarini	Mavroules
Daschle	Hall (OH)	Mazzoli
Davis	Hall, Ralph	McCloskey
de la Garza	Hamilton	McCurdy
Dellums	Hammerschmidt	McDade

McHugh	Ridge	Swift
McKinney	Rinaldo	Synar
Mica	Robinson	Tallon
Mikulski	Rodino	Thomas (GA)
Miller (CA)	Roe	Torres
Mineta	Rose	Torricelli
Mitchell	Rostenkowski	Towns
Moakley	Roukema	Traficant
Mollohan	Rowland (GA)	Traxler
Moody	Roybal	Udall
Morrison (CT)	Russo	Valentine
Mrazek	Sabo	Vento
Murphy	Savage	Visclosky
Murtha	Scheuer	Volkmer
Natcher	Schroeder	Walgren
Neal	Schumer	Watkins
Nowak	Seiberling	Waxman
Oakar	Sharp	Weaver
Oberstar	Shelby	Weiss
Obey	Sikorski	Wheat
Olin	Sisisky	Whitley
Ortiz	Slattery	Whitten
Owens	Smith (FL)	Williams
Panetta	Smith (IA)	Wilson
Pease	Smith (NJ)	Wirth
Penny	Solarz	Wise
Pepper	Spratt	Wolpe
Perkins	St Germain	Wright
Pickle	Staggers	Wyden
Price	Stallings	Yates
Pursell	Stark	Yatron
Quillen	Stokes	Young (AK)
Reid	Stratton	Young (MO)
Richardson	Studds	

NOT VOTING—6

Addabbo	Green	Rahall
Bevill	Long	Rangel

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore [Mr. WILLIAMS]. The Chair will advise the membership that their votes are being recorded. However, the device on the wall behind the Chair is currently inoperative.

The Chair will further inform the membership that if they wish to check for a certainty that their votes are being recorded, they may do so at the teminals on the floor. Their votes are being shown on those terminals.

□ 1625

Mr. EVANS of Iowa changed his vote from "aye" to "no."

Messrs. LEACH of Iowa, HUTTO, and CHAPPELL changed their votes from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LOTT. Mr. Chairman, I would like to inquire as to what will be the procedure from now on as far as taking the votes is concerned. Obviously, there was a lot of confusion on the last vote. As we proceed to what we understand will be another recorded vote right after this vote, what will be the procedure for taking that vote and others behind it?

The CHAIRMAN pro tempore. The Chair will be happy to answer the gentleman.

The question has been raised as to what the intention of the Chair is with regard to any further votes.

The vote tallying system is working; the displays on both sides in the Chamber and above the Speaker are not. However, Members can verify their votes either by putting their cards in any of the slots and seeing it reported back to them or by verifying their votes at any of the television screens on the computers in the back of the Chamber or at the various leadership desks.

It is the intention of the Chair to proceed with any further votes, and the Chair is informed that everything is being done to restore the display portion of the votes. The Chair would point out that on the last vote only six Members did not vote, which indicates that the membership has a clear idea of what the procedure is.

The second question asked by the gentleman from Mississippi is: Where are we in the parliamentary situation?

We have just defeated the Petri amendment to the Armey substitute for the Bartlett amendment. The next vote in order will be on the Armey substitute for the Bartlett amendment,

Mr. LOTT. I thank the Chair for that clarification, and, Mr. Chairman, I move to strike the last word for the purpose of learning the schedule for the balance of this week and for next week. There has been a lot of interest and concern about when recorded votes would occur on Monday of next week or other days of next week, and I believe the distinguished majority whip is ready now to make an official announcement on that.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. LOTT] has moved to strike the last word and is recognized for that purpose.

LEGISLATIVE PROGRAM

Mr. LOTT. Mr. Chairman, I am glad to yield to the distinguished majority whip, the gentleman from Washington [Mr. FOLEY], so we can learn the schedule for the balance of this week and also for next week, with particular reference to the handling of the agriculture bill on Friday, Monday, and/or Thursday of next week.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican whip for yielding.

Mr. Chairman, it has been recently decided to amend the schedule for next week. First, let me say that we will continue with this bill tomorrow if it is not completed this evening, and we will then take up the Amtrak authorization legislation.

On Friday, it is our intention, subject to a rule being granted, to consider the rules on the Agriculture Act of 1985 and on the Arts and Humanities legislation. So there will be two rules on Friday. In addition to that, general debate on the farm bill will be taken on Friday.

On Monday, the House will meet to have general debate only on the Arts and Humanities legislation. There will be no substantive votes on Monday.

Mr. Chairman, we will also undertake suspensions on Tuesday, and votes will be postponed on suspensions, if any votes are ordered, until Thursday. So votes on suspensions considered on Tuesday will be taken on Thursday, and there will be amendments to the farm bill which will begin on Thursday. Members should be advised that we may be in rather late on Thursday.

Mr. LOTT. Mr. Chairman, if I may ask a couple of questions to magnify a couple of points the gentleman made, we do expect to take up amendments and go perhaps late on Thursday, taking up amendments on the farm bill, although it may not even then be possible to complete the bill on Thursday; it will depend on how the debate goes and how the amendments go, is that correct?

Mr. FOLEY. The gentleman is correct. There will be a rule requested, I believe, that will place some limitation on the time for amendments.

Mr. LOTT. But the gentleman expects no votes whatsoever on Monday?

Mr. FOLEY. With the usual reservation that a procedural vote could be ordered, but no legislative votes would be taken on Monday, the gentleman is correct.

Mr. LOTT. Backing up further, Mr. Chairman, let me ask the distinguished majority whip this question: On Friday there could conceivably be a couple of votes on those rules?

Mr. FOLEY. Yes. There will be two rules considered on Friday subject to Rules Committee action, and those could result in two rollcall votes, one on each rule. No other amendments will be considered on Friday. General debate only on the farm bill will follow the consideration of the rules, and the House will adjourn at 3 o'clock.

Mr. LOTT. Finally, does the gentleman have any idea about the intentions of the Chair as to how late we will go tonight on this legislation?

Mr. FOLEY. The hope is to conclude the legislation tonight, and we are not yet in a position to advise the House on how late that might be. I would hope it would be earlier rather than later.

Mr. LOTT. I thank the gentleman for that information, and I am glad we finally have it clarified. I think we have taken a week to reach this point.

Mr. FOLEY. Let me say to the gentleman that I do not think we would be going beyond 6 o'clock tonight.

Mr. LOTT. That would be very fine for tonight.

I am sorry that we could not make this announcement last Thursday, but that is the way things go. At least now

we know that we will not be having votes on Monday.

Mr. Chairman, I thank the gentleman for that information.

The CHAIRMAN pro tempore (Mr. SWIFT). The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 9, as follows:

[Roll No. 311]

AYES—146

Archer	Gallo	Moorhead
Armey	Gibbons	Myers
Badham	Gingrich	Nielson
Bartlett	Gradison	O'Brien
Barton	Green	Olin
Bateman	Gregg	Oxley
Bennett	Grotberg	Packard
Bentley	Hall, Ralph	Porter
Bereuter	Hansen	Ray
Bilirakis	Hartnett	Regula
Bliley	Hiler	Ritter
Boulter	Hillis	Roberts
Broomfield	Holt	Roemer
Brown (CO)	Hopkins	Rogers
Broyhill	Hunter	Roth
Burton (IN)	Hyde	Rowland (CT)
Byron	Ireland	Rudd
Callahan	Johnson	Saxton
Campbell	Jones (OK)	Schaefer
Carney	Kasich	Schulze
Chandler	Kemp	Sensenbrenner
Chappie	Kindness	Shaw
Cheney	Kolbe	Shumway
Coats	Kramer	Shuster
Cobey	Lagomarsino	Siljander
Coble	Latta	Skeen
Combest	Leath (TX)	Slaughter
Coughlin	Lewis (CA)	Smith (NE)
Courter	Lewis (FL)	Smith (NH)
Craig	Livingston	Smith, Denny
Crane	Loeffler	Snyder
Daniel	Lott	Solomon
Dannemeyer	Lowery (CA)	Spence
Daub	Lujan	Stenholm
DeLay	Lungren	Strang
DeWine	Mack	Stump
Dickinson	Martin (IL)	Sundquist
DioGuardi	McCain	Sweeney
Dornan (CA)	McCandless	Swindall
Dreier	McCollum	Tauzin
Duncan	McEwen	Taylor
Eckert (NY)	McMillan	Thomas (CA)
Edwards (OK)	Meyers	Vander Jagt
Emerson	Miller (OH)	Walker
Fawell	Miller (WA)	Whitehurst
Fiedler	Molinari	Whittaker
Fields	Monson	Wylie
Franklin	Montgomery	Zschau
Frenzel	Moore	

NOES—279

Ackerman	Beilenson	Brown (CA)
Akaka	Berman	Bruce
Alexander	Biaggi	Bryant
Anderson	Boehlert	Burton (CA)
Andrews	Boggs	Bustamante
Annunzio	Boland	Carper
Anthony	Boner (TN)	Carr
Applegate	Bonior (MI)	Chapman
Aspin	Bonker	Chappell
Atkins	Borski	Clay
AuCoin	Bosco	Clinger
Barnard	Boucher	Coelho
Barnes	Boxer	Coleman (MO)
Bates	Breaux	Coleman (TX)
Bedell	Brooks	Collins
Conte	Jenkins	Ridge
Conyers	Jones (NC)	Rinaldo
Cooper	Jones (TN)	Robinson
Coyne	Kanjorski	Rodino
Crockett	Kaptur	Roe
Darden	Kastenmeier	Rose
Daschle	Kennelly	Rostenkowski
Davis	Kildee	Roukema
de la Garza	Kleczka	Rowland (GA)
Dellums	Kolter	Roybal
Derrick	Kostmayer	Russo
Dicks	LaFalce	Sabo
Dingell	Lantos	Savage
Dixon	Leach (IA)	Scheuer
Donnelly	Lehman (FL)	Schneider
Dorgan (ND)	Leland	Schroeder
Dowdy	Lent	Schuette
Downey	Levin (MI)	Schumer
Durbin	Levine (CA)	Seiberling
Dwyer	Lightfoot	Sharp
Dymally	Lipinski	Shelby
Dyson	Lowry (WA)	Sikorski
Early	Luken	Sisisky
Eckart (OH)	Lundine	Skelton
Edgar	MacKay	Slattery
Edwards (CA)	Madigan	Smith (FL)
English	Manton	Smith (IA)
Erdreich	Markey	Smith (NJ)
Evans (IA)	Marlenee	Smith, Robert
Evans (IL)	Martin (NY)	Snowe
Fascell	Martinez	Solarz
Fazio	Matsui	Spratt
Feighan	Mavroules	St Germain
Fish	Mazzoli	Staggers
Flippo	McCloskey	Stallings
Florio	McCurdy	Stangeland
Foglietta	McDade	Stark
Foley	McGrath	Stokes
Ford (MI)	McHugh	Stratton
Ford (TN)	McKernan	Studds
Fowler	McKinney	Swift
Frank	Mica	Synar
Frost	Mikulski	Tallon
Fuqua	Miller (CA)	Tauke
Garcia	Mineta	Thomas (GA)
Gaydos	Mitchell	Torres
Gejdenson	Moakley	Torricelli
Gekas	Mollohan	Towns
Gephardt	Moody	Traficant
Gilman	Morrison (CT)	Traxler
Glickman	Morrison (WA)	Udall
Gonzalez	Mrazek	Valentine
Goodling	Murphy	Vento
Gordon	Murtha	Visclosky
Gray (IL)	Natcher	Volkmer
Gray (PA)	Neal	Vucanovich
Guarini	Nelson	Walgren
Gunderson	Nichols	Watkins
Hall (OH)	Nowak	Waxman
Hamilton	Oakar	Weaver
Hammerschmidt	Oberstar	Weber
Hatcher	Obey	Weiss
Hawkins	Ortiz	Wheat
Hayes	Owens	Whitley
Hefner	Panetta	Whitten
Heftel	Parris	Williams
Hendon	Pashayan	Wilson
Henry	Pease	Wirth
Hertel	Penny	Wise
Horton	Pepper	Wolf
Howard	Perkins	Wolpe
Hoyer	Petri	Wortley
Hubbard	Pickle	Wyden
Huckaby	Price	Yates
Hughes	Pursell	Yatron
Hutto	Quillen	Young (AK)
Jacobs	Reid	Young (FL)
Jeffords	Richardson	Young (MO)

NOT VOTING—9

Addabbo	Lloyd	Rahall
Bevill	Long	Rangel
Lehman (CA)	Michel	Wright

□ 1640

Mr. JACOBS changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was rejected.

□ 1655

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that the remaining sections of the bill be open to amendment at any point, and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 12. RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM.

Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

SEC. 13. ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN.

(a) ADDITIONAL FUNDING.—Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(b) NUTRITION REQUIREMENTS.—The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

SEC. 14. EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM.

Section 4(e) of the Child Nutrition Act of 1966 is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) At the option of the local school food authority, students in schools that participate in the school breakfast program under this Act may be allowed to refuse not more than one item of such breakfast which they do not intend to consume, and any such refusal of such offered food item shall not affect the full charge to the student for a breakfast meeting the requirements of this section or the amount of payments made under this Act to any such school for such breakfast.".

SEC. 15. STATE ADMINISTRATIVE EXPENSES STUDY.

Section 7 of the Child Nutrition Act of 1966 is amended by inserting after subsection (i) the following new subsection:

"(j) The Secretary shall conduct a study of the allocation formula and procedures

under section 7 of the Child Nutrition Act of 1966. Such study shall provide information on State costs and contributions for administrative expenses, as well as the merits of a State matching requirement. The Secretary shall submit a report of such study to the Congress, together with any recommendations, by January 31, 1986.".

SEC. 16. COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) DEFINITION.—Section 17(b) of the Child Nutrition Act of 1966 is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for such certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, warehouse facilities, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.".

(b) CONFORMING CHANGES.—Section 17 of the Child Nutrition Act of 1966 is amended—

(1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4), and inserting in lieu thereof "funds for nutrition services and administration"; and

(2) by striking out "administrative costs" each place in appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. 17. STATE ELIGIBILITY FOR WIC FUNDS.

Section 17 of the Child Nutrition Act of 1966 is amended in subsection (c) by inserting after paragraph (3) the following new paragraph:

"(4) A State shall be ineligible to participate in programs under this section if the Secretary determines that State or local sales taxes are collected within that State on purchases of food pursuant to this section.".

SEC. 18. COORDINATION WITH AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.

Section 17(f)(1)(K) of the Child Nutrition Act of 1966 is amended by inserting "the aid to families with dependent children program," after "child abuse counseling,".

SEC. 19. IMPROVING STATE AGENCY ADMINISTRATIVE SYSTEMS.

Section 17(g) of the Child Nutrition Act of 1966 is amended in the second sentence by inserting "providing technical assistance to improve State agency administrative systems," after "health benefits,".

SEC. 20. PRIORITY FUNDS FOR WIC MIGRANT PROGRAMS.

(a) PRIORITY FUNDING.—Section 17(g) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following: "Of the sums appropriated for any fiscal year for programs under this section not less than nine-tenths of one percent shall be first available for services to eligible members of migrant populations. Such migrant services shall be provided in a manner consistent with a State's priority system for program participation.".

(b) ACCOUNTABILITY. —To the extent possible, accountability for migrant services under section 17(g) of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) shall be conducted under regulations in effect on the date of the enactment of this Act.

SEC. 21. PAPERWORK REDUCTION.

Section 17(h)(1) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof "The Secretary shall limit any such documentation required under the preceding sentence to a minimal level.".

SEC. 22. APPORTIONMENT OF FUNDS.

Section 17(i) of the Child Nutrition Act of 1966 is amended—

(a) by inserting "(1)" after "(i)"; and

(b) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) Notwithstanding any other provision of law, funds appropriated for a full fiscal year under this section shall be apportioned in such manner as shall ensure that not less than 70 per centum of the total funds appropriated for such fiscal year are obligated or expended by July 1 of such fiscal year, except that such requirement shall not apply to any supplemental appropriations enacted after January 1 of such fiscal year or to any funds reallocated pursuant to paragraph (1).".

SEC. 23. EXPENDITURE OF FUNDS FOR THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) EXPENDITURE OF FUNDS.—Section 17(i) of the Child Nutrition Act of 1966 is amended by inserting after paragraph (2) (as so designated in section 22 of this Act) the following new paragraph:

"(3) Notwithstanding any other provisions of law, not more than 2.5 per centum of any State's allocation under this section for supplemental foods for any fiscal year may be expended by such State for expenses incurred under this section for supplemental foods during the fiscal year preceding the fiscal year for which the sums were appropriated.".

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to appropriations made before the date of enactment of this Act.

SEC. 24. NATIONAL ADVISORY COUNCIL.

(a) VACANCIES.—Section 17(k)(1) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof "The Secretary shall fill any vacancy in the Council within ninety days.".

(b) MEETINGS.—Section 17(k)(3) of the Child Nutrition Act of 1966 is amended—

(1) in the first sentence by inserting immediately before the period "and shall ensure that the Council meets at least once every twelve months"; and

(2) by striking out the second sentence.

SEC. 25. STUDY OF CHILD NUTRITION PROGRAMS.

The Child Nutrition Act of 1966 is amended by inserting at the end thereof the following new section:

"STUDY OF CHILD NUTRITION PROGRAMS

"SEC. 21. The Secretary shall conduct a study of the effect on families of the school breakfast program, the child care food program, and other programs under this Act. Such study shall consider whether alternative nutrition delivery programs would strengthen families. The Secretary shall submit a report of such study to the Congress, together with any recommendations or proposals for legislation, by January 1, 1987.".

SEC. 26. LIMITATION ON CHANGES IN INCOME FOR PROGRAM ELIGIBILITY.

The Secretary may not make any change in the method of calculating income, as in effect on January 1, 1985, used to determine eligibility for free or reduced-price meals, food supplements, or other assistance under the National School Lunch Act or the Child Nutrition Act of 1966, which would result in any reduction in, or denial of, such assistance, except as specifically directed in an enactment of law. The limitation under this section shall take effect on the date of the enactment of this Act and shall be effective through fiscal year 1986.

SEC. 27. EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

(a) EXTENSION.—Upon request to the Secretary of Agriculture, any school district receiving all cash or all letters of credit in lieu of commodities under the school lunch program on January 1, 1985, shall continue to receive all cash in lieu of commodities or all letters of credit in lieu of commodities through the school year ending June 30, 1987. Such school districts shall receive bonus commodities in the same manner as such commodities are made available to any other school district participating in the school lunch program.

(b) COMPENSATION.—

(1) Upon request of a participating school district (and after consultation with the Comptroller General of the United States with respect to accounting procedures used to determine any losses), the Secretary of Agriculture shall provide cash compensation, subject to the availability of funds, to a school district which was participating in the school lunch pilot project study on or before the date of the enactment of this Act for losses sustained by the district as a result of the alteration of the methodology used to conduct the study during the school year ending June 30, 1983.

(2) For purposes of this subsection the term "school lunch pilot project study" means the study provided for in the last proviso of the matter under the heading "CHILD NUTRITION PROGRAMS" in title III of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes", approved December 15, 1980 (94 Stat. 3113).

(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 28. NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

(a) REPROCESSING AGREEMENTS.—Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodities through agreements with private companies under which the commodity is reprocessed into end food products for use by eligible recipient agencies. The expense of such reprocessing shall be paid by such eligible recipient agencies.

(b) SETTLEMENT OF ACCOUNTS.—To be eligible to enter into any agreement with the Secretary of Agriculture under subsection (a), a private company shall annually settle all accounts with the Secretary and any appropriate State agency regarding commodities processed under such an agreement.

SEC. 29. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SCHOOL LUNCH PROGRAMS.—The National School Lunch Act is amended—

(1) in section 12(d) by inserting at the end thereof the following new paragraph:

"(9) 'Secretary' means the Secretary of Agriculture."; and

(2) by redesignating the second section 22 as "SEC. 23.".

(b) CHILD NUTRITION PROGRAMS.—The Child Nutrition Act of 1966 is amended—

(1) in section 4(a) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services";

(2) in section 17(e)(2) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services";

(3) in section 17(k) (1) and (2) by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services"; and

(4) in section 19(d) (2) and (3) by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

SEC. 30. EFFECTIVE DATES.

(a) GENERAL PROVISION.—Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The provisions of sections 4, 5, 7, 11, 15, 16, 18, 19, 20, 21, 22, 23, and 25 shall take effect on October 1, 1985.

(2) The provisions of sections 9, 12, and 13 shall take effect July 1, 1985.

(3) The provisions of section 17 shall apply to a State beginning with the fiscal year which commences after the end of the first regular session of the State legislature following the date of the enactment of this Act.

(4) The provisions of section 28 shall take effect July 1, 1985 and shall not have effect after October 15, 1987.

AMENDMENT OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS: Page 18, strike out lines 17 through 21, and insert in lieu thereof the following (and redesignate the subsequent paragraphs accordingly):

(2) The provisions of sections 4, 5, 7, 9, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 23, and 25 shall take effect on October 1, 1985.

Mr. HAWKINS. Mr. Chairman, this is only a technical amendment. It changes the effective date of the bill to October 1 rather than July 1 as some of the provisions did require.

I am offering this amendment at the request of the Budget Committee inasmuch as the budget resolution was adopted later than what we had anticipated. This brings the bill into complete compliance with the budget resolution.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I commend the gentleman for his amendment.

Mr. Chairman, I want to say how much I respect the chairman of the committee and have enjoyed the opportunity to work with him on this and on other issues, and I support the gentleman's amendment.

Mr. HAWKINS. I appreciate the generous remarks of the gentleman from Texas.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HAWKINS].

The amendment was agreed to.

Mr. LEHMAN of Florida. Mr. Chairman, as chairman of the Prevention Strategies Task Force of the Select Committee on Children, Youth, and Families, I am pleased to join with my colleagues in support of H.R. 7, to extend and improve our Federal child nutrition programs.

Passage of this bill is an important step in addressing the continuing, serious problems of hunger, malnutrition, and inadequate nutrition faced by millions of needy children and their families. We know that these problems have not gone away. If left unattended or treated casually, the problems only increase, creating greater jeopardy for the healthy development of children and their families, and requiring more costly intervention later on.

The several programs included in H.R. 7 have made important contributions to the good nutrition and healthy development of the women and children lucky enough to participate in the program.

For example, we know that, without the School Breakfast Program, most of the children served by the program—the vast majority of whom are poor—would not eat breakfast. We also know that, because of the School Lunch Program, poor children have gotten one third of their recommended daily allowance of nutrients every school day. At the same time, the School Lunch Program has allowed for the provision of nutritional benefits to all students in participating schools.

My colleagues and I on the select committee have also had the opportunity to learn a great deal about the program benefits and cost effectiveness of the Special Supplemental Food Program for Women, Infants and Children [WIC]. Recently, the select committee reviewed the program for its staff report, "Opportunities for Success: Cost Effective Programs for Children," which cites the major research findings concerning WIC along with seven other children's programs.

WIC program participation has shown dramatic effects: It is consistently associated with reductions in the incidence of neonatal mortality, low birthweight and prematurity, and can result in savings of as much as $3 in immediate hospital costs for every $1 expended in the prenatal component of the program.

H.R. 7 continues and enhances these valuable child nutrition programs. The bill provides for a modest increase in funding, and we included the H.R. 7 funding levels in the budget resolution approved only a few weeks ago. The added small investment will allow us to maintain services and make much needed improvements in the School Breakfast Program, as well as some limited expansion of WIC, which now serves only about one-third of those potentially eligible.

The importance of the array of nutritional services offered under H.R. 7 cannot be overstated. I urge my colleagues to join me in supporting this legislation.

Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 7 which reauthorizes many important child nutrition programs including the universally applauded Women, Infants and Children [WIC] Program. It also includes a modest increase in funds for WIC and the School Breakfast Program. All funding levels included in this legislation fall within the guidelines of the first budget resolution.

The Women's Agenda of Pennsylvania has reported that "improved health care for expectant mothers would cut in half the mental retardation rate." More specifically, there is good evidence that babies born to mothers in the WIC program were 16 to 20 percent less likely to have below-normal birthweights. The House Select Committee on Children, Youth and Families issued a report recently that found that for every $1 invested in prenatal nutrition, the Government saves $3 that would have been spent in correcting the health problems associated with low birthweight.

We should not forget that the growth level included in H.R. 7 is still not sufficient to meet demand. Even with its current record of success, the WIC Program is serving only one-third to a half of the people who qualify. In the present political climate, however, this bill is the best option.

If we do not invest in the future by nurturing our children, our society will inevitably suffer. Unfortunately, Government policies on all levels have allowed our children to fall behind all other age groups. The Congressional Budget Office recently reported that children make up the largest block of poor people in the country. Their poverty rate in 1983 was 22.2 percent, as compared to the 12.7 percent rate for the rest of the population. We must do all we can to reverse this trend by bolstering effective programs for children. The programs included in H.R. 7 begin to do just that.

Mr. PENNY. Mr. Chairman, the five programs reauthorized by H.R. 7 are vital to a healthy America. Schoolchildren, pregnant women, infants, and preschool children rely on these programs to provide a minimum nutritional level to maintain health, growth, and well-being.

It is obvious that these important nutrition programs have improved the nutrition and the health of millions of Americans. As a farm State legislator, I would like to share another perspective as we move forward with the reauthorization of H.R. 7.

Farmers in America are involved in the noble endeavor of trying to feed a hungry world. It seems to me that there is something a bit inconsistent in a public policy that would allow us to build up tremendous surpluses of milk and grain when we have

nutrition needs in America. Farmers want to meet the needs of the hungry here at home and around the globe and it is for that reason that there is strong support for this proposal in our farm areas.

H.R. 7 will help us see to it that in America we do take care of the nutritional needs of our citizens.

Mr. COATS. Mr. Chairman, H.R. 7, which would reauthorize five expiring child nutrition programs, including the WIC Program, is a bill worthy of our support. WIC provides vital nutrition and health services to low-income pregnant women, and to postpartum women, infants, and children through age 4 who are at nutritional risk. Let me say that the budget resolution that we adopted in August permits the enactment of H.R. 7 with the $121 million increase over the current services level for fiscal 1986, $60 million of which will be directed toward the WIC Program. This new money will extend eligibility to those pregnant women who are not financially able to obtain proper nutrition, and to infants and children under age four. It is clear to me that the reason the budget resolution permitted this modest increase is due to the fact that: First, these programs are targeted to the poor; and second, these programs have been shown to be cost-effective.

There is overwhelming empirical evidence available to document that WIC participation is associated with a decreased incidence of low birthweight babies and neonatal mortality. There is no question that WIC participation by pregnant mothers can mean a real difference in the lives of their infants. The hidden costs for failing to provide WIC services include: the expense of neonatal intensive care, which could cost as much as $100,000 per infant; the difficulty that mothers have in forming attachments to sick infants, which can lead to a decrease in the critical bonding between mother and child; increased incidences of child abuse among low-birthweight babies; delayed speech development has been observed in these babies; learning disabilities are common. In short, the failure to provide needed nutritional and health services to pregnant women has serious implications for the infant's potential in terms of education and future employment.

As the ranking Republican member of the Select Committee on Children, Youth, and Families, may I recommend to my colleagues a recent bipartisan staff report entitled: "Opportunities for Success: Cost Effective Programs for Children." This report cites the cost benefit analyses done on the WIC Program and also presents data that shows the relationship between participation and positive pregnancy outcomes.

In short, WIC is one Federal program that is effective, on target, cost-effective, and deserving of reauthorization. I believe that WIC represents a critical strand of the family's social safety net. Clearly, an investment in children's nutrition is a solid investment with a high yield in terms of enhancing children's overall quality of life, improving educational readiness and positively affecting future employability.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985 as reported by the House Education and Labor Committee.

This bill extends five child nutrition programs through fiscal 1988 which are of great importance to our Nation's children. These reauthorized programs have proven to be extremely important in eliminating hunger and improving nutrition among children. Furthermore, these programs are cost-effective. Unfortunately, however, they have borne more than their share of the budget cuts in recent years.

In addition to the simple reauthorization, H.R. 7 provides $121 million in additional funds for WIC and child nutrition programs. I share the concern of my constituents and my colleagues about the Federal budget deficit. However, we would be foolish to seek short-term savings which will result in long-term cost increases. For example, for every $1 invested in the WIC Program, $3 are saved in terms of later expenditures for health costs.

Let me also reemphasize that the funding levels authorized by H.R. 7 are within the spending limits in the first budget resolution for fiscal year 1986. I feel that the $121 million increase is a fiscally responsible and important to the effective operation of these programs. It is a small step toward restoring the funding which was cut in 1981.

I am concerned by several amendments which have been proposed which would weaken this bill. Our overriding concern in considering this legislation should be the welfare of our Nation's children. We must do all we can to assure they receive nutritionally balanced meals, and studies have shown that the school lunch and child nutrition programs are nutritionally important to children of all income levels. Reducing cash subsidies for some students threatens to shut down nearly half of the school lunch programs throughout the country. This is a sacrifice that I do not feel we can afford to make.

I commend the Education and Labor Committee for their fine work on this measure, and I urge my colleagues to support H.R. 7 as reported by the committee.

Thank you.

Mr. RICHARDSON. Mr. Chairman, I rise today in strong support of the School Lunch and Child Nutrition Act. While this program reauthorizes five expiring child nutrition programs, I would like to focus here on one of these—the WIC Program. In my home State of New Mexico we have over 63,000 individuals eligible for the WIC Program—of these 63,000 eligible participants less than one-third are currently receiving the help they need. The need for the WIC Program clearly exists. We need to not only keep this program alive—but also to expand it as much as possible within our fiscal constraints.

The bipartisan support for this bill is evident. H.R. 7's funding levels have been approved in the House/Senate budget resolution. I believe that it is significant that the conferees, even with their deep concern over the deficit, felt that this program should not only be continued at current levels, but should also receive a modest increase in funding. WIC is acclaimed as one of the Federal Governments most successful programs. For every $1 we invest in this program we get $3 back. Not only is this program a wise investment in our children's future, but it also saves a great deal of money. The average cost for a hospital stay of an infant suffering from low-birthweight is $60,000. The average cost of WIC is $400 per year. WIC helps to prevent low-birthweight and neonatal problems requiring hospitalization.

I would like to strongly urge all of my colleagues to support the School Lunch and Child Nutrition Amendments of 1985. These programs have clearly shown that they deserve our support as sound investments in our children's future. This is what President John F. Kennedy had to say on the issue over 20 years ago:

> The prevention of future adult poverty and dependency must begin with the care of dependent children—those who must receive public welfare by virtue of a parent's death, disability, desertion or unemployment. Our society not only refuses to leave such children hungry, cold, and devoid of opportunity—we are insistent that such children not be community liabilities throughout their lives. Yet children who grow up in deprivation, with adequate protection, may be poorly equipped to meet adult responsibilities.

The School Lunch and Child Nutrition Amendments of 1985 address this societal obligation—a small amount of money spent now helps to solve future problems and to prevent a need for larger future expenditures.

Mr. FORD of Michigan. Mr. Chairman, I rise today on behalf of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985, providing for the reauthorization of five expiring programs. These programs are: the Supplemental Food Program for Women, Infants and Children, popularly called WIC; the Summer Food Service Program, serving low-income children; the Commodity Distribution Program providing support for both children and older Americans; the State Administrative Expenses Program [SAE]; and the Nutrition Education and Training [NET] program.

Although the House passed legislation reauthorizing these five programs last year by a vote of 343 to 72, the Senate failed to act on similar bills. Thus, the programs were temporarily authorized under the continuing resolution which expires at the end of this month—only a few days from now.

The bill passed by the House last year contained increases in funding amounting to $378 million over current services. Although H.R. 7, which was reintroduced this year, included identical provisions, the chairman and members of the Education and Labor, during subcommittee markup, adopted a substitute which cut the $378 million in increases to the absolute minimum of $121 million. This $121 million is provided for and assumed in the first

budget resolution for fiscal year 1986 recently approved by the Congress.

Last Thursday, September 12, there was much rhetoric on the floor of the House when it began consideration of H.R. 7. A few of our colleagues were using dollar figures that, if held up to the light of day, could not withstand our scrutiny if we are to be honest with ourselves and the public. The real reason those dollar figures won't hold up is because those figures were accompanied by claims that H.R. 7 contains NEW Program authority.

There were claims also that H.R. 7 contains NEW entitlements, and large increases in existing programs. None of those statements are true. There are only five programs being reauthorized—not authorized as new programs. There are no new programs in the bill. There are not any entitlements in the bill. There are no single large increases in the bill. In fact, current policy spending for these five programs now stands at $5.640 billion, and H.R. 7 spending stands at $5.761 billion—a level representing the modest $121 million in increases recommended in H.R. 7 and, I repeat, a sum that is provided for and assumed by the first budget resolution recently adopted for fiscal year 1986.

Last week, some of my colleagues were heard to say that since the National School Lunch Act is a permanent program which requires no reauthorization, they have to take every opportunity that presents itself to bring up the subject, and that this bill presents such opportunity. They claim it is necessary to mention that permanent status of the School Lunch Act as though there is some criminal element in a program that is permanent. Permanent programs, they complain, are ongoing, continuous funding mechanisms that eat up the Federal budget, and the American taxpayer needs to hear about it.

Regrettably, some of my colleagues last week presented dollar figures that assumed a reauthorization of these 5 programs for 5 years. H.R. 7, however, is a 3-year bill—through 1988, not through 1990—and so the dollar figures were too high in terms of cumulative Federal costs over the life of the bill. They say the cost of feeding hungry children in the United States is too high. The 1981 reconciliation of the budget cut these programs by $1.5 billion which was effective immediately, and since that time, the cumulative total of funding losses for child nutrition amounts to a whopping $5.2 billion. Three million children have been cut from school lunch programs, and 1 million of those children were from low-income homes.

H.R. 7, obviously, is not attempting to restore the programs to their full, pre-1981 funding levels. But we are trying to add a modest sum of $121 million to provide for the essential nutritional needs of poor children.

The largest increase in H.R. 7 is $60 million for the WIC Program. The WIC Program is proven to be successful, assisting poor, pregnant women give birth to healthier, full-term babies. For those women who breast feed, postnatal nutritional needs are met so that the babies remain healthy. We know that among poor pregnant women, premature births occur more frequently, and the result is low birth weight, birth defects, and developmental problems. Such problems require hospitalization of these babies for up to 30 days or more after birth, and the cost for such babies is $2,000 a day. Poor parents obviously cannot pay $2,000 a day for 30 days or more—and so the costs are borne by the American taxpayer through Federal support for health care and other welfare programs for the poor. The overall costs of the WIC Program is a wise investment that pays off on a three-for-one basis—for every $1 invested, $3 are saved in later medical costs. The modest $60 million increase will bring approximately 120,000 additional women and children into the program next year.

The second largest increase in H.R. 7 is for school breakfasts, which will be increased by 6 cents per meal served, at a cost of $42 million. The 6-cent increase in subsidy payments will go to improve the nutritional quality of breakfasts served. Recent USDA and GAO studies reveal that breakfasts now served are lacking in vitamins A, B_6, and iron. Breakfast programs are cost effective and highly targeted to the poor, and are found in predominantly low-income areas. Recent studies show that 90 percent of participants in the breakfast programs—3.3 million children—are from low-income homes.

The third largest increase in H.R. 7 is the Special Milk Program, at a cost of $15 million. In 1981—again during the omnibus budget reconciliation—certain kindergarten children were eliminated from participation in the Special Milk Program because they attended schools that participated in the regular school lunch program which includes milk. Yet kindergarten children attend school in split sessions and thus are not in school during the time school lunches are served. They have no access to milk at all during their brief school day. The $15 million in H.R. 7 would restore special milk to kindergarten children. The 1981 restriction cut 1 million children out of the program—and since 1981 the fastest growing segment of our population has been in the under-5-years-of-age group. These children are now ready for kindergarten, and should be able to have at least one milk break during school hours. Milk is an essential daily requirement for growing children's teeth and bones.

Finally, H.R. 7 contains a small increase of $3 million that would assist in raising the tuition ceiling of private schools from $1,500 to $2,500 annually, allowing them to participate in the School Lunch Program. In 1981, when the $1,500 tuition ceiling was imposed, 212 Catholic secondary schools were barred from the program, affecting 144,533 children. Another 288 private, nonchurch-related schools were also affected. If the tuition ceiling is not raised, the U.S. Catholic Conference predicts that an additional 241 Catholic schools, affecting 207,414 children, will be barred from the School Lunch Program by September 1986 when tuitions are expected to increase.

Mr. Chairman, I will conclude my remarks by reminding my colleagues that the National School Lunch Program was enacted in 1946 in order to safeguard the health and well-being of all our children, regardless of income. These child nutrition programs contained in H.R. 7 are as vital to our national security as the defense spending bill, because hungry children cannot learn, and a nation of high technology, particularly the military and defense demands for intellectual skills, cannot afford an uneducated society.

I know there are other amendments pending, and I will conclude my opening remarks at this time.

I urge my colleagues to vote for H.R. 7 without substantive amendments that would reduce funding below that assumed in the first budget resolution through elimination of the paid lunch subsidy, or the delay of the COLA for family day care providers, or the imposition of a means test for child care programs, or a reduction in the reimbursement rate for free and reduced price meals.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. This bill extends five expiring child nutrition programs which are vitally important to the health of our Nation's young children.

We are seeing an ever-increasing hunger crisis in our Nation. It is directly related to the realities of poverty, and the stark facts regarding who is poor in America. Currently at least two out of every three adults who are poor in this country are women. Therefore, poverty and its accompanying problems of obtaining food, overwhelmingly affect women who are raising small children.

The largest budgetary portion of the School Lunch and Child Nutrition Amendments targets an increase in spending for the Supplemental Feeding Program for Women, Infants and Children [WIC], which would allow for extended services to 120,000 more pregnant women and small children. The administration wants to reduce funding for the WIC Program at a level that in no way maintains its present caseload. With the high rates of infant mortality among the children born to teenage women, we can hardly afford to reduce programs that have helped to prevent nutritional deficiencies during and after pregnancy.

In addition, H.R. 7 allows for continued budgetary strength in the school lunch programs, which presently serve some 24 million children in our Nation's schools. Again the administration seeks drastic cuts in this area. Somehow it believes that restricting support for school lunches to only low-income children will eliminate much needed Federal dollars. This kind of thinking shows no consideration for the overall effect these cuts will have on our schools' ability to even deliver current programs.

The majority of the lunches served in 21 percent of the schools fall in the category

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of paid lunches. If funding for this category is eliminated, these schools lose up to 80 percent of the Federal support for their entire lunch program. This involves 11.6 million, or nearly half of the 24 million children currently receiving federally subsidized school lunches. Again, we are sacrificing our responsibility to provide for the welfare of all of our children.

As a cosponsor of H.R. 7, I strongly urge my colleagues to pass this important legislation. We are simply reauthorizing a continuation of five programs already established to provide for child nutrition. If we continue to allow the administration to make budget cuts in areas that improve the quality of life, then high risk pregnant women and small children with considerable health needs will continue to suffer.

Mr. BRUCE. Mr. Chairman, I rise today in support of H.R. 7, the Naitonal School Lunch and Child Nutrition Act.

This bill extends five important child nutrition programs, including school breakfast, the special milk program for kindergarten children, and WIC, the Women, Infants, and Children supplemental feeding program.

Together, these programs plus the national school lunch program, provide well-balanced, nutritious meals to over 1.1 million Illinois school children each day. In addition to being good for children, these programs are good for the Illinois economy. Last year the school lunch program alone purchased $41 million in school commodities from Illinois farmers.

As a member of the Education and Labor Committee, I strongly supported the continuation of these programs. I believe their benefits are well documented. Time and again, proven studies have indicated that these programs provide the vital nutrients to ensure healthy growth; and we know that healthy, well-fed children are better prepared to learn in school. In addition, numerous studies have shown that these programs more than pay for themselves. Studies on the WIC program have shown that for every $1 spent in the program, $3 is saved in later medical costs.

Mr. Chairman, even though the benefits of this program are evident, there are some who would propose changes—changes which will threaten to cut millions of children from these important services.

Specifically, I strongly oppose an amendment which would cut the 12.5-cent cash subsidy under the National School Lunch Program. There is no doubt that these changes are complex, but the effect of this amendment is far more reaching than some would have us believe.

Currently, the program reimburses schools, through a combination of cash and commodities, for all full-paying students participating in the program. Additional funds are given so that low-income students can participate in either a free or reduced priced meals. The subsidy proposed to be reduced is not a cash subsidy to paying students, but is used by schools to run the basic operations of the school lunch program for all children.

What is a little more difficult to understand, is that for many schools across the country which do not serve large numbers of free or reduced priced lunches, the program is no longer cost-effective to operate without this subsidy. The effect of this amendment, therefore would be not only to close out paying students to a USDA nutritionally balanced meal as some would have us believe, but to deny those nutritional standards to many poor and middle-income students as well.

If this amendment were to pass, it would put school lunch programs in 390 Illinois schools in jeopardy. These are schools where 20 percent or less of the feeding program serves subsidized lunches to low-income children. This could mean that almost one-third of the sponsors currently operating in the State of Illinois would be forced to drop out of the program. Schools in Crawford, Champaign, Effingham, Douglas counties would be forced to close their programs, and throughout the State, over 140,000 students would no longer receive a nutritionally balanced meal.

Mr. Chairman, like my other distinguished colleagues, I am concerned about the budget deficit, and in fact have voted to cut over $9 billion in unnecessary spending this year. But we should not be misled about H.R. 7. This bill is within the budget targets passed by both this House and our colleagues in the Senate. We should all be concerned about balancing the budget, but I would suggest we look to other areas where billions of dollars in waste and fraud are well documented, and not to areas that provided food for all our children.

Mr. Chairman, when the National School Lunch Program was first passed by Congress in 1946, its purpose was to safeguard the health and well-being of this country's most precious commodity—our children. I'm afraid that proposed amendments will undo what every Congress since that time has reaffirmed. I ask my colleagues to join me in keeping these programs in place and to pass H.R. 7.

Mr. WIRTH. Mr. Chairman, I want to express my strong support for H.R. 7, a bill to reauthorize and provide modest increases for five important child nutrition programs which have absorbed major reductions over the past 4 years.

Child nutrition programs are among the most important services provided by the Federal Government, but they are often misunderstood. These programs reimburse schools and child care providers for the meals they serve to eligible children, and by requiring that balanced, nutritious meals be served, they offer the dual benefits of providing sound nutrition while teaching good eating habits.

We talk about these programs in terms of subsidies, means tests and reimbursements, but they are more like insurance than welfare—insurance against hungry and malnourished kids who cannot concentrate in school because they are in poor health.

The School Lunch Program was created when we discovered that many of our young men were unfit for military service in World War II because of medical problems directly traceable to poor nutrition. At that time, we made a national policy decision to feed our poor children because our national security demands that our adults be well-nourished and physically fit.

Since 1981, the administration has repeatedly attempted to renege on that commitment, slashing funding for all nutrition programs with a particularly sharp blade reserved for those that feed our disadvantaged children. The Child Care Food Program, for example, which feeds children in day care centers and family care homes, has been cut by more than 30 percent. Other programs have fared only slightly better.

While I am sensitive to the need to contain Federal spending, I must emphasize that the House budget resolution assumed full funding of the child nutrition programs contained in H.R. 7. Our colleagues on the Budget Committee took this action because they share my conviction that we have gone far enough in cutting funds for these programs. They agree that we must restore and maintain our child nutrition insurance programs for the well-being of our children and our country.

I am strongly opposed to any amendments to H.R. 7 which would freeze or further reduce funding for the important and highly cost-effective child nutrition programs. In particular, I would like to speak against the amendment to extend the means test to the family day care portion of the Child Care Food Program, because I know that this form of child care is extremely valuable to working parents of very young children.

To fully understand the devastating effect of a means test, it is important to understand the difference between a family day care home and day care center.

Although a means test has been proposed every year since 1981, it has not been required for the family day care program because of the very nature of this type of day care. Family day care providers are essentially neighborhood operations, and the imposition of this burden would surely reduce participation on the part of both providers and parents. People are usually quite reluctant to share sensitive information on their income with their neighbors, and the administrative requirements of a means test would be virtually impossible to meet.

Child Care Food Program reimbursement is not paid to children nor is it paid to their families. It goes to the family day care provider—who typically earns, in my own State of Colorado, less than $1 per hour per child for 10 hour days.

Although family day care providers earn very little for their hard work, working parents cannot afford to give them a raise to cover the additional cost of food. If two children are in full-time care at the rate of $1 per hour per child, the day care bill for that family would exceed $400 per month.

If we reduce participation in this program and cause an increase in the price of child care for those working families who are already barely making it, those families will not be able to afford to work and we

may inadvertently drive them onto the welfare rolls.

Family day care, because it operates out of the home, is very difficult to regulate or monitor. Providers who participate in the Child Care Food Program receive training and actual home visits from sponsoring organizations. In many States, this is the only time these facilities are observed in operation. Given our national concern for the rise in child abuse, it would not be wise to eliminate this already minimal supervision.

More than half of all the children in this country who are cared for outside of their family home during the day are cared for in family day care homes.

Mr. Chairman, the child nutrition programs that these amendments would dramatically weaken represent a tiny fraction of the Federal budget and yet are extremely effective in eliminating hunger among our children. These programs have already made a major contribution to deficit reduction by absorbing large budget cuts. By cutting still deeper, we gain very little, but our children lose a lot.

Mr. RICHARDSON. Mr. Chairman, I rise today in strong support of the School Lunch and Child Nutrition Act. While this program reauthorizes five expiring child nutrition programs, I would like to focus here on one of these—the WIC Program. In my home State of New Mexico, we have over 63,000 individuals eligible for the WIC Program—of these, 63,000 eligible participants, less than one-third are currently receiving the help they need. The need for the WIC Program clearly exists. We need to not only keep this program alive, but also to expand it as much as possible within our fiscal constraints.

The bipartisan support for this bill is evident. H.R. 7's funding levels have been approved in the House/Senate budget resolution. I believe that it is significant that the conferees, even with their deep concern over the deficit, felt that this program should not only be continued at current levels, but should also receive a modest increase in funding. WIC is acclaimed as one of the Federal Government's most successful programs. For every dollar we invest in this program, we get three back. Not only is this program a wise investment in our children's future, but it also saves a great deal of money. The average cost for a hospital stay of an infant suffering from low birth weight is $60,000; the average cost of WIC is $400 per year. WIC helps to prevent low birth weight and neonatal problems requiring hospitalization.

I would like to strongly urge all of my colleagues to support the School Lunch and Child Nutrition Amendments of 1985—these programs have clearly shown that they deserve our support as sound investments in our children's future. This is what President John F. Kennedy had to say on the issue over 20 years ago:

The prevention of future adult poverty and dependency must begin with the care of dependent children—those who must receive public welfare by virtue of a parent's death, disability, desertion or unemployment. Our society not only refuses to leave such children hungry, cold, and devoid of opportunity—we are insistent that such children not be community liabilities throughout their lives. Yet children who grow up in deprivation, with adequate protection, may be poorly equipped to meet adult responsibilities.

The School Lunch and Child Nutrition Amendments of 1985 address this societal obligation; a small amount of money spent now helps to solve future problems and to prevent a need for larger future expenditures.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SMITH of Iowa] having assumed the chair, Mr. SWIFT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 7), to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, pursuant to House Resolution 262, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BARTLETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 367, nays 59, not voting 8, as follows:

[Roll No. 312]

YEAS—367

Ackerman	Bereuter	Bruce	Coleman (TX)	Hoyer	Obey
Akaka	Berman	Bryant	Collins	Hubbard	Olin
Alexander	Biaggi	Burton (CA)	Conte	Huckaby	Ortiz
Anderson	Bilirakis	Bustamante	Conyers	Hughes	Owens
Andrews	Boehlert	Byron	Cooper	Hutto	Panetta
Annunzio	Boggs	Campbell	Coughlin	Hyde	Parris
Anthony	Boland	Carper	Courter	Ireland	Pashayan
Applegate	Boner (TN)	Carr	Coyne	Jacobs	Pease
Aspin	Bonior (MI)	Chandler	Crockett	Jeffords	Penny
Atkins	Bonker	Chapman	Daniel	Jenkins	Pepper
AuCoin	Borski	Chappell	Darden	Johnson	Perkins
Barnard	Bosco	Chappie	Daschle	Jones (NC)	Petri
Barnes	Boucher	Clay	Davis	Jones (OK)	Pickle
Bateman	Boxer	Clinger	de la Garza	Jones (TN)	Price
Bates	Breaux	Coats	Dellums	Kanjorski	Pursell
Bedell	Brooks	Cobey	Derrick	Kaptur	Quillen
Beilenson	Broomfield	Coble	DeWine	Kasich	Ray
Bennett	Brown (CA)	Coelho	Dickinson	Kastenmeier	Regula
Bentley	Broyhill	Coleman (MO)	Dicks	Kemp	Reid
			Dingell	Kennelly	Richardson
			DioGuardi	Kildee	Ridge
			Dixon	Kindness	Rinaldo
			Donnelly	Kleczka	Ritter
			Dorgan (ND)	Kolbe	Robinson
			Dornan (CA)	Kolter	Rodino
			Dowdy	Kostmayer	Roe
			Downey	LaFalce	Roemer
			Duncan	Lagomarsino	Rogers
			Durbin	Lantos	Rose
			Dwyer	Leach (IA)	Rostenkowski
			Dymally	Leath (TX)	Roukema
			Dyson	Lehman (FL)	Rowland (CT)
			Early	Leland	Rowland (GA)
			Eckart (OH)	Lent	Roybal
			Edgar	Levin (MI)	Russo
			Edwards (CA)	Levine (CA)	Sabo
			Edwards (OK)	Lewis (CA)	Savage
			Emerson	Lewis (FL)	Saxton
			English	Lightfoot	Scheuer
			Erdreich	Lipinski	Schneider
			Evans (IA)	Livingston	Schroeder
			Evans (IL)	Lloyd	Schuette
			Fascell	Lowry (WA)	Schulze
			Fawell	Lujan	Schumer
			Fazio	Luken	Seiberling
			Feighan	Lundine	Sharp
			Fish	MacKay	Shaw
			Flippo	Madigan	Shelby
			Florio	Manton	Sikorski
			Foglietta	Markey	Siljander
			Foley	Marlenee	Sisisky
			Ford (MI)	Martin (NY)	Skeen
			Ford (TN)	Martinez	Skelton
			Fowler	Matsui	Slattery
			Frank	Mavroules	Slaughter
			Franklin	Mazzoli	Smith (FL)
			Frenzel	McCain	Smith (IA)
			Fuqua	McCloskey	Smith (NE)
			Gallo	McCollum	Smith (NJ)
			Garcia	McCurdy	Smith, Robert
			Gaydos	McDade	Snowe
			Gejdenson	McEwen	Snyder
			Gekas	McGrath	Solarz
			Gephardt	McHugh	Solomon
			Gibbons	McKernan	Spence
			Gilman	McKinney	Spratt
			Gingrich	McMillan	St Germain
			Glickman	Meyers	Staggers
			Gonzalez	Mica	Stallings
			Goodling	Michel	Stangeland
			Gordon	Mikulski	Stark
			Gradison	Miller (CA)	Stokes
			Gray (IL)	Miller (OH)	Stratton
			Gray (PA)	Miller (WA)	Studds
			Green	Mineta	Sundquist
			Gregg	Mitchell	Swift
			Grotberg	Moakley	Synar
			Guarini	Molinari	Tallon
			Gunderson	Mollohan	Tauke
			Hall (OH)	Montgomery	Tauzin
			Hall, Ralph	Moody	Taylor
			Hamilton	Moore	Thomas (CA)
			Hammerschmidt	Morrison (CT)	Thomas (GA)
			Hatcher	Morrison (WA)	Torres
			Hawkins	Mrazek	Torricelli
			Hayes	Murphy	Towns
			Hefner	Murtha	Traficant
			Heftel	Myers	Traxler
			Hendon	Natcher	Udall
			Henry	Neal	Valentine
			Hertel	Nelson	Vento
			Hiler	Nichols	Visclosky
			Hillis	Nowak	Volkmer
			Hopkins	O'Brien	Vucanovich
			Horton	Oakar	Walgren
			Howard	Oberstar	Watkins

Weaver	Wilson	Wylie
Weber	Wirth	Yates
Weiss	Wise	Yatron
Wheat	Wolf	Young (AK)
Whitehurst	Wolpe	Young (FL)
Whitley	Wortley	Young (MO)
Whitten	Wright	
Williams	Wyden	

NAYS—59

Archer	Fiedler	Porter
Armey	Fields	Roberts
Badham	Hansen	Roth
Bartlett	Hartnett	Rudd
Barton	Holt	Schaefer
Bliley	Hunter	Sensenbrenner
Boulter	Kramer	Shumway
Brown (CO)	Latta	Shuster
Burton (IN)	Loeffler	Smith (NH)
Callahan	Lott	Smith, Denny
Carney	Lowery (CA)	Stenholm
Cheney	Lungren	Strang
Combest	Mack	Stump
Craig	Martin (IL)	Sweeney
Crane	McCandless	Swindall
Dannemeyer	Monson	Vander Jagt
Daub	Moorhead	Walker
DeLay	Nielson	Whittaker
Dreier	Oxley	Zschau
Eckert (NY)	Packard	

NOT VOTING—8

Addabbo	Lehman (CA)	Rangel
Bevill	Long	Waxman
Frost	Rahall	

□ 1710

Mr. ROBERT F. SMITH changed his vote from "yea" to "nay."

Mr. ANDERSON changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7, SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill just passed, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1725

GENERAL LEAVE

Mr. PENNY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Indiana [Mr. SHARP].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE ROMANIAN GOVERNMENT SHOULD ALLOW CERTAIN CITIZENS TO EMIGRATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 5 minutes.

Mr. RUDD. Mr. Speaker, throughout my years in Congress, I have heard from a number of constituents concerned about citizens of Communist countries who have been approved for immigrant visas to the United States by our Department of State, but were denied permission by their own governments to leave.

Yesterday, a lady who lives in District 4 in the State of Arizona, who fled Romania 16 years ago and is now a citizen of the United States telephoned my office in desperation, requesting assistance. She asked that our Government use its influence to encourage the Romanian authorities to allow her 52-year old brother and his wife, Vasile and Evdochia Preda, permission to emigrate to the United States.

Mr. Preda has already lost his job because of his attempts to leave Romania. He is now on the third day of a hunger strike protesting the Romanian Government's refusal to give him and so many others permission to emigrate from that country.

The State Department periodically presents to Communist authorities the names of those who have repeatedly been denied permission to emigrate in an effort to emphasize the deeply felt belief that persons should not be held in a country against their will.

I am contacting the Department of State to ask that they include Mr. Preda and his wife's names on the list and to do all possible to help them. With this statement, I am calling on the Romanian Government to exercise compassion and allow the Predas and others like them to emigrate from the country.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, on Thursday, September 12, 1985, I was unavoidably absent for roll No. 302, the resolution providing for the consideration of H.R. 2266. This bill authorizes appropriations for Amtrak for fiscal years 1986 and 1987, and establishes a commission to study the financial status of Amtrak. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, due to official duties in my district on Thursday, September 12, I missed rollcall votes numbered 302 through 307.

Had I been present, I would have voted: "yes" on No. 302; "present" on No. 303; "yes" on No. 304; "yes" on No. 305; "present" on No. 306; and "no" No. 307.

TO CREATE A NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, today, I am introducing legislation to create a National Commission to Prevent Infant Mortality.

A baby born in Western Europe, Japan, Australia, Singapore, or Hong Kong has a better chance of celebrating its first birthday than does an American baby. This is a great tragedy, particulary in the light of the fact that we live in one of the wealthiest and most technically advanced nations in the world.

In my State of North Carolina, there is an infant mortality rate of 13.7 per thousand births; 1,175 babies died in 1982 before turning 1 year old.

Low birthweight is the main cause of infant mortality. Low birthweight is 2 pounds or less. Even though the United States has made great strides in reducing infant mortality since 1965, the decrease in deaths is mainly due to medical and technological advances in keeping low birthweight babies alive. So, if we are to solve the problem of infant mortality, we must fight against low birthweight.

The effects of infant mortality are far-reaching in our society. It is impossible to measure the trauma a family suffers when a baby dies. This is the human cost. There are also the economic costs. Over $1.5 billion is spent every year to keep low birthweight babies alive. If the low birthweight child is permanently handicapped, the later cost of addressing that child's needs will even greater. Clearly, it is much more cost effective to deal with the problem of low birthweight, than to have to deal with its consequences.

The National Commission to Prevent Infant Mortality will provide a well-

thought out and well-organized national policy to prevent infant deaths. It will review present governmental and private efforts to prevent infant mortality and then come up with a national policy that the Federal Government, States, localities, and private groups could adopt to prevent infant deaths. This Commission will make legislative recommendations directly to Congress as to the most effective ways to fight infant mortality. In short, this Commission will set up a comprehensive plan of action to fight infant mortality.

I urge my colleagues to join me in cosponsoring this important legislation.

EDUCATION TECHNOLOGY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, today I am introducing the Education Technology Act of 1985, a bill designed to help our elementary and secondary schools use computers more effectively as learning tools in the classroom. This legislation will help ensure that our next generation of graduates is adequately prepared to meet the challenges of tomorrow's technologically advanced workplace.

In January of this year, the President's Commission on Industrial Competitiveness completed a year-long study of our nation's ability to compete. The Commission's report, entitled "Global Competition, The New Reality," is a thoughtful but resounding indictment of the extent to which we, as a nation, have neglected those aspects of our economy which determine how well we compete in world markets.

In the area of human resource development, one of the primary findings of the study was that "this nation has not effectively used technology to enhance its educational offerings. Interactive computers can be powerful learning tools, yet little educational software has been developed that makes full use of their capabilities. 'Computer literacy' has become the focus of computer use in schools, yet it is the use of computers as a new and more productive way of learning that offers the greatest potential of educational technology."

To remedy this situation, the Commission calls for "sustained Federal support" for a program of research in educational software, to be funded through the National Science Foundation and the U.S. Department of Education. In addition, the report recommends that teachers be trained in the use of computers as well as in the capabilities of quality software. States should be encouraged to provide such training and the Federal Government should aid in these efforts by disseminating information on available software.

Two years ago, I first introduced the Computer Literacy Act to address these very issues. In 1984, that legislation was reported by both the Education and Labor Committee and the Science and Technology Committee. Unfortunately, it was never considered by the full House of Representatives. Yet the need for the legislation has not diminished, and in many ways the arguments for its passage have grown more compelling.

In the past 5 years, the number of computers in schools across the country has risen dramatically. More than 1 million are now estimated to be in use and that figure is expected to double in the next 4 years. While the sheer number of computers has expanded, however, the success with which they have been integrated into our education system remains doubtful. Great technical progress has been made by those teachers and students who have computer access, but as the President's Commission report emphasizes, teachers are still not adequately equipped to tap the vast educational potential of computer technology. If "computer literacy" is no longer adequate to ensure that America has a technologically prepared workforce to carry us into the 21st century, then we must strive for the complete and interactive integration of advanced technology into educational curricula.

Finally, recent studies indicate that schools with the highest proportion of low-income children are still losing ground in the effort to reduce student-to-computer ratios. Students in school districts with the lowest proverty levels are estimated to average one computer for every 57 students while those schools with the highest poverty levels tend to have one computer for every 83 students. Educators across the country express concern about the fate of these "computer have-nots" whose school districts lack funds for sufficient computer equipment and whose parents cannot afford to buy home computers.

In short, without some type of corrective intervention, tomorrow's workers may not be prepared to enter a workplace where technological change has become the rule rather than the exception.

For these reasons, I have introduced the Education Technology Act of 1985, an updated version of the Computer Literacy Act of the 98th Congress. The bill has three purposes. Section I would encourage the development of model educational software and call upon the National Institute of Education and the National Science Foundation, through grants or contracts, to evaluate existing software and make that information readily available to our nation's school districts. The second section would establish teacher training institutes to improve the integration of education technology into the classroom and would extend technological training to adults through model programs to be offered during nonschool hours. The last section of the bill would provide schools still without access to computers with the funds to purchase computer hardware.

Mr. Speaker, I encourage our colleagues in the House to give this bill their strong support so that we can begin, as a nation, to regain our competitive edge at home and abroad.

METHANOL, FUEL OF THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. SHARP] is recognized for 60 minutes.

Mr. SHARP. Mr. Speaker, every Memorial Day, in Indianapolis, the premier event in auto racing—the Indy 500—is run. These Indy vehicles run on methanol, a clean, safe, efficient alcohol fuel.

Today, my colleagues and I are introducing a bill which will help methanol become a common consumer fuel as well. Methanol is an alcohol fuel which can be made from a variety of domestic resources—most importantly, coal and natural gas.

It is a liquid fuel; it is safe; it is clean; and it is efficient.

The widespread substitution of methanol for gasoline and diesel fuel in our cars, trucks, and buses will achieve four important national goals: reduction of the trade deficit, improved energy security, better air quality, and more jobs.

BALANCE OF TRADE

Our national bill for imported oil last year was almost $60 billion, over half of our trade deficit. Methanol has the potential to be made entirely from domestic resources. Conversion of 20 percent of U.S. cars to a domestically produced fuel would reduce oil imports by approximately 470 million barrels per year and might reduce the balance of payment deficit by well over $10 billion annually.

ENERGY SECURITY

By the end of the century OPEC may again be able to control the price of crude oil because demand will approach the world's production capacity and they will become the world's marginal producers. They will never be the marginal producer of methanol, however, and we should take steps now to substitute methanol for the 40 percent of our oil that is used for transportation. To the extent we can reduce our demand for petroleum-based transportation fuel we will reduce OPEC's ability to control the market and our vulnerability to their actions.

CLEAN AIR

There are also major environmental benefits of methanol. Methanol buses may forever eliminate the stench and pollution currently associated with intracity buses. If widely adopted, methanol in cars also has the potential to be the single largest contributor to reduction of smog in our cities.

JOBS

A 1984 report by the staff of the Fossil and Synthetic Fuels Subcommittee estimates that conversion of 20 percent of U.S. cars to methanol could create a market for an additional 300 million tons of coal per year if the methanol is produced from domestic coal. This increase in demand for coal would translate directly into 10,000 jobs in the coal mining industry and an undertermined number of other jobs in methanol production.

PROBLEMS OF INTRODUCTION

In short, methanol is a nearly perfect substitute for gasoline. What then prevents methanol from rapidly capturing the transportation fuel market? Two related factors: the lack of vehicles designed to run on methanol, and the lack of readily available retail sales outlets.

The problem is that methanol won't be distributed as a consumer fuel until there are sufficient vehicles able to run on this fuel. Conversely, the vehicle manufacturers will not manufacture methanol-compatible vehicles until the fuel is widely available. This circular problem is commonly called the chicken and egg dilemma.

This bill is designed to stimulate a solution to this problem through a low-cost Federal demonstration program. It continues the work already underway by the Department of Energy, Department of Defense, California Energy Commission, Bank of America, and others. The Federal demonstration fleet will be relatively inexpensive since it will replace conventionally fueled with methanol-fueled vehicles that the Federal Government would have purchased in any case.

COST

Methanol vehicles are not greatly different from those fueled by conventional fuels. Only a few components need to be made compatible with methanol, and manufacturers have testified that methanol cars will be no more expensive than similar gasoline cars when manufactured in similar quantity.

Nor is methanol more costly. Currently, most of the world's methanol is made from natural gas and sells for about $0.45 per gallon in bulk quantities. Because methanol has a lower energy content per gallon than gasoline, and nearly 2 gallons of methanol are required to take a car as far as 1 gallon of gasoline, this price would make methanol very competitive with gasoline if both were equally available to the consumer.

In the long term, methanol may have a cost advantage over gasoline. The United States has abundant coal reserves which can be utilized to manufacture methanol. Estimates vary widely on the cost of manufacturing it from coal, but they tend to be in the $0.80 to $1.20 per gallon range. At these prices, methanol from coal is not economic today.

Generally, however, the price of coal is expected to rise more slowly than the price of oil and natural gas. Sometime early in the next century, methanol from coal will be competitive with gasoline made from imported crude oil. In the meantime, methanol made from natural gas is likely to be available and competitive in price.

PROMOTING COMPETITION

For all of these reasons, methanol is likely to be the fuel of the future. But to capture its benefits more quickly, we need to overcome the chicken and egg problem—to help methanol reach the threshold level of use at which consumers have a choice and methanol can compete.

In order to hasten the day when methanol is competitively viable, this bill proposes an action plan that requires:

Five thousand methanol cars purchased annually by the Government starting in fiscal year 1987;

A long haul, 18-wheel methanol truck demonstration;

A methanol bus demonstration;

That, if the methanol bus demonstration provides satisfactory results, all buses purchased in Clean Air Act nonattainment areas with Federal assistance after 1991 will be required to be methanol buses;

Establishment of an interagency commission to coordinate all the methanol work underway within the Government;

A requirement that all vehicles purchased by the Federal Government be guaranteed by the manufacturer for use on all EPA approved nonstandard fuels; and

An incentive for auto manufacturers to produce methanol compatible vehicles by calculating miles per gallon for purposes of CAFE standards on the basis of the petroleum content of the fuel. Vehicles capable of running on both methanol and gasoline will be counted for CAFE calculations as if the vehicle only ran on methanol. This concept is more fully explained in my 1984 letter to the EPA, which I ask permission to insert in the RECORD at the conclusion of my remarks, along with a copy of the text of the bill itself.

This bill is a follow-on to legislation introduced last Congress—H.R. 4855 and H.R. 5075. It is based on 4 days of public hearings, a 1984 subcommittee staff report, and hundreds of hours of discussion with industry representatives.

Last year the methanol legislation, parts of which were enacted, had over 50 cosponsors. DOE is proceeding with a preliminary vehicle fleet. This bill is the next logical step in the Government's role to prove the potential and accelerate the adoption of melthanol as an alternative to gasoline.

The current surplus in crude oil supplies gives this Nation the opportunity to develop its alternative fuels. Methanol is one of the best of these alternative fuels, and this bill is necessary to advance its development.

H.R. 3355

A bill to develop a national methanol energy policy and to coordinate efforts to implement such policy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Methanol Energy Policy Act of 1985".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the achievement of long-term energy security for the United States is essential to the health of the national economy, the well-being of our citizens, and the maintenance of national security;

(2) the protection and improvement of the Nation's air quality is essential to our citizens' physical health;

(3) the displacement of energy derived from imported oil with domestically produced energy will contribute to an improved international trade balance for the United States and increased employment opportunities for our citizens;

(4) the Nation's security, environmental, and economic interests require that the Federal Government should assist a clean-burning domestically produced transportation fuel to reach a threshold level of use at which it can successfully compete with petroleum-based fuels;

(5) methanol is the alternative liquid fuel with the best technological and economic prospect of displacing significant quantities of petroleum-based transportation fuel;

(6) there are proven coal reserves in the United States sufficient to provide methanol for transportation use for at least the next four hundred years;

(7) the use of methanol to displace gasoline and diesel fuel in the Nation's automobiles, trucks, and buses will significantly reduce emission of regulated pollutants, reduce reliance on imported oil, and enhance the Nation's security; and

(8) the United States Department of Energy and the California Energy Commission have already established a base of information about methanol as a transportation fuel which this Act will further develop.

(b) PURPOSES.—The purposes of this Act are to provide—

(1) that the Federal Government shall—

(A) continue the development of a methanol demonstration program by increasing the purchases and use of methanol-powered passenger automobiles, light duty trucks, and buses;

(B) in cooperation with a commercial operator, establish a demonstration program for the operation of methanol-fueled diesel trucks;

(C) establish a pilot program for the operation of methanol-powered buses in urban areas;

(D) Assist State and local entities in purchasing methanol-powered buses;

(E) study the feasibility of a small, packaged, relocatable methane to methanol plant;

(F) study the air quality and human health effects associated with the use of significant amounts of methanol;

(G) remove disincentives to the use of methanol fuel;

(H) promote the availability and use of methanol fuel; and

(I) promote the manufacture and purchase of methanol-powered vehicles, and

(2) for the establishment of an Interagency Commission on Methanol to develop and coordinate the implementation of a national methanol energy policy.

SEC. 3. AMENDMENT OF ENERGY POLICY AND CONSERVATION ACT.

Title III of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART J—ENCOURAGING THE USE OF METHANOL

"SEC. 400AA. METHANOL DEMONSTRATION PROGRAM FOR FEDERAL VEHICLES.

"(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary shall ensure that of the total number of passenger automobiles and light duty trucks acquired for use by the Federal Government during the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, at least 5,000 each year shall be methanol-powered vehicles.

"(b) STUDIES.—The Secretary, in cooperation with the Administrator of the Environ-

mental Protection Agency (hereafter in this part referred to as the "Administrator") shall conduct studies related to the methanol-powered vehicles acquired under subsection (a), including—

"(1) projects to demonstrate the performance of such vehicles,

"(2) an evaluation of the performance of such vehicles in cold weather,

"(3) a study of the fuel economy, safety, and emissions of such vehicles, and

"(4) a comparison of the operation and maintenance costs of such vehicles to the operation and maintenance costs of other passenger automobiles and light duty trucks.

"(c) METHANOL MADE AVAILABLE TO THE PUBLIC.—(1) At locations where vehicles acquired under subsection (a) are supplied with methanol, methanol shall be offered for sale to the public for use in other vehicles, except in cases where security considerations require otherwise.

"(2) The requirement under paragraph (1) shall not apply after September 30, 1990.

"(d) FEDERAL AGENCY USE OF DEMONSTRATION VEHICLES.—(1) Upon the request of the head of any agency of the Federal Government, the Secretary shall ensure that such Federal agency be provided with vehicles acquired under subsection (a) to the maximum extent practicable.

"(2) The Secretary shall ensure that the cost to any Federal agency receiving a vehicle under paragraph (1) shall not exceed the cost to such agency of a comparable gasoline-powered vehicle.

"(3) Only one-half of the vehicles obtained under this section by an agency of the Federal Government shall be counted against any limitation under law, Executive order, or executive or agency policy on the number of vehicles which may be obtained by such agency.

"(4) Any Federal agency receiving a vehicle under paragraph (1) shall cooperate with the study undertaken by the Secretary under subsection (b).

"(e) DETAIL OF PERSONNEL.—Upon the request of the Secretary, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Department of Energy, to assist the Secretary in carrying out his duties under this section.

"(f) REPORTS.—(1) The Secretary shall submit semiannual reports of the actions taken and findings made under this section to the Congress. The first such report shall be submitted no later than the last day of the second quarter beginning after the date of the enactment of this part. The last such report shall be submitted no later than September 30, 1990.

"(2) The Secretary shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than October 15, 1990.

"(g) EXEMPTIONS.—Methanol vehicles obtained under this section or with funds appropriated by the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes." (P.L. 98-473)—

"(1) shall not be counted in any calculation of Fleet Average Fuel Economy under section 510 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2010) or Executive Order 12375; and

"(2) shall not be subject to any limitation under law on the maximum cost of individual vehicles which may be obtained by the United States.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'methanol-powered vehicle' means passenger automobiles and light duty trucks designed to operate using a fuel composed of at least 85 percent methanol; and

"(2) the term 'acquired' means leased for a period of sixty continuous days or more, or purchased.

"(i) FUNDING.—(1) There is authorized to be appropriated for the fiscal year ending September 30, 1987, $10,000,000, for the fiscal year ending September 30, 1988, $8,000,000, for the fiscal year ending September 30, 1989, $5,000,000, and for the fiscal year ending September 30, 1990, $5,000,000, to carry out the purposes of this section.

"(2) The authority of the Secretary to obligate amounts to be expended under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

"SEC. 400BB. METHANOL LONG-HAUL TRUCK DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in cooperation with a commercial operator or operators of long-haul diesel trucks, shall establish a demonstration program for the operation of methanol fueled diesel trucks on a long-haul, high density interstate truck route.

"(b) AVAILABILITY OF METHANOL.—(1) The Secretary shall make necessary arrangements to ensure the availability of methanol along the interstate truck route selected for the demonstration program established under subsection (a).

"(2) At locations where trucks operating under the demonstration program established under subsection (a) are supplied with methanol, methanol shall be offered for sale to the public for use in other vehicles, except in cases where security considerations require otherwise.

"(c) REPORTS.—(1) The Secretary shall submit semiannual reports of the actions taken and findings made under this section to the Congress. The first such report shall be submitted no later than the last day of the second quarter beginning after the date of the enactment of this part. The last such report shall be submitted no later than September 30, 1990.

"(2) The Secretary shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than October 15, 1990.

"(d) FUNDING.—(1) There is authorized to be appropriated for the period encompassing the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, a total of $2,000,000 to carry out the purposes of this session.

"(2) The authority of the Secretary to obligate amounts to be expanded under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

"SEC. 400CC. METHANOL-POWERED BUS PILOT PROGRAM.

"(a) IN GENERAL.—The Administrator shall, during the fiscal year ending September 30, 1987, purchase at least five methanol-powered buses and shall use such buses in urban settings for purposes of emissions and fuel economy testing.

"(b) TESTING AND REPORTS.—(1) The Administrator shall test the emissions levels and fuel economy of buses purchased under subsection (a), shall study the potential for problems described in section 400DD(c), and shall submit semi-annual reports of the actions taken and findings made under this section to the Congress.

"(2) The Administrator shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than December 31, 1989.

"(c) FUNDING.—There is authorized to be appropriated for the period encompassing the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, a total of $4,000,000 to carry out the purposes of this section.

"SEC. 400DD. REQUIREMENT THAT BUSES PURCHASED WITH FEDERAL FUNDS BE METHANOL-POWERED.

"(a) REQUIREMENT.—Notwithstanding any other provision of law, any State or political subdivision thereof which receives, after January 1, 1991, any Federal assistance to provide mass transportation to acquire motor vehicles designed to transport thirty individuals or more for operation in a nonattainment area, as such term is defined in section 171(2) of the Clean Air Act, shall acquire methanol-powered buses with such assistance.

"(b) IMPLEMENTATION.—(1) The Secretary shall provide to each State or political subdivision thereof which acquires any methanol-powered bus a supplemental grant equal to 100 percent of the amount, if any, by which the acquisition, operation, and maintenance costs of such methanol-powered bus exceed the acquisition, operation, and maintenance costs of a comparable diesel-powered bus.

"(2) The Secretary shall promulgate regulations no later than January 1, 1990, to carry out the purposes of this subsection.

"(c) EXCEPTION.—The Secretary shall implement this section unless, as a result of the study under section 400CC(b), the Administrator finds by rule, either on a nationwide or a case by case basis, after an opportunity for oral presentation is afforded interested persons, evidence of substantial—

"(1) operating and maintenance problems with vehicles studied under such section;

"(2) increases in exhaust emissions from such vehicles that are regulated under the Clean Air Act as compared to gasoline and diesel-powered vehicles;

"(3) increases in the cost, excluding all one-time startup, training, and conversion costs, of operation and maintenance of such vehicles as compared to gasoline and diesel-powered vehicles; or

"(4) increases in human health risks associated with exhaust emissions not regulated under the Clean Air Act.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'methanol-powered bus' means a methanol-powered vehicle which is designed to transport thirty individuals or more, and

"(2) the term 'mass transportation' means transportation which provides to the public general or special service (but not including schoolbuses or charter or sightseeing service) on a regular and continuing basis.

"(e) FUNDING.—There is authorized to be appropriated to carry out the purposes of this section such sums as may be necessary for each of the fiscal years ending September 30, 1991, September 30, 1992, and September 30, 1993.

"SEC. 400EE. INTERAGENCY COMMISSION ON METHANOL.

"(a) ESTABLISHMENT.—There is established a commission to be known as the Interagency Commission on Methanol, which shall develop a national methanol energy policy

and coordinate efforts to implement such policy.

"(b) MEMBERSHIP.—The Commission shall be composed of members as follows:

"(1) The Secretary of Energy, or the designee of the Secretary, who shall be the chairperson of the Commission;

"(2) the Secretary of Defense or the designee of such Secretary;

"(3) the Secretary of the Interior or the designee of such Secretary;

"(4) the Administrator of the Environmental Protection Agency or the designee of such Administrator;

"(5) the Secretary of Transportation or the designee of such Secretary;

"(6) the Postmaster General or the designee of the Postmaster General;

"(7) the Administrator of the General Services Administration or the designee of such Administrator;

"(8) the Administrator of the Occupational Safety and Health Administration or the designee of such Administrator; and

"(9) such other officers and employees of the Federal Government as may be appointed to the Commission by the Secretary.

"(c) OPERATIONS.—(1) The Commission shall meet as necessary to carry out the purposes of this section, at the call of the chairperson of the Commission.

"(2) One-third of the Commission shall constitute a quorum.

"(3) No member of the Commission shall receive additional pay, allowances, or benefits by reason of the service of such member on the Commission.

"(4) The Secretary shall provide the Commission with such staff and office facilities as the Secretary, following consultation with the Commission, considers necessary to permit the Commission to carry out its duties under this section.

"(d) DUTIES.—(1) The Commission shall study the following issues or ensure that such issues are studied:

"(A) The economics of the production and use of methanol as a transportation, boiler, and turbine fuel and the production, sale, and marketing of methanol-powered vehicles.

"(B) The production of methanol from domestic sources such as coal.

"(C) Suggestions submitted to the Commission, by individuals in the private sector, for promoting the use of methanol as a fuel for buses and other motor vehicles.

"(D) The ability of methanol to meet the military and nonmilitary transportation fuel needs of the United States during a time of general military mobilization.

"(E) The use of methanol for overfiring stationary boilers and peaking turbines, and for fuel cells.

"(F) Environmental, health, and safety issues relating to methanol and its combustion products and methanol-powered vehicles.

"(2) The Commission shall develop a long-term plan for the commercialization of methanol as an alternative fuel.

"(3) The Commission shall coordinate all Federal efforts with respect to methanol research and commercialization.

"(4)(A) The Commission shall ensure communication between representatives of all Federal agencies that are involved in methanol demonstration projects or that have an interest in such projects.

"(B) The Commission shall establish a clearinghouse for the exchange of information between parties working with or interested in working with methanol and related products.

"(e) PRIVATE SECTOR ADVISORY PANEL.—(1) The chairperson of the Commission shall establish a private sector advisory panel to inform the Commission about methanol-related matters. Such chairperson shall appoint the members of the panel.

"(2) The members of the panel shall be persons employed in the private sector or by State or local government who are knowledgeable about methanol and its possible uses and the production of methanol and methanol-powered vehicles. Such members may not be full-time officers or employees of the Federal Government.

"(3) The panel shall meet at the call of the chairperson of the Commission.

"(4) The members of the panel may be compensated at a rate, to be fixed by the Secretary, that does not exceed the daily equivalent of the maximum annual rate of basic pay payable under the General Schedule under section 5332 of title 5, United States Code, for each day (including travel-time) when engaged in the actual duties of the panel and when not otherwise compensated as officers or employees of the Federal Government, except that such compensation for any year may not exceed compensation for 20 days of engagement in the actual duties of the panel. All such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently. Payments under this section shall not render members of the panel officers or employees of the Federal Government for any purpose.

"(5) The Secretary shall provide the panel with such staff and facilities as the Secretary, following consultation with the Commission and the panel, considers necessary to permit the panel to carry out its duties under this subsection. Any such staff and facilities shall be provided from the existing staff and facilities of the Department of Energy.

"(f) DETAIL OF FEDERAL PERSONNEL.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

"(g) REPORTS.—(1) The Commission shall, not later than September 30 of each of the years 1978, 1988, and 1989, submit an interim report to the Congress setting forth the actions taken and findings made by the Commission under subsection (d).

"(2) The Commission shall, not later than September 30, 1990, submit a final report to the Congress setting forth the actions taken and findings made by the Commission under subsection (d).

"(3) The results of any study or studies undertaken under subsection (d) shall be made available to the public at such times and in such manner as determined appropriate by the Secretary.

"(h) TERMINATION.—The Commission and the panel shall terminate upon submission of the final report of the Commission under subsection (g)(2).

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'Commission' means the Interagency Commission on Methanol established in subsection (a).

"(2) The term 'methanol-powered vehicle' means a motor vehicle designed to operate using a fuel composed of not less than 85 percent methanol.

"(3) The term 'panel' means the private sector advisory panel established in subsection (e)(1).

"SEC. 400FF. STUDIES.

"(a) METHANOL STUDIES.—(1) The Secretary shall undertake a study of the comparative costs of methanol based on natural gas, methanol based on coal, and methanol based on other resources. Such study shall include a study of various sizes of facilities for each resource, and shall—

"(A) identify the optimum size for obtaining maximum economies of scale;

"(B) identify the largest size feasible consistent with current and projected near-term demand for methanol; and

"(C) consider and quantify 'learning curve' benefits associated with the sequential construction of additional facilities.

"(2) In conducting studies under paragraph (1), the Secretary shall include a study of a packaged, nominally, 100 to 300 ton per day, relocatable natural gas to methanol plant that is capable of utilizing current domestic supplies of unutilized natural gas.

"(3) For purposes of this subsection, the term 'unutilized natural gas' means gas that is available in small remote fields and cannot be economically utilized in existing conventional natural gas pipelines, or gas the quality of which is so poor that extensive and uneconomic pretreatment is required prior to its introduction into the natural gas distrubution system.

"(4) The Secretary shall submit a report containing the results of the studies undertaken under paragraph (1) to the Congress within one year after the date of the enactment of this part.

"(b) AIR QUALITY AND HEALTH STUDY.—(1) The Administrator shall prepare a comprehensive analysis with respect to the air pollutant emission, air quality impact, and human health risks, including toxicity to consumers at self-service fuel pumps, associcated with the storage, distribution, and use of significant amounts of methanol as transportation fuel as compared to existing diesel and gasoline fuels.

"(2) The Administrator shall complete the comprehensive analysis required by paragraph (1) within two years after the date of the enactment of this part unless the Administrator explains in writing to the Congress why more time is necessary for its completion.

"(c) FUNDING.—There is authorized to be appropriated to carry out the purposes of this section $975,000 for the fiscal year ending September 30, 1987.".

SEC. 4. FUEL EFFICIENCY STANDARDS.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended—

(1) in section 501 (15 U.S.C. 2001) by adding at the end thereof the following new paragraphs:

"(15) The term 'methanol mixture' means the mixture of methanol with other fuel, if any, used to operate a methanol powered automobile.

"(16) The term 'methanol powered automobile' means an automobile capable of operating, and marketed and sold with the intention of its being primarily operated, on not less than 85 percent methanol."; and

(2) in section 503(d) (15 U.S.C. 2003(d)) by adding at the end thereof the following new paragraph:

"(4) If a manufacturer manufactures methanol powered automobiles, the fuel economy of such vehicles as determined

under this title shall be based on the non-methanol fuel content of the methanol mixture used to operate such automobiles. For purposes of this section, a gallon of the methanol mixture used to operate such automobiles shall be considered to contain 15 one-hundredths of a gallon of non-methanol fuel.".

SEC. 5. USE OF NON-STANDARD FUELS.

All passenger automobiles and light-duty trucks acquired by the United States after October 1, 1986, shall be guaranteed or warranted as suitable for operation on all fuels for which waivers issued by the Administrator of the Environmental Protection Agency under section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)) are then currently in effect.

SECTION-BY-SECTION ANALYSIS

Section 1: title—Methanol Energy Policy Act of 1985.

Section 2: findings and purposes.

Section 3: amends Title III of the Energy Policy and Conservation Act of 1975 by adding a new part, Part J—Encouraging the Use of Methanol, with the following sections:

Section 400AA: requires the Secretary of Energy to ensure the purchase of at least 5,000 methanol-powered passenger cars and light duty trucks per year between FY87 and FY90.

The Secretary must submit semi-annual reports to Congress on the performance, fuel economy, safety, emissions and comparative costs of these vehicles to others.

Methanol must be made available to the public at the same locations where the government-acquired vehicles are supplied with methanol.

Any government agency participating in the demonstration program shall not be required to pay more than the cost of a similar gasoline-powered vehicle.

As an inducement to acquire these vehicles, one-half of the methanol vehicles acquired by an agency shall not be counted against any numerical limitations imposed on that agency.

These vehicles acquired are exempt from meeting the federal fleet average fuel economy standards pursuant to the Motor Vehicle Information and Cost Savings Act and also from any limitation on the cost allowed for the purchasing of government vehicles.

Section 400AA: authorizes appropriations of $10 million in FY87; $8 million in FY88; $5 million in FY89; $5 milion in FY90 to carry out these provisions.

Section 400BB: authorizes appropriations of $2 million to establish a demonstration program for the operation of methanol-fueled diesel trucks on a long-haul, high density interstate truck route. This demonstration is to be done by the Secretary of Energy in coordination with commercial operators.

Methanol fuel facilities established to provide fuel for those vehicles shall also be available to the public for use in other vehicles, except in cases where security considerations require otherwise.

Section 400CC: authorizes appropriations of $4 million for the Environmental Protection Agency [EPA] to establish a four year pilot program of at least 5 methanol-powered buses. The buses are to be used in urban areas and tested for emissions and fuel economy.

Section 400DD: requires that areas defined as nonattainment areas in the Clean Air Act must purchase methanol buses with UMPTA funding starting in January 1, 1991. Sec. of Energy can decide if not feasible.

Such sums as necessary for fiscal years 91, 92, 93 are authorized to cover the incremental costs of methanol buses over conventional buses. It is expected that the committee will determine the appropriate funding level subsequent to the hearing process.

Section 400EE: establishes an Interagency Commission on Methanol to assist in the development of a national methanol policy and to coordinate efforts to implement such policy. The Commission shall be comprised of representatives from the Departments of Energy, Defense, Interior and Transportation, the Environmental Protection Agency, Postmaster General, General Services Administration, Occupational Safety and Health Administration, and any others appointed to the Commission by the Secretary of Energy.

The Commission shall review a variety of issues including the economics of the production and use of methanol as an alternative fuel, the promotion of methanol-powered vehicles, the environmental and safety aspects of methanol, and long-term planning for commercialization.

Section 400EE also requires the Chairperson of the Commission to establish a Private Sector Advisory Panel to coordinate efforts of the industry with the Federal program.

The Commission must submit annual reports to Congress on the actions taken and findings made by the Commission. All studies undertaken by the Commission are to be made available to the public at an appropriate time determined by the Secretary.

Section 400FF: requires the Secretary of Energy to submit a cost comparison study of natural gas-based methanol, coal-based methanol, and methanol from other resources, to include an evaluation of the various sizes of production facilities.

A study shall also be undertaken by the Secretary to determine the feasibility of a relocatable natural gas to methanol plant which is capable of using domestic supplies of unutilized natural gas.

This section also requires the EPA to prepare a comprehensive analysis on methanol versus gasoline or diesel fuel, with respect to emissions, air quality impact, and health risks associated with a significant amount of use of methanol as a transportation fuel.

A sum of $975,000 is authorized to be appropriated to conduct the studies required in this section.

Section 4: amends the Motor Vehicle Information and Cost Savings Act by adding a new subparagraph to address fuel economy standards for vehicles capable of running on methanol. Calculations of fuel economy standards for methanol are to be based on the non-methanol fuel content of the methanol mixture.

Section 5: requires that any vehicles purchased by the Federal Government after Oct. 1, 1986, be guaranteed or warranted to operate on all fuels approved by the Environmental Protection Agency.

MAY 25, 1984.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. RUCKELSHAUS: I understand that the Office of Mobile Resources is working on a Corporate Average Fuel Economy [CAFE] standard equivalency factor for methanol.

During consideration of the Energy Policy and Conservation Act in 1975, I was the author of the amendment which established the CAFE standards. The real danger to the U.S. was then and still is dependence on imported oil. The primary goal of enacting CAFE standards was to reduce oil imports. Consequently I believe any vehicle which does not use petroleum as fuel would help to achieve the Congress' original objective regardless of its rated miles per gallon.

In order to advance the use of methanol as an automotive fuel, the government must help overcome what a witness at one of our hearings called "everyone's desire to go second." The CAFE standards provide an ideal opportunity to give the auto manufacturers an incentive to go first, i.e., to want to lead rather than follow in the development of an automotive methanol market.

I strongly urge the EPA to provide a major incentive to the auto manufacturers by altering the CAFE formula in the alternative manner suggested in your notice of proposed rulemaking. Rather than establishing an equivalency factor based on the relative amounts of energy in methanol and gasoline, which would merely prevent creation of a disincentive to methanol use, a positive incentive should be created by calculating fuel economy on the basis of miles per gallon of petroleum derived fuel.

This policy would be consistent with the reason for the adoption of the CAFE standards as well as help achieve the air quality and energy security benefits of increased methanol use.

Sincerely,

PHILIP R. SHARP,
Chairman.

Mr. WISE. Mr. Speaker, I am joining with my colleague from Indiana, PHIL SHARP, today in introducing a very progessive piece of legislation on the subject of increasing methanol use and production. We are introducing the Methanol Energy Policy Act of 1985 today in response to what we feel is an emerging market and technology—the production and use of methanol—hopefully, methanol made from coal and natural gas, of which my state has huge reserves.

Earlier this session, I introduced a bill—H.R. 2957—designed to give American auto manufacturers a break if they start to produce cars that run on methanol. My experience with driving a methanol-powered Ford Escort in my congressional district over the Easter recess convinced me that the fuel not only has great promise as a substitute for petroleum-based fuels (the currency of middle-eastern blackmail) but also could create thousands of jobs in the coal and natural gas fields of our country. Under H.R. 2957, the so-called corporate average fuel economy [CAFE] standard would be revised to give car manufacturers who, under CAFE, must meet certain mileage standards using the average of the miles-per-gallon ratings of all the models they produce, a credit toward meeting this industrywide standard. My bill, H.R. 2957, has been incorporated into this new piece of legislation.

But there is more. The Methanol Energy Policy Act of 1985 would encourage the use of methanol in other ways. Our legislation would require the Secretary of Energy to ensure the purchase of at least 5,000 methanol-powered passenger cars and light duty trucks per year between 1987 and 1990. The

bill would require the Secretary to submit reports to the Congress on the performance, fuel economy, safety, emissions, and comparative costs of these vehicles to others. Methanol distribution would be enhanced, making the fuel available to the public at locations where Government-acquired vehicles fill up.

Another section of the bill would set up a demonstration program for methanol-fueled diesel trucks to investigate the fuel's applicability to heavy transport. The EPA would be responsible for coordinating a similar methanol-powered bus program.

Our legislation seeks to develop a national agenda for increased methanol use, and is broad range in scope. Methanol will be on trial as this program is instituted, and I am confident that it will emerge as what I have been calling it all along—the fuel of the future.

Mr. DANNEMEYER. Mr. Speaker, today a bipartisan coalition takes a major step toward energy independence and enhanced air quality with the introduction of comprehensive methanol legislation. I am pleased to be a part of this coalition as a member of the Committee on Energy and Commerce and as a Representative from California, the State that leads the Nation in methanol development.

Despite the headlines about an oil glut and falling prices, we face an uncertain and unstable energy future in the absence of long-range plans and policies to provide for our needs in the next decade and beyond. In addition, our oil imports are still almost one-third of our daily demand, at a cost of almost $60 billion last year when the United States ran up a record $123 billion trade deficit. With the trade deficit estimated to climb to $150 billion, and perhaps higher, in 1985, anything we can do to reduce oil imports in a responsible manner deserves our attention.

Methanol is an alternative fuel that can reduce our oil imports by providing a reliable transportation fuel. Fleets of methanol cars and buses have been operating successfully in California for several years by the private sector with the Bank of America and by the public sector through a program run by the California Energy Commission. Methanol can be made from natural gas or coal, among other feedstocks. The United States has a current surplus of natural gas and has been described as the Saudi Arabia of coal. As a cleaner burning fuel, methanol permits greater use of coal in an environmentally sound manner.

While energy benefits are important, I am particularly interested in the environmental benefits of cleaner burning fuels such as methanol. I represent an area of southern California which is a nonattainment area under the Clean Air Act. We will not be able to achieve Federal air quality standards without alternate fuels. The use of methanol as part of an air quality strategy has been supported by the South Coast Air Quality Management District (SCAQMD) and the California Lung Association, among others.

The promise of methanol will not become a reality unless a vehicle can be delivered to consumers at a price comparable to conventional gasoline models. The same goes for the cost of the fuel itself. Additional on-the-road experience is essential to detemining how to expand the use of methanol and fleets are a good way to acquire such information. Thus, the bill requires the Federal Government to purchase 5,000 methanol cars each year during fiscal years 1987 through 1990 out of the cars it would otherwise purchase. The bill mandates studies associated with the fleet.

Since diesel emissions from trucks and buses are a disproportionate source of air emissions, particularly in urban areas like Los Angeles and San Francisco, the bill mandates that buses purchased with Federal funds after January 1, 1991, be methanol-powered unless tests on an earlier fleet of buses show that this would cause specified adverse impacts.

This legislation is the culmination of a series of hearings dating back to the 97th Congress and is a combined effort of those who sponsored and cosponsored individual bills in the last Congress. Given this background, and the fact that a methanol bill is moving in the other body, I am extremely hopeful that we can enact methanol legislation into law in the near future.

Mr. BROYHILL. Mr. Speaker, today I am introducing the Methanol Energy Policy Act of 1985. I am pleased to be joined by Mr. SHARP, Mr. MADIGAN, Mr. DANNEMEYER, Mr. MARKEY, Mr. MOORHEAD, and several other of my colleagues. I wish to especially applaud Mr. SHARP for his hard work and dedication to the methanol issue and to the formulation of this bill.

It is imperative for the Federal Government to actively encourage the use of alternative transportation and industrial fuels to lessen our dependency on foreign oil. One such fuel, available today, is methanol. Methanol is an organic compound which is widely used as a chemical solvent and in the production of a broad range of industrial chemical products. Although most of the world's current methanol capacity is based on surplus natural gas, methanol can be produced from a variety of other raw materials, including coal, petroleum, and biomass.

Methanol has real advantages over conventional fuels used in transportation and industrial applications. As a transportation fuel, it is currently being used in both public and private fleets in California with encouraging results. I am equally excited about the significant environmental advantages being experienced. Methanol burns cleaner and at a lower temperature than gasoline or diesel fuels, producing less nitrogen oxides, and negligible particulate and hydrocarbon emissions. This means improved health for the American people and hope for areas such as southern California and Houston, which experience a geat deal of smog caused by automobile-related pollutants.

This bill contains several important provisions. It requires the Federal Government to purchase 5,000 methanol vehicles per year, in place of planned purchases of gasoline vehicles, beginning in fiscal year 1987. It establishes both a long-haul truck demonstration program and a methanol-powered bus pilot program. After January 1, 1991, this legislation would require that all new intracity urban buses purchased with Federal funds be methanol-powered. This is extremely important from an environmental standpoint. If, over a number of years, we can replace our urban buses, which are now diesel powered, with methanol-powered vehicles, the environmental benefits to our cities will be enormous. No more clouds of black smoke as the bus pulls away from the stop. It is also important to point out that the Federal Government pays 80 percent of the cost of new city buses and 50 percent of the operation and maintenance costs, so we are not trying to tell local transit authorities what to do with their local funds. Under this bill, the Federal Government would also pay all incremental costs associated with purchasing methanol buses, costs which we expect to disappear after just a few years.

I urge my colleagues to look carefully at this legislation and join us in guaranteeing a decreased dependence on foreign oil and and cleaner environment by advancing methanol use.

THE RETIREMENT OF FRANK JOHNSON FROM THE ARIZONA DAILY STAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, at the end of this year a distinguished and important member of the Arizona press corps, Frank Johnson, will write another page in his career as he retires from 39 years of deadlines at the Arizona Daily Star in Tucson.

I've known Frank as an editor of unshakable ethics, courage, and decency and one who never overlooked common sense. If some editors might shy from controversy, Frank would more likely ask why it wasn't on page 1. I will miss Frank Johnson. I wish him and his wife, Louise, the best of what they seek in all the years ahead.

In appreciation of this special newspaperman and good friend, I have asked George Ridge, a professor of journalism at the University of Arizona and a former Star city editor under Johnson, to write the following tribute:

FRANK JOHNSON

(A tribute, by George Ridge, Professor of Journalism, University of Arizona, Tucson)

Frank Johnson is retiring on December 31, 1985, after 39 years and 109 days at The Arizona Daily Star. In his time, Frank has been a police reporter, a feature writer, a travel writer, a general assignment reporter, an entertainment writer, a city editor, an assistant managing editor, a managing editor, an executive managing editor and an executive editor of the Star. News writing has been described by some as "instant history," but while he was writing history under deadline pressure, Frank Johnson made a

little bit of history himself. And Frank's calm, professional approach to news also helped a lot of young reporters along their way.

"There are some guys with leadership born in them," says Don Robinson, who was hired by Frank at the Star 27 years ago. "I can remember back when Frank insisted that the cop reporters go out to all the robberies, even when it was 15 minutes to deadline. One time I called Frank from a pay phone on Miracle Mile with my hands shaking, it was so close to deadline. He was so casual that he could always put you at ease. He made it sound so easy, and he did that for all of us."

"Frank was our surrogate father, our loan officer, our psychiatrist, our sociologist, our marriage (and divorce) counselor, our bail bondsman," said Ken Burton. "You could take anything to Frank, and we all did. He would always take the time to listen—to anything. It was a very personal quality that made us feel as if we weren't just employes, but part of a family. It was special.

"The other thing I remember about Frank was that I never once saw the man explode, pound his fist, throw something or even raise his voice under pressure. He was so unflappable it was startling. If ever there was a guy who personified grace under fire, it was Frank Johnson."

Maybe this was because Frank had to grow up fast himself. At 23, he was the top sergeant for a Field Artillery unit on Guadalcanal. Every reporter who ever worked with Frank remembers his coolness under pressure, the way Frank can take over a newsroom amid any crisis and calmly get the news out.

Many reporters have forgotten that Frank was once a young reporter himself, having started at the Star on September 12, 1946. It was in 1948 that Frank set the never-surpassed record of 11 byline stories in one issue of the newspaper, according to Jack Sheaffer, whose memory substitutes for the Guinness Book of Star Records. It would have been only 10 bylines that day, says Jack, but Frank was out drinking beer after work and a light plane crashed in the parking lot of the Pioneer Hotel. He grabbed the telephone for byline No. 11.

The Star soon recognized what a natural Frank was, and made him city editor in 1950 at the tender age of 30. He took to this so well that, in the words of his wife, Louise, "someone could have committed murder on his desk and Frank would just have assigned a reporter to cover it."

Hal Marshall, who succeeded Frank as city editor, says that when he was hired the first thing Frank gave him was a picture of a local mobster, admonishing his new reporter to learn the local scene and the faces that go with it. "I carried that picture in my wallet for 10 years," recalls Marshall. "Right next to the pictures of my kids."

Not to be trifled with, Frank grew upset when one reporter would arrive for work, grab a newspaper and spend about an hour in the lavatory reading it. This ended when Frank rolled a firecracker under the door. Oldtimers still remember the reporter scrambling into the newsroom.

Frank's guidance was not limited to Star staffers. When Bill Greer was elevated from probationary Associated Press reporter to Tucson correspondent, Frank invited him into the office for a congratulatory word. At the end of the conversation, Frank lifted a knitted poodle cover that sat mysteriously on his desk—and the cover masked a bottle of whiskey. "If there's ever a time when it gets real rough out there and you really need it, this is here for emergency purposes," he advised Greer—who never saw the cover lifted again.

Sheaffer and Frank were in the tragic accident at the Star on July 22, 1982, that left both of them severely burned. Sheaffer recalls that he and Frank had been in a hundred scrapes through their careers, and always made it through.

Like the time in Mexico City, when the plane blew a tire just after liftoff for Merida. The pilot set it back down in a swamp at the end of the runway, and came on the intercom to announce to a startled audience: "Ladies and gentlemen, we have a flat tire."

Or the time in Montreal at Expo 67 that Frank wanted a closeup of the ice breaking up in the river. Sheaffer realized that he had miscalculated his location vis-a-vis the riverbank when his tripod started floating away from him. "I would have been a goner," he says, "but Frank jumped down and grabbed me and pulled me off the slippery ice to the bank."

In another episode, Frank—who always managed to keep the erect, slim figure of a topkick—could never understand how the portly Sheaffer got through the bars of a gate at a political rally in Hermosillo when Frank was pinned against the same gate by a crowd out of control.

Frank brought David Dare to Tucson, and the name still echoes when reporters get together to talk of legendary news feats. While city editor, Frank sent reporters under cover to inspect conditions in the migrant camps. Since the reporters' lives might be in danger, Frank credited the stories to a fictitious "David Dare." For years David Dare remained on the Star's assignment board, and Frank would pen in a facetious destination for him every day.

Frank gave Don Robinson so much confidence that it backfired. "Frank hired me and four weeks later tried to fire me," laughs Robinson. "But he had already built my confidence up so much that I wouldn't let him. I talked him out of it.

"You know, a little while back I said to him, 'Frank, it was just 25 years ago today that you hired me.' Frank always did have a ready reply. 'Where did I go wrong?' he asked."

"There really is leadership born in some guys," Robinson said. Frank had the ability to chew you out without humiliating you. In the old days he would walk from his desk to the copy desk with the stories. If he detoured by me, I knew I had misspelled a word. All he ever did was tap me on the head with that rolled up story and ask, 'How do you spell receive?' By God, I looked it up and never forgot how to spell it. There is something about the guy. You always wanted to do your best for Frank."

[Based on the memories of Hal Marshall, Jack Sheaffer, Barbara Sears, Jacqi Cobbledick, Jane Kay, Eddie Gallardo, Bill Greer, Ken Burton and Don Robinson.]

TRIBUTE TO JACK PAXTON, EDITOR, THE PADUCAH SUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 30 minutes.

Mr. HUBBARD. Mr. Speaker, a box atop the editorial page of the Paducah Sun, the most widely read daily newspaper in western Kentucky and extreme southern Illinois, reads: Edwin J. Paxton, editor and publisher 1900-61; Edwin J. Paxton, Jr., editor 1961-77; Jack Paxton, editor 1977-85.

Actually, three men named Edwin J. Paxton have served as editor of the Paducah Sun since 1900. Jack Paxton was Edwin J. Paxton III but preferred the less formal name.

My wife Carol and I attended a wedding in La Center, KY, last Saturday night. It was the marriage of two newspaper publishers—Judy Magee of Wickliffe and Larry Stone of Central City. After the wedding, outside St. Mary's Catholic Church, my wife and I were told by several La Center residents that they had heard on a Paducah radio station that Jack Paxton, age 46, had been killed in an airplane crash south of Paducah. Such news was difficult to believe and/or accept.

By late Saturday night, September 14, it was statewide news in Kentucky that Jack Paxton was killed when a small plane he owned crashed on a farm near Paducah. A witness to the crash, Joy Pullen, said: "All of sudden, I heard its motors go out."

Tributes to Jack Paxton soon began to pour in from all sections of the United States.

Tom Brokaw, anchor of NBC Nightly News, was a friend of Paxton's with whom he worked for 10 years when both were news correspondents for NBC in New York City. Brokaw remembered Paxton as a "go anywhere, do anything risk-taker who would have done very well if he would have stayed with us at NBC in New York."

Kentucky Governor Martha Layne Collins said Monday that "Paxton was a positive force for progress and economic development in Paducah and western Kentucky." Governor Collins added: "His leadership and fellowship will truly be missed."

Former Kentucky Governor John Y. Brown, Jr., who appointed Paxton to the Kentucky Personnel Board and had asked Paxton to be secretary of his executive cabinet, said:

It just doesn't seem fair for something like that to happen to someone with such talent and productive ability. Jack Paxton could have done anything that he wanted to do, but he chose to be a leader in his own community.

Former Kentucky Governor Julian M. Carroll, a native of Heath—just west of Paducah, said he had asked Paxton years ago to be his press secretary. Julian Carroll added:

He didn't want to be in a posture to be involved with one politician or one political party. His uneasiness with political labels was the main reason he successfully brought about the renaming of the Paducah newspaper from the Sun-Democrat to the Sun. He did that because he didn't want anyone to think that the newspaper represented the views of the Democratic Party.

Former Governor Carroll appointed Paxton to the board of directors of the

Tennessee-Tombigbee Waterway Authority on August 30, 1979. Paxton continued to serve on that board until his death.

Hundreds of people who liked and admired Jack Paxton have paid tribute to him following his untimely and tragic death. Not only was Jack Paxton praised during the past 3 days by the Governor and former Governors of Kentucky but also by those of all walks of life—elderly Paducahans living on Social Security, firemen, business leaders, minimum-wage workers, clergy, teachers, and those many who worked with him and under his leadership at the Paducah Sun.

Allan Rhodes, Sr., president of Paducah-McCracken County Growth, Inc., credited Paxton with "laying the groundwork for the formation of the nonprofit group to help keep downtown Paducah alive."

Bob Green, developer of the largest hotel in my 24-county congressional district—the huge Executive Inn of Paducah, said he wouldn't have built the hotel but for the active efforts of Paxton and the late Judge-Executive Raymond C. Schultz (who died only last December 14).

Time will allow only a few more deserving tributes from my constituents regarding Jack Paxton.

Fred Paxton, chairman of the NBC Affiliates Board from 1980-84, president and managing director of Paducah's WPSD-TV, and president and publisher of the Paducah Sun:

He (Jack Paxton) was a forceful man who drove toward conclusions. And once decisions were made, he saw to it that they stuck. Yet he carried within him a rare perception of the needs and concerns of others. His tenderness to those in need, or even in doubt, belied his great stature and physical strength. He campaigned for the poor and helpless and, eschewing publicity, worked to raise uncounted thousands of dollars for neglected youths, homeless adults, battered wives and other hapless souls.

Don Pepper, editorial writer for the Paducah Sun:

Jack . . . Did believe in truth. He believed that some things are right and others wrong. He believed in dealing honestly and fairly with every person. He despised the human habit of erecting barriers between people, which is what religious people call sin. He did believe that there are values in life that are worth striving for. Why they are, or how they came to be bound into the fabric of life itself he'd probably say he didn't know. These elusive strands of belief and faith gave Jack a special sensitivity to other people.

Bill Powell, the dean of journalists in western Kentucky and who for many years was a highly respected reporter for the Paducah Sun and the (Louisville) Courier-Journal:

I had known Jack since he was 10 years old. Even as a youngster he impressed me as being very bright and very fair. I had no doubts that he would fulfill his goals. I watched him grow up during the 28 years that I worked for his grandfather and father (at the Paducah Sun-Democrat). I thought he was one of the best correspondents NBC had, but I was glad to see him come back home. He was good for the Sun. I have to compare him especially to his grandfather (E. J. Paxton, Sr.), who as early as 1900 was pushing for development of downtown, and bringing new industry and jobs to the city, the very things Jack was pushing for up to the day he died. Above all, I admired his fairness and ability to get along with others. He made life more fun for all of us.

Rev. Tim Tayloer, the popular and brilliant pastor of Grace Episcopal Church in Paducah, told about 500 who attended a memorial service at the church yesterday:

Jack Paxton . . . had a talent for friendship, with people in all walks of life, and so we have come together from many circumstances . . . to salute a friend. He had already journeyed far . . . but he came home—home to roots, to the place where the deep things of life abide and prosper. And then he became, at a still young age, one of the guardians, those who watch and work and take care for the preservation and prosperity of the good community, so that the children who come after us may have a clean and wholesome and loving place in which to grow up; may learn to know and honor truth and honesty and courage and compassion; may become all they can be.

Paxton is survived by a young and very attractive wife, Debbie Paxton, who is referred to by an editorial yesterday in Tte Paducah Sun, written by Fred Paxton as "an ebullient, charming, understanding young lady." Also surviving are two well-known western Kentuckians—Josh Paxton, age 8, and Adam Paxton, age 3, the two sons about whom Jack Paxton enjoyed writing in his frequent columns in the Paducah Sun. Jack's parents and two sisters also mourn his death. Jack's father, Edwin J. Paxton, Jr., though living in Cocoa Beach, FL, now, is still remembered by western Kentuckians for his 17 years of outstanding leadership as editor of the Paducah Sun. Much more could be said of Ed Paxton and his lovely mother, Evelyn Goodman Paxton.

As Congressman for western Kentucky I speak for thousands in saying now that Jack Paxton was an outstanding citizen whose opinions and writings had a very positive influence on western Kentucky and southern Illinois.

Mr. Speaker, I liked and admired Jack Paxton. He could tell it like it is in writing better than any journalist I have ever read.

Jack Paxton was the most effective—always behind the scenes—promoter of progress for downtown Paducah.

Jack Paxton's death at age 46 is a vivid reminder to us as to the uncertainty of life.

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Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Illinois.

Mr. GRAY of Illinois. I thank my distinguished neighbor from Kentucky for yielding, and I want to join all of our colleagues in commending him for taking this time to pay tribute to a great American. Although my district is across the river from Paducah, in southern Illinois, Jack Paxton's work is well known. I am reminded of the old biblical phrase that "Greater love hath no man than this, that a man lay down his life for his friends." And Jack Paxton was that type of an individual. As you so ably pointed out in your remarks earlier, there was no task too small for him, whether it was helping some lowly person along the street or working for economic development or the Tombigbee Waterway, which is a great billion-dollar program for navigation along the inland waters of this great country, and I want to join with you in extending sympathy to all of the members of the Paxton family and say that although this light has gone out, I am sure that the memories he has left will be long remembered in the way of development for our region.

I thank you so much for taking out this special order.

Mr. HUBBARD. I wish to thank the gentleman from Illinois [Mr. GRAY] my neighbor across the Ohio River, for his statements in joining with me in expressing sympathy to the wife, the children, the parents and other members of the Paxton family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN of California (at the request of Mr. WRIGHT), for September 18, 19, and 20, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Hampshire, for 60 minutes, on September 19.

Mr. RUDD, for 5 minutes, today.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. SHARP, for 60 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. HUBBARD, for 30 minutes, today.
Mr. DE LA GARZA, for 60 minutes, on September 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. TAUKE.
Mr. BADHAM.
Mr. GUNDERSON.
Mr. BROOMFIELD in seven instances.
Mr. GOODLING.
Mr. COURTER.
Mr. DORNAN of California.
Mr. GINGRICH in two instances.
Mr. GREEN.
Mr. BILIRAKIS.
Mr. WHITEHURST.
Mr. MCGRATH.
Mr. RINALDO.
Mr. BEREUTER in two instances.
Mr. COATS.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. FORD of Michigan.
Mr. FLORIO in two instances.
Mrs. BURTON of California.
Mr. KLECZKA.
Mr. OWENS.
Mr. BRYANT.
Mr. EDGAR in two instances.
Mr. STUDDS.
Mr. BARNES.
Mr. MARKEY in two instances.
Mr. GARCIA.
Mr. ACKERMAN.
Mr. BOLAND.
Mr. ROYBAL.
Mr. LELAND.
Mr. MINETA.
Mr. BEDELL in two instances.
Mr. DYSON.
Mr. SHELBY.
Mr. WEISS.
Mr. MOAKLEY.
Mr. LEHMAN of California.

ADJOURNMENT

Mr. HUBBARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 19, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2009. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the decision to convert to contractor performance the protective coating function at the U.S. Air Force Academy, CO, pursuant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

2010. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the intent to issue commercial export license for sale of major defense equipment to the Government of Portugal (Transmittal No. MC-27-85), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2011. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the intent to issue commercial export license for sale of major defense equipment to the Government of Spain (Transmittal No. MC-28-85), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2012. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the justification of an increase in the allocation of foreign assistance for Grenada, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

2013. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the justification for changes in the allocation of foreign assistance for Jamaica, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

2014. A letter from the Chairperson, Navy Resale and Services Support Office Retirement Trust, transmitting the annual report on the Navy Resale and Services Support Office, Retirement Trust, Department of the Navy, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2015. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the court will open the October 1985 term on October 7, 1985 at 10:00 a.m.; to the Committee on the Judiciary.

2016. A letter from the Attorney General of the United States, transmitting a series of eight bills which comprise the administration's antifraud enforcement initiative; jointly, to the Committees on the Judiciary and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2100. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers and abundance of food and fiber at reasonable prices, and for other purposes; with amendments (Rep. 99-271, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3248. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; with an amendment (Rep. 99-274). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee on Appropriations. H.R. 3327. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes (Rept. 99-275). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. CONYERS:

H.R. 3325. A bill to amend title 23, United States Code, to provide that States shall establish certain requirements respecting all-terrain vehicles as a condition to the receipt of funds for highway construction; to the Committee on Public Works and Transportation.

By Mr. WIRTH (for himself, Mr. HAWKINS, Mr. DOWNEY of New York, Mr. BOUCHER, Mr. BROWN of California, Mr. LELAND, Mrs. COLLINS, Mr. RINALDO, Mr. NELSON of Florida, Mr. LEVINE of California, Mr. MATSUI, Mr. VENTO, Mr. FLIPPO, Mr. HOWARD, Mr. ROSE, Mr. MOAKLEY, Mr. MCHUGH, Mr. MARKEY, Mr. BOSCO, Mrs. LLOYD, Mr. DYMALLY, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. EDGAR, Mr. MITCHELL, Mr. VALENTINE, Mr. HOYER, Mr. MINETA, Mr. RICHARDSON, Mr. SAVAGE, Mr. SIKORSKI, Mr. GARCIA, and Mr. SCHEUER):

H.R. 3326. A bill to provide assistance to local educational agencies and institutions of higher education to promote the development and use of education technology by elementary and secondary school students and their teachers, and for other purposes; jointly, to the Committees on Education and Labor, and Science and Technology.

By Mr. HEFNER:

H.R. 3327. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. BEDELL (for himself, Mr. MADIGAN, Mr. ROBERTS, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. PENNY, Mr. BEREUTER, Mr. TAUKE, Mr. SLATTERY, Mr. GUNDERSON, Mr. GLICKMAN, Mr. COLEMAN of Missouri, Mr. VANDER JAGT, Mrs. SMITH of Nebraska, and Mr. LIGHTFOOT):

H.R. 3328. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mrs. BENTLEY:

H.R. 3329. A bill to declare a portion of the Middle River, Maryland, as a nonnavigable waterway of the United States; to the Committee on Energy and Commerce.

By Mr. BROOMFIELD:

H.R. 3330. A bill entitled: the "Nuclear Power Plant Security and Anti-Terrorism Act of 1985"; to the Committee on Interior and Insular Affairs.

By Mr. BRYANT:

H.R. 3331. A bill to designate the United States Post Office Building located at 2120 South Ervay in Dallas, TX, as the "Juanita Craft Post Office of South Dallas"; to the Committee on Post Office and Civil Service.

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By Mr. DERRICK:

H.R. 3332. A bill to transfer title, control, and custody of certain lands near Aiken, SC, from the U.S. Department of Agriculture to the U.S. Department of Energy; to the Committee on Agriculture.

By Mr. DYMALLY:

H.R. 3333. A bill to require persons who obtain or renew oil or gas leases with the United States to have a plan for contracting with minority firms for activities undertaken under the leases, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, Mr. DEWINE, and Mr. DANNEMEYER):

H.R. 3334. A bill entitled: the "False Claims Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, Mr. DEWINE, Mr. DANNEMEYER, and Mr. COBLE):

H.R. 3335. A bill entitled: the "Program Fraud Civil Penalties Act of 1985"; to the Committee on the Judiciary.

H.R. 3336. A bill entitled: the "Bribes and Gratuities Act of 1985"; jointly, to the Committee on the Judiciary, and Armed Services.

By Mr. FISH (by request):

H.R. 3337. A bill entitled: the "Contract Disputes Act and Federal Courts Improvement Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. FLORIO:

H.R. 3338. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 3339. A bill to amend the copyright law respecting the limitations on exclusive rights to secondary transmissions; to amend the Communications Act of 1934 respecting retransmission of programs originated by broadcast stations; and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GEKAS (for himself, Mr. SENSENBRENNER, Mr. DEWINE, and Mr. DANNEMEYER):

H.R. 3340. A bill entitled: the "Grand Jury Disclosure Amendments of 1985"; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Mr. FISH, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, and Mr. DEWINE):

H.R. 3341. A bill entitled: the "Anti-Fraud Criminal Enforcement Act of 1985"; jointly, to the Committees on the Judiciary and Armed Services.

By Mr. KINDNESS (for himself, Mr. SENSENBRENNER, and Mr. DEWINE):

H.R. 3342. A bill entitled: the "Debt Collection Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 3343. A bill to provide that procurement of the new United States weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Science and Technology.

By Mr. LELAND (for himself, and Mr. HALL of Ohio):

H.R. 3344. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. LOWERY of California:

H.R. 3345. A bill to establish an Advisory Commission on tactical Nuclear Forces; to the Committee on Armed Services.

H.R. 3346. A bill to amend the Foreign Assistance Act of 1961 to prohibit funding for the United States proportionate share for certain programs for Communist countries; to the Committee on Foreign Affairs.

H.R. 3347. A bill to repeal the Technology Assessment Act of 1972 which authorizes the activities of the Office of Technology Assessment; to the Committee on Science and Technology.

H.R. 3348. A bill to provide a tax credit for retraining expenses for individuals who are unemployed, and for other purposes; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 3349. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 3350. A bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. NEAL:

H.R. 3351. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REID:

H.R. 3352. A bill to transfer certain real property to the city of Mesquite, NV; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself and Mr. HALL of Ohio):

H.R. 3353. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 3554. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens popularly known as "Silva Class Members", and for other purposes; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. BROYHILL, Mr. DANNEMEYER, Mr. MARKEY, Mr. MADIGAN, Mr. WYDEN, Mr. MOORHEAD, and Mr. WISE):

H.R. 3355. A bill to develop a national methanol energy policy and to coordinate efforts to implement such policy; to the Committee on Energy and Commerce.

By Mr. SHELBY (for himself and Mr. MONTGOMERY):

H.R. 3356. A bill to designate the public park known as the Stinson Creek Recreation Area and located at Columbus Lake in Lowndes County, MS, as the Lloyd D. Hayes Recreation Area; to the Committee on Public Works and Transportation.

By Mr. ROBERT F. SMITH (for himself and Mr. STENHOLM):

H.R. 3357. A bill to require the Federal Government to enter into contracts with the private sector for procurement of property and services needed by the Federal Government when any cost comparison demonstrates that the cost of such procurement from private sector sources is lower than the cost of providing such property or services by the Government, and to establish in the procurement policy of the Federal Government a greater reliance on private sector sources to provide property and services needed by the Federal Government; to the Committee on Government Operations.

By Mr. STUDDS (for himself, and Mr. BREAUX):

H.R. 3358. A bill to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUKE:

H.R. 3359. A bill to establish a special advisory council to study and make recommendations with respect to the medical and vocaticnal aspects of disability under titles II and XVI of the Social Security Act, and with respect to the so-called notch problem in the computation of social security benefit amounts; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3360. A bill to designate the Public Health Service facility in Carville, LA, as the Gillis W. Long Hansen's Disease Center; to the Committee on Energy and Commerce.

By Mr. ERDREICH:

H.J. Res. 390. Joint resolution proposing an amendment to the Constitution of the United States relating to equal access by voluntary student religious groups and moments of silence which may be used for voluntary silent prayer or reflection in public schools; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.J. Res. 391. Joint resolution to designate November 21, 1985, as "William Beaumont Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES:

H. Con. Res. 192. Concurrent resolution expressing the support of the Congress for an early and peaceful return of democratic rule in Chile; to the Committee on Foreign Affairs.

By Mr. DORNAN of California:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress concerning the appropriation of additional funds for the United States contribution to the seventh replenishment of the resources of the International Development Association; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND of Connecticut:

H. Con. Res. 194. Concurrent resolution urging the President to commence promptly a new round of multilateral trade negotiations under the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY:

H.R. 3361. A bill for the relief of Pelican Party Boat Corp. and the vessel *Eliminator*; to the Committee on Merchant Marine and Fisheries.

By Mr. BOSCO:

H.R. 3362. A bill to permit three specified vessels to be scrapped in the foreign market; to the Committee on Merchant Marine and Fisheries.

By Mr. GLICKMAN:

H.R. 3363. A bill for the relief of Hamilton Jordan; to the Committee on the Judiciary.

By Mr. HENRY:

H.R. 3364. A bill for the relief of Pietro Russo; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 3365. A bill for the relief of Mountaha Bou-Assali Saad; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. DARDEN and Mr. ERDREICH.

H.R. 66: Mr. VALENTINE, Mrs. BENTLEY, Mr. SCHEUER, and Mr. CROCKETT.

H.R. 67: Mr. SHARP, Mr. VALENTINE, Mrs. BENTLEY, Mr. SCHEUER, and Mr. CROCKETT.

H.R. 156: Mr. GRAY of Pennsylvania.

H.R. 161: Mr. CROCKETT.

H.R. 338: Mr. CARPER.

H.R. 585: Mr. MOORHEAD, and Mr. SCHUETTE.

H.R. 605: Mr. HENDON, Mr. PEASE, Mr. DARDEN, Mr. FIELDS, and Mr. BLAZ.

H.R. 780: Mr. OLIN and Mr. EMERSON.

H.R. 825: Mr. BRYANT, Mr. SYNAR, and Mr. DORGAN of North Dakota.

H.R. 877: Mr. SCHUETTE and Mr. HUBBARD.

H.R. 933: Mr. ATKINS.

H.R. 945: Mr. LOEFFLER, Mr. KOLBE, Mr. MONSON, Mr. COMBEST, Mr. MCCURDY, Mr. PETRI, Mr. GINGRICH, Mr. BARTON of Texas, Mr. BARNARD, Mr. MCCAIN, Mr. BOUCHER, Mr. COLEMAN of Texas, Mr. GUNDERSON, and Mr. MCCLOSKEY.

H.R. 979: Mr. EDWARDS of Oklahoma.

H.R. 1071: Mr. MARTINEZ.

H.R. 1188: Mr. FORD of Michigan, Mr. OXLEY, Mr. PERKINS, Mr. CLAY, Mr. DENNY SMITH, Mr. SABO, Mr. ENGLISH, Mr. MOAKLEY; Mrs. SMITH of Nebraska, Mr. RAHALL, and Mr. STOKES.

H.R. 1284: Mr. REID and Mr. DURBIN.

H.R. 1318: Mr. FIELDS and Mr. BARTLETT.

H.R. 1423: Mr. SMITH of New Hampshire.

H.R. 1457: Mr. WORTLEY, Mr. MARTINEZ, Ms. MIKULSKI, Mr. LOEFFLER, Mr. CONTE, Mr. CHAPPIE, Mr. BUSTAMANTE, and Mr. KOLBE.

H.R. 1478: Mr. CARNEY.

H.R. 1551: Mr. BADHAM, DANIEL, Mr. DYSON, Mr. EMERSON, Mr. HALL of Texas, Mr. MCCAIN, Mr. MITCHELL, and Mr. YOUNG of Florida.

H.R. 1562: Mr. DELLUMS, Mr. SMITH of New Jersey, Mr. OBEY, and Mr. LOEFFLER.

H.R. 1579: Mrs. KENNELLY and Mr. EDGAR.

H.R. 1616: Mr. HUGHES, Mr. DICKS, and Mr. FOGLIETTA.

H.R. 1809: Mr. ANDREWS.

H.R. 1908: Mr. FIELDS.

H.R. 1918: Mr. LEHMAN of Florida, Mr. WEBER, Mr. ANNUNZIO, Mr. SMITH of Iowa, Mr. EDGAR, Mr. HUCKABY, Mr. DAUB, Mr. REID, Mr. TAYLOR, Mr. QUILLEN, MR. JONES of North Carolina, Mr. FUQUA, Mr. WORTLEY, Mr. NELSON of Florida, and Mr. CARNEY.

H.R. 1985: Mr. STUDDS and Mr. VANDER JAGT.

H.R. 2164: Mr. HENDON

H.R. 2205: Mr. APPLEGATE, Mr. BRYANT, and Mr. SCHUETTE.

H.R. 2263: Mr. MOAKLEY, Mr. BURTON of Indiana, Mr. TRAXLER, Mr. TRAFICANT, Mr. DONNELLY, Mr. DYSON, Mr. BORSKI, Mr. COYNE, and Mr. DE LA GARZA.

H.R. 2440: Mr. BARNARD, Mr. DICKS, Ms. KAPTUR, and Mr. MOLLOHAN.

H.R. 2539: Mr. JACOBS, Mr. PEASE, Mr. HUNTER, Mr. FIELDS, Mr. BLAZ, and Mr. COMBEST.

H.R. 2557: Mr. BONIOR of Michigan and Mr. TORRES.

H.R. 2567: Mr. FEIGHAN.

H.R. 2591: Mr. BRYANT.

H.R. 2617: Mr. SHAW, Mr. AUCOIN, and Mr. LOTT.

H.R. 2684: Mr. STALLINGS, Mr. SENSENBRENNER, and Mr. ROBERT F. SMITH.

H.R. 2793: Mr. MONSON and Mr. WISE.

H.R. 2826: Mr. DERRICK.

H.R. 2854: Mr. PASHAYAN.

H.R. 2939: Mr. CLINGER, Mr. MARTINEZ, Mrs. BOXER, Mr. PERKINS, and Mr. FISH.

H.R. 2954: Mr. MATSUI, Mr. NIELSON of Utah, Mr. SMITH of New Jersey, and Mrs. BENTLEY.

H.R. 3032: Mr. PERKINS and Mr. YATES.

H.R. 3035: Mr. BIAGGI, and Mr. DOWDY of Mississippi.

H.R. 3045: Mr. SMITH of Florida.

H.R. 3172: Mr. COURTER.

H.R. 3173: Mr. O'BRIEN, Mr. ARMEY, Mr. FRANKLIN, Mr. PASHAYAN, and Mr. GINGRICH.

H.R. 3202: Mr. GROTBERG, Ms. SNOWE, Mr. MOODY, Mr. WEAVER, Mr. MITCHELL, and Mr. BONIOR of Michigan.

H.R. 3298: Mr. HAMMERSCHMIDT, Mr. KRAMER, Mr. FIELDS, and Mr. BARTLETT.

H.J. Res. 36: Mr. DAUB, Mr. YATRON, Mr. MATSUI, Mr. BEREUTER, and Mr. SCHUETTE.

H.J. Res. 126: Mr. HALL of Ohio, Mr. MANTON, Mr. HOYER, Mr. DASCHLE, Mr. COURTER, Mr. KEMP, Mr. BEILENSON, and Mr. DORNAN of California.

H.J. Res. 172: Mr. AKAKA, Mrs. BENTLEY, Mr. BONER of Tennessee, Mr. BUSTAMANTE, Mr. CLAY, Mr. DANIEL, Mr. DICKS, Mr. DYMALLY, Mr. DYSON, Mr. FOLEY, Mr. KASTENMEIER, Mrs. KENNELLY, Mrs. LLOYD, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mr. MACK, Mr. ROTH, Mr. ROWLAND of Connecticut, Mr. RUDD, Mr. SIKORSKI, Mr. SILJANDER, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. SWINDALL, Mr. TALLON, Mr. UDALL, Mr. WALGREN, Mr. WILSON, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 175: Mr. PICKLE.

H.J. Res. 179: Mr. DORGAN of North Dakota and Mr. PETRI.

H.J. Res. 207: Mr. DYSON, Mr. MATSUI, Mr. MINETA, and Mr. BROWN of California.

H.J. Res. 218: Mrs. VUCANOVICH.

H.J. Res. 221: Mr. BROOKS, Mr. BROYHILL, Mr. BRYANT, Mrs. BYRON, Mr. CARR, Mr. COATS, Mr. COURTER, Mr. GRAY of Pennsylvania, Mr. GUARINI, Mr. WYDEN, Mr. HILER, Mr. KILDEE, Mr. KRAMER, Mr. WOLPE, Mr. MANTON, Mr. MOODY, Mr. ROWLAND of Connecticut, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. WIRTH.

H.J. Res. 267: Mr. BATEMAN.

H.J. Res. 277: Mr. SAVAGE.

H.J. Res. 296: Mr. LUKEN.

H.J. Res. 297: Mr. HENDON, Mr. YOUNG of Missouri, Mr. BOLAND, Mr. FUQUA, Mr. COYNE, Mr. WYDEN, Mr. LOTT, Mr. WORTLEY, Mr. STENHOLM, Mr. GROTBERG, Mr. EVANS of Iowa, Mr. VENTO, and Mr. SHARP.

H.J. Res. 306: Mr. WEISS and Mr. BADHAM.

H.J. Res. 363: Mr. MCGRATH, Ms. MIKULSKI, and Mr. ECKERT of New York.

H.J. Res. 377: Mr. FAUNTROY, Mr. DANNEMEYER, Mr. HORTON, Mr. RAHALL, Mr. APPLEGATE, Mr. RUDD, Mr. MURPHY, Mr. IRELAND, Mr. DAUB, Ms. MIKULSKI, Mr. YOUNG of Florida, Mr. GRAY of Illinois, Mr. DE LA GARZA, Mr. VOLKMER, Mr. CARNEY, Mr. RICHARDSON, Mr. ROE, Mr. FAZIO, Mr. LAGOMARSINO, Mr. CHAPPELL, Mr. MONSON, Mr. NELSON of Florida, Mr. CHAPPIE, Mr. PASHAYAN, Mr. FUQUA, Mr. DIXON, Mr. LUNGREN, Mr. LEVINE of California, Mr. SMITH of Florida, Mr. MATSUI, and Mr. MARTINEZ.

H.J. Res. 381: Mr. ANNUNZIO, Mr. FRANK, Mr. FAZIO, Mr. FLORIO, Mr. LAGOMARSINO, Mr. HORTON, and Mrs. BOXER.

H. Con. Res. 15: Mr. SCHUMER.

H. Con. Res. 58: Mr. MARTINEZ.

H. Con. Res. 129: Mrs. BENTLEY, Mr. HORTON, Mr. MOORHEAD, and Mr. CHAPPIE.

H. Res. 105: Mr. HATCHER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

209. By the SPEAKER: Petition of the Legislative Research Commission, Frankfort, KY, relative to the deductability of certain local taxes; to the Committee on the Judiciary.

210. Also, petition of the Confederation of Asia-Pacific Chambers of Commerce and Industry, Taipei, Taiwan, relative to textiles; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2100

By Mr. KASTENMEIER:

—On pages 53 and 54, beginning with line 4 on page 53, delete all of Sec. 231 and insert the following:

SEC. 231. (a) Section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: "Throughout the 2-year period beginning on the effective date of this sentence (and subsequent to such 2-year period unless modified by amendment to the order involved), the minimum aggregate amount of the adjustments, under clauses (1) and (2) of the preceding sentence, to prices for milk of the highest use classification under orders that are in effect under this section on the date of the enactment of the Dairy Unity Act of 1985 shall be as follows:

"Marketing Areas Subject to Order	Minimum Aggregate Amount of Such Adjustments Per Hundredweight of Milk Having 3.5 Per Centum Milkfat
New England	3.00
New York-New Jersey	2.84
Middle Atlantic	2.78
Georgia	2.60
Alabama-West Florida	2.60
Upper Florida	3.30
Tampa Bay	3.60
Southeastern Florida	3.90
Michigan Upper Peninsula	1.35
Southern Michigan	1.60
Eastern Ohio-Western Pennsylvania	1.85
Ohio Valley	1.70
Indiana	1.53
Chicago Regional	1.26
Southern Illinois	1.53
Louisville-Lexington-Evansville	1.95
Upper Midwest	1.12
Eastern South Dakota	1.40
Black Hills	1.95
Iowa	1.40
Nebraska-Western Iowa	1.60
Greater Kansas City	1.74
Tennessee Valley	2.30
Nashville	2.10
Paducah	1.85
Memphis	2.10
Central Arkansas	1.94
Fort Smith	1.95
Southwest Plains	1.98
Texas Panhandle	2.25
Lubbock-Plainview	2.42
Texas	2.32
Greater Louisiana	2.60

"Marketing Areas Subject to Order	Minimum Aggregate Amount of Such Adjustments Per Hundredweight of Milk Having 3.5 Per Centum Milkfat
New Orleans-Mississippi	3.10
Eastern Colorado	2.30
Western Colorado	2.00
Southwestern Idaho-Eastern Oregon	1.50
Great Basin	1.90
Lake Mead	1.60
Central Arizona	2.52
Rio Grande Valley	2.35
Puget Sound-Inland	1.85
Oregon-Washington	1.95

Effective at the beginning of such two-year period, the minimum prices for milk of the highest use classification shall be adjusted for the locations at which delivery of such milk is made to such handlers.".

(b) The amendment made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

By Mr. ROTH:

—Page 37, beginning in line 4, strike out "The Secretary" and all that follows through "Agriculture." in line 7 and insert in lieu thereof the following: "The Secretary of agriculture shall, in consultation with the International Trade Commission and the United States Trade Representative, conduct a study to determine what relief should be granted because of the interference of imported casein with the dairy price support program."

—Page 274, after line 12 insert the following:

TRADE LIBERALIZATION

SEC. 1132. (a) Congress finds that—

(1) the present high level of agricultural protectionism contrasts sharply with the general trade liberalization that has been achieved since the inception of the General Agreement of Tariffs and Trade (hereinafter referred to as "GATT");

(2) GATT procedures should explicity recognize the protective effect of domestic subsidies that alter trade indirectly by reducing the demand for imports and increasing the supply of exports;

(3) current rules make a distinction between primary and manufactured products, and this allows for agricultural export subsidies;

(4) the rule that permits export subsidies on primary products that do not result in inequitable market shares has proven to be unworkable; and

(5) a unified treatment of tariffs and subsidies would clarify trading rules for market participants and simplify trade negotiations.

(b) It is the sense of Congress that the President should negotiate with other parties to GATT to revise GATT rules so that agricultural export subsidies would be treated the same as tariffs and primary products the same as manufactured products.

Amend the table of contents at the beginning of the bill accordingly.

H.R. 2266

By Mr. RINALDO:

—Page 11, after line 25, insert the following new section:

SEC. 12. TRANSPORTATION OF UNOCCUPIED VEHICLES.

Section 103(3) of the Rail Passenger Service Act (45 U.S.C. 502(3)) is amended by inserting ", and, when space is available, of unoccupied vehicles" after "and their occupants".

EXTENSIONS OF REMARKS

THE KGB AND THEIR MAGICAL DUSTING POWDER

HON. WM. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I am shocked at this recent incident involving the use by the KGB of a chemical powder to track U.S. diplomats and others in Moscow. What is most disturbing is the fact that so little is known about the potentially harmful powder. Once again, the Soviets have chosen to ignore the health of innocent human beings in their vigorous pursuit of those who might be doing something they disapprove of.

As my colleagues well know, the Department of State recently announced that Embassy Moscow vehicles had been dusted with a powder that is used to aid the KGB in conducting surveillance of foreigners. Very little is known about the yellowish powder, NPPD, nitro-phenyl-pentadiene-aldehyde.

U.S. officials have said that NPPD, a synthetic chemical, had been discovered last year to be a mutagen or cancer-causing substance. Some Embassy employees have allegedly developed skin rashes, the possible result of contact with a heavier-than-usual concentration of the chemical.

The State Department is to be commended for its stern protest to the Soviets and the Embassy's rapid briefing of Embassy employees and others about the possible harmful effects of that substance. A State Department team was also dispatched to Moscow to collect samples from doorknobs, steering wheels, and other surfaces that might have been sprinkled with the chemical dust. The samples are now being tested in the United States.

I am not surprised that the Soviets have resorted to this technique and are apparently oblivious to the fact that the chemical, which the KGB concocted, could seriously damage a person's health. On many occasions, our Government has told the Soviets to stop beaming microwaves into the top floors of the American Embassy building in downtown Moscow. While the bombardment of the chancery had been reduced over the years, microwaves are still being directed against the building. As of this date, there is real concern in the United States about the long-term health damage which might be caused by exposure to large doses of microwave energy. In spite of our official complaints, the beams are still being directed at the Embassy.

While I sincerely hope that the upcoming summit between President Reagan and the Soviet leader, Mr. Gorbachev, is productive, I am concerned about the intentions of a country which authorizes the use of potentially dangerous chemicals on foreign diplomats and bombards embassies with microwaves. Although I believe that our two countries can have a relationship, I urge the President to be cautious in his dealings with Gorbachev and Company. Our President would also be well advised to lightly dust off his chair before setting down.

With these concerns in mind, I commend the following Washington Post article to my colleagues in the Congress.

[From the New York Times, Aug. 22, 1985]

AMERICANS GIVEN MOSCOW BRIEFING

500 RESIDENTS ARE SUMMONED BY STAFF OF U.S. EMBASSY, BUT QUESTIONS REMAIN

(By Serge Schmemann)

Moscow, Aug. 21.—American residents here were informed of assertions about the use of a potentially harmful chemical by the K.G.B. in an extraordinary series of briefings today.

In three separate one-hour sessions, about 500 diplomats, technicians, journalists, businessmen, teachers and other residents gathered in the ballroom of Spaso House, the Ambassador's residence, for information that few found assuring and none found sufficient.

The thrust of the information was that the K.G.B., the Soviet internal security agency, had intensified its use of the chemical as an aid in conducting surveillance of foreigners.

In the absence of Ambassador Arthur A. Hartman, the briefings were held by the chargé d'affaires, Richard E. Combs Jr., who said available information gave no cause for alarm.

But the information presented by Mr. Combs and by Dr. Charles E. Brodine, a State Department medical officer who flew here for the briefings, was too scanty to allay concern.

QUESTIONS BEING ASKED

A young mother asked whether her child could be tested for exposure to the substance. A journalist asked what specific places or things should be avoided. A woman recently arrived wondered whether the chemical could be included in preparations used by Soviet exterminators against cockroaches.

Others asked why the alarm was being raised now, if the use of the tracking agents had been known for years, and tests were conducted in 1984. Mr. Combs and Dr. Brodine said that a yellowish powder called nitrophenylpentadienal was being used increasingly by the Russians to keep track of foreigners' movements.

Laboratory analyses in Washington, they said, determined that the chemical was a substance known to cause genetic change. They said the substance was being used in minute quantities and its use was therefore probably not a cause for alarm.

Dr. Brodine said little was known about the properties of the compound and extensive tests were required to determine its actual effects. A team of scientists are on their way to the Soviet Union to begin testing, he said.

WASH WITH SOAP AND WATER

He advised the American residents to wash with soap and water and then with an alcohol-based compound.

Mr. Combs said no diplomats were known to have suffered from the chemical.

"Our hope is now to get some sense of how concerned we should be," he said.

Both he and Dr. Brodine said they had learned of the hazard over the weekend, but they declined to say what specifically had prompted their concern. In the past, Mr. Combs said, Soviet use of tracking agents had been "sufficiently erratic and infrequent" not to be considered a danger.

There is now evidence, he added, that usage was "more widespread than we thought" and had increased "significantly" over the past spring and summer.

Mr. Combs seemed to be speaking under tight security constraints. He declined to say how the Russians used the chemical, how the embassy had determined an increase in use, where it was most frequently employed, or how many people had been targets.

Though the medical danger was the first concern for the Americans here, the revelation of the existence of tracking agents appeared to offer yet another glimpse into the Soviet practices of surveillance in a system of institutionalized distrust in which foreigners are often considered potential spies.

"I was a bit scared to learn about that powder, but I was not surprised," a journalist's wife said. Most foreign residents here assume that their activities and conversations are being constantly monitored.

MICROWAVE INCIDENT IS RECALLED

The evidence over the years has been substantial. In 1976, the United States Embassy disclosed that the Russians were beaming microwaves at the embassy building, touching off concern of medical consequences. United States Government tests eventually found no adverse effects, but in November 1983, the United States again protested the use of microwave radiation.

In other publicized instances, embassy employees in 1952 discovered a microphone in the beak of a wooden American eagle presented by the Russians as a gift in 1945. Other mircophones were found in embassy walls during repairs in 1964, and last March it was disclosed that electric typewriters in the embassy had been bugged from 1982 to 1984.

Most foreigners believe that the few reported incidents are only a small portion of the enormous effort the Soviet Union puts into keeping track of foreign residents.

The revelation today that the Russians used tracking powders implied that internal security agents could determine not only where a foreigner was going, but where he had been, with whom he had met and what items he had handed over or touched.

But for those at the briefings in Spaso House, there could be little titillation at the discovery of another James Bond technique or concern over possible breaches of security.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"I have an infant child," a young mother said. "What should I do?"

WOODHAVEN-RICHMOND HILL VOLUNTEER AMBULANCE CORPS OF NEW YORK CELEBRATES ITS 20TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the Woodhaven-Richmond Hill Volunteer Ambulance Corps of Queens County, NY, for its 20 years of outstanding service to the people of Woodhaven, Richmond Hill, and Kew Gardens.

The ambulance corps is celebrating this important anniversary on September 20, 1985, with a gala dinner at Terrace on the Park, in Flushing Meadow Park. Mr. Speaker, the members and officers of the corps have many reasons to be proud on the momentous occasion of their 20th anniversary.

The ambulance corps sprung from the concern and selflessness of a handful of people in Queens County to begin its operations out of a tiny storefront building. Today, its membership has swelled to nearly 100 concerned citizens. At its own building in Woodhaven, its dispatchers answer calls for help from 9 a.m. to midnight every day of the week, sending the corps' two ambulances on missions of mercy.

Mr. Speaker and my distinguished colleagues, over the past 20 years, hundreds of men and women have given up their time and energy to answer their community's cries for help. They have answered that cry by saving lives of countless Queens residents.

Many of these volunteers hold down full-time jobs; like most American workers, they put in a hard day's work. But unlike most, they have committed themselves to further sacrifices of time, energy and love, so that trained crews of volunteers can race to the aid of a man, woman or child in pain or in need.

The Woodhaven-Richmond Hill Volunteer Ambulance Corps' contributions to the entire community of Queens have been invaluable. It is impossible to adequately thank these men and women, or to calculate the number of lives they have saved, the pain and distress they have alleviated, and the personal sacrifices they have so selflessly made in order to serve others.

Mr. Speaker, the ambulance corps performs a vital function in Queens. Its volunteers undergo a rigorous cardiopulmonary resuscitation program and first aid training program. Its youth corps—composed of teenagers from the ages of 13 to 17—gives young people an opportunity to study basic first aid training, answer emergency telephone calls, and experience the joy and fulfillment of giving to their neighbors.

I would like to take special notice of the volunteers' fine officers: Bob Sutton, president; Don Noccari, vice president; and Pete Montello, second vice president. In addition, the 20-year members who are receiving awards at the anniversary celebration, and whose many years of involvement and concern have nurtured this organization, are: Thomas Meehan, Robert Labas, and Vera Levine.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join me now in congratulating and commending the Woodhaven-Richmond Hill Volunteer Ambulance Corps on its 20th anniversary.

FARM AID RESOLUTION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, many years ago, Daniel Webster said: "When tillage begins, other arts follow."

That quote will come to life Sunday, September 22, when more than 40 musical acts appear in concert to benefit this Nation's farmers. Unfortunately, these artists are not following in the footsteps of the farmer but coming to his aid.

The Farm Aid Concert is a massive project, undertaken by Willie Nelson at Bob Dylan's suggestion. Twelve hours of music and telethon, performed live before 78,000 fans and broadcast coast to coast. The organizers must be congratulated.

But skeptics across the country are saying, "It won't help." They point out that the most optimistic projections of receipts from the concert would cover little more than 1 day's interest on the money owed by farmers.

That may be true, but isn't there more to this concert than the profits? I believe there is. Sure the concert won't solve all the problems, but 100 concerts couldn't. What our farmers really need is a better price, and the only place they can get that is right here in Washington—from the House, the Senate, and the administration.

What the concert can do for farmers is bring their message—and the severity of their problems—into the living rooms of Americans across the country. Urban residents will be able to see that farmers aren't getting rich from obsolete Government programs. They will hear that every dollar they spend in the grocery store does not end up in the bank account of a gentleman farmer. And they may begin to understand that the problems of the family farmer affect us all.

So the concert doesn't solve all the financial problems overnight. It could mean the beginning of something just as important—understanding the plight of the farmer.

SOUTH AFRICA: THE REALITY OF ITS LAW

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GARCIA. Mr. Speaker, yesterday's Washington Post had an article by Judge Nathaniel R. Jones on South Africa and the legal underpinnings of apartheid. Judge Jones captures the essence of the debate against apartheid when he states:

Those in this country who, for practical reasons, argue against the application of external pressures against South Africa need to consider the reality of apartheid. There is more involved than jobs and something much more fundamental than the economic security of a relative handful of blacks. . . . It is a system that distorts human nature, as did American slavery.

I submit Judge Jones entire article for the RECORD, and I urge my colleagues to read it:

SOUTH AFRICA: THE REALITY OF ITS LAW

An American judge's report on the workings of apartheid:

It has become a ritual for some persons to preface their views on apartheid by noting an abhorrence of it. They then proceed to argue for measures that will ensure its continuation. That scenario rang in my ears during the eight days I recently spent in South Africa as a legal observer for the Lawyers' Committee for Civil Rights Under Law at proceedings held in connection with the treason trial of 16 members of the United Democratic Front.

As I thought about those disclaimers I also recalled President John F. Kennedy's famous Berlin Wall exhortation: "Let them come to Berlin." To those who view apartheid as merely a word, I kept thinking, "Let them come to South Africa."

I saw the apartheid laws applied in the raw, as well as the effects of their long-term enforcement. It is more than a word. The picture I saw is a disgrace to a civilized society. I am amazed that it has taken the United States and other "civilized" nations wedded to the rule of law this long to call South Africa to account.

Included among the network of apartheid laws are the Population Influx Act and the Internal Security Act of 1982. The latter sanctions official conduct which deeply offends the American notion of fairness and due process by controlling movement by blacks, and it prohibits freedom of association and speech.

Under our Constitution the majority may rule, but the rights of minorities are protected. It is under the power the minority arrogates unto itself in South Africa that blacks are detained, tortured, banned and convicted in the courts for acts that our Constitution and Bill of Rights clearly protect. In the enforcement of the Internal Security Act, 16 officials of the United Democratic Front, a nonracial political umbrella organization, have been indicted for treason and terrorism. The indictment, consisting of 600 pages, accuses the defendants, of among other things,

Attending the Albert Luthuli Memorial Service, where Nelson Mandela was praised as being "the new symbol of hope for a better South Africa" and a prayer was of-

fered in which Mandela, Luthuli and others were referred to as "our heroes."

Attending various meetings where songs and slogans were sung and uttered, pamphlets distributed which are characterized as "revolutionary," "inflammatory" and "bellicose."

Issuing publications and pamphlets that are critical of the government and call for an end to apartheid.

Engaging in other forms of conduct that "embarrassed" the state.

Allowing themselves to be "used" knowingly or unknowingly, by organizations that have been outlawed.

For these actions the defendants are on trial for treason and terrorism, which could result in long prison terms or death.

The United Democratic Front publicly opposed a new constitution for a government that had no black participation and gave blacks no power or rights to participate. This opposition by the UDF was straightforward and open. But it brought that organization into conflict with the Internal Security Law enacted by a parliament in which the black majority population had no voice, and which was enforced by a government wedded to the notion of minority white domination.

The indictment has been attacked by the defendants' brilliant legal team. A highly regarded jurist, President Judge John Milne of the Supreme court of the Province of Natal, is presiding over this case. What must be borne in mind are the limited options available to a judge in the South African system. The contrast with the American system of justice is most striking. No judicial review of legislative enactments as unconstitutional. Parliament is supreme. No matter how unwise or offensive judges may find the laws to be, they are powerless to strike them down. Thus, they operate in a virtual straitjacket.

In the treason cases, the options open to Milne are to declare that the indictment is too vague, that the defendants have been impermissibly joined in the single conspiracy count or that the various counts of the indictment lack sufficient particulars to put the defendants on notice as to the charges against which they must defend. The judge can order the indictment dismissed or amended, and has since my visit issued his ruling; on balance it upholds the claims of the defendants. But none of his options has anything to do with the policy of the law or the merits of the charges.

Considering all of this, one is forced to again look at the laws enacted by parliament and their enforcement. The arbitrarinees inherent in the laws becomes all the more offensive. For example, Section 28 of the Internal Security Act permits preventive detention if it is suspected that a person is likely to endanger "the maintenance of law and order." Section 29 authorizes detention for interrogation for unlimited periods of time.

I talked to clergymen who were taken from their homes in the middle of the night by authorities, jailed and beaten. While in jail they were forced to review their recent sermons and to explain why they conducted funeral services for various persons in the townships. At the end of their detention they were warned by police to make no further references to President Botha or to Nelson Mandela. Mothers related the events surrounding the detention of their sons and husbands, whose whereabouts they still do not know. Homes were broken into, searched by police, occupants terrified and brutalized in the process of being detained.

I was one of a five-person party arrested by the South African police and charged with violating the Emergency Order by visiting a black township in Fort Beaufort. The brandishing of weapons by a dozen or more riot police was menacing enough, but clearly the most distressing event was the search the police conducted of the automobile in which we were traveling. They carefully examined the luggage and briefcases of my South African hosts for outlawed documents and literature. Had they possessed any, my friends would have faced serious charges and long prison terms.

The march is on in those townships for uprooting of the network of repressive apartheid laws and the installation of procedures that will build a legal framework more in keeping with norms of due process and equality.

Those in this country who, for "practical" reasons, argue against application of external pressures against South Africa need to consider the reality of apartheid. There is more involved than jobs and something much more fundamental than the economic security of a relative handful of blacks. What must be understood is that the system of apartheid is more than a word. It is a cruel system of life enforced by whips, police dogs, guns, detentions, arson, torture, disappearances and death. It is a system of life that distorts human nature, as did American slavery. To those who quarrel with this conclusion, I say, let them go to South Africa.

URGENT ACTION NEEDED ON TEXTILE BILL AND TRADE ADJUSTMENT ASSISTANCE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. EDGAR. Mr. Speaker, national attention is increasingly turning toward a problem that Pennsylvanians have experienced for all too long: The devastating effects of the flood of foreign imports not only on the national economy, but on our Nation's workers and their families.

This summer my support for both H.R. 1562, the Textile Apparel Trade Enforcement Act, and H.R. 1926, a bill sponsored by Congressman DON PEASE, to extend the Trade Adjustment Assistance Program, was further strengthened after I met with over 200 former employees of the Arrow Shirt Co. in Lewistown and Elysburg, PA. While the suffering of these communities is tremendous, they are not alone. Workers and their families in small communities like Lewistown and Elysburg all across this country are the real victims of the trade crisis.

As policymakers, we realize the necessity of acting now to preserve our Nation's industrial base before it is too late. And I call my colleagues' attention to the equally devastating human toll of the present trade crisis. I think that the human cost presents an additional convincing argument for enacting both H.R. 1562 and H.R. 1926. I insert for the RECORD the testimony of Eleanor "Ellie" Kuhns of Shamokin, PA, in support of the Textile and Apparel Trade Enforcement Act and the extension of trade adjustment assistance:

I would like to thank the Textile Caucus of the House of Representatives for the opportunity to come talk to you today about one of the most distressing problems facing our nation—imports, and the toll they are taking on U.S. textile and apparel workers. I've come to ask you to pass H.R. 1562, the Textile and Apparel Trade Enforcement Act.

The major industry in our area of Pennsylvania since the anthracite coal mines closed has been the garment factories, and now even that is being taken away from us. The Arrow Shirt Company, which was my bread and butter for 24½ years, closed their doors in May 1985. Just a year ago, the two Pennsylvania plants took top honors for quality and production. Workers were lauded and praised to high heaven, and now we have nothing. Nearly 1,000 people were thrown out of work when imports closed the doors of the Arrow Elysburg and Lewistown plants. Dedicated employees were discarded like broken down machines with very little notice, no time to adjust, and no other place to go because garment factories have been closing one after the other for the last decade or so.

Workers are victims of a flood of imports, left twisting in the wind by a government who does not see things in terms of human beings but makes decisions on a maze of statistics which do not show the empty supper table or the cold house because there isn't enough money to heat it. Work hasn't been plentiful these last years. Workers had days off each week or didn't work 8 hour days because of imports taking their work away. So, their unemployment benefit rates are low, and often benefits are already drawn out when a plant finally closes. Sometimes, only 2 or 3 weeks of unemployment benefits remain.

Take a look at these headlines from our local paper. Looks marvelous, doesn't it? "Labor Department to help Arrow Workers". What the article doesn't tell you is that the seasonal workers who have exhausted their unemployment benefits have signed for as many as 5 weeks of benefits on Trade Adjustment Assistment and still haven't received a dime, and don't know how long it will be until they do receive anything. The Trade Adjustment Assistance Program, unless extended, will die on September 30th. The majority of the workers' unemployment benefits won't run out until October or November. If T.A.A. is not extend, this wonderful headline is worthless to these workers. The program will be dead before they're eligible to collect anything or get any training.

I could go on endlessly about my many coworkers and friends who have lost their jobs because of imports. But let me tell you of the trauma and heartache of just a few.

Ruth Ann lost her job in November 1984, when the Shamokin Dress Company closed because of imports (250 jobs lost). In April 1985, her husband, Joe, lost his job when Arrow Shirt Company closed because of imports. For a year and a half now their 18 year old daughter, Joann, has had cancer. With surgery and chemotherapy their medical bills have been high and not totally covered by insurance. Joann gets extremely severe headaches, convulsions, hallucinations, and has recently started getting chest pains. Joe's health insurance terminated in August. Their other daughter, Maureen, 21 years old, had surgery in July for a malig-

nant growth, cancer in the lymph nodes, and needs chemotherapy for 8 months. A recent check-up shows high levels in the liver area, and she has to go for a liver scan.

Put yourselves in this family's position, Congressman. They've been denied medical assistance because their unemployment income to too high. Ruth Ann receives $80.00 a week, and Joe receives $160.00 per week. They've been trying to find work, but most of our garment factories are gone, and those that are left are only hanging in by a thread, and don't have enough work for those already on the payroll. Trade Adjustment Assistance for a family in this predicament would be like a miracle from heaven. It would give them extra months to find work, but only if Congress extends it.

The dispair and desperation is like being caught in a rat trap with no place to go and no way out. I wish all of you could come with me to Shamokin and Lewistown, and see the desperation of these people first hand.

Three weeks ago a newly-married young couple came to me and gave me an envelope with $470.00 in it and asked me to give it to Ruth Ann and Joe. She wasn't looking for any glory because she asked to remain anonymous. She said she and her husband collected this money from friends and co-workers and they put over $100.00 of their wedding money toward it. She said, "We don't really need it." Then she smiled and said "I mean we really do need it, but we have the things that we really need, and we feel that this family needs it more than we do." I had tears in my eyes when she left. If a young couple just starting out in life can feel the pain and desperation of people like this, why can't our President see it also, and do something about foreign imports that put Americans out of work?

Another worker lost her husband in an accident 4 months before the Arrow plant closed. She has a 29 year old son of normal intelligence, but he gets epileptic seizures and no one will hire him. She had worked steadily for 33 years and almost never collected unemployment benefits. The day she went to sign up for unemployment the full impact of how she and her son would survive hit her. She began to tremble like a leaf, momentarily lost her vision, and couldn't remember her name. Instead of sympathy she was told, "You're not available for work in this condition. You should be on disability." She was refused unemployment benefits. So, with all her problems, she now had the expense of a doctor she could ill-afford. Until the doctor would give her a statement that she was available for work, she was denied benefits.

One worker has a mental problem which was always kept under control with therapy. What happens to her now with the stress of no job, no medical insurance, and no hope?

Another friend, because of a broken ankle, lost time from work, and when she was available for work again, there were short weeks because of imports. Now because of this, when the plant closed her unemployment rate was low. She had to sell many of her personal possessions at a yard sale, so she can meet her monthly expenses. When that's gone she'll have to sell her car also. She's 58 years of age. She doesn't know who will hire her with so little of the garment industry left, and how she will manage to survive until she's 62 and can collect her Social Security.

Some of these workers are full of rashes that look like measles—caused by nerves—knowing they probably can't find work, not knowing it T.A.A. will be extended. They're half crazy with worry. Some cry themselves to sleep at night, others just sit in a rocking chair, rocking the night away because they can't sleep.

The young ones have mortgages on their homes. Even with their youth there are no job available to them.

When Uncle Sam said "I need you", Larry proudly answered his country's call. It was rough going into battle, but Larry did his duty. Now, at age 60, he has lost his jobs because of imports. Now he's telling his country, "I need you. Please control imports to save jobs."

One woman lost her husband several years ago. Now she's 50 years old and has a retarded daughter. How are they going to survive?

Another woman is throwing up after every meal. She knows her chances of finding work are about zero. How will she live after her unemployment benefits run out?

Some of the seasonal workers whose unemployment ran out thought they were eligible for T.A.A., at least until the end of September, but found out they were rejected because they only worked 25 weeks (because of lack of work), and 26 weeks of employment are required.

Some of the people laid off at Arrow are so worried that when you speak to them, their minds are wandering, and they're not alert like they were when they were working. Some have already had their phones disconnected. They can no longer afford them. Others are preparing to sign their homes over for welfare when their unemployment runs out—homes they worked hard to pay for. Only a dozen or two in each plant have been able to find other jobs since the plant closed in May. There was a job open for a seamstress about 30 miles from home. Three hundred people applied for that one job.

More than 35 percent of the Arrow workers were 50 years of age or older when the plants closed. They've never done any other work. They're probably too old to find another job, too young to die, and years away from Social Security benefits.

Another woman worked and kept her unemployed husband for 2 years. He passed away recently and now, at age 57, she lost her job. She has excruciating pain with a hip injury, but is afraid to have surgery because she worries about the bills. She took care of her husband and now there's no one to care for her.

Arthur worked until the last day work was available at the Arrow plant. He appeared to be in good health. Two weeks later he was dead of a heart attack.

Some of the workers have broken up their homes and moved in with their children. What kind of life will they have when their sons-in-law and daughters-in-law get tired of the strain?

I wish you could see some of them checking out their grocery order. Two marrow bones with a speck of meat on them to make some soup. These people are facing a future with virtually nothing unless you help them.

The garment industry has dwindled to about two million workers. If we don't roll back apparel and textile imports now, before we lose more of those jobs, we could find even our servicemen at the mercy of the enemy in time of war for their uniforms, shoes, etc. Common sense dictates a country should remain self-sufficient.

I do not think it's too harsh a term for me to say that the flood of imports into this country is nothing short of economic murder—economic assassination of the American workers who have worked loyally, committed, and hard. Our own government in not controlling imports has not returned that loyalty to its citizens.

Plant closings bring out violence in people who are ordinarily easy going, because of stress and trauma, the fear of losing the family home, the fear of going hungry, the termination of health benefits at a time when they're needed the most. Stripped of all dignity, the feeling of failure creeps in. These people desperately need help.

We're proud people who have always worked hard. We don't want handouts. It hurts our pride. We want jobs so we can earn our way. When I suggested to Sam, who was laid-off, to seek medical assistance for his medical problem, his face flushed and he looked like I had struck him with lightning. It was against everything within him to seek help. He was proud to have always earned his way in the past.

It's a complex problem and I commend you for having this meeting and for pushing for passage of the Textile and Apparel Trade Enforcement Act. I pray that all of you and President Reagan will see us as human beings, not as statistics, and help us. Our fate is in your hands. Treat us kindly and God will reward you.

It is hard for anybody to go to bed at night and sleep knowing that our government is permitting these conditions to exist in America. The human cost of uncontrolled imports is too high a price to pay.

MORE HARASSMENT IN EAST GERMANY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, once again, Soviet soldiers have deliberately rammed a United States military vehicle in East Germany. Provocative actions as this one can only further strain relations between our two countries and worsen the overall diplomatic climate as we near the November Reagan-Gorbachev meeting.

In spite of promises to avoid further incidents involving legitimate United States military observers in East Germany, the harassment of United States personnel has increased.

The latest incident involved a United States military vehicle which was intentionally bumped by a Soviet vehicle. United States personnel attempting to repair their vehicle were pushed back in the truck and were then held there at gunpoint. It is important to note that the United States vehicle was in an area which is open to inspection under a 38-year-old agreement.

As with other incidents, this action was clearly unprovoked. I believe that United States observers assigned to the United States military liaison mission in Potsdam play by the rules. An investigation has shown that there was no possible justification for the brutal murder of Maj. Arthur D. Nicholson. Nor was there any possible reason why other dangerous incidents occurred since that tragedy. Our President is

to be commended for showing restraint in responding to these imprudent Soviet acts.

While Mr. Gorbachev talks of peace and understanding, Soviet actions belie their words. Peace and good relations are developed through confidence-building measures and not by harassing observers during this sensitive period in the United States-Soviet relationship.

With these concerns in mind, I commend the following Washington Post article to my colleagues in the Congress.

[From the Washington Post, Sept. 16, 1985]

TWO GI'S HELD BRIEFLY IN EAST GERMANY

(By Milton Coleman)

Defense Department officials said yesterday that Soviet troops in East Germany deliberately bumped a U.S. military vehicle on duty there Sept. 7 and detained two U.S. soldiers in it at gunpoint for up to nine hours before releasing them unharmed.

The Americans involved were members of the same liaison unit as U.S. Army Maj. Arthur D. Nicholson Jr., who was shot and killed by a Soviet sentry March 24 while trying to photograph Soviet military equipment in a garage-like storage shed near Ludwigslust, about 100 miles northwest of Berlin.

Defense Secretary Caspar W. Weinberger confirmed the latest incident—the fourth this year between Soviet troops and U.S. or British soldiers—in a television appearance in which he sharply criticized the alleged treatment of the Americans.

Weinberger referred to only one person, but Pentagon officials said two Americans, both unarmed, were in the "truck-like" U.S. vehicle, which was leaving a Soviet communications site in the southwestern corner of East Germany. Neither U.S. soldier was identified.

"The Soviets bumped his truck deliberately when we were where we were supposed to be and doing what we are permitted to do under a treaty that's some 40 years old," Weinberger said on CBS-TV's "Face the Nation."

"When he attempted to get out to fix the truck, they pushed him back into the truck and held him at gunpoint, detained him for roughly nine hours and generally behaved in the same way which they did in the incident in which Maj. Nicholson was killed and murdered," Weinberger said.

The United States has protested the action to Soviet authorities but has not received "anything very positive" in response, Weinberger said.

The Nicholson incident, which President Reagan termed an "unwarranted tragedy," sparked a long and bitter exchange between U.S. and Soviet officials, including U.S. demands for an apology and compensation for Nicholson's family. An assistant military attache at the Soviet Embassy here was expelled in the wake of the controversy, and the United States took no official part in some World War II commemorative observances involving Soviets.

Weinberger said yesterday, however, that he did not think that the latest incident would affect Reagan's scheduled summit meeting in Geneva Nov. 19-20 with Soviet leader Mikhail Gorbachev. "You just have to recognize that this is Soviet behavior," the secretary said. A White House spokesman had no immediate response yesterday.

In response to a question about why the incident was not announced shortly after it occurred, Weinberger said, "We're trying our best to get the condition corrected. We aren't interested in publicity." He said the administration was not trying to keep the incident quiet.

Weinberger said that after the Nicholson incident, top Soviet military officials in East Germany had said they would "tell their people not to use force, and either they're not keeping those promises or they have a very poorly disciplined unit."

The "promises" to which Weinberger referred have been disputed by Soviet leaders. They have insisted that in meetings following the Nicholson incident they have not "renounced the right to take legitimate steps provided for by the military manuals," as reported by State Department officials.

They contend that at the time of his death, Nicholson was operating outside the bounds of the 1947 accords that allow each side access to the other side's occupation area, and was shot because he was an "unknown intruder."

The accords, set up at the close of World War II by the four Allied powers, allow each side to have an outpost manned by up to 14 members and conduct surveillance activities sometimes described as "licensed espionage." The U.S. operation is based in Potsdam in East Germany, just outside Berlin.

Defense Department spokesman Robert B. Sims said yesterday that the Sept. 7 incident occurred at about midday German local time as the U.S. vehicle attempted to leave a Soviet communications site in the Suhl area, about 100 miles southwest of Leipzig. The U.S. vehicle was not in a restricted area, Sims said.

The U.S. vehicle "became entangled or stuck. That's when the ramming or grazing or whatever the Soviet truck did occurred. . . . When it became immobile, the Soviet truck approached at a high rate of speed and hit our vehicle," Sims said. "Then Soviet soliders surrounded it, directing our people to remain inside."

Later, the Soviets towed the immobilized American vehicle to another site and photographed it. It was subsequently returned to the custody of the Americans, who spent two hours repairing it and then left, Sims said. The nine hours referred to by Weinberger may have included the repair time, he said.

The incident was the second involving the two military missions since the one in which Nicholson was killed. On July 13, Col. Roland Lajoie, the commander of the U.S. unit, was injured when his car was rammed from behind by a Soviet vehicle near Satzkorn, outside Berlin.

[The Associated Press quoted an unnamed administration source as saying it was unclear if the U.S. vehicle "was in a place it was supposed to be," and that a Soviet commander who came to the scene had "apologized profusely" for the latest incident. Weinberger may have "overdramatized what happened," the AP report quoted the source as saying.

[Sims told The Washington Post in response that he knew of no such apology and that it had taken six hours "for someone in authority" to get to the scene. "It sounds as if they're a bit mixed up," Sims said of the source's comments.]

In his television appearance yesterday, Weinberger also said, "I don't think the president has any intention of making the Strategic Defense Initiative a bargaining chip" in arms control talks with the Soviet Union.

This came in response to a question concerning a possible agreement under which the Soviets would make deep reductions in their strategic weapons and missiles in return for a U.S. compromise on the defense initiative, a satellite-based anti-missile program.

"The president has put before the world the most hopeful concept that mankind has seen, and that is the Strategic Defense Initiative . . . . It is vital that we continue this work," Weinberger said. "The president, to the best of my knowledge, has no intention of taking away from mankind this hope that he has placed before them."

HUMAN RIGHTS ARE IN NEED OF PROTECTION EVERYWHERE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. BENTLEY. Mr. Speaker, we sometimes tend to think that the latest headline about riots in South Africa or alleged brutality in Central America tells us the whole story of the violations of human rights in the world.

Unfortunately, there are other places where the abuse of power tramples on human rights. During the summer, the Baltimore News American, a daily newspaper distributed in my district, carried a poignant account by a writer with deep roots in Cyprus of the cost in human rights of the occupation on that tragic island. I offer that article by Eleni Venetoulis so that we may all remember that human rights are to be protected wherever they may be at risk.

[From the Baltimore News American, July 24, 1985]

TINY CYPRUS IGNORED IN ITS AGONY

(By Eleni Venetoulis)

This is Tom Brokaw reporting from Cyprus . . . Pierre Salinger reporting from Cyprus. . . . As I switched the dial on my television set listening for news on the TWA hostage crisis, I hoped against hope that one of the jounalists might alude to the irony of Cyprus—a country being held hostage helping other hostages.

Of course nothing was mentioned.

Since the summer of 1974, when the Turkish army stormed into Cyprus and occupied 40 percent of the land, Cyprus seldom has been considered except when foreign aid for Turkey is before Congress, or when there is a crisis for which Cyprus can provide nonmilitary assistance. For years American spy planes were allowed to use the British base at Akrotiri (by Cypriot government consent) to monitor the Middle East cease-fire and gather intelligence. The Republic of Cyprus provided temporary homes for Lebanese refugees beginning in 1975; it served as a transit point for the arranged withdrawal of the PLO from Beirut in 1982 and for U.S. Marines after the Beirut Embassy bombing.

But tiny Cyprus, the size of Connecticut, with 82 percent Greeks and 18 percent Turks, and the same population as Baltimore County—650,000—is more than a transit point. Cyprus has been around since 3700 B.C. and is the birthplace of Aphrodite, goddess of love and beauty. It also has been my family's home for 300 years; and although my parents bade adieu to their village of Karavas to come to this country, the attachment to Karavas has remained forever a

sense of place for me and for my children and hopefully for their children.

But forever ended with the Turkish invasion of July and August 1974.

I remember that summer of 1974 as if it were yesterday. My husband was running for Baltimore County executive, and in the midst of the campaign we heard the shocking news of the invasion . . . of the murder of my mother's sister and her husband, leaving nine children orphans—the youngest 4 years old, the age of my son, Daki. It was not easy concentrating on the campaign after that. There were missing relatives to locate, blood to give, clothes to collect, demonstrations to attend—and trying desperately to call attention to the plight of Cyprus.

I campaigned every day wearing a button with the island of Cyprus on it; blood dripped over the 40 percent of the land occupied by the Turks. The message was simple: "Never Forget." I hoped one of the press people would ask why I was wearing the button. No one ever did. After my husband won the election some reporters wanted to interview me. I said only if you mention Cyprus. They were not interested.

That's the way it's been for 11 years. The Turks still occupy 40 percent of the land and still have 30,000 troops in the occupied area. Fifty thousand colonists from mainland Turkey are now living there; 1,619 Greek Cypriots are missing or dead—eight of them American citizens; and there are still 200,000 refugees, including my family

Meanwhile, beautiful Karavas, cradled against the Kyrenia mountains—landscaped with orange and lemon trees, almond and peach blossoms, olive groves and gentle people—no longer exists. Every trace of Hellenic heritage has been erased. The Turks have changed the names of every street and village; they use Turkish mainland money; they have even changed the time to coincide with the Turkish mainland.

They have physically erased my heritage—but not my memory. The Kyrenia range was the greenest and most beautiful part of the island, belonging to another world; the world of the 16th century. Walt Disney, who searched the world over for the perfect castle for his film "Fantasia," found it in Cyprus—the Kyrenia castle.

The injustice of a NATO country, Turkey, preventing me from taking my children to see their rightful heritage angers me, as does the fact that Cyprus is on the bottom rung of our foreign policy and off the front pages of the papers—until the next Middle East crisis.

Perhaps the civilized path to justice could be better paved by the media, by such esteemed journalists as Tom Brokaw, Peter Jennings and Dan Rather, by their educating and updating their audience about injustices before the injustices of terrorists and murderers update and educate us.

WHAT'S WRONG WITH BEING FAIR?

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BRYANT. Mr. Speaker, the Federal Communication Commission has recently announced its desire to abandon the 36-year-old policy called the fairness doctrine, which has helped guarantee, insofar as possible, the application of the first amendment to the limited number of radio and television frequencies which ultimately belong to all the people of the United States, not just the holders of lucrative broadcast licenses.

Newton Minow, the thoughful and public-spirited former chairman of the FCC who justly criticized the television of the 1960's as a "vast wasteland," recently wrote a compelling argument for retention of the fairness doctrine, which has time and again been endorsed by the Congress and the courts.

As a member of the Energy and Commerce Subcommittee on Telecommunications, Consumer Protection, and Finance, I am pleased to call to the attention of my colleagues and the public Mr. Minow's veiws, which were published in the New York Times:

[From the New York Times, Aug. 27, 1985]

BEING FAIR TO THE FAIRNESS DOCTRINE

(By Newton N. Minow)

CHICAGO.—For 36 years, the Federal Communications Commission has enforced a policy known as the Fairness Doctrine, which requires broadcasters to "provide reasonably opportunity for the presentation of contrasting viewpoints." Congress and the courts have repeatedly endorsed the Fairness Doctrine as advancing public debate and the values of the First Amendment.

This month, however, the F.C.C. announced its current view that the Fairness Doctrine no longer serves the public interest and is now "misguided government policy." As a former F.C.C. chairman, I suggest that what is misguided is current commission policy.

My views on the Fairness Doctrine are personal. As a former chirman of the Public Broadcasting System and as a chairman director of CBS, I acknowledge that my views do not reflect those of either PBS or CBS. But both institutions honor the First Amendment, even for their directors.

To make the case for the Fairness Doctrine, I suggest a specific example. Let us examine the recent case of one radio station, KTTL, in Dodge City, Kan. Without disclosing its sponsors, KTTL broadcast 264 hours of programs attacking Catholics, Jews, blacks and public officials. Some of the programs included incitements to violence. Here are some samples: "If a Jew comes near you, run a sword through him. . . ." "Blacks and brown are the enemy. Jesus Christ is a white man's God. . . ." "Your citizens posse will hang [a public official] by the neck and take the body down at dark. . . ."

About ten minutes of contrasting views were broadcast on KTTL—a ratio of about 1,600 to 1.

Citizens of Dodge City complained to the communications commission that KTTL was not living up to its fairness responsibilities. Despite the complaints and Congressional inquiries, KTTL still has its exclusive broadcast license. The F.C.C. has since decided to hold a hearing, but it continues to oppose the Fairness Doctrine and has omitted the fairness issue from the KTTL hearing.

Why? As its basic reason, the F.C.C. states that the premise underlying regulation of the broadcasting industry—the scarcity of broadcasting channels—is no longer valid. Now that there are more radio and television stations than newspapers in many communities, the F.C.C. reasons, there is no longer any scarcity and no need for governmental regulation of a "scarce" broadcast resource.

This argument is disingenuous. In the last few years, The Washington Star, The Chicago Daily News and The Philadelphia Bulletin all went out of business. No new newspapers took their piace. By contrast, when the F.C.C. made RKO's channels available for competitive application, it quickly got 172 applications, each applicant arguing, "Give the license to me, and turn down the other 171." And when the communications commission decided to permit new low-power television stations, it was inundated by almost 14,000 applications.

The test of scarcity cannot be measured by the number of newspapers. The proper test is the number of citizens who want a broadcast license and are unable to obtain one. At that point, a decision must be made as to who is to be allowed, and who denied, the exclusive license to use the channels. Scarcity still exists when channels are not available to all. And as long as scarcity exists, the need for some measure of regulation will exist.

Most Americans get most of their news and information from radio and television. Most broadcasters, consistent with their own standards as well as the Fairness Doctrine, provide their viewers and listeners with balanced presentations of controversial issues. The Fairness Doctrine stops no one from speaking; it simply encourages that all sides be heard. How can this policy harm the public?

Despite the current F.C.C. view, I doubt that the Fairness Doctrine will be abandoned. Congress and the courts will, in my judgment, have the good sense to continue equating fairness with the public interest. For it would turn the nation on its head if we rewarded unfairness with the public trust. If unfairness in broadcasting is what we want and value, the sole guardian of the public interest becomes KTTL.

POLICY PARALYSIS FOR ACID RAIN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a forceful and insightful op-ed article on acid rain by Colman McCarthy that appeared in the September 14 Washington Post. The op-ed, entitled "The Continuing Scourge of Acid Rain," underscores the fact that we can no longer afford to wait in implementing a national acid rain control program.

Mr. Speaker, 10 years ago, acid rain was a problem for scientists and theorists. There is now no doubt that acid rain has damaged our Nation's streams, lakes, rivers and forests and is threatening our ecological system. Countless studies have shown that our Nation's natural resources are endangered by EPA's policy of inaction where acid rain is concerned. For a number of years, EPA has been content to simply research the problem without putting forth a solution.

As a member of the Energy and Commerce Subcommittee on Health and the Environment which has jurisdiction over acid rain issues, I have followed closely the debate on various proposals for a national acid rain control program. For the past two Congresses, I have cosponsored an approach introduced by Congressmen UDALL and CHENEY, H.R. 2679, which calls for a 10 million ton reduction in sulfur dioxide for 31 States by 1996.

Rather than creating a national tax to finance the clean-up and further burden the ratepaying public with higher utility bills or taxes, the Udall-Cheney approach requires that the primary clean-up cost be borne by the polluters. The "polluter pays" approach is coupled with allowing utilities the right to choose the least costly and most effective method of reduction whether it be installing scrubbers, coal washing, or switching to a lower sulfur content coal.

There is clearly a need for a national acid rain control program and I was disappointed by the administration's denial of rumours yesterday that a reduction program was being considered. I commend the following article to my colleagues' attention and urge their support for action on acid rain:

THE CONTINUING SCOURGE OF ACID RAIN

CHARLESTOWN, R.I.—For Kenneth Borst, waterways like the Perry Healy Brook are where he would rather fish for trout than for facts. The brook courses through a viridescent woodland about a mile north of the Atlantic coast in an area of beauty that has been home to the Narragansett tribe for centuries. Acid rain is destroying Perry Healy Brook.

Late the other afternoon, Borst, a professor of chemistry at Rhode Island College for the past 22 years, took a visitor a hundred yards off a backwoods road to a bend in the brook. A fallen log extended across the five feet of water. In his hand, Borst held a chartbook in which one page was devoted to the acidification findings of a citizen who monitors the brook.

For the past year, Borst has been the leader of an environmental project that regularly samples water from 38 streams and ponds in Rhode Island. Two of the 38 are acid dead. Eleven, including Perry Healy, are critical. Nineteen are endangered.

Borst, a fisherman who throws back his trout "because they are too valuable to be caught only once," lingers in the woods to talk about the scourge of acid rain: "Looking at this from a Rhode Island point of view, we're being dumped on, in plain language. Ohio is the principal culprit. Its plants are the biggest supplier of acid rain here. It would be nice if we could say, 'Ohio, clean up your dirt,' but it won't happen. The utilities and lobbies will cry that it's too costly."

The cry has been heard for years. So has another one: More study is needed. Borst and his volunteers took that to heart by taking to the woods. They learned locally what has been well documented nationally—that acid rain, which is mostly oxides of sulfur and nitrogen, is a threat that is getting worse each year.

It isn't only waterways and forests. A new study from the Environmental Protection Agency and the Army Corps of Engineers reports that acid rain is corroding buildings. It found that about $5 billion worth of structural damage in 17 states occurs annually.

Last October President Reagan promised to "continue as fast as we can with research" on acid rain. Speediness isn't needed. The research was on hand when Reagan came to office. It was in 1980 that the public began learning about acid rain from the studies done in the 1970s. Five years ago, the Adirondacks of New York were a disaster area of lakes turned sterile by acid rain. Part of the reaction then was; what's the uproar? It's only a few fish. That echoed the line from the oil spills of the 1970s: it's only birds.

The devastation of acid rain begins with the killing of algae and plankton, natural fish foods. The fish are food for such wildlife as otter, mink and waterfowl. While the fish die and the animals starve, tree and crop growth are slowed. And now, with buildings being damaged, the question is, what's next?

Clean air, once thought to be free like the moon and stars, is now known to be costly beyond anyone's earlier estimates. In 1980, the Audubon Society of Rhode Island pledged to "insist that the controls on acid-emitting industries be tightened, and understand that there will be a continuing economic price for this. It is not, and will not be, easy to convince most people that anything is happening when they can't see it and the industrial and job market is immediately affected by controls."

Congress is among the unconvinced. In this session, two acid-rain control bills were introduced in the Senate and House. One required that sulfur-dioxide emissions be reduced by 10 million tons over a 10-year period, the other by 8 million. Both bills were defeated. Enough acid can be found in streams of Rhode Island to load batteries of every limousine on Capitol Hill, but the political power of the utilities remains greater than that of the environmentalists.

In the courts, six northeastern states brought suit against EPA to require polluting states to reduce their emissions. The Clean Air Act, taken lightly by EPA, provides relief for states wanting to protect themselves from pollution that floats in crosswind. In late July, a federal judge ordered the agency to obey the law.

The news this summer is the confirmation that acid rain isn't only a curse on New England. Lakes in the Rockies, Sierras and Cascades have been declared vulnerable to poisonous emissions from smelters up to 600 miles away. Florida's lakes were found to have high acidity.

None of that surprises Prof. Borst. He has been saying all along that the expenses of stopping acid rain must be shared by the whole nation. Tiny Rhode Island, the worst hit, ought to be among the first to get relief.

SKYROCKETING TRADE DEFICIT POSES DANGER IN NEAR FUTURE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, our Nation is in the midst of a crippling trade crisis. The continuing massive trade imbalance between the United States and our trading partners has already taken a devastating toll on American agriculture and industry and threatens to inflict even more serious damage on our entire economy if it is allowed to continue. We face a growing trade deficit with almost all of our trading partners and we're told to expect an unprecedented trade deficit totaling $140 to $160 billion this year.

Clearly and unquestionably, we are a Nation in trade trouble. While our trade deficit has increased from $24.1 billion in 1980 to $102.1 billion last year, administration officials have been content to placidly sit and watch our trade deficit increase by 400 percent. Only recently have officials of the Reagan administration been willing to even admit that a trade problem does exist.

As a result of the administration's do-nothing policy, public and legislative concern about our national well-being has exploded as the U.S. trade deficit has skyrocketed. The American people and Congress know our farmers and U.S. industry aren't able to alone defend themselves against unfair foreign restrictive trade practices. Because of this administration's three-part "policy" of "see no trade problem, speak no trade problem, and hear no trade problem," what has been needed, but is missing, is an effective response by our Government to the trade crisis.

The Trade Emergency and Export Promotion Act, which I am cosponsoring, provides this response. This legislation mandates the use of our farm surplus to combat foreign farm subsidies; imposes a standby 25-percent duty on imports from nations which do not eliminate unfair barriers to U.S. exports by October 1986; requires all funds raised from these new standby duties be used exclusively to reduce the Federal deficit; requires administration action to redress unfair trade policies directed by Japan, the European Community, and other nations against the United States; and strengthens the position of the U.S. Trade Representative.

Foreign nations have told us they need time and more time to make necessary adjustments in their trade practices. We are asked to be patient. We are patient. We have been patient. But our patience has not been rewarded. Japan proudly proclaims restrictions on imports are being reduced, reduced on products like mink coats, electric rice cookers, and swellfish. And while we wait patiently, other nations continue to increase their exports, while U.S. exports continue to dwindle. Korean exports have risen by 16 percent in the last year alone, while U.S. farm exports are now projected to decline to a 6-year low of $32 billion, down 16 percent from more than $38 billion in 1983–84.

As a nation, we are teetering on the brink of a full-fledged economic disaster fueled by continuing massive trade imbalances. If our trading partners want to continue freely sending their products to our shores, the barriers they have erected to our products must be dismantled. Balance in our international trade must be restored.

The Trade Emergency and Export Promotion Act will put our trading partners on notice that the United States will no longer

tolerate a double standard in international trade. It will also provide a forum for justified retribution if these trading partners do not respond to our ultimate.

I will work hard with the House leadership to schedule this legislation for timely action by the full House, and I urge my colleagues to join this effort.

TERROR IN CENTRAL AMERICA: A HANDY TOOL FOR THE LEFT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, it comes as no surprise that leftists in Central America are increasingly resorting to terrorism to attain their goals in that war-torn region. They, not unlike their mentors in the Soviet Union, believe that terrorism is a tool which can be used to topple legitimately elected governments. In recent days, they have even chosen to kidnap the innocent daughter of President Duarte as part of their strategy to bring down that democratic government and install dictatorships of the left in Central America.

Communist ideology includes the use of terror to win the goals and objectives of the masses. Over the years, the Soviets and their Eastern European brethern have resorted to training terrorists, practicing terrorism themselves and cleverly using terrorism as an instrument of state policy.

Terrorist acts have increased in the urban areas of El Salvador as the Communist guerrillas have begun to falter in the countryside.

In recent months, Salvadoran civilians have been killed along with four U.S. Marines assigned to protect the American Embassy in that country. More often than not, the left is killing innocent Salvadorans, the very people the left claims it wants to help.

While much progress has been made in controlling the violence of the right wing death squads in El Salvador, leftist terrorism appears to be increasing and becoming even more mindless than before.

I am gratified to see that the administration is carefully beginning to assist our friends in Central America with programs to combat terrorism. The Department of State's Anti-Terrorism Assistance Program is noteworthy in this regard. While the terrorism problem will not disappear overnight, we have made a good start that should produce results in the next few years.

With these thoughts in mind, I recommend the following Washington Post editorial on the subject of terrorism in El Salvador to my colleagues in the Congress.

[From the Washington Post, Sept. 15, 1985]

TERROR ON THE LEFT

Terrorists kidnapped Napoleon Duarte's daughter last Tuesday, a cruel stroke intended, the Salvadoran president suggested, to make him lose his "serenity." It could turn out to be the latest desperate act of the guerrillas, who increasingly reluctant to take on the army in the countryside, have moved in to terrorize the cities. The murder last June of a group of Salvadoran civilians, killed in the attack that took the lives of four American Marines, brought the new tactic to foreign attention. That attack also provoked the guerrillas' civilian front to criticize such acts for their "negative political effects" abroad and in El Salvador.

The human rights issue in Central America is being partially turned around. Formerly, almost all the known atrocities were committed by or at least attributed to the right. The left fanned the issue and tried to make controlling the right the test of a regime's worthiness. Government and elements of the right have not since become angels. But they have been under American pressure to close down the death squads. Results have been substantial in El Salvador, inadequate so far among the Nicaraguan contras.

Meanwhile, however, terrorism of the left has become more evident, notably in El Salvador: not just devastation of economic targets but murders and kidnappings. It is not simply that the administration tries to shift people's focus. These are real events tending to undercut the left's earlier moral pose. Some human rights groups are starting to take this development into account. Some members of the Latin left, for reasons that include a keen concern for their credibility, are, too.

The United States cannot stop for a minute pressing its friends to improve on this score. This administration remains under a burden to show it is not soft on anticommunists in respect to human rights. Its latest idea sharpens the point. The administration wants to sponsor, in Costa Rica, an academy to teach the police forces of Central America modern and humane methods. The last American experience in training foreign police left Washington tainted as a teacher of torture. To dull the risk now, as some suggest, let Costa Ricans do the teaching.

The administration also has it in mind to resume military aid to Guatemala, if its November elections come off well. The Guatemalan military's rights violations lost its U.S. aid in the 1970s. Thus did Americans avoid further taint. Freed of the American connection, however, the Guatemalan military went truly crazy. The way to see whether a new connection with a civilian Guatemalan government is feasible is: very carefully.

NATIONAL ALL-TERRAIN VEHICLE SAFETY ACT OF 1985

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. CONYERS. Mr. Speaker, today, I am introducing H.R. 3325, the National All-Terrain Vehicle Safety Act of 1985. Since 1982, there have been some 265 deaths and 155,000 injuries caused by motorized three-wheeled tricycles commonly known as all-terrain vehicles [ATV's]. A shocking fact is that 22 percent of these deaths and injuries involve children between the ages of 5 to 12. Additionally, 46 percent of the fatalities and injuries are associated with children aged 16 years and under.

Sales of these popular vehicles have risen significantly over the past 5 years. In 1980, over 136,000 ATV's were sold, and a projected 780,000 will be sold this year. The number of ATV's will increase from the current 1.8 million to approximately 2.5 million by the end of this year.

As sales of all-terrain vehicles have risen, so have the rates of deaths and accidents, and these figures will continue to increase so in the future. For example, an estimated 28,000 ATV-related injuries were treated in hospital emergency rooms nationwide during the first quarter of 1985—80 percent higher than the estimated injuries treated during a same period in 1984. This represents a 7½ times increase in injuries since 1982.

ATV's are inherently unsafe, and their design structure, which includes the use of oversized soft tires, makes them very unstable and prone to flipping over backward, tipping over forward or sideways. The Consumer Product Safety Commission is currently examining the safety problems of ATV's, and among the options being considered is a total recall of all three-wheeled ATV's.

Most States have no age, licensing, and safety requirements regarding the use of ATV's, and children as low as 5 years old are permitted to operate them, despite the fact that one needs special skills to cope with the unique handling requirements associated with operating all-terrain vehicles.

Furthermore, some States consider these vehicles as motorcycles and permit them to be operated on roads. Even the manufacturers of all-terrain vehicles say that they were not intended for road use because of the design characteristices which make them unstable on paved roads.

Given the safety hazards associated with ATV's, there is no way that we can justify permitting children to operate them. Because there are few requirements for operating these dangerous vehicles, deaths and serious injuries have occurred, and unless something is done, they will continue to rise as the sales of ATV's continue to rise.

Mr. Speaker, ATV's are not toys and should not be treated as such. ATV's can reach speeds up to 70 miles an hour, and they require special skills to handle them. Yet, children are almost encouraged to operate them. It is not uncommon to see commercials depicting all-terrain vehicles leaving the ground and soaring through the air or children operating them.

H.R. 3325, the National All-Terrain Vehicle Safety Act of 1985, would require States to adopt a minimum age standard for operators of ATV's. The legislation also requires licensing of ATV operators after completing a training course, and prohibits the operation of all-terrain vehicles on the roads and highways.

I ask my colleagues to join with me in supporting this legislation in order to reduce these unnecessary deaths and injuries among our young people. For the benefit of my colleagues, I have included a copy of the National All-Terrain Vehicle Safety Act.

The legislation follows:

H.R. 3325

A bill to amend title 23, United States Code, to provide that States shall establish certain requirements respecting all-terrain vehicles as a condition to the receipt of funds for highway construction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,★

SECTION 1. SHORT TITLE.

This Act may be cited as the "National All-Terrain Vehicle Safety Act of 1985".

SEC. 2. ESTABLISHMENT OF STATE REQUIREMENTS FOR ALL-TERRAIN VEHICLES.

(a) ESTABLISHMENT OF REQUIREMENTS.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 159. Requirements for all-terrain vehicles

"(a) REQUIREMENTS.—The Secretary shall not approve any project under section 106 in any State unless the State has enacted a law which—

"(1) prescribes that no individual in the State may operate an all-terrain vehicle who is under the age of 16 or under the minimum age required for the operation of a motorcycle, whichever is older,

"(2) prescribes that no individual in the State may operate an all-terrain vehicle unless the individual has been issued a license to operate such vehicle,

"(3) required that a license referred to in paragraph (2) may only be issued to individuals who successfully complete a training course in the safe operation of all-terrain vehicles, and

"(4) prohibits the operation of all-terrain vehicles on the roads and highways in the State.

"(b) ALL-TERRAIN VEHICLE DEFINED.—For purposes of subsection (a), the term 'all-terrain vehicle' means a motorized vehicle which does not weigh more than 500 pounds, is not wider than 50 inches, has 3 or more wheels, and is designed to be straddled by the operator."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"159. Requirements for all-terrain vehicles.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect two years after the date of the enactment of this Act.

TAX POLICY AND ENERGY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FUQUA. Mr. Speaker, some 10 years after the oil embargo, the United States finds itself facing some ominous signs concerning energy. Presently our petroleum imports are rising to over one-third of our total petroleum use. These imports account for almost one-half of the U.S. trade deficit. A U.S. Geological Survey study has revised earlier estimates downward by 50 percent on the amount of domestic oil reserves this country actually possesses. These facts present a sobering picture concerning our current and potential energy condition. We do not want the possibility of another energy shortage of the magnitude we faced in the 1970's.

During this month the House Ways and Means Committee will be deliberating on a broad range of tax proposals. The administration has proposed continued incentives for the oil and gas industry on the basis that domestic energy production has higher importance than tax policy because energy availability relates directly to U.S. national security. I concur that energy production is a national security issue and I would like to emphasize the need to encourage utilizing a broad range of energy resources.

Two legislative proposals, H.R. 1272, introduced by Representative WYCHE FOWLER, and H.R. 2001, introduced by Representative CECIL HEFTEL, proposed to extend the solar and renewable energy residential and business credits on a declining basis over the next 5 years. This phase down, coupled with lowered maximum expenditures and certification, provide a responsible transition for the solar and renewable energy industries to eliminate the tax credits gradually, preventing market shock.

The Office of Renewable Energy of the U.S. Department of Energy [DOE] recently released an analysis of the contribution of solar and renewable energy technologies since 1975. The study reviews the cause and effect relationship between Federal investments and the adoption of these technologies in the marketplace. According to the Internal Revenue Service and Energy Information Administration data, approximately $6 billion—$4 billion in research and development, $2 billion in tax credits—in Federal outlays and tax incentives were provided for solar and renewable energy development from 1975 through 1984. During the same time period, a broad range of solar and renewable energy systems came into being and produced $39 billion worth of energy when calculated at the prevailing world price of oil. These existing systems can be expected to produce over 3 billion barrels of oil—equivalent—of additional energy during their operational lifetimes. That is a return of $13 for every $1 of Federal assistance, at current oil prices.

This DOE study strengthens the case for continued support of solar and renewable energy as a significant component of a national energy strategy to provide for a mixed and balanced energy resource supply. I hope that, in the upcoming deliberations on our national tax policy, all of us remain conscious of our need to continue broad energy development. Otherwise, we risk the possibility of an energy shortfall that could produce greater economic upsets than those experienced in the 1970's. I urge Members to review and evaluate this short study. Thank you, Mr. Speaker.

CHILE'S DEMOCRATIC STIRRINGS NEED A BOOST

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BARNES. Mr. Speaker, last week marked the 12th anniversary of the military dictatorship in Chile. This anniversary, however, is different from its predecessor in one very important way—for the first time in 12 years, the Chilean democratic opposition has joined to form a unified front in support of a return to democratic government.

Last month, Chilean Cardinal Juan Francisco Fresno brought together the leaders of 11 parties, spanning the political spectrum, to sign a "National Accord for the Transition to Full Democracy in Chile." This accord has been received positively by the Chilean people, by the Reagan administration, and, in general, by freedom-loving democrats worldwide—in other words, almost everyone except Gen. Augusto Pinochet Ugarte, Chile's military leader.

This new development has brought about a quiet shift in the Reagan administration's previous policy of quiet diplomacy in Chile. This shift is to be applauded and, hopefully, nurtured.

Peter D. Bell, senior associate at the Carnegie Endowment for International Peace, and former Ford Foundation representative in Chile at the time of the military coup, has written a thoughtful article on how the United States can cautiously and effectively support these democratic stirrings in Chile. I commend Mr. Bell's article to the attention of all my colleagues.

The article follows:

CHILE'S DEMOCRATIC STIRRINGS NEED A BOOST

(By Peter D. Bell)

Twelve years ago today the Chilean military overthrew the elected government of Socialist President Salvador Allende in a bloody coup. Gen. Augusto Pinochet, who led the coup, is still in power, and his intransigence has become the central fact of political life in Chile. The Chilean people are now confronting that reality. The time is ripe for the United States to confront it as well.

Many politically moderate Chileans had hoped that the military regime would be an interim, caretaker government. They soon realized that Pinochet's commitment to a "protected" democracy—one from which the left was eliminated—was in fact a formula for perpetuating his dictatorship. His belief that Christian Democrats are stalking horses for communists and socialists has led to the harassment, detention, torture and exile of thousands of Chileans, not only of the left but also of the center.

Through most of the past 12 years (the Carter administration being the exception) the United States has supported Pinochet. The argument for doing so usually favored the general's presumed ability to keep order over the uncertainty about who would succeed him—sticking with the devil we know. A recent Reagan Administration review of relations with Pinochet, however, has re-

sulted in a subtle adjustment, a shift from easy to uneasy friendship. Some policymakers are looking at Pinochet and seeing Anastasio Somoza. They fear that Pinochet's rabid anti-communism may actually advance communism by driving moderates into the left or out of the political equation altogether.

Pinochet, 69 and apparently in good health, seems determined to stay in office for life. Pinochet's constitution, approved five years ago in a questionable plebiscite, calls for a presidential referendum in 1989, but also provides for only one nominee—one chosen by the military junta. If Pinochet has his way, he will be "elected" president until 1997, which would put his rule now at the halfway point.

Within the last month, however, there have been signs that the military is not as untouchable as analysts have portrayed it, and even more encouraging signs that the political opposition is closing ranks and becoming more pragmatic.

In early August there was a purge of the National Police, supposedly for death-squad activities. It revived Air Force commander Fernando Matthei's warning of a year ago: If a transition to democracy does not begin soon, "we will end up destroying the armed forces more efficiently than any Marxist infiltration can."

Then, two weeks ago, the democratic opposition showed that it is ready to put the national good above partisan differences. With the blessing of Cardinal Juan Francisco Fresno, the leaders of 11 parties, from conservative to left-of-center, agreed to work for direct presidential and congressional elections in 1989. Tens of thousands of ordinary Chileans are now adding their signatures to this "National Accord," which the State Department has hailed as "positive, pragmatic and forward-looking."

One hopes that State's response reflects a serious rethinking of Administration policy toward Chile. For five years the Reagan Administration has pursued a course of "quiet diplomacy." That meant showing friendliness toward Pinochet (for example, through joint naval maneuvers and renewed U.S. support for multilateral bank loans) and keeping silent in public about human-rights abuses, while trying to discreetly to persuade him to reduce the repression. Pinochet, of course, got the better part of the bargain. He treated Reagan's policy as a display of U.S. support and turned a deaf ear to any U.S. criticism made in private.

The Administration is still unwilling to risk an open break with Pinochet, but it is no longer comfortable with being viewed as giving him unqualified support. Pinochet, who is not a subtle man, remains convinced that, when push comes to shove, the White House will stand by him. In mid-June he again showed his disrespect for Reagan's softness on repression: He lifted a seven-month state of siege in return for U.S. support of a crucial loan package, then immediately decreed a state of emergency that reinstated most of his repressive powers.

If the United States is serious about promoting democracy in Chile, it must make a decisive, effective change in its policy, which so far has been ambivalent and unproductive. It can no longer presume that Pinochet will agree to a political opening of his own accord. Nor should the United States try to force him out. It is the Chileans' responsibility to forge a democratic transition; the "National Accord" is an attempt to do this. What the United States can do is use its leverage to prevent further repression.

The Administration's good words for the accord should mark the beginning of a policy that strongly, consistently and publicly demonstrates the U.S. commitment to democracy in Chile. We should make it clear to Pinochet that we support this new opportunity for free and public political expression, and that we will not be silent if he attempts to suppress it. Such a policy would increasingly distance the United States from Pinochet, and put us on the side of the overwhelming majority of Chileans, who see free and fair elections as the way out of their national tragedy.

OUR AMERICAN HERITAGE: TRAPPING AND HUNTING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, I rise today to call to the attention of my colleagues the importance of a part of our American heritage, trapping and hunting.

Trapping means different things to different people. Some people view it as a sport, a form of recreation, a chance to be outside and enjoy nature. For many others, including a great number of South Dakota farmers and ranchers, trapping is an increasingly important source of income. In some cases, it can make a difference in survival of a landowner's business, because, in addition to the added return on pelts, the landowner can often reduce his losses to depredating wildlife.

Trapping can be used as an effective method of livestock, sheep, and poultry control. It serves as an important tool of wildlife research in that natural history studies frequently involve the trapping of individual animals, so they can be examined, aged, sexed, tagged, and released unharmed.

Trained wildlife biologists in fish and game departments set the trapping seasons each year so that only the overpopulation, or surplus animals, are trapped. Trappers have been paying their way for decades through license fees and services rendered. Of the $657,951 spent for animal control damage in South Dakota, $240,000 came from taxpayer dollars. The amount is matched dollar for dollar by game and fishing licenses; in this way, taxpayers and sportsmen help to subsidize animal control programs. In my home State of South Dakota in 1984, livestock growers suffered a loss of $96,110 to predators, despite the best efforts of animal control specialists. This figure would be much higher without the help of South Dakota trappers operating at their own expense.

Furbearer trapping has a tremendous impact on South Dakota's economy. During the 1985 trapping season, 2,882 furbearer licenses were purchased by South Dakota residents. During that same year furbuyers purchased a total of $1,783,831 worth of fur from South Dakota trappers.

I would, therefore, like to commend trappers across the Nation and in South Dakota for their important contributions to our economy and our environment and to wish them well in their recreational and business pursuits.

VICE PRESIDENT BUSH RESPONDS TO SOVIET SUMMIT RHETORIC WITH SUBSTANCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, as the upcoming summit meeting between President Reagan and Soviet leader Gorbachev approaches, many observers here in the United States have noted a sharp rise in Soviet rhetoric on this issue. This has created a certain degree of unease among some Soviet experts who fear the Soviet leadership has decided to treat the summit as a public relations battle, not a real opportunity to chart the future course of Soviet-American relations.

Perhaps the Soviets believe that our openness and freedom of debate offer them a point of opportunity, a chance to utilize their well known propaganda skills to manipulate American public opinion. If this is the case, they have clearly decided to adopt a highly personalized attack against the President and his closest advisers.

Because this trend has become so blatant in recent weeks, I was very happy to read Vice President BUSH'S recent speech in Kansas. The Vice President took it upon himself to address directly and forcefully the Soviet Union's newest propaganda campaign. Because of its length, I will not include the entire text of the Vice President's speech. However, I would like to add those sections in which Mr. BUSH eloquently rebuts Soviet disinformation and at the same time frames our position in preparation for the summit.

EXCERPTS OF REMARKS BY VICE PRESIDENT GEORGE BUSH, THE ALFRED M. LANDON LECTURE SERIES ON PUBLIC ISSUES, MANHATTAN, KS, MONDAY, SEPTEMBER 9, 1985

My topic this morning is the coming meeting between President Reagan and Soviet General Secretary Gorbachev. I will discuss with you the factors I see coming to play in this meeting.

And, with Kansas and Alf Landon in mind, my theme in this discussion will be "to the stars, through difficulties." The stars in this case are the hopes, the prayers of men and women everywhere for a world of peace, a world in which all can build futures of opportunity for themselves and their families. I believe that if we're to reach those stars we must, as Alf Landon has, meet our difficulties squarely and honestly.

And let me be very specific here about what I mean.

Whatever our differences, the United States and the Soviet Union share a common overriding interest in survival. That means—and I believe the Soviets understand this as well as we do—that we have a common interest in doing whatever we can to reduce tensions and improve relations.

The President and I and everyone in the Administration want the meeting with Mr.

Gorbachev to be a success. We want this meeting to reflect as much substantive achievement as possible, but more importantly to produce an agenda and work program that should reduce tensions between our countries.

The Soviets know this. When he met last year with Soviet Foreign Minister Gromyko, the President spoke clearly and emphatically about our interest in building a better relationship. In his meeting with Mr. Gromyko in Geneva earlier this year, Secretary of State Shultz repeated what the President had said. As recently as last month, National Security Advisor McFarlane addressed this theme at length in a well publicized speech. Secretary Shultz will again emphasize it in his upcoming meeting with the new Soviet Foreign Minister, Mr. Shevardnadze.

And again and again over the last several years we have not just stated but demonstrated through substantive proposals our desire to move toward truly more stable and constructive relations. Look at what we've done, for exanple, in one of the principal arenas of East-West contact, the arms control talks in Geneva.

We've proposed deep reduction in the number of strategic nuclear weapons.

We have also made clear what we mean by better relations and what we don't mean.

By "better relations" we do not mean entering into agreements that undermine the security of the United States and its allies.

By "better relations" we do not mean ignoring real differences we have with Soviet adherence to international agreements or other aspects of Soviet behavior on the international scene.

Let's be clear about this. Better relations are not achieved by ignoring differences or accepting one-sided agreements. They are not achieved by entering into agreements for the sake of agreements—this we will never do. The way to achieve better relations is to acknowledge differences, to face them, as I said, squarely and honestly and to deal with them through agreements and through behavior that both sides can live with.

There's one word for that kind of better relationship between nations and that word is "respect."

It means you respect the sovereignty and abilities of the other side, even if you disapprove of its system, as we do the Soviet system.

To treat with another nation so both sides have their self-respect intact, you deal with its representatives openly, directly, squarely, honestly. You don't pretend that differences aren't there. You acknowledge them and then you address them.

It's in that spirit of open and direct acknowledgement of differences that I wish to discuss now the atmospherics that appear to be building up around the Reagan-Gorbachev meeting. These atmospherics highlight a basic difference between the way the Soviets appear to be approaching this meeting and the way we are.

The emphasis on dividing western opinion makes the Soviets extremely tough bargainers. They prefer to see how public opinion plays out before moving seriously in negotiations. And, as we've seen in recent weeks, they know how to reach the West through its own media and they know how to tailor their message to have a broad appeal.

But it's important to keep in mind that though difficult, they are not impossible in negotiations. As I said at the outset, they share with us and recognize they share a basic common interest . . . survival.

Whenever the Soviets have been convinced that western opinion is united, they have set aside their public relations game, at least for a while, and accepted more conventional diplomatic rules, rules which dictate that both sides, through careful give and take, work toward agreements that both can live with.

Let me give you an idea of what that means to us in the United States.

We want arms negotiations that lead to real reductions in existing nuclear arsenals and reductions that preserve and enhance the security of both sides. We look at meetings between heads of state—particularly the upcoming one—as opportunities, not for propaganda, but for setting an agenda that can lead to greater stability and harmony in relations. And that means we believe that the upcoming meeting must address the real and persistent issues that have irritated relations in recent years.

I know how deeply President Reagan wants to strengthen the fabric of world peace. I have discussed this matter over and over again with him. And, as I said earlier, I know he talked about this with Mr. Gromyko last year.

I also know how hard the President is working to ensure that the meeting with Mr. Gorbachev produces real, tangible progress towards peace. All Americans can help him by keeping in mind what is possible in this meeting and what is not and by remembering that in building peace, just as in building a home, it is best to start with a strong foundation and to build good and build strong and build to last.

THE AWFUL LOGIC OF GENOCIDE

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. SILJANDER. Mr. Speaker, in the past I have referred to the "creeping cowardice syndrome" that has gripped U.S. foreign policy since Vietnam. The consequences of that cowardice is being played out in Afghanistan, like it was in Cambodia and half a dozen other places since. But perhaps the most brutal terror going on in the world today is going on in Afghanistan.

It is easy to see why Soviet surrogates around the world are the fountainhead of terrorism. They have such good teachers. Syria, Iran, Libya, the PLO, and North Korea only need to look at Afghanistan to see how brutal terrorism can be.

I would encourage my colleagues to read the following article by Jean-Francois Ravel, the author of "How Democracies Perish" entitled "The Awful Logic of Genocide." It appears in the current issue of National Review. I hope my colleagues will recognize the message that is clearly being sent to them.

After that, an excerpt from a Helsinki Watch report on Afghanistan. If one can read the accounts of torture, including the holding of children over fires to make the parents talk, the execution of women, children and old men, the brutal burning of 40 men, women, and children in a town square, and the cold-blooded murder of an Afghan boy without being moved to action, then that Member does not deserve to be in Congress.

[From the National Review, Oct. 4, 1985]

THE AWFUL LOGIC OF GENOCIDE

(By Jean-François Revel)

The occupation of Afghanistan by the Red Army, which has been going on for almost six years now, continues to provoke in the Western democracies a reaction that Montaigne calls "voluntary ignorance." This deliberate neglect of the facts is a wonderful prophlactic against the temptation to act. In this sense, Afghanistan is a reflection of our cowardice. It offers an instructive look at the way the democracies justify, or conceal, their failures in the face of totalitarian expansionism.

Information on Afghanistan is scarce, to be sure, because of Soviet censorship. The Communist powers enjoy an unwritten but tactily accepted privilege, a privilege practically legalized by international consent, to shape and to ration information that concerns them. By closing Afghan territory to TV teams and non-Communist reporters, by imprisoning journalists and even doctors who have entered the country clandestinely, the Soviets have kept the Afghan horror story from being told by the mass media. Thus they have prevented the vast wave of worldwide opprobrium that would engulf a democracy guilty of far lesser crimes but accessible to news coverage by nature of its politics and principles.

But the blindness of certain Western elites does not result in the main from the practical difficulties of finding out what is going on. The practical difficulties can keep the story from the television screens, but there are nevertheless enough stories in the Western press—if they were taken seriously. There is sufficient information available for anyone who wants to think seriously about the situation of the Afghan people. If the free world discards this information or relegates it to the margins of its awareness, that is because it fears it will have to start questioning certain soothing interpretations of Soviet behavior and be forced to face the gravity of the crimes committed against the Afghan people. We can thus, we Western democracies, by looking the other way, withdraw from our moral responsibility and close our bored minds to the continuation of the Soviets' foreign policy. We will spare ourselves from seeing it in order to excuse ourselves from having to oppose it.

The first reason for our resistance to listening to news about Afghanistan (the only form of resistance the West has shown as yet in the Afghan affair) has to do with our desire to interpret the invasion of Afghanistan as an *accident* of Soviet foreign policy. Reread what all our oracles have written about it in the last six years: It was a mistake . . . a marginal act . . . unrepresentative of the fundamental thinking of Soviet leaders. The Soviets acted without premeditation; they were "caught up in a situation", they fell "into a trap." The Western powers should, consequently, help them to get out of it, "to save face." How? By not bullying them, by not reawakening their well-known "sense of insecurity."

This analysis, made by most of the statesmen in power in the West during the invasion of 1979, remains the attitude of a great number of commentators today. It entails certain practical prescriptions: We must abstain from arming the Afghan resistance, for fear of provoking the Soviets. Only the fear of foreign intervention, they tell us,

will delay the spontaneous departure of the Red Army. In view of the insignificance of our military aid to the Afghan resistance, one wonders how much further this would have to be reduced to "reassure" the Soviets, and how long it will take for their supposed desire to evacuate the country to be demonstrated. And, once gone, will they permit the local Communist regime to be swept out of Kabul, as without doubt it would be after the withdrawal of the Soviet military presence?

Such resignation is unlikely and illogical given that the 1979 invasion took place precisely because the pro-Soviet Communist regime in Afghanistan could not, given the hostility of the people, remain in power without Soviet help. To imagine that the Soviet army will evacuate Afghanistan without having first gained acceptance for Communism there is to believe that the USSR would withdraw its "advisors" from all countries where it believes the local Communist government lacks local support—a totally unsupported belief. Up until now, quite the opposite has been the rule: The USSR keeps larger troop contingents in place in countries where the pro-Soviet regime is most fragile, most menaced. Which is, to be sure, perfectly rational.

The explanation that the Soviet seizure of Afghanistan is a result of unhappy chance is rooted in a more general theory. According to many politicians and students of politics, the Soviet Union does not nourish long-term foreign-policy objectives, at least not aggressive objectives. Nothing more greatly rouses the fury of certain politicians and international experts, whether journalists or academicians, than references to a global design on the part of the USSR. They admit, to be sure, that the USSR has an overall vision, but they believe it to be strictly defensive. The notion that the Soviet Union has an expansionist design, an imperialistic outlook both ideological and strategic, a program patiently pursued, long planned, unfailingly prepared for setbacks, could only emanate—in their view—from an idée fixe dating from the cold war. Never mind the classic writings on the subject and the best-attested historical facts. The Soviet Union, they say, does not have, cannot have, a coherent imperialistic plan.

Unhappily, there are few cases where even a summary knowledge of history so completely pulverizes that theory as Afghanistan. From the start of the Revolution in 1917, the new Soviet power moved to eliminate British influence from Central Asia. A Soviet-Afghan treaty of friendship was signed on September 13, 1920, a prelude to a long series of treaties destined to tighten the Soviets' ties with Kabul. The Soviets took up again the geopolitical objective of czarist Russia; but—and this is a major innovation—they added to it their panoply of ideological weapons. In November 1918, in a proclamation entitled "Do Not Forget the Orient," Stalin spoke of the need to "inspire the workers and peasants of these countries with the liberating spirit of the revolution." In characteristic fashion, this liberation ideology was evidently not to be practiced within the USSR itself: The Bolsheviks, who had never stopped denouncing the annexation of Moslem territories by the Czar, reused, once in power, to give these same regions their independence, instead putting down by force the insurrections that followed.

After the Second World War, the Soviet Union capitalized on the void left by Britain's retreat from India, the end of British influence, and above all the new situation that resulted from the creation of Pakistan to tie Kabul's foreign policy to her own. Indeed, why not? There was nothing scandalous in what the USSR was doing. But the democracies should at least have understood what was going on. Alas, the United States understood nothing of what the Soviet Union was up to in Central Asia. In December 1954, John Foster Dulles refused military aid to Afghanistan and threw that country into Moscow's arms.

Sardar Mohammed Daud, prime minister from 1953 to 1963 and president from 1973 to 1978, permitted the Soviet Union to take over the task of equipping and training the Afghan army. In 1955, Khrushchev and Bulganin, despite their concerns in Europe and at home that year, made one of their first foreign trips to Kabul and accorded Afghanistan a grant of $100 million, the biggest grant given by Moscow to any country beyond the Iron Curtain. Such a démarche is incompatible with the thesis that Moscow never had any long-term plans for Afghanistan.[1]

After the coup of July 16, 1973, which brought Daud back to power, the internal Soviet conquest of Kabul was accelerated. While he himself was not a Communist, Daud thought himself strong and wily enough to risk putting Communists in key posts. He did not understand the weakness of his position, given an army in which thousands of officers and men had been trained by the Soviet Union for twenty years. When, on April 27, 1978, the army assassinated Daud and installed a Communist regime in his place, it was picking ripe fruit from a tree planted long before.

Here too the Western experts and commentators who date the Sovietization of Afghanistan from the invasion of December 27, 1979, prove, at best, that they are professionally incompetent. The protectorate had been in the works for decades. The satellization of Afghanistan, in the classical form of "a friendly government" installed in 1978, was the real turning point. Soviet garrisons took up their positions at various locations in Afghanistan starting early in 1979. Was this the result of "a chain of unfortunate accidents"? Was there no plan behind this?

In August 1979, the Afghan garrison in Kabul realized that the unpopularity of Communist President Nur Mohammed Taraki was starting to provoke rebellion in the country and that it would be prudent to replace him with someone less openly under the orders of Moscow. This garrison was then massacred by Soviet troops, including air units already stationed in the area. How could Western governments not have known about it? After having first killed Taraki, then his successor, Hafizullah Amin, and installed in their place a "faithful friend," Babrak Karmal, the Soviets knew that no Communist leader in Kabul could stay in power without strong Soviet support. The invasion and the occupation were anything but an "accident" since they constituted the natural consequences of a systematic course of action.

The second reason the West resists information about Afghanistan is the Soviet violations of human rights in that country. These violations are so widespread that our governments are scared even to rise the question, knowing very well that Moscow will, in its usual humiliating manner, refuse even to discuss it. That is why the press and other media greeted so tepidly the February 19, 1985, United Nations report on the condition of human rights in Afghanistan by Felix Ermacora, Special Rapporteur—a report whose very existence is practically miraculous and which deserves a salute on that ground alone, but which was quickly relegated to obscurity. What does it teach us?

The repression takes two forms: the torture and execution of opponents and resistance fighters, and the massacre and deportations of the civilian population. In "Le Grand Jeu Afghan" (Politique Internationale, Spring 1985) Michael Barry reports that between April 27, 1978 (the date of the pro-Soviet coup d'état), and January 1980, 27,000 people were executed in the Poli Charki concentration camp, situated six miles east of Kabul. "This is not an estimate" writes Barry. "This is the simple addition of the names of the victims posted by the regime in public places to discourage the families from crowding around the gates of the prisons with packages of clothing and food." A major portion of the educated elite, the author adds, perished in this carnage: diplomats, doctors, professors, engineers, non-Communist officials, spiritual leaders. While estimating the number of those shot at "only" 12,000, the UN report corroborates the basic story.

"In this contest, according to the information received, a number of political prisoners were also tortured. One of the complaints relates to Mr. Sayed Abdullah kazim, a former dean of the Faculty of Economics, imprisoned at Poli Charki at the same times as Mr. Ludin. In this connection, Mr. Ludin, himself arrested in June 1978 and detained until 11 January 1980 in the Poli Charki prison, reveals that he himself was present during the torturing of Mr. Kazim, who had the fingers of both hands crushed under the legs of a chair on which two of his torturers sat. Having himself been tortured, the witness drew the attention of the Special Rapporteur particularly to events which had taken place on the night of 31 May to 1 June 1979 in the Poli Charki prison. Shots fired in the prison courtyard had been heard by the witness, who was told by the prison guards that about 118 prisoners were being executed. The shooting was followed by the departure of buses carrying the bodies, some of them still showing signs of life. The testimony of a former female detainee of Poli Charki likewise revealed that during her detention between May and November 1978, she had several times heard shooting in the prison courtyard along with the departure of the corpses of prisoners in buses. The same witness spoke of the existence of a section of the prison reserved exclusively for women, and the Special Rapporteur had the occasion to interview a woman who had been incarcerated in that prison."

However, one must add to the official figures the number of those shot unofficially. Amnesty International estimates that 4,854 prisoners have been liquidated more or less clandestinely. And the United Nations report says that approximately nine thousand individuals "disappeared" in Kabul before the coup of December 27, 1979, much as happened in Argentina during the military dictatorship, but without touching off the same indignation in the free world.

[1] For the inadequacy of American diplomacy at that time, and its consequences in this part of the world, see "The Failure of American Diplomacy in Afghanistan," by Léon Poullada, World Affairs, 1982-83, Vol. 143, No. 3, Special Issue on Afghanistan.

As to the massacres of the civilian population, I cite several examples, all drawn from the UN report.

"In addition, numerous cases of assassination of women and children were brought to the notice of the Special Rapporteur. They were described as having taken place frequently in villages, as reprisals following skirmishes between the troops and elements of the opposition movement.

"Eyewitnesses told the Special Rapporteur of alleged massacres of civilians during the bombardment of villages. According to these witnesses, such acts were part of a deliberate policy, especially over the last two years, to force the people to take flight. In this connection, one witness declared that the country's economy had been completely destroyed by the systematic bombing of rural areas housing about 85 per cent of the population, and in fact occupied by the resistance and regarded as liberated zones.

"On 13 September 1982, approximately 105 persons were killed in the village of Padkhwab-e-Shana in the province of Logar, including 61 victims from the village itself. In the course of an infantry operation in the village, the population, consisting of children, old people, and a few combatants, took fright and hid in an underground channel used for irrigation (Karez). To dislodge them, troops poured a whitish liquid mixed with white powder into three outlets of the channels and set fire to it. Charred and decomposed bodies were brought out by the villagers. The corpses were said to include 12 children.

"On 12 October 1983, in the villages of Kulchabat, Bala Karz, and Mushkizi in the province of Kandahar, 360 persons were executed in the village square, including twenty girls and about twenty old people.

"In March 1984, several hundred civilians were massacred in the villages of Dash-e-Bolokhan and Dash-e-Asukhan in the Kohistan region.

"In November 1984, some forty civilians were massacred in the village of Zirvq situated in the Urgun region after two weeks of steady bombardment. According to the witnesses, several houses were destroyed and the cattle decimated."

Furthermore, the use of poison gas and booby-trapped toys has largely been proved, according to the report.

The devastation of the countryside and the villages, and the deportations of the people (in late 1980, the Soviets emptied Pamir of its entire population), have brought the expected and desired result: famine. This famine is a chronic fact of life for about half a million civilians (close in proportion to the Ethiopian famine). According to the group of doctors known as Médecins sans frontières, infant mortality caused by malnutrition reached a stupefying 85 per cent in the winter of 1984-85.

Another result was the exodus. More than four and a half million Afghans (a figure we're fairly certain about) have fled their country since 1978, mostly to Pakistan. Given that the official figure of displaced persons worldwide, according to the UN High Commission for Refugees, is approximately ten million, that means that nearly one out of every two refugees on this planet today is an Afghan. If you add to this figure the number of resistance fighters killed, of those executed, of civilians massacred or starved to death (a figure that can prudently be put at a million) this means that of the 13 to 14 million inhabitants of the country in 1978 there remain today on Afghan soil about eight million. Put otherwise, nearly 40 per cent of the population is either in exile, or dead.

If one notes that the repression started 18 months before the invasion of December 27, 1979, and was directed from the start by Soviet advisors already in place, one cannot escape the conclusion, once again, that the USSR was carrying out a well-thought-through program. It is not credible, as the commentators who wish at all costs to exculpate the Soviets claim, that they gave way to momentary panic. The great "liberal" Mikhail Gorbachev seems to have not the slighest intention of modifying the Soviet political plan for Afghanistan. One of his first declarations on the subject, in March 1985, was to threaten reprisals against Pakistan if that country continued to "meddle in the internal affairs" of its neighbor, which in Soviet language means if Pakistan continues to shelter Afghan refugees instead of repelling them across the border to be massacred on the other side.

Must one conclude that the Soviet Union is invulnerable and can—as South Africa, or Chile, cannot—violate human rights with impunity, shielded by the discreet complicity of an international opinion that knows it is powerless? Perhaps not. What the discreet people find a bit upsetting are the anti-Communist guerrillas: in Angola, in Nicaragua, and above all in Afghanistan. For the first time, the United States Congress, In July 1985, openly recognized the importance of this phenomenon and voted official aid—$15 million to the Afghan resistance.

[From the National Review, Oct. 4, 1985]

"An Entire Country is Dying . . ."

(In September 1984 a team from the U.S. Helsinki Watch Committee went to the Afghan border to collect information about human-rights violations in Afghanistan by interviewing Afghan refugees. The team interviewed more than a hundred Afghans representing a cross-section of Afghan society. From the interviews, they reported, "it soon became clear that just about every conceivable human-rights violation is occurring in Afghanistan and on an enormous scale." The team went on to say: "Just about every Afghan has a story to tell. Our interpreters, our guides, people we met accidentally had personally experienced atrocities as great as those of the 'victims' we interviewed. An Afghan doctor who had impressed us with his gentle kindness as he interpreted for us in a hospital for war victims had a sudden outburst as we were leaving. 'What's the point of all this? People should know by now. There are no human rights in Afghanistan. They burn people easier than wood.' "

(The following are excerpts from the Helsinki Watch interviews, and from the team's report:)

We interviewed a 21-year-old student who had been released from Poli Charki prison in Kabul just two weeks before. His eyes were bloodshot, his body tense, as he nervously fingered his "worry beads," telling us that if we mention his name in print his father and brothers in Kabul "will be finished." After his arrest for distributing "night letters" protesting the Soviet invasion, he was subjected to routine torture—hung by a belt until he almost strangled, beaten until his face was twice its normal size, his hands crushed under the leg of a chair. He described an overcrowded prison cell with no windows, crawling with lice, and with only one pot for a toilet. . . .

Mohammad Eshaq, a resistance leader from Afghanistan's Panjsher Valley, told us about the fate of two men from his ancestral village of Mata—brothers, aged ninety and 95. Old and blind, they stayed behind when the rest of the villagers fled during last spring's offensive: "The Russians came, tied dynamite to their backs and blew them up." He paused to collect himself, then added simply: "They were very respected people." . . .

The parents of another patient [in a clinic in Kunar province], a 12-year-old boy whose right arm was so badly burned he could hardly move it, explained to Dr. Simon how the burn had occurred: "They told me that Russian soldiers came to their village and held their son's arm over a fire while they asked about the Mujahedin." . . .

Mike Hoover, a CBS television producer whom we met in Peshawar, told us he had filmed an interview with an Afghan who had formerly worked as a translator for the Soviet army: "He was extremely disturbed. He told how he translated questions the Russians were asking about the Mujahedin while they held a child over a fire." . . .

Summary executions were described by Mohammed Amin Salim, a former professor of Islamic law who had returned to his village in Shomali: "When the Russians come into villages or places where there are unarmed people, they kill them with bayonets, even women and children. There are so many examples, and they are so atrocious, that it is difficult to speak of them. For example, last year I was in a village when the Soviets came to search the houses. In this village there were seven elders, including me. When the Russians came into the village, they locked up all these elders. I was separated from the others. I was in another house, and I say what happened. They asked the old men, 'Where are your sons?' The old men said they had no sons. Immediately, when they heard this, they fired on two of the men, killing them with automatic rifle blasts. The third person—it was a very sad event—they put him against a tree and with a big nail [apparently a detached bayonet] a soldier stabbed him in the chest and nailed him to the tree. What I am telling you is what I saw myself. The other Russian had a big nail in his hand, and he stabbed another old man in the mouth, unhinging his jaw." . . .

[A French doctor tells how the Russians punished an entire village after some Afghan troops defected.] "They tied them up and piled them like wood. Then they poured gasoline over them and burned them alive. They were old and young men, women, and children. Many, many people were telling this story. They all said forty people had been killed." . . .

Former Soviet Army Sergeant Igor Rykov testified: "We did not take any prisoners of war. None. Generally we killed them on the spot. As soon as we caught them, the officers ordered us to slaughter them. I'll tell you one story. Lieutenant Gevorkian was the commander of my unit. When I arrived, he had already been in Afghanistan for a year. He told us that he had seen a lot, and that now he had become like ice, he had learned to kill absolutely anyone, and he had to teach the same to the soldiers. One day he brought in a boy, an Afghan kid about 14 years old. He told us that the boy was certainly a dushman [enemy]; he had tried to runaway when he saw the soldiers. There was one soldier in our unit, Oleg Sotnik, who could not stand the sight of blood. Then Gevorkian took out a sort of

bayonet . . . He gave this knife to Sotnik and told him to kill the boy. Sotnik's face was unbelievable. He was planted to the ground, shaking all over his body. The boy was sitting peacefully on the ground. Finally Sotnik got control of himself, went up to the boy, and stuck the knife in his chest. The boy started to shriek, and he grabbed onto Sotnik's hands. Then Gevorkian started yelling, 'You idiot! What do you think you're doing? Watch how it should be done!' He pulled out the knife, kicked the boy in the face, and when the boy fell backward from the kick, he stuck the knife in his throat, once, twice. We were all around watching, but no one said anything. . . ."

[A member of the resistance testifies to his treatment by Soviet torturers.] "The torture there was always by electricity, with electric-shock batons. One day during the interrogation, one of the Soviets got angry and hit me with his Kalashnikov in the mouth, and I lost three teeth. I was tortured two to four hours a day, every day, for about a year. There were different people torturing me. There were Afghans who spoke Pashta and there were Soviet officers. The Soviets tortured more, and they asked more questions. They did not let you sleep.

"They gave the shocks between the toes, between the fingers, on the temple. I often fell unconscious. One day they hung me up on a wall, where there were big hooks. They didn't let me sleep, eat, or drink for 48 hours. My arms were stretched out wide, and the hands were tied to the hooks, and there were rings around my feet. This caused a great pain in the stomach and kidneys. The next morning they took me down and brought me a piece of bread and some water. Then they hung me upside down by the feet all day." . . .

We received reports about a variety of anti-personnel mines used in Afghanistan by Soviet forces. Often they are used, not for conventional military purposes, but against the civilian population. Some of these mines are powerful enough of kill, but most have charges that only maim. . . .

[Soviet] helicopters drop camouflaged "butterfly" mines around populated areas, on roads, and in grazing areas. During a sweep through villages, soldiers leave anti-personnel mines in . . . houses of people who have fled. We even heard of mines left in mosques, of booby-trapped bodies that exploded when relatives attempted to move them, and of trip wires placed in fruit trees that injure the harvester. . . .

Kefayatullah, a farmer from Harioki Ulya, Kapisa Province, was describing the actions of the Soviet troops that invaded his village. "They put toy bombs in the food bins," he volunteered. "Some of them exploded. They were like toys, watches, pens." . . .

In Quetta on October 3, a group of Hazara refugees volunteered, without being asked, that they had seen such mines. Abdul Wahid, an English-speaking former student from Jalrez, told us: "They put some pens and watches on the road, children take them, and they explode."

Mohammed Zaher added, "I once saw them. There were pens, small radios, and watches on the road, and General Mohammed Hasan [of the Hazara resistance forces] told the Mujahedin not to touch them, but to throw stones and explode them." What kind of pens were they? "They were just like American Parker pens," he answered.

SOCIAL SECURITY NOTCH STUDY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TAUKE. Mr. Speaker, today I am introducing legislation to establish a special panel of the 1985 Advisory Council on Social Security to conduct a study and make recommendations on the so-called notch problem under the formula established by the 1977 Social Security amendments. This bill will require a thorough study of the extent to which inequities are the result of the 1977 formula as well as the short- and long-range economic impact of benefit changes and legislative recommendations to address any inequities cited in the report.

On May 14, the House passed the Social Security Minor and Technical Changes Act of 1985, H.R. 2005. The legislation creates a special ad hoc disability advisory council of the General Quadrennial Council required by law to conduct a thorough review of the disability insurance program.

The bill I am introducing includes the House-passed disability study along with the addition of the so-called notch panel. I am hopeful that the Senate will include the language in this bill when H.R. 2005, the Social Security Minor and Technical Changes Act of 1985, is considered. Senator GRASSLEY plans to offer our bill as an amendment to H.R. 2005 in the Senate Finance Committee. I commend my colleague from Iowa for his leadership on this issue.

The notch issue has become a matter of concern for Iowa's elderly population, Seniors in Iowa recognize that the 1977 Social Security amendments reduce Social Security benefits for all workers reaching age 62 after 1978. Persons in this group may have lower benefits than those with similar earnings who reached age 62 in 1978 or earlier. If the 1972 benefit formula which overcompensated for inflation had been left unchanged, retirement benefits would have exceeded the final wages of some workers. The 1977 formula substantially altered the way benefits would be computed after 1978 by preventing benefits from rising to excessively high levels in the future.

The 1977 amendments provided a 5-year transition formula to minimize the affect of the benefit change on those approaching retirement. This transition formula has caused concern for some of Iowa's elderly. However, if no transition formula had been included in the 1977 amendments, benefits to those born between 1917 and 1921 would have been lower or the so-called notch would have been greater.

I am optimistic that the advisory council will look closely at the transition formula in their study. Finally, this study bill calls for a review of the short- and long-term economic impact of benefit changes to address the so-called notch. I'm concerned because many seniors feel we can afford major increases in Social Security.

The long-term, or 75-year, picture developed by Social Security actuaries shows that the upcoming period of excess receipts is not a permanent one, and that on the average, the Social Security System has a deficit rather than a surplus. Despite the short-term margin of safety on the front end, the actuaries project a long-term average deficit of .41 of payroll or $6 billion per year.

I realize that the legislation I am proposing today is not the solution advocated by notch groups. However, it is a first step toward addressing their concerns at a time when a legislative vehicle such as H.R. 2005 is available. Only a simple change in the disability council, such as this bill proposes, would be acceptable to the standing committees at this time.

THE 1984-85 DAIRY DIVERSION: A LEGISLATIVE SUCCESS STORY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GUNDERSON. Mr. Speaker, in 1983, Congress passed a compromise dairy bill to address the continuing problem of surplus milk production. What was unique about this legislation was that it contained a positive financial incentive for dairy farmers to reduce production—the Dairy Diversion Program.

In the 2 previous years, only negative incentives—price freezes and price cuts—were attempted. And in every case production went up, not down.

Under the Voluntary Diversion Program, participants entered contracts with the Commodity Credit Corporation to reduce milk production anywhere from 5 to 30 percent of their base—the amount they produced during a recent uniform period of time. If they met the conditions of their contracts, participants received $10 for every 100 pounds of milk they reduced from their base production.

The diversion payments which participants received were funded through a producer assessment of 50 cents per hundredweight on all milk marketed in the United States during the time the program was in effect. The assessments fell slightly short of the $955 million needed to fully fund all of the diversion payments made to producers. Yet, at the same time, the cost of the entire Dairy Price Support Program to the taxpayers dropped by $1 billion from $2.6 billion in fiscal year 1983 to $1.6 billion in fiscal year 1984.

In an independent review of the program, the Government Accounting Office estimated that between $614 million and $664 million of this $1 billion savings to the taxpayers in 1984 was directly attributable to reduced production of between 3.74 to 4.11 billion pounds of milk resulting from participation in the Diversion Program.

In fact, around 38,000 dairy producers entered the progam—that's about one out of every five commercial dairy producers in

the country. I would hasten to add that I heard from many hundreds of producers both in Wisconsin and across this country who wished they would have entered the program after the sign-up period expired.

Overall, production went down from nearly 140 billion pounds of milk in 1983 to just over 135 billion pounds in 1984. Much of this reduction came from the slaughter of 3.2 million milk cows during the program—which resulted in a net reduction of 225,000 cows in 1984 alone. And, despite the dire predictions to the contrary, the culling of these animals did not adversely affect the market price of livestock. Similarly, the Diversion Program accomplished its goals at no additional expense to the American consumer.

At the same time, this self-help program afforded producers the highest price ever received for the milk they produced because supply and demand were in better balance. As you can well imagine, this helped to ease the net farm income crisis facing agriculture.

Regrettably, the program lasted only 15 months—not the 24 months as proposed in my original legislation—and, thus, some of its effects were not permanent. Yet, what is most interesting is that the critics of the last Diversion Program and opponents of the current proposal are the same people who insisted on having but a 15-month program. To remedy this problem in the future, the Diversion Program included in the 1985 farm bill provides for a 2-year diversion.

The 1984–85 Dairy Diversion Program was successful from several perspectives. First, it provided an effective means of reducing surplus milk production. Second. it permitted financially strapped farmers to cut their production and production costs while enhancing net income.

Last, the program allowed America's dairy farmers to show their dedication, willingness and initiative to reduce surplus milk production at their own expense.

When we consider the dairy title in the upcoming weeks, we again have the choice between price cuts and a Diversion Program. Price cuts have a history of forcing producers to buy more cows to produce more milk so that they might survive economically. On the other hand, the Dairy Diversion Program will allow the supply of milk to decline while not adversely affecting the price the farmer receives for his product.

I would, therefore, hope that my colleagues would join me in supporting a Diversion Program rather than price cuts when the farm bill reaches the floor.

TELECOMMUNICATIONS FAIR TRADE ACT OF 1985

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which addresses our international trade hemorrhage in telecommunications equipment and services. It challenges our trading partners to open up their markets to U.S. suppliers to the same extent that our markets are open to foreign suppliers. And it makes clear that in the absence of such equal treatment, the United States will respond by conforming access to our market to match the same level of access found in the relevant foreign market.

As a member of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I have grown increasingly concerned that the United States has unilaterally opened up its telecommunications markets to foreign competition without any assurance of similar initiatives abroad. We stand alone. With the possible exception of Japan, every other major trading partner continues to run its telecommunications system as a government-controlled monopoly. In Japan, significant progress has been made toward privatizing its system, but major doubts remain concerning the degree to which access will improve.

The danger signs have already been hoisted. Although trade in telecommunications equipment and services is growing worldwide, the U.S. balance of telecommunications trade has turned sharply negative. In 1981, we enjoyed a surplus of nearly $1 billion; in 1985, we are suffering a deficit of nearly $1 billion. Now is the time to act, before telecommunications becomes just one more lamb sacrificed by an administration which refuses to stand up for fair trade.

Some have noted that our current problems with trade balances are due in large part to the inflated value of the dollar. I agree. The inflated dollar handicaps all our export industries and makes imports artificially cheap. Ultimately, this problem is not expected to abate until we reduce the $200 billion Federal deficit that keeps interest rates high. That is why, as chairman of the House Subcommittee on Energy Conservation and Power, I have proposed, and the Energy and Commerce Committee has supported, a package of budget reconciliation initiatives that will result in real savings of $1 billion over the next 3 years.

But the budget deficit and the inflated dollar must not become excuses for tolerating drastic inequalities in access to telecommunications markets which make a mockery of "free trade." The United States, for all its free trade rhetoric, has adopted policies which have simply encouraged the continuance of protectionist practices. By virtually declaring that we will never retaliate against closed markets, this administration has invited our trading partners to play us for a chump. This must stop.

My bill, which is similar to a bill already reported favorably by the Senate Commerce Committee, includes the following key provisions:

Make "substantially equivalent access" the explicit goal of U.S. telecommunications trade negotiations;

Require the U.S. Trade Representative to investigate and identify telecommunications trade barriers which deny U.S. companies "substantially equivalent access" abroad;

At the end of 1 year, require the President to correct any remaining imbalance in competitive opportunities, using any of a series of remedies, including duty increases, restrictions on registration or approval of equipment, government procurement authorities and other.

Without such an approach, we have no hope of defeating protectionism and restoring free trade. I urge all my colleagues to join the fight for free trade, in telecommunications markets and elsewhere, by insisting that provisions like the ones I am introducing today be enacted by Congress before the end of this session of Congress.

NEW ZEALAND SEES THE LIGHT ON U.S. SHIP VISITS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I am delighted to share with the Members an article concerning the Government of New Zealand's encouraging announcement concerning U.S. ship visits to that country.

According to the recent news report, the Government of that country will not ask the United States to confirm or deny whether nuclear weapons are present on visiting U.S. ships.

I welcome this good news and believe that it is an important first step in getting relations between our two nations back on track. We all understand the growing strategic importance of the Pacific region and America's expanding security and economic ties with that vital region. Let us hope that our negotiators will be able to work out any remaining problems with the Government of New Zealand in the interest of promoting peace and stability in that critical region of the world.

I am certain that my colleagues will join me in hoping that this initial indication of better ties with our traditional ally, New Zealand, will be fruitful and that mutually beneficial efforts between our two nations will continue.

[From the Washington Post, Sept. 13, 1985]

NEW ZEALAND SHIFTS STANCE ON U.S. NUCLEAR SHIP VISITS

WELLINGTON, NEW ZEALAND.—Prime Minister David Lange, moving to heal a rift in a defense pact, said yesterday that New Zealand will tell the United States it does not have to specify whether visiting U.S. warships are nuclear-armed or powered. United States International reported.

[In Washington, a source familiar with the situation termed Lange's statement accommodating: "The government won't ask the United States to breach its policy of neither confirming or denying the presence of nuclear weapons on U.S. ships. It leaves the question of nuclear arms to New Zealand's own assessment."]

Lange told a news conference that Deputy Prime Minister Geoffrey Palmer plans to

invite a U.S. warship to visit when he speaks with Secretary George P. Shultz in Washington next week about New Zealand's pending legislation on its antinuclear policy and the resumption of ship visits.

Washington cut defense ties with New Zealand after Lange's Labor government blocked a U.S. visit in February.

H.R. 2385, FEDERAL TRADE COMMISSION REAUTHORIZATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. WALGREN. Mr. Speaker, I want to express my support for H.R. 2385 to authorize the Federal Trade Commission to continue its efforts to protect competition in the marketplace and to protect the consumer. At my urging, the Energy and Commerce Committee, which developed this bill, added two provisions directing the Federal Trade Commission to conduct studies of unfair and deceptive practices in the life care and nursing home industries.

By specific language in the bill, the FTC is directed to examine an area where attention is long overdue—housing and health care for the elderly. Joining a retirement community and making arrangements for health care are several of life's most significant and difficult decisions; protecting elderly consumers in the area of housing and health care should be one of Government's greatest priorities. The bill before us recognizes this by including my amendments that require the FTC to do studies of unfair and deceptive practices in the nursing home and life care industries.

NURSING HOME STUDY

The Federal Trade Commission has been doing some exploratory work on the nursing home industry for some time. My amendment requires that this work be completed in one year with a report to Congress and requests an assessment of the need for an industrywide rulemaking.

In the area of nursing homes, most studies and congressional attention have focused on the physical quality of care, certainly an important area. In this bill, the FTC is directed to examine unfair and deceptive practices. Several reports have revealed problems such as inadequate cost disclosures, oppressive billing practices, misuse of residents' funds or personal property, undisclosed and arbitrary discharge policies, unfair and deceptive contract provisions, and inadequate disclosure of services prior to signing contracts. Former FTC Commissioner Elizabeth Dole has said:

* * * Certain nursing home admission agreements [as well as other business practices] contain a host of unfair and abusive provisions which literally invite scrutiny under Section 5 [of the Federal Trade Commission Act] * * * I strongly suspect these provisions contribute substantially to the deplorable conditions which some nursing home operators tolerate in their facilities * * *.

LIFE CARE STUDY

Life care, also known as continuing care, is a contractual arrangement under which a person usually pays an entry fee on average $40,000—and a monthly fee—$300 to $1,200—in exchange for living quarters, health care and other services for the duration of one's life. In a life care community, residents receive housing, meals, services such as cleaning, recreation, and health care, including nursing home care. Life care is a $3 billion commercial enterprise today and growing; 60 percent of people retiring today could probably afford life care. For those who can afford it, it offers a very comforting living arrangement of one's golden years.

NEED FOR STUDY

Scrutiny of these consumer transactions is warranted for several reasons. The individuals involved are probably the most vulnerable in our society. They are purchasing very expensive services at a time when they must urgently provide for their needs and are perhaps easily convinced. In some cases, they have to move quickly. Additionally, they literally do not have the time to resort to judicial relief—usually a lengthy process—if abused.

In the case of nursing home transactions, purchasers are usually not in a position to "comparison shop" and thus do not have the "normal protections" of the free market. Families are coping with the emotional and practical trauma of putting a parent or spouse into a nursing home. We cannot rely on the traditional "buyer beware" model of the market to insure a sound and fair purchase.

The life care transaction is unique because of both the nature and magnitude of the transaction: People give all to get all. Many put their entire life-time resources into their contract, trusting that they will be cared for for life. They literally are in the position of playing "you bet your life."

Because of the size of the transaction, the potential for misunderstanding and risk are great. Life care proprietors control large sums of money and could have as much as $7 to $12 million on hand before opening the facility. Since it is often difficult to estimate life expectancy and health care costs, financial projections often do not match reality. As a result, residents can be left in very vulnerable positions—with little security, insurance or equity, if financial difficulties occur. Problems in the life care industry have been examined in hearings of the Senate Special Aging Committee, the April 1985 Money magazine, the Wall Street Journal, Forbes magazine, and others. The need for review by the FTC is compelling.

In both these areas, public funds are widely used. Medicare and Medicaid benefits are often the basis of arrangement for health care. The public deserves the reassurance that public funds are properly spent, as of course, does the beneficiary.

In my view, Congress, by adopting these provisions, can take an important step in helping to direct the Commission into an area of critical importance to individuals and to our society. Given the human dimension of the problem and the vulnerability of the individuals involved, this area may represent the ultimate need for consumer protection. I hope the Senate and the President will not hesitate to support these provisions.

POLYGRAPH PROTECTION ACT OF 1985

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GALLO. Mr. Speaker, I have recently joined many of my colleagues as a cosponsor of H.R. 1524, the Polygraph Protection Act of 1985. It is estimated that each year at least 50,000 workers are wrongfully denied employment because they refuse to take polygraph tests or because of the inaccuracies in the tests when they are administered incorrectly.

H.R. 1524 simply prohibits the use of truth verification devices in the workplace. I have cosponsored this bill in an attempt to prohibit individuals from being denied employment unfairly or having their privacy invaded.

I would like to point out, however, that there are certain industries whose responsibilities merit an exemption from this legislation. In particular, I strongly recommend and support an exemption from this legislation for the security industry.

For instance, Wells Fargo Armored Service Corp., Wells Fargo Guard Services, Burns International Security Services, and Baker Industries operate in 44 States, employing over 39,000 people. These companies' armored cars service the Federal Reserve, the Bureau of Engraving, and financial institutions nationwide.

On any given day, Wells Fargo and Burns International will handle $1 billion.

Statistics show that more than 65 percent of total losses in the armored car industry are the result of internal theft.

Under these circumstances, it is appropriate that security companies be permitted to use trained examiners to administer polygraph examinations in applicant screening, periodic testing, and with reference to specific events.

Congress has already recognized situations where the use of polygraph tests are appropriate. The DOD appropriations bill has been amended to require polygraph exams for those individuals whose duties involve access to classified information.

The aim of this legislation is laudable: to protect the right of privacy and protection of the individual as guaranteed in the Constitution. However, this bill is not perfect. An exemption for certain industries, particularly when the public trust is involved, would move it closer to the realm of legislative perfection.

I hope that my fellow cosponsors of H.R. 1524 will join me in urging such an amendment.

SIXTH MARINE DIVISION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BILIRAKIS. Mr. Speaker, this week in Clearwater, FL, a very special group of patriots is holding its annual reunion.

The 6th Marine Division was first activated on Guadalcanal, British Solomon Islands on September 7, 1944. From September 1944 until March 1945 the 6th Marine Division trained on Guadalcanal for its first and only combat operation, Okinawa. All units were awarded the Presidential Unit Citation for extraordinary heroism in action against the Japanese forces during the assault and capture of Okinawa; April 1–June 21, 1945.

Returning to Guam, the division immediately started to train for the invasion of the Japanese homeland. It was at this time that the war ended. The 4th Regiment went to Tokyo Bay for the occupation of the Yokosuka Naval Base, and the rest of the division went to Tsingtao, China, to effect the surrender of the Japanese on Shantung Peninsula.

The 6th Marine Division remained at Tsingtao, China, as an occupational and repatriation force until deactivated on April 1, 1946. The "Striking Sixth' had the unique record of being the only American division that never served in the United States. In body, the "Striking Sixth" was dead. In spirit, it will live forever in the memories of thousands who had served and fought in Melanesia, Micronesia, and the Orient.

In 1970 the Sixth Marine Division Association was formed to pay tribute to the uniqueness of the "Striking Sixth." It also provided them the opportunity to rekindle friendships and recall memories through their annual reunion such as the one held this week in Clearwater.

Mr. Speaker, it is my honor that these men are meeting in Florida's Ninth Congressional District. May this entry in the CONGRESSIONAL RECORD reflect the heartfelt thanks from a grateful and free nation.

REAR ADM. THOMAS S. MADDOCK, TWICE A CITIZEN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BADHAM. Mr. Speaker, on September 30, 1985, after more than 33 years of service to our Nation and to the U.S. Naval Reserve, Rear Adm. Thomas S. Maddock will retire. He is currently serving as the commander of the Reserve Naval Construction Force and commander of the 1st Reserve Naval Construction Brigade.

The brigade consists of 9 Reserve naval construction regiments, 17 Reserve naval mobile construction battalions, 4 Reserve naval construction force support units, and 13 construction battalion hospital units throughout the United States. With more than 17,000 officers and enlisted reservists, the brigade is the largest single command in the naval Reserve. These are commissioned units highly trained, hardware equipped, self-sufficient, combat ready, prepared to deploy anywhere in the world in response to contingency construction requirements in the early days of any conflict.

In addition, Rear Admiral Maddock administers the Reserve Division, Naval Facilities Engineering Command and the assistant chief of staff for construction management of the Commander in Chief, U.S. Naval Forces Europe. The Reserve division stands ready to augment the military staffing of the Naval Facilities Engineering Command and bring it to wartime manning levels and production capabilities. The assistant chief of staff for construction management is unique in that it is a wholly reserve staff organization functioning on a daily basis as an integral part of an active duty command—the only such operation in the U.S. Navy. These units, together with the brigade, comprise the triad that is the Reserve Naval Construction Force.

The Navy Seabees have a long history and rich tradition as a highly efficient "Can Do" organization. They have served our Nation with distinction and honor since the early days of World War II. Rear Admiral Maddock has continued and built on that history and tradition, significantly improving the mobilization readiness, morale and prestige of the Reserve Seabees.

Today, there is a resurgence of pride in serving our country and it is most fitting to recognize these contributions. I am pleased to call attention to Rear Admiral Maddock's years of dedication to the cause of our national defense. Rear Admiral Maddock was commissioned in the Navy Civil Engineer Corp in 1952, and served on active duty with the Seabees in the Philippine Islands and then at Marine Corps Air Station, El Toro, CA. After joining the Naval Reserve in 1957, he served in a variety of positions with ever-increasing challenges and responsibilities. His command positions have included commanding officer of Reserve Naval Mobile Construction Battalion 17, Port Hueneme, CA (selected as "best of type" in 1969); commander, 1st Reserve Naval Construction Regiment, Los Alamitos, CA; chief of staff for the Reserve Naval Construction Force, Kansas City, MO, and assistant chief of staff for construction management, commander in chief, U.S. Naval Forces Europe, London, United Kingdom. He was selected and promoted to rear admiral in 1981 and assumed command of the Reserve Naval Construction Force in September 1983.

His awards for accomplishments in the Naval Reserve include the Navy Commendation Medal, the Meritorious Service Medal, and the Legion of Merit. The latter award was for his performance as the assistant chief of staff for construction management, U.S. Naval Forces, Europe.

During his tenure as commander, Rear Admiral Maddock personally initiated great improvements in the Reserve Naval Construction Force. Under his leadership, the force was awarded the Golden Helm Award for achieving the highest level of personnel retention in the entire Naval Reserve. He also directed a paperwork reduction program that produced a 70-percent cut in report requirements for field units, saving almost 71,000 man-hours and freeing almost 370 men for mobilization training every year.

Rear Admiral Maddock has taken many steps to significantly increase the combat mobilization readiness training of the Reserve Naval Construction Force. He implemented a schedule of mobilization exercises, both by air and by sea, that involved all five armed services. He initiated joint training exercises with both active duty and reserve Marine Corps units and greatly increased the number of reserve Seabees deployed to U.S. bases overseas to construct vital support facilities and improve the quality of life for servicemen and women stationed there. These accomplishments will be of crucial importance if we ever have to mobilize to defend threats to our freedom.

It has been my privilege to know Tom Maddock and observe his strength, credibility and effectiveness as a leader while commanding the Reserve Naval Construction Force. His superb leadership, incisive perception, and brilliant planning have led the Reserve Naval Construction Force to new plateaus of readiness and responsiveness. The Reserve Naval Construction Force, under his leadership has become one of the most mobilization-ready forces in the Naval Reserve and is acknowledged to be on an equal footing with its active counterparts in the Naval Construction Force. He has worked equally hard to ensure that the public was aware of the accomplishments of the Reserve Seabees, their vital role in the Naval Reserve, and the tremendous asset they represent to the Nation.

In civilian life, Rear Admiral Maddock is president and chief executive of Boyle Engineering Corp., headquartered in my district in Newport Beach, CA. Boyle is one of the largest U.S. engineering firms working on major projects both domestically and internationally. Rear Admiral Maddock is nationally recognized for his technical expertise and is frequently an expert witness on engineering matters. He is a leader in professional societies such as American Society of Civil Engineers and Society of American Military Engineers, and has authored and published numerous technical papers.

Mr. Speaker, I take great pleasure in honoring this great American and in bringing to the attention of the Congress of the United States his substantial contributions to the welfare of our Nation. His accomplishments in the Naval Reserve and in civilian life indeed merit, in the words of the great statesman, Sir Winston Churchill, the accolade "twice a citizen." I am sure that my colleagues join me in wishing Rear Adm. Tom Maddock continued success in all his endeavors and congratulate him on

the completion of a remarkable and highly successful naval career.

TRIBUTE TO DOMINIC MAIESE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding public official and resident of Winslow Township, Camden County, Dominic Maiese. Born in 1919, Dominic Maiese is a life-long resident of Winslow Township, and has always felt a deep sense of concern and appreciation for his community, as well as his fellow man.

It is because of this deep sense of concern and commitment that Dominic first became involved with government. His concern for the quality of public education led him to become active in the operation of the school district.

This same sense of concern for working people led him to become involved in the trade union movement. In 1946, Dominic was elected president of Local 56 of the Industrial Union of Marine and Shipbuilding Workers of America, a position to which he has been reelected ever since. In 1949, Dominic was elected to the union's general executive board, and he is vice president of the South Jersey Council, as well as a national representative of the Ship Workers Union.

Yet, despite all other accomplishments, Dominic Maiese is best known by everyone as the mayor of Winslow Township. First elected to the office in 1961, Mayor Maiese has served Winslow continuously for 24 years. In that time, he has become one of the most respected municipal leaders in the State of New Jersey, and one of the most beloved people in Winslow. During his tenure as mayor, Winslow Township has made outstanding progress, a progress which residents have enjoyed without the burdens of a local purpose tax. Mayor Maiese's interest in education has kept the quality of the schools high. Clearly, the people of Winslow owe a great debt of gratitude to Mayor Maiese.

Now, after 24 years of leadership and service to Winslow, Dominic Maiese is retiring from public life, and will begin a well-deserved retirement. The same sense of commitment which Dominic has brought to public life can now be fully devoted to his family. His loving wife Stella, sons Ron and Tyrone, and six grandchildren have been a great source of support, pride, and love for Dominic, and I know he is looking forward to spending more time with them.

On Friday, September 20, Dominic Maiese will be joined by his family and hundreds of friends at Auletta's Caterers in Almonesson, in paying tribute to the years of love and commitment which he has given to his family, community, and friends. I am pleased to take part in this tribute, as Dominic truly has been a friend over the years, and I will always appreciate that friendship.

Mr. Speaker, I am sure that my colleagues will join me in thanking Mayor Dominic Maiese for his lifetime of commitment and service to his community, and in wishing him a long, healthy, and enjoyable retirement.

AMERICAN FOOTWEAR INDUSTRY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GOODLING. Mr. Speaker, today I am introducing a bill which provides for relief for the American footwear industry. This industry is in dire straits, due to a market intrusion by imports of 72 percent in 1984.

Since President Reagan has not seen fit to uphold the decision of the International Trade Commission, I have incorporated the ITC's recommendations in my legislation. In fact, the only major difference between my legislation and the International Trade Commission's recommendation is that my quota is based upon a percentage of estimated market, rather than a straight numerical quota. I feel that this method is fairer to both our domestic footwear producers and importing countries, because a sliding percentage will not be effected by a change in the size of the market, as would a numerical quota.

I feel this legislation provides a fair and equitable solution to our domestic footwear industry's desperate plight. I am certain that the measures provided in my legislation will allow our industry to return to a robust state of operation.

BISHOP TUTU

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I was keenly disappointed at South African Bishop Tutu's assertion that President Reagan's carefully considered and constructive Executive order somehow demonstrates that the President is "a racist pure and simple." That outrageous charge is clearly unwarranted. It calls into question the judgment of a heretofore respected member of the clergy who has taken upon himself the burden of apparent spiritual and moral leadership in this tragic period of increasingly bloody social and political confrontation in South Africa.

Even the Washington Post, in a recent editorial, calls Bishop Tutu's inflammatory insult unfair. The Post editorial notes as a mitigating factor for this lapse of fairness that the bishop is a man caught up "in the heat of combat on the front line." I suppose we have to take that into account, but it is clear that the kind of rhetorical excess which the bishop's name calling represents is more likely to further inflame the situation in South Africa and to promote a climate of violence instead of justice. Perhaps the most ironic aspect of this is the bishop's own recent experience with being the target of inaccurate derogatory personal comments from another clergyman caught up in the high emotions of the environment in South Africa.

Of course, I am speaking of Reverend Falwell's remarks referring to Bishop Tutu as a "phony," a far less objectionable allegation than Bishop Tutu's attack on President Reagan. In that case, however, after the emotions of the moment had passed, Reverend Falwell had the courtesy to, in effect, apologize for his hasty words.

Certainly Bishop Tutu is a dedicated man of principle as evidenced by his Nobel Prize and instances of personal courage where he has intervened to save individual black South Africans from being murdered by enraged mobs. I sincerely hope that after he has had some time to reconsider the unjustified epithet which he cast at President Reagan, the bishop will vindicate his reputation for dedication to the principle of fairness by extending to President Reagan the apology which he is due.

IN RECOGNITION OF JAMES L. CAREY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FORD of Michigan. Mr. Speaker, I would like to bring to the attention of my colleagues in the House a young man who has reached a position of accomplishment and leadership at the age of 18. The young man to whom I refer is James L. Carey of Dearborn Heights, MI.

On August 10, 1985, Mr. Carey was elected and inducted as State master councilor for the jurisdiction of Michigan, International Order of DeMolay. DeMolay is a youth organization sponsored by free and accepted Masons and other Masonic bodies. The goal of DeMolay is to build confidence as well as good leadership skills and citizenship.

Mr. Carey's many achievements inside the classroom include a high grade point average and election to the national honor society. In DeMolay, Mr. Carey is a recipient of the Representative DeMolay award and a nominee to the Order of Chavalier, the highest honorary award an active member may receive.

It is very fitting that I call this outstanding young individual to the attention of my fellow House Members today. It is very satisfying for me personally, and I know that all my constitutents in Michigan's 15th Congressional District join me in congratulating James Carey. Tomorrow's leaders are today's youth. Young people such as Mr. Carey should make Americans secure in the knowledge that the future of this country is bright.

THE STRIPED BASS REAUTHORIZATION ACT OF 1986

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. STUDDS. Mr. Speaker, I am today, along with Representative JOHN BREAUX, chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, introducing legislation to extend for 2½ years the provisions of the Atlantic Striped Bass Conservation Act. The purpose of this bill is to encourage continued action by the Atlantic Coast States to protect the striped bass, and to make possible the restoration of that species to its historic status as one of the most important commercial and recreational fisheries in the United States.

This legislation would extend the authority of the Secretary of Commerce to declare a moratorium on fishing for striped bass in any State that fails to meet its obligations to the Atlantic States Marine Fisheries Commission [ASMFC] to restrict fishing for the species. The bill would also extend for 2 years the striped bass emergency study currently being conducted by the National Marine Fisheries Service and the Fish and Wildlife Service. The study is needed to obtain the best possible scientific information concerning the status of the striped bass, and to discover the extent to which fishing restrictions and other remedial actions are having a positive effect on the health of the species. Finally, the bill would correct a technical problem with the existing statute by specifically recognizing the regulatory authority of the Potomac River Fisheries Commission and the District of Columbia over waters within their jurisdiction.

The Atlantic Striped Bass Conservation Act, approved by Congress last fall, has been a success. Its purpose was to encourage State governments to meet, in full, their obligation to comply with guidelines approved by the ASMFC to restrict fishing for stripers. It sought to achieve this goal by authorizing the Secretary of Commerce to impose a moratorium on fishing in any State that failed, in the judgement of the ASMFC, to comply with these regionally-approved standards. I am pleased to note that the record of compliance has thus far been excellent, and that it has not been necessary for the Secretary to use his authority to declare a moratorium on fishing in the waters of any State.

Despite the high level of cooperation from the States, it is obvious that restoration of the striped bass will be a long term proposition. The combined commercial and recreational catch of the striped bass is only 10 percent of what it was 20 years ago. This past May, the emergency striped bass study released a report indicating that bass stocks remain dangerously low, and that overfishing, habitat pollution, and acid rain have all contributed to the problem. The ASMFC has responded by adopting a series of amendments to its earlier striped bass restoration plan that will further restrict fishing in the months ahead. A major goal of the new guidelines is to protect female stripers of the relatively abundant 1982 year class, in order to guarantee their survival to spawn. Extension of the Striped Bass Conservation Act will encourage full compliance with these new regulations.

The approach taken in current law represents a compromise between those favoring an immediate and total federally-imposed ban on striped bass fishing, and those who are opposed to any Federal role in managing a species found primarily in waters subject to State jurisdiction. The Striped Bass Conservation Act, as well as the new legislation intended to extend its provisions, recognize the primary role of the coastal States and the ASMFC in managing stocks of striped bass. This organization is made up of representatives from all Atlantic Coast States, and its recommendations stem from deliberations carried out entirely at the State and regional level. The adoption of a Federal striped bass conservation law was required to provide the enforcement authority necessary to guarantee compliance with the ASMFC recommendations. It does not call for Federal management of the species, nor is it intended to undermine in any way the principle that State institutions are entitled to manage species under their jurisdiction.

It is obvious that no restrictions on fishing for striped bass can be adopted without resulting in some short term economic loss to commercial fishermen. But the purpose of these restrictions, in the long run, is to restore the health of a species of immense commercial value. It must be recognized that the failure to protet the striped bass would be folly, and that no benefit—economic or otherwise—will be derived from the species if its decline is permitted to continue.

I was pleased by our ability last year to construct a bipartisan coalition of Members from both the House and the Senate in support of action to protect the striped bass. I hope that this coalition can be recreated to ensure the extension of these protections for an additional 30 months.

WHAT THE SANDINISTAS SAY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COURTER. Mr. Speaker, nearly 20,000 Nicaraguans, many of whom are operating on their own soil, are battling Sandinista army and militia forces. Last week, Nicaraguan lawyers told the World Court that American support of this resistance movement constitutes "state terriorism" and violates international law.

It is fascinating to see the Sandinistas gettting so gun shy.

A year ago Tomas Borge, the man who controls the Nicaraguan police—albeit with Cuban, Soviet, Bulgarian, and East German help—was in Tripoli proclaiming that "Even before the triumph of the Nicaraguan Revolution, we received the solidarity of the people of the Libyan Jamahiriya * * *" and "Our friendship with Libya is eternal." Colonel Qadhafi reciprocated as follows: "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us."

Four years earlier, in 1980, when there were already PLO-controlled guerrilla training camps in Nicaragua, and Sandinistas had already fought beside Palestinians in the Middle East, Borge exchanged similar plaudits with Yasser Arafat. He declared "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." The following day Arafat answered: "The triumph of the Nicaraguans is the PLO's triumph."

Borge specifically mentioned the participation of foreigners in the Sandinista revolution when he spoke on its second anniversary. And in North Korea he went so far as to say that "the Nicaraguan revolutionaries will not be content until the imperialists have been overthrown in all parts of the world."

Many other Sandinista officials have said many similar things. So whatever the Sandinista lawyers might be saying at The Hague, Americans should keep something in mind: It's not that the Sandinistas disapprove of armed insurrection; it's that they only countenance the totalitarian varieties.

SALUTE TO THE FOURTH ANNUAL "PROJECT LIFEBOAT" IN ORANGE COUNTY, CA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DORNAN of California. Mr. Speaker, today I rise to call my colleagues' attention to a very special event that will be held on the 28th of September in Garden Grove, CA. I am speaking of the "Fourth Annual Project Lifeboat," a once a year cultural/musical show to raise money for funding of mercy ships to rescue boat people from the South China Sea.

The idea of organizing a charity event to raise money to help the boat people is highly commendable. As with the recent Live Aid fundraising concert for hungry Ethiopians, Project Lifeboat is a beautiful outpouring of compassion by fellow human beings in one part of the world to those much less fortunate in other areas. Now, in its fourth year, Project Lifeboat will again echo the true sentiment of all free men—the desire to break away from the iron grip of Communist oppression.

Under the auspices of the Boat People S.O.S. Committee, a national organization established by Vietnamese educators and scholars, the event is coordinated by hundreds of college and high school students. Many notable Vietnamese singers, actors, and performers will also donate their theatrical talents to this humanitarian cause. The famous names will attract thousands

of Vietnamese, as well as Americans, to come see the show and better understand the plight of the boat people.

In the past months, student volunteers have distributed thousands of fliers and notices across southern California to get the word out to the people. The committee will continue to hold periodic press conferences to give reports of progress. To date, donations have reached close to $70,000, but hopes are high to raise much more. Indeed, the contributions collected at this upcoming event will be the icing on the cake. Every dollar contributed will boost the chances of a refugee being saved from Thai pirates and the treacherous waters of the South China Sea. For some of these refugees, the fate of freedom or death on the high seas is directly dependent on donations from the States.

The proceeds will be entrusted to Medicins du Monde, a physicians' league in Europe which sponsors ships to assist stranded vessels. The money is used for gasoline, oil, crew salary, food rations, rent, and maintenance of the *Jean Charcot*, a ship of mercy chartered to patrol in the South China Sea. Also, a portion of the proceeds will be donated by the Boat People S.O.S. Committee to orphans in various orphanages in Southeast Asia. The focus of time and money volunteers and benefactors devoted to this upcoming event is in itself a triumph. It is a symbolic victory of faith over the adversities of fear and hoplessness.

Mr. Speaker, the Vietnamese boat people and the little orphans will be much comforted when they realize that we, as a constitutional body of representatives of the greatest democracy on Earth, strongly believe that freedom is not a privilege, but an inalienable right possessed by all men. For the Vietnamese boat people, the perilous sea journey in search of freedom is costing them dearly, on occasions paid for with the price of their very lives. Yet, hundreds of thousands of Vietnamese every year risk their own lives on rickety river boats for the simple fact that they cannot coexist with the Communists and the Godless ideology.

As a staunch ally during the Vietnam War, the U.S. Government has a special relationship with South Vietnam and its citizens. In our Nation's short history, we have never sacrificed so many young men for another country as South Vietnam with such a sad outcome. Arm in arm, our GI's and the South Vietnamese military forces fought and died together for the same democratic ideals. And let us not forget that 10 years after the U.S. Congress abandoned them, they are still, in moral principle, our allies. The Vietnamese people are our friends because they intimately share with us the belief that democracy is worth defending, and that communism is inherently inhumane and evil.

The theme of the "Fourth Annual Project Lifeboat" is a tribute not only to the boat people, but to all people who constantly live in the dark shadows of hunger, suppression, and humiliation. The spirit and dedication the Vietnamese exhibit in this noble cause touch the hearts of all Americans. Their unselfish efforts highlight the true character of this Nation as a good samaritan.

Mr. Speaker, I appreciate this opportunity to salute the success of the "Fourth Annual Project Lifeboat," and to commend all the Vietnamese who have made it possible. In essence, this momentous event represents America's true purpose and that of all freedom-loving people—the championing of democracy.

THE NUCLEAR POWER PLANT SECURITY AND ANTI-TERRORISM ACT OF 1985

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, today I have introduced the "Nuclear Power Plant Security and Anti-Terrorism Act of 1985," which is badly needed legislation. For far too long, our country has been lax about conducting personnel security checks at U.S. nuclear plants. So far, we have been very lucky. We have not had a terrorist act perpetrated by an individual with access to a sensitive nuclear facility. This proposed act closes the door by requiring checks of all personnel working at nuclear facilitites.

This act better protects our national security by allowing access to certain Federal records. By amending the Atomic Energy Act, the legislation requires that all individuals having unescorted access to nuclear facilities be fingerprinted. The Department of Justice will provide the appropriate criminal record checks using these fingerprints.

This legislation is designed to protect the American public and our national security from those who might resort to terrorism while having access to a sensitive nuclear facility. The potential for a major terrorist act against the United States is enhanced by the existing practice of giving unscreened personnel access to nuclear facilities and nuclear material.

While we have yet to experience a terrorist incident involving a nuclear facility, we are waiting for a disaster to happen if we continue to allow basically unscreened personnel to work in sensitive facilities. Domestic terrorism is a possibility we cannot ignore. Today's terrorists are tough and sophisticated. This is why this legislation is both timely and necessary. A nearly identical bill was recently introduced in the Senate by Senator DENTON with bipartisan support. I urge my colleagues to support this legislation.

CONTRACT SAVINGS ACT OF 1985

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ROBERT F. SMITH. Mr. Speaker, I take great pleasure today in introducing with my friend and colleague from Texas, Mr. STENHOLM, the Contract Savings Act, legislation that could—as the least of it benefits—save this Government more than $1 billion yearly.

I realize that many in this Chamber will have a hard time believing that a $1 billion savings can be discounted as the least benefit of proposed legislation. But in this case, Mr. STENHOLM and I are even more excited about the the private sector job opportunities that will be created, the significant improvement in quality and cost-effectiveness in Government work which will result, and the long-term benefits to the free enterprise system which fuels this Nation's economy.

The idea is simple: a broader reliance on America's private businesses for the services and properties needed by Government will save money. It saves on the costs of doing those chores today and returns even far greater savings in future years.

In a very real sense, though, the key to broad success of this legislation lies in a concept that is among the most deeply-engrained in the history of this Nation: competition.

America has grown strong because it has encouraged the growth and strength of its private enterpreneurs. The free enterprise system nurtured by more than two centuries of American Government has sparked a continual search for a better way, and rewards those who find it with profits—taxable profits, I might add. That search is called competition.

Free and open competition has served to improve products and services while keeping costs down. At the same time, the pressure of a competitive marketplace gives vitality to those who can make a better product or cut the costs of that product and it weeds out those who cannot.

Throughout history the Federal Government has dedicated itself to removing barriers to the free enterprise system that feeds both the Nation's families and the Nation's treasury. We've stood in the path of domestic monopolies and unfair foreign predators.

But in the last half-century, we've allowed an erosion of the competitive edge in the free enterprise system by the most unlikely, most insideous element: ourselves.

Today, many American private businesses recognize that their greatest biggest competitor is the Federal Government itself. The Contract Savings Act of 1985 recognizes that fact and seeks to offer a remedy: to save by broadly expanding the use of competition and private business to improve the quality and cut costs of similar work now done in-house by the Federal Government.

Mr. STENHOLM and I are first to admit that the key principle of our legislation may qualify as one of the oldest new ideas to be offered in the 99th Congress. The disadvantage of that kind of admission is that we can't claim to be geniuses. I think we can live with that.

But the advantage of bringing an old idea to new form is that there's a veritable flood of evidence to demonstrate that the idea is valid and to the new form is needed.

For proof of the idea's value, we need to look at the experiences of the Government since 1955. The agency that was to become the current Office of Management and Budget [OMB] said Government should rely more on the private sector to fill Government needs. Efforts to implement that policy have since been consolidated under OMB's "Circular A-76."

Allow me to stop right here for an important aside. Over the years, the term A-76 has grown a variety of identifying warts and bumps whose appeal is in the eye of the beholder.

To private business, A-76 is a referee; to many Government workers—and today there are more than 16 million of them at all levels of Government—A-76 is a threatening ogre.

To those who would objectively assess the value of its accomplishments and the potential of its promise—the Congressional Budget Office and General Accounting Office to name only two—A-76 is a good fairy, a beneficial phantom that seems to do good things when and where it appears.

Regardless of political affiliation, over the years the agencies which have looked at A-76 applications have universally said that it works. It saves money, it creates new tax revenue, it expands private sector jobs and it improves the product of Government. But the problem with A-76 is that it's still, after 30-years of use, only a suggested practice.

Time and again—right up to the Grace Commission and the GAO's assessment of its provisions this spring—agency after agency, group after group has identified A-76's major flaw: it still isn't the law of the land.

If we really want to affect the greatest savings, if we're really serious about relying on the private sector, if we really want to live up to the principle of a Government that does only what can be done by Government alone and does that in the most efficient and effective way it can be done, then the concept of competitive preference embodied in A-76 must be placed into law.

Enter the Contract Savings Act. It is legislation designed to place into law the principle of Government's reliance on competition and private sector reliance to build a better Government product.

Quickly, while the subject of perception and image is still the topic of discussion, allow me to address the three primary questions that need be answered before I would ever expect a single colleague to join Mr. STENHOLM and me on the bill.

First: will it save significant amounts of taxpayer money?

Second: will it serve the need; will it equal or improve the level of Government performance which we enjoy today?

Third, and admittedly the most volatile question: will it threaten the livelihood of significant numbers of persons now employed by the Federal Government?

Taken in order, first, the question of savings.

CBO has estimated that making full use of Circular A-76 would save this Government $1.1 billion annually. By placing every appropriate and qualifying job which is now done in-house by the Federal Government in an active and mandatory competition with private sector providers, we would shave $1 billion off the deficit.

In other words, if we took competition out of the please do category and placed it into the must do field by making it law, we'd begin to pile up savings.

This bill, however, goes CBO one better by removing one restrictive measure from the current A-76 practice.

Today, A-76 provisions create a cost competition between private businesses and Government providers. Once a task is identified as a commercial activity that could be done equally well by Government or private sector employees, both are invited to bid on the cost of doing that job. But the lowest bidder is not always the contract winner.

Today's A-76 gives the in-house Government provider an automatic, unquestioned, 10-percent advantage. If the private sector competitor can't better the in-house price by 10-percent or more, the task will remain in-house.

CBO's $1.1 billion savings estimate takes this factor into account. Mr. STENHOLM and I don't agree that savings of 1, 2 or 9 percent of a task's cost are inconsequential.

Our bill would eliminate the 10-percent differential and instruct the Administrator of the Office of Federal Procurement Policy [OFPP] to save us as much, or as little, as unbiased cost comparisons will allow.

As such, we would expect savings of more than the $1.1 billion CBO estimate.

While I'm delighted to point to estimated savings, I also realize that there are skeptics in this body who aren't impressed with anyone's estimate. They want cold, hard fact and proof where it's available.

There is plenty of that.

One of the most recent is also one of the most dramatic. It comes from an analysis of A-76 applications in everyone's favorite target, the Department of Defense. Published in the "Defense Management Journal" third quarter 1985 edition, is an analysis of DOD's commercial activity applications from early 1979 through 1984.

The article is a masterful study of the ways A-76 competitions saving money, but the statistics alone are convincing.

In that 5-year time period, the DOD conducted 1,054 competitions for military base-support functions, touching on some 35,500 jobs. In 48-percent of those competitions, the in-house, Federal workforce won the right to keep the job in-house. the remaining 52-percent was won by private contractors. What's happened since then is impressive.

On average, the Journal said, private contractors underbid the previous—in-house—cost by 21 percent. Maybe more startling, however, is the savings worked on the 48-percent of the contracts that stayed in-house simply because they went through the competitive bid process.

The cost of the same work, done largely by the same people within the Federal system was bid on average 17-percent below precompetition costs.

Overall, selection by the lowest bidder across the full range of the 1,054 competitions resulted in a 29-percent reduction in operating costs.

Remember that the savings were restricted because of the 10-percent differential which was in place, by the fact that defense activities have a larger than average percent of security-related job exemptions and by the fact that A-76 is not statutory.

Does competition save money? In answer to the first criteria, "You bet it does!"

How about question two, "Does competition help meet the needs and equal or improve the level of Government performance which we enjoy today?"

That's the easist of the three questions to answer. Whether a job is done in-house or under contract, we the Government, retain the right to decide performance criteria. We set the standards and we decide if they have been met.

The real difference between in-house and contract performance of a task, however, comes after it has been finished. It's only then that we can turn back the pages to decide if it has been done to our satisfaction.

If we're satisfied that the job has been done to our standards at a fair price, again the question of who did the job is comparatively inconsequential.

But what happens if the job wasn't done right? Who do you turn to then?

Thankfully, the satisfaction guaranteed spirit is still alive in America's private sector. If the job was done by private business, the chances are better than even that the job will be made right without additional cost.

If the job was done in-house, the story may be very different indeed. I have yet to hear of a single Government project where it didn't cost the Federal taxpayer money to fix a mistake.

It's the difference between fixing the pipes yourself or hiring a plumber. If the bathroom floods after you've done the job, you get the bill. If you hire a plumber for the job he pays for the flood repair.

Which brings us abruptly to the third question: the impact of a vastly-broadened reliance on competition and private sector contracting on the Federal workforce.

Nothing in this legislation is intended to impugn, or even question, the professionalism of the workforce of the U.S. Government. Nothing in this introduction is intended to suggest that a job can be done better by the private sector than by the Federal employee.

This bill does suggest, however, that there are greater benefits to the taxpayer, to the private sector, to the Government, and to those who are served by the Government by doing a job outside the Federal realm when the option is presented.

This isn't legislation to fire Federal employees. There is very good evidence to indicate that the experiences of Federal employees who have been touched by the A-76 process has not been particularly devastating.

For instance—going back to the Defense Management Journal—GAO recently reviewed 20 functions that Government contracted to private business during fiscal year 1983. Of the total 2,535 affected, only 5 percent, or 129 persons, had been involuntarily separated from their jobs.

Nearly three-quarters of the total found other Government jobs and many went right back to work, on the same job, for the winning contractor.

In those instances where the contract was won by the Federal employee, they returned to work with a new confidence and pride in their work, armed with incontrovertible proof that they were doing their job to the absolute best.

The answers to our three questions lead us on a path of greater savings, improved product and, most importantly, an appropriate reliance on the value of the spirit of competition which has made the private sector strong.

The Contract Savings Act will solidfy for Government, in usable law, the principles which have nurtured America's private sector.

We have tried as well to make the mechanics of the law as straightforward as the principle.

If brief, the Contract Savings Act calls on the Administrator of the Office of Federal Procurement Policy [OFPP] to create regulations, consistent with OMB circulars, to compare the costs of jobs which are still done in-house performance with private sector providers.

When outside costs are lower, the Administrator is directed to award the job to the private contractor. For the purposes of fair comparison, as I mentioned before, the 10-percent in-house advantage is eliminated and every effort is made to assure that the hidden costs of doing a job in-house are taken into consideration when costs of a contract are estimated.

While the intent of this legislation is to expand the use of private sector providers, it isn't blind to the fact that there will always be places where private business assumption of a chore is not appropriate.

The bill recognizes that certain matters and jobs which are sensitive to national security are not always appropriate for the private sector. Those jobs would be exempt from cost comparison and award.

The bill also recognizes that there are good reasons for leaving a job in the hands of an employee of the Federal Government, other than national security. But the procedure for that decision would be changed somewhat.

Current practice allows Federal agencies where private contracts are being considered to reject a cost comparison where the agency or department indicates that theirs is an inherently governmental activity, or so intimately related to the public interest as to mandate performance by Government employees.

Our bill would direct the Administrator of OFPP to review and affirm those departmental exemptions in writing and, for the first time, that decision could be appealed by private providers who feel that the decision to leave a Government position in-house is more protective than pragmatic.

The Administrator would be empowered to overturn a departmental rejection and force the job to cost comparison with private sector providers when departmental justifications are inadequate.

While it might seem that a list of jobs and responsibilities can be divided into commercial or governmental quite easily—particularly after national security exemptions have been granted—in reality the task can be far more complex.

One example of such a dispute can be found in my own home State of Oregon. It may be the Nation's longest-running argument dispute between private business and Government.

Oregon is the second-largest live plant exporting State of the Union. Those who have ordered rose bushes from firms like Jackson and Perkins, in my district, for instance, are aware of the national reputation of Oregon nurserymen.

Yet, for 80 years, commercial nurserymen have tried unsuccessfully to win the right to provide seedling trees to the U.S. Forest Service for use in our National Forest System and on other Federal lands.

For 80 years, the Forest Service has insisted that private business can't grow a tree as well as the Government grows a tree. The Forest Service continues today to operate 12 Federal nurseries around the country.

And, to add insult to injury, the Forest Service often sells those surplus seedlings from its own nurseries to large landowners, in direct competition with commercial nurserymen.

Today, using the please do approach to private contracting under the suggested guidelines of A-76, the Forest Service easily resists cost comparisons simply by saying that growing trees for the National Forest System is an inherently governmental responsibility.

By the same token, the general contracting industry throughout the United States finds itself frequently and consistently turned away from construction jobs that would be better done by private contractors.

But instead of the logical use of experienced, state-of-the-art, fully-equipped and bonded contractors who assure us of cost and specification compliance in necessary Federal construction, this Congress is turning the other way.

Actual prohibitions have been added in legislative language in recent years to prevent the use of private construction on some Federal properties such as the entire National Park System.

As a result, the Federal Government buys equipment which sits idle most of the time; it hires people who end up being part-time builders; it gets work without cost or satisfaction guarantees, inspected by the same people who do the work and done at a cost that ends up costing, well, whatever it costs.

In the construction business, particularly, Federal dollars are channeled through State and local governments doing federally assisted road or water control work where contracting with private builders should be the rule rather than the exception.

While this legislation specifically addresses Federal activities, the entire realm of federally assisted projects needs to be examined for private contracting opportunities.

More urgent than that, however, is the need to fit the spirit of improvement by competition into the full range of Federal activities.

The Contract Savings Act which we introduce today intensifies our search for budget reductions in a proven field of savings. More importantly, it pulls the reins on runaway Government even tighter, it bolsters the free enterprise system and it improves the product of Government.

I urge you to join with my colleague, Mr. STENHOLM, and me as a cosponsor of the Contract Savings Act. Thank you.

H.R. —

A bill to require the Federal Government to enter into contracts with the private sector for procurement of property and services needed by the Federal Government when any cost comparison demonstrates that the cost of such procurement from private sector sources is lower than the cost of providing such property or services by the Government, and to establish in the procurement policy of the Federal Government a greater reliance on private sector sources to provide property and services needed by the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contract Savings Act of 1985".

SEC. 2. PROCUREMENT FROM PRIVATE SECTOR REQUIRED WHEN COSTS ARE LOWER.

(a) GENERAL RULE.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"COST COMPARISONS

"SEC. 24. (a) When any cost comparison carried out under regulations prescribed under subsection (b) shows that the cost of providing any property or services (or both) by the private sector is lower than the cost of providing such property or services (or both) by the Government, such property or services (or both) shall be procured from the private sector.

"(b)(1) The Administrator shall prescribe regulations to require that a comparison between—

"(A) the cost of providing property and services by the Federal Government; and

"(B) the cost of providing property and services by the private sector;

be conducted in any situation in which such property or services (or both) can be procured from the private sector. A comparison shall be conducted for each property or service which is needed by the Government after the date of the enactment of this section and which is not already provided by the private sector.

"(2) The regulations shall be part of the single system of Government-wide procurement regulations as defined in section 4(4) of this Act and may be similar to Office of Management and Budget circulars (except where any such circular is inconsistent with the requirements of this section). The regulations shall include the following:

"(A) A requirement that there shall be no cost differential in favor of performance by Government personnel or performance by private sector personnel.

"(B) A requirement that the cost estimate for Government performance shall include an estimate of indirect costs, computed on the same basis required of Government contractors.

"(C) A requirement that the cost estimate for Government performance shall include an estimate of the cost for retirement benefits provided to civil service employees, computed by the chief actuary of the civil service retirement system using a dynamic normal cost method and updated annually.

"(D) A requirement that any change in methods of performance by Government personnel (to achieve efficiency and reduce costs) that is proposed in a cost comparison must be placed into effect as proposed if the cost comparison results in a decision to continue performance by the Government personnel.

"(E) A procedure by which private sector providers of property and services may request and receive reconsideration by the Administrator of any determination made by the Administrator under subsection (c)(2), within 60 days of such determination.

"(c) This section does not apply—

"(1) in any situation in which private sector performance of a Government-operated activity (whether the activity is new or existing) would be inconsistent with national security;

"(2) to any activity which the Administrator determines in writing to be so intimately related to the public interest as to mandate performance by Government employees;

"(3) to the procurement of any property and services under title IX of the Federal Property and Administrative Services Act of 1949; or

"(4) to the conversion to private sector performance of any Government activity that involves 10 or fewer full-time positions (or the equivalent of 10 or fewer full-time positions), if fair and reasonable competitive prices can be obtained from qualified commercial sources.

"(d) Any determination made by the Administrator under subsection (c)(2) shall be reconsidered by the Administrator upon request by a private sector provider of property and services, in accordance with the procedure prescribed under subsection (b)(2)(E). Judicial reviews of the merits of a decision resulting from a reconsideration may be had in the United States District Court for the District of Columbia or the United States district court for the district in which the provider resides or in which the provider's principal place of business is located. In any such review, the facts of the case are subject to a trial de novo by the reviewing court.".

(b) EFFECTIVE DATE.—The Administrator shall prescribe the regulations required by the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

SEC. 3. DECLARATION OF POLICY.

Section 2 of the Office of Federal Procurement Policy Act is amended—

(1) by striking out "and" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and

(3) by adding at the end the following new paragraphs:

"(14) applying principles that are accurate, fair, and impartial when comparing the costs of alternative sources of property and services;

"(15) relying on private, for-profit business sources to provide property and services to the Federal Government through an open and competitive bidding system in order to stimulate overall economic activity and thereby provide an additional return to the public in the form of taxes; and

"(16) relying to the maximum extent possible on private sector sources to provide property and services needed by the Federal Government.".

TREASURY II, AND ITS IMPACT ON CALIFORNIA'S SAVINGS INDUSTRY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ANDERSON. Mr. Speaker, last month I received correspondence from Mr. W. Dean Cannon, Jr., president of the California League of Savings Institutions, which discusses the President's tax reform plan (i.e. Treasury II) and its impact on California's savings industry.

According to Mr. Cannon, "if the Treasury II proposal are incorporated into a tax bill, the effect will be to dissuade savings institutions from fulfilling their obligations as specialized financial institutions. In essence, such a tax policy would remove incentives for us to specialize in home finance."

As we continue the debate on general tax reform and simplification, I hope my colleagues will review Mr. Cannon's remarks on this important issue. The text of his correspondence follows.

CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS,

Los Angeles, CA, August 19, 1985.

Hon. GLENN M. ANDERSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ANDERSON: As the House Ways and Means Committee takes up tax reform, I am writing you to express our concern about five provisions of the Treasury II proposal that would adversely affect California savings industry.

As you know, the Treasury's proposal sets out to deliberately remove certain incentives from the tax code, while preserving or expanding others. Special incentives accorded the home finance industry are among its targets.

We do not quibble about the need for a fairer or simpler tax system. However, the Treasury's proposal creates an immediate tax burdern of more than *$1 billion for California's savings industry,* virtually wiping out its tangible net worth. We think it is inequitable and untimely.

I invite you to review the enclosed background paper and to urge your colleagues on the Ways and Means Committee to consider this aspect of the Treasury II proposal carefully.

The thrift industry is essentially being tugged in two directions by Congress. We concur with the direction set forth by the House Banking Committee, which would establish a "qualified thrift lender" test for savings institutions. On the other hand, if the Treasury II proposals are incorporated in a tax bill, the effect will be to dissuade savings institutions from fulfilling their obligations as specialized financial institutions. In essence, such a tax policy would remove incentives for us to specialize in home finance.

We believe that the Treasury II proposals are simply premature. We urge you to call on your colleagues to defer any action on these provisions until Congress can address the larger question of the future of financial institutions and then determine the most appropriate method for taxing thrift institutions consistent deregulation and the charge our industry receives from Congress.

Sincerely,

W. DEAN CANNON, JR.,
President.

TREASURY II—A THREAT TO SAVINGS INSTITUTIONS AND TO THE NATIONAL PRIORITY FOR HOUSING

POSITION STATEMENT OF THE CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS

A matter of priorities

A nation's tax policy is perhaps the surest indication of its social and economic priorities. For more than 80 years, Congress, mindful of the importance of home ownership, has employed tax policy to encourage residential mortgage lending. This policy has worked well: the rate of home ownership in the United States is among the highest in the developed world and the nation's savings institutions remain the single largest source of housing finance.

Treasury II—the tax reform proposal now being debated in Congress—would drastically reverse this historic priority. Intent on creating a "level playing field" for the entire financial industry, while simplifying the tax laws, the framers of Treasury II propose to restructure thrift industry corporate taxation and force savings institutions to diversify their assets away from home finance. What is proposed is the creation of a tax regime which would effectively penalize savings institutions for activities to which they are committed by statute and regulation.

Tax impact on savings institutions

Five principal provisions of Treasury II will impact savings institutions:

1. Elimination of the bad debt reserve deduction.—Currently, savings institutions which commit more than 60 percent of assets to specified housing related investments may deduct additions to bad debt reserves, up to a maximum of 40 percent of taxable income. This special allowance is designed to afford thrifts some measure of protection from non-performing loans and

interest rate fluctuations—risks associated with long-term residential mortgage lending.

Treasury II would eliminate such reserve accounting for all financial institutions, permitting bad debts to be deducted only when an actual loss is incurred—the so-called "specific charge-off" method of accounting. The effect is to raise the industry's effective tax rate while rates for other corporate taxpayers are being lowered.

2. "Recapture" of existing bad debt reserves.—Treasury II does not stop at eliminating the bad debt reserve deduction, but mandates that savings institutions reclassify a substantial portion of existing bad debt reserves as taxable income. Institutions are given the option of accomplishing this "recapture" in one year or spreading the resulting liabilities over 10 years.

The framers of Treasury II argue that the "recapture" provision is necessary to prevent a double deduction of bad debts included in current reserves—debts which would be written off again as specific charge-offs. In fact, the measure imposes an unfair, retroactive taxation on the S&L industry, a clear case of changing the rules—and the score—after the game has been played.

3. Curtailment of the net operating loss "carryback".—In 1969, when the current bad debt reserve system was adopted, Congress granted savings institutions the authority to carry net operating losses back 10 years to recover taxes already paid, and forward five years to reduce future tax liabilities. In doing so, Congress explicitly acknowledged that accepting short-term deposits to fund long-term mortgage loans made thrifts vulnerable to losses when interest rates rise rapidly.

The housing depression of 1981–82 proved the wisdom of this measure. Forced to pay high market rates for deposits, while carrying old, low-interest loans on the books, the industry as a whole experienced losses totaling nearly $9 billion. If the 10-year "carryback" provision of the 1969 law had not been available to restore much-needed capital, far fewer institutions would have survived.

Ignoring the lessons of recent experience, the framers of Treasury II propose to eliminate the special 10 years back/five years forward net operating loss rule for thrifts and impose the schedule applicable to all other corporate taxpayers: three years back/15 years forward. This could set the stage for crippling housing finance in the United States, should the 1981–82 scenario ever be repeated.

4. Enforced switch to accrual accounting for tax reporting.—Treasury II would require savings institutions to report taxable income on an "accrual" rather than "cash" basis. In other words, institutions would have to report all income earned during the tax year, whether or not the income has actually been received.

Here again, the realities faced by institutions specializing in long-term lending are simply ignored. Certain residential loans—adjustable rate mortgages, especially—may yield current earnings to the lender that cannot be received until the term of the loan ends. Under Treasury II, savings institutions would be taxed on this income many years *before* the receipt of cash is even possible.

5. Elimination of deduction for state and local taxes.—Treasury II's much publicized proposal to eliminate deductions for state and local taxes would also adversely affect savings institutions since institutions will face greater competition for depositors' funds from U.S. obligations, which are exempt from state and local tax. In essence, the savings industry will have to offer a higher yield to compensate for the fact that interest paid on deposits will be subject to state tax that is not deductible for federal income tax purposes. The California League estimates that an institution which now pays 11.24 percent in order to compete with a Treasury bill paying 10 percent, will have to offer a rate of 12.3 percent in order to make up the difference.

The non-deductibility of state income taxes will result in higher costs of funds to institutions, which leads inevitably to narrower margins and/or higher loan rates for borrowers—especially home owners.

Financial impact on the industry: Reduced net worth

Treasury II will sharply and immediately increase the industry's tax liability, which will be reserved for by diminishing institutions' net worth. The timing could not be worse—the industry is just now rebuilding capital following six difficult years.

The effect will be to weaken the financial strength of many institutions, thus adding to potential problems for the FSLIC. The impact could prove severe for savers, borrowers and investors alike.

In California, the additional tax liability of institutions will exceed $1 billion. The effect will be to virtually wipe out the tangible net worth of institutions, although many institutions will continue to enjoy net worth for GAAP and regulatory accounting purposes.

The recapture of the debt reserves alone would create an additional tax burden of $442 million for California institutions and some $1.8 billion for institutions nationwide.

The other proposed tax changes would result in additional financial adjustments of $729 million for savings institutions in California and an anticipated $2.9 billion nationwide.

Congress Must Choose

Clearly, Treasury II proposes to gut the system of tax incentives directed toward helping consumers realize the American dream of home ownership. The American public spoke out loudly against the suggestion to eliminate the home mortgage deduction. We believe that these incentives are equally important toward meeting that goal and will impact consumers just as much.

The question before Congress is whether out tax policy will continue to treat home ownership as a priority, or whether the home buyer must compete with every other bidder for capital.

If home ownership is a national priority, we urge that the existing incentives be maintained and that the Treasury II provisions above be deleted from any tax reform proposal.

If Congress deems that housing should no longer receive special consideration, we believe that lawmakers must be fully cognizant of the impact of such a public policy. Without an adequate flow of funds for housing, who will provide the investment dollars needed to finance the long-term construction of new homes and businesses? At minimum, we believe that Congress should:

1. Delete the provision calling for the recapture of existing bad debt reserves.—This retroactive form of taxation will simply devastate the industry's already fragile net worth.

2. Provide an orderly transition to any new set of tax regulations.—These transition rules (which are not provided for in the Treasury II proposal) should contain a sufficient phase-in period to reduce any detrimental impact on the net worth of institutions. We do not oppose fairness or simplicity in taxation; however, we believe that management must be given sufficient time to plan for the tax consequences of business decisions, particularly when lending long in a highly regulated yet rate sensitive environment.

3. Consider the impact on savings and investment.—When examining the much larger question of the deductibility of state and local taxes. We believe that the detrimental impact on savings and investment is a compelling reason why state and local taxes should continue to be deductible.

A BILL TO PROVIDE A SECURITY BUFFER ZONE FOR THE SAVANNAH RIVER PLANT

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DERRICK. Mr. Speaker, today I am introducing legislation to transfer approximately 6,000 acres from the Department of Agriculture's Forest Service to the U.S. Department of Energy. The Department of Energy, which operates the Savannah River Plant near Aiken, SC, believes this transfer of land adjacent to critical facilities on the Savannah River Plant site will enhance the physical security of this critical nuclear defense installation.

This property was formerly Department of Energy land and part of the Savannah River Plant reservation until the 6,021 acres were transferred to the Forest Service in 1974. The transfer to the Forest Service was done to provide public recreational benefits under the President's Legacy of the Parks Program.

In the 97th Congress, the Committee on Energy and Commerce conducted oversight investigations which highlighted potential shortcomings related to the security of various U.S. defense materials production facilities, including the Savannah River Plant.

Officials of the Department of Energy have since undertaken numerous programs to bolster the physical security of these installations, and I am pleased with the progress that has been made to date at the Savannah River Plant.

The property which will be deeded back to the Department of Energy upon enactment of this legislation will increase the overland distance between critical facilities and the plant boundary by between 3,000 to 15,000 feet. This additional "buffer zone" will greatly enhance security by limiting public access to lands that are in close proximity to critical nuclear facilities.

Mr. Speaker, this legislation was introduced in the Senate by the distinguished senior Senator from South Carolina on August 1, 1985. I hope my colleagues will join me in providing the means by which one of the Nation's premier nuclear defense installations may significantly enhance its

security by ensuring prompt consideration of this proposal in the House of Representatives.

THE 100TH BIRTHDAY OF REV. THOMAS J.B. HARRIS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to acknowledge the 100th birthday of one of my district's finest citizens, Rev. Thomas J.B. Harris.

Mr. Harris was pastor of Bethany Presbyterian Church in Englewood from 1915 to 1927, during which time the church building was rebuilt in its present form. Mr. and Mrs. Harris have been residents of that city for 70 years.

Mr. Harris is a native of Charlotte, NC, and was educated at Johnson C. Smith University and Theological Seminary. He is the oldest alumnus of that university. In 1943 he received the degree of master of arts in business administration from New York University.

In 1919 he married the former Willie Mae Bowers. They had two daughters, one of whom died in infancy. The surviving daughter, Gladys Thomas, a resident of Teaneck, is the mother of Brenda Thomas.

Mr. Harris taught school in Woodbury, NJ, from 1912 to 1915. Chaplain in both world wars, he was stationed at Camp Merritt in Dumont during World War I. He has made his home in Englewood since 1915, when he became pastor of Bethany Presbyterian Church.

The Reverend Harris became pastor at Rendall Memorial Presbyterian Church in 1927, and has remained a member of the Presbytery of New York City. Following his military service in World War II, he served pastorates at Silnam Presbyterian Church, Elizabeth, NJ, and Brook Chapel, Hillburn, NY.

In 1948 he was the first black to run for the Englewood city council. He has been chaplain of the 369th Veterans Association, New Jersey District, since 1958, and is a charter member of the Henry Douglas Post 58, American Legion.

In his retirement years he has been occupied with real estate and income tax assistance. He is a never-failing source of help to those who seek his counsel. He has performed many marriages and funerals for Englewood people, and maintained a lively interest in community affairs.

HISPANIC HOUSING NEEDS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GARCIA. Mr. Speaker, this week marks the national observance of Hispanic Heritage Week. There have been many notable events here in Washington and across the Nation in honor of Hispanic contributions to our country. Hispanics are involved in all phases of American life; the arts, fashion, politics, science, to name but a few. We have left as our legacy our culture, our architecture, and our language in almost every State in which we have settled.

Unfortunately, there is a dark side to this picture. Hispanics are living in poverty, at below subsistence levels, and in substandard housing. We are at a crossroads; the 1980's were supposed to be the decade in which the Hispanic came into his own, in which we were courted instead of shunned, and in which at last we were going to see some improvement in our position as citizens of this great Nation.

I have just attended a hearing held by our esteemed colleague and Chairman of the Subcommittee on Housing and Community Development, the Honorable Henry Gonzalez. The hearing was titled "Housing Needs and Conditions of Hispanics." The panels were made up of many distinguished men and women involved with the housing problems of Hispanics, and the picture they painted was not a pretty one. No one was surprised at the facts and figures regarding the terrible conditions in which so many Hispanics live, and how many are homeless. I commend my colleague for holding such an important hearing; the facts were not new, and the figures have not improved, but now they are on the record and give us a real idea of what this administration's policy of cutting social programs and housing programs is doing to our country's poor.

I am enclosing statements made by two gentlemen that I know well, and who have done a great deal to help alleviate the housing problems faced by Hispanics in New York City. Mr. Luis A. Miranda and Mr. Hector Pinero are with the New York Hispanic Housing Coalition, and I recommend that my colleagues read their statements with care.

TESTIMONY GIVEN BY LUIS A. MIRANDA, CHAIRPERSON, NEW YORK HISPANIC HOUSING COALITION

Mr. Chairman, members of the committee, I thank you for the opportunity to speak to you about the housing crisis that has befallen the Hispanic community in New York.

Two weeks ago we, at the New York Hispanic Housing Coalition, sponsored a day-long housing conference whose theme was "Taking Inventory: Housing Demand vs. Housing Supply." It was our intention to examine the housing needs of Hispanics—in other words, to take inventory at this, the mid-point of what began so hopefuly as the "Decade of the Hispanic."

Later, one of my colleagues on our board of directors will outline some of the recommendations that came out of that gathering. I, therefore, would like to take this opportunity to provide context to those recommendations, by giving you some idea of the housing problem that confronts Hispanics living in New York.

Let me be clear at the outset. There is a housing emergency in New York. It is crisis for low-income families and a threat to the middle class. Its chief components are a lack of income necessary to meet the rising costs of shelter, and an overwhelming demand that continues to outpace supply.

Fundamentally, for Hispanics, it has become a lack of choice. And it is the direct consequence of economic and social conditions: Poverty, overcrowding, poor urban planning and an unproductive spiral of property speculation that dislocates the poor in favor of a new urban gentry.

There are several barometers by which we can measure this crisis. One of them, the income data for the various ethnic groups in New York City, is particuarly instructive.

According to the Stegman Report commissioned by New York City's Department of Housing Preservation and Development, Puerto Ricans (who account for 12% of the city's population, and are the largest of the Hispanic groups in New York) comprise by far the largest proportion of households (39%) in the bottom one-fifty of annual income in New York City. In fact, Puerto Rican's median real income declined between 1980 and 1983, more than for any category in the survey except the ubiquitous "other."

In addition, Puerto Rican families have a higher welfare dependency rate—nearly four times higher than the average for the entire city.

These income statistics for Hispanics (and the picture is no better for other Hispanics in the city) translate into a housing picture that is bleak at best.

Not only do Puerto Ricans have the lowest homeownership rate of any group, the likelihood that a family will live in a dilapidated apartment is higher for Puerto Ricans than for anyone else. And one-third of all Puerto Ricans (who manage to find an apartment that is not dilapidated) still must live in housing with three or more maintenance deficiencies. And when they find such an apartment, if they have found any at all, they must nonetheless pay more rent as a proportion of their income (35.4%) than any other ethnic group.

For those who trumpet the virtues of a pristine private market, uncorrupted by Government assistance, the question becomes why is the force of the free market, that invisible hand that is supposed to bless all us and not just some of us with the benefits of the American dream, not working? And the answer is that the market is working, in exactly the way it always has. Let me be more specific.

In New York City in the face of a sellers market fueled by a vacancy rate of 2.04 percent, the lowest it has been since 1970, some of the housing stock is improving, new construction in targeted areas is beginning, less abandonment is occurring, nearly all of it for the benefit of the city's upper income strata of the city's residents. Yet, for the vast majority of others, there are increasingly unaffordable rents, a greater degree of overcrowding, a higher proportion of segregation and, as I said earlier, an almost total lack of choice.

The findings of the various studies that have been done in New York are clear. The latest figures show that there are only 39,594 vacant available housing units left in the city. Ten years ago there were 56,968 and twenty years ago more than 68,000 units.

There are 36,000 fewer rental units in the city today than there were in 1981, even though the city's population has grown by 78,000 people.

Gross losses from the housing inventory totaled 69,000 for the last three years. This is almost three times more than new con-

struction. It averages out to 1,917 units lost from the inventory every month. And, while some will point to the net gain in the city of 11,000 units, this is less encouraging than it seems, because it is almost totally due to the 24,000 conversions, or in other cases new construction, which for the most part only helps to satisfy demand at the high end of the price scale.

What we see then is both a verification of the old free-market verities, that is, that a shrinking supply and an increasing demand equals a higher price, and a ratification of long-standing historical patterns that have shown time and time and time again that the private market, left to its own devices and unaided by the efforts of liberal Democratic State largesse cannot be expected to provide housing for those of little means.

For decent housing, no matter what the current political ken may tell us, is not a commodity like any other. It is, along with food and clothing, one of the essentials of life. And, prior to the onslaught against it that began in 1980 and continues even today, it was thought to be a right of the many and not a luxury or a privilege for the few.

Today, in New York City Hispanics are increasingly being pushed into the ranks of the homeless. After decades of poverty, and assaults on the spirit the Hispanic family is now likely to find itself either part of the 100,000 families who are being forced to double and triple up, in order to compensate for the loss of affordable units, or otherwise threatened by co-op or condo conversions, their high prices and chic new establishment that decimate old, yet stable, neighborhoods.

Seen in this context, it should be clear to all that when we are talking about housing assistance we are talking about pro-life legislation. And when Government walks away from the business of housing as this national administration has done, that is both anti-family and abortive of an individual's right to decent shelter.

Today, there are in New York City 605,784 households eligible for section 8 rent assistance, based on income below 80 percent of the median and payment of more than 30 percent of that income for rent. 526,119 of these are of very poor income: below 50 percent of the median.

What that means is that 22.5 percent of all households in the city of New York, 31.8 percent of all tenants in the city, need Federal assistance to obtain adequate housing within their income levels.

The figures paint a portrait of despair: increases in rent are now outstripping inflation. In the last three years, rents have risen by 24.5 percent compared to the consumer price index increase of 18.1 percent. Incomes, on the other hand, have gone down, in real terms. Today, 27 percent of all renters in New York City have incomes below the official poverty level—more than 393,000 households.

And where will they live? In the last three years the number of vacant units with asking rents below $300 declined by more than 11,000, while vacancy rates in most rent classes below $200 per month are now under 1 percent. In addition, the New York City housing authority reports a waiting list of 200,000 families, a great proportion of whom are Hispanic. Yet, vacancies here average only 3,000 units per year. Only the lucky ones will get in. Everyone else will find themselves locked out.

I began this presentation by informing you, the members of this committee, that there is a housing emergency in New York. I characterized the magnitude of the problem as a crisis. I am sure you will agree, after having heard some of the grim statistics, that this is no exaggeration. Clearly, conditions are intolerable. And when something is intolerable, actions must follow. Our hope, as Hispanics, yet abides—in bodies like this one which has the capacity to act now, in the face of a crisis that is agonizingly in the present and rapidly consuming our future as well.

This week is, as we all know, Hispanic Heritage Week. It should also mark, as well, the renewal of the compact between America and her immigrant children.

Good intentions alone are not enough, nor even are a few courageous politicians. The fulfillment of the American dream requires institutional response. And unless it is forthcoming then that heritage which America represents, of justice for all of its citizens, will have carelessly been squandered on policies that favor only the privileged few.

TESTIMONY GIVEN BY HECTOR PINERO, NEW YORK HISPANIC HOUSING COALITION

Mr. Chairman, members of the committee, I am grateful for the opportunity to outline for you the recommendations concerning the housing needs of Hispanics that came out of the fourth annual conference sponsored by the New York Hispanic Housing Coalition two weeks ago.

Nationally, the Federal commitment to low-income housing began with the landmark United States Housing Act of 1937, sponsored by Senator Robert F. Wagner. The major housing developments made possible in New York by that legislation and its progeny, are now home to approximately ½ million New Yorkers. Yet fifty years after the Federal Government recognized the need for an aggressive national housing policy targeted to the poor, it has begun to retreat from that cause which has been honored by eight previous Presidents, representing both major parties.

I think it fair to say, that perhaps nothing better symbolizes the end of the so-called "American Century" than the rapidly fading American dream of homeownership—which as you have already heard has never really been more than a dim hope for New York's Hispanics, who have the lowest rate of homeownership of any ethnic group in the city.

The current housing crisis may be the worst since the depression. Yet, it gives us the chance to redefine housing as a basic right and to concentrate on ways of stimulating the production of housing for a low-income market that increasingly finds itself without any decent affordable shelter.

It gives us the chance, as well, to recognize that the housing industry is unlike any other and cannot be expected to compete for scarce capital against an IBM or an Exxon. It would be no contest. No bookmaker in the country would take odds on that one.

Nor is the frequently heard admonition to lower our expectations a very reasonable choice. Because, as you have also heard, Hispanics in New York and more pointedly the burgeoning army of the homeless, lack even the semblance of a choice. In short, for Hispanics and for the housing industry, it is now high noon.

The housing crisis will inevitably affect the future of whole regions of the country. The New York metropolitan area alone will gain an estimated 2.7 million new households by the turn of the century. Yet, at the rate that housing has been built over the last decade, only half of these will find a place to live. A recent study by New York's regional plan association has concluded that a shortage of housing may inhibit growth and thereby undermine local efforts to promote a healthy economy. Limited housing then, means diminished economic growth and all the hardship which that implies.

The New York Hispanic Housing Coalition believes that Congress can take specific steps to reaffirm this Nation's historic commitment to decent affordable shelter.

First, with respect to the matter of Treasury Two, the President's proposed tax plan must be altered. As it stands, it would remove virtually all tax incentives for construction of low-cost rental housing.

The dollar value of tax deductions: exemptions and exclusions—including depreciation, deferred and current interest, tax-exempt financing (if retained), charitable contributions, and capital gains exclusions (again, to the extent retained)—would all be reduced substantially. Those taxpayers currently in the 50 percent bracket, would experience a 30 percent reduction in the dollar value of their tax deductions. A principle result would be a substantial decline in syndication proceeds on a given project, from that which could curently be obtained.

In addition, the repeal of the "at risk" real estate exception by which a taxpayer real estate investor in a limited partnership can deduct both losses and his allocated share of debt, would discourage investment in low-income housing by curtailing the very tax benefits which comprise the primary return investors receive from such projects. Historically, the "at risk" exception has been used to leverage loaned funds and attract equity investments. If this provision were to pass, community development syndication would surely be rendered unmarketable.

Under Treasury Two, after-tax cash flow would be impaired by both the lower maximum individual income tax rate (35 percent, down from 50 percent) and new depreciation—the capital cost recovery system. (CCRS).

According to a computer analysis of a hypothetical rental project, done by David F. Harris, vice-president of Dominion Financial Projection, negative cash flow for rental housing investors would be the rule, for the first seven years of operation. While real estate investors are currently able to claim a positive after-tax cash flow from the beginning, the proposed changes would make that impossible. And in the end, the investor would also have to settle for a lower rate of return from the sale of his property than is now the case.

Others have noted that for low-income housing the combined impact of CCRS and the proposed lower marginal income tax rates, would be to cut tax benefits from depreciation during the first five-years of operations, by about 70-75 percent below the benefits now available. Syndication proceeds are attributable to these benefits and would be reduced accordingly.

The Treasury plan would further squeeze the REHAB low-income housing investor by subjecting him to the standard 28 year depreciation schedule, instead of the current five-year amortization period. Because syndication proceeds are generally directly related to the amount of deductions available in the early years of a project the negative impact on low-income rental housing rehabilitation could be significant.

At the same time, the Tax Reform Act would withdraw the authority for public corporations to issue tax exempt bonds for mortgages for low- and moderate-income housing.

Today, tax-exempt bonds are employed for a variety of purposes: mortgages for first-time homebuyers, certain low-and moderate-income rental housing, and commercial and industrial development. Moreover, the issuers of single family mortgage revenue bonds can trade in part or all of their issuance authority for authority to issue mortgage credit certificates (MCCs). These entitle homebuyers using conventional nontax exempt mortgage financing, to a credit against their Federal income taxes equal to a portion of the mortgage interest they pay.

Under the administration's proposal, tax-exempt financing would continue to be available only for purely public purposes, such as tax anticipation notes and bonds issued to construct Government facilities or public infrastructure improvements. Housing and economic development, as strange as it seems, would not qualify as a public purpose. States and localities, under this formulation would not have authority to issue single family housing bonds. Thus, the MCC program would be terminated.

Tax-exempt bonds, as everyone here knows, are a major resource for community development projects. Therefore, the prohibition on this funding source would be catastrophic.

But, not only might Treasury Two lock the poor out of what is the traditional symbol of the American dream, it could also price them out of a rental. HUD's own estimates, similar in scope to that of the Treasury Department, suggest that rents would rise by 25 percent within seven years and 30 percent in two decades, after inflation is taken into account. An increased number of condo conversions in the face of diminished tax benefits are also anticipated.

New York City, with 1.9 million rentals—11 percent of all rental units in the country—will be greatly affected. But half of the city's renters already pay more than 30 percent of their income for rent. They can harldy be expected to pay more.

Clearly, if Treasury Two prevails, then this country will have managed to lose the war for decent shelter, after 50 years of winning most of the battles.

But relegating these provisions in the tax proposal to the dustbin of history is not enough.

The Hispanic Housing Coalition would like to see this body retain section 8 certificates for existing housing at its current 15 year term. A reduction to 10 years would be one more nail in the coffin for this, the "whipping boy" of housing programs. For Hispanics, whose income needs require a rent subsidy, it would also be destructive.

The recent elimination of a $500 million program reserve established by the Appropriations Committee to provide funds for programs not yet authorized by the full Congress, but included in H.R. 1, should also be rescinded. Among the projects to be affected are the Nehemiah Housing Demonstration Grant Program and the Second-Stage Shelter for the Homeless Program, as well as the Public Housing Child Care Demonstration, all approved once before by the Full Banking Committee. We believe that unless this money is restored, these development efforts which have provided so much hope to so many will be doomed.

As it is, the current so-called 80/20 programs which provide 80% middle and 20% low-income housing cannot be relied upon alone to fill the large gap in housing production for low-income groups. The need at the low end of the scale is far greater, and the criteria should recognize it.

Beyond this, innovation in housing production must be encouraged in order to produce creative solutions to our housing needs. Homesteading, construction and technology improvements, and energy efficiency programs must be stimulated through adequate Government assistance, in order to make affordable living units possible.

In this regard it must be said that the administration's voucher proposals will do nothing to build more housing, despite a vacancy rate in New York and of 2 percent. It will do nothing to regulate rents for Hispanics who continue to have the highest relative rent expense burden in the city. And it will do nothing to replace the section 8 rent-subsidy program which serves 1.3 million households nationally. It will simply be one more hand-out of taxpayer money, this time to landlords who charge prevailing rents.

Finally, the goal set forth in the U.S. Housing Act of 1949, that of a "'decent home and suitable living environment for every American family . . ." clearly remains to be achieved. And unless there is the political will to steer this country away from the detour it has taken in recent years and back on the road to responsibility, then the ideal of opportunity will be lost, the hope which has sustained Hispanics for so long will die, and the American dream of prosperity will fade away.

THOMAS WINSHIP, FORMER EDITOR OF THE BOSTON GLOBE, ADDRESSES MARLBORO GRADUATES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MARKEY. Mr. Speaker, under the able direction and leadership of Thomas Winship, the Boston Globe became the flagship newspaper for New England and the Northeast. Mr. Winship and his paper pursued issues tirelessly, working hard to ensure that the public understood all sides of a story. His commitment to social justice is legendary, and his influence at the Boston Globe will live long into the future. Mr. Winship's commitment to his profession and his contributions to the press are famous. Boston, MA, and the rest of New England benefited greatly from his stewardship at the Boston Globe. Given his insight into the news and into our society, I offer for the perusal of my colleagues, an excellent address given by Mr. Winship.

COMMENCEMENT: 1985

(At Marlboro's 38th graduation ceremony, held May 19 on a clear cold Sunday, one of the College's largest classes—44 seniors—received their diplomas. Before President Rod Gander and Chairman of the Board John Straus presented the diplomas, former managing editor of the Boston Globe Thomas Winship joined Vermont Governor Madeleine Kunin and senior speaker Hilary Sloin in addressing the graduates.)

ADDRESS BY THOMAS WINSHIP

DOCTOR OF LETTERS, HONORARY

What does my Marlboro '85 profile add up to? I choose to think you're latent world savers. And guess what, your timing may be perfect. I think I see a welcome mat unfolding for citizen activists after the recent dark ages of the era of Washington's government by greed.

I raise my glass to you, bravo. Go get 'em. When I say you will not have long to wait to be wanted, I realize how personal prejudices often tilt one's judgment in the forecasting of political trends. Before I go off the deep end, I want to buttress my sense that things are looking up for all of us by the recent comments of that smart Reagan administration cheerleader, Kevin Phillips. So far, he's been a good prophet. In last Sunday's New York Times, he said, "My sense is that the American mood is getting ready to shift toward an affirmative role for government again, and conservatism may not have much more time to come up with a positive program framework." Phillip's thesis is supported by the past history of second term presidencies.

So often incumbent presidents become overconfident in their second term. They misread the poll results and press their views far beyond what the mainstream of America wants. Phillips questions whether Reagan is in step with the public on military spending, his Central America policy and his inattention to our sagging educational system.

You know the social agenda before you: drought followed by famine in vast areas; deregulation followed by giant takeovers and spreading acid rain; a deaf ear to sex education followed by a soaring teenage pregnancy rate; small and large farm failures every day and everywhere; government cutbacks in education followed by very white and affluent college student bodies, followed by college shutdowns; and in cities, where Yuppies of limited talent and zero social conscience live nearby but oblivious to minorities sinking deeper and deeper into squalor. Yes, I'm afraid, and much of it aggravated in part by the trillion dollar nuclear arms race our leaders love so dearly.

Discouraged? Don't be, because we have a marvelously creative system of self-government. It is designed to be manipulated for the public's good. But it needs people with energy and conscience, leaning against the barricades at all levels. Some of your older brothers and sisters and perhaps some of your parents did some leaning not so many years ago. And they made some changes.

They supported ever so stoutly the liberation of minorities in this country. We are seeing today that was only a start. But the ice age of prejudice was melted and it will keep melting.

In this connection, it is worth recalling the mood of the mid 60's when in nine wild months, in 1965, Congress approved President Johnson's Great Society legislative package which included: Medicare, providing health insurance for the elderly financed by payroll taxes; Medicaid, which pays for health care for the poor; the first general aid to local public schools; the first broad based federal scholarships and loans to college students; Voting Rights Act which has led to blacks voting at almost the same rate as whites; creation of the National Endowment for the Arts; rent supplements for the poor and special assistance for Appalachia.

This administration has taken potshots at these milestone programs but has been unable to dismantle them. An activated public—mostly the younger people—pushed this burst of responsive government action. You can do it too.

A few years later, they blocked an immoral war. See "Killing Fields," if you haven't, to remind yourself of what gargantuan mayhem they struggled to stop.

They revolutionized relations between generations by insisting upon honest and frank dialogue. That's what the student revolution of the 60's was all about. Those kids of the 60's paid a dear price for insisting upon straight answers from their parents, from their teachers and from their government.

Your parents and your older brothers and sisters fueled the women's movement, perhaps the most successful of all the great movements of the last quarter century. And they hit the pavement three years ago for nuclear sanity in the freeze demonstrations across the country. I will always maintain that it was the peace marches, not the arms build-up or star wars, that drove the superpowers back to Geneva.

Now, to the sermon.

Social scientist Yankelovitch says that we are now leaving behind the excesses of the "me generation." He does not perceive a return to the traditional ethic of self denial, but rather an emergence of a new "ethic of commitment" to a life that supports self-fulfillment through enduring commitments to relationships, work and mere survival. That is not enough. Society needs much more than a generation satisfied only with mere survival.

You folks out there are needed like never before. I want to see all of you find genuine fun out of life. And, the best formula for having fun is to be involved and useful—possibly even at a living wage. I have some ideas for you:

Become a journalist in some form or other. It now pays well, anywhere from $200 a week on very, very small papers for reporting and copy editors, to $900 on the big ones. For effecting change, zest, people-helping and people-watching, nothing can touch journalism. It is hard to get a job on TV or on a newspaper? It sure is, but if the determination is there, so is the job. I know.

If you are a computer whiz, offer yourself to government, on the city, state, or national level. You will have more fun and make almost as much money as in the private sector. The computer is here to stay.

Go into the environmental protection business. It is a growth industry. Some people are very gainfully employed fighting the toxic waste crisis.

Go to graduate school. Borrow if you need to. Learn about aqua agriculture, fisheries management or forestry, to name a few offbeat disciplines

Man the refugee camps on the African and Asian fronts. Believe it or not, they pay in some of these lifesaving jobs.

Don't go to law school or into the investment business—unless you have limited talent and a lust for money.

Turn to the Third World, which encompasses three-quarters of the earth's land mass and population and which is the battle ground for our very existence over the long haul. Where does national violence break out most often? Where is nuclear accident most likely to occur? Where are our greatest future markets for our goods and labor? Where is genocide by famine and the population explosion a daily story? We cannot go on pretending the problems of the developing nations are too far away to affect us, and we cannot continue to comfort ourselves with "let's solve our own problems first" thinking. There are jobs in the Third World—hundreds of them, and they pay well too, in the World Bank, in our economic aid programs, in private relief agencies. There are jobs for foresters, for agriculture specialists, for disease and population control workers. And for many of these jobs, you do not need graduate degrees. What you do need is courage and a desire to help people in trouble.

Incidentally, I am setting up a Third World journalism center outside of Washington DC to help mid-career reporters and editors of the developing nations to write more effectively. We will expose them to modern news techniques, not ideologies. My newspaper brethren in the faraway lands are in such desperate need of the most basic tools of writing and editing. Our government has been generous in aid to the havenots in almost every segment of life except in improving the communication of ideas and events. That is where our new center for foreign journalists comes in.

Government leaders come and go in their emerging nations, but generally the journalists remain. They are one of the few stabilizing forces in these countries. I know that better Third World journalism can help to better the lives of humankind living in the developing countries. Even more important, it can contribute so much to international understanding in an interdependent world of nuclear terrorism, of rising tensions, of global economic cycles and of a desperate struggle against unemployment and hunger. Communication is a grossly neglected tool in the Third World.

I have another piece of career advice which came to me a few days ago from an unorthodox businessman friend. He is Warren Buffett, the investment genius who recently coughed up half a billion dollars to buy a piece of the ABC television network. I told him I was talking to Marlboro graduates today and asked if he had a thought for them. Without a moment's hesitation, he said, "Tell them to go to work for the person they admire the most. Something good will come of it. Emulate your hero as best you can," he said. I like the thought.

What I really want to leave with you this morning is just one idea. Please, please take the challenge of our self-government to make life fairer and more responsive to everyone—work that built-in idealism you learned at home and at Marlboro.

Friends, there is nothing wrong with idealism, no matter what the cynics say.

Thirty years ago, Justice Louis D. Brandeis said: "There is in most Americans some spark of idealism, which can be fanned into flame. It takes sometimes a divining rod to find what it is; but when found—and that means often—when found and disclosed to the owners the results are often extraordinary."

Get out the divining rod. Have fun! And, thank you.

CHIROPRACTIC CARE GAINS IN POPULARITY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Ms. KAPTUR. Mr. Speaker, today, many of our concerns with the health care system involve the expansion of choices in health care. Providing alternatives in health care is a major factor in increasing competition and thereby serving to restrain expenditures for health care. I would like to direct my remarks to an area of health care that can be a valuable alternative method of treatment and whose practitioners are increasingly recognized as vital participants in our health care delivery system.

Chiropractic is the diagnosis and treatment of human ailments without the use of drugs or operative surgery. As such, persons who utilize the services of a chiropractor can avoid many expensive medicines and unnecessary surgery. The nature of chiropractic, which distinguishes it from other healing arts, is based on the principle that interference in the nervous system can cause illness. The chiropractic approach is to correct the source of the illness by restoring the nerves' capacity to work without obstruction. By using a procedure called "adjustment," chiropractors manipulate a person's bones, usually the vertebrae, to relieve pain caused by the skelton's obstruction of the nerves.

In all 50 States, the District of Columbia, the Virgin Islands, and Puerto Rico license and officially recognize chiropractic as a health care profession. Chiropractic coverage, to varying degrees, is included in Medicare, Medicaid, and Federal vocational rehabilitation programs. Chiropractic care is recognized by the Internal Revenue Service as a legitimate medical deduction. Over 10 million people, or approximately 1 out of 25 Americans, each year seek out the services of a chiropractor.

Chiropractic is the second largest health discipline in the Nation with over 31,000 doctors of chiropractic serving millions of patients each year. In Ohio, there are over 800 members of our State chiropractic association and there is a chiropractic center within my district at Parkview Hospital in Toledo.

Chiropractic care is an effective means of care. Correct posture and proper alignment of the spine have been widely accepted as important factors in good health not only by chiropractors, but by public health officials, physicians, pediatricians, the military, and industrial relations specialists. Research has shown that, under State workers' compensation programs, patients have lost fewer work days and returned to their normal occupation much faster under chiropractic care, compared to other medical treatment.

It is obvious that chiropractic care is gaining a strong public following. A 1983 Gallup poll indicated that 70 percent of

people who had been to a chiropractor would do so again if they had a similar ailment. We in Congress have taken many positive steps toward promoting greater use of chiropractic services. Congress included schools of chiropractic under the Health Education Assistance Loan Program in 1981 and, last year, provided several demonstration projects on chiropractic services in the military. Once again, chiropractic medicine was included in the reauthorization of the Health Professions Educational Assistance Act which passed the House and Senate in July and is awaiting consideration by a conference committee. We must continue our efforts to expand our citizens' available health care choices and encourage the development of the chiropractic profession.

MASON CITY, IOWA, HONORS MEREDITH WILLSON

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEDELL. Mr. Speaker, Meredith Willson, who wrote "The Music Man," now enshrined among the great American stage and screen musical classics, captured the hearts of his hometown, Mason City, IA, when he made "River City" known to the rest of the country. Willson also captured the hearts of an entire nation by demonstrating his talent and versatility and dazzled Broadway with his entertaining musicals. It is not surprising that Mason City is honoring Meredith Willson again by putting together a montage of his greatest works on September 21, at the North Iowa Area Community College Auditorium. At that time his wife, Rosemary, will be presented with an award.

Showing early musical promise, plus the persistence and power of concentration which have made his record of musical composition and authorship so remarkable, Willson has had an impressive list of accomplishments. Probably the most recognized of Willson's achievements have been his Broadway ventures. "The Music Man," for which Willson wrote book, music, and lyrics, was one of the five longest-running musical plays in Broadway's history. This musical has brought Meredith Willson a countless number of awards including the Outer Circle Award, five Tonys, and several awards from the New York Drama Critics.

Willson also wrote several other successful musicals including "The Unsinkable Molly Brown," which was one of MGM's most successful productions; "Here's Love," which recorded the best opening week in Shubert Theatre's history; and "1491."

A vast number of songs have been composed by Meredith Willson. He has contributed to the music world unforgettable songs such as "May the Good Lord Bless and Keep You," "It's Beginning to Look Like Christmas," "You and I," "I See the Moon," and who can forget the numerous hits of "The Music Man" and his other popular musicals? Meredith Willson also composed many more various tunes including "Meredith Willson's Nocturne for Piano," "Symphony Number One in F. Minor," "Symphony Number Two—Missions of California," "Prelude to America," and others.

Besides being a conductor, composer, and lyricist, Willson was also a writer. In addition to a novel entitled "Who Did What to Fedalia," Willson wrote several autobiographical accounts: "And There I Stood with my Piccolo," "Eggs I Have Laid," and "But He Doesn't Know the Territory," which details his struggle to write "The Music Man."

Meredith Willson proved that even though he was a great composer and Broadway personality, he had a tremendous amount of compassion for his fellow man. Some of the awards he received demonstrate what he accomplished in his lifetime toward improving human betterment. Willson was a six-time president of the Big Brothers of Greater Los Angeles which he helped found and in recognition of his work for the cause of youth, he was presented with the National Big Brother Award. Willson was also given the annual Humanitarian Award of the National Father's Day Committee and the "Sally" award from the Salvation Army for his contributions to American music and human betterment. In addition, the American Bandmasters Association has given him its rarely conferred Edwin Franko Goldman Award.

Despite his nation-wide fame and popularity, Meredith Willson never forgot the sounds of Iowa, the sights of Iowa, and the people of Iowa. He was proud of his State and his hometown. Willson wrote a song entitled "Iowa, It's a Beautiful Land" to make sure that everyone knew the State's correct pronunciation. He once wrote, "We were awfully proud of being from Mason City. We were always very quick to correct anybody from out of town who said 'Mason.' With a very superior and belittling tone we'd say: 'Mason City.'"

Excerpts from the June 16, 1985, edition of the Mason City Globe Gazette portrayed Meredith Willson as a man awfully proud of his heritage, and no one who knew him would ever deny that. "But Iowa wasn't just a matter of nostalgia. Willson was in the State often, and his boosterism wasn't a self-serving gimmick based only on memory. He wrote a composition called "The Band" for the University of Iowa. He wrote fight songs for the University and Mason City High School." Not only did he love the places, but he loved the people. Another excerpt from his hometown newspaper displays this affection: "He was proud of his hometown's musicians. He once had Mason City vocal and instrumental groups join him in launching a national Christmas Seals campaign in Des Moines."

But the relationship between Willson and his hometown was reciproacal. Several times Mason City honored him by naming him Grand Marshal of the Band Festival parade, one of the highest honors bestowed upon someone in Mason City. One of the lasting remembrances Mason City has of their favorite son is "Mr. Toot," a caricature of Meredith Willson playing a trombone, which has been made the official logo of Mason City. "Mr. Toot" is a symbol of the pride the people of Mason City have in the man they feel has given them so much.

Mason City Mayor Ken Kew summed up what so many people thought of Meredith Willson, "Meredith was a talented man . . . but he was more than that. He was kindly, patient, unassuming, determined, cooperative, and God fearing. Meredith Willson was not the kind of man who would want his friends to be sad. He was the personification of light . . . not darkness. He was given of joy . . . not despair." His relationship with the people of his hometown was also fondly remembered by Kew, "Everybody in this City knew Meredith Willson . . . just ask them. That indicates to me the pride our people have in letting the world know that he was one of us. And Meredith knew all of us. If he couldn't call you by name . . . you were Cousin. No one in this world had more cousins than Meredith Willson."

But Meredith Willson also realized Mason City's potential when he said, "The only change I can see in Mason City that really matters is that she is still proving her beliefs." That is no more evident than it is today.

Mason City never left Meredith Willson and Meredith Willson never left Mason City, wherever he traveled.

DAVID BRODY, ADL REPRESENTATIVE, LOBBYIST WITH "ACCESS"

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GREEN. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the September 14 issue of the National Journal on David A. Brody, the representative of the B'nai B'rith Anti-Defamation League.

[From the National Journal, Sept. 14, 1985]

MAKING MATCHES MEANS ACCESS

(By Dick Kirschten)

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have

gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many people talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

"It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And, even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aircraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in matchmaking, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Brody noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicians and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened, that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire,' he said.

The matchmaker is obviously well matched to his calling.

BIG CORPORATIONS OBLIGATED TO PAY TAXES; VIETNAMESE DEMANDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, two editorials that appeared recently in the Sioux City Journal, of Sioux City, IA, are especially worthy of notice.

One concerns the obligation of this Nation's big corporations to pay taxes. The editorial points out that, while corporations are supposed to pay 46 percent of their profits over $100,000 in taxes most of them pay about 15 percent. If, only for illustration purposes, 275 major corporations had paid the full 46 percent tax in 1984, that would have raised $185 billion—enough to balance the budget.

The other comments on the demands of the Vietnamese authorities that the United States make economic and political concessions to that Communist dictatorship in exchange for the return of the remains of U.S. soldiers missing in action.

I commend both of these editorials to my colleagues' attention.

[From the Sioux City Journal, September 6, 1985]

MORE OF SAME

Americans who have not forgotten this country's missing in action in Vietnam, and the MIA families who cannot forget them, can only have been tantalized by the recent news from Hanoi. Vietnamese officials all but admitted that they were holding the remains of many MIAs and that these could be released and returned to the United States with little further delay.

But then came the condition, Hanoi's tradeoff for allowing the families of the missing in action a measure of peace at last. The United States would have to drop its "hostile" policy towards Vietnam and terminate the embargo against U.S. trade with Vietnam. There was also mention of U.S. payments to cover the supposed expenses of Vietnam's supposed searches for more remains of MIAs. And, finally, the Vietnamese talked of "borrowing" the sophisticated equipment that could theoretically help in locating, for example, crash sites.

The excuse offered by the Vietnamese authorities for this undisguised extortion is so patently transparent that it qualifies as a deliberate insult. The Vietnamese people, Hanoi says, can only be persuaded to cooperate in locating the remains of U.S. servicemen if the United States adopts policies friendly to Vietnam. In fact, of course, Vietnam is a totalitarian, communist state in which people do exactly what they are told or suffer the draconian consequences.

Cruelly, there appears little or nothing new in Hanoi's position a dozen years after its representatives signed a peace agreement pledging them to return all prisoners of war, all remains, and to provide all information they possessed on the missing in action.

It is still the same crude extortion: If America wants the hundreds of sets of remains the Vietnamese are almost certainly holding it will have to pay for them. And payment must come in the form of economic and political concessions to a communist dictatorship that brutalizes its own people, makes common cause with the Soviet Union, and wages wars of aggression and conquest against its neighbors in Southeast Asia.

Jane Fonda, where are you now?

[From the Sioux City Journal, September 9, 1985]

NO FREE RIDE

There are those who think it's wrong for big corporations to avoid paying taxes when small businesses have to pay through the nose. In some quarters, it is considered, well, not quite right, that big defense contractors, which depend on billions of dollars in government contracts, don't pay taxes to support defense.

The thoughts are reinforced by a report from a tax monitoring group that 40 big corporations didn't pay a cent in taxes in 1984. The corporations earned $10.4 billion in profits. The 40 got a total tax rebate totaling $657 million.

The news is particularly disturbing in light of the fact that this nation is experiencing its biggest peacetime budget deficit in history.

The rising economy was supposed to lift all boats. Greater profits were supposed to generate higher tax revenues at lower tax rates. It's not happening.

Certainly, corporate accountants can't be faulted for taking advantage of legitimate tax loopholes. But Congress and the White House can be faulted for creating the tax code that results in those loopholes.

The basis of any free society is the ability to accept the burden of self-taxation in return for the freedom of self-government. But now we don't want to tax ourselves; we want to tax the other guy, as if the other guy was responsible for running up the bill.

The companies running up the defense bill—the biggest in postwar history—ought to feel responsible for paying their fair

share of it. Isn't government solvency a part of national security?

The companies benefiting from the free economy, benefiting from America's national security, benefiting from our system of public highways, ought to help shoulder the burden of freedom, of defense, of transportation.

Corporations are supposed to pay 46 percent of their profits over $100,000 in taxes. Most of them pay about 15 percent. Many pay zero.

If 275 major corporations had paid the 46 percent tax in 1984, that would have raised $185 billion—enough to balance the budget.

The solution to America's problems won't come from soaking the big corporations. We think President Reagan's proposals for tax reform would come nearest the mark, but his proposals are being greeted with vast disapproval, not only in Congress, but among the rank and file of American taxpayers.

In any event, it is not too much to ask that all corporations, large and small—as well as all income-earning citizens—shoulder an equitable share of the burden of maintaining our government. A free government doen't mean a free ride.

INTERNATIONAL FAMILY PLANNING PROGRAMS ASSAULTED AGAIN

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. KOSTMAYER. Mr. Speaker, the following column by the Pulitzer Prize winning author Ellen Goodman, is not fantasy, but fact. The Reagan administration is steadily and surely unraveling America's 20-year bipartisan commitment to voluntary family planning in the Third World.

As a member of the Foreign Affairs Committee in the House and as a member of the Select Committee on Hunger, I believe that population plays a central role in the economic, social, and political instability now threatening large parts of Asia, Africa, and Latin America. In the face of this threat, the Reagan administration has undertaken an effort to defund some of the world's most distinguished family planning organizations, including the U.N. Fund for Population Activities and the International Planned Parenthood Federation, while dramatically increasing funding for those organizations committed exclusively to natural family planning, generally regarded as the least effective method of contraception.

The Reagan administration's commitment to the social agenda of the far right will have damaging and lasting impact.

As Abraham Lincoln once said, "Bad promises are better broken." This is one promise the administration would be better off breaking. Ms. Goodman's column from the Philadelphia Inquirer of September 3, 1985, follows:

[From the Philadelphia Inquirer, Sept. 3, 1985]

ILL-RECEIVED IDEOLOGY NOW EXPORTED

(By Ellen Goodman)

BOSTON.—Let us imagine the following scenario: A woman goes into a public family-planning clinic in any American city, looking for a way to limit or space her children.

The clinic gives her information about "natural" family planning, an updated version of rhythm. She is told that with careful monitoring of her vaginal mucus, tracking her temperature, and with abstinence, natural family planning is "highly effective."

How highly? she might ask. If the clinic shares the best research on the subject, she will be told that among careful users 24 percent will become pregnant during one year.

Let us now imagine—this is the easy part—that she gulps and asks what else the clinic has to offer. The answer she gets is: "Nothing."

This is just a fantasy. It couldn't happen in America. Yet. A federally funded clinic is required to offer a full range of options to each client. We call this "informed consent." In any medical encounter, a patient must be given full information before she can consent to treatment.

Change the backdrop now to a Third World country, and the scenario becomes all too real. The Reagan administration decided this summer to fund organizations that offer Third World women exactly one option: the "natural" one. Under a new directive, the Agency for International Development (AID) is passing out money, not to the medically sound, but to the politically correct.

It is all part of the successful business in exporting our political disputes. Those who can't ban birth control here are trying it overseas. The government is, in effect, dumping right-wing ideology that it can't sell in America (the way others have dumped banned chemicals) onto Third World markets.

This export business first began to thrive at the population conference in Mexico City last year. The U.S. government told an astonished collection of countries that we no longer believed that family planning was so vital for the developing world. The administration then went on to deny family-planning funds to the International Planned Parenthood Federation and withhold funds from the United Nations Fund for Population Activities.

In both cases, the "hook" that pulled the funding rug out from under these organizations was the abortion issue. But neither group was using American government money for abortions. The real attack was on artificial birth control.

It is no secret that many of those opposed to abortion are also opposed to "unnatural" family planning. The American Life Lobby, for example, has opposed Title X provisions that provide five million American women with family planning.

Now the Reagan folk are using foreign policy, not just to appease but also to fund this right-wing constituency. Money has been taken away from the United Nations by the one hand and given to groups like the Family of the Americas Foundation by the other hand.

As a longtime AID staffer says, "This is no aberration. It's part of a concerted effort by groups opposed to family-planning programs to bring them to an end." As Faye Wattleton, head of Planned Parenthood, puts it: "They're promoting these policies abroad because it's the only place where they can give this constituency their red meat."

There is nothing inherently wrong with natural family planning. It is one of the choices offered by all our overseas programs. But it is also one of the least effective methods of preventing pregnancy.

A World Health Organization study showed that 35 percent of the women who use the method in the Third World give it up after 13 months. Half of them give it up because they are pregnant. Supporters of natural family planning argue that the method isn't at fault, people are. But how do you call the method a success if the patient is pregnant?

The argument becomes theological, rather than scientific. But the main question is quite straightforward: are women in foreign countries entitled to make the same choices from the same range of options that American women have? Will we allow Third World women to decide for themselves?

At the moment, only $7 million or $8 million of AID's budget is going to the "natural" method. But this is not family-planning money. It's political-payoff money. And the real target of these political players is much closer to home.

SPECIAL IMMIGRATION STATUS FOR "SILVA" CLASS RESIDENTS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ROYBAL. Mr. Speaker, I am introducing a bill to amend the Immigration and Nationality Act to provide for special immigrant status for a certain group of individuals, popularly known as the Silva class. This bill would remedy an injustice that has prevented these long-term residents of the United States from obtaining immigrant status.

Let me give a brief account of their situation. Between 1968 and 1976, the Immigration and Naturalization Service used 145,000 Western Hemisphere immigrant visa numbers to adjust the status of Cuban refugees. A class action suit, Silva versus Levi, was filed on behalf of Western Hemisphere visa applicants with registration dates during that period. A Federal court ruled that the 145,000 visas had been improperly used and should be "recaptured" and used for the Silva class visa applicants who had been waiting the longest. The court also ordered that Silva class members already in the United States, numbering about 250,000, be allowed to stay while the visas were being issued.

Following that court order, the INS issued letters to many of these class members confirming their right to stay in the United States. By October 1981, the 145,000 recaptured visas had been issued, leaving thousands of Silva class members without visas. The injunction protecting them from deportation was lifted in December 1981, and the temporary reinstatement of the protection in 1982, when the Senate passed the Simpson immigration bill, expired in 1983. These unfortunate people have been living in fear of removal from this country since then.

Who are the Silva class members? They are would-be immigrants from the Western Hemisphere, primarily from Mexico. Virtually all of them have been living in the United States at least 8 years. They have es-

tablished roots in this country. Their applications for visas have not been granted because of the large backlog, and are virtually sure to remain in that status indefinitely.

It is especially appropriate to consider the plight of Silva class members during Hispanic Heritage Week. Their inability to immigrate legally, despite a desire to do so, could be remedied if this humanitarian legislation were passed. The current restrictions in our immigration laws regarding legal immigration from the Western Hemisphere, while designed to be fair to all intending immigrants, fail to take into account historical immigration patterns from our closest neighbors. It is important to remember that numerical restrictions on immigration from the Western Hemisphere are very recent. Annual ceilings were first applied in 1968, and the preference system and per-country limits were applied in 1977. The resulting backlog of immigrant visa applications from Mexico grew to about 330,000 by January 1985.

While this bill would not remedy that larger inequity, it would provide justice for a specific group of individuals who have been waiting for a long time to receive official permission to reside in this country. Many have U.S. citizen children who have never been to the parents' native countries.

There seems little point in continuing the current dependence of Silva class members on passage of one of the various legilization programs being considered by Congress. Whether or not legalization legislation is enacted, my bill would ensure a fair and final resolution of the status of the Silva class. It would have a significant effect in reducing the backlog of visa applications in the Western Hemisphere as well.

Exceptions have been made in the past for particular groups stuck in the pipeline of immigration. For example, a special provision for investor immigrants, whose applications had been pending for many years for lack of visa numbers, was enacted in 1981. At the same time, immigrant status was granted to alien physicians who could not otherwise qualify for immigrant status.

In view of the special circumstances of the Silva class of persons wishing to immigrate to this country, this bill warrants strong congressional support. It would grant those persons born in the Western Hemisphere who entered before March 11, 1977, and who were granted a priority date for an immigrant visa between June 30, 1968 and January 1, 1977, special immigrant status. It would allow them to apply for such status in the United States, and would exempt them from preference and quota restrictions that now preclude their legal immigration.

STRENGTHEN INADEQUATE SUPERFUND BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, several committees of the House are now considering legislation to extend and expand the Superfund Program. Funding for the existing $1.6 billion program runs out on September 30 with scant progress made on the cleanup of thousands of dangerous abandoned hazardous waste sites across the country.

This past August, the Energy and Commerce Committee reported a bill (H.R. 2817) to extend this vital environmental program for 5 more years. I voted against final passage of the legislation because it is substantially weaker than the bill (H.R. 5640) overwhelmingly approved by the House last year, 323 to 33. The bill is now being considered by several House committees, including the Public Works Committee, the Ways and Means Committee, the Judiciary Committee and the Merchant Marine Committee.

I recently received a letter from a broad coalition of environmental, labor, consumer, religious, and health organizations which also oppose the Commerce Committee bill and urge us to strengthen it in several key areas as it proceeds through the legislative process. I commend this letter to my colleagues' attention.

SEPTEMBER 11, 1985.

Hon. JAMES J. FLORIO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FLORIO: H.R. 2817, the Superfund legislation sponsored by Representatives John Dingell (D-MI) and James Broyhill (R-NC), takes a step backwards from H.R. 5640, the strong Superfund reauthorization bill passed overwhelmingly by the House one year ago by a vote of 323 to 33. The undersigned environmental, labor, consumer, religious and health organizations urge you to support critically needed amendments to H.R. 2817. Unless the key amendments (outlined below) are adopted, H.R. 2817 will not provide the essential tools needed to tackle Superfund cleanups over the next five years.

This year, Congress should mandate a Superfund program that will provide for real improvement in EPA's inadequate record. Although H.R. 2817 does raise $10.1 billion, the Dingell-Broyhill proposal leaves program spending decisions primarily in EPA and OMB hands, thus promoting an alliance that has cleaned up only six sites in five years.

The Dingell-Broyhill bill must be strengthened in the following key areas:

1. *Mandatory schedules must be written into the law.*—At present, EPA has completed only 6 hazardous waste cleanups. The agency has identified approximately 20,000 suspect hazardous waste sites and 800 National Priority List (NPL) sites. Unfortunately, the Dingell-Broyhill bill does not require that any specified number of cleanup construction starts take place on an annual basis. We urge you to support the amendment mandating a schedule, similar to that passed in H.R. 5640, which will guarantee an improved annual record of progress in cleaning up dumpsites.

2. Strong and effective national cleanup standards must be set.—These standards must be achieved as part of a permanent cleanup remedy. Uniform cleanup standards must be mandated in order to put clarity into the debate over what "clean" really means. We urge you to support the amendment which requires that chemicals regulated by another federal environmental law be cleaned up to the level specified in that law. About 150 chemicals have been regulated by other statutes; 130 of these are subject to the water quality criteria in the clean water act.

The Dingell-Broyhill bill reduces the number of chemicals in the standard safety net from 150 to 20 by eliminating the water quality criteria. It also creates additional waivers to the standards, including a "fund balancing" proposal, which would even allow private party cleanups to avoid meeting federal standards when funds in the Superfund are low, even though the cleanup is entirely privately funded.

3. Citizens whose health is threatened by leaking dumpsites must be given the right to go to court to protect themselves.—The Dingell-Broyhill bill weakens the citizen suits provision in last year's Superfund reauthorization bill. We urge you to support the amendment to restore the right of citizens to go to court to prove that a dump may be causing an imminent and substantial risk to their health.

Without this provision, citizens cannot force dump owners to take actions to prevent a public health threat before it occurs. State common law usually does not provide remedies for citizens in these instances since they are usually available only when contamination or harm has already occurred. Frivilous cases would be prevented under this provision since citizens cannot sue for damages or bring cases on contingency fees.

4. Community right-to-know provisions must provide useful information to concerned citizens.—The recent tragedy in Bhopal has evoked a public outcry for federal community right-to-know legislation. Citizens are concerned about dangerous chemical processing activities occurring, almost literally, in their backyards. We urge you to support an amendment mandating the compilation of "mass balancing" information on routine hazardous chemical use and releases.

The Dingell-Broyhill bill does not require companies to reveal information concerning community exposure to chemicals (i.e., venting of gases and routine air and water emissions).

5. Victims of hazardous waste must be given their fair day in state courts to seek reimbursement of medical and other costs from responsible parties.—Last year, the Energy and Commerce Committee approved a federal cause of action allowing victims to sue in either federal or state court to recover costs related to their injuries. A uniform and equitable statute of limitations (three years after the person knew or should have known that the injury was exposure-related) and a strict, joint and several liability standard were established. This enables victims to recover costs without having to identify every polluter who contributed to the contamination and without having to prove that polluters disposed of wastes in a "negligent" manner.

The Dingell-Broyhill bill prevents victims of hazardous waste from getting a fair day in federal or state courts to seek reimbursement of medical or other costs. Though it does slightly improve state statute of limitation laws, H.R. 2817 does not provide even limited remedies for those injured prior to 1980. In addition, there is no mandated liability standard. We urge you to support an amendment to provide victims with their right to a fair day in court.

These and other amendments (addressing leaking underground storage tanks) are crucial to the passage of a Superfund which can solve the hazardous waste cleanup

crisis. Without these crucial amendments, the Dingell-Broyhill bill will serve only as a half-hearted attempt at tackling a very serious problem. We look forward to working with you to pass these amendments.

Sincerely,

Helen Burstin, American Medical Student Association; Victor W. Sidel, M.D., American Public Health Association; Ann F. Lewis, Americans for Democratic Action; Michael Jacobson, M.D., Center for Science in the Public Interest; Ralph Watkins, Church of the Brethren; Sally Timmel, Church Women United; Charles Lee, Commission for Racial Justice United Church of Christ; David Saperstein, Commission on Social Action of Reform Judiasm; Jeffrey Tryens, Conference on Alternative Local Policies;

Sister Joan Carusillo, Congregation of Sisters of the Holy Cross, Eastern Region; Gene Kimmelman, Consumer Federation of America; Dan Becker, Environmental Action; Geoff Webb, Friends of the Earth; Kathleen Tucker, Health and Energy Institute; Anthony Guarisco, International Alliance of Atomic Veterans; Cheryl Martin, Mennonite Central Committee, Washington Division; Leslie Dach, National Audubon Society; Cathy Hurwit, National Campaign Against Toxic Hazards; Chris Cowap, National Council of Churches of Christ in the U.S.A., Division of Church and Society;

Linda Tarr-Whelan, National Education Association; Norman Soloman, National Fellowship of Reconciliation; Martha Broad, Natural Resources Defense Council; Janet Hathaway, Public Citizen's Congress; George Coling, Rural Coalition; Blake Early, Sierra Club; Sister Loretta Hennedkes, Sisters of St. Joseph, St. Louis Province, Social Justice Office; Robert Alpern, Unitarian Universalist Association, Washington Office; Jay Lintrer, United Church of Christ, Office for Church in Society; and Rick Hind, U.S. Public Interest Research Group.

CONGRESSIONAL INTENT ON AMENDMENTS COVERING ALL AGRICULTURAL COMMODITIES TO BE CLARIFIED WITH AMENDMENT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEDELL. Mr. Speaker, today I am joined by Mr. MADIGAN, Mr. ROBERTS, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. PENNY, Mr. BEREUTER, Mr. TAUKE, Mr. SLATTERY, Mr. GUNDERSON, Mr. GLICKMAN, Mr. COLEMAN, Mr. VANDER JAGT, Mrs. SMITH of Nebraska and Mr. LIGHTFOOT, in introducing legislation designed to clarify congressional intent that producers of a raw agricultural product may be considered in the application of antidumping and counterveiling duty statutes.

The legislation would require the International Trade Commission [ITC], in determining whether imports are causing material injury to a domestic industry, to treat producers of raw and initially processed agricultural products as members of the same industry, provided that the more advanced product is produced in a single continuous line of production from the raw product.

Thus, in order for the language of the bill to apply, the raw product would have to be completely or substantially devoted to the production of the more advanced product and, likewise, the more advanced product would have to be produced completely or substantially from the raw product. Producers of raw and initially processed products who exhibit a high degree of economic interdependence would also be members of the same industry. The amendment covers all agricultural commodities, including livestock and other animals.

In the recent counterveiling duty determination involving live swine and fresh, chilled and frozen pork from Canada, the ITC ruled that hog producers and pork processors were not producers of a like product and consequently were not members of the same industry, even though the Commission found that fresh, chilled and frozen pork is produced from live swine through a single continuous line of production.

The Commission held that hog producers and pork processors were not producing a like product because the test of economic integration evidenced by legal and contractual interdependence was not established. In a strong dissent, one of the Commissioners said that the measure of injury incurred by producers is properly related to the amount of their product that goes into the final processed product and it is not determined by the form of the contractual relationship between producers and processors.

Hogs are transformed to fresh, chilled, and frozen pork by a process—slaughter—which represents a wholly single continuous line of production. Indeed all hogs become pork products and all pork products come from hogs. Furthermore, the value of hogs represents approximately 90 percent of the value of fresh, chilled and frozen pork produced by domestic pork processors.

The decision by the ITC to impose a counterveiling duty on live swine but not on pork products from Canada may be easily circumvented by the increase in the shipment of pork products instead of swine across the border. Indeed one Commissioner noted that the Canadians have the facilities available to accomplish this product shifting without major capital investment or reorganization to the industry.

United States hog farmers have already been affected by the ITC ruling. In the real world, there is no logical differentiation between the importation of live hogs or pork products, in the determination of injury to U.S. hog producers. Whether the swine come in as hogs or pork products, the effect is the same on prices. U.S. hog farmers will be undersold and denied their rightful share of the market by subsidized pork products, which will be coming in, in increasing quantities.

The purpose of the legislation I am introducing today is to permit the producers of a raw agricultural product to be considered in counterveiling and antidumping duty cases involving a more advanced processed product where the relationship between the growers and processors is characterized by a single continuous line of production or there is a significant degree of economic dependence. This amendment rationally links related industries where the effect of subsidized imports would be the same.

I believe that the adoption of this legislation will rectify an anomalous situation and while it will not guarantee relief to U.S. hog producers it will provide them with the opportunity to seek relief from the import of subsidized pork products. The text of the amendment follows:

H.R. 3328

A bill to amend the Tariff Act of 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 771(10) of the Tariff Act of 1930 (19 U.S.C. 1667(10)) is amended by designating existing section (10) as paragraph (10)(a) and adding at the end thereof the following new paragraphs:

(b) Agricultural products which are processed from raw agricultural products (including livestock and other animals) shall be considered a like product with such raw product provided that, either:

(i) the more advanced product is produced from the raw product through a single continuous line of production, or

(ii) the producers of the raw product and of the more advanced product otherwise have a significant degree of economic interdependence as manifested by price, market, or other economic interrelationships, whether or not such interdependence is based on legal relationships.

(c) For the purposes of paragraph (b), the more advanced agricultural product shall be considered to be produced from the raw agricultural product through a single continuous line of production, to the extent that:

(i) the raw product is substantially or completely devoted to the production of the more advanced product, and

(ii) the more advanced product is produced substantially or completely from the raw product.

U.S. JOINS THE INTER-AMERICAN INVESTMENT CORPORATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, there seems to be too little good news about economic developments in Latin America these days, so it is particularly encouraging to note last week's official ratification of U.S. participation in the Inter-American Investment Corporation. This new facility, affiliated with the Inter-American Development Bank, is designed to provide much needed capital and credit for small and medium-sized enterprises in Latin America and the Caribbean.

Small and medium sized businesses hold an important key to economic growth and job creation in Latin America where unemployment rates of up to 25 percent are not uncommon. The external debt crisis in the southern half of our hemisphere has resulted in a drastic reduction of capital available for investment, so urgently needed by the region's thousands of small businesses to expand their operations, provide employment and begin growing. The Inter-American Investment Corporation hopes to help meet that need in some part, acting as a catalyst for bringing external capital and management skills to help small and medium sized Latin American businesses.

Secretary of the Treasury James Baker's signature on the documents of ratification culminates a long negotiations process supported by this administration from the beginning. Thirty-three other member countries of the IDB have committed themselves to participate in the IIC. Startup is expected in 1986. I am pleased that the U.S. is now an official member of the IIC.

MAKE-A-WISH

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MCGRATH. Mr. Speaker, I would like to take this opportunity to urge my colleagues to cosponsor House Joint Resolution 221, designating the month of October 1985 as "National Make-A-Wish Month." The Senate has successfully passed the companion bill and it is now time for the House to take similar action.

The Make-A-Wish Foundation is a nonproft organization formed to fulfill the desires of terminally ill children through the aid of civic organizations, businessmen, celebrities, sports figures, fire and police departments and other volunteers who can provide time, talent, service or love.

The foundation now has 40 chapters in 24 States. The work performed by the foundation should certainly be recognized, not only to exhibit the caring that goes on daily within our communities, but also to promote similar activities nationwide.

Over 5,000 children lose their lives to terminal illnesses each year. Many times, a child's bout with a terminal illness is filled with memories of hospitals, medical tests and treatment, and painful thoughts of the road yet to come. The Make-A-Wish Foundation has made these memories a little brighter by giving them a chance to be a fireman or policeman for a day, take a trip to the beach, meet their favorite celebrity or by fulfilling any one of their lifelong dreams.

I would like to share with my colleagues some excerpts of letters the foundation has received since the short time of its inception:

Guess what—sometimes I forget I am sick. Sometimes I even forget I have cystic fibrosis, and even though I have spent most of my life in hospitals, sometimes I can forget that. My VCR helps me forget. Thank you for it and making it possible for me to pick out the films I want to watch. I hope you can help other kids get what they wish for, then maybe for a little while they will be able to forget their illnesses. That is my wish for them.

P.S. These are my words but my mom's handwriting. My I.V. is in my left hand, the one I use to write with.

We would like to thank you for the wagon you gave Corey when he left Children's Hospital on Feb. 4th. He liked it very much. Corey lived at home until Feb. 22nd and then he died in his wagon.

As a member of the board of directors for the Make-A-Wish Foundation of Nassau/Metro New York Inc., I implore my fellow Representatives to take the initiative needed to make House Joint Resolution 221 a reality. Let's show our support for the efforts of all those individuals who have shared their time, talent and love with these young children. The memories created by the Make-A-Wish Foundation will long be remembered by all the families and lives they have touched.

ARMENIAN GENOCIDE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COELHO. Mr. Speaker, for more than 45 years, the leading nations of the world focused a great deal of attention upon the constant oppression of the Armenian population of Ottoman Turkey. The final period of the massacres—the Armenian Genocide of 1915–23—is really in fact a final chapter in a protracted period of human suffering and destruction.

To its great credit, the 54th Congress of the United States took up the cause of the Armenian atrocities. On January 24 and 27 of 1896, the Senate and House passed a concurrent resolution deploring the slaughter of Armenians and calling upon the signatory nations of the 1878 Treaty of Berlin to fulfill their obligation to protect the Armenian population. I insert the full text of the 1896 resolution in the RECORD:

[The Statutes at Large of the United States of America, from December, 1895, to March, 1897, and recent treaties, conventions, and executive proclamations, with an appendix containing the concurrent resolutions of the two Houses of Congress. Edited, printed, and published by authority of Congress, under the direction of the Secretary of State. Vol. XXIX; Washington, Government Printing Office, 1897.]

ARMENIAN OUTRAGES

Whereas the supplementary treaty of Berlin of July thirteenth, eighteen hundred and seventy eight, between the Ottoman Empire and Great Britain, Germany, Austria, France, Italy, and Russia, contains the following provisions:

"LXI

"The Sublime Porte undertakes to carry out without further delay the ameliorations and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

"It will periodically make known the steps taken to this effect to the Powers, and will superintend their application."

"LXII

"The Sublime Porte having expressed the wish to maintain the principle of religious liberty, to give it the widest scope, the contracting parties take note of this spontaneous declaration.

"In no part of the Ottoman Empire shall difference of religion be alleged against an individual as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public service, functions, and honors, and the exercise of the different professions and industries.

"All persons shall be admitted, without distinction of religion, to give evidence before the tribunals,

"Liberty and the outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchial organization of the various communions or to their relations with their spiritual chiefs.

"The right of official protection by the diplomatic and consular agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the holy places;" and

Whereas the intent and object of the above cited provisions of said treaty are to place the Christian subjects of the Porte under the protection of the other signatories thereto, and to secure to such Christian subjects full liberty of religious worship and belief, the equal benefit of the laws, and all the privileges and immunities belonging to any subjects of the Turkish Empire; and

Whereas by said treaty the Christian Powers, parties thereto, having established, under the consent of Turkey, their right to accomplish and secure the above-recited objects; and

Whereas the American people, in common with all Christian people everywhere, have beheld with horror the recent appalling outrages and massacres of which the Christian population of Turkey have been made the victims: Therefore,

Resolved by the Senate of the United States (the House of Representatives concurring), That it is an imperative duty, in the interest of humanity, to express the earnest hope that the European concert brought about by the treaty referred to may speedily be given its just effect in such decisive measures as shall stay the hand of fanaticism and lawless violence, and as shall secure to the unoffending Christians of the Turkish Empire all the rights belonging to them both as men and Christians and as beneficiaries of the explicit provisions of the treaty above recited.

Resolved, That the President be requested to communicate these resolutions to the Governments of Great Britain, Germany, Austria, France, Italy, and Russia.

Resolved further, That the Senate of the United States, the House of Representatives concurring, will support the President in the most vigorous action he may take for the protection and security of American citizens in Turkey, and to obtain redress for injuries committed upon the persons or property of such citizens.

Passed the Senate January 24, 1896.

Passed the House of Representatives January 27, 1896.

During the discussion surrounding this resolution, Congressman McCreary of Ken-

tucky pointed out that the prior Congress had taken steps to bring about an end to massacres taking place in Armenia. Mr. McCreary stated:

During the last Congress we received information of these robberies and murders in Armenia. Hoping and believing that we might accomplish something, we authorized the appointment by the President of the United States of a consul at Erzerum and a consul at Harpoot, in the Turkish provinces where the greatest atrocities had been committed. These consuls were appointed by the President, but they were at first denied their exequaturs. After months of delay I believe they at last reached their posts of duty.

The actions of the 54th Congress demonstrate for those of us in the 99th Congress that the treatment of the Armenian population in Ottoman Turkey was of profound concern to the United States. One needs only to go back and read the statements made on the floor of this Chamber in January 1896 to realize just how involved the Congress was in this question. The resolution I introduced earlier this year, House Joint Resolution 192, merely seeks to remember the Armenian victims of this protracted tragedy. By approving House Joint Resolution 192, we will be reaffirming the record established by prior Congresses. The minority of Members who oppose this resolution ought not be permitted to rewrite the history of this body. We must approve House Joint Resolution 192 when it returns for a vote this year.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. LELAND. Mr. Speaker, infant mortality is widely utilized as a measure of the health status of a community. Thus, it is a tragedy that the infant mortality rate for the United States, the wealthiest country in the world, continues to exceed that of many developed nations. According to Secretary Heckler's report "Health, United States" issued earlier this year, in 1981, our country ranked 14th—behind nine European nations, Japan, Canada, Australia and Singapore. More importantly, while infant mortality rates have declined significantly since 1970, the trend clearly has stagnated. In some areas, rural and urban, infant deaths have increased. Here, in our Nation's Capital, recent statistics issued indicate the infant mortality rate increased by 16 percent during the past year. Black infant mortality overall remains twice as great as for whites. This gap has not decreased; on the contrary, indications are that it is widening.

Mr. Speaker, as many of my colleagues are aware, the situation is abysmal. It is imperative, therefore, that we mobilize the efforts of this great country to end this national disgrace. I am troubled and deeply disturbed by the lack of a concerted and coordinated effort to reduce infant deaths here, in our country—a land of plenty—and so I have introduced legislation today to establish a National Commission to Prevent Infant Mortality.

The charge of the Commission shall be to "address respective governmental and private roles in the delivery of services associated with preventing infant mortality, and to recommend actions designed to change and improve the Nation's comprehensive approach to this national problem." The Commission shall recommend a national policy to change and improve our current approach to preventing infant mortality.

The Commission shall be composed of 15 members, and include the Secretary of Health and Human Services and the Comptroller General of the United States. Four members shall be appointed by the majority and minority leaders of the House and Senate—one each; three members from representatives of State and local government selected by the President—one shall be a Governor; one a State legislator; and one a representative of local government—no more than two of whom shall be members of the same political party. The remaining members of the Commission shall be jointly selected by the majority leader of the Senate and the Speaker of the House.

Mr. Speaker, our current efforts are clearly falling short, and in some instances failing. In 1982, according to the National Center for Health Statistics of the Department of Health and Human Services, 42,401 infants died before reaching their first birthday. If our fight to end infant mortality were succeeding, the vast, vast majority of these young citizens would be alive today. It is children, healthy children, who make our Nation secure. I invite and urge my colleagues to cosponsor this vital legislation.

NIHONMACHI LEGAL OUTREACH CELEBRATES ITS 10TH ANNIVERSARY

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. BURTON of California. Mr. Speaker, on September 27, 1985, the Nihonmachi Legal Outreach [NLO] of San Francisco will be celebrating their 10th anniversary. This special day will commemorate a decade of dedicated legal service which the Nihonmachi Legal Outreach has provided to the residents of the San Francisco Bay area.

The Nihonmachi Legal Outreach—or NLO as it is commonly referred to by its supporters, clients, and staff—was founded in 1975 by a group of Asian American law students who were attending law schools in the San Francisco area. These students felt that there was a need to provide a culturally sensitive type of legal service to the Asian/Pacific community. Individuals such as Richard Eijima, Paul Wada, Ranko Yamada, Dannette Sakoda, Carole Morita, Kent Hori, Dennis Hayashi, Dean Ito Taylor, and Grant Tomioka, the founders and initiators of NLO, then established an office in San Francisco's Japantown to begin providing for the needs of the community.

Since its inception, NLO has provided legal services on a regular basis as well as having promoted the status and well-being of women, immigrants, the elderly, youth, minorities, and low-income individuals.

Furthermore, the staff and volunteers of NLO provide educational workshops and written materials on frequently encountered legal questions in addition to its information and referral service in the social service and counseling area.

During the past decade, NLO has displayed their public spirit and community involvement, but more importantly, their efforts have reached individuals and organizations who were not able to represent themselves to seek and acquire the liberties and equal justice due to them.

May I take this opportunity to personally convey my thanks and admiration to the Nihonmachi Legal Outreach and ask my colleagues to join with me in congratulating and wishing them many more years of continued success.

DURHAM, NC, SCHOOL EARNS TOP RANK IN NATION

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. VALENTINE. Mr. Speaker, exactly 2 years ago, the National Science Board's Commission on Precollege Education in Mathematics, Science, and Technology released a disturbing report. The report concluded that the United States "is failing to provide its own children with the intellectual tools needed for the twenty-first century." The Commission's report is only one of many in recent years that have criticized the condition of American education. Almost every facet of education in the United States has come under attack, including academic standards, student performance, curriculum, teacher preparation and quality, disciplinary standards, and its apparent overall weakness relative to education in other nations.

These criticisms reflect legitimate concern about our efforts to prepare our children for the future. The United States has long been a world leader in education, and we must maintain our leadership if this generation and future generations are to keep pace with the unprecedented speed of technological innovation.

All of this concern has naturally focused public attention on the perceived shortcomings of American education. I believe that this focus is necessary if we are to improve our schools. But I also believe that we should highlight those areas of education in which we have been successful.

Mr. Speaker, I have one such success story to report. For the second consecutive

year, the North Carolina School of Science and Mathematics in Durham, NC, has led the Nation in the number of National Merit semifinalists.

The North Carolina School of Science and Mathematics is only 5 years old, and yet, under the able leadership of Charles Eilber, it has established a nationwide reputation for excellence. As the first residential high school of its kind in the entire country, it enjoys a history of pioneering and leadership. This year, 85 students from a senior class of 210 have been named National Merit semifinalists.

This achievement is a tribute to the school's admissions policies, which are designed to find the most gifted students in science and math. Leadership in the National Merit competition also reflects great credit on the entire North Carolina school system. Students come to the North Carolina School of Science and Mathematics from throughout the State. Their superior performance provides clear evidence of the solid foundation they receive at their hometown high schools.

The contributions of the North Carolina School of Science and Mathematics go far beyond the impressive academic accomplishments of its students. The school is constantly expanding its horizons and extending its reach to develop new programs for the future.

Through a recent grant from the IBM Corp., the school will soon have, according to the best available estimate, the largest number of computers per student of any educational institution in the country.

With the IBM grant and a second grant from the Carnegie Corp., the school will begin a series of projects to develop new methods of using computers in schools and to design a new high school math curriculum that could serve as a nationwide model.

Finally, with a third grant from the Ford Foundation, the North Carolina School of Science and Mathematics has become a major participant in the Durham Mathematics Council project. This project could involve every secondary math teacher in the city and county in a program to build professional skills as both mathematicians and teachers.

I might add that the city of Durham is by far the smallest of seven metropolitan areas selected nationally to participate in this project. That achievement reflects Durham's reputation as a growing, progressive area as well as the advantages of close proximity to the Research Triangle Park and the national reputation of the North Carolina School of Science and Mathematics.

The school was originally intended to develop leaders in math and science for North Carolina. It has succeeded admirably. I think it is particularly noteworthy that nearly two-thirds of its highly qualified graduates stay in North Carolina for their college education.

Mr. Speaker, we have a long way to go before we can say that most of our Nation's educational problems are solved. But it is encouraging to note the success of innovative programs such as this which allow our brightest students to grow and develop to the limits of their potential.

Since much of the current concern about the state of American education has focused specifically on science and math, I am especially proud of this school. The North Carolina School of Science and Mathematics is leading the way in preparing our young people to meet the technical challenges of the 1990's and beyond. I hope this outstanding example of educational innovation will inspire similar projects in other areas of American education.

STAR WARS MAY PROVE IMPRACTICAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, I take this opportunity to call to my colleagues' attention an editorial that appeared in the Norfolk Daily News of Norfolk, NE. The points made regarding premature decisions about the feasibility of the strategic defense initiative are worthy of consideration.

All of us pray that peaceful negotiation will take the place of military systems, but until we can be confident that such defense is not needed or that it would not work we cannot gamble with the survival of a nation.

The editorial follows:

[From the Norfolk (NE) Daily News, Sept. 12, 1985]

NOT SCIENTIFIC

The university scientists who oppose the Strategic Defense Initiative, the administration's attempt to devise an anti-nuclear missile capability, say their emphasis is not to make a political statement. Rather, it is, in the words of one of their leaders, John Kogut, a physics professor at the University of Illinois-Urbana, "to point out that the bulk of the scientists who would be working on it think it is technically infeasible and at the level of science fiction."

Nuclear warfare was in the category of science fiction; so was space travel or flight by heavier-than-air machines. Of all people, scientists ought to be most skeptical of arguments that anything within the realm of the human imagination is impossible.

Star Wars may prove impractical or too costly, but any early decision to that effect without more research and whatever testing that research may call for is not to America's benefit. The purely defensive weapon that would be created would not be designed to destroy enemy cities and kill millions, but to prevent that sort of thing happening to America.

The movement will probably have no telling effect on the actual effort. There are enough scientists who see the problems as a challenge with the possibility of helping to continue policies of peace through strength that work will proceed. Congress has tentatively set aside $2.7 billion of a five-year, $26 billion effort which President Reagan seeks.

Of course it remains a gamble, and all people of good will earnestly pray that any military systems will be rendered obsolete by international agreements to decide all differences by peaceful negotiation, not arms.

One can join in such prayers without gambling the life of a nation on them.

The scientists who pledge not to take part in Star Wars research are acting out of principle, of course. But so are all the others who are not so quick to conclude it is impossible to develop an effective shield of satellite sensors and lasers. We appreciate the principles of this latter group more, and are reminded that peace is not a state derived from military weakness, but from strength.

THE BERGEN RECORD ON FREE TRADE AND THE IMF

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COURTER. Mr. Speaker, the Bergen Record newspaper of New Jersey recently spoke out on the trade-war fever gripping the Congress and offered some profound insights I hope my colleagues will consider.

The entire editorial is outstanding, yet the most important point the Record makes is that the International Monetary Fund's austerity prescriptions are, for instance, forcing Brazil to boost exports and restrict imports. These policies are endorsed by the Federal Reserve Board and, indirectly, by the Congress when we passed the $8.4 billion in loan guarantees to the IMF in 1983.

It is long past time for us to consider the role the IMF is playing in the disruptions of trade and rising protectionism that threaten the global economy.

The Bergen Record editorial follows.

PROTECTIONIST FEVER

A specter is haunting Congress, the Specter of Smoot-Hawley. On one hand, Congress is under siege from workers, farmers, and manufacturers who are up in arms over the loss of one industry after another to foreign competition. The legislative hopper is brimming with some 400 proposals to restrain imports of everything from lumber to water beds.

ON the other hand, senators, representatives, and nearly everyone else who lived through the Great Depression or read about it in history books know all too well what happened the last time Congress succumbed to protectionist fever. That was back in 1930, just a few months after Wall Street laid its famous egg. With the economy sinking fast, two Western Republicans, Sen. Reed Smoot of Utah and Rep. Willis Hawley of Oregon, hit upon a time-honored remedy—protect American trade at the expense of the rest of the world. They introduced a bill raising industrial tariffs by a third. It passed Congress and, despite overwhelming opposition by professional economists, was signed into law by President Hoover.

For once, the economists were right. Instead of making things better, the Smoot-Hawley Tariff Act made them much, much worse. Inevitably, other nations retaliated, and soon the world had sprouted a new crop of tariffs, import quotas, and other trade barriers. Commerce slumped, and the Depression deepened.

The political order was also upset. America's embrace of protectionism helped under-

cut the liberal, free-trade faction in the Japanese government, which was elbowed aside by militarists arguing that only force of arms could guarantee Japan the foreign markets it so badly needed. The result was the Far Eastern "co-prosperity sphere" and Japan's lurch to war. In Germany, meanwhile, the worldwide Depression exacerbated by Smoot-Hawley helped undermine the democratic Weimar government and clear the way for Hitler and the Nazis.

Fifty-five years later, Americans are once again clamoring for relief from foreign competition. But Smoot-Hawley's terrible legacy is not easily shaken off. On one side lies recession and unemployment, on the other rising economic and political tensions. How will Congress react?

Preliminary indications are discouraging. Although many trade proposals before Congress are frivolous, a few are truly dangerous. The most sweeping is Sen. Lloyd Bentsen's proposal to levy a 25 percent import surcharge on countries with large trade surpluses against the United States.

Like any protectionist measure, the Texas Democrat's surcharge proposal would penalize success and reward failure. If Japan, South Korea, and Taiwan are high on the Bentsen hit list, it is mainly because they manufacture goods that are sophisticated, cheap, and well-made—unlike too many American products. Another country that has also incurred the senator's wrath is Brazil, whose only sin, apparently, is struggling too hard to keep up with payments on its $100-billion foreign debt, much of which is held by American banks.

Brazil achieved its sizable trade surplus by devaluing its currency and severely restraining imports. The result was a one-way flow of goods from Brazil to the United States and, inevitably, rising American resentment. But Mr. Bentsen forgets that it was the International Monetary Fund that pointed Brazil on its way toward this aggressive export strategy—endorsed by Congress in 1983, when it voted additional financial credits for the IMF to help Third World nations pay their debts. The Bentsen bill would thus punish Brazil for doing exactly what Congress said it should do.

By penalizing Brazil, Mr. Bentsen is virtually inviting it to default on its foreign debt, with possibly disastrous consequences for U.S. banks. By penalizing Japan, Taiwan, and South Korea, he would open the door to retaliatory measures throughout the globe. Senator Bentsen's proposal may be less sweeping than Smoot-Hawley, but it could point the world down the same slippery slope.

AFL-CIO/UNITED WAY HONOR FRANCIS J. CONWAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. RINALDO. Mr. Speaker, the AFL-CIO and the United Way of Union County, NJ, will honor Francis J. Conway at its labor participation dinner dance on October 25. It is a distinction Frank Conway richly deserves for his outstanding service to the community for many years.

Mr. Conway retired in August as the Union County AFL-CIO and community service representative of labor to United Way.

Over the years, Frank Conway has exemplified the highest standards of the labor movement by his continued efforts to help people with dignity and compassion. He started his career in the labor movement when he was employed as a slate picker and blacksmith's helper at Raven Run Colliery in Pennsylvania over 40 years ago. He also served in the U.S. Merchant Marines and was drafted into the U.S. Army Air Force in 1946.

Frank Conway worked for the General Motors Co. as an assembler, and later for the Singer Manufacturing Co. He was the chief steward and a member of the executive board of the Union County CIO. He also served on the board of directors of the Community Chest as a CIO representative. These involvements led to his appointment as a full time AFL-CIO Union County community service liaison.

A resident of Roselle Park, Frank Conway serves on numerous boards and committees, such as the advisory committee on aging, the Senior Citizen Home Repairs and Maintenance Program, the regional health planning council, and human services planning council.

One of Frank Conway's favorite duties was the chairing of the AFL-CIO Community Service Counseling Program. Since 1957, over 700 graduate counselors have been serving their fellow union members and the community during their time of need by guiding them to the proper health, welfare and emergency services.

Frank Conway can be very proud of his accomplishments and the good will that he has brought to organized labor and its members who have so generously supported the United Way and its member agencies. Frank Conway's spirit of compassion for others is an example of the American spirit of generosity and neighborly concern for others. I wish Frank Conway and his wife, Burt, good health and happiness in their retirement years.

AUBREY MORGAN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BONKER. Mr. Speaker, it is my sad duty to announce the passing of a distinguished former British diplomat who has been a resident of my district since 1947.

Mr. Morgan was born in Llandaff, Wales, attended Cambridge University, and served as controller of British Information Services in the United States. From 1948 to 1953, he served as personal assistant to British Ambassador Sir Oliver Franks and Counselor to the Embassy. While he retained his British citizenship, Mr. Morgan called Plas Newydd in Ridgefield his home and was a prominent supporter of the Portland Opera, the Oregon Symphony, and the Oregon Historical Society.

He possessed all the qualities of a senior statesman, and even in later years Aubrey Morgan retained his wit, intellect, and warm disposition. On my visits to Plas Newydd. I always came away refreshed and a little more enlightened. Mr. Morgan kept on top of the issues and was an astute observer of world events. I will miss his counsel, but more assuredly we all will miss his engaging personality and superb humor.

Aubrey Morgan is survived by his wife, Constance, the daughter of Dwight Morrow, a former U.S. Senator and Ambassador to Mexico, three daughters, including Elisabeth Pendleton whose husband is a foreign service officer, and one son.

All who knew and loved Aubrey Morgan will miss him, but we shall never forget this extraordinary person and the rich legacy that he has given to us.

[From the Oregonian, Sept. 16, 1985]

EX-DIPLOMAT AUBREY N. MORGAN DIES

Aubrey Niel Morgan, a former British diplomat and supporter of the performing arts in Portland, died Saturday in his home, Plas Newydd, in Ridgefield, Wash. He was 81.

Mr. Morgan was born in Llandaff, Wales, and attended Charterhouse and Jesus College, Cambridge University. He played cricket for teams at Charterhouse, Cambridge and Glamorgan.

During World War II, Mr. Morgan served as controller of British Information Services in the United States. He moved to Ridgefield in 1947 and lived there continuously, except for a five-year period, beginning in 1948, when he served as personal assistant to the British Ambassador Sir Oliver Franks and Counsellor to the Embassy. In 1953, he returned to Plas Newydd, his Washington farm, which was built in 1850 and is reputed to be the oldest frame building in the state.

In 1954, he received the Order of St. Michael and St. George.

In 1969, Mr. Morgan was awarded the William Hopkin Medal by the St. David's Society of New York for his services and especially for his work in raising funds for the National Museum of Wales.

In Portland, he served on the boards of the Portland Opera Association and the Oregon Symphony Association. The opera association honored Mr. Morgan by its establishment of the Aubrey Morgan Award for outstanding service to the opera.

Survivors include his wife, Constance, the daughter of Dwight Morrow, a former U.S. senator and ambassador to Mexico; three daughters, Saran Hutchins of Chicago, Elisabeth Pendleton of London, and Eiluned Morgan of New York City; a son, Rhidian of Portland; and seven grandchildren.

Funeral will be for family only. The family suggests that remembrances be contributions to the Portland Opera Association, the Oregon Symphony Association or the Oregon Historical Society.

The body was cremated.

THE BIRTHDAY OF MAYOR TOM DUCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to acknowledge the birthday of one of my district's brightest and most hard-

working citizens, Mayor Tom Duch of Garfield, NJ.

Mr. Duch is an outstanding leader in the city of Garfield. In addition to his mayoral responsibilities, Mr. Duch devotes much of his time to several community organizations. He is an active member of the Russian Club, the Italian American Forum of Garfield and the Saint Ciro Society. He is also married and has one child.

Elected mayor in 1980, the foundation of his tenure has been a commitment to community service and promotion of progressive government. As a public servant Tom has been an exceptional example of honor and integrity.

On this occasion, as we gather to celebrate Tom's birthday, let us offer our congratulations to a friend and respected official in Garfield, NJ.

THE CASE AGAINST SDI

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MOAKLEY. Mr. Speaker, I have long been concerned over the prospect of extending the arms race into outer space. It is my opinion that such a move would add nothing to our security and only serve to bankrupt our national treasury. It would be far better for the United States and the world community if the superpowers would engage in meaningful negotiations aimed at the strictest possible limits on space weaponry.

Dr. Carl Sagan has been a thoughtful and steadfast critic of the move to weaponize space. In an excellent article which appears in the September issue of Discover magazine, Dr. Sagan accurately points out the shortcomings of the Reagan administration's star wars proposal. I would like to have the article printed in the RECORD and I urge all my colleagues to carefully consider the points Dr. Sagan raises—especially as we prepare for future debates on this issue.

The article follows:

THE CASE AGAINST THE STRATEGIC DEFENSE INITIATIVE

(By Carl Sagan)

"The central problem of our time . . . is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves . . . Missiles will bring antimissiles, and antimissiles will bring anti-antimissiles. We are now speeding inexorably toward a day when even the ingenuity of our scientists may be unable to save us."—General of the Army Omar Bradley.

Humans are in trouble. This truth is increasingly recognized on both sides of the political and ideological divide. There are some 20,000 strategic nuclear weapons in the American and Soviet arsenals—waiting to be delivered to their targets by a variety of ingenious gadgets: some burst from under the ground or up from the ocean depths and carry their warheads through nearby space; some fly supersonically through the stratosphere; some barrel along just above the ground, deftly following the contours of every glade and hillock. Every one of these weapons is more powerful than the bombs that destroyed Hiroshima and Nagasaki. (We here ignore the more than 30,000 so-called tactical nuclear weapons.) The prompt fatalities of a major exchange between the U.S. and the U.S.S.R. have been variously estimated as ranging from a few hundred million to two billion people. When intermediate time-scale radioactivity, toxic smogs from the burning of cities, and nuclear winter are thrown in, it becomes clear that we're a hair's breadth from ultimate catastrophe.

Over the past 40 years there has been a steady expansion in the number and the variety of nuclear weapons and their delivery systems. The net result is that a country such as the U.S. is much more vulnerable, its population much more at risk, than was the case in 1945. Nevertheless, as the arsenals grew, the citizens of many nations became tranquilized by official assurances that nuclear weapons would buy something called "national security." Only when the stockpiles swelled to grotesque proportions did it become apparent that the political leaders have done something supremely foolish—arranging for us to live under a regime of planet-wide nuclear intimidation, the so-called balance of terror.

In this paradoxical posture, both the U.S. and the Soviet Union know that a nuclear war would mean national suicide. And yet, for deterrence to work, they believe they must show every possible readiness to use nuclear weapons. However meritorious the argument for a balance of terror may have been in the beginning, long before we reached 20,000 strategic weapons the justifications unraveled. And so you now see large groups of physicians, lawyers, retired military officers, Roman Catholic bishops—not so long ago the exemplars of conservative attitudes—decrying the nuclear arms race. We've gone too far, they say, and indeed anything conservatives wish to conserve will be destroyed in a nuclear war. When 75 per cent of the American public opt in opinion polls and referenda for a bilateral, verifiable freeze on new nuclear weapons and their delivery systems, the issue becomes politically charged.

As was clearly recognized by General Bradley, the last of America's World War II five-star generals, there are, in the long run, only two approaches to the nuclear arms race: increasing reliance on gadgets to save you from your adversary's gadgets, or getting rid of the nuclear arsenals.

Faced with the extraordinarily dangerous, morally dubious, and now politically risky posture of strategic deterrence, President Reagan on March 23, 1983 called for American scientists to contrive a defense that would render strategic missiles "impotent and obsolete." With that, the very prospect that Bradley had feared was proposed by a U.S. President. The scheme was dubbed Star Wars by the media, but the administration, for some reason believing that the phrase constitutes bad press, prefers the ten-syllable mouthful Strategic Defense Initiative (SDI).

In essence, Star Wars is a multi-tiered defense involving lasers, particle beam weapons, and kinetic energy kill vehicles. One of the laser weapons under development would explode hydrogen bombs in space to generate narrow beams of x-rays. Some components would be based in space, others on earth.

Now what could be wrong with this? Isn't it a morally superior position to be able to defend ourselves in time of war than merely to threaten, perhaps ineffectually, our potential adversary in time of peace? Imagine some highly effective defensive shield over the U.S. The Soviet Union launches an attack of 10,000 strategic warheads, all of which reach the American shield, in effect go boing, and harmlessly slither off into the Gulf of Mexico. Or imagine a comparable shield over the U.S.S.R. so that if the U.S. attacks with 10,000 warheads, they all go boing, and slide off into the Sea of Okhotsk. What could be wrong with this? In my opinion, nothing. If absolutely impermeable shields were miraculously emplaced, simultaneously and at reasonable cost, over the U.S. and the Soviet Union, the security of both nations would increase. But the moment the shields are even a little permeable, the moment one is deployed before the other, the situation, I maintain, reverses; then the world becomes much more perilous, and the two superpowers—as well as all the other nations—would be far better off had the shield never been invented or deployed. Consider some of the difficulties.

Permeability. Even scientists and engineers who support SDI doubt that a system much more than 50 per cent effective can be deployed in the next few decades. But, to be generous, let's imagine a system that's 90 per cent effective. The Soviets would fire 10,000 warheads at the U.S. and only ten per cent would get through. But ten per cent of 10,000 is 1,000, and 1,000 warheads are enough to destroy the U.S. Even a system that was 99 per cent impermeable would provide inadequate protection. By concentrating the defenses, it would be possible to protect a few missile silo complexes, or even a few cities—but that would not represent a significant break with the posture of the balance of terror. And if SDI cannot protect the bulk of the American population, what is its purpose?

Overwhelming. Suppose the U.S.S.R. wishes to inflict a certain level of damage on the U.S., and believes that the U.S. will be able to deploy a strategic defense that is 50 per cent impermeable. A natural response would be to double the Soviet arsenal of strategic weapons. The large Soviet rockets can incorporate many more multiple warheads than they do today. Increasing the Soviet offensive arsenal involves existing technology and not much in the way of development costs. Soviet offensive response to SDI is likely to be cheaper (and more reliable) than the defensive shield. The burden of proof is on those who claim otherwise. That Star Wars is likely to spur the already grotesque race in offensive weapons must be considered among its principal deficiences.

Underflying. SDI, even if it were perfect, would work only against missiles fired on high ballistic trajectories. Even if the U.S. were able to develop an impenetrable shield, it would still be fatally vulnerable to nuclear weapons delivered by bombers, by ground-hugging cruise missiles, and by such unconventional means as motor boat or private plane. The prospect of strategic defense provides incentives for potential adversaries to increase their reliance on such delivery systems. Small airplanes, delivering bulky cargoes of illegal substances, seem to land with impunity in America today, despite serious efforts at control.

SDI is sometimes justified on the minimalist grounds that even if it is ineffective against a Soviet attack, it would work against a terrorist strategic missile. But a small nation or terrorist group that wanted to explode a nuclear weapon in the U.S.

would be much more likely to deliver it by suitcase than by ICBM. When the original justification for an expensive weapons system becomes a little threadbare, there is frequently a tendency to find some more modest objective for it. The technology tends to drive the justification, rather than the other way around. Concerns about terrorism may have implications for border security and diplomatic pouches, but they do not provide an argument for strategic defense.

Outfoxing. The Soviets, with many firsts in space technology, are unlikely to sit on their hands while the U.S. spends decades developing SDA. There are many options open to the Soviets that would make the task of the defender much more difficult. These include space mines that could destroy space weapons systems, and fast-burn boosters that would enable the offensive warheads to separate from their boosters and become hard to attack while still shielded by a blanket of air, as well as decoys and "penetration aids." (The terminology of the nuclear arms race is so infused with phallic imagery as to suggest, on both sides, an important psychosexual component to the whole business.)

The misleading graphics displayed on television programs purporting to explain this subject routinely show a few Soviet warheads leisurely arcing over the North Pole, while spiffy laser battle stations surgically dispatch them with little blue flashes. There are sometimes sound effects, as in video arcade games. A central exchange is much more likely to include some 10,000 Soviet warheads enveloped in a "threat cloud" of hundreds of thousands to a million decoys. There are ways to make decoys look like warheads, and ways to make warheads look like decoys. A number of studies show that it will easier, as well as much cheaper, for the U.S.S.R. to outfox SDI than for the U.S. to build SDI.

Computer Reliability. Your job, should you choose to accept this assignment, it to track 10,000 warheads and a considerably larger number of decoys, leave the decoys untouched, and shoot down every warhead before it detonates on or just above U.S. territory. If you perfer, you can simply shoot down everything. In either case, you have only a few minutes to complete your assignment.

It is clear that no human being would be able to control such a strategic defense, the offensive forces have simply become too big. Instead, the job would be handed over to what is called a battle management computer. No computer with the necessary capabilities exists, and none will for at least several computer generations. The computer's program, as explained by SDI advocates, would be too complex to be written by a human being; it would have to be devised by another computer. The program would also be too complex to be debugged by humans; this, too, would have to be performed by a computer. Moreover, the entire strategic defense system could never be tested—except in a nuclear war.

From long experience with the high-stakes, high-visibility civilian space program, we know that, despite the best efforts of the best people, serious programming errors occur. Often they aren't caught until they cause some launch failure, or a malfunctioning satellite drifts off into space. Eventually, after several trials, the errors tend to be caught and corrected. But there's no opportuntiy for trial and error with Star Wars. One chance is all we'll ever get.

Star Wars as an inducement to nuclear war. Twenty years ago the Soviet position was that strategic defense was in everybody's best interest, that it was a sacred duty for governments to protect their citizens. But through a series of discussions culminating during the Nixon administration, American strategic analysts persuaded their Soviet counterparts to adopt the opposite point of view: a defensive arms race is likely to lead to an even more dangerous offensive arms race, the U.S. argued. A nation with even a partly effective defense might be tempted to launch a first strike and then hide behind its defense, blunting any retaliatory blow. The Soviets learned this lesson, and came around. In 1972 the two nations signed the Anti-Ballistic Missile Treaty, which severely limits the defensive systems permitted on either side. Now, from the Soviet perspective, the U.S. has changed its tune, and the U.S.S.R. wonders whether a first strike isn't what the Americans have in mind these days.

An impermeable American shield—were the Soviet military so foolish as to believe that the U.S. could build one—would represent the strategic disarmament of the Soviet Union. If Soviet missiles could indeed be rendered "impotent and obsolete," and if the U.S.S.R. had no comparable defensive system, then the U.S. could, by threat of obliteration, work its will on the Soviet Union. Even a leaky American shield might threaten the survival of the U.S.S.R. if the U.S. struck first: in this scenario, America destroys fixed missile silos, strategic air bases and the like, and some population centers, and the more limited Soviet counterattack—from surviving submarines and and silos and mobile missiles on land—is mopped up by SDI. No U.S. reassurance on this score can be satisfying to the Soviets, as we can easily understand were the circumstances reversed.

Accordingly, during an international crisis that happened to occur when an American strategic defense system was already partly in place, the Soviets would have an incentive to mount a preemptive first strike against the U.S., its overseas bases, and its space assets. Similar inducements for an American first strike would be offered by a Soviet defensive system. Even if we were to grant the proposition that the world would be safer once full SDI systems were deployed on both sides, the transition period—which must necessarily be a long one—would be unbelievably perilous. There is no way to get from here to there. This is one of the ways in which weapons in space, even non-nuclear weapons in space, can lead to nuclear war on earth.

Technology transfer. The President and Secretary of Defense Caspar Weinberger have on several occasions talked about giving SDI technology to the Soviets, so the two defensive shields could be emplaced simultaneously. (Presumably, they imagine the Soviets sitting tight for two or three decades, entrusting their national security to the offhand remarks of a long-gone American president.) But this administration, more than any other, has been concerned about the transfer of "sensitive" strategic technology to the Soviet Union. Yet the battle management computer would represent orders of magnitude improvement over existing military computers, and it's hard to imagine this administration, or indeed any other, handing it over to the Soviets. Perhaps this is why we hear less these days about sharing American Star Wars technology with the U.S.S.R.

Treaties. That the nuclear arsenals have not become still more bloated is in part the result of a few painfully negotiated treaties between the U.S. and the Soviet Union, including the Partial Test Ban Treaty (1963), the Outer Space Treaty (1967), the Nuclear Non-Proliferation Treaty (1968), the ABM Treaty, and SALT I and II (the last largely adhered to by the two nations, though still unratified by the U.S.). Although you may argue that these treaties have served as little more than tranquilizers, they have done some good, and they serve as reminders that we can do better. And while each side has accused the other of violating some of these treaties, most of the allegations fall in grey areas in which ambiguous language has been differently and self-servingly interpreted by the Soviets and the Americans. Many of the treaties are valued the world over—the Partial Test Ban Treaty, for example, is esteemed because not a single U.S. or U.S.S.R. nuclear weapon has been exploded in the atmosphere or in space since it was signed. But as currently conceived, Star Wars would, in one way or another, violate every one of these treaties.

Verification. It is sometimes argued that strategic defense systems must be deployed because treaties to ban them cannot be verified. This is a curious argument. We are asked to imagine a system capable of tracking a million warheads and decoys at the same time, and in the same breath are told that the testing in space of individual components of a strategic defense system cannot be monitored. Advocates of Star Wars can't have it both ways. If a tiny fraction of the genius and national treasure that would be required for Star Wars went into improvements in treaty verification technology, anxieties on this score could be readily set to rest.

Cost. Strategic defense is not so much a thing as a process. Once started, there is no natural termination point. Instead, as Bradley envisioned, it will lead to an open-ended set of actions and reactions in both offensive and defensive technologies. For this reason, among others, it is difficult to put a price tag on SDI. However, for a system designed to shoot down at least high tens of per cent of the warheads in a massive attack, the cost has been put by former secretaries of defense, of both parties, as something in the neighborhood of a trillion dollars. Some knowledgeable analysts think it would be much more. A trillion dollars is a great deal of money. It is, for example, more than half the national debt, about which the administration and the Congress profess some concern. It is almost twice the amount owed to the West by Third World debtor nations—a circumstance that is in danger of jeopardizing the international banking system. With a trillion dollars we could dramatically reduce hunger, disease, poverty, and illiteracy, making large segments of the world's population self-sufficient. With a fraction of a trillion dollars we could establish permanent human settlements on Mars.

The trillion dollars to be spent on Star Wars must come from somewhere. It will be taken from social services, education, support for family farms, rebuilding, opportunities for the disadvantaged. A trillion dollars on Star Wars will make it much more difficult to implement needed improvement in conventional defenses so we can lessen our reliance on nuclear weapons. When we make a decision to spend a trillion dollars on something, we're also making decisions to abandon existing programs and to forgo future options.

A trillion dollars represents an unprecedented bonanza for the aerospace industry. A trillion dollars means jobs, corporate profits, civilian and military promotions. A trillion dollars creates its own constituency, independent of its original purpose. Already efforts are being made to enlist prestigious universities in the SDI ranks and to distribute Star Wars dollars among many congressional districts. Co-option is the name of the game. That's why, if Star Wars is to be stopped, it must be stopped now. By the time $10 billion or $20 billion have been spent, the SDI may have become a juggernaut that even a powerful and determined future president could not stop.

Research." There's a tendency in certain circles to describe present expenditures of SDI as "research." (The fiscal year 1986 budget for Star Wars is already larger than the entire science and engineering budget of the National Science Foundation.) Who can be against research? But there's a standard distinction between research and development. Research keeps us up to speed on what's possible. Development is a major step toward the actual construction of functioning systems. The threshold between SDI research and development may already have been breached, and it would be good to have a clear statement from proponents of Star Wars on just where they think this boundary lies.

Space and the future. Military hardware has been in space for decades, and everyone on earth has benefited. Surveillance satellites give a realistic measure of the adversary nations' capabilities and intentions, and tend to restrain those on both sides who consider it prudent to plan for the worst case. Militarization of space is not the issue; the introduction of weapons into space is. I am concerned that space weaponry, once given the go-ahead, will expand outward without limit.

There are already incentives for placing "dark" satellites—ones difficult to detect—in distant or unusual orbits where they can be activated in an emergency. The farther away they are, the harder they are to detect. Once the Outer Space Treaty is breached and nuclear weapons are emplaced in space, there are incentives for storing them at greater and greater distances from the earth; then they represent a second-strike capability that is hard to eliminate without giving advance notice. Nuclear missiles on the moon, for example, could not be destroyed from the earth in less than the three-day earth/moon transit time—unless of course gadgets to destroy them were already in place on the moon. "Logic" of this sort may lead over many decades to the conversion of the inner solar system into a vast arena for nuclear confrontation.

In addition to increasing the chance of nuclear war on earth, the confrontation of American and Soviet weapons systems in space would threaten to undo one of the few technolgical advances that commend our time to the historians of the far futures—the exploration, by American and Soviet spacecraft, of our solar system. I see in this exploration and important perspective against which to judge events on earth, and an aperture to a benign future for the human species. But even with the best will in the world, it's hard to see much open and peaceful scientific exploration of the sort that has graced the past 25 years in an age in which the skies are rippling with weapons.

In short, strategic defense cannot protect the U.S. in a nuclear war, can be overwhelmed, underflown, and outfoxed, flagrantly violates treaties America has solemnly ratified, is ruinously expensive, jeopardizes space exploration and increases the changes of nuclear war. Other than that, it's a great idea.

The U.S. and the Soviet Union have together rigged the planet with 20,000 strategic weapons and called it security. Belatedly, they have begun seeking a way out, recognizing that people the world over yearn to be free from the threat of nuclear obliteration. The U.S. has proposed strategic defense as a unilateral technical response—new gadgets to save us from our old gadgets. It is superficially attractive; it is, so far, politically acceptable; and it is tragically shortsighted and dangerous.

But if strategic defense isn't the solution, what is? The only alternative for the U.S. and the U.S.S.R. is to act in what is clearly their mutual interest: to negotiate both a moratorium on the development and deployment of new nuclear weapons systems, and to make massive, bilateral, and verifiable reductions in the present nuclear arsenals. Because the arsenals are so bloated—a single American missile-carrying submarine can destroy 192 Soviet cities—deep cuts can be made without compromising strategic deterrence. This is a task that does not require, as Star Wars does, a whole series of technological breakthroughs; it requires only political will. The two nations can take major steps now and create a climate for subsequent joint action to reduce the peril in which they have placed our species.

Bradley confessed, "I am sometimes discouraged. It is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we were willing to trust in reason as a restraint on the use of a ready-made, ready-to-fire bomb—we do not make greater, more diligent, and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible to control the atom and banish it as an instrument of war."

LET THE "TITANIC" REST IN PEACE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BOLAND. Mr. Speaker, on September 12, 1985, I addressed the House on the great achievement engineered by scientists of the Woods Hole Oceanographic Institution, led by Dr. Robert Ballard, and the French Institute for Research and Exploration of the Sea in discovering the wreck of the *Titanic*. At that time I echoed the hope voiced by Dr. Ballard that the place of repose of the victims of the *Titanic* disaster will not be desecrated by adventurers motivated only by greed.

On September 15, the Washington Post carried an editorial, "Respecting the *Titanic*" which eloquently and succinctly captures Dr. Ballard's message. The lessons of the *Titanic* lie in its fate, and the fact that the liner's final resting place has been found does not lead to the conclusion that it should be disturbed. Dr. Ballard and his colleagues have captured the imagination of the world with their technological prowess. I hope his call to the world's conscience will be heeded as well.

Mr. Speaker, I would like to insert the Post editorial at this point in the RECORD.

RESPECTING THE TITANIC

"The Titanic lies now in 13,000 feet of water on a gently sloping alpine-looking countryside overlooking a small canyon below. Its bow faces north. The ship sits upright on its bottom with its mighty stacks pointed upward. There is no light at this great depth and little life can be found. It is a quiet and peaceful place—a fitting place for the remains of this greatest of sea tragedies to rest. Forever may it remain that way, and may God bless these nowfound souls."—Dr. Robert Ballard, Leader of the expedition that found the Titanic.

One rarely expects to hear such reverent words from the perpetrator of a technological miracle. But if you think a little about the accomplishment of the team of American and French scientists that found the wreck of the *Titanic* on the ocean floor last week, no other response seems possible. This is one scientific discovery whose significance does not need to be belabored. The story was retold in detail over and over week before last, but its elements were familiar, even if only from the lyrics of old summer-camp songs. Since April 14, 1912, those elements have taken firm hold in popular consciousness: the "unsinkable" design, the confident start, the calm night, the distress calls unanswered, the shortage of lifeboats, the 1,500 dead. To most of us, the *Titanic* story is less history than legend. And as with most legends, its theme is simple: the extravagant pride of man and technology, and the revenge of nature.

Today, "state-of-the-art technology" means to us something more powerful than the *Titanic's* overconfident builders could ever have imagined. It is harder and harder to remember that however far back we push the boundaries of technological civilization, the natural forces beyond that boundary remain as unforgiving as ever. Only those who work at the edge of current exploratory technology—such as team leader Robert Ballard, whose revolutionary scanning device Argo was, like the *Titanic*, on its maiden voyage—retain awareness of just what nature has the power to do. Hence, perhaps, Dr. Ballard's emotional reaction and his plea to prospective treasure-hunters "not to desecrate this memorial." Such a message will not reach everyone. Various would-be salvagers have declared their intention to search for the wreck and either raise it or strip it of valuables—since, as they shrewdly note, nobody actually owns the stuff.

Within a week after the discovery, six congressmen had introduced legislation that would deter such buccaneering by designating the *Titanic* an international memorial site. Though such a measure is unlikely to discourage the more determined would-be scavengers—one of whom told Time magazine that "you can do anything you're big enough to do out there"—it will nevertheless be all to the good if Congress can amplify Dr. Ballard's basic message.

BISHOP GEORGE R. EVANS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. SCHROEDER. Mr. Speaker, America lost one of it's most compassionate and forceful advocates for equality, compassion and justice.

Denver Roman Catholic Auxiliary Bishop George R. Evans died last Friday.

I was honored to work with the Bishop on a number of issues. He was never afraid to speak out, to put the prestige and power of his office on the line for the less fortunate, the less powerful.

The article follows:

[From the Denver Post, Sept. 15, 1985]

ALLY OF POOR, BISHOP EVANS DIES AT AGE 62

(By Virginia Culver)

Denver Roman Catholic Auxiliary Bishop George R. Evans, one of Denver's best-known and most popular religious leaders, died Friday at Saint Joseph Hospital in Denver after a long bout with colon cancer. He was 62.

Evans underwent surgery for colon cancer June 5 and re-entered the hospital July 9 because of extreme pain. Tests after the June surgery showed the cancer had spread outside the colon wall.

He underwent five days of chemotherapy treatments and was released a week later. He was readmitted July 22 because of continuing pain, and remained in the hospital until his death.

Services will be at 7 p.m. Wednesday and 10 a.m. Thursday at the Basilica of the Immaculate Conception, East Colfax Avenue and Logan Street in Denver.

A native Denverite, Evans worked tirelessly on interfaith and interracial issues, lobbied at the state Legislature on behalf of the poor, and spearheaded an archdiocesan project to build 600 housing units in the metropolitan areas for low-income families and senior citizens.

There were few community religious efforts in which Evans didn't participate.

He once said: "If I get to purgatory and find out that all these meetings don't count, that'll be hell."

He marched with the union organizer Cesar Chavez in California in the 1970s, and conducted services in 1984 at a Denver railroad track over which the White Train—carrying nuclear weapons—was to travel.

He constantly battled for rights of the elderly and poor, and against abortion, the arms race, and capital punishment. For two years, he said weekly Masses for women in the Denver County Jail.

Evans was on the U.S. Bishops Committee on Women in the Church, and led other bishops in supporting the rights of women in the church. Several years ago, he wrote an article in a national Catholic journal saying there was no theological reason why women couldn't be ordained.

Responding to a previous article in which the author said women couldn't be ordained because Jesus hadn't invited a woman to the Last Supper, Evans wrote: "There were no Irishmen at the Last Supper, either."

While the article probably halted his climb up the ecclesiastical ladder, Evans said no one called him on the carpet for it. But he never was given his own diocese to run, always serving as auxiliary bishop to Denver Archbishop James V. Casey.

An avid tennis player, Evans was on the court almost daily at the Denver Tennis Club for more than 20 years. The six-foot Evans was a hustler on the court, and was considered one of the guys.

NO-FRILLS BISHOP

During one game, opponent Ed Friedman groaned and yelled as he tried to return one of Evans' shots. "I gave at the office," Evans yelled back at his complaining partner.

Evans was a no-frills bishop who lived on $550 a month—the same salary paid other priests in the archdiocese. He lived in one of the archdiocesan housing projects for a time.

His last home was a spartan, two-room apartment at St. Rose of Lima Catholic Church, 1320 W. Nevada Ave., where he said 8 a.m. Mass daily.

He confessed an addiction to pasta but still managed to keep his high school weight of 155—a feat he credited to "starting out with four lean grandparents."

George Roche Evans was born Sept. 25, 1922, in Denver to George H. and Mary Evans. His father was a car salesman.

Devoted to sports, he played basketball at Regis High School, where he was an above-average student.

He dropped out of the University of Notre Dame to enter St. Thomas Seminary in Denver, graduating in 1947. He was named pastor at St. Philomena Church in east Denver.

In 1950, he was sent to study at the Lateran University in Rome. There he earned a degree in canon (church) law. He said he never learned Latin "and faked 'em" to get through the course. He wrote his thesis in English and "conned" someone into retyping it in Latin.

When Evans returned from Rome, then-Archbishop Urban Vehr named him vice chancellor of the archdiocese, then a small operation.

Evans' job description was to handle the archdiocese's investment, type letters, answer the door, and drive the archbishop to appointments.

In 1969, Evans was named auxiliary bishop and served as vicar general, or administrator, of the huge archdiocesan headquarters at 200 Josephine St. and Archbishop Casey's liaison for rural and urban affairs

He was instrumental in 1973 in persuading the archdiocese to join the interfaith Colorado Council of Churches, which had been an all-Protestant organization. He was its president for one term.

Early this year, Evans helped organize the Denver Area Interfaith Clergy Conference and was its first president.

A BRONCOS FAN

He shared Archbishop Casey's addiction to the Denver Broncos, and they often attended home games together, making sure that no confirmations were scheduled when the Broncos were in town.

Evans started his day at 5:15 a.m. and usually was in bed right after the 10 p.m. news. He watched television only for the news or out-of-town Broncos games.

His faith was as simple and straightforward as his lifestyle. On being a Christian, he once said: "It helps us understand the Lord loves us and we are supposed to share that love with others."

The Most Rev. Richard C. Hanifen, bishop of Colorado Springs, will be chief co-celebrant at the Wednesday evening service.

Archbishop Casey will be chief concelebrant and preacher at the Thursday morning service, according to the Rev. Lawrence St. Peter, archdiocesan vicar for priests.

All Catholic bishops in the United States will be invited, and about 50 bishops are expected to attend Thursday's service, St. Peter said.

Evans' body will lie in state for 2½ hours after Thursday's service. Burial will follow at Mount Olivet Cemetery at West 44th Avenue and Youngsfield Street in Golden. The cemetery is owned by the archdiocese of Denver.

Casey requested Friday that contributions be made in Evans' name to the Samaritan Shelter, c 200 Josephine St., Denver 80206.

RENAME THE STINSON CREEK AREA TO THE LLOYD D. HAYES RECREATIONAL AREA

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. SHELBY. Mr. Speaker, on May 27, 1985, Pvt. Lloyd D. Hayes, an Alabama National Guardsman from West Blocton, AL, was killed in a tragic accident while helping to install a pontoon bridge as a part of the dedication ceremonies at Columbus, MS, for the Tennessee-Tombigbee Waterway.

Private Hayes was 20 years old. The staging area used by the National Guard unit for assembling the bridge was the Stinson Creek Recreation Area, located in Lowndes County, MS, on Columbus Lake. Stinson Creek, currently used by the Corps of Engineers as an operation and maintenance facility, is one of the proposed recreational sites for the waterway.

Mr. Speaker, legislation that I am now introducing, would rename the Stinson Creek area to the Lloyd D. Hayes Recreational Area as a memorial to this young, courageous serviceman who lost his life in the preparation for the Grand Opening of the Tennessee-Tombigbee Waterway.

A TRIBUTE TO HARRY BURNETT JR., RETIRING CAPITOL PHOTOGRAPHER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DYSON. Mr. Speaker, I rise today to honor one of Maryland's First Congressional District's newest, and most distinguished residents, Harry Burnett, Jr.

As photographer to the Architect of the Capitol for the past 30 years, Harry Burnett's extraordinary talent and kindly demeanor is well known to Members of Congress. Harry's work required efforts as diverse as crawling through subbasement conduits to perching on the shoulders of statues hundreds of feet high.

In recognition of remarkable accomplishments, Harry was recently awarded the

prestigious "Master Photographers" title at the Professional Photographers of America's International Convention in Rosemont, IL. This crowning commendation, coming as it did on the eve of Harry's retirement, is a fitting way to close out a most exemplary career.

As Mr. Burnett ends his Capitol service, he leaves us a rich and enduring legacy. Capturing on camera the charm and character of our Capitol, Harry has preserved for all of time a myriad of architectural wonders.

I salute Harry on the occasion of his retirement and extend to him a warm welcome to Maryland's mid shore.

ROD DIRIDON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MINETA. Mr. Speaker, I would like to ask you and our distinguished colleagues to join me in saluting Santa Clara Supervisor Ron Diridon. Rod Diridon, whose public service in our community serves as a model for all citizens, will be honored at a special dinner, September 26, 1985, during which he will receive the City of Hope's highest recognition—the Spirit of Life Award.

The City of Hope serves all America as a national pilot medical center. Its superb staff and ultramodern facilities in Duarte, CA, make available free care of unsurpassed quality for patients from throughout the Nation. The City of Hope has pioneered achievements in psychosomatic approaches, personalization of patient care, and family centered medicine. Thousands of scientific firsts have emerged from the City of Hope research while its staff works to relieve pain, prolong life, and effect cures in the diseases it treats, as well as in lupus, Huntington's disease, genetics, and in brain and nerve function. As a think tank for other hospitals, the City of Hope seeks improvements in the quality, the quantity, the economy, and the efficiency of the delivery of health care. Public contributions across the Nation are vital to its multimillion-dollar operating budget and New Horizons building expansion program.

Each year, the City of Hope honors an individual who has shown untiring devotion and service to his or her community. For 1985, Rod Diridon has been chosen and he is most deserving of the honor. Rod began his political career in 1972 when he was elected to the Saratoga City Council with the highest vote total ever received by a first-term council member. During this time, Rod began establishing a reputation as a forward looking thinker.

The 1974 Fourth Supervisoral District election was Rod's first venture into county government. He won a difficult campaign against a 16-year incumbent and also won the distinction of being the youngest member ever seated on the Santa Clara County Board of Supervisors. His first priority became cutting government costs and improving productivity. Rod developed a keen interest in transportation while working for Southern Pacific Railroad as a brakeman and fireman during college and today he is recognized nationwide for his work on mass transportation, particularly light rail transit. He chairs regional, State, and national transportation committees, including the Guadalupe Corridor Project Board of Control which will implement the multimodel transit system to carry Santa Clara County residents through the next century. Effecting positive changes in the world is not an easy task—it requires intelligence, dedication, hard work, and a strong belief in the future. Rod Diridon's relentless service is our guarantee that tomorrow will hold more promise than today.

Mr. Speaker, on the occasion of this awards banquet, Rod and his wife, Mary Ann, and their two children, Mary Margaret and Rodney, Jr., can be confident that our country is most grateful for his contributions and accomplishments. Therefore, I ask you, Mr. Speaker, and our colleagues to join with me in expressing our thanks and congratulations to Rod Diridon and to wish him the best for his health and future endeavors.

Thank you, very much.

SOVIETS POSTURING FOR UPCOMING GENEVA MEETINGS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. RUDD. Mr. Speaker, the Soviets have been posturing for advantage at the upcoming summit in Geneva with talk of testing moratoria, a chemical-free zone in Europe and a hint of radical reductions in offensive nuclear weapons in exchange for our abandoning the strategic defense initiative.

Mr. Speaker, talk is cheap.

The Soviets are not saying much about their deployment of 18 more SS-20 medium-range missiles in the last 3 months despite their unilateral pledge in April to freeze such deployments.

Those deployments bring the total number of SS-20's, each of which carries 3 warheads, to 441.

Had they kept their promise of freeze deployments, the Soviets would still have had an overwhelming advantage. NATO has deployed only 134 of the Pershing II and cruise missiles to counter the SS-20 threat.

The Soviet posturing is nothing more than thinly veiled propaganda. If they are serious about arms reductions, they should offer concrete proposals at the bargaining table and allow adequate verification procedures to ensure compliance.

CHILE'S NATIONAL ACCORD

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. WEISS. Mr. Speaker, this past week marked the 12th anniversary of Gen. Augusto Pinochet's bloody destruction of Chilean democracy.

During the reign of this brutal dictatorship, tens of thousands of Chileans have been killed by government forces, and many thousands more have been detained, tortured, or exiled. Political parties and political activity have been outlawed.

Despite this, the Chilean people have not been silenced. On August 25 of this year, 11 Chilean political parties, with the encouragement of the Archbishop of Santiago, Cardinal Fresno, reached a historic accord which forms a firm basis for a return to democracy over the next 4 years. It has been endorsed by a wide range of parties from across the Chilean political spectrum, and it has also been praised by our State Department. I commend the text of this accord to the attention of all Members of this House.

NATIONAL ACCORD FOR THE TRANSITION TO FULL DEMOCRACY

In furtherance of the appeal for national reconciliation made by His Eminence the Cardinal, Archbishop of Santiago, and as a testimony of the willingness of broad political and social sectors to endorse a great national accord which will ensure peaceful evolution toward full and authentic democracy, all the undersigned, as a positive step toward the desired reconciliation, express their support for the political, economic and social principles which are set forth below.

Democratic values must govern our common life. To achieve them, there must be an orderly transfer of political power to authorities vested with full and undisputed democratic legality; a political, economic, and social framework which guarantees the governability of the country as well as the basic conditions for collective effort called for by the challenges of today and the future; and, also, the return of the Armed Forces to their indispensable permanent functions, with full respect for their values, dignity and institutional requirements.

By the same token, reconciliation requires full respect for the right to life and all other rights included in the Universal Declaration of Human Rights and supplementary Covenants. This implies the renunciation of violence, from whatever source, as a method of political action. It also makes it indispensable to clarify the assaults and crimes which have shocked the country and to apply the full force of the law to those responsible. It is a matter of high priority to unite the Chilean people in the task of constructing the essential bases of their common life.

It is imperative to meet the requirements of justice in a manner consistent with the spirit of national reconciliation. Therefore, proceedings which may take place on account of human-rights violations will require a responsible accusation of a specific crime, duly substantiated. Such cases will be considered exclusively by the existing Courts, thus ensuring due process without

humiliation, vengeance, or ad hoc mass trials.

In the cultural and freedom-loving tradition of the Chilean people, democracy is the best possible way of life. For this reason, the present accord is based on the fundamental conditions which should be met, not only to make possible the transition to democracy, but also to ensure its stability once it is fully re-established.

The magnitude of the problems which must be faced, at least for the remainder of this century, makes it urgent that, by means of the great national accord which is here outlined, a high and stable rate of growth be achieved which will lead to higher levels of well-being and equity. This is the only way to construct and make permanent an authentic, modern and participatory democracy.

Taking the foregoing into account, the stability of the democratic system which is to be established requires a solemn agreement among all those who sign or adhere to the terms of this document. They must agree to carry out future political action in a spirit of democratic loyalty, mutual respect, and effective application of the law, consistent with the institutional, economic and social principles here indicated. Only in this way can the governability of the country and the effective transition to full democracy be guaranteed.

To the extent that our common national life guarantees greater justice and security for all, it will be possible to maintain public order, avoid the use of violence, contribute to the elimination of terrorism, and punish anti-democratic conduct. In any case, the effective defense of human rights will be a primary concern of the public authorities in the discharge of their duties.

The undersigned agree, effective immediately, to devote their will and their efforts to the task here set forth. They invite workers, businesspeople, professionals, and other participants in national life to join them, with equal willingness, so that a real democratic consensus representing the whole nation may emerge.

I. CONSTITUTIONAL ACCORD

The re-establishment of democracy makes it absolutely necessary that all Chileans have the right to express their views and be secure in their freedoms in a constitutional order which includes at least the following elements:

(1) The entire membership of the National Congress shall be elected by popular vote, with clearly-defined legislative, supervisory, and constituent powers.

(2) A procedure for constitutional reform shall be instituted which, with all due regard to the stability which must necessarily characterize the Basic Charter, shall allow for its amendment; and, in case of disagreement between the Executive and Congress, shall provide for submission of the reform to a plebiscite.

(3) The President of the Republic shall be directly elected by absolute majority of the popular vote, with a runoff election to be held if necessary.

(4) A Constitutional Court of Law shall be established, in the membership of which the Executive, Legislative, and Judicial Powers shall be adequately represented.

(5) The Political Constitution shall guarantee the free expression of ideas and the organization of political parties. Parties, movements or groups whose objectives, acts or conduct fail to respect the periodic renewal of governmental leadership by popular will, alternation of power, human rights, the validity of the principles of legality, the renunciation of violence, the rights of minorities, and the other principles of democratic rule defined in the Constitution, shall be declared unconstitutional. This determination shall be made by the Constitutional Court of Law.

(6) Those States of Constitutional Exception which permit restrictions on individual liberties of assembly, freedom of movement, access to information and expression of opinion shall be regulated, with the specific provision that in no event, while any such state is in force, may human rights be violated, and it shall always be possible to appeal to the Courts of Justice for defense and protection.

II. THE SOCIAL AND ECONOMIC ORDER

It is essential to dispel any uncertainty about the social and economic order which will prevail once normality has been re-established. Democratic coexistence requires stability in the basic rules for the functioning of the economy, so that social harmony and economic efficiency can be assured. To accomplish this, a proper balance must be struck between the exercise of freedom and the claims of equity.

The nation must aim to achieve simultaneously a high growth rate and a steady reduction of inequalities in opportunities and in levels of consumption.

Similarly, dynamic and equitable development under democracy requires clearly-defined rules, not subject to arbitrary interpretation, to block the domination of one social group over another and of the State over society.

In light of the foregoing considerations, all of the undersigned agree to support the following basic principles for the future social and economic order:

(1) The following shall be high-priority goals: overcoming extreme poverty and marginality; creation of opportunities for productive and secure employment; and the achievement of a high and sustained growth rate. To accomplish these, it will be necessary to overcome the limitations imposed by the shortage of external resources and to substantially increase domestic savings, both public and private, these being the main constraints on investment and, therefore, on growth.

(2) To achieve these objectives, a nationwide intention to equitably share benefits and burdens will be necessary. This implies consumer austerity, solidarity, and social discipline.

(3) The right to private ownership of tangible and intangible assets, including the means of production, must be constitutionally guaranteed. This is a necessary condition for the encouragement of individual enterprise under different forms of organization and in different economic activities. The tax system shall not be used as a mechanism for expropriation.

The existence of State and mixed ownership of the means of production shall also be recognized.

(4) The State must have an active function. It shall be its responsibility to determine the major national objectives, based on direct planning of its own activities and indicative planning for the other parts of the economy, preferably using tools of persuasion and incentives. Thus the State will co-ordinate and guide the economy, without prejudice to its regulatory and redistributive functions.

In this way a mixed economy will take shape in which the State and private enterprise complement each other, with a well-defined differentiation of functions and corresponding division of responsibilities, and in which market forces, mutual agreement, and State action, among other things, will constitute mechanisms for the efficient allocation of resources.

(5) In the formulation and evaluation of national development strategy and in basic questions of economic and social policy, the opinions and experience of workers and businesspeople shall be considered.

(6) Commitment of the various groups in society to democracy and development requires social participation. For this to occur, it is necessary that civil society be organized around the activities which directly affect the interests of its members, that ways of arbitrating conflicts be sought, and that the State decentralize its functions so that growing responsibility is given to intermediate social organizations in the solution of their own problems.

(7) It is essential to achieve concerted action among participants in the economy based both on the recognition that—without ignoring the interests of consumers—businesspeople and workers share the objective of achieving higher levels of general well-being, and on acceptance of the principle that conflicts must be resolved by means of negotiated agreements.

(8) Relations between workers and businesspeople must be balanced, which requires due recognition of the function of labor in its various forms and strengthening of labor organizations and their rights of petition, assembly, strike, etc. These organizations, together with the corresponding employer organizations, will act as intermediate groups in the proposal of policies of mutual interest and in mediation of controversies about matters of common concern.

III. IMMEDIATE MEASURES

In order to restore to the Chilean people the full exercise of their citizenship, with the capacity to participate in decisions that affect their future in conditions of freedom and equality, and in order to endow the political process with the indispensable elements for an effective evolution toward an authentic democracy, it is necessary to adopt the following measures:

(1) Termination of the States of Exception; full restoration of all public liberties, real university autonomy and constitutional guarantees; and agreement by the government not to apply interim Article 24 of the 1980 Constitution. Abolition, likewise, of exile, which negates the legitimate right to live in one's own Country, and return of citizenship to those who have been deprived of it.

(2) Creation of electoral registries.

(3) Termination of the political recess and repeal of the rules which prevent the political parties from functioning.

(4) Adoption of an electoral law under which the President of the Republic, Senators and Deputies shall be elected by direct, personal, free, secret, informed and impartially regulated vote. To this end, the law shall guarantee liberty of dissemination of information and equitable access to the communications media of the State and the universities.

(5) The plebiscite on the enactment of the provisions set forth in this document shall be carried out subject to the guarantees defined in the preceding paragraph.

The signers of this document agree to maintain permanent contact with each other, in order to perfect and implement its contents.

PARTICIPANTS IN THE APPROVAL OF THE DOCUMENT OF ACCORD

René Abeliuk	Fernando Maturana
Andrés Allamand	Sergio Navarrete
Sergio Aguiló	Darío Pavez
Patricio Aylwin	Germán Pérez
Carlos Briones	Patricio Phillips
Francisco Bulnes	Mario Sharpe
Pedro Correa	Enrique Silva Cimma
Armando Jaramillo	Ramón Silva Ulloa
Luis Fernando Luengo	Gabriel Valdés
	Gastón Ureta
Luis Maira	Hugo Zepeda

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 19, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the economic deregulation of the trucking industry.
SR-253

Energy and Natural Resources
Business meeting, to consider certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-366

Labor and Human Resources
To hold hearings on the impact of Grove City legislation on private education.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Environmental and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for wildlife refuge programs.
SD-406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on Middle East arms.
SD-419

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

SEPTEMBER 23

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a 1-percent growth rate for exporting countries.
SD-215

SEPTEMBER 24

9:00 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on innovative approaches in industrial energy efficiency.
SD-366

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider certain reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Environment and Public Works
Business meeting, to consider certain spending reductions, and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-406

Judiciary
To resume oversight hearings to examine the controversies, problems, and alleged abuses under the criminal and civil sections of the Racketeer Influenced and Corrupt Organizations Act (RICO).
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on child fitness and health programs.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:30 a.m.
Environment and Public Works
To hold hearings on the nominations of Orson G. Swindle III, of Georgia, to be Assistant Secretary of Commerce for Economic Development, and Jennifer J. Manson, of Virginia, and Lawrence J. Jensen, of Virginia, both to be Assistant Administrators of the Environmental Protection Agency.
SD-406

Governmental Affairs
To hold hearings on the nomination of James C. Miller III, of the District of Columbia, to be Director of the Office of Management and Budget.
SD-342

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:30 p.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 985, to protect the rights of victims of child abuse.
SD-226

SEPTEMBER 25

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungary.
SD-430

10:00 a.m.
Judiciary
To hold hearings on S. 239, to establish constitutional procedures for the imposition of the death penalty for Federal crimes.
SD-226

Judiciary
Security and Terrorism Subcommittee
To hold hearings on mercenary counterterrorism training camps.
SR-485

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings on the economic outlook for 1986.
SD-106

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

SEPTEMBER 26

9:00 a.m.
Veterans Affairs
Business meeting, to consider certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SR-418

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all Soviet bloc countries.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold closed hearings on international airport security and terrorism.
SR-253

Finance
To hold hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on the General Agreement on Tariffs and Trade (GATT).
SD-419

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on pending small watershed projects of the Soil Conservation Service, Department of Agriculture.
SD-406

Foreign Relations
To hold hearings on financing of foreign military sales.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 209, the Federal Debt Recovery Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on international terrorism.
SH-219

SEPTEMBER 27

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on the economic deregulation of the trucking industry.
SR-253

SEPTEMBER 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

OCTOBER 1

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airport safety, focusing on windshear, aircraft inspection, and air traffic control safety.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on pension policy implications of the President's tax proposals of fringe benefits and retirement savings.
SD-430

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the exploitation of runaway children.
SD-628

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

OCTOBER 2

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy.
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.
SR-485

OCTOBER 3

9:00 a.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Alliance.
SD-419

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Anthony G. Sousa, of Hawaii, to be a Member of the Federal Energy Regulatory Commission, and Donna R. Fitzpatrick, of the District of Columbia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).
SD-366

Governmental Affairs
To hold hearings on the President's management initiatives and related measures.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

1:30 p.m.
Foreign Relations
European Affairs Subcommitee
To continue hearings to review the North Atlantic Treaty Alliance.
SD-419

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 8

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1310, the Clean Campaign Act.
SR-253

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, of Washington, each to be a member of the Marine Mammal Commission.
SR-253

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on the Philippines.
SH-219

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 17

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on espionage activities in the United States.
SD-342

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SD-628

4:00 p.m.
Select on Intelligence
Closed briefings on intelligence matters.
SH-219

OCTOBER 22

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on espionage activities in the United States.
SD-342

OCTOBER 23

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 24

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the role of the entertainment industry in deglamorizing drug use.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 28

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on S. 1551, to provide for administrative appeals and judicial review under Part B of Medicare, and to review the beneficiary and provider appeals provisions under Part A and B of the Medicare program.
SD-215

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the Federal enforcement of the Bank Secrecy Act (title 31 of the U.S. Code).
SD-342

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

OCTOBER 31

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430